

ANALYSIS OF THE SENATE HEALTH, ECONOMIC ASSISTANCE, LIABILITY PROTECTION AND SCHOOLS (HEALS) ACT

On July 27, Senate Majority Leader Mitch McConnell (R-KY) introduced the Health, Economic Assistance, Liability Protection and Schools (HEALS) Act (see below for section by section summaries and bill texts), the Senate Republican Phase IV COVID-19 package. APLU released a [statement](#) expressing appreciation for higher education funding, supplemental research relief funding for the National Institutes of Health (NIH), and temporary, limited, coronavirus-related liability protections included in the legislation while noting substantial additional relief for public institutions of higher education is needed as the legislative process moves forward.

Totaling \$1 trillion, the HEALS Act would provide \$29 billion for institutions of higher education through a Higher Education Emergency Relief Fund like the CARES Act, but with some notable formula changes detailed below. Furthermore, the HEALS Act includes \$15.5 billion for the National Institutes of Health (NIH), \$10 billion of which is designated for research relief and \$200 million is set aside to extend existing research training awards. The HEALS Act would also grant liability protections to colleges and universities.

Unfortunately, the bill does not include supplemental relief funding for research agencies across the federal government, except for NIH. Also excluded from the HEALS Act is a fix to allow state entities, including public colleges and universities, to claim the [paid leave tax credit](#) created under the Phase II relief bill, the Families First Coronavirus Relief Act (FFCRA). Public colleges and universities are also excluded from the new Safe and Healthy Workplace Tax Credit, which would provide a refundable payroll tax credit to employers for qualified costs related to reopening.

Of additional interest, the bill includes Senate Health, Education, Labor, and Pension Chairman Lamar Alexander's (R-TN) legislation to simplify student loan repayment, which would consolidate nine federal repayment options into two payment plans.

The HEALS Act also incorporates the Safeguarding American Innovation Act, introduced earlier this year by Senators Rob Portman (R-OH) and Tom Carper (D-DE). The bill would provide the White House Office of Management and Budget new authority to regulate research security; lower the Section 117 reporting threshold from \$250,000 to \$50,000; and authorize the State Department to create new rules that could potentially bar foreign student and scholar visa applicants simply because of their nationality and/or chosen course of study. APLU and partner associations sent letters ([July 20](#), [July 21](#)) to the Senate Committee on Homeland Security and Governmental Affairs leadership expressing concerns with the legislation earlier this month.

Bill Texts

- Coronavirus Response Additional Supplemental Appropriations Act ([text](#), [summary](#))
- Safely Back to School and Back to Work Act ([text](#), [section by section](#))
- SAFE to Work Act ([text](#), [section by section](#))
- Continuing Small Business Recovery and Paycheck Protection Program Act ([text](#), [section by section](#), [one pager](#))
- American Workers, Families, and Employers Assistance Act ([text](#), [section by section](#))
- Simplifying Student Loan Repayment ([one pager](#))
- Restoring Critical Supply Chains and Intellectual Property Act ([section by section](#))

- Domestic Manufacturing ([text](#))
- Education Freedom Scholarships ([one pager](#))
- Back to Work Child Care Grants ([text](#))
- Supporting Americas Restaurant Workers Act ([text](#))
- Time to Rescue the United States Trusts Act ([text](#), [section by section](#), [one pager](#))

I. EDUCATION FUNDING AND POLICY

ANALYSIS OF FUNDING PROGRAM

The HEALS Act provides \$105 billion for education, \$29 billion of which would be provided directly to colleges and universities through a funding formula like the CARES Act. Importantly, the proposed legislation would retain the use of the full-time equivalent (FTE) measure in determining an institution’s portion of the fund. In contrast to the CARES Act, an institution’s share of the Fund would be weighted more heavily based upon its ratio of Pell students—90 percent of funds would be awarded based upon its proportion of Pell students enrolled, while just 10 percent would be awarded based upon non-Pell student enrollment. The formula change would allocate significantly more funding to institutions serving a higher proportion of Pell students than the CARES Act, which provided a 75 Pell student/25 non-Pell student split.

Under the HEALS Act, institutions could use funding for a broad array of expenses, losses, and investments including financial aid to students. In contrast to the CARES Act, the bill does not mandate half of an institution’s funding for grants to students. The bill would also provide an additional \$2.9 billion for Historically Black Colleges and Universities and Minority Serving Institutions and \$5 billion for governors to use at their discretion to support higher education or K-12.

DIVISION A	
Title VIII	
Department of Education (pg. 101)	
Education Stabilization Fund	
Sec. 821. Allocations (pg. 102)	Creates a \$105 billion education stabilization fund that will provide funding to states, K-12 education, and colleges and universities. One-half of 1 percent is reserved to the outlying areas and one-half of 1 percent to the Bureau of Indian Education (“BIE”). Of the funds remaining: <ul style="list-style-type: none"> • 5 percent of funds are reserved for the Governor’s Emergency Education Relief Fund, or approximately \$5 billion • 67 percent of funds are reserved for K-12 schools, or approximately \$71 billion • 28 percent of funds are reserved for higher education, or approximately \$29 billion
Sec. 822. Governor’s Emergency Education Relief Fund (pg. 103)	Provides \$5 billion in funds directly to Governors, 60 percent based on their relative population of individuals aged 5 through 2, and 40 percent based on children counted under ESEA. Funds

	<p>can be used for emergency support to school districts and colleges most impacted by the coronavirus.</p>
<p>Sec. 824. Higher Education Emergency Relief Fund (HEERF) (pg. 117)</p>	<p>Provides \$29 billion in aid to be directly allocated to colleges and universities:</p> <ul style="list-style-type: none"> • 85 percent of HEERF funds would be allocated to Sec. 101 and 102(c) institutions according to the following formula: <ul style="list-style-type: none"> ○ 90 percent based on an institution’s relative share of full-time equivalent Pell Grant recipients who are not enrolled full-time in distance education prior to the coronavirus emergency ○ 10 percent based on an institution’s relative share of full-time equivalent non-Pell Grant recipients who are not enrolled full-time in distance education prior to the current emergency • 10 percent of HEERF funds would be reserved for additional grants 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 Higher Education Act allocated proportionally based upon FY20 appropriations, based on the following formula: <ul style="list-style-type: none"> ○ 70 percent based upon a ratio of the number of Pell students at the institution compared to all Pell students ○ 25 percent based upon an institution’s total student enrollment not exclusively enrolled in distance education compared to all students enrolled in higher education ○ 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 • 5 percent of HEERF funds would be reserved for FIPSE grants
<p>Sec. 824. HEERF (b) Uses of Funds (pg. 121)</p>	<p>These funds could be used to:</p> <ol style="list-style-type: none"> 1. defray expenses associated with coronavirus (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, and payroll); and 2. provide financial aid grants to students (including students exclusively enrolled in distance education), which may be used for any component of the student’s

	cost of attendance or for emergency costs that arise due to coronavirus.
Sec. 824. HEERF (d) Special Provisions (pg. 122)	The bill would require that institutions impacted by the endowment excise tax in 2019 would have their allocations reduced by 50 percent and would only be able to use funds to provide students with emergency aid.
Sec. 828. Maintenance of Effort (pg. 127)	The MOE provision would require that states provide an assurance that they will maintain support for higher education in FY20 and FY21 at least at proportional levels to state funding for FY19. This would include funding to IHEs and need-based financial aid, but would exclude support for capital projects, research and development funding, and tuition and fees paid by students.

ANALYSIS OF EDUCATION POLICY PROVISIONS

In addition to its new education funding program, education policy provisions in the HEALS Act contain significant changes to the federal student loan repayment system, as well as several technical amendments to the CARES Act.

First, the Safely Back to School and Back to Work Act includes provisions that would streamline the current student loan repayment offerings. The bill would reduce the number of repayment options into two simple options: a 10-year standard repayment plan and an income-based repayment plan that would be set at 10 percent of a borrower’s discretionary income. Senator Alexander has connected this proposal to the current COVID-19 crisis by noting that all current borrowers can switch to one of these two plans, and that under the IBR plan, if a borrower earns less than 150 percent of the poverty level or has no income, their payment would be set at \$0.

Further, the bill includes several amendments to the education provisions contained in the CARES Act. Many of these changes extend flexibilities granted in the CARES Act through the 2020-21 academic year, including flexibilities for Federal Work Study. The bill includes clarifications on how funds received by students and families under CARES should be treated for the purposes of expected family contribution, as well as greater latitude in professional judgement for financial aid administrators.

Safely Back to School and Back to Work Act	
TITLE II - Education Provisions	
Sec. 201. Simplifying Student Loan Repayment (pg. 38)	<ul style="list-style-type: none"> • Streamlines nine current ways to repay a federal student loan into two, simple options: <ul style="list-style-type: none"> ○ A standard, 10-year mortgage-style repayment plan ○ An income-based repayment plan dependent on the borrower’s annual income <ul style="list-style-type: none"> ▪ Borrowers pay 10% of their discretionary income—defined as all income above 150% of poverty level (currently \$19,140 for an individual)

	<ul style="list-style-type: none"> ▪ If a borrower earns less than 150% of the poverty level or has no income, their monthly payment is \$0 ▪ If a borrower has only undergraduate loans, then their outstanding debt will be forgiven after 20 years of payments. If the borrower has any graduate loans, then their outstanding debt will be forgiven after 25 years of payments. • Federal student loan borrowers who enter repayment or wish to switch repayment plans on or after October 1, 2020, can choose from the two, simple repayment options • If a current borrower likes their repayment plan, a borrower can keep their repayment plan • Ensures that borrowers who wish to receive Public Service Loan Forgiveness pay their fair share by requiring borrowers to remain enrolled in the income-determined repayment plan for each of the 120 monthly payments needed to qualify for Public Service Loan Forgiveness • Ensures that borrowers participating in the Public Service Loan Forgiveness program benefit because a payment in either of the two repayment plans count toward the 120 monthly payments needed to qualify for Public Service Loan Forgiveness
<p>Sec. 209. Amendments to Education Provisions of CARES</p>	
<p>Sec. 209(a). Campus-based Aid Waivers (pg. 113)</p>	<ul style="list-style-type: none"> • Clarifies that the CARES Act waiver for matching funds in Federal Work Study extends to participating non-profit organizations that provide opportunities for students to work in community service positions. • Extends existing CARES authority to reallocate Supplemental Education Opportunity Grant or Federal Work Study funds through the end of the 2020- 2021 award year or the end of the qualifying emergency, whichever is later.
<p>Sec. 209(b). Federal Work Study During a Qualifying Emergency (pg. 114)</p>	<ul style="list-style-type: none"> • Extends existing CARES waivers for Federal Work Study into 2020-2021 award year.
<p>Sec. 209(c). Continuing Education at Affected Foreign Institutions (pg. 114)</p>	<ul style="list-style-type: none"> • Extends existing CARES waivers for foreign institutions through the end of the 2020-2021 award year or the end of the qualifying emergency, whichever is later.
<p>Sec. 209(d). Temporary Relief for Federal Student Loan Borrowers</p>	<ul style="list-style-type: none"> • Clarifies that the CARES Act relief for Federal student loan borrowers, which provides 0 percent interest

(pg. 116)	accrual until September 30, 2020, also applies to students in in-school deferment.
Sec. 209(e). Service Obligations for Teachers and Other Professionals (pg. 116)	<ul style="list-style-type: none"> Creates parity with TEACH and Stafford loan teacher forgiveness for Perkins Loans cancellation.
Sec. 209(f). Calculation of Expected Family Contribution (pg. 117)	<ul style="list-style-type: none"> Clarifies that any funds received by a student or family during the national emergency under the CARES Act should not be counted toward taxed or untaxed income in the Needs Analysis formula for the Expected Family Contribution for the current or any upcoming award years.
Sec. 209(g). Professional Judgement for Federal Student Aid During the 2020-21 and 2021-22 Award Years (pg. 117)	<ul style="list-style-type: none"> Allows financial aid administrators to determine that a single unemployed person has zero income earned from work within Needs Analysis during the so-called “Professional Judgement” analysis instead of looking at previous year tax data to help those recently unemployed due to the coronavirus. Allows financial aid administrators to also make appropriate adjustments for other family members if the student is married or a dependent student, including considering an unemployed family member’s income earned from work as zero. Requires that the Secretary adjusts program review criteria for institutions of higher education during this time to account for an unusually high number of professional judgements.
Sec. 209(h). FAFSA Adjustments for the 2020-21 and 2021-22 Award Years (pg. 119)	<ul style="list-style-type: none"> Adds notice on FAFSA applications for 2020-2021 award year (current application) and 2021-2022 award year (application available in October) for professional judgment and dislocated worker. Adds a temporary check box on the FAFSA for applicants to report incidences of recent income loss to financial aid administrators to help those recently unemployed due to the coronavirus

II. RESEARCH FUNDING AND POLICY

The bill would provide additional funding for numerous research agencies such as the National Aeronautics and Space Administration, the Departments of Defense and Energy, and the National Institutes of Health to prevent, prepare for, and respond to coronavirus, domestically or internationally.

The bill provides \$10.1 billion in supplemental appropriations to the National Institutes of Health to offset the costs related to reductions in lab productivity resulting from the coronavirus pandemic or public health measures related to the coronavirus pandemic. \$200 million is also set aside to extend existing research training programs.

The Senate bill incorporates the Restoring Critical Supply Chains and Intellectual Property Act, which includes provisions from the Creating Helpful Incentives to Produce Semiconductors (CHIPS) for America Act, S. 3933 by Senator Cornyn (R-TX) and the American Mineral Security Act, S. 1317 by Senator Murkowski (R-AK). To learn more about the bill’s provisions, please view the [bill text](#) and [summary](#) of the bill. The Senate bill also incorporates S. 3997, the Safeguarding American Innovation Act, introduced by Senators Rob Portman (R-OH) and Tom Carper (D-DE). APLU and partner associations sent letters ([July 20](#), [July 21](#)) to Senate Committee on Homeland Security and Governmental Affairs leadership expressing concerns in advance of the bill’s July 22 markup.

DIVISION A (bill text, summary)	
TITLE II	
National Aeronautics and Space Administration (NASA), Summary Text	The bill provides funding support to NASA to cover current funding claims, and submitted contractor claims yet to be finalized, based upon Section 3610 of the CARES Act.
NASA, Science (pg. 13)	The bill would provide an additional amount of \$224,000,000 to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally.
NASA Aeronautics (pg. 13)	The bill would provide an additional \$28,700,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally.
NASA Space Technology (pg. 14)	The bill would provide an additional \$29,750,000 to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally.
NASA Science, Technology, Engineering, and Mathematics Engagement (pg. 16)	The bill would provide an additional \$4,900,000 to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally.
TITLE III	
Department of Defense, Research, Development, Test, and Evaluation (RTD&E), Summary Text	The proposal provides funding to support additional technological investments across the services including the evaluation of certain technologies to support digital training capabilities, solutions for classified services, and collection capture and transmission capabilities, among others.
Department of Defense, RDT&E Air Force (pg. 23)	The bill would provide an additional \$20,931,000 to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally.
Department of Defense, RTD&E Defense-Wide (pg. 23)	The bill would provide an additional \$1,494,000 to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally.
Defense Health Program, Summary Text	The proposal funds the Defense Health Program to complete expansion efforts of manufacturing capability in order to maximize the number of doses of a variety of prophylactics and therapeutics in the minimum amount of time to protect the Warfighter population and for the Department to acquire medical PPE for the Defense Health Agency for medical personnel and patients in response to COVID-19.
Defense Health Program (pg. 24)	The bill would provide an additional \$705,000,000, of which \$175,000,000 shall be for operation and maintenance, to remain

	available until September 30, 2021, and \$530,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally.
TITLE IV	
Department of Energy, Office of Science, Summary Text	The proposal provides funding to further support COVID-19-related research and development activities, including equipment, enabling technologies, and personnel at national laboratory scientific user facilities; and for related cybersecurity and information technology needs.
Department of Energy, Office of Science (pg. 42)	The bill would provide an additional \$306,000,000 to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally which shall be for necessary expenses related to research and development and related activities, including equipment, enabling technologies, and personnel associated with the operations of Department of Energy scientific user facilities. <ul style="list-style-type: none"> - \$6,000,000 shall be for the COVID-19 Insights Partnership - \$12,100,000 shall be for necessary expenses related to cybersecurity and information technology
Department of Energy, Departmental Administration, Summary Text	The proposal provides funding to replenish Personal Protective Equipment provided to other federal agencies at the onset of the COVID-19 pandemic and to ensure sufficient supplies are available at Department of Energy facilities and national laboratories.
Department of Energy, Departmental Administration (pg. 42)	The bill would provide an additional \$1,300,000 to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally including for necessary expenses related to personal protective equipment. <ul style="list-style-type: none"> - Funds appropriated may be transferred to, and merged with, other appropriation accounts of the Department of Energy to prevent, prepare for, and respond to coronavirus, including for necessary expenses related to personal protective equipment.
TITLE VIII	
National Institutes of Health (NIH), National Heart, Lung, and Blood Institute (pg. 67)	\$290,000,000 to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally.
NIH, National Institute of Diabetes and Digestive and Kidney Disease (pg. 68)	\$200,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally.
NIH, National Institute of Allergy and Infectious Disease (pg. 68)	\$480,555,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally <ul style="list-style-type: none"> - \$55,000,000 shall be for Regional Biocontainment Laboratories

	<ul style="list-style-type: none"> - Funding provided in the previous provision shall be divided evenly among the eleven laboratories.
NIH, Eunice Kennedy Shriver National Institute of Child Health and Human Development (pg. 69)	\$172,680,000 to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally.
NIH, National Institute of Mental Health (pg. 69)	\$200,000,000 to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally.
NIH, National Institute on Minority Health and Health Disparities (pg. 69)	\$64,334,000 to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally.
NIH, National Center for Advancing Translational Science (pg. 70)	\$1,224,750,000 to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally.
NIH, Office of the Director (pg. 70)	<p>\$12,905,337,000 to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally.</p> <ul style="list-style-type: none"> - Not less than \$10,100,000,000 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. - \$1,325,337,000 of the amount provided shall be to support additional scientific research or the programs and platforms that support research: - \$1,240,000,000 of the amount provided shall be provided to accelerate the research and development of therapeutic interventions and vaccines in partnership. - \$240,000,000 of the amount provided shall be for supplements to existing research training awards for extensions and other costs.
TITLE XIII	
Institute of Education Sciences (pg. 128)	The bill would provide an additional \$65 million for IES to prevent, prepare for, and respond to the coronavirus and for carrying out the NAEP assessments in elementary and secondary schools.

III. TAX AND BUSINESS POLICY

The American Workers, Families, and Employers Assistance Act would provide some tax relief to public universities, students and families. Notably, it would increase federal payments toward unemployment benefits for reimbursing employers from the 50 percent provided under the CARES Act up to 75 percent. Further, the bill would increase the emergency relief for families with dependents by providing \$500 for college-aged dependents. Under the CARES Act, this relief was only available for dependents under the age of 17.

Unfortunately, the bill would continue to exclude public universities from extended and new payroll tax credits designed to help employers. The bill would enhance the employee hiring and retention payroll tax credit created under CARES, increasing the qualifying wages reimbursed from 50 to 65 percent. The bill

would also create a new Safe and Healthy Workplace tax credit, which would help offset employer costs of reopening. Neither of these benefits would be available to public universities, nor does the legislation address eligibility of state entities for the paid leave tax credit created in the Families First Coronavirus Response Act (Phase II).

Finally, the SAFE TO WORK Act creates an exclusive federal remedy for all COVID-19 personal injury causes of action against defendants, preempting state law and setting caps on damages.

American Workers, Families, and Employers Assistance Act	
TITLE I – FURTHER RELIEF FOR WORKERS AFFECTED BY CORONAVIRUS	
<p>Sec. 102. Supplemental emergency unemployment relief for governmental entities and nonprofit organizations (pg. 11)</p>	<p>The CARES Act provides payment to states to reimburse nonprofits, government agencies, and Indian tribes for half of the costs they incur through December 31, 2020 to pay unemployment benefits. This provision increases the percentage from 50 to 75 percent.</p>
TITLE II—ASSISTANCE TO INDIVIDUALS, FAMILIES AND EMPLOYERS TO REOPEN THE ECONOMY	
<p>Sec. 201, 202. Additional 2020 recovery rebates for individuals and modifications to recovery rebates made under the CARES Act (pg. 39)</p>	<p>The HEALS Act would extend emergency relief from the CARES Act, providing all U.S. citizens and U.S. residents with adjusted gross income up to \$75,000 (\$150,000 married) who are not a dependent of another taxpayer and have a work eligible Social Security number, with a \$1,200 (\$2,400 married) rebate under this section. In addition, individuals would be eligible for an additional \$500 per dependent rebate.</p> <p>Unlike the CARES Act, the additional \$500 would be provided for all dependents, not just dependents under 17. This would provide families with college-aged dependents with additional relief.</p>
<p>Sec. 211. Enhanced employee hiring and retention payroll tax credit (pg. 71)</p>	<p>This section would increase the applicable percentage of qualified wages reimbursed through the employee retention tax credit (a refundable payroll tax credit) created under the CARES Act from 50 to 65 percent.</p> <p>The HEALS Act would continue to exclude public entities, including public universities.</p>
<p>Sec. 213. Safe and healthy workplace tax credit (pg. 82)</p>	<p>This section would establish a refundable payroll tax credit equal to 50 percent of an employer’s “qualified employee protection expenses,” such as testing for COVID-19, protective personal equipment, cleaning supplies, and qualified workplace reconfiguration expenses.</p> <p>In the bill, this new tax credit would specifically exclude public entities, including public universities.</p>

LIABILITY PROTECTIONS

SAFE TO WORK Act – Introduced by Senators Cornyn (R-TX) and McConnell (R-KY)

Sec. 11121	<ul style="list-style-type: none">• Creates an exclusive federal remedy for all claims against a defendant for personal injury for actual, alleged, feared, or potential exposure to coronavirus between Dec. 1, 2019 and later of either the end of the emergency declaration or Oct. 1, 2024.• Preempts state laws except those that apply broader liability protections• Sets a one-year statute of limitations for claims
Sec. 11122	<ul style="list-style-type: none">• Sets a clear and convincing standard of evidence• Creates a safe harbor for defendants who took reasonable efforts in light of circumstances to comply with applicable mandatory standards and regulations• Plaintiffs must demonstrate defendants’ gross negligence or willful misconduct caused coronavirus injury
Sec. 11162	<ul style="list-style-type: none">• Limits compensatory damages to economic losses and prohibits punitive damages except in cases involving intention misconduct• Preempts state laws authorizing broader liability and damages
Sec. 11181	<ul style="list-style-type: none">• Protects employers from liability under certain federal labor and employment laws, (OSHA, Title I of ADA, etc.)
Sec. 11182	<ul style="list-style-type: none">• Precludes lawsuits of workplace testing injuries unless caused by gross negligence or willful misconduct

IV. INTERNATIONAL AND IMMIGRATION POLICY

The bill would authorize a \$1.2 billion loan to the U.S. Citizenship and Immigration Services (USCIS), a fee-based agency facing significant furloughs later this year if Congress does not provide assistance. The legislation would also authorize the Secretary of Homeland Security to apply a 10 percent surcharge to application fees, which may be used to repay the loan.

DIVISION B: OTHER MATTERS

U.S. Citizenship and Immigration Services Loan Authority

	The Secretary of Homeland Security is authorized to issue to the Secretary of the Treasury from time to time and have outstanding at any one time, in an amount not exceeding \$1,222,000,000, notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary of Homeland Security with the approval of the Secretary of the Treasury.
USCIS Surcharge	Any applicant paying a fee authorized by the Secretary of Homeland Security shall pay a surcharge in addition to each

	<p>such fee. The surcharge shall be 10 percent of such fee rounded up to the nearest dollar.</p> <ol style="list-style-type: none"><li data-bbox="711 264 1398 394">1. The Secretary of Homeland Security shall begin collecting the surcharge prescribed by this section and shall reject any benefit request submitted without payment for such surcharge, if applicable.<li data-bbox="711 401 1386 495">2. The Secretary shall use all surcharges collected under this subsection to repay funds borrowed under subsection
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