

AMENDMENT NO. _____ Calendar No. _____

Purpose: Providing emergency assistance and health care response for individuals, families and businesses affected by the 2020 coronavirus pandemic.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

H. R. 748

To amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage.

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 following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coronavirus Aid, Relief, and Economic Security Act” or the “CARES Act”.
5

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.

DIVISION A—KEEPING WORKERS PAID AND EMPLOYED, HEALTH CARE SYSTEM ENHANCEMENTS, AND ECONOMIC STABILIZATION

1 251(b)(2)(A)(i) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.

3 DEFENDER SERVICES

4 For an additional amount for “Defender Services”,
5 \$1,000,000, to remain available until expended, to pre-
6 vent, prepare for, and respond to coronavirus, domestically
7 or internationally: *Provided*, That such amount is des-
8 ignated by the Congress as being for an emergency re-
9 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985.

11 ADMINISTRATIVE PROVISION—THE JUDICIARY

12 VIDEO TELECONFERENCING FOR CRIMINAL PROCEEDINGS

13 SEC. 15002. (a) DEFINITION.—In this section, the
14 term “covered emergency period” means the period begin-
15 ning on the date on which the President declared a na-
16 tional emergency under the National Emergencies Act (50
17 U.S.C. 1601 et seq.) with respect to the Coronavirus Dis-
18 ease 2019 (COVID–19) and ending on the date that is
19 30 days after the date on which the national emergency
20 declaration terminates.

21 (b) VIDEO TELECONFERENCING FOR CRIMINAL PRO-
22 CEEDINGS.—

23 (1) IN GENERAL.—Subject to paragraphs (3),
24 (4), and (5), if the Judicial Conference of the United
25 States finds that emergency conditions due to the

1 national emergency declared by the President under
2 the National Emergencies Act (50 U.S.C. 1601 et
3 seq.) with respect to the Coronavirus Disease 2019
4 (COVID–19) will materially affect the functioning of
5 either the Federal courts generally or a particular
6 district court of the United States, the chief judge
7 of a district court covered by the finding (or, if the
8 chief judge is unavailable, the most senior available
9 active judge of the court or the chief judge or circuit
10 justice of the circuit that includes the district court),
11 upon application of the Attorney General or the des-
12 ignee of the Attorney General, or on motion of the
13 judge or justice, may authorize the use of video tele-
14 conferencing, or telephone conferencing if video tele-
15 conferencing is not reasonably available, for the fol-
16 lowing events:

17 (A) Detention hearings under section 3142
18 of title 18, United States Code.

19 (B) Initial appearances under Rule 5 of
20 the Federal Rules of Criminal Procedure.

21 (C) Preliminary hearings under Rule 5.1 of
22 the Federal Rules of Criminal Procedure.

23 (D) Waivers of indictment under Rule 7(b)
24 of the Federal Rules of Criminal Procedure.

1 (E) Arraignments under Rule 10 of the
2 Federal Rules of Criminal Procedure.

3 (F) Probation and supervised release rev-
4 ocation proceedings under Rule 32.1 of the
5 Federal Rules of Criminal Procedure.

6 (G) Pretrial release revocation proceedings
7 under section 3148 of title 18, United States
8 Code.

9 (H) Appearances under Rule 40 of the
10 Federal Rules of Criminal Procedure.

11 (I) Misdemeanor pleas and sentencings as
12 described in Rule 43(b)(2) of the Federal Rules
13 of Criminal Procedure.

14 (J) Proceedings under chapter 403 of title
15 18, United States Code (commonly known as
16 the “Federal Juvenile Delinquency Act”), ex-
17 cept for contested transfer hearings and juve-
18 nile delinquency adjudication or trial pro-
19 ceedings.

20 (2) FELONY PLEAS AND SENTENCING.—

21 (A) IN GENERAL.—Subject to paragraphs
22 (3), (4), and (5), if the Judicial Conference of
23 the United States finds that emergency condi-
24 tions due to the national emergency declared by
25 the President under the National Emergencies

1 Act (50 U.S.C. 1601 et seq.) with respect to
2 the Coronavirus Disease 2019 (COVID-19) will
3 materially affect the functioning of either the
4 Federal courts generally or a particular district
5 court of the United States, the chief judge of a
6 district court covered by the finding (or, if the
7 chief judge is unavailable, the most senior avail-
8 able active judge of the court or the chief judge
9 or circuit justice of the circuit that includes the
10 district court) specifically finds, upon applica-
11 tion of the Attorney General or the designee of
12 the Attorney General, or on motion of the judge
13 or justice, that felony pleas under Rule 11 of
14 the Federal Rules of Criminal Procedure and
15 felony sentencings under Rule 32 of the Federal
16 Rules of Criminal Procedure cannot be con-
17 ducted in person without seriously jeopardizing
18 public health and safety, and the district judge
19 in a particular case finds for specific reasons
20 that the plea or sentencing in that case cannot
21 be further delayed without serious harm to the
22 interests of justice, the plea or sentencing in
23 that case may be conducted by video teleconfer-
24 ence, or by telephone conference if video tele-
25 conferencing is not reasonably available.

1 (B) APPLICABILITY TO JUVENILES.—The
2 video teleconferencing and telephone confer-
3 encing authority described in subparagraph (A)
4 shall apply with respect to equivalent plea and
5 sentencing, or disposition, proceedings under
6 chapter 403 of title 18, United States Code
7 (commonly known as the “Federal Juvenile De-
8 linquency Act”).

9 (3) REVIEW.—

10 (A) IN GENERAL.—On the date that is 90
11 days after the date on which an authorization
12 for the use of video teleconferencing or tele-
13 phone conferencing under paragraph (1) or (2)
14 is issued, if the emergency authority has not
15 been terminated under paragraph (5), the chief
16 judge of the district court (or, if the chief judge
17 is unavailable, the most senior available active
18 judge of the court or the chief judge or circuit
19 justice of the circuit that includes the district
20 court) to which the authorization applies shall
21 review the authorization and determine whether
22 to extend the authorization.

23 (B) ADDITIONAL REVIEW.—If an author-
24 ization is extended under subparagraph (A), the
25 chief judge of the district court (or, if the chief

1 judge is unavailable, the most senior available
2 active judge of the court or the chief judge or
3 circuit justice of the circuit that includes the
4 district court) to which the authorization ap-
5 plies shall review the extension of authority not
6 less frequently than once every 90 days until
7 the earlier of—

8 (i) the date on which the chief judge
9 (or other judge or justice) determines the
10 authorization is no longer warranted; or

11 (ii) the date on which the emergency
12 authority is terminated under paragraph
13 (5).

14 (4) CONSENT.—Video teleconferencing or tele-
15 phone conferencing authorized under paragraph (1)
16 or (2) may only take place with the consent of the
17 defendant, or the juvenile, after consultation with
18 counsel.

19 (5) TERMINATION OF EMERGENCY AUTHOR-
20 ITY.—The authority provided under paragraphs (1),
21 (2), and (3), and any specific authorizations issued
22 under those paragraphs, shall terminate on the ear-
23 lier of—

24 (A) the last day of the covered emergency
25 period; or

1 (B) the date on which the Judicial Con-
2 ference of the United States finds that emer-
3 gency conditions due to the national emergency
4 declared by the President under the National
5 Emergencies Act (50 U.S.C. 1601 et seq.) with
6 respect to the Coronavirus Disease 2019
7 (COVID-19) no longer materially affect the
8 functioning of either the Federal courts gen-
9 erally or the district court in question.

10 (6) NATIONAL EMERGENCIES GENERALLY.—
11 The Judicial Conference of the United States and
12 the Supreme Court of the United States shall con-
13 sider rule amendments under chapter 131 of title
14 28, United States Code (commonly known as the
15 “Rules Enabling Act”), that address emergency
16 measures that may be taken by the Federal courts
17 when the President declares a national emergency
18 under the National Emergencies Act (50 U.S.C.
19 1601 et seq.).

20 (7) RULE OF CONSTRUCTION.—Nothing in this
21 subsection shall obviate a defendant’s right to coun-
22 sel under the Sixth Amendment to the Constitution
23 of the United States, any Federal statute, or the
24 Federal Rules of Criminal Procedure.

1 (c) The amount provided by this section is designated
2 by the Congress as being for an emergency requirement
3 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
4 et and Emergency Deficit Control Act of 1985.

5 DISTRICT OF COLUMBIA

6 FEDERAL FUNDS

7 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND

8 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

9 For an additional amount for “Federal Payment for
10 Emergency Planning and Security Costs in the District
11 of Columbia”, \$5,000,000, to remain available until ex-
12 pended, to prevent, prepare for, and respond to
13 coronavirus, domestically or internationally: *Provided*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 INDEPENDENT AGENCIES

19 ELECTION ASSISTANCE COMMISSION

20 ELECTION SECURITY GRANTS

21 For an additional amount for “Election Security
22 Grants”, \$400,000,000, to prevent, prepare for, and re-
23 spond to coronavirus, domestically or internationally, for
24 the 2020 Federal election cycle: *Provided*, That a State
25 receiving a payment with funds provided under this head-