

1 encing and telephonically, free of charge to inmates,
2 during the covered emergency period.

3 (2) EXEMPTION FROM NOTICE-AND-COMMENT
4 RULEMAKING REQUIREMENTS.—Section 553 of title
5 5, United States Code, shall not apply to the pro-
6 mulgation of rules under paragraph (1) of this sub-
7 section.

8 (d) EMERGENCY REQUIREMENT.—The amount pro-
9 vided by this section is designated by the Congress as
10 being for an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 TEMPORARY AUTHORITY OF DIRECTOR OF THE USPTO
14 DURING THE COVID-19 EMERGENCY.

15 SEC. 12004. (a) IN GENERAL.—During the emer-
16 gency period described in subsection (e), the Director may
17 toll, waive, adjust, or modify, any timing deadline estab-
18 lished by title 35, United States Code, the Trademark Act,
19 section 18 of the Leahy-Smith America Invents Act (35
20 U.S.C. 321 note), or regulations promulgated thereunder,
21 in effect during such period, if the Director determines
22 that the emergency related to such period—

23 (1) materially affects the functioning of the
24 Patent and Trademark Office;

1 (2) prejudices the rights of applicants, reg-
2 istrants, patent owners, or others appearing before
3 the Office; or

4 (3) prevents applicants, registrants, patent own-
5 ers, or others appearing before the Office from filing
6 a document or fee with the Office.

7 (b) PUBLIC NOTICE.—If the Director determines
8 that tolling, waiving, adjusting, or modifying a timing
9 deadline under subsection (a) is appropriate, the Director
10 shall publish publicly a notice to such effect.

11 (c) STATEMENT REQUIRED.—Not later than 20 days
12 after the Director tolls, waives, adjusts, or modifies a tim-
13 ing deadline under subsection (a) and such toll, waiver,
14 adjustment, or modification is in effect for a consecutive
15 or cumulative period exceeding 120 days, the Director
16 shall submit to Congress a statement describing the action
17 taken, relevant background, and rationale for the period
18 of tolling, waiver, adjustment, or modification.

19 (d) OTHER LAWS.—Notwithstanding section 301 of
20 the National Emergencies Act (50 U.S.C. 1631), the au-
21 thority of the Director under subsection (a) is not contin-
22 gent on a specification made by the President under such
23 section or any other requirement under that Act (other
24 than the emergency declaration under section 201(a) of
25 such Act (50 U.S.C. 1621(a))). The authority described

1 in this section supersedes the authority of title II of the
2 National Emergencies Act (50 U.S.C. 1621 et seq.).

3 (e) EMERGENCY PERIOD.—The emergency period de-
4 scribed in this subsection includes the duration of the por-
5 tion of the emergency declared by the President pursuant
6 to the National Emergencies Act on March 13, 2020, as
7 a result of the COVID–19 outbreak (and any renewal
8 thereof) beginning on or after the date of the enactment
9 of this section and the 60 day period following such dura-
10 tion.

11 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion may be construed as limiting other statutory authori-
13 ties the Director may have to grant relief regarding filings
14 or deadlines.

15 (g) SUNSET.—Notwithstanding subsection (a), the
16 authorities provided under this section shall expire upon
17 the expiration of the 2-year period after the date of the
18 enactment of this section.

19 (h) DEFINITIONS.—In this section:

20 (1) DIRECTOR.—The term “Director” means
21 the Under Secretary of Commerce for Intellectual
22 Property and Director of the United States Patent
23 and Trademark Office.

24 (2) TRADEMARK ACT.—The term “Trademark
25 Act” means the Act entitled “An Act to provide for

1 the registration and protection of trademarks used
2 in commerce, to carry out the provisions of certain
3 international conventions, and for other purposes”,
4 approved July 5, 1946 (15 U.S.C. 1051 et seq.).

5 (i) EMERGENCY REQUIREMENT.—The amount pro-
6 vided by this section is designated by the Congress as
7 being for an emergency requirement pursuant to section
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 ASSISTANCE TO FISHERY PARTICIPANTS

11 SEC. 12005. (a) IN GENERAL.—The Secretary of
12 Commerce is authorized to provide assistance to Tribal,
13 subsistence, commercial, and charter fishery participants
14 affected by the novel coronavirus (COVID–19), which may
15 include direct relief payments.

16 (b) FISHERY PARTICIPANTS.—For the purposes of
17 this section, “fishery participants” include Tribes, per-
18 sons, fishing communities, aquaculture businesses not oth-
19 erwise eligible for assistance under part 1416 of title 7
20 of the Code of Federal Regulations for losses related to
21 COVID–19, processors, or other fishery-related busi-
22 nesses, who have incurred, as a direct or indirect result
23 of the coronavirus pandemic—

24 (1) economic revenue losses greater than 35
25 percent as compared to the prior 5-year average rev-
26 enue; or