BOARD OF GOVERNORS

August 23, 2021

Austin Evers
1030 15th St NW Suite B255
Washington, DC 20005-1503

Re: Freedom of Information Act Request 2020-FPRO-01791

Dear Mr. Evers:

This is in response to your request under the Freedom of Information Act (FOIA), case number 2020-FRPO-01791 submitted on August 21, 2020. This office has been asked to respond to your request for email communications dated between May 1, 2020 and the search date sent by certain members of the Board of Governors that include 17 key terms.

The Postal Service has conducted a search for responsive documents. This search uncovered 2,671 pages of responsive documents. We are disclosing 2,516 pages to you with redactions. These redactions are made under Exemption 6, Exemption 5, Exemption 3 and Exemption 7. Further, 155 pages have been withheld in full under Exemption 5 and Exemption 3.

Under Exemption 6, the Postal Service may withhold "personnel files and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(6). This exemption covers all records and information about an individual and is not limited to intimate details or highly personal information. The personal privacy interests protected under Exemption 6 include, but are not limited to, an individual's interest in avoiding embarrassment, harassment, retaliation, annoyance or other adverse effect that would result from the public disclosure of the information pertaining to the individual. Under Exemption 6, a requester may overcome an individual's privacy interest only if the requester shows that the requester seeks to advance a public interest and disclosure of the records will advance that public interest. The only public interest cognizable under Exemption 6 is the extent to which public disclosure of the record or information would significantly contribute to public understanding of the federal government's operations or activities. *Id.* Under Exemption 6, even a very slight privacy interest by an individual may be enough "to outweigh a negligible or non-existent public interest." U.S. Dep't of Def. v. Fed. Labor Relations Auth., 510 U.S. 487, 497, 500 (1994).

In the attached documents, we have redacted email addresses, contact information, and names and personal information of third parties under Exemption 6.

Exemption 5 permits the Postal Service to withhold inter-agency or intra-agency memorandums or letters that would also be protected by a privilege in the context of civil discovery. 5 U.S.C. § 552(b)(5). The deliberative process privilege of Exemption 5 protects from disclosure records that reflect opinions, advice, recommendations, and other deliberations comprising part of a process by which federal governmental decisions and policies are formulated. *Dep't of the Interior v. Klamath Water Users Protective Ass'n*, 532 U.S. 1, 8 (2001). Certain records withheld here consist of deliberations between Postal Service officials, Governors' paper ballots, memos for the Board, and documents describing state early voting or absentee ballot laws.

UNITED STATES POSTAL SERVICE
475 L'ENFANT PLAZA SW ROOM 10300
WASHINGTON DC 20260-1000
usps.com

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Further, all draft materials, including drafts of the Board of Governors' statements, the former Postmaster General's opening remarks, presentation on the impacts of COVID-19 on Postal Service liquidity, presentations for the Board of Governors on Election Mail, and answers to the Questions for the Record are also withheld here. These records are all predecisional and deliberative in nature and have accordingly been withheld from disclosure.

The attorney-client privilege of Exemption 5 protects from disclosure confidential communications between an attorney and his or her client relating to a legal matter for which the client has sought professional advice. *Mead Data Cent., Inc. v. U.S. Dep't of the Air Force*, 566 F.2d 242, 252 (D.C. Cir. 1977). Certain records withheld here consist of confidential communications between or among attorneys and clients or between or among attorneys. They have accordingly been withheld from disclosure.

Exemption 3 provides that agencies may withhold records that are exempted from disclosure by another statute that "establishes particular criteria for withholding or refers to particular types of matters to be withheld." 5 U.S.C. § 552(b)(3). We consider that 39 U.S.C. §410(c)(2) operates independently as an exempting statute within the scope of Exemption 3.

Section 410(c)(2) of Title 39, U.S. Code, provides that "information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good business practice would not be publicly disclosed" is exempt from the disclosure requirements of the FOIA. This section was enacted as part of the Postal Reorganization Act, 39 U.S.C. § 101 et seq., (1970), which established the Postal Service as an independent establishment of the executive branch and generally directed it to conduct its operations in accordance with sound business principles.

To determine what constitutes "good business practice" under § 410(c)(2), courts consider the customs of the commercial world, management techniques, and business law, as well as the standards of practice adhered to by large corporations. The Postal Service may withhold information of a commercial nature if large businesses would do the same. It would not be good business practice to release the requested information, and private businesses would not release information of this nature to the public.

Exemption 7 permits the Postal Service to withhold "records or information compiled for law enforcement purposes." 5 U.S.C. § 552(b)(7). The phrase "for law enforcement purposes" refers to a range of activities that in some manner enforce law, including, the enforcement of criminal and civil statutes, administrative proceedings, and investigations and prosecutions. *See Pub. Emps. for Envtl. Responsibility v. U.S. Section, Int'l Boundary & Water Comm'n, U.S.-Mex*., 740 F.3d 195, 203 (D.C. Cir. 2014).

Specifically, portions of the emails have been redacted under Exemption 7(A). Exemption 7(A) permits the Postal Service to withhold "records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information could reasonably be expected to interfere with enforcement proceedings." 5 U.S.C. § 552(b)(7)(A). In accordance with 5 U.S.C. § 552(b), we have reviewed each record and confirm that all "reasonably segregable" portions of the responsive record(s) have been disclosed to you.

Records that are considered "non-responsive" to this request have been redacted and appropriately annotated. The Postal Service considers a record to be any discrete, distinct, or segregable grouping of information that pertains to a specific topic that is: (a) recorded, regardless of media, format, or physical characteristics, including electronic data; and (b) in the custody or control of the Postal Service. 39 C.F.R. §265.1(b). Non-responsive records are those which do not fall under either of the above-referenced categories or are not related, under any circumstances, to the records being sought pursuant to this FOIA request.

If you consider this response to be a denial of your request for records, you have the right to file an administrative appeal within 90 days of the date of this response letter by writing to the General Counsel, U.S. Postal Service, 475 L'Enfant Plaza SW, Room 6100, Washington, D.C. 20260-1100, or via email to FOIAAppeal@usps.gov.

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Your appeal must be postmarked or electronically transmitted within 90 days of the date of this response to your request. The letter of appeal should include, as applicable:

(1) A copy of the request, of any notification of denial or other action, and of any other related correspondence;
(2) The FOIA tracking number assigned to the request;
(3) A statement of the action, or failure to act, from which the appeal is taken;
(4) A statement identifying the specific redactions to responsive records that the requester is challenging;
(5) A statement of the relief sought;
(6) A statement of the reasons why the requester believes the action or failure to act is erroneous.

For further assistance and to discuss any aspect of your request, you may contact the FOIA Public Liaison at the Postal Service:

FOIA Public Liaison: Nancy Chavannes-Battle
Privacy and Records Office
U.S. Postal Service
475 L'Enfant Plaza SW, Room 1P830
Washington, D.C. 20260-1101
Phone: (202) 268-2608
Fax: (202) 268-5353

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740-6001
Email: ogis@nara.gov
Telephone: 202-741-5770
Toll free: 877-684-6448
Facsimile: 202-741-5769

Sincerely,

Jennifer Selde

Jennifer Selde
Senior Government Relations Liaison

Enclosures

cc: Ms. Chavannes-Battle, Deputy Chief FOIA Officer

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Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Friday, May 1, 2020 8:45 AM
To: (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] Fwd: Executive Media Report - May 1, 2020
Attachments: Non-responsive record Executive Media Report - May 1, 2020.docx;
Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Sent from my iPhone

Begin forwarded message:

> **From:** USPS Executive Media Report (b)(3) & 410 (c)(2)
> **Date:** May 1, 2020 at 8:09:52 AM EDT
> **Subject: Executive Media Report - May 1, 2020**

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Executive Media Report – Full Text Media Stories
MAY 1, 2020

Postal

Bipartisan lawmakers call for Postal Service relief
The Hill – by Cristina Marcos

A bipartisan group of top lawmakers on Thursday called on congressional leadership to ensure that the Postal Service secures emergency funding in time to avoid running out of money in a matter of months due to the coronavirus pandemic.

The postmaster general has warned Congress that the Postal Service will run out of money by the end of the fiscal year unless it receives assistance from the federal government, due to the expectation that it will lose $13 billion in revenue from the pandemic with mail volume down by more than 30 percent from last year.

In a letter to House and Senate leaders of both parties, House Oversight and Reform Committee Chairwoman Carolyn Maloney (D-N.Y.) and Reps. Pete King (R-N.Y.), Gerry Connolly (D-Va.) and Mark Amodei (R-Nev.) backed the Postal Service Board of Governors's request for $25 billion to offset coronavirus-related losses, $25 billion for projects to modernize the Postal Service and access to another $25 billion in borrowing authority.

"We strongly support emergency funding for the Postal Service and urge you to do the same," the lawmakers, who said they are forming a "Postal Preservation Caucus," wrote to congressional leaders.

"The American people rely on the Postal Service to deliver crucial goods and services every day, including more than a billion life-saving medications last year alone, millions of economic stimulus checks and unemployment benefits to help during this crisis, and 2020 Census forms for every household in America," they added.

Speaker Nancy Pelosi (D-Calif.) noted that Democrats tried to secure funding last month for the Postal Service in the $2.2 trillion relief package and initially had enough support among Senate Republicans to provide at least some money for the agency.

But the White House then blocked the request.

"We had some support in the Senate on the Republican side. But the White House — and they told me it came right from the president — [said] no money for the post office," Pelosi said.

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The legislation instead granted the Postal Service access to $10 billion in emergency loans. Treasury Secretary Steven Mnuchin said last week that he supports President Trump's call for overhauling the Postal Service.

Trump last week threatened to block assistance for the Postal Service if it didn't raise its prices, calling the agency a "joke." He said that the Postal Service should quadruple its prices, arguing that it was giving too much leeway to companies like Amazon.

"If they don't raise the price of the service they give, which is a tremendous service, and they do a great job and the postal workers are fantastic — but this thing's losing billions of dollars," Trump said. "It has for years because they don't want to insult for whatever reason, you can imagine, they don't want to insult Amazon and these other groups. If they don't raise the price, I'm not signing anything."

Trump later tweeted that he "will never let our Post Office fail."

King, who is not running for reelection, argued during a call with reporters on Thursday that now isn't the time to leverage Postal Service reforms when it is at risk of running out of money.

"People have agendas, whether they're opposed to the post office or they want to try to change the post office. That's all for another day. We can't be doing that during the midst of a pandemic using this as an excuse to basically destroy the post office," King said.

Amid coronavirus shock, lawmakers look to save USPS from disaster
Fox Business – by Brittany De Lea

A group of lawmakers from both parties on Thursday sought to sound the alarm about imminent fiscal danger facing the U.S. Postal Service – and the need for immediate congressional action to keep it in business.

During a press briefing Thursday, New York Rep. Carolyn Maloney, D., said the postal service could go out of business as soon as Sept. 30 – the end of the current fiscal year – if it did not receive immediate financial assistance.

The coronavirus pandemic has caused mail volume, the postal service's primary source of revenue, to plummet by more than 30 percent when compared with the same period last year. It is facing revenue losses of $13 billion by September.

Coronavirus-related losses could amount to $54 billion over the course of the coming decade.

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New York Rep. Peter King, R., asked lawmakers to put aside their “grievances” with the agency and support legislation to move an immediate $75 billion in aid.

“We can’t allow the postal service to die because of an agenda some people might have,” King said.

The lawmakers also announced their intention to form a bipartisan postal preservation caucus.

Some Republicans have been hesitant to extend a lifeline to the ailing agency, including Senate Majority Leader Mitch McConnell.

President Trump has recently weighed in on the status of the postal service, calling it a “joke” during a press availability at the White House last week because it delivers packages for Amazon and other companies at what he considers a discount.

He suggested the courier should raise the price it charges to deliver packages for companies by four to five times.

Treasury Secretary Steven Mnuchin said he is working with the agency on a potential loan – which is likely to come with conditions – in the event it does need more money.

The Washington Post first reported the administration planned to leverage a $10 billion loan as a way to enact changes within the postal service.

Trump suggested as much last week.

“If they don’t raise the price of the service they give, which is a tremendous service … I’m not signing anything,” Trump said.

However, he later posted a tweet saying he would never let the postal service “fail.”

King said on Thursday this is not the time for people who want dramatic change within the agency to be bargaining.

Trump has been critical of the agency for years.

Fox News’ Kelly Phares contributed to this report.

AMERICAN OVERSIGHT

Trade groups ask for Postal Service bailout
POLITICO – by Theodoric Meyer

TRADE GROUPS ASK FOR POSTAL SERVICE BAILOUT: The Coalition for a 21st Century Postal Service, the National Retail Federation, the Retail Industry Leaders Association and other trade groups urged lawmakers in a letter today to provide relief funds to the United States Postal Service. No business "can withstand a 50% or more externally-imposed drop in business and revenues, as USPS projects due to COVID-19, and long survive," the groups wrote in a letter to House Speaker Nancy Pelosi, House Minority Leader Kevin McCarthy, Senate Majority Leader Mitch McConnell and Senate Minority Leader Chuck Schumer. "That is why emergency funding must be provided now." The coalition's members include Amazon, Bank of America, eBay and the News Media Alliance, among others.

HOW K STREET SEES THE NEXT RELIEF BILL: There are four "power players" who will determine what the next relief coronavirus relief package look like, the law and lobbying firm Hogan Lovells wrote in a memo to clients on Wednesday: President Donald Trump, Treasury Secretary Steven Mnuchin, Pelosi and McConnell. They'll have to respond to pressures from K Street and other lawmakers as they craft the widely anticipated legislation.

— The oil and gas industry, for instance, "is likely to press for a federal rescue package in the wake of a dramatic decrease in the price of oil resulting from insufficient demand in the market and a dispute between OPEC and non-OPEC nations over production levels." House Democrats have their own priorities. "We expect the progressive wing of the caucus to push for concepts like a moratorium on mergers, as has been proposed by" Rep. David Cicilline (D-R.I.), the firm writes. "We also expect House Democrats to pursue pre-existing priorities such as federal spending on building infrastructure, deploying rural broadband, and fighting climate change."

MORE DETAILS ON THE CAMPAIGN TO CHANGE SMALL BUSINESS LOAN RULES: The National Association of Broadcasters and the News Media Alliance have secured more support for their proposal to make small business loans available to hard-hit TV stations, radio stations and newspapers that can't get them now because they're part of chains with too many workers to qualify. Reps. Cicilline, Jim Sensenbrenner (R-Wis.) and 124 other lawmakers sent a letter to Pelosi and McCarthy urging them to change the loan program's rules "to protect local news publishers and broadcasters."

The American Television Alliance, meanwhile, is fighting back against the proposal. The coalition — which has been battling broadcasters over retransmission fees and counts AT&T, Verizon, CenturyLink, Frontier Communications, Altice, New America and USTelecom among its members — does "not believe that large broadcast conglomerates should be eligible for funding meant for small businesses in need of

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relief," Jessica Kendust, a spokesperson for the group, wrote in an email to PI. "We've conveyed this message to Republicans and Democrats on both sides of the Capitol."

— Dennis Wharton, the National Association of Broadcasters' executive vice president for communications, denounced the coalition's lobbying campaign in a statement last week as a "cynical effort to deny local media badly-needed access to SBA loans during the coronavirus crisis."

TENSIONS RISE IN RESTAURANT LOBBY OVER RELIEF PROPOSAL: The Independent Restaurant Coalition, a new group formed in response to the pandemic, urged Congress on Wednesday to create a new $120 billion fund to aid the industry that excludes publicly traded companies, chains and franchises. "It is important to ensure that franchises and large chains of restaurants be blocked from outflanking small, independent restaurants," the coalition wrote in a letter. The proposal has drawn criticism from other trade groups, including the International Franchise Association and the National Restaurant Association, The Hill's Alex Gangitano reports.

— "It's unfortunate these celebrity chefs have decided their employees serving foie gras in New York City are more important to save than someone making ends meet at a franchise in middle America," Matt Haller, the International Franchise Association's top lobbyist, told The Hill. "Coronavirus has hurt restaurant operations across the board, regardless of the restaurant's name on the door, and policy proposals should reflect that."

WHAT TRUMP'S EXECUTIVE ORDER MEANS FOR THE MEAT LOBBY: The New York Times' Michael Corkery, David Yaffe-Bellany and Ana Swanson took a look at what President Donald Trump's declaration that slaughterhouses are critical infrastructure means to the meat industry. "'This order tells them they need to stay open and they get cover,' said Howard Roth, the president of the National Pork Producers Council, who joined a call with meat executives, Mr. Trump, and Vice President Mike Pence on Wednesday morning. 'This is the light at the end of the tunnel that the producers were desperately needing.'"

— "The executive order, which allows the Department of Agriculture to invoke the Defense Production Act, does not explicitly mandate that plants stay open, but it signals that the decisions around whether to close or reopen a plant should be driven by the federal government, not local authorities. The action followed weeks of lobbying behind the scenes and in public by meat companies led by Tyson Foods, a beef, pork and chicken processor that generates $40 billion in annual revenue."

POLITICO Pro is here to help you navigate these unprecedented times. Check out our new Covid-19 Coverage Roundup, which provides a daily summary of top Covid-19 news coverage from across all 16 federal policy verticals as well as premium content,

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such as DataPoint graphics. Please sign up at our settings page to receive this unique roundup sent directly to your inbox every weekday afternoon.

Postal workers stay safe, and stem financial losses, amid pandemic
Billings Gazette – by Mari Hall

As many people across the nation continue to stay home amid the coronavirus pandemic, the United States Postal Service and other parcel carriers have become an increasingly vital service.

Thousands rely on their local post offices to deliver medications, food, social security checks and many other essential items from businesses restricted by measures to mitigate the spread of the virus.

Rural Montana is especially dependent of the postal service, said James Boxrud, the regional USPS communications specialist.

However, businesses are slowly opening back up following Gov. Steve Bullock move last Wednesday to gradually reopen parts of the state and end a statewide stay-at-home order.

In early April, two USPS employees in Billings tested positive for COVID-19. Since then, there hasn't been any other confirmed cases with USPS in Billings, Boxrud said.

Post office workers and customers are encouraged to follow social distancing by using tape on the floor in the lobby as guidance. Plexiglass barriers are also set up in the lobby, and employees are provided face masks and gloves. Post office counter surfaces are regularly cleaned as well, and hand sanitizer is available.

On deliveries, instead of ringing a doorbell mail carriers knock and stand back a few feet from the homeowner. If a signature is required for a package, the carrier will look up the person's name instead of having them sign for it.

"It's not really like business as usual," Boxrud said. "(the pandemic) has changed the way we do business."

Some of the changes may continue even when the pandemic is over, Boxrud said.

USPS has about 450 employees in Billings, where overall package volume has increased about 30% on average. And now that more Montanans are receiving their

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stimulus checks from the federal government, package numbers are expected to increase, Boxrud said.

But even as package volume has increased, mail production has decreased. USPS, along with many other businesses, are hurting.

Postmaster general and CEO of USPS Megan Brennan expressed concerns in a recent statement on April 10. Because of the pandemic, the postal service's net operating loss will increase by more than $22 billion over the next 18 months, and by over $54 billion in the longer term.

"The Postal Service relies on the sale of postal products and services to fund our operations, and these sales are plummeting as a result of the pandemic," Brennan said in the statement. "The sudden drop in mail volumes, our most profitable revenue stream, is steep and may never fully recover."

Last Friday, President Donald Trump said he won't approve a $10 billion loan for the USPS unless the agency raises charges for Amazon and other big shippers, according to the Associated Press.

"As Congress and the Administration take steps to support businesses and industries around the country, it is imperative that they also take action to shore up the finances of the Postal Service, and enable us to continue to fulfill our indispensable role during the pandemic, and to play an effective role in the nation's economic recovery," Brennan said.

In the postal service's more than 240-year history, post offices across the nation have been involved in natural disasters like floods, hurricanes, earthquakes and more. The postal service recouped after the 2001 anthrax attacks when anonymous letters laced with deadly anthrax spores killed five people and infected 17 others.

Boxrud is confident that USPS can recover from the pandemic.

"The postal service has always gotten through this," Boxrud said.

The Centers for Disease Control and Prevention say that while much is still unknown about COVID-19 and how it's spread, "it is unlikely to be spread from domestic or international mail, products and packaging."

UPS and FedEx are also taking measures to protect their employees.

UPS regularly communicates with employees about recommended behaviors and has added space between workstations inside facilities and suspended requiring customers to sign for packages when delivered. UPS is also providing up to 10 days of compensation for employees diagnosed with the virus or those required to quarantine.

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Masks, gloves and sanitizer is also available to employees, according to Matthew O'Connor, senior manager of public relations for UPS, in an email.

FedEx is also taking steps by providing personal protective equipment and following safety guidelines. The company created a COVID-19 sourcing response team that works with vendors to find masks and gloves for employees, according to Grace Anello with FedEx communications.

But work for mail carriers never stops, even when they face a pandemic.

"Everybody's kind of leery about it, but they're out there really on the front lines every day," Boxrud said.

Exclusive — Poll: Voters Overwhelmingly Favor Emergency Funds for Postal Service over Increasing Rates
Breitbart – by Sean Moran

Breitbart News obtained an exclusive poll that details that voters overwhelmingly favor temporary emergency funding for the United States Postal Service (USPS) over increasing postal shipping rates.

Apoll from North Star Opinion Research and Hart Research Associated found that Republicans, rural voters, and seniors overwhelming support temporary financial assistance to the USPS.

Sixty-eight percent of rural voters said that the USPS is "very important" to them.

Voters across the board approve of giving funds to the USPS. The pollsters asked the following:

The Postal Service is funded entirely by the sale of postage. However, it expects to run out of funds to operate by the end of September due to the coronavirus crisis. The CARES Act passed by Congress in March provided $500 billion in taxpayer funding for airlines and other corporations, but did not include the Postal Service. Would you favor or oppose Congress appropriating funds for the U.S. Postal Service to maintain operations through the coronavirus crisis in the next round of financial relief legislation?

The USPS has roughly 496,934 career employees and serves as one of the largest employers of veterans. The Postal Service employs more than 97,000 military veterans. On its employment process page, employment requirements for the USPS include

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United States citizens, permanent residents, or citizens of American territories. This means that illegal immigrants cannot be employees of the Postal Services.

Ninety-two perccent of voters favor temporary funding for the Postal Service, including 90 percent of Republicans, 83 percent of independents, 90 percent of rural voters, 92 percent of non-college white voters, and 94 percent of retirees.

Further, voters believe it is better to provide federal funding to the Postal Service than to increase rates rates to make up for the loss in revenue. Seventy-eight percent of voters prefer temporary financing compared to 22 percent who want increases in shipping rates for packages. This figure includes an 74 to 26 percent margin among Republicans and an 81 to 19 percent margin among rural voters.

Further, when provided for an argument against funding, voters continue to support direct financing for the Postal Service by a broad, bipartisan margin over increasing rates.

Voters also overwhelmingly backed funding of the Postal Service by a 70 to 30 percent margin when emphasizing the need for rural Americans who rely on the USPS for delivery. Voters also approve of funding the Postal Service to aid small businesses by a 65 to 35 percent margin.

Rural voters approve of both pro-direct funding arguments, with a 77 to 23 percent margin when rural delivery is emphasized, as well as a 70 to 30 percent margin when other businesses are emphasized. Republicans prefer the direct funding method over the loan arguments by double-digits.

The poll arises as the Coalition for a 21st Century Postal Service, the National Retail Federation, the Retail Industry Leaders Association, and other trade groups urged congressional leaders such as House Speaker Nancy Pelosi (D-CA), House Republican Leader Kevin McCarthy (R-CA), Senate Majority Leader Mitch McConnell (R-KY), and Senate Minority Leader Chuck Schumer (D-NY) to provide relief funds to the USPS.

The industry group noted that “no business entity can withstand a 50% or more externally-imposed drop in business and revenues, as USPS projects due to COVID-19, and long survive. That is why emergency funding must be provided now.”

The industry leaders continued, noting how “fundamental” the Post Service is to American society:

The American people have been reminded during this pandemic of just how fundamental to American life the Postal Service still is. USPS is delivering prescriptions, household and business staples, groceries, Personal Protective Equipment, greeting cards and personal correspondence to bridge social distancing, Paycheck Protection Program, Social Security and tax refund checks, CDC advice cards on keeping oneself and family

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safe, and newspapers and magazines still vital to informing the American people. It is enabling a new wave of businesses along with the e-commerce sector to survive the pandemic through remote order and fulfillment. Postal Service delivery is essential. And it is of particularly acute need in rural areas of the country, where there are no alternatives, and often not even broadband. USPS is a lifeline there and elsewhere throughout the country during these challenging times.

As to how much is needed, we defer to the experts, the bipartisan Postal Service Board of Governors appointed by the President, and our leaders in Congress. While substantial sums are needed, they amount to a small part of the emergency funds Congress has provided and will continue to provide, including to sustain small businesses, their employees and the economy. The Postal Service is the backbone of businesses large and small in America, and must endure.

“The American people, 91% of whom approve of USPS, often raise a commotion if a single Post Office is to be closed,” the trade groups concluded in their letter to congressional leaders. “Closing the entire system or imposing a major reduction in service during this time of need would magnify that reaction substantially.”

North Star Opinion Research partnered with Hart Research Associates to conduct the national survey of 804 registered voters from April 10-12, which includes a margin of error of 3.5 percentage points.

US Postal Service Sending Mail on Ships
Marine Link – by Eric Haun

The U.S. Postal Service is using ships for overseas transport as the number of commercial flights typically used to send mail abroad has plummeted due to the coronavirus pandemic.

The agency said on April 23 that a first mail shipment bound for Europe departed JFK International Service Center in New York three days earlier and is being transported on a containership scheduled to arrive at the port of Rotterdam on May 7.

The vessel is said to be carrying 6,036 receptacles in five containers weighing 32,768 kilograms, for delivery to Austria, Czech Republic, Denmark, Finland, Hungary, Netherlands, Poland, Spain, Sweden and Switzerland.

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After arriving in Rotterdam, the mail will require another six to 12 days for unloading, customs clearance and road transit, stretching to three to four weeks a journey typically completed in one or several days.

Current service disruptions affect a number of USPS services, the agency said, adding vessel transport will remain an option until sufficient air transportation capacity becomes available.

"The use of ship routes are temporary until commercial air is available again," USPS spokesperson Kim Frum told *Marine Link*.

For now, mail destined for European locations is grouped together and sent weekly by sea, Frum said, adding other ports are being considered in the Postal Service's contingency planning while the coronavirus pandemic continues to impact deliveries in the U.S. and abroad.

At the end of February, COVID-19's impact on airlines led the Postal Service to send mail by sea to Shanghai on separate shipments from Los Angeles and San Francisco, Frum said.

Previously, the agency had long used ships to transport mail before discontinuing international sea mail in favor of air shipping in 2007.

The Postal Service temporarily resumed using ships after 9/11 and for the subsequent no-fly period after, Frum said.

"In a non COVID-19 world, we use ocean routes to return empty bags and equipment," Frum said.

These days, containerships en route to Europe aren't the only vessels carrying U.S. mail. The 45-foot contract mail boat J.W. Westcott II delivers mail to passing ships on the Detroit River in Michigan. The vessel is the country's only floating zip code.

Election could suffer if federal government doesn’t increase Postal Service funding amid coronavirus, Wyman says
The Seattle Times – by Joseph O’Sullivan

OLYMPIA — Vote-by-mail elections could be at risk this year unless the federal government helps bolster a U.S. Postal Service that has been financially hobbled by the novel coronavirus, Washington Secretary of State Kim Wyman said Wednesday.

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While that could hurt Washington and four other vote-by-mail states, problems could also hamper elections across the nation. In response to the widespread outbreak of COVID-19, the illness caused by the virus, some states have been expanding mail balloting in an effort to minimize social interactions and keep their residents safe.

In a news conference with the Vermont Secretary of State and the president of the Postal Service's labor union, Wyman asked the federal government to step in.

"The impact of the loss of the U.S. Postal Service in this fall's election would be devastating on our country's democracy," said Wyman. "I can't underscore that enough.

"As a state that's been voting by mail completely since 2011, our voters depend on the United States Postal Service to deliver mail to their households here, domestically and abroad."

The remarks by Wyman, a Republican, come as the Postal Service has been thrown in the middle of a political fight over who will get coronavirus assistance from Congress or the federal government.

As with drop-offs in other businesses, the COVID-19 outbreaks have slashed the amount of mail being sent, along with revenue for the Postal Service.

Last week, President Donald Trump threatened to block a $10-billion loan intended to help the Postal Service, unless the organization increases its shipping prices for online retailers. The president called the agency "a joke" and said it must increase shipping rates, according to a report by The Washington Post.

For Washington, Wyman said she is particularly concerned about the impact a shuttered or diminished Postal Service would have on making sure military and overseas voters get ballots on time.

She said she also worries about voters who use a post-office box as an address to receive ballots, as well as mail service in rural parts of the state.

A spokesman for the Postal Service said the agency is committed to timely delivery of mail ballots, but did not respond to questions regarding a potential funding shortfall.

Meanwhile, the agency is working to avoid any disruption of ballots being mailed to citizens overseas in light of the global COVID-19 pandemic, according to Postal Service spokesman David Rupert.

"Most of the disruptions have been initiated by the foreign postal administrations, who are currently not accepting any international mail from any country due to COVID-19 impacts," wrote Rupert. "The situation is highly fluid, and the Postal Service continues to work with foreign postal administrations and stakeholders on viable solutions."

AMERICAN OVERSIGHT

While most states are not moving to strictly all-mail voting in the face of the coronavirus, many are expanding existing absentee ballots programs, or encouraging more voters to use them.

In Wednesday's news conference, American Postal Workers Union President Mark Dimondstein said if the agency isn't able to deliver ballots, "we won't have an election, or any kind of fair election."

Postal Service concerned about pandemic's financial impact
RTV 6 Indianapolis – by Troy Washington

INDIANAPOLIS — The U.S. Postal Service has taken such a hit during the COVID-19 pandemic officials are worried the service could run out of cash by fall without help. This comes after years of financial struggles.

"What's happening is the pandemic, the economic impact has caused a precipitous drop in mail volume which equates to a huge drop in mail revenue," Mark Dimondstein, president of the American Postal Workers Union, said.

Before COVID-19 pandemic restrictions even started the U.S. Postal Service was already struggling financially but the crisis is crippling them.

"People don't realize that it solely runs off the revenue of postal and postal products," Dimondstein said. "Retailers are not advertising, restaurants aren't sending out coupons, car dealers, airlines, so it is deeply impact the mail. So what is going to happen is if the Postal Service just runs on the revenue, the revenue runs out if there isn't relief from Congress."

There could be major implications beyond just businesses Dimondstein said.

"If the Post Office doesn't get relief then what the Post Office does for the people of this country, including absentee voting and vote by mail will all be at risk," he said.

Dimondstein said the Postal Service will be out of cash by the fall if something isn't done.

"If the Post Office is forced to cease operations or severely reduce operations then the people in the country will pay a price," Dimondstein said.

The Postmaster General and CEO of the U.S. Postal Service Megan Brennan issued the following statement earlier in April:

AMERICAN OVERSIGHT

The men and women of the United States Postal Service provide an essential public service and bind the nation together as a part of the country's critical infrastructure. At least six days per week, and in some instances seven, Postal Service employees accept, process, transport, and deliver vital mail and packages like medicine, products that sustain us, benefits checks, and important information, in every community, to every home and residence, and we will continue to do so. As Americans are urged to stay home, the importance of the mail will only grow as people, including those in rural areas and senior citizens, will need access to vital communications, essential packages and other necessities.

We are at a critical juncture in the life of the Postal Service. At a time when America needs the Postal Service more than ever, the reason we are so needed is having a devastating effect on our business. The Postal Service relies on the sale of postal products and services to fund our operations, and these sales are plummeting as a result of the pandemic. The sudden drop in mail volumes, our most profitable revenue stream, is steep and may never fully recover. We now estimate that the COVID-19 pandemic will increase the Postal Service's net operating loss by more than $22 billion dollars over the next eighteen months, and by over $54 billion dollars over the longer term, threatening our ability to operate.

As Congress and the Administration take steps to support businesses and industries around the country, it is imperative that they also take action to shore up the finances of the Postal Service, and enable us to continue to fulfill our indispensable role during the pandemic, and to play an effective role in the nation's economic recovery.

We are grateful for the heroism and commitment of our 630,000 postal employees who continue to serve the American public during this pandemic, and we look forward to working with policymakers on ensuring the solvency of the Postal Service.

U.S. Postal Service is No Joke
The Tennessee Tribune – by Peter White

"Neither snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds". Those words aptly describe the American postal worker.

NASHVILLE, TN — Last week President Trump told reporters in the Oval Office that the Postal Service was a joke. He said if it didn't raise its package rates four times, he would block a $10 billion loan from the CARES Act Congress passed last month.

AMERICAN OVERSIGHT

Trump said the Postal Service is losing billions of dollars. It isn't. Nor, as a rule, does it spend taxpayer's dollars. It just needs a bridge loan to get through the pandemic just like the airlines and the cruise industry and hospitals.

We asked Jim Sauber, Chief of Staff of the National Association of Letter Carriers (NALC), to set the record straight about postal workers and the service they provide to everyone at the same price no matter where they live. This interview has been edited for space.

Tribune: Can you describe the US Postal Service and the employee organizations that work for it? I think there are three or four different unions, aren't there?

Sauber: "That's correct. The postal service has about 640,000 employees across the country. We operate in all 50 states, and just about every city and town in the country. We did about $71 billion dollars a year in sales before the pandemic hit, and we handle about 150 billion pieces of mail each year. Now we do 7- days-a-week package delivery. It's been growing dramatically in recent years."

Tribune: Is the postal service bankrupting the government?

"The Postal Service hasn't received any taxpayer money in more than 40 years. For most of its history the post office was funded mostly by postage but with significant subsidies by taxpayers. In 1970 the Post Office Department was reorganized as the US Postal Service and at that time they phased out subsidies.

Tribune: So it's just the opposite of what President Trump said about you guys the other day?

"Unfortunately he's been fed a lot of misinformation. He's under the impression, for example, that the Postal Service's primary problem is that it doesn't charge enough for its shipping service, which is simply not true.

The Postal Service earned a profit of $8.3 billion dollars on its shipping business last year with over $20 billion dollars in revenues. It cost about $12 billion dollars to deliver those services so that was an $8 billion dollar surplus, so he's just wrong.

In fact by law we're not allowed to subsidize our competitive shipping services. The postal service postal service has a monopoly so it can provide universal service at affordable rates but that monopoly only applies to addressed letter mail.

Everything else it deliveries faces competition but by law it can't use its monopoly service to subsidize its competitive services. The Postal Regulatory Commission checks that every year and has concluded that the postal service is following the law.

AMERICAN OVERSIGHT

The President and the administration are mistaken about these claims that the postal service is in trouble because we don't charge enough for packages.

We know the reality is that the pandemic is doing to the postal service the same thing it's done to the airlines and the hotel industry. Our revenues are plummeting because we've had to close the American economy to deal with this pandemic. And so what we've been trying to do is get some relief from Congress to keep the postal service open and operating to survive this pandemic.

Like I said we usually don't spend taxpayer money but in this case in order to preserve this institution it's going to be necessary."

Tribune: Why is that so important?

"It's a vital network that links 160 million addresses and businesses every day just in the normal operating economy. We are an important part of the infrastructure of the country but during this pandemic it is doubly important.

We're delivering the relief checks coming from the Treasury; we're delivering information from the Centers for Disease Control; we're sending out face masks from HHS. Hopefully at some point we are going to be delivering test kits to people at home so we can get a regime of testing in place that will allow us to reopen the country.

Even outside the pandemic we deliver 4 million drug prescriptions per day, over 1.2 billion a year. We are part of the healthcare system already.

We are also very important to electoral system in the United States. There are 8000 election boards in this country they all use us. We send out sample ballots, absentee ballots, and applications. They send out polling place notifications. The infrastructure of running our democracy goes through the postal service and even if there are not any changes in the law to deal with a pandemic, already 27% of all ballots are mailed out ballots. It's a very common practice. In fact many states out West 100% of the voters vote through mailed out ballots."

Tribune: Can you describe the postal service's role in providing jobs for the economy?

"It's been good for the economy, a good job producer of good middle-class jobs with union benefits. The postal workforce looks just like America. We have a slightly higher percentage of minorities in just about any category compared to the population at large but it's also a major employer of veterans and women as well. It's an incredibly diverse committed workforce."

Tribune: Isn't delivering packages for UPS and Amazon eventually going to force you to become just one more commercial delivery service?

AMERICAN OVERSIGHT

“Private institutions have a goal of maximizing profits. Public institutions have social goals and we’re trying to serve the public interest. As it happens, the nature of the postal service in special last mile delivery is a natural monopoly.

Having a public mission like that is not only a way to have equity for everybody. It’s also the most efficient way to deliver to everybody.

UPS or FedEx focus on companies where they can make lots of money. We deliver to places they don’t want to go. We go to rural neighborhoods. We go to inner city neighborhoods with not a lot of delivery density and those companies hand us off that delivery work. That’s fine.

We make it possible for Amazon to get delivery anywhere in the country. If you’re in Utah or rural Texas and we’re not there, Amazon will deliver to you but they will charge an arm and a leg. So will Fex Ex and UPS because that’s what it will cost.

By having this one system where we have a shared platform for all kinds of mail— prescription drugs, packages, newspapers— because they all have this shared network we get these economies of scope.

The reason we’re the low-cost provider with affordable package delivery is that we’re going to every house anyway. We have all that other mail to deliver and that’s the genius of an universal postal system and that’s what’s at risk right now.”

Whether the Ballot You Mail Is Counted May Depend on Where You Vote
ProPublica – by Ryan McCarthy

All vote by mail systems are not created equal. In Wisconsin, a vote cast in one town would have been rejected in another. In Florida, young voters’ ballots are most likely to be tossed.

ProPublica is a nonprofit newsroom that investigates abuses of power. Sign up to receive our biggest stories as soon as they’re published.

The April 6 guidance from the U.S. Supreme Court seemed final: Election officials in Wisconsin should only count absentee ballots postmarked on or before the next day’s voting. Then, in the days after the chaotic primary, thousands of ballots poured in with missing or illegible postmarks — an issue the court had not directly addressed. Throwing up its hands, the Wisconsin Elections Commission left it to local officials to decide if ballots had been mailed on time.

AMERICAN OVERSIGHT

The result was a troubling disparity. Janesville, longtime home of former Republican U.S. House Speaker Paul Ryan, received 65 ballots without postmarks after primary day, but before an April 13 deadline. “Consistent with the order from the U.S. Supreme Court,” Janesville officials rejected them all, according to City Clerk David Godek.

In the village of Cambridge, outside Madison, Barbara Goeckner counted all five such ballots. After talking with postal supervisors, the deputy clerk said, she took into consideration that the U.S. Postal Service had reported widespread delays and delivery problems.

“You had 1,854 municipal clerks each determining whether to count or not count,” Goeckner said. “Personally, I believe every vote should count.”

Voting by mail has become a partisan flashpoint during the coronavirus outbreak, with Democrats pushing to expand it and President Donald Trump claiming, without evidence, that mail-in voting is “corrupt.” But, as Wisconsin illustrates, the impact of vote by mail depends in part on how it is implemented.

Policies regarding postmark requirements, verifications of signatures and other ballot rules vary from one state or county to the next. In some states, a mailed ballot that would be accepted in one county or town may be discarded in another, potentially disenfranchising individuals or groups and undermining the constitutional principle of equal voting rights. If the pandemic persists, and November’s presidential election is conducted largely by mail, such inconsistencies could tip the outcome in swing states like Wisconsin.

The Wisconsin Elections Commission “tried to give clear guidance,” spokesperson Reid Magney said. “The decisions came down to individual boards of canvassers in 1,850 municipal offices looking at these things and making determinations.”

Magney said the state did not track how many ballots missing postmarks were accepted or rejected. “We know people are hungry for this data,” Magney said.

Five states — Colorado, Hawaii, Oregon, Washington and Utah — currently run all-mail elections. Since the coronavirus outbreak, several states, including Virginia and Alabama, have expanded the ranks of voters who can request absentee ballots. But policymakers in at least half a dozen states — Arizona, Florida, Nevada, New Mexico, Georgia and Texas — are clashing about how and whether to broaden vote by mail. Their disputes cast doubt about whether states can make a smooth and equitable shift from in-person to mail-in ballots by November.

“I don’t see vote by mail as a panacea,” said Charles Stewart, a professor of political science at Massachusetts Institute of Technology. “The most successful cases have been states that have been deliberate and have organically grown into it.”

AMERICAN OVERSIGHT

Once seen as an uncontroversial option for voters who couldn't make it to the polls, vote by mail has become increasingly politicized in the battle over the size and shape of turnout. After Georgia's secretary of state said he would mail forms to all voters to request absentee ballots for its presidential primary in March, the speaker of the state's House of Representatives, also a Republican, criticized the move as "extremely devastating to Republicans and conservatives. ... This will certainly drive up turnout." (He later walked back his statement, saying he was concerned that voting by mail would lead to fraud.) Georgia has delayed its primary until June 9.

In New Mexico, the state Supreme Court this month blocked a plan by state and county election officials to send all voters a mail-in ballot for the June primary. Texas Democrats sued state and county election officials, including the Republican governor, this month in federal court to expand vote by mail. "Texas has an extensive history of disenfranchising voters and in this moment of national crisis, it appears poised to do so again," the lawsuit alleges.

The Wisconsin debacle reminded some experts of hanging chads and the contested 2000 presidential election in Florida. "This was the Bush v. Gore problem, where lots of peoples' ballots were not counted as intended," said Wendy Weiser, director of the Democracy Program at the Brennan Center for Justice at New York University School of Law. "Ideally we would have a lot more uniformity in which votes count to maximize the counting of valid ballots."

When ballots are rejected, the ostensible reason is usually logistical. The ballots arrive too late. There's confusion over postmarks. A signature is missing, or it doesn't match signatures on file in an election office.

Yet vote by mail rejection rates vary widely among states. (It's tricky even to compare the data, since states have different rules and rely to different extents on vote by mail.) Washington, which runs an all-mail voting system and is considered a leader in the practice, rejected 0.9% of mail ballots in 2016, the highest rate in the nation, according to the MIT's Election Performance Index. Wisconsin, for its part, rejected the lowest percentage of mail ballots in 2016 – 0.0095%.

New research suggests certain groups may be disproportionately hurt by ballot rejections. In Florida's 2018 election, younger voters, those with disabilities and minority voters were far more likely to have their vote by mail ballots discarded, according to research published last week by political scientists at Dartmouth College and the University of Florida.

It's not clear exactly how this effect takes place. Mailed-in ballots don't indicate a voter's age or race. Yet, across every county in Florida, younger voters were significantly more

AMERICAN OVERSIGHT

likely to have their ballots rejected, according to the researchers. The researchers examined the 2.6 million vote by mail ballots cast in Florida in 2018, of which 1.2% were rejected. Of 18- to 21-year-olds in the state, 5.4% had their mail ballots rejected, more than eight times the rate of those over 65. Voters aged 18 to 29 comprised 2.1% of all mailed-in ballots, but 9.2% of all rejected mail ballots.

The paper's authors contend that young voters' ballots may be more likely to be tossed because their signatures tend to change more than those of older voters. Also, some voters' names may be more complicated and harder to check. But neither of these factors fully explains the discrepancies.

There was great variability in rejection rates not just between groups but also between counties, even those with similar demographics, reflecting the significant leeway of local officials to decide whose vote gets counted. Dan Smith, a political science professor at the University of Florida and one of the paper's authors, said that the differences could be driven by intentional or unintentional bias. "What is really persistent and pernicious about this finding is how disenfranchised young voters are when casting ballots by mail," he said.

If you vote by mail, you must attest that it is your ballot by signing an affidavit on the envelope. The election office then compares that signature to one of yours already on file. Ten states, including Wisconsin, Virginia and North Carolina, also generally require witness or notary signatures, which are harder to obtain in a lockdown.

The best systems, voting experts say, have software to identify potential mismatches and a bipartisan group of signature reviewers for each flagged ballot. But policies for addressing signature problems — and the time given to voters to resolve them — differ from one state or county to the next, prompting a wave of lawsuits across the country.

Voting rights advocates say that many local election administrators aren't properly trained to suss out problems with signatures. "Coming into the 2020 cycle, we were already pretty concerned about vote by mail in general," said Jonathan Diaz, counsel for voting rights at the Campaign Legal Center, a Washington D.C.-based nonprofit. "In many states these assessments are being made by poll workers who may have had some kind of signature training, but likely not."

In 2016, in response to a lawsuit brought by Democrats, a federal judge criticized Florida's procedures, calling the state's system "a crazy quilt of conflicting and diverging procedures" for comparing signatures. "The state of Florida has categorically disenfranchised thousands of voters arguably for no reason other than they have poor handwriting or their handwriting has changed over time," the judge concluded. In

AMERICAN OVERSIGHT

response, Florida passed a bill intended to standardize the process by which voters can contest ballot signature problems.

An April review of California's signature verification procedures by Stanford's University's Law and Policy Lab found "limited statewide uniform criteria or standards for signature verification, and what 'counts' as a matching signature varies enormously from county to county."

In Arizona, where some 80% of votes are cast by mail, a partisan fight over signature-matching issues helped delay results in a closely watched 2018 U.S. Senate race between Republican Martha McSally and Democrat Krysten Sinema. In the weeks leading up to the election, Adrian Fontes, the Democratic recorder in the traditional Republican stronghold of Maricopa County, which includes Phoenix, instituted a policy allowing some voters up to five days after election day to correct problems with their ballot signatures. Pima County, where Tucson is located, had a similar policy, but other Arizona counties gave voters less time.

The state's Republican party saw Fontes' new policy as evidence that Democrats were "stealing" the election and sued. As the count dragged on, Trump tweeted: "Just out — in Arizona, SIGNATURES DON'T MATCH. Electoral corruption - Call for a new Election? We must protect our Democracy!"

But the lawsuit was quickly settled, and the state adopted a version of Maricopa County's policy before the count was finished, later making it permanent. Six days after the election, Sinema was declared the winner. No evidence of fraud emerged.

Katie Hobbs, Arizona's secretary of state, said that she's satisfied with the way the state now handles signature-matching problems on ballots, giving voters ample opportunity to correct mistakes. "What we have in place now is just more consistency," she said.

This year, Fontes sparked controversy again. Just four days before Arizona's March 17 presidential primary, he revealed plans to send ballots to residents who hadn't signed up for them. Voters could drop off the ballots at various locations instead of returning them by mail or going to polling places and engaging with other voters or poll workers.

"There will be some who will say there is no authority to mail ballots to all voters under the law, but there is no prohibition either," Fontes said in his announcement.

The state's Republican attorney general quickly filed suit, prompting a judge to halt the mailings. Michelle Ugenti-Rita, a Republican state senator who has pushed several bills to change Arizona's vote by mail rules, told ProPublica that Fontes' initiative was illegal and unnecessary even in a pandemic. "It had nothing to do with promoting election

AMERICAN OVERSIGHT

practices," Ugenti-Rita said. "It had everything to do with a political agenda. There's no way he didn't realize that it was outside of this authority."

Hobbs, the secretary of state, agreed with Republicans that Fontes' initiative was illegal. But she has since reached out to the state's election officials to gauge the feasibility of sending mail-in ballots to any voters who might want them.

Arizona Republicans, who control the Legislature, have said that expanding vote by mail threatens the integrity of the state's elections and could lead to fraud. A bipartisan group of election officials in Arizona's 15 counties disagrees, and it has publicly called for an all-mail election.

"I am not optimistic that the Legislature is going to do the right thing here," Hobbs said.

With his original plan quashed, Fontes now hopes the state will expand vote by mail to all Arizonans, as Hobbs and the election officials favor. But he's concerned about getting ready in time for the general election. "Literally, I have to order envelopes, I have to get paper for ballots," he said. "There are logistical challenges that most policymakers never consider when they're running around playing their political games. I don't have the luxury of ideological rhetoric when I actually have to do a job."

Time is running out for states to switch to vote by mail, Fontes said. "If they're not already well into making the shift now, it may already be too late."

Barbara Goeckner, the deputy clerk in Cambridge, Wisconsin, is immunocompromised. She donated a kidney to her sister years ago and had her spleen removed.

Yet, although she was at higher risk of developing COVID-19, she worked 70-hour weeks in her office before and after the primary. Behind a plexiglass window, she processed absentee ballot applications and answered voters' questions, as her office struggled to keep up with the demand for absentee ballots. Ultimately, 593 absentee ballots were requested in Cambridge, up from just 72 in the 2016 presidential primary, a 723% increase.

Overall, Wisconsin towns sent out 1.28 million absentee ballots for the primary, a more than fivefold increase from the 2016 presidential primary. In some towns, online systems crashed from the volume of requests for absentee ballots. Some voters received empty envelopes, or their ballots didn't arrive until after primary day, according to the Milwaukee Journal Sentinel.

Rachel Rodriguez, an elections management specialist for Dane County, which includes part of Cambridge, said disagreements between the state's Democratic governor and the Republican-controlled Legislature left election officials with little time to adjust. At

AMERICAN OVERSIGHT

times, Rodriguez had no idea what to tell voters, and she said she believes fewer Wisconsinites will see their votes count as a result.

“It is unfortunate that some of the political players that had the power to make some of these decisions were not able to come to some sort of common sense solution over how this election should be conducted,” she said.

Rodriguez dispatched National Guard members throughout the county, including two to Goeckner’s office in Cambridge. One drove to an elderly woman’s house and acted as a witness for her absentee ballot signature. On primary day, another Guard member tried to call every town resident who hadn’t returned a ballot to warn them about changes to deadlines for ballots to be postmarked. “It was extremely stressful. There were many days where I felt that I couldn’t keep doing this,” Goeckner said. “But we are required by oath to do this job, no matter what.”

Another village in Dane County, McFarland, took the opposite approach from Cambridge toward ballots that arrived after election day without postmarks. After consulting with the town’s canvas board, McFarland officials decided to reject 22 ballots that did not contain a postmark or were not postmarked by Election Day, said Cassandra Suettinger, McFarland’s clerk and treasurer. Although they took the same action as Janesville, they offered a different rationale.

“This may not have been the case in all municipalities,” Suttinger wrote, “but the Village of McFarland felt based on the guidance from Attorneys, and the confirmation from the post office, the decision to count ballots with a post mark was the correct decision.”

Molly Collins, advocacy director for the Wisconsin ACLU, said voters were confused by conflicting guidance about postmarks and witness signatures. Before the primary, Collins advised voters to bring ballots to their local post offices and have them postmarked to make sure their votes counted.

“It was very concerning,” she said. “There’s no question in my mind that who your clerk was mattered a lot in this election.”

Merrill: USPS’s suspension of international mail won’t stop Alabamians overseas from voting

Yellow Hammer News – by Sean Ross

The United States Postal Service (USPS) has announced the suspension of international mail services to many foreign countries, however Alabama Secretary of

State John H. Merrill on Thursday confirmed that eligible uniformed and overseas voters registered in the state will still be able to vote through the use of the Alabama electronic ballot delivery and return system.

USPS has issued separate lists of suspended countries for both international mail and Global Express Guarantee.

However, Merrill in a statement advised that the use of electronic balloting for military members and overseas citizens has provided Alabama voters the ability to vote in a timely and convenient manner every election — and this will not change during the ongoing pandemic.

“I am honored to remind the residents of our state that Alabama was the first state in the union to allow for electronic ballot delivery and electronic ballot return,” he stated.

“Alabama has provided and will continue to provide the opportunity for voters eligible to cast their ballots pursuant to the Uniformed and Overseas Citizens Absentee Voting Act to continue to participate in the electoral process despite this suspension,” Merrill concluded. “The men and women who are serving and protecting us overseas deserve uninterrupted access to their electoral rights, and we owe it to them to ensure that their voice is heard and their votes are counted!”

Alabama’s primary runoff will be held July 14.

US Postal Service employee and cartoonist expressing gratitude through his art: 19 News Everyday Heroes
Cleveland News 19 – by Erin Logan

CLEVELAND, Ohio (WOIO) - Neither snow, nor rain, nor heat, nor gloom of night stops a postal worker. Now, you can add COVID-19 to the list.

Earl Musick has noticed how much he and his co-workers are appreciated during these extraordinary times.

“We’re finding that people are sending pictures from all across the country. Kids were doing chalk drawings and signs thanking the mail man, and the mail carriers,” said Musick.

Musick, from Ohio, is an HR specialist for the US Postal Service.

He’s also a cartoonist and a comedian.

AMERICAN OVERSIGHT

'"I was formally an artist and photographer for the FBI, and when I joined the post office, some communications people found that out and said, 'Do you want to draw some drawings for the post office? I said, 'Well, sure.' So, I did a comic strip that ended up nationwide," said Musick.

Musick's many drawings and coloring pages also gained popularity across the country. Some of those were to thank postal workers around the holidays. His most recent one is extra special for many reasons. He's retiring in a few weeks.

"This might have been my last drawing," said Musick. This one is something kids can put in their windows to thank their mail carriers who are still in our neighborhoods working during this crisis.

Most importantly, Musik's 6-year-old nephew, Mason, an aspiring cartoonist, was a big help. "I asked Mason, 'Hey buddy, draw me a mail carrier.' So, I took Mason. I did a character of Mason putting a drawing in the window. I put his drawing and had him holding it up in the window to show support for his mail carrier."

"It was pretty cool to see thousands of people see my little nephew's drawing," said Musick.

Musick says this coloring page is available at every local post office in the country. He says parents will have to ask for one. He hopes to see more of them colored and hung up in windows to show mail carriers how much they're appreciated.

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Longtime Loudoun postmaster retires after 38 years of service
Loudon Times-Mirror - by John Battiston

If you have sent or received mail in western Loudoun sometime over the last two decades, chances are it has crossed paths with Patty Ortiz.

Ortiz retired Thursday after nearly 40 years of postal service, much of which was spent in Loudoun County. She most recently served as postmaster in the Waterford office.

"I've had 38 wonderful years with the post office. I wouldn't change it," she told the Times-Mirror. "I've made friends in my offices, long-term friends, not only with my employees but with my customers in the village here."

AMERICAN OVERSIGHT

The early days of Ortiz's career were spent in the post office in Augusta, Georgia, where she worked in the processing and distribution unit. Her husband's itinerant military career meant the family moved fairly often, including a stint in Puerto Rico before returning to Georgia.

"Every time [my husband] transferred, I had to reassign," Ortiz said, though she was able to resume her position in the Augusta office once they moved back.

Eventually the family moved to the greater D.C. area when Ortiz's husband was assigned to the Pentagon, at which point she took up a position in the U.S. Postal Service & Air Mail Center at Washington Dulles International Airport.

She later transferred to the post office in Herndon before taking on the officer-in-charge position at the Waterford office, and in 2000 she was finally named postmaster in Bluemont.

Since then she has rotated steadily through a number of Loudoun offices: She became postmaster in Hamilton, then officer-in-charge of the Purcellville office, then returned to Hamilton before finally serving as postmaster in Waterford — where her Loudoun postal service began.

"I've just sort of made a circle in Loudoun County and came back [to Waterford], because I love it here," she said.

Each of the transfers was a promotion for Ortiz, as different post offices are categorized by different levels depending on facility size and the breadth of operations. For example, Bluemont's office is at Level 16, while Hamilton's is a Level 18 office.

Still, regardless of varying busyness between locations, Ortiz's long list of responsibilities has remained the same wherever she has served as postmaster.

"The postmaster is in charge of the whole post office — all the operations, all the finances," she said. "They're responsible for getting the post office box mail up, getting their carriers on the street, serving the public. You have to take care of your employees, you have to take care of their paychecks. There's so much entailed I can't even think of it all right now."

Ortiz's work has required constant interaction with the public over the years, one of the great pleasures of her career.

"There are different personalities of people, it's a whole spectrum of personalities, and I've learned to deal with all those," she said. "There are so many kind people that you just couldn't imagine."

Even when not-so-kind folks cross her path, Ortiz remains optimistic.

AMERICAN OVERSIGHT

"Those are the ones that you work on the most, but they come around," she said. "Once you figure out their personalities, you can win them over. It's not very difficult."

As one might expect, Ortiz has watched Loudoun undergo rapid and extensive change and development over the years. She knows prolonged growth is inevitable in the future, and believes the county should do all it can to accommodate the workers that call Loudoun home, particularly when it comes to travel.

"I can tell you that I've seen a lot of subdivisions go up, a lot of housing go up," she said. "And, of course, you have to extend the routes to accommodate those subdivisions. But I believe Loudoun is still going to grow. You either have to extend routes or create routes to accommodate the growth."

In an otherwise lively line of work, one of Ortiz's most basic responsibilities — one she has shared with her post-office clerks over the years — is raising and lowering the American flag outside the building.

As she performs this task for the last time and reflects on her 38 years of service, Patty Ortiz's advice for new generations of Loudouners and Americans is simple.

"Just strive to do your best," she said. "That was always my motto. Just strive to do your best."

Competitors and Industry

Amazon expects to plow $4B second-quarter profit into improving safety, delivery and wages
USA Today – by Mike Snider

Amazon sold, shipped and streamed more food, products and video content during the first three months of 2020 – revenue rose 26% to $75.5 billion – as it became a truly essential provider for consumers staying at home to help slow the spread of the coronavirus.

But all that business came at a cost, as Amazon hired 175,000 new workers to handle demand and increased wages for employees who were packaging and delivering products as the spread of the virus grew from outbreak to pandemic.

AMERICAN OVERSIGHT

Amazon reported net income declined 30.5% to $2.5 billion in the first quarter of 2020, compared to $3.6 billion in the same period a year ago. Analysts had expected net income of $3.1 billion, based on those polled by S&P Global Market Intelligence.

The costs of delivering more goods and protecting workers are continuing into the current April-June quarter, during which Amazon forecasts $4 billion in operating profit. But all of that will flow back into improving and making safer the workplace and delivery process, as well as creating COVID-19 tests for employees, the company says.

"If you're a shareowner in Amazon, you may want to take a seat because we're not thinking small," CEO and founder Jeff Bezos said in comments accompanying the financial report. "Under normal circumstances, in this coming Q2, we'd expect to make some $4 billion or more in operating profit. But these aren't normal circumstances. Instead, we expect to spend the entirety of that $4 billion, and perhaps a bit more, on COVID-related expenses getting products to customers and keeping employees safe."

Amazon will invest in acquiring more personal protective equipment, enhanced cleaning of warehouses and workplaces, higher wages and the development of tests, he says. "There is a lot of uncertainty in the world right now, and the best investment we can make is in the safety and well-being of our hundreds of thousands of employees," Bezos said.

The company's financial report comes a day ahead of scheduled workplace protests on May 1, International Workers' Day, by some employees at Amazon and Whole Foods, which the online retailing giant acquired in 2017. Worker walkouts or sickouts are also scheduled by employees at FedEx, Walmart, Instacart, Target, and Shipt, a delivery service owned by Target.

Organizers say they are planning the protests because "our companies have failed us during these unprecedented times."

Amazon has seen protests already during the pandemic, and the company has had at least one warehouse worker die from COVID-19 with several others having been infected.

Two employees who protested worker conditions publicly were fired by Amazon. Another employee, Christian Smalls, who had organized a March 30 protest against Amazon at a warehouse on Staten Island, New York, was fired after the company said it instructed him to stay home with pay for 14 days because of being in close contact with an infected employee.

"There have been several protests where workers have demanded safer conditions, but in response, workers are being terminated or retaliated against for speaking up," said in a statement from the May 1 protest group, which Smalls has helped organize.

AMERICAN OVERSIGHT

New York Attorney General Letitia James has asked the National Labor Relations Board to investigate Smalls' firing and has criticized Amazon for inadequately protecting workers during the pandemic.

But Amazon's spending, Bezos says, underscores that the company's "top concern is ensuring the health and safety of our employees and contractors around the world."

"The service we provide has never been more critical, and the people doing the front-line work – our employees and all the contractors throughout our supply chain – are counting on us to keep them safe as they do that work," he said. "We're not going to let them down. Providing for customers and protecting employees as this crisis continues for more months is going to take skill, humility, invention, and money."

Customers relied on online deliveries as online sales rose 24% to $36.7 billion, while sales at physical stores rose only 8% to $4.6 billion.

And more consumers paid for Amazon Prime, which provides free and reduced shipping costs, plus music and video streaming services, as revenue of $5.6 billion reflected an increase of 28%.

Shares of Amazon fell 5.5% in after-hours trading to $2,337.88. Amazon stock is up 30% so far this year.

Dozens of packages sitting outside FedEx facility in Hampton means customers are waiting... and waiting
13 News Now – Niko Clemmons

Video on Facebook showed packages piled up at the FedEx Ground location in Hampton. People have been waiting for deliveries for weeks. We looked into it.

HAMPTON, Va. — A video posted on Facebook shows numerous packages sitting outside a FedEx Ground center in Hampton, and it got a pretty huge response from the community.

Raymond Miltier is the person who shared the video that shows parcels spilling out of the facility on Floyd Thompson Boulevard. Many people said, like Miltier, they had been waiting for long periods of time to get their deliveries from FedEx.

The post garnered nearly 2,000 shares after it was posted Wednesday. Several people commented that they experienced the same issues with mail.

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13News Now reached out to FedEx about the apparent backups:

FedEx Ground is experiencing a surge of package volume due to e-commerce growth during the current pandemic, while navigating associated business closures and other constraints that have impacted operations in the Hampton, Virginia, area. We offer our sincerest apologies for any inconvenience caused by recent service delays and appreciate our customers' patience as we work with our service providers to implement contingency plans designed to restore service levels. We encourage customers who have concerns about their shipments to visit fedex.com for information or call FedEx Customer Service at 1.800.GoFedEx.

We are committed to protecting our customers' shipments. Any packages staged in outside areas will be sheltered from the elements as necessary.

"I didn't know all the circumstances, but it didn't seem right to me," Miltier said. "It didn't seem like that's how people's packages should be stored."

Miltier said an employee told him it might be weeks before they got to the trailer his package was on. When Miltier asked about the ones on the ground, he said the employee told him they were so backed up they ran out of room in the warehouse.

"That's my property. I paid for it, it's mine and it doesn't look to be treated like it should," Miltier said.

Eileen Fennell is also waiting on her package. She said her Chewy package has been on a truck ready for delivery since April 17.

"I've been getting promises from FedEx my order is coming, my order is coming," Fennell said. "When I saw the video, I was heartbroken. My neighbor got his order, where's mine? This can't be happening to other people; I did not know it was that bad."

Employees moved the packages before the rain came down Thursday morning.

Truckers adjust as coronavirus adds kinks to the supply chain
The Morning Call - by Tom Shortell

Big rigs are still trucking along in Pennsylvania during the pandemic, supplying needed goods despite the challenges presented by efforts to contain the coronavirus.

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Truckers have always served as a key link in the nation's supply chain. That role remains as important as ever as stores struggle to keep some items on the shelves and customers increasingly rely on e-commerce.

The number of miles racked up by trucks have dipped 13% nationally but trucking in Pennsylvania has taken only a 9% hit, according to a report released Tuesday by the traffic tracking data firm INRIX. Truck deliveries have dropped dramatically in large swaths of the country, including a 37% decrease in Michigan, the report found.

But the truckers still on the road are finding some odd wrinkles added to an already tough job, said Bob Dolan, president of the Lehigh Valley chapter of Pennsylvania Motor Truck Association. Shipments have varied day-to-day, and some truckers find they're hauling just a fraction of their normal loads, he said.

Dolan, who primarily makes local deliveries in tractor-trailers for XPO, said the abundance of warehouses in the Lehigh Valley has kept business strong locally. But the shift to online shopping has drivers for parcel delivery companies like UPS, FedEx and DHL on their toes.

"Talking to these guys right now, it's worse than Christmas," he said, adding that drivers are working seven days a week and picking up overtime to keep up with demand.

Many manufacturers have struggled to get the raw materials or parts they need, reducing the goods they're shipping out. Some customers are working business-as-usual, while others have reduced or held off shipments.

When warehouses are still open for shipments, truckers have needed to adjust their routines, Dolan said. Often truckers would help dockworkers load their cargo. But with social distancing, truckers sometimes are working solo or even denied access to the warehouse.

"I have one customer who's set up a pop-up tent in their parking lot and meets us in their parking lot," he said.

The delay in unloading goods appears to be offset by the lack of congestion. Passenger vehicle traffic has dropped by 46% nationally, according to INRIX, which has made it easier for trucks to get around. Local traffic counts by PennDOT and the Lehigh Valley Planning Commission have seen similar drops in Lehigh and Northampton counties. INRIX found that highway speeds in the Philadelphia area were up 14% during the morning rush hour and 21% during the evening rush hour.

From the truckers' perspective, the social distancing rules are being taken seriously. Ken Morder, director of safety at the Pennsylvania Motor Truck Association, said he has not heard complaints from members about warehouses or stores ignoring orders intended to contain the virus.

AMERICAN OVERSIGHT

“Everything is going well there. The grocery stores want to stay open. The warehouses want to stay open,” he said. “The guidelines and everything else seems to be working.”

Instead, Morder said some truckers are having problems when they stop, whether it’s at a store or to rest for the night. Shoppers have run up to trucks to ask the drivers what they’re hauling. While these cases don’t appear to be common, Morder said it’s a serious concern given the number of blind spots on big rigs.

“We never fathomed that pulling into our houses or grocery stores that people would start running up to them,” he said. “That’s just 80,000 pounds backing up. If you can’t see a driver in a mirror, they can’t see you.”

The loss of demand hasn’t eased the need for more truckers, a problem the industry has wrestled with for years. In 2017, CareerLink, which connects employers to job seekers, projected demand for truck driving positions will grow by 720% in the Lehigh Valley between 2014 and 2024.

Commercial driving schools have worked to train a new generation of drivers with some success. The average trucker is now 46 years old instead of 55 from a few years ago, according to the Bureau of Labor Statistics. But those schools are now closed along with all other schools, Dolan said.

Truckers still tend to be older than the average American worker. And some older truckers have been hesitant to get back to work given the risk COVID-19 presents to older people. While some retired workers have expressed interest in getting behind the wheel and helping during the crisis, they’ve had a difficult time getting the necessary documents, including medical clearances, Morder said.

Morning Call reporter Tom Shortell can be reached at 610-820-6168 or tshortell@mcall.com.

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International Postal

How Is Georgian Post Working during the Pandemic?
Georgia Today - by Ana Dumbadze

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Today, the whole world is facing a common challenge, an invisible enemy called the new coronavirus (COVID-19). Governments of various countries worldwide are sparing no efforts to tackle the pandemic and bring the lives of their citizens back to a normal course. Due to the spread of the virus, tight quarantine restrictions have been imposed worldwide. Given the current developments, the majority of Georgian companies have switched their employees to a remote working regime to ensure their safety.

Despite the current restrictions imposed on air traffic to and from different countries, Georgian Post continues to operate actively and to perform its functions and duties.

At the same time, it ensures and protects the health and well-being of its employees and customers.

In accordance with the recommendations issued by the state and healthcare organizations, the company immediately took security measures and, simultaneously, continued to provide services to the public and private sector.

Georgian Post, as a company that values its social responsibility, and in order to prevent the spread of coronavirus, carried out disinfection works in all its service, postal exchange and sorting centers throughout Georgia, while employees were provided with protective equipment: disinfectant solutions, gloves, masks and protective shields. A number of employees were switched to remote jobs, while work schedules in service centers were reduced. In addition, the company provides home delivery without direct contact with the addressee.

Georgian Post is providing state services to citizens over the age of 70, who belong to the highest risk group, including delivering medicines, face masks and other basic necessities. In addition, children and adults with diabetes mellitus under the age of 18 are being given blood sugar (glucometer) test-sticks for use at home.

In addition, the Georgian Post offers new service to customers – ‘Home to Home.’

With the help of this new service, customers can send any type of dispatch throughout Georgia without leaving a house. One can use the service through the Georgian Post Call Center, on the basis of which a courier will carry out the order and ensure that the message is delivered to the appropriate addressee.

"Given the current situation in the country due to COVID-19 pandemic, we decided to create a service that would allow our customers to receive postal services without leaving a homeuse and, at the same time, follow the recommendation ‘Stay at home’ to prevent the spread of the virus,” said Levan Chikvaidze, General Director of the Georgian Post.

Detailed information about the "- Home to Home" service can be found on the website gpost.ge.

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To benefit from the service, one can contact the Georgian Post Call Center: 264 96 49.

Georgia's Minister of Economy and Sustainable Development, Natia Turnava, has thanked the company for its high social responsibility shown in these uncertain and challenging times.

"Given the developments caused by the COVID-19 pandemic, Georgian Post, as a responsible company, immediately took high security measures in order to prevent the risk of spreading the virus.

"Today, most postal workers have to do field work, which is necessary due to the nature of their activities and cannot be carried out remotely. The company offers home delivery without direct contact with the addressee, which is very important for the prevention of the spread of the virus.

"I would like to thank the employees of the Georgian Post for standing by the country and its fellow citizens at such an important time," the Minister noted.

The Georgian Post represents a leading national postal operator that is mainly involved in providing the consumers with the universal postal services. The company is distinguished by a large selection of services and the widest network of service centers. Currently, 82 service centers of the Georgian Post operate throughout the country. The company is oriented on using modern technologies that allows it to provide its clients with as fast service as possible.

Canada Post Experiencing Record Parcel Volume
Net News Ledger

OTTAWA – With little else to do, many Canadians are spending their time shopping online. Between eBay, Amazon, and even great local companies in Thunder Bay like *Music Academy World*, people are doing their browsing on their smartphones and laptops.

That is hitting hard for parcel delivery companies. Canada Post says that "With many Canadians isolating at home and shopping more online, the post office now processing and delivering parcels at levels only experienced during the busiest weeks of the Christmas season.

There are also some packages that are international in either origin or destination which will take far longer.

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“We are working hard to respond in a responsible manner, putting the safety of our people, and the communities we serve, first.”

Canada Post in a statement issued to media says that they are advising customers across the country to expect delays with their parcel deliveries. The heavy incoming parcel volumes, combined with the important safety measures we’ve implemented in our processing facilities, mean it is taking longer to process. Those measures include physical distancing in facilities that were never designed for keeping people two metres apart.

We continue to operate across the country and have been delivering in record numbers. For example, on Monday, April 20, we delivered more than 1.8 million parcels to Canadians. That’s similar to the biggest delivery days we see during the Christmas season. Customers should continue to track their parcels online through canadapost.ca or the Canada Post app.

Canada Post is proud to continue providing an essential service to Canadians as everyone does their part to stop the spread of the virus. Our top priority from the start has been to put safety first. That has meant implementing significant changes right across our operations, following the guidance of national and local public health authorities.

Other important changes regarding parcels:

Parcel Delivery: To eliminate customer interactions at the door, reduce post office customer traffic and support social and physical distancing, we have implemented a Knock, Drop and Go approach. Delivery employees knock or ring, choose the safest location available to leave the item and then depart for the next address. This change eliminates the need for signatures at the door, speeds up delivery and has greatly reduced the number of parcels sent to our post offices for pickup.

Parcel pickup at the post office: For the remaining parcels left at the post office for pickup (items requiring ID), they will not be returned-to-sender until further notice. We’ve suspended our normal 15-day hold period. We ask that customers who are feeling ill or self-isolating, to please delay their visit to the post office and to pick up their parcel when it’s safe to do so. We’ve put physical-distancing measures in our post offices and installed clear plastic guards at the counter.

We thank Canadians for their continued patience and support for the measures we’ve put in place for everyone’s safety. Please continue to provide our people with at least two metres of space when you see them out in the community or at a post office.

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Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Friday, May 1, 2020 6:49 PM
To: M. -Mike- Duncan Robert
Cc: Elston, DC; Roman Martinez IV (b) (6)
Subject: [EXTERNAL] Agenda for call/PMG Candidate

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Mike,

Here is suggested agenda tomorrow per my notes. (b) (5)

Best,

John

_____

(b) (5)



AMERICAN OVERSIGHT

(b) (5)

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Saturday, May 2, 2020 12:57 PM
To: (b) (6) ; Bloom, Ron
Cc: M. -Mike- Duncan Robert; Elston, DC
Subject: [EXTERNAL] Outreach/ Ideas

Follow Up Flag: Follow up
Flag Status: Flagged

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Ron/Louis,

How is this for a plan:

(b) (5)

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_____

Take care,

John

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Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Monday, May 4, 2020 5:38 PM
To: (b) (6), (b)(3) & 410 (c)(2)
Subject: Fwd: [EXTERNAL] Re: Thirty Nominations and One Withdrawal Sent to the Senate

Follow Up Flag: Follow up
Flag Status: Flagged

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Sent from my iPhone

Begin forwarded message:

> **From:** (b) (6) EOP/WHO"(b) (6)
> **Date:** May 4, 2020 at 5:21:25 PM EDT
> **To:** "M. -Mike- Duncan Robert" (b) (6)
> **Subject: Re: [EXTERNAL] Re: Thirty Nominations and One Withdrawal Sent to the Senate**
>
> (b) (5)
>
> Sent from my iPhone
>
> > On May 4, 2020, at 5:19 PM, M. -Mike- Duncan Robert (b) (6) wrote:
> >
> > (b) (5)
> >
> > Sent from my iPhone
> >
> > > On May 4, 2020, at 4:55 PM, (b) (6) EOP/WHO (b) (6) wrote:
> > >
> > > Hi Mike,
> > >
> > > (b) (5)

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Hope you're doing well!

Best,

(b) (6)

From: White House Press Office <info@mail.whitehouse.gov>
Sent: Monday, May 4, 2020 4:51 PM
To: (b) (6) EOP/WHO
(b) (6)
Subject: Thirty Nominations and One Withdrawal Sent to the Senate

<~WRD027.jpg>

Office of the Press Secretary

FOR IMMEDIATE RELEASE
May 4, 2020

NOMINATIONS SENT TO THE SENATE:

John M. Barger, of California, to be a Member of the Fede Retirement Thrift Investment Board for a term expiring Octobe 11, 2022, vice David Avren Jones, term expired.

Erik Paul Bethel, of Florida, to be Ambassador Extraordi and Plenipotentiary of the United States of America to the Republic of Panama.

Marshall Billingslea, of Virginia, to be Under Secretary State for Arms Control and International Security, vice Andre Thompson, resigned.

Christopher Bancroft Burnham, of Connecticut, to be a Me of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2024, vice Ronald David McCray, term expired.

Joyce Louise Connery, of Virginia, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2024. (Reappointment)

AMERICAN OVERSIGHT

Frank Dunlevy, of California, to be a Member of the Fede
Retirement Thrift Investment Board for a term expiring Septem
25, 2022, vice Michael D. Kennedy, term expired.

Julie D. Fisher, of Tennessee, a Career Member of the Se
Foreign Service, Class of Counselor, to be Ambassador
Extraordinary and Plenipotentiary of the United States of Ame
to the Republic of Belarus.

Scott Hutchins, of Indiana, to be Under Secretary of
Agriculture for Research, Education, and Economics, vice
Catherine E. Woteki.

Kristi Haskins Johnson, of Mississippi, to be United Sta
District Judge for the Southern District of Mississippi, vice
Keith Starrett, retired.

Saritha Komatireddy, of New York, to be United States
District Judge for the Eastern District of New York, vice Jos
Frank Bianco, elevated.

Iris Lan, of New York, to be United States District Judg
for the Southern District of New York, vice Katherine B. Forr
resigned.

Leora Rosenberg Levy, of Connecticut, to be Ambassador
Extraordinary and Plenipotentiary of the United States of Ame
to the Republic of Chile.

Shon J. Manasco, of Texas, to be Under Secretary of the
Force, vice Matthew P. Donovan, resigned.

Christopher C. Miller, of Virginia, to be Director of th
National Counterterrorism Center, Office of the Director of

AMERICAN OVERSIGHT
USPS-20-2171-A-000043

National Intelligence, vice Joseph Maguire.

Michael N. Nemelka, of Utah, to be a Deputy United States Trade Representative (Investment, Services, Labor, Environment Africa, China, and the Western Hemisphere), with the rank of Ambassador, vice C. J. Mahoney.

Michele A. Pearce, of Virginia, to be General Counsel of Department of the Army, vice James E. McPherson, resigned.

Ashok Michael Pinto, of Illinois, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years, vice I Bethel, resigned.

Jennifer H. Rearden, of New York, to be United States District Judge for the Southern District of New York, vice Richard Sullivan, elevated.

Manisha Singh, of Florida, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador.

Katharine T. Sullivan, of the District of Columbia, to be Assistant Attorney General, vice Karol Virginia Mason.

Thomas A. Summers, of Pennsylvania, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2025. (Reappointment)

Joel Szabat, of Maryland, to be Under Secretary of Transportation for Policy, vice Derek Kan.

Gregory Scott Tabor, of Arkansas, to be United States Marshal for the Western District of Arkansas for the term of

AMERICAN OVERSIGHT

years, vice Harold Michael Oglesby, term expired.

Mary A. Toman, of California, to be Under Secretary of Commerce for Economic Affairs, vice Karen Dunn Kelley.

Thomas Laszlo Vajda, of Arizona, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United Sta of America to the Union of Burma.

Russell Vought, of Virginia, to be Director of the Office Management and Budget, vice Mick Mulvaney.

Justin Reed Walker, of Kentucky, to be United States Circ Judge for the District of Columbia Circuit, vice Thomas B. Griffith, retiring.

Michael J. Walsh, Jr., of Virginia, to be General Counsel the Department of Commerce, vice Peter B. Davidson.

John E. Whitley, of Virginia, to be Director of Cost Assessment and Program Evaluation, Department of Defense, vice Robert Daigle, resigned.

Cory T. Wilson, of Mississippi, to be United States Circu Judge for the Fifth Circuit, vice E. Grady Jolly, retired.

WITHDRAWAL SENT TO THE SENATE:

Cory T. Wilson, of Mississippi, to be United States Distr Judge for the Southern District of Mississippi, vice Louis Guirola, Jr., retired, which was sent to the Senate on January 2020.

###

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USPS-20-2171-A-000045

Unsubscribe

The White House · 1600 Pennsylvania Ave NW · Washington, DC 20500-0003 · USA · 202-456-1111

<image002.jpg>

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Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Thursday, May 7, 2020 8:45 AM
To: (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] Fwd: Notice of OIG Investigation

Follow Up Flag: Follow up
Flag Status: Flagged

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Barger wants a briefing on (b) (5)

Sent from my iPhone

Begin forwarded message:

> **From:** John Barger (b) (6)
> **Date:** May 7, 2020 at 8:26:28 AM EDT
> **To:** "M. -Mike- Duncan Robert" (b) (6)
> **Subject: Fwd: Notice of OIG Investigation**
>
> Would like to discuss....
>
> John M. Barger
> Managing Director
> www.northerncrosspartners.com
>
> Please excuse typos, courtesy of iPhone keyboard, oversized thumbs, aggressive Apple algorithms
>
> Begin forwarded message:
>
> > **From:** "Elston, Michael J - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
> > **Date:** May 7, 2020 at 4:39:07 AM PDT
> > **To:** "Elston, Michael J - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
> > **Subject: Notice of OIG Investigation**
> >
> > Governors,
> >
> > (b) (5), (b) (7)(A)

AMERICAN OVERSIGHT

Michael

MICHAEL J. ELSTON
SECRETARY OF THE BOARD OF GOVERNORS
UNITED STATES POSTAL SERVICE
(202) 268-4800

CONFIDENTIALITY NOTICE: THIS E-MAIL MESSAGE (AND ANY ATTACHMENTS TRANSMITTED WITH IT) MAY INCLUDE CONFIDENTIAL INFORMATION SUBJECT TO THE ATTORNEY-CLIENT AND DELIBERATIVE PROCESS PRIVILEGES. THIS DOCUMENT SHOULD NOT BE DISCLOSED TO ANYONE OUTSIDE THE POSTAL SERVICE AND ITS USE WITHIN THE POSTAL SERVICE SHOULD BE LIMITED TO THOSE WITH A NEED TO REVIEW THE E-MAIL (AND ATTACHMENTS) IN RELATION TO THE SUBJECT MATTER DISCUSSED HEREIN.

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Thursday, May 7, 2020 8:49 AM
To: (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] Fwd: USPS becoming a weapon for Democrats

Follow Up Flag: Follow up
Flag Status: Flagged

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I'm sure a John read this.

Sent from my iPhone

Begin forwarded message:

From: (b) (6)
Date: May 7, 2020 at 8:45:18 AM EDT
To: "M. -Mike- Duncan Robert" (b) (6)
Subject: USPS becoming a weapon for Democrats

Interesting article from the LA Times (b) (5)

https://www.latimes.com/politics/story/2020-05-07/postal-service-political-battle

How the post office became a potent weapon for Democrats

By EVAN HALPERSTAFF WRITER
MAY 7, 2020
5 AM
WASHINGTON —

As Democrats hastily rewrite their playbook for the pandemic era, targeting voter anxieties that now include medical testing, corporate bailouts and collapsing supply chains, one chapter is proving unexpectedly resonant.

Its working title could be "Don't Mess with USPS."

AMERICAN OVERSIGHT

The financially imperiled post office — long a punching bag for the right — has become a surprisingly potent and resilient symbol for a fractured Democratic Party anxious for unifying causes. President Trump's persistent attacks on the institution amid the public health crisis, and his vows to starve it of cash until it bends to his will, have unleashed a torrent of political trouble for him.

Anachronistic and balky though it may be, voters of all political persuasions appear to adore the post office: 91% of Americans view the U.S. Postal Service favorably, the highest ratings of any federal agency, the nonpartisan Pew Research Service recently found.

And at a moment when the Postal Service is the embodiment of so many causes dear to Democrats — a diverse, unionized workforce, a ticket to the middle class for hundreds of thousands, a linchpin to the expansion of voting by mail, a force of front-line workers soldiering though the pandemic, a lifeline to rural America, a large government program that mostly works — Trump's threats to let it go broke are playing into their hands.

"Republicans and Trump are miscalculating where the public is," said Rep. Gerald E. Connolly (D-Va.), who is helping lead congressional efforts to save the Postal Service as the pandemic pushes it into a cash crunch that could leave it insolvent by September.

"This is a beloved service and institution in the American people's minds. They want it helped."

A bipartisan Postal Preservation Caucus has emerged in the House. Celebrity-infused campaigns to #SaveThePostOffice trend online. A petition to save the Postal Service has generated 380,000 signatures, and some 120,000 people have requested "We Love Mail Carriers" stickers from MoveOn.org in a matter of days.

The Democratic Party and large progressive groups are finding the Postal Service cause to be among their most effective fundraising messages, and 100 major progressive groups just began a campaign framing its potential collapse as a civil rights issue because of its long-standing role as an entry point into the middle class for African Americans.

"It is shocking to me how much this is growing," said Matt Hildreth, executive director of RuralOrganizing.org, which launched the petition.

AMERICAN OVERSIGHT

There is now even an official anthem to the fight after North Carolina bluegrass musician Joe Troop released a banjo ballad: "A Plea to the U.S. Government to Fully Fund the Post Office."

Before the coronavirus, the Postal Service was operating with only a small taxpayer subsidy, but it now faces significant economic problems. The shutdown of business caused by the virus has cut its revenue. At the same time, it has a longer-term burden: a mandate imposed by Congress in 2006 that it pre-fund the retirement benefits of its 630,000 employees, a requirement not imposed on other agencies.

As the service skids toward broke, the Trump administration is blocking access to a $10-billion line of credit made available in the recently enacted federal stimulus packages.

Trump is demanding the Postal Service quadruple the price of package delivery and cede control of key management functions to his administration rather than the service's quasi-independent Board of Governors. He called the service a "joke."

The vitriol is playing into charges that Trump is motivated by a vendetta against Jeff Bezos, the billionaire owner of the Washington Post — which Trump despises — and Amazon, which would take a financial hit if package rates soared.

Trump's math has been repeatedly challenged — including by the GOP-controlled Board of Governors. Raising the rates for packages threatens to reduce revenue by driving away business, Postal Service managers say.

Meanwhile, the president's demand that the Postal Service bill customers in remote rural areas the full cost of delivering mail and packages has given Democrats a new inroad in those largely conservative communities. Voters there see such affordable deliveries as a lifeline and a right enshrined in the Constitution, which specifically authorized Congress to establish post offices.

"There are a lot of rural voters and citizens out there who are represented by Republicans who care a lot about not losing the Postal Service," Minnesota Sen. Amy Klobuchar, a Democrat, said during a call with reporters Tuesday.

"It is part of a small group of issues where Trump voters don't follow the leader," said Democratic pollster Geoff Garin, whose firm has also released a recent survey on voter attitudes toward the Postal Service. "Even when you invoke President Trump's name, many of his own supporters abandon him on this. Voters in rural areas and seniors are among the most likely to feel this is a lifeline for them."

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The stature of the post office in progressive politics is also surging as the institution is intricately tied to another push that Democrats see as a winner for them: voting by mail. As states rush to expand mail balloting amid a pandemic that has made in-person voting unsafe, Trump is rallying Republicans to try to stop them, warning the party suffers when restrictions on casting votes by mail are eased.

That has moved even the Democratic Party's presumptive presidential nominee to focus on the president's antipathy for the post office.

"Now what in God's name is that about?" Joe Biden said during an April 23 campaign event. "Other than trying to let the word out that he's going to do all he can to make it very hard for people to vote. That's the only way he thinks he can possibly win."

Democrats are pushing post office relief that goes far beyond the $10-billion loan that Trump won't release. The congressional Postal Preservation Caucus — which includes two Republicans — is backing a $75-billion plan proposed by the service's governors. A third of the money would be in the form of a bailout. The rest would be used to modernize the service's fraying infrastructure — some of its letter carriers and truckers, for example, are working out of late-1980s-vintage vehicles — and to give the Postal Service access to "unrestricted borrowing" from the U.S. Treasury.

Supporters of the Postal Service note that Trump's resistance to helping comes as his administration enthusiastically backed relief for airlines, which, unlike the post office, until recently were plowing profits into stock buybacks and lavishing executives with big bonuses.

The disparity crystallizes the progressive argument against Trump's agenda. Sen. Bernie Sanders of Vermont, a longtime backer of the post office, recently introduced his massive internet following to the leaders of the major postal unions in a Postal Service-focused virtual town hall that stretched on longer than an hour.

"This is an institution that was here before the country was founded, and in times like this, people are less apt to take it for granted," one of the participants, Mark Dimondstein, president of the American Postal Workers Union, said in an interview.

He ticked off the many reasons many Americans are rushing to the defense of the post office, including the hordes who have recently purchased sheets of stamps in a sign of solidarity.

The Postal Service is one of the country's largest employers of veterans, with 97,000 on the payroll. And post office jobs also helped elevate tens of thousands of African

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American families into the middle class during the civil rights era. Its workforce remains one of the most diverse in America.

“The post office is literally going to run out of money because of this pandemic,” Dimondstein said. “It’s a moment of crisis that brings us to a fork in the road. I don’t think the people of this country are going to allow what belongs to them to be stolen.”

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Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Thursday, May 7, 2020 4:44 PM
To: (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] Board of Gov WSJ response.docx
Attachments: Board of Gov WSJ response.docx; Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

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Thoughts?

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(b) (5)

https://www.wsj.com/articles/phase-out-dont-bail-out-the-post-office-11588719001

Phase Out, Don't Bail Out, the Post Office

Nostalgia shouldn't keep alive an agency that is obsolete.

By *Gary MacDougal*
May 5, 2020 6:50 pm ET

A small blessing of the lockdown is that we've been spared the usual task of throwing half or more of the day's mail into the trash. As advertising dries up, the junk simply doesn't get sent.

Meanwhile in Washington, there are calls to bail out the post office. "We cannot allow Donald Trump to use this horrific pandemic as an opportunity to bankrupt

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and privatize the Postal Service," said Sen. Bernie Sanders in announcing an April 21 virtual town hall with postal-union leaders. Postmaster General Megan Brennan asked taxpayers for $75 billion. Mr. Trump declined to support such funds in the last stimulus, which included only a loan. But the president insists the USPS raise prices on packages it delivers for Amazon—never mind that package delivery is an intensely price-competitive business, and UPS, FedEx and Amazon itself stand ready to take the business if the USPS is no longer the low bidder.

The post office has made some changes in recent years. Its package business is more competitive with UPS and FedEx and it cooperates with them by assuming some "last mile" deliveries in unprofitable remote areas it is required by law to serve. But first-class mail, the USPS's core business, has been dwindling for years thanks to email and online bill paying. The bottom line: 13 straight years of losses, almost $9 billion in fiscal 2019.

The responsible course is to set the Postal Service on a careful path to liquidation. This can be done in a way that wisely uses USPS assets, such as the 31,000 post offices, most of which are on valuable property in commercial areas, to wind the business down.

Crucially important would be dealing humanely with the workforce of 600,000—offering early retirement for senior employees and assistance for remaining employees in finding a new job. An experienced outplacement firm could connect employees with new opportunities. In some cases the USPS could pay moving expenses to those who have to relocate to take a new job.

Amazon, FedEx, DHL and UPS would all need to add employees to accommodate the delivery volume now handled by the post office. The government can help with their training. Many would seize the opportunity to advance their careers. Postal-union leaders, junk-mail purveyors and their political allies would complain loudly and keep demanding taxpayer dollars.

The combination of UPS, FedEx, DHL, Amazon and countless local delivery companies would pick up the slack left by the wind-down of the post office. Smaller

AMERICAN OVERSIGHT

delivery companies may find an opportunity to expand to handle last-mile delivery in remote areas. If that isn't enough, Amazon and others could charge more for deliveries to extremely remote locations.

Yes, there is nostalgia. I worked as a temporary Christmas mailman when I was in college, and the post office is one of the few government functions mentioned in (though not mandated by) the Constitution. But then many of us look back fondly at iconic businesses like Kodak and Sears, both now shadows of their former selves. Should the taxpayers have bailed them out, too?

Mr. MacDougal has been a partner of McKinsey & Co., a CEO of Mark Controls Corp. and a director of UPS.

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Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Thursday, May 7, 2020 8:31 PM
To: Elston, DC
Subject: [EXTERNAL] Re: WSJ Response
Attachments: Duplicate record ; Untitled attachment 06604.htm

Follow Up Flag: Follow up
Flag Status: Flagged

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(b) (5)

On May 7, 2020, at 3:01 PM, Elston, Michael J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: John Barger (b) (6)
Sent: Friday, May 8, 2020 9:51 PM
To: Ron Bloom; (b) (6); Roman Martinez IV; Louis DeJoy
Cc: Elston, DC
Subject: [EXTERNAL] Fwd: Mission Statement and Related Items
Attachments: Non-responsive record; DRAFT - PMG May 2020 Open Session Script v6.docx; Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

FYI
(b) (5)
Ron, nice work on thin mission statement.

John M. Barger
Managing Director
www.northerncrosspartners.com

Please excuse typos, courtesy of iPhone keyboard, oversized thumbs, aggressive Apple algorithms

Begin forwarded message:

> **From:** "Marshall, Thomas J - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
> **Date:** May 8, 2020 at 5:26:51 PM PDT
> **To:** Barger/NorthernCrossPartners (b) (6)
> **Subject: FW: Mission Statement and Related Items**
>
> Governor Barger,
>
> (b) (5)
>
> Have a great weekend, and I will speak with you soon.

AMERICAN OVERSIGHT

-Tom

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

From: Marshall, Thomas J - Washington, DC
Sent: Friday, May 8, 2020 6:04 PM
To: ALL
Subject: Mission Statement and Related Items

Gang,

Now that the closed and open sessions of the Board of Governors Meeting are over, and I have a moment to come up for air, I wanted to send everyone the attached materials, (b) (5) The first document attached above is a "Mission Statement" for the Postal Service which the Board of Governors unanimously approved last month. (b) (5)

In addition, the second document attached above contains the remarks made by the Postmaster General today in the open session of the Board of Governors Meeting. In her remarks the Postmaster General thanks our employees; emphasizes the essential role the Postal Service plays as part of the nation's critical infrastructure (especially in times like these); frames the business impacts the Postal Service is experiencing as a direct result of the pandemic, as well as our immediate legislative request to deal with those impacts; describes the long-standing business model problems (which we have also been discussing for many years) that will need to be addressed by Congress if we are doing to be financially viable over the long haul; and provides her insights on her successor. (b) (5) .

(b) (5)

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Thanks everyone, for all of the great work that you do every day to serve our clients and to protect their legal interests. Of course, if anyone would like to discuss these issues further, please let me know.

-Tom

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Tuesday, May 12, 2020 1:07 PM
To: Elston, Michael J - Washington, DC
Subject: [EXTERNAL] Signed Ballot
Attachments: CCE05122020.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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Michael,
As requested.
Roman

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Fwd: Pandemic Relief Bill 4 - House Version

M. -Mike- Duncan Robert (b) (6)

Wed 5/13/2020 3:55 PM

To: (b) (6)

4 attachments (4 MB)

BILLS-116hr6800ih[1].pdf; ATT00001.htm; Phase 4 summary Approps[2][3].pdf; ATT00002.htm;

Sent from my iPhone

Begin forwarded message:

From: "Elston, Michael J - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Date: May 12, 2020 at 1:45:55 PM EDT
To: "Elston, Michael J - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Subject: Pandemic Relief Bill 4 - House Version

Governors,

please find attached the text of the HEROES Act (or CARES 2 or pandemic relief 4) and a summary of the bill, which has just been released by House Democrats. (b) (5)

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(b) (5)

Michael

Michael J. Elston
Secretary of the Board of Governors
United States Postal Service
(202) 268-4800

AMERICAN OVERSIGHT

.....

(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

Mrs. LOWEY (for herself, Mr. ENGEL, Mrs. CAROLYN B. MALONEY of New York, Mr. NADLER, Mr. PALLONE, Mr. SCOTT of Virginia, Mr. TAKANO, Ms. VELÁZQUEZ, and Ms. WATERS) introduced the following bill; which was referred to the Committee on

---

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1.

This Act may be cited as the "Health and Economic Recovery Omnibus Emergency Solutions Act" or the "HEROES Act".

AMERICAN OVERSIGHT

TABLE OF CONTENTS

SEC. 2.

The table of contents is as follows:

DIVISION A—CORONAVIRUS RECOVERY SUPPLEMENTAL APPROPRIATIONS ACT, 2020

DIVISION B—REVENUE PROVISIONS

Title I—Economic stimulus
Title II—Additional relief for workers
Title III—Net operating losses

DIVISION C—HEALTH PROVISIONS

Title I—Medicaid Provisions
Title II—Medicare Provisions
Title III—Private Insurance Provisions
Title IV—Application to Other Health Programs
Title V—Public Health Policies
Title VI—Public Health Assistance

DIVISION D—RETIREMENT PROVISIONS

Title I—Relief for Multiemployer Pension Plans
Title II—Relief for Single Employer Pension Plans
Title III—Other Retirement Related Provisions

DIVISION E—CONTINUED ASSISTANCE TO UNEMPLOYED WORKERS

DIVISION F—ASSISTANCE TO AGRICULTURAL PRODUCERS AND OTHER MATTERS RELATING TO AGRICULTURE

Title I—Livestock
Title II—Dairy
Title III—Specialty Crops and Other Commodities
Title IV—Commodity Credit Corporation
Title V—Conservation
Title VI—Nutrition

DIVISION G—ACCOUNTABILITY AND GOVERNMENT OPERATIONS

Title I—Accountability
Title II—Census Matters
Title III—Federal Workforce
Title IV—Federal Contracting Provisions
Title V—District of Columbia
Title VI—Other Matters

DIVISION H—VETERANS AND SERVICEMEMBERS PROVISIONS

DIVISION I—SMALL BUSINESS PROVISIONS

DIVISION J—SUPPORT FOR ESSENTIAL WORKERS, AT-RISK INDIVIDUALS, FAMILIES, AND COMMUNITIES

AMERICAN OVERSIGHT

Title I—Family Care for Essential Workers
Title II—Pandemic Emergency Assistance and Services
Title III—Program flexibility during the pandemic

DIVISION K—COVID–19 HERO ACT

Title I—Providing Medical Equipment for First Responders and Essential Workers
Title II—Protecting Renters and Homeowners from Evictions and Foreclosures
Title III—Protecting People Experiencing Homelessness
Title IV—Suspending Negative Credit Reporting and Strengthening Consumer and Investor Protections
Title V—Forgiving Student Loan Debt and Protecting Student Borrowers
Title VI—Standing Up For Small Businesses, Minority-Owned Businesses, and Non-Profits
Title VII—Empowering Community Financial Institutions
Title VIII—Providing Assistance for State, Territory, Tribal, and Local Governments
Title IX—Providing Oversight and Protecting Taxpayers

DIVISION L—FAMILIES, WORKERS, AND COMMUNITY SUPPORT PROVISIONS

Title I—Amendments to Emergency Family and Medical Leave Expansion Act and Emergency Paid Sick Leave Act
Title II—COVID–19 Workforce Development Response Activities
Title III—COVID–19 Every Worker Protection Act of 2020
Title IV—Community and Family Support
Title V—COVID–19 Protections under Longshore and Harbor Workers' Compensation Act

DIVISION M—CONSUMER PROTECTION AND TELECOMMUNICATIONS PROVISIONS

Title I—COVID–19 Price Gouging Prevention
Title II—E–Rate Support for Wi-Fi Hotspots, Other Equipment, and Connected Devices
Title III—Emergency Benefit for Broadband Service
Title IV—Continued Connectivity
Title V—Don't Break Up the T–Band
Title VI—National Suicide Hotline Designation
Title VII—COVID–19 Compassion and Martha Wright Prison Phone Justice
Title VIII—Healthcare Broadband Expansion During COVID–19

DIVISION N—GIVING RETIREMENT OPTIONS TO WORKERS ACT

DIVISION O—EDUCATION PROVISIONS AND OTHER PROGRAMS

Title I—Higher Education Provisions
Title II—Other Programs

DIVISION P—ACCESS ACT

DIVISION Q—COVID–19 HEROES FUND

Title I—Provisions relating to State, Local, Tribal, and Private Sector Workers
Title II—Provisions relating to Federal employees and COVID–19
Title III—Coordination of benefits with other programs and laws

AMERICAN OVERSIGHT

DIVISION R—CHILD NUTRITION AND RELATED PROGRAMS

DIVISION S—OTHER MATTERS

Title I—Health Care Access for Urban Native Veterans Act
Title II—Tribal School Federal Insurance Parity
Title III—PRC for Native Veterans Act
Title IV—Wildlife-Borne Disease Prevention
Title V—Pandemic Relief for Aviation Workers and Passengers
Title VI—Amtrak and Rail Workers
Title VII—Energy and Environment Provisions
Title VIII—Death and disability benefits for public safety officers impacted by COVID–19
Title IX—Victims of Crime Act Amendments
Title X—Jabara-Heyer NO HATE Act
Title XI—Prisons and Jails
Title XII—Immigration Matters
Title XIII—Coronavirus Relief Fund Amendments
Title XIV—Rural Digital Opportunity
Title XV—Foreign Affairs Provisions

DIVISION T—ADDITIONAL OTHER MATTERS

REFERENCES

SEC. 3.

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

AMERICAN OVERSIGHT

DIVISION A—CORONAVIRUS RECOVERY SUPPLEMENTAL APPROPRIATIONS ACT, 2020

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

TITLE I—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL PROGRAMS

Office of Inspector General

For an additional amount for ''Office of Inspector General'', $2,500,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That the funding made available under this heading in this Act shall be used for conducting audits and investigations of projects and activities carried out with funds made available to the Department of Agriculture to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided further*, That such amount is designated by the Congress as being for an emergency re-

AMERICAN OVERSIGHT

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

DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

For an additional amount for ''Child Nutrition Programs'', $3,000,000,000 to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That the amount provided under this heading is for the purposes of carrying out section 180002 of the ''Child Nutrition and Related Programs Recovery Act'': *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the ''Special Supplemental Nutrition Program for Women, Infants, and Children'', $1,100,000,000, to remain available through September 30, 2022: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For an additional amount for ''Supplemental Nutrition Assistance Program'', $10,000,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COMMODITY ASSISTANCE PROGRAM

For an additional amount for ''Commodity Assistance Program'', $150,000,000, to remain available through September 30, 2021, for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 10101. For an additional amount for the Commonwealth of the Northern Mariana Islands, $1,822,000, to remain available until September 30, 2021, for nutrition assistance to prevent, prepare for, and respond to

AMERICAN OVERSIGHT

coronavirus: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 10102. Under the heading ''Commodity Assistance Program'' in the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), strike ''to prevent, prepare for, and respond to coronavirus, domestically or internationally,'': *Provided*, That the amounts repurposed in this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 10103. For an additional amount for the program established under 7 U.S.C. 5936, to prevent, prepare for, and respond to coronavirus, $20,000,000, to remain available until September 30, 2021: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

TITLE II—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

CURRENT SURVEYS AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Current Surveys and Programs'', $10,000,000: *Provided*, That such sums may be transferred to the Bureau of the Census Working Capital Fund for necessary expenses incurred as a result of the coronavirus, including for payment of salaries and leave to Bureau of the Census staff resulting from the suspension of data collection for reimbursable surveys conducted for other Federal agencies: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PERIODIC CENSUSES AND PROGRAMS

For an additional amount for ''Periodic Censuses and Programs'', $400,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pur-

AMERICAN OVERSIGHT

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

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

ASSISTANCE TO FISHERY PARTICIPANTS

Pursuant to section 12005 of the Coronavirus Aid, Relief, and Economic Security Act of 2020 (Public Law 116–136), for an additional amount for ''Assistance to Fishery Participants'', $100,000,000, to remain available until September 30, 2021, for necessary expenses to provide assistance to Tribal, subsistence, commercial, and charter fishery participants affected by the novel coronavirus (COVID–19), which may include direct relief payments: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL MANAGEMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $1,000,000, to remain available until expended to prevent, prepare for, and respond to coronavirus, including the impact of coronavirus on the work of the Department of Commerce and to carry out investigations and audits related to the funding made available for the De-

AMERICAN OVERSIGHT

partment of Commerce in this Act and in title II of division B of Public Law 116–136: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISION—DEPARTMENT OF COMMERCE

SEC. 10201. Notwithstanding any other provision of law, the Federal share for grants provided by the Economic Development Administration under this Act, Public Law 116–93, Public Law 116–20, and Public Law 116–136 shall be 100 percent: *Provided*, That the amounts repurposed in this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $200,000,000, to remain available until Sep-

AMERICAN OVERSIGHT

tember 30, 2021, to prevent, prepare for, and respond to coronavirus, including the impact of coronavirus on the work of the Department of Justice, to include funding for medical testing and services, personal protective equipment, hygiene supplies and services, and sanitation services: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $3,000,000, to remain available until expended to prevent, prepare for, and respond to coronavirus, including the impact of coronavirus on the work of the Department of Justice and to carry out investigations and audits related to the funding made available for the Department of Justice in this Act: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For an additional amount for ''Violence Against Women Prevention and Prosecution Programs'', $100,000,000, to remain available until expended, of which—

(1) $30,000,000 is for grants to combat violence against women, as authorized by part T of the Omnibus Crime Control and Safe Streets Acts of 1968;

(2) $15,000,000 is for transitional housing assistance grants for victims of domestic violence, dating violence, stalking, or sexual assault, as authorized by section 40299 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; ''1994 Act'');

(3) $15,000,000 is for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(4) $10,000,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

AMERICAN OVERSIGHT

(5) $10,000,000 is for legal assistance for victims, as authorized by section 1201 of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386; ''2000 Act'');

(6) $4,000,000 is for grants to assist tribal governments in exercising special domestic violence criminal jurisdiction, as authorized by section 904 of the Violence Against Women Reauthorization Act of 2013; and

(7) $16,000,000 is for grants to support families in the justice system, as authorized by section 1301 of the 2000 Act:

Provided, That funds made available under this heading shall be made available without any otherwise applicable requirement that a recipient of such funds provide any other Federal funds, or any non-Federal funds, as a condition to receive the funds made available under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for ''State and Local Law Enforcement Assistance'', $300,000,000, to remain avail-

AMERICAN OVERSIGHT

able until expended, for the same purposes and subject to the same conditions as the appropriations for fiscal year 2020 under this heading in title II of division B of Public Law 116–136, including for the purchase of personal protective equipment, and for costs related to preventing and controlling coronavirus at correctional institutions: *Provided*, That, notwithstanding section 502(a)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10153), funds provided under this heading in both this Act and title II of division B of Public Law 116–136 may be used to supplant State or local funds: *Provided further*, That funds made available under this heading in both this Act and title II of division B of Public Law 116–136 shall be made available without any otherwise applicable requirement that a recipient of such funds provide any other Federal funds, or any non-Federal funds, as a condition to receive the funds made available under such heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for ''State and Local Law Enforcement Assistance'', $250,000,000, to remain available until expended, for offender reentry programs and re-

AMERICAN OVERSIGHT

search, as authorized by the Second Chance Act of 2007 (Public Law 110–199) and by the Second Chance Reauthorization Act of 2018 (Public Law 115–391), without regard to the time limitations specified at section 6(1) of such Act, to prevent, prepare for, and respond to coronavirus: *Provided*, That, notwithstanding any other provision of law, funds provided under this heading may be used to supplant State or local funds: *Provided further*, That funds made available under this heading shall be made available without any otherwise applicable requirement that a recipient of such funds provide any other Federal funds, or any non-Federal funds, as a condition to receive the funds made available under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for ''State and Local Law Enforcement Assistance'', $600,000,000, to remain available until expended, for grants, contracts, cooperative agreements, and other assistance as authorized by the Pandemic Justice Response Act (''the Act''): *Provided*, That $500,000,000 is to establish and implement policies and procedures to prevent, detect, and stop the presence and spread of COVID–19 among arrestees, detainees, in-

AMERICAN OVERSIGHT

mates, correctional facility staff, and visitors to the facilities; and for pretrial citation and release grants, as authorized by the Act: *Provided further*, That $25,000,000 is for Rapid COVID–19 Testing, as authorized by the Act: *Provided further*, That $75,000,000 is for grants for Juvenile Specific Services, as authorized by the Act: *Provided further*, That, notwithstanding any other provision of law, funds provided under this heading may be used to supplant State or local funds: *Provided further*, That funds made available under this heading shall be made available without any otherwise applicable requirement that a recipient of such funds provide any other Federal funds, or any non-Federal funds, as a condition to receive the funds made available under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

For an additional amount for ''Community Oriented Policing Services'', $300,000,000, to remain available until expended, for grants under section 1701 of title I of the 1968 Omnibus Crime Control and Safe Streets Act (34 U.S.C. 10381) for hiring and rehiring of additional

AMERICAN OVERSIGHT

career law enforcement officers under part Q of such title, notwithstanding subsection (i) of such section, and including for the purchase of personal protective equipment: *Provided*, That, notwithstanding 34 U.S.C. 10384, funds provided under this heading may be used to supplant State or local funds and may be used to retain career law enforcement officers: *Provided further*, That funds made available under this heading shall be made available without any otherwise applicable requirement that a recipient of such funds provide any other Federal funds, or any non-Federal funds, as a condition to receive the funds made available under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SCIENCE

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Research and Related Activities'', $125,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, including to fund research grants, of which $1,000,000 shall be for a study on the spread of COVID–

AMERICAN OVERSIGHT

19 related disinformation: *Provided further*, That, within the amount appropriated under this heading in this Act, up to 2 percent of funds may be transferred to the ''Agency Operations and Award Management'' account for management, administration, and oversight of funds provided under this heading in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCIES

Legal Services Corporation

payment to the legal services corporation

For an additional amount for ''Payment to the Legal Services Corporation'', $50,000,000, for the same purposes and subject to the same conditions as the appropriations for fiscal year 2020 under this heading in title II of division B of Public Law 116–136: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

TITLE III—FINANCIAL SERVICES AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $35,000,000, to remain available until expended, to conduct monitoring and oversight of the receipt, disbursement, and use of funds made available under the ''Coronavirus State Fiscal Relief Fund'' and the ''Coronavirus Local Fiscal Relief Fund'' (collectively, ''Fiscal Relief Funds''): *Provided*, That, if the Inspector General of the Department of the Treasury determines that an entity receiving a payment from amounts provided by the Fiscal Relief Funds has failed to comply with the provisions governing the use of such funding, the Inspector General shall transmit any relevant information related to such determination to the Committees on Appropriations of the House of Representatives and the Senate not later than 5 days after any such determination is made: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $2,500,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

HOMEOWNER ASSISTANCE FUND

For activities and assistance authorized in section 110202 of the ''COVID–19 HERO Act'' , $75,000,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BUREAU OF THE FISCAL SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $78,650,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*,

AMERICAN OVERSIGHT

That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CORONAVIRUS STATE FISCAL RELIEF FUND

For making payments to States, territories, and Tribal governments to mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (COVID–19), $540,000,000,000 to remain available until expended, which shall be in addition to any other amounts available for making payments to States, territories, and Tribal governments for any purpose (including payments made under section 601 of the Social Security Act), of which:

(1) $20,000,000,000 shall be for making payments to the Commonwealth of Puerto Rico, United States Virgin Islands, Guam, Commonwealth of the Northern Mariana Islands, and American Samoa: *Provided*, That of the amount made available in this paragraph, half shall be allocated equally among each entity specified in this paragraph, and half shall be allocated as an additional amount to each such entity in an amount which bears the same proportion to half of the total amount provided under this para-

AMERICAN OVERSIGHT

graph as the relative population of each such entity bears to the total population of all such entities;

(2) $20,000,000,000 shall be for making payments to Tribal governments: *Provided*, That payments of amounts made available in this paragraph shall be made to each Tribal Government in an amount determined by the Secretary of the Treasury, in consultation with the Secretary of the Interior and Indian Tribes, that is based on increased aggregate expenditures of each such Tribal government (or a tribally-owned entity of such Tribal government) in fiscal year 2020 relative to aggregate expenditures in fiscal year 2019 by the Tribal government (or tribally-owned entity) and determined in such manner as the Secretary determines appropriate to ensure that all amounts available pursuant to the preceding proviso for fiscal year 2020 are distributed to Tribal governments:

(3) $250,000,000,000 shall be for making initial payments to each of the 50 States and the District of Columbia, of which—

AMERICAN OVERSIGHT

(A) $51,000,000,000 shall be allocated equally between each of the 50 States and the District of Columbia;

(B) $150,000,000,000 shall be allocated as an additional amount to each such entity in an amount which bears the same proportion to the total amount provided under this subparagraph as the relative population of each such entity bears to the total population of all such entities;

(C) $49,000,000,000 shall be allocated as additional amounts among each of the 50 States and the District of Columbia in an amount which bears the same proportion to the total amount provided under this subparagraph as the relative prevalence of COVID–19 within each such entity bears to the total prevalence of COVID–19 within all such entities: *Provided*, That the relative prevalence of COVID–19 shall be calculated using the most recent data on the number of confirmed and probable

AMERICAN OVERSIGHT

cases as published on the Internet by the Centers for Disease Control and Prevention for each entity specified in the preceding proviso;

(4) $250,000,000,000 shall be for making an additional payment to each of the 50 States and the District of Columbia, of which—

(A) $51,000,000,000 shall be allocated equally between each of the 50 States and the District of Columbia; and

(B) $199,000,000,000 shall be allocated between each such entity in an additional amount which bears the same proportion to the total amount provided under this subparagraph as the average estimated number of seasonally-adjusted unemployed individuals (as measured by the Bureau of Labor Statistics Local Area Unemployment Statistics program) in each such entity over the 3-month period ending in March 2021 bears to the average estimated number of seasonally-adjusted unemployed individuals in all such entities over the same period.

Provided further, That any entity receiving a payment from funds made available under this heading in this Act shall only use such amounts to respond to, mitigate, cover

AMERICAN OVERSIGHT

costs or replace foregone revenues not projected on January 31, 2020 stemming from the public health emergency, or its negative economic impacts, with respect to the Coronavirus Disease (COVID–19): *Provided further*, That if the Inspector General of the Department of the Treasury determines that an entity receiving a payment from amounts provided under this heading has failed to comply with the preceding proviso, the amount equal to the amount of funds used in violation of such subsection shall be booked as a debt of such entity owed to the Federal Government, and any amounts recovered under this subsection shall be deposited into the general fund of the Treasury as discretionary offsetting receipts: *Provided further*, That for purposes of the preceding provisos under this heading in this Act, the population of each entity described in any such proviso shall be determined based on the most recent year for which data are available from the Bureau of the Census, or in the case of an Indian tribe, shall be determined based on data certified by the Tribal government: *Provided further*, That as used under this heading in this Act, the terms ''Tribal government'' and ''Indian Tribe'' have the same meanings as specified in section 601(g) of the Social Security Act (42 U.S.C. 601(g)), as added by section 5001 of the CARES Act (Public Law 116-136) and amended by section 191301 of

AMERICAN OVERSIGHT

division X of this Act, and the term ''State'' means one of the 50 States: *Provided further*, That the Secretary of Treasury shall make all payments required pursuant to paragraphs (1), (2), and (3) not later than 30 days after the date of enactment of this Act, and shall make all payments required pursuant to paragraph (4) not later than May 3, 2021: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CORONAVIRUS LOCAL FISCAL RELIEF FUND

For making payments to metropolitan cities, counties, and other units of general local government to mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (COVID–19), $375,000,000,000, to remain available until expended, which shall be in addition to any other amounts available for making payments to metropolitan cities, counties, and other units of general local government (including payments made under section 601 of the Social Security Act), of which—

(1) $187,500,000,000 shall be for making payments to metropolitan cities and other units of general local government (as those terms are defined in

AMERICAN OVERSIGHT

section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)), of which—

(A) $131,250,000,000 shall be allocated pursuant to the formula under section 106(b)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(b)(1)) to metropolitan cities (as defined in section 102(a)(4) of such Act (42 U.S.C. 5302(a)(4)), including metropolitan cities that have relinquished or deferred their status as a metropolitan city as of the date of enactment of this Act: *Provided*, That $87,500,000,000 of the funds provided under this subparagraph shall be paid not later than 30 days after the date of enactment of this Act: *Provided further*, That $43,750,000,000 of the funds provided under this subparagraph shall be paid not earlier than April 15, 2021, but not later than May 3, 2021; and

(B) $56,250,000,000 shall be distributed to each State (as that term is defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) for use by units of general local government, other than counties or parishes, in nonentitlement areas

AMERICAN OVERSIGHT

(as defined in such section 102) of such States in an amount which bears the same proportion to the total amount provided under this subparagraph as the total population of such units of general local government within the State bears to the total population of all such units of general local government in all such States: *Provided*, That two-thirds of the funds provided under this subparagraph and allocated to each such unit of general local government shall be distributed to each such unit of general local government not later than 30 days after the date of enactment of this Act: *Provided further*, That the remainder of the funds provided under this subparagraph and allocated to each such unit of general local government shall be distributed to each such unit of general local government not earlier than April 15, 2021, but not later than May 3, 2021: *Provided further*, That a State shall pass-through the amounts received under this subparagraph, within 30 days of receipt, to each such unit of general local government in an amount that bears the same proportion to the amount distributed to each such State as the population of such unit

AMERICAN OVERSIGHT

of general local government bears to the total population of all such units of general local government within each such State: *Provided further*, That if a State has not elected to distribute amounts allocated under this paragraph, the Secretary of the Treasury shall pay the applicable amounts under this subparagraph to such units of general local government in the State not later than 30 days after the date on which the State would otherwise have received the amounts from the Secretary; and

(2) $187,500,000,000 shall be paid directly to counties within the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa in an amount which bears the same proportion to the total amount provided under this paragraph as the relative population of each such county bears to the total population of all such entities: *Provided*, That two-thirds of the funds provided under this paragraph and allocated to each such county shall be distributed to each such county not later than 30 days after the date of enactment of this Act: *Provided further*, That the remainder of the amount al-

AMERICAN OVERSIGHT

located to each such county under this paragraph shall be distributed to each such county not earlier than April 15, 2021, but not later than May 3, 2021: *Provided further*, That no county that is an ''urban county'' (as defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) shall receive less than the amount the county would otherwise receive if the amount distributed under this paragraph were allocated to metropolitan cities and urban counties under section 106(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(b)): *Provided further*, That in the case of an amount to be paid to a county that is not a unit of general local government, the amount shall instead be paid to the State in which such county is located, and such State shall distribute such amount to units of general local government within such county in an amounts that bear the same proportion as the population of such units of general local government bear to the total population of such county:

Provided further, That any entity receiving a payment from funds made available under this heading in this Act shall only use such amounts to respond to, mitigate, cover costs or replace foregone revenues not projected on Janu-

AMERICAN OVERSIGHT

ary 31, 2020 stemming from the public health emergency, or its negative economic impacts, with respect to the Coronavirus Disease (COVID–19): *Provided further*, That if the Inspector General of the Department of the Treasury determines that an entity receiving a payment from amounts provided under this heading has failed to comply with the preceding proviso, the amount equal to the amount of funds used in violation of such subsection shall be booked as a debt of such entity owed to the Federal Government, and any amounts recovered under this subsection shall be deposited into the general fund of the Treasury as discretionary offsetting receipts: *Provided further*, That nothing in paragraph (1) or (2) shall be construed as prohibiting a unit of general local government that has formed a consolidated government, or that is geographically contained (in full or in part) within the boundaries of another unit of general local government from receiving a distribution under each of subparagraphs (A) and (B) under paragraph (1) or under paragraph (2), as applicable, based on the respective formulas specified contained therein: *Provided further*, That the amounts otherwise determined for distribution to units of local government under each of subparagraphs (A) and (B) under paragraph (1) and under paragraph (2) shall each be adjusted by the Secretary of the Treasury on a pro rata basis

AMERICAN OVERSIGHT

to the extent necessary to comply with the amount appropriated and the requirements specified in each paragraph and subparagraph, as applicable: *Provided further*, That as used under this heading in this Act, the term ''county'' means a county, parish, or other equivalent county division (as defined by the Bureau of the Census): *Provided further*, That for purposes of the preceding provisos under this heading in this Act, the population of an entity shall be determined based on the most recent year for which data are available from the Bureau of the Census: *Provided further*, That such amount is designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Community Development Financial Institutions Fund Program Account'', $1,000,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus: *Provided*, That the Community Development Financial Institutions Fund (CDFI) shall provide grants using a formula that takes into account criteria such as certification status, financial and compliance performance, portfolio

AMERICAN OVERSIGHT

and balance sheet strength, and program capacity: *Provided further*, That no less than $25,000,000 may be for financial assistance, technical assistance, and training and outreach programs designed to benefit Native American, Native Hawaiian, and Alaska Native communities: *Provided further*, That the CDFI Fund shall make funds available under this subsection within 60 days of the date of enactment of this Act: *Provided further*, That funds made available under this heading may be used for administrative expenses, including administration of CDFI Fund programs and the New Markets Tax Credit Program: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISION—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 10301. In addition to the amounts otherwise available to the Internal Revenue Service in fiscal year 2020, $520,000,000, to remain available until September 30, 2021, shall be available to prevent, prepare for, and respond to coronavirus, including for costs associated with the extended filing season: *Provided*, That such funds may be transferred by the Commissioner to the ''Taxpayer

AMERICAN OVERSIGHT

Services'', ''Enforcement'', or ''Operations Support'' accounts of the Internal Revenue Service for an additional amount to be used solely to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified in advance of any such transfer: *Provided further*, That such transfer authority is in addition to any other transfer authority provided by law: *Provided further*, That not later than 30 days after the date of enactment of this Act, the Commissioner shall submit to the Committees on Appropriations of the House of Representatives and the Senate a spending plan for such funds: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INDEPENDENT AGENCIES

Election Assistance Commission

election resilience grants

(including transfer of funds)

For an additional amount for payments by the Election Assistance Commission to States for contingency planning, preparation, and resilience of elections for Federal office, $3,600,000,000, to remain available until Sep-

AMERICAN OVERSIGHT

tember 30, 2021: *Provided*, That of the amount provided under this heading, up to $5,000,000 may be transferred to and merged with ''Election Assistance Commission—Salaries and Expenses'': *Provided further*, That under this heading the term ''State'' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands: *Provided further*, That the amount of the payments made to a State under this heading shall be consistent with section 103 of the Help America Vote Act of 2002 (52 U.S.C. 20903): *Provided further*, That for the purposes of the preceding proviso, each reference to ''$5,000,000'' in such section 103 shall be deemed to refer to ''$7,500,000'': *Provided further*, That not later than 30 days after the date of enactment of this Act, the Election Assistance Commission shall obligate the funds to States under this heading in this Act: *Provided further*, That not less than 50 percent of the amount of the payment made to a State under this heading in this Act shall be allocated in cash or in kind to the units of local government which are responsible for the administration of elections for Federal office in the State: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section

AMERICAN OVERSIGHT

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

ADMINISTRATIVE PROVISION—ELECTION ASSISTANCE COMMISSION

SEC. 10302. (a) The last proviso under the heading ''Election Assistance Commission—Election Security Grants'' in the Financial Services and General Government Appropriations Act, 2020 (division C of Public Law 116–93; 133 Stat. 2461) shall not apply with respect to any payment made to a State using funds appropriated or otherwise made available to the Election Assistance Commission under the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136).

(b) The first proviso under the heading ''Election Assistance Commission—Election Security Grants'' in the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended by striking ''within 20 days of each election in the 2020 Federal election cycle in that State,'' and inserting ''not later than October 30, 2021,''.

(c) The fourth proviso under the heading ''Election Assistance Commission—Election Security Grants'' in the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended by striking ''December 31, 2020'' and inserting ''September 30, 2021''.

AMERICAN OVERSIGHT

(d) Notwithstanding any requirement that a State legislature appropriate and release any funds made available under the Help America Vote Act of 2002, the chief election official of each State shall have access to the funds made available under the heading ''Election Assistance Commission—Election Security Grants'' in the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) without any such action by the State legislature.

(e) A State may elect to reallocate funds allocated under the heading ''Election Assistance Commission—Election Security Grants'' in the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) as funds allocated under the heading ''Election Assistance Commission—Election Security Grants'' in the Financial Services and General Government Appropriations Act, 2020 (division C of Public Law 116–93; 133 Stat. 2461) that were spent to prevent, prepare for, and respond to coronavirus, domestically or internationally, for the 2020 Federal election cycle; or funds allocated under the heading ''Election Assistance Commission—Election Reform Program'' in the Financial Services and Government Appropriations Act, 2018 (division E of Public Law 115–141) that were spent to prevent, prepare for, and respond

AMERICAN OVERSIGHT

to coronavirus, domestically or internationally, for the 2020 Federal election cycle.

(f) This section shall take effect as if included in the enactment of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136).

(g) The amounts repurposed in this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $24,000,000, to remain available until September 30, 2021, for implementing title VIII of the Communications Act of 1934 (47 U.S.C. 641 et seq.), as added by the Broadband DATA Act (Public Law 116–130): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

EMERGENCY CONNECTIVITY FUND

For an additional amount for the ''Emergency Connectivity Fund'', $1,500,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, through the provision of funding for Wi-fi hotspots, other equipment, connected devices, and advanced telecommunications and information services to schools and libraries as authorized in section 130201: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMERGENCY BROADBAND CONNECTIVITY FUND

For an additional amount for the ''Emergency Broadband Connectivity Fund'', $4,000,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, through the provision of an emergency benefit for broadband service as authorized in section 130301: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

GENERAL SERVICES ADMINISTRATION

TECHNOLOGY MODERNIZATION FUND

For an additional amount for the ''Technology Modernization Fund'', $1,000,000,000, to remain available until September 30, 2022, for technology-related modernization activities to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF PERSONNEL MANAGEMENT

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $1,000,000, to remain available until expended to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

SMALL BUSINESS ADMINISTRATION

EMERGENCY EIDL GRANTS

For an additional amount for ''Emergency EIDL Grants'' for the cost of emergency EIDL grants authorized by section 1110 of division A of the CARES Act (Public Law 116–136), $10,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

SEC. 10303. (a) The third proviso under the heading ''Small Business Administration—Business Loans Program Account'' the Financial Services and General Government Appropriations Act, 2020 (division C of Public Law 116–93) is amended by striking ''$30,000,000,000'' and inserting ''$75,000,000,000''.

(b) The sixth proviso under the heading ''Small Business Administration—Business Loans Program Account'' the Financial Services and General Government Appropriations Act, 2020 (division C of Public Law 116–93)

AMERICAN OVERSIGHT

is amended by striking ''$12,000,000,000'' and inserting ''$35,000,000,000''.

UNITED STATES POSTAL SERVICE

PAYMENT TO POSTAL SERVICE FUND

For an additional payment to the ''Postal Service Fund'', for revenue forgone due to coronavirus, $25,000,000,000, to remain available until September 30, 2022: *Provided*, That the Postal Service, during the coronavirus emergency, shall prioritize the purchase of, and make available to all Postal Service employees and facilities, personal protective equipment, including gloves, masks, and sanitizers, and shall conduct additional cleaning and sanitizing of Postal Service facilities and delivery vehicles: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $15,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the

AMERICAN OVERSIGHT

Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 10304. (a) Title V of division B of the CARES Act (Public Law 116–136) is amended in the first proviso under the heading ''Independent Agencies—Pandemic Response Accountability Committee'' by inserting ''or any other Act (including Acts other than appropriations Acts)'' after ''provided in this Act''.

(b) Amounts repurposed under this section that were previously designated by the Congress, respectively, as an emergency requirement or as being for disaster relief pursuant to the Balanced Budget and Emergency Deficit Control Act are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 10305. Title V of division B of the CARES Act (Public Law 116–136) is amended by striking the fifth proviso under the heading ''General Services Administration—Real Property Activities—Federal Buildings Fund'': *Provided*, That the amounts repurposed in this section that were previously designated by the Congress

AMERICAN OVERSIGHT

as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 10306. For an additional amount for ''Department of the Treasury—Departmental Offices—Coronavirus Relief Fund'', an amount equal to—

(1) $1,250,000,000; less

(2) the amount allocated for the District of Columbia pursuant to section 601(c)(6) of the Social Security Act:

Provided, That such amounts shall only be available for making a payment to the District of Columbia, and shall be in addition to any other funds available for such purpose: *Provided further*, That the Secretary of the Treasury shall pay all amounts provided by this section directly to the District of Columbia not less than 5 days after the date of enactment of this Act: *Provided further*, That the District of Columbia shall use such amounts only to cover costs or replace foregone revenues stemming from the public health emergency with respect to the Coronavirus Disease (COVID–19): *Provided further*, That such amount is designated by Congress as being for an emergency require-

AMERICAN OVERSIGHT

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

TITLE IV—HOMELAND SECURITY

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF INSPECTOR GENERAL

OPERATIONS AND SUPPORT

For an additional amount for ''Operations and Support'', $3,000,000, to remain available until September 30, 2022, for oversight of activities of the Department of Homeland Security funded in this Act and in title VI of division B of Public Law 116–136 to prevent, prepare for, and respond to coronavirus: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL EMERGENCY MANAGEMENT AGENCY

FEDERAL ASSISTANCE

For an additional amount for ''Federal Assistance'', $1,300,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, of which $500,000,000 shall be for Assistance to Firefighter Grants for the purchase of personal protective equipment and related supplies, mental health evaluations, training, and temporary infectious disease de-contamina-

AMERICAN OVERSIGHT

tion or sanitizing facilities and equipment; of which $500,000,000 shall be for Staffing for Adequate Fire and Emergency Response Grants; of which $100,000,000 shall be for Emergency Management Performance Grants; and of which $200,000,000 shall be for the Emergency Food and Shelter Program: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 10401. Notwithstanding any other provision of law, funds made available under ''Federal Emergency Management Agency—Federal Assistance'' shall only be used for the purposes specifically described under that heading.

SEC. 10402. (a) Subsections (c)(2), (f), (g)(1), (h)(1)–(4), (h)(6), and (k) of section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) shall not apply to amounts appropriated for ''Federal Emergency Management Agency – Federal Assistance'' for Assistance to Firefighter Grants in this Act and in division D, title III of the Consolidated Appropriations Act, 2020 (Public Law 116–93).

(b) Subsection (k) of section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229)

AMERICAN OVERSIGHT

shall not apply to Amounts provided for ''Federal Emergency Management Agency–Federal Assistance'' for Assistance to Firefighter Grants in title VI of division B of Public Law 116–136.

(c) Amounts repurposed under this section that were previously designated by the Congress, respectively, as an emergency requirement or as being for disaster relief pursuant to the Balanced Budget and Emergency Deficit Control Act are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 10403. Subsections (a)(1)(A), (a)(1)(B), (a)(1)(E), (a)(1)(G), (c)(1), (c)(2), and (c)(4) of section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a) shall not apply to amounts appropriated for ''Federal Emergency Management Agency – Federal Assistance'' for Staffing for Adequate Fire and Emergency Response Grants in this Act and in division D, title III of the Consolidated Appropriations Act, 2020 (Public Law 116–93).

AMERICAN OVERSIGHT

TITLE V—INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for ''Resource Management'', $21,000,000, to remain available until expended for research; listing injurious species; electronic permitting system development; operation and maintenance; law enforcement interdiction and inspections; and other support activities, as described in sections 190402, 190403, and 190404 of division S of this Act: *Provided*, That amounts may be transferred to ''Surveys, Investigations and Research'' in the United States Geological Survey; ''National Oceanic and Atmospheric Administration'' in the Department of Commerce; and the ''Center for Disease Control'' in the Department of Health and Human Services: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STATE AND TRIBAL WILDLIFE GRANTS

For an additional amount for ''State and Tribal Wildlife Grants'', $50,000,000, to remain available until expended, for a onetime grant program to remain available

AMERICAN OVERSIGHT

until expended, as described in section 190405 of division S of this Act: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for ''Surveys, Investigations, and Research'', $40,000,000, to remain available until September 30, 2021, for technical assistance, biosurveillance of wildlife and environmental persistence studies and related research, database development, and accompanying activities as described in section 190404 of division S of this Act: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for ''Operation of Indian Programs'', $900,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, of which—

(1) $100,000,000 shall be for housing improvement;

AMERICAN OVERSIGHT

(2) $780,000,000 shall be for providing Tribal government services, for Tribal government employee salaries to maintain operations, and cleaning and sanitization of Tribally owned and operated facilities; and

(3) $20,000,000 shall be used to provide and deliver potable water; and,

Provided, That none of the funds appropriated herein shall be obligated until 3 days after the Bureau of Indian Affairs provides a detailed spend plan, which includes distribution and use of funds by Tribe, to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the Bureau shall notify the Committees on Appropriations of the House of Representatives and the Senate quarterly on the obligations and expenditures of the funds provided by this Act: *Provided further*, That assistance received herein shall not be included in the calculation of funds received by those Tribal governments who participate in the ''Small and Needy'' program: *Provided further*, That such amounts, if transferred to Indian Tribes and Tribal organizations under the Indian Self-Determination and Education Assistance Act (1) will be transferred on a one-time basis, (2) are non-recurring funds that are not part of the amount required by 25 U.S.C. 5325, and (3) may only be used for the purposes

AMERICAN OVERSIGHT

identified under this heading in this Act, notwithstanding any other provision of law: *Provided further*, That section 11008 of this Act shall not apply to tribal contracts entered into by the Bureau of Indian Affairs with this appropriation: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For an additional amount for ''Assistance to Territories'', $1,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, of which (1) $945,000,000 is for Capital Improvement Project grants for hospitals and other critical infrastructure; and (2) $55,000,000 is for territorial assistance, including general technical assistance: *Provided*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c): *Provided further*, That amounts repurposed in this section that were pre-

AMERICAN OVERSIGHT

viously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' , $5,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for ''Environmental Programs and Management'', $50,000,000, to remain available until September 30, 2021, for environmental justice grants to prevent, prepare for, and respond to coronavirus: *Provided*, That such amount shall be used to monitor or

AMERICAN OVERSIGHT

study links between pollution exposure and the transmission and health outcomes of coronavirus as described in section 190702 of division S of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Indian Health Services'', $2,100,000,000, to remain available until expended, to prevent, prepare for, respond to, and provide health services related to coronavirus, of which—

(1) $1,000,000,000 shall be used to supplement reduced third party revenue collections;

(2) $500,000,000 shall be used for direct health and telehealth services, including to purchase supplies and personal protective equipment;

(3) $140,000,000 shall be used to expand broadband infrastructure and information technology for telehealth and electronic health record system purposes;

AMERICAN OVERSIGHT

(4) $20,000,000 shall be used to address the needs of domestic violence victims and homeless individuals and families;

(5) not less than $64,000,000 shall be for Urban Indian Organizations; and,

(6) not less than $10,000,000 shall be used to provide and deliver potable water:

Provided, That such funds shall be allocated at the discretion of the Director of the Indian Health Service: *Provided further*, That of the funds provided herein, not less than $366,000,000 shall be transferred to and merged with ''Indian Health Service—Indian Health Facilities'' at the discretion of the Director to modify existing health facilities to provide isolation or quarantine space, to purchase and install updated equipment necessary, and for maintenance and improvement projects necessary to the purposes specified in this Act: *Provided further*, That such amounts may be used to supplement amounts otherwise available for such purposes under ''Indian Health Facilities'': *Provided further*, That such amounts, if transferred to Tribes and Tribal organizations under the Indian Self-Determination and Education Assistance Act, will be transferred on a one-time basis and that these non-recurring funds are not part of the amount required by 25 U.S.C. 5325, and that such amounts may only be used for the

AMERICAN OVERSIGHT

purposes identified under this heading notwithstanding any other provision of law: *Provided further*, That none of the funds appropriated herein for telehealth broadband activities shall be available for obligation until 3 days after the Indian Health Service provides to the Committees on Appropriations of the House of Representatives and the Senate, a detailed spend plan that includes the cost, location, and expected completion date of each activity: *Provided further*, That the Indian Health Service shall notify the Committees on Appropriations of the House of Representatives and the Senate quarterly on the obligations and expenditures of the funds provided by this Act: *Provided further*, That section 11008 of this Act shall not apply to tribal contracts entered into by the Bureau of Indian Affairs with this appropriation: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For an additional amount for ''Grants and Administration'', $10,000,000 to remain available until September 30, 2021, for grants to respond to the impacts of

AMERICAN OVERSIGHT

coronavirus: *Provided*, That such funds are available under the same terms and conditions as grant funding appropriated to this heading in Public Law 116–94: *Provided further*, That 40 percent of such funds shall be distributed to State arts agencies and regional arts organizations and 60 percent of such funds shall be for direct grants: *Provided further*, That notwithstanding any other provision of law, such funds may also be used by the recipients of such grants for purposes of the general operations of such recipients: *Provided further*, That the matching requirements under subsections (e), (g)(4)(A), and (p)(3) of section 5 of the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 954) may be waived with respect to such grants: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For an additional amount for ''Grants and Administration'', $10,000,000 to remain available until September 30, 2021, for grants to respond to the impacts of coronavirus: *Provided*, That such funds are available under the same terms and conditions as grant funding ap-

AMERICAN OVERSIGHT

propriated to this heading in Public Law 116–94: *Provided further*, That 40 percent of such funds shall be distributed to state humanities councils and 60 percent of such funds shall be for direct grants: *Provided further*, That notwithstanding any other provision of law, such funds may also be used by the recipients of such grants for purposes of the general operations of such recipients: *Provided further*, That the matching requirements under subsection (h)(2)(A) of section 7 of the National Foundation on the Arts and Humanities Act of 1965 may be waived with respect to such grants: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VI—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Training and Employment Services'', $2,040,000,000, to prevent, prepare for, and respond to coronavirus, of which $15,000,000 shall

AMERICAN OVERSIGHT

be transferred to ''Program Administration'' to carry out activities in this Act, Public Law 116–127 and Public Law 116–136 for full-time equivalent employees, information technology upgrades needed to expedite payments and support implementation, including to expedite policy guidance and disbursement of funds, technical assistance and other assistance to States and territories to speed payment of Federal and State unemployment benefits,and of which the remaining amounts shall be used to carry out activities under the Workforce Innovation and Opportunity Act (referred to in this Act as ''WIOA'') as follows:

(1) $485,000,000 for grants to the States for adult employment and training activities, including incumbent worker trainings, transitional jobs, on-the-job training, individualized career services, supportive services, needs-related payments, and to facilitate remote access to training services provided through a one-stop delivery system through the use of technology, to remain available until June 30, 2021: *Provided*, That an adult shall not be required to meet the requirements of section 134(c)(3)(B) of the WIOA: *Provided further*, That an adult who meets the requirements described in section 2102(a)(3)(A) of Public Law 116–136 may be eligible for participation: *Provided further*, That priority

AMERICAN OVERSIGHT

may be given to individuals who are adversely impacted by economic changes due to the coronavirus, including individuals seeking employment, dislocated workers, individuals with barriers to employment, individuals who are unemployed, or individuals who are underemployed;

(2) $518,000,000 for grants to the States for youth activities, including supportive services, summer employment for youth, and to facilitate remote access to training services provided through a one-stop delivery system through the use of technology, to remain available until June 30, 2021: *Provided*, That individuals described in section 2102(a)(3)(A) of Public Law 116–136 may be eligible for participation as an out-of-school youth if they meet the requirements of clauses (i) and (ii) of section 129(a)(1)(B) or as in-school youth if they meet the requirements of clauses (i) and (iii) of section 129(a)(1)(C) of the WIOA; *Provided further*, That priority shall be given for out-of-school youth and youth with multiple barriers to employment: *Provided further*, That funds shall support employer partnerships for youth employment and subsidized employment, and partnerships with community-based organizations to support such employment;

AMERICAN OVERSIGHT

(3) $597,000,000 for grants to States for dislocated worker employment and training activities, including incumbent worker trainings, transitional jobs, on-the-job training, individualized career services, supportive services, needs-related payments, and to facilitate remote access to training services provided through a one-stop delivery system through the use of technology, to remain available until June 30, 2021: *Provided*, That a dislocated worker shall not be required to meet the requirements of section 134(c)(3)(B) of the WIOA: *Provided further*, That a dislocated worker who meets the requirements described in section 2102(a)(3)(A) of Public Law 116–136 may be eligible for participation;

(4) $400,000,000 for the dislocated workers assistance national reserve to remain available until September 30, 2023; and

(5) $25,000,000 for migrant and seasonal farmworker programs under section 167 of the WIOA, including emergency supportive services, to remain available until June 30, 2021, of which no less than $500,000 shall be for the collection and dissemination of electronic and printed materials related to coronavirus to the migrant and seasonal

AMERICAN OVERSIGHT

farmworker population nationwide, including Puerto Rico, through a cooperative agreement;

Provided, That the impact of the COVID–19 national emergency may be considered as an additional factor for reimbursement for on-the-job training under section 134(c)(3)(H) of the WIOA and as a factor in determining the employer's portion of the costs of providing customized training under section 3(14) of the WIOA: *Provided further*, That notwithstanding section 134(d)(5) of the WIOA, a local board may use 40 percent of funds received under paragraphs (1) and (3) for transitional jobs: *Provided further*, That notwithstanding section 194(10) of the WIOA, that funds used to support transitional jobs may also be used to support public service employment: *Provided further*, That sections 127(b)(1)(C)(iv)(III), 132(b)(1)(B)(iv)(III), and 132(b)(2)(B)(iii)(II) shall not apply to funds appropriated under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WAGE AND HOUR DIVISION

SALARIES AND EXPENSES

For an additional amount for "Wage and Hour Division", $6,500,000, to remain available until September

AMERICAN OVERSIGHT

30, 2021, to prevent, prepare for, and respond to coronavirus, including for the administration, oversight, and coordination of worker protection activities related thereto: *Provided*, That the Secretary of Labor shall use funds provided under this heading to support enforcement activities and outreach efforts to make individuals, particularly low-wage workers, aware of their rights under division C and division E of Public Law 116–127: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Occupational Safety and Health Administration'', $100,000,000, to remain available until September 30, 2021, for worker protection and enforcement activities to prevent, prepare for, and respond to coronavirus, of which $25,000,000 shall be for Susan Harwood training grants and at least $70,000,000 shall be to hire additional compliance safety and health officers, and for state plan enforcement, to protect workers from coronavirus by enforcing all applicable standards and directives, including 29 CFR 1910.132, 29 CFR 1910.134, Section 5(a)(1) of the Occupational Safety and

AMERICAN OVERSIGHT

Health Act of 1970, and 29 CFR 1910.1030: *Provided*, That activities to protect workers from coronavirus supported by funds provided under this heading includes additional enforcement of standards and directives referenced in the preceding proviso at slaughterhouses, poultry processing plants, and agricultural workplaces: *Provided further*, That within 15 days of the date of enactment of this Act, the Secretary of Labor shall submit a spending and hiring plan for the funds made available under this heading, and a monthly staffing report until all funds are expended, to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That within 15 days of the date of enactment of this Act, the Secretary of Labor shall submit a plan for the additional enforcement activities described in the third proviso to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $5,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus. *Pro-*

AMERICAN OVERSIGHT

vided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISION—DEPARTMENT OF LABOR

SEC. 10601. There is hereby appropriated for fiscal year 2021 for ''Department of Labor—Employment Training Administration—State Unemployment Insurance and Employment Service Operations'', $28,600,000, to be expended from the Employment Security Administration Account in the Unemployment Trust Fund (''the Trust Fund'') to carry out title III of the Social Security Act: *Provided*, That such amount shall only become available for obligation if the Average Weekly Insured Unemployment (''AWIU'') for fiscal year 2021 is projected, by the Department of Labor during fiscal year 2021 to exceed 1,728,000: *Provided further*, That to the extent that the AWIU for fiscal year 2021 is projected by the Department of Labor to exceed 1,728,000, an additional $28,600,000 from the Trust Fund shall be made available for obligation during fiscal year 2021 for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000): *Provided further*, That, except as specified in this section, amounts provided herein shall be available under the same authority and

AMERICAN OVERSIGHT

conditions applicable to funds provided to carry out title III of the Social Security Act under the heading ''Department of Labor—Employment Training Administration—State Unemployment Insurance and Employment Service Operations'' in division A of Public Law 116–94: *Provided further*, That such amounts shall be in addition to any other funds made available in any fiscal year for such purposes: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

PRIMARY HEALTH CARE

For an additional amount for ''Primary Health Care'', $7,600,000,000, to remain available until September 30, 2025, for necessary expenses to prevent, prepare for, and respond to coronavirus, for grants and cooperative agreements under the Health Centers Program, as defined by section 330 of the Public Health Service Act, and for grants to Federally qualified health centers, as defined in section 1861(aa)(4)(B) of the Social Security Act, and for eligible entities under the Native Hawaiian Health Care Improvement Act, including maintenance or

AMERICAN OVERSIGHT

expansion of health center and system capacity and staffing levels: *Provided*, That sections 330(r)(2)(B), 330(e)(6)(A)(iii), and 330(e)(6)(B)(iii) shall not apply to funds provided under this heading in this Act: *Provided further*, That funds provided under this heading in this Act may be used to (1) purchase equipment and supplies to conduct mobile testing for SARS–CoV–2 or COVID–19; (2) purchase and maintain mobile vehicles and equipment to conduct such testing; and (3) hire and train laboratory personnel and other staff to conduct such mobile testing: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RYAN WHITE HIV/AIDS PROGRAM

For an additional amount for ''Ryan White HIV/AIDS Program'', $10,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus: *Provided*, That awards from funds provided under this heading in this Act shall be through modifications to existing contracts and supplements to existing grants and cooperative agreements under parts A, B, C, D, F, and section 2692(a) of title XXVI of the Public Health Service Act: *Provided further*, That such supplements shall be awarded using a data-driven methodology

AMERICAN OVERSIGHT

determined by the Secretary of Health and Human Services: *Provided further*, That sections 2604(c), 2612(b), and 2651(c) of the Public Health Service Act shall not apply to funds provided under this heading in this Act: *Provided further*, That the Secretary may waive any penalties and administrative requirements as necessary to ensure that the funds may be used efficiently: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CENTERS FOR DISEASE CONTROL AND PREVENTION

CDC–WIDE ACTIVITIES AND PROGRAM SUPPORT

For an additional amount for ''CDC–Wide Activities and Program Support'', $2,130,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount provided under this heading in this Act, $1,000,000,000 shall be for Public Health Emergency Preparedness cooperative agreements under section 319C–1 of the Public Health Service Act: *Provided further*, That, of the amount provided under this heading in this Act, $1,000,000,000 shall be for necessary expenses for grants for core public health infrastructure for State, local, Territorial, or Tribal health departments

AMERICAN OVERSIGHT

as described in section 30550 of division C of this Act: *Provided further*, That of the amount made available under this heading in this Act for specified programs, not less than $100,000,000 shall be allocated to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes: *Provided further*, That of the amount provided under this heading in this Act, $130,000,000 shall be for public health data surveillance and analytics infrastructure modernization: *Provided further*, That funds appropriated under this heading in this Act for grants may be used for the rent, lease, purchase, acquisition, construction, alteration, or renovation of non-Federally owned facilities to improve preparedness and response capability at the State and local level: *Provided further*, That all construction, alteration, or renovation work, carried out, in whole or in part, with funds appropriated under this heading in this Act, or under this heading in the CARES ACT (P.L. 116–136), shall be subject to the requirements of 42 U.S.C. 300s-1(b)(1)(I): *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For an additional amount for ''National Institute of Allergy and Infectious Diseases'', $500,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTE OF MENTAL HEALTH

For an additional amount for ''National Institute of Mental Health'', $200,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of the Director'', $4,021,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*.

AMERICAN OVERSIGHT

That not less than $3,000,000,000 of the amount provided under this heading in this Act shall be for offsetting the costs related to reductions in lab productivity resulting from the coronavirus pandemic or public health measures related to the coronavirus pandemic: *Provided further*, That up to $1,021,000,000 of the amount provided under this heading in this Act shall be to support additional scientific research or the programs and platforms that support research: *Provided further*, That funds made available under this heading in this Act may be transferred to the accounts of the Institutes and Centers of the National Institutes of Health (''NIH''): *Provided further*, That this transfer authority is in addition to any other transfer authority available to the NIH: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For an additional amount for ''Health Surveillance and Program Support'', $3,000,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus: *Provided*, That of the funds

AMERICAN OVERSIGHT

made available under this heading in this Act, $1,500,000,000 shall be for grants for the substance abuse prevention and treatment block grant program under subpart II of part B of title XIX of the Public Health Service Act (''PHS Act''): *Provided further*, That of the funds made available under this heading in this Act, $1,000,000,000 shall be for grants for the community mental health services block grant program under subpart I of part B of title XIX of the PHS Act: *Provided further*, That of the funds made available under this heading in this Act, $100,000,000 shall be for services to the homeless population: *Provided further*, That of the funds made available under this heading in this Act, $100,000,000 shall be for activities and services under Project AWARE: *Provided further*, That of the funds made available under this heading in this Act, $10,000,000 shall be for the National Child Traumatic Stress Network: *Provided further*, That of the amount made available under this heading in this Act, $265,000,000 is available for activities authorized under section 501(o) of the Public Health Service Act: *Provided further*, That of the amount made available under this heading in this Act, $25,000,000 shall be for the Suicide Lifeline and Disaster Distress Helpline: *Provided further*, That of the amount made available under this heading in this Act for specified programs, not less

AMERICAN OVERSIGHT

than $150,000,000 shall be allocated to tribes, tribal organizations, urban Indian health organizations, or health or behavioral health service providers to tribes: *Provided further*, That the Substance Abuse and Mental Health Services Administration has flexibility to amend allowable activities, timelines, and reporting requirements for the Substance Abuse Prevention and Treatment Block Grant and the Community Mental Health Services Block Grant pursuant to the public health emergency declaration: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CENTERS FOR MEDICARE & MEDICAID SERVICES

PROGRAM MANAGEMENT

For an additional amount for ''Program Management'', $150,000,000, to remain available through September 30, 2022, to prevent, prepare for, and respond to coronavirus, for State strike teams for resident and employee safety in skilled nursing facilities and nursing facilities, including activities to support clinical care, infection control, and staffing: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for ''Low Income Home Energy Assistance'', $1,500,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, for making payments under subsection (b) of section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.): *Provided*, That of the amount provided under this heading in this Act, $750,000,000 shall be allocated as though the total appropriation for such payments for fiscal year 2020 was less than $1,975,000,000: *Provided further*, That each grantee that receives an allotment of funds made available under this heading in this Act shall, for purposes of income eligibility, deem to be eligible any household that documents job loss or severe income loss dated after February 29, 2020, such as a layoff or furlough notice or verification of application for unemployment benefits: *Provided further*, That the limitation in section 2605(b)(9)(A) of the Low-Income Home Energy Assistance Act of 1981, regarding planning and administering the use of funds, shall apply to funds provided under this heading in this Act by substituting ''12.5 percent'' for ''10 percent'': *Provided further*, That section 2607(b)(2)(B) of such Act (42 U.S.C. 8626(b)(2)(B)) shall not apply to funds made

AMERICAN OVERSIGHT

available under this heading in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For an additional amount for ''Payments to States for the Child Care and Development Block Grant'', $7,000,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, including for Federal administrative expenses, which shall be used to supplement, not supplant State, Territory, and Tribal general revenue funds for child care assistance for low-income families within the United States (including territories) without regard to requirements in sections 658E(c)(3)(D)–(E) or section 658G of the Child Care and Development Block Grant Act: *Provided*, That funds provided under this heading in this Act may be used for costs of providing relief from copayments and tuition payments for families and for paying that portion of the child care provider's cost ordinarily paid through family copayments, to provide continued payments and assistance to child care providers in the case of decreased enrollment or closures related to coronavirus, and to ensure child care providers

AMERICAN OVERSIGHT

are able to remain open or reopen as appropriate and applicable: *Provided further*, That States, Territories, and Tribes are encouraged to place conditions on payments to child care providers that ensure that child care providers use a portion of funds received to continue to pay the salaries and wages of staff: *Provided further*, That lead agencies shall, for the duration of the COVID–19 public health emergency, implement enrollment and eligibility policies that support the fixed costs of providing child care services by delinking provider reimbursement rates from an eligible child's absence and a provider's closure due to the COVID–19 public health emergency: *Provided further*, That the Secretary shall remind States that CCDBG State plans do not need to be amended prior to utilizing existing authorities in the Child Care and Development Block Grant Act for the purposes provided herein: *Provided further*, That States, Territories, and Tribes are authorized to use funds appropriated under this heading in this Act to provide child care assistance to health care sector employees, emergency responders, sanitation workers, farmworkers, and other workers deemed essential during the response to coronavirus by public officials, without regard to the income eligibility requirements of section 658P(4) of such Act: *Provided further*, That funds appropriated under this heading in this Act shall be available to eligible

AMERICAN OVERSIGHT

child care providers under section 658P(6) of the CCDBG Act, even if such providers were not receiving CCDBG assistance prior to the public health emergency as a result of the coronavirus, for the purposes of cleaning and sanitation, and other activities necessary to maintain or resume the operation of programs: *Provided further*, That no later than 60 days after the date of enactment of this Act, each State, Territory, and Tribe that receives funding under this heading in this Act shall submit to the Secretary a report, in such manner as the Secretary may require, describing how the funds appropriated under this heading in this Act will be spent and that no later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate a report summarizing such reports from the States, Territories, and Tribes: *Provided further*, That no later than October 31, 2021, each State, Territory, and Tribe that receives funding under this heading in this Act shall submit to the Secretary a report, in such manner as the Secretary may require, describing how the funds appropriated under this heading in this Act were spent and that no later than 60 days

AMERICAN OVERSIGHT

after receiving such reports from the States, Territories, and Tribes, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate a report summarizing such reports from the States, Territories, and Tribes: *Provided further*, That payments made under this heading in this Act may be obligated in this fiscal year or the succeeding two fiscal years: *Provided further*, That funds appropriated under this heading in this Act may be made available to restore amounts, either directly or through reimbursement, for obligations incurred to prevent, prepare for, and respond to coronavirus, prior to the date of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for ''Children and Families Services Programs'', $1,590,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, which shall be used as follows:

AMERICAN OVERSIGHT

(1) $50,000,000 for Family Violence Prevention and Services grants as authorized by section 303(a) and 303(b) of the Family Violence Prevention and Services Act with such funds available to grantees without regard to matching requirements under section 306(c)(4) of such Act, of which $2,000,000 shall be for the National Domestic Violence Hotline: *Provided*, That the Secretary of Health and Human Services may make such funds available for providing temporary housing and assistance to victims of family, domestic, and dating violence;

(2) $20,000,000 for necessary expenses for community-based grants for the prevention of child abuse and neglect under section 209 of the Child Abuse Prevention and Treatment Act, which the Secretary shall make without regard to sections 203(b)(1) and 204(4) of such Act; and

(3) $20,000,000 for necessary expenses for the Child Abuse Prevention and Treatment Act State Grant program as authorized by Section 112 of such Act;

(4) $1,500,000,000 for necessary expenses for grants to carry out the Low-Income Household Drinking Water and Wastewater Assistance pro-

AMERICAN OVERSIGHT

gram, as described in section 190703 of division S of this Act.

Provided, That funds made available under this heading in this Act may be used for the purposes provided herein to reimburse costs incurred between January 20, 2020, and the date of award: *Provided further*, That funds appropriated by the CARES Act (P.L.116–136) to carry out the Community Services Block Grant Act (42 U.S.C. 9901 et seq.) and received by a State shall be made available to eligible entities (as defined in section 673(1)(A) of such Act (42 U.S.C. 9902(1)(A)) not later than either 30 days after such State receives such funds or 30 days after the date of the enactment of this Act, whichever occurs later: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATION FOR COMMUNITY LIVING

AGING AND DISABILITY SERVICES PROGRAMS

For an additional amount for ''Aging and Disability Services Programs'', $100,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to the coronavirus: *Provided*, That of the amount made available under this heading in this Act, $85,000,000 shall be for activities authorized under the

AMERICAN OVERSIGHT

Older Americans Act of 1965 (''OAA'') and activities authorized under part B of title XX of the Social Security Act, including $20,000,000 for supportive services under part B of title III; $19,000,000 for nutrition services under subparts 1 and 2 of part C of title III; $1,000,000 for nutrition services under title VI; $20,000,000 for supportive services for family caregivers under part E of title III; $10,000,000 for evidence-based health promotion and disease prevention services under part D of title III; $10,000,000 for elder rights protection activities, including the long-term ombudsman program under title VI; and $5,000,000 shall be for grants to States to support the network of statewide senior legal services, including existing senior legal hotlines, efforts to expand such hotlines to all interested States, and legal assistance to providers, in order to ensure seniors have access to legal assistance, with such fund allotted to States consistent with paragraphs (1) through (3) of section 304(a) of the OAA: *Provided further*, That State matching requirements under sections 304(d)(1)(D) and 373(g)(2) of the OAA shall not apply to funds made available under this heading: *Provided further*, That of the amount made available under this heading in this Act, $10,000,000 shall be for activities authorized in the Developmental Disabilities Assistance and Bill of Rights Act of 2000: *Provided further*, That

AMERICAN OVERSIGHT

of the amount made available under this heading in this Act, $5,000,000 shall be for activities authorized in the Assistive Technology Act of 2004: *Provided further*, That of the amount made available in the preceding proviso, $5,000,000 shall be for the purchase of equipment to allow interpreters to provide appropriate and essential services to the hearing-impaired community: *Provided further*, That for the purposes of the funding provided in the preceding proviso, during the emergency period described in section 1135(g)(1)(B) of the Social Security Act, for purposes of section 4(e)(2)(A) of the Assistive Technology Act of 2004, the term ''targeted individuals and entities'' (as that term is defined in section 3(16) of the Assistive Technology Act of 2004) shall be deemed to include American Sign Language certified interpreters who are providing interpretation services remotely for individuals with disabilities: *Provided further*, That during such emergency period, for the purposes of the previous two provisos, to facilitate the ability of individuals with disabilities to remain in their homes and practice social distancing, the Secretary shall waive the prohibitions on the use of grant funds for direct payment for an assistive technology device for an individual with a disability under sections 4(e)(2)(A) and 4(e)(5) of such Act: *Provided further*, That such amount is designated by the Congress as being for

AMERICAN OVERSIGHT

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

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for ''Public Health and Social Services Emergency Fund'', $4,575,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the development of necessary countermeasures and vaccines, prioritizing platform-based technologies with U.S.-based manufacturing capabilities, the purchase of vaccines, therapeutics, diagnostics, necessary medical supplies, as well as medical surge capacity, addressing blood supply chain, workforce modernization, telehealth access and infrastructure, initial advanced manufacturing, novel dispensing, enhancements to the U.S. Commissioned Corps, and other preparedness and response activities: *Provided*, That funds appropriated under this paragraph in this Act may be used to develop and demonstrate innovations and enhancements to manufacturing platforms to support such capabilities: *Provided further*, That the Secretary of Health and Human Services shall purchase vaccines developed using funds made avail-

AMERICAN OVERSIGHT

able under this paragraph in this Act to respond to an outbreak or pandemic related to coronavirus in quantities determined by the Secretary to be adequate to address the public health need: *Provided further*, That products purchased by the Federal government with funds made available under this paragraph in this Act, including vaccines, therapeutics, and diagnostics, shall be purchased in accordance with Federal Acquisition Regulation guidance on fair and reasonable pricing: *Provided further*, That the Secretary may take such measures authorized under current law to ensure that vaccines, therapeutics, and diagnostics developed from funds provided in this Act will be affordable in the commercial market: *Provided further*, That in carrying out the previous proviso, the Secretary shall not take actions that delay the development of such products: *Provided further*, That products purchased with funds appropriated under this paragraph in this Act may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2 of the Public Health Service Act: *Provided further*, That funds appropriated under this paragraph in this Act may be transferred to, and merged with, the fund authorized by section 319F–4, the Covered Countermeasure Process Fund, of the Public Health Service Act: *Provided further*, That of the amount made avail-

AMERICAN OVERSIGHT

able under this paragraph in this Act, $3,500,000,000 shall be available to the Biomedical Advanced Research and Development Authority for necessary expenses of advanced research, development, manufacturing, production, and purchase of vaccines and therapeutics: *Provided further*, That of the amount made available under this paragraph in this Act, $500,000,000 shall be available to the Biomedical Advanced Research and Development Authority for the construction, renovation, or equipping of U.S.-based next generation manufacturing facilities, other than facilities owned by the United States Government: *Provided further*, That of the amount made available under this paragraph in this Act, $500,000,000 shall be available to the Biomedical Advanced Research and Development Authority to promote innovation in antibacterial research and development: *Provided further*, That funds made available under this paragraph in this Act may be used for grants for the rent, lease, purchase, acquisition, construction, alteration, or renovation of non-Federally owned facilities to improve preparedness and response capability at the State and local level: *Provided further*, That funds appropriated under this paragraph in this Act may be used for the construction, alteration, renovation or equipping of non-Federally owned facilities for the production of vaccines, therapeutics, diagnostics, and medicines and

AMERICAN OVERSIGHT

other items purchased under section 319F–2(a) of the Public Health Service Act where the Secretary determines that such a contract is necessary to assure sufficient domestic production of such supplies: *Provided further*, That all construction, alteration, or renovation work, carried out, in whole or in part, with fund appropriated under this heading in this Act, the CARES Act (P.L. 116–136), or the Paycheck Protection Program and Health Care Enhancement Act (P.L. 116–139), shall be subject to the requirements of 42 U.S.C. 300s-1(b)(1)(I): *Provided further*, That not later than seven days after the date of enactment of this Act, and weekly thereafter until the public health emergency related to coronavirus is no longer in effect, the Secretary shall report to the Committees on Appropriations of the House of Representatives and the Senate on the current inventory of ventilators and personal protective equipment in the Strategic National Stockpile, including the numbers of face shields, gloves, goggles and glasses, gowns, head covers, masks, and respirators, as well as deployment of ventilators and personal protective equipment during the previous week, reported by state and other jurisdiction: *Provided further*, That after the date that a report is required to be submitted by the preceding proviso, amounts made available for ''Department of Health and Human Services—Office of the Secretary—

AMERICAN OVERSIGHT

General Departmental Management'' in Public Law 116–94 for salaries and expenses of the Immediate Office of the Secretary shall be reduced by $250,000 for each day that such report has not been submitted: *Provided further*, That not later than the first Monday in February of fiscal year 2021 and each fiscal year thereafter, the Secretary shall include in the annual budget submission for the Department, and submit to the Congress, the Secretary's request with respect to expenditures necessary to maintain the minimum level of relevant supplies in the Strategic National Stockpile, including in case of a significant pandemic, in consultation with the working group under section 319F(a) of the Public Health Service Act and the Public Health Emergency Medical Countermeasures Enterprise established under section 2811–1 of such Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for ''Public Health and Social Services Emergency Fund'', $100,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, for necessary expenses to make payments under the Health Care Provider Relief Fund as described in section 30611 of division C of this Act: *Pro-*

AMERICAN OVERSIGHT

vided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for ''Public Health and Social Services Emergency Fund'', $75,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, for necessary expenses to carry out the COVID-19 National Testing and Contact Tracing Initiative, as described in subtitle D of division C of this Act: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF EDUCATION

STATE FISCAL STABILIZATION FUND

For an additional amount for ''State Fiscal Stabilization Fund'', $90,000,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus: *Provided*, That the Secretary of Education (referred to under this heading as ''Secretary'') shall make grants to the Governor of each State for support of elementary, secondary, and postsecondary education and, as applicable, early childhood education programs and services: *Provided further*, That of the amount made available,

AMERICAN OVERSIGHT

the Secretary shall first allocate up to one-half of 1 percent to the outlying areas and one-half of 1 percent to the Bureau of Indian Education (''BIE'') for activities consistent with this heading under such terms and conditions as the Secretary may determine: *Provided further*, That the Secretary may reserve up to $30,000,000 for administration and oversight of the activities under this heading: *Provided further*, That the Secretary shall allocate 61 percent of the remaining funds made available to carry out this heading to the States on the basis of their relative population of individuals aged 5 through 24 and allocate 39 percent on the basis of their relative number of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (referred to under this heading as ''ESEA'') as State grants: *Provided further*, That State grants shall support statewide elementary, secondary, and postsecondary activities; subgrants to local educational agencies; and, subgrants to public institutions of higher education: *Provided further*, That States shall allocate 65 percent of the funds received under the sixth proviso as subgrants to local educational agencies in proportion to the amount of funds such local educational agencies received under part A of title I of the ESEA in the most recent fiscal year: *Provided further*, That States shall allocate 30 percent of the funds received under the

AMERICAN OVERSIGHT

sixth proviso as subgrants to public institutions of higher education, of which 75 percent shall be apportioned according to the relative share of students who received Pell Grants who are not exclusively enrolled in distance education courses prior to the coronavirus emergency at the institution in the previous award year and 25 percent shall be apportioned according to the total enrollment of students at the institution who are not exclusively enrolled in distance education courses prior to the coronavirus emergency at the institution in the previous award year: *Provided further*, That the Governor shall return to the Secretary any funds received that the Governor does not award to local educational agencies and public institutions of higher education or otherwise commit within two years of receiving such funds, and the Secretary shall reallocate such funds to the remaining States in accordance with the sixth proviso: *Provided further*, That Governors shall use State grants and subgrants to maintain or restore State and local fiscal support for elementary, secondary and postsecondary education: *Provided further*, That funds for local educational agencies may be used for any activity authorized by the ESEA, including the Native Hawaiian Education Act and the Alaska Native Educational Equity, Support, and Assistance Act, the Individuals with Disabilities Education Act (''IDEA''), subtitle B of title VII of

AMERICAN OVERSIGHT

the McKinney-Vento Homeless Assistance Act , the Adult Education and Family Literacy Act or the Carl D. Perkins Career and Technical Education Act of 2006 (''the Perkins Act''): *Provided further*, That a State or local educational agency receiving funds under this heading may use the funds for activities coordinated with State, local, tribal, and territorial public health departments to detect, prevent, or mitigate the spread of infectious disease or otherwise respond to coronavirus; support online learning by purchasing educational technology and internet access for students, which may include assistive technology or adaptive equipment, that aids in regular and substantive educational interactions between students and their classroom instructor; provide ongoing professional development to staff in how to effectively provide quality online academic instruction; provide assistance for children and families to promote equitable participation in quality online learning; plan and implement activities related to summer learning, including providing classroom instruction or quality online learning during the summer months; plan for and coordinate during long-term closures, provide technology for quality online learning to all students, and how to support the needs of low-income students, racial and ethnic minorities, students with disabilities, English learners, students experiencing homelessness, and children in

AMERICAN OVERSIGHT

foster care, including how to address learning gaps that are created or exacerbated due to long-term closures; support the continuity of student engagement through social and emotional learning; and other activities that are necessary to maintain the operation of and continuity of services in local educational agencies, including maintaining employment of existing personnel, and reimbursement for eligible costs incurred during the national emergency: *Provided further*, That a public institution of higher education that receives funds under this heading shall use funds for education and general expenditures (including defraying expenses due to lost revenue, reimbursement for expenses already incurred, and payroll) and grants to students for expenses directly related to coronavirus and the disruption of campus operations (which may include emergency financial aid to students for food, housing, technology, health care, and child care costs that shall not be required to be repaid by such students) or for the acquisition of technology and services directly related to the need for distance education and the training of faculty and staff to use such technology and services: *Provided further*, That priority shall be given to under-resourced institutions, institutions with high burden due to the coronavirus, and institutions who did not possess distance education capabilities prior to the coronavirus emergency: *Provided fur-*

AMERICAN OVERSIGHT

ther, That any institution of higher education that is not otherwise eligible for a grant of at least $1,000,000 under this heading shall be eligible to receive an amount equal to whichever is lesser of the total loss of revenue and increased costs associated with the coronavirus or $1,000,000: *Provided further*, That an institution of higher education may not use funds received under this heading to increase its endowment or provide funding for capital outlays associated with facilities related to athletics, sectarian instruction, or religious worship: *Provided further*, That funds may be used to support hourly workers, such as education support professionals, classified school employees, and adjunct and contingent faculty: *Provided further*, That a Governor of a State desiring to receive an allocation under this heading shall submit an application at such time, in such manner, and containing such information as the Secretary may reasonably require: *Provided further*, That the Secretary shall issue a notice inviting applications not later than 15 days after the date of enactment of this Act: *Provided further*, That any State receiving funding under this heading shall maintain its percent of total spending on elementary, secondary, and postsecondary education in fiscal year 2019 for fiscal years 2020, 2021, and 2022: *Provided further*, That a State's application shall include assurances that the State will maintain

AMERICAN OVERSIGHT

support for elementary and secondary education in fiscal year 2020, fiscal year 2021, and fiscal year 2022 at least at the level of such support that is the average of such State's support for elementary and secondary education in the 3 fiscal years preceding the date of enactment of this Act: *Provided further*, That a State's application shall include assurances that the State will maintain State support for higher education (not including support for capital projects or for research and development or tuition and fees paid by students) in fiscal year 2020, fiscal year 2021, and fiscal year 2022 at least at the level of such support that is the average of such State's support for higher education (which shall include State and local government funding to institutions of higher education and state need-based financial aid) in the 3 fiscal years preceding the date of enactment of this Act, and that any such State's support for higher education funding, as calculated as spending for public higher education per full-time equivalent student, shall be the same in fiscal year 2022 as it was in fiscal year 2019: *Provided further*, That in such application, the Governor shall provide baseline data that demonstrates the State's current status in each of the areas described in such assurances in the preceding provisos: *Provided further*, That a State's application shall include assurances that the State will not construe any

AMERICAN OVERSIGHT

provisions under this heading as displacing any otherwise applicable provision of any collective-bargaining agreement between an eligible entity and a labor organization as defined by section 2(5) of the National Labor Relations Act (29 U.S.C. 152(5)) or analogous State law: *Provided further*, That a State's application shall include assurances that the State shall maintain the wages, benefits, and other terms and conditions of employment set forth in any collective-bargaining agreement between the eligible entity and a labor organization, as defined in the preceding proviso: *Provided further*, That a State's application shall include assurances that all students with disabilities are afforded their full rights under IDEA, including all rights and services outlined in individualized education programs (''IEPs''): *Provided further*, That a State receiving funds under this heading shall submit a report to the Secretary, at such time and in such manner as the Secretary may require, that describes the use of funds provided under this heading: *Provided further*, That no recipient of funds under this heading shall use funds to provide financial assistance to students to attend private elementary or secondary schools, unless such funds are used to provide special education and related services to children with disabilities whose IEPs require such placement, and where the school district maintains responsibility for providing such

AMERICAN OVERSIGHT

children a free appropriate public education, as authorized by IDEA: *Provided further*, That a local educational agency, State, institution of higher education, or other entity that receives funds under ''State Fiscal Stabilization Fund'', shall to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus: *Provided further*, That the terms ''elementary education'' and ''secondary education'' have the meaning given such terms under State law: *Provided further*, That the term ''institution of higher education'' has the meaning given such term in section 101 of the Higher Education Act of 1965: *Provided further*, That the term ''fiscal year'' shall have the meaning given such term under State law: *Provided further*, That the term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

HIGHER EDUCATION

For an additional amount for ''Higher Education'', $10,150,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, of which $11,000,000 shall be transferred to ''National

AMERICAN OVERSIGHT

Technical Institute for the Deaf'' to help defray expenses (which may include lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, sign language and captioning costs associated with a transition to distance education, faculty and staff trainings, and payroll) directly caused by coronavirus and to enable emergency financial aid to students for expenses directly related to coronavirus and the disruption of university operations (which may include food, housing, transportation, technology, health care, and child care), of which $20,000,000 shall be transferred to ''Howard University'' to help defray expenses (which may include lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, technology costs associated with a transition to distance education, faculty and staff trainings, and payroll) directly related to coronavirus and to enable grants to students for expenses directly related to coronavirus and the disruption of university operations (which may include food, housing, transportation, technology, health care, and child care), of which $11,000,000 shall be transferred to ''Gallaudet University'' to help defray expenses (which may include lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance edu-

AMERICAN OVERSIGHT

cation, sign language and captioning costs associated with a transition to distance education, faculty and staff trainings, and payroll) directly related to coronavirus and to enable grants to students for expenses directly related to coronavirus and the disruption of university operations (which may include food, housing, transportation, technology, health care, and child care), and of which the remaining amounts shall be used to carry out parts A and B of title III, parts A and B of title V, subpart 4 of part A of title VII, and part B of title VII of the Higher Education Act of 1965 (''HEA'') as follows:

(1) $1,708,000,000 for parts A and B of title III, parts A and B of title V, and subpart 4 of part A of title VII of the HEA to address needs directly related to coronavirus: *Provided*, That such amount shall be allocated by the Secretary proportionally to such programs covered under this paragraph and based on the relative share of funding appropriated to such programs in the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) and distributed to institutions of higher education as follows:

(A) Except as otherwise provided in subparagraph (B), for eligible institutions under part B of title III and subpart 4 of part A of

AMERICAN OVERSIGHT

title VII of the Higher Education Act, the Secretary shall allot to each eligible institution an amount using the following formula:

(i) 70 percent according to a ratio equivalent to the number of Pell Grant recipients in attendance at such institution at the end of the school year preceding the beginning of that fiscal year and the total number of Pell Grant recipients at all such institutions;

(ii) 20 percent according to a ratio equivalent to the total number of students enrolled at such institution at the end of the school year preceding the beginning of that fiscal year and the number of students enrolled at all such institutions; and

(iii) 10 percent according to a ratio equivalent to the total endowment size at all eligible institutions at the end of the school year preceding the beginning of that fiscal year and the total endowment size at such institutions;

(B) For eligible institutions under section 326 of the Higher Education Act, the Secretary shall allot to each eligible institution an amount

AMERICAN OVERSIGHT

in proportion to the award received from funding for such institutions in the Further Consolidated Appropriations Act, 2020 (Public Law 116–94);

(C) For eligible institutions under section 316 of the Higher Education Act, the Secretary shall allot funding according to the formula in section 316(d)(3) of the Higher Education Act;

(D) Notwithstanding section 318(f) of the Higher Education Act, for eligible institutions under section 318 of the Higher Education Act, the Secretary shall allot funding according to the formula in section 318(e) of the Higher Education Act;

(E) Except as provided in subparagraphs (C) and (D), for eligible institutions under part A of title III of the Higher Education Act and parts A and B of title V, the Secretary shall issue an application for eligible institutions to demonstrate unmet need, and the Secretary shall allow eligible institutions to apply for funds under one of the programs for which they are eligible.

(2) $8,400,000,000 for part B of title VII of the HEA for institutions of higher education (as de-

AMERICAN OVERSIGHT

fined in section 101 or 102(c) of the HEA) to address needs directly related to coronavirus as follows:

(A) $7,000,000,000 shall be provided to private, non-profit institutions of higher education apportioning it—

(i) 75 percent according to the relative share of enrollment of Federal Pell Grant recipients who are not exclusively enrolled in distance education courses prior to the coronavirus emergency, and

(ii) 25 percent according to the relative share of the total equivalent enrollment of students who were not Federal Pell Grant recipients who are not exclusively enrolled in distance education courses prior to the coronavirus emergency.

(B) $1,400,000,000 shall be for institutions of higher education (as defined in section 101 of the Higher Education Act) with unmet need related to the coronavirus, including institutions of higher education that offer their courses and programs exclusively through distance education:

AMERICAN OVERSIGHT

Provided, That funds shall be used to make payments to such institutions to provide emergency grants to students who attended such institutions at any point during the coronavirus emergency and for any component of the student's cost of attendance (as defined under section 472 of the HEA), including food, housing, course materials, technology, health care, and child care): *Provided further*, That institutions of higher education may use such funds to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, and payroll) incurred by institutions of higher education: *Provided further*, That such payments shall not be used to increase endowments or provide funding for capital outlays associated with facilities related to athletics, sectarian instruction, or religious worship: *Provided further*, That any institution of higher education that is not otherwise eligible for a grant of at least $1,000,000 under paragraph (2)(A) of this heading and has a total enrollment of at least 500 students shall be eligible to receive an amount equal to whichever is the lesser of the total loss of revenue and increased costs associated with the coronavirus or $1,000,000: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section

AMERICAN OVERSIGHT

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

GENERAL PROVISIONS—DEPARTMENT OF EDUCATION

SEC. 10602. Amounts made available to ''Department of Education—Office of Inspector General'' in title VIII of division B of Public Law 116–136 are hereby permanently rescinded, and an amount of additional new budget authority equivalent to the amount rescinded is hereby appropriated, to remain available until expended, for the same purposes and under the same authorities as they were originally appropriated, and shall be in addition to any other funds available for such purposes: *Provided*, That the amounts appropriated by this section may also be used for investigations and are available until expended: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 10603. The Coronavirus Aid, Relief, and Economic Security Act (P.L. 116–136) is amended by striking section 18001(a)(3): *Provided*, That amounts repurposed by this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency require-

AMERICAN OVERSIGHT

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

SEC. 10604. Section 18005(a) of the Coronavirus Aid, Relief, and Economic Security Act (P.L. 116–136) is amended by inserting ''with these funds only for children identified under section 1115(c) of the ESEA in the school district served by a local educational agency who are enrolled in private elementary schools and secondary schools'' after ''equitable services'': *Provided*, That amounts repurposed by this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 10605. Section 18004(c) of the Coronavirus Aid, Relief, and Economic Security Act (P.L. 116–136) is amended by striking ''to cover any costs associated with significant changes to the delivery of instruction due to the coronavirus'' and inserting ''to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education.'': *Provided*,

AMERICAN OVERSIGHT

That amounts repurposed by this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 10606. With respect to the allocation and award of funds under this title, the Secretary of Education is prohibited from—

(a) establishing a priority or preference not specified in this title; and

(b) imposing limits on the use of such funds not specified in this title.

RELATED AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

ADMINISTRATIVE PROVISIONS—CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

SEC. 10607. (a) The remaining unobligated balances of funds as of September 30, 2020, from amounts provided to "Corporation for National and Community Service—Salaries and Expenses" in title IV of division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94), are hereby permanently rescinded, and

AMERICAN OVERSIGHT

an amount of additional new budget authority equal to the unobligated balances rescinded is hereby appropriated on September 30, 2020, to remain available until September 30, 2021, for the same purposes and under the same authorities that they were originally made available in Public Law 116–94, which shall be in addition to any other funds available for such purposes: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) The remaining unobligated balances of funds as of September 30, 2020, from amounts provided to ''Corporation for National and Community Service—Operating Expenses'' in title IV of division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94), are hereby permanently rescinded, and an amount of additional new budget authority equal to the unobligated balances rescinded is hereby appropriated on September 30, 2020, to remain available until September 30, 2021, for the same purposes and under the same authorities that they were originally made available in Public Law 116–94, which shall be in addition to any other funds available for such purposes: *Provided*, That any amounts appropriated by the preceding proviso shall not be subject to

AMERICAN OVERSIGHT

the allotment requirements otherwise applicable under sections 129(a), (b), (d), and (e) of the National and Community Service Act of 1993: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) The remaining unobligated balances of funds as of September 30, 2020, from amounts provided to ''Corporation for National and Community Service—Office of Inspector General'' in title IV of division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94), are hereby permanently rescinded, and an amount of additional new budget authority equal to the amount rescinded is hereby appropriated on September 30, 2020, to remain available until September 30, 2021, for the same purposes and under the same authorities that they were originally made available in Public Law 116–94, which shall be in addition to any other funds available for such purposes: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(d)(1) Section 3514(b) of title III of division A of Public Law 116–136 is hereby repealed, and shall be ap-

AMERICAN OVERSIGHT

plied hereafter as if such subsection had never been enacted.

(2)(A) IN GENERAL.—The budgetary effects of this subsection are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(B) DESIGNATION IN THE SENATE.—In the Senate, this subsection is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

(C) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(7) and (c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this subsection—

(i) shall not be estimated for purposes of section 251 of such Act; and

(ii) shall be entered on the PAYGO scorecards maintained pursuant to section 4(d) of the Statutory Pay As-You-Go Act of 2010.

AMERICAN OVERSIGHT

INSTITUTE OF MUSEUM AND LIBRARY SCIENCES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For an additional amount for ''Institute of Museum and Library Services'', $5,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, including grants to States, territories, tribes, museums, and libraries, to expand digital network access, purchase internet accessible devices, provide technical support services, and for operational expenses: *Provided*, That any matching funds requirements for States, tribes, libraries, and museums are waived for grants provided with funds made available under this heading in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RAILROAD RETIREMENT BOARD

LIMITATION ON ADMINISTRATION

For an additional amount for ''Limitation on Administration'', $4,500,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, including the expeditious dispensation of railroad unemployment insurance benefits, and to support

AMERICAN OVERSIGHT

full-time equivalents and overtime hours as needed to administer the Railroad Unemployment Insurance Act: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of the Inspector General'', $500,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, including salaries and expenses necessary for oversight, investigations and audits of the Railroad Retirement Board and railroad unemployment insurance benefits funded in this Act and Public Law 116–136: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 10608. Notwithstanding any other provision of law, funds made available under each heading in this title shall only be used for the purposes specifically described under that heading.

SEC. 10609. Funds appropriated by this title may be used by the Secretary of the Health and Human Services

AMERICAN OVERSIGHT

to appoint, without regard to the provisions of sections 3309 through 3319 of title 5 of the United States Code, candidates needed for positions to perform critical work relating to coronavirus for which—

(1) public notice has been given; and

(2) the Secretary has determined that such a public health threat exists.

SEC. 10610. Funds made available by this title may be used to enter into contracts with individuals for the provision of personal services (as described in section 104 of part 37 of title 48, Code of Federal Regulations (48 CFR 37.104)) to support the prevention of, preparation for, or response to coronavirus, domestically and internationally, subject to prior notification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That such individuals may not be deemed employees of the United States for the purpose of any law administered by the Office of Personnel Management: *Provided further*, That the authority made available pursuant to this section shall expire on September 30, 2024.

SEC. 10611. Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall provide a detailed spend plan of anticipated uses of funds made available to the Department

AMERICAN OVERSIGHT

of Health and Human Services in this Act, including estimated personnel and administrative costs, to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That such plans shall be updated and submitted to such Committees every 60 days until September 30, 2024: *Provided further*, That the spend plans shall be accompanied by a listing of each contract obligation incurred that exceeds $5,000,000 which has not previously been reported, including the amount of each such obligation.

SEC. 10612. No later than September 30, 2020, the remaining unobligated balances of funds made available through September 30, 2020, under the heading ''National Institutes of Health'' in the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) are hereby permanently rescinded, and an amount of additional new budget authority equivalent to the amount rescinded from each account is hereby appropriated to that account, to remain available until September 30, 2021, and shall be available for the same purposes, in addition to other funds as may be available for such purposes, and under the same authorities for which the funds were originally provided in Public Law 116–94: *Provided*, That such amount is designated by the Congress as being for an emergency re-

AMERICAN OVERSIGHT

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

SEC. 10613. Funds made available in Public Law 113–235 to the accounts of the National Institutes of Health that were available for obligation through fiscal year 2015 and were obligated for multi-year research grants shall be available through fiscal year 2021 for the liquidation of valid obligations if the Director of the National Insitutes of Health determines the project suffered an interruption of activities attributable to SARS–CoV–2: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 10614. Of the funds appropriated by this title under the heading ''Public Health and Social Services Emergency Fund'', $75,000,000 shall be transferred to, and merged with, funds made available under the heading ''Office of the Secretary, Office of Inspector General'', and shall remain available until expended, for oversight of activities supported with funds appropriated to the Department of Health and Human Services in this Act: *Provided*, That the Inspector General of the Department of Health and Human Services shall consult with the Committees on Appropriations of the House of Representatives and the

AMERICAN OVERSIGHT

Senate prior to obligating such funds: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority provided by law.

TITLE VII—LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

For an additional amount for the ''House of Representatives'', $5,000,000, to remain available until September 30, 2021, for necessary expenses to prevent, prepare for, and respond to coronavirus: *Provided*, That the amounts made available under this heading in this Act shall be allocated in accordance with a spend plan submitted to the Committee on Appropriations of the House of Representatives by the Chief Administrative Officer and approved by such Committee: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $30,000,000, to remain available until expended, for audits and investigations relating to COVID–19 or similar pandemics, as well as any related stimulus funding to assist the Nation's response to health and economic

AMERICAN OVERSIGHT

vulnerabilities to pandemics: *Provided*, That, not later than 90 days after the date of enactment of this Act, the Government Accountability Office shall submit to the Committees on Appropriations of the House of Representatives and the Senate a spend plan specifying funding estimates and a timeline for such audits and investigations: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VIII—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $2,000,000, to remain available until September 30, 2022, for oversight of funds administered by the Department of State and made available to prevent, prepare for, and respond to coronavirus by this title and by prior acts: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

GENERAL PROVISIONS — THIS TITLE

(INCLUDING TRANSFER OF FUNDS)

SEC. 10801. Section 21005 of the Emergency Appropriations for Coronavirus Health Response and Agency Operations (division B of Public Law 116–136) is amended by inserting at the end before the period ''and is further amended by striking '$5,563,619' in the second proviso under the heading 'Repatriation Loans Program Account' and inserting in lieu thereof '$15,563,619' ''.

SEC. 10802. Section 21009 of the Emergency Appropriations for Coronavirus Health Response and Agency Operations (division B of Public Law 116–136) is amended by striking ''fiscal year 2020'' and inserting in lieu thereof ''fiscal years 2020 and 2021'': *Provided*, That the amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

TITLE IX

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For an additional amount for "Operations", $75,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus: *Provided*, That amounts made available under this heading in this Act shall be derived from the general fund, of which not less than $1,000,000 shall be for the Administrator to seek to enter into an agreement not later than 45 days after the date of enactment of this Act with a research organization established under chapter 1503 of title 36, United States Code, to conduct a study to determine whether the environmental controls systems in commercial airliners recirculate pathogens in the cabin air and to assess existing and potential technological solutions to reduce pathogen recirculation and to mitigate any elevated risk of exposure to pathogens in the cabin air: *Provided further* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY INFRASTRUCTURE PROGRAMS

For an additional amount for ''Highway Infrastructure Programs'', $15,000,000,000, to remain available until expended: *Provided*, That the funds made available under this heading shall be derived from the general fund, shall be in addition to any funds provided for fiscal year 2020 in this or any other Act for ''Federal-aid Highways'' under chapters 1 or 2 of title 23, United States Code, and shall not affect the distribution or amount of funds provided in any other Act: *Provided further*, That notwithstanding chapter 1 of title 23, United States Code, or any other provision of law, a State, territory, Puerto Rico, or Indian Tribe may use funds made available under this heading in this Act for activities eligible under section 133(b) of title 23, United States Code, for administrative and operations expenses, including salaries of employees (including those employees who have been placed on administrative leave) or contractors, information technology needs, and availability payments: *Provided further*, That of the funds made available under this heading, $14,775,000,000 shall be available for States, $150,000,000 shall be available for the Tribal Transportation Program, as described in section 202 of title 23, United States Code, $60,000,000 shall be available for the

AMERICAN OVERSIGHT

Puerto Rico Highway Program, as described in section 165(b)(2)(C)(iii) of such title; and $15,000,000 shall be available for under the Territorial Highway Program, as described in section 165(c)(6) of such title: *Provided further*, That for the purposes of funds made available under this heading the term ''State'' means any of the 50 States or the District of Columbia: *Provided further*, That the funds made available under this heading for States shall be apportioned to States in the same ratio as the obligation limitation for fiscal year 2020 was distributed among the States in accordance with the formula specified in section 120(a)(5) of division H of Public Law 116–94 and shall be apportioned not later than 30 days after the date of enactment of this Act: *Provided further*, That the funds made available under this heading shall be administered as if apportioned under chapter 1 of title 23, United States Code, except that activities eligible under the Tribal Transportation Program shall be administered as if allocated under chapter 2 of title 23, United States Code: *Provided further*, That funds apportioned to a State under this heading shall be suballocated within the State to areas described in subsection 133(d)(1)(A)(i) of title 23, United States Code, in the same ratio that funds suballocated to those areas for fiscal year 2020 bears to the total amount of funds apportioned to the State for the Federal-aid high-

AMERICAN OVERSIGHT

way program under section 104 of such title for fiscal year 2020: *Provided further*, That of funds made available under this heading for activities eligible under section 133(b) of title 23, United States Code, any such activity shall be subject to the requirements of section 133(i) of such title: *Provided further*, That, except as provided in the following proviso, the funds made available under this heading for activities eligible under the Puerto Rico Highway Program and activities eligible under the Territorial Highway Program shall be administered as if allocated under sections 165(b) and 165(c), respectively, of such title: *Provided further*, That the funds made available under this heading for activities eligible under the Puerto Rico Highway Program shall not be subject to the requirements of sections 165(b)(2)(A) or 165(b)(2)(B) of such title: *Provided further*, That for amounts subject to the obligation limitation under the heading ''Department of Transportation—Federal Highway Administration—Federal-aid Highways—(Limitation on Obligations)—(Highway Trust Fund)'' in Public Law 116–94 for fiscal year 2020 that are obligated after the date of enactment of this Act, and for any amounts made available under this heading in this Act, the Federal share of the costs shall be, at the option of the State, District of Columbia, territory, Puerto Rico, or Indian Tribe, up to 100 percent, and may

AMERICAN OVERSIGHT

be available for administrative and operations expenses, including salaries of employees (including those employees who have been placed on administrative leave) or contractors, information technology needs, and availability payments: *Provided further*, That section 120(c) of Public Law 116–94 shall not apply for fiscal year 2020, and that amounts that would otherwise have been redistributed by section 120(c) shall be retained by States and shall be available for their original purpose until September 30, 2021, except that such amounts shall be subject to such redistribution in fiscal year 2021: *Provided further*, That amounts made available under section 147 of title 23, United States Code, for fiscal years 2019 and 2020 are available for the administrative and operating expenses of eligible entities related to the response to a coronavirus public health emergency beginning on January 20, 2020, reimbursement for administrative and operating costs to maintain service including the purchase of personal protective equipment, and paying the administrative leave of operations personnel due to reductions in service: *Provided further*, That funds made available for administrative and operating expenses authorized for fiscal year 2020 in Public Law 116–94 or in this Act under this heading are not required to be included in a transportation improvement program or a statewide transportation improvement pro-

AMERICAN OVERSIGHT

gram under sections 134 or 135 of title 23, United States Code, or chapter 53 of title 49, United States Code, as applicable: *Provided further*, That unless otherwise specified, applicable requirements under title 23, United States Code, shall apply to funds made available under this heading: *Provided further*, That the Administrator of the Federal Highway Administration may retain up to one half of one percent of the funds made available under this heading to fund the oversight by the Administrator of activities carried out with funds made available under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL TRANSIT ADMINISTRATION

PUBLIC TRANSPORTATION EMERGENCY RELIEF

For an additional amount for ''Public Transportation Emergency Relief'', $15,750,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus: *Provided*, That of the amounts appropriated under this heading in this Act—

(1) $11,750,000,000 shall be for grants to urbanized areas with populations over 3,000,000 and shall be allocated in the same ratio as funds were provided in fiscal year 2020: *Provided*, That 15 per-

AMERICAN OVERSIGHT

cent of the amounts provided in this paragraph shall be allocated as if such funds were provided under section 5307 of title 49, United States Code and apportioned in accordance with section 5338 of such title (other than subsection (b)(3) and (c)(1)(A)) and 85 percent of the amounts provided in this paragraph shall be allocated under section 5337 of such title and apportioned in accordance with such section: *Provided further*, That funds provided under section 5337 shall be added to funds apportioned under section 5307 for administration in accordance with provisions under section 5307: *Provided further*, That for urbanized areas with multiple subrecipients, funds provided under section 5337 in this paragraph shall be distributed among subrecipients using the same ratio used to distribute funds made available for section 5337 in fiscal year 2020; and

(2) $4,000,000,000 shall be for grants to transit agencies that, as a result of coronavirus, require significant additional assistance to maintain basic transit services: *Provided*, That such funds shall be administered as if they were provided under section 5324 of title 49, United States Code: *Provided further*, That any recipient or subrecipient of funds under chapter 53 of title 49, United States Code, or

AMERICAN OVERSIGHT

an intercity bus service provider that has, between October 1, 2018 and January 20, 2020, partnered with a recipient or subrecipient in order to meet the requirements of section 5311(f) of such title shall be eligible to directly apply for funds under this paragraph: *Provided further*, That entities that are not recipients or subrecipients of funds under chapter 53 of title 49 but are eligible for grants under this heading in this Act shall be eligible to receive not more than 18.75 percent of the total funds provided under this paragraph: *Provided further*, That such entities shall use assistance provided under this heading only for workforce retention or, the recall or rehire of any laid off, furloughed, or terminated employee, associated with the provision of bus service: *Provided further*, That, the Secretary shall issue a Notice of Funding Opportunity not later than 30 days after the date of enactment of this Act and that such Notice of Funding Opportunity shall require application submissions not later than 45 days after the enactment of this Act: *Provided further*, That the Secretary shall make awards not later than 45 days after the application deadline: *Provided further*, That the Secretary shall require grantees to provide estimates of financial need, data on reduced

AMERICAN OVERSIGHT

ridership, and a spending plan for funds: *Provided further*, That when evaluating applications for assistance, the Secretary shall give priority to transit agencies with the largest revenue loss as a percentage of their operating expenses: *Provided further*, That if applications for assistance do not exceed available funds, the Secretary shall reserve the remaining amounts for grantees to prevent, prepare for, and respond to coronavirus and shall accept applications on a rolling basis: *Provided further*, That if amounts made available under this heading in this Act remain unobligated on December 31, 2021, such amounts shall be available for any purpose eligible under section 5324 of title 49, United States Code: *Provided further*, That the provision of funds under this section shall not affect the ability of any other agency of the Government, including the Federal Emergency Management Agency, or State agency, a local governmental entity, organization, or person, to provide any other funds otherwise authorized by law: *Provided further*, That notwithstanding subsection (a)(1) or (b) of section 5307 of title 49, United States Code, subsection (a)(1) of section 5324 of such title, or any provision of chapter 53 of title 49, funds provided under this heading in this Act are available for the operating expenses of transit agencies re-

AMERICAN OVERSIGHT

lated to the response to a coronavirus public health emergency, including, beginning on January 20, 2020, reimbursement for operating costs to maintain service and lost revenue due to the coronavirus public health emergency, including the purchase of personal protective equipment, and paying the administrative leave of operations or contractor personnel due to reductions in service: *Provided further*, That to the maximum extent possible, funds made available under this heading in this Act and in title XII of division B of the CARES Act (Public Law 116-136) shall be directed to payroll and public transit service, unless the recipient certifies to the Secretary they have not furloughed any employees: *Provided further*, That such operating expenses are not required to be included in a transportation improvement program, long-range transportation plan, statewide transportation plan, or a statewide transportation improvement program: *Provided further*, That the Secretary shall not waive the requirements of section 5333 of title 49, United States Code, for funds appropriated under this heading in this Act: *Provided further*, That unless otherwise specified, applicable requirements under chapter 53 of title 49, United States Code, shall apply to funding made available under this heading in this Act, except that the Federal share of the costs for which any grant is made under this heading in this Act

AMERICAN OVERSIGHT

shall be, at the option of the recipient, up to 100 percent: *Provided further*, That the amount made available under this heading in this Act shall be derived from the general fund and shall not be subject to any limitation on obligations for transit programs set forth in any Act: *Provided further*, That not more than one-half of one percent of the funds for transit infrastructure grants provided under this heading in this Act shall be available for administrative expenses and ongoing program management oversight as authorized under sections 5334 and 5338(f)(2) of title 49, United States Code, and shall be in addition to any other appropriations for such purpose: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Tenant-Based Rental Assistance'', $4,000,000,000, to remain available until expended, and to be used under the same authority and conditions as the additional appropriations for fiscal year

AMERICAN OVERSIGHT

2020 under this heading in title XII of division B of the CARES Act (Public Law 116–136), except that any amounts provided for administrative expenses and other expenses of public housing agencies for their section 8 programs, including Mainstream vouchers, under this heading in the CARES Act (Public Law 116–136) and under this heading in this Act shall also be available for Housing Assistance Payments under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)): *Provided*, That amounts made available under this heading in this Act and under the same heading in title XII of division B of the CARES Act may be used to cover or reimburse allowable costs incurred to prevent, prepare for, and respond to coronavirus regardless of the date on which such costs were incurred: *Provided further*, That of the amounts made available under this heading in this Act, $500,000,000 shall be available for administrative expenses and other expenses of public housing agencies for their section 8 programs, including Mainstream vouchers: *Provided further*, That of the amounts made available under this heading in this Act, $2,500,000,000 shall be available for adjustments in the calendar year 2020 section 8 renewal funding allocations, including Mainstream vouchers, for public housing agencies that experience a significant increase in voucher per-unit costs due to ex-

AMERICAN OVERSIGHT

traordinary circumstances or that, despite taking reasonable cost savings measures, as determined by the Secretary, would otherwise be required to terminate rental assistance for families as a result of insufficient funding: *Provided further*, That of the amounts made available under this heading in this Act, $1,000,000,000 shall be used for incremental rental voucher assistance under section 8(o) of the United States Housing Act of 1937 for use by individuals and families who are—homeless, as defined under section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a)); at risk of homelessness, as defined under section 401(1) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(1)); or fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, or stalking: *Provided further*, That the Secretary shall allocate amounts made available in the preceding proviso to public housing agencies not later than 60 days after the date of enactment of this Act, according to a formula that considers the ability of the public housing agency to use vouchers promptly and the need of geographical areas based on factors to be determined by the Secretary, such as risk of transmission of coronavirus, high numbers or rates of sheltered and unsheltered homelessness, and economic and housing market conditions: *Provided further*, That if a public housing authority elects

AMERICAN OVERSIGHT

not to administer or does not promptly issue all of its authorized vouchers within a reasonable period of time, the Secretary shall reallocate any unissued vouchers and associated funds to other public housing agencies according to the criteria in the preceding proviso: *Provided further*, That a public housing agency shall not reissue any vouchers under this heading in this Act for incremental rental voucher assistance when assistance for the family initially assisted is terminated: *Provided further*, That upon termination of incremental rental voucher assistance under this heading in this Act for one or more families assisted by a public housing agency, the Secretary shall reallocate amounts that are no longer needed by such public housing agency for assistance under this heading in this Act to another public housing agency for the renewal of vouchers previously authorized under this heading in this Act: *Provided further*, That amounts made available in this paragraph are in addition to any other amounts made available for such purposes: *Provided further*, That up to 0.5 percent of the amounts made available under this heading in this Act may be transferred, in aggregate, to ''Department of Housing and Urban Development, Program Offices—Public and Indian Housing'' to supplement existing resources for the necessary costs of administering and overseeing the obligation and expenditure of these

AMERICAN OVERSIGHT

amounts, to remain available until September 30, 2024: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PUBLIC HOUSING OPERATING FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Housing Operating Fund'', as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), $2,000,000,000, to remain available until September 30, 2021, and to be used under the same authority and conditions as the additional appropriations for fiscal year 2020 under this heading in title XII of division B of the CARES Act (Public Law 116–136): *Provided*, That amounts made available under this heading in this Act and under the same heading in title XII of division B of the CARES Act may be used to cover or reimburse allowable costs incurred to prevent, prepare for, and respond to coronavirus regardless of the date on which such costs were incurred: *Provided further*, That up to 0.5 percent of the amounts made available under this heading in this Act may be transferred, in aggregate, to ''Department of Housing and Urban Development, Program Offices—Public and Indian Housing'' to supplement existing resources for the nec-

AMERICAN OVERSIGHT

essary costs of administering and overseeing the obligation and expenditure of these amounts, to remain available until September 30, 2024: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For an additional amount for ''Housing Opportunities for Persons with AIDS'', $15,000,000, to remain available until September 30, 2021, and to be used under the same authority and conditions as the additional appropriations for fiscal year 2020 under this heading in title XII of division B of the CARES Act (Public Law 116–136): *Provided*, That amounts provided under this heading in this Act that are allocated pursuant to section 854(c)(5) of the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.) shall remain available until September 30, 2022: *Provided further*, That not less than $15,000,000 of the amount provided under this heading in this Act shall be allocated pursuant to the formula in section 854 of such Act using the same data elements as utilized pursuant to that same formula in fiscal year 2020: *Provided further*, That such amount is designated by the Congress as being

AMERICAN OVERSIGHT

for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Community Development Fund'', $5,000,000,000, to remain available until September 30, 2023, and to be used under the same authority and conditions as the additional appropriations for fiscal year 2020 under this heading in title XII of division B of the CARES Act (Public Law 116–136): *Provided*, That such amount made available under this heading in this Act shall be distributed pursuant to section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306) to grantees that received allocations pursuant to such formula in fiscal year 2020, and that such allocations shall be made within 30 days of enactment of this Act: *Provided further*, That in administering funds under this heading, an urban county shall consider needs throughout the entire urban county configuration to prevent, prepare for, and respond to coronavirus: *Provided further*, That up to $100,000,000 of amounts made available under this heading in this Act may be used to make new awards or increase prior awards to existing technical assistance providers: *Provided further*, That of

AMERICAN OVERSIGHT

the amounts made available under this heading in this Act, up to $25,000,000 may be transferred to ''Department of Housing and Urban Development, Program Offices—Community Planning and Development'' for necessary costs of administering and overseeing the obligation and expenditure of amounts under this heading in this Act, to remain available until September 30, 2028: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Homeless Assistance Grants'', $11,500,000,000, to remain available until September 30, 2025, for the Emergency Solutions Grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.), as amended, and to be used under the same authority and conditions as the additional appropriations for fiscal year 2020 under this heading in title XII of division B of the CARES Act (Public Law 116–136): *Provided*, That $4,000,000,000 of the amount made available under this heading in this Act shall be distributed pursuant to 24 CFR 576.3 to grantees that received allo-

AMERICAN OVERSIGHT

cations pursuant to that same formula in fiscal year 2020, and that such allocations shall be made within 30 days of enactment of this Act: *Provided further*, That, in addition to amounts allocated in the preceding proviso, remaining amounts shall be allocated directly to a State or unit of general local government by the formula specified in the third proviso under this heading in title XII of division B of the CARES Act (Public Law 116–136): *Provided further*, That not later than 90 days after the date of enactment of this Act and every 60 days thereafter, the Secretary shall allocate a minimum of an additional $500,000,000, pursuant to the formula referred to in the preceding proviso, based on the best available data: *Provided further*, That up to 0.5 percent of the amounts made available under this heading in this Act may be transferred to ''Department of Housing and Urban Development—Program Offices—Community Planning and Development'' for necessary costs of administering and overseeing the obligation and expenditure of amounts under this heading in this Act, to remain available until September 30, 2030: *Provided further*, That funds made available under this heading in this Act and under this heading in title XII of division B of the CARES Act (Public Law 116–136) may be used for eligible activities the Secretary determines to be critical in order to assist survivors of do-

AMERICAN OVERSIGHT

mestic violence, sexual assault, dating violence, and stalking or to assist homeless youth, age 24 and under: *Provided further*, That amounts repurposed by this paragraph that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMERGENCY RENTAL ASSISTANCE

For activities and assistance authorized in section 110201 of the ''COVID–19 HERO Act'', $100,000,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For an additional amount for ''Project-Based Rental Assistance'', $750,000,000, to remain available until ex-

AMERICAN OVERSIGHT

pended, and to be used under the same authority and conditions as the additional appropriations for fiscal year 2020 under this heading in title XII of division B of the CARES Act (Public Law 116–136): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

HOUSING FOR THE ELDERLY

For an additional amount for ''Housing for the Elderly'', $500,000,000, to remain available until September 30, 2023, and to be used under the same authority and conditions as the additional appropriations for fiscal year 2020 under this heading in title XII of division B of the CARES Act (Public Law 116–136): *Provided*, That notwithstanding the first proviso under this heading in the CARES Act, $300,000,000 of the amount made available under this heading in this Act shall be for one-time grants for service coordinators, as authorized under section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632), and the continuation of existing congregate service grants for residents of assisted housing projects: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement

AMERICAN OVERSIGHT

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

HOUSING FOR PERSONS WITH DISABILITIES

For an additional amount for ''Housing for Persons with Disabilities'', $200,000,000, to remain available until September 30, 2023, and to be used under the same authority and conditions as the additional appropriations for fiscal year 2020 under this heading in title XII of division B of the CARES Act (Public Law 116–136): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

HOUSING COUNSELING ASSISTANCE

For an additional amount for ''Housing Counseling Assistance'', for contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, $100,000,000, to remain available until September 30, 2022, including up to $8,000,000 for administrative contract services: *Provided*, That funds made available under this heading in this Act shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management or literacy, foreclosure and eviction

AMERICAN OVERSIGHT

mitigation, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training: *Provided further*, That amounts made available under this heading in this Act may be used to purchase equipment and technology to deliver services through use of the Internet or other electronic or virtual means in response to the public health emergency related to the Coronavirus Disease 2019 (COVID–19) pandemic: *Provided further*, That for purposes of providing such grants from amounts provided under this heading, the Secretary may enter into multiyear agreements, as appropriate, subject to the availability of annual appropriations: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For an additional amount for ''Fair Housing Activities'', $14,000,000, to remain available until September 30, 2022, and to be used under the same authority and conditions as the additional appropriations for fiscal year

AMERICAN OVERSIGHT

2020 under this heading in title XII of division B of the CARES Act (Public Law 116–136): *Provided*, That of the funds made available under this heading in this Act, $4,000,000 shall be for Fair Housing Organization Initiative grants through the Fair Housing Initiatives Program (FHIP), made available to existing grantees, which may be used for fair housing activities and for technology and equipment needs to deliver services through use of the Internet or other electronic or virtual means in response to the public health emergency related to the Coronavirus Disease 2019 (COVID–19) pandemic: *Provided further*, That of the funds made available under this heading in this Act, $10,000,000 shall be for FHIP Education and Outreach grants made available to previously-funded national media grantees and State and local education and outreach grantees, to educate the public and the housing industry about fair housing rights and responsibilities during the COVID–19 pandemic: *Provided further*, That such grants in the preceding proviso shall be divided evenly between the national media campaign and education and outreach activities: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

GENERAL PROVISIONS—THIS TITLE

(INCLUDING RESCISSIONS)

SEC. 10901. There is hereby appropriated from the General Fund of the Treasury, for payment to the Airport and Airway Trust Fund, an amount equal to the amount authorized by section 9502(c) of title 26, United States Code.

SEC. 10902. Amounts previously made available in the Further Continuing Appropriations Act, 2013 (Public Law 113–6) for the heading ''Department of Housing and Urban Development—Public and Indian Housing—Choice Neighborhoods Initiative'' shall remain available for expenditure for the purpose of paying valid obligations incurred prior to the expiration of such amounts through September 30, 2021.

SEC. 10903. The provision under the heading ''Office of the Inspector General—Salaries and Expenses'' in title XII of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended by striking ''with funds made available in this Act to'' and inserting ''by'': *Provided*, That the amounts repurposed in this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency require-

AMERICAN OVERSIGHT

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

SEC. 10904. (a) Notwithstanding section 51309(a)(1)(B) of title 46, United States Code, for fiscal year 2020, the Secretary of Transportation may confer the degree of bachelor of science on an individual who has not passed the examination for a merchant marine officer's license due to intervening efforts to prevent, prepare for, and respond to coronavirus.

(b) The Secretary of Transportation may provide such individual up to 1 year after receipt of such degree to pass the examination for a merchant marine officer's license.

(c) Nothing in this section shall be construed to allow the provision of a license under section 7101 of title 46, United States Code, to an individual who has not passed the required examination.

SEC. 10905. (a) Notwithstanding section 51506(a)(3) of title 46, United States Code, for fiscal year 2020, the Secretary of Transportation may allow a State maritime academy to waive a condition for graduation for an individual to pass the examination required for the issuance of a license under section 7101 of title 46, United States Code, due to intervening efforts to prevent, prepare for, and respond to coronavirus.

AMERICAN OVERSIGHT

(b) The Secretary of Transportation may provide such individual up to 1 year after graduation to pass such examination.

(c) Nothing in this section shall be construed to allow the provision of a license under section 7101 of title 46, United States Code, to an individual who has not passed the required examination.

SEC. 10906. Amounts made available under the headings ''Project-Based Rental Assistance,'' ''Housing for the Elderly'' and ''Housing for Persons With Disabilities'' in title XII of division B of the CARES Act (Public Law 116–136) and under such headings in this title of this Act may be used, notwithstanding any other provision of law, to provide additional funds to maintain operations for such housing, for providing supportive services, and for taking other necessary actions to prevent, prepare for, and respond to coronavirus, including to actions to self-isolate, quarantine, or to provide other coronavirus infection control services as recommended by the Centers for Disease Control and Prevention, including providing relocation services for residents of such housing to provide lodging at hotels, motels, or other locations: *Provided*, That the amounts repurposed in this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit

AMERICAN OVERSIGHT

Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE X

GENERAL PROVISIONS—THIS DIVISION

SEC. 11001. Not later than 30 days after the date of enactment of this Act, the head of each executive agency that receives funding in any division of this Act, or that received funding in the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (division A of Public Law 116–123), the Second Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (division A of Public Law 116–127), the CARES Act (Public Law 116–136), or the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139) shall provide a report detailing the anticipated uses of all such funding to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That each report shall include estimated personnel and administrative costs, as well as the total amount of funding apportioned, allotted, obligated, and expended, to date: *Provided further*, That each such report shall be updated and submitted to such Committees every 60 days until all funds are expended or expire: *Provided*

AMERICAN OVERSIGHT

further, That reports submitted pursuant to this section shall satisfy the requirements of section 1701 of division A of Public Law 116–127.

SEC. 11002. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 11003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 11004. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2020.

SEC. 11005. Each amount designated in this Act by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded or transferred, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 11006. Any amount appropriated by this Act, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and subse-

AMERICAN OVERSIGHT

quently so designated by the President, and transferred pursuant to transfer authorities provided by this Act shall retain such designation.

SEC. 11007. (a) Any contract or agreement entered into by an agency with a State or local government or any other non-Federal entity for the purposes of providing covered assistance, including any information and documents related to the performance of and compliance with such contract or agreement, shall be—

(1) deemed an agency record for purposes of section 552(f)(2) of title 5, United States Code; and

(2) subject to section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'').

(b) In this section—

(1) the term ''agency'' has the meaning given the term in section 551 of title 5, United States Code; and

(2) the term ''covered assistance''—

(A) means any assistance provided by an agency in accordance with an Act or amendments made by an Act to provide aid, assistance, or funding related to the outbreak of COVID–19 that is enacted before, on, or after the date of enactment of this Act; and

AMERICAN OVERSIGHT

(B) includes any such assistance made available by an agency under—

(i) this Act;

(ii) the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139), or an amendment made by that Act;

(iii) the CARES Act (Public Law 116–136), or an amendment made by that Act;

(iv) the Families First Coronavirus Response Act (Public Law 116–127), or an amendment made by that Act; or

(v) the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123), or an amendment made by that Act.

SEC. 11008. (a) Notwithstanding any other provision of law and in a manner consistent with other provisions in any division of this Act, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to any division of this Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality

AMERICAN OVERSIGHT

as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(b) The amounts provided by this section are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BUDGETARY EFFECTS

SEC. 11009. (a) STATUTORY PAYGO EMERGENCY DESIGNATION.—The amounts provided under division B and each succeeding division are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) SENATE PAYGO EMERGENCY DESIGNATION.—In the Senate, division B and each succeeding division are designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Re-

AMERICAN OVERSIGHT

port 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of division B and each succeeding division—

(1) shall not be estimated for purposes of section 251 of such Act; and

(2) shall be entered on the PAYGO scorecards maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(d) ENSURING NO WITHIN-SESSION SEQUESTRATION.—Solely for the purpose of calculating a breach within a category for fiscal year 2020 pursuant to section 251(a)(6) or section 254(g) of the Balanced Budget and Emergency Deficit Control Act of 1985, and notwithstanding any other provision of this division, the budgetary effects from this division shall be counted as amounts designated as being for an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

This division may be cited as the ''Coronavirus Recovery Supplemental Appropriations Act, 2020''.

AMERICAN OVERSIGHT

DIVISION B—REVENUE PROVISIONS

SEC. 20001. SHORT TITLE.

This division may be cited as the ''COVID–19 Tax Relief Act of 2020''.

TITLE I—ECONOMIC STIMULUS

Subtitle A—2020 Recovery Rebate Improvements

SEC. 20101. DEPENDENTS TAKEN INTO ACCOUNT IN DETERMINING CREDIT AND REBATES.

(a) IN GENERAL.—Section 6428(a)(2) of the Internal Revenue Code of 1986 is amended by striking ''qualifying children (within the meaning of section 24(c))'' and inserting ''dependents (as defined in section 152)''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6428(g) of such Code is amended by striking ''qualifying child'' each place it appears and inserting ''dependent''.

(2) Section 6428(g)(2)(B) of such Code is amended by striking ''such child'' and inserting ''such dependent''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 2201 of the CARES Act.

AMERICAN OVERSIGHT

SEC. 20102. INDIVIDUALS PROVIDING TAXPAYER IDENTIFICATION NUMBERS TAKEN INTO ACCOUNT IN DETERMINING CREDIT AND REBATES.

(a) IN GENERAL.—Section 6428(g) of the Internal Revenue Code of 1986, as amended by section 20101 of this Act, is amended to read as follows:

"(g) IDENTIFICATION NUMBER REQUIREMENT.—

"(1) IN GENERAL.—The $1,200 amount in subsection (a)(1) shall be treated as being zero unless the taxpayer includes the TIN of the taxpayer on the return of tax for the taxable year.

"(2) JOINT RETURNS.—In the case of a joint return, the $2,400 amount in subsection (a)(1) shall be treated as being—

"(A) zero if the TIN of neither spouse is included on the return of tax for the taxable year, and

"(B) $1,200 if the TIN of only one spouse is so included.

"(3) DEPENDENTS.—A dependent shall not be taken into account under subsection (a)(2) unless the TIN of such dependent is included on the return of tax for the taxable year.

"(4) COORDINATION WITH CERTAIN ADVANCE PAYMENTS.—In the case of any payment made pursuant to subsection (f)(5)(B), a TIN shall be treated

AMERICAN OVERSIGHT

for purposes of this subsection as included on the taxpayer's return of tax if such TIN is provided pursuant to such subsection.

''(5) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Any omission of a correct TIN required under this subsection shall be treated as a mathematical or clerical error for purposes of applying section 6213(g)(2) to such omission.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 2201 of the CARES Act.

SEC. 20103. 2020 RECOVERY REBATES NOT SUBJECT TO REDUCTION OR OFFSET WITH RESPECT TO PAST-DUE SUPPORT.

(a) IN GENERAL.—Section 2201(d)(2) of the CARES Act is amended by inserting ''(c),'' before ''(d)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to credits and refunds allowed or made after the date of the enactment of this Act.

SEC. 20104. PROTECTION OF 2020 RECOVERY REBATES.

(a) IN GENERAL.—Subsection (d) of section 2201 of the CARES Act, as amended by the preceding provisions of this Act, is amended—

AMERICAN OVERSIGHT

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), and by moving such subparagraphs 2 ems to the right,

(2) by striking ''REDUCTION OR OFFSET.—Any credit'' and inserting ''REDUCTION, OFFSET, GARNISHMENT, ETC.—

''(1) IN GENERAL.—Any credit'', and

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

''(2) ASSIGNMENT OF BENEFITS.—

''(A) IN GENERAL.—Any applicable payment shall not be subject to transfer, assignment, execution, levy, attachment, garnishment, or other legal process, or the operation of any bankruptcy or insolvency law, to the same extent as payments described in section 207 of the Social Security Act (42 U.S.C. 407) without regard to subsection (b) thereof.

''(B) ENCODING OF PAYMENTS.—As soon as practicable after the date of the enactment of this paragraph, the Secretary of the Treasury shall encode applicable payments that are paid electronically to any account—

''(i) with a unique identifier that is reasonably sufficient to allow a financial

AMERICAN OVERSIGHT

institution to identify the payment as a payment protected under subparagraph (A), and

"(ii) pursuant to the same specifications as required for a benefit payment to which part 212 of title 31, Code of Federal regulations applies.

"(C) GARNISHMENT.—

"(i) ENCODED PAYMENTS.—Upon receipt of a garnishment order that applies to an account that has received an applicable payment that is encoded as provided in subparagraph (B), a financial institution shall follow the requirements and procedures set forth in part 212 of title 31, Code of Federal Regulations. This paragraph shall not alter the status of payments as tax refunds or other nonbenefit payments for purpose of any reclamation rights of the Department of Treasury or the Internal Revenue Service as per part 210 of title 31 of the Code of Federal Regulations.

"(ii) OTHER PAYMENTS.—If a financial institution receives a garnishment

AMERICAN OVERSIGHT

order (other than an order that has been served by the United States) that applies to an account into which an applicable payment that has not been encoded as provided in subparagraph (B) has been deposited on any date in the prior 60 days (including any date before the date of the enactment of this paragraph), the financial institution, upon the request of the account holder or for purposes of complying in good faith with a State order, State law, court order, or interpretation by a State Attorney General relating to garnishment order, may, but is not required to, treat the amount of the payment as exempt under law from garnishment without requiring the account holder to assert any right of garnishment exemption or requiring the consent of the judgment creditor.

''(iii) LIABILITY.—A financial institution that complies in good faith with clause (i) or that acts in good faith in reliance on clause (ii) shall not be liable under any Federal or State law, regulation, or court or other order to a creditor that initiates

AMERICAN OVERSIGHT

an order for any protected amounts, to an account holder for any frozen amounts or garnishment order applied.

''(D) DEFINITIONS.—For purposes of this paragraph—

''(i) ACCOUNT HOLDER.—The term 'account holder' means a natural person against whom a garnishment order is issued and whose name appears in a financial institution's records.

''(ii) APPLICABLE PAYMENT.—The term 'applicable payment' means any payment of credit or refund by reason of section 6428 of such Code (as so added) or by reason of subsection (c) of this section.

''(iii) GARNISHMENT.—The term 'garnishment' means execution, levy, attachment, garnishment, or other legal process.

''(iv) GARNISHMENT ORDER.—The term 'garnishment order' means a writ, order, notice, summons, judgment, levy, or similar written instruction issued by a court, a State or State agency, a municipality or municipal corporation, or a State child support enforcement agency, includ-

AMERICAN OVERSIGHT

ing a lien arising by operation of law for overdue child support or an order to freeze the assets in an account, to effect a garnishment against a debtor.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 20105. PAYMENTS TO REPRESENTATIVE PAYEES AND FIDUCIARIES.

(a) IN GENERAL.—Section 6428(f) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

''(6) PAYMENT TO REPRESENTATIVE PAYEES AND FIDUCIARIES.—

''(A) IN GENERAL.—In the case of any individual for which payment information is provided to the Secretary by the Commissioner of Social Security, the Railroad Retirement Board, or the Secretary of Veterans Affairs, the payment by the Secretary under paragraph (3) with respect to such individual may be made to such individual's representative payee or fiduciary and the entire payment shall be—

AMERICAN OVERSIGHT

"(i) provided to the individual who is entitled to the payment, or

"(ii) used only for the benefit of the individual who is entitled to the payment.

"(B) APPLICATION OF ENFORCEMENT PROVISIONS.—

"(i) In the case of a payment described in subparagraph (A) which is made with respect to a social security beneficiary or a supplemental security income recipient, section 1129(a)(3) of the Social Security Act (42 U.S.C. 1320a–8(a)(3)) shall apply to such payment in the same manner as such section applies to a payment under title II or XVI of such Act.

"(ii) In the case of a payment described in subparagraph (A) which is made with respect to a railroad retirement beneficiary, section 13 of the Railroad Retirement Act (45 U.S.C. 231l) shall apply to such payment in the same manner as such section applies to a payment under such Act.

"(iii) In the case of a payment described in subparagraph (A) which is made

AMERICAN OVERSIGHT

with respect to a veterans beneficiary, sections 5502, 6106, and 6108 of title 38, United States Code, shall apply to such payment in the same manner as such sections apply to a payment under such title.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 2201 of the CARES Act.

SEC. 20106. APPLICATION TO TAXPAYERS WITH RESPECT TO WHOM ADVANCE PAYMENT HAS ALREADY BEEN MADE.

In the case of any taxpayer with respect to whom refund or credit was made or allowed before the date of the enactment of this Act under subsection (f) of section 6428 of the Internal Revenue Code of 1986 (as added by the CARES Act), such subsection shall be applied separately with respect to the excess (if any) of—

(1) the advance refund amount determined under section 6428(f)(2) of such Code after the application of the amendments made by this subtitle, over

(2) the amount of such refund or credit so made or allowed.

AMERICAN OVERSIGHT

Subtitle B—Additional Recovery Rebates to Individuals

SEC. 20111. ADDITIONAL RECOVERY REBATES TO INDIVIDUALS.

(a) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by inserting after section 6428 the following new section:

"SEC. 6428A. ADDITIONAL RECOVERY REBATES TO INDIVIDUALS.

''(a) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by subtitle A for the first taxable year beginning in 2020 an amount equal to the additional rebate amount determined for such taxable year.

''(b) ADDITIONAL REBATE AMOUNT.—For purposes of this section, the term 'additional rebate amount' means, with respect to any taxpayer for any taxable year, the sum of—

''(1) $1,200 ($2,400 in the case of a joint return), plus

''(2) $1,200 multiplied by the number of dependents of the taxpayer for such taxable year (not in excess of 3 such dependents).

''(c) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means any individual other than—

AMERICAN OVERSIGHT

"(1) any nonresident alien individual,

"(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, and

"(3) an estate or trust.

"(d) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—The amount of the credit allowed by subsection (a) (determined without regard to this subsection and subsection (f)) shall be reduced (but not below zero) by 5 percent of so much of the taxpayer's modified adjusted gross income as exceeds—

"(1) $150,000 in the case of a joint return or a surviving spouse (as defined in section 2(a)),

"(2) $112,500 in the case of a head of household (as defined in section 2(b)), and

"(3) $75,000 in any other case.

"(e) DEFINITIONS AND SPECIAL RULES.—

"(1) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection (other than this paragraph), the term 'modified adjusted gross income' means adjusted gross income determined without regard to sections 911, 931, and 933.

AMERICAN OVERSIGHT

"(2) DEPENDENT DEFINED.—For purposes of this section, the term 'dependent' has the meaning given such term by section 152.

"(3) CREDIT TREATED AS REFUNDABLE.—The credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of subchapter A of chapter 1.

"(4) IDENTIFICATION NUMBER REQUIREMENT.—

"(A) IN GENERAL.—The $1,200 amount in subsection (b)(1) shall be treated as being zero unless the taxpayer includes the TIN of the taxpayer on the return of tax for the taxable year.

"(B) JOINT RETURNS.—In the case of a joint return, the $2,400 amount in subsection (b)(1) shall be treated as being—

"(i) zero if the TIN of neither spouse is included on the return of tax for the taxable year, and

"(ii) $1,200 if the TIN of only one spouse is so included.

"(C) DEPENDENTS.—A dependent shall not be taken into account under subsection

AMERICAN OVERSIGHT

(b)(2) unless the TIN of such dependent is included on the return of tax for the taxable year.

''(D) COORDINATION WITH CERTAIN ADVANCE PAYMENTS.—In the case of any payment made pursuant to subsection (g)(5)(A)(ii), a TIN shall be treated for purposes of this paragraph as included on the taxpayer's return of tax if such TIN is provided pursuant to such subsection.

''(f) COORDINATION WITH ADVANCE REFUNDS OF CREDIT.—

''(1) REDUCTION OF REFUNDABLE CREDIT.—The amount of the credit which would (but for this paragraph) be allowable under subsection (a) shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer (or any dependent of the taxpayer) under subsection (g). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

''(2) JOINT RETURNS.—In the case of a refund or credit made or allowed under subsection (g) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.

AMERICAN OVERSIGHT

"(g) ADVANCE REFUNDS AND CREDITS.—

"(1) IN GENERAL.—Subject to paragraph (5), each individual who was an eligible individual for such individual's first taxable year beginning in 2019 shall be treated as having made a payment against the tax imposed by chapter 1 for such taxable year in an amount equal to the advance refund amount for such taxable year.

"(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such taxable year if this section (other than subsection (f) and this subsection) had applied to such taxable year.

"(3) TIMING AND MANNER OF PAYMENTS.—

"(A) TIMING.—The Secretary shall, subject to the provisions of this title, refund or credit any overpayment attributable to this section as rapidly as possible. No refund or credit shall be made or allowed under this subsection after December 31, 2020.

"(B) DELIVERY OF PAYMENTS.—Notwithstanding any other provision of law, the Secretary may certify and disburse refunds payable under this subsection electronically to any ac-

AMERICAN OVERSIGHT

count to which the payee authorized, on or after January 1, 2018, the delivery of a refund of taxes under this title or of a Federal payment (as defined in section 3332 of title 31, United States Code).

''(C) WAIVER OF CERTAIN RULES.—Notwithstanding section 3325 of title 31, United States Code, or any other provision of law, with respect to any payment of a refund under this subsection, a disbursing official in the executive branch of the United States Government may modify payment information received from an officer or employee described in section 3325(a)(1)(B) of such title for the purpose of facilitating the accurate and efficient delivery of such payment. Except in cases of fraud or reckless neglect, no liability under sections 3325, 3527, 3528, or 3529 of title 31, United States Code, shall be imposed with respect to payments made under this subparagraph.

''(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this section.

''(5) APPLICATION TO INDIVIDUALS WHO DO NOT FILE A RETURN OF TAX FOR 2019.—

AMERICAN OVERSIGHT

"(A) IN GENERAL.—In the case of an individual who, at the time of any determination made pursuant to paragraph (3), has not filed a tax return for the year described in paragraph (1), the Secretary shall—

"(i) apply paragraph (1) by substituting '2018' for '2019', and

"(ii) in the case of a specified individual who has not filed a tax return for such individual's first taxable year beginning in 2018, determine the advance refund amount with respect to such individual without regard to subsections (d) and on the basis of information with respect to such individual which is provided by—

"(I) in the case of a specified social security beneficiary or a specified supplemental security income recipient, the Commissioner of Social Security,

"(II) in the case of a specified railroad retirement beneficiary, the Railroad Retirement Board, and

AMERICAN OVERSIGHT

"(III) in the case of a specified veterans beneficiary, the Secretary of Veterans Affairs (in coordination with, and with the assistance of, the Commissioner of Social Security if appropriate).

"(B) SPECIFIED INDIVIDUAL.—For purposes of this paragraph, the term 'specified individual' means any individual who is—

"(i) a specified social security beneficiary,

"(ii) a specified supplemental security income recipient,

"(iii) a specified railroad retirement beneficiary, or

"(iv) a specified veterans beneficiary.

"(C) SPECIFIED SOCIAL SECURITY BENEFICIARY.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'specified social security beneficiary' means any individual who, for the last month that ends prior to the date of enactment of this section, is entitled to any monthly insurance benefit payable under title II of the Social Security Act (42 U.S.C. 401 et

AMERICAN OVERSIGHT

seq.), including payments made pursuant to sections 202(d), 223(g), and 223(i)(7) of such Act.

''(ii) EXCEPTION.—Such term shall not include any individual if such benefit is not payable for such month by reason of section 202(x) of the Social Security Act (42 U.S.C. 402(x)) or section 1129A of such Act (42 U.S.C. 1320a–8a).

''(D) SPECIFIED SUPPLEMENTAL SECURITY INCOME RECIPIENT.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'specified supplemental security income recipient' means any individual who, for the last month that ends prior to the date of enactment of this section, is eligible for a monthly benefit payable under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) (other than a benefit to an individual described in section 1611(e)(1)(B) of such Act (42 U.S.C. 1382(e)(1)(B)), including—

AMERICAN OVERSIGHT

"(I) payments made pursuant to section 1614(a)(3)(C) of such Act (42 U.S.C. 1382c(a)(3)(C)),

"(II) payments made pursuant to section 1619(a) (42 U.S.C. 1382h) or subsections (a)(4), (a)(7), or (p)(7) of section 1631 (42 U.S.C. 1383) of such Act, and

"(III) State supplementary payments of the type referred to in section 1616(a) of such Act (42 U.S.C. 1382e(a)) (or payments of the type described in section 212(a) of Public Law 93–66) which are paid by the Commissioner under an agreement referred to in such section 1616(a) (or section 212(a) of Public Law 93–66).

"(ii) EXCEPTION.—Such term shall not include any individual if such monthly benefit is not payable for such month by reason of subsection (e)(1)(A) or (e)(4) of section 1611 (42 U.S.C. 1382) or section 1129A of such Act (42 U.S.C. 1320a–8a).

"(E) SPECIFIED RAILROAD RETIREMENT BENEFICIARY.—For purposes of this para-

AMERICAN OVERSIGHT

graph, the term 'specified railroad retirement beneficiary' means any individual who, for the last month that ends prior to the date of enactment of this section, is entitled to a monthly annuity or pension payment payable (without regard to section 5(a)(ii) of the Railroad Retirement Act of 1974 (45 U.S.C. 231d(a)(ii))) under—

"(i) section 2(a)(1) of such Act (45 U.S.C. 231a(a)(1)),

"(ii) section 2(c) of such Act (45 U.S.C. 231a(c)),

"(iii) section 2(d)(1) of such Act (45 U.S.C. 231a(d)(1)), or

"(iv) section 7(b)(2) of such Act (45 U.S.C. 231f(b)(2)) with respect to any of the benefit payments described in subparagraph (C)(i).

"(F) SPECIFIED VETERANS BENEFICIARY.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'specified veterans beneficiary' means any individual who, for the last month that ends prior to the date of enactment of this sec-

AMERICAN OVERSIGHT

tion, is entitled to a compensation or pension payment payable under—

"(I) section 1110, 1117, 1121, 1131, 1141, or 1151 of title 38, United States Code,

"(II) section 1310, 1312, 1313, 1315, 1316, or 1318 of title 38, United States Code,

"(III) section 1513, 1521, 1533, 1536, 1537, 1541, 1542, or 1562 of title 38, United States Code, or

"(IV) section 1805, 1815, or 1821 of title 38, United States Code,

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

"(ii) EXCEPTION.—Such term shall not include any individual if such compensation or pension payment is not payable, or was reduced, for such month by reason of section 1505, 5313, or 5313B of title 38, United States Code.

"(G) SUBSEQUENT DETERMINATIONS AND REDETERMINATIONS NOT TAKEN INTO AC-

AMERICAN OVERSIGHT

COUNT.—For purposes of this section, any individual's status as a specified social security beneficiary, a specified supplemental security income recipient, a specified railroad retirement beneficiary, or a specified veterans beneficiary shall be unaffected by any determination or redetermination of any entitlement to, or eligibility for, any benefit, payment, or compensation, if such determination or redetermination occurs after the last month that ends prior to the date of enactment of this section.

"(H) PAYMENT TO REPRESENTATIVE PAYEES AND FIDUCIARIES.—

"(i) IN GENERAL.—If the benefit, payment, or compensation referred to in subparagraph (C)(i), (D)(i), (E), or (F)(i) with respect to any specified individual is paid to a representative payee or fiduciary, payment by the Secretary under paragraph (3) with respect to such specified individual shall be made to such individual's representative payee or fiduciary and the entire payment shall be used only for the benefit of the individual who is entitled to the payment.

AMERICAN OVERSIGHT

"(ii) APPLICATION OF ENFORCEMENT PROVISIONS.—

"(I) In the case of a payment described in clause (i) which is made with respect to a specified social security beneficiary or a specified supplemental security income recipient, section 1129(a)(3) of the Social Security Act (42 U.S.C. 1320a–8(a)(3)) shall apply to such payment in the same manner as such section applies to a payment under title II or XVI of such Act.

"(II) In the case of a payment described in clause (i) which is made with respect to a specified railroad retirement beneficiary, section 13 of the Railroad Retirement Act (45 U.S.C. 231l) shall apply to such payment in the same manner as such section applies to a payment under such Act.

"(III) In the case of a payment described in clause (i) which is made with respect to a specified veterans beneficiary, sections 5502, 6106, and

AMERICAN OVERSIGHT

6108 of title 38, United States Code, shall apply to such payment in the same manner as such sections apply to a payment under such title.

"(6) NOTICE TO TAXPAYER.—Not later than 15 days after the date on which the Secretary distributed any payment to an eligible taxpayer pursuant to this subsection, notice shall be sent by mail to such taxpayer's last known address. Such notice shall indicate the method by which such payment was made, the amount of such payment, and a phone number for the appropriate point of contact at the Internal Revenue Service to report any error with respect to such payment.

"(h) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including—

"(1) regulations or other guidance providing taxpayers the opportunity to provide the Secretary information sufficient to allow the Secretary to make payments to such taxpayers under subsection (g) (including the determination of the amount of such payment) if such information is not otherwise available to the Secretary, and

AMERICAN OVERSIGHT

''(2) regulations or other guidance providing for the proper treatment of joint returns and taxpayers with dependents to ensure that an individual is not taken into account more than once in determining the amount of any credit under subsection (a) and any credit or refund under subsection (g).

''(i) OUTREACH.—The Secretary shall carry out a robust and comprehensive outreach program to ensure that all taxpayers described in subsection (h)(1) learn of their eligibility for the advance refunds and credits under subsection (g); are advised of the opportunity to receive such advance refunds and credits as provided under subsection (h)(1); and are provided assistance in applying for such advance refunds and credits. In conducting such outreach program, the Secretary shall coordinate with other government, State, and local agencies; federal partners; and community-based nonprofit organizations that regularly interface with such taxpayers.''.

(b) TREATMENT OF CERTAIN POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—The Secretary of the Treasury shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the amendments made by this section. Such

AMERICAN OVERSIGHT

amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(2) PAYMENTS TO OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits (if any) that would have been provided to residents of such possession by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to its residents.

(3) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed against United States income taxes under section 6428A of the Internal Revenue Code of 1986 (as added by this section), nor shall any credit or refund be made or allowed under subsection (g) of such section, to any person—

AMERICAN OVERSIGHT

(A) to whom a credit is allowed against taxes imposed by the possession by reason of the amendments made by this section, or

(B) who is eligible for a payment under a plan described in paragraph (2).

(4) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(c) ADMINISTRATIVE PROVISIONS.—

(1) DEFINITION OF DEFICIENCY.—Section 6211(b)(4)(A) of the Internal Revenue Code of 1986 is amended by striking ''and 6428'' and inserting ''6428, and 6428A''.

(2) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Section 6213(g)(2) of such Code is amended—

(A) by inserting ''or section 6428A (relating to additional recovery rebates to individuals)'' before the comma at the end of subparagraph (H), and

AMERICAN OVERSIGHT

(B) by striking ''or 6428'' in subparagraph (L) and inserting ''6428, or 6428A''.

(3) EXCEPTION FROM REDUCTION OR OFFSET.—Any credit or refund allowed or made to any individual by reason of section 6428A of the Internal Revenue Code of 1986 (as added by this section) or by reason of subsection (b) of this section shall not be—

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

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

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

(4) ASSIGNMENT OF BENEFITS.—

(A) IN GENERAL.—Any applicable payment shall not be subject to transfer, assignment, execution, levy, attachment, garnishment, or other legal process, or the operation of any bankruptcy or insolvency law, to the same extent as payments described in section 207 of

AMERICAN OVERSIGHT

the Social Security Act (42 U.S.C. 407) without regard to subsection (b) thereof.

(B) ENCODING OF PAYMENTS.—As soon as practicable after the date of the enactment of the paragraph, the Secretary of the Treasury shall encode applicable payments that are paid electronically to any account—

(i) with a unique identifier that is reasonably sufficient to allow a financial institution to identify the payment as a payment protected under subparagraph (A), and

(ii) pursuant to the same specifications as required for a benefit payment to which part 212 of title 31, Code of Federal regulations applies.

(C) GARNISHMENT.—

(i) ENCODED PAYMENTS.—Upon receipt of a garnishment order that applies to an account that has received an applicable payment that is encoded as provided in subparagraph (B), a financial institution shall follow the requirements and procedures set forth in part 212 of title 31, Code of Federal Regulations. This para-

AMERICAN OVERSIGHT

graph shall not alter the status of payments as tax refunds or other nonbenefit payments for purpose of any reclamation rights of the Department of Treasury or the Internal Revenue Serves as per part 210 of title 31 of the Code of Federal Regulations.

(ii) OTHER PAYMENTS.—If a financial institution receives a garnishment order (other than an order that has been served by the United States) that applies to an account into which an applicable payment that has not been encoded as provided in subparagraph (B) has been deposited on any date in the prior 60 days (including any date before the date of the enactment of this paragraph), the financial institution, upon the request of the account holder or for purposes of complying in good faith with a State order, State law, court order, or interpretation by a State Attorney General relating to garnishment order, may, but is not required to, treat the amount of the payment as exempt under law from garnishment without requiring

AMERICAN OVERSIGHT

the account holder to assert any right of garnishment exemption or requiring the consent of the judgment creditor.

(iii) LIABILITY.—A financial institution that complies in good faith with clause (i) or that acts in good faith in reliance on clause (ii) shall not be liable under any Federal or State law, regulation, or court or other order to a creditor that initiates an order for any protected amounts, to an account holder for any frozen amounts or garnishment order applied.

(D) DEFINITIONS.—For purposes of this paragraph—

(i) ACCOUNT HOLDER.—The term ''account holder'' means a natural person against whom a garnishment order is issued and whose name appears in a financial institution's records.

(ii) APPLICABLE PAYMENT.—The term ''applicable payment'' means any payment of credit or refund by reason of section 6428 of such Code (as so added) or by reason of subsection (c) of this section.

AMERICAN OVERSIGHT

(iii) GARNISHMENT.—The term ''garnishment'' means execution, levy, attachment, garnishment, or other legal process.

(iv) GARNISHMENT ORDER.—The term ''garnishment order'' means a writ, order, notice, summons, judgment, levy, or similar written instruction issued by a court, a State or State agency, a municipality or municipal corporation, or a State child support enforcement agency, including a lien arising by operation of law for overdue child support or an order to freeze the assets in an account, to effect a garnishment against a debtor.

(5) TREATMENT OF CREDIT AND ADVANCE PAYMENTS.—For purposes of section 1324 of title 31, United States Code, any credit under section 6428A(a) of the Internal Revenue Code of 1986, any credit or refund under section 6428A(g) of such Code, and any payment under subsection (b) of this section, shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section 1324.

(6) AGENCY INFORMATION SHARING AND ASSISTANCE.—The Commissioner of Social Security,

AMERICAN OVERSIGHT

the Railroad Retirement Board, and the Secretary of Veterans Affairs shall each provide the Secretary of the Treasury (or the Secretary's delegate) such information and assistance as the Secretary of the Treasury (or the Secretary's delegate) may require for purposes of making payments under section 6428A(g) of the Internal Revenue Code of 1986 to individuals described in paragraph (5)(A)(ii) thereof.

(7) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 6428 the following new item:

"Sec. 6428A. Additional recovery rebates to individuals.".

(d) APPROPRIATIONS TO CARRY OUT THIS SECTION.—

(1) IN GENERAL.—Immediately upon the enactment of this Act, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020—

(A) DEPARTMENT OF THE TREASURY.—

(i) For an additional amount for "Department of the Treasury—Bureau of Fiscal Services—Salaries and Expenses",

AMERICAN OVERSIGHT

$78,650,000, to remain available until September 30, 2021.

(ii) For an additional amount for ''Department of the Treasury—Internal Revenue Service—Taxpayer Services'', $298,700,000, to remain available until September 30, 2021.

(iii) For an additional amount for ''Department of the Treasury—Internal Revenue Service—Enforcement'', $37,200,000, to remain available until September 30, 2021.

(iv) For an additional amount for ''Department of the Treasury—Internal Revenue Service—Operations Support'', $185,000,000, to remain available until September 30, 2021.

(v) For an additional amount for ''Department of the Treasury—Office of Treasury Inspector General for Tax Administration'', $10,000,000, to remain available until September 30, 2024, for necessary expenses related to COVID–19 including carrying out investigations.

AMERICAN OVERSIGHT

Amounts made available in appropriations under clauses (ii), (iii), and (iv) of this subparagraph may be transferred between such appropriations upon the advance notification of the Committees on Appropriations of the House of Representatives and the Senate. Such transfer authority is in addition to any other transfer authority provided by law.

(B) SOCIAL SECURITY ADMINISTRATION.—For an additional amount for ''Social Security Administration—Limitation on Administrative Expenses'', $40,500,000, to remain available until September 30, 2021: Provided, that $2,500,000, to remain available until September 30, 2024, shall be transferred to ''Social Security Administration—Office of Inspector General'' for necessary expenses in carrying out the provisions of the Inspector General Act of 1978.

(C) RAILROAD RETIREMENT BOARD.—For an additional amount for ''Railroad Retirement Board—Limitation on Administration'', $8,300, to remain available until September 30, 2021.

(2) REPORTS.—No later than 15 days after enactment of this Act, the Secretary of the Treasury

AMERICAN OVERSIGHT

shall submit a plan to the Committees on Appropriations of the House of Representatives and the Senate detailing the expected use of the funds provided by clauses (i) through (iv) paragraph (1)(A). Beginning 90 days after enactment of this Act, the Secretary of the Treasury shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the actual expenditure of such funds and the expected expenditure of such funds in the subsequent quarter.

(e) CERTAIN REQUIREMENTS RELATED TO RECOVERY REBATES AND ADDITIONAL RECOVERY REBATES.—

(1) SIGNATURES ON CHECKS AND NOTICES, ETC., BY THE DEPARTMENT OF THE TREASURY.—Any check issued to an individual by the Department of the Treasury pursuant to section 6428 or 6428A of the Internal Revenue Code of 1986, and any notice issued pursuant to section 6428(f)(6) or section 6428A(g)(6) of such Code, may not be signed by or otherwise bear the name, signature, image or likeness of the President, the Vice President or any elected official or cabinet level officer of the United States, or any individual who, with respect to any of the aforementioned individuals, bears

AMERICAN OVERSIGHT

any relationship described in subparagraphs (A) through (G) of section 152(d)(2) of the Internal Revenue Code of 1986.

(2) EFFECTIVE DATE.—Paragraph (1) shall apply to checks and notices issued after the date of the enactment of this Act.

(f) REPORTS TO CONGRESS.—Each week beginning after the date of the enactment of this Act and beginning before December 31, 2020, on Friday of such week, not later than 3 p.m. Eastern Time, the Secretary of the Treasury shall provide a written report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate. Such report shall include the following information with respect to payments made pursuant to each of sections 6428 and 6428A of the Internal Revenue Code of 1986:

(1) The number of scheduled payments sent to the Bureau of Fiscal Service for payment by direct deposit or paper check for the following week (stated separately for direct deposit and paper check).

(2) The total dollar amount of the scheduled payments described in paragraph (1).

(3) The number of direct deposit payments returned to the Department of the Treasury and the total dollar value of such payments, for the week

AMERICAN OVERSIGHT

ending on the day prior to the day on which the report is provided.

(4) The total number of letters related to payments under section 6428 or 6428A of such Code mailed to taxpayers during the week ending on the day prior to the day on which the report is provided.

Subtitle C—Earned Income Tax Credit

SEC. 20121. STRENGTHENING THE EARNED INCOME TAX CREDIT FOR INDIVIDUALS WITH NO QUALIFYING CHILDREN.

(a) SPECIAL RULES FOR 2020.—Section 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(n) SPECIAL RULES FOR INDIVIDUALS WITHOUT QUALIFYING CHILDREN.—In the case of any taxable year beginning after December 31, 2019, and before January 1, 2021—

''(1) DECREASE IN MINIMUM AGE FOR CREDIT.—

''(A) IN GENERAL.—Subsection (c)(1)(A)(ii)(II) shall be applied by substituting 'the applicable minimum age' for 'age 25'.

''(B) APPLICABLE MINIMUM AGE.—For purposes of this paragraph, the term 'applicable minimum age' means—

AMERICAN OVERSIGHT

"(i) except as otherwise provided in this subparagraph, age 19,

"(ii) in the case of a full-time student (other than a qualified former foster youth or a qualified homeless youth), age 25, and

"(iii) in the case of a qualified former foster youth or a qualified homeless youth, age 18.

"(C) FULL-TIME STUDENT.—For purposes of this paragraph, the term 'full-time student' means, with respect to any taxable year, an individual who is an eligible student (as defined in section 25A(b)(3)) during at least 5 calendar months during the taxable year.

"(D) QUALIFIED FORMER FOSTER YOUTH.—For purposes of this paragraph, the term 'qualified former foster youth' means an individual who—

"(i) on or after the date that such individual attained age 14, was in foster care provided under the supervision or administration of a State or tribal agency administering (or eligible to administer) a plan under part B or part E of the Social Security Act (without regard to whether Fed-

AMERICAN OVERSIGHT

eral assistance was provided with respect to such child under such part E), and

''(ii) provides (in such manner as the Secretary may provide) consent for State and tribal agencies which administer a plan under part B or part E of the Social Security Act to disclose to the Secretary information related to the status of such individual as a qualified former foster youth.

''(E) QUALIFIED HOMELESS YOUTH.—For purposes of this paragraph, the term 'qualified homeless youth' means, with respect to any taxable year, an individual who—

''(i) is certified by a local educational agency or a financial aid administrator during such taxable year as being either an unaccompanied youth who is a homeless child or youth, or as unaccompanied, at risk of homelessness, and self-supporting. Terms used in the preceding sentence which are also used in section 480(d)(1) of the Higher Education Act of 1965 shall have the same meaning as when used in such section, and

AMERICAN OVERSIGHT

"(ii) provides (in such manner as the Secretary may provide) consent for local educational agencies and financial aid administrators to disclose to the Secretary information related to the status of such individual as a qualified homeless youth.

"(2) INCREASE IN MAXIMUM AGE FOR CREDIT.—Subsection (c)(1)(A)(ii)(II) shall be applied by substituting 'age 66' for 'age 65'.

"(3) INCREASE IN CREDIT AND PHASEOUT PERCENTAGES.—The table contained in subsection (b)(1) shall be applied by substituting '15.3' for '7.65' each place it appears therein.

"(4) INCREASE IN EARNED INCOME AND PHASEOUT AMOUNTS.—

"(A) IN GENERAL.—The table contained in subsection (b)(2)(A) shall be applied—

"(i) by substituting '$9,720' for '$4,220', and

"(ii) by substituting '$11,490' for '$5,280'.

"(B) COORDINATION WITH INFLATION ADJUSTMENT.—Subsection (j) shall not apply to any dollar amount specified in this paragraph.".

AMERICAN OVERSIGHT

(b) INFORMATION RETURN MATCHING.—As soon as practicable, the Secretary of the Treasury (or the Secretary's delegate) shall develop and implement procedures to use information returns under section 6050S (relating to returns relating to higher education tuition and related expenses) to check the status of individuals as full-time students for purposes of section 32(n)(1)(B)(ii) of the Internal Revenue Code of 1986 (as added by this section).

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

SEC. 20122. TAXPAYER ELIGIBLE FOR CHILDLESS EARNED INCOME CREDIT IN CASE OF QUALIFYING CHILDREN WHO FAIL TO MEET CERTAIN IDENTIFICATION REQUIREMENTS.

(a) IN GENERAL.—Section 32(c)(1) of the Internal Revenue Code of 1986 is amended by striking subparagraph (F).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 20123. CREDIT ALLOWED IN CASE OF CERTAIN SEPARATED SPOUSES.

(a) IN GENERAL.—Section 32(d) of the Internal Revenue Code of 1986 is amended—

AMERICAN OVERSIGHT

(1) by striking ''MARRIED INDIVIDUALS.—In the case of'' and inserting the following: ''MARRIED INDIVIDUALS.—

''(1) IN GENERAL.—In the case of'', and

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

''(2) DETERMINATION OF MARITAL STATUS.—For purposes of this section—

''(A) IN GENERAL.—Except as provided in subparagraph (B), marital status shall be determined under section 7703(a).

''(B) SPECIAL RULE FOR SEPARATED SPOUSE.—An individual shall not be treated as married if such individual—

''(i) is married (as determined under section 7703(a)) and does not file a joint return for the taxable year,

''(ii) lives with a qualifying child of the individual for more than one-half of such taxable year, and

''(iii)(I) during the last 6 months of such taxable year, does not have the same principal place of abode as the individual's spouse, or

AMERICAN OVERSIGHT

"(II) has a decree, instrument, or agreement (other than a decree of divorce) described in section 121(d)(3)(C) with respect to the individual's spouse and is not a member of the same household with the individual's spouse by the end of the taxable year.".

(b) CONFORMING AMENDMENTS.—

(1) Section 32(c)(1)(A) of such Code is amended by striking the last sentence.

(2) Section 32(c)(1)(E)(ii) of such Code is amended by striking "(within the meaning of section 7703)".

(3) Section 32(d)(1) of such Code, as amended by subsection (a), is amended by striking "(within the meaning of section 7703)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 20124. ELIMINATION OF DISQUALIFIED INVESTMENT INCOME TEST.

(a) IN GENERAL.—Section 32 of the Internal Revenue Code of 1986 is amended by striking subsection (i).

(b) CONFORMING AMENDMENTS.—

AMERICAN OVERSIGHT

(1) Section 32(j)(1) of such Code is amended by striking ''subsections (b)(2) and (i)(1)'' and inserting ''subsection (b)(2)''.

(2) Section 32(j)(1)(B)(i) of such Code is amended by striking ''subsections (b)(2)(A) and (i)(1)'' and inserting ''subsection (b)(2)(A)''.

(3) Section 32(j)(2) of such Code is amended—

(A) by striking subparagraph (B), and

(B) by striking ''ROUNDING.—'' and all that follows through ''If any dollar amount'' and inserting the following: ''ROUNDING.—If any dollar amount''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 20125. APPLICATION OF EARNED INCOME TAX CREDIT IN POSSESSIONS OF THE UNITED STATES.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 7530. APPLICATION OF EARNED INCOME TAX CREDIT TO POSSESSIONS OF THE UNITED STATES.

''(a) PUERTO RICO.—

''(1) IN GENERAL.—With respect to calendar year 2021 and each calendar year thereafter, the

AMERICAN OVERSIGHT

Secretary shall, except as otherwise provided in this subsection, make payments to Puerto Rico equal to—

"(A) the specified matching amount for such calendar year, plus

"(B) in the case of calendar years 2021 through 2025, the lesser of—

"(i) the expenditures made by Puerto Rico during such calendar year for education efforts with respect to individual taxpayers and tax return preparers relating to the earned income tax credit, or

"(ii) $1,000,000.

"(2) REQUIREMENT TO REFORM EARNED INCOME TAX CREDIT.—The Secretary shall not make any payments under paragraph (1) with respect to any calendar year unless Puerto Rico has in effect an earned income tax credit for taxable years beginning in or with such calendar year which (relative to the earned income tax credit which was in effect for taxable years beginning in or with calendar year 2019) increases the percentage of earned income which is allowed as a credit for each group of individuals with respect to which such percentage is sep-

AMERICAN OVERSIGHT

arately stated or determined in a manner designed to substantially increase workforce participation.

"(3) SPECIFIED MATCHING AMOUNT.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'specified matching amount' means, with respect to any calendar year, the lesser of—

"(i) the excess (if any) of—

"(I) the cost to Puerto Rico of the earned income tax credit for taxable years beginning in or with such calendar year, over

"(II) the base amount for such calendar year, or

"(ii) the product of 3, multiplied by the base amount for such calendar year.

"(B) BASE AMOUNT.—

"(i) BASE AMOUNT FOR 2020.—In the case of calendar year 2020, the term 'base amount' means the greater of—

"(I) the cost to Puerto Rico of the earned income tax credit for taxable years beginning in or with calendar year 2019 (rounded to the nearest multiple of $1,000,000), or

AMERICAN OVERSIGHT

"(II) $200,000,000.

"(ii) INFLATION ADJUSTMENT.—In the case of any calendar year after 2021, the term 'base amount' means the dollar amount determined under clause (i) increased by an amount equal to—

"(I) such dollar amount, multiplied by—

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2020' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

Any amount determined under this clause shall be rounded to the nearest multiple of $1,000,000.

"(4) RULES RELATED TO PAYMENTS AND REPORTS.—

"(A) TIMING OF PAYMENTS.—The Secretary shall make payments under paragraph (1) for any calendar year—

"(i) after receipt of the report described in subparagraph (B) for such calendar year, and

AMERICAN OVERSIGHT

"(ii) except as provided in clause (i), within a reasonable period of time before the due date for individual income tax returns (as determined under the laws of Puerto Rico) for taxable years which began on the first day of such calendar year.

"(B) ANNUAL REPORTS.—With respect to calendar year 2021 and each calendar year thereafter, Puerto Rico shall provide to the Secretary a report which shall include—

"(i) an estimate of the costs described in paragraphs (1)(B)(i) and (3)(A)(i)(I) with respect to such calendar year, and

"(ii) a statement of such costs with respect to the preceding calendar year.

"(C) ADJUSTMENTS.—

"(i) IN GENERAL.—In the event that any estimate of an amount is more or less than the actual amount as later determined and any payment under paragraph (1) was determined on the basis of such estimate, proper payment shall be made by, or to, the Secretary (as the case may be) as soon as practicable after the determination that such estimate was inac-

AMERICAN OVERSIGHT

curate. Proper adjustment shall be made in the amount of any subsequent payments made under paragraph (1) to the extent that proper payment is not made under the preceding sentence before such subsequent payments.

"(ii) ADDITIONAL REPORTS.—The Secretary may require such additional periodic reports of the information described in subparagraph (B) as the Secretary determines appropriate to facilitate timely adjustments under clause (i).

"(D) DETERMINATION OF COST OF EARNED INCOME TAX CREDIT.—For purposes of this subsection, the cost to Puerto Rico of the earned income tax credit shall be determined by the Secretary on the basis of the laws of Puerto Rico and shall include reductions in revenues received by Puerto Rico by reason of such credit and refunds attributable to such credit, but shall not include any administrative costs with respect to such credit.

"(E) PREVENTION OF MANIPULATION OF BASE AMOUNT.—No payments shall be made under paragraph (1) if the earned income tax

AMERICAN OVERSIGHT

credit as in effect in Puerto Rico for taxable years beginning in or with calendar year 2019 is modified after the date of the enactment of this subsection.

"(b) POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—

"(1) IN GENERAL.—With respect to calendar year 2020 and each calendar year thereafter, the Secretary shall, except as otherwise provided in this subsection, make payments to the Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands equal to—

"(A) 75 percent of the cost to such possession of the earned income tax credit for taxable years beginning in or with such calendar year, plus

"(B) in the case of calendar years 2020 through 2024, the lesser of—

"(i) the expenditures made by such possession during such calendar year for education efforts with respect to individual taxpayers and tax return preparers relating to such earned income tax credit, or

"(ii) $50,000.

AMERICAN OVERSIGHT

"(2) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of subparagraphs (A), (B), (C), and (D) of subsection (a)(4) shall apply for purposes of this subsection.

"(c) AMERICAN SAMOA.—

"(1) IN GENERAL.—With respect to calendar year 2020 and each calendar year thereafter, the Secretary shall, except as otherwise provided in this subsection, make payments to American Samoa equal to—

"(A) the lesser of—

"(i) 75 percent of the cost to American Samoa of the earned income tax credit for taxable years beginning in or with such calendar year, or

"(ii) $12,000,000, plus

"(B) in the case of calendar years 2020 through 2024, the lesser of—

"(i) the expenditures made by American Samoa during such calendar year for education efforts with respect to individual taxpayers and tax return preparers relating to such earned income tax credit, or

"(ii) $50,000.

AMERICAN OVERSIGHT

''(2) REQUIREMENT TO ENACT AND MAINTAIN AN EARNED INCOME TAX CREDIT.—The Secretary shall not make any payments under paragraph (1) with respect to any calendar year unless American Samoa has in effect an earned income tax credit for taxable years beginning in or with such calendar year which allows a refundable tax credit to individuals on the basis of the taxpayer's earned income which is designed to substantially increase workforce participation.

''(3) INFLATION ADJUSTMENT.—In the case of any calendar year after 2020, the $12,000,000 amount in paragraph (1)(A)(ii) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by—

''(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2019' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

Any increase determined under this clause shall be rounded to the nearest multiple of $100,000.

''(4) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of subparagraphs (A), (B), (C),

AMERICAN OVERSIGHT

and (D) of subsection (a)(4) shall apply for purposes of this subsection.

''(d) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under this section shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 7529. Application of earned income tax credit to possessions of the United States.''.

SEC. 20126. TEMPORARY SPECIAL RULE FOR DETERMINING EARNED INCOME FOR PURPOSES OF EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—If the earned income of the taxpayer for the taxpayer's first taxable year beginning in 2020 is less than the earned income of the taxpayer for the preceding taxable year, the credit allowed under section 32 of the Internal Revenue Code of 1986 may, at the election of the taxpayer, be determined by substituting-—

(1) such earned income for the preceding taxable year, for

(2) such earned income for the taxpayer's first taxable year beginning in 2020.

AMERICAN OVERSIGHT

(b) EARNED INCOME.—

(1) IN GENERAL.—For purposes of this section, the term ''earned income'' has the meaning given such term under section 32(c) of the Internal Revenue Code of 1986.

(2) APPLICATION TO JOINT RETURNS.—For purposes of subsection (a), in the case of a joint return, the earned income of the taxpayer for the preceding taxable year shall be the sum of the earned income of each spouse for such preceding taxable year.

(c) SPECIAL RULES.—

(1) ERRORS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of the Internal Revenue Code of 1986, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(2) NO EFFECT ON DETERMINATION OF GROSS INCOME, ETC.—Except as otherwise provided in this subsection, the Internal Revenue Code of 1986 shall be applied without regard to any substitution under subsection (a).

(d) TREATMENT OF CERTAIN POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—The Secretary of the Treas-

AMERICAN OVERSIGHT

ury shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the application of the provisions of this section (other than this subsection) with respect to section 32 of the Internal Revenue Code of 1986. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(2) PAYMENTS TO OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits (if any) that would have been provided to residents of such possession by reason of the provisions of this section (other than this subsection) with respect to section 32 of the Internal Revenue Code of 1986 if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to its residents.

AMERICAN OVERSIGHT

(3) MIRROR CODE TAX SYSTEM.—For purposes of this section, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(4) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under this section shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

Subtitle D—Child Tax Credit

SEC. 20131. CHILD TAX CREDIT IMPROVEMENTS FOR 2020.

(a) IN GENERAL.—Section 24 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(i) SPECIAL RULES FOR 2020.—In the case of any taxable year beginning in 2020—

''(1) REFUNDABLE CREDIT.—Subsection (h)(5) shall not apply and the increase determined under the first sentence of subsection (d)(1) shall be the amount determined under subsection (d)(1)(A) (determined without regard to subsection (h)(4)).

AMERICAN OVERSIGHT

''(2) CREDIT AMOUNT.—Subsection (h)(2) shall not apply and subsection (a) shall be applied by substituting '$3,000 ($3,600 in the case of a qualifying child who has not attained age 6 as of the close of the calendar year in which the taxable year of the taxpayer begins)' for '$1,000'.

''(3) 17-YEAR-OLDS ELIGIBLE FOR TREATMENT AS QUALIFYING CHILDREN.—This section shall be applied—

''(A) by substituting 'age 18' for 'age 17' in subsection (c)(1), and

''(B) by substituting 'described in subsection (c) (determined after the application of subsection (i)(3)(A))' for 'described in subsection (c)' in subsection (h)(4)(A).''.

(b) ADVANCE PAYMENT OF CREDIT.—

(1) IN GENERAL.—Chapter 77 of such Code is amended by inserting after section 7527 the following new section:

''SEC. 7527A. ADVANCE PAYMENT OF CHILD TAX CREDIT.

''(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall establish a program for making advance payments of the credit allowed under subsection (a) of section 24 on a monthly basis (determined without regard to subsection

AMERICAN OVERSIGHT

(i)(4)) of such section), or as frequently as the Secretary determines to be administratively feasible, to taxpayers determined to be eligible for advance payment of such credit.

''(b) LIMITATION.—

''(1) IN GENERAL.—The Secretary may make payments under subsection (a) only to the extent that the total amount of such payments made to any taxpayer during the taxable year does not exceed an amount equal to the excess, if any, of—

''(A) subject to paragraph (2), the amount determined under subsection (a) of section 24 with respect to such taxpayer (determined without regard to subsection (i)(4)) of such section) for such taxable year, over

''(B) the estimated tax imposed by subtitle A, as reduced by the credits allowable under subparts A and C (other than section 24) of such part IV, with respect to such taxpayer for such taxable year, as determined in such manner as the Secretary deems appropriate.

''(2) APPLICATION OF THRESHOLD AMOUNT LIMITATION.—The program described in subsection (a) shall make reasonable efforts to apply the limitation of section 24(b) with respect to payments made under such program.

AMERICAN OVERSIGHT

"(c) APPLICATION.—The advance payments described in this section shall only be made with respect to credits allowed under section 24 for taxable years beginning during 2020.".

(2) RECONCILIATION OF CREDIT AND ADVANCE CREDIT.—Section 24(i) of such Code, as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(4) RECONCILIATION OF CREDIT AND ADVANCE CREDIT.—

"(A) IN GENERAL.—The amount of the credit allowed under this section for any taxable year shall be reduced (but not below zero) by the aggregate amount of any advance payments of such credit under section 7527A for such taxable year.

"(B) EXCESS ADVANCE PAYMENTS.—If the aggregate amount of advance payments under section 7527A for the taxable year exceeds the amount of the credit allowed under this section for such taxable year (determined without regard to subparagraph (A)), the tax imposed by this chapter for such taxable year shall be increased by the amount of such excess.".

AMERICAN OVERSIGHT

(3) CLERICAL AMEMDMENT.—The table of sections for chapter 77 of such Code is amended by inserting after the item relating to section 7527 the following new item:

"Sec. 7527A. Advance payment of child tax credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2019.

SEC. 20132. APPLICATION OF CHILD TAX CREDIT IN POSSESSIONS.

(a) IN GENERAL.—Section 24 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(i) APPLICATION OF CREDIT IN POSSESSIONS.—

"(1) MIRROR CODE POSSESSIONS.—

"(A) IN GENERAL.—The Secretary shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the application of this section (determined without regard to this subsection) with respect to taxable years beginning after 2019. Such amounts shall be determined by the Secretary based on information provided by the government of the respective possession.

AMERICAN OVERSIGHT

"(B) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed under this section for any taxable year to any individual to whom a credit is allowable against taxes imposed by a possession with a mirror code tax system by reason of the application of this section in such possession for such taxable year.

"(C) MIRROR CODE TAX SYSTEM.—For purposes of this paragraph, the term 'mirror code tax system' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

"(2) PUERTO RICO.—In the case of any bona fide resident of Puerto Rico (within the meaning of section 937(a))—

"(A) the credit determined under this section shall be allowable to such resident,

"(B) in the case of any taxable year beginning during 2020, the increase determined under the first sentence of subsection (d)(1)

AMERICAN OVERSIGHT

shall be the amount determined under subsection (d)(1)(A) (determined without regard to subsection (h)(4)),

"(C) in the case of any taxable year beginning after December 31, 2020, and before January 1, 2026, the increase determined under the first sentence of subsection (d)(1) shall be the lesser of—

"(i) the amount determined under subsection (d)(1)(A) (determined without regard to subsection (h)(4)), or

"(ii) the dollar amount in effect under subsection (h)(5), and

"(D) in the case of any taxable year after December 31, 2025, the increase determined under the first sentence of subsection (d)(1) shall be the amount determined under subsection (d)(1)(A).

"(3) AMERICAN SAMOA.—

"(A) IN GENERAL.—The Secretary shall pay to American Samoa amounts estimated by the Secretary as being equal to the aggregate benefits that would have been provided to residents of American Samoa by reason of the application of this section for taxable years begin-

AMERICAN OVERSIGHT

ning after 2019 if the provisions of this section had been in effect in American Samoa.

''(B) DISTRIBUTION REQUIREMENT.—Subparagraph (A) shall not apply unless American Samoa has a plan, which has been approved by the Secretary, under which American Samoa will promptly distribute such payments to the residents of American Samoa in a manner which replicates to the greatest degree practicable the benefits that would have been so provided to each such resident.

''(C) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—

''(i) IN GENERAL.—In the case of a taxable year with respect to which a plan is approved under subparagraph (B), this section (other than this subsection) shall not apply to any individual eligible for a distribution under such plan.

''(ii) APPLICATION OF SECTION IN EVENT OF ABSENCE OF APPROVED PLAN.—In the case of a taxable year with respect to which a plan is not approved under subparagraph (B), rules similar to

AMERICAN OVERSIGHT

the rules of paragraph (2) shall apply with respect to bona fide residents of American Samoa (within the meaning of section 937(a)).

"(4) TREATMENT OF PAYMENTS.—The payments made under this subsection shall be treated in the same manner for purposes of section 1324(b)(2) of title 31, United States Code, as refunds due from the credit allowed under this section.".

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

Subtitle E—Dependent Care Assistance

SEC. 20141. REFUNDABILITY AND ENHANCEMENT OF CHILD AND DEPENDENT CARE TAX CREDIT.

(a) IN GENERAL.—Section 21 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(g) SPECIAL RULES FOR 2020.—In the case of any taxable year beginning after December 31, 2019, and before January 1, 2021—

"(1) CREDIT MADE REFUNDABLE.—In the case of an individual other than a nonresident alien, the credit allowed under subsection (a) shall be treated

AMERICAN OVERSIGHT

as a credit allowed under subpart C (and not allowed under this subpart).

"(2) INCREASE IN APPLICABLE PERCENTAGE.—Subsection (a)(2) shall be applied—

"(A) by substituting '50 percent' for '35 percent ', and

"(B) by substituting '$120,000' for '$15,000'.

"(3) INCREASE IN DOLLAR LIMIT ON AMOUNT CREDITABLE.—Subsection (c) shall be applied—

"(A) by substituting '$6,000' for '$3,000' in paragraph (1) thereof, and

"(B) by substituting 'twice the amount in effect under paragraph (1)' for '$6,000' in paragraph (2) thereof.".

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting "21 (by reason of subsection (g) thereof)," before "25A".

(c) COORDINATION WITH POSSESSION TAX SYSTEMS.—Section 21(g)(1) of the Internal Revenue Code of 1986 (as added by this section) shall not apply to any person—

(1) to whom a credit is allowed against taxes imposed by a possession with a mirror code tax system by reason of the application of section 21 of

AMERICAN OVERSIGHT

such Code in such possession for such taxable year, or

(2) to whom a credit would be allowed against taxes imposed by a possession which does not have a mirror code tax system if the provisions of section 21 of such Code had been in effect in such possession for such taxable year.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2019.

SEC. 20142. INCREASE IN EXCLUSION FOR EMPLOYER-PROVIDED DEPENDENT CARE ASSISTANCE.

(a) IN GENERAL.—Section 129(a)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR 2020.—In the case of any taxable year beginning during 2020, subparagraph (A) shall be applied be substituting '$10,500 (half such dollar amount' for '$5,000 ($2,500'.".

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

(c) RETROACTIVE PLAN AMENDMENTS.—A plan or other arrangement that otherwise satisfies all applicable

AMERICAN OVERSIGHT

requirements of sections 106, 125, and 129 of the Internal Revenue Code of 1986 (including any rules or regulations thereunder) shall not fail to be treated as a cafeteria plan or dependent care flexible spending arrangement merely because such plan or arrangement is amended pursuant to a provision under this section and such amendment is retroactive, if—

(1) such amendment is adopted no later than the last day of the plan year in which the amendment is effective, and

(2) the plan or arrangement is operated consistent with the terms of such amendment during the period beginning on the effective date of the amendment and ending on the date the amendment is adopted.

Subtitle F—Flexibility for Certain Employee Benefits

SEC. 20151. INCREASE IN CARRYOVER FOR HEALTH FLEXIBLE SPENDING ARRANGEMENTS.

(a) IN GENERAL.—A plan or other arrangement that otherwise satisfies all of the applicable requirements of sections 106 and 125 of the Internal Revenue Code of 1986 (including any rules or regulations thereunder) shall not fail to be treated as a cafeteria plan or health flexible spending arrangement merely because such plan or arrangement permits participants to carry over an amount

AMERICAN OVERSIGHT

not in excess of $2,750 of unused benefits or contributions remaining in a health flexible spending arrangement from the plan year ending in 2020 to the plan year ending in 2021.

(b) DEFINITIONS.—Any term used in this section which is also used in section 106 or 125 of the Internal Revenue Code of 1986 or the rules or regulations thereunder shall have the same meaning as when used in such section or rules or regulations.

SEC. 20152. CARRYOVER FOR DEPENDENT CARE FLEXIBLE SPENDING ARRANGEMENTS.

(a) IN GENERAL.—A plan or other arrangement that otherwise satisfies all applicable requirements of sections 106, 125, and 129 of the Internal Revenue Code of 1986 (including any rules or regulations thereunder) shall not fail to be treated as a cafeteria plan or dependent care flexible spending arrangement merely because such plan or arrangement permits participants to carry over (under rules similar to the rules applicable to health flexible spending arrangements) an amount, not in excess of the amount in effect under section 129(a)(2)(A) of such Code, of unused benefits or contributions remaining in a dependent care flexible spending arrangement from the plan year ending in 2020 to the plan year ending in 2021.

AMERICAN OVERSIGHT

(b) DEFINITIONS.—Any term used in this section which is also used in section 106, 125, or 129 of the Internal Revenue Code of 1986 or the rules or regulations thereunder shall have the same meaning as when used in such section or rules or regulations.

SEC. 20153. CARRYOVER OF PAID TIME OFF.

(a) IN GENERAL.—A plan that otherwise satisfies all applicable requirements of section 125 of the Internal Revenue Code of 1986 (including any rules or regulations thereunder) shall not fail to be treated as a cafeteria plan merely because such plan permits participants to carry over (under rules similar to the rules applicable to health flexible spending arrangements) any amount of paid time off (without limitation) from the plan year ending in 2020 to the plan year ending in 2021.

(b) DEFINITIONS.—Any term used in this section which is also used in section 125 of the Internal Revenue Code of 1986 or the rules or regulations thereunder shall have the same meaning as when used in such section or rules or regulations.

SEC. 20154. CHANGE IN ELECTION AMOUNT.

(a) IN GENERAL.—A plan or other arrangement that otherwise satisfies all applicable requirements of sections 106 and 125 of the Internal Revenue Code of 1986 (including any rules or regulations thereunder) shall not fail

AMERICAN OVERSIGHT

to be treated as a cafeteria plan or health flexible spending arrangement merely because such plan or arrangement allows an employee to make, with respect to the remaining portion of a period of coverage within the applicable period—

(1) an election modifying the amount of such employee's contributions to such a health flexible spending arrangement (without regard to any change in status), or

(2) an election modifying the amount of such employee's elective paid time off.

Any election as modified under paragraph (1) shall not exceed the limitation applicable under section 125(i) for the taxable year.

(b) ONE-TIME APPLICATION.—Paragraphs (1) and (2) of subsection (a) shall each apply to only 1 election change described in such paragraph with respect to an employee (in addition to any other election changes during a period of coverage permitted under the plan or arrangement without regard to this section).

(c) APPLICABLE PERIOD.—For purposes of this section, the term ''applicable period'' means the period beginning on the date of the enactment of this Act and ending on December 31, 2020.

AMERICAN OVERSIGHT

(d) DEFINITIONS.—Any term used in this section which is also used in section 106 or 125 of the Internal Revenue Code of 1986 or the rules or regulations thereunder shall have the same meaning as when used in such section or rules or regulations.

SEC. 20155. EXTENSION OF GRACE PERIODS, ETC.

(a) IN GENERAL.—A plan or other arrangement that otherwise satisfies all applicable requirements of sections 106, 125, or 129 of the Internal Revenue Code (including any rules or regulations thereunder) shall not fail to be treated as a cafeteria plan, health flexible spending arrangement, or dependent care flexible spending arrangement (whichever is applicable) merely because such plan or arrangement extends the grace period for the plan year ending in 2020 to 12 months after the end of such plan year, with respect to unused benefits or contributions remaining in a health flexible spending arrangement or a dependent care flexible spending arrangement.

(b) POST-TERMINATION REIMBURSEMENTS FROM HEALTH FSAS.—A plan or other arrangement that otherwise satisfies all applicable requirements of sections 106 and 125 of the Internal Revenue Code of 1986 (including any rules or regulations thereunder) shall not fail to be treated as a cafeteria plan or health flexible spending arrangement merely because such plan or arrangement al-

AMERICAN OVERSIGHT

lows (under rules similar to the rules applicable to dependent care flexible spending arrangements) an employee who ceases participation in the plan during calendar year 2020 to continue to receive reimbursements from unused benefits or contributions through the end of the plan year (including any grace period, taking into account any modification of a grace period permitted under subsection (a)).

(c) DEFINITIONS.—Any term used in this section which is also used in section 106, 125, or 129 of the Internal Revenue Code of 1986 or the rules or regulations thereunder shall have the same meaning as when used in such section or rules or regulations.

SEC. 20156. PLAN AMENDMENTS.

A plan or other arrangement that otherwise satisfies all applicable requirements of sections 106, 125, and 129 of the Internal Revenue Code of 1986 (including any rules or regulations thereunder) shall not fail to be treated as a cafeteria plan, health flexible spending arrangement, or dependent care flexible spending arrangement merely because such plan or arrangement is amended pursuant to a provision under this subtitle and such amendment is retroactive, if—

(1) such amendment is adopted no later than the last day of the plan year in which the amendment is effective, and

AMERICAN OVERSIGHT

(2) the plan or arrangement is operated consistent with the terms of such amendment during the period beginning on the effective date of the amendment and ending on the date the amendment is adopted.

Subtitle G—Deduction of State and Local Taxes

SEC. 20161. ELIMINATION FOR 2020 AND 2021 OF LIMITATION ON DEDUCTION OF STATE AND LOCAL TAXES.

(a) IN GENERAL.—Section 164(b)(6)(B) of the Internal Revenue Code of 1986 is amended by inserting ''in the case of a taxable year beginning before January 1, 2020, or after December 31, 2021,'' before ''the aggregate amount of taxes''.

(b) CONFORMING AMENDMENTS.—Section 164(b)(6) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''For purposes of subparagraph (B)'' and inserting ''For purposes of this section'',

(2) by striking ''January 1, 2018'' and inserting ''January 1, 2022'',

(3) by striking ''December 31, 2017, shall'' and inserting ''December 31, 2021, shall'', and

(4) by adding at the end the following: ''For purposes of this section, in the case of State or local taxes with respect to any real or personal property

AMERICAN OVERSIGHT

paid during a taxable year beginning in 2020 or 2021, the Secretary shall prescribe rules which treat all or a portion of such taxes as paid in a taxable year or years other than the taxable year in which actually paid as necessary or appropriate to prevent the avoidance of the limitations of this subsection.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after December 31, 2019.

TITLE II—ADDITIONAL RELIEF FOR WORKERS

Subtitle A—Additional Relief

SEC. 20201. INCREASE IN ABOVE-THE-LINE DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) INCREASE.—Section 62(a)(2)(D) of the Internal Revenue Code of 1986 is amended by striking ''$250'' and inserting ''$500''.

(b) CONFORMING AMENDMENTS.—Section 62(d)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''2015'' and inserting ''2020'',

(2) by striking ''$250'' and inserting ''$500'', and

(3) in subparagraph (B), by striking ''2014'' and inserting ''2019''.

AMERICAN OVERSIGHT

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2019.

SEC. 20202. ABOVE-THE-LINE DEDUCTION ALLOWED FOR CERTAIN EXPENSES OF FIRST RESPONDERS.

(a) IN GENERAL.—Section 62(a)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(F) CERTAIN EXPENSES OF FIRST RESPONDERS.—The deductions allowed by section 162 which consist of expenses, not in excess of $500, paid or incurred by a first responder—

"(i) as tuition or fees for the participation of the first responder in professional development courses related to service as a first responder, or

"(ii) for uniforms used by the first responder in service as a first responder.".

(b) FIRST RESPONDER DEFINED.—Section 62(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(4) FIRST RESPONDER.—For purposes of subsection (a)(2)(F), the term 'first responder' means, with respect to any taxable year, any employee who provides at least 1000 hours of service during such

AMERICAN OVERSIGHT

taxable year as a law enforcement officer, firefighter, paramedic, or emergency medical technician.''.

(c) INFLATION ADJUSTMENT.—Section 62(d)(3) of the Internal Revenue Code of 1986, as amended by the preceding provisions of this Act, is further amended by striking ''the $500 amount in subsection (a)(2)(D)'' and inserting ''the $500 amount in each of subparagraphs (D) and (F) of subsection (a)(2)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2019.

SEC. 20203. TEMPORARY ABOVE-THE-LINE DEDUCTION FOR SUPPLIES AND EQUIPMENT OF FIRST RESPONDERS AND COVID–19 FRONT LINE EMPLOYEES.

(a) IN GENERAL.—Section 62(d) of the Internal Revenue Code of 1986, as amended by the preceding provisions of this Act, is amended by adding at the end of the following new paragraph:

''(5) TEMPORARY RULE FOR FIRST RESPONDERS AND COVID–19 FRONT LINE EMPLOYEES.—

''(A) IN GENERAL.—In the case of any taxable year beginning in 2020—

AMERICAN OVERSIGHT

"(i) subsection (a)(2)(F)(ii) shall be applied by substituting 'uniforms, supplies, or equipment' for 'uniforms', and

"(ii) for purposes of subsection (a)(2)(F), the term 'first responder' shall include any COVID–19 front line employee.

"(B) COVID–19 FRONT LINE EMPLOYEE.—For purposes of this paragraph, the term 'COVID–19 front line employee' means, with respect to any taxable year, any individual who performs at least 1000 hours of essential work (as defined in the COVID–19 Heroes Fund Act except without regard to the time period during which such work is performed) during such taxable year as an employee in a trade or business of an employer.".

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

SEC. 20204. PAYROLL CREDIT FOR CERTAIN PANDEMIC-RELATED EMPLOYEE BENEFIT EXPENSES PAID BY EMPLOYERS.

(a) IN GENERAL.—In the case of an employer, there shall be allowed as a credit against applicable employment

AMERICAN OVERSIGHT

taxes for each calendar quarter an amount equal to the applicable percentage of the qualified pandemic-related employee benefit expenses paid by such employer with respect to such calendar quarter.

(b) LIMITATIONS AND REFUNDABILITY.—

(1) DOLLAR LIMITATION PER EMPLOYEE.—The qualified pandemic-related employee benefit expenses which may be taken into account under subsection (a) with respect to any employee for any calendar quarter shall not exceed $5,000.

(2) CREDIT LIMITED TO CERTAIN EMPLOYMENT TAXES.—The credit allowed by subsection (a) with respect to any calendar quarter shall not exceed the applicable employment taxes for such calendar quarter (reduced by any credits allowed under subsections (e) and (f) of section 3111 of such Code, sections 7001 and 7003 of the Families First Coronavirus Response Act, and section 2301 of the CARES Act, for such quarter) on the wages paid with respect to the employment of all the employees of the employer for such calendar quarter.

(3) REFUNDABILITY OF EXCESS CREDIT.—

(A) IN GENERAL.—If the amount of the credit under subsection (a) exceeds the limitation of paragraph (2) for any calendar quarter,

AMERICAN OVERSIGHT

such excess shall be treated as an overpayment that shall be refunded under sections 6402(a) and 6413(b) of the Internal Revenue Code of 1986.

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

(4) COORDINATION WITH GOVERNMENT GRANTS.—The qualified pandemic-related employee benefit expenses taken into account under this section by any employer shall be reduced by any amounts provided by and Federal, State, or local government for purposes of making or reimbursing such expenses.

(c) QUALIFIED PANDEMIC-RELATED EMPLOYEE BENEFIT EXPENSES.—For purposes of this section, the term ''qualified pandemic-related employee benefit expenses'' means any amount paid to or for the benefit of an employee in the employment of the employer if—

(1) such amount is excludible from the gross income of the employee under section 139 of the Internal Revenue Code of 1986 by reason of being a

AMERICAN OVERSIGHT

qualified disaster relief payment described in subsection (b)(1) of such section with respect to a qualified disaster described in subsection (c)(2) of such section which was declared by reason of COVID–19, and

(2) the employer elects (at such time and in such manner as the Secretary may provide) to treat such amount as a qualified pandemic-related employee benefit expense.

(d) APPLICABLE PERCENTAGE.—For purposes of this section—

(1) IN GENERAL.—The term ''applicable percentage'' means—

(A) 50 percent, in the case of qualified pandemic-related employee benefit expenses paid with respect to an essential employee, and

(B) 30 percent, in any other case.

(2) ESSENTIAL EMPLOYEE.—The term ''essential employee'' means, with respect to any employer for any calendar quarter, any employee of such employer if a substantial portion of the services performed by such employee for such employer during such calendar quarter are essential work (as defined in the COVID–19 Heroes Fund Act except without

AMERICAN OVERSIGHT

regard to the time period during which such work is performed).

(e) SPECIAL RULES; OTHER DEFINITIONS.—

(1) APPLICATION OF CERTAIN NON-DISCRIMINATION RULES.—No credit shall be allowed under this section to any employer for any calendar quarter if qualified pandemic-related employee benefit expenses are provided by such employer to employees for such calendar quarter in a manner which discriminates in favor of highly compensated individuals (within the meaning of section 125) as to eligibility for, or the amount of, such benefit expenses. An employer may elect with respect to any calendar quarter to apply this paragraph separately with respect to essential employees and with respect to all other employees.

(2) DENIAL OF DOUBLE BENEFIT.—For purposes of chapter 1 of such Code, no deduction or credit (other than the credit allowed under this section) shall be allowed for so much of qualified pandemic-related employee benefit expenses as is equal to the credit allowed under this section.

(3) THIRD PARTY PAYORS.—Any credit allowed under this section shall be treated as a credit described in section 3511(d)(2) of such Code.

AMERICAN OVERSIGHT

(4) APPLICABLE EMPLOYMENT TAXES.—For purposes of this section, the term ''applicable employment taxes'' means the following:

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

(B) So much of the taxes imposed under section 3221(a) of such Code as are attributable to the rate in effect under section 3111(a) of such Code.

(5) SECRETARY.—For purposes of this section, the term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(6) CERTAIN TERMS.—

(A) IN GENERAL.—Any term used in this section which is also used in chapter 21 or 22 of such Code shall have the same meaning as when used in such chapter (as the case may be).

(B) CERTAIN PROVISIONS NOT TAKEN INTO ACCOUNT EXCEPT FOR PURPOSES OF LIMITING CREDIT TO EMPLOYMENT TAXES.—For purposes of subparagraph (A) (other than with respect to subsection (b)(2)), section 3121(b) of such Code shall be applied without regard to paragraphs (1), (5), (6), (7), (8), (10), (13),

AMERICAN OVERSIGHT

(18), (19), and (22) thereof (except with respect to services performed in a penal institution by an inmate thereof) and section 3231(e)(1) shall be applied without regard to the sentence that begins ''Such term does not include remuneration''.

(f) CERTAIN GOVERNMENTAL EMPLOYERS.—

(1) IN GENERAL.—The credit under this section shall not be allowed to the Federal Government or any agency or instrumentality thereof.

(2) EXCEPTION.—Paragraph (1) shall not apply to any organization described in section 501(c)(1) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(g) TREATMENT OF DEPOSITS.—The Secretary shall waive any penalty under section 6656 of such Code for any failure to make a deposit of applicable employment taxes if the Secretary determines that such failure was due to the anticipation of the credit allowed under this section.

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

(1) to allow the advance payment of the credit determined under subsection (a), subject to the limi-

AMERICAN OVERSIGHT

tations provided in this section, based on such information as the Secretary shall require,

(2) to provide for the reconciliation of such advance payment with the amount of the credit at the time of filing the return of tax for the applicable quarter or taxable year,

(3) for recapturing the benefit of credits determined under this section in cases where there is a subsequent adjustment to the credit determined under subsection (a), and

(4) with respect to the application of the credit to third party payors (including professional employer organizations, certified professional employer organizations, or agents under section 3504 of such Code), including to allow such payors to submit documentation necessary to substantiate eligibility for, and the amount of, the credit allowed under this section.

(i) APPLICATION OF SECTION.—This section shall apply only to qualified pandemic-related employee benefit expenses paid after March 12, 2020, and before January 1, 2021.

(j) TRANSFERS TO CERTAIN TRUST FUNDS.—There are hereby appropriated to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability

AMERICAN OVERSIGHT

Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) and the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(a)) amounts equal to the reduction in revenues to the Treasury by reason of this section (without regard to this subsection). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund or Account had this section not been enacted.

Subtitle B—Tax Credits to Prevent Business Interruption

SEC. 20211. IMPROVEMENTS TO EMPLOYEE RETENTION CREDIT.

(a) INCREASE IN CREDIT PERCENTAGE.—Section 2301(a) of the CARES Act is amended by striking ''50 percent'' and inserting ''80 percent''.

(b) INCREASE IN PER EMPLOYEE LIMITATION.—Section 2301(b)(1) of the CARES Act is amended by striking ''for all calendar quarters shall not exceed $10,000.'' and inserting ''shall not exceed—

''(A) $15,000 in any calendar quarter, and

AMERICAN OVERSIGHT

''(B) $45,000 in the aggregate for all calendar quarters.''.

(c) MODIFICATION OF THRESHOLD FOR TREATMENT AS A LARGE EMPLOYER.—

(1) IN GENERAL.—Section 2301(c)(3)(A) of the CARES Act is amended—

(A) by striking ''for which the average number of full-time employees (within the meaning of section 4980H of the Internal Revenue Code of 1986) employed by such eligible employer during 2019 was greater than 100'' in clause (i) and inserting ''which is a large employer'', and

(B) by striking ''for which the average number of full-time employees (within the meaning of section 4980H of the Internal Revenue Code of 1986) employed by such eligible employer during 2019 was not greater than 100'' in clause (ii) and inserting ''which is not a large employer''.

(2) LARGE EMPLOYER DEFINED.—Section 2301(c) of the CARES Act is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

AMERICAN OVERSIGHT

"(6) LARGE EMPLOYER.—The term 'large employer' means any eligible employer if—

"(A) the average number of full-time employees (as determined for purposes of determining whether an employer is an applicable large employer for purposes of section 4980H(c)(2) of the Internal Revenue Code of 1986) employed by such eligible employer during calendar year 2019 was greater than 1,500, and

"(B) the gross receipts (within the meaning of section 448(c) of the Internal Revenue Code of 1986) of such eligible employer during calendar year 2019 was greater than $41,500,000.".

(d) PHASE-IN OF ELIGIBILITY BASED ON REDUCTION IN GROSS RECEIPTS.—

(1) DECREASE OF REDUCTION IN GROSS RECEIPTS NECESSARY TO QUALIFY FOR CREDIT.—Section 2301(c)(2)(B) of the CARES Act is amended—

(A) by striking "50 percent" in clause (i) and inserting "90 percent", and

(B) by striking "80 percent" in clause (ii) and inserting "90 percent".

AMERICAN OVERSIGHT

(2) PHASE-IN OF CREDIT IF REDUCTION IN GROSS RECEIPTS IS LESS THAN 50 PERCENT.—Section 2301(c)(2) of the CARES Act is amended by adding at the end the following new subparagraph:

"(D) PHASE-IN OF CREDIT WHERE BUSINESS NOT SUSPENDED AND REDUCTION IN GROSS RECEIPTS LESS THAN 50 PERCENT.—

"(i) IN GENERAL.—In the case of any calendar quarter with respect to which an eligible employer would not be an eligible employer if subparagraph (B)(i) were applied by substituting '50 percent' for '90 percent', the amount of the credit allowed under subsection (a) shall be reduced by the amount which bears the same ratio to the amount of such credit (determined without regard to this subparagraph) as—

"(I) the excess gross receipts percentage point amount, bears to

"(II) 40 percentage points.

"(ii) EXCESS GROSS RECEIPTS PERCENTAGE POINT AMOUNT.—For purposes of this subparagraph, the term 'excess gross receipts percentage point amount'

AMERICAN OVERSIGHT

means, with respect to any calendar quarter, the excess of—

"(I) the lowest of the gross receipts percentage point amounts determined with respect to any calendar quarter during the period ending with such calendar quarter and beginning with the first calendar quarter during the period described in subparagraph (B), over

"(II) 50 percentage points.

"(iii) GROSS RECEIPTS PERCENTAGE POINT AMOUNTS.—For purposes of this subparagraph, the term 'gross receipts percentage point amount' means, with respect to any calendar quarter, the percentage (expressed as a number of percentage points) obtained by dividing—

"(I) the gross receipts (within the meaning of subparagraph (B)) for such calendar quarter, by

"(II) the gross receipts for the same calendar quarter in calendar year 2019.".

AMERICAN OVERSIGHT

(3) GROSS RECEIPTS OF TAX-EXEMPT ORGANIZATIONS.—Section 2301(c)(2)(C) of the CARES Act is amended—

(A) by striking ''of such Code, clauses (i) and (ii)(I)'' and inserting ''of such Code—

''(i) clauses (i) and (ii)(I)'',

(B) by striking the period at the end and inserting '', and'', and

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

''(ii) any reference in this section to gross receipts shall be treated as a reference to gross receipts within the meaning of section 6033 of such Code.''.

(e) MODIFICATION OF TREATMENT OF HEALTH PLAN EXPENSES.—

(1) IN GENERAL.—Section 2301(c)(5) of the CARES Act is amended to read as follows:

''(5) WAGES.—

''(A) IN GENERAL.—The term 'wages' means wages (as defined in section 3121(a) of the Internal Revenue Code of 1986) and compensation (as defined in section 3231(e) of such Code).

AMERICAN OVERSIGHT

"(B) ALLOWANCE FOR CERTAIN HEALTH PLAN EXPENSES.—

"(i) IN GENERAL.—Such term shall include amounts paid or incurred by the eligible employer to provide and maintain a group health plan (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986), but only to the extent that such amounts are excluded from the gross income of employees by reason of section 106(a) of such Code.

"(ii) ALLOCATION RULES.—For purposes of this section, amounts treated as wages under clause (i) shall be treated as paid with respect to any employee (and with respect to any period) to the extent that such amounts are properly allocable to such employee (and to such period) in such manner as the Secretary may prescribe. Except as otherwise provided by the Secretary, such allocation shall be treated as properly made if made on the basis of being pro rata among periods of coverage.".

AMERICAN OVERSIGHT

(2) CONFORMING AMENDMENT.—Section 2301(c)(3) of the CARES Act is amended by striking subparagraph (C).

(f) QUALIFIED WAGES PERMITTED TO INCLUDE AMOUNTS FOR TIP REPLACEMENT.—

(1) IN GENERAL.—Section 2301(c)(3)(B) of the CARES Act is amended by inserting ''(including tips which would have been deemed to be paid by the employer under section 3121(q))'' after ''would have been paid''.

(2) CONFORMING AMENDMENT.—Section 2301(h)(2) of the CARES Act is amended by inserting ''45B or'' before ''45S''.

(g) CERTAIN GOVERNMENTAL EMPLOYERS ELIGIBLE FOR CREDIT.—

(1) IN GENERAL.—Section 2301(f) of the CARES Act is amended to read as follows:

''(f) CERTAIN GOVERNMENTAL EMPLOYERS.—

''(1) IN GENERAL.—The credit under this section shall not be allowed to the Federal Government or any agency or instrumentality thereof.

''(2) EXCEPTION.—Paragraph (1) shall not apply to any organization described in section 501(c)(1) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

AMERICAN OVERSIGHT

''(3) SPECIAL RULES.—In the case of any State government, Indian tribal government, or any agency, instrumentality, or political subdivision of the foregoing—

''(A) clauses (i) and (ii)(I) of subsection (c)(2)(A) shall apply to all operations of such entity, and

''(B) subclause (II) of subsection (c)(2)(A)(ii) shall not apply.''.

(2) COORDINATION WITH APPLICATION OF CERTAIN DEFINITIONS.—

(A) IN GENERAL.—Section 2301(c)(5)(A) of the CARES Act, as amended by the preceding provisions of this Act, is amended by adding at the end the following: ''For purposes of the preceding sentence (other than for purposes of subsection (b)(2)), wages as defined in section 3121(a) of the Internal Revenue Code of 1986 shall be determined without regard to paragraphs (1), (5), (6), (7), (8), (10), (13), (18), (19), and (22) of section 3212(b) of such Code (except with respect to services performed in a penal institution by an inmate thereof).''.

(B) CONFORMING AMENDMENTS.—Sections 2301(c)(6) of the CARES Act is amended

AMERICAN OVERSIGHT

by striking ''Any term'' and inserting ''Except as otherwise provided in this section, any term''.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 2301 of the CARES Act.

SEC. 20212. PAYROLL CREDIT FOR CERTAIN FIXED EXPENSES OF EMPLOYERS SUBJECT TO CLOSURE BY REASON OF COVID–19.

(a) IN GENERAL.—In the case of an eligible employer, there shall be allowed as a credit against applicable employment taxes for each calendar quarter an amount equal to 50 percent of the qualified fixed expenses paid or incurred by such employer during such calendar quarter.

(b) LIMITATIONS AND REFUNDABILITY.—

(1) LIMITATION.—The qualified fixed expenses which may be taken into account under subsection (a) by any eligible employer for any calendar quarter shall not exceed the least of—

(A) the qualified fixed expenses paid by the eligible employer in the same calendar quarter of calendar year 2019,

(B) $50,000, or

(C) the greater of—

AMERICAN OVERSIGHT

(i) 25 percent of the wages paid with respect to the employment of all the employees of the eligible employer for such calendar quarter, or

(ii) 6.25 percent of the gross receipts of the eligible employer for calendar year 2019.

(2) CREDIT LIMITED TO CERTAIN EMPLOYMENT TAXES.—The credit allowed by subsection (a) with respect to any calendar quarter shall not exceed the applicable employment taxes for such calendar quarter (reduced by any credits allowed under subsections (e) and (f) of section 3111 of such Code, sections 7001 and 7003 of the Families First Coronavirus Response Act, section 2301 of the CARES Act, and section 20204 of this division, for such quarter) on the wages paid with respect to the employment of all the employees of the eligible employer for such calendar quarter.

(3) REFUNDABILITY OF EXCESS CREDIT.—

(A) IN GENERAL.—If the amount of the credit under subsection (a) exceeds the limitation of paragraph (2) for any calendar quarter, such excess shall be treated as an overpayment that shall be refunded under sections 6402(a)

AMERICAN OVERSIGHT

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

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

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

(1) APPLICABLE EMPLOYMENT TAXES.—The term ''applicable employment taxes'' means the following:

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

(B) So much of the taxes imposed under section 3221(a) of such Code as are attributable to the rate in effect under section 3111(a) of such Code.

(2) ELIGIBLE EMPLOYER.—

(A) IN GENERAL.—The term ''eligible employer'' means any employer—

(i) which was carrying on a trade or business during calendar year 2020,

(ii) which had either—

AMERICAN OVERSIGHT

(I) not more than 1,500 full-time equivalent employees (as determined for purposes of determining whether an employer is an applicable large employer for purposes of section 4980H(c)(2) of the Internal Revenue Code of 1986) for calendar year 2019, or

(II) not more than $41,500,000 of gross receipts in the last taxable year ending in 2019, and

(iii) with respect to any calendar quarter, for which—

(I) the operation of the trade or business described in clause (i) is fully or partially suspended during the calendar quarter due to orders from an appropriate governmental authority limiting commerce, travel, or group meetings (for commercial, social, religious, or other purposes) due to the coronavirus disease 2019 (COVID–19), or

AMERICAN OVERSIGHT

(II) such calendar quarter is within the period described in subparagraph (B).

(B) SIGNIFICANT DECLINE IN GROSS RECEIPTS.—The period described in this subparagraph is the period—

(i) beginning with the first calendar quarter beginning after December 31, 2019, for which gross receipts (within the meaning of section 448(c) of the Internal Revenue Code of 1986) for the calendar quarter are less than 90 percent of gross receipts for the same calendar quarter in the prior year, and

(ii) ending with the calendar quarter following the first calendar quarter beginning after a calendar quarter described in clause (i) for which gross receipts of such employer are greater than 90 percent of gross receipts for the same calendar quarter in the prior year.

(C) TAX-EXEMPT ORGANIZATIONS.—In the case of an organization which is described in section 501(c) of the Internal Revenue Code of

AMERICAN OVERSIGHT

1986 and exempt from tax under section 501(a) of such Code—

(i) clauses (i) and (iii)(I) of subparagraph (A) shall apply to all operations of such organization, and

(ii) any reference in this section to gross receipts shall be treated as a reference to gross receipts within the meaning of section 6033 of the Internal Revenue Code of 1986.

(D) PHASE-IN OF CREDIT WHERE BUSINESS NOT SUSPENDED AND REDUCTION IN GROSS RECEIPTS LESS THAN 50 PERCENT.—

(i) IN GENERAL.—In the case of any calendar quarter with respect to which an eligible employer would not be an eligible employer if subparagraph (B)(i) were applied by substituting ''50 percent'' for ''90 percent'', the amount of the credit allowed under subsection (a) shall be reduced by the amount which bears the same ratio to the amount of such credit (determined without regard to this subparagraph) as—

(I) the excess gross receipts percentage point amount, bears to

AMERICAN OVERSIGHT

(II) 40 percentage points.

(ii) EXCESS GROSS RECEIPTS PERCENTAGE POINT AMOUNT.—For purposes of this subparagraph, the term ''excess gross receipts percentage point amount'' means, with respect to any calendar quarter, the excess of—

(I) the lowest of the gross receipts percentage point amounts determined with respect to any calendar quarter during the period ending with such calendar quarter and beginning with the first calendar quarter during the period described in subparagraph (B), over

(II) 50 percentage points.

(iii) GROSS RECEIPTS PERCENTAGE POINT AMOUNTS.—For purposes of this subparagraph, the term ''gross receipts percentage point amount'' means, with respect to any calendar quarter, the percentage (expressed as a number of percentage points) obtained by dividing—

AMERICAN OVERSIGHT

(I) the gross receipts (within the meaning of subparagraph (B)) for such calendar quarter, by

(II) the gross receipts for the same calendar quarter in calendar year 2019.

(3) QUALIFIED FIXED EXPENSES.—

(A) IN GENERAL.—The term ''qualified fixed expenses'' means the payment or accrual, in the ordinary course of the eligible employer's trade or business, of any covered mortgage obligation, covered rent obligation, or covered utility payment. Such term shall not include the prepayment of any obligation for a period in excess of a month unless the payment for such period is customarily due in advance.

(B) APPLICATION OF DEFINITIONS.—The terms ''covered mortgage obligation'', ''covered rent obligation'', and ''covered utility payment'' shall each have the same meaning as when used in section 1106 of the CARES Act.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(5) WAGES.—

AMERICAN OVERSIGHT

(A) IN GENERAL.—The term ''wages'' means wages (as defined in section 3121(a) of the Internal Revenue Code of 1986) and compensation (as defined in section 3231(e) of such Code). For purposes of the preceding sentence (other than for purposes of subsection (b)(2)), wages as defined in section 3121(a) of such Code shall be determined without regard to paragraphs (1), (8), (10), (13), (18), (19), and (22) of section 3121(b) of such Code.

(B) ALLOWANCE FOR CERTAIN HEALTH PLAN EXPENSES.—

(i) IN GENERAL.—Such term shall include amounts paid or incurred by the eligible employer to provide and maintain a group health plan (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986), but only to the extent that such amounts are excluded from the gross income of employees by reason of section 106(a) of such Code.

(ii) ALLOCATION RULES.—For purposes of this section, amounts treated as wages under clause (i) shall be treated as paid with respect to any employee (and

AMERICAN OVERSIGHT

with respect to any period) to the extent that such amounts are properly allocable to such employee (and to such period) in such manner as the Secretary may prescribe. Except as otherwise provided by the Secretary, such allocation shall be treated as properly made if made on the basis of being pro rata among periods of coverage.

(6) EMPLOYER.—The term ''employer'' means any employer (as defined in section 3401(d) of such Code) of at least one employee on any day in calendar year 2020.

(7) OTHER TERMS.—Except as otherwise provided in this section, any term used in this section which is also used in chapter 21 or 22 of the Internal Revenue Code of 1986 shall have the same meaning as when used in such chapter.

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

(e) DENIAL OF DOUBLE BENEFIT.—For purposes of chapter 1 of such Code, the gross income of any eligible employer, for the taxable year which includes the last day

AMERICAN OVERSIGHT

of any calendar quarter with respect to which a credit is allowed under this section, shall be increased by the amount of such credit.

(f) CERTAIN GOVERNMENTAL EMPLOYERS.—

(1) IN GENERAL.—The credit under this section shall not be allowed to the Federal Government, the government of any State, of the District of Columbia, or of any possession of the United States, any tribal government, or any political subdivision, agency, or instrumentality of any of the foregoing.

(2) EXCEPTION.—Paragraph (1) shall not apply to any organization described in section 501(c)(1) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(g) ELECTION NOT TO HAVE SECTION APPLY.—This section shall not apply with respect to any eligible employer for any calendar quarter if such employer elects (at such time and in such manner as the Secretary may prescribe) not to have this section apply.

(h) TRANSFERS TO CERTAIN TRUST FUNDS.—There are hereby appropriated to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) and the Social Security Equivalent Benefit Account established under

AMERICAN OVERSIGHT

section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(a)) amounts equal to the reduction in revenues to the Treasury by reason of this section (without regard to this subsection). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund or Account had this section not been enacted.

(i) TREATMENT OF DEPOSITS.—The Secretary shall waive any penalty under section 6656 of such Code for any failure to make a deposit of applicable employment taxes if the Secretary determines that such failure was due to the anticipation of the credit allowed under this section.

(j) THIRD PARTY PAYORS.—Any credit allowed under this section shall be treated as a credit described in section 3511(d)(2) of such Code.

(k) REGULATIONS AND GUIDANCE.—The Secretary shall issue such forms, instructions, regulations, and guidance as are necessary—

(1) to allow the advance payment of the credit under subsection (a), subject to the limitations provided in this section, based on such information as the Secretary shall require,

AMERICAN OVERSIGHT

(2) regulations or other guidance to provide for the reconciliation of such advance payment with the amount of the credit at the time of filing the return of tax for the applicable quarter or taxable year,

(3) with respect to the application of the credit under subsection (a) to third party payors (including professional employer organizations, certified professional employer organizations, or agents under section 3504 of the Internal Revenue Code of 1986), including regulations or guidance allowing such payors to submit documentation necessary to substantiate the eligible employer status of employers that use such payors,

(4) for application of subsection (b)(1)(A) and subparagraphs (A)(ii)(II) and (B) of subsection (c)(2) in the case of any employer which was not carrying on a trade or business for all or part of the same calendar quarter in the prior year, and

(5) for recapturing the benefit of credits determined under this section in cases where there is a subsequent adjustment to the credit determined under subsection (a).

(l) APPLICATION OF SECTION.—This section shall apply only to qualified fixed expenses paid or accrued after March 12, 2020, and before January 1, 2021.

AMERICAN OVERSIGHT

SEC. 20213. BUSINESS INTERRUPTION CREDIT FOR CERTAIN SELF-EMPLOYED INDIVIDUALS.

(a) CREDIT AGAINST TAX.—In the case of an eligible self-employed individual, there shall be allowed as a credit against the tax imposed by chapter 1 of subtitle A of the Internal Revenue Code of 1986 for the taxpayer's first taxable year beginning in 2020 an amount equal to 90 percent of the eligible self-employed individual's qualified self-employment income.

(b) LIMITATIONS.—

(1) OVERALL LIMITATION.—The amount of qualified self-employment income taken into account under subsection (a) with respect to any eligible self-employed individual shall not exceed $45,000.

(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

(A) IN GENERAL.—The amount of the credit allowed by subsection (a) (after application of paragraph (1)) shall be reduced (but not below zero) by 50 percent of so much of the taxpayer's modified adjusted gross income for the taxpayer's first taxable year beginning in 2020 as exceeds $60,000 ($120,000 in the case of a joint return).

(B) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this section the term

AMERICAN OVERSIGHT

''modified adjusted gross income'' means adjusted gross income determined without regard to sections 911, 931, and 933 of such Code.

(c) ELIGIBLE SELF-EMPLOYED INDIVIDUAL.—For purposes of this section, the term ''eligible self-employed individual'' means an individual—

(1) who—

(A) regularly carries on one or more trades or businesses within the meaning of section 1402 of such Code, or

(B) is allocated income or loss described in section 702(a)(8) of such Code from any trade or business carried on by a partnership which is not excluded under section 1402 of such Code, and

(2) for whom gross self-employment income during the first taxable year beginning in 2020 is less than 90 percent of such individual's gross self-employment income during the first taxable year beginning in 2019.

(d) QUALIFIED SELF-EMPLOYMENT INCOME.—For purposes of this section—

(1) IN GENERAL.—The term ''qualified self-employment income'' means the product of—

AMERICAN OVERSIGHT

(A) the specified gross self-employment income reduction for the first taxable year beginning in 2020, multiplied by

(B) the ratio of—

(i) self-employment income (as determined under section 1402(b) of such Code, but not below zero) for the first taxable year beginning in 2019, divided by

(ii) gross self-employment income for the first taxable year beginning in 2019.

(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—In the case of any taxpayer, qualified self-employment income shall not exceed the excess (if any) of—

(A) modified adjusted gross income for the first taxable year beginning in 2019, over

(B) modified adjusted gross income for the first taxable year beginning in 2020.

(3) SPECIFIED GROSS SELF-EMPLOYMENT INCOME REDUCTION.—For purposes of paragraph (1), the term ''specified gross self-employment income reduction'' means, with respect to a taxable year, the excess (if any) of—

AMERICAN OVERSIGHT

(A) 90 percent of gross self-employment income for the taxable year preceding such taxable year, over

(B) gross self-employment income for such taxable year.

(e) GROSS SELF-EMPLOYMENT INCOME.—For purposes of this section, the term ''gross self-employment income'' means, with respect to any taxable year, the sum of—

(1) the eligible self-employed individuals' gross income derived from all trades or business carried on by such individual for purposes of determining net earnings from self-employment under section 1402 of such Code for such taxable year, and

(2) the eligible individual's distributive share of gross income (as determined under section 702(c) of such Code) from any trade or business carried on by a partnership for purposes of determining net earnings from self-employment under section 1402 of such Code (and which is not excluded under such section) for such taxable year.

(f) SPECIAL RULES.—

(1) CREDIT REFUNDABLE.—

(A) IN GENERAL.—The credit determined under this section shall be treated as a credit

AMERICAN OVERSIGHT

allowed to the taxpayer under subpart C of part IV of subchapter A of chapter 1 of such Code.

(B) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, any refund due from the credit allowed under this section shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

(2) DOCUMENTATION.—No credit shall be allowed under this section unless the taxpayer maintains such documentation as the Secretary of the Treasury (or the Secretary's delegate) may prescribe to establish such individual as an eligible self-employed individual.

(3) DENIAL OF DOUBLE BENEFIT.—Qualified self-employment income shall be reduced by—

(A) the qualified sick leave equivalent amount for which a credit is allowed under section 7002(a) of the Families First Coronavirus Response Act and the qualified family leave equivalent amount for which a credit is allowed under section 7004(a) of such Act,

(B) the qualified wages for which a credit is allowed under section 2301 of the CARES Act,

AMERICAN OVERSIGHT

(C) the amount of the credit allowed under section 6432 of the Internal Revenue Code of 1986 (as added by this Act), and

(D) except to the extent taken into account in determining gross self-employment income, amounts from a covered loan under section 7(a)(36) of the Small Business Act that are—

(i) forgiven pursuant to section 1106(b) of the CARES Act, and

(ii) paid or distributed to the eligible self-employed individual as payroll costs described in section 7(a)(36)(A)(viii)(I) of the Small Business Act.

(4) JOINT RETURNS.—

(A) IN GENERAL.—In the case of a joint return, the taxpayer shall be treated for purposes of this section as an eligible self-employed individual if either spouse is an eligible self-employed individual.

(B) APPLICATION OF MODIFIED ADJUSTED GROSS INCOME LIMITATION ON QUALIFIED SELF-EMPLOYMENT INCOME.—If the taxpayer filed a joint return for only one of the taxable years described in subsection (d)(2), such limitation shall apply in such manner as the Sec-

AMERICAN OVERSIGHT

retary of the Treasury (or the Secretary's delegate) may provide.

(5) ELECTION NOT TO HAVE SECTION APPLY.—This section shall not apply with respect to any taxpayer for any taxable year if such taxpayer elects (at such time and in such manner as the Secretary of the Treasury, or the Secretary's delegate, may prescribe) not to have this section apply.

(g) APPLICATION OF CREDIT IN CERTAIN POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—The Secretary of the Treasury (or the Secretary's delegate) shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the application of the provisions of this section. Such amounts shall be determined by the Secretary of the Treasury (or the Secretary's delegate) based on information provided by the government of the respective possession.

(2) PAYMENTS TO OTHER POSSESSIONS.—The Secretary of the Treasury (or the Secretary's delegate) shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury

AMERICAN OVERSIGHT

(or the Secretary's delegate) as being equal to the aggregate benefits (if any) that would have been provided to residents of such possession by reason of the provisions of this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan, which has been approved by the Secretary of the Treasury (or the Secretary's delegate), under which such possession will promptly distribute such payments to its residents.

(3) MIRROR CODE TAX SYSTEM.—For purposes of this section, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(4) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under this section shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

(h) CERTAIN TERMS.—Any term used in this section which is also used in chapter 2 of the Internal Revenue

AMERICAN OVERSIGHT

Code of 1986 shall have the same meaning as when used in such chapter.

(i) REGULATIONS AND GUIDANCE.—The Secretary of the Treasury (or the Secretary's delegate) shall issue such forms, instructions, regulations, and guidance as are necessary or appropriate—

(1) to allow the advance payment of the credit under subsection (a) (including allowing use of the anticipated credit to offset estimated taxes) based on the taxpayer's good faith estimates of gross self-employment income and qualified self-employment income for the first taxable year beginning in 2020 and such other information as the Secretary of the Treasury (or the Secretary's delegate) shall require, subject to the limitations provided in this section,

(2) to provide for the reconciliation of such advance payment with the amount of the credit at the time of filing the return of tax for the taxpayer's first taxable year beginning in 2020,

(3) to provide for the application of this section to partners in partnerships, and

(4) to implement the purposes of this section.

AMERICAN OVERSIGHT

Subtitle C—Credits for Paid Sick and Family Leave

SEC. 20221. EXTENSION OF CREDITS.

(a) IN GENERAL.—Sections 7001(g), 7002(e), 7003(g), and 7004(e) of the Families First Coronavirus Response Act are each amended by striking ''2020'' and inserting ''2021''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Families First Coronavirus Response Act to which they relate.

SEC. 20222. REPEAL OF REDUCED RATE OF CREDIT FOR CERTAIN LEAVE.

(a) PAYROLL CREDIT.—Section 7001(b) of the Families First Coronavirus Response Act is amended by inserting ''or any day on or after the date of the enactment of the COVID–19 Tax Relief Act of 2020'' after ''in the case of any day any portion of which is paid sick time described in paragraph (1), (2), or (3) of section 5102(a) of the Emergency Paid Sick Leave Act''.

(b) SELF-EMPLOYED CREDIT.—

(1) IN GENERAL.—Clauses (i) and (ii) of section 7002(c)(1)(B) of the Families First Coronavirus Response Act are each amended by inserting inserting ''or any day on or after the date of the enactment of the COVID–19 Tax Relief Act of

AMERICAN OVERSIGHT

2020'' after ''in the case of any day any portion of which is paid sick time described in paragraph (1), (2), or (3) of section 5102(a) of the Emergency Paid Sick Leave Act''.

(2) CONFORMING AMENDMENT.—Section 7002(d)(3) of the Families First Coronavirus Response Act is amended by inserting inserting ''or any day on or after the date of the enactment of the COVID–19 Tax Relief Act of 2020'' after ''in the case of any day any portion of which is paid sick time described in paragraph (1), (2), or (3) of section 5102(a) of the Emergency Paid Sick Leave Act''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to days on or after the date of the enactment of this Act.

SEC. 20223. INCREASE IN LIMITATIONS ON CREDITS FOR PAID FAMILY LEAVE.

(a) INCREASE IN OVERALL LIMITATION ON QUALIFIED FAMILY LEAVE WAGES.—

(1) IN GENERAL.—Section 7003(b)(1)(B) of the Families First Coronavirus Response Act is amended by striking ''$10,000'' and inserting ''$12,000''.

AMERICAN OVERSIGHT

(2) CONFORMING AMENDMENT.—Section 7004(d)(3) of the Families First Coronavirus Response Act is amended by striking ''$10,000'' and inserting ''$12,000''.

(b) INCREASE IN QUALIFIED FAMILY LEAVE EQUIVALENT AMOUNT FOR SELF-EMPLOYED INDIVIDUALS.—Section 7004(c)(1)(A) of the Families First Coronavirus Response Act is amended by striking ''50'' and inserting ''60''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Families First Coronavirus Response Act to which they relate.

SEC. 20224. ELECTION TO USE PRIOR YEAR NET EARNINGS FROM SELF-EMPLOYMENT IN DETERMINING AVERAGE DAILY SELF-EMPLOYMENT INCOME.

(a) CREDIT FOR SICK LEAVE.—Section 7002(c) of the Families First Coronavirus Response Act is amended by adding at the end the following new paragraph:

''(4) ELECTION TO USE PRIOR YEAR NET EARNINGS FROM SELF-EMPLOYMENT INCOME.—In the case of an individual who elects (at such time and in such manner as the Secretary, or the Secretary's delegate, may provide) the application of this para-

AMERICAN OVERSIGHT

graph, paragraph (2)(A) shall be applied by substituting 'the prior taxable year' for 'the taxable year'.''.

(b) CREDIT FOR FAMILY LEAVE.—Section 7004(c) of the Families First Coronavirus Response Act is amended by adding at the end the following new paragraph:

''(4) ELECTION TO USE PRIOR YEAR NET EARNINGS FROM SELF-EMPLOYMENT INCOME.—In the case of an individual who elects (at such time and in such manner as the Secretary, or the Secretary's delegate, may provide) the application of this paragraph, paragraph (2)(A) shall be applied by substituting 'the prior taxable year' for 'the taxable year'.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Families First Coronavirus Response Act to which they relate.

SEC. 20225. FEDERAL, STATE, AND LOCAL GOVERNMENTS ALLOWED TAX CREDITS FOR PAID SICK AND PAID FAMILY AND MEDICAL LEAVE.

(a) IN GENERAL.—Sections 7001(e) and 7003(e) of the Families First Coronavirus Response Act are each amended by striking paragraph (4).

AMERICAN OVERSIGHT

(b) COORDINATION WITH APPLICATION OF CERTAIN DEFINITIONS.—

(1) IN GENERAL.—Sections 7001(c) and 7003(c) of the Families First Coronavirus Response Act are each amended—

(A) by inserting ", determined without regard to paragraphs (1) through (22) of section 3121(b) of such Code" after "as defined in section 3121(a) of the Internal Revenue Code of 1986", and

(B) by inserting ", determined without regard to the sentence in paragraph (1) thereof which begins 'Such term does include remuneration'" after "as defined in section 3231(e) of the Internal Revenue Code".

(2) CONFORMING AMENDMENTS.—Sections 7001(e)(3) and 7003(e)(3) of the Families First Coronavirus Response Act are each amended by striking "Any term" and inserting "Except as otherwise provided in this section, any term".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Families First Coronavirus Response Act to which they relate.

AMERICAN OVERSIGHT

SEC. 20226. CERTAIN TECHNICAL IMPROVEMENTS.

(a) COORDINATION WITH EXCLUSION FROM EMPLOYMENT TAXES.—Sections 7001(c) and 7003(c) of the Families First Coronavirus Response Act, as amended by the preceding provisions of this Act, are each amended—

(1) by inserting ''and section 7005(a) of this Act,'' after ''determined without regard to paragraphs (1) through (22) of section 3121(b) of such Code'', and

(2) by inserting ''and without regard to section 7005(a) of this Act'' after ''which begins 'Such term does not include remuneration' ''.

(b) CLARIFICATION OF APPLICABLE RAILROAD RETIREMENT TAX FOR PAID LEAVE CREDITS.—Sections 7001(e) and 7003(e) of the Families First Coronavirus Response Act, as amended by the preceding provisions of this Act, are each amended by adding at the end the following new paragraph:

''(4) REFERENCES TO RAILROAD RETIREMENT TAX.—Any reference in this section to the tax imposed by section 3221(a) of the Internal Revenue Code of 1986 shall be treated as a reference to so much of such tax as is attributable to the rate in effect under section 3111(a) of such Code.''.

(c) CLARIFICATION OF TREATMENT OF PAID LEAVE FOR APPLICABLE RAILROAD RETIREMENT TAX.—Section

AMERICAN OVERSIGHT

7005(a) of the Families First Coronavirus Response Act is amended by adding the following sentence at the end of such subsection: ''Any reference in this subsection to the tax imposed by section 3221(a) of such Code shall be treated as a reference to so much of the tax as is attributable to the rate in effect under section 3111(a) of such Code.''

(d) CLARIFICATION OF APPLICABLE RAILROAD RETIREMENT TAX FOR HOSPITAL INSURANCE TAX CREDIT.—Section 7005(b)(1) of the Families First Coronavirus Response Act is amended as follows:

''(1) IN GENERAL.—The credit allowed by section 7001 and the credit allowed by section 7003 shall each be increased by the amount of the tax imposed by section 3111(b) of the Internal Revenue Code of 1986 and so much of the taxes imposed under section 3221(a) of such Code as are attributable to the rate in effect under section 3111(b) of such Code on qualified sick leave wages, or qualified family leave wages, for which credit is allowed under such section 7001 or 7003 (respectively).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Families First Coronavirus Response Act to which they relate.

AMERICAN OVERSIGHT

SEC. 20227. CREDITS NOT ALLOWED TO CERTAIN LARGE EMPLOYERS.

(a) CREDIT FOR REQUIRED PAID SICK LEAVE.—

(1) IN GENERAL.—Section 7001(a) of the Families First Coronavirus Response Act is amended by striking ''In the case of an employer'' and inserting ''In the case of an eligible employer''.

(2) ELIGIBLE EMPLOYER.—Section 7001(c) of the Families First Coronavirus Response Act, as amended by the preceding provisions of this Act, is amended by striking ''For purposes of this section, the term'' and all that precedes it and inserting the following:

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

''(1) ELIGIBLE EMPLOYER.—The term 'eligible employer' means any employer other than an applicable large employer (as defined in section 4980H(c)(2), determined by substituting '500' for '50' each place it appears in subparagraphs (A) and (B) thereof and without regard to subparagraphs (D) and (F) thereof). For purposes of the preceding sentence, the Government of the United States, the government of any State or political subdivision thereof, or any agency or instrumentality of any of the foregoing shall not be treated as an applicable large employer.

AMERICAN OVERSIGHT

''(2) QUALIFIED SICK LEAVE WAGES.—The term''.

(b) CREDIT FOR REQUIRED PAID FAMILY LEAVE.—

(1) IN GENERAL.—Section 7003(a) of the Families First Coronavirus Response Act is amended by striking ''In the case of an employer'' and inserting ''In the case of an eligible employer''.

(2) ELIGIBLE EMPLOYER.—Section 7003(c) of the Families First Coronavirus Response Act, as amended by the preceding provisions of this Act, is amended by striking ''For purposes of this section, the term'' and all that precedes it and inserting the following:

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

''(1) ELIGIBLE EMPLOYER.—The term 'eligible employer' means any employer other than an applicable large employer (as defined in section 4980H(c)(2), determined by substituting '500' for '50' each place it appears in subparagraphs (A) and (B) thereof and without regard to subparagraphs (D) and (F) thereof). For purposes of the preceding sentence, the Government of the United States, the government of any State or political subdivision thereof, or any agency or instrumentality of any of

AMERICAN OVERSIGHT

the foregoing, shall not be treated as an applicable large employer.

''(2) QUALIFIED FAMILY LEAVE WAGES.—The term''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after the date of the enactment of this Act.

Subtitle D—Other Relief

SEC. 20231. PAYROLL TAX DEFERRAL ALLOWED FOR RECIPIENTS OF CERTAIN LOAN FORGIVENESS.

(a) IN GENERAL.—Section 2302(a) of the CARES Act is amended by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 2302 of the CARES Act.

SEC. 20232. EMERGENCY FINANCIAL AID GRANTS.

(a) IN GENERAL.—In the case of a student receiving a qualified emergency financial aid grant—

(1) such grant shall not be included in the gross income of such individual for purposes of the Internal Revenue Code of 1986, and

(2) such grant shall not be treated as described in subparagraph (A), (B), or (C) of section 25A(g)(2) of such Code.

AMERICAN OVERSIGHT

(b) DEFINITIONS.—For purposes of this subsection, the term ''qualified emergency financial aid grant'' means—

(1) any emergency financial aid grant awarded by an institution of higher education under section 3504 of the CARES Act,

(2) any emergency financial aid grant from an institution of higher education made with funds made available under section 18004 of the CARES Act, and

(3) any other emergency financial aid grant made to a student from a Federal agency, a State, an Indian tribe, an institution of higher education, or a scholarship-granting organization (including a tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C.5304)) for the purpose of providing financial relief to students enrolled at institutions of higher education in response to a qualifying emergency (as defined in section 3502(a)(4) of the CARES Act).

(c) LIMITATION.—This section shall not apply to that portion of any amount received which represents payment for teaching, research, or other services required as a con-

AMERICAN OVERSIGHT

dition for receiving the qualified emergency financial aid grant.

(d) EFFECTIVE DATE.—This section shall apply to qualified emergency financial aid grants made after March 26, 2020.

SEC. 20233. CERTAIN LOAN FORGIVENESS AND OTHER BUSINESS FINANCIAL ASSISTANCE UNDER CARES ACT NOT INCLUDIBLE IN GROSS INCOME.

(a) UNITED STATES TREASURY PROGRAM MANAGEMENT AUTHORITY.—For purposes of the Internal Revenue Code of 1986, no amount shall be included in gross income by reason of loan forgiveness described in section 1109(d)(2)(D) of the CARES Act.

(b) EMERGENCY EIDL GRANTS.—For purposes of the Internal Revenue Code of 1986, any advance described in section 1110(e) of the CARES Act shall not be included in the gross income of the person that receives such advance.

(c) SUBSIDY FOR CERTAIN LOAN PAYMENTS.—For purposes of the Internal Revenue Code of 1986, any payment described in section 1112(c) of the CARES Act shall not be included in the gross income of the person on whose behalf such payment is made.

AMERICAN OVERSIGHT

(d) EFFECTIVE DATE.—Subsections (a), (b), and (c) shall apply to taxable years ending after the date of the enactment of the CARES Act.

SEC. 20234. AUTHORITY TO WAIVE CERTAIN INFORMATION REPORTING REQUIREMENTS.

The Secretary of the Treasury (or the Secretary's delegate) may provide an exception from any requirement to file an information return otherwise required by chapter 61 of the Internal Revenue Code of 1986 with respect to any amount excluded from gross income by reason of section 1106(i) of the CARES Act or section 20232 or 20233 of this Act.

SEC. 20235. CLARIFICATION OF TREATMENT OF EXPENSES PAID OR INCURRED WITH PROCEEDS FROM CERTAIN GRANTS AND LOANS.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986 and notwithstanding any other provision of law, any deduction and the basis of any property shall be determined without regard to whether any amount is excluded from gross income under section 20233 of this Act or section 1106(i) of the CARES Act.

(b) CLARIFICATION OF EXCLUSION OF LOAN FORGIVENESS.—Section 1106(i) of the CARES Act is amended to read as follows:

AMERICAN OVERSIGHT

"(i) TAXABILITY.—For purposes of the Internal Revenue Code of 1986, no amount shall be included in the gross income of the eligible recipient by reason of forgiveness of indebtedness described in subsection (b).".

(c) EFFECTIVE DATE.—Subsection (a) and the amendment made by subsection (b) shall apply to taxable years ending after the date of the enactment of the CARES Act.

SEC. 20236. REINSTATEMENT OF CERTAIN PROTECTIONS FOR TAXPAYER RETURN INFORMATION.

(a) IN GENERAL.—Section 6103(a)(3) of the Internal Revenue Code of 1986, as amended by section 3516 of the CARES Act, is amended by striking "(13)(A), (13)(B), (13)(C), (13)(D)(i), (16)" and inserting "(13), (16)".

(b) RECORDS REQUIREMENTS.—Section 6103(p)(3)(A) of such Code, as so amended, is amended by striking "(12), (13)(A), (13)(B), (13)(C), (13)(D)(i)" and inserting "(12),".

(c) APPLICATION OF SAFEGUARDS.—Section 6103(p)(4) of such Code, as so amended, is amended by striking "(13)(A), (13)(B), (13)(C), (13)(D)(i)" each place it appears and inserting "(13)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures made after the date

AMERICAN OVERSIGHT

of the enactment of the FUTURE Act (Public Law 116–91).

TITLE III—NET OPERATING LOSSES

SEC. 20301. LIMITATION ON EXCESS BUSINESS LOSSES OF NON-CORPORATE TAXPAYERS RESTORED AND MADE PERMANENT.

(a) IN GENERAL.—Section 461(l)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) LIMITATION.—In the case of a taxpayer other than a corporation, any excess business loss of the taxpayer shall not be allowed.".

(b) FARMING LOSSES.—Section 461 of such Code is amended by striking subsection (j).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 20302. CERTAIN TAXPAYERS ALLOWED CARRYBACK OF NET OPERATING LOSSES ARISING IN 2019 AND 2020.

(a) CARRYBACK OF LOSSES ARISING IN 2019 AND 2020.—

(1) IN GENERAL.—Section 172(b)(1)(D)(i) of the Internal Revenue Code of 1986 is amended to read as follows:

AMERICAN OVERSIGHT

"(i) IN GENERAL.—In the case of any net operating loss arising in a taxable year beginning after December 31, 2018, and before January 1, 2021, and to which subparagraphs (B) and (C)(i) do not apply, such loss shall be a net operating loss carryback to each taxable year preceding the taxable year of such loss, but not to any taxable year beginning before January 1, 2018.".

(2) CONFORMING AMENDMENTS.—

(A) The heading for section 172(b)(1)(D) of such Code is amended by striking "2018, 2019, AND" and inserting "2019 AND".

(B) Section 172(b)(1)(D) of such Code is amended by striking clause (iii) and by redesignating clauses (iv) and (v) as clauses (iii) and (iv), respectively.

(C) Section 172(b)(1)(D)(iii) of such Code, as so redesignated, is amended by striking "(i)(I)" and inserting "(i)".

(D) Section 172(b)(1)(D)(iv) of such Code, as so redesignated, is amended—

(i) by striking "If the 5-year carryback period under clause (i)(I)" in

AMERICAN OVERSIGHT

subclause (I) and inserting ''If the carryback period under clause (i)'', and

(ii) by striking ''2018 or'' in subclause (II).

(b) DISALLOWED FOR CERTAIN TAXPAYERS.—Section 172(b)(1)(D) of such Code, as amended by the preceding provisions of this Act, is amended by adding at the end the following new clauses:

''(v) CARRYBACK DISALLOWED FOR CERTAIN TAXPAYERS.—Clause (i) shall not apply with respect to any loss arising in a taxable year in which—

''(I) the taxpayer (or any related person) is not allowed a deduction under this chapter for the taxable year by reason of section 162(m) or section 280G, or

''(II) the taxpayer (or any related person) is a specified corporation for the taxable year.

''(vi) SPECIFIED CORPORATION.—For purposes of clause (v)—

''(I) IN GENERAL.—The term 'specified corporation' means, with respect to any taxable year, a corpora-

AMERICAN OVERSIGHT

tion the aggregate distributions (including redemptions) of which during all taxable years ending after December 31, 2017, exceed the sum of applicable stock issued of such corporation and 5 percent of the fair market value of the stock of such corporation as of the last day of the taxable year.

"(II) APPLICABLE STOCK ISSUED.—The term 'applicable stock issued' means, with respect to any corporation, the aggregate fair market value of stock (as of the issue date of such stock) issued by the corporation during all taxable years ending after December 31, 2017, in exchange for money or property other than stock in such corporation.

"(III) CERTAIN PREFERRED STOCK DISREGARDED.—For purposes of subclause (I), stock described in section 1504(a)(4), and distributions (including redemptions) with respect to such stock, shall be disregarded.

AMERICAN OVERSIGHT

"(vii) RELATED PERSON.—For purposes of clause (v), a person is a related person to a taxpayer if the related person bears a relationship to the taxpayer specified in section 267(b) or section 707(b)(1).".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 2302(b) of the Coronavirus Aid, Relief, and Economic Security Act.

AMERICAN OVERSIGHT

DIVISION C—HEALTH PROVISIONS

TITLE I—MEDICAID PROVISIONS

COVID–19-RELATED TEMPORARY INCREASE OF MEDICAID FMAP

SEC. 30101.

(a) IN GENERAL.—Section 6008 of the Families First Coronavirus Response Act (42 U.S.C. 1396d note) is amended—

(1) in subsection (a)—

(A) by inserting ''(or, if later, June 30, 2021)'' after ''last day of such emergency period occurs''; and

(B) by striking ''6.2 percentage points.'' and inserting ''the percentage points specified in subsection (e). In no case may the application of this section result in the Federal medical assistance percentage determined for a State being more than 95 percent.''; and

(2) by adding at the end the following new subsections:

''(e) SPECIFIED PERCENTAGE POINTS.—For purposes of subsection (a), the percentage points specified in this subsection are—

''(1) for each calendar quarter occurring during the period beginning on the first day of the emer-

AMERICAN OVERSIGHT

gency period described in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b-5(g)) and ending on June 30, 2020, 6.2 percentage points;

''(2) for each calendar quarter occurring during the period beginning on July 1, 2020, and ending on June 30, 2021, 14 percentage points; and

''(3) for each calendar quarter, if any, occurring during the period beginning on July 1, 2021, and ending on the last day of the calendar quarter in which the last day of such emergency period occurs, 6.2 percentage points.

''(f) CLARIFICATIONS.—

''(1) In the case of a State that treats an individual described in subsection (b)(3) as eligible for the benefits described in such subsection, for the period described in subsection (a), expenditures for medical assistance and administrative costs attributable to such individual that would not otherwise be included as expenditures under section 1903 of the Social Security Act shall be regarded as expenditures under the State plan approved under title XIX of the Social Security Act or for administration of such State plan.

AMERICAN OVERSIGHT

"(2) The limitations on payment under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) shall not apply to Federal payments made under section 1903(a)(1) of the Social Security Act (42 U.S.C. 1396b(a)(1)) attributable to the increase in the Federal medical assistance percentage under this section.

"(3) Expenditures attributable to the increased Federal medical assistance percentage under this section shall not be counted for purposes of the limitations under section 2104(b)(4) of such Act (42 U.S.C. 1397dd(b)(4)).

"(g) SCOPE OF APPLICATION.—An increase in the Federal medical assistance percentage for a State under this section shall not be taken into account for purposes of payments under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect and apply as if included in the enactment of section 6008 of the Families First Coronavirus Response Act (Public Law 116–127).

LIMITATION ON ADDITIONAL SECRETARIAL ACTION WITH RESPECT TO MEDICAID SUPPLEMENTAL PAYMENTS REPORTING REQUIREMENTS

SEC. 30102.

AMERICAN OVERSIGHT

(a) IN GENERAL.—Notwithstanding any other provision of law, during the period that begins on the date of enactment of this section and ends on the last day of the emergency period described in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b–5(g)), the Secretary of Health and Human Services shall not take any action (through promulgation of regulation, issue of regulatory guidance, or otherwise) to—

(1) finalize or otherwise implement provisions contained in the proposed rule published on November 18, 2019, on pages 63722 through 63785 of volume 84, Federal Register (relating to parts 430, 433, 447, 455, and 457 of title 42, Code of Federal Regulations); or

(2) promulgate or implement any rule or provision similar to the provisions described in paragraph (1) pertaining to the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or the State Children's Health Insurance Program established under title XXI of such Act (42 U.S.C. 1397aa et seq.).

(b) CONTINUATION OF OTHER SECRETARIAL AUTHORITY.—Nothing in this section shall be construed as prohibiting the Secretary during the period described in subsection (a) from taking any action (through promulga-

AMERICAN OVERSIGHT

tion of regulation, issuance of regulatory guidance, or other administrative action) to enforce a provision of law in effect as of the date of enactment of this section with respect to the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or the State Children's Health Insurance Program established under title XXI of such Act (42 U.S.C. 1397aa et seq.), or to promulgate or implement a new rule or provision during such period with respect to such programs, other than a rule or provision described in subsection (a) and subject to the prohibition set forth in that subsection.

ADDITIONAL SUPPORT FOR MEDICAID HOME AND COMMUNITY-BASED SERVICES DURING THE COVID–19 EMERGENCY PERIOD

SEC. 30103.

(a) INCREASED FMAP.—

(1) IN GENERAL.—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), in the case of an HCBS program State, the Federal medical assistance percentage determined for the State under section 1905(b) of such Act and, if applicable, increased under subsection (y), (z), or (aa) of section 1905 of such Act (42 U.S.C. 1396d), section 1915(k) of such Act (42 U.S.C. 1396n(k)), or section 6008(a) of the Families First Coronavirus Response Act (Public Law

AMERICAN OVERSIGHT

116–127), shall be increased by 10 percentage points with respect to expenditures of the State under the State Medicaid program for home and community-based services that are provided during the HCBS program improvement period. In no case may the application of the previous sentence result in the Federal medical assistance percentage determined for a State being more than 95 percent.

(2) DEFINITIONS.—In this section:

(A) HCBS PROGRAM IMPROVEMENT PERIOD.—The term ''HCBS program improvement period'' means, with respect to a State, the period—

(i) beginning on July 1, 2020; and

(ii) ending on June 30, 2021.

(B) HCBS PROGRAM STATE.—The term ''HCBS program State'' means a State that meets the condition described in subsection (b) by submitting an application described in such subsection, which is approved by the Secretary pursuant to subsection (c).

(C) HOME AND COMMUNITY-BASED SERVICES.—The term ''home and community-based services'' means home health care services authorized under paragraph (7) of section 1905(a)

AMERICAN OVERSIGHT

of the Social Security Act (42 U.S.C. 1396d(a)), personal care services authorized under paragraph (24) of such section, PACE services authorized under paragraph (26) of such section, services authorized under subsections (b), (c), (i), (j), and (k) of section 1915 of such Act (42 U.S.C. 1396n), such services authorized under a waiver under section 1115 of such Act (42 U.S.C. 1315), and such other services specified by the Secretary.

(b) CONDITION.—The condition described in this subsection, with respect to a State, is that the State submits an application to the Secretary, at such time and in such manner as specified by the Secretary, that includes, in addition to such other information as the Secretary shall require—

(1) a description of which activities described in subsection (d) that a state plans to implement and a description of how it plans to implement such activities;

(2) assurances that the Federal funds attributable to the increase under subsection (a) will be used—

(A) to implement the activities described in subsection (d); and

AMERICAN OVERSIGHT

(B) to supplement, and not supplant, the level of State funds expended for home and community-based services for eligible individuals through programs in effect as of the date of the enactment of this section; and

(3) assurances that the State will conduct adequate oversight and ensure the validity of such data as may be required by the Secretary.

(c) APPROVAL OF APPLICATION.—Not later than 90 days after the date of submission of an application of a State under subsection (b), the Secretary shall certify if the application is complete. Upon certification that an application of a State is complete, the application shall be deemed to be approved for purposes of this section.

(d) ACTIVITIES TO IMPROVE THE DELIVERY OF HCBS.—

(1) IN GENERAL.—A State shall work with community partners, such as Area Agencies on Aging, Centers for Independent Living, non-profit home and community-based services providers, and other entities providing home and community-based services, to implement—

(A) the purposes described in paragraph (2) during the COVID–19 public health emergency period; and

AMERICAN OVERSIGHT

(B) the purposes described in paragraph (3) after the end of such emergency period.

(2) FOCUSED AREAS OF HCBS IMPROVEMENT.—The purposes described in this paragraph, with respect to a State, are the following:

(A) To increase rates for home health agencies and agencies that employ direct support professionals (including independent providers in a self-directed or consumer-directed model) to provide home and community-based services under the State Medicaid program, provided that any agency or individual that receives payment under such an increased rate increases the compensation it pays its home health workers or direct support professionals.

(B) To provide paid sick leave, paid family leave, and paid medical leave for home health workers and direct support professionals.

(C) To provide hazard pay, overtime pay, and shift differential pay for home health workers and direct support professionals.

(D) To provide home and community-based services to eligible individuals who are on waiting lists for programs approved under sec-

AMERICAN OVERSIGHT

tions 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1396n).

(E) To purchase emergency supplies and equipment, which may include items not typically covered under the Medicaid program, such as personal protective equipment, necessary to enhance access to services and to protect the health and well-being of home health workers and direct support professionals.

(F) To pay for the travel of home health workers and direct support professionals to conduct home and community-based services.

(G) To recruit new home health workers and direct support professionals.

(H) To support family care providers of eligible individuals with needed supplies and equipment, which may include items not typically covered under the Medicaid program, such as personal protective equipment, and pay.

(I) To pay for training for home health workers and direct support professionals that is specific to the COVID–19 public health emergency.

(J) To pay for assistive technologies, staffing, and other costs incurred during the

AMERICAN OVERSIGHT

COVID–19 public health emergency period in order to facilitate community integration and ensure an individual's person-centered service plan continues to be fully implemented.

(K) To prepare information and public health and educational materials in accessible formats (including formats accessible to people with low literacy or intellectual disabilities) about prevention, treatment, recovery and other aspects of COVID–19 for eligible individuals, their families, and the general community served by agencies described in subparagraph (A).

(L) To pay for American sign language interpreters to assist in providing home and community-based services to eligible individuals and to inform the general public about COVID–19.

(M) To allow day services providers to provide home and community-based services.

(N) To pay for other expenses deemed appropriate by the Secretary to enhance, expand, or strengthen Home and Community-Based Services, including retainer payments, and expenses which meet the criteria of the home and

AMERICAN OVERSIGHT

community-based settings rule published on January 16, 2014.

(3) PERMISSIBLE USES AFTER THE EMERGENCY PERIOD.—The purpose described in this paragraph, with respect to a State, is to assist eligible individuals who had to relocate to a nursing facility or institutional setting from their homes during the COVID–19 public health emergency period in—

(A) moving back to their homes (including by paying for moving costs, first month's rent, and other one-time expenses and start-up costs);

(B) resuming home and community-based services;

(C) receiving mental health services and necessary rehabilitative service to regain skills lost while relocated during the public health emergency period; and

(D) while funds attributable to the increased FMAP under this section remain available, continuing home and community-based services for eligible individuals who were served from a waiting list for such services during the public health emergency period.

AMERICAN OVERSIGHT

(e) REPORTING REQUIREMENTS.—

(1) STATE REPORTING REQUIREMENTS.—Not later than December 31, 2022, any State with respect to which an application is approved by the Secretary pursuant to subsection (c) shall submit a report to the Secretary that contains the following information:

(A) Activities and programs that were funded using Federal funds attributable to such increase.

(B) The number of eligible individuals who were served by such activities and programs.

(C) The number of eligible individuals who were able to resume home and community-based services as a result of such activities and programs.

(2) HHS EVALUATION.—

(A) IN GENERAL.—The Secretary shall evaluate the implementation and outcomes of this section in the aggregate using an external evaluator with experience evaluating home and community-based services, disability programs, and older adult programs.

AMERICAN OVERSIGHT

(B) EVALUATION CRITERIA.—For purposes of subparagraph (A), the external evaluator shall—

(i) document and evaluate changes in access, availability, and quality of home and community-based services in each HCBS program State;

(ii) document and evaluate aggregate changes in access, availability, and quality of home and community-based services across all such States; and

(iii) evaluate the implementation and outcomes of this section based on—

(I) the impact of this section on increasing funding for home and community-based services;

(II) the impact of this section on achieving targeted access, availability, and quality of home and community-based services; and

(III) promising practices identified by activities conducted pursuant to subsection (d) that increase access to, availability of, and quality of home and community-based services.

AMERICAN OVERSIGHT

(C) DISSEMINATION OF EVALUATION FINDINGS.—The Secretary shall—

(i) disseminate the findings from the evaluations conducted under this paragraph to—

(I) all State Medicaid directors; and

(II) the Committee on Energy and Commerce of the House of Representatives, the Committee on Finance of the Senate, and the Special Committee on Aging of the Senate; and

(ii) make all evaluation findings publicly available in an accessible electronic format and any other accessible format determined appropriate by the Secretary.

(D) OVERSIGHT.—Each State with respect to which an application is approved by the Secretary pursuant to subsection (c) shall ensure adequate oversight of the expenditure of Federal funds pursuant to such increase in accordance with the Medicaid regulations, including section 1115 and 1915 waiver regulations and

AMERICAN OVERSIGHT

special terms and conditions for any relevant waiver or grant program.

(3) NON-APPLICATION OF THE PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly referred to as the ''Paperwork Reduction Act of 1995''), shall not apply to the provisions of this subsection.

(f) ADDITIONAL DEFINITIONS.—In this section:

(1) COVID–19 PUBLIC HEALTH EMERGENCY PERIOD.—The term ''COVID–19 public health emergency period'' means the portion of the emergency period described in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b–5(g)) beginning on or after the date of the enactment of this Act.

(2) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means an individual who is eligible for or enrolled for medical assistance under a State Medicaid program.

(3) MEDICAID PROGRAM.—The term ''Medicaid program'' means, with respect to a State, the State program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver or demonstration under such title or under section

AMERICAN OVERSIGHT

1115 of such Act (42 U.S.C. 1315) relating to such title).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) STATE.—The term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

COVERAGE AT NO COST SHARING OF COVID–19 VACCINE AND TREATMENT

SEC. 30104.

(a) MEDICAID.—

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

(A) by striking ''and (D)'' and inserting ''(D)''; and

(B) by striking the semicolon at the end and inserting ''; (E) during the portion of the emergency period described in paragraph (1)(B) of section 1135(g) beginning on the date of the enactment of the HEROES Act, a COVID–19 vaccine licensed under section 351 of the Public Health Service Act, or approved or authorized under sections 505 or 564 of the Federal Food, Drug, and Cosmetic Act, and administration of the vaccine; (F) during such portion of the

AMERICAN OVERSIGHT

emergency period described in paragraph (1)(B) of section 1135(g), items or services for the prevention or treatment of COVID–19, including drugs approved or authorized under such section 505 or such section 564 or, without regard to the requirements of section 1902(a)(10)(B) (relating to comparability), in the case of an individual who is diagnosed with or presumed to have COVID–19, during such portion of such emergency period during which such individual is infected (or presumed infected) with COVID–19, the treatment of a condition that may complicate the treatment of COVID–19;''.

(2) PROHIBITION OF COST SHARING.—

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

(i) in subparagraph (F), by striking ''or'' at the end;

(ii) in subparagraph (G), by striking ''; and'' and inserting '', or''; and

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

AMERICAN OVERSIGHT

"(H) during the portion of the emergency period described in paragraph (1)(B) of section 1135(g) beginning on the date of the enactment of this subparagraph, a COVID–19 vaccine licensed under section 351 of the Public Health Service Act, or approved or authorized under section 505 or 564 of the Federal Food, Drug, and Cosmetic Act, and the administration of such vaccine, or

"(I) during such portion of the emergency period described in paragraph (1)(B) of section 1135(g), any item or service furnished for the treatment of COVID–19, including drugs approved or authorized under such section 505 or such section 564 or, in the case of an individual who is diagnosed with or presumed to have COVID–19, during the portion of such emergency period during which such individual is infected (or presumed infected) with COVID–19, the treatment of a condition that may complicate the treatment of COVID–19; and".

(B) APPLICATION TO ALTERNATIVE COST SHARING.—Section 1916A(b)(3)(B) of the Social Security Act (42 U.S.C. 1396o–1(b)(3)(B)) is amended—

AMERICAN OVERSIGHT

(i) in clause (xi), by striking ''any visit'' and inserting ''any service''; and

(ii) by adding at the end the following clauses:

''(xii) During the portion of the emergency period described in paragraph (1)(B) of section 1135(g) beginning on the date of the enactment of this clause, a COVID–19 vaccine licensed under section 351 of the Public Health Service Act, or approved or authorized under section 505 or 564 of the Federal Food, Drug, and Cosmetic Act, and the administration of such vaccine.

''(xiii) During such portion of the emergency period described in paragraph (1)(B) of section 1135(g), an item or service furnished for the treatment of COVID–19, including drugs approved or authorized under such section 505 or such section 564 or, in the case of an individual who is diagnosed with or presumed to have COVID–19, during such portion of such emergency period during which such individual is infected (or presumed infected) with COVID–19, the treatment of a condition

AMERICAN OVERSIGHT

that may complicate the treatment of COVID–19.''.

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

(b) STATE PEDIATRIC VACCINE DISTRIBUTION PROGRAM.—Section 1928 of the Social Security Act (42 U.S.C. 1396s) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (B), by striking the period and inserting ''; and''; and

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

''(C) during the portion of the emergency period described in paragraph (1)(B) of section 1135(g) beginning on the date of the enactment of this subparagraph, each vaccine-eligible child (as defined in subsection (b)) is entitled to receive a COVID–19 vaccine from a program-registered provider (as defined in subsection (h)(7)) without charge for—

''(i) the cost of such vaccine; or

AMERICAN OVERSIGHT

"(ii) the administration of such vaccine.";

(2) in subsection (c)(2)—

(A) in subparagraph (C)(ii), by inserting ", but, during the portion of the emergency period described in paragraph (1)(B) of section 1135(g) beginning on the date of the enactment of the HEROES Act, may not impose a fee for the administration of a COVID–19 vaccine" before the period; and

(B) by adding at the end the following subparagraph:

"(D) The provider will provide and administer an approved COVID–19 vaccine to a vaccine-eligible child in accordance with the same requirements as apply under the preceding subparagraphs to the provision and administration of a qualified pediatric vaccine to such a child."; and

(3) in subsection (d)(1), in the first sentence, by inserting ", including, during the portion of the emergency period described in paragraph (1)(B) of section 1135(g) beginning on the date of the enactment of the HEROES Act, with respect to a COVID–19 vaccine licensed under section 351 of the

AMERICAN OVERSIGHT

Public Health Service Act, or approved or authorized under section 505 or 564 of the Federal Food, Drug, and Cosmetic Act'' before the period.

(c) CHIP.—

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

''(11) COVERAGE OF COVID–19 VACCINES AND TREATMENT.—Regardless of the type of coverage elected by a State under subsection (a), child health assistance provided under such coverage for targeted low-income children and, in the case that the State elects to provide pregnancy-related assistance under such coverage pursuant to section 2112, such pregnancy-related assistance for targeted low-income pregnant women (as defined in section 2112(d)) shall include coverage, during the portion of the emergency period described in paragraph (1)(B) of section 1135(g) beginning on the date of the enactment of this paragraph, of—

''(A) a COVID–19 vaccine licensed under section 351 of the Public Health Service Act, or approved or authorized under section 505 or 564 of the Federal Food, Drug, and Cosmetic

AMERICAN OVERSIGHT

Act, and the administration of such vaccine; and

"(B) any item or service furnished for the treatment of COVID–19, including drugs approved or authorized under such section 505 or such section 564, or, in the case of an individual who is diagnosed with or presumed to have COVID–19, during the portion of such emergency period during which such individual is infected (or presumed infected) with COVID–19, the treatment of a condition that may complicate the treatment of COVID–19.".

(2) PROHIBITION OF COST SHARING.—Section 2103(e)(2) of the Social Security Act (42 U.S.C. 1397cc(e)(2)), as amended by section 6004(b)(3) of the Families First Coronavirus Response Act, is amended—

(A) in the paragraph header, by inserting "A COVID–19 VACCINE, COVID–19 TREATMENT," before "OR PREGNANCY-RELATED ASSISTANCE"; and

(B) by striking "visits described in section 1916(a)(2)(G), or" and inserting "services described in section 1916(a)(2)(G), vaccines described in section 1916(a)(2)(H) administered

AMERICAN OVERSIGHT

during the portion of the emergency period described in paragraph (1)(B) of section 1135(g) beginning on the date of the enactment of the HEROES Act, items or services described in section 1916(a)(2)(I) furnished during such emergency period, or''.

(d) CONFORMING AMENDMENTS.—Section 1937 of the Social Security Act (42 U.S.C. 1396u–7) is amended—

(1) in subsection (a)(1)(B), by inserting '', under subclause (XXIII) of section 1902(a)(10)(A)(ii),'' after ''section 1902(a)(10)(A)(i)''; and

(2) in subsection (b)(5), by adding before the period the following: '', and, effective on the date of the enactment of the HEROES Act, must comply with subparagraphs (F) through (I) of subsections (a)(2) and (b)(2) of section 1916 and subsection (b)(3)(B) of section 1916A''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply with respect to a COVID–19 vaccine beginning on the date that such vaccine is licensed under section 351 of the Public Health Service Act (42

AMERICAN OVERSIGHT

U.S.C. 262), or approved or authorized under section 505 or 564 of the Federal Food, Drug, and Cosmetic Act.

OPTIONAL COVERAGE AT NO COST SHARING OF COVID–19 TREATMENT AND VACCINES UNDER MEDICAID FOR UNINSURED INDIVIDUALS

SEC. 30105.

(a) IN GENERAL.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10) is amended, in the matter following subparagraph (G), by striking ''and any visit described in section 1916(a)(2)(G)'' and inserting the following: '', any COVID–19 vaccine that is administered during any such portion (and the administration of such vaccine), any item or service that is furnished during any such portion for the treatment of COVID–19, including drugs approved or authorized under section 505 or 564 of the Federal Food, Drug, and Cosmetic Act, or, in the case of an individual who is diagnosed with or presumed to have COVID–19, during the period such individual is infected (or presumed infected) with COVID–19, the treatment of a condition that may complicate the treatment of COVID–19, and any services described in section 1916(a)(2)(G)''.

(b) DEFINITION OF UNINSURED INDIVIDUAL.—

(1) IN GENERAL.—Subsection (ss) of section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended to read as follows:

AMERICAN OVERSIGHT

"(ss) UNINSURED INDIVIDUAL DEFINED.—For purposes of this section, the term 'uninsured individual' means, notwithstanding any other provision of this title, any individual who is not covered by minimum essential coverage (as defined in section 5000A(f)(1) of the Internal Revenue Code of 1986).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect and apply as if included in the enactment of the Families First Coronavirus Response Act (Public Law 116–127).

(c) CLARIFICATION REGARDING EMERGENCY SERVICES FOR CERTAIN INDIVIDUALS.—Section 1903(v)(2) of the Social Security Act (42 U.S.C. 1396b(v)(2)) is amended by adding at the end the following flush sentence:

"For purposes of subparagraph (A), care and services described in such subparagraph include any in vitro diagnostic product described in section 1905(a)(3)(B) (and the administration of such product), any COVID–19 vaccine (and the administration of such vaccine), any item or service that is furnished for the treatment of COVID–19, including drugs approved or authorized under section 505 or 564 of the Federal Food, Drug, and Cosmetic Act, or a condition that may complicate the treatment of

AMERICAN OVERSIGHT

COVID–19, and any services described in section 1916(a)(2)(G).''.

(d) INCLUSION OF COVID–19 CONCERN AS AN EMERGENCY CONDITION.—Section 1903(v)(3) of the Social Security Act (42 U.S.C. 1396b(v)(3)) is amended by adding at the end the following flush sentence:

''Such term includes any indication that an alien described in paragraph (1) may have contracted COVID–19.''.

EXTENSION OF FULL FEDERAL MEDICAL ASSISTANCE PERCENTAGE TO INDIAN HEALTH CARE PROVIDERS

SEC. 30106.

Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (a), by amending paragraph (9) to read as follows:

''(9) clinic services furnished by or under the direction of a physician, without regard to whether the clinic itself is administered by a physician, including—

''(A) such services furnished outside the clinic by clinic personnel to an eligible individual who does not reside in a permanent dwelling or does not have a fixed home or mailing address; and

AMERICAN OVERSIGHT

"(B) for the period beginning on July 1, 2020, and ending on June 30, 2021, such services provided outside the clinic on the basis of a referral from a clinic administered by an Indian Health Program (as defined in paragraph (12) of section 4 of the Indian Health Care Improvement Act, or an Urban Indian Organization as defined in paragraph (29) of section 4 of such Act that has a grant or contract with the Indian Health Service under title V of such Act;".

(2) in subsection (b), by inserting after "(as defined in section 4 of the Indian Health Care Improvement Act)" the following: "; for the period beginning on July 1, 2020, and ending on June 30, 2021, the Federal medical assistance percentage shall also be 100 per centum with respect to amounts expended as medical assistance for services which are received through an Urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act) that has a grant or contract with the Indian Health Service under title V of such Act; and, for such period, the Federal medical assistance percentage shall also be 100 per centum with respect to amounts expended as medical assist-

AMERICAN OVERSIGHT

ance for services provided to an individual who is eligible to receive services from the Indian Health Service and is eligible for assistance under the State plan, by a participating provider under the State plan whether provided directly or on the basis of a referral from the Indian Health Service, a Indian Health Service facility operated by an Indian tribe or tribal organization, or an Urban Indian organization (as defined in section 4 of such Act) that has a grant or contract with the Indian Health Service under title V of such Act''.

MEDICAID COVERAGE FOR CITIZENS OF FREELY ASSOCIATED STATES

SEC. 30107.

(a) IN GENERAL.—Section 402(b)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(2)) is amended by adding at the end the following new subparagraph:

''(G) MEDICAID EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.—With respect to eligibility for benefits for the designated Federal program defined in paragraph (3)(C) (relating to the Medicaid program), section 401(a) and paragraph (1) shall not apply to any individual who lawfully resides in 1 of the 50 States or the District of Columbia in accordance with

AMERICAN OVERSIGHT

the Compacts of Free Association between the Government of the United States and the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau and shall not apply, at the option of the Governor of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa as communicated to the Secretary of Health and Human Services in writing, to any individual who lawfully resides in the respective territory in accordance with such Compacts.''.

(b) EXCEPTION TO 5–YEAR LIMITED ELIGIBILITY.—Section 403(d) of such Act (8 U.S.C. 1613(d)) is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; or''; and

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

''(3) an individual described in section 402(b)(2)(G), but only with respect to the designated Federal program defined in section 402(b)(3)(C).''.

AMERICAN OVERSIGHT

(c) DEFINITION OF QUALIFIED ALIEN.—Section 431(b) of such Act (8 U.S.C. 1641(b)) is amended—

(1) in paragraph (6), by striking ''; or'' at the end and inserting a comma;

(2) in paragraph (7), by striking the period at the end and inserting '', or''; and

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

''(8) an individual who lawfully resides in the United States in accordance with a Compact of Free Association referred to in section 402(b)(2)(G), but only with respect to the designated Federal program defined in section 402(b)(3)(C) (relating to the Medicaid program).''.

(d) APPLICATION TO STATE PLANS.—Section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)) is amended by inserting after subclause (IX) the following:

''(X) who are described in section 402(b)(2)(G) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and eligible for benefits under this title by reason of application of such section;''.

AMERICAN OVERSIGHT

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

(1) in subsection (f), in the matter preceding paragraph (1), by striking ''subsections (g) and (h) and section 1935(e)(1)(B)'' and inserting ''subsections (g), (h), and (i) and section 1935(e)(1)(B)''; and

(2) by adding at the end the following:

''(i) EXCLUSION OF MEDICAL ASSISTANCE EXPENDITURES FOR CITIZENS OF FREELY ASSOCIATED STATES.—Expenditures for medical assistance provided to an individual described in section 431(b)(8) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(b)(8)) shall not be taken into account for purposes of applying payment limits under subsections (f) and (g).''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for items and services furnished on or after the date of the enactment of this Act.

TEMPORARY INCREASE IN MEDICAID DSH ALLOTMENTS

SEC. 30108.

(a) IN GENERAL.—Section 1923(f)(3) of the Social Security Act (42 U.S.C. 1396r–4(f)(3)) is amended—

AMERICAN OVERSIGHT

(1) in subparagraph (A), by striking ''and subparagraph (E)'' and inserting ''and subparagraphs (E) and (F)''; and

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

''(F) TEMPORARY INCREASE IN ALLOTMENTS DURING CERTAIN PUBLIC HEALTH EMERGENCY.—The DSH allotment for any State for each of fiscal years 2020 and 2021 is equal to 102.5 percent of the DSH allotment that would be determined under this paragraph for the State for each respective fiscal year without application of this subparagraph, notwithstanding subparagraphs (B) and (C). For each fiscal year after fiscal year 2021, the DSH allotment for a State for such fiscal year is equal to the DSH allotment that would have been determined under this paragraph for such fiscal year if this subparagraph had not been enacted.

''.

(b) DSH ALLOTMENT ADJUSTMENT FOR TENNESSEE.—Section 1923(f)(6)(A)(vi) of the Social Security Act (42 U.S.C. 1396r–4(f)(6)(A)(vi)) is amended—

AMERICAN OVERSIGHT

(1) by striking ''Notwithstanding any other provision of this subsection'' and inserting the following:

''(I) IN GENERAL.—Notwithstanding any other provision of this subsection (except as provided in subclause (II) of this clause)''; and

(2) by adding at the end the following:

''(II) TEMPORARY INCREASE IN ALLOTMENTS.—The DSH allotment for Tennessee for each of fiscal years 2020 and 2021 shall be equal to $54,427,500.''.

(c) SENSE OF CONGRESS.—It is the sense of Congress that a State should prioritize making payments under the State plan of the State under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (or a waiver of such plan) to disproportionate share hospitals that have a higher share of COVID–19 patients relative to other such hospitals in the State.

EXTENSION OF EXISTING SECTION 1115 DEMONSTRATIONS

SEC. 30109.

(a) APPLICABILITY.—This section shall apply with respect to demonstrations operated by States pursuant to section 1115(a) of the Social Security Act (42 U.S.C.

AMERICAN OVERSIGHT

1315(a)) to promote the objectives of title XIX or XXI of the Social Security Act with a project term set to end on or before February 28, 2021.

(b) APPROVAL OF EXTENSION.—Upon request by a State, the Secretary of Health and Human Services shall approve an extension of the waiver and expenditure authorities for a demonstration project described in subsection (a) for a period up to and including December 31, 2021, to ensure continuity of programs and funding during the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)).

(c) EXTENSION TERMS AND CONDITIONS.—(1) The approval pursuant to this section shall extend the terms and conditions that applied to the demonstration project to the extension period. Financial terms and conditions shall continue at levels equivalent to the prior demonstration or program year. All demonstration program components shall be extended to operate through the end of the extension term. In its request for an extension, the State shall identify operational and programmatic changes necessary to continue and stabilize programs into the extension period and shall work with the Secretary of Health and Human Services to implement such changes.

AMERICAN OVERSIGHT

(2) Notwithstanding the foregoing, the State may request, and the Secretary of Health and Human Services may approve, modifications to a demonstration project's terms and conditions to address the impact of the federally designated public health emergency with respect to COVID–19. Such modifications may, at the option of the State, become effective retroactive to the start of the calendar quarter in which the first day of the emergency period described in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b–5(g)) occurs.

(d) BUDGET NEUTRALITY.—Budget neutrality for extensions under this section shall be deemed to have been met at the conclusion of the extension period, and States receiving extensions under this section shall not be required to submit a budget neutrality analysis for the extension period.

(e) EXPEDITED APPLICATION PROCESS.—The Federal and State public notice and comment procedures or other time constraints otherwise applicable to demonstration project amendments shall be waived to expedite a State's extension request pursuant to this section. The Secretary of Health and Human Services shall approve the extension application within 45 days of a State's submission of its request, or such other timeframe as is mutually agreed to with the State.

AMERICAN OVERSIGHT

(f) CONTINUATION OF SECRETARIAL AUTHORITY UNDER DECLARED EMERGENCY.—This section does not restrict the Secretary of Health and Human Services from exercising existing flexibilities through demonstration projects operated pursuant to section 1115 of the Social Security Act (42 U.S.C. 1315) in conjunction with the COVID–19 public health emergency.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall authorize the Secretary of Health and Human Service to approve or extend a waiver that fails to meet the requirements of section 1115 of the Social Security Act (42 U.S.C. 1315).

ALLOWING FOR MEDICAL ASSISTANCE UNDER MEDICAID FOR INMATES DURING 30-DAY PERIOD PRECEDING RELEASE

SEC. 30110.

(a) IN GENERAL.—The subdivision (A) following paragraph (30) of section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended by inserting ''and except during the 30-day period preceding the date of release of such individual from such public institution'' after ''medical institution''.

(b) REPORT.—Not later than June 30, 2022, the Medicaid and CHIP Payment and Access Commission shall submit a report to Congress on the Medicaid inmate exclusion under the subdivision (A) following paragraph

AMERICAN OVERSIGHT

(30) of section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)). Such report may, to the extent practicable, include the following information:

(1) The number of incarcerated individuals who would otherwise be eligible to enroll for medical assistance under a State plan approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (or a waiver of such a plan).

(2) Access to health care for incarcerated individuals, including a description of medical services generally available to incarcerated individuals.

(3) A description of current practices related to the discharge of incarcerated individuals, including how prisons interact with State Medicaid agencies to ensure that such individuals who are eligible to enroll for medical assistance under a State plan or waiver described in paragraph (1) are so enrolled.

(4) If determined appropriate by the Commission, recommendations for Congress, the Department of Health and Human Services, or States regarding the Medicaid inmate exclusion.

(5) Any other information that the Commission determines would be useful to Congress.

MEDICAID COVERAGE OF CERTAIN MEDICAL TRANSPORTATION

SEC. 30111.

AMERICAN OVERSIGHT

(a) CONTINUING REQUIREMENT OF MEDICAID COVERAGE OF NECESSARY TRANSPORTATION.—

(1) REQUIREMENT.—Section 1902(a)(4) of the Social Security Act (42 U.S.C. 1396a(a)(4)) is amended—

(A) by striking ''and including provision for utilization'' and inserting ''including provision for utilization''; and

(B) by inserting after ''supervision of administration of the plan'' the following: '', and, subject to section 1903(i), including a specification that the single State agency described in paragraph (5) will ensure necessary transportation for beneficiaries under the State plan to and from providers and a description of the methods that such agency will use to ensure such transportation''.

(2) APPLICATION WITH RESPECT TO BENCHMARK BENEFIT PACKAGES AND BENCHMARK EQUIVALENT COVERAGE.—Section 1937(a)(1) of the Social Security Act (42 U.S.C. 1396u–7(a)(1)) is amended—

(A) in subparagraph (A), by striking ''subsection (E)'' and inserting ''subparagraphs (E) and (F)''; and

AMERICAN OVERSIGHT

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

"(F) NECESSARY TRANSPORTATION.—The State may only exercise the option under subparagraph (A)(i) if, subject to section 1903(i)(9) and in accordance with section 1902(a)(4), the benchmark benefit package or benchmark equivalent coverage described in such subparagraph (or the State)—

"(i) ensures necessary transportation for individuals enrolled under such package or coverage to and from providers; and

"(ii) provides a description of the methods that will be used to ensure such transportation.

".

(3) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended by inserting after paragraph (8) the following new paragraph:

"(9) with respect to any amount expended for non-emergency transportation described in section 1902(a)(4), unless the State plan provides for the methods and procedures required under section 1902(a)(30)(A); or".

AMERICAN OVERSIGHT

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to transportation furnished on or after such date.

(b) MEDICAID PROGRAM INTEGRITY MEASURES RELATED TO COVERAGE OF NONEMERGENCY MEDICAL TRANSPORTATION.—

(1) GAO STUDY.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study, and submit to Congress, a report on coverage under the Medicaid program under title XIX of the Social Security Act of nonemergency transportation to medically necessary services. Such study shall take into account the 2009 report of the Office of the Inspector General of the Department of Health and Human Services, titled ''Fraud and Abuse Safeguards for Medicaid Nonemergency Medical Transportation'' (OEI–06–07–003200). Such report shall include the following:

(A) An examination of the 50 States and the District of Columbia to identify safeguards to prevent and detect fraud and abuse with respect to coverage under the Medicaid program

AMERICAN OVERSIGHT

of nonemergency transportation to medically necessary services.

(B) An examination of transportation brokers to identify the range of safeguards against such fraud and abuse to prevent improper payments for such transportation.

(C) Identification of the numbers, types, and outcomes of instances of fraud and abuse, with respect to coverage under the Medicaid program of such transportation, that State Medicaid Fraud Control Units have investigated in recent years.

(D) Identification of commonalities or trends in program integrity, with respect to such coverage, to inform risk management strategies of States and the Centers for Medicare & Medicaid Services.

(2) STAKEHOLDER WORKING GROUP.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services, through the Centers of Medicare & Medicaid Services, shall convene a series of meetings to obtain input from appropriate stakeholders to facilitate discussion and shared learning about

AMERICAN OVERSIGHT

the leading practices for improving Medicaid program integrity, with respect to coverage of nonemergency transportation to medically necessary services.

(B) TOPICS.—The meetings convened under subparagraph (A) shall—

(i) focus on ongoing challenges to Medicaid program integrity as well as leading practices to address such challenges; and

(ii) address specific challenges raised by stakeholders involved in coverage under the Medicaid program of nonemergency transportation to medically necessary services, including unique considerations for specific groups of Medicaid beneficiaries meriting particular attention, such as American Indians and tribal land issues or accommodations for individuals with disabilities.

(C) STAKEHOLDERS.—Stakeholders described in subparagraph (A) shall include individuals from State Medicaid programs, brokers for nonemergency transportation to medically necessary services that meet the criteria de-

AMERICAN OVERSIGHT

scribed in section 1902(a)(70)(B) of the Social Security Act (42 U.S.C. 1396a(a)(70)(B)), providers (including transportation network companies), Medicaid patient advocates, and such other individuals specified by the Secretary.

(3) GUIDANCE REVIEW.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services, through the Centers for Medicare & Medicaid Services, shall assess guidance issued to States by the Centers for Medicare & Medicaid Services relating to Federal requirements for nonemergency transportation to medically necessary services under the Medicaid program under title XIX of the Social Security Act and update such guidance as necessary to ensure States have appropriate and current guidance in designing and administering coverage under the Medicaid program of nonemergency transportation to medically necessary services.

(4) NEMT TRANSPORTATION PROVIDER AND DRIVER REQUIREMENTS.—

(A) STATE PLAN REQUIREMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

AMERICAN OVERSIGHT

(i) by striking ''and'' at the end of paragraph (85);

(ii) by striking the period at the end of paragraph (86) and inserting ''; and''; and

(iii) by inserting after paragraph (86) the following new paragraph:

''(87) provide for a mechanism, which may include attestation, that ensures that, with respect to any provider (including a transportation network company) or individual driver of nonemergency transportation to medically necessary services receiving payments under such plan (but excluding any public transit authority), at a minimum—

''(A) each such provider and individual driver is not excluded from participation in any Federal health care program (as defined in section 1128B(f)) and is not listed on the exclusion list of the Inspector General of the Department of Health and Human Services;

''(B) each such individual driver has a valid driver's license;

''(C) each such provider has in place a process to address any violation of a State drug law; and

AMERICAN OVERSIGHT

"(D) each such provider has in place a process to disclose to the State Medicaid program the driving history, including any traffic violations, of each such individual driver employed by such provider, including any traffic violations.".

(B) EFFECTIVE DATE.—

(i) IN GENERAL.—Except as provided in clause (ii), the amendments made by subparagraph (A) shall take effect on the date of the enactment of this Act and shall apply to services furnished on or after the date that is one year after the date of the enactment of this Act.

(ii) EXCEPTION IF STATE LEGISLATION REQUIRED.—In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirement imposed by the amendments made by subparagraph (A), the State plan shall not be regarded as failing to comply

AMERICAN OVERSIGHT

with the requirements of such title solely on the basis of its failure to meet this additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(5) ANALYSIS OF T–MSIS DATA.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services, through the Centers for Medicare & Medicaid Services, shall analyze, and submit to Congress a report on, the nation-wide data set under the Transformed Medicaid Statistical Information System to identify recommendations relating to coverage under the Medicaid program under title XIX of the Social Security Act of nonemergency transportation to medically necessary services.

AMERICAN OVERSIGHT

TITLE II—MEDICARE PROVISIONS

HOLDING MEDICARE BENEFICIARIES HARMLESS FOR SPECIFIED COVID–19 TREATMENT SERVICES FURNISHED UNDER PART A OR PART B OF THE MEDICARE PROGRAM

SEC. 30201.

(a) IN GENERAL.—Notwithstanding any other provision of law, in the case of a specified COVID–19 treatment service (as defined in subsection (b)) furnished during any portion of the emergency period described in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b-5(g)) beginning on or after the date of the enactment of this Act to an individual entitled to benefits under part A or enrolled under part B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for which payment is made under such part A or such part B, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall provide that—

(1) any cost-sharing required (including any deductible, copayment, or coinsurance) applicable to such individual under such part A or such part B with respect to such item or service is paid by the Secretary; and

AMERICAN OVERSIGHT

(2) the provider of services or supplier (as defined in section 1861 of the Social Security Act (42 U.S.C. 1395x)) does not hold such individual liable for such requirement.

(b) DEFINITION OF SPECIFIED COVID–19 TREATMENT SERVICES.—For purposes of this section, the term ''specified COVID–19 treatment service'' means any item or service furnished to an individual for which payment may be made under part A or part B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) if such item or service is included in a claim with an ICD–10–CM code relating to COVID–19 (as described in the document entitled ''ICD–10–CM Official Coding Guidelines - Supplement Coding encounters related to COVID–19 Coronavirus Outbreak'' published on February 20, 2020, or as otherwise specified by the Secretary).

(c) RECOVERY OF COST-SHARING AMOUNTS PAID BY THE SECRETARY IN THE CASE OF SUPPLEMENTAL INSURANCE COVERAGE.—

(1) IN GENERAL.—In the case of any amount paid by the Secretary pursuant to subsection (a)(1) that the Secretary determines would otherwise have been paid by a group health plan or health insurance issuer (as such terms are defined in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–

AMERICAN OVERSIGHT

91)), a private entity offering a medicare supplemental policy under section 1882 of the Social Security Act (42 U.S.C. 1395ss), any other health plan offering supplemental coverage, a State plan under title XIX of the Social Security Act, or the Secretary of Defense under the TRICARE program, such plan, issuer, private entity, other health plan, State plan, or Secretary of Defense, as applicable, shall pay to the Secretary, not later than 1 year after such plan, issuer, private entity, other health plan, State plan, or Secretary of Defense receives a notice under paragraph (3), such amount in accordance with this subsection.

(2) REQUIRED INFORMATION.—Not later than 9 months after the date of the enactment of this Act, each group health plan, health insurance issuer, private entity, other health plan, State plan, and Secretary of Defense described in paragraph (1) shall submit to the Secretary such information as the Secretary determines necessary for purposes of carrying out this subsection. Such information so submitted shall be updated by such plan, issuer, private entity, other health plan, State plan, or Secretary of Defense, as applicable, at such time and in such manner as specified by the Secretary.

AMERICAN OVERSIGHT

(3) REVIEW OF CLAIMS AND NOTIFICATION.—The Secretary shall establish a process under which claims for items and services for which the Secretary has paid an amount pursuant to subsection (a)(1) are reviewed for purposes of identifying if such amount would otherwise have been paid by a plan, issuer, private entity, other health plan, State plan, or Secretary of Defense described in paragraph (1). In the case such a claim is so identified, the Secretary shall determine the amount that would have been otherwise payable by such plan, issuer, private entity, other health plan, State plan, or Secretary of Defense and notify such plan, issuer, private entity, other health plan, State plan, or Secretary of Defense of such amount.

(4) ENFORCEMENT.—The Secretary may impose a civil monetary penalty in an amount determined appropriate by the Secretary in the case of a plan, issuer, private entity, other health plan, or State plan that fails to comply with a provision of this section. The provisions of section 1128A of the Social Security Act shall apply to a civil monetary penalty imposed under the previous sentence in the same manner as such provisions apply to a penalty

AMERICAN OVERSIGHT

or proceeding under subsection (a) or (b) of such section.

(d) FUNDING.—The Secretary shall provide for the transfer to the Centers for Medicare & Medicaid Program Management Account from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Trust Fund (in such portions as the Secretary determines appropriate) $100,000,000 for purposes of carrying out this section.

(e) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Inspector General of the Department of Health and Human Services shall submit to Congress a report containing an analysis of amounts paid pursuant to subsection (a)(1) compared to amounts paid to the Secretary pursuant to subsection (c).

(f) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement the provisions of this section by program instruction or otherwise.

ENSURING COMMUNICATIONS ACCESSIBILITY FOR RESIDENTS OF SKILLED NURSING FACILITIES DURING THE COVID–19 EMERGENCY PERIOD

SEC. 30202.

(a) IN GENERAL.—Section 1819(c)(3) of the Social Security Act (42 U.S.C. 1395i–3(c)(3)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

AMERICAN OVERSIGHT

(2) in subparagraph (E), by striking the period and inserting "; and"; and

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

"(F) provide for reasonable access to the use of a telephone, including TTY and TDD services (as defined for purposes of section 483.10 of title 42, Code of Federal Regulations (or a successor regulation)), and the internet (to the extent available to the facility) and inform each such resident (or a representative of such resident) of such access and any changes in policies or procedures of such facility relating to limitations on external visitors.".

(b) COVID–19 PROVISIONS.—

(1) GUIDANCE.—Not later than 15 days after the date of the enactment of this Act, the Secretary of Health and Human Service shall issue guidance on steps skilled nursing facilities may take to ensure residents have access to televisitation during the emergency period defined in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)). Such guidance shall include information on how such facilities will notify residents of such facilities, representatives of such residents, and rel-

AMERICAN OVERSIGHT

atives of such residents of the rights of such residents to such televisitation, and ensure timely and equitable access to such televisitation.

(2) REVIEW OF FACILITIES.—The Secretary of Health and Human Services shall take such steps as determined appropriate by the Secretary to ensure that residents of skilled nursing facilities and relatives of such residents are made aware of the access rights described in section 1819(c)(3)(F) of the Social Security Act (42 U.S.C. 1395i–3(c)(3)(F)).

MEDICARE HOSPITAL INPATIENT PROSPECTIVE PAYMENT SYSTEM OUTLIER PAYMENTS FOR COVID–19 PATIENTS DURING CERTAIN EMERGENCY PERIOD

SEC. 30203.

(a) IN GENERAL.—Section 1886(d)(5)(A) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(A)) is amended—

(1) in clause (ii), by striking ''For cases'' and inserting ''Subject to clause (vii), for cases'';

(2) in clause (iii), by striking ''The amount'' and inserting ''Subject to clause (vii), the amount'';

(3) in clause (iv), by striking ''The total amount'' and inserting ''Subject to clause (vii), the total amount''; and

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

AMERICAN OVERSIGHT

"(vii) For discharges that have a primary or secondary diagnosis of COVID–19 and that occur during the period beginning on the date of the enactment of this clause and ending on the sooner of January 31, 2021, or the last day of the emergency period described in section 1135(g)(1)(B), the amount of any additional payment under clause (ii) for a subsection (d) hospital for such a discharge shall be determined as if—

"(I) clause (ii) was amended by striking 'plus a fixed dollar amount determined by the Secretary';

"(II) the reference in clause (iii) to 'approximate the marginal cost of care beyond the cutoff point applicable under clause (i) or (ii)' were a reference to 'approximate the marginal cost of care beyond the cutoff point applicable under clause (i), or, in the case of an additional payment requested under clause (ii), be equal to 100 percent of the amount by which the costs of the discharge for which such additional payment is so requested exceed the applicable DRG prospective payment rate'; and

"(III) clause (iv) does not apply.".

(b) EXCLUSION FROM REDUCTION IN AVERAGE STANDARDIZED AMOUNTS PAYABLE TO HOSPITALS LOCATED IN CERTAIN AREAS.—Section 1886(d)(3)(B) of

AMERICAN OVERSIGHT

the Social Security Act (42 U.S.C. 1395ww(d)(3)(B)) is amended by inserting before the period the following: ", other than additional payments described in clause (vii) of such paragraph".

(c) APPLICATION TO SITE NEUTRAL IPPS PAYMENT RATES.—Section 1886(m)(6)(B) of the Social Security Act (42 U.S.C. 1395ww(m)(6)(B)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking "In this paragraph" and inserting "Subject to clause (ii), in this paragraph";

(B) in subclause (I), by striking "clause (iii)" and inserting "clause (iv)"; and

(C) in subclause (II), by striking "clause (ii)" and inserting "clause (iii)";

(2) in clause (ii), in the matter preceding subclause (I), by striking "clause (iv)" and inserting "clause (v)";

(3) in clause (iii)(I), by striking "clause (ii)" and inserting "clause (iii)";

(4) in clause (iv), by striking "clause (ii)(I)" and inserting "clause (iii)(I)";

(5) by redesignating clauses (ii) through (iv) as clauses (iii) through (v), respectively; and

AMERICAN OVERSIGHT

(6) by inserting after clause (i) the following new clause:

"(ii) EXCEPTION.—Notwithstanding clause (i), the term 'applicable site neutral payment rate' means—

"(I) for discharges that have a primary or secondary diagnosis of COVID–19 and that occur during any portion of the emergency period described in section 1135(g)(1)(B) occurring during a cost reporting period described in clause (i)(I), the greater of the blended payment rate specified in clause (iv) or the percent described in clause (iii)(II); and

"(II) for discharges that have a primary or secondary diagnosis of COVID–19 and that occur during any portion of the emergency period described in section 1135(g)(1)(B) occurring during a cost reporting period described in clause (i)(II), the percent described in clause (iii)(II).".

(d) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human

AMERICAN OVERSIGHT

Services may implement the amendments made by this section by program instruction or otherwise.

COVERAGE OF TREATMENTS FOR COVID–19 AT NO COST SHARING UNDER THE MEDICARE ADVANTAGE PROGRAM

SEC. 30204.

(a) IN GENERAL.—Section 1852(a)(1)(B) of the Social Security Act (42 U.S.C. 1395w–22(a)(1)(B)) is amended by adding at the end the following new clause:

"(vii) SPECIAL COVERAGE RULES FOR SPECIFIED COVID–19 TREATMENT SERVICES.—Notwithstanding clause (i), in the case of a specified COVID–19 treatment service (as defined in section 30201(b) of the HEROES Act) that is furnished during a plan year occurring during any portion of the emergency period defined in section 1135(g)(1)(B) beginning on or after the date of the enactment of this clause, a Medicare Advantage plan may not, with respect to such service, impose—

"(I) any cost-sharing requirement (including a deductible, copayment, or coinsurance requirement); and

"(II) in the case such service is a critical specified COVID–19 treat-

AMERICAN OVERSIGHT

ment service (including ventilator services and intensive care unit services), any prior authorization or other utilization management requirement.

A Medicare Advantage plan may not take the application of this clause into account for purposes of a bid amount submitted by such plan under section 1854(a)(6).''.

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

REQUIRING COVERAGE UNDER MEDICARE PDPS AND MA–PD PLANS, WITHOUT THE IMPOSITION OF COST SHARING OR UTILIZATION MANAGEMENT REQUIREMENTS, OF DRUGS INTENDED TO TREAT COVID–19 DURING CERTAIN EMERGENCIES

SEC. 30205.

(a) COVERAGE REQUIREMENT.—

(1) IN GENERAL.—Section 1860D–4(b)(3) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)) is amended by adding at the end the following new subparagraph:

''(I) REQUIRED INCLUSION OF DRUGS INTENDED TO TREAT COVID–19.—

AMERICAN OVERSIGHT

"(i) IN GENERAL.—Notwithstanding any other provision of law, a PDP sponsor offering a prescription drug plan shall, with respect to a plan year, any portion of which occurs during the period described in clause (ii), be required to—

"(I) include in any formulary—

"(aa) all covered part D drugs with a medically accepted indication (as defined in section 1860D–2(e)(4)) to treat COVID–19 that are marketed in the United States; and

"(bb) all drugs authorized under section 564 or 564A of the Federal Food, Drug, and Cosmetic Act to treat COVID–19; and

"(II) not impose any prior authorization or other utilization management requirement with respect to such drugs described in item (aa) or (bb) of subclause (I) (other than such a requirement that limits the quantity of drugs due to safety).

AMERICAN OVERSIGHT

"(ii) PERIOD DESCRIBED.—For purposes of clause (i), the period described in this clause is the period during which there exists the public health emergency declared by the Secretary pursuant to section 319 of the Public Health Service Act on January 31, 2020, entitled 'Determination that a Public Health Emergency Exists Nationwide as the Result of the 2019 Novel Coronavirus' (including any renewal of such declaration pursuant to such section).".

(b) ELIMINATION OF COST SHARING.—

(1) ELIMINATION OF COST-SHARING FOR DRUGS INTENDED TO TREAT COVID–19 UNDER STANDARD AND ALTERNATIVE PRESCRIPTION DRUG COVERAGE.—Section 1860D–2 of the Social Security Act (42 U.S.C. 1395w–102) is amended—

(A) in subsection (b)—

(i) in paragraph (1)(A), by striking "The coverage" and inserting "Subject to paragraph (8), the coverage";

(ii) in paragraph (2)—

(I) in subparagraph (A), by inserting after "Subject to subpara-

AMERICAN OVERSIGHT

graphs (C) and (D)'' the following: ''and paragraph (8)'';

(II) in subparagraph (C)(i), by striking ''paragraph (4)'' and inserting ''paragraphs (4) and (8)''; and

(III) in subparagraph (D)(i), by striking ''paragraph (4)'' and inserting ''paragraphs (4) and (8)'';

(iii) in paragraph (4)(A)(i), by striking ''The coverage'' and inserting ''Subject to paragraph (8), the coverage''; and

(iv) by adding at the end the following new paragraph:

''(8) ELIMINATION OF COST-SHARING FOR DRUGS INTENDED TO TREAT COVID–19.—The coverage does not impose any deductible, copayment, coinsurance, or other cost-sharing requirement for drugs described in section 1860D–4(b)(3)(I)(i)(I) with respect to a plan year, any portion of which occurs during the period during which there exists the public health emergency declared by the Secretary pursuant to section 319 of the Public Health Service Act on January 31, 2020, entitled 'Determination that a Public Health Emergency Exists Nationwide as the Result of the 2019 Novel Coronavirus' (in-

AMERICAN OVERSIGHT

cluding any renewal of such declaration pursuant to such section).''; and

(B) in subsection (c), by adding at the end the following new paragraph:

''(4) SAME ELIMINATION OF COST-SHARING FOR DRUGS INTENDED TO TREAT COVID–19.—The coverage is in accordance with subsection (b)(8).''.

(2) ELIMINATION OF COST-SHARING FOR DRUGS INTENDED TO TREAT COVID–19 DISPENSED TO INDIVIDUALS WHO ARE SUBSIDY ELIGIBLE INDIVIDUALS.—Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (D)—

(I) in clause (ii), by striking ''In the case of'' and inserting ''Subject to subparagraph (F), in the case of''; and

(II) in clause (iii), by striking ''In the case of'' and inserting ''Subject to subparagraph (F), in the case of''; and

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

AMERICAN OVERSIGHT

"(F) ELIMINATION OF COST-SHARING FOR DRUGS INTENDED TO TREAT COVID–19.—Coverage that is in accordance with section 1860D–2(b)(8).''; and

(B) in paragraph (2)—

(i) in subparagraph (B), by striking "A reduction'' and inserting "Subject to subparagraph (F), a reduction'';

(ii) in subparagraph (D), by striking "The substitution'' and inserting "Subject to subparagraph (F), the substitution'';

(iii) in subparagraph (E), by inserting after "Subject to'' the following: "subparagraph (F) and''; and

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

"(F) ELIMINATION OF COST-SHARING FOR DRUGS INTENDED TO TREAT COVID–19.—Coverage that is in accordance with section 1860D–2(b)(8).''.

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

AMERICAN OVERSIGHT

MODIFYING THE ACCELERATED AND ADVANCE PAYMENT PROGRAMS UNDER PARTS A AND B OF THE MEDICARE PROGRAM DURING THE COVID–19 EMERGENCY

SEC. 30206.

(a) SPECIAL REPAYMENT RULES.—

(1) PART A.—Section 1815(f)(2)(C) of the Social Security Act (42 U.S.C. 1395g(f)(2)(C)) is amended to read as follows:

"(C) In the case of an accelerated payment made under the program under subsection (e)(3) on or after the date of the enactment of the CARES Act and so made during the emergency period described in section 1135(g)(1)(B)—

"(i) such payment shall be treated as if such payment were made from the General Fund of the Treasury; and

"(ii) upon request of the hospital, the Secretary shall—

"(I) provide up to 1 year before claims are offset to recoup such payment;

"(II) provide that any such offset of a claim to recoup such payment shall not exceed 25 percent of the amount of such claim; and

AMERICAN OVERSIGHT

"(III) allow not less than 2 years from the date of the first accelerated payment before requiring that the outstanding balance be paid in full.".

(2) PART B.—In carrying out the program described in section 421.214 of title 42, Code of Federal Regulations (or any successor regulation), in the case of a payment made under such program on or after the date of the enactment of the CARES Act (Public Law 116–136) and so made during the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)), the Secretary of Health and Human Services shall—

(A) treat such payment as if such payment were made from the General Fund of the Treasury; and

(B) upon request of the entity receiving such payment—

(i) provide up to 1 year before claims are offset to recoup such payment;

(ii) provide that any such offset of a claim to recoup such payment shall not exceed 25 percent of the amount of such claim; and

AMERICAN OVERSIGHT

(iii) allow not less than 2 years from the date of the first advance payment before requiring that the outstanding balance be paid in full.

(b) INTEREST RATES.—

(1) PART A.—Section 1815(d) of the Social Security Act (42 U.S.C. 1395g(d)) is amended by inserting before the period at the end the following: ''(or, in the case of such a determination made with respect to a payment made on or after the date of the enactment of the CARES Act and during the emergency period described in section 1135(g)(1)(B) under the program under subsection (e)(3), at a rate of 1 percent)''.

(2) PART B.—Section 1833(j) of the Social Security Act (42 U.S.C. 1395l(j)) is amended by inserting before the period at the end the following: ''(or, in the case of such a determination made with respect to a payment made on or after the date of the enactment of the CARES Act and during the emergency period described in section 1135(g)(1)(B) under the program described in section 421.214 of title 42, Code of Federal Regulations (or any successor regulation), at a rate of 1 percent)''.

(c) REPORT.—

(1) REPORTS DURING COVID–19 EMERGENCY.—Not later than 2 weeks after the date of the enactment of this section, and every 2 weeks thereafter during the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)), the Secretary of Health and Human Services shall submit to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives, and the Committee on Finance of the Senate, a report that includes the following:

(A) The total amount of payments made under section 1815(e)(3) of the Social Security Act (42 U.S.C. 1395g(e)(3)) and under the program described in section 421.214 of title 42, Code of Federal Regulations (or any successor regulation) during the most recent 2-week period for which data is available that precedes the date of the submission of such report.

(B) The number of entities receiving such payments during such period.

(C) A specification of each such entity.

(2) REPORTS AFTER COVID–19 EMERGENCY.—

(A) IN GENERAL.—Not later than 6 months after the termination of the emergency

AMERICAN OVERSIGHT

period described in paragraph (1), and every 6 months thereafter until all specified payments (as defined in subparagraph (B)) have been recouped or repaid, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives, and the Committee on Finance of the Senate, a report that includes the following:

(i) The total amount of all specified payments for which claims have been offset to recoup such payment or the balance has been repaid.

(ii) The amount of interest that has accrued with respect to all specified payments.

(B) SPECIFIED PAYMENTS.—For purposes of subparagraph (A), the term ''specified payments'' means all payments made under section 1815(e)(3) of the Social Security Act (42 U.S.C. 1395g(e)(3)) or under the program described in section 421.214 of title 42, Code of Federal Regulations (or any successor regulation) made on or after the date of the enactment of the CARES Act (Public Law 116–136)

AMERICAN OVERSIGHT

during the emergency period described in such subparagraph.

MEDICARE SPECIAL ENROLLMENT PERIOD FOR INDIVIDUALS RESIDING IN COVID–19 EMERGENCY AREAS

SEC. 30207.

(a) IN GENERAL.—Section 1837(i) of the Social Security Act (42 U.S.C. 1395p(i)) is amended by adding at the end the following new paragraph:

"(5)(A) In the case of an individual who—

"(i) is eligible under section 1836 to enroll in the medical insurance program established by this part,

"(ii) did not enroll (or elected not to be deemed enrolled) under this section during an enrollment period, and

"(iii) during the emergency period (as described in section 1135(g)(1)(B)), resided in an emergency area (as described in such section), there shall be a special enrollment period described in subparagraph (B).

"(B) The special enrollment period referred to in subparagraph (A) is the period that begins not later than July 1, 2020, and ends on the last day of the month in which the emergency period (as described in section 1135(g)(1)(B)) ends.".

AMERICAN OVERSIGHT

(b) COVERAGE PERIOD FOR INDIVIDUALS TRANSITIONING FROM OTHER COVERAGE.—Section 1838(e) of the Social Security Act (42 U.S.C. 1395q(e)) is amended—

(1) by striking ''pursuant to section 1837(i)(3) or 1837(i)(4)(B)—'' and inserting the following: ''pursuant to—

''(1) section 1837(i)(3) or 1837(i)(4)(B)—'';

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving the indentation of each such subparagraph 2 ems to the right;

(3) by striking the period at the end of the subparagraph (B), as so redesignated, and inserting ''; or''; and

(4) by adding at the end the following new paragraph:

''(2) section 1837(i)(5), the coverage period shall begin on the first day of the month following the month in which the individual so enrolls.''.

(c) FUNDING.—The Secretary of Health and Human Services shall provide for the transfer from the Federal Hospital Insurance Trust Fund (as described in section 1817 of the Social Security Act (42 U.S.C. 1395i)) and the Federal Supplementary Medical Insurance Trust

AMERICAN OVERSIGHT

Fund (as described in section 1841 of such Act (42 U.S.C. 1395t)), in such proportions as determined appropriate by the Secretary, to the Social Security Administration, of $30,000,000, to remain available until expended, for purposes of carrying out the amendments made by this section.

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

COVID–19 SKILLED NURSING FACILITY PAYMENT INCENTIVE PROGRAM

SEC. 30208.

(a) IN GENERAL.—Section 1819 of the Social Security Act (42 U.S.C. 1395i–3) is amended by adding at the end the following new subsection:

"(k) COVID–19 DESIGNATION PROGRAM.—

"(1) IN GENERAL.—Not later than 2 weeks after the date of the enactment of this subsection, the Secretary shall establish a program under which a skilled nursing facility that makes an election described in paragraph (2)(A) and meets the requirements described in paragraph (2)(B) is designated (or a portion of such facility is so designated) as a COVID–19 treatment center and receives incentive payments under section 1888(e)(13).

AMERICAN OVERSIGHT

''(2) DESIGNATION.—

''(A) IN GENERAL.—A skilled nursing facility may elect to be designated (or to have a portion of such facility designated) as a COVID–19 treatment center under the program established under paragraph (1) if the facility submits to the Secretary, at a time and in a manner specified by the Secretary, an application for such designation that contains such information as required by the Secretary and demonstrates that such facility meets the requirements described in subparagraph (B).

''(B) REQUIREMENTS.—The requirements described in this subparagraph with respect to a skilled nursing facility are the following:

''(i) The facility has a star rating with respect to staffing of 4 or 5 on the Nursing Home Compare website (as described in subsection (i)) and has maintained such a rating on such website during the 2-year period ending on the date of the submission of the application described in subparagraph (A).

''(ii) The facility has a star rating of 4 or 5 with respect to health inspections on

AMERICAN OVERSIGHT

such website and has maintained such a rating on such website during such period.

''(iii) During such period, the Secretary or a State has not found a deficiency with such facility relating to infection control that the Secretary or State determined immediately jeopardized the health or safety of the residents of such facility (as described in paragraph (1) or (2)(A) of subsection (h), as applicable).

''(iv) The facility provides care at such facility (or, in the case of an election made with respect to a portion of such facility, to provide care in such portion of such facility) only to eligible individuals.

''(v) The facility arranges for and transfers all residents of such facility (or such portion of such facility, as applicable) who are not eligible individuals to other skilled nursing facilities (or other portions of such facility, as applicable).

''(vi) The facility complies with the notice requirement described in paragraph (4).

AMERICAN OVERSIGHT

"(vii) The facility meets the reporting requirement described in paragraph (5).

"(viii) Any other requirement determined appropriate by the Secretary.

"(3) DURATION OF DESIGNATION.—

"(A) IN GENERAL.—A designation of a skilled nursing facility (or portion of such facility) as a COVID–19 treatment center shall begin on a date specified by the Secretary and end upon the earliest of the following:

"(i) The revocation of such designation under subparagraph (B).

"(ii) The submission of a notification by such facility to the Secretary that such facility elects to terminate such designation.

"(iii) The termination of the program (as specified in paragraph (6)).

"(B) REVOCATION.—The Secretary may revoke the designation of a skilled nursing facility (or portion of such facility) as a COVID–19 treatment center if the Secretary determines that the facility is no longer in compliance with a requirement described in paragraph (2)(B).

AMERICAN OVERSIGHT

"(4) RESIDENT NOTICE REQUIREMENT.—For purposes of paragraph (2)(B)(vi), the notice requirement described in this paragraph is that, not later than 72 hours before the date specified by the Secretary under paragraph (3)(A) with respect to the designation of a skilled nursing facility (or portion of such facility) as a COVID–19 treatment center, the facility provides a notification to each resident of such facility (and to appropriate representatives or family members of each such resident, as specified by the Secretary) that contains the following:

"(A) Notice of such designation.

"(B) In the case such resident is not an eligible individual (and, in the case such designation is made only with respect to a portion of such facility, resides in such portion of such facility)—

"(i) a specification of when and where such resident will be transferred (or moved within such facility);

"(ii) an explanation that, in lieu of such transfer or move, such resident may arrange for transfer to such other setting (including a home) selected by the resident; and

AMERICAN OVERSIGHT

"(iii) if such resident so arranges to be transferred to a home, information on Internet resources for caregivers who elect to care for such resident at home.

"(C) Contact information for the State long-term care ombudsman (established under section 307(a)(12) of the Older Americans Act of 1965) for the applicable State.

"(5) REPORTING REQUIREMENT.—

"(A) IN GENERAL.—For purposes of paragraph (2)(B)(vii), the reporting requirement described in this paragraph is, with respect to a skilled nursing facility, that the facility reports to the Secretary, weekly and in such manner specified by the Secretary, the following (but only to the extent the information described in clauses (i) through (vii) is not otherwise reported to the Secretary weekly):

"(i) The number of COVID–19 related deaths at such facility.

"(ii) The number of discharges from such facility.

"(iii) The number of admissions to such facility.

AMERICAN OVERSIGHT

"(iv) The number of beds occupied and the number of beds available at such facility.

"(v) The number of residents on a ventilator at such facility.

"(vi) The number of clinical and non-clinical staff providing direct patient care at such facility.

"(vii) Such other information determined appropriate by the Secretary.

"(B) NONAPPLICATION OF PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act'), shall not apply to the collection of information under this paragraph.

"(6) DEFINITION.—For purposes of this subsection, the term 'eligible individual' means an individual who, during the 30-day period ending on the first day on which such individual is a resident of a COVID–19 treatment center (on or after the date such center is so designated), was furnished a test for COVID–19 that came back positive.

"(7) TERMINATION.—The program established under paragraph (1) shall terminate upon the termi-

AMERICAN OVERSIGHT

nation of the emergency period described in section 1135(g)(1)(B).

''(8) PROHIBITION ON ADMINISTRATIVE AND JUDICIAL REVIEW.—There shall be no administrative or judicial review under section 1869, 1878, or otherwise of a designation of a skilled nursing facility (or portion of such facility) as a COVID–19 treatment center, or revocation of such a designation, under this subsection.''.

(b) PAYMENT INCENTIVE.—Section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''and (12)'' and inserting ''(12), and (13)''; and

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

''(13) ADJUSTMENT FOR COVID–19 TREATMENT CENTERS.—In the case of a resident of a skilled nursing facility that has been designated as a COVID–19 treatment center under section 1819(k) (or in the case of a resident who resides in a portion of such facility that has been so designated), if such resident is an eligible individual (as defined in paragraph (5) of such section), the per diem amount of payment for such resident otherwise applicable shall

AMERICAN OVERSIGHT

be increased by 20 percent to reflect increased costs associated with such residents.''.

FUNDING FOR STATE STRIKE TEAMS FOR RESIDENT AND EMPLOYEE SAFETY IN SKILLED NURSING FACILITIES AND NURSING FACILITIES

SEC. 30209.

(a) IN GENERAL.—Of the amounts made available under subsection (c), the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall allocate such amounts among the States, in a manner that takes into account the percentage of skilled nursing facilities and nursing facilities in each State that have residents or employees who have been diagnosed with COVID–19, for purposes of establishing and implementing strike teams in accordance with subsection (b).

(b) USE OF FUNDS.—A State that receives funds under this section shall use such funds to establish and implement a strike team that will be deployed to a skilled nursing facility or nursing facility in the State with diagnosed or suspected cases of COVID–19 among residents or staff for the purposes of assisting with clinical care, infection control, or staffing.

(c) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there is authorized to be appropriated $500,000,000.

(d) DEFINITIONS.—In this section:

AMERICAN OVERSIGHT

(1) NURSING FACILITY.—The term ''nursing facility'' has the meaning given such term in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a)).

(2) SKILLED NURSING FACILITY.—The term ''skilled nursing facility'' has the meaning given such term in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a)).

PROVIDING FOR INFECTION CONTROL SUPPORT TO SKILLED NURSING FACILITIES THROUGH CONTRACTS WITH QUALITY IMPROVEMENT ORGANIZATIONS

SEC. 30210.

(a) IN GENERAL.—Section 1862(g) of the Social Security Act (42 U.S.C. 1395y(g)) is amended—

(1) by striking ''The Secretary'' and inserting ''(1) The Secretary''; and

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

''(2)(A) The Secretary shall ensure that at least 1 contract with a quality improvement organization described in paragraph (1) entered into on or after the date of the enactment of this paragraph and before the end of the emergency period described in section 1135(g)(1)(B) (or in effect as of such date) includes the requirement that such organization provide to skilled nursing facilities with cases of COVID–19 (or facilities at-

AMERICAN OVERSIGHT

tempting to prevent outbreaks of COVID–19) infection control support described in subparagraph (B) during such period.

''(B) For purposes of subparagraph (A), the infection control support described in this subparagraph is, with respect to skilled nursing facilities described in such subparagraph, the development and dissemination to such facilities of protocols relating to the prevention or mitigation of COVID–19 at such facilities and the provision of training materials to such facilities relating to such prevention or mitigation.''.

(b) FUNDING.—The Secretary of Health and Human Services shall provide for the transfer from the Federal Supplementary Medical Insurance Trust Fund (as described in section 1841 of the Social Security Act (42 U.S.C. 1395t)) and the Federal Hospital Insurance Trust Fund (as described in section 1817 of such Act (42 U.S.C. 1395i)), in such proportions as determined appropriate by the Secretary, to the Centers for Medicare & Medicaid Services Program Management Account, of $210,000,000, to remain available until expended, for purposes of entering into contracts with quality improvement organizations under part B of title XI of such Act (42 U.S.C. 1320c et seq.). Of the amount transferred pursuant to the previous sentence, not less that $110,000,000 shall be used

AMERICAN OVERSIGHT

for purposes of entering into such a contract that includes the requirement described in section 1862(g)(2)(A) of such Act (as added by subsection (a)).

REQUIRING LONG TERM CARE FACILITIES TO REPORT CERTAIN INFORMATION RELATING TO COVID–19 CASES AND DEATHS

SEC. 30211.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall, as soon as practicable, require that the information described in paragraph (1) of section 483.80(g) of title 42, Code of Federal Regulations, or a successor regulation, be reported by a facility (as defined for purposes of such section).

(b) DEMOGRAPHIC INFORMATION.—The Secretary shall post the following information with respect to skilled nursing facilities (as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a))) and nursing facilities (as defined in section 1919(a) of such Act (42 U.S.C. 1396r(a))) on the Nursing Home Compare website (as described in section 1819(i) of the Social Security Act (42 U.S.C. 1395i–3(i))), or a successor website, aggregated by State:

(1) The age, race/ethnicity, and preferred language of the residents of such skilled nursing facilities and nursing facilities with suspected or con-

AMERICAN OVERSIGHT

firmed COVID–19 infections, including residents previously treated for COVID–19.

(2) The age, race/ethnicity, and preferred language relating to total deaths and COVID–19 deaths among residents of such skilled nursing facilities and nursing facilities.

(c) CONFIDENTIALITY.—Any information reported under this section that is made available to the public shall be made so available in a manner that protects the identity of residents of skilled nursing facilities and nursing facilities.

(d) IMPLEMENTATION.—The Secretary may implement the provisions of this section be program instruction or otherwise.

FLOOR ON THE MEDICARE AREA WAGE INDEX FOR HOSPITALS IN ALL-URBAN STATES

SEC. 30212.

(a) IN GENERAL.—Section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amended—

(1) in clause (i), in the first sentence, by striking ''or (iii)'' and inserting '', (iii), or (iv)''; and

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

''(iv) FLOOR ON AREA WAGE INDEX FOR HOSPITALS IN ALL-URBAN STATES.—

AMERICAN OVERSIGHT

"(I) IN GENERAL.—For discharges occurring on or after October 1, 2021, the area wage index applicable under this subparagraph to any hospital in an all-urban State (as defined in subclause (IV)) may not be less than the minimum area wage index for the fiscal year for hospitals in that State, as established under subclause (II).

"(II) MINIMUM AREA WAGE INDEX.—For purposes of subclause (I), the Secretary shall establish a minimum area wage index for a fiscal year for hospitals in each all-urban State using the methodology described in section 412.64(h)(4) of title 42, Code of Federal Regulations, as in effect for fiscal year 2018.

"(III) WAIVING BUDGET NEUTRALITY.—Pursuant to the fifth sentence of clause (i), this subsection shall not be applied in a budget neutral manner.

AMERICAN OVERSIGHT

"(IV) ALL-URBAN STATE DEFINED.—In this clause, the term 'all-urban State' means a State in which there are no rural areas (as defined in paragraph (2)(D)) or a State in which there are no hospitals classified as rural under this section.".

(b) WAIVING BUDGET NEUTRALITY.—

(1) TECHNICAL AMENDATORY CORRECTION.—Section 10324(a)(2) of Public Law 111–148 is amended by striking "third sentence" and inserting "fifth sentence".

(2) WAIVER.—Section 1886(d)(3)(E)(i) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)(i)) is amended, in the fifth sentence—

(A) by striking "and the amendments" and inserting ", the amendments"; and

(B) by inserting ", and the amendments made by section 30212 of the HEROES Act" after "Care Act".

AMERICAN OVERSIGHT

TITLE III—PRIVATE INSURANCE PROVISIONS

Subtitle A—Health Plans

SPECIAL ENROLLMENT PERIOD THROUGH EXCHANGES; FEDERAL EXCHANGE OUTREACH AND EDUCATIONAL ACTIVITIES

SEC. 30301.

(a) SPECIAL ENROLLMENT PERIOD THROUGH EXCHANGES.—Section 1311(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(c)) is amended—

(1) in paragraph (6)—

(A) in subparagraph (C), by striking at the end ''and'';

(B) in subparagraph (D), by striking at the end the period and inserting ''; and''; and

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

''(E) subject to subparagraph (B) of paragraph (8), the special enrollment period described in subparagraph (A) of such paragraph.''; and

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

''(8) SPECIAL ENROLLMENT PERIOD FOR CERTAIN PUBLIC HEALTH EMERGENCY.—

AMERICAN OVERSIGHT

"(A) IN GENERAL.—The Secretary shall, subject to subparagraph (B), require an Exchange to provide—

"(i) for a special enrollment period during the emergency period described in section 1135(g)(1)(B) of the Social Security Act—

"(I) which shall begin on the date that is one week after the date of the enactment of this paragraph and which, in the case of an Exchange established or operated by the Secretary within a State pursuant to section 1321(c), shall be an 8-week period; and

"(II) during which any individual who is otherwise eligible to enroll in a qualified health plan through the Exchange may enroll in such a qualified health plan; and

"(ii) that, in the case of an individual who enrolls in a qualified health plan through the Exchange during such enrollment period, the coverage period under such plan shall begin, at the option of the

AMERICAN OVERSIGHT

individual, on April 1, 2020, or on the first day of the month following the day the individual selects a plan through such special enrollment period.

"(B) EXCEPTION.—The requirement of subparagraph (A) shall not apply to a State-operated or State-established Exchange if such Exchange, prior to the date of the enactment of this paragraph, established or otherwise provided for a special enrollment period to address access to coverage under qualified health plans offered through such Exchange during the emergency period described in section 1135(g)(1)(B) of the Social Security Act.".

(b) FEDERAL EXCHANGE OUTREACH AND EDUCATIONAL ACTIVITIES.—Section 1321(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18041(c)) is amended by adding at the end the following new paragraph:

"(3) OUTREACH AND EDUCATIONAL ACTIVITIES.—

"(A) IN GENERAL.—In the case of an Exchange established or operated by the Secretary within a State pursuant to this subsection, the Secretary shall carry out outreach and edu-

AMERICAN OVERSIGHT

cational activities for purposes of informing potential enrollees in qualified health plans offered through the Exchange of the availability of coverage under such plans and financial assistance for coverage under such plans. Such outreach and educational activities shall be provided in a manner that is culturally and linguistically appropriate to the needs of the populations being served by the Exchange (including hard-to-reach populations, such as racial and sexual minorities, limited English proficient populations, and young adults).

''(B) LIMITATION ON USE OF FUNDS.—No funds appropriated under this paragraph shall be used for expenditures for promoting non-ACA compliant health insurance coverage.

''(C) NON-ACA COMPLIANT HEALTH INSURANCE COVERAGE.—For purposes of subparagraph (B):

''(i) The term 'non-ACA compliant health insurance coverage' means health insurance coverage, or a group health plan, that is not a qualified health plan.

''(ii) Such term includes the following:

''(I) An association health plan.

AMERICAN OVERSIGHT

"(II) Short-term limited duration insurance.

"(D) FUNDING.—There are appropriated, out of any funds in the Treasury not otherwise appropriated, $25,000,000, to remain available until expended—

"(i) to carry out this paragraph; and—

"(ii) at the discretion of the Secretary, to carry out section 1311(i), with respect to an Exchange established or operated by the Secretary within a State pursuant to this subsection.".

(c) IMPLEMENTATION.—The Secretary of Health and Human Services may implement the provisions of (including amendments made by) this section through subregulatory guidance, program instruction, or otherwise.

EXPEDITED MEETING OF ACIP FOR COVID–19 VACCINES

SEC. 30302.

(a) IN GENERAL.—Notwithstanding section 3091 of the 21st Century Cures Act (21 U.S.C. 360bbb–4 note), the Advisory Committee on Immunization Practices shall meet and issue a recommendation with respect to a vaccine that is intended to prevent or treat COVID–19 not later than 15 business days after the date on which such

AMERICAN OVERSIGHT

vaccine is licensed under section 351 of the Public Health Service Act (42 U.S.C. 262).

(b) DEFINITION.—In this section, the term ''Advisory Committee on Immunization Practices'' means the Advisory Committee on Immunization Practices established by the Secretary of Health and Human Services pursuant to section 222 of the Public Health Service Act (42 U.S.C. 217a), acting through the Director of the Centers for Disease Control and Prevention.

COVERAGE OF COVID–19 RELATED TREATMENT AT NO COST SHARING

SEC. 30303.

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

(1) Medically necessary items and services (including in-person or telehealth visits in which such

AMERICAN OVERSIGHT

items and services are furnished) that are furnished to an individual who has been diagnosed with (or after provision of the items and services is diagnosed with) COVID–19 to treat or mitigate the effects of COVID–19.

(2) Medically necessary items and services (including in-person or telehealth visits in which such items and services are furnished) that are furnished to an individual who is presumed to have COVID–19 but is never diagnosed as such, if the following conditions are met:

(A) Such items and services are furnished to the individual to treat or mitigate the effects of COVID–19 or to mitigate the impact of COVID–19 on society.

(B) Health care providers have taken appropriate steps under the circumstances to make a diagnosis, or confirm whether a diagnosis was made, with respect to such individual, for COVID–19, if possible.

(b) ITEMS AND SERVICES RELATED TO COVID–19.—For purposes of this section—

(1) not later than one week after the date of the enactment of this section, the Secretary of Health and Human Services, Secretary of Labor,

AMERICAN OVERSIGHT

and Secretary of the Treasury shall jointly issue guidance specifying applicable diagnoses and medically necessary items and services related to COVID–19; and

(2) such items and services shall include all items or services that are relevant to the treatment or mitigation of COVID–19, regardless of whether such items or services are ordinarily covered under the terms of a group health plan or group or individual health insurance coverage offered by a health insurance issuer.

(c) ENFORCEMENT.—

(1) APPLICATION WITH RESPECT TO PHSA, ERISA, AND IRC.—The provisions of this section shall be applied by the Secretary of Health and Human Services, Secretary of Labor, and Secretary of the Treasury to group health plans and health insurance issuers offering group or individual health insurance coverage as if included in the provisions of part A of title XXVII of the Public Health Service Act, part 7 of the Employee Retirement Income Security Act of 1974, and subchapter B of chapter 100 of the Internal Revenue Code of 1986, as applicable.

(2) PRIVATE RIGHT OF ACTION.—An individual with respect to whom an action is taken by a group

AMERICAN OVERSIGHT

health plan or health insurance issuer offering group or individual health insurance coverage in violation of subsection (a) may commence a civil action against the plan or issuer for appropriate relief. The previous sentence shall not be construed as limiting any enforcement mechanism otherwise applicable pursuant to paragraph (1).

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

(e) TERMS.—The terms ''group health plan''; ''health insurance issuer''; ''group health insurance coverage'', and ''individual health insurance coverage'' have the meanings given such terms in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91), section 733 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b), and section 9832 of the Internal Revenue Code of 1986, as applicable.

REQUIRING PRESCRIPTION DRUG REFILL NOTIFICATIONS DURING EMERGENCIES

SEC. 30304.

(a) ERISA.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income

AMERICAN OVERSIGHT

Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

"SEC. 716. PROVISION OF PRESCRIPTION DRUG REFILL NOTIFICATIONS DURING EMERGENCIES.

"(a) IN GENERAL.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, that provides benefits for prescription drugs under such plan or such coverage shall provide to each participant or beneficiary under such plan or such coverage who resides in an emergency area during an emergency period—

"(1) not later than 5 business days after the date of the beginning of such period with respect to such area (or, the case of the emergency period described in section 30304(d)(2) of the HEROES Act, not later than 5 business days after the date of the enactment of this section), a notification (written in a manner that is clear and understandable to the average participant or beneficiary)—

"(A) of whether such plan or coverage will waive, during such period with respect to such a participant or beneficiary, any time restrictions under such plan or coverage on any authorized refills for such drugs to enable such re-

AMERICAN OVERSIGHT

fills in advance of when such refills would otherwise have been permitted under such plan or coverage; and

"(B) in the case that such plan or coverage will waive such restrictions during such period with respect to such a participant or beneficiary, that contains information on how such a participant or beneficiary may obtain such a refill; and

"(2) in the case such plan or coverage elects to so waive such restrictions during such period with respect to such a participant or beneficiary after the notification described in paragraph (1) has been provided with respect to such period, not later than 5 business days after such election, a notification of such election that contains the information described in subparagraph (B) of such paragraph.

"(b) EMERGENCY AREA; EMERGENCY PERIOD.—For purposes of this section, an 'emergency area' is a geographical area in which, and an 'emergency period' is the period during which, there exists—

"(1) an emergency or disaster declared by the President pursuant to the National Emergencies Act or the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

AMERICAN OVERSIGHT

"(2) a public health emergency declared by the Secretary pursuant to section 319 of the Public Health Service Act.".

(2) CLERICAL AMENDMENT.—The table of contents of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 714 the following:

"Sec. 715. Additional market reforms.
"Sec. 716. Provision of prescription drug refill notifications during emergencies.".

(b) PHSA.—Subpart II of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–11 et seq.) is amended by adding at the end the following new section:

"SEC. 2730. PROVISION OF PRESCRIPTION DRUG REFILL NOTIFICATIONS DURING EMERGENCIES.

"(a) IN GENERAL.—A group health plan, and a health insurance issuer offering group or individual health insurance coverage, that provides benefits for prescription drugs under such plan or such coverage shall provide to each participant, beneficiary, or enrollee enrolled under such plan or such coverage who resides in an emergency area during an emergency period—

"(1) not later than 5 business days after the date of the beginning of such period with respect to such area (or, the case of the emergency period described in section 30304(d)(2) of the HEROES Act,

AMERICAN OVERSIGHT

not later than 5 business days after the date of the enactment of this section), a notification (written in a manner that is clear and understandable to the average participant, beneficiary, or enrollee)—

"(A) of whether such plan or coverage will waive, during such period with respect to such a participant, beneficiary, or enrollee, any time restrictions under such plan or coverage on any authorized refills for such drugs to enable such refills in advance of when such refills would otherwise have been permitted under such plan or coverage; and

"(B) in the case that such plan or coverage will waive such restrictions during such period with respect to such a participant, beneficiary, or enrollee, that contains information on how such a participant, beneficiary, or enrollee may obtain such a refill; and

"(2) in the case such plan or coverage elects to so waive such restrictions during such period with respect to such a participant, beneficiary, or enrollee after the notification described in paragraph (1) has been provided with respect to such period, not later than 5 business days after such election, a notifica-

AMERICAN OVERSIGHT

tion of such election that contains the information described in subparagraph (B) of such paragraph.

''(b) EMERGENCY AREA; EMERGENCY PERIOD.—For purposes of this section, an 'emergency area' is a geographical area in which, and an 'emergency period' is the period during which, there exists—

''(1) an emergency or disaster declared by the President pursuant to the National Emergencies Act or the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

''(2) a public health emergency declared by the Secretary pursuant to section 319.''.

(c) IRC.—

(1) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 9816. PROVISION OF PRESCRIPTION DRUG REFILL NOTIFICATIONS DURING EMERGENCIES.

''(a) IN GENERAL.—A group health plan that provides benefits for prescription drugs under such plan shall provide to each participant or beneficiary enrolled under such plan who resides in an emergency area during an emergency period, not later than 5 business days after the date of the beginning of such period with respect to such area (or, the case of the emergency period described in

AMERICAN OVERSIGHT

section 30304(d)(2) of the HEROES Act, not later than 5 business days after the date of the enactment of this section)—

"(1) a notification (written in a manner that is clear and understandable to the average participant or beneficiary)—

"(A) of whether such plan will waive, during such period with respect to such a participant or beneficiary, any time restrictions under such plan on any authorized refills for such drugs to enable such refills in advance of when such refills would otherwise have been permitted under such plan; and

"(B) in the case that such plan will waive such restrictions during such period with respect to such a participant or beneficiary, that contains information on how such a participant or beneficiary may obtain such a refill; and

"(2) in the case such plan elects to so waive such restrictions during such period with respect to such a participant or beneficiary after the notification described in paragraph (1) has been provided with respect to such period, not later than 5 business days after such election, a notification of such

AMERICAN OVERSIGHT

election that contains the information described in subparagraph (B) of such paragraph.

''(b) EMERGENCY AREA; EMERGENCY PERIOD.—For purposes of this section, an 'emergency area' is a geographical area in which, and an 'emergency period' is the period during which, there exists—

''(1) an emergency or disaster declared by the President pursuant to the National Emergencies Act or the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

''(2) a public health emergency declared by the Secretary pursuant to section 319 of the Public Health Service Act.''.

(2) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 9816. Provision of prescription drug refill notifications during emergencies.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to—

(1) emergency periods beginning on or after the date of the enactment of this Act; and

(2) the emergency period relating to the public health emergency declared by the Secretary of Health and Human Services pursuant to section 319

AMERICAN OVERSIGHT

of the Public Health Service Act on January 31, 2020, entitled ''Determination that a Public Health Emergency Exists Nationwide as the Result of the 2019 Novel Coronavirus''.

IMPROVEMENT OF CERTAIN NOTIFICATIONS PROVIDED TO QUALIFIED BENEFICIARIES BY GROUP HEALTH PLANS IN THE CASE OF QUALIFYING EVENTS

SEC. 30305.

(a) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Section 606 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1166) is amended—

(A) in subsection (a)(4), in the matter following subparagraph (B), by striking ''under this subsection'' and inserting ''under this part in accordance with the notification requirements under subsection (c)''; and

(B) in subsection (c)—

(i) by striking ''For purposes of subsection (a)(4), any notification'' and inserting ''For purposes of subsection (a)(4)—

''(1) any notification'';

(ii) by striking '', whichever is applicable, and any such notification'' and insert-

AMERICAN OVERSIGHT

ing ''of subsection (a), whichever is applicable;

''(2) any such notification''; and

(iii) by striking ''such notification is made'' and inserting ''such notification is made; and

''(3) any such notification shall, with respect to each qualified beneficiary with respect to whom such notification is made, include information regarding any Exchange established under title I of the Patient Protection and Affordable Care Act through which such a qualified beneficiary may be eligible to enroll in a qualified health plan (as defined in section 1301 of the Patient Protection and Affordable Care Act), including—

''(A) the publicly accessible Internet website address for such Exchange;

''(B) the publicly accessible Internet website address for the Find Local Help directory maintained by the Department of Health and Human Services on the healthcare.gov Internet website (or a successor website);

''(C) a clear explanation that—

''(i) an individual who is eligible for continuation coverage may also be eligible

AMERICAN OVERSIGHT

to enroll, with financial assistance, in a qualified health plan offered through such Exchange, but, in the case that such individual elects to enroll in such continuation coverage and subsequently elects to terminate such continuation coverage before the period of such continuation coverage expires, such individual will not be eligible to enroll in a qualified health plan offered through such Exchange during a special enrollment period; and

''(ii) an individual who elects to enroll in continuation coverage will remain eligible to enroll in a qualified health plan offered through such Exchange during an open enrollment period and may be eligible for financial assistance with respect to enrolling in such a qualified health plan;

''(D) information on consumer protections with respect to enrolling in a qualified health plan offered through such Exchange, including the requirement for such a qualified health plan to provide coverage for essential health benefits (as defined in section 1302(b) of the Patient Protection and Affordable Care Act) and the re-

AMERICAN OVERSIGHT

quirements applicable to such a qualified health plan under part A of title XXVII of the Public Health Service Act; and

''(E) information on the availability of financial assistance with respect to enrolling in a qualified health plan, including the maximum income limit for eligibility for a premium tax credit under section 36B of the Internal Revenue Code of 1986.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to qualifying events occurring on or after the date that is 14 days after the date of the enactment of this Act.

(b) PUBLIC HEALTH SERVICE ACT.—

(1) IN GENERAL.—Section 2206 of the Public Health Service Act (42 U.S.C. 300bb–6) is amended—

(A) by striking ''In accordance'' and inserting the following:

''(a) IN GENERAL.—In accordance'';

(B) by striking ''of such beneficiary's rights under this subsection'' and inserting ''of such beneficiary's rights under this title in accordance with the notification requirements under subsection (b)''; and

AMERICAN OVERSIGHT

(C) by striking ''For purposes of paragraph (4),'' and all that follows through ''such notification is made.'' and inserting the following:

''(b) RULES RELATING TO NOTIFICATION OF QUALIFIED BENEFICIARIES BY PLAN ADMINISTRATOR.—For purposes of subsection (a)(4)—

''(1) any notification shall be made within 14 days of the date on which the plan administrator is notified under paragraph (2) or (3) of subsection (a), whichever is applicable;

''(2) any such notification to an individual who is a qualified beneficiary as the spouse of the covered employee shall be treated as notification to all other qualified beneficiaries residing with such spouse at the time such notification is made; and

''(3) any such notification shall, with respect to each qualified beneficiary with respect to whom such notification is made, include information regarding any Exchange established under title I of the Patient Protection and Affordable Care Act through which such a qualified beneficiary may be eligible to enroll in a qualified health plan (as defined in section 1301 of the Patient Protection and Affordable Care Act), including—

AMERICAN OVERSIGHT

"(A) the publicly accessible Internet website address for such Exchange;

"(B) the publicly accessible Internet website address for the Find Local Help directory maintained by the Department of Health and Human Services on the healthcare.gov Internet website (or a successor website);

"(C) a clear explanation that—

"(i) an individual who is eligible for continuation coverage may also be eligible to enroll, with financial assistance, in a qualified health plan offered through such Exchange, but, in the case that such individual elects to enroll in such continuation coverage and subsequently elects to terminate such continuation coverage before the period of such continuation coverage expires, such individual will not be eligible to enroll in a qualified health plan offered through such Exchange during a special enrollment period; and

"(ii) an individual who elects to enroll in continuation coverage will remain eligible to enroll in a qualified health plan offered through such Exchange during an

AMERICAN OVERSIGHT

open enrollment period and may be eligible for financial assistance with respect to enrolling in such a qualified health plan;

"(D) information on consumer protections with respect to enrolling in a qualified health plan offered through such Exchange, including the requirement for such a qualified health plan to provide coverage for essential health benefits (as defined in section 1302(b) of the Patient Protection and Affordable Care Act) and the requirements applicable to such a qualified health plan under part A of title XXVII; and

"(E) information on the availability of financial assistance with respect to enrolling in a qualified health plan, including the maximum income limit for eligibility for a premium tax credit under section 36B of the Internal Revenue Code of 1986.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to qualifying events occurring on or after the date that is 14 days after the date of the enactment of this Act.

(c) INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Section 4980B(f)(6) of the Internal Revenue Code of 1986 is amended—

AMERICAN OVERSIGHT

(A) in subparagraph (D)—

(i) in clause (ii), by striking ''under subparagraph (C)'' and inserting ''under clause (iii)''; and

(ii) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving the margin of each such subclause, as so redesignated, 2 ems to the right;

(B) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and moving the margin of each such clause, as so redesignated, 2 ems to the right;

(C) by striking ''In accordance'' and inserting the following:

''(A) IN GENERAL.—In accordance'';

(D) by inserting after ''of such beneficiary's rights under this subsection'' the following: ''in accordance with the notification requirements under subparagraph (C)''; and

(E) by striking ''The requirements of subparagraph (B)'' and all that follows through ''such notification is made.'' and inserting the following:

AMERICAN OVERSIGHT

"(B) ALTERNATIVE MEANS OF COMPLIANCE WITH REQUIREMENT FOR NOTIFICATION OF MULTIEMPLOYER PLANS BY EMPLOYERS.—The requirements of subparagraph (A)(ii) shall be considered satisfied in the case of a multiemployer plan in connection with a qualifying event described in paragraph (3)(B) if the plan provides that the determination of the occurrence of such qualifying event will be made by the plan administrator.

"(C) RULES RELATING TO NOTIFICATION OF QUALIFIED BENEFICIARIES BY PLAN ADMINISTRATOR.—For purposes of subparagraph (A)(iv)—

"(i) any notification shall be made within 14 days (or, in the case of a group health plan which is a multiemployer plan, such longer period of time as may be provided in the terms of the plan) of the date on which the plan administrator is notified under clause (ii) or (iii) of subparagraph (A), whichever is applicable;

"(ii) any such notification to an individual who is a qualified beneficiary as the spouse of the covered employee shall be

AMERICAN OVERSIGHT

treated as notification to all other qualified beneficiaries residing with such spouse at the time such notification is made; and

"(iii) any such notification shall, with respect to each qualified beneficiary with respect to whom such notification is made, include information regarding any Exchange established under title I of the Patient Protection and Affordable Care Act through which such a qualified beneficiary may be eligible to enroll in a qualified health plan (as defined in section 1301 of the Patient Protection and Affordable Care Act), including—

"(I) the publicly accessible Internet website address for such Exchange;

"(II) the publicly accessible Internet website address for the Find Local Help directory maintained by the Department of Health and Human Services on the healthcare.gov Internet website (or a successor website);

"(III) a clear explanation that—

AMERICAN OVERSIGHT

"(aa) an individual who is eligible for continuation coverage may also be eligible to enroll, with financial assistance, in a qualified health plan offered through such Exchange, but, in the case that such individual elects to enroll in such continuation coverage and subsequently elects to terminate such continuation coverage before the period of such continuation coverage expires, such individual will not be eligible to enroll in a qualified health plan offered through such Exchange during a special enrollment period; and

"(bb) an individual who elects to enroll in continuation coverage will remain eligible to enroll in a qualified health plan offered through such Exchange during an open enrollment period and may be eligible for financial assistance with respect to enroll-

AMERICAN OVERSIGHT

ing in such a qualified health plan;

"(IV) information on consumer protections with respect to enrolling in a qualified health plan offered through such Exchange, including the requirement for such a qualified health plan to provide coverage for essential health benefits (as defined in section 1302(b) of the Patient Protection and Affordable Care Act) and the requirements applicable to such a qualified health plan under part A of title XXVII of the Public Health Service Act; and

"(V) information on the availability of financial assistance with respect to enrolling in a qualified health plan, including the maximum income limit for eligibility for a premium tax credit under section 36B.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to qualifying events occurring on or after the date that is 14 days after the date of the enactment of this Act.

AMERICAN OVERSIGHT

(d) MODEL NOTICES.—Not later than 14 days after the date of the enactment of this Act, the Secretary of the Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall—

(1) update the model Consolidated Omnibus Budget Reconciliation Act of 1985 (referred to in this subsection as ''COBRA'') continuation coverage general notice and the model COBRA continuation coverage election notice developed by the Secretary of Labor for purposes of facilitating compliance of group health plans with the notification requirements under section 606 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1166) to include the information described in paragraph (3) of subsection (c) of such section 606, as added by subsection (a)(1);

(2) provide an opportunity for consumer testing of each such notice, as so updated, to ensure that each such notice is clear and understandable to the average participant or beneficiary of a group health plan; and

(3) rename the model COBRA continuation coverage general notice and the model COBRA continuation coverage election notice as the ''model

AMERICAN OVERSIGHT

COBRA continuation coverage and Affordable Care Act coverage general notice'' and the ''model COBRA continuation coverage and Affordable Care Act coverage election notice'', respectively.

SOONER COVERAGE OF TESTING FOR COVID–19

SEC. 30306.

Section 6001(a) of division F of the Families First Coronavirus Response Act (42 U.S.C. 1320b–5 note) is amended by striking ''beginning on or after'' and inserting ''beginning before, on, or after''.

Subtitle B—Worker Health Coverage Protection

SHORT TITLE

SEC. 30311.

This subtitle may be cited as the ''Worker Health Coverage Protection Act''.

PRESERVING HEALTH BENEFITS FOR WORKERS

SEC. 30312.

(a) PREMIUM ASSISTANCE FOR COBRA CONTINUATION COVERAGE AND FURLOUGHED CONTINUATION COVERAGE FOR INDIVIDUALS AND THEIR FAMILIES.—

(1) PROVISION OF PREMIUM ASSISTANCE.—

(A) REDUCTION OF PREMIUMS PAYABLE.—

(i) COBRA CONTINUATION COVERAGE.—In the case of any premium for a period of coverage during the period begin-

AMERICAN OVERSIGHT

ning on March 1, 2020, and ending on January 31, 2021 for COBRA continuation coverage with respect to any assistance eligible individual described in paragraph (3)(A), such individual shall be treated for purposes of any COBRA continuation provision as having paid the amount of such premium if such individual pays (and any person other than such individual's employer pays on behalf of such individual) 0 percent of the amount of such premium owed by such individual (as determined without regard to this subsection).

(ii) FURLOUGHED CONTINUATION COVERAGE.—In the case of any premium for a period of coverage during the period beginning on March 1, 2020, and ending on January 31, 2021 for coverage under a group health plan with respect to any assistance eligible individual described in paragraph (3)(B), such individual shall be treated for purposes of coverage under the plan offered by the plan sponsor in which the individual is enrolled as having paid

AMERICAN OVERSIGHT

the amount of such premium if such individual pays (and any person other than such individual's employer pays on behalf of such individual) 0 percent of the amount of such premium owed by such individual (as determined without regard to this subsection).

(B) PLAN ENROLLMENT OPTION.—

(i) IN GENERAL.—Notwithstanding the COBRA continuation provisions, any assistance eligible individual who is enrolled in a group health plan offered by a plan sponsor may, not later than 90 days after the date of notice of the plan enrollment option described in this subparagraph, elect to enroll in coverage under a plan offered by such plan sponsor that is different than coverage under the plan in which such individual was enrolled at the time—

(I) in the case of any assistance eligible individual described in paragraph (3)(A), the qualifying event specified in section 603(2) of the Employee Retirement Income Security

AMERICAN OVERSIGHT

Act of 1974, section 4980B(f)(3)(B) of the Internal Revenue Code of 1986, section 2203(2) of the Public Health Service Act, or section 8905a of title 5, United States Code (except for the voluntary termination of such individual's employment by such individual), occurred, and such coverage shall be treated as COBRA continuation coverage for purposes of the applicable COBRA continuation coverage provision; or

(II) in the case of any assistance eligible individual described in paragraph (3)(B), the furlough period began with respect to such individual.

(ii) REQUIREMENTS.—Any assistance eligible individual may elect to enroll in different coverage as described in clause (i) only if—

(I) the employer involved has made a determination that such employer will permit such assistance eligible individual to enroll in different

AMERICAN OVERSIGHT

coverage as provided under this subparagraph;

(II) the premium for such different coverage does not exceed the premium for coverage in which such individual was enrolled at the time such qualifying event occurred or immediately before such furlough began;

(III) the different coverage in which the individual elects to enroll is coverage that is also offered to the active employees of the employer, who are not in a furlough period, at the time at which such election is made; and

(IV) the different coverage in which the individual elects to enroll is not—

(aa) coverage that provides only dental, vision, counseling, or referral services (or a combination of such services);

(bb) a qualified small employer health reimbursement arrangement (as defined in section

AMERICAN OVERSIGHT

9831(d)(2) of the Internal Revenue Code of 1986);

(cc) a flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986); or

(dd) benefits that provide coverage for services or treatments furnished in an on-site medical facility maintained by the employer and that consists primarily of first-aid services, prevention and wellness care, or similar care (or a combination of such care).

(C) PREMIUM REIMBURSEMENT.—For provisions providing the payment of such premium, see section 6432 of the Internal Revenue Code of 1986, as added by paragraph (14).

(2) LIMITATION OF PERIOD OF PREMIUM ASSISTANCE.—

(A) ELIGIBILITY FOR ADDITIONAL COVERAGE.—Paragraph (1)(A) shall not apply with respect to—

AMERICAN OVERSIGHT

(i) any assistance eligible individual described in paragraph (3)(A) for months of coverage beginning on or after the earlier of—

(I) the first date that such individual is eligible for coverage under any other group health plan (other than coverage consisting of only dental, vision, counseling, or referral services (or a combination thereof), coverage under a flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986), coverage of treatment that is furnished in an on-site medical facility maintained by the employer and that consists primarily of first-aid services, prevention and wellness care, or similar care (or a combination thereof)), or eligible for benefits under the Medicare program under title XVIII of the Social Security Act; or

(II) the earliest of—

(aa) the date following the expiration of the maximum pe-

AMERICAN OVERSIGHT

riod of continuation coverage required under the applicable COBRA continuation coverage provision; or

(bb) the date following the expiration of the period of continuation coverage allowed under paragraph (4)(B)(ii); or

(ii) any assistance eligible individual described in paragraph (3)(B) for months of coverage beginning on or after the earlier of—

(I) the first date that such individual is eligible for coverage under any other group health plan (other than coverage consisting of only dental, vision, counseling, or referral services (or a combination thereof), coverage under a flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986), coverage of treatment that is furnished in an on-site medical facility maintained by the employer and that consists primarily of first-aid

AMERICAN OVERSIGHT

services, prevention and wellness care, or similar care (or a combination thereof)), or eligible for benefits under the Medicare program under title XVIII of the Social Security Act; or

(II) the first date that such individual is no longer in the furlough period.

(B) NOTIFICATION REQUIREMENT.—Any assistance eligible individual shall notify the group health plan with respect to which paragraph (1)(A) applies if such paragraph ceases to apply by reason of clause (i)(I) or (ii)(I) of subparagraph (A) (as applicable). Such notice shall be provided to the group health plan in such time and manner as may be specified by the Secretary of Labor.

(C) SPECIAL ENROLLMENT PERIOD FOLLOWING EXPIRATION OF PREMIUM ASSISTANCE.—Notwithstanding section 1311 of the Patient Protection and Affordable Care Act (42 U.S.C. 18031), the expiration of premium assistance pursuant to a limitation specified under subparagraph (A) shall be treated as a qualifying event for which any assistance eligi-

AMERICAN OVERSIGHT

ble individual is eligible to enroll in a qualified health plan offered through an Exchange under title I of such Act (42 U.S.C. 18001 et seq.) during a special enrollment period.

(3) ASSISTANCE ELIGIBLE INDIVIDUAL.—For purposes of this section, the term ''assistance eligible individual'' means, with respect to a period of coverage during the period beginning on March 1, 2020, and ending on January 31, 2021—

(A) any individual that is a qualified beneficiary that—

(i) is eligible for COBRA continuation coverage by reason of a qualifying event specified in section 603(2) of the Employee Retirement Income Security Act of 1974, section 4980B(f)(3)(B) of the Internal Revenue Code of 1986, section 2203(2) of the Public Health Service Act, or section 8905a of title 5, United States Code (except for the voluntary termination of such individual's employment by such individual); and

(ii) elects such coverage; or

(B) any covered employee that is in a furlough period that remains eligible for coverage

AMERICAN OVERSIGHT

under a group health plan offered by the employer of such covered employee.

(4) EXTENSION OF ELECTION PERIOD AND EFFECT ON COVERAGE.—

(A) IN GENERAL.—For purposes of applying section 605(a) of the Employee Retirement Income Security Act of 1974, section 4980B(f)(5)(A) of the Internal Revenue Code of 1986, section 2205(a) of the Public Health Service Act, and section 8905a(c)(2) of title 5, United States Code, in the case of—

(i) an individual who does not have an election of COBRA continuation coverage in effect on the date of the enactment of this Act but who would be an assistance eligible individual described in paragraph (3)(A) if such election were so in effect; or

(ii) an individual who elected COBRA continuation coverage on or after March 1, 2020, and discontinued from such coverage before the date of the enactment of this Act,

such individual may elect the COBRA continuation coverage under the COBRA continuation coverage provisions containing such provisions

AMERICAN OVERSIGHT

during the period beginning on the date of the enactment of this Act and ending 60 days after the date on which the notification required under paragraph (7)(C) is provided to such individual.

(B) COMMENCEMENT OF COBRA CONTINUATION COVERAGE.—Any COBRA continuation coverage elected by a qualified beneficiary during an extended election period under subparagraph (A)—

(i) shall apply as if such qualified beneficiary had been covered as of the date of a qualifying event specified in section 603(2) of the Employee Retirement Income Security Act of 1974, section 4980B(f)(3)(B) of the Internal Revenue Code of 1986, section 2203(2) of the Public Health Service Act, or section 8905a of title 5, United States Code, except for the voluntary termination of such beneficiary's employment by such beneficiary, that occurs no earlier than March 1, 2020 (including the treatment of premium payments under paragraph (1)(A) and any

AMERICAN OVERSIGHT

cost-sharing requirements for items and services under a group health plan); and

(ii) shall not extend beyond the period of COBRA continuation coverage that would have been required under the applicable COBRA continuation coverage provision if the coverage had been elected as required under such provision.

(5) EXPEDITED REVIEW OF DENIALS OF PREMIUM ASSISTANCE.—In any case in which an individual requests treatment as an assistance eligible individual described in subparagraph (A) or (B) of paragraph (3) and is denied such treatment by the group health plan, the Secretary of Labor (or the Secretary of Health and Human Services in connection with COBRA continuation coverage which is provided other than pursuant to part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974), in consultation with the Secretary of the Treasury, shall provide for expedited review of such denial. An individual shall be entitled to such review upon application to such Secretary in such form and manner as shall be provided by such Secretary, in consultation with the Secretary of Treasury. Such Secretary shall make a determination re-

AMERICAN OVERSIGHT

garding such individual's eligibility within 15 business days after receipt of such individual's application for review under this paragraph. Either Secretary's determination upon review of the denial shall be de novo and shall be the final determination of such Secretary. A reviewing court shall grant deference to such Secretary's determination. The provisions of this paragraph, paragraphs (1) through (4), and paragraphs (7) through (9) shall be treated as provisions of title I of the Employee Retirement Income Security Act of 1974 for purposes of part 5 of subtitle B of such title.

(6) DISREGARD OF SUBSIDIES FOR PURPOSES OF FEDERAL AND STATE PROGRAMS.—Notwithstanding any other provision of law, any premium assistance with respect to an assistance eligible individual under this subsection shall not be considered income, in-kind support, or resources for purposes of determining the eligibility of the recipient (or the recipient's spouse or family) for benefits or assistance, or the amount or extent of benefits or assistance, or any other benefit provided under any Federal program or any program of a State or political subdivision thereof financed in whole or in part with Federal funds.

AMERICAN OVERSIGHT

(7) COBRA-SPECIFIC NOTICE.—

(A) GENERAL NOTICE.—

(i) IN GENERAL.—In the case of notices provided under section 606(a)(4) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1166(4)), section 4980B(f)(6)(D) of the Internal Revenue Code of 1986, section 2206(4) of the Public Health Service Act (42 U.S.C. 300bb–6(4)), or section 8905a(f)(2)(A) of title 5, United States Code, with respect to individuals who, during the period described in paragraph (3), become entitled to elect COBRA continuation coverage, the requirements of such provisions shall not be treated as met unless such notices include an additional notification to the recipient a written notice in clear and understandable language of—

(I) the availability of premium assistance with respect to such coverage under this subsection; and

(II) the option to enroll in different coverage if the employer permits assistance eligible individuals de-

AMERICAN OVERSIGHT

scribed in paragraph (3)(A) to elect enrollment in different coverage (as described in paragraph (1)(B)).

(ii) ALTERNATIVE NOTICE.—In the case of COBRA continuation coverage to which the notice provision under such sections does not apply, the Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall, in consultation with administrators of the group health plans (or other entities) that provide or administer the COBRA continuation coverage involved, provide rules requiring the provision of such notice.

(iii) FORM.—The requirement of the additional notification under this subparagraph may be met by amendment of existing notice forms or by inclusion of a separate document with the notice otherwise required.

(B) SPECIFIC REQUIREMENTS.—Each additional notification under subparagraph (A) shall include—

AMERICAN OVERSIGHT

(i) the forms necessary for establishing eligibility for premium assistance under this subsection;

(ii) the name, address, and telephone number necessary to contact the plan administrator and any other person maintaining relevant information in connection with such premium assistance;

(iii) a description of the extended election period provided for in paragraph (4)(A);

(iv) a description of the obligation of the qualified beneficiary under paragraph (2)(B) and the penalty provided under section 6720C of the Internal Revenue Code of 1986 for failure to carry out the obligation;

(v) a description, displayed in a prominent manner, of the qualified beneficiary's right to a reduced premium and any conditions on entitlement to the reduced premium;

(vi) a description of the option of the qualified beneficiary to enroll in different coverage if the employer permits such ben-

AMERICAN OVERSIGHT

eficiary to elect to enroll in such different coverage under paragraph (1)(B); and

(vii) information regarding any Exchange established under title I of the Patient Protection and Affordable Care Act (42 U.S.C. 18001 et seq.) through which a qualified beneficiary may be eligible to enroll in a qualified health plan, including—

(I) the publicly accessible internet website address for such Exchange;

(II) the publicly accessible internet website address for the Find Local Help directory maintained by the Department of Health and Human Services on the healthcare.gov internet website (or a successor website);

(III) a clear explanation that—

(aa) an individual who is eligible for continuation coverage may also be eligible to enroll, with financial assistance, in a qualified health plan offered through such Exchange, but, in

AMERICAN OVERSIGHT

the case that such individual elects to enroll in such continuation coverage and subsequently elects to terminate such continuation coverage before the period of such continuation coverage expires, such termination does not initiate a special enrollment period (absent a qualifying event specified in section 603(2) of the Employee Retirement Income Security Act of 1974, section 4980B(f)(3)(B) of the Internal Revenue Code of 1986, section 2203(2) of the Public Health Service Act, or section 8905a of title 5, United States Code, with respect to such individual); and

(bb) an individual who elects to enroll in continuation coverage will remain eligible to enroll in a qualified health plan offered through such Exchange during an open enrollment period and may be eligible for financial as-

AMERICAN OVERSIGHT

sistance with respect to enrolling in such a qualified health plan;

(IV) information on consumer protections with respect to enrolling in a qualified health plan offered through such Exchange, including the requirement for such a qualified health plan to provide coverage for essential health benefits (as defined in section 1302(b) of such Act (42 U.S.C. 18022(b))) and the requirements applicable to such a qualified health plan under part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.);

(V) information on the availability of financial assistance with respect to enrolling in a qualified health plan, including the maximum income limit for eligibility for the premium tax credit under section 36B of the Internal Revenue Code of 1986; and

(VI) information on any special enrollment periods during which any assistance eligible individual described

AMERICAN OVERSIGHT

in paragraph (3)(A)(i) may be eligible to enroll, with financial assistance, in a qualified health plan offered through such Exchange (including a special enrollment period for which an individual may be eligible due to the expiration of premium assistance pursuant to a limitation specified under paragraph (2)(A)).

(C) NOTICE IN CONNECTION WITH EXTENDED ELECTION PERIODS.—In the case of any assistance eligible individual described in paragraph (3)(A) (or any individual described in paragraph (4)(A)) who became entitled to elect COBRA continuation coverage before the date of the enactment of this Act, the administrator of the applicable group health plan (or other entity) shall provide (within 60 days after the date of enactment of this Act) for the additional notification required to be provided under subparagraph (A) and failure to provide such notice shall be treated as a failure to meet the notice requirements under the applicable COBRA continuation provision.

AMERICAN OVERSIGHT

(D) MODEL NOTICES.—Not later than 30 days after the date of enactment of this Act, with respect to any assistance eligible individual described in paragraph (3)(A)—

(i) the Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall prescribe models for the additional notification required under this paragraph (other than the additional notification described in clause (ii)); and

(ii) in the case of any additional notification provided pursuant to subparagraph (A) under section 8905a(f)(2)(A) of title 5, United States Code, the Office of Personnel Management shall prescribe a model for such additional notification.

(8) FURLOUGH-SPECIFIC NOTICE.—

(A) IN GENERAL.—With respect to any assistance eligible individual described in paragraph (3)(B) who, during the period described in such paragraph, becomes eligible for assistance pursuant to paragraph (1)(A)(ii), the requirements of section 606(a)(4) of the Employee Retirement Income Security Act of 1974

AMERICAN OVERSIGHT

(29 U.S.C. 1166(4)), section 4980B(f)(6)(D) of the Internal Revenue Code of 1986, section 2206(4) of the Public Health Service Act (42 U.S.C. 300bb–6(4)), or section 8905a(f)(2)(A) of title 5, United States Code, shall not be treated as met unless the group health plan administrator, in accordance with the timing requirement specified under subparagraph (B), provides to the individual a written notice in clear and understandable language of—

(i) the availability of premium assistance with respect to such coverage under this subsection;

(ii) the option of the qualified beneficiary to enroll in different coverage if the employer permits such beneficiary to elect to enroll in such different coverage under paragraph (1)(B); and

(iii) the information specified under paragraph (7)(B) (as applicable).

(B) TIMING SPECIFIED.—For purposes of subparagraph (A), the timing requirement specified in this subparagraph is—

(i) with respect to such an individual who is within a furlough period during the

AMERICAN OVERSIGHT

period beginning on March 1, 2020, and ending on the date of the enactment of this Act, 30 days after the date of such enactment; and

(ii) with respect to such an individual who is within a furlough period during the period beginning on the first day after the date of the enactment of this Act and ending on January 31, 2021, 30 days after the date of the beginning of such furlough period.

(C) MODEL NOTICES.—Not later than 30 days after the date of enactment of this Act, with respect to any assistance eligible individual described in paragraph (3)(B)—

(i) the Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall prescribe models for the notification required under this paragraph (other than the notification described in clause (ii)); and

(ii) in the case of any notification provided pursuant to subparagraph (A) under section 8905a(f)(2)(A) of title 5, United

AMERICAN OVERSIGHT

States Code, the Office of Personnel Management shall prescribe a model for such notification.

(9) NOTICE OF EXPIRATION OF PERIOD OF PREMIUM ASSISTANCE.—

(A) IN GENERAL.—With respect to any assistance eligible individual, subject to subparagraph (B), the requirements of section 606(a)(4) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1166(4)), section 4980B(f)(6)(D) of the Internal Revenue Code of 1986, section 2206(4) of the Public Health Service Act (42 U.S.C. 300bb–6(4)), or section 8905a(f)(2)(A) of title 5, United States Code, shall not be treated as met unless the employer of the individual, during the period specified under subparagraph (C), provides to such individual a written notice in clear and understandable language—

(i) that the premium assistance for such individual will expire soon and the prominent identification of the date of such expiration;

AMERICAN OVERSIGHT

(ii) that such individual may be eligible for coverage without any premium assistance through—

(I) COBRA continuation coverage; or

(II) coverage under a group health plan;

(iii) that the expiration of premium assistance is treated as a qualifying event for which any assistance eligible individual is eligible to enroll in a qualified health plan offered through an Exchange under title I of such Act (42 U.S.C. 18001 et seq.) during a special enrollment period; and

(iv) the information specified in paragraph (7)(B)(vii).

(B) EXCEPTION.—The requirement for the group health plan administrator to provide the written notice under subparagraph (A) shall be waived in the case the premium assistance for such individual expires pursuant to clause (i)(I) or (ii)(I) of paragraph (2)(A).

(C) PERIOD SPECIFIED.—For purposes of subparagraph (A), the period specified in this

AMERICAN OVERSIGHT

subparagraph is, with respect to the date of expiration of premium assistance for any assistance eligible individual pursuant to a limitation requiring a notice under this paragraph, the period beginning on the day that is 45 days before the date of such expiration and ending on the day that is 15 days before the date of such expiration.

(D) MODEL NOTICES.—Not later than 30 days after the date of enactment of this Act, with respect to any assistance eligible individual—

(i) the Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall prescribe models for the notification required under this paragraph (other than the notification described in clause (ii)); and

(ii) in the case of any notification provided pursuant to subparagraph (A) under section 8905a(f)(2)(A) of title 5, United States Code, the Office of Personnel Management shall prescribe a model for such notification.

AMERICAN OVERSIGHT

(10) REGULATIONS.—The Secretary of the Treasury and the Secretary of Labor may jointly prescribe such regulations or other guidance as may be necessary or appropriate to carry out the provisions of this subsection, including the prevention of fraud and abuse under this subsection, except that the Secretary of Labor and the Secretary of Health and Human Services may prescribe such regulations (including interim final regulations) or other guidance as may be necessary or appropriate to carry out the provisions of paragraphs (5), (7), (8), (9), and (11).

(11) OUTREACH.—

(A) IN GENERAL.—The Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall provide outreach consisting of public education and enrollment assistance relating to premium assistance provided under this subsection. Such outreach shall target employers, group health plan administrators, public assistance programs, States, insurers, and other entities as determined appropriate by such Secretaries. Such outreach shall include an initial focus on those individuals

AMERICAN OVERSIGHT

electing continuation coverage who are referred to in paragraph (7)(C). Information on such premium assistance, including enrollment, shall also be made available on websites of the Departments of Labor, Treasury, and Health and Human Services.

(B) ENROLLMENT UNDER MEDICARE.—The Secretary of Health and Human Services shall provide outreach consisting of public education. Such outreach shall target individuals who lose health insurance coverage. Such outreach shall include information regarding enrollment for benefits under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for purposes of preventing mistaken delays of such enrollment by such individuals, including lifetime penalties for failure of timely enrollment.

(12) DEFINITIONS.—For purposes of this section:

(A) ADMINISTRATOR.—The term ''administrator'' has the meaning given such term in section 3(16)(A) of the Employee Retirement Income Security Act of 1974.

(B) COBRA CONTINUATION COVERAGE.—The term ''COBRA continuation coverage''

AMERICAN OVERSIGHT

means continuation coverage provided pursuant to part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (other than under section 609), title XXII of the Public Health Service Act, section 4980B of the Internal Revenue Code of 1986 (other than subsection (f)(1) of such section insofar as it relates to pediatric vaccines), or section 8905a of title 5, United States Code, or under a State program that provides comparable continuation coverage. Such term does not include coverage under a health flexible spending arrangement under a cafeteria plan within the meaning of section 125 of the Internal Revenue Code of 1986.

(C) COBRA CONTINUATION PROVISION.—The term ''COBRA continuation provision'' means the provisions of law described in subparagraph (B).

(D) COVERED EMPLOYEE.—The term ''covered employee'' has the meaning given such term in section 607(2) of the Employee Retirement Income Security Act of 1974.

(E) QUALIFIED BENEFICIARY.—The term ''qualified beneficiary'' has the meaning given

AMERICAN OVERSIGHT

such term in section 607(3) of the Employee Retirement Income Security Act of 1974.

(F) GROUP HEALTH PLAN.—The term ''group health plan'' has the meaning given such term in section 607(1) of the Employee Retirement Income Security Act of 1974.

(G) STATE.—The term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(H) PERIOD OF COVERAGE.—Any reference in this subsection to a period of coverage shall be treated as a reference to a monthly or shorter period of coverage with respect to which premiums are charged with respect to such coverage.

(I) PLAN SPONSOR.—The term ''plan sponsor'' has the meaning given such term in section 3(16)(B) of the Employee Retirement Income Security Act of 1974.

(J) FURLOUGH PERIOD.—

(i) IN GENERAL.—The term ''furlough period'' means, with respect to an indi-

AMERICAN OVERSIGHT

vidual and an employer of such individual, a period—

(I) beginning with the first month beginning on or after March 1, 2020 and before January 31, 2021, during which such individual's employer reduces such individual's work hours (due to a lack of work, funds, or other nondisciplinary reason) to an amount that is less than 70 percent of the base month amount; and

(II) ending with the earlier of—

(aa) the first month beginning after January 31, 2021; or

(bb) the month following the first month during which work hours of such employee are greater than 80 percent of work hours of the base month amount.

(ii) BASE MONTH AMOUNT.—For purposes of clause (i), the term ''base month amount'' means, with respect to an individual and an employer of such individual, the greater of—

AMERICAN OVERSIGHT

(I) such individual's work hours in the month prior (or in the case such individual had no work hours in the month prior and had work hours in the 3 months prior, the last month with work hours within the prior 3 months); and

(II) such individual's work hours during the period beginning January 1, 2020 and ending January 31, 2020.

(13) REPORTS.—

(A) INTERIM REPORT.—The Secretary of the Treasury and the Secretary of Labor shall jointly submit an interim report to the Committee on Education and Labor, the Committee on Ways and Means, and the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate regarding the premium assistance provided under this subsection that includes—

AMERICAN OVERSIGHT

(i) the number of individuals provided such assistance as of the date of the report; and

(ii) the total amount of expenditures incurred (with administrative expenditures noted separately) in connection with such assistance as of the date of the report.

(B) FINAL REPORT.—As soon as practicable after the last period of COBRA continuation coverage for which premium assistance is provided under this section, the Secretary of the Treasury and the Secretary of Labor shall jointly submit a final report to each Committee referred to in subparagraph (A) that includes—

(i) the number of individuals provided premium assistance under this section;

(ii) the average dollar amount (monthly and annually) of premium assistance provided to such individuals; and

(iii) the total amount of expenditures incurred (with administrative expenditures noted separately) in connection with premium assistance under this section.

(14) COBRA PREMIUM ASSISTANCE.—

AMERICAN OVERSIGHT

(A) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 6432. CONTINUATION COVERAGE PREMIUM ASSISTANCE.

"(a) IN GENERAL.—The person to whom premiums are payable for continuation coverage under section 30312(a)(1) of the Worker Health Coverage Protection Act shall be allowed as a credit against the tax imposed by section 3111(a), or so much of the taxes imposed under section 3221(a) as are attributable to the rate in effect under section 3111(a), for each calendar quarter an amount equal to the premiums not paid by assistance eligible individuals for such coverage by reason of such section 30312(a)(1) with respect to such calendar quarter.

"(b) PERSON TO WHOM PREMIUMS ARE PAYABLE.—For purposes of subsection (a), except as otherwise provided by the Secretary, the person to whom premiums are payable under such continuation coverage shall be treated as being—

"(1) in the case of any group health plan which is a multiemployer plan (as defined in section 3(37) of the Employee Retirement Income Security Act of 1974), the plan,

AMERICAN OVERSIGHT

"(2) in the case of any group health plan not described in paragraph (1)—

"(A) which provides furlough continuation coverage described in section 30312(a)(1)(A)(ii) of the Worker Health Coverage Protection Act or subject to the COBRA continuation provisions contained in—

"(i) this title,

"(ii) the Employee Retirement Income Security Act of 1974,

"(iii) the Public Health Service Act, or

"(iv) title 5, United States Code, or

"(B) under which some or all of the coverage is not provided by insurance,

the employer maintaining the plan, and

"(3) in the case of any group health plan not described in paragraph (1) or (2), the insurer providing the coverage under the group health plan.

"(c) LIMITATIONS AND REFUNDABILITY.—

"(1) CREDIT LIMITED TO CERTAIN EMPLOYMENT TAXES.—The credit allowed by subsection (a) with respect to any calendar quarter shall not exceed the tax imposed by section 3111(a), or so much of the taxes imposed under section 3221(a) as are at-

AMERICAN OVERSIGHT

tributable to the rate in effect under section 3111(a), for such calendar quarter (reduced by any credits allowed under subsections (e) and (f) of section 3111, sections 7001 and 7003 of the Families First Coronavirus Response Act, section 2301 of the CARES Act, and sections 20204 and 20212 of the COVID–19 Tax Relief Act of 2020 for such quarter) on the wages paid with respect to the employment of all employees of the employer.

''(2) REFUNDABILITY OF EXCESS CREDIT.—

''(A) CREDIT IS REFUNDABLE.—If the amount of the credit under subsection (a) exceeds the limitation of paragraph (1) for any calendar quarter, such excess shall be treated as an overpayment that shall be refunded under sections 6402(a) and 6413(b).

''(B) CREDIT MAY BE ADVANCED.—In anticipation of the credit, including the refundable portion under subparagraph (A), the credit may be advanced, according to forms and instructions provided by the Secretary, up to an amount calculated under subsection (a) through the end of the most recent payroll period in the quarter.

AMERICAN OVERSIGHT

"(C) TREATMENT OF DEPOSITS.—The Secretary shall waive any penalty under section 6656 for any failure to make a deposit of the tax imposed by section 3111(a), or so much of the taxes imposed under section 3221(a) as are attributable to the rate in effect under section 3111(a), if the Secretary determines that such failure was due to the anticipation of the credit allowed under this section.

"(D) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, any amounts due to an employer under this paragraph shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

"(3) LIMITATION ON REIMBURSEMENT FOR FURLOUGHED EMPLOYEES.—In the case of an individual who for any month is an assistance eligible individual described in section 30312(a)(3)(B) of the Worker Health Coverage Protection Act with respect to any coverage, the credit determined with respect to such individual under subsection (a) for any such month ending during a calendar quarter shall not exceed the amount of premium the individual would

AMERICAN OVERSIGHT

have paid for a full month of such coverage for the month preceding the first month for which an individual is such an assistance eligible individual.

''(d) GOVERNMENTAL ENTITIES.—For purposes of this section, the term 'person' includes any governmental entity or Indian tribal government (as defined in section 139E(c)(1)).

''(e) DENIAL OF DOUBLE BENEFIT.—For purposes of chapter 1, the gross income of any person allowed a credit under this section shall be increased for the taxable year which includes the last day of any calendar quarter with respect to which such credit is allowed by the amount of such credit. No amount for which a credit is allowed under this section shall be taken into account as qualified wages under section 2301 of the CARES Act or as qualified health plan expenses under section 7001(d) or 7003(d) of the Families First Coronavirus Response Act.

''(f) REPORTING.—Each person entitled to reimbursement under subsection (a) for any period shall submit such reports (at such time and in such manner) as the Secretary may require, including—

''(1) an attestation of involuntary termination of employment, reduction of hours, or furloughing, for each assistance eligible individual on the basis of whose termination, reduction of hours, or fur-

AMERICAN OVERSIGHT

loughing entitlement to reimbursement is claimed under subsection (a),

''(2) a report of the amount of payroll taxes offset under subsection (a) for the reporting period, and

''(3) a report containing the TINs of all covered employees, the amount of subsidy reimbursed with respect to each employee, and a designation with respect to each employee as to whether the subsidy reimbursement is for coverage of 1 individual or 2 or more individuals.

''(g) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out this section, including—

''(1) the requirement to report information or the establishment of other methods for verifying the correct amounts of reimbursements under this section,

''(2) the application of this section to group health plans that are multiemployer plans (as defined in section 3(37) of the Employee Retirement Income Security Act of 1974),

''(3) to allow the advance payment of the credit determined under subsection (a), subject to the limi-

AMERICAN OVERSIGHT

tations provided in this section, based on such information as the Secretary shall require,

''(4) to provide for the reconciliation of such advance payment with the amount of the credit at the time of filing the return of tax for the applicable quarter or taxable year, and

''(5) with respect to the application of the credit to third party payors (including professional employer organizations, certified professional employer organizations, or agents under section 3504).''.

(B) SOCIAL SECURITY TRUST FUNDS HELD HARMLESS.—There are hereby appropriated to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) and the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(a)) amounts equal to the reduction in revenues to the Treasury by reason of this section (without regard to this subparagraph). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to rep-

AMERICAN OVERSIGHT

licate to the extent possible the transfers which would have occurred to such Trust Fund or Account had this section not been enacted.

(C) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 6432. Continuation coverage premium assistance.".

(D) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to premiums to which subsection (a)(1)(A) applies.

(E) SPECIAL RULE IN CASE OF EMPLOYEE PAYMENT THAT IS NOT REQUIRED UNDER THIS SECTION.—

(i) IN GENERAL.—In the case of an assistance eligible individual who pays, with respect any period of coverage to which subsection (a)(1)(A) applies, the amount of the premium for such coverage that the individual would have (but for this Act) been required to pay, the person to whom such payment is payable shall reimburse such individual for the amount of such premium paid.

(ii) CREDIT OF REIMBURSEMENT.—A person to which clause (i) applies shall be

AMERICAN OVERSIGHT

allowed a credit in the manner provided under section 6432 of the Internal Revenue Code of 1986 for any payment made to the employee under such clause.

(iii) PAYMENT OF CREDITS.—Any person to which clause (i) applies shall make the payment required under such clause to the individual not later than 60 days after the date on which such individual elects continuation coverage under section 30312(a)(1) of the Worker Health Coverage Protection Act.

(15) PENALTY FOR FAILURE TO NOTIFY HEALTH PLAN OF CESSATION OF ELIGIBILITY FOR PREMIUM ASSISTANCE.—

(A) IN GENERAL.—Part I of subchapter B of chapter 68 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 6720C. PENALTY FOR FAILURE TO NOTIFY HEALTH PLAN OF CESSATION OF ELIGIBILITY FOR CONTINUATION COVERAGE PREMIUM ASSISTANCE.

''(a) IN GENERAL.—Except in the case of failure described in subsection (b) or (c), any person required to

AMERICAN OVERSIGHT

notify a group health plan under section 30312(a)(2)(B) of the Worker Health Coverage Protection Act who fails to make such a notification at such time and in such manner as the Secretary of Labor may require shall pay a penalty of $250.

''(b) INTENTIONAL FAILURE.—In the case of any such failure that is fraudulent, such person shall pay a penalty equal to the greater of—

''(1) $250, or

''(2) 110 percent of the premium assistance provided under section 30312(a)(1)(A) of such Act after termination of eligibility under such section.

''(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause and not to willful neglect.''.

(B) CLERICAL AMENDMENT.—The table of sections of part I of subchapter B of chapter 68 of such Code is amended by adding at the end the following new item:

''Sec. 6720C. Penalty for failure to notify health plan of cessation of eligibility for continuation coverage premium assistance.''.

(16) COORDINATION WITH HCTC.—

(A) IN GENERAL.—Section 35(g)(9) of the Internal Revenue Code of 1986 is amended to read as follows:

AMERICAN OVERSIGHT

''(9) CONTINUATION COVERAGE PREMIUM ASSISTANCE.—In the case of an assistance eligible individual who receives premium assistance for continuation coverage under section 30312(a)(1) of the Worker Health Coverage Protection Act for any month during the taxable year, such individual shall not be treated as an eligible individual, a certified individual, or a qualifying family member for purposes of this section or section 7527 with respect to such month.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to taxable years ending after the date of the enactment of this Act.

(17) EXCLUSION OF CONTINUATION COVERAGE PREMIUM ASSISTANCE FROM GROSS INCOME.—

(A) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139H the following new section:

''SEC. 139I. CONTINUATION COVERAGE PREMIUM ASSISTANCE.

''In the case of an assistance eligible individual (as defined in subsection (a)(3) of section 30312 of the Worker Health Coverage Protection Act), gross income does not

AMERICAN OVERSIGHT

include any premium assistance provided under subsection (a)(1) of such section.''.

(B) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 139H the following new item:

''Sec. 139I. Continuation coverage premium assistance.''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to taxable years ending after the date of the enactment of this Act.

(18) DEADLINES WITH RESPECT TO NOTICES.—Notwithstanding section 518 of the Employee Retirement Income Security Act of 1974 and section 7508A of the Internal Revenue Code of 1986, the Secretary of Labor and the Secretary of the Treasury, respectively, may not waive or extend any deadline with respect to the provision of notices described in paragraphs (7), (8), and (9).

(b) RULE OF CONSTRUCTION.—In all matters of interpretation, rules, and operational procedures, the language of this section shall be interpreted broadly for the benefit of workers and their families.

AMERICAN OVERSIGHT

TITLE IV—APPLICATION TO OTHER HEALTH PROGRAMS

PROHIBITION ON COPAYMENTS AND COST SHARING FOR TRICARE BENEFICIARIES RECEIVING COVID–19 TREATMENT

SEC. 30401.

(a) IN GENERAL.—Section 6006(a) of the Families First Coronavirus Response Act (Public Law 116–127; 38 U.S.C. 1074 note) is amended by striking ''or visits described in paragraph (2) of such section'' and inserting '', visits described in paragraph (2) of such section, or medical care to treat COVID–19''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to medical care furnished on or after the date of the enactment of this Act.

PROHIBITION ON COPAYMENTS AND COST SHARING FOR VETERANS RECEIVING COVID–19 TREATMENT FURNISHED BY DEPARTMENT OF VETERANS AFFAIRS

SEC. 30402.

(a) IN GENERAL.—Section 6006(b) of the Families First Coronavirus Response Act (Public Law 116–127; 38 U.S.C. 1701 note) is amended by striking ''or visits described in paragraph (2) of such section'' and inserting '', visits described in paragraph (2) of such section, or hospital care or medical services to treat COVID–19''.

AMERICAN OVERSIGHT

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to hospital care and medical services furnished on or after the date of the enactment of this Act.

PROHIBITION ON COPAYMENTS AND COST SHARING FOR FEDERAL CIVILIAN EMPLOYEES RECEIVING COVID–19 TREATMENT

SEC. 30403.

(a) IN GENERAL.—Section 6006(c) of the Families First Coronavirus Response Act (Public Law 116–127; 5 U.S.C. 8904 note) is amended by striking ''or visits described in paragraph (2) of such section'' and inserting '', visits described in paragraph (2) of such section, or hospital care or medical services to treat COVID–19''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to hospital care and medical services furnished on or after the date of the enactment of this Act.

TITLE V—PUBLIC HEALTH POLICIES

DEFINITIONS

SEC. 30501.

In this title:

(1) Except as inconsistent with the provisions of this title, the term ''Secretary'' means the Secretary of Health and Human Services.

AMERICAN OVERSIGHT

(2) The term ''State'' refers to each of the 50 States and the District of Columbia.

(3) The term ''Tribal'', with respect to a department of health (or health department), includes—

(A) Indian Tribes that—

(i) are operating one or more health facilities pursuant to an agreement under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.); or

(ii) receive services from a facility operated by the Indian Health Services; and

(B) Tribal organizations and Urban Indian organizations.

Subtitle A—Supply Chain Improvements

MEDICAL SUPPLIES RESPONSE COORDINATOR

SEC. 30511.

(a) IN GENERAL.—The President shall appoint a Medical Supplies Response Coordinator to coordinate the efforts of the Federal Government regarding the supply and distribution of critical medical supplies and equipment related to detecting, diagnosing, preventing, and treating COVID–19, including personal protective equipment, medical devices, drugs, and vaccines.

AMERICAN OVERSIGHT

(b) QUALIFICATIONS.—To qualify to be appointed as the Medical Supplies Response Coordinator, an individual shall be a senior government official with—

(1) health care training, including training related to infectious diseases or hazardous exposures; and

(2) a familiarity with medical supply chain logistics.

(c) ACTIVITIES.—The Medical Supplies Response Coordinator shall—

(1) consult with State, local, territorial, and Tribal officials to ensure that health care facilities and health care workers have sufficient personal protective equipment and other medical supplies;

(2) evaluate ongoing needs of States, localities, territories, Tribes, health care facilities, and health care workers to determine the need for critical medical supplies and equipment;

(3) serve as a point of contact for industry for procurement and distribution of critical medical supplies and equipment, including personal protective equipment, medical devices, testing supplies, drugs, and vaccines;

(4) procure and distribute critical medical supplies and equipment, including personal protective

AMERICAN OVERSIGHT

equipment, medical devices, testing supplies, drugs, and vaccines;

(5)(A) establish and maintain an up-to-date national database of hospital capacity, including beds, ventilators, and supplies, including personal protective equipment, medical devices, drugs, and vaccines; and

(B) provide weekly reports to the Congress on gaps in such capacity and progress made toward closing the gaps;

(6) require, as necessary, industry reporting on production and distribution of personal protective equipment, medical devices, testing supplies, drugs, and vaccines and assess financial penalties as may be specified by the Medical Supplies Response Coordinator for failure to comply with such requirements for reporting on production and distribution;

(7) consult with the Secretary and the Administrator of the Federal Emergency Management Agency, as applicable, to ensure sufficient production levels under the Defense Production Act (50 U.S.C. 4501 et seq.); and

(8) monitor the prices of critical medical supplies and equipment, including personal protective equipment and medical devices, drugs, and vaccines

AMERICAN OVERSIGHT

related to detecting, diagnosing, preventing, and treating COVID–19 and report any suspected price gouging of such materials to the Federal Trade Commission and appropriate law enforcement officials.

INFORMATION TO BE INCLUDED IN LIST OF DEVICES DETERMINED TO BE IN SHORTAGE

SEC. 30512.

Section 506J(g)(2)(A) of the Federal Food, Drug, and Cosmetic Act, as added by section 3121 of the CARES Act (Public Law 116–136), is amended by inserting '', including the device identifier or national product code for such device, if applicable'' before the period at the end.

EXTENDED SHELF LIFE DATES FOR ESSENTIAL DEVICES

SEC. 30513.

(a) IN GENERAL.—The Federal Food, Drug, and Cosmetic Act is amended by inserting after section 506J (21 U.S.C. 356j) the following:

''SEC. 506K. EXTENDED SHELF LIFE DATES FOR ESSENTIAL DEVICES.

''(a) IN GENERAL.—A manufacturer of a device subject to notification requirements under section 506J (in this section referred to as an 'essential device') shall—

''(1) submit to the Secretary data and information as required by subsection (b)(1);

AMERICAN OVERSIGHT

"(2) conduct and submit the results of any studies required under subsection (b)(3); and

"(3) make any labeling change described in subsection (c) by the date specified by the Secretary pursuant to such subsection.

"(b) NOTIFICATION.—

"(1) IN GENERAL.—The Secretary may issue an order requiring the manufacturer of any essential device to submit, in such manner as the Secretary may prescribe, data and information from any stage of development of the device (including pilot, investigational, and final product validation) that are adequate to assess the shelf life of the device to determine the longest supported expiration date.

"(2) UNAVAILABLE OR INSUFFICIENT DATA AND INFORMATION.—If the data and information referred to in paragraph (1) are not available or are insufficient, the Secretary may require the manufacturer of the device to—

"(A) conduct studies adequate to provide the data and information; and

"(B) submit to the Secretary the results, data, and information generated by such studies when available.

AMERICAN OVERSIGHT

''(c) LABELING.—The Secretary may issue an order requiring the manufacturer of an essential device to make by a specified date any labeling change regarding the expiration period that the Secretary determines to be appropriate based on the data and information required to be submitted under this section or any other data and information available to the Secretary.

''(d) CONFIDENTIALITY.—Nothing in this section shall be construed as authorizing the Secretary to disclose any information that is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code.''.

(b) CIVIL MONETARY PENALTY.—Section 303(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)) is amended by adding at the end the following:

''(10) CIVIL MONETARY PENALTY WITH RESPECT TO EXTENDED SHELF LIFE DATES FOR ESSENTIAL DEVICES.—If the manufacturer of a device subject to notification requirements under section 506J violates section 506K by failing to submit data and information as required under section 506K(b)(1), failing to conduct or submit the results of studies as required under section 506K(b)(3), or failing to make a labeling change as required under section 506K(c), such manufacturer shall be

AMERICAN OVERSIGHT

liable to the United States for a civil penalty in an amount not to exceed $10,000 for each such violation.''.

(c) EMERGENCY USE ELIGIBLE PRODUCTS.—Subparagraph (A) of section 564A(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3a(a)(1)) is amended to read as follows:

> ''(A) is approved or cleared under this chapter, otherwise listed as a device pursuant to section 510(j), conditionally approved under section 571, or licensed under section 351 of the Public Health Service Act;''.

AUTHORITY TO DESTROY COUNTERFEIT DEVICES

SEC. 30514.

(a) IN GENERAL.—Section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) is amended—

(1) in the fourth sentence, by inserting ''or counterfeit device'' after ''counterfeit drug''; and

(2) by striking ''The Secretary of the Treasury shall cause the destruction of'' and all that follows through ''liable for costs pursuant to subsection (c).'' and inserting the following: ''The Secretary of the Treasury shall cause the destruction of any such article refused admission unless such article is exported, under regulations prescribed by the Secretary of the Treasury, within 90 days of the date

AMERICAN OVERSIGHT

of notice of such refusal or within such additional time as may be permitted pursuant to such regulations, except that the Secretary of Health and Human Services may destroy, without the opportunity for export, any drug or device refused admission under this section, if such drug or device is valued at an amount that is $2,500 or less (or such higher amount as the Secretary of the Treasury may set by regulation pursuant to section 498(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1498(a)(1))) and was not brought into compliance as described under subsection (b). The Secretary of Health and Human Services shall issue regulations providing for notice and an opportunity to appear before the Secretary of Health and Human Services and introduce testimony, as described in the first sentence of this subsection, on destruction of a drug or device under the seventh sentence of this subsection. The regulations shall provide that prior to destruction, appropriate due process is available to the owner or consignee seeking to challenge the decision to destroy the drug or device. Where the Secretary of Health and Human Services provides notice and an opportunity to appear and introduce testimony on the destruction of a drug or device, the Secretary of Health and

AMERICAN OVERSIGHT

Human Services shall store and, as applicable, dispose of the drug or device after the issuance of the notice, except that the owner and consignee shall remain liable for costs pursuant to subsection (c).''.

(b) DEFINITION.—Section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) is amended—

(1) by redesignating subparagraphs (1), (2), and (3) as clauses (A), (B), and (C), respectively; and

(2) after making such redesignations—

(A) by striking ''(h) The term'' and inserting ''(h)(1) The term''; and

(B) by adding at the end the following:

''(2) The term 'counterfeit device' means a device which, or the container, packaging, or labeling of which, without authorization, bears a trademark, trade name, or other identifying mark, imprint, or symbol, or any likeness thereof, or is manufactured using a design, of a device manufacturer, packer, or distributor other than the person or persons who in fact manufactured, packed, or distributed such device and which thereby falsely purports or is represented to be the product of, or to have been packed or distributed by, such other device manufacturer, packer, or distributor.

AMERICAN OVERSIGHT

''(3) For purposes of subparagraph (2)—

''(A) the term 'manufactured' refers to any of the following activities: manufacture, preparation, propagation, compounding, assembly, or processing; and

''(B) the term 'manufacturer' means a person who is engaged in any of the activities listed in clause (A).''.

REPORTING REQUIREMENT FOR DRUG MANUFACTURERS

SEC. 30515.

(a) ESTABLISHMENTS IN A FOREIGN COUNTRY.—Section 510(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(i)) is amended by inserting at the end the following new paragraph:

''(5) The requirements of paragraphs (1) and (2) shall apply to establishments within a foreign country engaged in the manufacture, preparation, propagation, compounding, or processing of any drug, including the active pharmaceutical ingredient, that is required to be listed pursuant to subsection (j). Such requirements shall apply regardless of whether the drug or active pharmaceutical ingredient undergoes further manufacture, preparation, propagation, compounding, or processing at a separate establishment or establishments outside the United States prior to being imported or offered for import into the United States.''.

AMERICAN OVERSIGHT

(b) LISTING OF DRUGS.—Section 510(j)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(j)(1)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

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

''(F) in the case of a drug contained in the applicable list, a certification that the registrant has—

''(i) identified every other establishment where manufacturing is performed for the drug; and

''(ii) notified each known foreign establishment engaged in the manufacture, preparation, propagation, compounding, or processing of the drug, including the active pharmaceutical ingredient, of the inclusion of the drug in the list and the obligation to register.''.

(c) QUARTERLY REPORTING ON AMOUNT OF DRUGS MANUFACTURED.—Section 510(j)(3)(A) of the Federal Food, Drug, and Cosmetic Act (as added by section 3112 of the CARES Act (Public Law 116–136)) is amended by striking ''annually'' and inserting ''once during the

AMERICAN OVERSIGHT

month of March of each year, once during the month of June of each year, once during the month of September of each year, and once during the month of December of each year''.

RECOMMENDATIONS TO ENCOURAGE DOMESTIC MANUFACTURING OF CRITICAL DRUGS

SEC. 30516.

(a) IN GENERAL.—Not later than 14 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the ''National Academies'') under which, not later than 90 days after the date of entering into the agreement, the National Academies will—

(1) establish a committee of experts who are knowledgeable about drug and device supply issues, including—

(A) sourcing and production of critical drugs and devices;

(B) sourcing and production of active pharmaceutical ingredients in critical drugs;

(C) the raw materials and other components for critical drugs and devices; and

(D) the public health and national security implications of the current supply chain for critical drugs and devices;

AMERICAN OVERSIGHT

(2) convene a public symposium to—

(A) analyze the impact of United States dependence on the foreign manufacturing of critical drugs and devices on patient access and care, including in hospitals and intensive care units; and

(B) recommend strategies to end United States dependence on foreign manufacturing to ensure the United States has a diverse and vital supply chain for critical drugs and devices to protect the Nation from natural or hostile occurrences; and

(3) submit a report on the symposium's proceedings to the Congress and publish a summary of such proceedings on the public website of the National Academies.

(b) SYMPOSIUM.—In carrying out the agreement under subsection (a), the National Academies shall consult with—

(1) the Department of Health and Human Services, the Department of Homeland Security, the Department of Defense, the Department of Commerce, the Department of State, the Department of Veterans Affairs, the Department of Justice, and any other Federal agencies as appropriate; and

AMERICAN OVERSIGHT

(2) relevant stakeholders, including drug and device manufacturers, health care providers, medical professional societies, State-based societies, public health experts, State and local public health departments, State medical boards, patient groups, health care distributors, wholesalers and group purchasing organizations, pharmacists, and other entities with experience in health care and public health, as appropriate.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term ''critical''—

(A) with respect to a device, refers to a device classified by the Food and Drug Administration as implantable, life-saving, and life-sustaining; or

(B) with respect to a drug, refers to a drug that is described in subsection (a) of section 506C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356c) (relating to notification of any discontinuance or interruption in the production of life-saving drugs).

(2) The terms ''device'' and ''drug'' have the meanings given to those terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

AMERICAN OVERSIGHT

FAILURE TO NOTIFY OF A PERMANENT DISCONTINUANCE OR AN INTERRUPTION

SEC. 30517.

Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

''(fff) The failure of a manufacturer of a drug described in section 506C(a) or an active pharmaceutical ingredient of such a drug, without a reasonable basis as determined by the Secretary, to notify the Secretary of a permanent discontinuance or an interruption, and the reasons for such discontinuance or interruption, as required by section 506C.''.

FAILURE TO DEVELOP RISK MANAGEMENT PLAN

SEC. 30518.

Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331), as amended by section 30517, is further amended by adding at the end the following:

''(ggg) The failure to develop, maintain, and implement a risk management plan, as required by section 506C(j).''.

NATIONAL CENTERS OF EXCELLENCE IN CONTINUOUS PHARMACEUTICAL MANUFACTURING

SEC. 30519.

(a) IN GENERAL.—Section 3016 of the 21st Century Cures Act (21 U.S.C. 399h) is amended to read as follows:

AMERICAN OVERSIGHT

''NATIONAL CENTERS OF EXCELLENCE IN CONTINUOUS PHARMACEUTICAL MANUFACTURING

''SEC. 3016.

''(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs—

''(1) shall solicit and, beginning not later than 1 year after the date of enactment of the National Centers of Excellence in Continuous Pharmaceutical Manufacturing Act of 2019, receive requests from institutions of higher education to be designated as a National Center of Excellence in Continuous Pharmaceutical Manufacturing (in this section referred to as a 'National Center of Excellence') to support the advancement and development of continuous manufacturing; and

''(2) shall so designate any institution of higher education that—

''(A) requests such designation; and

''(B) meets the criteria specified in subsection (c).

''(b) REQUEST FOR DESIGNATION.—A request for designation under subsection (a) shall be made to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Any such re-

AMERICAN OVERSIGHT

quest shall include a description of how the institution of higher education meets or plans to meet each of the criteria specified in subsection (c).

''(c) CRITERIA FOR DESIGNATION DESCRIBED.—The criteria specified in this subsection with respect to an institution of higher education are that the institution has, as of the date of the submission of a request under subsection (a) by such institution—

''(1) physical and technical capacity for research and development of continuous manufacturing;

''(2) manufacturing knowledge-sharing networks with other institutions of higher education, large and small pharmaceutical manufacturers, generic and nonprescription manufacturers, contract manufacturers, and other entities;

''(3) proven capacity to design and demonstrate new, highly effective technology for use in continuous manufacturing;

''(4) a track record for creating and transferring knowledge with respect to continuous manufacturing;

''(5) the potential to train a future workforce for research on and implementation of advanced manufacturing and continuous manufacturing; and

AMERICAN OVERSIGHT

"(6) experience in participating in and leading a continuous manufacturing technology partnership with other institutions of higher education, large and small pharmaceutical manufacturers (including generic and nonprescription drug manufacturers), contract manufacturers, and other entities—

"(A) to support companies with continuous manufacturing in the United States;

"(B) to support Federal agencies with technical assistance, which may include regulatory and quality metric guidance as applicable, for advanced manufacturing and continuous manufacturing;

"(C) with respect to continuous manufacturing, to organize and conduct research and development activities needed to create new and more effective technology, capture and disseminate expertise, create intellectual property, and maintain technological leadership;

"(D) to develop best practices for designing continuous manufacturing; and

"(E) to assess and respond to the workforce needs for continuous manufacturing, including the development of training programs if needed.

AMERICAN OVERSIGHT

''(d) TERMINATION OF DESIGNATION.—The Secretary may terminate the designation of any National Center of Excellence designated under this section if the Secretary determines such National Center of Excellence no longer meets the criteria specified in subsection (c). Not later than 60 days before the effective date of such a termination, the Secretary shall provide written notice to the National Center of Excellence, including the rationale for such termination.

''(e) CONDITIONS FOR DESIGNATION.—As a condition of designation as a National Center of Excellence under this section, the Secretary shall require that an institution of higher education enter into an agreement with the Secretary under which the institution agrees—

''(1) to collaborate directly with the Food and Drug Administration to publish the reports required by subsection (g);

''(2) to share data with the Food and Drug Administration regarding best practices and research generated through the funding under subsection (f);

''(3) to develop, along with industry partners (which may include large and small biopharmaceutical manufacturers, generic and nonprescription manufacturers, and contract manufacturers) and another institution or institutions designated under

AMERICAN OVERSIGHT

this section, if any, a roadmap for developing a continuous manufacturing workforce;

''(4) to develop, along with industry partners and other institutions designated under this section, a roadmap for strengthening existing, and developing new, relationships with other institutions; and

''(5) to provide an annual report to the Food and Drug Administration regarding the institution's activities under this section, including a description of how the institution continues to meet and make progress on the criteria listed in subsection (c).

''(f) FUNDING.—

''(1) IN GENERAL.—The Secretary shall award funding, through grants, contracts, or cooperative agreements, to the National Centers of Excellence designated under this section for the purpose of studying and recommending improvements to continuous manufacturing, including such improvements as may enable the Centers—

''(A) to continue to meet the conditions specified in subsection (e); and

''(B) to expand capacity for research on, and development of, continuing manufacturing.

''(2) CONSISTENCY WITH FDA MISSION.—As a condition on receipt of funding under this sub-

AMERICAN OVERSIGHT

section, a National Center of Excellence shall agree to consider any input from the Secretary regarding the use of funding that would—

"(A) help to further the advancement of continuous manufacturing through the National Center of Excellence; and

"(B) be relevant to the mission of the Food and Drug Administration.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $100,000,000, to remain available until expended.

"(4) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as precluding a National Center for Excellence designated under this section from receiving funds under any other provision of this Act or any other Federal law.

"(g) ANNUAL REVIEW AND REPORTS.—

"(1) ANNUAL REPORT.—Beginning not later than 1 year after the date on which the first designation is made under subsection (a), and annually thereafter, the Secretary shall—

"(A) submit to Congress a report describing the activities, partnerships and collaborations, Federal policy recommendations, previous

AMERICAN OVERSIGHT

and continuing funding, and findings of, and any other applicable information from, the National Centers of Excellence designated under this section; and

"(B) make such report available to the public in an easily accessible electronic format on the website of the Food and Drug Administration.

"(2) REVIEW OF NATIONAL CENTERS OF EXCELLENCE AND POTENTIAL DESIGNEES.—The Secretary shall periodically review the National Centers of Excellence designated under this section to ensure that such National Centers of Excellence continue to meet the criteria for designation under this section.

"(3) REPORT ON LONG-TERM VISION OF FDA ROLE.—Not later than 2 years after the date on which the first designation is made under subsection (a), the Secretary, in consultation with the National Centers of Excellence designated under this section, shall submit a report to the Congress on the long-term vision of the Department of Health and Human Services on the role of the Food and Drug Administration in supporting continuous manufacturing, including—

AMERICAN OVERSIGHT

"(A) a national framework of principles related to the implementation and regulation of continuous manufacturing;

"(B) a plan for the development of Federal regulations and guidance for how advanced manufacturing and continuous manufacturing can be incorporated into the development of pharmaceuticals and regulatory responsibilities of the Food and Drug Administration; and

"(C) appropriate feedback solicited from the public, which may include other institutions, large and small biopharmaceutical manufacturers, generic and nonprescription manufacturers, and contract manufacturers.

"(h) DEFINITIONS.—In this section:

"(1) ADVANCED MANUFACTURING.—The term 'advanced manufacturing' means an approach for the manufacturing of pharmaceuticals that incorporates novel technology, or uses an established technique or technology in a new or innovative way (such as continuous manufacturing where the input materials are continuously transformed within the process by two or more unit operations) that enhances drug quality or improves the manufacturing process.

AMERICAN OVERSIGHT

''(2) CONTINUOUS MANUFACTURING.—The term 'continuous manufacturing'—

''(A) means a process where the input materials are continuously fed into and transformed within the process, and the processed output materials are continuously removed from the system; and

''(B) consists of an integrated process that consists of a series of two or more unit operations.

''(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs.''.

(b) TRANSITION RULE.—Section 3016 of the 21st Century Cures Act (21 U.S.C. 399h), as in effect on the day before the date of the enactment of this section, shall apply with respect to grants awarded under such section before such date of enactment.

VACCINE MANUFACTURING AND ADMINISTRATION CAPACITY

SEC. 30520.

(a) ENHANCING MANUFACTURING CAPACITY.—

AMERICAN OVERSIGHT

(1) IN GENERAL.—The Secretary, acting through the Director of the Biomedical Advanced Research and Development Authority, shall, as appropriate, award contracts, grants, and cooperative agreements, and enter into other transactions, to expand and enhance manufacturing capacity of vaccines and vaccine candidates to prevent the spread of SARS–CoV–2 and COVID–19.

(2) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated such sums as may be necessary for fiscal years 2020 through 2024, to remain available until expended.

(b) REPORT ON VACCINE MANUFACTURING AND ADMINISTRATION CAPACITY.—

(1) IN GENERAL.—Not later than December 31, 2020, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report detailing—

(A) an assessment of the estimated supply of vaccines and ancillary medical products related to vaccine administration necessary to control and stop the spread of SARS–CoV–2

AMERICAN OVERSIGHT

and COVID–19, domestically and internationally;

(B) an assessment of current and future domestic manufacturing capacity for vaccines or vaccine candidates to control or stop the spread of SARS–CoV–2 and COVID–19, vaccine candidates, and ancillary products related to the administration of such vaccines, including identification of any gaps in manufacturing capacity;

(C) activities conducted to expand and enhance manufacturing capacity for vaccines, vaccine candidates, and ancillary medical products to levels sufficient to control and stop the spread of SARS–CoV–2 and COVID–19, domestically and internationally, including a list and explanation of all contracts, grants, and cooperative agreements awarded, and other transactions entered into, for purposes of such expansion and enhancement and how such activities will help to meet future domestic manufacturing capacity needs;

(D) a plan for the ongoing support of enhanced manufacturing capacity for vaccines, vaccine candidates, and ancillary medical prod-

AMERICAN OVERSIGHT

ucts sufficient to control and stop the spread of SARS–CoV–2 and COVID–19, domestically and internationally; and

(E) a plan to support the administration of vaccines approved or authorized by the Food and Drug Administration to control and stop the spread of SARS–CoV–2 and COVID–19, domestically and internationally, including Federal workforce enhancements necessary to administer such vaccines.

(2) ANCILLARY MEDICAL PRODUCTS.—For purposes of this subsection, ''ancillary medical products'' includes—

(A) vials;

(B) bandages;

(C) alcohol swabs;

(D) syringes;

(E) needles;

(F) gloves and other personal protective equipment; and

(G) other medical products the Secretary determines necessary for the administration of vaccines.

AMERICAN OVERSIGHT

Subtitle B—Strategic National Stockpile Improvements

EQUIPMENT MAINTENANCE

SEC. 30531.

Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (I), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (J), by striking the period at the end and inserting a semicolon; and

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

''(K) ensure the contents of the stockpile remain in good working order and, as appropriate, conduct maintenance services on such contents; and''; and

(2) in subsection (c)(7)(B), by adding at the end the following new clause:

''(ix) EQUIPMENT MAINTENANCE SERVICE.—In carrying out this section, the Secretary may enter into contracts for the procurement of equipment maintenance services.''.

SUPPLY CHAIN FLEXIBILITY MANUFACTURING PILOT

SEC. 30532.

AMERICAN OVERSIGHT

(a) IN GENERAL.—Section 319F–2(a)(3) of the Public Health Service Act (42 U.S.C. 247d–6b(a)(3)), as amended by section 30531, is further amended by adding at the end the following new subparagraph:

"(L) enhance medical supply chain elasticity and establish and maintain domestic reserves of critical medical supplies (including personal protective equipment, ancillary medical supplies, and other applicable supplies required for the administration of drugs, vaccines and other biological products, and other medical devices (including diagnostic tests)) by—

"(i) increasing emergency stock of critical medical supplies;

"(ii) geographically diversifying production of such medical supplies;

"(iii) purchasing, leasing, or entering into joint ventures with respect to facilities and equipment for the production of such medical supplies; and

"(iv) working with distributors of such medical supplies to manage the domestic reserves established under this subparagraph by refreshing and replenishing stock of such medical supplies.".

AMERICAN OVERSIGHT

(b) REPORTING; SUNSET.—Section 319F–2(a) of the Public Health Service Act (42 U.S.C. 247d–6b(a)) is amended by adding at the end the following:

"(6) REPORTING.—Not later than September 30, 2022, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report on the details of each purchase, lease, or joint venture entered into under paragraph (3)(L), including the amount expended by the Secretary on each such purchase, lease, or joint venture.

"(7) SUNSET.—The authority to make purchases, leases, or joint ventures pursuant to paragraph (3)(L) shall cease to be effective on September 30, 2023.".

(c) FUNDING.—Section 319F–2(f) of the Public Health Service Act (42 U.S.C. 247d–6b(f)) is amended by adding at the end the following:

"(3) SUPPLY CHAIN ELASTICITY.—

"(A) IN GENERAL.—For the purpose of carrying out subsection (a)(3)(L), there is authorized to be appropriated $500,000,000 for each of fiscal years 2020 through 2023, to remain available until expended.

AMERICAN OVERSIGHT

"(B) RELATION TO OTHER AMOUNTS.—The amount authorized to be appropriated by subparagraph (A) for the purpose of carrying out subsection (a)(3)(L) is in addition to any other amounts available for such purpose.".

REIMBURSABLE TRANSFERS FROM STRATEGIC NATIONAL STOCKPILE

SEC. 30533.

Section 319F–2(a) of the Public Health Service Act (42 U.S.C. 247d–6b(a)), as amended, is further amended by adding at the end the following:

"(8) TRANSFERS AND REIMBURSEMENTS.—

"(A) IN GENERAL.—Without regard to chapter 5 of title 40, United States Code, the Secretary may transfer to any Federal department or agency, on a reimbursable basis, any drugs, vaccines and other biological products, medical devices, and other supplies in the stockpile if—

"(i) the transferred supplies are less than 6 months from expiry;

"(ii) the stockpile is able to replenish the supplies, as appropriate; and

"(iii) the Secretary decides the transfer is in the best interest of the United States Government.

AMERICAN OVERSIGHT

"(B) USE OF REIMBURSEMENT.—Reimbursement derived from the transfer of supplies pursuant to subparagraph (A) may be used by the Secretary, without further appropriation and without fiscal year limitation, to carry out this section.

"(C) REPORT.—Not later than September 30, 2022, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report on each transfer made under this paragraph and the amount received by the Secretary in exchange for that transfer.

"(D) SUNSET.—The authority to make transfers under this paragraph shall cease to be effective on September 30, 2023.".

STRATEGIC NATIONAL STOCKPILE ACTION REPORTING

SEC. 30534.

(a) IN GENERAL.—The Assistant Secretary for Preparedness and Response (in this section referred to as the "Assistant Secretary"), in coordination with the Administrator of the Federal Emergency Management Agency, shall—

(1) not later than 30 days after the date of enactment of this Act, issue a report to the Committee

AMERICAN OVERSIGHT

on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate regarding all State, local, Tribal, and territorial requests for supplies from the Strategic National Stockpile related to COVID–19; and

(2) not less than every 30 days thereafter through the end of the emergency period (as such term is defined in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B))), submit to such committees an updated version of such report.

(b) REPORTING PERIOD.—

(1) INITIAL REPORT.—The initial report under subsection (a) shall address all requests described in such subsection made during the period—

(A) beginning on January 31, 2020; and

(B) ending on the date that is 30 days before the date of submission of the report.

(2) UPDATES.—Each update to the report under subsection (a) shall address all requests described in such subsection made during the period—

(A) beginning at the end of the previous reporting period under this section; and

AMERICAN OVERSIGHT

(B) ending on the date that is 30 days before the date of submission of the updated report.

(c) CONTENTS OF REPORT.—The report under subsection (a) (and updates thereto) shall include—

(1) the details of each request described in such subsection, including—

(A) the specific medical countermeasures, including devices such as personal protective equipment, and other materials requested; and

(B) the amount of such materials requested; and

(2) the outcomes of each request described in subsection (a), including—

(A) whether the request was wholly fulfilled, partially fulfilled, or denied;

(B) if the request was wholly or partially fulfilled, the fulfillment amount; and

(C) if the request was partially fulfilled or denied, a rationale for such outcome.

IMPROVED, TRANSPARENT PROCESSES FOR THE STRATEGIC NATIONAL STOCKPILE

SEC. 30535.

(a) IN GENERAL.—Not later than January 1, 2021, the Secretary, in collaboration with the Assistant Secretary for Preparedness and Response and the Director

AMERICAN OVERSIGHT

of the Centers for Disease Control and Prevention, shall develop and implement improved, transparent processes for the use and distribution of drugs, vaccines and other biological products, medical devices, and other supplies (including personal protective equipment, ancillary medical supplies, and other applicable supplies required for the administration of drugs, vaccines and other biological products, diagnostic tests, and other medical devices) in the Strategic National Stockpile under section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) (in this section referred to as the ''Stockpile'').

(b) PROCESSES.—The processes developed under subsection (a) shall include—

(1) the form and manner in which States, localities, Tribes, and territories are required to submit requests for supplies from the Stockpile;

(2) the criteria used by the Secretary in responding to such requests, including the reasons for fulfilling or denying such requests;

(3) what circumstances result in prioritization of distribution of supplies from the Stockpile to States, localities, Tribes, or territories;

(4) clear plans for future, urgent communication between the Secretary and States, localities,

AMERICAN OVERSIGHT

Tribes, and territories regarding the outcome of such requests; and

(5) any differences in the processes developed under subsection (a) for geographically related emergencies, such as weather events, and national emergencies, such as pandemics.

(c) REPORT TO CONGRESS.—Not later than January 1, 2021, the Secretary shall—

(1) submit a report to the Committee Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate regarding the improved, transparent processes developed under this section; and

(2) include in such report recommendations for opportunities for communication (by telebriefing, phone calls, or in-person meetings) between the Secretary and States, localities, Tribes, and territories regarding such improved, transparent processes.

GAO STUDY ON THE FEASIBILITY AND BENEFITS OF A STRATEGIC NATIONAL STOCKPILE USER FEE AGREEMENT

SEC. 30536.

(a) IN GENERAL.— The Comptroller General of the United States shall conduct a study to investigate the feasibility of establishing user fees to offset certain Federal costs attributable to the procurement of single-source ma-

AMERICAN OVERSIGHT

terials for the Strategic National Stockpile under section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) and distributions of such materials from the Stockpile. In conducting this study, the Comptroller General shall consider, to the extent information is available—

(1) whether entities receiving such distributions generate profits from those distributions;

(2) any Federal costs attributable to such distributions;

(3) whether such user fees would provide the Secretary with funding to potentially offset procurement costs of such materials for the Strategic National Stockpile; and

(4) any other issues the Comptroller General identifies as relevant.

(b) REPORT.—Not later than February 1, 2023, the Comptroller General of the United States shall submit to the Congress a report on the findings and conclusions of the study under subsection (a).

Subtitle C—Testing and Testing Infrastructure Improvements

COVID–19 TESTING STRATEGY

SEC. 30541.

(a) STRATEGY.—Not later than June 15, 2020, the Secretary shall update the COVID–19 strategic testing

AMERICAN OVERSIGHT

plan under the heading ''Department of Health and Human Services—Office of the Secretary—Public Health and Social Service Emergency Fund'' in title I of division B of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139, 134 Stat. 620, 626–627) and submit to the appropriate congressional committees such updated national plan identifying—

(1) what level of, types of, and approaches to testing (including predicted numbers of tests, populations to be tested, and frequency of testing and the appropriate setting whether a health care setting (such as hospital-based, high-complexity laboratory, point-of-care, mobile testing units, pharmacies or community health centers) or non-health care setting (such as workplaces, schools, or child care centers)) are necessary—

(A) to sufficiently monitor and contribute to the control of the transmission of SARS–CoV–2 in the United States;

(B) to ensure that any reduction in social distancing efforts, when determined appropriate by public health officials, can be undertaken in a manner that optimizes the health and safety of the people of the United States, and reduces disparities (including disparities related to race,

AMERICAN OVERSIGHT

ethnicity, sex, age, disability status, socio-economic status, and geographic location) in the prevalence of, incidence of, and health outcomes with respect to, COVID–19; and

(C) to provide for ongoing surveillance sufficient to support contact tracing, case identification, quarantine, and isolation to prevent future outbreaks of COVID–19;

(2) specific plans and benchmarks, each with clear timelines, to ensure—

(A) such level of, types of, and approaches to testing as are described in paragraph (1), with respect to optimizing health and safety;

(B) sufficient availability of all necessary testing materials and supplies, including extraction and testing kits, reagents, transport media, swabs, instruments, analysis equipment, personal protective equipment if necessary for testing (including point-of-care testing), and other equipment;

(C) allocation of testing materials and supplies in a manner that optimizes public health, including by considering the variable impact of SARS–CoV–2 on specific States, territories, Indian Tribes, Tribal organizations, urban Indian

AMERICAN OVERSIGHT

organizations, communities, industries, and professions;

(D) sufficient evidence of validation for tests that are deployed as a part of such strategy;

(E) sufficient laboratory and analytical capacity, including target turnaround time for test results;

(F) sufficient personnel, including personnel to collect testing samples, conduct and analyze results, and conduct testing follow-up, including contact tracing, as appropriate; and

(G) enforcement of the Families First Coronavirus Response Act (Public Law 116–127) to ensure patients who are tested are not subject to cost sharing;

(3) specific plans to ensure adequate testing in rural areas, frontier areas, health professional shortage areas, and medically underserved areas (as defined in section 330I(a) of the Public Health Service Act (42 U.S.C. 254c–14(a))), and for underserved populations, Native Americans (including Indian Tribes, Tribal organizations, and urban Indian organizations), and populations at increased risk related to COVID–19;

AMERICAN OVERSIGHT

(4) specific plans to ensure accessibility of testing to people with disabilities, older individuals, and individuals with underlying health conditions or weakened immune systems; and

(5) specific plans for broadly developing and implementing testing for potential immunity in the United States, as appropriate, in a manner sufficient—

(A) to monitor and contribute to the control of SARS–CoV–2 in the United States;

(B) to ensure that any reduction in social distancing efforts, when determined appropriate by public health officials, can be undertaken in a manner that optimizes the health and safety of the people of the United States; and

(C) to reduce disparities (including disparities related to race, ethnicity, sex, age, disability status, socioeconomic status, and geographic location) in the prevalence of, incidence of, and health outcomes with respect to, COVID–19.

(b) COORDINATION.—The Secretary shall carry out this section—

(1) in coordination with the Administrator of the Federal Emergency Management Agency;

AMERICAN OVERSIGHT

(2) in collaboration with other agencies and departments, as appropriate; and

(3) taking into consideration the State plans for COVID–19 testing prepared as required under the heading ''Department of Health and Human Services—Office of the Secretary—Public Health and Social Service Emergency Fund'' in title I of division B of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139; 134 Stat. 620, 624).

(c) UPDATES.—

(1) FREQUENCY.—The updated national plan under subsection (a) shall be updated every 30 days until the end of the public health emergency first declared by the Secretary under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to COVID–19.

(2) RELATION TO OTHER LAW.—Paragraph (1) applies in lieu of the requirement (for updates every 90 days until funds are expended) in the second to last proviso under the heading ''Department of Health and Human Services—Office of the Secretary—Public Health and Social Service Emergency Fund'' in title I of division B of the Paycheck Pro-

AMERICAN OVERSIGHT

tection Program and Health Care Enhancement Act (Public Law 116–139; 134 Stat. 620, 627).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives; and

(2) the Committee on Appropriations and the Committee on Health, Education, Labor and Pensions and of the Senate.

CENTRALIZED TESTING INFORMATION WEBSITE

SEC. 30542.

The Secretary shall establish and maintain a public, searchable webpage, to be updated and corrected as necessary through a process established by the Secretary, on the website of the Department of Health and Human Services that—

(1) identifies all in vitro diagnostic and serological tests used in the United States to analyze clinical specimens for detection of SARS–CoV–2 or antibodies specific to SARS–CoV–2, including—

(A) those tests—

(i) that are approved, cleared, or authorized under section 510(k), 513, 515, or 564 of the Federal Food, Drug, and Cos-

AMERICAN OVERSIGHT

metic Act (21 U.S.C. 360(k), 360c, 360e, 360bbb–3);

(ii) that have been validated by the test's developers for use on clinical specimens and for which the developer has notified the Food and Drug Administration of the developer's intent to market the test consistent with applicable guidance issued by the Secretary; or

(iii) that have been developed and authorized by a State that has notified the Secretary of the State's intention to review tests intended to diagnose COVID–19; and

(B) other SARS–CoV–2-related tests that the Secretary determines appropriate in guidance, which may include tests related to the monitoring of COVID–19 patient status;

(2) provides relevant information, as determined by the Secretary, on each test identified pursuant to paragraph (1), which may include—

(A) the name and contact information of the developer of the test;

(B) the date of receipt of notification by the Food and Drug Administration of the developer's intent to market the test;

AMERICAN OVERSIGHT

(C) the date of authorization for use of the test on clinical specimens, where applicable;

(D) the letter of authorization for use of the test on clinical specimens, where applicable;

(E) any fact sheets, manufacturer instructions, and package inserts for the test, including information on intended use;

(F) sensitivity and specificity of the test; and

(G) in the case of tests distributed by commercial manufacturers, the number of tests distributed and, if available, the number of laboratories in the United States with the required platforms installed to perform the test; and

(3) includes—

(A) a list of laboratories certified under section 353 of the Public Health Service Act (42 U.S.C. 263a; commonly referred to as ''CLIA'') that—

(i) meet the regulatory requirements under such section to perform high- or moderate-complexity testing; and

(ii) are authorized to perform SARS–CoV–2 diagnostic or serological tests on clinical specimens; and

AMERICAN OVERSIGHT

(B) information on each laboratory identified pursuant to subparagraph (A), including—

(i) the name and address of the laboratory;

(ii) the CLIA certificate number;

(iii) the laboratory type;

(iv) the certificate type; and

(v) the complexity level.

MANUFACTURER REPORTING OF TEST DISTRIBUTION

SEC. 30543.

(a) IN GENERAL.—A commercial manufacturer of an in vitro diagnostic or serological COVID–19 test shall, on a weekly basis, submit a notification to the Secretary regarding distribution of each such test, which notification—

(1) shall include the number of tests distributed and the entities to which the tests are distributed; and

(2) may include the quantity of such tests distributed by the manufacturer.

(b) CONFIDENTIALITY.—Nothing in this section shall be construed as authorizing the Secretary to disclose any information that is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code.

AMERICAN OVERSIGHT

(c) FAILURE TO MEET REQUIREMENTS.—If a manufacturer fails to submit a notification as required under subsection (a), the following applies:

(1) The Secretary shall issue a letter to such manufacturer informing such manufacturer of such failure.

(2) Not later than 7 calendar days after the issuance of a letter under paragraph (1), the manufacturer to whom such letter is issued shall submit to the Secretary a written response to such letter—

(A) setting forth the basis for noncompliance; and

(B) providing information as required under subsection (a).

(3) Not later than 14 calendar days after the issuance of a letter under paragraph (1), the Secretary shall make such letter and any response to such letter under paragraph (2) available to the public on the internet website of the Food and Drug Administration, with appropriate redactions made to protect information described in subsection (b). The preceding sentence shall not apply if the Secretary determines that—

(A) the letter under paragraph (1) was issued in error; or

AMERICAN OVERSIGHT

(B) after review of such response, the manufacturer had a reasonable basis for not notifying as required under subsection (a).

STATE TESTING REPORT

SEC. 30544.

For any State that authorizes (or intends to authorize) one or more laboratories in the State to develop and perform in vitro diagnostic COVID–19 tests, the head of the department or agency of such State with primary responsibility for health shall—

(1) notify the Secretary of such authorization (or intention to authorize); and

(2) provide the Secretary with a weekly report—

(A) identifying all laboratories authorized (or intended to be authorized) by the State to develop and perform in vitro diagnostic COVID–19 tests;

(B) including relevant information on all laboratories identified pursuant to subparagraph (A), which may include information on laboratory testing capacity;

(C) identifying all in vitro diagnostic COVID–19 tests developed and approved for clinical use in laboratories identified pursuant to subparagraph (A); and

AMERICAN OVERSIGHT

(D) including relevant information on all tests identified pursuant to subparagraph (C), which may include—

(i) the name and contact information of the developer of any such test;

(ii) any fact sheets, manufacturer instructions, and package inserts for any such test, including information on intended use; and

(iii) the sensitivity and specificity of any such test.

STATE LISTING OF TESTING SITES

SEC. 30545.

Not later than 14 days after the date of enactment of this Act, any State receiving funding or assistance under this Act, as a condition on such receipt, shall establish and maintain a public, searchable webpage on the official website of the State that—

(1) identifies all sites located in the State that provide diagnostic or serological testing for SARS–CoV–2; and

(2) provides appropriate contact information for SARS–CoV–2 testing sites pursuant to paragraph (1).

REPORTING OF COVID–19 TESTING RESULTS

SEC. 30546.

AMERICAN OVERSIGHT

(a) IN GENERAL.—Every laboratory that performs or analyzes a test that is intended to detect SARS–CoV–2 or to diagnose a possible case of COVID–19 shall report daily the number of tests performed and the results from each such test to the Secretary of Health and Human Services and to the Secretary of Homeland Security, in such form and manner as such Secretaries may prescribe. Such information shall be made available to the public in a searchable, electronic format.

(b) ADDITIONAL REPORTING REQUIREMENTS.—The Secretaries specified in subsection (a)—

(1) may specify additional reporting requirements under this section by regulation, including by interim final rule, or by guidance; and

(2) may issue such regulations or guidance without regard to the procedures otherwise required by section 553 of title 5, United States Code.

GAO REPORT ON DIAGNOSTIC TESTS

SEC. 30547.

(a) GAO STUDY.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report describing the response of entities described in subsection (b) to the COVID–19 pan-

AMERICAN OVERSIGHT

demic with respect to the development, regulatory evaluation, and deployment of diagnostic tests.

(b) ENTITIES DESCRIBED.—Entities described in this subsection include—

(1) laboratories, including public health, academic, clinical, and commercial laboratories;

(2) diagnostic test manufacturers;

(3) State, local, Tribal, and territorial governments; and

(4) the Food and Drug Administration, the Centers for Disease Control and Prevention, the Centers for Medicare & Medicaid Services, the National Institutes of Health, and other relevant Federal agencies, as appropriate.

(c) CONTENTS.—The report under subsection (a) shall include—

(1) a description of actions taken by entities described in subsection (b) to develop, evaluate, and deploy diagnostic tests;

(2) an assessment of the coordination of Federal agencies in the development, regulatory evaluation, and deployment of diagnostic tests;

(3) an assessment of the standards used by the Food and Drug Administration to evaluate diagnostic tests;

AMERICAN OVERSIGHT

(4) an assessment of the clarity of Federal agency guidance related to testing, including the ability for individuals without medical training to understand which diagnostic tests had been evaluated by the Food and Drug Administration;

(5) a description of—

(A) actions taken and clinical processes employed by States and territories that have authorized laboratories to develop and perform diagnostic tests not authorized, approved, or cleared by the Food and Drug Administration, including actions of such States and territories to evaluate the accuracy and sensitivity of such tests; and

(B) the standards used by States and territories when deciding when to authorize laboratories to develop or perform diagnostic tests;

(6) an assessment of the steps taken by laboratories and diagnostic test manufacturers to validate diagnostic tests, as well as the evidence collected by such entities to support validation; and

(7) based on available reports, an assessment of the accuracy and sensitivity of a representative sample of available diagnostic tests.

AMERICAN OVERSIGHT

(d) DEFINITION.—In this section, the term ''diagnostic test'' means an in vitro diagnostic product (as defined in section 809.3(a) of title 21, Code of Federal Regulations) for—

(1) the detection of SARS–CoV–2;

(2) the diagnosis of the virus that causes COVID–19; or

(3) the detection of antibodies specific to SARS–CoV–2, such as a serological test.

PUBLIC HEALTH DATA SYSTEM TRANSFORMATION

SEC. 30548.

Subtitle C of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–31 et seq.) is amended by adding at the end the following:

''SEC. 2822. PUBLIC HEALTH DATA SYSTEM TRANSFORMATION.

''(a) EXPANDING CDC AND PUBLIC HEALTH DEPARTMENT CAPABILITIES.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

''(A) conduct activities to expand, enhance, and improve applicable public health data systems used by the Centers for Disease Control and Prevention, related to the interoperability and improvement of such systems (including as

AMERICAN OVERSIGHT

it relates to preparedness for, prevention and detection of, and response to public health emergencies); and

"(B) award grants or cooperative agreements to State, local, Tribal, or territorial public health departments for the expansion and modernization of public health data systems, to assist public health departments in—

"(i) assessing current data infrastructure capabilities and gaps to improve and increase consistency in data collection, storage, and analysis and, as appropriate, to improve dissemination of public health-related information;

"(ii) improving secure public health data collection, transmission, exchange, maintenance, and analysis;

"(iii) improving the secure exchange of data between the Centers for Disease Control and Prevention, State, local, Tribal, and territorial public health departments, public health organizations, and health care providers, including by public health officials in multiple jurisdictions within such State, as appropriate, and by

AMERICAN OVERSIGHT

simplifying and supporting reporting by health care providers, as applicable, pursuant to State law, including through the use of health information technology;

''(iv) enhancing the interoperability of public health data systems (including systems created or accessed by public health departments) with health information technology, including with health information technology certified under section 3001(c)(5);

''(v) supporting and training data systems, data science, and informatics personnel;

''(vi) supporting earlier disease and health condition detection, such as through near real-time data monitoring, to support rapid public health responses;

''(vii) supporting activities within the applicable jurisdiction related to the expansion and modernization of electronic case reporting; and

''(viii) developing and disseminating information related to the use and importance of public health data.

AMERICAN OVERSIGHT

"(2) DATA STANDARDS.—In carrying out paragraph (1), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall, as appropriate and in consultation with the Office of the National Coordinator for Health Information Technology, designate data and technology standards (including standards for interoperability) for public health data systems, with deference given to standards published by consensus-based standards development organizations with public input and voluntary consensus-based standards bodies.

"(3) PUBLIC-PRIVATE PARTNERSHIPS.—The Secretary may develop and utilize public-private partnerships for technical assistance, training, and related implementation support for State, local, Tribal, and territorial public health departments, and the Centers for Disease Control and Prevention, on the expansion and modernization of electronic case reporting and public health data systems, as applicable.

"(b) REQUIREMENTS.—

"(1) HEALTH INFORMATION TECHNOLOGY STANDARDS.—The Secretary may not award a grant or cooperative agreement under subsection (a)(1)(B)

AMERICAN OVERSIGHT

unless the applicant uses or agrees to use standards endorsed by the National Coordinator for Health Information Technology pursuant to section 3001(c)(1) or adopted by the Secretary under section 3004.

''(2) WAIVER.—The Secretary may waive the requirement under paragraph (1) with respect to an applicant if the Secretary determines that the activities under subsection (a)(1)(B) cannot otherwise be carried out within the applicable jurisdiction.

''(3) APPLICATION.—A State, local, Tribal, or territorial health department applying for a grant or cooperative agreement under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Such application shall include information describing—

''(A) the activities that will be supported by the grant or cooperative agreement; and

''(B) how the modernization of the public health data systems involved will support or impact the public health infrastructure of the health department, including a description of remaining gaps, if any, and the actions needed to address such gaps.

AMERICAN OVERSIGHT

''(c) STRATEGY AND IMPLEMENTATION PLAN.—Not later than 180 days after the date of enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall submit to the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a coordinated strategy and an accompanying implementation plan that identifies and demonstrates the measures the Secretary will utilize to—

''(1) update and improve applicable public health data systems used by the Centers for Disease Control and Prevention; and

''(2) carry out the activities described in this section to support the improvement of State, local, Tribal, and territorial public health data systems.

''(d) CONSULTATION.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall consult with State, local, Tribal, and territorial health departments, professional medical and public health associations, associations representing hospitals or other health care entities, health information technology experts, and other appropriate public or private entities regarding the plan and grant program to modernize public health data systems pursuant to this section.

AMERICAN OVERSIGHT

Activities under this subsection may include the provision of technical assistance and training related to the exchange of information by such public health data systems used by relevant health care and public health entities at the local, State, Federal, Tribal, and territorial levels, and the development and utilization of public-private partnerships for implementation support applicable to this section.

''(e) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit a report to the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives that includes—

''(1) a description of any barriers to—

''(A) public health authorities implementing interoperable public health data systems and electronic case reporting;

''(B) the exchange of information pursuant to electronic case reporting; or

''(C) reporting by health care providers using such public health data systems, as appropriate, and pursuant to State law;

''(2) an assessment of the potential public health impact of implementing electronic case re-

AMERICAN OVERSIGHT

porting and interoperable public health data systems; and

''(3) a description of the activities carried out pursuant to this section.

''(f) ELECTRONIC CASE REPORTING.—In this section, the term 'electronic case reporting' means the automated identification, generation, and bilateral exchange of reports of health events among electronic health record or health information technology systems and public health authorities.

''(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $450,000,000 to remain available until expended.''.

PILOT PROGRAM TO IMPROVE LABORATORY INFRASTRUCTURE

SEC. 30549.

(a) IN GENERAL.—The Secretary shall award grants to States and political subdivisions of States to support the improvement, renovation, or modernization of infrastructure at clinical laboratories (as defined in section 353 of the Public Health Service Act (42 U.S.C. 263a)) that will help to improve SARS–CoV–2 and COVID–19 testing and response activities, including the expansion and enhancement of testing capacity at such laboratories.

AMERICAN OVERSIGHT

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $1,000,000,000 to remain available until expended.

CORE PUBLIC HEALTH INFRASTRUCTURE FOR STATE, LOCAL, TRIBAL, AND TERRITORIAL HEALTH DEPARTMENTS

SEC. 30550.

(a) PROGRAM.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a core public health infrastructure program consisting of awarding grants under subsection (b).

(b) GRANTS.—

(1) AWARD.—For the purpose of addressing core public health infrastructure needs, the Secretary—

(A) shall award a grant to each State health department; and

(B) may award grants on a competitive basis to State, local, Tribal, or territorial health departments.

(2) ALLOCATION.—Of the total amount of funds awarded as grants under this subsection for a fiscal year—

AMERICAN OVERSIGHT

(A) not less than 50 percent shall be for grants to State health departments under paragraph (1)(A); and

(B) not less than 30 percent shall be for grants to State, local, Tribal, or territorial health departments under paragraph (1)(B).

(c) USE OF FUNDS.—A State, local, Tribal, or territorial health department receiving a grant under subsection (b) shall use the grant funds to address core public health infrastructure needs, including those identified in the accreditation process under subsection (g).

(d) FORMULA GRANTS TO STATE HEALTH DEPARTMENTS.—In making grants under subsection (b)(1)(A), the Secretary shall award funds to each State health department in accordance with—

(1) a formula based on population size; burden of preventable disease and disability; and core public health infrastructure gaps, including those identified in the accreditation process under subsection (g); and

(2) application requirements established by the Secretary, including a requirement that the State health department submit a plan that demonstrates to the satisfaction of the Secretary that the State's health department will—

AMERICAN OVERSIGHT

(A) address its highest priority core public health infrastructure needs; and

(B) as appropriate, allocate funds to local health departments within the State.

(e) COMPETITIVE GRANTS TO STATE, LOCAL, TRIBAL, AND TERRITORIAL HEALTH DEPARTMENTS.—In making grants under subsection (b)(1)(B), the Secretary shall give priority to applicants demonstrating core public health infrastructure needs identified in the accreditation process under subsection (g).

(f) MAINTENANCE OF EFFORT.—The Secretary may award a grant to an entity under subsection (b) only if the entity demonstrates to the satisfaction of the Secretary that—

(1) funds received through the grant will be expended only to supplement, and not supplant, non-Federal and Federal funds otherwise available to the entity for the purpose of addressing core public health infrastructure needs; and

(2) with respect to activities for which the grant is awarded, the entity will maintain expenditures of non-Federal amounts for such activities at a level not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives the grant.

AMERICAN OVERSIGHT

(g) ESTABLISHMENT OF A PUBLIC HEALTH ACCREDITATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall—

(A) develop, and periodically review and update, standards for voluntary accreditation of State, local, Tribal, and territorial health departments and public health laboratories for the purpose of advancing the quality and performance of such departments and laboratories; and

(B) implement a program to accredit such health departments and laboratories in accordance with such standards.

(2) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with a private nonprofit entity to carry out paragraph (1).

(h) REPORT.—The Secretary shall submit to the Congress an annual report on progress being made to accredit entities under subsection (g), including—

(1) a strategy, including goals and objectives, for accrediting entities under subsection (g) and achieving the purpose described in subsection (g)(1)(A);

(2) identification of gaps in research related to core public health infrastructure; and

AMERICAN OVERSIGHT

(3) recommendations of priority areas for such research.

(i) DEFINITION.—In this section, the term ''core public health infrastructure'' includes—

(1) workforce capacity and competency;

(2) laboratory systems;

(3) testing capacity, including test platforms, mobile testing units, and personnel;

(4) health information, health information systems, and health information analysis;

(5) disease surveillance;

(6) contact tracing;

(7) communications;

(8) financing;

(9) other relevant components of organizational capacity; and

(10) other related activities.

(j) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $6,000,000,000, to remain available until expended.

CORE PUBLIC HEALTH INFRASTRUCTURE AND ACTIVITIES FOR CDC

SEC. 30551.

(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall expand and improve the core public health in-

AMERICAN OVERSIGHT

frastructure and activities of the Centers for Disease Control and Prevention to address unmet and emerging public health needs.

(b) REPORT.—The Secretary shall submit to the Congress an annual report on the activities funded through this section.

(c) DEFINITION.—In this section, the term ''core public health infrastructure'' has the meaning given to such term in section 30550.

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $1,000,000,000, to remain available until expended.

Subtitle D—COVID–19 National Testing and Contact Tracing Initiative

NATIONAL SYSTEM FOR COVID–19 TESTING, CONTACT TRACING, SURVEILLANCE, CONTAINMENT, AND MITIGATION

SEC. 30561.

(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, and in coordination with State, local, Tribal, and territorial health departments, shall establish and implement a nationwide evidence-based system for—

(1) testing, contact tracing, surveillance, containment, and mitigation with respect to COVID–19;

AMERICAN OVERSIGHT

(2) offering guidance on voluntary isolation and quarantine of individuals infected with, or exposed to individuals infected with, the virus that causes COVID–19; and

(3) public reporting on testing, contact tracing, surveillance, and voluntary isolation and quarantine activities with respect to COVID–19.

(b) COORDINATION; TECHNICAL ASSISTANCE.—In carrying out the national system under this section, the Secretary shall—

(1) coordinate State, local, Tribal, and territorial activities related to testing, contact tracing, surveillance, containment, and mitigation with respect to COVID–19, as appropriate; and

(2) provide technical assistance for such activities, as appropriate.

(c) CONSIDERATION.—In establishing and implementing the national system under this section, the Secretary shall take into consideration—

(1) the State plans referred to in the heading ''Public Health and Social Services Emergency Fund'' in title I of division B of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139); and

AMERICAN OVERSIGHT

(2) the testing strategy submitted under section 30541.

(d) REPORTING.—The Secretary shall—

(1) not later than December 31, 2020, submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions a preliminary report on the effectiveness of the activities carried out pursuant to this subtitle; and

(2) not later than December 21, 2021, submit to such committees a final report on such effectiveness.

GRANTS

SEC. 30562.

(a) IN GENERAL.—To implement the national system under section 30561, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall, subject to the availability of appropriations, award grants to State, local, Tribal, and territorial health departments that seek grants under this section to carry out coordinated testing, contact tracing, surveillance, containment, and mitigation with respect to COVID–19, including—

(1) diagnostic and surveillance testing and reporting;

AMERICAN OVERSIGHT

(2) community-based contact tracing efforts; and

(3) policies related to voluntary isolation and quarantine of individuals infected with, or exposed to individuals infected with, the virus that causes COVID–19.

(b) FLEXIBILITY.—The Secretary shall ensure that—

(1) the grants under subsection (a) provide flexibility for State, local, Tribal, and territorial health departments to modify, establish, or maintain evidence-based systems; and

(2) local health departments receive funding from State health departments or directly from the Centers for Disease Control and Prevention to contribute to such systems, as appropriate.

(c) ALLOCATIONS.—

(1) FORMULA.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall allocate amounts made available pursuant to subsection (a) in accordance with a formula to be established by the Secretary that provides a minimum level of funding to each State, local, Tribal, and territorial health department that seeks a grant under this section and allocates additional funding based on the following prioritization:

AMERICAN OVERSIGHT

(A) The Secretary shall give highest priority to applicants proposing to serve populations in one or more geographic regions with a high burden of COVID–19 based on data provided by the Centers for Disease Control and Prevention, or other sources as determined by the Secretary.

(B) The Secretary shall give second highest priority to applicants preparing for, or currently working to mitigate, a COVID–19 surge in a geographic region that does not yet have a high number of reported cases of COVID–19 based on data provided by the Centers for Disease Control and Prevention, or other sources as determined by the Secretary.

(C) The Secretary shall give third highest priority to applicants proposing to serve high numbers of low-income and uninsured populations, including medically underserved populations (as defined in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3))), health professional shortage areas (as defined under section 332(a) of the Public Health Service Act (42 U.S.C. 254e(a))), racial

AMERICAN OVERSIGHT

and ethnic minorities, or geographically diverse areas, as determined by the Secretary.

(2) NOTIFICATION.—Not later than the date that is one week before first awarding grants under this section, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a notification detailing the formula established under paragraph (1) for allocating amounts made available pursuant to subsection (a).

(d) USE OF FUNDS.—A State, local, Tribal, and territorial health department receiving a grant under this section shall, to the extent possible, use the grant funds for the following activities, or other activities deemed appropriate by the Director of the Centers for Disease Control and Prevention:

(1) TESTING.—To implement a coordinated testing system that—

(A) leverages or modernizes existing testing infrastructure and capacity;

(B) is consistent with the updated testing strategy required under section 30541;

(C) is coordinated with the State plan for COVID–19 testing prepared as required under

AMERICAN OVERSIGHT

the heading ''Department of Health and Human Services—Office of the Secretary—Public Health and Social Service Emergency Fund'' in title I of division B of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139; 134 Stat. 620, 624);

(D) is informed by contact tracing and surveillance activities under this subtitle;

(E) is informed by guidelines established by the Centers for Disease Control and Prevention for which populations should be tested;

(F) identifies how diagnostic and serological tests in such system shall be validated prior to use;

(G) identifies how diagnostic and serological tests and testing supplies will be distributed to implement such system;

(H) identifies specific strategies for ensuring testing capabilities and accessibility in medically underserved populations (as defined in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3))), health professional shortage areas (as defined under section 332(a) of the Public Health Service Act (42

AMERICAN OVERSIGHT

U.S.C. 254e(a))), racial and ethnic minority populations, and geographically diverse areas, as determined by the Secretary;

(I) identifies how testing may be used, and results may be reported, in both health care settings (such as hospitals, laboratories for moderate or high-complexity testing, pharmacies, mobile testing units, and community health centers) and non-health care settings (such as workplaces, schools, childcare centers, or drive-throughs);

(J) allows for testing in sentinel surveillance programs, as appropriate; and

(K) supports the procurement and distribution of diagnostic and serological tests and testing supplies to meet the goals of the system.

(2) CONTACT TRACING.—To implement a coordinated contact tracing system that—

(A) leverages or modernizes existing contact tracing systems and capabilities, including community health workers, health departments, and Federally qualified health centers;

(B) is able to investigate cases of COVID–19, and help to identify other potential cases of

AMERICAN OVERSIGHT

COVID–19, through tracing contacts of individuals with positive diagnoses;

(C) establishes culturally competent and multilingual strategies for contact tracing, which may include consultation with and support for cultural or civic organizations with established ties to the community;

(D) provides individuals identified under the contact tracing program with information and support for containment or mitigation;

(E) enables State, local, Tribal, and territorial health departments to work with a non-governmental, community partner or partners and State and local workforce development systems (as defined in section 3(67) of Workforce Innovation and Opportunity Act (29 U.S.C. 3102(67))) receiving grants under section 30566(b) of this Act to hire and compensate a locally-sourced contact tracing workforce, if necessary, to supplement the public health workforce, to—

(i) identify the number of contact tracers needed for the respective State, locality, territorial, or Tribal health department to identify all cases of COVID–19

AMERICAN OVERSIGHT

currently in the jurisdiction and those anticipated to emerge over the next 18 months in such jurisdiction;

(ii) outline qualifications necessary for contact tracers;

(iii) train the existing and newly hired public health workforce on best practices related to tracing close contacts of individuals diagnosed with COVID–19, including the protection of individual privacy and cybersecurity protection; and

(iv) equip the public health workforce with tools and resources to enable a rapid response to new cases;

(F) identifies the level of contact tracing needed within the State, locality, territory, or Tribal area to contain and mitigate the transmission of COVID–19;

(G) establishes statewide mechanisms to integrate regular evaluation to the Centers for Disease Control and Prevention regarding contact tracing efforts, makes such evaluation publicly available, and to the extent possible provides for such evaluation at the county level; and

AMERICAN OVERSIGHT

(H) identifies specific strategies for ensuring contact tracing activities in medically underserved populations (as defined in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3))), health professional shortage areas (as defined under section 332(a) of the Public Health Service Act (42 U.S.C. 254e(a))), racial and ethnic minority populations, and geographically diverse areas, as determined by the Secretary.

(3) SURVEILLANCE.—To strengthen the existing public health surveillance system that—

(A) leverages or modernizes existing surveillance systems within the respective State, local, Tribal, or territorial health department and national surveillance systems;

(B) detects and identifies trends in COVID–19 at the county level;

(C) evaluates State, local, Tribal, and territorial health departments in achieving surveillance capabilities with respect to COVID–19;

(D) integrates and improves disease surveillance and immunization tracking; and

(E) identifies specific strategies for ensuring disease surveillance in medically under-

AMERICAN OVERSIGHT

served populations (as defined in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3))), health professional shortage areas (as defined under section 332(a) of the Public Health Service Act (42 U.S.C. 254e(a))), racial and ethnic minority populations, and geographically diverse areas, as determined by the Secretary.

(4) CONTAINMENT AND MITIGATION.—To implement a coordinated containment and mitigation system that—

(A) leverages or modernizes existing containment and mitigation strategies within the respective State, local, Tribal, or territorial governments and national containment and mitigation strategies;

(B) may provide for, connect to, and leverage existing social services and support for individuals who have been infected with or exposed to COVID–19 and who are isolated or quarantined in their homes, such as through—

(i) food assistance programs;

(ii) guidance for household infection control;

AMERICAN OVERSIGHT

(iii) information and assistance with childcare services; and

(iv) information and assistance pertaining to support available under the CARES Act (Public Law 116–136) and this Act;

(C) provides guidance on the establishment of safe, high-quality, facilities for the voluntary isolation of individuals infected with, or quarantine of the contacts of individuals exposed to COVID–19, where hospitalization is not required, which facilities should—

(i) be prohibited from making inquiries relating to the citizenship status of an individual isolated or quarantined; and

(ii) be operated by a non-Federal, community partner or partners that—

(I) have previously established relationships in localities;

(II) work with local places of worship, community centers, medical facilities, and schools to recruit local staff for such facilities; and

AMERICAN OVERSIGHT

(III) are fully integrated into State, local, Tribal, or territorial containment and mitigation efforts; and

(D) identifies specific strategies for ensuring containment and mitigation activities in medically underserved populations (as defined in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3))), health professional shortage areas (as defined under section 332(a) of the Public Health Service Act (42 U.S.C. 254e(a))), racial and ethnic minority populations, and geographically diverse areas, as determined by the Secretary.

(e) REPORTING.—The Secretary shall facilitate mechanisms for timely, standardized reporting by grantees under this section regarding implementation of the systems established under this section and coordinated processes with the reporting as required and under the heading ''Department of Health and Human Services—Office of the Secretary—Public Health and Social Service Emergency Fund'' in title I of division B of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139, 134 Stat. 620), including—

(1) a summary of county or local health department level information from the States receiving

AMERICAN OVERSIGHT

funding, and information from directly funded localities, territories, and Tribal entities, about the activities that will be undertaken using funding awarded under this section, including subgrants;

(2) any anticipated shortages of required materials for testing for COVID–19 under subsection (a); and

(3) other barriers in the prevention, mitigation, or treatment of COVID–19 under this section.

(f) PUBLIC LISTING OF AWARDS.—The Secretary shall—

(1) not later than 7 days after first awarding grants under this section, post in a searchable, electronic format a list of all awards made by the Secretary under this section, including the recipients and amounts of such awards; and

(2) update such list not less than every 7 days until all funds made available to carry out this section are expended.

GUIDANCE, TECHNICAL ASSISTANCE, INFORMATION, AND COMMUNICATION

SEC. 30563.

(a) IN GENERAL.— Not later than 14 days after the date of the enactment of this Act, the Secretary, in coordination with other Federal agencies, as appropriate, shall issue guidance, provide technical assistance, and provide

AMERICAN OVERSIGHT

information to States, localities, Tribes, and territories, with respect to the following:

(1) The diagnostic and serological testing of individuals identified through contact tracing for COVID–19, including information with respect to the reduction of duplication related to programmatic activities, reporting, and billing.

(2) Best practices regarding contact tracing, including the collection of data with respect to such contact tracing and requirements related to the standardization of demographic and syndromic information collected as part of contact tracing efforts.

(3) Best practices regarding COVID–19 disease surveillance, including best practices to reduce duplication in surveillance activities, identifying gaps in surveillance and surveillance systems, and ways in which the Secretary plans to effectively support State, local, Tribal and territorial health departments in addressing such gaps.

(4) Information on ways for State, local, Tribal, and territorial health departments to establish and maintain the testing, contact tracing, and surveillance activities described in paragraphs (1) through (3).

AMERICAN OVERSIGHT

(5) The protection of any personally identifiable health information collected pursuant to this subtitle.

(6) Best practices regarding privacy and cybersecurity protection related to contact tracing, containment, and mitigation efforts.

(b) GUIDANCE ON PAYMENT.—Not later than 14 days after the date of the enactment of this Act, the Secretary, in coordination with the Administrator of the Centers for Medicare & Medicaid Services, the Director of the Centers for Disease Control and Prevention, and in coordination with other Federal agencies, as appropriate, shall develop and issue to State, local, Tribal, and territorial health departments clear guidance and policies—

(1) with respect to the coordination of claims submitted for payment out of the Public Health and Social Services Emergency Fund for services furnished in a facility referred to in section 30562(d)(4)(C);

(2) identifying how an individual who is isolated or quarantined at home or in such a facility—

(A) incurs no out-of-pocket costs for any services furnished to such individual while isolated; and

AMERICAN OVERSIGHT

(B) may receive income support for lost earnings or payments for expenses such as child care or elder care while such individual is isolated at home or in such a facility;

(3) providing information and assistance pertaining to support available under the CARES Act (Public Law 116–136) and this Act; and

(4) identifying State, local, Tribal, and territorial health departments or partner agencies that may provide social support services, such as groceries or meals, health education, internet access, and behavioral health services, to individuals who isolated or quarantined at home or in such a facility.

(c) GUIDANCE ON TESTING.—Not later than 14 days after the date of the enactment of this Act, the Secretary, in coordination with the Commissioner of Food and Drugs, the Director of the National Institutes of Health, and the Director of the Centers for Disease Control and Prevention, and in coordination with other Federal agencies as appropriate, shall develop and issue to State, local, Tribal, and territorial health departments clear guidance and policies regarding—

(1) objective standards to characterize the performance of all diagnostic and serological tests for

AMERICAN OVERSIGHT

COVID–19 in order to independently evaluate tests continuously over time;

(2) protocols for the evaluation of the performance of diagnostic and serological tests for COVID–19; and

(3) a repository of characterized specimens to use to evaluate the performance of those tests that can be made available for appropriate entities to use to evaluate performance.

(d) COMMUNICATION.—The Secretary shall identify and publicly announce the form and manner for communication with State, local, Tribal, and territorial health departments for purposes of carrying out the activities addressed by guidance issued under subsections (a) and (b).

(e) AVAILABILITY TO PROVIDERS.—Guidance issued under subsection (a)(1) shall be issued to health care providers.

(f) ONGOING PROVISION OF GUIDANCE AND TECHNICAL ASSISTANCE.—Notwithstanding whether funds are available specifically to carry out this subtitle, guidance and technical assistance shall continue to be provided under this section.

RESEARCH AND DEVELOPMENT

SEC. 30564.

The Secretary, in coordination with the Director of the Centers for Disease Control and Prevention and in col-

AMERICAN OVERSIGHT

laboration with the Director of the National Institutes of Health, the Director of the Agency for Healthcare Research and Quality, the Commissioner of Food and Drugs, and the Administrator of the Centers for Medicare & Medicaid Services, shall support research and development on more efficient and effective strategies—

(1) for the surveillance of SARS–CoV–2 and COVID–19;

(2) for the testing and identification of individuals infected with COVID–19; and

(3) for the tracing of contacts of individuals infected with COVID–19.

AWARENESS CAMPAIGNS

SEC. 30565.

The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in coordination with other offices and agencies, as appropriate, shall award competitive grants or contracts to one or more public or private entities, including faith-based organizations, to carry out multilingual and culturally appropriate awareness campaigns. Such campaigns shall—

(1) be based on available scientific evidence;

(2) increase awareness and knowledge of COVID–19, including countering stigma associated with COVID–19;

AMERICAN OVERSIGHT

(3) improve information on the availability of COVID–19 diagnostic testing; and

(4) promote cooperation with contact tracing efforts.

GRANTS TO STATE AND TRIBAL WORKFORCE AGENCIES

SEC. 30566.

(a) DEFINITIONS.—In this section:

(1) IN GENERAL.—Except as otherwise provided, the terms in this section have the meanings given the terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(2) APPRENTICESHIP; APPRENTICESHIP PROGRAM.—The term ''apprenticeship'' or ''apprenticeship program'' means an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act'') (50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), including any requirement, standard, or rule promulgated under such Act, as such requirement, standard, or rule was in effect on December 30, 2019.

(3) CONTACT TRACING AND RELATED POSITIONS.—The term ''contact tracing and related positions'' means employment related to contact tracing, surveillance, containment, and mitigation activities as described in paragraphs (2), (3), and (4) of section 30562(d).

AMERICAN OVERSIGHT

(4) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State or territory, including the District of Columbia and Puerto Rico;

(B) an Indian Tribe, Tribal organization, Alaska Native entity, Indian-controlled organizations serving Indians, or Native Hawaiian organizations;

(C) an outlying area; or

(D) a local board, if an eligible entity under subparagraphs (A) through (C) has not applied with respect to the area over which the local board has jurisdiction as of the date on which the local board submits an application under subsection (c).

(5) ELIGIBLE INDIVIDUAL.—Notwithstanding section 170(b)(2) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3225(b)(2)), the term ''eligible individual'' means an individual seeking or securing employment in contact tracing or related positions and is served by an eligible entity or community-based organization receiving funding under this section.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

AMERICAN OVERSIGHT

(b) GRANTS.—

(1) IN GENERAL.—Subject to the availability of appropriations under subsection (g), the Secretary shall award national dislocated worker grants under section 170(b)(1)(B) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3225(b)(1)(B)) to each eligible entity that seeks a grant to assist local boards and community-based organizations in carrying out activities under subsections (f) and (d), respectively, for the following purposes:

(A) To support the recruitment, placement, and training, as applicable, of eligible individuals seeking employment in contact tracing and related positions in accordance with the national system for COVID–19 testing, contact tracing, surveillance, containment, and mitigation established under section 30561.

(B) To assist with the employment transition to new employment or education and training of individuals employed under this section in preparation for and upon termination of such employment.

(2) TIMELINE.—The Secretary of Labor shall—

AMERICAN OVERSIGHT

(A) issue application requirements under subsection (c) not later than 10 days after the date of enactment of this section; and

(B) award grants to an eligible entity under paragraph (1) not later than 10 days after the date on which the Secretary receives an application from such entity.

(c) GRANT APPLICATION.—An eligible entity applying for a grant under this section shall submit an application to the Secretary, at such time and in such form and manner as the Secretary may reasonably require, which shall include a description of—

(1) how the eligible entity will support the recruitment, placement, and training, as applicable, of eligible individuals seeking employment in contact tracing and related positions by partnering with—

(A) a State, local, Tribal, or territorial health department; or

(B) one or more nonprofit or community-based organizations partnering with such health departments;

(2) how the activities described in paragraph (1) will support State efforts to address the demand for contact tracing and related positions with respect to—

AMERICAN OVERSIGHT

(A) the State plans referred to in the heading ''Public Health and Social Services Emergency Fund'' in title I of division B of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139);

(B) the testing strategy submitted under section 30541; and

(C) the number of eligible individuals that the State plans to recruit and train under the plans and strategies described in subparagraphs (A) and (B);

(3) the specific strategies for recruiting and placement of eligible individuals from or residing within the communities in which they will work, including—

(A) plans for the recruitment of eligible individuals to serve as contact tracers and related positions, including dislocated workers, individuals with barriers to employment, veterans, new entrants in the workforce, or underemployed or furloughed workers, who are from or reside in or near the local area in which they will serve, and who, to the extent practicable—

(i) have experience or a background in industry-sectors and occupations such as

AMERICAN OVERSIGHT

public health, social services, customer service, case management, or occupations that require related qualifications, skills, or competencies, such as strong interpersonal and communication skills, needed for contact tracing or related positions, as described in section 30562(d)(2)(E)(ii); or

(ii) seek to transition to public health and public health related occupations upon the conclusion of employment in contact tracing or related positions; and

(B) how such strategies will take into account the diversity of such community, including racial, ethnic, socioeconomic, linguistic, or geographic diversity;

(4) the amount, timing, and mechanisms for distribution of funds provided to local boards or through subgrants as described in subsection (d);

(5) for eligible entities described in subparagraphs (A) through (C) of subsection (a)(4), a description of how the eligible entity will ensure the equitable distribution of funds with respect to—

(A) geography (such as urban and rural distribution);

AMERICAN OVERSIGHT

(B) medically underserved populations (as defined in section 33(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)));

(C) health professional shortage areas (as defined under section 332(a) of the Public Health Service Act (42 U.S.C. 254e(a))); and

(D) the racial and ethnic diversity of the area; and

(6) for eligible entities who are local boards, a description of how a grant to such eligible entity would serve the equitable distribution of funds as described in paragraph (5).

(d) SUBGRANT AUTHORIZATION AND APPLICATION PROCESS.—

(1) IN GENERAL.—An eligible entity may award a subgrant to one or more community-based organizations for the purposes of partnering with a State or local board to conduct outreach and education activities to inform potentially eligible individuals about employment opportunities in contact tracing and related positions.

(2) APPLICATION.—A community-based organization shall submit an application at such time and in such manner as the eligible entity may reasonably require, including—

AMERICAN OVERSIGHT

(A) a demonstration of the community-based organization's established expertise and effectiveness in community outreach in the local area that such organization plans to serve;

(B) a demonstration of the community-based organization's expertise in providing employment or public health information to the local areas in which such organization plans to serve; and

(C) a description of the expertise of the community-based organization in utilizing culturally competent and multilingual strategies in the provision of services.

(e) GRANT DISTRIBUTION.—

(1) FEDERAL DISTRIBUTION.—

(A) USE OF FUNDS.— The Secretary of Labor shall use the funds appropriated to carry out this section as follows:

(i) Subject to clause (ii), the Secretary shall distribute funds among eligible entities in accordance with a formula to be established by the Secretary that provides a minimum level of funding to each eligible entity that seeks a grant under this section and allocates additional funding as follows:

AMERICAN OVERSIGHT

(I) The formula shall give first priority based on the number and proportion of contact tracing and related positions that the State plans to recruit, place, and train individuals as a part of the State strategy described in subsection (c)(2)(A).

(II) Subject to subclause (I), the formula shall give priority in accordance with section 30562(c).

(ii) Not more than 2 percent of the funding for administration of the grants and for providing technical assistance to recipients of funds under this section.

(B) EQUITABLE DISTRIBUTION.—If the geographic region served by one or more eligible entities overlaps, the Secretary shall distribute funds among such entities in such a manner that ensures equitable distribution with respect to the factors under subsection (c)(5).

(2) ELIGIBLE ENTITY USE OF FUNDS.—An eligible entity described in subparagraphs (A) through (C) of subsection (a)(4)—

(A) shall, not later than 30 days after the date on which the entity receives grant funds

AMERICAN OVERSIGHT

under this section, provide not less than 70 percent of grant funds to local boards for the purpose of carrying out activities in subsection (f);

(B) may use up to 20 percent of such funds to make subgrants to community-based organizations in the service area to conduct outreach, to potential eligible individuals, as described in subsection (d);

(C) in providing funds to local boards and awarding subgrants under this subsection shall ensure the equitable distribution with respect to the factors described in subsection (c)(5); and

(D) may use not more than 10 percent of the funds awarded under this section for the administrative costs of carrying out the grant and for providing technical assistance to local boards and community-based organizations.

(3) LOCAL BOARD USE OF FUNDS.—A local board, or an eligible entity that is a local board, shall use—

(A) not less than 60 percent of the funds for recruitment and training for COVID–19 testing, contact tracing, surveillance, containment, and mitigation established under section 30561;

AMERICAN OVERSIGHT

(B) not less than 30 of the funds to support the transition of individuals hired as contact tracers and related positions into an education or training program, or unsubsidized employment upon completion of such positions; and

(C) not more than 10 percent of the funds for administrative costs.

(f) ELIGIBLE ACTIVITIES.—The State or local boards shall use funds awarded under this section to support the recruitment and placement of eligible individuals, training and employment transition as related to contact tracing and related positions, and for the following activities:

(1) Establishing or expanding partnerships with—

(A) State, local, Tribal, and territorial public health departments;

(B) community-based health providers, including community health centers and rural health clinics;

(C) labor organizations or joint labor management organizations;

(D) two-year and four-year institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C.

AMERICAN OVERSIGHT

1001)), including institutions eligible to receive funds under section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)); and

(E) community action agencies or other community-based organizations serving local areas in which there is a demand for contact tracers and related positions.

(2) Providing training for contact tracing and related positions in coordination with State, local, Tribal, or territorial health departments that is consistent with the State or territorial testing and contact tracing strategy and ensuring that eligible individuals receive compensation while participating in such training.

(3) Providing eligible individuals with—

(A) adequate and safe equipment, environments, and facilities for training and supervision, as applicable;

(B) information regarding the wages and benefits related to contact tracing and related positions, as compared to State, local, and national averages;

(C) supplies and equipment needed by the program participants to support placement of

AMERICAN OVERSIGHT

an individual in contact tracing and related positions, as applicable;

(D) an individualized employment plan for each eligible individual, as applicable—

(i) in coordination with the entity employing the eligible individual in a contact tracing or related position; and

(ii) which shall include providing a case manager to work with each eligible individual to develop the plan, which may include—

(I) identifying employment and career goals, and setting appropriate achievement objectives to attain such goals; and

(II) exploring career pathways that lead to in-demand industries and sectors, including in public health and related occupations; and

(E) services for the period during which the individual is employed in a contact tracing and related position to ensure job retention, which may include—

(i) supportive services throughout the term of employment;

AMERICAN OVERSIGHT

(ii) a continuation of skills training as related to employment as a contact tracer or related positions, that is conducted in collaboration with the employers of such participants;

(iii) mentorship services and job retention support for eligible individuals; or

(iv) targeted training for managers and workers working with eligible individuals (such as mentors), and human resource representatives;

(4) Supporting the transition and placement in unsubsidized employment for eligible individuals serving in the contact tracing or related positions after such positions are no longer necessary in the State or local area, including—

(A) any additional training and employment activities as described in section 170(d)(4) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3225(d)(4));

(B) developing the appropriate combination of services to enable the eligible individual to achieve the employment and career goals identified under paragraph (3)(D)(ii)(I); and

AMERICAN OVERSIGHT

(C) services to assist eligible individuals in maintaining employment for not less than 12 months after the completion of employment in contact tracing or related positions, as appropriate.

(5) Any other activities as described in subsections (a)(3) and (b) of section 134 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174).

(g) LIMITATION.—Notwithstanding section 170(d)(3)(A) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3225(d)(3)(A)), a person may be employed in a contact tracing or related position using funds under this section for a period not greater than 2 years.

(h) REPORTING BY THE DEPARTMENT OF LABOR.—

(1) IN GENERAL.—Not later than 120 days of the enactment of this Act, and once grant funds have been expended under this section, the Secretary shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, and make publicly available a report containing a description of—

AMERICAN OVERSIGHT

(A) the number of eligible individuals recruited, hired, and trained as contract tracers and related positions;

(B) the number of individuals successfully transitioned to unsubsidized employment or training at the completion of employment in contact tracing or related positions using funds under this subtitle;

(C) the number of such individuals who were unemployed prior to being hired, trained, or deployed as described in paragraph (1);

(D) the performance of each program supported by funds under this subtitle with respect to the indicators of performance under section 116 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141), as applicable;

(E) the number of individuals in unsubsidized employment within six months and 1 year, respectively, of the conclusion of employment in contact tracing or related positions and, of those, the number of individuals within a State, territorial, or local public health department in an occupation related to public health;

AMERICAN OVERSIGHT

(F) any information on how eligible entities, local boards, or community-based organizations that received funding under this subsection were able to support the goals of the national system for COVID–19 testing, contact tracing, surveillance, containment, and mitigation established under section 30561 of this Act; and

(G) best practices for improving and increasing the transition of individuals employed in contract tracing or related positions to permanent, full-time employment.

(2) DISAGGREGATION.—All data reported under paragraph (1) shall be disaggregated by race, ethnicity, sex, age, and, with respect to individuals with barriers to employment, subpopulation of such individuals, except for when the number of participants in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual participant.

(i) SPECIAL RULE.—Any funds used for programs under this section that are used to fund an apprenticeship or apprenticeship program shall only be used for, or provided to, an apprenticeship or apprenticeship program

AMERICAN OVERSIGHT

that meets the definition of such term subsection (a) of this section, including any funds awarded for the purposes of grants, contracts, or cooperative agreements, or the development, implementation, or administration, of an apprenticeship or an apprenticeship program.

(j) INFORMATION SHARING REQUIREMENT FOR HHS.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall provide the Secretary of Labor, acting through the Assistant Secretary of the Employment and Training Administration, with information on grants under section 30562, including—

(1) the formula used to award such grants to State, local, Tribal, and territorial health departments;

(2) the dollar amounts of and scope of the work funded under such grants;

(3) the geographic areas served by eligible entities that receive such grants; and

(4) the number of contact tracers and related positions to be hired using such grants.

(k) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts appropriated to carry out this subtitle, $500,000,000 shall be used by the Secretary of Labor to carry out subsections (a) through (h) of this section.

AMERICAN OVERSIGHT

APPLICATION OF THE SERVICE CONTRACT ACT TO CONTRACTS AND GRANTS

SEC. 30567.

Contracts and grants which include contact tracing as part of the scope of work and that are awarded under this subtitle shall require that contract tracers and related positions are paid not less than the prevailing wage and fringe rates required under chapter 67 of title 41, United States Code (commonly known as the ''Service Contract Act'') for the area in which the work is performed. To the extent that a nonstandard wage determination is required to establish a prevailing wage for contact tracers and related positions for purposes of this subtitle, the Secretary of Labor shall issue such determination not later than 14 days after the date of enactment of this Act, based on a job description used by the Centers for Disease Control and Prevention and contractors or grantees performing contact tracing for State public health agencies.

AUTHORIZATION OF APPROPRIATIONS

SEC. 30568.

To carry out this subtitle, there are authorized to be appropriated $75,000,000,000, to remain available until expended.

AMERICAN OVERSIGHT

Subtitle E—Demographic Data and Supply Reporting Related to COVID–19

COVID–19 REPORTING PORTAL

SEC. 30571.

(a) IN GENERAL.—Not later than 15 days after the date of enactment of this Act, the Secretary shall establish and maintain an online portal for use by eligible health care entities to track and transmit data regarding their personal protective equipment and medical supply inventory and capacity related to COVID–19.

(b) ELIGIBLE HEALTH CARE ENTITIES.—In this section, the term ''eligible health care entity'' means a licensed acute care hospital, hospital system, or long-term care facility with confirmed cases of COVID–19.

(c) SUBMISSION.—An eligible health care entity shall report using the portal under this section on a biweekly basis in order to assist the Secretary in tracking usage and need of COVID–related supplies and personnel in a regular and real-time manner.

(d) INCLUDED INFORMATION.—The Secretary shall design the portal under this section to include information on personal protective equipment and medical supply inventory and capacity related to COVID–19, including with respect to the following:

AMERICAN OVERSIGHT

(1) PERSONAL PROTECTIVE EQUIPMENT.—Total personal protective equipment inventory, including, in units, the numbers of N95 masks and authorized equivalent respirator masks, surgical masks, exam gloves, face shields, isolation gowns, and coveralls.

(2) MEDICAL SUPPLY.—

(A) Total ventilator inventory, including, in units, the number of universal, adult, pediatric, and infant ventilators.

(B) Total diagnostic and serological test inventory, including, in units, the number of test platforms, tests, test kits, reagents, transport media, swabs, and other materials or supplies determined necessary by the Secretary.

(3) CAPACITY.—

(A) Case count measurements, including confirmed positive cases and persons under investigation.

(B) Total number of staffed beds, including medical surgical beds, intensive care beds, and critical care beds.

(C) Available beds, including medical surgical beds, intensive care beds, and critical care beds.

AMERICAN OVERSIGHT

(D) Total number of COVID–19 patients currently utilizing a ventilator.

(E) Average number of days a COVID–19 patient is utilizing a ventilator.

(F) Total number of additionally needed professionals in each of the following categories: intensivists, critical care physicians, respiratory therapists, registered nurses, certified registered nurse anesthetists, and laboratory personnel.

(G) Total number of hospital personnel currently not working due to self-isolation following a known or presumed COVID–19 exposure.

(e) ACCESS TO INFORMATION RELATED TO INVENTORY AND CAPACITY.—The Secretary shall ensure that relevant agencies and officials, including the Centers for Disease Control and Prevention, the Assistant Secretary for Preparedness and Response, and the Federal Emergency Management Agency, have access to information related to inventory and capacity submitted under this section.

(f) WEEKLY REPORT TO CONGRESS.—On a weekly basis, the Secretary shall transmit information related to inventory and capacity submitted under this section to the appropriate committees of the House and Senate.

AMERICAN OVERSIGHT

REGULAR CDC REPORTING ON DEMOGRAPHIC DATA

SEC. 30572.

Not later than 14 days after the date of enactment of this Act, the Secretary, in coordination with the Director of the Centers for Disease Control and Prevention, shall amend the reporting under the heading ''Department of Health and Human Services—Office of the Secretary—Public Health and Social Service Emergency Fund'' in title I of division B of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139; 134 Stat. 620, 626) on the demographic characteristics, including race, ethnicity, age, sex, gender, geographic region, and other relevant factors of individuals tested for or diagnosed with COVID–19, to include—

(1) providing technical assistance to State, local, and territorial health departments to improve the collection and reporting of such demographic data;

(2) if such data is not so collected or reported, the reason why the State, local, or territorial department of health has not been able to collect or provide such information; and

(3) making a copy of such report available publicly on the website of the Centers for Disease Control and Prevention.

AMERICAN OVERSIGHT

FEDERAL MODERNIZATION FOR HEALTH INEQUITIES DATA

SEC. 30573.

(a) IN GENERAL.—The Secretary shall work with covered agencies to support the modernization of data collection methods and infrastructure at such agencies for the purpose of increasing data collection related to health inequities, such as racial, ethnic, socioeconomic, sex, gender, and disability disparities.

(b) COVERED AGENCY DEFINED.—In this section, the term ''covered agency'' means each of the following Federal agencies:

(1) The Agency for Healthcare Research and Quality.

(2) The Centers for Disease Control and Prevention.

(3) The Centers for Medicare & Medicaid Services.

(4) The Food and Drug Administration.

(5) The Office of the National Coordinator for Health Information Technology.

(6) The National Institutes of Health.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to each covered agency to

AMERICAN OVERSIGHT

carry out this section $4,000,000, to remain available until expended.

MODERNIZATION OF STATE AND LOCAL HEALTH INEQUITIES DATA

SEC. 30574.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award grants to State, local, and territorial health departments in order to support the modernization of data collection methods and infrastructure for the purposes of increasing data related to health inequities, such as racial, ethnic, socioeconomic, sex, gender, and disability disparities. The Secretary shall—

(1) provide guidance, technical assistance, and information to grantees under this section on best practices regarding culturally competent, accurate, and increased data collection and transmission; and

(2) track performance of grantees under this section to help improve their health inequities data collection by identifying gaps and taking effective steps to support States, localities, and territories in addressing the gaps.

(b) REPORT.—Not later than 1 year after the date on which the first grant is awarded under this section, the Secretary shall submit to the Committee on Energy

AMERICAN OVERSIGHT

and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate an initial report detailing—

(1) nationwide best practices for ensuring States and localities collect and transmit health inequities data;

(2) nationwide trends which hinder the collection and transmission of health inequities data;

(3) Federal best practices for working with States and localities to ensure culturally competent, accurate, and increased data collection and transmission; and

(4) any recommended changes to legislative or regulatory authority to help improve and increase health inequities data collection.

(c) FINAL REPORT.—Not later than December 31, 2023, the Secretary shall—

(1) update and finalize the initial report under subsection (b); and

(2) submit such final report to the committees specified in such subsection.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000, to remain available until expended.

AMERICAN OVERSIGHT

TRIBAL FUNDING TO RESEARCH HEALTH INEQUITIES INCLUDING COVID–19

SEC. 30575.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director of the Indian Health Service, in coordination with Tribal Epidemiology Centers and other Federal agencies, as appropriate, shall conduct or support research and field studies for the purposes of improved understanding of Tribal health inequities among American Indians and Alaska Natives, including with respect to—

(1) disparities related to COVID–19;

(2) public health surveillance and infrastructure regarding unmet needs in Indian country and Urban Indian communities;

(3) population-based health disparities;

(4) barriers to health care services;

(5) the impact of socioeconomic status; and

(6) factors contributing to Tribal health inequities.

(b) CONSULTATION, CONFER, AND COORDINATION.—In carrying out this section, the Director of the Indian Health Service shall—

(1) consult with Indian Tribes and Tribal organizations;

AMERICAN OVERSIGHT

(2) confer with Urban Indian organizations; and

(3) coordinate with the Director of the Centers for Disease Control and Prevention and the Director of the National Institutes of Health.

(c) PROCESS.—Not later than 60 days after the date of enactment of this Act, the Director of the Indian Health Service shall establish a nationally representative panel to establish processes and procedures for the research and field studies conducted or supported under subsection (a). The Director shall ensure that, at a minimum, the panel consists of the following individuals:

(1) Elected Tribal leaders or their designees.

(2) Tribal public health practitioners and experts from the national and regional levels.

(d) DUTIES.—The panel established under subsection (c) shall, at a minimum—

(1) advise the Director of the Indian Health Service on the processes and procedures regarding the design, implementation, and evaluation of, and reporting on, research and field studies conducted or supported under this section;

(2) develop and share resources on Tribal public health data surveillance and reporting, including best practices; and

AMERICAN OVERSIGHT

(3) carry out such other activities as may be appropriate to establish processes and procedures for the research and field studies conducted or supported under subsection (a).

(e) REPORT.—Not later than 1 year after expending all funds made available to carry out this section, the Director of the Indian Health Service, in coordination with the panel established under subsection (c), shall submit an initial report on the results of the research and field studies under this section to—

(1) the Committee on Energy and Commerce and the Committee on Natural Resources of the House of Representatives; and

(2) the Committee on Indian Affairs and the Committee on Health, Education, Labor and Pensions of the Senate.

(f) TRIBAL DATA SOVEREIGNTY.—The Director of the Indian Health Service shall ensure that all research and field studies conducted or supported under this section are tribally-directed and carried out in a manner which ensures Tribal-direction of all data collected under this section—

(1) according to Tribal best practices regarding research design and implementation, including by

AMERICAN OVERSIGHT

ensuring the consent of the Tribes involved to public reporting of Tribal data;

(2) according to all relevant and applicable Tribal, professional, institutional, and Federal standards for conducting research and governing research ethics;

(3) with the prior and informed consent of any Indian Tribe participating in the research or sharing data for use under this section; and

(4) in a manner that respects the inherent sovereignty of Indian Tribes, including Tribal governance of data and research.

(g) FINAL REPORT.—Not later than December 31, 2023, the Director of the Indian Health Service shall—

(1) update and finalize the initial report under subsection (e); and

(2) submit such final report to the committees specified in such subsection.

(h) DEFINITIONS.—In this section:

(1) The terms ''Indian Tribe'' and ''Tribal organization'' have the meanings given to such terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(2) The term ''Urban Indian organization'' has the meaning given to such term in section 4 of the

AMERICAN OVERSIGHT

Indian Health Care Improvement Act (25 U.S.C. 1603).

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000, to remain available until expended.

CDC FIELD STUDIES PERTAINING TO SPECIFIC HEALTH INEQUITIES

SEC. 30576.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary, acting through the Centers for Disease Control and Prevention, in collaboration with State, local, and territorial health departments, shall complete (by the reporting deadline in subsection (b)) field studies to better understand health inequities that are not currently tracked by the Secretary. Such studies shall include an analysis of—

(1) the impact of socioeconomic status on health care access and disease outcomes, including COVID–19 outcomes;

(2) the impact of disability status on health care access and disease outcomes, including COVID–19 outcomes;

(3) the impact of language preference on health care access and disease outcomes, including COVID–19 outcomes;

AMERICAN OVERSIGHT

(4) factors contributing to disparities in health outcomes for the COVID–19 pandemic; and

(5) other topics related to disparities in health outcomes for the COVID–19 pandemic, as determined by the Secretary.

(b) REPORT.—Not later than December 31, 2021, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate an initial report on the results of the field studies under this section.

(c) FINAL REPORT.—Not later than December 31, 2023, the Secretary shall—

(1) update and finalize the initial report under subsection (b); and

(2) submit such final report to the committees specified in such subsection.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000, to remain available until expended.

ADDITIONAL REPORTING TO CONGRESS ON THE RACE AND ETHNICITY RATES OF COVID–19 TESTING, HOSPITALIZATIONS, AND MORTALITIES

SEC. 30577.

(a) IN GENERAL.—Not later than August 1, 2020, the Secretary shall submit to the Committee on Appro-

AMERICAN OVERSIGHT

priations and the Committee on Energy and Commerce of the House of Representatives and the Committee on Appropriations and the Committee on Health, Education, Labor and Pensions of the Senate an initial report—

(1) describing the testing, positive diagnoses, hospitalization, intensive care admissions, and mortality rates associated with COVID–19, disaggregated by race, ethnicity, age, sex, gender, geographic region, and other relevant factors as determined by the Secretary;

(2) including an analysis of any variances of testing, positive diagnoses, hospitalizations, and deaths by demographic characteristics; and

(3) including proposals for evidenced-based response strategies to reduce disparities related to COVID–19.

(b) FINAL REPORT.—Not later than December 31, 2024, the Secretary shall—

(1) update and finalize the initial report under subsection (a); and

(2) submit such final report to the committees specified in such subsection.

(c) COORDINATION.—In preparing the report submitted under this section, the Secretary shall take into account and otherwise coordinate such report with reporting

AMERICAN OVERSIGHT

required under section 30572 and under the heading ''Department of Health and Human Services—Office of the Secretary—Public Health and Social Service Emergency Fund'' in title I of division B of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139; 134 Stat. 620, 626).

Subtitle F—Miscellaneous

TECHNICAL CORRECTIONS TO AMENDMENTS MADE BY CARES ACT

SEC. 30581.

(a) The amendments made by this section shall take effect as if included in the enactment of the CARES Act (Public Law 116–136).

(b) Section 3112 of division A of the CARES Act (Public Law 116–136) is amended—

(1) in subsection (a)(2)(A), by striking the comma before ''or a permanent'';

(2) in subsection (d)(1), by striking ''and subparagraphs (A) and (B)'' and inserting ''as subparagraphs (A) and (B)''; and

(3) in subsection (e), by striking ''Drug, Cosmetic Act'' and inserting ''Drug, and Cosmetic Act''.

(c) Section 6001(a)(1)(D) of division F of the Families First Coronavirus Response Act (Public Law 116–127), as amended by section 3201 of division A of the

AMERICAN OVERSIGHT

CARES Act (Public Law 116–136), is amended by striking ''other test that''.

(d) Subsection (k)(9) of section 543 of the Public Health Service Act (42 U.S.C. 290dd–2), as added by section 3221(d) of division A of the CARES Act (Public Law 116–136), is amended by striking ''unprotected health information'' and inserting ''unsecured protected health information''.

(e) Section 3401(2)(D) of division A of the CARES Act (Public Law 116–136), is amended by striking ''Not Later than'' and inserting ''Not later than''.

(f) Section 831(f) of the Public Health Service Act, as redesignated by section 3404(a)(6)(E) and amended by section 3404(a)(6)(G) of division A of the CARES Act (Public Law 116–136), is amended by striking ''a health care facility, or a partnership of such a school and facility''.

(g) Section 846(i) of the Public Health Service Act, as amended by section 3404(i)(8)(C) of division A of the CARES Act (Public Law 116–136), is amended by striking ''871(b),,'' and inserting ''871(b),''.

(h) Section 3606(a)(1)(A) of division A of the CARES Act (Public Law 116–136) is amended by striking ''In general'' and inserting ''IN GENERAL''.

AMERICAN OVERSIGHT

(i) Section 3856(b)(1) of division A of the CARES Act (Public Law 116–136) is amended to read as follows:

"(1) IN GENERAL.—Section 905(b)(4) of the FDA Reauthorization Act of 2017 (Public Law 115–52) is amended by striking 'Section 744H(e)(2)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–52(e)(2)(B))' and inserting 'Section 744H(f)(2)(B) of the Federal Food, Drug, and Cosmetic Act, as redesignated by section 403(c)(1) of this Act,'.".

TITLE VI—PUBLIC HEALTH ASSISTANCE

Subtitle A—Assistance to Providers and Health System

HEALTH CARE PROVIDER RELIEF FUND

SEC. 30611.

(a) IN GENERAL.—Not later than 7 days after the date of enactment of this Act, the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall establish a program under which the Secretary shall reimburse, through grants or other mechanisms, eligible health care providers for eligible expenses or lost revenues occurring during calendar quarters beginning on or after January 1, 2020, to prevent, prepare for, and respond to COVID–19, in an amount calculated under subsection (c).

(b) QUARTERLY BASIS.—

AMERICAN OVERSIGHT

(1) SUBMISSION OF APPLICATIONS.—The Secretary shall give applicants a period of 7 calendar days after the close of a quarter to submit applications under this section with respect to such quarter, except that the Secretary shall give applicants a period of 7 calendar days after the date of enactment of this Act to submit applications with respect to the quarter beginning on January 1, 2020, if the applicant has not previously submitted an application with the respect to such quarter.

(2) REVIEW AND PAYMENT.—The Secretary shall—

(A) review applications and make awards of reimbursement under this section on a quarterly basis; and

(B) award the reimbursements under this section for a quarter not later than 14 calendar days after the close of the quarter, except that the Secretary shall award the reimbursements under this section for the quarter beginning on January 1, 2020, not later than 14 calendar days after the date of enactment of this Act.

(c) CALCULATION.—

(1) IN GENERAL.—The amount of the reimbursement to an eligible health provider under this

AMERICAN OVERSIGHT

section with respect to a calendar quarter shall equal—

(A) the sum of—

(i) 100 percent of the eligible expenses, as described in subsection (d), of the provider during the quarter; and

(ii) subject to paragraph (3), 60 percent of the lost revenues, as described in subsection (e), of the provider during the quarter; less

(B) any funds that are—

(i) received by the provider during the quarter pursuant to the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123), the Families First Coronavirus Response Act (Public Law 116–127), the CARES Act (Public Law 116–136), or the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139); and

(ii) not required to be repaid.

(2) CARRYOVER.—If the amount determined under paragraph (1)(B) for a calendar quarter with respect to an eligible health care provider exceeds

AMERICAN OVERSIGHT

the amount determined under subparagraph (A) with respect to such provider and quarter, the amount of such difference shall be applied in making the calculation under this subsection, over each subsequent calendar quarter for which the eligible health care provider seeks reimbursement under this section.

(3) LOST REVENUE LIMITATION.—If the amount determined under subsection (e) with respect to the lost revenue of an eligible health care provider for a calendar quarter does not exceed an amount that equals 10 percent of the net patient revenue (as defined in such subsection) of the provider for the corresponding quarter in 2019, the addend under paragraph (1)(A)(ii), in making the calculation under paragraph (1), is deemed to be zero.

(d) ELIGIBLE EXPENSES.—Subject to subsection (h)(1), expenses eligible for reimbursement under this section include expenses for—

(1) building or construction of temporary structures;

(2) leasing of properties;

(3) medical supplies and equipment including personal protective equipment;

AMERICAN OVERSIGHT

(4) in vitro diagnostic tests, serological tests, or testing supplies;

(5) increased workforce and trainings;

(6) emergency operation centers;

(7) construction or retrofitting of facilities;

(8) mobile testing units;

(9) surge capacity;

(10) retention of workforce; and

(11) such other items and services as the Secretary determines to be appropriate, in consultation with relevant stakeholders.

(e) LOST REVENUES.—

(1) IN GENERAL.—Subject to subsection (h)(1), for purposes of subsection (c)(1)(A)(ii), the lost revenues of an eligible health care provider, with respect to the calendar quarter involved, shall be equal to—

(A) net patient revenue of the provider for the corresponding quarter in 2019 minus net patient revenue of the provider for such quarter; less

(B) the savings of the provider during the calendar quarter involved attributable to foregone wages, payroll taxes, and benefits of per-

AMERICAN OVERSIGHT

sonnel who were furloughed or laid off by the provider during that quarter.

(2) NET PATIENT REVENUE DEFINED.—For purposes of paragraph (1)(A), the term ''net patient revenue'', with respect to an eligible health care provider and a calendar quarter, means the sum of—

(A) 200 percent of the total amount of reimbursement received by the provider during the quarter for all items and services furnished under a State plan or a waiver of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(B) 125 percent of the total amount of reimbursement received by the provider during the quarter for all items and services furnished under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); and

(C) 100 percent of the total amount of reimbursement not described in subparagraph (A) or (B) received by the provider during the quarter for all items and services.

(f) INSUFFICIENT FUNDS FOR A QUARTER.—If there are insufficient funds made available to reimburse all eligible health care providers for all eligible expenses and lost

AMERICAN OVERSIGHT

revenues for a quarter in accordance with this section, the Secretary shall—

(1) prioritize reimbursement of eligible expenses; and

(2) using the entirety of the remaining funds, uniformly reduce the percentage of lost revenues otherwise applicable under subsection (c)(1)(A)(ii) to the extent necessary to reimburse a portion of the lost revenues of all eligible health care providers applying for reimbursement.

(g) APPLICATION.—A health care provider seeking reimbursement under this section for a calendar quarter shall submit to the Secretary an application that—

(1) provides documentation demonstrating that the health care provider is an eligible health care provider;

(2) includes a valid tax identification number of the health care provider;

(3) attests to the eligible expenses and lost revenues of the health care provider, as described in subsection (d), occurring during the calendar quarter;

(4) includes an itemized listing of each such eligible expense, including expenses incurred in providing uncompensated care;

AMERICAN OVERSIGHT

(5) for purposes of subsection (c)(3), attests to whether the amount determined under subsection (e) with respect to the lost revenue of an eligible health care provider for a calendar quarter exceeds an amount that equals 10 percent of the net patient revenue (as defined in such subsection) of the provider for the corresponding quarter in 2019;

(6) includes projections of the eligible expenses and lost revenues of the health care provider, as described in subsection (c), for the calendar quarter that immediately follows the calendar for which reimbursement is sought; and

(7) indicates the dollar amounts described in each of subparagraphs (A) and (B) of subsection (e)(1) and subparagraphs (A), (B), and (C) of subsection (e)(2) for the calendar quarter.

(h) LIMITATIONS.—

(1) NO DUPLICATIVE REIMBURSEMENT.—The Secretary may not provide, and a health care provider may not accept, reimbursement under this section for expenses or losses with respect to which—

(A) the eligible health care provider is reimbursed from other sources; or

(B) other sources are obligated to reimburse the provider.

AMERICAN OVERSIGHT

(2) NO EXECUTIVE COMPENSATION.—Reimbursement for eligible expenses (as described in subsection (e)) and lost revenues (as described in subsection (f)) shall not include compensation or benefits, including salary, bonuses, awards of stock, or other financial benefits, for an officer or employee described in section 4004(a)(2) of the CARES Act (Public Law 116–136).

(i) NO BALANCE BILLING AS CONDITION OF RECEIPT OF FUNDS.—

(1) PROTECTING INDIVIDUALS ENROLLED IN HEALTH PLANS.—As a condition of receipt of reimbursement under this section, a health care provider, in the case such provider furnishes during the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)) (whether before, on, or after, the date on which the provider submits an application under this section) a medically necessary item or service described in subparagraph (A), (B), or (C) of paragraph (3) to an individual who is described in such subparagraph (A), (B), or (C), respectively, and enrolled in a group health plan or group or individual health insurance coverage offered by a health insurance issuer (including grandfathered health plans as

AMERICAN OVERSIGHT

defined in section 1251(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18011(e)) and such provider is a nonparticipating provider with respect to such plan or coverage and such plan or coverage and such items and services would otherwise be covered under such plan if furnished by a participating provider—

(A) may not bill or otherwise hold liable such individual for a payment amount for such item or service that is more than the cost-sharing amount that would apply under such plan or coverage for such item or service if such provider furnishing such service were a participating provider with respect to such plan or coverage;

(B) shall reimburse such individual in a timely manner for any amount for such item or service paid by the individual to such provider in excess of such cost-sharing amount;

(C) shall submit any claim for such item or service directly to the plan or coverage; and

(D) shall not bill the individual for such cost-sharing amount until such individual is informed by the plan or coverage of the required payment amount.

AMERICAN OVERSIGHT

(2) PROTECTING UNINSURED INDIVIDUALS.—As a condition of receipt of reimbursement under this section, a health care provider, in the case such reimbursement is with respect to expenses incurred in providing uncompensated care (as described in subsection (g)(4)) with respect to a medically necessary item or service described in subparagraph (A), (B), or (C) of paragraph (3) furnished during such emergency period (whether before, on, or after, the date on which the provider submits an application under this section) by the provider to an individual who is described in such subparagraph (A), (B), or (C), respectively—

(A) shall consider such reimbursement as payment in full with respect to such item or service so furnished to such individual;

(B) may not bill or otherwise hold liable such individual for any payment for such item or service so furnished to such individual; and

(C) shall reimburse such individual in a timely manner for any amount for such item or service paid by the individual to such provider.

(3) MEDICALLY NECESSARY ITEMS AND SERVICES DESCRIBED.—For purposes of this subsection,

AMERICAN OVERSIGHT

medically necessary items and services described in this paragraph are—

(A) medically necessary items and services (including in-person or telehealth visits in which such items and services are furnished) that are furnished to an individual who has been diagnosed with (or after provision of the items and services is diagnosed with) COVID–19 to treat or mitigate the effects of COVID–19;

(B) medically necessary items and services (including in-person or telehealth visits in which such items and services are furnished) that are furnished to an individual who is presumed, in accordance with paragraph (4), to have COVID–19 but is never diagnosed as such; and

(C) a diagnostic test (and administration of such test) as described in section 6001(a) of division F of the Families First Coronavirus Response Act (42 U.S.C. 1320b–5 note) administered to an individual.

(4) PRESUMPTIVE CASE OF COVID–19.—For purposes of paragraph (3)(B), an individual shall be presumed to have COVID–19 if the medical record documentation of the individual supports a diagnosis of COVID–19, even if the individual does not have

AMERICAN OVERSIGHT

a positive in vitro diagnostic test result in the medical record of the individual.

(5) PENALTY.—In the case of an eligible health care provider that is paid a reimbursement under this section and that is in violation of paragraph (1) or (2), in addition to any other penalties that may be prescribed by law, the Secretary may recoup from such provider up to the full amount of reimbursement the provider receives under this section.

(6) DEFINITIONS.—In this subsection:

(A) NONPARTICIPATING PROVIDER.—The term ''nonparticipating provider'' means, with respect to an item or service and group health plan or group or individual health insurance coverage offered by a health insurance issuer, a health care provider that does not have a contractual relationship directly or indirectly with the plan or issuer, respectively, for furnishing such an item or service under the plan or coverage.

(B) PARTICIPATING PROVIDER.—The term ''participating provider'' means, with respect to an item or service and group health plan or group or individual health insurance coverage offered by a health insurance issuer, a health

AMERICAN OVERSIGHT

care provider that has a contractual relationship directly or indirectly with the plan or issuer, respectively, for furnishing such an item or service under the plan or coverage.

(C) GROUP HEALTH PLAN, HEALTH INSURANCE COVERAGE.—The terms ''group health plan'', ''health insurance issuer'', ''group health insurance coverage'', and ''individual health insurance coverage'' shall have the meanings given such terms under section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91).

(j) REPORTS.—

(1) AWARD INFORMATION.—In making awards under this section, the Secretary shall post in a searchable, electronic format, a list of all recipients and awards pursuant to funding authorized under this section.

(2) REPORTS BY RECIPIENTS.—Each recipient of an award under this section shall, as a condition on receipt of such award, submit reports and maintain documentation, in such form, at such time, and containing such information, as the Secretary determines is needed to ensure compliance with this section.

AMERICAN OVERSIGHT

(3) PUBLIC LISTING OF AWARDS.—The Secretary shall—

(A) not later than 7 days after the date of enactment of this Act, post in a searchable, electronic format, a list of all awards made by the Secretary under this section, including the recipients and amounts of such awards; and

(B) update such list not less than every 7 days until all funds made available to carry out this section are expended.

(4) INSPECTOR GENERAL REPORT.—

(A) IN GENERAL.—Not later than 3 years after final payments are made under this section, the Inspector General of the Department of Health and Human Services shall transmit a final report on audit findings with respect to the program under this section to the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives and the Committee on Health, Education, Labor and Pensions and the Committee on Appropriations of the Senate.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as limiting the authority of the Inspector General of the

AMERICAN OVERSIGHT

Department of Health and Human Services or the Comptroller General of the United States to conduct audits of interim payments earlier than the deadline described in subparagraph (A).

(k) ELIGIBLE HEALTH CARE PROVIDER DEFINED.—In this section:

(1) IN GENERAL.—The term ''eligible health care provider'' means a health care provider described in paragraph (2) that provides diagnostic or testing services or treatment to individuals with a confirmed or presumptive diagnosis of COVID–19.

(2) HEALTH CARE PROVIDERS DESCRIBED.—A health care provider described in this paragraph is any of the following:

(A) A health care provider enrolled as a participating provider under a State plan approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (or a waiver of such a plan).

(B) A provider of services (as defined in subsection (u) of section 1861 of the Social Security Act (42 U.S.C. 1395x)) or a supplier (as defined in subsection (d) of such section) that is enrolled as a participating provider of services or participating supplier under the Medi-

AMERICAN OVERSIGHT

care program under title XVIII of such Act (42 U.S.C. 1395 et seq.).

(C) A public entity.

(D) Any other entity not described in this paragraph as the Secretary may specify.

(l) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for an additional amount to carry out this section $100,000,000,000, to remain available until expended.

(2) HEALTH CARE PROVIDER RELIEF FUND.—

(A) USE OF APPROPRIATED FUNDS.—

(i) IN GENERAL.—In addition to amounts authorized to be appropriated pursuant to paragraph (1), the unobligated balance of all amounts appropriated to the Health Care Provider Relief Fund shall be made available only to carry out this section.

(ii) AMOUNTS.—For purposes of clause (i), the following amounts are deemed to be appropriated to the Health Care Provider Relief Fund:

AMERICAN OVERSIGHT

(I) The unobligated balance of the appropriation of $100,000,000,000 in the third paragraph under the heading ''Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund'' in division B of the CARES Act (Public Law 116–136).

(II) The unobligated balance of the appropriation under the heading ''Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund'' in division B of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139).

(B) LIMITATION.—Of the unobligated balances described in subparagraph (A)(ii), the Secretary may not make available more than $10,000,000,000 to reimburse eligible health care providers for expenses incurred in providing uncompensated care.

AMERICAN OVERSIGHT

(C) FUTURE AMOUNTS.—Any appropriation enacted subsequent to the date of enactment of this Act that is made available for reimbursing eligible health care providers as described in subsection (a) shall be made available only to carry out this section.

PUBLIC HEALTH WORKFORCE LOAN REPAYMENT PROGRAM

SEC. 30612.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following new subpart:

"Subpart XIII—Public Health Workforce

"SEC. 340J. LOAN REPAYMENT PROGRAM.

"(a) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish a program to be known as the Public Health Workforce Loan Repayment Program (referred to in this section as the 'Program') to assure an adequate supply of and encourage recruitment of public health professionals to eliminate critical public health workforce shortages in local, State, territorial, and Tribal public health agencies.

"(b) ELIGIBILITY.—To be eligible to participate in the Program, an individual shall—

"(1)(A) be accepted for enrollment, or be enrolled, as a student in an accredited academic edu-

AMERICAN OVERSIGHT

cational institution in a State or territory in the final semester or equivalent of a course of study or program leading to a public health degree, a health professions degree or certificate, or a degree in computer science, information science, information systems, information technology, or statistics and have accepted employment with a local, State, territorial, or Tribal public health agency, or a related training fellowship, as recognized by the Secretary, to commence upon graduation; or

''(B)(i) have graduated, during the preceding 10-year period, from an accredited educational institution in a State or territory and received a public health degree, a health professions degree or certificate, or a degree in computer science, information science, information systems, information technology, or statistics; and

''(ii) be employed by, or have accepted employment with, a local, State, territorial, or Tribal public health agency or a related training fellowship, as recognized by the Secretary;

''(2) be a United States citizen;

''(3)(A) submit an application to the Secretary to participate in the Program; and

AMERICAN OVERSIGHT

"(B) execute a written contract as required in subsection (c); and

"(4) not have received, for the same service, a reduction of loan obligations under section 428K or 428L of the Higher Education Act of 1965 (20 U.S.C. 1078–11, 1078–12).

"(c) CONTRACT.—The written contract referred to in subsection (b)(3)(B) between the Secretary and an individual shall contain—

"(1) an agreement on the part of the Secretary that the Secretary will repay, on behalf of the individual, loans incurred by the individual in the pursuit of the relevant degree or certificate in accordance with the terms of the contract;

"(2) an agreement on the part of the individual that the individual will serve in the full-time employment of a local, State, or Tribal public health agency or a related fellowship program in a position related to the course of study or program for which the contract was awarded for a period of time equal to the greater of—

"(A) 2 years; or

"(B) such longer period of time as determined appropriate by the Secretary and the individual;

AMERICAN OVERSIGHT

"(3) an agreement, as appropriate, on the part of the individual to relocate to a priority service area (as determined by the Secretary) in exchange for an additional loan repayment incentive amount to be determined by the Secretary;

"(4) a provision that any financial obligation of the United States arising out of a contract entered into under this section and any obligation of the individual that is conditioned thereon, is contingent on funds being appropriated for loan repayments under this section;

"(5) a statement of the damages to which the United States is entitled, under this section for the individual's breach of the contract; and

"(6) such other statements of the rights and liabilities of the Secretary and of the individual as the Secretary determines appropriate, not inconsistent with this section.

"(d) PAYMENTS.—

"(1) IN GENERAL.—A loan repayment provided for an individual under a written contract referred to in subsection (b)(3)(B) shall consist of payment, in accordance with paragraph (2), for the individual toward the outstanding principal and interest on education loans incurred by the individual in the

AMERICAN OVERSIGHT

pursuit of the relevant degree in accordance with the terms of the contract.

"(2) EQUITABLE DISTRIBUTION.—In awarding contracts under this section, the Secretary shall ensure—

"(A) a certain percentage of contracts are awarded to individuals who are not already working in public health departments;

"(B) an equitable distribution of funds geographically; and

"(C) an equitable distribution among State, local, territorial, and Tribal public health departments.

"(3) PAYMENTS FOR YEARS SERVED.—For each year of service that an individual contracts to serve pursuant to subsection (c)(2), the Secretary may pay not more than $35,000 on behalf of the individual for loans described in paragraph (1). With respect to participants under the Program whose total eligible loans are less than $105,000, the Secretary shall pay an amount that does not exceed ⅓ of the eligible loan balance for each year of such service of such individual.

"(4) TAX LIABILITY.—For purposes of the Internal Revenue Code of 1986, a payment made

AMERICAN OVERSIGHT

under this section shall be treated in the same manner as an amount received under section 338B(g) of this Act, as described in section 108(f)(4) of such Code.

''(e) POSTPONING OBLIGATED SERVICE.—With respect to an individual receiving a degree or certificate from a health professions or other related school, the date of the initiation of the period of obligated service may be postponed as approved by the Secretary.

''(f) BREACH OF CONTRACT.—An individual who fails to comply with the contract entered into under subsection (c) shall be subject to the same financial penalties as provided for under section 338E of the Public Health Service Act (42 U.S.C. 254o) for breaches of loan repayment contracts under section 338B of such Act (42 U.S.C. section 254l–1).

''(g) DEFINITION.—For purposes of this section, the term 'full-time' means full-time as such term is used in section 455(m)(3) of the Higher Education Act of 1965.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

''(1) $100,000,000 for fiscal year 2020; and

''(2) $75,000,000 for fiscal year 2021.''.

EXPANDING CAPACITY FOR HEALTH OUTCOMES

SEC. 30613.

AMERICAN OVERSIGHT

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall award grants to eligible entities to develop and expand the use of technology-enabled collaborative learning and capacity building models to respond to ongoing and real-time learning, health care information sharing, and capacity building needs related to COVID–19.

(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall have experience providing technology-enabled collaborative learning and capacity building health care services—

(1) in rural areas, frontier areas, health professional shortage areas, or medically underserved area; or

(2) to medically underserved populations or Indian Tribes.

(c) USE OF FUNDS.—An eligible entity receiving a grant under this section shall use funds received through the grant—

(1) to advance quality of care in response to COVID–19, with particular emphasis on rural and underserved areas and populations;

AMERICAN OVERSIGHT

(2) to protect medical personnel and first responders through sharing real-time learning through virtual communities of practice;

(3) to improve patient outcomes for conditions affected or exacerbated by COVID–19, including improvement of care for patients with complex chronic conditions; and

(4) to support rapid uptake by health care professionals of emerging best practices and treatment protocols around COVID–19.

(d) OPTIONAL ADDITIONAL USES OF FUNDS.—An eligible entity receiving a grant under this section may use funds received through the grant for—

(1) equipment to support the use and expansion of technology-enabled collaborative learning and capacity building models, including hardware and software that enables distance learning, health care provider support, and the secure exchange of electronic health information;

(2) the participation of multidisciplinary expert team members to facilitate and lead technology-enabled collaborative learning sessions, and professionals and staff assisting in the development and execution of technology-enabled collaborative learning;

AMERICAN OVERSIGHT

(3) the development of instructional programming and the training of health care providers and other professionals that provide or assist in the provision of services through technology-enabled collaborative learning and capacity building models; and

(4) other activities consistent with achieving the objectives of the grants awarded under this section.

(e) TECHNOLOGY-ENABLED COLLABORATIVE LEARNING AND CAPACITY BUILDING MODEL DEFINED.—In this section, the term ''technology-enabled collaborative learning and capacity building model'' has the meaning given that term in section 2(7) of the Expanding Capacity for Health Outcomes Act (Public Law 114–270; 130 Stat. 1395).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

ADDITIONAL FUNDING FOR MEDICAL RESERVE CORPS

SEC. 30614.

Section 2813 of the Public Health Service Act (42 U.S.C. 300hh–15) is amended by striking ''$11,200,000 for each of fiscal years 2019 through 2023'' and inserting ''$31,200,000 for each of fiscal years 2020 and 2021 and $11,200,000 for each of fiscal years 2022 and 2023''.

AMERICAN OVERSIGHT

GRANTS FOR SCHOOLS OF MEDICINE IN DIVERSE AND UNDERSERVED AREAS

SEC. 30615.

Subpart II of part C of title VII of the Public Health Service Act is amended by inserting after section 749B of such Act (42 U.S.C. 293m) the following:

"SEC. 749C. SCHOOLS OF MEDICINE IN UNDERSERVED AREAS.

''(a) GRANTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may award grants to institutions of higher education (including multiple institutions of higher education applying jointly) for the establishment, improvement, and expansion of an allopathic or osteopathic school of medicine, or a branch campus of an allopathic or osteopathic school of medicine.

''(b) PRIORITY.—In selecting grant recipients under this section, the Secretary shall give priority to institutions of higher education that—

''(1) propose to use the grant for an allopathic or osteopathic school of medicine, or a branch campus of an allopathic or osteopathic school of medicine, in a combined statistical area with fewer than 200 actively practicing physicians per 100,000 resi-

AMERICAN OVERSIGHT

dents according to the medical board (or boards) of the State (or States) involved;

''(2) have a curriculum that emphasizes care for diverse and underserved populations; or

''(3) are minority-serving institutions described in the list in section 371(a) of the Higher Education Act of 1965.

''(c) USE OF FUNDS.—The activities for which a grant under this section may be used include—

''(1) planning and constructing—

''(A) a new allopathic or osteopathic school of medicine in an area in which no other school is based; or

''(B) a branch campus of an allopathic or osteopathic school of medicine in an area in which no such school is based;

''(2) accreditation and planning activities for an allopathic or osteopathic school of medicine or branch campus;

''(3) hiring faculty and other staff to serve at an allopathic or osteopathic school of medicine or branch campus;

''(4) recruitment and enrollment of students at an allopathic or osteopathic school of medicine or branch campus;

AMERICAN OVERSIGHT

"(5) supporting educational programs at an allopathic or osteopathic school of medicine or branch campus;

"(6) modernizing infrastructure or curriculum at an existing allopathic or osteopathic school of medicine or branch campus thereof;

"(7) expanding infrastructure or curriculum at existing an allopathic or osteopathic school of medicine or branch campus; and

"(8) other activities that the Secretary determines further the development, improvement, and expansion of an allopathic or osteopathic school of medicine or branch campus thereof.

"(d) DEFINITIONS.—In this section:

"(1) The term 'branch campus' means a geographically separate site at least 100 miles from the main campus of a school of medicine where at least one student completes at least 60 percent of the student's training leading to a degree of doctor of medicine.

"(2) The term 'institution of higher education' has the meaning given to such term in section 101(a) of the Higher Education Act of 1965.

"(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appro-

AMERICAN OVERSIGHT

priated $1,000,000,000, to remain available until expended.''.

GAO STUDY ON PUBLIC HEALTH WORKFORCE

SEC. 30616.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the public health workforce in the United States during the COVID–19 pandemic.

(b) TOPICS.—The study under subsection (a) shall address—

(1) existing gaps in the Federal, State, local, Tribal, and territorial public health workforce, including—

(A) epidemiological and disease intervention specialists needed during the pandemic for contact tracing, laboratory technicians necessary for testing, community health workers for community supports and services, and other staff necessary for contact tracing, testing, or surveillance activities; and

(B) other personnel needed during the COVID–19 pandemic;

(2) challenges associated with the hiring, recruitment, and retention of the Federal, State, local, Tribal, and territorial public health workforce; and

AMERICAN OVERSIGHT

(3) recommended steps the Federal Government should take to improve hiring, recruitment, and retention of the public health workforce.

(c) REPORT.—Not later than December 1, 2021, the Comptroller General shall submit to the Congress a report on the findings of the study conducted under this section.

LONGITUDINAL STUDY ON THE IMPACT OF COVID–19 ON RECOVERED PATIENTS

SEC. 30617.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

"SEC. 404O. LONGITUDINAL STUDY ON THE IMPACT OF COVID–19 ON RECOVERED PATIENTS.

"(a) IN GENERAL.—The Director of NIH, in consultation with the Director of the Centers for Disease Control and Prevention, shall conduct a longitudinal study, over not less than 10 years, on the full impact of SARS–CoV–2 or COVID–19 on infected individuals, including both short-term and long-term health impacts.

"(b) TIMING.—The Director of NIH shall begin enrolling patients in the study under this section not later than 6 months after the date of enactment of this section.

"(c) REQUIREMENTS.—The study under this section shall—

"(1) be nationwide;

AMERICAN OVERSIGHT

''(2) include diversity of enrollees to account for gender, age, race, ethnicity, geography, comorbidities, and underrepresented populations, including pregnant and lactating women;

''(3) study individuals with COVID–19 who experienced mild symptoms, such individuals who experienced moderate symptoms, and such individuals who experienced severe symptoms;

''(4) monitor the health outcomes and symptoms of individuals with COVID–19, or who had prenatal exposure to SARS–CoV–2 or COVID–19, including lung capacity and function, and immune response, taking into account any pharmaceutical interventions such individuals may have received;

''(5) monitor the mental health outcomes of individuals with COVID–19, taking into account any interventions that affected mental health; and

''(6) monitor individuals enrolled in the study not less frequently than twice per year after the first year of the individual's infection with SARS–CoV–2.

''(d) PUBLIC-PRIVATE RESEARCH NETWORK.—For purposes of carrying out the study under this section, the Director of NIH may develop a network of public-private research partners, provided that all research, including the

AMERICAN OVERSIGHT

research carried out through any such partner, is available publicly.

''(e) SUMMARIES OF FINDINGS.—The Director of NIH shall make public a summary of findings under this section not less frequently than once every 3 months for the first 2 years of the study, and not less frequently than every 6 months thereafter. Such summaries may include information about how the findings of the study under this section compare with findings from research conducted abroad.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000,000, to remain available until expended.''.

RESEARCH ON THE MENTAL HEALTH IMPACT OF COVID–19

SEC. 30618.

(a) IN GENERAL.—The Secretary, acting through the Director of the National Institute of Mental Health, shall conduct or support research on the mental health consequences of SARS–CoV–2 or COVID–19.

(b) USE OF FUNDS.—Research under subsection (a) may include the following:

(1) Research on the mental health impact of SARS–CoV–2 or COVID–19 on health care providers, including—

(A) traumatic stress;

AMERICAN OVERSIGHT

(B) psychological distress; and

(C) psychiatric disorders.

(2) Research on the impact of SARS–CoV–2 or COVID–19 stressors on mental health over time.

(3) Research to strengthen the mental health response to SARS–CoV–2 or COVID–19, including adapting to and maintaining or providing additional services for new or increasing mental health needs.

(4) Research on the reach, efficiency, effectiveness, and quality of digital mental health interventions.

(5) Research on effectiveness of strategies for implementation and delivery of evidence-based mental health interventions and services for underserved populations.

(6) Research on suicide prevention.

(c) RESEARCH COORDINATION.—The Secretary shall coordinate activities under this section with similar activities conducted by national research institutes and centers of the National Institutes of Health to the extent that such institutes and centers have responsibilities that are related to the mental health consequences of SARS–CoV–2 or COVID–19.

AMERICAN OVERSIGHT

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $200,000,000, to remain available until expended.

EMERGENCY MENTAL HEALTH AND SUBSTANCE USE TRAINING AND TECHNICAL ASSISTANCE CENTER

SEC. 30619.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.) is amended by inserting after section 520A (42 U.S.C. 290bb–32) the following:

"SEC. 520B. EMERGENCY MENTAL HEALTH AND SUBSTANCE USE TRAINING AND TECHNICAL ASSISTANCE CENTER.

''(a) ESTABLISHMENT.—The Secretary, acting through the Assistant Secretary, shall establish or operate a center to be known as the Emergency Mental Health and Substance Use Training and Technical Assistance Center (referred to in this section as the 'Center') to provide technical assistance and support—

''(1) to public or nonprofit entities seeking to establish or expand access to mental health and substance use prevention, treatment, and recovery support services, and increase awareness of such services; and

''(2) to public health professionals, health care professionals and support staff, essential workers (as

AMERICAN OVERSIGHT

defined by a State, Tribe, locality, or territory), and members of the public to address the trauma, stress, and mental health needs associated with an emergency period.

''(b) ASSISTANCE AND SUPPORT.—The assistance and support provided under subsection (a) shall include assistance and support with respect to—

''(1) training on identifying signs of trauma, stress, and mental health needs;

''(2) providing accessible resources to assist individuals and families experiencing trauma, stress, or other mental health needs during and after an emergency period;

''(3) providing resources for substance use disorder prevention, treatment, and recovery designed to assist individuals and families during and after an emergency period;

''(4) the provision of language access services, including translation services, interpretation, or other such services for individuals with limited English speaking proficiency or people with disabilities; and

''(5) evaluation and improvement, as necessary, of the effectiveness of such services provided by public or nonprofit entities.

AMERICAN OVERSIGHT

''(c) BEST PRACTICES.—The Center shall periodically issue best practices for use by organizations seeking to provide mental health services or substance use disorder prevention, treatment, or recovery services to individuals during and after an emergency period.

''(d) EMERGENCY PERIOD.—In this section, the term 'emergency period' has the meaning given such term in section 1135(g)(1)(A) of the Social Security Act.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2020 and 2021.''.

IMPORTANCE OF THE BLOOD AND PLASMA SUPPLY

SEC. 30620.

(a) IN GENERAL.—Section 3226 of the CARES Act (Public Law 116–136) is amended—

(1) in the section heading after ''**BLOOD**'' by inserting ''**AND PLASMA**''; and

(2) by inserting after ''blood'' each time it appears ''and plasma''.

(b) CONFORMING AMENDMENT.—The item relating to section 3226 in the table of contents in section 2 of the CARES Act (Public Law 116–136) is amended to read as follows:

''Sec. 3226. Importance of the blood and plasma supply.''.

AMERICAN OVERSIGHT

Subtitle B—Assistance for Individuals and Families

REIMBURSEMENT FOR ADDITIONAL HEALTH SERVICES RELATING TO CORONAVIRUS

SEC. 30631.

Title V of division A of the Families First Coronavirus Response Act (Public Law 116–127) is amended under the heading ''Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund'' by inserting '', or treatment related to SARS–CoV–2 or COVID–19 for uninsured individuals'' after ''or visits described in paragraph (2) of such section for uninsured individuals''.

CENTERS FOR DISEASE CONTROL AND PREVENTION COVID–19 RESPONSE LINE

SEC. 30632.

(a) IN GENERAL.—During the public health emergency declared by the Secretary pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020 with respect to COVID–19, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall maintain a toll-free telephone number to address public health queries, including questions concerning COVID–19.

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $10,000,000, to remain available until expended.

AMERICAN OVERSIGHT

GRANTS TO ADDRESS SUBSTANCE USE DURING COVID–19

SEC. 30633.

(a) IN GENERAL.—The Assistant Secretary for Mental Health and Substance Use of the Department of Health and Human Services (in this section referred to as the ''Assistant Secretary''), in consultation with the Director of the Centers for Disease Control and Prevention, shall award grants to States, political subdivisions of States, Tribes, Tribal organizations, and community-based entities to address the harms of drug misuse, including by—

(1) preventing and controlling the spread of infectious diseases, such as HIV/AIDS and viral hepatitis, and the consequences of such diseases for individuals with substance use disorder;

(2) connecting individuals at risk for or with a substance use disorder to overdose education, counseling, and health education; or

(3) encouraging such individuals to take steps to reduce the negative personal and public health impacts of substance use or misuse during the emergency period.

(b) CONSIDERATIONS.—In awarding grants under this section, the Assistant Secretary shall prioritize grants to applicants proposing to serve areas with—

AMERICAN OVERSIGHT

(1) a high proportion of people who meet criteria for dependence on or abuse of illicit drugs who have not received any treatment;

(2) high drug overdose death rates;

(3) high telemedicine infrastructure needs; and

(4) high behavioral health and substance use disorder workforce needs.

(c) DEFINITION.—In this section, the term ''emergency period'' has the meaning given to such term in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B))).

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $10,000,000, to remain available until expended.

GRANTS TO SUPPORT INCREASED BEHAVIORAL HEALTH NEEDS DUE TO COVID–19

SEC. 30634.

(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary of Mental Health and Substance Use, shall award grants to States, political subdivisions of States, Indian Tribes and Tribal organizations, community-based entities, and primary care and behavioral health organizations to address behavioral health needs caused by the public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID–19.

AMERICAN OVERSIGHT

(b) USE OF FUNDS.—An entity that receives a grant under subsection (a) may use funds received through such grant to—

(1) increase behavioral health treatment and prevention capacity, including to—

(A) promote coordination among local entities;

(B) train the behavioral health workforce, relevant stakeholders, and community members;

(C) upgrade technology to support effective delivery of health care services through telehealth modalities;

(D) purchase medical supplies and equipment for behavioral health treatment entities and providers;

(E) address surge capacity for behavioral health needs such as through mobile units; and

(F) promote collaboration between primary care and mental health providers; and

(2) support or enhance behavioral health services, including—

(A) emergency crisis intervention, including mobile crisis units, 24/7 crisis call centers, and medically staffed crisis stabilization programs;

AMERICAN OVERSIGHT

(B) screening, assessment, diagnosis, and treatment;

(C) mental health awareness trainings;

(D) evidence-based suicide prevention;

(E) evidence-based integrated care models;

(F) community recovery supports;

(G) outreach to underserved and minority communities; and

(H) for front line health care workers.

(c) PRIORITY.—The Secretary shall give priority to applicants proposing to serve areas with a high number of COVID–19 cases.

(d) EVALUATION.—An entity that receives a grant under this section shall prepare and submit an evaluation to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

(1) an evaluation of activities carried out with funds received through the grant; and

(2) a process and outcome evaluation.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $50,000,000 for each of fiscal years 2020 and 2021, to remain available until expended.

AMERICAN OVERSIGHT

Subtitle C—Assistance to Tribes

IMPROVING STATE, LOCAL, AND TRIBAL PUBLIC HEALTH SECURITY

SEC. 30641.

Section 319C–1 of the Public Health Service Act (42 U.S.C. 247d–3a) is amended—

(1) in the section heading, by striking "**AND LOCAL**" and inserting "**, LOCAL, AND TRIBAL**";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "or" at the end;

(ii) in subparagraph (C), by striking "and" at the end and inserting "or"; and

(iii) by adding at the end the following:

"(D) be an Indian Tribe, Tribal organization, or a consortium of Indian Tribes or Tribal organizations; and"; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting ", as applicable" after "including";

(ii) in subparagraph (A)(viii)—

AMERICAN OVERSIGHT

(I) by inserting ''and Tribal'' after ''with State'';

(II) by striking ''(as defined in section 8101 of the Elementary and Secondary Education Act of 1965)'' and inserting ''and Tribal educational agencies (as defined in sections 8101 and 6132, respectively, of the Elementary and Secondary Education Act of 1965)''; and

(III) by inserting ''and Tribal'' after ''and State'';

(iii) in subparagraph (G), by striking ''and tribal'' and inserting ''Tribal, and urban Indian organization''; and

(iv) in subparagraph (H), by inserting '', Indian Tribes, and urban Indian organizations'' after ''public health'';

(3) in subsection (e), by inserting ''Indian Tribes, Tribal organizations, urban Indian organizations,'' after ''local emergency plans,'';

(4) in subsection (g)(1), by striking ''tribal officials'' and inserting ''Tribal officials'';

(5) in subsection (h)—

(A) in paragraph (1)(A)—

AMERICAN OVERSIGHT

(i) by striking ''through 2023'' and inserting ''and 2020''; and

(ii) by inserting before the period ''; and $690,000,000 for each of fiscal years 2021 through 2023 for awards pursuant to paragraph (3) (subject to the authority of the Secretary to make awards pursuant to paragraphs (4) and (5)) and paragraph (8), of which not less than $5,000,000 shall be reserved each fiscal year for awards under paragraph (8)'';

(B) in subsection (h)(2)(B), by striking ''tribal public'' and inserting ''Tribal public'';

(C) in the heading of paragraph (3), by inserting ''FOR STATES'' after ''AMOUNT''; and

(D) by adding at the end the following:

''(8) TRIBAL ELIGIBLE ENTITIES.—

''(A) DETERMINATION OF FUNDING AMOUNT.—

''(i) IN GENERAL.—The Secretary shall award at least 10 cooperative agreements under this section, in amounts not less than the minimum amount determined under clause (ii), to eligible entities described in subsection (b)(1)(D) that sub-

AMERICAN OVERSIGHT

mits to the Secretary an application that meets the criteria of the Secretary for the receipt of such an award and that meets other reasonable implementation conditions established by the Secretary, in consultation with Indian Tribes, for such awards. If the Secretary receives more than 10 applications under this section from eligible entities described in subsection (b)(1)(D) that meet the criteria and conditions described in the previous sentence, the Secretary, in consultation with Indian Tribes, may make additional awards under this section to such entities.

"(ii) MINIMUM AMOUNT.—In determining the minimum amount of an award pursuant to clause (i), the Secretary, in consultation with Indian Tribes, shall first determine an amount the Secretary considers appropriate for the eligible entity.

"(B) AVAILABLE UNTIL EXPENDED.—Amounts provided to a Tribal eligible entity under a cooperative agreement under this section for a fiscal year and remaining unobligated at the end of such year shall remain available

AMERICAN OVERSIGHT

to such entity during the entirety of the performance period, for the purposes for which said funds were provided.

''(C) NO MATCHING REQUIREMENT.—Subparagraphs (B), (C), and (D) of paragraph (1) shall not apply with respect to cooperative agreements awarded under this section to eligible entities described in subsection (b)(1)(D).''; and

(6) by adding at the end the following:

''(l) SPECIAL RULES RELATED TO TRIBAL ELIGIBLE ENTITIES.—

''(1) MODIFICATIONS.—After consultation with Indian Tribes, the Secretary may make necessary and appropriate modifications to the program under this section to facilitate the use of the cooperative agreement program by eligible entities described in subsection (b)(1)(D).

''(2) WAIVERS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may waive or specify alternative requirements for any provision of this section (including regulations) that the Secretary administers in connection with this section if the Secretary finds that the waiv-

AMERICAN OVERSIGHT

er or alternative requirement is necessary for the effective delivery and administration of this program with respect to eligible entities described in subsection (b)(1)(D).

"(B) EXCEPTION.—The Secretary may not waive or specify alternative requirements under subparagraph (A) relating to labor standards or the environment.

"(3) CONSULTATION.—The Secretary shall consult with Indian Tribes and Tribal organizations on the design of this program with respect to such Tribes and organizations to ensure the effectiveness of the program in enhancing the security of Indian Tribes with respect to public health emergencies.

"(4) REPORTING.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, and as an addendum to the biennial evaluations required under subsection (k), the Secretary, in coordination with the Director of the Indian Health Service, shall—

"(i) conduct a review of the implementation of this section with respect to eligible entities described in subsection

AMERICAN OVERSIGHT

(b)(1)(D), including any factors that may have limited its success; and

"(ii) submit a report describing the results of the review described in clause (i) to—

"(I) the Committee on Indian Affairs, the Committee on Health, Education, Labor and Pensions, and the Committee on Appropriations of the Senate; and

"(II) the Subcommittee for Indigenous Peoples of the United States of the Committee on Natural Resources, the Committee on Energy and Commerce, and the Committee on Appropriations of the House of Representatives.

"(B) ANALYSIS OF TRIBAL PUBLIC HEALTH EMERGENCY INFRASTRUCTURE LIMITATION.—The Secretary shall include in the initial report submitted under subparagraph (A) a description of any public health emergency infrastructure limitation encountered by eligible entities described in subsection (b)(1)(D).".

AMERICAN OVERSIGHT

PROVISION OF ITEMS TO INDIAN PROGRAMS AND FACILITIES

SEC. 30642.

(a) STRATEGIC NATIONAL STOCKPILE.—Section 319F–2(a)(3)(G) of the Public Health Service Act (42 U.S.C. 247d–6b(a)(3)(G)) is amended by inserting ", and, in the case that the Secretary deploys the stockpile under this subparagraph, ensure, in coordination with the applicable States and programs and facilities, that appropriate drugs, vaccines and other biological products, medical devices, and other supplies are deployed by the Secretary directly to health programs or facilities operated by the Indian Health Service, an Indian Tribe, a Tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), or an inter-Tribal consortium (as defined in section 501 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5381)) or through an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act), while avoiding duplicative distributions to such programs or facilities" before the semicolon.

(b) DISTRIBUTION OF QUALIFIED PANDEMIC OR EPIDEMIC PRODUCTS TO IHS FACILITIES.—Title III of the

AMERICAN OVERSIGHT

Public Health Service Act (42 U.S.C. 241 et seq.) is amended by inserting after section 319F–4 the following:

"SEC. 319F–5. DISTRIBUTION OF QUALIFIED PANDEMIC OR EPIDEMIC PRODUCTS TO INDIAN PROGRAMS AND FACILITIES.

''In the case that the Secretary distributes qualified pandemic or epidemic products (as defined in section 319F–3(i)(7)) to States or other entities, the Secretary shall ensure, in coordination with the applicable States and programs and facilities, that, as appropriate, such products are distributed directly to health programs or facilities operated by the Indian Health Service, an Indian Tribe, a Tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), or an inter-Tribal consortium (as defined in section 501 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5381)) or through an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act), while avoiding duplicative distributions to such programs or facilities.''.

HEALTH CARE ACCESS FOR URBAN NATIVE VETERANS

SEC. 30643.

Section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645) is amended—

AMERICAN OVERSIGHT

(1) in subsection (a)(1), by inserting ''urban Indian organizations,'' before ''and tribal organizations''; and

(2) in subsection (c)—

(A) by inserting ''urban Indian organization,'' before ''or tribal organization''; and

(B) by inserting ''an urban Indian organization,'' before ''or a tribal organization''.

PROPER AND REIMBURSED CARE FOR NATIVE VETERANS

SEC. 30644.

Section 405(c) of the Indian Health Care Improvement Act (25 U.S.C. 1645(c)) is amended by inserting before the period at the end the following: '', regardless of whether such services are provided directly by the Service, an Indian tribe, or tribal organization, through contract health services, or through a contract for travel described in section 213(b)''.

AMENDMENT TO THE INDIAN HEALTH CARE IMPROVEMENT ACT

SEC. 30645.

Section 409 of the Indian Health Care Improvement Act (25 U.S.C. 1647b) is amended by inserting ''or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.)'' after ''(25 U.S.C. 450 et seq.)''.

AMERICAN OVERSIGHT

DIVISION D—RETIREMENT PROVISIONS

SEC. 40001. SHORT TITLE.

This division may be cited as the ''Emergency Pension Plan Relief Act of 2020''.

TITLE I—RELIEF FOR MULTIEMPLOYER PENSION PLANS

SEC. 40101. SPECIAL PARTITION RELIEF.

(a) APPROPRIATION.—Section 4005 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1305) is amended by adding at the end the following:

''(i)(1) An eighth fund shall be established for partition assistance to multiemployer pension plans, as provided under section 4233A, and to pay for necessary administrative and operating expenses relating to such assistance.

''(2) There is appropriated from the general fund such amounts as necessary for the costs of providing partition assistance under section 4233A and necessary administrative and operating expenses. The eighth fund established under this subsection shall be credited with such amounts from time to time as the Secretary of the Treasury determines appropriate, from the general fund of the Treasury, and such amounts shall remain available until expended.''.

AMERICAN OVERSIGHT

(b) SPECIAL PARTITION AUTHORITY.—The Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) is amended by inserting after section 4233 the following:

"SEC. 4233A. SPECIAL PARTITION RELIEF.

"(a) SPECIAL PARTITION AUTHORITY.—

"(1) IN GENERAL.—Upon the application of a plan sponsor of an eligible multiemployer plan for partition of the plan under this section, the corporation shall order a partition of the plan in accordance with this section.

"(2) INAPPLICABILITY OF CERTAIN REPAYMENT OBLIGATION.—A plan receiving partition assistance pursuant to this section shall not be subject to repayment obligations under section 4261(b)(2).

"(b) ELIGIBLE PLANS.—

"(1) IN GENERAL.—For purposes of this section, a multiemployer plan is an eligible multiemployer plan if—

"(A) the plan is in critical and declining status (within the meaning of section 305(b)(6)) in any plan year beginning in 2020 through 2024;

"(B) a suspension of benefits has been approved with respect to the plan under section

AMERICAN OVERSIGHT

305(e)(9) as of the date of the enactment of this section;

"(C) in any plan year beginning in 2020 through 2024, the plan is certified by the plan actuary to be in critical status (within the meaning of section 305(b)(2)), has a modified funded percentage of less than 40 percent, and has a ratio of active to inactive participants which is less than 2 to 3; or

"(D) the plan is insolvent for purposes of section 418E of the Internal Revenue Code of 1986 as of the date of enactment of this section, if the plan became insolvent after December 16, 2014, and has not been terminated by such date of enactment.

"(2) MODIFIED FUNDED PERCENTAGE.—For purposes of paragraph (1)(C), the term 'modified funded percentage' means the percentage equal to a fraction the numerator of which is current value of plan assets (as defined in section 3(26) of such Act) and the denominator of which is current liabilities (as defined in section 431(c)(6)(D) of such Code and section 304(c)(6)(D) of such Act).

"(c) APPLICATIONS FOR SPECIAL PARTITION.—

AMERICAN OVERSIGHT

''(1) GUIDANCE.—The corporation shall issue guidance setting forth requirements for special partition applications under this section not later than 120 days after the date of the enactment of this section. In such guidance, the corporation shall—

''(A) limit the materials required for a special partition application to the minimum necessary to make a determination on the application; and

''(B) provide for an alternate application for special partition under this section, which may be used by a plan that has been approved for a partition under section 4233 before the date of enactment of this section.

''(2) TEMPORARY PRIORITY CONSIDERATION OF APPLICATIONS.—

''(A) IN GENERAL.—The corporation may specify in guidance under paragraph (1) that, during the first 2 years following the date of enactment of this section, special partition applications will be provided priority consideration, if—

''(i) the plan is likely to become insolvent within 5 years of the date of enactment of this section;

AMERICAN OVERSIGHT

"(ii) the corporation projects a plan to have a present value of financial assistance payments under section 4261 that exceeds $1,000,000,000 if the special partition is not ordered;

"(iii) the plan has implemented benefit suspensions under section 305(e)(9) as of the date of the enactment of this section; or

"(iv) the corporation determines it appropriate based on other circumstances.

"(B) NO EFFECT ON AMOUNT OF ASSISTANCE.—A plan that is approved for special partition assistance under this section shall not receive reduced special partition assistance on account of not receiving priority consideration under subparagraph (A).

"(3) ACTUARIAL ASSUMPTIONS AND OTHER INFORMATION.—The corporation shall accept assumptions incorporated in a multiemployer plan's determination that it is in critical status or critical and declining status (within the meaning of section 305(b)), or that the plan's modified funded percentage is less than 40 percent, unless such assumptions are clearly erroneous. The corporation may require

AMERICAN OVERSIGHT

such other information as the corporation determines appropriate for making a determination of eligibility and the amount of special partition assistance necessary under this section.

''(4) APPLICATION DEADLINE.—Any application by a plan for special partition assistance under this section shall be submitted no later than December 31, 2026, and any revised application for special partition assistance shall be submitted no later than December 31, 2027.

''(5) NOTICE OF APPLICATION.—Not later than 120 days after the date of enactment of this section, the corporation shall issue guidance requiring multiemployer plans to notify participants and beneficiaries that the plan has applied for partition under this section, after the corporation has determined that the application is complete. Such notice shall reference the special partition relief internet website described in subsection (p).

''(d) DETERMINATIONS ON APPLICATIONS.—A plan's application for special partition under this section that is timely filed in accordance with guidance issued under subsection (c)(1) shall be deemed approved and the corporation shall issue a special partition order unless the corporation notifies the plan within 120 days of the filing

AMERICAN OVERSIGHT

of the application that the application is incomplete or the plan is not eligible under this section. Such notice shall specify the reasons the plan is ineligible for a special partition or information needed to complete the application. If a plan is denied partition under this subsection, the plan may submit a revised application under this section. Any revised application for special partition submitted by a plan shall be deemed approved unless the corporation notifies the plan within 120 days of the filing of the revised application that the application is incomplete or the plan is not eligible under this section. A special partition order issued by the corporation shall be effective no later than 120 days after a plan's special partition application is approved by the corporation or deemed approved.

''(e) AMOUNT AND MANNER OF SPECIAL PARTITION ASSISTANCE.—

''(1) IN GENERAL.—The liabilities of an eligible multiemployer plan that the corporation assumes pursuant to a special partition order under this section shall be the amount necessary for the plan to meet its funding goals described in subsection (g).

''(2) NO CAP.—Liabilities assumed by the corporation pursuant to a special partition order under this section shall not be capped by the guarantee

AMERICAN OVERSIGHT

under section 4022A. The corporation shall have discretion on how liabilities of the plan are partitioned.

''(f) SUCCESSOR PLAN.—

''(1) IN GENERAL.—The plan created by a special partition order under this section is a successor plan to which section 4022A applies.

''(2) PLAN SPONSOR AND ADMINISTRATOR.—The plan sponsor of an eligible multiemployer plan prior to the special partition and the administrator of such plan shall be the plan sponsor and the administrator, respectively, of the plan created by the partition.

''(g) FUNDING GOALS.—

''(1) IN GENERAL.—The funding goals of a multiemployer plan eligible for partition under this section are both of the following:

''(A) The plan will remain solvent over 30 years with no reduction in a participant's or beneficiary's accrued benefit (except to the extent of a reduction in accordance with section 305(e)(8) adopted prior to the plan's application for partition under this section).

''(B) The funded percentage of the plan (disregarding partitioned benefits) at the end of the 30-year period is projected to be 80 percent.

AMERICAN OVERSIGHT

"(2) BASIS.—The funding projections under paragraph (1) shall be performed on a deterministic basis.

"(h) RESTORATION OF BENEFIT SUSPENSIONS.—An eligible multiemployer plan that is partitioned under this section shall—

"(1) reinstate any benefits that were suspended under section 305(e)(9) or section 4245(a), effective as of the first month the special partition order is effective, for participants or beneficiaries as of the effective date of the partition; and

"(2) provide payments equal to the amount of benefits previously suspended to any participants or beneficiaries in pay status as of the effective date of the special partition, payable in the form of a lump sum within 3 months of such effective date or in equal monthly installments over a period of 5 years, with no adjustment for interest.

"(i) ADJUSTMENT OF SPECIAL PARTITION ASSISTANCE.—

"(1) IN GENERAL.—Every 5 years, the corporation shall adjust the special partition assistance described in subsection (e) as necessary for the eligible multiemployer plan to satisfy the funding goals described in subsection (g). If the 30 year period de-

AMERICAN OVERSIGHT

scribed in subsection (g) has lapsed, in applying this paragraph, 5 years shall be substituted for 30 years.

''(2) SUBMISSION OF INFORMATION.—An eligible multiemployer plan that is the subject of a special partition order under subsection (a) shall submit such information as the corporation may require to determine the amount of the adjustment under paragraph (1).

''(3) CESSATION OF ADJUSTMENTS.—Adjustments under this subsection with respect to special partition assistance for an eligible multiemployer plan shall cease and the corporation shall permanently assume liability for payment of any benefits transferred to the successor plan (subject to subsection (l)) beginning with the first plan year that the funded percentage of the eligible multiemployer plan (disregarding partitioned benefits) is at least 80 percent and the plan's projected funded percentage for each of the next 10 years is at least 80 percent. Any accumulated funding deficiency of the plan (within the meaning of section 304(a)) shall be reduced to zero as of the first day of the plan year for which partition assistance is permanent under this paragraph.

''(j) CONDITIONS ON PLANS DURING PARTITION.—

AMERICAN OVERSIGHT

''(1) IN GENERAL.—The corporation may impose, by regulation, reasonable conditions on an eligible multiemployer plan that is partitioned under section (a) relating to increases in future accrual rates and any retroactive benefit improvements, allocation of plan assets, reductions in employer contribution rates, diversion of contributions to, and allocation of, expenses to other retirement plans, and withdrawal liability.

''(2) LIMITATIONS.—The corporation shall not impose conditions on an eligible multiemployer plan as a condition of or following receipt of such partition assistance under this section relating to—

''(A) any reduction in plan benefits (including benefits that may be adjusted pursuant to section 305(e)(8));

''(B) plan governance, including selection of, removal of, and terms of contracts with, trustees, actuaries, investment managers, and other service providers; or

''(C) any funding rules relating to the plan that is partitioned under this section.

''(3) CONDITION.—An eligible multiemployer plan that is partitioned under subsection (a) shall continue to pay all premiums due under section

AMERICAN OVERSIGHT

4007 for participants and beneficiaries in the plan created by a special partition order until the plan year beginning after a cessation of adjustments applies under subsection (i).

''(k) WITHDRAWAL LIABILITY.—An employer's withdrawal liability for purposes of this title shall be calculated taking into account any plan liabilities that are partitioned under subsection (a) until the plan year beginning after the expiration of 15 calendar years from the effective date of the partition.

''(l) CESSATION OF PARTITION ASSISTANCE.—If a plan that receives partition assistance under this section becomes insolvent for purposes of section 418E of the Internal Revenue Code of 1986, the plan shall no longer be eligible for assistance under this section and shall be eligible for assistance under section 4261.

''(m) REPORTING.—An eligible multiemployer plan that receives partition assistance under this section shall file with the corporation a report, including the following information, in such manner (which may include electronic filing requirements) and at such time as the corporation requires:

''(1) The funded percentage (as defined in section 305(j)(2)) as of the first day of such plan year, and the underlying actuarial value of assets and li-

AMERICAN OVERSIGHT

abilities taken into account in determining such percentage.

''(2) The market value of the assets of the plan (determined as provided in paragraph (1)) as of the last day of the plan year preceding such plan year.

''(3) The total value of all contributions made by employers and employees during the plan year preceding such plan year.

''(4) The total value of all benefits paid during the plan year preceding such plan year.

''(5) Cash flow projections for such plan year and the 9 succeeding plan years, and the assumptions used in making such projections.

''(6) Funding standard account projections for such plan year and the 9 succeeding plan years, and the assumptions relied upon in making such projections.

''(7) The total value of all investment gains or losses during the plan year preceding such plan year.

''(8) Any significant reduction in the number of active participants during the plan year preceding such plan year, and the reason for such reduction.

''(9) A list of employers that withdrew from the plan in the plan year preceding such plan year, the

AMERICAN OVERSIGHT

payment schedule with respect to such withdrawal liability, and the resulting reduction in contributions.

''(10) A list of employers that paid withdrawal liability to the plan during the plan year preceding such plan year and, for each employer, a total assessment of the withdrawal liability paid, the annual payment amount, and the number of years remaining in the payment schedule with respect to such withdrawal liability.

''(11) Any material changes to benefits, accrual rates, or contribution rates during the plan year preceding such plan year, and whether such changes relate to the conditions of the partition assistance.

''(12) Details regarding any funding improvement plan or rehabilitation plan and updates to such plan.

''(13) The number of participants and beneficiaries during the plan year preceding such plan year who are active participants, the number of participants and beneficiaries in pay status, and the number of terminated vested participants and beneficiaries.

''(14) The information contained on the most recent annual funding notice submitted by the plan under section 101(f).

AMERICAN OVERSIGHT

"(15) The information contained on the most recent annual return under section 6058 of the Internal Revenue Code of 1986 and actuarial report under section 6059 of such Code of the plan.

"(16) Copies of the plan document and amendments, other retirement benefit or ancillary benefit plans relating to the plan and contribution obligations under such plans, a breakdown of administrative expenses of the plan, participant census data and distribution of benefits, the most recent actuarial valuation report as of the plan year, financial reports, and copies of the portions of collective bargaining agreements relating to plan contributions, funding coverage, or benefits, and such other information as the corporation may reasonably require.

Any information disclosed by a plan to the corporation that could identify individual employers shall be confidential and not subject to publication or disclosure.

"(n) REPORT TO CONGRESS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section and annually thereafter, the board of directors of the corporation shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate and the Committee on Edu-

AMERICAN OVERSIGHT

cation and Labor and the Committee on Ways and Means of the House of Representatives a detailed report on the implementation and administration of this section. Such report shall include—

''(A) information on the name and number of multiemployer plans that have applied for partition assistance under this section;

''(B) the name and number of such plans that have been approved for partition assistance under this section and the name and number of the plans that have not been approved for special partition assistance;

''(C) a detailed rationale for any decision by the corporation to not approve an application for special partition assistance;

''(D) the amount of special partition assistance provided to eligible multiemployer plans (including amounts provided on an individual plan basis and in the aggregate);

''(E) the name and number of the multiemployer plans that restored benefit suspensions and provided lump sum or monthly installment payments to participants or beneficiaries;

AMERICAN OVERSIGHT

"(F) the amount of benefits that were restored and lump sum or monthly installment payments that were paid (including amounts provided on an individual plan basis and in the aggregate);

"(G) the name and number of the plans that received adjustments to partition assistance under subsection (i);

"(H) a list of, and rationale for, each reasonable condition imposed by the corporation on plans approved for special partition assistance under this section;

"(I) the contracts that have been awarded by the corporation to implement or administer this section;

"(J) the number, purpose, and dollar amounts of the contracts that have been awarded to implement or administer the section;

"(K) a detailed summary of the reports required under subsection (m); and

"(L) a detailed summary of the feedback received on the pension relief internet website established under subsection (p).

"(2) PBGC CERTIFICATION.—The board of directors of the corporation shall include with the re-

port under paragraph (1) a certification and affirmation that the amount of special partition assistance provided to each plan under this section is the amount necessary to meet its funding goals under subsection (g), including, if applicable, any adjustment of special partition assistance as determined under subsection (i).

''(3) CONFIDENTIALITY.—Congress may publicize the reports received under paragraph (1) only after redacting all sensitive or proprietary information.

''(o) GAO REPORT.—Not later than 1 year after the first partition application is approved by the corporation under this section, and biennially thereafter, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate and the Committee on Education and Labor and the Committee on Ways and Means of the House of Representatives a detailed report on the actions of the corporation to implement and administer this section, including an examination of the contracts awarded by such corporation to carry out this section and an analysis of such corporation's compliance with subsections (e) and (g).

''(p) SPECIAL PARTITION RELIEF WEBSITE.—

AMERICAN OVERSIGHT

"(1) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this section, the corporation shall establish and maintain a user-friendly, public-facing internet website to foster greater accountability and transparency in the implementation and administration of this section.

"(2) PURPOSE.—The internet website established and maintained under paragraph (1) shall be a portal to key information relating to this section for multiemployer plan administrators and trustees, plan participants, beneficiaries, participating employers, other stakeholders, and the public.

"(3) CONTENT AND FUNCTION.—The internet website established under paragraph (1) shall—

"(A) describe the nature and scope of the special partition authority and assistance under this section in a manner calculated to be understood by the average plan participant;

"(B) include published guidance, regulations, and all other relevant information on the implementation and administration of this section;

"(C) include, with respect to plan applications for special partition assistance—

AMERICAN OVERSIGHT

''(i) a general description of the process by which eligible plans can apply for special partition assistance, information on how and when the corporation will process and consider plan applications;

''(ii) information on how the corporation will address any incomplete applications as specified in under this section;

''(iii) a list of the plans that have applied for special partition assistance and, for each application, the date of submission of a completed application;

''(iv) the text of each plan's completed application for special partition assistance with appropriate redactions of personal, proprietary, or sensitive information;

''(v) the estimated date that a decision will be made by the corporation on each application;

''(vi) the actual date when such decision is made;

''(vii) the corporation's decision on each application; and

AMERICAN OVERSIGHT

"(viii) as applicable, a detailed rationale for any decision not to approve a plan's application for special partition assistance;

"(D) provide detailed information on each contract solicited and awarded to implement or administer this section;

"(E) include reports, audits, and other relevant oversight and accountability information on this section, including the annual reports submitted by the board of directors of the corporation to Congress required under subsection (n), the Office of the Inspector General audits, correspondence, and publications, and the Government Accountability Office reports under subsection (o);

"(F) provide a clear means for multiemployer plan administrators, plan participants, beneficiaries, other stakeholders, and the public to contact the corporation and provide feedback on the implementation and administration of this section; and

"(G) be regularly updated to carry out the purposes of this subsection.

"(q) OFFICE OF INSPECTOR GENERAL.—There is authorized to be appropriated to the corporation's Office of

Inspector General $24,000,000 for fiscal year 2020, which shall remain available through September 30, 2028, for salaries and expenses necessary for conducting investigations and audits of the implementation and administration of this section.

''(r) APPLICATION OF EXCISE TAX.—During the period that a plan is subject to a partition order under this section and prior to a cessation of adjustments pursuant to subsection (i)(3), the plan shall not be subject to section 4971 of the Internal Revenue Code of 1986.''.

SEC. 40102. REPEAL OF BENEFIT SUSPENSIONS FOR MULTIEMPLOYER PLANS IN CRITICAL AND DECLINING STATUS.

(a) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (9) of section 432(e) of the Internal Revenue Code of 1986 is repealed.

(b) AMENDMENT TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Paragraph (9) of section 305(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(e)) is repealed.

(c) EFFECTIVE DATE.—The repeals made by this section shall not apply to plans that have been approved for a suspension of benefit under section 432(e)(9)(G) of the Internal Revenue Code of 1986 and section 305(e)(9)(G) of the Employee Retirement Income Security

AMERICAN OVERSIGHT

Act of 1974 (29 U.S.C. 1085(e)(9)(G)) before the date of the enactment of this Act.

SEC. 40103. TEMPORARY DELAY OF DESIGNATION OF MULTIEMPLOYER PLANS AS IN ENDANGERED, CRITICAL, OR CRITICAL AND DECLINING STATUS.

(a) IN GENERAL.—Notwithstanding the actuarial certification under section 305(b)(3) of the Employee Retirement Income Security Act of 1974 and section 432(b)(3) of the Internal Revenue Code of 1986, if a plan sponsor of a multiemployer plan elects the application of this section, then, for purposes of section 305 of such Act and section 432 of such Code—

(1) the status of the plan for its first plan year beginning during the period beginning on March 1, 2020, and ending on February 28, 2021, or the next succeeding plan year (as designated by the plan sponsor in such election), shall be the same as the status of such plan under such sections for the plan year preceding such designated plan year, and

(2) in the case of a plan which was in endangered or critical status for the plan year preceding the designated plan year described in paragraph (1), the plan shall not be required to update its plan or schedules under section 305(c)(6) of such Act and

AMERICAN OVERSIGHT

section 432(c)(6) of such Code, or section 305(e)(3)(B) of such Act and section 432(e)(3)(B) of such Code, whichever is applicable, until the plan year following the designated plan year described in paragraph (1).

If section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 did not apply to the plan year preceding the designated plan year described in paragraph (1), the plan actuary shall make a certification of the status of the plan under section 305(b)(3) of such Act and section 432(b)(3) of such Code for the preceding plan year in the same manner as if such sections had applied to such preceding plan year.

(b) EXCEPTION FOR PLANS BECOMING CRITICAL DURING ELECTION.—If—

(1) an election was made under subsection (a) with respect to a multiemployer plan, and

(2) such plan has, without regard to such election, been certified by the plan actuary under section 305(b)(3) of the Employee Retirement Income Security Act of 1974 and section 432(b)(3) of the Internal Revenue Code of 1986 to be in critical status for the designated plan year described in subsection (a)(1), then such plan shall be treated as a plan in

AMERICAN OVERSIGHT

critical status for such plan year for purposes of applying section 4971(g)(1)(A) of such Code, section 302(b)(3) of such Act (without regard to the second sentence thereof), and section 412(b)(3) of such Code (without regard to the second sentence thereof).

(c) ELECTION AND NOTICE.—

(1) ELECTION.—An election under subsection (a)—

(A) shall be made at such time and in such manner as the Secretary of the Treasury or the Secretary's delegate may prescribe and, once made, may be revoked only with the consent of the Secretary, and

(B) if made—

(i) before the date the annual certification is submitted to the Secretary or the Secretary's delegate under section 305(b)(3) of such Act and section 432(b)(3) of such Code, shall be included with such annual certification, and

(ii) after such date, shall be submitted to the Secretary or the Secretary's delegate not later than 30 days after the date of the election.

AMERICAN OVERSIGHT

(2) NOTICE TO PARTICIPANTS.—

(A) IN GENERAL.—Notwithstanding section 305(b)(3)(D) of the Employee Retirement Income Security Act of 1974 and section 432(b)(3)(D) of the Internal Revenue Code of 1986, if the plan is neither in endangered nor critical status by reason of an election made under subsection (a)—

(i) the plan sponsor of a multiemployer plan shall not be required to provide notice under such sections, and

(ii) the plan sponsor shall provide to the participants and beneficiaries, the bargaining parties, the Pension Benefit Guaranty Corporation, and the Secretary of Labor a notice of the election under subsection (a) and such other information as the Secretary of the Treasury (in consultation with the Secretary of Labor) may require—

(I) if the election is made before the date the annual certification is submitted to the Secretary or the Secretary's delegate under section 305(b)(3) of such Act and section

AMERICAN OVERSIGHT

432(b)(3) of such Code, not later than 30 days after the date of the certification, and

(II) if the election is made after such date, not later than 30 days after the date of the election.

(B) NOTICE OF ENDANGERED STATUS.—Notwithstanding section 305(b)(3)(D) of such Act and section 432(b)(3)(D) of such Code, if the plan is certified to be in critical status for any plan year but is in endangered status by reason of an election made under subsection (a), the notice provided under such sections shall be the notice which would have been provided if the plan had been certified to be in endangered status.

SEC. 40104. TEMPORARY EXTENSION OF THE FUNDING IMPROVEMENT AND REHABILITATION PERIODS FOR MULTIEMPLOYER PENSION PLANS IN CRITICAL AND ENDANGERED STATUS FOR 2020 OR 2021.

(a) IN GENERAL.—If the plan sponsor of a multiemployer plan which is in endangered or critical status for a plan year beginning in 2020 or 2021 (determined after application of section 4) elects the application of this sec-

AMERICAN OVERSIGHT

tion, then, for purposes of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986—

(1) except as provided in paragraph (2), the plan's funding improvement period or rehabilitation period, whichever is applicable, shall be 15 years rather than 10 years, and

(2) in the case of a plan in seriously endangered status, the plan's funding improvement period shall be 20 years rather than 15 years.

(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) ELECTION.—An election under this section shall be made at such time, and in such manner and form, as (in consultation with the Secretary of Labor) the Secretary of the Treasury or the Secretary's delegate may prescribe.

(2) DEFINITIONS.—Any term which is used in this section which is also used in section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 shall have the same meaning as when used in such sections.

(c) EFFECTIVE DATE.—This section shall apply to plan years beginning after December 31, 2019.

AMERICAN OVERSIGHT

SEC. 40105. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

(a) ADJUSTMENTS.—

(1) AMENDMENT TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 304(b)(8) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new subparagraph:

"(F) RELIEF FOR 2020 AND 2021.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met as of February 29, 2020, may elect to apply this paragraph by substituting 'February 29, 2020' for 'August 31, 2008' each place it appears in subparagraphs (A)(i), (B)(i)(I), and (B)(i)(II) (without regard to whether such plan previously elected the application of this paragraph). The preceding sentence shall not apply to a plan with respect to which a partition order is in effect under section 4233A.".

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b)(8) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(F) RELIEF FOR 2020 AND 2021.—A multiemployer plan with respect to which the sol-

AMERICAN OVERSIGHT

vency test under subparagraph (C) is met as of February 29, 2020, may elect to apply this paragraph by substituting 'February 29, 2020' for 'August 31, 2008' each place it appears in subparagraphs (A)(i), (B)(i)(I), and (B)(i)(II) (without regard to whether such plan previously elected the application of this paragraph). The preceding sentence shall not apply to a plan with respect to which a partition order is in effect under section 4233A of the Employee Retirement Income Security Act of 1974.''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year ending on or after February 29, 2020, except that any election a plan makes pursuant to this section that affects the plan's funding standard account for the first plan year beginning after February 29, 2020, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on

AMERICAN OVERSIGHT

plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as applied by the amendments made by this section, shall take effect on the date of enactment of this Act.

SEC. 40106. PBGC GUARANTEE FOR PARTICIPANTS IN MULTIEMPLOYER PLANS.

Section 4022A(c)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322a(c)(1)) is amended by striking subparagraphs (A) and (B) and inserting the following:

"(A) 100 percent of the accrual rate up to $15, plus 75 percent of the lesser of—

"(i) $70; or

"(ii) the accrual rate, if any, in excess of $15; and

"(B) the number of the participant's years of credited service.

For each calendar year after the first full calendar year following the date of the enactment of the Emergency Pension Plan Relief Act of 2020, the accrual rates in subparagraph (A) shall increase by the national average wage index (as defined in section 209(k)(1) of the Social Security Act). For purposes of this subsection, the rates applicable for deter-

AMERICAN OVERSIGHT

mining the guaranteed benefits of the participants of any plan shall be the rates in effect for the calendar year in which the plan becomes insolvent under section 4245 or the calendar year in which the plan is terminated, if earlier.''.

TITLE II—RELIEF FOR SINGLE EMPLOYER PENSION PLANS

SEC. 40201. EXTENDED AMORTIZATION FOR SINGLE EMPLOYER PLANS.

(a) 15-YEAR AMORTIZATION UNDER THE INTERNAL REVENUE CODE OF 1986.—Section 430(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(8) 15-YEAR AMORTIZATION.—With respect to plan years beginning after December 31, 2019—

''(A) the shortfall amortization bases for all plan years preceding the first plan year beginning after December 31, 2019 (and all shortfall amortization installments determined with respect to such bases) shall be reduced to zero, and

''(B) subparagraphs (A) and (B) of paragraph (2) shall each be applied by substituting '15-plan-year period' for '7-plan-year period'.''.

AMERICAN OVERSIGHT

(b) 15-YEAR AMORTIZATION UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following new paragraph:

"(8) 15-YEAR AMORTIZATION.—With respect to plan years beginning after December 31, 2019—

"(A) the shortfall amortization bases for all plan years preceding the first plan year beginning after December 31, 2019 (and all shortfall amortization installments determined with respect to such bases) shall be reduced to zero, and

"(B) subparagraphs (A) and (B) of paragraph (2) shall each be applied by substituting '15-plan-year period' for '7-plan-year period'.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2019.

SEC. 40202. EXTENSION OF PENSION FUNDING STABILIZATION PERCENTAGES FOR SINGLE EMPLOYER PLANS.

(a) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

AMERICAN OVERSIGHT

(1) IN GENERAL.—The table contained in subclause (II) of section 430(h)(2)(C)(iv) of the Internal Revenue Code of 1986 is amended to read as follows:

"If the calendar year is:	The applicable minimum percentage is:	The applicable maximum percentage is:
Any year in the period starting in 2012 and ending in 2019	90%	110%
Any year in the period starting in 2020 and ending in 2025	95%	105%
2026	90%	110%
2027	85%	115%
2028	80%	120%
2029	75%	125%
After 2029	70%	130%.".

(2) FLOOR ON 25-YEAR AVERAGES.—Subclause (I) of section 430(h)(2)(C)(iv) of such Code is amended by adding at the end the following: "Notwithstanding anything in this subclause, if the average of the first, second, or third segment rate for any 25-year period is less than 5 percent, such average shall be deemed to be 5 percent.".

(b) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—The table contained in subclause (II) of section 303(h)(2)(C)(iv) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(h)(2)(C)(iv)(II)) is amended to read as follows:

AMERICAN OVERSIGHT

"If the calendar year is:	The applicable minimum percentage is:	The applicable maximum percentage is:
Any year in the period starting in 2012 and ending in 2019	90%	110%
Any year in the period starting in 2020 and ending in 2025	95%	105%
2026	90%	110%
2027	85%	115%
2028	80%	120%
2029	75%	125%
After 2029	70%	130%.".

(2) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 101(f)(2)(D) of such Act (29 U.S.C. 1021(f)(2)(D)) is amended—

(i) in clause (i) by striking "and the Bipartisan Budget Act of 2015" both places it appears and inserting ", the Bipartisan Budget Act of 2015, and the Emergency Pension Plan Relief Act of 2020", and

(ii) in clause (ii) by striking "2023" and inserting "2029".

(B) STATEMENTS.—The Secretary of Labor shall modify the statements required under subclauses (I) and (II) of section 101(f)(2)(D)(i) of such Act to conform to the amendments made by this section.

AMERICAN OVERSIGHT

(3) FLOOR ON 25-YEAR AVERAGES.—Subclause (I) of section 303(h)(2)(C)(iv) of such Act (29 U.S.C. 1083(h)(2)(C)(iv)(II)) is amended by adding at the end the following: ''Notwithstanding anything in this subclause, if the average of the first, second, or third segment rate for any 25-year period is less than 5 percent, such average shall be deemed to be 5 percent.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning after December 31, 2019.

TITLE III—OTHER RETIREMENT RELATED PROVISIONS

SEC. 40301. WAIVER OF REQUIRED MINIMUM DISTRIBUTIONS FOR 2019.

(a) IN GENERAL.—Section 401(a)(9)(I)(i) of the Internal Revenue Code of 1986 is amended by striking ''calendar year 2020'' and inserting ''calendar years 2019 and 2020''.

(b) ELIGIBLE ROLLOVER DISTRIBUTIONS.—Section 402(c)(4) of such Code is amended by striking ''2020'' each place it appears in the last sentence and inserting ''2019 or 2020''.

(c) CONFORMING AMENDMENTS.—Section 401(a)(9)(I) of such Code is amended—

AMERICAN OVERSIGHT

(1) by striking clause (ii) and redesignating clause (iii) as clause (ii), and

(2) by striking ''calendar year 2020'' in clause (ii)(II), as so redesignated, and inserting ''calendar years 2019 and 2020''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 2203 of the Coronavirus Aid, Relief, and Economic Security Act, except that subparagraph (c)(1) thereof shall be applied by substituting ''December 31, 2018'' for ''December 31, 2019''.

SEC. 40302. WAIVER OF 60-DAY RULE IN CASE OF ROLLOVER OF OTHERWISE REQUIRED MINIMUM DISTRIBUTIONS IN 2019 OR 2020.

(a) QUALIFIED TRUSTS.—402(c)(3) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) EXCEPTION FOR ROLLOVER OF OTHERWISE REQUIRED MINIMUM DISTRIBUTIONS IN 2019 OR 2020.—In the case of an eligible rollover distribution described in the second sentence of paragraph (4), subparagraph (A) shall not apply to any transfer of such distribution made before December 1, 2020.''.

AMERICAN OVERSIGHT

(b) INDIVIDUAL RETIREMENT ACCOUNTS.—Section 408(d)(3) of such Code is amended by adding at the end the following new subparagraph:

"(J) WAIVER OF 60-DAY RULE AND ONCE PER-YEAR LIMITATION FOR CERTAIN 2019 AND 2020 ROLLOVERS.—In the case of a distribution during 2019 or 2020 to which, under subparagraph (E), this paragraph would not have applied had the minimum distribution requirements of section 401(a)(9) applied during such years, the 60-day requirement under subparagraph (A) and the limitation under subparagraph (B) shall not apply to such distribution to the extent the amount is paid into an individual retirement account, individual retirement annuity (other than an endowment contract), or eligible retirement plan (as defined in subparagraph (A)) as otherwise required under such subparagraph before December 1, 2020.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2018.

AMERICAN OVERSIGHT

SEC. 40303. EMPLOYEE CERTIFICATION AS TO ELIGIBILITY FOR INCREASED CARES ACT LOAN LIMITS FROM EMPLOYER PLAN.

(a) IN GENERAL.—Section 2202(b) of the Coronavirus Aid, Relief, and Economic Security Act is amended by adding at the end the following new paragraph:

"(4) EMPLOYEE CERTIFICATION.—The administrator of a qualified employer plan may rely on an employee's certification that the requirements of subsection (a)(4)(A)(ii) are satisfied in determining whether the employee is a qualified individual for purposes of this subsection.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of section 2202(b) of the Coronavirus Aid, Relief, and Economic Security Act.

SEC. 40304. EXCLUSION OF BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL RESPONDERS MADE PERMANENT.

(a) IN GENERAL.—Section 139B of the Internal Revenue Code of 1986 is amended by striking subsection (d).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2020.

AMERICAN OVERSIGHT

SEC. 40305. APPLICATION OF SPECIAL RULES TO MONEY PURCHASE PENSION PLANS.

Section 2202(a)(6)(B) of the Coronavirus Aid, Relief, and Economic Security Act is amended by inserting '', and, in the case of a money purchase pension plan, a coronavirus-related distribution which is an in-service withdrawal shall be treated as meeting the distribution rules of section 401(a) of such Code'' before the period.

SEC. 40306. GRANTS TO ASSIST LOW-INCOME WOMEN AND SURVIVORS OF DOMESTIC VIOLENCE IN OBTAINING QUALIFIED DOMESTIC RELATIONS ORDERS.

(a) AUTHORIZATION OF GRANT AWARDS.—The Secretary of Labor, acting through the Director of the Women's Bureau and in conjunction with the Assistant Secretary of the Employee Benefits Security Administration, shall award grants, on a competitive basis, to eligible entities to enable such entities to assist low-income women and survivors of domestic violence in obtaining qualified domestic relations orders and ensuring that those women actually obtain the benefits to which they are entitled through those orders.

(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means a community-based organization with proven experience and expertise in serv-

AMERICAN OVERSIGHT

ing women and the financial and retirement needs of women.

(c) APPLICATION.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary of Labor at such time, in such manner, and accompanied by such information as the Secretary of Labor may require.

(d) MINIMUM GRANT AMOUNT.—The Secretary of Labor shall award grants under this section in amounts of not less than $250,000.

(e) USE OF FUNDS.—An eligible entity that receives a grant under this section shall use the grant funds to develop programs to offer help to low-income women or survivors of domestic violence who need assistance in preparing, obtaining, and effectuating a qualified domestic relations order.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2020 and each succeeding fiscal year.

SEC. 40307. MODIFICATION OF SPECIAL RULES FOR MINIMUM FUNDING STANDARDS FOR COMMUNITY NEWSPAPER PLANS.

(a) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Subsection (m) of section 430 of the Internal Rev-

AMERICAN OVERSIGHT

enue Code of 1986, as added by the Setting Every Community Up for Retirement Enhancement Act of 2019, is amended to read as follows:

"(m) SPECIAL RULES FOR COMMUNITY NEWSPAPER PLANS.—

"(1) IN GENERAL.—An eligible newspaper plan sponsor of a plan under which no participant has had the participant's accrued benefit increased (whether because of service or compensation) after April 2, 2019, may elect to have the alternative standards described in paragraph (4) apply to such plan.

"(2) ELIGIBLE NEWSPAPER PLAN SPONSOR.—The term 'eligible newspaper plan sponsor' means the plan sponsor of—

"(A) any community newspaper plan, or

"(B) any other plan sponsored, as of April 2, 2019, by a member of the same controlled group of a plan sponsor of a community newspaper plan if such member is in the trade or business of publishing 1 or more newspapers.

"(3) ELECTION.—An election under paragraph (1) shall be made at such time and in such manner as prescribed by the Secretary. Such election, once made with respect to a plan year, shall apply to all

AMERICAN OVERSIGHT

subsequent plan years unless revoked with the consent of the Secretary.

"(4) ALTERNATIVE MINIMUM FUNDING STANDARDS.—The alternative standards described in this paragraph are the following:

"(A) INTEREST RATES.—

"(i) IN GENERAL.—Notwithstanding subsection (h)(2)(C) and except as provided in clause (ii), the first, second, and third segment rates in effect for any month for purposes of this section shall be 8 percent.

"(ii) NEW BENEFIT ACCRUALS.—Notwithstanding subsection (h)(2), for purposes of determining the funding target and normal cost of a plan for any plan year, the present value of any benefits accrued or earned under the plan for a plan year with respect to which an election under paragraph (1) is in effect shall be determined on the basis of the United States Treasury obligation yield curve for the day that is the valuation date of such plan for such plan year.

AMERICAN OVERSIGHT

"(iii) UNITED STATES TREASURY OBLIGATION YIELD CURVE.—For purposes of this subsection, the term 'United States Treasury obligation yield curve' means, with respect to any day, a yield curve which shall be prescribed by the Secretary for such day on interest-bearing obligations of the United States.

"(B) SHORTFALL AMORTIZATION BASE.—

"(i) PREVIOUS SHORTFALL AMORTIZATION BASES.—The shortfall amortization bases determined under subsection (c)(3) for all plan years preceding the first plan year to which the election under paragraph (1) applies (and all shortfall amortization installments determined with respect to such bases) shall be reduced to zero under rules similar to the rules of subsection (c)(6).

"(ii) NEW SHORTFALL AMORTIZATION BASE.—Notwithstanding subsection (c)(3), the shortfall amortization base for the first plan year to which the election under paragraph (1) applies shall be the funding shortfall of such plan for such plan year

AMERICAN OVERSIGHT

(determined using the interest rates as modified under subparagraph (A)).

''(C) DETERMINATION OF SHORTFALL AMORTIZATION INSTALLMENTS.—

''(i) 30-YEAR PERIOD.—Subparagraphs (A) and (B) of subsection (c)(2) shall be applied by substituting '30-plan-year' for '7-plan-year' each place it appears.

''(ii) NO SPECIAL ELECTION.—The election under subparagraph (D) of subsection (c)(2) shall not apply to any plan year to which the election under paragraph (1) applies.

''(D) EXEMPTION FROM AT-RISK TREATMENT.—Subsection (i) shall not apply.

''(5) COMMUNITY NEWSPAPER PLAN.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'community newspaper plan' means any plan to which this section applies maintained as of December 31, 2018, by an employer which—

''(i) maintains the plan on behalf of participants and beneficiaries with respect to employment in the trade or business of

AMERICAN OVERSIGHT

publishing 1 or more newspapers which were published by the employer at any time during the 11-year period ending on the date of the enactment of this subsection,

''(ii)(I) is not a company the stock of which is publicly traded (on a stock exchange or in an over-the-counter market), and is not controlled, directly or indirectly, by such a company, or

''(II) is controlled, directly or indirectly, during the entire 30-year period ending on the date of the enactment of this subsection by individuals who are members of the same family, and does not publish or distribute a daily newspaper that is carrier-distributed in printed form in more than 5 States, and

''(iii) is controlled, directly or indirectly—

''(I) by 1 or more persons residing primarily in a State in which the community newspaper has been published on newsprint or carrier-distributed,

AMERICAN OVERSIGHT

"(II) during the entire 30-year period ending on the date of the enactment of this subsection by individuals who are members of the same family,

"(III) by 1 or more trusts, the sole trustees of which are persons described in subclause (I) or (II), or

"(IV) by a combination of persons described in subclause (I), (II), or (III).

"(B) NEWSPAPER.—The term 'newspaper' does not include any newspaper (determined without regard to this subparagraph) to which any of the following apply:

"(i) Is not in general circulation.

"(ii) Is published (on newsprint or electronically) less frequently than 3 times per week.

"(iii) Has not ever been regularly published on newsprint.

"(iv) Does not have a bona fide list of paid subscribers.

"(C) CONTROL.—A person shall be treated as controlled by another person if such other

AMERICAN OVERSIGHT

person possesses, directly or indirectly, the power to direct or cause the direction and management of such person (including the power to elect a majority of the members of the board of directors of such person) through the ownership of voting securities.

''(6) CONTROLLED GROUP.—For purposes of this subsection, the term 'controlled group' means all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 as of the date of the enactment of this subsection.''.

(b) AMENDMENT TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Subsection (m) of section 303 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(m)), as added by the Setting Every Community Up for Retirement Enhancement Act of 2019, is amended to read as follows:

''(m) SPECIAL RULES FOR COMMUNITY NEWSPAPER PLANS.—

''(1) IN GENERAL.—An eligible newspaper plan sponsor of a plan under which no participant has had the participant's accrued benefit increased (whether because of service or compensation) after April 2, 2019, may elect to have the alternative

AMERICAN OVERSIGHT

standards described in paragraph (4) apply to such plan.

''(2) ELIGIBLE NEWSPAPER PLAN SPONSOR.—The term 'eligible newspaper plan sponsor' means the plan sponsor of—

''(A) any community newspaper plan, or

''(B) any other plan sponsored, as of April 2, 2019, by a member of the same controlled group of a plan sponsor of a community newspaper plan if such member is in the trade or business of publishing 1 or more newspapers.

''(3) ELECTION.—An election under paragraph (1) shall be made at such time and in such manner as prescribed by the Secretary of the Treasury. Such election, once made with respect to a plan year, shall apply to all subsequent plan years unless revoked with the consent of the Secretary of the Treasury.

''(4) ALTERNATIVE MINIMUM FUNDING STANDARDS.—The alternative standards described in this paragraph are the following:

''(A) INTEREST RATES.—

''(i) IN GENERAL.—Notwithstanding subsection (h)(2)(C) and except as provided in clause (ii), the first, second, and third segment rates in effect for any

AMERICAN OVERSIGHT

month for purposes of this section shall be 8 percent.

"(ii) NEW BENEFIT ACCRUALS.—Notwithstanding subsection (h)(2), for purposes of determining the funding target and normal cost of a plan for any plan year, the present value of any benefits accrued or earned under the plan for a plan year with respect to which an election under paragraph (1) is in effect shall be determined on the basis of the United States Treasury obligation yield curve for the day that is the valuation date of such plan for such plan year.

"(iii) UNITED STATES TREASURY OBLIGATION YIELD CURVE.—For purposes of this subsection, the term 'United States Treasury obligation yield curve' means, with respect to any day, a yield curve which shall be prescribed by the Secretary of the Treasury for such day on interest-bearing obligations of the United States.

"(B) SHORTFALL AMORTIZATION BASE.—

"(i) PREVIOUS SHORTFALL AMORTIZATION BASES.—The shortfall amortization

AMERICAN OVERSIGHT

bases determined under subsection (c)(3) for all plan years preceding the first plan year to which the election under paragraph (1) applies (and all shortfall amortization installments determined with respect to such bases) shall be reduced to zero under rules similar to the rules of subsection (c)(6).

''(ii) NEW SHORTFALL AMORTIZATION BASE.—Notwithstanding subsection (c)(3), the shortfall amortization base for the first plan year to which the election under paragraph (1) applies shall be the funding shortfall of such plan for such plan year (determined using the interest rates as modified under subparagraph (A)).

''(C) DETERMINATION OF SHORTFALL AMORTIZATION INSTALLMENTS.—

''(i) 30-YEAR PERIOD.—Subparagraphs (A) and (B) of subsection (c)(2) shall be applied by substituting '30-plan-year' for '7-plan-year' each place it appears.

''(ii) NO SPECIAL ELECTION.—The election under subparagraph (D) of sub-

AMERICAN OVERSIGHT

section (c)(2) shall not apply to any plan year to which the election under paragraph (1) applies.

"(D) EXEMPTION FROM AT-RISK TREATMENT.—Subsection (i) shall not apply.

"(5) COMMUNITY NEWSPAPER PLAN.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'community newspaper plan' means a plan to which this section applies maintained as of December 31, 2018, by an employer which—

"(i) maintains the plan on behalf of participants and beneficiaries with respect to employment in the trade or business of publishing 1 or more newspapers which were published by the employer at any time during the 11-year period ending on the date of the enactment of this subsection,

"(ii)(I) is not a company the stock of which is publicly traded (on a stock exchange or in an over-the-counter market), and is not controlled, directly or indirectly, by such a company, or

AMERICAN OVERSIGHT

''(II) is controlled, directly, or indirectly, during the entire 30-year period ending on the date of the enactment of this subsection by individuals who are members of the same family, and does not publish or distribute a daily newspaper that is carrier-distributed in printed form in more than 5 States, and

''(iii) is controlled, directly, or indirectly—

''(I) by 1 or more persons residing primarily in a State in which the community newspaper has been published on newsprint or carrier-distributed,

''(II) during the entire 30-year period ending on the date of the enactment of this subsection by individuals who are members of the same family,

''(III) by 1 or more trusts, the sole trustees of which are persons described in subclause (I) or (II), or

AMERICAN OVERSIGHT

"(IV) by a combination of persons described in subclause (I), (II), or (III).

"(B) NEWSPAPER.—The term 'newspaper' does not include any newspaper (determined without regard to this subparagraph) to which any of the following apply:

"(i) Is not in general circulation.

"(ii) Is published (on newsprint or electronically) less frequently than 3 times per week.

"(iii) Has not ever been regularly published on newsprint.

"(iv) Does not have a bona fide list of paid subscribers.

"(C) CONTROL.—A person shall be treated as controlled by another person if such other person possesses, directly or indirectly, the power to direct or cause the direction and management of such person (including the power to elect a majority of the members of the board of directors of such person) through the ownership of voting securities.

"(6) CONTROLLED GROUP.—For purposes of this subsection, the term 'controlled group' means all

AMERICAN OVERSIGHT

persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 as of the date of the enactment of this subsection.

''(7) EFFECT ON PREMIUM RATE CALCULATION.—Notwithstanding any other provision of law or any regulation issued by the Pension Benefit Guaranty Corporation, in the case of a plan for which an election is made to apply the alternative standards described in paragraph (3), the additional premium under section 4006(a)(3)(E) shall be determined as if such election had not been made.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years ending after December 31, 2017.

SEC. 40308. MINIMUM RATE OF INTEREST FOR CERTAIN DETERMINATIONS RELATED TO LIFE INSURANCE CONTRACTS.

(a) MODIFICATION OF MINIMUM RATE FOR PURPOSES OF CASH VALUE ACCUMULATION TEST.—

(1) IN GENERAL.—Section 7702(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking ''an annual effective rate of 4 percent'' and inserting ''the applicable accumulation test minimum rate''.

AMERICAN OVERSIGHT

(2) APPLICABLE ACCUMULATION TEST MINIMUM RATE.—Section 7702(b) of such Code is amended by adding at the end the following new paragraph:

''(3) APPLICABLE ACCUMULATION TEST MINIMUM RATE.—For purposes of paragraph (2)(A), the term 'applicable accumulation test minimum rate' means the lesser of—

''(A) an annual effective rate of 4 percent, or

''(B) the insurance interest rate (as defined in subsection (f)(11)) in effect at the time the contract is issued.''.

(b) MODIFICATION OF MINIMUM RATE FOR PURPOSES OF GUIDELINE PREMIUM REQUIREMENTS.—

(1) IN GENERAL.—Section 7702(c)(3)(B)(iii) of such Code is amended by striking ''an annual effective rate of 6 percent'' and inserting ''the applicable guideline premium minimum rate''.

(2) APPLICABLE GUIDELINE PREMIUM MINIMUM RATE.—Section 7702(c)(3) of such Code is amended by adding at the end the following new subparagraph:

''(E) APPLICABLE GUIDELINE PREMIUM MINIMUM RATE.—For purposes of subpara-

AMERICAN OVERSIGHT

graph (B)(iii), the term 'applicable guideline premium minimum rate' means the applicable accumulation test minimum rate (as defined in subsection (b)(3)) plus 2 percentage points.''.

(c) APPLICATION OF MODIFIED MINIMUM RATES TO DETERMINATION OF GUIDELINE LEVEL PREMIUM.—Section 7702(c)(4) of such Code is amended—

(1) by striking ''4 percent'' and inserting ''the applicable accumulation test minimum rate'', and

(2) by striking ''6 percent'' and inserting ''the applicable guideline premium minimum rate''.

(d) INSURANCE INTEREST RATE.—Section 7702(f) of such Code is amended by adding at the end the following new paragraph:

''(11) INSURANCE INTEREST RATE.—For purposes of this section—

''(A) IN GENERAL.—The term 'insurance interest rate' means, with respect to any contract issued in any calendar year, the lesser of—

''(i) the section 7702 valuation interest rate for such calendar year (or, if such calendar year is not an adjustment year, the most recent adjustment year), or

AMERICAN OVERSIGHT

"(ii) the section 7702 applicable Federal interest rate for such calendar year (or, if such calendar year is not an adjustment year, the most recent adjustment year).

"(B) SECTION 7702 VALUATION INTEREST RATE.—The term 'section 7702 valuation interest rate' means, with respect to any adjustment year, the prescribed U.S. valuation interest rate for life insurance with guaranteed durations of more than 20 years (as defined in the National Association of Insurance Commissioners' Standard Valuation Law) as effective in the calendar year immediately preceding such adjustment year.

"(C) SECTION 7702 APPLICABLE FEDERAL INTEREST RATE.—The term 'section 7702 applicable Federal interest rate' means, with respect to any adjustment year, the average (rounded to the nearest whole percentage point) of the applicable Federal mid-term rates (as defined in section 1274(d) but based on annual compounding) effective as of the beginning of each of the calendar months in the most recent

AMERICAN OVERSIGHT

60-month period ending before the second calendar year prior to such adjustment year.

"(D) ADJUSTMENT YEAR.—The term 'adjustment year' means the calendar year following any calendar year that includes the effective date of a change in the prescribed U.S. valuation interest rate for life insurance with guaranteed durations of more than 20 years (as defined in the National Association of Insurance Commissioners' Standard Valuation Law).

"(E) TRANSITION RULE.—Notwithstanding subparagraph (A), the insurance interest rate shall be 2 percent in the case of any contract which is issued during the period that—

"(i) begins on January 1, 2021, and

"(i) ends immediately before the beginning of the first adjustment year that beings after December 31, 2021.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts issued after December 31, 2020.

AMERICAN OVERSIGHT

DIVISION E—CONTINUED ASSISTANCE TO UNEMPLOYED WORKERS

SEC. 50001. EXTENSION OF FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 2104(e) of the CARES Act (Public Law 116–136) is amended to read as follows:

''(e) APPLICABILITY.—

''(1) IN GENERAL.—An agreement entered into under this section shall apply to weeks of unemployment—

''(A) beginning after the date on which such agreement is entered into; and

''(B) ending on or before January 31, 2021.

''(2) TRANSITION RULE FOR INDIVIDUALS REMAINING ENTITLED TO REGULAR COMPENSATION AS OF JANUARY 31, 2021.—In the case of any individual who, as of the date specified in paragraph (1)(B), has not yet exhausted all rights to regular compensation under the State law of a State with respect to a benefit year that began before such date, Federal Pandemic Unemployment Compensation shall continue to be payable to such individual for any week beginning on or after such date for which

AMERICAN OVERSIGHT

the individual is otherwise eligible for regular compensation with respect to such benefit year.

''(3) TERMINATION.—Notwithstanding any other provision of this subsection, no Federal Pandemic Unemployment Compensation shall be payable for any week beginning after March 31, 2021.''.

(b) LIMITATION ON APPLICATION OF TRANSITION RULE.—Section 2104(g) of such Act is amended by inserting ''(except for subsection (e)(2))'' after ''the preceding provisions of this section''.

(c) DISREGARD OF FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION FOR CERTAIN PURPOSES.—Section 2104(h) of such Act is amended to read as follows:

''(h) DISREGARD OF FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION FOR PURPOSES OF ALL FEDERAL AND FEDERALLY ASSISTED PROGRAMS.—A Federal Pandemic Unemployment Compensation payment shall not be regarded as income and shall not be regarded as a resource for the month of receipt and the following 9 months, for purposes of determining the eligibility of the recipient (or the recipient's spouse or family) for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.''.

AMERICAN OVERSIGHT

SEC. 50002. EXTENSION AND BENEFIT PHASEOUT RULE FOR PANDEMIC UNEMPLOYMENT ASSISTANCE.

Section 2102(c) of the CARES Act (Public Law 116–136) is amended—

(1) in paragraph (1)—

(A) by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(B) in subparagraph (A)(ii), by striking ''December 31, 2020'' and inserting ''January 31, 2021''; and

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following:

''(3) TRANSITION RULE FOR INDIVIDUALS REMAINING ENTITLED TO PANDEMIC UNEMPLOYMENT ASSISTANCE AS OF JANUARY 31, 2021.—

''(A) IN GENERAL.—In the case of any individual who, as of the date specified in paragraph (1)(A)(ii), is receiving Pandemic Unemployment Assistance but has not yet exhausted all rights to such assistance under this section, Pandemic Unemployment Assistance shall continue to be payable to such individual for any week beginning on or after such date for which

AMERICAN OVERSIGHT

the individual is otherwise eligible for Pandemic Unemployment Assistance.

"(B) TERMINATION.—Notwithstanding any other provision of this subsection, no Pandemic Unemployment Assistance shall be payable for any week beginning after March 31, 2021.".

SEC. 50003. EXTENSION AND BENEFIT PHASEOUT RULE FOR PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.

Section 2107(g) of the CARES Act (Public Law 116–136) is amended to read as follows:

"(g) APPLICABILITY.—

"(1) IN GENERAL.—An agreement entered into under this section shall apply to weeks of unemployment—

"(A) beginning after the date on which such agreement is entered into; and

"(B) ending on or before January 31, 2021.

"(2) TRANSITION RULE FOR INDIVIDUALS REMAINING ENTITLED TO PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION AS OF JANUARY 31, 2021.—In the case of any individual who, as of the date specified in paragraph (1)(A)(ii), is receiving

AMERICAN OVERSIGHT

Pandemic Emergency Unemployment Compensation but has not yet exhausted all rights to such assistance under this section, Pandemic Emergency Unemployment Compensation shall continue to be payable to such individual for any week beginning on or after such date for which the individual is otherwise eligible for Pandemic Emergency Unemployment Compensation.

''(3) TERMINATION.—Notwithstanding any other provision of this subsection, no Pandemic Emergency Unemployment Compensation shall be payable for any week beginning after March 31, 2021.''.

SEC. 50004. EXTENSION OF FULL FEDERAL FUNDING OF THE FIRST WEEK OF COMPENSABLE REGULAR UNEMPLOYMENT FOR STATES WITH NO WAITING WEEK.

Section 2105(e)(2) of the CARES Act (Public Law 116–136) is amended by striking ''December 31, 2020'' and inserting ''January 31, 2021''.

AMERICAN OVERSIGHT

SEC. 50005. EXTENSION OF EMERGENCY RELIEF AND TECHNICAL CORRECTIONS FOR GOVERNMENTAL ENTITIES AND NONPROFIT ORGANIZATIONS.

Section 903(i)(1) of the Social Security Act, as added by section 2103 of the CARES Act (Public Law 116–136), is amended—

(1) in subparagraph (A), by striking ''during the applicable period'' and inserting ''with respect to the applicable period'';

(2) in subparagraph (B), by striking ''section 3309(a)(1)'' and inserting ''section 3309(a)'';

(3) in subparagraph (C), by striking ''shall be used exclusively'' and all that follows through the end and inserting ''shall be used exclusively to reduce the amounts required to be paid in lieu of contributions into the State unemployment fund pursuant to such section by governmental entities and other organizations described in section 3309(a) of such Code''; and

(4) in subparagraph (D), by striking ''December 31, 2020'' and inserting ''January 31, 2021''.

SEC. 50006. REDUCTION OF STATE ADMINISTRATIVE BURDEN IN DETERMINATION OF AMOUNT OF PANDEMIC UNEMPLOYMENT ASSISTANCE.

Section 2102(d) of the CARES Act (Public Law 116–136) is amended by adding at the end the following:

AMERICAN OVERSIGHT

''(4) STATE FLEXIBILITY IN ESTABLISHING INCOME.—In determining the income of an individual for purposes of an application for assistance authorized under subsection (b), a State may rely on such wage and self-employment data as the State may elect, including any applicable data with respect to an individual's electronically mediated employment.''.

SEC. 50007. EXTENSION OF TEMPORARY ASSISTANCE FOR STATES WITH ADVANCES.

Section 1202(b)(10)(A) of the Social Security Act (42 U.S.C. 1322(b)(10)(A)) is amended by striking ''December 31, 2020'' and inserting ''June 30, 2021''.

SEC. 50008. EXTENSION OF FULL FEDERAL FUNDING OF EXTENDED UNEMPLOYMENT COMPENSATION.

Section 4105 of the Families First Coronavirus Response Act (Public Law 116–127) is amended by striking ''December 31, 2020'' each place it appears and inserting ''June 30, 2021''.

SEC. 50009. EXTENSION OF TEMPORARY FINANCING OF SHORT-TIME COMPENSATION PAYMENTS IN STATES WITH PROGRAMS IN LAW.

Section 2108(b)(2) of the CARES Act (Public Law 116–136) is amended by striking ''December 31, 2020'' and inserting ''January 31, 2021''.

AMERICAN OVERSIGHT

SEC. 50010. EXTENSION OF TEMPORARY FINANCING OF SHORT-TIME COMPENSATION AGREEMENTS.

Section 2109(d)(2) of the CARES Act (Public Law 116–136) is amended by striking ''December 31, 2020'' and inserting ''January 31, 2021''.

SEC. 50011. GRACE PERIOD FOR FULL FINANCING OF SHORT-TIME COMPENSATION PROGRAMS.

Section 2108(c) of the CARES Act (Public Law 116–136) is amended by striking ''shall be eligible'' and all that follows through the end and inserting the following: ''

''shall be eligible—

''(1) for payments under subsection (a) for weeks of unemployment beginning after the effective date of such enactment; and

''(2) for an additional payment equal to the total amount of payments for which the State is eligible pursuant to an agreement under section 2109 for weeks of unemployment before such effective date.''.

AMERICAN OVERSIGHT

DIVISION F—ASSISTANCE TO AGRICULTURAL PRODUCERS AND OTHER MATTERS RELATING TO AGRICULTURE

SEC. 60001. DEFINITIONS.

In this division:

(1) The term ''COVID–19'' means the disease caused by SARS–CoV–2, or any viral strain mutating therefrom with pandemic potential.

(2) The term ''Secretary'' means the Secretary of Agriculture.

TITLE I—LIVESTOCK

SEC. 60101. ESTABLISHMENT OF TRUST FOR BENEFIT OF UNPAID CASH SELLERS OF LIVESTOCK.

The Packers and Stockyards Act, 1921, is amended by inserting after section 317 (7 U.S.C. 217a) the following new section:

''SEC. 318. STATUTORY TRUST ESTABLISHED; DEALER.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—All livestock purchased by a dealer in cash sales and all inventories of, or receivables or proceeds from, such livestock shall be held by such dealer in trust for the benefit of all unpaid cash sellers of such livestock until full payment has been received by such unpaid cash sellers.

AMERICAN OVERSIGHT

''(2) EXEMPTION.—Any dealer whose average annual purchases of livestock do not exceed $100,000 shall be exempt from the provisions of this section.

''(3) EFFECT OF DISHONORED INSTRUMENTS.—For purposes of determining full payment under paragraph (1), a payment to an unpaid cash seller shall not be considered to have been made if the unpaid cash seller receives a payment instrument that is dishonored.

''(b) PRESERVATION OF TRUST.—An unpaid cash seller shall lose the benefit of a trust under subsection (a) if the unpaid cash seller has not preserved the trust by giving written notice to the dealer involved and filing such notice with the Secretary—

''(1) within 30 days of the final date for making a payment under section 409 in the event that a payment instrument has not been received; or

''(2) within 15 business days after the date on which the seller receives notice that the payment instrument promptly presented for payment has been dishonored.

''(c) NOTICE TO LIEN HOLDERS.—When a dealer receives notice under subsection (b) of the unpaid cash seller's intent to preserve the benefits of the trust, the dealer

AMERICAN OVERSIGHT

shall, within 15 business days, give notice to all persons who have recorded a security interest in, or lien on, the livestock held in such trust.

''(d) CASH SALES DEFINED.—For the purpose of this section, a cash sale means a sale in which the seller does not expressly extend credit to the buyer.

''(e) PURCHASE OF LIVESTOCK SUBJECT TO TRUST.—

''(1) IN GENERAL.—A person purchasing livestock subject to a dealer trust shall receive good title to the livestock if the person receives the livestock—

''(A) in exchange for payment of new value; and

''(B) in good faith without notice that the transfer is a breach of trust.

''(2) DISHONORED PAYMENT INSTRUMENT.—Payment shall not be considered to have been made if a payment instrument given in exchange for the livestock is dishonored.

''(3) TRANSFER IN SATISFACTION OF ANTECEDENT DEBT.—A transfer of livestock subject to a dealer trust is not for value if the transfer is in satisfaction of an antecedent debt or to a secured party pursuant to a security agreement.

AMERICAN OVERSIGHT

''(f) ENFORCEMENT.—Whenever the Secretary has reason to believe that a dealer subject to this section has failed to perform the duties required by this section or whenever the Secretary has reason to believe that it will be in the best interest of unpaid cash sellers, the Secretary shall do one or more of the following—

''(1) appoint an independent trustee to carry out the duties required by this section, preserve trust assets, and enforce the trust;

''(2) serve as independent trustee, preserve trust assets, and enforce the trust; or

''(3) file suit in the United States district court for the district in which the dealer resides to enjoin the dealer's failure to perform the duties required by this section, preserve trust assets, and to enforce the trust. Attorneys employed by the Secretary may, with the approval of the Attorney General, represent the Secretary in any such suit. Nothing herein shall preclude unpaid sellers from filing suit to preserve or enforce the trust.''.

SEC. 60102. EMERGENCY ASSISTANCE FOR MARKET-READY LIVESTOCK AND POULTRY LOSSES.

(a) IN GENERAL.—The Secretary shall make payments to covered producers to offset losses related to the intentional depopulation of market-ready livestock and

AMERICAN OVERSIGHT

poultry due to insufficient regional processing access related to the COVID–19 public health emergency, as determined by the Secretary.

(b) PAYMENT RATE FOR COVERED PRODUCERS.—

(1) PAYMENTS FOR FIRST 30-DAY PERIOD.—For a period of 30 days beginning, with respect to a covered producer, on the initial date of depopulation described in subsection (a) of the market-ready livestock or poultry of the covered producer, the Secretary shall reimburse such covered producer for 85 percent of the value of losses as determined under subsection (c).

(2) SUBSEQUENT 30-DAY PERIODS.—For each 30-day period subsequent to the 30-day period described in paragraph (1), the Secretary shall reduce the value of the losses as determined under subsection (c) with respect to a covered producer by 10 percent.

(c) VALUATION.—In calculating the amount of losses for purposes of the payment rates under subsection (b), the Secretary shall use the average fair market value, as determined by the Secretary in collaboration with the Chief Economist of the Department of Agriculture and the Administrator of the Agricultural Marketing Service, for market-ready livestock, where applicable, and market-

AMERICAN OVERSIGHT

ready poultry, where applicable, during the period beginning March 1, 2020, and ending on the date of the enactment of this section. In no case shall a payment made under subsection (b) exceed the average market value of market-ready livestock or poultry on the date of depopulation.

(d) PACKER-OWNED ANIMALS EXCLUDED.—The Secretary may not make payments under this section for the losses of packer-owned animals.

(e) DEFINITIONS.—In this section:

(1) COVERED PRODUCER.—The term ''covered producer'' means a person or legal entity that assumes the production and market risks associated with the agricultural production of livestock and poultry (as such terms are defined in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 183(a)).

(2) PACKER.—The term ''packer'' has the meaning given the term in section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(f) FUNDING.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this section.

AMERICAN OVERSIGHT

SEC. 60103. ANIMAL DISEASE PREVENTION AND MANAGEMENT RESPONSE.

Out of any amounts in the Treasury not otherwise appropriated, there is appropriated to carry out section 10409A of the Animal Health Protection Act (7 U.S.C. 8308A) $300,000,000, to remain available until expended.

TITLE II—DAIRY

SEC. 60201. DAIRY DIRECT DONATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE DAIRY ORGANIZATION.—The term ''eligible dairy organization'' is defined in section 1431(a) of the Agricultural Act of 2014 (7 U.S.C. 9071(a)).

(2) ELIGIBLE DISTRIBUTOR.—The term ''eligible distributor'' means a public or private nonprofit organization that distributes donated eligible dairy products to recipient individuals and families.

(3) ELIGIBLE DAIRY PRODUCTS.—The term ''eligible dairy products'' means products primarily made from milk produced and processed within a Federal Milk Marketing Order.

(4) ELIGIBLE PARTNERSHIP.—The term ''eligible partnership'' means a partnership between an eligible dairy organization and an eligible distributor.

(b) ESTABLISHMENT AND PURPOSES.—Not later than 45 days after the enactment of this Act, the Sec-

AMERICAN OVERSIGHT

retary shall establish and administer a direct dairy donation program for the purposes of—

(1) facilitating the timely donation of eligible dairy products and

(2) preventing and minimizing food waste.

(c) DONATION AND DISTRIBUTION PLANS.—

(1) IN GENERAL.—To be eligible to receive reimbursement under this section, an eligible partnership shall submit to the Secretary a donation and distribution plan that describes the process that the eligible partnership will use for the donation, processing, transportation, temporary storage, and distribution of eligible dairy products.

(2) REVIEW AND APPROVAL.—No later than 15 business days after receiving a plan described in paragraph (1), the Secretary shall—

(A) review such plan; and

(B) issue an approval or disapproval of such plan.

(d) REIMBURSEMENT.—

(1) IN GENERAL.—On receipt of appropriate documentation under paragraph (2), the Secretary shall reimburse an eligible dairy organization at a rate equal to the current Class I milk price multi-

AMERICAN OVERSIGHT

plied by the volume of milk required to make the donated product.

(2) SPECIAL CASE.—In the case of donated Class I products, the Secretary shall reimburse an eligible dairy organization at a rate equal to the current Class I milk price plus 5 percent multiplied by the volume of milk required to make the donated Class I product.

(3) DOCUMENTATION.—

(A) IN GENERAL.—An eligible dairy organization shall submit to the Secretary such documentation as the Secretary may require to demonstrate the eligible dairy product production and donation to the eligible distributor.

(B) VERIFICATION.—The Secretary may verify the accuracy of documentation submitted.

(3) RETROACTIVE REIMBURSEMENT.—In providing reimbursements under paragraph (1), the Secretary may provide reimbursements for milk costs incurred before the date on which the donation and distribution plan for the applicable participating partnership was approved by the Secretary.

(e) PROHIBITION ON RESALE OF PRODUCTS.—

(1) IN GENERAL.—An eligible distributor that receives eligible dairy products donated under this

AMERICAN OVERSIGHT

section may not sell the products into commercial markets.

(2) PROHIBITION ON FUTURE PARTICIPATION.—An eligible distributor that the Secretary determines has violated paragraph (1) shall not be eligible for any future participation in the program established under this section.

(f) REVIEWS.—The Secretary shall conduct appropriate reviews or audits to ensure the integrity of the program established under this section.

(g) PUBLICATION OF DONATION ACTIVITY.—The Secretary, acting through the Agricultural Marketing Service, shall publish on the publicly accessible website of such agency periodic reports containing donation activity under this section.

(h) SUPPLEMENTAL REIMBURSEMENTS.—

(1) IN GENERAL.—The Secretary may make a supplemental reimbursement to an eligible dairy organization for an approved donation and distribution plan in accordance with the milk donation program established under section 1431 of the Agricultural Act of 2014 (7 U.S.C. 9071).

(2) REIMBURSEMENT CALCULATION.—A supplemental reimbursement described in paragraph (1) shall be equal to the value of—

AMERICAN OVERSIGHT

(A) the sum of—

(i) the Class IV milk price for the applicable month, plus

(ii) 5 percent of the Class I price for the applicable month, multiplied by

(B) the volume of eligible milk under such approved donation plan.

(i) FUNDING.—Out of the amounts of the Treasury not otherwise appropriated, the Secretary shall use to carry out this section $500,000,000 to remain available until expended.

SEC. 60202. SUPPLEMENTAL DAIRY MARGIN COVERAGE PAYMENTS.

(a) IN GENERAL.—The Secretary shall provide supplemental dairy margin coverage payments to eligible dairy operations described in subsection (b)(1) whenever the average actual dairy production margin (as defined in section 1401 of the Agricultural Act of 2014 (7 U.S.C. 9051)) for a month is less than the coverage level threshold selected by such eligible dairy operation under such section 1406.

(b) ELIGIBLE DAIRY OPERATION DESCRIBED.—

(1) IN GENERAL.—An eligible dairy operation described in this subsection is a dairy operation that—

AMERICAN OVERSIGHT

(A) is located in the United States; and

(B) during a calendar year in which such dairy operation is a participating dairy operation (as defined in section 1401 of the Agricultural Act of 2014 (7 U.S.C. 9051)), has a production history established under the dairy margin coverage program under section 1405 of the Agricultural Act of 2014 (7 U.S.C. 9055) of less than 5 million pounds, as determined in accordance with subsection (c) of such section 1405.

(2) LIMITATION ON ELIGIBILITY.—An eligible dairy operation shall only be eligible for payments under this section during a calendar year in which such eligible dairy operation is enrolled in the dairy margin coverage (as defined in section 1401 of the Agricultural Act of 2014 (7 U.S.C. 9051)).

(c) SUPPLEMENTAL PRODUCTION HISTORY CALCULATION.—For purposes of determining the production history of an eligible dairy operation under this section, such dairy operation's production history shall be equal to—

(1) the production volume of such dairy operation for the 2019 milk marketing year; minus

AMERICAN OVERSIGHT

(2) the dairy margin coverage production history of such dairy operation established under section 1405 of the Agricultural Act of 2014 (7 U.S.C. 9055).

(d) COVERAGE PERCENTAGE.—

(1) IN GENERAL.—For purposes of calculating payments to be issued under this section during a calendar year, an eligible dairy operation's coverage percentage shall be equal to the coverage percentage selected by such eligible dairy operation with respect to such calendar year under section 1406 of the Agricultural Act of 2014 (7 U.S.C. 9056).

(2) 5-MILLION POUND LIMITATION.—

(A) IN GENERAL.—The Secretary shall not provide supplemental dairy margin coverage on an eligible dairy operation's actual production for a calendar year such that the total covered production history of such dairy operation exceeds 5 million pounds.

(B) DETERMINATION OF AMOUNT.—In calculating the total covered production history of an eligible dairy operation under subparagraph (A), the Secretary shall multiply the coverage percentage selected by such operation under

AMERICAN OVERSIGHT

section 1406 of the Agricultural Act of 2014 (7 U.S.C. 9056) by the sum of—

(i) the supplemental production history calculated under subsection (c) with respect to such dairy operation; and

(ii) the dairy margin coverage production history described in subsection (c)(2) with respect to such dairy operation.

(e) PREMIUM COST.—The premium cost for an eligible dairy operation under this section for a calendar year shall be equal to the product of multiplying—

(1) the Tier I premium cost calculated with respect to such dairy operation for such year under section 1407(b) of the Agricultural Act of 2014 (7 12 U.S.C. 9057(b)); by

(2) the production history calculation with respect to such dairy operation determined under subsection (c) (such that total covered production history does not exceed 5 million pounds).

(f) REGULATIONS.—Not later than 45 days after the date of the enactment of this section, the Secretary shall issue regulations to carry out this section.

(g) PROHIBITION WITH RESPECT TO DAIRY MARGIN COVERAGE ENROLLMENT.—The Secretary may not reopen or otherwise provide a special enrollment for dairy

AMERICAN OVERSIGHT

margin coverage (as defined in section 1401 of the Agricultural Act of 2014 (7 U.S.C. 9051)) for purposes of establishing eligibility for supplemental dairy margin coverage payments under this section.

(h) RETROACTIVE APPLICATION FOR CALENDAR YEAR 2020.—The Secretary shall make payments under this section to eligible dairy operations described in subsection (b)(1) for months after and including January, 2020.

(i) SUNSET.—The authority to make payments under this section shall terminate on December 31, 2023.

(j) FUNDING.—Out of any amounts in the Treasury not otherwise appropriated, there are made available such sums as may be necessary to carry out this program.

SEC. 60203. RECOURSE LOAN PROGRAM FOR COMMERCIAL PROCESSORS OF DAIRY PRODUCTS.

(a) IN GENERAL.—The Secretary shall make recourse loans available to qualified applicants during the COVID–19 pandemic.

(b) AMOUNT OF LOAN.—

(1) IN GENERAL.—A recourse loan made under this section shall be provided to qualified applicants up to the value of the eligible dairy product inventory of the applicant as determined by the Secretary and consistent with subsection (c).

AMERICAN OVERSIGHT

(2) VALUATION.—For purposes of making recourse loans under this section, the Secretary shall conduct eligible dairy product valuations to provide, to the maximum extent practicable, funds to continue the operations of qualified applicants.

(c) INVENTORY USED AS COLLATERAL.—Eligible dairy product inventory used as collateral for the recourse loan program under this section shall be pledged on a rotating basis to prevent spoilage of perishable products.

(d) TERM OF LOAN.—A recourse loan under this section may be made for a period as determined by the Secretary, except that no such recourse loan may end after the date that is 24 months after the date of the enactment of this section.

(e) FUNDING AND AUTHORITIES.—Out of any amounts in the Treasury not otherwise appropriated, there is made available $500,000,000 to carry out this section.

(f) DEFINITIONS.—In this section:

(1) ELIGIBLE DAIRY PRODUCTS.—The term ''eligible dairy products'' means all dairy products whether in base commodity or finished product form.

(2) QUALIFIED APPLICANT.—The term ''qualified applicant'' means any commercial processors, packagers, merchants, marketers, wholesalers, and

AMERICAN OVERSIGHT

distributors of eligible dairy products impacted by COVID–19.

SEC. 60204. DAIRY MARGIN COVERAGE PREMIUM DISCOUNT FOR 3-YEAR SIGNUP.

The Secretary shall provide a 15 percent discount for the premiums described in subsections (b) and (c) of section 1407 of the Agricultural Act of 2014 (7 U.S.C. 9051) and the premium described in section 60202(e) for a dairy operation (as defined in 1401 of such Act (7 U.S.C. 9051)) that makes a 1-time, three-year election to enroll in dairy margin coverage under part I of subtitle D of such Act for calendar years 2021 through 2023.

TITLE III—SPECIALTY CROPS AND OTHER COMMODITIES

SEC. 60301. SUPPORT FOR SPECIALTY CROP SECTOR.

Section 101(l) of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note) is amended by adding at the end the following:

''(3) COVID–19 OUTBREAK RELIEF.—

''(A) IN GENERAL.—The Secretary shall make grants to States eligible to receive a grant under this section to assist State efforts to support the specialty crop sector for impacts related to the COVID–19 public health emergency.

AMERICAN OVERSIGHT

"(B) FUNDING.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, to carry out subparagraph (A) not less than $100,000,000, to remain available until expended.".

SEC. 60302. SUPPORT FOR LOCAL AGRICULTURAL MARKETS.

Section 210A(i) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1627c(d)) is amended by adding at the end the following:

"(4) GRANTS FOR COVID–19 LOSSES.—

"(A) IN GENERAL.—In addition to grants made under the preceding provisions of this subsection, the Secretary shall make grants to eligible entities specified in subsection (d)(6)(B) to provide assistance in response to the COVID–19 pandemic.

"(B) MATCHING FUNDS APPLICABILITY.—The Secretary may not require a recipient of a grant under subparagraph (A) to provide any nonFederal matching funds.

"(F) FUNDING.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, to carry out this paragraph,

AMERICAN OVERSIGHT

$50,000,000, to remain available until expended.''.

SEC. 60303. SUPPORT FOR FARMING OPPORTUNITIES TRAINING AND OUTREACH.

Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279) is amended by adding at the end the following:

''(m) ADDITIONAL FUNDING.—

''(1) IN GENERAL.—The Secretary shall make grants to, or enter into cooperative agreements or contracts with, eligible entities specified in subsection (c)(1) to provide training, outreach, and technical assistance on operations, financing, and marketing to beginning farmers and ranchers, socially disadvantaged farmers and ranchers, and veteran farmers and ranchers.

''(2) MATCHING FUNDS APPLICABILITY.—The Secretary may not require a recipient of a grant under this subsection to provide any nonFederal matching funds.

''(3) FUNDING.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, to carry out this subsection, $50,000,000, to remain available until expended.''.

AMERICAN OVERSIGHT

SEC. 60304. SUPPORT FOR FARM STRESS PROGRAMS.

(a) IN GENERAL.—The Secretary shall make grants to State departments of agriculture (or such equivalent department) to expand or sustain stress assistance programs for individuals who are engaged in farming, ranching, and other agriculture-related occupations, including—

(1) programs that meet the criteria specified in section 7522(b)(1) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 5936(b)(1)); and

(2) any State initiatives carried out as of the date of the enactment of this Act that provide stress assistance for such individuals.

(b) GRANT TIMING AND AMOUNT.—In making grants under subsection (a), not later than 60 days after the date of the enactment of this Act and subject to subsection (c), the Secretary shall—

(1) make awards to States submitting State plans that meet the criteria specified in paragraph (1)(A) of such subsection within the time period specified by the Secretary, in an amount not to exceed, $500,000 for each State; and

(2) of the amounts made available under subsection (f), allocate among such States, an amount to be determined by the Secretary.

(c) STATE PLAN.—

AMERICAN OVERSIGHT

(1) IN GENERAL.—A State department of agriculture seeking a grant under subsection (b) shall submit to the Secretary a State plan to initiate, expand, or sustain stress assistance programs described in subsection (a) that includes—

(A) a description of each activity and the estimated amount of funding to support each program and activity carried out through such a program;

(B) an estimated timeline for the operation of each such program and activity;

(C) the total amount of funding sought; and

(D) an assurance that the State department of agriculture will comply with the reporting requirement under subsection (e).

(2) GUIDANCE.—Not later than 20 days after the date of the enactment of this Act, the Secretary shall issue guidance for States with respect to the submission of a State plan under paragraph (1) and the allocation criteria under subsection (b).

(3) REALLOCATION.—If, after the first grants are awarded pursuant to allocation under subsection (b), any funds made available under subsection (f)

AMERICAN OVERSIGHT

to carry out this subsection remain unobligated, the Secretary shall—

(A) inform States that submit plans as described in subsection (b), of such availability; and

(B) reallocate such funds among such States, as the Secretary determines to be appropriate and equitable.

(d) COLLABORATION.—The Secretary may issue guidance to encourage State departments of agriculture to use funds provided under this section to support programs described in subsection (a) that are operated by—

(1) Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));

(2) State cooperative extension services; and

(3) nongovernmental organizations.

(e) REPORTING.—Not later than 180 days after the public health emergency declared under section 319 of the Public Health Services Act (42 U.S.C. 247d) on January 31, 2020, is terminated, each State receiving additional grants under subsection (b) shall submit a report to the Secretary describing—

(1) the activities conducted using such funds;

AMERICAN OVERSIGHT

(2) the amount of funds used to support each such activity; and

(3) the estimated number of individuals served by each such activity.

(f) FUNDING.—Out of any money not otherwise appropriated, there is appropriated to carry out this section $28,000,000, to remain available until expended.

(g) STATE DEFINED.—In this section, the term ''State'' means—

(1) a State;

(2) the District of Columbia;

(3) the Commonwealth of Puerto Rico; and

(4) any other territory or possession of the United States.

SEC. 60305. SUPPORT FOR PROCESSED COMMODITIES.

(a) RENEWABLE FUEL REIMBURSEMENT PROGRAM.—

(1) IN GENERAL.—The Secretary shall make payments in accordance with this subsection to eligible entities that experienced unexpected market losses as a result of the COVID–19 pandemic during the applicable period.

(2) DEFINITIONS.—In this section:

AMERICAN OVERSIGHT

(A) APPLICABLE PERIOD.—The term ''applicable period'' means January 1, 2020, through May 1, 2020.

(B) ELIGIBLE ENTITY.—The term ''eligible entity'' means any domestic entity or facility that produced any qualified fuel in the calendar year 2019.

(C) QUALIFIED FUEL.—The term ''qualified fuel'' means any renewable fuel or advanced biofuel (as such terms are defined in section 211(o)(1) of the Clean Air Act), including renewable fuel from corn starch feedstock.

(3) AMOUNT OF PAYMENT.—The amount of the payment payable to an eligible entity shall be the sum of—

(A) $0.45 multiplied by the number of gallons of qualified fuel produced by the eligible entity during the applicable period; and

(B) if the Secretary determines that the eligible entity was unable to produce any qualified fuel throughout 1 or more calendar months during the applicable period due to the COVID–19 pandemic, $0.45 multiplied by 50 percent of the number of gallons produced by

AMERICAN OVERSIGHT

the eligible entity in the corresponding month or months in calendar year 2019.

(4) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the payments made under this subsection, including the identity of each payment recipient and the amount of the payment paid to the payment recipient.

(5) FUNDING.—There is made available, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary for payments to eligible entities under this subsection.

(6) ADMINISTRATION.—

(A) IN GENERAL.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this subsection.

(B) REGULATIONS.—

(i) IN GENERAL.—Except as otherwise provided in this subsection, not later than 30 days after the date of the enactment of this Act, the Secretary and the Commodity

AMERICAN OVERSIGHT

Credit Corporation, as appropriate, shall prescribe such regulations as are necessary to carry out this subsection.

(ii) PROCEDURE.—The promulgation of regulations under, and administration of, this subsection shall be made without regard to—

(I) the notice and comment provisions of section 553 of title 5, United States Code; and

(II) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(b) EMERGENCY ASSISTANCE FOR TEXTILE MILLS.—

(1) IN GENERAL.—The Secretary shall make emergency assistance available to domestic users of upland cotton and extra long staple cotton in the form of a payment in an amount determined under paragraph (2), regardless of the origin of such upland cotton or extra long staple cotton, during the 10-month period beginning on March 1, 2020.

(2) CALCULATION OF ASSISTANCE.—The amount of the assistance provided under paragraph

AMERICAN OVERSIGHT

(1) to a domestic user described in such paragraph shall be equal to 10 multiplied by the product of—

(A) the domestic user's historical monthly average consumption; and

(B) 6 cents per pound so consumed.

(3) ALLOWABLE USE.—Any emergency assistance provided under this section shall be made available only to domestic users of upland cotton and extra long staple cotton that certify that the assistance shall be used only for operating expenses.

(4) HISTORICAL MONTHLY AVERAGE CONSUMPTION DEFINED.—The term ''historical monthly average consumption'' means the average consumption for each month occurring during the period beginning on January 1, 2017, and ending on December 31, 2019.

(5) SUNSET.—The Secretary may not provide emergency assistance under this section on or after December 31, 2020.

(6) FUNDING.—There is made available, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this section.

AMERICAN OVERSIGHT

SEC. 60306. DIRECT PAYMENTS TO AGRICULTURAL PRODUCERS.

(a) IN GENERAL.—The Secretary shall make direct payments to producers of specialty crops, livestock, and other commodities, to cover losses in response to the COVID–19 pandemic.

(b) PAYMENT CALCULATIONS.—Payment under subsection (a), shall be calculated as follows:

(1) SPECIALTY CROPS, LIVESTOCK, AND OTHER COMMODITIES COVERED BY CORONAVIRUS FOOD ASSISTANCE PROGRAM.—In the case of losses of specialty crops, livestock, and other commodities incurred during the first quarter of calendar year 2020 and eligible to receive direct payments under the Department of Agriculture's final rule for the Coronavirus Food Assistance program of the Department of Agriculture, payments under subsection (a) shall be made to producers to ensure that they are compensated for 85 percent of the second quarter actual losses estimated by the Secretary.

(2) SPECIALTY CROPS, LIVESTOCK, AND OTHER COMMODITIES NOT COVERED BY CORONAVIRUS FOOD ASSISTANCE PROGRAM.—In the case of losses of specialty crops, livestock, and other commodities for which a producer is ineligible to receive direct payments under the program referred to in paragraph

AMERICAN OVERSIGHT

(1), payments under subsection (a) shall be equal to 85 percent of the actual losses estimated by the Secretary for the first and second quarters of calendar year 2020 for their commodity.

(c) ADJUSTMENT.—In calculating the amount of a payment under subsection (b)(2), the Secretary shall account for price differentiation factors for a given commodity based on location, specialized varieties, and farming practices such as certified organic products, by using—

(1) differentiated prices, as determined by the Risk Management Agency for purposes of the Federal crop insurance program under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), when available; and

(2) other data from the Department of Agriculture and colleges and universities, to determine estimated prices.

(d) ADJUSTED GROSS INCOME LIMITATIONS.—A payment under this section shall be deemed to be a covered benefit under section 1001D(b)(2) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)(2)), unless at least 75 percent of the adjusted gross income of the recipient of the payment is derived from farming, ranching, or forestry-related activities.

AMERICAN OVERSIGHT

(e) PAYMENTS.—The Secretary shall make payments under subsection (a) not later than 60 days after the date of the enactment of this section.

(f) FUNDING.—There is made available, out of any funds in the Treasury not otherwise appropriated, to carry out this section $16,500,000,000, to remain available until December 31, 2020.

(g) NOTIFICATION.—Any obligation or expenditure under this section shall be subject to the requirements described in section 20 of the Commodity Credit Corporation Charter Act, as added by section 60402.

(h) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report specifying how price losses were calculated for each crop and crop differentiation factor, and evaluating the implementation, costs, and general effectiveness of this section and the Coronavirus Food Assistance program of the Department of Agriculture.

AMERICAN OVERSIGHT

TITLE IV—COMMODITY CREDIT CORPORATION

SEC. 60401. EMERGENCY ASSISTANCE.

Section 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c) is amended by redesignating subsection (h) as subsection (j) and inserting the following:

''(h) Remove and dispose of or aid in the removal or disposition of surplus livestock and poultry due to significant supply chain interruption during an emergency period.

''(i) Aid agricultural processing plants to ensure supply chain continuity during an emergency period.''.

SEC. 60402. CONGRESSIONAL NOTIFICATION.

The Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.) is amended by adding at the end the following new section:

''SEC. 20. CONGRESSIONAL NOTIFICATION AND OVERSIGHT ON SPENDING.

''(a) IN GENERAL.—The Secretary shall notify in writing, by first-class mail and electronic mail, the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate at least 90 calendar days (not counting any day on which both the House of Representatives and Senate are not in session) in advance of any obligation or expenditure authorized under this Act.

AMERICAN OVERSIGHT

"(b) WRITTEN NOTICE.—A written notice required under subsection (a) shall specify—

"(1) the commodities that will be affected;

"(2) the maximum financial benefit per commodity;

"(3) the nature of the support, including—

"(A) direct payments;

"(B) technical and financial assistance;

"(C) marketing assistance; and

"(D) purchases;

"(4) the expected legal entities or individuals that would receive financial benefits;

"(5) the intended policy goals;

"(6) the legal justification specifying the authority of this Act utilized; and

"(7) the projected impacts to commodity markets.

"(c) MONITORING OR OVERSIGHT.—The Comptroller General of the United States shall conduct monitoring and oversight of the exercise of authorities, the receipt, disbursement, and use of funds for which a report is required under subsection (a).

"(d) REPORTS.—In conducting monitoring and oversight under subsection (c), the Comptroller General shall publish reports regarding the ongoing monitoring and

AMERICAN OVERSIGHT

oversight efforts, which, along with any audits and investigations conducted by the Comptroller General, shall be submitted to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate and posted on the website of the Government Accountability Office—

"(1) not later than 90 days after the initial obligation or expenditure of funds subject to subsection (a), and every other month thereafter for as long as such obligations or expenditures continue; and

"(2) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate additional reports as warranted by the findings of the monitoring and oversight activities of the Comptroller General.

"(e) ACCESS TO INFORMATION.—

"(1) RIGHT OF ACCESS.—In conducting monitoring and oversight activities under subsection (c), the Comptroller General shall have access to records, upon request, of any Federal, State, or local agency, contractor, grantee, recipient, or subrecipient pertaining to any obligations or expenditures subject to subsection (a), including private entities receiving such assistance.

AMERICAN OVERSIGHT

''(2) COPIES.—The Comptroller General may make and retain copies of any records accessed under paragraph (1) as the Comptroller General determines appropriate.

''(3) INTERVIEWS.—In addition to such other authorities as are available, the Comptroller General or a designee of the Comptroller General may interview Federal, State, or local officials, contractor staff, grantee staff, recipients, or subrecipients pertaining to any obligations or expenditures subject to subsection (a), including private entities receiving such assistance.

''(4) INSPECTION OF FACILITIES.—As determined necessary by the Comptroller General, the Government Accountability Office may inspect facilities at which Federal, State, or local officials, contractor staff, grantee staff, or recipients or subrecipients carry out their responsibilities related to obligations or expenditures subject to subsection (a).

''(5) ENFORCEMENT.—Access rights under this subsection shall be subject to enforcement consistent with section 716 of title 31, United States Code.

''(f) RELATIONSHIP TO EXISTING AUTHORITY.—Nothing in this section shall be construed to limit, amend,

AMERICAN OVERSIGHT

supersede, or restrict in any manner any existing authority of the Comptroller General.

''(g) EXCEPTION TO WAITING PERIOD.—Subsection (a) shall not apply if, prior to obligating or spending any funding described in such subsection, the Secretary obtains approval in writing from at least three of the following individuals—

''(1) the Chair of the Committee on Agriculture of the House of Representatives,

''(2) the Ranking Member of the Committee on Agriculture of the House of Representatives,

''(3) the Chair of the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

''(4) the Ranking Member of the Committee on Agriculture, Nutrition, and Forestry of the Senate.

''(h) EXCLUSION FOR PREEXISTING AUTHORIZATIONS.—This section shall not apply to obligations and expenditures authorized in the Agriculture Improvement Act of 2018 (Public Law 115–334).''.

TITLE V—CONSERVATION

SEC. 60501. EMERGENCY SOIL HEALTH AND INCOME PROTECTION PILOT PROGRAM.

(a) DEFINITION OF ELIGIBLE LAND.—In this section, the term ''eligible land'' means cropland that—

AMERICAN OVERSIGHT

(1) is selected by the owner or operator of the land for proposed enrollment in the pilot program under this section; and

(2) as determined by the Secretary, had a cropping history or was considered to be planted during each of the 3 crop years preceding enrollment.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a voluntary emergency soil health and income protection pilot program under which eligible land is enrolled through the use of contracts to assist owners and operators of eligible land to conserve and improve the soil, water, and wildlife resources of the eligible land.

(2) DEADLINE FOR PARTICIPATION.—Eligible land may be enrolled in the program under this section through December 31, 2021.

(c) CONTRACTS.—

(1) REQUIREMENTS.—A contract described in subsection (b) shall—

(A) be entered into by the Secretary, the owner of the eligible land, and (if applicable) the operator of the eligible land; and

(B) provide that, during the term of the contract—

AMERICAN OVERSIGHT

(i) the lowest practicable cost perennial conserving use cover crop for the eligible land, as determined by the applicable State conservationist after considering the advice of the applicable State technical committee, shall be planted on the eligible land;

(ii) subject to paragraph (4), the eligible land may be harvested for seed, hayed, or grazed outside the primary nesting season established for the applicable county;

(iii) the eligible land may be eligible for a walk-in access program of the applicable State, if any; and

(iv) a nonprofit wildlife organization may provide to the owner or operator of the eligible land a payment in exchange for an agreement by the owner or operator not to harvest the conserving use cover.

(2) PAYMENTS.—

(A) RENTAL RATE.—Except as provided in paragraph (4)(B)(ii), the annual rental rate for a payment under a contract described in subsection (b) shall be $70 per acre.

AMERICAN OVERSIGHT

(B) ADVANCE PAYMENT.—At the request of the owner and (if applicable) the operator of the eligible land, the Secretary shall make all rental payments under a contract entered into under this section within 30 days of entering into such contract.

(C) COST SHARE PAYMENTS.—A contract described in subsection (b) shall provide that, during the term of the contract, the Secretary shall pay, of the actual cost of establishment of the conserving use cover crop under paragraph (1)(B)(i), not more than $30 per acre.

(3) TERM.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each contract described in subsection (b) shall be for a term of 3 years.

(B) EARLY TERMINATION.—

(i) SECRETARY.—The Secretary may terminate a contract described in subsection (b) before the end of the term described in subparagraph (A) if the Secretary determines that the early termination of the contract is appropriate.

(ii) OWNERS AND OPERATORS.—An owner and (if applicable) an operator of el-

AMERICAN OVERSIGHT

igible land enrolled in the pilot program under this section may terminate a contract described in subsection (b) before the end of the term described in subparagraph (A) if the owner and (if applicable) the operator pay to the Secretary an amount equal to the amount of rental payments received under the contract.

(4) HARVESTING, HAYING, AND GRAZING OUTSIDE APPLICABLE PERIOD.—The harvesting for seed, haying, or grazing of eligible land under paragraph (1)(B)(ii) outside of the primary nesting season established for the applicable county shall be subject to the conditions that—

(A) with respect to eligible land that is so hayed or grazed, adequate stubble height shall be maintained to protect the soil on the eligible land, as determined by the applicable State conservationist after considering the advice of the applicable State technical committee; and

(B) with respect to eligible land that is so harvested for seed—

(i) the eligible land shall not be eligible to be insured or reinsured under the

AMERICAN OVERSIGHT

Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(ii) the annual rental rate for a payment under a contract described in subsection (b) shall be $52.50 per acre.

(d) ACREAGE LIMITATION.—Not more than 5,000,000 total acres of eligible land may be enrolled under the pilot program under this section.

(e) FUNDING.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this section.

TITLE VI—NUTRITION

SEC. 60601. DEFINITIONS.

In this title:

(1) COVID-19 PUBLIC HEALTH EMERGENCY.—The term ''COVID–19 public health emergency'' means the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Services Act (42 U.S.C. 247d) on January 31, 2020, with respect to COVID–19.

(2) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—The term ''supplemental nutrition assistance program'' has the meaning given such term

AMERICAN OVERSIGHT

in section 3(t) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(t)).

SEC. 60602. ENHANCED PROJECTS TO HARVEST, PROCESS, PACKAGE, OR TRANSPORT DONATED COMMODITIES.

(a) DEFINITIONS.—In this section:

(1) EMERGENCY FEEDING ORGANIZATION.—The term ''emergency feeding organization'' has the meaning given the term in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501).

(2) PROJECT.—The term ''project'' has the meaning given the term in section 203D(d)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7507(d)(1)).

(3) PRIORITY AGRICULTURAL PRODUCT.—The term ''priority agricultural product'' means a dairy, meat, or poultry product, or a specialty crop—

(A) packaged or marketed for sale to commercial or food service industries;

(B) for which decreased demand exists for such a product due to the COVID–19 outbreak; and

(C) the repurposing of which would be impractical for grocery or retail sale.

AMERICAN OVERSIGHT

(4) STATE.—The term ''State'' has the meaning given the term in section 203D of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7507).

(5) STATE AGENCY.—The term ''State agency'' has the meaning given the term in section 203D of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7507).

(b) ENHANCED PROJECTS.—

(1) IN GENERAL.—Subject to paragraphs (3) and (4), using funds made available under subsection (d), the Secretary may provide funds to States to pay for harvesting, processing, packaging, or transportation costs of carrying out a project.

(2) GUIDANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue guidance to States—

(A) to carry out this section;

(B) to inform States of their allocations under paragraph (3); and

(C) to encourage States to carry out projects that work with agricultural producers, processors, and distributors with priority agricultural products.

(3) ALLOCATION.—

AMERICAN OVERSIGHT
USPS-20-2171-A-000795

(A) ELIGIBILITY FOR ALLOCATION.—The Secretary shall allocate funds made available under subsection (d) based on the formula in effect under section 214(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7515(a)), among States that timely submit a State plan of operation for a project that includes—

(i) a list of emergency feeding organizations in the State that will operate the project in partnership with the State agency;

(ii) at the option of the State, a list of priority agricultural products located in the State that are for donation to emergency feeding organizations and ready for transport;

(iii) a description of how the project will meet the purposes described in section 203D(d)(3) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7507(d)(3)); and

(iv) a timeline of when the project will begin operating.

AMERICAN OVERSIGHT

(B) REALLOCATION.—If the Secretary determines that a State will not expend all the funds allocated to the State under subparagraph (A), the Secretary shall reallocate the unexpended funds to other eligible States.

(C) REPORT.—Each State that receives funds allocated under this paragraph shall submit to the Secretary financial reports on a regular basis describing the use of the funds.

(4) USE OF FUNDS.—

(A) IN GENERAL.—A State that receives funds under section 203D(d)(5) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7507(d)(5)) may—

(i) receive funds under this section; and

(ii) use funds received under this section—

(I) to expand projects for which funds are received under such section 203D(d)(5);

(II) to carry out new projects with agricultural producers, processors, or distributors participating in

AMERICAN OVERSIGHT

projects for which funds are received under such section 203D(d)(5); and

(III) to carry out projects with agricultural producers, processors, or distributors not participating in projects for which funds are received under such section 203D(d)(5).

(B) FEDERAL SHARE.—Funds received under this section shall not be subject to the Federal share limitation described in section 203D(d)(2)(B) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7507(d)(2)(B)).

(c) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—A State agency that carries out a project using Federal funds received under this section may enter into cooperative agreements with State agencies of other States under section 203B(d) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7507(d)) to maximize the use of commodities donated under the project.

(2) SUBMISSION.—Not later than 15 days after entering into a cooperative agreement under paragraph (1), a State agency shall submit such agreement to the Secretary.

AMERICAN OVERSIGHT

(d) APPROPRIATION OF FUNDS.—Out of funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section $25,000,000 to remain available until the September 30, 2021.

(e) PUBLIC AVAILABILITY.—Not later than 10 days after the date of the receipt or issuance of each document listed in paragraphs (1), (2), or (3) of this subsection, the Secretary shall make publicly available on the website of the Department of Agriculture the following documents:

(1) Any guidance issued under subsection (b)(2).

(2) A State plan of operation or report submitted in accordance with subsection (b)(3).

(3) A cooperative agreement submitted in accordance with subsection (c).

SEC. 60603. EMERGENCY FOOD ASSISTANCE PROGRAM FLEXIBILITIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture shall issue guidance to waive the non-Federal match requirement under section 204(a)(4)(A) of the Emergency Food Assistance Act of 1983 for funding appropriated in title I of division A of this Act for costs associated with the distribution of commodities.

AMERICAN OVERSIGHT

(b) PUBLIC AVAILABILITY.—The Secretary shall make available the guidance document issued under subsection (a) on the public website of the Department of Agriculture not later than 10 days after the date of the issuance of such guidance.

(c) EFFECTIVE PERIOD.—The authority under this section shall expire 30 days after the termination of the COVID–19 public health emergency.

SEC. 60604. FLEXIBILITIES FOR SENIOR FARMERS' MARKET PROGRAM.

(a) AUTHORITY TO MODIFY OR WAIVE RULES.—Notwithstanding any other provision of law and if requested by a State agency, the Secretary of Agriculture may modify or waive any rule issued under section 4402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007) that applies to such State agency if the Secretary determines that—

(1) such State agency is unable to comply with such rule as a result of COVID–19, and

(2) the requested modification or waiver is necessary to enable such State agency to provide assistance to low-income seniors under such section.

(b) PUBLIC AVAILABILITY.—Not later than 10 days after the date of the receipt or issuance of each document listed in paragraphs (1) and (2) of this subsection, the

AMERICAN OVERSIGHT

Secretary shall make publicly available on the website of the Department of Agriculture the following documents:

(1) Any request submitted by State agencies under subsection (a).

(2) The Secretary's approval or denial of each such request.

(c) DEFINITION OF STATE AGENCY.—The term ''State agency'' has the meaning given such term in section 249.2 of 18 title 7 of the Code of Federal Regulations.

(d) EFFECTIVE PERIOD.—Subsection (a) shall be in effect during the period that begins on the date of the enactment of this Act and ends 30 days after the termination of the COVID–19 public health emergency.

SEC. 60605. FLEXIBILITIES FOR THE FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.

(a) WAIVER OF NON-FEDERAL SHARE REQUIREMENT.—Funds provided in division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) for the food distribution program on Indian reservations authorized by section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)) shall not be subject to the payment of the non-Federal share requirement described in section 4(b)(4)(A) of such Act (7 U.S.C. 2013(b)(4)(A)).

AMERICAN OVERSIGHT

(b) FLEXIBILITIES FOR CERTAIN HOUSEHOLDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture may issue guidance to waive or adjust section 4(b)(2)(C) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)(2)(C)) for any Tribal organization (as defined in section 3(v) of such Act (7 U.S.C. 2012(v)), or for an appropriate State agency administering the program established under section 4(b) of such Act (7 U.S.C. 2013(b)), to ensure that households on the Indian reservation who are participating in the supplemental nutrition assistance program and who are unable to access approved retail food stores due to the outbreak of COVID–19 have access to commodities distributed under section 4(b) of such Act.

(2) PUBLIC AVAILABILITY.—The Secretary shall make available the guidance document issued under paragraph (1) on the public website of the Department of Agriculture not later than 10 days after the date of the issuance of such guidance.

(3) SUNSET.—The authority under this subsection shall expire 30 days after the termination of the COVID–19 public health emergency.

AMERICAN OVERSIGHT

SEC. 60606. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

(a) VALUE OF BENEFITS.—Notwithstanding any other provision of law, beginning on June 1, 2020, and for each subsequent month through September 30, 2021, the value of benefits determined under section 8(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2017(a)), and consolidated block grants for Puerto Rico and American Samoa determined under section 19(a) of such Act (7 U.S.C. 2028(a)), shall be calculated using 115 percent of the June 2019 value of the thrifty food plan (as defined in section 3 of such Act (7 U.S.C. 2012)) if the value of the benefits and block grants would be greater under that calculation than in the absence of this subsection.

(b) MINIMUM AMOUNT.—

(1) IN GENERAL.—The minimum value of benefits determined under section 8(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2017(a)) for a household of not more than 2 members shall be $30.

(2) EFFECTIVENESS.—Paragraph (1) shall remain in effect until the date on which 8 percent of the value of the thrifty food plan for a household containing 1 member, rounded to the nearest whole dollar increment, is equal to or greater than $30.

(c) REQUIREMENTS FOR THE SECRETARY.—In carrying out this section, the Secretary shall—

AMERICAN OVERSIGHT

(1) consider the benefit increases described in each of subsections (a) and (b) to be a ''mass change'';

(2) require a simple process for States to notify households of the increase in benefits;

(3) consider section 16(c)(3)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(c)(3)(A)) to apply to any errors in the implementation of this section, without regard to the 120-day limit described in that section;

(4) disregard the additional amount of benefits that a household receives as a result of this section in determining the amount of overissuances under section 13 of the Food and Nutrition Act of 2008 (7 U.S.C. 2022); and

(5) set the tolerance level for excluding small errors for the purposes of section 16(c) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(c)) at $50 through September 30, 2021.

(d) PROVISIONS FOR IMPACTED WORKERS.—Notwithstanding any other provision of law, the requirements under subsections (d)(1)(A)(ii) and (o) of section 6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015) shall not be in effect during the period beginning on June 1,

AMERICAN OVERSIGHT

2020, and ending 2 years after the date of enactment of this Act.

(e) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—For the costs of State administrative expenses associated with carrying out this section and administering the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the Secretary shall make available $150,000,000 for fiscal year 2020 and $150,000,000 for fiscal year 2021.

(2) TIMING FOR FISCAL YEAR 2020.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall make available to States amounts for fiscal year 2020 under paragraph (1).

(3) ALLOCATION OF FUNDS.—Funds described in paragraph (1) shall be made available as grants to State agencies for each fiscal year as follows:

(A) 75 percent of the amounts available for each fiscal year shall be allocated to States based on the share of each State of households that participate in the supplemental nutrition assistance program as reported to the Department of Agriculture for the most recent 12-month period for which data are available, ad-

AMERICAN OVERSIGHT

justed by the Secretary (as of the date of the enactment of this Act) for participation in disaster programs under section 5(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h)); and

(B) 25 percent of the amounts available for each fiscal year shall be allocated to States based on the increase in the number of households that participate in the supplemental nutrition assistance program as reported to the Department of Agriculture over the most recent 12-month period for which data are available, adjusted by the Secretary (as of the date of the enactment of this Act) for participation in disaster programs under section 5(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h)).

(f) SNAP RULES.—No funds (including fees) made available under this Act or any other Act for any fiscal year may be used to finalize, implement, administer, enforce, carry out, or otherwise give effect to—

(1) the final rule entitled ''Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents'' published in the Federal Register on December 5, 2019 (84 Fed. Reg. 66782);

AMERICAN OVERSIGHT

(2) the proposed rule entitled ''Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP)'' published in the Federal Register on July 24, 2019 (84 Fed. Reg. 35570); or

(3) the proposed rule entitled ''Supplemental Nutrition Assistance Program: Standardization of State Heating and Cooling Standard Utility Allowances'' published in the Federal Register on October 3, 2019 (84 Fed. Reg. 52809).

(g) CERTAIN EXCLUSIONS FROM SNAP INCOME.—A Federal pandemic unemployment compensation payment made to an individual under section 2104 of the CARES Act (Public Law 116–136) shall not be regarded as income and shall not be regarded as a resource for the month of receipt and the following 9 months, for the purpose of determining eligibility for such individual or any other individual for benefits or assistance, or the amount of benefits or assistance, under any programs authorized under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

(h) PUBLIC AVAILABILITY.—Not later than 10 days after the date of the receipt or issuance of each document listed below, the Secretary shall make publicly available

AMERICAN OVERSIGHT

on the website of the Department of Agriculture the following documents:

(1) Any State agency request to participate in the supplemental nutrition assistance program online program under section 7(k).

(2) Any State agency request to waive, adjust, or modify statutory or regulatory requirements under the Food and Nutrition Act of 2008 related to the COVID–19 outbreak.

(3) The Secretary's approval or denial of each such request under paragraphs (1) or (2).

(i) FUNDING.—There are hereby appropriated to the Secretary, out of any money not otherwise appropriated, such sums as may be necessary to carry out this section.

SEC. 60607. SNAP HOT FOOD PURCHASES.

During the period beginning 10 days after the date of the enactment of this Act and ending on the termination date of the COVID–19 public health emergency, the term ''food'', as defined in section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), shall be deemed to exclude ''hot foods or hot food products ready for immediate consumption other than those authorized pursuant to clauses (3), (4), (5), (7), (8), and (9) of this subsection,'' for purposes of such Act, except that such exclusion is limited to retail food stores authorized to accept

AMERICAN OVERSIGHT

and redeem supplemental nutrition assistance program benefits as of the date of enactment of this Act.

SEC. 60608. SNAP NUTRITION EDUCATION FLEXIBILITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may issue nationwide guidance to allow funding allocated under section 28 of the Food and Nutrition Act (7 U.S.C. 2036a) to be used for individuals distributing food in a non-congregate setting under commodity distribution programs and child nutrition programs administered by the Food and Nutrition Service of the Department of Agriculture in States affected by the COVID–19 outbreak, provided that any individuals who distribute school meals under—

(1) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(2) the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

using funds allocated under section 28 of the Food and Nutrition Act of 2008 (7 U.S.C. 2036a) supplement, not supplant, individuals who are employed by local educational authorities as of the date of enactment of this Act.

AMERICAN OVERSIGHT

(b) SUNSET.—The authority for this section shall expire 30 days after the COVID–19 public health emergency is terminated.

AMERICAN OVERSIGHT

DIVISION G—ACCOUNTABILITY AND GOVERNMENT OPERATIONS

TITLE I—ACCOUNTABILITY

SEC. 70101. MEMBERSHIP OF THE PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE.

Section 15010(c) of the CARES Act (Public Law 116–136) is amended—

(1) in paragraph (1), by striking ''and (D)'' and inserting ''(D), and (E)''; and

(2) in paragraph (2)(E), by inserting ''of the Council'' after ''Chairperson''.

SEC. 70102. CONGRESSIONAL NOTIFICATION OF CHANGE IN STATUS OF INSPECTOR GENERAL.

(a) CHANGE IN STATUS OF INSPECTOR GENERAL OF OFFICES.—Section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting '', is placed on paid or unpaid non-duty status,'' after ''is removed from office'';

(2) by inserting '', change in status,'' after ''any such removal''; and

(3) by inserting '', change in status,'' after ''before the removal''.

(b) CHANGE IN STATUS OF INSPECTOR GENERAL OF DESIGNATED FEDERAL ENTITIES.—Section 8G(e)(2) of

AMERICAN OVERSIGHT

the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting ", is placed on paid or unpaid non-duty status," after "office";

(2) by inserting ", change in status," after "any such removal"; and

(3) by inserting ", change in status," after "before the removal".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of the enactment of this Act.

SEC. 70103. PRESIDENTIAL EXPLANATION OF FAILURE TO NOMINATE AN INSPECTOR GENERAL.

(a) IN GENERAL.—Subchapter III of chapter 33 of title 5, United States Code, is amended by inserting after section 3349d the following new section:

"§ 3349e. Presidential explanation of failure to nominate an Inspector General

"If the President fails to make a formal nomination for a vacant Inspector General position that requires a formal nomination by the President to be filled within the period beginning on the date on which the vacancy occurred and ending on the day that is 210 days after that date, the President shall communicate, within 30 days after the end of such period, to Congress in writing—

AMERICAN OVERSIGHT

''(1) the reasons why the President has not yet made a formal nomination; and

''(2) a target date for making a formal nomination.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by inserting after the item relating to 3349d the following new item:

''3349e. Presidential explanation of failure to nominate an Inspector General.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to any vacancy first occurring on or after that date.

SEC. 70104. INSPECTOR GENERAL INDEPENDENCE.

(a) SHORT TITLE.—This section may be cited as the ''Inspector General Independence Act''.

(b) AMENDMENT.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 3(b)—

(A) by striking ''An Inspector General'' and inserting ''(1) An Inspector General'';

(B) by inserting after ''by the President'' the following: ''in accordance with paragraph (2)''; and

(C) by inserting at the end the following new paragraph:

AMERICAN OVERSIGHT

"(2) The President may remove an Inspector General only for any of the following grounds:

"(A) Permanent incapacity.

"(B) Inefficiency.

"(C) Neglect of duty.

"(D) Malfeasance.

"(E) Conviction of a felony or conduct involving moral turpitude.

"(F) Knowing violation of a law, rule, or regulation.

"(G) Gross mismanagement.

"(H) Gross waste of funds.

"(I) Abuse of authority."; and

(2) in section 8G(e)(2), by adding at the end the following new sentence: "An Inspector General may be removed only for any of the following grounds:

"(A) Permanent incapacity.

"(B) Inefficiency.

"(C) Neglect of duty.

"(D) Malfeasance.

"(E) Conviction of a felony or conduct involving moral turpitude.

"(F) Knowing violation of a law, rule, or regulation.

AMERICAN OVERSIGHT

"(G) Gross mismanagement.

"(H) Gross waste of funds.

"(I) Abuse of authority.".

SEC. 70105. USPS INSPECTOR GENERAL OVERSIGHT RESPONSIBILITIES.

The Inspector General of the United States Postal Service shall—

(1) conduct oversight, audits, and investigations of projects and activities carried out with funds provided in division A of this Act to the United States Postal Service; and

(2) not less than 90 days after the Postal Service commences use of funding provided by division A of this Act, and annually thereafter, initiate an audit of the Postal Service's use of appropriations and borrowing authority provided by any division of this Act, including the use of funds to cover lost revenues, costs due to COVID–19, and expenditures, and submit a copy of such audit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, and the Committees on Appropriations of the House of Representatives and the Senate.

AMERICAN OVERSIGHT

TITLE II—CENSUS MATTERS

SEC. 70201. MODIFICATION OF 2020 CENSUS DEADLINES AND TABULATION OF POPULATION.

(a) DEADLINE MODIFICATION.—Notwithstanding the timetables provided in sections 141(b) and (c) of title 13, United States Code, and section 22(a) of the Act entitled ''An Act to provide for the fifteenth and subsequent decennial censuses and to provide for an apportionment of Representatives in Congress'', approved June 18, 1929 (2 U.S.C. 2a(a)), for the 2020 decennial census of the population—

(1) the tabulation of total population by States required by section 141(a) of such title for the apportionment of Representatives in Congress among the several States shall be completed and reported by the Secretary to the President within 13 months after the decennial census date of April 1, 2020, and shall be made public by the Secretary no later than the date on which it is reported to the President;

(2) the President shall transmit to the Congress a statement showing the whole number of persons in each State, and the number of Representatives to which each State would be entitled under an apportionment of the then existing number of Representatives, as required by such section 22(a), and deter-

AMERICAN OVERSIGHT

mined solely as described therein, within 14 days after receipt of the tabulation reported by the Secretary; and

(3) the tabulations of populations required by section 141(c) of such title shall be completed by the Secretary as expeditiously as possible after the census date of April 1, 2020, taking into account each State's deadlines for legislative apportionment or districting, and reported to the Governor of the State involved and to the officers or public bodies having responsibility for legislative apportionment or districting of such State, except that such tabulations of population of each State requesting a tabulation plan, and basic tabulations of population of each other State, shall be completed, reported, and transmitted to each respective State within 16 months after the decennial census date of April 1, 2020.

(b) QUALITY.—Data products and tabulations produced by the Bureau of the Census pursuant to sections 141(b) or (c) of title 13, United States Code, in connection with the 2020 decennial census shall meet the same or higher data quality standards as similar products produced by the Bureau of the Census in connection with the 2010 decennial census.

AMERICAN OVERSIGHT

SEC. 70202. REPORTING REQUIREMENTS FOR 2020 CENSUS.

On the first day of each month during the period between the date of enactment of this Act and July 1, 2021, the Director of the Bureau of the Census shall submit, to the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committees on Appropriations of the House and the Senate, a report regarding the 2020 decennial census of population containing the following information:

(1) The total number of field staff, sorted by category, hired by the Bureau compared to the number of field staff the Bureau estimated was necessary to carry out such census.

(2) Retention rates of such hired field staff.

(3) Average wait time for call center calls and average wait time for each language provided.

(4) Anticipated schedule of such census operations.

(5) Total tabulated responses, categorized by race and Hispanic origin.

(6) Total appropriations available for obligation for such census and a categorized list of total disbursements.

(7) Non-Response Follow-Up completion rates by geographic location.

AMERICAN OVERSIGHT

(8) Update/Enumerate and Update/Leave completion rates by geographic location.

(9) Total spending to date on media, advertisements, and partnership specialists, including a geographic breakdown of such spending.

(10) Post-enumeration schedule and subsequent data aggregation and delivery progress.

SEC. 70203. PROVIDING BUREAU OF THE CENSUS ACCESS TO INFORMATION FROM INSTITUTIONS OF HIGHER EDUCATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, including section 444 of the General Education Provisions Act (commonly known as the ''Family Educational Rights and Privacy Act of 1974''), an institution of higher education may, in furtherance of a full and accurate decennial census of population count, provide to the Bureau of the Census information requested by the Bureau for purposes of enumeration for the 2020 decennial census of population.

(b) APPLICATION.—

(1) INFORMATION.—Only information requested on the official 2020 decennial census of population form may be provided to the Bureau of the Census pursuant to this section. No institution of higher education may provide any information to the Bu-

AMERICAN OVERSIGHT

reau on the immigration or citizenship status of any individual.

(2) NOTICE REQUIRED.—Before information can be provided to the Bureau, the institution of higher education shall give public notice of the categories of information which it plans to provide and shall allow 10 days after such notice has been given for a student to inform the institution that any or all of the information designated should not be released without the student's prior consent. No institution of higher education shall provide the Bureau with the information of any individual who has objected to the provision of such information.

(3) USE OF INFORMATION.—Information provided to the Bureau pursuant to this section may only be used for the purposes of enumeration for the 2020 decennial census of population.

(c) DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—In this section, the term ''institution of higher education'' has the meaning given that term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(d) SUNSET.—The authority provided in this section shall expire at the conclusion of 2020 census operations.

AMERICAN OVERSIGHT

SEC. 70204. LIMITATION ON TABULATION OF CERTAIN DATA.

(a) LIMITATION.—The Bureau of the Census may not compile or produce any data product or tabulation as part of, in combination with, or in connection with, the 2020 decennial census of population or any such census data produced pursuant to section 141(c) of title 13, United States Code, that is based in whole or in part on data that is not collected in such census.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply to any data product or tabulation that is required by sections 141(b) or (c) of such title, that uses the same or substantially similar methodology and data sources as a decennial census data product produced by the Bureau of the Census before January 1, 2019, or that uses a methodology and data sources that the Bureau of the Census finalized and made public prior to January 1, 2018.

TITLE III—FEDERAL WORKFORCE

SEC. 70301. COVID–19 TELEWORKING REQUIREMENTS FOR FEDERAL EMPLOYEES.

(a) MANDATED TELEWORK.—

(1) IN GENERAL.—Effective immediately upon the date of enactment of this Act, the head of any Federal agency shall require any employee of such agency who is authorized to telework under chapter

AMERICAN OVERSIGHT

65 of title 5, United States Code, or any other provision of law to telework during the period beginning on the date of enactment of this Act and ending on December 31, 2020.

(2) DEFINITIONS.—In this subsection—

(A) the term ''employee'' means—

(i) an employee of the Library of Congress;

(ii) an employee of the Government Accountability Office;

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

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

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

(vi) any other individual occupying a position in the civil service (as that term is defined in section 2101(1) of title 5, United States Code); and

AMERICAN OVERSIGHT

(B) the term ''telework'' has the meaning given that term in section 6501(3) of such title.

(b) TELEWORK PARTICIPATION GOALS.—Chapter 65 of title 5, United States Code, is amended as follows:

(1) In section 6502—

(A) in subsection (b)—

(i) in paragraph (4), by striking ''and'' at the end;

(ii) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

''(6) include annual goals for increasing the percent of employees of the executive agency participating in teleworking—

''(A) three or more days per pay period;

''(B) one or 2 days per pay period;

''(C) once per month; and

''(D) on an occasional, episodic, or short-term basis; and

''(7) include methods for collecting data on, setting goals for, and reporting costs savings to the executive agency achieved through teleworking, con-

AMERICAN OVERSIGHT

sistent with the guidance developed under section 70302 (c) of the HEROES Act.''; and

(B) by adding at the end the following:

''(d) NOTIFICATION FOR REDUCTION IN TELEWORKING PARTICIPATION.—Not later than 30 days before the date that an executive agency implements or modifies a teleworking plan that would reduce the percentage of employees at the agency who telework, the head of the executive agency shall provide written notification, including a justification for the reduction in telework participation and a description of how the agency will pay for any increased costs resulting from that reduction, to—

''(1) the Director of the Office of Personnel Management;

''(2) the Committee on Oversight and Reform of the House of Representatives; and

''(3) the Committee on Homeland Security and Governmental Affairs of the Senate.

''(e) PROHIBITION ON AGENCY-WIDE LIMITS ON TELEWORKING.—An agency may not prohibit any delineated period of teleworking participation for all employees of the agency, including the periods described in subparagraphs (A) through (D) of subsection (b)(6). The agency shall make any teleworking determination with respect to

AMERICAN OVERSIGHT

an employee or group of employees at the agency on a case-by-case basis.''.

(2) In section 6506(b)(2)—

(A) in subparagraph (F)(vi), by striking ''and'' at the end;

(B) in subparagraph (G), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(H) agency cost savings achieved through teleworking, consistent with the guidance developed under section 2(c) of the Telework Metrics and Cost Savings Act; and

''(I) a detailed explanation of a plan to increase the Government-wide teleworking participation rate above such rate applicable to fiscal year 2016, including agency-level plans to maintain or imparove such rate for each of the teleworking frequency categories listed under subparagraph (A)(iii).''.

(c) GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Personnel Management, in collaboration with the Chief Human Capital Officer Council, shall establish uniform guidance for agencies on how to collect data on, set

AMERICAN OVERSIGHT

goals for, and report cost savings achieved through, teleworking. Such guidance shall account for cost savings related to travel, energy use, and real estate.

(d) TECHNICAL CORRECTION.—Section 6506(b)(1) of title 5, United States Code, is amended by striking ''with Chief'' and inserting ''with the Chief''.

SEC. 70302. RETIREMENT FOR CERTAIN EMPLOYEES.

(a) CSRS.—Section 8336(c) of title 5, United States Code, is amended by adding at the end the following:

''(3)(A) In this paragraph—

''(i) the term 'affected individual' means an individual covered under this subchapter who—

''(I) is performing service in a covered position;

''(II) is diagnosed with COVID–19 before the date on which the individual becomes entitled to an annuity under paragraph (1) of this subsection or subsection (e), (m), or (n), as applicable;

''(III) because of the illness described in subclause (II), is permanently unable to render useful and efficient service in the employee's cov-

AMERICAN OVERSIGHT

ered position, as determined by the agency in which the individual was serving when such individual incurred the illness; and

"(IV) is appointed to a position in the civil service that—

"(aa) is not a covered position; and

"(bb) is within an agency that regularly appoints individuals to supervisory or administrative positions related to the activities of the former covered position of the individual;

"(ii) the term 'covered position' means a position as a law enforcement officer, customs and border protection officer, firefighter, air traffic controller, nuclear materials courier, member of the Capitol Police, or member of the Supreme Court Police; and

"(iii) the term 'COVID–19' means the 2019 Novel Coronavirus or 2019-nCoV.

"(B) Unless an affected individual files an election described in subparagraph (E), cred-

AMERICAN OVERSIGHT

itable service by the affected individual in a position described in subparagraph (A)(i)(IV) shall be treated as creditable service in a covered position for purposes of this chapter and determining the amount to be deducted and withheld from the pay of the affected individual under section 8334.

''(C) Subparagraph (B) shall only apply if the affected employee transitions to a position described in subparagraph (A)(i)(IV) without a break in service exceeding 3 days.

''(D) The service of an affected individual shall no longer be eligible for treatment under subparagraph (B) if such service occurs after the individual—

''(i) is transferred to a supervisory or administrative position related to the activities of the former covered position of the individual; or

''(ii) meets the age and service requirements that would subject the individual to mandatory separation under section 8335 if such individual had remained in the former covered position.

AMERICAN OVERSIGHT

''(E) In accordance with procedures established by the Director of the Office of Personnel Management, an affected individual may file an election to have any creditable service performed by the affected individual treated in accordance with this chapter without regard to subparagraph (B).

''(F) Nothing in this paragraph shall be construed to apply to such affected individual any other pay-related laws or regulations applicable to a covered position.''.

(b) FERS.—

(1) IN GENERAL.—Section 8412(d) of title 5, United States Code, is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting ''(1)'' before ''An employee''; and

(C) by adding at the end the following:

''(2)(A) In this paragraph—

''(i) the term 'affected individual' means an individual covered under this chapter who—

''(I) is performing service in a covered position;

AMERICAN OVERSIGHT

"(II) is diagnosed with COVID–19 before the date on which the individual becomes entitled to an annuity under paragraph (1) of this subsection or subsection (e), as applicable;

"(III) because of the illness described in subclause (II), is permanently unable to render useful and efficient service in the employee's covered position, as determined by the agency in which the individual was serving when such individual incurred the illness; and

"(IV) is appointed to a position in the civil service that—

"(aa) is not a covered position; and

"(bb) is within an agency that regularly appoints individuals to supervisory or administrative positions related to the activities of the former covered position of the individual;

AMERICAN OVERSIGHT

"(ii) the term 'covered position' means a position as a law enforcement officer, customs and border protection officer, firefighter, air traffic controller, nuclear materials courier, member of the Capitol Police, or member of the Supreme Court Police; and

"(iii) the term 'COVID–19' means the 2019 Novel Coronavirus or 2019-nCoV.

"(B) Unless an affected individual files an election described in subparagraph (E), creditable service by the affected individual in a position described in subparagraph (A)(i)(IV) shall be treated as creditable service in a covered position for purposes of this chapter and determining the amount to be deducted and withheld from the pay of the affected individual under section 8422.

"(C) Subparagraph (B) shall only apply if the affected employee transitions to a position described in subparagraph (A)(i)(IV) without a break in service exceeding 3 days.

"(D) The service of an affected individual shall no longer be eligible for treatment under

AMERICAN OVERSIGHT

subparagraph (B) if such service occurs after the individual—

"(i) is transferred to a supervisory or administrative position related to the activities of the former covered position of the individual; or

"(ii) meets the age and service requirements that would subject the individual to mandatory separation under section 8425 if such individual had remained in the former covered position.

"(E) In accordance with procedures established by the Director of the Office of Personnel Management, an affected individual may file an election to have any creditable service performed by the affected individual treated in accordance with this chapter without regard to subparagraph (B).

"(F) Nothing in this paragraph shall be construed to apply to such affected individual any other pay-related laws or regulations applicable to a covered position.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

AMERICAN OVERSIGHT

(A) Chapter 84 of title 5, United States Code, is amended—

(i) in section 8414(b)(3), by inserting ''(1)'' after ''subsection (d)'';

(ii) in section 8415—

(I) in subsection (e), in the matter preceding paragraph (1), by inserting ''(1)'' after ''subsection (d)''; and

(II) in subsection (h)(2)(A), by striking ''(d)(2)'' and inserting ''(d)(1)(B)'';

(iii) in section 8421(a)(1), by inserting ''(1)'' after ''(d)'';

(iv) in section 8421a(b)(4)(B)(ii), by inserting ''(1)'' after ''section 8412(d)'';

(v) in section 8425, by inserting ''(1)'' after ''section 8412(d)'' each place it appears; and

(vi) in section 8462(c)(3)(B)(ii), by inserting ''(1)'' after ''subsection (d)''.

(B) Title VIII of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) is amended—

AMERICAN OVERSIGHT

(i) in section 805(d)(5) (22 U.S.C. 4045(d)(5)), by inserting ''(1)'' after ''or 8412(d)''; and

(ii) in section 812(a)(2)(B) (22 U.S.C. 4052(a)(2)(B)), by inserting ''(1)'' after ''or 8412(d)''.

(c) CIA EMPLOYEES.—Section 302 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2152) is amended by adding at the end the following:

''(d) EMPLOYEES DISABLED ON DUTY.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'affected employee' means an employee of the Agency covered under subchapter II of chapter 84 of title 5, United States Code, who—

''(i) is performing service in a position designated under subsection (a);

''(ii) is diagnosed with COVID–19 before the date on which the employee becomes entitled to an annuity under section 233 of this Act or section 8412(d)(1) of title 5, United States Code;

''(iii) because of the illness described in clause (ii), is permanently unable to render useful and efficient service in the

AMERICAN OVERSIGHT

employee's covered position, as determined by the Director; and

"(iv) is appointed to a position in the civil service that is not a covered position but is within the Agency;

"(B) the term 'covered position' means a position as—

"(i) a law enforcement officer described in section 8331(20) or 8401(17) of title 5, United States Code;

"(ii) a customs and border protection officer described in section 8331(31) or 8401(36) of title 5, United States Code;

"(iii) a firefighter described in section 8331(21) or 8401(14) of title 5, United States Code;

"(iv) an air traffic controller described in section 8331(30) or 8401(35) of title 5, United States Code;

"(v) a nuclear materials courier described in section 8331(27) or 8401(33) of title 5, United States Code;

"(vi) a member of the United States Capitol Police;

AMERICAN OVERSIGHT

"(vii) a member of the Supreme Court Police;

"(viii) an affected employee; or

"(ix) a special agent described in section 804(15) of the Foreign Service Act of 1980 (22 U.S.C. 4044(15)); and

"(C) the term 'COVID–19' means the 2019 Novel Coronavirus or 2019-nCoV.

"(2) TREATMENT OF SERVICE AFTER DISABILITY.—Unless an affected employee files an election described in paragraph (3), creditable service by the affected employee in a position described in paragraph (1)(A)(iv) shall be treated as creditable service in a covered position for purposes of this Act and chapter 84 of title 5, United States Code, including eligibility for an annuity under section 233 of this Act or 8412(d)(1) of title 5, United States Code, and determining the amount to be deducted and withheld from the pay of the affected employee under section 8422 of title 5, United States Code.

"(3) BREAK IN SERVICE.—Paragraph (2) shall only apply if the affected employee transitions to a position described in paragraph (1)(A)(iv) without a break in service exceeding 3 days.

AMERICAN OVERSIGHT

"(4) LIMITATION ON TREATMENT OF SERVICE.—The service of an affected employee shall no longer be eligible for treatment under paragraph (2) if such service occurs after the employee is transferred to a supervisory or administrative position related to the activities of the former covered position of the employee.

"(5) OPT OUT.—An affected employee may file an election to have any creditable service performed by the affected employee treated in accordance with chapter 84 of title 5, United States Code, without regard to paragraph (2).".

(d) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—Section 806(a)(6) of the Foreign Service Act of 1980 (22 U.S.C. 4046(a)(6)) is amended by adding at the end the following:

"(D)(i) In this subparagraph—

"(I) the term 'affected special agent' means an individual covered under this subchapter who—

"(aa) is performing service as a special agent;

"(bb) is diagnosed with COVID–19 before the date on which the individual becomes en-

AMERICAN OVERSIGHT

titled to an annuity under section 811;

"(cc) because of the illness described in item (bb), is permanently unable to render useful and efficient service in the employee's covered position, as determined by the Secretary; and

"(dd) is appointed to a position in the Foreign Service that is not a covered position;

"(II) the term 'covered position' means a position as—

"(aa) a law enforcement officer described in section 8331(20) or 8401(17) of title 5, United States Code;

"(bb) a customs and border protection officer described in section 8331(31) or 8401(36) of title 5, United States Code;

"(cc) a firefighter described in section 8331(21) or 8401(14) of title 5, United States Code;

AMERICAN OVERSIGHT

"(dd) an air traffic controller described in section 8331(30) or 8401(35) of title 5, United States Code;

"(ee) a nuclear materials courier described in section 8331(27) or 8401(33) of title 5, United States Code;

"(ff) a member of the United States Capitol Police;

"(gg) a member of the Supreme Court Police;

"(hh) an employee of the Agency designated under section 302(a) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2152(a)); or

"(ii) a special agent; and

"(III) the term 'COVID–19' means the 2019 Novel Coronavirus or 2019-nCoV.

"(ii) Unless an affected special agent files an election described in clause (iv), creditable service by the affected special agent in a position described in clause (i)(I)(dd) shall be treat-

AMERICAN OVERSIGHT

ed as creditable service as a special agent for purposes of this subchapter, including determining the amount to be deducted and withheld from the pay of the individual under section 805.

''(iii) Clause (ii) shall only apply if the special agent transitions to a position described in clause (i)(I)(dd) without a break in service exceeding 3 days.

''(iv) The service of an affected employee shall no longer be eligible for treatment under clause (ii) if such service occurs after the employee is transferred to a supervisory or administrative position related to the activities of the former covered position of the employee.

''(v) In accordance with procedures established by the Secretary, an affected special agent may file an election to have any creditable service performed by the affected special agent treated in accordance with this subchapter, without regard to clause (ii).''.

(e) IMPLEMENTATION.—

(1) OFFICE OF PERSONNEL MANAGEMENT.—The Director of the Office of Personnel Management

AMERICAN OVERSIGHT

shall promulgate regulations to carry out the amendments made by subsections (a) and (b).

(2) CIA EMPLOYEES.—The Director of the Central Intelligence Agency shall promulgate regulations to carry out the amendment made by subsection (c).

(3) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—The Secretary of State shall promulgate regulations to carry out the amendment made by subsection (d).

(4) AGENCY REAPPOINTMENT.—The regulations promulgated to carry out the amendments made by this section shall ensure that, to the greatest extent possible, the head of each agency appoints affected employees or special agents to supervisory or administrative positions related to the activities of the former covered position of the employee or special agent.

(5) TREATMENT OF SERVICE.—The regulations promulgated to carry out the amendments made by this section shall ensure that the creditable service of an affected employee or special agent (as the case may be) that is not in a covered position pursuant to an election made under such amendments shall be treated as the same type of service as the covered

AMERICAN OVERSIGHT

position in which the employee or agent suffered the qualifying illness.

(f) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section—

(1) shall take effect on the date of enactment of this section; and

(2) shall apply to an individual who suffers an illness described in section 8336(c)(3)(A)(i)(II) or section 8412(d)(2)(A)(i)(II) of title 5, United States Code (as amended by this section), section 302(d)(1)(A)(ii) of the Central Intelligence Agency Retirement Act (as amended by this section), or section 806(a)(6)(D)(i)(I)(bb) of the Foreign Service Act of 1980 (as amended by this section), on or after the date that is 2 years after the date of enactment of this section.

SEC. 70303. PRESUMPTION OF ELIGIBILITY FOR WORKERS' COMPENSATION BENEFITS FOR FEDERAL EMPLOYEES DIAGNOSED WITH CORONAVIRUS.

(a) IN GENERAL.—An employee who is diagnosed with COVID–19 during the period described in subsection (b)(2)(A) shall, with respect to any claim made by or on behalf of the employee for benefits under subchapter I of chapter 81 of title 5, United States Code, be deemed to

AMERICAN OVERSIGHT

have an injury proximately caused by exposure to coronavirus arising out of the nature of the employee's employment and be presumptively entitled to such benefits, including disability compensation, medical services, and survivor benefits.

(b) DEFINITIONS.—In this section—

(1) the term ''coronavirus'' means SARS–CoV–2 or another coronavirus with pandemic potential; and

(2) the term ''employee''—

(A) means an employee as that term is defined in section 8101(1) of title 5, United States Code, (including an employee of the United States Postal Service, the Transportation Security Administration, or the Department of Veterans Affairs, including any individual appointed under chapter 73 or 74 of title 38, United States Code) employed in the Federal service at anytime during the period beginning on January 27, 2020, and ending on January 30, 2022—

(i) who carried out duties requiring contact with patients, members of the public, or co-workers; or

AMERICAN OVERSIGHT

(ii) whose duties include a risk of exposure to the coronavirus; and

(B) does not include any employee otherwise covered by subparagraph (A) who is teleworking on a full-time basis during all of such period.

TITLE IV—FEDERAL CONTRACTING PROVISIONS

SEC. 70401. MANDATORY TELEWORK.

(a) IN GENERAL.—During the emergency period, the Director of the Office of Management and Budget shall direct agencies to allow telework for all contractor personnel to the maximum extent practicable. Additionally, the Director shall direct contracting officers to document any decision to not allow telework during the emergency period in the contract file.

(b) EMERGENCY PERIOD DEFINED.—In this section, the term ''emergency period'' means the period that—

(1) begins on the date that is not later than 15 days after the date of the enactment of this Act; and

(2) ends on the date that the public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) as result of COVID–19, including any renewal thereof, expires.

AMERICAN OVERSIGHT

SEC. 70402. GUIDANCE ON THE IMPLEMENTATION OF SECTION 3610 OF THE CARES ACT.

Not later than 15 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall issue guidance to ensure uniform implementation across agencies of section 3610 of the CARES Act (Public Law 116–136). Any such guidance shall—

(1) limit the basic requirements for reimbursement to those included in such Act and the effective date for such reimbursement shall be January 31, 2020; and

(2) clarify that the term ''minimum applicable contract billing rates'' as used in such section includes the financial impact incurred as a consequence of keeping the employees or subcontractors of the contractor in a ready state (such as the base hourly wage rate of an employee, plus indirect costs, fees, and general and administrative expenses).

SEC. 70403. PAST PERFORMANCE RATINGS.

Section 1126 of title 41, United States Code, is amended by adding at the end the following new subsection:

''(c) EXCEPTION FOR FAILURE TO DELIVER GOODS OR COMPLETE WORK DUE TO COVID–19.—If the head of an executive agency determines that a contractor failed

AMERICAN OVERSIGHT

to deliver goods or complete work as a result of measures taken as a result of COVID–19 under a contract with the agency by the date or within the time period imposed by the contract, any information relating to such failure may not be—

"(1) included in any past performance database used by executive agencies for making source selection decisions; or

"(2) evaluated unfavorably as a factor of past contract performance.".

SEC. 70404. ACCELERATED PAYMENTS.

Not later than 10 days after the date of the enactment of this Act and ending on the expiration of the public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) as a result of COVID–19, including any renewal thereof, the Director of the Office of Management and Budget shall direct contracting officers to establish an accelerated payment date for any prime contract (as defined in section 8701 of title 41, United States Code) with payments due 15 days after the receipt of a proper invoice.

AMERICAN OVERSIGHT

TITLE V—DISTRICT OF COLUMBIA

SEC. 70501. SPECIAL BORROWING BY THE DISTRICT OF COLUMBIA.

(a) AUTHORIZING BORROWING UNDER MUNICIPAL LIQUIDITY FACILITY OF FEDERAL RESERVE BOARD AND SIMILAR FACILITIES OR PROGRAMS.—The Council of the District of Columbia (hereafter in this section referred to as the ''Council'') may by act authorize the issuance of bonds, notes, and other obligations, in amounts determined by the Chief Financial Officer of the District of Columbia to meet cash-flow needs of the District of Columbia government, for purchase by the Board of Governors of the Federal Reserve under the Municipal Liquidity Facility of the Federal Reserve or any other facility or program of the Federal Reserve or another entity of the Federal government which is established in response to the COVID–19 Pandemic.

(b) REQUIRING ISSUANCE TO BE COMPETITIVE WITH OTHER FORMS OF BORROWING.—The Council may authorize the issuance of bonds, notes, or other obligations under subsection (a) only if the issuance of such bonds, notes, and other obligations is competitive with other forms of borrowing in the financial market.

(c) TREATMENT AS GENERAL OBLIGATION.—Any bond, note, or other obligation issued under subsection (a)

AMERICAN OVERSIGHT

shall, if provided in the act of the Council, be a general obligation of the District.

(d) PAYMENTS NOT SUBJECT TO APPROPRIATION.—No appropriation is required to pay—

(1) any amount (including the amount of any accrued interest or premium) obligated or expended from or pursuant to subsection (a) for or from the sale of any bonds, notes, or other obligation under such subsection;

(2) any amount obligated or expended for the payment of principal of, interest on, or any premium for any bonds, notes, or other obligations issued under subsection (a);

(3) any amount obligated or expended pursuant to provisions made to secure any bonds, notes, or other obligations issued under subsection (a); or

(4) any amount obligated or expended pursuant to commitments, including lines of credit or costs of issuance, made or entered in connection with the issuance of any bonds, notes, or other obligations for operating or capital costs financed under subsection (a).

(e) RENEWAL.—Any bond, note, or other obligation issued under subsection (a) may be renewed if authorized by an act of the Council.

AMERICAN OVERSIGHT

(f) PAYMENT.—Any bonds, notes, or other obligations issued under subsection (a), including any renewal of such bonds, notes, or other obligations, shall be due and payable on such terms and conditions as are consistent with the terms and conditions of the Municipal Liquidity Facility or other facility or program referred to in subsection (a).

(g) INCLUSION OF PAYMENTS IN ANNUAL BUDGET.—The Council shall provide in each annual budget for the District of Columbia government sufficient funds to pay the principal of and interest on all bonds, notes, or other obligations issued under subsection (a) of this section becoming due and payable during such fiscal year.

(h) OBLIGATION TO PAY.—The Mayor of the District of Columbia shall ensure that the principal of and interest on all bonds, notes, or other obligations issued under subsection (a) are paid when due, including by paying such principal and interest from funds not otherwise legally committed.

(i) SECURITY INTEREST IN DISTRICT REVENUES.—The Council may by act provide for a security interest in any District of Columbia revenues as additional security for the payment of any bond, note, or other obligation issued under subsection (a).

AMERICAN OVERSIGHT

TITLE VI—OTHER MATTERS

SEC. 70601. ESTIMATES OF AGGREGATE ECONOMIC GROWTH ACROSS INCOME GROUPS.

(a) SHORT TITLE.—This section may be cited as the ''Measuring Real Income Growth Act of 2020''.

(b) DEFINITIONS.—In this section:

(1) BUREAU.—The term ''Bureau'' means the Bureau of Economic Analysis of the Department of Commerce.

(2) GROSS DOMESTIC PRODUCT ANALYSIS.—The term ''gross domestic product analysis''—

(A) means a quarterly or annual analysis conducted by the Bureau with respect to the gross domestic product of the United States; and

(B) includes a revision prepared by the Bureau of an analysis described in subparagraph (A).

(3) RECENT ESTIMATE.—The term ''recent estimate'' means the most recent estimate described in subsection (c) that is available on the date on which the gross domestic product analysis with which the estimate is to be included is conducted.

(c) INCLUSION IN REPORTS.—Beginning in 2020, in each gross domestic product analysis conducted by the Bu-

AMERICAN OVERSIGHT

reau, the Bureau shall include a recent estimate of, with respect to specific percentile groups of income, the total amount that was added to the economy of the United States during the period to which the recent estimate pertains, including in—

(1) each of the 10 deciles of income; and

(2) the highest 1 percent of income.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce such sums as are necessary to carry out this section.

SEC. 70602. WAIVER OF MATCHING FUNDS REQUIREMENT FOR THE DRUG FREE COMMUNITIES SUPPORT PROGRAM.

The matching funds requirement under paragraphs (1)(A)(i), (1)(A)(iii), and (3)(D) of section 1032(b) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1532(b)) may be modified or waived by the Administrator if a grantee or applicant is unable to meet the requirement as a result of the public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) as a result of COVID–19.

AMERICAN OVERSIGHT

SEC. 70603. UNITED STATES POSTAL SERVICE BORROWING AUTHORITY.

Subsection (b)(2) of section 6001 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended to read as follows:

"(2) the Secretary of the Treasury shall lend up to the amount described in paragraph (1) at the request of the Postal Service subject to the terms and conditions of the note purchase agreement between the Postal Service and the Federal Financing Bank in effect on September 29, 2018.".

AMERICAN OVERSIGHT

DIVISION H—VETERANS AND SERVICEMEMBERS PROVISIONS

SEC. 80001. MODIFICATION OF PAY LIMITATION FOR CERTAIN HIGH-LEVEL EMPLOYEES AND OFFICERS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) MODIFICATION.—Section 7404(d) of title 38, United States Code, is amended by inserting ''and except for individuals appointed under 7401(4) and 7306 of this title,'' after ''section 7457 of this title,''.

(b) WAIVERS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may waive the limitation described in section 7404(d) of such title, as in effect on the day before the date of the enactment of this Act, on the amount of basic pay payable to individuals appointed under section 7401(4) or 7306 of such title for basic pay payable during the period—

(A) beginning on November 1, 2010; and

(B) ending on the day before the date of the enactment of this Act.

(2) FORM.—The Secretary shall prescribe the form for requesting a waiver under paragraph (1).

(3) TREATMENT OF WAIVER.—A decision not to grant a waiver under paragraph (1) shall not be

AMERICAN OVERSIGHT

treated as an adverse action and is not subject to further appeal, third-party review, or judicial review.

SEC. 80002. INCREASE OF AMOUNT OF CERTAIN DEPARTMENT OF VETERANS AFFAIRS PAYMENTS DURING EMERGENCY PERIOD RESULTING FROM COVID–19 PANDEMIC.

(a) IN GENERAL.—During the covered period, the Secretary of Veterans Affairs shall apply each of the following provisions of title 38, United States Code, by substituting for each of the dollar amounts in such provision the amount equal to 125 percent of the dollar amount that was in effect under such provision on the date of the enactment of this Act:

(1) Subsections (l), (m), (r), and (t) of section 1114.

(2) Paragraph (1)(E) of section 1115.

(3) Subsection (c) of section 1311.

(4) Subsection (g) of section 1315.

(5) Paragraphs (1) and (2) of subsection (d) of section 1521.

(6) Paragraphs (2) and (4) of subsection (f) of section 1521.

(b) TREATMENT OF AMOUNTS.—Any amount payable to an individual under subsection (a) in excess of the amount otherwise in effect shall be in addition to any

AMERICAN OVERSIGHT

other benefit or any other amount payable to that individual under any provision of law referred to in subsection (a) or any other provision of law administered by the Secretary of Veterans Affairs.

(c) COVERED PERIOD.—In this section, the covered period is the period that begins on the date of the enactment of this Act and ends 60 days after the last day of the emergency period (as defined in section 1135(g)(1) of the Social Security Act (42 U.S.C. 1320b-5(g)(1))) resulting from the COVID–19 pandemic.

SEC. 80003. PROHIBITION ON COPAYMENTS AND COST SHARING FOR VETERANS RECEIVING PREVENTIVE SERVICES RELATING TO COVID–19.

(a) PROHIBITION.—The Secretary of Veterans Affairs may not require any copayment or other cost sharing under chapter 17 of title 38, United States Code, for qualifying coronavirus preventive services. The requirement described in this subsection shall take effect with respect to a qualifying coronavirus preventive service on the specified date.

(b) DEFINITIONS.—In this section, the terms ''qualifying coronavirus preventive service'' and ''specified date'' have the meaning given those terms in section 3203 of the CARES Act (Public Law 116–136).

AMERICAN OVERSIGHT

SEC. 80004. MODIFICATION OF CALCULATION OF AMOUNTS OF PER DIEM GRANTS.

Section 2012(a)(2)(B) of title 38, United States Code, is amended—

(1) in clause (i), by inserting ''or (iii)'' after ''clause (ii)''; and

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

''(iii) With respect to a homeless veteran who has care of a minor dependent while receiving services from the grant recipient or eligible entity, the daily cost of care shall be the sum of the daily cost of care determined under subparagraph (A) plus, for each such minor dependent, an amount that equals 50 percent of such daily cost of care.''.

SEC. 80005. EMERGENCY TREATMENT FOR VETERANS DURING COVID–19 EMERGENCY PERIOD.

(a) EMERGENCY TREATMENT.—Notwithstanding section 1725 or 1728 of title 38, United States Code, or any other provision of law administered by the Secretary of Veterans Affairs pertaining to furnishing emergency treatment to veterans at non-Department facilities, during the period of a covered public health emergency, the Secretary of Veterans Affairs shall furnish to an eligible veteran emergency treatment at a non-Department facility in accordance with this section.

AMERICAN OVERSIGHT

(b) AUTHORIZATION NOT REQUIRED.—The Secretary may not require an eligible veteran to seek authorization by the Secretary for emergency treatment furnished to the veteran pursuant to subsection (a).

(c) PAYMENT RATES.—

(1) DETERMINATION.—The rate paid for emergency treatment furnished to eligible veterans pursuant to subsection (a) shall be equal to the rate paid by the United States to a provider of services (as defined in section 1861(u) of the Social Security Act (42 U.S.C. 1395x(u))) or a supplier (as defined in section 1861(d) of such Act (42 U.S.C. 1395x(d))) under the Medicare program under title XI or title XVIII of the Social Security Act (42 U.S.C. 1301 et seq.), including section 1834 of such Act (42 U.S.C. 1395m), for the same treatment.

(2) FINALITY.—A payment in the amount payable under paragraph (1) for emergency treatment furnished to an eligible veteran pursuant to subsection (a) shall be considered payment in full and shall extinguish the veteran's liability to the provider of such treatment, unless the provider rejects the payment and refunds to the United States such amount by not later than 30 days after receiving the payment.

AMERICAN OVERSIGHT

(d) CLAIMS PROCESSED BY THIRD PARTY ADMINISTRATORS.—

(1) REQUIREMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall seek to award a contract to one or more entities, or to modify an existing contract, to process claims for payment for emergency treatment furnished to eligible veterans pursuant to subsection (a).

(2) PROMPT PAYMENT STANDARD.—Section 1703D of title 38, United States Code, shall apply with respect to claims for payment for emergency treatment furnished to eligible veterans pursuant to subsection (a).

(e) PRIMARY PAYER.—The Secretary shall be the primary payer with respect to emergency treatment furnished to eligible veterans pursuant to subsection (a), and with respect to the transportation of a veteran by ambulance. In any case in which an eligible veteran is furnished such emergency treatment for a non-service-connected disability described in subsection (a)(2) of section 1729 of title 38, United States Code, the Secretary shall recover or collect reasonable charges for such treatment from a health plan contract described in such section 1729 in accordance with such section.

AMERICAN OVERSIGHT

(f) APPLICATION.—This section shall apply to emergency treatment furnished to eligible veterans during the period of a covered public health emergency, regardless of whether treatment was furnished before the date of the enactment of this Act.

(g) DEFINITIONS.—In this section:

(1) The term ''covered public health emergency'' means the declaration—

(A) of a public health emergency, based on an outbreak of COVID–19 by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d); or

(B) of a domestic emergency, based on an outbreak of COVID–19 by the President, the Secretary of Homeland Security, or a State or local authority.

(2) The term ''eligible veteran'' means a veteran enrolled in the health care system established under section 1705 of title 38, United States Code.

(3) The term ''emergency treatment'' means medical care or services rendered in a medical emergency of such nature that a prudent layperson reasonably expects that delay in seeking immediate

AMERICAN OVERSIGHT

medical attention would be hazardous to life or health.

(4) The term ''non-Department facility'' has the meaning given that term in section 1701 of title 38, United States Code.

SEC. 80006. FLEXIBILITY FOR THE SECRETARY OF VETERANS AFFAIRS IN CARING FOR HOMELESS VETERANS DURING A COVERED PUBLIC HEALTH EMERGENCY.

(a) GENERAL SUPPORT.—

(1) USE OF FUNDS.—During a covered public health emergency, the Secretary of Veterans Affairs may use amounts appropriated or otherwise made available to the Department of Veterans Affairs to carry out sections 2011, 2012, and 2061 of title 38, United States Code, to provide to homeless veterans the following:

(A) Food.

(B) Shelter.

(C) Basic supplies (such as clothing, blankets, and toiletry items).

(D) Transportation.

(E) Communications equipment and required capabilities (such as smartphones, disposable phones, and phone service plans).

AMERICAN OVERSIGHT

(F) Such other assistance as the Secretary determines appropriate.

(2) HOMELESS VETERANS ON LAND OF THE DEPARTMENT.—

(A) USE OF REVOLVING FUND.—During a covered public health emergency, the Secretary may use amounts in the revolving fund under section 8109(h) of title 38, United States Code, to alter parking facilities of the Department to facilitate the use of such facilities as temporary shelter locations for homeless veterans.

(B) PARTNERSHIPS.—During a covered public health emergency, the Secretary may partner with one or more organizations to manage land of the Department used by homeless veterans for sleeping.

(C) EQUIPMENT.—During a covered public health emergency, the Secretary shall not be responsible for furnishing outdoor equipment necessary for sleeping on land of the Department.

(b) GRANT AND PER DIEM PROGRAM.—

(1) MAXIMUM PER DIEM RATE.—Notwithstanding paragraph (2) of section 2012(a) of title 38, United States Code, during a covered public health emergency, the maximum rate of per diem

AMERICAN OVERSIGHT

authorized under such section is 300 percent of the rate authorized for State homes for domiciliary care under subsection (a)(1)(A) of section 1741 of such title, as the Secretary may increase from time to time under subsection (c) of that section.

(2) USE OF PER DIEM PAYMENTS.—During a covered public health emergency, a recipient of a grant or an eligible entity under the grant and per diem program of the Department (in this subsection referred to as the ''program'') may use per diem payments under sections 2012 and 2061 of title 38, United States Code, to provide food and basic supplies for—

(A) homeless veterans in the program; and

(B) formerly homeless veterans in the community who experienced homelessness during the one-year period ending on the date of the enactment of this Act.

(3) ADDITIONAL TRANSITIONAL HOUSING.—

(A) IN GENERAL.—During a covered public health emergency, the Secretary may provide amounts for grants and per diem payments under the program for additional transitional housing beds to facilitate access to housing and services provided to homeless veterans.

AMERICAN OVERSIGHT

(B) NOTICE; COMPETITION; PERIOD OF PERFORMANCE.—The Secretary may provide amounts under subparagraph (A)—

(i) without notice or competition; and

(ii) for a period of performance determined by the Secretary.

(4) INSPECTIONS AND LIFE SAFETY CODE REQUIREMENTS.—

(A) IN GENERAL.—During a covered public health emergency, the Secretary may waive any requirement under subsection (b) or (c) of section 2012 of title 38, United States Code, in order to allow the recipient of a grant or an eligible entity under the program—

(i) to quickly identify temporary alternate sites of care for homeless veterans that are suitable for habitation;

(ii) to facilitate social distancing or isolation needs; or

(iii) to facilitate activation or continuation of a program for which a grant has been awarded.

(B) LIMITATION.—The Secretary may waive a requirement pursuant to the authority provided by subparagraph (A) with respect to a

AMERICAN OVERSIGHT

facility of a recipient of a grant or an eligible entity under the program only if the facility meets applicable local safety requirements, including fire safety requirements.

(c) HEALTH CARE FOR HOMELESS VETERANS.—

(1) COMMUNITY-BASED TREATMENT FACILITIES.—During a covered public health emergency, the Secretary may use amounts as authorized under subsection (a)(1) notwithstanding any requirement under subsection (a)(2) of section 2031 of title 38, United States Code, that community-based treatment facilities provide care, treatment, and rehabilitative services to veterans described in such section.

(2) REPORT TO CONGRESS ON REDUCTION OF CARE, TREATMENT, AND REHABILITATIVE SERVICES.—During a covered public health emergency, if the Secretary reduces the care, treatment, and rehabilitative services provided to homeless veterans under section 2031(a)(2) of title 38, United States Code, the Secretary shall submit to Congress monthly reports on the reduction of such care, treatment, and services for the duration of the covered public health emergency.

(3) INSPECTION AND LIFE SAFETY CODE REQUIREMENTS.—

AMERICAN OVERSIGHT

(A) IN GENERAL.—During a covered public health emergency, the Secretary may waive any inspection or life safety code requirement under subsection (c) of section 2032 of title 38, United States Code—

(i) to allow quick identification of temporary alternate sites of care for homeless veterans that are suitable for habitation;

(ii) to facilitate social distancing or isolation needs; or

(iii) to facilitate the operation of housing under such section.

(B) LIMITATION.—The Secretary may waive a requirement pursuant to the authority provided by subparagraph (A) with respect to a residence or facility referred to in such section 2032 only if the residence or facility, as the case may be, meets applicable local safety requirements, including fire safety requirements.

(d) ACCESS OF HOMELESS VETERANS TO DEPARTMENT OF VETERANS AFFAIRS TELEHEALTH SERVICES.—During a covered public health emergency, the Secretary may make available telehealth capabilities to homeless veterans who—

AMERICAN OVERSIGHT

(1) are receiving services provided under chapter 20 of title 38, United States Code; or

(2) are participating in a program under such chapter.

(e) DEFINITIONS.—In this section:

(1) COVERED PUBLIC HEALTH EMERGENCY.—The term ''covered public health emergency'' means an emergency with respect to COVID–19 declared by a Federal, State, or local authority.

(2) HOMELESS VETERAN; VETERAN.—The terms ''homeless veteran'' and ''veteran'' have the meanings given those terms in section 2002 of title 38, United States Code.

(3) PARKING FACILITY.—The term ''parking facility'' has the meaning given that term in section 8109(a) of such title.

(4) TELEHEALTH.—

(A) IN GENERAL.—The term ''telehealth'' means the use of electronic information and telecommunications technologies to support and promote long-distance clinical health care, patient and professional health-related education, public health, and health administration.

(B) TECHNOLOGIES.—For purposes of subparagraph (A), ''telecommunications tech-

AMERICAN OVERSIGHT

nologies'' include video conferencing, the internet, streaming media, and terrestrial and wireless communications.

SEC. 80007. HUD–VASH PROGRAM.

The Secretary of Housing and Urban Development shall take such actions with respect to the supported housing program carried out under section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) in conjunction with the Department of Veterans Affairs (commonly referred to as ''HUD–VASH''), and shall require public housing agencies administering assistance under such program to take such actions, as may be appropriate to facilitate the issuance and utilization of vouchers for rental assistance under such program during the period of the covered public health emergency (as such term is defined in section 1 of this Act), including the following actions:

(1) Establishing mechanisms and procedures providing for referral and application documents used under such program to be received by fax, electronic mail, drop box, or other means not requiring in-person contact.

(2) Establishing mechanisms and procedures for processing applications for participation in such program that do not require identification or

AMERICAN OVERSIGHT

verification of identity by social security number or photo ID in cases in which closure of governmental offices prevents confirmation or verification of identity by such means.

(3) Providing for waiver of requirements to conduct housing quality standard inspections with respect to dwelling units for which rental assistance is provided under such program.

SEC. 80008. EXTENSION OF LEASE PROTECTIONS FOR SERVICEMEMBERS UNDER STOP MOVEMENT ORDERS IN RESPONSE TO LOCAL, NATIONAL, OR GLOBAL EMERGENCY.

(a) TERMINATION.—Subsection (a)(1) of section 305 of the Servicemembers Civil Relief Act (50 U.S.C. 3955) is amended—

(1) in subparagraph (A), by striking ''; or'' and inserting a semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

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

''(C) the date of the lessee's stop movement order described in paragraph (1)(C) or (2)(C) of subsection (b), as the case may be.''.

(b) COVERED LEASES.—

AMERICAN OVERSIGHT

(1) LEASES OF PREMISES.—Paragraph (1) of subsection (b) of such section is amended—

(A) in subparagraph (A), by striking ''; or'' and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

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

''(C) the servicemember, while in military service—

''(i) executes a lease upon receipt of military orders for a permanent change of station or to deploy with a military unit, or as an individual in support of a military operation, for a period of not less than 90 days; and

''(ii) thereafter receives a stop movement order issued by the Secretary of Defense in response to a local, national, or global emergency, effective for an indefinite period or for a period of not less than 30 days, which prevents the servicemember or servicemember's dependents from occupying the lease for a residential, profes-

AMERICAN OVERSIGHT

sional, business, agricultural, or similar purpose.''.

(2) LEASES OF MOTOR VEHICLES.—Paragraph (2) of such subsection is amended—

(A) in subparagraph (A), by striking ''; or'' and inserting a semicolon;

(B) in subparagraph (B)(ii), by striking the period at the end and inserting ''; or''; and

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

''(C) the servicemember, while in military service—

''(i) executes a lease upon receipt of military orders described in subparagraph (B); and

''(ii) thereafter receives a stop movement order issued by the Secretary of Defense in response to a local, national, or global emergency, effective for an indefinite period or for a period of not less than 30 days, which prevents the servicemember, or the servicemember's dependents, from using the vehicle for personal or business transportation.''.

AMERICAN OVERSIGHT

(c) EFFECTIVE DATE OF TERMINATION.—Paragraph (1) of subsection (d) of such section is amended to read as follows:

"(1) LEASE OF PREMISES.—

"(A) ENTRANCE TO MILITARY SERVICE, PERMANENT CHANGE OF STATION, OR DEPLOYMENT.—In the case of a lease described in subparagraph (A) or (B) of subsection (b)(1) that provides for monthly payment of rent, termination of the lease under subsection (a) is effective 30 days after the first date on which the next rental payment is due and payable after the date on which the notice under subsection (c) is delivered. In the case of any other lease described in subparagraphs (A) and (B) of subsection (b)(1) termination of the lease under subsection (a) is effective on the last day of the month following the month in which the notice is delivered.

"(B) STOP MOVEMENT ORDERS.—In the case of a lease described in subsection (b)(1)(C), termination of the lease under subsection (a) is effective on the date on which the requirements of subsection (c) are met for such termination.".

AMERICAN OVERSIGHT

(d) TECHNICAL CORRECTION.—Subsection (i) is amended, in the matter before paragraph (1), by inserting ''In this section:'' after ''DEFINITIONS.—''.

(e) RETROACTIVE APPLICATION.—The amendments made by this section shall apply to stop movement orders issued on or after March 1, 2020.

SEC. 80009. TERMINATION OF TELEPHONE, MULTICHANNEL VIDEO PROGRAMMING, AND INTERNET ACCESS SERVICE CONTRACTS BY SERVICEMEMBERS WHO ENTER INTO CONTRACTS AFTER RECEIVING MILITARY ORDERS FOR PERMANENT CHANGE OF STATION BUT THEN RECEIVE STOP MOVEMENT ORDERS DUE TO AN EMERGENCY SITUATION.

(a) IN GENERAL.—Section 305A(a)(1) of the Servicemembers Civil Relief Act (50 U.S.C. 3956) is amended—

(1) by striking ''after the date the servicemember receives military orders to relocate for a period of not less than 90 days to a location that does not support the contract.'' and inserting ''after—''; and

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

''(A) the date the servicemember receives military orders to relocate for a period of not

AMERICAN OVERSIGHT

less than 90 days to a location that does not support the contract; or

"(B) the date the servicemember, while in military service, receives military orders for a permanent change of station, thereafter enters into the contract, and then after entering into the contract receives a stop movement order issued by the Secretary of Defense in response to a local, national, or global emergency, effective for an indefinite period or for a period of not less than 30 days, which prevents the servicemember from using the services provided under the contract.".

(b) RETROACTIVE APPLICATION.—The amendments made by this section shall apply to stop movement orders issued on or after March 1, 2020.

SEC. 80010. TERMINATION OF CONTRACTS FOR TELEPHONE, MULTICHANNEL VIDEO PROGRAMMING, OR INTERNET ACCESS SERVICE BY CERTAIN INDIVIDUALS UNDER SERVICEMEMBERS CIVIL RELIEF ACT.

Section 305A(a) of the Servicemembers Civil Relief Act (50 U.S.C. 3956(a)) is amended by adding at the end the following new paragraph:

AMERICAN OVERSIGHT

"(4) ADDITIONAL INDIVIDUALS COVERED.—For purposes of this section, the following individuals shall be treated as a servicemember covered by paragraph (1):

"(A) A spouse or dependent of a servicemember who dies while in military service or a spouse or dependent of a member of the reserve components who dies while performing duty described in subparagraph (C).

"(B) A spouse or dependent of a servicemember who incurs a catastrophic injury or illness (as that term is defined in section 439(g) of title 37, United States Code), if the servicemember incurs the catastrophic injury or illness while in military service or performing duty described in subparagraph (C).

"(C) A member of the reserve components performing military service or performing full-time National Guard duty, active Guard and Reserve duty, or inactive-duty training (as such terms are defined in section 101(d) of title 10, United States Code).".

AMERICAN OVERSIGHT

SEC. 80011. CLARIFICATION OF TERMINATION OF LEASES OF PREMISES AND MOTOR VEHICLES OF SERVICEMEMBERS WHO INCUR CATASTROPHIC INJURY OR ILLNESS OR DIE WHILE IN MILITARY SERVICE.

(a) CATASTROPHIC INJURIES AND ILLNESSES.—Paragraph (4) of section 305(a) of the Servicemembers Civil Relief Act (50 U.S.C. 3955(a)), as added by section 545 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is amended to read as follows:

"(4) CATASTROPHIC INJURY OR ILLNESS OF LESSEE.—

"(A) TERMINATION.—If the lessee on a lease described in subsection (b) incurs a catastrophic injury or illness during a period of military service or while performing covered service, during the one-year period beginning on the date on which the lessee incurs such injury or illness—

"(i) the lessee may terminate the lease; or

"(ii) in the case of a lessee who lacks the mental capacity to contract or to manage his or her own affairs (including disbursement of funds without limitation) due

AMERICAN OVERSIGHT

to such injury or illness, the spouse or dependent of the lessee may terminate the lease.

''(B) DEFINITIONS.—In this paragraph:

''(i) The term 'catastrophic injury or illness' has the meaning given that term in section 439(g) of title 37, United States Code.

''(ii) The term 'covered service' means full-time National Guard duty, active Guard and Reserve duty, or inactive-duty training (as such terms are defined in section 101(d) of title 10, United States Code).''.

(b) DEATHS.—Paragraph (3) of such section is amended by striking ''The spouse of the lessee'' and inserting ''The spouse or dependent of the lessee''.

SEC. 80012. DEFERRAL OF CERTAIN DEBTS ARISING FROM BENEFITS UNDER LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) IN GENERAL.—During the covered period, the Secretary of Veterans Affairs may not—

(1) take any action to collect a covered debt (including the offset of any payment by the Secretary);

(2) record a covered debt;

AMERICAN OVERSIGHT

(3) issue notice of a covered debt to a person or a consumer reporting agency;

(4) allow any interest to accrue on a covered debt; or

(5) apply any administrative fee to a covered debt.

(b) EXCEPTION.—Notwithstanding subsection (a), the Secretary may collect a payment regarding a covered debt (including interest or any administrative fee) from a person (or the fiduciary of that person) who elects to make such a payment during the covered period.

(c) DEFINITIONS.—In this section:

(1) The term ''consumer reporting agency'' has the meaning given that term in section 5701 of title 38, United States Code.

(2) The term ''covered debt'' means a debt—

(A) owed by a person (including a fiduciary) to the United States;

(B) arising from a benefit under a covered law; and

(C) that is not subject to recovery under—

(i) section 3729 of title 31, United States Code;

(ii) section 1729 of title 38, United States Code; or

AMERICAN OVERSIGHT

(iii) Public Law 87–693 (42 U.S.C. 2651).

(3) The term ''covered law'' means any law administered by the Secretary of Veterans Affairs through—

(A) the Under Secretary for Health; or

(B) the Under Secretary for Benefits.

(4) The term ''covered period'' means—

(A) the COVID–19 emergency period; and

(B) the 60 days immediately following the date of the end of the COVID–19 emergency period.

(5) The term ''COVID–19 emergency period'' means the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b-5(g)(1)(B)).

SEC. 80013. TOLLING OF DEADLINES RELATING TO CLAIMS FOR BENEFITS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.

(a) REQUIRED TOLLING.—With respect to claims and appeals made by a claimant, the covered period shall be excluded in computing the following:

(1) In cases where an individual expresses an intent to file a claim, the period in which the individual is required to file the claim in order to have

AMERICAN OVERSIGHT

the effective date of the claim be determined based on the date of such intent, as described in section 3.155(b)(1) of title 38, Code of Federal Regulations.

(2) The period in which the claimant is required to take an action pursuant to section 5104C of title 38, United States Code.

(3) The period in which the claimant is required to appeal a change in service-connected or employability status or change in physical condition described in section 5112(b)(6) of such title.

(4) The period in which an individual is required to file a notice of appeal under section 7266 of such title.

(5) Any other period in which a claimant or beneficiary is required to act with respect to filing, perfecting, or appealing a claim, as determined appropriate by the Secretary of Veterans Affairs.

(b) USE OF POSTMARK DATES.—With respect to claims filed using nonelectronic means and appeals made during the covered period, the Secretary of Veterans Affairs and the Court of Appeals for Veterans Claims, as the case may be, shall administer the provisions of title 38, United States Code, as follows:

(1) In section 5110—

(A) in subsection (a)—

AMERICAN OVERSIGHT

(i) in paragraph (1), by substituting ''the earlier of the date of receipt of application therefor and the date of the postmark or other official proof of mailing date of the application therefor'' for ''the date of receipt of application therefor''; and

(ii) in paragraph (3), by substituting ''the earlier of the date of receipt of the supplemental claim and the date of the postmark or other official proof of mailing date of the supplemental claim'' for ''the date of receipt of the supplemental claim''; and

(B) in subsection (b)(2)(A), by substituting ''the earlier of the date of receipt of application and the date of the postmark or other official proof of mailing date of the application'' for ''the date of receipt of the application''.

(2) In section 7266, without regard to subsection (d).

(c) DEFINITIONS.—In this section:

(1) The term ''claimant'' has the meaning given that term in section 5100 of title 38, United States Code.

AMERICAN OVERSIGHT

(2) The term ''covered period'' means the period beginning on the date of the emergency period (as defined in section 1135(g)(1) of the Social Security Act (42 U.S.C. 1320b-5(g)(1))) resulting from the COVID–19 pandemic and ending 90 days after the last day of such emergency period.

SEC. 80014. PROVISION OF DEPARTMENT OF VETERANS AFFAIRS HOSPITAL CARE AND MEDICAL SERVICES TO CERTAIN VETERANS WHO ARE UNEMPLOYED OR LOST EMPLOYER-SPONSORED HEALTH CARE COVERAGE BY REASON OF A COVERED PUBLIC HEALTH EMERGENCY.

(a) IN GENERAL.—During the 12-month period beginning on the date of the enactment of this Act, the Secretary of Veterans Affairs shall consider a covered veteran to be unable to defray the expenses of necessary care for purposes of section 1722 of title 38, United States Code, and shall furnish to such veteran hospital care and medical services under chapter 17 of title 38, United States Code.

(b) COVERED VETERAN.—For purposes of this section, a covered veteran is a veteran—

(1) who—

(A) is unemployed; or

AMERICAN OVERSIGHT

(B) has lost access to a group health plan or group health insurance coverage by reason of a covered public health emergency; and

(2) whose projected attributable income for the 12-month period beginning on the date of application for hospital care or medical services under this section is not more than the amount in effect under section 1722(b) of title 38, United States Code.

(c) DEFINITIONS.—In this section:

(1) The term ''covered public health emergency'' means the declaration—

(A) of a public health emergency, based on an outbreak of COVID–19 by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d); or

(B) of a domestic emergency, based on an outbreak of COVID–19 by the President, the Secretary of Homeland Security, or State, or local authority.

(2) The terms ''group health plan'' and ''group health insurance coverage'' have the meaning given such terms in section 2701 of the Public Health Service Act (42 U.S.C. 300gg-3).

AMERICAN OVERSIGHT

SEC. 80015. PROHIBITION ON COPAYMENTS AND COST SHARING FOR VETERANS RECEIVING COVID–19 TREATMENT FURNISHED BY DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 6006(b) of the Families First Coronavirus Response Act (Public Law 116–127; 38 U.S.C. 1701 note) is amended by striking ''or visits described in paragraph (2) of such section'' and inserting '', visits described in paragraph (2) of such section, or hospital care or medical services to treat COVID–19''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Families First Coronavirus Response Act (Public Law 116–127).

SEC. 80016. EXPANSION OF VET CENTER SERVICES TO VETERANS AND MEMBERS OF THE ARMED FORCES WHO PERFORM CERTAIN SERVICE IN RESPONSE TO COVERED PUBLIC HEALTH EMERGENCY.

Section 1712A of title 38, United States Code, is amended—

(1) by striking ''clauses (i) through (iv)'' both places it appears and inserting ''clauses (i) through (v)'';

(2) by striking ''in clause (v)'' both places it appears and inserting ''in clause (vi)'';

AMERICAN OVERSIGHT

(3) in subsection (a)(1)(C)—

(A) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively; and

(B) by inserting after clause (iii) the following new clause (iv):

''(iv) Any individual who is a veteran or member of the Armed Forces (including the reserve components), who, in response to a covered public health emergency, performed active service or State active duty for a period of at least 14 days.''; and

(4) in subsection (h), by adding at the end the following new paragraphs:

''(4) The term 'active service' has the meaning given that term in section 101 of title 10.

''(5) The term 'covered public health emergency' means the declaration—

''(A) of a public health emergency, based on an outbreak of COVID–19, by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d); or

''(B) of a domestic emergency, based on an outbreak of COVID–19, by the President, the Secretary of Homeland Security, or a State or local authority.''.

AMERICAN OVERSIGHT

DIVISION I—SMALL BUSINESS PROVISIONS

SEC. 90001. AMENDMENTS TO THE PAYCHECK PROTECTION PROGRAM.

(a) EXTENSION OF COVERED PERIOD.—Section 7(a)(36)(A)(iii) of the Small Business Act (15 U.S.C. 636(a)(36)(A)(iii)) is amended by striking ''June 30, 2020'' and inserting ''December 31, 2020''.

(b) TRIBAL BUSINESS CONCERNS.—Section 7(a)(36)(D) of the Small Business Act (15 U.S.C. 636(a)(36)(D)) is amended by striking ''described in section 31(b)(2)(C)'' each place it appears.

(c) INCLUSION OF CRITICAL ACCESS HOSPITALS IN THE PAYCHECK PROTECTION PROGRAM.—Section 7(a)(36)(D) of the Small Business Act (15 U.S.C. 636(a)(36)(D)) is amended by adding at the end the following new clause:

''(vii) INCLUSION OF CRITICAL ACCESS HOSPITALS.—During the covered period, any nonprofit organization that is a critical access hospital (as defined in section 1861(mm) of the Social Security Act (42 U.S.C. 1395x(mm))) shall be eligible to receive a covered loan, regardless of the status of such a hospital as a debtor in a case

AMERICAN OVERSIGHT

under chapter 11 of title 11, Unites States Code, or the status of any debts owed by such a hospital to the Federal Government.''.

(d) NONPROFIT ORGANIZATIONS.—Section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36))—

(1) in subparagraph (A)(vii), by striking ''section 501(c)(3)'' and inserting ''section 501(c)''; and

(2) in subparagraph (D)—

(A) by striking ''nonprofit organization,'' each place it appears;

(B) in clause (iv)—

(i) in subclause (II), by striking '' and'' at the end;

(ii) in subclause (III), by striking the period at the end and inserting ''; and''; and

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

''(IV) any nonprofit organization.''; and

(C) in clause (vi), by striking ''a nonprofit organization and''.

AMERICAN OVERSIGHT

(e) APPLICATION TO CERTAIN LOCAL NEWS MEDIA.—Section 7(a)(36)(D) of the Small Business Act (15 U.S.C. 636(a)(36)(D)) is amended—

(1) in clause (iii)—

(A) by striking ''business concern that employs'' and inserting the following: ''business concern that—

''(I) employs'';

(B) in subclause (I), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(II) is assigned a North American Industry Classification System code beginning with 511110, 515112, or 515120 and the individual physical location at the time of disbursal does not exceed the size standard established by the Administrator for the applicable code shall be eligible to receive a covered loan for expenses associated with an individual physical location of that business concern to support the continued provision of local news, information, content, or emergency information, and, at the time of disbursal, the individual physical location.'';

AMERICAN OVERSIGHT

(2) in clause (iv) (as amended by subsection (d))—

(A) in subclause (III), by striking ''and'' at the end;

(B) in subclause (IV), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(V) an individual physical location of a business concern described in clause (iii)(II), if such concern shall not pay, distribute, or otherwise provide any portion of the covered loan to any other entity other than the individual physical location that is the intended recipient of the covered loan.''; and

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

''(vii) ADDITIONAL REQUIREMENTS FOR NEWS BROADCAST ENTITIES.—

''(I) IN GENERAL.—With respect to an individual physical location of a business concern described in clause (iii)(II), each such location shall be treated as an independent, non-

AMERICAN OVERSIGHT

affiliated entity for purposes of this paragraph.

"(II) DEMONSTRATION OF NEED.—Any such location that is a franchise or affiliate of, or owned or controlled by a parent company, investment company, or the management thereof, shall demonstrate, upon request of the Administrator, the need for a covered loan to support the continued provision of local news, information, content, or emergency information, and, at the time of disbursal, the individual physical location.

"(III) REPORT.—The Administrator and Secretary of the Treasury shall submit to the Committee on Small Business of the House of Representatives, the Committee on Small Business and Entrepreneurship of the Senate, and the Congressional Oversight Commission established under section 4020 of the CARES Act a report including information on loans

AMERICAN OVERSIGHT

made to an entity described under this clause.''.

(f) APPLICATION OF CERTAIN TERMS THROUGH LIFE OF COVERED LOAN.—Section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) is amended—

(1) in subparagraph (H), by striking ''During the covered period, with'' and inserting ''With'';

(2) in subparagraph (I), by striking ''During the covered period, the'' and inserting ''The'';

(3) in subparagraph (J), by striking ''During the covered period, with'' and inserting ''With'';

(4) in subparagraph (M)—

(A) in clause (ii), by striking ''During the covered period, the'' and inserting ''The''; and

(B) in clause (iii), by striking ''During the covered period, with'' and inserting ''With''.

(g) LOAN MATURITY.—Section 7(a)(36)(K)(ii) of the Small Business Act (15 U.S.C. 636(a)(36)(K)(ii)) is amended by inserting ''minimum maturity of 5 years'' before ''maximum maturity''.

(h) INTEREST CALCULATION.—Section 7(a)(36)(L) of the Small Business Act (15 U.S.C. 636(a)(36)(L)) is amended by inserting '', calculated on a non-compounding, non-adjustable basis'' after ''4 percent''.

AMERICAN OVERSIGHT

(i) FUNDING FOR THE PAYCHECK PROTECTION PROGRAM.—

(1) IN GENERAL.—Section 7(a)(36)(S) of the Small Business Act (15 U.S.C. 636(a)(36)(S)) is amended to read as follows:

''(S) SET ASIDE FOR CERTAIN ENTITIES.—The Administrator shall provide for the cost to guarantee covered loans made under this paragraph—

''(i) a set aside of not less than 25 percent of each such amount for covered loans made to eligible recipients with 10 or fewer employees; and

''(ii) a set aside of 25 percent of each such amount for covered loans made to nonprofit organizations, of which not more than 12.5 percent of each such amount set aside may be used to make covered loans to nonprofit organizations with 500 or more employees.''.

(2) SET ASIDE FOR COMMUNITY FINANCIAL INSTITUTIONS.—Of amounts appropriated by the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139) under the heading ''Small Business Administration—Business

AMERICAN OVERSIGHT

Loans Program Account, CARES Act'' that have not been obligated or expended, the lesser of 25 percent of such amounts or $10,000,000,000 shall be set aside for the cost to guarantee covered loans made under section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) by community financial institutions (as such term is defined in subparagraph (A)(xi) of such section).

(3) AMOUNTS RETURNED.—Section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) is amended by adding at the end the following new subparagraph:

''(T) AMOUNTS RETURNED.—Any amounts returned to the Secretary of the Treasury due to the cancellation of a covered loan shall be solely used for the cost to guarantee covered loans made to eligible recipients with 10 or fewer employees.''.

(j) TREATMENT OF CERTAIN CRIMINAL VIOLATIONS.—

(1) IN GENERAL.—Section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)), as amended by subsection (h), is further amended by adding at the end the following new subparagraph:

AMERICAN OVERSIGHT

"(U) TREATMENT OF CERTAIN CRIMINAL VIOLATIONS.—

"(i) FINANCIAL FRAUD OR DECEPTION.—A entity that is a business, organization, cooperative, or enterprise may not receive a covered loan if an owner of 20 percent or more of the equity of such entity, during the 5-year period preceding the date on which such entity applies for a covered loan, has been convicted of a felony of financial fraud or deception under Federal, State, or Tribal law.

"(ii) ARRESTS OR CONVICTIONS.—An entity that is a business, organization, cooperative, or enterprise shall be an eligible recipient notwithstanding a prior arrest or conviction under Federal, State, or Tribal law of an owner of 20 percent or more of the equity of such entity, unless such owner is currently incarcerated.

"(iii) WAIVER.—The Administrator may waive the requirements of clause (i).".

(2) RULEMAKING.—Not later than 15 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall

AMERICAN OVERSIGHT

make necessary revisions to any rules to carry out the amendment made by this subsection.

(k) TECHNICAL ASSISTANCE FOR COMMUNITY FINANCIAL INSTITUTIONS.—Section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)), as amended by subsection (i), is further amended by adding at the end the following new subparagraph:

"(V) TECHNICAL ASSISTANCE FOR COMMUNITY FINANCIAL INSTITUTIONS.—Of amounts appropriated to carry out this paragraph, the Secretary of the Treasury, in consultation with the Administrator, shall use $1,000,000,000 of such amounts to provide grants to community financial institutions, insured depository institutions with consolidated assets of less than $10,000,000,000, and credit unions with consolidated assets of less than $10,000,000,000, to ensure such institutions can update their systems (including updates related to compliance with the Bank Secrecy Act) and efficiently provide loans that are guaranteed under this paragraph.".

(l) TECHNICAL AMENDMENT.—Section 7(a)(36)(G) of the Small Business Act (15 U.S.C. 636(a)(36)) is amended—

AMERICAN OVERSIGHT

(1) in the subparagraph heading, by striking ''BORROWER REQUIREMENTS'' and all that follows through ''eligible recipient applying'' and inserting ''BORROWER CERTIFICATION REQUIREMENTS.—An eligible recipient applying''; and

(2) by redesignating subclauses (I) through (IV) as clauses (i) through (iv), respectively.

SEC. 90002. COMMITMENTS FOR PAYCHECK PROTECTION PROGRAM.

Section 1102(b) of the CARES Act (Public Law 116–136) is amended by striking ''June 30, 2020'' and all that follows through the period at the end and inserting ''December 31, 2020, the amount authorized for commitments for loans made under paragraph (36) of section 7(a) of the Small Business Act, as added by subsection (a), shall be $659,000,000,000. The amount authorized under this section for commitments for loans made under section 7(a)(36) of the Small Business Act shall be in addition to the amount authorized under the heading 'Small Business Administration—Business Loans Program Account' in the Financial Services and General Government Appropriations Act, 2020 (division C of Public Law 116–93) for commitments for general business loans made under section 7(a) of the Small Business Act.''.

AMERICAN OVERSIGHT

SEC. 90003. INCLUSION OF SCORE AND VETERAN BUSINESS OUTREACH CENTERS IN ENTREPRENEURIAL DEVELOPMENT PROGRAMS.

(a) IN GENERAL.—Section 1103(a)(2) of the CARES Act (Public Law 116–136) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

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

''(C) a Veteran Business Outreach Center (as described under section 32(d) of the Small Business Act); and

''(D) the Service Corps of Retired Executives Association, or any successor or other organization, that receives a grant from the Administrator to operate the SCORE program established under section 8(b)(2)(A) of the Small Business Act;''.

(b) FUNDING.—Section 1107(a)(4) of the CARES Act (Public Law 116–136) is amended—

(1) in subparagraph (A)—

(A) by striking ''$240,000,000'' and inserting ''$220,000,000'';

(B) by striking ''and'' at the end; and

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

AMERICAN OVERSIGHT

"(C) $10,000,000 shall be for a Veteran Business Outreach Center described in section 1103(a)(2)(C) of this Act to carry out activities under such section; and

"(D) $10,000,000 shall be for the Service Corps of Retired Executives Association described in section 1103(a)(2)(D) of this Act to carry out activities under such section;".

SEC. 90004. AMENDMENTS TO PAYCHECK PROTECTION PROGRAM LOAN FORGIVENESS.

(a) COVERED PERIOD.—

(1) IN GENERAL.—Section 1106(a)(3) of the CARES Act (Public Law 116–136) is amended to read as follows:

"(3) the term 'covered period' means the period beginning on the date of the origination of a covered loan and ending on the earlier of—

"(A) the date that is 24 weeks after such date of origination; or

"(B) December 31, 2020;".

(2) EXEMPTION FOR REHIRES.—Section 1106(d)(5)(B) of such Act is amended by striking "June 30, 2020" each place it appears and inserting "December 31, 2020".

AMERICAN OVERSIGHT

(b) DEFINITION OF EXPECTED FORGIVENESS AMOUNT.—

(1) DEFINITION OF EXPECTED FORGIVENESS AMOUNT.—Section 1106(a)(7) of the CARES Act (Public Law 116–136) is amended—

(A) in subparagraph (C), by striking ''and'' at the end;

(B) in subparagraph (D), by striking ''and'' at the end; and

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

''(E) interest on any other debt obligations that were incurred before the covered period; and

''(F) any amount that was a loan made under subsection (b)(2) that was refinanced as part of a covered loan and authorized by section 7(a)(36)(F)(iv) of the Small Business Act; and''.

(2) FORGIVENESS.—Section 1106(b) of the CARES Act (Public Law 116–136) is amended by adding at the end the following new paragraphs:

''(5) Any payment of interest on any other debt obligations that were incurred before the covered period.

AMERICAN OVERSIGHT

"(6) Any amount that was a loan made under section 7(b)(2) of the Small Business Act that was refinanced as part of a covered loan and authorized by section 7(a)(36)(F)(iv) of such Act.".

(3) CONFORMING AMENDMENTS.—Section 1106 of the CARES Act (Public Law 116–136) is amended—

(A) in subsection (e)—

(i) in paragraph (2), by striking "payments on covered mortgage obligations, payments on covered lease obligations, and covered utility payments" and inserting "payments or amounts refinanced described under subsection (b) (other than payroll costs)";

(ii) in paragraph (3)(B), by striking ", make interest payments" and all that follows through "or make covered utility payments" and inserting ", make payments described under subsection (b), or that was refinanced as part of a covered loan and authorized by section 7(a)(36)(F)(iv) of the Small Business Act"; and

AMERICAN OVERSIGHT

(B) in subsection (h), by striking ''payments for payroll costs, payments on covered mortgage obligations, payments on covered lease obligations, or covered utility payments'' each place it appears and inserting ''payments or amounts refinanced described under subsection (b)''.

(c) APPLICATION REQUIREMENTS FOR PAYCHECK PROTECTION PROGRAM LOAN FORGIVENESS.—Section 1106(e) of the CARES Act (Public Law 116–136) is amended—

(1) in paragraph (3)(B), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (6); and

(3) by inserting after paragraph (3) the following new paragraphs:

''(4) information on the veteran status, gender, race, and ethnicity, as reported on Form 1919 of the Administration or any similar loan application form of the Administration, of the eligible recipient;

''(5) the number of full-time equivalent employees of the eligible recipient—

''(A) on February 15, 2020;

AMERICAN OVERSIGHT

"(B) on the day the eligible recipient submitted an application for a covered loan; and

"(C) on the day the eligible recipient submitted an application for forgiveness of a covered loan under this section; and".

(d) HOLD HARMLESS FOR ELIGIBLE RECIPIENTS.—Section 1106(d) of the CARES Act (Public Law 116–136) is amended by adding at the end the following new paragraph:

"(7) EXEMPTION BASED ON EMPLOYEE AVAILABILITY.—During the period beginning on February 15, 2020 and ending on December 31, 2020, the amount of loan forgiveness under this section shall be determined without regard to a reduction in the number of full-time equivalent employees if an eligible recipient—

"(A) is unable rehire an individual who was an employee of the eligible recipient on or before February 15, 2020; or

"(B) is able to demonstrate an inability to find similarly qualified employees on or before December 31, 2020.".

(e) PROHIBITION ON LIMITING FORGIVENESS.—Section 1106(d) of the CARES Act (Public Law 116–136),

AMERICAN OVERSIGHT

as amended by subsection (c), is further amended by adding at the end the following new paragraph:

"(8) NO LIMITATIONS.—In carrying out this section, the Administrator may not limit the non-payroll portion of a forgivable covered loan amount.".

(f) HOLD HARMLESS.—Section 1106(h) of the CARES Act (Public Law 116–136), is amended by striking "If a lender" and all that follows through "during covered period" inserting the following: "If a lender has received any documentation required under this Act related to payments made by an eligible recipient attesting that the eligible recipient has accurately verified such payments".

SEC. 90005. IMPROVED COORDINATION BETWEEN PAYCHECK PROTECTION PROGRAM AND EMPLOYEE RETENTION TAX CREDIT.

(a) AMENDMENT TO PAYCHECK PROTECTION PROGRAM.—Section 1106(a)(8) of the Cares Act is amended by inserting ", except that such costs shall not include qualified wages taken into account in determining the credit allowed under section 2301 of this Act" before the period at the end.

(b) AMENDMENTS TO EMPLOYEE RETENTION TAX CREDIT.—

AMERICAN OVERSIGHT

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

''(g) ELECTION TO NOT TAKE CERTAIN WAGES INTO ACCOUNT.—

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

''(2) COORDINATION WITH PAYCHECK PROTECTION PROGRAM.—The Secretary, in consultation with the Administrator of the Small Business Administration, shall issue guidance providing that payroll costs paid or incurred during the covered period shall not fail to be treated as qualified wages under this section by reason of an election under paragraph (1) to the extent that a covered loan of the eligible employer is not forgiven by reason of a decision under section 1106(g). Terms used in the preceding sentence which are also used in section 1106 shall have the same meaning as when used in such section.''.

(2) CONFORMING AMENDMENTS.—

AMERICAN OVERSIGHT

(A) Section 2301 of the CARES Act is amended by striking subsection (j).

(B) Section 2301(l) of the CARES Act is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the CARES Act to which they relate.

SEC. 90006. TAXABILITY OF SUBSIDY FOR CERTAIN LOAN PAYMENTS.

Section 1112 of the CARES Act (Public Law 116–136) is amended by inserting at the end the following new subsection:

''(g) TAXABILITY.—For purposes of the Internal Revenue Code of 1986, any payment under this section shall not be included in the gross income of the taxpayer on whose behalf such payment is made.''.

SEC. 90007. PROHIBITING CONFLICTS OF INTEREST FOR SMALL BUSINESS PROGRAMS UNDER THE CARES ACT.

Section 4019 of the CARES Act (Public Law 116–136) is amended—

(1) in subsection (a), by adding at the end the following:

AMERICAN OVERSIGHT

''(7) SMALL BUSINESS ASSISTANCE.—The term 'small business assistance' means assistance provided under—

''(A) paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by section 1102 of this Act;

''(B) subsection (b) or (c) of section 1103 of this Act;

''(C) section 1110 of this Act; or

''(D) section 1112 of this Act.'';

(2) in subsection (b)—

(A) by inserting ''or provisions relating to small business assistance'' after ''this subtitle''; and

(B) by inserting ''or for any small business assistance'' before the period at the end; and

(3) in subsection (c)—

(A) by inserting ''or seeking any small business assistance'' after ''4003'';

(B) by inserting ''or small business assistance'' after ''that transaction'';

(C) by inserting ''or the Administrator of the Small Business Administration, as applicable,'' after ''System''; and

AMERICAN OVERSIGHT

(D) by inserting ''or receive the small business assistance'' after ''in that transaction''.

SEC. 90008. FLEXIBILITY IN DEFERRAL OF PAYMENTS OF 7(A) LOANS.

Section 7(a)(7) of the Small Business Act (15 U.S.C. 636(a)(7)) is amended—

(1) by striking ''The Administration'' and inserting ''(A) IN GENERAL.—The Administrator'';

(2) by inserting ''and interest'' after ''principal''; and

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

''(B) DEFERRAL REQUIREMENTS.—With respect to a deferral provided under this paragraph, the Administrator—

''(i) shall require lenders under this subsection to provide full payment deferment relief (including payment of principal and interest) for a period of not less than 1 year; and

''(ii) may allow lenders under this subsection provide an additional deferment period if the borrower provides documentation justifying such additional deferment.

''(C) SECONDARY MARKET.—If an investor declines to approve a deferral or additional deferment

AMERICAN OVERSIGHT

requested by a lender under subparagraph (B), the Administrator shall exercise the authority to purchase the loan so that the borrower may receive full payment deferment relief (including payment of principal and interest) or an additional deferment as described under subparagraph (B).''.

SEC. 90009. CERTAIN CRIMINAL VIOLATIONS AND DISASTER LOAN APPLICATIONS.

(a) IN GENERAL.—The flush matter following subparagraph (E) of section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended by striking the period at the end and inserting the following: ``: *Provided further*, That any application for a loan or guarantee made pursuant to this paragraph (2) shall include a statement that an applicant is not ineligible for assistance under this paragraph solely because of the applicant's involvement in the criminal justice system.''

(b) RULEMAKING.—Not later than 15 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall make necessary revisions to any rules to carry out the amendment made by this section.

SEC. 90010. TEMPORARY FEE REDUCTIONS.

(a) ADMINISTRATIVE FEE WAIVER.—

AMERICAN OVERSIGHT

(1) IN GENERAL.—During the period beginning on the date of enactment of this Act and ending on September 30, 2021, and to the extent that the cost of such elimination or reduction of fees is offset by appropriations, with respect to each loan guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) (including a recipient of assistance under the Community Advantage Pilot Program of the Administration) for which an application is approved or pending approval on or after the date of enactment of this Act, the Administrator shall—

(A) in lieu of the fee otherwise applicable under section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)), collect no fee or reduce fees to the maximum extent possible; and

(B) in lieu of the fee otherwise applicable under section 7(a)(18)(A) of the Small Business Act (15 U.S.C. 636(a)(18)(A)), collect no fee or reduce fees to the maximum extent possible.

(2) APPLICATION OF FEE ELIMINATIONS OR REDUCTIONS.—To the extent that amounts are made available to the Administrator for the purpose of fee

AMERICAN OVERSIGHT

eliminations or reductions under paragraph (1), the Administrator shall—

(A) first use any amounts provided to eliminate or reduce fees paid by small business borrowers under clauses (i) through (iii) of section 7(a)(18)(A) of the Small Business Act (15 U.S.C. 636(a)(18)(A)), to the maximum extent possible; and

(B) then use any amounts provided to eliminate or reduce fees under 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)).

(c) TEMPORARY FEE ELIMINATION FOR THE 504 LOAN PROGRAM.—

(1) IN GENERAL.—During the period beginning on the date of enactment of this section and ending on September 30, 2021, and to the extent the cost of such elimination in fees is offset by appropriations, with respect to each project or loan guaranteed by the Administrator pursuant to title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) for which an application is approved or pending approval on or after the date of enactment of this section—

AMERICAN OVERSIGHT

(A) the Administrator shall, in lieu of the fee otherwise applicable under section 503(d)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 697(d)(2)), collect no fee; and

(B) a development company shall, in lieu of the processing fee under section 120.971(a)(1) of title 13, Code of Federal Regulations (relating to fees paid by borrowers), or any successor thereto, collect no fee.

(2) REIMBURSEMENT FOR WAIVED FEES.—

(A) IN GENERAL.—To the extent that the cost of such payments is offset by appropriations, the Administrator shall reimburse each development company that does not collect a processing fee pursuant to paragraph (1)(B).

(B) AMOUNT.—The payment to a development company under subparagraph (A) shall be in an amount equal to 1.5 percent of the net debenture proceeds for which the development company does not collect a processing fee pursuant to paragraph (1)(B).

SEC. 90011. GUARANTEE AMOUNTS.

(a) 7(a) LOAN GUARANTEES.—

(1) IN GENERAL.—Section 7(a)(2)(A) of the Small Business Act (15 U.S.C. 636(a)(2)(A)) is

AMERICAN OVERSIGHT

amended by striking ‘‘), such participation by the Administration shall be equal to’’ and all that follows through the period at the end and inserting ‘‘or the Community Advantage Pilot Program of the Administration), such participation by the Administration shall be equal to 90 percent of the balance of the financing outstanding at the time of disbursement of the loan.’’.

(2) TERMINATION.—Effective September 30, 2021, section 7(a)(2)(A) of the Small Business Act (15 U.S.C. 636(a)(2)(A)), as amended by paragraph (1), is amended to read as follows:

‘‘(A) IN GENERAL.—Except as provided in subparagraphs (B), (D), (E), and (F), in an agreement to participate in a loan on a deferred basis under this subsection (including a loan made under the Preferred Lenders Program), such participation by the Administration shall be equal to—

‘‘(i) 75 percent of the balance of the financing outstanding at the time of disbursement of the loan, if such balance exceeds $150,000; or

‘‘(ii) 85 percent of the balance of the financing outstanding at the time of dis-

AMERICAN OVERSIGHT

bursement of the loan, if such balance is less than or equal to $150,000.''.

(b) EXPRESS LOAN GUARANTEE AMOUNTS.—

(1) TEMPORARY MODIFICATION.—Section 7(a)(31)(A)(iv) of the Small Business Act (15 U.S.C. 636(a)(31)(A)(iv)) is amended by striking ''with a guaranty rate of not more than 50 percent.'' and inserting the following: ''with a guarantee rate—

''(I) for a loan in an amount less than or equal to $350,000, of not more than 90 percent; and

''(II) for a loan in an amount greater than $350,000, of not more than 75 percent.''.

(2) PROSPECTIVE REPEAL.—Effective January 1, 2021, section 7(a)(31)(A)(iv) of the Small Business Act (15 U.S.C. 636(a)(31)), as amended by paragraph (1), is amended by striking ''guarantee rate'' and all that follows through the period at the end and inserting ''guarantee rate of not more than 50 percent.''.

SEC. 90012. MAXIMUM LOAN AMOUNT FOR 7(a) LOANS.

During the period beginning on the date of enactment of this section and ending on September 30, 2021, with

AMERICAN OVERSIGHT

respect to any loan guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) for which an application is approved or pending approval on or after the date of enactment of this section, the maximum loan amount shall be $10,000,000.

SEC. 90013. MAXIMUM LOAN AMOUNT FOR 504 LOANS.

(a) TEMPORARY INCREASE.—During the period beginning on the date of enactment of this section and ending on September 30, 2021, with respect to each project or loan guaranteed by the Administrator pursuant to title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) for which an application is approved or pending approval on or after the date of enactment of this section, the maximum loan amount shall be $10,000,000.

(b) PERMANENT INCREASE FOR SMALL MANUFACTURERS.—Effective on October 1, 2021, section 502(2)(A)(iii) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)(iii)) is amended by striking ''$5,500,000'' and inserting ''$10,000,000''.

(c) LOW-INTEREST REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.—

(1) REPEAL.—Section 521(a) of division E of the Consolidated Appropriations Act, 2016 (Public

AMERICAN OVERSIGHT

Law 114–113; 129 Stat. 2463; 15 U.S.C. 696 note) is repealed.

(2) REFINANCING.—Section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by adding at the end the following new subparagraph:

"(C) REFINANCING NOT INVOLVING EXPANSIONS.—

"(i) DEFINITIONS.—In this subparagraph—

"(I) the term 'borrower' means a small business concern that submits an application to a development company for financing under this subparagraph;

"(II) the term 'eligible fixed asset' means tangible property relating to which the Administrator may provide financing under this section; and

"(III) the term 'qualified debt' means indebtedness that—

"(aa) was incurred not less than 6 months before the date of

AMERICAN OVERSIGHT

the application for assistance under this subparagraph;

"(bb) is a commercial loan;

"(cc) the proceeds of which were used to acquire an eligible fixed asset;

"(dd) was incurred for the benefit of the small business concern; and

"(ee) is collateralized by eligible fixed assets; and

"(ii) AUTHORITY.—A project that does not involve the expansion of a small business concern may include the refinancing of qualified debt if—

"(I) the amount of the financing is not more than 90 percent of the value of the collateral for the financing, except that, if the appraised value of the eligible fixed assets serving as collateral for the financing is less than the amount equal to 125 percent of the amount of the financing, the borrower may provide additional cash or

AMERICAN OVERSIGHT

other collateral to eliminate any deficiency;

"(II) the borrower has been in operation for all of the 2-year period ending on the date the loan application is submitted; and

"(III) for a financing for which the Administrator determines there will be an additional cost attributable to the refinancing of the qualified debt, the borrower agrees to pay a fee in an amount equal to the anticipated additional cost.

"(iii) FINANCING FOR BUSINESS EXPENSES.—

"(I) FINANCING FOR BUSINESS EXPENSES.—The Administrator may provide financing to a borrower that receives financing that includes a refinancing of qualified debt under clause (ii), in addition to the refinancing under clause (ii), to be used solely for the payment of business expenses.

AMERICAN OVERSIGHT

"(II) APPLICATION FOR FINANCING.— An application for financing under subclause (I) shall include—

"(aa) a specific description of the expenses for which the additional financing is requested; and

"(bb) an itemization of the amount of each expense.

"(III) CONDITION ON ADDITIONAL FINANCING.—A borrower may not use any part of the financing under this clause for non-business purposes.

"(iv) LOANS BASED ON JOBS.—

"(I) JOB CREATION AND RETENTION GOALS.—

"(aa) IN GENERAL.—The Administrator may provide financing under this subparagraph for a borrower that meets the job creation goals under subsection (d) or (e) of section 501.

"(bb) ALTERNATE JOB RETENTION GOAL.—The Adminis-

AMERICAN OVERSIGHT

trator may provide financing under this subparagraph to a borrower that does not meet the goals described in item (aa) in an amount that is not more than the product obtained by multiplying the number of employees of the borrower by $75,000.

"(II) NUMBER OF EMPLOYEES.—For purposes of subclause (I), the number of employees of a borrower is equal to the sum of—

"(aa) the number of full-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; and

"(bb) the product obtained by multiplying—

"(AA) the number of part-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph, by

AMERICAN OVERSIGHT

"(BB) the quotient obtained by dividing the average number of hours each part time employee of the borrower works each week by 40.

"(vi) TOTAL AMOUNT OF LOANS.—The Administrator may provide not more than a total of $7,500,000,000 of financing under this subparagraph for each fiscal year.".

(d) REFINANCING SENIOR PROJECT DEBT.—During the 1-year period beginning after the date of the enactment of this Act, a development company described under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is authorized to allow the refinancing of a senior loan on an existing project in an amount that, when combined with the outstanding balance on the development company loan, is not more than 90 percent of the total value of the senior loan. Proceeds of such refinancing can be used to support business operating expenses of such development company.

SEC. 90014. RECOVERY ASSISTANCE UNDER THE MICROLOAN PROGRAM.

(a) LOANS TO INTERMEDIARIES.—

AMERICAN OVERSIGHT

(1) IN GENERAL.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(A) in paragraph (3)(C)—

(i) by striking ''and $6,000,000'' and inserting ''$10,000,000, in the aggregate,''; and

(ii) by inserting before the period at the end the following: '', and $4,500,000 in any of those remaining years'';

(B) in paragraph (4)—

(i) in subparagraph (A), by striking ''subparagraph (C)'' each place that term appears and inserting ''subparagraphs (C) and (G)'';

(ii) in subparagraph (C), by amending clause (i) to read as follows:

''(i) IN GENERAL.—In addition to grants made under subparagraph (A) or (G), each intermediary shall be eligible to receive a grant equal to 5 percent of the total outstanding balance of loans made to the intermediary under this subsection if—

''(I) the intermediary provides not less than 25 percent of its loans to small business concerns located in

AMERICAN OVERSIGHT

or owned by one or more residents of an economically distressed area; or

"(II) the intermediary has a portfolio of loans made under this subsection—

"(aa) that averages not more than $10,000 during the period of the intermediary's participation in the program; or

"(bb) of which not less than 25 percent is serving rural areas during the period of the intermediary's participation in the program."; and

(iii) by adding at the end the following:

"(G) GRANT AMOUNTS BASED ON APPROPRIATIONS.—In any fiscal year in which the amount appropriated to make grants under subparagraph (A) is sufficient to provide to each intermediary that receives a loan under paragraph (1)(B)(i) a grant of not less than 25 percent of the total outstanding balance of loans made to the intermediary under this subsection, the Administration shall make a grant

AMERICAN OVERSIGHT

under subparagraph (A) to each intermediary of not less than 25 percent and not more than 30 percent of that total outstanding balance for the intermediary.''; and

(C) by striking paragraph (7) and inserting the following:

''(7) PROGRAM FUNDING FOR MICROLOANS.—Under the program authorized by this subsection, the Administration may fund, on a competitive basis, not more than 300 intermediaries.''.

(2) PROSPECTIVE AMENDMENT.—Effective on October 1, 2021, section 7(m)(3)(C) of the Small Business Act (15 U.S.C. 636(m)(3)(C)), as amended by paragraph (1)(A), is further amended—

(A) by striking ''$10,000,000'' and by inserting ''$7,000,000''; and

(B) by striking ''$4,500,000'' and inserting ''$3,000,000''.

(b) TEMPORARY WAIVER OF TECHNICAL ASSISTANCE GRANTS MATCHING REQUIREMENTS AND FLEXIBILITY ON PRE- AND POST-LOAN ASSISTANCE.—During the period beginning on the date of enactment of this section and ending on September 30, 2021, the Administration shall waive—

AMERICAN OVERSIGHT

(1) the requirement to contribute non-Federal funds under section 7(m)(4)(B) of the Small Business Act (15 U.S.C. 636(m)(4)(B)); and

(2) the limitation on amounts allowed to be expended to provide information and technical assistance under clause (i) of section 7(m)(4)(E) of the Small Business Act (15 U.S.C. 636(m)(4)(E)) and enter into third-party contracts to provide technical assistance under clause (ii) of such section 7(m)(4)(E).

(c) TEMPORARY DURATION OF LOANS TO BORROWERS.—

(1) IN GENERAL.—During the period beginning on the date of enactment of this section and ending on September 30, 2021, the duration of a loan made by an eligible intermediary under section 7(m) of the Small Business Act (15 U.S.C. 636(m))—

(A) to an existing borrower may be extended to not more than 8 years; and

(B) to a new borrower may be not more than 8 years.

(2) REVERSION.—On and after October 1, 2021, the duration of a loan made by an eligible intermediary to a borrower under section 7(m) of the Small Business Act (15 U.S.C. 636(m)) shall be

AMERICAN OVERSIGHT

7 years or such other amount established by the Administrator.

(d) FUNDING.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

''(h) MICROLOAN PROGRAM.—For each of fiscal years 2021 through 2025, the Administration is authorized to make—

''(1) $80,000,000 in technical assistance grants, as provided in section 7(m); and

''(2) $110,000,000 in direct loans, as provided in section 7(m).''.

(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts provided under the Consolidated Appropriations Act, 2020 (Public Law 116–93) for the program established under section 7(m) of the Small Business Act (15 U.S.C. 636(m)), there is authorized to be appropriated for fiscal year 2020, to remain available until expended—

(1) $50,000,000 to provide technical assistance grants under such section 7(m); and

(2) $7,000,000 to provide direct loans under such section 7(m).

AMERICAN OVERSIGHT

SEC. 90015. CYBERSECURITY AWARENESS REPORTING.

Section 10 of the Small Business Act (15 U.S.C. 639) is amended by inserting after subsection (a) the following:

''(b) CYBERSECURITY REPORTS.—

''(1) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this subsection, and every year thereafter, the Administrator shall submit a report to the appropriate congressional committees that includes—

''(A) an assessment of the information technology (as defined in section 11101 of title 40, United States Code) and cybersecurity infrastructure of the Administration;

''(B) a strategy to increase the cybersecurity infrastructure of the Administration;

''(C) a detailed account of any information technology equipment or interconnected system or subsystem of equipment of the Administration that was manufactured by an entity that has its principal place of business located in the People's Republic of China; and

''(D) an account of any cybersecurity risk or incident that occurred at the Administration during the 2-year period preceding the date on which the report is submitted, and any action

AMERICAN OVERSIGHT

taken by the Administrator to respond to or remediate any such cybersecurity risk or incident.

"(2) ADDITIONAL REPORTS.—If the Administrator determines that there is a reasonable basis to conclude that a cybersecurity risk or incident occurred at the Administration, the Administrator shall—

"(A) not later than 7 days after the date on which the Administrator makes that determination, notify the appropriate congressional committees of the cybersecurity risk or incident; and

"(B) not later than 30 days after the date on which the Administrator makes a determination under subparagraph (A)—

"(i) provide notice to individuals and small business concerns affected by the cybersecurity risk or incident; and

"(ii) submit to the appropriate congressional committees a report, based on information available to the Administrator as of the date which the Administrator submits the report, that includes—

"(I) a summary of information about the cybersecurity risk or inci-

AMERICAN OVERSIGHT

dent, including how the cybersecurity risk or incident occurred; and

"(II) an estimate of the number of individuals and small business concerns affected by the cybersecurity risk or incident, including an assessment of the risk of harm to affected individuals and small business concerns.

"(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the reporting requirements of the Administrator under chapter 35 of title 44, United States Code, in particular the requirement to notify the Federal information security incident center under section 3554(b)(7)(C)(ii) of such title, or any other provision of law.

"(4) DEFINITIONS.—In this subsection:

"(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(i) the Committee on Small Business and Entrepreneurship of the Senate; and

"(ii) the Committee on Small Business of the House of Representatives.

AMERICAN OVERSIGHT

"(B) CYBERSECURITY RISK; INCIDENT.—The terms 'cybersecurity risk' and 'incident' have the meanings given such terms, respectively, under section 2209(a) of the Homeland Security Act of 2002.".

SEC. 90016. REPORTING ON SMALL BUSINESS PROGRAMS UNDER THE CARES ACT.

(a) DEFINITIONS.—In this section—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof;

(2) the term "appropriate congressional committees" means—

(A) Committee on Appropriations and the Committee on Small Business and Entrepreneurship of the Senate; and

(B) the Committee on Appropriations and the Committee on Small Business of the House of Representatives;

(3) the term "covered assistance" means—

(A) loans made under section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36));

(B) an advance on a loan made under section 1110(e) of the CARES Act (Public Law 116–136);

AMERICAN OVERSIGHT

(C) loans made under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)), including those made in accordance with section 1110 of the CARES Act (Public Law 116–136);

(D) loan forgiveness under section 1106 of the CARES Act (Public Law 116–136); and

(E) the payment of principal, interest, and fees under section 1112(c) of the CARES Act (Public Law 116–136);

(4) the term ''covered loan'' has the meaning given the term in section 1112(a) of the CARES Act (Public Law 116–136);

(5) the term ''demographics'' means veteran status, gender, race, and ethnicity, as reported on Form 1919 of the Administration or any similar loan application form of the Administration; and

(6) the term ''State''—

(A) means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States; and

AMERICAN OVERSIGHT

(B) includes an Indian tribe, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) DAILY REPORTING.—

(1) IN GENERAL.—During the period beginning on the day after the date of enactment of this Act and ending on the date on which loan, advance, or payment activity described in this subsection related to COVID–19 has ceased, the Administrator shall, on a daily basis, report to Congress on—

(A) the total number and dollar amount of loans or advances, broken down by loans and grants approved and loans and grants disbursed, under—

(i) section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36));

(ii) section 1110(e) of the CARES Act (Public Law 116–136); and

(iii) section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2));

(B) for loans made under section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36))—

AMERICAN OVERSIGHT

(i) the amount of remaining authority for the loans, in dollar amount and as a percentage; and

(ii) an estimate of the date on which the net and gross dollar amount of loans will reach the maximum amount authorized for commitments for such loans;

(C) for advances made under section 1110(e) of the CARES Act (Public Law 116–136)—

(i) the amount of remaining funds appropriated for the advances, in dollar amount and as a percentage; and

(ii) an estimate of the date on which the funds will be expended; and

(D) for loans made under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2))—

(i) the amount of remaining authority for the loans, in dollar amount and as a percentage; and

(ii) an estimate of the date on which the net and gross dollar amount of loans will reach the maximum amount authorized for commitments for such loans.

AMERICAN OVERSIGHT

(2) REPORTING ON DEBT RELIEF FOR MICROLOANS, 7(A) LOANS, AND 504 LOANS.—The Administrator shall include in each daily report submitted under paragraph (1), and update on a monthly basis until the date described in paragraph (1), with respect to payments made on covered loans under section 1112(c) of the CARES Act (Public Law 116–136)—

(A) the amount of remaining funds appropriated for the payments, in dollar amount and as a percentage; and

(B) an estimate of the date on which the funds will be expended.

(c) WEEKLY REPORTING.—

(1) IN GENERAL.—Not later than 1 week after the date of enactment of this Act, and every week thereafter until the date on which loan, advance, or payment activity described in this subsection related to COVID–19 has ceased, the Administrator shall submit to Congress a report on—

(A) loans made under section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)), which shall include—

(i) the number and dollar amount of loans approved for or disbursed to all bor-

AMERICAN OVERSIGHT

rowers, including a breakout of loans by State, congressional district, demographics, industry, and loan size;

(ii) the number and dollar amount of loans approved for or disbursed to business concerns assigned a North American Industry Classification System code beginning with 72, including a breakout of loans by State, congressional district, demographics, and loan size;

(iii) the number and dollar amount of loans approved for or disbursed to nonprofit organizations and veterans organizations (as those terms are defined in section 7(a)(36)(A) of the Small Business Act (15 U.S.C. 636(a)(36)(A)), including religious institutions, including a breakout of loans by State, congressional district, industry, and loan size;

(iv) for each category of borrowers described in clauses (i), (ii), and (iii)—

(I) the number of full-time equivalent employees at the time at which the borrower submits a loan application;

AMERICAN OVERSIGHT

(II) the number of full-time equivalent employees at the time at which the borrower receives loan forgiveness under section 1106 of the CARES Act (Public Law 116–136); and

(III) the number of full-time equivalent employees expected for borrowers in the 6-month period following forgiveness of the loan;

(v) the number and dollar amount of loans fully forgiven under section 1106 of the CARES Act (Public Law 116–136), as compared to the number and dollar amount of loans made as of the date of the report;

(vi) the number and dollar amount of loans not fully forgiven under section 1106 of the CARES Act (Public Law 116–136), and the proportion of that dollar amount of loans that become term loans guaranteed by the Administration under section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36));

AMERICAN OVERSIGHT

(vii) the total amount of the lender compensation fees paid to lenders; and

(viii) the total amount lenders paid in broker fees; and

(B) loans made under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) and advances made under section 1110(e) of the CARES Act (Public Law 116–136), which shall include—

(i) the number and dollar amount of loans approved for or disbursed to all borrowers, including a breakout of loans by State, congressional district, demographics, industry, and loan size;

(ii) the number and dollar amount of advances approved for or disbursed to grantees, including a breakout of loans by State, congressional district, demographics, industry, and grant size;

(iii) the number and dollar amount of advances approved for or disbursed to private nonprofit organizations, including a breakout by State, congressional district, industry, and loan or grant size;

AMERICAN OVERSIGHT

(iv) for each category of recipients, the number of full-time equivalent employees of the recipient at the time at which an application is submitted for the loan or advance, and the number of jobs created or retained because of the loan or advance;

(v) loan processing times, including processing times for application to approval and approval to disbursement; and

(vi) advance processing times, including the percentage of advances that were provided within 3 days of submission of the application, as required under section 1110(e)(1) of the CARES Act (Public Law 116–136).

(2) REPORTING ON DEBT RELIEF FOR MICROLOANS, 7(A) LOANS, AND 504 LOANS.—The Administrator shall include in each weekly report submitted under paragraph (1), and update on a monthly basis until the date described in paragraph (1), with respect to payments made on covered loans under section 1112(c) of the CARES Act (Public Law 116–136)—

(A) the total dollar amount approved and the total amount disbursed by the Administra-

AMERICAN OVERSIGHT

tion and the number of borrowers receiving assistance under such section 1112(c), including a breakdown by—

(i) each type of covered loan described in subparagraph (A) and (B) of paragraph (1) and paragraph (2) of such section 1112(a); and

(ii) whether the borrower is—

(I) an existing borrower of a covered loan, as described in subparagraph (A) or (B) of such section 1112(c)(1); or

(II) a new borrower of a covered loan, as described in subparagraph (C) of such section 1112(c)(1);

(B) the total dollar amount approved and the total amount disbursed by the Administration by the Administration and number of borrowers receiving assistance under such section 1112(c) broken out by State and congressional district, including a breakdown by each type of covered loan described in subparagraph (A) and (B) of paragraph (1) and paragraph (2) of such section 1112(a); and

AMERICAN OVERSIGHT

(C) the total number and amount of new covered loans by approval and disbursement broken out by lending institution, including a breakout of loans by State, congressional district, demographics, industry, and loan size.

(d) REPORT ON WASTE, FRAUD AND ABUSE.—Not later than 30 days after the date of enactment of this Act, the Administrator and the Secretary of the Treasury shall submit to Congress a joint report on steps that the Administration and the Department of the Treasury are taking to identify and prevent potential instances of waste, fraud, and abuse relating to covered assistance, including borrower compliance with any loan deferment, relief, or forgiveness provided through covered assistance.

(e) REPORT ON JOBS FOR THE DEBT RELIEF PROGRAM.—

(1) IN GENERAL.—To the extent practicable, with respect to each type of covered loan described in subparagraphs (A) and (B) of paragraph (1) and paragraph (2) of section 1112(a) of the CARES Act (Public Law 116–136), the Administrator shall submit to Congress a report on—

(A) the number of full-time equivalent employees—

AMERICAN OVERSIGHT

(i) for existing borrowers of a covered loan, as described in subparagraph (A) or (B) of such section 1112(c)(1) at the start of the debt relief under such section 1112(c); and

(ii) for new borrowers of a covered loan, as described in subparagraph (C) of such section 1112(c)(1), at the time of application for the covered loan; and

(B) the number of jobs created or retained because of the covered loan or the debt relief.

(2) TIMING.—The Administrator shall, to the extent practicable, submit to Congress the report required under paragraph (1) not later than October 1, 2020, with an updated version submitted not later than January 31, 2021.

(f) REPORT ON CARES ACT SALARIES AND EXPENSES FUNDING.—Not later than 30 days after the date of enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report that includes the plans of the Administrator to use the $675,000,000 provided in section 1107(a)(2) of the CARES Act (Public Law 116–136) for salaries and expenses, and the $2,100,000,000 provided in title II of the Paycheck Protection Program and Health Care Enhance-

AMERICAN OVERSIGHT

ment Act (Public Law 116–139) for salaries and expenses (including staff hired, the use of outside consultants, program improvements, and system upgrades), to carry out the provisions of title I of division A of the CARES Act (Public Law 116–136).

(g) COLLECTION OF ADDITIONAL DATA.—The Administrator shall collect and make publically available—

(1) the number and dollar amount of loans approved and for or disbursed under 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) to borrowers broken out by lending institution, including a breakout of loans made by the lending institution by State, congressional district, demographics, industry, and loan size, and the number and percent of loan applicants that were new or existing customers of the lender;

(2) the total amount of the lender compensation fees paid to each lender under such section 7(a)(36);

(3) the total amount each lender paid in broker fees under such section 7(a)(36); and

(4) to the extent practicable, detailed information on processing times for—

(A) loan approvals and loan disbursements under such section 7(a)(36); and

AMERICAN OVERSIGHT

(B) notices of forgiveness of the loans under section 1106 of the CARES Act (Public Law 116–136) to borrowers.

(h) FORMAT OF REPORTED DATA.—Not later than 30 days after the date of enactment of this Act, the Administrator shall make available on a publicly available website in a standardized and downloadable format, and update on a monthly basis, any data contained in a report submitted under this section.

SEC. 90017. FUNDING FOR RESOURCES AND SERVICES IN LANGUAGES OTHER THAN ENGLISH.

Of the unobligated balances of amounts appropriated for salaries and expenses by section 1107(a)(2) of the CARES Act, $25,000,000 shall be made available to carry out the requirements of section 1111 of such Act.

SEC. 90018. DIRECT APPROPRIATION.

There is appropriated, out of amounts in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020, to remain available until September 30, 2021—

(1) $500,000,000 under the heading ''Small Business Administration—Business Loans Program Account'' to carry out the requirements of sections 90010, 90011, and 90012 of this division; and

AMERICAN OVERSIGHT

(2) $7,000,000 under the heading ''Small Business Administration—Business Loans Program Account'' to carry out the requirements of section 90014 of this division; and

(3) $50,000,000 under the heading ''Small Business Administration—Entrepreneurial Development Programs'' for technical assistance grants, as authorized under section 90014 of this division.

AMERICAN OVERSIGHT

DIVISION J—SUPPORT FOR ESSENTIAL WORKERS, AT-RISK INDIVIDUALS, FAMILIES, AND COMMUNITIES

TITLE I—FAMILY CARE FOR ESSENTIAL WORKERS

SEC. 100101. FAMILY CARE FOR ESSENTIAL WORKERS.

(a) INCREASE IN FUNDING.—

(1) IN GENERAL.—The amount specified in subsection (c) of section 2003 of the Social Security Act for purposes of subsections (a) and (b) of such section is deemed to be $12,150,000,000 for fiscal year 2020, of which $850,000,000 shall be obligated by States during calendar year 2020 in accordance with subsection (b) of this section.

(2) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $850,000,000 for fiscal year 2020 to carry out this section.

(b) RULES GOVERNING USE OF ADDITIONAL FUNDS.—

(1) IN GENERAL.—Funds are used in accordance with this subsection if—

(A) the funds are used for—

AMERICAN OVERSIGHT

(i) child care services for a child of an essential worker; or

(ii) daytime care services or other adult protective services for an individual who—

(I) is a dependent, or a member of the household of, an essential worker; and

(II) requires the services;

(B) the funds are provided to reimburse an essential worker for the cost of obtaining the services (including child care services obtained on or after the date the Secretary of Health and Human Services declared a public health emergency pursuant to section 319 of the Public Health Service Act on January 31, 2020, entitled ''Determination that a Public Health Emergency Exists Nationwide as the Result of the 2019 Novel Coronavirus''), to a provider of child care services, or to establish a temporary child care facility operated by a State or local government;

(C) eligibility for the funds or services, and the amount of funds or services provided, is not conditioned on a means test;

AMERICAN OVERSIGHT

(D) the funds are used subject to the limitations in section 2005 of the Social Security Act, except that, for purposes of this subparagraph—

(i) paragraphs (3), (5), and (8) of section 2005(a) of such Act shall not apply; and

(ii)(I) the limitation in section 2005(a)(7) of such Act shall not apply with respect to any standard which the State involved determines would impede the ability of the State to provide emergency temporary care to a child, dependent, or household member referred to in subparagraph (A) of this paragraph; and

(II) if the State determines that such a standard would be so impeding, the State shall report the determination to the Secretary, separately from the annual report to the Secretary by the State;

(E) the funds are used to supplement, not supplant, State general revenue funds for child care assistance; and

(F) the funds are not used for child care costs that are—

AMERICAN OVERSIGHT

(i) covered by funds provided under the Child Care and Development Block Grant Act of 1990 or section 418 of the Social Security Act; or

(ii) reimbursable by the Federal Emergency Management Agency.

(2) ESSENTIAL WORKER DEFINED.—In paragraph (1), the term ''essential worker'' means—

(A) a health sector employee;

(B) an emergency response worker;

(C) a sanitation worker;

(D) a worker at a business which a State or local government official has determined must remain open to serve the public during the emergency referred to in paragraph (1)(B); and

(E) any other worker who cannot telework, and whom the State deems to be essential during the emergency referred to in paragraph (1)(B).

AMERICAN OVERSIGHT

TITLE II—PANDEMIC EMERGENCY ASSISTANCE AND SERVICES

SEC. 100201. FUNDING TO STATES, LOCALITIES, AND COMMUNITY-BASED ORGANIZATIONS FOR EMERGENCY AID AND SERVICES.

(a) FUNDING FOR STATES.—

(1) INCREASE IN FUNDING FOR SOCIAL SERVICES BLOCK GRANT PROGRAM.—

(A) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $9,600,000,000, which shall be available for payments under section 2002 of the Social Security Act.

(B) DEADLINE FOR DISTRIBUTION OF FUNDS.—Within 45 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall distribute the funds made available by this paragraph, which shall be made available to States on an emergency basis for immediate obligation and expenditure.

(C) SUBMISSION OF REVISED PRE-EXPENDITURE REPORT.—Within 90 days after a State receives funds made available by this

AMERICAN OVERSIGHT

paragraph, the State shall submit to the Secretary a revised pre-expenditure report pursuant to title XX of the Social Security Act that describes how the State plans to administer the funds.

(D) OBLIGATION OF FUNDS BY STATES.—A State to which funds made available by this paragraph are distributed shall obligate the funds not later than December 31, 2020.

(E) EXPENDITURE OF FUNDS BY STATES.—A grantee to which a State (or a subgrantee to which a grantee) provides funds made available by this paragraph shall expend the funds not later than December 31, 2021.

(2) RULES GOVERNING USE OF ADDITIONAL FUNDS.—A State to which funds made available by paragraph (1)(B) are distributed shall use the funds in accordance with the following:

(A) PURPOSE.—

(i) IN GENERAL.—The State shall use the funds only to support the provision of emergency services to disadvantaged children, families, and households.

(ii) DISADVANTAGED DEFINED.—In this paragraph, the term ''disadvantaged''

AMERICAN OVERSIGHT

means, with respect to an entity, that the entity—

(I) is an individual, or is located in a community, that is experiencing material hardship;

(II) is a household in which there is a child (as defined in section 12(d) of the Richard B. Russell National School Lunch Act) or a child served under section 11(a)(1) of such Act, who, if not for the closure of the school attended by the child during a public health emergency designation and due to concerns about a COVID–19 outbreak, would receive free or reduced price school meals pursuant to such Act;

(III) is an individual, or is located in a community, with barriers to employment; or

(IV) is located in a community that, as of the date of the enactment of this Act, is not experiencing a 56-day downward trajectory of—

(aa) influenza-like illnesses;

AMERICAN OVERSIGHT

(bb) COVID-like syndromic cases;

(cc) documented COVID–19 cases; or

(dd) positive test results as a percentage of total COVID–19 tests.

(B) PASS-THROUGH TO LOCAL ENTITIES.—

(i) In the case of a State in which a county administers or contributes financially to the non-Federal share of the amounts expended in carrying out a State program funded under title IV of the Social Security Act, the State may pass funds so made available through to—

(I) the chief elected official of the city or urban county that administers the program; or

(II) local government and community-based organizations.

(ii) In the case of any other State, the State shall—

(I) pass the funds through to—

AMERICAN OVERSIGHT

(aa)(AA) local governments that will expend or distribute the funds in consultation with community-based organizations with experience serving disadvantaged families or individuals; or

(BB) community-based organizations with experience serving disadvantaged families and individuals; and

(bb) sub-State areas in proportions based on the population of disadvantaged individuals living in the areas; and

(II) report to the Secretary on how the State determined the amounts passed through pursuant to this clause.

(C) METHODS.—

(i) IN GENERAL.—The State shall use the funds only for—

(I) administering emergency services;

AMERICAN OVERSIGHT

(II) providing short-term cash, non-cash, or in-kind emergency disaster relief;

(III) providing services with demonstrated need in accordance with objective criteria that are made available to the public;

(IV) operational costs directly related to providing services described in subclauses (I), (II), and (III);

(V) local government emergency social service operations; and

(VI) providing emergency social services to rural and frontier communities that may not have access to other emergency funding streams.

(ii) ADMINISTERING EMERGENCY SERVICES DEFINED.—In clause (i), the term ''administering emergency services'' means—

(I) providing basic disaster relief, economic, and well-being necessities to ensure communities are able to safely observe shelter-in-place and social distancing orders;

AMERICAN OVERSIGHT

(II) providing necessary supplies such as masks, gloves, and soap, to protect the public against infectious disease; and

(III) connecting individuals, children, and families to services or payments for which they may already be eligible.

(D) PROHIBITIONS.—

(i) NO INDIVIDUAL ELIGIBILITY DETERMINATIONS BY GRANTEES OR SUBGRANTEES.—Neither a grantee to which the State provides the funds nor any subgrantee of such a grantee may exercise individual eligibility determinations for the purpose of administering short-term, noncash, in-kind emergency disaster relief to communities.

(ii) APPLICABILITY OF CERTAIN SOCIAL SERVICES BLOCK GRANT FUNDS USE LIMITATIONS.—The State shall use the funds subject to the limitations in section 2005 of the Social Security Act, except that, for purposes of this clause, section

AMERICAN OVERSIGHT

2005(a)(2) and 2005(a)(8) of such Act shall not apply.

(iii) NO SUPPLANTATION OF CERTAIN STATE FUNDS.—The State may use the funds to supplement, not supplant, State general revenue funds for social services.

(iv) BAN ON USE FOR CERTAIN COSTS REIMBURSABLE BY FEMA.—The State may not use the funds for costs that are reimbursable by the Federal Emergency Management Agency, under a contract for insurance, or by self-insurance.

(b) FUNDING FOR FEDERALLY RECOGNIZED INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—

(1) GRANTS.—

(A) IN GENERAL.—Within 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall make grants to federally recognized Indian Tribes and Tribal organizations.

(B) AMOUNT OF GRANT.—The amount of the grant for an Indian Tribe or Tribal organization shall bear the same ratio to the amount appropriated by paragraph (3) as the total amount of grants awarded to the Indian Tribe

AMERICAN OVERSIGHT

or Tribal organization under the Low-Income Home Energy Assistance Act of 1981 and the Community Service Block Grant for fiscal year 2020 bears to the total amount of grants awarded to all Indian Tribes and Tribal organizations under such Act and such Grant for the fiscal year.

(2) RULES GOVERNING USE OF FUNDS.—An entity to which a grant is made under paragraph (1) shall obligate the funds not later than December 31, 2020, and the funds shall be expended by grantees and subgrantees not later than December 31, 2021, and used in accordance with the following:

(A) PURPOSE.—

(i) IN GENERAL.—The grantee shall use the funds only to support the provision of emergency services to disadvantaged households.

(ii) DISADVANTAGED DEFINED.—In clause (i), the term ''disadvantaged'' means, with respect to an entity, that the entity—

(I) is an individual, or is located in a community, that is experiencing material hardship;

AMERICAN OVERSIGHT

(II) is a household in which there is a child (as defined in section 12(d) of the Richard B. Russell National School Lunch Act) or a child served under section 11(a)(1) of such Act, who, if not for the closure of the school attended by the child during a public health emergency designation and due to concerns about a COVID–19 outbreak, would receive free or reduced price school meals pursuant to such Act;

(III) is an individual, or is located in a community, with barriers to employment; or

(IV) is located in a community that, as of the date of the enactment of this Act, is not experiencing a 56-day downward trajectory of—

(aa) influenza-like illnesses;

(bb) COVID-like syndromic cases;

(cc) documented COVID–19 cases; or

AMERICAN OVERSIGHT

(dd) positive test results as a percentage of total COVID–19 tests.

(B) METHODS.—

(i) IN GENERAL.—The grantee shall use the funds only for—

(I) administering emergency services;

(II) providing short-term, non-cash, in-kind emergency disaster relief; and

(III) tribal emergency social service operations.

(ii) ADMINISTERING EMERGENCY SERVICES DEFINED.—In clause (i), the term ''administering emergency services'' means—

(I) providing basic economic and well-being necessities to ensure communities are able to safely observe shelter-in-place and social distancing orders;

(II) providing necessary supplies such as masks, gloves, and soap, to

AMERICAN OVERSIGHT

protect the public against infectious disease; and

(III) connecting individuals, children, and families to services or payments for which they may already be eligible.

(C) PROHIBITIONS.—

(i) NO INDIVIDUAL ELIGIBILITY DETERMINATIONS BY GRANTEES OR SUBGRANTEES.—Neither the grantee nor any subgrantee may exercise individual eligibility determinations for the purpose of administering short-term, non-cash, in-kind emergency disaster relief to communities.

(ii) BAN ON USE FOR CERTAIN COSTS REIMBURSABLE BY FEMA.—The grantee may not use the funds for costs that are reimbursable by the Federal Emergency Management Agency, under a contract for insurance, or by self-insurance.

(3) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services $400,000,000 to carry out this subsection.

AMERICAN OVERSIGHT

SEC. 100202. EMERGENCY ASSISTANCE TO OLDER FOSTER YOUTH.

(a) FUNDING INCREASES.—

(1) GENERAL PROGRAM.—The dollar amount specified in section 477(h)(1) of the Social Security Act for fiscal year 2020 is deemed to be $193,000,000.

(2) EDUCATION AND TRAINING VOUCHERS.—The dollar amount specified in section 477(h)(2) of such Act for fiscal year 2020 is deemed to be $78,000,000.

(b) PROGRAMMATIC FLEXIBILITY.—With respect to the period that begins on March 1, 2020, and ends January 31, 2021:

(1) ELIMINATION OF AGE LIMITATIONS ON ELIGIBILITY FOR ASSISTANCE.—Eligibility for services or assistance under a State program operated pursuant to section 477 of the Social Security Act shall be provided without regard to the age of the recipient.

(2) SUSPENSION OF WORK AND EDUCATION REQUIREMENTS UNDER THE EDUCATION AND TRAINING VOUCHER PROGRAM.—Section 477(i)(3) of the Social Security Act shall be applied and administered without regard to any work or education requirement.

AMERICAN OVERSIGHT

(3) AUTHORITY TO WAIVE LIMITATION ON PERCENTAGE OF FUNDS USED FOR HOUSING ASSISTANCE.—The Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') may apply and administer section 477 of the Social Security Act without regard to subsection (b)(3)(B) of such section.

(4) ELIMINATION OF EDUCATION AND EMPLOYMENT REQUIREMENTS FOR CERTAIN FOSTER YOUTH.—The Secretary may waive the applicability of subclauses (I) through (IV) of section 475(8)(B)(iv) of the Social Security Act.

(c) STATE DEFINED.—In subsection (a), the term ''State'' has the meaning given the term in section 1101(a) of the Social Security Act for purposes of title IV of such Act, and includes an Indian tribe, tribal organization, or tribal consortium with an application and plan approved under section 477(j) of such Act for fiscal year 2020.

SEC. 100203. EMERGENCY ASSISTANCE TO FAMILIES THROUGH HOME VISITING PROGRAMS.

(a) IN GENERAL.—For purposes of section 511 of the Social Security Act, during the period that begins on February 1, 2020, and ends January 31, 2021—

AMERICAN OVERSIGHT

(1) a virtual home visit shall be considered a home visit;

(2) funding for, and staffing levels of, a program conducted pursuant to such section shall not be reduced on account of reduced enrollment in the program; and

(3) funds provided for such a program may be used—

(A) to train home visitors in conducting a virtual home visit and in emergency preparedness and response planning for families served;

(B) for the acquisition by families enrolled in the program of such technological means as are needed to conduct and support a virtual home visit;

(C) to provide emergency supplies (such as diapers, formula, non-perishable food, water, hand soap and hand sanitizer) to families served; and

(D) to provide prepaid debit cards to an eligible family (as defined in section 511(k)(2) of such Act) for the purpose of enabling the family to meet the emergency needs of the family.

AMERICAN OVERSIGHT

(b) VIRTUAL HOME VISIT DEFINED.—In subsection (a), the term ''virtual home visit'' means a visit that is conducted solely by electronic means.

(c) AUTHORITY TO DELAY DEADLINES.—

(1) IN GENERAL.—The Secretary of Health and Human Services may extend the deadline by which a requirement of section 511 of the Social Security Act must be met, by such period of time as the Secretary deems appropriate.

(2) GUIDANCE.—The Secretary shall provide to eligible entities funded under section 511 of the Social Security Act information on the parameters used in extending a deadline under paragraph (1) of this subsection.

(d) SUPPLEMENTAL APPROPRIATION.—In addition to amounts otherwise appropriated, out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services $100,000,000, to enable eligible entities to conduct programs funded under section 511 of the Social Security Act pursuant to this section, which shall remain available for obligation not later than January 31, 2021.

AMERICAN OVERSIGHT

TITLE III—PROGRAM FLEXIBILITY DURING THE PANDEMIC

SEC. 100301. EMERGENCY FLEXIBILITY FOR CHILD WELFARE PROGRAMS.

(a) IN GENERAL.—With respect to the period that begins on March 1, 2020, and ends January 31, 2021:

(1) AUTHORITY OF STATES TO DETERMINE HOW DAILY ACTIVITIES MAY BE CONDUCTED REMOTELY.—The Secretary of Health and Human Services may allow a State to determine how daily activities under the State plan developed under part B of title IV of the Social Security Act and the State program funded under section 477 of such Act may be conducted through electronic means to comply with public health guidelines relating to social distancing, including conducting any required court proceedings pertaining to children in care. In making any such determination, the State shall work to ensure that the safety and health of each child in care remains paramount.

(2) COUNTING OF REMOTE CASEWORKER VISITS AS IN-PERSON VISITS.—In the case of a foster child who has attained 18 years of age and with respect to whom foster care maintenance payments are

AMERICAN OVERSIGHT

being made under a State plan approved under part E of title IV of the Social Security Act, caseworker contact with the child that includes visual and auditory contact and which is conducted solely by electronic means is deemed an in-person visit to the child by the caseworker for purposes of section 424(f)(1)(A) of such Act if the child is visited by the caseworker in person not less than once every 6 months while in such care.

(b) STATE DEFINED.—In subsection (a), the term ''State'' has the meaning given the term in section 1101(a) of the Social Security Act for purposes of title IV of such Act, and includes an Indian tribe, tribal organization, or tribal consortium with an application and plan approved under this section 477(j) of such Act for fiscal year 2020.

SEC. 100302. EMERGENCY FLEXIBILITY FOR CHILD SUPPORT PROGRAMS.

(a) IN GENERAL.—With respect to the period that begins on March 1, 2020, and ends January 31, 2021:

(1) Sections 408(a)(2), 409(a)(5), and 409(a)(8) of the Social Security Act shall have no force or effect.

(2) Notwithstanding section 466(d) of such Act, the Secretary of Health and Human Services (in this

AMERICAN OVERSIGHT

subsection referred to as the ''Secretary'') may exempt a State from any requirement of section 466 of such Act to respond to the COVID–19 pandemic, except that the Secretary may not exempt a State from any requirement to—

(A) provide a parent with notice of a right to request a review and, if appropriate, adjustment of a support order; or

(B) afford a parent the opportunity to make such a request.

(3) The Secretary may not impose a penalty or take any other adverse action against a State pursuant to section 452(g)(1) of such Act for failure to achieve a paternity establishment percentage of less than 90 percent.

(4) The Secretary may not find that the paternity establishment percentage for a State is not based on reliable data for purposes of section 452(g)(1) of such Act, and the Secretary may not determine that the data which a State submitted pursuant to section 452(a)(4)(C)(i) of such Act and which is used in determining a performance level is not complete or reliable for purposes of section 458(b)(5)(B) of such Act, on the basis of the failure

AMERICAN OVERSIGHT

of the State to submit OCSE Form 396 or 34 in a timely manner.

(5) The Secretary may not impose a penalty or take any other adverse action against a State for failure to comply with section 454A(g)(1)(A)(i) of such Act.

(6) The Secretary may not disapprove a State plan submitted pursuant to part D of title IV of such Act for failure of the plan to meet the requirement of section 454(1) of such Act, and may not impose a penalty or take any other adverse action against a State with such a plan that meets that requirement for failure to comply with that requirement.

(7) To the extent that a preceding provision of this section applies with respect to a provision of law applicable to a program operated by an Indian tribe or tribal organization (as defined in subsections (e) and (l) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), that preceding provision shall apply with respect to the Indian tribe or tribal organization.

(b) STATE DEFINED.—In subsection (a), the term ''State'' has the meaning given the term in section

AMERICAN OVERSIGHT

1101(a) of the Social Security Act for purposes of title IV of such Act.

SEC. 100303. EMERGENCY FLEXIBILITY FOR STATE TANF PROGRAMS.

(a) STATE PROGRAMS.—Sections 407(a), 407(e)(1), and 408(a)(7)(A) of the Social Security Act shall have no force or effect during the applicable period, and paragraphs (3), (9), (14), and (15) of section 409(a) of such Act shall not apply with respect to conduct engaged in during the period.

(b) TRIBAL PROGRAMS.—The minimum work participation requirements and time limits established under section 412(c) of the Social Security Act shall have no force or effect during the applicable period, and the penalties established under such section shall not apply with respect to conduct engaged in during the period.

(c) PENALTY FOR NONCOMPLIANCE.—

(1) IN GENERAL.—If the Secretary of Health and Human Services finds that a State or an Indian tribe has imposed a work requirement as a condition of receiving assistance, or a time limit on the provision of assistance, under a program funded under part A of title IV of the Social Security Act or any program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i) of such Act)

AMERICAN OVERSIGHT

during the applicable period, or has imposed a penalty for failure to comply with a work requirement during the period, the Secretary shall reduce the grant payable to the State under section 403(a)(1) of such Act or the grant payable to the tribe under section 412(a)(1) of such Act, as the case may be, for fiscal year 2021 by an amount equal to 5 percent of the State or tribal family assistance grant, as the case may be.

(2) APPLICABILITY OF CERTAIN PROVISIONS.—For purposes of section 409(d) of the Social Security Act, paragraph (1) of this subsection shall be considered to be included in section 409(a) of such Act.

(d) DEFINITIONS.—In this section:

(1) APPLICABLE PERIOD.—The term ''applicable period'' means the period that begins on March 1, 2020, and ends January 31, 2021.

(2) WORK REQUIREMENT.—The term ''work requirement'' means a requirement to engage in a work activity (as defined in section 407(d) of the Social Security Act)or other work-related activity as defined by a State or tribal program funded under part A of title IV of such Act.

AMERICAN OVERSIGHT

(3) OTHER TERMS.—Each other term has the meaning given the term in section 419 of the Social Security Act.

AMERICAN OVERSIGHT

DIVISION K—COVID–19 HERO ACT

SEC. 110001. SHORT TITLE; TABLE OF CONTENTS.

This division may be cited as the ''COVID–19 Housing, Economic Relief, and Oversight Act'' or the ''COVID–19 HERO Act''.

TITLE I—PROVIDING MEDICAL EQUIPMENT FOR FIRST RESPONDERS AND ESSENTIAL WORKERS

SEC. 110101. COVID–19 EMERGENCY MEDICAL SUPPLIES ENHANCEMENT.

(a) DETERMINATION ON EMERGENCY SUPPLIES AND RELATIONSHIP TO STATE AND LOCAL EFFORTS.—

(1) DETERMINATION.—For the purposes of section 101 of the Defense Production Act of 1950 (50 U.S.C. 4511), the following materials shall be deemed to be scarce and critical materials essential to the national defense and otherwise meet the requirements of section 101(b) of such Act during the COVID–19 emergency period:

(A) Diagnostic tests, including serological tests, for COVID–19 and the reagents and other materials necessary for producing or conducting such tests.

(B) Personal protective equipment, including face shields, N–95 respirator masks, and

AMERICAN OVERSIGHT

any other masks determined by the Secretary of Health and Human Services to be needed to respond to the COVID–19 pandemic, and the materials to produce such equipment.

(C) Medical ventilators, the components necessary to make such ventilators, and medicines needed to use a ventilator as a treatment for any individual who is hospitalized for COVID–19.

(D) Pharmaceuticals and any medicines determined by the Food and Drug Administration or another Government agency to be effective in treating COVID–19 (including vaccines for COVID–19) and any materials necessary to produce or use such pharmaceuticals or medicines (including self-injection syringes or other delivery systems).

(E) Any other medical equipment or supplies determined by the Secretary of Health and Human Services or the Secretary of Homeland Security to be scarce and critical materials essential to the national defense for purposes of section 101 of the Defense Production Act of 1950 (50 U.S.C. 4511).

AMERICAN OVERSIGHT

(2) EXERCISE OF TITLE I AUTHORITIES IN RELATION TO CONTRACTS BY STATE AND LOCAL GOVERNMENTS.—In exercising authorities under title I of the Defense Production Act of 1950 (50 U.S.C. 4511 et seq.) during the COVID–19 emergency period, the President (and any officer or employee of the United States to which authorities under such title I have been delegated)—

(A) may exercise the prioritization or allocation authority provided in such title I to exclude any materials described in paragraph (1) ordered by a State or local government that are scheduled to be delivered within 15 days of the time at which—

(i) the purchase order or contract by the Federal Government for such materials is made; or

(ii) the materials are otherwise allocated by the Federal Government under the authorities contained in such Act; and

(B) shall, within 24 hours of any exercise of the prioritization or allocation authority provided in such title I—

(i) notify any State or local government if the exercise of such authorities

AMERICAN OVERSIGHT

would delay the receipt of such materials ordered by such government; and

(ii) take such steps as may be necessary to ensure that such materials ordered by such government are delivered in the shortest possible period.

(3) UPDATE TO THE FEDERAL ACQUISITION REGULATION.—Not later than 15 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to reflect the requirements of paragraph (2)(A).

(b) ENGAGEMENT WITH THE PRIVATE SECTOR.—

(1) SENSE OF CONGRESS.—The Congress—

(A) appreciates the willingness of private companies not traditionally involved in producing items for the health sector to volunteer to use their expertise and supply chains to produce essential medical supplies and equipment;

(B) encourages other manufacturers to review their existing capacity and to develop capacity to produce essential medical supplies, medical equipment, and medical treatments to address the COVID–19 emergency; and

AMERICAN OVERSIGHT

(C) commends and expresses deep appreciation to individual citizens who have been producing personal protective equipment and other materials for, in particular, use at hospitals in their community.

(2) OUTREACH REPRESENTATIVE.—

(A) DESIGNATION.—Consistent with the authorities in title VII of the Defense Production Act of 1950 (50 U.S.C. 4551 et seq.), the Administrator of the Federal Emergency Management Agency, in consultation with the Secretary of Health and Human Services, shall designate or shall appoint, pursuant to section 703 of such Act (50 U.S.C. 4553), an individual to be known as the ''Outreach Representative''. Such individual shall—

(i) be appointed from among individuals with substantial experience in the private sector in the production of medical supplies or equipment; and

(ii) act as the Government-wide single point of contact during the COVID–19 emergency for outreach to manufacturing companies and their suppliers who may be interested in producing medical supplies or

AMERICAN OVERSIGHT

equipment, including the materials described under subsection (a).

(B) ENCOURAGING PARTNERSHIPS.—The Outreach Representative shall seek to develop partnerships between companies, in coordination with the Supply Chain Stabilization Task Force or any overall coordinator appointed by the President to oversee the response to the COVID–19 emergency, including through the exercise of the authorities under section 708 of the Defense Production Act of 1950 (50 U.S.C. 4558).

(c) ENHANCEMENT OF SUPPLY CHAIN PRODUCTION.—In exercising authority under title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.) with respect to materials described in subsection (a), the President shall seek to ensure that support is provided to companies that comprise the supply chains for reagents, components, raw materials, and other materials and items necessary to produce or use the materials described in subsection (a).

(d) OVERSIGHT OF CURRENT ACTIVITY AND NEEDS.—

(1) RESPONSE TO IMMEDIATE NEEDS.—

AMERICAN OVERSIGHT

(A) IN GENERAL.—Not later than 7 days after the date of the enactment of this Act, the President, in coordination with the National Response Coordination Center of the Federal Emergency Management Agency, the Administrator of the Defense Logistics Agency, the Secretary of Health and Human Services, the Secretary of Veterans Affairs, and heads of other Federal agencies (as appropriate), shall submit to the appropriate congressional committees a report assessing the immediate needs described in subparagraph (B) to combat the COVID–19 pandemic and the plan for meeting those immediate needs.

(B) ASSESSMENT.—The report required by this paragraph shall include—

(i) an assessment of the needs for medical supplies or equipment necessary to address the needs of the population of the United States infected by the virus SARS–CoV–2 that causes COVID–19 and to prevent an increase in the incidence of COVID–19 throughout the United States, including diagnostic tests, serological tests, medicines that have been approved by the

AMERICAN OVERSIGHT

Food and Drug Administration to treat COVID–19, and ventilators and medicines needed to employ ventilators;

(ii) based on meaningful consultations with relevant stakeholders, an assessment of the need for personal protective equipment and other supplies (including diagnostic tests) required by—

(I) health professionals, health workers, and hospital staff;

(II) workers in industries and sectors described in the ''Advisory Memorandum on Identification of Essential Critical Infrastructure Workers during the COVID–19 Response'' issued by the Director of Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security on April 17, 2020 (and any expansion of industries and sectors included in updates to such advisory memorandum); and

(III) other workers determined to be essential based on such consultation;

AMERICAN OVERSIGHT

(iii) an assessment of the quantities of equipment and supplies in the Strategic National Stockpile (established under section 319F–2 of the Public Health Service Act ((42 U.S.C. 247d–6b(a)(1))) as of the date of the report, and the projected gap between the quantities of equipment and supplies identified as needed in the assessment under clauses (i) and (ii) and the quantities in the Strategic National Stockpile;

(iv) an identification of the industry sectors and manufacturers most ready to fulfill purchase orders for such equipment and supplies (including manufacturers that may be incentivized) through the exercise of authority under section 303(e) of the Defense Production Act of 1950 (50 U.S.C. 4533(e)) to modify, expand, or improve production processes to manufacture such equipment and supplies to respond immediately to a need identified in clause (i) or (ii);

(v) an identification of Government-owned and privately-owned stockpiles of

AMERICAN OVERSIGHT

such equipment and supplies not included in the Strategic National Stockpile that could be repaired or refurbished;

(vi) an identification of previously distributed critical supplies that can be redistributed based on current need;

(vii) a description of any exercise of the authorities described under paragraph (1)(E) or (2)(A) of subsection (a); and

(viii) an identification of critical areas of need, by county and by areas identified by the Indian Health Service, in the United States and the metrics and criteria for identification as a critical area.

(C) PLAN.—The report required by this paragraph shall include a plan for meeting the immediate needs to combat the COVID–19 pandemic, including the needs described in subparagraph (B). Such plan shall include—

(i) each contract the Federal Government has entered into to meet such needs, including the purpose of each contract, the type and amount of equipment, supplies, or services to be provided under the contract,

AMERICAN OVERSIGHT

the entity performing such contract, and the dollar amount of each contract;

(ii) each contract that the Federal Government intends to enter into within 14 days after submission of such report, including the information described in subparagraph (B) for each such contract; and

(iii) whether any of the contracts described in clause (i) or (ii) have or will have a priority rating under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.), including purchase orders pursuant to Department of Defense Directive 4400.1 (or any successor directive), subpart A of part 101 of title 45, Code of Federal Regulations, or any other applicable authority.

(D) ADDITIONAL REQUIREMENTS.—The report required by this paragraph, and each update required by subparagraph (E), shall include—

(i) any requests for equipment and supplies from State or local governments and Indian Tribes, and an accompanying

AMERICAN OVERSIGHT

list of the employers and unions consulted in developing these requests;

(ii) any modeling or formulas used to determine allocation of equipment and supplies, and any related chain of command issues on making final decisions on allocations;

(iii) the amount and destination of equipment and supplies delivered;

(iv) an explanation of why any portion of any contract, whether to replenish the Strategic National Stockpile or otherwise, will not be filled;

(v) of products procured under this section, the percentage of such products that are used to replenish the Strategic National Stockpile, that are targeted to COVID–19 hotspots, and that are used for the commercial market;

(vi) metrics, formulas, and criteria used to determine COVID–19 hotspots or areas of critical need for a State, county, or an area identified by the Indian Health Service;

AMERICAN OVERSIGHT

(vii) production and procurement benchmarks, where practicable; and

(viii) results of the consultation with the relevant stakeholders required by subparagraph (B)(ii).

(E) UPDATES.—The President, in coordination with the National Response Coordination Center of the Federal Emergency Management Agency, the Administrator of the Defense Logistics Agency, the Secretary of Health and Human Services, the Secretary of Veterans Affairs, and heads of other Federal agencies (as appropriate), shall update such report every 14 days.

(F) PUBLIC AVAILABILITY.—The President shall make the report required by this paragraph and each update required by subparagraph (E) available to the public, including on a Government website.

(2) RESPONSE TO LONGER-TERM NEEDS.—

(A) IN GENERAL.—Not later than 14 days after the date of enactment of this Act, the President, in coordination with the National Response Coordination Center of the Federal Emergency Management Agency, the Adminis-

AMERICAN OVERSIGHT

trator of the Defense Logistics Agency, the Secretary of Health and Human Services, the Secretary of Veterans Affairs, and heads of other Federal agencies (as appropriate), shall submit to the appropriate congressional committees a report containing an assessment of the needs described in subparagraph (B) to combat the COVID–19 pandemic and the plan for meeting such needs during the 6-month period beginning on the date of submission of the report.

(B) ASSESSMENT.—The report required by this paragraph shall include—

(i) an assessment of the elements describe in clauses (i) through (v) and clause (viii) of paragraph (1)(B); and

(ii) an assessment of needs related to COVID–19 vaccines and any additional services to address the COVID–19 pandemic, including services related to health surveillance to ensure that the appropriate level of contact tracing related to detected infections is available throughout the United States.

(C) PLAN.—The report required by this paragraph shall include a plan for meeting the

AMERICAN OVERSIGHT

longer-term needs to combat the COVID–19 pandemic, including the needs described in subparagraph (B). This plan shall include—

(i) a plan to exercise authorities under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) necessary to increase the production of the medical equipment, supplies, and services that are essential to meeting the needs identified in subparagraph (B), including the number of N–95 respirator masks and other personal protective equipment needed, based on meaningful consultations with relevant stakeholders, by the private sector to resume economic activity and by the public and nonprofit sectors to significantly increase their activities;

(ii) results of the consultations with the relevant stakeholders required by clause (i)(II);

(iii) an estimate of the funding and other measures necessary to rapidly expand manufacturing production capacity for such equipment and supplies, including—

AMERICAN OVERSIGHT

(I) any efforts to expand, retool, or reconfigure production lines;

(II) any efforts to establish new production lines through the purchase and installation of new equipment; or

(III) the issuance of additional contracts, purchase orders, purchase guarantees, or other similar measures;

(iv) each contract the Federal Government has entered into to meet such needs or expand such production, the purpose of each contract, the type and amount of equipment, supplies, or services to be provided under the contract, the entity performing such contract, and the dollar amount of each contract;

(v) each contract that the Federal Government intends to enter into within 14 days after submission of such report, including the information described in clause (iv) for each such contract;

(vi) whether any of the contracts described in clause (iv) or (v) have or will have a priority rating under the Defense Production Act of 1950 (50 U.S.C. 4501

AMERICAN OVERSIGHT

et seq.), including purchase orders pursuant to Department of Defense Directive 4400.1 (or any successor directive), subpart A of part 101 of title 45, Code of Federal Regulations, or any other applicable authority; and

(vii) the manner in which the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) could be used to increase services necessary to combat the COVID–19 pandemic, including services described in subparagraph (B)(ii).

(D) UPDATES.—The President, in coordination with the National Response Coordination Center of the Federal Emergency Management Agency, the Administrator of the Defense Logistics Agency, the Secretary of Health and Human Services, the Secretary of Veterans Affairs, and heads of other Federal agencies (as appropriate), shall update such report every 14 days.

(E) PUBLIC AVAILABILITY.—The President shall make the report required by this subsection and each update required by subpara-

AMERICAN OVERSIGHT

graph (D) available to the public, including on a Government website.

(3) REPORT ON EXERCISING AUTHORITIES UNDER THE DEFENSE PRODUCTION ACT OF 1950.—

(A) IN GENERAL.—Not later than 14 days after the date of the enactment of this Act, the President, in consultation with the Administrator of the Federal Emergency Management Agency, the Secretary of Defense, and the Secretary of Health and Human Services, shall submit to the appropriate congressional committees a report on the exercise of authorities under titles I, III, and VII of the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) prior to the date of such report.

(B) CONTENTS.—The report required under subparagraph (A) and each update required under subparagraph (C) shall include, with respect to each exercise of such authority—

(i) an explanation of the purpose of the applicable contract, purchase order, or other exercise of authority (including an allocation of materials, services, and facilities under section 101(a)(2) of the Defense

AMERICAN OVERSIGHT

Production Act of 1950 (50 U.S.C. 4511(a)(2));

(ii) the cost of such exercise of authority; and

(iii) if applicable—

(I) the amount of goods that were purchased or allocated;

(II) an identification of the entity awarded a contract or purchase order or that was the subject of the exercise of authority; and

(III) an identification of any entity that had shipments delayed by the exercise of any authority under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.).

(C) UPDATES.—The President shall update the report required under subparagraph (A) every 14 days.

(D) PUBLIC AVAILABILITY.—The President shall make the report required by this subsection and each update required by subparagraph (C) available to the public, including on a Government website.

AMERICAN OVERSIGHT

(4) QUARTERLY REPORTING.—The President shall submit to Congress, and make available to the public (including on a Government website), a quarterly report detailing all expenditures made pursuant to titles I, III, and VII of the Defense Production Act of 1950 50 U.S.C. 4501 et seq.).

(5) SUNSET.—The requirements of this subsection shall terminate on the later of—

(A) December 31, 2021; or

(B) the end of the COVID–19 emergency period.

(e) ENHANCEMENTS TO THE DEFENSE PRODUCTION ACT OF 1950.—

(1) HEALTH EMERGENCY AUTHORITY.—Section 107 of the Defense Production Act of 1950 (50 U.S.C. 4517) is amended by adding at the end the following:

''(c) HEALTH EMERGENCY AUTHORITY.—With respect to a public health emergency declaration by the Secretary of Health and Human Services under section 319 of the Public Health Service Act, or preparations for such a health emergency, the Secretary of Health and Human Services and the Administrator of the Federal Emergency Management Agency are authorized to carry out the au-

AMERICAN OVERSIGHT

thorities provided under this section to the same extent as the President.''.

(2) EMPHASIS ON BUSINESS CONCERNS OWNED BY WOMEN, MINORITIES, VETERANS, AND NATIVE AMERICANS.—Section 108 of the Defense Production Act of 1950 (50 U.S.C. 4518) is amended—

(A) in the heading, by striking ''**MODERNIZATION OF SMALL BUSINESS SUPPLIERS**'' and inserting ''**SMALL BUSINESS PARTICIPATION AND FAIR INCLUSION**'';

(B) by amending subsection (a) to read as follows:

''(a) PARTICIPATION AND INCLUSION.—

''(1) IN GENERAL.—In providing any assistance under this Act, the President shall accord a strong preference for subcontractors and suppliers that are—

''(A) small business concerns; or

''(B) businesses of any size owned by women, minorities, veterans, and the disabled.

''(2) SPECIAL CONSIDERATION.—To the maximum extent practicable, the President shall accord the preference described under paragraph (1) to small business concerns and businesses described in paragraph (1)(B) that are located in areas of high

AMERICAN OVERSIGHT

unemployment or areas that have demonstrated a continuing pattern of economic decline, as identified by the Secretary of Labor.''; and

(C) by adding at the end the following:

''(e) MINORITY DEFINED.—In this section, the term 'minority'—

''(1) has the meaning given the term in section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989; and

''(2) includes any indigenous person in the United States, including any territories of the United States.''.

(3) ADDITIONAL INFORMATION IN ANNUAL REPORT.—Section 304(f)(3) of the Defense Production Act of 1950 (50 U.S.C. 4534(f)(3)) is amended by striking ''year.'' and inserting ''year, including the percentage of contracts awarded using Fund amounts to each of the groups described in section 108(a)(1)(B) (and, with respect to minorities, disaggregated by ethnic group), and the percentage of the total amount expended during such fiscal year on such contracts.''.

(4) DEFINITION OF NATIONAL DEFENSE.—Section 702(14) of the Defense Production Act of 1950 is amended by striking ''and critical infrastructure

AMERICAN OVERSIGHT

protection and restoration'' and inserting '', critical infrastructure protection and restoration, and health emergency preparedness and response activities''.

(f) SECURING ESSENTIAL MEDICAL MATERIALS.—

(1) STATEMENT OF POLICY.—Section 2(b) of the Defense Production Act of 1950 (50 U.S.C. 4502) is amended—

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

(B) by inserting after paragraph (2) the following:

''(3) authorities under this Act should be used when appropriate to ensure the availability of medical materials essential to national defense, including through measures designed to secure the drug supply chain, and taking into consideration the importance of United States competitiveness, scientific leadership and cooperation, and innovative capacity;''.

(2) STRENGTHENING DOMESTIC CAPABILITY.—Section 107 of the Defense Production Act of 1950 (50 U.S.C. 4517) is amended—

AMERICAN OVERSIGHT

(A) in subsection (a), by inserting ''(including medical materials)'' after ''materials''; and

(B) in subsection (b)(1), by inserting ''(including medical materials such as drugs to diagnose, cure, mitigate, treat, or prevent disease that essential to national defense)'' after ''essential materials''.

(3) STRATEGY ON SECURING SUPPLY CHAINS FOR MEDICAL ARTICLES.—Title I of the Defense Production Act of 1950 (50 U.S.C. 4511 et seq.) is amended by adding at the end the following:

''SEC. 109. STRATEGY ON SECURING SUPPLY CHAINS FOR MEDICAL MATERIALS.

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the President, in consultation with the Secretary of Health and Human Services, the Secretary of Commerce, the Secretary of Homeland Security, and the Secretary of Defense, shall transmit a strategy to the appropriate Members of Congress that includes the following:

''(1) A detailed plan to use the authorities under this title and title III, or any other provision of law, to ensure the supply of medical materials (including drugs to diagnose, cure, mitigate, treat, or

AMERICAN OVERSIGHT

prevent disease) essential to national defense, to the extent necessary for the purposes of this Act.

''(2) An analysis of vulnerabilities to existing supply chains for such medical articles, and recommendations to address the vulnerabilities.

''(3) Measures to be undertaken by the President to diversify such supply chains, as appropriate and as required for national defense; and

''(4) A discussion of—

''(A) any significant effects resulting from the plan and measures described in this subsection on the production, cost, or distribution of vaccines or any other drugs (as defined under section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321));

''(B) a timeline to ensure that essential components of the supply chain for medical materials are not under the exclusive control of a foreign government in a manner that the President determines could threaten the national defense of the United States; and

''(C) efforts to mitigate any risks resulting from the plan and measures described in this subsection to United States competitiveness, scientific leadership, and innovative capacity,

AMERICAN OVERSIGHT

including efforts to cooperate and proactively engage with United States allies.

''(b) PROGRESS REPORT.—Following submission of the strategy under subsection (a), the President shall submit to the appropriate Members of Congress an annual progress report evaluating the implementation of the strategy, and may include updates to the strategy as appropriate. The strategy and progress reports shall be submitted in unclassified form but may contain a classified annex.

''(c) APPROPRIATE MEMBERS OF CONGRESS.—The term 'appropriate Members of Congress' means the Speaker, majority leader, and minority leader of the House of Representatives, the majority leader and minority leader of the Senate, the Chairman and Ranking Member of the Committees on Armed Services and Financial Services of the House of Representatives, and the Chairman and Ranking Member of the Committees on Armed Services and Banking, Housing, and Urban Affairs of the Senate.''.

(g) GAO REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit to the appropriate con-

AMERICAN OVERSIGHT

gressional committees a report on ensuring that the United States Government has access to the medical supplies and equipment necessary to respond to future pandemics and public health emergencies, including recommendations with respect to how to ensure that the United States supply chain for diagnostic tests (including serological tests), personal protective equipment, vaccines, and therapies is better equipped to respond to emergencies, including through the use of funds in the Defense Production Act Fund under section 304 of the Defense Production Act of 1950 (50 U.S.C. 4534) to address shortages in that supply chain.

(2) REVIEW OF ASSESSMENT AND PLAN.—

(A) IN GENERAL.—Not later than 30 days after each of the submission of the reports described in paragraphs (1) and (2) of subsection (d), the Comptroller General of the United States shall submit to the appropriate congressional committees an assessment of such reports, including identifying any gaps and providing any recommendations regarding the subject matter in such reports.

(B) MONTHLY REVIEW.—Not later than a month after the submission of the assessment

AMERICAN OVERSIGHT

under subparagraph (A), and monthly thereafter, the Comptroller General shall issue a report to the appropriate congressional committees with respect to any updates to the reports described in paragraph (1) and (2) of subsection (d) that were issued during the previous 1-month period, containing an assessment of such updates, including identifying any gaps and providing any recommendations regarding the subject matter in such updates.

(h) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committees on Appropriations, Armed Services, Energy and Commerce, Financial Services, Homeland Security, and Veterans' Affairs of the House of Representatives and the Committees on Appropriations, Armed Services, Banking, Housing, and Urban Affairs, Health, Education, Labor, and Pensions, Homeland Security and Governmental Affairs, and Veterans' Affairs of the Senate.

(2) COVID–19 EMERGENCY PERIOD.—The term ''COVID–19 emergency period'' means the period beginning on the date of enactment of this Act and ending after the end of the incident period for

AMERICAN OVERSIGHT

the emergency declared on March 13, 2020, by the President under Section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 4121 et seq.) relating to the Coronavirus Disease 2019 (COVID–19) pandemic.

(3) RELEVANT STAKEHOLDER.—The term ''relevant stakeholder'' means—

(A) representative private sector entities;

(B) representatives of the nonprofit sector; and

(C) representatives of labor organizations representing workers, including unions that represent health workers, manufacturers, public sector employees, and service sector workers.

(4) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

TITLE II—PROTECTING RENTERS AND HOMEOWNERS FROM EVICTIONS AND FORECLOSURES

SEC. 110201. EMERGENCY RENTAL ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Housing and Urban Development (referred to in this section as the

AMERICAN OVERSIGHT

''Secretary'') $100,000,000,000 for an additional amount for grants under the Emergency Solutions Grants program under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.), to remain available until expended (subject to subsections (d) and (n) of this section), to be used for providing short- or medium-term assistance with rent and rent-related costs (including tenant-paid utility costs, utility- and rent-arrears, fees charged for those arrears, and security and utility deposits) in accordance with paragraphs (4) and (5) of section 415(a) of such Act (42 U.S.C. 11374(a)) and this section.

(b) DEFINITION OF AT RISK OF HOMELESSNESS.—Notwithstanding section 401(1) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(1)), for purposes of assistance made available with amounts made available pursuant to subsection (a), the term ''at risk of homelessness'' means, with respect to an individual or family, that the individual or family—

(1) has an income below 80 percent of the median income for the area as determined by the Secretary; and

(2) has an inability to attain or maintain housing stability or has insufficient resources to pay for rent or utilities due to financial hardships.

AMERICAN OVERSIGHT

(c) INCOME TARGETING AND CALCULATION.—For purposes of assistance made available with amounts made available pursuant to subsection (a)—

(1) each recipient of such amounts shall use—

(A) not less than 40 percent of the amounts received only for providing assistance for individuals or families experiencing homelessness, or for persons or families at risk of homelessness who have incomes not exceeding 30 percent of the median income for the area as determined by the Secretary;

(B) not less than 70 percent of the amounts received only for providing assistance for individuals or families experiencing homelessness, or for persons or families at risk of homelessness who have incomes not exceeding 50 percent of the median income for the area as determined by the Secretary; and

(C) the remainder of the amounts received only for providing assistance to individuals or families experiencing homelessness, or for persons or families at risk of homelessness who have incomes not exceeding 80 percent of the median income for the area as determined by the Secretary, but such recipient may establish

AMERICAN OVERSIGHT

a higher percentage limit for purposes of subsection (b)(1), which shall not in any case exceed 120 percent of the area median income, if the recipient states that it will serve such population in its plan; and

(2) in determining the income of a household for homelessness prevention assistance—

(A) the calculation of income performed at the time of application for such assistance, including arrearages, shall consider only income that the household is currently receiving at such time and any income recently terminated shall not be included;

(B) any calculation of income performed with respect to households receiving ongoing assistance (such as medium-term rental assistance) 3 months after initial receipt of assistance shall consider only the income that the household is receiving at the time of such review; and

(C) the calculation of income performed with respect to households receiving assistance for arrearages shall consider only the income that the household was receiving at the time such arrearages were incurred.

AMERICAN OVERSIGHT

(d) 3-YEAR AVAILABILITY.—

(1) IN GENERAL.—Each recipient of amounts made available pursuant to subsection (a) shall—

(A) expend not less than 60 percent of such grant amounts within 2 years of the date that such funds became available to the recipient for obligation; and

(B) expend 100 percent of such grant amounts within 3 years of such date.

(2) REALLOCATION AFTER 2 YEARS.—The Secretary may recapture any amounts not expended in compliance with paragraph (1)(A) and reallocate such amounts to recipients in compliance with the formula referred to in subsection (h)(1)(A).

(e) RENT RESTRICTIONS.—

(1) INAPPLICABILITY.—Section 576.106(d) of title 24, Code of Federal Regulations, shall not apply with respect to homelessness prevention assistance made available with amounts made available under subsection (a).

(2) AMOUNT OF RENTAL ASSISTANCE.—In providing homelessness prevention assistance with amounts made available under subsection (a), the maximum amount of rental assistance that may be provided shall be the greater of—

AMERICAN OVERSIGHT

(A) 120 percent of the higher of—

(i) the Fair Market Rent established by the Secretary for the metropolitan area or county; or

(ii) the applicable Small Area Fair Market Rent established by the Secretary; or

(B) such higher amount as the Secretary shall determine is needed to cover market rents in the area.

(f) SUBLEASES.—A recipient shall not be prohibited from providing assistance authorized under subsection (a) with respect to subleases that are valid under State law.

(g) HOUSING RELOCATION OR STABILIZATION ACTIVITIES.—A recipient of amounts made available pursuant to subsection (a) may expend up to 25 percent of its allocation for activities under section 415(a)(5) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11374(a)(5)), except that notwithstanding such section, activities authorized under this subsection may be provided only for individuals or families who have incomes not exceeding 50 percent of the area median income and meet the criteria in subsection (b)(2) of this section or section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302). This subsection shall not apply

AMERICAN OVERSIGHT

to rent-related costs that are specifically authorized under subsection (a) of this section.

(h) ALLOCATION OF ASSISTANCE.—

(1) IN GENERAL.—In allocating amounts made available pursuant to subsection (a), the Secretary shall—

(A)(i) for any purpose authorized in this section—

(I) allocate 2 percent of such amount for Indian tribes and tribally designated housing entities (as such terms are defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) under the formula established pursuant to section 302 of such Act (25 U.S.C. 4152), except that 0.3 percent of the amount allocated under this clause shall be allocated for the Department of Hawaiian Home Lands; and

(II) allocate 0.3 percent of such amount for the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands;

(ii) not later than 30 days after the date of enactment of this Act, obligate and disburse

AMERICAN OVERSIGHT

the amounts allocated pursuant to clause (i) in accordance with such allocations and provide such recipient with any necessary guidance for use of the funds; and

(B)(i) not later than 7 days after the date of enactment of this Act and after setting aside amounts under subparagraph (A), allocate 50 percent of any such remaining amounts under the formula specified in subsections (a), (b), and (e) of section 414 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11373) for, and notify, each State, metropolitan city, and urban county that is to receive a direct grant of such amounts; and

(ii) not later than 30 days after the date of enactment of this Act, obligate and disburse the amounts allocated pursuant to clause (i) in accordance with such allocations and provide such recipient with any necessary guidance for use of the funds; and

(C)(i) not later than 45 days after the date of enactment of this Act, allocate any remaining amounts for eligible recipients according to a formula to be developed by the Secretary that takes into consideration the formula referred to

AMERICAN OVERSIGHT

in subparagraph (A) and the need for emergency rental assistance under this section, including the severe housing cost burden among extremely low- and very low-income renters and disruptions in housing and economic conditions, including unemployment; and

(ii) not later than 30 days after the date of the allocation of such amounts pursuant to clause (i), obligate and disburse such amounts in accordance with such allocations.

(2) ALLOCATIONS TO STATES.—

(A) IN GENERAL.—Notwithstanding subsection (a) of section 414 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11373(a)) and section 576.202(a) of title 24, Code of Federal Regulations, a State recipient of an allocation under this section may elect to use up to 100 percent of its allocation to carry out activities eligible under this section directly.

(B) REQUIREMENT.—Any State recipient making an election described in subparagraph (A) shall serve households throughout the entire State, including households in rural communities and small towns.

AMERICAN OVERSIGHT

(3) ELECTION NOT TO ADMINISTER.—If a recipient other than a State elects not to receive funds under this section, such funds shall be allocated to the State recipient in which the recipient is located.

(4) PARTNERSHIPS, SUBGRANTS, AND CONTRACTS.—A recipient of a grant under this section may distribute funds through partnerships, subgrants, or contracts with an entity, such as a public housing agency (as such term is defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b))), that is capable of carrying activities under this section.

(5) REVISION TO RULE.—The Secretary shall revise section 576.3 of tile 24, Code of Federal Regulations, to change the set aside for allocation to the territories to exactly 0.3 percent.

(i) INAPPLICABILITY OF MATCHING REQUIREMENT.—Subsection (a) of section 416 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11375(a)) shall not apply to any amounts made available pursuant to subsection (a) of this section.

(j) REIMBURSEMENT OF ELIGIBLE ACTIVITIES.—Amounts made available pursuant to subsection (a) may be used by a recipient to reimburse expenditures incurred

AMERICAN OVERSIGHT

for eligible activities under this section after March 27, 2020.

(k) PROHIBITION ON PREREQUISITES.—None of the funds made available pursuant to this section may be used to require any individual receiving assistance under the program under this section to receive treatment or perform any other prerequisite activities as a condition for receiving shelter, housing, or other services.

(l) WAIVERS AND ALTERNATIVE REQUIREMENTS.—

(1) IN GENERAL.—

(A) AUTHORITY.—In administering the amounts made available pursuant to subsection (a), the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of such amounts (except for requirements related to fair housing, nondiscrimination, labor standards, prohibition on prerequisites, minimum data reporting, and the environment), if the Secretary finds that good cause exists for the waiver or alternative requirement and such waiver or alternative requirement is necessary to expedite the use of funds made available pursuant to

AMERICAN OVERSIGHT

this section, to respond to public health orders or conditions related to the COVID-19 emergency, or to ensure that eligible individuals can attain or maintain housing stability.

(B) PUBLIC NOTICE.—The Secretary shall notify the public through the Federal Register or other appropriate means of any waiver or alternative requirement under this paragraph, and that such public notice shall be provided, at a minimum, on the internet at the appropriate Government website or through other electronic media, as determined by the Secretary.

(C) ELIGIBILITY REQUIREMENTS.—Eligibility for rental assistance or housing relocation and stabilization services shall not be restricted based upon the prior receipt of assistance under the program during the preceding three years.

(2) PUBLIC HEARINGS.—

(A) INAPPLICABILITY OF IN-PERSON HEARING REQUIREMENTS DURING THE COVID-19 EMERGENCY.—

(i) IN GENERAL.—A recipient under this section shall not be required to hold in-person public hearings in connection with its citizen participation plan, but shall

AMERICAN OVERSIGHT

provide citizens with notice, including publication of its plan for carrying out this section on the internet, and a reasonable opportunity to comment of not less than 5 days.

(ii) RESUMPTION OF IN-PERSON HEARING REQUIREMENTS.—After the period beginning on the date of enactment of this Act and ending on the date of the termination by the Federal Emergency Management Agency of the emergency declared on March 13, 2020, by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 4121 et seq.) relating to the Coronavirus Disease 2019 (COVID-19) pandemic, and after the period described in subparagraph (B), the Secretary shall direct recipients under this section to resume pre-crisis public hearing requirements.

(B) VIRTUAL PUBLIC HEARINGS.—

(i) IN GENERAL.—During the period that national or local health authorities recommend social distancing and limiting

AMERICAN OVERSIGHT

public gatherings for public health reasons, a recipient may fulfill applicable public hearing requirements for all grants from funds made available pursuant to this section by carrying out virtual public hearings.

(ii) REQUIREMENTS.—Any virtual hearings held under clause (i) by a recipient under this section shall provide reasonable notification and access for citizens in accordance with the recipient's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.

(m) CONSULTATION.—In addition to any other citizen participation and consultation requirements, in developing and implementing a plan to carry out this section, each recipient of funds made available pursuant to this section shall consult with the applicable Continuum or Continuums of Care for the area served by the recipient and organizations representing underserved communities and populations and organizations with expertise in affordable housing, fair housing, and services for people with disabilities.

AMERICAN OVERSIGHT

(n) ADMINISTRATION.—

(1) BY SECRETARY.—Of any amounts made available pursuant to subsection (a)—

(A) not more than the lesser of 0.5 percent, or $15,000,000, may be used by the Secretary for staffing, training, technical assistance, technology, monitoring, research, and evaluation activities necessary to carry out the program carried out under this section, and such amounts shall remain available until September 30, 2024; and

(B) not more than $2,000,000 shall be available to the Office of the Inspector General for audits and investigations of the program authorized under this section.

(2) BY RECIPIENTS.—Notwithstanding section 576.108 of title 24 of the Code of Federal Regulations, with respect to amounts made available pursuant to this section, a recipient may use up to 10 percent of the recipient's grant for payment of administrative costs related to the planning and execution of activities.

SEC. 110202. HOMEOWNER ASSISTANCE FUND.

(a) DEFINITIONS.—In this section:

AMERICAN OVERSIGHT

(1) FUND.—The term ''Fund'' means the Homeowner Assistance Fund established under subsection (b).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(3) STATE.—The term ''State'' means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

(b) ESTABLISHMENT OF FUND.—There is established at the Department of the Treasury a Homeowner Assistance Fund to provide such funds as are made available under subsection (g) to State housing finance agencies for the purpose of preventing homeowner mortgage defaults, foreclosures, and displacements of individuals and families experiencing financial hardship after January 21, 2020.

(c) ALLOCATION OF FUNDS.—

(1) ADMINISTRATION.—Of any amounts made available for the Fund, the Secretary of the Treasury may allocate, in the aggregate, an amount not exceeding 5 percent—

(A) to the Office of Financial Stability established under section 101(a) of the Emer-

AMERICAN OVERSIGHT

gency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a)) to administer and oversee the Fund, and to provide technical assistance to States for the creation and implementation of State programs to administer assistance from the Fund; and

(B) to the Inspector General of the Department of the Treasury for oversight of the program under this section.

(2) FOR STATES.—The Secretary shall establish such criteria as are necessary to allocate the funds available within the Fund for each State. The Secretary shall allocate such funds among all States taking into consideration the number of unemployment claims within a State relative to the nationwide number of unemployment claims.

(3) SMALL STATE MINIMUM.—The amount allocated for each State shall not be less than $250,000,000.

(4) SET-ASIDE FOR INSULAR AREAS.—Notwithstanding any other provision of this section, of the amounts appropriated under subsection (g), the Secretary shall reserve $200,000,000 to be disbursed to Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands based on each such terri-

AMERICAN OVERSIGHT

tory's share of the combined total population of all such territories, as determined by the Secretary. For the purposes of this paragraph, population shall be determined based on the most recent year for which data are available from the United States Census Bureau.

(5) SET-ASIDE FOR INDIAN TRIBES AND NATIVE HAWAIIANS.——

(A) INDIAN TRIBES.—Notwithstanding any other provision of this section, of the amounts appropriated under subsection (g), the Secretary shall use 5 percent to make grants in accordance with subsection (f) to eligible recipients for the purposes described in subsection (e)(1).

(B) NATIVE HAWAIIANS.— Of the funds set aside under subparagraph (A), the Secretary shall use 0.3 percent to make grants to the Department of Hawaiian Home Lands in accordance with subsection (f) for the purposes described in subsection (e)(1).

(d) DISBURSEMENT OF FUNDS.—

(1) ADMINISTRATION.—Except for amounts made available for assistance under subsection (f), State housing finance agencies shall be primarily re-

AMERICAN OVERSIGHT

sponsible for administering amounts disbursed from the Fund, but may delegate responsibilities and suballocate amounts to community development financial institutions and State agencies that administer Low-Income Home Energy Assistance Program of the Department of Health and Human Services.

(2) NOTICE OF FUNDING.—The Secretary shall provide public notice of the amounts that will be made available to each State and the method used for determining such amounts not later than the expiration of the 14-day period beginning on the date of the enactment of this Act of enactment.

(3) SHFA PLANS.—

(A) ELIGIBILITY.—To be eligible to receive funding allocated for a State under the section, a State housing finance agency for the State shall submit to the Secretary a plan for the implementation of State programs to administer, in part or in full, the amount of funding the state is eligible to receive, which shall provide for the commencement of receipt of applications by homeowners for assistance, and funding of such applications, not later than the expiration of the 6-month period beginning upon the approval under this paragraph of such plan.

AMERICAN OVERSIGHT

(B) MULTIPLE PLANS.—. A State housing finance agency may submit multiple plans, each covering a separate portion of funding for which the State is eligible.

(C) TIMING.— The Secretary shall approve or disapprove a plan within 30 days after the plan's submission and, if disapproved, explain why the plan could not be approved.

(D) DISBURSEMENT UPON APPROVAL.— The Secretary shall disburse to a State housing finance agency the appropriate amount of funding upon approval of the agency's plan.

(E) AMENDMENTS.—A State housing finance agency may subsequently amend a plan that has previously been approved, provided that any plan amendment shall be subject to the approval of the Secretary. The Secretary shall approve any plan amendment or disapprove such amendment explain why the plan amendment could not be approved within 45 days after submission to the Secretary of such amendment.

(F) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance for any

AMERICAN OVERSIGHT

State housing finance agency that twice fails to have a submitted plan approved.

(4) PLAN TEMPLATES.—The Secretary shall, not later than 30 days after the date of the enactment of this Act, publish templates that States may utilize in drafting the plans required under paragraph (3)(A). The template plans shall include standard program terms and requirements, as well as any required legal language, which State housing finance agencies may modify with the consent of the Secretary.

(e) PERMISSIBLE USES OF FUND.—

(1) IN GENERAL.—Funds made available to State housing finance agencies pursuant to this section may be used for the purposes established under subsection (b), which may include—

(A) mortgage payment assistance, including financial assistance to allow a borrower to reinstate their mortgage or to achieve a more affordable mortgage payment, which may include principal reduction or rate reduction, provided that any mortgage payment assistance is tailored to a borrower's needs and their ability to repay, and takes into consideration the loss mitigation options available to the borrower;

AMERICAN OVERSIGHT

(B) assistance with payment of taxes, hazard insurance, flood insurance, mortgage insurance, or homeowners' association fees;

(C) utility payment assistance, including electric, gas, water, and internet service, including broadband internet access service (as such term is defined in section 8.1(b) of title 47, Code of Federal Regulations (or any successor regulation));

(D) reimbursement of funds expended by a State or local government during the period beginning on January 21, 2020, and ending on the date that the first funds are disbursed by the State under the Fund, for the purpose of providing housing or utility assistance to individuals or otherwise providing funds to prevent foreclosure or eviction of a homeowner or prevent mortgage delinquency or loss of housing or critical utilities as a response to the coronavirus disease 2019 (COVID–19) pandemic; and

(E) any other assistance for homeowners to prevent eviction, mortgage delinquency or default, foreclosure, or the loss of essential utility services.

(2) TARGETING.—

AMERICAN OVERSIGHT

(A) REQUIREMENT.—Not less than 60 percent of amounts made available for each State or other entity allocated amounts under subsection (c) shall be used for activities under paragraph (1) that assist homeowners having incomes equal to or less than 80 percent of the area median income.

(B) DETERMINATION OF INCOME.— In determining the income of a household for purposes of this paragraph, income shall be considered to include only income that the household is receiving at the time of application for assistance from the Fund and any income recently terminated shall not be included, except that for purposes of households receiving assistance for arrearages income shall include only the income that the household was receiving at the time such arrearages were incurred.

(C) LANGUAGE ASSISTANCE.—Each State housing finance agency or other entity allocated amounts under subsection (c) shall make available to each applicant for assistance from amounts from the Fund language assistance in any language that such language assistance is available in and shall provide notice to each

AMERICAN OVERSIGHT

such applicant that such language assistance is available.

(3) ADMINISTRATIVE EXPENSES.—Not more than 15 percent of the amount allocated to a State pursuant to subsection (c) may be used by a State housing financing agency for administrative expenses. Any amounts allocated to administrative expenses that are no longer necessary for administrative expenses may be used in accordance with paragraph (1).

(f) TRIBAL AND NATIVE HAWAIIAN ASSISTANCE.—

(1) DEFINITIONS.—In this subsection:

(A) DEPARTMENT OF HAWAIIAN HOME LANDS.—The term ''Department of Hawaiian Home Lands'' has the meaning given the term in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996 (42 U.S.C. 4221).

(B) ELIGIBLE RECIPIENT.—The term ''eligible recipient'' means any entity eligible to receive a grant under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111).

(2) REQUIREMENTS.—

AMERICAN OVERSIGHT

(A) ALLOCATION.—Except for the funds set aside under subsection (c)(5)(B), the Secretary shall allocate the funds set aside under subsection (c)(5)(A) using the allocation formula described in subpart D of part 1000 of title 24, Code of Federal Regulations (or any successor regulations).

(B) NATIVE HAWAIIANS.—The Secretary shall use the funds made available under subsection (c)(5)(B) in accordance with part 1006 of title 24, Code of Federal Regulations (or successor regulations).

(3) TRANSFER.—The Secretary shall transfer any funds made available under subsection (c)(5) that have not been allocated by an eligible recipient or the Department of Hawaiian Home Lands, as applicable, to provide the assistance described in subsection (e)(1) by December 31, 2030, to the Secretary of Housing and Urban Development to carry out the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).

(g) FUNDING.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, to the Homeowner Assistance Fund established under subsection

AMERICAN OVERSIGHT

(b), $75,000,000,000, to remain available until expended or transferred or credited under subsection (i).

(h) USE OF HOUSING FINANCE AGENCY INNOVATION FUND FOR THE HARDEST HIT HOUSING MARKETS FUNDS.—A State housing finance agency may reallocate any administrative or programmatic funds it has received as an allocation from the Housing Finance Agency Innovation Fund for the Hardest Hit Housing Markets created pursuant to section 101(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a)) that have not been otherwise allocated or disbursed as of the date of enactment of this Act to supplement any administrative or programmatic funds received from the Housing Assistance Fund. Such reallocated funds shall not be considered when allocating resources from the Housing Assistance Fund using the process established under subsection (c) and shall remain available for the uses permitted and under the terms and conditions established by the contract with Secretary created pursuant to subsection (d)(1) and the terms of subsection (i).

(i) REPORTING REQUIREMENTS.—The Secretary shall provide public reports not less frequently than quarterly regarding the use of funds provided by the Homeowner Assistance Fund. Such reports shall include the following data by State and by program within each State,

AMERICAN OVERSIGHT

both for the past quarter and throughout the life of the program—

(1) the amount of funds allocated;

(2) the amount of funds disbursed;

(3) the number of households and individuals assisted;

(4) the acceptance rate of applicants;

(5) the type or types of assistance provided to each household;

(6) whether the household assisted had a federally backed loan and identification of the Federal entity backing such loan;

(7) the average amount of funding provided per household receiving assistance and per type of assistance provided;

(8) the average number of monthly payments that were covered by the funding amount that a household received, as applicable, disaggregated by type of assistance provided;

(9) the income level of each household receiving assistance; and

(10) the outcome 12 months after the household has received assistance.

Each report under this subsection shall disaggregate the information provided under paragraphs (3) through (10)

AMERICAN OVERSIGHT

by State, zip code, racial and ethnic composition of the household, and whether or not the person from the household applying for assistance speaks English as a second language.

SEC. 110203. PROTECTING RENTERS AND HOMEOWNERS FROM EVICTIONS AND FORECLOSURES.

(a) EVICTION MORATORIUM.—The CARES Act is amended by striking section 4024 (15 U.S.C. 9058; Public Law 116-136; 134 Stat. 492) and inserting the following new section:

"SEC. 4024. TEMPORARY MORATORIUM ON EVICTION FILINGS.

''(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

''(1) according to the 2018 American Community Survey, 36 percent of households in the United States—more than 43 million households—are renters;

''(2) in 2019 alone, renters in the United States paid $512 billion in rent;

''(3) according to the Joint Center for Housing Studies of Harvard University, 20.8 million renters in the United States spent more than 30 percent of their incomes on housing in 2018 and 10.9 million

AMERICAN OVERSIGHT

renters spent more than 50 percent of their incomes on housing in the same year;

''(4) according to data from the Department of Labor, more than 30 million people have filed for unemployment since the COVID-19 pandemic began;

''(5) the impacts of the spread of COVID-19, which is now considered a global pandemic, are expected to negatively impact the incomes of potentially millions of renter households, making it difficult for them to pay their rent on time; and

''(6) evictions in the current environment would increase homelessness and housing instability which would be counterproductive towards the public health goals of keeping individuals in their homes to the greatest extent possible.

''(b) MORATORIUM.—During the period beginning on the date of the enactment of this Act and ending 12 months after such date of enactment, the lessor of a covered dwelling located in such State may not make, or cause to be made, any filing with the court of jurisdiction to initiate a legal action to recover possession of the covered dwelling from the tenant for nonpayment of rent or other fees or charges.

''(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

AMERICAN OVERSIGHT

''(1) COVERED DWELLING.—The term 'covered dwelling' means a dwelling that is occupied by a tenant—

''(A) pursuant to a residential lease; or

''(B) without a lease or with a lease terminable at will under State law.

''(2) DWELLING.—The term 'dwelling' has the meaning given such term in section 802 of the Fair Housing Act (42 U.S.C. 3602) and includes houses and dwellings described in section 803(b) of such Act (42 U.S.C. 3603(b)).

''(d) NOTICE TO VACATE AFTER MORATORIUM EXPIRATION DATE.—After the expiration of the period described in subsection (b), the lessor of a covered dwelling may not require the tenant to vacate the covered dwelling by reason of nonpayment of rent or other fees or charges before the expiration of the 30-day period that begins upon the provision by the lessor to the tenant, after the expiration of the period described in subsection (b), of a notice to vacate the covered dwelling.''.

(b) MORTGAGE RELIEF.—

(1) FORBEARANCE AND FORECLOSURE MORATORIUM FOR COVERED MORTGAGE LOANS.—Section 4022 of the CARES Act (15 U.S.C. 9056) is amended—

AMERICAN OVERSIGHT

(A) by striking ''Federally backed mortgage loan'' each place such term appears and inserting ''covered mortgage loan''; and

(B) in subsection (a)—

(i) by amending paragraph (2) to read as follows:

''(2) COVERED MORTGAGE LOAN.—The term 'covered mortgage loan' means any credit transaction that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a 1- to 4-unit dwelling or on residential real property that includes a 1- to 4-unit dwelling, except that it shall not include a credit transaction under an open end credit plan other than a reverse mortgage.''; and

(ii) by adding at the end the following:

''(3) COVERED PERIOD.—With respect to a loan, the term 'covered period' means the period beginning on the date of enactment of this Act and ending 12 months after such date of enactment.''.

(2) AUTOMATIC FORBEARANCE FOR DELINQUENT BORROWERS.—Section 4022(c) of the CARES Act (15 U.S.C. 9056(c)), as amended by paragraph (5) of this subsection, is further amended by adding at the end the following:

AMERICAN OVERSIGHT

"(9) AUTOMATIC FORBEARANCE FOR DELINQUENT BORROWERS.—

"(A) IN GENERAL.—Notwithstanding any other law governing forbearance relief—

"(i) any borrower whose covered mortgage loan became 60 days delinquent between March 13, 2020, and the date of enactment of this paragraph, and who has not already received a forbearance under subsection (b), shall automatically be granted a 60-day forbearance that begins on the date of enactment of this paragraph, provided that a borrower shall not be considered delinquent for purposes of this paragraph while making timely payments or otherwise performing under a trial modification or other loss mitigation agreement; and

"(ii) any borrower whose covered mortgage loan becomes 60 days delinquent between the date of enactment of this paragraph and the end of the covered period, and who has not already received a forbearance under subsection (b), shall automatically be granted a 60-day forbear-

AMERICAN OVERSIGHT

ance that begins on the 60th day of delinquency, provided that a borrower shall not be considered delinquent for purposes of this paragraph while making timely payments or otherwise performing under a trial modification or other loss mitigation agreement.

''(B) INITIAL EXTENSION.—An automatic forbearance provided under subparagraph (A) shall be extended for up to an additional 120 days upon the borrower's request, oral or written, submitted to the borrower's servicer affirming that the borrower is experiencing a financial hardship that prevents the borrower from making timely payments on the covered mortgage loan due, directly or indirectly, to the COVID–19 emergency.

''(C) SUBSEQUENT EXTENSION.—A forbearance extended under subparagraph (B) shall be extended for up to an additional 180 days, up to a maximum of 360 days (including the period of automatic forbearance), upon the borrower's request, oral or written, submitted to the borrower's servicer affirming that the borrower is experiencing a financial hardship that

AMERICAN OVERSIGHT

prevents the borrower from making timely payments on the covered mortgage loan due, directly or indirectly, to the COVID–19 emergency.

"(D) RIGHT TO ELECT TO CONTINUE MAKING PAYMENTS.—With respect to a forbearance provided under this paragraph, the borrower of such loan may elect to continue making regular payments on the loan. A borrower who makes such election shall be offered a loss mitigation option pursuant to subsection (d) within 30 days of resuming regular payments to address any payment deficiency during the forbearance.

"(E) RIGHT TO SHORTEN FORBEARANCE.—At a borrower's request, any period of forbearance provided under this paragraph may be shortened. A borrower who makes such a request shall be offered a loss mitigation option pursuant to subsection (d) within 30 days of resuming regular payments to address any payment deficiency during the forbearance.

"(10) AUTOMATIC FORBEARANCE FOR CERTAIN REVERSE MORTGAGE LOANS.—

"(A) IN GENERAL.—When any covered mortgage loan which is also a federally-insured

AMERICAN OVERSIGHT

reverse mortgage loan, during the covered period, is due and payable due to the death of the last borrower or end of a deferral period or eligible to be called due and payable due to a property charge default, or if the borrower defaults on a property charge repayment plan, or if the borrower defaults for failure to complete property repairs, or if an obligation of the borrower under the Security Instrument is not performed, the mortgagee automatically shall be granted a six-month extension of—

''(i) the mortgagee's deadline to request due and payable status from the Department of Housing and Urban Development;

''(ii) the mortgage's deadline to send notification to the mortgagor or his or her heirs that the loan is due and payable;

''(iii) the deadline to initiate foreclosure;

''(iv) any reasonable diligence period related to foreclosure or the Mortgagee Optional Election;

''(v) if applicable, the deadline to obtain the due and payable appraisal; and

AMERICAN OVERSIGHT

"(vi) any claim submission deadline, including the 6-month acquired property marketing period.

"(B) FORBEARANCE PERIOD.—The mortgagee shall not request due and payable status from the Secretary of Housing and Urban Development nor initiate foreclosure during this six-month period described under subparagraph (A), which shall be considered a forbearance period.

"(C) EXTENSION.—A forbearance provided under subparagraph (B) and related deadline extension authorized under subparagraph (A) shall be extended for an additional 180 days upon—

"(i) the borrower's request, oral or written, submitted to the borrower's servicer affirming that the borrower is experiencing a financial hardship that prevents the borrower from making payments on property charges, completing property repairs, or performing an obligation of the borrower under the Security Instrument due, directly or indirectly, to the COVID–19 emergency;

AMERICAN OVERSIGHT

"(ii) a non-borrowing spouse's request, oral or written, submitted to the servicer affirming that the non-borrowing spouse has been unable to satisfy all criteria for the Mortgagee Optional Election program due, directly or indirectly, to the COVID-19 emergency, or to perform all actions necessary to become an eligible non-borrowing spouse following the death of all borrowers; or

"(iii) a successor-in-interest of the borrower's request, oral or written, submitted to the servicer affirming the heir's difficulty satisfying the reverse mortgage loan due, directly or indirectly, to the COVID-19 emergency.

"(D) CURTAILMENT OF DEBENTURE INTEREST.—Where any covered mortgage loan which is also a federally insured reverse mortgage loan is in default during the covered period and subject to a prior event which provides for curtailment of debenture interest in connection with a claim for insurance benefits, the curtailment of debenture interest shall be sus-

AMERICAN OVERSIGHT

pended during any forbearance period provided herein.''.

(3) ADDITIONAL FORECLOSURE AND REPOSSESSION PROTECTIONS.—Section 4022(c) of the CARES Act (15 U.S.C. 9056(c)) is amended—

(A) in paragraph (2), by striking ''may not initiate any judicial or non-judicial foreclosure process, move for a foreclosure judgment or order of sale, or execute a foreclosure-related eviction or foreclosure sale for not less than the 60-day period beginning on March 18, 2020'' and inserting ''may not initiate or proceed with any judicial or non-judicial foreclosure process, schedule a foreclosure sale, move for a foreclosure judgment or order of sale, execute a foreclosure related eviction or foreclosure sale for six months after the date of enactment of the COVID–19 HERO Act''; and

(B) by adding at the end the following:

''(3) REPOSSESSION MORATORIUM.—In the case of personal property, including any recreational or motor vehicle, used as a dwelling, no person may use any judicial or non-judicial procedure to repossess or otherwise take possession of such property for six months after date of enactment of this paragraph.''.

AMERICAN OVERSIGHT

(4) MORTGAGE FORBEARANCE REFORMS.—Section 4022 of the CARES Act (15 U.S.C. 9056) is amended—

(A) in subsection (b), by striking paragraphs (1), (2), and (3) and inserting the following:

"(1) IN GENERAL.—During the covered period, a borrower with a covered mortgage loan who has not obtained automatic forbearance pursuant to this section and who is experiencing a financial hardship that prevents the borrower from making timely payments on the covered mortgage loan due, directly or indirectly, to the COVID–19 emergency may request forbearance on the loan, regardless of delinquency status, by—

"(A) submitting a request, orally or in writing, to the servicer of the loan; and

"(B) affirming that the borrower is experiencing a financial hardship that prevents the borrower from making timely payments on the covered mortgage loan due, directly or indirectly, to the COVID–19 emergency.

"(2) DURATION OF FORBEARANCE.—

"(A) IN GENERAL.—Upon a request by a borrower to a servicer for forbearance under

AMERICAN OVERSIGHT

paragraph (1), such forbearance shall be granted by the servicer for the period requested by the borrower, up to an initial length of 180 days, the length of which shall be extended by the servicer, at the request of the borrower for the period or periods requested, for a total forbearance period of up to 12-months.

"(B) MINIMUM FORBEARANCE AMOUNTS.—For purposes of granting a forbearance under this paragraph, a servicer may grant an initial forbearance with a term of not less than 90 days, provided that it is automatically extended for an additional 90 days unless the servicer confirms the borrower does not want to renew the forbearance or that the borrower is no longer experiencing a financial hardship that prevents the borrower from making timely mortgage payments due, directly or indirectly, to the COVID–19 emergency.

"(C) RIGHT TO SHORTEN FORBEARANCE.—At a borrower's request, any period of forbearance described under this paragraph may be shortened. A borrower who makes such a request shall be offered a loss mitigation option pursuant to subsection (d) within 30 days

AMERICAN OVERSIGHT

of resuming regular payments to address any payment deficiency during the forbearance.

''(3) ACCRUAL OF INTEREST OR FEES.—A servicer shall not charge a borrower any fees, penalties, or interest (beyond the amounts scheduled or calculated as if the borrower made all contractual payments on time and in full under the terms of the mortgage contract) in connection with a forbearance, provided that a servicer may offer the borrower a modification option at the end of a forbearance period granted hereunder that includes the capitalization of past due principal and interest and escrow payments as long as the borrower's principal and interest payment under such modification remains at or below the contractual principal and interest payments owed under the terms of the mortgage contract before such forbearance period except as the result of a change in the index of an adjustable rate mortgage.

''(4) COMMUNICATION WITH SERVICERS.—Any communication between a borrower and a servicer described under this section may be made in writing or orally, at the borrower's choice.

''(5) COMMUNICATION WITH BORROWERS WITH A DISABILITY.—Upon request from a borrower,

AMERICAN OVERSIGHT

servicers shall communicate with borrowers who have a disability in the borrower's preferred method of communication. For purposes of this paragraph, the term 'disability' has the meaning given that term in the Fair Housing Act, the Americans with Disabilities Act of 1990, or the Rehabilitation Act of 1973.''; and

(B) in subsection (c), by amending paragraph (1) to read as follows:

''(1) NO DOCUMENTATION REQUIRED.—A servicer of a covered mortgage loan shall not require any documentation with respect to a forbearance under this section other than the borrower's affirmation (oral or written) to a financial hardship that prevents the borrower from making timely payments on the covered mortgage loan due, directly or indirectly, to the COVID–19 emergency. An oral request for forbearance and oral affirmation of hardship by the borrower shall be sufficient for the borrower to obtain or extend a forbearance.''.

(5) OTHER SERVICER REQUIREMENTS DURING FORBEARANCE.—Section 4022(c) of the CARES Act (15 U.S.C. 9056(c)), as amended by paragraph (3) of this subsection, is further amended by adding at the end the following:

AMERICAN OVERSIGHT

''(4) FORBEARANCE TERMS NOTICE.—Within 30 days of a servicer of a covered mortgage loan providing forbearance to a borrower under subsection (b) or paragraph (9) or (10), or 10 days if the forbearance is for a term of less than 60 days, but only where the forbearance was provided in response to a borrower's request for forbearance or when an automatic forbearance was initially provided under paragraph (9) or (10), and not when an existing forbearance is automatically extended, the servicer shall provide the borrower with a notice in accordance with the terms in paragraph (5).

''(5) CONTENTS OF NOTICE.—The written notice required under paragraph (4) shall state in plain language—

''(A) the specific terms of the forbearance;

''(B) the beginning and ending dates of the forbearance;

''(C) that the borrower is eligible for up to 12 months of forbearance;

''(D) that the borrower may request an extension of the forbearance unless the borrower will have reached the maximum period at the end of the forbearance;

AMERICAN OVERSIGHT

"(E) that the borrower may request that the initial or extended period be shortened at any time;

"(F) that the borrower should contact the servicer before the end of the forbearance period;

"(G) a description of the loss mitigation options that may be available to the borrower at the end of the forbearance period based on the borrower's specific loan;

"(H) information on how to find a housing counseling agency approved by the Department of Housing and Urban Development;

"(I) in the case of a forbearance provided pursuant to paragraph (9) or (10), that the forbearance was automatically provided and how to contact the servicer to make arrangements for further assistance, including any renewal; and

"(J) where applicable, that the forbearance is subject to an automatic extension including the terms of any such automatic extensions and when any further extension would require a borrower request.

AMERICAN OVERSIGHT

"(6) TREATMENT OF ESCROW ACCOUNTS.—During any forbearance provided under this section, a servicer shall pay or advance funds to make disbursements in a timely manner from any escrow account established on the covered mortgage loan.

"(7) NOTIFICATION FOR BORROWERS.—During the period that begins 90 days after the date of the enactment of this paragraph and ends at the end of the covered period, each servicer of a covered mortgage loan shall be required to—

"(A) make available in a clear and conspicuous manner on their webpage accurate information, in English and Spanish, for borrowers regarding the availability of forbearance as provided under subsection (b); and

"(B) notify every borrower whose payments on a covered mortgage loan are delinquent in any oral communication with or to the borrower that the borrower may be eligible to request forbearance as provided under subsection (b), except that such notice shall not be required if the borrower already has requested forbearance under subsection (b).

"(8) CERTAIN TREATMENT UNDER RESPA.—As long as a borrower's payment on a covered mortgage

AMERICAN OVERSIGHT

loan was not more than 30 days delinquent on March 13, 2020, a servicer may not deem the borrower as delinquent while a forbearance granted under subsection (b) is in effect for purposes of the application of sections 6 and 10 of the Real Estate Settlement Procedures Act and any applicable regulations.''.

(6) POST-FORBEARANCE LOSS MITIGATION.—

(A) AMENDMENT TO CARES ACT.—Section 4022 of the CARES Act (15 U.S.C. 9056) is amended by adding at the end the following:

''(d) POST-FORBEARANCE LOSS MITIGATION.—

''(1) NOTICE OF AVAILABILITY OF ADDITIONAL FORBEARANCE.—With respect to any covered mortgage loan as to which forbearance under this section has been granted and not otherwise extended, including by automatic extension, a servicer shall, no later than 30 days before the end of the forbearance period, in writing, notify the borrower that additional forbearance may be available and how to request such forbearance, except that no such notice is required where the borrower already has requested an extension of the forbearance period, is subject to automatic extension pursuant to subsection (b)(2)(B), or no additional forbearance is available.

AMERICAN OVERSIGHT

"(2) LOSS MITIGATION OFFER BEFORE EXPIRATION OF FORBEARANCE.—No later than 30 days before the end of any forbearance period that has not been extended or 30 days after a request by a consumer to terminate the forbearance, which time shall be before the servicer initiates or engages in any foreclosure activity listed in subsection (c)(2), including incurring or charging to a borrower any fees or corporate advances related to a foreclosure, the servicer shall, in writing—

"(A) offer the borrower a loss mitigation option, without the charging of any fees or penalties other than interest, such that the borrower's principal and interest payment remains the same as it was prior to the forbearance, subject to any adjustment of the index pursuant to the terms of an adjustable rate mortgage, and that either—

"(i) defers the payment of total arrearages, including any escrow advances, to the end of the existing term of the loan, without the charging or collection of any additional interest on the deferred amounts; or

AMERICAN OVERSIGHT

"(ii) extends the term of the mortgage loan, and capitalizes, defers, or forgives all escrow advances and other arrearages;

provided, however, that the servicer may offer the borrower a loss mitigation option that reduces the principal and interest payment on the loan and capitalizes, defers, or forgives all escrow advances or arrearages if the servicer has information indicating that the borrower cannot resume the pre-forbearance mortgage payments; and

"(B) concurrent with the loss mitigation offer in subparagraph (A), notify the borrower that the borrower has the right to be evaluated for other loss mitigation options if the borrower is not able to make the payment under the option offered in subparagraph (A).

"(3) EVALUATION FOR LOSS MITIGATION PRIOR TO FORECLOSURE INITIATION.—Before a servicer may initiate or engage in any foreclosure activity listed in subsection (c)(2), including incurring or charging to a borrower any fees or corporate advances related to a foreclosure on the basis that the borrower has failed to perform under the loss mitigation offer in paragraph (2)(A) within the first 90

AMERICAN OVERSIGHT

days after the option is offered, including a failure to accept the loss mitigation offer in paragraph (2)(A), the servicer shall—

''(A) unless the borrower has already submitted a complete application that the servicer is reviewing—

''(i) notify the borrower in writing of the documents and information, if any, needed by the servicer to enable the servicer to consider the borrower for all available loss mitigation options;

''(ii) exercise reasonable diligence to obtain the documents and information needed to complete the borrower's loss mitigation application;

''(B) upon receipt of a complete application or if, despite the servicer's exercise of reasonable diligence, the loss mitigation application remains incomplete sixty days after the notice in paragraph (2)(A) is sent, conduct an evaluation of the complete or incomplete loss mitigation application without reference to whether the borrower has previously submitted a complete loss mitigation application and offer the borrower all available loss mitigation options for

AMERICAN OVERSIGHT
USPS-20-2171-A-001046

which the borrower qualifies under applicable investor guidelines, including guidelines regarding required documentation.

''(4) EFFECT ON FUTURE REQUESTS FOR LOSS MITIGATION REVIEW.—An application, offer, or evaluation for loss mitigation under this section shall not be the basis for the denial of a borrower's application as duplicative or for a reduction in the borrower's appeal rights under Regulation X (12 C.F.R. 1024) in regard to any loss mitigation application submitted after the servicer has complied with the requirements of paragraphs (2) and (3).

''(5) SAFE HARBOR.—Any loss mitigation option authorized by the Federal National Mortgage Association, the Federal Home Loan Corporation, or the Federal Housing Administration that either—

''(A) defers the payment of total arrearages, including any escrow advances, to the end of the existing term of the loan, without the charging or collection of any additional interest on the deferred amounts, or

''(B) extends the term of the mortgage loan, and capitalizes, defers, or forgives all escrow advances and other arrearages, without the charging of any fees or penalties beyond in-

AMERICAN OVERSIGHT

terest on any amount capitalized into the loan principal,

shall be deemed to comply with the requirements of paragraph (1)(B).

''(6) HOME RETENTION OPTIONS FOR CERTAIN REVERSE MORTGAGE LOANS.—

''(A) IN GENERAL.—For a covered mortgage loan which is also a federally-insured reverse mortgage loan, a servicer's conduct shall be deemed to comply with this section provided that if the loan is eligible to be called due and payable due to a property charge default, the mortgagee shall, as a precondition to sending a due and payable request to the Secretary or initiating or continuing a foreclosure process—

''(i) make a good faith effort to communicate with the borrower regarding available home retention options to cure the property charge default, including encouraging the borrower to apply for home retention options; and

''(ii) consider the borrower for all available home retention options as allowed by the Secretary.

AMERICAN OVERSIGHT

"(B) PERMISSIBLE REPAYMENT PLANS.—The Secretary shall amend its allowable home retention options to permit a repayment plan of up to 120 months in length, and to permit a repayment plan without regard to prior defaults on repayment plans.

"(C) LIMITATION ON INTEREST CURTAILMENT.—The Secretary may not curtail interest paid to mortgagees who engage in loss mitigation or home retention actions through interest curtailment during such loss mitigation or home retention review or during the period when a loss mitigation or home retention plan is in effect and ending 90 days after any such plan terminates.".

(B) AMENDMENT TO HOUSING ACT OF 1949.—Section 505 of the Housing Act of 1949 (42 U.S.C. 1475) is amended—

(i) by striking the section heading and inserting "LOSS MITIGATION AND FORECLOSURE PROCEDURES";

(ii) in subsection (a), by striking the section designation and all that follows through "During any" and inserting the following:

AMERICAN OVERSIGHT

''SEC. 505. (a) Moratorium— (1) In determining a borrower's eligibility for relief, the Secretary shall make all eligibility decisions based on the borrower's household's income, expenses, and circumstances.

''(2) During any''.

(iii) by redesignating subsection (b) as subsection (c); and

(iv) by inserting after subsection (a) the following new subsection:

''(b) LOAN MODIFICATION.— (1) Notwithstanding any other provision of this title, for any loan made under section 502 or 504, the Secretary may modify the interest rate and extend the term of such loan for up to 30 years from the date of such modification.

''(2) At the end of any moratorium period granted under this section or under the COVID–19 HERO Act, the Secretary shall determine whether the borrower can reasonably resume making principal and interest payments after the Secretary modifies the borrower's loan obligations in accordance with paragraph (1).''.

(7) MULTIFAMILY MORTGAGE FORBEARANCE.— Section 4023 of the CARES Act (15 U.S.C. 9057) is amended—

(A) by striking ''Federally backed multifamily mortgage loan'' each place such term ap-

AMERICAN OVERSIGHT

pears and inserting ''multifamily mortgage loan'';

(B) in subsection (b), by striking ''during'' and inserting ''due, directly or indirectly, to'';

(C) in subsection (c)(1)—

(i) in subparagraph (A), by adding ''and'' at the end;

(ii) by striking subparagraphs (B) and (C) and inserting the following:

''(B) provide the forbearance for up to the end of the period described under section 4024(b).''; and

(D) by redesignating subsection (f) as subsection (g);

(E) by inserting after subsection (e) the following:

''(f) TREATMENT AFTER FORBEARANCE.—With respect to a multifamily mortgage loan provided a forbearance under this section, the servicer of such loan—

''(1) shall provide the borrower with a 12-month period beginning at the end of such forbearance to become current on the payments under such loan;

''(2) may not charge any late fees, penalties, or other charges with respect to payments on the loan

AMERICAN OVERSIGHT

that were due during the forbearance period, if such payments are made before the end of the 12-month period; and

''(3) may not report any adverse information to a credit rating agency (as defined under section 603 of the Fair Credit Reporting Act with respect to any payments on the loan that were due during the forbearance period, if such payments are made before the end of the 12-month period.).''; and

(F) in subsection (g), as so redesignated—

(i) in paragraph (2)—

(I) by striking ''that—'' and all that follows through ''(A) is secured by'' and inserting ''that is secured by'';

(II) by striking ''; and'' and inserting a period; and

(III) by striking subparagraph (B); and

(ii) by amending paragraph (5) to read as follows:

''(5) COVERED PERIOD.—With respect to a loan, the term 'covered period' has the meaning given that term under section 4022(a)(3).''.

AMERICAN OVERSIGHT

(8) RENTER PROTECTIONS DURING FORBEARANCE PERIOD.— A borrower that receives a forbearance pursuant to section 4022 or 4023 of the CARES Act (15 U.S.C. 9056 or 9057) may not, for the duration of the forbearance—

(A) evict or initiate the eviction of a tenant solely for nonpayment of rent or other fees or charges; or

(B) charge any late fees, penalties, or other charges to a tenant for late payment of rent.

(9) EXTENSION OF GSE PATCH.—

(A) NON-APPLICABILITY OF EXISTING SUNSET.—Section 1026.43(e)(4)(iii)(B) of title 12, Code of Federal Regulations, shall have no force or effect.

(B) EXTENDED SUNSET.—The special rules in section 1026.43(e)(4) of title 12, Code of Federal Regulations, shall apply to covered transactions consummated prior to June 1, 2022, or such later date as the Director of the Bureau of Consumer Financial Protection may determine, by rule.

(10) SERVICER SAFE HARBOR FROM INVESTOR LIABILITY.—

AMERICAN OVERSIGHT

(A) SAFE HARBOR.—

(i) IN GENERAL.—A servicer of covered mortgage loans or multifamily mortgage loans shall be deemed not to have violated any duty or contractual obligation owed to investors or other parties regarding such mortgage loans on account of offering or implementing in good faith forbearance during the covered period or offering or implementing in good faith post-forbearance loss mitigation (including after the expiration of the covered period) in accordance with the terms of sections 4022 and 4023 of the CARES Act to borrowers, respectively, on covered or multifamily mortgage loans that it services and shall not be liable to any party who is owed such a duty or obligation or subject to any injunction, stay, or other equitable relief to such party on account of such offer or implementation of forbearance or post-forbearance loss mitigation.

(ii) OTHER PERSONS.—Any person, including a trustee of a securitization vehicle or other party involved in a

AMERICAN OVERSIGHT

securitization or other investment vehicle, who in good faith cooperates with a servicer of covered or multifamily mortgage loans held by that securitization or investment vehicle to comply with the terms of section 4022 and 4023 of the CARES Act, respectively, to borrowers on covered or multifamily mortgage loans owned by the securitization or other investment vehicle shall not be liable to any party who is owed such a duty or obligation or subject to any injunction, stay, or other equitable relief to such party on account of its cooperation with an offer or implementation of forbearance during the covered period or post-forbearance loss mitigation, including after the expiration of the covered period.

(B) STANDARD INDUSTRY PRACTICE.—During the covered period, notwithstanding any contractual restrictions, it is deemed to be standard industry practice for a servicer to offer forbearance or loss mitigation options in accordance with the terms of sections 4022 and 4023 of the CARES Act to borrowers, respec-

AMERICAN OVERSIGHT

tively, on all covered or multifamily mortgage loans it services.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed as affecting the liability of a servicer or other person for actual fraud in the servicing of a mortgage loan or for the violation of a State or Federal law.

(D) DEFINITIONS.—In this paragraph:

(i) COVERED MORTGAGE LOAN.—The term ''covered mortgage loan'' has the meaning given that term under section 4022(a) of the CARES Act.

(ii) COVERED PERIOD.—The term ''covered period'' has the meaning given that term under section 4023(g) of the CARES Act.

(iii) MULTIFAMILY MORTGAGE LOAN.—The term ''multifamily mortgage loan'' has the meaning given that term under section 4023(g) of the CARES Act.

(iv) SERVICER.—The term ''servicer''—

(I) has the meaning given the term under section 6(i) of the Real

AMERICAN OVERSIGHT

Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)); and

(II) means a master servicer and a subservicer, as such terms are defined, respectively, under section 1024.31 of title 12, Code of Federal Regulations.

(v) SECURITIZATION VEHICLE.—The term ''securitization vehicle'' has the meaning give that term under section 129A(f) of the Truth in Lending Act (15 U.S.C. 1639a(f)).

(c) BANKRUPTCY PROTECTIONS.—

(1) BANKRUPTCY PROTECTIONS FOR FEDERAL CORONAVIRUS RELIEF PAYMENTS.—Section 541(b) of title 11, United States Code, is amended—

(A) in paragraph (9), in the matter following subparagraph (B), by striking ''or'';

(B) in paragraph (10)(C), by striking the period at the end and inserting ''; or''; and

(C) by inserting after paragraph (10) the following:

''(11) payments made under Federal law relating to the national emergency declared by the President under the National Emergencies Act (50

AMERICAN OVERSIGHT

U.S.C. 1601 et seq.) with respect to the coronavirus disease 2019 (COVID–19).''.

(2) PROTECTION AGAINST DISCRIMINATORY TREATMENT OF HOMEOWNERS IN BANKRUPTCY.—Section 525 of title 11, United States Code, is amended by adding at the end the following:

''(d) A person may not be denied any forbearance, assistance, or loan modification relief made available to borrowers by a mortgage creditor or servicer because the person is or has been a debtor, or has received a discharge, in a case under this title.''.

(3) INCREASING THE HOMESTEAD EXEMPTION.—Section 522 of title 11, United States Code, is amended—

(A) in subsection (d)(1), by striking ''$15,000'' and inserting ''$100,000''; and

(B) by adding at the end the following:

''(r) Notwithstanding any other provision of applicable nonbankruptcy law, a debtor in any State may exempt from property of the estate the property described in subsection (d)(1) not to exceed the value in subsection (d)(1) if the exemption for such property permitted by applicable nonbankruptcy law is lower than that amount.''.

(4) EFFECT OF MISSED MORTGAGE PAYMENTS ON DISCHARGE.—Section 1328 of title 11, United

AMERICAN OVERSIGHT

States Code, is amended by adding at the end the following:

''(i) A debtor shall not be denied a discharge under this section because, as of the date of discharge, the debtor did not make 6 or fewer payments directly to the holder of a debt secured by real property.

''(j) Notwithstanding subsections (a) and (b), upon the debtor's request, the court shall grant a discharge of all debts provided for in the plan that are dischargeable under subsection (a) if the debtor—

''(1) has made payments under a confirmed plan for at least 1 year; and

''(2) is experiencing or has experienced a material financial hardship due, directly or indirectly, to the coronavirus disease 2019 (COVID–19) pandemic.''.

(5) EXPANDED ELIGIBILITY FOR CHAPTER 13.—Section 109(e) of title 11, United States Code, is amended—

(A) by striking ''$250,000'' each place the term appears and inserting ''$850,000''; and

(B) by striking ''$750,000'' each place the term appears and inserting ''$2,600,000''.

(6) EXTENDED CURE PERIOD FOR HOMEOWNERS HARMED BY COVID–19 PANDEMIC.—

AMERICAN OVERSIGHT

(A) IN GENERAL.—Chapter 13 of title 11, United States Code, is amended by adding at the end thereof the following:

"§ 1331. Special provisions related to COVID–19 pandemic

"(a) Notwithstanding subsections (b)(2) and (d) of section 1322, if the debtor is experiencing or has experienced a material financial hardship due, directly or indirectly, to the coronavirus disease 2019 (COVID–19) pandemic, a plan may provide for the curing of any default within a reasonable time, not to exceed 7 years after the time that the first payment under the original confirmed plan was due, and maintenance of payments while the case is pending on any unsecured claim or secured claim on which the last payment is due after the expiration of such time. Any such plan provision shall not affect the applicable commitment period under section 1325(b).

"(b) For purposes of sections 1328(a) and 1328(b), any cure or maintenance payments under subsection (a) that are made after the end of the period during which the plan provides for payments (other than payments under subsection (a)) shall not be treated as payments under the plan.

"(c) Notwithstanding section 1329(c), a plan modified under section 1329 at the debtor's request may pro-

AMERICAN OVERSIGHT
USPS-20-2171-A-001060

vide for cure or maintenance payments under subsection (a) over a period that is not longer than 7 years after the time that the first payment under the original confirmed plan was due.

''(d) Notwithstanding section 362(c)(2), during the period after the debtor receives a discharge and the period during which the plan provides for the cure of any default and maintenance of payments under the plan, section 362(a) shall apply to the holder of a claim for which a default is cured and payments are maintained under subsection (a) and to any property securing such claim.

''(e) Notwithstanding section 1301(a)(2), the stay of section 1301(a) terminates upon the granting of a discharge under section 1328 with respect to all creditors other than the holder of a claim for which a default is cured and payments are maintained under subsection (a).''.

(B) TABLE OF CONTENTS.—The table of sections of chapter 13, title 11, United States Code, is amended by adding at the end thereof the following:

''Sec. 1331. Special provisions related to COVID–19 Pandemic.''.

(C) APPLICATION.—The amendments made by this paragraph shall apply only to any case under title 11, United States Code, commenced before 3 years after the date of enact-

AMERICAN OVERSIGHT

ment of this Act and pending on or commenced after such date of enactment, in which a plan under chapter 13 of title 11, United States Code, was not confirmed before March 27, 2020.

SEC. 110204. LIQUIDITY FOR MORTGAGE SERVICERS AND RESIDENTIAL RENTAL PROPERTY OWNERS.

(a) IN GENERAL.—Section 4003 of the CARES Act (15 U.S.C. 9042), is amended by adding at the end the following:

''(i) LIQUIDITY FOR MORTGAGE SERVICERS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall ensure that servicers of covered mortgage loans (as defined under section 4022) and multifamily mortgage loans (as defined under section 4023) are provided the opportunity to participate in the loans, loan guarantees, or other investments made by the Secretary under this section. The Secretary shall ensure that servicers are provided with access to such opportunities under equitable terms and conditions regardless of their size.

''(2) MORTGAGE SERVICER ELIGIBILITY.—In order to receive assistance under subsection (b)(4), a mortgage servicer shall—

AMERICAN OVERSIGHT

"(A) demonstrate that the mortgage servicer has established policies and procedures to use such funds only to replace funds used for borrower assistance, including to advance funds as a result of forbearance or other loss mitigation provided to borrowers;

"(B) demonstrate that the mortgage servicer has established policies and procedures to provide forbearance, post-forbearance loss mitigation, and other assistance to borrowers in compliance with the terms of section 4022 or 4023, as applicable;

"(C) demonstrate that the mortgage servicer has established policies and procedures to ensure that forbearance and post-forbearance assistance is available to all borrowers in a non-discriminatory fashion and in compliance with the Fair Housing Act, the Equal Credit Opportunity Act, and other applicable fair housing and fair lending laws; and

"(D) comply with the limitations on compensation set forth in section 4004.

"(3) MORTGAGE SERVICER REQUIREMENTS.—A mortgage servicer receiving assistance under subsection (b)(4) may not, while the servicer is under

AMERICAN OVERSIGHT

any obligation to repay funds provided or guaranteed under this section—

"(A) pay dividends with respect to the common stock of the mortgage servicer or purchase an equity security of the mortgage servicer or any parent company of the mortgage servicer if the security is listed on a national securities exchange, except to the extent required under a contractual obligation that is in effect on the date of enactment of this subsection; or

"(B) prepay any debt obligation.".

(b) CREDIT FACILITY FOR RESIDENTIAL RENTAL PROPERTY OWNERS.—

(1) IN GENERAL.—The Board of Governors of the Federal Reserve System shall—

(A) establish a facility, using amounts made available under section 4003(b)(4) of the CARES Act (15 U.S.C. 9042(b)(4)), to make long-term, low-cost loans to residential rental property owners as to temporarily compensate such owners for documented financial losses caused by reductions in rent payments; and

(B) defer such owners' required payments on such loans until after six months after the date of enactment of this Act.

AMERICAN OVERSIGHT

(2) REQUIREMENTS.—A borrower that receives a loan under this subsection may not, for the duration of the loan—

(A) evict or initiate the eviction of a tenant solely for nonpayment of rent or other fees or charges;

(B) charge any late fees, penalties, or other charges to a tenant for late payment of rent; and

(C) with respect to a person or entity described under paragraph (4), discriminate on the basis of source of income.

(3) REPORT ON RESIDENTIAL RENTAL PROPERTY OWNERS.—The Board of Governors shall issue a report to the Congress containing the following, with respect to each property owner receiving a loan under this subsection:

(A) The number of borrowers that received assistance under this subsection.

(B) The average total loan amount that each borrower received.

(C) The total number of rental units that each borrower owned.

(D) The average rent charged by each borrower.

AMERICAN OVERSIGHT

(4) REPORT ON LARGE RESIDENTIAL RENTAL PROPERTY OWNERS.—The Board of Governors shall issue a report to Congress that identifies any person or entity that in aggregate owns or holds a controlling interest in any entity that, in aggregate, owns—

(A) more than 100 rental units that are located within in a single Metropolitan Statistical Area;

(B) more than 1,000 rental units nationwide; or

(C) rental units in three or more States.

(c) AMENDMENTS TO NATIONAL HOUSING ACT.—Section 306(g)(1) of the National Housing Act (12 U.S.C. 1721(a)) is amended—

(1) in the fifth sentence, by inserting after ''issued'' the following: '', subject to any pledge or grant of security interest of the Federal Reserve under section 4003(a) of the CARES Act (Public Law 116-136; 134 Stat. 470; 15 U.S.C. 9042(a)) and to any such mortgage or mortgages or any interest therein and the proceeds thereon, which the Association may elect to approve''; and

(2) in the sixth sentence—

(A) by striking ''or (C)'' and inserting ''(C)''; and

AMERICAN OVERSIGHT

(B) by inserting before the period the following: ", or (D) its approval and honoring of any pledge or grant of security interest of the Federal Reserve under section 4003(a) of the CARES Act and to any such mortgage or mortgages or any interest therein and proceeds thereon as".

SEC. 110205. RURAL RENTAL ASSISTANCE.

There is authorized to be appropriated for fiscal year 2020 $309,000,000 for rural rental assistance, which shall remain available until September 30, 2021, of which—

(1) up to $25,000,000 million may be used for an additional amount for rural housing vouchers for any low-income households (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005, or has matured after September 30, 2019; and

(2) the remainder shall be used for an additional amount for rural rental assistance agreements entered into or renewed pursuant to section 521(a)(2) of the Housing Act of 1949 (42 U.S.C. 1490a(a)(2)) to—

AMERICAN OVERSIGHT

(A) supplement the rental assistance of households on whose behalf assistance is being provided; and

(B) provide rental assistance on behalf of households who are not being assisted with such rental assistance but who qualify for such assistance.

SEC. 110206. FUNDING FOR PUBLIC HOUSING AND TENANT-BASED RENTAL ASSISTANCE.

(a) PUBLIC HOUSING OPERATING FUND.—There is authorized to be appropriated for an additional amount for fiscal year 2020 for the Public Housing Operating Fund under section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)) $2,000,000,000, to remain available until September 30, 2021.

(b) TENANT-BASED SECTION 8 RENTAL ASSISTANCE.—There is authorized to be appropriated for an additional amount for fiscal year 2020 for the tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) $3,000,000,000, to remain available until September 30, 2021, of which not more than $500,000,000 may be used for administrative fees under section 8(q) of such Act (42 U.S.C. 1437f(q)).

AMERICAN OVERSIGHT

(c) APPLICABILITY OF WAIVERS.—Any waiver or alternative requirement made by the Secretary of Housing and Urban Development pursuant to the heading ''Tenant-Based Rental Assistance'' or ''Public Housing Operating Fund'' in title XII of division B of the CARES Act (Public Law 116-136) shall apply with respect to amounts made available pursuant to this section.

SEC. 110207. SUPPLEMENTAL FUNDING FOR SUPPORTIVE HOUSING FOR THE ELDERLY, SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES, SUPPORTIVE HOUSING FOR PERSONS WITH AIDS, AND PROJECT-BASED SECTION 8 RENTAL ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $500,000,000 for fiscal year 2020 for additional assistance for supportive housing for the elderly, of which—

(1) $200,000,000 shall be for rental assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) or section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), as appropriate, and for hiring additional staff and for services and costs, including acquiring personal protective equipment, to prevent, prepare for, or respond to the public health emergency relating to

AMERICAN OVERSIGHT

Coronavirus Disease 2019 (COVID-19) pandemic; and

(2) $300,000,000 shall be for grants under section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632) for costs of providing service coordinators for purposes of coordinating services to prevent, prepare for, or respond to the public health emergency relating to Coronavirus Disease 2019 (COVID-19).

Any provisions of, and waivers and alternative requirements issued by the Secretary pursuant to, the heading ''Department of Housing and Urban Development—Housing Programs—Housing for the Elderly'' in title XII of division B of the CARES Act (Public Law 116-136) shall apply with respect to amounts made available pursuant to this subsection.

(b) ELIGIBILITY OF SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.—Subsection (a) of section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632(a)) shall be applied, for purposes of subsection (a) of this section, by substituting ''(G), and (H)'' for '' and (G)''.

(c) SERVICE COORDINATORS.—

(1) HIRING.—In the hiring of staff using amounts made available pursuant to this section for

AMERICAN OVERSIGHT

costs of providing service coordinators, grantees shall consider and hire, at all levels of employment and to the greatest extent possible, a diverse staff, including by race, ethnicity, gender, and disability status. Each grantee shall submit a report to the Secretary of Housing and Urban Development describing compliance with the preceding sentence not later than the expiration of the 120-day period that begins upon the termination of the emergency declared on March 13, 2020, by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 4121 et seq.) relating to the Coronavirus Disease 2019 (COVID-19) pandemic.

(2) ONE-TIME GRANTS.—Grants made using amounts made available pursuant to subsection (a) for costs of providing service coordinators shall not be renewable.

(3) ONE-YEAR AVAILABILITY.—Any amounts made available pursuant to this section for costs of providing service coordinators that are allocated for a grantee and remain unexpended upon the expiration of the 12-month period beginning upon such allocation shall be recaptured by the Secretary.

AMERICAN OVERSIGHT

(d) FUNDING FOR SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.—There is authorized to be appropriated $200,000,000 for fiscal year 2020 for additional assistance for supportive housing for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013). Any provisions of, and waivers and alternative requirements issued by the Secretary pursuant to, the heading ''Department of Housing and Urban Development—Housing Programs—Housing for Persons With Disabilities'' in title XII of division B of the CARES Act (Public Law 116-136) shall apply with respect to amounts made available pursuant to this subsection.

(e) FUNDING FOR HOUSING OPPORTUNITIES FOR PEOPLE WITH AIDS PROGRAM.—There is authorized to be appropriated $15,000,000 for fiscal year 2020 for additional assistance for the Housing Opportunities for Persons with AIDS program under the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.). Any provisions of, and waivers and alternative requirements issued by the Secretary pursuant to, the heading ''Department of Housing and Urban Development—Community Planning and Development—Housing Opportunities for Persons With AIDS'' in title XII of division B of the CARES Act (Pub-

AMERICAN OVERSIGHT

lic Law 116-136) shall apply with respect to amounts made available pursuant to this subsection.

(f) FUNDING FOR PROJECT-BASED SECTION 8 RENTAL ASSISTANCE.—There is authorized to be appropriated $750,000,000 for fiscal year 2020 for additional assistance for project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f). Any provisions of, and waivers and alternative requirements issued by the Secretary pursuant to, the heading ''Department of Housing and Urban Development—Housing Programs—Project-Based Rental Assistance'' in title XII of division B of the CARES Act (Public Law 116-136) shall apply with respect to amounts made available pursuant to this subsection.

SEC. 110208. FAIR HOUSING.

(a) DEFINITION OF COVID–19 EMERGENCY PERIOD.— For purposes of this Act, the term ''COVID–19 emergency period'' means the period that begins upon the date of the enactment of this Act and ends upon the date of the termination by the Federal Emergency Management Agency of the emergency declared on March 13, 2020, by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 4121 et seq.) relating to the Coronavirus Disease 2019 (COVID–19) pandemic.

AMERICAN OVERSIGHT

(b) FAIR HOUSING ACTIVITIES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—To ensure existing grantees have sufficient resource for fair housing activities and for technology and equipment needs to deliver services through use of the Internet or other electronic or virtual means in response to the public health emergency related to the Coronavirus Disease 2019 (COVID-19) pandemic, there is authorized to be appropriated $4,000,000 for Fair Housing Organization Initiative grants through the Fair Housing Initiatives Program under section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a).

(2) 3-YEAR AVAILABILITY.—Any amounts made available pursuant paragraph (1) that are allocated for a grantee and remain unexpended upon the expiration of the 3-year period beginning upon such allocation shall be recaptured by the Secretary.

(c) FAIR HOUSING EDUCATION.—There is authorized to be appropriated $10,000,000 for the Office of Fair Housing and Equal Opportunity of the Department of Housing and Urban Development to carry out a national media campaign and local education and outreach to educate the public of increased housing rights during

AMERICAN OVERSIGHT

COVID–19 emergency period, that provides that information and materials used in such campaign are available—

(1) in the languages used by communities with limited English proficiency; and

(2) to persons with disabilities.

SEC. 110209. FUNDING FOR HOUSING COUNSELING SERVICES.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the spread of Coronavirus Disease 2019 (COVID–19), which is now considered a global pandemic, is expected to negatively impact the incomes of potentially millions of homeowners, renters, individuals experiencing homelessness, and individuals at risk of homelessness, making it difficult for them to pay their mortgages or rents on time;

(2) housing counseling is critical to ensuring that homeowners, renters, individuals experiencing homelessness, and individuals at risk of homelessness have the resources they need to manage financial hardships from the COVID-19 crisis;

(3) loan preservation and foreclosure mitigation services are also critical to address the needs of homeowners who lose employment and income because of the pandemic and who face serious delin-

AMERICAN OVERSIGHT

quency or home loan default, or are in foreclosing proceedings during this period;

(4) evaluations from the National Foreclosure Mitigation Counseling program revealed that homeowners at risk of or facing foreclosure are better served when they have access to a housing counselor and a range of tools and resources to help them avoid losing their home and have the support they need to tailor the best possible response to their situation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Neighborhood Reinvestment Corporation (in this section referred to as the ''Corporation'') established under the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101 et seq.) $100,000,000 for fiscal year 2020 for housing counseling services, which shall remain available until September 30, 2023.

(c) PRIORITIZATION OF HOUSING COUNSELING SERVICES.—Of any grant funds made available pursuant to subsection (b), not less than 40 percent shall be provided to counseling organizations that target counseling services to minority and low-income homeowners, renters, individuals experiencing homelessness, and individuals at risk of homelessness or provide such services in neighbor-

AMERICAN OVERSIGHT

hoods with high concentrations of minority and low-income homeowners, renters, individuals experiencing homelessness, and individuals at risk of homelessness.

(d) ELIGIBLE USES.—Amounts made available pursuant to subsection (b) may be used in such amounts as the Corporation determines for costs of—

(1) public education and outreach;

(2) direct services, including the full range of services provided by housing counselors to assist homeowners, including manufactured homeowners, regardless of financing type, renters, individuals experiencing homelessness, and individuals at risk of homelessness, including the practices, tools, and innovations in foreclosure mitigation that were utilized in the National Foreclosure Mitigation Counseling Program, and financial capability, credit counseling, homeless counseling, and rental counseling;

(3) equipment and technology, including broadband internet and equipment upgrades needed to ensure timely and effective service delivery;

(4) training, including capacitating housing counseling staff in various modes of counseling, including rental and foreclosure, delivery of remote counseling utilizing improved technology, enhanced

AMERICAN OVERSIGHT

network security, and supportive options for the delivery of client services; and

(5) administration and oversight of the program in accordance with the Corporation's rate for program administration.

(e) DISBURSEMENT.—The Corporation shall disburse all grant funds made available pursuant to subsection (b) as expeditiously as possible, through grants to housing counseling intermediaries approved by the Department of Housing and Urban Development, State housing finance agencies, and NeighborWorks organizations. The aggregate amount provided to NeighborWorks organizations shall not exceed 15 percent of the total of grant funds made available pursuant to subsection (b).

TITLE III—PROTECTING PEOPLE EXPERIENCING HOMELESSNESS

SEC. 110301. HOMELESS ASSISTANCE FUNDING.

(a) EMERGENCY HOMELESS ASSISTANCE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated under the Emergency Solutions Grants program under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.) $11,500,000,000 for grants under such subtitle in accordance with this subsection to respond to needs

AMERICAN OVERSIGHT

arising from the public health emergency relating to Coronavirus Disease 2019 (COVID-19). Of such amounts made available, $4,000,000,000 shall be allocated in accordance with sections 413 and 414 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11372, 11373).

(2) FORMULA.—Notwithstanding sections 413 and 414 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11372, 11373), the Secretary of Housing and Urban Development (in this Act referred to as the ''Secretary'') shall allocate any amounts remaining after amounts are allocated pursuant to paragraph (1) in accordance with a formula to be established by the Secretary that takes into consideration the following factors:

(A) Risk of transmission of coronavirus in a jurisdiction.

(B) Whether a jurisdiction has a high number or rate of sheltered and unsheltered homeless individuals and families.

(C) Economic and housing market conditions in a jurisdiction.

(3) ELIGIBLE ACTIVITIES.—In addition to eligible activities under section 415(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C.

AMERICAN OVERSIGHT

11374(a), amounts made available pursuant to paragraph (1) may also be used for costs of the following activities:

(A) Providing training on infectious disease prevention and mitigation.

(B) Providing hazard pay, including for time worked before the effectiveness of this subparagraph, for staff working directly to prevent and mitigate the spread of coronavirus or COVID-19 among people experiencing or at risk of homelessness.

(C) Reimbursement of costs for eligible activities (including activities described in this paragraph) relating to preventing, preparing for, or responding to the coronavirus or COVID-19 that were accrued before the date of the enactment of this Act.

(D) Notwithstanding 24 CFR 576.102(a)(3), providing a hotel or motel voucher for a homeless individual or family.

Use of such amounts for activities described in this paragraph shall not be considered use for administrative purposes for purposes of section 418 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11377).

AMERICAN OVERSIGHT

(4) INAPPLICABILITY OF PROCUREMENT STANDARDS.—To the extent amounts made available pursuant to paragraph (1) are used to procure goods and services relating to activities to prevent, prepare for, or respond to the coronavirus or COVID-19, the standards and requirements regarding procurement that are otherwise applicable shall not apply.

(5) INAPPLICABILITY OF HABITABILITY AND ENVIRONMENTAL REVIEW STANDARDS.—Any Federal standards and requirements regarding habitability and environmental review shall not apply with respect to any emergency shelter that is assisted with amounts made available pursuant to paragraph (1) and has been determined by a State or local health official, in accordance with such requirements as the Secretary shall establish, to be necessary to prevent and mitigate the spread of coronavirus or COVID-19, such shelters.

(6) INAPPLICABILITY OF CAP ON EMERGENCY SHELTER ACTIVITIES.—Subsection (b) of section 415 of the McKinney-Vento Homeless Assistance Act shall not apply to any amounts made available pursuant to paragraph (1) of this subsection.

(7) INITIAL ALLOCATION OF ASSISTANCE.—Section 417(b) of the McKinney-Vento Homeless Assist-

AMERICAN OVERSIGHT

ance Act (42 U.S.C. 11376(b)) shall be applied with respect to amounts made available pursuant to paragraph (1) of this subsection by substituting ''30-day'' for ''60-day''.

(8) WAIVERS AND ALTERNATIVE REQUIREMENTS.—

(A) AUTHORITY.—In administering amounts made available pursuant to paragraph (1), the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation (except for any requirements related to fair housing, nondiscrimination, labor standards, and the environment) that the Secretary administers in connection with the obligation or use by the recipient of such amounts, if the Secretary finds that good cause exists for the waiver or alternative requirement and such waiver or alternative requirement is consistent with the purposes described in this subsection.

(B) NOTIFICATION.—The Secretary shall notify the public through the Federal Register or other appropriate means 5 days before the effective date of any such waiver or alternative requirement, and any such public notice may be

AMERICAN OVERSIGHT

provided on the Internet at the appropriate Government web site or through other electronic media, as determined by the Secretary.

(C) EXEMPTION.—The use of amounts made available pursuant to paragraph (1) shall not be subject to the consultation, citizen participation, or match requirements that otherwise apply to the Emergency Solutions Grants program, except that a recipient shall publish how it has and will utilize its allocation at a minimum on the Internet at the appropriate Government web site or through other electronic media.

(9) INAPPLICABILITY OF MATCHING REQUIREMENT.—Subsection (a) of section 416 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11375(a)) shall not apply to any amounts made available pursuant to paragraph (1) of this subsection.

(10) PROHIBITION ON PREREQUISITES.—None of the funds authorized under this subsection may be used to require people experiencing homelessness to receive treatment or perform any other prerequisite activities as a condition for receiving shelter, housing, or other services.

AMERICAN OVERSIGHT

(b) CONTINUUM OF CARE PROGRAM.—Due to the emergency relating to the Coronavirus Disease 2019 (COVID-19) pandemic, the Notice of Funding Availability (NOFA) for fiscal year 2020 for the Continuum of Care program under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) shall have no force or effect and the Secretary of Housing and Urban Development shall distribute amounts made available for such fiscal year for such program based on the results of the competition for amounts made available for such program for fiscal year 2019 (FR-6300-–25), except that grant amounts may be adjusted to account for changes in fair market rents.

SEC. 110302. EMERGENCY RENTAL ASSISTANCE VOUCHER PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary''), $1,000,000,000 for fiscal year 2020, to remain available until expended, for incremental emergency vouchers under subsection (b).

(b) EMERGENCY VOUCHERS.—

(1) IN GENERAL.—The Secretary shall provide emergency rental assistance vouchers under this subsection, which shall be tenant-based rental assistance

AMERICAN OVERSIGHT

under section 8(o) the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

(2) SELECTION OF FAMILIES.—

(A) MANDATORY PREFERENCES.—Each public housing agency administering assistance under this section shall provide preference for such assistance to eligible families that are—

(i) homeless (as such term is defined in section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a));

(ii) at risk of homelessness (as such term is defined in section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360); or

(iii) fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, or stalking.

(B) ALLOCATION.—In allocating amounts made available under this section, the Secretary shall—

(i) not later than 60 days after the date of the enactment of this Act, allocate at least 50 percent of such amounts to

AMERICAN OVERSIGHT

public housing agencies in accordance with a formula that considers—

(I) the capability of public housing agencies to promptly use emergency vouchers provided under this section; and

(II) the need for emergency vouchers provided under this section in the geographical area, based on factors determined by the Secretary, including risk of transmission of coronavirus, high numbers or rates of sheltered and unsheltered homelessness, and economic and housing market conditions;

(ii) allocate remaining amounts in accordance with a formula that considers—

(I) the criteria under clause (i) and the success of a public housing agency in promptly utilizing vouchers awarded under clause (i); and

(II) the capability of the public housing agency to create and manage structured partnerships with service

AMERICAN OVERSIGHT

providers for the delivery of appropriate community-based services; and

(iii) designate the number of vouchers under this section that each public housing agency that is awarded funds under this section is authorized to administer.

(C) ELECTION NOT TO ADMINISTER.—If a public housing agency elects not to administer amounts under this section, the Secretary shall award such amounts to other public housing agencies according to the criteria in subparagraph (B).

(D) FAILURE TO USE VOUCHERS PROMPTLY.—If a public housing agency fails to issue all of its authorized vouchers under this section on behalf of eligible families within a reasonable period of time as determined by the Secretary, the Secretary shall reallocate any unissued vouchers and associated funds to others public housing agencies according to the criteria under subparagraph (B)(ii).

(3) WAIVERS AND ALTERNATIVE REQUIREMENTS.—Any waiver or alternative requirement that the Secretary makes available to all public housing agencies in connection with assistance made avail-

AMERICAN OVERSIGHT

able under the heading ''Tenant-Based Rental Assistance'' in title XII of division B of the CARES Act (Public Law 116-136; 134 Stat.601) shall apply to assistance under this section until the expiration of such waiver or alternative requirement.

(4) TERMINATION OF VOUCHERS UPON TURNOVER.—

(A) IN GENERAL.—A public housing agency may not reissue any vouchers made available under this section when assistance for the family initially assisted is terminated.

(B) REALLOCATION.—Upon termination of assistance for one or more families assisted by a public housing agency under this section, the Secretary shall reallocate amounts that are no longer needed by such public housing agency for assistance under this section to another public housing agency for the renewal of vouchers previously authorized under this section.

AMERICAN OVERSIGHT

TITLE IV—SUSPENDING NEGATIVE CREDIT REPORTING AND STRENGTHENING CONSUMER AND INVESTOR PROTECTIONS

SEC. 110401. REPORTING OF INFORMATION DURING MAJOR DISASTERS.

(a) IN GENERAL.—The CARES Act (Public Law 116–136) is amended by striking section 4021 and inserting the following:

"SEC. 4021. REPORTING OF INFORMATION DURING MAJOR DISASTERS.

''(a) PURPOSE.—The purpose of this Act, and the amendments made by this Act, is to protect consumers' credit from negative impacts as a result of financial hardship due to the coronavirus disease (COVID–19) outbreak and future major disasters.

''(b) REPORTING OF INFORMATION DURING MAJOR DISASTERS.—

''(1) IN GENERAL.—The Fair Credit Reporting Act is amended by inserting after section 605B the following:

"'§ 605C. Reporting of information during major disasters

" '(a) DEFINITIONS.—In this section:

" '(1) CONSUMER.—With respect to a covered period, the term ''consumer'' shall only include a

AMERICAN OVERSIGHT

consumer who is a resident of the affected area covered by the applicable disaster or emergency declaration.

"'(2) COVERED MAJOR DISASTER PERIOD.—The term "covered major disaster period" means the period—

"'(A) beginning on the date on which a major disaster is declared by the President under—

"'(i) section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), under which assistance is authorized under section 408 of such Act (42 U.S.C. 5174); or

"'(ii) section 501 of such Act; and

"'(B) ending on the date that is 120 days after the end of the incident period for such disaster.

"'(3) COVERED PERIOD.—The term "covered period" means the COVID–19 emergency period or a covered major disaster period.

"'(4) COVID–19 EMERGENCY PERIOD.—The term "COVID–19 emergency period" means the period beginning on March 13, 2020 (the date the President declared the emergency under section 501

AMERICAN OVERSIGHT

of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 4121 et seq.) relating to the Coronavirus Disease 2019 (COVID-19) pandemic) and ending on the later of—

"'(A) 120 days after the date of enactment of this section; or

"'(B) 120 days after the end of the incident period for such emergency.

"'(5) MAJOR DISASTER.—The term 'major disaster' means a major disaster declared by the President under—

"'(A) section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), under which assistance is authorized under section 408 of such Act (42 U.S.C. 5174); or

"'(B) section 501 of such Act.

"'(b) MORATORIUM ON FURNISHING ADVERSE INFORMATION DURING COVERED PERIOD.—No person may furnish any adverse item of information (except information related to a felony criminal conviction) relating to a consumer that was the result of any action or inaction that occurred during a covered period.

"'(c) INFORMATION EXCLUDED FROM CONSUMER REPORTS.—In addition to the information described in

AMERICAN OVERSIGHT

section 605(a), no consumer reporting agency may make any consumer report containing an adverse item of information (except information related to a felony criminal conviction) relating to a consumer that was the result of any action or inaction that occurred during a covered period.

"'(d) SUMMARY OF RIGHTS.—Not later than 60 days after the date of enactment of this section, the Director of the Bureau shall update the model summary of rights under section 609(c)(1) to include a description of the right of a consumer to—

"'(1) request the deletion of adverse items of information under subsection (e); and

"'(2) request a consumer report or score, without charge to the consumer, under subsection (f).

"'(e) DELETION OF ADVERSE ITEMS OF INFORMATION RESULTING FROM THE CORONAVIRUS DISEASE (COVID–19) OUTBREAK AND MAJOR DISASTERS.—

"'(1) REPORTING.—

"'(A) IN GENERAL.—Not later than 60 days after the date of enactment of this subsection, the Director of the Bureau shall create a website for consumers to report, under penalty of perjury, economic hardship as a result of the coronavirus disease (COVID–19) outbreak

AMERICAN OVERSIGHT

or a major disaster for the purpose of providing credit report protections under this subsection.

"'(B) DOCUMENTATION.—The Director of the Bureau shall—

"'(i) not require any documentation from a consumer to substantiate the economic hardship; and

"'(ii) provide notice to the consumer that a report under subparagraph (A) is under penalty of perjury.

"'(C) REPORTING PERIOD.—A consumer may report economic hardship under subparagraph (A) during a covered period and for 60 days thereafter.

"'(2) DATABASE.—The Director of the Bureau shall establish and maintain a secure database that—

"'(A) is accessible to each consumer reporting agency described in section 603(p) and nationwide specialty consumer reporting agency for purposes of fulfilling their duties under paragraph (3) to check and automatically delete any adverse item of information (except information related to a felony criminal conviction)

AMERICAN OVERSIGHT

reported that occurred during a covered period with respect to a consumer; and

"'(B) contains the information reported under paragraph (1).

"'(3) DELETION OF ADVERSE ITEMS OF INFORMATION BY NATIONWIDE CONSUMER REPORTING AND NATIONWIDE SPECIALTY CONSUMER REPORTING AGENCIES.—

"'(A) IN GENERAL.—Each consumer reporting agency described in section 603(p) and each nationwide specialty consumer reporting agency shall, using the information contained in the database established under paragraph (2), delete from the file of each consumer named in the database each adverse item of information (except information related to a felony criminal conviction) that was a result of an action or inaction that occurred during a covered period or in the 270-day period following the end of a covered period.

"'(B) TIMELINE.—Each consumer reporting agency described in section 603(p) and each nationwide specialty consumer reporting agency shall check the database at least weekly and delete adverse items of information as soon as

AMERICAN OVERSIGHT

practicable after information that is reported under paragraph (1) appears in the database established under paragraph (2).

"'(4) REQUEST FOR DELETION OF ADVERSE ITEMS OF INFORMATION.—

"'(A) IN GENERAL.—A consumer who has filed a report of economic hardship with the Bureau may submit a request, without charge to the consumer, to a consumer reporting agency described in section 603(p) or nationwide specialty consumer reporting agency to delete from the consumer's file an adverse item of information (except information related to a felony criminal conviction) that was a result of an action or inaction that occurred during a covered period or in the 270-day period following the end of a covered period.

"'(B) TIMING.—A consumer may submit a request under subparagraph (A), not later than the end of the 270-day period described in that subparagraph.

"'(C) REMOVAL AND NOTIFICATION.—Upon receiving a request under this paragraph to delete an adverse item of information, a consumer reporting agency described in section

AMERICAN OVERSIGHT

603(p) or nationwide specialty consumer reporting agency shall—

"'(i) delete the adverse item of information (except information related to a felony criminal conviction) from the consumer's file; and

"'(ii) notify the consumer and the furnisher of the adverse item of information of the deletion.

"'(f) FREE CREDIT REPORT AND SCORES.—

"'(1) IN GENERAL.—During the period between the beginning of a covered period and ending 12-months after the end of the covered period, each consumer reporting agency described under section 603(p) and each nationwide specialty consumer reporting agency shall make all disclosures described under section 609 upon request by a consumer, by mail or online, without charge to the consumer and without limitation as to the number of requests. Such a consumer reporting agency shall also supply a consumer, upon request and without charge, with a credit score that—

"'(A) is derived from a credit scoring model that is widely distributed to users by the consumer reporting agency for the purpose of

AMERICAN OVERSIGHT

any extension of credit or other transaction designated by the consumer who is requesting the credit score; or

"'(B) is widely distributed to lenders of common consumer loan products and predicts the future credit behavior of a consumer.

"'(2) TIMING.—A file disclosure or credit score under paragraph (1) shall be provided to the consumer not later than—

"'(A) 7 days after the date on which the request is received if the request is made by mail; and

"'(B) not later than 15 minutes if the request is made online.

"'(3) ADDITIONAL REPORTS.—A file disclosure provided under paragraph (1) shall be in addition to any disclosure requested by the consumer under section 612(a).

"'(4) PROHIBITION.—A consumer reporting agency that receives a request under paragraph (1) may not request or require any documentation from the consumer that demonstrates that the consumer was impacted by the coronavirus disease (COVID–19) outbreak or a major disaster (except to verify that the consumer is a resident of the affected area

AMERICAN OVERSIGHT

covered by the applicable disaster or emergency declaration) as a condition of receiving the file disclosure or score.

"'(g) POSTING OF RIGHTS.—Not later than 30 days after the date of enactment of this section, each consumer reporting agency described under section 603(p) and each nationwide specialty consumer reporting agency shall prominently post and maintain a direct link on the homepage of the public website of the consumer reporting agency information relating to the right of consumers to—

"'(1) request the deletion of adverse items of information (except information related to a felony criminal conviction) under subsection (e); and

"'(2) request consumer file disclosures and scores, without charge to the consumer, under subsection (f).

"'(h) BAN ON REPORTING MEDICAL DEBT INFORMATION RELATED TO COVID–19 OR A MAJOR DISASTER.—

"'(1) FURNISHING BAN.—No person shall furnish adverse information to a consumer reporting agency related to medical debt if such medical debt is with respect to medical expenses related to treatments arising from COVID–19 or a major disaster

AMERICAN OVERSIGHT

(whether or not the expenses were incurred during a covered period).

"'(2) CONSUMER REPORT BAN.—No consumer reporting agency may make a consumer report containing adverse information related to medical debt if such medical debt is with respect to medical expenses related to treatments arising from COVID–19 or a major disaster (whether or not the expenses were incurred during a covered period).

"'(i) CREDIT SCORING MODELS.—A person that creates and implements credit scoring models may not treat the absence, omission, or deletion of any information pursuant to this section as a negative factor or negative value in credit scoring models created or implemented by such person.'.

"(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for the Fair Credit Reporting Act is amended by inserting after the item relating to section 605B the following:

"'605C. Reporting of information during major disasters.'.

"SEC. 4021A. LIMITATIONS ON NEW CREDIT SCORING MODELS DURING THE COVID–19 EMERGENCY AND MAJOR DISASTERS.

"The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

"(1) by adding at the end the following:

AMERICAN OVERSIGHT

"'§ 630. Limitations on new credit scoring models during the COVID–19 emergency and major disasters

"'With respect to a person that creates and implements credit scoring models, such person may not, during a covered period (as defined under section 605C), create or implement a new credit scoring model (including a revision to an existing scoring model) if the new credit scoring model would identify a significant percentage of consumers as being less creditworthy when compared to the previous credit scoring models created or implemented by such person.'; and

"(2) in the table of contents for such Act, by adding at the end the following new item:

"'630. Limitations on new credit scoring models during the COVID–19 emergency and major disasters.'.

(b) CLERICAL AMENDMENT.—The table of contents in section 2 of the CARES Act is amended by striking the item relating to section 4021 and inserting the following:

"Sec. 4021. Reporting of information during major disasters.
"Sec. 4021A. Limitations on new credit scoring models during the COVID–19 emergency and major disasters.".

(c) CONFORMING AMENDMENT.—Subparagraph (F) of section 623(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(a)(1)) is hereby repealed.

AMERICAN OVERSIGHT

SEC. 110402. RESTRICTIONS ON COLLECTIONS OF CONSUMER DEBT DURING A NATIONAL DISASTER OR EMERGENCY.

(a) IN GENERAL.—The Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended by inserting after section 812 (15 U.S.C. 1692j) the following:

"§ 812A. Restrictions on collections of consumer debt during a national disaster or emergency

''(a) DEFINITIONS.—In this section:

''(1) COVERED PERIOD.—The term 'covered period' means the period beginning on the date of enactment of this section and ending 120 days after the end of the incident period for the emergency declared on March 13, 2020, by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 4121 et seq.) relating to the Coronavirus Disease 2019 (COVID-19) pandemic.

''(2) CREDITOR.—The term 'creditor' means any person—

''(A) who offers or extends credit creating a debt or to whom a debt is owed; or

''(B) to whom any obligation for payment is owed.

''(3) DEBT.—The term 'debt'—

AMERICAN OVERSIGHT

"(A) means any obligation or alleged obligation that is or during the covered period becomes past due, other than an obligation arising out of a credit agreement entered into after the effective date of this section, that arises out of a transaction with a consumer; and

"(B) does not include a mortgage loan.

"(4) DEBT COLLECTOR.—The term 'debt collector' means a creditor and any other person or entity that engages in the collection of debt, including the Federal Government and a State government, irrespective of whether the applicable debt is allegedly owed to or assigned to such creditor, person, or entity.

"(5) MORTGAGE LOAN.—The term 'mortgage loan' means a covered mortgage loan (as defined under section 4022 of the CARES Act) and a multifamily mortgage loan (as defined under section 4023 of the CARES Act).

"(b) PROHIBITIONS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, no debt collector may, during a covered period—

AMERICAN OVERSIGHT

"(A) enforce a security interest securing a debt through repossession, limitation of use, or foreclosure;

"(B) take or threaten to take any action to deprive an individual of their liberty as a result of nonpayment of or nonappearance at any hearing relating to an obligation owed by a consumer;

"(C) collect any debt, by way of garnishment, attachment, assignment, deduction, offset, or other seizure, from—

"(i) wages, income, benefits, bank, prepaid or other asset accounts; or

"(ii) any assets of, or other amounts due to, a consumer;

"(D) commence or continue an action to evict a consumer from real or personal property for nonpayment;

"(E) disconnect or terminate service from a utility service, including electricity, natural gas, telecommunications or broadband, water, or sewer, for nonpayment; or

"(F) threaten to take any of the foregoing actions.

AMERICAN OVERSIGHT

''(2) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prohibit a consumer from voluntarily paying, in whole or in part, a debt.

''(c) LIMITATION ON FEES AND INTEREST.—After the expiration of a covered period, a debt collector may not add to any past due debt any interest on unpaid interest, higher rate of interest triggered by the nonpayment of the debt, or fee triggered prior to the expiration of the covered period by the nonpayment of the debt.

''(e) VIOLATIONS.—Any person or government entity that violates this section shall be liable to the applicable consumer as provided under section 813, except that, for purposes of applying section 813—

''(1) such person or government entity shall be deemed a debt collector, as such term is defined for purposes of section 813; and

''(2) each dollar figure in such section shall be deemed to be 10 times the dollar figure specified.

''(f) TOLLING.—Any applicable time limitations for exercising an action prohibited under subsection (b) shall be tolled during a covered period.

''(g) PREDISPUTE ARBITRATION AGREEMENTS.—Notwithstanding any other provision of law, no predispute arbitration agreement or predispute joint-action waiver shall be valid or enforceable with respect to a dispute

AMERICAN OVERSIGHT

brought under this section, including a dispute as to the applicability of this section, which shall be determined under Federal law.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Fair Debt Collection Practices Act is amended by inserting after the item relating to section 812 the following:

''812A. Restrictions on collections of consumer debt during a national disaster or emergency.''.

SEC. 110403. REPAYMENT PERIOD AND FORBEARANCE FOR CONSUMERS.

Section 812A of the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.), as added by section 110402, is amended—

(1) by inserting after subsection (c) the following:

''(d) REPAYMENT PERIOD.—After the expiration of a covered period, a debt collector shall comply with the following:

''(1) DEBT ARISING FROM CREDIT WITH A DEFINED PAYMENT PERIOD.—For any debt arising from credit with a defined term, the debt collector shall extend the time period to repay any past due balance of the debt by—

''(A) 1 payment period for each payment that a consumer missed during the covered pe-

AMERICAN OVERSIGHT

riod, with the payments due in the same amounts and at the same intervals as the pre-existing payment schedule; and

"(B) 1 payment period in addition to the payment periods described under subparagraph (A).

"(2) DEBT ARISING FROM AN OPEN END CREDIT PLAN.—For debt arising from an open end credit plan, as defined in section 103 of the Truth in Lending Act (15 U.S.C. 1602), the debt collector shall allow the consumer to repay the past-due balance in a manner that does not exceed the amounts permitted by the methods described in section 171(c) of the Truth in Lending Act (15 U.S.C. 1666i–1(c)) and regulations promulgated under that section.

"(3) DEBT ARISING FROM OTHER CREDIT.—

"(A) IN GENERAL.—For debt not described under paragraph (2) or (3), the debt collector shall—

"(i) allow the consumer to repay the past-due balance of the debt in substantially equal payments over time; and

"(ii) provide the consumer with—

AMERICAN OVERSIGHT

"(I) for past due balances of $2,000 or less, 12 months to repay, or such longer period as the debt collector may allow;

"(II) for past due balances between $2,001 and $5,000, 24 months to repay, or such longer period as the debt collector may allow; or

"(III) for past due balances greater than $5,000, 36 months to repay, or such longer period as the debt collector may allow.

"(B) ADDITIONAL PROTECTIONS.—The Director of the Bureau may issue rules to provide greater repayment protections to consumers with debts described under subparagraph (A).

"(C) RELATION TO STATE LAW.—This paragraph shall not preempt any State law that provides for greater consumer protections than this paragraph."; and

(2) by adding at the end the following:

"(h) FORBEARANCE FOR AFFECTED CONSUMERS.—

"(1) FORBEARANCE PROGRAM.—Each debt collector that makes use of the credit facility described

AMERICAN OVERSIGHT

in paragraph (4) shall establish a forbearance program for debts available during the covered period.

"(2) AUTOMATIC GRANT OF FORBEARANCE UPON REQUEST.—Under a forbearance program required under paragraph (1), upon the request of a consumer experiencing a financial hardship due, directly or indirectly, to COVID–19, the debt collector shall grant a forbearance on payment of debt for such time as needed until the end of the covered period, with no additional documentation required other than the borrower's attestation to a financial hardship caused by COVID–19 and with no fees, penalties, or interest (beyond the amounts scheduled or calculated as if the borrower made all contractual payments on time and in full under the terms of the loan contract) charged to the borrower in connection with the forbearance.

"(3) EXCEPTION FOR CERTAIN MORTGAGE LOANS SUBJECT TO THE CARES ACT.—This subsection shall not apply to a mortgage loan subject to section 4022 or 4023 of the CARES Act.".

SEC. 110404. CREDIT FACILITY.

Section 812A(h) of the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.), as added by section 110403, is amended by adding at the end the following:

AMERICAN OVERSIGHT

''(4) CREDIT FACILITY.—The Board of Governors of the Federal Reserve System shall—

''(A) establish a facility, using amounts made available under section 4003(b)(4) of the CARES Act (15 U.S.C. 9042(b)(4)), to make long-term, low-cost loans to debt collectors to temporarily compensate such debt collectors for documented financial losses caused by forbearance of debt payments under this subsection; and

''(B) defer debt collectors' required payments on such loans until after consumers' debt payments resume.''.

TITLE V—FORGIVING STUDENT LOAN DEBT AND PROTECTING STUDENT BORROWERS

SEC. 110501. PAYMENTS FOR PRIVATE EDUCATION LOAN BORROWERS AS A RESULT OF THE COVID–19 NATIONAL EMERGENCY.

(a) IN GENERAL.—Section 140 of the Truth in Lending Act (15 U.S.C. 1650) is amended by adding at the end the following new subsection:

''(h) COVID–19 NATIONAL EMERGENCY PRIVATE EDUCATION LOAN REPAYMENT ASSISTANCE.—

''(1) AUTHORITY.—

AMERICAN OVERSIGHT

"(A) IN GENERAL.—Effective on the date of the enactment of this section, until the end of September 2021, the Secretary of the Treasury shall, for each borrower of a private education loan, pay the total amount due for such month on the loan, based on the payment plan selected by the borrower or the borrower's loan status.

"(B) LIMITATION ON PAYMENTS.—The maximum amount of aggregate payments that the Secretary of the Treasury may make under subparagraph (A) with respect to an individual borrower is $10,000.

"(2) NO CAPITALIZATION OF INTEREST.—With respect to any loan in repayment until the end of September 2021, interest due on a private education loan during such period shall not be capitalized at any time until the end of September 2021.

"(3) REPORTING TO CONSUMER REPORTING AGENCIES.—Until the end of the September 2021—

"(A) during the period in which the Secretary of the Treasury is making payments on a loan under paragraph (1), the Secretary shall ensure that, for the purpose of reporting information about the loan to a consumer reporting

AMERICAN OVERSIGHT

agency, any payment made by the Secretary is treated as if it were a regularly scheduled payment made by a borrower; and

"(B) no adverse credit information may be furnished to a consumer reporting agency for any private education loan.

"(4) NOTICE OF PAYMENTS AND PROGRAM.—Not later than 15 days following the date of enactment of this subsection, and monthly thereafter until the end of September 2021, the Secretary of the Treasury shall provide a notice to all borrowers of private education loans—

"(A) informing borrowers of the actions taken under this subsection;

"(B) providing borrowers with an easily accessible method to opt out of the benefits provided under this subsection; and

"(C) notifying the borrower that the program under this subsection is a temporary program and will end at the end of September 2021.

"(5) SUSPENSION OF INVOLUNTARY COLLECTION.—Until the end of September 2021, the holder of a private education loan shall immediately take

AMERICAN OVERSIGHT

action to halt all involuntary collection related to the loan.

''(6) MANDATORY FORBEARANCE.—During the period in which the Secretary of the Treasury is making payments on a loan under paragraph (1), the servicer of such loan shall grant the borrower forbearance as follows:

''(A) A temporary cessation of all payments on the loan other than the payments of interest and principal on the loan that are made under paragraph (1).

''(B) For borrowers who are delinquent but who are not yet in default before the date on which the Secretary begins making payments under paragraph (1), the retroactive application of forbearance to address any delinquency.

''(7) DATA TO IMPLEMENT.—Holders and servicers of private education loans shall report, to the satisfaction of the Secretary of the Treasury, the information necessary to calculate the amount to be paid under this subsection.''.

(b) APPROPRIATION.—Notwithstanding any other provision of law, there is appropriated to the Secretary of the Treasury, out of amounts in the Treasury not other-

AMERICAN OVERSIGHT

wise appropriated, $45,000,000,000 to carry out this title and the amendments made by this title.

SEC. 110502. ADDITIONAL PROTECTIONS FOR PRIVATE STUDENT LOAN BORROWERS.

(a) IN GENERAL.—

(1) REPAYMENT PLAN AND FORGIVENESS TERMS.—Each private education loan holder who receives a monthly payment pursuant to section 140(h) of the Truth in Lending Act shall modify all private education loan contracts that it holds to provide for the same repayment plan and forgiveness terms available to Direct Loans borrowers under section 685.209(c) of title 34, Code of Federal Regulations, in effect as of January 1, 2020.

(2) TREATMENT OF STATE STATUTES OF LIMITATION.—For a borrower who has defaulted on a private education loan under the terms of the promissory note prior to any loan payment made or forbearance granted under section 140(h) of the Truth in Lending Act, no payment made or forbearance granted under such section 140(h) shall be considered an event that impacts the calculation of the applicable State statutes of limitation.

(3) PROHIBITION ON PRESSURING BORROWERS.—

AMERICAN OVERSIGHT

(A) IN GENERAL.—A private education loan debt collector or creditor may not pressure a borrower to elect to apply any amount received pursuant to subsection (b) to any private education loan.

(B) VIOLATIONS.—A violation of this paragraph is deemed—

(i) an unfair, deceptive, or abusive act or practice under Federal law in connection with any transaction with a consumer for a consumer financial product or service under section 1031 of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5531); and

(ii) with respect to a violation by a debt collector, an unfair or unconscionable means to collect or attempt to collect any debt under section 808 of the Federal Debt Collection Practices Act (15 U.S.C. 1692f).

(C) PRESSURE DEFINED.—In this paragraph, the term ''pressure'' means any communication, recommendation, or other similar communication, other than providing basic information about a borrower's options, urging a bor-

AMERICAN OVERSIGHT

rower to make an election described under subsection (b).

(b) RELIEF FOR PRIVATE STUDENT LOAN BORROWERS AS A RESULT OF THE COVID–19 NATIONAL EMERGENCY.—

(1) STUDENT LOAN RELIEF AS A RESULT OF THE COVID–19 NATIONAL EMERGENCY.—Not later than 90 days after the end of September 2021, the Secretary of the Treasury shall carry out a program under which a borrower, with respect to the private education loans of such borrower, shall receive in accordance with paragraph (3) an amount equal to the lesser of—

(A) the total amount of each private education loan of the borrower; or

(B) $10,000, reduced by the aggregate amount of all payments made by the Secretary of the Treasury with respect to such borrower under section 140(h) of the Truth in Lending Act.

(2) NOTIFICATION OF BORROWERS.—Not later than 90 days after the end of September 2021, the Secretary of the Treasury shall notify each borrower of a private education loan of—

AMERICAN OVERSIGHT

(A) the requirements to provide loan relief to such borrower under this section; and

(B) the opportunity for such borrower to make an election under paragraph (3)(A) with respect to the application of such loan relief to the private education loans of such borrower.

(3) DISTRIBUTION OF FUNDING.—

(A) ELECTION BY BORROWER.—Not later than 45 days after a notice is sent under paragraph (2), a borrower may elect to apply the amount determined with respect to such borrower under paragraph (1) to any private education loan of the borrower.

(B) AUTOMATIC PAYMENT.—

(i) IN GENERAL.—In the case of a borrower who does not make an election under subparagraph (A) before the date described in such subparagraph, the Secretary of the Treasury shall apply the amount determined with respect to such borrower under paragraph (1) in order of the private education loan of the borrower with the highest interest rate.

(ii) EQUAL INTEREST RATES.—In case of two or more private education loans

AMERICAN OVERSIGHT

described in clause (i) with equal interest rates, the Secretary of the Treasury shall apply the amount determined with respect to such borrower under paragraph (1) first to the loan with the highest principal.

(c) DEFINITIONS.—In this section:

(1) FAIR DEBT COLLECTION PRACTICES ACT TERMS.—The terms ''creditor'' and ''debt collector'' have the meaning given those terms, respectively, under section 803 of the Fair Debt Collection Practices Act (15 U.S.C. 1692a).

(2) PRIVATE EDUCATION LOAN.—The term ''private education loan'' has the meaning given the term in section 140 of the Truth in Lending Act (15 U.S.C. 1650).

TITLE VI—STANDING UP FOR SMALL BUSINESSES, MINORITY-OWNED BUSINESSES, AND NON-PROFITS

SEC. 110601. RESTRICTIONS ON COLLECTIONS OF SMALL BUSINESS AND NONPROFIT DEBT DURING A NATIONAL DISASTER OR EMERGENCY.

(a) IN GENERAL.—The Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.), as amended by section 110402, is further amended by inserting after section 812A the following:

AMERICAN OVERSIGHT

"§ 812B. Restrictions on collections of small business and nonprofit debt during a national disaster or emergency

''(a) DEFINITIONS.—In this section:

''(1) COVERED PERIOD.—The term 'covered period' means the period beginning on the date of enactment of this section and ending 120 days after the end of the incident period for the emergency declared on March 13, 2020, by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 4121 et seq.) relating to the Coronavirus Disease 2019 (COVID-19) pandemic.

''(2) CREDITOR.—The term 'creditor' means any person—

''(A) who offers or extends credit creating a debt or to whom a debt is owed; or

''(B) to whom any obligation for payment is owed.

''(3) DEBT.—The term 'debt'—

''(A) means any obligation or alleged obligation that is or during the covered period becomes past due, other than an obligation arising out of a credit agreement entered into after the effective date of this section, that arises out

AMERICAN OVERSIGHT

of a transaction with a nonprofit organization or small business; and

"(B) does not include a mortgage loan.

"(4) DEBT COLLECTOR.—The term 'debt collector' means a creditor and any other person or entity that engages in the collection of debt, including the Federal Government and a State government, irrespective of whether the applicable debt is allegedly owed to or assigned to such creditor, person, or entity.

"(5) MORTGAGE LOAN.—The term 'mortgage loan' means a covered mortgage loan (as defined under section 4022 of the CARES Act) and a multifamily mortgage loan (as defined under section 4023 of the CARES Act).

"(6) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code.

"(7) SMALL BUSINESS.—The term 'small business' has the meaning given the term 'small business concern' in section 3 of the Small Business Act (15 U.S.C. 632).

"(b) PROHIBITIONS.—

AMERICAN OVERSIGHT

"(1) IN GENERAL.—Notwithstanding any other provision of law, no debt collector may, during a covered period—

"(A) enforce a security interest securing a debt through repossession, limitation of use, or foreclosure;

"(B) take or threaten to take any action to deprive an individual of their liberty as a result of nonpayment of or nonappearance at any hearing relating to an obligation owed by a small business or nonprofit organization;

"(C) collect any debt, by way of garnishment, attachment, assignment, deduction, offset, or other seizure, from—

"(i) wages, income, benefits, bank, prepaid or other asset accounts; or

"(ii) any assets of, or other amounts due to, a small business or nonprofit organization;

"(D) commence or continue an action to evict a small business or nonprofit organization from real or personal property for nonpayment;

"(E) disconnect or terminate service from a utility service, including electricity, natural

AMERICAN OVERSIGHT

gas, telecommunications or broadband, water, or sewer, for nonpayment; or

''(F) threaten to take any of the foregoing actions.

''(2) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prohibit a small business or nonprofit organization from voluntarily paying, in whole or in part, a debt.

''(c) LIMITATION ON FEES AND INTEREST.—After the expiration of a covered period, a debt collector may not add to any past due debt any interest on unpaid interest, higher rate of interest triggered by the nonpayment of the debt, or fee triggered prior to the expiration of the covered period by the nonpayment of the debt.

''(e) VIOLATIONS.—Any person or government entity that violates this section shall be liable to the applicable small business or nonprofit organization as provided under section 813, except that, for purposes of applying section 813—

''(1) such person or government entity shall be deemed a debt collector, as such term is defined for purposes of section 813; and

''(2) such small business or nonprofit organization shall be deemed a consumer, as such term is defined for purposes of section 813.

AMERICAN OVERSIGHT

''(f) TOLLING.—Any applicable time limitations for exercising an action prohibited under subsection (b) shall be tolled during a covered period.

''(g) PREDISPUTE ARBITRATION AGREEMENTS.—Notwithstanding any other provision of law, no predispute arbitration agreement or predispute joint-action waiver shall be valid or enforceable with respect to a dispute brought under this section, including a dispute as to the applicability of this section, which shall be determined under Federal law.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Fair Debt Collection Practices Act, as amended by section 110402, is further amended by inserting after the item relating to section 812A the following:

''812B. Restrictions on collections of small business and nonprofit debt during a national disaster or emergency.''.

SEC. 110602. REPAYMENT PERIOD AND FORBEARANCE FOR SMALL BUSINESSES AND NONPROFIT ORGANIZATIONS.

Section 812B of the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.), as added by section 110601, is amended—

(1) by inserting after subsection (c) the following:

AMERICAN OVERSIGHT

"(d) REPAYMENT PERIOD.—After the expiration of a covered period, a debt collector shall comply with the following:

"(1) DEBT ARISING FROM CREDIT WITH A DEFINED PAYMENT PERIOD.—For any debt arising from credit with a defined term, the debt collector shall extend the time period to repay any past due balance of the debt by—

"(A) 1 payment period for each payment that a small business or nonprofit organization missed during the covered period, with the payments due in the same amounts and at the same intervals as the pre-existing payment schedule; and

"(B) 1 payment period in addition to the payment periods described under subparagraph (A).

"(2) DEBT ARISING FROM AN OPEN END CREDIT PLAN.—For debt arising from an open end credit plan, as defined in section 103 of the Truth in Lending Act (15 U.S.C. 1602), the debt collector shall allow the small business or nonprofit organization to repay the past-due balance in a manner that does not exceed the amounts permitted by the methods described in section 171(c) of the Truth in

AMERICAN OVERSIGHT

Lending Act (15 U.S.C. 1666i–1(c)) and regulations promulgated under that section.

"(3) DEBT ARISING FROM OTHER CREDIT.—

"(A) IN GENERAL.—For debt not described under paragraph (2) or (3), the debt collector shall—

"(i) allow the small business or nonprofit organization to repay the past-due balance of the debt in substantially equal payments over time; and

"(ii) provide the small business or nonprofit organization with—

"(I) for past due balances of $2,000 or less, 12 months to repay, or such longer period as the debt collector may allow;

"(II) for past due balances between $2,001 and $5,000, 24 months to repay, or such longer period as the debt collector may allow; or

"(III) for past due balances greater than $5,000, 36 months to repay, or such longer period as the debt collector may allow.

AMERICAN OVERSIGHT

''(B) ADDITIONAL PROTECTIONS.—The Director of the Bureau may issue rules to provide greater repayment protections to small businesses and nonprofit organizations with debts described under subparagraph (A).

''(C) RELATION TO STATE LAW.—This paragraph shall not preempt any State law that provides for greater small business or nonprofit organization protections than this paragraph.''; and

(2) by adding at the end the following:

''(h) FORBEARANCE FOR AFFECTED SMALL BUSINESSES AND NONPROFIT ORGANIZATIONS.—

''(1) FORBEARANCE PROGRAM.—Each debt collector that makes use of the credit facility described in paragraph (4) shall establish a forbearance program for debts available during the covered period.

''(2) AUTOMATIC GRANT OF FORBEARANCE UPON REQUEST.—Under a forbearance program required under paragraph (1), upon the request of a small business or nonprofit organization experiencing a financial hardship due, directly or indirectly, to COVID–19, the debt collector shall grant a forbearance on payment of debt for such time as needed until the end of the covered period, with no

AMERICAN OVERSIGHT

additional documentation required other than the small business or nonprofit organization's attestation to a financial hardship caused by COVID–19 and with no fees, penalties, or interest (beyond the amounts scheduled or calculated as if the borrower made all contractual payments on time and in full under the terms of the loan contract) charged to the borrower in connection with the forbearance.

"(3) EXCEPTION FOR CERTAIN MORTGAGE LOANS SUBJECT TO THE CARES ACT.—This subsection shall not apply to a mortgage loan subject to section 4022 or 4023 of the CARES Act.".

SEC. 110603. CREDIT FACILITY.

Section 812B(h) of the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.), as added by section 110602, is amended by adding at the end the following:

"(4) CREDIT FACILITY.—The Board of Governors of the Federal Reserve System shall—

"(A) establish a facility, using amounts made available under section 4003(b)(4) of the CARES Act (15 U.S.C. 9042(b)(4)), to make long-term, low-cost loans to debt collectors to temporarily compensate such debt collectors for documented financial losses caused by forbear-

AMERICAN OVERSIGHT

ance of debt payments under this subsection; and

"(B) defer debt collectors' required payments on such loans until after small businesses or nonprofit organizations' debt payments resume.".

SEC. 110604. MAIN STREET LENDING PROGRAM REQUIREMENTS.

(a) IN GENERAL.—Section 4003(c)(3)(D)(ii) of the CARES Act (15 U.S.C. 9042(c)(3)(D)(ii)) is amended—

(1) by striking "Nothing in this subparagraph shall limit the discretion of the Board of Governors of the Federal Reserve System to" and inserting the following:

"(I) IN GENERAL.—The Board of Governors of the Federal Reserve System shall"; and

(2) by adding at the end the following:

"(II) REQUIREMENTS.—In carrying out subclause (I), the Board of Governors of the Federal Reserve System—

"(aa) shall make non-profit organizations eligible for any pro-

AMERICAN OVERSIGHT

gram or facility established under such subclause;

"(bb) shall create a low-cost loan option tailored to the unique needs of non-profit organizations, including the ability to defer payments and, solely for non-profit organizations that are ineligible to receive a covered loan under section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) and that predominantly serve low-income communities, as determined by the Federal Reserve, have the loans forgiven by the Department of the Treasury for a similar purpose to maintain payroll and operations provided under the Paycheck Protection Program, notwithstanding section 4003(d)(3) of the CARES Act;".

(b) DEADLINE.—Not later than the end of the 5-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall

AMERICAN OVERSIGHT

issue such rules or take such other actions as may be necessary to implement the requirements made by the amendments made by this section.

SEC. 110605. OPTIONS FOR SMALL BUSINESSES AND NONPROFITS UNDER THE MAIN STREET LENDING PROGRAM.

(a) IN GENERAL.—Section (c)(3)(D)(ii)(II) of the CARES Act (15 U.S.C. 9042(c)(3)(D)(ii)(II)), as added by section 110604, is further amended by adding at the end the following:

"(cc) shall provide at least one low-cost loan option that small businesses and small nonprofits are eligible for that does not have a minimum loan size;".

(b) DEADLINE.—Not later than the end of the 5-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall issue such rules or take such other actions as may be necessary to implement the requirements made by the amendments made by this section.

SEC. 110606. SAFE BANKING.

(a) SHORT TITLE; PURPOSE.—

AMERICAN OVERSIGHT

(1) SHORT TITLE.—This section may be cited as the ''Secure And Fair Enforcement Banking Act of 2020'' or the ''SAFE Banking Act of 2020''.

(2) PURPOSE.—The purpose of this section is to increase public safety by ensuring access to financial services to cannabis-related legitimate businesses and service providers and reducing the amount of cash at such businesses.

(b) SAFE HARBOR FOR DEPOSITORY INSTITUTIONS.—

(1) IN GENERAL.—A Federal banking regulator may not—

(A) terminate or limit the deposit insurance or share insurance of a depository institution under the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.), the Federal Credit Union Act (12 U.S.C. 1751 et seq.), or take any other adverse action against a depository institution under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) solely because the depository institution provides or has provided financial services to a cannabis-related legitimate business or service provider;

AMERICAN OVERSIGHT

(B) prohibit, penalize, or otherwise discourage a depository institution from providing financial services to a cannabis-related legitimate business or service provider or to a State, political subdivision of a State, or Indian Tribe that exercises jurisdiction over cannabis-related legitimate businesses;

(C) recommend, incentivize, or encourage a depository institution not to offer financial services to an account holder, or to downgrade or cancel the financial services offered to an account holder solely because—

(i) the account holder is a cannabis-related legitimate business or service provider, or is an employee, owner, or operator of a cannabis-related legitimate business or service provider;

(ii) the account holder later becomes an employee, owner, or operator of a cannabis-related legitimate business or service provider; or

AMERICAN OVERSIGHT

(iii) the depository institution was not aware that the account holder is an employee, owner, or operator of a cannabis-related legitimate business or service provider;

(D) take any adverse or corrective supervisory action on a loan made to—

(i) a cannabis-related legitimate business or service provider, solely because the business is a cannabis-related legitimate business or service provider;

(ii) an employee, owner, or operator of a cannabis-related legitimate business or service provider, solely because the employee, owner, or operator is employed by, owns, or operates a cannabis-related legitimate business or service provider, as applicable; or

(iii) an owner or operator of real estate or equipment that is leased to a cannabis-related legitimate business or service provider, solely because the owner or operator of the real estate or equipment leased the equipment or

AMERICAN OVERSIGHT

real estate to a cannabis-related legitimate business or service provider, as applicable; or

(E) prohibit or penalize a depository institution (or entity performing a financial service for or in association with a depository institution) for, or otherwise discourage a depository institution (or entity performing a financial service for or in association with a depository institution) from, engaging in a financial service for a cannabis-related legitimate business or service provider.

(2) SAFE HARBOR APPLICABLE TO DE NOVO INSTITUTIONS.—Paragraph (1) shall apply to an institution applying for a depository institution charter to the same extent as such subsection applies to a depository institution.

(c) PROTECTIONS FOR ANCILLARY BUSINESSES.—For the purposes of sections 1956 and 1957 of title 18, United States Code, and all other provisions of Federal law, the proceeds from a transaction involving activities of a cannabis-related legitimate business or service provider shall not be considered proceeds from an unlawful activity solely because—

AMERICAN OVERSIGHT

(1) the transaction involves proceeds from a cannabis-related legitimate business or service provider; or

(2) the transaction involves proceeds from—

(A) cannabis-related activities described in subsection (n)(4)(B) conducted by a cannabis-related legitimate business; or

(B) activities described in subsection (n)(13)(A) conducted by a service provider.

(d) PROTECTIONS UNDER FEDERAL LAW.—

(1) IN GENERAL.—With respect to providing a financial service to a cannabis-related legitimate business or service provider within a State, political subdivision of a State, or Indian country that allows the cultivation, production, manufacture, sale, transportation, display, dispensing, distribution, or purchase of cannabis pursuant to a law or regulation of such State, political subdivision, or Indian Tribe that has jurisdiction over the Indian country, as applicable, a depository institution, entity performing a financial service for or in association with a depository institution, or insurer that provides a financial service to a cannabis-related legitimate business or service provider, and the officers, directors, and employees of that depository institution, entity, or in-

AMERICAN OVERSIGHT

surer may not be held liable pursuant to any Federal law or regulation—

(A) solely for providing such a financial service; or

(B) for further investing any income derived from such a financial service.

(2) PROTECTIONS FOR FEDERAL RESERVE BANKS AND FEDERAL HOME LOAN BANKS.—With respect to providing a service to a depository institution that provides a financial service to a cannabis-related legitimate business or service provider (where such financial service is provided within a State, political subdivision of a State, or Indian country that allows the cultivation, production, manufacture, sale, transportation, display, dispensing, distribution, or purchase of cannabis pursuant to a law or regulation of such State, political subdivision, or Indian Tribe that has jurisdiction over the Indian country, as applicable), a Federal reserve bank or Federal Home Loan Bank, and the officers, directors, and employees of the Federal reserve bank or Federal Home Loan Bank, may not be held liable pursuant to any Federal law or regulation—

(A) solely for providing such a service; or

AMERICAN OVERSIGHT

(B) for further investing any income derived from such a service.

(3) PROTECTIONS FOR INSURERS.—With respect to engaging in the business of insurance within a State, political subdivision of a State, or Indian country that allows the cultivation, production, manufacture, sale, transportation, display, dispensing, distribution, or purchase of cannabis pursuant to a law or regulation of such State, political subdivision, or Indian Tribe that has jurisdiction over the Indian country, as applicable, an insurer that engages in the business of insurance with a cannabis-related legitimate business or service provider or who otherwise engages with a person in a transaction permissible under State law related to cannabis, and the officers, directors, and employees of that insurer may not be held liable pursuant to any Federal law or regulation—

(A) solely for engaging in the business of insurance; or

(B) for further investing any income derived from the business of insurance.

(4) FORFEITURE.—

(A) DEPOSITORY INSTITUTIONS.—A depository institution that has a legal interest in the

AMERICAN OVERSIGHT

collateral for a loan or another financial service provided to an owner, employee, or operator of a cannabis-related legitimate business or service provider, or to an owner or operator of real estate or equipment that is leased or sold to a cannabis-related legitimate business or service provider, shall not be subject to criminal, civil, or administrative forfeiture of that legal interest pursuant to any Federal law for providing such loan or other financial service.

(B) FEDERAL RESERVE BANKS AND FEDERAL HOME LOAN BANKS.—A Federal reserve bank or Federal Home Loan Bank that has a legal interest in the collateral for a loan or another financial service provided to a depository institution that provides a financial service to a cannabis-related legitimate business or service provider, or to an owner or operator of real estate or equipment that is leased or sold to a cannabis-related legitimate business or service provider, shall not be subject to criminal, civil, or administrative forfeiture of that legal interest pursuant to any Federal law for providing such loan or other financial service.

(e) RULES OF CONSTRUCTION.—

(1) NO REQUIREMENT TO PROVIDE FINANCIAL SERVICES.—Nothing in this section shall require a depository institution, entity performing a financial service for or in association with a depository institution, or insurer to provide financial services to a cannabis-related legitimate business, service provider, or any other business.

(2) GENERAL EXAMINATION, SUPERVISORY, AND ENFORCEMENT AUTHORITY.—Nothing in this section may be construed in any way as limiting or otherwise restricting the general examination, supervisory, and enforcement authority of the Federal banking regulators, provided that the basis for any supervisory or enforcement action is not the provision of financial services to a cannabis-related legitimate business or service provider.

(f) REQUIREMENTS FOR FILING SUSPICIOUS ACTIVITY REPORTS.—Section 5318(g) of title 31, United States Code, is amended by adding at the end the following:

''(5) REQUIREMENTS FOR CANNABIS-RELATED LEGITIMATE BUSINESSES.—

''(A) IN GENERAL.—With respect to a financial institution or any director, officer, employee, or agent of a financial institution that reports a suspicious transaction pursuant to

AMERICAN OVERSIGHT

this subsection, if the reason for the report relates to a cannabis-related legitimate business or service provider, the report shall comply with appropriate guidance issued by the Financial Crimes Enforcement Network. The Secretary shall ensure that the guidance is consistent with the purpose and intent of the SAFE Banking Act of 2020 and does not significantly inhibit the provision of financial services to a cannabis-related legitimate business or service provider in a State, political subdivision of a State, or Indian country that has allowed the cultivation, production, manufacture, transportation, display, dispensing, distribution, sale, or purchase of cannabis pursuant to law or regulation of such State, political subdivision, or Indian Tribe that has jurisdiction over the Indian country.

''(B) DEFINITIONS.—For purposes of this paragraph:

''(i) CANNABIS.—The term 'cannabis' has the meaning given the term 'marihuana' in section 102 of the Controlled Substances Act (21 U.S.C. 802).

AMERICAN OVERSIGHT

"(ii) CANNABIS-RELATED LEGITIMATE BUSINESS.—The term 'cannabis-related legitimate business' has the meaning given that term in subsection (n) of the SAFE Banking Act of 2020.

"(iii) INDIAN COUNTRY.—The term 'Indian country' has the meaning given that term in section 1151 of title 18.

"(iv) INDIAN TRIBE.—The term 'Indian Tribe' has the meaning given that term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

"(v) FINANCIAL SERVICE.—The term 'financial service' has the meaning given that term in subsection (n) of the SAFE Banking Act of 2020.

"(vi) SERVICE PROVIDER.—The term 'service provider' has the meaning given that term in subsection (n) of the SAFE Banking Act of 2020.

"(vii) STATE.—The term 'State' means each of the several States, the District of Columbia, Puerto Rico, and any

AMERICAN OVERSIGHT

territory or possession of the United States.''.

(g) GUIDANCE AND EXAMINATION PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Financial Institutions Examination Council shall develop uniform guidance and examination procedures for depository institutions that provide financial services to cannabis-related legitimate businesses and service providers.

(h) ANNUAL DIVERSITY AND INCLUSION REPORT.—The Federal banking regulators shall issue an annual report to Congress containing—

(1) information and data on the availability of access to financial services for minority-owned and women-owned cannabis-related legitimate businesses; and

(2) any regulatory or legislative recommendations for expanding access to financial services for minority-owned and women-owned cannabis-related legitimate businesses.

(i) GAO STUDY ON DIVERSITY AND INCLUSION.—

(1) STUDY.—The Comptroller General of the United States shall carry out a study on the barriers to marketplace entry, including in the licensing process, and the access to financial services for potential

AMERICAN OVERSIGHT

and existing minority-owned and women-owned cannabis-related legitimate businesses.

(2) REPORT.—The Comptroller General shall issue a report to the Congress—

(A) containing all findings and determinations made in carrying out the study required under paragraph (1); and

(B) containing any regulatory or legislative recommendations for removing barriers to marketplace entry, including in the licensing process, and expanding access to financial services for potential and existing minority-owned and women-owned cannabis-related legitimate businesses.

(j) GAO STUDY ON EFFECTIVENESS OF CERTAIN REPORTS ON FINDING CERTAIN PERSONS.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall carry out a study on the effectiveness of reports on suspicious transactions filed pursuant to section 5318(g) of title 31, United States Code, at finding individuals or organizations suspected or known to be engaged with transnational criminal organizations and whether any such engagement exists in a State, political subdivision, or Indian Tribe that has jurisdiction over Indian country that allows the cul-

AMERICAN OVERSIGHT

tivation, production, manufacture, sale, transportation, display, dispensing, distribution, or purchase of cannabis. The study shall examine reports on suspicious transactions as follows:

(1) During the period of 2014 until the date of the enactment of this Act, reports relating to marijuana-related businesses.

(2) During the 1-year period after date of the enactment of this Act, reports relating to cannabis-related legitimate businesses.

(k) BANKING SERVICES FOR HEMP BUSINESSES.—

(1) FINDINGS.—The Congress finds that—

(A) the Agriculture Improvement Act of 2018 (Public Law 115–334) legalized hemp by removing it from the definition of ''marihuana'' under the Controlled Substances Act;

(B) despite the legalization of hemp, some hemp businesses (including producers, manufacturers, and retailers) continue to have difficulty gaining access to banking products and services; and

(C) businesses involved in the sale of hemp-derived cannabidiol (''CBD'') products are particularly affected, due to confusion about their legal status.

AMERICAN OVERSIGHT

(2) FEDERAL BANKING REGULATOR HEMP BANKING GUIDANCE.—Not later than the end of the 90-day period beginning on the date of enactment of this Act, the Federal banking regulators shall jointly issue guidance to financial institutions—

(A) confirming the legality of hemp, hemp-derived CBD products, and other hemp-derived cannabinoid products, and the legality of engaging in financial services with businesses selling hemp, hemp-derived CBD products, and other hemp-derived cannabinoid products, after the enactment of the Agriculture Improvement Act of 2018; and

(B) to provide recommended best practices for financial institutions to follow when providing financial services and merchant processing services to businesses involved in the sale of hemp, hemp-derived CBD products, and other hemp-derived cannabinoid products.

(3) FINANCIAL INSTITUTION DEFINED.—In this section, the term ''financial institution'' means any person providing financial services.

(l) APPLICATION OF SAFE HARBORS TO HEMP AND CBD PRODUCTS.—

AMERICAN OVERSIGHT

(1) IN GENERAL.—Except as provided under paragraph (2), the provisions of this section (other than subsections (f) and (j)) shall apply to hemp (including hemp-derived cannabidiol and other hemp-derived cannabinoid products) in the same manner as such provisions apply to cannabis.

(2) RULE OF APPLICATION.—In applying the provisions of this section described under paragraph (1) to hemp, the definition of ''cannabis-related legitimate business'' shall be treated as excluding any requirement to engage in activity pursuant to the law of a State or political subdivision thereof.

(3) HEMP DEFINED.—In this subsection, the term ''hemp'' has the meaning given that term under section 297A of the Agricultural Marketing Act of 1946 (7 U.S.C. 1639o).

(m) REQUIREMENTS FOR DEPOSIT ACCOUNT TERMINATION REQUESTS AND ORDERS.—

(1) TERMINATION REQUESTS OR ORDERS MUST BE VALID.—

(A) IN GENERAL.—An appropriate Federal banking agency may not formally or informally request or order a depository institution to terminate a specific customer account or group of customer accounts or to otherwise restrict or

AMERICAN OVERSIGHT

discourage a depository institution from entering into or maintaining a banking relationship with a specific customer or group of customers unless—

(i) the agency has a valid reason for such request or order; and

(ii) such reason is not based solely on reputation risk.

(B) TREATMENT OF NATIONAL SECURITY THREATS.—If an appropriate Federal banking agency believes a specific customer or group of customers is, or is acting as a conduit for, an entity which—

(i) poses a threat to national security;

(ii) is involved in terrorist financing;

(iii) is an agency of the Government of Iran, North Korea, Syria, or any country listed from time to time on the State Sponsors of Terrorism list;

(iv) is located in, or is subject to the jurisdiction of, any country specified in clause (iii); or

(v) does business with any entity described in clause (iii) or (iv), unless the appropriate Federal banking agency deter-

AMERICAN OVERSIGHT

mines that the customer or group of customers has used due diligence to avoid doing business with any entity described in clause (iii) or (iv),

such belief shall satisfy the requirement under subparagraph (A).

(2) NOTICE REQUIREMENT.—

(A) IN GENERAL.—If an appropriate Federal banking agency formally or informally requests or orders a depository institution to terminate a specific customer account or a group of customer accounts, the agency shall—

(i) provide such request or order to the institution in writing; and

(ii) accompany such request or order with a written justification for why such termination is needed, including any specific laws or regulations the agency believes are being violated by the customer or group of customers, if any.

(B) JUSTIFICATION REQUIREMENT.—A justification described under subparagraph (A)(ii) may not be based solely on the reputation risk to the depository institution.

(3) CUSTOMER NOTICE.—

AMERICAN OVERSIGHT

(A) NOTICE REQUIRED.—Except as provided under subparagraph (B) or as otherwise prohibited from being disclosed by law, if an appropriate Federal banking agency orders a depository institution to terminate a specific customer account or a group of customer accounts, the depository institution shall inform the specific customer or group of customers of the justification for the customer's account termination described under paragraph (2).

(B) NOTICE PROHIBITED.—

(i) NOTICE PROHIBITED IN CASES OF NATIONAL SECURITY.—If an appropriate Federal banking agency requests or orders a depository institution to terminate a specific customer account or a group of customer accounts based on a belief that the customer or customers pose a threat to national security, or are otherwise described under subsection (a)(2), neither the depository institution nor the appropriate Federal banking agency may inform the customer or customers of the justification for the customer's account termination.

AMERICAN OVERSIGHT

(ii) NOTICE PROHIBITED IN OTHER CASES.—If an appropriate Federal banking agency determines that the notice required under subparagraph (A) may interfere with an authorized criminal investigation, neither the depository institution nor the appropriate Federal banking agency may inform the specific customer or group of customers of the justification for the customer's account termination.

(4) REPORTING REQUIREMENT.—Each appropriate Federal banking agency shall issue an annual report to the Congress stating—

(A) the aggregate number of specific customer accounts that the agency requested or ordered a depository institution to terminate during the previous year; and

(B) the legal authority on which the agency relied in making such requests and orders and the frequency on which the agency relied on each such authority.

(5) DEFINITIONS.—For purposes of this subsection:

AMERICAN OVERSIGHT

(A) APPROPRIATE FEDERAL BANKING AGENCY.—The term ''appropriate Federal banking agency'' means—

(i) the appropriate Federal banking agency, as defined under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

(ii) the National Credit Union Administration, in the case of an insured credit union.

(B) DEPOSITORY INSTITUTION.—The term ''depository institution'' means—

(i) a depository institution, as defined under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

(ii) an insured credit union.

(n) DEFINITIONS.—In this Act:

(1) BUSINESS OF INSURANCE.—The term ''business of insurance'' has the meaning given such term in section 1002 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5481).

(2) CANNABIS.—The term ''cannabis'' has the meaning given the term ''marihuana'' in section 102 of the Controlled Substances Act (21 U.S.C. 802).

AMERICAN OVERSIGHT

(3) CANNABIS PRODUCT.—The term ''cannabis product'' means any article which contains cannabis, including an article which is a concentrate, an edible, a tincture, a cannabis-infused product, or a topical.

(4) CANNABIS-RELATED LEGITIMATE BUSINESS.—The term ''cannabis-related legitimate business'' means a manufacturer, producer, or any person or company that—

(A) engages in any activity described in subparagraph (B) pursuant to a law established by a State or a political subdivision of a State, as determined by such State or political subdivision; and

(B) participates in any business or organized activity that involves handling cannabis or cannabis products, including cultivating, producing, manufacturing, selling, transporting, displaying, dispensing, distributing, or purchasing cannabis or cannabis products.

(5) DEPOSITORY INSTITUTION.—The term ''depository institution'' means—

(A) a depository institution as defined in section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c));

AMERICAN OVERSIGHT

(B) a Federal credit union as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752); or

(C) a State credit union as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

(6) FEDERAL BANKING REGULATOR.—The term ''Federal banking regulator'' means each of the Board of Governors of the Federal Reserve System, the Bureau of Consumer Financial Protection, the Federal Deposit Insurance Corporation, the Federal Housing Finance Agency, the Financial Crimes Enforcement Network, the Office of Foreign Asset Control, the Office of the Comptroller of the Currency, the National Credit Union Administration, the Department of the Treasury, or any Federal agency or department that regulates banking or financial services, as determined by the Secretary of the Treasury.

(7) FINANCIAL SERVICE.—The term ''financial service''—

(A) means a financial product or service, as defined in section 1002 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5481);

AMERICAN OVERSIGHT

(B) includes the business of insurance;

(C) includes, whether performed directly or indirectly, the authorizing, processing, clearing, settling, billing, transferring for deposit, transmitting, delivering, instructing to be delivered, reconciling, collecting, or otherwise effectuating or facilitating of payments or funds, where such payments or funds are made or transferred by any means, including by the use of credit cards, debit cards, other payment cards, or other access devices, accounts, original or substitute checks, or electronic funds transfers;

(D) includes acting as a money transmitting business which directly or indirectly makes use of a depository institution in connection with effectuating or facilitating a payment for a cannabis-related legitimate business or service provider in compliance with section 5330 of title 31, United States Code, and any applicable State law; and

(E) includes acting as an armored car service for processing and depositing with a depository institution or a Federal reserve bank with respect to any monetary instruments (as

AMERICAN OVERSIGHT

defined under section 1956(c)(5) of title 18, United States Code.

(8) INDIAN COUNTRY.—The term ''Indian country'' has the meaning given that term in section 1151 of title 18.

(9) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given that term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(10) INSURER.—The term ''insurer'' has the meaning given that term under section 313(r) of title 31, United States Code.

(11) MANUFACTURER.—The term ''manufacturer'' means a person who manufactures, compounds, converts, processes, prepares, or packages cannabis or cannabis products.

(12) PRODUCER.—The term ''producer'' means a person who plants, cultivates, harvests, or in any way facilitates the natural growth of cannabis.

(13) SERVICE PROVIDER.—The term ''service provider''—

(A) means a business, organization, or other person that—

(i) sells goods or services to a cannabis-related legitimate business; or

AMERICAN OVERSIGHT

(ii) provides any business services, including the sale or lease of real or any other property, legal or other licensed services, or any other ancillary service, relating to cannabis; and

(B) does not include a business, organization, or other person that participates in any business or organized activity that involves handling cannabis or cannabis products, including cultivating, producing, manufacturing, selling, transporting, displaying, dispensing, distributing, or purchasing cannabis or cannabis products.

(14) STATE.—The term ''State'' means each of the several States, the District of Columbia, Puerto Rico, and any territory or possession of the United States.

(o) DISCRETIONARY SURPLUS FUNDS.—Section 7(a)(3)(A) of the Federal Reserve Act (12 U.S.C. 289(a)(3)(A)) is amended by striking ''$6,825,000,000'' and inserting ''$6,821,000,000''.

AMERICAN OVERSIGHT

TITLE VII—EMPOWERING COMMUNITY FINANCIAL INSTITUTIONS

SEC. 110701. COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND.

(a) IN GENERAL.—There is authorized to be appropriated to the Community Development Financial Institutions Fund, out of amounts in the general fund not otherwise appropriated, $2,000,000,000 for fiscal year 2020, for providing financial assistance and technical assistance under subparagraphs (A) and (B) of section 108(a)(1) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4707(a)(1)), except that subsections (d) and (e) of such section 108 shall not apply to the provision of such assistance, for the Bank Enterprise Award program, and for financial assistance, technical assistance, training, and outreach programs designed to benefit Native American, Native Hawaiian, and Alaska Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, Tribes and Tribal organizations, and other suitable providers. Of the amount appropriated pursuant to this heading, not less than $800,000,000 shall be for providing financial assistance, technical assistance, awards, training,

AMERICAN OVERSIGHT

and outreach programs described above to recipients that are minority lending institutions.

(b) DEFINITIONS.—For purposes of this section:

(1) MINORITY LENDING INSTITUTION.—The term ''minority lending institution'' means any depository institution, loan fund, or other financial institution that—

(A) if a privately-owned institution, 51 percent is owned by one or more socially and economically disadvantaged individuals;

(B) if publicly-owned, 51 percent of the stock is owned by one or more socially and economically disadvantaged individuals; and

(C) in the case of a mutual institution, where the majority of the Board of Directors, account holders, and the community which it services is predominantly minority.

(2) MINORITY.—The term ''minority'' means any black American, Native American, Hispanic American, or Asian American.

SEC. 110702. ENSURING DIVERSITY IN COMMUNITY BANKING.

(a) SHORT TITLE.—This section may be cited as the ''Ensuring Diversity in Community Banking Act of 2020''.

AMERICAN OVERSIGHT

(b) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—In this section, the term ''community development financial institution'' has the meaning given under section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702).

(c) MINORITY DEPOSITORY INSTITUTION.—In this section, the term ''minority depository institution'' has the meaning given under section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note), as amended by this section.

(d) INCLUSION OF WOMEN'S BANKS IN THE DEFINITION OF MINORITY DEPOSITORY INSTITUTION.—Section 308(b)(1) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(2) by striking ''means any'' and inserting the following: ''means—

''(A) any''; and

(3) in clause (iii) (as so redesignated), by striking the period at the end and inserting ''; or''; and

(4) by inserting at the end the following new subparagraph:

AMERICAN OVERSIGHT

"(B) any bank described in clause (i), (ii), or (iii) of section 19(b)(1)(A) of the Federal Reserve Act—

"(i) more than 50 percent of the outstanding shares of which are held by 1 or more women; and

"(ii) the majority of the directors on the board of directors of which are women.".

(e) ESTABLISHMENT OF IMPACT BANK DESIGNATION.—

(1) IN GENERAL.—Each appropriate Federal banking agency shall establish a program under which a depository institution with total consolidated assets of less than $10,000,000,000 may elect to be designated as an impact bank if the total dollar value of the loans extended by such depository institution to low-income borrowers is greater than or equal to 50 percent of the assets of such bank.

(2) DESIGNATION.—Based on data obtained through examinations, an appropriate Federal banking agency shall submit a notification to a depository institution stating that the depository institution qualifies for designation as an impact bank.

AMERICAN OVERSIGHT

(3) APPLICATION.—A depository institution that does not receive a notification described in paragraph (2) may submit an application to the appropriate Federal banking agency demonstrating that the depository institution qualifies for designation as an impact bank.

(4) ADDITIONAL DATA OR OVERSIGHT.—A depository institution is not required to submit additional data to an appropriate Federal banking agency or be subject to additional oversight from such an agency if such data or oversight is related specifically and solely for consideration for a designation as an impact bank.

(5) REMOVAL OF DESIGNATION.—If an appropriate Federal banking agency determines that a depository institution designated as an impact bank no longer meets the criteria for such designation, the appropriate Federal banking agency shall rescind the designation and notify the depository institution of such rescission.

(6) RECONSIDERATION OF DESIGNATION; APPEALS.—A depository institution may—

(A) submit to the appropriate Federal banking agency a request to reconsider a deter-

AMERICAN OVERSIGHT

mination that such depository institution no longer meets the criteria for the designation; or

(B) file an appeal in accordance with procedures established by the appropriate Federal banking agency.

(7) RULEMAKING.—Not later than 1 year after the date of the enactment of this Act, the appropriate Federal banking agencies shall jointly issue rules to carry out the requirements of this paragraph, including by providing a definition of a low-income borrower.

(8) REPORTS.—Each appropriate Federal banking agency shall submit an annual report to the Congress containing a description of actions taken to carry out this paragraph.

(9) FEDERAL DEPOSIT INSURANCE ACT DEFINITIONS.—In this subsection, the terms ''depository institution'' and ''appropriate Federal banking agency'' have the meanings given such terms, respectively, in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(f) MINORITY DEPOSITORY INSTITUTIONS ADVISORY COMMITTEES.—

(1) ESTABLISHMENT.—Each covered regulator shall establish an advisory committee to be called the

AMERICAN OVERSIGHT

''Minority Depository Institutions Advisory Committee''.

(2) DUTIES.—Each Minority Depository Institutions Advisory Committee shall provide advice to the respective covered regulator on meeting the goals established by section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note) to preserve the present number of covered minority institutions, preserve the minority character of minority-owned institutions in cases involving mergers or acquisitions, provide technical assistance, and encourage the creation of new covered minority institutions. The scope of the work of each such Minority Depository Institutions Advisory Committee shall include an assessment of the current condition of covered minority institutions, what regulatory changes or other steps the respective agencies may be able to take to fulfill the requirements of such section 308, and other issues of concern to minority depository institutions.

(3) MEMBERSHIP.—

(A) IN GENERAL.—Each Minority Depository Institutions Advisory Committee shall consist of no more than 10 members, who—

(i) shall serve for one two-year term;

AMERICAN OVERSIGHT

(ii) shall serve as a representative of a depository institution or an insured credit union with respect to which the respective covered regulator is the covered regulator of such depository institution or insured credit union; and

(iii) shall not receive pay by reason of their service on the advisory committee, but may receive travel or transportation expenses in accordance with section 5703 of title 5, United States Code.

(B) DIVERSITY.—To the extent practicable, each covered regulator shall ensure that the members of Minority Depository Institutions Advisory Committee of such agency reflect the diversity of depository institutions.

(4) MEETINGS.—

(A) IN GENERAL.—Each Minority Depository Institutions Advisory Committee shall meet not less frequently than twice each year.

(B) INVITATIONS.—Each Minority Depository Institutions Advisory Committee shall invite the attendance at each meeting of the Minority Depository Institutions Advisory Committee of—

AMERICAN OVERSIGHT

(i) one member of the majority party and one member of the minority party of the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(ii) one member of the majority party and one member of the minority party of any relevant subcommittees of such committees.

(5) NO TERMINATION OF ADVISORY COMMITTEES.—The termination requirements under section 14 of the Federal Advisory Committee Act (5 U.S.C. app.) shall not apply to a Minority Depository Institutions Advisory Committee established pursuant to this section.

(6) DEFINITIONS.—In this paragraph:

(A) COVERED REGULATOR.—The term ''covered regulator'' means the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the National Credit Union Administration.

(B) COVERED MINORITY INSTITUTION.—The term ''covered minority institution'' means

AMERICAN OVERSIGHT

a minority depository institution (as defined in section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note)) or a minority credit union (as defined in section 1204(c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended by this Act).

(C) DEPOSITORY INSTITUTION.—The term ''depository institution'' has the meaning given under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(D) INSURED CREDIT UNION.—The term ''insured credit union'' has the meaning given in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

(7) TECHNICAL AMENDMENT.—Section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note) is amended by adding at the end the following new paragraph:

''(3) DEPOSITORY INSTITUTION.—The term 'depository institution' means an 'insured depository institution' (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and an in-

AMERICAN OVERSIGHT

sured credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).''.

(g) FEDERAL DEPOSITS IN MINORITY DEPOSITORY INSTITUTIONS.—

(1) IN GENERAL.—Section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note) is amended—

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

''(d) FEDERAL DEPOSITS.—The Secretary of the Treasury shall ensure that deposits made by Federal agencies in minority depository institutions and impact banks are collateralized or insured, as determined by the Secretary. Such deposits shall include reciprocal deposits, as defined under section 29(i)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1831f(i)(2)).''; and

(B) in subsection (b), as amended by section 6(g), by adding at the end the following new paragraph:

''(4) IMPACT BANK.—The term 'impact bank' means a depository institution designated by an appropriate Federal banking agency pursuant to subsection (e) of the Ensuring Diversity in Community Banking Act of 2020.''.

AMERICAN OVERSIGHT

(2) TECHNICAL AMENDMENTS.—Section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note) is amended—

(A) in the matter preceding paragraph (1), by striking ''section—'' and inserting ''section:''; and

(B) in the paragraph heading for paragraph (1), by striking ''FINANCIAL'' and inserting ''DEPOSITORY''.

(h) MINORITY BANK DEPOSIT PROGRAM.—

(1) IN GENERAL.—Section 1204 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note) is amended to read as follows:

''SEC. 1204. EXPANSION OF USE OF MINORITY BANKS AND MINORITY CREDIT UNIONS.

''(a) MINORITY BANK DEPOSIT PROGRAM.—

''(1) ESTABLISHMENT.—There is established a program to be known as the 'Minority Bank Deposit Program' to expand the use of minority banks and minority credit unions.

''(2) ADMINISTRATION.—The Secretary of the Treasury, acting through the Fiscal Service, shall—

AMERICAN OVERSIGHT

"(A) on application by a depository institution or credit union, certify whether such depository institution or credit union is a minority bank or minority credit union;

"(B) maintain and publish a list of all depository institutions and credit unions that have been certified pursuant to subparagraph (A); and

"(C) periodically distribute the list described in subparagraph (B) to—

"(i) all Federal departments and agencies;

"(ii) interested State and local governments; and

"(iii) interested private sector companies.

"(3) INCLUSION OF CERTAIN ENTITIES ON LIST.—A depository institution or credit union that, on the date of the enactment of this section, has a current certification from the Secretary of the Treasury stating that such depository institution or credit union is a minority bank or minority credit union shall be included on the list described under paragraph (2)(B).

AMERICAN OVERSIGHT

''(b) EXPANDED USE AMONG FEDERAL DEPARTMENTS AND AGENCIES.—

''(1) IN GENERAL.—Not later than 1 year after the establishment of the program described in subsection (a), the head of each Federal department or agency shall develop and implement standards and procedures to ensure, to the maximum extent possible as permitted by law and consistent with principles of sound financial management, the use of minority banks and minority credit unions to hold the deposits of each such department or agency.

''(2) REPORT TO CONGRESS.—Not later than 2 years after the establishment of the program described in subsection (a), and annually thereafter, the head of each Federal department or agency shall submit to Congress a report on the actions taken to increase the use of minority banks and minority credit unions hold the deposits of each such department or agency.

''(c) DEFINITIONS.—For purposes of this section:

''(1) CREDIT UNION.—The term 'credit union' has the meaning given the term 'insured credit union' in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

AMERICAN OVERSIGHT

''(2) DEPOSITORY INSTITUTION.—The term 'depository institution' has the meaning given in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

''(3) MINORITY.—The term 'minority' means any Black American, Native American, Hispanic American, or Asian American.

''(4) MINORITY BANK.—The term 'minority bank' means a minority depository institution as defined in section 308 of this Act.

''(5) MINORITY CREDIT UNION.—The term 'minority credit union' means any credit union for which more than 50 percent of the membership (including board members) of such credit union are minority individuals, as determined by the National Credit Union Administration pursuant to section 308 of this Act.''.

(2) CONFORMING AMENDMENTS.—The following provisions are amended by striking ''1204(c)(3)'' and inserting ''1204(c)'':

(A) Section 808(b)(3) of the Community Reinvestment Act of 1977 (12 U.S.C. 2907(b)(3)).

AMERICAN OVERSIGHT

(B) Section 40(g)(1)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(g)(1)(B)).

(C) Section 704B(h)(4) of the Equal Credit Opportunity Act (15 U.S.C. 1691c–2(h)(4)).

(i) DIVERSITY REPORT AND BEST PRACTICES.—

(1) ANNUAL REPORT.—Each covered regulator shall submit to Congress an annual report on diversity including the following:

(A) Data, based on voluntary self-identification, on the racial, ethnic, and gender composition of the examiners of each covered regulator, disaggregated by length of time served as an examiner.

(B) The status of any examiners of covered regulators, based on voluntary self-identification, as a veteran.

(C) Whether any covered regulator, as of the date on which the report required under this section is submitted, has adopted a policy, plan, or strategy to promote racial, ethnic, and gender diversity among examiners of the covered regulator.

(D) Whether any special training is developed and provided for examiners related specifi-

AMERICAN OVERSIGHT

cally to working with banks that serve communities that are predominantly minorities, low income, or rural, and the key focus of such training.

(2) BEST PRACTICES.—Each Office of Minority and Women Inclusion of a covered regulator shall develop, provide to the head of the covered regulator, and make publicly available best practices—

(A) for increasing the diversity of candidates applying for examiner positions, including through outreach efforts to recruit diverse candidate to apply for entry-level examiner positions; and

(B) for retaining and providing fair consideration for promotions within the examiner staff for purposes of achieving diversity among examiners.

(3) COVERED REGULATOR DEFINED.—In this subsection, the term ''covered regulator'' means the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the National Credit Union Administration.

(j) INVESTMENTS IN MINORITY DEPOSITORY INSTITUTIONS AND IMPACT BANKS.—

AMERICAN OVERSIGHT

(1) CONTROL FOR CERTAIN INSTITUTIONS.—Section 7(j)(8)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)(8)(B)) is amended to read as follows:

"(B) 'control' means the power, directly or indirectly—

"(i) to direct the management or policies of an insured depository institution; or

"(ii)(I) with respect to an insured depository institution, of a person to vote 25 per centum or more of any class of voting securities of such institution; or

"(II) with respect to an insured depository institution that is an impact bank (as designated pursuant to subsection (e) of the Ensuring Diversity in Community Banking Act of 2020) or a minority depository institution (as defined in section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989), of an individual to vote 30 percent or more of any class of voting securities of such an impact bank or a minority depository institution.".

(2) RULEMAKING.—The appropriate Federal banking agency (as defined in section 3 of the Fed-

AMERICAN OVERSIGHT

eral Deposit Insurance Act (12 U.S.C. 1813)) shall jointly issue rules for de novo minority depository institutions and de novo impact banks (as designated pursuant to subsection (e)) to allow 3 years to meet the capital requirements otherwise applicable to minority depository institutions and impact banks.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the appropriate Federal banking agencies shall jointly submit to Congress a report on—

(A) the principal causes for the low number of de novo minority depository institutions during the 10-year period preceding the date of the report;

(B) the main challenges to the creation of de novo minority depository institutions and de novo impact banks; and

(C) regulatory and legislative considerations to promote the establishment of de novo minority depository institutions and de novo impact banks.

(k) REPORT ON COVERED MENTOR-PROTEGE PROGRAMS.—

(1) REPORT.—Not later than 6 months after the date of the enactment of this Act and annually

AMERICAN OVERSIGHT

thereafter, the Secretary of the Treasury shall submit to Congress a report on participants in a covered mentor-protege program, including—

(A) an analysis of outcomes of such program;

(B) the number of minority depository institutions that are eligible to participate in such program but do not have large financial institution mentors; and

(C) recommendations for how to match such minority depository institutions with large financial institution mentors.

(2) DEFINITIONS.—In this subsection:

(A) COVERED MENTOR-PROTEGE PROGRAM.—The term ''covered mentor-protege program'' means a mentor-protege program established by the Secretary of the Treasury pursuant to section 45 of the Small Business Act (15 U.S.C. 657r).

(B) LARGE FINANCIAL INSTITUTION.—The term ''large financial institution'' means any entity—

(i) regulated by the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal De-

AMERICAN OVERSIGHT

posit Insurance Corporation, or the National Credit Union Administration; and

(ii) that has total consolidated assets greater than or equal to $50,000,000,000.

(l) CUSTODIAL DEPOSIT PROGRAM FOR COVERED MINORITY DEPOSITORY INSTITUTIONS AND IMPACT BANKS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of the Treasury shall issue rules establishing a custodial deposit program under which a covered bank may receive deposits from a qualifying account.

(2) REQUIREMENTS.—In issuing rules under paragraph (1), the Secretary of the Treasury shall—

(A) ensure each covered bank participating in the program established under this subsection—

(i) has appropriate policies relating to management of assets, including measures to ensure the safety and soundness of each such covered bank; and

(ii) is compliant with applicable law; and

(B) ensure, to the extent practicable that the rules do not conflict with goals described in

AMERICAN OVERSIGHT

section 308(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note).

(3) REPORT.—Each quarter, the Secretary of the Treasury shall submit to Congress a report on the implementation of the program established under this subsection including information identifying participating covered banks and the total amount of deposits received by covered banks under the program.

(4) DEFINITIONS.—In this subsection:

(A) COVERED BANK.—The term ''covered bank'' means—

(i) a minority depository institution that is well capitalized, as defined by the Federal Deposit Insurance Corporation or the National Credit Union Administration, as appropriate; or

(ii) a depository institution designated pursuant to subsection (e) that is well capitalized, as defined by the Federal Deposit Insurance Corporation.

(B) QUALIFYING ACCOUNT.—The term ''qualifying account'' means any account estab-

AMERICAN OVERSIGHT

lished in the Department of the Treasury that—

(i) is controlled by the Secretary; and

(ii) is expected to maintain a balance greater than $200,000,000 for the following 24-month period.

(m) STREAMLINED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION APPLICATIONS AND REPORTING.—

(1) APPLICATION PROCESSES.—Not later than 12 months after the date of the enactment of this Act and with respect to any person having assets under $3,000,000,000 that submits an application for deposit insurance with the Federal Deposit Insurance Corporation that could also become a community development financial institution, the Federal Deposit Insurance Corporation, in consultation with the Administrator of the Community Development Financial Institutions Fund, shall—

(A) develop systems and procedures to record necessary information to allow the Administrator to conduct preliminary analysis for such person to also become a community development financial institution; and

(B) develop procedures to streamline the application and annual certification processes

AMERICAN OVERSIGHT

and to reduce costs for such person to become, and maintain certification as, a community development financial institution.

(2) IMPLEMENTATION REPORT.—Not later than 18 months after the date of the enactment of this Act, the Federal Deposit Insurance Corporation shall submit to Congress a report describing the systems and procedures required under paragraph (1).

(3) ANNUAL REPORT.—

(A) IN GENERAL.—Section 17(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1827(a)(1)) is amended—

(i) in subparagraph (E), by striking ''and'' at the end;

(ii) by redesignating subparagraph (F) as subparagraph (G);

(iii) by inserting after subparagraph (E) the following new subparagraph:

''(F) applicants for deposit insurance that could also become a community development financial institution (as defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994), a minority depository institution (as defined in section 308 of the Financial Institutions Reform, Recovery,

AMERICAN OVERSIGHT

and Enforcement Act of 1989), or an impact bank (as designated pursuant to subsection (e) of the Ensuring Diversity in Community Banking Act of 2020); and''.

(B) APPLICATION.—The amendment made by this paragraph shall apply with respect to the first report to be submitted after the date that is 2 years after the date of the enactment of this Act.

(n) TASK FORCE ON LENDING TO SMALL BUSINESS CONCERNS.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Administrator of the Small Business Administration shall establish a task force to examine methods for improving relationships between the Small Business Administration and community development financial institutions, minority depository institutions, and Impact Banks to increase the volume of loans provided by such institutions to small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)).

(2) REPORT TO CONGRESS.—Not later than 18 months after the establishment of the task force described in paragraph (1), the Administrator of the

AMERICAN OVERSIGHT

Small Business Administration shall submit to Congress a report on the findings of such task force.

(o) ASSISTANCE TO MINORITY DEPOSITORY INSTITUTIONS AND IMPACT BANKS.—The Secretary of the Treasury shall establish a program to provide assistance to a minority depository institution or an impact bank (as designated pursuant to subsection (e)) to support growth and development of such minority depository institutions and impact banks, including by providing assistance with obtaining or converting a charter, bylaw amendments, field-of-membership expansion requests, and online training and resources.

TITLE VIII—PROVIDING ASSISTANCE FOR STATE, TERRITORY, TRIBAL, AND LOCAL GOVERNMENTS

SEC. 110801. EMERGENCY RELIEF FOR STATE, TERRITORIAL, TRIBAL, AND LOCAL GOVERNMENTS.

(a) PURCHASE OF COVID–19 RELATED MUNICIPAL ISSUANCES.—Section 14(b) of the Federal Reserve Act (12 U.S.C. 355) is amended by adding at the end the following new paragraph:

"(3) UNUSUAL AND EXIGENT CIRCUMSTANCES.—Under unusual and exigent circumstances, to buy any bills, notes, revenue bonds, and warrants issued by any State, county, district, political subdivision, municipality,

AMERICAN OVERSIGHT

or entity that is a combination of any of the several States, the District of Columbia, or any of the territories and possessions of the United States. In this paragraph, the term 'State' means each of the several States, the District of Columbia, each territory and possession of the United States, and each federally recognized Indian Tribe.''.

(b) FEDERAL RESERVE AUTHORIZATION TO PURCHASE COVID–19 RELATED MUNICIPAL ISSUANCES.—Within 7 days after the date of the enactment of this subsection, the Board of Governors of the Federal Reserve System shall modify the Municipal Liquidity Facility (established on April 9, 2020, pursuant to section 13(3) of the Federal Reserve Act (12 U.S.C. 343(3))) to—

(1) ensure such facility is operational until December 31, 2021;

(2) allow for the purchase of bills, notes, bonds, and warrants with maximum maturity of 10 years from the date of such purchase;

(3) ensure that any purchases made are at an interest rate equal to the discount window primary credit interest rate most recently published on the Federal Reserve Statistical Release on selected interest rates (daily or weekly), commonly referred to as the ''H.15 release'' or the ''Federal funds rate'';

AMERICAN OVERSIGHT

(4) ensure that an eligible issuer does not need to attest to an inability to secure credit elsewhere; and

(5) include in the list of eligible issuers for such purchases—

(A) any of the territories and possessions of the United States;

(B) a political subdivision of a State with a population of more than 50,000 residents; and

(C) an entity that is a combination of any of the several States, the District of Columbia, or any of the territories and possessions of the United States.

SEC. 110802. COMMUNITY DEVELOPMENT BLOCK GRANTS.

(a) FUNDING AND ALLOCATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000,000 for assistance in accordance with this section under the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), which shall remain available until September 30, 2023.

AMERICAN OVERSIGHT

(2) ALLOCATION.—Amounts made available pursuant to paragraph (1) shall be distributed pursuant to section 106 of such Act (42 U.S.C. 5306) to grantees and such allocations shall be made within 30 days after the date of the enactment of this Act.

(b) TIME LIMITATION ON EMERGENCY GRANT PAYMENTS.—Paragraph (4) of section 570.207(b) of the Secretary's regulations (24 C.F.R. 570.207(b)(4)) shall be applied with respect to grants with amounts made available pursuant to subsection (a), by substituting ''121 consecutive months'' for ''3 consecutive months''.

(c) MATCHING OF AMOUNTS USED FOR ADMINISTRATIVE COSTS.—Any requirement for a State to match or supplement amounts expended for program administration of State grants under section 106(d) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(d)) shall not apply with respect to amounts made available pursuant to subsection (a).

(d) CAPER INFORMATION.—During the period that begins on the date of enactment of this Act and ends on the date of the termination by the Federal Emergency Management Agency of the emergency declared on March 13, 2020, by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C.

AMERICAN OVERSIGHT

4121 et seq.) relating to the Coronavirus Disease 2019 (COVID-19) pandemic, the Secretary shall make all information included in Consolidated Annual Performance and Evaluation Reports relating to assistance made available pursuant to this section publicly available on its website on a quarterly basis.

(e) AUTHORITY; WAIVERS.—Any provisions of, and waivers and alternative requirements issued by the Secretary pursuant to, the heading ''Department of Housing and Urban Development—Community Planning and Development —Community Development Fund'' in title XII of division B of the CARES Act (Public Law 116-136) shall apply with respect to amounts made available pursuant to subsection (a) of this section.

TITLE IX—PROVIDING OVERSIGHT AND PROTECTING TAXPAYERS

SEC. 110901. MANDATORY REPORTS TO CONGRESS.

(a) DISCLOSURE OF TRANSACTION REPORTS.—Section 4026(b)(1)(A)(iii) of the CARES Act (Public Law 116–136) is amended—

(1) in subclause (IV)—

(A) by inserting ''and the justification for such exercise of authority'' after ''authority''; and

(B) by striking ''and'' at the end;

AMERICAN OVERSIGHT

(2) in subclause (V), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(VI) the identity of each recipient of a loan or loan guarantee described in subclause (I);

''(VII) the date and amount of each such loan or loan guarantee and the form in which each such loan or loan guarantee was provided;

''(VIII) the material terms of each such loan or loan guarantee, including—

''(aa) duration;

''(bb) collateral pledged and the value thereof;

''(cc) all interest, fees, and other revenue or items of value to be received in exchange for such loan or loan guarantee;

''(dd) any requirements imposed on the recipient with respect to employee compensation, distribution of dividends, or any

AMERICAN OVERSIGHT

other corporate decision in exchange for the assistance; and

''(ee) the expected costs to the Federal Government with respect to such loans or loan guarantees.''.

(b) REPORTS BY THE SECRETARY OF THE TREASURY.—Section 4018 of the CARES Act (Public Law 116–136) is amended by adding at the end the following:

''(k) REPORTS BY THE SECRETARY.—Not later than 7 days after the last day of each month, the Secretary shall submit to the Special Inspector General, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that includes the information specified in subparagraphs (A) through (E) of subsection (c)(1) with respect to the making, purchase, management, and sale of loans, loan guarantees, and other investments made by the Secretary under any program established by the Secretary under this Act.''.

SEC. 110902. DISCRETIONARY REPORTS TO CONGRESS.

Section 4020(b) of the CARES Act (Public Law 116–136) is amended by adding at the end the following:

''(3) DISCRETIONARY REPORTS TO CONGRESS.—In addition to the reports required under

AMERICAN OVERSIGHT

paragraph (2), the Oversight Commission may submit other reports to Congress at such time, in such manner, and containing such information as the Oversight Commission determines appropriate.''.

SEC. 110903. DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.

(a) PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE.—Section 15010(a)(2) of the CARES Act (Public Law 116–136) is amended—

(1) by redesignating subparagraphs (B) through (D) as subparagraphs (D) through (F), respectively; and

(2) by inserting after subparagraph (A) the following:

''(B) the Committee on Banking, Housing, and Urban Affairs of the Senate;

''(C) the Committee on Financial Services of the House of Representatives;''.

(b) OVERSIGHT AND AUDIT AUTHORITY.—Section 19010(a)(1) of the CARES Act (Public Law 116–136) is amended—

(1) by redesignating subparagraphs (B) through (G) as subparagraphs (D) through (I), respectively; and

AMERICAN OVERSIGHT

(2) by inserting after subparagraph (A) the following:

"(B) the Committee on Banking, Housing, and Urban Affairs of the Senate;

"(C) the Committee on Financial Services of the House of Representatives;".

SEC. 110904. REPORTING BY INSPECTORS GENERAL.

(a) DEFINITION OF COVERED AGENCY.—In this section, the term "covered agency" means—

(1) the Department of the Treasury;

(2) the Federal Deposit Insurance Corporation;

(3) the Office of the Comptroller of the Currency;

(4) the Board of Governors of the Federal Reserve System;

(5) the National Credit Union Administration;

(6) the Bureau of Consumer Financial Protection;

(7) the Department of Housing and Urban Development;

(8) the Department of Agriculture, Rural Housing Service;

(9) the Securities and Exchange Commission; and

(10) the Federal Housing Finance Agency.

AMERICAN OVERSIGHT

(b) REPORT.—The Inspector General of each covered agency shall include in each semiannual report submitted by the Inspector General the findings of the Inspector General on the effectiveness of—

(1) rulemaking by the covered agency related to COVID–19; and

(2) supervision and oversight by the covered agency of institutions and entities that participate in COVID–19-related relief, funding, lending, or other programs of the covered agency.

(c) SUBMISSION.—The Inspector General of each covered agency shall submit the information required to be included in each semiannual report under subsection (b) to—

(1) the Special Inspector General for Pandemic Recovery appointed under section 4018 of division A of the CARES Act (Public Law 116–136);

(2) the Pandemic Response Accountability Committee established under section 15010 of division B of the CARES Act (Public Law 116–136); and

(3) the Congressional Oversight Commission established under section 4020 of division A of the CARES Act (Public Law 116–136).

AMERICAN OVERSIGHT

DIVISION L—FAMILIES, WORKERS, AND COMMUNITY SUPPORT PROVISIONS

TITLE I—AMENDMENTS TO EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT AND EMERGENCY PAID SICK LEAVE ACT

Subtitle A—Emergency Family and Medical Leave Expansion Act Amendments

SEC. 120101. REFERENCES.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), as amended by the Emergency Family and Medical Leave Expansion Act (Public Law 116–127).

SEC. 120102. EMPLOYEE ELIGIBILITY AND EMPLOYER CLARIFICATION.

(a) EMPLOYEE ELIGIBILITY.—Section 101(2) is amended by adding at the end the following:

AMERICAN OVERSIGHT

"(F) ALTERNATIVE ELIGIBILITY FOR COVID–19 PUBLIC HEALTH EMERGENCY .—For the period beginning on the date of enactment of the HEROES Act and ending on December 31, 2022—

"(i) subparagraph (A)(i) shall be applied by substituting '90 days' for '12 months'; and

"(ii) subparagraph (A)(ii) shall not apply.".

(b) EMPLOYER CLARIFICATION.—Section 101(4) is amended by adding at the end the following:

"(C) CLARIFICATION.—Subparagraph (A)(i) shall not apply with respect to a public agency described in subparagraph (A)(iii).".

SEC. 120103. EMERGENCY LEAVE EXTENSION.

Section 102(a)(1)(F) is amended by striking "December 31, 2020" and inserting "December 31, 2021".

SEC. 120104. EMERGENCY LEAVE DEFINITIONS.

(a) ELIGIBLE EMPLOYEE.—Section 110(a)(1) is amended in subparagraph (A), by striking "sections 101(2)(A) and 101(2)(B)(ii)" and inserting "section 101(2)".

AMERICAN OVERSIGHT

(b) EMPLOYER THRESHOLD.—Section 110(a)(1)(B) is amended by striking ''fewer than 500 employees'' and inserting ''1 or more employees''.

(c) PARENT.—Section 110(a)(1) is amended by adding at the end the following:

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

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

''(ii) A stepparent of the employee.

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

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

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

(d) QUALIFYING NEED RELATED TO A PUBLIC HEALTH EMERGENCY.—Section 110(a)(2)(A) is amended to read as follows:

''(A) QUALIFYING NEED RELATED TO A PUBLIC HEALTH EMERGENCY.—The term 'qualifying need related to a public health emergency', with respect to leave, means that the employee is unable to perform the functions of

AMERICAN OVERSIGHT

the position of such employee due to a need for leave for any of the following:

"(i) To self-isolate because the employee is diagnosed with COVID–19.

"(ii) To obtain a medical diagnosis or care if such employee is experiencing the symptoms of COVID–19.

"(iii) To comply with a recommendation or order by a public official with jurisdiction or a health care provider to self isolate, without regard to whether such recommendation or order is specific to the employee, on the basis that the physical presence of the employee on the job would jeopardize the employee's health, the health of other employees, or the health of an individual in the household of the employee because of—

"(I) the possible exposure of the employee to COVID–19; or

"(II) exhibition of symptoms of COVID–19 by the employee.

"(iv) To care for or assist a family member of the employee, without regard to whether another individual other than the

AMERICAN OVERSIGHT

employee is available to care for or assist such family member, because—

"(I) such family member—

"(aa) is self-isolating because such family member has been diagnosed with COVID–19; or

"(bb) is experiencing symptoms of COVID–19 and needs to obtain medical diagnosis or care; or

"(II) a public official with jurisdiction or a health care provider makes a recommendation or order with respect to such family member, without regard to whether such determination is specific to such family member, that the presence of the family member in the community would jeopardize the health of other individuals in the community because of—

"(aa) the possible exposure of such family member to COVID–19; or

AMERICAN OVERSIGHT

"(bb) exhibition of symptoms of COVID–19 by such family member.

"(v) To care for the son or daughter of such employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to COVID–19.

"(vi) To care for a family member who is incapable of self-care because of a mental or physical disability or is a senior citizen, without regard to whether another individual other than the employee is available to care for such family member, if the place of care for such family member is closed or the direct care provider is unavailable due to COVID–19.".

(e) FAMILY MEMBER.—Section 110(a)(2) is amended by adding at the end the following:

"(E) FAMILY MEMBER.—The term 'family member', with respect to an employee, means any of the following:

"(i) A parent of the employee.

"(ii) A spouse of the employee.

"(iii) A sibling of the employee.

AMERICAN OVERSIGHT

"(iv) Next of kin of the employee or a person for whom the employee is next of kin.

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

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

"(vii) A domestic partner of the employee.

"(viii) Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

"(F) DOMESTIC PARTNER.—

"(i) IN GENERAL.—The term 'domestic partner', with respect to an individual, means another individual with whom the individual is in a committed relationship.

"(ii) COMMITTED RELATIONSHIP DEFINED.—The term 'committed relationship' means a relationship between 2 individuals, each at least 18 years of age, in which each individual is the other individual's sole domestic partner and both individuals share responsibility for a significant meas-

AMERICAN OVERSIGHT

ure of each other's common welfare. The term includes any such relationship between 2 individuals that is granted legal recognition by a State or political subdivision of a State as a marriage or analogous relationship, including a civil union or domestic partnership.''.

SEC. 120105. REGULATORY AUTHORITIES.

(a) IN GENERAL.—Section 110(a) is amended by striking paragraph (3).

(b) FORCE OR EFFECT OF REGULATIONS.—Any regulation issued under section 110(a)(3), as in effect on the day before the date of the enactment of this Act, shall have no force or effect.

SEC. 120106. PAID LEAVE.

Section 110(b) of the Family and Medical Leave Act of 1993 is amended—

(1) in the heading, by striking ''Relationship to'';

(2) by amending paragraph (1) to read as follows:

''(1) EMPLOYEE ELECTION.—

''(A) IN GENERAL.—An employee may elect to substitute any vacation leave, personal leave, or medical or sick leave for paid leave

AMERICAN OVERSIGHT

under section 102(a)(1)(F) in accordance with section 102(d)(2)(B).

''(B) EMPLOYER REQUIREMENT.—An employer may not require an employee to substitute any leave described in subparagraph (A) for leave under section 102(a)(1)(F).

''(C) RELATIONSHIP TO OTHER FAMILY AND MEDICAL LEAVE.—Leave taken under subparagraph (F) of section 102(a)(1) shall not count towards the 12 weeks of leave to which an employee is entitled under subparagraphs (A) through (E) of such section.

''(D) RELATIONSHIP TO LIMITATION.—Compensation for any vacation leave, personal leave, or medical or sick leave that is substituted for leave under section 102(a)(1)(F) shall not count toward the limitation under paragraph (2)(B)(ii).''; and

(3) in paragraph (2)(A), by striking ''that an employee takes'' and all that follows through ''10 days''.

SEC. 120107. WAGE RATE.

Section 110(b)(2)(B) is amended—

(1) by amending clause (i)(I) to read as follows:

AMERICAN OVERSIGHT

"(I) an amount that is not less than the greater of—

"(aa) the minimum wage rate in effect under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1));

"(bb) the minimum wage rate in effect for such employee in the applicable State or locality, whichever is greater, in which the employee is employed; or

"(cc) two thirds of an employee's regular rate of pay (as determined under section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)); and"; and

(2) in clause (ii), by striking "$10,000" and inserting "$12,000".

SEC. 120108. NOTICE.

Section 110(c) is amended by striking "for the purpose described in subsection (a)(2)(A)".

AMERICAN OVERSIGHT

SEC. 120109. INTERMITTENT LEAVE.

Section 110 is amended by adding at the end the following:

''(e) LEAVE TAKEN INTERMITTENTLY OR ON A REDUCED WORK SCHEDULE.—Leave under section 102(a)(1)(F) may be taken by an employee intermittently or on a reduced work schedule, without regard to whether the employee and the employer of the employee have an agreement with respect to whether such leave may be taken intermittently or on a reduced work schedule.''.

SEC. 120110. CERTIFICATION.

Section 110 is further amended by adding at the end the following:

''(f) CERTIFICATION.—

''(1) IN GENERAL.—If an employer requires that a request for leave under section 102(a)(1)(F) be certified, the employer may require documentation for certification not earlier than 5 weeks after the date on which the employee takes such leave.

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

''(A) With respect to leave taken for the purposes described in clauses (i) through (iv) of subsection (a)(2)(A)—

AMERICAN OVERSIGHT

"(i) a recommendation or order from a public official having jurisdiction or a health care provider that the employee or relevant family member has symptoms of COVID–19 or should self-isolate; or

"(ii) documentation or evidence, including an oral or written statement from an employee, that the employee or relevant family member has been exposed to COVID–19.

"(B) With respect to leave taken for the purposes described in clause (v) or (vi) of subsection (a)(2)(A), notice from the school, place of care, or child care or direct care provider of the son or daughter or other family member of the employee of closure or unavailability.".

SEC. 120111. AUTHORITY OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET TO EXCLUDE CERTAIN EMPLOYEES.

Section 110(a) is amended by striking paragraph (4).

SEC. 120112. TECHNICAL AMENDMENTS.

(a) Section 110(a)(1)(A) is amended by striking "(ii)" before "SPECIAL RULE" and inserting "(iii)".

(b) Section 19008 of the CARES Act is amended—

(1) by striking "—" after "amended";

AMERICAN OVERSIGHT

(2) by striking paragraph (1); and

(3) by striking ''(2)'' before ''by adding at the end''.

SEC. 120113. AMENDMENTS TO THE EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT.

The Emergency Family and Medical Leave Expansion Act (Public Law 116–127) is amended—

(1) in section 3103(b), by striking ''Employees'' and inserting, ''Notwithstanding section 102(a)(1)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)(A)), employees''; and

(2) by striking sections 3104 and 3105.

Subtitle B—Emergency Paid Sick Leave Act Amendments

SEC. 120114. REFERENCES.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of division E of the Families First Coronavirus Response Act (Public Law 116–127).

SEC. 120115. PAID SICK TIME REQUIREMENT.

(a) USES.—Section 5102(a) is amended to read as follows:

AMERICAN OVERSIGHT

''(a) IN GENERAL.—An employer shall provide to each employee employed by the employer paid sick time for any qualifying need related to a public health emergency (as defined in section 110(a)(2)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2620(a)(2)(A)).''.

(b) RECURRENCE.—Section 5102(b) is amended by striking ''An'' and inserting ''During any 12-month period, an''.

(c) EMPLOYERS WITH EXISTING POLICIES.—Section 5102 is amended by striking subsection (f) and inserting the following:

''(f) EMPLOYERS WITH EXISTING POLICIES.—With respect to an employer that provides paid leave on the day before the date of enactment of this Act—

''(1) the paid sick time under this Act shall be made available to employees of the employer in addition to such paid leave; and

''(2) the employer may not change such paid leave on or after such date of enactment to avoid being subject to paragraph (1).''.

(d) INTERMITTENT LEAVE.—Section 5102 is further amended by adding at the end the following:

''(g) LEAVE TAKEN INTERMITTENTLY OR ON A REDUCED WORK SCHEDULE.—Leave under section 5102

AMERICAN OVERSIGHT

may be taken by an employee intermittently or on a reduced work schedule, without regard to whether the employee and the employer of the employee have an agreement with respect to whether such leave may be taken intermittently or on a reduced work schedule.''.

(e) CERTIFICATION.—Section 5102 is further amended by adding at the end the following:

''(h) CERTIFICATION.—If an employer requires that a request for paid sick time under this section be certified—

''(1) the documentation described in paragraph (2) of section 110(f) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2620(f)) shall be sufficient for certification; and

''(2) an employer may not require such certification unless—

''(A) the employee takes not less than 3 consecutive days of paid sick time; and

''(B) the employer requires documents for such certification not earlier than 7 workdays after the employee returns to work after such paid sick time.''.

(f) NOTICE.—Section 5102 is further amended by adding at the end the following:

AMERICAN OVERSIGHT

''(i) NOTICE.—In any case where the necessity for leave under this section is foreseeable, an employee shall provide the employer with such notice of leave as is practicable.''.

(g) LEAVE TRANSFER TO NEW EMPLOYER.—Section 5102 is further amended by adding at the end the following:

''(j) LEAVE TRANSFER TO NEW EMPLOYER.—A covered employee who begins employment with a new covered employer shall be entitled to the full amount of leave under section 5102 with respect to such employer.''.

(h) RESTORATION TO POSITION.—

(1) IN GENERAL.—Section 5102 is further amended by adding at the end the following:

''(k) RESTORATION TO POSITION.—Any covered employee who takes paid sick time under this section, on return from such paid sick time, shall be entitled—

''(1) to be restored by the employer to the position of employment held by the employee when the leave commenced; or

''(2) if such position is not available, to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.''.

AMERICAN OVERSIGHT

(2) ENFORCEMENT.—Section 5105 is amended—

(A) by amending subsection (a) to read as follows:

''(a) UNPAID SICK LEAVE.—Subject to subsection (b), a violation of section 5102 shall be deemed a violation of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) and unpaid amounts shall be treated as unpaid overtime compensation under such section for the purposes of sections 15 and 16 of such Act (29 U.S.C. 215 and 216).''; and

(B) in subsection (b), by inserting ''section 5102(k) or'' before ''section 5104''.

SEC. 120116. SUNSET.

Section 5109 is amended by striking ''December 31, 2020'' and inserting ''December 31, 2021''.

SEC. 120117. DEFINITIONS.

(a) EMPLOYER.—Section 5110(2)(B) is amended—

(1) by striking ''terms'' and inserting ''term'';

(2) by amending subclause (I) of clause (i) to read as follows:

''(I) means any person engaged in commerce or in any industry or activity affecting commerce that employs 1 or more employees;''; and

AMERICAN OVERSIGHT

(3) by amending clause (ii) to read as follows:

''(ii) PUBLIC AGENCY AND NON-PROFIT ORGANIZATIONS.—For purposes of clause (i)(III) and (i)(I), a public agency and a nonprofit organization shall be considered to be a person engaged in commerce or in an industry or activity affecting commerce.''.

(b) FMLA TERMS.—Section 5110(4) is amended to read as follows:

''(4) FMLA TERMS.—

''(A) SECTION 101.—The terms 'health care provider', 'next of kin', 'son or daughter', and 'spouse' have the meanings given such terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

''(B) SECTION 110.—The terms 'child care provider', 'domestic partner', 'family member', 'parent', and 'school' have the meanings given such terms in section 110(a)(2) of the Family and Medical and Leave Act of 1993.''.

(c) PAID SICK TIME.—Section 5110(5) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''reason described in any paragraph of section 2(a)'' and

AMERICAN OVERSIGHT

inserting ''qualifying need related to a public health emergency''; and

(B) in clause (ii), by striking ''exceed'' and all that follows and inserting ''exceed $511 per day and $5,110 in the aggregate.'';

(2) in subparagraph (B)—

(A) by striking the following:

''(B) REQUIRED COMPENSATION.—

''(i) IN GENERAL.—Subject to subparagraph (A)(ii),''; and inserting the following:

''(B) REQUIRED COMPENSATION.—Subject to subparagraph (A)(ii),''; and

(B) by striking clause (ii); and

(3) in subparagraph (C), by striking '' section 2(a)'' and inserting ''section 5102(a)''.

(d) QUALIFYING NEED RELATED TO A PUBLIC HEALTH EMERGENCY.—Section 5110 is amended by adding at the end the following:

''(1) QUALIFYING NEED RELATED TO A PUBLIC HEALTH EMERGENCY.—The term 'qualifying need related to a public health emergency' has the meaning given such term in section 110(a)(2)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2620(a)(2)(A)).''.

AMERICAN OVERSIGHT

SEC. 120118. EMERGENCY PAID SICK LEAVE FOR EMPLOYEES OF THE DEPARTMENT OF VETERANS AFFAIRS AND THE TRANSPORTATION SECURITY ADMINISTRATION FOR PURPOSES RELATING TO COVID–19.

Section 5110(1) is further amended—

(1) in subparagraph (E) by striking ''or'' after ''Code;'';

(2) by redesignating subparagraph (F) as subparagraph (H); and

(3) by inserting after subparagraph (E) the following:

''(F) notwithstanding sections 7421(a) or 7425(b) of title 38, United States Code, or any other provision of law, an employee of the Department of Veterans Affairs (including employees under chapter 74 of such title);

''(G) any employee of the Transportation Security Administration, including an employee under 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note); or''.

SEC. 120119. AUTHORITY OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET TO EXCLUDE CERTAIN EMPLOYEES.

Division E is amended by striking section 5112.

AMERICAN OVERSIGHT

SEC. 120120. REGULATORY AUTHORITIES.

(a) IN GENERAL.—Division E is amended by striking section 5111.

(b) FORCE OR EFFECT OF REGULATIONS.—Any regulation issued under section 5111 of division E of the Families First Coronavirus Response Act (Public Law 116–127), as in effect on the day before the date of the enactment of this Act, shall have no force or effect.

TITLE II—COVID–19 WORKFORCE DEVELOPMENT RESPONSE ACTIVITIES

SEC. 120201. DEFINITIONS AND SPECIAL RULE.

(a) DEFINITIONS.—

(1) IN GENERAL.—Except as otherwise provided, the terms in this title have the meanings given the terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(2) APPRENTICESHIP; APPRENTICESHIP PROGRAM.—The terms ''apprenticeship'' or ''apprenticeship program'' mean an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act'') (50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), including any requirement, standard, or rule promulgated under such Act, as such requirement, standard, or rule was in effect on December 30, 2019.

AMERICAN OVERSIGHT

(3) CORONAVIRUS.—The term ''coronavirus'' means coronavirus as defined in section 506 of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123).

(4) COVID–19 NATIONAL EMERGENCY.—The term ''COVID–19 national emergency'' means the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) on March 13, 2020, with respect to the coronavirus.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(b) SPECIAL RULE.—For purposes of this Act, in fiscal years 2020 and 2021, funds are authorized to be appropriated for activities under the Workforce Innovation and Opportunity Act, except that funds are only authorized to support apprenticeship programs as defined under subsection (a)(2) of this section, including any funds awarded for the purposes of grants, contracts, or cooperative agreements, or the development, implementation, or administration, of an apprenticeship or an apprenticeship program.

AMERICAN OVERSIGHT

SEC. 120202. JOB CORPS RESPONSE TO THE COVID–19 NATIONAL EMERGENCY.

In order to provide for the successful continuity of services and enrollment periods during the COVID–19 national emergency, additional flexibility shall be provided for Job Corps operators, providers of eligible activities, and practitioners, including the following:

(1) ELIGIBILITY.—Notwithstanding the age requirements for enrollment under section 144(a)(1) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3194(a)(1)), an individual seeking to enroll in Job Corps and who turns 25 during the COVID–19 national emergency is eligible for such enrollment.

(2) ENROLLMENT LENGTH.—Notwithstanding section 146(b) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3196(b)), an individual enrolled in Job Corps during the COVID–19 national emergency may extend their period of enrollment for more than 2 years as long as such extension does not exceed a 2-year, continuous period of enrollment after the COVID–19 national emergency.

(3) ADVANCED CAREER TRAINING PROGRAMS.—Notwithstanding paragraph (2), with respect to advanced career training programs under section 148(c) of the Workforce Innovation and Opportunity

AMERICAN OVERSIGHT

Act (29 U.S.C. 3198(c)) in which the enrollees may continue to participate for a period not to exceed 1 year in addition to the period of participation to which the enrollees would otherwise be limited, the COVID–19 national emergency shall not be considered as any portion of such additional 1-year participation period.

(4) COUNSELING, JOB PLACEMENT, AND ASSESSMENT.—The counseling, job placement, and assessment services described in section 149 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3199) shall be available to former enrollees—

(A) whose enrollment was interrupted due to the COVID–19 national emergency;

(B) who graduated from Job Corps on or after January 1, 2020; or

(C) who graduated from Job Corps not later than 3 months after the COVID–19 national emergency.

(5) SUPPORT.—The Secretary shall provide additional support for the transition periods described in section 150 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3200), including the following:

AMERICAN OVERSIGHT

(A) TRANSITION ALLOWANCES.—The Secretary shall provide, subject to the availability of appropriations, for the provision of additional transition allowances as described in subsection (b) of such section 150 (29 U.S.C. 3200) for Job Corps students who graduate during the periods described in subparagraph (B) or (C) of paragraph (4) of this paragraph.

(B) TRANSITION SUPPORT.—The Secretary shall consider the period during the COVID–19 national emergency and the three month period following the conclusion of the COVID–19 national emergency as the period in which the provision of employment services as described in subsection (c) of such section 150 (29 U.S.C. 3200) shall be provided to graduates who have graduated in 2020.

SEC. 120203. NATIVE AMERICAN PROGRAMS RESPONDING TO THE COVID–19 NATIONAL EMERGENCY.

As a result of challenges faced by the COVID–19 national emergency, the Secretary may extend, by 1 fiscal year, the 4-year period for grants, contracts, and cooperative agreements that will be awarded in fiscal year 2021 under subsection (c) of section 166 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3221) for funds

AMERICAN OVERSIGHT

under such grants, contracts, and cooperative agreements to be used to carry out the activities described in subsection (d) of such section through fiscal year 2025.

SEC. 120204. MIGRANT AND SEASONAL FARMWORKER PROGRAM RESPONSE.

(a) COMPETITIVE GRANT AWARDS.—As a result of challenges faced by the COVID–19 national emergency, the Secretary may extend, by 1 fiscal year, the 4-year period for grants and contracts that will be awarded in fiscal year 2021 under subsection (a) of section 167 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3222) for funds under such grants and contracts to be used to carry out the activities described in subsection (d) of such section through fiscal year 2025.

(b) ELIGIBLE MIGRANT AND SEASONAL FARMWORKER.—Notwithstanding the definition of ''eligible seasonal farmworker'' in section 167(i)(3) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3222(i)(3)), an individual seeking to enroll in a program funded under section 167 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3222) during the COVID–19 national emergency is eligible for such enrollment if such individual is a member of a family with a total family income equal to or less than 150 percent of the poverty line.

AMERICAN OVERSIGHT

SEC. 120205. YOUTHBUILD ACTIVITIES RESPONDING TO THE COVID–19 NATIONAL EMERGENCY.

During the COVID–19 national emergency, the Secretary shall provide for flexibility for YouthBuild participants and entities carrying out YouthBuild programs, including the following:

(1) ELIGIBILITY.— Notwithstanding the age requirements for enrollment under section 171(e)(1)(A)(i) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3226(e)(1)(A)(i)), an individual seeking to participate in a YouthBuild program and who turns 25 during the COVID–19 national emergency is eligible for such participation.

(2) PARTICIPATION LENGTH.—Notwithstanding section 171(e)(2) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3226(e)(2)), the period of participation in a YouthBuild program may extend beyond 24 months for an individual participating in such program during the COVID–19 national emergency, as long as such extension does not exceed a 24 month, continuous period of enrollment after the COVID–19 national emergency.

SEC. 120206. APPRENTICESHIP SUPPORT DURING THE COVID–19 NATIONAL EMERGENCY.

Not later than 30 days after the date of enactment of this Act, the Secretary shall identify and disseminate

AMERICAN OVERSIGHT

strategies and tools to support virtual and online learning and training in apprenticeship programs.

TITLE III—COVID–19 EVERY WORKER PROTECTION ACT OF 2020

SEC. 120301. SHORT TITLE.

This title may be cited as the ''COVID–19 Every Worker Protection Act of 2020''.

SEC. 120302. EMERGENCY TEMPORARY AND PERMANENT STANDARDS.

(a) EMERGENCY TEMPORARY STANDARD.—

(1) IN GENERAL.—In consideration of the grave danger presented by COVID–19 and the need to strengthen protections for employees, notwithstanding the provisions of law and the Executive orders listed in paragraph (7), not later than 7 days after the date of enactment of this Act, the Secretary of Labor shall promulgate an emergency temporary standard to protect from occupational exposure to SARS–CoV–2—

(A) employees of health care sector employers;

(B) employees of employers in the paramedic and emergency medical services, includ-

AMERICAN OVERSIGHT

ing such services provided by firefighters and other emergency responders; and

(C) other employees at occupational risk of such exposure.

(2) CONSULTATION.—In developing the standard under this subsection, the Secretary of Labor—

(A) shall consult with—

(i) the Director of the Centers for Disease Control and Prevention;

(ii) the Director of the National Institute for Occupational Safety and Health; and

(B) may consult with the professional associations and representatives of the employees in the occupations and sectors described in subparagraphs (A) through (C) of paragraph (1).

(3) ENFORCEMENT DISCRETION.—If the Secretary of Labor determines it is not feasible for an employer to comply with a requirement of the standard promulgated under this subsection (such as a shortage of the necessary personal protective equipment), the Secretary may exercise discretion in the enforcement of such requirement if the employer demonstrates that the employer—

AMERICAN OVERSIGHT

(A) is exercising due diligence to come into compliance with such requirement; and

(B) is implementing alternative methods and measures to protect employees.

(4) EXTENSION OF STANDARD.—Notwithstanding paragraphs (2) and (3) of section 6(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(c)), the emergency temporary standard promulgated under this subsection shall be in effect until the date on which the final standard promulgated under subsection (b) is in effect.

(5) STATE PLAN ADOPTION.—With respect to a State with a State plan that has been approved by the Secretary of Labor under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667), not later than 14 days after the date of enactment of this Act, such State shall promulgate an emergency temporary standard that is at least as effective in protecting from occupational exposure to SARS–CoV–2 the employees in the occupations and sectors described in subparagraphs (A) through (C) of paragraph (1) as the emergency temporary standard promulgated under this subsection.

(6) EMPLOYER DEFINED.—For purposes of the standard promulgated under this subsection, the

AMERICAN OVERSIGHT

term ''employer'' (as defined in section 3 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 652)) includes any State or political subdivision of a State, except for a State or political subdivision of a State already subject to the jurisdiction of a State plan approved under section 18(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(b)).

(7) INAPPLICABLE PROVISIONS OF LAW AND EXECUTIVE ORDER.—The provisions of law and the Executive orders list in this paragraph are as follows:

(A) The requirements of chapter 6 of title 5, United States Code (commonly referred to as the ''Regulatory Flexibility Act'').

(B) Subchapter I of chapter 35 of title 44, United States Code (commonly referred to as the ''Paperwork Reduction Act'').

(C) The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.).

(D) Executive Order 12866 (58 Fed. Reg. 190; relating to regulatory planning and review), as amended.

AMERICAN OVERSIGHT

(E) Executive Order 13771 (82 Fed. Reg. 9339, relating to reducing regulation and controlling regulatory costs).

(b) PERMANENT STANDARD.—Not later than 24 months after the date of enactment of this Act, the Secretary of Labor shall, pursuant to section 6 of the Occupational Safety and Health Act (29 U.S.C. 655), promulgate a final standard—

(1) to protect employees in the occupations and sectors described in subparagraphs (A) through (C) of subsection (a)(1) from occupational exposure to infectious pathogens, including novel pathogens; and

(2) that shall be effective and enforceable in the same manner and to the same extent as a standard promulgated under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)).

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

(1) a requirement that the employers of the employees in the occupations and sectors described in subparagraphs (A) through (C) of subsection (a)(1)—

(A) develop and implement a comprehensive infectious disease exposure control plan, with the input and involvement of employees or,

AMERICAN OVERSIGHT

where applicable, the representatives of employees, as appropriate, to address the risk of occupational exposure in such sectors and occupations; and

(B) record and report each work-related COVID–19 infection and death, as set forth in part 1904 of title 29, Code of Federal Regulations (as in effect on the date of enactment of this Act);

(2) no less protection for novel pathogens than precautions mandated by standards adopted by a State plan that has been approved by the Secretary of Labor under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667); and

(3) the incorporation, as appropriate, of—

(A) guidelines issued by the Centers for Disease Control and Prevention, the National Institute for Occupational Safety and Health, and the Occupational Safety and Health Administration which are designed to prevent the transmission of infectious agents in health care or other occupational settings; and

(B) relevant scientific research on novel pathogens.

(d) ANTI-RETALIATION.—

AMERICAN OVERSIGHT

(1) POLICY.—Each standard promulgated under this section shall require employers to adopt a policy prohibiting the discrimination and retaliation described in paragraph (2) by any person (including an agent of the employer).

(2) PROHIBITION.—No employer (including an agent of the employer) shall discriminate or retaliate against an employee for—

(A) reporting to the employer, to a local, State, or Federal government agency, or to the media or on a social media platform—

(i) a violation of a standard promulgated pursuant to this Act;

(ii) a violation of an infectious disease exposure control plan described in subsection (c)(1); or

(iii) a good faith concern about a workplace infectious disease hazard;

(B) seeking assistance or intervention from the employer or a local, State, or Federal government agency with respect to such a report;

(C) voluntary use of personal protective equipment with a higher level of protection than is provided by the employer; or

AMERICAN OVERSIGHT

(D) exercising any other right under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(3) ENFORCEMENT.—This subsection shall be enforced in the same manner and to the same extent as any standard promulgated under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)).

SEC. 120303. SURVEILLANCE, TRACKING, AND INVESTIGATION OF WORK-RELATED CASES OF COVID–19.

The Director of the Centers for Disease Control and Prevention, in conjunction with the Director of the National Institute for Occupational Safety and Health, shall—

(1) collect and analyze case reports, including information on the work status, occupation, and industry classification of an individual, and other data on COVID–19, to identify and evaluate the extent, nature, and source of COVID–19 among employees in the occupations and sectors described in subparagraphs (A) through (C) of section 120302(a)(1);

(2) investigate, as appropriate, individual cases of COVID–19 among such employees to evaluate the source of exposure and adequacy of infection and exposure control programs and measures;

AMERICAN OVERSIGHT

(3) provide regular periodic reports on COVID–19 among such employees to the public; and

(4) based on such reports and investigations, make recommendations on needed actions or guidance to protect such employees.

TITLE IV—COMMUNITY AND FAMILY SUPPORT

SEC. 120401. MATCHING FUNDS WAIVER FOR FORMULA GRANTS AND SUBGRANTS UNDER THE FAMILY VIOLENCE PREVENTION AND SERVICES ACT.

(a) WAIVER OF MATCHING FUNDS FOR AWARDED GRANTS AND SUBGRANTS.—The Secretary of Health and Human Services shall waive—

(1) the non-Federal contributions requirement under subsection (c)(4) of section 306 of the Family Violence Prevention and Services Act (42 U.S.C. 10406) with respect to the grants and subgrants awarded in fiscal years 2019 and 2020 to each State (as defined in section 302 of such Act (42 U.S.C. 10402)) and the eligible entities within such State under such section or section 308 of such Act (42 U.S.C. 10408); and

AMERICAN OVERSIGHT

(2) the reporting requirements required under such grants and subgrants that relate to such non-Federal contributions requirement.

(b) WAIVER OF MATCHING FUNDS FOR GRANTS AWARDED AFTER DATE OF ENACTMENT.—

(1) IN GENERAL.—Subsection (c)(4) of section 306 of the Family Violence Prevention and Services Act (42 U.S.C. 10406) shall not apply to a qualified grant during the period of a public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) resulting from the COVID–19 pandemic.

(2) QUALIFIED GRANT DEFINED.—In this subsection, the term ''qualified grant'' means a grant or subgrant awarded—

(A) after the date of the enactment of this section; and

(B) under section 306, 308, or 309 of the Family Violence Prevention and Services Act (42 U.S.C. 10406; 10408; 10409).

SEC. 120402. DISTRIBUTION OF CERTAIN FUNDS APPROPRIATED FOR THE COMMUNITY SERVICES BLOCK GRANT ACT.

(a) DISTRIBUTION OF CARES ACT FUNDS TO STATES.—Section 675B(b)(3) of the Community Services

AMERICAN OVERSIGHT

Block Grant Act (42 U.S.C. 9906(b)(3)) shall not apply with respect to funds appropriated by the CARES Act (Public Law 116–136) to carry out the Community Services Block Grant Act (42 U.S.C.9901 et seq.).

(b) INCREASED POVERTY LINE.—For purposes of carrying out the Community Services Block Grant Act (42 U.S.C. 9901 et seq.) with any funds appropriated for fiscal year 2020 for such Act, the term ''poverty line'' as defined in section 673(2) of such Act (42 U.S.C. 9902(2)) means 200 percent of the poverty line otherwise applicable under such section (excluding the last sentence of such section) without regard to this subsection.

SEC. 120403. USE OF LIHEAP SUPPLEMENTAL APPROPRIATIONS.

Notwithstanding the Low-Income Home Energy Assistance Act of 1981, with respect to amounts appropriated under title VI of division A of this Act to carry out the Low-Income Home Energy Assistance Act of 1981, each State, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands, and each Indian Tribe, as applicable, that receives an allotment of funds from such amounts—

(1) shall, in using such funds, for purposes of income eligibility, accept proof of job loss or severe

AMERICAN OVERSIGHT

income loss dated after February 29, 2020, such as a layoff or furlough notice or verification of application for unemployment benefits, as sufficient to demonstrate lack of income for an individual or household; and

(2) may use not more than 12.5 percent of such funds for administrative costs.

TITLE V—COVID–19 PROTECTIONS UNDER LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT

SEC. 120501. COMPENSATION PURSUANT TO THE LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT.

(a) ENTITLEMENT TO COMPENSATION.—

(1) IN GENERAL.—A covered employee who receives a diagnosis or is subject to an order described in paragraph (2)(B) and who provides notice of or files a claim relating to such diagnosis or order under section 12 or 13 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 912, 913), respectively, shall—

(A) be deemed to have an injury arising out of or in the course of employment for which compensation is payable under the Longshore

AMERICAN OVERSIGHT

and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.); and

(B) be paid the compensation to which the employee is entitled under such Act (33 U.S.C. 901 et seq.).

(2) COVERED EMPLOYEE.—In this section, the term ''covered employee'' means an employee who—

(A) at any time during the period beginning on January 27, 2020, and ending on January 27, 2022, was engaged in maritime employment; and

(B) was—

(i) at any time during the period beginning on January 27, 2020, and ending on February 27, 2022, diagnosed with COVID–19; or

(ii) at any time during the period described in subparagraph (A), ordered not to return to work by the employee's employer or by a local, State, or Federal agency because of exposure, or the risk of exposure, to 1 or more individuals diagnosed with COVID–19 in the workplace.

(b) REIMBURSEMENT.—

(1) IN GENERAL.—

AMERICAN OVERSIGHT

(A) ENTITLEMENT.—Subject to subparagraph (B), an employer of a covered employee or the employer's carrier shall be entitled to reimbursement for any compensation paid with respect to a notice or claim described in subsection (a), including disability benefits, funeral and burial expenses, medical or other related costs for treatment and care, and reasonable and necessary allocated claims expenses.

(B) SAFETY AND HEALTH REQUIREMENTS.—To be entitled to reimbursement under subparagraph (A)—

(i) an employer shall be in compliance with all applicable safety and health guidelines and standards that are related to the prevention of occupational exposure to COVID–19, including such guidelines and standards issued by the Occupational Safety and Health Administration, State plans approved under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667), the Coast Guard, and Federal, State or local public health authorities; and

(ii) a carrier—

AMERICAN OVERSIGHT

(I) shall be a carrier for an employer that is in compliance with clause (i); and

(II) shall not adjust the experience rating or the annual premium of the employer based upon the compensation paid by the carrier with respect to a notice or claim described in subparagraph (A).

(2) REIMBURSEMENT PROCEDURES.—To receive reimbursement under paragraph (1)—

(A) a claim for such reimbursement shall be submitted to the Secretary of Labor—

(i) not later than one year after the final payment of compensation to a covered employee pursuant to this section; and

(ii) in the same manner as a claim for reimbursement is submitted in accordance with part 61 of title 20, Code of Federal Regulations (as in effect on the date of enactment of this Act); and

(B) an employer and the employer's carrier shall make, keep, and preserve such records, make such reports, and provide such informa-

AMERICAN OVERSIGHT

tion, as the Secretary of Labor determines necessary or appropriate to carry out this section.

(c) SPECIAL FUND.—

(1) IN GENERAL.—A reimbursement under paragraph (1) shall be paid out of the special fund established in section 44 of Longshore and Harbor Workers' Compensation Act (33 U.S.C. 944).

(2) FUNDING.—There are authorized to be appropriated, and there are appropriated, such funds as may be necessary to reimburse the special fund described in paragraph (1) for each reimbursement paid out of such fund under paragraph (1).

(d) REPORT.—Not later than 60 days after the end of fiscal year 2020, 2021, and 2022, the Secretary of Labor shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, an annual report enumerating—

(1) the number of claims filed pursuant to section (a)(1);

(2) of such filed claims—

(A) the number and types of claims approved under section 13 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 913);

AMERICAN OVERSIGHT

(B) the number and types of claims denied under such section;

(C) the number and types of claims pending under such section; and

(3) the amounts and the number of claims for reimbursement paid out of the special fund under subsection (c)(1) for the fiscal year for which the report is being submitted.

(e) REGULATIONS.—The Secretary of Labor may promulgate such regulations as may be necessary to carry out this section.

(f) LHWCA TERMS.—In this section, the terms ''carrier'', ''compensation'', ''employee'', and ''employer'' have the meanings given the terms in section 2 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 902).

AMERICAN OVERSIGHT

DIVISION M—CONSUMER PROTECTION AND TELECOMMUNICATIONS PROVISIONS

TITLE I—COVID–19 PRICE GOUGING PREVENTION

SEC. 130101. SHORT TITLE.

This title may be cited as the ''COVID–19 Price Gouging Prevention Act''.

SEC. 130102. PREVENTION OF PRICE GOUGING.

(a) IN GENERAL.—For the duration of a public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) as a result of confirmed cases of 2019 novel coronavirus (COVID–19), including any renewal thereof, it shall be unlawful for any person to sell or offer for sale a good or service at a price that—

(1) is unconscionably excessive; and

(2) indicates the seller is using the circumstances related to such public health emergency to increase prices unreasonably.

(b) FACTORS FOR CONSIDERATION.—In determining whether a person has violated subsection (a), there shall be taken into account, with respect to the price at which

AMERICAN OVERSIGHT

such person sold or offered for sale the good or service, factors that include the following:

(1) Whether such price grossly exceeds the average price at which the same or a similar good or service was sold or offered for sale by such person—

(A) during the 90-day period immediately preceding January 31, 2020; or

(B) during the period that is 45 days before or after the date that is one year before the date such good or service is sold or offered for sale under subsection (a).

(2) Whether such price grossly exceeds the average price at which the same or a similar good or service was readily obtainable from other similarly situated competing sellers before January 31, 2020.

(3) Whether such price reasonably reflects additional costs, not within the control of such person, that were paid, incurred, or reasonably anticipated by such person, or reasonably reflects the profitability of forgone sales or additional risks taken by such person, to produce, distribute, obtain, or sell such good or service under the circumstances.

(c) ENFORCEMENT.—

(1) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

AMERICAN OVERSIGHT

(A) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (a) shall be treated as a violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive acts or practices.

(B) POWERS OF COMMISSION.—The Commission shall enforce subsection (a) in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section. Any person who violates such subsection shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act.

(2) EFFECT ON OTHER LAWS.—Nothing in this section shall be construed in any way to limit the authority of the Commission under any other provision of law.

(3) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—

(A) IN GENERAL.—If the chief law enforcement officer of a State, or an official or

AMERICAN OVERSIGHT

agency designated by a State, has reason to believe that any person has violated or is violating subsection (a), the attorney general, official, or agency of the State, in addition to any authority it may have to bring an action in State court under its consumer protection law, may bring a civil action in any appropriate United States district court or in any other court of competent jurisdiction, including a State court, to—

(i) enjoin further such violation by such person;

(ii) enforce compliance with such subsection;

(iii) obtain civil penalties; and

(iv) obtain damages, restitution, or other compensation on behalf of residents of the State.

(B) NOTICE AND INTERVENTION BY THE FTC.—The attorney general of a State shall provide prior written notice of any action under subparagraph (A) to the Commission and provide the Commission with a copy of the complaint in the action, except in any case in which such prior notice is not feasible, in which case

AMERICAN OVERSIGHT

the attorney general shall serve such notice immediately upon instituting such action. The Commission shall have the right—

(i) to intervene in the action;

(ii) upon so intervening, to be heard on all matters arising therein; and

(iii) to file petitions for appeal.

(C) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action for violation of this section, no State attorney general, or official or agency of a State, may bring an action under this paragraph during the pendency of that action against any defendant named in the complaint of the Commission for any violation of this section alleged in the complaint.

(D) RELATIONSHIP WITH STATE-LAW CLAIMS.—If the attorney general of a State has authority to bring an action under State law directed at acts or practices that also violate this section, the attorney general may assert the State-law claim and a claim under this section in the same civil action.

AMERICAN OVERSIGHT

(4) SAVINGS CLAUSE.—Nothing in this section shall preempt or otherwise affect any State or local law.

(d) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(2) GOOD OR SERVICE.—The term ''good or service'' means a good or service offered in commerce, including—

(A) food, beverages, water, ice, a chemical, or a personal hygiene product;

(B) any personal protective equipment for protection from or prevention of contagious diseases, filtering facepiece respirators, medical equipment and supplies (including medical testing supplies), a drug as defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)), cleaning supplies, disinfectants, sanitizers; or

(C) any healthcare service, cleaning service, or delivery service.

(3) STATE.—The term ''State'' means each of the several States, the District of Columbia, each commonwealth, territory, or possession of the United States, and each federally recognized Indian Tribe.

AMERICAN OVERSIGHT

TITLE II—E–RATE SUPPORT FOR WI-FI HOTSPOTS, OTHER EQUIPMENT, AND CONNECTED DEVICES

SEC. 130201. E–RATE SUPPORT FOR WI-FI HOTSPOTS, OTHER EQUIPMENT, AND CONNECTED DEVICES DURING EMERGENCY PERIODS RELATING TO COVID–19.

(a) REGULATIONS REQUIRED.—Not later than 7 days after the date of the enactment of this Act, the Commission shall promulgate regulations providing for the provision, from amounts made available from the Emergency Connectivity Fund established under subsection (i)(1), of support under section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) to an elementary school, secondary school, or library (including a Tribal elementary school, Tribal secondary school, or Tribal library) eligible for support under such section, for the purchase during an emergency period described in subsection (e) (including any portion of such a period occurring before the date of the enactment of this Act) of equipment described in subsection (c), advanced telecommunications and information services, or equipment described in such subsection and advanced telecommunications and information services, for use by—

AMERICAN OVERSIGHT

(1) in the case of a school, students and staff of such school at locations that include locations other than such school; and

(2) in the case of a library, patrons of such library at locations that include locations other than such library.

(b) TRIBAL ISSUES.—

(1) RESERVATION FOR TRIBAL LANDS.—The Commission shall reserve not less than 5 percent of the amounts available to the Commission under subsection (i)(3) to provide support under the regulations required by subsection (a) to schools and libraries that serve persons who are located on Tribal lands.

(2) ELIGIBILITY OF TRIBAL LIBRARIES.—For purposes of determining the eligibility of a Tribal library for support under the regulations required by subsection (a), the portion of paragraph (4) of section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) relating to eligibility for assistance from a State library administrative agency under the Library Services and Technology Act shall not apply.

(c) EQUIPMENT DESCRIBED.—The equipment described in this subsection is the following:

(1) Wi-Fi hotspots.

AMERICAN OVERSIGHT

(2) Modems.

(3) Routers.

(4) Devices that combine a modem and router.

(5) Connected devices.

(d) PRIORITIZATION OF SUPPORT.—The Commission shall provide in the regulations required by subsection (a) for a mechanism to require a school or library to prioritize the provision of equipment described in subsection (c), advanced telecommunications and information services, or equipment described in such subsection and advanced telecommunications and information services, for which support is received under such regulations, to students and staff or patrons (as the case may be) that the school or library believes do not have access to equipment described in subsection (c), do not have access to advanced telecommunications and information services, or have access to neither equipment described in subsection (c) nor advanced telecommunications and information services, at the residences of such students and staff or patrons.

(e) EMERGENCY PERIODS DESCRIBED.—An emergency period described in this subsection is a period that—

(1) begins on the date of a determination by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act (42

AMERICAN OVERSIGHT

U.S.C. 247d) that a public health emergency exists as a result of COVID–19; and

(2) ends on the June 30 that first occurs after the date on which such determination (including any renewal thereof) terminates.

(f) TREATMENT OF EQUIPMENT AFTER EMERGENCY PERIOD.—The Commission shall provide in the regulations required by subsection (a) that, in the case of a school or library that purchases equipment described in subsection (c) using support received under such regulations, such school or library—

(1) may, after the emergency period with respect to which such support is received, use such equipment for such purposes as such school or library considers appropriate, subject to any restrictions provided in such regulations (or any successor regulation); and

(2) may not sell or otherwise transfer such equipment in exchange for any thing (including a service) of value, except that such school or library may exchange such equipment for upgraded equipment of the same type.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any authority the Commission may have under section 254(h)(1)(B) of the Com-

AMERICAN OVERSIGHT

munications Act of 1934 (47 U.S.C. 254(h)(1)(B)) to allow support under such section to be used for the purposes described in subsection (a) other than as required by such subsection.

(h) PROCEDURAL MATTERS.—

(1) PART 54 REGULATIONS.—Nothing in this section shall be construed to prevent the Commission from providing that the regulations in part 54 of title 47, Code of Federal Regulations (or any successor regulation), shall apply in whole or in part to support provided under the regulations required by subsection (a), shall not apply in whole or in part to such support, or shall be modified in whole or in part for purposes of application to such support.

(2) EXEMPTION FROM CERTAIN RULEMAKING REQUIREMENTS.—Subsections (b), (c), and (d) of section 553 of title 5, United States Code, shall not apply to a regulation promulgated under subsection (a) of this section or a rulemaking to promulgate such a regulation.

(3) PAPERWORK REDUCTION ACT EXEMPTION.—A collection of information conducted or sponsored under the regulations required by subsection (a), or under section 254 of the Communications Act of 1934 (47 U.S.C. 254) in connection

AMERICAN OVERSIGHT

with support provided under such regulations, shall not constitute a collection of information for the purposes of subchapter I of chapter 35 of title 44, United States Code (commonly referred to as the Paperwork Reduction Act).

(i) EMERGENCY CONNECTIVITY FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Emergency Connectivity Fund.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Emergency Connectivity Fund $5,000,000,000 for fiscal year 2020, to remain available through fiscal year 2021.

(3) USE OF FUNDS.—Amounts in the Emergency Connectivity Fund shall be available to the Commission to provide support under the regulations required by subsection (a).

(4) RELATIONSHIP TO UNIVERSAL SERVICE CONTRIBUTIONS.—Support provided under the regulations required by subsection (a) shall be provided from amounts made available under paragraph (3) and not from contributions under section 254(d) of the Communications Act of 1934 (47 U.S.C. 254(d)).

AMERICAN OVERSIGHT

(j) DEFINITIONS.—In this section:

(1) ADVANCED TELECOMMUNICATIONS AND INFORMATION SERVICES.—The term ''advanced telecommunications and information services'' means advanced telecommunications and information services, as such term is used in section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)).

(2) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(3) CONNECTED DEVICE.—The term ''connected device'' means a laptop computer, tablet computer, or similar device that is capable of connecting to advanced telecommunications and information services.

(4) LIBRARY.—The term ''library'' includes a library consortium.

(5) TRIBAL LAND.—The term ''Tribal land'' means—

(A) any land located within the boundaries of—

(i) an Indian reservation, pueblo, or rancheria; or

(ii) a former reservation within Oklahoma;

AMERICAN OVERSIGHT

(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

(i) in trust by the United States for the benefit of an Indian Tribe or an individual Indian;

(ii) by an Indian Tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

(iii) by a dependent Indian community;

(C) any land located within a region established pursuant to section 7(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(a));

(D) Hawaiian Home Lands, as defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4221); or

(E) those areas or communities designated by the Assistant Secretary of Indian Affairs of the Department of the Interior that are near, adjacent, or contiguous to reservations where financial assistance and social service programs

AMERICAN OVERSIGHT

are provided to Indians because of their status as Indians.

(6) TRIBAL LIBRARY.—The term ''Tribal library'' means, only during an emergency period described under subsection (e), a facility owned by an Indian Tribe, serving Indian Tribes, or serving American Indians, Alaskan Natives, or Native Hawaiian communities, including—

(A) a Tribal library or Tribal library consortium; or

(B) a Tribal government building, chapter house, longhouse, community center, or other similar public building.

(7) WI-FI.—The term ''Wi-Fi'' means a wireless networking protocol based on Institute of Electrical and Electronics Engineers standard 802.11 (or any successor standard).

(8) WI-FI HOTSPOT.—The term ''Wi-Fi hotspot'' means a device that is capable of—

(A) receiving mobile advanced telecommunications and information services; and

(B) sharing such services with another device through the use of Wi-Fi.

AMERICAN OVERSIGHT

TITLE III—EMERGENCY BENEFIT FOR BROADBAND SERVICE

SEC. 130301. BENEFIT FOR BROADBAND SERVICE DURING EMERGENCY PERIODS RELATING TO COVID–19.

(a) PROMULGATION OF REGULATIONS REQUIRED.—Not later than 7 days after the date of the enactment of this Act, the Commission shall promulgate regulations implementing this section.

(b) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall establish the following:

(1) EMERGENCY BROADBAND BENEFIT.—During an emergency period, a provider shall provide an eligible household with an internet service offering, upon request by a member of such household. Such provider shall discount the price charged to such household for such internet service offering in an amount equal to the emergency broadband benefit for such household.

(2) VERIFICATION OF ELIGIBILITY.—To verify whether a household is an eligible household, a provider shall either—

(A) use the National Lifeline Eligibility Verifier; or

AMERICAN OVERSIGHT

(B) rely upon an alternative verification process of the provider, if the Commission finds such process to be sufficient to avoid waste, fraud, and abuse.

(3) USE OF NATIONAL LIFELINE ELIGIBILITY VERIFIER.—The Commission shall—

(A) expedite the ability of all providers to access the National Lifeline Eligibility Verifier for purposes of determining whether a household is an eligible household; and

(B) ensure that the National Lifeline Eligibility Verifier approves an eligible household to receive the emergency broadband benefit not later than two days after the date of the submission of information necessary to determine if such household is an eligible household.

(4) EXTENSION OF EMERGENCY PERIOD.—An emergency period may be extended within a State or any portion thereof if the State, or in the case of Tribal land, a Tribal government, provides written, public notice to the Commission stipulating that an extension is necessary in furtherance of the recovery related to COVID–19. The Commission shall, within 48 hours after receiving such notice, post the notice on the public website of the Commission.

AMERICAN OVERSIGHT

(5) REIMBURSEMENT.—From the Emergency Broadband Connectivity Fund established in subsection (h), the Commission shall reimburse a provider in an amount equal to the emergency broadband benefit with respect to an eligible household that receives such benefit from such provider.

(6) REIMBURSEMENT FOR CONNECTED DEVICE.—A provider that, in addition to providing the emergency broadband benefit to an eligible household, supplies such household with a connected device may be reimbursed up to $100 from the Emergency Broadband Connectivity Fund established in subsection (h) for such connected device, if the charge to such eligible household is more than $10 but less than $50 for such connected device, except that a provider may receive reimbursement for no more than one connected device per eligible household.

(7) NO RETROACTIVE REIMBURSEMENT.—A provider may not receive a reimbursement from the Emergency Broadband Connectivity Fund for providing an internet service offering discounted by the emergency broadband benefit, or for supplying a connected device, that was provided or supplied (as

AMERICAN OVERSIGHT

the case may be) before the date of the enactment of this Act.

(8) CERTIFICATION REQUIRED.—To receive a reimbursement under paragraph (5) or (6), a provider shall certify to the Commission the following:

(A) That the amount for which the provider is seeking reimbursement from the Emergency Broadband Connectivity Fund for an internet service offering to an eligible household is not more than the normal rate.

(B) That each eligible household for which a provider is seeking reimbursement for providing an internet service offering discounted by the emergency broadband benefit—

(i) has not been and will not be charged—

(I) for such offering, if the normal rate for such offering is less than or equal to the amount of the emergency broadband benefit for such household; or

(II) more for such offering than the difference between the normal rate for such offering and the amount of

AMERICAN OVERSIGHT

the emergency broadband benefit for such household;

(ii) will not be required to pay an early termination fee if such eligible household elects to enter into a contract to receive such internet service offering if such household later terminates such contract; and

(iii) was not subject to a mandatory waiting period for such internet service offering based on having previously received broadband internet access service from such provider.

(C) A description of the process used by the provider to verify that a household is an eligible household, if the provider elects an alternative verification process under paragraph (2)(B), and that such verification process was designed to avoid waste, fraud, and abuse.

(9) AUDIT REQUIREMENTS.—The Commission shall adopt audit requirements to ensure that providers are in compliance with the requirements of this section and to prevent waste, fraud, and abuse in the emergency broadband benefit program established under this section.

AMERICAN OVERSIGHT

(c) ELIGIBLE PROVIDERS.—Notwithstanding subsection (e) of this section, the Commission shall provide a reimbursement to a provider under this section without requiring such provider to be designated as an eligible telecommunications carrier under section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)).

(d) RULE OF CONSTRUCTION.—Nothing in this section shall affect the collection, distribution, or administration of the Lifeline Assistance Program governed by the rules set forth in subpart E of part 54 of title 47, Code of Federal Regulations (or any successor regulation).

(e) PART 54 REGULATIONS.—Nothing in this section shall be construed to prevent the Commission from providing that the regulations in part 54 of title 47, Code of Federal Regulations (or any successor regulation), shall apply in whole or in part to support provided under the regulations required by subsection (a), shall not apply in whole or in part to such support, or shall be modified in whole or in part for purposes of application to such support.

(f) ENFORCEMENT.—A violation of this section or a regulation promulgated under this section, including the knowing or reckless denial of an internet service offering discounted by the emergency broadband benefit to an eligible household that requests such an offering, shall be

AMERICAN OVERSIGHT

treated as a violation of the Communications Act of 1934 (47 U.S.C. 151 et seq.) or a regulation promulgated under such Act. The Commission shall enforce this section and the regulations promulgated under this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Communications Act of 1934 were incorporated into and made a part of this section.

(g) EXEMPTIONS.—

(1) NOTICE AND COMMENT RULEMAKING REQUIREMENTS.—Section 553 of title 5, United States Code, shall not apply to a regulation promulgated under subsection (a) or a rulemaking to promulgate such a regulation.

(2) PAPERWORK REDUCTION ACT REQUIREMENTS.—A collection of information conducted or sponsored under the regulations required by subsection (a) shall not constitute a collection of information for the purposes of subchapter I of chapter 35 of title 44, United States Code (commonly referred to as the Paperwork Reduction Act).

(h) EMERGENCY BROADBAND CONNECTIVITY FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be

AMERICAN OVERSIGHT

known as the Emergency Broadband Connectivity Fund.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Emergency Broadband Connectivity Fund $8,800,000,000 for fiscal year 2020, to remain available through fiscal year 2021.

(3) USE OF FUNDS.—Amounts in the Emergency Broadband Connectivity Fund shall be available to the Commission for reimbursements to providers under the regulations required by subsection (a).

(4) RELATIONSHIP TO UNIVERSAL SERVICE CONTRIBUTIONS.—Reimbursements provided under the regulations required by subsection (a) shall be provided from amounts made available under this subsection and not from contributions under section 254(d) of the Communications Act of 1934 (47 U.S.C. 254(d)), except the Commission may use such contributions if needed to offset expenses associated with the reliance on the National Lifeline Eligibility Verifier to determine eligibility of households to receive the emergency broadband benefit.

(i) DEFINITIONS.—In this section:

AMERICAN OVERSIGHT

(1) BROADBAND INTERNET ACCESS SERVICE.—The term ''broadband internet access service'' has the meaning given such term in section 8.1(b) of title 47, Code of Federal Regulations (or any successor regulation).

(2) CONNECTED DEVICE.—The term ''connected device'' means a laptop or desktop computer or a tablet.

(3) ELIGIBLE HOUSEHOLD.—The term ''eligible household'' means, regardless of whether the household or any member of the household receives support under subpart E of part 54 of title 47, Code of Federal Regulations (or any successor regulation), and regardless of whether any member of the household has any past or present arrearages with a provider, a household in which—

(A) at least one member of the household meets the qualifications in subsection (a) or (b) of section 54.409 of title 47, Code of Federal Regulations (or any successor regulation);

(B) at least one member of the household has applied for and been approved to receive benefits under the free and reduced price lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or

AMERICAN OVERSIGHT

the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); or

(C) at least one member of the household has experienced a substantial loss of income since February 29, 2020, documented by layoff or furlough notice, application for unemployment insurance benefits, or similar documentation.

(4) EMERGENCY BROADBAND BENEFIT.—The term ''emergency broadband benefit'' means a monthly discount for an eligible household applied to the normal rate for an internet service offering, in an amount equal to such rate, but not more than $50, or, if an internet service offering is provided to an eligible household on Tribal land, not more than $75.

(5) EMERGENCY PERIOD.—The term ''emergency period'' means a period that—

(A) begins on the date of a determination by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) that a public health emergency exists as a result of COVID–19; and

AMERICAN OVERSIGHT

(B) ends on the date that is 6 months after the date on which such determination (including any renewal thereof) terminates, except as such period may be extended under subsection (b)(4).

(6) INTERNET SERVICE OFFERING.—The term ''internet service offering'' means, with respect to a provider, broadband internet access service provided by such provider to a household, offered in the same manner, and on the same terms, as described in any of such provider's advertisements for broadband internet access service to such household, as on May 1, 2020.

(7) NORMAL RATE.—The term ''normal rate'' means, with respect to an internet service offering by a provider, the advertised monthly retail rate, as of May 1, 2020, including any applicable promotions and excluding any taxes or other governmental fees.

(8) PROVIDER.—The term ''provider'' means a provider of broadband internet access service.

SEC. 130302. ENHANCED LIFELINE BENEFITS DURING EMERGENCY PERIODS.

(a) ENHANCED MINIMUM SERVICE STANDARDS FOR LIFELINE BENEFITS DURING EMERGENCY PERIODS.—During an emergency period—

AMERICAN OVERSIGHT

(1) the minimum service standard for Lifeline supported mobile voice service shall provide an unlimited number of minutes per month;

(2) the minimum service standard for Lifeline supported mobile data service shall provide an unlimited data allowance each month and 4G speeds, where available; and

(3) the Basic Support Amount and Tribal Lands Support Amount, as described in section 54.403 of title 47, Code of Federal Regulations (or any successor regulation), shall be increased by an amount necessary, as determined by the Commission, to offset any incremental increase in cost associated with the requirements in paragraphs (1) and (2).

(b) EXTENSION OF EMERGENCY PERIOD.—An emergency period may be extended within a State or any portion thereof for a maximum of six months, if the State, or in the case of Tribal land, a Tribal government, provides written, public notice to the Commission stipulating that an extension is necessary in furtherance of the recovery related to COVID–19. The Commission shall, within 48 hours after receiving such notice, post the notice on the public website of the Commission.

AMERICAN OVERSIGHT

(c) REGULATIONS.—The Commission shall adopt, on an expedited basis, any regulations needed to carry out this section.

(d) EMERGENCY PERIOD DEFINED.—In this section, the term ''emergency period'' means a period that—

(1) begins on the date of a determination by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) that a public health emergency exists as a result of COVID–19; and

(2) ends on the date that is 6 months after the date on which such determination (including any renewal thereof) terminates, except as such period may be extended under subsection (b).

SEC. 130303. GRANTS TO STATES TO STRENGTHEN NATIONAL LIFELINE ELIGIBILITY VERIFIER.

(a) IN GENERAL.—From amounts appropriated under subsection (d), the Commission shall, not later than 7 days after the date of the enactment of this Act, make a grant to each State, in an amount in proportion to the population of such State, for the purpose of connecting the database used by such State for purposes of the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) to the National Lifeline Eligibility Verifier, so that the receipt

AMERICAN OVERSIGHT

by a household of benefits under such program is reflected in the National Lifeline Eligibility Verifier.

(b) DISBURSEMENT OF GRANT FUNDS.—Funds under each grant made under subsection (a) shall be disbursed to the State receiving such grant not later than 7 days after the date of the enactment of this Act.

(c) CERTIFICATION TO CONGRESS.—Not later than 21 days after the date of the enactment of this Act, the Commission shall certify to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the grants required by subsection (a) have been made and that funds have been disbursed as required by subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $200,000,000 to carry out this section for fiscal year 2020, to remain available through fiscal year 2021.

SEC. 130304. DEFINITIONS.

In this title:

(1) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(2) NATIONAL LIFELINE ELIGIBILITY VERIFIER.—The term ''National Lifeline Eligibility Verifier'' has the meaning given such term in section

AMERICAN OVERSIGHT

54.400 of title 47, Code of Federal Regulations (or any successor regulation).

(3) STATE.—The term ''State'' has the meaning given such term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

TITLE IV—CONTINUED CONNECTIVITY

SEC. 130401. CONTINUED CONNECTIVITY DURING EMERGENCY PERIODS RELATING TO COVID–19.

Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding at the end the following:

''SEC. 723. CONTINUED CONNECTIVITY DURING EMERGENCY PERIODS RELATING TO COVID–19.

''(a) IN GENERAL.—During an emergency period described in subsection (b), it shall be unlawful—

''(1) for a provider of advanced telecommunications service or voice service to—

''(A) terminate, reduce, or change such service provided to any individual customer or small business because of the inability of the individual customer or small business to pay for such service if the individual customer or small business certifies to such provider that such inability to pay is a result of disruptions caused

AMERICAN OVERSIGHT

by the public health emergency to which such emergency period relates; or

''(B) impose late fees on any individual customer or small business because of the inability of the individual customer or small business to pay for such service if the individual customer or small business certifies to such provider that such inability to pay is a result of disruptions caused by the public health emergency to which such emergency period relates;

''(2) for a provider of advanced telecommunications service to, during such emergency period—

''(A) employ a limit on the amount of data allotted to an individual customer or small business during such emergency period, except that such provider may engage in reasonable network management; or

''(B) charge an individual customer or small business an additional fee for exceeding the limit on the data allotted to an individual customer or small business; or

''(3) for a provider of advanced telecommunications service that had functioning Wi-Fi hotspots available to subscribers in public places on the day before the beginning of such emergency period to

AMERICAN OVERSIGHT

fail to make service provided by such Wi-Fi hotspots available to the public at no cost during such emergency period.

''(b) WAIVER.—Upon a petition by a provider advanced telecommunications service or voice service, the provisions in subsection (a) may be suspended or waived by the Commission at any time, in whole or in part, for good cause shown.

''(c) EMERGENCY PERIODS DESCRIBED.—An emergency period described in this subsection is any portion beginning on or after the date of the enactment of this section of the duration of a public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) as a result of COVID–19, including any renewal thereof.

''(d) DEFINITIONS.—In this section:

''(1) ADVANCED TELECOMMUNICATIONS SERVICE.—The term 'advanced telecommunications service' means a service that provides advanced telecommunications capability (as defined in section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302)).

''(2) BROADBAND INTERNET ACCESS SERVICE.—The term 'broadband internet access service' has the meaning given such term in section 8.1(b)

AMERICAN OVERSIGHT

of title 47, Code of Federal Regulations (or any successor regulation).

''(3) INDIVIDUAL CUSTOMER.—The term 'individual customer' means an individual who contracts with a mass-market retail provider of advanced telecommunications service or voice service to provide service to such individual.

''(4) REASONABLE NETWORK MANAGEMENT.—The term 'reasonable network management'—

''(A) means the use of a practice that—

''(i) has a primarily technical network management justification; and

''(ii) is primarily used for and tailored to achieving a legitimate network management purpose, taking into account the particular network architecture and technology of the service; and

''(B) does not include other business practices.

''(5) SMALL BUSINESS.—The term 'small business' has the meaning given such term under section 601(3) of title 5, United States Code.

''(6) VOICE SERVICE.—The term 'voice service' has the meaning given such term under section

AMERICAN OVERSIGHT

227(e)(8) of the Communications Act of 1934 (47 U.S.C. 227(e)(8)).

''(7) WI-FI.—The term 'Wi-Fi' means a wireless networking protocol based on Institute of Electrical and Electronics Engineers standard 802.11 (or any successor standard).

''(8) WI-FI HOTSPOT.—The term 'Wi-Fi hotspot' means a device that is capable of—

''(A) receiving mobile broadband internet access service; and

''(B) sharing such service with another device through the use of Wi-Fi.''.

TITLE V—DON'T BREAK UP THE T–BAND

SEC. 130501. REPEAL OF REQUIREMENT TO REALLOCATE AND AUCTION T–BAND SPECTRUM.

(a) REPEAL.—Section 6103 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1413) is repealed.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 6103.

AMERICAN OVERSIGHT

TITLE VI—NATIONAL SUICIDE HOTLINE DESIGNATION

SEC. 130601. FINDINGS.

Congress finds the following:

(1) According to the American Foundation for Suicide Prevention, on average, there are 129 suicides per day in the United States.

(2) To prevent future suicides, it is critical to transition the cumbersome, existing 10-digit National Suicide Hotline to a universal, easy-to-remember, 3-digit phone number and connect people in crisis with life-saving resources.

(3) It is essential that people in the United States have access to a 3-digit national suicide hotline across all geographic locations.

(4) The designated suicide hotline number will need to be both familiar and recognizable to all people in the United States.

SEC. 130602. UNIVERSAL TELEPHONE NUMBER FOR NATIONAL SUICIDE PREVENTION AND MENTAL HEALTH CRISIS HOTLINE SYSTEM.

(a) IN GENERAL.—Section 251(e) of the Communications Act of 1934 (47 U.S.C. 251(e)) is amended by adding at the end the following:

AMERICAN OVERSIGHT

''(4) UNIVERSAL TELEPHONE NUMBER FOR NATIONAL SUICIDE PREVENTION AND MENTAL HEALTH CRISIS HOTLINE SYSTEM.—9–8–8 is designated as the universal telephone number within the United States for the purpose of the national suicide prevention and mental health crisis hotline system operating through the National Suicide Prevention Lifeline maintained by the Assistant Secretary for Mental Health and Substance Use under section 520E–3 of the Public Health Service Act (42 U.S.C. 290bb–36c) and through the Veterans Crisis Line maintained by the Secretary of Veterans Affairs under section 1720F(h) of title 38, United States Code.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 1 year after the date of the enactment of this Act.

(c) REQUIRED REPORT.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary for Mental Health and Substance Use and the Secretary of Veterans Affairs shall jointly submit a report that details the resources necessary to make the use of 9–8–8, as designated under paragraph (4) of section 251(e) of the Communications Act of 1934 (47 U.S.C.

AMERICAN OVERSIGHT

251(e)), as added by subsection (a) of this section, operational and effective across the United States to—

(1) the Committee on Commerce, Science, and Transportation of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Energy and Commerce of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

SEC. 130603. STATE AUTHORITY OVER FEES.

(a) AUTHORITY.—

(1) IN GENERAL.—Nothing in this Act, any amendment made by this Act, the Communications Act of 1934 (47 U.S.C. 151 et seq.), or any Commission regulation or order may prevent the imposition and collection of a fee or charge applicable to a voice service specifically designated by a State, a political subdivision of a State, an Indian Tribe, or a village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) for the support or implementation of 9–8–8 services, if the fee or charge is held in a sequestered account to be obligated or expended only in support of 9–8–8 services,

AMERICAN OVERSIGHT

or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge.

(2) USE OF 9–8–8 FEES.—A fee or charge collected under this subsection shall only be imposed, collected, and used to pay expenses that a State, a political subdivision of a State, an Indian Tribe, or a village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) is expected to incur that are reasonably attributable to—

(A) ensuring the efficient and effective routing of calls made to the 9–8–8 national suicide prevention and mental health crisis hotline to an appropriate crisis center; or

(B) the provision of acute mental health, crisis outreach, and stabilization services directly responding to the 9–8–8 national suicide prevention and mental health crisis hotline.

(b) FEE ACCOUNTABILITY REPORT.—To ensure efficiency, transparency, and accountability in the collection and expenditure of a fee or charge for the support or implementation of 9–8–8 services, not later than 2 years after the date of the enactment of this Act, and annually thereafter, the Commission shall submit to the Commit-

AMERICAN OVERSIGHT

tees on Commerce, Science, and Transportation and Appropriations of the Senate and the Committees on Energy and Commerce and Appropriations of the House of Representatives a report that—

(1) details the status in each State, political subdivision of a State, Indian Tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) of the collection and distribution of such fees or charges, including a detailed report about how those fees or charges are being used to support 9–8–8 services; and

(2) includes findings on the amount of revenues obligated or expended by each State, political subdivision of a State, Indian Tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) for any purpose other than the purpose for which any such fees or charges are specified.

(c) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(2) STATE.—The term ''State'' has the meaning given that term in section 7 of the Wireless

AMERICAN OVERSIGHT

Communications and Public Safety Act of 1999 (47 U.S.C. 615b).

(3) VOICE SERVICE.—The term ''voice service'' has the meaning given that term in section 227(e)(8) of the Communications Act of 1934 (47 U.S.C. 227(e)(8)).

SEC. 130604. LOCATION IDENTIFICATION REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Communications Commission shall submit to the appropriate committees a report that examines the feasibility and cost of including an automatic dispatchable location that would be conveyed with a 9–8–8 call, regardless of the technological platform used and including with calls from multi-line telephone systems (as defined in section 6502 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1471)).

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES.—The term ''appropriate committees'' means the following:

(A) The Committee on Commerce, Science, and Transportation of the Senate.

(B) The Committee on Health, Education, Labor, and Pensions of the Senate.

AMERICAN OVERSIGHT

(C) The Committee on Energy and Commerce of the House of Representatives.

(2) DISPATCHABLE LOCATION.—The term ''dispatchable location'' means the street address of the calling party and additional information such as room number, floor number, or similar information necessary to adequately identify the location of the calling party.

SEC. 130605. REPORT ON CERTAIN TRAINING PROGRAMS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) youth who are lesbian, gay, bisexual, transgender, or queer (referred to in this section as ''LGBTQ'') are more than 4 times more likely to contemplate suicide than their peers;

(2) 1 in 5 LGBTQ youth and more than 1 in 3 transgender youth report attempting suicide this past year; and

(3) the Substance Abuse and Mental Health Services Administration must be equipped to provide specialized resources to this at-risk community.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary for Mental Health and Substance Use shall submit to the Committee on Commerce, Science, and Transportation of

AMERICAN OVERSIGHT

the Senate, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives a report that—

(1) details a strategy, to be developed in consultation with 1 or more organizations with expertise in suicide of LGBTQ youth as well as 1 or more organizations with expertise in suicide of other high risk populations, for the Substance Abuse and Mental Health Services Administration to offer, support, or provide technical assistance to training programs for National Suicide Prevention Lifeline counselors to increase competency in serving LGBTQ youth and other high risk populations; and

(2) includes recommendations regarding—

(A) the facilitation of access to services that are provided to specially trained staff and partner organizations for LGBTQ individuals and other high risk populations; and

(B) a strategy for optimally implementing an Integrated Voice Response, or other equally effective mechanism, to allow National Suicide Prevention Lifeline callers who are LGBTQ youth or members of other high risk populations to access specialized services.

AMERICAN OVERSIGHT

TITLE VII—COVID–19 COMPASSION AND MARTHA WRIGHT PRISON PHONE JUSTICE

SEC. 130701. FINDINGS.

Congress finds the following:

(1) Prison, jails, and other confinement facilities in the United States have unique telecommunications needs due to safety and security concerns.

(2) Unjust and unreasonable charges for telephone and advanced communications services in confinement facilities negatively impact the safety and security of communities in the United States by damaging relationships between incarcerated persons and their support systems, thereby exacerbating recidivism.

(3) The COVID–19 pandemic has greatly intensified these concerns. Jails and prisons have become epicenters for the spread of the virus, with incarcerated persons concentrated in small, confined spaces and often without access to adequate health care. At Cook County jail alone, hundreds of incarcerated persons and jail staff have tested positive for the virus since its outbreak.

(4) To prevent the spread of the virus, many jails and prisons across the country suspended pub-

AMERICAN OVERSIGHT

lic visitation, leaving confinement facility communications services as the only way that incarcerated persons can stay in touch with their families.

(5) All people in the United States, including anyone who pays for confinement facility communications services, should have access to communications services at charges that are just and reasonable.

(6) Unemployment has risen sharply as a result of the COVID–19 pandemic, straining the incomes of millions of Americans and making it even more difficult for families of incarcerated persons to pay the high costs of confinement facility communications services.

(7) Certain markets for confinement facility communications services are distorted due to reverse competition, in which the financial interests of the entity making the buying decision (the confinement facility) are aligned with the seller (the provider of confinement facility communications services) and not the consumer (the incarcerated person or a member of his or her family). This reverse competition occurs because site commission payments to the confinement facility from the provider of confinement facility communications services are the chief

AMERICAN OVERSIGHT

criterion many facilities use to select their provider of confinement facility communications services.

(8) Charges for confinement facility communications services that have been shown to be unjust and unreasonable are often a result of site commission payments that far exceed the costs incurred by the confinement facility in accommodating these services.

(9) Unjust and unreasonable charges have been assessed for both audio and video services and for both intrastate and interstate communications from confinement facilities.

(10) Though Congress enacted emergency legislation to allow free communications in Federal prisons during the pandemic, it does not cover communications to or from anyone incarcerated in State and local prisons or jails.

(11) Mrs. Martha Wright-Reed led a campaign for just communications rates for incarcerated people for over a decade.

(12) Mrs. Wright-Reed was the lead plaintiff in Wright v. Corrections Corporation of America, CA No. 00–293 (GK) (D.D.C. 2001).

AMERICAN OVERSIGHT

(13) That case ultimately led to the Wright Petition at the Federal Communications Commission, CC Docket No. 96–128 (November 3, 2003).

(14) As a grandmother, Mrs. Wright-Reed was forced to choose between purchasing medication and communicating with her incarcerated grandson.

(15) Mrs. Wright-Reed passed away on January 18, 2015, before fully realizing her dream of just communications rates for all people.

SEC. 130702. REQUIREMENTS FOR CONFINEMENT FACILITY COMMUNICATIONS SERVICES, DURING THE COVID–19 PANDEMIC AND OTHER TIMES.

(a) IN GENERAL.—Section 276 of the Communications Act of 1934 (47 U.S.C. 276) is amended by adding at the end the following:

''(e) ADDITIONAL REQUIREMENTS FOR CONFINEMENT FACILITY COMMUNICATIONS SERVICES.—

''(1) AUTHORITY.—

''(A) IN GENERAL.—All charges, practices, classifications, and regulations for and in connection with confinement facility communications services shall be just and reasonable, and any such charge, practice, classification, or regulation that is unjust or unreasonable is declared to be unlawful.

AMERICAN OVERSIGHT

"(B) RULEMAKING REQUIRED.—Not later than 18 months after the date of the enactment of this subsection, the Commission shall issue rules to adopt, for the provision of confinement facility communications services, rates and ancillary service charges that are just and reasonable, which shall be the maximum such rates and charges that a provider of confinement facility communications services may charge for such services. In determining rates and charges that are just and reasonable, the Commission shall adopt such rates and charges based on the average industry costs of providing such services using data collected from providers of confinement facility communications services.

"(C) BIENNIAL REVIEW.—Not less frequently than every 2 years following the issuance of rules under subparagraph (B), the Commission shall—

"(i) determine whether the rates and ancillary service charges authorized by the rules issued under such subparagraph remain just and reasonable; and

"(ii) if the Commission determines under clause (i) that any such rate or

AMERICAN OVERSIGHT

charge does not remain just and reasonable, revise such rules so that such rate or charge is just and reasonable.

"(2) INTERIM RATE CAPS.—Until the Commission issues the rules required by paragraph (1)(B), a provider of confinement facility communications services may not charge a rate for any voice service communication using confinement facility communications services that exceeds the following:

"(A) For debit calling or prepaid calling, $0.04 per minute.

"(B) For collect calling, $0.05 per minute.

"(3) ASSESSMENT ON PER-MINUTE BASIS.—Except as provided in paragraph (4), a provider of confinement facility communications services—

"(A) shall assess all charges for a communication using such services on a per-minute basis for the actual duration of the communication, measured from communication acceptance to termination, rounded up to the next full minute, except in the case of charges for services that the confinement facility offers free of charge or for amounts below the amounts permitted under this subsection; and

AMERICAN OVERSIGHT

"(B) may not charge a per-communication or per-connection charge for a communication using such services.

"(4) ANCILLARY SERVICE CHARGES.—

"(A) GENERAL PROHIBITION.—A provider of confinement facility communications services may not charge an ancillary service charge other than—

"(i) if the Commission has not yet issued the rules required by paragraph (1)(B), a charge listed in subparagraph (B) of this paragraph; or

"(ii) a charge authorized by the rules adopted by the Commission under paragraph (1).

"(B) PERMITTED CHARGES AND RATES.—If the Commission has not yet issued the rules required by paragraph (1)(B), a provider of confinement facility communications services may not charge a rate for an ancillary service charge in excess of the following:

"(i) In the case of an automated payment fee, 2.9 percent of the total charge on which the fee is assessed.

AMERICAN OVERSIGHT

''(ii) In the case of a fee for single-call and related services, the exact transaction fee charged by the third-party provider, with no markup.

''(iii) In the case of a live agent fee, $5.95 per use.

''(iv) In the case of a paper bill or statement fee, $2 per use.

''(v) In the case of a third-party financial transaction fee, the exact fee, with no markup, charged by the third party for the transaction.

''(5) PROHIBITION ON SITE COMMISSIONS.—A provider of confinement facility communications services may not assess a site commission.

''(6) RELATIONSHIP TO STATE LAW.—A State or political subdivision of a State may not enforce any law, rule, regulation, standard, or other provision having the force or effect of law relating to confinement facility communications services that allows for higher rates or other charges to be assessed for such services than is permitted under any Federal law or regulation relating to confinement facility communications services.

''(7) DEFINITIONS.—In this subsection:

AMERICAN OVERSIGHT

"(A) ANCILLARY SERVICE CHARGE.—The term 'ancillary service charge' means any charge a consumer may be assessed for the setting up or use of a confinement facility communications service that is not included in the per-minute charges assessed for individual communications.

"(B) AUTOMATED PAYMENT FEE.—The term 'automated payment fee' means a credit card payment, debit card payment, or bill processing fee, including a fee for a payment made by means of interactive voice response, the internet, or a kiosk.

"(C) COLLECT CALLING.—The term 'collect calling' means an arrangement whereby a credit-qualified party agrees to pay for charges associated with a communication made to such party using confinement facility communications services and originating from within a confinement facility.

"(D) CONFINEMENT FACILITY.—The term 'confinement facility'—

"(i) means a jail or a prison; and

"(ii) includes any juvenile, detention, work release, or mental health facility that

AMERICAN OVERSIGHT

is used primarily to hold individuals who are—

"(I) awaiting adjudication of criminal charges or an immigration matter; or

"(II) serving a sentence for a criminal conviction.

"(E) CONFINEMENT FACILITY COMMUNICATIONS SERVICE.—The term 'confinement facility communications service' means a service that allows incarcerated persons to make electronic communications (whether intrastate, interstate, or international and whether made using video, audio, or any other communicative method, including advanced communications services) to individuals outside the confinement facility, or to individuals inside the confinement facility, where the incarcerated person is being held, regardless of the technology used to deliver the service.

"(F) CONSUMER.—The term 'consumer' means the party paying a provider of confinement facility communications services.

"(G) DEBIT CALLING.—The term 'debit calling' means a presubscription or comparable

AMERICAN OVERSIGHT

service which allows an incarcerated person, or someone acting on an incarcerated person's behalf, to fund an account set up through a provider that can be used to pay for confinement facility communications services originated by the incarcerated person.

''(H) FEE FOR SINGLE-CALL AND RELATED SERVICES.—The term 'fee for single-call and related services' means a billing arrangement whereby communications made by an incarcerated person using collect calling are billed through a third party on a per-communication basis, where the recipient does not have an account with the provider of confinement facility communications services.

''(I) INCARCERATED PERSON.—The term 'incarcerated person' means a person detained at a confinement facility, regardless of the duration of the detention.

''(J) JAIL.—The term 'jail'—

''(i) means a facility of a law enforcement agency of the Federal Government or of a State or political subdivision of a State that is used primarily to hold individuals who are—

AMERICAN OVERSIGHT

"(I) awaiting adjudication of criminal charges;

"(II) post-conviction and committed to confinement for sentences of one year or less; or

"(III) post-conviction and awaiting transfer to another facility; and

"(ii) includes—

"(I) city, county, or regional facilities that have contracted with a private company to manage day-to-day operations;

"(II) privately-owned and operated facilities primarily engaged in housing city, county, or regional incarcerated persons; and

"(III) facilities used to detain individuals pursuant to a contract with U.S. Immigration and Customs Enforcement.

"(K) LIVE AGENT FEE.—The term 'live agent fee' means a fee associated with the optional use of a live operator to complete a confinement facility communications service transaction.

AMERICAN OVERSIGHT

"(L) PAPER BILL OR STATEMENT FEE.—The term 'paper bill or statement fee' means a fee associated with providing a consumer an optional paper billing statement.

"(M) PER-COMMUNICATION OR PER-CONNECTION CHARGE.—The term 'per-communication or per-connection charge' means a one-time fee charged to a consumer at the initiation of a communication.

"(N) PREPAID CALLING.—The term 'prepaid calling' means a calling arrangement that allows a consumer to pay in advance for a specified amount of confinement facility communications services.

"(O) PRISON.—The term 'prison'—

"(i) means a facility operated by a State or Federal agency that is used primarily to confine individuals convicted of felonies and sentenced to terms in excess of one year; and

"(ii) includes—

"(I) public and private facilities that provide outsource housing to State or Federal agencies such as

AMERICAN OVERSIGHT

State Departments of Correction and the Federal Bureau of Prisons; and

"(II) facilities that would otherwise be jails but in which the majority of incarcerated persons are post-conviction or are committed to confinement for sentences of longer than one year.

"(P) PROVIDER OF CONFINEMENT FACILITY COMMUNICATIONS SERVICES.—The term 'provider of confinement facility communications services' means any communications service provider that provides confinement facility communications services, regardless of the technology used.

"(Q) SITE COMMISSION.—The term 'site commission' means any monetary payment, in-kind payment, gift, exchange of services or goods, fee, technology allowance, or product that a provider of confinement facility communications services or an affiliate of a provider of confinement facility communications services may pay, give, donate, or otherwise provide to—

AMERICAN OVERSIGHT

''(i) an entity that operates a confinement facility;

''(ii) an entity with which the provider of confinement facility communications services enters into an agreement to provide confinement facility communications services;

''(iii) a governmental agency that oversees a confinement facility;

''(iv) the State or political subdivision of a State where a confinement facility is located; or

''(v) an agent or other representative of an entity described in any of clauses (i) through (iv).

''(R) THIRD-PARTY FINANCIAL TRANSACTION FEE.—The term 'third-party financial transaction fee' means the exact fee, with no markup, that a provider of confinement facility communications services is charged by a third party to transfer money or process a financial transaction to facilitate the ability of a consumer to make an account payment via a third party.

AMERICAN OVERSIGHT

"(S) VOICE SERVICE.—The term 'voice service'—

"(i) means any service that is interconnected with the public switched telephone network and that furnishes voice communications to an end user using resources from the North American Numbering Plan or any successor to the North American Numbering Plan adopted by the Commission under section 251(e)(1); and

"(ii) includes—

"(I) transmissions from a telephone facsimile machine, computer, or other device to a telephone facsimile machine; and

"(II) without limitation, any service that enables real-time, two-way voice communications, including any service that requires internet protocol-compatible customer premises equipment (commonly known as 'CPE') and permits out-bound calling, whether or not the service is one-way or two-way voice over internet protocol.".

AMERICAN OVERSIGHT

(b) CONFORMING AMENDMENT.—Section 276(d) of the Communications Act of 1934 (47 U.S.C. 276(d)) is amended by striking ''inmate telephone service in correctional institutions'' and inserting ''confinement facility communications services (as defined in subsection (e)(7))''.

(c) EXISTING CONTRACTS.—

(1) IN GENERAL.—In the case of a contract that was entered into and under which a provider of confinement facility communications services was providing such services at a confinement facility on or before the date of the enactment of this Act—

(A) paragraphs (1) through (5) of subsection (e) of section 276 of the Communications Act of 1934, as added by subsection (a) of this section, shall apply to the provision of confinement facility communications services by such provider at such facility beginning on the earlier of—

(i) the date that is 60 days after such date of enactment; or

(ii) the date of the termination of the contract; and

AMERICAN OVERSIGHT

(B) the terms of such contract may not be extended after such date of enactment, whether by exercise of an option or otherwise.

(2) DEFINITIONS.—In this subsection, the terms ''confinement facility'', ''confinement facility communications service'', and ''provider of confinement facility communications services'' have the meanings given such terms in paragraph (7) of subsection (e) of section 276 of the Communications Act of 1934, as added by subsection (a) of this section.

SEC. 130703. AUTHORITY.

Section 2(b) of the Communications Act of 1934 (47 U.S.C. 152(b)) is amended by inserting ''section 276,'' after ''227, inclusive,''.

TITLE VIII—HEALTHCARE BROADBAND EXPANSION DURING COVID–19

SEC. 130801. EXPANSION OF RURAL HEALTH CARE PROGRAM OF FCC IN RESPONSE TO COVID–19.

(a) PROMULGATION OF REGULATIONS REQUIRED.—Not later than 7 days after the date of the enactment of this Act, the Commission shall promulgate regulations modifying the requirements in subpart G of part 54 of

AMERICAN OVERSIGHT

title 47, Code of Federal Regulations, in the following manner:

(1) A health care provider not located in a rural area shall be treated as a rural health care provider for the purposes of the Healthcare Connect Fund Program.

(2) The discount rate for an eligible expense through the Healthcare Connect Fund Program (as described in section 54.611(a) of title 47, Code of Federal Regulations, or any successor regulation) shall be increased to 85 percent in funding years 2019, 2020, and 2021 for eligible equipment purchased or eligible services rendered in such funding years (including for eligible equipment, upfront payments, and multi-year commitments without limitation).

(3) A temporary, mobile, or satellite health care delivery site shall be treated as a health care provider or an eligible site of a health care provider for purposes of determining eligibility for the Healthcare Connect Fund Program or the Telecommunications Program.

(4) The waiver of the application window specified in section 54.621(a) of title 47, Code of Federal

AMERICAN OVERSIGHT

Regulations (or any successor regulation), for funding year 2019.

(5) The adoption and implementation of a rolling application process to allow a health care provider to apply for funding.

(6) The following changes to certain bidding requirements:

(A) A waiver of any requirement under section 54.622 of title 47, Code of Federal Regulations (or any successor regulation), for a health care provider upgrading an existing supported service at a particular location, effective as of the date of declaration of the public health emergency pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) as a result of confirmed cases of COVID–19, if the health care provider maintains the same eligible service provider to provide the upgraded service at such location.

(B) Reduction of the 28-day waiting period described in section 54.622(g) of title 47, Code of Federal Regulations (or any successor regulation), to a 14-day waiting period.

AMERICAN OVERSIGHT

(C) Modification of the requirements in section 54.622 of title 47, Code of Federal Regulations (or any successor regulation), to—

(i) provide that bid evaluation criteria may give additional consideration to the speed with which an eligible service provider can initiate service; and

(ii) encourage applicants to consider bids from different providers to provide service to different locations of such applicants, if considering bids in this manner would expedite the overall timeline for initiating or expanding service to individual locations.

(7) Issuance of a decision on each application for funding not later than 60 days after the date on which the application is filed.

(8) Release of funding not later than 30 days after the date on which an invoice is submitted with respect to an application that is approved, applicable services have been provided, and required invoices have been submitted as required under program rules.

(b) ADDITIONAL CHANGES TO RURAL HEALTH CARE PROGRAM.—

AMERICAN OVERSIGHT

(1) RELEASE OF FUNDING FOR OUTSTANDING FUNDING REQUESTS.—

(A) IN GENERAL.—The Commission shall ensure the release of funding for all requests (outstanding as of the date of the enactment of this Act) under the Rural Health Care Program not later than 60 days after the date of the enactment of this Act, except that for outstanding funding requests that are subject to a review of the applicable urban and rural rates, the Commission shall ensure the release of interim funding not later than 60 days after the date of the enactment of this Act, disbursed at 65 percent of the funding request, subject to a true-up following the completion of such review.

(B) LIMITATION.—This paragraph shall not apply to any party or successor-in-interest to any party to which the Commission, during the period beginning on the date that is 1 year before the date of the enactment of this Act and ending on January 31, 2020, has issued a Letter of Inquiry, Notice of Apparent Liability, or Forfeiture Order relating to the party's participation in the Rural Health Care Program,

AMERICAN OVERSIGHT

pursuant to section 503(b) of the Communications Act of 1934 (47 U.S.C. 503(b)).

(C) REQUIRED REPAYMENT.—In the case of an eligible service provider that receives funding through the Rural Health Care Program pursuant to this paragraph to which such provider is not entitled, the Commission shall require such provider to repay such funds.

(2) DELAY OF IMPLEMENTATION SCHEDULE.—The Commission shall—

(A) delay by one year the implementation of sections 54.604 and 54.605 of title 47, Code of Federal Regulations (or any successor regulation), as adopted in the Report and Order in the matter of Promoting Telehealth in Rural America (FCC 19–78) that was adopted by the Commission on August 1, 2019; and

(B) delay application of the new definition of ''similar services'' as described in paragraphs 14 to 20 of such Report and Order until the implementation of such sections.

(c) EFFECTIVE DATE OF REGULATIONS.—The regulations required under subsection (a) shall take effect on the date on which such regulations are promulgated.

AMERICAN OVERSIGHT

(d) TERMINATION OF REGULATIONS.—Except to the extent that the Commission determines that some or all of the regulations promulgated under subsection (a) should remain in effect (excluding any regulation promulgated under paragraph (1) of such subsection), such regulations shall terminate on the later of—

(1) the earlier of—

(A) the date that is 60 days after the termination of the declaration, or any renewal thereof, of the public health emergency pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) as a result of confirmed cases of COVID–19; and

(B) the date of the expiration of the appropriation in subsection (f)(2); and

(2) the date that is 9 months after the date of the enactment of this Act.

(e) EXEMPTIONS.—

(1) NOTICE AND COMMENT RULEMAKING REQUIREMENTS.—Subsections (b), (c), and (d) of section 553 of title 5, United States Code, shall not apply to a regulation promulgated under subsection (a) or a rulemaking to promulgate such a regulation.

(2) PAPERWORK REDUCTION ACT REQUIREMENTS.—A collection of information conducted or

AMERICAN OVERSIGHT

sponsored under the regulations required by subsection (a), or under section 254 of the Communications Act of 1934 (47 U.S.C. 254) in connection with universal service support provided under such regulations, shall not constitute a collection of information for the purposes of subchapter I of chapter 35 of title 44, United States Code (commonly referred to as the Paperwork Reduction Act).

(f) EMERGENCY RURAL HEALTH CARE CONNECTIVITY FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Emergency Rural Health Care Connectivity Fund.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Emergency Rural Health Care Connectivity Fund $2,000,000,000 for fiscal year 2020, to remain available through fiscal year 2022.

(3) USE OF FUNDS.—Amounts in the Emergency Rural Health Care Connectivity Fund shall be available to the Commission to carry out the Rural Health Care Program, as modified by the regulations promulgated under subsection (a).

AMERICAN OVERSIGHT

(4) RELATIONSHIP TO UNIVERSAL SERVICE CONTRIBUTIONS.—Support provided under the regulations required by paragraphs (1) through (3) of subsection (a) shall be provided from amounts made available under paragraph (3) of this subsection and not from contributions under section 254(d) of the Communications Act of 1934 (47 U.S.C. 254(d)). Such support shall be in addition to, and not in replacement of, funds authorized by the Commission for the Rural Health Care Program as of the date of the enactment of this Act from contributions under section 254(d) of the Communications Act of 1934 (47 U.S.C. 254(d)).

(g) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(2) ELIGIBLE EQUIPMENT.—The term ''eligible equipment'' means the equipment described in section 54.613 of title 47, Code of Federal Regulations (or any successor regulation).

(3) ELIGIBLE SERVICE PROVIDER.—The term ''eligible service provider'' means a provider described in section 54.608 of title 47, Code of Federal Regulations (or any successor regulation).

AMERICAN OVERSIGHT

(4) FUNDING YEAR.—The term ''funding year'' has the meaning given such term in section 54.600(a) of title 47, Code of Federal Regulations (or any successor regulation).

(5) HEALTH CARE PROVIDER.—The term ''health care provider'' has the meaning given such term in section 54.600(b) of title 47, Code of Federal Regulations (or any successor regulation).

(6) HEALTHCARE CONNECT FUND PROGRAM.—The term ''Healthcare Connect Fund Program'' has the meaning given such term in section 54.602(b) of title 47, Code of Federal Regulations (or any successor regulation).

(7) MULTI-YEAR COMMITMENTS.—The term ''multi-year commitments'' means the commitments described in section 54.620(c) of title 47, Code of Federal Regulations (or any successor regulation).

(8) RURAL AREA.—The term ''rural area'' has the meaning given such term in section 54.600(e) of title 47, Code of Federal Regulations (or any successor regulation).

(9) RURAL HEALTH CARE PROGRAM.—The term ''Rural Health Care Program'' means the program described in subpart G of part 54 of title 47,

AMERICAN OVERSIGHT

Code of Federal Regulations (or any successor regulation).

(10) RURAL HEALTH CARE PROVIDER.—The term ''rural health care provider'' has the meaning given such term in section 54.600(f) of title 47, Code of Federal Regulations (or any successor regulation).

(11) TELECOMMUNICATIONS PROGRAM.—The term ''Telecommunications Program'' has the meaning given such term in section 54.602(a) of title 47, Code of Federal Regulations (or any successor regulation).

(12) UPFRONT PAYMENTS.—The term ''upfront payments'' means the payments described in section 54.616 of title 47, Code of Federal Regulations (or any successor regulation).

AMERICAN OVERSIGHT

DIVISION N—GIVING RETIREMENT OPTIONS TO WORKERS ACT

SEC. 140001. SHORT TITLE.

This division may be cited as the ''Giving Retirement Options to Workers Act of 2020'' or the ''GROW Act''.

SEC. 140002. COMPOSITE PLANS.

(a) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) is amended by adding at the end the following:

''PART 8—COMPOSITE PLANS AND LEGACY PLANS

''SEC. 801. COMPOSITE PLAN DEFINED.

''(a) IN GENERAL.—For purposes of this Act, the term 'composite plan' means a pension plan—

''(1) which is a multiemployer plan that is neither a defined benefit plan nor a defined contribution plan;

''(2) the terms of which provide that the plan is a composite plan for purposes of this title with respect to which not more than one multiemployer defined benefit plan is treated as a legacy plan within

AMERICAN OVERSIGHT

the meaning of section 805, unless there is more than one legacy plan following a merger of composite plans under section 806;

''(3) which provides systematically for the payment of benefits—

''(A) objectively calculated pursuant to a formula enumerated in the plan document with respect to plan participants after retirement, for life; and

''(B) in the form of life annuities, except for benefits which under section 203(e) may be immediately distributed without the consent of the participant;

''(4) for which the plan contributions for the first plan year are at least 120 percent of the normal cost for the plan year;

''(5) which requires—

''(A) an annual valuation of the liability of the plan as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year;

''(B) an annual actuarial determination of the plan's current funded ratio and projected funded ratio under section 802(a);

AMERICAN OVERSIGHT

"(C) corrective action through a realignment program pursuant to section 803 whenever the plan's projected funded ratio is below 120 percent for the plan year; and

"(D) an annual notification to each participant describing the participant's benefits under the plan and explaining that such benefits may be subject to reduction under a realignment program pursuant to section 803 based on the plan's funded status in future plan years; and

"(6) the board of trustees of which includes at least one retiree or beneficiary in pay status during each plan year following the first plan year in which at least 5 percent of the participants in the plan are retirees or beneficiaries in pay status.

"(b) TRANSITION FROM A MULTIEMPLOYER DEFINED BENEFIT PLAN.—

"(1) IN GENERAL.—The plan sponsor of a defined benefit plan that is a multiemployer plan may, subject to paragraph (2), amend the plan to incorporate the features of a composite plan as a component of the multiemployer plan separate from the defined benefit plan component, except in the case of a defined benefit plan for which the plan actuary has certified under section 305(b)(3) that the plan is or

AMERICAN OVERSIGHT

will be in critical status for the plan year in which such amendment would become effective or for any of the succeeding 5 plan years.

''(2) REQUIREMENTS.—Any amendment pursuant to paragraph (1) to incorporate the features of a composite plan as a component of a multiemployer plan shall—

''(A) apply with respect to all collective bargaining agreements providing for contributions to the multiemployer plan on or after the effective date of the amendment;

''(B) apply with respect to all participants in the multiemployer plan for whom contributions are made to the multiemployer plan on or after the effective date of the amendment;

''(C) specify that the effective date of the amendment is—

''(i) the first day of a specified plan year following the date of the adoption of the amendment, except that the plan sponsor may alternatively provide for a separate effective date with respect to each collective bargaining agreement under which contributions to the multiemployer plan are required, which shall occur on the first

AMERICAN OVERSIGHT

day of the first plan year beginning after the termination, or if earlier, the re-opening, of each such agreement, or such earlier date as the parties to the agreement and the plan sponsor of the multiemployer plan shall agree to; and

''(ii) not later than the first day of the fifth plan year beginning on or after the date of the adoption of the amendment;

''(D) specify that, as of the amendment's effective date, no further benefits shall accrue under the defined benefit component of the multiemployer plan; and

''(E) specify that, as of the amendment's effective date, the plan sponsor of the multiemployer plan shall be the plan sponsor of both the composite plan component and the defined benefit plan component of the plan.

''(3) SPECIAL RULES.—If a multiemployer plan is amended pursuant to paragraph (1)—

''(A) the requirements of this title and title IV shall be applied to the composite plan component and the defined benefit plan component of the multiemployer plan as if each such component were maintained as a separate plan; and

AMERICAN OVERSIGHT

"(B) the assets of the composite plan component and the defined benefit plan component of the plan shall be held in a single trust forming part of the plan under which the trust instrument expressly provides—

"(i) for separate accounts (and appropriate records) to be maintained to reflect the interest which each of the plan components has in the trust, including separate accounting for additions to the trust for the benefit of each plan component, disbursements made from each plan component's account in the trust, investment experience of the trust allocable to that account, and administrative expenses (whether direct expenses or shared expenses allocated proportionally), and permits, but does not require, the pooling of some or all of the assets of the two plan components for investment purposes; and

"(ii) that the assets of each of the two plan components shall be held, invested, reinvested, managed, administered and distributed for the exclusive benefit of the participants and beneficiaries of each such

AMERICAN OVERSIGHT

plan component, and in no event shall the assets of one of the plan components be available to pay benefits due under the other plan component.

"(4) NOT A TERMINATION EVENT.—Notwithstanding section 4041A, an amendment pursuant to paragraph (1) to incorporate the features of a composite plan as a component of a multiemployer plan does not constitute termination of the multiemployer plan.

"(5) NOTICE TO THE SECRETARY.—

"(A) NOTICE.—The plan sponsor of a composite plan shall provide notice to the Secretary of the intent to establish the composite plan (or, in the case of a composite plan incorporated as a component of a multiemployer plan as described in paragraph (1), the intent to amend the multiemployer plan to incorporate such composite plan) at least 30 days prior to the effective date of such establishment or amendment.

"(B) CERTIFICATION.—In the case of a composite plan incorporated as a component of a multiemployer plan as described in paragraph (1), such notice shall include a certification by

AMERICAN OVERSIGHT

the plan actuary under section 305(b)(3) that the effective date of the amendment occurs in a plan year for which the multiemployer plan is not in critical status for that plan year and any of the succeeding 5 plan years.

''(6) REFERENCES TO COMPOSITE PLAN COMPONENT.—As used in this part, the term 'composite plan' includes a composite plan component added to a defined benefit plan pursuant to paragraph (1).

''(7) RULE OF CONSTRUCTION.—Paragraph (2)(A) shall not be construed as preventing the plan sponsor of a multiemployer plan from adopting an amendment pursuant to paragraph (1) because some collective bargaining agreements are amended to cease any covered employer's obligation to contribute to the multiemployer plan before or after the plan amendment is effective. Paragraph (2)(B) shall not be construed as preventing the plan sponsor of a multiemployer plan from adopting an amendment pursuant to paragraph (1) because some participants cease to have contributions made to the multiemployer plan on their behalf before or after the plan amendment is effective.

AMERICAN OVERSIGHT

''(c) COORDINATION WITH FUNDING RULES.—Except as otherwise provided in this title, sections 302, 304, and 305 shall not apply to a composite plan.

''(d) TREATMENT OF A COMPOSITE PLAN.—For purposes of this Act (other than sections 302 and 4245), a composite plan shall be treated as if it were a defined benefit plan unless a different treatment is provided for under applicable law.

''SEC. 802. FUNDED RATIOS; ACTUARIAL ASSUMPTIONS.

''(a) CERTIFICATION OF FUNDED RATIOS.—

''(1) IN GENERAL.—Not later than the one-hundred twentieth day of each plan year of a composite plan, the plan actuary of the composite plan shall certify to the Secretary, the Secretary of the Treasury, and the plan sponsor the plan's current funded ratio and projected funded ratio for the plan year.

''(2) DETERMINATION OF CURRENT FUNDED RATIO AND PROJECTED FUNDED RATIO.—For purposes of this section:

''(A) CURRENT FUNDED RATIO.—The current funded ratio is the ratio (expressed as a percentage) of—

''(i) the value of the plan's assets as of the first day of the plan year; to

AMERICAN OVERSIGHT

"(ii) the plan actuary's best estimate of the present value of the plan liabilities as of the first day of the plan year.

"(B) PROJECTED FUNDED RATIO.—The projected funded ratio is the current funded ratio projected to the first day of the fifteenth plan year following the plan year for which the determination is being made.

"(3) CONSIDERATION OF CONTRIBUTION RATE INCREASES.—For purposes of projections under this subsection, the plan sponsor may anticipate contribution rate increases beyond the term of the current collective bargaining agreement and any agreed-to supplements, up to a maximum of 2.5 percent per year, compounded annually, unless it would be unreasonable under the circumstances to assume that contributions would increase by that amount.

"(b) ACTUARIAL ASSUMPTIONS AND METHODS.—For purposes of this part:

"(1) IN GENERAL.—All costs, liabilities, rates of interest and other factors under the plan shall be determined for a plan year on the basis of actuarial assumptions and methods—

AMERICAN OVERSIGHT

"(A) each of which is reasonable (taking into account the experience of the plan and reasonable expectations);

"(B) which, in combination, offer the actuary's best estimate of anticipated experience under the plan; and

"(C) with respect to which any change from the actuarial assumptions and methods used in the previous plan year shall be certified by the plan actuary and the actuarial rationale for such change provided in the annual report required by section 103.

"(2) FAIR MARKET VALUE OF ASSETS.—The value of the plan's assets shall be taken into account on the basis of their fair market value.

"(3) DETERMINATION OF NORMAL COST AND PLAN LIABILITIES.—A plan's normal cost and liabilities shall be based on the most recent actuarial valuation required under section 801(a)(5)(A) and the unit credit funding method.

"(4) TIME WHEN CERTAIN CONTRIBUTIONS DEEMED MADE.—Any contributions for a plan year made by an employer after the last day of such plan year, but not later than two and one-half months after such day, shall be deemed to have been made

AMERICAN OVERSIGHT

on such last day. For purposes of this paragraph, such two and one-half month period may be extended for not more than six months under regulations prescribed by the Secretary of the Treasury.

''(5) ADDITIONAL ACTUARIAL ASSUMPTIONS.—Except where otherwise provided in this part, the provisions of section 305(b)(3)(B) shall apply to any determination or projection under this part.

''SEC. 803. REALIGNMENT PROGRAM.

''(a) REALIGNMENT PROGRAM.—

''(1) ADOPTION.—In any case in which the plan actuary certifies under section 802(a) that the plan's projected funded ratio is below 120 percent for the plan year, the plan sponsor shall adopt a realignment program under paragraph (2) not later than 210 days after the due date of the certification required under such section 802(a). The plan sponsor shall adopt an updated realignment program for each succeeding plan year for which a certification described in the preceding sentence is made.

''(2) CONTENT OF REALIGNMENT PROGRAM.—

''(A) IN GENERAL.—A realignment program adopted under this paragraph is a written program which consists of all reasonable measures, including options or a range of options to

AMERICAN OVERSIGHT

be undertaken by the plan sponsor or proposed to the bargaining parties, formulated, based on reasonably anticipated experience and reasonable actuarial assumptions, to enable the plan to achieve a projected funded ratio of at least 120 percent for the following plan year.

''(B) INITIAL PROGRAM ELEMENTS.—Reasonable measures under a realignment program described in subparagraph (A) may include any of the following:

''(i) Proposed contribution increases.

''(ii) A reduction in the rate of future benefit accruals, so long as the resulting rate is not less than 1 percent of the contributions on which benefits are based as of the start of the plan year (or the equivalent standard accrual rate as described in section 305(e)(6)).

''(iii) A modification or elimination of adjustable benefits of participants that are not in pay status before the date of the notice required under subsection (b)(1).

''(iv) Any other lawfully available measures not specifically described in this subparagraph or subparagraph (C) or (D)

AMERICAN OVERSIGHT

that the plan sponsor determines are reasonable.

"(C) ADDITIONAL PROGRAM ELEMENTS.—If the plan sponsor has determined that all reasonable measures available under subparagraph (B) will not enable the plan to achieve a projected funded ratio of at least 120 percent for the following plan year, such reasonable measures may also include—

"(i) a reduction of accrued benefits that are not in pay status by the date of the notice required under subsection (b)(1); or

"(ii) a reduction of any benefits of participants that are in pay status before the date of the notice required under subsection (b)(1) other than core benefits as defined in paragraph (4).

"(D) ADDITIONAL REDUCTIONS.—In the case of a composite plan for which the plan sponsor has determined that all reasonable measures available under subparagraphs (B) and (C) will not enable the plan to achieve a projected funded ratio of at least 120 percent

AMERICAN OVERSIGHT

for the following plan year, such reasonable measures may also include—

"(i) a further reduction in the rate of future benefit accruals without regard to the limitation applicable under subparagraph (B)(ii); or

"(ii) a reduction of core benefits;

provided that such reductions shall be equitably distributed across the participant and beneficiary population, taking into account factors, with respect to participants and beneficiaries and their benefits, that may include one or more of the factors listed in subclauses (I) through (X) of section 305(e)(9)(D)(vi), to the extent necessary to enable the plan to achieve a projected funded ratio of at least 120 percent for the following plan year, or at the election of the plan sponsor, a projected funded ratio of at least 100 percent for the following plan year and a current funded ratio of at least 90 percent.

"(3) ADJUSTABLE BENEFIT DEFINED.—For purposes of this part, the term 'adjustable benefit' means—

AMERICAN OVERSIGHT

''(A) benefits, rights, and features under the plan, including post-retirement death benefits, 60-month guarantees, disability benefits not yet in pay status, and similar benefits;

''(B) any early retirement benefit or retirement-type subsidy (within the meaning of section 204(g)(2)(A)) and any benefit payment option (other than the qualified joint and survivor annuity); and

''(C) benefit increases that were adopted (or, if later, took effect) less than 60 months before the first day such realignment program took effect.

''(4) CORE BENEFIT DEFINED.—For purposes of this part, the term 'core benefit' means a participant's accrued benefit payable in the normal form of an annuity commencing at normal retirement age, determined without regard to—

''(A) any early retirement benefits, retirement-type subsidies, or other benefits, rights, or features that may be associated with that benefit; and

''(B) any cost-of-living adjustments or benefit increases effective after the date of retirement.

AMERICAN OVERSIGHT

"(5) COORDINATION WITH CONTRIBUTION INCREASES.—

"(A) IN GENERAL.—A realignment program may provide that some or all of the benefit modifications described in the program will only take effect if the bargaining parties fail to agree to specified levels of increases in contributions to the plan, effective as of specified dates.

"(B) INDEPENDENT BENEFIT MODIFICATIONS.—If a realignment program adopts any changes to the benefit formula that are independent of potential contribution increases, such changes shall take effect not later than 180 days after the first day of the first plan year that begins following the adoption of the realignment program.

"(C) CONDITIONAL BENEFIT MODIFICATIONS.—If a realignment program adopts any changes to the benefit formula that take effect only if the bargaining parties fail to agree to contribution increases, such changes shall take effect not later than the first day of the first plan year beginning after the third anniversary of the date of adoption of the realignment program.

AMERICAN OVERSIGHT

"(D) REVOCATION OF CERTAIN BENEFIT MODIFICATIONS.—Benefit modifications described in subparagraph (C) may be revoked, in whole or in part, and retroactively or prospectively, when contributions to the plan are increased, as specified in the realignment program, including any amendments thereto. The preceding sentence shall not apply unless the contribution increases are to be effective not later than the fifth anniversary of the first day of the first plan year that begins after the adoption of the realignment program.

"(b) NOTICE.—

"(1) IN GENERAL.—In any case in which it is certified under section 802(a) that the projected funded ratio is less than 120 percent, the plan sponsor shall, not later than 30 days after the date of the certification, provide notification of the current and projected funded ratios to the participants and beneficiaries, the bargaining parties, and the Secretary. Such notice shall include—

"(A) an explanation that contribution rate increases or benefit reductions may be necessary;

AMERICAN OVERSIGHT

"(B) a description of the types of benefits that might be reduced; and

"(C) an estimate of the contribution increases and benefit reductions that may be necessary to achieve a projected funded ratio of 120 percent.

"(2) NOTICE OF BENEFIT MODIFICATIONS.—

"(A) IN GENERAL.—No modifications may be made that reduce the rate of future benefit accrual or that reduce core benefits or adjustable benefits unless notice of such reduction has been given at least 180 days before the general effective date of such reduction for all participants and beneficiaries to—

"(i) plan participants and beneficiaries;

"(ii) each employer who has an obligation to contribute to the composite plan; and

"(iii) each employee organization which, for purposes of collective bargaining, represents plan participants employed by such employers.

"(B) CONTENT OF NOTICE.—The notice under subparagraph (A) shall contain—

AMERICAN OVERSIGHT

"(i) sufficient information to enable participants and beneficiaries to understand the effect of any reduction on their benefits, including an illustration of any affected benefit or subsidy, on an annual or monthly basis that a participant or beneficiary would otherwise have been eligible for as of the general effective date described in subparagraph (A); and

"(ii) information as to the rights and remedies of plan participants and beneficiaries as well as how to contact the Department of Labor for further information and assistance, where appropriate.

"(C) FORM AND MANNER.—Any notice under subparagraph (A)—

"(i) shall be provided in a form and manner prescribed in regulations of the Secretary of Labor;

"(ii) shall be written in a manner so as to be understood by the average plan participant.

"(3) MODEL NOTICES.—The Secretary shall—

"(A) prescribe model notices that the plan sponsor of a composite plan may use to satisfy

AMERICAN OVERSIGHT

the notice requirements under this subsection; and

"(B) by regulation enumerate any details related to the elements listed in paragraph (1) that any notice under this subsection must include.

"(4) DELIVERY METHOD.—Any notice under this part shall be provided in writing and may also be provided in electronic form to the extent that the form is reasonably accessible to persons to whom the notice is provided.

"SEC. 804. LIMITATION ON INCREASING BENEFITS.

"(a) LEVEL OF CURRENT FUNDED RATIOS.—Except as provided in subsections (c), (d), and (e), no plan amendment increasing benefits or establishing new benefits under a composite plan may be adopted for a plan year unless—

"(1) the plan's current funded ratio is at least 110 percent (without regard to the benefit increase or new benefits);

"(2) taking the benefit increase or new benefits into account, the current funded ratio is at least 100 percent and the projected funded ratio for the current plan year is at least 120 percent;

AMERICAN OVERSIGHT

''(3) in any case in which, after taking the benefit increase or new benefits into account, the current funded ratio is less than 140 percent and the projected funded ratio is less than 140 percent, the benefit increase or new benefits are projected by the plan actuary to increase the present value of the plan's liabilities for the plan year by not more than 3 percent; and

''(4) expected contributions for the current plan year are at least 120 percent of normal cost for the plan year, determined using the unit credit funding method and treating the benefit increase or new benefits as in effect for the entire plan year.

''(b) ADDITIONAL REQUIREMENTS WHERE CORE BENEFITS REDUCED.—If a plan has been amended to reduce core benefits pursuant to a realignment program under section 803(a)(2)(D), such plan may not be subsequently amended to increase core benefits unless the amendment—

''(1) increases the level of future benefit payments only; and

''(2) provides for an equitable distribution of benefit increases across the participant and beneficiary population, taking into account the extent to

AMERICAN OVERSIGHT

which the benefits of participants were previously reduced pursuant to such realignment program.

''(c) EXCEPTION TO COMPLY WITH APPLICABLE LAW.—Subsection (a) shall not apply in connection with a plan amendment if the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

''(d) EXCEPTION WHERE MAXIMUM DEDUCTIBLE LIMIT APPLIES.—Subsection (a) shall not apply in connection with a plan amendment if and to the extent that contributions to the composite plan would not be deductible for the plan year under section 404(a)(1)(E) of the Internal Revenue Code of 1986 if the plan amendment is not adopted.

''(e) EXCEPTION FOR CERTAIN BENEFIT MODIFICATIONS.—Subsection (a) shall not apply in connection with a plan amendment under section 803(a)(5)(C), regarding conditional benefit modifications.

''(f) TREATMENT OF PLAN AMENDMENTS.—For purposes of this section—

''(1) if two or more plan amendments increasing benefits or establishing new benefits are adopted in a plan year, such amendments shall be treated as

AMERICAN OVERSIGHT

a single amendment adopted on the last day of the plan year;

''(2) all benefit increases and new benefits adopted in a single amendment are treated as a single benefit increase, irrespective of whether the increases and new benefits take effect in more than one plan year; and

''(3) increases in contributions or decreases in plan liabilities which are scheduled to take effect in future plan years may be taken into account in connection with a plan amendment if they have been agreed to in writing or otherwise formalized by the date the plan amendment is adopted.

''SEC. 805. COMPOSITE PLAN RESTRICTIONS TO PRESERVE LEGACY PLAN FUNDING.

''(a) TREATMENT AS A LEGACY PLAN.—

''(1) IN GENERAL.—For purposes of this part and parts 2 and 3, a defined benefit plan shall be treated as a legacy plan with respect to the composite plan under which the employees who were eligible to accrue a benefit under the defined benefit plan become eligible to accrue a benefit under such composite plan.

''(2) COMPONENT PLANS.—In any case in which a defined benefit plan is amended to add a

AMERICAN OVERSIGHT

composite plan component pursuant to section 801(b), paragraph (1) shall be applied by substituting 'defined benefit component' for 'defined benefit plan' and 'composite plan component' for 'composite plan'.

"(3) ELIGIBLE TO ACCRUE A BENEFIT.—For purposes of paragraph (1), an employee is considered eligible to accrue a benefit under a composite plan as of the first day in which the employee completes an hour of service under a collective bargaining agreement that provides for contributions to and accruals under the composite plan in lieu of accruals under the legacy plan.

"(4) COLLECTIVE BARGAINING AGREEMENT.—As used in this part, the term 'collective bargaining agreement' includes any agreement under which an employer has an obligation to contribute to a plan.

"(5) OTHER TERMS.—Any term used in this part which is not defined in this part and which is also used in section 305 shall have the same meaning provided such term in such section.

"(b) RESTRICTIONS ON ACCEPTANCE BY COMPOSITE PLAN OF AGREEMENTS AND CONTRIBUTIONS.—

"(1) IN GENERAL.—The plan sponsor of a composite plan shall not accept or recognize a collective

AMERICAN OVERSIGHT

bargaining agreement (or any modification to such agreement), and no contributions may be accepted and no benefits may be accrued or otherwise earned under the agreement—

"(A) in any case in which the plan actuary of any defined benefit plan that would be treated as a legacy plan with respect to such composite plan has certified under section 305(b)(3) that such defined benefit plan is or will be in critical status for the plan year in which such agreement would take effect or for any of the succeeding 5 plan years; and

"(B) unless the agreement requires each employer who is a party to such agreement, including employers whose employees are not participants in the legacy plan, to provide contributions to the legacy plan with respect to such composite plan in a manner that satisfies the transition contribution requirements of subsection (d).

"(2) NOTICE.—Not later than 30 days after a determination by a plan sponsor of a composite plan that an agreement fails to satisfy the requirements described in paragraph (1), the plan sponsor shall

AMERICAN OVERSIGHT

provide notification of such failure and the reasons for such determination—

"(A) to the parties to the agreement;

"(B) to active participants of the composite plan who have ceased to accrue or otherwise earn benefits with respect to service with an employer pursuant to paragraph (1); and

"(C) to the Secretary, the Secretary of the Treasury, and the Pension Benefit Guaranty Corporation.

"(3) LIMITATION ON RETROACTIVE EFFECT.—This subsection shall not apply to benefits accrued before the date on which notice is provided under paragraph (2).

"(c) RESTRICTION ON ACCRUAL OF BENEFITS UNDER A COMPOSITE PLAN.—

"(1) IN GENERAL.—In any case in which an employer, under a collective bargaining agreement entered into after the date of enactment of the Giving Retirement Options to Workers Act of 2020, ceases to have an obligation to contribute to a multiemployer defined benefit plan, no employees employed by the employer may accrue or otherwise earn benefits under any composite plan, with respect to service with that employer, for a 60-month period

AMERICAN OVERSIGHT

beginning on the date on which the employer entered into such collective bargaining agreement.

''(2) NOTICE OF CESSATION OF OBLIGATION.—Within 30 days of determining that an employer has ceased to have an obligation to contribute to a legacy plan with respect to employees employed by an employer that is or will be contributing to a composite plan with respect to service of such employees, the plan sponsor of the legacy plan shall notify the plan sponsor of the composite plan of that cessation.

''(3) NOTICE OF CESSATION OF ACCRUALS.—Not later than 30 days after determining that an employer has ceased to have an obligation to contribute to a legacy plan, the plan sponsor of the composite plan shall notify the bargaining parties, the active participants affected by the cessation of accruals, the Secretary, the Secretary of the Treasury, and the Pension Benefit Guaranty Corporation of the cessation of accruals, the period during which such cessation is in effect, and the reasons therefor.

''(4) LIMITATION ON RETROACTIVE EFFECT.—This subsection shall not apply to benefits accrued before the date on which notice is provided under paragraph (3).

''(d) TRANSITION CONTRIBUTION REQUIREMENTS.—

AMERICAN OVERSIGHT

"(1) IN GENERAL.—A collective bargaining agreement satisfies the transition contribution requirements of this subsection if the agreement—

"(A) authorizes payment of contributions to a legacy plan at a rate or rates equal to or greater than the transition contribution rate established by the legacy plan under paragraph (2); and

"(B) does not provide for—

"(i) a suspension of contributions to the legacy plan with respect to any period of service; or

"(ii) any new direct or indirect exclusion of younger or newly hired employees of the employer from being taken into account in determining contributions owed to the legacy plan.

"(2) TRANSITION CONTRIBUTION RATE.—

"(A) IN GENERAL.—The transition contribution rate for a plan year is the contribution rate that, as certified by the actuary of the legacy plan in accordance with the principles in section 305(b)(3)(B), is reasonably expected to be adequate—

AMERICAN OVERSIGHT

''(i) to fund the normal cost for the plan year;

''(ii) to amortize the plan's unfunded liabilities in level annual installments over 25 years, beginning with the plan year in which the transition contribution rate is first established; and

''(iii) to amortize any subsequent changes in the legacy plan's unfunded liability due to experience gains or losses (including investment gains or losses, gains or losses due to contributions greater or less than the contributions made under the prior transition contribution rate, and other actuarial gains or losses), changes in actuarial assumptions, changes to the legacy plan's benefits, or changes in funding method over a period of 15 plan years beginning with the plan year in which such change in unfunded liability is incurred.

The transition contribution rate for any plan year may not be less than the transition contribution rate for the plan year in which such rate is first established.

AMERICAN OVERSIGHT

"(B) MULTIPLE RATES.—If different rates of contribution are payable to the legacy plan by different employers or for different classes of employees, the certification shall specify a transition contribution rate for each such employer.

"(C) RATE APPLICABLE TO EMPLOYER.—

"(i) IN GENERAL.—Except as provided by clause (ii), the transition contribution rate applicable to an employer for a plan year is the rate in effect for the plan year of the legacy plan that commences on or after 180 days before the earlier of—

"(I) the effective date of the collective bargaining agreement pursuant to which the employer contributes to the legacy plan; or

"(II) 5 years after the last plan year for which the transition contribution rate applicable to the employer was established or updated.

"(ii) EXCEPTION.—The transition contribution rate applicable to an employer for the first plan year beginning on or after the commencement of the employer's

AMERICAN OVERSIGHT

obligation to contribute to the composite plan is the rate in effect for the plan year of the legacy plan that commences on or after 180 days before such first plan year.

''(D) EFFECT OF LEGACY PLAN FINANCIAL CIRCUMSTANCES.—If the plan actuary of the legacy plan has certified under section 305 that the plan is in endangered or critical status for a plan year, the transition contribution rate for the following plan year is the rate determined with respect to the employer under the legacy plan's funding improvement or rehabilitation plan under section 305, if greater than the rate otherwise determined, but in no event greater than 75 percent of the sum of the contribution rates applicable to the legacy plan and the composite plan for the plan year.

''(E) OTHER ACTUARIAL ASSUMPTIONS AND METHODS.—Except as provided in subparagraph (A), the determination of the transition contribution rate for a plan year shall be based on actuarial assumptions and methods consistent with the minimum funding determinations made under section 304 (or, if appli-

AMERICAN OVERSIGHT

cable, section 305) with respect to the legacy plan for the plan year.

"(F) ADJUSTMENTS IN RATE.—The plan sponsor of a legacy plan from time to time may adjust the transition contribution rate or rates applicable to an employer under this paragraph by increasing some rates and decreasing others if the actuary certifies that such adjusted rates in combination will produce projected contribution income for the plan year beginning on or after the date of certification that is not less than would be produced by the transition contribution rates in effect at the time of the certification.

"(G) NOTICE OF TRANSITION CONTRIBUTION RATE.—The plan sponsor of a legacy plan shall provide notice to the parties to collective bargaining agreements pursuant to which contributions are made to the legacy plan of changes to the transition contribution rate requirements at least 30 days before the beginning of the plan year for which the rate is effective.

"(H) NOTICE TO COMPOSITE PLAN SPONSOR.—Not later than 30 days after a deter-

AMERICAN OVERSIGHT

mination by the plan sponsor of a legacy plan that a collective bargaining agreement provides for a rate of contributions that is below the transition contribution rate applicable to one or more employers that are parties to the collective bargaining agreement, the plan sponsor of the legacy plan shall notify the plan sponsor of any composite plan under which employees of such employer would otherwise be eligible to accrue a benefit.

''(3) CORRECTION PROCEDURES.—Pursuant to standards prescribed by the Secretary, the plan sponsor of a composite plan shall adopt rules and procedures that give the parties to the collective bargaining agreement notice of the failure of such agreement to satisfy the transition contribution requirements of this subsection, and a reasonable opportunity to correct such failure, not to exceed 180 days from the date of notice given under subsection (b)(2).

''(4) SUPPLEMENTAL CONTRIBUTIONS.—A collective bargaining agreement may provide for supplemental contributions to the legacy plan for a plan year in excess of the transition contribution rate determined under paragraph (2), regardless of whether

AMERICAN OVERSIGHT

the legacy plan is in endangered or critical status for such plan year.

''(e) NONAPPLICATION OF COMPOSITE PLAN RESTRICTIONS.—

''(1) IN GENERAL.—The provisions of subsections (a), (b), and (c) shall not apply with respect to a collective bargaining agreement, to the extent the agreement, or a predecessor agreement, provides or provided for contributions to a defined benefit plan that is a legacy plan, as of the first day of the first plan year following a plan year for which the plan actuary certifies that the plan is fully funded, has been fully funded for at least three out of the immediately preceding 5 plan years, and is projected to remain fully funded for at least the following 4 plan years.

''(2) DETERMINATION OF FULLY FUNDED.—A plan is fully funded for purposes of paragraph (1) if, as of the valuation date of the plan for a plan year, the value of the plan's assets equals or exceeds the present value of the plan's liabilities, determined in accordance with the rules prescribed by the Pension Benefit Guaranty Corporation under sections 4219(c)(1)(D) and 4281 for multiemployer plans terminating by mass withdrawal, as in effect for the

AMERICAN OVERSIGHT

date of the determination, except the plan's reasonable assumption regarding the starting date of benefits may be used.

''(3) OTHER APPLICABLE RULES.—Except as provided in paragraph (2), actuarial determinations and projections under this section shall be based on the rules in section 305(b)(3) and section 802(b).

''SEC. 806. MERGERS AND ASSET TRANSFERS OF COMPOSITE PLANS.

''(a) IN GENERAL.—Assets and liabilities of a composite plan may only be merged with, or transferred to, another plan if—

''(1) the other plan is a composite plan;

''(2) the plan or plans resulting from the merger or transfer is a composite plan;

''(3) no participant's accrued benefit or adjustable benefit is lower immediately after the transaction than it was immediately before the transaction; and

''(4) the value of the assets transferred in the case of a transfer reasonably reflects the value of the amounts contributed with respect to the participants whose benefits are being transferred, adjusted for allocable distributions, investment gains and losses, and administrative expenses.

AMERICAN OVERSIGHT

''(b) LEGACY PLAN.—

''(1) IN GENERAL.—After a merger or transfer involving a composite plan, the legacy plan with respect to an employer that is obligated to contribute to the resulting composite plan is the legacy plan that applied to that employer immediately before the merger or transfer.

''(2) MULTIPLE LEGACY PLANS.—If an employer is obligated to contribute to more than one legacy plan with respect to employees eligible to accrue benefits under more than one composite plan and there is a merger or transfer of such legacy plans, the transition contribution rate applicable to the legacy plan resulting from the merger or transfer with respect to that employer shall be determined in accordance with the provisions of section 805(d)(2)(B).''.

(2) PENALTIES.—

(A) CIVIL ENFORCEMENT OF FAILURE TO COMPLY WITH REALIGNMENT PROGRAM.—Section 502(a) of such Act (29 U.S.C. 1132(a)) is amended—

(i) in paragraph (10), by striking ''or'' at the end;

AMERICAN OVERSIGHT

(ii) in paragraph (11), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following:

"(12) in the case of a composite plan required to adopt a realignment program under section 803, if the plan sponsor—

"(A) has not adopted a realignment program under that section by the deadline established in such section; or

"(B) fails to update or comply with the terms of the realignment program in accordance with the requirements of such section,

by the Secretary, by an employer that has an obligation to contribute with respect to the composite plan, or by an employee organization that represents active participants in the composite plan, for an order compelling the plan sponsor to adopt a realignment program, or to update or comply with the terms of the realignment program, in accordance with the requirements of such section and the realignment program.".

(B) CIVIL PENALTIES.—Section 502(c) of such Act (29 U.S.C. 1132(c)) is amended—

AMERICAN OVERSIGHT

(i) by moving paragraphs (8), (10), and (12) each 2 ems to the left;

(ii) by redesignating paragraphs (9) through (12) as paragraphs (12) through (15), respectively; and

(iii) by inserting after paragraph (8) the following:

''(9) The Secretary may assess against any plan sponsor of a composite plan a civil penalty of not more than $1,100 per day for each violation by such sponsor—

''(A) of the requirement under section 802(a) on the plan actuary to certify the plan's current or projected funded ratio by the date specified in such subsection; or

''(B) of the requirement under section 803 to adopt a realignment program by the deadline established in that section and to comply with its terms.

''(10)(A) The Secretary may assess against any plan sponsor of a composite plan a civil penalty of not more than $100 per day for each violation by such sponsor of the requirement under section 803(b) to provide notice as described in such section, except that no penalty may be assessed in any case

AMERICAN OVERSIGHT

in which the plan sponsor exercised reasonable diligence to meet the requirements of such section and—

"(i) the plan sponsor did not know that the violation existed; or

"(ii) the plan sponsor provided such notice during the 30-day period beginning on the first date on which the plan sponsor knew, or in exercising reasonable due diligence should have known, that such violation existed.

"(B) In any case in which the plan sponsor exercised reasonable diligence to meet the requirements of section 803(b)—

"(i) the total penalty assessed under this paragraph against such sponsor for a plan year may not exceed $500,000; and

"(ii) the Secretary may waive part or all of such penalty to the extent that the payment of such penalty would be excessive or otherwise inequitable relative to the violation involved.

"(11) The Secretary may assess against any plan sponsor of a composite plan a civil penalty of not more than $100 per day for each violation by such sponsor of the notice requirements under sections 801(b)(5) and 805(b)(2).".

AMERICAN OVERSIGHT

(3) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act (29 U.S.C. 1001 note) is amended by inserting after the item relating to section 734 the following:

"PART 8—COMPOSITE PLANS AND LEGACY PLANS

"Sec. 801. Composite plan defined.
"Sec. 802. Funded ratios; actuarial assumptions.
"Sec. 803. Realignment program.
"Sec. 804. Limitation on increasing benefits.
"Sec. 805. Composite plan restrictions to preserve legacy plan funding.
"Sec. 806. Mergers and asset transfers of composite plans.".

(b) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Part III of subchapter D of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"Subpart C—Composite Plans and Legacy Plans

"Sec. 437. Composite plan defined.
"Sec. 438. Funded ratios; actuarial assumptions.
"Sec. 439. Realignment program.
"Sec. 440. Limitation on increasing benefits.
"Sec. 440A. Composite plan restrictions to preserve legacy plan funding.
"Sec. 440B. Mergers and asset transfers of composite plans.

"SEC. 437. COMPOSITE PLAN DEFINED.

"(a) IN GENERAL.—For purposes of this title, the term 'composite plan' means a pension plan—

"(1) which is a multiemployer plan that is neither a defined benefit plan nor a defined contribution plan,

"(2) the terms of which provide that the plan is a composite plan for purposes of this title with re-

AMERICAN OVERSIGHT

spect to which not more than one multiemployer defined benefit plan is treated as a legacy plan within the meaning of section 440A, unless there is more than one legacy plan following a merger of composite plans under section 440B,

''(3) which provides systematically for the payment of benefits—

''(A) objectively calculated pursuant to a formula enumerated in the plan document with respect to plan participants after retirement, for life, and

''(B) in the form of life annuities, except for benefits which under section 411(a)(11) may be immediately distributed without the consent of the participant,

''(4) for which the plan contributions for the first plan year are at least 120 percent of the normal cost for the plan year,

''(5) which requires—

''(A) an annual valuation of the liability of the plan as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year,

AMERICAN OVERSIGHT

"(B) an annual actuarial determination of the plan's current funded ratio and projected funded ratio under section 438(a),

"(C) corrective action through a realignment program pursuant to section 439 whenever the plan's projected funded ratio is below 120 percent for the plan year, and

"(D) an annual notification to each participant describing the participant's benefits under the plan and explaining that such benefits may be subject to reduction under a realignment program pursuant to section 439 based on the plan's funded status in future plan years, and

"(6) the board of trustees of which includes at least one retiree or beneficiary in pay status during each plan year following the first plan year in which at least 5 percent of the participants in the plan are retirees or beneficiaries in pay status.

"(b) TRANSITION FROM A MULTIEMPLOYER DEFINED BENEFIT PLAN.—

"(1) IN GENERAL.—The plan sponsor of a defined benefit plan that is a multiemployer plan may, subject to paragraph (2), amend the plan to incorporate the features of a composite plan as a component of the multiemployer plan separate from the

AMERICAN OVERSIGHT

defined benefit plan component, except in the case of a defined benefit plan for which the plan actuary has certified under section 432(b)(3) that the plan is or will be in critical status for the plan year in which such amendment would become effective or for any of the succeeding 5 plan years.

''(2) REQUIREMENTS.—Any amendment pursuant to paragraph (1) to incorporate the features of a composite plan as a component of a multiemployer plan shall—

''(A) apply with respect to all collective bargaining agreements providing for contributions to the multiemployer plan on or after the effective date of the amendment,

''(B) apply with respect to all participants in the multiemployer plan for whom contributions are made to the multiemployer plan on or after the effective date of the amendment,

''(C) specify that the effective date of the amendment is—

''(i) the first day of a specified plan year following the date of the adoption of the amendment, except that the plan sponsor may alternatively provide for a separate effective date with respect to each col-

AMERICAN OVERSIGHT

lective bargaining agreement under which contributions to the multiemployer plan are required, which shall occur on the first day of the first plan year beginning after the termination, or if earlier, the re-opening, of each such agreement, or such earlier date as the parties to the agreement and the plan sponsor of the multiemployer plan shall agree to, and

''(ii) not later than the first day of the fifth plan year beginning on or after the date of the adoption of the amendment,

''(D) specify that, as of the amendment's effective date, no further benefits shall accrue under the defined benefit component of the multiemployer plan, and

''(E) specify that, as of the amendment's effective date, the plan sponsor of the multiemployer plan shall be the plan sponsor of both the composite plan component and the defined benefit plan component of the plan.

''(3) SPECIAL RULES.—If a multiemployer plan is amended pursuant to paragraph (1)—

''(A) the requirements of this title shall be applied to the composite plan component and

AMERICAN OVERSIGHT

the defined benefit plan component of the multiemployer plan as if each such component were maintained as a separate plan, and

''(B) the assets of the composite plan component and the defined benefit plan component of the plan shall be held in a single trust forming part of the plan under which the trust instrument expressly provides—

''(i) for separate accounts (and appropriate records) to be maintained to reflect the interest which each of the plan components has in the trust, including separate accounting for additions to the trust for the benefit of each plan component, disbursements made from each plan component's account in the trust, investment experience of the trust allocable to that account, and administrative expenses (whether direct expenses or shared expenses allocated proportionally), and permits, but does not require, the pooling of some or all of the assets of the two plan components for investment purposes, and

''(ii) that the assets of each of the two plan components shall be held, invested,

AMERICAN OVERSIGHT

reinvested, managed, administered and distributed for the exclusive benefit of the participants and beneficiaries of each such plan component, and in no event shall the assets of one of the plan components be available to pay benefits due under the other plan component.

''(4) NOT A TERMINATION EVENT.—Notwithstanding section 4041A of the Employee Retirement Income Security Act of 1974, an amendment pursuant to paragraph (1) to incorporate the features of a composite plan as a component of a multiemployer plan does not constitute termination of the multiemployer plan.

''(5) NOTICE TO THE SECRETARY.—

''(A) NOTICE.—The plan sponsor of a composite plan shall provide notice to the Secretary of the intent to establish the composite plan (or, in the case of a composite plan incorporated as a component of a multiemployer plan as described in paragraph (1), the intent to amend the multiemployer plan to incorporate such composite plan) at least 30 days prior to the effective date of such establishment or amendment.

AMERICAN OVERSIGHT

"(B) CERTIFICATION.—In the case of a composite plan incorporated as a component of a multiemployer plan as described in paragraph (1), such notice shall include a certification by the plan actuary under section 432(b)(3) that the effective date of the amendment occurs in a plan year for which the multiemployer plan is not in critical status for that plan year and any of the succeeding 5 plan years.

"(6) REFERENCES TO COMPOSITE PLAN COMPONENT.—As used in this subpart, the term 'composite plan' includes a composite plan component added to a defined benefit plan pursuant to paragraph (1).

"(7) RULE OF CONSTRUCTION.—Paragraph (2)(A) shall not be construed as preventing the plan sponsor of a multiemployer plan from adopting an amendment pursuant to paragraph (1) because some collective bargaining agreements are amended to cease any covered employer's obligation to contribute to the multiemployer plan before or after the plan amendment is effective. Paragraph (2)(B) shall not be construed as preventing the plan sponsor of a multiemployer plan from adopting an amendment pursuant to paragraph (1) because some partici-

AMERICAN OVERSIGHT

pants cease to have contributions made to the multiemployer plan on their behalf before or after the plan amendment is effective.

''(c) COORDINATION WITH FUNDING RULES.—Except as otherwise provided in this title, sections 412, 431, and 432 shall not apply to a composite plan.

''(d) TREATMENT OF A COMPOSITE PLAN.—For purposes of this title (other than sections 412 and 418E), a composite plan shall be treated as if it were a defined benefit plan unless a different treatment is provided for under applicable law.

''SEC. 438. FUNDED RATIOS; ACTUARIAL ASSUMPTIONS.

''(a) CERTIFICATION OF FUNDED RATIOS.—

''(1) IN GENERAL.—Not later than the one-hundred twentieth day of each plan year of a composite plan, the plan actuary of the composite plan shall certify to the Secretary, the Secretary of Labor, and the plan sponsor the plan's current funded ratio and projected funded ratio for the plan year.

''(2) DETERMINATION OF CURRENT FUNDED RATIO AND PROJECTED FUNDED RATIO.—For purposes of this section—

AMERICAN OVERSIGHT

"(A) CURRENT FUNDED RATIO.—The current funded ratio is the ratio (expressed as a percentage) of—

"(i) the value of the plan's assets as of the first day of the plan year, to

"(ii) the plan actuary's best estimate of the present value of the plan liabilities as of the first day of the plan year.

"(B) PROJECTED FUNDED RATIO.—The projected funded ratio is the current funded ratio projected to the first day of the fifteenth plan year following the plan year for which the determination is being made.

"(3) CONSIDERATION OF CONTRIBUTION RATE INCREASES.—For purposes of projections under this subsection, the plan sponsor may anticipate contribution rate increases beyond the term of the current collective bargaining agreement and any agreed-to supplements, up to a maximum of 2.5 percent per year, compounded annually, unless it would be unreasonable under the circumstances to assume that contributions would increase by that amount.

"(b) ACTUARIAL ASSUMPTIONS AND METHODS.—For purposes of this part—

AMERICAN OVERSIGHT

"(1) IN GENERAL.—All costs, liabilities, rates of interest, and other factors under the plan shall be determined for a plan year on the basis of actuarial assumptions and methods—

"(A) each of which is reasonable (taking into account the experience of the plan and reasonable expectations),

"(B) which, in combination, offer the actuary's best estimate of anticipated experience under the plan, and

"(C) with respect to which any change from the actuarial assumptions and methods used in the previous plan year shall be certified by the plan actuary and the actuarial rationale for such change provided in the annual report required by section 6058.

"(2) FAIR MARKET VALUE OF ASSETS.—The value of the plan's assets shall be taken into account on the basis of their fair market value.

"(3) DETERMINATION OF NORMAL COST AND PLAN LIABILITIES.—A plan's normal cost and liabilities shall be based on the most recent actuarial valuation required under section 437(a)(5)(A) and the unit credit funding method.

AMERICAN OVERSIGHT

"(4) TIME WHEN CERTAIN CONTRIBUTIONS DEEMED MADE.—Any contributions for a plan year made by an employer after the last day of such plan year, but not later than two and one-half months after such day, shall be deemed to have been made on such last day. For purposes of this paragraph, such two and one-half month period may be extended for not more than six months under regulations prescribed by the Secretary.

"(5) ADDITIONAL ACTUARIAL ASSUMPTIONS.—Except where otherwise provided in this subpart, the provisions of section 432(b)(3)(B) shall apply to any determination or projection under this subpart.

"SEC. 439. REALIGNMENT PROGRAM.

"(a) REALIGNMENT PROGRAM.—

"(1) ADOPTION.—In any case in which the plan actuary certifies under section 438(a) that the plan's projected funded ratio is below 120 percent for the plan year, the plan sponsor shall adopt a realignment program under paragraph (2) not later than 210 days after the due date of the certification required under section 438(a). The plan sponsor shall adopt an updated realignment program for each succeeding plan year for which a certification described in the preceding sentence is made.

AMERICAN OVERSIGHT

''(2) CONTENT OF REALIGNMENT PROGRAM.—

''(A) IN GENERAL.—A realignment program adopted under this paragraph is a written program which consists of all reasonable measures, including options or a range of options to be undertaken by the plan sponsor or proposed to the bargaining parties, formulated, based on reasonably anticipated experience and reasonable actuarial assumptions, to enable the plan to achieve a projected funded ratio of at least 120 percent for the following plan year.

''(B) INITIAL PROGRAM ELEMENTS.—Reasonable measures under a realignment program described in subparagraph (A) may include any of the following:

''(i) Proposed contribution increases.

''(ii) A reduction in the rate of future benefit accruals, so long as the resulting rate shall not be less than 1 percent of the contributions on which benefits are based as of the start of the plan year (or the equivalent standard accrual rate as described in section 432(e)(6)).

''(iii) A modification or elimination of adjustable benefits of participants that are

AMERICAN OVERSIGHT

not in pay status before the date of the notice required under subsection (b)(1).

"(iv) Any other legally available measures not specifically described in this subparagraph or subparagraph (C) or (D) that the plan sponsor determines are reasonable.

"(C) ADDITIONAL PROGRAM ELEMENTS.—If the plan sponsor has determined that all reasonable measures available under subparagraph (B) will not enable the plan to achieve a projected funded ratio of at least 120 percent the following plan year, such reasonable measures may also include—

"(i) a reduction of accrued benefits that are not in pay status by the date of the notice required under subsection (b)(1), or

"(ii) a reduction of any benefits of participants that are in pay status before the date of the notice required under subsection (b)(1) other than core benefits as defined in paragraph (4).

"(D) ADDITIONAL REDUCTIONS.—In the case of a composite plan for which the plan

AMERICAN OVERSIGHT

sponsor has determined that all reasonable measures available under subparagraphs (B) and (C) will not enable the plan to achieve a projected funded ratio of at least 120 percent for the following plan year, such reasonable measures may also include—

"(i) a further reduction in the rate of future benefit accruals without regard to the limitation applicable under subparagraph (B)(ii), or

"(ii) a reduction of core benefits,

provided that such reductions shall be equitably distributed across the participant and beneficiary population, taking into account factors, with respect to participants and beneficiaries and their benefits, that may include one or more of the factors listed in subclauses (I) through (X) of section 432(e)(9)(D)(vi), to the extent necessary to enable the plan to achieve a projected funded ratio of at least 120 percent for the following plan year, or at the election of the plan sponsor, a projected funded ratio of at least 100 percent for the following plan year and a current funded ratio of at least 90 percent.

AMERICAN OVERSIGHT

''(3) ADJUSTABLE BENEFIT DEFINED.—For purposes of this subpart, the term 'adjustable benefit' means—

''(A) benefits, rights, and features under the plan, including post-retirement death benefits, 60-month guarantees, disability benefits not yet in pay status, and similar benefits,

''(B) any early retirement benefit or retirement-type subsidy (within the meaning of section 411(d)(6)(B)(i)) and any benefit payment option (other than the qualified joint and survivor annuity), and

''(C) benefit increases that were adopted (or, if later, took effect) less than 60 months before the first day such realignment program took effect.

''(4) CORE BENEFIT DEFINED.—For purposes of this subpart, the term 'core benefit' means a participant's accrued benefit payable in the normal form of an annuity commencing at normal retirement age, determined without regard to—

''(A) any early retirement benefits, retirement-type subsidies, or other benefits, rights, or features that may be associated with that benefit, and

AMERICAN OVERSIGHT

"(B) any cost-of-living adjustments or benefit increases effective after the date of retirement.

"(5) COORDINATION WITH CONTRIBUTION INCREASES.—

"(A) IN GENERAL.—A realignment program may provide that some or all of the benefit modifications described in the program will only take effect if the bargaining parties fail to agree to specified levels of increases in contributions to the plan, effective as of specified dates.

"(B) INDEPENDENT BENEFIT MODIFICATIONS.—If a realignment program adopts any changes to the benefit formula that are independent of potential contribution increases, such changes shall take effect not later than 180 days following the first day of the first plan year that begins following the adoption of the realignment program.

"(C) CONDITIONAL BENEFIT MODIFICATIONS.—If a realignment program adopts any changes to the benefit formula that take effect only if the bargaining parties fail to agree to contribution increases, such changes shall take effect not later than the first day of the first

AMERICAN OVERSIGHT

plan year beginning after the third anniversary of the date of adoption of the realignment program.

"(D) REVOCATION OF CERTAIN BENEFIT MODIFICATIONS.—Benefit modifications described in paragraph (3) may be revoked, in whole or in part, and retroactively or prospectively, when contributions to the plan are increased, as specified in the realignment program, including any amendments thereto. The preceding sentence shall not apply unless the contribution increases are to be effective not later than the fifth anniversary of the first day of the first plan year that begins after the adoption of the realignment program.

"(b) NOTICE.—

"(1) IN GENERAL.—In any case in which it is certified under section 438(a) that the projected funded ratio is less than 120 percent, the plan sponsor shall, not later than 30 days after the date of the certification, provide notification of the current and projected funded ratios to the participants and beneficiaries, the bargaining parties, and the Secretary. Such notice shall include—

AMERICAN OVERSIGHT

"(A) an explanation that contribution rate increases or benefit reductions may be necessary,

"(B) a description of the types of benefits that might be reduced, and

"(C) an estimate of the contribution increases and benefit reductions that may be necessary to achieve a projected funded ratio of 120 percent.

"(2) NOTICE OF BENEFIT MODIFICATIONS.—

"(A) IN GENERAL.—No modifications may be made that reduce the rate of future benefit accrual or that reduce core benefits or adjustable benefits unless notice of such reduction has been given at least 180 days before the general effective date of such reduction for all participants and beneficiaries to—

"(i) plan participants and beneficiaries,

"(ii) each employer who has an obligation to contribute to the composite plan, and

"(iii) each employee organization which, for purposes of collective bar-

AMERICAN OVERSIGHT

gaining, represents plan participants employed by such employers.

"(B) CONTENT OF NOTICE.—The notice under subparagraph (A) shall contain—

"(i) sufficient information to enable participants and beneficiaries to understand the effect of any reduction on their benefits, including an illustration of any affected benefit or subsidy, on an annual or monthly basis that a participant or beneficiary would otherwise have been eligible for as of the general effective date described in subparagraph (A), and

"(ii) information as to the rights and remedies of plan participants and beneficiaries as well as how to contact the Department of Labor for further information and assistance, where appropriate.

"(C) FORM AND MANNER.—Any notice under subparagraph (A)—

"(i) shall be provided in a form and manner prescribed in regulations of the Secretary of Labor,

AMERICAN OVERSIGHT

"(ii) shall be written in a manner so as to be understood by the average plan participant.

"(3) MODEL NOTICES.—The Secretary shall—

"(A) prescribe model notices that the plan sponsor of a composite plan may use to satisfy the notice requirements under this subsection, and

"(B) by regulation enumerate any details related to the elements listed in paragraph (1) that any notice under this subsection must include.

"(4) DELIVERY METHOD.—Any notice under this part shall be provided in writing and may also be provided in electronic form to the extent that the form is reasonably accessible to persons to whom the notice is provided.

"SEC. 440. LIMITATION ON INCREASING BENEFITS.

"(a) LEVEL OF CURRENT FUNDED RATIOS.—Except as provided in subsections (c), (d), and (e), no plan amendment increasing benefits or establishing new benefits under a composite plan may be adopted for a plan year unless—

AMERICAN OVERSIGHT

"(1) the plan's current funded ratio is at least 110 percent (without regard to the benefit increase or new benefits),

"(2) taking the benefit increase or new benefits into account, the current funded ratio is at least 100 percent and the projected funded ratio for the current plan year is at least 120 percent,

"(3) in any case in which, after taking the benefit increase or new benefits into account, the current funded ratio is less than 140 percent or the projected funded ratio is less than 140 percent, the benefit increase or new benefits are projected by the plan actuary to increase the present value of the plan's liabilities for the plan year by not more than 3 percent, and

"(4) expected contributions for the current plan year are at least 120 percent of normal cost for the plan year, determined using the unit credit funding method and treating the benefit increase or new benefits as in effect for the entire plan year.

"(b) ADDITIONAL REQUIREMENTS WHERE CORE BENEFITS REDUCED.—If a plan has been amended to reduce core benefits pursuant to a realignment program under section 439(a)(2)(D), such plan may not be subse-

AMERICAN OVERSIGHT

quently amended to increase core benefits unless the amendment—

"(1) increases the level of future benefit payments only, and

"(2) provides for an equitable distribution of benefit increases across the participant and beneficiary population, taking into account the extent to which the benefits of participants were previously reduced pursuant to such realignment program.

"(c) EXCEPTION TO COMPLY WITH APPLICABLE LAW.—Subsection (a) shall not apply in connection with a plan amendment if the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 or to comply with other applicable law.

"(d) EXCEPTION WHERE MAXIMUM DEDUCTIBLE LIMIT APPLIES.—Subsection (a) shall not apply in connection with a plan amendment if and to the extent that contributions to the composite plan would not be deductible for the plan year under section 404(a)(1)(E) if the plan amendment is not adopted. The Secretary of the Treasury shall issue regulations to implement this paragraph.

"(e) EXCEPTION FOR CERTAIN BENEFIT MODIFICATIONS.—Subsection (a) shall not apply in connection with

AMERICAN OVERSIGHT

a plan amendment under section 439(a)(5)(C), regarding conditional benefit modifications.

''(f) TREATMENT OF PLAN AMENDMENTS.—For purposes of this section—

''(1) if two or more plan amendments increasing benefits or establishing new benefits are adopted in a plan year, such amendments shall be treated as a single amendment adopted on the last day of the plan year,

''(2) all benefit increases and new benefits adopted in a single amendment are treated as a single benefit increase, irrespective of whether the increases and new benefits take effect in more than one plan year, and

''(3) increases in contributions or decreases in plan liabilities which are scheduled to take effect in future plan years may be taken into account in connection with a plan amendment if they have been agreed to in writing or otherwise formalized by the date the plan amendment is adopted.

''SEC. 440A. COMPOSITE PLAN RESTRICTIONS TO PRESERVE LEGACY PLAN FUNDING.

''(a) TREATMENT AS A LEGACY PLAN.—

''(1) IN GENERAL.—For purposes of this subchapter, a defined benefit plan shall be treated as a

AMERICAN OVERSIGHT

legacy plan with respect to the composite plan under which the employees who were eligible to accrue a benefit under the defined benefit plan become eligible to accrue a benefit under such composite plan.

''(2) COMPONENT PLANS.—In any case in which a defined benefit plan is amended to add a composite plan component pursuant to section 437(b), paragraph (1) shall be applied by substituting 'defined benefit component' for 'defined benefit plan' and 'composite plan component' for 'composite plan'.

''(3) ELIGIBLE TO ACCRUE A BENEFIT.—For purposes of paragraph (1), an employee is considered eligible to accrue a benefit under a composite plan as of the first day in which the employee completes an hour of service under a collective bargaining agreement that provides for contributions to and accruals under the composite plan in lieu of accruals under the legacy plan.

''(4) COLLECTIVE BARGAINING AGREEMENT.—As used in this subpart, the term 'collective bargaining agreement' includes any agreement under which an employer has an obligation to contribute to a plan.

AMERICAN OVERSIGHT

"(5) OTHER TERMS.—Any term used in this subpart which is not defined in this part and which is also used in section 432 shall have the same meaning provided such term in such section.

"(b) RESTRICTIONS ON ACCEPTANCE BY COMPOSITE PLAN OF AGREEMENTS AND CONTRIBUTIONS.—

"(1) IN GENERAL.—The plan sponsor of a composite plan shall not accept or recognize a collective bargaining agreement (or any modification to such agreement), and no contributions may be accepted and no benefits may be accrued or otherwise earned under the agreement—

"(A) in any case in which the plan actuary of any defined benefit plan that would be treated as a legacy plan with respect to such composite plan has certified under section 432(b)(3) that such defined benefit plan is or will be in critical status for the plan year in which such agreement would take effect or for any of the succeeding 5 plan years, and

"(B) unless the agreement requires each employer who is a party to such agreement, including employers whose employees are not participants in the legacy plan, to provide contributions to the legacy plan with respect to such

AMERICAN OVERSIGHT

composite plan in a manner that satisfies the transition contribution requirements of subsection (d).

"(2) NOTICE.—Not later than 30 days after a determination by a plan sponsor of a composite plan that an agreement fails to satisfy the requirements described in paragraph (1), the plan sponsor shall provide notification of such failure and the reasons for such determination to—

"(A) the parties to the agreement,

"(B) active participants of the composite plan who have ceased to accrue or otherwise earn benefits with respect to service with an employer pursuant to paragraph (1), and

"(C) the Secretary of Labor, the Secretary of the Treasury, and the Pension Benefit Guaranty Corporation.

"(3) LIMITATION ON RETROACTIVE EFFECT.—This subsection shall not apply to benefits accrued before the date on which notice is provided under paragraph (2).

"(c) RESTRICTION ON ACCRUAL OF BENEFITS UNDER A COMPOSITE PLAN.—

"(1) IN GENERAL.—In any case in which an employer, under a collective bargaining agreement

AMERICAN OVERSIGHT

entered into after the date of enactment of the Giving Retirement Options to Workers Act of 2020, ceases to have an obligation to contribute to a multiemployer defined benefit plan, no employees employed by the employer may accrue or otherwise earn benefits under any composite plan, with respect to service with that employer, for a 60-month period beginning on the date on which the employer entered into such collective bargaining agreement.

''(2) NOTICE OF CESSATION OF OBLIGATION.—Within 30 days of determining that an employer has ceased to have an obligation to contribute to a legacy plan with respect to employees employed by an employer that is or will be contributing to a composite plan with respect to service of such employees, the plan sponsor of the legacy plan shall notify the plan sponsor of the composite plan of that cessation.

''(3) NOTICE OF CESSATION OF ACCRUALS.—Not later than 30 days after determining that an employer has ceased to have an obligation to contribute to a legacy plan, the plan sponsor of the composite plan shall notify the bargaining parties, the active participants affected by the cessation of accruals, the Secretary, the Secretary of Labor, and the Pension Benefit Guaranty Corporation of the

AMERICAN OVERSIGHT

cessation of accruals, the period during which such cessation is in effect, and the reasons therefor.

''(4) LIMITATION ON RETROACTIVE EFFECT.—This subsection shall not apply to benefits accrued before the date on which notice is provided under paragraph (3).

''(d) TRANSITION CONTRIBUTION REQUIREMENTS.—

''(1) IN GENERAL.—A collective bargaining agreement satisfies the transition contribution requirements of this subsection if the agreement—

''(A) authorizes for payment of contributions to a legacy plan at a rate or rates equal to or greater than the transition contribution rate established under paragraph (2), and

''(B) does not provide for—

''(i) a suspension of contributions to the legacy plan with respect to any period of service, or

''(ii) any new direct or indirect exclusion of younger or newly hired employees of the employer from being taken into account in determining contributions owed to the legacy plan.

''(2) TRANSITION CONTRIBUTION RATE.—

AMERICAN OVERSIGHT

"(A) IN GENERAL.—The transition contribution rate for a plan year is the contribution rate that, as certified by the actuary of the legacy plan in accordance with the principles in section 432(b)(3)(B), is reasonably expected to be adequate—

"(i) to fund the normal cost for the plan year,

"(ii) to amortize the plan's unfunded liabilities in level annual installments over 25 years, beginning with the plan year in which the transition contribution rate is first established, and

"(iii) to amortize any subsequent changes in the legacy plan's unfunded liability due to experience gains or losses (including investment gains or losses, gains or losses due to contributions greater or less than the contributions made under the prior transition contribution rate, and other actuarial gains or losses), changes in actuarial assumptions, changes to the legacy plan's benefits, or changes in funding method over a period of 15 plan years be-

AMERICAN OVERSIGHT

ginning with the plan year in which such change in unfunded liability is incurred.

The transition contribution rate for any plan year may not be less than the transition contribution rate for the plan year in which such rate is first established.

''(B) MULTIPLE RATES.—If different rates of contribution are payable to the legacy plan by different employers or for different classes of employees, the certification shall specify a transition contribution rate for each such employer.

''(C) RATE APPLICABLE TO EMPLOYER.—

''(i) IN GENERAL.—Except as provided by clause (ii), the transition contribution rate applicable to an employer for a plan year is the rate in effect for the plan year of the legacy plan that commences on or after 180 days before the earlier of—

''(I) the effective date of the collective bargaining agreement pursuant to which the employer contributes to the legacy plan, or

''(II) 5 years after the last plan year for which the transition contribu-

AMERICAN OVERSIGHT

tion rate applicable to the employer was established or updated.

''(ii) EXCEPTION.—The transition contribution rate applicable to an employer for the first plan year beginning on or after the commencement of the employer's obligation to contribute to the composite plan is the rate in effect for the plan year of the legacy plan that commences on or after 180 days before such first plan year.

''(D) EFFECT OF LEGACY PLAN FINANCIAL CIRCUMSTANCES.—If the plan actuary of the legacy plan has certified under section 432 that the plan is in endangered or critical status for a plan year, the transition contribution rate for the following plan year is the rate determined with respect to the employer under the legacy plan's funding improvement or rehabilitation plan under section 432, if greater than the rate otherwise determined, but in no event greater than 75 percent of the sum of the contribution rates applicable to the legacy plan and the composite plan for the plan year.

''(E) OTHER ACTUARIAL ASSUMPTIONS AND METHODS.—Except as provided in sub-

AMERICAN OVERSIGHT

paragraph (A), the determination of the transition contribution rate for a plan year shall be based on actuarial assumptions and methods consistent with the minimum funding determinations made under section 431 (or, if applicable, section 432) with respect to the legacy plan for the plan year.

''(F) ADJUSTMENTS IN RATE.—The plan sponsor of a legacy plan from time to time may adjust the transition contribution rate or rates applicable to an employer under this paragraph by increasing some rates and decreasing others if the actuary certifies that such adjusted rates in combination will produce projected contribution income for the plan year beginning on or after the date of certification that is not less than would be produced by the transition contribution rates in effect at the time of the certification.

''(G) NOTICE OF TRANSITION CONTRIBUTION RATE.—The plan sponsor of a legacy plan shall provide notice to the parties to collective bargaining agreements pursuant to which contributions are made to the legacy plan of changes to the transition contribution rate re-

AMERICAN OVERSIGHT

quirements at least 30 days before the beginning of the plan year for which the rate is effective.

"(H) NOTICE TO COMPOSITE PLAN SPONSOR.—Not later than 30 days after a determination by the plan sponsor of a legacy plan that a collective bargaining agreement provides for a rate of contributions that is below the transition contribution rate applicable to one or more employers that are parties to the collective bargaining agreement, the plan sponsor of the legacy plan shall notify the plan sponsor of any composite plan under which employees of such employer would otherwise be eligible to accrue a benefit.

"(3) CORRECTION PROCEDURES.—Pursuant to standards prescribed by the Secretary of Labor, the plan sponsor of a composite plan shall adopt rules and procedures that give the parties to the collective bargaining agreement notice of the failure of such agreement to satisfy the transition contribution requirements of this subsection, and a reasonable opportunity to correct such failure, not to exceed 180 days from the date of notice given under subsection (b)(2).

AMERICAN OVERSIGHT

"(4) SUPPLEMENTAL CONTRIBUTIONS.—A collective bargaining agreement may provide for supplemental contributions to the legacy plan for a plan year in excess of the transition contribution rate determined under paragraph (2), regardless of whether the legacy plan is in endangered or critical status for such plan year.

"(e) NONAPPLICATION OF COMPOSITE PLAN RESTRICTIONS.—

"(1) IN GENERAL.—The provisions of subsections (a), (b), and (c) shall not apply with respect to a collective bargaining agreement, to the extent the agreement, or a predecessor agreement, provides or provided for contributions to a defined benefit plan that is a legacy plan, as of the first day of the first plan year following a plan year for which the plan actuary certifies that the plan is fully funded, has been fully funded for at least three out of the immediately preceding 5 plan years, and is projected to remain fully funded for at least the following 4 plan years.

"(2) DETERMINATION OF FULLY FUNDED.—A plan is fully funded for purposes of paragraph (1) if, as of the valuation date of the plan for a plan year, the value of the plan's assets equals or exceeds

AMERICAN OVERSIGHT

the present value of the plan's liabilities, determined in accordance with the rules prescribed by the Pension Benefit Guaranty Corporation under sections 4219(c)(1)(D) and 4281 of Employee Retirement Income and Security Act for multiemployer plans terminating by mass withdrawal, as in effect for the date of the determination, except the plan's reasonable assumption regarding the starting date of benefits may be used.

''(3) OTHER APPLICABLE RULES.—Except as provided in paragraph (2), actuarial determinations and projections under this section shall be based on the rules in section 432(b)(3) and section 438(b).

''SEC. 440B. MERGERS AND ASSET TRANSFERS OF COMPOSITE PLANS.

''(a) IN GENERAL.—Assets and liabilities of a composite plan may only be merged with, or transferred to, another plan if—

''(1) the other plan is a composite plan,

''(2) the plan or plans resulting from the merger or transfer is a composite plan,

''(3) no participant's accrued benefit or adjustable benefit is lower immediately after the transaction than it was immediately before the transaction, and

AMERICAN OVERSIGHT

''(4) the value of the assets transferred in the case of a transfer reasonably reflects the value of the amounts contributed with respect to the participants whose benefits are being transferred, adjusted for allocable distributions, investment gains and losses, and administrative expenses.

''(b) LEGACY PLAN.—

''(1) IN GENERAL.—After a merger or transfer involving a composite plan, the legacy plan with respect to an employer that is obligated to contribute to the resulting composite plan is the legacy plan that applied to that employer immediately before the merger or transfer.

''(2) MULTIPLE LEGACY PLANS.—If an employer is obligated to contribute to more than one legacy plan with respect to employees eligible to accrue benefits under more than one composite plan and there is a merger or transfer of such legacy plans, the transition contribution rate applicable to the legacy plan resulting from the merger or transfer with respect to that employer shall be determined in accordance with the provisions of section 440A(d)(2)(B).''.

(2) CLERICAL AMENDMENT.—The table of subparts for part III of subchapter D of chapter 1 of

AMERICAN OVERSIGHT

the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"SUBPART C. COMPOSITE PLANS AND LEGACY PLANS".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after the date of the enactment of this Act.

SEC. 140003. APPLICATION OF CERTAIN REQUIREMENTS TO COMPOSITE PLANS.

(a) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) TREATMENT FOR PURPOSES OF FUNDING NOTICES.—Section 101(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(f)) is amended—

(A) in paragraph (1) by striking "title IV applies" and inserting "title IV applies or which is a composite plan"; and

(B) by adding at the end the following:

"(5) APPLICATION TO COMPOSITE PLANS.—The provisions of this subsection shall apply to a composite plan only to the extent prescribed by the Secretary in regulations that take into account the differences between a composite plan and a defined benefit plan that is a multiemployer plan.".

(2) TREATMENT FOR PURPOSES OF ANNUAL REPORT.—Section 103 of the Employee Retirement

AMERICAN OVERSIGHT

Income Security Act of 1974 (29 U.S.C. 1023) is amended—

(A) in subsection (d) by adding at the end the following sentence: ''The provisions of this subsection shall apply to a composite plan only to the extent prescribed by the Secretary in regulations that take into account the differences between a composite plan and a defined benefit plan that is a multiemployer plan.'';

(B) in subsection (f) by adding at the end the following:

''(3) ADDITIONAL INFORMATION FOR COMPOSITE PLANS.—With respect to any composite plan—

''(A) the provisions of paragraph (1)(A) shall apply by substituting 'current funded ratio and projected funded ratio (as such terms are defined in section 802(a)(2))' for 'funded percentage' each place it appears; and

''(B) the provisions of paragraph (2) shall apply only to the extent prescribed by the Secretary in regulations that take into account the differences between a composite plan and a defined benefit plan that is a multiemployer plan.''; and

AMERICAN OVERSIGHT

(C) by adding at the end the following:

''(h) COMPOSITE PLANS.—A multiemployer plan that incorporates the features of a composite plan as provided in section 801(b) shall be treated as a single plan for purposes of the report required by this section, except that separate financial statements and actuarial statements shall be provided under paragraphs (3) and (4) of subsection (a) for the defined benefit plan component and for the composite plan component of the multiemployer plan.''.

(3) TREATMENT FOR PURPOSES OF PENSION BENEFIT STATEMENTS.—Section 105(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025(a)) is amended by adding at the end the following:

''(4) COMPOSITE PLANS.—For purposes of this subsection, a composite plan shall be treated as a defined benefit plan to the extent prescribed by the Secretary in regulations that take into account the differences between a composite plan and a defined benefit plan that is a multiemployer plan.''.

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—Section 6058 of the Internal Revenue Code of 1986 is amended by redesignating subsection (f)

AMERICAN OVERSIGHT

as subsection (g) and by inserting after subsection (e) the following:

''(f) COMPOSITE PLANS.—A multiemployer plan that incorporates the features of a composite plan as provided in section 437(b) shall be treated as a single plan for purposes of the return required by this section, except that separate financial statements shall be provided for the defined benefit plan component and for the composite plan component of the multiemployer plan.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after the date of the enactment of this Act.

SEC. 140004. TREATMENT OF COMPOSITE PLANS UNDER TITLE IV.

(a) DEFINITION.—Section 4001(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1301(a)) is amended by striking the period at the end of paragraph (21) and inserting a semicolon and by adding at the end the following:

''(22) COMPOSITE PLAN.—The term 'composite plan' has the meaning set forth in section 801.''.

(b) COMPOSITE PLANS DISREGARDED FOR CALCULATING PREMIUMS.—Section 4006(a) of such Act (29 U.S.C. 1306(a)) is amended by adding at the end the following:

AMERICAN OVERSIGHT

''(9) The composite plan component of a multiemployer plan shall be disregarded in determining the premiums due under this section from the multiemployer plan.''.

(c) COMPOSITE PLANS NOT COVERED.—Section 4021(b)(1) of such Act (29 U.S.C. 1321(b)(1)) is amended by striking ''Act'' and inserting ''Act, or a composite plan, as defined in paragraph (43) of section 3 of this Act''.

(d) NO WITHDRAWAL LIABILITY.—Section 4201 of such Act (29 U.S.C. 1381) is amended by adding at the end the following:

''(c) Contributions by an employer to the composite plan component of a multiemployer plan shall not be taken into account for any purpose under this title.''.

(e) NO WITHDRAWAL LIABILITY FOR CERTAIN PLANS.—Section 4201 of such Act (29 U.S.C. 1381) is further amended by adding at the end the following:

''(d) Contributions by an employer to a multiemployer plan described in the except clause of section 3(35) of this Act pursuant to a collective bargaining agreement that specifically designates that such contributions shall be allocated to the separate defined contribution accounts of participants under the plan shall not be taken into account with respect to the defined benefit portion of the

AMERICAN OVERSIGHT

plan for any purpose under this title (including the determination of the employer's highest contribution rate under section 4219), even if, under the terms of the plan, participants have the option to transfer assets in their separate defined contribution accounts to the defined benefit portion of the plan in return for service credit under the defined benefit portion, at rates established by the plan sponsor.

''(e) A legacy plan created under section 805 shall be deemed to have no unfunded vested benefits for purposes of this part, for each plan year following a period of 5 consecutive plan years for which—

''(1) the plan was fully funded within the meaning of section 805 for at least 3 of the plan years during that period, ending with a plan year for which the plan is fully funded;

''(2) the plan had no unfunded vested benefits for at least 3 of the plan years during that period, ending with a plan year for which the plan is fully funded; and

''(3) the plan is projected to be fully funded and to have no unfunded vested benefits for the following four plan years.''.

(f) NO WITHDRAWAL LIABILITY FOR EMPLOYERS CONTRIBUTING TO CERTAIN FULLY FUNDED LEGACY

AMERICAN OVERSIGHT

PLANS.—Section 4211 of such Act (29 U.S.C. 1382) is amended by adding at the end the following:

''(g) No amount of unfunded vested benefits shall be allocated to an employer that has an obligation to contribute to a legacy plan described in subsection (e) of section 4201 for each plan year for which such subsection applies.''.

(g) NO OBLIGATION TO CONTRIBUTE.—Section 4212 of such Act (29 U.S.C. 1392) is amended by adding at the end the following:

''(d) NO OBLIGATION TO CONTRIBUTE.—An employer shall not be treated as having an obligation to contribute to a multiemployer defined benefit plan within the meaning of subsection (a) solely because—

''(1) in the case of a multiemployer plan that includes a composite plan component, the employer has an obligation to contribute to the composite plan component of the plan;

''(2) the employer has an obligation to contribute to a composite plan that is maintained pursuant to one or more collective bargaining agreements under which the multiemployer defined benefit plan is or previously was maintained; or

''(3) the employer contributes or has contributed under section 805(d) to a legacy plan associ-

AMERICAN OVERSIGHT

ated with a composite plan pursuant to a collective bargaining agreement but employees of that employer were not eligible to accrue benefits under the legacy plan with respect to service with that employer.''.

(h) NO INFERENCE.—Nothing in the amendment made by subsection (e) shall be construed to create an inference with respect to the treatment under title IV of the Employee Retirement Income Security Act of 1974, as in effect before such amendment, of contributions by an employer to a multiemployer plan described in the except clause of section 3(35) of such Act that are made before the effective date of subsection (e) specified in subsection (h)(2).

(i) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in subparagraph (2), the amendments made by this section shall apply to plan years beginning after the date of the enactment of this Act.

(2) SPECIAL RULE FOR SECTION 414(k) MULTIEMPLOYER PLANS.—The amendment made by subsection (e) shall apply only to required contributions payable for plan years beginning after the date of the enactment of this Act.

AMERICAN OVERSIGHT

SEC. 140005. CONFORMING CHANGES.

(a) DEFINITIONS.—Section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002) is amended—

(1) in paragraph (35), by inserting ''or a composite plan'' after ''other than an individual account plan''; and

(2) by adding at the end the following:

''(43) The term 'composite plan' has the meaning given the term in section 801(a).''.

(b) SPECIAL FUNDING RULE FOR CERTAIN LEGACY PLANS.—

(1) AMENDMENT TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following:

''(9) SPECIAL FUNDING RULE FOR CERTAIN LEGACY PLANS.—In the case of a multiemployer defined benefit plan that has adopted an amendment under section 801(b), in accordance with which no further benefits shall accrue under the multiemployer defined benefit plan, the plan sponsor may combine the outstanding balance of all charge and credit bases and amortize that combined base in level annual installments (until fully amortized) over

AMERICAN OVERSIGHT

a period of 25 plan years beginning with the plan year following the date all benefit accruals ceased.''.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(9) SPECIAL FUNDING RULE FOR CERTAIN LEGACY PLANS.—In the case of a multiemployer defined benefit plan that has adopted an amendment under section 437(b), in accordance with which no further benefits shall accrue under the multiemployer defined benefit plan, the plan sponsor may combine the outstanding balance of all charge and credit bases and amortize that combined base in level annual installments (until fully amortized) over a period of 25 plan years beginning with the plan year following the date on which all benefit accruals ceased.''.

(c) BENEFITS AFTER MERGER, CONSOLIDATION, OR TRANSFER OF ASSETS.—

(1) AMENDMENT TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 208 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1058) is amended—

AMERICAN OVERSIGHT

(A) by striking so much of the first sentence as precedes ''may not merge'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), a pension plan may not merge, and''; and

(B) by striking the second sentence and adding at the end the following:

''(2) SPECIAL REQUIREMENTS FOR MULTIEMPLOYER PLANS.—Paragraph (1) shall not apply to any transaction to the extent that participants either before or after the transaction are covered under a multiemployer plan to which title IV of this Act applies or a composite plan.''.

(2) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(A) QUALIFICATION REQUIREMENT.—Section 401(a)(12) of the Internal Revenue Code of 1986 is amended—

(i) by striking ''(12) A trust'' and inserting the following:

''(12) BENEFITS AFTER MERGER, CONSOLIDATION, OR TRANSFER OF ASSETS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a trust'';

AMERICAN OVERSIGHT

(ii) by striking the second sentence; and

(iii) by adding at the end the following:

''(B) SPECIAL REQUIREMENTS FOR MULTIEMPLOYER PLANS.—Subparagraph (A) shall not apply to any multiemployer plan with respect to any transaction to the extent that participants either before or after the transaction are covered under a multiemployer plan to which title IV of the Employee Retirement Income Security Act of 1974 applies or a composite plan.''.

(B) ADDITIONAL QUALIFICATION REQUIREMENT.—Paragraph (1) of section 414(l) of such Code is amended—

(i) by striking ''(1) IN GENERAL'' and all that follows through ''shall not constitute'' and inserting the following:

''(1) BENEFIT PROTECTIONS: MERGER, CONSOLIDATION, TRANSFER.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a trust which forms a part of a plan shall not constitute''; and

AMERICAN OVERSIGHT

(ii) by striking the second sentence; and

(iii) by adding at the end the following:

''(B) SPECIAL REQUIREMENTS FOR MULTIEMPLOYER PLANS.—Subparagraph (A) does not apply to any multiemployer plan with respect to any transaction to the extent that participants either before or after the transaction are covered under a multiemployer plan to which title IV of the Employee Retirement Income Security Act of 1974 applies or a composite plan.''.

(d) REQUIREMENTS FOR STATUS AS A QUALIFIED PLAN.—

(1) REQUIREMENT THAT ACTUARIAL ASSUMPTIONS BE SPECIFIED.—Section 401(a)(25) of the Internal Revenue Code of 1986 is amended by inserting ''(in the case of a composite plan, benefits objectively calculated pursuant to a formula)'' after ''definitely determinable benefits''.

(2) MISSING PARTICIPANTS IN TERMINATING COMPOSITE PLAN.—Section 401(a)(34) of the Internal Revenue Code of 1986 is amended by striking '', a trust'' and inserting ''or a composite plan, a trust''.

(e) DEDUCTION FOR CONTRIBUTIONS TO A QUALIFIED PLAN.—Section 404(a)(1) of the Internal Revenue Code of 1986 is amended by redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following:

"(E) COMPOSITE PLANS.—

"(i) IN GENERAL.—In the case of a composite plan, subparagraph (D) shall not apply and the maximum amount deductible for a plan year shall be the excess (if any) of—

"(I) 160 percent of the greater of—

"(aa) the current liability of the plan determined in accordance with the principles of section 431(c)(6)(D), or

"(bb) the present value of plan liabilities as determined under section 438, over

"(II) the fair market value of the plan's assets, projected to the end of the plan year.

AMERICAN OVERSIGHT

"(ii) SPECIAL RULES FOR PREDECESSOR MULTIEMPLOYER PLAN TO COMPOSITE PLAN.—

"(I) IN GENERAL.—Except as provided in subclause (II), if an employer contributes to a composite plan with respect to its employees, contributions by that employer to a multiemployer defined benefit plan with respect to some or all of the same group of employees shall be deductible under sections 162 and this section, subject to the limits in subparagraph (D).

"(II) TRANSITION CONTRIBUTION.—The full amount of a contribution to satisfy the transition contribution requirement (as defined in section 440A(d)) and allocated to the legacy defined benefit plan for the plan year shall be deductible for the employer's taxable year ending with or within the plan year.".

(f) MINIMUM VESTING STANDARDS.—

(1) YEARS OF SERVICE UNDER COMPOSITE PLANS.—

(A) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 203 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053) is amended by inserting after subsection (f) the following:

''(g) SPECIAL RULES FOR COMPUTING YEARS OF SERVICE UNDER COMPOSITE PLANS.—

''(1) IN GENERAL.—In determining a qualified employee's years of service under a composite plan for purposes of this section, the employee's years of service under a legacy plan shall be treated as years of service earned under the composite plan. For purposes of such determination, a composite plan shall not be treated as a defined benefit plan pursuant to section 801(d).

''(2) QUALIFIED EMPLOYEE.—For purposes of this subsection, an employee is a qualified employee if the employee first completes an hour of service under the composite plan (determined without regard to the provisions of this subsection) within the 12-month period immediately preceding or the 24-month period immediately following the date the em-

AMERICAN OVERSIGHT

ployee ceased to accrue benefits under the legacy plan.

"(3) CERTIFICATION OF YEARS OF SERVICE.—For purposes of paragraph (1), the plan sponsor of the composite plan shall rely on a written certification by the plan sponsor of the legacy plan of the years of service the qualified employee completed under the defined benefit plan as of the date the employee satisfies the requirements of paragraph (2), disregarding any years of service that had been forfeited under the rules of the defined benefit plan before that date.

"(h) SPECIAL RULES FOR COMPUTING YEARS OF SERVICE UNDER LEGACY PLANS.—

"(1) IN GENERAL.—In determining a qualified employee's years of service under a legacy plan for purposes of this section, and in addition to any service under applicable regulations, the employee's years of service under a composite plan shall be treated as years of service earned under the legacy plan. For purposes of such determination, a composite plan shall not be treated as a defined benefit plan pursuant to section 801(d).

"(2) QUALIFIED EMPLOYEE.—For purposes of this subsection, an employee is a qualified employee

AMERICAN OVERSIGHT

if the employee first completes an hour of service under the composite plan (determined without regard to the provisions of this subsection) within the 12-month period immediately preceding or the 24-month period immediately following the date the employee ceased to accrue benefits under the legacy plan.

''(3) CERTIFICATION OF YEARS OF SERVICE.—For purposes of paragraph (1), the plan sponsor of the legacy plan shall rely on a written certification by the plan sponsor of the composite plan of the years of service the qualified employee completed under the composite plan after the employee satisfies the requirements of paragraph (2), disregarding any years of service that has been forfeited under the rules of the composite plan.''.

(B) INTERNAL REVENUE CODE OF 1986.—Section 411(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(14) SPECIAL RULES FOR DETERMINING YEARS OF SERVICE UNDER COMPOSITE PLANS.—

''(A) IN GENERAL.—In determining a qualified employee's years of service under a composite plan for purposes of this subsection,

AMERICAN OVERSIGHT

the employee's years of service under a legacy plan shall be treated as years of service earned under the composite plan. For purposes of such determination, a composite plan shall not be treated as a defined benefit plan pursuant to section 437(d).

''(B) QUALIFIED EMPLOYEE.—For purposes of this paragraph, an employee is a qualified employee if the employee first completes an hour of service under the composite plan (determined without regard to the provisions of this paragraph) within the 12-month period immediately preceding or the 24-month period immediately following the date the employee ceased to accrue benefits under the legacy plan.

''(C) CERTIFICATION OF YEARS OF SERVICE.—For purposes of subparagraph (A), the plan sponsor of the composite plan shall rely on a written certification by the plan sponsor of the legacy plan of the years of service the qualified employee completed under the legacy plan as of the date the employee satisfies the requirements of subparagraph (B), disregarding any years of service that had been forfeited

AMERICAN OVERSIGHT

under the rules of the defined benefit plan before that date.

"(15) SPECIAL RULES FOR COMPUTING YEARS OF SERVICE UNDER LEGACY PLANS.—

"(A) IN GENERAL.—In determining a qualified employee's years of service under a legacy plan for purposes of this section, and in addition to any service under applicable regulations, the employee's years of service under a composite plan shall be treated as years of service earned under the legacy plan. For purposes of such determination, a composite plan shall not be treated as a defined benefit plan pursuant to section 437(d).

"(B) QUALIFIED EMPLOYEE.—For purposes of this paragraph, an employee is a qualified employee if the employee first completes an hour of service under the composite plan (determined without regard to the provisions of this paragraph) within the 12-month period immediately preceding or the 24-month period immediately following the date the employee ceased to accrue benefits under the legacy plan.

"(C) CERTIFICATION OF YEARS OF SERVICE.—For purposes of subparagraph (A), the

AMERICAN OVERSIGHT

plan sponsor of the legacy plan shall rely on a written certification by the plan sponsor of the composite plan of the years of service the qualified employee completed under the composite plan after the employee satisfies the requirements of subparagraph (B), disregarding any years of service that has been forfeited under the rules of the composite plan.''.

(2) REDUCTION OF BENEFITS.—

(A) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 203(a)(3)(E)(ii) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)(3)(E)(ii)) is amended—

(i) in subclause (I) by striking ''4244A'' and inserting ''305(e), 803,''; and

(ii) in subclause (II) by striking ''4245'' and inserting ''305(e), 4245,''.

(B) INTERNAL REVENUE CODE OF 1986.—Section 411(a)(3)(F) of the Internal Revenue Code of 1986 is amended—

(i) in clause (i) by striking ''section 418D or under section 4281 of the Employee Retirement Income Security Act of

AMERICAN OVERSIGHT

1974'' and inserting ''section 432(e) or 439 or under section 4281 of the Employee Retirement Income Security Act of 1974''; and

(ii) in clause (ii) by inserting ''or 432(e)'' after ''section 418E''.

(3) ACCRUED BENEFIT REQUIREMENTS.—

(A) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 204(b)(1)(B)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(1)(B)(i)) is amended by inserting '', including an amendment reducing or suspending benefits under section 305(e), 803, 4245 or 4281,'' after ''any amendment to the plan''.

(B) INTERNAL REVENUE CODE OF 1986.—Section 411(b)(1)(B)(i) of the Internal Revenue Code of 1986 is amended by inserting '', including an amendment reducing or suspending benefits under section 418E, 432(e) or 439, or under section 4281 of the Employee Retirement Income Security Act of 1974,'' after ''any amendment to the plan''.

(4) ADDITIONAL ACCRUED BENEFIT REQUIREMENTS.—

(A) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 204(b)(1)(H)(v) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(b)(1)(H)(v)) is amended by inserting before the period at the end the following: ", or benefits are reduced or suspended under section 305(e), 803, 4245, or 4281".

(B) INTERNAL REVENUE CODE OF 1986.—Section 411(b)(1)(H)(iv) of the Internal Revenue Code of 1986 is amended—

(i) in the heading by striking "BENEFIT" and inserting "BENEFIT AND THE SUSPENSION AND REDUCTION OF CERTAIN BENEFITS"; and

(ii) in the text by inserting before the period at the end the following: ", or benefits are reduced or suspended under section 418E, 432(e), or 439, or under section 4281 of the Employee Retirement Income Security Act of 1974".

(5) ACCRUED BENEFIT NOT TO BE DECREASED BY AMENDMENT.—

(A) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 204(g)(1) of the

AMERICAN OVERSIGHT

Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(g)(1)) is amended by inserting after ''302(d)(2)'' the following: '', 305(e), 803, 4245,''.

(B) INTERNAL REVENUE CODE OF 1986.—Section 411(d)(6)(A) of the Internal Revenue Code of 1986 is amended by inserting after ''412(d)(2),'' the following: ''418E, 432(e), or 439,''.

(g) CERTAIN FUNDING RULES NOT APPLICABLE.—

(1) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 305 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085) is amended by adding at the end the following:

''(k) LEGACY PLANS.—Sections 302, 304, and 305 shall not apply to an employer that has an obligation to contribute to a plan that is a legacy plan within the meaning of section 805(a) solely because the employer has an obligation to contribute to a composite plan described in section 801 that is associated with that legacy plan.''.

(2) INTERNAL REVENUE CODE OF 1986.—Section 432 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(k) LEGACY PLANS.—Sections 412, 431, and 432 shall not apply to an employer that has an obligation to

AMERICAN OVERSIGHT

contribute to a plan that is a legacy plan within the meaning of section 440A(a) solely because the employer has an obligation to contribute to a composite plan described in section 437 that is associated with that legacy plan.''.

(h) TERMINATION OF COMPOSITE PLAN.—Section 403(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1103(d) is amended—

(1) in paragraph (1), by striking ''regulations of the Secretary.'' and inserting ''regulations of the Secretary, or as provided in paragraph (3).''; and

(2) by adding at the end the following:

''(3) Section 4044(a) of this Act shall be applied in the case of the termination of a composite plan by—

''(A) limiting the benefits subject to paragraph (3) thereof to benefits as defined in section 802(b)(3)(B); and

''(B) including in the benefits subject to paragraph (4) all other benefits (if any) of individuals under the plan that would be guaranteed under section 4022A if the plan were subject to title IV.''.

(i) GOOD FAITH COMPLIANCE PRIOR TO GUIDANCE.—Where the implementation of any provision of law added or amended by this division is subject to issuance

AMERICAN OVERSIGHT

of regulations by the Secretary of Labor, the Secretary of the Treasury, or the Pension Benefit Guaranty Corporation, a multiemployer plan shall not be treated as failing to meet the requirements of any such provision prior to the issuance of final regulations or other guidance to carry out such provision if such plan is operated in accordance with a reasonable, good faith interpretation of such provision.

SEC. 140006. EFFECTIVE DATE.

Unless otherwise specified, the amendments made by this division shall apply to plan years beginning after the date of the enactment of this Act.

AMERICAN OVERSIGHT

DIVISION O—EDUCATION PROVISIONS AND OTHER PROGRAMS

TITLE I—HIGHER EDUCATION PROVISIONS

DEFINITIONS

SEC. 150101.

In this title:

(1) AWARD YEAR.—The term ''award year'' has the meaning given the term in section 481(a) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)).

(2) AUTHORIZING COMMITTEES.—The term ''authorizing committees'' has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(3) FAFSA.—The term ''FAFSA'' means an application under section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090) for Federal student financial aid.

(4) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(5) QUALIFYING EMERGENCY.—The term ''qualifying emergency'' has the meaning given the term in section 3502 of the CARES Act (Public Law 116–136), as amended by this Act.

AMERICAN OVERSIGHT

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

Subtitle A—CARES Act Amendments

APPLICATION OF WAIVER TO PARTICIPATING NONPROFIT EMPLOYERS

SEC. 150102.

(a) IN GENERAL.—Section 3503 of the CARES Act (Public Law 116–136) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) WAIVER OF NON-FEDERAL SHARE REQUIREMENT FOR NONPROFIT EMPLOYERS.—Notwithstanding any other provision of law, with respect to funds made available for award years 2019–2020 and 2020–2021, the Secretary shall waive any requirement that a nonprofit employer provide a non-Federal share to match Federal funds provided to such nonprofit employer under an agreement under section 443 of the Higher Education Act of 1965 (20 U.S.C. 1087–53).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the CARES Act (Public Law 116–136).

AMERICAN OVERSIGHT

EXTENSION OF FEDERAL WORK-STUDY DURING A QUALIFYING EMERGENCY

SEC. 150103.

(a) IN GENERAL.—Section 3505 of the CARES Act (Public Law 116–136) is amended—

(1) in subsection (a)—

(A) by striking ''(not to exceed one academic year)''; and

(B) by striking ''such academic year'' and inserting ''such period''; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''first'' before ''occurred''; and

(B) in paragraph (3), by striking ''for all or part of such academic year''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the CARES Act (Public Law 116–136).

CONTINUING EDUCATION AT AFFECTED FOREIGN INSTITUTIONS

SEC. 150104.

(a) IN GENERAL.—Section 3510 of the CARES Act (Public Law 116–136) is amended—

(1) in subsection (a), by striking ''national emergency declared'' and inserting ''national emergency related to the coronavirus declared'';

AMERICAN OVERSIGHT

(2) in subsection (b), by striking ''qualifying emergency'' and inserting ''emergency or disaster affecting the institution as described in subsection (a)'';

(3) in subsection (c), by striking ''qualifying emergency'' and inserting ''applicable emergency or disaster as described in subsection (a)''; and

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''for the duration of a qualifying emergency and the following payment period,'' and inserting ''with respect to a foreign institution, in the case of a public health emergency, major disaster or emergency, or national emergency related to the coronavirus declared by the applicable government authorities in the country in which the foreign institution is located, or in the case of a qualifying emergency,''; and

(ii) by inserting '', for the duration of the applicable emergency or disaster and the following payment period,'' after ''1087a et seq.)''; and

(B) in paragraph (4)—

AMERICAN OVERSIGHT

(i) by striking ''qualifying emergency'' and inserting ''applicable emergency or disaster''; and

(ii) by striking the period at the end and inserting '', the name of the institution of higher education located in the United States that has entered into a written arrangement with such foreign institution, and information regarding the nature of such written arrangement, including which coursework or program requirements are accomplished at each respective institution.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the CARES Act (Public Law 116–136).

FUNDING FOR HBCU CAPITAL FINANCING

SEC. 150105.

(a) IN GENERAL.—Section 3512(d) of the CARES Act (Public Law 116–136) is amended by striking ''$62,000,000'' and inserting ''such sums as may be necessary''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the CARES Act (Public Law 116–136).

AMERICAN OVERSIGHT

WAIVER AUTHORITY FOR INSTITUTIONAL AID

SEC. 150106.

(a) IN GENERAL.—Section 3517(a)(1)(D) of the CARES Act (Public Law 116–136) is amended by striking ''(b), (c), and (g)'' and inserting ''(b) and (c)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the CARES Act (Public Law 116–136).

SCOPE OF MODIFICATIONS TO REQUIRED AND ALLOWABLE USES

SEC. 150107.

(a) AMENDMENT TO INCLUDE MINORITY SCIENCE AND ENGINEERING IMPROVEMENT PROGRAM.—Subsection (a) of section 3518 of the CARES Act (Public Law 116–136) is amended—

(1) by striking ''part A or B of title III,'' and inserting ''part A, part B, or subpart 1 of part E of title III,''; and

(2) by inserting ''1067 et seq.;'' after ''1060 et seq.;''.

(b) AMENDMENT TO CLARIFY SCOPE OF AUTHORITY.—Section 3518 of the CARES Act (Public Law 116–136) is amended by adding at the end the following new subsection:

''(d) SCOPE OF AUTHORITY.—Notwithstanding subsection (a), the Secretary may not modify the required or

AMERICAN OVERSIGHT

allowable uses of funds for grants awarded under a statutory provision cited in subsection (a) in a manner that deviates from the overall purpose of the grant program, as provided in the general authorization, findings, or purpose of the grant program under the applicable statutory provision cited in such subsection.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the CARES Act (Public Law 116–136).

Subtitle B—Financial Aid Access

EMERGENCY FINANCIAL AID GRANTS EXCLUDED FROM NEED ANALYSIS

SEC. 150108.

(a) TREATMENT OF EMERGENCY FINANCIAL AID GRANTS FOR NEED ANALYSIS.—Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), emergency financial aid grants—

(1) shall not be included as income or assets (including untaxed income and benefits under section 480(b) of the Higher Education Act of 1965 (20 U.S.C. 1807vv(b))) in the computation of expected family contribution for any program funded in whole or in part under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.); and

AMERICAN OVERSIGHT

(2) shall not be treated as estimated financial assistance for the purposes of section 471 or section 480(j) of the Higher Education Act of 1965 (20 U.S.C. 1087kk; 1087vv(j)).

(b) DEFINITION.—In this section, the term ''emergency financial aid grant'' means—

(1) an emergency financial aid grant awarded by an institution of higher education under section 3504 of the CARES Act (Public Law 116–136);

(2) an emergency financial aid grant from an institution of higher education made with funds made available under section 18004 of the CARES Act (Public Law 116–136); and

(3) any other emergency financial aid grant to a student from a Federal agency, a State, an Indian tribe, an institution of higher education, or a scholarship-granting organization (including a tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) for the purpose of providing financial relief to students enrolled at institutions of higher education in response to a qualifying emergency.

FACILITATING ACCESS TO FINANCIAL AID FOR RECENTLY UNEMPLOYED STUDENTS

SEC. 150109.

AMERICAN OVERSIGHT

(a) TREATMENT AS DISLOCATED WORKER.—

(1) IN GENERAL.—Notwithstanding section 479(d)(1) of the Higher Education Act of 1965 (20 U.S.C. 1087ss(d)(1)), any individual who has applied for, or who is receiving, unemployment benefits at the time of the submission of a FAFSA for a covered award year shall be treated as a dislocated worker for purposes of the need analysis under part F of title IV such Act (20 U.S.C. 1087kk et seq.) applicable to such award year.

(2) INFORMATION TO APPLICANTS AND INSTITUTIONS.—The Secretary—

(A) in consultation with institutions of higher education, shall carry out activities to inform applicants for Federal student financial aid under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.)—

(i) of the treatment of individuals who have applied for, or who are receiving, unemployment benefits as dislocated workers under paragraph (1); and

(ii) of the availability of means-tested Federal benefits for which such applicants may be eligible;

AMERICAN OVERSIGHT

(B) shall carry out activities to inform institutions of higher education of the authority of such institutions, with explicit written consent of an applicant for Federal student financial aid under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), to provide information collected from such applicant's FAFSA to an organization assisting the applicant in applying for and receiving Federal, State, local, or tribal assistance in accordance with section 312 of the Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019 (Public Law 115–245); and

(C) in consultation with the Secretary of Labor, shall carry out activities to inform applicants for, and recipients of, unemployment benefits of the availability of Federal student financial aid under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) and the treatment of such applicants and recipients as dislocated workers under paragraph (1).

AMERICAN OVERSIGHT

(3) IMPLEMENTATION.—The Secretary shall implement this subsection not later than 30 days after the date of enactment of this Act.

(4) APPLICABILITY.—Paragraph (1) shall apply with respect to a FAFSA submitted on or after the earlier of—

(A) the date on which the Secretary implements this subsection under paragraph (3); or

(B) the date that is 30 days after the date of enactment of this Act.

(b) PROFESSIONAL JUDGMENT OF FINANCIAL AID ADMINISTRATORS.—The guidance of the Secretary titled ''Update on the use of 'Professional Judgment' by Financial Aid Administrators'' (DCL ID: GEN–09–05), as in effect on May 8, 2009, shall apply—

(1) to the exercise of professional judgement by financial aid administrators pursuant to section 479A of the Higher Education Act of 1965 (20 U.S.C. 1087tt) with respect to any FAFSA for a covered award year; and

(2) to the selection of institutions for program reviews pursuant to section 498A of the Higher Education Act of 1965 (20 U.S.C. 1099c–1) for a covered award year.

(c) DEFINITIONS.—In this section:

AMERICAN OVERSIGHT

(1) COVERED AWARD YEAR.—The term ''covered award year'' means—

(A) an award year during which there is a qualifying emergency; and

(B) the first award year beginning after the end of such qualifying emergency.

(2) MEANS-TESTED FEDERAL BENEFIT.—The term ''means-tested Federal benefit'' includes the following:

(A) The supplemental security income program under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.).

(B) The supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

(C) The free and reduced price school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(D) The program of block grants for States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(E) The special supplemental nutrition program for women, infants, and children es-

AMERICAN OVERSIGHT

tablished by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

(F) The Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(G) The tax credits provided under the following sections of the Internal Revenue Code of 1986 (title 26, United States Code):

(i) Section 25A (relating to American Opportunity and Lifetime Learning credits).

(ii) Section 32 (relating to earned income).

(iii) Section 36B (relating to refundable credit for coverage under a qualified health plan).

(iv) Section 6428 (relating to 2020 recovery rebates for individuals).

(H) Federal housing assistance programs, including tenant-based assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), and public housing, as defined in section 3(b)(1) of such Act (42 U.S.C. 1437a(b)(1)).

AMERICAN OVERSIGHT

(I) Such other Federal means-tested benefits as may be identified by the Secretary.

STUDENT ELIGIBILITY FOR HIGHER EDUCATION EMERGENCY RELIEF FUND AND OTHER HIGHER EDUCATION FUNDS

SEC. 150110.

(a) IN GENERAL.—With respect to student eligibility for receipt of funds provided under section 18004 of the CARES Act (Public Law 116–136) and under title VI of division A of this Act—

(1) the Secretary is prohibited from imposing any restriction on, or defining, the populations of students who may receive such funds other than a restriction based solely on the student's enrollment at the institution of higher education; and

(2) section 401(a) the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(a)) shall not apply.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect as if included in the enactment of the CARES Act (Public Law 116–136), and an institution of higher education that provided funds to a student before the date of enactment of this Act shall not be penalized if such provision is consistent with such subsection and section 18004 of the CARES Act (Public Law 116–136).

AMERICAN OVERSIGHT

DEFINITION OF DISTANCE EDUCATION

SEC. 150111.

(a) IN GENERAL.—Except as otherwise provided in title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), for purposes of such title, the term ''distance education'' means education that uses technology—

(1) to deliver instruction to students enrolled at an institution of higher education who are separated from the instructor or instructors; and

(2) to support regular and substantive interaction between the students and the instructor or instructors, either synchronously or asynchronously.

(b) TECHNOLOGY.—For purposes of subsection (a), the technologies that may be used to offer distance education include—

(1) the internet;

(2) one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;

(3) audio conferencing; and

(4) other media used in a course in conjunction with any of the technologies listed in paragraphs (1) through (3).

AMERICAN OVERSIGHT

(c) INSTRUCTOR.—For purposes of subsection (a), an instructor is an individual responsible for delivering course content and who meets the qualifications for instruction established by the institution of higher education's accrediting agency.

(d) SUBSTANTIVE INTERACTION.—For purposes of subsection (a), substantive interaction is engaging students in teaching, learning, and assessment, consistent with the content under discussion, and also includes at least two of the following:

(1) Providing direct instruction.

(2) Assessing or providing feedback on a student's coursework.

(3) Providing information or responding to questions about the content of a course or competency.

(4) Facilitating a group discussion regarding the content of a course or competency.

(5) Other instructional activities approved by the institution of higher education's or program's accrediting agency.

(e) REGULAR INTERACTION.—For purposes of subsection (a), an institution ensures regular interaction between a student and an instructor or instructors by, prior to the student's completion of a course or competency—

AMERICAN OVERSIGHT

(1) providing the opportunity for substantive interactions with the student on a predictable and regular basis commensurate with the length of time and the amount of content in the course or competency; and

(2) monitoring the student's academic engagement and success and ensuring that an instructor is responsible for promptly and proactively engaging in substantive interaction with the student when needed, on the basis of such monitoring, or upon request by the student.

(f) EFFECTIVE DATE.—This section shall be effective for any semester (or the equivalent) that begins on or after August 15, 2020, and shall cease to be effective at the end of the 2020–2021 award year.

INSTITUTIONAL STABILIZATION PROGRAM

SEC. 150112.

(a) AUTHORITY TO PARTICIPATE.—Notwithstanding paragraph (1) or (2) of section 498(c) of the Higher Education Act of 1965 (20 U.S.C. 1099c(c)), an eligible institution described in subsection (b) may, in lieu of submitting a letter of credit in accordance with section 498(c)(3)(A) of such Act, submit an application under subsection (c)(1) to enter into a COVID–19 provisional program participation agreement in accordance with sub-

AMERICAN OVERSIGHT

section (d) to provide the Secretary with satisfactory evidence of its financial responsibility.

(b) ELIGIBLE INSTITUTION DESCRIBED.—An eligible institution described in this subsection is a private nonprofit institution of higher education that—

(1) either—

(A) has a composite score of less than 1.0 for the institutional fiscal year ending in 2019, as determined under section 668.171(b)(1) of title 34, Code of Federal Regulations; or

(B) on the date of an application under subsection (c)(1), has (or anticipates having) a composite score of less than 1.0 for the institutional fiscal year ending in 2020, as determined under section 668.171(b)(1) of title 34, Code of Federal Regulations;

(2) during award year 2018–2019—

(A) offered on-campus classes; and

(B) qualified for participation in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

(3) on the date of the application under subsection (c)(1), has a liquidity level of less than or equal to 180 days.

(c) APPLICATION.—

AMERICAN OVERSIGHT

(1) IN GENERAL.—An eligible institution desiring to enter into a COVID–19 provisional program participation agreement under subsection (d), shall, not later than December 31, 2020, submit to the Secretary an application that includes—

(A) the estimated liquidity level of the eligible institution on the date of the application and an assurance that such liquidity level will be attested to in accordance with paragraph (2);

(B) an assurance that such eligible institution will submit a record-management plan in accordance with paragraph (3); and

(C) an assurance that such eligible institution will submit a teach-out plan in accordance with paragraph (4); and

(D) an assurance that such eligible institution will submit reports on teach-out agreements and sufficient progress made on such agreements in accordance with subsection (d)(3), as applicable.

(2) AUDITOR ATTESTATION.—Not later than 60 days after submitting an application under paragraph (1), an eligible institution shall submit to the Secretary an auditor attestation of the liquidity level

AMERICAN OVERSIGHT

of such eligible institution on the date such institution submitted such application pursuant to an audit conducted by a qualified independent organization or person in accordance with standards established by the American Institute of Certified Public Accountants.

(3) RECORD-MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 60 days after submitting an application under paragraph (1), an eligible institution shall submit to the Secretary a record-management plan approved by the accrediting agency of such eligible institution that includes—

(i) a plan for the custody, including by the State authorizing agency, and the disposition of—

(I) a teach-out plan and teach-out agreement records, as applicable; and

(II) student records, including student transcripts, billing, and financial aid records;

(ii) an estimate of the costs necessary to carry out such record-management plan; and

AMERICAN OVERSIGHT

(iii) a financial plan to provide funding for such costs.

(B) ASSURANCE.—An eligible institution that submits a record-management plan under subparagraph (A) shall include an assurance to the Secretary that, in the case of the closure of such eligible institution, such eligible institution—

(i) will release all financial holds placed on student records; and

(ii) for the 3-year period beginning on the date of the closure of such eligible institution, will not require a student enrolled in such eligible institution on the date of such closure (and students withdrawn from such eligible institution in the 120 days prior to such date) who requests the student records of such student to purchase such records or otherwise charge such student a fee with respect to such records.

(C) REPORT.—Not later than 60 days after submitting an application under paragraph (1), an eligible institution shall submit the record-management plan required under

AMERICAN OVERSIGHT

subparagraph (A) and the assurance under subparagraph (B) to the accrediting agency and State authorizing agency of such eligible institution.

(4) TEACH-OUT PLAN.—Not later than 60 days after submitting an application under paragraph (1), an eligible institution shall submit a teach-out plan approved by the accrediting agency of such eligible institution to the Secretary and the State authorizing agency of such eligible institution.

(5) LETTER OF CREDIT DURING PENDING APPLICATION.—Notwithstanding section 498(c)(3)(A) of the Higher Education Act of 1965 (20 U.S.C. 1099c(c)(3)(A)), the Secretary may not use the composite score of an eligible institution (as determined under section 668.171(b)(1) of title 34, Code of Federal Regulations) to require the eligible institution to submit a new letter of credit or increase the value of an existing letter of credit while the institution has an application pending under paragraph (1).

(6) NOTIFICATION OF APPLICATION AND STATUS.—The eligible institution shall notify the accrediting agency and State authorizing agency of such institution—

AMERICAN OVERSIGHT

(A) that the institution has submitted an application under paragraph (1) to the Secretary not later than 10 days after submitting such application; and

(B) of the final acceptance or denial of such application not later than 5 days after receiving a final decision from the Secretary.

(7) APPLICATION DECISION.—The Secretary shall accept or deny an application under paragraph (1) not later than 10 days after the date on which an eligible institution completes all of the submission requirements under paragraphs (2), (3), and (4).

(d) COVID–19 PROVISIONAL PROGRAM PARTICIPATION AGREEMENT.—

(1) AUTHORITY TO ENTER AGREEMENT.—The Secretary may enter into a COVID–19 provisional program participation agreement under this subsection with an eligible institution that submits an application under subsection (c)(1) on or before December 31, 2020, only if the Secretary has received—

(A) an auditor attestation under subsection (c)(2) that such eligible institution has a liquidity level of less than or equal to 180 days on

AMERICAN OVERSIGHT

the date of the application of such eligible institution under subsection (c)(1);

(B) a record-management plan with respect to such eligible institution in accordance with subsection (c)(3); and

(C) a teach-out plan with respect to such eligible institution in accordance with subsection (c)(4).

(2) PARTICIPATION REQUIREMENTS.—In entering into a COVID–19 provisional program participation agreement with an eligible institution under this subsection, the Secretary shall require such eligible institution—

(A) if such eligible institution has a liquidity level of less than or equal to 90 days on the date of the application of such eligible institution under subsection (c)(1), to submit a teach-out agreement (or teach-out agreements, as applicable) to the Secretary and to the accrediting agency and State authorizing agency of the institution in accordance with paragraph (3);

(B) to report to the Secretary in accordance with paragraph (4);

(C) to meet the administrative capacity requirements under section 498(d) of the Higher

AMERICAN OVERSIGHT

Education Act of 1965 (20 U.S.C. 1099c(d)); and

(D) to meet the cash reserves requirements under section 498(c)(6)(A) of the Higher Education Act of 1965 (20 U.S.C. 1099c(c)(6)(A)).

(3) TEACH-OUT AGREEMENTS.—

(A) SUFFICIENT PROGRESS.—Not later than 30 days after the date on which an eligible institution described in paragraph (2)(A) enters into a COVID–19 provisional program participation agreement under this subsection, such eligible institution shall submit to the Secretary an interim teach-out agreement that provides for the equitable treatment of at least 75 percent of enrolled students and a reasonable opportunity for such students to complete their program of study.

(B) ADDENDUM REPORTS.—Not later than 15 days after the date on which an eligible institution submits an interim teach-out agreement in accordance with subparagraph (A), and every 15 days thereafter, such eligible institution shall submit to the Secretary a report that includes—

AMERICAN OVERSIGHT

(i) the percentage of students enrolled in such eligible institution that are covered by a teach-out agreement;

(ii) the increase in the percentage of students covered by such an agreement, as compared to the most recently submitted report; and

(iii) such other information as the Secretary or accrediting agency of the eligible institution may require, including the progress of such eligible institution in meeting any benchmarks set by such accrediting agency related to the percentage of students that should be covered by such an agreement.

(C) TEACH-OUT AGREEMENT REQUIRED.—On the date agreed to by the eligible institution, the accrediting agency of such eligible institution, and the Secretary under a COVID–19 provisional program participation agreement under this subsection, such eligible institution shall submit to the Secretary and to the accrediting agency and State authorizing agency of the institution a teach-out agreement (or agreements, as applicable) that—

AMERICAN OVERSIGHT

(i) provides for the equitable treatment of all enrolled students and a reasonable opportunity for such students to complete their program of study;

(ii) includes—

(I) a list of all students enrolled in such eligible institution on the date such eligible institution submitted an application under subsection (c)(1) (and students withdrawn from such eligible institution in the 120 days prior to such date), including the name, contact information, program of study, program requirements completed, and estimated date of program completion of each such student;

(II) the amount of any unearned tuition, account balances, student fees, and refunds due to each such student;

(III) a plan to notify each such student, in the case of the closure of such eligible institution, of—

(aa) the process for obtaining a closed school discharge

AMERICAN OVERSIGHT

under section 437(c)(1) of the Higher Education Act of 1965 (20 U.S.C. 1087(c)(1)), using standard language developed by the Secretary under subsection (f), and the benefits and consequences of such discharge;

(bb) if applicable, information on institutional and State refund policies;

(cc) the teach-out institution or institutions available to enroll such student;

(dd) the tuition and fees of the educational program offered by each such teach-out institution and the number and types of credit each such teach-out institution will accept prior to the enrollment of such student; and

(ee) the record-management plan submitted in accordance with subsection (c)(3).

(D) DECREASE IN LIQUIDITY.—In the case of an eligible institution that enters into a

AMERICAN OVERSIGHT

COVID–19 provisional program participation agreement under this subsection and has a liquidity level of greater than 90 days on the date of the application of such eligible institution under subsection (c)(1), if the Secretary determines such eligible institution has declined such that the liquidity level of such eligible institution is consistently less than or equal to 90 days, the Secretary may require such eligible institution to submit a teach-out agreement (or agreements, as applicable) to the Secretary in accordance with subparagraph (C).

(4) REPORTING REQUIREMENTS.—

(A) ELIGIBLE INSTITUTIONS WITH A LIQUIDITY LEVEL OF LESS THAN OR EQUAL TO 90 DAYS.—In the case of an eligible institution described in paragraph (2)(A), the Secretary shall require such eligible institution to report to the Secretary the liquidity level and total student enrollment of such eligible institution not less than once every 15 days, until such eligible institution closes or no longer participates in a COVID–19 provisional program participation agreement under this subsection.

AMERICAN OVERSIGHT

(B) ELIGIBLE INSTITUTIONS WITH A LIQUIDITY LEVEL OF GREATER THAN 90 DAYS.—In the case of an eligible institution that enters into a COVID–19 provisional program participation agreement under this subsection and has a liquidity level of greater than 90 days on the date of the application of such eligible institution under subsection (c)(1), the Secretary shall require such eligible institution to report to the Secretary the liquidity level and total student enrollment of such eligible institution not less than once every 30 days, until such eligible institution closes or no longer participates in a COVID–19 provisional program participation agreement under this subsection.

(C) ALL ELIGIBLE INSTITUTIONS.—All eligible institutions that enter into a COVID–19 provisional program participation agreement under this subsection shall comply with the reporting requirements under paragraph (2) of section 668.175(d) of title 34, Code of Federal Regulations (as such paragraph is in effect on the date of enactment of this section).

(5) LETTER OF CREDIT DURING AGREEMENT.—The Secretary may not require an eligible institution

AMERICAN OVERSIGHT

that enters into a COVID–19 provisional program participation agreement under this subsection to submit a new letter of credit or increase the value of an existing letter of credit for the duration of the agreement.

(6) DURATION OF AGREEMENT.—A COVID–19 provisional program participation agreement under this subsection may only be entered into for a period less than or equal to the period—

(A) beginning on the first date of the agreement; and

(B) ending on the last day of the first full award year that begins after the date described in subparagraph (A).

(7) RENEWAL.—

(A) IN GENERAL.—A COVID–19 provisional program participation agreement under this subsection may be renewed for 1 award year subsequent to the award year described in paragraph (6)(B), and shall expire no later than June 30, 2022.

(B) AUTHORITY TO EXTEND RENEWAL PERIOD.—Notwithstanding subparagraph (A), if the Secretary determines that an extension of renewal authority is in the best interest of the

AMERICAN OVERSIGHT

eligible institutions with a COVID–19 provisional program participation agreement under this subsection, the Secretary may permit COVID–19 provisional program participation agreement under this subsection to be renewed, on an annual basis, for not more than 3 total consecutive award years subsequent to the award year described in paragraph (6)(B), provided that no agreement under this subsection shall expire later than June 30, 2024.

(C) RECALCULATION OF LIQUIDITY.—An eligible institution desiring to renew a COVID–19 provisional program participation agreement shall—

(i) submit to the Secretary the liquidity level of the institution on the last day of the most recent fiscal year of the eligible institution, to be used for purposes of such an agreement; and

(ii) not later than 60 days after submitting such liquidity level under clause (i), have such liquidity level attested to in accordance with subsection (c)(2).

(8) DISCONTINUATION OF AGREEMENT.—The participation of an eligible institution in a COVID–

AMERICAN OVERSIGHT

19 provisional program participation agreement under this subsection—

(A) may be discontinued at any time at the request of the eligible institution;

(B) shall be discontinued by the Secretary if such eligible institution receives a composite score of 1.0 or greater for the most recent institutional fiscal year, as determined under section 668.171(b)(1) of title 34, Code of Federal Regulations; and

(C) shall have no affect on the eligibility of the institution to participate in a program participation agreement under section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094) after the COVID–19 provisional program participation agreement under this subsection has expired or been discontinued.

(9) GRANTS TO PARTICIPATING INSTITUTIONS.—From the amounts authorized to be available, subject to appropriation, under subsection (j), the Secretary may award a grant to an eligible institution that enters into a COVID–19 provisional program participation agreement under this subsection to carry out the requirements of such agreement and

AMERICAN OVERSIGHT

provide for the increased economic stability of such eligible institution.

(10) REGULATORY AUTHORITY.—Except as otherwise provided in this subsection, the Secretary shall have the same authority with respect to a COVID–19 provisional program participation agreement under this subsection as the Secretary has with respect to a program participation agreement under subparagraphs (B), (F), and (G) of section 487(c)(1) (20 U.S.C. 1099(c)(1)).

(e) PARTICIPATION IN TITLE IV PROGRAM.—An eligible institution that enters into a COVID–19 provisional program participation agreement under subsection (d) may participate in programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) only if such eligible institution submits to the Secretary (and the accrediting agency of such eligible institution, as applicable) the agreements and reports applicable to such eligible institution under paragraphs (3) and (4) of subsection (d).

(f) STANDARD LANGUAGE.—Not later than 30 days after the date of the enactment of this section, the Secretary shall publish standard language relating to closed school discharges for purposes of subsection (d)(3)(C)(ii)(III)(aa).

AMERICAN OVERSIGHT

(g) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this section and every 90 days thereafter until the date on which every COVID–19 provisional program participation agreement under this subsection has expired or been terminated, or until June 30, 2024, whichever is earlier, the Secretary shall submit to the authorizing committees a report that includes a summary of each COVID–19 provisional program participation agreement entered into or renewed in the preceding 90 days by the Secretary under this section, including the name, total student enrollment, and liquidity level of the institution.

(h) AUTOMATIC CLOSED SCHOOL DISCHARGE.—

(1) AUTOMATIC DISCHARGE REQUIRED.—With respect to a borrower described in paragraph (2), the Secretary shall, without any further action by the borrower, discharge the liability of the borrower with respect to each of the borrower's loans (including the interest and collection fees) described in paragraph (2)(A) in accordance with this subsection.

(2) BORROWER REQUIREMENTS.—A borrower described in this subparagraph is a borrower who—

(A) was enrolled for a period of enrollment at an eligible institution that was participating

AMERICAN OVERSIGHT

in a COVID–19 provisional program participation agreement under subsection (d), and—

(i) was unable to complete such period of enrollment due to the closure of the institution; or

(ii) withdrew from the eligible institution—

(I) not more than 120 days before the closure of the eligible institution; or

(II) if the Secretary determines an extension of the 120-day period described in subclause (I) is necessary due to exceptional circumstances related to the closure of the institution, during the extended period determined by the Secretary;

(B) has one or more loans—

(i) made under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) for a program of study at the eligible institution described in subparagraph (A); and

(ii) that have not been discharged by the Secretary pursuant to section

AMERICAN OVERSIGHT

437(c)(1) or section 464(g)(1) of the Higher Education Act of 1965 (20 U.S.C. 1087(c)(1); 1087dd(g)(1)); and

(C) during the 3-year period beginning on the date of the closure of the eligible institution described in subparagraph (A), has not enrolled in any institution of higher education that participates in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(3) REPORT.—Beginning on the date that is 3 years after the date of enactment of this Act and every 180 days thereafter, the Secretary shall report to the authorizing committees the number of loans discharged in accordance with this subsection, and any amounts recovered by the Secretary in accordance with the authority of the Secretary to pursue claims under section 437(c)(1) or section 464(g)(1) of the Higher Education Act of 1965 (20 U.S.C. 1087(c)(1); 1087dd(g)(1)).

(i) DEFINITIONS.—In this section:

(1) LIQUIDITY LEVEL.—The term ''liquidity level'' means, with respect to an eligible institution, the number of days such eligible institution can operate based on available resources, as determined in

AMERICAN OVERSIGHT

accordance with the Financial Accounting Standards Board update entitled ''No. 2016–14 Not-for-Profit Entities (Topic 958)'' and dated August, 2016.

(2) TEACH-OUT AGREEMENT.—The term ''teach-out agreement'' means a written agreement between an eligible institution and one or more teach-out institutions that is in accordance with the requirements in section 496(c)(6) of the Higher Education Act of 1965 (20 U.S.C. 1099b(c)(6)) and that provides for the equitable treatment of students and a reasonable opportunity for students to complete their program of study if such eligible institution, or an institutional location that provides 100 percent of at least one program offered by such eligible institution, ceases to operate or plans to cease operations before all such enrolled students have completed their program of study.

(3) TEACH-OUT INSTITUTION.—The term ''teach-out institution'' means an institution of higher education that—

(A) is not subject to a COVID–19 provisional program participation agreement under this section;

(B) shows no evidence of significant problems (including financial responsibility or ad-

AMERICAN OVERSIGHT

ministrative capability) that affect, as determined by the Secretary, the institution's ability to administer a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.);

(C) is not required to pay any material debt, as determined by the Secretary, or incur any material liability, as determined by the Secretary, arising from a judgment in a judicial proceeding, an administrative proceeding or determination, or settlement;

(D) is not involved in a lawsuit by a Federal or State authority for financial relief on claims related to the making of loans under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.);

(E) has the necessary experience, resources, and capacity, including support services, to enroll students and provide an educational program of acceptable quality that is reasonably similar in content and delivery, and to the extent practicable, scheduling, to that provided by the eligible institution that enters into an agreement with such teach-out institution; and

AMERICAN OVERSIGHT

(F) during the five most recent award years, has not been subject to a denial, withdrawal, suspension, or termination of accreditation by an accrediting agency or association recognized by the Secretary.

(4) TEACH-OUT PLAN.—The term ''teach-out plan'' means a written plan developed by an eligible institution that provides for the equitable treatment of students if such eligible institution, or an institutional location that provides 100 percent of at least one program offered by the eligible institution, ceases to operate or plans to cease operations before all enrolled students have completed their program of study.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $300,000,000 to carry out subsection (d)(9).

Subtitle C—Federal Student Loan Relief

PART A—TEMPORARY RELIEF FOR FEDERAL STUDENT BORROWERS UNDER THE CARES ACT

EXPANDING LOAN RELIEF TO ALL FEDERAL STUDENT LOAN BORROWERS

SEC. 150113.

AMERICAN OVERSIGHT

Section 3502(a) of division A of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended—

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

(2) by inserting after paragraph (1) the following:

"(2) FEDERAL STUDENT LOAN.—The term 'Federal student loan' means a loan—

"(A) made under part D, part B, or part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), and held by the Department of Education;

"(B) made, insured, or guaranteed under part B of such title, or made under part E of such title, and not held by the Department of Education; or

"(C) made under—

"(i) subpart II of part A of title VII of the Public Health Service Act (42 U.S.C. 292q et seq.); or

"(ii) part E of title VIII of the Public Health Service Act (42 U.S.C. 297a et seq.).".

AMERICAN OVERSIGHT

EXTENDING THE LENGTH OF BORROWER RELIEF DUE TO THE CORONAVIRUS EMERGENCY

SEC. 150114.

Section 3513 of division A of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended—

(1) by amending subsection (a) to read as follows:

''(a) SUSPENSION OF PAYMENTS.—

''(1) IN GENERAL.—During the period beginning on March 13, 2020, and ending on September 30, 2021, the Secretary or, as applicable, the Secretary of Health and Human Services, shall suspend all payments due on Federal student loans.

''(2) TRANSITION PERIOD.—For one additional 30-day period beginning on the day after the last day of the suspension period described in subsection (a), the Secretary or, as applicable, the Secretary of Health and Human Services, shall ensure that any missed payments on a Federal student loan by a borrower during such additional 30-day period—

''(A) do not result in collection fees or penalties associated with late payments; and

AMERICAN OVERSIGHT

"(B) are not reported to any consumer reporting agency or otherwise impact the borrower's credit history.

"(3) PAYMENT REFUND IN LIEU OF RETROACTIVE APPLICABILITY.—

"(A) IN GENERAL.—By not later than 60 days after the date of enactment of the HEROES Act, the Secretary or, as applicable, the Secretary of Health and Human Services, shall, for each Federal student loan defined in subparagraph (B) or (C) of section 3502(a)(2)—

"(i) determine the amount of principal due on such loan (or that would have been due in the absence of being voluntarily paid by the holder of such loan) during the period beginning March 13, 2020, and ending on such date of enactment; and

"(ii) refund the amount of principal calculated under subparagraph (A), by—

"(I) paying the holder of the loan the amount of the principal calculated under subparagraph (A), to be applied to the loan balance for the borrower of such loan; or

AMERICAN OVERSIGHT

"(II) if there is no outstanding balance or payment due on the loan as of the date on which the refund is to be provided, providing a payment in the amount of the principal calculated under subparagraph (A) directly to the borrower.

"(B) PRINCIPAL.—In this paragraph, the term 'principal' includes any late charges or fees.

"(4) RECERTIFICATION.—A borrower who is repaying a Federal student loan pursuant to in an income-contingent repayment plan under section 455(d)(1)(D) of the Higher Education Act of 1965 (20 U.S.C. 1087e(d)(1)(D)) or an income-based repayment plan under section 493C of such Act (20 U.S.C. 1098e) shall not be required to recertify the income or family size of the borrower under such plan prior to December 31, 2021.";

(2) in subsection (c), by striking "part D or B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.; 1071 et seq.)" and inserting "part B, D, or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.; 1071 et seq.; 1087aa et seq.)";

AMERICAN OVERSIGHT

(3) in subsection (d), by striking ''During the period in which the Secretary suspends payments on a loan under subsection (a), the Secretary'' and inserting ''During the period in which payments on a Federal student loan are suspended under subsection (a), the Secretary or, as applicable, the Secretary of Health and Human Services'';

(4) in subsection (e), by striking ''During the period in which the Secretary suspends payments on a loan under subsection (a), the Secretary'' and inserting ''During the period in which payments on a Federal student loan are suspended under subsection (a), the Secretary or, as applicable, the Secretary of Health and Human Services''; and

(5) in subsection (f), by striking ''the Secretary'' and inserting ''the Secretary or, as applicable, the Secretary of Health and Human Services,''.''

NO INTEREST ACCRUAL

SEC. 150115.

Section 3513(b) of division A of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended to read as follows:

''(b) PROVIDING INTEREST RELIEF.—

''(1) NO ACCRUAL OF INTEREST.—

''(A) IN GENERAL.—During the period described in subparagraph (D), interest on a Fed-

AMERICAN OVERSIGHT

eral student loan shall not accrue or shall be paid by the Secretary (or the Secretary of Health and Human Services) during—

"(i) the repayment period of such loan;

"(ii) any period excluded from the repayment period of such loan (including any period of deferment or forbearance);

"(iii) any period in which the borrower of such loan is in a grace period; or

"(iv) any period in which the borrower of such loan is in default on such loan.

"(B) DIRECT LOANS AND DEPARTMENT OF EDUCATION HELD FFEL AND PERKINS LOANS.—For purposes of subparagraph (A), interest shall not accrue on a Federal student loan described in section 3502(a)(2)(A).

"(C) FFEL AND PERKINS LOANS NOT HELD BY THE DEPARTMENT OF EDUCATION AND HHS LOANS.—For purposes of subparagraph (A)—

"(i) in the case of a Federal student loan defined in section 3502(a)(2)(B), the Secretary shall pay, on a monthly basis, the amount of interest due on the unpaid

AMERICAN OVERSIGHT

principal of such loan to the holder of such loan, except that any payments made under this clause shall not affect payment calculations under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1); and

"(ii) in the case of a Federal student loan defined in section 3502(a)(2)(C), the Secretary of Health and Human Services shall pay, on a monthly basis, the amount of interest due on the unpaid principal of such loan to the holder of such loan.

"(D) PERIOD DESCRIBED.—

"(i) IN GENERAL.—The period described in this clause is the period beginning on March 13, 2020, and ending on the later of—

"(I) September 30, 2021; or

"(II) the day following the date of enactment of the HEROES Act that is 2 months after the national U–5 measure of labor underutilization shows initial signs of recovery.

"(ii) DEFINITIONS.—In this subparagraph:

AMERICAN OVERSIGHT

"(I) NATIONAL U–5 MEASURE OF LABOR UNDERUTILIZATION.—The term 'national U–5 measure of labor underutilization' means the seasonally-adjusted, monthly U–5 measure of labor underutilization published by the Bureau of Labor Statistics.

"(II) INITIAL SIGNS OF RECOVERY.—The term 'initial signs of recovery' means that the average national U–5 measure of labor underutilization for months in the most recent 3-consecutive-month period for which data are available—

"(aa) is lower than the highest value of the average national U–5 measure of labor underutilization for a 3-consecutive-month period during the period beginning in March 2020 and the most recent month for which data from the Bureau of Labor Statistics are available by an amount that is equal to or great-

AMERICAN OVERSIGHT

er than one-third of the difference between—

"(AA) the highest value of the average national U–5 measure of labor underutilization for a 3-consecutive-month period during such period; and

"(BB) the value of the average national U–5 measure of labor underutilization for the 3-consecutive-month period ending in February 2020; and

"(bb) has decreased for each month during the most recent 2 consecutive months for which data from the Bureau of Labor Statistics are available.

"(E) OTHER DEFINITIONS.—In this paragraph:

"(i) DEFAULT.—The term 'default'—

"(I) in the case of a Federal student loan made, insured, or guaranteed under part B or D of the Higher

AMERICAN OVERSIGHT

Education Act of 1965, has the meaning given such term in section 435(l) of the Higher Education Act of 1965 (20 U.S.C. 1085);

"(II) in the case of a Federal student loan made under part E of the Higher Education Act of 1965, has the meaning given such term in section 674.2 of title 34, Code of Federal Regulations (or successor regulations); or

"(III) in the case of a Federal student loan defined in section 3502(a)(2)(C), has the meaning given such term in section 721 or 835 of the Public Health Service Act (42 U.S.C. 292q, 297a), as applicable.

"(ii) GRACE PERIOD.—The term 'grace period' means—

"(I) in the case of a Federal student loan made, insured, or guaranteed under part B or D of the Higher Education Act of 1965, the 6-month period after the date the student ceases to carry at least one-half the

AMERICAN OVERSIGHT

normal full-time academic workload, as described in section 428(b)(7) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(7));

"(II) in the case of a Federal student loan made under part E of the Higher Education Act of 1965, the 9-month period after the date on which a student ceases to carry at least one-half the normal full-time academic workload, as described in section 464(c)(1)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087dd(c)(1)(A)); and

"(III) in the case of a Federal student loan defined in section 3502(a)(2)(C), the 1-year period described in section 722(c) of the Public Health Service Act (42 U.S.C. 292r(c)) or the 9-month period described in section 836(b)(2) of such Act (42 U.S.C. 297b(b)(2)), as applicable.

"(iii) REPAYMENT PERIOD.—The term 'repayment period' means—

AMERICAN OVERSIGHT

"(I) in the case of a Federal student loan made, insured, or guaranteed under part B or D of the Higher Education Act of 1965, the repayment period described in section 428(b)(7) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(7));

"(II) in the case of a Federal student loan made under part E of the Higher Education Act of 1965, the repayment period described in section 464(c)(4) of the Higher Education Act of 1965 (20 U.S.C. 1087dd(c)(4)); or

"(III) in the case of a Federal student loan defined in section 3502(2)(C), the repayment period described in section 722(c) or 836(b)(2) of the Public Health Service Act (42 U.S.C. 292r(c), 297b(b)(2)), as applicable.

"(2) INTEREST REFUND IN LIEU OF RETROACTIVE APPLICABILITY.—By not later than 60 days after the date of enactment of the HEROES Act, the Secretary or, as applicable, the Secretary of

AMERICAN OVERSIGHT

Health and Human Services, shall, for each Federal student loan defined in subparagraph (B) or (C) of section 3502(a)(2)—

"(A) determine the amount of interest due (or that would have been due in the absence of being voluntarily paid by the holder of such loan) on such loan during the period beginning March 13, 2020, and ending on such date of enactment; and

"(B) refund the amount of interest calculated under clause (i), by—

"(i) paying the holder of the loan the amount of the interest calculated under subparagraph (A), to be applied to the loan balance for the borrower of such loan; or

"(ii) if there is no outstanding balance or payment due on the loan as of the date on which the refund is to be provided, providing a payment in the amount of the interest calculated under clause (i) directly to the borrower.

"(3) SUSPENSION OF INTEREST CAPITALIZATION.—

AMERICAN OVERSIGHT

"(A) IN GENERAL.—With respect to any Federal student loan, interest that accrued but had not been paid prior to March 13, 2020, and had not been capitalized as of such date, shall not be capitalized.

"(B) TRANSITION.—The Secretary or, as applicable, the Secretary of Health and Human Services, shall ensure that any interest on a Federal student loan that had been capitalized in violation of subparagraph (A) is corrected and the balance of principal and interest due for the Federal student loan is adjusted accordingly.".

NOTICE TO BORROWERS

SEC. 150116.

Section 3513(g) of division A of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended—

(1) in the matter preceding paragraph (1), by striking "the Secretary" and inserting "the Secretary or, as applicable, the Secretary of Health and Human Services,";

(2) in paragraph (1)(D), by striking the period and inserting a semicolon;

(3) in paragraph (2)—

AMERICAN OVERSIGHT

(A) in the matter preceding subparagraph (A), by striking ''August 1, 2020'' and inserting ''August 1, 2021''; and

(B) by amending subparagraph (B) to read as follows:

''(B) that—

''(i) a borrower of a Federal student loan made, insured, or guaranteed under part B or D of title IV of the Higher Education Act of 1965 may be eligible to enroll in an income-contingent repayment plan under section 455(d)(1)(D) of the Higher Education Act of 1965 (20 U.S.C. 1087e(d)(1)(D)) or an income-based repayment plan under section 493C of such Act (20 U.S.C. 1098e), including a brief description of such repayment plans; and

''(ii) in the case of a borrower of a Federal student loan defined in section 3502(a)(2)(C) or made under part E of title IV of the Higher Education of 1965, the borrower may be eligible to enroll in such a repayment plan if the borrower consolidates such loan with a loan described in clause (i) of this subparagraph, and re-

AMERICAN OVERSIGHT

ceives a Federal Direct Consolidation Loan under part D of the Higher Education of 1965 (20 U.S.C. 1087a et seq.); and''; and

(C) by adding at the end the following:

''(3) in a case in which the accrual of interest on Federal student loans is suspended under subsection (b)(1) beyond September 30, 2021, during the 2-month period beginning on the date on which the national U–5 measure of labor underutilization shows initial signs of recovery (as such terms are defined in subsection (b)(1)(D)) carry out a program to provide not less than 6 notices by postal mail, telephone, or electronic communication to borrowers—

''(A) indicating when the interest on Federal student loans of the borrower will resume accrual and capitalization; and

''(B) the information described in paragraph (2)(B).''.

WRITING DOWN BALANCES FOR FEDERAL STUDENT LOAN BORROWERS

SEC. 150117.

Section 3513 of division A of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), as amended by this part, is further amended by adding at the end the following:

AMERICAN OVERSIGHT

''(h) WRITING DOWN BALANCES FOR FEDERAL STUDENT LOAN BORROWERS.—

''(1) IN GENERAL.—Not later than 30 days after the date of enactment of the HEROES Act, the Secretary shall cancel or repay an amount on the outstanding balance due (including the unpaid principal amount, any accrued interest, and any fees or charges) on the Federal student loans defined in subparagraphs (A) and (B) of section 3502(a)(2) of a borrower that is equal to the lesser of—

''(A) $10,000; or

''(B) the total outstanding balance due on such loans of the borrower.

''(2) APPLICATION.—Unless otherwise requested by the borrower in writing, a cancellation or repayment under paragraph (1) shall be applied —

''(A) in the case of a borrower whose loans have different applicable rates of interest, first toward the outstanding balance due on the loan with the highest applicable rate of interest among such loans; and

''(B) in the case of a borrower of loans that have the same applicable rates of interest, first toward the outstanding balance of prin-

AMERICAN OVERSIGHT

cipal due on the loan with the highest principal balance among such loans.

"(3) DATA TO IMPLEMENT.—Contractors of the Secretary, and holders of Federal student loans, shall report, to the satisfaction of the Secretary the information necessary to carry out this subsection.

"(4) TAXATION.—For purposes of the Internal Revenue Code of 1986, in the case of any cancellation or repayment of indebtedness under this subsection with respect to any borrower:

"(A) EXCLUSION FROM GROSS INCOME.—No amount shall be included in the gross income of such borrower by reason of such cancellation or repayment.

"(B) WAIVER OF INFORMATION REPORTING REQUIREMENTS.—Amounts excluded from gross income under subparagraph (A) shall not be required to be reported (and shall not be taken into account in determining whether any reporting requirement applies) under chapter 61 of such Code.".

IMPLEMENTATION

SEC. 150118.

Section 3513 of division A of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136),

AMERICAN OVERSIGHT

as amended by this part, is further amended by adding at the end the following:

"(i) IMPLEMENTATION.—

"(1) INFORMATION VERIFICATION.—

"(A) IN GENERAL.—To facilitate implementation of this section, information for the purposes described in subparagraph (B), shall be reported—

"(i) by the holders of Federal student loans defined in section 3502(a)(2)(B) to the satisfaction of the Secretary; and

"(ii) by the holders of Federal student loans defined in section 3502(a)(2)(C) to the satisfaction of the Secretary of Health and Human Services.

"(B) PURPOSES.—The purposes of the information reported under subparagraph (A) are to—

"(i) verify, at the borrower level, the payments that are provided or suspended under this section; and

"(ii) calculate the amount of any interest due to the holder for reimbursement of interest under subsection (b).

AMERICAN OVERSIGHT

"(2) COORDINATION.—The Secretary shall coordinate with the Secretary of Health and Human Services to carry out the provisions of this section with respect to Federal student loans defined in section 3502(a)(2)(C).".

EFFECTIVE DATE

SEC. 150119.

This part, and the amendments made by this part, shall take effect as if enacted as part of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136).

PART B—CONSOLIDATION LOANS AND PUBLIC SERVICE LOAN FORGIVENESS

SPECIAL RULES RELATING TO FEDERAL DIRECT CONSOLIDATION LOANS

SEC. 150120.

(a) SPECIAL RULES RELATING TO FEDERAL DIRECT CONSOLIDATION LOANS AND PSLF.—

(1) PUBLIC SERVICE LOAN FORGIVENESS OPTION ON CONSOLIDATION APPLICATION.—

(A) IN GENERAL.—During the period described in subsection (e), the Secretary shall—

(i) include, in any application for a Federal Direct Consolidation Loan under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq,), an

AMERICAN OVERSIGHT

option for the borrower to indicate that the borrower intends to participate in the public service loan forgiveness program under section 455(m) of such Act (20 U.S.C. 1087e(m)); and

(ii) for each borrower who submits an application for a Federal Direct Consolidation Loan, without regard to whether the borrower indicates the intention described in clause (i)—

(I) request that the borrower submit a certification of employment; and

(II) after receiving a complete certification of employment—

(aa) carry out the requirements of paragraph (2); and

(bb) inform the borrower of the number of qualifying monthly payments made on the component loans before consolidation that shall be deemed, in accordance with paragraph (2)(D), to be qualifying monthly payments

AMERICAN OVERSIGHT

made on the Federal Direct Consolidation Loan.

(B) HOLD HARMLESS.—The Secretary may not change or otherwise rescind a calculation made under paragraph (2)(D) after informing the borrower of the results of such calculation under subparagraph (A)(ii)(II)(bb).

(2) PROCESS TO DETERMINE QUALIFYING PAYMENTS FOR PURPOSES OF PSLF.—Upon receipt of a complete certification of employment under paragraph (1)(A)(ii)(II) of a borrower who receives a Federal Direct Consolidation Loan described in paragraph (1)(A), the Secretary shall—

(A) review the borrower's payment history to identify each component loan of such Federal Direct Consolidation Loan;

(B) for each such component loan—

(i) calculate the weighted factor of the component loan, which shall be the factor that represents the portion of such Federal Direct Consolidation Loan that is attributable to such component loan; and

(ii) determine the number of qualifying monthly payments made on such component loan before consolidation;

AMERICAN OVERSIGHT

(C) calculate the number of qualifying monthly payments determined under subparagraph (B)(ii) with respect to a component loan that shall be deemed as qualifying monthly payments made on the Federal Direct Consolidation Loan by multiplying—

(i) the weighted factor of such component loan as determined under subparagraph (B)(i), by

(ii) the number of qualifying monthly payments made on such component loan as determined under subparagraph (B)(ii); and

(D) calculate the total number of qualifying monthly payments with respect to the component loans of the Federal Direct Consolidation Loan that shall be deemed as qualifying monthly payments made on such Federal Direct Consolidation Loan by—

(i) adding together the result of each calculation made under subparagraph (C) with respect to each such component loan; and

AMERICAN OVERSIGHT

(ii) rounding the number determined under clause (i) to the nearest whole number.

(3) DEFINITIONS.—For purposes of this subsection:

(A) CERTIFICATION OF EMPLOYMENT.—The term ''certification of employment'', used with respect to a borrower, means a certification of the employment of the borrower in a public service job (as defined in section 455(m)(3)(B) of the Higher Education Act of 1965) on or after October 1, 2007.

(B) COMPONENT LOAN.—The term ''component loan'', used with respect to a Federal Direct Consolidation Loan, means each loan for which the liability has been discharged by the proceeds of the Federal Direct Consolidation Loan, which—

(i) may include a loan that is not an eligible Federal Direct Loan (as defined in section 455(m)(3)(A) of the Higher Education Act of 1965); and

(ii) in the case of a subsequent consolidation loan, only includes loans for which the liability has been directly dis-

AMERICAN OVERSIGHT

charged by such subsequent consolidation loan.

(C) FEDERAL DIRECT CONSOLIDATION LOAN.—The term ''Federal Direct Consolidation Loan'' means a Federal Direct Consolidation Loan made under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.).

(D) QUALIFYING MONTHLY PAYMENT.—

(i) COMPONENT LOAN.—The term ''qualifying monthly payment'', used with respect to a component loan, means a monthly payment on such loan made by a borrower, during a period of employment in a public service job (as defined in section 455(m)(3)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087e(m)(3)(B)) on or after October 1, 2007, pursuant to—

(I) a repayment plan under part B, D, or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.; 1087a et seq.; 1087aa et seq.); or

AMERICAN OVERSIGHT

(II) in the case of a loan made under subpart II of part A of title VII of the Public Health Service Act or under part E of title VIII of the Public Health Service Act, a repayment plan under title VII or VIII of such Act.

(ii) FEDERAL DIRECT CONSOLIDATION LOAN.—The term ''qualifying monthly payment'', used with respect to a Federal Direct Consolidation Loan, means a monthly payment on such loan that counts as 1 of the 120 monthly payments described in section 455(m)(1)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087e(m)(3)(B)).

(b) SPECIAL RULES RELATING TO FEDERAL DIRECT CONSOLIDATION LOANS AND ICR AND IBR.—

(1) IN GENERAL.—During the period described in subsection (e), with respect to a borrower who receives a Federal Direct Consolidation Loan and who intends to repay such loan under an income-contingent repayment plan under section 455(d)(1)(D) of the Higher Education Act of 1965 (20 U.S.C. 1087e(d)(1)(D)) or an income-based repayment plan

AMERICAN OVERSIGHT

under section 493C of such Act (20 U.S.C. 1098e), the Secretary shall—

(A) review the borrower's payment history to identify each component loan of such Federal Direct Consolidation Loan;

(B) for each such component loan—

(i) calculate the weighted factor of the component loan, which shall be the factor that represents the portion of such Federal Direct Consolidation Loan that is attributable to such component loan; and

(ii) determine the number of qualifying monthly payments made on such component loan before consolidation;

(C) calculate the number of qualifying monthly payments determined under subparagraph (B)(ii) with respect to a component loan that shall be deemed as qualifying monthly payments made on the Federal Direct Consolidation Loan by multiplying—

(i) the weighted factor of such component loan as determined under subparagraph (B)(i), by

(ii) the number of qualifying monthly payments made on such component loan as

AMERICAN OVERSIGHT

determined under subparagraph (B)(ii); and

(D) calculate and inform the borrower of the total number of qualifying monthly payments with respect to the component loans of the Federal Direct Consolidation Loan that shall be deemed as qualifying monthly payments made on such Federal Direct Consolidation Loan by—

(i) adding together the result of each calculation made under subparagraph (C) with respect to each such component loan; and

(ii) rounding the number determined under clause (i) to the nearest whole number.

(2) HOLD HARMLESS.—The Secretary may not change or otherwise rescind a calculation made under paragraph (1)(D) after informing the borrower of the results of such calculation under such paragraph.

(3) DEFINITIONS.—In this subsection:

(A) COMPONENT LOAN; FEDERAL DIRECT CONSOLIDATION LOAN.—The terms ''component loan'' and ''Federal Direct Consolidation Loan''

AMERICAN OVERSIGHT

have the meanings given the terms in subsection (a).

(B) QUALIFYING PAYMENT.—

(i) COMPONENT LOANS.—Subject to clause (ii), the term ''qualifying monthly payment'', used with respect to a component loan, means a monthly payment on such loan made by a borrower pursuant to—

(I) a repayment plan under part B, D, or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.); or

(II) in the case of a loan made under subpart II of part A of title VII of the Public Health Service Act (42 U.S.C. 292q et seq.) or under part E of title VIII of the Public Health Service Act (42 U.S.C. 297a et seq.), a repayment plan under title VII or VIII of such Act.

(ii) CLARIFICATION.—

(I) ICR.—For purposes of determining the number of qualifying

AMERICAN OVERSIGHT

monthly payments made on a component loan pursuant to an income-contingent repayment plan under section 455(d)(1)(D) of the Higher Education Act of 1965 (20 U.S.C. 1087e(d)(1)(D)), each month a borrower is determined to meet the requirements of section 455(e)(7)(B)(i) of such Act with respect to such loan shall be treated as such a qualifying monthly payment.

(II) IBR.—For purposes of determining the number of qualifying monthly payments made on a component loan pursuant to an income-based repayment plan under section 493C of such Act (20 U.S.C. 1098e), each month a borrower was determined to meet the requirements of subsection (b)(7)(B) of such section 493C with respect to such loan shall be treated as such a qualifying monthly payment.

(iii) FEDERAL DIRECT CONSOLIDATION LOANS.—The term ''qualifying

AMERICAN OVERSIGHT

monthly payment'', used with respect to a Federal Direct Consolidation Loan, means a monthly payment on such loan that counts as a monthly payment under an income-contingent repayment plan under section 455(d)(1)(D) of the Higher Education Act of 1965 (20 U.S.C. 1087e(d)(1)(D)), or an income-based repayment plan under section 493C of the Higher Education Act of 1965 (20 U.S.C. 1098e).

(c) NOTIFICATION TO BORROWERS.—

(1) IN GENERAL.—During the period described in subsection (e), the Secretary and the Secretary of Health and Human Services shall undertake a campaign to alert borrowers of a loan described in paragraph (2)—

(A) on the benefits of consolidating such loans into a Federal Direct Consolidation Loan, including the benefits of the special rules under subsections (a) and (b) of this section; and

(B) under which servicers and holders of Federal student loans shall provide to borrowers such consumer information, and in such manner, as determined appropriate by the Secretaries, based on conducting consumer testing

AMERICAN OVERSIGHT

to determine how to make the information as meaningful to borrowers as possible.

(2) FEDERAL STUDENT LOANS.—A loan described in this paragraph is—

(A) a loan made under subpart II of part A of title VII of the Public Health Service Act or under part E of title VIII of such Act; or

(B) a loan made under part E of the Higher Education Act of 1965.

(d) SPECIAL RULE FOR INTEREST ON FEDERAL DIRECT CONSOLIDATION LOANS.—Any Federal Direct Consolidation Loan for which the application is received during the period described in subsection (e), shall bear interest at an annual rate as calculated under section 455(b)(8)(D) of the Higher Education Act of 1965 (20 U.S.C. 1087e(b)(8)(D)), without regard to the requirement to round the weighted average of the interest rate to the nearest higher one-eighth of one percent.

(e) PERIOD.—The period described in this clause is the period beginning on the date of enactment of this Act, and ending on the later of—

(1) September 30, 2021; or

(2) the day following the date of enactment of this Act that is 2 months after the national U–5 measure of labor underutilization shows initial signs

AMERICAN OVERSIGHT

of recovery (as such terms are defined in section 3513(b) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), as amended by this Act)).

(f) GAO STUDY ON IMPLEMENTATION OF SPECIAL RULES ON CONSOLIDATION.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the authorizing committees (defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003) on the implementation of this section, which shall include—

(1) information on borrowers who apply for or receive a Federal Direct Consolidation Loan under part D of the Higher Education Act of 1965 during the period described in subsection (e), disaggregated—

(A) by borrowers who intend to participate in the public service loan forgiveness program under section 455(m) of such Act (20 U.S.C. 1087e(m)); and

(B) by borrowers who intend to repay such loans on an income-contingent repayment plan under section 455(d)(1)(D) of the Higher Education Act of 1965 (20 U.S.C. 1087e(d)(1)(D))

AMERICAN OVERSIGHT

or an income-based repayment plan under section 493C of such Act (20 U.S.C. 1098e);

(2) the extent to which the Secretary has established procedures for carrying out subsections (a) and (b);

(3) the extent to which the Secretary and the Secretary of Health and Human Services have carried out the notification to borrowers required under subsection (c); and

(4) recommendations on improving the implementation of this section to ensure increased borrower participation.

TREATMENT OF PSLF

SEC. 150121.

(a) EXCEPTION FOR PURPOSES OF PSLF LOAN FORGIVENESS.—Section 455(m)(1)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087e(m)(1)(B)) shall apply as if clause (i) were struck.

(b) HEALTH CARE PRACTITIONER.—In section 455(m)(3)(B)(i) of the Higher Education Act of 1965 (20 U.S.C. 1087e(m)(3)(B)(i)), the term ''full-time professionals engaged in health care practitioner occupations'' includes an individual who—

(1) has a full-time job as a health care practitioner;

AMERICAN OVERSIGHT

(2) provides medical services in such full-time job at a nonprofit hospital or public hospital or other nonprofit or public health care facility; and

(3) is prohibited by State law from being employed directly by such hospital or other health care facility.

PART C—EMERGENCY RELIEF FOR DEFRAUDED BORROWERS

EMERGENCY RELIEF FOR DEFRAUDED BORROWERS

SEC. 150122.

(a) EMERGENCY RELIEF.—An eligible borrower shall be entitled to relief on an eligible loan pursuant to this section.

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE BORROWER.—The term ''eligible borrower'' means an individual—

(A) who—

(i) borrowed an eligible loan to finance the cost of enrollment at an institution of higher education that, according to findings by the Department of Education made on or before the date of enactment of this Act, made a false or misleading representation with the respect to the job

AMERICAN OVERSIGHT

placement rates of such institution of higher education; and

(ii) has not received the relief described in subsection (c)(1) on such eligible loan; or

(B) who—

(i) borrowed an eligible loan to finance the cost of enrollment at an institution of higher education that, according to findings by the Department of Education made on or before the date of enactment of this Act, made a false or misleading representation with respect to guaranteed employment or transferability of credits of such institution of higher education;

(ii) in an application to the Secretary for a defense to repayment of such eligible loan, has asserted that the borrower (or the dependent student on whose behalf the eligible borrowed such eligible loan) relied on such false or misleading representation in deciding to enroll in such institution of higher education; and

AMERICAN OVERSIGHT

(iii) has not received the relief described in subsection (c)(1) on such eligible loan.

(2) ELIGIBLE LOAN.—The term ''eligible loan'' means a loan made, insured, or guaranteed under part B or D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.; 1087a et seq.).

(c) RELIEF.—With respect to each eligible borrower, the Secretary shall—

(1) not later than 45 days after the date of enactment of this Act, with respect to each eligible loan of the borrower described in subsection (b)(1)—

(A) cancel or repay the full balance of interest and principal (including fees and charges) due on such loan; and

(B) return to the borrower an amount equal to the total amount of payments (including voluntary and involuntary payments) made on the loan by the borrower;

(2) not later than 60 days after the date of enactment of this section, report the cancellation or repayment under paragraph (1)(A) of each eligible loan to each consumer reporting agency to which the Secretary previously reported the status of the loan,

AMERICAN OVERSIGHT

so as to delete all adverse credit history assigned to the loan; and

(3) not later than 60 days after the date of enactment of this Act, no longer consider a borrower who has defaulted on a loan cancelled or repaid under this subsection to be in default on such loan.

(d) NOTIFICATION.—Not later than 30 days after the date of enactment of this section, the Secretary shall notify (in writing) each eligible borrower of—

(1) the relief to which the borrower is entitled pursuant to subsection (c), and when the borrower will receive such relief;

(2) the borrower's eligibility to receive assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) after receiving relief pursuant to subsection (c); and

(3) any further relief to such borrower as the Secretary determines is appropriate.

(e) EXPEDIENT ADJUDICATION OF STATE ATTORNEY GENERAL CLAIMS RELATING TO DEFENSE TO REPAYMENT OF A LOAN.—

(1) IN GENERAL.—The Secretary shall carry out the requirements of paragraph (2) with respect to each claim submitted to the Secretary on or before the date of enactment of this Act by a State at-

AMERICAN OVERSIGHT

torney general on behalf of one or more individuals who—

(A) allege that the individual borrowed an eligible loan to finance the cost of enrollment at an institution of higher education whose act or omission the individual may assert as a defense to repayment on such loan under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) or under applicable State law; and

(B) has not received the relief described in paragraph (2)(B) on such eligible loan.

(2) REQUIREMENTS.—The Secretary shall carry out the following with respect to each claim described in paragraph (1):

(A) Not later than 180 days after the date of enactment of this Act, adjudicate each such claim.

(B) For each claim for which the State attorney general proves the facts described in paragraph (1) by a preponderance of the evidence, with respect to each individual on whose behalf the claim was submitted, provide the following:

(i) Not later than 45 days after the date on which such claim is adjudicated,

AMERICAN OVERSIGHT

with respect to each eligible loan described in paragraph (1) of the individual—

(I) cancel or repay the full balance of interest and principal (including fees and charges) due on such loan; and

(II) return to the borrower an amount equal to the total amount of payments (including voluntary and involuntary payments) made on the loan by the borrower.

(ii) Not later than 60 days after the date on which such claim is adjudicated, report the cancellation or repayment under clause (i) of each eligible loan to each consumer reporting agency to which the Secretary previously reported the status of the loan, so as to delete all adverse credit history assigned to the loan.

(iii) Not later than 60 days after the date on which such claim is adjudicated, no longer consider a borrower who has defaulted on a loan cancelled or repaid under this subparagraph to be in default on such loan.

AMERICAN OVERSIGHT

(C) Not later than 10 days after the date of adjudication under subparagraph (A), with respect to each claim submitted on behalf of not less than 20 individuals, provide detailed reports to the authorizing committees, which shall include—

(i) any evidence submitted by the State attorney general, which the Secretary relied upon in adjudicating the claim;

(ii) any evidence submitted by the State attorney general, which the Secretary did not rely upon in adjudicating the claim;

(iii) any other evidence the Secretary relied upon in adjudicating the claim;

(iv) a summary of all efforts to coordinate with the State attorney general to ensure a fair adjudication; and

(v) a detailed legal rationale for the Secretary's adjudication.

(D) For the duration of the adjudication of each claim—

(i) suspend any payments owed on any eligible loan that is the subject of such

AMERICAN OVERSIGHT

claim, including a suspension of any capitalization of interest;

(ii) suspend any involuntary collections on such loan, including collections under—

(I) a wage garnishment authorized under section 488A of the Higher Education Act of 1965 (20 U.S.C. 1095a) or section 3720D of title 31, United States Code;

(II) a reduction of tax refund by amount of debt authorized under section 3720A of title 31, United States Code, or section 6402(d) of the Internal Revenue Code of 1986;

(III) a reduction of any other Federal benefit payment by administrative offset authorized under section 3716 of title 31, United States Code (including a benefit payment due to an individual under the Social Security Act (42 U.S.C. 301 et seq.) or any other provision described in subsection (c)(3)(A)(i) of such section); or

AMERICAN OVERSIGHT

(IV) any other involuntary collection activity by the Secretary; and

(iii) suspend any interest accrual on such loan.

(E) Not later than 10 days after the date of adjudication for which relief is provided under subparagraph (B), notify (in writing) each individual with respect to whom relief is provided of—

(i) the relief to which the individual is entitled pursuant to subparagraph (B), and when the individual will receive such relief;

(ii) the individual's eligibility to receive assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) after receiving relief pursuant to subparagraph (B); and

(iii) any further relief to such borrower as the Secretary determines is appropriate.

(f) INSTITUTIONAL ACCOUNTABILITY.—With respect to each loan cancelled or repaid under this section, the Secretary shall initiate an appropriate proceeding to require the institution of higher education whose act or

AMERICAN OVERSIGHT

omission resulted in such cancellation or repayment to repay to the Secretary the amount so cancelled or repaid.

(g) TAXATION.—For purposes of the Internal Revenue Code of 1986, in the case of any relief provided under subsection (c)(1) or (e)(2)(B) with respect to a borrower:

(1) EXCLUSION FROM GROSS INCOME; NO RECAPTURE OF TAX BENEFITS.—No amount shall be included in the gross income of such borrower by reason of such relief and section 111(b) such Code shall not apply with respect to such relief.

(2) WAIVER OF INFORMATION REPORTING REQUIREMENTS.—Amounts excluded from gross income under paragraph (1) shall not be required to be reported (and shall not be taken into account in determining whether any reporting requirement applies) under chapter 61 of such Code.

Subtitle D—Notifications and Reporting

NOTIFICATIONS AND REPORTING RELATING TO HIGHER EDUCATION

SEC. 150123.

(a) NOTIFICATION OF NON-CARES ACT FLEXIBILITIES.—

(1) NOTICE TO CONGRESS.—

(A) IN GENERAL.—Not later than two days before the date on which the Secretary

AMERICAN OVERSIGHT

grants a flexibility described in paragraph (4), the Secretary shall—

(i) submit to the authorizing committees a written notification of the Secretary's intent to grant such flexibility; and

(ii) publish the notification on a publicly accessible website of the Department of Education.

(B) ELEMENTS.—Each notification under subparagraph (A) shall—

(i) identify the provision of law, regulation, or subregulatory guidance to which the flexibility will apply;

(ii) identify any limitations on the flexibility, including any time limits;

(iii) identify the statutory authority under which the flexibility is provided;

(iv) identify the class of covered entities to which the flexibility will apply;

(v) identify whether a covered entity will need to request the flexibility or whether the flexibility will be applied without request;

(vi) in the case of a flexibility that requires a covered entity to request the flexi-

AMERICAN OVERSIGHT

bility, identify the factors the Secretary will consider in approving or denying the flexibility;

(vii) explain how the flexibility is expected to benefit the covered entity or class of covered entities to which it applies; and

(viii) explain the reasons the flexibility is necessary and appropriate due to COVID–19.

(2) QUARTERLY REPORTS.—Not later than 10 days after the end of each fiscal quarter for the duration of the qualifying emergency through the end of the first fiscal year beginning after the conclusion of such qualifying emergency, the Secretary shall submit to the authorizing committees a report that includes, with respect to flexibilities described in paragraph (4) that have been issued by the Secretary in the most recently ended fiscal quarter, the following:

(A) In the case of a flexibility that was issued by the Secretary without request from a covered entity, an explanation of all requirements, including reporting requirements, that the Secretary imposed on the covered entity as a condition of the flexibility.

AMERICAN OVERSIGHT

(B) In the case of a flexibility for which a covered entity requested and received specific approval from the Secretary—

(i) identification of the covered entity that received the flexibility;

(ii) an explanation of the specific reasons for approval of the request;

(iii) a detailed description of the terms of the flexibility, including—

(I) a description of any limitations on the flexibility; and

(II) identification of each provision of law (including regulation and subregulatory guidance) that is waived or modified and, for each such provision, the statutory authority under which the flexibility was provided; and

(iv) a copy of the final document granting the flexibility.

(C) In the case of any request for a flexibility that was denied by the Secretary—

(i) identification of the covered entity or entities that were denied a flexibility;

(ii) a detailed description of the terms of the request for the flexibility; and

AMERICAN OVERSIGHT

(iii) an explanation of the specific reasons for denial of the request.

(3) REPORT ON FLEXIBILITIES GRANTED BEFORE ENACTMENT.—Not later than 30 days after the date of enactment of this Act, the Secretary shall submit to the authorizing committees a report that—

(A) identifies each flexibility described in paragraph (4) that was granted by the Secretary between March 13, 2020, and the date of enactment of this Act; and

(B) with respect to each such flexibility, provides the information specified in paragraph (1)(B).

(4) FLEXIBILITY DESCRIBED.—A flexibility described in this paragraph is modification or waiver of any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) (including any regulation or subregulatory guidance issued under such a provision) that the Secretary determines to be necessary and appropriate to modify or waive due to COVID–19, other than a provision of the Higher Education Act of 1965 that the Secretary is specifically authorized to modify or waive pursuant to the CARES Act (Public Law 116–136).

AMERICAN OVERSIGHT

(5) PRIVACY.—The Secretary shall ensure that any report or notification submitted under this subsection does not reveal personally identifiable information about an individual student.

(6) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the Secretary to waive or modify any provision of law.

(b) REPORTS ON EXERCISE OF CARES ACT WAIVERS BY INSTITUTIONS OF HIGHER EDUCATION.—Not later than 30 days after the date of enactment of this Act, each institution of higher education that exercises an authority provided under section 3503(c) (as redesignated by section 150102 of this Act), section 3504, section 3505, section 3508(d), section 3509, or section 3517(b) of the CARES Act (Public Law 116–136) shall submit to the Secretary a report that describes the nature and extent of the institution's exercise of such authorities, including the number of students and amounts of aid provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) affected by the exercise of such authorities, as applicable.

(c) REPORTS ON CHANGES TO CONTRACTS AND AGREEMENTS.—Not later than 10 days after the end of each fiscal quarter for the duration of the qualifying emergency through the end of the first fiscal year beginning

AMERICAN OVERSIGHT

after the conclusion of such qualifying emergency, the Secretary shall submit to the authorizing committees a report that includes, for the most recently ended fiscal quarter—

(1) a summary of all modifications to any contracts with Department of Education contractors relating to Federal student loans, including—

(A) the contractual provisions that were modified;

(B) the names of all contractors affected by the modifications; and

(C) estimates of any costs or savings resulting from the modifications;

(2) a summary of all amendments, addendums, or other modifications to program participation agreements with institutions of higher education under section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094), any provisional program participation agreements entered into under such section, and any COVID–19 provisional program participation agreements entered into under section 150112 of this Act, including—

(A) any provisions of such agreements that were modified by the Department of Education; and

AMERICAN OVERSIGHT

(B) the number of institutions of higher education that received such modifications or entered into such provisional agreements, disaggregated by—

(i) status as a four-year, two-year, or less-than-two-year public institution, private nonprofit institution, or proprietary institution; and

(ii) each category of minority-serving institution described in section 371(a) of the Higher Education Act (20 U.S.C. 1067q); and

(3) sample copies of program participation agreements (including provisional agreements), selected at random from among the agreements described in paragraph (2), including at least one agreement from each type of institution (whether a public institution, private nonprofit institution, or proprietary institution) that received a modified or provisional agreement.

(d) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the authorizing committees a report that includes the following:

AMERICAN OVERSIGHT

(A) A summary of the reports received by the Secretary under subsection (b).

(B) A description of—

(i) the Secretary's use of the authority under section 3506 of the CARES Act (Public Law 116–136) to adjust subsidized loan usage limits, including the total number of students and the total amount of subsidized loans under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) affected by the Secretary's use of such authority;

(ii) the Secretary's use of the authority under section 3507 of the CARES Act (Public Law 116–136) to exclude certain periods from the Federal Pell Grant duration limit, including the total number of students and the total amount of Federal Pell Grants under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) affected by the Secretary's use of such authority;

(iii) the Secretary's use of the authority under section 3508 of the CARES Act (Public Law 116–136) to waive certain re-

AMERICAN OVERSIGHT

quirements for the return of Federal funds, including—

(I) in the case of waivers issued to students under such section, the total number of students and the total amount of aid under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) affected by the Secretary's use of such authority; and

(II) in the case of waivers issued to institutions of higher education under such section, the total number of students and the total amount of aid under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) affected by the Secretary's use of such authority.

(C) A summary of the information required to be reported to the authorizing committees under sections 3510 and 3512 of the CARES Act (Public Law 116–136), as amended by this Act, regardless of whether such information has previously been reported to such committees as of the date of the report under this subsection.

AMERICAN OVERSIGHT

(D) Information relating to the temporary relief for Federal student loan borrowers provided under section 3513 of the CARES Act (Public Law 116–136), including—

(i) with respect to the notifications required under subsection (g)(1) of such section—

(I) the total number of individual notifications sent to borrowers in accordance with such subsection, disaggregated by electronic, postal, and telephonic notifications;

(II) the total number of notifications described in clause (i) that were sent within the 15-day period specified in such subsection; and

(III) the actual costs to the Department of Education of making the notifications under such subsection;

(ii) the projected costs to the Department of Education of making the notifications required under subsection (g)(2) of such section;

(iii) the number of Federal student loan borrowers who have affirmatively

AMERICAN OVERSIGHT

opted-out of payment suspension under subsection (a) of such section;

(iv) the number of individual notifications sent to employers directing the employers to halt wage garnishment pursuant to subsection (e) of such section, disaggregated by electronic, postal, and telephonic notifications;

(v) the number of Federal student loan borrowers who have had their wages garnished pursuant to section 488A of the Higher Education Act of 1965 (20 U.S.C. 1095a) or section 3720D of title 31, United States Code, between March 13, 2020, and the date of the date of enactment of this Act;

(vi) the number of Federal student loan borrowers subject to interest capitalization as a result of consolidating Federal student loans since March 13, 2020, and the total amount of such interest capitalization;

(vii) the average daily call wait times and call drop rates, disaggregated by student loan servicer, for the period between

AMERICAN OVERSIGHT

March 13, 2020, and the date of enactment of this Act; and

(viii) the estimated or projected savings to the Department of Education for student loan servicing activities for the period beginning on March 13, 2020, and ending on September 30, 2020, due to lower reimbursement or contract costs per account for student loan servicers and private collection agencies resulting from the suspension of Federal student loan payments and halt to collection activities under the CARES Act (Public Law 116–136).

(E) Information relating to the special rules relating to Federal Direct Consolidation Loans under section 150120 of this Act, including—

(i) the number of borrowers who submitted an application for a Federal Direct Consolidation Loan;

(ii) the number of borrowers who received a Federal Direct Consolidation Loan; and

AMERICAN OVERSIGHT

(iii) the wait time between submitting an application and receiving a Federal Direct Consolidation Loan.

(F) A summary of the information required to be reported to the authorizing committees under section 3517(c) and section 3518(c) of the CARES Act (Public Law 116–136), as amended by this Act, regardless of whether such information has previously been reported to such committees as of the date of the report under this subsection.

(G) A copy of any communication from the Department of Education to grantees and Federal student loan borrowers eligible for rights and benefits under section 3519 of the CARES Act (Public Law 116–136) to inform such grantees and borrowers of their eligibility for such rights and benefits.

(2) DUTY OF HHS.—The Secretary of Health and Human Services shall provide to the Secretary of Education the information necessary for the Secretary of Education to comply with paragraph (1)(D).

(e) AMENDMENTS TO CARES ACT REPORTING REQUIREMENTS.—

AMERICAN OVERSIGHT

(1) REPORTING REQUIREMENT FOR HBCU CAPITAL FINANCING LOAN DEFERMENT.—Section 3512(c) of the CARES Act (Public Law 116–136) is amended by striking the period at the end and inserting ", the terms of the loans deferred, and the schedule for repayment of the deferred loan amount."

(2) REPORTING REQUIREMENT FOR INSTITUTIONAL AID MODIFICATIONS.—Section 3517(c) of the CARES Act (Public Law 116–136) is amended by striking the period at the end and inserting ", identifies the statutory provision waived or modified, and describes the terms of the waiver or modification received by the institution."

(3) REPORTING REQUIREMENT FOR GRANT MODIFICATIONS.—Section 3518(c) of the CARES Act (Public Law 116–136) is amended by striking the period at the end and inserting "and describes the terms of the modification received by the institution or other grant recipient."

(f) DEFINITIONS.—In this section:

(1) The term "covered entity" means an institution of higher education, a Federal contractor, a student, or any other entity that is subject to the

AMERICAN OVERSIGHT

Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(2) The term ''Federal student loan'' means a loan described in section 3502(a)(2) of the CARES Act (Public Law 116–136), as amended by this Act.

TITLE II—OTHER PROGRAMS

Subtitle A—Carl D. Perkins Career and Technical Education Act of 2006 and Adult Education and Literacy COVID–19 National Emergency Response

DEFINITIONS

SEC. 150201.

In this subtitle:

(1) APPRENTICESHIP; APPRENTICESHIP PROGRAM.—The terms ''apprenticeship'' and ''apprenticeship program'' mean an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act'') (50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), including any requirement, standard, or rule promulgated under such Act, as such requirement, standard, or rule was in effect on December 30, 2019.

(2) CORONAVIRUS.—The term ''coronavirus'' means coronavirus as defined in section 506 of the Coronavirus Preparedness and Response Supple-

AMERICAN OVERSIGHT

mental Appropriations Act, 2020 (Public Law 116–123).

(3) COVID–19 NATIONAL EMERGENCY.—The term ''COVID–19 national emergency'' means the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) on March 13, 2020, with respect to the coronavirus.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

COVID–19 CAREER AND TECHNICAL EDUCATION RESPONSE FLEXIBILITY

SEC. 150202.

(a) RETENTION OF FUNDS.—Notwithstanding section 133(b)(1) of the Carl D. Perkins Career and Technical Education Act of 2006 (29 U.S.C. 2353(b)(1)), with respect to an eligible recipient that, due to the COVID–19 national emergency, does not expend all of the amounts that the eligible recipient is allocated for academic year 2019–2020 under section 131 or 132 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2351; 2352), the eligible agency that allocated such funds to the eligible recipient—

(1) may authorize the eligible recipient to retain such amounts to carry out, during academic year 2020–2021, any activities described in the applica-

AMERICAN OVERSIGHT

tion of eligible recipient submitted under section 134(b) of such Act (29 U.S.C. 2354(b)) that such eligible recipient had intended to carry out during academic year 2019–2020; and

(2) shall ensure that a retention of amounts by an eligible recipient under paragraph (1) has no impact on the allocation of amounts to such eligible recipient under section 131 or 132 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2351; 2352) for academic year 2020–2021.

(b) POOLING OF FUNDS.—An eligible recipient may, in accordance with section 135(c) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2355(c)), pool a portion of funds received under such Act with a portion of funds received under such Act available to one or more eligible recipients to support the transition from secondary education to postsecondary education or employment for CTE participants whose academic year was interrupted by the COVID–19 national emergency.

(c) PROFESSIONAL DEVELOPMENT.—During the COVID–19 national emergency, section 3(40)(B) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(40)(B)) shall apply as if ''sustained (not stand-alone, 1-day, or short-term workshops), inten-

AMERICAN OVERSIGHT

sive, collaborative, job-embedded, data-driven, and classroom-focused,'' were struck.

(d) DEFINITIONS.—Except as otherwise provided, the terms in this section have the meanings given the terms in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

ADULT EDUCATION AND LITERACY RESPONSE ACTIVITIES

SEC. 150203.

(a) ONLINE SERVICE DELIVERY OF ADULT EDUCATION AND LITERACY ACTIVITIES.—During the COVID–19 national emergency, an eligible agency may use funds available to such agency under paragraphs (2) and (3) of section 222(a) of the Workforce Innovation and Opportunity Act (20 U.S.C. 3302(a)) for the administrative expenses of the eligible agency related to transitions to online service delivery of adult education and literacy activities.

(b) SECRETARIAL RESPONSIBILITIES.—Not later than 30 days after the date of enactment of this Act, the Secretary shall, in carrying out section 242(c)(2)(G) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3332(c)(2)(G)), identify and disseminate to States strategies and virtual proctoring tools to—

(1) assess the progress of learners in adult education programs based upon valid research, as appropriate, and;

AMERICAN OVERSIGHT

(2) measure the progress of such programs in meeting the State adjusted levels of performance described in section 116(b)(3) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141(b)(3)).

(c) DEFINITIONS.—Except as otherwise provided, the terms in this section have the meanings given the terms in section 203 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3272).

GENERAL PROVISIONS

SEC. 150204.

Notwithstanding any other provision of law, if determined necessary and appropriate due to the COVID–19 national emergency by the Secretary, the Secretary may waive, for a period not to exceed academic year 2019–2020—

(1) upon the request of a State or Indian Tribe receiving funds under title I of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2321 et seq.), the requirements under section 421(b) of the General Education Provisions Act (20 U.S.C. 1225(b)) for the State or Indian Tribe with respect to such funds; and

(2) upon the request of an eligible agency receiving funds under the Adult Education and Family Literacy Act (29 U.S.C. 3271 et seq.), the requirements under section 421(b) of the General Edu-

AMERICAN OVERSIGHT

cation Provisions Act (20 U.S.C. 1225(b)) for that eligible agency with respect to such funds.

Subtitle B—Corporation for National and Community Service COVID–19 Response Activities

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE PROVISIONS

SEC. 150205.

Section 3514(a)(2)(B) of the CARES Act is amended by inserting ", or the full value of the stipend under section 105(a) of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955), as amended," after "such subtitle".

NATIONAL SERVICE EXPANSION FEASIBILITY STUDY

SEC. 150206.

(a) STUDY REQUIRED.—The Corporation for National and Community Service shall conduct a study on the feasibility of increasing the capacity of national service programs across the country to respond to the COVID–19 national emergency, the corresponding public health crisis, and the economic and social impact to communities across the country.

(b) SCOPE OF STUDY.—The Corporation for National and Community Service shall examine new and existing programs, partnerships, organizations and grantees that could be utilized to respond to the COVID–19 national emergency as described in subsection (a), including—

AMERICAN OVERSIGHT

(1) service opportunities related to food security, education, economic opportunity, and disaster or emergency response;

(2) partnerships with the Department of Health and Human Services, the Centers for Disease Control and Prevention, and public health departments in all 50 states and territories to respond to public health needs related to COVID–19 such as testing, contact tracing, or related activities; and

(3) the capacity and ability of the State Commissions on National and Community Service to respond to the needs of state and local governments in each state or territory in which such State Commission is in operation.

(c) REQUIRED ASPECTS OF THE STUDY.—In performing the study described in this section, the Corporation for National and Community Service shall examine the following aspects for each of the new or existing programs, partnerships, organizations and grantees as described in subsection (b), including—

(1) the cost and resources necessary related to expansion as described in paragraphs (1), (2) and (3) of subsection (b);

(2) the timeline for implementation of any expanded partnerships or expanded capacity as de-

AMERICAN OVERSIGHT

scribed in paragraphs (1), (2) and (3) of subsection (b);

(3) options to use existing corps programs overseen by the Corporation for National and Community Service for expanding such capacity, and the role of programs, such as AmeriCorps, AmeriCorps VISTA, AmeriCorps National Civilian Community Corps, or Senior Corps, for expanding capacity as described in paragraphs (1), (2) and (3) of subsection (b);

(4) the ability to increase diversity, including economic, racial, ethnic, and gender diversity, amongst national service volunteers and programs as part of any expansion activities;

(5) the geographic distribution of demand by state due to the economic or health related impacts of COVID–19 for national service volunteer opportunities across the country and the additional volunteer capacity needed to meet this demand, comparing existing demand for volunteer opportunities to expected or realized increases as a result of COVID–19; and

(6) whether any additional administrative capacity is needed to respond to increases in demand as described in paragraph (5), including through

AMERICAN OVERSIGHT

grantee organizational capacity or at the Corporation for National and Community Service.

(d) REPORTS TO CONGRESSIONAL COMMITTEES.—Not later than 30 days after the date of enactment of this Act, the Chief Executive Officer of the Corporation for National and Community Service shall prepare and submit a report to the Committee on Education and Labor and the Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, with recommendations on the role for the Corporation for National and Community Service in responding to the COVID–19 national emergency, including any recommendations for legislative, regulatory, and administrative changes based on findings related to the topics identified under subsection (b).

DEFINITIONS

SEC. 150207.

In this subtitle, the following definitions apply:

(1) DVSA TERMS.—The terms ''Director'' and ''poverty line for a single individual'' have the meaning given such terms in section 421 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061).

(2) COVID–19 NATIONAL EMERGENCY.—The term ''COVID–19 national emergency'' means the national emergency declared by the President under

AMERICAN OVERSIGHT

the National Emergencies Act (50 U.S.C. 1601 et seq.) on March 13, 2020, with respect to COVID–19.

(3) GRANTEE.—The term ''grantee'' means a recipient of a grant under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) or the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) to run a program.

(4) PROGRAM.—The term ''program'' means a program funded under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) or the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

(5) STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.—The term ''State Commission on National and Community Service'' has the meaning given such term in section 101 of the National and Community Service Act (42 U.S.C. 12511).

AMERICAN OVERSIGHT

DIVISION P—ACCESS ACT

SEC. 160001. SHORT TITLE; TABLE OF CONTENTS.

This Act may be cited as the ''American Coronavirus/COVID–19 Election Safety and Security Act'' or the ''ACCESS Act''.

SEC. 160002. REQUIREMENTS FOR FEDERAL ELECTION CONTINGENCY PLANS IN RESPONSE TO NATURAL DISASTERS AND EMERGENCIES.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this Act, each State and each jurisdiction in a State which is responsible for administering elections for Federal office shall establish and make publicly available a contingency plan to enable individuals to vote in elections for Federal office during a state of emergency, public health emergency, or national emergency which has been declared for reasons including—

(A) a natural disaster; or

(B) an infectious disease.

(2) UPDATING.—Each State and jurisdiction shall update the contingency plan established under this subsection not less frequently than every 5 years.

AMERICAN OVERSIGHT

(b) REQUIREMENTS RELATING TO SAFETY.—The contingency plan established under subsection (a) shall include initiatives to provide equipment and resources needed to protect the health and safety of poll workers and voters when voting in person.

(c) REQUIREMENTS RELATING TO RECRUITMENT OF POLL WORKERS.—The contingency plan established under subsection (a) shall include initiatives by the chief State election official and local election officials to recruit poll workers from resilient or unaffected populations, which may include—

(1) employees of other State and local government offices; and

(2) in the case in which an infectious disease poses significant increased health risks to elderly individuals, students of secondary schools and institutions of higher education in the State.

(d) ENFORCEMENT.—

(1) ATTORNEY GENERAL.—The Attorney General may bring a civil action against any State or jurisdiction in an appropriate United States District Court for such declaratory and injunctive relief (including a temporary restraining order, a permanent or temporary injunction, or other order) as may be

AMERICAN OVERSIGHT

necessary to carry out the requirements of this section.

(2) PRIVATE RIGHT OF ACTION.—

(A) IN GENERAL.—In the case of a violation of this section, any person who is aggrieved by such violation may provide written notice of the violation to the chief election official of the State involved.

(B) RELIEF.—If the violation is not corrected within 20 days after receipt of a notice under subparagraph (A), or within 5 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may, in a civil action, obtain declaratory or injunctive relief with respect to the violation.

(C) SPECIAL RULE.—If the violation occurred within 5 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State involved under subparagraph (A) before bringing a civil action under subparagraph (B).

(e) DEFINITIONS.—

AMERICAN OVERSIGHT

(1) ELECTION FOR FEDERAL OFFICE.—For purposes of this section, the term ''election for Federal office'' means a general, special, primary, or runoff election for the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.

(2) STATE.—For purposes of this section, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(f) EFFECTIVE DATE.—This section shall apply with respect to the regularly scheduled general election for Federal office held in November 2020 and each succeeding election for Federal office.

SEC. 160003. EARLY VOTING AND VOTING BY MAIL.

(a) REQUIREMENTS.—Title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended by adding at the end the following new subtitle:

''Subtitle C—Other Requirements

''SEC. 321. EARLY VOTING.

''(a) REQUIRING ALLOWING VOTING PRIOR TO DATE OF ELECTION.—

AMERICAN OVERSIGHT

''(1) IN GENERAL.—Each State shall allow individuals to vote in an election for Federal office during an early voting period which occurs prior to the date of the election, in the same manner as voting is allowed on such date.

''(2) LENGTH OF PERIOD.—The early voting period required under this subsection with respect to an election shall consist of a period of consecutive days (including weekends) which begins on the 15th day before the date of the election (or, at the option of the State, on a day prior to the 15th day before the date of the election) and ends on the date of the election.

''(b) MINIMUM EARLY VOTING REQUIREMENTS.—Each polling place which allows voting during an early voting period under subsection (a) shall—

''(1) allow such voting for no less than 10 hours on each day;

''(2) have uniform hours each day for which such voting occurs; and

''(3) allow such voting to be held for some period of time prior to 9:00 a.m (local time) and some period of time after 5:00 p.m. (local time).

''(c) LOCATION OF POLLING PLACES.—

AMERICAN OVERSIGHT

"(1) PROXIMITY TO PUBLIC TRANSPORTATION.—To the greatest extent practicable, a State shall ensure that each polling place which allows voting during an early voting period under subsection (a) is located within walking distance of a stop on a public transportation route.

"(2) AVAILABILITY IN RURAL AREAS.—The State shall ensure that polling places which allow voting during an early voting period under subsection (a) will be located in rural areas of the State, and shall ensure that such polling places are located in communities which will provide the greatest opportunity for residents of rural areas to vote during the early voting period.

"(d) STANDARDS.—

"(1) IN GENERAL.—The Commission shall issue standards for the administration of voting prior to the day scheduled for a Federal election. Such standards shall include the nondiscriminatory geographic placement of polling places at which such voting occurs.

"(2) DEVIATION.—The standards described in paragraph (1) shall permit States, upon providing adequate public notice, to deviate from any requirement in the case of unforeseen circumstances such

AMERICAN OVERSIGHT

as a natural disaster, terrorist attack, or a change in voter turnout.

''(e) BALLOT PROCESSING AND SCANNING REQUIREMENTS.—

''(1) IN GENERAL.—The State shall begin processing and scanning ballots cast during early voting for tabulation at least 14 days prior to the date of the election involved.

''(2) LIMITATION.—Nothing in this subsection shall be construed to permit a State to tabulate ballots in an election before the closing of the polls on the date of the election.

''(f) EFFECTIVE DATE.—This section shall apply with respect to the regularly scheduled general election for Federal office held in November 2020 and each succeeding election for Federal office.

''SEC. 322. PROMOTING ABILITY OF VOTERS TO VOTE BY MAIL.

''(a) UNIFORM AVAILABILITY OF ABSENTEE VOTING TO ALL VOTERS.—

''(1) IN GENERAL.—If an individual in a State is eligible to cast a vote in an election for Federal office, the State may not impose any additional conditions or requirements on the eligibility of the indi-

AMERICAN OVERSIGHT

vidual to cast the vote in such election by absentee ballot by mail.

"(2) ADMINISTRATION OF VOTING BY MAIL.—

"(A) PROHIBITING IDENTIFICATION REQUIREMENT AS CONDITION OF OBTAINING BALLOT.—A State may not require an individual to provide any form of identification as a condition of obtaining an absentee ballot, except that nothing in this paragraph may be construed to prevent a State from requiring a signature of the individual or similar affirmation as a condition of obtaining an absentee ballot.

"(B) PROHIBITING REQUIREMENT TO PROVIDE NOTARIZATION OR WITNESS SIGNATURE AS CONDITION OF OBTAINING OR CASTING BALLOT.—A State may not require notarization or witness signature or other formal authentication (other than voter attestation) as a condition of obtaining or casting an absentee ballot.

"(C) DEADLINE FOR RETURNING BALLOT.—A State may impose a deadline for requesting the absentee ballot and related voting materials from the appropriate State or local election official and for returning the ballot to the appropriate State or local election official.

AMERICAN OVERSIGHT

"(3) APPLICATION FOR ALL FUTURE ELECTIONS.—At the option of an individual, a State shall treat the individual's application to vote by absentee ballot by mail in an election for Federal office as an application to vote by absentee ballot by mail in all subsequent Federal elections held in the State.

"(b) DUE PROCESS REQUIREMENTS FOR STATES REQUIRING SIGNATURE VERIFICATION.—

"(1) REQUIREMENT.—

"(A) IN GENERAL.—A State may not impose a signature verification requirement as a condition of accepting and counting an absentee ballot submitted by any individual with respect to an election for Federal office unless the State meets the due process requirements described in paragraph (2).

"(B) SIGNATURE VERIFICATION REQUIREMENT DESCRIBED.—In this subsection, a 'signature verification requirement' is a requirement that an election official verify the identification of an individual by comparing the individual's signature on the absentee ballot with the individual's signature on the official list of registered voters in the State or another official

AMERICAN OVERSIGHT

record or other document used by the State to verify the signatures of voters.

"(2) DUE PROCESS REQUIREMENTS.—

"(A) NOTICE AND OPPORTUNITY TO CURE DISCREPANCY.—If an individual submits an absentee ballot and the appropriate State or local election official determines that a discrepancy exists between the signature on such ballot and the signature of such individual on the official list of registered voters in the State or other official record or document used by the State to verify the signatures of voters, such election official, prior to making a final determination as to the validity of such ballot, shall—

"(i) make a good faith effort to immediately notify the individual by mail, telephone, and (if available) electronic mail that—

"(I) a discrepancy exists between the signature on such ballot and the signature of the individual on the official list of registered voters in the State, and

"(II) if such discrepancy is not cured prior to the expiration of the

AMERICAN OVERSIGHT

10-day period which begins on the date the official notifies the individual of the discrepancy, such ballot will not be counted; and

"(ii) cure such discrepancy and count the ballot if, prior to the expiration of the 10-day period described in clause (i)(II), the individual provides the official with information to cure such discrepancy, either in person, by telephone, or by electronic methods.

"(B) NOTICE AND OPPORTUNITY TO PROVIDE MISSING SIGNATURE.—If an individual submits an absentee ballot without a signature, the appropriate State or local election official, prior to making a final determination as to the validity of the ballot, shall—

"(i) make a good faith effort to immediately notify the individual by mail, telephone, and (if available) electronic mail that—

"(I) the ballot did not include a signature, and

"(II) if the individual does not provide the missing signature prior to

AMERICAN OVERSIGHT

the expiration of the 10-day period which begins on the date the official notifies the individual that the ballot did not include a signature, such ballot will not be counted; and

''(ii) count the ballot if, prior to the expiration of the 10-day period described in clause (i)(II), the individual provides the official with the missing signature on a form proscribed by the State.

''(C) OTHER REQUIREMENTS.—An election official may not make a determination that a discrepancy exists between the signature on an absentee ballot and the signature of the individual who submits the ballot on the official list of registered voters in the State or other official record or other document used by the State to verify the signatures of voters unless—

''(i) at least 2 election officials make the determination; and

''(ii) each official who makes the determination has received training in procedures used to verify signatures.

''(3) REPORT.—

AMERICAN OVERSIGHT

"(A) IN GENERAL.—Not later than 120 days after the end of a Federal election cycle, each chief State election official shall submit to Congress a report containing the following information for the applicable Federal election cycle in the State:

"(i) The number of ballots invalidated due to a discrepancy under this subsection.

"(ii) Description of attempts to contact voters to provide notice as required by this subsection.

"(iii) Description of the cure process developed by such State pursuant to this subsection, including the number of ballots determined valid as a result of such process.

"(B) FEDERAL ELECTION CYCLE DEFINED.—For purposes of this subsection, the term 'Federal election cycle' means the period beginning on January 1 of any odd numbered year and ending on December 31 of the following year.

"(c) METHODS AND TIMING FOR TRANSMISSION OF BALLOTS AND BALLOTING MATERIALS TO VOTERS.—

AMERICAN OVERSIGHT

"(1) METHOD FOR REQUESTING BALLOT.—In addition to such other methods as the State may establish for an individual to request an absentee ballot, the State shall permit an individual to submit a request for an absentee ballot online. The State shall be considered to meet the requirements of this paragraph if the website of the appropriate State or local election official allows an absentee ballot request application to be completed and submitted online and if the website permits the individual—

"(A) to print the application so that the individual may complete the application and return it to the official; or

"(B) request that a paper copy of the application be transmitted to the individual by mail or electronic mail so that the individual may complete the application and return it to the official.

"(2) ENSURING DELIVERY PRIOR TO ELECTION.—If an individual requests to vote by absentee ballot in an election for Federal office, the appropriate State or local election official shall ensure that the ballot and relating voting materials are received by the individual prior to the date of the election so long as the individual's request is received by

AMERICAN OVERSIGHT

the official not later than 5 days (excluding Saturdays, Sundays, and legal public holidays) before the date of the election, except that nothing in this paragraph shall preclude a State or local jurisdiction from allowing for the acceptance and processing of ballot requests submitted or received after such required period.

''(3) SPECIAL RULES IN CASE OF EMERGENCY PERIODS.—

''(A) AUTOMATIC MAILING OF ABSENTEE BALLOTS TO ALL VOTERS.—If the area in which an election is held is in an area in which an emergency or disaster which is described in subparagraph (A) or (B) of section 1135(g)(1) of the Social Security Act (42 U.S.C. 1320b-5(g)(1)) is declared during the period described in subparagraph (C)—

''(i) paragraphs (1) and (2) shall not apply with respect to the election; and

''(ii) not later than 2 weeks before the date of the election, the appropriate State or local election official shall transmit by mail absentee ballots and balloting materials for the election to all individuals who are registered to vote in such election or,

AMERICAN OVERSIGHT

in the case of any State that does not register voters, all individuals who are in the State's central voter file (or if the State does not keep a central voter file, to all individuals who are eligible to vote in such election).

''(B) AFFIRMATION.—If an individual receives an absentee ballot from a State or local election official pursuant to subparagraph (A) and returns the voted ballot to the official, the ballot shall not be counted in the election unless the individual includes with the ballot a signed affirmation that—

''(i) the individual has not and will not cast another ballot with respect to the election; and

''(ii) acknowledges that a material misstatement of fact in completing the ballot may constitute grounds for conviction of perjury.

''(C) PERIOD DESCRIBED.—The period described in this subparagraph with respect to an election is the period which begins 120 days before the date of the election and ends 30 days before the date of the election.

AMERICAN OVERSIGHT

''(D) APPLICATION TO NOVEMBER 2020 GENERAL ELECTION.—Because of the public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) resulting from the COVID–19 pandemic, the special rules set forth in this paragraph shall apply with respect to the regularly scheduled general election for Federal office held in November 2020 in each State.

''(d) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—The State shall ensure that all absentee ballots and related voting materials in elections for Federal office are accessible to individuals with disabilities in a manner that provides the same opportunity for access and participation (including with privacy and independence) as for other voters.

''(e) UNIFORM DEADLINE FOR ACCEPTANCE OF MAILED BALLOTS.—A State may not refuse to accept or process a ballot submitted by an individual by mail with respect to an election for Federal office in the State on the grounds that the individual did not meet a deadline for returning the ballot to the appropriate State or local election official if—

''(1) the ballot is postmarked, signed, or otherwise indicated by the United States Postal Service to

AMERICAN OVERSIGHT

have been mailed on or before the date of the election; and

"(2) the ballot is received by the appropriate election official prior to the expiration of the 10-day period which begins on the date of the election.

"(f) ALTERNATIVE METHODS OF RETURNING BALLOTS.—

"(1) IN GENERAL.—In addition to permitting an individual to whom a ballot in an election was provided under this section to return the ballot to an election official by mail, the State shall permit the individual to cast the ballot by delivering the ballot at such times and to such locations as the State may establish, including—

"(A) permitting the individual to deliver the ballot to a polling place on any date on which voting in the election is held at the polling place; and

"(B) permitting the individual to deliver the ballot to a designated ballot drop-off location.

"(2) PERMITTING VOTERS TO DESIGNATE OTHER PERSON TO RETURN BALLOT.—The State—

"(A) shall permit a voter to designate any person to return a voted and sealed absentee

AMERICAN OVERSIGHT

ballot to the post office, a ballot drop-off location, tribally designated building, or election office so long as the person designated to return the ballot does not receive any form of compensation based on the number of ballots that the person has returned and no individual, group, or organization provides compensation on this basis; and

"(B) may not put any limit on how many voted and sealed absentee ballots any designated person can return to the post office, a ballot drop off location, tribally designated building, or election office.

"(g) BALLOT PROCESSING AND SCANNING REQUIREMENTS.—

"(1) IN GENERAL.—The State shall begin processing and scanning ballots cast by mail for tabulation at least 14 days prior to the date of the election involved.

"(2) LIMITATION.—Nothing in this subsection shall be construed to permit a State to tabulate ballots in an election before the closing of the polls on the date of the election.

"(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the authority of States

AMERICAN OVERSIGHT

to conduct elections for Federal office through the use of polling places at which individuals cast ballots.

''(i) NO EFFECT ON BALLOTS SUBMITTED BY ABSENT MILITARY AND OVERSEAS VOTERS.—Nothing in this section may be construed to affect the treatment of any ballot submitted by an individual who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).

''(j) EFFECTIVE DATE.—This section shall apply with respect to the regularly scheduled general election for Federal office held in November 2020 and each succeeding election for Federal office.

''SEC. 323. ABSENTEE BALLOT TRACKING PROGRAM.

''(a) REQUIREMENT.—Each State shall carry out a program to track and confirm the receipt of absentee ballots in an election for Federal office under which the State or local election official responsible for the receipt of voted absentee ballots in the election carries out procedures to track and confirm the receipt of such ballots, and makes information on the receipt of such ballots available to the individual who cast the ballot, by means of online access using the Internet site of the official's office.

''(b) INFORMATION ON WHETHER VOTE WAS COUNTED.—The information referred to under subsection (a) with respect to the receipt of an absentee ballot shall

AMERICAN OVERSIGHT

include information regarding whether the vote cast on the ballot was counted, and, in the case of a vote which was not counted, the reasons therefor.

''(c) USE OF TOLL-FREE TELEPHONE NUMBER BY OFFICIALS WITHOUT INTERNET SITE.—A program established by a State or local election official whose office does not have an Internet site may meet the requirements of subsection (a) if the official has established a toll-free telephone number that may be used by an individual who cast an absentee ballot to obtain the information on the receipt of the voted absentee ballot as provided under such subsection.

''(d) EFFECTIVE DATE.—This section shall apply with respect to the regularly scheduled general election for Federal office held in November 2020 and each succeeding election for Federal office.

''SEC. 324. RULES FOR COUNTING PROVISIONAL BALLOTS.

''(a) STATEWIDE COUNTING OF PROVISIONAL BALLOTS.—

''(1) IN GENERAL.—For purposes of section 302(a)(4), notwithstanding the precinct or polling place at which a provisional ballot is cast within the State, the appropriate election official shall count each vote on such ballot for each election in which the individual who cast such ballot is eligible to vote.

AMERICAN OVERSIGHT

''(2) EFFECTIVE DATE.—This subsection shall apply with respect to the regularly scheduled general election for Federal office held in November 2020 and each succeeding election for Federal office.

''(b) UNIFORM AND NONDISCRIMINATORY STANDARDS.—

''(1) IN GENERAL.—Consistent with the requirements of section 302, each State shall establish uniform and nondiscriminatory standards for the issuance, handling, and counting of provisional ballots.

''(2) EFFECTIVE DATE.—This subsection shall apply with respect to the regularly scheduled general election for Federal office held in November 2020 and each succeeding election for Federal office.

''SEC. 325. COVERAGE OF COMMONWEALTH OF NORTHERN MARIANA ISLANDS.

''In this subtitle, the term 'State' includes the Commonwealth of the Northern Mariana Islands.

''SEC. 326. MINIMUM REQUIREMENTS FOR EXPANDING ABILITY OF INDIVIDUALS TO VOTE.

''The requirements of this subtitle are minimum requirements, and nothing in this subtitle may be construed to prevent a State from establishing standards which promote the ability of individuals to vote in elections for Fed-

AMERICAN OVERSIGHT

eral office, so long as such standards are not inconsistent with the requirements of this subtitle or other Federal laws.''.

(b) CONFORMING AMENDMENT RELATING TO ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION ASSISTANCE COMMISSION.—Section 311(b) of such Act (52 U.S.C. 21101(b)) is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ''; and''; and

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

''(4) in the case of the recommendations with respect to subtitle C, June 30, 2020.''.

(c) ENFORCEMENT.—

(1) COVERAGE UNDER EXISTING ENFORCEMENT PROVISIONS.—Section 401 of such Act (52 U.S.C. 21111) is amended by striking ''and 303'' and inserting ''303, and subtitle C of title III''.

(2) AVAILABILITY OF PRIVATE RIGHT OF ACTION.—Title IV of such (52 U.S.C. 21111 et seq.) is amended by adding at the end the following new section:

AMERICAN OVERSIGHT

"SEC. 403. PRIVATE RIGHT OF ACTION FOR VIOLATIONS OF CERTAIN REQUIREMENTS.

"(a) IN GENERAL.—In the case of a violation of subtitle C of title III, section 402 shall not apply and any person who is aggrieved by such violation may provide written notice of the violation to the chief election official of the State involved.

"(b) RELIEF.—If the violation is not corrected within 20 days after receipt of a notice under subsection (a), or within 5 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may, in a civil action, obtain declaratory or injunctive relief with respect to the violation.

"(c) SPECIAL RULE.—If the violation occurred within 5 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State involved under subsection (a) before bringing a civil action under subsection (b).".

(d) CLERICAL AMENDMENT.—The table of contents of such Act is amended—

(1) by adding at the end of the items relating to title III the following:

"Subtitle C—Other Requirements

"Sec. 321. Early voting.
"Sec. 322. Promoting ability of voters to vote by mail.
"Sec. 323. Absentee ballot tracking program.
"Sec. 324. Rules for counting provisional ballots.

AMERICAN OVERSIGHT

"Sec. 325. Coverage of Commonwealth of Northern Mariana Islands.
"Sec. 326. Minimum requirements for expanding ability of individuals to vote."; and

(2) by adding at the end of the items relating to title IV the following new item:

"Sec. 403. Private right of action for violations of certain requirements.".

SEC. 160004. PERMITTING USE OF SWORN WRITTEN STATEMENT TO MEET IDENTIFICATION REQUIREMENTS FOR VOTING.

(a) PERMITTING USE OF STATEMENT.—Subtitle C of title III of the Help America Vote Act of 2002, as added by section 160003(a), is amended—

(1) by redesignating sections 325 and 326 as sections 326 and 327; and

(2) by inserting after section 324 the following new section:

"SEC. 325. PERMITTING USE OF SWORN WRITTEN STATEMENT TO MEET IDENTIFICATION REQUIREMENTS.

"(a) USE OF STATEMENT.—

"(1) IN GENERAL.—Except as provided in subsection (c), if a State has in effect a requirement that an individual present identification as a condition of casting a ballot in an election for Federal office, the State shall permit the individual to meet the requirement—

AMERICAN OVERSIGHT

"(A) in the case of an individual who desires to vote in person, by presenting the appropriate State or local election official with a sworn written statement, signed by the individual under penalty of perjury, attesting to the individual's identity and attesting that the individual is eligible to vote in the election; or

"(B) in the case of an individual who desires to vote by mail, by submitting with the ballot the statement described in subparagraph (A).

"(2) DEVELOPMENT OF PRE-PRINTED VERSION OF STATEMENT BY COMMISSION.—The Commission shall develop a pre-printed version of the statement described in paragraph (1)(A) which includes a blank space for an individual to provide a name and signature for use by election officials in States which are subject to paragraph (1).

"(3) PROVIDING PRE-PRINTED COPY OF STATEMENT.—A State which is subject to paragraph (1) shall—

"(A) make copies of the pre-printed version of the statement described in paragraph (1)(A) which is prepared by the Commission available at polling places for election officials

AMERICAN OVERSIGHT

to distribute to individuals who desire to vote in person; and

"(B) include a copy of such pre-printed version of the statement with each blank absentee or other ballot transmitted to an individual who desires to vote by mail.

"(b) REQUIRING USE OF BALLOT IN SAME MANNER AS INDIVIDUALS PRESENTING IDENTIFICATION.—An individual who presents or submits a sworn written statement in accordance with subsection (a)(1) shall be permitted to cast a ballot in the election in the same manner as an individual who presents identification.

"(c) EXCEPTION FOR FIRST-TIME VOTERS REGISTERING BY MAIL.—Subsections (a) and (b) do not apply with respect to any individual described in paragraph (1) of section 303(b) who is required to meet the requirements of paragraph (2) of such section.".

(b) REQUIRING STATES TO INCLUDE INFORMATION ON USE OF SWORN WRITTEN STATEMENT IN VOTING INFORMATION MATERIAL POSTED AT POLLING PLACES.—Section 302(b)(2) of such Act (52 U.S.C. 21082(b)(2)), is amended—

(1) by striking "and" at the end of subparagraph (E);

AMERICAN OVERSIGHT

(2) by striking the period at the end of subparagraph (F) and inserting ''; and''; and

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

''(G) in the case of a State that has in effect a requirement that an individual present identification as a condition of casting a ballot in an election for Federal office, information on how an individual may meet such requirement by presenting a sworn written statement in accordance with section 303A.''.

(c) CLERICAL AMENDMENT.—The table of contents of such Act, as amended by section 160003, is amended—

(1) by redesignating the items relating to sections 325 and 326 as relating to sections 326 and 327; and

(2) by inserting after the item relating to section 324 the following new item:

''Sec. 325. Permitting use of sworn written statement to meet identification requirements.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring on or after the date of the enactment of this Act.

SEC. 160005. VOTING MATERIALS POSTAGE.

(a) PREPAYMENT OF POSTAGE ON RETURN ENVELOPES.—

AMERICAN OVERSIGHT

(1) IN GENERAL.—Subtitle C of title III of the Help America Vote Act of 2002, as added by section 160003(a) and as amended by section 160004(a), is further amended—

(A) by redesignating sections 326 and 327 as sections 327 and 328; and

(B) by inserting after section 325 the following new section:

"SEC. 326. PREPAYMENT OF POSTAGE ON RETURN ENVELOPES FOR VOTING MATERIALS.

"(a) PROVISION OF RETURN ENVELOPES.—The appropriate State or local election official shall provide a self-sealing return envelope with—

"(1) any voter registration application form transmitted to a registrant by mail;

"(2) any application for an absentee ballot transmitted to an applicant by mail; and

"(3) any blank absentee ballot transmitted to a voter by mail.

"(b) PREPAYMENT OF POSTAGE.—Consistent with regulations of the United States Postal Service, the State or the unit of local government responsible for the administration of the election involved shall prepay the postage on any envelope provided under subsection (a).

AMERICAN OVERSIGHT

''(c) NO EFFECT ON BALLOTS OR BALLOTING MATERIALS TRANSMITTED TO ABSENT MILITARY AND OVERSEAS VOTERS.—Nothing in this section may be construed to affect the treatment of any ballot or balloting materials transmitted to an individual who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).''.

(2) CLERICAL AMENDMENT.—The table of contents of such Act, as amended by section 160004(c), is amended—

(A) by redesignating the items relating to sections 326 and 327 as relating to sections 327 and 328; and

(B) by inserting after the item relating to section 325 the following new item:

''Sec. 326. Prepayment of postage on return envelopes for voting materials''.

(b) ROLE OF UNITED STATES POSTAL SERVICE.—

(1) IN GENERAL.—Chapter 34 of title 39, United States Code, is amended by adding after section 3406 the following:

''§ 3407. Voting materials

''(a) Any voter registration application, absentee ballot application, or absentee ballot with respect to any election for Federal office shall be carried expeditiously, with postage on the return envelope prepaid by the State or

AMERICAN OVERSIGHT
USPS-20-2171-A-001545

unit of local government responsible for the administration of the election.

''(b) As used in this section—

''(1) the term 'absentee ballot' means any ballot transmitted by a voter by mail in an election for Federal office, but does not include any ballot covered by section 3406; and

''(2) the term 'election for Federal office' means a general, special, primary, or runoff election for the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.

''(c) Nothing in this section may be construed to affect the treatment of any ballot or balloting materials transmitted to an individual who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 34 of such title is amended by inserting after the item relating to section 3406 the following:

''3407. Voting materials.''.

AMERICAN OVERSIGHT

SEC. 160006. REQUIRING TRANSMISSION OF BLANK ABSENTEE BALLOTS UNDER UOCAVA TO CERTAIN VOTERS.

(a) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.) is amended by inserting after section 103B the following new section:

"SEC. 103C. TRANSMISSION OF BLANK ABSENTEE BALLOTS TO CERTAIN OTHER VOTERS.

"(a) IN GENERAL.—

"(1) STATE RESPONSIBILITIES.—Subject to the provisions of this section, each State shall transmit blank absentee ballots electronically to qualified individuals who request such ballots in the same manner and under the same terms and conditions under which the State transmits such ballots electronically to absent uniformed services voters and overseas voters under the provisions of section 102(f), except that no such marked ballots shall be returned electronically.

"(2) REQUIREMENTS.—Any blank absentee ballot transmitted to a qualified individual under this section—

"(A) must comply with the language requirements under section 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503); and

AMERICAN OVERSIGHT

"(B) must comply with the disability requirements under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

"(3) AFFIRMATION.—The State may not transmit a ballot to a qualified individual under this section unless the individual provides the State with a signed affirmation in electronic form that—

"(A) the individual is a qualified individual (as defined in subsection (b));

"(B) the individual has not and will not cast another ballot with respect to the election; and

"(C) acknowledges that a material misstatement of fact in completing the ballot may constitute grounds for conviction of perjury.

"(4) CLARIFICATION REGARDING FREE POSTAGE.—An absentee ballot obtained by a qualified individual under this section shall be considered balloting materials as defined in section 107 for purposes of section 3406 of title 39, United States Code.

"(5) PROHIBITING REFUSAL TO ACCEPT BALLOT FOR FAILURE TO MEET CERTAIN REQUIREMENTS.—A State shall not refuse to accept and

AMERICAN OVERSIGHT

process any otherwise valid blank absentee ballot which was transmitted to a qualified individual under this section and used by the individual to vote in the election solely on the basis of the following:

''(A) Notarization or witness signature requirements.

''(B) Restrictions on paper type, including weight and size.

''(C) Restrictions on envelope type, including weight and size.

''(b) QUALIFIED INDIVIDUAL.—

''(1) IN GENERAL.—In this section, except as provided in paragraph (2), the term 'qualified individual' means any individual who is otherwise qualified to vote in an election for Federal office and who meets any of the following requirements:

''(A) The individual—

''(i) has previously requested an absentee ballot from the State or jurisdiction in which such individual is registered to vote; and

''(ii) has not received such absentee ballot at least 2 days before the date of the election.

''(B) The individual—

AMERICAN OVERSIGHT

"(i) resides in an area of a State with respect to which an emergency or public health emergency has been declared by the chief executive of the State or of the area involved within 5 days of the date of the election under the laws of the State due to reasons including a natural disaster, including severe weather, or an infectious disease; and

"(ii) has not previously requested an absentee ballot.

"(C) The individual expects to be absent from such individual's jurisdiction on the date of the election due to professional or volunteer service in response to a natural disaster or emergency as described in subparagraph (B).

"(D) The individual is hospitalized or expects to be hospitalized on the date of the election.

"(E) The individual is an individual with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)) and resides in a State which does not offer voters the ability to use secure and accessible remote ballot marking. For purposes of

AMERICAN OVERSIGHT

this subparagraph, a State shall permit an individual to self-certify that the individual is an individual with a disability.

''(2) EXCLUSION OF ABSENT UNIFORMED SERVICES AND OVERSEAS VOTERS.—The term 'qualified individual' shall not include an absent uniformed services voter or an overseas voter.

''(c) STATE.—For purposes of this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

''(d) EFFECTIVE DATE.—This section shall apply with respect to the regularly scheduled general election for Federal office held in November 2020 and each succeeding election for Federal office.''.

(b) CONFORMING AMENDMENT.—Section 102(a) of such Act (52 U.S.C. 20302(a)) is amended—

(1) by striking ''and'' at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting ''; and''; and

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

AMERICAN OVERSIGHT

''(12) meet the requirements of section 103C with respect to the provision of blank absentee ballots for the use of qualified individuals described in such section.''.

(c) CLERICAL AMENDMENTS.—The table of contents of such Act is amended by inserting the following after section 103:

''Sec. 103A. Procedures for collection and delivery of marked absentee ballots of absent overseas uniformed services voters.
''Sec. 103B. Federal voting assistance program improvements.
''Sec. 103C. Transmission of blank absentee ballots to certain other voters.''.

SEC. 160007. VOTER REGISTRATION.

(a) REQUIRING AVAILABILITY OF INTERNET FOR VOTER REGISTRATION.—

(1) REQUIRING AVAILABILITY OF INTERNET FOR REGISTRATION.—The National Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.) is amended by inserting after section 6 the following new section:

''SEC. 6A. INTERNET REGISTRATION.

''(a) REQUIRING AVAILABILITY OF INTERNET FOR ONLINE REGISTRATION.—

''(1) AVAILABILITY OF ONLINE REGISTRATION AND CORRECTION OF EXISTING REGISTRATION INFORMATION.—Each State, acting through the chief State election official, shall ensure that the following services are available to the public at any time on

AMERICAN OVERSIGHT

the official public websites of the appropriate State and local election officials in the State, in the same manner and subject to the same terms and conditions as the services provided by voter registration agencies under section 7(a):

"(A) Online application for voter registration.

"(B) Online assistance to applicants in applying to register to vote.

"(C) Online completion and submission by applicants of the mail voter registration application form prescribed by the Election Assistance Commission pursuant to section 9(a)(2), including assistance with providing a signature as required under subsection (c).

"(D) Online receipt of completed voter registration applications.

"(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—A State shall accept an online voter registration application provided by an individual under this section, and ensure that the individual is registered to vote in the State, if—

"(1) the individual meets the same voter registration requirements applicable to individuals who register to vote by mail in accordance with section

AMERICAN OVERSIGHT

6(a)(1) using the mail voter registration application form prescribed by the Election Assistance Commission pursuant to section 9(a)(2); and

''(2) the individual meets the requirements of subsection (c) to provide a signature in electronic form (but only in the case of applications submitted during or after the second year in which this section is in effect in the State).

''(c) SIGNATURE REQUIREMENTS.—

''(1) IN GENERAL.—For purposes of this section, an individual meets the requirements of this subsection as follows:

''(A) In the case of an individual who has a signature on file with a State agency, including the State motor vehicle authority, that is required to provide voter registration services under this Act or any other law, the individual consents to the transfer of that electronic signature.

''(B) If subparagraph (A) does not apply, the individual submits with the application an electronic copy of the individual's handwritten signature through electronic means.

''(C) If subparagraph (A) and subparagraph (B) do not apply, the individual executes

AMERICAN OVERSIGHT

a computerized mark in the signature field on an online voter registration application, in accordance with reasonable security measures established by the State, but only if the State accepts such mark from the individual.

"(2) TREATMENT OF INDIVIDUALS UNABLE TO MEET REQUIREMENT.—If an individual is unable to meet the requirements of paragraph (1), the State shall—

"(A) permit the individual to complete all other elements of the online voter registration application;

"(B) permit the individual to provide a signature at the time the individual requests a ballot in an election (whether the individual requests the ballot at a polling place or requests the ballot by mail); and

"(C) if the individual carries out the steps described in subparagraph (A) and subparagraph (B), ensure that the individual is registered to vote in the State.

"(3) NOTICE.—The State shall ensure that individuals applying to register to vote online are notified of the requirements of paragraph (1) and of the

AMERICAN OVERSIGHT

treatment of individuals unable to meet such requirements, as described in paragraph (2).

''(d) CONFIRMATION AND DISPOSITION.—

''(1) CONFIRMATION OF RECEIPT.—Upon the online submission of a completed voter registration application by an individual under this section, the appropriate State or local election official shall send the individual a notice confirming the State's receipt of the application and providing instructions on how the individual may check the status of the application.

''(2) NOTICE OF DISPOSITION.—Not later than 7 days after the appropriate State or local election official has approved or rejected an application submitted by an individual under this section, the official shall send the individual a notice of the disposition of the application.

''(3) METHOD OF NOTIFICATION.—The appropriate State or local election official shall send the notices required under this subsection by regular mail and—

''(A) in the case of an individual who has provided the official with an electronic mail address, by electronic mail; and

AMERICAN OVERSIGHT

"(B) at the option of an individual, by text message.

"(e) PROVISION OF SERVICES IN NONPARTISAN MANNER.—The services made available under subsection (a) shall be provided in a manner that ensures that, consistent with section 7(a)(5)—

"(1) the online application does not seek to influence an applicant's political preference or party registration; and

"(2) there is no display on the website promoting any political preference or party allegiance, except that nothing in this paragraph may be construed to prohibit an applicant from registering to vote as a member of a political party.

"(f) PROTECTION OF SECURITY OF INFORMATION.—In meeting the requirements of this section, the State shall establish appropriate technological security measures to prevent to the greatest extent practicable any unauthorized access to information provided by individuals using the services made available under subsection (a).

"(g) ACCESSIBILITY OF SERVICES.—A state shall ensure that the services made available under this section are made available to individuals with disabilities to the same extent as services are made available to all other individuals.

AMERICAN OVERSIGHT

''(h) USE OF ADDITIONAL TELEPHONE-BASED SYSTEM.—A State shall make the services made available online under subsection (a) available through the use of an automated telephone-based system, subject to the same terms and conditions applicable under this section to the services made available online, in addition to making the services available online in accordance with the requirements of this section.

''(i) NONDISCRIMINATION AMONG REGISTERED VOTERS USING MAIL AND ONLINE REGISTRATION.—In carrying out this Act, the Help America Vote Act of 2002, or any other Federal, State, or local law governing the treatment of registered voters in the State or the administration of elections for public office in the State, a State shall treat a registered voter who registered to vote online in accordance with this section in the same manner as the State treats a registered voter who registered to vote by mail.''.

(2) SPECIAL REQUIREMENTS FOR INDIVIDUALS USING ONLINE REGISTRATION.—

(A) TREATMENT AS INDIVIDUALS REGISTERING TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME VOTER IDENTIFICATION REQUIREMENTS.—Section 303(b)(1)(A) of the Help America Vote Act of 2002 (52 U.S.C.

AMERICAN OVERSIGHT

21083(b)(1)(A)) is amended by striking ''by mail'' and inserting ''by mail or online under section 6A of the National Voter Registration Act of 1993''.

(B) REQUIRING SIGNATURE FOR FIRST-TIME VOTERS IN JURISDICTION.—Section 303(b) of such Act (52 U.S.C. 21083(b)) is amended—

(i) by redesignating paragraph (5) as paragraph (6); and

(ii) by inserting after paragraph (4) the following new paragraph:

''(5) SIGNATURE REQUIREMENTS FOR FIRST-TIME VOTERS USING ONLINE REGISTRATION.—

''(A) IN GENERAL.—A State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of subparagraph (B) if—

''(i) the individual registered to vote in the State online under section 6A of the National Voter Registration Act of 1993; and

''(ii) the individual has not previously voted in an election for Federal office in the State.

AMERICAN OVERSIGHT

"(B) REQUIREMENTS.—An individual meets the requirements of this subparagraph if—

"(i) in the case of an individual who votes in person, the individual provides the appropriate State or local election official with a handwritten signature; or

"(ii) in the case of an individual who votes by mail, the individual submits with the ballot a handwritten signature.

"(C) INAPPLICABILITY.—Subparagraph (A) does not apply in the case of an individual who is—

"(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20302 et seq.);

"(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. 20102(b)(2)(B)(ii)); or

"(iii) entitled to vote otherwise than in person under any other Federal law.".

AMERICAN OVERSIGHT

(C) CONFORMING AMENDMENT RELATING TO EFFECTIVE DATE.—Section 303(d)(2)(A) of such Act (52 U.S.C. 21083(d)(2)(A)) is amended by striking ''Each State'' and inserting ''Except as provided in subsection (b)(5), each State''.

(3) CONFORMING AMENDMENTS.—

(A) TIMING OF REGISTRATION.—Section 8(a)(1) of the National Voter Registration Act of 1993 (52 U.S.C. 20507(a)(1)) is amended—

(i) by striking ''and'' at the end of subparagraph (C);

(ii) by redesignating subparagraph (D) as subparagraph (E); and

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

''(D) in the case of online registration through the official public website of an election official under section 6A, if the valid voter registration application is submitted online not later than the lesser of 28 days, or the period provided by State law, before the date of the election (as determined by treating the date on which the application is sent electronically as the date on which it is submitted); and''.

AMERICAN OVERSIGHT

(B) INFORMING APPLICANTS OF ELIGIBILITY REQUIREMENTS AND PENALTIES.—Section 8(a)(5) of such Act (52 U.S.C. 20507(a)(5)) is amended by striking ''and 7'' and inserting ''6A, and 7''.

(b) USE OF INTERNET TO UPDATE REGISTRATION INFORMATION.—

(1) UPDATES TO INFORMATION CONTAINED ON COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST.—

(A) IN GENERAL.—Section 303(a) of the Help America Vote Act of 2002 (52 U.S.C. 21083(a)) is amended by adding at the end the following new paragraph:

''(6) USE OF INTERNET BY REGISTERED VOTERS TO UPDATE INFORMATION.—

''(A) IN GENERAL.—The appropriate State or local election official shall ensure that any registered voter on the computerized list may at any time update the voter's registration information, including the voter's address and electronic mail address, online through the official public website of the election official responsible for the maintenance of the list, so long as the voter attests to the contents of the update by

AMERICAN OVERSIGHT

providing a signature in electronic form in the same manner required under section 6A(c) of the National Voter Registration Act of 1993.

"(B) PROCESSING OF UPDATED INFORMATION BY ELECTION OFFICIALS.—If a registered voter updates registration information under subparagraph (A), the appropriate State or local election official shall—

"(i) revise any information on the computerized list to reflect the update made by the voter; and

"(ii) if the updated registration information affects the voter's eligibility to vote in an election for Federal office, ensure that the information is processed with respect to the election if the voter updates the information not later than the lesser of 7 days, or the period provided by State law, before the date of the election.

"(C) CONFIRMATION AND DISPOSITION.—

"(i) CONFIRMATION OF RECEIPT.—Upon the online submission of updated registration information by an individual under this paragraph, the appropriate State or local election official shall send

AMERICAN OVERSIGHT

the individual a notice confirming the State's receipt of the updated information and providing instructions on how the individual may check the status of the update.

"(ii) NOTICE OF DISPOSITION.—Not later than 7 days after the appropriate State or local election official has accepted or rejected updated information submitted by an individual under this paragraph, the official shall send the individual a notice of the disposition of the update.

"(iii) METHOD OF NOTIFICATION.—The appropriate State or local election official shall send the notices required under this subparagraph by regular mail and—

"(I) in the case of an individual who has requested that the State provide voter registration and voting information through electronic mail, by electronic mail; and

"(II) at the option of an individual, by text message.".

(B) CONFORMING AMENDMENT RELATING TO EFFECTIVE DATE.—Section 303(d)(1)(A) of such Act (52 U.S.C. 21083(d)(1)(A)) is amend-

AMERICAN OVERSIGHT

ed by striking ''subparagraph (B),'' and inserting ''subparagraph (B) and subsection (a)(6),''.

(2) ABILITY OF REGISTRANT TO USE ONLINE UPDATE TO PROVIDE INFORMATION ON RESIDENCE.—Section 8(d)(2)(A) of the National Voter Registration Act of 1993 (52 U.S.C. 20507(d)(2)(A)) is amended—

(A) in the first sentence, by inserting after ''return the card'' the following: ''or update the registrant's information on the computerized Statewide voter registration list using the online method provided under section 303(a)(6) of the Help America Vote Act of 2002''; and

(B) in the second sentence, by striking ''returned,'' and inserting the following: ''returned or if the registrant does not update the registrant's information on the computerized Statewide voter registration list using such online method,''.

(c) SAME DAY REGISTRATION.—

(1) IN GENERAL.—Subtitle C of title III of the Help America Vote Act of 2002, as added by section 160003(a) and as amended by sections 160004(a) and 160005(a), is further amended—

AMERICAN OVERSIGHT

(A) by redesignating sections 327 and 328 as sections 328 and 329; and

(B) by inserting after section 326 the following new section:

"SEC. 327. SAME DAY REGISTRATION.

"(a) IN GENERAL.—

"(1) REGISTRATION.—Each State shall permit any eligible individual on the day of a Federal election and on any day when voting, including early voting, is permitted for a Federal election—

"(A) to register to vote in such election at the polling place using a form that meets the requirements under section 9(b) of the National Voter Registration Act of 1993 (or, if the individual is already registered to vote, to revise any of the individual's voter registration information); and

"(B) to cast a vote in such election.

"(2) EXCEPTION.—The requirements under paragraph (1) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this section, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

AMERICAN OVERSIGHT

''(b) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means, with respect to any election for Federal office, an individual who is otherwise qualified to vote in that election.

''(c) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) for the regularly scheduled general election for Federal office occurring in November 2020 and for any subsequent election for Federal office.''.

(2) CLERICAL AMENDMENT.—The table of contents of such Act, as added by section 160003 and as amended by sections 160004 and 160005, is further amended—

(A) by redesignating the items relating to sections 327 and 328 as relating to sections 328 and 329; and

(B) by inserting after the item relating to section 326 the following new item:

''Sec. 327. Same day registration.''.

(d) PROHIBITING STATE FROM REQUIRING APPLICANTS TO PROVIDE MORE THAN LAST 4 DIGITS OF SOCIAL SECURITY NUMBER.—

(1) FORM INCLUDED WITH APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.—Section 5(c)(2)(B)(ii) of the National Voter Registration Act of 1993 (52 U.S.C. 20504(c)(2)(B)(ii)) is amended

AMERICAN OVERSIGHT

by striking the semicolon at the end and inserting the following: ", and to the extent that the application requires the applicant to provide a Social Security number, may not require the applicant to provide more than the last 4 digits of such number;".

(2) NATIONAL MAIL VOTER REGISTRATION FORM.—Section 9(b)(1) of such Act (52 U.S.C. 20508(b)(1)) is amended by striking the semicolon at the end and inserting the following: ", and to the extent that the form requires the applicant to provide a Social Security number, the form may not require the applicant to provide more than the last 4 digits of such number;".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to the regularly scheduled general election for Federal office held in November 2020 and each succeeding election for Federal office.

SEC. 160008. ACCOMMODATIONS FOR VOTERS RESIDING IN INDIAN LANDS.

(a) ACCOMMODATIONS DESCRIBED.—

(1) DESIGNATION OF BALLOT PICKUP AND COLLECTION LOCATIONS.—Given the widespread lack of residential mail delivery in Indian Country, an Indian Tribe may designate buildings as ballot pickup

AMERICAN OVERSIGHT

and collection locations with respect to an election for Federal office at no cost to the Indian Tribe. An Indian Tribe may designate one building per precinct located within Indian lands. The applicable State or political subdivision shall collect ballots from those locations. The applicable State or political subdivision shall provide the Indian Tribe with accurate precinct maps for all precincts located within Indian lands 60 days before the election.

(2) PROVISION OF MAIL-IN AND ABSENTEE BALLOTS.—The State or political subdivision shall provide mail-in and absentee ballots with respect to an election for Federal office to each individual who is registered to vote in the election who resides on Indian lands in the State or political subdivision involved without requiring a residential address or a mail-in or absentee ballot request.

(3) USE OF DESIGNATED BUILDING AS RESIDENTIAL AND MAILING ADDRESS.—The address of a designated building that is a ballot pickup and collection location with respect to an election for Federal office may serve as the residential address and mailing address for voters living on Indian lands if the tribally designated building is in the same precinct as that voter. If there is no tribally designated

AMERICAN OVERSIGHT

building within a voter's precinct, the voter may use another tribally designated building within the Indian lands where the voter is located. Voters using a tribally designated building outside of the voter's precinct may use the tribally designated building as a mailing address and may separately designate the voter's appropriate precinct through a description of the voter's address, as specified in section 9428.4(a)(2) of title 11, Code of Federal Regulations.

(4) LANGUAGE ACCESSIBILITY.—In the case of a State or political subdivision that is a covered State or political subdivision under section 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503), that State or political subdivision shall provide absentee or mail-in voting materials with respect to an election for Federal office in the language of the applicable minority group as well as in the English language, bilingual election voting assistance, and written translations of all voting materials in the language of the applicable minority group, as required by section 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503), as amended by subsection (b).

(5) CLARIFICATION.—Nothing in this section alters the ability of an individual voter residing on

AMERICAN OVERSIGHT

Indian lands to request a ballot in a manner available to all other voters in the State.

(6) DEFINITIONS.—In this section:

(A) ELECTION FOR FEDERAL OFFICE.—The term ''election for Federal office'' means a general, special, primary or runoff election for the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.

(B) INDIAN.—The term ''Indian'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(C) INDIAN LANDS.—The term ''Indian lands'' includes—

(i) any Indian country of an Indian Tribe, as defined under section 1151 of title 18, United States Code;

(ii) any land in Alaska owned, pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), by an Indian Tribe that is a Native village (as defined in section 3 of that Act (43 U.S.C. 1602)) or by a Village Corporation that is associated with an Indian Tribe (as de-

AMERICAN OVERSIGHT

fined in section 3 of that Act (43 U.S.C. 1602));

(iii) any land on which the seat of the Tribal Government is located; and

(iv) any land that is part or all of a Tribal designated statistical area associated with an Indian Tribe, or is part or all of an Alaska Native village statistical area associated with an Indian Tribe, as defined by the Census Bureau for the purposes of the most recent decennial census.

(D) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term ''Indian tribe'' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(E) TRIBAL GOVERNMENT.—The term ''Tribal Government'' means the recognized governing body of an Indian Tribe.

(7) ENFORCEMENT.—

(A) ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this subsection.

AMERICAN OVERSIGHT

(B) PRIVATE RIGHT OF ACTION.—

(i) A person or Tribal Government who is aggrieved by a violation of this subsection may provide written notice of the violation to the chief election official of the State involved.

(ii) An aggrieved person or Tribal Government may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to a violation of this subsection, if—

(I) that person or Tribal Government provides the notice described in clause (i); and

(II)(aa) in the case of a violation that occurs more than 120 days before the date of an election for Federal office, the violation remains and 90 days or more have passed since the date on which the chief election official of the State receives the notice under clause (i); or

(bb) in the case of a violation that occurs 120 days or less before the date of an election for Federal of-

AMERICAN OVERSIGHT

fice, the violation remains and 20 days or more have passed since the date on which the chief election official of the State receives the notice under clause (i).

(iii) In the case of a violation of this section that occurs 30 days or less before the date of an election for Federal office, an aggrieved person or Tribal Government may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation without providing notice to the chief election official of the State under clause (i).

(b) BILINGUAL ELECTION REQUIREMENTS.—Section 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503) is amended—

(1) in subsection (b)(3)(C), by striking ''1990'' and inserting ''2010''; and

(2) by striking subsection (c) and inserting the following:

''(c) PROVISION OF VOTING MATERIALS IN THE LANGUAGE OF A MINORITY GROUP.—

''(1) IN GENERAL.—Whenever any State or political subdivision subject to the prohibition of sub-

AMERICAN OVERSIGHT

section (b) of this section provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language.

''(2) EXCEPTIONS.—

''(A) In the case of a minority group that is not American Indian or Alaska Native and the language of that minority group is oral or unwritten, the State or political subdivision shall only be required to furnish, in the covered language, oral instructions, assistance, translation of voting materials, or other information relating to registration and voting.

''(B) In the case of a minority group that is American Indian or Alaska Native, the State or political subdivision shall only be required to furnish in the covered language oral instructions, assistance, or other information relating to registration and voting, including all voting materials, if the Tribal Government of that minority group has certified that the language of the applicable American Indian or Alaska Native language is presently unwritten or the

AMERICAN OVERSIGHT

Tribal Government does not want written translations in the minority language.

''(3) WRITTEN TRANSLATIONS FOR ELECTION WORKERS.—Notwithstanding paragraph (2), the State or political division may be required to provide written translations of voting materials, with the consent of any applicable Indian Tribe, to election workers to ensure that the translations from English to the language of a minority group are complete, accurate, and uniform.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2020 and each succeeding election for Federal office.

SEC. 160009. PAYMENTS BY ELECTION ASSISTANCE COMMISSION TO STATES TO ASSIST WITH COSTS OF COMPLIANCE.

(a) AVAILABILITY OF GRANTS.—Subtitle D of title II of the Help America Vote Act of 2002 (52 U.S.C. 21001 et seq.) is amended by adding at the end the following new part:

AMERICAN OVERSIGHT

"PART 7—PAYMENTS TO ASSIST WITH COSTS OF COMPLIANCE WITH ACCESS ACT

"SEC. 297. PAYMENTS TO ASSIST WITH COSTS OF COMPLIANCE WITH ACCESS ACT.

"(a) AVAILABILITY AND USE OF PAYMENTS.—

"(1) IN GENERAL.—The Commission shall make a payment to each eligible State to assist the State with the costs of complying with the American Coronavirus/COVID–19 Election Safety and Security Act and the amendments made by such Act, including the provisions of such Act and such amendments which require States to pre-pay the postage on absentee ballots and balloting materials.

"(2) PUBLIC EDUCATION CAMPAIGNS.—For purposes of this part, the costs incurred by a State in carrying out a campaign to educate the public about the requirements of the American Coronavirus/COVID–19 Election Safety and Security Act and the amendments made by such Act shall be included as the costs of complying with such Act and such amendments.

"(b) PRIMARY ELECTIONS.—

"(1) PAYMENTS TO STATES.—In addition to any payments under subsection (a), the Commission shall make a payment to each eligible State to assist the State with the costs incurred in voluntarily elect-

AMERICAN OVERSIGHT

ing to comply with the American Coronavirus/COVID–19 Election Safety and Security Act and the amendments made by such Act with respect to primary elections for Federal office held in the State in 2020.

''(2) STATE PARTY-RUN PRIMARIES.—In addition to any payments under paragraph (1), the Commission shall make payments to each eligible political party of the State for costs incurred by such parties to send absentee ballots and return envelopes with prepaid postage to eligible voters participating in such primaries during 2020.

''(c) PASS-THROUGH OF FUNDS TO LOCAL JURISDICTIONS.—

''(1) IN GENERAL.—If a State receives a payment under this part for costs that include costs incurred by a local jurisdiction or Tribal government within the State, the State shall pass through to such local jurisdiction or Tribal government a portion of such payment that is equal to the amount of the costs incurred by such local jurisdiction or Tribal government.

''(2) TRIBAL GOVERNMENT DEFINED.—In this subsection, the term 'Tribal Government' means the recognized governing body of an Indian tribe (as de-

AMERICAN OVERSIGHT

fined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

''(d) SCHEDULE OF PAYMENTS.—As soon as practicable after the date of the enactment of this part and not less frequently than once each calendar year thereafter, the Commission shall make payments under this part.

''(e) COVERAGE OF COMMONWEALTH OF NORTHERN MARIANA ISLANDS.—In this part, the term 'State' includes the Commonwealth of the Northern Mariana Islands.

''(f) LIMITATION.—No funds may be provided to a State under this part for costs attributable to the electronic return of marked ballots by any voter.

''SEC. 297A. AMOUNT OF PAYMENT.

''(a) IN GENERAL.—Except as provided in section 297C, the amount of a payment made to an eligible State for a year under this part shall be determined by the Commission.

''(b) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—A payment made to an eligible State or eligible unit of local government under this part shall be available without fiscal year limitation.

AMERICAN OVERSIGHT

"SEC. 297B. REQUIREMENTS FOR ELIGIBILITY.

"(a) APPLICATION.—Except as provided in section 297C, each State that desires to receive a payment under this part for a fiscal year, and each political party of a State that desires to receive a payment under section 297(b)(2), shall submit an application for the payment to the Commission at such time and in such manner and containing such information as the Commission shall require.

"(b) CONTENTS OF APPLICATION.—Each application submitted under subsection (a) shall—

"(1) describe the activities for which assistance under this part is sought; and

"(2) provide such additional information and certifications as the Commission determines to be essential to ensure compliance with the requirements of this part.

"SEC. 297C. SPECIAL RULES FOR PAYMENTS FOR ELECTIONS SUBJECT TO EMERGENCY RULES.

"(a) SUBMISSION OF ESTIMATED COSTS.—If the special rules in the case of an emergency period under section 322(c)(3) apply to an election, not later than the applicable deadline under subsection (c), the State shall submit to the Commission a request for a payment under this part, and shall include in the request the State's estimate of the costs the State expects to incur in the administra-

AMERICAN OVERSIGHT

tion of the election which are attributable to the application of such special rules to the election.

''(b) PAYMENT.—Not later than 7 days after receiving a request from the State under subsection (a), the Commission shall make a payment to the State in an amount equal to the estimate provided by the State in the request.

''(c) APPLICABLE DEADLINE.—The applicable deadline under this paragraph with respect to an election is—

''(1) with respect to the regularly scheduled general election for Federal office held in November 2020, 15 days after the date of the enactment of this part; and

''(2) with respect to any other election, 15 days after the emergency or disaster described in section 322(c)(3) is declared.

''SEC. 297D. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated for payments under this part—

''(1) in the case of payments made under section 297C, such sums as may be necessary for fiscal year 2020 and each succeeding fiscal year; and

''(2) in the case of any other payments, such sums as may be necessary for fiscal year 2020.

AMERICAN OVERSIGHT

"SEC. 297E. REPORTS.

"(a) REPORTS BY RECIPIENTS.—Not later than 6 months after the end of each fiscal year for which an eligible State received a payment under this part, the State shall submit a report to the Commission on the activities conducted with the funds provided during the year.

"(b) REPORTS BY COMMISSION TO COMMITTEES.—With respect to each fiscal year for which the Commission makes payments under this part, the Commission shall submit a report on the activities carried out under this part to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.".

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the items relating to subtitle D of title II the following:

"PART 7—PAYMENTS TO ASSIST WITH COSTS OF COMPLIANCE WITH ACCESS ACT

"Sec. 297. Payments to assist with costs of compliance with Access Act.
"Sec. 297A. Amount of payment.
"Sec. 297B. Requirements for eligibility.
"Sec. 297C. Authorization of appropriations.
"Sec. 297D. Reports.".

SEC. 160010. GRANTS TO STATES FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS.

(a) AVAILABILITY OF GRANTS.—Subtitle D of title II of the Help America Vote Act of 2002 (52 U.S.C.

AMERICAN OVERSIGHT

21001 et seq.), as amended by section 160009(a), is further amended by adding at the end the following new part:

"PART 8—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS

"SEC. 298. GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS.

''(a) AVAILABILITY OF GRANTS.—The Commission shall make a grant to each eligible State to conduct risk-limiting audits as described in subsection (b) with respect to the regularly scheduled general elections for Federal office held in November 2020 and each succeeding election for Federal office.

''(b) RISK-LIMITING AUDITS DESCRIBED.—In this part, a 'risk-limiting audit' is a post-election process—

''(1) which is conducted in accordance with rules and procedures established by the chief State election official of the State which meet the requirements of subsection (c); and

''(2) under which, if the reported outcome of the election is incorrect, there is at least a predetermined percentage chance that the audit will replace the incorrect outcome with the correct outcome as determined by a full, hand-to-eye tabulation of all votes validly cast in that election that ascertains

AMERICAN OVERSIGHT

voter intent manually and directly from voter-verifiable paper records.

''(c) REQUIREMENTS FOR RULES AND PROCEDURES.—The rules and procedures established for conducting a risk-limiting audit shall include the following elements:

''(1) Rules for ensuring the security of ballots and documenting that prescribed procedures were followed.

''(2) Rules and procedures for ensuring the accuracy of ballot manifests produced by election agencies.

''(3) Rules and procedures for governing the format of ballot manifests, cast vote records, and other data involved in the audit.

''(4) Methods to ensure that any cast vote records used in the audit are those used by the voting system to tally the election results sent to the chief State election official and made public.

''(5) Procedures for the random selection of ballots to be inspected manually during each audit.

''(6) Rules for the calculations and other methods to be used in the audit and to determine whether and when the audit of an election is complete.

AMERICAN OVERSIGHT

''(7) Procedures and requirements for testing any software used to conduct risk-limiting audits.

''(d) DEFINITIONS.—In this part, the following definitions apply:

''(1) The term 'ballot manifest' means a record maintained by each election agency that meets each of the following requirements:

''(A) The record is created without reliance on any part of the voting system used to tabulate votes.

''(B) The record functions as a sampling frame for conducting a risk-limiting audit.

''(C) The record contains the following information with respect to the ballots cast and counted in the election:

''(i) The total number of ballots cast and counted by the agency (including undervotes, overvotes, and other invalid votes).

''(ii) The total number of ballots cast in each election administered by the agency (including undervotes, overvotes, and other invalid votes).

''(iii) A precise description of the manner in which the ballots are physically

AMERICAN OVERSIGHT

stored, including the total number of physical groups of ballots, the numbering system for each group, a unique label for each group, and the number of ballots in each such group.

''(2) The term 'incorrect outcome' means an outcome that differs from the outcome that would be determined by a full tabulation of all votes validly cast in the election, determining voter intent manually, directly from voter-verifiable paper records.

''(3) The term 'outcome' means the winner of an election, whether a candidate or a position.

''(4) The term 'reported outcome' means the outcome of an election which is determined according to the canvass and which will become the official, certified outcome unless it is revised by an audit, recount, or other legal process.

''SEC. 298A. ELIGIBILITY OF STATES.

''A State is eligible to receive a grant under this part if the State submits to the Commission, at such time and in such form as the Commission may require, an application containing—

''(1) a certification that, not later than 5 years after receiving the grant, the State will conduct risk-

AMERICAN OVERSIGHT

limiting audits of the results of elections for Federal office held in the State as described in section 298;

''(2) a certification that, not later than one year after the date of the enactment of this section, the chief State election official of the State has established or will establish the rules and procedures for conducting the audits which meet the requirements of section 298(c);

''(3) a certification that the audit shall be completed not later than the date on which the State certifies the results of the election;

''(4) a certification that, after completing the audit, the State shall publish a report on the results of the audit, together with such information as necessary to confirm that the audit was conducted properly;

''(5) a certification that, if a risk-limiting audit conducted under this part leads to a full manual tally of an election, State law requires that the State or election agency shall use the results of the full manual tally as the official results of the election; and

''(6) such other information and assurances as the Commission may require.

AMERICAN OVERSIGHT

"SEC. 298B. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for grants under this part $20,000,000 for fiscal year 2020, to remain available until expended.".

(b) CLERICAL AMENDMENT.—The table of contents of such Act, as amended by section 160009(b), is further amended by adding at the end of the items relating to subtitle D of title II the following:

"PART 8—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS

"Sec. 298. Grants for conducting risk-limiting audits of results of elections.
"Sec. 298A. Eligibility of States.
"Sec. 298B. Authorization of appropriations.

(c) GAO ANALYSIS OF EFFECTS OF AUDITS.—

(1) ANALYSIS.—Not later than 6 months after the first election for Federal office is held after grants are first awarded to States for conducting risk-limiting audits under part 8 of subtitle D of title II of the Help America Vote Act of 2002 (as added by subsection (a)) for conducting risk-limiting audits of elections for Federal office, the Comptroller General of the United States shall conduct an analysis of the extent to which such audits have improved the administration of such elections and the security of election infrastructure in the States receiving such grants.

AMERICAN OVERSIGHT

(2) REPORT.—The Comptroller General of the United States shall submit a report on the analysis conducted under subsection (a) to the appropriate congressional committees.

SEC. 160011. ADDITIONAL APPROPRIATIONS FOR THE ELECTION ASSISTANCE COMMISSION.

(a) IN GENERAL.—In addition to any funds otherwise appropriated to the Election Assistance Commission for fiscal year 2020, there is authorized to be appropriated $3,000,000 for fiscal year 2020 in order for the Commission to provide additional assistance and resources to States for improving the administration of elections.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization under this subsection shall remain available without fiscal year limitation.

SEC. 160012. DEFINITION.

(a) DEFINITION OF ELECTION FOR FEDERAL OFFICE .—Title IX of the Help America Vote Act of 2002 (52 U.S.C. 21141 et seq.) is amended by adding at the end the following new section:

"SEC. 907. ELECTION FOR FEDERAL OFFICE DEFINED.

''For purposes of titles I through III, the term 'election for Federal office' means a general, special, primary, or runoff election for the office of President or Vice Presi-

AMERICAN OVERSIGHT

dent, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.''.

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the items relating to title IX the following new item:

''Sec. 907. Election for Federal office defined.''.

AMERICAN OVERSIGHT

DIVISION Q—COVID–19 HEROES FUND

SEC. 170001. SHORT TITLE.

This Act may be cited as the ''COVID–19 Heroes Fund Act of 2020''.

TITLE I—PROVISIONS RELATING TO STATE, LOCAL, TRIBAL, AND PRIVATE SECTOR WORKERS

SEC. 170101. DEFINITIONS.

In this title:

(1) COVID–19 PUBLIC HEALTH EMERGENCY.—The term ''COVID–19 Public Health Emergency'' means the public health emergency first declared on January 31, 2020, by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID–19.

(2) EMPLOYEE.—Except as provided in paragraph (3)(C)(iii), the term ''employee'' means an individual (not employed by an entity excluded from the definition of the term ''employer'' for purposes of this title under paragraph (3)(B)) who is—

(A) an employee, as defined in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)), except that a reference in such

AMERICAN OVERSIGHT

section 3(e) to an employer shall be considered to be a reference to an employer described in clauses (i)(I) and (ii) of paragraph (3)(A);

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

(C) an employee of a Tribal employer.

(3) EMPLOYER.—

(A) IN GENERAL.—The term ''employer'' means, except as provided in subparagraph (B), a person who is—

(i)(I) a covered employer, as defined in subparagraph (C);

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

(III) a Tribal employer; and

(ii) engaged in commerce (including government), or an industry or activity affecting commerce (including government).

(B) EXCLUSION OF EXECUTIVE, LEGISLATIVE, AND JUDICIAL ENTITIES COVERED UNDER TITLE II.—The term ''employer'' does not include—

AMERICAN OVERSIGHT

(i) any agency, as defined in section 201(1), except, only as provided in section 102(g)(2), the VA Office of Geriatrics & Extended Care of the Veterans Health Administration; or

(ii) the Postal Regulatory Commission.

(C) COVERED EMPLOYER.—

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

(I) means any person engaged in commerce (including government), or in any industry or activity affecting commerce (including government), who employs 1 or more employees;

(II) includes—

(aa) any person who acts directly or indirectly in the interest of (within the meaning of section 3(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(d)) an employer in relation to any of the employees of such employer; and

AMERICAN OVERSIGHT

(bb) any successor in interest of an employer;

(III) except as provided in subparagraph (B), includes any public agency, as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x));

(IV) includes any person described in subclause (I) who conducts business as a not-for-profit organization;

(V) includes—

(aa) an entity or person that contracts directly with a State, locality, Tribal government, or the Federal Government, to provide care (which may include items and services) through employees of such entity or person to individuals under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), under a State Medicaid plan under title XIX of such Act (42 U.S.C. 1396 et

AMERICAN OVERSIGHT

seq.) or under a waiver of such plan, or under any other program established or administered by a State, locality, Tribal government, or the Federal Government;

(bb) a subcontractor of an entity or person described in item (aa);

(cc) an individual client (or a representative on behalf of an individual client), an entity, or a person, that employs an individual to provide care (which may include items and services) to the individual client under a self-directed service delivery model through a program established or administered by a State, locality, Tribal government, or the Federal Government; or

(dd) an individual client (or a representative on behalf of an individual client) that, on their own accord, employs an indi-

AMERICAN OVERSIGHT

vidual to provide care (which may include items and services) to the individual client using the individual client's own finances;

(VI) includes the United States Postal Service;

(VII) includes a nonappropriated fund instrumentality under the jurisdiction of the Armed Forces; and

(VIII) includes, only with respect to section 102(g)(2), the VA Office of Geriatrics & Extended Care of the Veterans Health Administration.

(ii) PUBLIC AGENCY.—For purposes of this title, a public agency shall be considered to be a person engaged in commerce or in an industry or activity affecting commerce.

(iii) DEFINITION OF EMPLOYEE.—For purposes of clause (i), the term ''employee'' has the meaning given such term in section 3(e), except such term does not include any individual employed by entity excluded from the definition of the term

AMERICAN OVERSIGHT

''employer'' for purposes of this title under subparagraph (B).

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

(E) DEFINITION OF COMMERCE.—For purposes of this paragraph, the terms ''commerce'' and ''industry or activity affecting commerce''—

(i) mean any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce;

(ii) include commerce and any industry affecting commerce, as such terms are defined in paragraphs (1) and (3) of section 501 of the Labor Management Relations Act, 1947 (29 U.S.C. 142(1) and (3)); and

(iii) include commerce, as defined in section 3(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(b)) and as described in section 2(a) of such Act (29 U.S.C. 202(a)).

AMERICAN OVERSIGHT

(4) EMPLOYER PAYROLL TAXES.—The term ''employer payroll taxes'' means—

(A) taxes imposed under sections 3111(b), 3221(a) (but only to the extent attributable to the portion of such tax attributable to the tax imposed by section 3111(b)), 3221(b), and 3301 of the Internal Revenue Code of 1986; and

(B) taxes imposed by a State or local government on an employer with respect to amounts paid by such employer for work by employees.

(5) ESSENTIAL WORK.—The term ''essential work'' means any work that—

(A) is performed during the period that begins on January 27, 2020 and ends 60 days after the last day of the COVID–19 Public Health Emergency;

(B) is not performed while teleworking from a residence;

(C) involves—

(i) regular in-person interactions with—

(I) patients;

(II) the public; or

AMERICAN OVERSIGHT

(III) coworkers of the individual performing the work; or

(ii) regular physical handling of items that were handled by, or are to be handled by—

(I) patients;

(II) the public; or

(III) coworkers of the individual performing the work; and

(D) is in any of the following areas:

(i) First responder work, in the public sector or private sector, including services in response to emergencies that have the potential to cause death or serious bodily injury, such as police, fire, emergency medical, protective, child maltreatment, domestic violence, and correctional services (including activities carried out by employees in fire protection activities, as defined in section 3(y) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(y)) and activities of law enforcement officers, as defined in section 1204(6) of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284(6)).

AMERICAN OVERSIGHT

(ii) Health care work physically provided in inpatient settings (including hospitals and other inpatient post-acute care settings such as nursing homes, inpatient rehabilitation facilities, and other related settings) and other work physically performed in such inpatient settings that supports or is in furtherance of such health care work physically provided in inpatient settings.

(iii) Health care work physically provided in outpatient settings (including at physician offices, community health centers, rural health clinics and other clinics, hospital outpatient departments, freestanding emergency departments, ambulatory surgical centers, and other related settings), and other work physically performed in such inpatient settings that supports or is in furtherance of such health care work physically provided in outpatient settings.

(iv) Pharmacy work, physically performed in pharmacies, drug stores, or

AMERICAN OVERSIGHT

other retail facilities specializing in medical goods and supplies.

(v) Any work physically performed in a facility that performs medical testing and diagnostic services, including laboratory processing, medical testing services, or related activities.

(vi) Home and community-based work, including home health care, residential care, assistance with activities of daily living, and any services provided by direct care workers (as defined in section 799B of the Public Health Service Act (42 U.S.C. 295p)), personal care aides, job coaches, or supported employment providers, and any other provision of care to individuals in their homes by direct service providers, personal care attendants, and home health aides.

(vii) Biomedical research regarding SARS–CoV–2 and COVID–19 that involves the handling of hazardous materials such as COVID–19 samples.

(viii) Behavioral health work requiring physical interaction with individuals, in-

AMERICAN OVERSIGHT

cluding mental health services and substance use disorder prevention, treatment, and recovery services.

(ix) Nursing care and residential care work physically provided in a facility.

(x) Family care, including child care services, in-home child care services such as nanny services, and care services provided by family members to other family members.

(xi) Social services work, including social work, case management, social and human services, child welfare, family services, shelter and services for people who have experienced intimate partner violence or sexual assault, services for individuals who are homeless, child services, community food and housing services, and other emergency social services.

(xii) Public health work conducted at State, local, territorial, and Tribal government public health agencies, including epidemiological activities, surveillance, contact tracing, data analysis, statistical research,

AMERICAN OVERSIGHT

health education, and other disease detection, prevention, and response methods.

(xiii) Tribal vital services, as defined by the Commissioner of the Administration for Native Americans in consultation with Tribal governments and after conferring with urban Indian organizations.

(xiv) Grocery work physically performed at grocery stores, supermarkets, convenience stores, corner stores, drug stores, retail facilities specializing in medical goods and supplies, bodegas, and other locations where individuals purchase non-prepared food items.

(xv) Restaurant work, including carry-out, drive-thru, or food delivery work, requiring physical interaction with individuals or food products.

(xvi) Food production work involving the physical interaction with food products, including all agricultural work, farming, fishing, forestry, ranching, processing, canning, slaughtering, packaging, baking, butchering, and other food production work, such as any service or activity in-

AMERICAN OVERSIGHT

cluded within the provisions of section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), or section 3121(g) of the Internal Revenue Code of 1986, and the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state.

(xvii) Transportation work, including—

(I) any services in public transportation, as defined in section 5302(14) of title 49, United States Code;

(II) any private transportation of people, such as transportation provided by air, rail, bus, taxicab, personal car or truck, non-motorized vehicle, or otherwise, including all services performed by individuals working in or on such vehicles, vehicle depots, or transit facilities;

(III) any private transportation of goods in bulk, including transpor-

AMERICAN OVERSIGHT

tation via heavy or light truck, rail, air, or otherwise;

(IV) any public or private transportation of mail or packages;

(V) any private transportation of food or other goods to individuals, including in a personal car or truck, non-motorized vehicle, or otherwise;

(VI) any services in passenger rail transportation, including commuter rail, intercity passenger rail, or Amtrak, including services performed by employees of contractors of such entities;

(VII) any services in the transportation of persons, property, or mail by an aircraft of an air carrier conducting operations under part 121 of title 14, Code of Federal Regulations (or successor regulations), or a foreign air carrier within, to, or from the United States, either on board an aircraft or on the ground at an airport, including services performed by employees of contractors of air carriers,

AMERICAN OVERSIGHT

or foreign air carriers, as described in section 4111(3) of the CARES Act (Public Law 116–136);

(VIII) any services as an aircraft mechanic or technician who performs maintenance, repair, or overhaul work on an aircraft of an air carrier conducting operations under such part 121 or foreign air carrier within the United States;

(IX) services as maritime workers who qualify as seamen under section 10101(3) of title 46, United States Code, and other maritime employees including—

(aa) longshoremen, harbor workers and shipbuilders covered under section 2(3) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 902(3)) involved in the transportation of merchandise or passengers by water; and

(bb) shipbuilders and ship repairers who are working for an

AMERICAN OVERSIGHT

employer performing shipbuilding or ship repair work under contract or subcontract to the Departments of Defense, Energy or Homeland Security for military or other national security purposes; and

(X) services as maritime transportation workers supporting or enabling transportation functions, including such services as—

(aa) barge workers, tug operators, and port and facility security personnel;

(bb) marine dispatchers; and

(cc) workers who repair and maintain marine vessels (including the equipment and infrastructure that enables operations that encompass movement of cargo and passengers).

(xviii) Work physically performed in a warehouse or other facility in warehousing (including all services performed by individuals picking, sorting, packing, and ship-

AMERICAN OVERSIGHT

ping in warehouses), storage, distribution, or call center support facilities, and other essential operational support functions that are necessary to accept, store, and process goods, and that facilitate the goods' transportation and delivery.

(xix) Cleaning work and building maintenance work physically performed on the grounds of a facility, including all custodial or janitorial services, security services, and repair and maintenance services.

(xx) Work in the collection, removal, transport, storage, or disposal of residential, industrial, or commercial solid waste and recycling, including services provided by individuals who drive waste or recycling trucks, who pick up waste or recycling from residential or commercial locations, or who work at waste or recycling centers or landfills.

(xxi) Work in the gathering, processing, disseminating, and delivery of news and information that serves the public interest to the public through mass media, including television, radio, and newspapers.

AMERICAN OVERSIGHT

(xxii) Any work performed by an employee of a State, locality, or Tribal government, that is determined to be essential work by the highest authority of such State, locality, or Tribal government.

(xxiii) Educational work, school nutrition work, and other work required to operate a school facility, including early childhood programs, preschool programs, elementary and secondary education, and higher education.

(xxiv) Laundry work, including work in laundromats, laundry service companies, and dry cleaners.

(xxv) Elections work physically performed at polling places or otherwise amongst the public, including public-sector elections personnel and private-sector elections personnel.

(xxvi) Hazardous materials management, response, and cleanup work associated with any other essential work covered under this paragraph, including health care waste (including medical, pharmaceuticals, and medical material produc-

AMERICAN OVERSIGHT

tion), and testing operations (including laboratories processing test kits).

(xxvii) Disinfection work for all facilities and modes of transportation involved in other essential work covered under this paragraph.

(xxviii) Work in critical clinical research, development, and testing necessary for COVID–19 response that involves physical interaction with hazardous materials, such as samples of COVID–19.

(xxix) Work in mortuary, funeral, cremation, burial, cemetery, and related services.

(xxx) Work requiring physical interactions with patients in physical therapy, occupational therapy, speech-language pathology, and respiratory therapy and other therapy services.

(xxxi) Dental care work requiring physical interaction with patients.

(xxxii) Work performed by employees of the U.S. Postal Service.

AMERICAN OVERSIGHT

(xxxiii) Work at hotel and commercial lodging facilities that are used for COVID–19 mitigation and containment measures.

(6) ESSENTIAL WORKER.—

(A) IN GENERAL.—The term ''essential worker'' means an individual, whose work and duties include essential work, and who is—

(i) an employee of an employer; or

(ii) an individual performing any services or labor for remuneration for an employer, regardless of whether the individual is classified as an independent contractor by the employer.

(B) IMMIGRATION STATUS.—Such term includes an individual regardless of the individual's immigration status.

(7) ESSENTIAL WORK EMPLOYER.—The term ''essential work employer'' means an employer who employs, or provides remuneration for services or labor to, an essential worker.

(8) FLSA TERMS.—The terms ''employ'', ''person'', ''regular rate'', and ''State'' have the meanings given the terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

AMERICAN OVERSIGHT

(9) HIGHLY-COMPENSATED ESSENTIAL WORKER.—The term ''highly-compensated essential worker'' means an essential worker who is paid the equivalent of $200,000 or more per year by an essential work employer.

(10) LARGE ESSENTIAL WORK EMPLOYER.—The term ''large essential work employer'' means an essential work employer who has more than 500 individuals who are employed by the employer or are otherwise providing services or labor for remuneration for the employer.

(11) SELF-DIRECTED CARE WORKER.—The term ''self-directed care worker'' means an individual employed to provide care (which may include items and services) to an individual client—

(A) under a self-directed service delivery model through a program established or administered by a State, locality, Tribal government, or the Federal Government; or

(B) on the individual client's own accord and using the individual client's own finances.

(12) TRIBAL EMPLOYER.—The term ''Tribal employer'' means—

(A) any Tribal government, a subdivision of a Tribal government (determined in accord-

AMERICAN OVERSIGHT

ance with section 7871(d) of the Internal Revenue Code), or an agency or instrumentality of a Tribal government or subdivision thereof;

(B) any Tribal organization (as the term ''tribal organization'' is defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(l));

(C) any corporation if more than 50 percent (determined by vote and value) of the outstanding stock of such corporation is owned, directly or indirectly, by any entity described in subparagraph (A) or (B); or

(D) any partnership if more than 50 percent of the value of the capital and profits interests of such partnership is owned, directly or indirectly, by any entity described in subparagraph (A) or (B).

(13) TRIBAL GOVERNMENT.—The term ''Tribal government'' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation individually identified (including parenthetically) in the list published most recently as of the date of enactment of this Act pursuant to sec-

AMERICAN OVERSIGHT

tion 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(14) WORK.—The term ''work'' means employment by, or engagement in providing labor or services for, an employer.

SEC. 170102. PANDEMIC PREMIUM PAY FOR ESSENTIAL WORKERS.

(a) IN GENERAL.— Beginning 3 days after an essential work employer receives a grant under section 104 from the Secretary of the Treasury, the essential work employer shall—

(1) be required to comply with subsections (b) through (h); and

(2) be subject to the enforcement requirements of section 105.

(b) PANDEMIC PREMIUM PAY.—

(1) IN GENERAL.—An essential work employer receiving a grant under section 104 shall, in accordance with this subsection, provide each essential worker of the essential work employer with premium pay at a rate equal to $13 for each hour of work performed by the essential worker for the employer from January 27, 2020, until the date that is 60 days after the last day of the COVID–19 Public Health Emergency.

AMERICAN OVERSIGHT

(2) MAXIMUM AMOUNTS.—The total amount of all premium pay under this subsection that an essential work employer is required to provide to an essential worker, including through any retroactive payment under paragraph (3), shall not exceed—

(A) for an essential worker who is not a highly-compensated essential worker, $10,000 reduced by employer payroll taxes with respect to such premium pay; or

(B) for a highly-compensated essential worker, $5,000 reduced by employer payroll taxes with respect to such premium pay.

(3) RETROACTIVE PAYMENT.—For all work performed by an essential worker during the period from January 27, 2020, through the date on which the essential work employer of the worker receives a grant under this title, the essential work employer shall use a portion of the amount of such grant to provide such worker with premium pay under this subsection for such work at the rate provided under paragraph (1). Such amount shall be provided to the essential worker as a lump sum in the next paycheck (or other payment form) that immediately follows the receipt of the grant by the essential work employer. In any case where it is impossible for the em-

AMERICAN OVERSIGHT

ployer to arrange for payment of the amount due in such paycheck (or other payment form), such amounts shall be paid as soon as practicable, but in no event later than the second paycheck (or other payment form) following the receipt of the grant by the essential work employer.

(4) NO EMPLOYER DISCRETION.—An essential work employer receiving a grant under section 104 shall not have any discretion to determine which portions of work performed by an essential worker qualify for premium pay under this subsection, but shall pay such premium pay for any increment of time worked by the essential worker for the essential work employer up to the maximum amount applicable to the essential worker under paragraph (2).

(c) PROHIBITION ON REDUCING COMPENSATION AND DISPLACEMENT.—

(1) IN GENERAL.—Any payments made to an essential worker as premium pay under subsection (b) shall be in addition to all other compensation, including all wages, remuneration, or other pay and benefits, that the essential worker otherwise receives from the essential work employer.

(2) REDUCTION OF COMPENSATION.—An essential work employer receiving a grant under section

AMERICAN OVERSIGHT

104 shall not, during the period beginning on the date of enactment of this Act and ending on the date that is 60 days after the last day of the COVID–19 Public Health Emergency, reduce or in any other way diminish, any other compensation, including the wages, remuneration, or other pay or benefits, that the essential work employer provided to the essential worker on the day before the date of enactment of this Act.

(3) DISPLACEMENT.—An essential work employer shall not take any action to displace an essential worker (including partial displacement such as a reduction in hours, wages, or employment benefits) for purposes of hiring an individual for an equivalent position at a rate of compensation that is less than is required to be provided to an essential worker under paragraph (2).

(d) DEMARCATION FROM OTHER COMPENSATION.—The amount of any premium pay paid under subsection (b) shall be clearly demarcated as a separate line item in each paystub or other document provided to an essential worker that details the remuneration the essential worker received from the essential work employer for a particular period of time. If any essential worker does not otherwise regularly receive any such paystub or other document from

AMERICAN OVERSIGHT

the employer, the essential work employer shall provide such paystub or other document to the essential worker for the duration of the period in which the essential work employer provides premium pay under subsection (b).

(e) EXCLUSION FROM WAGE-BASED CALCULATIONS.—Any premium pay under subsection (b) paid to an essential worker under this section by an essential work employer receiving a grant under section 104 shall be excluded from the amount of remuneration for work paid to the essential worker for purposes of—

(1) calculating the essential worker's eligibility for any wage-based benefits offered by the essential work employer;

(2) computing the regular rate at which such essential worker is employed under section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207); and

(3) determining whether such essential worker is exempt from application of such section 7 under section 13(a)(1) of such Act (29 U.S.C. 213(a)(1)).

(f) ESSENTIAL WORKER DEATH.—

(1) IN GENERAL.—In any case in which an essential worker of an essential work employer receiving a grant under section 104 exhibits symptoms of COVID–19 and dies, the essential work employer

AMERICAN OVERSIGHT

shall pay as a lump sum to the next of kin of the essential worker for premium pay under subsection (b)—

(A) for an essential worker who is not a highly-compensated essential worker, the amount determined under subsection (b)(2)(A) minus the total amount of any premium pay the worker received under subsection (b) prior to the death; or

(B) for a highly-compensated essential worker, the amount determined under subsection (b)(2)(B) minus the amount of any premium pay the worker received under subsection (b) prior to the death.

(2) TREATMENT OF LUMP SUM PAYMENTS.—

(A) TREATMENT AS PREMIUM PAY.—For purposes of this title, any payment made under this subsection shall be treated as a premium pay under subsection (b).

(B) TREATMENT FOR PURPOSES OF INTERNAL REVENUE CODE OF 1986.—For purposes of the Internal Revenue Code of 1986, any payment made under this subsection shall be treated as a payment for work performed by the essential worker.

AMERICAN OVERSIGHT

(g) APPLICATION TO SELF-DIRECTED CARE WORKERS FUNDED THROUGH MEDICAID OR THE VETERAN-DIRECTED CARE PROGRAM.—

(1) MEDICAID.—In the case of an essential work employer receiving a grant under section 104 that is a covered employer described in section 101(3)(C)(i)(V) who, under a State Medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or under a waiver of such plan, has opted to receive items or services using a self-directed service delivery model, the preceding requirements of this section, including the requirements to provide premium pay under subsection (b) (including a lump sum payment in the event of an essential worker death under subsection (f)) and the requirements of sections 104 and 105, shall apply to the State Medicaid agency responsible for the administration of such plan or waiver with respect to self-directed care workers employed by that employer. In administering payments made under this title to such self-directed care workers on behalf of such employers, a State Medicaid agency shall—

(A) exclude and disregard any payments made under this title to such self-directed workers from the individualized budget that applies

AMERICAN OVERSIGHT

to the items or services furnished to the individual client employer under the State Medicaid plan or waiver;

(B) to the extent practicable, administer and provide payments under this title directly to such self-directed workers through arrangements with entities that provide financial management services in connection with the self-directed service delivery models used under the State Medicaid plan or waiver; and

(C) ensure that individual client employers of such self-directed workers are provided notice of, and comply with, the prohibition under section 105(b)(1)(B).

(2) VETERAN-DIRECTED CARE PROGRAM.—In the case of an essential work employer that is a covered employer described in section 101(3)(C)(i)(V) who is a veteran participating in the Veteran Directed Care program administered by the VA Office of Geriatrics & Extended Care of the Veterans Health Administration, the preceding requirements of this section and sections 104 and 105, shall apply to such VA Office of Geriatrics & Extended Care with respect to self-directed care workers employed by that employer. Paragraph (1) of this subsection

AMERICAN OVERSIGHT

shall apply to the administration by the VA Office of Geriatrics & Extended Care of payments made under this title to such self-directed care workers on behalf of such employers in the same manner as such requirements apply to State Medicaid agencies.

(3) PENALTY ENFORCEMENT.—The Secretary of Labor shall consult with the Secretary of Health and Human Services and the Secretary of Veterans Affairs regarding the enforcement of penalties imposed under section 105(b)(2) with respect to violations of subparagraph (A) or (B) of section 105(b)(1) that involve self-directed workers for which the requirements of this section and sections 104 and 105 are applied to a State Medicaid agency under paragraph (1) or the VA Office of Geriatrics & Extended Care under paragraph (2).

(h) INTERACTION WITH STAFFORD ACT.—Nothing in this section shall nullify, supersede, or otherwise change a State's ability to seek reimbursement under section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b) for the costs of premium pay based on pre-disaster labor policies for eligible employees.

(i) CALCULATION OF PAID LEAVE UNDER FFCRA AND FMLA.—

AMERICAN OVERSIGHT

(1) FAMILIES FIRST CORONAVIRUS RESPONSE ACT.—Section 5110(5)(B) of the Families First Coronavirus Response Act (29 U.S.C. 2601 note) is amended by adding at the end the following:

"(iii) PANDEMIC PREMIUM PAY.—Compensation received by an employee under section 102(b) of the COVID–19 Heroes Fund Act of 2020 shall be included as remuneration for employment paid to the employee for purposes of computing the regular rate at which such employee is employed.".

(2) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section 110(b)(2)(B) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2620(b)(2)(B)) is amended by adding at the end the following:

"(iii) PANDEMIC PREMIUM PAY.—Compensation received by an employee under section 102(b) of the COVID–19 Heroes Fund Act of 2020 shall be included as remuneration for employment paid to the employee for purposes of computing the regular rate at which such employee is employed.".

AMERICAN OVERSIGHT

SEC. 170103. COVID–19 HEROES FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''COVID–19 Heroes Fund'' (referred to in this section as the ''Fund''), consisting of amounts appropriated to the fund under section 107.

(b) FUND ADMINISTRATION.—The Fund shall be administered by the Secretary of the Treasury.

(c) USE OF FUNDS.—Amounts in the Fund shall be available to the Secretary of the Treasury for carrying out section 104.

SEC. 170104. COVID–19 HEROES FUND GRANTS.

(a) GRANTS.—

(1) FOR PANDEMIC PREMIUM PAY.—The Secretary of the Treasury shall award a grant to each essential work employer that applies for a grant, in accordance with this section, for the purpose of providing premium pay to essential workers under section 102(b), including amounts paid under section 102(f).

(2) ELIGIBILITY.—

(A) ELIGIBLE EMPLOYERS GENERALLY.—Any essential work employer shall be eligible for a grant under paragraph (1).

(B) SELF-DIRECTED CARE WORKERS.—A self-directed care worker employed by an essen-

AMERICAN OVERSIGHT

tial work employer other than an essential work employer described in section 102(g), shall be eligible to apply for a grant under paragraph (1) in the same manner as an essential work employer. Such a worker shall provide premium pay to himself or herself in accordance with this section, including the recordkeeping and refund requirements of this section.

(b) AMOUNT OF GRANTS.—

(1) IN GENERAL.—The maximum amount available for making a grant under subsection (a)(1) to an essential work employer shall be equal to the sum of—

(A) the amount obtained by multiplying $10,000 by the number of essential workers the employer certifies, in the application submitted under subsection (c)(1), as employing, or providing remuneration to for services or labor, who are paid wages or remuneration by the employer at a rate that is less than the equivalent of $200,000 per year; and

(B) the amount obtained by multiplying $5,000 by the number of highly-compensated essential workers the employer certifies, in the application submitted under subsection (c)(1),

AMERICAN OVERSIGHT

as employing, or providing remuneration to for services or labor, who are paid wages or remuneration by the employer at a rate that is equal to or greater than the equivalent of $200,000 per year.

(2) NO PARTIAL GRANTS.—The Secretary of the Treasury shall not award a grant under this section in an amount less than the maximum described in paragraph (1).

(c) GRANT APPLICATION AND DISBURSAL.—

(1) APPLICATION.—Any essential work employer seeking a grant under subsection (a)(1) shall submit an application to the Secretary of the Treasury at such time, in such manner, and complete with such information as the Secretary may require.

(2) NOTICE AND CERTIFICATION.—

(A) IN GENERAL.—The Secretary of the Treasury shall, within 15 days after receiving a complete application from an essential work employer eligible for a grant under this section—

(i) notify the employer of the Secretary's findings with respect to the requirements for the grant; and

(ii)(I) if the Secretary finds that the essential work employer meets the require-

AMERICAN OVERSIGHT

ments under this section for a grant under subsection (a), provide a certification to the employer—

(aa) that the employer has met such requirements;

(bb) of the amount of the grant payment that the Secretary has determined the employer shall receive based on the requirements under this section; or

(II) if the Secretary finds that the essential work employer does not meet the requirements under this section for a grant under subsection (a), provide a notice of denial stating the reasons for the denial and provide an opportunity for administrative review by not later than 10 days after the denial.

(B) TRANSFER.—Not later than 7 days after making a certification under subparagraph (A)(ii) with respect to an essential work employer, the Secretary of the Treasury shall make the appropriate transfer to the employer of the amount of the grant.

(d) USE OF FUNDS.—

AMERICAN OVERSIGHT

(1) IN GENERAL.—An essential work employer receiving a grant under this section shall use the amount of the grant solely for the following purposes:

(A) Providing premium pay under section 102(b) to essential workers in accordance with the requirements for such payments under such section, including providing payments described in section 102(f) to the next of kin of essential workers in accordance with the requirements for such payments under such section.

(B) Paying employer payroll taxes with respect to premium pay amounts described in subparagraph (A), including such payments described in section 102(f).

Each dollar of a grant received by an essential work employer under this title shall be used as provided in subparagraph (A) or (B) or returned to the Secretary of the Treasury.

(2) NO OTHER USES AUTHORIZED.—An essential work employer who uses any amount of a grant for a purpose not required under paragraph (1) shall be—

(A) considered to have misused funds in violation of section 102; and

AMERICAN OVERSIGHT

(B) subject to the enforcement and remedies provided under section 105.

(3) REFUND.—

(A) IN GENERAL.—If an essential work employer receives a grant under this section and, for any reason, does not provide every dollar of such grant to essential workers in accordance with the requirements of this title, then the employer shall refund any such dollars to the Secretary of the Treasury not later than June 30, 2021. Any amounts returned to the Secretary shall be deposited into the Fund and be available for any additional grants under this section.

(B) REQUIREMENT FOR NOT REDUCING COMPENSATION.—An essential work employer who is required to refund any amount under this paragraph shall not reduce or otherwise diminish an eligible worker's compensation or benefits in response to or otherwise due to such refund.

(e) RECORDKEEPING.—An essential work employer that receives a grant under this section shall—

(1) maintain records, including payroll records, demonstrating how each dollar of funds received

AMERICAN OVERSIGHT

through the grant were provided to essential workers; and

(2) provide such records to the Secretary of the Treasury or the Secretary of Labor upon the request of either such Secretary.

(f) RECOUPMENT.—In addition to all other enforcement and remedies available under this title or any other law, the Secretary of the Treasury shall establish a process under which the Secretary shall recoup the amount of any grant awarded under subsection (a)(1) if the Secretary determines that the essential work employer receiving the grant—

(1) did not provide all of the dollars of such grant to the essential workers of the employer;

(2) did not, in fact, have the number of essential workers certified by the employer in accordance with subparagraphs (A) and (B) of subsection (b)(1);

(3) did not pay the essential workers for the number of hours the employer claimed to have paid; or

(4) otherwise misused funds or violated this title.

(g) SPECIAL RULE FOR CERTAIN EMPLOYEES OF TRIBAL EMPLOYERS.—Essential workers of Tribal em-

AMERICAN OVERSIGHT

ployers who receive funds under title II shall not be eligible to receive funds from grants under this section.

(h) TAX TREATMENT.—

(1) EXCLUSION FROM INCOME.—For purposes of the Internal Revenue Code of 1986, any grant received by an essential work employer under this section shall not be included in the gross income of such essential work employer.

(2) DENIAL OF DOUBLE BENEFIT.—

(A) IN GENERAL.—In the case of an essential work employer that receives a grant under this section—

(i) amounts paid under subsections (b) or (f) of section 102 shall not be taken into account as wages for purposes of sections 41, 45A, 51, or 1396 of the Internal Revenue Code of 1986 or section 2301 of the CARES Act (Public Law 116–136); and

(ii) any deduction otherwise allowable under such Code for applicable payments during any taxable year shall be reduced (but not below zero) by the excess (if any) of—

AMERICAN OVERSIGHT

(I) the aggregate amounts of grants received under this section; over

(II) the sum of any amount refunded under subsection (d) plus the aggregate amount of applicable payments made for all preceding taxable years.

(B) APPLICABLE PAYMENTS.—For purposes of this paragraph, the term ''applicable payments'' means amounts paid as premium pay under subsections (b) or (f) of section 102 and amounts paid for employer payroll taxes with respect to such amounts.

(C) AGGREGATION RULE.—Rules similar to the rules of subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall apply for purposes of this section.

(3) INFORMATION REPORTING.—The Secretary of the Treasury shall submit to the Commissioner of Internal Revenue statements containing—

(A) the name and tax identification number of each essential work employer receiving a grant under this section;

(B) the amount of such grant; and

AMERICAN OVERSIGHT

(C) any amounts refunded under section (d)(3).

(i) REPORTS.—

(1) IN GENERAL.—Not later than 30 days after obligating the last dollar of the funds appropriated under this title, the Secretary of the Treasury shall submit a report, to the Committees of Congress described in paragraph (2), that—

(A) certifies that all funds appropriated under this title have been obligated; and

(B) indicates the number of pending applications for grants under this section that will be rejected due to the lack of funds.

(2) COMMITTEES OF CONGRESS.—The Committees of Congress described in this paragraph are—

(A) the Committee on Ways and Means of the House of Representatives;

(B) the Committee on Education and Labor of the House of Representatives;

(C) the Committee on Finance of the Senate; and

(D) the Committee on Health, Education, Labor, and Pensions of the Senate.

AMERICAN OVERSIGHT

SEC. 170105. ENFORCEMENT AND OUTREACH.

(a) DUTIES OF SECRETARY OF LABOR.—The Secretary of Labor shall—

(1) have authority to enforce the requirements of section 102, in accordance with subsections (b) through (e);

(2) conduct outreach as described in subsection (f); and

(3) coordinate with the Secretary of the Treasury as needed to carry out the Secretary of Labor's responsibilities under this section.

(b) PROHIBITED ACTS, PENALTIES, AND ENFORCEMENT.—

(1) PROHIBITED ACTS.—It shall be unlawful for a person to—

(A) violate any provision of section 102 applicable to such person; or

(B) discharge or in any other manner discriminate against any essential worker because such essential worker has filed any complaint or instituted or caused to be instituted any proceeding under or related to this title, or has testified or is about to testify in any such proceeding.

(2) ENFORCEMENT AND PENALTIES.—

AMERICAN OVERSIGHT

(A) PREMIUM PAY VIOLATIONS.—A violation described in paragraph (1)(A) shall be deemed a violation of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) and unpaid amounts required under this section shall be treated as unpaid overtime compensation under such section 7 for the purposes of sections 15 and 16 of such Act (29 U.S.C. 215 and 216).

(B) DISCHARGE OR DISCRIMINATION.—A violation of paragraph (1)(B) shall be deemed a violation of section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)).

(c) INVESTIGATION.—

(1) IN GENERAL.—To ensure compliance with the provisions of section 102, including any regulation or order issued under that section, the Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)). For the purposes of any investigation provided for in this subsection, the Secretary of Labor shall have the subpoena authority provided for under section 9 of such Act (29 U.S.C. 209).

AMERICAN OVERSIGHT

(2) STATE AGENCIES.—The Secretary of Labor may, for the purpose of carrying out the functions and duties under this section, utilize the services of State and local agencies in accordance with section 11(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(b)).

(d) ESSENTIAL WORKER ENFORCEMENT.—

(1) RIGHT OF ACTION.—An action alleging a violation of paragraph (1) or (2) of subsection (b) may be maintained against an essential work employer receiving a grant under section 104 in any Federal or State court of competent jurisdiction by one or more essential workers or their representative for and on behalf of the essential workers, or the essential workers and others similarly situated, in the same manner, and subject to the same remedies (including attorney's fees and costs of the action), as an action brought by an employee alleging a violation of section 7 or 15(a)(3), respectively, of the Fair Labor Standards Act of 1938 (29 U.S.C. 207, 215(a)(3)).

(2) NO WAIVER.—In an action alleging a violation of paragraph (1) or (2) of subsection (b) brought by one or more essential workers or their representative for and on behalf of the persons as

AMERICAN OVERSIGHT

described in paragraph (1), to enforce the rights in section 102, no court of competent jurisdiction may grant the motion of an essential work employer receiving a grant under section 104 to compel arbitration, under chapter 1 of title 9, United States Code, or any analogous State arbitration statute, of the claims involved. An essential worker's right to bring an action described in paragraph (1) or subsection (b)(2)(A) on behalf of similarly situated essential workers to enforce such rights may not be subject to any private agreement that purports to require the essential workers to pursue claims on an individual basis.

(e) RECORDKEEPING.—An essential work employer receiving a grant under section 104 shall make, keep, and preserve records pertaining to compliance with section 102 in accordance with section 11(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(c)) and in accordance with regulations prescribed by the Secretary of Labor.

(f) OUTREACH AND EDUCATION.—Out of amounts appropriated to the Secretary of the Treasury under section 107 for a fiscal year, the Secretary of the Treasury shall transfer, to the Secretary of Labor, an amount equal to 0.50 percent of such funds, of which the Secretary of Labor shall use—

AMERICAN OVERSIGHT

(1) 0.25 percent of such funds for outreach to essential work employers and essential workers regarding the premium pay under section 102; and

(2) 0.25 percent of such funds to implement an advertising campaign encouraging large essential work employers to provide the same premium pay provided for by section 102 using the large essential work employers' own funds and without utilizing grants under this title.

(g) CLARIFICATION OF ENFORCING OFFICIAL.—Nothing in the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16a et seq.) or section 3(e)(2)(C) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)(2)(C)) shall be construed to prevent the Secretary of Labor from carrying out the authority of the Secretary under this section in the case of State employees described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a)).

SEC. 170106. FUNDING FOR THE DEPARTMENT OF THE TREASURY OFFICE OF INSPECTOR GENERAL.

There is appropriated, out of money in the Treasury not otherwise appropriated, to the Office of the Inspector General of the Department of the Treasury, $1,000,000 to carry out audits, investigations, and other oversight activities authorized under the Inspector General Act of

AMERICAN OVERSIGHT

1978 (5 U.S.C. App.) that are related to the provisions of, and amendments made by, this title, to remain available until December 31, 2022.

SEC. 170107. AUTHORIZATION AND APPROPRIATIONS.

There is authorized to be appropriated, and there is hereby appropriated, $180,000,000,000 to carry out this title, to remain available until expended, to carry out this title.

TITLE II—PROVISIONS RELATING TO FEDERAL EMPLOYEES AND COVID–19

SEC. 170201. DEFINITIONS.

In this title—

(1) the term ''agency''—

(A) means—

(i) each agency, office, or other establishment in the executive, legislative, or judicial branch of the Federal Government, including—

(I) an Executive agency, as that term is defined in section 105 of title 5, United States Code;

(II) a military department, as that term is defined in section 102 of title 5, United States Code;

AMERICAN OVERSIGHT

(III) the Federal Aviation Administration;

(IV) the Transportation Security Administration;

(V) the Department of Veterans Affairs; and

(VI) the Government Accountability Office;

(ii) the District of Columbia courts and the District of Columbia Public Defender Service; and

(iii)(I) an Indian tribe or tribal organization carrying out a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.);

(II) an Indian tribe or tribal organization that receives a grant under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.); and

(III) an urban Indian organization that receives a grant or carries out a contract under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.); and

(B) does not include—

(i) the United States Postal Service or the Postal Regulatory Commission; or

(ii) a nonappropriated fund instrumentality under the jurisdiction of the Armed Forces;

(2) the term ''covered duty''—

(A) means duty that requires—

(i) an employee to have regular or routine contact with the public; or

(ii) the reporting of an employee to a worksite at which—

(I) social distancing is not possible, consistent with the regularly assigned duties of the position of the employee; and

(II) other preventative measures with respect to COVID–19 are not available; and

(B) does not include duty that an employee performs while teleworking from a residence;

(3) the term ''covered period'' means the period beginning on the date on which the Secretary of Health and Human Services declared a public health emergency under section 319 of the Public Health

AMERICAN OVERSIGHT

Service Act (42 U.S.C. 247d) with respect to COVID–19 and ending on the date that is 60 days after the date on which that public health emergency terminates; and

(4) the term ''employee''—

(A) means an employee of an agency;

(B) includes—

(i) any employee of an agency who occupies a position within the General Schedule under subchapter III of chapter 53 of title 5, United States Code;

(ii) any employee of an agency whose pay is fixed and adjusted from time to time in accordance with prevailing rates under subchapter IV of chapter 53 of title 5, United States Code, or by a wage board or similar administrative authority serving the same purpose;

(iii) an official or employee of an Indian tribe, tribal organization, or urban Indian organization described in paragraph (1)(A)(iii);

(iv) each employee of the Department of Veterans Affairs, including an employee appointed under chapter 74 of title 38,

AMERICAN OVERSIGHT

United States Code, without regard to whether section 7421(a) of that title, section 7425(b) of that title, or any other provision of chapter 74 of that title is inconsistent with that inclusion; and

(v) any other individual occupying a position in the civil service, as that term is defined in section 2101 of title 5, United States Code; and

(C) does not include—

(i) a member of the uniformed services, as that term is defined in section 2101 of title 5, United States Code;

(ii) an employee of an agency who occupies a position within the Executive Schedule under any of sections 5312 through 5316 of title 5, United States Code;

(iii) an individual in a Senior Executive Service position, unless the individual is a career appointee, as those terms are defined in section 3132(a) of title 5, United States Code;

(iv) an individual serving in a position of a confidential or policy-determining

AMERICAN OVERSIGHT

character under Schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, or any successor regulations;

(v) a member of the Senate or House of Representatives, a Delegate to the House of Representatives, or the Resident Commissioner from Puerto Rico; or

(vi) an employee of the personal office of an individual described in clause (v), of a leadership office of the Senate or the House of Representatives, of a committee of the Senate or the House of Representatives, or of a joint committee of Congress.

SEC. 170202. PANDEMIC DUTY DIFFERENTIAL.

(a) IN GENERAL.—There is established a schedule of pay differentials for covered duty as follows:

(1) An employee is entitled to pay for that covered duty at the rate of basic pay, which includes any differential or other premium pay paid for regularly scheduled work of the employee other than the differential established under this section, of the employee plus premium pay of $13 per hour.

(2) The total amount of premium pay paid to an employee under paragraph (1) shall be—

AMERICAN OVERSIGHT

(A) with respect to an employee whose annual rate of basic pay is less than $200,000, not more than $10,000 reduced by employer payroll taxes (as defined in section 101(4)) with respect to such premium pay; and

(B) with respect to an employee whose annual rate of basic pay is not less than $200,000, not more than $5,000 reduced by employer payroll taxes (as so defined) with respect to such premium pay.

(b) PAY.—

(1) IN GENERAL.—With respect to the covered period, an employee is entitled to be paid the applicable differential established under subsection (a) for any period, including any period during the covered period that precedes the date of enactment of this Act, in which the employee is carrying out covered duty, subject to the applicable limitations under that subsection.

(2) RETROACTIVE PAYMENT.—With respect to a payment earned by an employee under this section for a period during the covered period that precedes the date of enactment of this Act, the employee shall be paid that payment in a lump sum payment as soon as is practicable after that date of enactment.

AMERICAN OVERSIGHT

(c) GUIDANCE AND REGULATIONS.—

(1) EXECUTIVE BRANCH.—

(A) IN GENERAL.—The Office of Personnel Management shall develop criteria for agencies in the executive branch of the Federal Government regarding the means by which to determine the eligibility of an employee in such an agency for the pay differential established under this section, which shall—

(i) be based on—

(I) the duties performed by the employee;

(II) the setting in which the employee performs the duties described in subclause (I); and

(III) the interactions with the public required in order for the employee to perform the duties described in subclause (I); and

(ii) apply equally to all such agencies.

(B) REGULATIONS.—The Office of Personnel Management may prescribe regulations implementing the pay differential under this section with respect to employees in the executive branch of the Federal Government.

AMERICAN OVERSIGHT

(2) OTHER BRANCHES, CERTAIN DC EMPLOYEES, AND CERTAIN TRIBAL OFFICIALS.—

(A) IN GENERAL.—The employing authority for each agency that is not in the executive branch of the Federal Government—

(i) shall develop criteria regarding the means by which to determine the eligibility of an employee in such an agency for the pay differential established under this section; and

(ii) may prescribe regulations implementing the pay differential under this section with respect to employees in the applicable agency.

(B) CONSISTENCY WITH OPM GUIDANCE AND REGULATIONS.—Any criteria developed, and regulations prescribed, by an agency under subparagraph (A) shall, to the extent practicable, be comparable to any criteria developed and regulations prescribed by the Office of Personnel Management under paragraph (1).

SEC. 170203. LIMITATION ON PREMIUM PAY.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 5547 of title 5, United States Code, or a provision of any other Federal, State, or Tribal law

AMERICAN OVERSIGHT

that imposes a limitation on the amount of premium pay (including any premium pay paid under section 202 and any overtime pay paid for covered duty) that may be payable to an employee, an employee may be paid such premium pay to the extent that the payment does not cause the aggregate of basic pay and such premium pay for service performed in that calendar year by that employee to exceed the annual rate of basic pay payable for level II of the Executive Schedule, as of the end of the calendar year.

(b) APPLICABILITY OF AGGREGATE LIMITATION ON PAY.—In determining whether a payment to an employee is subject to the limitation under section 5307(a) of title 5, United States Code, a payment described in subsection (a) shall not apply.

(c) APPLICABILITY OF CARES ACT.—The authority provided under this section shall be considered to be in addition to, and not a replacement for, the authority provided under section 18110 of title VIII of the CARES Act (Public Law 116–136).

(d) RETROACTIVE EFFECT.—This section shall take effect as if enacted on the date on which the covered period began.

AMERICAN OVERSIGHT

SEC. 170204. AUTHORIZATION AND APPROPRIATION.

There is authorized to be appropriated, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $10,000,000,000, to remain available until expended, for the offices and agencies described in subsection (b) of this section to carry out section 170202 and section 170203 of this title and to make transfers authorized under subsection (a) of this section.

(a) OFFICES AND AGENCIES.—The offices and agencies described in this subsection are—

(1) the Office of the Sergeant at Arms and Doorkeeper of the Senate;

(2) the Office of the Clerk of the House of Representatives;

(3) the Office of the Sergeant at Arms of the House of Representatives;

(4) the Office of the Chief Administrative Officer of the House of Representatives;

(5) the Office of the Attending Physician;

(6) the Capitol Police;

(7) the Office of the Architect of the Capitol;

(8) the Library of Congress;

(9) the Government Publishing Office;

(10) the Government Accountability Office;

(11) the Office of Personnel Management;

AMERICAN OVERSIGHT

(12) the Administrative Office of the United States Courts; and

(13) the District of Columbia Courts.

(b) TRANSFER AUTHORITY.—

(1) OPM.—The Office of Personnel Management may transfer funds made available under this section to other Federal agencies within the executive branch to reimburse such agencies for costs incurred to implement this title.

(2) AOUSC.—The Administrative Office of the United States Courts may transfer funds made available under this section to other entities within the judicial branch to reimburse the entities for costs incurred to implement this title.

(3) DC COURTS.—The District of Columbia Courts may transfer funds made available under this section to the District of Columbia Public Defender Service to reimburse the agency for costs incurred to implement this title.

TITLE III—COORDINATION OF BENEFITS WITH OTHER PROGRAMS AND LAWS

SEC. 170301. COORDINATION WITH OTHER BENEFITS.

(a) DISREGARD FOR PURPOSES OF FEDERAL AND STATE PROGRAMS.—Any payment provided under this

AMERICAN OVERSIGHT

Act shall not be regarded as income and shall not be regarded as a resource for the month of receipt and the following 12 months, for purposes of determining the eligibility of the recipient (or the recipient's spouse or family) for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(b) AMOUNTS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF PREMIUM TAX CREDIT.—

(1) IN GENERAL.—For purposes of determining modified adjusted gross income under section 36B(d)(2)(B) of the Internal Revenue Code of 1986, adjusted gross income shall be reduced by any amounts received under subsection (b), including pursuant to subsection (f), of section 170102 or by reason of section 170202.

(2) EXCEPTION.—Paragraph (1) shall not apply to the extent such reduction results in an amount of household income (as defined in section 36B(d)(2)(A) of such Code) of a taxpayer that is less than 100 percent of the poverty line (as defined in section 36B(d)(3) of such Code) for a family of the size involved (as determined under the rules of section 36B(d)(1) of such Code).

AMERICAN OVERSIGHT

(3) REPORTING.—

(A) IN GENERAL.—Any employer that makes an applicable payment during a calendar year shall include as a separately stated item on any written statement required under section 6051 of the Internal Revenue Code of 1986 or any return or statement required by the Secretary of the Treasury (or the Secretary's delegate) with respect to nonemployee compensation the aggregate amount of each type of applicable payments so made.

(B) APPLICABLE PAYMENTS.—For purposes of this paragraph, the term ''applicable payments'' means—

(i) amounts paid as premium pay under section 170102(b), including amounts paid pursuant to section 170102(f); and

(ii) amounts paid by reason of section 170202.

(c) EMPLOYMENT TAX TREATMENT FOR AMOUNTS PAID THROUGH GRANTS.—

(1) IN GENERAL.—For purposes of section 3111(a) of the Internal Revenue Code of 1986, any

AMERICAN OVERSIGHT

amounts required to be paid by reason of this Act shall not be considered wages.

(2) RAILROAD RETIREMENT TAXES.—For purposes of section 3221(a) of the Internal Revenue Code of 1986, the amount of tax imposed under such section for any calendar year in which an employer is required to pay amounts under this Act shall be equal to the sum of—

(A) the product of the rate in effect under section 3111(a) of such Code and the compensation (reduced by any amounts required to be paid by reason of this Act) paid during any calendar year by such employer for services rendered to such employer; and

(B) the product of the rate in effect under section 3111(b) of such Code and the compensation paid during any calendar year by such employer for services rendered to such employer.

(3) SELF-EMPLOYED INDIVIDUALS.—

(A) IN GENERAL.—In the case of the tax imposed by section 1401(a) of the Internal Revenue Code of 1986, the self-employment income for any taxable year in which the individual received a payment required to be made under

AMERICAN OVERSIGHT

this Act shall be reduced by 50 percent of the amount of payments so made.

(B) REGULATORY AUTHORITY.—The Secretary of the Treasury (or the Secretary's delegate) shall prescribe regulations or other guidance for the application of sections 164(f) and 1402(a)(12) of the Internal Revenue Code of 1986 with respect to amounts to which subparagraph (A) applies.

(4) TRANSFERS TO TRUST FUNDS.—There are hereby appropriated to the Federal Old Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) and the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(a)) amounts equal to the reduction in revenues to the Treasury by reason of this subsection (without regard to this paragraph). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund or Account had this section not been enacted.

AMERICAN OVERSIGHT

SEC. 170302. CLARIFICATION OF COORDINATION WITH OTHER LAWS.

(a) ESSENTIAL WORKERS RIGHTS AND BENEFITS.—Nothing in this Act shall be construed to allow noncompliance with or in any way to diminish, and shall instead be construed to be in addition to, the rights or benefits that an essential worker is entitled to under any—

(1) Federal, State, or local law, including regulation;

(2) collective bargaining agreement; or

(3) employer policy.

(b) TITLE 5.—Nothing in this Act shall be construed to affect the application of the provisions of sections 5343 or 5545 of title 5, United States Code, with respect to pay differentials for duty involving unusual physical hardship or hazard, or environmental differentials.

SEC. 170303. APPLICABILITY OF FAIR LABOR STANDARDS ACT OF 1938 TO SOVEREIGN TRIBAL EMPLOYERS.

The receipt of any funds through a grant under section 104, or any funds under title II, by a sovereign Tribal employer, as defined in section 101(12), shall not expand, constrict, or alter the application of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to such sovereign Tribal employer.

AMERICAN OVERSIGHT

DIVISION R—CHILD NUTRITION AND RELATED PROGRAMS

SEC. 180001. SHORT TITLE.

This division may be cited as the ''Child Nutrition and Related Programs Recovery Act''.

SEC. 180002. EMERGENCY COSTS FOR CHILD NUTRITION PROGRAMS DURING COVID–19 PANDEMIC.

(a) USE OF CERTAIN APPROPRIATIONS TO COVER EMERGENCY OPERATIONAL COSTS UNDER SCHOOL MEAL PROGRAMS.—

(1) IN GENERAL.—

(A) REQUIRED ALLOTMENTS.—Notwithstanding any other provision of law, the Secretary shall allocate to each State that participates in the reimbursement program under paragraph (3) such amounts as may be necessary to carry out reimbursements under such paragraph for each reimbursement month, including, subject to paragraph (4)(B), administrative expenses necessary to make such reimbursements.

(B) GUIDANCE WITH RESPECT TO PROGRAM.—Not later than 10 days after the date of the enactment of this section, the Secretary

AMERICAN OVERSIGHT

shall issue guidance with respect to the reimbursement program under paragraph (3).

(2) REIMBURSEMENT PROGRAM APPLICATION.—To participate in the reimbursement program under paragraph (3), not later than 30 days after the date described in paragraph (1), a State shall submit an application to the Secretary that includes a plan to calculate and disburse reimbursements under the reimbursement program under paragraph (3).

(3) REIMBURSEMENT PROGRAM.—Using the amounts allocated under paragraph (1)(A), a State participating in the reimbursement program under this paragraph shall make reimbursements for emergency operational costs for each reimbursement month as follows:

(A) For each new school food authority in the State for the reimbursement month, an amount equal to 55 percent of the amount equal to—

(i) the average monthly amount such new school food authority was reimbursed under the reimbursement sections for meals and supplements served by such new

AMERICAN OVERSIGHT

school food authority during the alternate period; minus

(ii) the amount such new school food authority was reimbursed under the reimbursement sections for meals and supplements served by such new school food authority during such reimbursement month.

(B) For each school food authority not described in subparagraph (A) in the State for the reimbursement month, an amount equal to 55 percent of—

(i) the amount such school food authority was reimbursed under the reimbursement sections for meals and supplements served by such school food authority for the month beginning one year before such reimbursement month; minus

(ii) the amount such school food authority was reimbursed under the reimbursement sections for meals and supplements served by such school food authority during such reimbursement month.

(4) TREATMENT OF FUNDS.—

(A) AVAILABILITY.—Funds allocated to a State under paragraph (1)(A) shall remain available until March 30, 2021.

(B) ADMINISTRATIVE EXPENSES.—A State may reserve not more than 1 percent of the funds allocated under paragraph (1)(A) for administrative expenses to carry out this subsection.

(C) UNEXPENDED BALANCE.—On September 30, 2021, any amounts allocated to a State under paragraph (1)(A) or reimbursed to a school food authority or new school food authority under paragraph (3) that are unexpended by such State, school food authority, or new school food authority shall revert to the Secretary.

(5) REPORTS.—Each State that carries out a reimbursement program under paragraph (3) shall, not later than September 30, 2021, submit a report to the Secretary that includes a summary of the use of such funds by the State and each school food authority and new school food authority in such State.

(b) USE OF CERTAIN APPROPRIATIONS TO COVER CHILD AND ADULT CARE FOOD PROGRAM CHILD CARE

AMERICAN OVERSIGHT

OPERATIONAL EMERGENCY COSTS DURING COVID–19 PANDEMIC.—

(1) IN GENERAL.—

(A) REQUIRED ALLOTMENTS.—Notwithstanding any other provision of law, the Secretary shall allocate to each State that participates in the reimbursement program under paragraph (3) such amounts as may be necessary to carry out reimbursements under such paragraph for each reimbursement month, including, subject to paragraph (4)(C), administrative expenses necessary to make such reimbursements.

(B) GUIDANCE WITH RESPECT TO PROGRAM.—Not later than 10 days after the date of the enactment of this section, the Secretary shall issue guidance with respect to the reimbursement program under paragraph (3).

(2) REIMBURSEMENT PROGRAM APPLICATION.—To participate in the reimbursement program under paragraph (3), not later than 30 days after the date described in paragraph (1), a State shall submit an application to the Secretary that includes a plan to calculate and disburse reimburse-

AMERICAN OVERSIGHT

ments under the reimbursement program under paragraph (3).

(3) REIMBURSEMENT AMOUNT.—Using the amounts allocated under paragraph (1)(A), a State participating in the reimbursement program under this paragraph shall make reimbursements for child care operational emergency costs for each reimbursement month as follows:

(A) For each new covered institution in the State for the reimbursement month, an amount equal to 55 percent of—

(i) the average monthly amount such covered institution was reimbursed under subsection (c) and subsection (f) of section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) for meals and supplements served by such new covered institution during the alternate period; minus

(ii) the amount such covered institution was reimbursed under such section for meals and supplements served by such new covered institution during such reimbursement month.

AMERICAN OVERSIGHT

(B) For each covered institution not described in subparagraph (A) in the State for the reimbursement month, an amount equal to 55 percent of—

(i) the amount such covered institution was reimbursed under subsection (c) and subsection (f) of section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) for meals and supplements served by such covered institution during the month beginning one year before such reimbursement month; minus

(ii) the amount such covered institution was reimbursed under such section for meals and supplements served by such covered institution during such reimbursement month.

(C) For each new sponsoring organization of a family or group day care home in the State for the reimbursement month, an amount equal to 55 percent of—

(i) the average monthly amount such new sponsoring organization of a family or group day care home was reimbursed under section 17(f)(3)(B) of the Richard

AMERICAN OVERSIGHT

B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)(B)) for administrative funds for the alternate period; minus

(ii) the amount such new sponsoring organization of a family or group day care home was reimbursed under such section for administrative funds for the reimbursement month.

(D) For each sponsoring organization of a family or group day care home not described in subparagraph (C) in the State for the reimbursement month, an amount equal to 55 percent of—

(i) the amount such sponsoring organization of a family or group day care home was reimbursed under section 17(f)(3)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)(B)) for administrative funds for the month beginning one year before such reimbursement month; minus

(ii) the amount such sponsoring organization of a family or group day care home was reimbursed under such section

AMERICAN OVERSIGHT

for administrative funds for such reimbursement month.

(4) TREATMENT OF FUNDS.—

(A) AVAILABILITY.—Funds allocated to a State under paragraph (1)(A) shall remain available until March 30, 2021.

(B) UNAFFILIATED CENTER.—In the case of a covered institution or a new covered institution that is an unaffiliated center that is sponsored by a sponsoring organization and receives funds for a reimbursement month under subparagraph (A) or (B), such unaffiliated center shall provide to such sponsoring organization an amount of such funds as agreed to by the sponsoring organization and the unaffiliated center, except such amount may not be greater be than 15 percent of such funds.

(C) ADMINISTRATIVE EXPENSES.—A State may reserve not more than 1 percent of the funds allocated under paragraph (1)(A) for administrative expenses to carry out this subsection.

(D) UNEXPENDED BALANCE.—On September 30, 2021, any amounts allocated to a State under paragraph (1)(A) or reimbursed to

AMERICAN OVERSIGHT

a new covered institution, covered institution, new sponsoring organization of a family or group day care home, or sponsoring organization of a family or group day care home that are unexpended by such State, new covered institution, covered institution, new sponsoring organization of a family or group day care home, or sponsoring organization of a family or group day care home, shall revert to the Secretary.

(5) REPORTS.—Each State that carries out a reimbursement program under paragraph (3) shall, not later than September 30, 2021, submit a report to the Secretary that includes a summary of the use of such funds by the State and each new covered institution, covered institution, new sponsoring organization of a family or group day care home, or sponsoring organization of a family or group day care home.

(c) DEFINITIONS.—In this section:

(1) ALTERNATE PERIOD.—The term ''alternate period'' means the period beginning January 1, 2020 and ending February 29, 2020.

(2) EMERGENCY OPERATIONAL COSTS.—The term ''emergency operational costs'' means the costs

AMERICAN OVERSIGHT

incurred by a school food authority or new school food authority—

(A) during a public health emergency;

(B) that are related to the ongoing operation, modified operation, or temporary suspension of operation (including administrative costs) of such school food authority or new school food authority; and

(C) except as provided under subsection (a), that are not reimbursed under a Federal grant.

(3) CHILD CARE OPERATIONAL EMERGENCY COSTS.—The term ''child care operational emergency costs'' means the costs under the child and adult care food program under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) incurred by a new covered institution, covered institution, new sponsoring organization of a family or group day care home, or sponsoring organization of a family or group day care home—

(A) during a public health emergency;

(B) that are related to the ongoing operation, modified operation, or temporary suspension of operation (including administrative costs) of such new covered institution, covered

AMERICAN OVERSIGHT

institution, new sponsoring organization of a family or group day care home, sponsoring organization of a family or group day care home, or sponsoring organization of an unaffiliated center; and

(C) except as provided under subsection (b), that are not reimbursed under a Federal grant.

(4) COVERED INSTITUTION.—The term ''covered institution'' means—

(A) an institution (as defined in section 17(a)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2))); and

(B) a family or group day care home.

(5) NEW COVERED INSTITUTION.—The term ''new covered institution'' means a covered institution for which no reimbursements were made for meals and supplements under section 17(c) or (f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) with respect to the previous reimbursement period.

(6) NEW SCHOOL FOOD AUTHORITY.—The term ''new school food authority'' means a school food authority for which no reimbursements were made

AMERICAN OVERSIGHT

under the reimbursement sections with respect to the previous reimbursement period.

(7) NEW SPONSORING ORGANIZATION OF A FAMILY OR GROUP DAY CARE.—The term ''new sponsoring organization of a family or group day care'' means a sponsoring organization of a family or group day care home for which no reimbursements for administrative funds were made under section 17(f)(3)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)(B)) for the previous reimbursement period.

(8) PREVIOUS REIMBURSEMENT PERIOD.—The term ''previous reimbursement period'' means the period beginning March 1, 2019 and ending June 30, 2019.

(9) PUBLIC HEALTH EMERGENCY.—The term ''public health emergency'' means a public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) resulting from the COVID–19 pandemic.

(10) REIMBURSEMENT MONTH.—The term ''reimbursement month'' means March 2020, April 2020, May 2020, and June 2020.

(11) REIMBURSEMENT SECTIONS.—The term ''reimbursement sections'' means—

AMERICAN OVERSIGHT

(A) section 4(b), section 11(a)(2), section 13, and section 17A(c) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1753(b); 42 U.S.C. 1759a(a)(2); 42 U.S.C. 1761; 42 U.S.C. 1766a(c)); and

(B) section 4 of the Child Nutrition Act (42 U.S.C. 1773).

(12) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(13) STATE.— The term ''State'' has the meaning given such term in section 12(d)(8) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)(8)).

SEC. 180003. AMENDMENTS TO THE PANDEMIC EBT ACT.

Section 1101 of the Families First Coronavirus Response Act (Public Law 116–127) is amended—

(1) in subsection (a)—

(A) by striking ''fiscal year 2020'' and inserting ''fiscal years 2020 and 2021'';

(B) by striking ''during which the school would otherwise be in session''; and

(C) by inserting ''until the school reopens'' after ''assistance'';

(2) in subsection (b)—

AMERICAN OVERSIGHT

(A) by inserting ''and State agency plans for child care covered children in accordance with subsection (i)'' after ''with eligible children'';

(B) by inserting '', a plan to enroll children who become eligible children during a public health emergency designation'' before '', and issuances'';

(C) by striking ''in an amount not less than the value of meals at the free rate over the course of 5 school days'' and inserting ''in accordance with subsection (h)(1)''; and

(D) by inserting ''and for each child care covered child in the household'' before the period at the end;

(3) in subsection (c), by inserting ''or child care center'' after ''school'';

(4) by amending subsection (e) to read as follows:

''(e) RELEASE OF INFORMATION.—Notwithstanding any other provision of law, the Secretary of Agriculture may authorize—

''(1) State educational agencies and school food authorities administering a school lunch program under the Richard B. Russell National School Lunch

AMERICAN OVERSIGHT

Act (42 U.S.C. 1751 et seq.) to release to appropriate officials administering the supplemental nutrition assistance program such information as may be necessary to carry out this section with respect to eligible children; and

''(2) State agencies administering a child and adult care food program under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) to release to appropriate officials administering the supplemental nutrition assistance program such information as may be necessary to carry out this section with respect to child care covered children.'';

(5) by amending subsection (g) to read as follows:

''(g) AVAILABILITY OF COMMODITIES.—

''(1) IN GENERAL.—Subject to paragraph (2), during fiscal year 2020, the Secretary of Agriculture may purchase commodities for emergency distribution in any area of the United States during a public health emergency designation.

''(2) PURCHASES.—Funds made available to carry out this subsection on or after the date of the enactment of the Child Nutrition and Related Pro-

AMERICAN OVERSIGHT

grams Recovery Act may only be used to purchase commodities for emergency distribution—

"(A) under commodity distribution programs and child nutrition programs that were established and administered by the Food and Nutrition Service on or before the day before the date of the enactment of the Families First Coronavirus Response Act (Public Law 116–127); or

"(B) to Tribal organizations (as defined in section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012)), that are not administering the food distribution program established under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)).".

(6) by redesignating subsections (h) and (i) as subsections (l) and (m);

(7) by inserting after subsection (g) the following:

"(h) AMOUNT OF BENEFITS.—

"(1) IN GENERAL.—A household shall receive benefits under this section in an amount equal to 1 breakfast and 1 lunch at the free rate for each eligible child or child care covered child in such household for each day.

AMERICAN OVERSIGHT

''(2) TREATMENT OF NEWLY ELIGIBLE CHILDREN.—In the case of a child who becomes an eligible child during a public health emergency designation, the Secretary and State agency shall—

''(A) if such child becomes an eligible child during school year 2019–2020, treat such child as if such child was an eligible child as of the date the school in which the child is enrolled closed; and

''(B) if such child becomes an eligible child after school year 2019–2020, treat such child as an eligible child as of the first day of the month in which such child becomes so eligible.

''(i) CHILD CARE COVERED CHILD ASSISTANCE.—

''(1) IN GENERAL.—During fiscal years 2020 and 2021, in any case in which a child care center is closed for at least 5 consecutive days during a public health emergency designation, each household containing at least 1 member who is a child care covered child attending the child care center shall be eligible until the schools in the State in which such child care center is located reopen, as determined by the Secretary, to receive assistance pursuant to—

''(A) a State agency plan approved under subsection (b) that includes—

AMERICAN OVERSIGHT

"(i) an application by the State agency seeking to participate in the program under this subsection; and

"(ii) a State agency plan for temporary emergency standards of eligibility and levels of benefits under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) for households with child care covered children; or

"(B) an addendum application described in paragraph (2).

"(2) ADDENDUM APPLICATION.—In the case of a State agency that submits a plan to the Secretary of Agriculture under subsection (b) that does not include an application or plan described in clauses (i) and (ii) of paragraph (1)(A), such State agency may apply to participate in the program under this subsection by submitting to the Secretary of Agriculture an addendum application for approval that includes a State agency plan described in such clause (ii).

"(3) REQUIREMENTS FOR PARTICIPATION.—A State agency may not participate in the program under this subsection if—

"(A) the State agency plan submitted by such State agency under subsection (b) with re-

AMERICAN OVERSIGHT

spect to eligible children is not approved by the Secretary under such subsection; or

"(B) the State agency plan submitted by such State agency under subsection (b) or this subsection with respect to child care covered children is not approved by the Secretary under either such subsection.

"(4) AUTOMATIC ENROLLMENT.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall deem a child who is less than 6 years of age to be a child care covered child eligible to receive assistance under this subsection if—

"(i) the household with such child attests that such child is a child care covered child;

"(ii) such child resides in a household that includes an eligible child;

"(iii) such child receives cash assistance benefits under the temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

"(iv) such child receives assistance under the Child Care and Development

AMERICAN OVERSIGHT

Block Grant Act of 1990 (42 U.S.C. 9857 et seq.);

"(v) such child is—

"(I) enrolled as a participant in a Head Start program authorized under the Head Start Act (42 U.S.C. 9831 et seq.);

"(II) a foster child whose care and placement is the responsibility of an agency that administers a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq.);

"(III) a foster child who a court has placed with a caretaker household; or

"(IV) a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));

"(vi) such child participates in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

AMERICAN OVERSIGHT

"(vii) through the use of information obtained by the State agency for the purpose of participating in the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the State agency elects to treat as a child care covered child each child less than 6 years of age who is a member of a household that receives supplemental nutrition assistance program benefits under such Act; or

"(viii) the State in which such child resides determines that such child is a child care covered child, using State data approved by the Secretary.

"(B) ACCEPTANCE OF ANY FORM OF AUTOMATIC ENROLLMENT.—

"(i) ONE CATEGORY.—For purposes of deeming a child to be a child care covered child under subparagraph (A), a State agency may not be required to show that a child meets more than one requirement specified in clauses (i) through (viii) of such subparagraph.

AMERICAN OVERSIGHT

"(ii) DEEMING REQUIREMENT.—If a State agency submits to the Secretary information that a child meets any one of the requirements specified in clauses (i) through (viii) of subparagraph (A), the Secretary shall deem such child a child care covered child under such subparagraph.

"(j) EXCLUSIONS.—The provisions of section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) relating to quality control shall not apply with respect to assistance provided under this section.

"(k) FEASIBILITY ANALYSIS.—

"(1) IN GENERAL.—Not later than 30 days after the date of the enactment of the Child Nutrition and Related Programs Recovery Act, the Secretary shall submit to the Education and Labor Committee and the Agriculture Committee of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on—

"(A) the feasibility of implementing the program for eligible children under this section using an EBT system in Puerto Rico, the Commonwealth of the Northern Mariana Islands,

AMERICAN OVERSIGHT

and American Samoa similar to the manner in which the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 is operated in the States, including an analysis of——

''(i) the current nutrition assistance program issuance infrastructure;

''(ii) the availability of—

''(I) an EBT system, including the ability for authorized retailers to accept EBT cards; and

''(II) EBT cards;

''(iii) the ability to limit purchases using nutrition assistance program benefits to food for home consumption; and

''(iv) the availability of reliable data necessary for the implementation of such program under this section for eligible children and child care covered children, including the names of such children and the mailing addresses of their households; and

''(B) the feasibility of implementing the program for child care covered children under subsection (i) in Puerto Rico, the Commonwealth of the Northern Mariana Islands, and

AMERICAN OVERSIGHT

American Samoa, including with respect to such program each analysis specified in clauses (i) through (iv) of subparagraph (A).

''(2) CONTINGENT AVAILABILITY OF PARTICIPATION.—Beginning 30 days after the date of the enactment of the Child Nutrition and Related Programs Recovery Act, Puerto Rico, the Commonwealth of the Northern Mariana Islands, and American Samoa may each—

''(A) submit a plan under subsection (b), unless the Secretary makes a finding, based on the analysis provided under paragraph (1)(A), that the implementation of the program for eligible children under this section is not feasible in such territories; and

''(B) submit a plan under subsection (i), unless the Secretary makes a finding, based on the analysis provided under paragraph (1)(B), that the implementation of the program for child care covered children under subsection (i) is not feasible in such territories.'';

(8) in subsection (l), as redesigned by paragraph (7)—

(A) by redesignating paragraph (1) as paragraph (3);

AMERICAN OVERSIGHT

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

(C) by inserting before paragraph (3) (as so redesignated) the following:

''(1) The term 'child care center' means an organization described in subparagraph (A) or (B) of section 17(a)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2)) and a family or group day care home.

''(2) The term 'child care covered child' means a child served under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) who, if not for the closure of the child care center attended by the child during a public health emergency designation and due to concerns about a COVID–19 outbreak, would receive meals under such section at the child care center.''; and

(D) by inserting after paragraph (3) (as so redesignated) the following:

''(4) The term 'free rate' means—

''(A) with respect to a breakfast, the rate of a free breakfast under the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

AMERICAN OVERSIGHT

"(B) with respect to a lunch, the rate of a free lunch under the school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1771 et seq.)."; and

(9) in subsection (m), as redesignated by paragraph (7), by inserting "(including all administrative expenses)" after "this section".

SEC. 180004. FRESH PRODUCE FOR KIDS IN NEED.

Section 2202(f)(1) of the Families First Coronavirus Response Act (Public Law 116–127) is amended by adding at the end the following:

"(E) The fresh fruit and vegetable program under section 19 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769a).".

SEC. 180005. WIC BENEFIT FLEXIBILITY DURING COVID–19 ACT.

(a) IN GENERAL.—

(1) AUTHORITY TO INCREASE AMOUNT OF CASH-VALUE VOUCHER.—During the COVID–19 public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d) and in response to challenges related to such public health emergency, the Secretary may increase the amount of a cash-value voucher under a qualified

AMERICAN OVERSIGHT

food package to an amount less than or equal to $35.

(2) APPLICATION OF INCREASED AMOUNT OF CASH-VALUE VOUCHER TO STATE AGENCIES.—

(A) NOTIFICATION.—An increase to the amount of a cash-value voucher under paragraph (1) shall apply to any State agency that notifies the Secretary of the intent to use such an increased amount, without further application.

(B) USE OF INCREASED AMOUNT.—A State agency that notifies the Secretary under subparagraph (A) may use or not use the increased amount described in such subparagraph during the period beginning on the date of the notification by the State agency under such subparagraph and ending September 30, 2020.

(3) APPLICATION PERIOD.—An increase to the amount of a cash-value voucher under paragraph (1) may only apply during the period beginning on the date of the enactment of this section and ending on September 30, 2020.

(4) SUNSET.—The authority to make an increase to the amount of a cash-value voucher under paragraph (1) or to use such an increased amount

AMERICAN OVERSIGHT

under paragraph (2)(B) shall terminate on September 30, 2020.

(b) DEFINITIONS.—

(1) CASH-VALUE VOUCHER.—The term ''cash-value voucher'' has the meaning given the term in section 246.2 of title 7, Code of Federal Regulations.

(2) QUALIFIED FOOD PACKAGE.—The term ''qualified food package'' means the following food packages under section 246.10(e) of title 7, Code of Federal Regulations:

(A) Food Package IV–Children 1 through 4 years.

(B) Food Package V–Pregnant and partially (mostly) breastfeeding women.

(C) Food Package VI–Postpartum women.

(D) Food Package VII–Fully breastfeeding.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(4) STATE AGENCY.—The term ''State agency'' has the meaning given the term in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).

AMERICAN OVERSIGHT

SEC. 180006. CALCULATION OF PAYMENTS AND REIMBURSEMENTS FOR CERTAIN CHILD NUTRITION PROGRAMS.

(a) RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT.—

(1) NUTRITION PROMOTION.—Notwithstanding any other provision of law, for purposes of making a payment to a State under section 5 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1754), the Secretary shall deem the number of lunches served by school food authorities in such State during the 2020 period to be equal to the greater of the following:

(A) The number of lunches served by such school food authorities in such State during the 2019 period.

(B) The number of lunches served by such school food authorities in such State during the 2020 period.

(2) COMMODITY ASSISTANCE.—Notwithstanding any other provision of law, for purposes of providing commodity assistance to a State under section 6(c)(1)(C) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(c)(1)(C)) or cash assistance in lieu of such commodity assistance under section 16 of such Act (42 U.S.C. 1765) the Secretary

AMERICAN OVERSIGHT

shall deem the number of lunches served by school food authorities in such State during the 2020 period to be equal to the greater of the following:

(A) The number of lunches served by such school food authorities in such State during the 2019 period.

(B) The number of lunches served by such school food authorities in such State during the 2020 period.

(3) SPECIAL ASSISTANCE PAYMENTS.—Notwithstanding any other provision of law, in determining the number of meals served by a school for purposes of making special assistance payments to a State with respect to a school under subparagraph (B), clause (ii) or (iii) of subparagraph (C), or subparagraph (E)(i)(II) of section 11(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)), the Secretary shall deem the number of meals served by such school during the 2020 period to be equal to the greater of the following:

(A) The number of meals served by such school during the 2019 period.

(B) The number of meals served by such school during the 2020 period.

(b) CHILD NUTRITION ACT OF 1966.—

AMERICAN OVERSIGHT

(1) STATE ADMINISTRATIVE EXPENSES.—Notwithstanding any other provision of law, for purposes of making payments to a State under section 7(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)), the Secretary shall deem the number of meals and supplements served by such school food authorities in such State during the 2020 period to be equal to the greater of the following:

(A) The number of meals and supplements served by such school food authorities in such State during the 2019 period.

(B) The number of meals and supplements served by such school food authorities in such State during the 2020 period.

(2) TEAM NUTRITION NETWORK.—Notwithstanding any other provision of law, for purposes of making allocations to a State under section 19(d) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(d)), the Secretary shall deem the number of lunches served by school food authorities in such State during the 2020 period to be equal to the greater of the following:

(A) The number of lunches served by such school food authorities in such State during the 2019 period.

AMERICAN OVERSIGHT

(B) The number of lunches served by such school food authorities in such State during the 2020 period.

(c) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(2) 2019 PERIOD.—The term ''2019 period'' means the period beginning March 1, 2019 and ending June 30, 2019.

(3) 2020 PERIOD.—The term ''2020 period'' means the period beginning March 1, 2020 and ending June 30, 2020.

SEC. 180007. REPORTING ON WAIVER AUTHORITY.

(a) IN GENERAL.—Not later than 10 days after the date of the receipt or issuance of each document listed in paragraph (1), (2), or (3) of this subsection, the Secretary of Agriculture shall make publicly available on the website of the Department of Agriculture the following documents:

(1) Any request submitted by State agencies for a qualified waiver.

(2) The Secretary's approval or denial of each such request.

(3) Any guidance issued by the Secretary with respect to a qualified waiver.

AMERICAN OVERSIGHT

(b) INCLUSION OF DATE WITH GUIDANCE.—With respect to the guidance described in subsection (a)(3), the Secretary of Agriculture shall include the date on which such guidance was issued on the publicly available website of the Department of Agriculture on such guidance.

(c) QUALIFIED WAIVER DEFINED.—In this section, the term ''qualified waiver'' means a waiver under section 2102, 2202, 2203, or 2204 of the Families First Coronavirus Response Act (Public Law 116–127).

AMERICAN OVERSIGHT

DIVISION S—OTHER MATTERS

TITLE I—HEALTH CARE ACCESS FOR URBAN NATIVE VETERANS ACT

SEC. 190101. SHORT TITLE.

This title may be cited as the ''Health Care Access for Urban Native Veterans Act''.

SEC. 190102. SHARING ARRANGEMENTS WITH FEDERAL AGENCIES.

Section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645) is amended—

(1) in subsection (a)(1), by inserting ''urban Indian organizations,'' before ''and tribal organizations''; and

(2) in subsection (c)—

(A) by inserting ''urban Indian organization,'' before ''or tribal organization''; and

(B) by inserting ''an urban Indian organization,'' before ''or a tribal organization''.

TITLE II—TRIBAL SCHOOL FEDERAL INSURANCE PARITY

SEC. 190201. SHORT TITLE.

This title may be cited as the ''Tribal School Federal Insurance Parity Act''.

AMERICAN OVERSIGHT

SEC. 190202. AMENDMENT TO THE INDIAN HEALTH CARE IMPROVEMENT ACT.

Section 409 of the Indian Health Care Improvement Act (25 U.S.C. 1647b) is amended by inserting ''or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.)'' after ''(25 U.S.C. 450 et seq.)''.

TITLE III—PRC FOR NATIVE VETERANS ACT

SEC. 190301. SHORT TITLE.

This title may be cited as the ''Proper and Reimbursed Care for Native Veterans Act'' or the ''PRC for Native Veterans Act''.

SEC. 190302. CLARIFICATION OF REQUIREMENT OF DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF DEFENSE TO REIMBURSE INDIAN HEALTH SERVICE FOR CERTAIN HEALTH CARE SERVICES.

Section 405(c) of the Indian Health Care Improvement Act (25 U.S.C. 1645) is amended by inserting before the period at the end the following: '', regardless of whether such services are provided directly by the Service, an Indian tribe, or tribal organization, through contract health services, or through a contract for travel described in section 213(b)''.

AMERICAN OVERSIGHT

TITLE IV—WILDLIFE-BORNE DISEASE PREVENTION

SEC. 190401. SHORT TITLE.

This title may be cited as the ''Wildlife-Borne Disease Prevention Act of 2020''.

SEC. 190402. MEASURES TO ADDRESS SPECIES THAT POSE A RISK TO HUMAN HEALTH.

(a) SPECIES THAT POSE A RISK TO HUMAN HEALTH.—

(1) IN GENERAL.—The Secretaries shall, in consultation with the Director of the Centers for Disease Control, the United States Geological Survey, and other relevant Federal agencies, identify wildlife species (or larger taxonomic groups, if appropriate) that could pose a biohazard risk to human health, and perform a risk analysis with respect to each such species for the purposes of determining whether such species is injurious within the meaning of section 42 of title 18, United States Code.

(2) DRAFT LIST.—The Secretaries shall, not later than 90 days after the date of enactment of this Act, publish a draft of the list required by paragraph (1).

AMERICAN OVERSIGHT

(3) FINAL LIST.—The Secretaries shall, not later than 1 year after the date of enactment of this Act, publish a final list required by paragraph (1).

(b) INTERNATIONAL ASSISTANCE.—The Secretaries shall, in consultation with the Secretary of State, provide assistance to foreign countries to end the trade of wildlife that poses a risk to humans because of transmission of pathogens that cause disease.

(c) INSPECTIONS AND INTERDICTION.—The Secretary of the Interior shall complete development on the electronic permitting system of the United States Fish and Wildlife Service and provide for law enforcement inspection and interdiction of any injurious wildlife species.

(d) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated $21,000,000 to remain available until expended for fiscal year 2020 to carry out this section.

(e) SECRETARIES.—In this section the term ''Secretaries'' means the Secretary of Commerce, acting through the Assistant Administrator for Fisheries, and the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

AMERICAN OVERSIGHT

SEC. 190403. TRADE OF INJURIOUS SPECIES AND SPECIES THAT POSE A RISK TO HUMAN HEALTH.

Section 42 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting ''or any interstate transport between States within the continental United States,'' after ''shipment between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any possession of the United States,''; and

(ii) by striking ''to be injurious to human beings, to the interests of agriculture'' and inserting ''to be injurious to or to transmit a pathogen that can cause disease in humans, to be injurious to the interests of agriculture''; and

(B) by adding at the end the following:

''(6) In the case of an emergency posing a significant risk to the health of humans, the Secretary of the Interior may designate a species by interim final rule. At the time of publication of the regulation in the Federal Register, the Secretary shall publish therein detailed reasons why such regulation

AMERICAN OVERSIGHT

is necessary, and in the case that such regulation applies to a native species, the Secretary shall give actual notice of such regulation to the State agency in each State in which such species is believed to occur. Any regulation promulgated under the authority of this paragraph shall cease to have force and effect at the close of the 365-day period following the date of publication unless, during such 365-day period, the rulemaking procedures which would apply to such regulation without regard to this paragraph are complied with. If at any time after issuing an emergency regulation the Secretary determines, on the basis of the best appropriate data available to the Secretary, that substantial evidence does not exist to warrant such regulation, the Secretary shall withdraw it.

''(7) Not more than 90 days after receiving a petition of an interested person under section 553(e) of title 5, United States Code, to determine that a species is injurious under this section, the Secretary of the Interior shall determine whether such petition has scientific merit. If the Secretary determines a petition has scientific merit, such Secretary shall make a determination regarding such petition not

AMERICAN OVERSIGHT

more than 12 months after the date such Secretary received such petition.''; and

(2) by amending subsection (b) to read as follows:

''(b) Any person who knowingly imports, ships, or transports any species in violation of subsection (a) of this section and who reasonably should have known that the species at issue in such violation is a species listed in subsection (a) of this section, or in any regulation issued pursuant thereto, shall be fined under this title or imprisoned not more than six months, or both.''.

SEC. 190404. NATIONAL WILDLIFE HEALTH CENTER.

(a) WILDLIFE DISEASE SURVEILLANCE.—The Director shall establish and maintain a national database of wildlife disease, including diseases that cause a human health risk, at the National Wildlife Health Center. The Director, acting through such Center, shall, with respect to wildlife disease—

(1) develop, validate, and deploy diagnostic tests;

(2) provide diagnostic services to Federal, State, and Tribal natural resource management agencies; and

(3) provide confirmatory testing of diagnostic results.

AMERICAN OVERSIGHT

(b) STRATEGIES FOR MITIGATION.—The Director shall—

(1) develop a framework for wildlife disease experts in the United States to conduct risk assessments of wildlife diseases;

(2) communicate risk factors associated with wildlife diseases to the public;

(3) develop strategies to mitigate the threat posed by wildlife disease; and

(4) in coordination with the Director of the United States Fish and Wildlife Service—

(A) monitor wildlife disease threats to evaluate the risk posed by and impact of such diseases on the United States, conduct research and development to create statistically supported sampling frameworks for broad-scale surveillance of wildlife disease threats;

(B) conduct research on human dimensions of wildlife disease transmission and on effective outreach to stakeholders to help manage wildlife disease;

(C) conduct statistical modeling to understand and predict wildlife disease movement; and

AMERICAN OVERSIGHT

(D) make recommendations to the Secretary of the Interior on wildlife species to be listed as injurious under section 42 of title 18, United States Code.

(c) INTERNATIONAL SURVEILLANCE.—The Director, in coordination with the Administrator for the United States Agency for International Development, may strengthen global capacity for wildlife health monitoring to enhance early detection of diseases that have the capacity to jump the species barrier and pose a risk to the United States, including by providing funding for—

(1) academic, governmental, and nongovernmental partner entities working to prevent wildlife disease outbreaks, emerging pathogens of wildlife origin, and epidemics or pandemics;

(2) building wildlife disease diagnostic capacity and monitoring systems in countries with areas that pose a high risk for animal-to-human transmission of disease; and

(3) providing technical assistance through training, data sharing, and performing testing in countries with areas that pose a high risk for animal-to-human transmission of disease.

AMERICAN OVERSIGHT

(d) DIRECTOR.—In this section, the term ''Director'' means the Director of the United States Geological Survey.

(e) WILDLIFE DISEASE.—In this section, the term ''wildlife disease'' means a disease-causing agent in wildlife that potentially poses a threat to human health.

SEC. 190405. SURVEILLANCE BY STATES, TRIBES, TERRITORIES, AND INSULAR AREAS.

(a) WILDLIFE DISEASE SURVEILLANCE, RESEARCH, MANAGEMENT, AND EDUCATION.—The Director or the United States Fish and Wildlife Service shall establish a grant program to provide onetime funding to the States, the District of Columbia, Tribes, and the territories and insular areas of the United States to conduct epidemiological surveillance, research, management, and education relating to emerging wildlife disease.

TITLE V—PANDEMIC RELIEF FOR AVIATION WORKERS AND PASSENGERS

SEC. 190501. PANDEMIC RELIEF FOR AVIATION WORKERS.

(a) APPLICABILITY OF ASSURANCE REGARDING FURLOUGHS.—Section 4114(a)(1) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended by striking ''September 30, 2020'' and inserting

AMERICAN OVERSIGHT

''the date on which such financial assistance is fully exhausted by the air carrier or contractor''.

(b) PROTECTION OF COLLECTIVE BARGAINING AGREEMENT.—Section 4115 of such Act is amended—

(1) in subsection (a) by striking ''(a) IN GENERAL.—''; and

(2) by striking subsection (b).

SEC. 190502. TRANSPARENCY OF FINANCIAL ASSISTANCE.

(a) DISCLOSURE OF FINANCIAL ASSISTANCE.—Not later than 72 hours after issuance of financial assistance by the Secretary of the Treasury pursuant to section 4112(a) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), the Secretary shall publish on the website of the Department of the Treasury and shall submit to the congressional committees of jurisdiction—

(1) a plain-language description of the financial assistance, including the date of application, date of application approval, and identity of the recipient of financial assistance;

(2) the amount of the financial assistance; and

(3) a copy of any contract or assurances, if applicable, and other relevant documentation regarding the financial assistance.

AMERICAN OVERSIGHT

(b) TRADE SECRETS.—Notwithstanding any other provision of law, the Secretary may redact, from a disclosure under subsection (a), any trade secret other than the amount of or conditions attached to the issuance of financial assistance.

(c) DEFINITIONS.—In this section:

(1) CONGRESSIONAL COMMITTEES OF JURISDICTION.—The term ''congressional committees of jurisdiction'' means the Committee on Transportation and Infrastructure and the Committee on Financial Services of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) TRADE SECRET DEFINED.—The term ''trade secret'' means any financial or business information provided by the recipient of financial assistance under section 4112(a) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), if—

(A) such recipient has taken reasonable measures to keep such information secret; and

(B) the information derives independent economic value, actual or potential, from not being generally known to, and not being readily

AMERICAN OVERSIGHT

ascertainable through proper means by, another person who can obtain economic value from the disclosure or use of the information.

(d) SAVINGS PROVISION.—Nothing in this section shall be construed as eliminating or abridging any reporting requirement under the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136).

SEC. 190503. AIR CARRIER MAINTENANCE OUTSOURCING.

(a) IN GENERAL.—A passenger air carrier receiving a loan, loan guarantee, or other investment under section 4003 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) may not apply the proceeds of such assistance toward a contract for heavy maintenance work at a facility located outside of the United States if such contract would increase the ratio of maintenance work performed outside of the United States to all maintenance work performed by or on behalf of such air carrier at all locations.

(b) DEFINITION OF HEAVY MAINTENANCE WORK.—In this section, the term ''heavy maintenance work'' has the meaning given the term in section 44733(g) of title 49, United States Code.

SEC. 190504. NATIONAL AVIATION PREPAREDNESS PLAN.

(a) IN GENERAL.—The Secretary of Transportation, in coordination with the Secretary of Health and Human

AMERICAN OVERSIGHT

Services, the Secretary of Homeland Security, and the heads of such other Federal departments or agencies as the Secretary considers appropriate, shall develop a national aviation preparedness plan for communicable disease outbreaks.

(b) CONTENTS OF PLAN.—A plan developed under subsection (a) shall, at a minimum—

(1) provide airports and air carriers with an adaptable and scalable framework with which to align the individual plans of such airports and air carriers and provide appropriate guidance as to each individual plan;

(2) improve coordination among airports, air carriers, U.S. Customs and Border Protection, the Centers for Disease Control and Prevention, other appropriate Federal entities, and State and local governments or health agencies on developing policies that increase the effectiveness of screening, quarantining, and contact-tracing with respect to inbound international passengers;

(3) ensure that at-risk employees are equipped with appropriate personal protective equipment to reduce the likelihood of exposure to pathogens in the event of a pandemic;

AMERICAN OVERSIGHT

(4) ensure aircraft and enclosed facilities owned, operated, or used by an air carrier or airport are cleaned, disinfected, and sanitized frequently in accordance with Centers for Disease Control and Prevention guidance; and

(5) incorporate all elements referenced in the recommendation of the Comptroller General of the United States to the Secretary of Transportation contained in the report titled ''Air Travel and Communicable Diseases: Comprehensive Federal Plan Needed for U.S. Aviation System's Preparedness'' issued in December 2015 (GAO–16–127).

(c) CONSULTATION.—When developing a plan under subsection (a), the Secretary of Transportation shall consult with aviation industry and labor stakeholders, including representatives of—

(1) air carriers;

(2) small, medium, and large hub airports;

(3) labor organizations that represent airline pilots, flight attendants, air carrier airport customer service representatives, and air carrier maintenance, repair, and overhaul workers;

(4) the labor organization certified under section 7111 of title 5, United States Code, as the ex-

AMERICAN OVERSIGHT

clusive bargaining representative of air traffic controllers of the Federal Aviation Administration;

(5) the labor organization certified under such section as the exclusive bargaining representative of airway transportation systems specialists and aviation safety inspectors of the Federal Aviation Administration; and

(6) such other stakeholders as the Secretary considers appropriate.

(d) REPORT.—Not later than 30 days after the plan is developed under subsection (a), the Secretary shall submit to the appropriate committees of Congress such plan.

(e) DEFINITION OF AT-RISK EMPLOYEES.—In this section, the term ''at-risk employees'' means—

(1) individuals whose job duties require interaction with air carrier passengers on a regular and continuing basis that are employees of—

(A) air carriers;

(B) air carrier contractors;

(C) airports; and

(D) Federal departments or agencies; and

(2) air traffic controllers and systems safety specialists of the Federal Aviation Administration.

AMERICAN OVERSIGHT

SEC. 190505. WORKING AND TRAVEL CONDITIONS.

For the duration of the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) related to the pandemic of SARS–CoV–2 or coronavirus disease 2019 (COVID–19), an air carrier operating under part 121 of title 14, Code of Federal Regulations, shall—

(1) require each passenger and cabin crewmember to wear a mask or protective face covering while on board an aircraft of the air carrier;

(2) require each flight crewmember to wear a mask or protective face covering while on board an aircraft but outside the flight deck;

(3) submit to the Administrator of the Federal Aviation Administration a proposal to permit flight crew members of the air carrier to wear a mask or protective face covering while at their stations in the flight deck, including a safety risk assessment with respect to such proposal;

(4) provide flight and cabin crewmembers, airport customer service agents, and other employees whose job responsibilities involve interaction with passengers with masks or protective face coverings, gloves, and hand sanitizer and wipes with sufficient alcohol content;

AMERICAN OVERSIGHT

(5) ensure aircraft, including the cockpit and cabin, operated by such carrier are cleaned, disinfected, and sanitized after each use in accordance with Centers for Disease Control and Prevention guidance;

(6) ensure enclosed facilities owned, operated, or used by such air carrier, including facilities used for flight or cabin crewmember training or performance of indoor maintenance, repair, or overhaul work, are cleaned, disinfected, and sanitized frequently in accordance with Centers for Disease Control and Prevention guidance;

(7) provide air carrier employees whose job responsibilities involve cleaning, disinfecting, and sanitizing aircraft or enclosed facilities described in paragraphs (5) and (6) with masks or protective face coverings and gloves, and ensure that each contractor of the air carrier provides employees of such contractor with such materials; and

(8) establish guidelines, or adhere to applicable guidelines, for notifying employees of a confirmed COVID–19 diagnosis of an employee of such air carrier and for identifying other air carrier employees whom such employee contacted in the 48-hour period before the employee developed symptoms.

AMERICAN OVERSIGHT

SEC. 190506. PROTECTION OF CERTAIN FEDERAL AVIATION ADMINISTRATION EMPLOYEES.

(a) IN GENERAL.—For the duration of the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) related to the pandemic of SARS–CoV–2 or coronavirus disease 2019 (COVID–19), in order to maintain the safe and efficient operation of the air traffic control system, the Administrator of the Federal Aviation Administration shall—

(1) provide air traffic controllers and airway transportation systems specialists of the Administration with masks or protective face coverings, gloves, and hand sanitizer and wipes with sufficient alcohol content;

(2) ensure air traffic control facilities are cleaned, disinfected, and sanitized frequently in accordance with Centers for Disease Control and Prevention guidance; and

(3) provide employees of the Administration whose job responsibilities involve cleaning, disinfecting, and sanitizing facilities described in paragraph (2) with masks or protective face coverings and gloves, and ensure that each contractor of the Administration provides employees of such contractor with such materials.

AMERICAN OVERSIGHT

(b) SOURCE OF EQUIPMENT.—The items described in subsection (a)(1) may be procured or provided under such subsection through any sources available to the Administrator.

AMERICAN OVERSIGHT

TITLE VI—AMTRAK AND RAIL WORKERS

SEC. 190601. AMTRAK COVID–19 REQUIREMENTS.

(a) IN GENERAL.—For the duration of the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) related to the pandemic of SARS–CoV–2 or coronavirus disease (COVID–19), Amtrak shall—

(1) require each passenger and employee of Amtrak, including engineers, conductors, and onboard service workers, to wear a mask or other protective face covering while onboard an Amtrak train;

(2) take such actions as are reasonable to ensure passenger compliance with the requirement under paragraph (1);

(3) provide masks or protective face coverings, gloves, and hand sanitizer and sanitizing wipes with sufficient alcohol content to—

(A) conductors, engineers, and onboard service workers;

(B) ticket agents, station agents, and red cap agents; and

(C) any other employees whose job responsibilities include interaction with passengers;

AMERICAN OVERSIGHT

(4) ensure Amtrak trains, including the locomotive cab and passenger cars, are cleaned, disinfected, and sanitized frequently in accordance with guidance issued by the Centers for Disease Control and Prevention and ensure that employees whose job responsibilities include such cleaning, disinfecting, or sanitizing are provided masks or protective face coverings and gloves;

(5) ensure stations and enclosed facilities that Amtrak owns and operates including facilities used for training or the performance of indoor maintenance, repair, or overhaul work, are cleaned, disinfected, and sanitized frequently in accordance with guidance issued by the Centers for Disease Control and Prevention and ensure that employees whose job responsibilities include such cleaning, disinfecting, or sanitizing are provided masks or protective face coverings and gloves;

(6) take such actions as are reasonable to ensure that stations or facilities served or used by Amtrak that Amtrak does not own are cleaned, disinfected, and sanitized frequently in accordance with Centers for Disease Control and Prevention guidance;

AMERICAN OVERSIGHT

(7) ensure that each contractor of Amtrak provides masks or protective face coverings and gloves to employees of such contractor whose job responsibilities include those described in paragraphs (4) and (5); and

(8) establish guidelines, or adhere to existing applicable guidelines, for notifying employees of a confirmed diagnosis of COVID–19 of an employee of Amtrak.

(b) AVAILABILITY.—If Amtrak is unable to acquire any of the items necessary to comply with paragraphs (3), (4), and (5) of subsection (a) due to market unavailability, Amtrak shall—

(1) prepare and make public documentation demonstrating what actions have been taken to acquire such items; and

(2) continue efforts to acquire such items until such items become available.

SEC. 190602. ADDITIONAL ENHANCED BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) IN GENERAL.—Section 2(a)(5)(A) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(a)(5)(A) is amended—

AMERICAN OVERSIGHT

(1) by striking ''July 31, 2020'' and inserting ''December 31, 2020, and for any registration periods during a period of continuing unemployment which began on or before December 31, 2020''; and

(2) by adding at the end ''No recovery benefit under this section shall be payable for any registration period beginning on or after July 1, 2021.''

(b) ADDITIONAL APPROPRIATIONS.—Section 2(a)(5)(B) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(a)(5)(B) is amended by adding at the end the following:

''In addition to the amount appropriated by the preceding sentence, out of any funds in the Treasury not otherwise appropriated, there are appropriated $1,000,000,000 to cover the cost of recovery benefits provided under subparagraph (A), to remain available until expended.''.

(c) DISREGARD OF RECOVERY BENEFITS FOR PURPOSES OF ALL FEDERAL AND FEDERALLY ASSISTED PROGRAMS.—Section 2(a)(5) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(a)(5)) is amended by adding at the end the following:

''(C) A recovery benefit payable under subparagraph (A) shall not be regarded as income and shall not be regarded as a resource for the

AMERICAN OVERSIGHT

month of receipt and the following 9 months, for purposes of determining the eligibility of the recipient (or the recipient's spouse or family) for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.''.

(d) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of subparagraph (B) of section 2(a)(5) of the Railroad Unemployment Insurance Act shall be available to cover the cost of recovery benefits provided under such section 2(a)(5) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(a)(5) as in effect on the day before the date of enactment of this Act.

SEC. 190603. TREATMENT OF PAYMENTS FROM THE RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT.

(a) IN GENERAL.—Section 256(i)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(i)(1)) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

AMERICAN OVERSIGHT

(2) in subparagraph (C), by inserting ''and'' at the end; and

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

''(D) any payment made from the Railroad Unemployment Insurance Account (established by section 10 of the Railroad Unemployment Insurance Act) for the purpose of carrying out the Railroad Unemployment Insurance Act, and funds appropriated or transferred to or otherwise deposited in such Account,''.

(b) EFFECTIVE DATE.—The treatment of payments made from the Railroad Unemployment Insurance Account pursuant to the amendment made by subsection (a) shall take effect 7 days after the date of enactment of this Act and shall apply only to obligations incurred on or after such effective date for such payments.

SEC. 190604. TECHNICAL CORRECTION FOR EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(c)(2)(D)(iii)) is amended by striking ''July 1, 2019'' and inserting ''July 15, 2019''.

AMERICAN OVERSIGHT

SEC. 190605. TECHNICAL CORRECTION.

Section 22002 of Public Law 116–136 is amended by striking ''Railway Retirement Act of 1974'' and inserting ''Railroad Retirement Act of 1974''.

SEC. 190606. CLARIFICATION OF OVERSIGHT AND IMPLEMENTATION OF RELIEF FOR WORKERS AFFECTED BY CORONAVIRUS ACT.

(a) AUDITS, INVESTIGATIONS, AND OVERSIGHT.—Notwithstanding section 2115 of the Relief for Workers Affected by Coronavirus Act (subtitle A of title II of division A of Public Law 116–136), the authority of the Inspector General of the Department of Labor to carry out audits, investigations, and other oversight activities that are related to the provisions of such Act shall not extend to any activities related to sections 2112, 2113, or 2114 of such Act. Such authority with respect to such sections shall belong to the Inspector General of the Railroad Retirement Board.

(b) OPERATING INSTRUCTIONS OR OTHER GUIDANCE.—Notwithstanding section 2116(b) of the Relief for Workers Affected by Coronavirus Act (subtitle A of title II of division A of Public Law 116–136), the authority of the Secretary of Labor to issue any operating instructions or other guidance necessary to carry out the provisions of such Act shall not extend to any activities related to sections 2112, 2113, or 2114 of such Act. Such author-

AMERICAN OVERSIGHT

ity with respect to such sections shall belong to the Railroad Retirement Board.

AMERICAN OVERSIGHT

TITLE VII—ENERGY AND ENVIRONMENT PROVISIONS

SEC. 190701. HOME ENERGY AND WATER SERVICE CONTINUITY.

Any entity receiving financial assistance pursuant to any division of this Act shall, to the maximum extent practicable, establish or maintain in effect policies to ensure that no home energy service or public water system service to a residential customer, which is provided or regulated by such entity, is or remains disconnected or interrupted during the emergency period described in section 1135(g)(1)(B) of the Social Security Act because of nonpayment, and all reconnections of such public water system service are conducted in a manner that minimizes risk to the health of individuals receiving such service. For purposes of this section, the term ''home energy service'' means a service to provide home energy, as such term is defined in section 2603 of the Low-Income Home Energy Assistance Act of 1981, or service provided by an electric utility, as such term is defined in section 3 of the Public Utility Regulatory Policies Act of 1978, and the term ''public water system'' has the meaning given that term in section 1401 of the Safe Drinking Water Act. Nothing in this section shall be construed to require forgiveness of any debt incurred or owed to an entity or to absolve

AMERICAN OVERSIGHT

an individual of any obligation to an entity for service, nor to preempt any State or local law or regulation governing entities that provide such services to residential customers.

SEC. 190702. ENVIRONMENTAL JUSTICE GRANT PROGRAMS.

(a) ENVIRONMENTAL JUSTICE GRANTS.—The Administrator of the Environmental Protection Agency shall continue to carry out—

(1) the Environmental Justice Small Grants Program and the Environmental Justice Collaborative Problem-Solving Cooperative Agreement Program, as those programs are in existence on the date of enactment of this Act; and

(2) the Community Action for a Renewed Environment grant programs I and II, as in existence on January 1, 2012.

(b) USE OF FUNDS FOR GRANTS IN RESPONSE TO COVID–19 PANDEMIC.—With respect to amounts appropriated by division A of this Act that are available to carry out the programs described in subsection (a), the Administrator of the Environmental Protection Agency may only award grants under such programs for projects that will investigate or address the disproportionate impacts of the COVID–19 pandemic in environmental justice communities.

AMERICAN OVERSIGHT

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the programs described in subsection (a) $50,000,000 for fiscal year 2020, and such sums as may be necessary for each fiscal year thereafter.

(d) DISTRIBUTION.—Not later than 30 days after amounts are made available pursuant to subsection (c), the Administrator of the Environmental Protection Agency shall make awards of grants under each of the programs described in subsection (a).

SEC. 190703. LOW-INCOME HOUSEHOLD DRINKING WATER AND WASTEWATER ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,500,000,000 to the Secretary to carry out this section.

(b) LOW-INCOME HOUSEHOLD DRINKING WATER AND WASTEWATER ASSISTANCE.—The Secretary shall make grants to States and Indian Tribes to assist low-income households, particularly those with the lowest incomes, that pay a high proportion of household income for drinking water and wastewater services, by providing funds to owners or operators of public water systems or treatment works to reduce rates charged to such households for such services.

AMERICAN OVERSIGHT

(c) NONDUPLICATION OF EFFORT.—In carrying out this section, the Secretary, States, and Indian Tribes, as applicable, shall, as appropriate and to the extent practicable, use existing processes, procedures, policies, and systems in place to provide assistance to low-income households, including by using existing application and approval processes.

(d) ALLOTMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall allot amounts appropriated pursuant to this section to a State or Indian Tribe based on the following:

(A) The percentage of households in the State, or under the jurisdiction of the Indian Tribe, with income equal to or less than 150 percent of the Federal poverty line.

(B) The percentage of such households in the State, or under the jurisdiction of the Indian Tribe, that spend more than 30 percent of monthly income on housing.

(C) The extent to which the State or Indian Tribe has been affected by the public health emergency, including the rate of transmission of COVID–19 in the State or area over which the Indian Tribe has jurisdiction, the

AMERICAN OVERSIGHT

number of COVID–19 cases compared to the national average, and economic disruptions resulting from the public health emergency.

(2) RESERVED FUNDS.—The Secretary shall reserve not more than 10 percent of the amounts appropriated pursuant to this section for allotment to States and Indian Tribes based on the economic disruptions to the States and Indian Tribes resulting from the emergency described in the emergency declaration issued by the President on March 13, 2020, pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)), during the period covered by such emergency declaration and any subsequent major disaster declaration under section 401 of such Act (42 U.S.C. 5170) that supersedes such emergency declaration.

(e) DETERMINATION OF LOW-INCOME HOUSEHOLDS.—

(1) MINIMUM DEFINITION OF LOW-INCOME.—In determining whether a household is considered low-income for the purposes of this section, a State or Indian Tribe—

(A) shall ensure that, at a minimum—

AMERICAN OVERSIGHT

(i) all households with income equal to or less than 150 percent of the Federal poverty line are included as low-income households; and

(ii) all households with income equal to or less than 60 percent of the State median income are included as low-income households;

(B) may include households that have been adversely economically affected by job loss or severe income loss related to the public health emergency; and

(C) may include other households, including households in which 1 or more individuals are receiving—

(i) assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(ii) supplemental security income payments under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

(iii) supplemental nutrition assistance program benefits under the Food and Nu-

AMERICAN OVERSIGHT

trition Act of 2008 (7 U.S.C. 2011 et seq.); or

(iv) payments under section 1315, 1521, 1541, or 1542 of title 38, United States Code, or under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978.

(2) HOUSEHOLD DOCUMENTATION REQUIREMENTS.—States and Indian Tribes shall—

(A) to the maximum extent practicable, seek to limit the income history documentation requirements for determining whether a household is considered low-income for the purposes of this section; and

(B) for the purposes of income eligibility, accept proof of job loss or severe income loss dated after February 29, 2020, such as a layoff or furlough notice or verification of application of unemployment benefits, as sufficient to demonstrate lack of income for an individual or household.

(f) APPLICATIONS.—Each State or Indian Tribe desiring to receive a grant under this section shall submit an application to the Secretary, in such form as the Secretary shall require.

AMERICAN OVERSIGHT

(g) UTILITY RESPONSIBILITIES.—Owners or operators of public water systems or treatment works receiving funds pursuant to this section for the purposes of reducing rates charged to low-income households for service shall—

(1) conduct outreach activities designed to ensure that such households are made aware of the rate assistance available pursuant to this section;

(2) charge such households, in the normal billing process, not more than the difference between the actual cost of the service provided and the amount of the payment made by the State or Indian Tribe pursuant to this section; and

(3) within 45 days of providing assistance to a household pursuant to this section, notify in writing such household of the amount of such assistance.

(h) STATE AGREEMENTS WITH DRINKING WATER AND WASTEWATER PROVIDERS.—To the maximum extent practicable, a State that receives a grant under this section shall enter into agreements with owners and operators of public water systems, owners and operators of treatment works, municipalities, nonprofit organizations associated with providing drinking water, wastewater, and other social services to rural and small communities, and Indian Tribes, to assist in identifying low-income households and to carry out this section.

AMERICAN OVERSIGHT

(i) ADMINISTRATIVE COSTS.—A State or Indian Tribe that receives a grant under this section may use up to 8 percent of the granted amounts for administrative costs.

(j) FEDERAL AGENCY COORDINATION.—In carrying out this section, the Secretary shall coordinate with the Administrator of the Environmental Protection Agency and consult with other Federal agencies with authority over the provision of drinking water and wastewater services.

(k) AUDITS.—The Secretary shall require each State and Indian Tribe receiving a grant under this section to undertake periodic audits and evaluations of expenditures made by such State or Indian Tribe pursuant to this section.

(l) REPORTS TO CONGRESS.—The Secretary shall submit to Congress a report on the results of activities carried out pursuant to this section—

(1) not later than 1 year after the date of enactment of this section; and

(2) upon disbursement of all funds appropriated pursuant to this section.

(m) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term ''Indian Tribe'' means any Indian Tribe, band, group, or community

AMERICAN OVERSIGHT

recognized by the Secretary of the Interior and exercising governmental authority over a Federal Indian reservation.

(2) MUNICIPALITY.—The term ''municipality'' has the meaning given such term in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

(3) PUBLIC HEALTH EMERGENCY.—The term ''public health emergency'' means the public health emergency described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5).

(4) PUBLIC WATER SYSTEM.—The term ''public water system'' has the meaning given such term in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(6) STATE.—The term ''State'' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(7) TREATMENT WORKS.—The term ''treatment works'' has the meaning given that term in section

AMERICAN OVERSIGHT

212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

SEC. 190704. HOME WATER SERVICE CONTINUITY.

(a) CONTINUITY OF SERVICE.—Any entity receiving financial assistance under division A of this Act shall, to the maximum extent practicable, establish or maintain in effect policies to ensure that, with respect to any service provided by a public water system or treatment works to an occupied residence, which service is provided or regulated by such entity—

(1) no such service is or remains disconnected or interrupted during the emergency period because of nonpayment;

(2) all reconnections of such service are conducted in a manner that minimizes risk to the health of individuals receiving such service; and

(3) no fees for late payment of bills for such service are charged or accrue during the emergency period.

(b) EFFECT.—Nothing in this section shall be construed to require forgiveness of outstanding debt owed to an entity or to absolve an individual of any obligation to an entity for service.

(c) DEFINITIONS.—In this section:

AMERICAN OVERSIGHT

(1) EMERGENCY PERIOD.—The term ''emergency period'' means the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5).

(2) PUBLIC WATER SYSTEM.—The term ''public water system'' has the meaning given such term in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f).

(3) TREATMENT WORKS.—The term ''treatment works'' has the meaning given that term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

AMERICAN OVERSIGHT

TITLE VIII—DEATH AND DISABILITY BENEFITS FOR PUBLIC SAFETY OFFICERS IMPACTED BY COVID–19

SEC. 190801. SHORT TITLE.

This title may be cited as the ''Public Safety Officer Pandemic Response Act of 2020''.

SEC. 190802. DEATH AND DISABILITY BENEFITS FOR PUBLIC SAFETY OFFICERS IMPACTED BY COVID–19.

Section 1201 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10281) is amended by adding at the end the following new subsection:

''(o) For purposes of this part:

''(1) COVID–19 shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by a public safety officer and directly and proximately resulting in death, unless such officer is shown to have performed no line of duty activity or action within the 45 days immediately preceding a diagnosis of, or positive test for COVID–19.

''(2) The Attorney General shall accept claims, including supplemental claims, under this section from an individual who—

AMERICAN OVERSIGHT

"(A) was serving as a public safety officer and was injured or disabled in the line of duty as a result of the terrorist attacks on the United States that occurred on September 11, 2001, or in the aftermath of such attacks developed a condition described in section 3312(a) of the Public Health Service Act (42 U.S.C. 300mm–22(a)); and

"(B) was diagnosed with COVID–19 during the period described in paragraph (3), which, in combination with the injury or disability described in subparagraph (A), permanently and totally disabled or directly and proximately resulted in the death of the individual.

In assessing a claim under this paragraph, the presumption of causation described in paragraph (1) shall apply.

"(3) The presumption described in paragraph (1) shall apply with respect to a diagnosis of COVID–19 beginning on January 20, 2020, and ending on the date that is one year after the emergency period (as such term is defined in section 1135(g) of the Social Security Act (42 U.S.C.

AMERICAN OVERSIGHT

1320b–5(g))) based on the COVID–19 public health emergency ends.

''(4) The term 'COVID–19' means a disease caused by severe acute respiratory syndrome coronavirus 2 (SARS–CoV–2).

''(p) In determining whether the personal injury resulting from COVID–19 was a catastrophic injury, the Attorney General's inquiry shall be limited to whether the individual is permanently prevented from performing any gainful work as a public safety officer.''.

TITLE IX—VICTIMS OF CRIME ACT AMENDMENTS

SEC. 190901. SHORT TITLE.

This title may be cited as the ''Victims of Crime Act Fix Act of 2020''.

SEC. 190902. DEPOSITS OF FUNDING INTO THE CRIME VICTIMS FUND.

Section 1402(b) of the Victims of Crime Act of 1984 (34 U.S.C. 20101(b)) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

AMERICAN OVERSIGHT

"(6) any funds that would otherwise be deposited in the general fund of the Treasury collected as pursuant to—

"(A) a deferred prosecution agreement; or

"(B) a non-prosecution agreement.".

SEC. 190903. WAIVER OF MATCHING REQUIREMENT.

(a) IN GENERAL.—Notwithstanding any other provision of VOCA, during the COVID–19 emergency period and for the period ending one year after the date on which such period expires or is terminated, the Attorney General, acting through the Director of the Office for Victims of Crime, may not impose any matching requirement as a condition of receipt of funds under any program to provide assistance to victims of crimes authorized under the Victims of Crime Act of 1984 (34 U.S.C. 20101 et seq.).

(b) DEFINITION.—In this section, the term "COVID–19 emergency period" means the period beginning on the date on which the President declared a national emergency under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) and ending on the date that is 30 days after the date on which the national emergency declaration is terminated.

(c) APPLICATION.—This section shall apply with respect to—

AMERICAN OVERSIGHT

(1) applications submitted during the period described under subsection (a), including applications for which funds will be distributed after such period; and

(2) distributions of funds made during the period described under subsection (a), including distributions made pursuant to applications submitted before such period.

TITLE X—JABARA-HEYER NO HATE ACT

SEC. 191001. SHORT TITLE.

This title may be cited as the ''Jabara-Heyer National Opposition to Hate, Assault, and Threats to Equality Act of 2020'' or the ''Jabara-Heyer NO HATE Act''.

SEC. 191002. FINDINGS.

Congress finds the following:

(1) The incidence of violence known as hate crimes or crimes motivated by bias poses a serious national problem.

(2) According to data obtained by the Federal Bureau of Investigation, the incidence of such violence increased in 2017, the most recent year for which data is available.

(3) In 1990, Congress enacted the Hate Crime Statistics Act (Public Law 101–275; 28 U.S.C. 534

AMERICAN OVERSIGHT

note) to provide the Federal Government, law enforcement agencies, and the public with data regarding the incidence of hate crime. The Hate Crimes Statistics Act and the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (division E of Public Law 111–84; 123 Stat. 2835) have enabled Federal authorities to understand and, where appropriate, investigate and prosecute hate crimes.

(4) A more complete understanding of the national problem posed by hate crime is in the public interest and supports the Federal interest in eradicating bias-motivated violence referenced in section 249(b)(1)(C) of title 18, United States Code.

(5) However, a complete understanding of the national problem posed by hate crimes is hindered by incomplete data from Federal, State, and local jurisdictions through the Uniform Crime Reports program authorized under section 534 of title 28, United States Code, and administered by the Federal Bureau of Investigation.

(6) Multiple factors contribute to the provision of inaccurate and incomplete data regarding the incidence of hate crime through the Uniform Crime Reports program. A significant contributing factor is the quality and quantity of training that State and

AMERICAN OVERSIGHT

local law enforcement agencies receive on the identification and reporting of suspected bias-motivated crimes.

(7) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal financial assistance to States and local jurisdictions.

(8) Federal financial assistance with regard to certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

SEC. 191003. DEFINITIONS.

In this title:

(1) HATE CRIME.—The term ''hate crime'' means an act described in section 245, 247, or 249 of title 18, United States Code, or in section 901 of the Civil Rights Act of 1968 (42 U.S.C. 3631).

(2) PRIORITY AGENCY.—The term ''priority agency'' means—

(A) a law enforcement agency of a unit of local government that serves a population of not less than 100,000, as computed by the Federal Bureau of Investigation; or

AMERICAN OVERSIGHT

(B) a law enforcement agency of a unit of local government that—

(i) serves a population of not less than 50,000 and less than 100,000, as computed by the Federal Bureau of Investigation; and

(ii) has reported no hate crimes through the Uniform Crime Reports program in each of the 3 most recent calendar years for which such data is available.

(3) STATE.—The term ''State'' has the meaning given the term in section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251).

(4) UNIFORM CRIME REPORTS.—The term ''Uniform Crime Reports'' means the reports authorized under section 534 of title 28, United States Code, and administered by the Federal Bureau of Investigation that compile nationwide criminal statistics for use—

(A) in law enforcement administration, operation, and management; and

(B) to assess the nature and type of crime in the United States.

AMERICAN OVERSIGHT

(5) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' has the meaning given the term in section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251).

SEC. 191004. REPORTING OF HATE CRIMES.

(a) IMPLEMENTATION GRANTS.—

(1) IN GENERAL.—The Attorney General may make grants to States and units of local government to assist the State or unit of local government in implementing the National Incident-Based Reporting System, including to train employees in identifying and classifying hate crimes in the National Incident-Based Reporting System.

(2) PRIORITY.—In making grants under paragraph (1), the Attorney General shall give priority to States and units of local government with larger populations.

(b) REPORTING.—

(1) COMPLIANCE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in each fiscal year beginning after the date that is 3 years after the date on which a State or unit of local government first receives a grant under subsection (a), the State

AMERICAN OVERSIGHT

or unit of local government shall provide to the Attorney General, through the Uniform Crime Reporting system, information pertaining to hate crimes committed in that jurisdiction during the preceding fiscal year.

(B) EXTENSIONS; WAIVER.—The Attorney General—

(i) may provide a 120-day extension to a State or unit of local government that is making good faith efforts to comply with subparagraph (A); and

(ii) shall waive the requirements of subparagraph (A) if compliance with that subparagraph by a State or unit of local government would be unconstitutional under the constitution of the State or of the State in which the unit of local government is located, respectively.

(2) FAILURE TO COMPLY.—If a State or unit of local government that receives a grant under subsection (a) fails to substantially comply with paragraph (1) of this subsection, the State or unit of local government shall repay the grant in full, plus reasonable interest and penalty charges allowable by law or established by the Attorney General.

AMERICAN OVERSIGHT

SEC. 191005. GRANTS FOR STATE-RUN HATE CRIME HOTLINES.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Attorney General shall make grants to States to create State-run hate crime reporting hotlines.

(2) GRANT PERIOD.—A grant made under paragraph (1) shall be for a period of not more than 5 years.

(b) HOTLINE REQUIREMENTS.—A State shall ensure, with respect to a hotline funded by a grant under subsection (a), that—

(1) the hotline directs individuals to—

(A) law enforcement if appropriate; and

(B) local support services;

(2) any personally identifiable information that an individual provides to an agency of the State through the hotline is not directly or indirectly disclosed, without the consent of the individual, to—

(A) any other agency of that State;

(B) any other State;

(C) the Federal Government; or

(D) any other person or entity;

(3) the staff members who operate the hotline are trained to be knowledgeable about—

AMERICAN OVERSIGHT

(A) applicable Federal, State, and local hate crime laws; and

(B) local law enforcement resources and applicable local support services; and

(4) the hotline is accessible to—

(A) individuals with limited English proficiency, where appropriate; and

(B) individuals with disabilities.

(c) BEST PRACTICES.—The Attorney General shall issue guidance to States on best practices for implementing the requirements of subsection (b).

SEC. 191006. INFORMATION COLLECTION BY STATES AND UNITS OF LOCAL GOVERNMENT.

(a) DEFINITIONS.—In this section:

(1) APPLICABLE AGENCY.—The term ''applicable agency'', with respect to an eligible entity that is—

(A) a State, means—

(i) a law enforcement agency of the State; and

(ii) a law enforcement agency of a unit of local government within the State that—

(I) is a priority agency; and

AMERICAN OVERSIGHT

(II) receives a subgrant from the State under this section; and

(B) a unit of local government, means a law enforcement agency of the unit of local government that is a priority agency.

(2) COVERED AGENCY.—The term ''covered agency'' means—

(A) a State law enforcement agency; or

(B) a priority agency.

(3) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State; or

(B) a unit of local government that has a priority agency.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may make grants to eligible entities to assist covered agencies within the jurisdiction of the eligible entity in conducting law enforcement activities or crime reduction programs to prevent, address, or otherwise respond to hate crime, particularly as those activities or programs relate to reporting hate crimes through the Uniform Crime Reports program, including—

(A) adopting a policy on identifying, investigating, and reporting hate crimes;

AMERICAN OVERSIGHT

(B) developing a standardized system of collecting, analyzing, and reporting the incidence of hate crime;

(C) establishing a unit specialized in identifying, investigating, and reporting hate crimes;

(D) engaging in community relations functions related to hate crime prevention and education such as—

(i) establishing a liaison with formal community-based organizations or leaders; and

(ii) conducting public meetings or educational forums on the impact of hate crimes, services available to hate crime victims, and the relevant Federal, State, and local laws pertaining to hate crimes; and

(E) providing hate crime trainings for agency personnel.

(2) SUBGRANTS.—A State that receives a grant under paragraph (1) may award a subgrant to a priority agency of a unit of local government within the State for the purposes under that paragraph.

(c) INFORMATION REQUIRED OF STATES AND UNITS OF LOCAL GOVERNMENT.—

AMERICAN OVERSIGHT

(1) IN GENERAL.—For each fiscal year in which an eligible entity receives a grant under subsection (b), the eligible entity shall—

(A) collect information from each applicable agency summarizing the law enforcement activities or crime reduction programs conducted by the agency to prevent, address, or otherwise respond to hate crime, particularly as those activities or programs relate to reporting hate crimes through the Uniform Crime Reports program; and

(B) submit to the Attorney General a report containing the information collected under subparagraph (A).

(2) SEMIANNUAL LAW ENFORCEMENT AGENCY REPORT.—

(A) IN GENERAL.—In collecting the information required under paragraph (1)(A), an eligible entity shall require each applicable agency to submit a semiannual report to the eligible entity that includes a summary of the law enforcement activities or crime reduction programs conducted by the agency during the reporting period to prevent, address, or otherwise respond to hate crime, particularly as those ac-

AMERICAN OVERSIGHT

tivities or programs relate to reporting hate crimes through the Uniform Crime Reports program.

(B) CONTENTS.—In a report submitted under subparagraph (A), a law enforcement agency shall, at a minimum, disclose—

(i) whether the agency has adopted a policy on identifying, investigating, and reporting hate crimes;

(ii) whether the agency has developed a standardized system of collecting, analyzing, and reporting the incidence of hate crime;

(iii) whether the agency has established a unit specialized in identifying, investigating, and reporting hate crimes;

(iv) whether the agency engages in community relations functions related to hate crime, such as—

(I) establishing a liaison with formal community-based organizations or leaders; and

(II) conducting public meetings or educational forums on the impact of hate crime, services available to

AMERICAN OVERSIGHT

hate crime victims, and the relevant Federal, State, and local laws pertaining to hate crime; and

(v) the number of hate crime trainings for agency personnel, including the duration of the trainings, conducted by the agency during the reporting period.

(d) COMPLIANCE AND REDIRECTION OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), beginning not later than 1 year after the date of enactment of this title, an eligible entity receiving a grant under subsection (b) shall comply with subsection (c).

(2) EXTENSIONS; WAIVER.—The Attorney General—

(A) may provide a 120-day extension to an eligible entity that is making good faith efforts to collect the information required under subsection (c); and

(B) shall waive the requirements of subsection (c) for a State or unit of local government if compliance with that subsection by the State or unit of local government would be unconstitutional under the constitution of the

AMERICAN OVERSIGHT

State or of the State in which the unit of local government is located, respectively.

SEC. 191007. REQUIREMENTS OF THE ATTORNEY GENERAL.

(a) INFORMATION COLLECTION AND ANALYSIS; REPORT.—In order to improve the accuracy of data regarding the incidence of hate crime provided through the Uniform Crime Reports program, and promote a more complete understanding of the national problem posed by hate crime, the Attorney General shall—

(1) collect and analyze the information provided by States and units of local government under section 191006 for the purpose of developing policies related to the provision of accurate data obtained under the Hate Crime Statistics Act (Public Law 101–275; 28 U.S.C. 534 note) by the Federal Bureau of Investigation; and

(2) for each calendar year beginning after the date of enactment of this title, publish and submit to Congress a report based on the information collected and analyzed under paragraph (1).

(b) CONTENTS OF REPORT.—A report submitted under subsection (a) shall include—

(1) a qualitative analysis of the relationship between—

AMERICAN OVERSIGHT

(A) the number of hate crimes reported by State law enforcement agencies or priority agencies through the Uniform Crime Reports program; and

(B) the nature and extent of law enforcement activities or crime reduction programs conducted by those agencies to prevent, address, or otherwise respond to hate crime; and

(2) a quantitative analysis of the number of State law enforcement agencies and priority agencies that have—

(A) adopted a policy on identifying, investigating, and reporting hate crimes;

(B) developed a standardized system of collecting, analyzing, and reporting the incidence of hate crime;

(C) established a unit specialized in identifying, investigating, and reporting hate crimes;

(D) engaged in community relations functions related to hate crime, such as—

(i) establishing a liaison with formal community-based organizations or leaders; and

(ii) conducting public meetings or educational forums on the impact of hate

AMERICAN OVERSIGHT

crime, services available to hate crime victims, and the relevant Federal, State, and local laws pertaining to hate crime; and

(E) conducted hate crime trainings for agency personnel during the reporting period, including—

(i) the total number of trainings conducted by each agency; and

(ii) the duration of the trainings described in clause (i).

SEC. 191008. ALTERNATIVE SENTENCING.

Section 249 of title 18, United States Code, is amended by adding at the end the following:

''(e) SUPERVISED RELEASE.—If a court includes, as a part of a sentence of imprisonment imposed for a violation of subsection (a), a requirement that the defendant be placed on a term of supervised release after imprisonment under section 3583, the court may order, as an explicit condition of supervised release, that the defendant undertake educational classes or community service directly related to the community harmed by the defendant's offense.''.

AMERICAN OVERSIGHT

TITLE XI—PRISONS AND JAILS

SEC. 191101. SHORT TITLE.

This title may be cited as the ''Pandemic Justice Response Act''.

SEC. 191102. EMERGENCY COMMUNITY SUPERVISION ACT.

(a) FINDINGS.—Congress finds the following:

(1) As of the date of introduction of this Act, the novel coronavirus has spread to all 50 States, the District of Columbia, and 3 territories.

(2) The Centers for Disease Control and Prevention have projected that between 160,000,000 and 214,000,000 people could be infected by the novel coronavirus in the United States over the course of the pandemic.

(3) Although the United States has less than 5 percent of the world's population, the United States holds approximately 21 percent of the world's prisoners and leads the world in the number of individuals incarcerated, with nearly 2,200,000 people incarcerated in State and Federal prisons and local jails.

(4) Studies have shown that individuals age out of crime starting around 25 years of age, and released individuals over the age of 50 have a very low recidivism rate.

AMERICAN OVERSIGHT

(5) According to public health experts, incarcerated individuals are particularly vulnerable to being gravely impacted by the novel corona virus pandemic because—

(A) they have higher rates of underlying health issues than members of the general public, including higher rates of respiratory disease, heart disease, diabetes, obesity, HIV/AIDS, substance abuse, hepatitis, and other conditions that suppress immune response; and

(B) the close conditions and lack of access to hygiene products in prisons make these institutions unusually susceptible to viral pandemics.

(6) The spread of communicable disease in the United States generally constitutes a serious, heightened threat to the safety of incarcerated individuals, and there is a serious threat to the general public that prisons may become incubators of community spread of communicable viral disease.

(b) DEFINITIONS.—In this section:

(1) COVERED HEALTH CONDITION.—The term ''covered health condition'' with respect to an individual, means the individual—

(A) is pregnant;

AMERICAN OVERSIGHT

(B) has chronic lung disease or asthma;

(C) has congestive heart failure or coronary artery disease;

(D) has diabetes;

(E) has a neurological condition that weakens the ability to cough or breathe;

(F) has HIV;

(G) has sickle cell anemia;

(H) has cancer; or

(I) has a weakened immune system.

(2) COVERED INDIVIDUAL.—The term ''covered individual''—

(A) means an individual who—

(i) is a juvenile (as defined in section 5031 of title 18, United States Code);

(ii) is 50 years of age or older;

(iii) has a covered health condition; or

(iv) is within 12 months of release from incarceration; and

(B) includes an individual described in subparagraph (A) who is serving a term of imprisonment for an offense committed before November 1, 1987.

(3) NATIONAL EMERGENCY RELATING TO A COMMUNICABLE DISEASE.—The term ''national

AMERICAN OVERSIGHT

emergency relating to a communicable disease'' means—

(A) an emergency involving Federal primary responsibility determined to exist by the President under the section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)) with respect to a communicable disease; or

(B) a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to a communicable disease.

(c) PLACEMENT OF CERTAIN INDIVIDUALS IN COMMUNITY SUPERVISION.—

(1) AUTHORITY.—Except as provided in paragraph (2), beginning on the date on which a national emergency relating to a communicable disease is declared and ending on the date that is 60 days after such national emergency expires or is terminated—

(A) notwithstanding any other provision of law, the Director of the Bureau of Prisons shall place in community supervision all covered individuals who are in the custody of the Bureau of Prisons; and

AMERICAN OVERSIGHT

(B) the district court of the United States for each judicial district shall place in community supervision all covered individuals who are in the custody and care of the United States Marshals Service.

(2) EXCEPTIONS.—

(A) BUREAU OF PRISONS.—In carrying out paragraph (1)(A), the Director—

(i) may not place in community supervision any individual determined, by clear and convincing evidence, to be likely to pose a specific and substantial risk of causing bodily injury to or using violent force against the person of another;

(ii) shall place in the file of each individual described in clause (i) documentation of such determination, including the evidence used to make the determination; and

(iii) not later than 180 days after the date on which the national emergency relating to a communicable disease expires, shall provide a report to Congress documenting—

AMERICAN OVERSIGHT

(I) the demographic data (including race, gender, age, offense of conviction, and criminal history level) of the individuals denied placement in community supervision under clause (i); and

(II) the justification for the denials described in subclause (I).

(B) DISTRICT COURTS.—In carrying out paragraph (1)(B), each district court of the United States—

(i) shall conduct an immediate and expedited review of the detention orders of all covered individuals in the custody and care of the United States Marshals Service, which may be conducted sua sponte and ex parte, without—

(I) appearance by the defendant or any party; or

(II) requiring a petition, motion, or other similar document to be filed;

(ii) may not place in community supervision any individual if the court determines, after a hearing and the attorney for the Government shows by clear and con-

AMERICAN OVERSIGHT

vincing evidence based on individualized facts, that detention is necessary because the individual's release will pose a specific and substantial risk that the individual will cause bodily injury or use violent force against the person of another and that no conditions of release will reasonably mitigate that risk;

(iii) in carrying out clauses (i) and (ii), may—

(I) rely on evidence presented in prior court proceedings; and

(II) if the court determines it necessary, request additional information from the parties to make the determination.

(3) LIMITATION ON COMMUNITY SUPERVISION PLACEMENT.—In placing covered individuals into community supervision under this section, the Director of the Bureau of Prisons and the district court of the United States for each judicial district shall take into account and prioritize placements that enable adequate social distancing, which include home confinement or other forms of low in-person-contact supervised release.

AMERICAN OVERSIGHT

(d) LIMITATION ON PRE-TRIAL DETENTION.—

(1) NO BOND CONDITIONS ON RELEASE.—Notwithstanding section 3142 of title 18, United States Code, beginning on the date on which a national emergency relating to a communicable disease is declared and ending on the date that is 60 days after such national emergency expires or is terminated, in imposing conditions of release, the judicial officer may not require payment of cash bail, proof of ability to pay an unsecured bond, execution of a bail bond, a solvent surety to co-sign a secured or unsecured bond, or posting of real property.

(2) LIMITATION.—

(A) IN GENERAL.—Beginning on the date on which a national emergency relating to a communicable disease is declared and ending on the date that is 60 days after such national emergency expires or is terminated, at any initial appearance hearing, detention hearing, hearing on a motion for pretrial release, or any other hearing where the attorney for the Government is seeking the detention or continued detention of any individual, the judicial officer shall order the pretrial release of the individual on personal recognizance or on a condition or

AMERICAN OVERSIGHT

combination of conditions under section 3142(c) of title 18, United States Code, unless the attorney for the Government shows by clear and convincing evidence based on individualized facts that detention is necessary because the individual's release will pose a specific and substantial risk that the individual will cause bodily injury or use violent force against the person of another and that no conditions of release will reasonably mitigate that risk.

(B) REQUIRED CONSIDERATION OF CERTAIN FACTORS.—If the judicial officer finds that the attorney for the Government has made the requisite showing under subparagraph (A), the judicial officer shall take into consideration, in determining whether detention is necessary—

(i) whether the individual's age or medical condition renders them especially vulnerable; and

(ii) whether detention will compromise the individual's access to adequate medical treatment, access to medications, or ability to privately consult with counsel and meaningfully prepare a defense.

(C) JUVENILES.—

AMERICAN OVERSIGHT

(i) IN GENERAL.—Beginning on the date on which a national emergency relating to a communicable disease is declared and ending on the date that is 60 days after such national emergency expires or is terminated, notwithstanding sections 5031 through 5035 of title 18, United States Code, and except as provided under clause (ii), in the case of a juvenile alleged to have committed an act of juvenile delinquency, the judicial officer shall release the juvenile to their parent, guardian, custodian, or other responsible party (including the director of a shelter-care facility) upon their promise to bring such juvenile before the appropriate court when requested by the judicial officer.

(ii) EXCEPTION.—A juvenile alleged to have committed an act of juvenile delinquency may be detained pending trial only if, at a hearing at which the juvenile is represented by counsel, the attorney for the Government shows by clear and convincing evidence based on individualized facts that detention is necessary because

AMERICAN OVERSIGHT

the juvenile's release will pose a specific and substantial risk that the juvenile will use violent force against a reasonably identifiable person and that no conditions of release will reasonably mitigate that risk, except that in no case may a judicial officer order the detention of a juvenile if it will compromise the juvenile's access to adequate medical treatment, access to medications, or ability to privately consult with counsel and meaningfully prepare a defense.

(iii) LEAST RESTRICTIVE DETENTION.—In the case that the judicial officer orders the detention of a juvenile under clause (ii), the judicial officer shall order the detention of the juvenile in the least restrictive and safest environment possible, taking the national emergency relating to a communicable disease into consideration.

(iv) CONTENTS OF DETENTION ORDER.—In the case that the judicial officer orders the detention of a juvenile under clause (ii), the judicial officer shall issue a written detention order that includes—

AMERICAN OVERSIGHT

(I) findings of fact;

(II) the reasons for the detention;

(III) a description of the risk identified under clause (ii);

(IV) an explanation of why no conditions will reasonably mitigate the risk identified under clause (ii);

(V) a statement that detention will not compromise the juvenile's access to adequate medical treatment, access to medications, or ability to privately consult with counsel and meaningfully prepare a defense; and

(VI) a statement establishing that the detention environment is the least restrictive and safest possible in accordance with the requirement under clause (iii).

(e) LIMITATION ON SUPERVISED RELEASE.—Beginning on the date on which a national emergency relating to a communicable disease is declared and ending on the date that is 60 days after such national emergency expires, the Office of Probation and Pretrial Services of the Administrative Office of the United States Courts shall take

AMERICAN OVERSIGHT

measures to prevent the spread of the communicable disease among individuals under supervision by—

(1) suspending the requirement that individuals determined to be a lower risk of reoffending, or any other individuals determined to be appropriate by the supervising probation officer, report in person to their probation or parole officer;

(2) identifying individuals who have successfully completed not less than 18 months of supervision and transferring such individuals to administrative supervision or petitioning the court to terminate supervision, as appropriate; and

(3) suspending the request for detention and imprisonment as a sanction for violations of probation, supervised release, or parole.

(f) PROHIBITION.—No individual who is granted placement in community supervision, termination of supervision, placement on administrative supervision, or pre-trial release shall be re-incarcerated, placed on supervision or active supervision, or ordered detained pre-trial only as a result of the expiration of the national emergency relating to a communicable disease.

(g) PROHIBITION ON TECHNICAL VIOLATIONS AND CERTAIN MANDATORY REVOCATIONS OF PROBATION OR SUPERVISED RELEASE.—

AMERICAN OVERSIGHT

(1) RESENTENCING IN CASES OF PROBATION AND SUPERVISED RELEASE.—

(A) IN GENERAL.—Beginning on the date on which a national emergency relating to a communicable disease is declared and ending on the date that is 60 days after such national emergency expires, and notwithstanding section 3582(b) of title 18, United States Code, a court shall order the resentencing of a defendant who is serving a term of imprisonment resulting from a revocation of probation, or supervised release for a Grade C violation for conduct under section 7B1.1(c)(3)(B) of the United States Sentencing Guidelines, upon motion of the defendant.

(B) RESENTENCING.—The court shall order the resentencing of a defendant described in subparagraph (A) as follows:

(i) In the case of a revoked sentence of probation, the court shall resentence the defendant to probation, the duration of which shall be equal to the period of time remaining on the term of probation originally imposed at the time the defendant was most recently placed in custody, unless

AMERICAN OVERSIGHT

the court determines that decreasing the length of the term of probation is in the interest of justice.

(ii) In the case of a revoked term of supervised release, the court shall continue the defendant on supervised release, the duration of which shall be equal to the period of time the defendant had remaining on supervised release when the defendant was most recently placed in custody, unless the court determines that decreasing the term of supervised release is in the interest of justice.

(2) RESENTENCING IN CASES OF PAROLE.—

(A) IN GENERAL.—Beginning on the date on which a national emergency relating to a communicable disease is declared and ending on the date that is 60 days after such national emergency expires, the court shall order the resentencing of a defendant who is serving a term of imprisonment resulting from a technical violation of the defendant's parole.

(B) RESENTENCING.—The court shall resentence the defendant to parole, the duration of which shall be equal to the period of time re-

AMERICAN OVERSIGHT

maining on the defendant's term of parole at the time the defendant was most recently placed in custody, unless the court determines that decreasing the length of the term of parole is in the interest of justice.

(3) HEARING.—The court may grant, but not deny, a motion without a hearing under this section.

(4) NO MANDATORY REVOCATION.—

(A) IN GENERAL.—Beginning on the date on which a national emergency relating to a communicable disease is declared and ending on the date that is 60 days after such national emergency expires, a court is not required to revoke a defendant's probation or supervised release under sections 3565(b) and 3583(g) of title 18, United States Code, based on a finding that the defendant refused to comply with drug treatment.

(B) DISSEMINATION OF POLICY CHANGE.—Not later than 10 days after the date of enactment of this title, the Judicial Conference of the United States shall issue and disseminate to all district courts of the United States a temporary policy change suspending mandatory revocation of probation or super-

AMERICAN OVERSIGHT

vised release for refusal to comply with drug testing.

(5) PROMPT DETERMINATION.—Any motion under this subsection shall be determined promptly.

(6) COUNSEL.—To effectuate the purposes of this subsection, counsel shall be appointed as early as possible to represent any indigent defendant.

(7) DEFINITIONS.—In this subsection, the term ''defendant'' includes individuals adjudicated delinquent under the Federal Juvenile Delinquency Act and applies to persons serving time in official detention for a revocation of juvenile probation or supervised release.

SEC. 191103. COURT AUTHORITY TO REDUCE SENTENCES AND TEMPORARY RELEASE DURING COVID–19 EMERGENCY PERIOD.

(a) COURT AUTHORITY TO REDUCE SENTENCES.—

(1) IN GENERAL.—Notwithstanding section 3582 of title 18, United States Code, the court shall, during the covered emergency period, upon motion of a covered individual (as such term is defined in section 191102(b)) or on the court's own motion, reduce a term of imposed imprisonment on that individual, unless the government shows, by clear and convincing evidence, that the individual poses a risk

AMERICAN OVERSIGHT

of serious, imminent injury to a reasonably identifiable person.

(2) SENTENCE REDUCTION DEEMED AUTHORIZED.—Any sentence that is reduced under this subsection is deemed to be authorized under section 3582(c)(1)(B) of title 18, United States Code.

(3) RULE OF CONSTRUCTION.—In addition to the reduction of sentences authorized under this subsection, the court may continue to reduce and modify sentences under section 3582 of title 18, United States Code, during the covered emergency period.

(4) SPECIAL RULE.—During the covered emergency period, a covered individual who is serving a term of imprisonment for an offense committed before November 1, 1987, who would not otherwise be eligible to file a motion under section 3582(c)(1)(A) of title 18, United States Code, is eligible to file such a motion and for relief under such section. Any motion for relief filed in accordance with this paragraph before the expiration or termination of the covered emergency period shall not disqualify such motion based solely on such expiration or termination.

AMERICAN OVERSIGHT

(b) COURT AUTHORITY TO AUTHORIZE TEMPORARY RELEASE OF PERSONS AWAITING DESIGNATION OR TRANSPORTATION TO A BUREAU OF PRISONS FACILITY.—Notwithstanding sections 3582 and 3621 of title 18, United States Code, during the covered emergency period, the court, upon motion of an individual (including individuals adjudicated delinquent under the Federal Juvenile Delinquency Act) awaiting designation or transportation to a Bureau of Prisons or other facility for service of sentence or official detention, or on the court's own motion, may order the temporary release of the individual, for a limited period ending not later than the expiration or termination of the COVID–19 emergency, if such release is for the purpose of avoiding or mitigating the risks associated with imprisonment during the covered emergency period, either generally with respect to the individual's place of imprisonment or specifically with respect to the individual.

(c) HEARING REQUIREMENT.—The court may grant, but not deny, a motion without a hearing under this section. Any motion under this section shall be determined promptly.

(d) EFFECTIVE REPRESENTATION DURING NATIONAL EMERGENCY.—

AMERICAN OVERSIGHT

(1) ACCESS TO COURT.—During the covered emergency period, any procedural requirement under section 3582(c)(1)(A) of title 18, United States Code, that would delay a defendant from directly petitioning the court shall not apply, and the defendant may petition the court directly for relief.

(2) APPOINTMENT OF COUNSEL.—The court shall appoint counsel for indigent defendants or prisoners, at no cost to the defendant or prisoner, as early as possible to effectuate the purposes of this section and the purposes of section 3582(c)(1)(A) of title 18, United States Code.

(3) ACCESS TO MEDICAL RECORDS.—

(A) IN GENERAL.—In order to expedite proceedings under this section and proceedings under 3582(c)(1)(A) of title 18, United States Code, during the covered emergency period, the Director of the Bureau of Prisons shall promptly release all medical records in the possession of the Bureau of Prisons to a prisoner who requests them on their own behalf, or to the counsel of record for a prisoner upon submission to the court of an affidavit, signed by such counsel under penalty of perjury, that such counsel has reason to believe that the prisoner

AMERICAN OVERSIGHT

has a covered health condition (as such term is defined in section 191102(b)) or a condition that would entitle them to relief under section 3582(c)(1)(A) of title 18, United States Code.

(B) INDIVIDUALS IN THE CUSTODY OF THE U.S. MARSHALS SERVICE.—In order to expedite proceedings under this section, in the case of an individual who is in the custody or care of the U.S. Marshals Service, the Director of the U.S. Marshals Service shall facilitate the provision of any medical records of the individual to the individual or the counsel of record of the individual, upon request of the individual or counsel.

SEC. 191104. EXEMPTION FROM EXHAUSTING ADMINISTRATIVE REMEDIES DURING COVERED EMERGENCY PERIOD.

Section 7 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) is amended by adding at the end the following:

"(i) COVERED EMERGENCY PERIOD.—

"(1) RELIEF WITHOUT EXHAUSTING ADMINISTRATIVE REMEDIES.—Notwithstanding the other provisions of this section, during the covered emergency period, a prisoner may commence, without ex-

AMERICAN OVERSIGHT

hausting all administrative remedies, an action relating to conditions of imprisonment under which the prisoner is at significant risk of harm or under which the prisoner's access to counsel has been impaired. If the court determines the prisoner is reasonably likely to prevail, the court may order such appropriate relief, limited in time and scope, as may be necessary to prevent or remedy the significant risk of harm or provide access to counsel.

''(2) RETALIATION PROHIBITED.—Section 6 shall apply in the case of retaliation against a prisoner who files an administrative claim or lawsuit during the covered emergency period or attempts to so file.

''(3) DEFINITIONS.—For purposes of this subsection, the term 'covered emergency period' has the meaning given the term in section 12003 of the CARES Act (Public Law 116–136).''.

SEC. 191105. INCREASING AVAILABILITY OF HOME DETENTION FOR ELDERLY OFFENDERS.

(a) GOOD CONDUCT TIME CREDITS FOR CERTAIN ELDERLY NONVIOLENT OFFENDERS.—Section 231(g)(5)(A)(ii) of the Second Chance Act of 2007 (34 U.S.C. 60541(g)(5)(A)(ii)) is amended by striking ''to which the offender was sentenced'' and inserting ''reduced

AMERICAN OVERSIGHT

by any credit toward the service of the prisoner's sentence awarded under section 3624(b) of title 18, United States Code''.

(b) INCREASING ELIGIBILITY FOR HOME DETENTION FOR CERTAIN ELDERLY NONVIOLENT OFFENDERS.—During the covered emergency period an offender who is in the custody of the Bureau of Prisons shall be considered an eligible elderly offender under section 231(g) of the Second Chance Act of 2007 (34 U.S.C. 60541(g)) if the offender—

(1) is not less than 50 years of age;

(2) has served 1/2 of the term of imprisonment reduced by any credit toward the service of the prisoner's sentence awarded under section 3624(b) of title 18, United States Code; and

(3) is otherwise described in such section 231(g)(5)(A).

SEC. 191106. EFFECTIVE ASSISTANCE OF COUNSEL IN THE DIGITAL ERA ACT.

(a) PROHIBITION ON MONITORING.—Not later than 180 days after the date of the enactment of this title, the Attorney General shall create a program or system, or modify any program or system that exists on the date of enactment of this title, through which an incarcerated person sends or receives an electronic communication, to ex-

AMERICAN OVERSIGHT

clude from monitoring the contents of any privileged electronic communication. In the case that the Attorney General creates a program or system in accordance with this subsection, the Attorney General shall, upon implementing such system, discontinue using any program or system that exists on the date of enactment of this title through which an incarcerated person sends or receives a privileged electronic communication, except that any program or system that exists on such date may continue to be used for any other electronic communication.

(b) RETENTION OF CONTENTS.—A program or system or a modification to a program or system under subsection (a) may allow for retention by the Bureau of Prisons of, and access by an incarcerated person to, the contents of electronic communications, including the contents of privileged electronic communications, of the person until the date on which the person is released from prison.

(c) ATTORNEY-CLIENT PRIVILEGE.—Attorney-client privilege, and the protections and limitations associated with such privilege (including the crime fraud exception), applies to electronic communications sent or received through the program or system established or modified under subsection (a).

(d) ACCESSING RETAINED CONTENTS.—Contents retained under subsection (b) may only be accessed by a per-

AMERICAN OVERSIGHT

son other than the incarcerated person for whom such contents are retained under the following circumstances:

(1) ATTORNEY GENERAL.—The Attorney General may only access retained contents if necessary for the purpose of creating and maintaining the program or system, or any modification to the program or system, through which an incarcerated person sends or receives electronic communications. The Attorney General may not review retained contents that are accessed pursuant to this paragraph.

(2) INVESTIGATIVE AND LAW ENFORCEMENT OFFICERS.—

(A) WARRANT.—

(i) IN GENERAL.—Retained contents may only be accessed by an investigative or law enforcement officer pursuant to a warrant issued by a court pursuant to the procedures described in the Federal Rules of Criminal Procedure.

(ii) APPROVAL.—No application for a warrant may be made to a court without the express approval of a United States Attorney or an Assistant Attorney General.

(B) PRIVILEGED INFORMATION.—

AMERICAN OVERSIGHT

(i) REVIEW.—Before retained contents may be accessed pursuant to a warrant obtained under subparagraph (A), such contents shall be reviewed by a United States Attorney to ensure that privileged electronic communications are not accessible.

(ii) BARRING PARTICIPATION.—A United States Attorney who reviews retained contents pursuant to clause (i) shall be barred from—

(I) participating in a legal proceeding in which an individual who sent or received an electronic communication from which such contents are retained under subsection (b) is a defendant; or

(II) sharing the retained contents with an attorney who is participating in such a legal proceeding.

(3) MOTION TO SUPPRESS.—In a case in which retained contents have been accessed in violation of this subsection, a court may suppress evidence obtained or derived from access to such contents upon motion of the defendant.

AMERICAN OVERSIGHT

(e) DEFINITIONS.—In this section—

(1) the term ''agent of an attorney or legal representative'' means any person employed by or contracting with an attorney or legal representative, including law clerks, interns, investigators, paraprofessionals, and administrative staff;

(2) the term ''contents'' has the meaning given such term in 2510 of title 18, United States Code;

(3) the term ''electronic communication'' has the meaning given such term in section 2510 of title 18, United States Code, and includes the Trust Fund Limited Inmate Computer System;

(4) the term ''monitoring'' means accessing the contents of an electronic communication at any time after such communication is sent;

(5) the term ''incarcerated person'' means any individual in the custody of the Bureau of Prisons or the United States Marshals Service who has been charged with or convicted of an offense against the United States, including such an individual who is imprisoned in a State institution; and

(6) the term ''privileged electronic communication'' means—

(A) any electronic communication between an incarcerated person and a potential, current,

AMERICAN OVERSIGHT

or former attorney or legal representative of such a person; and

(B) any electronic communication between an incarcerated person and the agent of an attorney or legal representative described in subparagraph (A).

SEC. 191107. COVID–19 CORRECTIONAL FACILITY EMERGENCY RESPONSE ACT OF 2020.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10101 et seq.) is amended by adding at the end the following:

"PART OO—PANDEMIC CORRECTIONAL FACILITY EMERGENCY RESPONSE

"SEC. 3061. FINDINGS; PURPOSES.

"(a) IMMEDIATE RELEASE OF VULNERABLE AND LOW-RISK INDIVIDUALS.—The purpose of the grant program under section 3062 is to provide for the testing, initiation and transfer to treatment in the community, and provision of services in the community, by States and units of local government as they relate to preventing, detecting, and stopping the spread of COVID–19 in correctional facilities.

"(b) PRETRIAL CITATION AND RELEASE.—

"(1) FINDINGS.—Congress finds as follows:

AMERICAN OVERSIGHT

"(A) With the dramatic growth in pretrial detention resulting in county and city correctional facilities regularly exceeding capacity, such correctional facilities may serve to rapidly increase the spread of COVID–19, as facilities that hold large numbers of individuals in congregant living situations may promote the spread of COVID–19.

"(B) While individuals arrested and processed at local correctional facilities may only be held for hours or days, exposure to large number of individuals in holding cells and courtrooms promotes the spread of COVID–19.

"(C) Pretrial detainees and individuals in correctional facilities are then later released into the community having being exposed to COVID–19.

"(2) PURPOSE.—The purpose of the grant program under section 3065 is to substantially increase the use of risk-based citation release for all individuals who do not present a public safety risk.

"SEC. 3062. IMMEDIATE RELEASE OF VULNERABLE AND LOW-RISK INDIVIDUALS.

"(a) AUTHORIZATION.—The Attorney General shall carry out a grant program to make grants to States and

AMERICAN OVERSIGHT

units of local government that operate correctional facilities, to establish and implement policies and procedures to prevent, detect, and stop the presence and spread of COVID–19 among arrestees, detainees, inmates, correctional facility staff, and visitors to the facilities.

''(b) PROGRAM ELIGIBILITY.—

''(1) IN GENERAL.—Eligible applicants under this section are States and units of local government that release or have a plan to release the persons described in paragraph (2) from custody in order to ensure that, not later than 90 days after enactment of this section, the total population of arrestees, detainees, and inmates at a correctional facility does not exceed the number established under subsection (c).

''(2) PERSONS DESCRIBED.—A person described in this paragraph is a person who—

''(A) does not pose a risk of serious, imminent injury to a reasonably identifiable person; or

''(B) is—

''(i) 50 years of age or older;

''(ii) a juvenile;

''(iii) an individual with serious chronic medical conditions, including heart dis-

AMERICAN OVERSIGHT

ease, cancer, diabetes, HIV, sickle cell anemia, a neurological disease that interferes with the ability to cough or breathe, chronic lung disease, asthma, or respiratory illness;

"(iv) a pregnant woman;

"(v) an individual who is immunocompromised or has a weakened immune system; or

"(vi) an individual who has a health condition or disability that makes them vulnerable to COVID–19.

"(c) TARGET CORRECTIONAL POPULATION.—

"(1) TARGET POPULATION.—An eligible applicant shall establish individualized, facility-specific target capacities at each correction facility that will receive funds under this section that reflect the maximum number of individuals who may be incarcerated safely in accordance with the Centers for Disease Control and Prevention guidelines for correctional facilities pertaining to COVID–19, with consideration given to Centers for Disease Control and Prevention guidelines pertaining to community-based physical distancing, hygiene, and sanitation. A correctional facility receiving funds under this section

AMERICAN OVERSIGHT

may not use isolation in a punitive or non-medical manner as a way of achieving specific target capacities established under this paragraph.

''(2) CERTIFICATION.—An eligible applicant shall include in its application for a grant under this section a certification by a public health professional who is certified in epidemiology or infectious diseases that each correctional facility that will receive funds under this section in its jurisdiction meets the appropriate target capacity standard established under paragraph (1).

''(d) AUTHORIZED USES.—Funds awarded pursuant to this section shall be used by grantees (including acting through nonprofit entities) to—

''(1) test all arrestees, detainees, and inmates, and initiate treatment for COVID–19, and transfer such an individual for an appropriate treatment at external medical facility, as needed;

''(2) test for COVID–19—

''(A) correctional facility staff;

''(B) volunteers;

''(C) visitors, including family members and attorneys;

''(D) court personnel that have regular contact with arrestees, detainees, and inmates;

AMERICAN OVERSIGHT

"(E) law enforcement officers who transport arrestees, detainees, and inmates; and

"(F) personnel outside the correctional facility who provide medical treatment to arrestees, detainees, and inmates;

"(3) curtail booking and in-facility processing for individuals who have committed technical parole or probation violations; and

"(4) provide transition and reentry support services to individuals released pursuant to this section, including programs that—

"(A) increase access to and participation in reentry services;

"(B) promote a reduction in recidivism rates;

"(C) facilitate engagement in educational programs, job training, or employment;

"(D) place reentering individuals in safe and sanitary temporary transitional housing;

"(E) facilitate the enrollment of reentering individuals with a history of substance use disorder in medication-assisted treatment and a referral to overdose prevention services, mental health services, or other medical services; and

AMERICAN OVERSIGHT

''(F) facilitate family reunification or support services, as needed.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $500,000,000 to carry out this section and section 3065 for each of fiscal years 2020 and 2021.

''SEC. 3063. JUVENILE SPECIFIC SERVICES.

''(a) IN GENERAL.—The Attorney General, acting through the Administrator of the Office Juvenile Justice and Delinquency Prevention, consistent with section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11171), is authorized to make grants to States and units of local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly, or through grants and contracts with public and private agencies and nonprofit entities (as such term is defined under section 408(5)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11296(5)(A))), for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system, consistent with subsection (b).

AMERICAN OVERSIGHT

''(b) USE OF GRANT FUNDS.—Grants under this section shall be used for the exclusive purpose of providing juvenile specific services that—

''(1) provide rapid mass testing for COVID–19 in juvenile facilities, notification of the results of such tests to juveniles and authorized family members or legal guardians, and include policies and procedures for non-punitive quarantine that does not involve solitary confinement, and provide for examination by a doctor for any juvenile who tests positive for COVID–19;

''(2) examine all pre- and post-adjudication release processes and mechanisms applicable to juveniles and begin employing these as quickly as possible;

''(3) provide juveniles in out of home placements with continued access to appropriate education;

''(4) provide juveniles with access to legal counsel through confidential visits or teleconferencing;

''(5) provide staff and juveniles with appropriate personal protective equipment, hand washing facilities, toiletries, and medical care to reduce the spread of the virus;

AMERICAN OVERSIGHT

''(6) provide juveniles with frequent and no cost calls home to parents, legal guardians, and other family members;

''(7) advance policies and procedures for juvenile delinquency program proceedings (including court proceedings) and probation conditions so that in-person reporting requirements for juveniles are replaced with virtual or telephonic appearances without penalty;

''(8) expand opportunities for juveniles to participate in community based services and social services through videoconferencing or teleconferencing; or

''(9) place a moratorium on all requirements for juveniles to attend and pay for court and probation-ordered programs, community service, and labor, that violate any applicable social distancing or stay at home order.

Each element described in paragraph (1) through (9) shall be trauma-informed, reflect the science of adolescent development, and be designed to meet the needs of at-risk juveniles and juveniles who come into contact with the justice system.

''(c) DEFINITIONS.—Terms used in this section have the meanings given such terms in the Juvenile Justice and

AMERICAN OVERSIGHT

Delinquency Prevention Act of 1974. The term 'juvenile' has the meaning given such term in section 1809 of this Act.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2020 and 2021.

"SEC. 3064. RAPID COVID–19 TESTING.

''(a) IN GENERAL.—The Attorney General shall make grants to grantees under section 3062 for the exclusive purpose of providing for rapid COVID–19 testing of arrestees, detainees, and inmates who are exiting the custody of a correctional facility prior to returning to the community.

''(b) USE OF FUNDS.—Grants provided under this section may be used for any of the following:

''(1) Purchasing or leasing medical devices authorized by the U.S. Food and Drug Administration to detect COVID–19 that produce results in less than one hour.

''(2) Purchasing or securing COVID–19 testing supplies and personal protective equipment used by the correctional facility to perform such tests.

''(3) Contracting with medical providers to administer such tests.

AMERICAN OVERSIGHT

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2020 and 2021.

"SEC. 3065. PRETRIAL CITATION AND RELEASE.

''(a) AUTHORIZATION.—The Attorney General shall make grants under this section to eligible applicants for the purposes set forth in section 3061(b)(2).

''(b) PROGRAM ELIGIBILITY.—Eligible applicants under this section are States and units of local government that implement or continue operation of a program described in subsection (c)(1) and not fewer than 2 of the other programs enumerated in such subsection.

''(c) USE OF GRANT FUNDS.—A grantee shall use amounts provided as a grant under this section for programs that provide for the following:

''(1) Adopting and operating a cite-and-release process for individuals who are suspected of committing misdemeanor and felony offenses and who do not pose a risk of serious, imminent injury to a reasonably identifiable person.

''(2) Curtailing booking and in-facility processing for individuals who have committed technical parole or probation violations.

''(3) Ensuring that defense counsel is appointed at the earliest hearing that could result in pretrial

AMERICAN OVERSIGHT

detention so that low-risk defendants are not unnecessarily further exposed to COVID–19.

''(4) Establishing early review of charges by an experienced prosecutor, so only arrestees and detainees who will be charged are detained.

''(5) Providing appropriate victims' services supports and safety-focused residential accommodations for victims and community members who have questions or concerns about releases described in this subsection.

''SEC. 3066. REPORT.

''(a) IN GENERAL.—Not later than 6 months after the date on which grants are initially made under this part, and biannually thereafter during the grant period, the Attorney General shall submit to Congress a report on the program, which shall include—

''(1) the number of grants made, the number of grantees, and the amount of funding distributed to each grantee pursuant to this part;

''(2) the location of each correctional facility where activities are carried out using grant amounts;

''(3) the number of persons in the custody of correctional facilities where activities are carried out using grant amounts, including incarcerated persons released on parole, community supervision, good

AMERICAN OVERSIGHT

time or early release, clemency or commutation, as a result of the national emergency under the National Emergencies Act (50 U.S.C. 1601 et seq.) declared by the President with respect to the Coronavirus Disease 2019 ('COVID–19'), disaggregated by type of offense, age, race, sex, and ethnicity; and

''(4) for each facility receiving funds under section 3062—

''(A) the total number of tests for COVID–19 performed;

''(B) the results of such COVID–19 tests (confirmed positive or negative);

''(C) the total number of probable COVID–19 infections;

''(D) the total number of COVID–19-related hospitalizations, the total number of intensive care unit admissions, and the duration of each such hospitalization;

''(E) recoveries from COVID–19; and

''(F) COVID–19 deaths,

disaggregated by race, ethnicity, age, disability, sex, pregnancy status, and whether the individual is a staff member of or incarcerated at the facility.

AMERICAN OVERSIGHT

''(b) PRIVACY.—Data reported under this section shall be reported in accordance with applicable privacy laws and regulations.

''SEC. 3067. NO MATCHING REQUIRED.

''The Attorney General shall not require grantees to provide any matching funds with respect to the use of funds under this part.

''SEC. 3068. DEFINITION.

''For purposes of this part:

''(1) CORRECTIONAL FACILITY.—The term 'correctional facility' includes a juvenile facility.

''(2) COVERED EMERGENCY PERIOD.—The term 'covered emergency period' has the meaning given the term in section 12003 of the CARES Act (Public Law 116–136).

''(3) COVID–19.—The term 'COVID–19' means a disease caused by severe acute respiratory syndrome coronavirus 2 (SARS–CoV–2).

''(4) DETAINEE; ARRESTEE; INMATE.—The terms 'detainee', 'arrestee', and 'inmate' each include juveniles.''.

SEC. 191108. MORATORIUM ON FEES AND FINES.

(a) IN GENERAL.—During the covered emergency period, and for fiscal years 2020, 2021, and 2022, the Attorney General is authorized make grants to State and local

AMERICAN OVERSIGHT

courts that comply with the requirement under subsection (b) to ensure that such recipients are able to continue operations.

(b) REQUIREMENT TO IMPOSE MORATORIUM ON IMPOSITION AND COLLECTION OF FEES AND FINES.—To be eligible for a grant under this section, a court shall implement a moratorium on the imposition and collection (including by a unit of local government or a State) of fees and fines imposed by that court—

(1) not later than 120 day after the date of the enactment of this section;

(2) retroactive to a period beginning 30 days prior the covered emergency period; and

(3) continuing for an additional 90 days after the date the covered emergency period terminates.

(c) GRANT AMOUNT.—In making grants under this section, the Attorney General shall—

(1) give preference to applicants that implement a moratorium on the imposition and collection of fines and fees related to juvenile delinquency proceedings for each of fiscal years 2020 through 2022; and

(2) make such grants in amounts that are proportionate to the number of individuals in the jurisdiction of the court.

AMERICAN OVERSIGHT

(d) USE OF FUNDS.—Funds made available under this section may be used to ensure that the recipient is able to continue court operations during the covered emergency period.

(e) NO MATCHING REQUIREMENT.—There is no matching requirement for grants under this section.

(f) DEFINITIONS.—In this section:

(1) The term ''fees''—

(A) means monetary fees that are imposed for the costs of fine surcharges or court administrative fees; and

(B) includes additional late fees, payment-plan fees, interest added if an individual is unable to pay a fine in its entirety, collection fees, and any additional amounts that do not include the fine.

(2) The term ''fines'' means monetary fines imposed as punishment.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $150,000,000 for each of fiscal years 2020 through 2022.

SEC. 191109. DEFINITION.

In this title, the term ''covered emergency period'' has the meaning given the term in section 12003 of the CARES Act (Public Law 116–136).

AMERICAN OVERSIGHT

SEC. 191110. SEVERABILITY.

If any provision of this title or any amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be invalid, the remainder of this title and the amendments made by this title, and the application of the provisions and amendments to any other person not similarly situated or to other circumstances, shall not be affected by the holding.

TITLE XII—IMMIGRATION MATTERS

SEC. 191201. EXTENSION OF FILING AND OTHER DEADLINES.

(a) NEW DEADLINES FOR EXTENSION OR CHANGE OF STATUS OR OTHER BENEFITS.—

(1) FILING DELAYS.—In the case of an alien who was lawfully present in the United States on January 26, 2020, the alien's application for an extension or change of nonimmigrant status, application for renewal of employment authorization, or any other application for extension or renewal of a period of authorized stay, shall be considered timely filed if the due date of the application is within the period described in subsection (d) and the application is filed not later than 60 days after it otherwise would have been due.

AMERICAN OVERSIGHT

(2) DEPARTURE DELAYS.—In the case of an alien who was lawfully present in the United States on January 26, 2020, the alien shall not be considered to be unlawfully present in the United States during the period described in subsection (d).

(3) SPECIFIC AUTHORITY.—

(A) IN GENERAL.—With respect to any alien whose immigration status, employment authorization, or other authorized period of stay has expired or will expire during the period described in subsection (d), during the one-year period beginning on the date of the enactment of this title, or during both such periods, the Secretary of Homeland Security shall automatically extend such status, authorization, or period of stay until the date that is 90 days after the last day of whichever of such periods ends later.

(B) EXCEPTION.—If the status, authorization, or period of stay referred to in subparagraph (A) is based on a grant of deferred action, or a grant of temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a), the extension under such subparagraph shall be for a period

AMERICAN OVERSIGHT

not less than the period for which deferred action or temporary protected status originally was granted by the Secretary of Homeland Security.

(b) IMMIGRANT VISAS.—

(1) EXTENSION OF VISA EXPIRATION.—Notwithstanding the limitations under section 221(c) of the Immigration and Nationality Act (8 U.S.C. 1201(c)), in the case of any immigrant visa issued to an alien that expires or expired during the period described in subsection (d), the period of validity of the visa is extended until the date that is 90 days after the end of such period.

(2) ROLLOVER OF UNUSED VISAS.—

(A) IN GENERAL.—For fiscal years 2021 and 2022, the worldwide level of family-sponsored immigrants under subsection (c) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), the worldwide level of employment-based immigrants under subsection (d) of such section, and the worldwide level of diversity immigrants under subsection (e) of such section shall each be increased by the number computed under subparagraph (B) with respect to each of such worldwide levels.

(B) COMPUTATION OF INCREASE.—For each of the worldwide levels described in subparagraph (A), the number computed under this subparagraph is the difference (if any) between the worldwide level established for the previous fiscal year under the applicable subsection of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) and the number of visas that were, during the previous fiscal year, issued and used as the basis for an application for admission into the United States as an immigrant described in the applicable subsection.

(C) CLARIFICATIONS.—

(i) ALLOCATION AMONG PREFERENCE CATEGORIES.—The additional visas made available for fiscal years 2021 and 2022 as a result of the computations made under subparagraphs (A) and (B) shall be proportionally allocated as set forth in subsections (a), (b), and (c) of section 203 of the Immigration and Nationality Act (8 U.S.C. 1153).

(ii) ELIMINATION OF FALL ACROSS.—For fiscal years 2021 and 2022, the num-

AMERICAN OVERSIGHT

ber computed under subsection (c)(3)(C) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), and the number computed under subsection (d)(2)(C) of such section, are deemed to equal zero.

(c) VOLUNTARY DEPARTURE.—Notwithstanding section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), if a period for voluntary departure under such section expires or expired during the period described in subsection (d), such voluntary departure period is extended until the date that is 90 days after the end of such period.

(d) PERIOD DESCRIBED.—The period described in this subsection—

(1) begins on the first day of the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID–19; and

(2) ends 90 days after the date on which such public health emergency terminates.

AMERICAN OVERSIGHT

SEC. 191202. TEMPORARY ACCOMMODATIONS FOR NATURALIZATION OATH CEREMONIES DUE TO PUBLIC HEALTH EMERGENCY.

(a) REMOTE OATH CEREMONIES.—Not later than 30 days after the date of the enactment of this title, the Secretary of Homeland Security shall establish procedures for the administration of the oath of renunciation and allegiance under section 337 of the Immigration and Nationality Act (8 U.S.C. 1448) using remote videoconferencing, or other remote means for individuals who cannot reasonably access remote videoconferencing, as an alternative to an in-person oath ceremony.

(b) ELIGIBLE INDIVIDUALS.—Notwithstanding section 310(b) of the Immigration and Nationality Act (8 U.S.C. 1421(b)), an individual may complete the naturalization process by participating in a remote oath ceremony conducted pursuant to subsection (a) if such individual—

(1) has an approved application for naturalization;

(2) is unable otherwise to complete the naturalization process due to the cancellation or suspension of in-person oath ceremonies during the public health emergency declared by the Secretary of Health and Human Services under section 319 of

AMERICAN OVERSIGHT

the Public Health Service Act (42 U.S.C. 247d) with respect to COVID–19; and

(3) elects to participate in a remote oath ceremony in lieu of waiting for in-person ceremonies to resume.

(c) ADDITIONAL REQUIREMENTS.—Upon establishing the procedures described in subsection (a), the Secretary of Homeland Security shall—

(1) without undue delay, provide written notice to individuals described in subsection (b)(1) of the option of participating in a remote oath ceremony in lieu of a participating in an in-person ceremony;

(2) to the greatest extent practicable, ensure that remote oath ceremonies are administered to individuals who elect to participate in such a ceremony not later than 30 days after the individual so notifies the Secretary; and

(3) administer oath ceremonies to all other eligible individuals as expeditiously as possible after the end of the public health emergency referred to in subsection (b)(2).

(d) AVAILABILITY OF REMOTE OPTION.—The Secretary of Homeland Security shall begin administering remote oath ceremonies on the date that is 60 days after the date of the enactment of this title and shall continue

AMERICAN OVERSIGHT

administering such ceremonies until a date that is not earlier than 90 days after the end of the public health emergency referred to in subsection (b)(2).

(e) CLARIFICATION.—Failure to appear for a remote oath ceremony shall not create a presumption that the individual has abandoned his or her intent to be naturalized.

(f) REPORT TO CONGRESS.—Not later than 180 days after the end of the public health emergency referred to in subsection (b)(2), the Secretary of Homeland Security shall submit a report to Congress that identifies, for each State and political subdivision of a State, the number of—

(1) individuals who were scheduled for an in-person oath ceremony that was cancelled due to such public health emergency;

(2) individuals who were provided written notice pursuant to subsection (c)(1) of the option of participating in a remote oath ceremony;

(3) individuals who elected to participate in a remote oath ceremony in lieu of an in-person public ceremony;

(4) individuals who completed the naturalization process by participating in a remote oath ceremony; and

(5) remote oath ceremonies that were conducted within the period described in subsection (d).

AMERICAN OVERSIGHT

SEC. 191203. TEMPORARY PROTECTIONS FOR ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS.

(a) PROTECTIONS FOR ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS.—During the period described in subsection (e), an alien described in subsection (d) shall be deemed to be in a period of deferred action and authorized for employment for purposes of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a).

(b) EMPLOYER PROTECTIONS.—During the period described in subsection (e), the hiring, employment, or continued employment of an alien described in subsection (d) is not a violation of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)).

(c) CLARIFICATION.—Nothing in this section shall be deemed to require an alien described in subsection (d), or such alien's employer—

(1) to submit an application for employment authorization or deferred action, or register with, or pay a fee to, the Secretary of Homeland Security or the head of any other Federal agency; or

(2) to appear before an agent of the Department of Homeland Security or any other Federal agency for an interview, examination, or any other purpose.

(d) ALIENS DESCRIBED.—An alien is described in this subsection if the alien—

AMERICAN OVERSIGHT

(1) on the date of the enactment of this title—

(A) is physically present in the United States; and

(B) is inadmissible to, or deportable from, the United States; and

(2) engaged in essential critical infrastructure labor or services in the United States prior to the period described in subsection (e) and continues to engage in such labor or services during such period.

(e) PERIOD DESCRIBED.—The period described in this subsection—

(1) begins on the first day of the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID–19; and

(2) ends 90 days after the date on which such public health emergency terminates.

(f) ESSENTIAL CRITICAL INFRASTRUCTURE LABOR OR SERVICES.—For purposes of this section, the term ''essential critical infrastructure labor or services'' means labor or services performed in an essential critical infrastructure sector, as described in the ''Advisory Memorandum on Identification of Essential Critical Infrastruc-

AMERICAN OVERSIGHT

ture Workers During COVID–19 Response'', revised by the Department of Homeland Security on April 17, 2020.

SEC. 191204. SUPPLEMENTING THE COVID RESPONSE WORKFORCE.

(a) EXPEDITED GREEN CARDS FOR CERTAIN PHYSICIANS IN THE UNITED STATES.—

(1) IN GENERAL.—During the period described in paragraph (3), an alien described in paragraph (2) may apply to acquire the status of an alien lawfully admitted to the United States for permanent residence consistent with section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)).

(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien physician (and the spouse and children of such alien) who—

(A) has an approved immigrant visa petition under section 203(b)(2)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2)(B)(ii)) and has completed the service requirements for a waiver under such section on or before the date of the enactment of this title; and

(B) provides a statement to the Secretary of Homeland Security attesting that the alien is

AMERICAN OVERSIGHT

engaged in or will engage in the practice of medicine or medical research involving the diagnosis, treatment, or prevention of COVID–19.

(3) PERIOD DESCRIBED.—The period described in this paragraph is the period beginning on the date of the enactment of this title and ending 180 days after the termination of the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d), with respect to COVID–19.

(b) EXPEDITED PROCESSING OF NONIMMIGRANT PETITIONS AND APPLICATIONS.—

(1) IN GENERAL.—In accordance with the procedures described in paragraph (2), the Secretary of Homeland Security shall expedite the processing of applications and petitions seeking employment or classification of an alien as a nonimmigrant to practice medicine, provide healthcare, engage in medical research, or participate in a graduate medical education or training program involving the diagnosis, treatment, or prevention of COVID–19.

(2) APPLICATIONS OR PETITIONS FOR NEW EMPLOYMENT OR CHANGE OF STATUS.—

AMERICAN OVERSIGHT

(A) INITIAL REVIEW.—Not later than 15 days after the Secretary of Homeland Security receives an application or petition for new employment or change of status described in paragraph (1), the Secretary shall conduct an initial review of such application or petition and, if additional evidence is required, shall issue a request for evidence.

(B) DECISION.—

(i) IN GENERAL.—The Secretary of Homeland Security shall issue a final decision on an application or petition described in paragraph (1) not later than 30 days after receipt of such application or petition, or, if a request for evidence is issued, not later than 15 days after the Secretary receives the applicant or petitioner's response to such request.

(ii) E-MAIL.—In addition to delivery through regular mail services, decisions described in clause (i) shall be transmitted to the applicant or petitioner via electronic mail, if the applicant or petitioner provides the Secretary of Homeland Security with an electronic mail address.

AMERICAN OVERSIGHT

(3) TERMINATION.—This subsection shall take effect on the date of the enactment of this title and shall cease to be effective on the date that is 180 days after the termination of the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d), with respect to COVID–19.

(c) EMERGENCY VISA PROCESSING.—

(1) VISA PROCESSING.—

(A) IN GENERAL.—The Secretary of State shall prioritize the processing of applications submitted by aliens who are seeking a visa based on an approved nonimmigrant petition to practice medicine, provide healthcare, engage in medical research, or participate in a graduate medical education or training program involving the diagnosis, treatment, or prevention of COVID–19.

(B) INTERVIEW.—

(i) IN GENERAL.—The Secretary of State shall ensure that visa appointments are scheduled for aliens described in subparagraph (A) not later than 7 business

AMERICAN OVERSIGHT

days after the alien requests such an appointment.

(ii) SUSPENSION OF ROUTINE VISA SERVICES.—If routine visa services are unavailable in the alien's home country—

(I) the U.S. embassy or consulate in the alien's home country shall—

(aa) conduct the visa interview with the alien via video-teleconferencing technology; or

(bb) grant an emergency visa appointment to the alien not later than 10 business days after the alien requests such an appointment; or

(II) the alien may seek a visa appointment at any other U.S. embassy or consulate where routine visa services are available, and such embassy or consulate shall make every reasonable effort to provide the alien with an appointment within 10 business days after the alien requests such an appointment.

(2) INTERVIEW WAIVERS.—Except as provided in section 222(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1202(h)(2)), the Secretary of State shall waive the interview of any alien seeking a nonimmigrant visa based on an approved petition described in paragraph (1)(A), if—

(A) such alien is applying for a visa—

(i) not more than 3 years after the date on which such alien's prior visa expired;

(ii) in the visa classification for which such prior visa was issued; and

(iii) at a consular post located in the alien's country of residence or, if otherwise required by regulation, country of nationality; and

(B) the consular officer has no indication that such alien has failed to comply with the immigration laws and regulations of the United States.

(3) TERMINATION.—This subsection shall take effect on the date of the enactment of this title and shall cease to be effective on the date that is 180 days after the termination of the public health emergency declared by the Secretary of Health and

AMERICAN OVERSIGHT

Human Services under section 319 of the Public Health Service Act (42 U.S.C. 274d), with respect to COVID–19.

(d) IMPROVING MOBILITY OF NONIMMIGRANT COVID–19 WORKERS.—

(1) LICENSURE.—Notwithstanding section 212(j)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(j)(2)), for the period described in paragraph (6), the Secretary of Homeland Security may approve a petition for classification as a nonimmigrant described under section 101(a)(15)(H)(i)(b) of such Act, filed on behalf of a physician for purposes of performing direct patient care if such physician possesses a license or other authorization required by the State of intended employment to practice medicine, or is eligible for a waiver of such requirement pursuant to an executive order, emergency rule, or other action taken by the State to modify or suspend regular licensing requirements in response to the COVID–19 public health emergency.

(2) TEMPORARY LIMITATIONS ON AMENDED H–1B PETITIONS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Home-

AMERICAN OVERSIGHT

land Security shall not require an employer of a nonimmigrant alien described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) to file an amended or new petition under section 214(a) of such Act (8 U.S.C. 1184(a)) if upon transferring such alien to a new area of employment, the alien will practice medicine, provide healthcare, or engage in medical research involving the diagnosis, treatment, or prevention of COVID–19.

(B) CLARIFICATION ON TELEMEDICINE.—Nothing in the Immigration and Nationality Act or any other provision of law shall be construed to require an employer of a nonimmigrant alien described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) to file an amended or new petition under section 214(a) of such Act (8 U.S.C. 1184(a)) if the alien is a physician or other healthcare worker who will provide remote patient care through the use of real-time audio-video communication tools to consult with pa-

AMERICAN OVERSIGHT

tients and other technologies to collect, analyze, and transmit medical data and images.

(3) PERMISSIBLE WORK ACTIVITIES FOR J–1 PHYSICIANS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the diagnosis, treatment, or prevention of COVID–19 shall be considered an integral part of a graduate medical education or training program and a nonimmigrant described in section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)) who is participating in such a program—

(i) may be redeployed to a new rotation within the host training institution as needed to engage in COVID–19 work; and

(ii) may receive compensation for such work.

(B) OTHER PERMISSIBLE EMPLOYMENT ACTIVITIES.—A nonimmigrant described in section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)) who is participating in a graduate medical education or training program may engage in work outside the scope of the approved program, if—

AMERICAN OVERSIGHT

(i) the work involves the diagnosis, treatment, or prevention of COVID–19;

(ii) the alien has maintained lawful nonimmigrant status and has otherwise complied with the terms of the education or training program; and

(iii) the program sponsor approves the additional work by annotating the non-immigrant's Certificate of Eligibility for Exchange Visitor (J–1) Status (Form DS–2019) and notifying the Immigration and Customs Enforcement Student and Exchange Visitor Program of the approval of such work.

(C) CLARIFICATION ON TELEMEDICINE.—Section 214(l)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1184(l)(1)(D)) may be satisfied through the provision of care to patients located in areas designated by the Secretary of Health and Human Services as having a shortage of health care professionals, through the physician's use of real-time audio-video communication tools to consult with patients and other technologies to collect, analyze, and transmit medical data and images.

AMERICAN OVERSIGHT

(4) PORTABILITY OF O–1 NONIMMIGRANTS.—A nonimmigrant who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(O)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(O)(i)), and is seeking an extension of such status, is authorized to accept new employment under the terms and conditions described in section 214(n) of such Act (8 U.S.C. 1184(n)).

(5) INCREASING THE ABILITY OF PHYSICIANS TO CHANGE NONIMMIGRANT STATUS.—

(A) CHANGE OF NONIMMIGRANT CLASSIFICATION.—Section 248(a) of the Immigration and Nationality Act (8 U.S.C. 1184(l)), is amended—

(i) in paragraph (1), by inserting ''and'' after the comma at the end;

(ii) by striking paragraphs (2) and (3); and

(iii) by redesignating paragraph (4) as paragraph (2).

(B) ADMISSION OF NONIMMIGRANTS.—Section 214(l)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(l)(2)(A)) is

AMERICAN OVERSIGHT

amended by striking ''Notwithstanding section 248(a)(2), the'' and inserting ''The''.

(6) TERMINATION.—This subsection shall take effect on the date of the enactment of this title and except as provided in paragraphs (2)(B), (3)(C), (4), and (5), shall cease to be effective on that date that is 180 days after the termination of the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d), with respect to COVID–19.

(e) CONRAD 30 PROGRAM.—

(1) PERMANENT AUTHORIZATION.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416; 8 U.S.C. 1182 note) is amended by striking ''and before September 30, 2015''.

(2) ADMISSION OF NONIMMIGRANTS.—Section 214(l) of the Immigration and Nationality Act (8 U.S.C. 1184(l)), is amended—

(A) in paragraph (1)(B)—

(i) by striking ''30'' and inserting ''35''; and

AMERICAN OVERSIGHT

(ii) by inserting ", except as provided in paragraph (4)" before the semicolon at the end; and

(B) by adding at the end the following:

"(4) ADJUSTMENT IN WAIVER NUMBERS.—

"(A) INCREASES.—

"(i) IN GENERAL.—Except as provided in clause (ii), if in any fiscal year, not less than 90 percent of the waivers provided under paragraph (1)(B) are utilized by States receiving at least 5 such waivers, the number of such waivers allotted to each State shall increase by 5 for each subsequent fiscal year.

"(ii) EXCEPTION.—If 45 or more waivers are allotted to States in any fiscal year, an increase of 5 waivers in subsequent fiscal years shall be provided only in the case that not less than 95 percent of such waivers are utilized by States receiving at least 1 waiver.

"(B) DECREASES.—If in any fiscal year in which there was an increase in waivers, the total number of waivers utilized is 5 percent lower than in the previous fiscal year, the num-

AMERICAN OVERSIGHT

ber of such waivers allotted to each State shall decrease by 5 for each subsequent fiscal year, except that in no case shall the number of waivers allotted to each State drop below 35.''.

(f) TEMPORARY PORTABILITY FOR PHYSICIANS AND CRITICAL HEALTHCARE WORKERS IN RESPONSE TO COVID–19 PUBLIC HEALTH EMERGENCY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this title, the Secretary of Homeland Security, in consultation with the Secretary of Labor and the Secretary of Health and Human Services, shall establish emergency procedures to provide employment authorization to aliens described in paragraph (2), for purposes of facilitating the temporary deployment of such aliens to practice medicine, provide healthcare, or engage in medical research involving the diagnosis, treatment, or prevention of COVID–19.

(2) ALIENS DESCRIBED.—An alien described in this paragraph is an alien who is—

(A) physically present in the United States;

(B) maintaining lawful nonimmigrant status that authorizes employment with a specific employer incident to such status; and

AMERICAN OVERSIGHT

(C) working in the United States in a healthcare occupation essential to COVID–19 response, as determined by the Secretary of Health and Human Services.

(3) EMPLOYMENT AUTHORIZATION.—

(A) APPLICATION.—

(i) IN GENERAL.—The Secretary of Homeland Security may grant employment authorization to an alien described in paragraph (2) if such alien submits an Application for Employment Authorization (Form I–765 or any successor form), which shall include—

(I) evidence of the alien's current nonimmigrant status;

(II) copies of the alien's academic degrees and any licenses, credentials, or other documentation confirming authorization to practice in the alien's occupation; and

(III) any other evidence determined necessary by the Secretary of Homeland Security to establish by a preponderance of the evidence that

AMERICAN OVERSIGHT

the alien meets the requirements of paragraph (2).

(ii) CONVERSION OF PENDING APPLICATIONS.—The Secretary of Homeland Security shall establish procedures for the adjudication of any employment authorization applications for aliens described in paragraph (2) that are pending on the date of the enactment of this title, and the issuance of employment authorization documents in connection with such applications in accordance with the terms and conditions of this subsection, upon request by the applicant.

(B) FEES.—The Secretary of Homeland Security shall collect a fee for the processing of applications for employment authorization as provided under this paragraph.

(C) REQUEST FOR EVIDENCE.—If all required initial evidence has been submitted under this subsection but such evidence does not establish eligibility, the Secretary of Homeland Security shall issue a request for evidence not later than 15 days after receipt of the application for employment authorization.

(D) DECISION.—The Secretary of Homeland Security shall issue a final decision on an application for employment authorization under this subsection not later than 30 days after receipt of such application, or, if a request for evidence is issued, not later than 15 days after the Secretary receives the alien's response to such request.

(E) EMPLOYMENT AUTHORIZATION CARD.—An employment authorization document issued under this subsection shall—

(i) be valid for a period of not less than 1 year;

(ii) include the annotation "COVID–19"; and

(iii) notwithstanding any other provision of law, allow the bearer of such document to engage in employment during its validity period, with any United States employer to perform services described in paragraph (1).

(F) RENEWAL.—Subject to paragraph (5), the Secretary of Homeland Security may renew an employment authorization document issued

AMERICAN OVERSIGHT

under this subsection in accordance with procedures established by the Secretary.

(G) CLARIFICATIONS.—

(i) MAINTENANCE OF STATUS.—Notwithstanding a reduction in hours or cessation of work with the employer that petitioned for the alien's underlying nonimmigrant status, an alien granted employment authorization under this subsection, and the spouse and children of such alien shall, for the period of such authorization, be deemed—

(I) to be lawfully present in the United States; and

(II) to have continuously maintained the alien's underlying nonimmigrant status for purposes of an extension of such status, a change of nonimmigrant status under section 248 of the Immigration and Nationality Act (8 U.S.C. 1258), or adjustment of status under section 245 of such Act (8 U.S.C. 1255).

AMERICAN OVERSIGHT

(ii) LIMITATIONS.—An employment authorization document described in subparagraph (E) may not be—

(I) utilized by the alien to engage in any employment other than that which is described in paragraph (1); or

(II) accepted by an employer as evidence of authorization under section 274A(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(C)), to engage in employment other than that which is described in paragraph (1).

(4) TREATMENT OF TIME SPENT ENGAGING IN COVID–19-RELATED WORK.—Notwithstanding any other provision of law, time spent by an alien physician engaged in direct patient care involving the diagnosis, treatment, or prevention of COVID–19 shall count towards—

(A) the 5 years that an alien is required to work as a full-time physician for purposes of a national interest waiver under section 203(b)(2)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2)(B)(ii)); and

AMERICAN OVERSIGHT

(B) the 3 years that an alien is required to work as a full-time physician for purposes of a waiver of the 2-year foreign residence requirement under section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)), as provided in section 214(l) of such Act (8 U.S.C. 1184(l)).

(5) EXTENSION OR TERMINATION.—The procedures described in paragraph (1) shall take effect on the date that is 30 days after the date of the enactment of this title and shall remain in effect until 180 days after the termination of the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d), with respect to COVID–19.

(g) SPECIAL IMMIGRANT STATUS FOR NONIMMIGRANT COVID–19 WORKERS AND THEIR FAMILIES.—

(1) IN GENERAL.—The Secretary of Homeland Security may grant a petition for special immigrant classification to an alien described in paragraph (2) (and the spouse and children of such alien) if the alien files a petition for special immigrant status under section 204 of the Immigration and Nation-

AMERICAN OVERSIGHT

ality Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)).

(2) ALIENS DESCRIBED.—An alien is described in this paragraph if, during the period beginning on the date that the COVID–19 public health emergency was declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) and ending 180 days after the termination of such emergency, the alien was—

(A) authorized for employment in the United States and maintaining a nonimmigrant status; and

(B) engaged in the practice of medicine, provision of healthcare services, or medical research involving the diagnosis, treatment, or prevention of COVID–19 disease.

(3) PRIORITY DATE.—Subject to paragraph (5), immigrant visas under paragraph (1) shall be made available to aliens in the order in which a petition on behalf of each such alien is filed with the Secretary of Homeland Security, except that an alien shall maintain any priority date that was assigned with respect to an immigrant visa petition or appli-

AMERICAN OVERSIGHT

cation for labor certification that was previously filed on behalf of such alien.

(4) PROTECTIONS FOR SURVIVING SPOUSES AND CHILDREN.—

(A) SURVIVING SPOUSES AND CHILDREN.—Notwithstanding the death of an alien described in paragraph (2), the Secretary of State may approve an application for an immigrant visa, and the Secretary of Homeland Security may approve an application for adjustment of status to lawful permanent resident, filed by or on behalf of a spouse or child of such alien.

(B) AGE-OUT PROTECTION.—For purposes of an application for an immigrant visa or adjustment of status filed by or on behalf of a child of an alien described in paragraph (2), the determination of whether the child satisfies the age requirement under section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) shall be made using the age of the child on the date the immigrant visa petition under paragraph (1) was approved.

(C) CONTINUATION OF NONIMMIGRANT STATUS.—A spouse or child of an alien de-

AMERICAN OVERSIGHT

scribed in paragraph (2) shall be considered to have maintained lawful nonimmigrant status until the earlier of the date—

(i) on which the Secretary of Homeland Security accepts for filing, an application for adjustment of status based on a petition described in paragraph (1); or

(ii) that is 2 years after the date of the principal nonimmigrant's death.

(5) NUMERICAL LIMITATIONS.—

(A) IN GENERAL.—The total number of principal aliens who may be provided special immigrant status under this subsection may not exceed 4,000 per year for each of the 3 fiscal years beginning after the date of the enactment of this title.

(B) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided special immigrant status under this subsection shall not be counted against any numerical limitations under section 201(d), 202(a), or 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), or 1153(b)(4)).

(C) CARRY FORWARD.—If the numerical limitation specified in subparagraph (A) is not

AMERICAN OVERSIGHT

reached during a given fiscal year referred to in such subparagraph, the numerical limitation specified in such subparagraph for the following fiscal year shall be increased by a number equal to the difference between—

(i) the numerical limitation specified in subparagraph (A) for the given fiscal year; and

(ii) the number of principal aliens provided special immigrant status under this subsection during the given fiscal year.

SEC. 191205. ICE DETENTION.

(a) REVIEWING ICE DETENTION.—During the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID–19, the Secretary of Homeland Security shall review the immigration files of all individuals in the custody of U.S. Immigration and Customs Enforcement to assess the need for continued detention. The Secretary of Homeland Security shall prioritize for release on recognizance or alternatives to detention individuals who are not subject to mandatory detention laws, unless the individual is a threat to public safety or national security.

AMERICAN OVERSIGHT

(b) ACCESS TO ELECTRONIC COMMUNICATIONS AND HYGIENE PRODUCTS.—During the period described in subsection (c), the Secretary of Homeland Security shall ensure that—

(1) all individuals in the custody of U.S. Immigration and Customs Enforcement—

(A) have access to telephonic or video communication at no cost to the detained individual;

(B) have access to free, unmonitored telephone calls, at any time, to contact attorneys or legal service providers in a sufficiently private space to protect confidentiality;

(C) are permitted to receive legal correspondence by fax or email rather than postal mail; and

(D) are provided sufficient soap, hand sanitizer, and other hygiene products; and

(2) nonprofit organizations providing legal orientation programming or know-your-rights programming to individuals in the custody of U.S. Immigration and Customs Enforcement are permitted broad and flexible access to such individuals—

(A) to provide group presentations using remote videoconferencing; and

AMERICAN OVERSIGHT

(B) to schedule and provide individual orientations using free telephone calls or remote videoconferencing.

(c) PERIOD DESCRIBED.—The period described in this subsection—

(1) begins on the first day of the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID–19; and

(2) ends 90 days after the date on which such public health emergency terminates.

TITLE XIII—CORONAVIRUS RELIEF FUND AMENDMENTS

SEC. 191301. CONGRESSIONAL INTENT RELATING TO TRIBAL GOVERNMENTS ELIGIBLE FOR CORONAVIRUS RELIEF FUND PAYMENTS.

(a) PURPOSE.—The purpose of this section and the amendments made by subsection (b) is to affirm the April 27, 2020, memorandum and decision of the United States District Court for the District of Columbia in *Confederated Tribes of the Chehalis Reservation et al* v. *Mnuchin* (Case No. 1:20–cv–01002) and clarify the intent of Congress that only Federally recognized Tribal Governments are eligible for payments from the Coronavirus Relief Fund es-

AMERICAN OVERSIGHT

tablished in section 601 of the Social Security Act, as added by section 5001(a) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136).

(b) ELIGIBLE TRIBAL GOVERNMENTS.—Effective as if included in the enactment of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), section 601 of the Social Security Act, as added by section 5001(a) of the Coronavirus Aid, Relief, and Economic Security Act, is amended—

(1) in subsection (c)(7), by striking ''Indian Tribes'' and inserting ''Tribal Governments''; and

(2) in subsection (g)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(C) by striking paragraph (4) (as redesignated by subparagraph (B)) and inserting the following:

''(4) TRIBAL GOVERNMENT.—The term 'Tribal Government' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as

AMERICAN OVERSIGHT

of the date of enactment of this Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).''.

(c) RULES RELATING TO PAYMENTS MADE BEFORE THE DATE OF ENACTMENT OF THIS ACT.—

(1) PAYMENTS MADE TO INELIGIBLE ENTITIES.—The Secretary of the Treasury shall require any entity that was not eligible to receive a payment from the amount set aside for fiscal year 2020 under subsection (a)(2)(B) of section 601 of the Social Security Act, as added by section 5001(a) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) and after the application of the amendments made by subsection (a) clarifying congressional intent relating to eligibility for such a payment, to return the full payment to the Department.

(2) DISTRIBUTION OF PAYMENTS RETURNED BY INELIGIBLE ENTITIES.—The Secretary of the Treasury shall distribute payments returned under paragraph (1), without further appropriation or fiscal year limitation and not later than 7 days after receiving any returned funds as required under paragraph (1) to Tribal Governments eligible for payments under such section 601 of the Social Secu-

AMERICAN OVERSIGHT

rity Act, as amended by subsection (a), in accordance with subsection (c)(7) of such Act.

(3) LIMITATION ON SECRETARIAL AUTHORITY.—The Secretary of the Treasury is prohibited from requiring an entity that is eligible for a payment from the amount set aside for fiscal year 2020 under subsection (a)(2)(B) of section 601 of the Social Security Act, as amended by subsection(a), and that received a payment before the date of enactment of this Act, from requiring the entity to return all or part of the payment except to the extent authorized under section 601(f) of such Act in the case of a determination by the Inspector General of the Department of the Treasury that the Tribal government failed to comply with the use of funds requirements of section 601(d) of such Act.

SEC. 191302. REDISTRIBUTION OF AMOUNTS RECOVERED OR RECOUPED FROM PAYMENTS FOR TRIBAL GOVERNMENTS; REPORTING REQUIREMENTS.

Effective as if included in the enactment of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), section 601(c)(7) of the Social Security Act, as added by section 5001(a) of the Coronavirus Aid, Relief, and Economic Security Act, is amended—

AMERICAN OVERSIGHT

(1) by striking ''From the amount'' and inserting the following:

''(A) IN GENERAL.—From the amount''; and

(2) by adding at the end the following:

''(B) REDISTRIBUTION OF FUNDS.—

''(i) REQUIREMENT.—In carrying out the requirement under subparagraph (A) to ensure that all amounts available under subsection (a)(2)(B) for fiscal year 2020 are distributed to Tribal governments, the Secretary shall redistribute any amounts from payments for Tribal Governments that are recovered through recoupment activities carried out by the Inspector General of the Department of the Treasury under subsection (f), without further appropriation, using a procedure and methodology determined by the Secretary in consultation with Tribal Governments, to Tribal Governments that apply for payments from such amounts.

''(ii) REPAYMENT.—In carrying out the recoupment activities by the Inspector General of the Department of the Treasury

AMERICAN OVERSIGHT

under subsection (f), Treasury shall not impose any additional fees, penalties, or interest payments on Tribal Governments associated with any amounts that are recovered.

''(C) DISCLOSURE AND REPORTING REQUIREMENTS.—

''(i) DISCLOSURE OF FUNDING FORMULA AND METHODOLOGY.—Not later than 24 hours before any payments for Tribal Governments are distributed by the Secretary pursuant to the requirements under subparagraph (A) and subparagraph (B), the Secretary shall publish on the website of the Department of the Treasury—

''(I) a detailed description of the funding allocation formula; and

''(II) a detailed description of the procedure and methodology used to determine the funding allocation formula.

''(ii) REPORT TO CONGRESS.—No later than 7 days after payments for Tribal Governments are distributed by the Sec-

AMERICAN OVERSIGHT

retary pursuant to the requirements under subparagraph (A) or subparagraph (B), the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Chair and Ranking Members of the House Committee on Natural Resources and the Chair and Vice-Chair of the Senate Committee on Indian Affairs a report summarizing—

"(I) an overview of actions taken by the Secretary in carrying out the requirements under subparagraph (A) and subparagraph (B); and

"(II) the date and amount of all fund disbursements, broken down by individual Tribal Government recipients.".

SEC. 191303. USE OF RELIEF FUNDS.

Effective as if included in the Coronavirus, Aid, Relief, and Economic Security Act (Public Law 116–136), section 601 of the Social Security Act, as added by section 5001(a) of such Act, is amended by striking subsection (d) and inserting the following:

AMERICAN OVERSIGHT

''(d) USE OF FUNDS.—A State, Tribal government, and unit of local government shall use the funds provided under a payment made under this section to

''(1) cover only those costs of the State, Tribal government, or unit of local government that—

''(A) Are necessary expenditures incurred due to the public health emergency with respect to the coronavirus disease 2019 (COVID–19);

''(B) were not accounted for in the budget most recently approved as of the date of enactment of this section for the State or government; and

''(C) were incurred during the period that begins on January 31, 2020, and ends on December 31, 2020; or

''(2) Replace lost, delayed, or decreased revenues, stemming from the public health emergency with respect to the coronavirus disease (COVID–19).''.

TITLE XIV—RURAL DIGITAL OPPORTUNITY

SEC. 191401. ACCELERATION OF RURAL DIGITAL OPPORTUNITY FUND PHASE I AUCTION.

With respect to the Rural Digital Opportunity Fund Phase I auction (in this section referred to as the ''auc-

AMERICAN OVERSIGHT

tion'') provided for in the Report and Order in the matter of Rural Digital Opportunity Fund and Connect America Fund adopted by the Federal Communications Commission (in this section referred to as the ''Commission'') on January 30, 2020 (FCC 20–5), the Commission shall modify the framework for the auction adopted in such Report and Order as follows:

(1) The Commission shall begin accepting long-form applications before the auction, not later than the earlier of the date that is 30 days after the date on which the Commission begins accepting short-form applications or July 31, 2020, from such applicants as are willing to commit to the schedule described in paragraph (3)(B) for deployment of networks capable of providing symmetrical Gigabit performance service.

(2) If the long-form applications accepted pursuant to paragraph (1) indicate that, for any census block or census block group identified in the Preliminary List of Eligible Areas released by the Commission on March 17, 2020, there is only 1 qualified applicant willing to commit to provide symmetrical Gigabit performance service pursuant to the schedule described in paragraph (3)(B), the Commission

AMERICAN OVERSIGHT

shall, not later than the earlier of September 30, 2020, or 30 days before the start of the auction—

(A) award to such applicant Rural Digital Opportunity Fund Phase I support for such census block or census block group, at 100 percent of the reserve price (in this paragraph referred to as the ''award'');

(B) remove such census block or census block group from the auction; and

(C) reduce the budget for the auction by 75 percent of the amount of the award and reduce the budget for the Rural Digital Opportunity Fund Phase II auction provided for in such Report and Order by 25 percent of the amount of the award.

(3) The Commission shall require an applicant submitting a long-form application pursuant to paragraph (1) to—

(A) not later than 30 days after the date on which such applicant submits such long-form application, provide a letter of commitment from a bank meeting the Commission's eligibility requirements stating that the bank would provide a letter of credit to such applicant if

AMERICAN OVERSIGHT

such applicant becomes a winning bidder and is awarded support; and

(B) commit to—

(i) begin construction not later than 6 months following funding authorization; and

(ii) begin to make service available not later than 1 year following funding authorization.

(4) If an applicant to which an award of support has been made under paragraph (2)(A) for a census block or census block group fails to meet the requirements of paragraph (3) with respect to such award of support, the Commission shall revoke such award of support and include such census block or census block group for competitive bidding in the Rural Digital Opportunity Fund Phase II auction provided for in such Report and Order.

(5) The Commission shall require an applicant to which an award of support has been made under paragraph (2)(A) to meet the deployment schedule to which the applicant committed under paragraph (3)(B).

AMERICAN OVERSIGHT

SEC. 191402. ENSURING THE FCC CREATES ACCURATE SERVICE MAPS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Title VIII of the Communications Act of 1934 (47 U.S.C. 641 et seq.) is amended by adding at the end the following:

"SEC. 807. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to the Commission to carry out this title—

''(1) $25,000,000 for fiscal year 2020; and

''(2) $9,000,000 for each of the fiscal years 2021 through 2027.''.

(b) DEADLINE FOR CREATION OF MAPS.—Section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. 642(c)(1)) is amended by striking ''create'' and inserting ''create, not later than October 1, 2020''.

TITLE XV—FOREIGN AFFAIRS PROVISIONS

Subtitle A—Matters Relating to the Department of State

SEC. 191501. MITIGATION PLAN TO ASSIST FEDERAL VOTERS OVERSEAS IMPACTED BY COVID–19.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees a plan to mitigate the effects of limited or curtailed diplomatic

AMERICAN OVERSIGHT
USPS-20-2171-A-001839

pouch capacities or other operations constraints at United States diplomatic and consular posts, due to coronavirus, on overseas voters (as such term is defined in section 107(5) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20310(5))) seeking to return absentee ballots and other balloting materials under such Act with respect to elections for Federal office held in 2020. Such plan shall include steps to—

(1) restore or augment diplomatic pouch capacities;

(2) facilitate using the Army Post Office, Fleet Post Office, the United States mails, or private couriers, if available;

(3) mitigate other operations constraints affecting eligible overseas voters; and

(4) develop specific outreach plans to educate eligible overseas voters about accessing all available forms of voter assistance prior to the date of the regularly scheduled general election for Federal office.

(b) REPORT ON EFFORTS TO ASSIST AND INFORM FEDERAL VOTERS OVERSEAS.—Not later than 90 days before the date of the regularly scheduled general election for Federal office held in November 2020, the Secretary of State, in consultation with the Secretary of Defense,

AMERICAN OVERSIGHT

shall report to the appropriate congressional committees on the implementation of efforts to carry out the plan submitted pursuant to subsection (a).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

SEC. 191502. REPORT ON EFFORTS OF THE CORONAVIRUS REPATRIATION TASK FORCE.

(a) IN GENERAL.—Not later than the date specified in subsection (b), the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report evaluating the efforts of the Coronavirus Repatriation Task Force of the Department of State to repatriate United States citizens and legal permanent residents in response to the 2020 coronavirus outbreak. The report shall identify—

(1) the most significant impediments to repatriating such persons;

AMERICAN OVERSIGHT

(2) the lessons learned from such repatriations; and

(3) any changes planned to future repatriation efforts of the Department of State to incorporate such lessons learned.

(b) DEADLINE.—The date specified in this subsection is the earlier of—

(1) the date that is 90 days after the date on which the Coronavirus Repatriation Task Force of the Department of State is disbanded; or

(2) September 30, 2020.

Subtitle B—Global Health Security Act of 2020

SEC. 191503. SHORT TITLE.

This subtitle may be cited as the ''Global Health Security Act of 2020''.

SEC. 191504. FINDINGS.

Congress finds the following:

(1) In December 2009, President Obama released the National Strategy for Countering Biological Threats, which listed as one of seven objectives ''Promote global health security: Increase the availability of and access to knowledge and products of the life sciences that can help reduce the impact

AMERICAN OVERSIGHT

from outbreaks of infectious disease whether of natural, accidental, or deliberate origin''.

(2) In February 2014, the United States and nearly 30 other nations launched the Global Health Security Agenda (GHSA) to address several high-priority, global infectious disease threats. The GHSA is a multi-faceted, multi-country initiative intended to accelerate partner countries' measurable capabilities to achieve specific targets to prevent, detect, and respond to infectious disease threats, whether naturally occurring, deliberate, or accidental.

(3) In 2015, the United Nations adopted the Sustainable Development Goals (SDGs), which include specific reference to the importance of global health security as part of SDG 3 ''ensure healthy lives and promote well-being for all at all ages'' as follows: ''strengthen the capacity of all countries, in particular developing countries, for early warning, risk reduction and management of national and global health risks''.

(4) On November 4, 2016, President Obama signed Executive Order 13747, ''Advancing the Global Health Security Agenda to Achieve a World Safe and Secure from Infectious Disease Threats''.

AMERICAN OVERSIGHT

(5) In October 2017 at the GHSA Ministerial Meeting in Uganda, the United States and more than 40 GHSA member countries supported the ''Kampala Declaration'' to extend the GHSA for an additional 5 years to 2024.

(6) In December 2017, President Trump released the National Security Strategy, which includes the priority action: ''Detect and contain biothreats at their source: We will work with other countries to detect and mitigate outbreaks early to prevent the spread of disease. We will encourage other countries to invest in basic health care systems and to strengthen global health security across the intersection of human and animal health to prevent infectious disease outbreaks''.

(7) In September 2018, President Trump released the National Biodefense Strategy, which includes objectives to ''strengthen global health security capacities to prevent local bioincidents from becoming epidemics'', and ''strengthen international preparedness to support international response and recovery capabilities''.

SEC. 191505. STATEMENT OF POLICY.

It is the policy of the United States to—

AMERICAN OVERSIGHT

(1) promote global health security as a core national security interest;

(2) advance the aims of the Global Health Security Agenda;

(3) collaborate with other countries to detect and mitigate outbreaks early to prevent the spread of disease;

(4) encourage other countries to invest in basic resilient and sustainable health care systems; and

(5) strengthen global health security across the intersection of human and animal health to prevent infectious disease outbreaks and combat the growing threat of antimicrobial resistance.

SEC. 191506. GLOBAL HEALTH SECURITY AGENDA INTERAGENCY REVIEW COUNCIL.

(a) ESTABLISHMENT.—The President shall establish a Global Health Security Agenda Interagency Review Council (in this section referred to as the ''Council'') to perform the general responsibilities described in subsection (c) and the specific roles and responsibilities described in subsection (e).

(b) MEETINGS.—The Council shall meet not less than four times per year to advance its mission and fulfill its responsibilities.

AMERICAN OVERSIGHT

(c) GENERAL RESPONSIBILITIES.—The Council shall be responsible for the following activities:

(1) Provide policy-level recommendations to participating agencies on Global Health Security Agenda (GHSA) goals, objectives, and implementation.

(2) Facilitate interagency, multi-sectoral engagement to carry out GHSA implementation.

(3) Provide a forum for raising and working to resolve interagency disagreements concerning the GHSA.

(4)(A) Review the progress toward and work to resolve challenges in achieving United States commitments under the GHSA, including commitments to assist other countries in achieving the GHSA targets.

(B) The Council shall consider, among other issues, the following:

(i) The status of United States financial commitments to the GHSA in the context of commitments by other donors, and the contributions of partner countries to achieve the GHSA targets.

(ii) The progress toward the milestones outlined in GHSA national plans for those

AMERICAN OVERSIGHT

countries where the United States Government has committed to assist in implementing the GHSA and in annual work-plans outlining agency priorities for implementing the GHSA.

(iii) The external evaluations of United States and partner country capabilities to address infectious disease threats, including the ability to achieve the targets outlined within the WHO Joint External Evaluation (JEE) tool, as well as gaps identified by such external evaluations.

(d) PARTICIPATION.—The Council shall consist of representatives, serving at the Assistant Secretary level or higher, from the following agencies:

(1) The Department of State.

(2) The Department of Defense.

(3) The Department of Justice.

(4) The Department of Agriculture.

(5) The Department of Health and Human Services.

(6) The Department of Labor.

(7) The Department of Homeland Security.

(8) The Office of Management and Budget.

(9) The United States Agency for International Development.

AMERICAN OVERSIGHT

(10) The Environmental Protection Agency.

(11) The Centers for Disease Control and Prevention.

(12) The Office of Science and Technology Policy.

(13) The National Institutes of Health.

(14) The National Institute of Allergy and Infectious Diseases.

(15) Such other agencies as the Council determines to be appropriate.

(e) SPECIFIC ROLES AND RESPONSIBILITIES.—

(1) IN GENERAL.—The heads of agencies described in subsection (d) shall—

(A) make the GHSA and its implementation a high priority within their respective agencies, and include GHSA-related activities within their respective agencies' strategic planning and budget processes;

(B) designate a senior-level official to be responsible for the implementation of this Act;

(C) designate, in accordance with subsection (d), an appropriate representative at the Assistant Secretary level or higher to participate on the Council;

AMERICAN OVERSIGHT

(D) keep the Council apprised of GHSA-related activities undertaken within their respective agencies;

(E) maintain responsibility for agency-related programmatic functions in coordination with host governments, country teams, and GHSA in-country teams, and in conjunction with other relevant agencies;

(F) coordinate with other agencies that are identified in this section to satisfy programmatic goals, and further facilitate coordination of country teams, implementers, and donors in host countries; and

(G) coordinate across GHSA national plans and with GHSA partners to which the United States is providing assistance.

(2) ADDITIONAL ROLES AND RESPONSIBILITIES.—In addition to the roles and responsibilities described in paragraph (1), the heads of agencies described in subsection (d) shall carry out their respective roles and responsibilities described in subsections (b) through (i) of section 3 of Executive Order 13747 (81 Fed. Reg. 78701; relating to Advancing the Global Health Security Agenda to Achieve a World Safe and Secure from Infectious

AMERICAN OVERSIGHT

Disease Threats), as in effect on the day before the date of the enactment of this Act.

SEC. 191507. UNITED STATES COORDINATOR FOR GLOBAL HEALTH SECURITY.

(a) IN GENERAL.—The President shall appoint an individual to the position of United States Coordinator for Global Health Security, who shall be responsible for the coordination of the interagency process for responding to global health security emergencies. As appropriate, the designee shall coordinate with the President's Special Coordinator for International Disaster Assistance.

(b) CONGRESSIONAL BRIEFING.—Not less frequently than twice each year, the employee designated under this section shall provide to the appropriate congressional committees a briefing on the responsibilities and activities of the individual under this section.

SEC. 191508. SENSE OF CONGRESS.

It is the sense of the Congress that, given the complex and multisectoral nature of global health threats to the United States, the President—

(1) should consider appointing an individual with significant background and expertise in public health or emergency response management to the position of United States Coordinator for Global Health Security, as required by [section

AMERICAN OVERSIGHT

191505(a)], who is an employee of the National Security Council at the level of Deputy Assistant to the President or higher; and

(2) in providing assistance to implement the strategy required under [section 191507(a)], should—

(A) coordinate, through a whole-of-government approach, the efforts of relevant Federal departments and agencies to implement the strategy;

(B) seek to fully utilize the unique capabilities of each relevant Federal department and agency while collaborating with and leveraging the contributions of other key stakeholders; and

(C) utilize open and streamlined solicitations to allow for the participation of a wide range of implementing partners through the most appropriate procurement mechanisms, which may include grants, contracts, cooperative agreements, and other instruments as necessary and appropriate.

SEC. 191509. STRATEGY AND REPORTS.

(a) STRATEGY.—The United States Coordinator for Global Health Security (appointed under [section 191505(a)]) shall coordinate the development and imple-

AMERICAN OVERSIGHT

mentation of a strategy to implement the policy aims described in [section 191503], which shall—

(1) set specific and measurable goals, benchmarks, timetables, performance metrics, and monitoring and evaluation plans that reflect international best practices relating to transparency, accountability, and global health security;

(2) support and be aligned with country-owned global health security policy and investment plans developed with input from key stakeholders, as appropriate;

(3) facilitate communication and collaboration, as appropriate, among local stakeholders in support of a multi-sectoral approach to global health security;

(4) support the long-term success of programs by building the capacity of local organizations and institutions in target countries and communities;

(5) develop community resilience to infectious disease threats and emergencies;

(6) leverage resources and expertise through partnerships with the private sector, health organizations, civil society, nongovernmental organizations, and health research and academic institutions; and

AMERICAN OVERSIGHT

(7) support collaboration, as appropriate, between United States universities, and public and private institutions in target countries and communities to promote health security and innovation.

(b) COORDINATION.—The President, acting through the United States Coordinator for Global Health Security, shall coordinate, through a whole-of-government approach, the efforts of relevant Federal departments and agencies in the implementation of the strategy required under subsection (a) by—

(1) establishing monitoring and evaluation systems, coherence, and coordination across relevant Federal departments and agencies; and

(2) establishing platforms for regular consultation and collaboration with key stakeholders and the appropriate congressional committees.

(c) STRATEGY SUBMISSION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President, in consultation with the head of each relevant Federal department and agency, shall submit to the appropriate congressional committees the strategy required under subsection (a) that provides a detailed description of how the United States intends to advance the policy set forth in [section

AMERICAN OVERSIGHT

191503] and the agency-specific plans described in paragraph (2).

(2) AGENCY-SPECIFIC PLANS.—The strategy required under subsection (a) shall include specific implementation plans from each relevant Federal department and agency that describes—

(A) the anticipated contributions of the department or agency, including technical, financial, and in-kind contributions, to implement the strategy; and

(B) the efforts of the department or agency to ensure that the activities and programs carried out pursuant to the strategy are designed to achieve maximum impact and long-term sustainability.

(d) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date on which the strategy required under subsection (a) is submitted to the appropriate congressional committees under subsection (c), and not later than October 1 of each year thereafter, the President shall submit to the appropriate congressional committees a report that describes the status of the implementation of the strategy.

AMERICAN OVERSIGHT

(2) CONTENTS.—The report required under paragraph (1) shall—

(A) identify any substantial changes made in the strategy during the preceding calendar year;

(B) describe the progress made in implementing the strategy;

(C) identify the indicators used to establish benchmarks and measure results over time, as well as the mechanisms for reporting such results in an open and transparent manner;

(D) contain a transparent, open, and detailed accounting of expenditures by relevant Federal departments and agencies to implement the strategy, including, to the extent practicable, for each Federal department and agency, the statutory source of expenditures, amounts expended, partners, targeted populations, and types of activities supported;

(E) describe how the strategy leverages other United States global health and development assistance programs;

(F) assess efforts to coordinate United States global health security programs, activities, and initiatives with key stakeholders;

AMERICAN OVERSIGHT

(G) incorporate a plan for regularly reviewing and updating strategies, partnerships, and programs and sharing lessons learned with a wide range of stakeholders, including key stakeholders, in an open, transparent manner; and

(H) describe the progress achieved and challenges concerning the United States Government's ability to advance the Global Health Security Agenda across priority countries, including data disaggregated by priority country using indicators that are consistent on a year-to-year basis and recommendations to resolve, mitigate, or otherwise address the challenges identified therein.

(e) FORM.—The strategy required under subsection (a) and the report required under subsection (d) shall be submitted in unclassified form but may contain a classified annex.

SEC. 191510. COMPLIANCE WITH THE FOREIGN AID TRANSPARENCY AND ACCOUNTABILITY ACT OF 2016.

Section 2(3) of the Foreign Aid Transparency and Accountability Act of 2016 (Public Law 114–191; 22 U.S.C. 2394c note) is amended—

AMERICAN OVERSIGHT

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) the Global Health Security Act of 2020.''.

SEC. 191511. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) GLOBAL HEALTH SECURITY.—The term ''global health security'' means activities supporting epidemic and pandemic preparedness and capabilities at the country and global levels in order to minimize vulnerability to acute public health events that can endanger the health of populations across geographical regions and international boundaries.

AMERICAN OVERSIGHT

SEC. 191512. SUNSET.

This subtitle (other than section 191507), and the amendments made by this subtitle, shall cease to be effective on December 31, 2024.

Subtitle C—Securing America From Epidemics Act

SEC. 191513. FINDINGS.

Congress finds the following:

(1) Due to increasing population and population density, human mobility, and ecological change, emerging infectious diseases pose a real and growing threat to global health security.

(2) While vaccines can be the most effective tools to protect against infectious disease, the absence of vaccines for a new or emerging infectious disease with epidemic potential is a major health security threat globally, posing catastrophic potential human and economic costs.

(3) The 1918 influenza pandemic infected 500,000,000 people, or about one-third of the world's population at the time, and killed 50,000,000 people—more than died in the First World War.

(4) The economic cost of an outbreak can be devastating. The estimated global cost today, should an outbreak of the scale of the 1918 influenza pan-

AMERICAN OVERSIGHT

demic strike, is 5 percent of global gross domestic product.

(5) Even regional outbreaks can have enormous human costs and substantially disrupt the global economy and cripple regional economies. The 2014 Ebola outbreak in West Africa killed more than 11,000 and cost $2,800,000,000 in losses in the affected countries alone.

(6) The ongoing novel coronavirus outbreak reflects the pressing need for quick and effective vaccine and countermeasure development.

(7) While the need for vaccines to address emerging epidemic threats is acute, markets to drive the necessary development of vaccines to address them—a complex and expensive undertaking—are very often critically absent. Also absent are mechanisms to ensure access to those vaccines by those who need them when they need them.

(8) To address this global vulnerability and the deficit of political commitment, institutional capacity, and funding, in 2017, several countries and private partners launched the Coalition for Epidemic Preparedness Innovations (CEPI). CEPI's mission is to stimulate, finance, and coordinate development of vaccines for high-priority, epidemic-potential

AMERICAN OVERSIGHT

threats in cases where traditional markets do not exist or cannot create sufficient demand.

(9) Through funding of partnerships, CEPI seeks to bring priority vaccines candidates through the end of phase II clinical trials, as well as support vaccine platforms that can be rapidly deployed against emerging pathogens.

(10) CEPI has funded multiple partners to develop vaccine candidates against the novel coronavirus, responding to this urgent, global requirement.

(11) Support for and participation in CEPI is an important part of the United States own health security and biodefense and is in the national interest, complementing the work of many Federal agencies and providing significant value through global partnership and burden-sharing.

SEC. 191514. AUTHORIZATION FOR UNITED STATES PARTICIPATION.

(a) IN GENERAL.—The United States is hereby authorized to participate in the Coalition for Epidemic Preparedness Innovations.

(b) PRIVILEGES AND IMMUNITIES.—The Coalition for Epidemic Preparedness Innovations shall be considered a public international organization for purposes of

AMERICAN OVERSIGHT

section 1 of the International Organizations Immunities Act (22 U.S.C. 288).

(c) REPORTS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that includes the following:

(1) The United States planned contributions to the Coalition for Epidemic Preparedness Innovations and the mechanisms for United States participation in such Coalition.

(2) The manner and extent to which the United States shall participate in the governance of the Coalition.

(3) How participation in the Coalition supports relevant United States Government strategies and programs in health security and biodefense, to include—

(A) the Global Health Security Strategy required by section 7058(c)(3) of division K of the Consolidated Appropriations Act, 2018 (Public Law 115–141);

(B) the applicable revision of the National Biodefense Strategy required by section 1086 of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 104); and

AMERICAN OVERSIGHT
USPS-20-2171-A-001861

(C) any other relevant decision-making process for policy, planning, and spending in global health security, biodefense, or vaccine and medical countermeasures research and development.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

Subtitle D—Other Matters

SEC. 191515. AUTHORIZATION TO EXTEND MILLENNIUM CHALLENGE COMPACTS.

Notwithstanding the limitation in section 609(j) the Millennium Challenge Act of 2003 (22 U.S.C. 7708), the Millennium Challenge Corporation may extend any compact in effect as of January 29, 2020, for up to one additional year to account for delays related to the spread of coronavirus, if the Corporation provides to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a justification prior to providing any such extension.

AMERICAN OVERSIGHT

DIVISION T—ADDITIONAL OTHER MATTERS

SEC. 200001. APPLICATION OF LAW.

Notwithstanding any other provision of law, the prohibition under section 213 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3153) shall not apply with respect to applications for grants made under this Act or Public Law 116–136.

SEC. 200002. DISASTER RECOVERY OFFICE.

(a) IN GENERAL.—Section 601(d)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3211(d)(2)) is amended—

(1) by striking ''(2) RELEASE.—'' and inserting the following:

''(2) RELEASE.—

''(A) IN GENERAL.—''; and

(2) by adding at the end the following:

''(B) REVOLVING LOAN FUND PROGRAM.—The Secretary may release, subject to terms and conditions the Secretary determines appropriate, the Federal Government's interest in connection with a grant under section 209(d) not less than 7 years after final disbursement of the grant, if—

AMERICAN OVERSIGHT

"(i) the recipient has carried out the terms of the award in a satisfactory manner;

"(ii) any proceeds realized from the release of the Federal Government's interest will be used for one or more activities that continue to carry out the economic development purposes of this Act; and

"(iii) the recipient shall provide adequate assurance to the Secretary that at all times after release of the Federal Government's interest in connection with the grant, the recipient will be responsible for continued compliance with the requirements of section 602 in the same manner it was responsible prior to release of the Federal Government's interest and that the recipient's failure to comply shall result in the Secretary taking appropriate action, including, but not limited to, rescission of the release and recovery of the Federal share of the grant.".

(b) OFFICE OF DISASTER RECOVERY.—Title V of the Public Works and Economic Development Act of 1965 (42

AMERICAN OVERSIGHT

U.S.C. 3191 et seq.) is amended by adding at the end the following:

"SEC. 508. OFFICE OF DISASTER RECOVERY.

''(a) IN GENERAL.—The Secretary shall create an Office of Disaster Recovery to direct and implement the Agency's post-disaster economic recovery responsibilities pursuant to sections 209(c)(2) and 703.

''(b) AUTHORIZATION.—The Secretary is authorized to appoint and fix the compensation of such temporary personnel as may be necessary to implement disaster recovery measures, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.''.

(c) CLERICAL AMENDMENT.—The table of contents for the Public Works and Economic Development Act of 1965 is amended by inserting after the item relating to section 507 the following new item:

''Sec. 508. Office of Disaster Recovery.''.

SEC. 200003. APPLICATION OF BUY AMERICAN.

Chapter 83 of title 41, United States Code, shall not apply with respect to purchases made in response to the emergency declared by the President on March 13, 2020, under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191) and under any subsequent major disaster declaration under

AMERICAN OVERSIGHT

section 401 of such Act that supersedes such emergency declaration.

SEC. 200004. PREMIUM PAY AUTHORITY.

(a) IN GENERAL.—If services performed during calendar year 2020 or 2021 are determined by the head of the agency to be primarily related to response or recovery operations arising out of an emergency or major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), any premium pay that is funded, either directly or through reimbursement, by the Federal Emergency Management Agency shall be exempted from the aggregate of basic pay and premium pay calculated under section 5547(a) of title 5, United States Code, and any other provision of law limiting the aggregate amount of premium pay payable on a biweekly or calendar year basis.

(b) OVERTIME AUTHORITY.—Any overtime that is funded for such services described in subsection (a), either directly or through reimbursement, by the Federal Emergency Management Agency shall be exempted from any annual limit on the amount of overtime payable in a calendar or fiscal year.

(c) APPLICABILITY OF AGGREGATE LIMITATION ON PAY.—In determining whether an employee's pay exceeds the applicable annual rate of basic pay payable under sec-

AMERICAN OVERSIGHT

tion 5307 of title 5, United States Code, the head of an Executive agency shall not include pay exempted under this section.

(d) LIMITATION OF PAY AUTHORITY.—Pay exempted from otherwise applicable limits under subsection (a) shall not cause the aggregate pay earned for the calendar year in which the exempted pay is earned to exceed the rate of basic pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code.

(e) EFFECTIVE DATE.—This section shall take effect as if enacted on January 1, 2020.

SEC. 200005. COST SHARE.

Assistance provided under the emergency declaration issued by the President on March 13, 2020, pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)), and under any subsequent major disaster declaration under section 401 of such Act (42 U.S.C. 5170) that supersedes such emergency declaration, shall be at a 100 percent Federal cost share.

SEC. 200006. CLARIFICATION OF ASSISTANCE.

(a) IN GENERAL.—For the emergency declared on March 13, 2020 by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency As-

AMERICAN OVERSIGHT

sistance Act (42 U.S.C. 5191), the President may provide assistance for activities, costs, and purchases of States or local governments or the owners or operators of eligible private nonprofit organizations, including—

(1) activities eligible for assistance under sections 301, 415, 416, and 426 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141, 5182, 5183, 5189d);

(2) backfill costs for first responders and other essential employees who are ill or quarantined;

(3) increased operating costs for essential government services due to such emergency, including costs for implementing continuity plans, and sheltering or housing for first responders, emergency managers, health providers and other essential employees;

(4) costs of providing guidance and information to the public and for call centers to disseminate such guidance and information;

(5) costs associated with establishing and operating virtual services;

(6) costs for establishing and operating remote test sites;

AMERICAN OVERSIGHT

(7) training provided specifically in anticipation of or in response to the event on which such emergency declaration is predicated;

(8) personal protective equipment and other critical supplies for first responders and other essential employees;

(9) medical equipment, regardless of whether such equipment is used for emergency or inpatient care;

(10) public health costs, including provision and distribution of medicine and medical supplies;

(11) costs associated with maintaining alternate care facilities or related facilities currently inactive but related to future needs tied to the ongoing pandemic event;

(12) costs of establishing and operating shelters and providing services, including transportation, that help alleviate the need of individuals for shelter, including individuals transitioning out of detention; and

(13) costs of procuring and distributing food to individuals affected by the pandemic through networks established by State, local, or Tribal governments or other organizations, including restaurants

AMERICAN OVERSIGHT

and farms, and for the purchase of food directly from food producers and farmers.

(b) APPLICATION TO SUBSEQUENT MAJOR DISASTER.—The activities described in subsection (a) may also be eligible for assistance under any major disaster declared by the President under section 401 of such Act (42 U.S.C. 5170) that supersedes the emergency declaration described in such subsection.

(c) FINANCIAL ASSISTANCE FOR FUNERAL EXPENSES.—For any emergency or major disaster described in subsection (a) or subsection (b), the President shall provide financial assistance to an individual or household to meet disaster-related funeral expenses under section 408(e)(1) of such Act (42 U.S.C. 5174(e)).

(d) ADVANCED ASSISTANCE.—In order to facilitate activities under this section, the Administrator of the Federal Emergency Management Agency may provide assistance in advance to an eligible applicant if a failure to do so would prevent the applicant from carrying out such activities.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to make ineligible any assistance that would otherwise be eligible under section 403, 408, or 502 of such Act (42 U.S.C. 5170b, 5174, 5192).

AMERICAN OVERSIGHT

SEC. 200007. SAFETY UPGRADES IN GSA FACILITIES.

(a) FACILITY SAFETY UPGRADES.—Not later than 60 days after the date of enactment of this Act, the Administrator of the General Services Administration shall take such actions as are necessary to prevent airborne transmission of COVID–19 through air conditioning, heating, ventilating, and water systems in facilities owned or leased by the General Services Administration to ensure safe and healthy indoor environments for Federal employees.

(b) PRIORITIES.—Any projects carried out by the Administrator to carry out this section shall prioritize indoor air and water environmental quality in facilities and energy-saving building technologies and products.

SEC. 200008. NON-FEDERAL TENANTS IN GSA FACILITIES.

(a) PROHIBITION ON REFERRAL TO DEBT COLLECTION AGENCIES.—Administrator of the General Services Administration may not refer any non-Federal tenants of facilities owned by the Administration to a debt collection agency during the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) relating to COVID–19.

(b) REPORT ON RENT DEFERRAL REQUESTS.—Not later than 30 days after the date of enactment of this Act, the Administrator of the General Services Administration shall submit to Congress a report containing all requests

AMERICAN OVERSIGHT

for rent deferrals related to COVID–19 from non-Federal tenants of facilities owned by the Administration.

SEC. 200009. TRANSIT COVID–19 REQUIREMENTS.

(a) IN GENERAL.—For the duration of the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) related to the pandemic of SARS–CoV–2 or coronavirus disease 2019 (COVID–19), recipients of funds under section 5307 of title 49, United States Code, that serve an urbanized area with a population of at least 500,000 individuals and that provided a minimum of 20,000,000 unlinked passenger trips in the most recent year for which data is available shall—

(1) require each passenger to wear a mask or protective face covering while on board a public transportation vehicle;

(2) provide masks or protective face coverings, gloves, and hand santizer and wipes with sufficient alcohol content to operators, station managers, and other employees or contractors whose job responsibilities include interaction with passengers;

(3) ensure public transportation vehicles operated by such public transportation provider are cleaned, disinfected, and sanitized frequently in accordance with Centers for Disease Control and Pre-

AMERICAN OVERSIGHT

vention guidance and ensure that employees or contractors whose job responsibilities involve such cleaning, disinfecting, or sanitizing are provided masks or protective face coverings and gloves;

(4) ensure stations and enclosed facilities owned, operated, or used by such public transportation provider, including facilities used for training or performance of indoor maintenance, repair, or overhaul work, are cleaned, disinfected, and sanitized frequently in accordance with Centers for Disease Control and Prevention guidance and ensure that employees or contractors whose job responsibilities include such cleaning, disinfecting, or sanitizing are provided masks or other protective face coverings and gloves; and

(5) establish guidelines, or adhere to applicable guidelines, for notifying employees of a confirmed COVID–19 diagnosis of an employee of such public transportation provider.

(b) IMPLEMENTATION.—The implementation of the requirement under subsection (a)(1) shall be carried out in a manner determined by the provider of public transportation.

(c) AVAILABILITY.—If a provider of public transportation is unable to acquire any of the items needed to com-

AMERICAN OVERSIGHT

ply with paragraph (2), (3), or (4) of subsection (a) due to market unavailability, such provider shall—

(1) prepare and make public documentation demonstrating what actions have been taken to acquire such items; and

(2) continue efforts to acquire such items until they become available.

SEC. 200010. REGULATION OF ANCHORAGE AND MOVEMENT OF VESSELS DURING NATIONAL EMERGENCY.

Section 70051 of title 46, United States Code, is amended—

(1) in the section heading by inserting ''**or public health emergency**'' after ''**national emergency**'';

(2) by inserting ''or whenever the Secretary of Health and Human Services determines a public health emergency exists,'' after ''international relations of the United States'';

(3) by inserting ''or to ensure the safety of vessels and persons in any port and navigable waterway,'' after ''harbor or waters of the United States'';

(4) by inserting ''or public health emergency,'' after ''subversive activity''; and

(5) by inserting ''or to ensure the safety of vessels and persons in any port and navigable water-

AMERICAN OVERSIGHT

way,'' after ''injury to any harbor or waters of the United States,''.

SEC. 200011. MSP OPERATING VESSELS.

Notwithstanding part 296 of title 46, Code of Federal Regulations, until December 31, 2020, or upon the written determination of the Secretary of Transportation until June 31, 2021, the operator of a vessel operating such vessel under an MSP Operating Agreement (as such term is defined in section 296.2 of title 46, Code of Federal Regulations)—

(1) shall not be required to comply with any requirement with respect to operating days (as such term is defined in such section) contained in such agreement; and

(2) shall maintain such vessel in a state of operational readiness, including through the employment of the vessel's crew complement, until the applicable date.

SEC. 200012. EXTENSION OF PERIOD OF PERFORMANCE FOR LIBRARY OF CONGRESS SEVERABLE SERVICE CONTRACTS.

(a) EXTENSION.—Notwithstanding sections 3902(a) and 3904(b) of title 41, United States Code, if the performance or delivery of services procured under a sever-

AMERICAN OVERSIGHT

able service contract of the Library of Congress is delayed or otherwise affected by the COVID–19 Pandemic—

(1) the period for the performance or delivery of services under the contract may be extended for an additional period not exceeding 12 months; and

(2) funds shall remain available for obligation and expenditure under the contract until the performance or delivery of the services is completed.

(b) CONTRACTS COVERED.—This section applies with respect to contracts for services procured for a period beginning in fiscal year 2019 or fiscal year 2020.

SEC. 200013. COVERAGE OF COMMUTING EXPENSES UNDER AUTHORITY OF ARCHITECT OF THE CAPITOL TO MAKE EXPENDITURES IN RESPONSE TO EMERGENCIES.

(a) COVERAGE OF COMMUTING EXPENSES.—Section 1305(a)(2) of the Legislative Branch Appropriations Act, 2010 (2 U.S.C. 1827(a)(2)) is amended by inserting after ''refreshments,'' the following: ''transportation and other related expenses incurred by employees in commuting between their residence and their place of employment,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal year 2020 and each succeeding fiscal year.

AMERICAN OVERSIGHT

SEC. 200014. REPORTS ON SUICIDE AMONG MEMBERS OF THE ARMED FORCES DURING THE COVID–19 PUBLIC HEALTH EMERGENCY.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and monthly thereafter through December 31, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on suicide among members of the Armed Forces during the covered public health emergency.

(b) ELEMENTS.—Each report under subsection (a) shall include, with respect to the months covered by the report, the following:

(1) Incidents of suicide, attempted suicide, and suicidal ideation by a member of the Armed Forces, including the reserve components, listed by Armed Force.

(2) The incidents identified under paragraph (1) that occurred during a period of active service by a member in support of—

(A) a contingency operation; or

(B) an operation in response to a covered public health emergency.

(3) With respect to the member involved in each incident identified under paragraph (2):

(A) Gender.

(B) Age.

AMERICAN OVERSIGHT

(C) Rank.

(D) Method of suicide or attempted suicide.

(4) Elements of a research agenda for the Department of Defense to establish suicide prevention treatment and risk communication for members of the Armed Forces that is—

(A) evidence-based;

(B) effective; and

(C) designed to apply to a covered public health emergency.

(c) DEFINITIONS.—In this section:

(1) The terms ''active service'', ''congressional defense committees'', and ''contingency operation'' have the meanings given those terms in section 101 of title 10, United States Code.

(2) The term ''covered public health emergency'' means the declaration—

(A) of a public health emergency, based on an outbreak of COVID–19, by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d); or

AMERICAN OVERSIGHT

(B) of a domestic emergency, based on an outbreak of COVID–19, by the President or the Secretary of Homeland Security.

SEC. 200015. MODIFICATION TO MAINTENANCE OF EFFORT REQUIREMENT FOR TEMPORARY INCREASE IN MEDICAID FMAP.

(a) IN GENERAL.—Section 6008(b)(1) of the Families First Coronavirus Response Act (42 U.S.C. 1396d note) is amended by inserting ", or as signed into State law on April 15, 2020, and taking effect in State law on April 3, 2020" after "January 1, 2020".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Families First Coronavirus Response Act.

AMERICAN OVERSIGHT

THE HEROES ACT

A Bold Response to the Coronavirus Pandemic and the Economic Collapse

[H.R. xxxx, The Heroes Act]

Title-By-Title Summary

[House Democrats' bold, transformative legislation meets the challenge of the coronavirus pandemic, increasing aid for state, local, and tribal governments on the frontlines of the coronavirus crisis; extending unemployment insurance benefits; and providing more direct payments to Americans.]

DIVISION A – Coronavirus Recovery Supplemental Appropriations Act, 2020

Prepared by the Democratic staff of the House Committee on Appropriations

Title I Agriculture, Rural Development, Food and Drug Administration, and Related Agencies

Supplemental Nutrition Assistance Program (SNAP) – Provides $10 billion to support anticipated increases in participation and to cover program cost increases related to flexibilities provided to SNAP by the Families First Coronavirus Response Act.

Special Supplemental Nutrition Program for Women Infants and Children (WIC) – Provides an additional $1.1 billion to provide access to nutritious foods to low-income pregnant women or mothers with young children who lose their jobs or are laid off due to the COVID-19 emergency.

The Emergency Food Assistance Program (TEFAP) – Includes $150 million to help local food banks meet increased demand for low-income Americans during the emergency. Including funding provided by the Families First Coronavirus Response Act and the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), TEFAP has received a total of $1 billion.

Child Nutrition Programs – Includes $3 billion in additional funding to provide emergency financial relief to school meal providers and USDA's Child and Adult Care Food Program.

Farm and Ranch Stress Assistance Network program Provides $20 million to strengthen activities and services that connect farmers and ranchers to stress assistance resources and programs.

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USDA Office of Inspector General – Provides $2.5 million to increase monitoring and oversight activities.

Title II Commerce, Justice, Science, and Related Agencies

Census Bureau, Periodic Censuses and Programs – $400 million for expenses due to delays in the 2020 Decennial Census in response to the coronavirus.

Census Bureau, Current Surveys and Programs – $10 million for expenses incurred as a result of the coronavirus.

National Oceanic and Atmospheric Administration (NOAA) – $100 million for Fishery Disaster Assistance for tribal, subsistence, commercial, and charter fishery participants, in response to economic injury precipitated by the coronavirus.

Department of Commerce, Office of Inspector General – $1 million for auditing and oversight of supplemental funds provided to the Commerce Department in the earlier CARES Act and this Act.

Bureau of Prisons – $200 million to prevent, prepare for, and respond to coronavirus in Federal prisons, including funding for medical testing and services, personal protective equipment, hygiene supplies and services, and sanitation services

Violence Against Women Act (VAWA) programs – $100 million, with a waiver of the local match requirement, including $30 million for grants to combat violence against women, $15 million for transitional housing assistance grants, $15 million for sexual assault victims assistance, $10 million for rural domestic violence and child abuse enforcement assistance, $10 million for legal assistance for victims, $4 million for assistance to tribal governments, and $16 million to support families in the justice system.

Byrne Justice Assistance Grants – $300 million to help prevent, prepare for, and respond to coronavirus, including for purchasing personal protective equipment and controlling outbreaks of coronavirus at prisons, with waivers of the local match and non-supplanting requirements. Public defender funding is also an authorized use of Byrne-JAG grants. The bill additionally prevents the Department of Justice from preventing these funds from going to sanctuary jurisdictions.

Community Oriented Policing Services (COPS) – $300 million for law enforcement hiring grants and for the purchase of personal protective equipment, with waivers of the local match and non-supplanting requirements.

Second Chance Act grants – $250 million for grants to help facilitate the reintegration of ex-prisoners back into society and to prevent recidivism.

Pandemic Justice Response Act Grants – $600 million, including: (1) $500 million to prevent, detect, and stop the presence of COVID-19 in correctional institutions, and for pre-trial citation and release grants, (2) $25 million for Rapid COVID-19 Testing at correctional institutions, and (

AMERICAN OVERSIGHT

3) $75 million for Juvenile Specific Services.

National Science Foundation (NSF) Research and Related Activities – $125 million to prevent, prepare for, and respond to coronavirus.

Legal Services Corporation – $50 million to address legal needs arising from coronavirus.

Department of Justice, Office of Inspector General – $3 million to prevent, prepare for, and respond to coronavirus, including by providing auditing and oversight of supplemental funds provided to the Justice Department.

Title III Financial Services and General Government

State Fiscal Relief $500 billion in funding to assist state governments with the fiscal impacts from the public health emergency caused by the coronavirus.

Local Fiscal Relief $375 billion in funding to assist local governments with the fiscal impacts from the public health emergency caused by the coronavirus.

Tribal Fiscal Relief $20 billion in funding to assist Tribal governments with the fiscal impacts from the public health emergency caused by the coronavirus.

Fiscal Relief for Territories $20 billion in funding to assist governments of the Territories with the fiscal impacts from the public health emergency caused by the coronavirus.

CARES Act Coronavirus Relief Fund Repayment to DC Provides an additional $755 million for the District of Columbia to assist with the fiscal impacts from the public health emergency caused by the coronavirus

Treasury Inspector Generals $35 million for the Treasury Inspector General for oversight of Coronavirus Fiscal Relief Fund payments to state and local governments, and $2.5 million for the Treasury Inspector General for Tax Administration for oversight of IRS payments.

Community Development Financial Institutions (CDFI) $1 billion for economic support and recovery in distressed communities by providing financial and technical assistance to CDFIs.

Tax Credit Implementation $599 million for implementation of additional payments to individuals.

Assistance to Homeowners--$75 billion to states, territories, and tribes to address the ongoing needs of homeowners struggling to afford their housing due directly or indirectly to the impacts of the pandemic by providing direct assistance with mortgage payments, property taxes, property insurance, utilities, and other housing related costs.

Elections $3.6 billion for grants to States for contingency planning, preparation, and resilience of elections for Federal office.

AMERICAN OVERSIGHT

Broadband $1.5 billion to close the homework gap by providing funding for Wi-Fi hotspots and connected devices for students and library patrons, and $4 billion for emergency home connectivity needs.

Assisting Small Businesses $10 billion in grants to small businesses that have suffered financial losses as a result of the coronavirus outbreak.

Office of Personnel Management Inspector General Office (OPM IG) $1 million for the OPM IG to combat healthcare fraud associated with COVID-19.

General Services Administration Technology Modernization Fund $1 billion in funding for technology-related modernization activities to prevent, prepare for, and respond to coronavirus.

Postal Service – $25 billion for revenue forgone due to the coronavirus pandemic, plus language providing additional protections to Postal workers. An additional $15 million is provided for the Postal Service Inspector General for oversight of this funding.

Title IV Homeland Security

Federal Emergency Management Agency – $1.3 billion to prevent, prepare for, and respond to coronavirus, including $200 million for the Emergency Food and Shelter Program; $500 million for Assistance to Firefighter Grants (AFG); $500 million for Staffing for Adequate Fire and Emergency Response (SAFER) grants; and $100 million for Emergency Management Performance Grants (EMPG).

In addition

- Prohibits the use of funds provided in the bill from being used for other purposes.
- For AFG and SAFER, waives cost sharing requirements for cash-strapped fire departments and waives certain other program requirements in order to help expedite grant awards.

Office of Inspector General **–** $3 million for oversight of the Department of Homeland Security's pandemic response activities.

Title V Interior, Environment, and Related Agencies

Fish and Wildlife Service – $71 million to support activities related to wildlife-borne disease prevention, with $50 million for grants through the State and Tribal Wildlife grant program.

United States Geological Survey $40 million for biosurveillance and research related to wildlife-borne disease.

AMERICAN OVERSIGHT

Bureau of Indian Affairs – $900 million to meet Tribal government needs necessary to prevent, prepare for, and respond to coronavirus, including:

- $780 million to continue Tribal government operations and programs and to clean Tribal facilities.
- $100 million to address overcrowded housing which is prohibiting social isolation.
- $20 million for sanitation needs to provide for water hydration and hygiene issues to mitigate and respond to coronavirus.

Department of the Interior – $1 billion for building hospitals and critical infrastructure in the Insular Areas, as well as for general technical assistance in responding to Coronavirus; and $5 million to perform oversight, accountability, and evaluation of programs, projects, or activities in the Department of the Interior pandemic response.

Environmental Protection Agency – $50 million for environmental justice grants, including investigating links between pollution exposure and the transmission and health outcomes of coronavirus in environmental justice communities.

Indian Health Service – $2.1 billion to address health care needs related to coronavirus for Native Americans, including:

- $1 billion to account for lost third party revenues as a result of reduced medical care.
- $64 million to assist Urban Indian Organizations.
- $10 million to assist with sanitation, hydration and hygiene needs in Indian Country necessary to prevent, prepare for, and respond to coronavirus.
- $500 million to provide health care, including telehealth services to Native Americans, and to purchase medical supplies and personal protective equipment.
- $140 million to expand broadband infrastructure and information technology for telehealth and electronic health records system purposes.
- $20 million to provide health care, housing and isolation units for domestic violence victims and homeless Native Americans.
- No less than $366 million to provide isolation or quarantine space.

National Endowment for the Arts- $10 million for the National Endowment for the Arts for grants to support the general operations of recipients and language to permit the waiver of matching requirements.

National Endowment for the Humanities- $10 million for the National Endowment for the Humanities for grants to support the general operations of recipients and language to permit the waiver of matching requirements.

Title VI Labor, Health and Human Services, Education, and Related Agencies

Department of Labor – $3.1 billion to support workforce training and worker protection activities related to coronavirus, including:

AMERICAN OVERSIGHT

- $2 billion to support worker training;
- $25 million for migrant and seasonal farmworkers, including emergency supportive services;
- $925 million to assist States in processing unemployment insurance claims;
- $15 million for the federal administration of unemployment insurance activities;
- $100 million for the Occupational Safety and Health Administration for workplace protection and enforcement activities in response to coronavirus, including $25 million for Susan Harwood training grants that protect and educate workers;
- $6.5 million for the Wage and Hour Division to support enforcement and outreach activities for paid leave benefits; and
- $5 million for the Office of the Inspector General.

Health Resources and Services Administration – $7.6 billion to support expanded health care services for underserved populations, including:

- $7.6 billion for Health Centers to expand the capacity to provide testing, triage, and care for COVID-19 and other health care services at approximately 1,000 existing health centers across the country; and
- $10 million to Ryan White HIV/AIDS clinics to support extended operational hours, increased staffing hours, additional equipment, and additional home delivered meals and transportation needs of clients, who disproportionately suffer from co-morbidities and underlying immunosuppression that puts them at greater risk for COVID-19 complications.

Centers for Disease Control and Prevention – $2.1 billion to support federal, state, and local public health agencies to prevent, prepare for, and respond to the coronavirus, including:

- $2 billion for State, local, Territorial, and Tribal Public Health Departments and
- $130 million for public health data surveillance and analytics infrastructure modernization.

National Institutes of Health – $4.745 billion to expand COVID-19-related research on the NIH campus and at academic institutions across the country and to support the shutdown and startup costs of biomedical research laboratories nationwide.

Assistant Secretary for Preparedness and Response – $4.575 billion to respond to coronavirus , including:

- $3.5billion for Biomedical Advanced Research and Development Authority (BARDA) for therapeutics and vaccines;
- $500 million for BARDA to support U.S.-based next generation manufacturing facilities;
- $500 million for BARDA to promote innovation in antibacterial research and development; and
- $75 million for the Office of Inspector General.

Public Health and Social Services Emergency Fund $175 billion to reimburse for health care related expenses or lost revenue attributable to the coronavirus, as well as to support testing and contact tracing to effectively monitor and suppress COVID-19, including:

AMERICAN OVERSIGHT

- $100 billion in grants for hospital and health care providers to be reimbursed health care related expenses or lost revenue directly attributable to the public health emergency resulting from coronavirus; and
- $75 billion for testing, contact tracing, and other activities necessary to effectively monitor and suppress COVID-19.

Substance Abuse and Mental Health Services Administration $3 billion to increase mental health support during this challenging time, to support substance abuse treatment, and to offer increased outreach, including:

- $1.5 billion for the Substance Abuse Prevention and Treatment Block Grant;
- $1 billion for the Community Mental Health Services Block Grant;
- $100 million for services to homeless individuals;
- $100 million for Project AWARE to identify students and connect them with mental health services;
- $10 million for the National Child Traumatic Stress Network;
- $265 million for emergency response grants to address immediate behavioral health needs as a result of COVID-19;
- $25 million for the Suicide Lifeline and Disaster Distress Helpline; and
- Not less $150 million for tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes across a variety of programs.

Centers for Medicare & Medicaid Services – Nursing Strike Team $150 million for States to establish and implement strike teams to deploy to skilled nursing facilities or nursing facilities within 72 hours of three residents or employees being diagnosed with or suspected of having COVID-19.

Centers for Medicare & Medicaid Services – Health Care Fraud and Abuse Control – $25 million to support program integrity activities, including investigations and prosecutions of illegal or fraudulent activity affecting funds provided through Medicare, Medicaid, or the Children's Health Insurance Program.

Administration for Children and Families – $10.1 billion to provide supportive and social services for families and children through programs including:

- $7 billion for Child Care and Development Block Grants;
- $1.5 billion for the Low-Income Home Energy Assistance Program (LIHEAP);
- $1.5 billion to support paying water bills for low income families$50 million for Family Violence Prevention and Services;
- $20 million for Child Abuse Prevention and Treatment Act (CAPTA) State Grants; and
- $20 million for Community Based-Child Abuse Prevention Grants.

Administration for Community Living – $100 million to provide direct services such as home-delivered and prepackaged meals, and supportive services for seniors and disabled individuals, and their caregivers.

AMERICAN OVERSIGHT

Health and Human Services Office of Inspector General – $75 million to provide necessary oversight and enforcement related to the COVID-19 pandemic.

Department of Education – $100.15 billion to support the educational needs of States, school districts, and institutions of higher education in response to coronavirus, including:

- $90 billion for a State Fiscal Stabilization Fund for grants to States to support statewide and local funding for elementary and secondary schools and public postsecondary institutions. This flexible funding can support:
    - costs associated with making up instructional time, including teacher, school leader, and classified school employee personnel costs;
    - providing school-based supports for impacted students, families, and staff, including counseling, mental health services, family engagement efforts, and the coordination of physical health services;
    - costs associated with sanitation and cleaning for schools and school transportation;
    - professional development for school-based staff on trauma-informed care to restore the learning environment;
    - purchasing educational technology, including assistive technology, that aids in regular and substantive interactions between students and their classroom instructor;
    - coordination efforts between State educational agencies and public health departments for emergency planning, response, and recovery;
    - authorized activities under education statutes including ESEA, IDEA, McKinney -Vento Homeless Assistance Act, the Adult Education and Family Literacy Act, and the Perkins Act;
    - training and professional development for college and university faculty and staff to use technology and services related to distance education;
    - general expenditures for institutions of higher education for expenses associated with a disruption in services or operations related to coronavirus, including defraying expenses due to lost revenue, reimbursement for expenses already incurred, and payroll; and,
    - emergency financial aid to postsecondary students for housing, food, technology, health care, and child care.
- $10.15 billion to help alleviate burdens associated with the coronavirus for both colleges and students, including $1.7 billion for Historically Black Colleges and Universities and Minority Serving Institutions, $20 million for Howard University, $11 million for Gallaudet University, $11 million for the National Technical Institute for the Deaf, and $8.4 billion for other institutions of higher education.

Institute for Museum and Library Services $5 million to support libraries and museums with costs and expenses associated with coronavirus, including operational supports and providing technology and resources for their communities.

AMERICAN OVERSIGHT

Railroad Retirement Board – $5 million to support the processing of unemployment benefits under the Railroad Unemployment Insurance Act, including $500,000 for the Office of the Inspector General.

Title VII Legislative Branch

House of Representatives – $5 million to support an upgraded imaging solution required to expediently and efficiently meet the demand for House imaged laptops due to COVID-19. In addition, this funding will support an increase in inventory of satellite phone, Mobile Wi-Fi Hotspots, and updated satellite bandwidth technologies to meet escalating demand of District Offices during COVID-19, as well as provide funding for the newly formed Select Committee that will provide oversight of the funds provided for coronavirus and economic aid.

Government Accountability Office (GAO) – $30 million for GAO to conduct oversight of funding provided to federal departments and agencies for coronavirus response and recovery efforts.

Title VIII State, Foreign Operations, and Related Programs

Oversight – $2 million to the Department of State Inspector General to conduct oversight of coronavirus response activities.

Title IX Transportation, Housing and Urban Development, and Related Agencies

Department of Transportation (DOT)

FAA, Operations – $75 million for additional janitorial services at air traffic control towers and other FAA facilities; hazard pay, and overtime pay to prevent, prepare for, and respond to coronavirus; and a study on mitigating pathogens in airliner cabin air.

Airport and Airway Trust Fund Relief (AATF) – The combination of reduced air passenger traffic and the suspension of certain aviation taxes through January 2021 in the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (P.L. 116-136) will significantly reduce aviation-related excise tax revenue remitted to the AATF and may result in the AATF being unable to rely solely on aviation taxes to meet its obligations, such as grants to airports, air traffic control operations, and research in fiscal year 2020. Section 10901 ensures that the AATF can meets its obligations using the General Fund of the Treasury.

Highways – $15 billion for grants to support the ongoing work of State, Tribal, and Territorial Departments of Transportation and certain local governments to mitigate the effects of coronavirus including the salaries of staff and other administrative expenses.

Transit Emergency Relief – $15.75 billion for operating assistance grants to support the transit agencies that require significant additional assistance to maintain basic transit services. Of these amounts $11.75 billion will be distributed by formula and $4 billion will be available to any grantee or sub-recipient by application to the Secretary.

AMERICAN OVERSIGHT

Department of Housing and Urban Development (HUD)

Tenant-Based Rental Assistance $4 billion to allow public housing agencies (PHAs) to respond to coronavirus and the ability to keep over 2.2 million families stably housed even when facing a loss of income, including $1 billion for new, temporary, vouchers for individuals and families who are homeless or at risk of becoming homeless, or fleeing domestic violence. Allows PHAs the flexibility necessary for the safe and effective administration of these funds while maintaining fair housing, nondiscrimination, labor standards, and environmental protections.

Public Housing Operating Fund – $2 billion for PHAs to carry out coronavirus response for the operation and management of almost 1 million public housing units. Allows PHAs the flexibility necessary for the safe and effective administration of these funds while maintaining fair housing, nondiscrimination, labor standards, and environmental protections.

Housing for Persons with AIDS – $15 million to maintain operations, rental assistance, supportive services, and other necessary actions to mitigate the impact of coronavirus on low-income persons with HIV/AIDS.

Community Development Block Grant $5 billion for coronavirus response and to mitigate the impacts in our communities to be distributed by formula to current grantees. The legislation continues to waive the public services cap to allow communities to respond to the impacts of the pandemic.

Homeless Assistance Grants – $11.5 billion for Emergency Solutions Grants to address the impact of coronavirus among individuals and families who are homeless or at risk of homelessness and to support additional homeless assistance, prevention, and diversion activities to mitigate the impacts of the pandemic.

Emergency Rental Assistance – $100 billion to provide emergency assistance to help low-income renters at risk of homelessness avoid eviction due to the economic impact of the coronavirus pandemic.

Project-Based Rental Assistance – $750 million to ensure the continuation of housing assistance for low-income individuals and families living in project-based rental assistance properties, and to ensure housing providers can take the necessary actions to prevent, prepare for, and respond to the pandemic.

Housing for the Elderly – $500 million to maintain operations at properties providing affordable housing for low-income seniors and to ensure housing providers can take the necessary actions to prevent, prepare for, and respond to the coronavirus pandemic. To ensure access to supportive services for this vulnerable population, this includes $300 million for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects.

AMERICAN OVERSIGHT

Housing for Persons with Disabilities – $200 million to maintain operations at properties providing affordable housing for low-income persons with disabilities, and to ensure housing providers can take the necessary actions to prevent, prepare for, and respond to the coronavirus pandemic.

Housing Counseling Assistance – $100 million to enable housing counselors to respond to the surge of demand for services, which include foreclosure and eviction mitigation counseling, in light of the economic impact of the COVID-19 pandemic. The bill allows the purchase of technology and equipment so services can be provided through electronic means.

Office of Fair Housing and Equal Opportunity – $14 million to address fair housing issues resulting from coronavirus. This includes $4 million for Fair Housing Organization Initiative grants and $10 million for Education and Outreach grants to educate the public and the housing industry about fair housing rights and responsibilities during the COVID-19 pandemic.

Title X General Provisions

Technical budgetary provisions.

DIVISION B – Revenue Provisions

Prepared by the Democratic staff of the House Committee on Ways and Means

DIVISION C – Health Provisions

Prepared by the Democratic staff of the House Committees on Energy and Commerce, Ways and Means, and Education and Labor

Title I Medicaid

Section XX FMAP increase. Increases Federal Medical Assistance Percentage (FMAP) payments to state Medicaid programs by a total of 14 percentage points starting July 1, 2020 through June 30, 2021.

Section XX MFAR. Prevents the Secretary of Health and Human Services (HHS) from finalizing the Medicaid Fiscal Accountability Regulation (MFAR) until the end of the COVID-19 public health emergency.

Section XX Home and Community Based Services. Increases the federal payments to state Medicaid programs by an additional 10 percentage points starting July 1, 2020 through June 30, 2021 to support activities that strengthen their home- and community-based services (HCBS) benefit.

Section XX No cost-sharing for COVID-19 treatment. Eliminates cost sharing for Medicaid beneficiaries for COVID-19 treatment and vaccines during the COVID-19 public health emergency.

AMERICAN OVERSIGHT

Section XX Covering the uninsured for COVID-19 treatment. Ensures that uninsured individuals whom states opt to cover through the new Medicaid eligibility pathway will be able to receive treatment for COVID-19 without cost-sharing during the COVID-19 public health emergency.

Section XX Temporary extension of 100 percent FMAP to Indian health providers. Clarifies that services received through urban Indian providers are matched at 100 percent FMAP through June 30, 2021.

Section XX Medicaid coverage for citizens of Freely-Associated States. Restores Medicaid eligibility to individuals who are residents of the freely-associated states.

Section XX Increase DSH payments. Temporarily increases Medicaid disproportionate share hospital (DSH) allotments by 2.5 percent.

Section XX Extension of existing section 1115 demonstration projects. Authorizes states with section 1115 demonstration projects that expire on or before February 28, 2021 to extend them through December 31, 2021.

Section XX Allowance for medical assistance under Medicaid for inmates during 30-day period preceding release. Provides Medicaid eligibility to incarcerated individuals 30 days prior to their release.

Section XX Non-emergency medical transportation. Codifies the regulatory requirement that state Medicaid programs cover non-emergency medical transportation (NEMT).

Title II Medicare

Section XX Hold Medicare beneficiaries harmless for specified COVID-19 treatment services furnished under Part A or Part B of the Medicare program. Establishes zero cost-sharing (out-of-pocket costs) for COVID-19 treatment under Medicare Parts A and B during the COVID-19 public health emergency.

Section XX Ensure communications accessibility for residents of skilled nursing facilities during the COVID-19 emergency period. Ensures skilled nursing facilities provide a means for residents to conduct "televisitation" with loved ones while in-person visits are not possible during the COVID-19 public health emergency.

Section XX Medicare hospital inpatient prospective payment system expanded outlier payment for COVID-19 patients. Provides an outlier payment for inpatient claims for any amount over the traditional Medicare payment to cover excess costs hospitals incur for more expensive COVID-19 patients until January 31, 2021.

AMERICAN OVERSIGHT

Section XX Coverage of treatments for COVID–19 at no cost sharing under the Medicare Advantage program. Establishes zero cost-sharing (out-of-pocket costs) for COVID-19 treatment under Medicare Advantage during the COVID-19 public health emergency.

Section XX Coverage under Prescription Drug Plans (PDPs) and Medicare Advantage-Prescription Drug plans (MA-PDPs) without cost-sharing. Requires coverage under Medicare PDPs and MA-PDPs without cost-sharing or Utilization Management Requirements for drugs intended to treat COVID-19 during the COVID-19 public health emergency.

Section XX Improve the Accelerated and Advance Payment Program. Lowers the interest rate for loans to Medicare providers made under the Accelerated and Advance Payment Program, reduces the per-claim recoupment percentage, and extends the period before repayment begins.

Section XX Create a new special enrollment period for Medicare. Creates a new special enrollment period for Medicare Parts A & B eligible individuals during the COVID-19 public health emergency.

Section XX Skilled nursing facility incentive payments. Provides incentives for nursing facilities to create COVID-19-specific facilities and includes safety and quality protections for patients.

Section XX Nursing home strike teams. Directs HHS to allocate money to the states to create strike teams to help facilities manage outbreaks when they occur.

Section XX Infection control in nursing facilities. Requires the Secretary of HHS to provide additional assistance to facilities struggling with infection control through Medicare's Quality Improvement Organizations (QIOs).

Section XX Nursing homes demographic data reporting. Requires HHS to collect data on COVID-19 in nursing homes and to publicly report demographic data on COVID-19 cases in nursing homes on *Nursing Home Compare*.

Section XX Imputed Rural Floor. Requires the Centers for Medicare and Medicaid Services (CMS) to re-establish a rural floor for the Medicare hospital area wage index for hospitals in all-urban states.

Title III Private Insurance

Section XX Special enrollment period through exchanges; federal exchange outreach and Activities. Provides for a two-month open enrollment period to allow individuals who are uninsured, for whatever reason, to enroll in coverage. Currently, Americans can only enroll in an Affordable Care Act (ACA) plan during open enrollment period, or because of a qualifying life event if they were previously insured.

AMERICAN OVERSIGHT

Section XX Ensuring access to COVID-19 prevention care. Requires the Advisory Committee on Immunization Practices (ACIP) to meet and provide a recommendation no later than 15 days after a COVID-19 vaccine is listed under the Public Health Service Act.

Section XX Coverage of COVID-19 related treatment at no cost sharing. Requires coverage of items and services related to the treatment of COVID-19 in group and individual market health plans and waives cost-sharing requirements for consumers during the COVID-19 public health emergency.

Section XX Requiring prescription drug refill notifications during emergencies. Requires group and individual market health plans to notify consumers if their plan permits advance prescription drug refills during an emergency period.

Section XX Improvement of certain notifications provided to qualified beneficiaries by group health plans in the case of qualifying events. Improves the information provided to workers who lose their employer-sponsored coverage so that they are aware of all affordable coverage options, including coverage available under the ACA.

Section XX Earlier coverage of testing for COVID-19. Makes the requirement for free coverage of COVID-19 testing retroactive to the beginning of the COVID-19 public health emergency.

Section XX Preserving health benefits for workers. Provides approximately nine months of full premium subsidies to allow workers to maintain their employer-sponsored coverage if they are eligible for COBRA due to a layoff or reduction in hours, and for workers who have been furloughed but are still active in their employer-sponsored plan.

Title IV Other Health Provisions

Section XX Coverage of COVID-19 related treatment at no cost sharing in TRICARE. Establishes zero cost-sharing (out-of-pocket costs) for COVID-19 treatment under TRICARE.

Section XX Coverage of COVID-19 related treatment at no cost sharing for Veterans. Establishes zero cost-sharing (out-of-pocket costs) for COVID-19 treatment under the Department of Veterans Affairs health plans.

Section XX Coverage of COVID-19 related treatment at no cost sharing for Federal Civilians. Establishes zero cost-sharing (out-of-pocket costs) for COVID-19 treatment under the Federal Employee Health Benefit Program.

Title V Public Health

Subtitle A—Supply Chain Improvements

AMERICAN OVERSIGHT

Section XX Medical Supplies Response Coordinator. Requires the President to appoint a Medical Supplies Response Coordinator. A Medical Supplies Response Coordinator would serve as the point of contact for the health care system, supply chain officials, and states on medical supplies, including personal protective equipment (PPE), medical devices, drugs, and vaccines. The appointee is required to have health care training and an understanding of medical supply chain logistics.

Section XX Information to be included in list of devices determined to be in shortage. Clarifies that the medical device identifier or national product code shall be included with any required shortage reporting, which will help facilitate identification of acceptable alternatives.

Section XX Device shelf life dates. Provides authority to the Food and Drug Administration (FDA) to require manufacturers to provide the agency with information pertinent to an extension of medical device shelf life dates in cases of shortages or material slowdowns during public health emergencies.

Section XX Authority to destroy counterfeit devices. Extends FDA's administrative destruction authority to medical devices. This would allow FDA to destroy certain imported medical devices, such as counterfeit tests or masks, in instances where FDA believes such medical devices are adulterated, misbranded, or unapproved and may pose a threat to the public health as they currently do for drugs.

Section XX Reporting requirement for drug manufacturers. Requires drug manufacturers to report foreign drug manufacturing sites and to report quarterly on the volume of drugs manufactured.

Section XX Recommendations to encourage domestic manufacturing of critical drugs. Requires National Academies of Science, Engineering, and Medicine (NASEM) to conduct a symposium of experts to discuss recommendations to encourage domestic manufacturing of critical drugs and devices of greatest priority to providing health care.

Section XX Failure to notify of a permanent discontinuance or an interruption. Provides FDA with an enforcement mechanism to require timely notifications related to a permanent discontinuance or interruption in the manufacturing of certain drugs and the reasons for such discontinuance or interruption, as required under current law.

Section XX Failure to develop risk management plan. Provides FDA with an enforcement mechanism to require drug manufacturers to develop a risk management plan, as required under current law

Section XX National Centers of Excellence in Continuous Pharmaceutical Manufacturing. Directs FDA to designate National Centers of Excellence in Continuous Pharmaceutical Manufacturing (NCEs). NCEs will work with FDA and industry to craft a national framework for the implementation of continuous manufacturing of drugs, including supporting additional

AMERICAN OVERSIGHT

research and development of this technology, workforce development, standardization, and collaborating with manufacturers to support adoption of continuous manufacturing of drugs.

Section XX Vaccine manufacturing and administration capacity. Requires the Secretary of HHS to award contracts, grants, cooperative agreements, and enter into other transactions, as appropriate, to expand and enhance manufacturing capacity of vaccines and vaccine candidates to prevent the spread of COVID-19. It also requires a report on the vaccine supply necessary to stop the spread of COVID-19, the manufacturing capacity to produce vaccines, activities conducted to enhance such capacity, and plans for continued support of vaccine manufacturing and administration.

Subtitle B—Strategic National Stockpile Improvements

Section XX Equipment maintenance. Requires the Secretary of HHS to ensure that contents of the Strategic National Stockpile (SNS) are in good working order and, as necessary, conduct maintenance on contests of the stockpile.

Section XX Supply chain flexibility manufacturing pilot. Improves the SNS domestic product availability by enhancing medical supply chain elasticity, improving the domestic production of PPE, and partnering with industry to refresh and replenish existing stocks of medical supplies.

Section XX Reimbursable transfers from Strategic National Stockpile. Improves the SNS financial security by allowing the SNS to sell products to other Federal departments or agencies within six months of product expiration.

Section XX Strategic National Stockpile action reporting. Requires the SNS to report to Congress about every request made to the SNS during the COVID-19 public health emergency and details regarding the outcomes of every request.

Section XX Improved, transparent processes for the Strategic National Stockpile. Requires the SNS to develop improved, transparent processes for SNS requests and identify clear plans for future communication between the SNS and States.

Section XX GAO study on the feasibility and benefits of a Strategic National Stockpile user fee agreement. Requires the Government Accountability Office (GAO) to conduct a study to investigate the public sector procurement process for single source materials from the SNS.

Subtitle C—Testing and Testing Infrastructure Improvements

Section XX COVID–19 testing strategy. Requires the Secretary of HHS to update the COVID -19 strategic testing plan required under the Paycheck Protection Program and Health Care Enhancement Act no later than June 15, 2020. The updated plan shall identify the types and levels of testing necessary to monitor and contribute to the control of COVID-19 and inform any reduction in social distancing. In addition, the updated strategic testing plan must include

AMERICAN OVERSIGHT

specific plans and benchmarks with clear timelines, regarding how to ensure sufficient availability and allocation of all testing materials and supplies, sufficient laboratory and personnel capacity, and specific guidelines to ensure adequate testing in vulnerable populations and populations at increased risk related to COVID-19, including older individuals, and rural and other underserved areas. This plan must also involve testing capacity in non-health care settings in order to help expand testing availability and make testing more accessible, as well as how to implement the testing strategy in a manner that will help to reduce disparities with respect to COVID-19.

Section XX Centralized testing information website. Requires the Secretary of HHS to establish and maintain a public, searchable website that lists all in vitro diagnostic and serological tests used in the United States to analyze critical specimens for detection of COVID-19 or antibodies for the virus. The website will also list relevant information about the tests, including the sensitivity and specificity of the test and the numbers of tests available.

Section XX Manufacturer reporting of test distribution. Requires in vitro diagnostic test manufacturers to notify the Secretary of HHS with information regarding distribution of tests, including quantity distributed.

Section XX State testing report. Requires States authorizing the development of in vitro COVID-19 tests to provide the Secretary of HHS with a weekly report identifying all authorized laboratories and providing relevant information about the laboratories, including their testing capacity, listing of all authorized tests, and providing relevant information about such tests.

Section XX State listing of testing sites. Requires States receiving funding through this Act to establish a public, searchable webpage identifying and providing contact information for COVID -19 testing sites within the State.

Section XX Reporting of COVID–19 testing results. Requires every laboratory that performs or analyzes COVID-19 tests to submit daily reports to the Secretary of HHS. This information would then be required to be made available to the public in a searchable, electronic format.

Section XX GAO report on diagnostic tests. Requires a GAO report on the response of laboratories, diagnostic test manufacturers, state, local, Tribal, and territorial governments, and relevant federal agencies, related to the COVID-19 epidemic with respect to the development, regulatory evaluation, and deployment of diagnostic tests.

Section XX Public health data system transformation. Requires HHS to expand, enhance, and improve public health data systems used by the Centers for Disease Control and Prevention (CDC). This includes: grants to State, local, Tribal, or territorial public health departments for the modernization of public health data systems in order to assist public health departments in assessing current data infrastructure capabilities and gaps; to improve secure public health data collection, transmission, exchange, maintenance, and analysis; to enhance the interoperability of public health data systems; to support and train related personnel; to support earlier disease and health condition detection; and to develop and disseminate related information and improved

AMERICAN OVERSIGHT

electronic case reporting.

Section XX Pilot program to improve laboratory infrastructure. Authorizes grants to states and localities to improve, renovate, or modernize clinical laboratory infrastructure in order to help increase COVID-19 testing capacities.

Section XX Core public health infrastructure for State, local, and Tribal health departments. Authorizes $6 billion for public health departments to expand workforce, improve laboratory systems, health information systems, disease surveillance, and contact tracing capacity to account for the unprecedented spread of COVID-19.

Section XX Core public health infrastructure and activities for CDC. Authorizes $1 billion for CDC to expand and improve their core public health infrastructure and activities in order to address unmet and emerging public health needs.

Subtitle D—COVID-19 National Testing and Contact Tracing (CONTACT) Initiative

Section XX National system for COVID-19 testing, contact tracing, surveillance, containment and mitigation. Requires CDC to coordinate with State, local, Tribal, and territorial health departments to establish and implement a national evidence-based system for testing, contact tracing, surveillance, containment and mitigation of COVID-19, including offering guidance on voluntary isolation and quarantine of positive COVID-19 cases.

Section XX COVID-19 testing, contact tracing, surveillance, containment, and mitigation grants. Requires CDC to award grants to State, local, Tribal, and territorial health departments to carry out evidence-based systems for testing, contact tracing, surveillance, containment and mitigation of COVID-19. CDC shall provide a minimum level of funding for all State, local, Tribal, and territorial health departments, and prioritize additional funding for areas with high number of cases of COVID-19, areas with a surge in cases of COVID-19, and those proposing to serve high numbers of low-income and uninsured populations, including underserved populations. Funding shall be used to leverage or modernize existing systems, identify specific strategies for testing in medically underserved populations, establish culturally competent and multilingual strategies for contact tracing, hire and compensate a locally-sourced workforce, and support individuals who have been infected with or exposed to COVID-19.

Section XX COVID-19 testing, contact tracing, surveillance, containment, and mitigation guidance. Requires CDC and other relevant agencies to issue guidance, provide technical assistance and information, and establish clear communication pathways for State, local, Tribal, and territorial health departments for the establishment and maintenance of their testing, contact tracing, surveillance, containment, and mitigation systems.

Section XX Awareness campaign. Provides grants for a multilingual and culturally appropriate national, science-based COVID-19 campaign, to include information related to availability of testing and promote the importance of contact tracing. Grants can be issued to public or private entities, including faith-based organizations.

AMERICAN OVERSIGHT

Section XX Research and development. Requires CDC, in collaboration with the National Institutes of Health (NIH), the Agency for Healthcare Research and Quality (AHRQ), FDA, and CMS to support research and development on efficient and effective testing, contact tracing, and surveillance strategies.

Section XX Grants to the Local Workforce Development System and Community-based Organizations. Authorizes grants to support the recruitment, placement, and training of individuals in COVID-19 contact tracing and related positions, with a focus on recruiting from impacted local communities and building a culturally competent workforce. This section also provides for transitional assistance and support post-employment.

Section XX Authorization of Appropriations. Authorizes $75 billion for these efforts.

Subtitle E—Demographic Data and Supply Reporting Related to COVID–19

Section XX COVID-19 reporting portal. Requires the Secretary of HHS, within 15 days, to establish and maintain an online portal for health entities to track and transmit data regarding their inventory and capacity related to COVID-19. This portal will enable hospitals and long-term care facilities to report their inventory related to PPE, medical supplies (like available ventilators and beds), and facility capacity (like number of needed doctors, nurses, and lab personnel). Facilities should be required to report these figures on a biweekly basis.

Section XX Regular CDC reporting on demographic data. Requires the Secretary of HHS, no later than 14 days following enactment, to update and make publicly available the report to Congress required by the Paycheck Protection and Health Care Enhancement Act on the collection of data on race, ethnicity, age, sex, and gender of individuals diagnosed with COVID-19. The updated report must include how the Secretary will provide technical assistance to State, local, and territorial health departments to improve collection and reporting of demographic data, and requirements for the report to be updated every 30 days and to identify any barriers for such health departments in collecting such data.

Section XX Federal modernization for health inequities data. Authorizes funding to AHRQ, CDC, CMS, FDA, the Office of the National Coordinator for Health Information Technology, and NIH to modernize their data collection methods and infrastructure in order to increase data collection related health inequities.

Section XX Modernization of state and local health inequities data. Authorizes grants to state, local, and territorial health departments in order to support the modernization of data collection methods and infrastructure in order to increase data collection related health inequities.

Section XX Tribal funding to research health inequities, including COVID-19. Requires the Indian Health Service (IHS), in coordination with CDC and NIH, to conduct research and field studies to improve understanding of tribal health inequities.

AMERICAN OVERSIGHT

Section XX CDC field studies pertaining to specific health inequities. Requires CDC to establish field studies to better understand health inequities that are not currently tracked by the Secretary of HHS.

Section XX Additional reporting to Congress on the race and ethnicity rates of COVID-19 testing, hospitalization, and mortalities. Requires the Secretary of HHS, by August 1, to expand on the report to Congress as required by the Paycheck Protection Program and Health Care Enhancement Act describing the testing, positive diagnoses, hospitalization, intensive care admissions, mortality rates, associated with COVID 19, disaggregated by race, ethnicity, age, sex, and gender. The Secretary of HHS must also now propose evidence-based response strategies to reduce disparities related to COVID-19 and a final report in 2024.

Subtitle F— Miscellaneous

Makes technical corrections to the CARES Act.

Title VI Public Health Assistance

Subtitle A—Assistance to Providers and Health System

Section XX Health Care Provider Relief Fund. Codifies the CARES Act health care provider relief fund for the purposes of reimbursing eligible health care providers for expenses related to preventing, preparing for, and responding to COVID-19, as well as lost revenues that have resulted from the COVID-19 pandemic.

Section XX Public Health Workforce Loan Repayment Program. Establishes a loan repayment program to enhance recruitment and retention of state, local, tribal, and territorial public health department workforce.

Section XX Expanding capacity for health outcomes. Authorizes grants to expand the use of technology-enabled collaborative learning and capacity building models to respond to COVID-19. To be eligible for funding under this section, health entities must have experience providing services to rural, frontier, health professional shortage areas, medically underserved populations, or Indian Tribes.

Section XX Additional funding for Medical Reserve Corps. Authorizes additional funding for the Medical Reserve Corps (MRC), which is a national network of local volunteer units who engage their local communities to strengthen public health, reduce vulnerability, build resilience, and improve preparedness, response, and recovery capabilities.

Section XX Grants for schools of medicine in diverse and underserved areas. Authorizes grants to schools of medicine in rural, underserved, or Minority-Serving Institutions. Grants can be used to build new schools of medicine and expand, enhance, modernize, support existing schools of medicine. Funding priority is given to rural, underserved, or Minority-Serving Institutions, including Historically Black Colleges and Universities, Hispanic-Serving

AMERICAN OVERSIGHT

Institutions, Tribal Colleges and Universities, and Asian American and Pacific Islander Serving Institutions.

Section XX GAO study on public health workforce. Requires the GAO to conduct a study to investigate gaps, challenges, and recommended steps for improvement associated with the Federal, State, local, Tribal, and territorial public health workforce.

Section XX Longitudinal study on the impact of COVID-19 on recovered patients. Directs NIH to carry out a study on the short- and long-term impact of COVID-19 on infected and recovered individuals.

Section XX Research on the mental health impact of COVID–19. Directs the NIH's National Institute of Mental Health to support research on the mental health consequences of COVID-19, including the impact on health care providers.

Section XX Emergency mental health and substance use training and technical assistance center. Establishes a technical assistance center at the Substance Abuse and Mental Health Services Administration (SAMHSA) that will support public or nonprofit entities and public health professionals seeking to establish or expand access to mental health and substance use services associated with the COVID-19 public health emergency.

Section XX Importance of the blood plasma supply. Updates the blood donation public awareness campaign authorized by the CARES Act to include blood plasma.

Subtitle B— Assistance for Individuals and Families

Section XX Reimbursement for additional health services relating to coronavirus. Authorizes COVID-19 treatment to be reimbursed for uninsured individuals.

Section XX Centers for Disease Control and Prevention COVID–19 response line. Requires CDC to maintain a toll-free telephone number to address public health questions related to COVID-19.

Section XX Grants to address substance use during COVID-19. Authorizes SAMHSA to award grants to support local, tribal, and state substance use efforts that need further assistance as a result of COVID-19.

Section XX Grants to support increased behavioral health needs due to COVID-19. Authorizes SAMHSA to award grants to States, tribes, and community-based entities to enable such entities to increase capacity and support or enhance behavioral health services.

Subtitle C —Public Health Assistance to Tribes

Section XX Improving State, local, and Tribal public health security. Extends eligibility for the CDC's Public Health Emergency Preparedness (PHEP) program to Tribes.

AMERICAN OVERSIGHT

Section XX Provision of items to Indian programs and facilities. Guarantees IHS and other Tribal health organizations direct access to the Strategic National Stockpile, just like all 50 other states.

Section XX Ensure parity for urban Native veterans. Allows the Urban Indian Health Organizations (UIHO) to bill VA for care provided to qualified urban native veterans.

Section XX Ensure coverage for Native veterans. Clarifies VA coverage for Native Veterans who qualify for both VA benefits and IHS services.

DIVISION D – Retirement Provisions

Prepared by the Democratic staff of the House Committee on Ways and Means

Sec. 100. Short title. The short title of the legislation is the Emergency Pension Plan Relief Act of 2020 ("EPPRA").

Title I Relief for Multiemployer Pension Plans

Sec. 101. Special Partition Relief. About 10 million Americans participate in multiemployer pension plans and about 1.3 million of them are in plans that are quickly running out of money. Many of these troubled multiemployer plans cover workers who are on the front lines of the COVID-19 public health crisis, such as trucking, food processing, grocery store workers, and others. Even before the pandemic, workers, businesses, and retirees faced a crisis and were in dire need of our help. With work drying up around the country and the market downturn, the economic catastrophe resulting from COVID-19 has exacerbated the multiemployer pension crisis and threatened the hard-earned pensions of even more workers and retirees. This threatens to bankrupt the Pension Benefit Guaranty Corporation ("PBGC"), impose damaging liabilities on thousands of businesses, and devastate communities across the country.

Under current law, PBGC has limited authority to partition certain troubled multiemployer pension plans. In a partition, PBGC takes on the financial responsibility of some of the benefits of an eligible plan, so that the plan can stay solvent. EPPRA creates a special partition program that would expand PBGC's existing authority, increase the number of eligible plans, and simplify the application process allowing more troubled plans to obtain much-needed relief. Just like the bipartisan Butch Lewis Act (H.R. 397), eligible plans would include: plans in critical and declining status, plans with significant underfunding with more retirees than active workers, plans that have suspended benefits, and certain plans that have already become insolvent. In contrast, EPPRA allows plans to become eligible for the special partition program through 2024. Because the COVID-19 crisis has already caused significant investment losses to pension plan assets and decreased the number of hours worked, plan funding may deteriorate over time. Consequently, plans may need to access the special partition relief program in coming years.

PBGC is required to issue regulations within 120 days of enactment of this legislation and may prioritize the processing of applications of plans most in need. A qualifying plan may apply to

AMERICAN OVERSIGHT

PBGC and, upon approval, would receive financial assistance. Under the special partition program, a plan would receive enough financial assistance to keep it solvent and well-funded for thirty years with no cuts to the earned benefits of participants and beneficiaries. Plans that previously cut benefits would have to restore them to the retirees who earned them. In exchange for the financial assistance, each plan would have to comply with certain conditions, and would be required to file regular comprehensive reports to PBGC and to the Congressional committees of jurisdiction.

This legislation also includes important accountability and transparency provisions. PBGC would be required to annually report to Congress. The Government Accountability Office ("GAO") would be required to regularly evaluate PBGC's implementation and administration of the special partition relief program. PBGC's Inspector General would receive funding to audit the special partition relief program to prevent against waste, fraud, and abuse. PBGC would be required to establish and regularly update a user-friendly website so that plan administrators, employers, participants, beneficiaries, interested stakeholders, and the public can track the implementation and administration of the special partition relief program. Because PBGC currently receives no appropriations, the legislation includes additional funding to cover the costs of the program.

By stabilizing these pensions, the special partition relief program would protect retirees who worked for decades to earn their benefits. It would also help businesses avoid crushing liabilities and support communities around the country.

Sec. 102. Repeal of Benefit Suspensions for Multiemployer Plans in Critical and Declining Status. Upon date of enactment, no plan would be permitted to apply, or be approved, for a suspension of benefits under the Multiemployer Pension Reform Act ("MPRA"). This restores the promise of a secure retirement for millions of workers currently in danger. Going forward, no participant or beneficiary in a multiemployer pension plan would suffer a cut to their earned benefits under MPRA.

Sec. 103. Temporary Delay of Designation of Multiemployer Plans as in Endangered, Critical, or Critical and Declining Status. Under the legislation, a plan could retain its funding zone status as of a plan year beginning in 2019 for plan years that begin in 2020 or 2021. A plan in endangered or critical status would not have to update its plan or schedules until the plan year beginning March 1, 2021. This would provide a plan with flexibility and ease an administrative burden given the economic and financial turmoil resulting from the COVID-19 public health crisis.

Sec. 104. Temporary Extension of the Funding Improvement and Rehabilitation Periods for Multiemployer Pension Plans in Critical and Endangered Status for 2020 or 2021. Under the bill, a plan in endangered or critical status for a plan year beginning in 2020 or 2021 could extend its rehabilitation period by five years. This would give a plan additional time to improve its contribution rates, limit benefit accruals, and maintain plan funding all on its own terms. This provision is effective for plan years beginning after December 31, 2019.

AMERICAN OVERSIGHT

Sec. 105. Adjustments to Funding Standard Account Rules. Funding shortfalls as a result of investment losses are generally required to be made up over a period of 15 years. Following the financial crisis of 2008, multiemployer plans were allowed to amortize investment losses from 2008 or 2009 over a period of 30 years. Now, the market downturn resulting from the COVID-19 pandemic is already damaging the funding of multiemployer pension plans. Under the legislation , for investment losses in plan years beginning in 2019 and 2020, a plan could use a 30-year amortization base to spread out losses over time. Pension plans, participants, and plan sponsors need more stability and a longer period over which to pay for long-term liabilities that can stretch out for decades. This would help a plan weather this economic and financial storm. This provision is effective for plan years ending on or after February 29, 2020.

Sec. 106. PBGC Guarantee for Participants in Multiemployer Plans. PBGC provides a maximum guaranteed benefit of $12,870 to a participant in a multiemployer plan, if that participant had 30 years of service. The guarantee is 100% of the first $11 of the monthly benefit rate, plus 75% of the next $33 of the monthly benefit rate, multiplied by the participant's years of credited service. This legislation would double the guarantee to 100% of the first $15 in monthly benefits per year of service and 75% of the next $70 in monthly benefits per year of service, and indexes it thereafter. This would help participants and beneficiaries receive more of the benefits they earned through their hard work and service. All plans receiving financial assistance beginning December 16, 2014, would see the improved guarantee take effect. A plan that becomes insolvent in the future would be subject to the increased guarantee in the calendar year in which it becomes insolvent.

Title II Relief for Single Employer Pension Plans

Sec. 201. Extended Amortization for Single Employer Plans. In light of an ongoing pattern of interest rate and market volatility due to the COVID-19 public health crisis, the current law requirement to amortize funding shortfalls over seven years is no longer appropriate. Pension plans, participants, and plan sponsors need more stability and a longer period over which to pay for long-term liabilities that can stretch out for more than 50 years. Accordingly, under the bill, the following rules would apply to all single employer pension plans, effective for plan years beginning after December 31, 2019:

All shortfall amortization bases for all plan years beginning before January 1, 2020 (and all shortfall amortization installments determined with respect to such bases) would be reduced to zero.

All shortfalls would be amortized over 15 years, rather than seven years.

Sec. 202. Extension of Pension Funding Stabilization Percentages for Single Employer Plans. In 2012, 2014, and 2015, Congress provided for pension interest rate smoothing in order to address concerns that historically low interest rates were creating inflated pension funding obligations, diverting corporate assets away from jobs and business recovery. Under interest rate smoothing, the interest rates used to value pension liabilities must be within 10% of 25-year interest rate averages. The smoothed interest rates would begin phasing out in 2021, with the 10% corridor around the 25-year interest rate averages increasing five percentage points each year until interest rates need only be within 30% of the 25-year averages. Because of this phase-out, smoothing would soon cease to have much effect. In order to preserve the stabilizing effects

AMERICAN OVERSIGHT

of smoothing:
The 10% interest rate corridor would be reduced to 5%, effective in 2020.
The phase-out of the 5% corridor would be delayed until 2026, at which point the corridor would , as under current law, increase by 5 percentage points each year until it attains 30% in 2030, where it would stay.
A 5% floor would be put on the 25-year interest rate averages. This floor would establish stability and predictability on a longer-term basis, so that interest rate variations do not create excessive volatility. In addition, this floor would protect funding rules from the extremes of interest rate movements.
This provision is effective for plan years beginning after December 31, 2019.

Title III Other Retirement Related Provisions

Sec. 301. Waiver of Required Minimum Distributions for 2019. Under current law, generally at the age of 72, individuals must take a required minimum distribution ("RMD") from their defined contribution plans and IRAs. Due to the market downturn resulting from the COVID-19 pandemic, the balances in these accounts have sharply decreased in many instances, the market has reduced taxpayers' accounts more than what their RMD would have been. Therefore, the recently enacted CARES Act waived RMDs for 2020, allowing individuals to keep funds in their retirement plans. This provision expands this relief further by providing that 2019 RMDs would be waived for defined contribution plans and IRAs.

Sec. 302. Waiver of 60-Day Rule in case of Rollover of Otherwise Required Minimum Distributions in 2019 and 2020. This provision further expands the 2020 RMD relief in the CARES Act by providing that:

- The RMDs made for 2019 would be permitted to be rolled back to a plan or IRA without regard to the 60-day requirement if the rollover is made by November 30, 2020.
- RMDs made for 2020 would be permitted to be rolled back to a plan or IRA without regard to the 60-day requirement if the rollover is made by November 30, 2020.

Sec. 303. Employee Certification as to Eligibility for Increased CARES Act Loan Limits from Employer Plan. The CARES Act permits eligible retirement plans to rely on an employee's certification that the employee qualifies to receive a coronavirus-related distribution. Technically, it appears that a plan cannot rely on such a certification for purposes of determining whether an employee is eligible for the special loan rules. In past disaster relief, the IRS has generally permitted reliance on reasonable representations by an employee in a similar context, absent actual knowledge to the contrary. But in the past, the statute has not had a specific employee certification provision that applies for distributions but not loans. This provision provides a statutory clarification.

Sec. 304. Exclusion of Benefits Provided to Volunteer Firefighters and Emergency Medical Responders Made Permanent. Almost 70 percent of firefighters and emergency medical services ("EMS") personnel are volunteers, 71 percent of fire departments are exclusively staffed by volunteers, and 91 percent of all US fire department use volunteer firefighters and EMTs to some degree. Therefore, at the end of last year, the SECURE Act reinstated for one year the

AMERICAN OVERSIGHT

exclusions for qualified State or local tax benefits and qualified reimbursement payments provided to members of qualified volunteer emergency response organizations and increases the exclusion for qualified reimbursement payments to $50 for each month during which a volunteer performs services. This would allow volunteer fire and EMS personnel for 2020 to receive nominal recruitment and retention incentives without those incentives being considered as taxable income.

The COVID-19 pandemic places an enormous amount of strain on these volunteer personnel as they are exposing themselves to COVID-19 and are responding to a much higher than normal call volume. Therefore, the provision would make permanent these amendments to Code Section 139B.

Sec. 305. Application of Special Rules to Money Purchase Pension Plans. The CARES Act provided for early distribution and loan relief for retirement plans during the coronavirus relief period. While this relief was intended to apply to all qualified retirement plans, there were questions as to whether it would apply to money purchase pension plans ("MPPP"). MPPPs are a type of defined-contribution retirement plan offered by some employers. This provision would clarify that MPPPs would benefit from the legislation.

Sec. 306. Grants to Assist Low-Income Women and Survivors of Domestic Violence in Obtaining Qualified Domestic Relations Orders. Certain states under stay-at-home orders have seen domestic violence rates rise as much as 30 percent since the beginning of the COVID-19 pandemic. This provision directs the Secretary of Labor, acting through the Director of the Women's Bureau in conjunction with the Assistant Secretary of the Employee Benefits Security Administration, to award grants of at least $250,000 to established community-based organizations on a competitive basis to assist low-income women and survivors of domestic violence in obtaining qualified domestic relations orders to ensure that these women actually obtain the benefits to which they are entitled through those orders.

Sec. 307. Modification of Special Rules for Minimum Funding Standards for Community Newspaper Plans. Community newspapers are generally family-owned, non-publicly traded, independent newspapers. The recently enacted SECURE Act provided pension funding relief for a number of community newspaper plan sponsors by increasing the interest rate to calculate those funding obligations to 8%. Additionally, the SECURE Act provided for a longer amortization period of 30 years from 7 years. These two changes enable struggling community newspapers to stretch out their required pension plan contributions over a longer time period. The legislation would expand the SECURE Act relief to additional community newspapers.

Sec. 308. Minimum Rate of Interest for Certain Determinations Related to Life Insurance Contracts. In order to qualify as life insurance contracts for tax purposes, permanent life insurance policies must meet several requirements under Internal Revenue Code section 7702. These requirements include two interest rate assumptions for determining the premiums that can be used to fund the contracts. The interest rate assumptions were set by statute at 4 percent and 6 percent when the requirements were put in place in 1984. At the time, the average long-term Treasury rate was around 12 percent. The recent public health and economic crisis has prompted the Federal Reserve to reduce already persistently low interest rates to around 0 percent, and the

AMERICAN OVERSIGHT

daily long-term Treasury rate has hovered at 1 percent. Without adjusting the section 7702 interest rates to reflect economic realities, consumer access to financial security via permanent life insurance policies which represent approximately 60 percent of the individual life insurance market could decrease significantly. This legislation updates section 7702 to reflect the interest rate environment that has been exacerbated by the current crisis, and ensures that the rates will continue to appropriately reflect economic conditions, by tying the rates to either a floating rate prescribed in the National Association of Insurance Commissioners' Standard Valuation Law or a floating rate based on the average applicable Federal mid-term rates over a 60-month period.

DIVISION E – Continued Assistance to Unemployed Workers

Prepared by the Democratic staff of the House Committee on Ways and Means

Sec. 101. Extension of Federal Pandemic Unemployment Compensation (FPUC).

Subsection (a).
This subsection would extend the $600 per week FPUC supplement to state and federal unemployment benefits through January 31, 2021. It would also add a transition rule (sometimes called a "soft cutoff") to allow individuals already receiving regular state unemployment benefits on January 31 to continue receiving the FPUC supplement until the end of the period of benefits to which they are entitled so long as they would end by March 31, 2021.

Subsection (b).
This subsection would require federal programs and state and local programs which receive any federal funding to disregard FPUC payments when calculating income for the purposes of determining eligibility for benefits or assistance, and to exclude it from resource limits for 9 months following receipt.

Sec. 102. Extension and benefit phaseout rule for Pandemic Unemployment Assistance.
This section would extend Pandemic Unemployment Assistance benefits (PUA) provided to workers who do not qualify for regular unemployment compensation through January 31, 2021. Under this provision, workers would be able to apply for PUA through January 31, 2021. Individuals would receive all of the weeks of benefits they so long as they are for weeks ending by March 31, 2021.

Sec. 103. Extension and benefit phaseout rule for Pandemic Extended Unemployment Compensation. This section would extend Pandemic Extended Unemployment Compensation (PEUC), which provides 13 additional weeks of unemployment benefits to individuals who have exhausted other benefits, through January 31, 2021. Workers would be able to apply for PEUC through January 31, 2021, and to receive the full 13 weeks so long as they are for weeks ending no later than March 31, 2021.

Sec. 104. Extension of full federal funding for the first week of compensable regular unemployment for states with no waiting week. This section would extend the provision in the CARES Act which reimbursed states that waived the "waiting week" for the first week of regular

AMERICAN OVERSIGHT

unemployment compensation through January 31, 2021.

Sec. 105. Extension of emergency relief and technical corrections for governmental entities and nonprofit organizations. This section would extend the financial relief provided to reimbursable employers in the CARES Act through January 31, 2021, and make technical corrections to ensure that states can simply waive 50 percent of the amount owed by such employers.

Sec. 106. Reduction of state administrative burden in determination of amount of Pandemic Unemployment Assistance (PUA). This clarifies state flexibility to use the most readily available sources of income verification for PUA applicants, including data from the mobile apps used by many gig workers.

Sec. 107. Extension of temporary assistance to states with advances. The Families First Coronavirus Response Act provided states with interest-free loans through December 31, 2020. This provision extends that duration through June 30, 2021.

Sec. 108. Extension of full federal funding of extended unemployment compensation. The Families First Coronavirus Response Act increased federal reimbursement for extended unemployment compensation (EB) from 50 percent to 100 percent for benefits provided through December 31, 2020. This section extends the 100 percent reimbursement to cover benefits paid through June 30, 2021.

Sec. 109. Extension of temporary financing of Short-Time Compensation payments to states with programs in law. This section would extend the period in which payments under short-time compensation programs in state law were 100 percent federally reimbursable through January 31, 2021.

Sec. 110. Extension of temporary financing of Short-Time Compensation payments. This section would extend the 50 percent reimbursement for Short-Time Compensation payments not made under a state law through January 31, 2021.

Sec. 111. Grace period for full financing of new short-time compensation programs. This provision ensures that any states that enacts a short-time compensation (STC) law will receive full federal financing for all agreements in place after March 29, even if agreement began before a new state STC law became effective.

DIVISION F – Assistance to Agricultural Producers and Other Matters Relating to Agriculture

Prepared by the Democratic staff of the House Committee on Agriculture

Title I Livestock

Section 60101. Ensures livestock producers are paid for their animals by requiring dealer trusts, for the benefit of all unpaid cash sellers of livestock.

AMERICAN OVERSIGHT

Section 60102. Provides emergency assistance to support livestock producers who are forced to euthanize market-ready livestock due to local processing plant disruptions because of COVID-19 .

Section 60103. Provides $300 million to support improved animal health surveillance and laboratories, some of which are performing COVID-19 tests in this public health emergency.

Title II Dairy

Section 60201. Establishes a direct dairy donation program to prevent dumped milk and facilitate rapid donations of displaced dairy products directly to feeding programs. Milk associated with donated products would be reimbursed at current Class I prices.

Section 60202. Provides necessary cash flow assistance to small and mid-sized dairies that have grown over the last seven years by establishing supplemental margin coverage based on the difference between 2019 actual production and Dairy Margin Coverage production history.

Section 60203. Authorizes an USDA recourse loan program for dairy processors, packagers, merchants, marketers, wholesalers, and distributors.

Section 60204. Reduces the cost of Dairy Margin Coverage premiums for operations that commit to participating in the program for 2021-2023 by providing a payment worth 15% of annual premium costs.

Title III Specialty Crops and Other Commodities

Section 60301. Provides $100 million in additional funding to address COVID-19 specialty crop supply chain issues at the state level via Specialty Crop Block Grant Program. Temporarily waives matching requirements for these additional funds.

Section 60302. Provides $50 million in additional funding to support local farmers, farmers markets, and other local food outlets who are impacted by COVID-19 market disruptions. Temporarily waives matching requirements for these additional funds.

Section 60303. Provides $50 million to support beginning farmers and ranchers with financial, operational, and marketing advice in this difficult market. Temporarily waives matching requirements for these additional funds.

Section 60304. Provides $28 million to be distributed as block grants to State departments of agriculture for use to support existing farm stress programs.

Section 60305. Provides support for renewable fuels and cotton textile mills.

Section 60306. Provides $16.5 billion for direct payments to agricultural producers.

Title IV Commodity Credit Corporation

AMERICAN OVERSIGHT

Section 60401. Amends the CCC Charter Act to add authority for the Secretary to deal with removal and disposal of livestock and poultry due to supply chain interruption during a public health emergency. Amends the CCC Charter Act to add authority to provide assistance to agricultural processing plants in the event of a public health emergency in order to assure the continuation of markets for agricultural commodities

Section 60402. Amends the CCC Charter Act to require Congressional notification before disbursement of CCC funding.

Title V Conservation

Section 60501. Expands the Conservation Reserve Program Soil Health Incentive Pilot Program to 5 million acres.

Title VI Nutrition

Section 60601. Definitions.

Section 60602. Provides $25 million for Farm to Food Bank and makes program improvements for these additional funds.

Section 60603. Waives the non-Federal match requirement for TEFAP administrative funds.

Section 60604. Provides additional administrative flexibilities for the Senior Farmers Market Nutrition Program.

Section 60605. Provides flexibilities for the Food Distribution Program on Indian Reservations.

Section 60606. Increases the SNAP benefit level by 15%. Excludes the Pandemic Unemployment Compensation as countable income for SNAP benefit calculation. Increases the minimum SNAP benefit to $30 per month. Waives all work requirements for SNAP and prevents funding for USDA to implement or finalize the Able-Bodied Adults Without Dependents, Broad Based Categorical Eligibility, and Standard Utility Allowance rules. Provides additional funding to States for SNAP administration this fiscal year, to meet the increased need for SNAP.

Section 60607. Directs USDA to allow the use of SNAP to purchase hot foods or hot food products ready for immediate consumption from authorized retail food stores.

Section 60608. Provides flexibility for SNAP Nutrition Education.

DIVISION G – Accountability and Government Operations

Prepared by the Democratic staff of the House Committee on Oversight and Reform

Title I Accountability

Sec. 70101. Membership of the Pandemic Response Accountability Committee.

AMERICAN OVERSIGHT

This section would provide the Chair of the Council of the Inspectors General for Accountability and Efficiency greater flexibility in choosing a Chair of the Committee by expanding the Inspectors General eligible to be named Chair of the Committee to all Inspectors General on the Committee.

Sec. 70102. Congressional Notification of Change in Status of Inspector General.
This section would require the President to notify Congress 30 days prior to placing an Inspector General in paid or unpaid non-duty status (administrative leave).

Sec. 70103. Presidential Explanation of Failure to Nominate an Inspector General.
This section would require the President to inform Congress of the reasons for not filling a vacancy in an Inspector General position if that position is vacant for more than 210 days.

Sec. 70104. Inspector General Independence.
This section would allow an Inspector General to be removed only for specified causes including permanent incapacity, inefficiency, neglect of duty, malfeasance, conviction of a felony or conduct involving moral turpitude, knowing violation of a law, rule, or regulation, gross mismanagement, gross waste of funds, or abuse of authority.

Sec. 70105. U.S. Postal Service Inspector General Oversight Responsibilities.
This section would require the Postal Service Inspector General to conduct audits and investigations of activities carried out with funds provided by this Act.

Title II Census Matters

Sec. 70201. Modification of 2020 Census Deadlines and Tabulation of Population
This section would implement an Administration request to allow a delay of the publication of apportionment and state redistricting data by 120 days. The delay is necessary due to the postponement of major census operations caused by the coronavirus. The section also requires the Census Bureau to use the same data quality standards used for the 2010 Census.

Sec. 70202. Reporting Requirement for the 2020 Census.
This section would require monthly reporting by the Census Bureau to the House Committee on Oversight and Reform, the Senate Committee on Homeland Security and Governmental Affairs, the Appropriations Committees of the House and Senate of detailed operational information about the 2020 Census.

Sec. 70203. Providing the Bureau of the Census Access to Information from Institutions of Higher Education.
This section would clarify that colleges and universities are permitted to provide the Census Bureau information about students living on campus for purposes of responding to the 2020 Census. With many colleges closed due to the coronavirus outbreak, this section would ensure that the Census Bureau will still be able to get an accurate of count of students by receiving information directly from schools. This section would require schools to provide ten days public notice and an opportunity for students to opt-out before transmitting this information. This section would apply only to the 2020 Census.

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Sec. 70204. Limitation on Producing Non-Census Data in Connection with 2020 Census. This section would prohibit the compiling or production of any data products in connection with the 2020 Census based on data that is not collected during the 2020 Census, except for data products that are required by 13 U.S.C. 141(b) and (c), use the same methodology as a tabulation produced by the Census Bureau prior to January 1, 2019, or use a methodology finalized and made public prior to January 1, 2018.

Title III Federal Workforce

Sec. 70301. Teleworking Requirements for Federal Employees.
This section would require agency leaders to allow telework for all eligible federal employees during the coronavirus pandemic. The provisions would require agencies to expand telework by creating incentives to increase its use and disincentives to reducing it.

Sec. 70302. Retirement for Certain Employees
This section would allow federal first responders to stay in their current retirement plans if they are unable to meet the physical requirements of their position due to exposure to the coronavirus and are moved to other jobs in the civil service as a result.

Sec. 70303. Workers' Compensation for Certain Federal Employees Diagnosed with Coronavirus. This section would create a presumption that the coronavirus was contracted in the workplace for employees whose duties require substantial contact with the public.

Title IV Federal Contractors

Sec. 70401. Mandatory Telework.
This section would mandate that agencies allow contractor personnel to telework during the coronavirus health emergency if their work can be conducted remotely and to provide periodic reports to Congress.

Sec. 70402. Guidance on the Implementation of Section 3610 of the CARES Act.
This section would require OMB to issue governmentwide guidance to implement Section 3610 of the CARES Act, which allows agencies to reimburse contractors to keep their employees and subcontractors in a ready state.

Sec. 70403. Past Performance Ratings.
This section would ensure that contractors are not penalized by adverse performance ratings due to contract disruptions caused by the coronavirus crisis.

Sec. 70404. Accelerated Payments.
This section would require contracting officers to pay prime contractors within 15 days of the submission of an invoice.

Title V District of Columbia

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Sec. 70501. Special Borrowing Authority by the District of Columbia.
This section would authorize the District of Columbia to participate in the Municipal Liquidity Facility (MLF) established by the Federal Reserve to support lending to states, cities, and counties in response to the coronavirus, as well as in any future such facilities. Under the rules of the MLF, the District is expressly eligible to participate, but the District Home Rule Act does not authorize the District to so.

Title VI Other Matters

Sec. 70601. Estimates of Aggregate Economic Growth Across Income Groups
This section would require the Bureau of Economic Analysis to include in its quarterly and annual reports on Gross Domestic Product and estimate of the impact on each decile of income and the highest 1% of income.

Sec. 70602. Waiver of Matching Funds Requirement for the Drug Free Community Support Program.
This section would allow the Administrator of the Office of National Drug Control Policy to modify or waive the matching requirements for Drug Free Community grants for the duration of the coronavirus emergency.

Sec. 70603. U.S. Postal Service Borrowing Authority
This section would repeal certain restrictions on the $10 billion in borrowing authority provided to the U.S. Postal Service in the CARES Act.

DIVISION H – Veterans and Servicemembers Provisions

Prepared by the Democratic staff of the House Committee on Veterans' Affairs

Section XXXX. Flexibility for the VA to care for homeless veterans during the COVID-19 public health emergency. Allows VA to provide transportation, purchase food, shelter, telecommunication equipment, clothing, blankets, and toiletry items for homeless veterans.

Authorizes VA to setup homeless encampments on the grounds of VAMCs during a public health emergency, and make improvements to allow homeless veterans to stay temporarily in VA parking lots.

Amends the CARES Act to expedite additional funding for Grant Per Diem (GPD) providers and the award of additional grants to service providers. Authorizes Grant Per Diem providers to use per diem payments for food, basic supplies, and housing to assist homeless veterans and formerly homeless veterans to self-isolate during a public health emergency.

Section XXXX. Streamlining provision of HUD-VASH vouchers to homeless veterans during the COVID-19 pandemic. Allows public housing agencies administering HUD-VASH rental assistance vouchers to process applications electronically and waive in-person inspection requirements to rapidly house veterans during the COVID-19 public health emergency.

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Section XXXX. Grant Per Diem for children of homeless veterans. Authorizes VA to provide reimbursements to social service providers receiving grants for the costs of services for minor children of homeless veterans. This provision would modify the calculation of grants to providers to ensure children are included in calculations.

Section XXXX. Increase in aid and attendance for disabled veterans during the COVID-19 public health emergency. Increases by 25% the amount being paid to disabled veterans to assist with daily activities including purchase of personal protective equipment for veterans and their caregivers or home health aides.

Section XXXX. Streamlining payment of emergency care claims to community providers during the COVID-19 public health emergency. Grants prior authorization for any emergency care sought by veterans at non-VA hospitals, including COVID-19-related diagnosis and treatment, and ambulance transportation.

Section XXXX. VA health care for veterans without health insurance. Authorizes veterans without a disability but determined to have a financial hardship to qualify for enrollment in VA's health care system, and be exempt from payment of hospital and medical care copays.

Section XXXX. No copays for COVID-19 preventative services at VA medical facilities. Eliminates the payment of copays or cost-sharing for preventative treatment or services for COVID-19, including the administration of a vaccine.

Section XXXX. Suspension of VA debt collection activities during the COVID-19 public health emergency. Prohibits the Secretary from taking enforcement actions to collect payments for benefit debts, establishing new benefit debts, sending notices regarding benefit debts to individuals or consumer reporting agencies, allowing interest to accrue on benefit debts, or applying administrative fees on benefit debts. Suspension of debt collection applies for 60 days past the end of the COVID-19 public health emergency.

Section XXXX. Extending deadlines for veterans to file claims and appeals for VA benefits. Extends the deadline for veterans to file claims and appeals for VA benefits, including disability compensation, during the COVID-19 public health emergency and 90 days after the emergency has ended.

Section XXXX. Consumer protections for military servicemembers under stop-movement orders during the COVID-19 pandemic. Allows servicemembers to terminate home and vehicle leases, and cable, internet, and phone contracts without penalty when a servicemember under orders to report to a new duty station receives a stop movement order of at least 30 days.

Section XXXX. Consumer protections for military servicemembers and their families due to death or catastrophic disability. Authorizes the families of fallen and catastrophically injured servicemembers to terminate their phone, television, or internet contracts, and housing and vehicle leases without being financially penalized.

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Section XXXX. Technical correction authorizing existing salaries for senior health care leaders at VA. Clarifies a conflict in the law that caused senior VA health care leaders to be paid at a rate above a statutory pay cap for over 10 years.

Section XXXX. Vet Center mental health care and services for National Guard and Reserve members responding to the COVID-19 public health emergency. Permits any National Guard or Reserve member to receive mental health care at Vet Centers if deployed for more than 14 days in support of the COVID-19 public health emergency.

DIVISION I – Small Business Provisions

Prepared by the Democratic staff of the House Committee on Small Business

DIVISION J – Support for Essential Workers, At-Risk Individuals, Families, and Communities

Prepared by the Democratic staff of the House Committee on Ways and Means

Sec. 100. Short title; table of contents.

Titles this division the "COVID-19 Tax Relief Act of 2020."

Title I Economic Stimulus

SUBTITLE A – 2020 RECOVERY REBATE IMPROVEMENTS

Sec. 101. Dependents taken into account in determining credit and rebates.

Makes all dependents eligible for the $500 qualifying child amount in the Economic Impact Payments made under the CARES Act, previously only applicable to children below age 17. This allows households with dependents who are full-time students below age 24 and adult dependents to also receive the $500 amount. This provision is effective retroactive to the date of enactment of the CARES Act.

Sec. 102. Individuals providing taxpayer identification numbers taken into account in determining credit and rebates.

Allows Economic Impact Payments to be made to an individual who provides a Taxpayer Identification Number, rather than a Social Security Number. This provision is effective retroactive to the date of enactment of the CARES Act.

Sec. 103. 2020 recovery rebates not subject to reduction or offset with respect to past-due support.

Exempts Economic Impact Payments from reduction or offset with respect to past-due child support.

Sec. 104. Protection of 2020 Economic Impact Payments.

Protects Economic Impact Payments from any form of transfer, assignment, execution, levy, attachment, garnishment, legal process, bankruptcy or insolvency law, and any other means of capture prohibited for payments made under Chapter 7 Subchapter 2 of the Social Security Act.

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Sec. 105. Payments to representative payees and fiduciaries.

Amends the CARES Act to clarify that, for an individual whose Economic Impact Payment was paid based on a Social Security Benefit Statement or Social Security Equivalent Benefit Statement, any Economic Impact Payment made to a representative payee or fiduciary shall only be used for the benefit of the person for whom the payment was intended. This provision is effective retroactive to the date of enactment of the CARES Act.

Sec. 106. Application to taxpayers with respect to whom advance payment has already been made.

When the amendments to the Economic Impact Payments described above increase the amount of advance payments a taxpayer is eligible for, Treasury shall issue a rebate equal to the taxpayers' redetermined rebate less the previously issued rebate.

SUBTITLE B – ADDDITIONAL RECOVERY REBATES TO INDIVIDUALS

Sec. 111. Additional recovery rebates to individuals.

Provides a $1,200 refundable tax credit for each family member that shall be paid out in advance payments, similar to the Economic Impact Payments in the CARES Act. The credit is $1,200 for a single taxpayer ($2,400 for joint filers), in addition to $1,200 per dependent up to a maximum of 3 dependents. The credit phases out starting at $75,000 of modified adjusted gross income ($112,500 for head of household filers and $150,000 for joint filers) at a rate of $5 per $100 of income.

Treasury shall issue this credit as an advance payment based on the information on 2018 or 2019 tax returns. Treasury shall issue advance payments for Social Security Old-Age, Survivors, and Disability Insurance beneficiaries, Supplemental Security Income recipients, Railroad Retirement Board beneficiaries, and Veterans Administration beneficiaries who did not file returns for 2018 or 2019 based on information provided by the Social Security Administration, the Railroad Retirement Board, and the Veterans Administration. Treasury shall conduct outreach to non-filers to inform them of how to file for their advance payment.

Taxpayers receiving an advance payment that exceeds their maximum eligible credit based on 2020 information will not be required to repay any amount of the payment to the Treasury. If the credit based on 2020 information exceeds the amount of the advance payment, taxpayers can claim the difference on their 2020 tax returns.

The recovery rebate improvements in sections 201 through 205 of this division generally apply to these additional rebates. Additionally, Treasury is instructed to make payments to the territories that relate to the cost of providing the credits for each territory.

SUBTITLE C – EARNED INCOME TAX CREDIT

Sec. 121. Strengthening the earned income tax credit for individuals with no qualifying children for 2020.

Expands the eligibility and the amount of the earned income tax credit for taxpayers with no qualifying children (the "childless EITC") for 2020. In particular, the minimum age to claim the childless EITC is reduced from 25 to 19 (except for full-time students) and the upper age limit for the childless EITC is increased from age 65 to age 66. This section also increases childless

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EITC amount by increasing the credit percentage and phaseout percentage from 7.65 to 15.3 percent, increasing the earned income amount to $9,720, increasing the phaseout amount to $11, 490. Under these parameters, the maximum credit amount in 2020 increases from $538 to $1,487 .

Sec. 122. Taxpayer eligible for childless earned income credit in case of qualifying children who fail to meet certain identification requirements.

Repeals the provision prohibiting an EITC-eligible taxpayer with qualifying children from taking the childless EITC if he or she cannot claim the EITC with respect to qualifying children due to failure to meet child identification requirements (including a valid SSN for qualifying children). Accordingly, individuals who do not claim the EITC with respect to qualifying children due to failure to meet identification requirements would now be able claim the childless EITC.

Sec. 123. Credit allowed in case of certain separated spouses.

Allows a married but separated individual to be treated as not married for purposes of the EITC if a joint return is not filed. Thus, the EITC may be claimed by the individual on a separate return . This rule only applies if the taxpayer lives with a qualifying child for more than one-half of the taxable year and either does not have the same principal place of abode as his or her spouse for the last six months of the year, or has a separation decree, instrument, or agreement and doesn't live with his or her spouse by the end of the taxable year. This change aligns the EITC eligibility requirements with present-day family law practice.

Sec. 124. Elimination of disqualified investment income test.

Eliminates the disqualified investment income test so that individuals are able to claim the EITC without regard to the amount of certain investment income.

Sec. 125. Application of earned income tax credit in possessions of the United States.

Instructs Treasury to make payments to the territories that relate to the cost of each territory's EITC. The possessions must provide Treasury with annual reports on the estimate of costs and a statement of costs with respect to the preceding year.

Sec. 126. Temporary special rule for determining earned income for purposes of earned income tax credit.

Allows taxpayers in 2020, for purposes of computing the EITC, to substitute their 2019 earned income for their 2020 earned income if their 2020 earned income is less than their 2019 earned income.

SUBTITLE D – CHILD TAX CREDIT

Sec. 131. Child tax credit improvements for 2020.

Makes the child tax credit ("CTC") fully refundable for 2020 and increases the amount to $3,000 per child ($3,600 for a child under age 6). The provision also makes 17-year-olds qualifying children. The provision requires the Secretary to make best efforts to provide the enhanced credit in the form of an advanced payment.

Sec. 132. Application of child tax credit in possessions.

Instructs Treasury to make payments to each "mirror code" territory for the cost of the territories' CTC. This amount is determined by Treasury based on information provided by the territorial governments. Puerto Rico, which does not have a mirror code, will receive the

AMERICAN OVERSIGHT

refundable CTC by having its residents file for the CTC with the IRS. For American Samoa, which does not have a mirror code, Treasury is instructed to make payments in an amount estimated by Treasury as being equal to the aggregate benefits that would have been provided if American Samoa had a mirror code in place.

SUBTITLE E – DEPENDENT CARE ASSISTANCE

Sec. 141. Refundability and enhancement of child and dependent care tax credit for 2020.

Makes the child and dependent care tax credit ("CDCTC") fully refundable for 2020 and increases the maximum credit rate to 50 percent. Amends the phaseout threshold to begin at $120 ,000 instead of $15,000. Doubles the amount of child and dependent care expenses that are eligible for the credit to $6,000 for one qualifying individual and $12,000 for two or more qualifying individuals.

Sec. 142. Increase in exclusion for employer-provided dependent care assistance for 2020.

Increases the exclusion for employer-provided dependent care assistance from $5,000 to $10,500 (from $2,500 to $5,250 in the case of a separate return filed by a married individual) for 2020.

SUBTITLE F – FLEXIBILITY FOR CERTAIN EMPLOYEE BENEFITS

Sec. 151. Increase in carryover for health flexible spending arrangements in 2020.

Permits cafeteria plans and health flexible spending arrangements to allow participants to carry over up to $2,750 in unused benefits or contributions from 2020 to 2021.

Sec. 152. Carryover for dependent care flexible spending arrangements in 2020.

Permits cafeteria plans and dependent care flexible spending arrangements to allow participants to carry over up to the annual maximum amount of unused dependent care assistance benefits or contributions from 2020 to 2021.

Sec. 153. Carryover of paid time off in 2020.

Permits cafeteria plans to allow participants to carry over unused paid time off from 2020 to 2021.

Sec. 154. Change in election amount in 2020.

Permits cafeteria plans and health flexible spending arrangements to allow participants to make one-time elections for any reason to a health FSA or to the amount of paid time off. Such one-time election is allowed between the date of enactment and December 31, 2020.

Sec. 155. Extension of grace periods, etc. in 2020.

Permits cafeteria plans, health flexible spending arrangements, and dependent care flexible spending arrangements to provide an extension of the grace period for the 2020 plan year to 12 months after the end of the 2020 plan year. Extension of the grace period will allow benefits or contributions from these plans or arrangements to be used for expenses incurred up to 12 months after the end of the plan year.

Permits cafeteria plans and health flexible spending arrangements to allow employees who cease participation in the plan (e.g. due to being terminated) to continue to receive reimbursements from unused contributions for the rest of the plan year (including the grace period as extended above).

Sec. 156. Plan amendments.

Permits retroactive amendments to cafeteria plans, health flexible spending arrangements, and dependent care arrangements for the purposes of this subtitle.

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SUBTITLE G – DEDUCTION OF STATE AND LOCAL TAXES

Sec. 161. Elimination for 2020 and 2021 of limitation on deduction of state and local taxes.

Eliminates the limitation on the deduction for state and local taxes for taxable years beginning on or after January 1, 2020 and on or before December 31, 2021.

Title II Additional Relief For Workers

SUBTITLE A – ADDITIONAL RELIEF

Sec. 201. Increase in above-the-line deduction for certain expenses of elementary and secondary school teachers.

Doubles the above-the-line deduction for certain unreimbursed out-of-pocket expenses for elementary and secondary school teachers from $250 to $500. This amount is adjusted for inflation.

Sec. 202. Above-the-line deduction allowed for certain expenses of first responders.

Provides a $500 above-the-line deduction for unreimbursed expenses of professional first responders related to the cost of uniforms or tuition and fees related to training. This deduction is indexed to inflation.

Sec. 203. Temporary above-the-line deduction for supplies and equipment of first responders and COVID-19 front-line employees.

Provides a $500 above-the-line deduction for 2020 for the uniforms, supplies, and equipment of first responders and COVID-19 front-line employees. COVID-19 front-line employees are those that perform at least 1,000 hours of essential work, as defined for pandemic premium pay reimbursable from the COVID-19 Heroes Fund.

Sec. 204. Payroll credit for certain pandemic-related employee benefit expenses paid by employers.

Provides a 30% refundable payroll tax credit for expenses reimbursed or paid for the benefit of an employee for reasonable and necessary personal, family, living, or funeral expenses incurred as a result of the presidentially declared disaster related to COVID-19. The credit percentage is 50% for expenses paid to employees if a substantial portion of the services performed by the employee is essential work, as defined for pandemic premium pay reimbursable from the COVID-19 Heroes Fund. No credit is allowed if the expenses are provided in a manner which discriminates in favor of highly compensated employees. The Social Security Equivalent Benefit Account are held harmless under this provision, through a General Fund transfer of lost receipts as a result of this credit.

SUBTITLE B – TAX CREDITS TO PREVENT BUSINESS INTERUPTION

Sec. 211. Improvements to employee retention credit.

Increases the applicable percentage of qualified wages reimbursed through the employee retention credit from 50% to 80%.

Modifies the gross receipts requirement to allow a partial credit, phased in for a decline in gross receipts between 10% and 50% compared to the same calendar quarter of the previous year.

AMERICAN OVERSIGHT

Increases the limit on wages taken into account per employee from $10,000 for the year to $15, 000 per quarter (limited to $45,000 for the calendar year).

Replaces the 100-employee delineation for determining the relevant qualified wage base with a definition of large employer. A large employer is an employer with greater than 1,500 full time employees and gross receipts of greater than $41,500,000 in 2019.

Allows state and local governments and certain federal instrumentalities to claim the credit in the event they are paying wages to employees while their operations are fully or partially shut down.

Clarifies that group health plan expenses can be considered qualified wages even when no other wages are paid to the employee, consistent with recent revisions to IRS guidance on this issue. This provision also clarifies that wages paid by an employer for lost tips will not trigger the wage limitation in section 2301(c)(3)(B) of the CARES Acts.

All provisions apply retroactively to the effective date included in section 2301 of the CARES Act.

Sec. 212. Payroll credit for certain fixed expenses of employers subject to closure by reason of COVID-19.

Provides a 50% refundable payroll tax credit for qualified fixed costs. Qualified fixed costs include covered rent obligations, covered mortgage obligations, and covered utility payments. These terms have the same definitions as the definitions provided in section 1106 of the CARES Act, relating to forgiveness of Paycheck Protection Program loans. For each quarter, qualified expenses eligible for this credit are limited to 25% of qualified wages (as defined in the employee retention credit) or 6.25% of 2019 gross receipts (which annualizes to 25%), with an absolute maximum of $50,000.

This credit is limited to employers with no more than 1,500 full-time equivalent employees or no more than $41,500,000 in gross receipts in 2019. Additionally, employers must be subject to a full or partial suspension due to a COVID-19 government order or have a decline in gross receipts of at least 20% compared to the same calendar quarter of the preceding year. This credit is phased in for employers with a decline in gross receipts between 10% and 50%.

The Social Security Equivalent Benefit Account are held harmless under this provision, through a General Fund transfer of lost receipts as a result of this credit.

The section applies to qualified fixed expenses paid or accrued from March 12, 2020 until December 31, 2020.

Sec. 213. Business interruption credit for the self-employed.

Provides a 90% refundable individual income tax credit for certain self-employed individuals who have experienced a significant loss of income. The credit may be claimed on "qualified self -employment income" which is the loss in gross income for self-employment that exceeds a 10% reduction from 2019 to 2020, scaled using the ratio of net earnings from self-employment to gross income from self-employment in 2019. The amount of qualified self-employment income taken into account cannot exceed the reduction in adjusted gross income from 2019 to 2020, and is capped at $45,000. The credit phases out starting at $60,000 of adjusted gross income ($120, 000 for married filing jointly) at a rate of $50 for every $100 of income.

SUBTITLE C – CREDITS FOR PAID SICK AND FAMILY LEAVE

AMERICAN OVERSIGHT

Sec. 221. Extension of credits.

Extends the refundable payroll tax credits for paid sick and family leave, enacted in the Families First Coronavirus Response Act, through the end of 2021. This provision is effective as if included in FFCRA.

Sec. 222. Repeal of reduced rate of credit for certain leave.

Coordinates changes made to the requirement to provide paid sick time to allow employers to claim up to $511 per day, rather than $200 per day for leave for caregivers of individuals subject to a coronavirus related stay at home order and parents providing for children affected by a coronavirus related school closure. This provision applies to days on or after the date of enactment of this Act.

Sec. 223. Increase in limitations on credits for paid family leave.

Coordinates changes made to the requirement to provide emergency paid family and medical leave to allow employers to claim up to $12,000 in refundable payroll tax credits, rather than $10 ,000. Allows individuals to claim the credit for a maximum of 60 days (corresponding to the $12, 000 amount) rather than 50 days. This provision is effective as if included in FFCRA.

Sec. 224. Election to use prior year net earnings from self-employment in determining average daily self-employment income.

Allows individuals to elect to use their average daily self-employment income from 2019 rather than 2020 to compute the credit. This provision is effective as if included in FFCRA.

Sec. 225. Federal, state, and local governments allowed tax credits for paid sick and paid family and medical leave.

Removes the exclusion disallowing the paid sick and family leave credits enacted in the Families First Coronavirus Response Act for Federal, state, and local governments. It makes conforming changes to the definition of qualified wages to align the credit with the intent that the credit cover the leave required by the respective mandates. This provision is effective as if included in FFCRA.

Sec. 226. Certain technical improvements.

Makes technical changes coordinating the definitions of qualified wages within the paid sick leave, paid family and medical leave, and the exclusion of such leave from employer OASDI tax. This provision is effective as if included in FFCRA.

Sec. 227. Credits not allowed for certain large employers.

Provides that, notwithstanding other changes in this Act requiring that employers with 500 or more employees provide required paid sick leave and paid family and medical leave, these employers are not eligible for payroll tax credits for these wages. This restriction does not apply to federal, state, and local governments. This provision applies to wages paid after the date of enactment.

SUBTITLE D – OTHER RELIEF

Sec. 231. Payroll tax deferral allowed for recipients of certain loan forgiveness.

Allows businesses receiving Paycheck Protection Program loan forgiveness to defer payment of payroll taxes under Section 2302 of the CARES Act.

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Sec. 232. Emergency financial aid grants.

Excludes emergency financial aid grants made to students from gross income and holds students harmless for purposes of determining eligibility for higher education tax incentives.

Sec. 233. Certain loan forgiveness and other business financial assistance under CARES Act not includable in gross income.

Excludes certain loan forgiveness by the Small Business Administration, emergency EIDL grants , and certain loan payments from the gross income of the ultimate recipient.

Sec. 234. Authority to waive certain information reporting requirements.

Provides the Secretary of the Treasury with the authority to waive information reporting requirements under Chapter 61 of the Code with respect to income that is exempt from tax as excludible loan forgiveness under the Paycheck Protection Program or under sections 332 or 333 of this Act.

Sec. 235. Clarification of treatment of expenses paid or incurred with proceeds from certain grants and loans.

Clarifies that expenses paid or incurred with proceeds from Payment Protection Program loans that are forgiven pursuant to section 1106(b) of the CARES Act and certain loan forgiveness by Small Business Administration, emergency EIDL grants, and certain loan payments that are not included in gross income under section 333 of this Act do not result in a denial of any deduction or basis of any asset for federal tax purposes This provision also clarifies the order in which section 1106(i) of the CARES Act and relevant provisions of the Internal Revenue Code apply.

Sec. 236. Reinstatement of certain protections for taxpayer return information.

Restores certain taxpayer protections under Section 6103 of the Internal Revenue Code that were modified by the CARES Act, retroactively effective as of the date of the FUTURE Act.

Title III Net Operating Losses

Sec. 301. Limitation on excess businesses losses of non-corporate taxpayers restored and made permanent.

Amends changes made by the CARES Act to section 461(l) of the Code, which provides that an excess business loss of a taxpayer (other than a corporation) is not allowed for a taxable year. Excess business losses are treated as net operating losses in the next succeeding taxable year. An excess business loss exists if taxpayer's total deductions from all trades or businesses exceed all income from such trades or businesses, plus $250,000 ($500,000 for joint filers). The CARES Act suspended this provision for taxable years beginning in 2018, 2019 and 2020. Under current law (as amended by CARES), this provision applies for taxable years beginning on or after January 1, 2021, and beginning before December 31, 2025. This section amends current law to apply the provision to taxable years beginning on or after January 1, 2018, as was the case before CARES passed. In addition, this section makes the provision permanent, and repeals section 461(j) of the Code as a deadwood provision. This provision is made effective retroactive to the date of enactment of the CARES Act.

Sec. 302. Certain taxpayers allowed carryback of net operating losses arising in 2019 and 2020.

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Amends the CARES Act changes to section 172 of the Code. Under current law (as amended by CARES), taxpayers with a loss in 2018, 2019 or 2020 may apply those losses to the preceding five taxable years. This section amends the provisions of CARES that provide for net operating loss carrybacks by limiting carrybacks to taxable years beginning on or after January 1, 2018. In addition, this provision prohibits taxpayers with excessive executive compensation or excessive stock buybacks and dividends from carrying back losses. This provision is made effective retroactive to the date of enactment of the CARES Act.

Title I—Family Care for Essential Workers

Sec. 100101. Family Care for Essential Workers.

Subsection (a). Increase in Funding.

This section increases the overall authorization level for the Social Services Block Grant (SSBG) to $12.15 billion in 2020 and directly appropriates $850 million to SSBG to fund child and family care for essential workers.

Subsection (b). Rules Governing Use of Additional Funds.

This section specifies that states can only use the $850 million appropriated in this section to provide care for members of the households of essential workers that are incapable of self-care, including children and adult family members who require daytime care.

The section gives states several options for providing care, including reimbursing workers directly for care they obtain themselves, paying child care and adult care providers, and setting up emergency child care. It specifies that there is no income test for receiving this emergency child care help, and waives some existing SSBG funding restrictions that prevent states from working directly with health care facilities or otherwise providing these services.

In cases where the state works with child care providers or sets up child care facilities, they would be required to follow state and local licensing laws unless the state determined that a specific requirement would prevent them from providing the services, in which case they are required to report specifically to the Secretary on the requirement and why it is an impediment.

The section specifies that states cannot supplant state funding used for child care with these new federal dollars, or exclude essential workers by requiring a means test for services.

Finally, the section defines “essential worker” to include:

- Health care sector workers
- Emergency response workers
- Sanitation workers
- Workers at businesses which state or local officials have determined must stay open to serve the public during the COVID-19 emergency

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- Any other worker who cannot telework and who the State or local government deems to be essential during the COVID-19 pandemic

Title II—Pandemic Emergency Assistance and Services

Sec. 100201. Funding to States, Localities, and Community-Based Organizations for Emergency Aid and Services.

Subsection (a). Funding for States.

This subsection directly appropriates $9.6 billion to the Social Services Block Grant for the sole purpose of providing emergency aid and services to disadvantaged children, families, and households. It requires the Department of Health and Human Services to distribute the funds to all 50 states, the District of Columbia, and all U.S. Territories within 45 days, and requires states and territories to obligate the funds by December 31, 2020.

Under this section, states would be required to pass through at least 50 percent of the funds to county governments, local governments working in partnership with community-based organizations, or directly to community-based organizations with experience serving disadvantaged individuals or families. States are required to distribute the funds expeditiously, ensure that the pass-through funds are distributed to sub-state areas based on the area's share of disadvantaged individuals, and report to HHS on their plan for distribution within 90 days.

The funds could be used to provide basic economic and well-being necessities, provide necessary supplies to protect against infection, help connect individuals and families to payments and services for which they are eligible, provide short-term cash, non-cash, or in-kind disaster relief, and pay operational costs directly related to providing the services and maintaining local social service operations to assist needy families.

This section also prohibits imposition of burdensome individual eligibility determinations for emergency assistance and waives section 2005(a)(2) of the Social Security Act to allow emergency payments to ensure that families or individuals do not lose their housing.

Finally, it prohibits states from using any of the funds to supplant existing state spending or to pay for services which would be reimbursed by the Federal Emergency Management Agency.

Subsection (b). Funding for Federally Recognized Indian Tribes and Tribal Organizations.

This subsection provides $400 million to federally recognized Indian Tribes and Tribal organizations to fund emergency aid and services for disadvantaged individuals and families. Funds would be distributed on the basis of population and could not be used for services that would be reimbursed by the Federal Emergency Management Agency.

Sec. 100202. Emergency Assistance to Older Foster Youth.

Subsection (a). Funding Increases.

This section increases fiscal year 2020 funding for the John H. Chafee Foster Care Independence Program, which serves older youth who were in foster care at age 14, by $50 million for 2020. It

AMERICAN OVERSIGHT

also increases authorized funding for the specific program that provides Education and Training Vouchers (ETV) to these youth by 30 percent, and provides flexibility to better serve youth.

Subsection (b). Programmatic Flexibility.

This section provides states with various temporary flexibilities needed to serve vulnerable older foster youth during the COVID-19 pandemic. Those include:

- Eliminating the age limit on receiving Chafee-funded services, so states can serve more former foster youth in need
- Suspending work and educational progress requirements for older youth receiving assistance due to current or past foster care during the time period in which they may be impossible to comply with
- Giving states authority to waive limits on providing housing assistance to older youth, who may have lost their current housing due to university and other closings
-
- Waiving educational progress and employment requirements for older foster youth who are unable to work or go to school during the pandemic

All flexibilities expire January 31, 2021.

Sec. 100203. Emergency Assistance to Families Through Home Visiting Programs.

This section temporarily allows home visiting programs funded under the Maternal, Infant, and Early Childhood Home Visiting program (MIECHV) to

- Conduct virtual home visits, when needed to comply with public health directives
  - Help families acquire needed technology to participate in virtual home visits
  - Train home visitors in conducting virtual home visits
- Train home visitors to assist families with emergency preparedness and response
- Provide emergency supplies to families, such as diapers, formula, non-perishable food, water, soap, and hand sanitizer.
- Provide prepaid debit cards to families to help meet emergency needs.

The section also provides an additional $100 million for home visiting in 2020, and allows HHS to extend contracts and delay reporting deadlines as is reasonable during the COVID-19 pandemic.

The flexibilities end January 31, 2021.

Title III. Program Flexibility During the Pandemic

Sec. 100301. Emergency Flexibility for Child Welfare Programs.

This section provides state child welfare programs with flexibility to provide services, including caseworker visits, virtually when necessary to comply with public health directives.

Sec. 100302. Emergency Flexibility for Child Support Programs.

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This section provides states with the option to suspend penalties for non-custodial parents for inability to pay child support during the COVID-19 pandemic, since some courts have suspended non-emergency proceedings, including those related to modifying child support orders. It also suspends federal requirements to penalize custodial parents (via TANF) and non-custodial parents (via Child Support Enforcement) for failure to comply with paternity establishment rules, since paternity establishment requires in-person action which may not be possible during the pandemic. In some states, using this flexibility may require a change in state law.

The section does not change that the state's duty to make all reasonable efforts to deliver child support funds to custodial parents, but does suspend financial penalties and generally holds states financially harmless for failure to meet strict targets and state plan and operational requirements during the pandemic. The flexibility means states can continue to receive federal child support incentive payments even if they fall below the 90 percent paternity establishment threshold.

The section also allows the Secretary of HHS to, wherever possible, provide tribal child support programs with the same flexibilities as those afforded to state programs.

The flexibilities expire January 31, 2021.

Sec. 100303. Emergency Flexibility for TANF Programs.

In order to allow compliance with social distancing, shelter-in-place, and other public health guidance, this section suspends the federal work participation rate requirements and the federal time limit for the federal Temporary Assistance for Needy Families (TANF) Program during the COVID-19 emergency, and creates penalties for any state or Tribal TANF program that fails to "stop the clock" on federal time limits for families, and/or that sanctions families for failure to work or participate in "work participation" activities. The policy suspensions expire January 31, 2021.

DIVISION K – COVID-19 HERO Act

Prepared by the Democratic staff of the House Committee on Financial Services

Sec. 1. Short title; table of contents.

- Establishes the short title of the bill and provides a table of contents

Title I Providing Medical Equipment for First Responders and Essential Workers

Sec. 101. COVID–19 Emergency Medical Supplies Enhancement.

- This section would expand the use and oversight of Defense Production Act (DPA) authorities to: increase the production and supply of critical medical supplies and equipment, such as diagnostic tests and personal protection equipment; focus efforts on supply chain mobilization; decrease the disruption of critical deliveries to state and local governments; and require assessments for both immediate and longer term needs and plans to meet those needs, as well as requiring longer-term planning to ensure

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that the United States is better prepared for future pandemics.

Title II Protecting Renters and Homeowners from Evictions and Foreclosures

Sec. 201. Emergency rental assistance.

- This section would authorize $100 billion for an Emergency Rental Assistance program that would allocate funding to states, territories, counties, and cities to help renters pay their rent and utility bills during the COVID-19 pandemic, and help rental property owners of all sizes continue to cover their costs.

Sec. 202. Homeowner Assistance Fund.

- This section provides $75 billion to states, territories, and tribes to address the ongoing needs of homeowners struggling to afford their housing due directly or indirectly to the impacts of the COVID-19 pandemic by providing direct assistance with mortgage payments, property taxes, property insurance, utilities, and other housing related costs.

Sec. 203. Protecting renters and homeowners from evictions and foreclosures.

- This section extends and expands the eviction moratorium and foreclosure moratorium in the CARES Act to include all renters and homeowners, improves the forbearance provided under the CARES Act, and specifies the loan modifications and loss mitigation that should be available to homeowners following a moratorium to prevent any homeowner from facing a lump sum payment that they cannot afford.

Sec. 204. Liquidity for mortgage servicers and residential rental property owners.

- This section would require the Federal Reserve facility established by Section 4003 of the CARES Act to be implemented for the benefit of mortgage servicers and residential rental property owners, contingent on compliance with certain reporting requirements and protections for borrowers and renters.

Sec. 205. Rural rental assistance.

- This section would authorize $700 million in supplemental funding for USDA's rental assistance programs, including $25 million for rural vouchers, to absorb reductions in tenant rent contributions and to provide rental assistance to unassisted households living in USDA subsidized properties who are struggling to pay rent during the COVID-19 pandemic.

Sec. 206. Funding for public housing and tenant-based rental assistance.

- This section would authorize $5 billion for the public housing operating fund and $3.5 billion for the Housing Choice Voucher program, including $500 million for administrative fees, to help public housing authorities (PHAs) absorb reductions in tenant rent contributions and mitigate other costs associated with the COVID-19 pandemic.

Sec. 207. Supplemental funding for supportive housing for the elderly.

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- This section would authorize $1.2 billion in funding for the HUD Section 202 Supportive Housing for the Elderly program to ensure sufficient staffing, services, and other resources for 3,500 senior and disabled resident communities during the COVID-19 pandemic.

Sec. 208. Fair Housing.

- This section authorizes $297.5 million to ensure individuals are protected from housing- related hate crimes and increasing forms of housing discrimination from Coronavirus- motivated bias through adequate and accessible housing discrimination complaint intake, investigations, and public education of housing rights, as well as robust enforcement of the Fair Housing Act.

Sec. 209. Funding for housing counseling services.

- This section would authorize $700 million in funding for NeighborWorks to support housing counseling services that help homeowners, renters, people experiencing homelessness, and people at risk of homelessness navigate their housing options and rights, including protections and resources provided through COVID-19 relief legislation.

Title III Protecting People Experiencing Homelessness

Sec. 301. Homeless assistance funding.

- This section would authorize $11.5 billion for the Emergency Solutions Grants program to enable state and local governments to finance housing and health related services for the hundreds of thousands of people currently experiencing homelessness .

Sec. 302. Emergency rental assistance voucher program.

- This section would authorize $10 billion for Housing Choice Vouchers targeted to people experiencing or at risk of homelessness and survivors of domestic violence.

Title IV Suspending Negative Credit Reporting and Strengthening Consumer and Investor Protections

Sec. 401. Reporting of information during major disasters.

- This section would suspend negative consumer credit reporting during the COVID-19 pandemic and other declared major disasters plus 120 days. Credit score furnishers would be prohibited from implementing new credit scoring models that would lower existing consumer credit scores during the COVID-19 pandemic or during other major disaster periods. This section also permanently bans the reporting of medical debt arising out of COVID-19 treatments.

Sec. 402. Restrictions on collections of debt during a national disaster or emergency.

- This legislation provides a temporary moratorium on consumer debt collection during this COVID-19 crisis, and for 120 days thereafter.

AMERICAN OVERSIGHT

Sec. 403. Repayment period and forbearance for consumers.

- This section ensures reasonable forbearance and repayment options for consumers when payments resume following the moratorium provided by Section 402, including simply maintaining the same payment schedule by extending the maturity by the same period of time payments were suspended under Section 402.

Sec. 404. Credit facility.

- This section provides creditors access to a Federal Reserve facility to receive a low- interest, long-term loan where payments would be deferred until a borrower resumes making payments to the creditor pursuant to the debt collection moratorium and forbearance provided in this title.

Sec. 405. Protection of 2020 recovery rebates.

- This section would prohibit the garnishment, withholding or reduction of COVID-19 stimulus payments by financial institutions to pay other debts.

Title V Forgiving Student Loan Debt and Protecting Student Borrowers

Sec. 501. Payments for private education loan borrowers as a result of the COVID–19 national emergency.

- This section extends existing CARES Act student loan payment and consumer protections, such as debt collection prohibitions, to private loan borrowers, who are currently not covered by the CARES Act, and provides up to $10,000 in debt relief to be applied to a private student loan. The Treasury Department will make monthly payments on behalf of the borrower up to $10,000 until September 2021.

Sec. 502. Additional protections for private student loan borrowers.

- As Treasury will be making payments on behalf of borrowers under this title, this section requires private student servicing companies that receive funds to offer income driven repayment plans, and payments or forbearance under this title will not impact applicable State statutes of limitation. Furthermore, this section instructs Treasury to apply any unused portion of the up to $10,000 forgiveness amount to any remaining outstanding private loan balance when borrower payments resume.

Title VI Standing Up for Small Businesses, Minority-Owned Businesses, and Non-Profits

Sec. 601. Restrictions on collections of debt during a national disaster or emergency.

- This legislation provides a temporary moratorium on small business and nonprofit debt collection during this COVID-19 crisis, and for 120 days thereafter.

Sec. 602. Repayment period and forbearance for small businesses and nonprofit organizations.

AMERICAN OVERSIGHT

- This section ensures reasonable forbearance and repayment options for small businesses and nonprofit organizations when payments resume following the debt collection moratorium provided by Section 601.

Sec. 603. Credit facility.

- This section provides creditors access to a Federal Reserve facility to receive a low- interest, long-term loan where payments would be deferred until a borrower resumes making payments to the creditor pursuant to the debt collection moratorium and forbearance provided in this title.

Sec. 604. Main Street Lending Program requirements.

- This section mandates that the Federal Reserve's Main Street Lending Program, which was established utilizing CARES Act funds and is backstopped by the Treasury Department, include non-profit organizations as eligible borrowers, and stipulates that the Fed immediately offer a low-cost loan option tailored to the unique needs of non-profit organizations with deferred payments, and the loan may be forgiven solely for non- profits predominantly serving low-income communities that are ineligible for a PPP loan.

Sec. 605. Options for small businesses and non-profits under the Main Street Lending Program.

- This section mandates that the Federal Reserve, through the Main Street Lending Program, shall provide at least one low-cost loan option that small businesses and small non-profits are eligible for that does not have a minimum loan size, overriding the current
  $500,000 minimum loan size to participate in the program.

Sec. 606. SAFE Banking.

- This section would allow cannabis-related legitimate businesses, that in many states have remained open during the COVID-19 pandemic as essential services, along with their service providers, to access banking services and products, as well as insurance. This section also requires reports to Congress on access to financial services and barriers to marketplace entry for potential and existing minority-owned cannabis-related legitimate businesses.

Title VII Empowering Community Financial Institutions

Sec. 701. Community Development Financial Institutions Fund.

- This section authorizes an emergency appropriation of $5 billion to the Community Development Financial Institutions (CDFI) Fund, of which $1.5 billion would be set aside for minority-owned lenders, including minority depository institutions (MDIs), to support small businesses, minority-owned businesses and underserved communities.

Title VIII Providing Assistance for State, Territory, Tribal, and Local Governments

AMERICAN OVERSIGHT

Sec. 801. Emergency relief for State, territorial, Tribal, and local governments.

- This section expands the Federal Reserve's assistance to local governments by allowing U.S. territories, as well as a greater number of cities and counties, to be eligible issuers in the Federal Reserve's municipal liquidity facility.

Sec. 802. Community development block grants.

- This section would authorize $15 billion in Community Development Block Grant funding to provide states and local governments with additional flexible resources to mitigate and address the health and economic impacts of COVID-19.

Title IX Providing Oversight and Protecting Taxpayers

Sec. 901. Mandatory Reports to Congress.

- This section would amend the Act by requiring the Treasury Secretary to provide the same reports to Congress for its programs that the Federal Reserve submits for Federal Reserve programs under Section 13(3)(C) of the Federal Reserve Act and to submit to Congress and the Special Inspector General for Pandemic Recovery monthly summaries of Treasury's CARES Act and related activities.

Sec. 902. Discretionary reports to Congress.

- This section would amend the Act by authorizing the Congressional Oversight Commission to share additional information with the Financial Services Committee beyond the existing specifications listed under "Regular Reports" (Section 4020(b)(2)).

Sec. 903. Definition of appropriate congressional committees.

- This section would amend the Act by adding the Financial Services Committee to the list of appropriate congressional committees that receive reports from (1) the Pandemic Response Accountability Committee and (2) the GAO.

Sec. 904. Reporting by inspectors general.

- This section would (1) require inspectors general at certain federal agencies to include in their semiannual reports information about their respective agencies' COVID-related rulemaking, supervisory, and oversight activities and (2) in addition to reporting such information in their semiannual report, Inspectors General must also provide such information to the Special Inspector General for Pandemic Recovery, the Pandemic Response Accountability Committee, and the Congressional Oversight Commission.

DIVISION L – Families, Workers, and Community Support Provisions

Prepared by the Democratic staff of the House Committee on Education and Labor

Community and Family Support

Sec.___ Matching Funds Waiver for Formula Grants and Subgrants Under the Family Violence Prevention and Services Act. This section waives the matching requirement for grantees and subgrantees under the Family Violence Prevention and Services Act (FVPSA)

AMERICAN OVERSIGHT

during the COVID-19 pandemic. This will provide relief to domestic violence providers who rely on volunteer support to meet their matching requirements, but have been unable to maintain volunteers due to the pandemic.

Sec.___ Distribution of Certain Funds Appropriated for the Community Services Block Grant Act. This section ensures that all states receive the appropriate share of Community Services Block Grant (CSBG) funds under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), raises the poverty line for all CSBG funds appropriated during fiscal years 2020-2022 to 200 percent, and ensures that states distribute CSBG funds received under the CARES Act to local community action agencies in a timely manner.

Sec.___ Low Income Home Energy Assistance Program (LIHEAP)

This section expands energy assistance for low-income families, reduces barriers to LIHEAP participation during the COVID-19 emergency, and temporarily increases LIHEAP agencies' administrative resources to process the higher volume of applications remotely.

Sec. ___ Water Assistance (shared w/ EC and TI)

This section provides emergency funding to help low-income families who face high costs for drinking water and wastewater services pay these bills and avert shut-offs and late fees during the COVID-19 crisis.

Child Nutrition and Related Programs

Sec.___0001. Short Title: Child Nutrition and Related Programs Recovery Act.

Sec.___0101. Emergency Costs for Child Nutrition Programs During COVID-19 Pandemic. This section provides emergency funding to the school meal and child adult care food programs to help cover operational costs during COVID-19. These programs operate on a per-meal reimbursement, making additional funding necessary to cover fixed costs at a time when the number of meals served is drastically reduced due to the pandemic. This funding will help to ensure that these child nutrition programs have sufficient funding to continue feeding children in need. The funding will be administered by states and distributed to providers based on a formula that takes into account the typical level of reimbursement a program would receive to operate the program, and the reimbursement being received during the pandemic.

Sec.___0102. Amendments to the Pandemic EBT Act. This section extends the Pandemic EBT program (which provides resources to families with children who would have otherwise received free or reduced price meals in school but for pandemic-related school closures) through the summer and until schools reopen, and allows states to include children who would have otherwise received meals through child care.

Sec.___0103. Fresh Produce for Kids in Need. This section extends the waiver authority provided to the Department of Agriculture under the Families First Coronavirus Response Act to the Fresh Fruit and Vegetable Program (FFVP). FFVP provides fresh fruit and vegetable snacks

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to children in low-income schools. This waiver authority will provide more flexibility for schools to serve FFVP foods, such as serving in bulk.

Sec.___0104. WIC Benefit Flexibility During COVID-19 Act. This section allows the Secretary of Agriculture to increase the value of the WIC Cash Value Voucher (CVV) from $9 for children and $11 for women per month to $35 per month for women and children though the end of fiscal year 2020. The WIC CVV may be used to purchase fruits and vegetables.

Sec.___0105. Calculation of Payments and Reimbursements for Certain Child Nutrition Programs. This section ensures that certain calculations under the Richard B. Russell National School Lunch Act and the Child Nutrition Act that are based on reimbursements for school year 2019-2020, such as commodity allocations and administrative funding amounts, may not be less than the amounts provided for school year 2018-2019.

Sec.___0106. Reporting on Waiver Authority. This section requires the Secretary of Agriculture to make public all child nutrition waiver applications authorized by the Families First Coronavirus Response Act, as well as the Department's response to such applications in a timely manner. It also requires all guidance related to such waivers to be dated to avoid confusion among child nutrition providers.

Sec.___ Short Title. This division may be cited as the "COVID 19 Every Worker Protection Act of 2020".

Sec.___Emergency Temporary and Permanent Standards.
Requires OSHA to issue an emergency temporary standard (ETS) within 7 days of enactment to protect health care and other workers at occupational risk of exposure to COVID-19. The ETS:

- Requires employers to develop and implement a comprehensive infectious disease exposure control plan to protect workers from exposure to the SARS-CoV-2 virus that causes COVID-19.
- Incorporates, as appropriate, guidance issued by the Centers for Disease Control and Prevention, the National Institute for Occupational Safety and Health, and OSHA which are designed to prevent the transmission of infectious agents in healthcare settings and relevant scientific research on novel pathogens.
- Requires the ETS to be no less protective than the infectious disease precautions for novel pathogens issued by any OSHA state plan.
- Permits OSHA to exercise enforcement discretion in the event of equipment shortages.
- Requires OSHA state plan states to adopt an ETS within 14 days of enactment.
- Covers public employees in the 24 states where they are not currently covered by OSHA
- Requires OSHA to issue a permanent infectious disease standard within 24 months of enactment.
- Requires employers to comply with existing OSHA recordkeeping regulations.
- Prohibits employers from retaliating against workers for reporting or publicizing health and safety hazards, or for using their own more protective personal protective equipment if not provided by the employer.

Sec. ___ - Surveillance, Tracking, And Investigation of Work-Related Cases of COVID–19.

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Requires the CDC, in conjunction with the National Institute for Occupational Safety and Health, to collect and, as appropriate, investigate reports of work-related transmission of COVID-19 to health care and other workers, and make recommendations on needed actions or guidance based on those reports and investigations.

Sec.___. Short Title. This division may be cited as the "COVID-19 Protections under the Longshore and Harbor Workers' Compensation Act."

Sec.___ .Entitlement to Compensation. Establishes a presumption that COVID-19 is work related and authorizes eligibility for benefits under the LHWCA to those maritime employees who were employed between January 27, 2020 and January 27, 2022 who are diagnosed with COVID-19, or who were ordered not to return to work by the employer or by a public health agency because of exposure or risk of exposure in the workplace to 1 or more individuals diagnosed with COVID-19.

An employer or carrier is entitled to reimbursement for the costs of compensation paid for COVID-19 claims from the Special Fund established under the LHWCA Section 44, provided such employer is in compliance with requirements and guidance related to the prevention of exposure to COVID-19 issued by the Occupational Safety and Health Administration, Centers for Disease Control, the U.S. Coast Guard, or state or local health authority related. Insurance premiums and experience ratings cannot be adjusted based upon compensation paid by the carrier, if the carrier is reimbursed for the costs of claim from the Special Fund for purposes of this Title. Claims for reimbursement shall be submitted to the Department of Labor pursuant to regulations established under the War Hazards Compensation Act.

Funds are appropriated to the Special Fund. DOL shall report to Congress on claims paid, claims denied and claims pending, and expenditures from the Special Fund related to COVID-19 claims under this Title.

Title __ Amendments to Emergency Family and Medical Leave Expansion Act and Emergency Paid Sick Leave Act

Subtitle A - Emergency Family and Medical Leave Expansion Act Amendments

Section ___. References.

Section __. Employee Eligibility and Employer Clarification. This section temporarily suspends, until December 31, 2022, the current 1,250 hour eligibility requirement and reduces the tenure eligibility requirement from 12 months to 90 days under non-emergency Family and Medical Leave Act (FMLA). This will ensure rampant unemployment and furloughs do not leave workers unable to qualify for FMLA benefits in the near future. This section also clarifies that public agencies are covered under the Family and Medical Leave Act of 1993, regardless of the number of employees.

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Section __. Emergency Leave Extension. This section extends the availability of Emergency Family and Medical Leave benefits from December 31, 2020 to December 31, 2021.

Section __. Emergency Leave Definitions. This section

- Provides private sector and public sector employees who have been on the job for at least 30 calendar days with the right take up to 12 weeks of job-protected paid leave under the Family and Medical Leave Act, *regardless of the size of their employers.*
- Employees can take this leave to: (1) self-isolate because they were diagnosed with COVID-19, (2) obtain a medical diagnosis or to care for symptoms of COVID-19, (3) comply with a recommendation or order to self-isolate because physical presence at work would jeopardize the health of the employee, other employees, or a person in the employee's household, (4) care for a family member who is self-isolating, (5) care for a child whose school has closed or child care provider is unavailable due to COVID-19, or (6) care for a family member who is individual with a disability or senior citizen whose place of care or direct care provider is unavailable.

Section __. Regulatory Authorities. This section removes the Secretary of Labor's authority to issue regulations, authorized under Families First Coronavirus Response Act, to exempt employees of businesses with fewer than 50 employees, or to issue regulations to exempt health care providers and emergency responders from the right to paid leave. Any regulations that have been issued under that previous authority shall have no effect.

Section __. Paid Leave. This section ensures that workers are provided with a full 12 weeks of paid emergency FMLA leave and such leave does not count towards an employee's 12 weeks of non-emergency unpaid FMLA leave. This section also clarifies that only the employee can decide to take emergency FMLA leave concurrently with any other paid leave they have available.

Section __. Wage Rate. This section ensures employees will receive a benefit from their employers that will be no less than two-thirds of the employee's usual pay, up to $200 a day, but no less than the applicable minimum wage in their area.

Section__. Notice. This section requires that employees provide their employers with notice as soon as is practicable.

Section__. Intermittent Leave. This section clarifies that employees can take leave intermittently or on a reduced work schedule, regardless of a previous agreement between an employer and employee.

Section__. Certification. This section states employers may require requests for emergency leave to be supported by basic documentation, but not before five weeks after the employee has started the leave.

Section__. Authority of the Director of the Office of Management and Budget to Exclude Certain Federal Employees. This section eliminates the authority of the Director of the Office of Management and Budget to exclude certain federal employees from paid leave.

AMERICAN OVERSIGHT

Section__. Technical Amendments. This section makes technical amendments.

Section ___. Amendments to the Families First Emergency Family and Medical Leave Expansion Act.

- Clarifies that employees who work under a multiemployer collective bargaining agreement and whose employers pay into a multiemployer plan are provided with leave.
- Eliminates provisions that allow employers of health care providers and emergency responders the ability to exclude their employees from emergency FMLA leave.
- Eliminates provisions that restrict employees from exercising a private right of action against employers, with fewer than 50 employees.

Subtitle B – Emergency Paid Sick Leave Act Amendments

Section ___. References.

Section ___. Paid Sick Time Requirement. This section

- Allows eligible employees to use paid sick leave for the uses allowed under the emergency FMLA (see above).
- For each 12-month period, entitles eligible full-time employees to two workweeks (80 hours) of emergency paid sick leave. For each 12-month period, eligible part-time employees are entitled to the hours of emergency paid sick leave that equals the typical number of hours that they work in a typical two-week period.
- Ensures employees receive emergency paid sick leave in addition to any existing employer-provided paid leave.
- Clarifies that employees can take leave intermittently or on a reduced work schedule, regardless of a previous agreement between an employer and employee.
- Allows employers to require requests for paid sick leave to be supported by basic documentation, but not before 7 days after the employee has returned to work.
- Requires employees to provide their employers with notice of need to take leave as soon as is practicable.
- Clarifies that full emergency paid sick leave is available to employees where they begin employment with a new employer.
- Requires employers to restore employees to their positions after returning from paid sick leave.

Section ____. Sunset. This section extends the availability of emergency paid sick leave from December 31, 2020 to December 31, 2021.

Section ____. **Definitions**. This section eliminates the large employer exemption and clarifies that nonprofit organizations are covered employers. This section ensures that full-time and part-time employees earn full wage replacement (up to $511 per day) for all emergency paid sick leave uses.

AMERICAN OVERSIGHT

Section ___. Emergency Paid Sick Leave for Employees of the Department of Veterans Affairs and the Transportation Security Administration for Purposes Relating to COVID-19. This section ensures employees of the Department of Veterans Affairs and Transportation Security Administration are eligible for paid sick days.

Section__. Authority of the Director of the Office of Management and Budget to Exclude Certain Federal Employees. This section eliminates the authority of the Director of the Office of Management and Budget to exclude certain federal employees from paid sick leave.

Section ___. Regulatory Authorities. This section eliminates the Secretary of Labor's authority to issue regulations, provided under the Families First Coronavirus Response Act, to exempt certain employers with fewer than 50 employees, health care providers, and emergency responders from the emergency paid sick leave provisions. This section also eliminates the Secretary's authority to issue regulations to align Divisions C (Emergency Family and Medical Leave Act), E (Emergency Paid Sick Leave Act) and G (Tax Credits for Paid Sick and Paid Family and Medical Leave) of the Family First Coronavirus Response Act. Any such regulations issued by the Department shall have no force and effect.

TITLE ___ - COVID-19 Workforce Development Response Activities

Section 101. Definitions and Special Rule: Defines coronavirus, COVID-19 national emergency, "Secretary" as the Secretary of Labor, apprenticeship programs as Registered Apprenticeship programs, and clarifies that any funds for apprenticeships under this bill can only be used for Registered Apprenticeships.

Subtitle A—Workforce Development Activities in Response to the COVID–19 National Emergency

Section 111. Workforce Response Activities: Provides additional flexibilities to state and local workforce systems in responding to the COVID-19 national emergency, including expanding eligibility to include individuals eligible for Pandemic Unemployment Assistance under Section 2102 of the CARES Act (P.L. 116-136); allows for all eligible individuals to receive individualized career services, such as individualized employment plans, career planning, counseling, financial literacy training, and comprehensive skills assessments; allows local workforce boards to use up to 40 percent of funds for incumbent worker training, and to take into account the COVID-19 national emergency when determining employer and participant eligibility; allows local workforce boards to use up to 40 percent of funds for transitional jobs, including for public sector employment; allows the Governor and local workforce boards to take the COVID-19 national emergency into account when determining whether to allow for up to 75 percent of wages to be reimbursed while an employee is participating in on-the-job training; allows the Governor to reserve an additional 10 percent of funds beyond their existing reservation of funds under this Act to support areas within their state most impacted by COVID-19; and requires states to supplement their workforce development plan to include a strategy for use of additional funds received under this Act to recover from the COVID-19 national emergency.

AMERICAN OVERSIGHT

Section 112. National Dislocated Worker Grants: Authorizes funds under this bill to support training and temporary employment responding to the COVID-19 national emergency including for health care, direct care and frontline workers, layoff response activities for employers and workers, and requires the Secretary to release no less than 50 percent of the funds to States within 60 days of enactment of this Act.

Section 113. State Dislocated Worker Activities Responding to the COVID–19 National Emergency: Authorizes funds under this bill for state rapid response activities including layoff aversion strategies, dislocated worker activities including reemployment and navigation supports, short-term retraining (including to fill immediate health care frontline worker needs), and supportive services (such as childcare, housing, and needs-based payments).

Section 114. Youth Workforce Investment Activities Responding to the COVID–19 National Emergency: Authorizes funds under this bill to provide for subsidized youth employment up to age of 24, including for partnerships with employers and community-based organizations, counseling and navigation supports, and supportive services.

Section 115. Adult Employment and Training Activities Responding to the COVID–19 National Emergency: Authorizes funds under this bill to support employers providing incumbent worker training, including requiring at least one-third of funds to be used for such purposes, and employment supports such as work-based learning (e.g., Registered Apprenticeship, paid internships, etc.), transitional jobs, supportive services, and moving training and WIOA services online.

Subtitle B—Employment Service COVID–19 National Emergency Response Fund

Section 121. Employment Service: Authorizes funds under this bill to support job matching, reemployment activities, individualized career services, and support for employers who are facing layoffs or who are working to bring employees back. Funding will also help with modernizing the job matching data infrastructure across the country.

Subtitle C—Job Corps Response to the COVID–19 National Emergency

Section 131. Job Corps Response to the COVID–19 National Emergency: Authorizes funds under this bill to be used to provide for retaining capacity at Job Corps Centers during the COVID-19 national emergency, to provide for extended graduate services for recently graduated Job Corps students, to support the cleaning and improvements needed for Job Corps Centers to safely operate, and for stipends for students whose participation has been interrupted due to COVID-19. Provides additional programmatic flexibilities, including for eligibility, enrollment length, advanced career training programs, counseling, job placement and assessments, and transition support for Job Corps participants.

AMERICAN OVERSIGHT

Subtitle D—National Programs

Section 141. Native American Programs: Authorizes a 1-year extension on the 4-year grant cycle due to the COVID-19 national emergency.

Section 142. Migrant and Seasonal Farmworkers: Authorizes a 1-year extension on the 4-year grant cycle due to the COVID-19 national emergency, and expands eligibility to individuals not exceeding 150 percent of the poverty line.

Section 143. YouthBuild: Expands eligibility for individuals who turned 25 during the COVID-19 national emergency, and expands enrollment length beyond 2 years for individuals participating in the program during the COVID-19 national emergency.

Section 144. Reentry Employment Opportunities: Authorizes funds under this bill be used to support justice-involved youth, young adults, formerly incarcerated adults, and former offenders during and following the COVID 19 national emergency for employment-related opportunities including subsidized employment, transitional jobs, and bolstering alignment with the workforce system and participant supports, and requires that one-fourth of funds be used for grants to national and regional intermediaries.

Section 145. Registered Apprenticeships: Authorizes funds under this bill to be used to support states and intermediaries who are assisting employers that are participating in existing registered apprenticeships, including pre-apprenticeship and youth apprenticeship programs, to expand registered apprenticeship opportunities, and to pay for activities such as related instruction and supportive services.

Subtitle E—Community College and Industry Partnership Grants

Section 151. Community College and Industry Partnership Grants: Authorizes the Secretary to award grants through 2024 to restart the Trade Adjustment Assistance for Community College Career Training (TAACCCT) grants, which were initially awarded during the Great Recession by the Department of Labor to support community college and industry partnerships in creating education and training programs. The program is designed to ensure participants receive stackable, portable credentials in in-demand industries and sectors, and provide additional student services to support program completion. Allows community colleges to use funds for equipment to support training.

Subtitle F—General Provisions

Section 161. General Provisions: Authorizes funds under this bill to be used for program administration, performance evaluations and audits by the Inspector General. Requires the Secretary of Labor to establish an interagency agreement with the Secretary of Education for carrying out grants and coordinating funding priorities, and to make information available on recognized postsecondary credentials awarded under this Act. Requires the Secretary of Labor to provide guidance on using funds under this act in accordance with WIOA within 30 days.

AMERICAN OVERSIGHT

DIVISION M – Consumer Protection and Telecommunications Provisions

Prepared by the Democratic staff of the House Committee on Energy and Commerce

Title I Covid-19 Price Gouging Prevention

Sec. 101. Short Title. Stipulates that the short title of this section is the "COVID-19 Price Gouging Prevention Act".

Sec. 102. Prevention of Price Gouging. Prohibits the sale of consumer goods and services at unconscionably excessive prices. Goods and services include personal protective equipment, drugs, hand sanitizers, and healthcare services, among others. It also authorizes the Federal Trade Commission and State attorneys general to enforce the law and impose civil penalties on price gougers. No state laws would be preempted by the title.

Title II E-Rate Support for Wi-Fi Hotspots, Other Equipment, and Connected Devices

Sec. 201. E-Rate Support for Wi-Fi Hotspots, Other Equipment, and Connected Devices During Emergency Periods Related to COVID-19. Authorizes $5 billion in funding for a temporary disbursement to be administered through the Federal Communications Commission's (FCC) E-rate Program for schools and libraries to provide internet service in a technologically neutral way to students and teachers, prioritizing those without internet access at home. It allows authorized funding to be used for internet service and providing connected devices, like laptops and tablets, Wi-Fi hotspots, modems, and routers, to students and teachers to help keep them in the digital classroom during the COVID-19 pandemic. Five percent of the emergency funds authorized are set aside to help serve schools and libraries that serve people living on tribal lands .

Title III Emergency Benefit for Broadband Service

Sec. 301. Benefit for Broadband Service During Emergency Periods Relating to COVID-19. Entitles households in which a member has been laid off or furloughed to get a $50 benefit, or a $75 benefit on tribal lands, to put toward the monthly price of internet service during the COVID -19 public health emergency. Internet service providers would be required to provide eligible households service at a price reduced by an amount up to the emergency benefit, and those providers can seek a reimbursement from the FCC for such amount. This would authorize nearly $9 billion to cover the costs of reimbursements.

Sec. 302. Enhanced Lifeline Benefits During Emergency Periods. Requires that Lifeline providers make unlimited minutes and unlimited data available to those that rely on the Lifeline program to stay connected to phone or internet service and provides additional support.

AMERICAN OVERSIGHT

Sec. 303. Grants to States to Strengthen National Lifeline Eligibility Verifier. Authorizes $200 million in funding to help states participate in the National Lifeline Eligibility Verifier.

Title IV Continued Connectivity

Section 401. Continued Connectivity During Emergency Periods Relating to COVID-19. Prohibits broadband and telephone providers from terminating service due to a customer's inability to pay their bill because of financial hardships caused by the COVID-19 pandemic or imposing late fees incurred because of hardships caused by the COVID-19 pandemic. It also prohibits broadband providers from employing data caps or charging customers from going over data caps and requires them to open Wi-Fi hotspots to the public at no cost during the COVID-19 public health emergency.

Title V Don't Break Up the T-Band

Section 501. Repeal of Requirement to Reallocate and Auction T-Band Spectrum. Allows public safety organizations to continue using a portion of the airwaves critical for their radios, specifically, the T-Band.

Title VI National Suicide Hotline Designation

Sec. 601. Findings. Includes findings related to suicide and mental health crisis counseling and the importance of designating a three-digit code for the National Suicide Prevention Lifeline.

Sec. 602. Universal Telephone Number for National Suicide Prevention and Mental Health Crisis Hotline System. Designates 9-8-8 as the universal dialing code for the National Suicide Prevention Lifeline.

Sec. 603. State Authority Over Fees. Allows states to impose a fee or charge on voice service subscribers' bills for the support or implementation of 9-8-8 services for the support of the National Suicide Prevention Lifeline.

Sec. 604. Location Identification Report. Requires the FCC to evaluate and submit a report to Congress on the feasibility and cost of automatically providing the dispatchable location of calls to 9-8-8.

Sec. 605. Report on Certain Training Programs. Requires the Assistant Secretary for Mental Health and Substance Use to submit a report to Congress that details a strategy for offering support or providing technical assistance for training programs for National Suicide Prevention Lifeline counselors to increase competency in serving LGBTQ youth.

AMERICAN OVERSIGHT

Title VII COVID-19 Compassion and Martha Wright Prison Phone Justice

Sec. 701. Findings. Includes findings regarding the need to connect families and incarcerated family members, particularly during the COVID-19 pandemic.

Sec. 702. Requirement for Confinement Facility Communications Services, During the Covid-19 Pandemic and Other Times. Sets a mandatory, immediate, interim cap on all rates charged in connection with voice calls and video calls made to or from prisons or jails both for calls within a state and calls between states of .04 cents per-minute for debit calls and .05 cents per-minute for collect calls. It also gives the FCC the authority to set rates in connection with voice calls and video calls in prisons and jails both for calls within a state and calls between states. Finally, it requires the FCC to adopt rules to replace the mandatory interim caps within 18 months of passage and to review those rates every two years. Prohibits prisons or jails from charging site commissions.

Sec. 703. Authority. Preempts any state law that permits a higher rate for voice or video calling but allows state laws mandating a lower rate to persist.

Title VIII Healthcare Broadband Expansion During COVID-19

Section 801. Expansion of Rural Health Care Program of FCC in Response to COVID-19. Authorizes $2 billion for a temporary expansion of the FCC's Rural Health Care Program (RHCP) to partially subsidize their health care providers' broadband service. Authorized subsidies would flow to all nonprofit and public hospitals, not just rural ones. Increases the broadband subsidy rate from 65 percent to 85 percent. Also uses authorized funds to expand eligibility of the RHCP to ensure mobile and temporary health care delivery sites are eligible and temporarily modifies administrative processes to ensure funding is delivered expediently.

DIVISION N – Giving Retirement Options to Workers Act

Prepared by the Democratic staff of the House Committee on Education and Labor

Sec.___0001. Short Title: This division may be cited as the "COVID-19 Protections under the Longshore and Harbor Workers' Compensation Act."

Sec.___0002. Composite Plans

The section changes the multiemployer pension system by authorizing what is referred to as a "composite plan." This new plan is composed of features of a traditional defined benefit plan and of a 401(k)-style defined contribution plan.

A composite plan may be a stand-alone plan or a part of an existing multiemployer plan as long as such plan is not in critical status or anticipated to be in critical status in the next five years. An eligible existing plan (referred to as a "legacy plan") that establishes a composite plan must satisfy certain requirements for funding the composite plan. Whether it is a stand-alone plan or part of an existing multiemployer plan, a composite plan must be professionally managed and must maintain a projected funding ratio of 120 percent on a 15-year going forward basis. If the

AMERICAN OVERSIGHT

amount of plan assets is not enough to pay 120 percent of participants' promised benefits, the plan would have to take remedial action by adopting what is referred to as a "realignment program." The realignment program consists of several tiers of options to be undertaken by the plan to enable it to achieve a 120 percent funding ratio. The first options include increasing contribution rates (negotiated by the bargaining parties), reducing future accrual rates, and reducing adjustable benefits for non-retirees. If necessary, the last option is reducing retiree benefits. Consequently, a participant's benefit may increase or decrease depending on the funding level of the composite plan. Ensuring that a composite plan maintains a 120 percent funding target is viewed as beneficial and could help mitigate against the kind of volatility in the financial markets that has occurred during the COVID-19 public health crisis.

There are requirements to provide annual notices to composite plan participants. Composite plans do not pay PBGC premiums and are not covered by the PBGC guarantee. If a composite plan were to become insolvent, it could not obtain financial assistance from PBGC, and its participants and beneficiaries would not be covered by the PBGC guarantee. Those employers who contribute to a composite plan negotiate a fixed contribution rate and do not have withdrawal liability, which is a payment or series of payments by an employer that no longer participates in a multiemployer plan. A legacy plan that establishes a composite plan, however, must continue to pay PBGC premiums and comply with existing funding rules, among other requirements. Participants and beneficiaries in a legacy plan continue to be covered by PBGC and their benefits would be covered by the PBGC guarantee.

DIVISION O – Education Provisions and Other Programs

Prepared by the Democratic staff of the House Committee on Education and Labor

Title I Higher Education Provisions

Sec. ___. Definitions.
This section provides definitions for terms such as "award year", "authorizing committees", and "FAFSA", which stands for the Free Application for Federal Student Aid.

Subtitle A – CARES Act Amendments

Sec. ___. Application of Waiver to Participating Nonprofit Employers.
This section clarifies that the Secretary will waive the non-federal match requirement for non-profit employers for award years 2019-2020 and 2020-2021.

Sec. ___. Extension of Federal Work-Study During a Qualifying Emergency.
This section extends flexibility into the fall that allows institutions of higher education (institutions) to pay federal work-study students even if they are unable to complete their jobs due to COVID-19.

Sec. ___. Continuing Education at Affected Foreign Institutions.
This section clarifies that a foreign institution is eligible to offer courses via distance education based on a declaration of an emergency in the applicable country rather than the qualifying emergency in the United States. Further, it allows foreign institutions to enter into agreements

AMERICAN OVERSIGHT

with US based institutions for the duration of the emergency in the applicable country as well as in the United States.

Sec. ___. Funding for HBCU Capital Financing.
This section replaces the $62 million cap on mandatory funding provided for the Historically Black Colleges and Universities (HBCU) Capital Financing program with "such sums."

Sec. ___. Waiver Authority for Institutional Aid
This section repeals a provision in the *Coronavirus Aid, Relief, and Economic Security Act* (CARES Act) that allows the Secretary of Education to waive the special allotment rule for HBCUs with direct HEA appropriations.

Sec. ___. Scope of Modifications to Required and Allowable Uses.
This section clarifies that the Department of Education cannot use the authority provided under the CARES Act to grant waivers that would allow grant funds to be used in a way that deviates from the overall purpose of the grant program. This section additionally allows the Secretary of Education to grant waivers related to the required and allowable uses for the Minority Science and Engineering Improvement Program.

Subtitle B – Financial Aid Access

Sec. ___. Emergency Financial Aid Grants Excluded from Need Analysis.
This section specifies that emergency financial aid grants shall not be included as income or assets for the purposes of calculating a student's expected family contribution (EFC) or treated as estimated financial assistance not received under Title IV of the *Higher Education Act of 1965* (HEA). As a result, emergency financial aid provided to a student in response to the COVID-19 emergency will not impact that student's eligibility for federal financial aid.

The term "emergency financial aid grant" includes emergency aid awarded under the Higher Education Emergency Relief Fund of the CARES Act, emergency aid supported with Supplemental Educational Opportunity Grant (SEOG) program funds, and any other emergency aid provided by a Federal agency, state, Indian tribe, institution, or scholarship-granting organization for the purpose of providing relief in response to a qualifying emergency.

Sec. ___. Facilitating Access to Financial Aid for Recently Unemployed Students.
This section specifies that any individual who has applied for, or is receiving, unemployment benefits at the time that they submit an application for federal financial aid will be treated as a dislocated worker on the FAFSA, which can qualify a FAFSA applicant for the simplified needs test or an automatic zero EFC. This provision is effective for the duration of the COVID-19 emergency and the following award year. The Department of Education is required to implement this provision within 30 days of enactment.

This section also requires the Department of Education to work with the Department of Labor and institutions to provide guidance and conduct outreach to recently unemployed individuals informing them of their potential eligibility for aid, including their treatment as dislocated workers on the FAFSA. The Department of Education is additionally required to work with

AMERICAN OVERSIGHT

institutions to inform applicants for federal student aid of the availability of other means-tested federal benefit programs and to inform institutions of their authority to share information from a student's FAFSA (with the student's consent) with organizations that assist students in applying for and receiving Federal, State, local, or tribal assistance.

This section specifies that guidance released by the Department of Education on May 8, 2009, shall be effective for the duration of the COVID-19 emergency and the following award year, including guidance regarding the ability of financial aid administrators to conduct professional judgement for recently unemployed students and adjustments to the Department of Education's risk-based model for selecting institutions for program reviews.

Sec. ___. Student Eligibility for Higher Education Emergency Relief Fund
This section prohibits the Secretary of Education from imposing restrictions on the populations of students who may receive funds under section 18004 of the CARES Act, which creates the Higher Education Emergency Relief Fund. This section specifies that the Personal Responsibility and *Work Opportunity Reconciliation Act of 1996* does not apply to funds made available under section 18004 of the CARES Act.

Sec. ___. Definition of Distance Education.
This section applies the definition of distance education that was included in the Department of Education's proposed rule on Distance Education and Innovation published on April 2, 2020 that was reached by consensus, to programs that begin on or after August 15, 2020. Distance education is defined as education that uses technology to deliver instruction to students who are separated from the instructor(s) and to support regular and substantive interaction between the students and the instructor(s), either synchronously or asynchronously. This provision is effective until the end of the 2020-2021 award year.

Sec. ___. Institutional Stabilization Program.
This section creates the Institutional Stabilization Program (ISP) which allows eligible institutions, in lieu of submitting a letter of credit to be considered financially responsible in order to participate in title IV, to enter into a COVID-19 provisional program participation agreement (CVPPPA) after meeting certain requirements.

To participate in the ISP, a non-profit institution, that offered on campus classes during award year 2018-2019, must have a composite score below 1.0 and a liquidity level of 180 days or below. An institution that does not currently have a composite score below 1.0 but estimates that it will have a composite score below 1.0 for the following year can also opt into the program if it meets the liquidity threshold. Institutions with a liquidity level above 180 days are not eligible to participate.

An eligible institution must submit an application to the Secretary of Education no later than December 31, 2020 and include in the application: an estimated liquidity level; assurance that the institution will submit a record management plan and teach-out plan; and an assurance that the institution will meet the requirements of the teach-out agreement if applicable. Eligible institutions that want to opt into the ISP have 10 days to notify the institutional state authorizer and accreditor of such application and 60 days to procure an auditor attestation of its liquidity

AMERICAN OVERSIGHT

level (calculated under the FASB ASU 2016-14) and submit a teach-out plan and record management plan as approved by the Department of Education and the institution's accreditor. If the institution closes, it must release all financial holds placed on student records and provide access to transcripts at no cost for three years after the institution closes. Institutions with 90 days or less in liquidity must meet additional requirements after the application is approved. While applications are pending, the Secretary of Education cannot collect a letter of credit. The Secretary of Education is required to approve or deny complete applications within 10 days of receiving them and institutions must notify the state authorizer and accreditor within 5 days of such decision.

All institutions must also meet other eligibility requirements regarding administrative capability and cash reserve requirements under the HEA. The institution will be required to meet the teach-out plan or agreement requirement based on the liquidity level verified by the auditor not the institution's estimate in the initial application. Once the institution is in the program, changes in liquidity level will no longer impact eligibility or treatment under the program, until it is up for renewal. However, if there is a consistent decline in liquidity, the Secretary may require an institution to make substantial progress on a teach-out agreement.

After an institution has met the above requirements, the institution is now approved to enter the ISP under a COVID-19 Provisional Program Participation Agreement (CVPPPA). Institutions with 90 days or less in liquidity must additionally make sufficient progress on the teach-out agreement (requiring that a minimum of 75% of students are covered) within 30 days of being approved for the CVPPPA and must submit updates on subsequent progress every 14 days as determined by its accreditor thereafter until the teach-out agreement(s) covers all students. All participating institutions must also report regularly (i.e. every 15 days for those with 90 days or below in liquidity and every 30 days for those with 91-180 days in liquidity) to the Secretary of Education regarding liquidity and student enrollment. If these requirements are not met, the institution is no longer eligible for the CVPPPA and the Secretary can collect a letter of credit.

The CVPPPA may be renewed through June 30, 2022, and if the Secretary of Education determines that it is in the benefit of the institution to extend such participation, the agreements may be renewed through June 30, 2024. The Secretary of Education must also submit reports to Congress with a summary of each agreement 90 days after enactment and every 90 days thereafter until all agreements have expired or been terminated.

If a student attending an institution participating in a CVPPPA at the time of closure, and 120 days prior, is entitled to an automatic closed school discharge if such student has not re-enrollment in a new institution within three years of such closure.

This section also defines "liquidity level", "teach-out agreement", "teach-out institution", and "teach-out plan".

The Secretary is authorized $300 million to provide grants to participating institutions that meet the CVPPPA requirements in order to fulfill the requirements of the agreements, and defray costs related to COVID-19.

AMERICAN OVERSIGHT

Subtitle C – Federal Student Loan Relief

Part A – Temporary Relief for Federal student Loan Borrowers Under the CARES Act

Sec. ___. Expanding Loan Relief to all Federal Student Loan Borrowers.
This section amends the CARES Act to define the term "Federal student loan" to include Direct Loans, Department- and commercially-held Federal Family Education Loans (FFEL), Department- and institutionally-held Perkins loans, and Health and Human Services (HHS) student loans under subpart II of part A of Title VII and part E of Title VIII of the *Public Health Service Act* that are eligible for consolidation with Direct Loans under the HEA.

Sec. ___. Extending the Length of Borrower Relief due to the Coronavirus Emergency.
This section amends the CARES Act to extend suspension of payments for Federal student loans through September 30, 2021 and adds a 30-day transition period where any missed payments after payment suspension ends do not result in collection fees and are not reported to consumer reporting agencies. Adds a provision that requires the Secretary or, as applicable, the HHS Secretary to make the borrowers with loans that were excluded from the CARES Act (i.e., commercially-held FFEL, institutionally-held Perkins loans, and HHS student loans) whole as if those loans were part of the original CARES Act. Allows borrowers repaying under an income-driven repayment plan to not recertify their income or family size until after December 30, 2021.

Sec. ___. No Interest Accrual.
This section amends the CARES Act to extend no interest accrual on Federal student loans (regardless of repayment status) until September 30, 2021 or until the economy shows initial signs of recovery (as defined in the Act), whichever is longer. For commercially-held FFEL and institutionally-held Perkins loans, the Secretary is required to pay the amount of interest due on the unpaid principal to the holder on a monthly basis. The payments cannot affect payment calculations under the special allowance rules in the HEA. The HHS Secretary must also pay the amount of interest due on the unpaid principal to the holder of the loan on a monthly basis. Adds a provision that requires the Secretary or, as applicable, the HHS Secretary to make the borrowers with loans that were excluded from the CARES Act (i.e., commercially-held FFEL, institutionally-held Perkins loans, and HHS student loans) whole as if those loans were part of the original CARES Act.

Clarifies that accrued interest prior to March 13, 2020 cannot be capitalized as a consequence of the implementation of pause payments or the no interest accrual provisions.

Sec. ___. Notice to Borrowers.
This section makes conforming amendments to the CARES Act such as requiring the HHS Secretary to notify HHS borrowers that the benefits provided to them under the CARES Act, as amended in this Act will end. Also requires the Secretary of Education and, as applicable, the HHS Secretary to notify Perkins loan and HHS borrowers of income-driven repayment plans available to them if they consolidate.

Sec. ___. Writing Down Balances for Federal Student Loan Borrowers.

AMERICAN OVERSIGHT

This section amends the CARES Act to provide $10,000 of up-front debt relief for all Department of Education loan borrowers. Borrowers owing less than $10,000 will receive up to the amount owed on their balance. Unless otherwise requested by the borrower, the discharge is applied first toward the loan with the highest interest rate. Borrowers with the same interest rate on all loans, the discharge is applied first toward the loan with the highest principal balance. The discharged amount is excluded from gross income and not required to be reported to the Internal Revenue Services.

Sec. ___. Implementation.
This section amends the CARES Act to facilitate implementation of the temporary relief provided to borrowers. Requires holders of commercially-held FFEL, institutionally-held Perkins loans, and HHS loans to report information that allows the Secretary of Education and, as applicable, the HHS Secretary to verify borrower payments that are to be provided or suspended and calculate the amount of interest due to the holder for reimbursement.

Sec. ___. Effective Date.
This section requires that the amendments made under this Part take effect as if enacted as part of the CARES Act.

Part B – Consolidation Loans and Public Service Loan Forgiveness

Sec. ___. Special Rules Relating to Federal Direct Consolidation Loans.
This section establishes special rules for borrowers consolidating loans between the date of enactment and September 30, 2021 or until the economy shows initial signs of recovery (as defined in this Act), whichever is longer. The special rule allows borrowers to consolidate without losing prior payments for purposes of Public Service Loan Forgiveness (PSLF) and income-driven repayment plans. To determine the number of monthly qualifying payments, the Secretary of Education must calculate the weighted factor of each component loan, determine the number of qualifying monthly payments made on each component loan before consolidation, add the number of qualifying monthly payments on each loan, and round to the nearest whole number. When determining the new interest rate, the standard rules for consolidation apply except that the Secretary must not round up the weighted average of the interest rate. The Secretary of Education and the HHS Secretary must undertake a campaign to alert borrowers on the benefits of consolidating.

This section also requires the Government Accountability Office to submit a report within six months after the date of enactment of this Act on the implementation of this section.

Sec. ___. Treatment of PSLF.
This section removes the requirement that a borrower must be employed in a public service employer at the time of forgiveness under PSLF. This section also allows a borrower with a full-time job as a health care practitioner working at a public or non-profit hospital or health care facility but prohibited by State law from being employed directly by the hospital or health care facility to be eligible for PSLF.

Part C – Emergency Relief for Defrauded Borrowers

AMERICAN OVERSIGHT

Sec. ___. Emergency Relief for Defrauded Borrowers.
This section provides full student loan relief to borrowers who attended an institution that, according to findings made by the Department of Education on or before the date of enactment of this Act, made a false or misleading job placement representation. Full student loan relief is also provided to borrowers who attended an institution that, according to findings made by the Department of Education on or before the date of enactment, made a false or misleading guaranteed employment or credit transferability representation and submitted a claim to the Department of Education. Under this section, borrowers covered under these findings who have already received partial relief are entitled to the rest of relief on their loans.

Not later than 30 days after enactment, the Secretary of Education must notify each eligible borrower with information about the relief, the borrower's eligibility to receive federal financial aid, and any additional relief the Secretary deems appropriate. Not later than 45 days after enactment, the Secretary of Education will cancel or repay the full balance of interest and principle (including fees and charges) and refund the borrower with the full amount of payments such borrower made on their loans. Not later than 60 days after enactment, the Secretary of Education is required to remove all adverse credit history related to such loans.

Additionally, this section requires the Secretary of Education to adjudicate claims submitted by State Attorneys General (AGs) within 180 days of enactment. For each claim where the State AG proves misrepresentation and the borrower has not yet received full relief, the Secretary of Education is required to provide full relief. While the claims are being adjudicated, the Secretary of Education must suspend payments, involuntary collections and interest on the eligible loans. Further, not later than 10 days after relief is provided, the Secretary of Education must notify borrowers. The Secretary of Education must provide detailed documents to the authorizing committees regarding claims pertaining to 20 or more individuals not later than 10 days after the claims are adjudicated.

Regarding each loan cancelled or repaid under this section, the Secretary of Education shall initiate an appropriate proceeding to require the institution whose act or omission resulted in relief provided to the borrowers in this section to repay the Secretary of Education.

Relief provided under this section is excluded from gross income and not required to be reported to the Internal Revenue Services.

Subtitle D – Notifications and Reporting

Sec. ___. Notifications and Reporting Relating to Higher Education.
This section requires the Secretary of Education to submit written notification to the authorizing committees each time an HEA provision (including regulation or subregulatory guidance) will be modified or waived due to COVID-19, other than a provision authorized to modify or waive under the CARES Act. This notification must also be published online. Each notification must include certain elements outlined in the Act. The Secretary of Education must also submit quarterly reports through the end of the first fiscal year after the qualifying emergency ends. For flexibilities already granted prior to enactment of this Act, the Secretary must submit a report

AMERICAN OVERSIGHT

outlining those flexibilities and include the elements outlined in the Act.

This section also requires institutions that exercise an authority provided under specific sections in the CARES Act to submit to the Secretary of Education a report that describes how the institution used the authority and the number of students affected by the use of such authority. The Secretary of Education is then required to submit a summary of this information to the authorizing committees, along with other information as outlined in this Act.

The Secretary of Education must submit a report to the authorizing committees summarizing modifications to any contracts with servicers and amendments to program participation agreements with institutions. The Secretary of Education must also submit randomly selected sample copies of program participation agreements.

This section amends other sections in the CARES Act to add certain reporting requirements.

Title II Other Programs

Subtitle A – Child Care Stabilization Fund

Sec. ___. Child Care Stabilization Fund.
This section establishes a child care stabilization fund that requires the HHS Secretary to award grants to lead agencies in states, territories, Indian tribes, and tribal organizations to make subgrants to qualified child care providers to support the stability of the child care sector during and after the COVID-19 public health emergency. The HHS Secretary is required, within 21 days of the enactment of the Act, to make such grants according to the definitions and formula specified in section 658O of the *Child Care Development Block Grant Act of 1990* (CCDBG) and is allowed to reserve no more than 1 percent of funds for administrative activities.

This section requires lead agencies to reserve no more than 10 percent of funds allotted to them for administrative costs, including for technical assistance to help providers apply for and access subgrants and outreach to providers. Lead agencies are required to use the remainder of the funds allotted to them to award subgrants to qualified child care providers. Qualified child care providers are those who are eligible under CCDBG, were providing child care services on or before March 1, 2020, and are either open and available to provide child care services or closed due to COVID-19. The subgrant amount must cover the provider's operating expenses, account for increased costs of providing child care as a result of COVID-19, and account for and not duplicate payments or reimbursements made to a provider through CCDBG, Head Start, or the Paycheck Protection Program (PPP).

In order to receive a subgrant, a child care provider must submit an application to the lead agency as outlined in the Act, including assurances that all providers will pay providers and employees full compensation, provide families relief from copayments and tuition, and prioritize such relief for families struggling to make payments. Providers that are open must also provide assurances that they will implement policies and practices that abide by public health guidance for child care providers and give priority for available slots to children of workers whose places of employment require their attendance, homeless children, children at risk of child abuse and

AMERICAN OVERSIGHT

neglect, and children in foster care. Providers that are open and in states with stay-at-home orders shall also give priority to children of essential workers. Providers that are closed must provide an assurance that children enrolled as of March 1, 2020 will maintain their slots.

The lead agency is required to accept and process applications on a rolling basis. In states where the lead agency has an existing grant program for child care providers, the lead agency shall treat an application submitted for such a program as an application for this section if such application contains the information required in this section. Additionally, the lead agency is required to make all materials and resources, including notification of subgrant opportunities and the application, available in the languages most commonly spoken in the State. The lead agency is further required to make the application accessible on the state website and accessible to all qualified child care providers.

In making subgrants, the lead agency must give priority to certain providers (as outlined in the Act) and award subgrants equitably among center-based providers, family child care providers, group home providers, and other non-center-based child care providers such that providers are able to access subgrants regardless of their setting, size, or administrative capacity.

This section requires the lead agency to obligate at least 50 percent of funds appropriated to award subgrants by December 31, 2020.

The allowable uses of funds for subgrants to providers includes but is not limited to payroll, employee benefits, mortgage or rent obligations, premium pay for provider and other employees who provide services during the COVID-19 public health emergency, sanitation and cleaning, personal protective equipment and other equipment necessary to carry out the functions of the provider, training and professional development related to health and safety practices, and adaptations to child care services as a result of COVID-19. Funds can be used to reimburse providers for sums obligated or expended before the enactment of the Act if such sums were used to respond to COVID-19.

This section requires the lead agency to submit to the HHS Secretary an initial report within 60 days of awarding the first subgrant and a final report. Reporting requirements are specified in the Act. The HHS Secretary is then required to provide a report to the authorizing committees that summarizes the information provided in the lead agency initial reports and a report that summarizes the information provided in the lead agency final reports.

This section requires that funds made available under this Subtitle be used to supplement and not supplant other Federal, State, and local public funds expended to provide child care services. Requires states, Indian tribes, and tribal organizations to return to the HHS Secretary any funds that are not obligated by September 30, 2021, which shall be realloted to States that did not return funds. Such re-allotted funds are to remain available through fiscal year 2022.

All CCDBG provisions (except for section 658E(c)(3)(C)-(E), 658G, and 658J(c)) apply to this Subtitle to the extent that such provisions do not conflict with provisions in this section.

AMERICAN OVERSIGHT

This section authorizes funds appropriated through CCDBG to be used to carry out this Subtitle and specifies that the HHS Secretary shall exclude funds appropriated for this Subtitle when calculating state, territory, and tribal allotments for supplemental CCDBG funding.

Subtitle B - Carl D. Perkins Career and Technical Education Act of 2006 and Adult Education and Literacy COVID–19 National Emergency Response

Sec. ___. Definitions.
This section provides definitions for terms such as "apprenticeship" and "apprenticeship program".

Sec. ___. COVID-19 Career and Technical Education Response Flexibility.
This section provides legislative flexibility for programs under the *Perkins Career and Technical Education Act of 2006* (Perkins CTE) in response to COVID-19 such as allowing Perkins CTE entities to retain funds at the local level instead of returning unspent academic year funds to the state. Authorizes supplemental funds for Perkins CTE to be used for expanding or modernizing digital, physical, or technology infrastructure; providing incentives for students and employers to participate in work-based learning; expanding or adapting program offerings in response of the economic impact of COVID-19; and providing professional development and training activities.

Sec. ___. Adult Education and Literacy Response Activities.
This section provides legislative flexibility for the *Adult Education and Family Literacy Act* to allow for program administration and state leadership funds to be used for online service delivery and requires the Secretary of Education to provide guidance on virtual proctoring of adult education. Authorizes supplemental funds for adult education programs, and requires not less than 10 percent of funds be used for correctional education and expanding the infrastructure needed for online or digital educational resources, creating or expanding digital literacy curriculum, and partnering more closely with the workforce development system to implement strategies such as integrated education and training.

Sec. ___. General Provisions.
This section requires that funds under this Act for activities under the Perkins CTE and the Adult Education and Family Literacy Act are subject to performance accountability as described in the appropriate authorizing statute and a rigorous evaluation. Funds used for program administration must be used by the Secretary of Education to establish an interagency agreement with the Department of Labor among other administrative functions.

This section also requires that funds used under this Subtitle for apprenticeships be only used for registered apprenticeships. Allows Perkins CTE and Adult Education eligible agencies to apply for waivers under the General Education Provisions Act for the 2019-2020 academic year.

Subtitle C - Corporation for National and Community Service COVID–19 Response Activities

Sec. ___. Corporation for National and Community Service Provisions.
This section provides legislative flexibility for certain programs under the Corporation for National and Community Service (CNCS) in response to COVID-19 such as allowing

AMERICAN OVERSIGHT

AmeriCorps to waive the match requirement for existing grantees who may no longer be able to meet the requirements due to funding constraints as a result of COVID-19. This section also allows AmeriCorps volunteers whose service is interrupted due to COVID-19 to receive a cash stipend in lieu of the education award.

Sec. ___. National Service Expansion Feasibility Study.
This section requires CNCS to conduct a study on the feasibility of increasing the capacity of national service programs to respond to the economic and social impacts of COVID-19.

DIVISION P – ACCESS Act

Prepared by the Democratic staff of the Committee on House Administration

Section 160001: Short Title. The "American Coronavirus/COVID-19 Election Safety and Security Act" or the "ACCESS Act".

Section 160002. Requirements for Federal Election Contingency Plans In Response To Natural Disasters And Emergencies.

- Requires states and jurisdictions to establish and make publicly available contingency plans that enable voting in federal elections during a state of emergency, public health emergency or national emergency and to update such plans at least every 5 years.

- Requires contingency plans to include initiatives to provide equipment and resources necessary to protect the health and safety of poll workers and voters and to recruit poll workers from resilient and unaffected populations.

- Permits the Attorney General to bring a civil action in an appropriate United States District Court as may be necessary to carry out the requirements of this section and permits a private right of action.

Section 160003. Early Voting and Voting by Mail.

- Requires at least 15 consecutive days of early voting for federal elections. Goes into effect in the November 2020 election and for each succeeding federal election.
    - Requires the early voting period to be no less than 10 hours each day, to have uniform hours for each day, and to allow for voting prior to 9:00am and after 5:00pm.
    - Requires polling places with early voting periods to be located within walking distance of a stop on a public transportation route and to be available in rural areas of states.
    - Directs the Election Assistance Commission to issue election administration standards for early voting that include standards for nondiscriminatory geographic placement of polling places and that permit deviation (provided there is adequate public notice) in the case of unforeseen circumstances.

AMERICAN OVERSIGHT

- Requires states to begin processing and scanning ballots cast during the early voting period at least 14 days prior to election day.

- Ensures that every voter can access no-excuse absentee vote-by-mail. Goes into effect in the November 2020 election and for each succeeding federal election.
  - Prohibits states from imposing additional conditions or requirements for eligibility to vote by absentee ballot upon individuals who are already eligible voters.
  - Prohibits states from requiring any form of identification to obtain an absentee ballot, although requiring a signed affirmation of identity is permitted.
  - Prohibits states from requiring notarization or witness signatures to obtain or cast an absentee ballot.
  - Ensures that voters can opt-in to voting permanently by absentee ballot by mail in their absentee voting applications.
  - Requires states that conduct signature verification of voters submitting an absentee ballot to provide due process protections that must include a notice and an opportunity to cure a discrepancy in signatures or a missing signature. Provides voters with a 10-day period to cure which begins on the date the voter is notified.
  - Requires states to submit a report to Congress containing information on invalidated ballots no later than 120 days after each federal election cycle.
  - Ensures that every voter can submit an online request for an absentee ballot.
  - Requires states to deliver an absentee ballot and related voting materials to voters prior to election day if the request for such materials is received prior to 5 days before election day.

- With respect to the COVID-19 pandemic and all future emergencies declared between 120 days before election day and 30 days before election day, requires states to automatically mail absentee ballots and balloting materials to all registered voters no later than two weeks before election day (and for states that do not register voters, to all voters in the state's central voter file). Requires a voter to attest that the voter has not and will not cast another ballot.

- Provides standards for absentee ballots cast by mail.
  - Ensures that absentee ballots and related voting materials are accessible to voters with disabilities.
  - Requires that submitted absentee ballots be accepted and processed if postmarked, signed or otherwise indicated by the United States Postal Service to have been mailed on or before election day and if received within ten days after election day.
  - Permits voters to return absentee ballots by mail, by casting it at a polling place on election day, by submitting it at a designated ballot drop-off location, or by designating another person to return the ballot to the post office, a ballot drop-off location, a tribally designated building or an election office.
  - Requires states to begin processing and scanning ballots cast by mail at least 14 days prior to election day.

AMERICAN OVERSIGHT

- Requires states to establish an absentee ballot tracking program. Goes into effect in the November 2020 election and for each succeeding federal election.

- Ensures that notwithstanding the precinct or polling place at which a provisional ballot is cast within the state, the appropriate election official shall count each vote on such ballot for each election in which the individual who cast such ballot is eligible to vote. Goes into effect in the November 2020 election and for each succeeding federal election.

- Provides voters with a private right of action for violations of requirements under Subtitle C of Title III under the Help America Vote Act of 2002.

Section 160004. Permitting Use of Sworn Written Statement To Meet Identification Requirements For Voting.

- Provides that if a state has a voter identification requirement to cast a ballot in-person or by mail, an individual may make a sworn written statement attesting to their identity to fulfill the identification requirement. Does not affect the Help America Vote Act's requirements for certain first-time voters who submitted their voter registration by mail.

Section 160005. Postage-Free Voting Materials.

- Ensures that voter registration application forms, absentee ballot application forms, and absentee ballots in federal elections are mailed to voters expeditiously with self-sealing envelopes and prepaid postage.

Section 160006. Requiring Transmission of Blank Absentee Ballots Under UOCAVA To Certain Voters.

- Amends the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) to require states to transmit blank absentee ballots electronically to qualified individuals. Goes into effect in the November 2020 election and for each succeeding federal election.
    - Defines qualified individuals as voters who have requested an absentee ballot but have not received it at least 2 days before election day, voters who reside in an area where an emergency has been declared within 5 days of election day and have not already requested an absentee ballot, voters who will be absent on election day due to professional or volunteer service, voters who are hospitalized or expect to be on election day, or voters who have a disability and reside in a state that does not offer secure remote ballot marking.

- Requires blank absentee ballots transmitted to qualified voters to comply with the language requirements under section 203 of the Voting Rights Act of 1965 and the disability requirements under section 508 of the Rehabilitation Act of 1973.

AMERICAN OVERSIGHT

- Requires qualified individuals to provide the state with an attestation in electronic form that they are qualified, that they have not and will not cast another ballot and that they acknowledge the consequences of stating a material misstatement of fact.

- Requires electronic blank absentee ballots transmitted to qualified individuals to have prepaid return postage.

- Prohibits states from refusing to accept and process an absentee ballot from a qualified individual based on notarization or witness signature, paper type, or envelope type requirements.

Section 160007. Voter Registration.

- Amends the National Voter Registration Act of 1993 to ensure that voters can register to vote online, can submit an EAC-prescribed mail voter registration application online, and can update their voter registration information online.
    - Requires states to establish technological security measures to protect information provided through online voter registration services.
    - Ensures that online voter registrations services are available to individuals with disabilities.
    - Ensures that online voter registration services are also available through the use of an automated telephone-based system.

- Amends the Help America Vote Act of 2002 to ensure that all eligible individuals can register to vote on the same day that they vote. Goes into effect in the November 2020 election and for each succeeding federal election.

- Amends the National Voter Registration Act of 1993 to prohibit states from requiring voter registration applicants to provide more than the last 4 digits of their social security numbers. Goes into effect in the November 2020 election and for each succeeding federal election.

Section 160008. Accommodations for Voters Residing in Indian Lands.

- Permits an Indian Tribe to designate buildings as ballot pickup and collection locations and to designate one building per precinct located within Indian lands at no cost to the Indian Tribe.

- Requires states or political subdivisions to collect ballots from designated locations and to provide Indian Tribes with accurate precinct maps for all precincts located within Indian lands at least 60 days before an election.

- Requires states or political subdivisions to provide absentee ballots for federal elections to each individual who is registered to vote and who resides on Indian lands without requiring a residential address or a mail-in or absentee ballot request.

AMERICAN OVERSIGHT

- Ensures that voters living on Indian lands may use the address of a designated building for ballot pickup and collection as their residential and mailing address if such building is in the same precinct of the voter, and if the building is not in the same precinct, may use the address of another tribally designated building within Indian lands.

- Requires that states or political subdivisions covered under section 203 of the Voting Rights Act of 1965 provide all applicable language accessibility requirements.

- Permits the Attorney General to bring a civil action in an appropriate United States District Court as may be necessary to carry out the requirements of this section and permits a private right of action.

- Goes into effect in the November 2020 election and for each succeeding federal election.

Section 160009. Payments by Election Assistance Commission to States to Assist with Costs of Compliance.

- Requires the Election Assistance Commission to make payments to eligible states for the costs of complying with the ACCESS Act, including the costs for pre-paying the postage on absentee ballots and balloting material, for public education campaigns regarding the requirements of the ACCESS Act, and for voluntarily electing to comply with the ACCESS Act in the 2020 primary elections.

- For party-run primaries, requires the Election Assistance Commission to make payments to eligible political parties for costs incurred in transmitting absentee ballots and balloting materials in accordance with the ACCESS Act in the 2020 primary elections.

- Requires states to pass through funds to local jurisdictions or Tribal Governments.

- Requires states and political parties of states to submit an application to the Election Assistance Commission to receive payment assistance.

- In the case of an emergency, permits states to submit a payment request to the Election Assistance Commission and requires that payment be made to the states no later than 7 days after receipt of the request.

- Prohibits funding for costs attributable to the electronic return of marked ballots.

- Requires states to submit reports to the Election Assistance Commission no later than 6 months after the end of each fiscal year on the activities conducted with the funds provided.

- Requires the Election Assistance Commission to submit a report on such payments each fiscal year to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

AMERICAN OVERSIGHT

Section 160010. Grants to States for Conducting Risk-Limiting Audits of Results of Elections.

- Permits the Election Assistance Commission to make grants to eligible states to conduct risk-limiting audits with respect to federal general elections. Goes into effect in the November 2020 election and for each succeeding federal election.

- Authorizes the appropriation of $20 million for fiscal year 2020 for risk-limiting audit grants.

- Authorizes a GAO analysis no later than 6 months after the first grants are awarded on the extent to which risk-limiting audits improve the administration and security of elections.

Section 160011. Additional Appropriations tor the Election Assistance Commission.

- Authorizes the additional appropriation of $3 million to the Election Assistance Commission for fiscal year 2020 in order for the Commission to provide additional assistance and resources to states to improve election administration.

Section 160012: Definition.

- Clarifies that the definition of election for Federal office in Titles I to III in the Help America Vote Act apply to primaries, special, runoff and general elections.

DIVISION Q – COVID-19 Heroes Fund

Prepared by the Democratic staff of the House Committee on Oversight and Reform

DIVISION R – Child Nutrition and Related Programs

Prepared by the Democratic staff of the House Committee on Education and Labor

DIVISION X – Other Matters

Prepared by the Democratic staff of the House Committees on Natural Resources, Transportation and Infrastructure, Energy and Commerce, Judiciary, and Appropriations

Section XX Home Energy and Water Service Continuity. Requires states and utilities receiving federal emergency funds to adopt or maintain in force policies to prevent shutoffs and ensure safety and continuity of home energy and water services to residential customers during the COVID-19 public health emergency.

AMERICAN OVERSIGHT

Section XX. Grants for Environmental Justice Communities Disproportionally Affected by COVID-19. Authorizes the Environmental Protection Agency's (EPA) environmental justice grants and provides up to $50 million in additional FY 2020 funds for the sole purpose of investigating or addressing the disproportionate impacts of COVID-19 in environmental communities.

Section XX Low-Income Household Drinking Water and Wastewater Assistance. Provides financial assistance to low income and other adversely affected consumers to assist with payments for drinking water and wastewater expenses by authorizing $1.5 billion for grants to states, territories and Indian Tribes.

Section XX Water Service Continuity. Adds additional requirements to protect water services to residential customers during the COVID-19 public health emergency. Ensures all occupied residences are connected to water services throughout the emergency's duration, and that any reconnections are conducted in a manner that minimizes health risks. It also prohibits providers from assessing late fees for nonpayment occurring during the emergency period.

Bankruptcy Protections for Homeowners

Short

Bankruptcy Protections. Protects federal relief payments from being taken in bankruptcy proceedings; ensuring that homeowners in bankruptcy proceedings can participate in the mortgage forbearance program created by the CARES Act and other COVID-19 mortgage assistance; increases the amount of home equity protected in the bankruptcy process to $100,000; makes it easier for homeowners to exit bankruptcy so they can resume normal economic activity and continue paying off their mortgages; and opens Chapter 13 to more homeowners and small business by raising the limits for debt to qualify for a bankruptcy through Chapter 13.

Expanded

- **Bankruptcy Protections.**
    - **Bankruptcy Protections for Federal Coronavirus Relief Payments.** Ensures that federal coronavirus assistance can be used by the families who need relief rather than creditors. Exempts federal coronavirus relief payments from being treated as property of the estate in bankruptcy proceedings.
    - **Protection Against Discriminatory Treatment of Homeowners in Bankruptcy .** Ensures that homeowners in bankruptcy are eligible for mortgage forbearance or other COVID-19 mortgage assistance.
    - **Increasing the Homestead Exemption.** Ensures that families who need to file for bankruptcy in response to the COVID-19 pandemic will be able to keep their

AMERICAN OVERSIGHT

homes. In many cases, homeowners are not able to file for bankruptcy without losing their homes, because only a small amount of home equity is protected from creditors. By increasing the amount of home equity protected to $100,000, this provision would allow more struggling families to get a fresh financial start.

- **Effect of Missed Mortgage Payments on Discharge.** Ensures that families in Chapter 13 bankruptcy cases who have completed all of their plan payments will not be denied a discharge because they have fallen behind on their mortgage payments during this crisis. Makes clear that a debtor will not be denied a Chapter 13 discharge if the debtor misses 6 or fewer mortgage payments. The mortgage payments would continue to be owed to the home mortgage creditor, but the homeowner would not lose the benefits of a bankruptcy discharge for other debts.

- **Expanded Eligibility for Chapter 13.** Raises the limits for debt to qualify for a bankruptcy through Chapter 13 of the Bankruptcy Code to $850,000 in unsecured debt and $2,600,000 for secured debt. Chapter 13 is the primary way bankruptcy is used to save homes from foreclosure. But people with debts over certain amounts are not eligible for chapter 13. Those amounts have not gone up as much as home prices in some parts of the country (and therefore home mortgages), so unless the chapter 13 debt limits are increased, many families will be unable to use bankruptcy to save their homes. Raising the chapter 13 debt limits will also help many small businesses, because sole proprietors can use chapter 13 to restructure their debts (and save their homes, usually pledged as collateral) much less expensively than in chapter 11.

- **Extended Cure Period for Homeowners Harmed by COVID-19 Pandemic.** Gives individuals who have lost income or incurred large medical expenses because of COVID-19 up to two additional years to cure any mortgage defaults while still being able to exit bankruptcy and resume normal economic activity under the standard timeframe.

Criminal Justice Provisions for Title-by-Title Summary

Title I Prisons and Jails

Sec. XX2. Emergency Community Supervision Act- During a declared national emergency relating to a communicable disease, mandates the release into community supervision of federal prisoners and pretrial detainees who are non-violent and, for instance, pregnant women, juveniles , older prisoners and detainees, and those with certain medical conditions. Modifies probation and supervised release policies to avoid unnecessary in-person contact with probation officers and to reduce the numbers of those supervised and those imprisoned for violations. Mandates the release of non-violent pretrial defendants on their own recognizance.

Sec. XX3. Court Authority to Reduce Sentences and Temporary Release Authority- During the COVID-19 emergency, expands court authority to order compassionate release for federal

AMERICAN OVERSIGHT

prisoners and to reduce sentences, and removes administrative barriers that slow the ability of prisoners to seek compassionate release. Authorizes courts to temporarily release persons who have been sentenced, but have not yet been transported to a Bureau of Prisons facility, to protect them from COVID-19.

Sec. XX4. Exemption for Prisoners from Exhausting Administrative Remedies- Exempts individuals from having to exhaust administrative remedies before bringing their concerns to a judge about conditions of incarceration that present a significant risk of harm during the COVID-19 emergency.

Sec. XX5. Increasing Availability of Home Detention for Elderly Offenders- Increases the availability of home detention for non-violent elderly prisoners by ensuring that participants in the elderly prisoner home confinement pilot program get credit for good conduct time earned and lowers the eligibility for participation during the COVID-19 emergency period.

Sec. XX6. Effective Assistance of Counsel in the Digital Era Act- Directs the Attorney General to put in place an electronic communication system to be used by persons in federal custody that ensures confidential communication between those in custody and their attorneys.

Sec. XX7. COVID-19 Correctional Facility Emergency Response Act- Provides $600 million in funding to address the COVID-19 crisis in state and local prisons and jails, including $500 million to states and local governments that operate correctional facilities to provide testing and treatment of COVID-19 for incarcerated individuals by creating two grant programs one focused on the release of low-risk individuals who are currently incarcerated and another aimed at reducing COVID-19 exposure for those individuals who are arrested; $75 million in funding to a new grant program to encourage states and localities to adopt practices that promote juvenile safety and rehabilitation without unnecessarily exposing youth to incarceration during this crisis; and $25 million for a grant program for state and local governments that operate correctional facilities for rapid testing of inmates who are leaving correctional custody.

Sec. XX8. Moratorium on Fees and Fines- Authorizes the establishment of a grant program that distributes funds directly to state and local courts, with the condition that they impose a moratorium on the imposition and collection of court-imposed fees and fines during the COVID-19 crisis.

Sec. XX9. Definition- Defines the "emergency covered period" consistent with the CARES Act.

Sec. XX10. Severability- Includes a severability clause for this title.

Other Matters

Title I Death and Disability Benefits for Public Safety Officers Impacted by COVID-19

Sec. XX2. Death and Disability Benefits for Public Safety Officers Impacted by COVID-19- Amends the Public Safety Officers' Benefits Program (PSOB) to establish a presumption that officers

AMERICAN OVERSIGHT

who die or are disabled because of COVID-19 infection are eligible to receive disability and death benefits. Ensures that officers who were injured or disabled during or because of the September 11, 2001 attacks, and whose injuries in combination with a COVID-19 illness result in disability or death, may apply for PSOB disability or death benefits.

Title II Victims of Crime Act Amendments

Sec. YY1. Victims of Crime Act Fix of 2020- Directs funding from deferred prosecution agreements and non-prosecution agreements to support victims of crime and waives state-matching requirement during the COVID-19 pandemic.

Sec. YY2. Waiver of Matching Requirement- Waives state matching requirement during the COVID-19 pandemic.

The "Jabara-Heyer National Opposition to Hate, Assault, and Threats to Equality Act of 2019, or "Jabara-Heyer NO HATE Act"

The "No HATE Act": This Act would provide grant funding incentives to state and local law enforcement agencies for the collection of hate crimes data and reporting it to the Department of Justice, which would report the data to Congress.

Sec 1. Short Title. Section 1 of the bill contains the short title, the "Jabara-Heyer National Opposition to Hate, Assault, and Threats to Equality Act of 2019, or "Jabara-Heyer NO HATE Act"

Sec 2. Findings. Section 2 of the bill makes a number of findings related to the recent rise of violent hate crimes and problems concerning inaccurate and incomplete hate crimes data.

Sec 3. Definitions. Section 3 of the bill defines several terms, including "priority agency," which means (A) "a law enforcement agency of a unit of local government that serves a population of not less than 100,000, as computed by the Federal Bureau of Investigation; or (B) a law enforcement agency of a unit of local government that (i) serves a population of not less than 50, 000 and less than 100,000, as computed by the Federal Bureau of Investigation; and (ii) has reported no hate crimes through the Uniform Crime Reports program in each of the 3 most recent calendar years for which such data is available."

Sec 4. Reporting of Hate Crimes. Section 4 of the bill authorizes the Attorney General to give grants to States and local governments to assist in implementing the National Incident-Based Reporting System (NIBRS) and to train employees to identify and classify hate crimes in NIBRS . Priority will be given to areas with larger populations. Section 4 also includes a reporting requirement, mandating that three years after receiving a grant, the grantee must report information related to hate crimes committed in the previous year. Extensions of 120 days will be allowed if the Attorney General believes a State or local government is operating in good faith , and exemptions will be made if such a requirement violates state law. If a State or local government does not comply, the grant must be repaid.

AMERICAN OVERSIGHT

Sec 5. Grants for State-Run Hate Crime Hotlines. Section 5 of the bill authorizes the Attorney General to give grants to States to create hate crime hotlines. Grants would be for periods of 5 years or less. Hotlines should direct individuals to law enforcement when appropriate, as well as local support services. Any personally identifiable information disclosed to a hotline cannot be given out to another agency, State, Federal Government, or other entity, without consent. Hotline operators will be trained in applicable Federal, State, and local crime laws as well as local law enforcement and support services. The Attorney General should provide guidance to States on best practices for operating hotlines.

Sec 6. Information Collection by States and Units of Local Government. Section 6 of the bill authorizes the Attorney General to give grants to local law enforcement agencies to conduct law enforcement activities or crime reduction programs to prevent, address, or otherwise respond to hate crimes, particularly related to reporting hate crimes. This includes (1) adopting a policy on identifying, investigating, and reporting hate crimes, (2) developing a standardized system of collecting analyzing, and reporting the incidence of hate crimes, (3) establishing a unit specialized in identifying, investigating, and reporting hate crimes, and (4) engaging in community relations functions related to hate crime prevention and education (e.g., establishing a liaison to community-based organizations; conducting public meetings or education forums; providing hate crime trainings for agency personnel). States that receive grants may award subgrants to local governments.

Each year that a grant is received, a State and local government grantees must collect information summarizing activities or programs conducted to prevent, address, or otherwise respond to hate crimes. This information must be submitted to the Attorney General. Section 6 also requires that law enforcement agencies submit a semiannual report that includes a summary of activities and programs conducted by the agency to prevent, address, or otherwise respond to hate crimes. Such semiannual reports should also include (1) whether the agency has adopted a policy on identifying, investigating, and reporting hate crimes, (2) whether the agency has developed a standardized system of collecting, analyzing, and reporting hate crime incidents, (3) whether the agency has established a specialized unit, (4) whether the agency has engaged in community relations, and (5) the number of trainings that have been conducted for agency personnel.

Sec 7. Requirements of the Attorney General. Section 7 requires the Attorney General to collect and analyze information submitted by States and local governments for the purposes of developing policies related to the provision of accurate data. Each calendar year, the Attorney General must publish and submit a report to Congress based on the information collected and analyzed. The report should include (1) an analysis of the number of hate crimes reported and law enforcement activities done to address hate crimes, and (2) an analysis of the number of law enforcement agencies that have (a) adopted a policy on identifying, investigating, and reporting hate crimes, (b) developed a standardized system of collecting analyzing, and reporting the incidence of hate crimes, (c) established a unit specialized in identifying, investigating, and reporting hate crimes, (d) engaged in community relations functions, and (e) conducted hate crime trainings for agency personnel.

AMERICAN OVERSIGHT

Sec 8. Alternative Sentencing. For individuals convicted under the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, Section 8 allows a condition of supervised release where the defendant takes educational classes or performs community service directly related to the community harmed by the defendant's offense.

Title XX Immigration Matters

Sec. XX1. Extension of Filing and Other Deadlines. This section creates protections for certain noncitizens in the United States, as well as certain immigrant visa applicants, affected by processing delays and travel restrictions related to the COVID-19 public health emergency. Certain noncitizens who were lawfully present in the United States when HHS declared a public health emergency are protected from negative immigration consequences due to the inability to meet filing deadlines or leave the country. Temporary immigration status or work authorization that is set to expire during the emergency is automatically extended for a temporary period. Expiration dates of issued immigrant visas are extended for the duration of the emergency. Immigrant visa numbers that go unused at the end of the fiscal year are rolled over for use in subsequent fiscal years. And voluntary departure deadlines are extended for the duration of the emergency.

Sec. XX2. Temporary Accommodations for Naturalization Oath Ceremonies Due to Public Health Emergency. This section requires the Secretary of Homeland Security to establish procedures for remotely administering naturalization oath ceremonies during the COVID-19 emergency. Individuals who have been approved for naturalization may opt to participate in a remote swearing-in ceremony given the current suspension of in-person public ceremonies. The Department of Homeland Security (DHS) must provide written notice to eligible individuals and, to the greatest extent practicable, ensure that remote oath ceremonies are held expeditiously. The Secretary must also submit a report to Congress 180 days after the end of the public health emergency providing statistics on the use of remote oath ceremonies.

Sec. XX3. Temporary Protections for Essential Critical Infrastructure Workers. This section provides temporary protections to undocumented workers in the United States engaged in essential critical infrastructure work, as defined by DHS-issued guidance, during the COVID-19 emergency. Such workers are deemed to be in a period of deferred action and to be authorized for employment, and employers are shielded from certain immigration-related violations for employing such workers.

Sec. XX4. Supplementing the COVID response workforce. This section would temporarily ease certain immigration-related restrictions to allow immigrant physicians and other critical healthcare workers to better assist in the fight against COVID-19. This section would:

- Allow immigrant physicians who have lived and worked lawfully in the United States for years, and who have been approved for immigrant visas but are stuck in visa backlogs, to immediately apply for green cards if they will engage in COVID-19 work.
- Require DHS and the Department of State to expedite the processing of nonimmigrant petitions and visa applications for medical professionals and researchers who will engage in COVID-19 work.

AMERICAN OVERSIGHT

- Provide flexibility to hospitals, medical facilities, and other employers of healthcare workers to quickly transfer employees to administer direct patient care or telemedicine in COVID-19 hot spots, engage in research and development of COVID-19 vaccines and cures, and provide other services as needed to address the emergency.
- Permanently authorize the "Conrad 30" Waiver Program, which allows States to sponsor immigrant physicians to work in medically underserved areas in exchange for a waiver of the physicians' 2-year foreign residence requirement. The base number of annual Conrad waivers available to each State is increased from 30 to 35, with a demand-based sliding scale to determine the number of available waivers in future years.
- Provide independent temporary work authorization documents to nonimmigrant physicians and other healthcare workers, giving them maximum mobility and flexibility to engage in COVID-19 work during the present emergency.
- Provide special immigrant status for certain nonimmigrant COVID-19 workers and ensure that the spouses and children of such workers are not subject to removal if the worker dies.

Section XX5. ICE Detention. This section requires DHS to review the immigration files of all individuals in the custody of Immigration and Customs Enforcement (ICE) to assess the need for continued detention. Individuals who are not subject to mandatory detention shall be prioritized for release, either on recognizance or into an alternative to detention program, unless the individual is a threat to public safety or national security. DHS shall also ensure that all individuals who continue to be detained by ICE:

- Have access to free telephonic and video communications, including unmonitored telephone calls with attorneys.
- May receive legal correspondence by fax or email.
- Are provided sufficient soap, hand sanitizer and other hygiene products.
- Have access to virtual "know your rights" and legal orientation programming conducted by approved nonprofit organizations.

Title_____--Wildlife-Borne Disease Prevention Act of 2020

Section X2. Measures to address species that pose a risk to human health. This section authorizes $21,000,000 for U.S. wildlife agencies to work with the CDC to identify wildlife species that pose a risk to human health and to perform risk analyses to determine which species should be listed as "injurious" under the Lacey Act in order to limit trade of such species.

Section X3. Trade of injurious species and species that pose a risk to human health. This section amends the Lacey Act of 1900 to allow for species that transmit pathogens that pose risks to human health to be listed as "injurious," which would prohibit the import and transport of those species, and to allow for emergency listings in the case of threats to human health. It also prohibits transportation of injurious species across state lines to limit spread of disease.

Section X4. National Wildlife Health Center. This section directs the U.S. Geological Service's National Wildlife Health Center to establish a national database for wildlife diseases, including diseases that have the potential to infect humans, and to provide technical and scientific support for surveillance of emerging wildlife-borne diseases with the potential to infect

AMERICAN OVERSIGHT

humans, to coordinate surveillance, and to provide models and risk assessments of species and diseases.

Section X5. Surveillance by States, Tribes, and Insular Areas. This section directs the Fish and Wildlife Service to provide funds to States, the District of Columbia, Tribes, and territories to conduct surveillance of emerging wildlife-borne diseases with the potential to infect humans.

DIVISION Y – Additional Other Matters

Prepared by the Democratic staff of the House Committees on Transportation and Infrastructure and House Administration

Section X. Architect of the Capitol. This section authorizes the Architect of the Capitol to, in the case of an emergency, reimburse employees for commuting costs between their residence and place of employment. This section is intended to mitigate against the significant reduction in public transportation services in the National Capitol Region for workers essential to the operations of the Legislative Branch.

Section X. Library of Congress. This section authorizes the Library of Congress to extend the period of performance or delivery of services under severable service contracts for an additional twelve months if the contract is delayed or otherwise affected by the COVID-19 pandemic.

Committee on Transportation and Infrastructure (DIVISION X AND DIVISION Y TOGETHER)

Summaries of Provisions

AVIATION

Title ___. Pandemic Relief for Aviation Workers and Passengers

Sec.__. Pandemic relief for aviation workers. Extends the prohibition on involuntary furloughs of employees of airlines or contractors that receive financial assistance (i.e., payroll grant) under the CARES Act through full exhaustion of such assistance, rather than ending on September 30, 2020. Clarifies that the CARES Act prohibition on the Treasury Department conditioning airline and contractor payroll grants on changes to current collective bargaining agreements applies regardless of when the grants are issued.

Sec.__. Transparency of financial assistance. Improves transparency of the Treasury Department's issuance of payroll grants to airlines and contractors under the CARES Act by requiring the Department to publish descriptions of each issued grant, including the grant recipient and amount, on the Department's public website within 72 hours of issuance. The Department will also be required to submit this information to Congress.

AMERICAN OVERSIGHT

Sec.__. Air carrier maintenance outsourcing. Prohibits airlines that receive a loan or loan guarantee under the CARES Act from increasing their share of heavy maintenance work done overseas.

Sec.__. National aviation preparedness plan. Requires the Department of Transportation, in coordination with heads of other Federal departments and agencies, to develop a national aviation preparedness plan for communicable disease outbreaks, as the Government Accountability Office recommended in 2015, to ensure that Federal, State, and local governments, airports, airlines, and other aviation industry and labor stakeholders are better prepared for a future public health crisis.

Sec.__. Working and travel conditions. Mandates that airlines, during the COVID-19 pandemic: (1) require flight attendants and passengers on airplanes to wear masks or other face coverings; (2) require pilots to wear a mask or face covering while outside the flight deck and submit to the Federal Aviation Administration a proposal and safety risk assessment to allow pilots to wear such materials while in the flight deck; (3) provide pilots, flight attendants, and customer-facing employees with masks or protective face coverings, gloves, hand sanitizer, and alcohol wipes; (4) ensure aircraft and enclosed facilities are cleaned, disinfected, and sanitized frequently in accordance with Centers for Disease Control and Prevention guidance; (5) ensure cleaning workers are provided masks or protective face coverings and gloves; and (6) establish guidelines for notifying employees of a confirmed COVID-19 diagnosis.

Sec.__. Protection of certain Federal Aviation Administration employees. Mandates that the Federal Aviation Administration, during the COVID-19 pandemic: (1) provide air traffic controllers and airway transportation systems specialists with masks or protective face coverings, gloves, hand sanitizer, and alcohol wipes; (2) ensure air traffic control facilities are cleaned, disinfected, and sanitized frequently in accordance with Centers for Disease Control and Prevention guidance; and (3) ensure cleaning workers are provided masks or protective face coverings and gloves.

HIGHWAYS AND TRANSIT

Sec.__. Transit COVID-19 Requirements. This section applies to large transit agencies in urbanized areas with at least 500,000 individuals (covered transit agencies) and would: (1) for covered transit agencies, require public transit passengers to wear masks or other face coverings; (2) require covered transit agencies to provide all customer-facing employees with masks or protective face coverings, gloves, and hand sanitizer and wipes with sufficient alcohol content; (3) ensure that public transit vehicles are sanitized frequently in accordance with CDC guidance; (4) ensure that transit stations and facilities in which transit employees work are sanitized on a regular basis in accordance with CDC guidelines; and (5) require covered transit agencies to establish or adhere to applicable guidelines for notifying employees of confirmed COVID-19 diagnoses.

RAIL

AMERICAN OVERSIGHT

Sec.__. Amtrak COVID-19 Requirements. This provision provides that, for the duration of the COVID-19 pandemic, Amtrak must require passengers and employees to wear masks or protective face coverings while onboard an Amtrak train. Amtrak must also provide masks or protective face coverings, gloves, hand sanitizer, and wipes to all employees whose job responsibilities include passenger interaction. It also ensures that Amtrak trains, stations, and enclosed facilities are frequently cleaned and disinfected, and that employees who do this work are provided masks or protective face coverings and gloves.

Sec.__. Additional Enhanced Benefits Under the Railroad Unemployment Insurance Act. For railroad workers receiving unemployment benefits under the Railroad Unemployment Insurance Act, this provision would extend the temporary recovery benefit that provides $1,200 every two weeks (per registration period) in addition to regular benefits, creating parity for railroad workers.

Sec. __. Extended Benefits Under the Railroad Unemployment Insurance Act. This provision extends the timeframe in which railroad workers may apply for the 13-week extension of unemployment benefits established under the CARES Act, providing parity for railroad workers.

Sec. __. Waiving the 7-Day Waiting Period. The CARES Act waived the waiting week for unemployment and sickness benefits under the Railroad Unemployment Insurance Act through December 31, 2020. This provision extends that waiver, providing parity for railroad workers.

Sec.__. Treatment of Payments from the Railroad Unemployment Insurance Account. This provision would eliminate the Balanced Budget and Emergency Deficit Control Act sequester that automatically cuts unemployment and sickness benefits provided to railroad workers under the Railroad Unemployment Insurance Act. This change would allow railroad workers to receive the full benefit amounts to which they are entitled and would create parity with the treatment of other unemployment insurance benefit programs.

Sec.__. Technical Correction for Extended Unemployment Benefits under the Railroad Unemployment Insurance Act. Provides a technical correction to a provision in the CARES Act that extended railroad unemployment benefits to allow for easier implementation of the extended benefits.

Sec.__. Technical Correction. Provides a technical correction to a provision in the CARES Act by fixing an incorrect title reference to the Railroad Retirement Act.

Sec.__. Clarification of Oversight and Implementation of Relief for Workers Affected by Coronavirus Act. Provides a technical correction to ensure that the Railroad Retirement Board (RRB) and its Inspector General have implementation and oversight authority over the RUIA-related provisions of the CARES Act.

ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT

Federal Emergency Management Agency:

AMERICAN OVERSIGHT

Sec.__. Application of Buy American. The Stafford Act has a Buy American requirement limited only to Washington, D.C., Puerto Rico, the U.S. Virgin Islands, and American Samoa. This provides a waiver only during the COVID-19 pandemic so these four entities may source crucial personal protective and medical equipment internationally, if necessary, just as other States can.

Sec.__. Premium Pay Authority. Expands the premium pay cap waiver for FEMA employees for 2020 and 2021 due to heightened operational activity from Stafford Act-declared major disasters and emergencies.

Sec.__. Cost Share. Adjusts the cost share for assistance provided under any Stafford Act declaration for the COVID-19 pandemic from 75% Federal/25% non-Federal to 100% Federal.

Sec.__. Clarification of Assistance. Provides assistance for activities, costs, and purchases of States, local, or eligible private non-profits, including activities eligible under the Stafford Act including, but not limited to: backfill costs for first responders, increased operating costs for essential government services, costs of providing public guidance and information, costs for establishing virtual services and operating remote test sites, training provided in anticipation of, or response to, to the next emergency declaration, personal protective equipment for first responders, public health and medical supplies, non-congregate sheltering, food preparation and delivery to impacted communities, and funeral benefits.

Economic Development Administration (EDA):

Sec.__. Application of Law. Temporarily waives prohibition on using federal funds to pay for consultants or counsel to allow EDA grantees to pay consultants to help develop grant applications for funds under the CARES Act.

Sec.__. Federal Share. Temporarily waives matching fund requirements due to plummeting local government revenues for grants funded under the FY 19 disaster supplemental, CARES Act supplemental funding, and FY 20 appropriations.

Sec.__. Disaster Recovery Office. Grants EDA disaster hiring authority, which it currently does not have, and defederalizes the EDA revolving loan funds, which are vital lifelines to small, family-owned businesses.

General Services Administration (GSA):

Sec.__. Safety Upgrades in GSA Facilities. Requires the General Services Administration (GSA) to take action to prevent airborne transmission of COVID 19 through air conditioning, heating, ventilating, and water systems in facilities owned or leased by the GSA to ensure safe and healthy indoor environments for Federal employees. It also states that GSA should prioritize indoor air and water environmental quality in facilities and energy-saving building technologies and products.

AMERICAN OVERSIGHT

Sec.__. Non-Federal Tenants in GSA Facilities. Prohibits GSA from referring any non-Federal tenants in GSA-owned facilities to a debt collection agency during the COVID 19 pandemic, and requires GSA to submit to Congress a report containing all requests for rent deferrals related to COVID 19 from non-Federal tenants of facilities owned by the GSA.

COAST GUARD AND MARITIME TRANSPORTATION

Sec.__. Regulation of Anchorage and Movement of Vessels During National Emergency. Expands the Coast Guard's authority under 46 USC 70051 (formerly part of the Magnuson Act under 50 USC 191) to go beyond strict war/national security type incidents to also include public health emergencies.

Sec.__. MSP Operating Vessels. Waives the minimum vessel operating days for Maritime Security Program (MSP) operators for FY20-21 to ensure the MSP stipend is paid in full to all 60 enrolled vessels to keep critical U.S.-flag national and economic security assets available.

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Thursday, May 14, 2020 11:11 AM
To: Elston, DC
Subject: [EXTERNAL] Re: Notational Vote on Meeting Date Change
Attachments: 2020-05-12 Memo re Paper Ballot.pdf; Non-responsive record 2020-05-12 Paper Ballot on Change BOG meeting date.doc; Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

(b) (5) will send signed doc.
thank you

On May 12, 2020, at 9:57 AM, Elston, Michael J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

Members of the Board of Governors,

Please find attached a memo from me requesting your paper ballot (b) (5)

Many thanks,
Michael

Michael J. Elston
Secretary of the Board of Governors
United States Postal Service
(202) 268-4800

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Thursday, May 14, 2020 3:08 PM
To: 'Smith, Kevin R - Washington, DC'
Subject: [EXTERNAL] FW: Page Program

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

From: (b) (6)
Sent: Thursday, May 14, 2020 12:30 PM
To: M. -Mike- Duncan Robert (b) (6) >; (b) (6)
Cc: (b) (6) >; (b) (6)
Subject: Page Program

Mike & (b) (6),

I just spoke with (b) (6) (one of the individuals we planned to nominate to be a page to the RNC), and she has accepted an internship with the Committee on Arrangements. After talking to the COA she cannot do both positions, so we will need one more page nomination. Please let us know how we can help.

Thanks,

--
(b) (6)
Executive Director
Republican Party of Kentucky
(b) (6)

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Thursday, May 21, 2020 12:18 PM
To: Elston, Michael J - Washington, DC
Subject: [EXTERNAL] Re: Alert: Mnuchin Says Postal Service May Not Need $10 Billion Virus Loan

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

(b) (5)

Sent from my iPhone

On May 21, 2020, at 12:16 PM, Elston, Michael J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

FYI

From: (b) (6)
Sent: Thursday, May 21, 2020 11:59 AM
To: Ron Bloom (b) (6) Elston, Michael J - Washington, DC
(b) (6), (b)(3) & 410 (c)(2)
Cc: (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] FW: Alert: Mnuchin Says Postal Service May Not Need $10 Billion Virus Loan

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Hi Ron and Mike,

(b) (5)

Thanks,
(b) (6)

From: Bloomberg Government <alerts@bgov.com>
Date: Thursday, May 21, 2020 at 11:49 AM
To: (b) (6)
Subject: Alert: Mnuchin Says Postal Service May Not Need $10 Billion Virus Loan

[EXTERNAL]

Mnuchin Says Postal Service May Not Need $10 Billion Virus Loan

By Saleha Mohsin | May 21, 2020 11:49AM ET | Bloomberg Government

The U.S. Postal Service may not need the $10 billion loan Congress made available in its coronavirus rescue legislation due to an increase in business, Treasury Secretary Steven Mnuchin said.

"The good news is, as of now, package deliveries are up over 50%," he said Thursday during a virtual event hosted by the Hill. "As of now, they don't need to use the loan."

During negotiations for the $2.2 trillion Cares Act, some lawmakers wanted to give the Postal Service a $10 billion handout, Mnuchin said, which he called "unfair" and instead created the option for a loan.

To contact the reporter on this story:
Saleha Mohsin in Washington at smohsin2@bloomberg.net

To contact the editors responsible for this story:
Alex Wayne at awayne3@bloomberg.net
Justin Blum, Gregory Mott

Postal Service News Alert

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Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Thursday, June 11, 2020 4:20 PM
To: (b) (6) ; Ron Bloom (b) (6) ; John Barger (b) (6)
Cc: Marshall, Thomas J - Washington, DC; Elston, Michael J - Washington, DC; Grossmann, Luke T - Washington, DC; Smith, Kevin R - Washington, DC; (b) (6), (b)(3) & 410 (c)(2); Louis DeJoy
Subject: [EXTERNAL] Revision of Covid Impact on Near-Term Liquidity
Attachments: COVID_Impact_USPS_061020 with appendix_v11.pptx; Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

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Governors,
Ron Bloom and I (b) (5)

Look forward to your comments.
Best,
Roman

From: Corbett, Joseph - Washington, DC
Sent: Thursday, June 11, 2020 2:25 PM
To: Roman Martinez IV (b) (6) ; Ron Bloom (b) (6)
Cc: Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) ; Elston, Michael J - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Grossmann, Luke T - Washington, DC (b) (6), (b)(3) & 410 (c)(2) ; Smith, Kevin R - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: FW: COVID_Impact_USPS_061020 with appendix_v11.pptx

(b) (5)

Thanks, Joe

AMERICAN OVERSIGHT

RE: Roman

Non-responsive record

[redacted]

From: M. -Mike- Duncan Robert
Sent: Thursday, June 11, 2020 5:22 PM
To: Roman Martinez IV (b) (6)
Subject: Re: Roman

Roman,
I'm doing
White House Fellows interviews until 7. I should be available by 8.

Mike

Sent from my iPhone

> On Jun 11, 2020, at 4:52 PM, Roman Martinez IV (b) (6) > wrote:
>
> Mike,
> Are you available for a brief call?
> Roman

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Friday, June 19, 2020 11:16 AM
To: (b) (6)
Cc: (b) (6) ; Marshall, Thomas J - Washington, DC; (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] Re: : VERIFY: Your mail-in ballot will be sent regardless if it has a stamp or not

Follow Up Flag: Follow up
Flag Status: Flagged

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(b) (5)

Sent from my iPhone

> On Jun 19, 2020, at 11:08 AM, (b) (6) wrote:
>
>(b) (5)
>
> On Jun 19, 2020, at 10:58 AM, (b) (6) wrote:
>
>
>(b) (5)

>
> VERIFY: Your mail-in ballot will be sent regardless if it has a stamp
> or not WUSA CBS 9 – by Jason Puckett, David Tregde, Linda Johnson
> 6/18/2020
>
> There's been a lot of conversation about mail-in voting recently. It has gotten increased attention as the coronavirus pandemic has made the method of participating in elections more appealing to some people.
>
> While the widespread use of it has been debated back and forth by politicians, misinformation about the practice has spread. And with misinformation also comes a great deal of confusion.
>
> One such example of confusion is over the use of stamps on mail-in ballots. Some photos show that mail-in envelopes may require extra postage, while some worry about being able to afford postage at all.
>
> So what's the deal? How much in postage stamps do you need to pay for a mail-in ballot?
> THE QUESTION
>
> Will my vote be counted if I don’t have the right postage on the return envelope?
> THE ANSWER

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>
> Yes. For federal elections of the U.S. president, your ballot will be delivered even without a stamp or if it has too little postage.
> WHAT WE FOUND
>
> In an email to VERIFY, the Postal Service first warns: “Federal law requires appropriate postage to be affixed to all mail pieces entering into the U.S. Postal Service mail stream, and we expect our customers to comply with this requirement. To help voters, the Postal Service’s regulations require election officials to inform voters of the amount of first-class postage required to return their ballots.”
>
> But then it adds: “If a ballot is nevertheless returned with short-paid or unpaid postage, it is the Postal Service’s policy not to delay the delivery of completed absentee or vote-by-mail ballots.”
>
> Mail-in ballots are treated differently by states and even jurisdictions across the U.S., says Sarah Courtney of the League of Women Voters. Some voters receive postage-paid envelopes for returning their ballots, she said. Some jurisdictions get around the stamp issue by providing drop-off/return boxes, she added.
>
> So how does the Postal Service, which lost $8.8 billion in 2019, deal with the loss of revenue from those who don’t affix stamps to the envelopes when returning ballots?
>
> “In cases where a ballot enters the mail stream without the proper amount of postage, the Postal Service will collect postage from the appropriate board of elections,” the email says.
>
> A bulletin on the USPS's website confirms this information. Near the bottom of the page it says, "Short-paid and unpaid absentee balloting materials must never be returned to the voter for additional postage. Postage is collected from the election office upon delivery or at a later date. Do not delay delivery of balloting materials."
>
> If you decide to skip the stamps on your mail-in ballot but feel a little uneasy about it, you may be able to track your envelope.
>
> “Many states and D.C. have online ballot tracking systems so that voters can trace their mail-in ballot, and check online that it has been received,” said Jeanette Senecal, senior director of mission impact for the League of Women Voters.
>
>
>
>
>
>
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>
> **********
>
>
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> intended recipient, you are hereby notified that any dissemination,
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> delete the original message and any copy of it from your computer
> system. If you have any questions concerning this message, please

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> contact the sender.
>
> ==========
>

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Sunday, June 28, 2020 9:59 PM
To: Elston, Michael J - Washington, DC
Subject: [EXTERNAL] Re: Showing as trending: USPS Worker Allegedly Throws GOP Campaign Ads in Dumpster

Follow Up Flag: Follow up
Flag Status: Flagged

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Thanks.

Sent from my iPhone

> On Jun 28, 2020, at 9:22 PM, Elston, Michael J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:
>
> For your situational awareness.
>
> Mike
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> From: "Walker, Janice D - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
> Date: June 28, 2020 at 9:20:14 PM EDT
> To: "Cronkhite, Isaac S - Washington, DC"
> (b) (6), (b)(3) & 410 (c)(2), "Williams Jr, David E (COO) -
> Washington, DC" (b) (6), (b)(3) & 410 (c)(2), "Marshall, Thomas J -
> Washington, DC" (b) (6), (b)(3) & 410 (c)(2), "Seaver, Kristin A -
> Washington, DC" (b) (6), (b)(3) & 410 (c)(2), "Elston, Michael J -
> Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
> Cc: "Storey, Simon M - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
> "Weiser, Julie H - Denver, CO" (b) (6), (b)(3) & 410 (c)(2), "Glass,
> Justin - Washington, DC" (b) (6), (b)(3) & 410 (c)(2), "Brownlie,
> Caroline R - Washington, DC" (b) (6), (b)(3) & 410 (c)(2) , "Adams,
> Jeffery A - Washington, DC" (b) (6), (b)(3) & 410 (c)(2), "Sucich,
> Nicholas J - Washington, DC" (b) (6), (b)(3) & 410 (c)(2), "Sallay,
> Rod (HQ) - Washington, DC" (b) (6), (b)(3) & 410 (c)(2) "Partenheimer, David
> A - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
> Subject: Showing as trending: USPS Worker Allegedly Throws GOP
> Campaign Ads in Dumpster
>
> We will monitor, thanks.
>
> USPS Worker Allegedly Throws GOP Campaign Ads in Dumpster Not

AMERICAN OVERSIGHT

> mainstream media, but wanted to bring it to your attention just in case.
> Link to article:
> https://www.truthandaction.org/usps-worker-allegedly-throws-gop-campai
> gn-ads-dumpster/?utm_source=Facebook_Post&utm_medium=PE_Post&utm_term=
> 5ef8912f22621&fbclid=IwAR2azn_-ZnAy-SwTvo3yx68boVZE_KVrRj3Jb0ZbrCEiWA3
> 9gArxmMXBm9Y
>
> Image from Facebook
post<https://www.facebook.com/TruthAndAction/posts/3810304289022306?__xts__%5B0%5D=68.ARAJMQCzi4BCQYJ-
-wQiFRNDj7OVbwM59crcm7GTUYU4knTmcwhMyRnK20-
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wFI5vWFcuoP9RTd5VP5PW_b9hlrFOO3WimXo-8IkRYblyr3QxBJjsioH-1eudUxa-
Bega3s7YbMrgJZbEYfXmr97P0DUILRlRzQPUNTaWVOi2p8mNtOHA8mSj0LW6s7_-23fgDIXljm7aw-
O7kR6qeb8g2EhYdniP6ra6sUuOHT5V84ebjOIGAkflsIMsMgy4mw&__tn__=-R>:
> [cid:image001.png@01D64D7F.CD46C180]
>
>

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Wednesday, July 22, 2020 11:09 AM
To: (b) (6), (b)(3) & 410 (c)(2); (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] Fwd: : (b) (5)

Follow Up Flag: Follow up
Flag Status: Flagged

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(b) (5)

Sent from my iPhone

Begin forwarded message:

From: (b) (6)
Date: July 22, 2020 at 10:09:48 AM EDT
To: "M. -Mike- Duncan Robert" (b) (6)
Cc: (b) (6)
Subject: : (b) (5)

(b) (5)









(b) (5)

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Thursday, July 23, 2020 6:52 PM
To: Sigler, Katherine - Washington, DC
Subject: [EXTERNAL] Re: Vote by Mail

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

(b) (5)

Sent from my iPhone

On Jul 23, 2020, at 5:36 PM, Sigler, Katherine - Washington, DC (b) (6), (b)(3) & 410 (c)(2) > wrote:

Hi Governor Duncan,

FYSA (b) (5)

Yesterday the Senate Committee on Rules and Administration held a hearing on 2020 general election preparations. While it was not the focus of the hearing, several Senators and witnesses did discuss the role of the Postal Service in vote by mail and absentee voting. Several Senators mentioned the need to provide funding to the Postal Service in the next COVID legislative package in order to preserve mail delivery for Election mail. One witness, the Director of Elections for St. Louis County, Missouri, said that he has had problems with the Postal Service for the past three and a half years and that he is concerned the Postal Service delivery times will make it difficult for all absentee ballots to be counted (Missouri requires that ballots be received by 7 PM on Election Day). This comment was picked up by the media, and the following article highlights the comment as well as the calls for increased funding in the next COVID package: https://www.rollcall.com/2020/07/22/post-office-concerns-highlighted-at-senate-hearing-on-elections-amid-covid-19/

Post office concerns highlighted at Senate hearing on elections amid COVID-19

Will the postal service deliver ballots on time for votes to be counted in November?

By **Niels Lesniewski**
Posted July 22, 2020 at 3:15pm

"The post office is a very difficult situation for us right now."

AMERICAN OVERSIGHT

That's how Rick Stream, a Republican elections official from St. Louis County in Missouri, responded to a question Wednesday at a Senate Rules and Administration Committee hearing about concerns over mail-in and absentee ballots not getting to election officials on time as the U.S. Postal Service faces funding and logistical challenges.

Stream said that within his jurisdiction, the percentage of absentee voters jumped from about 10 percent seen in normal circumstances to 45 percent in the most recent election, and he expected that figure to increase with legal mail-in voting in November.

"To be honest with you, senator, we have had problems with the post office since I've been in this office, for three-and-a-half years," Stream said in response to a query from Rules Chairman Roy Blunt, R-Mo.

Missouri law requires ballots to be received by 7 p.m. on election night in order to be counted, and the state continues to use a complicated system requiring validation from notaries in many cases.

"The delivery times are less than optimal for sure," Stream said. "We have even proposed having one of our employees work in the post office in our local community of St. Ann, to try to speed up the process, but to no avail."

Wednesday's hearing at the Senate Rules panel, which has jurisdiction over election operations matters, was more broadly about preparations for the November election in the midst of the global COVID-19 pandemic. The status of the Postal Service became a recurring theme.

The hearing came as talks were underway about what to include in the next round of emergency relief, as the pandemic continues to cause havoc on both people's health and the economy.

Concerns about the post office's ability to handle a national election that will largely be conducted by mail because of COVID-19 were bipartisan, despite President Donald Trump's continued criticism of mail-in ballots.

"There was $10 billion in the CARES Act as a loan to the post office. To my knowledge, it has not happened, and yet the post office is facing imminent insolvency," Maine Sen. Angus King said. "Given that there are now nine states that predominantly vote by mail and many others who will see a great deal of additional voting by mail, we have to provide them with the infrastructure that votes by mail can be counted."

King, an independent who caucuses with the Democrats, noted that foreign actors like Russia and China are continuing to try to undermine U.S. elections by sowing doubts about their legitimacy.

AMERICAN OVERSIGHT

"I feel that that's something that we really have to attend to, he said of emergency funding for the Postal Service. "We can't just skirt around the issue of the support for the post office because the president doesn't like their package rates. This is a matter of fundamental access to the ballot box for the people of America."

Blunt responded that he had read about significant issues in primary elections that have taken place during the pandemic, and he suspected there would be litigation in close elections in November.

He cited the issue of ballot envelopes not always being postmarked in states that have ballot postmark deadlines of Election Day or earlier. That has been a particular problem in New York.

"Apparently, the post office often doesn't cancel prepaid postage, so those envelopes had no postmark, but the law required a postmark before a ballot could be counted," Blunt said.

Democrats also renewed calls for additional funding for election operations more broadly, pointing to the $3.6 billion that would be allocated under the House-passed coronavirus relief package known as the HEROES Act.

"The lack of urgency from our Senate Republican leadership, and I know you're trying very hard, Chairman Blunt, to get something done here, but the leadership is not giving us what they really need in providing these desperately needed resources. And that should appall most Americans," Senate Minority Leader Charles E. Schumer said at the hearing.

Both Schumer and Majority Leader Mitch McConnell are former chairmen of the Rules and Administration panel.

The House-passed bill touted by Schumer and Senate Rules ranking Democrat Amy Klobuchar of Minnesota also contained some $25 billion for the postal service, to address shortfalls well beyond election administration.

"We need the funding in this HEROES Act to help people vote," Klobuchar said. "I would rather be putting ballots in a mailbox than people in the hospital. That's a choice we have for so many voters, and that's why you see overwhelming support for getting funding."

Let me know if you have any questions.

Thanks,

Katherine

KATHERINE SIGLER
ACTING SECRETARY OF THE BOARD OF GOVERNORS

AMERICAN OVERSIGHT

UNITED STATES POSTAL SERVICE
(202) 268-2572 OFFICE
(b) (6)

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Saturday, July 25, 2020 12:02 PM
To: Elston, Michael J - Washington, DC
Subject: [EXTERNAL] Re: Board Meeting Agendas

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Mike,
(b) (5)

Mike

Sent from my iPhone

On Jul 25, 2020, at 9:32 AM, Elston, Michael J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

Chairman Duncan,

Please find attached the proposed agendas for next week's meetings, (b) (5)

Many thanks,
Michael

MICHAEL J. ELSTON
SECRETARY OF THE BOARD OF GOVERNORS
UNITED STATES POSTAL SERVICE
(202) 268-4800

<2020-08-06 BOG Closed Session Agenda.-DRAFT v5.docx>
<2020-08-07 BOG Open Session Agenda - DRAFT.docx>

AMERICAN OVERSIGHT

Fwd: Governor Bloom

M. -Mike- Duncan Robert (b) (6)
Thu 7/30/2020 10:38 AM
To: Roman Martinez (b) (6)

Fyi

Sent from my iPhone

Begin forwarded message:

> **From:** "Sigler, Katherine - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
> **Date:** July 30, 2020
> **To:** "M. -Mike- Duncan Robert"(b) (6)
> **Subject: Governor Bloom**
>
> Governor Duncan,
>
> I wanted to inform you of Governor Bloom's schedule:
>
> Governor Bloom will be joining the two calls below:
> 8/5 @ 3:30-5pm USPS – Vote by Mail Briefing
> 8/6 @ 11 00 4 30pm USPS Closed Session Board Meeting
>
> Governor Bloom will not be able to join the below two calls
> 8/6 @ 8:30-10:50am USPS – AFC Meeting
> 8/7 @ 9-10:30am USPS Open Session Board Meeting
>
> I believe that you are aware of this but wanted to be sure that you knew that he does intend to join the Vote by Mail briefing
>
> Thanks,
>
> Katherine
>
> KATHERINE SIGLER
> ACTING SECRETARY OF THE BOARD OF GOVERNORS
> UNITED STATES POSTAL SERVICE
> (202) 268-2572 OFFICE
> (b) (6) MOBILE

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Thursday, July 30, 2020 2:51 PM
To: 'Sigler, Katherine - Washington, DC'
Subject: [EXTERNAL] FW: New Governor Orientation (Aug. 5th)
Attachments: Vote by Mail BOG 8-5-2020.pptx

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Can you send me a calendar invite for this. I want to attend the briefing.

From: Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Sent: Thursday, July 30, 2020 1:43 PM
To: M. -Mike- Duncan Robert (b) (6)
Subject: New Governor Orientation (Aug. 5th)

Chairman Duncan,

(b) (5)
The current version of the draft presentation for the session is attached.

Best regards,

-Tom

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

AMERICAN OVERSIGHT

FW: New Governor Orientation (Aug. 5th)

M. -Mike- Duncan Robert (b) (6)
Thu 7/30/2020 3:05 PM
To: 'Barger/NorthernCrossPartners' (b) (6)

1 attachments (2 MB)
Vote by Mail BOG 8-5-2020.pptx;

fyi

From: Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Sent: Thursday, July 30, 2020 1:43 PM
To: M. -Mike- Duncan Robert (b) (6)
Subject: New Governor Orientation (Aug. 5th)

Chairman Duncan,

As we discussed, there is a session next week during the Governors' Orientation on Election Mail, currently scheduled for August 5 at 3:15 pm. The current version of the draft presentation for the session is attached.

Best regards,

-Tom

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

AMERICAN OVERSIGHT

Fwd: New Governor Orientation (Aug. 5th)

M. -Mike- Duncan Robert (b) (6)
Thu 7/30/2020 5:35 PM
To: (b) (6)

2 attachments (2 MB)
Vote by Mail BOG 8-5-2020.pptx; ATT00001.htm;

Fyi

Sent from my iPhone

Begin forwarded message:

> **From:** "Marshall, Thomas J - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
> **Date:** July 30, 2020 at 1:45:26 PM EDT
> **To:** "M. -Mike- Duncan Robert" (b) (6)
> **Subject: New Governor Orientation (Aug. 5th)**

AMERICAN OVERSIGHT

FW: Election mail - state letters - third batch

M. -Mike- Duncan Robert (b) (6)
Sat 8/1/2020 11:29 AM
To: (b) (6)

2 attachments (2 MB)
2020 07 29 Marshall to Brehm re NY State Election Mail.pdf; 2020 07 29 Marshall to Marshall re NC State Election Mail.pdf;

From: Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Sent: Thursday, July 30, 2020 4:44 PM
To: M. -Mike- Duncan Robert (b) (6)
Cc: DeJoy, Louis - Washington, DC (b) (6), (b)(3) & 410 (c)(2) Elston, Michael J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) Sigler, Katherine - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: Election mail - state letters - third batch

Chairman Duncan,

Attached is the third batch of completed letters to states concerning election-mail timelines.

There are nine states in this batch – New York, Illinois, Texas, Ohio, New Jersey, North Carolina, Massachusetts, Virginia, and West Virginia.

(b) (5)

Please let me know if you have any questions or concerns.

AMERICAN OVERSIGHT

-Tom

Thomas J. Marshall
General Coun el and E ecutive Vice Pre ident
United States Postal Service

AMERICAN OVERSIGHT

THOMAS J. MARSHALL
GENERAL COUNSEL
AND EXECUTIVE VICE PRESIDENT

UNITED STATES POSTAL SERVICE

July 30, 2020

Honorable Robert A. Brehm
Honorable Todd Valentine
Co-Directors, State Board of Elections
40 North Pearl Street, Suite 5
Albany, NY 12207-2729

Dear Mr. Brehm and Mr. Valentine:

Re: Deadlines for Mailing Ballots

With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for requesting and casting ballots by mail. In particular, we wanted to note that, under our reading of New York's election laws, certain deadlines for requesting and casting mail-in ballots may be incongruous with the Postal Service's delivery standards. This mismatch creates a risk that ballots requested near the deadline under state law will not be returned by mail in time to be counted under your laws as we understand them.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

To account for these delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events), the Postal Service strongly recommends adhering to the following timeframe when using the mail to transmit ballots to domestic voters:

- **Ballot requests:** Where voters will both receive and send a ballot by mail, voters should submit their ballot request early enough so that it is received by their election officials at least 15 days before Election Day at a minimum, and preferably long before that time.

- **Mailing blank ballots to voters:** In responding to a ballot request, election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

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FAX: 202-268-6981
THOMAS.J.MARSHALL@USPS.GOV
www.usps.com

AMERICAN OVERSIGHT

- **Mailing completed ballots to election officials:** To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the state's due date. In states that require mail-in ballots to be *both* postmarked by Election Day *and* received by election officials by a specific date that is one week or more after Election Day, voters may generally mail their ballot up until November 3. However, voters who mail in their ballots on Election Day must be aware of the posted collection times on collection boxes and at the Postal Service's retail facilities, and that ballots entered after the last posted collection time on a given day will not be postmarked until the following business day.

Under our reading of your state's election laws, as in effect on July 27, 2020, certain state-law requirements and deadlines appear to be incompatible with the Postal Service's delivery standards and the recommended timeframe noted above. As a result, to the extent that the mail is used to transmit ballots to and from voters, there is a risk that, at least in certain circumstances, ballots may be requested in a manner that is consistent with your election rules and returned promptly, and yet not be returned in time to be counted.

Specifically, it appears that a completed ballot must be postmarked by Election Day and received by election officials 7 days after the election. If that understanding is correct, voters who choose to mail their ballots may do so on or before Tuesday, November 3. However, it further appears that state law generally permits voters to apply by mail for a ballot as late as 7 days before the election. If a voter submits a request at or near the deadline, and the ballot is transmitted to the voter by mail, there is a risk that the voter will not receive the ballot before Election Day or have sufficient time to complete and mail the completed ballot back to election officials in time to satisfy the state's postmarking deadline. That risk is exacerbated by the fact that the law does not appear to impose a specific time period by which election officials must transmit a ballot to the voter in response to a request.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your state's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about whether and when to (1) request a mail-in ballot, and (2) mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: https://about.usps.com/election-mail/politicalelection-mail-coordinators.pdf.

We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Sincerely,

Thomas J. Marshall

AMERICAN OVERSIGHT

THOMAS J. MARSHALL
GENERAL COUNSEL
AND EXECUTIVE VICE PRESIDENT

UNITED STATES
POSTAL SERVICE

July 30, 2020

Honorable Elaine Marshall
North Carolina Secretary of State
P.O. Box 29622
Raleigh, NC 27626-0622

Dear Secretary Marshall:

Re: Deadlines for Mailing Ballots

With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for requesting and casting ballots by mail. In particular, we wanted to note that, under our reading of North Carolina's election laws, certain deadlines for requesting and casting mail-in ballots are incongruous with the Postal Service's delivery standards. This mismatch creates a risk that ballots requested near the deadline under state law will not be returned by mail in time to be counted under your laws as we understand them.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

To account for these delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events), the Postal Service strongly recommends adhering to the following timeframe when using the mail to transmit ballots to domestic voters:

- **Ballot requests:** Where voters will both receive and send a ballot by mail, voters should submit their ballot request early enough so that it is received by their election officials at least 15 days before Election Day at a minimum, and preferably long before that time.

- **Mailing blank ballots to voters:** In responding to a ballot request, election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

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AMERICAN OVERSIGHT

- **Mailing completed ballots to election officials:** To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the state's due date. In states that allow mail-in ballots to be counted if they are *both* postmarked by Election Day *and* received by election officials by a specific date that is less than a week after Election Day, voters should mail their ballots at least one week before they must be received by election officials. So, for example, if state law requires a mail-in ballot to be postmarked by Tuesday, November 3, and received by Friday, November 6, voters should mail their ballot by Friday, October 30, to allow enough time for the ballots to be delivered by November 6. Voters must also be aware of the posted collection times on collection boxes and at the Postal Service's retail facilities and that ballots entered after the last posted collection time on a given day will not be postmarked until the following business day.

Under our reading of your state's election laws, as in effect on July 27, 2020, certain state-law requirements and deadlines appear to be incompatible with the Postal Service's delivery standards and the recommended timeframe noted above. As a result, to the extent that the mail is used to transmit ballots to and from voters, there is a significant risk that, at least in certain circumstances, ballots may be requested in a manner that is consistent with your election rules and returned promptly, and yet not be returned in time to be counted.

Specifically, it appears that a voter may generally request a ballot as late as 7 days before the November general election, and that a completed ballot must be postmarked by Election Day and received by election officials no later than 3 days after the election. If a voter submits a request at or near the ballot-request deadline, and if the requested ballot is transmitted to the voter by mail, there is a risk that the ballot will not reach the voter before Election Day, and accordingly that the voter will not be able to use the ballot to cast his or her vote. That risk is exacerbated by the fact that the law does not appear to impose a time period by which election officials must transmit a ballot to the voter in response to a request. Even if the requested ballot reaches the voter by Election Day, there is a risk that, given the delivery standards for First-Class Mail, a completed ballot postmarked on or close to Election Day will not be delivered in time to meet the state's receipt deadline of November 6. As noted above, voters who choose to mail their ballots should do so no later than Friday, October 30.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your state's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about whether and when to (1) request a mail-in ballot, and (2) mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: https://about.usps.com/election-mail/politicalelection-mail-coordinators.pdf.

AMERICAN OVERSIGHT

We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Sincerely,

Thomas J. Marshall

AMERICAN OVERSIGHT

FW: Election mail - state letters - fourth batch

M. -Mike- Duncan Robert (b) (6)

Sat 8/1/2020 11:28 AM

To: (b) (6)

3 attachments (1 MB)

2020 07 31 Marshall to Watson Re Mississippi State Election Mail.pdf; 2020 07 31 Marshall to Padilla Re California State Election Mail.pdf; 2020 07 31 Marshall to Miller Re District of Columbia Election Mail.pdf;

From: Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Sent: Friday, July 31, 2020 4:05 PM
To: M. -Mike- Duncan Robert (b) (6)
Cc: DeJoy, Louis - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Elston, Michael J - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Sigler, Katherine - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: Election mail - state letters - fourth batch

Chairman Duncan,

The fourth batch of completed letters concerning election-mail timelines has now also been sent.

There are eight jurisdictions in this batch – Maryland, Mississippi, California, Colorado, Utah, Washington, Vermont, and D.C.

(b) (5)



AMERICAN OVERSIGHT

(b) (5)

As always, please let us me know if you have any questions or concerns.

-Tom

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

AMERICAN OVERSIGHT

THOMAS J. MARSHALL
GENERAL COUNSEL
AND EXECUTIVE VICE PRESIDENT

UNITED STATES
POSTAL SERVICE

July 31, 2020

Honorable Micheal Watson
Mississippi Secretary of State
401 Mississippi Street
P.O. Box 136
Jackson, MS 39205-0136

Dear Secretary Watson:

Re: Deadlines for Mailing Ballots

With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for requesting and casting ballots by mail. In particular, we wanted to note that, under our reading of Mississippi's election laws, certain deadlines for requesting and casting mail-in ballots are incongruous with the Postal Service's delivery standards. This mismatch creates a risk that ballots requested near the deadline under state law will not be returned by mail in time to be counted under your laws as we understand them.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

To account for these delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events), the Postal Service strongly recommends adhering to the following timeframe when using the mail to transmit ballots to domestic voters:

- **Ballot requests:** Where voters will both receive and send a ballot by mail, voters should submit their ballot request early enough so that it is received by their election officials at least 15 days before Election Day at a minimum, and preferably long before that time.

- **Mailing blank ballots to voters:** In responding to a ballot request, election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

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- **Mailing completed ballots to election officials:** To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the state's due date. In states that allow mail-in ballots to be counted if they are *both* postmarked by Election Day *and* received by election officials by a specific date that is less than a week after Election Day, voters should mail their ballots at least one week before they must be received by election officials. So, for example, if state law requires a mail-in ballot to be postmarked by Tuesday, November 3, and received by Sunday, November 8, voters should mail their ballot by Saturday, October 31, to allow enough time for the ballots to be delivered by November 8. Voters must also be aware of the posted collection times on collection boxes and at the Postal Service's retail facilities and that ballots entered after the last posted collection time on a given day will not be postmarked until the following business day.

Under our reading of your state's election laws, as in effect on July 27, 2020, certain state-law requirements and deadlines appear to be incompatible with the Postal Service's delivery standards and the recommended timeframe noted above. As a result, to the extent that the mail is used to transmit ballots to and from voters, there is a significant risk that, at least in certain circumstances, ballots may be requested in a manner that is consistent with your election rules and returned promptly, and yet not be returned in time to be counted.

Specifically, it appears that a completed ballot must be postmarked by Election Day and received by election officials no later than 5 days after the election, or Sunday, November 8. Because there is no mail collection or delivery on Sundays, this would effectively mean that a mailed ballot must be delivered to election officials by Saturday, November 7, to be counted. This in turn means that, as noted above, voters who choose to mail their ballots should do so no later than Saturday, October 31. However, it further appears that state law also generally permits voters to apply for a ballot so long as the request is postmarked by Election Day. Assuming that this understanding is correct, there are circumstances in which a requested ballot would not reach the voter before Election Day. Even if a voter submits a request before the ballot-request deadline and the ballot is transmitted to the voter by mail, there is a significant risk that the voter will not have sufficient time to complete the ballot and mail it back to election officials in time for it to arrive by the state's return deadline. Also, please note that, given the delivery standards for First-Class Mail, there is a risk that completed ballots postmarked on or near Election Day may not be delivered in time to meet the state's receipt deadline of November 8. Again, to satisfy that deadline, completed ballots from voters should be in the mail no later than Saturday, October 31.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your state's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about whether and when to (1) request a mail-in ballot, and (2) mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: https://about.usps.com/election-mail/politicalelection-mail-coordinators.pdf.

AMERICAN OVERSIGHT

We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Sincerely,

Thomas J. Marshall

AMERICAN OVERSIGHT

THOMAS J. MARSHALL
GENERAL COUNSEL
AND EXECUTIVE VICE PRESIDENT

UNITED STATES POSTAL SERVICE

July 31, 2020

Honorable Alex Padilla
California Secretary of State
1500 11th Street
Sacramento, CA 95814-5701

Dear Secretary Padilla:

Re: Deadlines for Mailing Ballots

With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for transmitting and casting ballots by mail. Under our reading of California's election laws, the vast majority of your voters should have sufficient time to receive, complete, and return their ballots by the state's deadlines. However, certain deadlines concerning mail-in ballots, particularly with respect to new residents who register to vote shortly before Election Day, appear to be incongruous with the Postal Service's delivery standards. This mismatch creates a significant risk that some ballots will not be returned by mail in time to be counted under your laws as we understand them.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

For states that intend to automatically send blank mail-in ballots to eligible voters, the Postal Service strongly recommends adhering to the following timeline for domestic voters to account for the above delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events):

- **Voter registration:** Whenever possible, voters who intend to cast a ballot using the mail should ensure that their registration information is up-to-date in time to have a blank ballot sent to them in the state's initial scheduled mailing.

- **Mailing blank ballots to voters:** Election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

475 L'ENFANT PLAZA SW
WASHINGTON DC 20260-1100
PHONE: 202-268-5555
FAX: 202-268-6981
THOMAS.J.MARSHALL@USPS.GOV
www.usps.com

AMERICAN OVERSIGHT

- **Mailing completed ballots to election officials:** To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the state's due date. In states that require mail-in ballots to be *both* postmarked by Election Day *and* received by election officials by a specific date that is one week or more after Election Day, voters may generally mail their ballot on or before Election Day. However, voters who mail in their ballots on Election Day must be aware of the posted collection times on collection boxes and at the Postal Service's retail facilities, and that ballots entered after the last posted collection time on a given day will not be postmarked until the following business day.

Under our reading of your state's election laws, as in effect on July 27, 2020, ballots are generally mailed to eligible voters beginning no later than 29 days before Election Day, which should allow sufficient time for voters to receive, complete, and return such ballots by the state's deadline. However, certain state-law requirements and deadlines concerning new residents who register to vote after that initial mailing date appear to be incompatible with the Postal Service's delivery standards and the recommended timeframe noted above. As a result, to the extent that the mail is used to transmit ballots to and from these voters, there is a significant risk that, at least in certain circumstances, ballots may be sent to voters in a manner that is consistent with your election rules and returned promptly, and yet not be returned in time to be counted.

Specifically, it appears that a completed ballot must be postmarked by Election Day and received 17 days after the November general election. If that understanding is correct, voters who choose to mail their ballots may do so on or before Tuesday, November 3. However, it further appears that state law generally permits new residents to register as late as 7 days before the election and that election officials thereafter have 5 days to transmit a ballot to the voter. If a voter registers at or near that deadline, and if the election official transmits the ballot to the voter by mail several days later, there is a significant risk that the ballot will not reach the voter before Election Day, and accordingly that the voter will not be able to use the ballot to cast his or her vote. A similar risk would be present for any other individual who is allowed to register or update their registration information after the state's regular registration deadline.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your state's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about when to update their registration information and whether and when to mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: https://about.usps.com/election-mail/politicalelection-mail-coordinators.pdf.

AMERICAN OVERSIGHT

We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Sincerely,

Thomas J. Marshall

AMERICAN OVERSIGHT

THOMAS J. MARSHALL
GENERAL COUNSEL
AND EXECUTIVE VICE PRESIDENT

UNITED STATES POSTAL SERVICE

July 31, 2020

Honorable Alice Miller
Executive Director
DC Board of Elections & Ethics
1015 Half Street, SE, Suite 750
Washington, DC 20003-4733

Dear Ms. Miller:

Re: Deadlines for Mailing Ballots

With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for transmitting and casting ballots by mail. It is our understanding that the District of Columbia intends to automatically mail ballots to voters ahead of the November 3 general election. However, we were not able to find complete information regarding certain deadlines, and therefore cannot fully assess whether your planned use of the mail aligns with the Postal Service's delivery standards. As you continue to plan for the general election, please keep in mind that any mismatch between your election deadlines and the Postal Service's delivery standards could create a risk that ballots will not be returned by mail in time to be counted.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

For jurisdictions that intend to automatically send blank mail-in ballots to eligible voters, the Postal Service strongly recommends adhering to the following timeline for domestic voters to account for the above delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events):

- **Voter registration:** Whenever possible, voters who intend to cast a ballot using the mail should ensure that their registration information is up-to-date in time to have a blank ballot sent to them in the jurisdiction's initial scheduled mailing, which should occur no later than 15 days before the election.

- **Mailing blank ballots to voters:** Election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to

475 L'ENFANT PLAZA SW
WASHINGTON DC 20260-1100
PHONE: 202-268-5555
FAX: 202-268-6981
THOMAS.J.MARSHALL@USPS.GOV
WWW.USPS.COM

AMERICAN OVERSIGHT

transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

- **Mailing completed ballots to election officials:** To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the jurisdiction's due date. In locations that require mail-in ballots to be *both* postmarked by Election Day *and* received by election officials by a specific date that is one week or more after Election Day, voters may generally mail their ballot on or before Election Day. However, voters who mail in their ballots on Election Day must be aware of the posted collection times on collection boxes and at the Postal Service's retail facilities, and that ballots entered after the last posted collection time on a given day will not be postmarked until the following business day.

Under our reading of the D.C.'s election laws, as in effect on July 27, 2020, it appears that ballots will generally be mailed to eligible voters and that a completed ballot must be postmarked by Election Day and received 7 days after the election. However, we were unable to find additional details about the scheduled mailing times for election officials to send voters a blank ballot. We were also unable to determine whether the last day for voters to register and still receive a ballot by mail would be set using new or existing registration deadlines, or whether another type of request process would be put into place. Without this additional information, we are unable to assess the potential risks with respect to the Postal Service's delivery standards at this time. If you choose to transmit blank ballots to voters by mail, please consider the recommended timeframes above as you continue to plan for the November general election. Adhering to those timeframes will help ensure voters will have sufficient time to complete and mail the completed ballot back to election officials in time for it to arrive by the jurisdiction's return deadline.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your jurisdiction's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about when to register and whether and when to mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: https://about.usps.com/election-mail/politicalelection-mail-coordinators.pdf.

We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Sincerely,

Thomas J. Marshall

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Monday, August 3, 2020 7:18 PM
To: 'Elston, Michael J - Washington, DC'; 'Sigler, Katherine - Washington, DC'
Subject: [EXTERNAL] FW: NPR Interview Request
Attachments: Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

I suspect they are trying all of our board members. (b) (5)

From: M. -Mike- Duncan Robert
Sent: Monday, August 3, 2020 7:15 PM
To: 'Roman Martinez IV' (b) (6)
Subject: RE: NPR Interview Request

Roman,

I received a similar request today from (b) (6) (b) (5)

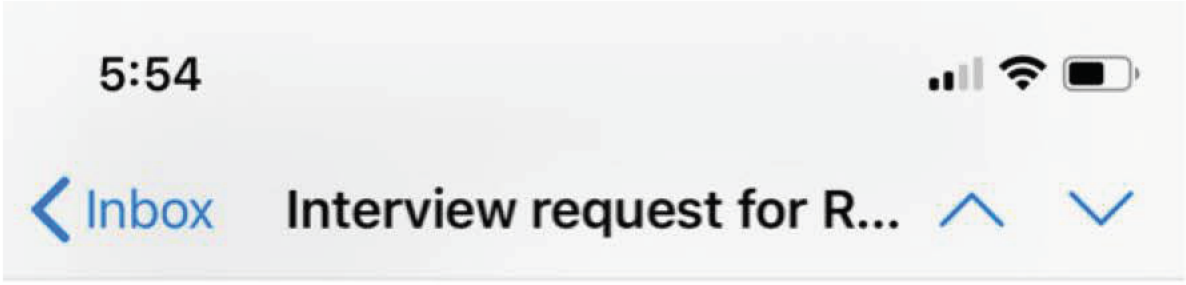
Mike

From: Roman Martinez IV (b) (6)
Sent: Monday, August 3, 2020 6:09 PM
To: M. -Mike- Duncan Robert (b) (6)
Cc: DeJoy, Louis - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: FW: NPR Interview Request

Mike,
My daughter received the email below from an NPR Ass. Editor requesting an interview with me. (b) (5)

I'm copying Louis here.
Look forward to hearing from you.
Best,
Roman

From: (b) (6)
Sent: Monday, August 03, 2020 5:55 PM
To: Roman Martinez IV (b) (6)
Subject: NPR Interview Request



Hi, Mrs. Martinez—I hope you and yours are somewhere safe from Storm Isaias, and your home will be safe, too. Can you please forward my email to Roman Martinez? We would very much like to arrange an interview with him by one of the hosts of either NPR's All Things Considered, Morning Edition or Here and Now about changes at the USPS.

We only need approximately 10 minutes of his time, and he can do it from anywhere you have access to a good clear line, as long as he isn't in a moving vehicle. Between all our shows, we should be able to make a host available almost anytime, any day, which would be most convenient for him. Our shows are carried by over a thousand stations in all 50 states, and has a growing international and digital audience, too.

Please reply so I'll know my email got through to you, and let me know if you are willing to forward this email to him

Thank you very much!

(b) (6)

AMERICAN OVERSIGHT

Sent from my iPhone

AMERICAN OVERSIGHT

Re: [EXTERNAL] Fwd: NPR Interview Request

Non-responsive record

On Aug 3, 2020, at 8:28 PM, M. -Mike- Duncan Robert (b) (6) wrote:

Fyi2

Sent from my iPhone

Begin forwarded message:

Duplicate record

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Monday, August 3, 2020 8:54 PM
To: (b) (6), (b)(3) & 410 (c)(2)
Cc: (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] Fwd: NPR Interview Request
Attachments: Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

(b) (5)

Sent from my iPhone

Begin forwarded message:

From: Roman Martinez IV (b) (6)
Date: August 3, 2020 at 8:19:01 PM EDT
To: "M. -Mike- Duncan Robert" (b) (6)
Subject: Re: NPR Interview Request

Mike,
(b) (5)

Roman

Sent from my iPhone

Duplicate record

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Thursday, August 6, 2020 10:38 AM
To: Sigler, Katherine - Washington, DC
Subject: [EXTERNAL] Re: Election Mail from PMG Open Session Remarks

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Call me

Sent from my iPhone

On Aug 6, 2020, at 10:32 AM, Sigler, Katherine - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

Governor Duncan,

(b) (5)

Please let me know if I can do anything further to support you.

Katherine

KATHERINE SIGLER
ACTING SECRETARY OF THE BOARD OF GOVERNORS
UNITED STATES POSTAL SERVICE
(202) 268-2572 OFFICE
(b) (6) MOBILE

From: Elston, Michael J - Washington, DC
Sent: Thursday, August 6, 2020 10:23 AM
To: Sigler, Katherine - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: Election Mail from PMG Open Session Remarks

(b) (5)

AMERICAN OVERSIGHT

(b) (5)

[redacted]

MICHAEL J. ELSTON
SPECIAL SENIOR ADVISOR TO THE POSTMASTER GENERAL
UNITED STATES POSTAL SERVICE
(202) 268-7432

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Wednesday, August 12, 2020 4:59 PM
To: (b) (6), (b)(3) & 410 (c)(2)
Cc: (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] Fwd: Election Mail Initiative

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

(b) (5) I'll call you tomorrow.

Sent from my iPhone

Begin forwarded message:

> **From:** Roman Martinez IV (b) (6)
> **Date:** August 12, 2020 at 2:52:29 PM EDT
> **To:** "M. -Mike- Duncan Robert" (b) (6)
> **Subject: Election Mail Initiative**
>
> Mike,
> (b) (5)
>
> Best,
> Roman

AMERICAN OVERSIGHT

'Return to sender': US postal service problems affecting voters HoustonChronicle.com

M. -Mike- Duncan Robert (b) (6)

Thu 8/13/2020 2:56 PM

To: John Barger (b) (6)

https://www.houstonchronicle.com/politics/election/article/return-to-sender-us-postal-service-affecting-vote-15474787.php

Sent from my iPhone

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Thursday, August 13, 2020 7:07 PM
To: DeJoy, Louis - Washington, DC
Cc: (b) (6); (b) (6), (b)(3) & 410 (c)(2); Elston, Michael J - Washington, DC
Subject: [EXTERNAL] Media & Election Mail

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Louis,

(b) (5)

Best,
Roman

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Thursday, August 13, 2020 10:18 PM
To: DeJoy, Louis - Washington, DC
Cc: (b) (6); Marshall, Thomas J - Washington, DC; Elston, Michael J - Washington, DC
Subject: [EXTERNAL] Re: Media & Election Mail

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Thanks, Louis. (b) (5)

Sent from my iPhone

On Aug 13, 2020, at 7:39 PM, DeJoy, Louis - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

Thanks Roman-(b) (5)

Duplicate record

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Friday, August 14, 2020 6:46 PM
To: Sigler Katherine
Subject: [EXTERNAL] Fwd: Please don't let the USPS die!

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Sent from my iPhone

Begin forwarded message:

> **From:** (b) (6)
> **Date:** August 14, 2020 at 6:37:28 PM EDT
> **To:** Roman Martinez IV (b) (6)
> **Subject: Please don't let the USPS die!**
>
> Mr. Duncan - as a member of the USPS Board of Directors, I am asking you to stop the destruction of the USPS by Louis DeJoy.
> The Post Office is an important institution in this country for many reasons.
> My husband and I both get vital prescriptions via mail.
> We regularly mail gifts and cards to relatives in other states.
> And, since we are at high risk for COVID-19, we're choosing this year to vote by mail rather than risk our health voting in person.
> The Post Office is mandated in the US Constitution.
> We're asking you to do the right thing.
> Thank you.
> (b) (6)

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Friday, August 14, 2020 6:46 PM
To: Sigler Katherine
Subject: [EXTERNAL] Fwd: USPS automation
Attachments: Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Sent from my iPhone

Begin forwarded message:

From: (b) (6)
Date: August 14, 2020 at 6:30:26 PM EDT
To: Roman Martinez IV (b) (6)
Subject: USPS automation

> Does this look like an efficiency to you? Please let the American people know why the Postmaster General you installed is removing automation. I'm a healthcare supply chain professional RN and I have never seen returning to manual processes be more efficient. Perhaps you have?
>
> Also, as an RN I'm very concerned about Seniors, but especially our veterans having their critical medications and government checks delayed by weeks. This may have been about ballots, but the pain it is creating transcends politics and destroys lives. I don't know DeJoy, I assume you interviewed him and he revealed that he would destroy efficiency by returning USPS to manual processes? Unfortunately, his legacy is going to be deaths from withholding and delaying needed medications. As Cigna Board members (2 of you), you should appreciate that drugs by mail is a satisfier for enrollees, popular with Seniors and always priced lower than a Pharmacy filled prescription. We are in a pandemic with vulnerable people sheltered at home and dependent on the USPS for survival.
>
> Please make an effort to reverse these actions, although I understand DeJoy disposed of all removed automated sorters - he didn't even attempt to sell them as scrap. So the taxpayers will have to pay to replace what he set out in the trash.

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AMERICAN OVERSIGHT
USPS-20-2171-A-002022

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Friday, August 14, 2020 6:48 PM
To: Sigler Katherine
Subject: [EXTERNAL] Fwd: Please help us to vote

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Sent from my iPhone

Begin forwarded message:

From: Rosanne Friedlander (b) (6)
Date: August 14, 2020 at 5:10:31 PM EDT
To: (b) (6) (b) (6)
, (b) (6)
(b) (6)
(b) (6) Roman Martinez IV
(b) (6)
Subject: Please help us to vote

Hi there.

I understand the US Postmaster General reports to a board of directors and that is you. I want to ask/beg you to please make it easier to vote by mail, not harder. I beg of you all to make it clear that people need to be able to vote by mail during this pandemic and you expect all hands on deck to make sure that this can happen everywhere.

Thank you.

Sincerely,
(b) (6) a normal citizen who always has voted by mail and would like to continue to have my vote counted.

What we are looking for is within us.

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Duncan LTE to WPost 8-14-20.docx

M. -Mike- Duncan Robert (b) (6)

Sat 8/15/2020 11:51 AM

To: (b) (6)

2 attachments (14 KB)

Duncan LTE to WPost 8-14-20.docx; ATT00001.txt;

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Saturday, August 15, 2020 5:29 PM
To: Marshall, Thomas J - Washington, DC
Cc: DeJoy, Louis - Washington, DC
Subject: [EXTERNAL] RE: Draft Wash Post letter to the editor

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Thanks, Tom.
(b) (5)

Best,
Roman

From: Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Sent: Saturday, August 15, 2020 4:35 PM
To: Roman Martinez IV (b) (6)
Cc: DeJoy, Louis - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: FW: Draft Wash Post letter to the editor

Governor Martinez,

(b) (5)

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(b) (5)

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Saturday, August 15, 2020 5:35 PM
To: Marshall, Thomas J - Washington, DC
Subject: [EXTERNAL] RE: Article on the NY Election Hearing

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Thanks

From: Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Sent: Saturday, August 15, 2020 4:25 PM
To: Roman Martinez IV (b) (6)
Cc: DeJoy, Louis - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: Article on the NY Election Hearing

Governor Martinez,

As we discussed earlier today, below is the link to the article I mentioned. (b) (5) The link to the article is here, and I also pulled out the postal portions from the article below:

https://www.gothamgazette.com/state/9671-elections-administrators-lay-out-immense-challenges-uncertainty-new-york-2020-general-election

Envelopes missing postmarks was another key reason absentee ballots were thrown out. But the USPS did not testify in person at Tuesday's hearing, held jointly by the elections committees and local governments committees of the Senate and Assembly, leaving a number of unanswered questions about whether postmarking would be a problem in the general election.

"There was consultation [with the USPS] on that," Kellner told lawmakers.

"The postal service guidelines and procedures require postmarking for election materials and the odds of not getting a postmark are just as great if you put a stamp on an envelope as they are by using the pre-paid postage system," he said, referring to reports that the missing postmarks were an error caused by the state's use of pre-paid envelopes.

Ballot Logistics
One of the biggest logistical issues boards of elections face is that law sets the deadline to apply for an absentee ballot at seven days before the election, which leaves very little time to process them and send a ballot, much less have the voter then return the ballot in time to be counted. USPS guidelines released in July

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advise states to leave a 15-day window for election mail, Kellner said. With the anticipation of a high volume of absentee ballot applications, the SBOE is seeking a 15-day deadline to apply before Election Day, which is November 3 this year.

"I think there is agreement that the current timeframe is unrealistic and has led to some of the disenfranchisement that we've seen this year," said SBOE Co-Chair Peter Kosinski.

Michael Ryan, executive director of the New York City Board of Elections, the state's largest election jurisdiction, told lawmakers Tuesday that he agreed with the need to adjust the timeline. "To be clear, the present calendar didn't work under regular circumstances, when we just had the normal number of absentee ballot applications," Ryan said. "Now you have a twelve-fold increase, it becomes an impossibility."

(b) (5)

-Tom

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Sunday, August 16, 2020 11:42 AM
To: (b) (6), (b)(3) & 410 (c)(2); (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] Fwd: Post story on Aug 24th hearing

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

(b) (5)

Sent from my iPhone

Begin forwarded message:

From: (b) (6)
Date: August 16, 2020 at 11:22:47 AM EDT
To: "M. -Mike- Duncan Robert" (b) (6)
Subject: Post story on Aug 24th hearing

Mike -- Here's the Post story that just dropped on you and Louis testifying next Monday. (b) (5)

House accelerates oversight of Postal Service as uproar grows, demanding top testify at 'urgent' hearing

The House Oversight Committee announced a hearing for Aug. 24, inviting Postmaster General Louis DeJoy and Postal Service board of governors Chairman Robert M. Duncan

By **Jacob Bogage** and **Joseph Marks**
August 16, 2020 at 11:00 a.m. EDT

The House Oversight Committee will hold an emergency hearing on mail delays and concerns about potential White House interference in the U.S. Postal Service, inviting Postmaster General Louis DeJoy and Postal Service board of governors Chairman Robert M. Duncan to testify Aug. 24, top Democrats announced on Sunday.

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Democrats have alleged that DeJoy, a former Republican National Committee chairman, is taking steps that are causing dysfunction in the mail system and could wreak havoc in the presidential election. The House had earlier not planned a hearing until September.

"The postmaster general and top Postal Service leadership must answer to the Congress and the American people as to why they are pushing these dangerous new policies that threaten to silence the voices of millions, just months before the election," House Speaker Nancy Pelosi (D-Calif.), House Oversight Chair Carolyn B. Maloney (D-N.Y.), Senate Minority Leader Charles E. Schumer (D-N.Y.) and Sen. Gary Peters (D-Mich) said in a statement announcing the hearing.

The Postal Service is beset with delays because of policy changes implemented by DeJoy, a former logistics executive and ally of President Trump. DeJoy banned postal workers from making extra trips to ensure on-time mail delivery and cracked down on overtime hours. Localities across the country have struggled with USPS backlogs of up to a week, hamstringing local businesses and delaying the arrival of crucial mail items, including prescription medications, Social Security checks and bills.

The Postal Service is in the process of removing 671 high-speed mail-sorting machines nationwide this month, a process that will eliminate 21.4 million items per hour worth of processing capability from the agency's inventory.

On Thursday and Friday, it began removing public collection boxes in parts of California, New York, Pennsylvania, Oregon and Montana. The agency said Friday that it would stop mailbox removals, which it said were routine, until after the election.

And White House Chief of Staff Mark Meadows said on CNN's "State of the Union" on Sunday that it would also halt sorting-machine removals.

Meadows also said the White House is open to Congress passing a stand-alone measure to ensure the U.S. Postal Service is adequately funded to manage a surge in mail voting in November, White House chief of staff Mark Meadows said.

"The president of the United States is not going to interfere with anybody casting their votes in a legitimate way whether it's the Post Office or anything else," he said.

Both statements would appear to step back from the president's comments Thursday when he said he opposed Postal Service funding because he wanted to restrict expanding voting by mail.

Meadows insisted the president is only opposed to states sending ballots directly to all registered voters — not to a more common practice in which states send mail ballots only to registered voters who request them. Trump, however, attacked all forms of mail voting for months before recently dialing back his criticism in particular states, including Florida, where he voted by mail himself this year.

"The president doesn't have a problem with anybody voting by mail if you would look at it in terms of a no-excuse absentee ballot," Meadows said. "What he opposes is universal mail-in ballots."

There are five states that voted nearly entirely by mail before the pandemic and four more that have announced plans to do so since the pandemic hit. Meadows suggested more states will attempt to shift to sending ballots directly to all registered voters between now and the election.

"This is more about states trying to re-create how they get their ballots and they're trying to do it on a compressed timeline that won't work," he said.

Calls had grown in recent days from within the Democratic caucus for House Speaker Nancy Pelosi (Calif,) and Oversight Committee Chair Carolyn B. Maloney (N.Y.) to get more aggressive on postal oversight.

The committee invited DeJoy to an earlier hearing Aug. 7, but he declined to appear, citing a conflict with the Postal Service's quarterly board of governors meeting, according to committee staff.

The committee last month scheduled a meeting with DeJoy on Sept. 17, but Democrats began privately voicing displeasure last week to leadership that as the postmaster general continued making changes in mail delivery, that the Chamber would not have an opportunity to cross-examine him for another month.

That led Pelosi on Saturday to float calling the House back into session to take up postal legislation. The House is not set to return until after Labor Day. The committee can conduct the hearing without Pelosi calling members back to work.

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Sunday, August 16, 2020 3:28 PM
To: (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] Fwd: We need to talk, but not for the record

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Mike,

(b) (5)

Mike

Sent from my iPhone

Begin forwarded message:

> **From:** (b) (6)
> **Date:** August 16, 2020 at 12:41:04 PM EDT
> **To:** "M. -Mike- Duncan Robert" (b) (6)
> **Subject: RE: We need to talk, but not for the record**
>
> Mike:
> Regarding the example I cited: From reading the original Vice story, I understand that the sorting machines only handle letters and wouldn't handle absentee ballots (at least the sort of envelopes we use here), but it still leaves questions about system capacity. I have to make some sense of all this for rural America, and it's not easy; on TV we get more heat than light (see my tweet about Jake Tapper's interview with Mark Meadows) and there's been no comprehensive look by top-notch talent at the major papers. So I hope we can talk soon.
> (b) (6

From: (b) (6)
Sent: Saturday, August 15, 2020 2:01 PM
To: (b) (6)
Subject: We need to talk, but not for the record

Let's set up a call. I need to understand, as part of my job, whats going on. Just one example:

"Bentley said that even though total mail volume is currently down, he didn't understand why the machines were being removed rather than simply turned off and kept in place in case they are needed in the fall, when the Postal Service expects volume to increase with mail-in ballots, campaign materials and other mail."

AMERICAN OVERSIGHT

(b) (6)

https://www.cnn.com/2020/08/13/politics/postal-service-sorting-machines/index.html

Postal Service removes some mail-sorting machines, sparking concerns ahead of election

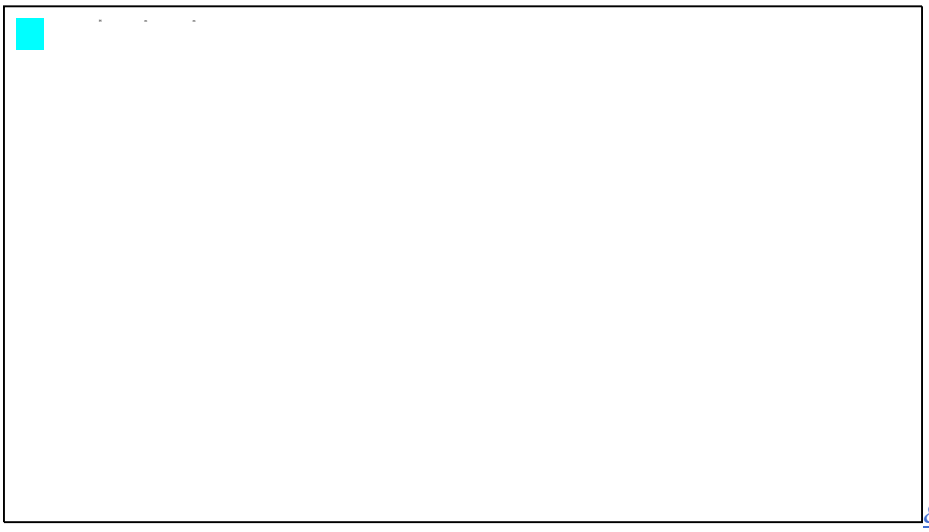
(CNN) — The US Postal Service plans to remove hundreds of high-volume mail-processing machines from facilities across the country, leading some postal workers to fear they may have less capacity to process mail during election season.

Documents obtained by CNN indicate 671 machines used to organize letters or other pieces of mail are slated for "reduction" in dozens of cities this year. The agency started removing machines in June, according to postal workers.

While the reductions come amid decreased mail volume this year and are described by some postal officials as making the service more cost-effective, the effort overlaps with other actions implemented by the Postal Service that workers have blamed for delivery delays. The new procedures were described in a July memo and include staff hours being cut.
The news was earlier reported by Vice.

The removals are also occurring as President Donald Trump has relentlessly attacked voting by mail, falsely claiming that the practice leads to mass fraud. Amid the pandemic, a record number of voters are expected to cast their ballots by mail this fall. Trump said Thursday that he opposes additional funding for the Postal Service because he doesn't want to see it used for mail-in voting this November, though he later said at a news conference that he would not veto a bill that included the funding.

AMERICAN OVERSIGHT



<img alt="A whistleblower holding an envelope." class="media__image" src="https://cdn.cnn.com/cnnnext/dam/assets/180803181019-cnn-investigates-tips-card-large-169.jpg">

The Postal Service said in a statement that it "routinely moves equipment around its network as necessary to match changing mail and package volumes. Package volume is up, but mail volume continues to decline. Adapting our processing infrastructure to the current volumes will ensure more efficient, cost effective operations and better service for our customers."

But the Postal Service's own document calls the move a "reduction" of equipment. Postal workers in various locations said machines have been dismantled and that it wasn't immediately clear what the agency was doing with the parts.

Some of these machines have the capacity to sort up to 30,000 mail items and take only two Postal Service workers to run, according two machine technicians CNN spoke with.

They estimate it would take about 30 employees over their entire shifts -- they have to have scheme training to do the work -- to do that amount of work by hand.

The reduction effort has prompted questions and concerns among some postal union leaders.

A letter sent Wednesday from the National Postal Mail Handlers Union to the Postal Service headquarters asked, "Why are these machines being removed?" and "What is the anticipated staffing impacts in the facilities that are losing equipment?" The letter also asked if it's true that all equipment planned for removal has not been used since early May.

Chris Bentley, president of the National Postal Mail Handlers Union Local 297, which covers Kansas and part of Missouri, told CNN that postal management has already taken

AMERICAN OVERSIGHT

out four machines in Kansas City, two machines in Springfield, Missouri, and one machine in Wichita, Kansas.

Bentley said that even though total mail volume is currently down, he didn't understand why the machines were being removed rather than simply turned off and kept in place in case they are needed in the fall, when the Postal Service expects volume to increase with mail-in ballots, campaign materials and other mail.

"The comparison would be that if you have a room in your house that you are not using much anymore, you might turn the light switch off to that room, but you wouldn't call an electrician and have all the wiring removed from that room," he said.

Lamont Brooks, director of the clerks division of the American Postal Workers Union, said the Postal Service hadn't informed the union it was removing machines until the union asked about the issue in June, when it started getting calls from mail clerks about the dismantling of machines.

He echoed concerns about potential delays for mail-in ballots.

"There's no way it's not going to be a problem [for] Election Day," Brooks said.

Still, Paul Hogrogian, national president for the National Postal Mail Handlers Union, said he does not expect the dismantling of processing equipment to have a widespread impact on mail delivery time across the country, including in election season.

"A lot of the machines they are taking out ... a lot of them haven't been used in a while anyways," he said.

But he said it may be too early to tell if the Postal Service is taking out too many and that he has heard that plans to remove a few dozen of the machines are on hold.

"Maybe they are jumping the gun. Maybe they are not," he said.

While Postmaster General Louis DeJoy, a Trump loyalist, began his job in June, Hogrogian said he understands that plans to reduce equipment were in place before DeJoy started.

Last Thursday, the Postal Service told Democratic senators in a letter that the service is working to maximize the efficiency of processing and sorting equipment. "In some instances, we may be able to shift or remove equipment as appropriate," the letter said. It

AMERICAN OVERSIGHT

came in response to questions raised during a meeting of DeJoy, House Speaker Nancy Pelosi and Senate Minority Leader Chuck Schumer.
Democratic lawmakers last week called on the Postal Service inspector general to investigate operational changes at the agency.

Keith Combs, an American Postal Workers Union local president for the Detroit district, said that not only does the machine removal slow down the operation, but it also makes it a lot more difficult to keep the mail-sorting operation going There's a smaller pool of secondary machines available if another machine breaks down.

Combs said four machines have been removed in his area, and the remaining machines need to be reprogrammed to run more routes, which also increases the time it takes to process and sort the mail.

As a result, Combs says, workers are being told they need to stop running the mail-sorting machines at a certain time -- to stop any overtime accrual.

Combs has received reports from his union members that they're being told to not worry about delayed mail and to "let the mail wait to another day."

A Postal Service spokesperson did not specifically respond to a question about that allegation but repeated the agency's commitment to fulfill its role in the election process.

That also occurred in Maine, according to American Postal Workers Union Local 458 President Scott Adams. Sorted mail was 10 minutes late to the mail trucks, according to Adams, and was left because of new Postal Service protocols to not hold trucks for late mail.

While most of these delays center on second- and third-class, or bulk, mail, union members have told Combs this has, at times, included first-class mail.

"The Postal Service must complete the mission," he says. "Every piece of mail must go."

This story has been updated to note that Vice previously reported the story.

Sent from my iPhone

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Sunday, August 16, 2020 5:38 PM
To: (b) (6), (b)(3) & 410 (c)(2); John Barger; William Zollars; Donald Moak; Roman Martinez; Ron Bloom
Cc: (b) (6), (b)(3) & 410 (c)(2); (b) (6), (b)(3) & 410 (c)(2); (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] Fwd: WSJ editorial - The Postal Service's Good Election Advice

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Sent from my iPhone

Begin forwarded message:

From: (b) (6)
Date: August 16, 2020 at 5:28:34 PM EDT
To: "M. -Mike- Duncan Robert" (b) (6)
Subject: FW: WSJ editorial - The Postal Service's Good Election Advice

This is going to be the lead editorial in the WSJ tomorrow.

https://www.wsj.com/articles/the-postal-services-good-election-advice-11597606836

The Postal Service's Good Election Advice

This isn't sabotage. It's an attempt to avoid state election failure.

By The Editorial Board
Aug. 16, 2020 3:40 pm ET

News broke Friday that the U.S. Postal Service has warned dozens of states, via letters from USPS General Counsel Thomas Marshall, that their deadlines "for requesting and casting mail-in ballots are incongruous with the Postal Service's delivery standards." On

AMERICAN OVERSIGHT

cue, Democrats and the press portrayed this as evidence of Trumpian sabotage and voter suppression.

In reality, it's closer to the opposite: an attempt by the USPS to forestall state election failure. The letters were planned before the new Postmaster General, Louis DeJoy, took the reins on June 15. Mr. Marshall sent nearly identical advice to election officials in a May letter posted at USPS.com. Strange public conspiracy.

"To account for delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events), voters should mail their return ballots at least 1 week prior to the due date," Mr. Marshall wrote in May. The same rule, he added, should apply to blank ballots: "The Postal Service also recommends that state or local election officials use First Class Mail and allow 1 week for delivery to voters."

These guidelines are worth reiterating, given how states have bungled their recent primary elections. New York voters can request an absentee ballot using a mail application, which is valid if postmarked a week before Election Day. As a result of this lax deadline, plus a deluge of applications, roughly 30,000 ballots weren't mailed to voters until June 22, a day before the primary election.

That seven-day deadline "is unrealistic," Douglas Kellner, co-chair of the New York State Board of Elections, testified in court last month. The state board has argued for moving it back to 14 days, in line with the USPS suggestion of allowing seven days for delivery each way. Is Mr. Kellner complicit in postal sabotage?

Some states have even shorter deadlines. "Requests to have an absent voter ballot mailed to you must be received by your clerk no later than 5 p.m. the Friday before the election," says Michigan's Secretary of State. That's a mere four days (including a Sunday) before the voting. If a Michigander files a request on Oct. 30, how realistic is it to expect that the ballot can be processed, mailed, voted and return mailed—all by Nov. 3?

The USPS understandably does not want to be set up for failure, which is evident in the laconic comment of its spokeswoman. "The Postal Service," she said Friday, "is asking election officials and voters to realistically consider how the mail works."

President Trump isn't helping Mr. DeJoy with his contradictory claims that mail voting will be "rigged," even as he says the USPS needs more money to execute it. But Democrats are as culpable for spinning post-office conspiracies without evidence. Barack

AMERICAN OVERSIGHT

Obama fed the political misinformation feedback loop on a podcast Friday by saying President Trump is trying to "actively kneecap the Postal Service." On Saturday morning, protesters followed the former President's lead and banged pots and pans outside Mr. DeJoy's Washington, D.C., condo.

The people who really need a wake-up call are election officials in states like Michigan and New York, and the media are giving them a pass.

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Sunday, August 16, 2020 6:03 PM
To: Duncan Robert; (b) (6), (b)(3) & 410 (c)(2); Barger John; (b) (6); Moak Lee; Bill Zollars
Cc: Marshall Thomas; Elston Michael
Subject: [EXTERNAL] Fwd: support Louis DeJoy, Postmaster General

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Interesting. See below...

Sent from my iPhone

Begin forwarded message:

From: (b) (6)
Date: August 16, 2020 at 5:37:08 PM EDT
To: Roman Martinez IV (b) (6), (b) (6)
(b) (6)
Subject: Fw: support Louis DeJoy, Postmaster General

I am (b) (6), a 74 year old retired police officer, and support Postmaster General Louis DeJoy

In my opinion 2016 raised the question of voter fraud and mail in voting would only greatly increase the probably of voter fraud.

I received your e-mail information from a friend, who is very liberal, who distributed your email and phone number on a facebook page.

My friend distributed your information on the advise of retired Harvard Lawyer who encouraged a restless barrage of calls and e-mails to get your attention. Further, that board members hate having their phone mailboxes fill up with messages, hate being inundated with emails and letters, and hate being picketed at work, if someone decided to start a demonstration.

AMERICAN OVERSIGHT

Re: [EXTERNAL] Fwd: WSJ: Editorial: The Postal Service's Good Election Advice

M. -Mike- Duncan Robert (b) (6)

Sun 8/16/2020 10:20 PM

To: (b) (6)

Thanks

Sent from my iPhone

> On Aug 16, 2020, at 10:07 PM, (b) (6) wrote:
>
> (b) (5)
>
> > On Aug 16, 2020, at 9:57 PM, M. -Mike- Duncan Robert (b) (6) wrote:
> >
> > (b) (5)
> >
> > Sent from my iPhone
> >
> > > On Aug 16, 2020, at 9:56 PM, (b) (6) > wrote:
> > >
> > > Thanks. (b) (5)
> > >
> > > > On Aug 16, 2020, at 9:32 PM, M. -Mike- Duncan Robert (b) (6) wrote:
> > > >
> > > > Fyi
> > > >
> > > > Sent from my iPhone
> > > >
> > > > Begin forwarded message:

AMERICAN OVERSIGHT

From: (b) (6)
Date: August 16, 2020 at 9:29:14 PM EDT
To: "M. -Mike- Duncan Robert"
(b) (6)
Subject: WSJ: Editorial: The Postal Service's Good Election Advice

MIKE. (b) (5)

From: (b) (6)
(b) (6)
Date: August 16, 2020 at 9:25:06 PM EDT
To:
(b) (6), (b)(3) & 410 (c)(2)
Subject: WSJ: Editorial: The Postal Service's Good Election Advice

TOM. (b) (5)

The Postal Service's Good Election Advice
Wall Street Journal Editorial Board
August 16, 2020 – 3:40 PM
https://www.wsj.com/articles/the-postal-services-good-election-advice-11597606836?

AMERICAN OVERSIGHT

mod=opinion_lead_po_1

This isn't sabotage. It's an attempt to avoid state election failure.

News broke Friday that the U S Po tal Service has warned dozens of states, via letters from USPS General Counsel Thomas Marshall, that their deadlines "for reque ting and casting mail-in ballots are incongruous with the Po tal Service' delivery standards." On cue, Democrats and the press portrayed thi a evidence of Trumpian sabotage and voter uppre ion

In reality, it's closer to the opposite: an attempt by the USPS to forestall state election failure. The letters were planned before the new Postmaster General, Louis DeJoy, took the reins on June 15. Mr. Marshall sent nearly identical advice to election officials in a May letter posted at USPS.com. Strange public con piracy

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"To account for delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events), voters should mail their return ballots at least 1 week prior to the due date," Mr. Marshall wrote in May. The same rule, he added, should apply to blank ballots: "The Postal Service also recommends that state or local election officials use FirstClass Mail and allow 1 week for delivery to voters."

These guidelines are worth reiterating, given how states have bungled their recent primary elections. New York voters can request an absentee ballot using a mail application, which is valid if postmarked a week before Election Day. As a result of this lax deadline, plus a deluge of applications, roughly 30,000 ballots weren't mailed to voters until June 22, a day before the primary election.

That seven-day deadline "is unrealistic,"

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Douglas Kellner, co-chair of the New York State Board of Elections, testified in court last month. The state board has argued for moving it back to 14 days, in line with the USPS suggestion of allowing seven days for delivery each way. Is Mr. Kellner complicit in postal sabotage?

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AMERICAN OVERSIGHT

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President Trump i n't helping Mr DeJoy with his contradictory claims that mail voting will be "rigged," even a he says the USPS needs more money to execute it. But Democrat are a culpable for spinning post-office conspiracies without evidence Barack Obama fed the political misinformation feedback loop on a podcast Friday by saying President Trump is trying to "actively kneecap the Postal Service." On Saturday morning, protesters followed the former President's lead and banged pots and pans outside Mr DeJoy' Washington, D.C., condo.

The people who really need a wake-up call are election officials in states like Michigan and New York, and the media are giving them a pass.

Disclaimer: The Republican National

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Committee provided the above article as a service to its employees and other selected individuals Any opinions expressed therein are those of the article's author and do not necessarily reflect the views and opinions of the RNC.

To Unsubscribe Email WARROOM-signoff-request@L.GOP.COM

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FW: DRAFT PMG Statement

M. -Mike- Duncan Robert (b) (6)
Mon 8/17/2020 9:37 PM
To: (b) (6)

1 attachments (21 KB)
08172020Statement v.4.docx;

From: Elston, Michael J - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Sent: Monday, August 17, 2020 7:30 PM
To: M. -Mike- Duncan Robert (b) (6) >; Roman Martinez IV (b) (6)
(b) (6) ; John Barger (b) (6)
(b) (6) ; Lee Moak (b) (6) ; Bloom, Ron (b) (6)
Cc: Sigler, Katherine - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: DRAFT PMG Statement

Governors,

Please find attached for your review during this meeting a draft statement of the PMG.

Michael

MICHAEL J. ELSTON
SECRETARY OF THE BOARD OF GOVERNORS
UNITED STATES POSTAL SERVICE
(202) 268-4800

AMERICAN OVERSIGHT

Fwd: Representative Lieu (D-CA) Press Release: Call for FBI to Investigate Possible Crimes by PMG or BOG

M Mike Duncan Robert (b) (6)
Mon 8/17/2020 1 07 PM
To: (b) (6)

Sent from my iPhone

Begin forwarded message:

From " igler Katherine Washington DC" (b) (6), (b)(3) & 410 (c)(2)
Date August 17 2020 at 12 40 46 PM EDT
To: "M Mike Duncan Robert" (b) (6)
Subject FW Representative Lieu (D CA) Press Release Call for FBI to Investigate Possible Crimes by PMG or BOG

Governor Duncan,

(b) (5) FYSA.

Katherine

KATHERINE SIGLER
ACTING SECRETARY OF THE BOARD OF GOVERNORS
UNITED STATES POSTAL SERVICE
(202) 268-2572 OFFICE
(b) (6) MOBILE

From Goldste n Noah M Wash ngton DC
Sent Monday August 17 2020 12 32 PM
To GOV RELATIONS POL CY (b)(3) & 410 (c)(2) GOV RELAT ONS MANAGERS (b)(3) & 410 (c)(2)
Cc Selde Jenn fer L Wash ng DC (b) (6) (b)(3) & 410 (c)(2) Brownlie Carol ne R Wash ngton DC (b) (6), (b)(3) & 410 (c)(2)
Subject Representative L eu (D CA) Press Release Call for FBI to Investigate Poss ble Cr mes by PMG or BOG

An FYI

Representative Ted L eu (D CA) ssued a press release to note that he and Representative Hakeem Jeffr es (D NY) sent a letter to FBI D rector Chr stopher Wray urg ng h m to evaluate whether Postmaster General Lou s DeJoy or Members of the Board of Governors of the U S Postal Serv ce comm tted any cr mes n l ght of nationw de delays and ssues w th the Un ted States Postal Serv ce

REPS LIEU AND JEFFRIES URGE FBI INVESTIGATION INTO POSTAL SERVICE DELAYS

AMERICAN OVERSIGHT



August 17, 2020
Press Release

WASHINGTON - Today, Congressman Ted W. Lieu (D-Los Angeles County) and Congressman Hakeem Jeffries (D-NY) urged the FBI to evaluate whether Postmaster General Louis DeJoy, or Members of the Board of Governors of the U.S. Postal Service, committed any crimes in light of nationwide delays and issues with the United States Post Office. The letter comes after multiple media reports have shown that actions by Postmaster DeJoy and the Board of Governors have slowed mail delivery, and following the President's expressed dismay that funding USPS will expand voting by mail.

In the letter, he Members write

Dear Director Wray,

The House Judiciary Subcommittee on Crime, Terrorism and Homeland Security has oversight over the federal criminal code and the Federal Bureau of Investigation (FBI) As Members of the Committee, we request the FBI to look into whether Postmaster General Louis DeJoy, or Members of the Board of Governors of the U S Postal Service, committed any crimes Multiple media investigations show that Postmaster DeJoy and the Board of Governors have retarded the passage of mail If their intent in doing so was to affect mail in balloting or was motivated by personal financial reasons, then they likely committed crimes

18 U S C § 1701 states "Whoever knowingly and willfully obstructs or retards the passage of the mail, or any carrier or conveyance carrying the mail, shall be fined under this title or imprisoned not more than six months, or both "

18 U S C § 595 states "Whoever, being a person employed in any administrative position by the United States, or by any department or agency thereof in connection with any activity which is financed in whole or in part by loans or grants made by the United States, or any department or agency thereof, uses his official authority for the purpose of interfering with, or affecting, the nomination or the election of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, shall be fined under this title or imprisoned not more than one year, or both

There is overwhelming evidence that Postmaster General DeJoy and the Board of Governors have hindered the passage of mail At least 19 mail sorting machines, which can process 35,000 pieces of mail per hour, have been dismantled and over 671 are slated for reductions later this year Postmaster DeJoy and the Board of Governors have also instituted "sweeping organizational and policy" changes that "have already delayed mail delivery by as much as a week in some places " As a result, the U S Postal Service warned 46 states that voters could be disenfranchised by delayed mail in ballots If Postmaster General DeJoy and/or the Board of Governors took these actions "for the purpose of interfering with, or affecting, the nomination or the election of any candidate" then they violated both 18 U S C §595 and 18 U S C § 1701 Indeed, there is evidence that making mail in balloting more difficult may be one of the motivations for the changes instituted at the Post Office

For several years, the President has repeatedly attacked the legitimacy of mail in voting Recently, he stated "if we don't make a deal, that means they don't get the money" and "that means they can't have universal mail in voting; they just can't have it " The Chairman of the Board of Governors and multiple other members were appointed by Donald Trump Postmaster General DeJoy donated over $1 2 million to the Trump Victory Fund; hosted Trump for a fundraiser at his home; has no experience as a letter carrier or postal supervisor; and at the time of his appointment was overseeing fundraising for the Republican National Convention The Postmaster General has also reportedly met with the President and top GOP officials It is not unreasonable to conclude that Postmaster General DeJoy and the Board of Governors may be executing Donald Trump's desire to affect mail in balloting

There is also evidence that the Postmaster General has a financial stake in multiple financial entities that are either competitors to or contractors for the Post Office Postmaster General DeJoy owns $30 million in XPO Logistics, a contractor to the Postal Service On June 24, 2020, Postmaster General DeJoy also purchased $50,000 to $100,000 in Amazon stock options, which expire in October, that allow him to buy Amazon stock at a price of $1,960 The price of Amazon stock as of August 14, 2020, was $3,148 per share If the changes instituted at the Post Office by the Postmaster General affect positively the value of Amazon or XPO logistics, then DeJoy would receive a financial benefit If Postmaster

AMERICAN OVERSIGHT

General DeJoy instituted these sweeping changes at the Post Office that "obstructs or retards the passage of the mail" for his own personal financial benefit, then that would be a violation of 18 U.S.C. § 1701.

Postmaster General DeJoy and the Board of Governors have already taken action to delay the passage of mail. Unless these actions are reversed, these changes will affect the elections this November in at least 46 states. Those actions may be violations of 18 U.S.C. § 1701 and § 595, and there is already significant factual predicate established in the multiple media reports to warrant an investigation by the FBI of Postmaster General DeJoy and the Board of Governors. We therefore urgently request that you open such an investigation.

Thank you for your full and fair consideration.

Sincerely,

Noah Goldstein
Legislative Research Analyst
Government Relations and Public Policy
United States Postal Service
202-268-5869

AMERICAN OVERSIGHT

Fwd: Letter to USPS Board of Governors

M. -Mike- Duncan Robert (b) (6)
Mon 8/17/2020 10:34 AM
To: (b) (6)

2 attachments (519 KB)
2020.08.17 Letter to Postal Board of Governors re Postal Reorganization ....pdf; ATT00001.htm;

Sent from my iPhone

Begin forwarded message:

From: "Sigler, Katherine - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Date: August 17, 2020 at 9:54:58 AM EDT
To: "M. -Mike- Duncan Robert" (b) (6)
Subject: Letter to USPS Board of Governors

Chairman,

I am send this letter, that the Board office received from Senator's Warren, Schumer, Peters, Sanders, Wyden, Smith, and Klobuchar this morning, (b) (5)

Thanks,

Katherine

KATHERINE SIGLER
ACTING SECRETARY OF THE BOARD OF GOVERNORS
UNITED STATES POSTAL SERVICE
(202) 268-2572 OFFICE
(b) (6) MOBILE

AMERICAN OVERSIGHT

United States Senate
WASHINGTON, DC 20510

August 17, 2020

The Honorable Robert M. Duncan, Chairman
The Honorable Jon M. Barger, Member
The Honorable Ron A. Bloom, Member
The Honorable Roman Martinez IV, Member
The Honorable Donald L. Moak, Member
The Honorable William D. Zollars, Member
United States Postal Service Board of Governors
U.S. Postal Service
475 L'Enfant Plaza West, S.W.
Washington, DC 20260

Dear Mr. Chairman and Members of the Postal Service Board of Governors:

We are writing to ask that you act immediately, consistent with your responsibility to "represent the public interest"[1] and your authority under the *Postal Reorganization Act of 1970*,[2] to reverse changes to postal service operations that have been put in place by Postmaster General Louis DeJoy. Mr. DeJoy appears to be engaged in a partisan effort, with the support of President Trump, to delay and degrade mail service and undermine the mission of the United States Postal Service. You have the responsibility to reverse those changes and the authority to do so.

The Board selected Mr. DeJoy to serve as Postmaster General on May 6, 2020, noting his "desire to … preserv[e] and protect[] this essential institution."[3] His time in office has belied this statement, however, as he has rapidly taken numerous actions that threaten the service and integrity of the Postal Service. Mr. DeJoy's short tenure has endangered millions of Americans who rely on the Postal Service to keep in touch with their friends and family, obtain prescription drugs and other daily needs, and access their Social Security, Veterans Affairs, and other benefits.[4] And his efforts threaten the ability of Americans to vote in the 2020 elections.

Within days of his appointment, Mr. DeJoy made several fundamental changes to Postal Service operations, cutting back hours at some Postal Service offices, denying overtime to mail clerks and carriers, and requiring that carriers leave mail "behind or on the workroom floor or docks."[5] Just within the last several weeks, Mr. DeJoy displaced "the two top executives overseeing day-

[1] P.L.109-435 § 501(a)(1), https://www.21cpw.com/wp-content/uploads/2015/05/Postal-Reorganization-Act-1970.pdf.
[2] P.L. 91-375 § 202(c).
[3] U.S. Postal Service Board of Governors, "Board of Governors Announces Selection of Louis DeJoy to Serve as Nation's 75th Postmaster General," May 6, 2020, https://about.usps.com/newsroom/national-releases/2020/0506-bog-announces-selection-of-louis-dejoy-to-serve-as-nations-75th-postmaster-general.htm.
[4] See, e.g., Wall Street Journal, "Mail-Order Drug Delivery Rises During Coronavirus Lockdown," May 12, 2020, https://www.wsj.com/articles/mail-order-drug-delivery-rises-during-coronavirus-lockdowns-11589281203;
[5] New York Times, "Mail Delays Fuel Concern Trump is Undercutting Postal System Ahead of Voting," Michael D. Shear, Hailey Fuchs, and Kenneth P. Vogel, July 31, 2020, https://www nytimes.com/2020/07/31/us/politics/trump-usps-mail-delays.html.

AMERICAN OVERSIGHT

to-day operations" at the Postal Service;[6] and reports indicated that the Postal Service is decommissioning 10% of its mail sorting machines[7] and dozens of mailboxes,[8] with no valid explanation. These changes have already delayed mail delivery "by as much as a week," and simultaneously the Postal Service has warned 46 states and the District of Columbia that it "cannot guarantee all ballots cast by mail for the November election will arrive in time to be counted."[9]

These actions by Mr. DeJoy directly undermine the mission of the Postal Service, which is to "be operated as a basic and fundamental service provided to the people by the Government of the United States," with "the obligation to provide postal services to bind the Nation together through the personal, educational, literary, and business correspondence of the people," and to "provide prompt, reliable, and efficient services to patrons in all areas."[10]

You have the authority and responsibility to act. The Board – not Mr. DeJoy alone – "directs the exercise of the powers of the Postal Service, directs and controls its expenditures, reviews its practices, conducts long-range planning, approves officer compensation and sets policies on all postal matters."[11] It also "takes up matters such as service standards and capital investments."[12]. The Board is designed so as not to be a partisan body. Federal law specifically restricts the number of Governors belonging to any one political party and requires that Governors must be "chosen solely on the basis of their experience" in fields relevant to Postal Service administration.[13] While members are appointed by the President, the duty of Governors is to "represent the public interest generally."[14]

It is critical that you act immediately to address efforts by President Trump and Mr. DeJoy to sabotage the Postal Service. You should immediately, using authorities granted under your bylaws to revoke powers given to the Postmaster General[15] and make decisions on "[a]ll …

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[6] Washington Post, "Postal Service overhauls leadership as Democrats press for investigation of mail delays," August 7, 2020, https://www.washingtonpost.com/business/2020/08/07/postal-service-investigation-dejoy/.
[7] Motherboard, "The Post Office is Deactivating Mail Sorting Machines Ahead of the Election," August 13, 2020, https://www.vice.com/en_us/article/n7wk9z/the-post-office-is-deactivating-mail-sorting-machines-ahead-of-the-election; Washington Post, "Postal Service warns 46 states their voters could be disenfranchised by delayed mail-in ballots," August 14, 2020, https://www.washingtonpost.com/local/md-politics/usps-states-delayed-mail-in-ballots/2020/08/14/64bf3c3c-dcc7-11ea-8051-d5f887d73381_story.html.
[8] Willamette Week, "US Postal Service Confirms It Has Removed Mailboxes in Portland and Eugene," August 13, 2020, https://www.wweek.com/news/2020/08/13/united-states-postal-service-confirmed-it-has-removed-mailboxes-in-portland-and-eugene/.
[9] Washington Post, "Postal Service warns 46 states their voters could be disenfranchised by delayed mail-in ballots," August 14, 2020, https://www.washingtonpost.com/local/md-politics/usps-states-delayed-mail-in-ballots/2020/08/14/64bf3c3c-dcc7-11ea-8051-d5f887d73381_story.html.
[10] P.L.109-435 § 101(a).
[11] U.S. Postal Service, "About the Board of Governors," 2020, https://about.usps.com/who/leadership/board-governors/; P.L. 91-375 § 202, 205.
[12] U.S. Postal Service, "About the Board of Governors," 2020, https://about.usps.com/who/leadership/board-governors/; P.L. 91-375 § 202, 205.
[13] 39 U.S.C. 202.
[14] 39 U.S.C. 202.
[15] CFR 39 2011, Subchapter A, Bylaws of the Postal Board of Governors, §1.2, https://www.govinfo.gov/content/pkg/CFR-2011-title39-vol1/pdf/CFR-2011-title39-vol1-chapI.pdf.

AMERICAN OVERSIGHT

[Postal Service] matters that the Board may consider appropriate,"[16] reverse any and all actions taken during Mr. DeJoy's tenure that have harmed service. Should he not cooperate with these efforts, you have the authority, under the Postal Reorganization Act, "to remove the Postmaster General," with "a favorable vote of an absolute majority of the Governors in office."[17]

It is time to use your full power and authority on behalf of the Postal Service, the American people, and the "public interest"[18] you are required to represent. We ask that you immediately take action to reverse any and all changes put in place by Mr. DeJoy that degrade or delay postal operations and the delivery of the mail.

Sincerely,

Elizabeth Warren
United States Senator

Charles E. Schumer
United States Senator

Bernard Sanders
United States Senator

Ron Wyden
United States Senator

Tina Smith
United States Senator

Gary C. Peters
United States Senator

Amy Klobuchar
United States Senator

[16] CFR 39 2011, Subchapter A, Bylaws of the Postal Board of Governors, §3.3(r), https://www.govinfo.gov/content/pkg/CFR-2011-title39-vol1/pdf/CFR-2011-title39-vol1-chapI.pdf.
[17] P.L. 91-375 § 202, 205.
[18] P.L.109-435 § 501(a)(1).

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Lee Moak (b) (6)
Sent: Tuesday, August 18, 2020 6:33 AM
To: DeJoy, Louis - Washington, DC
Cc: Sigler, Katherine - Washington, DC; Elston, Michael J - Washington, DC; Marshall, Thomas J - Washington, DC
Subject: [EXTERNAL] Re: Draft Statements

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Louis,

Going directly to you.

Use the following email until I advise differently:

(b) (6)

(b) (5)

An example of what I am posting on my company website, due to the servers meaning inundated is below. (b) (5)

Good luck today and know I am with you,

Lee

08.17.20 Update:

Over the course of this past weekend, I received tens of thousands of emails from concerned citizens across the country and abroad. You've taken the time to share your stories, your concerns, and your frustrations. I've heard from doctors like Susan H. in Pittsburgh, already concerned for patients in the context of the current COVID-19 pandemic, who are worried about vulnerable patients relying on the mail for life-saving medicines; from dedicated poll workers like Jeanne W. from California who this year will rely on the mail to have her voice heard because she doesn't feel safe volunteering or voting

AMERICAN OVERSIGHT

in person on election day; and from grandmothers like Mollie D. in Georgia who rely on the mail for social security checks and as a current lifeline for communicating with loved ones while this virus keeps them apart.

The sheer volume of your emails will make it impossible for me to respond to all of you individually, but I want to reiterate to you all what I said a few days ago- the power of your collective voice is being heard. I was sworn into my position on the Board of Governors on July 1st and since then have been working hard to understand the full scope and context of what is currently happening at the USPS. As the newest member of the USPS Board of Governors, I took the same oath I took as a military officer – to support and defend the Constitution of the United States. And that includes our constitutional right to vote. I am encouraged by the many people I've heard from –your voices are an important part of this process. Standing up and demanding accountability is the way to ensure progress is realized.

I said it Saturday and I'll say it again now: Know that I've heard you, know that I see you. I welcome you to continue submitting feedback. Keep fighting the good fight, keep the faith in our democracy, and together, we will work to put into place a postal system that supports Americans well into the future.

Semper Fi,

Lee

From: "Elston, Michael J - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Date: Monday, August 17, 2020 at 10:39 PM
To: "Elston, Michael J - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Cc: "Sigler, Katherine - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Subject: Draft Statements
Resent-From: (b) (6)
Resent-To: (b) (6)
Resent-Date: Monday, August 17, 2020 at 10:34 PM

Governors,

I apologize for the late time of this e-mail. (b) (5)

Many thanks,
Michael

MICHAEL J. ELSTON
SECRETARY OF THE BOARD OF GOVERNORS
UNITED STATES POSTAL SERVICE
(202) 268-4800

AMERICAN OVERSIGHT

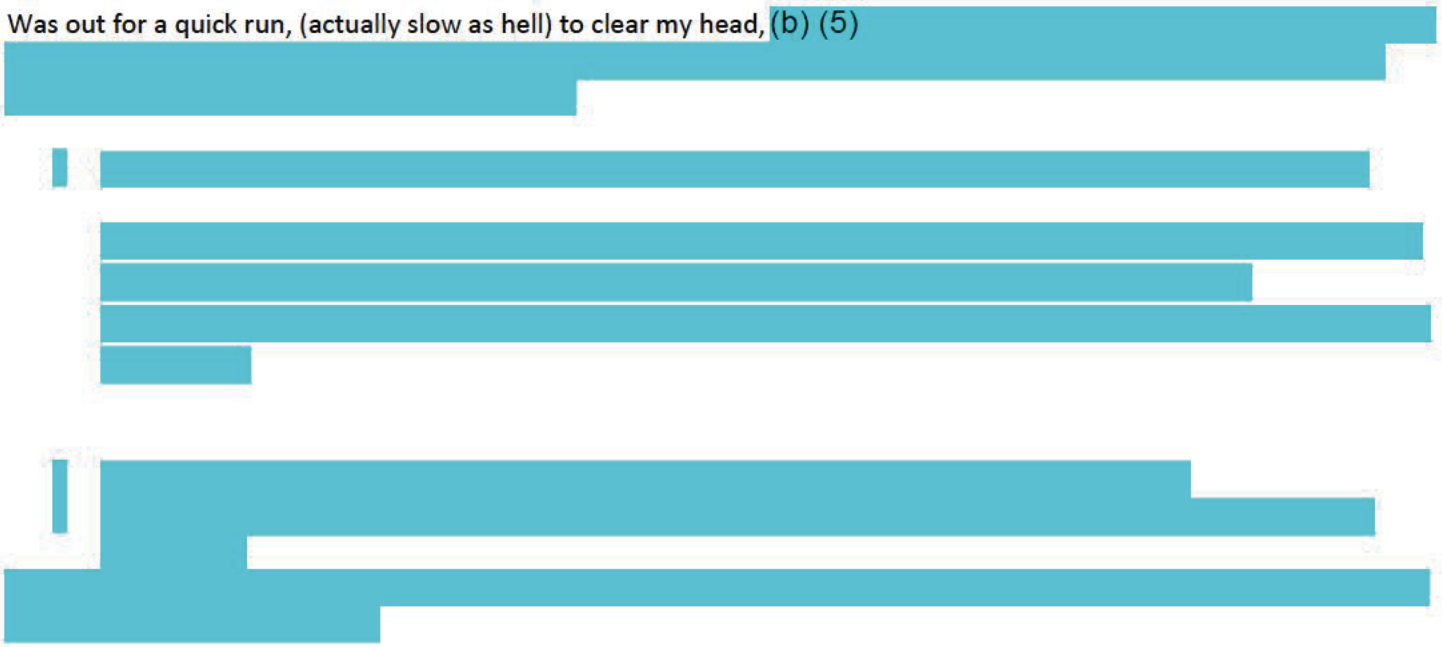
Selde, Jennifer L - Washington, DC

From: Lee Moak (b) (6)
Sent: Tuesday, August 18, 2020 8:20 AM
To: DeJoy, Louis - Washington, DC
Cc: Marshall, Thomas J - Washington, DC; Elston, Michael J - Washington, DC; Sigler, Katherine - Washington, DC
Subject: FW: Draft Statements

Follow Up Flag: Follow up
Flag Status: Flagged

Louis,

Was out for a quick run, (actually slow as hell) to clear my head, (b) (5)



Again good luck today,

Lee

Duplicate record



AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Thursday, August 20, 2020 10:54 AM
To: Marshall, Thomas J - Washington, DC
Subject: [EXTERNAL] Fwd: Florida Primary Mail in voting articles
Attachments: Duplicate record

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Tom,

(b) (5)

Best,

Begin forwarded message:

From: (b) (6)
Subject: Florida Primary Mail in voting articles
Date: August 20, 2020 at 5:58:13 AM PDT
To: "'John Barger'" (b) (6)
Cc: (b) (6)

ALL RACES WERE CALLED IN FLORIDA BY 11PM ON ELECTION DAY. THERE ARE 14 REPUBLICAN AND 13 DEMOCRAT U.S. CONGRESSIONAL MEMBERS.

Record-breaking 721,751 votes in South Florida already cast in Tuesday's election
By ANTHONY MAN
8/17/2020
Sun Sentinel

AMERICAN OVERSIGHT

Link: https://www.sun-sentinel.com/news/politics/elections/fl-ne-mail-voting-early-voting-florida-turnout-august-2020-20200817-wxwtnsvw65b7hfdscxmozu4kdy-story.html

South Florida voters have turned out in droves in advance of the August election, crushing records for people casting their ballots before Election Day.
The vast majority have voted from home, casting mail ballots in advance of **Tuesday's Democratic and Republican primaries and nonpartisan elections to all voters**.

The combined totals of mail balloting and early voting are up at least 47% in Broward, 62% in Miami Dade County and 78% in Palm Beach County — the three counties where the coronavirus pandemic has been the most widespread and account for a disproportionately large share of Florida's deaths.
Statewide totals are up as well, by 32%.

Within the numbers is another, potentially significant trend that could have implications for the presidential election in November: Democratic voting by mail is up much more than Republican mail voting. The increase is 88% for Democrats statewide and 18% for Republicans.

As a result, they've swapped positions. More Democrats than Republicans have voted by mail in 2020; in 2018, Republicans had the advantage.

That could mean heightened Democratic interest in voting in 2020. It could mean that there are more big primaries on the Democratic side this year — such as the races for the party nominations for sheriff and state attorney in Broward.

It could mean that Democrats are turning more to mail voting because of the coronavirus concerns, while Republicans are less concerned about COVID-19.
A **CNN/SSRS Research Florida poll** released July 26 shows that three times as many Democrats than Republicans planned to vote by mail in November. Republicans were more likely to plan to vote in person.

As the coronavirus pandemic continues, voters have turned heavily to mail voting. Mail ballots tallied through Sunday have more than doubled the mail voting totals in August 2018 in Broward, Miami-Dade and Palm Beach counties.

Overall in-person early voting at regional voting centers is down. It was significantly lower than 2018 in Broward and Palm Beach counties, and statewide. It's higher than 2018 in Miami-Dade County, where there's a hot race for county mayor on the ballot.

The early voting totals show the number of people using that method decreased 38% in Broward, 38% in Palm Beach County and 16% statewide. It increased 21% in Miami-Dade County.

Combined, statewide mail voting and and early voting are up 32%. The South Florida Sun Sentinel analysis of numbers posted Monday morning by the Florida Division of Elections doesn't predict what will happen when polls close at 7 p.m. on Tuesday.

There's no way to know how many people will actually show up for **in-person voting at neighborhood polling locations on Tuesday**, though the moves toward mail voting and away from in-person voting are clear.

The data reflect all mail ballots tallied through Sunday. More ballots will arrive at elections offices on Monday and Tuesday. **The deadline is 7 p.m.**, which means the total number of mail ballots will increase by the time vote counting is completed.

Sunday was the last day of early voting, and the numbers reported Monday should be essentially complete.

Vote-by-mail ballots, slow count dominate extraordinary pandemic primary
By: Kimberly Miller
8/19/2020
Palm Beach Post

AMERICAN OVERSIGHT

Link: https://www.palmbeachpost.com/news/20200818/vote-by-mail-ballots-slow-count-dominate-extraordinary-pandemic-primary

Vote counting goes past midnight as electronic transmission of results from polling places falters.

An election unprecedented in American history unfolded Tuesday, not necessarily for the echelon of offices filled, but for the timing — amid a global pandemic that forced eager voters to conquer infection concerns or trust a mail-in ballot system expecting a windfall like no other.

As of 10 p.m. Tuesday, 70,982 Palm Beach County voters had cast their ballots in person, including 24,088 who voted early.

But 182,260 mail-in ballots had been tallied – 72 percent of the total vote and a far higher number than the vote-by-mail turnout previous recent elections.

Total turnout at 10pm was about 25.6 percent, about six points higher than four years ago.

Florida voting by mail in huge numbers compared to 2016
By Brendan Farrington
8/19/2020
Fox News
Link: https://www.foxnews.com/politics/florida-voting-by-mail-in-huge-numbers-compared-to-2016

Catharine Skipp voted by mail for the first time ahead of Florida's primary on Tuesday because she has largely confined herself to home during the coronavirus pandemic. She also had another new experience: Her ballot was challenged.

The 66-year-old Democrat and native Floridian lives in Miami-Dade County, the area hardest hit by the virus. She said she registered to vote the first chance she could and has voted in every election since, usually being in line when polls open on Election Day.

"I always had a thing for being there at 7 o'clock when the doors open," Skipp said. "It was sort of nice to just sit at my desk."

The pandemic has clearly inspired many to vote by mail. As of Monday, more than 2.1 million people had cast mail-in ballots with more still coming in. That compares to fewer than 1.3 million in the 2016 primary. Unlike 2016, when there

AMERICAN OVERSIGHT

were primaries for U.S. Senate that helped drive up turnout, there are no statewide races on the August 2020 ballot.

Mail-in ballots have to be received by 7 p.m. Tuesday in order to be counted. For voters who obtained vote-by-mail ballots but ran out of time -- or in some counties, stamps -- to send them by mail, Florida's secretary of state recommended hand-delivering them to secure drop boxes at each county's elections offices.

While President Donald Trump has raised questions about the potential for fraud in voting by mail, he later walked back his comments and said Florida's system is secure.

Skipp also praised the system, even after elections officials questioned the signature on her ballot. She was given notice that her signature was challenged and given plenty of time to correct it.

"I was impressed. It felt very secure. Very on top of it," she said. "They questioned my signature in an efficient way. And then I got an email that they had received my cure affidavit and everything was cool."

Democrats now have the edge in Florida, but independents can, as usual, make all the difference. As of June 30, Florida had nearly 4.9 million active Republican voters and more than 5.1 million active Democratic voters.

The state has nearly 3.8 million voters who either are not registered with a party or are registered with a minor party. While they can't vote in legislative or congressional primaries, they can vote in nonpartisan local races.

Florida will elect at least two new members of Congress this year, and the Republican primaries in two districts will likely decide who they will be.

Republican U.S. Reps. Ted Yoho and Francis Rooney are leaving office in heavily GOP districts. There are 10 Republican candidates seeking to replace Yoho in District 3, which stretches from Ocala to just south of Jacksonville.

Rooney is in District 19, where nine Republicans are on the ballot, including state Reps. Dane Eagle and Byron Donalds. The district includes Naples and Fort Myers in southwest Florida. Businessman Casey Askar has used at least $3 million of his own money on the race, while physician Bill Figlesthaler has invested more than $2 million of his own funds.

Incumbent Republican Rep. Ross Spano, a first-term congressman facing ethics investigations over alleged campaign finance violations, has a primary challenge from Lakeland City Commissioner Scott Franklin. The district just east of Tampa

AMERICAN OVERSIGHT

leans Republican, and if Spano survives the primary, Democrats will target him in November. Three Democrats are seeking the seat.

The House Ethics Committee was looking into allegations that Spano borrowed more than $100,000 from two friends and then loaned the money to his campaign. But it paused the review when the U.S. Department of Justice also began investigating it. Spano has denied any wrongdoing.

Florida Primary Election Day Quiet After Heavy Mail-In Voting
WFSU | By The News Service of Florida
8/19/2020
Link: https://news.wfsu.org/state-news/2020-08-19/florida-primary-election-day-quiet-after-heavy-mail-in-voting

Voters showing up in person Tuesday to cast ballots in Florida's primary elections appeared to encounter just a few hiccups, with officials deploying thousands of face masks, buckets of hand sanitizer and cartons of disposable pens as safeguards amid the COVID-19 pandemic.

Tuesday's low-key voting took place as a record number of Floridians opted to cast their ballots by mail, after elections officials encouraged voters to take advantage of the state's no-excuse vote-by-mail system to curb the spread of COVID-19.

"It's been pretty quiet. That doesn't mean that an individual wasn't having an issue they needed to deal with, but it's not been the normal flood of calls," Liza McClenaghan, state chairwoman of Common Cause Florida, told The News Service of Florida late Tuesday afternoon.

More than 2.2 million Floridians had voted by mail as of Tuesday morning, a nearly 72 percent increase from the 1.28 million votes cast by mail in the state's 2016 primary elections, according to the Florida Division of Elections website.

The pandemic caused a few mix-ups for people whose voting precincts had been changed or who tried to cast ballots at early voting sites, which shut down Saturday and Sunday, according to McClenaghan, who is the coordinator of volunteers for the Florida Election Protection Coalition.

Some voters encountered lines when dropping off mail-in ballots from their cars at the Orange County Supervisor of Elections office on Tuesday, but the lines "moved quickly," McClenaghan said.

Some mishaps were unrelated to the pandemic, but caused by a more timeworn Florida condition: the weather.

AMERICAN OVERSIGHT

A powerful storm in Tallahassee late Tuesday afternoon caused power outages at several precincts, blew over a mail-in ballot drop-off tent outside of the elections office and set off sprinklers at the Donald L. Tucker Civic Center, Leon County Supervisor of Elections Mark Earley said.

“That little spot of weather turned into quite the excitement for Leon County elections,” Earley said.

Earley, who said the county had about 35 percent turnout overall, said he also received reports of “a man removing his clothing” outside of a voting site.

“Other than a few shaking heads and giggles, no voters were impacted,” he said.

After the polls closed at 7 p.m., Broward County Supervisor of Elections Pete Antonacci told the News Service that in-person turnout Tuesday was “moderate,” but that overall turnout was the largest in the county’s primary-election history.

“We’re going to be a little over 25 percent, which doesn’t sound like much in the real world, but in the primary, it’s big numbers,” Antonacci said.

The state’s primary elections came amid President Donald Trump’s repeated complaints about voting by mail. The Republican president has linked mail-in voting with election fraud, singling out states that have sent out unsolicited vote-by-mail ballots or applications. Florida voters must request mail-in ballots.

In a seeming reversal, Trump recently encouraged voters in Florida --- a battleground state whose 29 electoral votes are considered crucial for a White House win by Republicans and Democrats in November --- to vote by mail. He called the state’s system “Safe and Secure, Tried and True,” in a tweet.

“An odd confluence of influences” made it difficult to predict voter behavior in the primary elections, Antonacci said.

“People are scared to show up in person, and at the same time people are being distrustful of putting their ballots in the mail,” he added.

Antonacci acknowledged that some Broward County polling sites were switched late due to cancellations sparked by the pandemic.

“Our last eviction was 10 days ago. They just kept kicking us out. So when that happens, you have to put a sign up best that you can. You don’t have time to even notify the voters,” he said.

AMERICAN OVERSIGHT

The voting-site changes were posted on the elections supervisor's website, Antonacci said.

"We had signs in front of every precinct that had been relocated, directing the voters to the new precinct, and we had that relocation list on our website, but sometimes people don't check the record before," he said.

While areas of the state experienced some glitches, voting throughout Florida proceeded smoothly overall.

"Today was pretty quiet. That's the word I'd use, and other people keep using. One person even described it as 'eerily quiet,'" All Voting is Local state director Brad Ashwell, whose organization is part of the Florida Election Protection Coalition, told the News Service on Tuesday evening.

Nearly 80 percent of pre-election day votes were done by mail, according to elections officials.

Speaking to reporters at 9 p.m. Tuesday, Secretary of State Laurel Lee praised the work of elections officials and their staff.

"In all, the challenges were isolated and we had an orderly and successful day. We are in unprecedented times and what we have seen today has been an incredible exercise of cooperation between Florida's voters, the pollworkers and the supervisors of elections to ensure that Florida's elections continue today safely and securely across our state," she said.

Earlier in the day, Lee said wait times at precincts should be minimal, because nearly 2.8 million votes were cast before Tuesday.

"Today is an excellent opportunity for us, at the state and local level, to put into place all of the plans we have been developing these last several months, to ensure that we are abiding by all health and safety protocols that are necessary at the polling locations," she said.

Antonacci has been in a friendly competition with neighboring elections supervisors in Miami-Dade and Palm Beach counties. Election results in the three South Florida counties frequently have been delayed.

The Broward elections official said he received 2,000 mail-in ballots Tuesday evening.

"My goal is to count these vote-by-mail ballots tonight accurately and timely. I want to come in first, and I think we've got a head start," he said.

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: John Barger (b) (6)
Sent: Thursday, August 20, 2020 1:21 PM
To: Marshall, Thomas J - Washington, DC
Subject: [EXTERNAL] Re: Overview of how we "treat" Election Mail entered as Marketing Mail

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

(b) (5)

John M. Barger
Managing Director
www.northerncrosspartners.com

Please excuse typos, courtesy of iPhone keyboard, oversized thumbs, aggressive Apple algorithms

On Aug 20, 2020, at 9:59 AM, Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

(b) (5)

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

From: Belt, David C - Washington, DC
Sent: Thursday, August 20, 2020 10:40 AM
To: Healy, Abigail K - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Cc: Brownlie, Caroline R - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Weidner, Keith E - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: RE: Overview of how we "treat" Election Mail entered as Marketing Mail

Thanks, Abby.

(b) (5)

AMERICAN OVERSIGHT

- (b) (5)

From: Healy, Abigail K - Washington, DC
Sent: Thursday, August 20, 2020 10:25 AM
To: Belt, David C - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Cc: Brownlie, Caroline R - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Weidner, Keith E - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: RE: Overview of how we "treat" Election Mail entered as Marketing Mail

Hi All,

(b) (5)

(b) (5)

Please let me know if you have any other questions or if there is any additional information I can provide.

Thanks,

Abby

From: Belt, David C - Washington, DC
Sent: Thursday, August 20, 2020 10:08 AM
To: Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Healy, Abigail K - Washington,

AMERICAN OVERSIGHT

DC (b) (6), (b)(3) & 410 (c)(2)
Cc: Brownlie, Caroline R - Washington, DC (b) (6), (b)(3) & 410 (c)(2) Weidner, Keith E - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: RE: Overview of how we "treat" Election Mail entered as Marketing Mail

We're looking into it, Tom. (b) (5)

From: Marshall, Thomas J - Washington, DC
Sent: Thursday, August 20, 2020 10:03 AM
To: Belt, David C - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Healy, Abigail K - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Cc: Brownlie, Caroline R - Washington, DC (b) (6), (b)(3) & 410 (c)(2) ; Weidner, Keith E - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: RE: Overview of how we "treat" Election Mail entered as Marketing Mail

Thanks David. (b) (5)

I am grateful every day to have you both on our squad!

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

From: Belt, David C - Washington, DC
Sent: Thursday, August 20, 2020 9:35 AM
To: Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Weidner, Keith E - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Sallay, Rod (HQ) - Washington, DC (b) (6), (b)(3) & 410 (c)(2)>
Cc: Brownlie, Caroline R - Washington, DC (b) (6), (b)(3) & 410 (c)(2) ; Healy, Abigail K - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: Overview of how we "treat" Election Mail entered as Marketing Mail

Tom, Keith, Rod:

(b) (5)

Thanks!

-Dave

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Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Thursday, August 20, 2020 4:33 PM
To: (b) (6) ; John Barger (b) (6) ; Bloom, Ron
Cc: DeJoy, Louis - Washington, DC; (b) (6) (b) (6) ; Elston, Michael J - Washington, DC; Sigler, Katherine - Washington, DC
Subject: [EXTERNAL] Tom Marshall's Testimony
Attachments: Marshall NYS Election Mail Testimony 8_11_20.docx

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Lee, John and Ron,
(b) (5)

You have probably seen this, but in case you have not, in Tom's testimony in NY he describes in some detail what we are doing/have done re election mail. (b) (5)

Best,
Roman

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Statement of Thomas J. Marshall
General Counsel & Executive Vice President
United States Postal Service
Before the New York State Senate Standing Committee on Elections, Senate Standing Committee on Local Government, Assembly Standing Committee on Election Law, Assembly Standing Committee on Local Governments

Hearing on Elections in a Pandemic: A Review of the 2020 Primaries
August 11, 2020

Thank you for the opportunity to provide written testimony to discuss the United States Postal Service's efforts for the 2020 election cycle, the issues that arose during the New York primary election and steps that could mitigate these issues moving into the general election.

Due to the impacts of the COVID-19 pandemic, the Postal Service anticipates that there will be an increased demand among voters to use the mail to participate in the 2020 general election, and that public policy makers will choose to increasingly utilize our services as part of their administration of elections. To the extent they do, the Postal Service remains fully committed to fulfilling our role in the electoral process by doing everything we can to handle and deliver Election Mail, including ballots, in a timely manner consistent with our operational standards. We have more than sufficient processing and delivery capacity to fulfill this role, but to the extent that states choose to use the mail as part of their elections, they should do so in a manner that realistically reflects how the mail works.

As part of our commitment to Election Mail, we have conducted and will continue to conduct significant outreach to election officials at the state and local levels, as well as other public officials, to ensure close coordination between the Postal Service and the policy makers who choose to use our services. Each election cycle, the Postal Service conducts outreach with state and local election officials, in which we explain our services and our delivery processes, and provide guidance on how election officials can design and send their mailings in a manner that comports with postal regulations, improves mailpiece visibility, and ensures timely and efficient processing and delivery. These outreach efforts, which we have significantly intensified this year, establish solid points of contact between election officials and Postal Service personnel to foster ongoing coordination, and also provide repeated opportunities for the Postal Service to address questions and discuss our delivery standards, postage-payment options, mailpiece design issues, tracking and mailpiece-visibility services, and other matters regarding Election Mail. The purpose of our outreach is to enable policy makers and election officials to (1) make informed decisions about how to effectively utilize the Postal Service in their administration of elections, and (2) educate the public about what they can expect when using the mail to vote.

The Postal Service has assigned an election mail coordinator to each election jurisdiction to facilitate outreach and serve as a clear point of contact for election officials. Our election mail coordinators consistently reach out to election officials in their assigned jurisdictions, and we have repeatedly encouraged election officials to contact their assigned election mail coordinators if they have questions and to discuss the services we offer and the logistics of their

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planned mailings. A list of election mail coordinators may be found on our website at: https://about.usps.com/election-mail/political-election-mail-coordinators.pdf.

In addition to the election mail coordinators, we have assigned mailpiece design analysts for each state who are available to assist election officials in designing and preparing envelopes that are consistent with postal regulations, increase mailpiece visibility, and allow officials to receive available postage discounts. We also strongly recommend that election officials reach out to a mailpiece design analyst *before* designing and printing any mailpieces for use in upcoming elections.

For the 2020 election cycle, the Postal Service began conducting initial outreach meetings with election officials in February. In March, the Postal Service prepared a 2020 Official Election Kit (Kit 600) and distributed it to roughly 11,500 election officials throughout the nation. A copy of the Election Kit is available at https://about.usps.com/kits/kit600.pdf. In May, I sent a letter to the same group of more than 11,500 election officials and to state political-party officials, highlighting some key aspects of the Postal Service's processes and delivery standards, and providing recommendations for steps that election officials can take to ensure the efficient and timely handling of Election Mail. A copy of that letter is available at https://about.usps.com/newsroom/national-releases/2020/2020-05-29-marshall-to-election-officials-re-election-mail.pdf. That letter also attached a copy of Publication 632, *State and Local Election Mail - User's Guide*, which is also available, along with other Election Mail resources, at the Postal Service's Election Mail website: https://about.usps.com/election-mail/election-mail-resources.htm. In addition, I recently sent a letter to the chief election officials in each state and the District of Columbia, noting instances in which, under our reading of that state's election laws, deadlines for requesting and casting mail-in ballots appear to be incongruous with the Postal Service's delivery standards.

Through this date, there have already been nearly 545 contacts between Postal Service personnel and New York state and local election, public, and political party officials in 2020 regarding Election Mail. Our outreach efforts are ongoing and will continue through the fall.

With respect to the primary, and facilitating the proper use of the mail for the November general election, there are two main issues I'd like to discuss: the incompatibility of mail entry dates with our delivery standards, and postmarking.

The Postal Service received notice that blank ballots destined for voters were entered into the mailstream by election officials through June 22, intended for use in the June 23rd primary election. Although we continued to process and deliver ballots as they arrived, overnight delivery is outside of our First-Class Mail delivery standards. Thanks to the efforts of the Postal Service, the majority of the ballots mailed by June 22 were nevertheless delivered before the June 23rd election. However, because of the entry of ballots so close to Election Day, there was a high probability that some ballots would not be delivered to voters prior to the election.

The Postal Service is committed to delivering ballots in a timely manner, consistent with our delivery standards. But, to the extent that states choose to use the mail as part of their elections, they should do so in a manner that adequately considers the time it takes to process and deliver mail through our system pursuant to our normal published timelines. The Postal Service cannot control when a ballot is entered into the mailstream, or state election law deadlines for requesting or returning a ballot. Election officials must understand that if they mail ballots to voters too close to the general election, as they did for the primary election, there is a

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significant risk that a voter will not receive his or her ballot in time to use it to participate in the election.

The last-minute mailing of ballots during the primary election highlights a broader area of concern regarding the interplay between deadlines set by state law and the Postal Service's delivery standards, specifically as it involves the time for mailing blank and completed ballots. To ensure that voters who wish to use the mail to vote can do so successfully, it is critical that election officials and voters are mindful of the time that it takes for us to deliver ballots, whether it is a blank ballot going to a voter or a completed ballot going back to election officials. In other words, the time required for both legs of a ballot's delivery through the mail must be taken into account.

In this regard, the Postal Service does not guarantee, and has not previously guaranteed, a specific delivery time for its classes of mail. Specific transit times will vary based on the class of mail as well as the mailpiece's place of origin and destination. However, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

To account for these delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events), the Postal Service strongly recommends adhering to the following timeframe when using the mail to transmit ballots to domestic voters:

- **Ballot requests:** Where voters will both receive and send a ballot by mail, voters should submit their ballot request early enough so that it is received by their election officials at least 15 days before Election Day at a minimum, and preferably long before that time.

- **Mailing blank ballots to voters:** In responding to a ballot request, election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

- **Mailing completed ballots to election officials:** To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the state's due date. In states that require mail-in ballots to be *both* postmarked by Election Day *and* received by election officials by a specific date that is one week or more after Election Day, voters may generally mail their ballot up until November 3. However, voters who mail in their ballots on Election Day must be aware of the posted collection times on collection boxes and at the Postal Service's retail facilities, and that ballots entered after the last posted collection time on a given day will not be postmarked until the following business day.

As I stated in my July 30, 2020, letter to the Co-Directors of the New York State Board of Elections, under the Postal Service's reading of New York's election laws, as of July 27, 2020, certain state-law requirements and deadlines appear to be incompatible with the Postal Service's delivery standards and the recommended timeframe noted above. As a result, to the extent that the mail is used to transmit ballots to and from voters, there is a risk that, at least in

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certain circumstances, ballots may be requested in a manner that is consistent with New York's election rules and returned promptly, and yet not be returned in time to be counted.

Specifically, it appears that a completed ballot must be postmarked by Election Day and received by election officials 7 days after the election. If that understanding is correct, voters who choose to mail their ballots in the 2020 general election may do so on or before Tuesday, November 3. However, it further appears that state law generally permits voters to apply by mail for a ballot as late as 7 days before the election. If a voter submits a request at or near the deadline, and the ballot is transmitted to the voter by mail, there is a risk that the voter will not receive the ballot before Election Day or have sufficient time to complete and mail the completed ballot back to election officials in time to satisfy the state's postmarking deadline. That risk is exacerbated by the fact that the law does not appear to impose a specific time period by which election officials must transmit a ballot to the voter in response to a request.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of New York's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about whether and when to (1) request a mail-in ballot, and (2) mail a completed ballot back to election officials.

Another key area about which to be mindful to the successful use of the mail in an election is postmarking. The Postal Service does not postmark or cancel every piece of mail in our system in the normal course of operations, since the primary purpose of cancellation is to ensure that postage cannot be reused, and some categories of postage is pre-cancelled before it enters the mail stream. While it is the Postal Service's policy to try to ensure that every ballot receives a postmark, regardless of the postage-payment method, and we instruct our employees throughout the country to adhere to that practice in recognition of the importance that the election laws in some states place on postmarks, such practice deviates from normal procedures, and therefore we acknowledge that circumstances can arise that prevent ballots from receiving a legible postmark. To increase the operational likelihood that a mailpiece will receive a legible postmark, we advise elections officials to use automation-compatible, letter sized envelopes for mail-in ballots.

Leading up to the June 23rd election, the Postal Service instructed employees in New York State about the Postal Service's ballot postmarking processes and procedures. All delivery units in New York reviewed the standard operating procedures for ballot postmarking. We are aware that some ballots were not postmarked and we have taken action to try to resolve the issue going forward. As noted above, however, election officials can take action to increase the operational likelihood that their mailpieces will receive a legible postmark by using automation-compatible, letter-sized envelopes.

Finally, in addition to the recommendations outlined above, the Postal Service strongly recommends that election officials include the Official Election Mail logo on their ballot envelopes and display Tag 191, used to identify ballots, when tendering ballots for mailing. We also recommend jurisdictions and election officials use the Intelligent Mail barcode (IMb), so that

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they will be able track their election mail and gain greater transparency into the flow of their mail. The IMb is a 65-bar Postal Service barcode used to sort and track letters and flats. It allows mailers, in this case, election officials, to participate in multiple Postal Service programs simultaneously, expands the mailers' ability to track individual mailpieces, and see where ballots are within the mailstream.

The Postal Service remains fully committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. For the mail to be successfully used as part of an election, state and local election officials must understand and take into account our operational standards and recommended timelines. We will continue to provide outreach so that election officials have the information they need to make informed decisions and educate their voters accurately about what they can expect from the Postal Service. We look forward to continuing to partner with the state and local election officials in New York for the November general election.

###

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1#USPS Board of Governors Statement.docx

M. -Mike- Duncan Robert (b) (6)

Thu 8/20/2020 4:39 PM

To: (b) (6)

2 attachments (18 KB)

1#USPS Board of Governors Statement.docx; ATT00001.txt;

(b) (5)

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Fwd: PMG's Written Testimony

M. -Mike- Duncan Robert (b) (6)
Thu 8/20/2020 6:10 PM
To: (b) (6)

2 attachments (309 KB)
PMG DeJoy's Testimony HSGAC hearing Aug 21 FINAL.pdf; ATT00001.htm;

Sent from my iPhone

Begin forwarded message:

From: "Sigler, Katherine - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Date: August 20, 2020 at 6:01:50 PM EDT
To: "Sigler, Katherine - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Cc: "Elston, Michael J - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Subject: PMG's Written Testimony

Governors,

Attached is the written testimony for the PMG as submitted. FYSA.

Thanks,

Katherine

KATHERINE SIGLER
ACTING SECRETARY OF THE BOARD OF GOVERNORS
UNITED STATES POSTAL SERVICE
(202) 268-2572 OFFICE
(b) (6) MOBILE

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STATEMENT OF

POSTMASTER GENERAL AND CHIEF EXECUTIVE OFFICER

LOUIS DEJOY

before the

Senate Committee on Homeland Security

and Governmental Affairs Hearing

"Examining the Finances and Operations of the United States Postal Service During COVID-19 and Upcoming Elections"

UNITED STATES SENATE

August 21, 2020

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Good Morning Chairman Johnson, Ranking Member Peters, and Members of the Committee. Thank you for calling this hearing to discuss the important work of the United States Postal Service.

I am proud to represent the more than 630,000 hard-working and dedicated men and women of the Postal Service, who have proven, now more than ever, the importance of the Postal Service in the daily lives of all Americans. It is an incredible honor to serve the public and this organization as Postmaster General.

INTRODUCTION

I assumed the role of Postmaster General just over 60 days ago with the goal of preserving and strengthening this great American institution. The Postal Service was established by Congress to fulfill a public service mission of providing prompt, reliable, and universal postal services to the American people, in an efficient and financially self-sustaining fashion. The Postal Service's ability to fulfill that mission in the coming years is fundamentally at risk, and changes must be made to ensure our long-term sustainability for the years and decades ahead. The business model of the Postal Service—as established by law—requires us to cover our costs through our own efforts, and I view it as my personal obligation to put the organization in a position to fulfill that mandate. I am absolutely convinced that with some help from Congress and our regulator, we can do it, and that there is a bright future ahead for the Postal Service. But it does require significant effort by the Postal Service to change.

Since the Governors announced my selection as Postmaster General in May, I have been fully immersed in understanding and evaluating all aspects of the postal organization and business model, to understand the Postal Service and the reasons for our current financial condition. I have been working closely with postal leaders to learn every core area of our business. We have assessed previous plans, as well as research and analysis about our products and services and the competitive marketplace. We have evaluated our operational practices and the many ways we deliver value for our customers, as well as the drivers of our troubling financial condition. We have looked to find the good in the organization, which we will preserve and strengthen, and we have also tried to identify the items that are obstacles to our success, and to chart a course to surmount those obstacles.

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I am an optimist by nature. For that reason, I am enthusiastic and energized about the prospects for the future of the Postal Service and our untapped promise. I have been extremely impressed by the dedication of the Postal Service workforce and their commitment to the public service that we provide the American people, and I am excited about the fantastic competencies of this organization. I believe that there are tremendous opportunities available to us if we are willing to grasp those opportunities, and to take the transformative steps necessary to turn our business around and become financially healthy, while remaining a vital part of the nation's critical infrastructure.

Some may ask, why does the Postal Service need to transform? To that question, I say that while I am optimistic about the future of the Postal Service, I am also a realist, and am keenly aware of the magnitude of the financial challenges we face. Our financial position is dire, stemming from substantial declines in mail volume, a statutorily-imposed business model that is broken, huge legacy retiree healthcare and pension liabilities, and a management strategy that has not adequately addressed these issues. As a result, the Postal Service has experienced over a decade of financial losses, with substantial net losses every year since 2007. In FY 2019, net losses approached $9 billion and we are closing in on $11 billion in losses for 2020. Currently, our liabilities exceed our assets by approximately $135 billion. Without dramatic change, there is simply no end in sight, and we face an impending liquidity crisis that threatens our ability to deliver on our mission to the American public.

At the same time, there is a critical need to make capital investments to ensure effective and efficient operations, and meet the needs of the American people. Our financial situation has forced us to defer capital investments over the past decade to preserve liquidity, which is not a sustainable strategy for success. Most vitally, we need to invest in new delivery vehicles so that our letter carriers can safely serve the American people and we can participate in the growth of the new economy.

Changing this state of affairs and positioning the Postal Service for long-term success and sustainability requires fundamental changes. It requires that we stop simply talking about the ways to address the Postal Service's financial condition, and instead start actually addressing them. It requires that the Postal Service not be prevented from taking the steps necessary to transform our organization to meet the challenges that we face. It requires a recognition that in order to achieve the mission laid out by our statute —to provide high-quality universal postal

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services in an efficient and self-sustaining fashion—the Postal Service must continually adapt and adjust our operations to a constantly changing world. We simply cannot be successful if we are subject to political or regulatory requirements that force us to remain static in a world that is incredibly dynamic.

I am not kidding myself, so I fully understand that these steps will not be easy, which is likely one reason why they have not been taken before. But they are necessary, and I am committed to doing the hard work. I certainly recognize that not everyone will agree with the ideas I have concerning how to return the Postal Service to a financially sustainable path. These solutions are based upon my 30 years of commercial experience in the logistics business and the listening, collaboration, and intensive reviews I've conducted with members of our Postal Service team across the organization. My vision is of a Postal Service that provides our essential public service in an efficient and effective manner and that can adapt to the evolving needs of the American public in a self-sustaining way, which is consistent with our statutory mandate as established by Congress.

I also want to make certain things clear. One criticism that I have heard is that some believe that I treat the Postal Service as a private sector business, rather than a government service. I accepted the job of Postmaster General fully committed to the role of the Postal Service as an integral part of the United States Government, providing all Americans with universal and open access to our unrivalled processing and delivery network, as reflected in the Mission Statement that the Board adopted on April 1, 2020. I fully embrace six-day delivery of mail and packages as one of this organization's greatest strengths. I also plan to invest in tools and equipment for our letter carriers, and to enhance the stability of our non-career workforce, to continue to provide the nation's most trusted service. At the same time, I recognize that in 1970, Congress created an independent Postal Service designed to operate more like a business, with substantial autonomy over its operations and the freedom to make postal decisions outside of the direct political control of Congress or the President. Congress has therefore recognized that achieving our public service mission and acting in a business-like manner are not mutually exclusive. Rather, making decisions based on the exercise of business judgment regarding the best way to provide service to the American people is fundamentally necessary if there is any hope for us to fulfill the Postal Service's statutory mission.

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I am also fully committed to preserving and protecting the Postal Service's proud tradition of serving the American public in a nonpartisan fashion, and I embrace the concept of public service as a public trust. I intend to uphold the trust that has been placed in me by the Governors, and in that regard, I have and will continue to abide fully with all of my ethical obligations, despite assertions to the contrary. I have worked closely with ethics officials and have followed their guidance, and will continue to do so. I took this job to give back to my country and to hopefully do some good by putting the Postal Service back on a financially sustainable path.

I recognize that our service performance has come into question recently. We take these concerns seriously and are focused on stabilizing service to ensure we meet our commitment to the American public. We deliver to 160 million residences and businesses 6 days per week, and on a normal day the Postal Service shows up and delivers 99.94 percent of the time. Unprecedented conditions over the last six months, however, have contributed to service instability in certain areas of the country that have escalated.

Since March 2020, the Postal Service has experienced mail delivery challenges due to the COVID-19 global pandemic. The impacts of the pandemic have had broad reaching impacts on all aspect our operations, with a limited supply of commercial air trips to carry our volume, decreased employee availability as employees deal will health, home and community impacts, and significant changes in mail and package volumes. However, our overall ability to service our required deliveries during these difficult times still remains above 99.88 percent. In addition, improvements we have made in our transportation network have also revealed the need to realign some of our other processes, which have temporarily impacted mail and package service performance. We are acting to address those issues, and have seen immediate improvements, and we will continue to make necessary corrections. Despite these shortfalls, the American public's support of our employees has been overwhelmingly positive and we continue to work diligently with hiring and reallocating resources to ensure we deliver at expected levels.

Service, like many things, is local. And there are several cities and communities that have been hard hit by the pandemic. These same cities and regions are also some of the most complex delivery operations we manage. All of that, combined with employee availability issues and difficulties in hiring additional resources, have resulted in more significant delivery service disruptions than reflected in the national average. The entire organization is working collectively

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to restore consistent delivery service. We are mobilizing all available resources and managing these offices at a national level.

Overcoming difficult times and providing a sense of normalcy for the American public is just one critical attribute of this organization's resiliency that has contributed to our legacy for the past 240 years. While our resiliency has been tested, it has not been broken. You have my commitment, and that of the entire organization, that we will stabilize operations and restore the nation's confidence and trust in the Postal Service.

THE PUSH FOR PROGRESS AND FINANCIAL SUSTAINABILITY

The causes of the Postal Service's dire financial condition are well-understood, and the only way that they can be solved is through significant and fundamental reforms to our current business model. This requires action from Congress, the Postal Regulatory Commission (Commission), and the Postal Service.

As the Postal Service has said for years, Congress and the Commission have long delayed much needed legislative and regulatory reforms which would have helped to address the situation. Congress must enact reform legislation that addresses our unaffordable retirement payments. Most importantly, Congress must allow the Postal Service to integrate our retiree health benefits program with Medicare, which is a common-sense best practice followed by all businesses who still offer retiree health care. It must also rationalize our pension funding payments.

Legislative reforms have been discussed and debated for years, but no action has been taken. I urge Congress to expeditiously enact these reforms. I also urge Congress to enact legislation that would provide the Postal Service with financial relief to account for the impacts of the COVID-19 pandemic on our financial condition.

The Commission, meanwhile, must expeditiously resolve the 10-year review, and design a more rational regulatory system for our mail products. The 10-year review has been ongoing for nearly 4 years, and it has been nearly 3 years since the Commission concluded that the current

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system is not working, yet it has still not finalized a replacement system. We continue to wait for the required relief.

Had Congress and the Commission fulfilled their obligations to the American people concerning the Postal Service, I am certain that much of our cumulative losses that we have experienced since 2007 could have been avoided, and that the Postal Service's operational and financial performance would not be in such jeopardy.

At the same time, the Postal Service has failed to engage a sufficient operating strategy that adequately mitigated these predicted annual financial losses. We should not wait for the legislative and regulatory process to save us. The Postal Service must do our part, by pursuing every strategy within our control to ensure our success, and in that regard, I know we can do more. If we want to be viable for the long term, it is absolutely imperative for the Postal Service to operate efficiently and effectively, while continuing to provide service that fulfills our universal service mandate and meets the needs of our customers.

Efficiency and effectiveness are also necessary given the realities of the marketplace in which we operate. There are competitive alternatives to every product that we offer, and the way in which the American people use the mail has evolved. For that reason, high-quality, reasonably-priced service is an absolute necessity, but it is equally important for us to embrace the reality that high-quality service and efficient service are not mutually exclusive, but instead must go hand-in hand if we are going to keep pace with our competition and be self-sustaining, as our mandate requires.

The Postal Service is a great American institution with tremendous capabilities and prospects, and I know there is incredible additional value within the Postal Service that needs to be unlocked. To reach our full potential we need to be even better at everything we do well now, and we need to recognize our issues and urgently embrace the changes required to unleash the full range of possibilities. To transform and remain a self-sustaining, mission-focused organization that continues to serve the American people, the Postal Service must have a management structure and an operating strategy that ensure we operate efficiently and effectively. We must focus on our strengths to maximize our prospects for long-term success, by improving the products and services we provide, pursuing new revenue streams, and continuing to operate more efficiently.

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Let me tell you about the two things that I have done so far to pursue these goals during my 60-plus days in office.

First, I took a fresh look at our operations and considered any necessary organizational and structural adjustments that would best position the Postal Service to maximize our core competencies and key strengths. I worked diligently with Postal Service leadership throughout the country to find good practices in the organization. I met very smart and dedicated people who were anxious to engage in improvement, but were locked in an organization that was too bureaucratic. I worked with them in groups and individually for hundreds of hours to identify an organizational strategy more equipped to deal with our operating model and the future initiatives we are developing together to ensure the long-term success of the organization. I worked with each individual in the leadership ranks and assessed their specific talents and interest, and together we designed an organizational structure with leadership that is ready to embark upon the very substantial initiatives we have ahead of us. Twenty-four people were given roles they were excited about with many getting promotions. This was a liberation of talented people now placed in roles that will enable the organization to improve service, expand revenue, and do so in a cost-effective manner—which is the mission assigned to me by the Governors.

To be more specific, the modified organizational structure aligns functions based on core business operations and will provide more clarity and focus on what the Postal Service does best: collect, process, move, and deliver mail and packages. We needed to provide greater focus on the core aspects of our business, and the new structure allows that with clearer lines of authority and accountability. The modified organizational structure will also strengthen the Postal Service by enabling us to identify new opportunities to generate revenue, so that we will have additional financial resources to be able to continue to fulfill our universal service obligation to all of America. We are confident that the new organizational structure is the right alignment, and it was a change that needed to be made.

Second, I have ensured that the organization refocuses on the need for operational discipline. Every operational services organization, public or private, must solve the problem of designing an efficient operating plan and then meeting that plan to be successful. The Postal Service is no different. It is frankly the only path to consistent, affordable service, and is foundational to our future aspirations and objectives. For that reason, I started with one simple step: directing

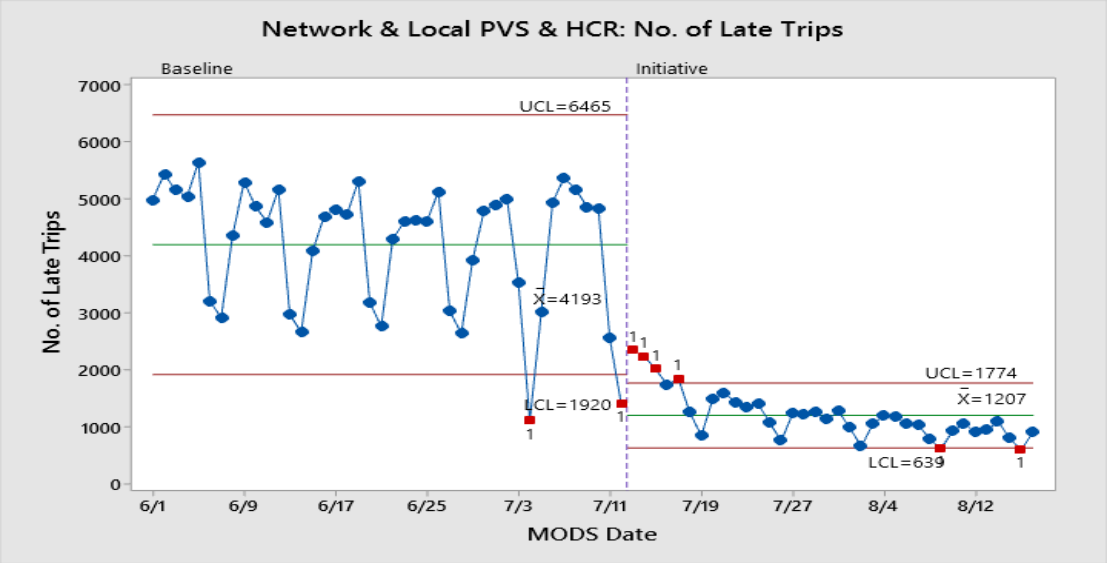
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that we be more disciplined by ensuring that our trucks should run on time and on schedule, and that we should eliminate unnecessary extra trips. Running on time and on schedule is the only way that our network can work in the manner that is intended, because each step that is used to accept, process, transport, and deliver a piece of mail or package throughout our network must work seamlessly to meet our service standards.

In just a few weeks, we have substantially improved our on-time dispatch schedule from 89.4 percent to 97.0 percent on time. We have also focused on decreasing the number of extra trips we operate. We have reduced this costly expense by over 70 percent in the last four weeks. To put this in perspective, our trips on time have increased from 35,000 daily trips to more than 39,000 daily trips. Late trips decreased by over 2,900 trips per day and extra trips decreased by over 1,600 trips per day. While the improvements are dramatic, this effort did expose a need to realign some of our processing and scheduling that caused mail to miss the scheduled transportation, and has temporarily impacted mail and package service performance. Once the need to realign was identified, we have acted quickly to correct these issues and have seen immediate improvements, but we acknowledge that more work needs to be done to ensure we are service responsive. We will continue to bring disciplined focus to stabilize operations across processing, transportation, and delivery within our network to fulfill our obligation and commitment to provide consistent and reliable service that meets the expectations of the American public.

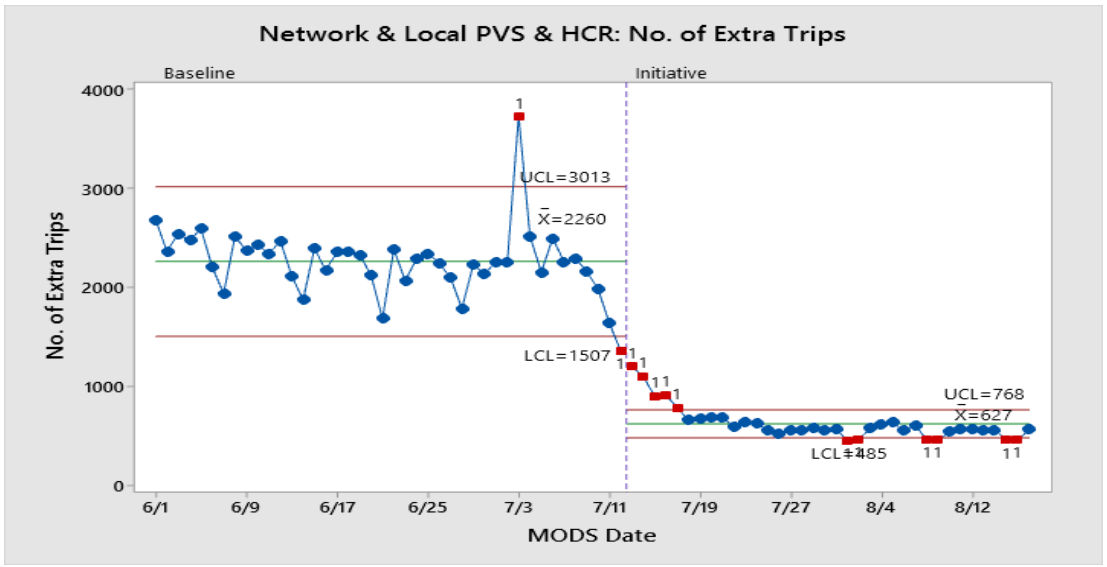
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Late Trips from June 1-August 17



Source: SV - Surface Vis bility

Extra Trips from June 1-August 17



Source: SV - Surface Vis bility

This effort does not mean leaving mail behind; rather, it means adhering to our existing operating plan so that we can achieve our mission in a sustainable fashion. To be clear, the trucks need to leave on time with the mail that is supposed to be on those trucks based upon our operating plans. As with any operational initiative, it exposed additional inefficiencies in our processes and systems that we quickly began to correct. We continue to keep a sharp focus on how the two changes we have implemented impact our service performance, and we will take

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swift action to make adjustments in real-time as needed to ensure that any service issues that arise are corrected as quickly as possible. You have my personal commitment, and that of the entire organization, that we will stabilize operations and restore your confidence and trust in the Postal Service.

The decision to focus on our transportation discipline was not made in a vacuum. On the day that I was sworn in as Postmaster General by our Board of Governors, the Postal Service Inspector General issued a report entitled "U.S. Postal Service's Processing Network Optimization and Service Impacts." In that report, our Inspector General indicated that the Postal Service spent $1.1 billion in mail processing overtime and penalty overtime, $280 million in late and extra transportation, and $2.9 billion in delivery overtime and penalty overtime costs in FY 2019. Yet, even after incurring these additional costs, the Postal Service has not seen material improvement in our service performance scores. While we did not fully agree with all aspects of OIG's report, we did not dispute the fundamental conclusion that we need to redouble our efforts to focus on our plans to improve operational efficiency and to further control overtime expenditures.

Finally, three other issues have received considerable attention, so I wanted to clear up misconceptions about them.

Overtime has also been a source of substantial cost, and it is to a certain extent reflective of inefficiency in our operations. A new OIG report coming out shortly identifies that between FY2014 and FY2019, the number of Postal Service employees who received more in overtime pay than they made in base salary increased from 758 to more than 4,000. Overtime is scheduled and assigned based on operational requirements, and management has focused on ensuring that overtime used is necessary based on workload or other factors and is authorized in accordance with our policies. However, I did not direct the elimination of overtime, and in fact overtime has not been reduced since I became the Postmaster General. We were incurring overtime at a rate of approximately 13 percent prior to my arrival, and in June, July, and August, overtime is still at approximately 13 percent. In fact, since my first week on the job, the Postal Service has spent well over $750 million in overtime.

Regarding collection boxes, the Postal Service has over 140,000 blue collection boxes, and we have reviewed collection box density annually on a routine basis in accordance with Postal

AMERICAN OVERSIGHT

policy. Over the past 10 years, over 30,000 collection boxes have been removed from around the country, averaging 3,500 boxes per year. This has been done because of the low volume of mail that that those boxes were receiving, meaning it was inefficient to keep them in place. This is a long-standing policy and process that I did not initiate or direct, but I have paused it until after the election given recent customer concerns.

Blue Collection Box Removal Data 2013 – Present

	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	Fiscal Year 2017	Fiscal Year 2018	Fiscal Year 2019	Fiscal Year 2020 to date	Total Remaining to Date
Count of Boxes	164,099	159,729	156,349	154,006	152,539	146,252	143,977	142,300	140,837
Boxes Removed	-4,370	-3,380	-2,343	-1,467	-6,287	-2,275	-1,677	-1,463	

Source: CPMS - Collection Point Management System

Finally, regarding mail sorting machines, the Postal Service has always evaluated equipment sets and other operational factors to balance available resources with changes in volumes. For the evaluation of processing equipment, we utilize an iterative process in which volume trends by product type are compared to the fleet of equipment needed to process the mail. Since 2016, overall letter mail volume has dropped by 29 percent and overall flat mail volume has dropped by 32 percent. Accordingly, letter sorting equipment during the same period was reduced by 27 percent and flat sorting equipment was reduced by 25 percent. This includes the removal of over 1000 machines. While letter and flat machines have been reduced to account for the reduction in letter and flat volume, we have increased package sorting equipment to process the increases in package volume.

In April 2020, an evaluation of letter and flat sorting equipment utilization showed that even with the ongoing reductions in equipment, the letter sorting machines are only being used for 32 percent of the available machine hours. The flat sorting machines are only being used for 38 percent of the available machine hours. Even if letter and flat volumes increase substantially, there is more than enough capacity on the machines to handle the volume. For context, we anticipate that Election Mail will account for less than two percent of all mail volume from mid-September until Election Day. Nonetheless, while I did not initiate the evaluation or removal of this equipment, I have given the directive to stop the removal of additional mail processing machines through the election.

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ELECTION MAIL

As I stated earlier this week, the Postal Service is ready today to handle whatever volume of election mail it receives this fall. Even with the challenges of keeping our employees and customers safe and healthy as they operate amid a pandemic, the American public should know that this is our number one priority between now and Election Day. All of us in the Postal Service are justifiably proud of our role in the democratic process, and I intend to keep it that way.

I recognize that it has become impossible to separate the necessary long-term reform efforts we will need to undertake from the broader political environment surrounding the election, and I do not want to pursue any immediate efforts that might be utilized to tarnish the Postal Service brand, particularly as it relates to our role in the democratic process.

To reiterate, a false narrative has developed that the two steps we have taken to improve efficiency—running on time and on schedule and realigning our organizational structure—are somehow designed to harm the ability of voters to use the mail to vote. Further, this false narrative has turned matters that have either been long planned or are part of long-standing processes in place for years—well before my arrival 67 days ago—such as the routine equipment reductions and the regular removal of low-volume collection boxes, into attacks on the election. Even the recommendations that we have been making for years, like asking election officials to use First-Class Mail when sending blank ballots to voters or urging voters to return their ballots one week before the election, have been turned into accusations that we are degrading the service provided to Election Mail.

While this narrative is fundamentally false and unfair, there is also no doubt that it is hurting the Postal Service's valued reputation as a source of reliability and strength for the American people. And, it could serve to undermine public confidence in the electoral process. Managing the Postal Service in an efficient and effective manner cannot succeed if everything is politicized; this was a key insight that led to the creation of an independent Postal Service in the first place. In such an atmosphere, it becomes impossible for the Postal Service to do the job that Congress has tasked us to do, and that it is my solemn duty to uphold.

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Therefore, and as I announced earlier this week, I have decided to pause the implementation of our future transformative efforts until after the election.

While the Governors and I believe significant reforms are essential, as discussed above, even longstanding efficiency efforts have become a distraction from our mission of service to the public as the nation prepares to hold a presidential election in the midst of a devastating pandemic. Because those longstanding operational initiatives and other efforts that are under consideration have been raised as areas of concern, and to avoid even the appearance of any impact on election mail, I am suspending those longstanding initiatives until after the election is concluded.

Therefore, retail hours at Post Offices won't be changed, and mail processing equipment and blue collection boxes won't be removed during this period. No mail processing facilities will be closed and we have terminated the pilot program that began in July that expedited carrier departures to their delivery routes, without plans to extend or expand it. To clear up any confusion, overtime has, and will continue to be, approved as needed. Finally, effective October 1, 2020, we will engage standby resources in all areas of our operations, including transportation, to satisfy any unforeseen demand for the election.

In addition to the above commitments, I also announced the expansion of our current leadership taskforce on election mail to enhance our ongoing work and partnership with state and local election officials in jurisdictions throughout the country. Leaders of our postal unions and management associations have committed to joining this taskforce to ensure strong coordination throughout the Postal Service, with state and local partners, and to make sure any concerns can be raised and resolved at the highest levels of the organization. Because of the unprecedented demands of the 2020 election, this taskforce will help ensure that election officials and voters are well informed and fully supported by the Postal Service.

These efforts will further enhance our already robust outreach efforts with state and local election officials. During this outreach, the Postal Service explains our services and delivery processes, and provides guidance on how election officials can design and send their mailings in a manner that is consistent with postal regulations, that improves mailpiece visibility, and that ensures timely and efficient processing and delivery.

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Our outreach also includes educating election officials and voters to be mindful of how the mail works, since state election deadlines often do not consider our delivery standards. This is particularly important given the anticipated increase in mail-in voting during the COVID-19 pandemic, especially in those jurisdictions that are less experienced with handling high volumes of mail-in votes and that are trying to implement new election rules and requirements.

Our key recommendation is that voters should request their ballot at least 15 days before the election, to ensure that they have enough time to receive the ballot, complete it, and then mail it back to the elections office. The return ballot should be placed in the mail at least 7 days prior to the election. Despite some assertions to the contrary, this is the same message that we have made in previous years and have been reiterating all year, and has nothing to do with recent operational initiatives or concerns about delayed mail. To be clear, these recommendations are designed to help ensure that ballots will be delivered and counted, and should in no way be misconstrued to imply that we lack confidence in our ability to deliver those ballots. We can, and will, handle the volume of Election Mail we receive.

In that regard, we have not changed our delivery standards, our processing, our rules, or our prices for Election Mail. To the contrary, we have intensified our efforts to fulfill our role in the electoral process. We will do everything we can to handle and deliver Election Mail in a manner consistent with the proven processes and procedures that we have relied on for years.

In sum, the goal of our education efforts is simple: to ensure that voters who choose to use the mail will have their votes counted. This goal is advanced by being transparent, and educating voters about how the mail works and what they can do to ensure that their vote is counted. It is not advanced by remaining silent and letting voters believe that all they need to consider is whether they have requested and mailed a ballot in accordance with state law deadlines. While we will do whatever we can to deliver ballots even when they are mailed at the last second, it should also be obvious to fair-minded election officials that urging voters to mail back their ballot at least a week before the deadline is a simple and straightforward step to ensure that ballots are delivered on time and, most importantly, counted under state law. Because this goal is so important, we intend to continue our efforts, and also to work with the leaders of our unions and management associations, to help spread the word that voters who choose to use the mail to vote should request their ballots early and vote early.

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COVID-19 RESPONSE

Just as all of us in the Postal Service are justifiably proud of our role in the democratic process, we are also proud to do our part as an essential government service, critical to the nation's infrastructure, during the COVID-19 pandemic. I have been struck by the commitment and dedication of postal employees, who have truly gone above and beyond during this national emergency.

The Postal Service has been a source of constancy and reliability in every community. Our more than 630,000 employees are working to make sure our customers can depend on us. We're on the front lines — delivering needed medications, supplies, benefit checks, financial statements and the important correspondence every family counts on receiving. The public support for the organization is extremely high because postal employees are so committed to serving their communities and their customers. We aim to continually earn the trust and support of the public.

We will continue to take the necessary steps to protect the safety and wellness of our employees, and to reinforce workplace behaviors to ensure that contact with our customers reflects the best guidance regarding healthy interactions, social distancing and risk minimization.

Like the rest of the country, the pandemic has impacted us financially, including increased costs associated with the measures necessary to protect our employees and customers, such as the purchase of personal protective equipment and installation of transparent dividers at retail locations. We have also seen a remarkable impact on our mail volume, which has decreased 24 percent. Given these numbers, and as I noted earlier, I also call on Congress to enact legislation that addresses the impact of the pandemic on our financial condition.

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CONCLUSION

Since I became Postmaster General just over 60 days ago, I made the deliberate decision to focus my energy on learning the organization so I could make informed decisions as a leader and CEO from the start. This time was well spent, but I recognize that in these first two months or so, I have not been as available to non-postal stakeholders for meetings and discussions. While my efforts to study and improve the organization will be ongoing throughout my tenure as Postmaster General, I recognize the importance of now being more available to Congress and other external stakeholders. I hope my testimony today demonstrates as much.

I accept the responsibility that the Governors gave me to maintain and enhance our reputation and role as a trusted face of the federal government in every community, and I intend to work with postal executives, management associations, managers, union leadership, and our craft employees to do everything I can to put us back on a financially stable path. I am confident that we can chart a path forward that allows the Postal Service to fulfill our vital public service mission in a sustainable manner. I look forward to the challenge, and know we are up to it.

In this regard, I want to be transparent with you in saying that it remains critically important for the Postal Service to reform. It is imperative that the Postal Service undertake a number of transformative steps in order to create a financially viable organization, capable of fulfilling our public service mission to the American people in a self-sustaining fashion over the long term. These steps will not be easy, but are necessary, and we simply must pursue them. While we will not implement any changes before the election, we will continue to move forward with analyzing those changes that are necessary, so that we are prepared to move forward once the election ends. We need the support of Congress to achieve these goals, rather than to be hamstrung. I would appreciate your support in working together to ensure a bright future for the Postal Service.

Thank you, Mr. Chairman, Ranking Member Peters, and Members of the Committee, for the opportunity to submit this testimony. I welcome any questions that you and the committee may have.

# # #

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: DONALD MOAK (b) (6)
Sent: Friday, August 21, 2020 5:17 PM
To: Marshall, Thomas J - Washington, DC
Subject: [EXTERNAL] Re: USPS Board of Governors Announces Bipartisan Election Mail Committee

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Thanks

Sent from my iPhone

On Aug 21, 2020, at 5:13 PM, Marshall, Thomas J - Washington, DC (b) (6) wrote:

Governor Moak,

It is out.

Best regards,

-Tom

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

From: NEWS
Sent: Friday, August 21, 2020 5:02 PM
To: _HQ OFFICERS <(b)(3) & 410 (c)(2) ; _HQ OFFICERS SECRETARIES (b)(3) & 410 (c)(2) ; _AREA VICE PRESIDENTS (b)(3) & 410 (c)(2) _AREA VP SECRETARIES (b)(3) & 410 (c)(2) _CorpComm <_(b)(3) & 410 (c)(2) _Public Policy <(b)(3) & 410 (c)(2) >; PCES Non Officers DL - All (b)(3) & 410 (c)(2)
Subject: USPS Board of Governors Announces Bipartisan Election Mail Committee

<image001.jpg> <image002.jpg>

FOR IMMEDIATE RELEASE
Aug. 21, 2020

Contact: David Partenheimer
david.a.partenheimer@usps.gov

AMERICAN OVERSIGHT

USPS Board of Governors Announces Bipartisan Election Mail Committee

WASHINGTON, DC – The United States Postal Service Board of Governors today announced the establishment of a bipartisan Election Mail Committee that will actively oversee the United States Postal Service's support of the mail-in voting process. The committee will be chaired by Governor Lee Moak, who will be joined on the committee by Governor Ron Bloom and Governor John Barger.

The Postal Service has a long history of effectively helping Americans participate in elections via mail-in ballots, which are expected to account for less than two percent of all mail volume from mid-September until Election Day. However, because of the ongoing pandemic, many states are anticipating the expanded use of the mail for voting during the upcoming national election, and in some instances are allowing mail-in voting and no-excuse absentee voting for the first time under statute, and each state has unique requirements and deadlines for ballots under state laws.

The Election Mail Committee will use its oversight role to reinforce the strong commitment of the Postal Service to the mail as an important part of the nation's democratic process, and will regularly monitor execution of USPS's work on election mail to ensure that our part of this election process is implemented in the most effective way possible.

In a joint statement, the Governors announced:

"The United States Postal Service will play an indispensable role in ensuring that those Americans who wish to vote by mail will be able to do so and have their votes counted. The Governors take our responsibility with the utmost gravity, and we will work to ensure that the Postal Service continues to perform for the American people this election season.

"Postmaster General Louis DeJoy has the full support of the Governors. He was selected to help bring needed changes to the Postal Service, which has experienced over a decade of financial losses and faces the need for fundamental reform. The essential public service functions of the Postal Service must be maintained, and the Postmaster General's reform initiatives will help ensure that they can be for many years to come."

The Governors of the U.S. Postal Service:

Robert M. Duncan, Chairman of the Board
John M. Barger
Ron A. Bloom
Roman Martinez IV
Donald L. Moak
William D. Zollars

# # #

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Selde, Jennifer L - Washington, DC

From: (b) (6)
Sent: Friday, August 21, 2020 5:53 PM
To: Sigler, Katherine - Washington, DC
Subject: [EXTERNAL] Re: USPS Board of Governors Announces Bipartisan Election Mail Committee

Follow Up Flag: Follow up
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Thx

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> On Aug 21, 2020, at 4:19 PM, Sigler, Katherine - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:
>

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Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Saturday, August 22, 2020 9:03 AM
To: Smith, DC
Subject: [EXTERNAL] Fwd: : Absentee Ballot Application Deadlines and Early voting dates/locations per state
Attachments: Non-responsive record 1. What are the deadlines for submitting an absentee ballot application.....docx; Non-responsive record; 2. State laws governing early voting state by state.docx; Non responsive record

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Begin forwarded message:

From: (b) (6)
Date: August 19, 2020 at 1:10:02 PM EDT
To: "M. -Mike- Duncan Robert" (b) (6)
Cc: (b) (6)
Subject: : Absentee Ballot Application Deadlines and Early voting dates/locations per state

(b) (5)
Below and attached;

1. Deadlines for submitting an absentee ballot application and deadlines for absentee ballots to be received by election officials
2. State laws governing early voting including dates and locations

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Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Saturday, August 22, 2020 11:07 PM
To: Smith, Kevin R - Washington, DC
Subject: [EXTERNAL] Fwd: Fox News: Rep. Comer: Why Dems' USPS controversy is a manufactured distraction
Attachments: Non-responsive record

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More to come

Robert M. "Mike"Duncan
Chairman and CEO
Inez Deposit Bank
(b) (6)

Begin forwarded message:

From: (b) (6)
Date: August 21, 2020 at 4:28:55 PM EDT
To: (b) (6)
Cc: (b) (6)
Subject: FW: Fox News: Rep. Comer: Why Dems' USPS controversy is a manufactured distraction

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From: RNC War Room [mailto:Warroom@GOP.COM]
Sent: Friday, August 21, 2020 7:03 AM
To: WARROOM@L.GOP.COM
Subject: Fox News: Rep. Comer: Why Dems' USPS controversy is a manufactured distraction

Why Dems' USPS controversy is a manufactured distraction

AMERICAN OVERSIGHT

Fox News
Op-Ed
Rep. James Comer
August 21, 2020
https://www.foxnews.com/opinion/dems-usps-controversy-manufactured-distraction-rep-james-comer

The USPS is in need of reform, but to paint its woes as something new is not factual

Democrats once again have fabricated a wildly irresponsible and baseless conspiracy theory. Their latest scheme is that the United States Postal Service is making calculated moves to sabotage the election and it does not have the funds nor infrastructure to ensure all mail-in ballots are counted in the 2020 general election. This is a predictable play pulled from Democrats' playbook in order to distract from the true issues facing Americans.

The USPS is in need of reform, but to paint its woes as something new is not factual. The Postal Service has been on an unsustainable financial path that predates current leadership. Since the rise of the internet, mail volume has decreased every year and losses at the Postal Service have piled up to a total of $69 billion between 2007 and 2018.

Additionally, the Postal Service has struggled with rampant and uncontrolled overtime costs. Despite declines in mail volume, the USPS Office of the Inspector General reported an increase of $327 million in overtime costs in mail processing and a $576 million increase in overtime costs in delivery from 2014 through 2018.

The steep decline in mail also means that USPS operations have to be leaner, which includes reevaluating if mail stops and equipment are not needed. During the Obama administration the Postal Service removed 12,000 mailboxes without any uproar from the Democrats.

And in 2014, the Obama administration shuttered more than 80 mail facilities, including the Paducah sorting facility in my district. This closure sent all Western Kentucky mail out of state and made delivering a letter to your neighbor take more than twice as long.

While the Postal Service needs to get on to a fiscally sustainable path, the claim that it will be insolvent before the election is not true. USPS has more cash on hand than it's had in years and its leadership has stated that it will be solvent and operational at least through August 2021.

Additionally, USPS made nearly $1.5 billion more in revenue this year than the same period last year, has $15 billion cash on hand, and has access to the $10 billion loan provided for in the CARES Act. Even though USPS has not requested any financial assistance to continue its operations, the Democrats are forging ahead with an unnecessary bailout plan that doesn't fix any of the underlying operational issues at the Postal Service. One could even argue that the bill the House will consider this week will exacerbate the postal problems by hamstringing them.

Another fabricated claim is that the Postal Service is hampering the ability to vote by mail in the upcoming election but quite the opposite is true. The Postal Service is educating states on how to make vote by mail successful given realistic timelines associated with delivering the mail.

Some state election boards have deadlines and requirements that do not consider the reality of USPS operations and logistics constraints, which subsequently causes ballots to not be returned in time to be counted. For example, some states allow voters to request absentee ballots by mail a day before the

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election — clearly not enough time for USPS to deliver them to the voter and for the voter to send it back. The USPS took the prudent step to alert states if their requirements do not align with its established delivery times and what steps they can take to remedy the situation.

Lastly, the flimsy claim the Postal Service won't be able to handle the volume of election mail doesn't hold water. The Postal Service is entirely capable of handling a relatively minor increase in mail volume ahead of the election and will in fact benefit from the associated revenue of delivering more mail.

In 2019, the Postal Service handled an average of 471 million pieces of mail each day. Assuming every single registered American voter, about 158 million citizens, decided to vote by mail, the total possible volume of requested and mailed in ballots would not exceed a typical day of total USPS mail volume.

We all want to see an operational, efficient postal service that best serves Americans. My grandmother was a rural mail carrier for 27 years. As both her grandson and as a representative for Kentuckians residing in a rural district, I understand the importance of a functional postal service to help small businesses thrive, ensure Americans get their medications on time, and allow folks to hear from loved ones via snail mail.

A simple look at the latest facts reveals that the Democrats once again are manufacturing a crisis to undermine President Trump, but in doing so they only undermine their own credibility and America's institutions. The right to vote is a hallmark of our Republic and all votes must be fairly counted. Despite the Democrats' scare tactics and misinformation, Americans can have confidence that their vote counts regardless of whether they vote in person or by mail in the 2020 election.

Representative James Comer (R-Ky.) is the Ranking Member of the House Committee on Oversight and Reform. You can follow him on Twitter @RepJamesComer

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Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Saturday, August 22, 2020 11:11 PM
To: Smith, Kevin R - Washington, DC
Subject: [EXTERNAL] Fwd: NY Times story

Follow Up Flag: Follow up
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Robert M. "Mike"Duncan
Chairman and CEO
Inez Deposit Bank
(b) (6)

Begin forwarded message:

From: (b) (6)
Date: August 22, 2020 at 5:31:28 PM EDT
To: "M. -Mike- Duncan Robert" (b) (6)
Subject: NY Times story

(b) (5)

https://www.nytimes.com/2020/08/22/business/economy/dejoy-postmaster-general-trump-mnuchin.html

Mnuchin Paved Way for Postal Service Shake-Up

AMERICAN OVERSIGHT

At President Trump's behest, the Treasury Secretary sought out appointees who would restructure the United States Postal Service.

By Kenneth P. Vogel, Jessica Silver-Greenberg, Alan Rappeport and Hailey Fuchs

- Aug. 22, 2020Updated 4:50 p.m. ET

WASHINGTON — In early February, Treasury Secretary Steven Mnuchin invited two Republican members of the Postal Service's board of governors to his office to update him on a matter in which he had taken a particular interest — the search for a new postmaster general.

Mr. Mnuchin had made clear before the meeting that he wanted the governors to find someone who would push through the kind of cost-cutting and price increases that President Trump had publicly called for and that Treasury had recommended in a December 2018 report as a way to stem years of multibillion-dollar losses.

It was an unusual meeting at an unusual moment.

Since 1970, the Postal Service had been an independent agency, walled off from political influence. The postmaster general is not appointed by the president and is not a cabinet member. Instead, the postal chief is picked by a board of governors, with seats reserved for members of both parties, who are nominated by the president and confirmed by the Senate for seven-year terms.

Now, not only was the Trump administration, through Mr. Mnuchin, involving itself in the process for selecting the next postmaster general, but the two Democratic governors who were then serving on the board were not invited to the Treasury meeting. Since the meeting did not include a quorum of board members, it was not subject to sunshine laws that apply to official board meetings and there is no formal Postal Service record or minutes of what was discussed.

Nearly six months later, that meeting, along with other interactions between Mr. Mnuchin and the postal board, has taken on heightened significance as the Trump administration confronts allegations it sought to politicize the Postal Service and hinder its ability to handle a surge in mail-in ballots in November's election. In interviews, documents and congressional testimony, Mr. Mnuchin emerges as a key player in selecting the board members who hired the Trump megadonor now leading the Postal Service and in pushing the agenda that he has pursued.

Mr. Trump's animus toward the agency dates to at least 2013, but his criticism of its finances escalated once he took office and found new focus in late 2017, when he first bashed it for essentially subsidizing Amazon, another target of his ire. Amazon's founder and chief executive, Jeff Bezos, owns The Washington Post, whose coverage has often angered Mr. Trump.

"This Post Office scam must stop. Amazon must pay real costs (and taxes) now!" the president wrote on Twitter on March 31, 2018, one of several such attacks over the years.

Twelve days later, he issued an executive order putting Mr. Mnuchin in charge of a postal reform task force. But it was not until earlier this year that the administration found a way to enforce its postal agenda — one that has now collided with the pandemic and the approaching election.

A few weeks after the February meeting with Mr. Mnuchin, one of the attendees, Robert M. Duncan, the chairman of the board of governors, who was appointed by Mr. Trump in 2017, threw a new name for postmaster general into the mix: Louis DeJoy.

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Mr. DeJoy, a longtime logistics executive, was known for his hard-charging leadership style and his ability to convert disorganization into efficiency, as well his generous donations to the Republican Party, including to Mr. Trump. In October 2017, Mr. DeJoy had hosted a fund-raiser for the president's re-election campaign at his North Carolina home.

His résumé was far different than recent postmasters general, most of whom had risen through the Postal Service ranks. Megan J. Brennan, who had announced in October 2019 her intention to retire as postmaster general at the end of January, began her career as a letter carrier in Pennsylvania.

Mr. DeJoy, who ran New Breed Logistics before selling it to XPO Logistics in 2014, would be coming from the private sector to assume control of a highly unionized, sprawling bureaucracy with more than half a million employees. His companies had experience working with the Postal Service, moving bulk shipments of packages from fulfillment centers and ferrying them to local Postal Service centers. But both companies had fewer than 10,000 employees, none of them unionized, and he had never worked in the public sector.

The companies were also the subject of a litany of complaints from workers, including more than a dozen lawsuits accusing managers — but not Mr. DeJoy personally — of presiding over a hostile environment rife with sexual harassment and racial discrimination and where workers were fired for getting sick or injured.

The board's vice chairman at the time, David C. Williams, raised concerns about Mr. DeJoy's candidacy and Mr. Mnuchin's involvement, telling lawmakers during sworn testimony this week that he "didn't strike me as a serious candidate." Mr. Williams, a Democratic appointee, resigned before the vote as it became clear that Mr. DeJoy would be the pick.

Three months after the meeting in Mr. Mnuchin's office, the board of governors announced Mr. DeJoy's selection as the nation's 75th postmaster general. Within weeks, he began carrying out changes, including cuts to overtime and limiting mail delivery trips. He curtailed postal hours and mandated that carriers must adhere to a rigid schedule. A July memo from the Postal Service warned that the changes might temporarily result in "mail left behind or mail on the workroom floor or docks."

The measures matched up with recommendations in the task force report, which blamed the Postal Service for losing billions because of waste, inefficiency and a failure to respond to declining mail volumes.

But the rapid-fire moves just months before the November election concerned Postal Service insiders, who said that, since at least the Obama administration, the agency had generally sought to avoid significant changes within two or three months of a general election.

Soon, mail was piling up at post offices, veterans were not receiving their medications, bills were arriving late and questions began surfacing about the ability of the Postal Service to handle what is expected to be a record number of mail-in ballots this November because of the pandemic.

Amid an outcry from lawmakers, civil rights groups and state officials, Mr. DeJoy suspended many of the changes on Tuesday, including some that had been underway before he took the helm of the Postal Service. Yet he made clear during a Senate hearing on Friday that he planned to move ahead with "dramatic" measures after the election, including raising prices and limiting overtime.

Postal Service employees and union officials say significant damage has already been done. Hundreds of mail-sorting machines have been removed, and the day-to-day changes have caused confusion and delays among drivers, carriers and other workers.

AMERICAN OVERSIGHT

In his Senate testimony on Friday, Mr. DeJoy chalked that up to growing pains as the organization tries to get leaner. “We all feel, you know, bad” he told lawmakers upset about mail delays affecting their constituents.

Mr. DeJoy stressed that the changes had nothing to do with the election and noted that the removal of mailboxes and sorting machines had begun before his tenure. He said that he had been unaware of the equipment removal until it became a source of scrutiny. “This has been going on in every election year, and every year, for that matter,” he said, adding that he had “no idea” that it was happening.

Kevin Tabarus, a local president of the mail handlers’ union, questioned Mr. DeJoy’s qualifications and the selection process. “The guy has been to way more Republican fund-raisers than post offices,” he said, emphasizing just how delayed some of the mail has been under Mr. DeJoy’s watch.

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Over the last two years, Mr. Mnuchin met privately on multiple occasions about postal matters with Mr. Duncan, a former chairman of the Republican National Committee who was confirmed by the Senate as a postal board member in August 2018, according to people familiar with the meetings.

Mr. Mnuchin also arranged a meeting with John M. Barger, a California lawyer and financial investment adviser who was recommended to the Treasury secretary by a mutual associate who knew of Mr. Barger’s work as chairman of the board of the Los Angeles County pension fund. After a meeting in Washington, Mr. Mnuchin recommended that Mr. Trump appoint Mr. Barger to the board of governors.

Mr. Barger was confirmed by the Senate last summer, and was tapped to lead the committee to select a new postmaster general. He attended the February meeting in Mr. Mnuchin’s office with Mr. Duncan.

S. David Fineman, a former member and chairman of the Postal Service’s board, called Mr. Mnuchin’s close involvement in the affairs of the Postal Service “absolutely unprecedented.”

During his tenure in the Clinton and George W. Bush administrations, he said the board had minimal interaction with the administrations, and “certainly no communication regarding the hiring of the postmaster general.”

The board hired two search firms to assist in the selection process by conducting a nationwide search. One of them, Russell Reynolds Associates, compiled a database of prospective candidates and provided a subset of dozens of names it deemed most promising to the board.

Mr. DeJoy’s name was not among those initially provided, according to people familiar with the process. But Mr. Duncan raised Mr. DeJoy’s name during a discussion among board members about other prospective candidates. Mr. Duncan, who has been involved in a super PAC that supports Mr. Trump’s re-election, had met Mr. DeJoy through Mr. DeJoy’s wife, Aldona Wos. Both had been appointed by Mr. Trump to help lead the President’s Commission on White House Fellowships.

AMERICAN OVERSIGHT

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Mr. Barger was impressed, and reported his impressions to the full board the same day. "It's uncommon to find somebody from outside the Postal Service who also has a history of success working with the Postal Service," Mr. Barger said in an interview on Friday.

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Mr. Barger rejected suggestions that Mr. Mnuchin was playing politics with the Postal Service, noting that Democratic governors had met with top Treasury officials under Mr. Mnuchin. Mr. Mnuchin was not involved in the board's decision to select Mr. DeJoy, Mr. Barger said, adding that the board "viewed Secretary Mnuchin as a stakeholder who was doing his job in having an interest in how our process was moving forward, but certainly nothing more than that."

A Treasury spokeswoman acknowledged that Mr. Mnuchin urged the board to act expeditiously to find a new postmaster general when Ms. Brennan announced her retirement. The spokeswoman noted that Postal Service board members are part of the executive branch and that, as the head of the postal reform task force, Mr. Mnuchin had a right to be involved in the selection process and interview board candidates.

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That kind of growth came at a cost. In the logistics industry, speed is supreme. New Breed Logistics competed with Amazon in the hustle to deliver products to people's homes as fast as possible. In pursuit of that goal, New Breed Logistics pushed their workers to extremes, according to a New York Times investigation published in 2018.

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AMERICAN OVERSIGHT

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That included women like Tasha Murrell, who pleaded with her supervisor in 2014 to leave early because she was pregnant and lifting had become unbearable. Instead of a reprieve, her supervisor told her to get an abortion, according to a discrimination complaint that she later filed with the employment commission. Shorting after asking for a break, Ms. Murrell woke up in a pool of her own blood. She rushed to the hospital, where she learned that she had miscarried.

“It was like a sweatshop,” Ms. Murrell said. “All they cared about was their profits.”

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Mr. DeJoy and Mr. Duncan are scheduled to testify on Monday before the Democratic-controlled House Oversight and Reform Committee, whose members have signaled interest in Mr. DeJoy’s hiring, the changes he enacted and Mr. Mnuchin’s involvement in the Postal Service.

Letters of protest outside Mr. DeJoy’s home in Washington. Credit...Michael A. Mccoy/Getty Images

Kenneth Vogel, Alan Rappeport and Hailey Fuchs reported from Washington, and Jessica Silver-Greenberg from New York. Kitty Bennett contributed research.

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Saturday, August 22, 2020 11:13 PM
To: Smith, Kevin R - Washington, DC
Subject: [EXTERNAL] Fwd: Key Messages for the PMG's testimony

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Robert M. "Mike"Duncan
Chairman and CEO
Inez Deposit Bank
(b) (6)

Begin forwarded message:

From: "Marshall, Thomas J - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Date: August 21, 2020 at 7:16:48 PM EDT
To: "M. -Mike- Duncan Robert" (b) (6)
Subject: Key Messages for the PMG's testimony

Chairman Duncan.

(b) (5)

AMERICAN OVERSIGHT

(b) (5) [redacted]

[redacted]

[redacted]

[redacted]

See you tomorrow.

-Tom

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Saturday, August 22, 2020 11:13 PM
To: Smith, Kevin R - Washington, DC
Subject: [EXTERNAL] Fwd: USPS Board of Governors Announces Bipartisan Election Mail Committee
Attachments: Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

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Robert M. "Mike"Duncan
Chairman and CEO
Inez Deposit Bank
(b) (6)

Begin forwarded message:

> **From:** "Sigler, Katherine - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
> **Date:** August 21, 2020 at 5:19:17 PM EDT
> **To:** "Sigler, Katherine - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
> **Cc:** "Elston, Michael J - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
> **Subject: FW: USPS Board of Governors Announces Bipartisan Election Mail Committee**
>
> Please see the press release below from the Board of Governors.
>
> Thanks,
>
> Katherine
>
> KATHERINE SIGLER
> ACTING SECRETARY OF THE BOARD OF GOVERNORS
> UNITED STATES POSTAL SERVICE
> (202) 268-2572 OFFICE
> (b) (6) MOBILE

AMERICAN OVERSIGHT

From: NEWS
Sent: Friday, August 21, 2020 5:02 PM
To: _HQ OFFICERS (b)(3) & 410 (c)(2) ; _HQ OFFICERS SECRETARIES (b)(3) & 410 (c)(2) _AREA VICE PRESIDENTS (b)(3) & 410 (c)(2) _AREA VP SECRETARIES (b)(3) & 410 (c)(2) ; _CorpComm (b)(3) & 410 (c)(2) ; _Public Policy <(b)(3) & 410 (c)(2) >; PCES Non Officers DL - All (b)(3) & 410 (c)(2)
Subject: USPS Board of Governors Announces Bipartisan Election Mail Committee

BOARD OF GOVERNORS

PRESS RELEASE

FOR IMMEDIATE RELEASE
Aug. 21, 2020

Contact: David Partenheimer
david.a.partenheimer@usps.gov

USPS Board of Governors Announces Bipartisan Election Mail Committee

AMERICAN OVERSIGHT

WASHINGTON, DC – The United States Postal Service Board of Governors today announced the establishment of a bipartisan Election Mail Committee that will actively oversee the United States Postal Service's support of the mail-in voting process. The committee will be chaired by Governor Lee Moak, who will be joined on the committee by Governor Ron Bloom and Governor John Barger.

The Postal Service has a long history of effectively helping Americans participate in elections via mail-in ballots, which are expected to account for less than two percent of all mail volume from mid-September until Election Day. However, because of the ongoing pandemic, many states are anticipating the expanded use of the mail for voting during the upcoming national election, and in some instances are allowing mail-in voting and no-excuse absentee voting for the first time under statute, and each state has unique requirements and deadlines for ballots under state laws.

The Election Mail Committee will use its oversight role to reinforce the strong commitment of the Postal Service to the mail as an important part of the nation's democratic process, and will regularly monitor execution of USPS's work on election mail to ensure that our part of this election process is implemented in the most effective way possible.

In a joint statement, the Governors announced:

"The United States Postal Service will play an indispensable role in ensuring that those Americans who wish to vote by mail will be able to do so and have their votes counted. The Governors take our responsibility with the utmost gravity, and we will work to ensure that the Postal Service continues to perform for the American people this election season.

"Postmaster General Louis DeJoy has the full support of the Governors. He was selected to help bring needed changes to the Postal Service, which has experienced over a decade of financial losses and faces the need for fundamental reform. The essential public service functions of the Postal Service must be maintained, and the Postmaster General's reform initiatives will help ensure that they can be for many years to come."

The Governors of the U.S. Postal Service:

Robert M. Duncan, Chairman of the Board
John M. Barger
Ron A. Bloom
Roman Martinez IV
Donald L. Moak
William D. Zollars

# # #

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Saturday, August 22, 2020 11:22 PM
To: Smith, Kevin R - Washington, DC
Subject: [EXTERNAL] Fwd: New version
Attachments: version10.docx; Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

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Robert M. "Mike"Duncan
Chairman and CEO
Inez Deposit Bank
(b) (6)

Begin forwarded message:

From: Barger/NorthernCrossPartners (b) (6)
Date: August 21, 2020 at 11:42:27 AM EDT
To: Lee Moak (b) (6)
Cc: Bill Zollars (b) (6), "M. -Mike- Duncan Robert"
(b) (6), Ron Bloom (b) (6), Roman Martinez IV
(b) (6)
Subject: Re: New version

(b) (5)

On Aug 21, 2020, at 8:27 AM, Lee Moak (b) (6) wrote:

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Sunday, August 23, 2020 8:48 AM
To: Smith, DC
Cc: (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] Fwd: NY Times story

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

(b) (5)

Sent from my iPhone

Begin forwarded message:

> **From:** (b) (6)
> **Date:** August 22, 2020 at 5:31:33 PM EDT
> **To:** "M. -Mike- Duncan Robert" (b) (6)
> **Subject: NY Times story**
>
> (b) (5)
>
> https://www.nytimes.com/2020/08/22/business/economy/dejoy-postmaster-general-trump-mnuchin.html

Mnuchin Paved Way for Postal Service Shake-Up

At President Trump's behest, the Treasury Secretary sought out appointees who would restructure the United States Postal Service.

By Kenneth P. Vogel, Jessica Silver-Greenberg, Alan Rappeport and Hailey Fuchs

- Aug. 22, 2020Updated 4:50 p.m. ET

AMERICAN OVERSIGHT

WASHINGTON — In early February, Treasury Secretary Steven Mnuchin invited two Republican members of the Postal Service's board of governors to his office to update him on a matter in which he had taken a particular interest — the search for a new postmaster general.

Mr. Mnuchin had made clear before the meeting that he wanted the governors to find someone who would push through the kind of cost-cutting and price increases that President Trump had publicly called for and that Treasury had recommended in a December 2018 report as a way to stem years of multibillion-dollar losses.

It was an unusual meeting at an unusual moment.

Since 1970, the Postal Service had been an independent agency, walled off from political influence. The postmaster general is not appointed by the president and is not a cabinet member. Instead, the postal chief is picked by a board of governors, with seats reserved for members of both parties, who are nominated by the president and confirmed by the Senate for seven-year terms.

Now, not only was the Trump administration, through Mr. Mnuchin, involving itself in the process for selecting the next postmaster general, but the two Democratic governors who were then serving on the board were not invited to the Treasury meeting. Since the meeting did not include a quorum of board members, it was not subject to sunshine laws that apply to official board meetings and there is no formal Postal Service record or minutes of what was discussed.

Nearly six months later, that meeting, along with other interactions between Mr. Mnuchin and the postal board, has taken on heightened significance as the Trump administration confronts allegations it sought to politicize the Postal Service and hinder its ability to handle a surge in mail-in ballots in November's election. In interviews, documents and congressional testimony, Mr. Mnuchin emerges as a key player in selecting the board members who hired the Trump megadonor now leading the Postal Service and in pushing the agenda that he has pursued.

Mr. Trump's animus toward the agency dates to at least 2013, but his criticism of its finances escalated once he took office and found new focus in late 2017, when he first bashed it for essentially subsidizing Amazon, another target of his ire. Amazon's founder and chief executive, Jeff Bezos, owns The Washington Post, whose coverage has often angered Mr. Trump.

"This Post Office scam must stop. Amazon must pay real costs (and taxes) now!" the president wrote on Twitter on March 31, 2018, one of several such attacks over the years.

Twelve days later, he issued an executive order putting Mr. Mnuchin in charge of a postal reform task force. But it was not until earlier this year that the administration found a way to enforce its postal agenda — one that has now collided with the pandemic and the approaching election.

A few weeks after the February meeting with Mr. Mnuchin, one of the attendees, Robert M. Duncan, the chairman of the board of governors, who was appointed by Mr. Trump in 2017, threw a new name for postmaster general into the mix: Louis DeJoy.

Mr. DeJoy, a longtime logistics executive, was known for his hard-charging leadership style and his ability to convert disorganization into efficiency, as well his generous donations to the Republican Party, including to Mr. Trump. In October 2017, Mr. DeJoy had hosted a fund-raiser for the president's re-election campaign at his North Carolina home.

His résumé was far different than recent postmasters general, most of whom had risen through the Postal Service ranks. Megan J. Brennan, who had announced in October 2019 her intention to retire as postmaster general at the end of January, began her career as a letter carrier in Pennsylvania.

AMERICAN OVERSIGHT

Mr. DeJoy, who ran New Breed Logistics before selling it to XPO Logistics in 2014, would be coming from the private sector to assume control of a highly unionized, sprawling bureaucracy with more than half a million employees. His companies had experience working with the Postal Service, moving bulk shipments of packages from fulfillment centers and ferrying them to local Postal Service centers. But both companies had fewer than 10,000 employees, none of them unionized, and he had never worked in the public sector.

The companies were also the subject of a litany of complaints from workers, including more than a dozen lawsuits accusing managers — but not Mr. DeJoy personally — of presiding over a hostile environment rife with sexual harassment and racial discrimination and where workers were fired for getting sick or injured.

The board's vice chairman at the time, David C. Williams, raised concerns about Mr. DeJoy's candidacy and Mr. Mnuchin's involvement, telling lawmakers during sworn testimony this week that he "didn't strike me as a serious candidate." Mr. Williams, a Democratic appointee, resigned before the vote as it became clear that Mr. DeJoy would be the pick.

Three months after the meeting in Mr. Mnuchin's office, the board of governors announced Mr. DeJoy's selection as the nation's 75th postmaster general. Within weeks, he began carrying out changes, including cuts to overtime and limiting mail delivery trips. He curtailed postal hours and mandated that carriers must adhere to a rigid schedule. A July memo from the Postal Service warned that the changes might temporarily result in "mail left behind or mail on the workroom floor or docks."

The measures matched up with recommendations in the task force report, which blamed the Postal Service for losing billions because of waste, inefficiency and a failure to respond to declining mail volumes.

But the rapid-fire moves just months before the November election concerned Postal Service insiders, who said that, since at least the Obama administration, the agency had generally sought to avoid significant changes within two or three months of a general election.

Soon, mail was piling up at post offices, veterans were not receiving their medications, bills were arriving late and questions began surfacing about the ability of the Postal Service to handle what is expected to be a record number of mail-in ballots this November because of the pandemic.

Amid an outcry from lawmakers, civil rights groups and state officials, Mr. DeJoy suspended many of the changes on Tuesday, including some that had been underway before he took the helm of the Postal Service. Yet he made clear during a Senate hearing on Friday that he planned to move ahead with "dramatic" measures after the election, including raising prices and limiting overtime.

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

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Letters of protest outside Mr. DeJoy’s home in Washington. Credit...Michael A. Mccoy/Getty Images

Kenneth Vogel, Alan Rappeport and Hailey Fuchs reported from Washington, and Jessica Silver-Greenberg from New York. Kitty Bennett contributed research.

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Monday, August 24, 2020 6:18 PM
To: Smith, DC
Subject: [EXTERNAL] Fwd: : UPDATE: New York added to states sending out ballots in September--mail/absentee voting specifics
Attachments: Duplicate record Non-responsive record; Duplicate record ; Non-responsive record; 3. Sept Calendar- 29 states voting, primaries and holidays.pdf; Non-responsive record; 4. US map of 28 states voting in Sept with Barcode and Pre-paid first cl....docx; Non-responsive record; 5. Narrative Write-up with state by state specifics on mail in voting.docx; Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

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Sent from my iPhone

Begin forwarded message:

From: (b) (6)
Date: August 24, 2020 at 5:53:09 PM EDT
To: "M. -Mike- Duncan Robert" (b) (6)
Cc: (b) (6)
Subject: : UPDATE: New York added to states sending out ballots in September--mail/absentee voting specifics

I
(b) (5)

AMERICAN OVERSIGHT

(b) (5)

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Tuesday, August 25, 2020 11:48 AM
To: DeJoy, Louis - Washington, DC
Cc: (b) (6); John Barger (b) (6); (b) (6); (b) (6); (b) (6); Sigler, Katherine - Washington, DC; Elston, Michael J - Washington, DC
Subject: [EXTERNAL] Roman Martinez/(b) (5)

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Louis,
(b) (5)

Look forward to hearing from you.
Best,
Roman

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Tuesday, August 25, 2020 2:50 PM
To: Corbett, Joseph - Washington, DC
Cc: Mehra, Pritha N - Washington, DC; Smith, Kevin R - Washington, DC; Crabb, Gregory S; Greene, Cara M - Washington, DC
Subject: [EXTERNAL] Re: Introduction/Information Security

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Thanks, Joe.
(b) (5)

I would be pleased to discuss at your convenience.
Best,
Roman

Sent from my iPhone

> On Aug 25, 2020, at 12:54 PM, Corbett, Joseph - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:
>
> Pritha/Greg, Meet Governor Roman Martinez—Chair of the AFC via this Email. (b) (5)
>
> Thanks, Joe
>
> Joseph Corbett
> EVP and CFO
> U.S. Postal Service
> (b) (6) (Mobile)

AMERICAN OVERSIGHT

(202) 268-5272 (Office)

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Tuesday, August 25, 2020 6:48 PM
To: (b) (6), (b)(3) & 410 (c)(2)
Subject: Fwd: [EXTERNAL] Re: Senate Minority Leader Schumer Press Release: Demand for Election Mail Report
Attachments: Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

(b) (5)

Sent from my iPhone

Begin forwarded message:

> **From:** "Bloom, Ron" (b) (6)
> **Date:** August 25, 2020 at 6:29:35 PM EDT
> **To:** "M. -Mike- Duncan Robert" (b) (6)
> **Subject: RE: [EXTERNAL] Re: Senate Minority Leader Schumer Press Release: Demand for Election Mail Report**
>
> (b) (5)
>
> **Ron Bloom**
> Managing Partner | Vice Chairman
> Private Equity
>
> Brookfield Asset Management
> Brookfield Place New York
> (b) (6)
> www.brookfield.com
>
> Non-responsive record
>
> View important disclosures and information about our e-mail policies here
>
> ---
>
> **From:** M. -Mike- Duncan Robert (b) (6)
> **Sent:** Tuesday, August 25, 2020 6:28 PM
> **To:** Bloom, Ron (b) (6)

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Subject: Re: [EXTERNAL] Re: Senate Minority Leader Schumer Press Release: Demand for Election Mail Report

[External Email]

(b) (5) Call me if you can.

My cell service has been out this evening. Text seems to work ok now but not phone. It may be a local tower problem.

Sent from my iPhone

On Aug 25, 2020, at 6:04 PM, Bloom, Ron (b) (6) wrote:

(b) (5)

Ron Bloom
Managing Partner | Vice Chairman
Private Equity

Brookfield Asset Management
Brookfield Place New York
(b) (6)
www.brookfield.com

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-----Original Message-----
From: DeJoy, Louis - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Sent: Tuesday, August 25, 2020 5:50 PM
To: Lee Moak (b) (6)
Cc: John Barger (b) (6) ; Bloom, Ron (b) (6) ; Roman Martinez IV (b) (6) ; William Zollars (b) (6) ; Robert Duncan (b) (6)
Subject: Re: [EXTERNAL] Re: Senate Minority Leader Schumer Press Release: Demand for Election Mail Report

[External Email]

(b) (5)

AMERICAN OVERSIGHT

(b) (5)

Sent from my iPhone

> On Aug 25, 2020, at 5:31 PM, Lee Moak (b) (6) wrote:
>
> CAUTION: This email originated from outside USPS. STOP and CONSIDER before responding, clicking on links, or opening attachments.
>
> Louis,
>
(b) (5)

>
> Let me know if you need additional detail,
>
> Lee
>
>
>
>
>
>
> On 8/25/20, 4:35 PM, "DeJoy, Louis - Washington, DC" (b) (6), (b)(3) & 410 (c)(2) wrote:
>
(b) (5)

>
> Sent from my iPhone
>
> Begin forwarded message:

AMERICAN OVERSIGHT

>
> From: "Marshall, Thomas J - Washington, DC"
(b) (6), (b)(3) & 410 (c)(2)
> Date: August 25, 2020 at 3:51:13 PM EDT
> To: "DeJoy, Louis - Washington, DC"
(b) (6), (b)(3) & 410 (c)(2)
, "Elston, Michael J - Washington, DC"
(b) (6), (b)(3) & 410 (c)(2), "Clarke, Heather A - Washington, DC"
(b) (6), (b)(3) & 410 (c)(2)
> Subject: FW: Senate Minority Leader Schumer Press Release: Demand for Election Mail Report
>
>
> fyi
>
> From: Brownlie, Caroline R - Washington, DC
> Sent: Tuesday, August 25, 2020 12:17 PM
> To: Marshall, Thomas J - Washington, DC
<https://can01.safelinks.protection.outlook.com/?url=https%3A%2F%2Furldefense.pro
(b) (6), (b)(3) & 410 (c)(2)

AMERICAN OVERSIGHT

(b) (6), (b)(3) & 410 (c)(2)
Weidner, Keith E - Washington, DC(b) (6), (b)(3) & 410 (c)(2)
> Subject: FW: Senate Minority Leader Schumer Press Release: Demand for Election Mail Report
>
> FYI
>
> From: Goldstein, Noah M - Washington, DC
> Sent: Tuesday, August 25, 2020 9:02 AM
> To: _GOV RELATIONS POLICY
(b)(3) & 410 (c)(2)
_GOV RELATIONS MANAGERS
(b)(3) & 410 (c)(2)
> Cc: Selde, Jennifer L - Washington, DC
(b) (6), (b)(3) & 410 (c)(2)
; Brownlie, Caroline R - Washington, DC
(b) (6), (b)(3) & 410 (c)(2)
> Subject: Senate Minority Leader Schumer Press Release: Demand for Election Mail Report
>
> An FYI-
>
> Senate Minority Leader Chuck Schumer (D-NY) issued a press release<(b) (6)

AMERICAN OVERSIGHT

(b) (6)

to announce that he is pushing the Chairman of the Board of Governors new Election Mail Committee to provide him a report in two weeks that outlines how November election mail will be delivered on time:
>
> 08.24.20
> SCHUMER DEMANDS A FULL REPORT HANDED TO CONGRESS IN 2-WEEKS OUTLINING HOW ELECTION MAIL WILL BE DELIVERED ON TIME; WANTS NEW OVERSIGHT ACTIONS FROM JUST-CREATED—INDEPENDENT—POSTAL UNIT HEADED BY DEM APPOINTEE WITH ABILITY TO INVESTIGATE CHANGES TO PROTECT ELECTION MAIL & HOLD DEJOY ACCOUNTABLE
>
> Amid DeJoy "Promises," Schumer Pushes Oversight Action On USPS & Voting-By-Mail With NEW Requirement For 'Election Mail Report' That He Wants In Two Weeks; DeJoy Has Lost Credibility And Now Requires Eyes On Him
>
> Senator Has Spoken With Postal Board Governor He Appointed, Who Is Straight-Shooter & Committed To Getting Report On Senator's Desk, Along With Updates For ALL Senators
>
> Schumer: With USPS STILL Enveloped In Crisis, Independent Oversight Will Be Key To Repairing Damage
>
> Acknowledging that the USPS remains in a precarious crisis, U.S. Senator Charles Schumer announced, yesterday, he is pushing the Chairman of the USPS Board of Governors new Election Mail Committee to hand him a report in two weeks that outlines how November election mail will be delivered on time—without question. Schumer revealed the independent subcommittee of the postal board is headed by a democrat, Governor Lee Moak, whom he appointed and that this will help address the ongoing lack of credibility with Postmaster DeJoy.
>
> "In the past several days, Postmaster DeJoy has had to walk back some of his efforts to undermine and dismantle the post office ahead of the November election, but today we are here to say: actions speak louder than words and that those actions will come from sharp oversight," said U.S. Senator Charles Schumer. "There will be no rubber stamp on the postmaster's talking points, because, quite frankly, he has lost credibility in Congress and with the American people. That is why I am demanding a report be handed to Congress in two weeks that outlines just how election mail will be delivered on time. We have to protect the election, the mail itself, and hold this postmaster accountable, which is what I told the Chairman of the new Election Mail Committee must be accomplished."
>
> According to the USPS Board of Governors, the establishment of a bipartisan Election Mail Committee will actively oversee the United States Postal Service's support of the mail-in voting process. The committee will be chaired by Governor Lee Moak, whom

AMERICAN OVERSIGHT

Schumer appointed. Moak will be joined on the committee by Governor Ron Bloom and Governor John Barger. Schumer said this just-created postal unit will have the ability to investigate changes, and that this is very important, because it acts as a check on DeJoy. Schumer also announced he has spoken with Governor Moak on his request for a report and that with the USPS still enveloped in crisis, independent oversight will be key to repairing the damage that has been done. Schumer says Governor Moak will heed his request for the report and deliver it in two weeks.
>
> “I spoke with Governor Moak yesterday on my request for a report—we’ll get one,” Schumer added. “Congress will use that report to ensure that the postal service has every resource it needs to protect and deliver election mail and hold DeJoy and the board accountable. The bottom line here is that with the Postal Service still enveloped in crisis and oversight will be key to repairing the damage DeJoy has already done.”
>
> This week, the Postal Service announced<(b) (6)

an immediate suspension of disastrous new initiatives implemented by Postmaster General DeJoy after weeks of public outcry due to significant delays in mail delivery that threatened to undermine the November election. The Postal Service recently warned<(b) (6)

46 states and the District of Columbia that general election ballots sent by mail may not arrive in time to be counted. The Postal Service Board of Governors on Friday, announced the creation<(b) (6)

AMERICAN OVERSIGHT

(b) (6) of a new bipartisan Election Mail Committee to oversee the USPS' support of mail-in voting.
>
> DeJoy testified Friday in the Senate, according to that testimony, he said that his "No. 1 priority" is to ensure election mail arrives on time. Schumer says his statements largely ring hollow and require constant monitoring up until the election. In his testimony, DeJoy also told lawmakers that he would not restore the cuts to mailboxes and sorting equipment that have already been made, concerns Schumer has raised across the State of New York where mail was being slowed, delayed or not delivered at all in some cases. Moreover, DeJoy could not provide lawmakers with a plan for handling the cascade of ballots heading for the USPS, which concerns Schumer and is part of why continuous oversight is required. DeJoy is slated to return Monday to testify before the House Oversight Committee.
>
>
> Noah Goldstein
> Legislative Research Analyst
> Government Relations and Public Policy
> United States Postal Service
> 202-268-5869
>
>

AMERICAN OVERSIGHT

Fwd: [EXTERNAL] Re: Senate Minority Leader Schumer Press Release: Demand for Election Mail Report

M. -Mike- Duncan Robert (b) (6)
Tue 8/25/2020 7:30 PM
To: Ron Bloom (b) (6)

Sent from my iPhone

Begin forwarded message:

From: "Marshall, Thomas J - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Date: August 25, 2020 at 6:56:32 PM EDT
To: "M. -Mike- Duncan Robert" (b) (6)
Subject: RE: [EXTERNAL] Re: Senate Minority Leader Schumer Press Release: Demand for Election Mail Report

(b) (5)

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

Duplicate record

AMERICAN OVERSIGHT

(b) (5)

M. -Mike- Duncan Robert (b) (6)

Wed 8/26/2020 1:12 PM

To: Lee Moak (b) (6)

(b) (5)



Sent from my iPhone

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Wednesday, August 26, 2020 7:41 AM
To: Bloom, Ron
Cc: Marshall, Thomas J - Washington, DC; M. -Mike- Duncan Robert
Subject: [EXTERNAL] Re: Senate Minority Leader Schumer Press Release: Demand for Election Mail Report
Attachments: Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

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(b) (5)
Roman

Sent from my iPhone

On Aug 26, 2020, at 6:34 AM, Bloom, Ron (b) (6) wrote:

(b) (5)

Ron Bloom
Managing Partner | Vice Chairman
Private Equity

Brookfield Asset Management
Brookfield Place New York
(b) (6)
www.brookfield.com

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From: Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Sent: Tuesday, August 25, 2020 8:33 PM
To: M. -Mike- Duncan Robert (b) (6) >; Bloom, Ron (b) (6) ; Roman Martinez IV (b) (6)
Subject: Senate Minority Leader Schumer Press Release: Demand for Election Mail Report

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[External Email]

ATTORNEY-CLIENT COMMUNICATION
PRIVILEGED AND COINFIDENTIAL

Governors,

(b) (5)

AMERICAN OVERSIGHT

(b) (5)

[redacted]

Let me know what you think.

-Tom

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

08.24.20

SCHUMER DEMANDS A FULL REPORT HANDED TO CONGRESS IN 2-WEEKS OUTLINING HOW ELECTION MAIL WILL BE DELIVERED ON TIME; WANTS NEW OVERSIGHT ACTIONS FROM JUST-

AMERICAN OVERSIGHT

CREATED—INDEPENDENT—POSTAL UNIT HEADED BY DEM APPOINTEE WITH ABILITY TO INVESTIGATE CHANGES TO PROTECT ELECTION MAIL & HOLD DEJOY ACCOUNTABLE

Amid DeJoy "Promises," Schumer Pushes Oversight Action On USPS & Voting-By-Mail With NEW Requirement For 'Election Mail Report' That He Wants In Two Weeks; DeJoy Has Lost Credibility And Now Requires Eyes On Him

Senator Has Spoken With Postal Board Governor He Appointed, Who Is Straight-Shooter & Committed To Getting Report On Senator's Desk, Along With Updates For ALL Senators

*Schumer: With USPS **STILL** Enveloped In Crisis, Independent Oversight Will Be Key To Repairing Damage*

Acknowledging that the USPS remains in a precarious crisis, U.S. Senator Charles Schumer announced, yesterday, he is pushing the Chairman of the USPS Board of Governors new Election Mail Committee to **hand him a report in two weeks that outlines how November election mail will be delivered on time**—without question. Schumer revealed the independent subcommittee of the postal board is headed by a democrat, Governor Lee Moak, whom he appointed and that this will help address the ongoing lack of credibility with Postmaster DeJoy.

"In the past several days, Postmaster DeJoy has had to walk back some of his efforts to undermine and dismantle the post office ahead of the November election, but today we are here to say: actions speak louder than words and that those actions will come from sharp oversight," **said U.S. Senator Charles Schumer.** "There will be no rubber stamp on the postmaster's talking points, because, quite frankly, he has lost credibility in Congress and with the American people. That is why I am demanding a report be handed to Congress in two weeks that outlines just how election mail will be delivered on time. We have to protect the election, the mail itself, and hold this postmaster accountable, which is what I told the Chairman of the new Election Mail Committee must be accomplished."

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According to the USPS Board of Governors, the establishment of a bipartisan Election Mail Committee will actively oversee the United States Postal Service's support of the mail-in voting process. The committee will be chaired by Governor Lee Moak, whom Schumer appointed. Moak will be joined on the committee by Governor Ron Bloom and Governor John Barger. Schumer said this just-created postal unit will have the ability to investigate changes, and that this is very important, because it acts as a check on DeJoy. Schumer also announced he has spoken with Governor Moak on his request for a report and that with the USPS still enveloped in crisis, independent oversight will be key to repairing the damage that has been done. Schumer says Governor Moak will heed his request for the report and deliver it in two weeks.

"I spoke with Governor Moak yesterday on my request for a report—we'll get one," **Schumer added.** "Congress will use that report to ensure that the postal service has every resource it needs to protect and deliver election mail and hold DeJoy and the board accountable. The bottom line here is that with the Postal Service still enveloped in crisis and oversight will be key to repairing the damage DeJoy has already done."

This week, the Postal Service announced an immediate suspension of disastrous new initiatives implemented by Postmaster General DeJoy after weeks of public outcry due to significant delays in mail delivery that threatened to undermine the November election. The Postal Service recently warned 46 states and the District of Columbia that general election ballots sent by mail may not arrive in time to be counted. The Postal Service Board of Governors on Friday, announced the creation of a new bipartisan Election Mail Committee to oversee the USPS' support of mail-in voting.

DeJoy testified Friday in the Senate, according to that testimony, he said that his "No. 1 priority" is to ensure election mail arrives on time. Schumer says his statements largely ring hollow and require constant monitoring up until the election. In his testimony, DeJoy also told lawmakers that he would not restore the cuts to mailboxes and sorting equipment that have already been made, concerns Schumer has raised across the State of New York where mail was being slowed, delayed or not delivered at all in some cases. Moreover, DeJoy could not provide lawmakers with a plan for handling the cascade of ballots heading for the USPS, which concerns Schumer and is part of why continuous oversight is required. DeJoy is slated to return Monday to testify before the House Oversight Committee.

Noah Goldstein
Legislative Research Analyst
Government Relations and Public Policy
United States Postal Service
202-268-5869

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Wednesday, August 26, 2020 7:54 AM
To: Bloom, Ron
Cc: Marshall, Thomas J - Washington, DC; M. -Mike- Duncan Robert
Subject: [EXTERNAL] Re: Senate Minority Leader Schumer Press Release: Demand for Election Mail Report

Follow Up Flag: Follow up
Flag Status: Flagged

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(b) (5)

Roman

Sent from my iPhone

Duplicate record

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Selde, Jennifer L - Washington, DC

From: Lee Moak (b) (6)
Sent: Wednesday, August 26, 2020 9:46 AM
To: Marshall, Thomas J - Washington, DC
Subject: [EXTERNAL] Re: Election mail Task Force

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Perfect-

From: "Marshall, Thomas J - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Date: Wednesday, August 26, 2020 at 9:44 AM
To: Lee Moak (b) (6)
Subject: RE: Election mail Task Force

(b) (5)

-Tom

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

From: Lee Moak (b) (6)
Sent: Wednesday, August 26, 2020 8:07 AM
To: Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] Re: Election mail Task Force

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Tom,

(b) (5)

Best,

Lee

From: "Marshall, Thomas J - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Date: Tuesday, August 25, 2020 at 12:05 PM
To: Lee Moak (b) (6) "Sigler, Katherine - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Cc: Ron Bloom (b) (6) Barger/NorthernCrossPartners

AMERICAN OVERSIGHT

(b) (6)
Subject: RE: Election mail Task Force

Katherine, can you set up a ZOOM call for the Board Election Mail Committee for tomorrow at 3:00 pm. (b) (5)

Thanks, Katherine, for your help in this regard.

-Tom

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

From: Lee Moak [(b) (6)
Sent: Tuesday, August 25, 2020 10:24 AM
To: Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2)>; Sigler, Katherine - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Cc: Ron Bloom (b) (6) >; Barger/NorthernCrossPartners (b) (6) >
Subject: [EXTERNAL] Election mail Task Force

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Tom,

(b) (5)

Best,

Lee

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: (b) (6)
Sent: Wednesday, August 26, 2020 12:33 PM
To: (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] Fwd: HuffPost Article
Attachments: Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

FYI

Sent from my iPad

Begin forwarded message:

> **From:** (b) (6)
> **Date:** August 26, 2020 at 11:31:42 AM CDT
> **To:** John Barger (b) (6), Lee Moak (b) (6), Roman Martinez (b) (6)
> **Subject: Fwd: HuffPost Article**
>
> [redacted]
>
> Bill
>
> Sent from my iPad
>
> Begin forwarded message:
>
> > **From:** (b) (6)
> > **Date:** August 26, 2020 at 8:58:15 AM CDT
> > **To:** (b) (6) (b) (6) (b) (6)
> > **Subject: HuffPost Article**
> >
> > (b) (6) and Bill –
> >
> > Below is the article we were expecting. Our statements clarifying there is no conflict are included.

AMERICAN OVERSIGHT

Thank you,
(b) (6)

A Trump Pick To Oversee The Postal Service Has Extensive Ties To A USPS Contractor
The Republican takeover of the independent agency is giving the private shipping industry a seat at the table.
HuffPost
By Molly Redden
26 August 2020

One of President Donald Trump's newest appointees to the board overseeing the U.S. Postal Service has extensive business ties to a global investment firm that rents giant warehouses to the USPS and to most of its top competitors.

The appointee, William Zollars, joined the USPS Board of Governors in June after he was confirmed by the Senate, while still sitting on the board of the logistics giant Prologis. Prologis financial documents dated this spring show that Zollars has been compensated with thousands of shares of stock worth a total of more than $1 million, and that he has options to purchase thousands more shares in the coming years.

It is a potential conflict of interest that raises alarms about the ultimate goals of those overseeing the disastrous overhaul of the USPS.

The USPS is supposed to operate free from any political interference. Under Trump, however, Treasury Secretary Steve Mnuchin engineered a Republican takeover of the Board of Governors and personally pushed it to select Louis DeJoy, a GOP megadonor with no agency experience, as postmaster general. (Mnuchin and the agency have denied reports of the extent of his involvement.)

The board vetted and selected DeJoy and has broad oversight of the USPS' spending decisions. Zollars is the president's latest Republican appointee.

DeJoy slashed overtime and delivery trips for postal carriers, leading to cascading delays in service all over the country. Trump has all but endorsed the hobbling of the post office in order to sabotage mail-in voting in the coming presidential election. But some critics see another motive: a plan to justify privatizing the post office by reducing its reliability.

Prologis is one of the world's largest owners of industrial real estate and has been snapping up warehouses amid a nationwide surge of e-commerce. Prologis rents space to the USPS during its peak holiday seasons. As of last year, some of its top customers for warehouse space included the USPS's biggest competitors: Amazon, FedEx and UPS.

A post office spokesperson did not respond when asked if Zollars had retained his investments. **But a Prologis spokeswoman said his compensation had not changed as a result of his appointment to the USPS board of governors. She also said Zollars' role on the USPS board does not intersect with his interests as a Prologis board member and that all its contracts with the USPS go through the government procurement process.**

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It's not illegal for members of the USPS Board of Governors to have financial relationships with companies that compete or do business with the agency. But they're required to recuse themselves from topics that raise a potential conflict of interest, and the agency does not readily make those instances public.

A loophole protects members of the USPS Board of Governors, as part-time federal employees, from having to disclose their financial holdings to the public, which means the full extent of Zollars' conflicts may be hidden.

"Even if you're allowed to keep them, that doesn't mean it's a good idea," said Walter Shaub, the former director of the Office of Government Ethics. "It's a very bad idea to have assets that intersect with the work of the postal Board of Governors, partly because the optics are terrible, partly because it's to the disadvantage of the country to not have the board fully operative because of recusals."

For someone on the Board of Governors to have a private sector background is not in itself a bad thing, Shaub said.

"I'm not in favor of excluding people from government service for their mere expertise. I do still think it's legitimate to question the general wisdom of someone serving on the board while having some common-sense conflicts of interest if not legal conflicts of interest," he said. "Things look bad when you have assets that intersect with the work of the government agency you serve."

In his June confirmation hearing, Zollars admitted to the Senate Homeland Security Committee that his understanding of the agency was limited: "Although I do not have an in-depth knowledge of the Postal Service, I am anxious to learn as much as possible."

However, he is a longtime figure in the shipping and logistics industry. Before joining the Prologis board, Zollars was an executive at multiple freight shipping companies including YRC Worldwide.

The U.S. Justice Department is currently suing YRC, claiming it overbilled the Department of Defense for several years while Zollars was CEO. (The company has denied any wrongdoing and noted that the Pentagon has maintained its contract during the lawsuit.)

The company was on the financial brink until late June, when the U.S. Treasury Department announced it would extend YRC a $700 million loan from its coronavirus relief fund in exchange for a stake of nearly 30% in the company. It is unclear whether Zollars retains any financial interests in YRC, and a USPS spokesperson did not respond to a request for comment. A spokesman for YRC Worldwide said Zollars "has not served as an employee or advisor to the company since his departure."

Other new USPS figures also have potential conflicts of interest. DeJoy holds a multimillion-dollar stake in XPO Logistics, a company that contracts with the USPS and with some of the agency's direct competitors, a CNN investigation found. DeJoy ran XPO Logistics for three decades. He claims he is complying with all federal ethics laws.

On Monday, Sen. Elizabeth Warren demanded the board's members release their personal finances in full, writing: "The public has a right to know if members of the Postal Board of Governors have financial conflicts of interest, and if so, whether those

AMERICAN OVERSIGHT

conflicts might be affecting their actions — or if they might account for the failure to act."

(b) (6)
Pier 1, Bay 1 | San Francisco | California | 94111 | United States of America
(b) (6)
www.prologis.com | Follow us on LinkedIn and Twitter



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AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Wednesday, August 26, 2020 1:24 PM
To: Marshall, Thomas J - Washington, DC
Subject: [EXTERNAL] Re: Senate Minority Leader Schumer Press Release: Demand for Election Mail Report
Attachments: Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

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Tom, (b) (5)

Sent from my iPhone

On Aug 26, 2020, at 1:22 PM, Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

Governors,

Is there anything that you need me to be doing with regard to this matter? I just want to ensure that I am not dropping the ball.

-Tom

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

From: Marshall, Thomas J - Washington, DC
Sent: Wednesday, August 26, 2020 10:11 AM
To: 'Bloom, Ron' (b) (6) ; 'M. -Mike- Duncan Robert' (b) (6) 'Roman Martinez IV' (b) (6)
Subject: RE: Senate Minority Leader Schumer Press Release: Demand for Election Mail Report

Governors,

(b) (5)

-Tom

AMERICAN OVERSIGHT

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

From: Marshall, Thomas J - Washington, DC
Sent: Wednesday, August 26, 2020 9:35 AM
To: 'Bloom, Ron' (b) (6) ; M. -Mike- Duncan Robert (b) (6)
Roman Martinez IV (b) (6)
Subject: RE: Senate Minority Leader Schumer Press Release: Demand for Election Mail Report

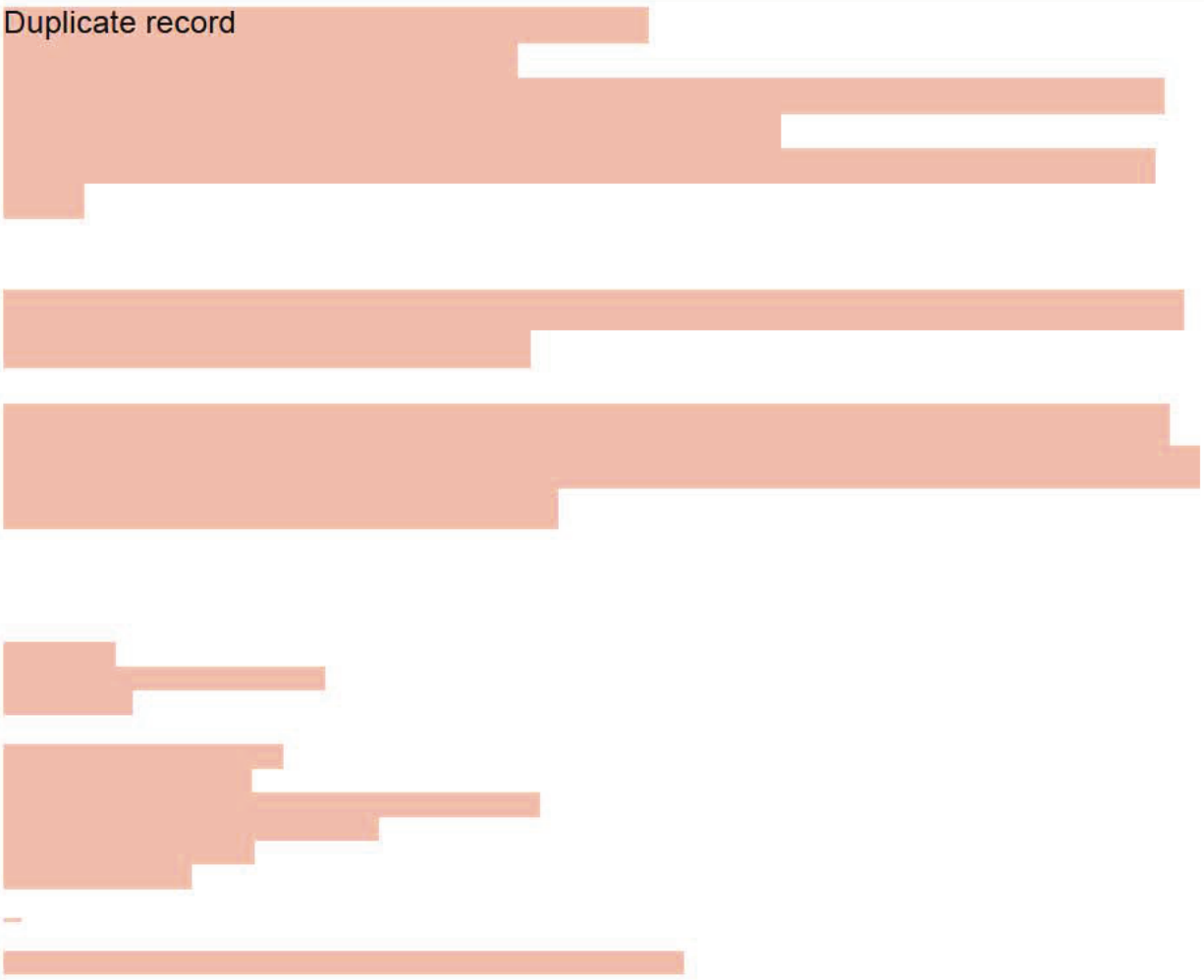
Governors,

(b) (5)
Please let me know if I can be of further assistance, or if anyone has additional suggestions or concerns.

-Tom

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

Duplicate record



AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Wednesday, August 26, 2020 2:34 PM
To: Katherine Sigler
Cc: Elston, DC
Subject: [EXTERNAL] Re: Press release and Bill by COR and Chair Maloney

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

(b) (5)

On Aug 26, 2020, at 11:20 AM, Sigler, Katherine - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

Governors,

The House Committee on Oversight and Reform Chairwoman Carolyn Maloney (D-NY) issued a press release to announce the introduction *of HR.8109 - The Nonpartisan Postmaster General Act*. The bill would prohibit appointments of anyone who has engaged in political activities in the four years prior to appointment. The bill would also prohibit members of the Board of Governors, the Postmaster General, and the Deputy Postmaster General from holding political positions while in office.

Bill text: https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Nonpartisan%20PMG%20Act.pdf

Please let me know if you have any questions.

Thanks,

Katherine

Katherine Sigler
Acting Secretary of the Board of Governors
United States Postal Service
(202) 268-2572 Office
(b) (6) Mobile

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Thursday, August 27, 2020 1:49 PM
To: Bloom, Ron
Cc: Marshall, Thomas J - Washington, DC; Lee Moak; DeJoy, Louis - Washington, DC; Williams Jr, David E (COO) - Washington, DC; Monteith, Steven W - Washington, DC; Tulino, Douglas A - Washington, DC; Adams, Jeffery A - Washington, DC; Smith, Kevin R - Washington, DC
Subject: [EXTERNAL] Re: Election Mail Playbook/Library
Attachments: Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

(b) (5)

On Aug 27, 2020, at 10:38 AM, Bloom, Ron (b) (6) wrote:

(b) (5)

Ron Bloom
Managing Partner | Vice Chairman
Private Equity

Brookfield Asset Management
Brookfield Place New York
(b) (6)
www.brookfield.com

View important disclosures and information about our e-mail policies here

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From: Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Sent: Thursday, August 27, 2020 1:29 PM
To: Lee Moak (b) (6); Barger/NorthernCrossPartners (b) (6); Bloom, Ron (b) (6)
Cc: DeJoy, Louis - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Williams Jr, David E (COO) - Washington, DC

AMERICAN OVERSIGHT

(b) (6), (b)(3) & 410 (c)(2); Monteith, Steven W - Washington, DC (b) (6), (b)(3) & 410 (c)(2) ; Tulino, Douglas A - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Adams, Jeffery A - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Smith, Kevin R - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: RE: Election Mail Playbook/Library

[External Email]

ATTORNEY-CLIENT COMMUNICATION
PRIVILEGED AND CONFIDENTIAL

To the members of the Board of Governors Election Mail Committee,

(b) (5)
Washington's Secretary of State issued an emergency rule change yesterday that "requires county officials to use First Class mail when sending ballot packets to voters beginning at least 15 days before Election Day." They cite to our recommendation in their press release: "The United States Postal Service recommends voters return their ballots by mail a week before Election Day."

https://www.sos.wa.gov/office/news-releases.aspx#/news/1415

(b) (5)

-Tom

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

From: Marshall, Thomas J - Washington, DC
Sent: Wednesday, August 26, 2020 1:21 PM
To: 'Lee Moak' (b) (6) ; Barger/NorthernCrossPartners (b) (6) ; 'Bloom, Ron' (b) (6)
Cc: DeJoy, Louis - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Williams Jr, David E (COO) - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Monteith, Steven W - Washington, DC (b) (6), (b)(3) & 410 (c)(2) Tulino, Douglas A - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Adams, Jeffery A - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Smith, Kevin R - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: FW: Election Mail Playbook/Library

ATTORNEY-CLIENT COMMUNICATION
PRIVILEGED AND CONFIDENTIAL

To the members of the Board of Governors Election Mail Committee,

Attached is the presentation which we intend to present at today's meeting. We will be sharing the screen so that we can display it, but I thought you might also want a hard copy. We look forward to the discussion this afternoon.

-Tom

AMERICAN OVERSIGHT

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Thursday, August 27, 2020 4:00 PM
To: (b) (6)
Cc: Marshall, Thomas J - Washington, DC; M. -Mike- Duncan Robert
Subject: [EXTERNAL] Fwd: (b) (5)
Attachments: Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

(b) (6),

(b) (5)

Kind regards,

John

Begin forwarded message:

From: (b) (6)
Subject: FW: (b) (5)
Date: August 26, 2020 at 6:46:39 AM PDT
To: Barger/NorthernCrossPartners (b) (6)

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV <(b) (6)
Sent: Saturday, August 29, 2020 12:17 PM
To: Sigler, Katherine - Washington, DC
Cc: Elston, Michael J - Washington, DC; (b) (6) ; DeJoy, Louis - Washington, DC; (b) (6) ; John Barger (b) (6) Lee Moak; (b) (6)
Subject: RE: Update for week ending 8/28/02

Katherine,
(b) (5)

Thank you,
Roman

From: Sigler, Katherine - Washington, DC
Sent: Saturday, August 29, 2020 7:17 AM
To: Sigler, Katherine - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Cc: Elston, Michael J - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: Update for week ending 8/28/02

Governors,

Attached is this week's COVID-19 weekly phase memo for DC, Virginia and Maryland.

(b) (5)

(b) (5)

AMERICAN OVERSIGHT

(b) (5)

(b) (5)

Please contact me if you have any questions.

Thanks,

Katherine

KATHERINE SIGLER
ACTING SECRETARY OF THE BOARD OF GOVERNORS
UNITED STATES POSTAL SERVICE
(202) 268-2572 OFFICE
(b) (6) MOBILE

AMERICAN OVERSIGHT

FW: Letter for The Honorable Robert M. Duncan, Chairman, U.S. Postal Board of Governors

M. -Mike- Duncan Robert (b) (6)
Mon 8/31/2020 1:54 PM
To: (b) (6)

1 attachments (219 KB)
2020-08-31.CBM to USPS Board of Governors re USPS.pdf;

fyi

From: Sigler, Katherine - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Sent: Monday, August 31, 2020 1:41 PM
To: M. -Mike- Duncan Robert (b) (6)
Cc: Elston, Michael J - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: FW: Letter for The Honorable Robert M. Duncan, Chairman, U.S. Postal Board of Governors

Governor Duncan,

Please see the attached letter addressed to you from Chairwoman Maloney of the Committee on Oversight and Reform. (b) (5)

Katherine

KATHERINE SIGLER
ACTING SECRETARY OF THE BOARD OF GOVERNORS
UNITED STATES POSTAL SERVICE
(202) 268-2572 OFFICE
(b) (6) MOBILE

From: Elston, Michael J - Washington, DC
Sent: Monday, August 31, 2020 12:45 PM
To: Sigler, Katherine - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Cc: ODell, Sheri L - Washington, DC <(b) (6), (b)(3) & 410 (c)(2)
Subject: FW: Letter for The Honorable Robert M. Duncan, Chairman, U.S. Postal Board of Governors

Katherine,

(b) (5)

Mike

From: Goss, Trinity (b) (6)
Sent: Monday, August 31, 2020 11:48 AM
To: Elston, Michael J - Washington, DC <Michael.J.Elston@usps.gov>
Cc: VanNess, Ethan (b) (6); Stephenson, Mark <(b) (6)

AMERICAN OVERSIGHT

Chukwu, Chioma (b) (6) LaNier, Elisa (b) (6) ; Jones, Taylor (b) (6) ; MacPherson, Cameron (b) (6) Bush, Anthony (b) (6) ; Burns, Emily (b) (6) Meyers, Sheila T Washington, DC (b) (6), (b)(3) & 410 (c)(2) ; Simpson, Mary Ann - Washington, DC (b) (6), (b)(3) & 410 (c)(2) Ginsberg, Wendy (b) (6)
Subject: [EXTERNAL] Letter for The Honorable Robert M. Duncan, Chairman, U.S. Postal Board of Governors

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Hello

Please see the letter from Chairwoman Carolyn B Maloney, Committee on Oversight and Reform, to The Honorable Robert M. Duncan, Chairman, U.S. Postal Board of Governors.

Please acknowledge receipt of letter.

Thank you,

Trinity Goss

Trinity M. E. Goss | Executive Team Coordinator
Chairwoman Carolyn B Maloney, Committee on Oversight and Reform
(b) (6) | (202) 225-5051

AMERICAN OVERSIGHT

CAROLYN B. MALONEY
CHAIRWOMAN

ONE HUNDRED SIXTEENTH CONGRESS

JAMES COMER
RANKING MINORITY MEMBER

Congress of the United States
House of Representatives
COMMITTEE ON OVERSIGHT AND REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143
MAJORITY (202) 225–5051
MINORITY (202) 225–5074
https://oversight.house.gov

August 31, 2020

The Honorable Robert M. Duncan
Chairman
U.S. Postal Service Board of Governors
475 L'Enfant Plaza, S.W., Room 4012
Washington, D.C. 20260

Dear Chairman Duncan:

Over the past two months, hundreds of Members of Congress have expressed concerns about widespread delays of mail, medications, and other critical supplies, as well as potential delays for election mail in November, previously undisclosed communications between Postmaster General Louis DeJoy and the Trump campaign, anomalies in the process used to select Mr. DeJoy, and other matters. Although Mr. DeJoy and his aides initially downplayed the extent and gravity of these delays, headlines from states across the nation—and internal Postal Service documents obtained by the Committee—have made clear that the delays are far worse than previously disclosed.

On June 14, 2020, Senate Democratic Leader Chuck Schumer wrote to you expressing the concerns of many of our colleagues about the selection of Mr. DeJoy as Postmaster General and asking for information about how he came to be considered.[1] On July 2, 2020, the Board of Governors responded by claiming that the Freedom of Information Act (FOIA) prohibits the disclosure of information to a Member of Congress who is not the Chair of a Committee:

> It is the Postal Service's long-standing practice to provide confidential information to Members of Congress only when the disclosure fits squarely within the provision of the Freedom of Information Act (FOIA) concerning the disclosure of information to "Congress." … The Department of Justice has interpreted this provision of FOIA as applying to official requests from "Congress" as an institution (including official requests from its committees and subcommittees), but not to requests from individual Members, including ranking minority members.[2]

---

[1] Letter from Senate Democratic Leader Charles E. Schumer to the Honorable Robert M. Duncan, Chairman, U.S. Postal Service Board of Governors (June 14, 2020) (online at www.democrats.senate.gov/imo/media/doc/CES%20to%20USPS%20Board%20of%20Govs%20FINAL.pdf).

[2] Letter from Michael J. Elson, Secretary, Postal Service Board of Governors, to Senate Democratic Leader Charles E. Schumer (July 2, 2020) (online at www.democrats.senate.gov/imo/media/doc/2020-07-02%20Sen%20Schumer%20re%20PMG%20Selection.pdf).

AMERICAN OVERSIGHT

As a threshold matter, FOIA does not apply to Congress. To the contrary, the law states: "This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from Congress."[3]

In addition, this argument has been rejected by Members of Congress on both sides of the aisle. One of the strongest refutations of this baseless legal claim came in a well-reasoned, six-page letter to President Donald Trump in 2017 from Senator Chuck Grassley, who was then the Chairman of the Senate Judiciary Committee. As Chairman Grassley wrote:

> *Every* member of Congress is a Constitutional officer, duly elected to represent and cast votes in the interests of their constituents. This applies obviously regardless of whether they are in the majority or the minority at the moment and regardless of whether they are in a leadership position on a particular committee. Thus, all members need accurate information from the Executive Branch in order to carry out their Constitutional function to make informed decisions on all sorts of legislative issues covering a vast array of complex matters across our massive federal government.[4]

Chairman Grassley also rejected the Justice Department opinion prepared by the Office of Legal Counsel (OLC) and referenced in the Board of Governors' letter, as well as the claim that FOIA prohibits any government entity from producing documents and information to Members of Congress who do not chair a committee. Regarding the OLC opinion, he wrote:

> [T]he opinion equates requests from individual members to Freedom of Information Act (FOIA) requests from unelected members of the public. But the powers vested in the Congress—both explicitly and inherently by the Constitution—impose significant and far-reaching responsibilities on the people's elected representatives.[5]

Chairman Grassley noted that the opinion "inexplicably asserts that this responsibility of congressional 'oversight' is restricted to only certain inquiries made by Chairmen or full committees on the grounds that only those responses can be compelled." He added:

> It is true that through this process Congress can compel the production of witnesses and documents. However, the scope of information Members of Congress need from the Executive Branch in order to carry out their Constitutional duties is far broader than merely what is obtained through compulsory process. The vast majority of information Congress obtains, even through a Chairman's requests, is obtained voluntarily, not by compulsion. Yet, reading the OLC opinion, it would seem oversight is only "oversight" if it's mandatory.[6]

---

[3] 5 U.S.C. § 552(d) (emphasis added).

[4] Letter from Chairman Charles E. Grassley, Senate Committee on the Judiciary, to President Donald Trump (June 7, 2017) (online at www.judiciary.senate.gov/imo/media/doc/2017-06-07%20CEG%20to%20DJT%20(oversight%20requests).pdf) (emphasis in original).

[5] *Id.*

[6] *Id.*

AMERICAN OVERSIGHT

Chairman Grassley called the Justice Department opinion referenced in the Board of Governors' letter "nonsense." He concluded that the Justice Department "utterly failed to live up to its own standards" and that its legal opinion "exposes its shocking lack of professionalism and objectivity."[7]

I agree with Chairman's Grassley's interpretation. In light of your refusal to produce documents in response to other Members of Congress, I am now writing in my capacity as Chairwoman of the Committee on Oversight and Reform to make a number of requests for documents and information. I am also requesting, on behalf of the Committee, additional documents sought during your recent testimony before the Committee on August 24, 2020, and by Members of our Committee and others. If there are any questions about whether you are legally authorized to produce these documents, please let the Committee know, and we will issue a subpoena to resolve these doubts and compel their production.

The Committee requests that you produce the following documents voluntarily by September 14, 2020:

1. All communications to or from Mr. DeJoy and any Member or staff of the Postal Service Board of Governors prior to June 15, 2020.

2. All transcripts, recordings, minutes, and notes from all non-public meetings in 2020 of the Postal Service Board of Governors or any committee or constituent entity of the Board of Governors, whether or not in person.

3. The complete, unredacted file documenting the search process undertaken by the Postal Service Board of Governors in 2019 and 2020 for a new Postmaster General, including but not limited to all documents referring or relating to:

    a. written or oral presentations to or from the Board of Governors regarding candidates who underwent vetting processes;

    b. individuals interviewed by the Board of Governors and any written or oral presentations about such individuals;

    c. Mr. DeJoy's candidacy;

    d. any background check on and vetting conducted of Mr. DeJoy;

    e. the performance of New Breed Logistics, Inc. and XPO Logistics, Inc. under contracts with the Postal Service;

    f. discussions about, instructions regarding, or analyses of Mr. DeJoy's assets, holdings, and obligations; his financial disclosure statements; and

[7] *Id.*

AMERICAN OVERSIGHT

whether he should or is required to divest, recuse, or seek waivers for conflicts of interest to comply with federal ethics laws and regulations;

g. discussions about, instructions regarding, or analyses of Mr. DeJoy's compliance with the Hatch Act, including but not limited to the prohibition against federal employees participating in certain partisan political activities, and any steps Mr. DeJoy took, considered, discussed, committed to take, or was required to take under federal laws and regulations; and

h. all other documents produced to the Board of Governors by Russell Reynolds Associates related to Mr. DeJoy; and

4. All documents referring or relating to any representations or commitments made by Mr. DeJoy to the Board of Governors, including but not limited to:

a. the Postal Service's universal service obligation and accessibility of postal resources and services;

b. the affordability of products and services;

c. service standards and the quality of products and services;

d. the rights of Postal Service workers to unionize and collectively bargain; and

e. the Postal Service's workforce and financial condition; and

5. All communications to or from Members or staff of the Board of Governors with officials from the White House or the Department of the Treasury referring or relating to:

a. the search process for a new Postmaster General;

b. the terms and conditions for the $10 billion loan agreement authorized by the CARES Act; and

c. proposed or actual changes to operations, policies, practices, or standards, or to adherence to existing operations, policies, practices, or standards; and

6. The review of the ten largest Negotiated Service Agreements conducted by an outside firm at the request of the Postal Service Board of Governors and Treasury Secretary Stephen Mnuchin and all documents referring or relating to the review.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under

AMERICAN OVERSIGHT

House Rule X. If you have any questions about this request, please contact Committee staff at (202) 225-5051.

Sincerely,

Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform

Enclosure

cc: The Honorable James R. Comer, Ranking Member

AMERICAN OVERSIGHT

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.

4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.

5. Documents produced in electronic format should be organized, identified, and indexed electronically.

6. Electronic document productions should be prepared according to the following standards:

    a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.

    b. Document numbers in the load file should match document Bates numbers and TIF file names.

    c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

    d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

        BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

AMERICAN OVERSIGHT

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.

10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

11. The pendency of or potential for litigation shall not be a basis to withhold any information.

12. In accordance with 5 U.S.C.§ 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.

13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.

14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.

15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.

16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.

17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

AMERICAN OVERSIGHT

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

19. All documents shall be Bates-stamped sequentially and produced sequentially.

20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.

21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

AMERICAN OVERSIGHT

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.

4. The term "including" shall be construed broadly to mean "including, but not limited to."

5. The term "Company" means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.

6. The term "identify," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; (b) the individual's business or personal address and phone number; and (c) any and all known aliases.

7. The term "related to" or "referring or relating to," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.

8. The term "employee" means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.

9. The term "individual" means all natural persons and all persons or entities acting on their behalf.

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Lee Moak (b) (6)
Sent: Tuesday, September 1, 2020 6:38 AM
To: (b) (6), (b)(3) & 410 (c)(2)
Cc: (b) (6), (b)(3) & 410 (c)(2); Ron Bloom; John Barger; Adams, Jeffery A - Washington, DC
Subject: [EXTERNAL] Election Mail Task Force and Committee update

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Kevin,

(b) (5)

Best,

Lee

--
Captain Lee Moak
Chief Executive Officer, The Moak Group
(b) (6)
http://moakgroup.com

This message is confidential, intended only for the named recipient(s) and may contain information that is privileged or exempt from disclosure under applicable law. If you are not the intended recipient(s), you are notified that the dissemination, distribution or copying of this message is strictly prohibited. If you receive this message in error, or are not the named recipient(s), please notify the sender at either the e-mail address or telephone number above and discard this e-mail. Thank you.

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Tuesday, September 1, 2020 9:00 AM
To: (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] Fwd: Election Mail Committee
Attachments: Election Mail Committee Mission Statement Final.docx; Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

(b) (5)

Sent from my iPhone

Begin forwarded message:

> **From:** Lee Moak (b) (6)
> **Date:** September 1, 2020 at 6:26:34 AM EDT
> **To:** "M. -Mike- Duncan Robert" (b) (6)
> **Cc:** "DeJoy, Louis - Washington, DC" (b) (6), (b)(3) & 410 (c)(2), Ron Bloom (b) (6), John Barger (b) (6)
> **Subject: Election Mail Committee**
>
> Mike,
>
> (b) (5)
>
> Best,
>
> Lee

AMERICAN OVERSIGHT

(b) (5)

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Tuesday, September 1, 2020 9:11 AM
To: Lee Moak
Cc: (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] Re: Election Mail Committee

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Thanks. (b) (5)

Sent from my iPhone

> On Sep 1, 2020, at 6:26 AM, Lee Moak (b) (6) wrote:
>
> Mike,
>
> (b) (5)
>
> Best,
>
> Lee
> <Election Mail Committee Mission Statement Final.docx>

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Tuesday, September 1, 2020 10:20 AM
To: DeJoy, Louis - Washington, DC
Cc: M. -Mike- Duncan Robert; Lee Moak; William Zollars; Roman Martinez IV; (b) (6) ; Katherine Sigler; Clarke, Heather A - Washington, DC
Subject: [EXTERNAL] Re: Yesterday
Attachments: Non-responsive record Letter - Updated Service Performance Information.pdf; Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Louis.

Thanks.

(b) (5)

Best,

john

On Sep 1, 2020, at 6:43 AM, DeJoy, Louis - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

Everyone-

Enclosed please find yesterdays submissions to congress and our press release. (b) (5)

Thanks

Louis

AMERICAN OVERSIGHT

LOUIS DEJOY
POSTMASTER GENERAL, CEO

UNITED STATES POSTAL SERVICE

August 31, 2020

The Honorable Ron Johnson
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510-6250

The Honorable Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform
House of Representatives
Washington, DC 20515-6143

The Honorable Gary C. Peters
Ranking Member
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510-6250

The Honorable James R. Comer
Ranking Member
Committee on Oversight and Reform
House of Representatives
Washington, DC 20515-6143

Dear Chairman Johnson, Chairwoman Maloney, Senator Peters, and Congressman Comer:

During the House Committee on Oversight and Reform hearing on Monday, I committed to providing updated service performance information. Enclosed is the most up-to-date data available through August 26, 2020. Also included is up-to-date data regarding our late and extra trips.

I want to note that the internal slide deck shared by the House Oversight Committee and posted on its website reflected data through the week of August 1. With the August update that provides our most current verified information, we are seeing the expected improvements in service, which is consistent with my testimony.

Service performance is improving and trucks continue to run on time

As the charts show, service performance improved across all major mail categories in the weeks prior to my testimony, and this trend has continued through August, rapidly returning to early-July levels. The trends are even better for competitive products.

This recovery took place while still adhering to our existing transportation schedules. In other words, we are improving service performance while more consistently running our trucks on time.

As information, the overall percentage reflected in the charts represents service performance by the Postal Service from acceptance of a mailpiece into our system through delivery, measured against our published service standards. The solid blue line indicates the percentage of volume that is delivered within the service standard window. The yellow dotted line indicates the percentage of volume that is delivered within one day after the defined service standard.

In this regard, I am committed to improving service while ensuring that we do not incur unnecessary costs associated with an undisciplined transportation network. These trend charts show that the goals of service and adherence to operational discipline are not mutually exclusive, but go hand-in-hand.

475 L'ENFANT PLAZA SW
WASHINGTON, DC 20260-0010
WWW.USPS.COM

AMERICAN OVERSIGHT

Election mail performance data

During the hearing, I was asked whether I could provide performance data for Election Mail. This data cannot be provided in a representatively accurate fashion as a subset of First-Class or Marketing Mail. This is because the Postal Service can only separately measure service performance for ballots accurately when such ballots have a unique IMb, which is only a subset of Election Mail. That said, the overall service performance for those classes which include Election Mail is enclosed.

New regular updates to Congress

As requested, in addition to the information attached, we will provide the House and Senate oversight committees with ongoing service performance data on a weekly basis through the end of the year. Specifically, later this week, my staff will provide weekly service performance data at a district, area, and national level from the beginning of the calendar year to present and will continue to provide weekly updates showing the previous weeks' performance going forward.

Please note that the service performance information related to our competitive products is commercially sensitive information which is protected from public disclosure pursuant to the terms of 5 U.S.C. § 552, and 39 U.S.C. § 410(c). Because of the commercial sensitivity of this information, the Postal Service respectfully requests that the committees not publicly disclose the information related to our competitive products.

As I testified, the intervening service declines should not have happened, but the changes are fundamental and necessary, and the Postal Service is strongly committed to fixing the problems by identifying and rectifying their root causes. While there are a number of factors at play related to service performance, including pressures related to the COVID-19 pandemic, natural disasters, and other unforeseen events, I am confident that the Postal Service's performance will continue to improve overall, and that it will ultimately exceed our prior service performance levels. This is an organization-wide commitment.

Accountability rests with me

I am ultimately accountable for the decisions I have made as Postmaster General and will provide the data necessary for members of the committees to assess ongoing performance improvements.

On a final note, I look forward to working with both committees and the full Congress on needed postal reform. I appreciate the focus and bi-partisan commitment to ensuring that the U.S. Postal Service is set up for success and on firm financial footing. As I mentioned in my testimony, in addition to COVID-relief, postal reform legislation is necessary to address our unaffordable retirement payments, including Medicare integration and rationalization of our pension funding payments. I stand ready to assist as postal legislation is considered.

Sincerely,

Louis DeJoy

Enclosure

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: (b) (6)
Sent: Tuesday, September 1, 2020 10:48 AM
To: Sigler, Katherine - Washington, DC
Cc: Elston, Michael J - Washington, DC
Subject: [EXTERNAL] Re: Election Mail Committee Mission Statement

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Thx, (b) (5)

Sent from my iPad

On Sep 1, 2020, at 8:16 AM, Sigler, Katherine - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

Good Morning Governors,

(b) (5)

Thanks,

Katherine

KATHERINE SIGLER
ACTING SECRETARY OF THE BOARD OF GOVERNORS
UNITED STATES POSTAL SERVICE
(202) 268-2572 OFFICE
(b) (6) MOBILE

<Election Mail Committee Mission Statement Final.pdf>

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Tuesday, September 1, 2020 11:06 AM
To: Smith, Kevin R - Washington, DC
Subject: [EXTERNAL] Re: Election Mail Task Force and Committee update

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Kevin,

(b) (5)

On Sep 1, 2020, at 6:07 AM, Smith, Kevin R - Washington, DC (b) (6) wrote:

Good morning, Governor Barger.

(b) (5)

- Kevin

From: Lee Moak (b) (6)
Sent: Tuesday, September 1, 2020 6:38 AM
To: Smith, Kevin R - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Cc: Glass, Justin - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Ron Bloom (b) (6) >; John Barger (b) (6) Adams, Jeffery A - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] Election Mail Task Force and Committee update

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Kevin,

(b) (5)

AMERICAN OVERSIGHT

Best,

Lee

--
Captain Lee Moak
Chief Executive Officer, The Moak Group
(b) (6)
(b) (6)
http://moakgroup.com

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Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Tuesday, September 1, 2020 11:16 AM
To: Smith, Kevin R - Washington, DC
Subject: [EXTERNAL] Re: Election Mail Task Force and Committee update

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

(b) (5)

Duplicate record

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Selde, Jennifer L - Washington, DC

From: Lee Moak <(b) (6)
Sent: Tuesday, September 1, 2020 11:55 AM
To: Marshall, Thomas J - Washington, DC; Sigler, Katherine - Washington, DC; Smith, Kevin R - Washington, DC; Glass, Justin - Washington, DC
Cc: Ron Bloom; John Barger; Clarke, Heather A - Washington, DC; DeJoy, Louis - Washington, DC; Williams Jr, David E - Washington, DC; Monteith, Steven W - Washington, DC; Tulino, Douglas A - Washington, DC; Adams, Jeffery A - Washington, (b) (6)
Subject: [EXTERNAL] Re: Election Mail Committee

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Tom,

(b) (5)

Best,

Lee

From: "Marshall, Thomas J - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Date: Tuesday, September 1, 2020 at 11:09 AM
To: "Sigler, Katherine - Washington, DC" (b) (6), (b)(3) & 410 (c)(2) "Smith, Kevin R - Washington, DC" (b) (6), (b)(3) & 410 (c)(2), "Glass, Justin - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Cc: Lee Moak (b) (6), Ron Bloom <(b) (6) John Barger (b) (6), "Clarke, Heather A - Washington, DC" <(b) (6), (b)(3) & 410 (c)(2) "DeJoy, Louis - Washington, DC" <(b) (6), (b)(3) & 410 (c)(2) "Williams Jr, David E - Washington, DC" <(b) (6), (b)(3) & 410 (c)(2) "Monteith, Steven W - Washington, DC" <(b) (6), (b)(3) & 410 (c)(2), "Tulino, Douglas A - Washington, DC" (b) (6), (b)(3) & 410 (c)(2) "Adams, Jeffery A - Washington, DC" (b) (6), (b)(3) & 410 (c)(2), "(b) (6)
Subject: RE: Election Mail Committee

Katherine or Kevin, will you be scheduling the meeting? If so, I might suggest tomorrow would be better, (b) (5)

(b) (5)

AMERICAN OVERSIGHT

2. (b) (5)

Governor Moak, are these proposed agenda items acceptable to you?

Also, since I have you, (b) (5), from the New York Times:

https://www.nytimes.com/interactive/2020/08/31/us/politics/vote-by-mail-deadlines.html?searchResultPosition=1

The article broke down each state's law based on our recommendation that voters should allow 1 week for a ballot to make a 1-way tip through the mail, and concluded that 35 states' deadlines are too tight (and that 16 of those are too tight even if you assume a 3-day one-way trip by mail). Their fundamental message, like ours, is to request your ballot early and vote early.

-Tom

From: Sigler, Katherine - Washington, DC
Sent: Monday, August 31, 2020 5:04 PM
To: Smith, Kevin R - Washington, DC <(b) (6), (b)(3) & 410 (c)(2); Glass, Justin - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Cc: Lee Moak (b) (6); Ron Bloom (b) (6); John Barger (b) (6); Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Clarke, Heather A - Washington, DC <(b) (6), (b)(3) & 410 (c)(2); DeJoy, Louis - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: FW: Election Mail Committee

Hi Justin and Kevin,

(b) (5). Please see the email below.

Thanks,

Katherine

KATHERINE SIGLER
ACTING SECRETARY OF THE BOARD OF GOVERNORS
UNITED STATES POSTAL SERVICE
(202) 268-2572 OFFICE
(b) (6) MOBILE

From: Lee Moak (b) (6)
Sent: Monday, August 31, 2020 4:16 PM
To: Sigler, Katherine - Washington, DC <(b) (6), (b)(3) & 410 (c)(2)
Cc: Ron Bloom (b) (6); John Barger <(b) (6); Marshall, Thomas J - Washington, DC <(b) (6), (b)(3) & 410 (c)(2); Clarke, Heather A - Washington, DC <(b) (6), (b)(3) & 410 (c)(2) DeJoy, Louis - Washington, DC <(b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] Election Mail Committee

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CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Katherine,

I do not have Justin Glass and Kevin Smith's email, please forward this request to them.

(b) (5)

Best,

Lee Moak

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Tuesday, September 1, 2020 12:02 PM
To: Lee Moak; Bloom, Ron
Cc: Marshall, Thomas J - Washington, DC; Katherine Sigler; Smith, Kevin R - Washington, DC
Subject: [EXTERNAL] Re: Election Mail Committee

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

(b) (5)

On Sep 1, 2020, at 8:54 AM, Lee Moak (b) (6) wrote:

Tom,

(b) (5)

Best,

Lee

From: "Marshall, Thomas J - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Date: Tuesday, September 1, 2020 at 11:09 AM
To: "Sigler, Katherine - Washington, DC" (b) (6), (b)(3) & 410 (c)(2), "Smith, Kevin R - Washington, DC" (b) (6), (b)(3) & 410 (c)(2), "Glass, Justin - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Cc: Lee Moak (b) (6), Ron Bloom (b) (6) John Barger (b) (6) "Clarke, Heather A - Washington, DC" (b) (6), (b)(3) & 410 (c)(2), "DeJoy, Louis - Washington, DC" (b) (6), (b)(3) & 410 (c)(2), "Williams Jr, David E - Washington, DC" (b) (6), (b)(3) & 410 (c)(2), "Monteith, Steven W - Washington, DC" (b) (6), (b)(3) & 410 (c)(2), "Tulino, Douglas A - Washington, DC" (b) (6), (b)(3) & 410 (c)(2), "Adams, Jeffery A - Washington, DC" (b) (6), (b)(3) & 410 (c)(2), (b) (6)
Subject: RE: Election Mail Committee

AMERICAN OVERSIGHT

Katherine or Kevin, (b) (5)

Also, since I have you, we saw another decent article yesterday on this topic, from the New York Times:

https://www.nytimes.com/interactive/2020/08/31/us/politics/vote-by-mail-deadlines.html?searchResultPosition=1

The article broke down each state's law based on our recommendation that voters should allow 1 week for a ballot to make a 1-way tip through the mail, and concluded that 35 states' deadlines are too tight (and that 16 of those are too tight even if you assume a 3-day one-way trip by mail). Their fundamental message, like ours, is to request your ballot early and vote early.

-Tom

From: Sigler, Katherine - Washington, DC
Sent: Monday, August 31, 2020 5:04 PM
To: Smith, Kevin R - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Glass, Justin - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Cc: Lee Moak (b) (6) Ron Bloom (b) (6); John Barger (b) (6) >; Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Clarke, Heather A - Washington, DC (b) (6), (b)(3) & 410 (c)(2); DeJoy, Louis - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: FW: Election Mail Committee

Hi Justin and Kevin,

(b) (5)

Thanks,

AMERICAN OVERSIGHT

Katherine

Katherine Sigler
Acting Secretary of the Board of Governors
United States Postal Service
(202) 268-2572 Office
(b) (6) Mobile

From: Lee Moak (b) (6)
Sent: Monday, August 31, 2020 4:16 PM
To: Sigler, Katherine - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Cc: Ron Bloom (b) (6) >; John Barger (b) (6)
Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Clarke, Heather A - Washington, DC (b) (6), (b)(3) & 410 (c)(2); DeJoy, Louis - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] Election Mail Committee

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Katherine,

(b) (5)

Best,

Lee Moak

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Lee Moak (b) (6)
Sent: Tuesday, September 1, 2020 12:08 PM
To: Smith, Kevin R - Washington, DC
Subject: [EXTERNAL] Re: Election Mail Task Force and Committee update

Follow Up Flag: Follow up
Flag Status: Flagged

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(b) (5)

--
Captain Lee Moak
Chief Executive Officer, The Moak Group
(b) (6)
(b) (6)
http://moakgroup.com

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Duplicate record



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FW: Summons

M. -Mike- Duncan Robert (b) (6)
Tue 9/1/2020 1:01 PM
To: (b) (6)

1 attachments (4 MB)
2020 09-01 Commonwealth of PA et al v. Louis Dejoy.pdf;

From: Sigler, Katherine - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Sent: Tuesday, September 1, 2020 10:38 AM
To: M. -Mike- Duncan Robert (b) (6)
Subject: Summons

Governor Duncan,

The attached lawsuit is PA, CA, DE, DC, ME, NC v. Louis DeJoy and you as Chairman of the Board. (b) (5)

Thanks,

Katherine

KATHERINE SIGLER
ACTING SECRETARY OF THE BOARD OF GOVERNORS
UNITED STATES POSTAL SERVICE
(202) 268-2572 OFFICE
(b) (6) MOBILE

AMERICAN OVERSIGHT

J. Thomson

Office of Attorney General
Commonwealth of Pennsylvania
1600 Arch Street, Suite 300
Philadelphia, PA 19103

UNITED STATES POSTAGE
PITNEY BOWES
$ 013.90
02 1P
0000862079 AUG 25 20
MAILED FROM ZIP CODE 191

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT

Robert M. Duncan
475 L'Enfant Plaza S.W.
Washington, D.C. 20260

SCREENED BY
U.S. POSTAL INSPECTION SERVICE
AUG 31 2020

AMERICAN OVERSIGHT

[redacted]

[redacted]

7019 0700 0000 5178 2511

AMERICAN OVERSIGHT

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

COMMONWEALTH OF PENNSYLVANIA; STATE OF CALIFORNIA; STATE OF DELAWARE; DISTRICT OF COLUMBIA; STATE OF MAINE; COMMONWEALTH OF MASSACHUSETTS; STATE OF NORTH CAROLINA

Plaintiff(s)

v.

LOUIS DeJOY IN HIS OFFICIAL CAPACITY AS UNITED STATES POSTMASTER GENERAL; ROBERT M. DUNCAN IN HIS OFFICIAL CAPACITY AS CHAIRMAN OF THE POSTAL SERVICE BOARD OF GOVERNORS; UNITED STATES POSTAL SERVICE

Defendant(s)

Civil Action No. 20-cv-4096

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Robert M. Duncan
475 L'Enfant Plaza S.W.
Washington, D.C. 20260

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

AIMEE D. THOMSON
PA OFFICE OF ATTORNEY GENERAL
1600 ARCH ST SUITE 300
PHILADELPHIA, PA 19103

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 8/21/2020

s/Daniel McCormack

Signature of Clerk or Deputy Clerk

AMERICAN OVERSIGHT

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, STATE OF CALIFORNIA, STATE OF DELAWARE, DISTRICT OF COLUMBIA, STATE OF MAINE, COMMONWEALTH OF MASSACHUSETTS, and STATE OF NORTH CAROLINA,

Plaintiffs,

v.

LOUIS DEJOY, *in his official capacity as United States Postmaster General*; ROBERT M. DUNCAN, *in his official capacity as Chairman of the Postal Service Board of Governors*; and the UNITED STATES POSTAL SERVICE,

Defendants.

No. 2:20-cv-4096

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. This lawsuit challenges Defendants' unlawful actions designed to undermine the effective operation of the United States Postal Service ("USPS" or "Postal Service") and impede the efforts of the Plaintiff States to conduct free and fair elections in the manner Plaintiff States have chosen. The Plaintiff States bring this action to remedy the harm caused by Defendants' actions and to protect their constitutional authority to conduct their elections in the manner their respective legislatures have chosen.

2. Specifically, the States challenge several of USPS's recent operational and policy changes, some implemented by USPS for the stated purpose of reducing the agency's operating costs, but which have led to significant delays in mail delivery across the country.

3. These changes—which include prohibiting late or extra trips by postal workers that are often necessary to keep the mail moving forward in the mailstream; requiring carriers to

AMERICAN OVERSIGHT

adhere rigidly to start and stop times regardless of whether all mail for their route has arrived or been delivered; and limiting the use of overtime—were made without due regard to their likely impact on mail service and in violation of the procedural requirements of the Postal Reorganization Act.

4. These policy changes also are inconsistent with the Postal Service's longstanding practice: Keep every piece of mail moving each day toward its final destination and deliver every piece of mail ready for delivery.

5. These changes were made despite the ongoing COVID-19 pandemic, which has imposed significant and unanticipated burdens that make it more challenging for the Postal Service to meets its objective. Postal employees, as essential workers, remain at increased risk of contracting the virus; indeed, nearly 10 percent of the 630,000 postal workers nationwide have contracted it as of August 2020.[1] Increased rates of absence due to illness and the need to quarantine workers who may have been exposed require other postal workers to work additional hours, making the limitation of overtime and the Postal Service's other policy changes particularly ill-advised.

6. What is more, USPS has implemented these unlawful policy changes just months before the November 3, 2020, general election. In this election, far more Americans will cast their ballots by mail than have ever done so before. In 28 states—including Plaintiff Commonwealth of Pennsylvania, Plaintiff State of Delaware, Plaintiff State of Maine, Plaintiff Commonwealth of Massachusetts, and Plaintiff State of North Carolina—voters will be able to apply for and cast a mail-in ballot for any reason. Voters in six other states will be able to invoke

[1] Jason Knowles and Ann Pistone, *USPS workers concerned agency isn't doing enough to protect essential workers from COVID-19*, ABC7 Chicago (Aug. 14, 2020), https://abc7chicago.com/usps-covid-illinois-postal-service/6360074/

AMERICAN OVERSIGHT

the COVID-19 pandemic to vote by mail. Plaintiff District of Columbia and nine additional states—including Plaintiff State of California—will send mail-in ballots to every eligible voter. And in seven other states, voters may request a mail-in ballot if they will not be able to vote in person on the day of the election.

7. Many of these states are already seeing record numbers of mail-in ballot requests. As of this week, North Carolina has received more than 10.8 times the number of absentee ballot requests than the state had at the same time in 2016.

8. Many states have only recently expanded their use of mail-in ballots. In California and the District of Columbia, for the first time, all registered active voters will automatically be sent a mail-in ballot for the November 2020 general election. In Pennsylvania and Delaware, all voters were given the option of voting by mail for the first time in the 2020 primary election. In that election, the number of mail-in votes in Pennsylvania was nearly eighteen times what it had been in 2016.

9. While mail-in ballots are a convenience for some voters, they are a necessity for others. For voters with disabilities or those who are unable to get to the polls, casting a mail-in ballot may be the only realistic means of voting. Furthermore, given the strong likelihood that the COVID-19 pandemic will not have abated by November, in-person voting will present an increased risk of infection. This risk is only exacerbated for elderly voters and others who are particularly vulnerable to the illness. For such voters, the ability to cast a ballot by mail is essential.

10. Despite the many benefits of mail-in voting—and the necessity of relying on mail-in voting during the current health crisis—President Trump has repeatedly sought to undermine confidence in voting by mail, falsely asserting that mail-in votes are subject to

AMERICAN OVERSIGHT

USPS-20-2171-A-002191

widespread fraud. In fact, the States take numerous steps to protect against fraud, through techniques such as matching signatures, requiring witnesses, and providing each voter with an individually identified return envelope in which to place the voter's sealed ballot.

11. Contrary to President Trump's claims, there is no evidence that mail-in ballots contribute to fraud.

12. President Trump's attacks on mail-in voting have only escalated recently, as he has stated that he opposes providing USPS with additional funding because he believes that, without such funding, "USPS will not be able to have universal mail-in voting because they're not equipped to have it."

JURISDICTION AND VENUE

13. This action arises under the Postal Reorganization Act, 39 U.S.C. § 3661, and the United States Constitution. This Court has subject matter jurisdiction under 28 U.S.C. § 1331, 28 U.S.C. § 1339, and 39 U.S.C. § 409.

14. In addition, this Court has the authority to issue the declaratory relief sought pursuant to 28 U.S.C. § 2201.

15. Venue is proper in this Court because Plaintiff Commonwealth of Pennsylvania resides in this district and because a substantial part of the events giving rise to this action occurred in this district. *See* 28 U.S.C. § 1391(e)(1).

THE PARTIES

16. Plaintiff Commonwealth of Pennsylvania is a sovereign state of the United States of America. This action is brought on behalf of the Commonwealth by Attorney General Josh Shapiro, the "chief law officer of the Commonwealth." Pa. Const. art. IV, § 4.1.

AMERICAN OVERSIGHT

17. Plaintiff State of California is a sovereign state of the United States of America. This action is brought on behalf of the State of California by Attorney General Xavier Becerra, the "chief law officer of the State." Cal. Const. art. V, § 13.

18. Plaintiff State of Delaware is a sovereign state of the United States of America. This action is brought on behalf of the State of Delaware by Attorney General Kathleen Jennings as the "chief law officer of the State," charged with protecting public rights and enforcing public duties in court. *Darling Apartment Co. v. Springer*, 22 A.2d 397, 403 (Del. 1941). Attorney General Jennings also brings this action on behalf of the State of Delaware pursuant to her statutory authority to represent the State and its instrumentalities in all legal proceedings. Del. Code Ann. tit. 29, § 2504.

19. Plaintiff the District of Columbia (the "District") is a sovereign municipal corporation organized under the Constitution of the United States. It is empowered to sue and be sued, and it is the local government for the territory constituting the permanent seat of the federal government. The District is represented by and through its chief legal officer, the Attorney General for the District of Columbia, Karl A. Racine. The Attorney General has general charge and conduct of all legal business of the District and all suits initiated by and against the District and is responsible for upholding the public interest.

20. Plaintiff State of Maine is a sovereign state of the United States of America. This action is brought by and through the State of Maine's Attorney General, Aaron M. Frey. The Attorney General of Maine is a constitutional officer with the authority to represent the State of Maine in all matters and serves as its chief legal officer with general charge, supervision, and direction of the State's legal business. Me. Const. art. IX, Sec. 11; Me. Rev. Stat. tit. 5, §§ 191 *et seq.* The Attorney General's powers and duties include acting on behalf of the State and the

AMERICAN OVERSIGHT

USPS-20-2171-A-002193

people of Maine in the federal courts on matters of public interest. The Attorney General has the authority to file suit to challenge action by the federal government that threatens the public interest and welfare of Maine residents as a matter of constitutional, statutory, and common law authority.

21. Plaintiff Commonwealth of Massachusetts is a sovereign state of the United States of America. Massachusetts is represented by its Attorney General, Maura Healey. Attorney General Healey is the chief law enforcement officer in Massachusetts and has both statutory and common-law authority to bring lawsuits to protect the interests of the Commonwealth of Massachusetts and the public interest of the people. *Feeney v. Commonwealth*, 366 N.E.2d 1262, 1265-66 (Mass. 1977); Mass. Gen. Laws ch. 12, §§ 3, 10.

22. Plaintiff State of North Carolina is a sovereign state of the United States of America. North Carolina is represented by its Attorney General, Joshua H. Stein, who is the chief law enforcement officer of the State. The Attorney General brings this lawsuit under his constitutional, statutory, and common-law authority.

23. Defendant Louis DeJoy is the United States Postmaster General and is sued in his official capacity. His principal address is 475 L'Enfant Plaza S.W., Washington, D.C. 20260.

24. Defendant Robert M. Duncan is the Chairman of the Postal Service Board of Governors and is sued in his official capacity. His principal address is 475 L'Enfant Plaza S.W., Washington, D.C. 20260.

25. Defendant United States Postal Service is "an independent establishment of the executive branch" of the U.S. government. 39 U.S.C. § 201. Its principal address is 475 L'Enfant Plaza S.W., Washington, D.C. 20260. Congress has waived the Postal Service's immunity from suit. 39 U.S.C. § 401.

AMERICAN OVERSIGHT

BACKGROUND

I. Elections in the United States

26. The Constitution invests the States with primary authority for regulating elections for federal office.

27. Under the Elections Clause, each State's legislature shall prescribe "The Times, Places and Manner of holding Elections for Senators and Representatives" to represent that State. U.S. Const., art. I, § 4, cl. 1. That clause further provides that Congress—and only Congress—"may at any time by law make or alter such regulations." *Id.*

28. The exercise of State power under the Elections Clause is necessary for elections "to be fair and honest and if some sort of order, rather than chaos, is to accompany the democratic processes." *Storer v. Brown*, 415 U.S. 724, 730 (1974). Consequently, "States have evolved comprehensive, and in many respects complex, election codes regulating in most substantial ways, with respect to both federal and state elections, the time, place, and manner of holding primary and general elections, the registration and qualifications of voters, and the selection and qualification of candidates." *Id.*

29. Each State also possesses the constitutional prerogative, under the Electors Clause, to "appoint" presidential electors "in such Manner as the Legislature thereof may direct." U.S. Const. art. II § 1, cl. 2. The Electors Clause "'convey[s] the broadest power of determination' over who becomes an elector" to the States. *Chiafalo v. Washington*, 140 S. Ct. 2316, 2324 (2020) (quoting *McPherson v. Blacker*, 146 U.S. 1, 27 (1892)).

30. The 26th Amendment further guarantees that the "right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age." U.S. Const. amend. XXVI.

AMERICAN OVERSIGHT

USPS-20-2171-A-002195

II. Voting in the Plaintiff States

Pennsylvania

31. For several decades, Pennsylvania has allowed for absentee voting by, among others, individuals serving in the military and anyone who would be away from his or her polling place on Election Day for business or occupational reasons. 25 Pa. Stat. § 3146.1.

32. In October 2019, Pennsylvania enacted Act 77, the most significant change to the Commonwealth's elections code in more than 80 years. *See* Act of October 31, 2019, P.L. 552 No. 77 (Act 77). Among other reforms, Act 77 gave Pennsylvanians more time to register to vote; instituted no-excuse mail-in voting for all Pennsylvania voters; extended mail-in and absentee submission deadlines; allowed Pennsylvanians to request placement on a permanent mail-in or absentee ballot list for all elections held in a calendar year; and provided funding for local election board to implement more secure voting procedures, including machines with a voter-verifiable paper ballot.

33. Act 77 took effect for the 2020 primary election and will govern the November 2020 general election in Pennsylvania. As a result, any registered Pennsylvania voter is entitled to vote by an official mail-in ballot in the 2020 election. 25 Pa. Stat. § 3150.11.

34. The deadline to register to vote in Pennsylvania is 15 days before the election. 25 Pa. Stat. § 3071. For the November 2020 general election, this deadline is October 19, 2020.

35. Voters apply for a mail-in or absentee ballot by mailing or hand-delivering a paper form to the county board of elections. 25 Pa. Stat. § 3150.12(f); 25 Pa. Stat. § 3146.2. Voters with qualifying state identification can also submit an application for a mail-in or

AMERICAN OVERSIGHT

absentee ballot entirely online. 25 Pa. Stat. § 3150.12(f); 25 Pa. Stat. § 3146.2(k); Pa. Dep't of State, *Ballot Request Application*.[2]

36. Applications for mail-in and absentee ballots must be submitted one week before the election and received by county board of elections "not later than five o'clock P.M. of the first Tuesday prior to the day of" any election. 25 Pa. Stat. § 3150.12a(a); 25 Pa. Stat. § 3146.2a(a). For the November 2020 general election, the deadline to apply for a mail-in or absentee ballot is 5 p.m. on Tuesday, October 27.

37. Voters who satisfy an exception, such as voters with a disability or who were unable to apply for business or occupational reasons, may apply for an absentee ballot until polls have closed. 25 Pa. Stat. § 3146.2a.

38. Beginning 50 days before the election, the county board of elections must begin mailing mail-in and absentee ballots as soon as the ballot is certified and the ballots are available. 25 Pa. Stat. §§ 3150.12a(a), 3150.15; 25 Pa. Stat. §§ 3146.2a(a), 3146.5(b)(1). Once delivery of mail-in and absentee ballots has begun, the county board of elections must mail or deliver mail-in and absentee ballots to voters within 48 hours of receiving and approving an application for a mail-in ballot. 25 Pa. Stat. § 3150.15; 25 Pa. Stat. § 3146.5(b)(1). Because applications can be submitted until a week before the election, the latest a Pennsylvania county board can mail a ballot for the November 2020 general election is Thursday, October 29.

39. Act 77 provides that, except for overseas military ballots, mail-in and absentee ballots will be counted only if they are received by the county board of elections by 8 p.m. on the day of the election. 25 Pa. Stat. §§ 3150.16; 3511; 25 Pa. Stat. § 3146.6. Voters must mail the

[2] https://www.pavoterservices.pa.gov/OnlineAbsenteeApplication/#/OnlineAbsenteeBegin.

AMERICAN OVERSIGHT

USPS-20-2171-A-002197

completed ballot or deliver it in person to the county board of elections. 25 Pa. Stat. § 3150.16; 25 Pa. Stat. § 3146.6.

40. In response to the COVID-19 pandemic and the significant increase in mail-in voting applications, Pennsylvania will provide funding to allow counties to send a postage-paid ballot-return envelope with each ballot for the November 2020 general election. The Pennsylvania Department of State is working with individual counties to identify the easiest manner of implementing pre-paid postage for November's returned ballots—whether it be reimbursed metered postage, funding Business Reply Mail postage costs, or reimbursement for stamps.

41. Pennsylvania voters at any time can request to be placed on a permanent mail-in or absentee ballot list. 25 Pa. Stat. § 3150.12(g); 25 Pa. Stat. § 3146.2(e.1). Voters on this list will receive a mail-in or absentee ballot application every year. If the voter completes the application and requests to receive a mail-in or absentee ballot for all other elections during that calendar year, then the voter will automatically receive a mail-in or absentee ballot for the remainder of the calendar year. More than 1.1 million Pennsylvania voters signed up for the permanent mail-in ballot list for elections in calendar year 2020.

42. On June 2, 2020, Pennsylvania conducted its first election under Act 77. "Nearly 1.5 million voters cast their vote by mail-in or absentee ballot, 17 times the number that voted absentee in the 2016 primary, when approximately 84,000 absentee ballots were cast." Pa. Dep't of State, *Pennsylvania 2020 Primary Election Act 35 of 2020 Report* 4 (Aug. 1, 2020) ("2020 Report").[3] The 2020 Report explained that four "unprecedented conditions" occurred for the 2020 primary: (1) all 67 counties implemented new voting systems with a voter-verifiable paper

[3] https://www.dos.pa.gov/VotingElections/Documents/2020-08-01-Act35Report.pdf

AMERICAN OVERSIGHT

USPS-20-2171-A-002198

ballot; (2) the expansion of mail-in voting to all eligible voters; (3) the COVID-19 global pandemic; and (4) civil unrest in response to the death of George Floyd, leading to curfews, travel restrictions, and office closures. *Id.* at 4. Nearly 1.5 million Pennsylvanians voted by mail and more than 1.3 million voted in person, resulting in "overall turnout . . . far higher than in 2012," the last election in which a presidential primary was not contested in either party. *Id.* The ability to cast a mail-in ballot was particularly important in larger counties where hundreds of poll sites were consolidated for reasons related to COVID-19 and civil unrest. *See id.* at 31-32 (Allegheny consolidated 830 polling places into 211; Delaware consolidated 151; Montgomery consolidated 212; and Philadelphia consolidated 850 into 190).[4]

43. Older individuals, those 65 and over, make up 18.7 percent of Pennsylvania's population, compared to 14.9 percent nationally.

44. As of August 17, 2020, more than 8.67 million Pennsylvanians have registered to vote. Of these, more than 1.68 million voters have requested a mail-in or absentee ballot for the November 2020 general election and more than 1.34 million voters have been approved. By comparison, only 356,300 absentee ballot requests were approved for the 2008 general election; 311,477 for the 2012 general election; and 322,467 for the 2016 general election.

California

45. California has a decades-long history of safely and securely administering mail-in elections. California began tracking the use of absentee mail-in voting in 1962, and it has allowed absentee mail-in voting for any registered voter, for any reason, since 1979.

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[4] *See also, e.g.*, Julian Routh, *County announces consolidated voting places for June 2 Pa. primary*, Pittsburgh Post-Gazette (May 15, 2020), https://www.post-gazette.com/news/vote 2020/2020/05/15/allehgeny-County-announces-consolidated-voting-places-for-June-2-Pa-primary/stories/202005150141.

AMERICAN OVERSIGHT

USPS-20-2171-A-002199

46. In June 2020, in response to COVID-19, the California Legislature enacted, and Governor Gavin Newsom signed, Assembly Bill 860, which requires that all active registered voters in California receive a vote-by-mail ballot in the mail prior to the November 2020 general election. 2020 Cal. Stat. ch. 4 (AB 860).

47. For the November 2020 general election, the California elections officials shall, no later than 29 days before the day of the election, begin mailing ballots and required election materials to every active registered voter in each county. The county elections official shall have five days to mail a ballot to each person who is registered to vote on the 29th day before the day of the election and five days to mail a ballot to each person who is subsequently registered to vote. Cal. Elec. Code § 3000.5. This must include a ballot, and all supplies necessary for the use and return of the ballot, including an identification envelope with prepaid postage for the return of the vote by mail ballot. Cal. Elec. Code § 3010.

48. California voters may return completed ballots by mail (with postage prepaid by the State); by returning the ballot in person to a polling place, vote center or early voting location, or office of county elections official; by dropping the ballot into one of the county's ballot drop boxes; or authorizing someone to return the ballot on the voter's behalf. Cal. Elec. Code § 3017, subds. (a), (b). The State accepts completed ballots that are postmarked no later than Election Day or received by other means no later than the time the polls close on Election Day. Cal. Elec. Code § 3020.

49. County election officials must examine the postmark on the return envelope and signature on the declaration before processing the ballot. Signatures are also reviewed to ensure that a voter's signature on the ballot declaration matches the signature of that voter in the registration files. Cal. Elec. Code §§ 3020, 3019.

AMERICAN OVERSIGHT

USPS-20-2171-A-002200

50. County election officials may begin to process vote by mail ballot return envelopes beginning 29 days before the election. Processing vote by mail ballot return envelopes may include verifying the voter's signature on the vote by mail ballot return envelope pursuant to Section 3019 and updating voter history records. Cal. Elec. Code § 15101(a). For the statewide general election to be held on November 3, 2020, any jurisdiction having the necessary computer capability may start to process vote by mail ballots on the 29th day before the election. Processing vote by mail ballots includes opening vote by mail ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, including processing write-in votes so that they can be tallied by the machine. However, under no circumstances may a vote count be accessed or released until 8 p.m. on the day of the election. All other jurisdictions shall start to process vote by mail ballots at 5 p.m. on the day before the election. Cal. Elec. Code § 15101(b)(2). Results of any vote by mail ballot tabulation or count shall not be released before the close of the polls on the day of the election. Cal. Elec. Code § 15101(c).

51. For the November 2020 general election, county election officials must accept as timely cast any ballot received by the voter's elections official via USPS or a bona fide private mail delivery company by the 17th day after Election Day as long as the ballot is either (1) postmarked on or before election day, is time stamped or date stamped by a bona fide private mail delivery company on or before election day or it is otherwise indicated by USPS or a bona fide private mail delivery company that the ballot was mailed on or before election day; or (2) if the ballot has no postmark, a postmark with no date, or an illegible postmark, and no other information is available from USPS or the bona fide private mail delivery company to indicate the date on which the ballot was mailed, the vote by mail ballot identification envelope is date

AMERICAN OVERSIGHT

USPS-20-2171-A-002201

stamped by the elections official upon receipt of the vote by mail ballot from USPS or a bona fide private mail delivery company, and is signed and dated prior to or on Election Day. Cal. Elec. Code § 3020(d).[5]

52. For prior elections, California has paid USPS Marketing Mail rate for distributed ballots and Business Reply Mail rate (First-Class equivalent) for returned ballots.

53. For elections other than the November 2020 general election, voters can request to be placed in permanent vote-by-mail status. Cal. Elec. Code. § 3000, *et seq*. Voters can complete a one-time application through their elections office online or by mail. Voters who complete the application to become a permanent vote-by-mail voter will automatically receive a mail-in ballot for all subsequent elections. A voter's permanent vote-by-mail status will end if the voter cancels their status or if the voter does not vote in four consecutive statewide general elections. As of filing, 14.4 million California voters are currently on the permanent mail-in ballot list.

54. Between tracking of individual ballots, verification of individual signatures, and other safeguards, California's vote-by-mail system has proven to be secure and, historically, there is no evidence of significant levels of voter fraud related to vote-by-mail ballots in California.

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[5] For purposes of this section, "bona fide private mail delivery company" means a courier service that is in the regular business of accepting a mail item, package, or parcel for the purpose of delivery to a person or entity whose address is specified on the item. Cal. Elec. Code § 3020(c). Notably, about 3,000 routes in California are only covered by rural carriers, meaning that residents along these routes heavily rely on USPS to send and receive mail. Erika D. Smith, *Column:Trump is so dumb trying to sabotage USPS, Democrats. He's hurting his own voters*, L.A.Times (Aug. 14, 2020), https://www.latimes.com/california/story/2020-08-14/trump-usps-fight-hurts-voters-before-november-election.

AMERICAN OVERSIGHT

55. California's vote-by-mail system is widely and increasingly used by California voters. In the 2020 primary election, over 9.6 million ballots were cast, considerably above the 7.1 million ballots cast for the most recent similar election, the 2018 primary election. And the percentage of total ballots cast by voting by mail increased as well, from 67.7 percent of the total ballots cast in the 2018 primary election to 72.08 percent of the total ballots cast in the 2020 primary election.

56. California's expansive vote-by-mail system allowed the state to run elections during the COVID-19 pandemic without the danger of voters congregating at overcrowded polling stations. In two special elections held in May 2020 , in which all active status, registered voters in those districts were automatically sent mail-in ballots, voter participation remained about the same or increased compared to the March 3, 2020, primary, in which mail-in ballots were not automatically sent to all active voters, except in Los Angeles County. In California's 25th Congressional District, there was 41.06 percent voter participation in the May special election, an increase from 38.95 percent voter participation in the March primary. In California's 28th State Senate District, there was 38.95 percent voter participation in the May special election, compared to 44.84 percent in the March primary.

57. Approximately 14.8 percent of California's population is aged 65 years or older.

58. As of filing, 20.9 million active California voters will automatically be receiving a mail-in ballot for the November 2020 general election.

Delaware

59. Delaware has allowed absentee voting for decades. Article V, § 4A of the Delaware Constitution directs the Delaware General Assembly to enact laws allowing for absentee voting for certain specified categories of individuals. Today, Delaware law allows qualified, registered voters who are unable to appear at their polling place to vote absentee if,

AMERICAN OVERSIGHT

USPS-20-2171-A-002203

among other listed reasons, they are sick, physically disabled, absent from the State due to public or military service, or because they are living abroad or on vacation. Del. Code Ann. tit. 15, § 5502. Delaware subsequently permitted some of these classes of individuals to obtain permanent absentee status and receive an absentee ballot for every election. Del. Code Ann. tit. 15, § 5503(k).

60. Absentee voting eligibility for Delaware's 2020 presidential primary was expanded due to the COVID-19 pandemic through an executive order issued by Delaware. Governor John C. Carney, Jr., which allowed any otherwise duly-registered voter to vote by absentee ballot using the "sick or physically disabled" qualification under Delaware law if the individual was abiding by Centers for Disease Control & Prevention and Delaware Division of Public Health guidelines by exercising self-quarantine or social distancing to avoid potential exposure to (and community spread of) COVID-19. *See* Sixth Modification of the Declaration of a State of Emergency for the State of Delaware Due to a Public Health Threat (Mar. 24, 2020).[6] More than 56,000 individuals utilized this expanded absentee voting eligibility to cast an absentee ballot for the 2020 presidential primary, compared to 5,046 individuals who voted by absentee ballot for the 2016 presidential primary.

61. On July 1, 2020, Delaware enacted legislation to allow any registered voter to vote by mail-in ballot for the non-presidential primary election scheduled for September 15, 2020, the general election on November 3, 2020, and any special election to be called in 2020 due to a vacancy in a statewide office, the Delaware General Assembly, or an office of United States Representative, Senator, or Presidential Elector. Del. Code Ann. tit. 15, § 5601.

[6] http://governor.delaware.gov/health-soe/sixth-state-of-emergency/.

AMERICAN OVERSIGHT

62. Under the new mail-in voting law, the State Election Commissioner is required to send an application to receive a mail-in ballot to every qualified, registered voter no less than 60 days before an applicable election. Del. Code Ann. tit. 15, § 5603(a). For each registered voter who requests a mail-in ballot, the Delaware Department of Elections must send that voter a mail-in ballot, instructions for completing the ballot, and a postage-paid envelope marked "BALLOT ENVELOPE" to return it. Del. Code Ann. tit. 15, § 5604(b). These materials must be sent to the requesting registered voter not more than 30 days nor less than 4 days prior to the applicable election, and within 3 days of the materials becoming available to the Department of Elections. *Id.* As a matter of practice, the Department of Elections sends outbound election materials by First-Class Mail, except for the mail-in voting application, which is sent Business Reply Mail. The postage-paid ballot envelopes sent to voters are marked First-Class.

63. Delaware voters may return completed ballots to the Department of Elections in one of three ways: depositing the ballot envelope in a United States postal mailbox; delivering the ballot envelope to the Department of Elections; or placing the ballot envelope in a secure drop-box located in a publicly accessible portion of a Department of Elections office either before or on the day of election. Del. Code Ann. tit. 15, § 5607(a)(4). In each case, the Department of Elections must receive a mail-in ballot before the polls close on the day of election in order for it to be counted. Del. Code Ann. tit. 15, § 5608.

64. Approximately 19.4 percent of Delaware residents, and 24.2 percent of all registered Delaware voters, are 65 years of age or older.

65. As of filing, 727,968 Delaware voters have registered to vote. Of these, 81,677 voters have requested an absentee or mail-in ballot for the November 2020 general election.

66. As of filing, 24,552 Delaware voters are on the permanent absentee ballot list.

AMERICAN OVERSIGHT

USPS-20-2171-A-002205

District of Columbia

67. In the District of Columbia, voters may cast an absentee ballot via mail without an excuse, or cast a ballot in person during early voting or on Election Day.

68. Ballots cast by mail must be postmarked or otherwise demonstrated to have been sent on or before Election Day and must arrive no later than the tenth day after Election Day.

69. Due to the COVID-19 pandemic, the District of Columbia Board of Elections (DCBOE) encouraged voters to cast their ballots by mail for the June 2, 2020, primary election. For that election, all active registered voters received an absentee ballot application and a postage-paid return envelope. D.C. Code § 1-1001.05(a)(9A).

70. Tens of thousands of voters submitted that application and participated in the election via mail-in ballot. Of the nearly 115,000 ballots cast in that election, 67 percent were cast by mail. By comparison, in the 2016 primary, just 5.5 percent of ballots were cast by mail.

71. To protect the public and election workers, DCBOE is strongly encouraging voters to vote by mail for the November 2020 general election. For that election, all active registered voters will receive an absentee ballot and a postage-paid return envelope at their registered address or mailing address. D.C. Code § 1-1001.05(a)(9A-i). Voters will not be required to request a mail-in ballot.

72. Due to COVID-19, and in comparison to previous presidential elections, there will be diminished availability to cast a ballot early in person or in person on Election Day. For example, while there were 143 Election Day precinct-based polling places for the November 8, 2016 election, there will be just 89 Election Day Vote Centers on November 3, 2020.

73. As of 2019, 12.4 percent of District residents were age 65 or older.

AMERICAN OVERSIGHT

USPS-20-2171-A-002206

74. As of July 31, 2020, there were 503,093 registered voters in the District of Columbia.

Maine

75. Before 1999, Maine voters could vote absentee when the voter was unable to cast a ballot due to: absence from the municipality during the time the polls are open on election day; physical incapacity; confinement in a penal institution; or unreasonable distance from the polls, if the voter is a resident of a township, coastal island ward or district. Me. Rev. Stat. Ann. Tit. 21-A § 751 (1999). Since 1999, Maine voters also have been able to vote absentee with no excuse. Me. Rev. Stat. Ann. Tit. 21-A § 751 (2020).

76. To vote absentee, a voter must request a ballot. A request for a no excuse absentee ballot must be made no later than 5 p.m. on the Thursday before Election Day, which is October 29, 2020, for the upcoming election. Voters can still obtain an absentee ballot after that deadline if they can invoke one of the reasons listed in Me. Rev. Stat. Ann. Tit. 21-A § 753-B(2)(D) (2020).

77. Voters may choose between three methods of absentee voting: voters may mail their completed ballot to the municipal office for the municipality where they are registered to vote; voters may carry their completed ballot to that same municipal office, or have a family member or authorized third person do so; and voters may complete their ballot prior to Election Day in the presence of the clerk in their municipality.

78. With an exception for communities with fewer than 100 residents, absentee ballots must be received in the municipal office before 8 p.m. on Election Day to be counted. Me. Rev. Stat. Ann. Tit. 21-A §§ 626(2), 755 (2020).

AMERICAN OVERSIGHT

USPS-20-2171-A-002207

79. The need for an effective vote-by-mail option is critical in Maine because the electorate includes relatively high levels of individuals unable to vote in person and individuals at risk of severe illness from COVID-19, particularly disabled and elderly voters.

80. Maine has among the highest rates of disability in the nation: According to the Maine Center for Disease Control, 22.1 percent of adults in Maine have some form of disability. Disabled Mainers vote at extremely high rates. In the November 2016 election, for example, 70.2 percent of disabled Mainers voted, the third-highest figure in the country.

81. Additionally, certain conditions which can result in disability, such as obesity and cancer, place individuals at an increased risk of severe illness from COVID-19. Maine has the highest obesity rate in New England, as well as the ninth-highest cancer rate in the country. According to the Maine Center for Disease Control, about half of Maine adults over the age of 18 are at risk of serious illness from COVID-19 due to age and pre-existing medical conditions.

82. Moreover, Maine is the oldest state in the nation. As of July 2019, approximately 21 percent of the population was over 65 years old. Older voters are also disproportionately represented in the Maine electorate. Of the approximately 693,000 Mainers who voted in the November 2018 election, more than a third were over the age of 65 (approximately 273,000 voters, or 79 percent of potential voters in that age group). Maine's older voters are particularly susceptible to harm from COVID-19. Over 27 percent of COVID-19 cases identified in Maine are among Mainers aged 60 or older.

83. Voting by mail is especially beneficial for Maine voters who are homebound, such as the elderly and members of the disabled community; those who are economically disadvantaged and have limited access to transportation and childcare that would enable them to vote in person during a set timeframe; overseas and military voters; those who are temporarily

AMERICAN OVERSIGHT

USPS-20-2171-A-002208

away from home for work or family reasons; those who provide care for individuals must vulnerable to COVID-19; and those who may not have time to get to the polls during set hours, such as shift workers, caregivers, single parents, and those without childcare or time off from work.

84. Maine's most recent primary, held on July 14, 2020, shows the importance of allowing voters to vote by mail. The percentage of ballots voted by mail increased significantly over prior years. Historically, the rate at which Maine voters voted by mail has been lower than 10 percent in general elections and less than 3 percent in primaries. Based upon final figures for the July 2020 primary, there were 111,139 ballots cast by mail, which equates to about 35 percent of ballots cast. This represents at least a 10 fold increase over primaries in the last four election cycles.

85. As of August 3, 2020, there are 1,063,383 residents are registered to vote. Between August 17, 2020 (when it was launched) and August 20, 2020, 45,976 voters have applied for an absentee or mail-in ballot through the online ballot request service, more than the total for the 2016 general election.

Massachusetts

86. Massachusetts has a long history of safely and securely accepting absentee ballots by mail. *See* Mass. Gen. Laws ch. 54, §§ 89-100. In 2014, Massachusetts law was changed to allow "early voting" for biennial state elections only, beginning with the 2016 election. The law provided for early voting in person or by mail, but only during the early voting period, which was limited to 10 days before the election. *See* Mass. Gen. Laws ch. 54, § 25B. The two systems (absentee voting and early voting) overlap in several ways, but the most important difference is that the state constitution requires that absentee voters must have an excuse (for example, a voter

AMERICAN OVERSIGHT

USPS-20-2171-A-002209

can vote absentee if he is away from his city or town on Election Day), *see* Mass. Const. amend. art. CV, but no excuse is needed in order to vote early.

87. In 2020, in response to the ongoing COVID-19 pandemic, Massachusetts expanded its early voting program to permit voters to vote by mail without an excuse for an extended period of time over the previous law. Every registered voter is now eligible to vote early by mail in Massachusetts this year. A registered voter need only complete a timely application for a mail-in ballot to vote by mail this year in the State Primary or the State Election. *See* Mass. Stat. 2020, ch. 115, § 6

88. The deadline to register to vote in the State Primary (to be held on September 1, 2020) is August 22. The deadline to register to vote in the State Election (to be held on November 3, 2020) is October 24. Mass. Stat. 2020, ch. 115, § 18. A voter can register online, by mail, or in person at any city or town hall in Massachusetts. *See* Mass. Gen. Laws ch. 51, §§ 3, 26

89. In order to vote by mail, a registered voter must send a signed application for a mail-in ballot to a local election office. The voter will then be mailed a ballot to vote and return. *See* Mass. Stat. 2020, ch. 115, § 6

90. In order to make a timely request for a mail-in ballot, the voter's application for a ballot must be received by local election officials at least 4 business days before the relevant election. Local election officials mail ballots to voters as soon as they are available; this year, state law requires that ballots be made available to local election officials for the State Election no later than October 5, 2020. *See* Mass. Stat. 2020, ch. 115, § 6.

91. Each voter that makes a timely request for a mail-in ballot will receive a ballot, instructions, a security envelope in which to conceal the ballot after voting which contains an

AMERICAN OVERSIGHT

USPS-20-2171-A-002210

affidavit that the voter must sign, and a larger envelope in which to return the security envelope. Once a voter receives a mail-in ballot, it can be completed and returned to local election officials either by mail or, where available, to a secure drop box. To be counted, the completed ballot must be received by a particular time by local election officials. For the State Primary on September 1, the ballot needs to be returned by 8 p.m. on September 1. For the State Election on November 3, a ballot, if mailed, needs to be postmarked by November 3 and it must reach the local election office by November 6. Hand-delivered ballots must be returned by 8 p.m. on November 3 for the State Election. *See* Mass. Stat. 2020, c. 115, § 6(h)(3).

92. For mail-in ballots, the envelopes provided to voters from Massachusetts are postage prepaid First-Class Mail rate for returned ballots.

93. Approximately 14 percent of the Massachusetts population is age 65 or older.

94. As of August 19, 2020, Massachusetts had 4,642,444 registered voters, of whom 1,081,089 have requested mail-in ballots for the September 1 primary election.

North Carolina

95. North Carolina has been safely and securely administering elections, including by giving voters the option to vote by mail for any reason, since 1999.

96. To vote by mail, voters must first be registered to vote. N.C. Gen. Stat. § 163-82.1. To vote in the 2020 general elections in North Carolina, voters who wish to register online or in-person must do so by October 9, 2020. N.C. Gen. Stat. § 163-82.6(d). Voters who wish to register by mail must ensure that their registration application is postmarked by October 9, 2020. *Id.*

97. To vote by mail, the voter must first request an absentee ballot by filling out a form provided by the North Carolina State Board of Elections. N.C. Gen. Stat. § 163-230.2. This form is available for download at the State Board's website and is also available for pickup at all

AMERICAN OVERSIGHT

county board of elections offices. *Id.* The form can also be mailed to the interested voter upon request. *Id.* Absentee ballots may be requested until 5 p.m. on October 27, 2020. N.C. Gen. Stat. § 163-230.1(a). If the voter is requesting her absentee ballot by mail, the county board of elections office to which the voter sends her request must receive the request by 5 p.m. on October 27, 2020. *Id.*

98. County boards of elections will begin mailing absentee ballots to voters who have requested them using the request form beginning on September 4, 2020.

99. Voters may return completed ballots by mail. N.C. Gen. Stat. § 163-231(b). Alternatively, they may return completed ballots in-person to a county board of elections office or to early-voting sites during the early-voting period. *Id.* Absentee ballots must be returned to the county board of elections no later than 5 p.m. on Election Day. *Id.* Absentee ballots received after 5 p.m. on Election Day will be counted only if they are postmarked on or before Election Day *and* are received by mail no later than 5 p.m. three days after Election Day (in 2020, November 6). *Id.*

100. In a recent survey, 48 percent of likely voters in North Carolina said that they were "likely to vote by mail" in the 2020 General Election, compared to the 3 percent who voted by mail in 2016.[7] In 2016, 4,769,640 voters cast ballots. Assuming a similar number of voters cast ballots in 2020, North Carolina is preparing for approximately 2.29 million voters to cast absentee ballots.

101. Approximately 16.7 percent of North Carolina residents are senior citizens, age 65 or older.

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[7] Charles Duncan, *Can North Carolina Handle Record Numbers of Absentee Ballots?*, Spectrum News1 (Aug. 1, 2020), https://spectrumlocalnews.com/nc/charlotte/news/2020/07/31/north-carolina-sees-record-number-of-absentee-ballot-requests.

AMERICAN OVERSIGHT

102. As of August 19, 2020, North Carolina has received 295,959 requests for absentee ballots.

III. The United States Postal Service

103. The Constitution empowers Congress to "establish Post Offices and post Roads." U.S. Const., art. I, § 8, cl. 7. The importance of the postal service "was prefigured by the Continental Congress' appointment of Benjamin Franklin to be the first Postmaster General, on July 26, 1775 . . . . From those beginnings, the Postal Service has become the nation's oldest and largest public business." *U.S. Postal Serv. v. Flamingo Indus. (USA) Ltd.*, 540 U.S. 736, 739 (2004) (internal citations and quotation marks omitted).

104. The Postal Service has played "a vital yet largely unappreciated role in the development of" the United States. *U. S. Postal Serv. v. Council of Greenburgh Civic Assocs.*, 453 U.S. 114, 121 (1981). During the early years of this country's development, "the Post Office was to many citizens situated across the country the most visible symbol of national unity." *Id.* at 122.

105. Today, the Postal Service's policy is to be "operated as a basic and fundamental service provided to the people by the Government of the United States, authorized by the Constitution, created by Act of Congress, and supported by the people." 39 U.S.C. § 101(a). Its services are "to bind the Nation together through the personal, educational, literary, and business correspondence of the people," which it does through "prompt, reliable, and efficient services to patrons in all areas." *Id.* The costs of "maintaining the Postal Service shall not be apportioned to impair the overall value of such service to the people." *Id.*

AMERICAN OVERSIGHT

USPS-20-2171-A-002213

106. The Postal Service touches the lives of virtually every American.[8] Eighteen percent of Americans, and 40 percent of senior citizens, pay their bills via the mail. Nearly 20 percent of Americans who receive tax refunds do so through the mail. The Department of Veterans Affairs (VA) fills about 80 percent of veterans' prescriptions by mail, sending 120 million prescriptions a year. Every day, more than 330,000 veterans receive a package of prescriptions in the mail. More than half of the people who receive medication by mail are over the age of 65. Small businesses rely heavily on the Postal Service: 40 percent send packages via USPS every month and 25 percent fear that a post office closing would harm their business. In rural areas, where more than a third of post offices are located, the Postal Service provides a vital link to more than 14 million people without broadband access. In 2018, the Postal Service helped 42 million Americans securely vote in the midterm elections.

107. The Postal Service's critical role as an essential public service for all Americans is reflected in public opinion. According to the Pew Research Center, 91 percent of Americans have a favorable view of the Postal Service—higher than any other federal agency.

The Modern Postal Service

108. Postal service in the United States took its current form in 1970, when Congress passed the Postal Reorganization Act (PRA). *See* Pub. L. No. 91-375, 84 Stat. 719.

109. The PRA mandated that it "shall be the responsibility of the Postal Service to maintain an efficient system of collection, sorting, and delivery of the mail nationwide." 39 U.S.C. § 403(b)(1).

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[8] Sam Berger & Stephanie Wylie, *Trump's War on the Postal Service Hurts All Americans*, Ctr. For Am. Progress (Aug. 19, 2020), https://www.americanprogress.org/issues/democracy/news/2020/08/19/489664/trumps-war-postal-service-hurts-americans/.

AMERICAN OVERSIGHT

110. Under the PRA, the "Postal Service shall plan, develop, promote, and provide adequate and efficient postal services at fair and reasonable rates and fees." 39 U.S.C. § 403(a).

111. When "determining all policies for postal services, the Postal Service shall give the highest consideration to the requirement for the most expeditious collection, transportation, and delivery of important letter mail." 39 U.S.C. § 101(e).

112. The PRA effected several changes designed "to increase the efficiency of the Postal Service and reduce political influences on its operations." *Flamingo Indus.*, 540 U.S. at 740.

113. First, the PRA gave the Postal Service its current name and made it "an independent establishment of the executive branch of the Government of the United States." 39 U.S.C. § 201.

114. Second, the PRA created a board of governors, consisting of 11 members, to oversee the exercise of the Postal Service's power. 39 U.S.C. § 202(a). The President appoints nine of those governors with the advice and consent of the Senate. *Id.* Those nine appoint the tenth governor, who serves as the Postmaster General. *Id.* § 202(c). Those ten appoint the eleventh governor, who serves as the Deputy Postmaster General. *Id.* § 202(d).

115. Third, the PRA created the Postal Rate Commission—now called the Postal Regulatory Commission—as another "independent establishment of the executive branch of the Government of the United States." 39 U.S.C. § 501.[9] The Commission has five presidentially appointed members, all to "be chosen solely on the basis of their technical qualifications,

[9] The sections of the PRA that created the Commission were initially codified at 39 U.S.C. §§ 3601-3604. In 2006, Congress transferred and modified certain provisions relating to the Postal Service, including those that established the Commission. Pub. L. No. 109-435, 120 Stat. 3198, 3238 (2006).

AMERICAN OVERSIGHT

USPS-20-2171-A-002215

professional standing, and demonstrated expertise in economics, accounting, law, or public administration." *Id.* § 502.

116. The Commission has numerous responsibilities set forth in the PRA and the Postal Accountability and Enhancement Act. *See* Pub. L. No. 109-435, 120 Stat. 3198 (2006). Among them, anytime "the Postal Service determines that there should be a change in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis" it must first "submit a proposal, within a reasonable time prior to the effective date of such proposal, to the Postal Regulatory Commission requesting an advisory opinion on the change." 39 U.S.C. § 3661(b). Before the Commission issues an advisory opinion, it must hold a hearing on the record. *Id.* § 3661(c). The public is entitled to submit comments in proceedings before the Commission. 39 C.F.R. § 3010.140.

117. Prior to certain organizational changes implemented on August 7, 2020, the Postal Service maintained a headquarters and a field office structure composed of seven area offices (Eastern, Northeastern, Capital Metro, Great Lakes, Pacific, Southern, and Western), which themselves contained a total of 67 district offices that oversaw approximately 31,000 facilities. Post offices, branches, carrier stations, mail processing and distribution centers, network distribution centers, and other postal service facilities within a district reported up to the district office, which in turn reported up to the area office. District offices were responsible for implementing national policy and procedures within their districts.

118. Following operational changes implemented on August 7, 2020, retail and delivery operations are now divided into four areas (Atlantic, Southern, Central, and Western Pacific) and mail processing is divided into two areas (Eastern and Western).

AMERICAN OVERSIGHT

USPS-20-2171-A-002216

Postal Service Operations

119. The Postal Service has formally adopted several classes of mail, including First-Class Mail and Marketing Mail, which are transported with different delivery standards and with different postage rates.

120. The Postal Service also offers Business Reply Mail, which enables the sender to provide a recipient with a prepaid method for replying to a mailing. Mail sent with a Business Reply Mail envelope is often not postmarked.

121. The processing and delivery of mail in the Postal Service network is a highly integrated and complex system through which an average of 470 million mailpieces move every day.

122. The Postal Service operates on a 24-hour clock, and every step of the mail processing and delivery stream leads into the next.

123. The majority of incoming mail—including letters, flats, and parcels—is processed overnight by postal workers and mail handlers at mail processing facilities, otherwise known as plants. Processing mail involves applying a postmark and sorting and arranging the mail for transportation and delivery. Most mail processing is now automated, with processing machines ultimately sorting the vast majority of mail into "delivery point sequence," i.e., into the delivery order that will be used by the letter carrier on her route. Processed mail is dispatched in trucks from the plants in the very early morning (often 5 or 6 a.m.), where it travels either to non-local destinations for further processing or to delivery units (e.g., a post office or carrier station) for delivery to local destinations.

124. Processed mail ready for delivery normally arrives at the delivery unit in the morning (often 8 or 9 a.m.), where any final sequencing is carried out by clerks and letter

AMERICAN OVERSIGHT

USPS-20-2171-A-002217

carriers. Carriers deliver the processed mail and collect new mail on foot or by vehicle in a prescribed area during general business hours (i.e., between approximately 9 a.m. and 6 p.m.). In the evening, mail collected by carriers on their routes and mail collected by clerks at post offices is sent from the delivery unit by truck to the processing plant; this process is known as the final dispatch of value. When the collected mail arrives at the processing plant, the cycle begins again.

125. Because the Postal Service has long embraced a philosophy that every piece of mail goes out of the plant or delivery unit every day, regardless of conditions, overtime is necessary. If a tray of mail is not ready when the truck is scheduled to depart the processing plant, the truck would ordinarily wait. Likewise, if the processed mail has not arrived at the delivery unit when the carrier arrives for work, the carrier would ordinarily wait for the mail to arrive before departing on her route. If additional mail arrives while the carrier is out on her route or if that day's mail was too much to carry in one trip, the carrier would ordinarily make a second trip to ensure every piece was delivered that day.

126. For the last decade, the Postal Service has experienced a decline in letter mail but an increase in parcels. Parcels can be bulkier and heavier and may require additional time to process and deliver. Recently, COVID-19 has caused a spike in parcels as Americans spend more time at home and avoid going out.

127. COVID-19 has caused staffing shortages at USPS and exacerbated the use of overtime, especially among letter carriers. If a letter carrier is sick, quarantining, dealing with the absence of child care, or otherwise unable to complete her route, then another carrier would need to work on an off-shift to ensure that the mail is delivered.

AMERICAN OVERSIGHT

USPS-20-2171-A-002218

IV. Role of USPS in Ensuring Free and Fair Elections

128. Over the past several decades, voting by mail has steadily expanded nationwide. In 1996, 7.8 percent of Americans mailed in their votes; in 2016, 20.9 percent did.[10] Today, every state offers some form of voting by mail.

129. A growing number of states conduct all-mail elections, in which every registered voter is mailed a ballot. Oregon conducted the first presidential election completely by mail in 2000.[11] Washington allowed counties to hold all-mail elections in 2005; by 2011, after 38 of 39 counties were conducting all-mail elections, the Washington Legislature implemented mail-in voting statewide.[12] In Utah, jurisdictions have been permitted to conduct elections by mail since 2012; all jurisdictions have done so since 2019.[13] Colorado has been sending all voters mail-in ballots since 2013[14] and Hawai'i will be conducting elections entirely by mail for the first time in 2020.[15] In response to the national health crisis caused by the COVID-19 pandemic, four

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[10] Pew Research Center, *Share of voters casting ballots by mail has steadily risen since 1996* (June 23, 2020), https://www.pewresearch.org/fact-tank/2020/06/24/as-states-move-to-expand-the-practice-relatively-few-americans-have-voted-by-mail/ft_2020-06-24_votebymail_01/.

[11] J. Edward Moreno, *Here's where your state stands on mail-in voting*, The Hill (June 9, 2020), https://thehill.com/homenews/state-watch/501577-heres-where-your-state-stands-on-mail-in-voting.

[12] Wash. Sec'y of State, *Washington Vote-By-Mail Fact Sheet*, https://www.sos.wa.gov/_assets/elections/wa_vbm.pdf.

[13] Nat'l Conf. of State Legislatures, *Voting Outside the Polling Place: Absentee, All-Mail and other Voting at Home Options* (July 10, 2020), https://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx.

[14] Moreno, *supra* note 11.

[15] Nat'l Conf. of State Legislatures, *supra* note 13.

AMERICAN OVERSIGHT

additional states—California, New Jersey, Nevada, and Vermont—and the District of Columbia adopted laws that will automatically mail ballots to all eligible registered voters.[16]

130. An additional 28 states allow voters to vote by mail without an excuse. Six others allow voters to cite the COVID-19 pandemic to vote by mail. And in seven other states, voters may request a mail-in ballot if they will not be able to vote in person on the day of the election.[17]

131. To accommodate the widespread adoption of mail-in balloting, USPS has in recent years adopted a number of policies and procedures to ensure the speedy and efficient processing of "Election Mail."

132. "Election Mail" is a term of art within USPS, used to describe any item mailed to or from authorized election officials that enables citizens to participate in the voting process, such as balloting materials, voter registration cards, absentee ballot applications, and polling place notifications.

133. The Postal Service has traditionally given Election Mail its highest priority, regardless of the class of mail.

134. In an August 14, 2008, Postal Bulletin (PB 22239), the Postal Service stated that it "stands ready to do everything it can to make sure voters experience a smooth, well-organized process—one that provides them with the highest levels of trust and confidence when they cast their ballots by mail." It was "critical" that "Postal Service employees be ready to provide reliable service and delivery for this very important and time-sensitive mail," which "must be

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[16] Kate Rabinowitz & Brittany Renee Mayes, *At least 77% of American voters can cast ballots by mail in the fall*, Wash. Post. (last updated Aug. 14, 2020), https://www.washingtonpost.com/graphics/2020/politics/vote-by-mail-states/; Juliette Love, et al., *Where Americans Can Vote by Mail in the 2020 Elections*, N.Y. Times (last updated Aug. 14, 2020) https://www.nytimes.com/interactive/2020/08/11/us/politics/vote-by-mail-us-states.html.

[17] *See supra* note 16.

AMERICAN OVERSIGHT

handled promptly and receive equal care and attention." The Bulletin reminded employees that "[w]illful delay of absentee balloting material or other election material is a violation of policy, ethics, and law."

135. In a July 26, 2012, Postal Bulletin (PB 22342), the Postal Service stated that in the lead up to the November 2012 election, "Vote-by-Mail ballots and other mail prepared by election officials will be entering the mailstream" and "Postal Service employees need to watch for this important time-sensitive mail and do their part to ensure each mailing receives the highest level of service." The Bulletin provided detailed standard operating procedures for the acceptance of Election Mail. The Bulletin also explained that the Postal Service would suspend its network consolidations from September through December 2012 "[d]ue to the volume of high-priority mail predicted for the election as well as the holiday mailing seasons."

136. In 2016, the Postal Service began providing an Election Mail communications plan in multiple issues of the Postal Bulletin. (PB 22437, 22443, 22449).

137. In a September 1, 2016, Postal Bulletin (PB 22449), the Postal Service acknowledged that the "U.S. Mail is an important part of the U.S. election process." It reminded employees that in the lead up to the November 2016 election, "Vote-by-Mail ballots and other mail prepared by election officials will be entering the mailstream" and "Postal Service employees need to watch for this important time-sensitive mail and do their part to ensure each mailing receives the highest level of service." In response to concerns that "changes in delivery standards could require additional time for Election Mail" to reach voters, the Postal Service announced that "plans [were] in place from coast to coast to ensure the timely receipt, processing, and delivery of election and political mail."

AMERICAN OVERSIGHT

138. Among the key objectives of USPS's Election Mail communications plan for 2016 were to "[a]ssure election officials that ballots will be handled correctly" and "[i]ncrease attentiveness among employees that when they encounter official Election Mail . . . to always handle it promptly and provide it with equal care and attention." Among the key messages was that "the Postal Service can be trusted to deliver ballots in a timely manner." Because the Postal Service had made service standard changes in the last year, "Postal Service representatives [were] working closely with local and federal election officials to address and alleviate any concerns."

139. The Department has so far issued three Postal Bulletins that address Election Mail ahead of the November 2020 general election. (PB 22539, 22546, 22551).

140. In its July 30, 2020, Postal Bulletin (PB 22551), the Postal Service expressed its commitment "to fulfilling its role in the electoral process for those public policy makers who chose to use our organization as a part of their election system." It acknowledged that "voting by mail is increasing in popularity across broad segments of the American electorate, and the Coronavirus (COVID-19) pandemic has accelerated this trend." The Postal Service indicated that it expected more than a quarter of all voters to cast ballots by mail in light of recent changes related to COVID-19.

141. Among the key objectives of its Election Mail plan for 2020 are to "[i]nform election officials that ballots will be delivered according to USPS® service standards" and "[e]nsure Postal Service employees know that they must always promptly and efficiently handle Election Mail . . . with equal care and attention." Among the key messages is that "[c]ustomers can trust the Postal Service to deliver their mailed ballots in a timely manner."

AMERICAN OVERSIGHT

142. Due to the importance of Election Mail, the Postal Service has historically delivered ballots even if they lack sufficient postage.

143. For example, an August 14, 2008, Postal Bulletin (PB 22239) stated that: "It is critical that this mail is handled correctly to avoid any negative impact on election results or the Postal Service. *Employees need to be aware that absentee balloting materials are handled differently than other unpaid or short-paid mailpieces.* ***ABSENTEE BALLOTING MATERIALS ARE NOT TO BE RETURNED FOR ADDITIONAL POSTAGE OR DETAINED!*** The postage is collected from the election office. Any delay of absentee ballots is a violation of Postal Service policy" (emphasis in original).

144. Likewise, in its July 26, 2012, Postal Bulletin (PB 22342), the Postal Service stated that "short-paid and unpaid absentee balloting materials must never be returned to the voter for additional postage. Postage is collected from the election office upon delivery or at a later date."

145. On April 22, 2020, Postal Service spokesperson Martha Johnson reaffirmed that it "is the postal service's policy not to delay the delivery of completed absentee or vote-by-mail ballots even if no postage has been affixed or if the postage is insufficient."

146. The Postal Service has developed the Official Election Mail logo, a unique registered trademark "used on any mailpiece created by an election official that is mailed to or from a citizen of the United States for the purpose of participating in the voting process." Use of the logo "serves to identify Official Election Mail for Postal Service workers and distinguish it from the thousands of other mailpieces that are processed daily." The Postal Service issues Publication 631 to aid state and local election officials in using the logo.

AMERICAN OVERSIGHT

147. The Postal Service also issues Publication 632, which provides state and local election officials with guidance on how to send Election Mail. The Postal Service has issued Publication 632 since at least September 2005.

148. In November 2007, the Postal Service developed the green Tag 191 to provide greater visibility to ballot mail during Postal Service handling. Election officials can use Tag 191 to identify trays and sacks of ballot mail destined for either domestic or international addresses. Tag 191 is not used for all Election Mail; instead it helps identify only actual ballots.

149. As part of its priority treatment of Election Mail, the Postal Service has historically delivered Election Mail at First-Class Mail delivery standards regardless of the class of mail used.

150. In its audit of the 2018 elections, the Postal Service Office of Inspector General (OIG) concluded, based on interviews with management at audited mail facilities, that Election Mail is generally handled as First-Class Mail. OIG found that 95.6 percent of Election Mail in 2018 met the 1-3 day service standard for First-Class Mail.

151. The highest performing mail facilities audited by OIG took affirmative steps to ensure that Election Mail be given priority attention, including: having personnel separate and identify Election Mail from other mail in the facility and facilitating timely and frequent communications with all levels of plant staff about policies and procedures for Election Mail.

152. The 2018 audit recommended Postal Service management take several key steps to ensure timely delivery of Election Mail, which "is necessary to ensure the integrity of the U.S. election process." These steps included ensuring "sufficient mail processing staff are assigned to appropriately process peak" Election Mail volume.

AMERICAN OVERSIGHT

USPS-20-2171-A-002224

V. The Administration's Efforts to Undermine Voting by Mail

President Trump's Campaign Against Mail-in Voting

153. In November 2017, President Trump appointed Robert M. Duncan to the Postal Service Board of Governors; he was confirmed by the Senate the following year and currently serves as the Board's Chairman.

154. Duncan had previously served as Chairman of the Republican National Committee (RNC) from 2007 to 2009. His official USPS biography states, "As RNC Chairman, he raised an unprecedented $428 million and grew the donor base to 1.8 million – more donors than at any time in RNC history."[18]

155. In May 2020, the Board of Governors selected Louis DeJoy to serve as the 75th Postmaster General and Chief Executive Officer. DeJoy had no prior experience working at the Postal Service. He began serving as Postmaster General on June 15, 2020.

156. DeJoy, a longtime Republican fundraiser, had donated more than $1.2 million to the Trump Victory Fund, millions more to Republican organizations and candidates, and, at the time of his appointment, was overseeing fundraising for the 2020 Republican National Convention.[19] DeJoy also continues to own at least $30 million in USPS competitor XPO and stock options in Amazon.[20]

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[18] USPS, *Postal Leadership: Robert M. Duncan* (last updated Dec. 2019), https://about.usps.com/who/leadership/board-governors/robert-duncan.htm.

[19] Brian Naylor, *New Postmaster General Is Top GOP Fundraiser*, NPR (May 7, 2020), https://www.npr.org/2020/05/07/851976464/new-postmaster-general-is-top-gop-fundraiser.

[20] Marshall Cohen, *Financial disclosures reveal postmaster general's business entanglements and likely conflicts of interest, experts say*, CNN (Aug. 12, 2020), https://www.cnn.com/2020/08/12/politics/postal-service-dejoy-conflicts-amazon-trades-xpo-stake/index.html.

AMERICAN OVERSIGHT

157. Shortly before DeJoy's appointment, President Trump began a campaign of false claims about mail-in voting, alleging repeatedly that it is vulnerable to widespread fraud.

158. During this time, President Trump has made the following false and unsubstantiated statements regarding mail-in voting:

a. On March 30, 2020, the President stated that he was opposed to a bill that would reform voting by mail because the bill would have allowed for "levels of voting that if you'd ever agreed to it, you'd never have a Republican elected in this country again."[21]

b. On April 11, 2020, the President tweeted, "Mail in ballots substantially increases the risk of crime and VOTER FRAUD!"[22]

c. On May 24, 2020, the President tweeted, "The United States cannot have all Mail In Ballots. It will be the greatest Rigged Election in history. People grab them from mailboxes, print thousands of forgeries and 'force' people to sign. Also, forge names. Some absentee OK, when necessary. Trying to use Covid for this Scam!"[23]

d. On May 28, 2020, the President tweeted, "MAIL-IN VOTING WILL LEAD TO MASSIVE FRAUD AND ABUSE. IT WILL ALSO LEAD TO THE

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[21] Sam Levine, *Trump says Republicans would 'never' be elected again if it was easier to vote*, The Guardian (Mar. 30, 2020), https://www.theguardian.com/us-news/2020/mar/30/trump-republican-party-voting-reform-coronavirus.

[22] Donald J. Trump (@realDonaldTrump), Twitter (Apr. 11, 2020, 8:29 p.m.), https://twitter.com/realDonaldTrump/status/1249132374547464193.

[23] Donald J. Trump (@realDonaldTrump), Twitter (May 24, 2020, 10:08 a.m.), https://twitter.com/realDonaldTrump/status/1264558926021959680.

AMERICAN OVERSIGHT

USPS-20-2171-A-002226

END OF OUR GREAT REPUBLICAN PARTY. WE CAN NEVER LET THIS TRAGEDY BEFALL OUR NATION . . . ."[24]

e. On June 22, 2020, the President tweeted, "RIGGED 2020 ELECTION: MILLIONS OF MAIL-IN BALLOTS WILL BE PRINTED BY FOREIGN COUNTRIES, AND OTHERS. IT WILL BE THE SCANDAL OF OUR TIMES!"[25]

f. Also on June 22, 2020, the President tweeted, "Because of MAIL-IN BALLOTS, 2020 will be the most RIGGED election in our nations [sic] history – unless this stupidity is ended. We voted during World War One & World War Two with no problem but now they are using Covid in order to cheat by using Mail-Ins!"[26]

g. On June 28, 2020, the President tweeted, "Absentee Ballots are fine. A person has to go through a process to get and use them. Mail-In Voting, on the other hand, will lead to the most corrupt Election is [sic] USA history. Bad things happen with Mail-Ins. Just look at Special Election in Patterson, N.J. 19% of Ballots a FRAUD!"[27]

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[24] Donald J. Trump (@realDonaldTrump), Twitter (May 28, 2020, 9:00 p.m.), https://twitter.com/realDonaldTrump/status/1266172570983940101.

[25] Donald J. Trump (@realDonaldTrump), Twitter (June 22, 2020, 7:16 a.m.), https://twitter.com/realDonaldTrump/status/1275024974579982336.

[26] Donald J. Trump (@realDonaldTrump), Twitter (June 22, 2020, 9:45 a.m.), https://twitter.com/realDonaldTrump/status/1275062328971497472.

[27] Donald J. Trump (@realDonaldTrump), Twitter (June 28, 2020, 10:30 p.m.), https://twitter.com/realDonaldTrump/status/1277429217190428673.

AMERICAN OVERSIGHT

USPS-20-2171-A-002227

h. On July 21, 2020, the President tweeted, "Mail-In Voting, unless changed by the courts, will lead to the most CORRUPT ELECTION in our Nation's History! #RIGGEDELECTION."[28]

i. On July 30, 2020, the President tweeted, "Mail-In Voting is already proving to be a catastrophic disaster. Even testing areas are way off. The Dems talk of foreign influence in voting, but they know that Mail-In Voting is an easy way for foreign countries to enter the race. Even beyond that, there's no accurate count!"[29]

j. On August 4, 2020, the President tweeted, "Whether you call it Vote by Mail or Absentee Voting, in Florida the election system is Safe and Secure, Tried and True. Florida's Voting system has been cleaned up (we defeated Democrats attempts at change), so in Florida I encourage all to request a Ballot & Vote by Mail! #MAGA."[30]

k. On August 5, 2020, the President tweeted, "Nevada has ZERO infrastructure for Mail-In Voting. It will be a corrupt disaster if not ended by the Courts. It will take months, or years, to figure out. Florida has built a great

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[28] Donald J. Trump (@realDonaldTrump), Twitter (July 21, 2020, 7:41 a.m.), https://twitter.com/realDonaldTrump/status/1285540318503407622.

[29] Donald J. Trump (@realDonaldTrump), Twitter (July 30, 2020, 8:10 a.m.), https://twitter.com/realDonaldTrump/status/1288809157722877952.

[30] Donald J. Trump (@realDonaldTrump), Twitter (Aug. 4, 2020, 12:55 p.m.), https://twitter.com/realDonaldTrump/status/1290692768675901440.

AMERICAN OVERSIGHT

USPS-20-2171-A-002228

infrastructure, over years, with two great Republican Governors. Florida, send in your Ballots!"[31]

l. On August 15, 2020, the President tweeted, "The honorable thing to do is drop the Mail-In Scam before it is too late! Absentee Ballots, like they have in Florida, are good!"[32]

m. On August 17, 2020, the President tweeted, "Some states use 'drop boxes' for the collection of Universal Mail-In Ballots. So who is going to 'collect' the Ballots, and what might be done to them prior to tabulation? A Rigged Election? So bad for our Country. Only Absentee Ballots acceptable!"[33]

n. On August 20, 2020, the President tweeted, "The Democrats are demanding Mail-In Ballots because the enthusiasm meter for Slow Joe Biden is the lowest in recorded history, and they are concerned that very few people will turn out to vote. Instead, they will search & find people, then "harvest" & return Ballots. Not fair!"[34]

o. On August 20, 2020, the President tweeted, "They are sending out 51,000,000 Ballots to people who haven't even requested a Ballot. Many of those people

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[31] Donald J. Trump (@realDonaldTrump), Twitter (Aug. 5, 2020, 7:08 a.m.), https://twitter.com/realDonaldTrump/status/1290967953542909952.

[32] Donald J. Trump (@realDonaldTrump), Twitter (Aug. 15, 2020, 4:24 p.m.), https://twitter.com/realDonaldTrump/status/1294731591030378497.

[33] Donald J. Trump (@realDonaldTrump), Twitter (Aug. 17, 2020, 11:40 a.m.), https://twitter.com/realDonaldTrump/status/1295385113862090753.

[34] Donald J. Trump (@realDonaldTrump), Twitter (Aug. 20, 2020, 7:57 p.m.), https://twitter.com/realDonaldTrump/status/1296597150181330944.

AMERICAN OVERSIGHT

USPS-20-2171-A-002229

don't even exist. They are trying to STEAL this election. This should not be allowed!"[35]

159. During this period, the Trump Campaign or the RNC filed a number of lawsuits against states that allow for voting by mail, including Pennsylvania and California. On June 19, 2020, President Trump said about his election prospects that, "My biggest risk is that we don't win lawsuits" and "We have many lawsuits going all over. And if we don't win those lawsuits, I think—I think it puts the election at risk."[36]

160. On August 13, 2020, during a television interview, President Trump explained that he opposed additional funding for the Postal Service because he wanted to prevent expanded mail-in voting: "Now they need that money in order to have the post office work so it can take all of these millions and millions of ballots. Now, in the meantime, they aren't getting there. By the way, those are just two items. But if they don't get those two items, that means you can't have universal mail-in voting because they're not equipped to have it."[37]

Changes to Postal Operations

161. In early July 2020, at the direction of Postmaster General DeJoy, the Postal Service instituted several operational changes affecting how mail is transported.

162. These operational changes altered "the nature of postal services" and "affect[ed] service on a nationwide or substantially nationwide basis." 39 U.S.C. § 3661(b).

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[35] Donald J. Trump (@realDonaldTrump), Twitter (Aug. 20, 2020, 8:15 p.m.), https://twitter.com/realDonaldTrump/status/1296601698891374593.

[36] Christina A. Cassidy & Nicholas Riccardi, *Trump: Mail-in voting presents 'biggest risk' to reelection*, AP News (June 19, 2020), https://apnews.com/419b8fc1a387e4f85a91429651c59b76.

[37] Barbara Sprunt & Alana Wise, *Trump Opposes Postal Service Funding But Says He'd Sign Bill Including It*, NPR (Aug. 13, 2020), https://www.npr.org/2020/08/13/902109991/trump-admits-to-opposing-funding-for-postal-service-to-block-more-voting-by-mail.

AMERICAN OVERSIGHT

163. At the direction of DeJoy, the Postal Service instituted these operational changes immediately and on a nationwide basis without first obtaining an advisory opinion from the Postal Regulatory Commission.

164. Two documents prepared by Postal Service employees reflect these operational changes. The first, a document titled "Mandatory Stand-Up Talk: All Employees" was dated July 10, 2020 (the "July 10 Stand-Up Talk," Ex. A). The second, a PowerPoint presentation entitled "PMGs [Postmaster General's] expectations and plans" (the "July PPT," Ex. B) was prepared at around the same time.

165. "Stand-Up Talks" are a widely used means of providing postal employees with information about changes or updates in Postal Service policies and procedures. Postmasters and supervisors are expected to communicate the contents of a "Stand-Up Talk" to the relevant employees at the beginning of their shift. The relevant employees are then expected to abide by those policies and procedures.

166. The July 10 Stand-Up Talk states that it must be provided to "all employees" and that "[e]very single employee will receive this information, no matter what job they perform[.]" Out of a need to make "immediate, lasting, and impactful changes," the July 10 Stand-Up Talk ordered an "operational pivot" targeted at the transportation of mail. It provides specific examples of "transportation changes being implemented immediately (today)." These changes included:

a. "All trips will depart on time (Network, Plant and Delivery); late trips are no longer authorized or accepted."

b. "Extra trips are no longer authorized or accepted."

c. "Carriers must begin on time, leave for the street on time, and return on time."

AMERICAN OVERSIGHT

d. "Carriers must make the final dispatch of value; no additional transportation will be authorized to dispatch mail to the Plant after the intended dispatch."

167. The functional result of these operational changes is that mail can be delayed at multiple places in the mailstream. If processed mail is not ready when the truck is scheduled to leave the processing plant, then that mail is left behind for the day. If the truck is delayed on its way to the delivery unit, then the carrier must leave on her route at her start time without that day's mail. If the carrier is unable to deliver all of that day's mail before her return time, then she must return to the delivery unit with that mail undelivered and any new mail uncollected. If the mail carrier did not depart with all of that day's mail—for example, because it was too much to carry or because additional mail arrived after she left—then that carrier cannot make extra trips and that mail remains in the delivery unit overnight. And if the carrier returns to the delivery unit after the truck has returned to the plant, then any new mail collected that day remains at the delivery unit overnight and will not be sent to the plant until the following day.

168. The July 10 Stand-Up Talk acknowledges that as a result of the changes, postal employees will see mail "left behind" and "on the workroom floor or docks" of processing plants. The Stand-Up Talk acknowledges that these consequences are "not typical."

169. The July 10 Stand-Up Talk estimated that the changes implemented would result in around $200 million in reduced expenses. For Fiscal Year 2019, the Postal Service reported operating revenue of $71.1 billion and operating expenses of $79.9 billion.

170. In two July 22, 2020, letters to members of Congress (Ex. C), General Counsel Thomas Marshall confirmed that the Postal Service is "taking immediate steps to increase operational efficiency," including by "running operations on-time and on-schedule."

AMERICAN OVERSIGHT

171. In an August 6, 2020, letter to members of Congress (Ex. D), Postal Service Chief Operating Officer David Williams confirmed that the Postal Service has taken "immediate steps" focused on "improving our transportation efficiency," including "working to eliminate extra and late trips." He also stated that the Postal Service was working to reduce "unnecessary" and "unauthorized" overtime and that "operational managers must ensure that overtime is earned as the result of unexpected volume or other factors pursuant to our normal overtime analysis before it is approved."

172. Similarly, DeJoy's opening remarks for a Board of Governors meeting on August 7, 2020 (Ex. E), confirm that the Postal Service had taken "immediate steps" focused on "running our operations on time and on schedule, and by not incurring unnecessary overtime or other costs."

173. In an August 11, 2020, letter to Congresswoman Carolyn Maloney (Ex. F), Marshall confirmed that the Postal Service had taken "immediate steps" focused on "improving our transportation efficiency," including "working to eliminate extra and late trips." He also stated that the Postal Service was working to reduce "unnecessary" and "unauthorized" overtime and that "operational managers must ensure that overtime is earned as the result of unexpected volume or other factors pursuant to our normal overtime analysis before it is approved."

174. In an internal memo from August 13, 2020 (Ex. G), DeJoy stated that the Postal Service "must make a number of significant changes," including "re-establish[ing] fundamental operating principles and then adher[ing] to them and run[ning] on time." He confirmed that he "began those efforts right away." As a result, he noted that the Postal Service now had an "on-time dispatch schedule" of "97.3 percent, up from 89.8 percent" and had "reduced extra trips by 71 percent."

AMERICAN OVERSIGHT

175. On August 18, 2020, DeJoy issued a public statement (Ex. H). To "avoid even the appearance of any impact on election mail," he suspended several "initiatives" until "after the [November 2020] election is concluded." DeJoy did not state that these initiatives would be revoked, nor did he state how the Postal Service would operationalize the rollback of these unspecified suspended initiatives.

176. DeJoy characterized the suspended initiatives as "longstanding operational initiatives" that "predate[d] [his] arrival at the Postal Service." He did not otherwise specify which initiatives would be suspended.

177. DeJoy also stated that:

a. "Retail hours at Post Offices will not change."

b. "Mail processing equipment and blue collection boxes will remain where they are."

c. "No mail processing facilities will be closed."

d. "[O]vertime has, and will continue to be, approved as needed."

178. In the statement, DeJoy did not address the operational changes instituted at his direction in early July 2020, including the elimination of late and extra trips or the requirement that carriers adhere to rigid schedules.

179. On August 20, 2020, the Washington Post reported that DeJoy intends to make "far more sweeping changes to the U.S. Postal Service than previously disclosed," including requiring States to pay First-Class postage for ballots in the future.[38]

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[38] Jacob Bogage, et al., *Postmaster general eyes aggressive changes at Postal Service after election*, Wash. Post (Aug. 20, 2020), https://www.washingtonpost.com/business/2020/08/20/us-postal-service-louis-dejoy/.

AMERICAN OVERSIGHT

VII. Impact of Service Changes on Mail Delivery

180. In his August 13, 2020, memo, DeJoy acknowledged that the recent changes had had an effect on service, stating that "this transformative initiative has had unintended consequences that impacted our overall service levels."

181. Since July 2020, there has been widespread reporting by the news media on changes in Postal Service operations and significant delays in mail delivery across the nation.

182. Because late trips and extra trips are now prohibited, including in Plaintiff States, mail has been left behind at processing plants and delivery units. Because letter carriers throughout the country, including in Plaintiff States, have been ordered to depart for their routes at set times, even if the processed mail has not yet arrived, and then to return at set times, even if all mail has not yet been delivered, carriers have been forced to leave mail undelivered. And because workers are not allowed to spend sufficient time processing and delivering the mail, the mail piled up, leading to greater delays.[39]

183. In some areas, substitute workers are not being assigned when another worker is out, for reasons such as contracting COVID-19. While failing to assign substitute workers, USPS is simultaneously experiencing increased package volume.[40]

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[39] *E.g.*, Michael Sainato, *Postmaster general's changes causing mail delays, USPS workers say*, The Guardian (Aug. 16, 2020), https://www.theguardian.com/business/2020/aug/16/usps-mail-delays-postmaster-general-changes-workers; James Doubek, *Postal Workers Decry Changes And Cost-Cutting Measures*, KUOW (Aug. 11, 2020), https://kuow.org/stories/postal-workers-decry-changes-and-cost-cutting-measures.

[40] *E.g.*, Ellie Rushing, *Mail delays are frustrating Philly residents, and a short-staffed Postal Service is struggling to keep up*, Phila. Inquirer (Aug. 2, 2020), https://www.inquirer.com/news/philadelphia/usps-tracking-in-transit-late-mail-delivery-philadelphia-packages-postal-service-20200802.html; Peter Hall, *Does the mail seem slow? You're not imagining it*, The Morning Call (Aug. 1, 2020), https://www.mcall.com/news/pennsylvania/mc-nws-pa-usps-mail-delivery-operations-slow-20200801-nmabfad46bc43a5mebq23xogbi-story.html.

AMERICAN OVERSIGHT

184. The combination of too few workers, elimination of late and extra trips, rigid adherence to start and end times, and increased package volume is causing undelivered mail and packages to pile up.[41] In places, this has left rotting food and dead animals inside mail processing plants.[42]

185. Elected officials, including officials in Plaintiff States, have received thousands of calls about delayed mail.[43]

186. The operational changes implemented by the Postal Service come as millions of individuals nationwide are complying with stay-at-home and safer-at-home orders in response to the COVID-19 pandemic.

187. The Pennsylvania Department of Health, for example, recommends that individuals have "access to several weeks of medications and supplies in case you need to stay

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[41] *E.g.*, Sainato, *supra* note 39.

[42] *E.g.*, Laura J. Nelson & Maya Lau, *'Like Armageddon': Rotting food, dead animals and chaos at postal facilities amid cutbacks*, L.A. Times (Aug. 20, 2020), https://www.latimes.com/california/story/2020-08-20/usps-cutbacks-post-office-chaos; Scott Thistle, *Chicks shipped by mail are arriving dead, costing Maine farmers thousands of dollars*, Sun Journal (Aug. 19, 2020), https://www.sunjournal.com/2020/08/19/dead-chick-deliveries-costing-maine-farmers-thousands-of-dollars/.

[43] *E.g.*, Ellie Rushing & Jonathan Lai, *Philly mail delays are raising alarms about the 2020 election: 'This is a huge problem'*, Phila. Inquirer, (Aug. 6, 2020), https://www.inquirer.com/politics/election/mail-voting-phiadelphia-post-office-delays-20200806.html; Daniel Moore, *Should the USPS run like a business? Yearslong dispute roils mail delivery ahead of 2020 elections*, Pittsburgh Post-Gazette (Aug. 16, 2020), https://www.post-gazette.com/news/insight/2020/08/16/United-States-Postal-Service-mail-delivery-2020-elections-Trump-Doyle-Kelly-Toomey/stories/202008160025.

AMERICAN OVERSIGHT

home for prolonged periods of time."[44] As a result, many people now rely on the mail for basic supplies.[45]

188. Consequently, delays in the mail mean that individuals are not receiving essential items, such as medicine, paychecks, and unemployment benefits.[46] In Pennsylvania, for example, some residents are have gone three weeks without packages and letters that would otherwise deliver medication, paychecks, and bills.[47] Customers across southern Maine have experienced delays on as many as 65,000 pieces of mail. Delaware state agencies have reported significant delays in the delivery of important mail, such as checks from the State Pension Office and EBT cards being delivered to recipients. In North Carolina, there have been sustained reports of late delivery—by at least two weeks—of mail and packages, including mail and packages that small businesses depend on and medicines for those in rural communities.[48] In California, one 77-year old resident with asthma complained of not receiving her inhaler for three weeks in the mail, despite it usually only taking three to five days.[49] Another California resident reported that it recently took nine days for a letter with First-Class postage to be delivered from San Diego to

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[44] Pennsylvania Dep't of Health, *COVID-19 Information for At Risk Individuals* (last updated May 12, 2020), https://www.health.pa.gov/topics/disease/coronavirus/Pages/Guidance/At-Risk-Individuals.aspx.

[45] *E.g.*, Julie Zauzmer, *Amid national Postal Service crisis, D.C. area residents struggle without consistent mail*, Wash. Post (Aug. 15, 2020), https://www.washingtonpost.com/dc-md-va/2020/08/15/amid-national-postal-service-crisis-dc-area-residents-struggle-without-consistent-mail/.

[46] *E.g.*, Zauzmer, *supra* note 45.

[47] *See supra* note 43.

[48] Michelle Wolf, *Mail delays hurting local small business owners*, MyFox8 (Aug. 9, 2020), https://myfox8.com/news/mail-delays-hurting-local-small-business-owners/.

[49] Kate Irby, *US Postal Service suspending cuts — but will it help Californians?* Sacramento Bee (Aug. 18, 2020), https://www.sacbee.com/news/local/article245050900.html.

AMERICAN OVERSIGHT

San Jose.[50] One California resident living in a rural area reported that she did not receive any mail for a month, and ended up receiving two sets of bills in one day.[51] California residents are incurring late-penalties because they have not received bills, and therefore cannot pay bills on time.[52]

189. Many Native American tribes in California depend solely on USPS to send and receive mail. Tribes are required to submit in writing to request to be notified of proposed projects within an area that is traditionally and culturally affiliated. Tribes must respond in writing within 30 days of receipt of the formal notification and request consultation on the proposed project. Without this request, there is no requirement that an organization implementing a proposed project engage in tribal consultation for the protection of Native American burials and cultural resources. USPS delays will increase missed deadlines and responses to lead agencies for the protection on Native American burials and cultural resources.

190. USPS delays deprive people of important prescription medication. Veterans and VA staff told members of the Senate Committee on Veterans' Affairs that medications "are often taking weeks to be delivered and causing veterans to miss doses of vital medications."[53] One postal worker reported that a pharmaceutical company had complained that there were delays in

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[50] Emily Deruy, *Q&A: What does the Postal Service kerfuffle mean for California voters?*, The Mercury News (Aug. 18, 2020), https://www.mercurynews.com/2020/08/18/qa-what-does-the-postal-service-kerfuffle-mean-for-california-voters/.

[51] Kate Cimini, *Late deliveries, missing mail: Hundreds of Salinas residents want answers from USPS*, Salinas Californian (July 22, 2020), https://www.thecalifornian.com/story/news/2020/07/22/rural-california-residents-take-issue-u-s-postal-service/5456022002/.

[52] Cimini, *supra* note 51.

[53] Letter from Sen. Jon Tester, Sen. Gary Peters, and 29 other Senators to Postmaster General Louis DeJoy (Aug.13, 2020), https://www.veterans.senate.gov/download/usps-delays.

AMERICAN OVERSIGHT

picking up its outgoing shipments.[54] One California resident reported that his eye medications took about 20 days to arrive from the time they were ordered from the local VA.[55]

191. Businesses, too, are not receiving essential payments, some going as long as two weeks without mail.[56] Small businesses in particular rely heavily on the Postal Service to ship products and pay vendors, and delays can have an outsized impact on business reputation and customer retention.[57] In 2019, 70 percent of businesses with fewer than 10 employees had used USPS within the previous six months and the majority use USPS more than any other vendor.[58] In California, one business reported that customers have not received a packages shipped via USPS for one to two weeks, when those packages were supposed to arrive within two days.[59] Other businesses report that their payment checks from vendors are not arriving, forcing business owners to incur extra costs to cancel checks and wire funds instead.[60] And yet other businesses have had to reimburse customers for products that have not arrived on time via USPS, sometimes

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[54] Brian Naylor, *Pending Postal Service Changes Could Delay Mail And Deliveries, Advocates Warn*, NPR (July 29, 2020), https://www.npr.org/2020/07/29/894799516/pending-postal-service-changes-could-delay-mail-and-deliveries-advocates-warn.

[55] Rosalind Adam, et al., *USPS Delays Are Causing People To Get Their Prescriptions Late*, BuzzFeed News (Aug. 17, 2020) https://www.buzzfeednews.com/article/rosalindadams/post-office-delay-prescription-medicine.

[56] Zauzmer, *supra* note 45.

[57] Samantha Masunaga, *How Postal Service cutbacks have left small businesses hurting*, L.A. Times (Aug. 19, 2020), https://www.latimes.com/business/story/2020-08-19/usps-changes-hurt-small-businesses.

[58] USPS OIG, *From Home Office to Post Office: Improving Microbusiness Engagement with the U.S. Postal Service* (Sept. 4, 2019), https://www.uspsoig.gov/sites/default/files/document-library-files/2019/RISC-WP-19-008.pdf.

[59] *Residents Throughout SoCal Report Increase In Package Delays From USPS*, CBS Los Angeles (Aug. 15, 2020), https://losangeles.cbslocal.com/2020/08/15/residents-throughout-socal-report-increase-in-package-delays-from-usps/.

[60] Masunaga, *supra* note 57.

AMERICAN OVERSIGHT

having to ship replacement products through another delivery service, which cuts into business profits.[61]

192. State contracting and purchasing has also been impacted. The Pennsylvania Department of General Services has received numerous complaints from vendors concerning checks that appear to have been lost in the mail. The Department has also noticed that incoming mail from USPS has slowed significantly; on some occasions no mail is delivered and on other days what amounts to multiple days of mail is dropped off.

193. Mail delays have also slowed the delivery of legal documents and impeded legal proceedings. The Pennsylvania Department of Labor reports that at least 20 hearings before the Unemployment Compensation Review Board have been continued because the parties have not received the hearing notices (mailed 14 days in advance) or the documents for the telephone hearings (mailed 5 days in advance). There have also been delays in receipt of Department determinations and referee decisions, resulting in late appeals. The Pennsylvania Office of General Counsel's Criminal Unit, which handles extradition and interstate rendition matters, has experienced delays of a week to ten days in receiving extradition requests sent by USPS mail from Pennsylvania counties.

194. California's state agencies have been impacted by USPS delays, including various delayed licenses, payments, job applications, exams, lease payments, unemployment claims, equipment, hearing notices and other notices, subpoenas, personal protective equipment, and contracts, among other critical items.

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[61] Masunaga, *supra* note 57.

AMERICAN OVERSIGHT

VIII. Impact on the 2020 General Election

195. The effects of the Postal Service's operational changes also come on the eve of an election in which "an unprecedented number of people plan to vote by mail."[62]

196. In late July 2020, General Counsel Marshall sent letters to 46 states and the District of Columbia warning that the Postal Service cannot guarantee all ballots sent by mail for the November election will arrive in time to be counted.

197. Every Plaintiff State received a tailored version of this letter (the "Marshall Letters," Ex. I).

198. The letters explained that, under the Postal Service's reading of several of Plaintiff States' election laws, "certain deadlines for requesting and casting mail-in ballots are incongruous with the Postal Service's delivery standards." Marshall cautioned Plaintiff States that any "mismatch creates a risk"—and for California, a "significant risk"—"that ballots requested near the deadline under state law will not be returned by mail in time to be counted under your laws as we understand them."

199. Marshall explained that "most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received."

200. Marshall recommended "that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters." If election officials use Marketing Mail, it "will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail."

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[62] Zauzmer, *supra* note 45.

AMERICAN OVERSIGHT

USPS-20-2171-A-002241

201. The Marshall Letters did not reference or reaffirm any of the Postal Service's longstanding practices and policies of treating Election Mail with the highest priority and providing Election Mail with First-Class Mail delivery standards.

202. The Marshall Letters assumed that the Postal Service was operating pursuant to its normal delivery standards. The letters did not reference the operational changes instituted in early July 2020 that have significantly undermined the Postal Service's ability to meet its normal delivery standards.

203. For the November 2020 general election, Pennsylvania, Delaware, and Maine require ballots to be received on or before Election Day to be counted. North Carolina requires ballots to be received on or before Election Day, or postmarked on or before Election Day and received by November 6. Massachusetts, the District of Columbia, and California require ballots to be postmarked on or before Election Day and received by November 6, November 13, and November 20, respectively.

204. In response to the Marshall Letter, Pennsylvania requested the Pennsylvania Supreme Court to order that mail ballots be counted as long as they are received by the Friday after Election Day and postmarked on or before Election Day.[63]

205. In response to USPS delays and President Trump's remarks, voters have reported that they "have great fear they [their] vote won't count" because they are "not sure if [they] can trust the mail right now."[64] Voters who have experienced mail delays, "will definitely vote" but

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[63] Jonathan Lai & Ellie Rushing, *USPS says Pennsylvania mail ballots may not be delivered on time, and state warns of 'overwhelming' risk to voters*, Phila. Inquirer (updated Aug. 16, 2020), https://www.inquirer.com/politics/election/pennsylvania-mail-voting-deadlines-post-office-lawsuit-20200813.html.

[64] Irby, *supra* note 49.

AMERICAN OVERSIGHT

will not "use the mail for it because of the delays."[65] These voters are making plans to "go in person to make sure [they're] counted,"[66] which poses the risk of exposure to COVID-19. California's Secretary of State has received a significant increase in calls and inquiries from voters concerned about the November 2020 general election and the implications of potential USPS delays.

206. The service delays caused by Postal Service's implementation of sweeping new policies in the midst of a pandemic may disenfranchise voters because their ballots will not be sent or received in time and may deter people from voting because they do not trust that their ballot will be delivered.

207. During the global pandemic, voting by mail is the safest method for all voters.[67] To reduce the risk of contracting COVID-19, individuals are advised to limit interactions with other people as much as possible, including by reducing otherwise routine events, such as visiting the pharmacy.[68]

208. The need to limit even routine interactions makes the option to vote by mail an essential option for all voters, but particularly important for those who are most likely to become severely ill.[69]

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[65] Rushing & Lai, *supra* note 43.

[66] Irby, *supra* note 49.

[67] Rushing & Lai, *supra* note 43; Sam Levine, *Postal service changes pose threat to voting, says former USPS deputy*, The Guardian (Aug. 13, 2020), https://www.theguardian.com/us-news/2020/aug/13/united-states-postal-service-trump-republicans.

[68] CDC, Coronavirus Disease 2019, *Your Health, Older Adults* (updated Aug. 16, 2020), https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/older-adults.html.

[69] CDC, Coronavirus Disease 2019 (COVID-19), *Your Health, People Who Are at Increased Risk for Severe Illness* (updated June 25, 2020), https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-increased-risk.html.

AMERICAN OVERSIGHT

209. The option to vote by mail is critically important for people over 65. Eighty percent of deaths from COVID-19 have been adults 65 and older and the rate of hospitalizations per 100,000 population due to COVID-19 drastically increases with age: from 27.2 for those 18-29, to 136.1 for those 50-64, 198.7 for those 65-74, 329.3 for those 75-84, and 513.2 for those 85 and older.[70] In California alone, almost 75 percent of the over 11,000 deaths from COVID-19 have been adults age 65 and older.[71]

210. People of any age are also at an increased risk of severe illness from COVID-19 if they have any of a host of underlying health conditions,[72] although many of those conditions are more prevalent among older adults.[73]

211. Voters over 65 and those with disabilities are already the most likely to vote by mail nationwide.[74] A national survey of the 2016 election found that "'33 percent of voters 70

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[70] Nat'l Ctr. for Health Statistics Mortality Reporting System, *Coronavirus Disease 2019 (COVID-19)-Associated Hospitalization Surveillance Network (COVID-NET)* (data through week ending June 6, 2020) https://www.cdc.gov/coronavirus/2019-ncov/images/need-extra-precautions/high-risk-age.jpg; CDC, Coronavirus Disease 2019, *Your Health, Older Adults* (updated Aug. 16, 2020), https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/older-adults.html.

[71] Cal. Dep't of Public Health, *Cases and Deaths Associated with COVID-19 by Age Group in California* (Aug. 18, 2020), https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/COVID-19-Cases-by-Age-Group.aspx.

[72] CDC, Coronavirus Disease 2019, *Your Health, People with Certain Medical Conditions* (updated Aug. 14, 2020), https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fneed-extra-precautions%2Fgroups-at-higher-risk.html.

[73] Pa. Dep't of Health, *COVID-19 Information for At Risk Individuals* (updated May 12, 2020), https://www.health.pa.gov/topics/disease/coronavirus/Pages/Guidance/At-Risk-Individuals.aspx.

[74] Kevin Morris, *Who Votes by Mail?*, Brennan Center for Justice (Apr. 15, 2020), https://www.brennancenter.org/our-work/analysis-opinion/who-votes-mail; Charles Stewart III, *Some Demographics on Voting by Mail*, Election Updates (Mar. 20, 2020), https://election

AMERICAN OVERSIGHT

USPS-20-2171-A-002244

years and older voted absentee, compared to 20 percent of voters in their thirties' and that '30 percent of voters with a disability that kept the voter "from participating fully in work, school, housework, or other activities" voted absentee, compared to 22 percent of voters without a disability.'"[75]

212. In response to COVID-19, the Centers for Disease Control and Prevention (CDC) guidance recommends election officials consider "offering alternatives to in-person voting if allowed in the jurisdiction," and relocate polling places away from "nursing homes, long-term care facilities, and senior living residences, to help protect older adults and those with medical conditions." For voters, the CDC recommends considering "voting alternatives available in your jurisdiction that minimize contact," including "us[ing] early voting, if available," and "vot[ing] at off-peak times."[76]

213. Pennsylvania Governor Tom Wolf and Secretary of the Commonwealth Kathy Boockvar both encouraged voters in the June primary election to "vote safely" by mail,[77] as have leaders of other Plaintiff States.[78] Both Republican and Democratic party officials in

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updates.caltech.edu/2020/03/20/some-demographics-on-voting-by-mail/ (citing data from the Cooperative Congressional Election Study, Harvard University, https://cces.gov.harvard.edu/).

[75] U.S. Election Assistance Comm'n, Election Administration and Voting Survey, *Deep Dive, Early, Absentee, and Mail Voting* (Oct. 17, 2017), https://www.eac.gov/sites/default/files/document_library/files/eavsdeepdive_earlyvoting_101717.pdf (quoting Charles Stewart III, *2016 Survey of the Performance of American Elections*, MIT 13, https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/Y38VIQ#).

[76] CDC, Coronavirus Disease 2019, *Community, Work & School, Considerations for Election Polling Locations* (updated June 22, 2020), https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html.

[77] Press Release, *Gov. Wolf Encourages Voters to Apply for a Mail-in Ballot* (Apr. 22, 2020), https://www.governor.pa.gov/newsroom/gov-wolf-encourages-voters-to-apply-for-a-mail-in-ballot/.

[78] Governor John Carney (@JohnCarneyDE), Twitter (Aug. 18, 2020, 11:13 a.m.), https://twitter.com/JohnCarneyDE/status/1295740564969869320. California Governor Gavin

AMERICAN OVERSIGHT

USPS-20-2171-A-002245

Pennsylvania "have encouraged people to vote by mail amid concerns from county officials who fear the virus will make it difficult to find polling places and get poll workers to staff them."[79]

IX. Harm to the States as a Result of Defendants' Actions

214. Defendants' actions have caused and will continue to cause injury to the States' sovereign, quasi-sovereign, and proprietary interests.

215. Defendants are undermining the States' efforts to fairly administer their own elections pursuant to the authority vested in them by the Constitution. As a result, Defendants have caused and will continue to cause harm to the States' sovereign interests, which include prescribing the method of selecting their representatives in the federal system to ensure equal sovereignty. In addition to the federal elections, the States will conduct their own statewide and local elections on Election Day. The conduct of state elections, in conformance with the Constitution and federal law, is a central component of State sovereignty.

216. In addition, Defendants' actions will also force the States to devote significant additional resources to administering their elections, harming the States' proprietary interests.

217. Many States will be required to devote additional resources to encouraging voters to return their ballots earlier than otherwise necessary, and will be required to implement

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Newsom passed an executive order, later ratified by the California Legislature, to automatically send mail-in ballots to registered active voters for the November 2020 general election because "[n]o Californian should be forced to risk their health in order to exercise their right to vote." Press Release, *Governor Newsom Issues Executive Order to Protect Public Health by Mailing Every Registered Voter a Ballot Ahead of the November General Election* (May 8, 2020), https://www.gov.ca.gov/2020/05/08/governor-newsom-issues-executive-order-to-protect-public-health-by-mailing-every-registered-voter-a-ballot-ahead-of-the-november-general-election/.

[79] 6ABC, *Pennsylvania boosting efforts to promote voting by mail amid COVID-19 pandemic* (Apr. 22, 2020), https://6abc.com/coronavirus-pennsylvania-reopen-pennsylvnania-one-retailer-customer-stay-at-home/6122146/.

AMERICAN OVERSIGHT

USPS-20-2171-A-002246

alternate means for voters to submit mail-in ballots, as a result of the delay in mail service caused by Defendants' actions.

218. The delays in mail service caused by Defendants' actions have harmed and will continue to harm the States in other ways. For instance, the States all depend on the operation of the Postal Service to perform essential government functions, including collecting revenue and providing services to their citizens. Delays in mail delivery caused by Defendants' actions thus cause direct harm to the States.

219. Administrative and state judicial systems in each of the States depend on operation of the mail to provide notice to parties and others about proceedings. Delays in mail delivery caused by Defendants' actions have undermined the efficient operation of legal proceedings in the States.

220. State criminal law proceedings also rely on the Postal Service for delivery of important legal documents. Delays in the delivery of mail risk undermining the enforcement of criminal law.

221. The States are also consumers of goods and services and frequently procure and pay for items using the Postal Service. Delays in delivery of goods and payment harm business relationships and deprive the States of the use of items purchased.

CAUSES OF ACTION

COUNT I

Violation of Postal Reorganization Act – 39 U.S.C. § 3661

222. Plaintiffs incorporate by reference the foregoing paragraphs as if they were set forth fully herein.

223. Whenever the Postal Service "determines that there should be a change in the nature of postal services which will generally affect service on a nationwide or substantially

AMERICAN OVERSIGHT

USPS-20-2171-A-002247

nationwide basis" the Postal Service must first "submit a proposal, within a reasonable time prior to the effective date of such proposal, to the Postal Regulatory Commission requesting an advisory opinion on the change." 39 U.S.C. § 3661(b). Before the Commission issues an advisory opinion, it must hold a hearing on the record. *Id.* § 3661(c). The public is entitled to submit comments in proceedings before the Commission. 39 C.F.R. § 3010.140.

224. As reflected in the July 10 Stand-Up Talk, the July PPT, letters to Congress, public statements, and internal memorandum, Defendants changed the nature of postal services in July 2020. Defendants adopted new operational policies that, among other things, prohibit late or extra trips by postal workers that are often necessary to keep the mail moving forward in the mailstream, require carriers to adhere rigidly to start and stop times regardless of whether all mail for their route has arrived or been delivered, and limit the use of overtime. As the July 10 Stand-Up Talk concedes, a consequence of the recent changes is that some mail will be "left behind." Before these changes, such results were "not typical." And as Defendant DeJoy concedes, these changes "had unintended consequences that impacted our overall service levels."

225. Defendants' recent changes to postal services have nationwide effect. The changes reflected in the July 10 Stand-Up Take were to be communicated to "[e]very single [Postal Service] employee . . . no matter what job they perform." In subsequent letters to Congress and internal memorandum, the Postal Service has confirmed that the changes documented in the July 10 Stand-Up Talk are part of a nationwide change to the operation of postal services.

226. Despite the recent nationwide changes to the nature of postal services, the Postal Service did not first submit a proposal to the Commission or seek an advisory opinion before

AMERICAN OVERSIGHT

implementing the changes, depriving the public of an opportunity to comment on the changes before they took effect.

227. Because Defendants did not submit a proposal of the recently enacted changes to, or seek an advisory opinion from, the Commission before the changes took effect, Defendants acted beyond their statutory authority and the changes are *ultra vires*.

COUNT II

Violation of Postal Reorganization Act – 39 U.S.C. §§ 101, 403

228. Plaintiffs incorporate by reference the foregoing paragraphs as if they were set forth fully herein.

229. The PRA mandates that it "shall be the responsibility of the Postal Service to maintain an efficient system of collection, sorting, and delivery of the mail nationwide." 39 U.S.C. § 403(b)(1).

230. Under the PRA, the "Postal Service shall plan, develop, promote, and provide adequate and efficient postal services at fair and reasonable rates and fees." 39 U.S.C. § 403(a).

231. When "determining all policies for postal services, the Postal Service shall give the highest consideration to the requirement for the most expeditious collection, transportation, and delivery of important letter mail." 39 U.S.C. § 101(e).

232. As reflected in the July 10 Stand-Up Talk, the July PPT, letters to Congress, public statements, and internal memorandum, Defendants adopted new operational policies in July 2020 that, among other things, prohibit late or extra trips by postal workers that are often necessary to keep the mail moving forward in the mailstream, require carriers to adhere rigidly to start and stop times regardless of whether all mail for their route has arrived or been delivered, and limit the use of overtime. As the July 10 Stand-Up Talk concedes, a consequence of the

AMERICAN OVERSIGHT

USPS-20-2171-A-002249

recent changes is that some mail will be "left behind." Before these changes, such results were "not typical."

233. As reflected in the Marshall Letters, Defendants intend to abandon their longstanding practice of giving Election Mail the highest priority regardless of the class of mail.

234. The policies adopted by Defendants in July 2020 undermine the Postal Service's "efficient system of collection, sorting, and delivery of the mail nationwide" and fail to "provide adequate and efficient postal services."

235. The policies adopted by Defendants in July 2020 also fail to "give the highest consideration to the requirement for the most expeditious collection, transportation, and delivery" of Election Mail, which is "important letter mail."

236. As a result, Defendants acted beyond their statutory authority and the policy changes are *ultra vires*.

COUNT III

Violations of the Elections Clause – U.S. Constitution, Article I, Section IV, Clause 1 & the Electors Clause – U.S. Constitution, Article II, Section I, Clause II

237. Plaintiffs incorporate by reference the foregoing paragraphs as if they were set forth fully herein.

238. The Constitution's Elections Clause vests authority in the States to regulate the "The Times, Places and Manner of holding Elections for Senators and Representatives" that will represent that State. U.S. Const. art. I, § 4, cl. 1. Only Congress may displace how a State has chosen to regulate the time, place, and manner of a federal election. *Id.*

239. Plaintiffs have exercised their authority under the Elections Clause to allow voters to vote by mail.

AMERICAN OVERSIGHT

USPS-20-2171-A-002250

240. Congress has not passed any laws that conflict with Plaintiffs' exercise of authority under the Elections Clause.

241. The Constitution's Electors Clause vests authority in the States to appoint "a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress." U.S. Const., art. II, § 1, cl. 2.

242. Plaintiffs have exercised their authority under the Electors Clause to appoint their presidential electors based on the results of popular elections and have directed that voters may cast ballots for presidential electors by mail.

243. Plaintiffs have exercised their authority under the Elections Clause and the Electors Clause in reliance on the Postal Service's history of timely delivering Election Mail and treating Election Mail with the highest priority.

244. Defendants have abruptly and unlawfully impaired the operation of the postal services and have acted to cast doubt on the Postal Service's ability to facilitate mail-in voting.

245. As a result, Defendants have interfered with how Plaintiffs have exercised their authority under the Elections Clause and thus violated Plaintiffs' constitutional authority to set the "Times, Places and Manner of holding Elections for Senators and Representatives."

246. Defendants have further interfered with how Plaintiffs have exercised their authority under the Electors Clause and thus violated Plaintiffs' constitutional authority to appoint presidential electors.

AMERICAN OVERSIGHT

USPS-20-2171-A-002251

COUNT IV

Violation of the 26th Amendment to the U.S. Constitution

247. Plaintiffs incorporate by reference the foregoing paragraphs as if they were set forth fully herein.

248. The 26th Amendment to the U.S. Constitution guarantees that "The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age."

249. Plaintiffs have a sovereign interest in their elected officials best representing the people of the respective States in the federal system, which Plaintiffs accomplish by exercising their constitutional authority over the time, place, and manner of elections to maximize the number of voters, including establishing voting by mail.

250. Defendants' changes to postal services will significantly and disproportionately harm older voters, who are more likely to vote by mail and more at risk of serious harm from COVID-19.

251. Defendants made changes to the nature of postal services in a manner that departed from normal procedure because Defendants did not first submit a proposal of the newly implemented changes to the Commission.

252. Defendants' recently implemented changes are intended to interfere with the Plaintiffs' ability to count votes cast by mail and to make voters in Plaintiff States, especially senior citizens, less willing to vote by mail.

253. Because Defendants have acted in a way that disenfranchises voters on the basis of age, Defendants have violated the 26th Amendment.

AMERICAN OVERSIGHT

USPS-20-2171-A-002252

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs requests that this Court enter judgment in their favor and grant the following relief:

a. Declare that the operational and policy changes adopted by Defendants in July 2020—which include prohibiting late or extra trips by postal workers that are often necessary to keep the mail moving forward in the mailstream, requiring carriers to adhere rigidly to start and stop times regardless of whether all mail for their route has arrived or been delivered, limiting the use of overtime, and failing to treat Election Mail with the highest priority—are unlawful;

b. Vacate the operational and policy changes adopted by Defendants in July 2020;

c. Preliminarily and permanently enjoin Defendants from:

   i. Continuing to implement and enforce the operational and policy changes adopted by Defendants in July 2020; failing to rescind these operational and policy changes to the extent they have been implemented; and failing to restore service to the levels provided before the unlawful changes;

   ii. Instituting any changes with a nationwide or substantially nationwide effect on delivery services without first seeking an advisory opinion from the PRC pursuant to 39 U.S.C. § 3661 and seeking public input as required by the statute and by regulation;

   iii. Failing to adhere to the Postal Service's longstanding practice of treating Election Mail with the highest priority and as First-Class Mail regardless of the class of mail;

   iv. Failing to postmark every piece of Election Mail the day it is received by USPS; and

AMERICAN OVERSIGHT

USPS-20-2171-A-002253

v. Prohibiting overtime, late trips, and extra trips during the week before, day of, and 17 days after the November 2020 general election.

d. Appoint an independent monitor to oversee Defendants' compliance with the terms of the Court's order;

e. Award Plaintiffs reasonable costs, including attorneys' fees; and

f. Grant such other and further relief as the Court deems just and proper.

August 21, 2020

Respectfully submitted,

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AMERICAN OVERSIGHT

USPS-20-2171-A-002254

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AMERICAN OVERSIGHT

USPS-20-2171-A-002255

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**Appearing pro hac vice (applications forthcoming)*

***Appearing pro hac vice (applications pending)*

**** Application for admission forthcoming*

AMERICAN OVERSIGHT

USPS-20-2171-A-002256

TABLE OF CONTENTS

Exhibit	Document Title	Appendix Page
A	"Mandatory Stand-Up Talk: All Employees" (July 10, 2020)	2
B	PowerPoint presentation, "PMGs expectations and plans" (July 2020)	5
C	Letters to members of Congress from General Counsel Thomas Marshall (July 22, 2020)	12
D	Letter to members of Congress from Chief Operating Officer David Williams (August 6, 2020)	18
E	Opening remarks of Postmaster General Louis DeJoy at Board of Governors meeting (August 7, 2020)	22
F	Letter to Congresswoman Carolyn Maloney from General Counsel Thomas Marshall (August 11, 2020)	28
G	Internal Memorandum from Postmaster General Louis DeJoy (August 13, 2020)	32
H	Statement of Postmaster General Louis DeJoy (August 18, 2020)	35
I	Letters to Plaintiff States from General Counsel Thomas Marshall (Late July 2020)	38

AMERICAN OVERSIGHT

EXHIBIT

A

AMERICAN OVERSIGHT

Mandatory Stand-Up Talk: All Employees

July 10, 2020

Pivoting For Our Future

- The Postal Service has a long history of service to the nation, and we take pride in our ability to deliver mail and packages efficiently, timely, and safely.
- Right now, we are at a critical juncture in our organization and must make immediate, lasting, and impactful changes in our operations and in our culture.
- This operational pivot is long overdue and today, we are talking about the first step in a journey we must take together, for the health and stability of the Postal Service.
- Every single employee will receive this information, no matter what job they perform, so remember that YOU are an integral part of the success we will have – again, by working together.
- The initial step in our pivot is targeted on transportation and the soaring costs we incur, due to late trips and extra trips, which costs the organization somewhere around $200 million in added expenses.
- The shifts are simple, but they will be challenging, as we seek to change our culture and move away from past practices previously used.
- Specific examples of transportation changes being implemented immediately (today):

✓ All operations must meet our 24-hour clock commitment
✓ All trips will depart on time (Network, Plant and Delivery); late trips are no longer authorized or accepted
✓ Extra trips are no longer authorized or accepted
✓ There must be proper annotation in the scanner, if a Contractor Failure occurs
✓ All PVS/HCR drivers must be notified that trips depart on time.
✓ Function 4 must start on time and end on time and we must make scheduled DUT
✓ Carriers must begin on time, leave for the street on time, and return on time
✓ Carriers must make the final dispatch of value; no additional transportation will be authorized to dispatch mail to the Plant after the intended dispatch
✓ The right mail must go on the right truck – every time
✓ ALL EMPLOYEES have an essential role with trips departing on time.

- One aspect of these changes that may be difficult for employees is that – temporarily – we may see mail left behind or mail on the workroom floor or docks (in P&DCs), which is not typical.
- We will address root causes of these delays and adjust the very next day.
- Any mail left behind must be properly reported, and employees should ensure this action is taken with integrity and accuracy.

AMERICAN OVERSIGHT

- As we adjust to the ongoing pivot, which will have a number of phases, we know that operations will begin to run more efficiently and that delayed mail volumes will soon shrink significantly.
- More information will be shared as we fully and swiftly implement these strategies.
- You play a direct role in the success of the Postal Service, and your cooperation and teamwork are appreciated.
- This is a critical time for us, when decisive, quick, and meaningful action is needed.
- This operational pivot will ensure we can secure our future as a world-class service provider, improving our performance to fulfill our core mission of service to our customers.
- Thank you for your support and your teamwork.

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EXHIBIT

B

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PMGs expectations and plan

The new PMG is looking at COST. Making the USPS financially solvent which we are not at this time. Here are some of HIS expectations and they will be implemented in short order:

*POT will be eliminated. This is not cost effective and it will be taken away.

*Overtime will be eliminated. Again we are paying too much in OT and it is not cost effective and will soon taken off the table. More to come on this.

*The USPS will no longer use excessive cost to get the basic job done. If the plants run late they will keep the mail for the next day. If you get mail late and your carriers are gone and you cannot get the mail out without OT it will remain for the next day. It must be reported in CSDRS

AMERICAN OVERSIGHT

[redacted]

continued

*SDO usage will be decreased dramatically. The POOMs and only the POOMs can authorize SDO. Any PM from this point on that uses and SDO on their own will have to answer for it. There is NO SDO USAGE WITHOUT THE POOMS APPROVAL.....PERIOD. If you are one of the many leaders that assist me and feel I will not mind, you are wrong. 100% follow up will taken for using and SDO without permission from me.

*If we cannot deliver all the mail due to call offs or shortage of people and you have no other help, the mail will not go out and you will have to report this in CSDRS.

AMERICAN OVERSIGHT

UNITED STATES POSTAL SERVICE

continued

*All routes will have no more than 4 park points. We will be moving towards that this summer. Park points are abused, not cost effective and taken advantage of.

* DUOs are on the table again.

*All routes will not start before their DUT. So if you are getting the DUT up late because of the work staff, you will change the start times. The plants are not to send mail late. If the plants are not on time they will hold the mail for the next day. DUTs must be met or you will move your carriers to the DUT. This means we may have carriers starting as late as 0900 in some cases but will not start them any later.

AMERICAN OVERSIGHT

continued

*The PMG stated some of the most influential people in the USPS are the DMs, AVPs and Corporate support. These are the people he will be looking at first for savings.

*Level 18 offices that have a customer service window open more than 8 hours you will close for lunch to meet the 8 hour time. Once we get thru the 18s they will be looking at 20s and possibly some 21 offices for the same process. You all have the information so be timely on the submission on the signage and times you are proposing to close.

AMERICAN OVERSIGHT

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UNITED STATES POSTAL SERVICE

continued

All detail, 204, OIC other non approved details will be discontinued. This is all of them. We have people in sales, call centers and so on, they will all be terminated and you will work your form 50 job. We will be filling all EAS vacancies so if you have a vacant job it needs posted and awarded. If you have a job being taken by someone on detail they will be coming back. ALL DETAILS will be terminated.

USPS-20-2171-A-002266

UNITED STATES POSTAL SERVICE

Closing out.

These are some of the first wave of changes that will be coming to the USPS this year. Many of the changes are good and should have been done years ago. We all need to embrace these changes to keep the USPS in service. The PMG said this:

We all must have a different mindset to keep the USPS alive.

He did not say to keep it going with some savings, these changes need to be done to keep the USPS alive. If you think we are beyond untouchable I will remind you of US Steel. In 1975 they were the largest company in the world. They are gone. GM has closed many plant including 2 in Ohio, Packard Electric...gone. Many if not all of these due to those companies not wanting to change and be profitable. You all must be apart of this. Things will change and we need stop thinking like we did decades ago.

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EXHIBIT

C

AMERICAN OVERSIGHT

THOMAS J. MARSHALL
GENERAL COUNSEL
AND EXECUTIVE VICE PRESIDENT

UNITED STATES POSTAL SERVICE

July 22, 2020

The Honorable Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform
House of Representatives
Washington, DC 20515-6143

The Honorable Gerald E. Connolly
Chairman
Subcommittee on Government Operations
House of Representatives
Washington, DC 20515-4611

The Honorable Stephen F. Lynch
Chairman
Subcommittee on National Security
House of Representatives
Washington, DC 20515-2108

The Honorable Brenda Lawrence
Committee on Oversight and Reform
House of Representatives
Washington, DC 20515-6143

Dear Chairwoman Maloney, Chairman Connolly, Chairman Lynch, and Congresswoman Lawrence:

This is in response to your letter of July 20, 2020, concerning two documents that were the subject of recent news articles, and about operational efforts being implemented by the U.S. Postal Service.

As information, please know that neither document referenced in your letter should be characterized as being "official Postal Service memoranda." Neither document originated from Postal Service Headquarters. The document entitled "PMG's Expectations and Plan" was prepared by a mid-level manager in one district, and the "stand-up talk" was prepared by Southern Area leadership and was distributed in the Southern Area. Therefore, the documents should not be treated as official statements of Postal Service policy.

The Postal Service is focused on our mission of binding the nation together and providing the American people with prompt, reliable, and efficient postal services. The importance of that basic and fundamental service has never been more evident than it is today. At the same time, our long-standing financial challenges are also obvious. The Postal Service must develop a viable operating model that ensures we can continue to fulfill our public service mission in a financially sustainable manner and remain a part of the country's critical infrastructure.

To address our financial challenges, management is developing a business plan to ensure that we will be financially stable and able to continue to provide reliable, affordable, safe and secure delivery of mail and packages to all Americans. This plan will be presented to and considered by the Board of Governors, and will include new and creative ways to fulfill our mission, and a focus on the strengths of the Postal Service to maximize our prospects for success. It will seek to take advantage of the tremendous opportunities available to us to strengthen the public service we provide, while also making changes needed to place the Postal Service in a financially healthy position. Once the Board has agreed to the plan, we would be happy to brief you or your staffs on the details.

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While we develop a broader business plan, Postal Service management is also taking immediate steps to increase operational efficiency by re-emphasizing existing operational plans to provide prompt and reliable service to meet our current service standards. By running operations on-time and on-schedule, we will be better positioned to continue to provide high-quality, reasonably-priced service to all people and businesses in the country.

These management efforts are fully consistent with our legal responsibilities—both to efficiently provide service and to be self-supporting. In this regard, the Postal Service is obligated by statute to provide prompt, reliable, and efficient service to the American people, in a self-sustaining manner. See, e.g., 39 U.S.C. §§ 403(a), 403(b)(1), 404(b), 3622(b), 3661(a). Fulfilling this mandate established by Congress necessarily requires that Postal Service management continually review our operational practices and make adjustments as necessary to ensure that we operate in an efficient and effective manner. As with any such management efforts, any temporary service impacts will be monitored and the root causes of any issues will be addressed as necessary and corrected as appropriate.

Taking steps to enhance operational efficiency and reduce costs is particularly important in today's environment, considering the Postal Service's dire financial condition. Indeed, as we have repeatedly noted to Congress for many years, one essential aspect of restoring the Postal Service to financial stability, in the face of declining mail volumes, is through management efforts to improve efficiency.

These efforts are clearly within the legal authority of the Postmaster General, pursuant to the delegation of authority in 39 C.F.R. § 3.5, and such delegation is authorized by law pursuant to 39 U.S.C. § 402. In this regard, the operational efforts at issue do not constitute service standard changes that require the involvement of our Board of Governors. Nor was there any reason to delay implementation until after the Board considers the broader plan which is being developed to address the Postal Service's business model challenges.

Please be assured that we are aware of our legal obligations to request an advisory opinion before implementing a "change in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis" under 39 U.S.C. § 3661(b). None of the operational efforts discussed here constitute such a change. To the extent that Postal Service management develops proposals to make any such service changes within the scope of Section 3661(b), and our Board approves such proposals, we will make the appropriate requests to the Postal Regulatory Commission.

Finally, the Postal Service is committed to delivering Election Mail in a timely manner. We employ a robust and proven process to ensure proper handling of all Election Mail, including ballots, and we are committed to our role in the electoral process where public policy decision makers choose to utilize Election Mail as part of their election system. This includes close coordination and partnerships with election officials at the local and state levels.

As we anticipate that many voters may choose to use the mail to participate in the upcoming elections due to the impacts of the COVID-19 pandemic, we are conducting and will continue to proactively conduct outreach with state and local election officials and Secretaries of State so that they can make informed decisions and educate the public about what they can expect when using the mail to vote. As part of these outreach efforts, we discuss our delivery processes and consult with election officials about how they can design their mailings in a manner that comports with postal regulations, improves mailpiece visibility, and ensures efficient and cost-effective processing and delivery.

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We are also continuing outreach to political party officials to educate and build confidence in the Postal Service's preparations for the expected surge in mail-in voting during the 2020 general election. We would be happy to brief you or your staffs regarding these outreach efforts if you are interested in further information.

We appreciate your ongoing interest in the Postal Service, and look forward to working with you to ensure that we will be sustainable and that we will remain able to continue to fulfill our universal service obligation for all people and businesses in America. If I can be of assistance in other postal matters, please let me know.

Sincerely,

Thomas J. Marshall

AMERICAN OVERSIGHT

THOMAS J. MARSHALL
GENERAL COUNSEL
AND EXECUTIVE VICE PRESIDENT

UNITED STATES
POSTAL SERVICE

July 22, 2020

The Honorable Gary C. Peters
Ranking Member
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510-6250

Dear Senator Peters:

This is in response to your letter of July 17, 2020, concerning two documents that were the subject of recent news articles, and about operational efforts being implemented by the U.S. Postal Service.

As information, please know that neither document referenced in your letter should be characterized as being "official Postal Service memoranda." Neither document originated from Postal Service Headquarters. The document entitled "PMG's Expectations and Plan" was prepared by a mid-level manager in one district, and the "stand-up talk" was prepared by Southern Area leadership and was distributed in the Southern Area. Therefore, the documents should not be treated as official statements of Postal Service policy.

The Postal Service is focused on our mission of binding the nation together and providing the American people with prompt, reliable, and efficient postal services. The importance of that basic and fundamental service has never been more evident than it is today. At the same time, our long-standing financial challenges are also obvious. The Postal Service must develop a viable operating model that ensures we can continue to fulfill our public service mission in a financially sustainable manner and remain a part of the country's critical infrastructure.

To address our financial challenges, management is developing a business plan to ensure that we will be financially stable and able to continue to provide reliable, affordable, safe and secure delivery of mail and packages to all Americans. This plan will be presented to and considered by the Board of Governors, and will include new and creative ways to fulfill our mission, and a focus on the strengths of the Postal Service to maximize our prospects for success. It will seek to take advantage of the tremendous opportunities available to us to strengthen the public service we provide, while also making changes needed to place the Postal Service in a financially healthy position. Once the Board has agreed to the plan, we would be happy to brief you or your staff on the details.

While we develop a broader business plan, Postal Service management is also taking immediate steps to increase operational efficiency by re-emphasizing existing operational plans to provide prompt and reliable service to meet our current service standards. By running operations on-time and on-schedule, we will be better positioned to continue to provide high-quality, reasonably-priced service to all people and businesses in the country.

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These management efforts are fully consistent with our legal responsibilities—both to efficiently provide service and to be self-supporting. In this regard, the Postal Service is obligated by statute to provide prompt, reliable, and efficient service to the American people, in a self-sustaining manner. See, e.g., 39 U.S.C. §§ 403(a), 403(b)(1), 404(b), 3622(b), 3661(a). Fulfilling this mandate established by Congress necessarily requires that Postal Service management continually review our operational practices and make adjustments as necessary to ensure that we operate in an efficient and effective manner. As with any such management efforts, any temporary service impacts will be monitored and the root causes of any issues will be addressed as necessary and corrected as appropriate.

Taking steps to enhance operational efficiency and reduce costs is particularly important in today's environment, considering the Postal Service's dire financial condition. Indeed, as we have repeatedly noted to Congress for many years, one essential aspect of restoring the Postal Service to financial stability, in the face of declining mail volumes, is through management efforts to improve efficiency.

These efforts are clearly within the legal authority of the Postmaster General, pursuant to the delegation of authority in 39 C.F.R. § 3.5, and such delegation is authorized by law pursuant to 39 U.S.C. § 402. In this regard, the operational efforts at issue do not constitute service standard changes that require the involvement of our Board of Governors. Nor was there any reason to delay implementation until after the Board considers the broader plan which is being developed to address the Postal Service's business model challenges.

Finally, please be assured that we are aware of our legal obligations to request an advisory opinion before implementing a "change in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis" under 39 U.S.C. § 3661(b). None of the operational efforts discussed here constitute such a change. To the extent that Postal Service management develops proposals to make any such service changes within the scope of Section 3661(b), and our Board approves such proposals, we will make the appropriate requests to the Postal Regulatory Commission.

We appreciate your ongoing interest in the Postal Service, and look forward to working with you to ensure that we will be sustainable and that we will remain able to continue to fulfill our universal service obligation for all people and businesses in America. If I can be of assistance in other postal matters, please let me know.

Sincerely,

Thomas J. Marshall

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EXHIBIT

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DAVID E. WILLIAMS
CHIEF OPERATING OFFICER
EXECUTIVE VICE PRESIDENT

UNITED STATES POSTAL SERVICE

August 6, 2020

The Honorable Gary C. Peters
Ranking Member
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510-6250

The Honorable Charles E. Schumer
United States Senate
Washington, DC 20510-3202

The Honorable Thomas R. Carper
Committee on Homeland Security
And Governmental Affairs
United States Senate
Washington, DC 20510-6250

The Honorable Amy Klobuchar
United States Senate
Washington, DC 20510-2302

Dear Ranking Member Peters and Senators Schumer, Carper, and Klobuchar:

This is in response to your letter of July 30, 2020, concerning U.S. Postal Service operations, as well as to some of the questions that were raised in a meeting hosted by Speaker Pelosi and Senator Schumer with the Postmaster General that I attended.

The Postal Service is in a financially unsustainable position, stemming from substantial declines in mail volume, and a statutorily imposed business model that is broken. We are currently unable to balance our costs with available funding sources to fulfill both our universal service mission and other legal obligations. Because of this, the Postal Service has experienced over a decade of financial losses, with no end in sight, and we face an impending liquidity crisis.

As we have repeatedly stated, Congress and the Postal Regulatory Commission must enact legislative and regulatory reforms to help address the situation. At the same time, it is imperative for the Postal Service to operate efficiently and effectively, while continuing to provide service that meets the needs of our customers. We recognize that there are alternatives to every product that we offer, and for that reason high-quality, reasonably-priced service is an imperative, but it is equally important to note that high-quality service and efficient service are not mutually exclusive, but in fact necessarily go hand-in-hand if we are to be self-sustaining as required by law. Indeed, achieving both is the only way that the Postal Service can continue to survive as a self-funded entity and to provide prompt, reliable, and reasonably-priced universal postal services for all Americans over the long-term.

As such, we are vigorously focusing on the efficiency of our operations as a fundamental strategy to enable the provision of high-quality service in a financially sustainable manner. To start with, we have taken immediate steps to better adhere to our existing operating plans, which were developed precisely to ensure that we meet our present service standards in an efficient and effective manner. By running our operations on time and on schedule, we will enhance our ability to be sustainable and to be able to continue to provide high-quality, affordable service. Of course, we acknowledge that temporary service impacts can occur as we redouble our efforts to conform to the current operating plans, but any such impacts will be monitored and temporary as the root causes of any issues are

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addressed and corrected. However, our long-term viability depends on us taking the transformative steps necessary to provide quality service in an even more efficient manner, so some temporary service issues are likely inevitable in our evolution. But you can rest assured that we will continually review our operational practices and make adjustments as required to ensure that we operate in an efficient and effective manner.

Your letter and the meeting I describe above both seek information about "operational changes" implemented under Postmaster General DeJoy. As an initial matter, in our efforts to reemphasize our existing operational plans, we are focused on improving our transportation efficiency. This means working to eliminate extra and late trips. The need to dispatch an extra truck or to hold a truck only arises when the mail being carried by those extra or late trips is off schedule in the first place. Therefore, a more disciplined transportation schedule exposes other areas in our system where adjustments or corrections are needed to keep the operational plan on schedule. In addition to an emphasis on eliminating extra and late trips, we are reducing unnecessary miles and more fully utilizing capacity. Given persistent volume declines, such efforts are necessary to ensure that trucks are not traveling long distances with limited volume onboard.

In addition to transportation efforts, we are also focused on maximizing the efficiency of our processing and sortation equipment. Similar to truck capacity, the time and cost associated with running a machine grows significantly less efficient with less volume on the machine. By adhering to planned start and stop times, and running sort plans based on current volumes, we can maximize the efficiency of our processing operations and ensure that the mail departs from our plants on time. In some instances, we may be able to shift or remove equipment as appropriate. These efficiency efforts also permit further alignment of employee schedules with operating plans and prevent the negative downstream impacts to our operations when the mail leaves our plants late.

Decreases in volume and improvements in automation also result in less need for carriers to manually sort mail. On July 25, 2020, we started the Expedited to Street/Afternoon Sortation (ESAS) pilot in 384 Post Offices across the country. The pilot decreases carrier time in the office in the mornings and ensures that our letter carriers start their routes on schedule. ESAS is designed to improve consistency in delivery times, increase carrier efficiency, ensure that there are no downstream effects as the result of our carriers arriving back to their post offices late, and reduce cost. Parcels, small parcels and rolls (how medicines are often sent), First-Class flats, election mail, Social Security and other benefit checks, and local newspapers will continue to be sorted in the morning and will not be impacted by the pilot. A small volume of mail not compatible in automation and some Marketing Mail that could not be sorted before the carriers leave the post offices will be sorted in the afternoon after carriers return from delivery. At the conclusion of the test, the Postal Service will evaluate any impact to customer service and operational efficiency. If the test is deemed successful, the Postal Service will take any necessary legal and regulatory steps prior to national expansion. Please find attached a presentation discussing the pilot.

Contrary to media accounts and other accusations, there have been no edicts to delay the mail or eliminate overtime, although we are reemphasizing that operational managers must ensure that overtime is earned as the result of unexpected volume or other factors pursuant to our normal overtime analysis before it is approved. As indicated by the above efforts, we are working towards meeting our current operational plans in a manner that improves efficiency and service, not to slow down the mail. Closely following the operating plan should also decrease unnecessary overtime. As will reinforcement of the processes for approving overtime and aligning hours with workload to reduce unauthorized overtime.

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As discussed in the July 22, 2020, response to Senator Peters, we explained that the Postmaster General is working on a broader business plan that will be presented to and considered by the Postal Service Board of Governors. We will keep our oversight committees informed as the business plan is finalized, and as decisions are made on other significant interim efforts. We are also happy to set up a time to speak with your staffs in this regard if that is what you prefer. In addition, we will respond to Senator Schumer's questions concerning Election Mail in a separate letter.

I hope that this provides the additional clarification sought in your letter and appreciate your ongoing interest in the Postal Service. If I can be of assistance in other postal matters, please let me know.

Sincerely,

David E. Williams

Enclosure

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EXHIBIT

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UNITED STATES POSTAL SERVICE®

POSTAL NEWS

FOR IMMEDIATE RELEASE
Aug. 7, 2020

Contact Name
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Postmaster General Louis DeJoy's Opening Remarks for the USPS Board of Governors Aug. 7 Meeting

Below are the prepared opening remarks by Postmaster General and CEO Louis DeJoy for the Postal Service Board of Governors open session meeting on Aug. 7, 2020. The remarks as delivered may vary from the prepared text. An audio recording of the full meeting will be available at https://about.usps.com/who/leadership/board-governors/briefings/welcome.htm.

"This is my first open session of the Board of Governors and I would like to offer my public thanks to the Governors for entrusting me with this role. It is an incredible honor to serve the public and this organization as Postmaster General.

I look forward to working with all of you, our management team, and the men and women of the Postal Service – as well as our postal unions, management associations, customers and other stakeholders.

We are at the beginning of a transformative process. Our goal is to change and improve the Postal Service to better serve the American public, and I am excited about the opportunities ahead.

I would also like to add my public welcome to Governors Lee Moak and Bill Zollars. Thank you for joining this Board and for serving the American public. I look forward to working with you.

My first day on the job as Postmaster General was June 15th. Since then, I have been fully immersed in understanding and evaluating all aspects of the postal organization and business model.

We have conducted numerous deep-dive meetings in every core area of our business. We have assessed previous plans as well as research and analysis about our products and services and the competitive marketplace.

We have also dug deeply into our operational practices and the many ways we deliver value for our customers, as well as the drivers of our troubling financial condition.

Let me start by saying that I am an optimist by nature, and as I take on this new role, I am enthusiastic and energized about the prospects for our future and our untapped promise. I have been extremely impressed by the dedication of the Postal Service workforce and their commitment to the public service that we provide to the American people, and I am excited about the fantastic competencies of this organization. I believe that there are tremendous opportunities available to us, and I am very confident that we can turn our business around and become financially healthy, while remaining a vital part of the nation's critical infrastructure.

That said, I am a realist, and am keenly aware of the magnitude of the financial challenges we

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face. Our financial position is dire, stemming from substantial declines in mail volume, a broken business model and a management strategy that has not adequately addressed these issues. As a result, the Postal Service has experienced over a decade of financial losses, with FY 2019 approaching $9 billion and 2020 closing in on $11 billion in losses. Without dramatic change, there is no end in sight, and we face an impending liquidity crisis.

At the same time, there is a critical need to make capital investments in order to ensure effective and efficient operations, and meet the needs of the American people. Our financial situation has forced us to defer capital investments over the past decade in order to preserve liquidity, which is not a sustainable strategy for success. Most vitally, we need to invest in new delivery vehicles so that our letter carriers can safely serve the American people and we can participate in the growth of the new economy.

As we have repeatedly stated, Congress and the Postal Regulatory Commission have long delayed much needed legislative and regulatory reforms to help address the situation. Congress must enact reform legislation that addresses our unaffordable retirement payments. Most importantly, Congress must allow the Postal Service to integrate our retiree health benefits program with Medicare, which is a common-sense best practice followed by all businesses who still offer retiree health care. Rather than sensationalizing isolated operational incidents that I acknowledge can occur and have always occurred in a business of our size and scope or attempting to impose unfunded mandates unrelated to any postal policies, I ask members of Congress to take action on this one legislative burdensome issue that will actually make a difference.

The Commission, meanwhile, must expeditiously resolve the 10-year review, and a design a more rational regulatory system for our mail products. The 10-year review has been ongoing for nearly 4 years, and it has been nearly 3 years since the Commission concluded that the current system is not working, yet it has still not finalized a replacement system. Since that time we have delivered over 480 billion pieces of mail and packages under a system that our regulator acknowledges is not working, and we continue to wait for the required relief. Had Congress and the PRC fulfilled their obligations to the American people concerning the Postal Service, I am certain that nearly $80 billion of cumulative losses we have experienced since 2007 could have been avoided, and that the Postal Service's operational and financial performance would not be in jeopardy.

Drama and delay does not get the mail delivered on time, nor does it pay our bills. Without timely legislative and regulatory reform, we will be forced to take aggressive measures to cut costs and bridge the divide.

At the same time, the Postal Service has failed to engage a sufficient operating strategy that adequately mitigated these predicted annual financial losses. We will not and cannot wait for the legislative and regulatory process to save us. The Postal Service must do our part, by pursuing every strategy within our control to ensure our success, and in that regard I know we can do more. If we want to be viable for the long term, it is absolutely imperative for the Postal Service to operate efficiently and effectively, while continuing to provide service that fulfills our universal service mandate and meets the needs of our customers.

There are competitive alternatives to every product that we offer, and for that reason high-quality, reasonably-priced service is an absolute necessity, but it is equally important for us to embrace the reality that high quality service and efficient service are not mutually exclusive, but instead must go hand-in hand if we are going to keep pace with our competition and be self-sustaining, as our mandate requires.

The Postal Service is a great American institution with tremendous capabilities and prospects,

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and I know there is tremendous additional value within the Postal Service that needs to be unlocked. To reach our full potential we need to be even better at everything we do well now, but we also need to recognize our issues and urgently embrace the changes required to unleash the full range of possibilities, and we need to start yesterday.

For that reason, we have begun by vigorously focusing on the ingrained inefficiencies in our operations. To start with, we have taken immediate steps to better adhere to our existing operating plans, which were developed precisely to ensure that we meet our present service standards in an efficient and effective manner. By running our operations on time and on schedule, and by not incurring unnecessary overtime or other costs, we will enhance our ability to be sustainable and to be able to continue to provide high-quality, affordable service. I call on every executive, employee, union and management association leader to join me in pursuing this simple objective that every service organization needs to achieve in order to be successful.

As we implement our operating plans, we will aggressively monitor and quickly address service issues. You can rest assured that we will continually review our operational practices and make adjustments as required to ensure that we operate in an efficient and effective manner.

During the early days of my tenure we have also taken a fresh look at our operations and considered any necessary organizational and structural adjustments that will best position us to maximize our core competencies and key strengths. We are highly focused on our public service mission. However, we collectively recognize that changes must be made, and for that reason we will implement an organizational realignment that will refocus our business, improve line of sight, enable faster solutions, reduce redundancies, and increase accountability. This realignment will strengthen the Postal Service by enabling us to identify new opportunities to generate revenue, so that we will have additional financial resources to be able to continue to fulfill our universal service obligation to all of America.

Further, we also are now in the process of developing a series of additional actions, which, if approved by the Board, will include new and creative ways for us to fulfill our mission, and will likewise focus on our strengths to maximize our prospects for long-term success. We will improve the products and services we provide, pursue new revenue areas, and continue to operate more efficiently. The plan will consist of actions that the Postal Service can undertake with the approval of the Governors, as well as elements requiring Congressional and Postal Regulatory Commission actions.

As we move forward in developing and implementing these initiatives, I'm especially appreciative of the strong efforts of our management team, and the many contributors within our internal organization who are involved in this important process, and I likewise welcome the good discussions and healthy debate that I have had with our union leadership already.

I am also thankful for the ongoing consultation with this Board regarding our business planning, and I look forward to our ongoing dialogue.

While I have the pulpit, I also want to take the opportunity to clear up some misconceptions some may have about me and the positions I intend to advance on behalf of the Postal Service.

First, while I certainly have a good relationship with the President of the United States, the notion that I would ever make decisions concerning the Postal Service at the direction of the President, or anyone else in the Administration, is wholly off-base. I serve at the pleasure of the Governors of the Postal Service, a group that is bipartisan by statute and that will evaluate my performance in a nonpartisan fashion. The Postal Service itself has a proud tradition of being a nonpartisan organization, which I believe is one reason why the Postal Service is consistently rated by the public as the most trusted federal entity. I intend to uphold the trust that has been

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placed in me by the Governors, and to fulfill my responsibilities to this organization and to the public interest, by trying to make good decisions through the exercise of my best judgment and business acumen gained through 35 years of commercial experience, and not based upon any partisanship.

Second, let me be clear that with regard to Election Mail, the Postal Service and I are fully committed to fulfilling our role in the electoral process. If public policy makers choose to utilize the mail as a part of their election system, we will do everything we can to deliver Election Mail in a timely manner consistent with our operational standards. We do ask election officials and voters to be mindful of the time that it takes for us to deliver ballots, whether it is a blank ballot going to a voter or a completed ballot going back to election officials. We have delivery standards that have been in place for many years. These standards have not changed, and despite any assertions to the contrary, we are not slowing down Election Mail or any other mail. Instead, we continue to employ a robust and proven process to ensure proper handling of all Election Mail.

We have been working closely with election and other public officials throughout the country to ensure that they are well educated about the mailing process and can use the mail effectively to administer elections. Ensuring that election officials throughout the country have an understanding of our operational parameters, including the circumstances under which we postmark mail and our delivery standards, so that they can educate voters accordingly, is important to achieving a successful election season. Although there will likely be an unprecedented increase in election mail volume due to the pandemic, the Postal Service has ample capacity to deliver all election mail securely and on-time in accordance with our delivery standards, and we will do so. However, as discussed, we cannot correct the errors of the Election Boards if they fail to deploy processes that take our normal processing and delivery standards into account.

Third, I was not appointed by the Governors to position the Postal Service to be privatized or to manage its decline. To the contrary, I accepted the job of Postmaster General fully committed to the role of the Postal Service as an integral part of the United States Government, providing all Americans with universal and open access to our unrivalled processing and delivery network, as reflected in the Mission Statement that the Board adopted on April 1, 2020. I fully embrace six-day delivery of mail and packages as one of this organization's greatest strengths and I plan to invest in tools and equipment for our letter carriers, as well as enhance the stability of our non-career workforce, to continue to provide the nation's most trusted service. I accept the responsibility that the Governors gave me to maintain and enhance our reputation and role as a trusted face of the federal government in every community, and I intend to work with postal executives, management associations, managers, union leadership, and our craft employees to do everything I can to put us back on a financially stable path. I am confident that we can chart a path forward that allows the Postal Service to fulfill our vital public service mission in a sustainable manner. I look forward to the challenge, and know we are up to it.

Today, we are releasing our results for our third quarter, ended June 30. Joe Corbett, our Chief Financial Officer, will review those results in detail this morning. I would like to provide just a couple of comments on overall business conditions.

We have experienced some dramatic shifts in our business since the COVID-19 pandemic began.

First and foremost, we have taken the steps necessary to make sure that our employees can work safely. We have worked closely with our unions to assess the needs and fill the gaps, and now there is a solid process in place to ensure the right protective equipment and other supplies are in the right places.

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We have also seen an unprecedented increase in package deliveries since March. We expect elevated package volumes will continue through the end of the year at least – and may have some long-term staying power.

We are obviously highly attentive to changing consumer e-commerce behaviors and what this means for our business. We are proud to be the carrier of choice for companies to reach homes and businesses, especially during the current situation.

On the whole, while package growth has been strong, the changes in U.S. economic conditions due to the pandemic are straining our financial situation. We have seen substantial declines in mail volume, as well as significantly increased costs.

On Wednesday of last week, I announced that we have reached an agreement in principle with the Department of the Treasury on the terms and conditions associated with $10 billion lending authority provided in the CARES Act. I very much appreciate Treasury Secretary Steven Mnuchin for working with me to reach mutually acceptable terms and conditions.

Access to an additional $10 billion in borrowing authority will delay the approaching liquidity crisis and is a positive development. However, we remain on an unsustainable path which cannot be solved simply by borrowing money which needs to be paid back with interest, since our current path does not enable us to pay even our current bills, let alone new ones. We will continue to focus on improving operational efficiency and pursuing other reforms in order to put the Postal Service on a trajectory for long-term financial stability.

Before I conclude, I'd like to comment briefly on the public service mission of the organization.

I have been struck by the commitment and dedication of postal employees, who have truly gone above and beyond in dealing with the COVID-19 pandemic.

The public support for the organization is extremely high because postal employees are so committed to serving their communities and their customers. We aim to continually earn the trust and support of the public.

In that regard, I'd like to conclude by thanking the 630,000 men and women of the Postal Service for their hard work serving America's communities. In addition to the challenges presented by the pandemic, many parts of the country have experienced extreme heat this summer, and the hurricane season has begun.

Thank you for your exceptional commitment to our mission of serving the nation. We appreciate all you do, every day."

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Please Note: For U.S. Postal Service media resources, including broadcast-quality video and audio and photo stills, visit the *USPS Newsroom*. Follow us on *Twitter*, *Instagram*, *Pinterest*, and *LinkedIn*. Subscribe to the *USPS YouTube channel*, like us on *Facebook* and enjoy our *Postal Posts blog*. For more information about the Postal Service, visit *usps.com* and *facts.usps.com*

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THOMAS J. MARSHALL
GENERAL COUNSEL
AND EXECUTIVE VICE PRESIDENT

UNITED STATES
POSTAL SERVICE

August 11, 2020

The Honorable Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform
House of Representatives
Washington, DC 20515-6143

Dear Chairwoman Maloney:

This is in response to your August 6 letter to Postmaster General Louis DeJoy, which was cosigned by several of your colleagues, regarding U.S. Postal Service operations.

As discussed in my July 22, 2020 response to you, Subcommittee on Government Operations Chairman Connolly, Subcommittee on National Security Chairman Lynch, and Congresswoman Lawrence, the documents repeatedly relied upon by members of Congress and the media regarding recent operational changes did not originate from Postal Service Headquarters and were not prepared by Postmaster General DeJoy. You raise concerns regarding the rhetoric in these documents, but as I also explained in the July 22 response, these documents should not be treated as official statements of Postal Service policy.

That said, my July 22 response also made clear that the Postal Service is "taking immediate steps to increase operational efficiency by re-emphasizing existing operational plans to provide prompt and reliable service to meet our current service standards." I also provided some details concerning those immediate steps, and explained why they were within the authority of the Postmaster General and did not require Board of Governors or regulatory approval. In addition, although you correctly note in your recent letter that I did not specifically mention the new Expedited to Street/Afternoon Sortation (ESAS) initiative in my response, my letter was intended to discuss our efforts generally, and that pilot initiative was not even started by the Postal Service until July 25, 2020, three days after my letter.

Furthermore, while not addressed in your August 6 letter, on August 4, 2020, Chief Logistics and Processing Operations Officer and Executive Vice President David E. Williams briefed the Committee on Oversight and Reform staff with more detail regarding these "immediate steps," including the ESAS pilot. I participated in this briefing as well, along with Chief Financial Officer and Executive Vice President, Joseph Corbett and Finance and Strategy Senior Vice President Luke Grossmann. We spoke with the staff for approximately one and a half hours, explaining the steps being taken and the rationale for those steps.

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The Postal Service is in a financially unsustainable position, stemming from substantial declines in mail volume, and a statutorily imposed business model that is broken. We are currently unable to balance our costs with available funding sources to fulfill both our universal service mission and other legal obligations. Because of this, the Postal Service has experienced over a decade of financial losses, with no end in sight, and we face an impending liquidity crisis.

As we have repeatedly stated, Congress and the Postal Regulatory Commission must enact legislative and regulatory reforms to help address the situation. At the same time, it is imperative for the Postal Service to operate efficiently and effectively, while continuing to provide service that achieves our universal service mission and meets the needs of our customers. We recognize that there are alternatives to every product that we offer, and for that reason high-quality, reasonably-priced service is an imperative. It is equally important to note that high-quality service and efficient service are not mutually exclusive, but in fact necessarily go hand-in-hand if we are to be self-sustaining as required by law. Indeed, achieving both is the only way that the Postal Service can continue to survive as a self-funded entity and to provide prompt, reliable, and reasonably-priced universal postal services for all Americans over the long-term.

As such, we are vigorously focusing on the efficiency of our operations as a fundamental strategy to enable the provision of high-quality service in a financially sustainable manner. As explained in the July 22 letter and during the August 4 briefing, we have taken immediate steps to better adhere to our existing operating plans, which were developed precisely to ensure that we meet our present service standards in an efficient and effective manner. By running our operations on time and on schedule, we will enhance our ability to be sustainable and to be able to continue to provide high-quality, affordable service. Of course, we acknowledge that temporary service impacts can occur as we redouble our efforts to conform to the current operating plans, but any such impacts will be monitored and temporary as the root causes of any issues are addressed and corrected. However, our long-term viability depends on us taking the transformative steps necessary to provide quality service in an even more efficient manner. But you can rest assured that we will continually review our operational practices and make adjustments as required to ensure that we operate in an efficient and effective manner.

More specifically, and as discussed with the Committee on Oversight and Reform staff on August 4, in our efforts to reemphasize our existing operational plans, we are focused on improving our transportation efficiency. This means working to eliminate extra and late trips. The need to dispatch an extra truck or to hold a truck only arises when the mail being carried by those extra or late trips is off schedule in the first place. Therefore, a more disciplined transportation schedule exposes other areas in our system where adjustments or corrections are needed to keep the operational plan on schedule. In addition to an emphasis on eliminating extra and late trips, we are reducing unnecessary miles and more fully utilizing capacity. Given persistent volume declines, such efforts are necessary to ensure that trucks are not traveling long distances with limited volume onboard.

In addition to transportation efforts, we are also focused on maximizing the efficiency of our processing and sortation equipment. Similar to truck capacity, the time and cost associated with running a machine grows significantly less efficient with less volume on the machine. By adhering to planned start and stop times, and running sort plans based on current volumes, we can maximize the efficiency of our processing operations and ensure that the mail departs from our plants on time. In some instances, we may be able to shift or remove equipment as appropriate. These efficiency efforts also permit further alignment of employee schedules with operating plans and prevent the negative downstream impacts to our operations when the mail leaves our plants late.

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Decreases in volume and improvements in automation also result in less need for carriers to manually sort mail. On July 25, 2020, we started the ESAS pilot in 384 Post Offices across the country. The pilot decreases carrier time in the office in the mornings and ensures that our letter carriers start their routes on schedule. ESAS is designed to improve consistency in delivery times, increase carrier efficiency, ensure that there are no downstream effects as the result of our carriers arriving back to their Post Offices late, and reduce cost. Parcels, small parcels and rolls (how medicines are often sent), First-Class flats, election mail, Social Security and other benefit checks, and local newspapers will continue to be sorted in the morning and will not be impacted by the pilot. A small volume of mail not compatible with automation and some Marketing Mail that could not be sorted before the carriers leave the Post Offices will be sorted in the afternoon after carriers return from delivery. At the conclusion of the test, the Postal Service will evaluate any impact to customer service and operational efficiency. If the test is deemed successful, the Postal Service will take any necessary legal and regulatory steps prior to national expansion. Please find attached a presentation discussing the pilot.

Contrary to media accounts and other accusations, there have been no edicts to delay the mail or eliminate overtime, although we are reemphasizing that operational managers must ensure that overtime is earned as the result of unexpected volume or other factors, pursuant to our normal overtime analysis, before it is approved. As indicated by the above efforts, we are working towards meeting our current operational plans in a manner that improves efficiency and service, and does not slow down the mail. Closely following the operating plan should also decrease unnecessary overtime, as will reinforcement of the processes for approving overtime and aligning hours with workload to reduce unauthorized overtime.

We trust that you will find that the above information is consistent with the information shared with the Committee on Oversight and Reform staff at the August 4, 2020 briefing, and we will work to keep our oversight committees informed as decisions are made on other significant efforts. In that regard, we are in the process of scheduling a staff level briefing to discuss the organizational changes which we made on Friday to our management structure to realign our business and provide focus and clarity. Finally, Postmaster DeJoy looks forward to participating in the Committee on Oversight and Reform hearing scheduled for September 17 to further discuss these operational efforts, which are all designed to return the Postal Service to a financially sustainable path while providing efficient service to our customers that meets their needs.

I hope this provides additional clarification and I appreciate your ongoing interest in the Postal Service. If I can be of assistance in other postal matters, please let me know.

Sincerely,

Thomas J. Marshall

Thomas J. Marshall

Enclosure

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LINK

Daily News: August 14, 2020

Link Extra

Path forward

PMG addresses restructuring

Aug. 13 at 4:18 p.m.

Postmaster General Louis DeJoy distributed the following memo to USPS employees on Aug. 13:



Postmaster General Louis DeJoy

Today, I am in my ninth week as Postmaster General. I am grateful to everyone who has welcomed me, and I am thoroughly impressed by the dedication and commitment you have shown since I started June 15.

Last week was extremely busy for all of us with the announcement that we are *restructuring into three operating units*. I purposely timed the announcement with my first open meeting of the Board of Governors to set the stage with public statements emphasizing that we are developing a strategic plan to achieve operational excellence and financial stability. Our plan will be based on facts and data, and together, we can systematically roll out this plan and position ourselves for future success.

Let me be clear about the reasons behind our restructuring and the need for our plan. Our financial condition is dire. Ongoing declines in mail volume, a broken business model that Congress and the Postal Regulatory Commission have failed to act upon, and the crippling economic impact of the coronavirus pandemic have all combined to bring us to where we stand today. Our critics are quick to point to our finances, yet they offer no solution. On the other hand, our restructuring and the plan we are developing provide a path to our transformation into a financially stable organization. I repeat again how excited I am to take on these challenges, with your support, to improve the Postal Service and better serve our nation. Together, our leadership team and I are taking aggressive and professional actions to ensure a successful future for the Postal Service.

In order to transform and remain a self-sustaining, mission-focused organization that continues to serve the American people, we must make a number of significant changes that will not be easy, but are necessary. We must re-establish fundamental operating principles and then adhere to them and run on time. It is the only path to consistent, affordable service and it is foundational to our future aspirations and objectives. As you know, we began those efforts right away, as it was imperative for us to strengthen these disciplines immediately by running our trips with mail and packages according to established schedules.

I congratulate you on substantial improvements in our on-time dispatch schedule, which reached 97.3 percent, up from 89.8 percent. We also have reduced extra trips by 71 percent — a tremendous achievement. This means more mail is being moved to its intended destination on time and on schedule than in quite some time.

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And we accomplished this in a cost-effective manner. This marks the beginning of our journey toward world-class performance necessary for us to compete and be sustainable.

Unfortunately, this transformative initiative has had unintended consequences that impacted our overall service levels. However, recent changes are not the only contributing factors. Over the years we have grown undisciplined in our mail and package processing schedules, causing an increase in delayed mail between processing facilities and delivery units. We are working feverishly to stabilize this, so that all mail and packages moved for the American people and businesses can benefit from this new cost and schedule discipline. This will increase our performance for the election and upcoming peak season and maintain the high level of public trust we have earned for dedication and commitment to our customers throughout our history.

I also firmly believe that the realignment we announced last week will ultimately help us to stabilize and improve service and provide positive forward momentum as we work to transform our business. We needed to provide greater focus on the core aspects of our business, and the new structure allows that, with clearer lines of authority and accountability. While it will take some time to get the new organizational structure fully in place and achieving our expected levels of high performance, we are confident that it is the right alignment and that it was a change that needed to be made. As I said in my *first video message* to you, "I am decisive, and ... when I see problems, I work to solve them." I ask you to bear with me while we work through these changes to transform for the better and continue to provide the excellent service for which we are known.

During my *remarks at the Board of Governors meeting*, I stated that I accepted the job of Postmaster General fully committed to the role of the Postal Service as an integral part of the United States government, providing all Americans with universal and open access to our unrivaled processing and delivery network, as reflected in the mission statement that the board *adopted* April 1. I repeat that statement here, because I meant it.

I fully embrace six-day delivery of mail and packages as one of this organization's greatest strengths. I plan to invest in tools and equipment for our workforce to continue to provide the nation's most trusted public service. I accept the responsibility that the governors gave me to maintain and enhance our reputation and role as a trusted face of the federal government in every community, and I intend to work with postal executives, management associations, managers, union leadership, and our craft employees to do everything I can to put us back on a financially stable path.

Together, I am confident we will chart a path forward that allows us to fulfill our critical public service mission in a financially sustainable manner. I look forward to the challenge, and I know we are up to it.

'Retirement 101'

Webinar to be held Aug. 18

Aug. 13 at 11:24 a.m.

Postal Service employees can participate in an upcoming webinar on preparing for retirement.

The session, "Retirement 101," will be held Tuesday, Aug. 18, at noon EDT.

Aetna will conduct the webinar, which will help participants understand how benefits might work nationwide and overseas. Participants can also learn about tools and resources that are available before and after retirement.

Additionally, the webinar will feature a discussion of Tricare dental insurance and include time for questions.

Participants must register before the event on the *webinar website*. After signing up, directions will be emailed to

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UNITED STATES POSTAL SERVICE®

POSTAL NEWS

FOR IMMEDIATE RELEASE
Aug. 18, 2020

Contact: David Partenheimer
david.a.partenheimer@usps.gov
usps.com/news

Postmaster General Louis DeJoy Statement

WASHINGTON, DC — Postmaster General Louis DeJoy issued the following statement today:

"The United States Postal Service will play a critical role this year in delivering election mail for millions of voters across the country. There has been a lot of discussion recently about whether the Postal Service is ready, willing and able to meet this challenge.

I want to make a few things clear:

The Postal Service is ready today to handle whatever volume of election mail it receives this fall. Even with the challenges of keeping our employees and customers safe and healthy as they operate amid a pandemic, we will deliver the nation's election mail on time and within our well-established service standards. The American public should know that this is our number one priority between now and election day. The 630,000 dedicated women and men of the Postal Service are committed, ready and proud to meet this sacred duty.

I am announcing today the expansion of our current leadership taskforce on election mail to enhance our ongoing work and partnership with state and local election officials in jurisdictions throughout the country. Leaders of our postal unions and management associations have committed to joining this taskforce to ensure strong coordination throughout our organization. Because of the unprecedented demands of the 2020 election, this taskforce will help ensure that election officials and voters are well informed and fully supported by the Postal Service.

I came to the Postal Service to make changes to secure the success of this organization and its long-term sustainability. I believe significant reforms are essential to that objective, and work toward those reforms will commence after the election. In the meantime, there are some longstanding operational initiatives — efforts that predate my arrival at the Postal Service — that have been raised as areas of concern as the nation prepares to hold an election in the midst of a devastating pandemic. To avoid even the appearance of any impact on election mail, I am suspending these initiatives until after the election is concluded.

I want to assure all Americans of the following:

- Retail hours at Post Offices will not change.
- Mail processing equipment and blue collection boxes will remain where they are.
- No mail processing facilities will be closed.
- And we reassert that overtime has, and will continue to be, approved as needed.

In addition, effective Oct. 1, we will engage standby resources in all areas of our operations,

AMERICAN OVERSIGHT

including transportation, to satisfy any unforeseen demand.

I am grateful for the commitment and dedication of all the men and women of the Postal Service, and the trust they earn from the American public every day, especially as we continue to contend with the impacts of COVID-19. As we move forward, they will have the full support of our organization throughout the election."

###

Please Note: For U.S. Postal Service media resources, including broadcast-quality video and audio and photo stills, visit the *USPS Newsroom*. Follow us on *Twitter*, *Instagram*, *Pinterest*, and *LinkedIn*. Subscribe to the *USPS YouTube channel*, like us on *Facebook* and enjoy our *Postal Posts blog*. For more information about the Postal Service, visit *usps.com* and *facts.usps.com*

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THOMAS J. MARSHALL
GENERAL COUNSEL
AND EXECUTIVE VICE PRESIDENT

UNITED STATES POSTAL SERVICE

July 29, 2020

Honorable Kathy Boockvar
Secretary of the Commonwealth of Pennsylvania
302 North Capitol Building
Harrisburg, PA 17120-0001

Dear Secretary Boockvar:

Re: Deadlines for Mailing Ballots

With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for requesting and casting ballots by mail. In particular, we wanted to note that, under our reading of Pennsylvania's election laws, certain deadlines for requesting and casting mail-in ballots are incongruous with the Postal Service's delivery standards. This mismatch creates a risk that ballots requested near the deadline under state law will not be returned by mail in time to be counted under your laws as we understand them.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

To account for these delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events), the Postal Service strongly recommends adhering to the following timeframe when using the mail to transmit ballots to domestic voters:

- **Ballot requests:** Where voters will both receive and send a ballot by mail, voters should submit their ballot request early enough so that it is received by their election officials at least 15 days before Election Day at a minimum, and preferably long before that time.

- **Mailing blank ballots to voters:** In responding to a ballot request, election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

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- **Mailing completed ballots to election officials:** To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the state's due date. So, if state law requires ballots to be returned by Election Day, voters should mail their ballots no later than Tuesday, October 27.

Under our reading of your state's election laws, as in effect on July 27, 2020, certain state-law requirements and deadlines appear to be incompatible with the Postal Service's delivery standards and the recommended timeframe noted above. As a result, to the extent that the mail is used to transmit ballots to and from voters, there is a significant risk that, at least in certain circumstances, ballots may be requested in a manner that is consistent with your election rules and returned promptly, and yet not be returned in time to be counted.

Specifically, it appears that a completed ballot must be received by Election Day to be counted. If that understanding is correct, we accordingly recommend, as noted above, that voters who choose to mail their ballots do so no later than Tuesday, October 27. However, it further appears that state law generally permits voters to request a ballot as late as 7 days before the November general election. If a voter submits a request at or near that deadline, and the ballot is transmitted to the voter by mail, there is a significant risk that the voter will not have sufficient time to complete and mail the completed ballot back to election officials in time for it to arrive by the state's return deadline. That risk is exacerbated by the fact that the law does not appear to require election officials to transmit a ballot until 48 hours after receiving a ballot application.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your state's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about whether and when to (1) request a mail-in ballot, and (2) mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: https://about.usps.com/election-mail/politicalelection-mail-coordinators.pdf.

We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Sincerely,

Thomas J. Marshall

AMERICAN OVERSIGHT

THOMAS J. MARSHALL
GENERAL COUNSEL
AND EXECUTIVE VICE PRESIDENT

UNITED STATES POSTAL SERVICE

July 31, 2020

Honorable Alex Padilla
California Secretary of State
1500 11th Street
Sacramento, CA 95814-5701

Dear Secretary Padilla:

Re: Deadlines for Mailing Ballots

With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for transmitting and casting ballots by mail. Under our reading of California's election laws, the vast majority of your voters should have sufficient time to receive, complete, and return their ballots by the state's deadlines. However, certain deadlines concerning mail-in ballots, particularly with respect to new residents who register to vote shortly before Election Day, appear to be incongruous with the Postal Service's delivery standards. This mismatch creates a significant risk that some ballots will not be returned by mail in time to be counted under your laws as we understand them.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

For states that intend to automatically send blank mail-in ballots to eligible voters, the Postal Service strongly recommends adhering to the following timeline for domestic voters to account for the above delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events):

- **Voter registration:** Whenever possible, voters who intend to cast a ballot using the mail should ensure that their registration information is up-to-date in time to have a blank ballot sent to them in the state's initial scheduled mailing.

- **Mailing blank ballots to voters:** Election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

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By

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- **Mailing completed ballots to election officials:** To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the state's due date. In states that require mail-in ballots to be *both* postmarked by Election Day *and* received by election officials by a specific date that is one week or more after Election Day, voters may generally mail their ballot on or before Election Day. However, voters who mail in their ballots on Election Day must be aware of the posted collection times on collection boxes and at the Postal Service's retail facilities, and that ballots entered after the last posted collection time on a given day will not be postmarked until the following business day.

Under our reading of your state's election laws, as in effect on July 27, 2020, ballots are generally mailed to eligible voters beginning no later than 29 days before Election Day, which should allow sufficient time for voters to receive, complete, and return such ballots by the state's deadline. However, certain state-law requirements and deadlines concerning new residents who register to vote after that initial mailing date appear to be incompatible with the Postal Service's delivery standards and the recommended timeframe noted above. As a result, to the extent that the mail is used to transmit ballots to and from these voters, there is a significant risk that, at least in certain circumstances, ballots may be sent to voters in a manner that is consistent with your election rules and returned promptly, and yet not be returned in time to be counted.

Specifically, it appears that a completed ballot must be postmarked by Election Day and received 17 days after the November general election. If that understanding is correct, voters who choose to mail their ballots may do so on or before Tuesday, November 3. However, it further appears that state law generally permits new residents to register as late as 7 days before the election and that election officials thereafter have 5 days to transmit a ballot to the voter. If a voter registers at or near that deadline, and if the election official transmits the ballot to the voter by mail several days later, there is a significant risk that the ballot will not reach the voter before Election Day, and accordingly that the voter will not be able to use the ballot to cast his or her vote. A similar risk would be present for any other individual who is allowed to register or update their registration information after the state's regular registration deadline.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your state's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about when to update their registration information and whether and when to mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: https://about.usps.com/election-mail/politicalelection-mail-coordinators.pdf.

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We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Sincerely,

Thomas J. Marshall

Thomas J. Marshall

AMERICAN OVERSIGHT

THOMAS J. MARSHALL
GENERAL COUNSEL
AND EXECUTIVE VICE PRESIDENT

UNITED STATES POSTAL SERVICE

RECEIVED
COMM OF ELECTIONS
2020 JUL 30 P 3:13

July 29, 2020

Honorable Anthony Albence
State Election Commissioner
905 S. Governors Avenue
Dover, DE 19904-4112

Dear Commissioner Albence:

Re: Deadlines for Mailing Ballots

With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for requesting and casting ballots by mail. In particular, we wanted to note that, under our reading of Delaware's election laws, certain deadlines for requesting and casting mail-in ballots are incongruous with the Postal Service's delivery standards. This mismatch creates a risk that ballots requested near the deadline under state law will not be returned by mail in time to be counted under your laws as we understand them.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

To account for these delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events), the Postal Service strongly recommends adhering to the following timeframe when using the mail to transmit ballots to domestic voters:

- **Ballot requests:** Where voters will both receive and send a ballot by mail, voters should submit their ballot request early enough so that it is received by their election officials at least 15 days before Election Day at a minimum, and preferably long before that time.

- **Mailing blank ballots to voters:** In responding to a ballot request, election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

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- **Mailing completed ballots to election officials:** To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the state's due date. So, if state law requires ballots to be returned by Election Day, voters should mail their ballots no later than Tuesday, October 27.

Under our reading of your state's election laws, as in effect on July 27, 2020, certain state-law requirements and deadlines appear to be incompatible with the Postal Service's delivery standards and the recommended timeframe noted above. As a result, to the extent that the mail is used to transmit ballots to and from voters, there is a significant risk that, at least in certain circumstances, ballots may be requested in a manner that is consistent with your election rules and returned promptly, and yet not be returned in time to be counted.

Specifically, it appears that a completed ballot must be received by Election Day to be counted. If that understanding is correct, we accordingly recommend, as noted above, that voters who choose to mail their ballots do so no later than Tuesday, October 27. However, it further appears that state law generally permits voters to apply by mail for a ballot until the day before Election Day and provides that ballots will be mailed to voters until 4 days before the election. If a requested ballot is transmitted to the voter by mail at or near that 4-day deadline, there is a significant risk that the ballot will not reach the voter before Election Day, and accordingly that the voter will not be able to use the ballot to cast his or her vote. Even if a voter receives a ballot before Election Day, there is a significant risk that the voter will not have sufficient time to complete and mail the completed ballot back to election officials in time for it to arrive by the state's return deadline.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your state's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about whether and when to (1) request a mail-in ballot, and (2) mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: https://about.usps.com/election-mail/politicalelection-mail-coordinators.pdf.

We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Sincerely,

Thomas J. Marshall

Thomas J. Marshall

AMERICAN OVERSIGHT

THOMAS J. MARSHALL
GENERAL COUNSEL
AND EXECUTIVE VICE PRESIDENT

UNITED STATES POSTAL SERVICE

July 31, 2020

Honorable Alice Miller
Executive Director
DC Board of Elections & Ethics
1015 Half Street, SE, Suite 750
Washington, DC 20003-4733

Dear Ms. Miller:

Re: Deadlines for Mailing Ballots

With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for transmitting and casting ballots by mail. It is our understanding that the District of Columbia intends to automatically mail ballots to voters ahead of the November 3 general election. However, we were not able to find complete information regarding certain deadlines, and therefore cannot fully assess whether your planned use of the mail aligns with the Postal Service's delivery standards. As you continue to plan for the general election, please keep in mind that any mismatch between your election deadlines and the Postal Service's delivery standards could create a risk that ballots will not be returned by mail in time to be counted.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

For jurisdictions that intend to automatically send blank mail-in ballots to eligible voters, the Postal Service strongly recommends adhering to the following timeline for domestic voters to account for the above delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events):

- **Voter registration:** Whenever possible, voters who intend to cast a ballot using the mail should ensure that their registration information is up-to-date in time to have a blank ballot sent to them in the jurisdiction's initial scheduled mailing, which should occur no later than 15 days before the election.

- **Mailing blank ballots to voters:** Election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to

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(b)(6); (b)(3):39
FAX: 202-268-6981
(b)(6); (b)(3):39 USC
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transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

- **Mailing completed ballots to election officials:** To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the jurisdiction's due date. In locations that require mail-in ballots to be *both* postmarked by Election Day *and* received by election officials by a specific date that is one week or more after Election Day, voters may generally mail their ballot on or before Election Day. However, voters who mail in their ballots on Election Day must be aware of the posted collection times on collection boxes and at the Postal Service's retail facilities, and that ballots entered after the last posted collection time on a given day will not be postmarked until the following business day.

Under our reading of the D.C.'s election laws, as in effect on July 27, 2020, it appears that ballots will generally be mailed to eligible voters and that a completed ballot must be postmarked by Election Day and received 7 days after the election. However, we were unable to find additional details about the scheduled mailing times for election officials to send voters a blank ballot. We were also unable to determine whether the last day for voters to register and still receive a ballot by mail would be set using new or existing registration deadlines, or whether another type of request process would be put into place. Without this additional information, we are unable to assess the potential risks with respect to the Postal Service's delivery standards at this time. If you choose to transmit blank ballots to voters by mail, please consider the recommended timeframes above as you continue to plan for the November general election. Adhering to those timeframes will help ensure voters will have sufficient time to complete and mail the completed ballot back to election officials in time for it to arrive by the jurisdiction's return deadline.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your jurisdiction's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about when to register and whether and when to mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: https://about.usps.com/election-mail/politicalelection-mail-coordinators.pdf.

We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Sincerely,

(b)(6); (b)(3):39 USC 410 (c)(2)

Thomas J. Marshall

AMERICAN OVERSIGHT

RECEIVED
JUL 31 2020
Office of the
Secretary of State

THOMAS J. MARSHALL
GENERAL COUNSEL
AND EXECUTIVE VICE PRESIDENT

UNITED STATES POSTAL SERVICE

July 29, 2020

Honorable Matt Dunlap
Maine Secretary of State
148 State House Station
Augusta, ME 04333-0148

Dear Secretary Dunlap:

Re: Deadlines for Mailing Ballots

With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for requesting and casting ballots by mail. In particular, we wanted to note that, under our reading of Maine's election laws, certain deadlines for requesting and casting mail-in ballots are incongruous with the Postal Service's delivery standards. This mismatch creates a risk that ballots requested near the deadline under state law will not be returned by mail in time to be counted under your laws as we understand them.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

To account for these delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events), the Postal Service strongly recommends adhering to the following timeframe when using the mail to transmit ballots to domestic voters:

- **Ballot requests:** Where voters will both receive and send a ballot by mail, voters should submit their ballot request early enough so that it is received by their election officials at least 15 days before Election Day at a minimum, and preferably long before that time.

- **Mailing blank ballots to voters:** In responding to a ballot request, election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

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FAX: 202-268 6981
THOMAS.J.MARSHALL@USPS.GOV
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- **Mailing completed ballots to election officials:** To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the state's due date. So, if state law requires ballots to be returned by Election Day, voters should mail their ballots no later than Tuesday, October 27.

Under our reading of your state's election laws, as in effect on July 27, 2020, certain state-law requirements and deadlines appear to be incompatible with the Postal Service's delivery standards and the recommended timeframe noted above. As a result, to the extent that the mail is used to transmit ballots to and from voters, there is a significant risk that, at least in certain circumstances, ballots may be requested in a manner that is consistent with your election rules and returned promptly, and yet not be returned in time to be counted.

Specifically, it appears that a completed ballot must be received by Election Day to be counted. If that understanding is correct, we accordingly recommend, as noted above, that voters who choose to mail their ballots do so no later than Tuesday, October 27. However, it further appears that state law generally permits voters to request a ballot as late as the 3rd business day before the election. If a voter submits such a request at or near that deadline, and if the requested ballot is transmitted to the voter by mail, there is a significant risk that the ballot will not reach the voter before Election Day, and accordingly that the voter will not be able to use the ballot to cast his or her vote. Even if a voter receives a ballot before Election Day, there is a significant risk that the voter will not have sufficient time to complete and mail the completed ballot back to election officials in time for it to arrive by the state's return deadline. That risk is exacerbated by the fact that the law does not appear to impose a time period by which election officials must transmit a ballot to the voter in response to a request.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your state's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about whether and when to (1) request a mail-in ballot, and (2) mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: https://about.usps.com/election-mail/politicalelection-mail-coordinators.pdf.

We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Sincerely,

Thomas J. Marshall

AMERICAN OVERSIGHT

THOMAS J. MARSHALL
GENERAL COUNSEL
AND EXECUTIVE VICE PRESIDENT

UNITED STATES POSTAL SERVICE

July 30, 2020

Honorable William Galvin
Secretary of the Commonwealth of Massachusetts
State House
24 Beacon Street, Room 337
Boston, MA 02133-1099

Dear Secretary Galvin:

Re: Deadlines for Mailing Ballots

With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for requesting and casting ballots by mail. In particular, we wanted to note that, under our reading of Massachusetts' election laws, certain deadlines for requesting and casting mail-in ballots are incongruous with the Postal Service's delivery standards. This mismatch creates a risk that ballots requested near the deadline under state law will not be returned by mail in time to be counted under your laws as we understand them.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

To account for these delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events), the Postal Service strongly recommends adhering to the following timeframe when using the mail to transmit ballots to domestic voters:

- **Ballot requests:** Where voters will both receive and send a ballot by mail, voters should submit their ballot request early enough so that it is received by their election officials at least 15 days before Election Day at a minimum, and preferably long before that time.

- **Mailing blank ballots to voters:** In responding to a ballot request, election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

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- **Mailing completed ballots to election officials:** To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the state's due date. In states that allow mail-in ballots to be counted if they are *both* postmarked by Election Day *and* received by election officials by a specific date that is less than a week after Election Day, voters should mail their ballots at least one week before they must be received by election officials. So, for example, if state law requires a mail-in ballot to be postmarked by Tuesday, November 3, and received by Friday, November 6, voters should mail their ballot by Friday, October 30, to allow enough time for the ballots to be delivered by November 6. Voters must also be aware of the posted collection times on collection boxes and at the Postal Service's retail facilities and that ballots entered after the last posted collection time on a given day will not be postmarked until the following business day.

Under our reading of your state's election laws, as in effect on July 27, 2020, certain state-law requirements and deadlines appear to be incompatible with the Postal Service's delivery standards and the recommended timeframe noted above. As a result, to the extent that the mail is used to transmit ballots to and from voters, there is a significant risk that, at least in certain circumstances, ballots may be requested in a manner that is consistent with your election rules and returned promptly, and yet not be returned in time to be counted.

Specifically, it appears that a voter may generally request a ballot as late as 4 business days before the November general election, and that a completed ballot must be postmarked by Election Day and received by election officials within 3 days after the election. If a voter submits a request at or near the ballot-request deadline, and if the requested ballot is transmitted to the voter by mail, there is a significant risk that the ballot will not reach the voter before Election Day, and accordingly that the voter will not be able to use the ballot to cast his or her vote. That risk is exacerbated by the fact that the law does not appear to impose a time period by which election officials must transmit a ballot to the voter in response to a request. Even if the requested ballot reaches the voter by Election Day, there is a risk that, given the delivery standards for First-Class Mail, a completed ballot postmarked on or close to Election Day will not be delivered in time to meet the state's receipt deadline of November 6. As noted above, voters who choose to mail their ballots should do so no later than Friday, October 30.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your state's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about whether and when to (1) request a mail-in ballot, and (2) mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: https://about.usps.com/election-mail/politicalelection-mail-coordinators.pdf.

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We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Sincerely,

(b)(6); (b)(3):39 USC 410 (c)(2)

Thomas J. Marshall

AMERICAN OVERSIGHT

THOMAS J. MARSHALL
GENERAL COUNSEL
AND EXECUTIVE VICE PRESIDENT

UNITED STATES
POSTAL SERVICE

AUG 13 2020

July 30, 2020

Honorable Elaine Marshall
North Carolina Secretary of State
P.O. Box 29622
Raleigh, NC 27626-0622

Dear Secretary Marshall:

Re: Deadlines for Mailing Ballots

With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for requesting and casting ballots by mail. In particular, we wanted to note that, under our reading of North Carolina's election laws, certain deadlines for requesting and casting mail-in ballots are incongruous with the Postal Service's delivery standards. This mismatch creates a risk that ballots requested near the deadline under state law will not be returned by mail in time to be counted under your laws as we understand them.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

To account for these delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events), the Postal Service strongly recommends adhering to the following timeframe when using the mail to transmit ballots to domestic voters:

- **Ballot requests:** Where voters will both receive and send a ballot by mail, voters should submit their ballot request early enough so that it is received by their election officials at least 15 days before Election Day at a minimum, and preferably long before that time.

- **Mailing blank ballots to voters:** In responding to a ballot request, election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

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- **Mailing completed ballots to election officials:** To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the state's due date. In states that allow mail-in ballots to be counted if they are *both* postmarked by Election Day *and* received by election officials by a specific date that is less than a week after Election Day, voters should mail their ballots at least one week before they must be received by election officials. So, for example, if state law requires a mail-in ballot to be postmarked by Tuesday, November 3, and received by Friday, November 6, voters should mail their ballot by Friday, October 30, to allow enough time for the ballots to be delivered by November 6. Voters must also be aware of the posted collection times on collection boxes and at the Postal Service's retail facilities and that ballots entered after the last posted collection time on a given day will not be postmarked until the following business day.

Under our reading of your state's election laws, as in effect on July 27, 2020, certain state-law requirements and deadlines appear to be incompatible with the Postal Service's delivery standards and the recommended timeframe noted above. As a result, to the extent that the mail is used to transmit ballots to and from voters, there is a significant risk that, at least in certain circumstances, ballots may be requested in a manner that is consistent with your election rules and returned promptly, and yet not be returned in time to be counted.

Specifically, it appears that a voter may generally request a ballot as late as 7 days before the November general election, and that a completed ballot must be postmarked by Election Day and received by election officials no later than 3 days after the election. If a voter submits a request at or near the ballot-request deadline, and if the requested ballot is transmitted to the voter by mail, there is a risk that the ballot will not reach the voter before Election Day, and accordingly that the voter will not be able to use the ballot to cast his or her vote. That risk is exacerbated by the fact that the law does not appear to impose a time period by which election officials must transmit a ballot to the voter in response to a request. Even if the requested ballot reaches the voter by Election Day, there is a risk that, given the delivery standards for First-Class Mail, a completed ballot postmarked on or close to Election Day will not be delivered in time to meet the state's receipt deadline of November 6. As noted above, voters who choose to mail their ballots should do so no later than Friday, October 30.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your state's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about whether and when to (1) request a mail-in ballot, and (2) mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: https://about.usps.com/election-mail/politicalelection-mail-coordinators.pdf.

AMERICAN OVERSIGHT

We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Sincerely,

Thomas J. Marshall

Thomas J. Marshall

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Tuesday, September 1, 2020 3:49 PM
To: Smith, Kevin R - Washington, DC
Subject: Re: [EXTERNAL] Re: Election Mail Task Force and Committee update

Follow Up Flag: Follow up
Flag Status: Flagged

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(b) (5)

> On Sep 1, 2020, at 12:34 PM, Smith, Kevin R - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:
>
> Gov. Barger,
>
(b) (5)

>
> Kevin R. Smith
> Assistant Secretary of the Board of Governors and Counselor United
> States Postal Service
> (202) 268-5725<tel:(202)%20268-2572> (office)
> (b) (6) (telework - preferred)
>
>
Duplicate record

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Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Tuesday, September 1, 2020 5:32 PM
To: Bloom, Ron
Cc: Marshall, Thomas J - Washington, DC; Katherine Sigler; Smith, Kevin R - Washington, DC; Glass, Justin - Washington, DC; Lee Moak; Clarke, Heather A - Washington, DC; DeJoy, Louis - Washington, DC; Williams Jr, David E - Washington, DC; Monteith, Steven W - Washington, DC; Tulino, Douglas A - Washington, DC; Adams, Jeffery A - Washington, DC; (b) (6)
Subject: [EXTERNAL] Re: Election Mail Committee
Attachments: Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

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Dude,
you're totally missing the millennials and gen z'ers….

On Sep 1, 2020, at 2:05 PM, Bloom, Ron (b) (6) wrote:

Theme song:

https://www.youtube.com/watch?v=Bx1XBFpARIA

Ron Bloom
Managing Partner | Vice Chairman
Private Equity

Brookfield Asset Management
Brookfield Place New York
(b) (6)
www.brookfield.com

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Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Tuesday, September 1, 2020 6:21 PM
To: Bloom, Ron
Cc: Marshall, Thomas J - Washington, DC; Katherine Sigler; Smith, Kevin R - Washington, DC; Glass, Justin - Washington, DC; Lee Moak; Clarke, Heather A - Washington, DC; DeJoy, Louis - Washington, DC; Williams Jr, David E - Washington, DC; Monteith, Steven W - Washington, DC; Tulino, Douglas A - Washington, DC; Adams, Jeffery A - Washington, DC; (b) (6)
Subject: [EXTERNAL] Re: Election Mail Committee
Attachments: Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Sir,

We are trying to reach all Americans!

On Sep 1, 2020, at 2:39 PM, Bloom, Ron (b) (6) wrote:

Anybody who doesn't like Muddy Waters hasn't listened to Muddy Waters.

Sent from my iPhone

Ron Bloom
Managing Partner | Vice Chairman
Private Equity

Brookfield Asset Management
Brookfield Place New York
(b) (6)
www.brookfield.com

View important disclosures and information about our e-mail policies here

Duplicate record

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Selde, Jennifer L - Washington, DC

From: Lee Moak (b) (6)
Sent: Wednesday, September 2, 2020 10:24 AM
To: Marshall, Thomas J - Washington, DC
Subject: [EXTERNAL] Re: Briefing of the Board Committee on Election Mail

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

No problem, I am in meetings now and will circle back late today, thanks

---

From: "Marshall, Thomas J - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Date: Wednesday, September 2, 2020 at 10:18 AM
To: Lee Moak (b) (6)
Subject: RE: Briefing of the Board Committee on Election Mail

Governor Moak,

I am jammed up at the moment, but will call you shortly.

-Tom

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

From: Lee Moak (b) (6)
Sent: Wednesday, September 2, 2020 10:16 AM
To: Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) Ron Bloom (b) (6)
John Barger (b) (6)
Cc: Williams Jr, David E - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Glass, Justin - Washington, DC
(b) (6), (b)(3) & 410 (c)(2) Tulino, Douglas A - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Monteith, Steven W -
Washington, DC (b) (6), (b)(3) & 410 (c)(2) ; Adams, Jeffery A - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Sigler, Katherine - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Smith, Kevin R - Washington, DC
(b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] Re: Briefing of the Board Committee on Election Mail

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Thank you Tom-

From: "Marshall, Thomas J - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Date: Wednesday, September 2, 2020 at 10:07 AM
To: Lee Moak (b) (6) , Ron Bloom (b) (6) >, John Barger
(b) (6)

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Cc: "Williams Jr, David E - Washington, DC" (b) (6), (b)(3) & 410 (c)(2) "Glass, Justin - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)>, "Tulino, Douglas A - Washington, DC" (b) (6), (b)(3) & 410 (c)(2), "Monteith, Steven W - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)>, "Adams, Jeffery A - Washington, DC" (b) (6), (b)(3) & 410 (c)(2), "Sigler, Katherine - Washington, DC" (b) (6), (b)(3) & 410 (c)(2), "Smith, Kevin R - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Subject: Briefing of the Board Committee on Election Mail

Governors, (b) (5)

-Tom

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

From: Marshall, Thomas J - Washington, DC
Sent: Wednesday, September 2, 2020 9:41 AM
To: 'Lee Moak (b) (6) 'Ron Bloom' (b) (6) ; 'John Barger' (b) (6)
Subject: FW: FINAL - Processing Readiness and Service Performance of Election and Political Mail During the 2020 General Elections

Governors,

I meant to send you the attached OIG Report that was issued late Monday. (b) (5)

Sorry for my delay in forwarding the report.

-Tom

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

From: Haring, Sally K - Washington, DC
Sent: Monday, August 31, 2020 4:50 PM
To: Weiser, Julie H - Denver, CO (b) (6), (b)(3) & 410 (c)(2) Glass, Justin - Washington, DC (b) (6), (b)(3) & 410 (c)(2) Brownlie, Caroline R - Washington, DC (b) (6), (b)(3) & 410 (c)(2) >; Adams, Jeffery A - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Partenheimer, David A - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Cc: Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2)>; Corbett, Joseph - Washington, DC (b) (6), (b)(3) & 410 (c)(2) Elston, Michael J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) Clarke, Heather A - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: FW: FINAL - Processing Readiness and Service Performance of Election and Political Mail During the 2020 General Elections

AMERICAN OVERSIGHT

The OIG audit on Election & Political Mail was (publicly) released a few minutes ago—FYI. It is attached.

Thanks,
Sally
(b) (6)

Sally Haring
Manager, Corporate Audit & Response Management
U.S. POSTAL SERVICE
475 L'Enfant Plz SW | Washington DC 20260-5201
202.268.3753 | CARMManager@usps.gov

From: Wolny, Jennifer (b) (6), (b)(3) & 410 (c)(2)
Sent: Monday, August 31, 2020 4:39 PM
To: Williams Jr, David E - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Cc: DeJoy, Louis - Washington, DC (b) (6), (b)(3) & 410 (c)(2) Whitcomb, Tammy L. - OIG (b) (6), (b)(3) & 410 (c)(2) Duda, Mark - OIG (b) (6), (b)(3) & 410 (c)(2); Siemer, William - OIG (b) (6), (b)(3) & 410 (c)(2) AUD-Approved Audit Products Distribution (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] FINAL - Processing Readiness and Service Performance of Election and Political Mail During the 2020 General Elections

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Attached are the results of our audit of *Processing Readiness and Service Performance of Election and Political Mail During the 2020 General Elections* (Report Number 20-225-R20, dated August 31, 2020). If you have any questions regarding the issuance of this report, please contact Lazerick C. Poland, Director, Audit Operations, at 703-309-1735.

Thank you.

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Wednesday, September 2, 2020 9:43 AM
To: Sigler, Katherine - Washington, DC
Subject: [EXTERNAL] RESENDING 8/29 email
Attachments: Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

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Duplicate record



AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Wednesday, September 2, 2020 4:50 PM
To: Marshall, Thomas J - Washington, DC
Subject: RE: [EXTERNAL] ICYMI - USPS IG report stresses tight-knit coordination with state officials for mail-in ballots

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Thanks, Tom.

From: Marshall, Thomas J - Washington, DC
Sent: Wednesday, September 02, 2020 2:35 PM
To: Roman Martinez IV (b) (6)
Cc: M. -Mike- Duncan Robert (b) (6) ; Sigler, Katherine - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: FW: [EXTERNAL] ICYMI - USPS IG report stresses tight-knit coordination with state officials for mail-in ballots

Governor Martinez,

(b) (5)

-Tom

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

From: Federal News Network (b) (6)
Sent: Wednesday, September 2, 2020 1:22 PM
To: Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] ICYMI - USPS IG report stresses tight-knit coordination with state officials for mail-in ballots

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AMERICAN OVERSIGHT

September 02, 2020

MANAGEMENT

USPS IG report stresses tight-knit coordination with state officials for mail-in ballots

With the Postal Service under intense scrutiny from Congress over its capacity to deliver on time ahead of the November election, its inspector general found the agency largely kept up with the volume of mailed-in ballots during the primary election season.

TOM TEMIN COMMENTARY

When agency management and the IG disagree

You'd think CBP and ICE would welcome stronger oversight of controversial seizures and forfeitures.

FEDERAL NEWSCAST

Some agencies do a better job looking into employees playing hooky

In today's Federal Newscast, the Government Accountability Office says not all agencies have been tracking time and attendance fraud consistently.

Advertisement

AMERICAN OVERSIGHT

Delivering the Air Force Network of the Future - Today. Part 1.

In this new series, hear from AT&T leaders as they explore the opportunities and long-term benefits of EITaaS for the Air Force.

AGENCY OVERSIGHT

Interior's reasons for BLM relocation were half accurate, half misleading, IG says

The Interior Department's inspector general said agency officials gave mostly accurate statements to Congress about its reasons for relocating employees at the Bureau of Land Management. But Interior officials did mislead Congress about lease costs being the primary reason for the move.

AGENCY OVERSIGHT

DHS' CDM program still not showing full picture of agency IT, GAO says

GAO's Director of Information Technology and Cybersecurity Issues Vijay D'Souza had more information on Federal Drive with Tom Temin.

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Building Mgmt Contract Support - Meet Emerging Demands

Save up to two months on acquisition lead time and compare prices across vendors. GSA's Building Asset Management solutions help meet emerging agency demands for office operations. Learn more.

WORKFORCE

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USPS-20-2171-A-002321

CORONAVIRUS RESOURCE: HOW YOUR AGENCY IS REOPENING

Everything we know so far is collected on this page, which will be updated as additional information, updates and resources become available. We're also collecting agency reopening plans.

WORKFORCE



Sammies finalist helped move FAA from ground radar to GPS to track planes

FAA's David Gray was instrumental for a revolution that occurred in how the agency tracks airplanes.

Advertisement

Executive Briefing Series: Securing the Remote Workforce

In this exclusive executive briefing, the following experts discuss how the remote access boom will accelerate both cybersecurity and the validity of the notion that a remote workforce can accomplish the mission.

FEDERAL REPORT



Back to the office or off to retirement?

Mike Causey asked long-time fed and financial coach Abraham Grungold to check out the 2020 situation, who listed some things which workers under the Federal Employees Retirement System retiring in 2020 should seriously consider.

Partnership

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USPS-20-2171-A-002322



Get Updates From HHS, VA, DoD & More at the PSC FedHealth Conference on Sept. 15

Attend the half-day virtual event focused on policy and acquisition priorities in civilian and military health. Sessions on national health priorities, technology disruptors, and more!



More Alerts

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Selde, Jennifer L - Washington, DC

From: John Barger (b) (6)
Sent: Thursday, September 3, 2020 3:53 PM
To: Sigler, Katherine - Washington, DC
Cc: Rosato, John F - Washington, DC
Subject: [EXTERNAL] Re: 4:45 meeting

Follow Up Flag: Follow up
Flag Status: Flagged

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(b) (5)

John M. Barger
Managing Director
www.northerncrosspartners.com

Please excuse typos, courtesy of iPhone keyboard, oversized thumbs, aggressive Apple algorithms

On Sep 3, 2020, at 12:08 PM, Sigler, Katherine - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

Governor Barger,

(b) (5)

Thanks,

Katherine

KATHERINE SIGLER
ACTING SECRETARY OF THE BOARD OF GOVERNORS
UNITED STATES POSTAL SERVICE

AMERICAN OVERSIGHT

(202) 268-2572 OFFICE
(b) (6) MOBILE

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Lee Moak (b) (6)
Sent: Saturday, September 5, 2020 12:44 PM
To: Smith, Kevin R - Washington, DC
Subject: [EXTERNAL] Re: Election Mail Metrics

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Thank you

--
Captain Lee Moak
Chief Executive Officer, The Moak Group
(b) (6)
http://moakgroup.com

This message is confidential, intended only for the named recipient(s) and may contain information that is privileged or exempt from disclosure under applicable law. If you are not the intended recipient(s), you are notified that the dissemination, distribution or copying of this message is strictly prohibited. If you receive this message in error, or are not the named recipient(s), please notify the sender at either the e-mail address or telephone number above and discard this e-mail. Thank you.

From: "Smith, Kevin R - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Date: Saturday, September 5, 2020 at 9:47 AM
To: Lee Moak (b) (6)
Subject: Election Mail Metrics

Good morning, Governor Moak. (b) (5)

Enjoy your holiday weekend,

Kevin

KEVIN R. SMITH
ASSISTANT SECRETARY OF THE BOARD OF GOVERNORS AND COUNSELOR
UNITED STATES POSTAL SERVICE
OFFICE: (202) 268-5725
TELEWORK: (b) (6)

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Selde, Jennifer L - Washington, DC

From: John Barger (b) (6)
Sent: Saturday, September 5, 2020 5:18 PM
To: Adams, Jeffery A - Washington, DC
Subject: [EXTERNAL] Re: Comprehensive Social Listening & Insights Report 9/4

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Thank you, Jeff.

There was an article on me In The daily beast yesterday.

I don't see it here.

(b) (5)

John M. Barger
Managing Director
www.northerncrosspartners.com

Please excuse typos, courtesy of iPhone keyboard, oversized thumbs, aggressive Apple algorithms

On Sep 5, 2020, at 2:10 PM, Adams, Jeffery A - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

Apologies for the delay in getting this report to you. I experienced some technical issues late yesterday that caused the delay. All the best.

Social Listening & Insights Report 9/4

Social Topline

- **Public Policy Mentions:**
  - President Barack Obama; Senator Mark Warner (D-VA); and Representatives Tim Ryan (D-OH), Veronica Escobar (D-TX), Carolyn Maloney (D-NY), Lloyd Doggett (D-TX), David Price (D-NC), Joe Neguse (D-CO), Jamie Raskin (D-MD) and Joe Cunningham (D-SC) posted about completing the 2020 Census via mail.
  - President Donald Trump posted that to be sure your vote is counted, mail your ballot as early as possible and on Election Day go to your polling place to see if your mail-in ballot was counted.

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- Donald Trump, Jr. and Representative Brian Babin (R-TX) posted a video of Attorney General William Barr and vote-by-mail.
- Representatives Adam Schiff (D-CA), Raja Krishnamoorthi (D-IL) and Joaquin Castro (D-TX) posted about Russian interference in elections and false narratives about vote-by-mail.
- Senators Tammy Duckworth (D-IL) and Patrick Leahy (D-VT); and Representatives Mark Pocan (D-WI), Frederica Wilson (D-FL), Eric Swalwell (D-CA), Seth Moulton (D-MA), Alcee Hastings (D-FL), Gwen Moore (D-WI), Steven Horsford (D-NV) and Don Beyer (D-VA) posted that voting twice is illegal, but vote-by-mail is secure.
- Representative Alma Adams (D-NC) posted that North Carolina has a system to make sure that if you vote-by-mail and vote in person your vote won't be counted twice and that voting twice is a felony.
- Senators Mazie Hirono (D-HI), Tammy Baldwin (D-WI), Gary Peters (D-MI), Jacky Rosen (D-NV) and Ben Cardin (D-MD); and Representatives Sean Patrick Maloney (D-NY) and Ed Case (D-HI) posted about the importance of deliveries of medications or supplies from USPS and is calling for a reversal of PMG DeJoy's changes to USPS.
- Senator Mark Warner (D-VA); and Representatives Lloyd Doggett (D-TX) and Bill Pascrell, Jr. (D-NJ) posted about reports from constituents who have had problems with their mail and importance of protecting USPS.
- Representative Ro Khanna questioned (D-CA) why the Republicans won't vote on funding USPS.
- Senators Chuck Schumer (D-NY) and Ben Cardin (D-MD)**;** and Representatives Pramila Jayapal (D-WA) and Suzan DelBene (D-WA) posted about President Trump and Attorney General Bill Barr's misinformation about fraud and vote-by-mail.
- Committee on House Administration Democrats; Senator Joe Manchin (D-WV); and Representatives Mary Gay Scanlon (D-PA), David Price (D-NC), Debbie Dingell (D-MI), Marcia Fudge (D-OH) and Chrissy Houlahan (D-PA) posted information on how to vote-by-mail.
- Senator Tom Carper (D-DE) posted that the Trump Administration was unable to give a Pennsylvania judge an example of voter fraud involving mail-in ballots.
- Representative Val Demings (D-FL) posted that the USPS, elections and the Census must not be corrupted.
- Senator Joe Manchin (D-WV) posted that whether you vote-by-mail or in person your ballot will be safe and counted.
- House Democrats and Senator Catherine Cortez Masto (D-NV) posted about protecting USPS amidst a global pandemic.
- Senator Gary Peters (D-MI); and Representatives Sean Patrick Maloney (D-NY) and Derek Kilmer (D-WA) posted about the impact of PMG DeJoy's changes on veterans who receive medication in the mail.
- Committee on House Administration Democrats; and Representatives Marcia Fudge (D-OH) and James Clyburn (D-SC) posted that people must beware of false robocalls discouraging vote-by-mail.
- Representative Ted Deutch (D-FL) posted to pick either vote-by-mail or vote in person on Election Day.
- Representative Raja Krishnamoorthi (D-IL) posted about USPS and the goals of the subpoena of PMG DeJoy.
- Representative Lloyd Doggett (D-TX) posted about President Trump asking supporters to vote-by-mail in a flyer sent to Texas residents.
- Representative Bill Pascrell, Jr. (D-NJ) posted about drop boxes being added in New Jersey for absentee ballots.
- Representatives Steve Cohen (D-TN), John Sarbanes (D-MD), Bill Pascrell, Jr. (D-NJ), Seth Moulton (D-MA), Veronica Escobar (D-TX) and Tony Cárdenas (D-CA) posted about President Trump encouraging North Carolina residents to vote twice to test vote-by-mail.

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- Representative Frederica Wilson (D-FL) posted that Trump stated that vote-by-mail is safe in Florida.
- Representative Bill Pascrell, Jr. (D-NJ) posted that he asked the USPS Inspector General to open a probe of PMG DeJoy's conflicts of interest.
- Representative Carolyn Maloney (D-NY) posted that it is critical for USPS to be funded so people can get critical mail on time.
- Representative Gerry Connolly (D-VA) posted about the connection of PMG DeJoy's former company with USPS.
- Representative Brendan Boyle (D-PA) posted that Republicans in Pennsylvania are trying to prevent successful vote-by-mail.
- Representative Joyce Beatty (D-OH) posted about a local post office reopening.
- Representative Mike Quigley (D-IL) posted information about a virtual meeting where he discussed President Trump's impacts on USPS.
- Representative Brian Babin (R-TX) posted about foreign nationals committing voter fraud.
- Representatives Norma Torres (D-CA) and Mike Levin (D-CA) posted how California residents can track their vote-by-mail ballots.
- Representative Dwight Evans (D-PA) posted about the Pennsylvania Attorney General filing a preliminary injunction to halt changes at USPS.
- Representatives Sean Casten (D-IL) and Sean Patrick Maloney (D-NY) posted in support of USPS and that constituents rely on USPS for prescriptions, paychecks, tax returns, ballots and Census forms.
- Representative Sean Patrick Maloney (D-NY) posted about attending a local post office in support of USPS.
- Representative Kay Granger (R-TX) posted about renaming a Fort Worth post office after Dionne Bagsby, the county's first female and first Black county commissioner.
- Representative Mark DeSaulnier (D-CA) shared an article about President Trump's intention to create distrust around mail-in voting.
- Representative Dwight Evans (D-PA) called for constituents to send him photos or videos of mail-sorting machines or mail collection boxes that have been removed in Philadelphia.
- Representative Colin Allred (D-TX) posted about his constituents suffering from delays in mail service and that he supports USPS and voted for the *Delivering for America Act.*
- Senator Jacky Rosen (D-NV) posted that USPS is vital to our democracy and it must be protected.
- Representative Denver Riggleman (R-VA) posted about miscounted absentee ballot boxes.

- **Competitor Mentions:**
  - FedEx posted about their plans to employ 70K new employees and about racer Denny Hamlin's throwback FedEx paint style for his Darlington race car.
  - FedEx Public Affairs retweeted the post about 70K new jobs.
  - UPS posted about a webinar with Magic Johnson and about partnering with beauty brands to package hand sanitizers.
  - UPS Public Affairs posted about pensions of those essential employees working during the pandemic.
  - DHL U.S.:
    - posted a throwback to their original logo and its evolution over the past 50 years
    - posted about finding a partner to help businesses expand their ecommerce
    - posted about how DHL is helping students access the technology needed to succeed
    - retweeted a Kalitta Motorsports post wishing racer Shawn Langdon a happy birthday
    - retweeted the official James Bond trailer for *No Time to Die*
    - posted about companies building dedicated ecommerce channels
    - posted about using social media to enhance ecommerce.
  - DHL Express posted a travel landmarks quiz and shared the official James Bond trailer for *No Time to Die.*

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- **Industry Mentions:**
  - Pitney Bowes shared their USPS animation in celebration of their 100 Years of Innovation, as well as their Pitney Bowes API is 140% faster than our legacy solution and Unlock UPS discounts with SendPro – save up to 62%* on daily rates web pages.
  - PostCom:
    - retweeted the article: "USPS Is Fighting to Block the Release of Data on Mail Delays"
    - retweeted the article: "Records show Postal Service paid millions to DeJoy's former company"
    - posted the PRC document, "COMMISSION INFORMATION REQUEST NO. 3," about USPS weekly service performance report requests
    - posted the House Committee on Oversight and Reform subpoena regarding postal service delays.
  - Alliance of Nonprofit Mailers:
    - posted about the House Committee on Oversight and Reform subpoena regarding postal service delays, including a news release and an article
    - posted two PRC documents about USPS weekly service performance report requests
    - posted the news release: "Quad Urges Congress to Act on USPS Reform."
  - Tension Corporation shared their Now Registering: USPS 2020 Informed Delivery Promotion blog post.
- **Union/Association Mentions:**
  - NALC
    - shared the story of how Portland, OR Branch 82 carrier Nancy Farrell Luster adapted her off route fundraising efforts as a result of the pandemic
    - shared information about their Muscular Dystrophy Association fundraising campaign and encouraged branches to sign up for the September MDA Challenge
    - shared an article about how the pandemic changed work and home life for Aiea-Pearl City, HI Branch 4682 carrier Adele Yoshikawa
    - shared the article, "For Leave Year 2021, Maximum Annual Leave Carryover Amount Increased from 440 Hours to 520 Hours."
  - APWU
    - retweeted a video from Senator Tammy Baldwin (D-WI) of a WI APWU member, adding that she agrees that PMG DeJoy must reverse his recent changes at the Postal Service
    - retweeted a post from National Nurses United with the article, "A Mail-In Vote Taking Place Right Now: Mission Health Nurses Decide Whether to Unionize"
    - posted about widespread support for the Postal Service and shared information about how to call senators to advocate for postal funding and an end to recent mail delays
    - shared the article, "At 65%, Approval of Labor Unions in U.S. Remains High"
    - retweeted a post from Alaska AFL-CIO about a rally to support the Postal Service in Anchorage
    - shared about APWU President Mark Dimondstein's appearance on Waking up with Julianna on Act.TV.
  - NAPS – no posts today
- **On social media:**
  - New coverage of:
    - Russian attempts to sway U.S. elections through vote-by-mail conspiracies
    - AG Barr's recent comments on vote-by-mail
  - Continuing coverage of:
    - criticism of Pres. Donald Trump and PMG DeJoy impacting USPS
    - vote-by-mail, support, opposition, and Pres. Trump's comments on voting twice
- **In traditional media:**

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- The top trending article is **ABC News**: *Russia is 'amplifying' claims of mail-in voter fraud, intel bulletin warns*
- New coverage of:
  - Intelligence warning of Russia's false claims impacting confidence in vote-by-mail
  - warnings about scam calls with false claims about vote-by-mail
  - Iowa Democrats take Republican Secretary of State to court over mail-in voting
  - USPS allegedly paid PMG DeJoy's former company $286M
  - Denver will use first-class rates for mailing ballots to ensure on-time delivery
  - NFL, players' union to close facilities on Election Day, sponsor non-partisan voter education programs including for vote-by-mail
  - ballots being mailed to NC voters on Friday
  - USPS OIG audit finds political mail delayed in Baltimore before primary
- Continuing coverage of:
  - Democratic primary voters choose Sen. Markey (D-MA) to run again with record number of mail-in ballots
  - vote-by-mail, including AG Barr's recent statements, Pres. Trump's recent comments about voting twice, SC Senate approval of expansion, and a surge in request
  - USPS funding, including support and differences in Congress and Pres. Trump's position on Covid relief
  - House subpoenas PMG over mail delays and documents
  - Congressional questions on hiring of PMG DeJoy, Mnuchin's role
  - calls for reversal or ending of operational changes, including Sen. Mark Warner (D-VA), PA and MA Attorney Generals, and state of CA
- Residual coverage of:
  - Twitter and Facebook filtering/restricting political posts and ads, including false vote-by-mail information
  - men facing federal charges in 2019 murder of SC mail carrier Irene Pressley

- **Industry publications covered:**
  - recent poll shows 56% of Americans believe PMG DeJoy should resign or be removed from office
  - postal strike of 1970
  - AG Josh Stein calls for immediate stop to unlawful Postal Service changes in operations
  - new USPS commercial highlights employees and service
  - former injured postal worker denied disability on grounds he 'voluntarily abandoned the workforce'
  - Gilroy, CA postal worker claims she was fired after family member died of COVID-19
  - USPS contract with XPO Logistics
  - Postal Service signs agreement with unions and associations to increase annual leave carryover
  - Quad urges Congress to act on postal reform
  - Mayflower in Plymouth Harbor Forever stamp FDOI September 17
  - USPS Q3 finances reviewed in video
  - VA secretary responds to reports of slowdowns in mailed prescriptions as 'conspiracy theories'
  - eBay expands UPS integration
- **OIG audits:**
  - District's Stamp Stock Shipments' Claim for Losses (completed)

For all verbatims, please see the attached PDF.

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Postal Media Mentions By Area:

Industry

- **Postal Times:** *56% Want USPS Postmaster DeJoy To Resign:* https://www.postaltimes.com/postalnews/56-want-usps-postmaster-dejoy-to-resign/
- **Postal Times:** *America's Biggest Wildcat Strike Gave Postal Workers the Power:* https://www.postaltimes.com/postalnews/americas-biggest-wildcat-strike-gave-postal-workers-the-power/
- **EIN Presswire:** *Attorney General Josh Stein Seeks Immediate Stop to Unlawful Postal Service Operations:* https://www.einnews.com/pr_news/525458361/attorney-general-josh-stein-seeks-immediate-stop-to-unlawful-postal-service-operations
- **Postal Times:** *Delivering for the nation - Commercial highlights employees, service:* https://www.postaltimes.com/postalnews/delivering-for-the-nation-commercial-highlights-employees-service/
- **Postal Times:** *Disability denied for injured worker who abandoned workforce:* https://www.postaltimes.com/postalnews/disability-denied-for-injured-worker-who-abandoned-workforce/
- **Postal Reporter:** *Gilroy Calif. postal worker claims she was fired after family member died of coronavirus:* https://www.postal-reporter.com/blog/gilroy-calif-postal-worker-claims-she-was-fired-after-family-member-died-of-coronavirus/
- **Postal Times:** *Gilroy postal worker fired after family member dies of coronavirus:* https://www.postaltimes.com/postalnews/197069/
- **Postal Times:** *Postal Service Has Paid DeJoy's Former Company $286 Million Since 2013:* https://www.postaltimes.com/postalnews/postal-service-has-paid-dejoys-former-company-286-million-since-2013/
- **Postal News:** *Postal Service Has Paid Louis DeJoy's Former Company $286 Million Since 2013:* http://postalnews.com/blog/2020/09/03/postal-service-has-paid-louis-dejoys-former-company-286-million-since-2013/
- **Postal Times:** *Postal unions and associations sign agreements with USPS to increase annual leave carryover amounts:* https://www.postaltimes.com/postalnews/postal-unions-and-associations-sign-agreements-to-increase-annual-leave-carryover/
- **Printing Impressions:** *Quad Chairman and CEO Joel Quadracci Urges Congress to Act on USPS Reform:* https://www.piworld.com/article/quad-urges-congress-to-act-on-usps-reform/
- **What They Think:** *Quad Urges Congress to Act on USPS Reform:* https://whattheythink.com/news/102238-quad-urges-congress-act-usps-reform/
- **Postal Times:** *U.S. Postal Service Celebrates the Arrival of the Mayflower in Plymouth Harbor Forever Stamp on Sept. 17:* https://www.postaltimes.com/postalnews/u-s-postal-service-celebrates-the-arrival-of-the-mayflower-in-plymouth-harbor-forever-stamp-on-sept-17/
- **Postal Times:** *USPS Third-quarter finances reviewed in video:* https://www.postaltimes.com/postalnews/usps-third-quarter-finances-reviewed-in-video/
- **Postal Times:** *VA secretary attacks reports of slowdowns in mailed prescriptions as 'conspiracy theories':* https://www.postaltimes.com/postalnews/ignore-the-conspiracy-theories-veterans-can-trust-va-prescription-drug-delivery-through-the-mail/
- **Postal Times:** *eBay Expands UPS Integration:* https://www.postaltimes.com/postalnews/ebay-expands-ups-integration/
- **Freight Waves:** *eBay, UPS enter into enhanced tie-up:* https://www.freightwaves.com/news/ebay-ups-enter-into-enhanced-tie-up
- **OIG:** *District's Stamp Stock Shipments' Claim for Losses (*completed): https://www.uspsoig.gov/sites/default/files/document-library-files/2020/20-249-R20.pdf

National

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- **DOJ Office of Public Affairs:** *Ready-Mix Concrete Company And Individuals Indicted For Fixing Prices And Rigging Bids In Violation Of Antitrust Laws:* https://www.justice.gov/opa/pr/ready-mix-concrete-company-and-individuals-indicted-fixing-prices-and-rigging-bids-violation
- **DOJ Office of Public Affairs:** *New Jersey Attorney Charged with Fraudulently Obtaining $9 Million in Loans Meant to Help Small Businesses During COVID-19 Pandemic:* https://www.justice.gov/opa/pr/new-jersey-attorney-charged-fraudulently-obtaining-9-million-loans-meant-help-small
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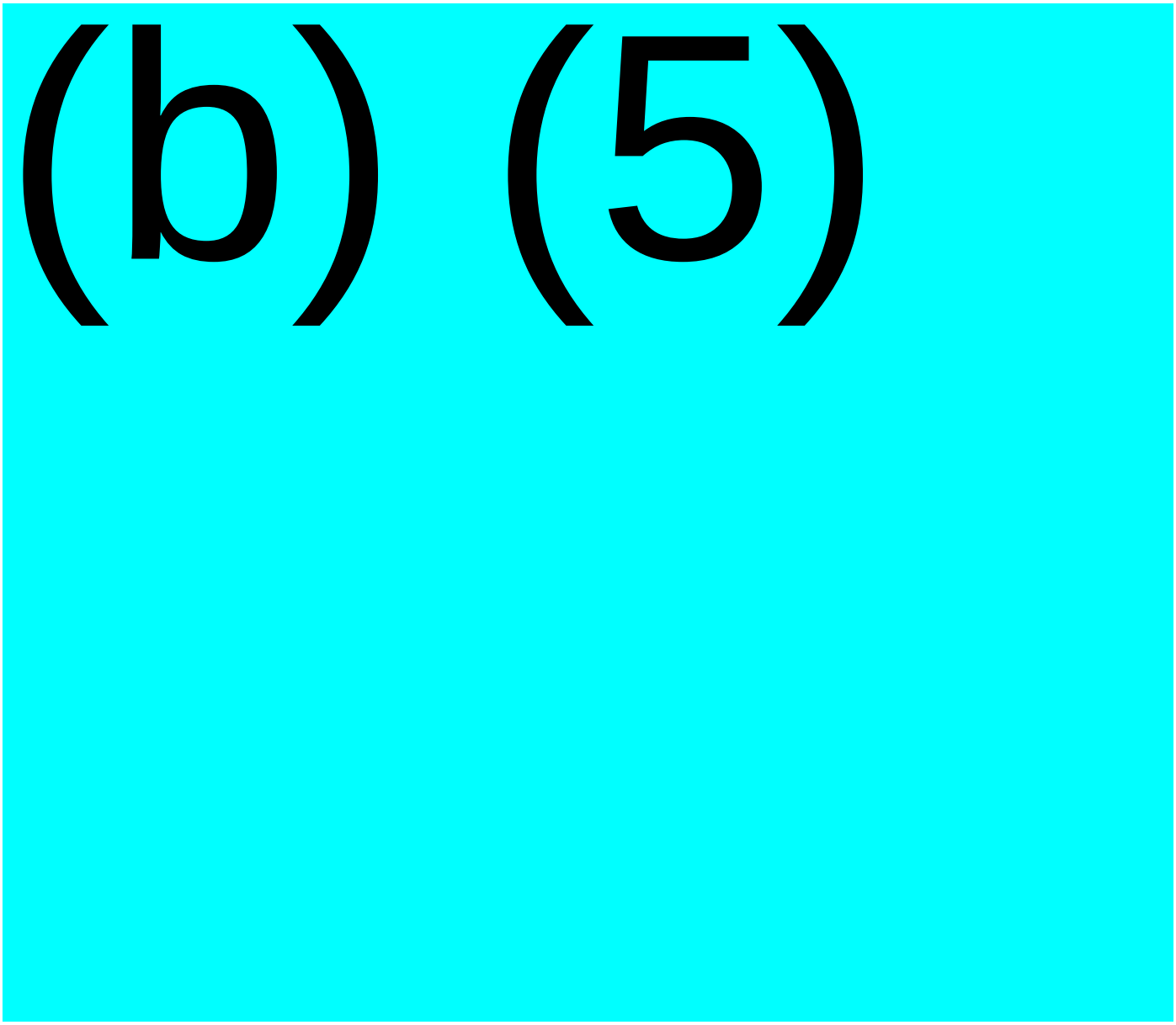
Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Tuesday, September 8, 2020 2:02 PM
To: Rosato, John F - Washington, DC
Subject: [EXTERNAL] John--more like this. Lets talk
Attachments: Service Performance Chart for Gov. Barger.xlsx

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. STOP and CONSIDER before responding, clicking on links, or opening attachments.

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Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Tuesday, September 8, 2020 8:57 PM
To: (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] Fwd: Draft Statement for Board consideration
Attachments: DRAFT BoG Statement 9-9-20.docx; Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Please print in am.

Sent from my iPhone

Begin forwarded message:

> **From:** (b) (6)
> **Date:** September 8, 2020 at 8:26:18 PM EDT
> **To:** "M. -Mike- Duncan Robert" (b) (6)
> **Subject: Draft Statement for Board consideration**
>
> Mike,
>
> (b) (5)
>
> Thank you,
>
> (b) (6)

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Wednesday, September 9, 2020 10:28 AM
To: Rosato, John F - Washington, DC
Subject: [EXTERNAL] Re: Electronic Versions of Printed Charts
Attachments: Non-responsive record ; MD Service Performance Chart for Gov Barger.xlsx; Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

John,

(b) (5)

Thanks.

On Sep 8, 2020, at 9:19 PM, Rosato, John F - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

Governor,

(b) (5)

AMERICAN OVERSIGHT

Also, I have pasted a copy of the press release announcing the service performance improvements from August 31st.

All the best,
John

Aug. 31, 2020

Service Performance Rebounds at Postal Service

WASHINGTON, DC — In a *letter* transmitted today to the House Committee on Oversight and Reform and the Senate Homeland Security and Governmental Affairs Committee, the Postal Service provided *service performance charts* showing significant increases in all mail categories.

"As the charts show, service performance improved across all major mail categories in the weeks prior to my testimony (delivered on August 24), and this trend has continued through August, returning to early-July levels," said Postmaster General Louis DeJoy in his letter to the Committee. "This recovery took place while still adhering to our existing transportation schedules. In other words, we are improving service performance while more consistently running our trucks on time."

In mid-July, the Postal Service reemphasized the need to adhere to our existing transportation schedule, committing to be more disciplined by ensuring that our trucks should run on time and on schedule. As other parts of our processing network adjusted to meet the transportation schedule, there was a dip in overall service performance in late July and early August.

In his letter to the Committees, Postmaster General DeJoy stated, "As I testified, the intervening service declines should not have happened, but the changes are fundamental and necessary, and the Postal Service is strongly committed to fixing the problems by identifying and rectifying their root causes. While there are a number of factors at play related to service performance, including pressures related to the COVID-19 pandemic, natural disasters, and other unforeseen events, I am confident that the Postal Service's performance will continue to improve overall, and that it will ultimately exceed our prior service performance levels. This is an organization-wide commitment."

The Postal Service has also committed to providing weekly service performance updates throughout the election season and the remainder of 2020.

The Postal Service has been working with the House Committee on Oversight and Reform staff regarding the provision of additional information. This includes a discussion following the hearing regarding efforts to address any outstanding requests and new requests from the hearing, and to make arrangements to produce information in an orderly fashion. We also arranged for today's briefing regarding updated service performance information. Given the straightforward and cooperative nature of these communications with the Committee staff, we were frankly surprised and confused by Chairwoman Maloney's statement today about her intent to issue a subpoena to the Postal Service. We will continue to cooperate with the Oversight committees in both the House and Senate, and we fully intend to comply with our obligations under the law.

From: Rosato, John F - Washington, DC
Sent: Tuesday, September 08, 2020 7:14 PM
To: (b) (6)
Subject: Electronic Versions of Printed Charts

Governor Barger,

AMERICAN OVERSIGHT

(b) (5)

All the best,
John

(b) (5)

John F. Rosato
Assistant Secretary of the Board of Governors and Counselor
United States Postal Service
Phone – (202) 268-2990
Fax – (202) 268-5418

AMERICAN OVERSIGHT

(b) (5)

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: John Barger (b) (6)
Sent: Wednesday, September 9, 2020 11:19 AM
To: Rosato, John F - Washington, DC
Subject: Re: [EXTERNAL] Re: Electronic Versions of Printed Charts

Follow Up Flag: Follow up
Flag Status: Flagged

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(b) (5)

John M. Barger
Managing Director
www.northerncrosspartners.com

Please excuse typos, courtesy of iPhone keyboard, oversized thumbs, aggressive Apple algorithms

> On Sep 9, 2020, at 11:01 AM, Rosato, John F - Washington, DC (b) (6) wrote:
>
> Understood.
>
(b) (5)
>
> - John
>
> -----Original Message-----
> From: John Barger (b) (6)
> Sent: Wednesday, September 9, 2020 10:58 AM
> To: Rosato, John F - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
> Subject: Re: [EXTERNAL] Re: Electronic Versions of Printed Charts
>
> CAUTION: This email originated from outside USPS. STOP and CONSIDER before responding, clicking on links, or opening attachments.
>
> Thanks.
> Important.
>
> John M. Barger
> Managing Director
> www.northerncrosspartners.com
>

AMERICAN OVERSIGHT

>
> Please excuse typos, courtesy of iPhone keyboard, oversized thumbs,
> aggressive Apple algorithms
>
>> On Sep 9, 2020, at 10:46 AM, Rosato, John F - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:
>>
(b) (5)
>>
>> -----Original Message-----
>> From: Rosato, John F - Washington, DC
>> Sent: Wednesday, September 9, 2020 10:40 AM
>> To: 'John Barger' (b) (6)
>> Subject: RE: [EXTERNAL] Re: Electronic Versions of Printed Charts
>>
(b) (5)
>>
>> -----Original Message-----
>> From: John Barger (b) (6)
>> Sent: Wednesday, September 9, 2020 10:39 AM
>> To: Rosato, John F - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
>> Subject: Re: [EXTERNAL] Re: Electronic Versions of Printed Charts
>>
>> CAUTION: This email originated from outside USPS. STOP and CONSIDER before responding, clicking on links, or opening attachments.
>>
(b) (5)
>>
>> John M. Barger
>> Managing Director
>> www.northerncrosspartners.com
>>
>>
>> Please excuse typos, courtesy of iPhone keyboard, oversized thumbs,
>> aggressive Apple algorithms
>>
>>>> On Sep 9, 2020, at 10:33 AM, Rosato, John F - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:
>>>
(b) (5)
>>>
>>> Sent from my iPhone
>>>
Duplicate record

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Thursday, September 10, 2020 11:00 AM
To: (b) (6)
Cc: Lee Moak; DeJoy, Louis - Washington, DC; Roman Martinez IV; Bloom, Ron; Marshall, Thomas J - Washington, DC
Subject: [EXTERNAL] Re: Touch base

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Hi (b) (6)
I am copying Lee Moak;(b) (5)

Best,

John

On Sep 10, 2020, at 10:36 AM, (b) (6) wrote:

John,

(b) (5)

Thanks,

(b) (6)

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Friday, September 11, 2020 8:58 AM
To: (b) (6); Marshall, Thomas J - Washington, DC
Cc: Lee Moak; Duncan M -Mike- Robert; Weidner, Keith E - Washington, DC; DeJoy, Louis - Washington, DC
Subject: [EXTERNAL] Fwd: Post-Hearing Questions for the Record/ ATTORNEY CLIENT PRIVILEGED COMMUNICATION
Attachments: Sen. Carper - QFRs for Barger - 09-09-2020.docx; Non-responsive record Sen. Peters - QFRs for Barger - 09-09-2020.docx; Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

(b) (6)/Tom,

You know that I had my FRTIB hearing on Wednesday.
(b) (5)

(b) (6)/Keith, (b) (5)

Thanks,

John

Begin forwarded message:

AMERICAN OVERSIGHT

From: (b) (6)
Subject: Fwd: Post-Hearing Questions for the Record
Date: September 11, 2020 at 4:26:03 AM PDT
To: Barger/NorthernCrossPartners (b) (6), (b) (6)
>, "(b) (6)
Cc: (b) (6)>, (b) (6)

AMERICAN OVERSIGHT

Senator Thomas R. Carper
Post-Hearing Questions for the Record
Submitted to The Honorable John M. Barger

Nominations of John Gibbs to be Director of the Office of Personnel Management, and The Honorable John M. Barger, The Honorable Christopher B. Burnham, and Frank Dunlevy to be Members of the Federal Retirement Thrift Investment Board
Wednesday, September 9, 2020

1. Postal Service Policy Changes

The Postmaster General implemented what appears to be a nationwide change in service in recent weeks that has held mail trucks to a strict schedule and resulted in significant mail delays in at least parts of the country.

a. What role did you and other members of the Board of Governors play in evaluating this policy on truck schedules and the impact it would have on service performance?

b. Given where we are today, are you satisfied with the Postmaster General's implementation of these policy changes? Do you believe that the Postmaster General fully understood the impact they would have on mail service?

2. Mail processing equipment and mail collection boxes

The Postmaster General has indicated that press reports in recent weeks of mail processing equipment and mail collection boxes being removed are not evidence of a new initiative to reduce service standards. Instead, he claims that reporters are just now noticing longstanding initiatives aimed at eliminating unnecessary processing and collection capacity.

a. Is this also your assessment of what's happened in recent weeks?

b. Were you aware of efforts to remove mail processing equipment before the Postmaster General was hired?

c. Do you agree with the Postmaster General that none of the machines or boxes removed to date need to be restored to allow the Postal Service to meet its service commitments?

3. Communications with Congress

Until he testified before Congress, the Postmaster General barely had any contact with Congress at all. This lack of contact occurred even as he was considering and implementing major service and operational changes that he had to know would have a substantial nationwide impact on service. Furthermore, he had no contact at all with the Postal Regulatory Commission.

AMERICAN OVERSIGHT

a. Do you agree with the Postmaster General's approach to congressional relations to date? How can he and the Board do better?

b. Do you agree with the Postmaster General's decision not to consult with or even talk to the PRC before implementing his policies?

4. Bipartisan Election Mail Committee

The Board of Governors recently announced the establishment of a bipartisan Election Mail Committee that will actively oversee the Postal Service's support of the mail-in voting process. It is my understanding that you serve on this newly created Committee.

As of now, what definitive actions has this Committee taken to reaffirm the Postmaster General's and the Board of Governor's commitments to fully support the American public's reliance on the Postal Service to vote by mail in the upcoming election?

5. Thrift Savings Plan Incentives For Separated Employees

Several years ago I was proud to partner with Senator Portman on legislation to modernize the Thrift Savings Plan. The Thrift Savings Plan Modernization Act, which is now law, modernized the TSP's outdated withdrawal rules by providing federal employees with additional options to manage their retirement savings upon separating from federal service. One of the goals of this legislation was to incentivize federal employees to retain money in the TSP upon separation from federal service by giving participants additional options to manage their investment.

If confirmed, what actions will you take to ensure that the TSP remains a competitive investment option for federal employees who have separated from federal service?

AMERICAN OVERSIGHT

Ranking Member Gary C. Peters
Post-Hearing Questions for the Record
Submitted to The Honorable John M. Barger

Nominations of John Gibbs to be Director of the Office of Personnel Management, and The Honorable John M. Barger, The Honorable Christopher B. Burnham, and Frank Dunlevy to be Members of the Federal Retirement Thrift Investment Board
Wednesday, September 9, 2020

1. Do you consider Thrift Savings Plan funds to be "federal dollars"?

2. In your opinion, should the Federal Retirement Thrift Investment Board go further than the Department of Treasury Office of Foreign Assets Control (OFAC) in deciding which countries are safe for Americans to invest in?

3. Within a given index fund, each country is given a different weight, which represents the exposure that the fund has to that country's markets.

    a. How do you consider the risk of investing in a certain country in relation to its relative weight in a given index fund?

    b. At what weight does the exposure to a country pose significant risk to the overall stability of the index fund?

4. Currently, the TSP's I Fund index is composed of equities from "Europe, Australasia, and the Far East." The U.S. Code requires the Board to select an "index which is a commonly recognized index comprised of stock the aggregate market value of which is a reasonably complete representation of the international equity markets excluding the United States equity markets." 5 U.S.C. 8438(b)(4)(A).

    a. Do you think the current I Fund index adequately represents a reasonably complete representation of the international equity markets?

5. In your pre-hearing questionnaire, you described your leadership role on the Postal Service Board of Governors in the selection process for a new Postmaster General. Allegations recently came to light that Postmaster General DeJoy may have pushed his employees to make campaign contributions and reimbursed them for those campaign contributions, which is a violation of federal and state election laws.

    a. What does the Board intend to do about these allegations?

    b. Why did this not come up in your review of his candidacy?

    c. What background checks did the Board conduct on Mr. DeJoy and did these background checks raise any flags about these allegations or other concerns?

AMERICAN OVERSIGHT

6. In your staff interview, you stated that no one on the Board knew Mr. DeJoy prior to his being recommended to the Board.

    a. How did Mr. DeJoy's interest become known to Mr. Duncan, the Chairman of the Board, who recommended Mr. DeJoy for consideration?

    b. Who brought Mr. DeJoy's name to Mr. Duncan's attention?

7. You stated in your staff interview that Mr. DeJoy brought the Board a list of potential future changes at the Postal Service, including changing service standards, reducing nonprofit discounts, increasing prices on competitive products, and eliminating Alaska bypass mail.

    a. When did Mr. DeJoy present these options to the Board? Please describe that discussion and provide any accompanying documentation.

    b. What is your opinion of these changes?

8. Former Postal Service Governor David Williams stated that the Board rejected the initial terms that Treasury offered on the $10 billion CARES Act loan, because they infringed on the Governors' authorities. He stated that those terms included giving Treasury unprecedented approval authority over price changes, labor agreements, and Negotiated Service Agreements.

    a. Did the Board oppose the terms initially offered by Secretary Mnuchin because they sought control over Postal Service operations and infringed on the Governors' authorities?

    b. Did you personally oppose the terms initially offered by Secretary Mnuchin because they sought control over Postal Service operations and infringed on the Governors' authorities?

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    a. When did Mr. DeJoy present these options to the Board? Please describe that discussion and provide any accompanying documentation.

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AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Friday, September 11, 2020 10:01 AM
To: (b) (6); Marshall, Thomas J - Washington, DC; Weidner, Keith E - Washington, DC
Subject: [EXTERNAL] Fwd: QFRs for Barger Complete
Attachments: QFRs for Barger Complete.docx; Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

FYI

Begin forwarded message:

From: (b) (6)
Subject: QFRs for Barger Complete
Date: September 11, 2020 at 6:04:43 AM PDT
To: Barger/NorthernCrossPartners (b) (6)

John,

I've put all the questions in one document, if that's easier for you to handle.

Kim

AMERICAN OVERSIGHT

Ranking Member Gary C. Peters
Post-Hearing Questions for the Record
Submitted to The Honorable John M. Barger

Nominations of John Gibbs to be Director of the Office of Personnel Management, and The Honorable John M. Barger, The Honorable Christopher B. Burnham, and Frank Dunlevy to be Members of the Federal Retirement Thrift Investment Board
Wednesday, September 9, 2020

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

Senator Thomas R. Carper
Post-Hearing Questions for the Record
Submitted to The Honorable John M. Barger

Nominations of John Gibbs to be Director of the Office of Personnel Management, and The Honorable John M. Barger, The Honorable Christopher B. Burnham, and Frank Dunlevy to be Members of the Federal Retirement Thrift Investment Board
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AMERICAN OVERSIGHT

a. Do you agree with the Postmaster General's approach to congressional relations to date? How can he and the Board do better?

b. Do you agree with the Postmaster General's decision not to consult with or even talk to the PRC before implementing his policies?

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If confirmed, what actions will you take to ensure that the TSP remains a competitive investment option for federal employees who have separated from federal service?

AMERICAN OVERSIGHT

Senator Josh Hawley
Post-Hearing Questions for the Record
Submitted to The Honorable John M. Barger

Nominations of John Gibbs to be Director, Office of Personnel Management; and the Honorable John M. Barger, The Honorable Christopher B. Burnham, and Frank Dunlevy to be Members, Federal Retirement Thrift Investment Board
Wednesday, September 9, 2020

1. Members of the Federal Retirement Thrift Investment Board (FRTIB) have a statutory fiduciary responsibility to participants and beneficiaries in the Thrift Savings Plan (TSP). How do you personally interpret the statute and the fiduciary responsibility outlined therein?

2. The law requires that FRTIB develop investment policies that provide for "prudent investments suitable for accumulating funds for payment of retirement income." As a fiduciary, do you think it would be *prudent* to provide for investments in jurisdictions that have documented accounting irregularities or do not permit auditing by the Public Company Accounting Oversight Board?

3. If confirmed, will you work to minimize the exposure of investment funds in the Thrift Savings Plan to Chinese companies that represent substantial investment, political, or national security risks?

AMERICAN OVERSIGHT

Senator Jacky Rosen
Post-Hearing Questions for the Record
Submitted to The Honorable John M. Barger

Nominations of John Gibbs to be Director of the Office of Personnel Management, and The Honorable John M. Barger, The Honorable Christopher B. Burnham, and Frank Dunlevy to be Members of the Federal Retirement Thrift Investment Board
Wednesday, September 9, 2020

Questions for the Honorable John M. Barger, Nominee to be Member, Federal Retirement Thrift Investment Board (FRTIB)

1. Mr. Barger, at your nomination hearing, I asked you to provide this Committee with any transcripts or minutes of all closed, non-public Board of Governors meetings from this year so that the American people can better understand the rationale behind the operational changes Postmaster General Louis DeJoy implemented that have adversely impacted mail delivery, hurting seniors, veterans, rural communities, and numerous others. You told me that the Board of Governors and its general counsel must decide whether or not to comply with my request for transcripts or minutes, and you also promised to bring my request to the Board of Governors and its general counsel. Last month, I made the same request of the Postmaster General during an oversight hearing and later in writing, twice, and I have yet to receive any documents or information.

    a. Since your confirmation hearing, did you speak with the Board of Governors and its general counsel regarding releasing the transcripts or minutes of all closed, non-public Board of Governors meeting that I requested? If so, what was the outcome of that discussion, and will you provide the Committee with any transcripts or minutes of all closed, non-public Board of Governors meetings for our review? If not, when can I expect a response regarding my request? Can you commit to providing such documents to the Committee before September 16th?

AMERICAN OVERSIGHT

Senator Kyrsten Sinema
Post-Hearing Questions for the Record
Submitted to The Honorable John M. Barger

Nominations of John Gibbs to be Director of the Office of Personnel Management, and The Honorable John M. Barger, The Honorable Christopher B. Burnham, and Frank Dunlevy to be Members of the Federal Retirement Thrift Investment Board
Wednesday, September 9, 2020

Questions for The Honorable John Barger

1. During the hearing, you commented that the U.S. Postal Service Board of Governors was thrilled to attract someone of Louis DeJoy's caliber and that the board, including yourself, is extremely pleased with the impact he is having at USPS and that he is an excellent leader.

   As you know, allegations have recently surfaced that, while at New Breed Logistics, Mr. DeJoy pushed his employees to make campaign contributions and then reimbursed them for those contributions with bonuses from the company. Such activity would violate campaign finance law.
   a) What steps is the Postal Board of Governors taking to address these serious allegations?
   b) During the hearing you described the involved hiring process the Board utilized to select Mr. DeJoy as the next Postmaster General. Did that process uncover any information related to these alleged campaign finance violations?
   c) Given the seriousness of these allegations, do you believe that the Postmaster General should step aside or take a leave of absence while investigations into this situation occur?
   d) Did you take the allegations against Mr. DeJoy into account when discussing his qualities as a successful leader or his patriotism at the hearing?

2. The ability to be a balanced leader and exercise sound judgement are key qualities that our nation needs in all of its public servants.
   a) Given the serious allegations levelled against Mr. DeJoy, do you believe the answer you gave to the committee giving Mr. DeJoy the highest praise without acknowledging the controversies he is currently embroiled in demonstrates this idea of balanced leadership and sound judgement?
   b) If confirmed to the Federal Retirement Thrift Investment Board, what steps will you take to ensure you use sound judgement in fulfilling your duties?
3. In your opinion, what is the process that should be used to determine to what extent or whether the Federal retirement and savings plans managed by the Federal Retirement Thrift Investment Board (FRTIB) should limit fund investment in Chinese companies? As part of your answer, please provide information on what role FRTIB should play; what role should Congress play; what role the Administration should play; and what other entities should play a role and what that role should be.

AMERICAN OVERSIGHT

4. To what degree should the FRTIB advise Congress on investment in foreign companies, including Chinese companies, to help inform legislation that could impact the ability of the FRTIB to invest funds in Chinese companies?

5. During the hearing, each nominee for the FRTIB emphasized that, if confirmed, they would uphold their fiduciary responsibility to the federal employees investing in the Thrift Savings Plan and that said fiduciary responsibility includes weighing the risk of the investment with the potential return. Each nominee also stated that there is higher risk investing in companies that do not adhere to accepted accounting practices. Does Congress and/or the Administration need to take action to dictate investment decisions left to the Board, or is the Board's commitment to fiduciary responsibility sufficient to guide those decisions on issues such as weighing the risk of investing in funds that include foreign companies?

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Friday, September 11, 2020 1:48 PM
To: Marshall, Thomas J - Washington, DC
Subject: [EXTERNAL] RE: Correspondence from Amy Cohen – Executive Director National Association of State Election Directors

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Thanks, Tom.
Could you send me a copy of the post card?
Roman

From: Marshall, Thomas J - Washington, DC
Sent: Friday, September 11, 2020 1:45 PM
To: Mike Duncan (b) (6) >; Barger/NorthernCrossPartners (b) (6) >; Bloom, Ron (b) (6) >; Roman Martinez IV (b) (6) ; Lee Moak (b) (6) ;(b) (6)
Subject: FW: Correspondence from Amy Cohen – Executive Director National Association of State Election Directors

Governors,

I just wanted to alert you to the attached correspondence that was sent today to Dan Bentley from Amy Cohen, the Executive Director of the National Association of State Election Directors. The organization is concerned regarding the Election Mail postcard we sent out, since it is generic, and does not reflect the laws of each individual state. I note that our checklist does include the suggestion to consult their local election board, since rules vary by state, but nevertheless it seems that some are not totally supportive of our approach.

-Tom

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Friday, September 11, 2020 2:25 PM
To: Marshall, Thomas J - Washington, DC; Bloom, Ron; Mike Duncan; Barger/NorthernCrossPartners; Lee Moak; (b) (6)
Cc: DeJoy, Louis - Washington, DC; (b) (6)
Subject: RE: Correspondence from Amy Cohen – Executive Director National Association of State Election Directors

Second bullet seems pretty clear….

From: Marshall, Thomas J - Washington, DC
Sent: Friday, September 11, 2020 2:17 PM
To: Bloom, Ron (b) (6) ; Mike Duncan (b) (6) Barger/NorthernCrossPartners (b) (6) ; Roman Martinez IV (b) (6) >; Lee Moak (b) (6) >; (b) (6)
Cc: DeJoy, Louis - Washington, DC (b) (6) ; Peter Carson (b) (6)
Subject: RE: Correspondence from Amy Cohen – Executive Director National Association of State Election Directors

Governors,

The mailer is attached, and it is already out. (b) (5)

-Tom

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

From: Bloom, Ron (b) (6)
Sent: Friday, September 11, 2020 2:11 PM
To: Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) ; Mike Duncan (b) (6) ; Barger/NorthernCrossPartners (b) (6) ; Roman Martinez IV (b) (6) ; Lee Moak (b) (6) ;(b) (6)
Subject: [EXTERNAL] RE: Correspondence from Amy Cohen – Executive Director National Association of State Election Directors

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

(b) (5)

AMERICAN OVERSIGHT

(b) (5)

Ron Bloom
Managing Partner | Vice Chairman
Private Equity

Brookfield Asset Management
Brookfield Place New York
(b) (6)
www.brookfield.com

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Duplicate record

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Friday, September 11, 2020 2:35 PM
To: Bloom, Ron; Marshall, Thomas J - Washington, DC; Mike Duncan; Barger/NorthernCrossPartners; Lee Moak; (b) (6)
Cc: DeJoy, Louis - Washington, DC; (b) (6)
Subject: RE: Correspondence from Amy Cohen – Executive Director National Association of State Election Directors

You are right...but the link in the 2nd bullet leads the reader to each state...

From: Bloom, Ron
Sent: Friday, September 11, 2020 2:33 PM
To: Roman Martinez IV (b) (6); Marshall, Thomas J - Washington, DC (b) (6); Mike Duncan (b) (6); Barger/NorthernCrossPartners (b) (6); Lee Moak (b) (6)
Cc: DeJoy, Louis - Washington, DC (b) (6), (b)(3) & 410 (c)(2) (b) (6)
Subject: RE: Correspondence from Amy Cohen – Executive Director National Association of State Election Directors

Issue is the 3rd bullet

Ron Bloom
Managing Partner | Vice Chairman
Private Equity

Brookfield Asset Management
Brookfield Place New York
(b) (6)

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---

Duplicate record

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Lee Moak (b) (6)
Sent: Saturday, September 12, 2020 12:45 PM
To: Bloom, Ron
Cc: Marshall, Thomas J - Washington, DC; Roman Martinez IV; Mike Duncan; Barger/NorthernCrossPartners; (b) (6) ;(b) (6)
Subject: Re: [EXTERNAL] RE: Postal Mailer - Election Ballots
Attachments: image001.png

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

All,

(b) (5) I have taken the time to follow the mailer and log into the **usps** website as directed. I then logged into the State of Colorado as if I was a resident voting there. I looked everywhere on the Colorado State website and could not fine their concern, or find anything different than what we stated. I may have missed it or it may be printed on their ballot instructions-

(b) (5)

Lee

Duplicate record

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Lee Moak (b) (6)
Sent: Saturday, September 12, 2020 12:48 PM
To: Bloom, Ron
Cc: Marshall, Thomas J - Washington, DC; Roman Martinez IV; Mike Duncan; Barger/NorthernCrossPartners; (b) (6) ; (b) (6)
Subject: Re: [EXTERNAL] RE: Postal Mailer - Election Ballots
Attachments: image001.png

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

All,

From the Colorado FAQ's:

Lee

Q8. How do I make sure my mail ballot will be counted?

A8. Every valid mail ballot is counted. To be sure your ballot is valid, follow the instructions on the mail ballot envelope. This includes making sure your ballot is signed when it is returned.

For your ballot to count, your county clerk must receive your ballot no later than **7:00 PM on Election Day**. If you are unsure whether your ballot will arrive through the mail on time, drop it off in-person at either a drop-box or a drop-off location. There are drop-box and drop-off sites located throughout your county. Drop box locations are open 24 hours per day. If you have trouble finding a drop-box or drop-off location, contact your county clerk and recorder.

If you are registering to vote for the first time, you may need to provide a copy of your ID with your mail ballot. These instructions will be provided by your county clerk with your mail ballot.

Duplicate record

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Saturday, September 12, 2020 12:15 PM
To: Marshall, Thomas J - Washington, DC; Mike Duncan; Barger/NorthernCrossPartners; Bloom, Ron; Lee Moak; (b) (6)
Cc: (b) (6)
Subject: RE: [EXTERNAL] RE: Postal Mailer - Election Ballots

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Tom,
(b) (5)

Best,
Roman

From: Marshall, Thomas J - Washington, DC
Sent: Saturday, September 12, 2020 12:08 PM
To: Mike Duncan (b) (6); Barger/NorthernCrossPartners (b) (6); Bloom, Ron (b) (6); Roman Martinez IV (b) (6); Lee Moak (b) (6); (b) (6)
Cc: (b) (6)
Subject: FW: [EXTERNAL] RE: Postal Mailer - Election Ballots
Importance: High

ATTORNEY-CLIENT COMMUNICATION
PRIVILEGED AND CONFIDENTIAL

Governors,

(b) (5)

From: Belt, David C - Washington, DC
Sent: Saturday, September 12, 2020 9:06 AM
To: Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2)

AMERICAN OVERSIGHT

Cc: Monteith, Steven W - Washington, DC (b) (6), (b)(3) & 410 (c)(2) ; Karpenko, Christopher J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) ; Calamoneri, Kevin A - Washington, DC (b) (6), (b)(3) & 410 (c)(2) Brownlie, Caroline R - Washington, DC (b) (6), (b)(3) & 410 (c)(2) ; Healy, Abigail K - Washington, DC (b) (6), (b)(3) & 410 (c)(2)

Subject: Re: [EXTERNAL] RE: Postal Mailer - Election Ballots

(b) (5)

AMERICAN OVERSIGHT

(b) (5)

- Dave

On Sep 12, 2020, at 6:59 AM, Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

(b) (5)

Sent from my iPhone

On Sep 12, 2020, at 6:44 AM, Marshall, Thomas J - Washington, DC
(b) (6), (b)(3) & 410 (c)(2) wrote:

FYI. (b) (5)

Sent from my iPhone

Begin forwarded message:

From: (b) (6)
Date: September 12, 2020 at 1:41:16 AM EDT
To: "Calamoneri, Kevin A - Washington, DC"
(b) (6), (b)(3) & 410 (c)(2) , "Schmidt, Samuel J - Salt Lake City, UT"

AMERICAN OVERSIGHT

(b) (6), (b)(3) & 410 (c)(2), "Ellis, David B - Washington, DC"
(b) (6), (b)(3) & 410 (c)(2), "Marshall, Thomas J - Washington, DC"
(b) (6), (b)(3) & 410 (c)(2), "Brownlie, Caroline R - Washington, DC" (b) (6), (b)(3) & 410 (c)(2), "Boardman, Stephan J - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Cc: "(b) (6)
Subject: [EXTERNAL] RE: Postal Mailer - Election Ballots

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

All,

For anyone who hasn't seen it, a sample of the postcard (courtesy of David Ellis's mailbox) is attached.
<IMG_0010.jpg>
(b) (5)

AMERICAN OVERSIGHT

(b) (5)

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

I look forward to talking to some of you tomorrow. Thanks in advance for your help!

(b) (6)

(b) (6)
Chief, Civil Division
United States Attorney's Office | District of Colorado

AMERICAN OVERSIGHT

1801 California Street, Suite 1600
Denver, CO 80202
Phone: (b) (6)
Email: (b) (6)

-----Original Message-----
From: Calamoneri, Kevin A - Washington, DC
(b) (6), (b)(3) & 410 (c)(2)
Sent: Friday, September 11, 2020 9:25 PM
To: (b) (6)
Cc: Schmidt, Samuel J - Salt Lake City, UT (b) (6), (b)(3) & 410 (c)(2);
Ellis, David B - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Marshall,
Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) ; Brownlie,
Caroline R - Washington, DC (b) (6), (b)(3) & 410 (c)(2) ;
Boardman, Stephan J - Washington, DC
(b) (6), (b)(3) & 410 (c)(2)
Subject: RE: Postal Mailer - Election Ballots
Importance: High

(b) (6) - (b) (5)

Thanks for talking to me this evening and we will be in touch tomorrow. And thanks again for all of your efforts on behalf of the Postal Service. k

Kevin A. Calamoneri
Deputy General Counsel, Field Operations UNITED STATES POSTAL SERVICE
475 L'Enfant Plaza SW
Washington, DC 20260-1135
Office Phone: (202) 268-3876
Cell: (b) (6)
(b) (6), (b)(3) & 410 (c)(2)

-----Original Message-----
From: Ellis, David B - Washington, DC
Sent: Friday, September 11, 2020 9:59 PM
To: (b) (6)
Cc: Schmidt, Samuel J - Salt Lake City, UT (b) (6), (b)(3) & 410 (c)(2)
Calamoneri, Kevin A - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: Postal Mailer - Election Ballots

(b) (6)

AMERICAN OVERSIGHT

As requested.

<IMG_0010.jpg>

<IMG_0010.jpg>
<IMG_0010.jpg>

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: (b) (6)
Sent: Saturday, September 12, 2020 1:10 PM
To: Lee Moak
Cc: Bloom, Ron; Marshall, Thomas J - Washington, DC; Roman Martinez IV; Mike Duncan; Barger/NorthernCrossPartners; (b) (6)
Subject: Re: [EXTERNAL] RE: Postal Mailer - Election Ballots

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

(b) (5)

Bill

Sent from my iPad

On Sep 12, 2020, at 11:44 AM, Lee Moak (b) (6) wrote:

All,

(b) (5)

Lee

From: Ron Bloom (b) (6)
Date: Saturday, September 12, 2020 at 12:32 PM
To: Lee Moak (b) (6)
Cc: "Marshall, Thomas J - Washington, DC" (b) (6), (b)(3) & 410 (c)(2) Roman Martinez IV (b) (6), Mike Duncan (b) (6), Barger/NorthernCrossPartners (b) (6) "zollarswilliam@gmail.com" (b) (6), "(b) (6)
Subject: Re: [EXTERNAL] RE: Postal Mailer - Election Ballots

AMERICAN OVERSIGHT

(b) (5)

Sent from my iPhone

Ron Bloom
Managing Partner | Vice Chairman
Private Equity

Brookfield Asset Management
Brookfield Place New York
(b) (6)
www.brookfield.com

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On Sep 12, 2020, at 12:30 PM, Lee Moak (b) (6) wrote:

[External Email]

I have received in the Keys

From: "Marshall, Thomas J - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Date: Saturday, September 12, 2020 at 12:23 PM
To: Ron Bloom (b) (6), Roman Martinez IV (b) (6)
Cc: Mike Duncan (b) (6) Barger/NorthernCrossPartners (b) (6), Lee Moak (b) (6) (b) (6) (b) (6), (b) (6)
Subject: RE: [EXTERNAL] RE: Postal Mailer - Election Ballots

Yes. The mailing is not complete everywhere, but it is extremely far along.

From: Bloom, Ron (b) (6)
Sent: Saturday, September 12, 2020 12:21 PM
To: Roman Martinez IV (b) (6)
Cc: Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) Mike Duncan (b) (6); Barger/NorthernCrossPartners (b) (6); Lee Moak (b) (6) (b) (6) (b) (6)
Subject: Re: [EXTERNAL] RE: Postal Mailer - Election Ballots

AMERICAN OVERSIGHT

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Has it been mailed?

Sent from my iPhone

Ron Bloom
Managing Partner | Vice Chairman
Private Equity

Brookfield Asset Management
Brookfield Place New York
(b) (6)
www.brookfield.com

<image001.png>

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Duplicate record

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Saturday, September 12, 2020 1:15 PM
To: (b) (6); Lee Moak
Cc: Bloom, Ron; Marshall, Thomas J - Washington, DC; Mike Duncan; Barger/NorthernCrossPartners; (b) (6)
Subject: RE: [EXTERNAL] RE: Postal Mailer - Election Ballots

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Agree as well.
Roman

From: (b) (6)
Sent: Saturday, September 12, 2020 1:10 PM
To: Lee Moak (b) (6)
Cc: Bloom, Ron (b) (6) >; Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) Roman Martinez IV (b) (6) >; Mike Duncan (b) (6) ; Barger/NorthernCrossPartners (b) (6) ; (b) (6)
Subject: Re: [EXTERNAL] RE: Postal Mailer - Election Ballots

Agree with Lee.

Bill

Sent from my iPad

Duplicate record

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Saturday, September 12, 2020 5:11 PM
To: (b) (6) ; Lee Moak; (b) (6), (b)(3) & 410 (c)(2) (b) (6)
Cc: (b) (6) DeJoy, Louis - Washington, DC; Elston, Michael J - Washington, DC; Sigler, Katherine - Washington, DC
Subject: [EXTERNAL] NY Virtual Town Hall on Voting

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

John & Lee,

(b) (5)

All,

(b) (5)

Let me know.

Roman

<unnamed.jpg>

(b) (5)

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Sunday, September 13, 2020 7:29 AM
To: Marshall, Thomas J - Washington, DC
Cc: Mike Duncan; Bloom, Ron; Barger/NorthernCrossPartners; Lee Moak; (b) (6) DeJoy, Louis - Washington, DC; Elston, Michael J - Washington, DC; Calamoneri, Kevin A - Washington, DC; (b) (6)
Subject: Re: [EXTERNAL] RE: Postal Mailer - Election Ballots

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Tom,
Thank you for the timely update.
(b) (5)

Roman

Sent from my iPhone

On Sep 13, 2020, at 12:23 AM, Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

Governors,

(b) (5)

AMERICAN OVERSIGHT

(b) (5)

Please let me know if you have questions, and I will keep you posted as this case develops. Best regards,

-Tom

From: Marshall, Thomas J - Washington, DC
Sent: Saturday, September 12, 2020 5:18 PM
To: Roman Martinez IV (b) (6) ; (b) (6) ; Lee Moak (b) (6)
Cc: Bloom, Ron (b) (6) ; Mike Duncan (b) (6) ; Barger/NorthernCrossPartners (b) (6) >; (b) (6) DeJoy, Louis - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Elston, Michael J - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: RE: [EXTERNAL] RE: Postal Mailer - Election Ballots

Governors,

The following link is to a Colorado public radio story where I think we did a reasonable job of getting out our side of the story:

https://www.cpr.org/2020/09/12/colorado-secretary-of-state-sues-the-u-s-postal-service-over-election-mailer/

Governor Moak likewise did a nice job in connection with a story in the New York Times:

https://www.nytimes.com/2020/09/12/us/politics/colorado-postal-service-lawsuit-election-mailer.html

-Tom

AMERICAN OVERSIGHT

From: Marshall, Thomas J - Washington, DC
Sent: Saturday, September 12, 2020 4:22 PM
To: Roman Martinez IV (b) (6) ; (b) (6) ; Lee Moak (b) (6)
Cc: Bloom, Ron (b) (6) >; Mike Duncan (b) (6) >; Barger/NorthernCrossPartners (b) (6) ; (b) (6) ; DeJoy, Louis - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Elston, Michael J - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: RE: [EXTERNAL] RE: Postal Mailer - Election Ballots

Governors, fyi concerning our final media statements, (b) (5)

Duplicate record

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Sunday, September 13, 2020 9:09 AM
To: Marshall, Thomas J - Washington, DC
Cc: Mike Duncan; Bloom, Ron; Barger/NorthernCrossPartners; Lee Moak; (b) (6); DeJoy, Louis - Washington, DC; Elston, Michael J - Washington, DC; Calamoneri, Kevin A - Washington, DC; (b) (6)
Subject: Re: [EXTERNAL] RE: Postal Mailer - Election Ballots

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Thank you, Tom. (b) (5)

Sent from my iPhone

On Sep 13, 2020, at 7:59 AM, Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

Governor Martinez,

(b) (5)

-Tom

From: Marshall, Thomas J - Washington, DC
Sent: Sunday, September 13, 2020 7:39 AM
To: Roman Martinez IV (b) (6)
Cc: Mike Duncan (b) (6); Bloom, Ron (b) (6) >;

AMERICAN OVERSIGHT

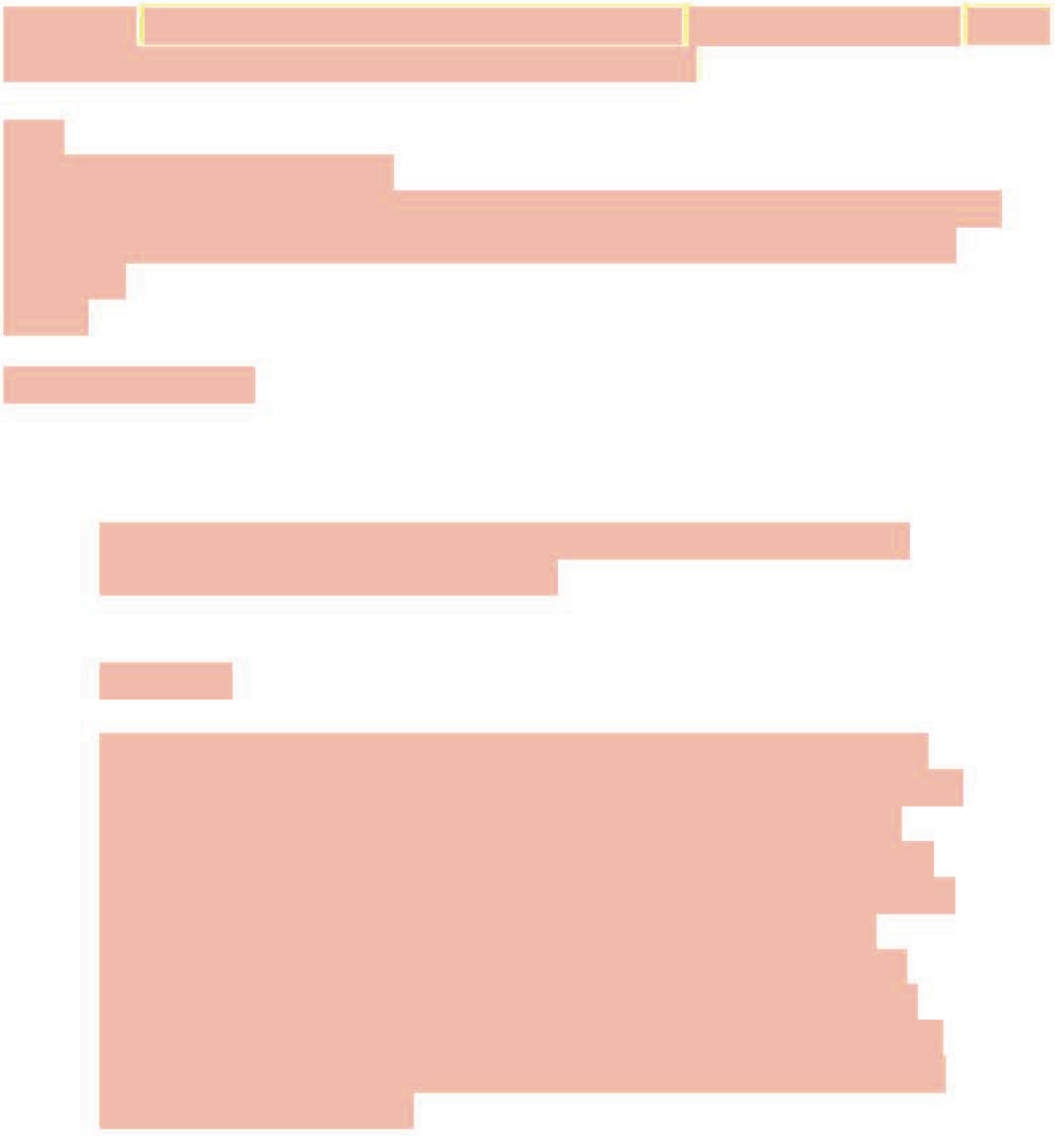
Barger/NorthernCrossPartners (b) (6) >; Lee Moak (b) (6)
(b) (6) ; DeJoy, Louis - Washington, DC (b) (6), (b)(3) & 410 (c)(2); Elston, Michael J -
Washington, DC (b) (6), (b)(3) & 410 (c)(2); Calamoneri, Kevin A - Washington, DC
(b) (6), (b)(3) & 410 (c)(2) ; (b) (6)
Subject: Re: [EXTERNAL] RE: Postal Mailer - Election Ballots

(b) (5)

-Tom

Sent from my iPhone

Duplicate record



AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: John Barger (b) (6)
Sent: Sunday, September 13, 2020 9:11 AM
To: (b) (6)
Cc: Roman Martinez IV; Marshall, Thomas J - Washington, DC; Mike Duncan; Bloom, Ron; Lee Moak; (b) (6); DeJoy, Louis - Washington, DC; Elston, Michael J - Washington, DC; Calamoneri, Kevin A - Washington, DC; (b) (6)
Subject: [EXTERNAL] Re: Postal Mailer - Election Ballots

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Folks.
(b) (5)

John

John M. Barger
Managing Director
www.northerncrosspartners.com

Please excuse typos, courtesy of iPhone keyboard, oversized thumbs, aggressive Apple algorithms

> On Sep 13, 2020, at 5:58 AM, (b) (6) wrote:
>
> (b) (5)
>
> (b) (6)
>
> (b) (6)

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6) >
Sent: Sunday, September 13, 2020 9:13 AM
To: Marshall, Thomas J - Washington, DC
Subject: Re: [EXTERNAL] RE: Postal Mailer - Election Ballots

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Tom,
(b) (5)

Very much appreciate all you are doing.
Roman

Sent from my iPhone

Duplicate record

From: Marshall, Thomas J - Washington, DC
Sent: Sunday, September 13, 2020 7:39 AM
To: Roman Martinez IV (b) (6)
Cc: Mike Duncan (b) (6) Bloom, Ron (b) (6)

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Sunday, September 13, 2020 10:26 AM
To: Marshall, Thomas J - Washington, DC
Subject: Re: [EXTERNAL] RE: Postal Mailer - Election Ballots

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Tom,
(b) (5)

Roman

Sent from my iPhone

On Sep 13, 2020, at 10:14 AM, Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

(b) (5)

Duplicate record

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Sunday, September 13, 2020 11:27 AM
To: Marshall, Thomas J - Washington, DC
Subject: Re: [EXTERNAL] RE: Postal Mailer - Election Ballots

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. STOP and CONSIDER before responding, clicking on links, or opening attachments.

Thanks, Tom. (b) (5)

Sent from my iPhone

> On Sep 13, 2020, at 11:00 AM, Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:
>
> (b) (5)
>
> Sent from my iPhone
>

Duplicate record



AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Monday, September 14, 2020 12:51 AM
To: (b) (6); Weidner, Keith E - Washington, DC
Cc: Marshall, Thomas J - Washington, DC; R.J. Winans
Subject: [EXTERNAL] (b) (5)
(ATTORNEY CLIENT PRIVILEGED COMMUNICATION AND MATERIALS)
Attachments: ; Non-responsive record
;
Peters - QFRs for Barger - 09-09-2020.docx; Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

(b) (6) Keith,

(b) (5)

Look forward to speaking with you guys.

best,

John

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Monday, September 14, 2020 10:07 AM
To: Marshall, Thomas J - Washington, DC
Cc: Mike Duncan; Bloom, Ron; Barger/NorthernCrossPartners; Lee Moak; (b) (6); DeJoy, Louis - Washington, DC; Elston, Michael J - Washington, DC; Calamoneri, Kevin A - Washington, DC; (b) (6)
Subject: Re: [EXTERNAL] RE: Postal Mailer - Election Ballots

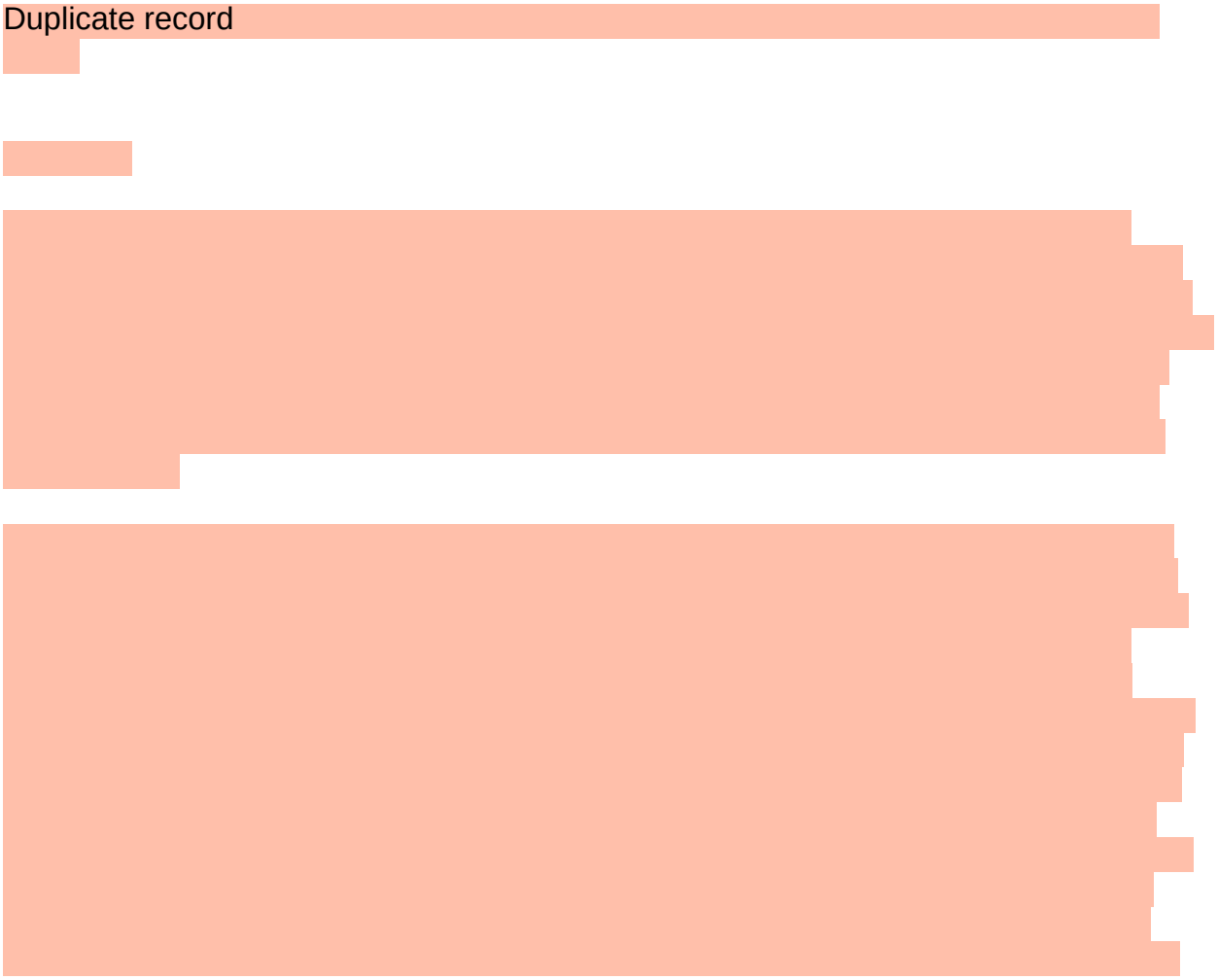
Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Just saw the name of the judge. To be clear, not a relative.
Roman

Sent from my iPhone

Duplicate record



AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Lee Moak (b) (6)
Sent: Monday, September 14, 2020 9:52 AM
To: Smith, Kevin R - Washington, DC; Sigler, Katherine - Washington, DC
Cc: Adams, Jeffery A - Washington, DC; (b) (6), (b)(3) & 410 (c)(2) Ron Bloom; Barger/NorthernCrossPartners; Marshall, Thomas J - Washington, DC; DeJoy, Louis - Washington, DC; (b) (6) Partenheimer, David A - Washington, DC; (b) (6)
Subject: [EXTERNAL] Meeting of Election Mail Committee

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Kevin and Katherine,

The Election Mail Committee will conduct a meeting on Wednesday September 16, 2020 at 3:30 pm. Could you please notice and provide zoom information.

(b) (5)

I believe we can conclude out business in one hour.

Justin if I missed someone to CC please forward.

Best,

Lee Moak

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Lee Moak (b) (6)
Sent: Tuesday, September 15, 2020 12:28 PM
To: (b) (6); (b) (6)
Cc: Jeffery Adams; Partenheimer, David A - Washington, DC; (b) (6)
Marshall, Thomas J - Washington, DC
Subject: [EXTERNAL] Re: (b) (6) /NYT questions

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(b) (6)

I am in meetings until 5pm. (b) (5)

Lee

From: (b) (6)
Date: Tuesday, September 15, 2020 at 12:19 PM
To: Lee Moak (b) (6) >, (b) (6)
Cc: Jeffery Adams (b) (6), (b)(3) & 410 (c)(2)>, "Partenheimer, David A - Washington, DC"
(b) (6), (b)(3) & 410 (c)(2) , (b) (6)
"Marshall, Thomas J - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Subject: FW: (b) (6) /NYT questions

Lee,

See below the (b) (6) inquiry on the mailer (b) (5)

AMERICAN OVERSIGHT

- (b) (5)

(b) (6)

From: Partenheimer, David A - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Sent: Tuesday, September 15, 2020 4:35 AM
To: (b) (6) (b) (6)
Adams, Jeffery A - Washington, DC (b) (6), (b)(3) & 410 (c)(2) (b) (6)
Cc: Johnson, Martha S - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] FW: [EXTERNAL] (b) (6) /NYT questions

This came in at midnight....NY Times has specific questions related to the mailing below. (b) (5) Deadline is 2pm today.
Thanks
Dave

From (b) (6)
Sent: Tuesday, September 15, 2020 12:00 AM

AMERICAN OVERSIGHT

To: Partenheimer, David A - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL](b) (6) l/NYT questions

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Hey Dave:
Sorry to keep bothering you, but we are writing a story about the working relationship between state and local election administrators and the USPS.
We intend to report the following:
1) During the Aug. 27 call between secretaries of state and USPS officials, Missouri Secretary of State Jay Ashcroft asked Postmaster General Louis DeJoy to share any nationwide mailer about voting with secretaries of state before sending it.
2) Postmaster General DeJoy responded that it would be helpful for states to be part of the review process on the nationwide mailer.
3) USPS did not share the postcard with any state or local election administrators before it was finalized and sent.
4) After the USPS started sending the postcards, but before they had begun arriving at most addresses, an official from the Colorado Secretary of State's office called USPS official Dan Bentley, and asked him not to send the postcards to Colorado addresses, arguing it could confuse voters about the state's mail-in voting procedures.
5) Bentley rejected the request but offered to fly to Denver to hold a news conference with Colorado elections officials, including Secretary of State Jena Griswold to address any confusion after the postcards arrived in mailboxes across the state.
Please let me know before 2 p.m. on Tuesday, Sept. 15, if you would like to provide any comment or context on any of the above, or on the relationship between the USPS and state elections administrators, generally.
Thank you in advance.
(b) (6)

--
(b) (6)
The New York Times
(b) (6)

This message contains information which may be confidential and privileged. Unless you are the intended recipient (or authorized to receive this message for the intended recipient), you may not use, copy, disseminate or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail, and delete the message. Thank you very much.

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Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Wednesday, September 16, 2020 10:23 AM
To: Lee Moak; (b) (6) ; (b) (6), (b)(3) & 410 (c)(2); (b) (6), (b)(3) & 410 (c)(2)
(b) (6), (b)(3) & 410 (c)(2); (b) (6), (b)(3) & 410 (c)(2)
Cc: John Barger; Roman Martinez; Ron Bloom; William Zollars
Subject: [EXTERNAL] Fwd: Washington Post story

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(b) (5)

Sent from my iPhone

Begin forwarded message:

From: (b) (6)
Date: September 16, 2020 at 9:30:48 AM EDT
To: "M. -Mike- Duncan Robert" (b) (6)
Subject: Washington Post story

Hello Mr. Chairman, This is (b) (6) from The Washington Post.

My colleagues and I are working on a story about the U.S. Postal Service and the many issues it was dealing with in late March and early April. We're preparing to report on the below topics that we learned about through an open records request and interviews with sources. We're very interested in including your perspective in this story, and we'd like to offer you the ability to comment on these topics either in an interview or in writing. My deadline for this story is today (Sept. 16) at 5 p.m.

- We understand you solicited work from and consultant Rick Hohlt. Why did you feel the Postal Service would benefit from Hohlt's services? What was the nature of his work? Was he paid for that work? If so, by whom, and at what cost?
- The documents show that USPS hired the firm Michael Best, and Stefan specifically, to guide its work on coronavirus-related issues and future stimulus programs. Why did USPS hire Stefan? Ethics watchdogs raise concerns because of his long-standing history aiding the Trump campaign and more recent work on voting issues. Did the USPS consult Stefan on ballot-related issues? Is he still retained by USPS?
- Sources tell us Reince Priebus, who also works at the firm, helped USPS make key contacts at Treasury and the WH on budget and stimulus issues. Any comment on Reince?
- The story takes a fresh look at plans on the part of the Trump administration to distribute millions of masks, five per household, to Americans, which was scrapped earlier in the pandemic. We have a copy of a draft press release from USPS, dated only in the month of April, which offers details about this mask plan as well as initial communities the government planned to target. What happened to this mask project?
- Other emails and documents include emails from USPS union officials, and mail carriers' spouses, detailing safety concerns into April, even as USPS issued announcements explaining their efforts to get PPE to workers. Do you have any comment on these emails?

AMERICAN OVERSIGHT

- A third portion of the story explores the USPS budget, and its efforts to obtain additional aid from Washington. There are a few specific items on which we'd like comment.
    - The documents indicate wrangling between USPS and Treasury over financing, particularly the conditions Treasury could impose on USPS. It appears at one point that USPS retained a law firm, Mayer Brown, to study the legality of Treasury assuming control over USPS operations. The firm concluded this would be illegal. Why did USPS perform this analysis?
    - One source indicates to us -- and documents confirm -- that Treasury ultimately backed down from its plan to seek control over USPS. What happened in those negotiations?

Thank you,

(b) (6)
The Washington Post
(b) (6)
C. (b) (6)
Twitter: (b) (6)
Read my stories **here**.

Selde, Jennifer L - Washington, DC

From: John Barger (b) (6)
Sent: Wednesday, September 16, 2020 10:54 AM
To: M. -Mike- Duncan Robert
Cc: Lee Moak; (b) (6), (b)(3) & 410 (c)(2) (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] Re: Washington Post story

Follow Up Flag: Follow up
Flag Status: Flagged

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(b) (5)

John M. Barger
Managing Director
www.northerncrosspartners.com

Please excuse typos, courtesy of iPhone keyboard, oversized thumbs, aggressive Apple algorithms

On Sep 16, 2020, at 7:22 AM, M. -Mike- Duncan Robert (b) (6) wrote:

(b) (5)

Sent from my iPhone

Begin forwarded message:

From: (b) (6)
Date: September 16, 2020 at 9:30:48 AM EDT
To: "M. -Mike- Duncan Robert" (b) (6)
Subject: Washington Post story

Hello Mr. Chairman, This is (b) (6) from The Washington Post.

My colleagues and I are working on a story about the U.S. Postal Service and the many issues it was dealing with in late March and early April. We're preparing to report on the below topics that we learned about through an open records request and interviews with sources. We're very interested in including your perspective in this story, and we'd like to offer you the ability to comment on these topics either in an interview or in writing. My deadline for this story is today (Sept. 16) at 5 p.m.

- We understand you solicited work from and consultant Rick Hohlt. Why did you feel the Postal Service would benefit from Hohlt's services? What was the nature of his work? Was he paid for that work? If so, by whom, and at what cost?

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- The documents show that USPS hired the firm Michael Best, and Stefan specifically, to guide its work on coronavirus-related issues and future stimulus programs. Why did USPS hire Stefan? Ethics watchdogs raise concerns because of his long-standing history aiding the Trump campaign and more recent work on voting issues. Did the USPS consult Stefan on ballot-related issues? Is he still retained by USPS?
- Sources tell us Reince Priebus, who also works at the firm, helped USPS make key contacts at Treasury and the WH on budget and stimulus issues. Any comment on Reince?
- The story takes a fresh look at plans on the part of the Trump administration to distribute millions of masks, five per household, to Americans, which was scrapped earlier in the pandemic. We have a copy of a draft press release from USPS, dated only in the month of April, which offers details about this mask plan as well as initial communities the government planned to target. What happened to this mask project?
- Other emails and documents include emails from USPS union officials, and mail carriers' spouses, detailing safety concerns into April, even as USPS issued announcements explaining their efforts to get PPE to workers. Do you have any comment on these emails?
- A third portion of the story explores the USPS budget, and its efforts to obtain additional aid from Washington. There are a few specific items on which we'd like comment.
    - The documents indicate wrangling between USPS and Treasury over financing, particularly the conditions Treasury could impose on USPS. It appears at one point that USPS retained a law firm, Mayer Brown, to study the legality of Treasury assuming control over USPS operations. The firm concluded this would be illegal. Why did USPS perform this analysis?
    - One source indicates to us -- and documents confirm -- that Treasury ultimately backed down from its plan to seek control over USPS. What happened in those negotiations?

Thank you,

(b) (6)
The Washington Post
(b) (6)
(b) (6)

Read my stories **here**.

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Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Wednesday, September 16, 2020 11:46 AM
To: Marshall, Thomas J - Washington, DC
Cc: Lee Moak; Bloom, Ron; Seaver, Kristin A - Washington, DC; Williams Jr, David E - Washington, DC; Tulino, Douglas A - Washington, DC; Monteith, Steven W - Washington, DC; Adams, Jeffery A - Washington, DC; (b) (6) Glass, Justin - Washington, DC
Subject: [EXTERNAL] Re: Election Mail Committee - 9/16 DRAFT
Attachments: Election Mail Committee Brief - 9-16-20.pptx; Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

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Thank you.
can you please send a calendar/zoom again for the meeting? I do not have it.
Thank you.

> On Sep 16, 2020, at 8:42 AM, Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: (b) (6)
Sent: Thursday, September 17, 2020 11:41 AM
To: Duncan Robert; Lee Moak
Cc: Barger/NorthernCrossPartners; (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] 9/29 ops committee

Follow Up Flag: Follow up
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(b) (5)

Best, Bill

Sent from my iPad

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Selde, Jennifer L - Washington, DC

From: (b) (6)
Sent: Thursday, September 17, 2020 6:13 PM
To: Marshall, Thomas J - Washington, DC
Cc: Mike Duncan (b) (6); Bloom, Ron; Roman Martinez IV; Lee Moak; DeJoy, Louis - Washington, DC; Elston, Michael J - Washington, DC; Sigler, Katherine - Washington, DC; Weidner, Keith E - Washington, DC; Brownlie, Caroline R - Washington, DC
Subject: Re: [EXTERNAL] Re: Preliminary Injunction Issued

Follow Up Flag: Follow up
Flag Status: Flagged

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Tom—- (b) (5)

Bill

Sent from my iPad

On Sep 17, 2020, at 5:03 PM, Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

Governor Zollars:

(b) (5)

-Tom

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

From: (b) (6) (b) (6)
Sent: Thursday, September 17, 2020 5:53 PM
To: Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2)

AMERICAN OVERSIGHT

Cc: Mike Duncan (b) (6) >; (b) (6) Bloom, Ron (b) (6) ; Roman Martinez IV (b) (6) Lee Moak (b) (6) DeJoy, Louis - Washington, DC (b) (6), (b)(3) & 410 (c)(2) ; Elston, Michael J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) Sigler, Katherine - Washington, DC (b) (6), (b)(3) & 410 (c)(2) Weidner, Keith E - Washington, DC (b) (6), (b)(3) & 410 (c)(2) ; Brownlie, Caroline R - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] Re: Preliminary Injunction Issued

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Tom—(b) (5)

Bill

Sent from my iPad

On Sep 17, 2020, at 4:47 PM, Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

ATTORNEY-CLIENT COMMUNICATION
PRIVILEGED AND CONFIDENTIAL

Governors,

(b) (5)

AMERICAN OVERSIGHT

(b) (5)

-Tom

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

<ED Wash requested order.pdf>

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: DONALD MOAK (b) (6)
Sent: Friday, September 18, 2020 3:57 PM
To: Marshall, Thomas J - Washington, DC
Cc: (b) (6) ; Bloom, Ron; DeJoy, Louis - Washington, DC
Subject: [EXTERNAL] Re: RELEASE: U.S. Postal Service agrees to destroy mailers with inaccurate voting info, give Colorado unprecedented ability to review future materials related to voting procedures in the 2020 election

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(b) (5)

Sent from my iPhone

On Sep 18, 2020, at 1:47 PM, Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

Election Mail Committee:

Below is the press release that was issued by the Colorado Secretary of State with regard to the settlement we reached last night. (b) (5)

-Tom

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

From: CO Secretary of State <ColoSecofState@public.govdelivery.com>
Sent: Friday, September 18, 2020 11:34 AM
To: Rupert, David G - Denver, CO (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] RELEASE: U.S. Postal Service agrees to destroy mailers with inaccurate voting info, give Colorado unprecedented ability to review future materials related to voting procedures in the 2020 election

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FOR IMMEDIATE RELEASE

Media Contact:
Betsy Hart
betsy.hart@sos.state.co.us

Steve Hurlbert
steve.hurlbert@sos.state.co.us

September 18, 2020

U.S. Postal Service agrees to destroy mailers with inaccurate voting info, give Colorado unprecedented ability to review future materials related to voting procedures in the 2020 election

Sept. 18, 2020 (DENVER, Colo.)—In a settlement with the state of Colorado, the U.S. Postal Service has agreed to give the state the ability to review national media related to voting procedures and processes in advance of the 2020 election to prevent future voter confusion. Also, the Postal Service has agreed to destroy remaining mailers that a federal judge had previously barred the Postal Service from sending to Colorado voters.

"I am pleased with the settlement we reached today with the U.S. Postal Service. Voters deserve accurate election information. The terms of the settlement mandate that all reasonable effort be taken to remove all undelivered misleading mailers from the mail stream,
and it requires collaboration between the Colorado Department of State and the USPS to make sure all future Postal Service communication includes correct information. I look forward to working with the U.S. Postal Service to ensure every Colorado voter is equipped with the information they need to successfully participate in the November 3 election. I appreciate the partnership of Attorney General Weiser to achieve this positive outcome," said Colorado Secretary of State Jena Griswold.

"I appreciate the Postal Service's recognition of the importance of working with states to ensure that voters receive accurate information about using the mail for voting. I will continue to fight for Colorado to prevent the Postal Service, or any agency, from hindering Coloradans' right to vote and am pleased we reached an agreement that results in the misleading notices being destroyed and giving Colorado the unprecedented ability to review and improve future media campaigns by the Postal Service related to elections. I want to thank Secretary Griswold and her team as well as the dedicated professionals in our office who worked hard on this matter over the past week," said Colorado Attorney General Phil Weiser.

According to the settlement filed with the federal court in Denver, the Postal Service agreed to have the attorney general and secretary of state preview national media materials related to elections, and gave Colorado the right to temporarily block the release of any material that will confuse Colorado voters and, if necessary, seek court review. In addition, the Postal Service agreed to give the attorney general and secretary of state the right to improve the Postal Service's national voting

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website (usps.com/votinginfo) and, if the Postal Service proposes making changes that will confuse Colorado voters, Colorado can seek court review.

Because of the benefits that Colorado voters will gain from these commitments from the federal government, the state asked the court to dismiss its case against the Postal Service. The settlement ends litigation on this matter, but the agreement does not prevent the state from going to court to raise any objection in the future.

Griswold and Weiser filed a lawsuit in federal court on Sept. 12 asking the judge to block the Postal Service from delivering the postcards to Colorado residents. The judge granted a temporary restraining order on the same day halting the delivery of any remaining postcards.

###

Colorado Secretary of State Jena Griswold
1700 Broadway, Suite 200, Denver CO 80290
www.sos.state.co.us | 303-894-2200

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Selde, Jennifer L - Washington, DC

From: Lee Moak (b) (6)
Sent: Friday, September 18, 2020 2:11 PM
To: Smith, Kevin R - Washington, DC
Cc: Sigler, Katherine - Washington, DC
Subject: [EXTERNAL] Re: USPS Election Mail Committee: 10-K Prep

Follow Up Flag: Follow up
Flag Status: Flagged

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(b) (5)

--
Captain Lee Moak
Chief Executive Officer, The Moak Group
(b) (6)
http://moakgroup.com

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From: "Smith, Kevin R - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Date: Friday, September 18, 2020 at 8:10 AM
To: Lee Moak (b) (6)
Cc: "Sigler, Katherine - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Subject: USPS Election Mail Committee: 10-K Prep

Governor Moak,

(b) (5)

Thank you,

Kevin

KEVIN R. SMITH

AMERICAN OVERSIGHT

ASSISTANT SECRETARY OF THE BOARD OF GOVERNORS AND COUNSELOR
UNITED STATES POSTAL SERVICE
OFFICE: (202) 268-5725
TELEWORK: (b) (6)

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Friday, September 18, 2020 4:06 PM
To: Marshall, Thomas J - Washington, DC
Cc: Lee Moak; Bloom, Ron; DeJoy, Louis - Washington, DC (b) (6)
Subject: [EXTERNAL] Re: RELEASE: U.S. Postal Service agrees to destroy mailers with inaccurate voting info, give Colorado unprecedented ability to review future materials related to voting procedures in the 2020 election

Follow Up Flag: Follow up
Flag Status: Flagged

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(b) (5)

On Sep 18, 2020, at 11:47 AM, Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

Election Mail Committee:

Below is the press release that was issued by the Colorado Secretary of State with regard to the settlement we reached last night. (b) (5)

Momentarily I will also forward the press release that the Colorado Secretary of State issued last night after the preliminary injunction was issued. (b) (5)

-Tom

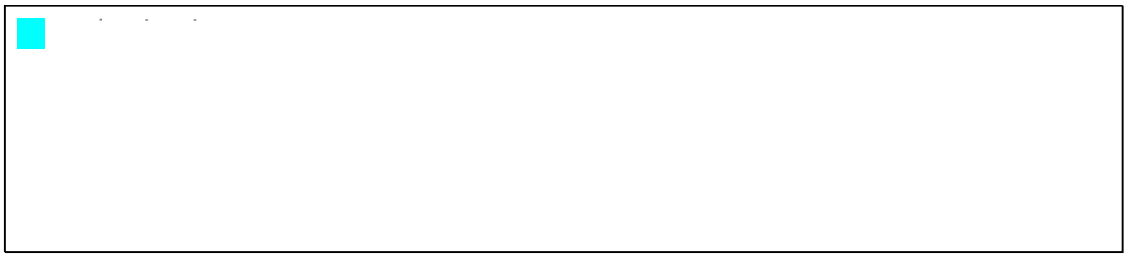
Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

From: CO Secretary of State <ColoSecofState@public.govdelivery.com>
Sent: Friday, September 18, 2020 11:34 AM
To: Rupert, David G - Denver, CO (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] RELEASE: U.S. Postal Service agrees to destroy mailers with inaccurate voting info,

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give Colorado unprecedented ability to review future materials related to voting procedures in the 2020 election

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FOR IMMEDIATE RELEASE

Media Contact:
Betsy Hart
betsy.hart@sos.state.co.us

Steve Hurlbert
steve.hurlbert@sos.state.co.us

September 18, 2020

U.S. Postal Service agrees to destroy mailers with inaccurate voting info, give Colorado unprecedented ability to review future materials related to voting procedures in the 2020 election

Sept. 18, 2020 (DENVER, Colo.)—In a settlement with the state of Colorado, the U.S. Postal Service has agreed to give the state the ability to review national media related to voting procedures and processes in advance of the 2020 election to prevent future voter confusion. Also, the Postal Service has agreed to destroy remaining mailers that a federal judge had previously barred the Postal Service from sending to Colorado voters.

"I am pleased with the settlement we reached today with the U.S. Postal Service. Voters deserve accurate election information. The terms of the settlement mandate that all reasonable effort be taken to remove all undelivered misleading mailers from the mail stream,
and it requires collaboration between the Colorado Department of State and the USPS to make sure all future Postal Service communication includes correct information. I look forward to working with the U.S. Postal Service to ensure every Colorado voter is equipped with the information they need to successfully participate in the November 3 election. I appreciate the partnership of Attorney General Weiser to achieve this positive outcome," said Colorado Secretary of State Jena Griswold.

"I appreciate the Postal Service's recognition of the importance of working with states to ensure that voters receive accurate information about using the mail for voting. I will continue to fight for Colorado to prevent the Postal Service, or any agency, from hindering Coloradans' right to vote and am pleased we reached an agreement that results in the misleading notices being destroyed and

AMERICAN OVERSIGHT

giving Colorado the unprecedented ability to review and improve future media campaigns by the Postal Service related to elections. I want to thank Secretary Griswold and her team as well as the dedicated professionals in our office who worked hard on this matter over the past week," said Colorado Attorney General Phil Weiser.

According to the settlement filed with the federal court in Denver, the Postal Service agreed to have the attorney general and secretary of state preview national media materials related to elections, and gave Colorado the right to temporarily block the release of any material that will confuse Colorado voters and, if necessary, seek court review. In addition, the Postal Service agreed to give the attorney general and secretary of state the right to improve the Postal Service's national voting website (usps.com/votinginfo) and, if the Postal Service proposes making changes that will confuse Colorado voters, Colorado can seek court review.

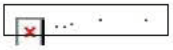
Because of the benefits that Colorado voters will gain from these commitments from the federal government, the state asked the court to dismiss its case against the Postal Service. The settlement ends litigation on this matter, but the agreement does not prevent the state from going to court to raise any objection in the future.

Griswold and Weiser filed a lawsuit in federal court on Sept. 12 asking the judge to block the Postal Service from delivering the postcards to Colorado residents. The judge granted a temporary restraining order on the same day halting the delivery of any remaining postcards.

###



Colorado Secretary of State Jena Griswold
1700 Broadway, Suite 200, Denver CO 80290
www.sos.state.co.us | 303-894-2200



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AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Sunday, September 20, 2020 7:08 PM
To: Katherine Sigler; Lee Moak; Ron Bloom
Cc: Elston, DC; Marshall, Thomas J - Washington, DC; Weidner, Keith E - Washington, DC
Subject: Re: [EXTERNAL] Follow Up to September 14, 2020 letter to Chairwoman Maloney from Chairman Duncan

Follow Up Flag: Follow up
Flag Status: Flagged

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Kathrine,

(b) (5)

Thank you.

On Sep 20, 2020, at 12:09 PM, Sigler, Katherine - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

Governors,

Below is a follow up email from Chairman Maloney's staff regarding the September 14th letter. (b) (5)

Let me know if you have any questions.

Thanks,

Katherine

AMERICAN OVERSIGHT

KATHERINE SIGLER
ACTING SECRETARY OF THE BOARD OF GOVERNORS
UNITED STATES POSTAL SERVICE
(202) 268-2572 OFFICE
(b) (6) MOBILE

Begin forwarded message:

From: (b) (6)
Date: September 18, 2020 at 5:33:20 PM EDT
To: "Elston, Michael J - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Cc: (b) (6) (b) (6) ,(b) (6)
Subject: [EXTERNAL] Follow Up to September 14, 2020 letter to Chairwoman Maloney from Chairman Duncan

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Good Evening Michael,

We wanted to follow up on Chairman Duncan's September 14, 2020, response to Chairwoman Maloney's August 31, 2020, letter requesting various documents from the Board.

With respect to Request 3, which requests the complete, unredacted file documenting the search process undertaken by the Board for a new Postmaster General, we understand that some of these documents may be in the possession of Russell Reynolds, the search firm retained by the Board. We have spoken with counsel for Russell Reynolds, and they stand ready to cooperate with the Committee's investigation, while committing to respect the confidentiality of the candidates involved in the search. We request that the Board provide its express written permission to Russell Reynolds to release any relevant documents to the Committee.

For those documents related to Request 3 in the Board's possession, including but not limited to texts, emails, notes, etc., we ask that you provide those to the Committee immediately.

In response to Request 2 of the Committee's letter, the Board provided minutes from closed Board meetings, but did not provide any of the additional information expressly requested, including notes, recordings, and transcripts of meetings and deliberations. We understand your concerns about confidentiality, but that is not a legally supported reason to withhold information requested by Congress. In fact, the Committee routinely reviews sensitive information as part of Congress' constitutionally mandated oversight role.

With respect to Request 5, while the Chairman's response letter stated that the Board briefed Sec. Mnuchin about the process for selecting a new Postmaster General on "several occasions," only two letters with glancing references to these interactions were included with no details about the content of those

AMERICAN OVERSIGHT

conversations. No materials were provided related to negotiations of terms over the $10 billion loan authorized by the CARES Act. Given that the production deadline has already passed, we expect that the Board will provide this information as soon as possible.

We look forward to reading the report being developed on NSA pricing and would welcome the opportunity to review the documents in camera as the Chairman offered. We will work with the Board to find a mutually agreeable time for that to occur.

We are willing to work with the Board in good faith to enable the collection of appropriate materials to be shared on a rolling basis. However, if the Board simply refuses to share these materials voluntarily, we will be forced to consider a compulsory process.

Please let us know if you have any questions. Thank you.

Best,

(b) (6)
Professional Staff
Committee on Oversight and Reform Majority Staff
(b) (6)

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Lee Moak (b) (6)
Sent: Sunday, September 20, 2020 11:10 AM
To: Marshall, Thomas J - Washington, DC; Justin Glass
Cc: John Barger; Ron Bloom
Subject: [EXTERNAL] Information

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Good Morning Tom and Justin,

When you have a moment, could I get a short overview of the following:

- (b) (5)

Thanks,

Lee

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Monday, September 21, 2020 3:32 PM
To: Elston, DC
Cc: DeJoy, Louis - Washington, DC; Lee Moak
Subject: [EXTERNAL] Re: Plant Tour

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Mike

(b) (5)

Thanks

On Sep 21, 2020, at 11:40 AM, Elston, Michael J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

John,

(b) (5)

Mike

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Lee Moak (b) (6)
Sent: Tuesday, September 22, 2020 11:06 AM
To: Smith, Kevin R - Washington, DC; Justin Glass
Cc: Ron Bloom; John Barger; Marshall, Thomas J - Washington, DC; DeJoy, Louis - Washington, DC; Sigler, Katherine - Washington, DC
Subject: [EXTERNAL] EMC

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Kevin and Justin,

(b) (5)

Thank you,

Lee Moak

--
Captain Lee Moak
Chief Executive Officer, The Moak Group
(b) (6)
http://moakgroup.com

This message is confidential, intended only for the named recipient(s) and may contain information that is privileged or exempt from disclosure under applicable law. If you are not the intended recipient(s), you are notified that the dissemination, distribution or copying of this message is strictly prohibited. If you receive this message in error, or are not the named recipient(s), please notify the sender at either the e-mail address or telephone number above and discard this e-mail. Thank you.

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: (b) (6)
Sent: Tuesday, September 22, 2020 2:44 PM
To: Lee Moak
Cc: John Barger; Ron Bloom; Roman Martinez; M. -Mike- Duncan Robert; DeJoy, Louis - Washington, DC; Marshall, Thomas J - Washington, DC; Rosato, John F - Washington, DC; (b) (6)) (b) (6) ; Elston, Michael J - Washington, DC; Sigler, Katherine - Washington, DC; Justin Glass; Partenheimer, David A - Washington, DC
Subject: [EXTERNAL] Re: Election Mail visit

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Thx Lee—(b) (5) . John, Louis— since my tour of the (b) (5) facility got cancelled due to (b) (5) I would like to get that rescheduled before the next board meeting if possible.

Thx, Bill

Sent from my iPad

> On Sep 22, 2020, at 1:35 PM, Lee Moak (b) (6) wrote:
>
> All,
>
> Quick note:
>
> (b) (5)

AMERICAN OVERSIGHT

(b) 5) [redacted]

Again-- I want to thank the PMG and his team for their support.

If you have questions feel free to reach out.

Best,

Lee
<IMG_4123.JPG>
<IMG_4124.JPG>
<IMG_4125.JPG>
<IMG_4126.JPG>
<IMG_4127.JPG>
<IMG_4129.JPG>
<IMG_4130.JPG>
<IMG_4131.JPG>

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: (b) (6)
Sent: Tuesday, September 22, 2020 2:47 PM
To: Elston, Michael J - Washington, DC
Subject: Re: [EXTERNAL] Re: Election Mail visit

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Thx Mike

Sent from my iPad

On Sep 22, 2020, at 1:46 PM, Elston, Michael J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

Bill,

I will e-mail you separately. The PMG has asked me to make the arrangements for the Governors' plant tours, and I will take care of that for you as well.

Mike

Duplicate record

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Tuesday, September 22, 2020 3:36 PM
To: Elston, Michael J - Washington, DC; (b) (6) ; Lee Moak
Cc: John Barger; Ron Bloom; M. -Mike- Duncan Robert; DeJoy, Louis - Washington, DC; Marshall, Thomas J - Washington, DC; Rosato, John F - Washington, DC; (b) (6)); (b) (6) ; Sigler, Katherine - Washington, DC; Glass, Justin - Washington, DC; Partenheimer, David A - Washington, DC
Subject: RE: [EXTERNAL] Re: Election Mail visit

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Michael,
I would be interested on a tour as well, preferably in (b) (5)
Best,
Roman

Duplicate record



AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Lee Moak (b) (6)
Sent: Tuesday, September 22, 2020 2:35 PM
To: John Barger; Ron Bloom; Roman Martinez; M. -Mike- Duncan Robert; William Zollars; DeJoy, Louis - Washington, DC; Marshall, Thomas J - Washington, DC
Cc: Rosato, John F - Washington, DC; (b) (6)); (b) (6) ; Elston, Michael J - Washington, DC; Sigler, Katherine - Washington, DC; Justin Glass; Partenheimer, David A - Washington, DC; Lee Moak
Subject: [EXTERNAL] Election Mail visit
Attachments: IMG_4123.JPG; IMG_4124.JPG; IMG_4125.JPG; IMG_4126.JPG; IMG_4127.JPG; IMG_4129.JPG; IMG_4130.JPG; IMG_4131.JPG

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

All,

Quick note:

(b) (5)

Again-- I want to thank the PMG and his team for their support.

If you have questions feel free to reach out.

Best,

Lee

AMERICAN OVERSIGHT



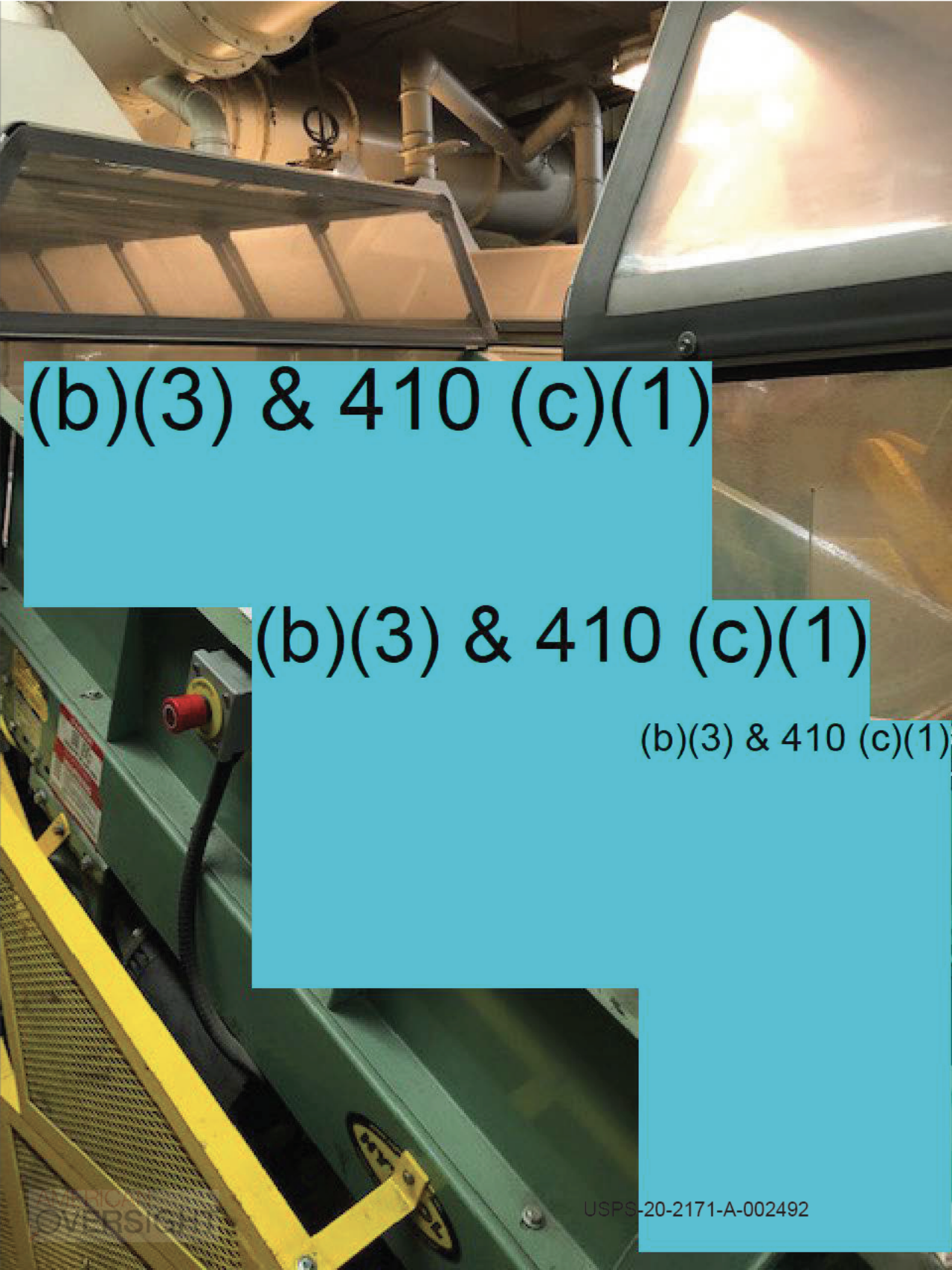
AMERICAN OVERSIGHT



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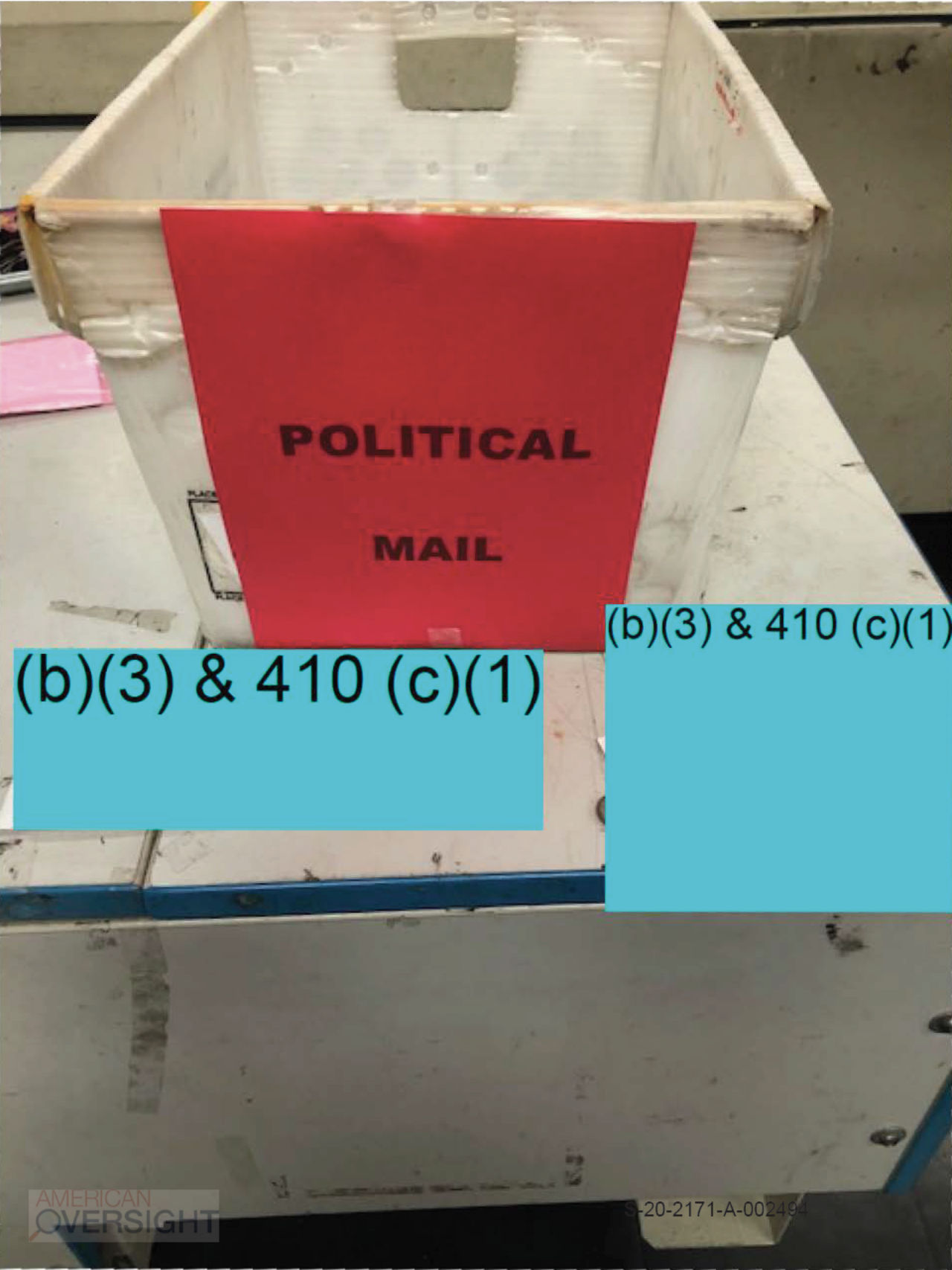
AMERICAN OVERSIGHT
20-2171-A-002491



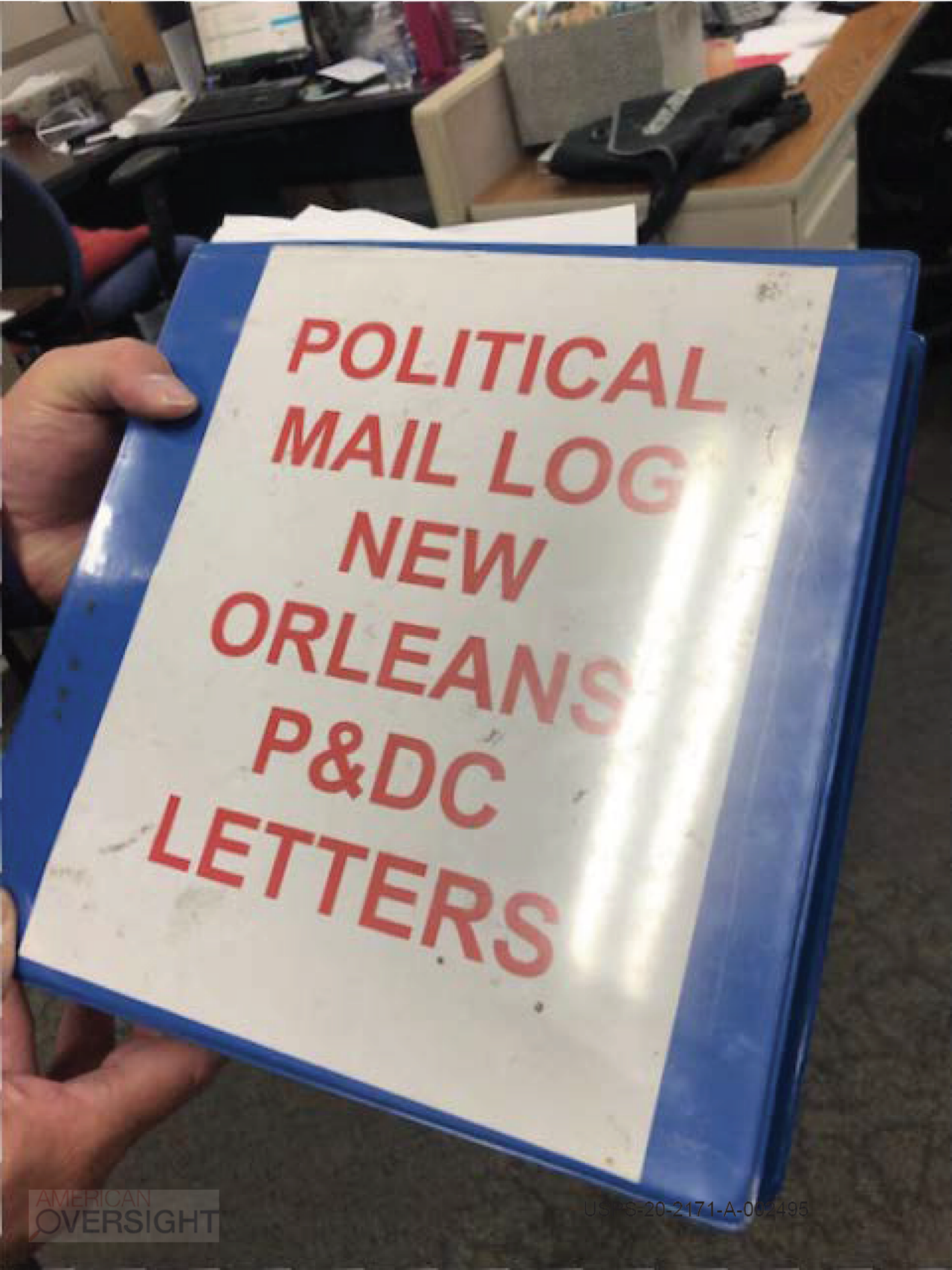
USPS-20-2171-A-002492



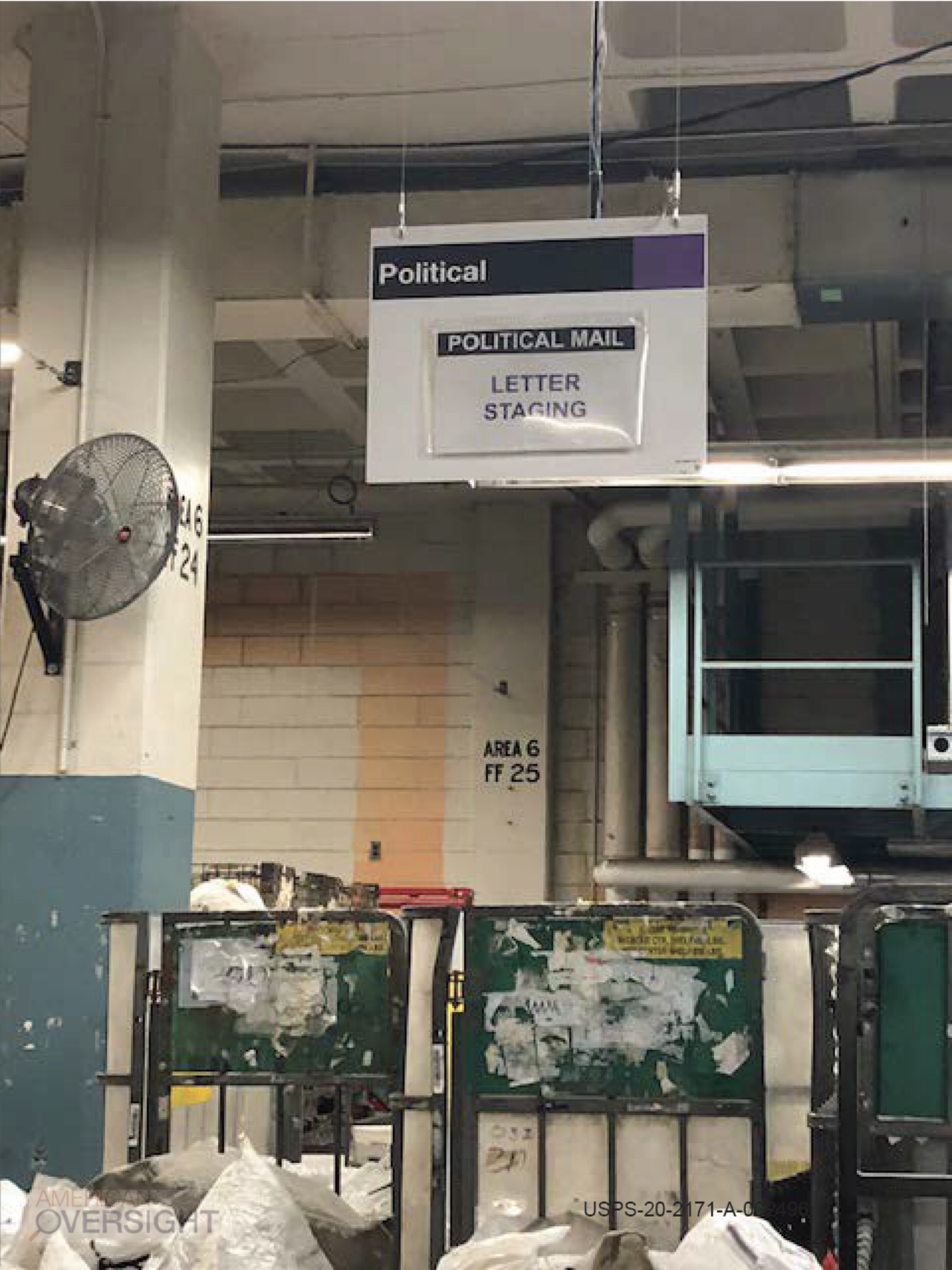
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S-20-2171-A-002494



AMERICAN OVERSIGHT
USPS-20-2171-A-002495



AMERICAN OVERSIGHT
USPS-20-2171-A-0

Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Wednesday, September 23, 2020 10:04 AM
To: Marshall, Thomas J - Washington, DC
Cc: Lee Moak; Ron Bloom; DeJoy, Louis - Washington, DC
Subject: [EXTERNAL] Re: PMG Audio leaked -- Meeting with Secretaries of State

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Tom,

Thanks for the update.

(b) (5)

Best,

john

On Sep 23, 2020, at 6:52 AM, Marshall, Thomas J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:

Governors on the Election Mail Committee:

Please see the information below concerning the PMG's discussion with the National Association of Secretaries of State. (b) (5)

Best regards,

-Tom

Thomas J. Marshall
General Counsel and Executive Vice President
United States Postal Service

AMERICAN OVERSIGHT

From: Schmidt, Samuel J - Salt Lake City, UT
Sent: Tuesday, September 22, 2020 5:56 PM
To: Calamoneri, Kevin A - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: FW: PMG Audio leaked -- Meeting with Secretaries of State
Importance: High

FYI. Denver Post ran this story: https://www.denverpost.com/2020/09/22/louis-dejoy-trump-colorado-griswold-mail-ballots/

(b) (5)

Sam

From: Rupert, David G - Denver, CO
Sent: Tuesday, September 22, 2020 3:13 PM
To: Adams, Jeffery A - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Cc: Reid-DeMeo, Darleen A - Washington, DC (b) (6), (b)(3) & 410 (c)(2) ; Partenheimer, David A - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: PMG Audio leaked -- Meeting with Secretaries of State
Importance: High

(b) (5)

https://soundcloud.com/denverpost/jena-griswold-questions-louis-dejoy-about-mail-ballot-misinformation
https://soundcloud.com/denverpost/jena-griswold-questions-louis-dejoy-about-allegations-that-it-would-be-easy-to-bribe-postal-workers

---

Listen: Postmaster general disagrees with Trump on mail-in voting in call with Griswold, other election officials

DeJoy tells Colorado secretary of state that he won't take the "bait"

By CONRAD SWANSON | cswanson@denverpost.com | The Denver Post
PUBLISHED: September 22, 2020 at 12:41 p.m. | UPDATED: September 22, 2020 at 12:56 p.m.

Postmaster General Louis DeJoy disagreed with comments from the president and U.S. attorney general regarding mail-in voting during a phone conference last week with secretaries of state from across the country, according to audio of the call obtained by The Denver Post.

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When asked by Colorado Secretary of State Jena Griswold, DeJoy also said he agreed that attempts — from Barr or others — to spread misinformation about postal workers and mail-in elections would be meant to undermine confidence in the U.S. Postal Service's ability to carry out a mail-in election.

David Rupert, USPS communications manager, declined to comment on DeJoy's statements. Instead, Rupert pointed to press releases about the conference sent last week. Those releases underscored DeJoy's confidence in postal workers' abilities to carry out the election, which is likely to see a substantial increase of voters mailing in ballots due to the ongoing coronavirus pandemic.

The official statements from USPS did not, however, detail the exchange between Griswold and DeJoy.

Griswold's questions carry some weight because Colorado's vote-by-mail system is considered the country's gold standard. In addition, her administration — alongside Colorado Attorney General Phil Weiser — sued the Postal Service after it sent mailers across the state containing false and misleading information about the state's election practices. A federal judge quickly barred the Postal Service from sending additional mailers to voters in Colorado.

"I want to ask you specifically about the events over the last few months where President (Donald) Trump and the attorney general have relentlessly promoted misinformation about vote by mail," Griswold said. "From saying that he was attacking the postal service to try and stop vote by mail, to inhibit vote by mail. To saying lies about foreign countries interceding in vote by mail. To litigation on mail ballot drop boxes."

"We are concerned about the level of misinformation. And Mr. Postmaster General, I would like to specifically know what is your specific plan to address the misinformation coming from the administration, increase confidence in the United States Postal Service's ability to safely and securely deliver ballots? And how will you use your position as postmaster general to protect our democracy from forces actively trying to undermine confidence in the election?"

DeJoy noted that he has repeatedly said in testimony and statements that he "actually at points disagree with the president publicly on that particular issue."

"And I said earlier we're very well prepared to support the mail-in-vote process and that's all I really want to comment on that at this point," DeJoy said, avoiding the specifics of Griswold's questions.

AMERICAN OVERSIGHT

Later in the conversation, Griswold noted Attorney General William Barr's unsubstantiated claims that postal workers could easily be bribed for ballots.

"Do you agree with Attorney General Barr and, if so, what are you doing specifically to protect mail carriers and protect our democracy?"

"I'm not going to engage in this kind of discussion," DeJoy said.

But Griswold pressed the issue.

"OK, to be very clear, it's a discussion specifically about the postal workers who you oversee and the attorney general saying that they are open to bribes in an ability to tilt the election, so I would like your response," she said.

DeJoy responded: "As I testified in Congress, I have full confidence in the postal employees to fulfill their obligations during the election process. And I didn't take the bait then, and I won't take it now."

Griswold said that she did not cast the "bait," but rather the attorney general did.

"The attorney general is obviously a very important position in the United States and I guess I will take from this conversation that like you, I believe that postal workers will be able to carry out the election and that any allegations of bribes of postal workers are intended to undermine confidence. Thank you."

"We agree on that, thank you," DeJoy said.

After the conference call, Griswold told The New York Times she found DeJoy's disagreement with Trump noteworthy but also questioned his authenticity, saying "actions speak louder than words."

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Thursday, September 24, 2020 8:32 AM
To: Elston, Michael J - Washington, DC
Subject: Re: [EXTERNAL] Re: Election Mail visit

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. STOP and CONSIDER before responding, clicking on links, or opening attachments.

Michael,
Sorry for not responding sooner. I'll call you later today.
Roman

Sent from my iPhone

> On Sep 23, 2020, at 1:29 PM, Elston, Michael J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:
>
> Roman,
>
> Following up on this. I had not yet see a reply from you, which is unusual.
>
> Michael
>
> Sent from my iPhone
>
> On Sep 22, 2020, at 3:49 PM, Elston, Michael J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:
>
>
> Roman,
>
> (b) (5)

[redacted]

>
> Mike
>
>
Duplicate record

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Thursday, September 24, 2020 8:42 AM
To: Rosato, John F - Washington, DC
Cc: DeJoy, Louis - Washington, DC; Lee Moak; Ron Bloom; Mike Duncan (b) (6)
Subject: [EXTERNAL] Santa Clarita Visit

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. STOP and CONSIDER before responding, clicking on links, or opening attachments.

John,

Thank you for arranging the visit last night to the (b) (5) Facility.
I learned alot and gained an appreciation for the dedicated men and women of the USPS.

We are ready for the election.

If it is not too much trouble, could you get me a list of those hosting me?
I want to write thank you notes to each of them.

You were good to help me do this.
Thank you also for your hard work on my behalf.

Best,

John

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: John Barger (b) (6)
Sent: Thursday, September 24, 2020 12:38 PM
To: Ron Bloom; Lee Moak; (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] Fwd: : a criminal Postmaster General

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

(b) (5)

John M. Barger
Managing Director
www.northerncrosspartners.com

Please excuse typos, courtesy of iPhone keyboard, oversized thumbs, aggressive Apple algorithms

Begin forwarded message:

From: (b) (6)
Date: September 24, 2020 at 9:36:04 AM PDT
To: (b) (6), John Barger (b) (6), Lee Moak (b) (6), "Marshall, Thomas J - Washington, DC" (b) (6), (b)(3) & 410 (c)(2)
Cc: (b) (6)
Subject: : a criminal Postmaster General

(b) (5)

From: USPS Alert via TMR [mailto:info@themajorityrules.org]
Sent: Thursday, September 24, 2020 12:33 PM
To: (b) (6)
Subject: a criminal Postmaster General



AMERICAN OVERSIGHT

The Postal Service is still in danger — the Senate has refused to work on additional funding to save our mail. With Trump stepping up his rhetoric against mail-in-ballots, it's more important than ever that we work to protect the USPS.

We need 159 supporters to rush a donation by the end of the day to put pressure on Senate Republicans. Can you chip in now to help save the USPS?

Postmaster General Louis DeJoy has intentionally sabotaged the United States Postal Service from the inside out, ahead of the most critical election of our lifetimes. **That's exactly why Donald Trump gave him the job in the first place.** With a Supreme Court seat on the line, the integrity of the USPS is more important than ever.

That's why Democrats questioned the Postmaster General in the House — and passed a major piece of legislation that would provide for the security of the USPS. It won't mean anything if Senate Republicans refuse to act.

Louis DeJoy doesn't even know the cost of a postcard, we can't let him destroy the postal service. Your support will go towards showing the GOP that the American people want to save the USPS. We still need 159 supporters to join in, make your donation now.

If you've saved your payment information with ActBlue Express, your donation will process immediately by clicking a button below. Otherwise, you will be redirected to a donation page.

Donate $10 now

Donate $25 now

Donate $50 now

Donate $100 now

Other amount

The Majority Rules is focused on ensuring free and fair elections by supporting the folks on the front

lines working to combat Republican attempts at voter suppression. By supporting The Majority Rules, you will be helping us to support candidates who will help restore our democracy. ***Please consider making a donation today.***

Contributions or gifts to The Majority Rules PAC are not tax deductible.

You're receiving this email at (b) (6) *Still support The Majority Rules PAC but want fewer emails?* ***Click here*** *to sign up to receive less email from our campaign.* ***Click here*** *if you'd like to unsubscribe from these messages and enter* (b) (6) *so we can unsubscribe you from our list.*

Paid for by The Majority Rules PAC
PO Box 13196
Des Moines, IA 50312

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: John Barger (b) (6)
Sent: Friday, September 25, 2020 8:46 AM
To: Lee Moak; Ron Bloom; (b) (6), (b)(3) & 410 (c)(2); (b) (6), (b)(3) & 410 (c)(2)
Subject: [EXTERNAL] Trays of mail, including absentee ballots, found in a ditch in Wisconsin

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. STOP and CONSIDER before responding, clicking on links, or opening attachments.

(b) (5)

(b) (6)

John M. Barger
Managing Director
(b) (6)

Please excuse typos, courtesy of iPhone keyboard, oversized thumbs, aggressive Apple algorithms

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Sunday, September 27, 2020 3:21 PM
To: Elston, Michael J - Washington, DC
Subject: RE: [EXTERNAL] Re: Election Mail visit

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. STOP and CONSIDER before responding, clicking on links, or opening attachments.

Thanks, Mike.
I'll get back to you on the date. (b) (5)
Best,
Roman

-----Original Message-----
From: Elston, Michael J - Washington, DC
Sent: Sunday, September 27, 2020 1:57 PM
To: Roman Martinez IV (b) (6)
Subject: RE: [EXTERNAL] Re: Election Mail visit

Roman,

Following up on our conversation on Thursday, I have checked into the two plant options -- (b) (5)
. (b) (5)
So, my recommendation is (b) (5)

Assuming you concur, all that's left is for you to pick a convenient date. I believe we spoke about (b) (5)
Let me know what works best for you!

Many thanks,
Mike

Duplicate record

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Sunday, September 27, 2020 4:37 PM
To: Elston, Michael J - Washington, DC
Subject: Re: [EXTERNAL] Re: Election Mail visit

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. STOP and CONSIDER before responding, clicking on links, or opening attachments.

Thanks

Sent from my iPhone

> On Sep 27, 2020, at 4:20 PM, Elston, Michael J - Washington, DC (b) (6), (b)(3) & 410 (c)(2) wrote:
>
(b) (5)
>
> Mike
>
Duplicate record



AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Sunday, September 27, 2020 6:35 PM
To: Elston, Michael J - Washington, DC
Subject: RE: [EXTERNAL] Re: Election Mail visit

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. STOP and CONSIDER before responding, clicking on links, or opening attachments.

Thanks, Mike.
Let's plan for (b) (5)
Roman

Duplicate record



AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: Lee Moak <(b) (6)
Sent: Monday, September 28, 2020 8:35 AM
To: Marshall, Thomas J - Washington, DC; Justin Glass
Subject: [EXTERNAL] Questions for EMC
Attachments: 9.23.20 Remaining election mail questions.docx

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Justin and Tom,

(b) (5)

If you could give me short answers as soon as practical –

Lee

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Selde, Jennifer L - Washington, DC

From: Lee Moak (b) (6)
Sent: Monday, September 28, 2020 8:30 AM
To: Smith, Kevin R - Washington, DC
Subject: [EXTERNAL] Re: Election Mail Committee: This Week

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. STOP and CONSIDER before responding, clicking on links, or opening attachments.

(b) (5)

--
Captain Lee Moak
Chief Executive Officer, The Moak Group
(b) (6)
http://moakgroup.com <https://urldefense.proofpoint.com/v2/url?u=http-3A__moakgroup.com&d=DwMFAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=F5wSGu5anjGMRJh01DOa8bPZJiy8M7O9ruhnUdTBG5k&m=JpRJNUFqaCvxC55v7WzhF7VRUSxqkpqLFrloph9qQzw&s=2xhgl4Wv7DS0UhssfB1JSr3fHkldVlIwA-cAeSVsHYA&e=>

This message is confidential, intended only for the named recipient(s) and may contain information that is privileged or exempt from disclosure under applicable law. If you are not the intended recipient(s), you are notified that the dissemination, distribution or copying of this message is strictly prohibited. If you receive this message in error, or are not the named recipient(s), please notify the sender at either the e-mail address or telephone number above and discard this e-mail. Thank you.

On 9/27/20, 7:52 PM, "Smith, Kevin R - Washington, DC" (b) (6), (b)(3) & 410 (c)(2) wrote:

Good afternoon, Governor Moak. I'm getting a head start on the busy week. Looking ahead, (b) (5) As always, I'm here to be of assistance.

- Kevin

Kevin R. Smith
Assistant Secretary of the Board of Governors and Counselor
United States Postal Service
Office: (202) 268-5725
Telework: (b) (6)

AMERICAN OVERSIGHT

Selde, Jennifer L - Washington, DC

From: M. -Mike- Duncan Robert (b) (6)
Sent: Monday, September 28, 2020 3:45 PM
To: 'Sigler, Katherine - Washington, DC'
Subject: [EXTERNAL] FW: Agenda--EMC Meeting--and Board meeting briefing

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

From: Barger/NorthernCrossPartners (b) (6)
Sent: Monday, September 28, 2020 1:48 PM
To: M. -Mike- Duncan Robert (b) (6)
Subject: Fwd: Agenda--EMC Meeting--and Board meeting briefing

Mike

FYI

(b) (5)

John

Begin forwarded message:

From: Barger/NorthernCrossPartners (b) (6)
Subject: Agenda--EMC Meeting--and Board meeting briefing
Date: September 28, 2020 at 10:45:46 AM PDT
To: Lee Moak (b) (6)

Lee,

This is on my mind:

(b) (5)

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(b) (5)

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Selde, Jennifer L - Washington, DC

From: Barger/NorthernCrossPartners (b) (6)
Sent: Monday, September 28, 2020 4:35 PM
To: DeJoy, Louis - Washington, DC
Cc: Lee Moak; Bloom, Ron; Roman Martinez IV; Robert Duncan; William Zollars; Marshall, Thomas J - Washington, DC
Subject: [EXTERNAL] Re: Executive Brief on Election Fraud and Foriegn Interference.docx
Attachments: Non-responsive record

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

(b) (5)

On Sep 28, 2020, at 1:29 PM, Bloom, Ron (b) (6) wrote:

(b) (5)

Ron Bloom
Managing Partner | Vice Chairman
Private Equity

Brookfield Asset Management
Brookfield Place New York
(b) (6)
www.brookfield.com

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-----Original Message-----
From: DeJoy, Louis - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Sent: Wednesday, September 23, 2020 8:29 PM
To: Lee Moak (b) (6) John Barger (b) (6) ; Bloom,

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Ron (b) (6) ; Roman Martinez IV (b) (6) ; Robert Duncan (b) (6) ; William Zollars <(b) (6)
Cc: DeJoy, Louis - Washington, DC (b) (6), (b)(3) & 410 (c)(2)
Subject: Executive Brief on Election Fraud and Foriegn Interference.docx

[External Email]

This is for your review and information. (b) (5) Louis.

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Selde, Jennifer L - Washington, DC

From: Roman Martinez IV (b) (6)
Sent: Monday, September 28, 2020 4:52 PM
To: Bloom, Ron; DeJoy, Louis - Washington, DC; Lee Moak; John Barger; Robert Duncan; William Zollars
Subject: [EXTERNAL] RE: Executive Brief on Election Fraud and Foriegn Interference.docx
Attachments: Non-responsive record

Follow Up Flag: Follow up
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I never got it...must have been filtered to junk...would appreciate it if someone could forward it to me.
Thanks,
Roman

Duplicate record

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