

Health, Education, and Labor Issues
Prepared by the Democratic Staff of the HELP Committee
March 25, 2020

HEALTH PROVISIONS	
ADDRESSING SUPPLY SHORTAGES	
Sec. 3101. National Academies report on America's medical product supply chain security.	<ul style="list-style-type: none"> • Directs the National Academies to study the manufacturing supply chain of drugs and medical devices and provide Congress with recommendations to strengthen the U.S. manufacturing supply chain.
Sec. 3102. Requiring the strategic national stockpile to include certain types of medical supplies	<ul style="list-style-type: none"> • Clarifies the Strategic National Stockpile can stockpile personal protective equipment and other medical supplies, including supplies required for testing and the administration of drugs and vaccines.
Sec. 3103. Treatment of respiratory protective devices as covered countermeasures.	<ul style="list-style-type: none"> • Provides permanent liability protection for manufacturers of certain personal respiratory protective equipment that have been cleared by NIOSH, such as masks and respirators, in the event of a public health emergency.
Sec. 3111. Prioritize reviews of drug applications; incentives.	<ul style="list-style-type: none"> • Requires the Food and Drug Administration (FDA) to prioritize inspections and the review of supplements to drug applications that could help prevent or mitigate a drug shortage. • FDA is required under current law to expedite such inspections and review of supplements.
Sec. 3112. Additional manufacturer	<ul style="list-style-type: none"> • Requires drug manufacturers to submit additional information six months prior to the date of discontinuance or interruption of manufacture of a drug that is likely to lead to a meaningful disruption in supply, including information about active pharmaceutical ingredients.

reporting requirements in response to drug shortages.	<ul style="list-style-type: none"> • Requires manufacturers to maintain risk management plans that identify and evaluate risks to the drug supply. • Requires manufacturers to report annually to the Food and Drug Administration the amount of each drug manufactured at each manufacturing establishment.
Sec. 3121. Discontinuance or interruption in the production of medical devices.	<ul style="list-style-type: none"> • Requires device manufacturers to notify the Food and Drug Administration, during or in advance of a public health emergency, six months prior to the date of a discontinuance or interruption of manufacture of a drug that is likely to lead to a meaningful disruption in supply, and the reasons for the discontinuance or interruption. • Requires the FDA to prioritize and expedite inspections and the review of submissions that could help prevent or mitigate a drug shortage.

ACCESS TO HEALTH CARE FOR COVID-19 PATIENTS	
Sec. 3201. Coverage of diagnostic testing for COVID-19.	<ul style="list-style-type: none"> • Makes a technical correction to section 6001 of the Families First Coronavirus Act which required testing for COVID-19 to be covered by private insurance plans without cost sharing.
Sec. 3202. Pricing of diagnostic testing.	<ul style="list-style-type: none"> • For COVID-19 testing covered with no cost to patients, requires an insurer to pay either the rate specified in a contract between the provider and the insurer, or, if there is no contract, a cash price posted by the provider. Insurers may negotiate a lower price than the cash price.
Sec. 3203. Rapid coverage of preventive services and vaccines for coronavirus.	<ul style="list-style-type: none"> • Provides free coverage without cost-sharing of a preventive service or vaccine related to COVID-19 within 15 days of the preventive service or vaccine receiving a rating of “A” or “B” from the United States Preventive Services Task Force or a recommendation from the Advisory Committee on Immunization Practices (ACIP).
Sec. 3211. Supplemental awards for health centers.	<ul style="list-style-type: none"> • Provides \$1.32 billion in supplemental funding for FY2020 to community health centers on the front lines of testing and treating patients for COVID-19.

<p>Sec. 3212. Telehealth network and telehealth resource centers grant programs.</p>	<ul style="list-style-type: none"> • Reauthorizes Health Resources and Services Administration (HRSA) grant programs that promote the use of telehealth technologies for health care delivery, education, and health information services. • Telehealth offers flexibility for patients with, or at risk of contracting, COVID-19 to access screening or monitor symptoms and care while avoiding exposure to others.
<p>Sec. 3213. Rural health care services outreach, rural health network development, and small health care provider quality improvement grant programs.</p>	<ul style="list-style-type: none"> • Reauthorizes HRSA grant programs to strengthen rural community health by focusing on quality improvement, increasing health care access, coordination of care, and integration of services. • Rural residents are disproportionately older and more likely to have a chronic disease, which could increase their risk for more severe illness if they contract COVID-19.
<p>Sec. 3214. United States Public Health Service Modernization.</p>	<ul style="list-style-type: none"> • Establishes a Ready Reserve Corps to help ensure nation has enough trained doctors and nurses to respond to COVID-19 and other public health emergencies.
<p>Sec. 3215. Limitation on liability for volunteer health care professionals during COVID-19 emergency response.</p>	<ul style="list-style-type: none"> • Makes clear health care providers who provide volunteer medical services during the public health emergency related to COVID-19 have liability protections under specified conditions.
<p>Sec. 3216. Flexibility for members of National Health Service Corps during emergency period.</p>	<ul style="list-style-type: none"> • Allows the Secretary of Health and Human Services (HHS) to reassign members of the National Health Service Corps (NHSC) to sites close to the one to which they were originally assigned, with the Corps member's voluntary agreement, in order to respond to the COVID-19 public health emergency.

<p>Sec. 3221. Confidentiality and disclosure of records relating to substance use disorder.</p>	<ul style="list-style-type: none"> • Aligns the 42 CFR Part 2 regulations, which govern the confidentiality and sharing of substance use disorder treatment records, with the requirements of the Health Insurance Portability and Accountability Act (HIPAA), following an initial opportunity for patients to give, or withhold, consent. • Establishes new protections against the use of such records for discriminatory purpose or in legal and administrative settings. Violation of these provisions would be enforced through civil monetary penalties
<p>Sec. 3222. Nutrition services.</p>	<ul style="list-style-type: none"> • Allows for 100 percent transfer authority between Older Americans Act (OAA) home-delivered and congregate meal program funding for the duration of the COVID-19 public health emergency. • Clarifies the meaning of “homebound” to include individuals who are practicing social distancing due to COVID-19. • Waives nutrition requirements for OAA meal programs during the public health emergency related to COVID-19 to ensure seniors can get meals in case certain food options are not available.
<p>Sec. 3223. Continuity of service and opportunities for participants in community service activities under title V of the Older Americans Act of 1965</p>	<ul style="list-style-type: none"> • Allows the Secretary of Labor to extend older adults’ participation in community service projects under OAA and make administrative adjustments to facilitate their continued employment under the program.
<p>Sec. 3224. Guidance on protected health information.</p>	<ul style="list-style-type: none"> • Requires the Department of Health and Human Services (HHS) to issue guidance, within 180 days, on what protected health information can be shared during the public health emergency related to COVID-19, under current law.

<p>Sec. 3225. Reauthorization of Healthy Start program.</p>	<ul style="list-style-type: none"> • Reauthorizes the Healthy Start program for five years (FY2021 through FY2025), which aims to reduce the national infant mortality rate and provides grants to improve access to services for women and their families, who may need additional support during the public health emergency related to COVID-19. • Encourages coordination with the community in which grantees are located; • Expands the criteria used to evaluate Healthy Start projects, including how projects have impacted infant mortality rates and perinatal and infant health outcomes; and • Instructs the Government Accountability Office (GAO) to issue a report detailing the allocation of the Healthy Start grants, progress in meeting the evaluation criteria, and improvements in health outcomes for program participants.
<p>Sec. 3226. Importance of the blood supply.</p>	<ul style="list-style-type: none"> • Directs the Secretary of HHS to carry out an initiative to improve awareness of the importance and safety of blood donation and the continued need for blood donations during the COVID-19 public health emergency.

INNOVATION

<p>Sec. 3301. Removing the cap on OTA for public health emergencies.</p>	<ul style="list-style-type: none"> • Amends the authority of the Biomedical Advanced Research and Development Authority (BARDA) regarding the use of other transaction authority (OTA) during a public health emergency.
<p>Sec. 3302. Priority zoonotic animal drugs.</p>	<ul style="list-style-type: none"> • Provides breakthrough therapy designations for drugs that have the potential to prevent or treat disease in animals that have the potential to cause serious or life threatening diseases or health consequences in humans.

HEALTH CARE WORKFORCE

<p>Sec. 3401. Reauthorization of health professions workforce programs.</p>	<ul style="list-style-type: none"> • Reauthorizes and updates Title VII of the Public Health Service Act (PHSA), which pertains to programs to support clinician training and faculty development, including the training of practitioners in family medicine, general internal medicine, geriatrics, pediatrics, and other medical specialties.
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<p>Sec. 3402. Health workforce coordination.</p>	<ul style="list-style-type: none"> • Directs the Secretary of HHS to develop a comprehensive and coordinated plan for health workforce programs, which may include performance measures and the identification of gaps between the outcomes of such programs and relevant workforce projection needs.
<p>Sec. 3403. Education and training relating to geriatrics.</p>	<ul style="list-style-type: none"> • Title VII programs strengthen the health professions workforce to better meet the health care needs of certain populations, such as older individuals and those with chronic diseases, who could be at increased risk of contracting COVID-19.
<p>Sec. 3404. Nursing workforce development.</p>	<ul style="list-style-type: none"> • Reauthorizes and updates Title VIII of the PHSA, which pertains to nurse workforce training programs. • Updates reporting requirements to include information on the extent to which Title VIII programs meet the goals and performance measures for such activities, and the extent to which HHS coordinates with other Federal departments on related programs. • Permits Nurse Corps loan repayment beneficiaries to serve at private institutions under certain circumstances. • Title VIII programs help to address current and emerging health care challenges by supporting the development of a robust nursing workforce, which is critical in responding to the COVID-19 pandemic and future public health emergencies.

<p style="text-align: center;">HEALTH EXTENDERS</p>	
<p>Sec. 3831. Extension for community health centers, the National Health Service Corps, and teaching health centers that operate GME programs.</p>	<ul style="list-style-type: none"> • Extends community health centers, the National Health Service Corps, and teaching health centers that operate GME programs (THCGME) at current funding levels through November 30, 2020.
<p>Sec.3832.Diabetes programs.</p>	<ul style="list-style-type: none"> • Extends the Special Diabetes Program (SDP) and the Special Diabetes Program for Indians (SDPI) at current funding levels through November 30, 2020.

OVER THE COUNTER DRUGS	
Sec.3851 Regulation of certain nonprescription drugs that are marketed with an approved drug application	<ul style="list-style-type: none"> Reforms the regulatory process for over-the-counter (OTC) drug monographs by allowing the Food and Drug Administration (FDA) to approve changes to those monographs administratively, rather than going through a full notice and comment rulemaking. Currently, FDA can approve all other drugs without going through a full notice and comment rulemaking, and this legislation makes sure OTC medicines receive the same treatment as other drugs. Incentivizes companies to create more innovative products by providing an 18-month market-exclusivity component that rewards a return on investment for new OTC drugs.
Sec.3852 Misbranding	<ul style="list-style-type: none"> Clarifies that an OTC drug that does not comply with the monograph requirements is misbranded.
Sec.3853. Drugs excluded from over-the-counter drug review	<ul style="list-style-type: none"> Clarifies that nothing in the CARES Act will apply to drugs previously excluded by the FDA from the Over-the-Counter Drug Review under a specified Federal Register document.
Sec.3854. Treatment of Sunscreen Innovation Act	<ul style="list-style-type: none"> Clarifies that sponsors of sunscreen ingredients with orders pending with FDA have the option to be reviewed in accordance with the Sunscreen Innovation act or under the new monograph review process.
Sec.3855. Annual update to Congress on appropriate pediatric indication for certain OTC cough and cold drugs	<ul style="list-style-type: none"> Requires an annual update to Congress regarding FDA's progress in evaluating pediatric indications for certain cough and cold monograph drugs for children under age six.
Sec.3856. Technical corrections	<ul style="list-style-type: none"> Includes technical corrections to the Food and Drug Administration Reauthorization Act of 2017 and existing law.
S.3861. Finding	<ul style="list-style-type: none"> Declares the fees paid pursuant to this section will be dedicated to FDA review of over-the-counter monograph drugs.
S.3862. Fees relating to over-the-counter drugs	<ul style="list-style-type: none"> Establishes a new FDA user fee to allow the agency to hire additional staff members to ensure there is adequate agency oversight to approve changes to OTC drugs.

	EDUCATION PROVISIONS
Sec. 3502. Definitions	<ul style="list-style-type: none"> • Sets definitions for terms including “coronavirus,” “foreign institution,” “institution of higher education,” “qualifying emergency,” and “Secretary.”
Sec. 3503. Campus-Based Aid Waivers	<ul style="list-style-type: none"> • Waives the institutional matching requirement for higher education campus-based aid programs and allows institutions to transfer unused work-study funds to be used for supplemental grants.
Sec. 3504. Use of Supplemental Educational Opportunity Grants for Emergency Aid	<ul style="list-style-type: none"> • Allows institutions of higher education to award additional SEOG funds as emergency grant aid to students impacted by COVID-19.
Sec. 3505. Continuing Federal Work Study to Continue During a Qualifying Emergency	<ul style="list-style-type: none"> • Allows institutions of higher education to issue work-study payments to students who are unable to work due to work-place closures as a lump sum or in payments similar to paychecks.
Sec. 3506. Adjustments of Subsidized Loan Limits	<ul style="list-style-type: none"> • For students who dropped out of school as a result of COVID-19, excludes the term from counting toward lifetime subsidized loan eligibility.
Sec. 3507 Exclusion from Federal Pell Grant Duration Limit	<ul style="list-style-type: none"> • For students who dropped out of school as a result of COVID-19, excludes the term from counting toward lifetime Pell eligibility.
Sec. 3508. Institutional Refund	<ul style="list-style-type: none"> • For students who dropped out of school as a result of COVID-19, allows those students to not be required to return unused Pell Grants or federal student loans to the Secretary.

and Federal Student Loan Flexibility.	<ul style="list-style-type: none"> • In addition, waives the requirement that institutions calculate the amount of grant or loan assistance the institution must return to the Secretary in the case of students who dropped out of school as a result of COVID-19. • Cancels the portion of the student’s loan taken out for the semester (or equivalent) if a student withdrew due to COVID-19.
Sec. 3509. Satisfactory Progress	<ul style="list-style-type: none"> • For students who dropped out of school as a result of COVID -19, allows for those students’ grades to not affect a student’s federal academic requirements to continue to receive Pell Grants or student loans.
Sec. 3510. Continuing Education at Affected Foreign Institutions	<ul style="list-style-type: none"> • Permits foreign institutions to offer distance education or enter into written arrangements with U.S. institutions of higher education to allow U.S. students to continue receiving student loans for the duration of the COVID-19 declaration of disaster.
Sec. 3511 National Emergency Educational Waivers	<ul style="list-style-type: none"> • Overhauls the original CARES Act proposal to substantially narrow the authority provided to the Secretary of Education to waive certain federal education laws, including the Elementary and Secondary Education Act (ESEA), the Individuals with Disabilities Act (IDEA), and the Higher Education Act (HEA). It restates what already exists under the Elementary and Secondary Education Act, and allows the Secretary limited authority to issue waivers of certain requirements of ESEA, if these waivers are requested by states or school districts. • Directs the Secretary of Education to create a streamlined process for waiver applications of certain ESEA topics including assessments, school identification, and reporting requirements linked to those assessments, for this academic year only. • Provides the Secretary of Education with the authority to issue targeted waivers of other requirements, including the ability for federal education grantees to spend their federal dollars over longer periods of time, for this academic year only. • Requires the Department of Education to issue a report with any recommendations for additional waivers that may be needed under the Elementary and Secondary Education Act, the Carl Perkins Career and Technical Education Act, IDEA, and the Rehabilitation Act of 1973.
Sec. 3512. HBCU Capital Financing Program	<ul style="list-style-type: none"> • Authorizes the Secretary of Education to defer payments on current HBCU Capital Financing loans during the national emergency period to allow HBCUs to devote financial resources to COVID-19 efforts.

<p>Sec. 3513 Temporary Relief for Federal Student Loan Borrowers</p>	<ul style="list-style-type: none"> • Cancels payments for all federal student loan borrowers with federally-held loans (Direct Loans and FFEL loans that are held by the U.S. Department of Education) through September 30, 2020, meaning such borrowers will not be required to make any payments toward outstanding interest or principal. • Suspends interest accrual for such loans, meaning balances for such borrowers will not grow. • Prohibits forced collections such as garnishment of wages, tax refunds, and Social Security benefits; and negative credit reporting during this time period. • Directs student borrowers continue to receive credit toward Public Service Loan Forgiveness, Income-Driven Repayment forgiveness, and loan rehabilitation. • Starting in August, requires student loan borrowers to receive notices to help inform them that their regular loan payments will resume at the end of September. These notices are intended to provide a transition period to help borrowers stay on track as regular loan payments begin again and to enroll in other relief options (such as income-driven repayment) at such time.
<p>Sec. 3514. Provisions Related to the Corporation for National and Community Service</p>	<ul style="list-style-type: none"> • Provides additional flexibilities to the Corporation for National and Community Services. It provides participants serving in the National Service Corps programs with the educational award they were due to receive before their duties had been suspended or placed on hold during the COVID-19 declaration of disaster. • Extends the age limits and the terms of service to allow individuals serving in national service programs to continue participating in programs after the COVID-19 declaration of disaster ends. • Permits fixed-amount grant recipients to maintain a pro rata amount of grant funds for participants who exited or are serving in a limited capacity due to COVID-19. • Permits CNCS to carry over funds that have not been expended till September 30, 2021.
<p>Sec. 3515. Workforce Response Activities.</p>	<ul style="list-style-type: none"> • Provides local workforce boards with additional flexibility to use funds received under the Workforce Innovation and Opportunity Act for increased administrative costs in response to COVID-19 by raising the existing cap from 10 percent to 20 percent. • Allows Governors to use reserved workforce funds on rapid response activities in response to COVID-19.
<p>Sec. 3516 Technical Amendments</p>	<ul style="list-style-type: none"> • Makes technical corrections to the FUTURE Act (Public Law No: 116-91) to better ensure implementation by institutions of higher education, state agencies, and certain scholarship-granting organizations.
<p>Sec. 3517. Waiver Authority and</p>	<ul style="list-style-type: none"> • Authorizes the Secretary of Education to waive certain data and allotment requirements for FY2020 and FY2021 grant programs for HBCUs, tribal colleges and other Minority Serving Institutions, and under-

Reporting Requirements for Institutional Aid	<p>resourced colleges under the Strengthening Institutions Program to ensure those colleges' funding streams are not adversely affected by COVID-19.</p> <ul style="list-style-type: none"> • Grants institutions flexibility to carry over unexpended funds.
Sec. 3518 Authorized Uses and Other Modifications for Grants	<ul style="list-style-type: none"> • Authorizes the Secretary to modify current allowable uses of funds for institutional grant programs (TRIO, GEAR UP, and HBCU and MSI programs in Titles III, V, and VII), upon the institution's request, to allow colleges the flexibility to re-deploy resources and services to COVID-19 efforts. • Permits institutions to request from the Secretary waivers for financial matching requirements in competitive grant programs and other MSI grant programs in the Higher Education Act to allow colleges to devote institutional resources to COVID-19 efforts.
Sec. 3519. Service Obligation to Teachers	<ul style="list-style-type: none"> • For teachers who could not finish a full year of teaching service due to COVID-19, allows their partial year of service to be counted as a full year of service toward TEACH Grant obligations or Teacher Loan Forgiveness. • Waives a requirement that teachers must serve consecutively for Teacher Loan Forgiveness, if a teacher's service is interrupted as a result of COVID-19.

LABOR PROVISIONS	
Sec. 3601. Limitation on Paid Family and Medical Leave.	<ul style="list-style-type: none"> • Clarifies the limitation on compensation during paid leave, stating an employer shall not be required to pay more than \$200 per day and \$10,000 in the aggregate for each employee under this section.
Sec. 3602. Limitation on Paid Sick Leave	<ul style="list-style-type: none"> • Clarifies the limitation on compensation during paid sick days, stating an employer shall not be required to pay more than \$511 per day and \$5,110 in the aggregate for sick leave or more than \$200 per day and \$2,000 in the aggregate to care for family under this section.

<p>Sec. 3603. Unemployment Insurance.</p>	<ul style="list-style-type: none"> Amends the provision in CV2 that required for state unemployment insurance applications to be in at least one of two forms (in person, by phone, or online), to say that such requirement is to be met “to the extent practicable”.
<p>Sec. 3604. OMB Waiver of Paid Family and Paid Sick Leave Requirement.</p>	<ul style="list-style-type: none"> Allows the Director of the Office of Management and Budget to exclude for good cause certain Executive Branch employees from the Paid Family Leave mandate. Allows the Director of the Office of Management and Budget to exclude for good cause certain Executive Branch employees from the Paid Sick Leave mandate.
<p>Sec. 3605. Paid Family and Medical Leave for Rehired Employees</p>	<ul style="list-style-type: none"> Allows an employee who was laid off by an employer March 1, 2020, or later to have access to paid family leave in certain instances if they are rehired by the employer. Employee would have had to work for the employer at least 30 days prior to being laid off.
<p>Sec. 3606. Advance of Paid Leave Tax Credit</p>	<ul style="list-style-type: none"> Makes the refundable tax credit provided for in CV2 able to be an advanced refundable tax credit instead of having to be reimbursed to employers on the back end of providing paid leave to employees. Creates regulatory authority to implement the tax credit advances.
<p>Sec. 3607. Expansion of DOL Authority to Postpone Certain Deadlines.</p>	<ul style="list-style-type: none"> Section 518 of ERISA provides the Department of Labor limited ability to postpone certain ERISA filing deadlines for a period of up to one year. This section allows the Secretary of Labor to delay filings by notice or otherwise in the case of a public health emergency declared by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act.
<p>Sec. 3608. Single-Employer Plan Funding Rules</p>	<ul style="list-style-type: none"> Provides funding relief for single-employer defined benefit pension plans. Specifically, provides companies with more time to meet funding obligations by delaying the due date for any contribution otherwise due during 2020 until January 1, 2021. At that time, contributions due earlier would be due with interest. Provides that a plan’s status for benefit restrictions as of December 31, 2019 will apply throughout 2020.

<p>Sec. 3609. Application of Cooperative and Small Employer Charity Pension Plan Rules to Certain Charitable Employers whose primary Exempt Purpose is Providing services with respect to Mothers and Children</p>	<ul style="list-style-type: none"> • Provides that a pension plan sponsored by a non-profit employer meeting certain conditions will be subject to the pension funding rules applicable to “Cooperative and Small Employer Charity Pension Plans” (CSEC Plans). Specifically, amends the definition of CSEC Plans to provide that a pension plan will be a CSEC plan if, as of January 1, 2000, the plan was sponsored by an employer that (i) is exempt from taxation under Code section 501(c)(3), (ii) has been in existence since 1938, (iii) conducts medical research directly or indirectly through grant making, and (iv) has as its primary exempt purpose providing services with respect to mothers and children. This section is effective for plan years beginning after December 31, 2018.
<p>Sec. 3610. Federal Contractor Authority</p>	<ul style="list-style-type: none"> • Allows federal agencies to reimburse federal contractors and subcontractors for paid leave and paid sick days provided to their employees when the contractors are unable to fulfill the work under their contracts because they are unable to access a federal facility or are otherwise restricted due to COVID-19.
<p>Sec. 3611. Technical Corrections</p>	<ul style="list-style-type: none"> • Makes a series of corrections to inadvertent drafting errors in the Families First Coronavirus Response Act. • Gives DOL the authority to issue regulations, including to ensure consistency between paid family leave and paid sick leave. • Gives DOL authority to investigate and gather data in order to enforce the requirements.