AMENDMENT NO. __________ Calendar No. ______

Purpose: To increase amounts authorized and appropriated for commitments for the Paycheck Protection Program authorized under section 7(a) of the Small Business Act, economic injury disaster loans and emergency grants under the CARES Act, to fund hospital and provider recovery and testing, and for other purposes.


H.R. __________

(title) __________________________________________

________________________________________________

Referred to the Committee on ____________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by ____________

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Paycheck Protection

5 Program and Health Care Enhancement Act”.

6 SEC. 2. TABLE OF CONTENTS.

7 The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
SEC. 3. REFERENCES.

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

DIVISION A—SMALL BUSINESS PROGRAMS

SEC. 101. AMENDMENTS TO THE PAYCHECK PROTECTION PROGRAM, ECONOMIC INJURY DISASTER LOANS, AND EMERGENCY GRANTS.

(a) INCREASED AUTHORITY FOR COMMITMENTS AND APPROPRIATIONS FOR PAYCHECK PROTECTION PROGRAM.—Title I of division A of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended—

(1) in section 1102(b)(1), by striking “$349,000,000,000” and inserting “$659,000,000,000”; and

(2) in section 1107(a)(1), by striking “$349,000,000,000” and inserting “$670,335,000,000”.

(b) Increased Authorization for Emergency EIDL Grants.—Section 1110(e)(7) of division A of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended by striking “$10,000,000,000” and inserting “$20,000,000,000”.

(c) Eligibility of Agricultural Enterprises for Economic Injury Disaster Loans and Emergency Grants.—Section 1110(a)(2) of division A of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended—

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

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

(3) by adding at the end the following:

“(F) an agricultural enterprise (as defined in section 18(b) of the Small Business Act (15 U.S.C. 647(b)) with not more than 500 employees.”.

(d) Set Aside for Insured Depository Institutions, Credit Unions, and Community Financial Institutions.—Section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) is amended—

(1) in subparagraph (A)—
(A) in clause (viii), by striking “and” at the end;

(B) in clause (ix), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(x) the term ‘community development financial institution’ has the meaning given the term in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702));

“(xi) the term ‘community financial institutions’ means—

“(I) a community development financial institution;

“(II) a minority depository institution, as defined in section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note);

“(III) a development company that is certified under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.); and
“(IV) an intermediary, as defined in section 7(m)(11); and
“(xii) the term ‘credit union’ means a State credit union or a Federal credit union, as those terms are defined, respectively, in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).”;

(2) by adding at the end the following:
“(S) SET-ASIDE FOR INSURED DEPOSITORY INSTITUTIONS, CREDIT UNIONS, AND COMMUNITY FINANCIAL INSTITUTIONS.—
“(i) INSURED DEPOSITORY INSTITUTIONS AND CREDIT UNIONS.—In making loan guarantees under this paragraph after the date of enactment of this clause, the Administrator shall guarantee not less than $30,000,000,000 in loans made by—
“(I) insured depository institutions with consolidated assets of not less than $10,000,000,000 and less than $50,000,000,000; and
“(II) credit unions with consolidated assets of not less than $10,000,000,000 and less than $50,000,000,000.
“(ii) Community financial institutions, small insured depository institutions, and credit unions.—In making loan guarantees under this paragraph after the date of enactment of this clause, the Administrator shall guarantee not less than $30,000,000,000 in loans made by—

“(I) community financial institutions;

“(II) insured depository institutions with consolidated assets of less than $10,000,000,000; and

“(III) credit unions with consolidated assets of less than $10,000,000,000.”.

SEC. 102. EMERGENCY DESIGNATION.

(a) In general.—The amounts provided under this 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) Designation in Senate.—In the Senate, this division is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Con-
gress), the concurrent resolution on the budget for fiscal year 2018.

DIVISION B—ADDITIONAL EMERGENCY APPROPRIATIONS FOR CORONAVIRUS RESPONSE

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

TITLE I

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

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, domestically or internationally, for necessary expenses to reimburse, through grants or other mechanisms, eligible health care providers for health care related expenses or lost revenues that are attributable to coronavirus: Provided, That these funds may not be used to reimburse expenses or losses that have been reimbursed
from other sources or that other sources are obligated to
reimburse: Provided further, That recipients of payments
under this paragraph in this Act shall submit reports and
maintain documentation as the Secretary of Health and
Human Services (referred to in this paragraph as the
“Secretary”) determines are needed to ensure compliance
with conditions that are imposed by this paragraph in this
Act for such payments, and such reports and documenta-
tion shall be in such form, with such content, and in such
time as the Secretary may prescribe for such purpose: Pro-
vided further, That “eligible health care providers” means
public entities, Medicare or Medicaid enrolled suppliers
and providers, and such for-profit entities and not-for-
profit entities not otherwise described in this proviso as
the Secretary may specify, within the United States (in-
cluding territories), that provide diagnoses, testing, or
care for individuals with possible or actual cases of
COVID–19: Provided further, That the Secretary shall, on
a rolling basis, review applications and make payments
under this paragraph in this Act: Provided further, That
funds appropriated under this paragraph in this Act shall
be available for building or construction of temporary
structures, leasing of properties, medical supplies and
equipment including personal protective equipment and
testing supplies, increased workforce and trainings, emer-
gency operation centers, retrofitting facilities, and surge
capacity: Provided further, That, in this paragraph, the
term “payment” means a pre-payment, prospective pay-
ment, or retrospective payment, as determined appropriate
by the Secretary: Provided further, That payments under
this paragraph in this Act shall be made in consideration
of the most efficient payment systems practicable to pro-
vide emergency payment: Provided further, That to be eli-
gible for a payment under this paragraph in this Act, an
eligible health care provider shall submit to the Secretary
an application that includes a statement justifying the
need of the provider for the payment and the eligible
health care provider shall have a valid tax identification
number: Provided further, That, not later than 3 years
after final payments are made under this paragraph in
this Act, the Office of Inspector General of the Depart-
ment of Health and Human Services shall transmit a final
report on audit findings with respect to this program to
the Committees on Appropriations of the House of Rep-
resentatives and the Senate: Provided further, That noth-
ing in this paragraph limits the authority of the Inspector
General or the Comptroller General to conduct audits of
interim payments at an earlier date: Provided further,
That not later than 60 days after the date of enactment
of this Act, the Secretary shall provide a report to the
Committees on Appropriations of the House of Representatives and the Senate on obligation of funds, including obligations to such eligible health care providers summarized by State of the payment receipt: Provided further, That such reports shall be updated and submitted to such Committees every 60 days until funds are 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.

For an additional amount for “Public Health and Social Services Emergency Fund”, $25,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for necessary expenses to research, develop, validate, manufacture, purchase, administer, and expand capacity for COVID–19 tests to effectively monitor and suppress COVID–19, including tests for both active infection and prior exposure, including molecular, antigen, and serological tests, the manufacturing, procurement and distribution of tests, testing equipment and testing supplies, including personal protective equipment needed for administering tests, the development and validation of rapid, molecular point-of-care tests, and other tests, support for workforce, epidemiology, to scale up academic, commer-
cial, public health, and hospital laboratories, to conduct
surveillance and contact tracing, support development of
COVID–19 testing plans, and other related activities re-
lated to COVID–19 testing: Provided, That of the amount
appropriated under this paragraph in this Act, not less
than $11,000,000,000 shall be for States, localities, terri-
tories, tribes, tribal organizations, urban Indian health or-
ganizations, or health service providers to tribes for nec-
essary expenses to develop, purchase, administer, process,
and analyze COVID–19 tests, including support for work-
force, epidemiology, use by employers or in other settings,
scale up of testing by public health, academic, commercial,
and hospital laboratories, and community-based testing
sites, health care facilities, and other entities engaged in
COVID-19 testing, conduct surveillance, trace contacts,
and other related activities related to COVID–19 testing:
Provided further, That of the amount identified in the pre-
ceding proviso, not less than $2,000,000,000 shall be allo-
cated to States, localities, and territories according to the
formula that applied to the Public Health Emergency Pre-
paredness cooperative agreement in fiscal year 2019, not
less than $4,250,000,000 shall be allocated to States, lo-
calities, and territories according to a formula method-
ology that is based on relative number of cases of COVID–
19, and not less than $750,000,000 shall be allocated in
coordination with the Director of the Indian Health Service, to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes: Provided further, That the Secretary of Health and Human Services (referred to in this paragraph as the “Secretary”) may satisfy the funding thresholds outlined in the first and second provisos under this paragraph in this Act by making awards through other grant or cooperative agreement mechanisms: Provided further, That not later than 30 days after the date of enactment of this Act, the Governor or designee of each State, locality, territory, tribe, or tribal organization receiving funds pursuant to this Act shall submit to the Secretary its plan for COVID–19 testing, including goals for the remainder of calendar year 2020, to include: (1) the number of tests needed, month-by-month, to include diagnostic, serological, and other tests, as appropriate; (2) month-by-month estimates of laboratory and testing capacity, including related to workforce, equipment and supplies, and available tests; and (3) a description of how the State, locality, territory, tribe, or tribal organization will use its resources for testing, including as it relates to easing any COVID–19 community mitigation policies: Provided further, That the Secretary shall submit such formula methodology identified in the first proviso under this paragraph in this Act to the Commit-
tees on Appropriations of the House of Representatives and the Senate one day prior to awarding such funds: Provided further, That such funds identified in the first and second provisos under this paragraph in this Act shall be allocated within 30 days of the date of enactment of this Act: Provided further, That of the amount appropriated under this paragraph in this Act, not less than $1,000,000,000 shall be transferred to the “Centers for Disease Control and Prevention—CDC-Wide Activities and Program Support” for surveillance, epidemiology, laboratory capacity expansion, contact tracing, public health data surveillance and analytics infrastructure modernization, disseminating information about testing, and workforce support necessary to expand and improve COVID–19 testing: Provided further, That of the amount appropriated under this paragraph in this Act, not less than $306,000,000 shall be transferred to the “National Institutes of Health—National Cancer Institute” to develop, validate, improve, and implement serological testing and associated technologies for the purposes specified under this paragraph in this Act: Provided further, That of the amount appropriated under this paragraph in this Act, not less than $500,000,000 shall be transferred to the “National Institutes of Health—National Institute of Biomedical Imaging and Bioengineering” to accelerate re-
search, development, and implementation of point of care
and other rapid testing related to coronavirus: Provided
further, That of the amount appropriated under this para-
graph in this Act, not less than $1,000,000,000 shall be
transferred to the “National Institutes of Health—Office
of the Director” to develop, validate, improve, and imple-
ment testing and associated technologies; to accelerate re-
search, development, and implementation of point of care
and other rapid testing; and for partnerships with govern-
mental and non-governmental entities to research, develop,
and implement the activities outlined in this proviso: Pro-
vided further, That funds in the preceding proviso may be
transferred to the accounts of the Institutes and Centers
of the National Institutes of Health (referred to in this
paragraph as the “NIH”) for the purposes specified in
the preceding proviso: Provided further, That the transfer
authority provided in the preceding proviso is in addition
to all other transfer authority available to the NIH: Pro-
vided further, That of the amount appropriated under this
paragraph in this Act, not less than $1,000,000,000 shall
be available to the Biomedical Advanced Research and De-
development Authority for necessary expenses of advanced
research, development, manufacturing, production, and
purchase of diagnostic, serologic, or other COVID–19
tests or related supplies, and other activities related to
1 COVID–19 testing at the discretion of the Secretary: Provided further, That of the amount appropriated under this paragraph in this Act, $22,000,000, shall be transferred to the “Department of Health and Human Services—Food and Drug Administration—Salaries and Expenses” to support activities associated with diagnostic, serological, antigen, and other tests, and related administrative activities: Provided further, That the amount appropriated under this paragraph in this Act may be used for grants for the rent, lease, purchase, acquisition, construction, alteration, renovation, or equipping of non-federally owned facilities to improve preparedness and response capability at the State and local level for diagnostic, serologic, or other COVID–19 tests, or related supplies: Provided further, That the amount appropriated under this paragraph in this Act may be used for construction, alteration, renovation, or equipping of non-federally owned facilities for the production of diagnostic, serologic, or other COVID–19 tests, or related supplies, where the Secretary determines that such a contract is necessary to secure, or for the production of, sufficient amounts of such tests or related supplies: Provided further, That funds appropriated under this paragraph in this Act may be used for purchase of medical supplies and equipment, including personal protective equipment and testing supplies to be
used for administering tests, increased workforce and
trainings, emergency operation centers, and surge capacity
for diagnostic, serologic, or other COVID–19 tests, or re-
lated supplies: *Provided further,* That products purchased
with funds appropriated under this paragraph in this Act
may, at the discretion of the Secretary, be deposited in
the Strategic National Stockpile under section 319F–2 of
the Public Health Service Act: *Provided further,* That of
the amount appropriated under this paragraph in this Act,
$600,000,000 shall be transferred to “Health Resources
and Services Administration—Primary Health Care” for
grants 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: *Pro-
vided further,* That sections 330(e)(6)(A)(iii),
330(e)(6)(B)(iii), and 330(r)(2)(B) of the Public Health
Service Act shall not apply to funds provided under the
previous proviso: *Provided further,* That of the amount ap-
propriated under this paragraph in this Act, $225,000,000
shall be used to provide additional funding for COVID–19
testing and related expenses, through grants or other
mechanisms, to rural health clinics as defined in section
1861(aa)(2) of the Social Security Act, with such funds
also available to such entities for building or construction
of temporary structures, leasing of properties, and retro-
fitting facilities as necessary to support COVID–19 test-
ing: Provided further, That such funds shall be distributed
using the procedures developed for the Provider Relief
Fund authorized under the third paragraph under this
heading in division B of the Coronavirus Aid, Relief, and
Economic Security Act (Public Law 116–136); may be
distributed using contracts or agreements established for
such program; and shall be subject to the process require-
ments applicable to such program: Provided further, That
the Secretary may specify a minimum amount for each
eligible entity accepting assistance under the two previous
provisos: Provided further, That up to $1,000,000,000 of
funds provided under this paragraph in this Act may be
used to cover the cost of testing for the uninsured, using
the definitions applicable to funds provided under this
heading in Public Law 116–127: Provided further, That
not later than 21 days after the date of enactment of this
Act, the Secretary, in coordination with other appropriate
departments and agencies, shall issue a report on COVID–
19 testing: Provided further, That such report shall in-
clude data on demographic characteristics, including, in
a de-identified and disaggregated manner, race, ethnicity,
age, sex, geographic region and other relevant factors of
individuals tested for or diagnosed with COVID–19, to the
extent such information is available: *Provided further*, That such report shall include information on the number and rates of cases, hospitalizations, and deaths as a result of COVID–19: *Provided further*, That such report shall be submitted to the Committees on Appropriations of the House and Senate, and the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, and updated and resubmitted to such Committees, as necessary, every 30 days until the end of the COVID–19 public health emergency first declared by the Secretary on January 31, 2020: *Provided further*, That not later than 180 days after the date of enactment of this Act, the Secretary shall issue a report on the number of positive diagnoses, hospitalizations, and deaths as a result of COVID–19, disaggregated nationally by race, ethnicity, age, sex, geographic region, and other relevant factors: *Provided further*, That such report shall include epidemiological analysis of such data: *Provided further*, That not later than 30 days after the date of the enactment of this Act, the Secretary, in coordination with other departments and agencies, as appropriate, shall report to the Committees on Appropriations of the House and Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education,
Labor, and Pensions of the Senate on a COVID–19 strategic testing plan: Provided further, That such plan shall assist States, localities, territories, tribes, tribal organizations, and urban Indian health organizations, in understanding COVID-19 testing for both active infection and prior exposure, including hospital-based testing, high-complexity laboratory testing, point-of-care testing, mobile-testing units, testing for employers and other settings, and other tests as necessary: Provided further, That such plan shall include estimates of testing production that account for new and emerging technologies, as well as guidelines for testing: Provided further, That such plan shall address how the Secretary will increase domestic testing capacity, including testing supplies; and address disparities in all communities: Provided further, That such plan shall outline Federal resources that are available to support the testing plans of each State, locality, territory, tribe, tribal organization, and urban Indian health organization: Provided further, That such plan shall be updated every 90 days until funds are 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. 101. The requirements, authorities, and conditions described in sections 18108, 18109, and 18112 of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) shall apply to funds appropriated in this Act to the Department of Health and Human Services.

SEC. 102. Funds appropriated by this Act under the heading “Department of Health and Human Services”, except for the amounts specified in the first paragraph and the first and second provisos in the second paragraph under the heading “Public Health and Social Services Emergency Fund”, may be transferred to, and merged with, other appropriation accounts under the headings “Centers for Disease Control and Prevention”, “Public Health and Social Services Emergency Fund”, “Food and Drug Administration”, and “National Institutes of Health” to prevent, prepare for, and respond to coronavirus following consultation with the Office of Management and Budget: Provided, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified 10 days in advance of any such transfer: Provided further, That, upon a determination that all or part of the funds transferred from an appro-
priation by this Act are not necessary, such amounts may
be transferred back to that appropriation: Provided fur-
ther, That none of the funds made available by this Act
may be transferred pursuant to the authority in section
205 of division A of Public Law 116–94 or section 241(a)
of the Public Health Service Act.

SEC. 103. Of the funds appropriated by this Act
under the heading “Public Health and Social Services
Emergency Fund”, up to $6,000,000 shall be transferred
to, and merged with, funds made available under the head-
ing “Office of the Secretary, Office of Inspector General”,
and shall remain available until expended, for oversight
of activities supported with funds appropriated to the De-
partment of Health and Human Services to prevent, pre-
pare for, and respond to coronavirus, domestically or
internationally: Provided, That the Inspector General of
the Department of Health and Human Services shall con-
sult with the Committees on Appropriations of the House
of Representatives and the Senate prior to obligating such
funds: Provided further, That the transfer authority pro-
vided by this section is in addition to any other transfer
authority provided by law.
TITLE II
INDEPENDENT AGENCIES
SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, $2,100,000,000, to remain available until September 30, 2021, 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.

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for “Disaster Loans Program Account” for the cost of direct loans authorized by section 7(b) of the Small Business Act, $50,000,000,000, 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.

EMERGENCY EIDL GRANTS

For an additional amount for “Emergency EIDL Grants” for the cost of emergency EIDL grants author-
ized 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.

**TITLE III**

**GENERAL PROVISIONS—THIS ACT**

Sec. 301. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

Sec. 302. 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. 303. 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. 304. Notwithstanding any other provision of law, funds made available in this Act, or transferred pursuant to authorization granted in this Act, may only be used to prevent, prepare for, and respond to coronavirus.
SEC. 305. In this Act, the term “coronavirus” means SARS–CoV–2 or another coronavirus with pandemic potential.

SEC. 306. 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. 307. Any amount appropriated by this Act, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this Act shall retain such designation.

BUDGETARY EFFECTS

SEC. 308. (a) Statutory PAYGO Scorecards.—The budgetary effects of this division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay As-You-Go Act of 2010.

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

(c) Classification of Budgetary Effects.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(7) and (c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division shall be estimated for purposes of section 251 of such Act.

This division may be cited as the “Additional Emergency Appropriations for Coronavirus Response”.