

Union Calendar No.

117TH CONGRESS
1ST SESSION

H. R.

[Report No. 117-]

To provide for reconciliation pursuant to title II of S. Con. Res. 5.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY --, 2021

Mr. YARMUTH, from the Committee on the Budget, reported the following bill;
which was committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

A BILL

To provide for reconciliation pursuant to title II of S. Con.

Res. 5.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Rescue Plan
5 Act of 2021”.

6 **SEC. 2. TABLE OF CONTENTS.**

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

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1 **TITLE I—COMMITTEE ON**
2 **AGRICULTURE**
3 **Subtitle A—Agriculture**

4 **SEC. 1001. FOOD SUPPLY CHAIN AND AGRICULTURE PAN-**
5 **DEMIC RESPONSE.**

6 (a) APPROPRIATION.—In addition to amounts other-
7 wise available, there is appropriated to the Secretary of
8 Agriculture for fiscal year 2021, out of any money in the
9 Treasury not otherwise appropriated, \$4,000,000,000, to
10 remain available until expended, to carry out this section.

11 (b) USE OF FUNDS.—The Secretary of Agriculture
12 shall use the amounts made available pursuant to sub-
13 section (a)—

14 (1) to purchase food and agricultural commod-
15 ities;

16 (2) to purchase and distribute agricultural com-
17 modities (including fresh produce, dairy, seafood,
18 eggs, and meat) to individuals in need, including
19 through delivery to nonprofit organizations and
20 through restaurants and other food related entities,
21 as determined by the Secretary, that may receive,
22 store, process, and distribute food items;

23 (3) to make grants and loans for small or
24 midsized food processors or distributors, seafood
25 processing facilities and processing vessels, farmers

1 markets, producers, or other organizations to re-
2 spond to COVID–19, including for measures to pro-
3 tect workers against COVID–19;

4 (4) to make loans and grants and provide other
5 assistance to maintain and improve food and agricul-
6 tural supply chain resiliency; and

7 (5) to make payments for necessary expenses
8 related to losses of crops (including losses due to
9 high winds or derechos) pursuant to title I of the
10 Additional Supplemental Appropriations for Disaster
11 Relief Act, 2019 (Public Law 116–20), as amended
12 by section 116 of the Continuing Appropriations
13 Act, 2020 (Public Law 116–59) and as further
14 amended by subsection (c) of section 791 of the
15 Further Consolidated Appropriations Act, 2020
16 (Public Law 116–94) for crop losses in crop year
17 2020.

18 (c) ANIMAL HEALTH.—

19 (1) COVID–19 ANIMAL SURVEILLANCE.—The
20 Secretary of Agriculture shall conduct monitoring
21 and surveillance of susceptible animals for incidence
22 of SARS–CoV–2.

23 (2) INTERGOVERNMENTAL COOPERATION.—Ac-
24 tivities conducted under paragraph (1) shall be con-

1 sistent with guidance provided by the World
2 Organisation for Animal Health.

3 (3) FUNDING.—Out of the amounts made avail-
4 able under subsection (a), the Secretary shall use
5 \$300,000,000 to carry out this subsection.

6 (d) OVERTIME FEES.—

7 (1) SMALL ESTABLISHMENT; VERY SMALL ES-
8 TABLISHMENT DEFINITIONS.—The terms “small es-
9 tablishment” and “very small establishment” have
10 the meaning given those terms in the final rule enti-
11 tled “Pathogen Reduction; Hazard Analysis and
12 Critical Control Point (HACCP) Systems” published
13 in the Federal Register on July 25, 1996 (61 Fed.
14 Reg. 38806).

15 (2) OVERTIME INSPECTION COST REDUC-
16 TION.—Notwithstanding any other provision of law
17 and subject to the availability of funds under para-
18 graph (3), the Secretary of Agriculture shall reduce
19 the amount of overtime inspection costs borne by
20 federally-inspected small establishments and very
21 small establishments engaged in meat, poultry, or
22 egg products processing and subject to the require-
23 ments of the Federal Meat Inspection Act (21
24 U.S.C. 601 et seq.), the Poultry Products Inspection
25 Act (21 U.S.C. 451 et seq.), or the Egg Products

1 Inspection Act (21 U.S.C. 1031 et seq.), for inspec-
2 tion activities carried out during the period of fiscal
3 years 2021 through 2030.

4 (3) FUNDING.—Out of the amounts made avail-
5 able under subsection (a), the Secretary shall use
6 \$100,000,000 to carry out this subsection.

7 **SEC. 1002. EMERGENCY GRANTS FOR RURAL HEALTH**
8 **CARE.**

9 (a) GRANTS.—The Secretary of Agriculture (in this
10 section referred to as the “Secretary”) shall use the funds
11 made available by this section to establish an emergency
12 pilot program not later than 150 days after the date of
13 enactment of this Act to provide grants to eligible appli-
14 cants (as defined in section 3570.61(a) of title 7, Code
15 of Federal Regulations) to be awarded by the Secretary
16 based on needs related to the COVID–19 pandemic.

17 (b) USES.—An eligible applicant to whom a grant is
18 awarded under this section may use the grant funds for
19 costs, including those incurred prior to the issuance of the
20 grant, as determined by the Secretary, on facilities which
21 primarily serve rural areas (as defined in section
22 343(a)(13)(C) of the Consolidated Farm and Rural Devel-
23 opment Act (7 U.S.C. 1991(a)(13)(C)), which are located
24 in a rural area, the median household income of the popu-
25 lation to be served by which is less than the greater of

1 the poverty line or the applicable percentage (determined
2 under section 3570.63(b) of title 7, Code of Federal Regu-
3 lations) of the State nonmetropolitan median household
4 income, and for which the performance of construction
5 work shall meet the condition set forth in section 9003(f)
6 of the Farm Security and Rural Investment Act of 2002
7 (7 U.S.C. 8103(f)), to—

8 (1) increase capacity for vaccine distribution;

9 (2) provide drugs or medical supplies to in-
10 crease medical surge capacity;

11 (3) reimburse for COVID–19-related expenses
12 and lost revenue to maintain capacity, including ex-
13 penses and revenue losses incurred prior to the
14 awarding of the grant;

15 (4) increase telehealth capabilities, including
16 underlying health care information systems;

17 (5) construct temporary or permanent struc-
18 tures to provide health care services, including vac-
19 cine administration or testing;

20 (6) support staffing needs for vaccine adminis-
21 tration or testing; and

22 (7) engage in any other efforts determined to
23 be critical to address the COVID–19 pandemic, in-
24 cluding nutritional assistance to vulnerable individ-
25 uals, as approved by the Secretary.

1 (c) FUNDING.—In addition to amounts otherwise
2 available, there is appropriated to the Secretary for fiscal
3 year 2021, out of any money in the Treasury not otherwise
4 appropriated, \$500,000,000, to remain available until
5 September 30, 2023, to carry out this section, of which
6 not more than 3 percent may be used by the Secretary
7 for administrative purposes and not more than 2 percent
8 may be used by the Secretary for technical assistance as
9 defined in section 306(a)(26) of the Consolidated Farm
10 and Rural Development Act (7 U.S.C. 1926(a)(26)).

11 **SEC. 1003. PANDEMIC PROGRAM ADMINISTRATION FUNDS.**

12 In addition to amounts otherwise available, there are
13 appropriated for fiscal year 2021, out of any money in
14 the Treasury not otherwise appropriated, \$47,500,000, to
15 remain available until expended, for necessary administra-
16 tive expenses associated with carrying out this subtitle.

17 **SEC. 1004. FUNDING FOR THE USDA OFFICE OF INSPECTOR**

18 **GENERAL FOR OVERSIGHT OF COVID—19-RE-**

19 **LATED PROGRAMS.**

20 In addition to amounts otherwise made available,
21 there are appropriated for fiscal year 2021, out of any
22 money in the Treasury not otherwise appropriated,
23 \$2,500,000, to remain available until September 30, 2022,
24 to carry out audits, investigations, and other oversight ac-
25 tivities authorized under the Inspector General Act of

1 1978 (5 U.S.C. App.) of projects and activities carried out
2 with funds made available to the Department of Agri-
3 culture related to the COVID–19 pandemic.

4 **SEC. 1005. FARM LOAN ASSISTANCE FOR SOCIALLY DIS-**
5 **ADVANTAGED FARMERS AND RANCHERS.**

6 (a) PAYMENTS.—

7 (1) APPROPRIATION.—For the purposes of ad-
8 dressing the longstanding and widespread discrimi-
9 nation against socially disadvantaged farmers and
10 ranchers in farm loan programs and across the De-
11 partment of Agriculture, as documented for decades
12 by Congress and Federal agencies, and alleviating
13 discriminatory barriers preventing socially disadvan-
14 taged farmers and ranchers from fully participating
15 in the American farm economy, in addition to
16 amounts otherwise available, there is appropriated to
17 the Secretary for fiscal year 2021, out of amounts
18 in the Treasury not otherwise appropriated, such
19 sums as may be necessary, to remain available until
20 expended, for the cost of loan modifications and pay-
21 ments under this section.

22 (2) PAYMENTS.—Using a simplified process to
23 be determined by the Secretary, the Secretary shall
24 provide a payment in an amount equal to 120 per-
25 cent of the outstanding indebtedness of each socially

1 disadvantaged farmer or rancher as of January 1,
2 2021, to pay off the loan directly or to the socially
3 disadvantaged farmer or rancher (or a combination
4 of both), on each—

5 (A) direct farm loan made by the Secretary
6 to the socially disadvantaged farmer or rancher;
7 and

8 (B) farm loan guaranteed by the Secretary
9 the borrower of which is the socially disadvan-
10 taged farmer or rancher.

11 (3) EFFECT ON ELIGIBILITY.—Notwithstanding
12 any other provision of law, the provision of a pay-
13 ment under paragraph (2) to a socially disadvan-
14 taged farmer or rancher shall not affect the eligi-
15 bility of such farmer or rancher for a farm loan
16 after the date on which the payment is provided.

17 (b) DEFINITIONS.—In this section:

18 (1) FARM LOAN.—The term “farm loan”
19 means—

20 (A) a loan administered by the Farm Serv-
21 ice Agency under subtitle A, B, or C of the
22 Consolidated Farm and Rural Development Act
23 (7 U.S.C. 1922 et seq.); and

24 (B) a Commodity Credit Corporation Farm
25 Storage Facility Loan.

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture.

3 (3) SOCIALLY DISADVANTAGED FARMER OR
4 RANCHER.—The term “socially disadvantaged farm-
5 er or rancher” has the meaning given the term in
6 section 2501(a) of the Food, Agriculture, Conserva-
7 tion, and Trade Act of 1990 (7 U.S.C. 2279(a)).

8 **SEC. 1006. ASSISTANCE AND SUPPORT FOR SOCIALLY DIS-**
9 **ADVANTAGED FARMERS, RANCHERS, FOREST**
10 **LAND OWNERS AND OPERATORS, AND**
11 **GROUPS.**

12 (a) APPROPRIATION.—In addition to amounts other-
13 wise available, there is appropriated to the Secretary of
14 Agriculture for fiscal year 2021, out of any money in the
15 Treasury not otherwise appropriated, \$1,010,000,000, to
16 remain available until expended, to carry out this section.

17 (b) ASSISTANCE.—The Secretary of Agriculture shall
18 use the amounts made available pursuant to subsection

19 (a)—

20 (1) to provide outreach, mediation, financial
21 training, capacity building training, cooperative de-
22 velopment training and support, and other technical
23 assistance to socially disadvantaged groups;

24 (2) to provide grants and loans to improve land
25 access for socially disadvantaged farmers, ranchers,

1 or forest landowners, including issues related to
2 heirs' property in a manner as determined by the
3 Secretary;

4 (3) to support the development of agricultural
5 credit institutions that are designed to serve socially
6 disadvantaged groups, including other financing in-
7 stitutions funded by the Farm Credit System;

8 (4) to support the activities of one or more eq-
9 uity commissions;

10 (5) to support the development of one or more
11 legal centers focused on agricultural legal issues of
12 socially disadvantaged groups;

13 (6) to support and supplement research, edu-
14 cation, and extension, as well as scholarships and
15 programs that provide internships and pathways to
16 Federal employment, at—

17 (A) colleges or universities eligible to re-
18 ceive funds under the Act of August 30, 1890
19 (commonly known as the “Second Morrill Act”)
20 (7 U.S.C. 321 et seq.), including Tuskegee Uni-
21 versity;

22 (B) 1994 Institutions (as defined in sec-
23 tion 532 of the Equity in Educational Land-
24 Grant Status Act of 1994 (7 U.S.C. 301 note;
25 Public Law 103–382));

1 (C) Alaska Native serving institutions and
2 Native Hawaiian serving institutions eligible to
3 receive grants under subsections (a) and (b), re-
4 spectively, of section 1419B of the National Ag-
5 ricultural Research, Extension, and Teaching
6 Policy Act of 1977 (7 U.S.C. 3156);

7 (D) Hispanic-serving institutions eligible to
8 receive grants under section 1455 of the Na-
9 tional Agricultural Research, Extension, and
10 Teaching Policy Act of 1977 (7 U.S.C. 3241);
11 and

12 (E) the insular area institutions of higher
13 education located in the territories of the
14 United States, as referred to in section 1489 of
15 the National Agricultural Research, Extension,
16 and Teaching Policy Act of 1977 (7 U.S.C.
17 3361);

18 (7) to provide assistance to socially disadvan-
19 taged farmers, ranchers, or forest landowners that
20 are former farm loan borrowers that suffered related
21 adverse actions or past discrimination or bias, as de-
22 termined by the Secretary; and

23 (8) to establish pilot projects to provide tech-
24 nical and financial assistance to socially disadvan-
25 taged groups, including projects that focus on land

1 acquisition, financial planning, technical assistance,
2 and credit.

3 (c) DEFINITIONS.—In this section:

4 (1) NONINDUSTRIAL PRIVATE FOREST LAND.—

5 The term “nonindustrial private forest land” has the
6 meaning given the term in section 1201(a)(18) of
7 the Food Security Act of 1985 (16 U.S.C.
8 3801(a)(18)).

9 (2) SOCIALLY DISADVANTAGED FARMER,
10 RANCHER, OR FOREST LANDOWNER.—The term “so-
11 cially disadvantaged farmer, rancher, or forest land-
12 owner” means a farmer, rancher, or owner or oper-
13 ator of nonindustrial private forest land who is a
14 member of a socially disadvantaged group.

15 (3) SOCIALLY DISADVANTAGED GROUP.—The
16 term “socially disadvantaged group” has the mean-
17 ing given the term in section 2501(a) of the Food,
18 Agriculture, Conservation, and Trade Act of 1990 (7
19 U.S.C. 2279(a)).

20 **SEC. 1007. FUNDING FOR FOOD FOR PEACE TITLE II**
21 **GRANTS.**

22 In addition to amounts otherwise made available,
23 there are appropriated for fiscal year 2021, out of any
24 money in the Treasury not otherwise appropriated,
25 \$800,000,000, to remain available until September 30,

1 2022, for expenses, not otherwise recoverable, and unre-
2 covered prior years' costs, including interest thereon,
3 under the Food for Peace Act (Public Law 83–480), for
4 commodities supplied in connection with dispositions
5 abroad under title II of said Act.

6 **Subtitle B—Nutrition**

7 **SEC. 1011. SUPPLEMENTAL NUTRITION ASSISTANCE PRO-** 8 **GRAM.**

9 (a) VALUE OF BENEFITS.—Section 702(a) of division
10 N of the Consolidated Appropriations Act, 2021 (Public
11 Law 116–260) is amended by striking “June 30, 2021”
12 and inserting “September 30, 2021”.

13 (b) SNAP ADMINISTRATIVE EXPENSES.—In addition
14 to amounts otherwise available, there is hereby appro-
15 priated for fiscal year 2021, out of any amounts in the
16 Treasury not otherwise appropriated, \$1,150,000,000, to
17 remain available until September 30, 2023, with amounts
18 to be obligated for each of fiscal years 2021, 2022, and
19 2023, for the costs of State administrative expenses asso-
20 ciated with carrying out this section and administering the
21 supplemental nutrition assistance program established
22 under the Food and Nutrition Act of 2008 (7 U.S.C. 2011
23 et seq.), of which—

24 (1) \$15,000,000 shall be for necessary expenses
25 of the Secretary of Agriculture (in this section re-

1 ferred to as the “Secretary”) for management and
2 oversight of the program; and

3 (2) \$1,135,000,000 shall be for the Secretary to
4 make grants to each State agency for each of fiscal
5 years 2021 through 2023 as follows:

6 (A) 75 percent of the amounts available
7 shall be allocated to States based on the share
8 of each State of households that participate in
9 the supplemental nutrition assistance program
10 as reported to the Department of Agriculture
11 for the most recent 12-month period for which
12 data are available, adjusted by the Secretary
13 (as of the date of the enactment of this Act) for
14 participation in disaster programs under section
15 5(h) of the Food and Nutrition Act of 2008 (7
16 U.S.C. 2014(h)); and

17 (B) 25 percent of the amounts available
18 shall be allocated to States based on the in-
19 crease in the number of households that partici-
20 pate in the supplemental nutrition assistance
21 program as reported to the Department of Ag-
22 riculture over the most recent 12-month period
23 for which data are available, adjusted by the
24 Secretary (as of the date of the enactment of
25 this Act) for participation in disaster programs

1 under section 5(h) of the Food and Nutrition
2 Act of 2008 (7 U.S.C. 2014(h)).

3 **SEC. 1012. ADDITIONAL ASSISTANCE FOR SNAP ONLINE**
4 **PURCHASING AND TECHNOLOGY IMPROVE-**
5 **MENTS.**

6 (a) **FUNDING.**—In addition to amounts otherwise
7 made available, there is appropriated for fiscal year 2021,
8 out of any amounts in the Treasury not otherwise appro-
9 priated, \$25,000,000 to remain available through Sep-
10 tember 30, 2026, to carry out this section.

11 (b) **USE OF FUNDS.**—The Secretary of Agriculture
12 may use the amounts made available pursuant to sub-
13 section (a)—

14 (1) to make technological improvements to im-
15 prove online purchasing in the supplemental nutri-
16 tion assistance program established under the Food
17 and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

18 (2) to modernize electronic benefit transfer
19 technology;

20 (3) to support the mobile technologies dem-
21 onstration projects and the use of mobile tech-
22 nologies authorized under section 7(h)(14) of the
23 Food and Nutrition Act of 2008 (7 U.S.C.
24 2016(h)(14)); and

1 (4) to provide technical assistance to educate
2 retailers on the process and technical requirements
3 for the online acceptance of the supplemental nutri-
4 tion assistance program benefits, for mobile pay-
5 ments, and for electronic benefit transfer moderniza-
6 tion initiatives.

7 **SEC. 1013. ADDITIONAL FUNDING FOR NUTRITION ASSIST-**
8 **ANCE PROGRAMS.**

9 Section 704 of division N of the Consolidated Appro-
10 priations Act, 2021 (Public Law 116–260) is amended—

11 (1) by striking “In addition” and inserting the
12 following:

13 “(a) COVID–19 RESPONSE FUNDING.—In addi-
14 tion”; and

15 (2) by adding at the end the following—

16 “(b) ADDITIONAL FUNDING.—In addition to any
17 other funds made available, there is appropriated for fiscal
18 year 2021, out of any money in the Treasury not otherwise
19 appropriated, \$1,000,000,000 to remain available until
20 September 30, 2027, for the Secretary of Agriculture to
21 provide grants to the Commonwealth of Northern Mariana
22 Islands, Puerto Rico, and American Samoa for nutrition
23 assistance, of which \$30,000,000 shall be available to pro-
24 vide grants to the Commonwealth of Northern Mariana
25 Islands for such assistance.”.

1 **SEC. 1014. COMMODITY SUPPLEMENTAL FOOD PROGRAM.**

2 In addition to amounts otherwise made available,
3 there is appropriated for fiscal year 2021, out of any
4 money in the Treasury not otherwise appropriated,
5 \$37,000,000, to remain available until September 30,
6 2022, for activities authorized by section 4(a) of the Agri-
7 culture and Consumer Protection Act of 1973 (7 U.S.C.
8 612c note).

9 **TITLE II—COMMITTEE ON**
10 **EDUCATION AND LABOR**
11 **Subtitle A—Education Matters**

12 **PART 1—DEPARTMENT OF EDUCATION**

13 **SEC. 2001. ELEMENTARY AND SECONDARY SCHOOL EMER-**
14 **GENCY RELIEF FUND.**

15 (a) IN GENERAL.—In addition to amounts otherwise
16 available, there is appropriated to the Department of Edu-
17 cation for fiscal year 2021, out of any money in the Treas-
18 ury not otherwise appropriated, \$128,554,800,000, to re-
19 main available through September 30, 2023, for providing
20 grants to States in accordance with the same terms and
21 conditions that apply to the Elementary and Secondary
22 School Emergency Relief Fund of the Education Stabiliza-
23 tion Fund for funding appropriated for fiscal year 2021,
24 except that—

25 (1) a State that receives a grant under this sec-
26 tion shall use—

1 (A) not less than 90 percent of such grant
2 for subgrants to local educational agencies; and

3 (B) not less than 5 percent of such grant
4 to carry out, directly or through grants or con-
5 tracts, activities to address learning loss by sup-
6 porting the implementation of evidence-based
7 interventions, such as summer learning, ex-
8 tended day comprehensive afterschool pro-
9 grams, or extended school year programs, and
10 ensure such interventions respond to students'
11 academic, social, and emotional needs and ad-
12 dress the disproportionate impact of the
13 coronavirus on the student populations de-
14 scribed in section 1111(h)(1)(C)(ii) of the Ele-
15 mentary and Secondary Education Act of 1965
16 (20 U.S.C. 6311(h)(1)(C)(ii)); and

17 (2) each local educational agency that receives
18 funds from a subgrant under paragraph (1)(A)
19 shall—

20 (A) reserve not less than 20 percent of
21 such funds to address learning loss through the
22 implementation of evidence-based interventions,
23 such as summer learning, extended day com-
24 prehensive afterschool programs, or extended
25 school year programs, and ensure such inter-

1 ventions respond to students’ academic, social,
2 and emotional needs and address the dispropor-
3 tionate impact of the coronavirus on the stu-
4 dent populations described in section
5 1111(h)(1)(C)(ii) of the Elementary and Sec-
6 ondary Education Act of 1965 (20 U.S.C.
7 6311(h)(1)(C)(ii)); and

8 (B) using funds reserved under subpara-
9 graph (A), provide equitable services in the
10 same manner as provided under section 1117 of
11 the Elementary and Secondary Education Act
12 of 1965 (20 U.S.C. 6320) to students and
13 teachers in non-public schools, as determined in
14 consultation with representatives of non-public
15 schools.

16 (b) PUBLIC CONTROL OF FUNDS.—Control of funds
17 provided under subsection (a)(2)(B), and title to mate-
18 rials, equipment, and property purchased with such funds,
19 shall be in a public agency, and a public agency shall ad-
20 minister such funds, materials, equipment, and property
21 and shall provide such services (or may contract for the
22 provision of such services with a public or private entity).

23 **SEC. 2002. HIGHER EDUCATION EMERGENCY RELIEF FUND.**

24 In addition to amounts otherwise available, there is
25 appropriated to the Department of Education for fiscal

1 year 2021, out of any money in the Treasury not otherwise
2 appropriated, \$39,584,570,000, to remain available
3 through September 30, 2023, for making allocations to in-
4 stitutions of higher education in accordance with the same
5 terms and conditions that apply to the Higher Education
6 Emergency Relief Fund of the Education Stabilization
7 Fund for funding appropriated for fiscal year 2021, except
8 that—

9 (1) 91 percent of such funds shall be allocated
10 to each institution of higher education as defined in
11 section 101 or section 102(c) of the Higher Edu-
12 cation Act of 1965 (20 U.S.C. 1001, 1002(c)), and
13 shall be apportioned using the same formula used to
14 apportion funds to each such institution under such
15 Higher Education Emergency Relief Fund;

16 (2) 1 percent of such funds shall be allocated
17 to institutions of higher education as defined in sec-
18 tion 102(b) of the Higher Education Act of 1965
19 (20 U.S.C. 1002(b)), and shall be apportioned using
20 the same formula used to apportion funds to each
21 such institution under such Higher Education Emer-
22 gency Relief Fund;

23 (3) an institution shall solely determine which
24 students receive emergency financial aid grants
25 under this section;

1 (4) an institution receiving an allocation—

2 (A) under paragraph (1) shall use not less
3 than 50 percent of such allocation to provide
4 emergency financial aid grants to students; and

5 (B) under paragraph (2) shall use 100 per-
6 cent of such allocation to provide emergency fi-
7 nancial aid grants to students;

8 (5) an institution receiving an allocation under
9 paragraph (1) shall use a portion of such allocation
10 to—

11 (A) implement evidence-based practices to
12 monitor and suppress coronavirus in accordance
13 with public health guidelines; and

14 (B) conduct direct outreach to financial
15 aid applicants about the opportunity to receive
16 a financial aid adjustment due to the recent un-
17 employment of a family member or independent
18 student, or other circumstances, described in
19 section 479A of the Higher Education Act of
20 1965 (20 U.S.C. 1087tt);

21 (6) notwithstanding paragraph (4)(A) or para-
22 graph (5), an institution receiving an allocation
23 under paragraph (1) a portion of which is appor-
24 tioned according to a relative share (based on full-
25 time equivalent enrollment or total number) of stu-

1 dents who were Pell grant recipients and who were
2 exclusively enrolled in distance education courses
3 prior to the qualifying emergency shall use 100 per-
4 cent of such portion to provide emergency financial
5 aid grants to students; and

6 (7) institutions required to remit payment to
7 the Internal Revenue Service for the excise tax based
8 on investment income of private colleges and univer-
9 sities under section 4968 of the Internal Revenue
10 Code of 1986 for tax year 2019 shall not be subject
11 to restrictions related to the amount of allocations or
12 uses of funds applicable to such institutions under
13 such Higher Education Emergency Relief Fund.

14 **SEC. 2003. MAINTENANCE OF EFFORT AND MAINTENANCE**
15 **OF EQUITY.**

16 (a) STATE MAINTENANCE OF EFFORT.—

17 (1) IN GENERAL.—As a condition of receiving
18 funds under section 2001, a State shall maintain
19 support for elementary and secondary education,
20 and for higher education (which shall include State
21 funding to institutions of higher education and State
22 need-based financial aid, and shall not include sup-
23 port for capital projects or for research and develop-
24 ment or tuition and fees paid by students), in each
25 of fiscal years 2022 and 2023 at least at the propor-

1 tional levels of such State's support for elementary
2 and secondary education and for higher education
3 relative to such State's overall spending, averaged
4 over fiscal years 2017, 2018, and 2019.

5 (2) WAIVER.—For the purpose of relieving fis-
6 cal burdens incurred by States in preventing, pre-
7 paring for, and responding to the coronavirus, the
8 Secretary of Education may waive any maintenance
9 of effort requirements associated with the Education
10 Stabilization Fund.

11 (b) STATE MAINTENANCE OF EQUITY.—

12 (1) HIGH-POVERTY LOCAL EDUCATIONAL AGEN-
13 CIES.—As a condition of receiving funds under sec-
14 tion 2001, a State educational agency shall not, in
15 fiscal year 2022 or 2023, reduce State funding (cal-
16 culated on a per-pupil basis) for any high-poverty
17 local educational agency in the State by an amount
18 that exceeds the overall per-pupil reduction in State
19 funds, if any, across all local educational agencies in
20 such State in such fiscal year.

21 (2) LOCAL EDUCATIONAL AGENCIES WITH
22 HIGHEST SHARE OF ECONOMICALLY DISADVAN-
23 TAGED STUDENT.—Notwithstanding paragraph (1),
24 as a condition of receiving funds under section 2001,
25 a State educational agency shall not, in fiscal year

1 2022 or 2023, reduce State funding for any local
2 educational agency that is part of the 20 percent of
3 local educational agencies in the State with the high-
4 est percentage of economically disadvantaged stu-
5 dents (based on the percentages of economically dis-
6 advantaged students served by all local educational
7 agencies in the State on the basis of the most recent
8 satisfactory data available from the Department of
9 Commerce) below the level of funding provided to
10 such local educational agencies in fiscal year 2019.

11 (c) LOCAL EDUCATIONAL AGENCY MAINTENANCE OF
12 EQUITY FOR HIGH-POVERTY SCHOOLS.—As a condition
13 of receiving funds under section 2001, a local educational
14 agency shall not, in fiscal year 2022 or 2023—

15 (1) reduce per-pupil funding (from combined
16 State and local funding) for any high-poverty school
17 served by such local educational agency by an
18 amount that exceeds—

19 (A) the total reduction in local educational
20 agency funding (from combined State and local
21 funding) for all schools served by the local edu-
22 cational agency in such fiscal year (if any); di-
23 vided by

1 (B) the number of children enrolled in all
2 schools served by the local educational agency
3 in such fiscal year; or

4 (2) reduce per-pupil, full-time equivalent staff
5 in any high-poverty school by an amount that ex-
6 ceeds—

7 (A) the total reduction in full-time equiva-
8 lent staff in all schools served by such local
9 educational agency in such fiscal year (if any);
10 divided by

11 (B) the number of children enrolled in all
12 schools served by the local educational agency
13 in such fiscal year.

14 (d) DEFINITIONS.—In this section:

15 (1) The term “high-poverty local educational
16 agency” means, with respect to a local educational
17 agency in a State, a local educational agency that
18 serves a higher percentage of economically disadvan-
19 tagged students than the local educational agency
20 that serves the median percentage of economically
21 disadvantaged students, based on the percentages of
22 economically disadvantaged students served by all
23 local educational agencies in such State, on the basis
24 of the most recent satisfactory data available from
25 the Department of Commerce.

1 (2) The term “high-poverty school” means, with
2 respect to a school served by a local educational
3 agency, a school that serves a higher percentage of
4 economically disadvantaged students, as determined
5 by any of the measures of poverty in section 1113
6 of the Elementary and Secondary Education Act of
7 1965 (20 U.S.C. 6313) than the school that serves
8 the median percentage of economically disadvan-
9 taged students based on the percentages of economi-
10 cally disadvantaged students—

11 (A) at all schools served by such local edu-
12 cational agency; or

13 (B) at all schools within each grade-span
14 of such local educational agency.

15 (3) The term “overall per-pupil reduction in
16 State funds” means, with respect to a fiscal year—

17 (A) the amount of any reduction in the
18 total amount of State funds provided to all local
19 educational agencies in the State in such fiscal
20 year compared to the total amount of such
21 funds provided to all local educational agencies
22 in the State in the previous fiscal year; divided
23 by

24 (B) the aggregate number of children en-
25 rolled in all schools served by all local edu-

1 cational agencies in the State in the fiscal year
2 for which the determination is being made.

3 **SEC. 2004. OUTLYING AREAS.**

4 In addition to amounts otherwise available, there is
5 appropriated to the Department of Education for fiscal
6 year 2021, out of any money in the Treasury not otherwise
7 appropriated, \$850,000,000, to remain available through
8 September 30, 2023, for the Secretary of Education to
9 allocate awards to the outlying areas on the basis of their
10 respective needs, as determined by the Secretary, to be
11 allocated not more than 30 calendar days after the date
12 of enactment of this Act.

13 **SEC. 2005. BUREAU OF INDIAN EDUCATION.**

14 In addition to amounts otherwise available, there is
15 appropriated to the Department of Education for fiscal
16 year 2021, out of any money in the Treasury not otherwise
17 appropriated, \$850,000,000, to remain available until ex-
18 pended, for the Secretary of Education to allocate to the
19 Secretary of the Interior for awards, which awards shall
20 be determined and funds for such awards allocated by the
21 Secretary of the Interior not more than 30 calendar days
22 after the date of enactment of this Act, for programs oper-
23 ated or funded by the Bureau of Indian Education, for
24 Bureau-funded schools (as defined in section 1141(3) of
25 the Education Amendments of 1978 (25 U.S.C. 2021(3)),

1 and for Tribal Colleges or Universities (as defined in sec-
2 tion 316(b)(3) of the Higher Education Act of 1965 (20
3 U.S.C. 1059c(b)(3))).

4 **SEC. 2006. GALLAUDET UNIVERSITY.**

5 In addition to amounts otherwise available, there is
6 appropriated to the Department of Education for fiscal
7 year 2021, out of any money in the Treasury not otherwise
8 appropriated, \$19,250,000, to remain available through
9 September 30, 2023, for the Kendall Demonstration Ele-
10 mentary School, the Model Secondary School for the Deaf,
11 and Gallaudet University under titles I and II of the Edu-
12 cation of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.)
13 to prevent, prepare for, and respond to coronavirus, do-
14 mesticallly or internationally, including to defray expenses
15 associated with coronavirus (including lost revenue, reim-
16 bursement for expenses already incurred, technology costs
17 associated with a transition to distance education, faculty
18 and staff trainings, and payroll) and to provide financial
19 aid grants to students, which may be used for any compo-
20 nent of the student's cost of attendance.

21 **SEC. 2007. STUDENT AID ADMINISTRATION.**

22 In addition to amounts otherwise available, there is
23 appropriated to the Department of Education for fiscal
24 year 2021, out of any money in the Treasury not otherwise
25 appropriated, \$91,130,000, to remain available through

1 September 30, 2023, for Student Aid Administration with-
2 in the Department of Education to prevent, prepare for,
3 and respond to coronavirus, domestically or internation-
4 ally, including direct outreach to students and borrowers
5 about financial aid, economic impact payments, means-
6 tested benefits, and tax benefits for which they may be
7 eligible.

8 **SEC. 2008. HOWARD UNIVERSITY.**

9 In addition to amounts otherwise available, there is
10 appropriated to the Department of Education for fiscal
11 year 2021, out of any money in the Treasury not otherwise
12 appropriated, \$35,000,000, to remain available through
13 September 30, 2023, for Howard University to prevent,
14 prepare for, and respond to coronavirus, domestically or
15 internationally, including to defray expenses associated
16 with coronavirus (including lost revenue, reimbursement
17 for expenses already incurred, technology costs associated
18 with a transition to distance education, faculty and staff
19 trainings, and payroll) and to provide financial aid grants
20 to students, which may be used for any component of the
21 student's cost of attendance.

22 **SEC. 2009. NATIONAL TECHNICAL INSTITUTE FOR THE**
23 **DEAF.**

24 In addition to amounts otherwise available, there is
25 appropriated to the Department of Education for fiscal

1 year 2021, out of any money in the Treasury not otherwise
2 appropriated, \$19,250,000, to remain available through
3 September 30, 2023, for the National Technical Institute
4 for the Deaf under titles I and II of the Education of the
5 Deaf Act of 1986 (20 U.S.C. 4301 et seq.) to prevent,
6 prepare for, and respond to coronavirus, domestically or
7 internationally, including to defray expenses associated
8 with coronavirus (including lost revenue, reimbursement
9 for expenses already incurred, technology costs associated
10 with a transition to distance education, faculty and staff
11 training, and payroll) and to provide financial aid grants
12 to students, which may be used for any component of the
13 student's cost of attendance.

14 **SEC. 2010. INSTITUTE OF EDUCATION SCIENCES.**

15 In addition to amounts otherwise available, there is
16 appropriated to the Department of Education for fiscal
17 year 2021, out of any money in the Treasury not otherwise
18 appropriated, \$100,000,000, to remain available through
19 September 30, 2023, for the Institute of Education
20 Sciences established under part A of title I of the Edu-
21 cation Sciences Reform Act of 2002 (20 U.S.C. 9511 et
22 seq.) to carry out research related to addressing learning
23 loss caused by the coronavirus among the student popu-
24 lations described in section 1111(h)(1)(C)(ii) of the Ele-
25 mentary and Secondary Education Act of 1965 (20 U.S.C.

1 6311(h)(1)(C)(ii) and to disseminate such findings to
2 State educational agencies and local educational agencies
3 and other appropriate entities.

4 **SEC. 2011. PROGRAM ADMINISTRATION.**

5 In addition to amounts otherwise available, there is
6 appropriated to the Department of Education for fiscal
7 year 2021, out of any money in the Treasury not otherwise
8 appropriated, \$15,000,000, to remain available through
9 September 30, 2024, for Program Administration within
10 the Department of Education to prevent, prepare for, and
11 respond to coronavirus, domestically or internationally,
12 and for salaries and expenses necessary to implement this
13 part.

14 **SEC. 2012. OFFICE OF INSPECTOR GENERAL.**

15 In addition to amounts otherwise available, there is
16 appropriated to the Department of Education for fiscal
17 year 2021, out of any money in the Treasury not otherwise
18 appropriated, \$5,000,000, to remain available until ex-
19 pended, for the Office of Inspector General of the Depart-
20 ment of Education, as authorized by section 211 of the
21 Department of Education Organization Act (20 U.S.C.
22 3422), to prevent, prepare for, and respond to
23 coronavirus, domestically or internationally, including for
24 salaries and expenses necessary for oversight, investiga-

1 tions, and audits of programs, grants, and projects funded
2 under this part to respond to coronavirus.

3 **SEC. 2013. MODIFICATION OF REVENUE REQUIREMENTS**
4 **FOR PROPRIETARY INSTITUTIONS OF HIGH-**
5 **ER EDUCATION.**

6 (a) IN GENERAL.—Section 487(a)(24) of the Higher
7 Education Act of 1965 (20 U.S.C. 1094(a)(24)) is amend-
8 ed by striking “funds provided under this title” and insert-
9 ing “Federal funds that are disbursed or delivered to or
10 on behalf of a student to be used to attend such institution
11 (referred to in this paragraph and subsection (d) as ‘Fed-
12 eral education assistance funds’)”.

13 (b) IMPLEMENTATION OF NON-FEDERAL REVENUE
14 REQUIREMENT.—Section 487(d) of the Higher Education
15 Act of 1965 (20 U.S.C. 1094(d)) is amended—

16 (1) in the subsection heading, by striking “Non-
17 title IV” and inserting “Non-Federal”; and

18 (2) in paragraph (1)(C), by striking “funds for
19 a program under this title” and inserting “Federal
20 education assistance funds”.

21 **PART 2—MISCELLANEOUS**

22 **SEC. 2021. NATIONAL ENDOWMENT FOR THE ARTS.**

23 In addition to amounts otherwise available, there is
24 appropriated for fiscal year 2021, out of any money in
25 the Treasury not otherwise appropriated, \$135,000,000,

1 to remain available until expended, under the National
2 Foundation on the Arts and the Humanities Act of 1965
3 (20 U.S.C. 951 et seq.), as follows:

4 (1) Forty percent shall be for grants, and rel-
5 evant administrative expenses, to State arts agencies
6 and regional arts organizations that support organi-
7 zations' programming and general operating ex-
8 penses to cover up to 100 percent of the costs of the
9 programs which the grants support, to prevent, pre-
10 pare for, respond to, and recover from the
11 coronavirus.

12 (2) Sixty percent shall be for direct grants, and
13 relevant administrative expenses, that support orga-
14 nizations' programming and general operating ex-
15 penses to cover up to 100 percent of the costs of the
16 programs which the grants support, to prevent, pre-
17 pare for, respond to, and recover from the
18 coronavirus.

19 **SEC. 2022. NATIONAL ENDOWMENT FOR THE HUMANITIES.**

20 In addition to amounts otherwise available, there is
21 appropriated for fiscal year 2021, out of any money in
22 the Treasury not otherwise appropriated, \$135,000,000,
23 to remain available until expended, under the National
24 Foundation on the Arts and the Humanities Act of 1965
25 (20 U.S.C. 951 et seq.), as follows:

1 (1) Forty percent shall be for grants, and rel-
2 evant administrative expenses, to State humanities
3 councils that support humanities organizations' pro-
4 gramming and general operating expenses to cover
5 up to 100 percent of the costs of the programs
6 which the grants support, to prevent, prepare for,
7 respond to, and recover from the coronavirus.

8 (2) Sixty percent shall be for direct grants, and
9 relevant administrative expenses, that support hu-
10 manities organizations' programming and general
11 operating expenses to cover up to 100 percent of the
12 costs of the programs which the grants support, to
13 prevent, prepare for, respond to, and recover from
14 the coronavirus.

15 **SEC. 2023. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.**

16 In addition to amounts otherwise available, there is
17 appropriated for fiscal year 2021, out of any money in
18 the Treasury not otherwise appropriated, \$200,000,000,
19 to remain available until expended, to carry out the Li-
20 brary Services and Technology Act (20 U.S.C. 9121 et
21 seq.) as authorized under subtitle B of the Museum and
22 Library Services Act (20 U.S.C. 9121 et seq.), including
23 for administrative costs authorized under section 210C of
24 such Act (20 U.S.C. 9111), except that—

1 (1) section 221(b)(3)(A) of the Library Services
2 and Technology Act shall be applied by substituting
3 “\$2,000,000” for “\$680,000” and by substituting
4 “\$200,000” for “\$60,000”; and

5 (2) section 221(b)(3)(C) and subsections (b)
6 and (c) of section 223 of such Act shall not apply
7 to funds provided under this section.

8 **SEC. 2024. COVID-19 RESPONSE RESOURCES FOR THE PRES-**
9 **ERVATION AND MAINTENANCE OF NATIVE**
10 **AMERICAN LANGUAGES.**

11 (a) Section 816 of the Native American Programs
12 Act of 1974 (42 U.S.C. 2992d) is amended by adding at
13 the end the following:

14 “(f) In addition to amounts otherwise available, there
15 is appropriated for fiscal year 2021, out of any money in
16 the Treasury not otherwise appropriated, \$10,000,000 to
17 remain available until expended, to carry out section
18 803C(g) of this Act.”.

19 (b) Section 803C of the Native American Programs
20 Act of 1974 (42 U.S.C. 2991b-3) is amended by adding
21 at the end the following:

22 “(g) EMERGENCY GRANTS FOR NATIVE AMERICAN
23 LANGUAGE PRESERVATION AND MAINTENANCE.—Not
24 later than 180 days after the effective date of this sub-
25 section, the Secretary shall award grants to entities eligi-

1 ble to receive assistance under subsection (a) to ensure
2 the survival and continuing vitality of Native American
3 languages during and after the public health emergency
4 declared by the Secretary pursuant to section 319 of the
5 Public Health Service Act (42 U.S.C. 247d) with respect
6 to the COVID–19 pandemic.”.

7 **Subtitle B—Labor Matters**

8 **SEC. 2101. RAISING THE FEDERAL MINIMUM WAGE.**

9 (a) MINIMUM WAGE INCREASES.—

10 (1) IN GENERAL.—Section 6(a)(1) of the Fair
11 Labor Standards Act of 1938 (29 U.S.C. 206(a)(1))
12 is amended to read as follows:

13 “(1) except as otherwise provided in this sec-
14 tion, not less than—

15 “(A) \$9.50 an hour, beginning on the ef-
16 fective date under section 2101(e) of the Amer-
17 ican Rescue Plan Act of 2021;

18 “(B) \$11.00 an hour, beginning 1 year
19 after such effective date;

20 “(C) \$12.50 an hour, beginning 2 years
21 after such effective date;

22 “(D) \$14.00 an hour, beginning 3 years
23 after such effective date;

24 “(E) \$15.00 an hour, beginning 4 years
25 after such effective date; and

1 “(F) beginning on the date that is 5 years
2 after such effective date, and annually there-
3 after, the amount determined by the Secretary
4 under subsection (h);”.

5 (2) DETERMINATION BASED ON INCREASE IN
6 THE MEDIAN HOURLY WAGE OF ALL EMPLOYEES.—
7 Section 6 of the Fair Labor Standards Act of 1938
8 (29 U.S.C. 206) is amended by adding at the end
9 the following:

10 “(h)(1) Not later than each date that is 90 days be-
11 fore a new minimum wage determined under subsection
12 (a)(1)(F) is to take effect, the Secretary shall determine
13 the minimum wage to be in effect under this subsection
14 for each period described in subsection (a)(1)(F). The
15 wage determined under this subsection for a year shall
16 be—

17 “(A) not less than the amount in effect under
18 subsection (a)(1) on the date of such determination;

19 “(B) increased from such amount by the annual
20 percentage increase, if any, in the median hourly
21 wage of all employees as determined by the Bureau
22 of Labor Statistics; and

23 “(C) rounded up to the nearest multiple of
24 \$0.05.

1 “(2) In calculating the annual percentage increase in
2 the median hourly wage of all employees for purposes of
3 paragraph (1)(B), the Secretary, through the Bureau of
4 Labor Statistics, shall compile data on the hourly wages
5 of all employees to determine such a median hourly wage
6 and compare such median hourly wage for the most recent
7 year for which data are available with the median hourly
8 wage determined for the preceding year.”.

9 (b) TIPPED EMPLOYEES.—

10 (1) BASE MINIMUM WAGE FOR TIPPED EMPLOY-
11 EES AND TIPS RETAINED BY EMPLOYEES.—Section
12 3(m)(2)(A)(i) of the Fair Labor Standards Act of
13 1938 (29 U.S.C. 203(m)(2)(A)(i)) is amended to
14 read as follows:

15 “(i) the cash wage paid such em-
16 ployee, which for purposes of such deter-
17 mination shall be not less than—

18 “(I) for the 1-year period begin-
19 ning on the effective date under sec-
20 tion 2101(e) of the American Rescue
21 Plan Act of 2021, \$4.95 an hour;

22 “(II) for each succeeding 1-year
23 period until the hourly wage under
24 this clause equals the wage in effect
25 under section 6(a)(1) for such period,

1 an hourly wage equal to the amount
2 determined under this clause for the
3 preceding year, increased by the lesser
4 of—

5 “(aa) \$2.00; or

6 “(bb) the amount necessary
7 for the wage in effect under this
8 clause to equal the wage in effect
9 under section 6(a)(1) for such
10 period, rounded up to the nearest
11 multiple of \$0.05; and

12 “(III) for each succeeding 1-year
13 period after all increases are made
14 pursuant to subclause (II), the min-
15 imum wage in effect under section
16 6(a)(1); and”.

17 (2) SCHEDULED REPEAL OF SEPARATE MIN-
18 IMUM WAGE FOR TIPPED EMPLOYEES.—

19 (A) TIPPED EMPLOYEES.—Section
20 3(m)(2)(A) of the Fair Labor Standards Act of
21 1938 (29 U.S.C. 203(m)(2)(A)), as amended by
22 paragraph (1), is further amended by striking
23 the sentence beginning with “In determining
24 the wage an employer is required to pay a
25 tipped employee,” and all that follows through

1 “of this subsection.” and inserting “The wage
2 required to be paid to a tipped employee shall
3 be the wage set forth in section 6(a)(1).”.

4 (B) EFFECTIVE DATE.—The amendments
5 made by subparagraph (A) shall take effect on
6 the date that is 1 day after the date on which
7 the hourly wage under subclause (III) of section
8 3(m)(2)(A)(i) of the Fair Labor Standards Act
9 of 1938 (29 U.S.C. 203(m)(2)(A)(i)), as
10 amended by paragraph (1), takes effect.

11 (3) PENALTIES.—Section 16 of the Fair Labor
12 Standards Act of 1938 (29 U.S.C. 216) is amend-
13 ed—

14 (A) in the third sentence of subsection (b),
15 by inserting “or used” after “kept”; and

16 (B) in the second sentence of subsection
17 (e)(2), by inserting “or used” after “kept”.

18 (c) NEWLY HIRED EMPLOYEES WHO ARE LESS
19 THAN 20 YEARS OLD.—

20 (1) IN GENERAL.—Section 6(g)(1) of the Fair
21 Labor Standards Act of 1938 (29 U.S.C. 206(g)(1))
22 is amended by striking “a wage which is not less
23 than \$4.25 an hour.” and inserting the following: “a
24 wage at a rate that is not less than—

1 “(A) for the 1-year period beginning on
2 the effective date under section 2101(e) of the
3 American Rescue Plan Act of 2021, \$6.00 an
4 hour;

5 “(B) for each succeeding 1-year period
6 until the hourly wage under this paragraph
7 equals the wage in effect under section 6(a)(1)
8 for such period, an hourly wage equal to the
9 amount determined under this paragraph for
10 the preceding year, increased by the lesser of—

11 “(i) \$1.75; or

12 “(ii) the amount necessary for the
13 wage in effect under this paragraph to
14 equal the wage in effect under section
15 6(a)(1) for such period, rounded up to the
16 nearest multiple of \$0.05; and

17 “(C) for each succeeding 1-year period
18 after all increases are made pursuant to sub-
19 paragraph (B), the minimum wage in effect
20 under section 6(a)(1).”.

21 (2) SCHEDULED REPEAL OF SEPARATE MIN-
22 IMUM WAGE FOR NEWLY HIRED EMPLOYEES WHO
23 ARE LESS THAN 20 YEARS OLD.—

24 (A) IN GENERAL.—Section 6(g) of the
25 Fair Labor Standards Act of 1938 (29 U.S.C.

1 206(g)), as amended by paragraph (1), shall be
2 repealed.

3 (B) EFFECTIVE DATE.—The repeal made
4 by subparagraph (A) shall take effect on the
5 date that is 1 day after the date on which the
6 hourly wage under subparagraph (C) of section
7 6(g)(1) of the Fair Labor Standards Act of
8 1938 (29 U.S.C. 206(g)(1)), as amended by
9 paragraph (1), takes effect.

10 (d) PROMOTING ECONOMIC SELF-SUFFICIENCY FOR
11 INDIVIDUALS WITH DISABILITIES.—

12 (1) PROHIBITION ON NEW SPECIAL CERTIFI-
13 CATES.—

14 (A) IN GENERAL.—Section 14(e) of the
15 Fair Labor Standards Act of 1938 (29 U.S.C.
16 214(c)) is amended by adding at the end the
17 following:

18 “(6) PROHIBITION ON NEW SPECIAL CERTIFI-
19 CATES.—Notwithstanding paragraph (1), the Sec-
20 retary shall not issue a special certificate under this
21 subsection to an employer that was not issued a spe-
22 cial certificate under this subsection before the date
23 of enactment of the American Rescue Plan Act of
24 2021.”.

1 (B) EFFECTIVE DATE.—The amendment
2 made by subparagraph (A) shall take effect on
3 the date of enactment of this Act.

4 (2) TRANSITION TO FAIR WAGES FOR INDIVID-
5 UALS WITH DISABILITIES.—Subparagraph (A) of
6 section 14(c)(1) of the Fair Labor Standards Act of
7 1938 (29 U.S.C. 214(c)(1)) is amended to read as
8 follows:

9 “(A) at a rate that equals or exceeds, for
10 each year, the greater of—

11 “(i)(I) \$5.00 an hour, beginning on
12 the effective date under section 2101(e) of
13 the American Rescue Plan Act of 2021;

14 “(II) \$7.50 an hour, beginning 1 year
15 after such effective date;

16 “(III) \$10.00 an hour, beginning 2
17 years after such effective date;

18 “(IV) \$12.50 an hour, beginning 3
19 years after such effective date;

20 “(V) \$15.00 an hour, beginning 4
21 years after such effective date; and

22 “(VI) the wage rate in effect under
23 section 6(a)(1), beginning 5 years after
24 such effective date; or

1 “(ii) if applicable, the wage rate in ef-
2 fect on the day before the date of enact-
3 ment of the American Rescue Plan Act of
4 2021 for the employment, under a special
5 certificate issued under this paragraph, of
6 the individual for whom the wage rate is
7 being determined under this subpara-
8 graph.”.

9 (3) SUNSET.—Section 14(c) of the Fair Labor
10 Standards Act of 1938 (29 U.S.C. 214(c)) is further
11 amended by adding at the end the following:

12 “(7) SUNSET.—Beginning on the day after the
13 date on which the wage rate described in paragraph
14 (1)(A)(i)(VI) takes effect, the authority to issue spe-
15 cial certificates under paragraph (1) shall expire,
16 and no special certificates issued under paragraph
17 (1) shall have any legal effect.”.

18 (e) GENERAL EFFECTIVE DATE.—Except as other-
19 wise provided in this section, or the amendments made
20 by this section, this section and the amendments made by
21 this section shall take effect—

22 (1) subject to paragraph (2), on the first day
23 of the third month that begins after the date of the
24 enactment of this Act; and

1 (2) with respect to the Commonwealth of the
2 Northern Mariana Islands, on the date that is 18
3 months after the effective date described in para-
4 graph (1).

5 **SEC. 2102. FUNDING FOR DEPARTMENT OF LABOR WORKER**
6 **PROTECTION ACTIVITIES.**

7 (a) APPROPRIATION.—In addition to amounts other-
8 wise made available, out of any funds in the Treasury not
9 otherwise appropriated, there are appropriated to the Sec-
10 retary of Labor for fiscal year 2021, \$150,000,000, to re-
11 main available until September 30, 2023, for the Wage
12 and Hour Division, the Office of Workers' Compensation
13 Programs, the Office of the Solicitor, the Mine Safety and
14 Health Administration, and the Occupational Safety and
15 Health Administration to carry out COVID–19 related
16 worker protection activities, and for the Office of Inspec-
17 tor General for oversight of the Secretary's activities to
18 prevent, prepare for, and respond to COVID–19.

19 (b) ALLOCATION OF AMOUNTS.—Amounts appro-
20 priated under subsection (a) shall be allocated as follows:

21 (1) Not less than \$75,000,000 shall be for the
22 Occupational Safety and Health Administration, of
23 which \$10,000,000 shall be for Susan Harwood
24 training grants and not less than \$5,000,000 shall
25 be for enforcement activities related to COVID–19

1 at high risk workplaces including health care, meat
2 and poultry processing facilities, agricultural work-
3 places and correctional facilities.

4 (2) \$12,500,000 shall be for the Office of In-
5 spector General.

6 **SEC. 2103. ELIGIBILITY FOR WORKERS' COMPENSATION**
7 **BENEFITS FOR FEDERAL EMPLOYEES DIAG-**
8 **NOSED WITH COVID-19.**

9 (a) IN GENERAL.—Subject to subsection (c), a cov-
10 ered employee shall, with respect to any claim made by
11 or on behalf of the covered employee for benefits under
12 subchapter I of chapter 81 of title 5, United States Code,
13 be deemed to have an injury proximately caused by expo-
14 sure to the novel coronavirus arising out of the nature of
15 the covered employee's employment. Such covered em-
16 ployee, or a beneficiary of such an employee, shall be enti-
17 tled to such benefits for such claim, including disability
18 compensation, medical services, and survivor benefits.

19 (b) DEFINITIONS.—In this section, the following:

20 (1) COVERED EMPLOYEE.—

21 (A) IN GENERAL.—The term “covered em-
22 ployee” means an individual—

23 (i) who is an employee under section
24 8101(1) of title 5, United States Code, (in-
25 cluding an employee of the United States

1 Postal Service, the Transportation Security
2 Administration, or the Department of Vet-
3 erans Affairs, including any individual ap-
4 pointed under chapter 73 or 74 of title 38,
5 United States Code) employed in the Fed-
6 eral service at anytime during the period
7 beginning on January 27, 2020, and end-
8 ing on January 27, 2023;

9 (ii) who is diagnosed with COVID-19
10 during such period; and

11 (iii) who, during a covered exposure
12 period prior to such diagnosis, carries out
13 duties that—

14 (I) require contact with patients,
15 members of the public, or co-workers;
16 or

17 (II) include a risk of exposure to
18 the novel coronavirus.

19 (B) TELEWORKING EXCEPTION.—The
20 term “covered employee” does not include any
21 employee otherwise covered by subparagraph
22 (A) who is exclusively teleworking during a cov-
23 ered exposure period, regardless of whether
24 such employment is full time or part time.

1 (2) COVERED EXPOSURE PERIOD.—The term
2 “covered exposure period” means, with respect to a
3 diagnosis of COVID–19, the period beginning on a
4 date to be determined by the Secretary of Labor.

5 (3) NOVEL CORONAVIRUS.—The term “novel
6 coronavirus” means SARS–CoV–2 or another
7 coronavirus declared to be a pandemic by public
8 health authorities.

9 (c) LIMITATION.—

10 (1) DETERMINATIONS MADE ON OR BEFORE
11 THE DATE OF ENACTMENT.—This section shall not
12 apply with respect to a covered employee who is de-
13 termined to be entitled to benefits under subchapter
14 I of chapter 81 of title 5, United States Code, for
15 a claim described in subsection (a) if such deter-
16 mination is made on or before the date of enactment
17 of this Act.

18 (2) LIMITATION ON DURATION OF BENEFITS.—
19 No funds are authorized to be appropriated to pay,
20 and no benefits may be paid for, claims approved on
21 the basis of subsection (a) after September 30,
22 2030. No administrative costs related to any such
23 claim may be paid after such date.

24 (d) EMPLOYEES’ COMPENSATION FUND.—

1 (1) IN GENERAL.—The costs of benefits for
2 claims approved on the basis of subsection (a) shall
3 not be included in the annual statement of the cost
4 of benefits and other payments of an agency or in-
5 strumentality under section 8147(b) of title 5,
6 United States Code.

7 (2) FAIR SHARE PROVISION.—Costs of adminis-
8 tration for claims described in paragraph (1)—

9 (A) may be paid from the Employees'
10 Compensation Fund; and

11 (B) shall not be subject to the fair share
12 provision in section 8147(e) of title 5, United
13 States Code.

14 **SEC. 2104. COMPENSATION PURSUANT TO THE LONGSHORE**
15 **AND HARBOR WORKERS' COMPENSATION**
16 **ACT.**

17 (a) CLAIMS RELATED TO COVID-19.—

18 (1) IN GENERAL.—Subject to subsection (c), a
19 covered employee who receives a diagnosis or is sub-
20 ject to an order described in paragraph (2)(B) and
21 who provides notice of or files a claim relating to
22 such diagnosis or order under section 12 or 13 of
23 the Longshore and Harbor Workers' Compensation
24 Act (33 U.S.C. 912, 913), respectively, shall be con-
25 clusively presumed to have an injury arising out of

1 or in the course of employment for the purpose of
2 compensation under the Longshore and Harbor
3 Workers' Compensation Act (33 U.S.C. 901 et seq.).

4 (2) COVERED EMPLOYEE.—In this section, the
5 term “covered employee” means an individual who,
6 at any time during the period beginning January 27,
7 2020, and ending on January 27, 2023—

8 (A) is an employee; and

9 (B) is—

10 (i) diagnosed with COVID–19; or

11 (ii) ordered not to return to work by
12 the employee's employer or by a local,
13 State, or Federal agency because of expo-
14 sure, or the risk of exposure, to 1 or more
15 individuals diagnosed with COVID–19 in
16 the workplace.

17 (3) LIMITATION.—This section shall not apply
18 with respect to a covered employee who—

19 (A) provides notice or files a claim de-
20 scribed in paragraph (1) on or before the date
21 of the enactment of this Act; and

22 (B) is determined to be entitled to the
23 compensation described in paragraph (1) or
24 awarded such compensation if such determina-
25 tion or award is made on or before such date.

1 (4) DENIALS ON OR BEFORE THE DATE OF EN-
2 ACTMENT.—Paragraph (1) shall apply with respect
3 to a covered employee who is determined not to be
4 entitled to, or who is not awarded, compensation de-
5 scribed in paragraph (1) if such determination or de-
6 cision not to award such compensation is made on
7 or before the date of enactment of this Act.

8 (b) REIMBURSEMENT.—

9 (1) IN GENERAL.—

10 (A) ENTITLEMENT.—Subject to subpara-
11 graph (B) and to the availability of appropria-
12 tions and limitation on payments under sub-
13 section (c), an employer of a covered employee
14 or the employer’s carrier shall be entitled to re-
15 imbursement for any compensation paid with
16 respect to a notice or claim described in sub-
17 section (a), including disability benefits, funeral
18 and burial expenses, medical or other related
19 costs for treatment and care, and reasonable
20 and necessary allocated claims expenses.

21 (B) SAFETY AND HEALTH REQUIRE-
22 MENTS.—To be entitled to reimbursement
23 under subparagraph (A)—

24 (i) an employer shall be in compliance
25 with all applicable safety and health guide-

1 lines and standards that are related to the
2 prevention of occupational exposure to the
3 novel coronavirus that causes COVID–19,
4 including such guidelines and standards
5 issued by the Occupational Safety and
6 Health Administration, State plans ap-
7 proved under section 18 of the Occupa-
8 tional Safety and Health Act of 1970 (29
9 U.S.C. 667), and the National Institute for
10 Occupational Safety and Health; and

11 (ii) a carrier—

12 (I) shall be a carrier for an em-
13 ployer that is in compliance with
14 clause (i); and

15 (II) shall not adjust the experi-
16 ence rating or the annual premium of
17 the employer based upon the com-
18 pensation paid by the carrier with re-
19 spect to a notice or claim described in
20 subparagraph (A).

21 (2) REIMBURSEMENT PROCEDURES.—

22 (A) IN GENERAL.—Subject to subsection
23 (c), to receive reimbursement under paragraph
24 (1)—

1 (i) a claim for such reimbursement
2 shall be submitted to the Secretary of
3 Labor—

4 (I) not earlier than—

5 (aa) the date on which a
6 compensation order (as described
7 in section 19(e) of the Longshore
8 and Harbor Workers' Compensa-
9 tion Act (33 U.S.C. 919(e))) is
10 issued that fixes entitlement to
11 benefits; or

12 (bb) the date on which—

13 (AA) a payment is
14 made under such Act;

15 (BB) entitlement to
16 benefits is established under
17 such Act; and

18 (CC) the rate of com-
19 pensation and period of pay-
20 ment is relatively fixed and
21 known; and

22 (II) not later than one year after
23 the final payment of compensation to
24 a covered employee pursuant to this
25 section; and

1 (ii) an employer and the employer's
2 carrier shall make, keep, and preserve such
3 records, make such reports, and provide
4 such information, as the Secretary of
5 Labor determines necessary or appropriate
6 to carry out this section.

7 (B) COMMUTATION OF COMPENSATION IN-
8 STALLMENTS.—The Secretary may commute
9 future compensation installments with respect
10 to a claim under this section.

11 (c) EMPLOYEES' COMPENSATION FUND.—

12 (1) IN GENERAL.—A reimbursement under sub-
13 section (b) shall be paid out of the Employees' Com-
14 pensation Fund under section 8147 of title 5,
15 United States Code.

16 (2) FUNDING.—In addition to amounts other-
17 wise available, there are authorized to be appro-
18 priated, and there are appropriated, out of any
19 money in the Treasury not otherwise appropriated,
20 such funds as may be necessary for the period begin-
21 ning on the date of enactment of this Act and end-
22 ing on September 30, 2030, to reimburse the Em-
23 ployees' Compensation Fund for each reimbursement
24 paid out of such Fund under subsection (b).

1 (3) LIMITATION.—With respect to a claim for
2 benefits approved on the basis of subsection (a), no
3 payments may be made from the Employees’ Com-
4 pensation Fund or the special fund established in
5 section 44 of Longshore and Harbor Workers’ Com-
6 pensation Act (33 U.S.C. 944) after September 30,
7 2030, for benefits, reimbursements, or other expend-
8 itures relating to such claim.

9 (4) FINAL ACTION.—The action of the Sec-
10 retary in allowing or denying any reimbursement
11 under subsection (b) shall be final and conclusive on
12 all questions of law and fact and not subject to re-
13 view by any other official of the United States or by
14 any court by mandamus or otherwise.

15 (d) DEFINITIONS.—In this section:

16 (1) LHWCA TERMS.—The terms “carrier”,
17 “compensation”, “employee”, and “employer” have
18 the meanings given the terms in section 2 of the
19 Longshore and Harbor Workers’ Compensation Act
20 (33 U.S.C. 902).

21 (2) NOVEL CORONAVIRUS.—The term “novel
22 coronavirus” means SARS-CoV-2 or any other
23 coronavirus declared to be a pandemic by public
24 health authorities.

1 **Subtitle C—Human Services and**
2 **Community Supports**

3 **SEC. 2201. ADDITIONAL FUNDING FOR AGING AND DIS-**
4 **ABILITY SERVICES PROGRAMS.**

5 Subtitle A of title XX of the Social Security Act (42
6 U.S.C. 1397-1397h) is amended by adding at the end the
7 following:

8 **“SEC. 2010. ADDITIONAL FUNDING FOR AGING AND DIS-**
9 **ABILITY SERVICES PROGRAMS.**

10 “(a) APPROPRIATION.—In addition to amounts oth-
11 erwise available, there is appropriated for fiscal year 2021,
12 out of any money in the Treasury not otherwise appro-
13 priated, \$276,000,000, to remain available until expended,
14 to carry out the programs described in subtitle B.

15 “(b) USE OF FUNDS.—

16 “(1) IN GENERAL.—Of the amounts made
17 available by subsection (a)—

18 “(A) \$88,000,000 shall be made available
19 to carry out the programs described in subtitle
20 B in fiscal year 2021, of which not less than an
21 amount equal to \$100,000,000 minus the
22 amount previously provided in fiscal year 2021
23 to carry out section 2042(b) shall be made
24 available to carry out such section; and

1 “(B) \$188,000,000 shall be made available
2 to carry out the programs described in subtitle
3 B in fiscal year 2022, of which not less than
4 \$100,000,000 shall be for activities described in
5 section 2042(b).

6 “(2) SERVICES FOR ALL ADULTS.—The
7 amounts made available by subsection (a) of this
8 section to carry out section 2042(b) may be used to
9 provide services under programs described in section
10 2042(b) for all adults.”.

11 **SEC. 2202. SUPPORTING OLDER AMERICANS AND THEIR**
12 **FAMILIES.**

13 (a) APPROPRIATION.—In addition to amounts other-
14 wise available, there is appropriated for fiscal year 2021,
15 out of any money in the Treasury not otherwise appro-
16 priated, \$1,444,000,000, to remain available until ex-
17 pended, to carry out the Older Americans Act of 1965.

18 (b) ALLOCATION OF AMOUNTS.—Amounts made
19 available by subsection (a) shall be available as follows:

20 (1) \$750,000,000 shall be available to carry out
21 part C of title III of such Act.

22 (2) \$25,000,000 shall be available to carry out
23 title VI of such Act, including part C of such title.

24 (3) \$470,000,000 shall be available to carry out
25 part B of title III of such Act, including for—

1 (A) supportive services of the types made
2 available for fiscal year 2020;

3 (B) efforts related to COVID–19 vaccina-
4 tion outreach, including education, communica-
5 tion, transportation, and other activities to fa-
6 cilitate vaccination of older individuals; and

7 (C) prevention and mitigation activities re-
8 lated to COVID–19 focused on addressing ex-
9 tended social isolation among older individuals,
10 including activities for investments in techno-
11 logical equipment and solutions or other strate-
12 gies aimed at alleviating negative health effects
13 of social isolation due to long-term stay-at-home
14 recommendations for older individuals for the
15 duration of the COVID–19 public health emer-
16 gency;

17 (4) \$44,000,000 shall be available to carry out
18 part D of title III of such Act.

19 (5) \$145,000,000 shall be available to carry out
20 part E of title III of such Act.

21 (6) \$10,000,000 shall be available to carry out
22 the long-term care ombudsman program under title
23 VII of such Act.

1 **SEC. 2203. CHILD CARE AND DEVELOPMENT BLOCK GRANT**
2 **PROGRAM.**

3 (a) CHILD CARE AND DEVELOPMENT BLOCK GRANT
4 FUNDING.—In addition to amounts otherwise available,
5 there is appropriated for fiscal year 2021, out of any
6 amounts in the Treasury not otherwise appropriated,
7 \$14,990,000,000, to remain available through September
8 30, 2021, to carry out the Child Care and Development
9 Block Grant of 1990 (42 U.S.C. 9857 et seq.) without
10 regard to requirements in sections 658E(c)(3)(D)–(E) or
11 658G of such Act (42 U.S.C. 9858c(c)(3), 9858e). Pay-
12 ments made to States, territories, Indian Tribes, and Trib-
13 al organizations from funds made available under this sub-
14 section shall be obligated in fiscal year 2021 or the suc-
15 ceeding 2 fiscal years. States, territories, Indian Tribes,
16 and Tribal organizations are authorized to use such funds
17 to provide child care assistance to health care sector em-
18 ployees, emergency responders, sanitation workers, and
19 other workers deemed essential during the response to
20 coronavirus by public officials, without regard to the in-
21 come eligibility requirements of section 658P(4) of the
22 Child Care and Development Block Grant Act (42 U.S.C.
23 9858n(4)).

24 (b) CHILD CARE STABILIZATION FUNDING.—In ad-
25 dition to amounts otherwise available, there is appro-
26 priated for fiscal year 2021, out of any amounts in the

1 Treasury not otherwise appropriated, \$23,975,000,000, to
2 remain available through September 30, 2021, for grants
3 under section 2204(b) of this subtitle and in accordance
4 with the Child Care and Development Block Grant Act
5 of 1990 (42 U.S.C. 9857 et seq.), except for the require-
6 ments in subparagraphs (C) through (E) of section
7 658E(c)(3), and section 658G, of such Act (42 U.S.C.
8 9858c(c)(3), 9858e).

9 (c) ADMINISTRATIVE COSTS.—In addition to
10 amounts otherwise available, there is appropriated for fis-
11 cal year 2021, out of any amounts in the Treasury not
12 otherwise appropriated, \$35,000,000, to remain available
13 through September 30, 2025, for the costs of providing
14 technical assistance and conducting research and for the
15 administrative costs to carry out this section and section
16 2204 of this subtitle.

17 **SEC. 2204. CHILD CARE STABILIZATION.**

18 (a) DEFINITIONS.—In this section:

19 (1) CHILD CARE AND DEVELOPMENT BLOCK
20 GRANT TERMS.—The terms “lead agency”, “Sec-
21 retary”, and “State” have the meanings given those
22 terms, and the terms “Indian Tribe” and “Tribal
23 organization” have the meanings given the terms
24 “Indian tribe” and “tribal organization”, in section
25 658P of the Child Care and Development Block

1 Grant Act of 1990 (42 U.S.C. 9858n) except as oth-
2 erwise provided in this section.

3 (2) COVID–19 PUBLIC HEALTH EMERGENCY.—

4 The term “COVID–19 public health emergency”
5 means the public health emergency declared by the
6 Secretary of Health and Human Services under sec-
7 tion 319 of the Public Health Service Act (42
8 U.S.C. 247d) on January 31, 2020, with respect to
9 COVID–19, including any renewal of the declara-
10 tion.

11 (3) ELIGIBLE CHILD CARE PROVIDER.—The
12 term “eligible child care provider” means an eligible
13 child care provider as defined in section 658P of the
14 Child Care and Development Block Grant Act of
15 1990 (42 U.S.C. 9858n) or a child care provider
16 that is licensed, regulated, or registered in the State,
17 territory, or Indian Tribe on the date of enactment
18 of this Act and meets applicable State and local
19 health and safety requirements.

20 (b) GRANTS.—From the amounts appropriated to
21 carry out this section and under the authority of section
22 658O of the Child Care and Development Block Grant Act
23 of 1990 (42 U.S.C. 9858m) and this section, the Secretary
24 shall award to the lead agency of each State (as des-
25 ignated or established under section 658D(a) of such Act

1 (42 U.S.C. 9858b(a)), territory and possession described
2 in subsection 658O(a)(1) of such Act, and Indian Tribe
3 and Tribal organization described in section 658O(a)(2)
4 of such Act that has submitted to the Secretary a letter
5 of intent to use funds awarded pursuant to this sub-
6 section, child care stabilization grants from allotments and
7 payments determined in accordance with paragraphs (1)
8 and (2) of subsection (a), and subsection (b), of section
9 658O of the Child Care and Development Block Grant Act
10 of 1990 (42 U.S.C. 9858m). Such grants shall be used
11 in accordance with the Child Care and Development Block
12 Grant Act of 1990 (42 U.S.C. 9857 et seq.), except for
13 the requirements in subparagraphs (C) through (E) of sec-
14 tion 658E(c)(3), and in section 658G, of such Act (42
15 U.S.C. 9858c(c)(3), 9858e).

16 (c) STATE RESERVATIONS AND SUBGRANTS.—

17 (1) RESERVATION.—A lead agency for a State
18 that receives a child care stabilization grant pursu-
19 ant to subsection (b) shall reserve not more than 10
20 percent of such grant funds to administer subgrants,
21 provide technical assistance and support for applying
22 for and accessing the subgrant opportunity, publicize
23 the availability of the subgrants, and provide tech-
24 nical assistance to help child care providers imple-
25 ment policies as described in paragraph (2)(D)(i).

1 (2) SUBGRANTS TO QUALIFIED CHILD CARE
2 PROVIDERS.—

3 (A) IN GENERAL.—The lead agency shall
4 use the remainder of the grant funds awarded
5 pursuant to subsection (b) to make subgrants
6 to qualified child care providers described in
7 subparagraph (B), regardless of such a pro-
8 vider’s previous receipt of other Federal assist-
9 ance, to support the stability of the child care
10 sector during and after the COVID–19 public
11 health emergency.

12 (B) QUALIFIED CHILD CARE PROVIDER.—
13 To be qualified to receive a subgrant under this
14 paragraph, a provider shall be an eligible child
15 care provider that on the date of submission of
16 an application for the subgrant, was either—

17 (i) open and available to provide child
18 care services; or

19 (ii) closed due to public health, finan-
20 cial hardship, or other reasons relating to
21 the COVID–19 public health emergency.

22 (C) SUBGRANT AMOUNT.—The amount of
23 such a subgrant to a qualified child care pro-
24 vider shall be based on the provider’s stated
25 current operating expenses, including costs as-

1 sociated with providing or preparing to provide
2 child care services during the COVID–19 public
3 health emergency, and to the extent practicable,
4 cover such operating expenses for the intended
5 period of the subgrant.

6 (D) APPLICATION.—The lead agency
7 shall—

8 (i) make available on the lead agen-
9 cy’s website an application for qualified
10 child care providers that includes certifi-
11 cations that, for the duration of the
12 subgrant—

13 (I) the provider applying will,
14 when open and available to provide
15 child care services, implement policies
16 in line with guidance from the cor-
17 responding State, Tribal, and local
18 authorities, and in accordance with
19 State, Tribal, and local orders, and, to
20 the greatest extent possible, imple-
21 ment policies in line with guidance
22 from the Centers for Disease Control
23 and Prevention;

24 (II) for each employee, the pro-
25 vider will pay not less than the full

1 compensation, including any benefits,
2 that was provided to the employee as
3 of the date of submission of the appli-
4 cation for the subgrant (referred to in
5 this subclause as “full compensa-
6 tion”), and will not take any action
7 that reduces the weekly amount of the
8 employee’s compensation below the
9 weekly amount of full compensation,
10 or that reduces the employee’s rate of
11 compensation below the rate of full
12 compensation, including the involun-
13 tary furloughing of any employee em-
14 ployed on the date of submission of
15 the application for the subgrant; and

16 (III) the provider will provide re-
17 lief from copayments and tuition pay-
18 ments for the families enrolled in the
19 provider’s program, to the extent pos-
20 sible, and prioritize such relief for
21 families struggling to make either
22 type of payment; and

23 (ii) accept and process applications
24 submitted under this subparagraph on a
25 rolling basis, and provide subgrant funds

1 in advance of provider expenditures, except
2 as provided in subsection (d)(2).

3 (E) OBLIGATION.—The lead agency shall
4 notify the Secretary if it is unable to obligate
5 at least 50 percent of the funds received pursu-
6 ant to subsection (b) that are available for sub-
7 grants described in this paragraph within 9
8 months of the date of enactment of this Act.

9 (d) USES OF FUNDS.—

10 (1) IN GENERAL.—A qualified child care pro-
11 vider that receives funds through such a subgrant
12 shall use the funds for at least one of the following:

13 (A) Personnel costs, including payroll and
14 salaries or similar compensation for an em-
15 ployee (including any sole proprietor or inde-
16 pendent contractor), employee benefits, pre-
17 mium pay, or costs for employee recruitment
18 and retention.

19 (B) Rent (including rent under a lease
20 agreement) or payment on any mortgage obliga-
21 tion, utilities, facility maintenance or improve-
22 ments, or insurance.

23 (C) Personal protective equipment, clean-
24 ing and sanitization supplies and services, or

1 training and professional development related to
2 health and safety practices.

3 (D) Purchases of or updates to equipment
4 and supplies to respond to the COVID–19 pub-
5 lic health emergency.

6 (E) Goods and services necessary to main-
7 tain or resume child care services.

8 (F) Mental health supports for children
9 and employees.

10 (2) REIMBURSEMENT.—The qualified child care
11 provider may use the subgrant funds to reimburse
12 the provider for sums obligated or expended before
13 the date of enactment of this Act for the cost of a
14 good or service described in paragraph (1) to re-
15 spond to the COVID–19 public health emergency.

16 (e) SUPPLEMENT NOT SUPPLANT.—Amounts made
17 available to carry out this section shall be used to supple-
18 ment and not supplant other Federal, State, and local
19 public funds expended to provide child care services for
20 eligible individuals, including funds provided under the
21 Child Care and Development Block Grant Act of 1990 (42
22 U.S.C. 9857 et seq.) and State child care programs.

23 **SEC. 2205. HEAD START.**

24 In addition to amounts otherwise available, there is
25 appropriated for fiscal year 2021, out of any amounts in

1 the Treasury not otherwise appropriated, \$1,000,000,000,
2 to remain available through September 30, 2022, to carry
3 out the Head Start Act (42 U.S.C. 9831 et seq.), includ-
4 ing for Federal administrative expenses, to be allocated
5 to each Head Start agency in an amount that bears the
6 same ratio to the portion available for allocations as the
7 number of enrolled children served by the Head Start
8 agency bears to the number of enrolled children served by
9 all Head Start agencies, except that funds appropriated
10 in this section—

11 (1) shall not be included in the calculation of
12 the “base grant” in subsequent fiscal years, as such
13 term is defined in section 640(a)(7)(A),
14 641A(h)(1)(B), or 645(d)(3) of the Head Start Act
15 (42 U.S.C. 9835(a)(7)(A), 9836a(h)(1)(B),
16 9840(d)(3)); and

17 (2) shall not be subject to the allocation re-
18 quirements of section 640(a) of such Act (42 U.S.C.
19 9835(a)).

20 **SEC. 2206. PROGRAMS FOR SURVIVORS.**

21 (a) IN GENERAL.—Section 303 of the Family Vio-
22 lence Prevention and Services Act (42 U.S.C. 10403) is
23 amended by adding at the end the following:

24 “(d) ADDITIONAL FUNDING.—For the purposes of
25 carrying out this title, in addition to amounts otherwise

1 made available for such purposes, there are appropriated,
2 out of any amounts in the Treasury not otherwise appro-
3 priated, for fiscal year 2021, to remain available until ex-
4 pended, each of the following:

5 “(1) \$180,000,000 to carry out sections 301
6 through 312, to be allocated in the manner described
7 in subsection (a)(2), except that a reference in sub-
8 section (a)(2) to an amount appropriated under sub-
9 section (a)(1) shall be considered to be a reference
10 to an amount appropriated under this paragraph,
11 and that the matching requirement under section
12 306(c)(4) shall not apply.

13 “(2) \$18,000,000 to carry out section 309.

14 “(3) \$2,000,000 to carry out section 313, of
15 which \$1,000,000 for each fiscal year shall be allo-
16 cated to support Indian communities.”.

17 (b) COVID–19 PUBLIC HEALTH EMERGENCY DE-
18 FINED.—In this section, the term “COVID–19 public
19 health emergency” means the public health emergency de-
20 clared by the Secretary of Health and Human Services
21 under section 319 of the Public Health Service Act (42
22 U.S.C. 247d) on January 31, 2020, with respect to
23 COVID–19, including any renewal of the declaration.

24 (c) GRANTS TO SUPPORT CULTURALLY SPECIFIC
25 POPULATIONS.—

1 (1) IN GENERAL.—In addition to amounts oth-
2 erwise made available, there is appropriated, out of
3 any amounts in the Treasury not otherwise appro-
4 priated, to the Secretary of Health and Human
5 Services, \$49,500,000 for fiscal year 2021, to be
6 available until expended, to carry out this subsection
7 (excluding Federal administrative costs, for which
8 funds are appropriated under subsection (e)).

9 (2) USE OF FUNDS.—From amounts appro-
10 priated under paragraph (1), the Secretary acting
11 through the Director of the Family Violence Preven-
12 tion and Services Program, shall—

13 (A) support culturally specific community-
14 based organizations to provide culturally spe-
15 cific activities for survivors of sexual assault
16 and domestic violence, to address emergent
17 needs resulting from the COVID–19 public
18 health emergency and other public health con-
19 cerns; and

20 (B) support culturally specific community-
21 based organizations that provide culturally spe-
22 cific activities to promote strategic partnership
23 development and collaboration in responding to
24 the impact of COVID–19 and other public

1 health concerns on survivors of sexual assault
2 and domestic violence.

3 (d) GRANTS TO SUPPORT SURVIVORS OF SEXUAL AS-
4 SAULT.—

5 (1) IN GENERAL.—In addition to amounts oth-
6 erwise made available, there is appropriated, out of
7 any amounts in the Treasury not otherwise appro-
8 priated, to the Secretary of Health and Human
9 Services, \$198,000,000 for fiscal year 2021, to be
10 available until expended, to carry out this subsection
11 (excluding Federal administrative costs, for which
12 funds are appropriated under subsection (e)).

13 (2) USE OF FUNDS.—From amounts appro-
14 priated under paragraph (1), the Secretary acting
15 through the Director of the Family Violence Preven-
16 tion and Services Program, shall assist rape crisis
17 centers in transitioning to virtual services and meet-
18 ing the emergency needs of survivors.

19 (e) ADMINISTRATIVE COSTS.—In addition to
20 amounts otherwise made available, there is appropriated
21 to the Secretary of Health and Human Services, out of
22 any amounts in the Treasury not otherwise appropriated,
23 \$2,500,000 for fiscal year 2021, to remain available until
24 expended, for the Federal administrative costs of carrying
25 out subsections (c) and (d).

1 **SEC. 2207. CHILD ABUSE PREVENTION AND TREATMENT.**

2 In addition to amounts otherwise available, there is
3 appropriated to the Secretary of Health and Human Serv-
4 ices for fiscal year 2021, out of any money in the Treasury
5 not otherwise appropriated, the following amounts, to re-
6 main available through September 30, 2023:

7 (1) \$250,000,000 for carrying out title II of the
8 Child Abuse Prevention and Treatment Act (42
9 U.S.C. 5116 et seq.), which shall be allocated with-
10 out regard to section 204(4) of such Act (42 U.S.C.
11 5116d(4)) and shall be allotted to States in accord-
12 ance with section 203 of such Act (42 U.S.C.
13 5116b), except that—

14 (A) in subsection (b)(1)(A) of such section
15 203, “70 percent” shall be deemed to be “100
16 percent”; and

17 (B) subsections (b)(1)(B) and (c) of such
18 section 203 shall not apply; and

19 (2) \$100,000,000 for carrying out the State
20 grant program authorized under section 106 of the
21 Child Abuse Prevention and Treatment Act (42
22 U.S.C. 5106a), which shall be allocated without re-
23 gard to section 112(a)(2) of such Act (42 U.S.C.
24 5106h(a)(2)).

1 **SEC. 2208. LIHEAP.**

2 In addition to amounts otherwise available, there is
3 appropriated for fiscal year 2021, out of any amounts in
4 the Treasury not otherwise appropriated, \$4,500,000,000,
5 to remain available through September 30, 2022, for addi-
6 tional funding to provide payments under section 2602(b)
7 of the Low-Income Home Energy Assistance Act of 1981
8 (42 U.S.C. 8621(b)), except that—

9 (1) \$2,250,000,000 of such amounts shall be
10 allocated as though the total appropriation for such
11 payments for fiscal year 2021 was less than
12 \$1,975,000,000;

13 (2) section 2607(b)(2)(B) of such Act (42
14 U.S.C. 8626(b)(2)(B)) shall not apply to funds ap-
15 propriated under this section for fiscal year 2021;
16 and

17 (3) with respect to amounts appropriated under
18 this section for fiscal year 2021, notwithstanding
19 section 2604(d) of such Act (42 U.S.C. 8623(d)),
20 the Secretary shall reserve under such section
21 2604(d) amounts for Indian tribes that bear the
22 same ratio, for each Indian tribe, that the amount
23 reserved for the Indian tribe, from funds appro-
24 priated for such payments for fiscal year 2021 be-
25 fore the date of enactment of this section, bore to

1 the amount allotted to the applicable State for such
2 payments from any such appropriated funds.

3 **SEC. 2209. DEPARTMENT OF HEALTH AND HUMAN SERV-**
4 **ICES.**

5 (a) **IN GENERAL.**—In addition to amounts otherwise
6 available, there is appropriated to the Department of
7 Health and Human Services for fiscal year 2021, out of
8 any money in the Treasury not otherwise appropriated,
9 \$425,000,000, to remain available until expended for the
10 Secretary of Health and Human Services to allocate as
11 such Secretary determines necessary for cost increases
12 that result from the COVID–19 public health emergency
13 in programs administered under the Administration for
14 Children and Families that provide direct program serv-
15 ices to children.

16 (b) **DEFINITION.**—In this section, the term
17 “COVID–19 public health emergency” means the public
18 health emergency declared by the Secretary of Health and
19 Human Services under section 319 of the Public Health
20 Service Act (42 U.S.C. 247d) on January 31, 2020, with
21 respect to COVID–19, including any renewal of the dec-
22 laration.

1 **SEC. 2210. CORPORATION FOR NATIONAL AND COMMUNITY**
2 **SERVICE AND THE NATIONAL SERVICE**
3 **TRUST.**

4 (a) CORPORATION FOR NATIONAL AND COMMUNITY
5 SERVICE.—In addition to amounts otherwise made avail-
6 able, there is appropriated for fiscal year 2021, out of any
7 money in the Treasury not otherwise appropriated,
8 \$852,000,000, to remain available through September 30,
9 2024, for necessary expenses under the Domestic Volun-
10 teer Service Act of 1973 (42 U.S.C. 4950 et seq.) and
11 the National and Community Service Act of 1990 (42
12 U.S.C. 12501 et seq.) notwithstanding sections
13 198B(b)(3), 198S(g), and subparagraphs (C) and (F) of
14 section 501(a)(4) of the National and Community Service
15 Act of 1990 (42 U.S.C. 12653b(b)(3), 12653s(g),
16 12681(a)(4)).

17 (b) ALLOCATION OF AMOUNTS.—Amounts provided
18 by subsection (a) shall be allocated as follows:

19 (1) AMERICORPS STATE AND NATIONAL.—
20 \$620,000,000 shall be used—

21 (A) to increase the living allowances, of
22 participants in national service programs, de-
23 scribed in section 140 of the National and Com-
24 munity Service Act of 1990 (42 U.S.C. 12594);
25 and

1 (B) to make funding adjustments to exist-
2 ing (as of the date of enactment of this Act)
3 awards and award new and additional awards
4 to organizations described in subsection (a) of
5 section 121 of the National and Community
6 Service Act of 1990 (42 U.S.C. 12571(a)),
7 whether or not the entities are already grant re-
8 cipients under that section on the date of enact-
9 ment of this Act, and without regard to the re-
10 quirements of subsections (d) and (e) of such
11 section 121, by—

12 (i) prioritizing entities serving com-
13 munities disproportionately impacted by
14 COVID–19 and utilizing culturally com-
15 petent and multilingual strategies in the
16 provision of services; and

17 (ii) taking into account the diversity
18 of communities and participants served by
19 such entities, including racial, ethnic, so-
20 cioeconomic, linguistic, or geographic diver-
21 sity.

22 (2) STATE COMMISSIONS.—\$20,000,000 shall
23 be used to make adjustments to existing (as of the
24 date of enactment of this Act) awards and new and
25 additional awards, including awards to State Com-

1 missions on National and Community Service, under
2 section 126(a) of the National and Community Serv-
3 ice Act of 1990 (42 U.S.C. 12576(a)).

4 (3) VOLUNTEER GENERATION FUND.—
5 \$20,000,000 shall be used for expenses authorized
6 under section 501(a)(4)(F) of the National and
7 Community Service Act of 1990 (42 U.S.C.
8 12681(a)(4)(F)), which, notwithstanding section
9 198P(d)(1)(B) of that Act (42 U.S.C.
10 12653p(d)(1)(B)), shall be for grants awarded by
11 the Corporation for National and Community Serv-
12 ice on a competitive basis.

13 (4) AMERICORPS VISTA.—\$80,000,000 shall be
14 used for programs authorized under part A of title
15 I of the Domestic Volunteer Service Act of 1973 (42
16 U.S.C. 4951 et seq.), including to increase the living
17 allowances of volunteers, described in section 105(b)
18 of the Domestic Volunteer Service Act of 1973 (42
19 U.S.C. 4955(b)).

20 (5) NATIONAL SENIOR SERVICE CORPS.—
21 \$30,000,000 shall be used for programs authorized
22 under title II of the Domestic Volunteer Service Act
23 of 1973 (42 U.S.C. 5000 et seq.).

24 (6) ADMINISTRATIVE COSTS.—\$73,000,000
25 shall, notwithstanding section 501(a)(5)(B) of the

1 National and Community Service Act of 1990 (42
2 U.S.C. 12681(a)(5)(B)) and section 504(a) of the
3 Domestic Volunteer Service Act of 1973 (42 U.S.C.
4 5084(a)), be used for necessary expenses of adminis-
5 tration as provided under section 501(a)(5) of the
6 National and Community Service Act of 1990 (42
7 U.S.C. 12681(a)(5)), including administrative costs
8 of the Corporation for National and Community
9 Service associated with the provision of funds under
10 paragraphs (1) through (5).

11 (7) OFFICE OF INSPECTOR GENERAL.—
12 \$9,000,000 shall be used for the Office of Inspector
13 General of the Corporation for National and Com-
14 munity Service for salaries and expenses necessary
15 for oversight and audit of programs and activities
16 funded by subsection (a).

17 (c) NATIONAL SERVICE TRUST.—In addition to
18 amounts otherwise made available, there is appropriated
19 for fiscal year 2021, out of any money in the Treasury
20 not otherwise appropriated, \$148,000,000, to remain
21 available until expended, for payment to and administra-
22 tion of the National Service Trust established in section
23 145 of the National and Community Service Act of 1990
24 (42 U.S.C. 12601).

1 **Subtitle D—Child Nutrition &**
2 **Related Programs**

3 **SEC. 2301. IMPROVEMENTS TO WIC BENEFITS.**

4 (a) DEFINITIONS.—In this section:

5 (1) APPLICABLE PERIOD.—The term “applica-
6 ble period” means a period—

7 (A) beginning after the date of enactment
8 of this Act, as selected by a State agency; and

9 (B) ending not later than the earlier of—

10 (i) 4 months after the date described
11 in subparagraph (A); or

12 (ii) September 30, 2021.

13 (2) CASH-VALUE VOUCHER.—The term “cash-
14 value voucher” has the meaning given the term in
15 section 246.2 of title 7, Code of Federal Regulations
16 (as in effect on the date of the enactment of this
17 Act).

18 (3) PROGRAM.—The term “program” means
19 the special supplemental nutrition program for
20 women, infants, and children established by section
21 17 of the Child Nutrition Act of 1966 (42 U.S.C.
22 1786).

23 (4) QUALIFIED FOOD PACKAGE.—The term
24 “qualified food package” means each of the fol-
25 lowing food packages (as defined in section

1 246.10(e) of title 7, Code of Federal Regulations (as
2 in effect on the date of the enactment of this Act)):

3 (A) Food Package IV—Children 1 through
4 4 years.

5 (B) Food Package V—Pregnant and par-
6 tially (mostly) breastfeeding women.

7 (C) Food Package VI—Postpartum women.

8 (D) Food Package VII—Fully
9 breastfeeding.

10 (5) SECRETARY.—The term “Secretary” means
11 the Secretary of Agriculture.

12 (6) STATE AGENCY.—The term “State agency”
13 has the meaning given the term in section 17(b) of
14 the Child Nutrition Act of 1966 (42 U.S.C.
15 1786(b)).

16 (b) AUTHORITY TO INCREASE AMOUNT OF CASH-
17 VALUE VOUCHER.—During the public health emergency
18 declared by the Secretary of Health and Human Services
19 under section 319 of the Public Health Service Act (42
20 U.S.C. 247d) on January 31, 2020, with respect to the
21 Coronavirus Disease 2019 (COVID–19), and in response
22 to challenges relating to that public health emergency, the
23 Secretary may, in carrying out the program, increase the
24 amount of a cash-value voucher under a qualified food
25 package to an amount that is less than or equal to \$35.

1 (c) APPLICATION OF INCREASED AMOUNT OF CASH-
2 VALUE VOUCHER TO STATE AGENCIES.—

3 (1) NOTIFICATION.—An increase to the amount
4 of a cash-value voucher under subsection (b) shall
5 apply to any State agency that notifies the Secretary
6 of—

7 (A) the intent to use that increased
8 amount, without further application; and

9 (B) the applicable period selected by the
10 State agency during which that increased
11 amount shall apply.

12 (2) USE OF INCREASED AMOUNT.—A State
13 agency that makes a notification to the Secretary
14 under paragraph (1) shall use the increased amount
15 described in that paragraph—

16 (A) during the applicable period described
17 in that notification; and

18 (B) only during a single applicable period.

19 (d) SUNSET.—The authority of the Secretary under
20 subsection (b), and the authority of a State agency to in-
21 crease the amount of a cash-value voucher under sub-
22 section (c), shall terminate on September 30, 2021.

23 (e) FUNDING.—In addition to amounts otherwise
24 made available, there is appropriated to the Secretary, out
25 of funds in the Treasury not otherwise appropriated,

1 \$490,000,000 to carry out this section, to remain available
2 until September 30, 2022.

3 **SEC. 2302. WIC PROGRAM MODERNIZATION.**

4 In addition to amounts otherwise available, there are
5 appropriated to the Secretary of Agriculture, out of
6 amounts in the Treasury not otherwise appropriated,
7 \$390,000,000 for fiscal year 2021, to remain available
8 until September 30, 2024, to carry out outreach, innova-
9 tion, and program modernization efforts, including appro-
10 priate waivers and flexibility, to increase participation in
11 and redemption of benefits under programs established
12 under section 17 of the Child Nutrition Act of 1966 (7
13 U.S.C. 1431), except that such waivers may not relate to
14 the content of the WIC Food Packages (as defined in sec-
15 tion 246.10(e) of title 7, Code of Federal Regulations (as
16 in effect on the date of enactment of this Act)), or the
17 nondiscrimination requirements under section 246.8 of
18 title 7, Code of Federal Regulations (as in effect on the
19 date of enactment of this Act).

20 **SEC. 2303. MEALS AND SUPPLEMENTS REIMBURSEMENTS**
21 **FOR INDIVIDUALS WHO HAVE NOT ATTAINED**
22 **THE AGE OF 25.**

23 (a) PROGRAM FOR AT-RISK SCHOOL CHILDREN.—
24 Beginning on the date of enactment of this section, not-
25 withstanding paragraph (1)(A) of section 17(r) of the

1 Richard B. Russell National School Lunch Act (42 U.S.C.
2 1766(r)), during the COVID–19 public health emergency
3 declared under section 319 of the Public Health Service
4 Act (42 U.S.C. 247d), the Secretary shall reimburse insti-
5 tutions that are emergency shelters under such section
6 17(r) (42 U.S.C. 1766(r)) for meals and supplements
7 served to individuals who, at the time of such service—

- 8 (1) have not attained the age of 25; and
9 (2) are receiving assistance, including non-resi-
10 dential assistance, from such emergency shelter.

11 (b) PARTICIPATION BY EMERGENCY SHELTERS.—
12 Beginning on the date of enactment of this section, not-
13 withstanding paragraph (5)(A) of section 17(t) of the
14 Richard B. Russell National School Lunch Act (42 U.S.C.
15 1766(t)), during the COVID–19 public health emergency
16 declared under section 319 of the Public Health Service
17 Act (42 U.S.C. 247d), the Secretary shall reimburse emer-
18 gency shelters under such section 17(t) (42 U.S.C.
19 1766(t)) for meals and supplements served to individuals
20 who, at the time of such service have not attained the age
21 of 25.

22 (c) DEFINITIONS.—In this section:

- 23 (1) EMERGENCY SHELTER.—The term “emer-
24 gency shelter” has the meaning given the term

1 under section 17(t)(1) of the Richard B. Russell Na-
2 tional School Lunch Act (42 U.S.C. 1766(t)(1)).

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of Agriculture.

5 **SEC. 2304. PANDEMIC EBT PROGRAM.**

6 Section 1101 of the Families First Coronavirus Re-
7 sponse Act (7 U.S.C. 2011 note; Public Law 116–127)
8 is amended—

9 (1) in subsection (a)—

10 (A) by striking “During fiscal years 2020
11 and 2021” and inserting “In any school year in
12 which there is a public health emergency des-
13 ignation”; and

14 (B) by inserting “or in a covered summer
15 period following a school session” after “in ses-
16 sion”;

17 (2) by amending subsection (e) to read as fol-
18 lows:

19 “(e) RELEASE OF INFORMATION.—Notwithstanding
20 any provision of the Richard B. Russell National School
21 Lunch Act (42 U.S.C. 1751 et seq.), the Secretary of Ag-
22 riculture may authorize State educational agencies and
23 school food authorities administering a school lunch pro-
24 gram under such Act to release to appropriate officials
25 administering the supplemental nutrition assistance pro-

1 gram such information as may be necessary to carry out
2 this section, including to carry out assistance during a cov-
3 ered summer period pursuant to subsection (i).”;

4 (3) in subsection (f)(2), in the paragraph head-
5 ing, by striking “FOR SCHOOL YEAR 2020–2021”;

6 (4) in subsection (g), by striking “During fiscal
7 year 2020, the” and inserting “The”;

8 (5) in subsection (h)(1)—

9 (A) by inserting “either” after “at least 1
10 child enrolled in such a covered child care facil-
11 ity and”; and

12 (B) by inserting “or a Department of Agri-
13 culture grant-funded nutrition assistance pro-
14 gram in the Commonwealth of the Northern
15 Mariana Islands, Puerto Rico, or American
16 Samoa” before “shall be eligible to receive as-
17 sistance”;

18 (6) by redesignating subsections (i) and (j) as
19 subsections (j) and (k), respectively;

20 (7) by inserting after subsection (h) the fol-
21 lowing:

22 “(i) EMERGENCIES DURING SUMMER.—The Sec-
23 retary of Agriculture may permit a State agency to extend
24 a State agency plan approved under subsection (b) for not
25 more than 90 days for the purpose of operating the plan

1 during a covered summer period, during which time
2 schools participating in the school lunch program under
3 the Richard B. Russell National School Lunch Act (42
4 U.S.C. 1751 et seq.) or the school breakfast program
5 under section 4 of the Child Nutrition Act of 1966 (42
6 U.S.C. 1773) and covered child care facilities shall be
7 deemed closed for purposes of this section.”;

8 (8) in subsection (j) (as so redesignated)—

9 (A) by redesignating paragraphs (2)
10 through (6) as paragraphs (3) through (7), re-
11 spectively;

12 (B) by inserting after paragraph (1) the
13 following:

14 “(2) COVERED SUMMER PERIOD.—The term
15 ‘covered summer period’ means a summer period
16 that follows a school year during which there was a
17 public health emergency designation.”; and

18 (C) in paragraph (5) (as so redesignated),
19 by striking “or another coronavirus with pan-
20 demic potential”; and

21 (9) in subsection (k) (as so redesignated), by
22 inserting “Federal agencies,” before “State agen-
23 cies”.

1 **Subtitle E—COBRA Continuation**
2 **Coverage**

3 **SEC. 2401. PRESERVING HEALTH BENEFITS FOR WORKERS.**

4 (a) PREMIUM ASSISTANCE FOR COBRA CONTINU-
5 ATION COVERAGE FOR INDIVIDUALS AND THEIR FAMI-
6 LIES.—

7 (1) PROVISION OF PREMIUM ASSISTANCE.—

8 (A) REDUCTION OF PREMIUMS PAY-
9 ABLE.—In the case of any premium for a pe-
10 riod of coverage during the period beginning on
11 the first day of the first month beginning after
12 the date of the enactment of this Act, and end-
13 ing on September 30, 2021, for COBRA con-
14 tinuation coverage with respect to any assist-
15 ance eligible individual described in paragraph
16 (3), such individual shall be treated for pur-
17 poses of any COBRA continuation provision as
18 having paid the amount of such premium if
19 such individual pays (or any person other than
20 such individual's employer pays on behalf of
21 such individual) 15 percent of the amount of
22 such premium.

23 (B) PLAN ENROLLMENT OPTION.—

24 (i) IN GENERAL.—Notwithstanding
25 the COBRA continuation provisions, any

1 assistance eligible individual who is en-
2 rolled in a group health plan offered by a
3 plan sponsor may, not later than 90 days
4 after the date of notice of the plan enroll-
5 ment option described in this subpara-
6 graph, elect to enroll in coverage under a
7 plan offered by such plan sponsor that is
8 different than coverage under the plan in
9 which such individual was enrolled at the
10 time, in the case of any assistance eligible
11 individual described in paragraph (3), the
12 qualifying event specified in section 603(2)
13 of the Employee Retirement Income Secu-
14 rity Act of 1974, section 4980B(f)(3)(B)
15 of the Internal Revenue Code of 1986, or
16 section 2203(2) of the Public Health Serv-
17 ice Act, except for the voluntary termi-
18 nation of such individual's employment by
19 such individual, occurred, and such cov-
20 erage shall be treated as COBRA continu-
21 ation coverage for purposes of the applica-
22 ble COBRA continuation coverage provi-
23 sion.

24 (ii) REQUIREMENTS.—Any assistance
25 eligible individual may elect to enroll in

1 different coverage as described in clause (i)
2 only if—

3 (I) the employer involved has
4 made a determination that such em-
5 ployer will permit such assistance eli-
6 gible individual to enroll in different
7 coverage as provided under this sub-
8 paragraph;

9 (II) the premium for such dif-
10 ferent coverage does not exceed the
11 premium for coverage in which such
12 individual was enrolled at the time
13 such qualifying event occurred;

14 (III) the different coverage in
15 which the individual elects to enroll is
16 coverage that is also offered to simi-
17 larly situated active employees of the
18 employer at the time at which such
19 election is made; and

20 (IV) the different coverage in
21 which the individual elects to enroll is
22 not—

23 (aa) coverage that provides
24 only excepted benefits as defined
25 in section 9832(c) of the Internal

1 Revenue Code of 1986, section
2 733(c) of the Employee Retirement
3 Income Security Act of
4 1974, and section 2791(c) of the
5 Public Health Service Act;

6 (bb) a qualified small em-
7 ployer health reimbursement ar-
8 rangement (as defined in section
9 9831(d)(2) of the Internal Rev-
10 enue Code of 1986); or

11 (cc) a flexible spending ar-
12 rangement (as defined in section
13 106(c)(2) of the Internal Rev-
14 enue Code of 1986).

15 (2) LIMITATION OF PERIOD OF PREMIUM AS-
16 SISTANCE.—

17 (A) ELIGIBILITY FOR ADDITIONAL COV-
18 ERAGE.—Paragraph (1)(A) shall not apply with
19 respect to any assistance eligible individual de-
20 scribed in paragraph (3) for months of coverage
21 beginning on or after the earlier of—

22 (i) the first date that such individual
23 is eligible for coverage under any other
24 group health plan (other than coverage
25 consisting of only excepted benefits (as de-

1 fined in section 9832(c) of the Internal
2 Revenue Code of 1986, section 733(c) of
3 the Employee Retirement Income Security
4 Act of 1974, and section 2791(c) of the
5 Public Health Service Act), coverage under
6 a flexible spending arrangement (as de-
7 fined in section 106(c)(2) of the Internal
8 Revenue Code of 1986), coverage under a
9 qualified small employer health reimburse-
10 ment arrangement (as defined in section
11 9831(d)(2) of the Internal Revenue Code
12 of 1986)), or eligible for benefits under the
13 Medicare program under title XVIII of the
14 Social Security Act; or

15 (ii) the earlier of—

16 (I) the date following the expira-
17 tion of the maximum period of con-
18 tinuation coverage required under the
19 applicable COBRA continuation cov-
20 erage provision; or

21 (II) the date following the expira-
22 tion of the period of continuation cov-
23 erage allowed under paragraph
24 (4)(B)(ii).

1 (B) NOTIFICATION REQUIREMENT.—Any
2 assistance eligible individual shall notify the
3 group health plan with respect to which para-
4 graph (1)(A) applies if such paragraph ceases
5 to apply by reason of clause (i) of subparagraph
6 (A). Such notice shall be provided to the group
7 health plan in such time and manner as may be
8 specified by the Secretary of Labor.

9 (3) ASSISTANCE ELIGIBLE INDIVIDUAL.—For
10 purposes of this section, the term “assistance eligible
11 individual” means, with respect to a period of cov-
12 erage during the period beginning on the first day
13 of the first month beginning after the date of the en-
14 actment of this Act, and ending on September 30,
15 2021, any individual that is a qualified beneficiary
16 who—

17 (A) is eligible for COBRA continuation
18 coverage by reason of a qualifying event speci-
19 fied in section 603(2) of the Employee Retire-
20 ment Income Security Act of 1974, section
21 4980B(f)(3)(B) of the Internal Revenue Code
22 of 1986, or section 2203(2) of the Public
23 Health Service Act, except for the voluntary
24 termination of such individual’s employment by
25 such individual; and

1 (B) elects such coverage.

2 (4) EXTENSION OF ELECTION PERIOD AND EF-
3 FECT ON COVERAGE.—

4 (A) IN GENERAL.—For purposes of apply-
5 ing section 605(a) of the Employee Retirement
6 Income Security Act of 1974, section
7 4980B(f)(5)(A) of the Internal Revenue Code
8 of 1986, and section 2205(a) of the Public
9 Health Service Act, in the case of—

10 (i) an individual who does not have an
11 election of COBRA continuation coverage
12 in effect on the first day of the first month
13 beginning after the date of the enactment
14 of this Act but who would be an assistance
15 eligible individual described in paragraph
16 (3) if such election were so in effect; or

17 (ii) an individual who elected COBRA
18 continuation coverage and discontinued
19 from such coverage before the first day of
20 the first month beginning after the date of
21 the enactment of this Act,

22 such individual may elect the COBRA continu-
23 ation coverage under the COBRA continuation
24 coverage provisions containing such provisions
25 during the period beginning on the first day of

1 the first month beginning after the date of the
2 enactment of this Act and ending 60 days after
3 the date on which the notification required
4 under paragraph (6)(C) is provided to such in-
5 dividual.

6 (B) COMMENCEMENT OF COBRA CONTINU-
7 ATION COVERAGE.—Any COBRA continuation
8 coverage elected by a qualified beneficiary dur-
9 ing an extended election period under subpara-
10 graph (A)—

11 (i) shall commence (including for pur-
12 poses of applying the treatment of pre-
13 mium payments under paragraph (1)(A)
14 and any cost-sharing requirements for
15 items and services under a group health
16 plan) with the first period of coverage be-
17 ginning on or after the first day of the
18 first month beginning after the date of the
19 enactment of this Act, and

20 (ii) shall not extend beyond the period
21 of COBRA continuation coverage that
22 would have been required under the appli-
23 cable COBRA continuation coverage provi-
24 sion if the coverage had been elected as re-
25 quired under such provision.

1 (5) EXPEDITED REVIEW OF DENIALS OF PRE-
2 MIUM ASSISTANCE.—In any case in which an indi-
3 vidual requests treatment as an assistance eligible
4 individual described in paragraph (3) and is denied
5 such treatment by the group health plan, the Sec-
6 retary of Labor (or the Secretary of Health and
7 Human Services in connection with COBRA con-
8 tinuation coverage which is provided other than pur-
9 suant to part 6 of subtitle B of title I of the Em-
10 ployee Retirement Income Security Act of 1974), in
11 consultation with the Secretary of the Treasury,
12 shall provide for expedited review of such denial. An
13 individual shall be entitled to such review upon ap-
14 plication to such Secretary in such form and manner
15 as shall be provided by such Secretary, in consulta-
16 tion with the Secretary of the Treasury. Such Sec-
17 retary shall make a determination regarding such in-
18 dividual’s eligibility within 15 business days after re-
19 ceipt of such individual’s application for review
20 under this paragraph. Such Secretary’s determina-
21 tion upon review of the denial shall be de novo and
22 shall be the final determination of such Secretary. A
23 reviewing court shall grant deference to such Sec-
24 retary’s determination. The provisions of this para-
25 graph, paragraphs (1) through (4), and paragraphs

1 (6) through (7) shall be treated as provisions of title
2 I of the Employee Retirement Income Security Act
3 of 1974 for purposes of part 5 of subtitle B of such
4 title.

5 (6) NOTICES TO INDIVIDUALS.—

6 (A) GENERAL NOTICE.—

7 (i) IN GENERAL.—In the case of no-
8 tices provided under section 606(a)(4) of
9 the Employee Retirement Income Security
10 Act of 1974 (29 U.S.C. 1166(4)), section
11 4980B(f)(6)(D) of the Internal Revenue
12 Code of 1986, or section 2206(4) of the
13 Public Health Service Act (42 U.S.C.
14 300bb–6(4)), with respect to individuals
15 who, during the period described in para-
16 graph (3), become entitled to elect COBRA
17 continuation coverage, the requirements of
18 such provisions shall not be treated as met
19 unless such notices include an additional
20 written notification to the recipient in clear
21 and understandable language of—

22 (I) the availability of premium
23 assistance with respect to such cov-
24 erage under this subsection; and

1 (II) the option to enroll in dif-
2 ferent coverage if the employer per-
3 mits assistance eligible individuals de-
4 scribed in paragraph (3) to elect en-
5 rollment in different coverage (as de-
6 scribed in paragraph (1)(B)).

7 (ii) ALTERNATIVE NOTICE.—In the
8 case of COBRA continuation coverage to
9 which the notice provision under such sec-
10 tions does not apply, the Secretary of
11 Labor, in consultation with the Secretary
12 of the Treasury and the Secretary of
13 Health and Human Services, shall, in con-
14 sultation with administrators of the group
15 health plans (or other entities) that provide
16 or administer the COBRA continuation
17 coverage involved, provide rules requiring
18 the provision of such notice.

19 (iii) FORM.—The requirement of the
20 additional notification under this subpara-
21 graph may be met by amendment of exist-
22 ing notice forms or by inclusion of a sepa-
23 rate document with the notice otherwise
24 required.

1 (B) SPECIFIC REQUIREMENTS.—Each ad-
2 ditional notification under subparagraph (A)
3 shall include—

4 (i) the forms necessary for estab-
5 lishing eligibility for premium assistance
6 under this subsection;

7 (ii) the name, address, and telephone
8 number necessary to contact the plan ad-
9 ministrators and any other person main-
10 taining relevant information in connection
11 with such premium assistance;

12 (iii) a description of the extended elec-
13 tion period provided for in paragraph
14 (4)(A);

15 (iv) a description of the obligation of
16 the qualified beneficiary under paragraph
17 (2)(B) and the penalty provided under sec-
18 tion 6720C of the Internal Revenue Code
19 of 1986 for failure to carry out the obliga-
20 tion;

21 (v) a description, displayed in a
22 prominent manner, of the qualified bene-
23 ficiary's right to a reduced premium and
24 any conditions on entitlement to the re-
25 duced premium; and

1 (vi) a description of the option of the
2 qualified beneficiary to enroll in different
3 coverage if the employer permits such ben-
4 eficiary to elect to enroll in such different
5 coverage under paragraph (1)(B).

6 (C) NOTICE IN CONNECTION WITH EX-
7 TENDED ELECTION PERIODS.—In the case of
8 any assistance eligible individual described in
9 paragraph (3) (or any individual described in
10 paragraph (4)(A)) who became entitled to elect
11 COBRA continuation coverage before the first
12 day of the first month beginning after the date
13 of the enactment of this Act, the administrator
14 of the applicable group health plan (or other
15 entity) shall provide (within 60 days after such
16 first day of such first month) for the additional
17 notification required to be provided under sub-
18 paragraph (A) and failure to provide such no-
19 tice shall be treated as a failure to meet the no-
20 tice requirements under the applicable COBRA
21 continuation provision.

22 (D) MODEL NOTICES.—Not later than 30
23 days after the date of enactment of this Act,
24 with respect to any assistance eligible individual
25 described in paragraph (3), the Secretary of

1 Labor, in consultation with the Secretary of the
2 Treasury and the Secretary of Health and
3 Human Services, shall prescribe models for the
4 additional notification required under this para-
5 graph.

6 (7) NOTICE OF EXPIRATION OF PERIOD OF
7 PREMIUM ASSISTANCE.—

8 (A) IN GENERAL.—With respect to any as-
9 sistance eligible individual, subject to subpara-
10 graph (B), the requirements of section
11 606(a)(4) of the Employee Retirement Income
12 Security Act of 1974 (29 U.S.C. 1166(4)), sec-
13 tion 4980B(f)(6)(D) of the Internal Revenue
14 Code of 1986, or section 2206(4) of the Public
15 Health Service Act (42 U.S.C. 300bb–6(4)),
16 shall not be treated as met unless the plan ad-
17 ministrator of the individual, during the period
18 specified under subparagraph (C), provides to
19 such individual a written notice in clear and un-
20 derstandable language—

21 (i) that the premium assistance for
22 such individual will expire soon and the
23 prominent identification of the date of
24 such expiration; and

1 (ii) that such individual may be eligi-
2 ble for coverage without any premium as-
3 sistance through—

4 (I) COBRA continuation cov-
5 erage; or

6 (II) coverage under a group
7 health plan.

8 (B) EXCEPTION.—The requirement for the
9 group health plan administrator to provide the
10 written notice under subparagraph (A) shall be
11 waived if the premium assistance for such indi-
12 vidual expires pursuant to clause (i) of para-
13 graph (2)(A).

14 (C) PERIOD SPECIFIED.—For purposes of
15 subparagraph (A), the period specified in this
16 subparagraph is, with respect to the date of ex-
17 piration of premium assistance for any assist-
18 ance eligible individual pursuant to a limitation
19 requiring a notice under this paragraph, the pe-
20 riod beginning on the day that is 45 days before
21 the date of such expiration and ending on the
22 day that is 15 days before the date of such ex-
23 piration.

24 (D) MODEL NOTICES.—Not later than 45
25 days after the date of enactment of this Act,

1 with respect to any assistance eligible indi-
2 vidual, the Secretary of Labor, in consultation
3 with the Secretary of the Treasury and the Sec-
4 retary of Health and Human Services, shall
5 prescribe models for the notification required
6 under this paragraph.

7 (8) REGULATIONS.—The Secretary of the
8 Treasury and the Secretary of Labor may jointly
9 prescribe such regulations or other guidance as may
10 be necessary or appropriate to carry out the provi-
11 sions of this subsection, including the prevention of
12 fraud and abuse under this subsection, except that
13 the Secretary of Labor and the Secretary of Health
14 and Human Services may prescribe such regulations
15 (including interim final regulations) or other guid-
16 ance as may be necessary or appropriate to carry
17 out the provisions of paragraphs (5), (6), (7), and
18 (9).

19 (9) OUTREACH.—

20 (A) IN GENERAL.—The Secretary of
21 Labor, in consultation with the Secretary of the
22 Treasury and the Secretary of Health and
23 Human Services, shall provide outreach con-
24 sisting of public education and enrollment as-
25 sistance relating to premium assistance pro-

1 vided under this subsection. Such outreach shall
2 target employers, group health plan administra-
3 tors, public assistance programs, States, insur-
4 ers, and other entities as determined appro-
5 priate by such Secretaries. Such outreach shall
6 include an initial focus on those individuals
7 electing continuation coverage who are referred
8 to in paragraph (6)(C). Information on such
9 premium assistance, including enrollment, shall
10 also be made available on websites of the De-
11 partments of Labor, Treasury, and Health and
12 Human Services.

13 (B) ENROLLMENT UNDER MEDICARE.—
14 The Secretary of Health and Human Services
15 shall provide outreach consisting of public edu-
16 cation. Such outreach shall target individuals
17 who lose health insurance coverage. Such out-
18 reach shall include information regarding en-
19 rollment for benefits under title XVIII of the
20 Social Security Act (42 U.S.C. 1395 et seq.) for
21 purposes of preventing mistaken delays of such
22 enrollment by such individuals, including life-
23 time penalties for failure of timely enrollment.

24 (10) DEFINITIONS.—For purposes of this sec-
25 tion:

1 (A) ADMINISTRATOR.—The term “admin-
2 istrator” has the meaning given such term in
3 section 3(16)(A) of the Employee Retirement
4 Income Security Act of 1974.

5 (B) COBRA CONTINUATION COVERAGE.—
6 The term “COBRA continuation coverage”
7 means continuation coverage provided pursuant
8 to part 6 of subtitle B of title I of the Em-
9 ployee Retirement Income Security Act of 1974
10 (other than under section 609), title XXII of
11 the Public Health Service Act, or section
12 4980B of the Internal Revenue Code of 1986
13 (other than subsection (f)(1) of such section in-
14 sofar as it relates to pediatric vaccines), or
15 under a State program that provides com-
16 parable continuation coverage. Such term does
17 not include coverage under a health flexible
18 spending arrangement under a cafeteria plan
19 within the meaning of section 125 of the Inter-
20 nal Revenue Code of 1986.

21 (C) COBRA CONTINUATION PROVISION.—
22 The term “COBRA continuation provision”
23 means the provisions of law described in sub-
24 paragraph (B).

1 (D) COVERED EMPLOYEE.—The term
2 “covered employee” has the meaning given such
3 term in section 607(2) of the Employee Retirement
4 Income Security Act of 1974.

5 (E) QUALIFIED BENEFICIARY.—The term
6 “qualified beneficiary” has the meaning given
7 such term in section 607(3) of the Employee
8 Retirement Income Security Act of 1974.

9 (F) GROUP HEALTH PLAN.—The term
10 “group health plan” has the meaning given
11 such term in section 607(1) of the Employee
12 Retirement Income Security Act of 1974.

13 (G) STATE.—The term “State” includes
14 the District of Columbia, the Commonwealth of
15 Puerto Rico, the Virgin Islands, Guam, Amer-
16 ican Samoa, and the Commonwealth of the
17 Northern Mariana Islands.

18 (H) PERIOD OF COVERAGE.—Any ref-
19 erence in this subsection to a period of coverage
20 shall be treated as a reference to a monthly or
21 shorter period of coverage with respect to which
22 premiums are charged with respect to such cov-
23 erage.

24 (I) PLAN SPONSOR.—The term “plan
25 sponsor” has the meaning given such term in

1 section 3(16)(B) of the Employee Retirement
2 Income Security Act of 1974.

3 (J) PREMIUM.—The term “premium” in-
4 cludes, with respect to COBRA continuation
5 coverage, any administrative fee.

6 (11) IMPLEMENTATION FUNDING.—In addition
7 to amounts otherwise made available, out of any
8 funds in the Treasury not otherwise appropriated,
9 there are appropriated to the Secretary of Labor for
10 fiscal year 2021, \$10,000,000, to remain available
11 until expended, for the Employee Benefits Security
12 Administration to carry out the provisions of this
13 subtitle.

14 (b) COBRA PREMIUM ASSISTANCE.—

15 (1) ALLOWANCE OF CREDIT.—

16 (A) IN GENERAL.—Subchapter B of chap-
17 ter 65 of the Internal Revenue Code of 1986 is
18 amended by adding at the end the following
19 new section:

20 **“SEC. 6432. CONTINUATION COVERAGE PREMIUM ASSIST-**
21 **ANCE.**

22 “(a) IN GENERAL.—The person to whom premiums
23 are payable for continuation coverage under section
24 2401(a)(1) of the American Rescue Plan Act of 2021 shall
25 be allowed as a credit against the tax imposed by section

1 3111(b), or so much of the taxes imposed under section
2 3221(a) as are attributable to the rate in effect under sec-
3 tion 3111(b), for each calendar quarter an amount equal
4 to the premiums not paid by assistance eligible individuals
5 for such coverage by reason of such section 2401(a)(1)
6 with respect to such calendar quarter.

7 “(b) PERSON TO WHOM PREMIUMS ARE PAYABLE.—
8 For purposes of subsection (a), except as otherwise pro-
9 vided by the Secretary, the person to whom premiums are
10 payable under such continuation coverage shall be treated
11 as being—

12 “(1) in the case of any group health plan which
13 is a multiemployer plan (as defined in section 3(37)
14 of the Employee Retirement Income Security Act of
15 1974), the plan,

16 “(2) in the case of any group health plan not
17 described in paragraph (1), and under which some
18 or all of the coverage is not provided by insurance,
19 the employer maintaining the plan, and

20 “(3) in the case of any group health plan not
21 described in paragraph (1) or (2), the insurer pro-
22 viding the coverage under the group health plan.

23 “(c) LIMITATIONS AND REFUNDABILITY.—

24 “(1) CREDIT LIMITED TO CERTAIN EMPLOY-
25 MENT TAXES.—The credit allowed by subsection (a)

1 with respect to any calendar quarter shall not exceed
2 the tax imposed by section 3111(b), or so much of
3 the taxes imposed under section 3221(a) as are at-
4 tributable to the rate in effect under section
5 3111(b), for such calendar quarter (reduced by any
6 credits allowed against such taxes under sections
7 7001 and 7003 of the Families First Coronavirus
8 Response Act and section 2301 of the CARES Act)
9 on the wages paid with respect to the employment
10 of all employees of the employer.

11 “(2) REFUNDABILITY OF EXCESS CREDIT.—

12 “(A) CREDIT IS REFUNDABLE.—If the
13 amount of the credit under subsection (a) ex-
14 ceeds the limitation of paragraph (1) for any
15 calendar quarter, such excess shall be treated
16 as an overpayment that shall be refunded under
17 sections 6402(a) and 6413(b).

18 “(B) CREDIT MAY BE ADVANCED.—In an-
19 ticipation of the credit, including the refundable
20 portion under subparagraph (A), the credit may
21 be advanced, according to forms and instruc-
22 tions provided by the Secretary, up to an
23 amount calculated under subsection (a) through
24 the end of the most recent payroll period in the
25 quarter.

1 “(C) TREATMENT OF DEPOSITS.—The
2 Secretary shall waive any penalty under section
3 6656 for any failure to make a deposit of the
4 tax imposed by section 3111(b), or so much of
5 the taxes imposed under section 3221(a) as are
6 attributable to the rate in effect under section
7 3111(b), if the Secretary determines that such
8 failure was due to the anticipation of the credit
9 allowed under this section.

10 “(D) TREATMENT OF PAYMENTS.—For
11 purposes of section 1324 of title 31, United
12 States Code, any amounts due to an employer
13 under this paragraph shall be treated in the
14 same manner as a refund due from a credit
15 provision referred to in subsection (b)(2) of
16 such section.

17 “(3) OVERSTATEMENTS.—Any overstatement of
18 the credit to which a person is entitled under this
19 section (and any amount paid by the Secretary as a
20 result of such overstatement) shall be treated as an
21 underpayment by such person of the taxes described
22 in paragraph (1) and may be assessed and collected
23 by the Secretary in the same manner as such taxes.

24 “(d) GOVERNMENTAL ENTITIES.—For purposes of
25 this section, the term ‘person’ includes the government of

1 any State or political subdivision thereof, any Indian tribal
2 government (as defined in section 139E(c)(1)), any agency
3 or instrumentality of any of the foregoing, and any agency
4 or instrumentality of the Government of the United States
5 that is described in section 501(c)(1) and exempt from
6 taxation under section 501(a).

7 “(e) DENIAL OF DOUBLE BENEFIT.—For purposes
8 of chapter 1, the gross income of any person allowed a
9 credit under this section shall be increased for the taxable
10 year which includes the last day of any calendar quarter
11 with respect to which such credit is allowed by the amount
12 of such credit. No amount for which a credit is allowed
13 under this section shall be taken into account as qualified
14 wages under section 2301 of the CARES Act or as quali-
15 fied health plan expenses under section 7001(d) or
16 7003(d) of the Families First Coronavirus Response Act.

17 “(f) REGULATIONS.—The Secretary shall issue such
18 regulations, or other guidance, forms, instructions, and
19 publications, as may be necessary or appropriate to carry
20 out this section, including—

21 “(1) the requirement to report information or
22 the establishment of other methods for verifying the
23 correct amounts of reimbursements under this sec-
24 tion,

1 “(2) the application of this section to group
2 health plans that are multiemployer plans (as de-
3 fined in section 3(37) of the Employee Retirement
4 Income Security Act of 1974),

5 “(3) to allow the advance payment of the credit
6 determined under subsection (a), subject to the limi-
7 tations provided in this section, based on such infor-
8 mation as the Secretary shall require,

9 “(4) to provide for the reconciliation of such
10 advance payment with the amount of the credit at
11 the time of filing the return of tax for the applicable
12 quarter or taxable year, and

13 “(5) allowing the credit to third party payors
14 (including professional employer organizations, cer-
15 tified professional employer organizations, or agents
16 under section 3504).”.

17 (B) CLERICAL AMENDMENT.—The table of
18 sections for subchapter B of chapter 65 of the
19 Internal Revenue Code of 1986 is amended by
20 adding at the end the following new item:

“Sec. 6432. Continuation coverage premium assistance.”.

21 (C) EFFECTIVE DATE.—The amendments
22 made by this paragraph shall apply to pre-
23 miums to which subsection (a)(1)(A) applies
24 and wages paid on or after April 1, 2021.

1 (D) SPECIAL RULE IN CASE OF EMPLOYEE
2 PAYMENT THAT IS NOT REQUIRED UNDER THIS
3 SECTION.—

4 (i) IN GENERAL.—In the case of an
5 assistance eligible individual who pays,
6 with respect any period of coverage to
7 which subsection (a)(1)(A) applies, the
8 amount of the premium for such coverage
9 that the individual would have (but for this
10 Act) been required to pay, the person to
11 whom such payment is payable shall reim-
12 burse such individual for the amount of
13 such premium paid in excess of the
14 amount required to be paid under sub-
15 section (a)(1)(A).

16 (ii) CREDIT OF REIMBURSEMENT.—A
17 person to which clause (i) applies shall be
18 allowed a credit in the manner provided
19 under section 6432 of the Internal Rev-
20 enue Code of 1986 for any payment made
21 to the employee under such clause.

22 (iii) PAYMENT OF CREDITS.—Any
23 person to which clause (i) applies shall
24 make the payment required under such
25 clause to the individual not later than 60

1 days after the date on which such indi-
2 vidual elects continuation coverage under
3 subsection (a)(1).

4 (2) PENALTY FOR FAILURE TO NOTIFY HEALTH
5 PLAN OF CESSATION OF ELIGIBILITY FOR PREMIUM
6 ASSISTANCE.—

7 (A) IN GENERAL.—Part I of subchapter B
8 of chapter 68 of the Internal Revenue Code of
9 1986 is amended by adding at the end the fol-
10 lowing new section:

11 **“SEC. 6720C. PENALTY FOR FAILURE TO NOTIFY HEALTH**
12 **PLAN OF CESSATION OF ELIGIBILITY FOR**
13 **CONTINUATION COVERAGE PREMIUM ASSIST-**
14 **ANCE.**

15 “(a) IN GENERAL.—Except in the case of a failure
16 described in subsection (b) or (c), any person required to
17 notify a group health plan under section 2401(a)(2)(B)
18 of the American Rescue Plan Act of 2021 who fails to
19 make such a notification at such time and in such manner
20 as the Secretary of Labor may require shall pay a penalty
21 of \$250 for each such failure.

22 “(b) INTENTIONAL FAILURE.—In the case of any
23 such failure that is fraudulent, such person shall pay a
24 penalty equal to the greater of—

25 “(1) \$250, or

1 “(2) 110 percent of the premium assistance
2 provided under section 9501(a)(1)(A) of the Amer-
3 ican Rescue Plan Act of 2021 after termination of
4 eligibility under such section.

5 “(c) REASONABLE CAUSE EXCEPTION.—No penalty
6 shall be imposed under this section with respect to any
7 failure if it is shown that such failure is due to reasonable
8 cause and not to willful neglect.”.

9 (B) CLERICAL AMENDMENT.—The table of
10 sections of part I of subchapter B of chapter 68
11 of such Code is amended by adding at the end
12 the following new item:

“Sec. 6720C. Penalty for failure to notify health plan of cessation of eligibility
for continuation coverage premium assistance.”.

13 (3) COORDINATION WITH HCTC.—

14 (A) IN GENERAL.—Section 35(g)(9) of the
15 Internal Revenue Code of 1986 is amended to
16 read as follows:

17 “(9) CONTINUATION COVERAGE PREMIUM AS-
18 SISTANCE.—In the case of an assistance eligible in-
19 dividual who receives premium assistance for con-
20 tinuation coverage under section 2401(a)(1) of the
21 American Rescue Plan Act of 2021 for any month
22 during the taxable year, such individual shall not be
23 treated as an eligible individual, a certified indi-
24 vidual, or a qualifying family member for purposes

1 of this section or section 7527 with respect to such
2 month.”.

3 (B) EFFECTIVE DATE.—The amendment
4 made by subparagraph (A) shall apply to tax-
5 able years ending after the date of the enact-
6 ment of this Act.

7 (4) EXCLUSION OF CONTINUATION COVERAGE
8 PREMIUM ASSISTANCE FROM GROSS INCOME.—

9 (A) IN GENERAL.—Part III of subchapter
10 B of chapter 1 of the Internal Revenue Code of
11 1986 is amended by inserting after section
12 139H the following new section:

13 **“SEC. 139I. CONTINUATION COVERAGE PREMIUM ASSIST-**
14 **ANCE.**

15 “In the case of an assistance eligible individual (as
16 defined in subsection (a)(3) of section 2401 of the Amer-
17 ican Rescue Plan Act of 2021), gross income does not in-
18 clude any premium assistance provided under subsection
19 (a)(1) of such section.”.

20 (B) CLERICAL AMENDMENT.—The table of
21 sections for part III of subchapter B of chapter
22 1 of such Code is amended by inserting after
23 the item relating to section 139H the following
24 new item:

“Sec. 139I. Continuation coverage premium assistance.”.

1 (C) EFFECTIVE DATE.—The amendments
2 made by this paragraph shall apply to taxable
3 years ending after the date of the enactment of
4 this Act.

5 **TITLE III—COMMITTEE ON**
6 **ENERGY AND COMMERCE**

7 **Subtitle A—Public Health**

8 **CHAPTER 1—VACCINES AND**
9 **THERAPEUTICS**

10 **SEC. 3001. FUNDING FOR COVID-19 VACCINE ACTIVITIES AT**
11 **THE CENTERS FOR DISEASE CONTROL AND**
12 **PREVENTION.**

13 (a) IN GENERAL.—In addition to amounts otherwise
14 available, there is appropriated to the Secretary of Health
15 and Human Services (in this subtitle referred to as the
16 “Secretary”) for fiscal year 2021, out of any money in
17 the Treasury not otherwise appropriated, \$7,500,000,000,
18 to remain available until expended, to carry out activities
19 to plan, prepare for, promote, distribute, administer, mon-
20 itor, and track COVID-19 vaccines.

21 (b) USE OF FUNDS.—The Secretary, acting through
22 the Director of the Centers for Disease Control and Pre-
23 vention, and in consultation with other agencies, as appli-
24 cable, shall, in conducting activities referred to in sub-
25 section (a)—

1 (1) conduct activities to enhance, expand, and
2 improve nationwide COVID–19 vaccine distribution
3 and administration, including activities related to
4 distribution of ancillary medical products and sup-
5 plies related to vaccines; and

6 (2) provide technical assistance, guidance, and
7 support to, and award grants or cooperative agree-
8 ments to, State, local, Tribal, and territorial public
9 health departments for enhancement of COVID–19
10 vaccine distribution and administration capabilities,
11 including—

12 (A) the distribution and administration of
13 vaccines licensed under section 351 of the Pub-
14 lic Health Service Act (42 U.S.C. 262) or au-
15 thorized under section 564 of the Federal Food,
16 Drug, and Cosmetic Act (21 U.S.C. 360bbb–3)
17 and ancillary medical products and supplies re-
18 lated to vaccines;

19 (B) the establishment and expansion, in-
20 cluding staffing support, of community vaccina-
21 tion centers, particularly in underserved areas;

22 (C) the deployment of mobile vaccination
23 units, particularly in underserved areas;

24 (D) information technology, data, and re-
25 porting enhancements, including improvements

1 necessary to support sharing of data related to
2 vaccine distribution and vaccinations and sys-
3 tems that enhance vaccine safety, effectiveness,
4 and uptake, particularly among underserved
5 populations;

6 (E) facilities enhancements; and

7 (F) communication with the public regard-
8 ing when, where, and how to receive COVID-
9 19 vaccines.

10 **SEC. 3002. FUNDING FOR VACCINE CONFIDENCE ACTIVI-**
11 **TIES.**

12 In addition to amounts otherwise available, there is
13 appropriated to the Secretary for fiscal year 2021, out of
14 any money in the Treasury not otherwise appropriated,
15 \$1,000,000,000, to remain available until expended, to
16 carry out activities, acting through the Director of the
17 Centers for Disease Control and Prevention—

18 (1) to strengthen vaccine confidence in the
19 United States, including its territories and posses-
20 sions;

21 (2) to provide further information and edu-
22 cation with respect to vaccines licensed under section
23 351 of the Public Health Service Act (42 U.S.C.
24 262) or authorized under section 564 of the Federal

1 Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–
2 3); and

3 (3) to improve rates of vaccination throughout
4 the United States, including its territories and pos-
5 sessions, including through activities described in
6 section 313 of the Public Health Service Act, as
7 amended by section 311 of division BB of the Con-
8 solidated Appropriations Act, 2021 (Public Law
9 116–260).

10 **SEC. 3003. FUNDING FOR SUPPLY CHAIN FOR COVID-19**
11 **VACCINES, THERAPEUTICS, AND MEDICAL**
12 **SUPPLIES.**

13 In addition to amounts otherwise available, there is
14 appropriated to the Secretary for fiscal year 2021, out of
15 any money in the Treasury not otherwise appropriated,
16 \$5,200,000,000, to remain available until expended, for
17 necessary expenses with respect to research, development,
18 manufacturing, production, and the purchase of vaccines,
19 therapeutics, and ancillary medical products and supplies
20 to prevent, prepare, or respond to—

21 (1) SARS–CoV–2 or any viral variant mutating
22 therefrom with pandemic potential; and

23 (2) COVID–19 or any disease with potential for
24 creating a pandemic.

1 **SEC. 3004. FUNDING FOR COVID-19 VACCINE, THERA-**
2 **PEUTIC, AND DEVICE ACTIVITIES AT THE**
3 **FOOD AND DRUG ADMINISTRATION.**

4 In addition to amounts otherwise available, there is
5 appropriated to the Secretary for fiscal year 2021, out of
6 any money in the Treasury not otherwise appropriated,
7 \$500,000,000, to remain available until expended, to be
8 used for the evaluation of the continued performance, safe-
9 ty, and effectiveness, including with respect to emerging
10 COVID-19 variants, of vaccines, therapeutics, and
11 diagnostics approved, cleared, licensed, or authorized for
12 use for the treatment, prevention, or diagnosis of COVID-
13 19; facilitation of advanced continuous manufacturing ac-
14 tivities related to production of vaccines and related mate-
15 rials; facilitation and conduct of inspections related to the
16 manufacturing of vaccines, therapeutics, and devices de-
17 layed or cancelled for reasons related to COVID-19; re-
18 view of devices authorized for use for the treatment, pre-
19 vention, or diagnosis of COVID-19; and oversight of the
20 supply chain and mitigation of shortages of vaccines,
21 therapeutics, and devices approved, cleared, licensed, or
22 authorized for use for the treatment, prevention, or diag-
23 nosis of COVID-19 by the Food and Drug Administra-
24 tion.

1 **CHAPTER 2—TESTING**
2 **SEC. 3011. FUNDING FOR COVID-19 TESTING, CONTACT**
3 **TRACING, AND MITIGATION ACTIVITIES.**

4 (a) **IN GENERAL.**—In addition to amounts otherwise
5 available, there is appropriated to the Secretary for fiscal
6 year 2021, out of any money in the Treasury not otherwise
7 appropriated, \$46,000,000,000, to remain available until
8 expended, to carry out activities to detect, diagnose, trace,
9 and monitor SARS-CoV-2 and COVID-19 infections and
10 related strategies to mitigate the spread of COVID-19.

11 (b) **USE OF FUNDS.**—From amounts appropriated by
12 subsection (a), the Secretary shall—

13 (1) implement a national, evidence-based strat-
14 egy for testing, contact tracing, surveillance, and
15 mitigation with respect to SARS-CoV-2 and
16 COVID-19;

17 (2) provide technical assistance, guidance, and
18 support, and award grants or cooperative agree-
19 ments to State, local, and territorial public health
20 departments for activities to detect, diagnose, trace,
21 and monitor SARS-CoV-2 and COVID-19 infec-
22 tions and related strategies and activities to mitigate
23 the spread of COVID-19;

24 (3) support the development, manufacturing,
25 procurement, distribution, and administration of

1 tests to detect or diagnose SARS-CoV-2 and
2 COVID-19, including supplies necessary for admin-
3 istering tests, such as personal protective equipment;

4 (4) establish and expand Federal, State, local,
5 and territorial testing and contact tracing capabili-
6 ties, including investments in laboratory capacity,
7 community-based testing sites, and mobile testing
8 units, particularly in medically underserved areas;

9 (5) enhance information technology, data mod-
10 ernization, and reporting, including improvements
11 necessary to support sharing of data related to pub-
12 lic health capabilities;

13 (6) award grants to, or enter into cooperative
14 agreements or contracts with, State, local, and terri-
15 torial public health departments to establish, ex-
16 pand, and sustain a public health workforce; and

17 (7) to cover administrative and program sup-
18 port costs necessary to conduct activities related to
19 subparagraph (a).

20 **SEC. 3012. FUNDING FOR SARS-COV-2 GENOMIC SEQUENC-**
21 **ING AND SURVEILLANCE.**

22 (a) IN GENERAL.—In addition to amounts otherwise
23 available, there is appropriated to the Secretary for fiscal
24 year 2021 out of any money in the Treasury not otherwise
25 appropriated, \$1,750,000,000, to remain available until

1 expended, to strengthen and expand activities and work-
2 force related to genomic sequencing, analytics, and disease
3 surveillance.

4 (b) USE OF FUNDS.—From amounts appropriated by
5 subsection (a), the Secretary, acting through the Director
6 of the Centers for Disease Control and Prevention, shall—

7 (1) conduct, expand, and improve activities to
8 sequence genomes, identify mutations, and survey
9 the circulation and transmission of viruses and other
10 organisms, including strains of SARS-CoV-2;

11 (2) award grants or cooperative agreements to
12 State, local, Tribal, or territorial public health de-
13 partments or public health laboratories—

14 (A) to increase their capacity to sequence
15 genomes of circulating strains of viruses and
16 other organisms, including SARS-CoV-2;

17 (B) to identify mutations in viruses and
18 other organisms, including SARS-CoV-2;

19 (C) to use genomic sequencing to identify
20 outbreaks and clusters of diseases or infections,
21 including COVID-19; and

22 (D) to develop effective disease response
23 strategies based on genomic sequencing and
24 surveillance data;

1 (3) enhance and expand the informatics capa-
2 bilities of the public health workforce; and

3 (4) award grants for the construction, alter-
4 ation, or renovation of facilities to improve genomic
5 sequencing and surveillance capabilities at the State
6 and local level.

7 **SEC. 3013. FUNDING FOR GLOBAL HEALTH.**

8 In addition to amounts otherwise available, there is
9 appropriated to the Secretary for fiscal year 2021, out of
10 any amounts in the Treasury not otherwise appropriated,
11 \$750,000,000, to remain available until expended, for ac-
12 tivities to be conducted acting through the Director of the
13 Centers for Disease Control and Prevention to combat
14 SARS-CoV-2, COVID-19, and other emerging infectious
15 disease threats globally, including efforts related to global
16 health security, global disease detection and response,
17 global health protection, global immunization, and global
18 coordination on public health.

19 **SEC. 3014. FUNDING FOR DATA MODERNIZATION AND**
20 **FORECASTING CENTER.**

21 In addition to amounts otherwise available, there is
22 appropriated to the Secretary for fiscal year 2021, out of
23 any money in the Treasury not otherwise appropriated,
24 \$500,000,000, to remain available until expended, for ac-
25 tivities to be conducted acting through the Director of the

1 Centers for Disease Control and Prevention to support
2 public health data surveillance and analytics infrastruc-
3 ture modernization initiatives at the Centers for Disease
4 Control and Prevention, and establish, expand, and main-
5 tain efforts to modernize the United States disease warn-
6 ing system to forecast and track hotspots for COVID–19,
7 its variants, and emerging biological threats, including
8 academic and workforce support for analytics and
9 informatics infrastructure and data collection systems.

10 **CHAPTER 3—PUBLIC HEALTH**
11 **WORKFORCE**

12 **SEC. 3021. FUNDING FOR PUBLIC HEALTH WORKFORCE.**

13 (a) IN GENERAL.—In addition to amounts otherwise
14 available, there is appropriated to the Secretary for fiscal
15 year 2021, out of any money in the Treasury not otherwise
16 appropriated, \$7,660,000,000, to remain available until
17 expended, to carry out activities related to establishing,
18 expanding, and sustaining a public health workforce, in-
19 cluding by making awards to State, local, and territorial
20 public health departments.

21 (b) USE OF FUNDS FOR PUBLIC HEALTH DEPART-
22 MENTS.—Amounts made available to an awardee pursuant
23 to subsection (a) shall be used for the following:

1 (1) Costs, including wages and benefits, related
2 to the recruiting, hiring, and training of individ-
3 uals—

4 (A) to serve as case investigators, contact
5 tracers, social support specialists, community
6 health workers, public health nurses, disease
7 intervention specialists, epidemiologists, pro-
8 gram managers, laboratory personnel,
9 informaticians, communication and policy ex-
10 perts, and any other positions as may be re-
11 quired to prevent, prepare for, and respond to
12 COVID-19; and

13 (B) who are employed by—

14 (i) the State, territorial, or local pub-
15 lic health department involved; or

16 (ii) a nonprofit private or public orga-
17 nization with demonstrated expertise in im-
18 plementing public health programs and es-
19 tablished relationships with such State,
20 territorial, or local public health depart-
21 ments, particularly in medically under-
22 served areas.

23 (2) Personal protective equipment, data man-
24 agement and other technology, or other necessary
25 supplies.

1 (3) Administrative costs and activities necessary
2 for awardees to implement activities funded under
3 this section.

4 (4) Reporting to the Secretary on implementa-
5 tion of the activities funded under this section.

6 (5) Subawards from recipients of awards under
7 subsection (a) to local health departments for the
8 purposes of the activities funded under this section.

9 **SEC. 3022. FUNDING FOR MEDICAL RESERVE CORPS.**

10 In addition to amounts otherwise available, there is
11 appropriated to the Secretary for fiscal year 2021, out of
12 any money in the Treasury not otherwise appropriated,
13 \$100,000,000, to remain available until expended, for car-
14 rying out section 2813 of the Public Health Service Act
15 (42 U.S.C. 300hh-15).

16 **CHAPTER 4—PUBLIC HEALTH**
17 **INVESTMENTS**

18 **SEC. 3031. FUNDING FOR COMMUNITY HEALTH CENTERS**

19 **AND COMMUNITY CARE.**

20 (a) IN GENERAL.—In addition to amounts otherwise
21 available, there is appropriated to the Secretary for fiscal
22 year 2021, out of any money in the Treasury not otherwise
23 appropriated, \$7,600,000,000, to remain available until
24 expended, for necessary expenses for awarding grants and
25 cooperative agreements under section 330 of the Public

1 Health Service Act (42 U.S.C. 254b) to be awarded with-
2 out regard to subsections (e)(3), (e)(6)(A)(iii),
3 (e)(6)(B)(iii), and (r)(2)(B) of such section 330, and for
4 necessary expenses for awarding grants to Federally quali-
5 fied health centers (as defined in section 1861(aa)(4)(B)
6 of the Social Security Act (42 U.S.C. 1395x(aa))), and
7 for awarding grants or contracts to qualified entities
8 under the Native Hawaiian Health Care Improvement Act
9 (42 U.S.C. 11701 et seq.). Of the total amount appro-
10 priated by the preceding sentence, not less than
11 \$20,000,000 shall be for grants or contracts to qualified
12 entities under the Native Hawaiian Health Care Improve-
13 ment Act (42 U.S.C. 11701 et seq.).

14 (b) USE OF FUNDS.—Amounts made available to an
15 awardee pursuant to subsection (a) shall be used—

16 (1) to plan, prepare for, promote, distribute,
17 administer, and track COVID–19 vaccines, and to
18 carry out other vaccine-related activities;

19 (2) to detect, diagnose, trace, and monitor
20 COVID–19 infections and related activities nec-
21 essary to mitigate the spread of COVID–19, includ-
22 ing activities related to, and equipment or supplies
23 purchased for, testing, contact tracing, surveillance,
24 mitigation, and treatment of COVID–19;

1 (3) to purchase equipment and supplies to con-
2 duct mobile testing or vaccinations for COVID–19,
3 to purchase and maintain mobile vehicles and equip-
4 ment to conduct such testing or vaccinations, and to
5 hire and train laboratory personnel and other staff
6 to conduct such mobile testing or vaccinations, par-
7 ticularly in medically underserved areas;

8 (4) to establish, expand, and sustain the health
9 care workforce to prevent, prepare for, and respond
10 to COVID–19, and to carry out other health work-
11 force-related activities;

12 (5) to modify, enhance, and expand health care
13 services and infrastructure; and

14 (6) to conduct community outreach and edu-
15 cation activities related to COVID–19.

16 (c) PAST EXPENDITURES.—An awardee may use
17 amounts awarded pursuant to subsection (a) to cover the
18 costs of the awardee carrying out any of the activities de-
19 scribed in subsection (b) during the period beginning on
20 the date of the declaration of a public health emergency
21 by the Secretary under section 319 of the Public Health
22 Service Act (42 U.S.C. 247d) on January 31, 2020, with
23 respect to COVID–19 and ending on the date of such
24 award.

1 **SEC. 3032. FUNDING FOR NATIONAL HEALTH SERVICE**
2 **CORPS.**

3 (a) IN GENERAL.—In addition to amounts otherwise
4 available, there is appropriated to the Secretary for fiscal
5 year 2021, out of any money in the Treasury not otherwise
6 appropriated, \$800,000,000, to remain available until ex-
7 pended, for carrying out title III of the Public Health
8 Service Act (42 U.S.C. 241 et seq.) with respect to the
9 health workforce.

10 (b) STATE LOAN REPAYMENT PROGRAMS.—

11 (1) IN GENERAL.—Of the amount made avail-
12 able pursuant to subsection (a), \$100,000,000 shall
13 be made available for providing public health serv-
14 ices through supplemental grants to States under
15 section 338I(a) of the Public Health Service Act (42
16 U.S.C. 254q-1(a)).

17 (2) CONDITIONS.—With respect to grants de-
18 scribed in paragraph (1) using funds made available
19 under such paragraph:

20 (A) Section 338I(b) of the Public Health
21 Service Act (42 U.S.C. 254q-1(b)) shall not
22 apply.

23 (B) Notwithstanding section 338I(d)(2) of
24 the Public Health Service Act (42 U.S.C. 254q-
25 1(d)(2)), not more than 10 percent of an award
26 to a State from such amounts, may be used by

1 the State for costs of administering the State
2 loan repayment program.

3 **SEC. 3033. FUNDING FOR NURSE CORPS.**

4 In addition to amounts otherwise available, there is
5 appropriated to the Secretary for fiscal year 2021, out of
6 any money in the Treasury not otherwise appropriated,
7 \$200,000,000, to remain available until expended, for car-
8 rying out section 846 of the Public Health Service Act
9 (42 U.S.C. 297n).

10 **SEC. 3034. FUNDING FOR TEACHING HEALTH CENTERS**

11 **THAT OPERATE GRADUATE MEDICAL EDU-**
12 **CATION.**

13 (a) IN GENERAL.—In addition to amounts otherwise
14 available, and notwithstanding the capped amount ref-
15 erenced in sections 340H(b)(2) and 340H(d)(2) of the
16 Public Health Service Act (42 U.S.C. 256h(b)(2) and
17 (d)(2)), there is appropriated to the Secretary for fiscal
18 year 2021, out of any money in the Treasury not otherwise
19 appropriated, \$330,000,000, to remain available until
20 September 30, 2023, for the program of payments to
21 teaching health centers that operate graduate medical
22 education under section 340H of the Public Health Serv-
23 ice Act (42 U.S.C. 256h) and for teaching health center
24 development grants authorized under section 749A of the
25 Public Health Service Act (42 U.S.C. 2931–1).

1 (b) USE OF FUNDS.—Amounts made available pursu-
2 ant to subsection (a) shall be used for the following activi-
3 ties:

4 (1) For making payments to new approved
5 graduate medical residency training programs, pro-
6 vided that the number of full-time equivalent resi-
7 dents for which a qualified teaching health center re-
8 ceives payments pursuant to section 340H(a)(1)(C)
9 of the Public Health Service Act (42 U.S.C.
10 256h(a)(1)(C)) for a fiscal year shall not exceed by
11 more than 6 the number of full-time equivalent resi-
12 dents for which the center received such payments
13 for the preceding fiscal year.

14 (2) To provide an increase to the per resident
15 amount described in section 340H(a)(2) of the Pub-
16 lic Health Service Act (42 U.S.C. 256h(a)(2)) of
17 \$10,000.

18 (3) For making payments under section 340H
19 of the Public Health Service Act (42 U.S.C. 256h)
20 to qualified teaching health centers for approved
21 graduate medical residency training programs, for
22 the number of full-time equivalent residents at a
23 program at a number that is no lower than the high-
24 est number of full-time equivalent residents in that

1 program for the period of fiscal years 2016 through
2 2018.

3 (4) For making payments under section
4 340H(a)(1)(B) of the Public Health Service Act (42
5 U.S.C. 256h(a)(1)(B)) for the expansion of existing
6 approved graduate medical residency programs.

7 (5) For making awards under section 749A of
8 the Public Health Service Act (42 U.S.C. 2931–1) to
9 teaching health centers for the purpose of estab-
10 lishing new accredited or expanded primary care
11 residency programs.

12 (6) To cover administrative costs and activities
13 necessary for qualified teaching health centers re-
14 ceiving payments under section 340H of the Public
15 Health Service Act (42 U.S.C. 256h) to carry out
16 activities under such section.

17 **SEC. 3035. FUNDING FOR COVID-19 TESTING, CONTACT**
18 **TRACING, AND MITIGATION ACTIVITIES IN**
19 **CONGREGATE SETTINGS.**

20 (a) IN GENERAL.—In addition to amounts otherwise
21 available, there is appropriated to the Secretary for fiscal
22 year 2021, out of any money in the Treasury not otherwise
23 appropriated, \$1,800,000,000, to remain available until
24 expended, to carry out activities to detect, diagnose, trace,
25 monitor, and report on SARS-CoV-2 and COVID-19 in-

1 fections, and related strategies to mitigate the spread of
2 SARS–CoV–2, in congregate settings.

3 (b) USE OF FUNDS.—From amounts appropriated by
4 subsection (a), the Secretary shall—

5 (1) support activities related to testing through
6 the use of in vitro diagnostic products (as defined in
7 section 809.3(a) of title 21, Code of Federal Regula-
8 tions) for the detection or diagnosis of SARS–CoV–
9 2 and the virus that causes COVID–19, including to
10 purchase, procure, or administer tests and supplies
11 necessary for administering and processing such
12 tests to staff of, or individuals residing in, con-
13 gregate settings, and pay (through any mechanism
14 deemed appropriate by the Secretary) part or all of
15 the costs to such entities of administering or proc-
16 essing such tests;

17 (2) support vaccine-related activities for author-
18 ized or licensed COVID–19 vaccines, to provide for
19 the vaccination of staff of, or individuals residing in,
20 congregate settings, and pay (through any mecha-
21 nism deemed appropriate by the Secretary) part or
22 all of the costs to such entities of administering such
23 vaccines;

24 (3) purchase, procure, or distribute personal
25 protective equipment or other products or supplies

1 for use in mitigation of COVID–19 transmission
2 among staff of, or individuals residing in, congregate
3 settings; and

4 (4) provide technical assistance, guidance, and
5 support and award grants, contracts, or cooperative
6 agreements to State, local, territorial, and Tribal
7 public health departments, or Federal, State, local,
8 territorial, or Tribal public and private entities that
9 manage congregate settings, for activities to detect,
10 diagnose, trace, monitor, and report on SARS–CoV–
11 2 and COVID–19 infections, and related strategies
12 and activities to mitigate the spread of SARS–CoV–
13 2, in congregate settings.

14 (c) DEFINITION.—For purposes of this section, the
15 term “congregate settings” includes Federal, State, local,
16 territorial, and Tribal prisons, jails, detention centers (in-
17 cluding juvenile detention centers), other correctional, de-
18 tention, and reentry facilities, long-term care facilities,
19 psychiatric hospitals, psychiatric residential treatment fa-
20 cilities, shared living arrangements for individuals with
21 disabilities, intermediate care facilities, and other residen-
22 tial care facilities.

23 **SEC. 3036. FUNDING FOR FAMILY PLANNING.**

24 In addition to amounts otherwise available, there is
25 appropriated to the Secretary for fiscal year 2021, out of

1 any money in the Treasury not otherwise appropriated,
2 \$50,000,000, to remain available until expended, for nec-
3 essary expenses for making grants and contracts under
4 section 1001 of the Public Health Service Act (42 U.S.C.
5 300).

6 **SEC. 3037. FUNDING FOR CHILDREN UNDER THE CARE OF**
7 **THE DEPARTMENT OF HEALTH AND HUMAN**
8 **SERVICES.**

9 (a) IN GENERAL.—In addition to amounts otherwise
10 available, there is appropriated to the Secretary for fiscal
11 year 2021, out of any money in the Treasury not otherwise
12 appropriated, \$425,000,000, to remain available until ex-
13 pended, for expenses incurred in preparing for and pro-
14 viding child care, education services, health care services,
15 case management services, or other necessary services for
16 children in the care of personnel employed by or under
17 a grant, cooperative agreement, or contract with the De-
18 partment of Health and Human Services (or agency, sub-
19 division, or office thereof).

20 (b) USE OF FUNDS.—Amounts made available pursu-
21 ant to subsection (a) shall be used for—

22 (1) costs related to capacity to provide care to
23 children described in such subsection;

24 (2) costs related to the recruiting, hiring, and
25 training of additional staff;

1 (3) activities to detect, diagnose, trace, treat,
2 and monitor SARS-CoV-2 and COVID-19 infec-
3 tions and related strategies and activities to mitigate
4 the spread of SARS-CoV-2 and COVID-19;

5 (4) the purchase, procurement, or distribution
6 of in vitro diagnostic products (as defined in section
7 809.3(a) of title 21, Code of Federal Regulations)
8 for the detection or diagnosis of SARS-CoV-2 and
9 the virus that causes COVID-19 or supplies nec-
10 essary for administering tests to such children and
11 staff caring for such children;

12 (5) distribution of COVID-19 vaccines licensed
13 under section 351 of the Public Health Service Act
14 (42 U.S.C. 262) or authorized for emergency use
15 under section 564 of the Federal Food, Drug, and
16 Cosmetic Act (21 U.S.C. 360bbb-3) for such chil-
17 dren or staff caring for such children; or

18 (6) the purchase, procurement, or distribution
19 of personal protective equipment or other measures
20 for mitigation and prevention of COVID-19 trans-
21 mission among such children and staff caring for
22 such children.

23 **SEC. 3038. FUNDING FOR OFFICE OF INSPECTOR GENERAL.**

24 In addition to amounts otherwise available, there is
25 appropriated to the inspector general of the Department

1 of Health and Human Services for fiscal year 2021, out
2 of any money in the Treasury not otherwise appropriated,
3 \$5,000,000, to remain available until expended, for over-
4 sight of activities supported with funds appropriated to
5 the Department of Health and Human Services to pre-
6 vent, prepare for, and respond to coronavirus 2019 or
7 COVID–19, domestically or internationally.

8 **CHAPTER 5—INDIAN HEALTH**

9 **SEC. 3041. FUNDING FOR INDIAN HEALTH.**

10 (a) In addition to amounts otherwise available, there
11 is appropriated to the Secretary for fiscal year 2021, out
12 of any money in the Treasury not otherwise appropriated,
13 \$6,094,000,000, to remain available until expended, of
14 which—

15 (1) \$5,484,000,000 shall be for carrying out
16 the Act of August 5, 1954 (42 U.S.C. 2001 et seq.)
17 (commonly referred to as the Transfer Act), the In-
18 dian Self-Determination and Education Assistance
19 Act (25 U.S.C. 5301 et seq.), the Indian Health
20 Care Improvement Act (25 U.S.C. 1601 et seq.),
21 and titles II and III of the Public Health Service
22 Act (42 U.S.C. 201 et seq. and 241 et seq.) with re-
23 spect to the Indian Health Service, of which—

24 (A) \$2,000,000,000 shall be for lost reim-
25 bursements, in accordance with section 207 of

1 the Indian Health Care Improvement Act (25
2 U.S.C. 1621f);

3 (B) \$500,000,000 shall be for the provi-
4 sion of additional health care services, services
5 provided through the Purchased/Referred Care
6 program, and other related activities;

7 (C) \$140,000,000 shall be for information
8 technology, telehealth infrastructure, and the
9 Indian Health Service electronic health records
10 system;

11 (D) \$84,000,000 shall be for maintaining
12 operations of the Urban Indian health program,
13 which shall be in addition to other amounts
14 made available under this subsection for Urban
15 Indian organizations (as defined in section 4 of
16 the Indian Health Care Improvement Act (25
17 U.S.C. 1603));

18 (E) \$600,000,000 shall be for necessary
19 expenses to plan, prepare for, promote, dis-
20 tribute, administer, and track COVID–19 vac-
21 cines, for the purposes described in subpara-
22 graphs (F) and (G), and for other vaccine-re-
23 lated activities;

24 (F) \$1,500,000,000 shall be for necessary
25 expenses to detect, diagnose, trace, and monitor

1 COVID–19 infections, activities necessary to
2 mitigate the spread of COVID–19, supplies nec-
3 essary for such activities, for the purposes de-
4 scribed in subparagraphs (E) and (G), and for
5 other related activities;

6 (G) \$240,000,000 shall be for necessary
7 expenses to establish, expand, and sustain a
8 public health workforce to prevent, prepare for,
9 and respond to COVID–19, other public health
10 workforce-related activities, for the purposes de-
11 scribed in subparagraphs (E) and (F), and for
12 other related activities; and

13 (H) \$420,000,000 shall be for necessary
14 expenses related to mental and behavioral
15 health prevention and treatment services, for
16 the purposes described in subparagraph (C) and
17 paragraph (2) as related to mental and behav-
18 ioral health, and for other related activities;

19 (2) \$600,000,000 shall be for the lease, pur-
20 chase, construction, alteration, renovation, or equip-
21 ping of health facilities to respond to COVID–19,
22 and for maintenance and improvement projects nec-
23 essary to respond to COVID–19 under section 7 of
24 the Act of August 5, 1954 (42 U.S.C. 2004a), the
25 Indian Self-Determination and Education Assistance

1 Act (25 U.S.C. 5301 et seq.), the Indian Health
2 Care Improvement Act (25 U.S.C. 1601 et seq.),
3 and titles II and III of the Public Health Service
4 Act (42 U.S.C. 202 et seq.) with respect to the In-
5 dian Health Service; and

6 (3) \$10,000,000 shall be for carrying out sec-
7 tion 7 of the Act of August 5, 1954 (42 U.S.C.
8 2004a) for expenses relating to potable water deliv-
9 ery.

10 (b) Funds appropriated by subsection (a) shall be
11 made available to restore amounts, either directly or
12 through reimbursement, for obligations for the purposes
13 specified in this section that were incurred to prevent, pre-
14 pare for, and respond to COVID–19 during the period be-
15 ginning on the date on which the public health emergency
16 was declared by the Secretary on January 31, 2020, pur-
17 suant to section 319 of the Public Health Service Act (42
18 U.S.C. 247d) with respect to COVID–19 and ending on
19 the date of the enactment of this Act.

20 (c) Funds made available under subsection (a) to
21 Tribes and Tribal organizations under the Indian Self-De-
22 termination and Education Assistance Act (25 U.S.C.
23 5301 et seq.) shall be available on a one-time basis. Such
24 non-recurring funds shall not be part of the amount re-
25 quired by section 106 of the Indian Self-Determination

1 and Education Assistance Act (25 U.S.C. 5325), and such
2 funds shall only be used for the purposes identified in this
3 section.

4 **CHAPTER 6—MENTAL HEALTH AND**
5 **SUBSTANCE USE DISORDER**

6 **SEC. 3051. FUNDING FOR BLOCK GRANTS FOR COMMUNITY**
7 **MENTAL HEALTH SERVICES.**

8 In addition to amounts otherwise available, there is
9 appropriated to the Secretary for fiscal year 2021, out of
10 any money in the Treasury not otherwise appropriated,
11 \$1,750,000,000, to remain available until expended, for
12 carrying out subpart I of part B of title XIX of the Public
13 Health Service Act (42 U.S.C. 300x et seq.), subpart III
14 of part B of title XIX of such Act (42 U.S.C. 300x–51
15 et seq.), and section 505(c) of such Act (42 U.S.C. 290aa–
16 4(c)) with respect to mental health. Notwithstanding sec-
17 tion 1952 of the Public Health Service Act (42 U.S.C.
18 300x–62), any amount awarded to a State out of amounts
19 appropriated by this section shall be expended by the State
20 by September 30, 2025.

21 **SEC. 3052. FUNDING FOR BLOCK GRANTS FOR PREVENTION**
22 **AND TREATMENT OF SUBSTANCE ABUSE.**

23 In addition to amounts otherwise available, there is
24 appropriated to the Secretary for fiscal year 2021, out of
25 any money in the Treasury not otherwise appropriated,

1 \$1,750,000,000, to remain available until expended, for
2 carrying out subpart II of part B of title XIX of the Public
3 Health Service Act (42 U.S.C. 300x–21 et seq.), subpart
4 III of part B of title XIX of such Act (42 U.S.C. 300x–
5 51 et seq.), section 505(d) of such Act (42 U.S.C. 290aa–
6 4(d)) with respect to substance abuse, and section 515(d)
7 of such Act (42 U.S.C. 290bb–21(d)). Notwithstanding
8 section 1952 of the Public Health Service Act (42 U.S.C.
9 300x–62), any amount awarded to a State out of amounts
10 appropriated by this section shall be expended by the State
11 by September 30, 2025.

12 **SEC. 3053. FUNDING FOR MENTAL AND BEHAVIORAL**
13 **HEALTH TRAINING FOR HEALTH CARE PRO-**
14 **FESSIONALS, PARAPROFESSIONALS, AND**
15 **PUBLIC SAFETY OFFICERS.**

16 (a) **IN GENERAL.**—In addition to amounts otherwise
17 available, there is appropriated to the Secretary for fiscal
18 year 2021, out of any money in the Treasury not otherwise
19 appropriated, \$80,000,000, to remain available until ex-
20 pended, for the purpose described in subsection (b).

21 (b) **USE OF FUNDING.**—The Secretary, acting
22 through the Administrator of the Health Resources and
23 Services Administration, shall, taking into consideration
24 the needs of rural and medically underserved communities,
25 use amounts appropriated by subsection (a) to award

1 grants or contracts to health professions schools, academic
2 health centers, State or local governments, Indian Tribes
3 and Tribal organizations, or other appropriate public or
4 private nonprofit entities (or consortia of entities, includ-
5 ing entities promoting multidisciplinary approaches), to
6 plan, develop, operate, or participate in health professions
7 and nursing training activities for health care students,
8 residents, professionals, paraprofessionals, trainees, and
9 public safety officers, and employers of such individuals,
10 in evidence-informed strategies for reducing and address-
11 ing suicide, burnout, and mental and behavioral health
12 conditions (including substance use disorders) among
13 health care professionals.

14 **SEC. 3054. FUNDING FOR EDUCATION AND AWARENESS**
15 **CAMPAIGN ENCOURAGING HEALTHY WORK**
16 **CONDITIONS AND USE OF MENTAL AND BE-**
17 **HAVIORAL HEALTH SERVICES BY HEALTH**
18 **CARE PROFESSIONALS.**

19 (a) **IN GENERAL.**—In addition to amounts otherwise
20 available, there is appropriated to the Secretary for fiscal
21 year 2021, out of any money in the Treasury not otherwise
22 appropriated, \$20,000,000, to remain available until ex-
23 pended, for the purpose described in subsection (b).

24 (b) **USE OF FUNDS.**—The Secretary, acting through
25 the Director of the Centers for Disease Control and Pre-

1 vention and in consultation with the medical professional
2 community, shall use amounts appropriated by subsection
3 (a) to carry out a national evidence-based education and
4 awareness campaign directed at health care professionals
5 and first responders (such as emergency medical service
6 providers), and employers of such professionals and first
7 responders. Such awareness campaign shall—

8 (1) encourage primary prevention of mental and
9 behavioral health conditions and secondary and ter-
10 tiary prevention by encouraging health care profes-
11 sionals to seek support and treatment for their own
12 behavioral health concerns;

13 (2) help such professionals to identify risk fac-
14 tors in themselves and others and respond to such
15 risks;

16 (3) include information on reducing or pre-
17 venting suicide, substance use disorders, burnout,
18 and other mental and behavioral health conditions,
19 and addressing stigma associated with seeking men-
20 tal and behavioral health support and treatment;
21 and

22 (4) consider the needs of rural and medically
23 underserved communities.

1 **SEC. 3055. FUNDING FOR GRANTS FOR HEALTH CARE PRO-**
2 **VIDERS TO PROMOTE MENTAL AND BEHAV-**
3 **IORAL HEALTH AMONG THEIR HEALTH PRO-**
4 **FSSIONAL WORKFORCE.**

5 (a) IN GENERAL.—In addition to amounts otherwise
6 available, there is appropriated to the Secretary for fiscal
7 year 2021, out of any money in the Treasury not otherwise
8 appropriated, \$40,000,000, to remain available until ex-
9 pended, for the purpose described in subsection (b).

10 (b) USE OF FUNDS.—The Secretary, acting through
11 the Administrator of the Health Resources and Services
12 Administration, shall, taking into consideration the needs
13 of rural and medically underserved communities, use
14 amounts appropriated by subsection (a) to award grants
15 or contracts to entities providing health care, including
16 health care providers associations and Federally qualified
17 health centers, to establish, enhance, or expand evidence-
18 informed programs or protocols to promote mental and be-
19 havioral health among their providers, other personnel,
20 and members.

21 **SEC. 3056. FUNDING FOR COMMUNITY-BASED FUNDING**
22 **FOR LOCAL SUBSTANCE USE DISORDER**
23 **SERVICES.**

24 (a) IN GENERAL.—In addition to amounts otherwise
25 available, there is appropriated to the Secretary for fiscal
26 year 2021, out of any money in the Treasury not otherwise

1 appropriated, \$30,000,000, to remain available until ex-
2 pended, to carry out the purpose described in subsection
3 (b).

4 (b) USE OF FUNDS.—

5 (1) IN GENERAL.—The Secretary, acting
6 through the Assistant Secretary for Mental Health
7 and Substance Use and in consultation with the Di-
8 rector of the Centers for Disease Control and Pre-
9 vention, shall award grants to support States; local,
10 Tribal, and territorial governments; Tribal organiza-
11 tions; nonprofit community-based organizations; and
12 primary and behavioral health organizations to sup-
13 port community-based overdose prevention pro-
14 grams, syringe services programs, and other harm
15 reduction services, with respect to harms of drug
16 misuse that are exacerbated by the COVID–19 pub-
17 lic health emergency.

18 (2) USE OF GRANT FUNDS.—Grant funds
19 awarded under this section to eligible entities may
20 be used for preventing and controlling the spread of
21 infectious diseases and the consequences of such dis-
22 eases for individuals with substance use disorder,
23 distributing opioid overdose reversal medication to
24 individuals at risk of overdose, connecting individ-
25 uals at risk for, or with, a substance use disorder to

1 overdose education, counseling, and health edu-
2 cation, and encouraging such individuals to take
3 steps to reduce the negative personal and public
4 health impacts of substance use or misuse.

5 **SEC. 3057. FUNDING FOR COMMUNITY-BASED FUNDING**
6 **FOR LOCAL BEHAVIORAL HEALTH NEEDS.**

7 (a) IN GENERAL.—In addition to amounts otherwise
8 available, there is appropriated to the Secretary for fiscal
9 year 2021, out of any money in the Treasury not otherwise
10 appropriated, \$50,000,000, to remain available until ex-
11 pended, to carry out the purpose described in subsection
12 (b).

13 (b) USE OF FUNDS.—

14 (1) IN GENERAL.—The Secretary, acting
15 through the Assistant Secretary for Mental Health
16 and Substance Use, shall award grants to State,
17 local, Tribal, and territorial governments, Tribal or-
18 ganizations, nonprofit community-based entities, and
19 primary care and behavioral health organizations to
20 address increased community behavioral health
21 needs worsened by the COVID–19 public health
22 emergency.

23 (2) USE OF GRANT FUNDS.—Grant funds
24 awarded under this section to eligible entities may
25 be used for promoting care coordination among local

1 entities; training the mental and behavioral health
2 workforce, relevant stakeholders, and community
3 members; expanding evidence-based integrated mod-
4 els of care; addressing surge capacity for mental and
5 behavioral health needs; providing mental and behav-
6 ioral health services to individuals with mental
7 health needs (including co-occurring substance use
8 disorders) as delivered by behavioral and mental
9 health professionals utilizing telehealth services; and
10 supporting, enhancing, or expanding mental and be-
11 havioral health preventive and crisis intervention
12 services.

13 **SEC. 3058. FUNDING FOR THE NATIONAL CHILD TRAU-**
14 **MATIC STRESS NETWORK.**

15 In addition to amounts otherwise available, there is
16 appropriated to the Secretary for fiscal year 2021, out of
17 any money in the Treasury not otherwise appropriated,
18 \$10,000,000, to remain available until expended, for car-
19 rying out section 582 of the Public Health Service Act
20 (42 U.S.C. 290hh-1) with respect to addressing the prob-
21 lem of high-risk or medically underserved persons who ex-
22 perience violence-related stress.

23 **SEC. 3059. FUNDING FOR PROJECT AWARE.**

24 In addition to amounts otherwise available, there is
25 appropriated to the Secretary for fiscal year 2021, out of

1 any money in the Treasury not otherwise appropriated,
2 \$30,000,000, to remain available until expended, for car-
3 rying out section 520A of the Public Health Service Act
4 (42 U.S.C. 290bb-32) with respect to advancing wellness
5 and resiliency in education.

6 **SEC. 3059A. FUNDING FOR YOUTH SUICIDE PREVENTION.**

7 In addition to amounts otherwise available, there is
8 appropriated to the Secretary for fiscal year 2021, out of
9 any money in the Treasury not otherwise appropriated,
10 \$20,000,000, to remain available until expended, for car-
11 rying out sections 520E and 520E-2 of the Public Health
12 Service Act (42 U.S.C. 290bb-36, 290bb-36b).

13 **SEC. 3059B. FUNDING FOR BEHAVIORAL HEALTH WORK-**
14 **FORCE EDUCATION AND TRAINING.**

15 In addition to amounts otherwise available, there is
16 appropriated to the Secretary for fiscal year 2021, out of
17 any money in the Treasury not otherwise appropriated,
18 \$100,000,000, to remain available until expended, for car-
19 rying out section 756 of the Public Health Service Act
20 (42 U.S.C. 294e-1).

1 **CHAPTER 7—EXCHANGE GRANT**
2 **PROGRAM**

3 **SEC. 3061. ESTABLISHING A GRANT PROGRAM FOR EX-**
4 **CHANGE MODERNIZATION.**

5 (a) **IN GENERAL.**—Out of funds appropriated under
6 subsection (b), the Secretary shall award grants to each
7 American Health Benefits Exchange established under
8 subtitle D of title I of the Patient Protection and Afford-
9 able Care Act (42 U.S.C. 18021 et seq.) (other than an
10 Exchange established by the Secretary under section
11 1321(c) of such Act (42 U.S.C. 18041(c))) that submits
12 to the Secretary an application at such time and in such
13 manner, and containing such information, as specified by
14 the Secretary, for purposes of enabling such Exchange to
15 modernize or update any system, program, or technology
16 utilized by such Exchange to ensure such Exchange is
17 compliant with all applicable requirements of section 1311
18 of such Act (42 U.S.C. 18031).

19 (b) **FUNDING.**—There is appropriated, out of any
20 monies in the Treasury not otherwise obligated,
21 \$20,000,000, to remain available until expended, for car-
22 rying out this section.

Subtitle B—Medicaid

**SEC. 3101. MANDATORY COVERAGE OF COVID-19 VACCINES
AND ADMINISTRATION AND TREATMENT
UNDER MEDICAID.**

(a) COVERAGE.—

(1) IN GENERAL.—Section 1905(a)(4) of the Social Security Act (42 U.S.C. 1396d(a)(4)) is amended—

(A) by striking “and (D)” and inserting “(D)”; and

(B) by striking the semicolon at the end and inserting “; (E) during the period beginning on the date of the enactment of the American Rescue Plan Act of 2021 and ending on the last day of the first calendar quarter that begins at least one year after the last day of the emergency period described in section 1135(g)(1)(B), a COVID-19 vaccine and administration of the vaccine; and (F) during the period beginning on the date of the enactment of the American Rescue Plan Act of 2021 and ending on the last day of the first calendar quarter that begins at least one year after the last day of the emergency period described in section 1135(g)(1)(B), testing and treatments

1 for COVID-19, including specialized equipment
2 and therapies (including preventive therapies),
3 and, without regard to the requirements of sec-
4 tion 1902(a)(10)(B) (relating to comparability),
5 in the case of an individual who is diagnosed
6 with or presumed to have COVID-19, during
7 the period such individual has (or is presumed
8 to have) COVID-19, the treatment of a condi-
9 tion that may seriously complicate the treat-
10 ment of COVID-19, if otherwise covered under
11 the State plan (or waiver of such plan);”.

12 (2) MAKING COVID-19 VACCINE AVAILABLE TO
13 ADDITIONAL ELIGIBILITY GROUPS AND TREATMENT
14 AVAILABLE TO CERTAIN UNINSURED.—Section
15 1902(a)(10) of such Act (42 U.S.C. 1396a(a)(10))
16 is amended in the matter following subparagraph
17 (G)—

18 (A) by striking “and to other conditions
19 which may complicate pregnancy, (VIII)” and
20 inserting “, medical assistance for services re-
21 lated to other conditions which may complicate
22 pregnancy, and medical assistance for vaccines
23 described in section 1905(a)(4)(E) and the ad-
24 ministration of such vaccines during the period
25 described in such section, (VIII)”;

1 (B) by inserting “and medical assistance
2 for vaccines described in section 1905(a)(4)(E)
3 and the administration of such vaccines during
4 the period described in such section” after “(de-
5 scribed in subsection (z)(2))”;

6 (C) by striking “cancer (XV)” and insert-
7 ing “cancer, (XV)”;

8 (D) by inserting “and medical assistance
9 for vaccines described in section 1905(a)(4)(E)
10 and the administration of such vaccines during
11 the period described in such section” after “de-
12 scribed in subsection (k)(1)”;

13 (E) by inserting “and medical assistance
14 for vaccines described in section 1905(a)(4)(E)
15 and the administration of such vaccines during
16 the period described in such section” after
17 “family planning setting”;

18 (F) by striking “and (XVIII)” and insert-
19 ing “(XVIII)”;

20 (G) by striking “and any visit described in
21 section 1916(a)(2)(G) that is furnished during
22 any such portion” and inserting “, any service
23 described in section 1916(a)(2)(G) that is fur-
24 nished during any such portion, any vaccine de-
25 scribed in section 1905(a)(4)(E) (and the ad-

1 ministration of such vaccine) that is furnished
2 during any such portion, and testing and treat-
3 ments for COVID-19, including specialized
4 equipment and therapies (including preventive
5 therapies), and, in the case of an individual who
6 is diagnosed with or presumed to have COVID-
7 19, during the period such individual has (or is
8 presumed to have) COVID-19, the treatment of
9 a condition that may seriously complicate the
10 treatment of COVID-19, if otherwise covered
11 under the State plan (or waiver of such plan)”;
12 and

13 (H) by striking the semicolon at the end
14 and inserting “, and (XIX) medical assistance
15 shall be made available during the period de-
16 scribed in section 1905(a)(4)(E) for vaccines
17 described in such section and the administra-
18 tion of such vaccines, for any individual who is
19 eligible for and receiving medical assistance
20 under the State plan or under a waiver of such
21 plan (other than an individual who is eligible
22 for medical assistance consisting only of pay-
23 ment of premiums pursuant to subparagraph
24 (E) or (F) or section 1933), notwithstanding
25 any provision of law limiting such individual’s

1 eligibility for medical assistance under such
2 plan or waiver to coverage for a limited type of
3 benefits and services that would not otherwise
4 include coverage of a COVID–19 vaccine and
5 its administration;”.

6 (3) PROHIBITION OF COST SHARING.—

7 (A) IN GENERAL.—Subsections (a)(2) and
8 (b)(2) of section 1916 of the Social Security
9 Act (42 U.S.C. 1396o) are each amended—

10 (i) in subparagraph (F), by striking
11 “or” at the end;

12 (ii) in subparagraph (G), by striking
13 “; and”; and

14 (iii) by adding at the end the fol-
15 lowing subparagraphs:

16 “(H) during the period beginning on the
17 date of the enactment of this subparagraph and
18 ending on the last day of the first calendar
19 quarter that begins at least one year after the
20 last day of the emergency period described in
21 section 1135(g)(1)(B), a COVID–19 vaccine
22 and the administration of such vaccine (for any
23 individual eligible for medical assistance for
24 such vaccine (and administration)); or

1 “(I) during the period beginning on the
2 date of the enactment of this subparagraph and
3 ending on the last day of the first calendar
4 quarter that begins at least one year after the
5 last day of the emergency period described in
6 section 1135(g)(1)(B), testing and treatments
7 for COVID-19, including specialized equipment
8 and therapies (including preventive therapies),
9 and, in the case of an individual who is diag-
10 nosed with or presumed to have COVID–19,
11 during the period during which such individual
12 has (or is presumed to have) COVID–19, the
13 treatment of a condition that may seriously
14 complicate the treatment of COVID–19, if oth-
15 erwise covered under the State plan (or waiver
16 of such plan); and”.

17 (B) APPLICATION TO ALTERNATIVE COST
18 SHARING.—Section 1916A(b)(3)(B) of the So-
19 cial Security Act (42 U.S.C. 1396o–1(b)(3)(B))
20 is amended—

21 (i) in clause (xi), by striking “any
22 visit” and inserting “any service”; and

23 (ii) by adding at the end the following
24 clauses:

1 “(xii) During the period beginning on
2 the date of the enactment of this clause
3 and ending on the last day of the first cal-
4 endar quarter that begins at least one year
5 after the last day of the emergency period
6 described in section 1135(g)(1)(B), a
7 COVID–19 vaccine and the administration
8 of such vaccine (for any individual eligible
9 for medical assistance for such vaccine
10 (and administration)).

11 “(xiii) During the period beginning on
12 the date of the enactment of this clause
13 and ending on the last day of the first cal-
14 endar quarter that begins at least one year
15 after the last day of the emergency period
16 described in section 1135(g)(1)(B), testing
17 and treatments for COVID-19, including
18 specialized equipment and therapies (in-
19 cluding preventive therapies), and, in the
20 case of an individual who is diagnosed with
21 or presumed to have COVID–19, during
22 the period during which such individual
23 has (or is presumed to have) COVID–19,
24 the treatment of a condition that may seri-
25 ously complicate the treatment of COVID–

1 19, if otherwise covered under the State
2 plan (or waiver of such plan).”.

3 (4) INCLUSION IN THE MEDICAID DRUG RE-
4 BATE PROGRAM OF COVERED OUTPATIENT DRUGS
5 USED FOR COVID-19 TREATMENT.—

6 (A) IN GENERAL.—The requirements of
7 section 1927 of the Social Security Act (42
8 U.S.C. 1396r-8) shall apply to any drug or bio-
9 logical product described in subparagraph (F)
10 of section 1905(a)(4) of such Act, as added by
11 paragraph (1), or described in the subclause
12 (XVIII) in the matter following subparagraph
13 (G) of section 1902(a)(10) of such Act, as
14 added by paragraph (2), that is—

15 (i) furnished as medical assistance in
16 accordance with such subparagraph (F) or
17 subclause (XVIII), as applicable, for the
18 treatment, or prevention, of COVID-19, as
19 described in such subparagraph of sub-
20 clause, respectively; and

21 (ii) a covered outpatient drug (as de-
22 fined in section 1927(k) of such Act, ex-
23 cept that, in applying paragraph (2)(A) of
24 such section to a drug described in such
25 subparagraph (F) or such subclause

1 (XVIII), such drug shall be deemed a pre-
2 scribed drug for purposes of section
3 1905(a)(12) of such Act).

4 (B) CONFORMING AMENDMENT.—Section
5 1927(d)(7) of the Social Security Act (42
6 U.S.C. 1396r–8(d)(7)) is amended by adding at
7 the end the following new subparagraph:

8 “(E) Drugs and biological products de-
9 scribed in section 1905(a)(4)(F) and subclause
10 (XVIII) in the matter following subparagraph
11 (G) of section 1902(a)(10) that are furnished
12 as medical assistance in accordance with such
13 section or clause, respectively, for the treatment
14 or prevention, of COVID–19, as described in
15 such subparagraph of subclause, respectively.”.

16 (5) ALTERNATIVE BENEFIT PLANS.—Section
17 1937(b) of the Social Security Act (42 U.S.C.
18 1396u–7(b)) is amended by adding at the end the
19 following new paragraph:

20 “(8) COVID–19 VACCINES, TESTING, AND
21 TREATMENT.—Notwithstanding the previous provi-
22 sions of this section, a State may not provide for
23 medical assistance through enrollment of an indi-
24 vidual with benchmark coverage or benchmark-equiv-
25 alent coverage under this section unless, during the

1 period beginning on the date of the enactment of the
2 American Rescue Plan Act of 2021 and ending on
3 the last day of the first calendar quarter that begins
4 at least one year after the last day of the emergency
5 period described in section 1135(g)(1)(B), such cov-
6 erage includes (and does not impose any deduction,
7 cost sharing, or similar charge for)—

8 “(A) COVID–19 vaccines and administra-
9 tion of the vaccines; and

10 “(B) testing and treatments for COVID-
11 19, including specialized equipment and thera-
12 pies (including preventive therapies), and, in
13 the case of such an individual who is diagnosed
14 with or presumed to have COVID–19, during
15 the period such individual has (or is presumed
16 to have) COVID–19, the treatment of a condi-
17 tion that may seriously complicate the treat-
18 ment of COVID–19, if otherwise covered under
19 the State plan (or waiver of such plan).”.

20 (b) TEMPORARY INCREASE IN FEDERAL PAYMENTS
21 FOR COVERAGE AND ADMINISTRATION OF COVID–19
22 VACCINES.—Section 1905 of the Social Security Act (42
23 U.S.C. 1396d) is amended—

24 (1) in subsection (b), by striking “and (ff)” and
25 inserting “(ff), and (hh)”;

1 (2) in subsection (ff), in the matter preceding
2 paragraph (1), by inserting “, subject to subsection
3 (hh)” after “or (z)(2)” and

4 (3) by adding at the end the following new sub-
5 section:

6 “(hh) TEMPORARY INCREASED FMAP FOR MEDICAL
7 ASSISTANCE FOR COVERAGE AND ADMINISTRATION OF
8 COVID–19 VACCINES.—

9 “(1) IN GENERAL.—Notwithstanding any other
10 provision of this title, during the period described in
11 paragraph (2), the Federal medical assistance per-
12 centage for a State, with respect to amounts ex-
13 pended by the State for medical assistance for a vac-
14 cine described in subsection (a)(4)(E) (and the ad-
15 ministration of such a vaccine), shall be equal to 100
16 percent.

17 “(2) PERIOD DESCRIBED.—The period de-
18 scribed in this paragraph is the period that—

19 “(A) begins on the first day of the first
20 quarter beginning after the date of the enact-
21 ment of this subsection; and

22 “(B) ends on the last day of the first quar-
23 ter that begins at least one year after the last
24 day of the emergency period described in sec-
25 tion 1135(g)(1)(B).

1 “(3) EXCLUSION OF EXPENDITURES FROM TER-
2 RITORIAL CAPS.—Any payment made to a territory
3 for expenditures for medical assistance under sub-
4 section (a)(4)(E) that are subject to the Federal
5 medical assistance percentage specified under para-
6 graph (1) shall not be taken into account for pur-
7 poses of applying payment limits under subsections
8 (f) and (g) of section 1108.”.

9 **SEC. 3102. MODIFICATIONS TO CERTAIN COVERAGE UNDER**
10 **MEDICAID FOR PREGNANT AND**
11 **POSTPARTUM WOMEN.**

12 (a) STATE OPTION.—Section 1902(e) of the Social
13 Security Act (42 U.S.C. 1396a(e)) is amended by adding
14 at the end the following new paragraph:

15 “(16) EXTENDING CERTAIN COVERAGE FOR
16 PREGNANT AND POSTPARTUM WOMEN.—

17 “(A) IN GENERAL.—At the option of the
18 State, the State plan (or waiver of such State
19 plan) may provide, that an individual who,
20 while pregnant, is eligible for and has received
21 medical assistance under the State plan ap-
22 proved under this title (or a waiver of such
23 plan) (including during a period of retroactive
24 eligibility under subsection (a)(34)) shall, in ad-
25 dition to remaining eligible under paragraph (5)

1 for all pregnancy-related and postpartum med-
2 ical assistance available under the State plan
3 (or waiver) through the last day of the month
4 in which the 60-day period (beginning on the
5 last day of her pregnancy) ends, remain eligible
6 under the State plan (or waiver) for medical as-
7 sistance for the period beginning on the first
8 day occurring after the end of such 60-day pe-
9 riod and ending on the last day of the month
10 in which the 12-month period (beginning on the
11 last day of her pregnancy) ends.

12 “(B) FULL BENEFITS DURING PREGNANCY
13 AND THROUGHOUT THE 12-MONTH
14 POSTPARTUM PERIOD.—The medical assistance
15 provided for a pregnant or postpartum indi-
16 vidual by a State making an election under this
17 paragraph, without regard to the basis on which
18 the individual is eligible for medical assistance
19 under the State plan (or waiver), shall—

20 “(i) include all items and services cov-
21 ered under the State plan (or waiver) that
22 are not less in amount, duration, or scope,
23 or are determined by the Secretary to be
24 substantially equivalent, to the medical as-

1 sistance available for an individual de-
2 scribed in subsection (a)(10)(A)(i); and

3 “(ii) be provided for the individual
4 while pregnant and during the 12-month
5 period that begins on the last day of the
6 individual’s pregnancy and ends on the last
7 day of the month in which such 12-month
8 period ends.”.

9 (b) **EFFECTIVE DATE.**—The amendment made by
10 subsection (a) shall apply with respect to State elections
11 made under paragraph (16) of section 1902(e) of the So-
12 cial Security Act (42 U.S.C. 1396a(e)), as added by sub-
13 section (a), during the 5-year period beginning on the 1st
14 day of the 1st fiscal year quarter that begins at least one
15 year after the date of the enactment of this Act.

16 **SEC. 3103. ALLOWING FOR MEDICAL ASSISTANCE UNDER**
17 **MEDICAID FOR INMATES DURING 30-DAY PE-**
18 **RIOD PRECEDING RELEASE.**

19 The subdivision (A) following paragraph (30) of sec-
20 tion 1905(a) of the Social Security Act (42 U.S.C.
21 1396d(a)) is amended by inserting “and, during the 5-
22 year period beginning on the first day of the first fiscal
23 year quarter that begins at least one year after the date
24 of the enactment of the American Rescue Plan Act of
25 2021, except during the 30-day period preceding the date

1 of release of such individual from such public institution”
2 after “medical institution”.

3 **SEC. 3104. ENHANCED FEDERAL MEDICAID SUPPORT FOR**
4 **COMMUNITY-BASED MOBILE CRISIS INTER-**
5 **VENTION SERVICES.**

6 Section 1903 of the Social Security Act (42 U.S.C.
7 1396b) is amended by adding at the end the following new
8 subsection:

9 “(bb) BUNDLED COMMUNITY-BASED MOBILE CRISIS
10 INTERVENTION SERVICES.—

11 “(1) IN GENERAL.—Notwithstanding section
12 1902(a)(1) (relating to Statewideness), section
13 1902(a)(10)(B) (relating to comparability), section
14 1902(a)(23)(A) (relating to freedom of choice of
15 providers), or section 1902(a)(27) (relating to pro-
16 vider agreements), a State may, during the 5-year
17 period beginning on the first day of the first fiscal
18 year quarter that begins on or after the date that
19 is 1 year after the date of the enactment of this sub-
20 section, provide medical assistance, through bundled
21 payments, for qualifying community-based mobile
22 crisis intervention services under a State plan
23 amendment or waiver approved under section 1115
24 or subsection (b) or (c) of section 1915.

1 “(2) QUALIFYING COMMUNITY-BASED MOBILE
2 CRISIS INTERVENTION SERVICES DEFINED.—For
3 purposes of this subsection, the term ‘qualifying
4 community-based mobile crisis intervention services’
5 means, with respect to a State, items and services
6 for which medical assistance is available under the
7 State plan under this title or a waiver of such plan,
8 that are—

9 “(A) furnished to an individual otherwise
10 eligible for medical assistance under the State
11 plan (or waiver of such plan) who is—

12 “(i) outside of a hospital or other fa-
13 cility setting; and

14 “(ii) experiencing a mental health or
15 substance use disorder crisis;

16 “(B) furnished by a multidisciplinary mo-
17 bile crisis team—

18 “(i) that includes at least 1 behavioral
19 health care professional who is capable of
20 conducting an assessment of the individual,
21 in accordance with the professional’s per-
22 mitted scope of practice under State law,
23 and other professionals or paraprofes-
24 sionals with appropriate expertise in behav-
25 ioral health or mental health crisis re-

1 sponse, including nurses, social workers,
2 peer support specialists, and others, as
3 designated by the State through a State
4 plan amendment (or waiver of such plan);

5 “(ii) whose members are trained in
6 trauma-informed care, de-escalation strate-
7 gies, and harm reduction;

8 “(iii) that is able to respond in a
9 timely manner and, where appropriate,
10 provide—

11 “(I) screening and assessment;

12 “(II) stabilization and de-esca-
13 lation;

14 “(III) coordination with, and re-
15 ferrals to, health, social, and other
16 services and supports as needed; and

17 “(IV) assistance in facilitating
18 the individual’s access to emergency
19 or nonemergency (as applicable)
20 transportation services under the
21 State plan (or waiver of such plan) to
22 ensure access to the next step in care
23 or treatment;

24 “(iv) that maintains relationships with
25 relevant community partners, including

1 medical and behavioral health providers,
2 primary care providers, community health
3 centers, crisis respite centers, managed
4 care organizations (if applicable), entities
5 able to provide assistance with application
6 and enrollment in the State plan or a waiv-
7 er of the plan, entities able to provide as-
8 sistance with applying for and enrolling in
9 benefit programs, entities that provide as-
10 sistance with housing (such as public hous-
11 ing authorities, Continuum of Care pro-
12 grams, or not-for-profit entities that pro-
13 vide housing assistance), and entities that
14 provide assistance with other social serv-
15 ices;

16 “(v) that coordinates with crisis inter-
17 vention hotlines and emergency response
18 systems;

19 “(vi) that maintains the privacy and
20 confidentiality of patient information con-
21 sistent with Federal and State require-
22 ments; and

23 “(vii) that operates independently
24 from (but may coordinate with) State or
25 local law enforcement agencies;

1 “(C) available 24 hours per day, every day
2 of the year; and

3 “(D) voluntary to receive.

4 “(3) PAYMENTS.—

5 “(A) IN GENERAL.—Notwithstanding sec-
6 tion 1905(b) or 1905(ff) and subject to sub-
7 sections (y) and (z) of section 1905, during
8 each of the first 12 fiscal quarters occurring
9 during the period described in paragraph (1)
10 that a State meets the requirements described
11 in paragraph (4), the Federal medical assist-
12 ance percentage applicable to amounts ex-
13 pended by the State for medical assistance,
14 through bundled payments described in para-
15 graph (1), for qualifying community-based mo-
16 bile crisis intervention services furnished during
17 such quarter shall be equal to 85 percent. In no
18 case shall the application of the previous sen-
19 tence result in the Federal medical assistance
20 percentage applicable to amounts expended by a
21 State for medical assistance for such qualifying
22 community-based mobile crisis intervention
23 services furnished during a quarter being less
24 than the Federal medical assistance percentage
25 that would apply to such amounts expended by

1 the State for such services furnished during
2 such quarter without application of the previous
3 sentence.

4 “(B) EXCLUSION OF EXPENDITURES FROM
5 TERRITORIAL CAPS.—Expenditures for medical
6 assistance consisting of qualifying community-
7 based mobile crisis intervention services fur-
8 nished in a territory during a quarter with re-
9 spect to which subparagraph (A) applies to
10 such territory shall not be taken into account
11 for purposes of applying payment limits under
12 subsections (f) and (g) of section 1108.

13 “(4) REQUIREMENTS.—The requirements de-
14 scribed in this paragraph are the following:

15 “(A) The State demonstrates, to the satis-
16 faction of the Secretary—

17 “(i) that it will be able to support the
18 provision of qualifying community-based
19 mobile crisis intervention services that
20 meet the conditions specified in paragraph
21 (2); and

22 “(ii) how it will support coordination
23 between mobile crisis teams and commu-
24 nity partners, including health care pro-
25 viders, to enable the provision of services,

1 needed referrals, and other activities iden-
2 tified by the Secretary.

3 “(B) The State provides assurances satis-
4 factory to the Secretary that—

5 “(i) any additional Federal funds re-
6 ceived by the State for qualifying commu-
7 nity-based mobile crisis intervention serv-
8 ices provided under this subsection that
9 are attributable to the increased Federal
10 medical assistance percentage under para-
11 graph (3)(A) will be used to supplement,
12 and not supplant, the level of State funds
13 expended for such services for the fiscal
14 year preceding the first fiscal quarter oc-
15 curring during the period described in
16 paragraph (1);

17 “(ii) if the State made qualifying com-
18 munity-based mobile crisis intervention
19 services available in a region of the State
20 in such fiscal year, the State will continue
21 to make such services available in such re-
22 gion under this subsection during each
23 month occurring during the period de-
24 scribed in paragraph (1) for which the
25 Federal medical assistance percentage

1 under paragraph (3)(A) is applicable with
2 respect to the State.

3 “(5) FUNDING FOR STATE PLANNING
4 GRANTS.—There is appropriated, out of any funds in
5 the Treasury not otherwise appropriated,
6 \$15,000,000 to the Secretary for purposes of imple-
7 menting, administering, and making planning grants
8 to States as soon as practicable for purposes of de-
9 veloping a State plan amendment or section 1115,
10 1915(b), or 1915(c) waiver request (or an amend-
11 ment to such a waiver) to provide qualifying commu-
12 nity-based mobile crisis intervention services under
13 this subsection, to remain available until expended.”.

14 **SEC. 3105. TEMPORARY INCREASE IN FMAP FOR MEDICAL**
15 **ASSISTANCE UNDER STATE MEDICAID PLANS**
16 **WHICH BEGIN TO EXPEND AMOUNTS FOR**
17 **CERTAIN MANDATORY INDIVIDUALS.**

18 Section 1905 of the Social Security Act (42 U.S.C.
19 1396d), as amended by section 3101 of this subtitle, is
20 further amended—

21 (1) in subsection (b), in the first sentence, by
22 striking “and (hh)” and inserting “(hh), and (ii)”;

23 (2) in subsection (ff), by striking “subject to
24 subsection (hh)” and inserting “subject to sub-
25 sections (hh) and (ii)”; and

1 (3) by adding at the end the following new sub-
2 section:

3 “(ii) TEMPORARY INCREASE IN FMAP FOR MEDICAL
4 ASSISTANCE UNDER STATE MEDICAID PLANS WHICH
5 BEGIN TO EXPEND AMOUNTS FOR CERTAIN MANDATORY
6 INDIVIDUALS.—

7 “(1) IN GENERAL.—For each quarter occurring
8 during the 8-quarter period beginning with the first
9 calendar quarter during which a qualifying State (as
10 defined in paragraph (3)) expends amounts for all
11 individuals described in section
12 1902(a)(10)(A)(i)(VIII) under the State plan (or
13 waiver of such plan), the Federal medical assistance
14 percentage determined under subsection (b) for such
15 State shall, after application of any increase, if ap-
16 plicable, under section 6008 of the Families First
17 Coronavirus Response Act, be increased by 5 per-
18 centage points, except for any quarter (and each
19 subsequent quarter) during such period during
20 which the State ceases to provide medical assistance
21 to any such individual under the State plan (or
22 waiver of such plan).

23 “(2) SPECIAL APPLICATION RULES.—Any in-
24 crease described in paragraph (1) (or payment made

1 for expenditures on medical assistance that are sub-
2 ject to such increase)—

3 “(A) shall not apply with respect to dis-
4 proportionate share hospital payments described
5 in section 1923;

6 “(B) shall not be taken into account in cal-
7 culating the enhanced FMAP of a State under
8 section 2105;

9 “(C) shall not be taken into account for
10 purposes of part A, D, or E of title IV; and

11 “(D) shall not be taken into account for
12 purposes of applying payment limits under sub-
13 sections (f) and (g) of section 1108.

14 “(3) DEFINITION.—For purposes of this sub-
15 section, the term ‘qualifying State’ means a State
16 which has not expended amounts for all individuals
17 described in section 1902(a)(10)(A)(i)(VIII) before
18 the date of the enactment of this subsection.”.

19 **SEC. 3106. EXTENSION OF 100 PERCENT FEDERAL MEDICAL**
20 **ASSISTANCE PERCENTAGE TO URBAN INDIAN**
21 **HEALTH ORGANIZATIONS AND NATIVE HA-**
22 **WAIIAN HEALTH CARE SYSTEMS.**

23 Section 1905(b) of the Social Security Act (42 U.S.C.
24 1396d(b)) is amended by inserting after “(as defined in
25 section 4 of the Indian Health Care Improvement Act)”

1 the following: “; for the 8 fiscal year quarters beginning
2 with the first fiscal year quarter beginning after the date
3 of the enactment of the American Rescue Plan Act of
4 2021, the Federal medical assistance percentage shall also
5 be 100 per centum with respect to amounts expended as
6 medical assistance for services which are received through
7 an Urban Indian organization (as defined in paragraph
8 (29) of section 4 of the Indian Health Care Improvement
9 Act) that has a grant or contract with the Indian Health
10 Service under title V of such Act; and, for such 8 fiscal
11 year quarters, the Federal medical assistance percentage
12 shall also be 100 per centum with respect to amounts ex-
13 pended as medical assistance for services which are re-
14 ceived through a Native Hawaiian Health Center (as de-
15 fined in section 12(4) of the Native Hawaiian Health Care
16 Improvement Act) or a qualified entity (as defined in sec-
17 tion 6(b) of such Act) that has a grant or contract with
18 the Papa Ola Lokahi under section 8 of such Act”.

19 **SEC. 3107. SUNSET OF LIMIT ON MAXIMUM REBATE**
20 **AMOUNT FOR SINGLE SOURCE DRUGS AND**
21 **INNOVATOR MULTIPLE SOURCE DRUGS.**

22 Section 1927(c)(2)(D) of the Social Security Act (42
23 U.S.C. 1396r-8(c)(2)(D)) is amended by inserting after
24 “December 31, 2009,” the following: “and before January
25 1, 2023,”.

1 **SEC. 3108. ADDITIONAL SUPPORT FOR MEDICAID HOME**
2 **AND COMMUNITY-BASED SERVICES DURING**
3 **THE COVID-19 EMERGENCY PERIOD.**

4 (a) INCREASED FMAP.—

5 (1) IN GENERAL.—Notwithstanding section
6 1905(b) of the Social Security Act (42 U.S.C.
7 1396d(b)) or section 1905(ff), in the case of a State
8 that meets the HCBS program conditions under
9 subsection (b), the Federal medical assistance per-
10 centage determined for the State under section
11 1905(b) of such Act (or, if applicable, under section
12 1905(ff)) and, if applicable, increased under sub-
13 section (y), (z), (aa), or (ii) of section 1905 of such
14 Act (42 U.S.C. 1396d), section 1915(k) of such Act
15 (42 U.S.C. 1396n(k)), or section 6008(a) of the
16 Families First Coronavirus Response Act (Public
17 Law 116–127), shall be increased by 7.35 percent-
18 age points with respect to expenditures of the State
19 under the State Medicaid program for home and
20 community-based services (as defined in paragraph
21 (2)(B)) that are provided during the HCBS program
22 improvement period (as defined in paragraph
23 (2)(A)). In no case may the application of the pre-
24 vious sentence result in the Federal medical assist-
25 ance percentage determined for a State being more
26 than 95 percent with respect to such expenditures.

1 Any payment made to Puerto Rico, the Virgin Is-
2 lands, Guam, the Northern Mariana Islands, or
3 American Samoa for expenditures on medical assist-
4 ance that are subject to the Federal medical assist-
5 ance percentage increase specified under the first
6 sentence of this paragraph shall not be taken into
7 account for purposes of applying payment limits
8 under subsections (f) and (g) of section 1108 of the
9 Social Security Act (42 U.S.C. 1308).

10 (2) DEFINITIONS.—In this section:

11 (A) HCBS PROGRAM IMPROVEMENT PE-
12 RIOD.—The term “HCBS program improve-
13 ment period” means, with respect to a State,
14 the period—

15 (i) beginning on April 1, 2021; and

16 (ii) ending on March 31, 2022.

17 (B) HOME AND COMMUNITY-BASED SERV-
18 ICES.—The term “home and community-based
19 services” means any of the following:

20 (i) Home health care services author-
21 ized under paragraph (7) of section
22 1905(a) of the Social Security Act (42
23 U.S.C. 1396d(a)).

24 (ii) Personal care services authorized
25 under paragraph (24) of such section.

1 (iii) PACE services authorized under
2 paragraph (26) of such section.

3 (iv) Home and community-based serv-
4 ices authorized under subsections (b), (c),
5 (i), (j), and (k) of section 1915 of such Act
6 (42 U.S.C. 1396n), such services author-
7 ized under a waiver under section 1115 of
8 such Act (42 U.S.C. 1315), and such serv-
9 ices through coverage authorized under
10 section 1937 of such Act (42 U.S.C.
11 1396u-7).

12 (v) Case management services author-
13 ized under section 1905(a)(19) of the So-
14 cial Security Act (42 U.S.C. 1396d(a)(19))
15 and section 1915(g) of such Act (42
16 U.S.C. 1396n(g)).

17 (vi) Rehabilitative services, including
18 those related to behavioral health, de-
19 scribed in section 1905(a)(13) of such Act
20 (42 U.S.C. 1396d(a)(13)).

21 (vii) Such other services specified by
22 the Secretary of Health and Human Serv-
23 ices.

24 (C) COVID-19 PUBLIC HEALTH EMER-
25 GENCY PERIOD.—The term “COVID-19 public

1 health emergency period” means the portion of
2 the emergency period described in paragraph
3 (1)(B) of section 1135(g) of the Social Security
4 Act (42 U.S.C. 1320b–5(g)) beginning on or
5 after the date of the enactment of this Act.

6 (D) ELIGIBLE INDIVIDUAL.—The term “el-
7 ible individual” means an individual who is el-
8 ible for and enrolled for medical assistance
9 under a State Medicaid program and includes
10 an individual who becomes eligible for medical
11 assistance under a State Medicaid program
12 when removed from a waiting list.

13 (E) MEDICAID PROGRAM.—The term
14 “Medicaid program” means, with respect to a
15 State, the State program under title XIX of the
16 Social Security Act (42 U.S.C. 1396 et seq.)
17 (including any waiver or demonstration under
18 such title or under section 1115 of such Act (42
19 U.S.C. 1315) relating to such title).

20 (F) STATE.—The term “State” has the
21 meaning given such term for purposes of title
22 XIX of the Social Security Act (42 U.S.C. 1396
23 et seq.).

24 (b) STATE REQUIREMENTS FOR FMAP INCREASE.—
25 As conditions for receipt of the increase under subsection

1 (a) to the Federal medical assistance percentage deter-
2 mined for a State, the State shall meet each of the fol-
3 lowing conditions (referred to in subsection (a) as the
4 HCBS program conditions):

5 (1) SUPPLEMENT, NOT SUPPLANT.—The State
6 shall use the Federal funds attributable to the in-
7 crease under subsection (a) to supplement, and not
8 supplant, the level of State funds expended for home
9 and community-based services for eligible individuals
10 through programs in effect as of April 1, 2021.

11 (2) REQUIRED IMPLEMENTATION OF CERTAIN
12 ACTIVITIES.—The State shall implement one or
13 more of the following activities to enhance, expand,
14 or strengthen home and community-based services
15 under the State Medicaid program:

16 (A) Increase rates for home health agen-
17 cies, PACE organizations whose members pro-
18 vide direct care, and agencies or beneficiaries
19 that employ direct support professionals (in-
20 cluding independent providers in a self-directed
21 or consumer-directed model) to provide home
22 and community-based services under the State
23 Medicaid program, if elected by the beneficiary
24 for continuation of care, provided that any
25 agency, beneficiary, or other individual that re-

1 ceives payment under such an increased rate in-
2 creases the compensation it pays its home
3 health workers or direct support professionals.

4 (B) Provide paid sick leave, paid family
5 leave, and paid medical leave for home health
6 workers and direct support professionals.

7 (C) Provide hazard pay, overtime pay, and
8 shift differential pay for home health workers
9 and direct support professionals.

10 (D) Provide home and community-based
11 services to eligible individuals in order to reduce
12 waiting lists for programs approved under sec-
13 tions 1115 or 1915 of the Social Security Act
14 (42 U.S.C. 1315, 1396n).

15 (E) Purchase emergency supplies and
16 equipment, which may include items not typi-
17 cally covered under the Medicaid program nec-
18 essary to enhance access to services and to pro-
19 tect the health and well-being of home health
20 workers and direct support professionals.

21 (F) Recruit new home health workers and
22 direct support professionals.

23 (G) Support family care providers of eligi-
24 ble individuals with needed supplies and equip-
25 ment, which may include items not typically

1 covered under the Medicaid program, such as
2 personal protective equipment, and pay.

3 (H) Pay for training for home health
4 workers and direct support professionals that is
5 specific to the COVID–19 public health emer-
6 gency.

7 (I) Pay for assistive technologies, staffing,
8 and other costs incurred during the COVID–19
9 public health emergency period in order to miti-
10 gate isolation and ensure an individual’s per-
11 son-centered service plan continues to be fully
12 implemented.

13 (J) Prepare information and public health
14 and educational materials in accessible formats
15 (including formats accessible to people with low
16 literacy or intellectual disabilities) about preven-
17 tion, treatment, recovery and other aspects of
18 COVID–19 for eligible individuals, their fami-
19 lies, and the general community served by com-
20 munity partners, such as Area Agencies on
21 Aging, Centers for Independent Living, non-
22 profit home and community-based services pro-
23 viders, and other entities providing home and
24 community-based services.

1 (K) Pay for American sign language and
2 other languages interpreters to assist in pro-
3 viding home and community-based services to
4 eligible individuals and to inform the general
5 public about COVID–19.

6 (L) Pay for retainer payments for home
7 and community-based services providers, includ-
8 ing home health workers and direct support
9 professionals (regardless of whether such pay-
10 ments directly benefit a beneficiary) which may
11 be provided without limits on duration during
12 the COVID–19 public health emergency period.

13 (M) Pay for other expenses deemed appro-
14 priate by the Secretary to enhance, expand, or
15 strengthen Home and Community-Based Serv-
16 ices and expenses which meet the criteria of the
17 home and community-based settings rule pub-
18 lished on January 16, 2014.

19 (N) Support (including by paying for mov-
20 ing costs, security deposits or first month’s
21 rent, one-time stocking of food products suffi-
22 cient for the initial month, and other one-time
23 expenses and start-up costs) transitions from
24 institutional settings, congregate community
25 settings, and homeless shelters or other tem-

1 porary housing for individuals who are eligible
2 for home and community-based services.

3 (O) Assist eligible individuals in receiving
4 mental health services and necessary rehabilita-
5 tive service to regain skills lost during the
6 COVID–19 public health emergency period.

7 (P) Assist eligible individuals who had to
8 relocate to a nursing facility or institutional set-
9 ting from their homes during the COVID–19
10 public health emergency period, who were iso-
11 lated in their homes during such period, or who
12 moved into congregate non-institutional settings
13 as a result of such period, in—

14 (i) moving back to their homes (in-
15 cluding by paying for moving costs, secu-
16 rity deposits or first month’s rent, one-
17 time stocking of food products sufficient
18 for the initial month, and other one-time
19 expenses and start-up costs); and

20 (ii) continuing home and community-
21 based services for eligible individuals who
22 were served from a waiting list for such
23 services during the public health emer-
24 gency period.

1 **SEC. 3109. FUNDING FOR STATE STRIKE TEAMS FOR RESI-**
2 **DENT AND EMPLOYEE SAFETY IN NURSING**
3 **FACILITIES.**

4 Section 1919 of the Social Security Act (42 U.S.C.
5 1396r) is amended by adding at the end the following new
6 subsection:

7 “(k) FUNDING FOR STATE STRIKE TEAMS.—In addi-
8 tion to amounts otherwise available, there is appropriated
9 to the Secretary, out of any monies in the Treasury not
10 otherwise appropriated, \$250,000,000, to remain available
11 until expended, for purposes of allocating such amount
12 among the States (including the District of Columbia and
13 each territory of the United States) to increase the capac-
14 ity of such a State to respond to COVID–19 by allowing
15 such a State to establish and implement a strike team that
16 will be deployed to a nursing facility in the State with di-
17 agnosed or suspected cases of COVID–19 among residents
18 or staff for the purposes of assisting with clinical care,
19 infection control, or staffing during the emergency period
20 described in section 1135(g)(1)(B).”.

21 **Subtitle C—Children’s Health**
22 **Insurance Program**

23 **SEC. 3201. MANDATORY COVERAGE OF COVID–19 VACCINES**
24 **AND ADMINISTRATION AND TREATMENT**
25 **UNDER CHIP.**

26 (a) COVERAGE.—

1 (1) IN GENERAL.—Section 2103(c) of the So-
2 cial Security Act (42 U.S.C. 1397cc(e)) is amended
3 by adding at the end the following paragraph:

4 “(11) REQUIRED COVERAGE OF COVID–19 VAC-
5 CINES AND TREATMENT.—Regardless of the type of
6 coverage elected by a State under subsection (a), the
7 child health assistance provided for a targeted low-
8 income child, and, in the case of a State that elects
9 to provide pregnancy-related assistance pursuant to
10 section 2112, the pregnancy-related assistance pro-
11 vided for a targeted low-income pregnant woman (as
12 such terms are defined for purposes of such section),
13 shall include coverage, during the period beginning
14 on the date of the enactment of this paragraph and
15 ending on the last day of the first calendar quarter
16 that begins at least one year after the last day of
17 the emergency period described in section
18 1135(g)(1)(B), of—

19 “(A) a COVID–19 vaccine (and the admin-
20 istration of the vaccine); and

21 “(B) testing and treatments for COVID-
22 19, including specialized equipment and thera-
23 pies (including preventive therapies), and, in
24 the case of an individual who is diagnosed with
25 or presumed to have COVID–19, during the pe-

1 riod during which such individual has (or is
2 presumed to have) COVID–19, the treatment of
3 a condition that may seriously complicate the
4 treatment of COVID–19, if otherwise covered
5 under the State child health plan (or waiver of
6 such plan).”.

7 (2) PROHIBITION OF COST SHARING.—Section
8 2103(e)(2) of the Social Security Act (42 U.S.C.
9 1397cc(e)(2)), as amended by section 6004(b)(3) of
10 the Families First Coronavirus Response Act, is
11 amended—

12 (A) in the paragraph header, by inserting
13 “A COVID–19 VACCINE, COVID–19 TREATMENT,”
14 before “OR PREGNANCY-RELATED ASSISTANCE”;
15 and

16 (B) by striking “visits described in section
17 1916(a)(2)(G), or” and inserting “services de-
18 scribed in section 1916(a)(2)(G), vaccines de-
19 scribed in section 1916(a)(2)(H) administered
20 during the period described in such section (and
21 the administration of such vaccines), testing or
22 treatments described in section 1916(a)(2)(I)
23 furnished during the period described in such
24 section, or”.

1 (b) TEMPORARY INCREASE IN FEDERAL PAYMENTS
2 FOR COVERAGE AND ADMINISTRATION OF COVID-19
3 VACCINES.—Section 2105(c) of the Social Security Act
4 (42 U.S.C. 1397ee(e)) is amended by adding at the end
5 the following new paragraph:

6 “(12) TEMPORARY ENHANCED PAYMENT FOR
7 COVERAGE AND ADMINISTRATION OF COVID-19 VAC-
8 CINES.—During the period described in section
9 1905(hh)(2), notwithstanding subsection (b), the en-
10 hanced FMAP for a State, with respect to payments
11 under subsection (a) for expenditures under the
12 State child health plan (or a waiver of such plan) for
13 a vaccine described in section 1905(a)(4)(E) (and
14 the administration of such a vaccine), shall be equal
15 to 100 percent.”.

16 (c) ADJUSTMENT OF CHIP ALLOTMENTS.—Section
17 2104(m) of the Social Security Act (42 U.S.C.
18 1397dd(m)) is amended—

19 (1) in paragraph (2)(B), in the matter pre-
20 ceding clause (i), by striking “paragraphs (5) and
21 (7)” and inserting “paragraphs (5), (7), and (12)”;
22 and

23 (2) by adding at the end the following new
24 paragraph:

1 “(12) ADJUSTING ALLOTMENTS TO ACCOUNT
2 FOR INCREASED FEDERAL PAYMENTS FOR COV-
3 ERAGE AND ADMINISTRATION OF COVID-19 VAC-
4 CINES.—If a State, commonwealth, or territory re-
5 ceives payment for a fiscal year (beginning with fis-
6 cal year 2021) under subsection (a) of section 2105
7 for expenditures that are subject to the enhanced
8 FMAP specified under subsection (c)(12) of such
9 section, the amount of the allotment determined for
10 the State, commonwealth, or territory under this
11 subsection—

12 “(A) for such fiscal year shall be increased
13 by the projected expenditures for such year by
14 the State, commonwealth, or territory under the
15 State child health plan (or a waiver of such
16 plan) for vaccines described in section
17 1905(a)(4)(E) (and the administration of such
18 vaccines); and

19 “(B) once actual expenditures are available
20 in the subsequent fiscal year, the fiscal year al-
21 lotment that was adjusted by the amount de-
22 scribed in subparagraph (A) shall be adjusted
23 on the basis of the difference between—

24 “(i) such projected amount of expend-
25 itures described in subparagraph (A) for

1 such fiscal year described in such subpara-
2 graph by the State, commonwealth, or ter-
3 ritory; and

4 “(ii) the actual amount of expendi-
5 tures for such fiscal year described in sub-
6 paragraph (A) by the State, common-
7 wealth, or territory under the State child
8 health plan (or waiver of such plan) for
9 vaccines described in section 1905(a)(4)(E)
10 (and the administration of such vac-
11 cines).”.

12 **SEC. 3202. MODIFICATIONS TO CERTAIN COVERAGE UNDER**
13 **CHIP FOR PREGNANT AND POSTPARTUM**
14 **WOMEN.**

15 (a) MODIFICATIONS TO COVERAGE.—

16 (1) IN GENERAL.—Section 2107(e)(1) of the
17 Social Security Act (42 U.S.C. 1397gg(e)(1)) is
18 amended—

19 (A) by redesignating subparagraphs (J)
20 through (S) as subparagraphs (K) through (T),
21 respectively; and

22 (B) by inserting after subparagraph (I) the
23 following new subparagraph:

24 “(J) Paragraphs (5) and (16) of section
25 1902(e) (relating to the State option to provide

1 medical assistance consisting of full benefits
2 during pregnancy and throughout the 12-month
3 postpartum period under title XIX, but only if
4 the State has elected to apply such paragraph
5 (16) with respect to pregnant women under
6 title XIX and provides child health assistance
7 for targeted low-income children who are preg-
8 nant or has elected under section 2112(a) to
9 provide pregnancy-related assistance for tar-
10 geted low-income pregnant women and, in the
11 case of such a State, the provision of assistance
12 under the State child health plan for such tar-
13 geted low-income children or targeted low-in-
14 come pregnant women (as applicable) during
15 pregnancy and the 12-month postpartum period
16 shall be required and not at the option of the
17 State, and subparagraph (B) of section
18 1902(e)(16) shall be applied to the State child
19 health plan or waiver as requiring coverage of
20 all items or services provided to a targeted low
21 income children or targeted low-income preg-
22 nant woman (as applicable) under such plan or
23 waiver).”.

24 (2) OPTIONAL COVERAGE OF TARGETED LOW-
25 INCOME PREGNANT WOMEN.—Section 2112(d)(2)(A)

1 of the Social Security Act (42 U.S.C.
2 1397ll(d)(2)(A)) is amended by inserting after “60-
3 day period” the following: “, or, in the case that
4 subparagraph (A) of section 1902(e)(16) applies to
5 the State child health plan (or waiver of such plan),
6 pursuant to section 2107(e)(1), the 12-month pe-
7 riod,”.

8 (b) EFFECTIVE DATE.—The amendments made by
9 subsection (a), shall apply with respect to State elections
10 made under paragraph (16) of section 1902(e) of the So-
11 cial Security Act (42 U.S.C. 1396a(e)), as added by sec-
12 tion 3102(a) of subtitle B of this title, during the 5-year
13 period beginning on the 1st day of the 1st fiscal year quar-
14 ter that begins at least one year after the date of the en-
15 actment of this Act.

16 **Subtitle D—Other Provisions**
17 **CHAPTER 1—ENSURING ENVIRONMENTAL**
18 **HEALTH AND RATEPAYER PROTEC-**
19 **TION DURING THE PANDEMIC**
20 **SEC. 3301. FUNDING FOR POLLUTION AND DISPARATE IM-**
21 **PACTS OF THE COVID-19 PANDEMIC.**

22 (a) IN GENERAL.—In addition to amounts otherwise
23 available, there is appropriated to the Environmental Pro-
24 tection Agency for fiscal year 2021, out of any money in
25 the Treasury not otherwise appropriated, \$100,000,000,

1 to remain available until expended, to address health out-
2 come disparities from pollution and the COVID–19 pan-
3 demic, of which—

4 (1) \$50,000,000, shall be for grants, contracts,
5 and other agency activities that implement the envi-
6 ronmental justice purposes and objectives described
7 in Executive Order 12898 titled “Federal Actions
8 To Address Environmental Justice in Minority Pop-
9 ulations and Low-Income Populations” (59 Fed.
10 Reg. 7629), as amended; section 219 of Executive
11 Order 14008 titled “Tackling the Climate Crisis at
12 Home and Abroad” (86 Fed. Reg. 7619); and the
13 Environmental Protection Agency’s Environmental
14 Justice 2020 Action Agenda, published May 22,
15 2016; and

16 (2) \$50,000,000 shall be for grants and activi-
17 ties authorized under subsections (a) through (c) of
18 section 103 of the Clean Air Act (42 U.S.C. 7403)
19 and grants and activities authorized under section
20 105 of such Act (42 U.S.C. 7405).

21 (b) ADMINISTRATION OF FUNDS.—

22 (1) Of the funds made available pursuant to
23 subsection (a)(1), the Administrator shall reserve 2
24 percent for administrative costs necessary to carry
25 out activities funded pursuant to such subsection.

1 (2) Of the funds made available pursuant to
2 subsection (a)(2), the Administrator shall reserve 5
3 percent for activities funded pursuant to such sub-
4 section other than grants.

5 **SEC. 3302. FUNDING FOR LIHEAP.**

6 In addition to amounts otherwise available, there is
7 appropriated for fiscal year 2021, out of any amounts in
8 the Treasury not otherwise appropriated, \$4,500,000,000,
9 to remain available through September 30, 2022, for addi-
10 tional funding to provide payments under section 2602(b)
11 of the Low-Income Home Energy Assistance Act of 1981
12 (42 U.S.C. 8621(b)), except that—

13 (1) \$2,250,000,000 of such amounts shall be
14 allocated as though the total appropriation for such
15 payments for fiscal year 2021 was less than
16 \$1,975,000,000;

17 (2) section 2607(b)(2)(B) of such Act (42
18 U.S.C. 8626(b)(2)(B)) shall not apply to funds ap-
19 propriated under this section for fiscal year 2021;
20 and

21 (3) with respect to amounts appropriated under
22 this section for fiscal year 2021, notwithstanding
23 section 2604(d) of such Act (42 U.S.C. 8623(d)),
24 the Secretary shall reserve under such section
25 2604(d) amounts for Indian tribes that bear the

1 same ratio, for each Indian tribe, that the amount
2 reserved for the Indian tribe, from funds appro-
3 priated for such payments for fiscal year 2021 be-
4 fore the date of enactment of this section, bore to
5 the amount allotted to the applicable State for such
6 payments from any such appropriated funds.

7 **SEC. 3303. FUNDING FOR WATER ASSISTANCE PROGRAM.**

8 (a) IN GENERAL.—In addition to amounts otherwise
9 available, there is appropriated to the Secretary of Health
10 and Human Services for fiscal year 2021, out of any
11 amounts in the Treasury not otherwise appropriated,
12 \$500,000,000, to remain available until expended, for
13 grants to States and Indian Tribes to assist low-income
14 households, particularly those with the lowest incomes,
15 that pay a high proportion of household income for drink-
16 ing water and wastewater services, by providing funds to
17 owners or operators of public water systems or treatment
18 works to reduce arrearages of and rates charged to such
19 households for such services.

20 (b) ALLOTMENT.—The Secretary shall—

21 (1) allot amounts appropriated in this section to
22 a State or Indian Tribe based on—

23 (A) the percentage of households in the
24 State, or under the jurisdiction of the Indian

1 Tribe, with income equal or less than 150 per-
2 cent of the Federal poverty line; and

3 (B) the percentage of households in the
4 State, or under the jurisdiction of the Indian
5 Tribe, that spend more than 30 percent of
6 monthly income on housing; and

7 (2) reserve up to 3 percent of the amount ap-
8 propriated in this section for Indian Tribes and trib-
9 al organizations.

10 **CHAPTER 2—DISTANCE LEARNING AND**
11 **CONSUMER PROTECTION DURING THE**
12 **COVID-19 PANDEMIC**

13 **SEC. 3311. FUNDING FOR CONSUMER PRODUCT SAFETY**
14 **FUND TO PROTECT CONSUMERS FROM PO-**
15 **TENTIALLY DANGEROUS PRODUCTS RE-**
16 **LATED TO COVID-19.**

17 (a) APPROPRIATION.—In addition to amounts other-
18 wise available, there is appropriated to the Consumer
19 Product Safety Commission for fiscal year 2021, out of
20 any money in the Treasury not otherwise appropriated,
21 \$50,000,000, to remain available until September 30,
22 2026, for the purposes described in subsection (b).

23 (b) PURPOSES.—The funds made available in sub-
24 section (a) shall only be used for purposes of the Con-
25 sumer Product Safety Commission to—

1 (1) carry out the requirements in title XX of di-
2 vision FF of the Consolidated Appropriations Act,
3 2021 (Public Law 116–260);

4 (2) enhance targeting, surveillance, and screen-
5 ing of consumer products, particularly COVID–19
6 products, entering the United States at ports of
7 entry, including ports of entry for de minimis ship-
8 ments;

9 (3) enhance monitoring of internet websites for
10 the offering for sale of new and used violative con-
11 sumer products, particularly COVID–19 products,
12 and coordination with retail and resale websites to
13 improve identification and elimination of listings of
14 such products;

15 (4) increase awareness and communication par-
16 ticularly of COVID–19 product related risks and
17 other consumer product safety information; and

18 (5) improve the Commission’s data collection
19 and analysis system especially with a focus on con-
20 sumer product safety risks resulting from the
21 COVID–19 pandemic to socially disadvantaged indi-
22 viduals and other vulnerable populations.

23 (c) DEFINITIONS.—In this section—

24 (1) the term “Commission” means the Con-
25 sumer Product Safety Commission;

1 (2) the term “de minimis shipments” means ar-
2 ticles containing consumer products entering the
3 United States under the de minimis value exemption
4 in section 321(a)(2)(C) of the Tariff Act of 1930
5 (19 U.S.C. 1321(a)(2)(C));

6 (3) the term “violative consumer products”
7 means consumer products in violation of an applica-
8 ble consumer product safety standard under the
9 Consumer Product Safety Act (15 U.S.C. 2051 et
10 seq.) or any similar rule, regulation, standard, or
11 ban under any other Act enforced by the Commis-
12 sion;

13 (4) the term “COVID–19 emergency period”
14 means the period during which a public health emer-
15 gency declared pursuant to section 319 of the Public
16 Health Service Act (42 U.S.C. 247d) with respect to
17 the 2019 novel coronavirus (COVID–19), including
18 under any renewal of such declaration, is in effect;
19 and

20 (5) the term “COVID–19 products” means
21 products whose risks have been significantly affected
22 by COVID–19 or whose sales have materially in-
23 creased during the COVID–19 emergency period as
24 a result of the COVID–19 pandemic.

1 **SEC. 3312. FUNDING FOR E-RATE SUPPORT FOR EMER-**
2 **GENCY EDUCATIONAL CONNECTIONS AND**
3 **DEVICES.**

4 (a) REGULATIONS REQUIRED.—Not later than 60
5 days after the date of the enactment of this Act, the Com-
6 mission shall promulgate regulations providing for the
7 provision, from amounts made available from the Emer-
8 gency Connectivity Fund, of support under paragraphs
9 (1)(B) and (2) of section 254(h) of the Communications
10 Act of 1934 (47 U.S.C. 254(h)) to an eligible school or
11 library, for the purchase during a COVID–19 emergency
12 period of eligible equipment or advanced telecommuni-
13 cations and information services (or both), for use by—

14 (1) in the case of a school, students and staff
15 of the school at locations that include locations other
16 than the school; and

17 (2) in the case of a library, patrons of the li-
18 brary at locations that include locations other than
19 the library.

20 (b) SUPPORT AMOUNT.—In providing support under
21 the covered regulations, the Commission shall reimburse
22 100 percent of the costs associated with the eligible equip-
23 ment, advanced telecommunications and information serv-
24 ices, or eligible equipment and advanced telecommuni-
25 cations and information services, except that any reim-
26 bursement of a school or library for the costs associated

1 with any eligible equipment may not exceed an amount
2 that the Commission determines, with respect to the re-
3 quest by the school or library for the reimbursement, is
4 reasonable.

5 (c) EMERGENCY CONNECTIVITY FUND.—

6 (1) ESTABLISHMENT.—There is established in
7 the Treasury of the United States a fund to be
8 known as the “Emergency Connectivity Fund”.

9 (2) APPROPRIATION.—In addition to amounts
10 otherwise available, there is appropriated to the
11 Emergency Connectivity Fund for fiscal year 2021,
12 out of any money in the Treasury not otherwise ap-
13 propriated—

14 (A) \$7,599,000,000, to remain available
15 until September 30, 2030, for—

16 (i) the provision of support under the
17 covered regulations; and

18 (ii) the Commission to adopt, and the
19 Commission and the Universal Service Ad-
20 ministrative Company to administer, the
21 covered regulations; and

22 (B) \$1,000,000, to remain available until
23 September 30, 2030, for the Inspector General
24 of the Commission to conduct oversight of sup-
25 port provided under the covered regulations.

1 (3) LIMITATION.—Not more than 2 percent of
2 the amount made available under paragraph (2)(A)
3 may be used for the purposes described in clause (ii)
4 of such paragraph.

5 (4) RELATIONSHIP TO UNIVERSAL SERVICE
6 CONTRIBUTIONS.—Support provided under the cov-
7 ered regulations shall be provided from amounts
8 made available from the Emergency Connectivity
9 Fund and not from contributions under section
10 254(d) of the Communications Act of 1934 (47
11 U.S.C. 254(d)).

12 (d) DEFINITIONS.—In this section:

13 (1) ADVANCED TELECOMMUNICATIONS AND IN-
14 FORMATION SERVICES.—The term “advanced tele-
15 communications and information services” means
16 advanced telecommunications and information serv-
17 ices, as such term is used in section 254(h) of the
18 Communications Act of 1934 (47 U.S.C. 254(h)).

19 (2) COMMISSION.—The term “Commission”
20 means the Federal Communications Commission.

21 (3) CONNECTED DEVICE.—The term “con-
22 nected device” means a laptop computer, tablet com-
23 puter, or similar end-user device that is capable of
24 connecting to advanced telecommunications and in-
25 formation services.

1 (4) COVERED REGULATIONS.—The term “cov-
2 ered regulations” means the regulations promul-
3 gated under subsection (a).

4 (5) COVID–19 EMERGENCY PERIOD.—The
5 term “COVID–19 emergency period” means a pe-
6 riod that—

7 (A) begins on the date of a determination
8 by the Secretary of Health and Human Services
9 pursuant to section 319 of the Public Health
10 Service Act (42 U.S.C. 247d) that a public
11 health emergency exists as a result of COVID–
12 19; and

13 (B) ends on the June 30 that first occurs
14 after the date that is 1 year after the date on
15 which such determination (including any re-
16 newal thereof) terminates.

17 (6) ELIGIBLE EQUIPMENT.—The term “eligible
18 equipment” means the following:

19 (A) Wi-Fi hotspots.

20 (B) Modems.

21 (C) Routers.

22 (D) Devices that combine a modem and
23 router.

24 (E) Connected devices.

1 (7) ELIGIBLE SCHOOL OR LIBRARY.—The term
2 “eligible school or library” means an elementary
3 school, secondary school, or library (including a
4 Tribal elementary school, Tribal secondary school, or
5 Tribal library) eligible for support under paragraphs
6 (1)(B) and (2) of section 254(h) of the Communica-
7 tions Act of 1934 (47 U.S.C. 254(h)), except as pro-
8 vided in paragraph (10).

9 (8) EMERGENCY CONNECTIVITY FUND.—The
10 term “Emergency Connectivity Fund” means the
11 fund established under subsection (c)(1).

12 (9) LIBRARY.—The term “library” includes a
13 library consortium.

14 (10) TRIBAL LIBRARY.—The term “Tribal li-
15 brary” means, only during a COVID–19 emergency
16 period, a facility owned by an Indian Tribe, serving
17 Indian Tribes, or serving American Indians, Alaskan
18 Natives, or Native Hawaiian communities, includ-
19 ing—

20 (A) a library or library consortium; or

21 (B) a government building, chapter house,
22 longhouse, community center, or other similar
23 public building;

24 and such facility need not comply with the portion
25 of paragraph (4) of section 254(h) of the Commu-

1 nications Act of 1934 (47 U.S.C. 254(h)) relating to
2 eligibility for assistance from a State library admin-
3 istrative agency.

4 (11) WI-FI.—The term “Wi-Fi” means a wire-
5 less networking protocol based on Institute of Elec-
6 trical and Electronics Engineers standard 802.11
7 (or any successor standard).

8 (12) WI-FI HOTSPOT.—The term “Wi-Fi
9 hotspot” means a device that is capable of—

10 (A) receiving advanced telecommunications
11 and information services; and

12 (B) sharing such services with a connected
13 device through the use of Wi-Fi.

14 **CHAPTER 3—OVERSIGHT OF DEPART-**
15 **MENT OF COMMERCE PREVENTION**
16 **AND RESPONSE TO COVID-19**

17 **SEC. 3321. FUNDING FOR DEPARTMENT OF COMMERCE IN-**
18 **SPECTOR GENERAL.**

19 In addition to amounts otherwise available, there is
20 appropriated to the Office of the Inspector General of the
21 Department of Commerce for fiscal year 2021, out of any
22 money in the Treasury not otherwise appropriated,
23 \$3,000,000, to remain available until September 30, 2022,
24 for oversight of activities supported with funds appro-
25 priated to the Department of Commerce to prevent, pre-

1 pare for, and respond to COVID–19, domestically or inter-
2 nationally.

3 **TITLE IV—COMMITTEE ON**
4 **FINANCIAL SERVICES**
5 **Subtitle A—Defense Production Act**
6 **of 1950**

7 **SEC. 4001. COVID–19 EMERGENCY MEDICAL SUPPLIES EN-**
8 **HANCEMENT.**

9 (a) SUPPORTING ENHANCED USE OF THE DEFENSE
10 PRODUCTION ACT OF 1950.—In addition to funds other-
11 wise available, there is appropriated, for fiscal year 2021,
12 out of any money in the Treasury not otherwise appro-
13 priated, \$10,000,000,000, to remain available until Sep-
14 tember 30, 2025, to carry out titles I, III, and VII of the
15 Defense Production Act of 1950 (50 U.S.C. 4501 et seq.)
16 in accordance with subsection (b).

17 (b) MEDICAL SUPPLIES AND EQUIPMENT.—

18 (1) TESTING, PPE, VACCINES, AND OTHER MA-
19 TERIALS.—Except as provided in paragraph (2),
20 amounts appropriated in subsection (a) shall be used
21 for the purchase, production (including the construc-
22 tion, repair, and retrofitting of government-owned or
23 private facilities as necessary), or distribution of
24 medical supplies and equipment (including durable

1 medical equipment) related to combating the
2 COVID–19 pandemic, including—

3 (A) in vitro diagnostic products (as defined
4 in section 809.3(a) of title 21, Code of Federal
5 Regulations) for the detection of SARS-CoV-2
6 or the diagnosis of the virus that causes
7 COVID–19, and the reagents and other mate-
8 rials necessary for producing, conducting, or
9 administering such products, and the machin-
10 ery, equipment, laboratory capacity, or other
11 technology necessary to produce such products;

12 (B) face masks and personal protective
13 equipment, including face shields, nitrile gloves,
14 N–95 filtering facepiece respirators, and any
15 other masks or equipment (including durable
16 medical equipment) determined by the Sec-
17 retary of Health and Human Services to be
18 needed to respond to the COVID–19 pandemic,
19 and the materials, machinery, additional manu-
20 facturing lines or facilities, or other technology
21 necessary to produce such equipment; and

22 (C) drugs and devices (as those terms are
23 defined in the Federal Food, Drug, and Cos-
24 metic Act (21 U.S.C. 301 et seq.)) and biologi-
25 cal products (as that term is defined by section

1 351 of the Public Health Service Act (42
2 U.S.C. 262)) that are approved, cleared, li-
3 censed, or authorized under either of such Acts
4 for use in treating or preventing COVID-19
5 and symptoms related to COVID-19, and any
6 materials, manufacturing machinery, additional
7 manufacturing or fill-finish lines or facilities,
8 technology, or equipment (including durable
9 medical equipment) necessary to produce or use
10 such drugs, biological products, or devices (in-
11 cluding syringes, vials, or other supplies or
12 equipment related to delivery, distribution, or
13 administration).

14 (2) RESPONDING TO PUBLIC HEALTH EMER-
15 GENCIES.—After September 30, 2022, amounts ap-
16 propriated in subsection (a) may be used for any ac-
17 tivity authorized by paragraph (1), or any other ac-
18 tivity that the Secretary of Health and Human Serv-
19 ices determines to be necessary, to meet critical pub-
20 lic health needs of the United States, with respect
21 to any pathogen that the President has determined
22 has the potential for creating a public health emer-
23 gency.

1 (c) DELEGATION AUTHORITY.—For purposes of
2 using amounts appropriated in subsection (a), the Presi-
3 dent shall only delegate authority to—

4 (1) with respect to any uses described under
5 subsection (b), the Secretary of Health and Human
6 Services;

7 (2) with respect to uses described under sub-
8 section (b)(1), the head of any other agency respon-
9 sible for responding to the COVID-19 pandemic if
10 the President determines that such delegation is im-
11 portant to an effective response to such pandemic;
12 and

13 (3) with respect to uses described under sub-
14 section (b)(2), the head of any other agency respon-
15 sible for responding to any pathogen with the poten-
16 tial for creating a public health emergency if the
17 President determines that such delegation is impor-
18 tant to an effective response to a public health emer-
19 gency that may be created by such pathogen.

20 (d) APPLICATION OF LIMITATIONS UNDER THE DE-
21 FENSE PRODUCTION ACT OF 1950.—The requirements
22 described in section 304(e) of the Defense Production Act
23 of 1950 (50 U.S.C. 4534(e)) shall not apply to the funds
24 appropriated in subsection (a) until September 30, 2025.

1 **Subtitle B—Housing Provisions**

2 **SEC. 4101. EMERGENCY RENTAL ASSISTANCE.**

3 (a) FUNDING.—

4 (1) APPROPRIATION.—In addition to amounts
5 otherwise available, there is appropriated to the Sec-
6 retary of the Treasury for fiscal year 2021, out of
7 any money in the Treasury not otherwise appro-
8 priated, \$19,050,000,000, to remain available until
9 September 30, 2027, for making payments to eligi-
10 ble grantees under this section—

11 (2) RESERVATION OF FUNDS.—Of the amount
12 appropriated under paragraph (1), the Secretary
13 shall reserve—

14 (A) \$305,000,000 for making payments
15 under this section to the Commonwealth of
16 Puerto Rico, the United States Virgin Islands,
17 Guam, the Commonwealth of the Northern
18 Mariana Islands, and American Samoa;

19 (B) \$30,000,000 for costs of the Secretary
20 for the administration of emergency rental as-
21 sistance programs and technical assistance to
22 recipients of any grants made by the Secretary
23 to provide financial and other assistance to
24 renters; and

1 (C) \$3,000,000 for administrative expenses
2 of the Inspector General relating to oversight of
3 funds provided in this section.

4 (b) ALLOCATION FOR RENTAL AND UTILITY ASSIST-
5 ANCE.—

6 (1) ALLOCATION FOR STATES AND UNITS OF
7 LOCAL GOVERNMENT.—

8 (A) IN GENERAL.—The amount appro-
9 priated under paragraph (1) of subsection (a)
10 that remains after the application of paragraph
11 (2) of such subsection shall be allocated to eligi-
12 ble grantees described in subparagraphs (A)
13 and (B) of subsection (i)(1) in the same man-
14 ner as the amount appropriated under section
15 501 of subtitle A of title V of division N of the
16 Consolidated Appropriations Act, 2021 (Public
17 Law 116–260) is allocated to States and units
18 of local government under subsection (b)(1) of
19 such section, except that section 501(b) of such
20 subtitle A shall be applied—

21 (i) without regard to clause (i) of
22 paragraph (1)(A);

23 (ii) by deeming the amount appro-
24 priated under paragraph (1) of subsection
25 (a) of this Act that remains after the ap-

1 plication of paragraph (2) of such sub-
2 section to be the amount deemed to apply
3 for purposes of applying clause (ii) of sec-
4 tion 501(b)(1)(A) of such subtitle A;

5 (iii) by substituting “\$152,000,000”
6 for “\$200,000,000” each place such term
7 appears;

8 (iv) in subclause (I) of such section
9 501(b)(1)(A)(v), by substituting “under
10 section 4101 of the American Rescue Plan
11 Act of 2021” for “under this section”; and

12 (v) in subclause (II) of such section
13 501(b)(1)(A)(v), by substituting “local
14 government elects to receive funds from
15 the Secretary under section 4101 of the
16 American Rescue Plan Act of 2021 and
17 will use the funds in a manner consistent
18 with such section” for “local government’s
19 proposed uses of the funds are consistent
20 with subsection (d)”.

21 (B) PRO RATA ADJUSTMENT.—The Sec-
22 retary shall make pro rata adjustments in the
23 amounts of the allocations determined under
24 subparagraph (A) of this paragraph for entities
25 described in such subparagraph as necessary to

1 ensure that the total amount of allocations
2 made pursuant to such subparagraph does not
3 exceed the remainder appropriated amount de-
4 scribed in such subparagraph.

5 (2) ALLOCATIONS FOR TERRITORIES.—The
6 amount reserved under subsection (a)(2)(A) shall be
7 allocated to eligible grantees described in subsection
8 (i)(1)(C) in the same manner as the amount appro-
9 priated under section 501(a)(2)(A) of subtitle A of
10 title V of division N of the Consolidated Appropria-
11 tions Act, 2021 (Public Law 116–260) is allocated
12 under section 501(b)(3) of such subtitle A to eligible
13 grantees under subparagraph (C) of such section
14 501(b)(3), except that section 501(b)(3) of such sub-
15 title A shall be applied—

16 (A) in subparagraph (A), by inserting “of
17 this Act” after “the amount reserved under
18 subsection (a)(2)(A)”; and

19 (B) in clause (i) of subparagraph (B), by
20 substituting “the amount equal to 0.3 percent
21 of the amount appropriated under subsection
22 (a)(1)” with “the amount equal to 0.3 percent
23 of the amount appropriated under subsection
24 (a)(1) of this Act”.

25 (c) PAYMENT SCHEDULE.—

1 (1) IN GENERAL.—The Secretary shall pay all
2 eligible grantees not less than 50 percent of each
3 such eligible grantee’s total allocation provided
4 under subsection (b) within 60 days of enactment of
5 this Act.

6 (2) SUBSEQUENT PAYMENTS.—The Secretary
7 shall pay to eligible grantees additional amounts in
8 tranches up to the full amount of each such eligible
9 grantee’s total allocation in accordance with a proce-
10 dure established by the Secretary, provided that any
11 such procedure established by the Secretary shall re-
12 quire that an eligible grantee must have obligated
13 not less than 75 percent of the funds already dis-
14 bursed by the Secretary pursuant to this section
15 prior to disbursement of additional amounts.

16 (d) USE OF FUNDS.—

17 (1) IN GENERAL.—An eligible grantee shall
18 only use the funds provided from payments made
19 under this section as follows:

20 (A) FINANCIAL ASSISTANCE.—

21 (i) IN GENERAL.—Subject to clause
22 (ii) of this subparagraph, funds received by
23 an eligible grantee from payments made
24 under this section shall be used to provide
25 financial assistance to eligible households,

1 not to exceed 18 months, including the
2 payment of—

- 3 (I) rent;
4 (II) rental arrears;
5 (III) utilities and home energy
6 costs;
7 (IV) utilities and home energy
8 costs arrears; and
9 (V) other expenses related to
10 housing.

11 (ii) LIMITATION.—The aggregate
12 amount of financial assistance an eligible
13 household may receive under this section,
14 when combined with financial assistance
15 provided under section 501 of subtitle A of
16 title V of division N of the Consolidated
17 Appropriations Act, 2021 (Public Law
18 116–260), shall not exceed 18 months.

19 (B) HOUSING STABILITY SERVICES.—Not
20 more than 10 percent of funds received by an
21 eligible grantee from payments made under this
22 section may be used to provide case manage-
23 ment and other services intended to help keep
24 households stably housed.

1 (C) ADMINISTRATIVE COSTS.—Not more
2 than 15 percent of the total amount paid to an
3 eligible grantee under this section may be used
4 for administrative costs attributable to pro-
5 viding financial assistance, housing stability
6 services, and other affordable rental housing
7 and eviction prevention activities under sub-
8 paragraphs (A), (B), and (D), respectively, in-
9 cluding for data collection and reporting re-
10 quirements related to such funds.

11 (D) OTHER AFFORDABLE RENTAL HOUS-
12 ING AND EVICTION PREVENTION ACTIVITIES.—
13 An eligible grantee may use any funds from
14 payments made under this section that are un-
15 obligated on October 1, 2022, for purposes in
16 addition to those specified in this paragraph,
17 provided that—

18 (i) such other purposes are affordable
19 housing purposes, as defined by the Sec-
20 retary, serving very low-income families (as
21 such term is defined in section 3(b) of the
22 United States Housing Act of 1937 (42
23 U.S.C. 1437a(b))); and

24 (ii) prior to obligating any funds for
25 such purposes, the eligible grantee has ob-

1 ligated not less than 75 percent of the
2 total funds allocated to such eligible grant-
3 ee in accordance with this section.

4 (2) DISTRIBUTION OF ASSISTANCE.—Amounts
5 appropriated under subsection (a)(1) of this section
6 shall be subject to the same terms and conditions
7 that apply under paragraph (4) of section 501(c) of
8 subtitle A of title V of division N of the Consolidated
9 Appropriations Act, 2021 (Public Law 116–260) to
10 amounts appropriated under subsection (a)(1) of
11 such section 501.

12 (e) REALLOCATION OF FUNDS.—

13 (1) IN GENERAL.—After September 30, 2022,
14 the Secretary shall reallocate funds allocated to eligi-
15 ble grantees in accordance with subsection (b) but
16 not yet paid in accordance with subsection (c)(2) ac-
17 cording to a procedure established by the Secretary.

18 (2) ELIGIBILITY FOR REALLOCATED FUNDS.—
19 The Secretary shall require an eligible grantee to
20 have obligated 50 percent of the total amount of
21 funds allocated to such eligible grantee under sub-
22 section (b) to be eligible to receive funds reallocated
23 under paragraph (1) of this subsection.

24 (3) PAYMENT OF REALLOCATED FUNDS BY THE
25 SECRETARY.—The Secretary shall pay to each eligi-

1 ble grantee eligible for a payment of reallocated
2 funds described in paragraph (2) of this subsection
3 the amount allocated to such eligible grantee in ac-
4 cordance with the procedure established by the Sec-
5 retary in accordance with paragraph (2) of this sub-
6 section.

7 (4) USE OF REALLOCATED FUNDS.—Eligible
8 grantees may use any funds received in accordance
9 with this subsection only for purposes specified in
10 paragraph (1) of subsection (d).

11 (f) INAPPLICABILITY OF PAPERWORK REDUCTION
12 ACT.—Subchapter I of chapter 35 of title 44, United
13 States Code, shall not apply to the collection of informa-
14 tion for reporting or research requirements specified in
15 this section if the Secretary determines it is necessary to
16 expedite the efficient use of funds under this section.

17 (g) TREATMENT OF ASSISTANCE.—Assistance pro-
18 vided to a household from a payment made under this sec-
19 tion shall not be regarded as income and shall not be re-
20 garded as a resource for purposes of determining the eligi-
21 bility of the household or any member of the household
22 for benefits or assistance, or the amount or extent of bene-
23 fits or assistance, under any Federal program or under
24 any State or local program financed in whole or in part
25 with Federal funds.

1 (h) INFORMATION REQUIRED BY SECRETARY.—Each
2 eligible grantee that receives an allocation of funds under
3 subsection (b) and at least one payment under subsection
4 (c) shall submit to the Secretary information required by
5 the Secretary to monitor and evaluate activities carried
6 out by the eligible grantee under subsection (d).

7 (i) DEFINITIONS.—In this section:

8 (1) ELIGIBLE GRANTEE.—The term “eligible
9 grantee” means any of the following:

10 (A) The 50 States of the United States
11 and the District of Columbia.

12 (B) A unit of local government (as defined
13 in paragraph (5)).

14 (C) The Commonwealth of Puerto Rico,
15 the United States Virgin Islands, Guam, the
16 Commonwealth of the Northern Mariana Is-
17 lands, and American Samoa.

18 (2) ELIGIBLE HOUSEHOLD.—The term “eligible
19 household” means a household of 1 or more individ-
20 uals who are obligated to pay rent on a residential
21 dwelling and with respect to which the eligible grant-
22 ee involved determines that—

23 (A) 1 or more individuals within the house-
24 hold has—

1 (i) qualified for unemployment bene-
2 fits; or

3 (ii) experienced a reduction in house-
4 hold income, incurred significant costs, or
5 experienced other financial hardship during
6 or due, directly or indirectly, to the
7 coronavirus pandemic;

8 (B) 1 or more individuals within the
9 household can demonstrate a risk of experi-
10 encing homelessness or housing instability; and

11 (C) the household is a low-income family
12 (as such term is defined in section 3(b) of the
13 United States Housing Act of 1937 (42 U.S.C.
14 1437a(b)).

15 (3) INSPECTOR GENERAL.—The term “Inspec-
16 tor General” means the Inspector General of the De-
17 partment of the Treasury.

18 (4) SECRETARY.—The term “Secretary” means
19 the Secretary of the Treasury.

20 (5) UNIT OF LOCAL GOVERNMENT.—The term
21 “unit of local government” has the meaning given
22 such term in section 501 of subtitle A of title V of
23 division N of the Consolidated Appropriations Act,
24 2021 (Public Law 116–260).

1 (j) AVAILABILITY.—Funds provided to an eligible
2 grantee under a payment made under this section shall
3 remain available through September 30, 2025.

4 (k) EXTENSION OF AVAILABILITY UNDER PROGRAM
5 FOR EXISTING FUNDING.—Paragraph (1) of section
6 501(e) of subtitle A of title V of division N of the Consoli-
7 dated Appropriations Act, 2021 (Public Law 116–260) is
8 amended by striking “December 31, 2021” and inserting
9 “September 30, 2022”.

10 **SEC. 4102. EMERGENCY HOUSING VOUCHERS.**

11 (a) APPROPRIATION.—In addition to amounts other-
12 wise available, there is appropriated to the Secretary of
13 Housing and Urban Development (in this section referred
14 to as the “Secretary”) for fiscal year 2021, out of any
15 money in the Treasury not otherwise appropriated,
16 \$5,000,000,000, to remain available until September 30,
17 2030, for—

18 (1) incremental emergency vouchers under sub-
19 section (b);

20 (2) renewals of the vouchers under subsection
21 (b);

22 (3) fees for the costs of administering vouchers
23 under subsection (b) and other eligible expenses de-
24 fined by notice to prevent, prepare, and respond to
25 coronavirus to facilitate the leasing of the emergency

1 vouchers, such as security deposit assistance and
2 other costs related to retention and support of par-
3 ticipating owners; and

4 (4) adjustments in the calendar year 2021 sec-
5 tion 8 renewal funding allocation, including main-
6 stream vouchers, for public housing agencies that ex-
7 perience a significant increase in voucher per-unit
8 costs due to extraordinary circumstances or that, de-
9 spite taking reasonable cost savings measures, would
10 otherwise be required to terminate rental assistance
11 for families as a result of insufficient funding.

12 (b) EMERGENCY VOUCHERS.—

13 (1) IN GENERAL.—The Secretary shall provide
14 emergency rental assistance vouchers under sub-
15 section (a), which shall be tenant-based rental assist-
16 ance under section 8(o) of the United States Hous-
17 ing Act of 1937 (42 U.S.C. 1437f(o)).

18 (2) QUALIFYING INDIVIDUALS OR FAMILIES DE-
19 FINED.—For the purposes of this section, qualifying
20 individuals or families are those who are—

21 (A) homeless (as such term is defined in
22 section 103(a) of the McKinney-Vento Home-
23 less Assistance Act (42 U.S.C. 11302(a));

24 (B) at risk of homelessness (as such term
25 is defined in section 401(1) of the McKinney-

1 Vento Homeless Assistance Act (42 U.S.C.
2 11360(1)));

3 (C) fleeing, or attempting to flee, domestic
4 violence, dating violence, sexual assault, stalk-
5 ing, or human trafficking; or

6 (D) recently homeless, as determined by
7 the Secretary, and for whom providing rental
8 assistance will prevent the family's homeless-
9 ness or having high risk of housing instability.

10 (3) ALLOCATION.—Public housing agencies
11 shall be notified of the number of emergency vouch-
12 ers allocated pursuant to this section to the agency
13 not later than 60 days after the date of the enact-
14 ment of this Act, in accordance with a formula that
15 includes public housing agency capacity and ensures
16 geographic diversity, including with respect to rural
17 areas, among public housing agencies administering
18 the Housing Choice Voucher program.

19 (4) TERMS AND CONDITIONS.—

20 (A) ELECTION TO ADMINISTER.—The Sec-
21 retary shall establish a procedure for public
22 housing agencies to accept or decline the emer-
23 gency vouchers allocated to the agency in ac-
24 cordance with the formula under subparagraph
25 (3).

1 (B) FAILURE TO USE VOUCHERS PROMPT-
2 LY.—If a public housing agency fails to lease
3 its authorized vouchers under subsection (b) on
4 behalf of eligible families within a reasonable
5 period of time, the Secretary may revoke and
6 redistribute any unleased vouchers and associ-
7 ated funds, including administrative fees and
8 costs referred to in subsection (a)(3), to other
9 public housing agencies according to the for-
10 mula under paragraph (3).

11 (5) WAIVERS AND ALTERNATIVE REQUIRE-
12 MENTS.—Any provision of any statute or regulation
13 used to administer the amounts made available
14 under this section (except for requirements related
15 to fair housing, nondiscrimination, labor standards,
16 and the environment), shall be waived upon a find-
17 ing that any such waivers or alternative require-
18 ments are necessary to expedite or facilitate the use
19 of amounts made available in this section.

20 (6) TERMINATION OF VOUCHERS UPON TURN-
21 OVER.—After September 30, 2023, a public housing
22 agency may not reissue any vouchers made available
23 under this section when assistance for the family as-
24 sisted ends.

1 (c) TECHNICAL ASSISTANCE AND OTHER COSTS.—
2 The Secretary may use not more \$20,000,000 of the
3 amounts made available under this section for the costs
4 to the Secretary of administering and overseeing the im-
5 plementation of this section and the Housing Choice
6 Voucher program generally, including information tech-
7 nology, financial reporting, and other costs. Of the
8 amounts set aside under this subsection, the Secretary
9 may use not more than \$10,000,000, without competition,
10 to make new awards or increase prior awards to existing
11 technical assistance providers to provide an immediate in-
12 crease in capacity building and technical assistance to
13 public housing agencies.

14 (d) IMPLEMENTATION.—The provisions of this sec-
15 tion may be implemented by notice.

16 **SEC. 4103. EMERGENCY ASSISTANCE FOR RURAL HOUSING.**

17 In addition to amounts otherwise available, there is
18 appropriated for fiscal year 2021, out of any money in
19 the Treasury not otherwise appropriated, \$100,000,000,
20 to remain available until September 30, 2022, to provide
21 grants under section 521(a)(2) of the Housing Act of
22 1949 or agreements entered into in lieu of debt forgiveness
23 or payments for eligible households as authorized by sec-
24 tion 502(c)(5)(D) of the Housing Act of 1949, for tem-
25 porary adjustment of income losses for residents of hous-

1 ing financed or assisted under section 514, 515, or 516
2 of the Housing Act of 1949 who have experienced income
3 loss but are not currently receiving Federal rental assist-
4 ance.

5 **SEC. 4104. HOUSING ASSISTANCE AND SUPPORTIVE SERV-**
6 **ICES PROGRAMS FOR NATIVE AMERICANS.**

7 (a) APPROPRIATION.—In addition to amounts other-
8 wise available, there is appropriated for fiscal year 2021,
9 out of any money in the Treasury not otherwise appro-
10 priated, \$750,000,000, to remain available until Sep-
11 tember 30, 2025, to prevent, prepare for, and respond to
12 coronavirus, for activities and assistance authorized under
13 title I of the Native American Housing Assistance and
14 Self-Determination Act of 1996 (NAHASDA) (25 U.S.C.
15 4111 et seq.), under title VIII of NAHASDA (25 U.S.C.
16 4221 et seq.), and under section 106(a)(1) of the Housing
17 and Community Development Act of 1974 with respect to
18 Indian tribes (42 U.S.C. 5301 et seq.), which shall be
19 made available as follows:

20 (1) HOUSING BLOCK GRANTS.—\$455,000,000
21 shall be available for the Native American Housing
22 Block Grants and Native Hawaiian Housing Block
23 Grant programs, as authorized under titles I and
24 VIII of NAHASDA, subject to the following terms
25 and conditions:

1 (A) FORMULA.—Of the amounts made
2 available under this paragraph, \$450,000,000
3 shall be for grants under title I of NAHASDA
4 and shall be distributed according to the same
5 funding formula used in fiscal year 2021.

6 (B) NATIVE HAWAIIANS.—Of the amounts
7 made available under this paragraph,
8 \$5,000,000 shall be for grants under title VIII
9 of NAHASDA.

10 (C) USE.—Amounts made available under
11 this paragraph shall be used by recipients to
12 prevent, prepare for, and respond to
13 coronavirus, including to maintain normal oper-
14 ations and fund eligible affordable housing ac-
15 tivities under NAHASDA during the period
16 that the program is impacted by coronavirus. In
17 addition, amounts made available under sub-
18 paragraph (B) shall be used to provide rental
19 assistance to eligible Native Hawaiian families
20 both on and off the Hawaiian Home Lands.

21 (D) TIMING OF OBLIGATIONS.—Amounts
22 made available under this paragraph shall be
23 used, as necessary, to cover or reimburse allow-
24 able costs to prevent, prepare for, and respond
25 to coronavirus that are incurred by a recipient,

1 including for costs incurred as of January 21,
2 2020.

3 (E) WAIVERS.—Any provision of statute or
4 regulation used to administer amounts made
5 available under this paragraph (except for re-
6 quirements related to fair housing, non-
7 discrimination, labor standards, and the envi-
8 ronment), shall be waived upon a finding that
9 any such waivers or alternative requirements
10 are necessary to expedite or facilitate the use of
11 amounts made available under this paragraph.

12 (F) UNOBLIGATED AMOUNTS.—Amounts
13 made available under this paragraph which are
14 not accepted, are voluntarily returned, or other-
15 wise recaptured for any reason shall be used to
16 fund grants under paragraph (2).

17 (2) INDIAN COMMUNITY DEVELOPMENT BLOCK
18 GRANTS.—\$280,000,000 shall be available for grants
19 under title I of the Housing and Community Devel-
20 opment Act of 1974, subject to the following terms
21 and conditions:

22 (A) USE.—Amounts made available under
23 this paragraph shall be used, without competi-
24 tion, for emergencies that constitute imminent
25 threats to health and safety and are designed to

1 prevent, prepare for, and respond to
2 coronavirus.

3 (B) PLANNING.—Not to exceed 20 percent
4 of any grant made with funds made available
5 under this paragraph shall be expended for
6 planning and management development and ad-
7 ministration.

8 (C) TIMING OF OBLIGATIONS.—Amounts
9 made available under this paragraph shall be
10 used, as necessary, to cover or reimburse allow-
11 able costs to prevent, prepare for, and respond
12 to coronavirus incurred by a recipient, including
13 for costs incurred as of January 21, 2020.

14 (D) INAPPLICABILITY OF PUBLIC SERVICES
15 CAP.—Notwithstanding section 105(a)(8) of the
16 Housing and Community Development Act of
17 1974 (42 U.S.C. 5305(a)(8)), there shall be no
18 per centum limitation for the use of funds made
19 available under this paragraph for public serv-
20 ices activities to prevent, prepare for, and re-
21 spond to coronavirus.

22 (E) WAIVERS.—Any provision of any stat-
23 ute or regulation used to administer amounts
24 made available under this paragraph (except for
25 requirements related to fair housing, non-

1 discrimination, labor standards, and the envi-
2 ronment), shall be waived upon a finding that
3 any such waivers or alternative requirements
4 are necessary to expedite or facilitate the use of
5 amounts made available under this paragraph.

6 (3) TECHNICAL ASSISTANCE.—\$10,000,000
7 shall be used, without competition, to make new
8 awards or increase prior awards to existing technical
9 assistance providers to provide an immediate in-
10 crease in training and technical assistance to Indian
11 tribes, Indian housing authorities, and tribally des-
12 ignated housing entities for activities under this sec-
13 tion.

14 (4) OTHER COSTS.—\$5,000,000 shall be used
15 for the administrative costs to oversee and admin-
16 ister the implementation of this section, and pay for
17 associated information technology, financial report-
18 ing, and other costs.

19 **SEC. 4105. HOUSING COUNSELING.**

20 (a) APPROPRIATION.—In addition to amounts other-
21 wise available, there is appropriated to the Neighborhood
22 Reinvestment Corporation (in this section referred to as
23 the “Corporation”) for fiscal year 2021, out of any money
24 in the Treasury not otherwise appropriated,
25 \$100,000,000, to remain available until September 30,

1 2025, for grants to housing counseling intermediaries ap-
2 proved by the Department of Housing and Urban Devel-
3 opment, State housing finance agencies, and
4 NeighborWorks organizations for providing housing coun-
5 seling services, as authorized under the Neighborhood Re-
6 investment Corporation Act (42 U.S.C. 8101-8107) and
7 consistent with the discretion set forth in section
8 606(a)(5) of such Act (42 U.S.C. 8105(a)(5)) to design
9 and administer grant programs. Of the grant funds made
10 available under this subsection, not less than 40 percent
11 shall be provided to counseling organizations that—

12 (1) target housing counseling services to minor-
13 ity and low-income populations facing housing insta-
14 bility; or

15 (2) provide housing counseling services in
16 neighborhoods having high concentrations of minor-
17 ity and low-income populations.

18 (b) LIMITATION.—The aggregate amount provided to
19 NeighborWorks organizations under this section shall not
20 exceed 15 percent of the total of grant funds made avail-
21 able by subsection (a).

22 (c) ADMINISTRATION AND OVERSIGHT.—The Cor-
23 poration may retain a portion of the amounts provided
24 under this section, in a proportion consistent with its
25 standard rate for program administration in order to cover

1 its expenses related to program administration and over-
2 sight.

3 (d) HOUSING COUNSELING SERVICES DEFINED.—

4 For the purposes of this section, the term “housing coun-
5 seling services” means—

6 (1) housing counseling provided directly to
7 households facing housing instability, such as evic-
8 tion, default, foreclosure, loss of income, or home-
9 lessness;

10 (2) education, outreach, training, technology
11 upgrades, and other program related support; and

12 (3) operational oversight funding for grantees
13 and subgrantees that receive funds under this sec-
14 tion.

15 **SEC. 4106. HOMELESSNESS ASSISTANCE AND SUPPORTIVE**
16 **SERVICES PROGRAM.**

17 (a) APPROPRIATION.—In addition to amounts other-
18 wise available, there is appropriated for fiscal year 2021,
19 out of any money in the Treasury not otherwise appro-
20 priated, \$5,000,000,000, to remain available until Sep-
21 tember 30, 2025, except that amounts authorized under
22 subsection (d)(3) shall remain available until September
23 30, 2029, for assistance under title II of the Cranston-
24 Gonzalez National Affordable Housing Act (42 U.S.C.

1 12721 et seq.) for the following activities to primarily ben-
2 efit qualifying individuals or families:

3 (1) Tenant-based rental assistance.

4 (2) The development and support of affordable
5 housing pursuant to section 212(a) of the Cranston-
6 Gonzalez National Affordable Housing Act (42
7 U.S.C. 12742(a)) (“the Act” herein).

8 (3) Supportive services to qualifying individuals
9 or families not already receiving such supportive
10 services, including—

11 (A) activities listed in section 401(29) of
12 the McKinney-Vento Homeless Assistance Act
13 (42 U.S.C. 11360(29));

14 (B) housing counseling; and

15 (C) homeless prevention services.

16 (4) The acquisition and development of non-
17 congregate shelter units, all or a portion of which
18 may—

19 (A) be converted to permanent affordable
20 housing;

21 (B) be used as emergency shelter under
22 subtitle B of title IV of the McKinney-Vento
23 Homeless Assistance Act (42 U.S.C. 11371-
24 11378);

1 (C) be converted to permanent housing
2 under subtitle C of title IV of the McKinney-
3 Vento Homeless Assistance Act (42 U.S.C.
4 11381-11389); or

5 (D) remain as non-congregate shelter
6 units.

7 (b) QUALIFYING INDIVIDUALS OR FAMILIES DE-
8 FINED.—For the purposes of this section, qualifying indi-
9 viduals or families are those who are—

10 (1) homeless, as defined in section 103(a) of
11 the McKinney-Vento Homeless Assistance Act (42
12 U.S.C. 11302(a));

13 (2) at-risk of homelessness, as defined in sec-
14 tion 401(1) of the McKinney-Vento Homeless Assist-
15 ance Act (42 U.S.C. 11360(1));

16 (3) fleeing, or attempting to flee, domestic vio-
17 lence, dating violence, sexual assault, stalking, or
18 human trafficking;

19 (4) in other populations where providing sup-
20 portive services or assistance under section 212(a) of
21 the Act (42 U.S.C. 12742(a)) would prevent the
22 family's homelessness or would serve those with the
23 greatest risk of housing instability; or

1 (5) veterans and families that include a veteran
2 family member that meet one of the preceding cri-
3 teria.

4 (c) TERMS AND CONDITIONS.—

5 (1) FUNDING RESTRICTIONS.—The cost limits
6 in section 212(e) (42 U.S.C. 12742(e)), the commit-
7 ment requirements in section 218(g) (42 U.S.C.
8 12749(g)), the matching requirements in section 220
9 (42 U.S.C. 12750), and the set-aside for housing de-
10 veloped, sponsored, or owned by community housing
11 development organizations required in section 231 of
12 the Act (42 U.S.C. 12771) shall not apply for
13 amounts made available in this section.

14 (2) ADMINISTRATIVE COSTS.— Notwithstanding
15 sections 212(c) and (d)(1) of the Act (42 U.S.C.
16 12742(c) and (d)(1)), of the funds made available in
17 this section for carrying out activities authorized in
18 this section, a grantee may use up to fifteen percent
19 of its allocation for administrative and planning
20 costs.

21 (3) OPERATING EXPENSES.—Notwithstanding
22 sections 212(a) and (g) of the Act (42 U.S.C.
23 12742(a) and (g)), a grantee may use up to an addi-
24 tional five percent of its allocation for the payment
25 of operating expenses of community housing develop-

1 ment organizations and nonprofit organizations car-
2 rying out activities authorized under this section,
3 but only if—

4 (A) such funds are used to develop the ca-
5 pacity of the community housing development
6 organization or nonprofit organization in the ju-
7 risdiction or insular area to carry out activities
8 authorized under this section; and

9 (B) the community housing development
10 organization or nonprofit organization complies
11 with the limitation on assistance in section
12 234(b) of the Act (42 U.S.C. 12774(b)).

13 (4) CONTRACTING.—A grantee, when con-
14 tracting with service providers engaged directly in
15 the provision of services under paragraph (a)(3),
16 shall, to the extent practicable, enter into contracts
17 in amounts that cover the actual total program costs
18 and administrative overhead to provide the services
19 contracted.

20 (d) ALLOCATION.—

21 (1) FORMULA ASSISTANCE.—Except as pro-
22 vided in paragraphs (2) and (3), amounts made
23 available under this section shall be allocated pursu-
24 ant to section 217 of the Act (42 U.S.C. 12746) to
25 grantees that received allocations pursuant to that

1 same formula in fiscal year 2021, and such alloca-
2 tions shall be made within 30 days of enactment of
3 this Act.

4 (2) TECHNICAL ASSISTANCE.—Up to
5 \$25,000,000 of the amounts made available under
6 this section shall be used, without competition, to
7 make new awards or increase prior awards to exist-
8 ing technical assistance providers to provide an im-
9 mediate increase in capacity building and technical
10 assistance available to any grantees implementing
11 activities or projects consistent with this section.

12 (3) OTHER COSTS.—Up to \$50,000,000 of the
13 amounts made available under this section shall be
14 used for the administrative costs to oversee and ad-
15 minister implementation of this section and the
16 HOME program generally, including information
17 technology, financial reporting, and other costs.

18 (4) WAIVERS.—Any provision of any statute or
19 regulation used to administer the amounts made
20 available under this section (except for requirements
21 related to fair housing, nondiscrimination, labor
22 standards, and the environment), may be waived
23 upon a finding that any such waivers or alternative
24 requirements are necessary to expedite or facilitate
25 the use of amounts made available in this section.

1 **SEC. 4107. HOMEOWNER ASSISTANCE FUND.**

2 (a) APPROPRIATION.—In addition to amounts other-
3 wise available, there is appropriated to the Homeowner
4 Assistance Fund established under subsection (c) for fiscal
5 year 2021, out of any money in the Treasury not otherwise
6 appropriated, \$9,961,000,000, to remain available until
7 September 30, 2025, for qualified expenses that meet the
8 purposes specified under subsection (c) and expenses de-
9 scribed in subsection (d)(1).

10 (b) DEFINITIONS.—In this section:

11 (1) CONFORMING LOAN LIMIT.—The term “con-
12 forming loan limit” means the applicable limitation
13 governing the maximum original principal obligation
14 of a mortgage secured by a single-family residence,
15 a mortgage secured by a 2-family residence, a mort-
16 gage secured by a 3-family residence, or a mortgage
17 secured by a 4-family residence, as determined and
18 adjusted annually under section 302(b)(2) of the
19 Federal National Mortgage Association Charter Act
20 (12 U.S.C. 1717(b)(2)) and section 305(a)(2) of the
21 Federal Home Loan Mortgage Corporation Act (12
22 U.S.C. 1454(a)(2)).

23 (2) DWELLING.—The term “dwelling” means
24 any building, structure, or portion thereof which is
25 occupied as, or designed or intended for occupancy
26 as, a residence by one or more individuals.

1 (3) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means—

3 (A) a State; or

4 (B) any entity eligible for payment under
5 subsection (f).

6 (4) MORTGAGE.—The term “mortgage” means
7 any credit transaction—

8 (A) that is secured by a mortgage, deed of
9 trust, or other consensual security interest on a
10 principal residence of a borrower that is (i) a 1-
11 to 4-unit dwelling, or (ii) residential real prop-
12 erty that includes a 1- to 4-unit dwelling; and

13 (B) the unpaid principal balance of which
14 was, at the time of origination, not more than
15 the conforming loan limit.

16 (5) FUND.—The term “Fund” means the
17 Homeowner Assistance Fund established under sub-
18 section (c).

19 (6) SECRETARY.—The term “Secretary” means
20 the Secretary of the Treasury.

21 (7) STATE.—The term “State” means any
22 State of the United States, the District of Columbia,
23 the Commonwealth of Puerto Rico, Guam, American
24 Samoa, the United States Virgin Islands, and the
25 Commonwealth of the Northern Mariana Islands.

1 (c) ESTABLISHMENT OF FUND.—

2 (1) ESTABLISHMENT; QUALIFIED EXPENSES.—

3 There is established in the Department of the Treas-
4 ury a Homeowner Assistance Fund to mitigate fi-
5 nancial hardships associated with the coronavirus
6 pandemic by providing such funds as are appro-
7 priated by subsection (a) to eligible entities, and to
8 require an eligible entity that receives funds pursu-
9 ant to this section to periodically submit to the Sec-
10 retary a report that describes the activities carried
11 out by the eligible entity using the funds provided
12 under this section, for the purpose of preventing
13 homeowner mortgage delinquencies, defaults, fore-
14 closures, loss of utilities or home energy services,
15 and displacements of homeowners experiencing fi-
16 nancial hardship after January 21, 2020, through
17 qualified expenses related to mortgages and housing,
18 which include—

19 (A) mortgage payment assistance;

20 (B) financial assistance to allow a home-
21 owner to reinstate a mortgage or to pay other
22 housing related costs related to a period of for-
23 bearance, delinquency, or default;

24 (C) principal reduction;

25 (D) facilitating interest rate reductions;

- 1 (E) payment assistance for—
- 2 (i) utilities, including electric, gas,
- 3 and water;
- 4 (ii) internet service, including
- 5 broadband internet access service, as de-
- 6 fined in section 8.1(b) of title 47, Code of
- 7 Federal Regulations (or any successor reg-
- 8 ulation);
- 9 (iii) property taxes;
- 10 (iv) homeowner’s insurance, flood in-
- 11 surance, and mortgage insurance; and
- 12 (v) homeowner’s association, condo-
- 13 minium association fees, or common
- 14 charges;
- 15 (F) reimbursement of funds expended by a
- 16 State, local government, or designated entity
- 17 under subsection (e) during the period begin-
- 18 ning on January 21, 2020, and ending on the
- 19 date that the first funds are disbursed by the
- 20 eligible entity under the Homeowner Assistance
- 21 Fund, for the purpose of providing housing or
- 22 utility payment assistance to individuals or oth-
- 23 erwise providing funds to prevent foreclosure or
- 24 eviction of a homeowner or tenant or prevent
- 25 mortgage delinquency or loss of housing or util-

1 ities as a response to the coronavirus disease
2 (COVID) pandemic; and

3 (G) any other assistance to promote hous-
4 ing stability for homeowners, including pre-
5 venting eviction, mortgage delinquency or de-
6 fault, foreclosure, or the loss of utility or home
7 energy services, as determined by the Secretary.

8 (2) TARGETING.—Not less than 60 percent of
9 amounts made to each eligible entity allocated
10 amounts under subsection (d) or (f) shall be used
11 for qualified expenses that assist homeowners having
12 incomes equal to or less than 100 percent of the
13 area median income for their household size or equal
14 to or less than 100 percent of the median income for
15 the United States, as determined by the Secretary of
16 Housing and Urban Development, whichever is
17 greater. The eligible entity shall prioritize remaining
18 funds to populations or geographies experiencing the
19 greatest need.

20 (d) ALLOCATION OF FUNDS.—

21 (1) ADMINISTRATION.—Of any amounts made
22 available under this section, the Secretary shall re-
23 serve—

24 (A) to the Department of the Treasury, an
25 amount not to exceed \$40,000,000 to admin-

1 ister and oversee the Fund, and to provide tech-
2 nical assistance to eligible entities for the cre-
3 ation and implementation of State and tribal
4 programs to administer assistance from the
5 Fund; and

6 (B) to the Inspector General of the De-
7 partment of the Treasury, an amount to not ex-
8 ceed \$2,600,000 for oversight of the program
9 under this section.

10 (2) FOR STATES.—After the application of
11 paragraphs (1), (4), and (5) of this subsection and
12 subject to paragraph (3) of this subsection, the Sec-
13 retary shall establish such criteria as are necessary
14 to allocate the remaining funds available within the
15 Homeowner Assistance Fund to each State of the
16 United States, the District of Columbia, and the
17 Commonwealth of Puerto Rico, taking into consider-
18 ation, for such State relative to all States of the
19 United States, the District of Columbia, and the
20 Commonwealth of Puerto Rico, as of the date of the
21 enactment of this Act—

22 (A) the average number of unemployed in-
23 dividuals measured over a period of time not
24 fewer than 3 months and not more than 12
25 months;

1 (B) the total number or mortgagors with—

2 (i) mortgage payments that are more

3 than 30 days past due; or

4 (ii) mortgages in foreclosure.

5 (3) SMALL STATE MINIMUM.—

6 (A) IN GENERAL.—Each State of the
7 United States, the District of Columbia, and
8 the Commonwealth of Puerto Rico shall receive
9 no less than \$40,000,000 for the purposes es-
10 tablished in (c).

11 (B) PRO RATA ADJUSTMENTS.—The Sec-
12 retary shall adjust on a pro rata basis the
13 amount of the payments for each State of the
14 United States, the District of Columbia, and
15 the Commonwealth of Puerto Rico determined
16 under this subsection without regard to this
17 subparagraph to the extent necessary to comply
18 with the requirements of subparagraph (A).

19 (4) TERRITORY SET-ASIDE.—Notwithstanding
20 any other provision of this section, of the amounts
21 appropriated under subsection (a), the Secretary
22 shall reserve \$30,000,000 to be disbursed to Guam,
23 American Samoa, the United States Virgin Islands,
24 and the Commonwealth of the Northern Mariana Is-
25 lands based on each such territory's share of the

1 combined total population of all such territories, as
2 determined by the Secretary. For the purposes of
3 this paragraph, population shall be determined based
4 on the most recent year for which data are available
5 from the United States Census Bureau.

6 (5) TRIBAL SET-ASIDE.—The Secretary shall
7 allocate funds to any eligible entity designated under
8 subsection (f) pursuant to the requirements of that
9 subsection.

10 (e) DISTRIBUTION OF FUNDS TO STATES.—

11 (1) IN GENERAL.—The Secretary shall make
12 payments, beginning not later than 45 days after en-
13 actment of this Act, from amounts allocated under
14 subsection (d) to eligible entities that have notified
15 the Secretary that they request to receive payment
16 from the Fund and that the eligible entity will use
17 such payments in compliance with this section.

18 (2) REALLOCATION.—If a State does not re-
19 quest allocated funds by the 90th day after the date
20 of enactment of this Act, such State shall not be eli-
21 gible for a payment from the Secretary pursuant to
22 this section, and the Secretary shall reallocate any
23 funds that were not requested by such State among
24 the States that have requested funds by the 90th
25 day after the date of enactment of this Act. For any

1 such reallocation of funds, the Secretary shall ad-
2 here to the requirements of subsection (d), except
3 for paragraph (1), to the greatest extent possible,
4 provided that the Secretary shall also take into con-
5 sideration in determining such reallocation a State's
6 remaining need and a State's record of using pay-
7 ments from the Fund to serve homeowners at dis-
8 proportionate risk of mortgage default, foreclosure,
9 or displacement, including homeowners having in-
10 comes equal to or less than 100 percent of the area
11 median income for their household size or 100 per-
12 cent of the median income for the United States, as
13 determined by the Secretary of Housing and Urban
14 Development, whichever is greater, and minority
15 homeowners.

16 (f) TRIBAL SET-ASIDE.—

17 (1) SET-ASIDE.—Notwithstanding any other
18 provision of this section, of the amounts appro-
19 priated under subsection (a), the Secretary shall use
20 5 percent to make payments to entities that are eli-
21 gible for payments under clauses (i) and (ii) of sec-
22 tion 501(b)(2)(A) of subtitle A of title V of division
23 N of the Consolidated Appropriations Act, 2021
24 (Public Law 116-260) for the purposes described in
25 subsection (c).

1 (2) ALLOCATION AND PAYMENT.—The Sec-
2 retary shall allocate the funds set aside under para-
3 graph (1) using the allocation formulas described in
4 clauses (i) and (ii) of section 501(b)(2)(A) of sub-
5 title A of title V of division N of the Consolidated
6 Appropriations Act, 2021 (Public Law 116-260),
7 and shall make payments of such amounts beginning
8 no later than 45 days after enactment of this Act to
9 entities eligible for payment under clauses (i) and
10 (ii) of section 501(b)(2)(A) of subtitle A of title V
11 of division N of the Consolidated Appropriations
12 Act, 2021 (Public Law 116-260) that notify the Sec-
13 retary that they request to receive payments allo-
14 cated from the Fund by the Secretary for purposes
15 described under subsection (c) and will use such
16 payments in compliance with this section.

17 (3) ADJUSTMENT.—Allocations provided under
18 this subsection may be further adjusted as provided
19 by section 501(b)(2)(B) of subtitle A of title V of di-
20 vision N of the Consolidated Appropriations Act,
21 2021 (Public Law 116-260).

22 **SEC. 4108. RELIEF MEASURES FOR SECTION 502 AND 504 DI-**
23 **RECT LOAN BORROWERS.**

24 (a) APPROPRIATION.—In addition to amounts other-
25 wise available, there is appropriated for fiscal year 2021,

1 out of any money in the Treasury not otherwise appro-
2 priated, \$39,000,000, to remain available until September
3 30, 2023, for direct loans made under sections 502 and
4 504 of the Housing Act of 1949 (42 U.S.C. 1472, 1474).

5 (b) ADMINISTRATIVE EXPENSES.—The Secretary
6 may use not more than 3 percent of the amounts appro-
7 priated under this section for administrative purposes.

8 **Subtitle C—Small Business (SSBCI)**

9 **SEC. 4201. REAUTHORIZATION OF THE STATE SMALL BUSI-** 10 **NESS CREDIT INITIATIVE ACT OF 2010.**

11 (a) REAUTHORIZATION.—

12 (1) IN GENERAL.—The State Small Business
13 Credit Initiative Act of 2010 (12 U.S.C. 5701 et
14 seq.) is amended—

15 (A) in section 3003—

16 (i) in subsection (b)—

17 (I) by amending paragraph (1) to
18 read as follows:

19 “(1) IN GENERAL.—Not later than 30 days
20 after the date of enactment of subsection (d), the
21 Secretary shall allocate Federal funds to partici-
22 pating States so that each State is eligible to receive
23 an amount equal to what the State would receive
24 under the 2021 allocation, as determined under
25 paragraph (2).”;

1 (II) in paragraph (2)—

2 (aa) by striking “2009”
3 each place such term appears
4 and inserting “2021”;

5 (bb) by striking “2008”
6 each place such term appears
7 and inserting “2020”;

8 (cc) in subparagraph (A), by
9 striking “The Secretary” and in-
10 sserting “With respect to States
11 other than Tribal governments,
12 the Secretary”;

13 (dd) in subparagraph (C)(i),
14 by striking “2007” and inserting
15 “2019”; and

16 (ee) by adding at the end
17 the following:

18 “(C) SEPARATE ALLOCATION FOR TRIBAL
19 GOVERNMENTS.—

20 “(i) IN GENERAL.—With respect to
21 States that are Tribal governments, the
22 Secretary shall determine the 2021 alloca-
23 tion by allocating \$500,000,000 among the
24 Tribal governments in the proportion the
25 Secretary determines appropriate, includ-

1 ing with consideration to available employ-
2 ment and economic data regarding each
3 such Tribal government.

4 “(ii) NOTICE OF INTENT; TIMING OF
5 ALLOCATION.—With respect to allocations
6 to States that are Tribal governments, the
7 Secretary may—

8 “(I) require Tribal governments
9 that individually or jointly wish to
10 participate in the Program to file a
11 notice of intent with the Secretary not
12 later than 30 days after the date of
13 enactment of subsection (d); and

14 “(II) notwithstanding paragraph
15 (1), allocate Federal funds to partici-
16 pating Tribal governments not later
17 than 60 days after the date of enact-
18 ment of subsection (d).

19 “(D) EMPLOYMENT DATA.—If the Sec-
20 retary determines that employment data with
21 respect to a State is unavailable from the Bu-
22 reau of Labor Statistics of the Department of
23 Labor, the Secretary shall consider such other
24 economic and employment data that is other-

1 wise available for purposes of determining the
2 employment data of such State.”; and

3 (III) by striking paragraph (3);

4 and

5 (ii) in subsection (c)—

6 (I) in paragraph (1)(A)(iii), by
7 inserting before the period the fol-
8 lowing: “that have delivered loans or
9 investments to eligible businesses”;

10 and

11 (II) by amending paragraph (4)

12 to read as follows:

13 “(4) TERMINATION OF AVAILABILITY OF
14 AMOUNTS NOT TRANSFERRED.—

15 “(A) IN GENERAL.—Any portion of a par-
16 ticipating State’s allocated amount that has not
17 been transferred to the State under this section
18 may be deemed by the Secretary to be no longer
19 allocated to the State and no longer available to
20 the State and shall be returned to the general
21 fund of the Treasury or reallocated as described
22 under subparagraph (B), if—

23 “(i) the second $\frac{1}{3}$ of a State’s allo-
24 cated amount has not been transferred to
25 the State before the end of the end of the

1 3-year period beginning on the date that
2 the Secretary approves the State for par-
3 ticipation; or

4 “(ii) the last $\frac{1}{3}$ of a State’s allocated
5 amount has not been transferred to the
6 State before the end of the end of the 6-
7 year period beginning on the date that the
8 Secretary approves the State for partici-
9 pation.

10 “(B) REALLOCATION.—Any amount
11 deemed by the Secretary to be no longer allo-
12 cated to a State and no longer available to such
13 State under subparagraph (A) may be reallo-
14 cated by the Secretary to other participating
15 States. In making such a reallocation, the Sec-
16 retary shall not take into account the minimum
17 allocation requirements under subsection
18 (b)(2)(B) or the specific allocation for Tribal
19 governments described under subsection
20 (b)(2)(C).”;

21 (B) in section 3004(d), by striking “date
22 of enactment of this Act” each place it appears
23 and inserting “date of the enactment of section
24 3003(d)”;

1 (C) in section 3005(b), by striking “date of
2 enactment of this Act” each place it appears
3 and inserting “date of the enactment of section
4 3003(d)”;

5 (D) in section 3006(b)(4), by striking
6 “date of enactment of this Act” and inserting
7 “date of the enactment of section 3003(d)”;

8 (E) in section 3007(b), by striking “March
9 31, 2011” and inserting “March 31, 2022”;

10 (F) in section 3009, by striking “date of
11 enactment of this Act” each place it appears
12 and inserting “date of the enactment of section
13 3003(d)”;

14 (G) in section 3011(b), by striking “date
15 of the enactment of this Act” each place it ap-
16 pears and inserting “date of the enactment of
17 section 3003(d)”.

18 (2) APPROPRIATION.—

19 (A) IN GENERAL.—In addition to amounts
20 otherwise available, there is hereby appropriated
21 to the Secretary of the Treasury for fiscal year
22 2021, out of any money in the Treasury not
23 otherwise appropriated, \$10,000,000,000, to re-
24 main available until expended, to reauthorize,
25 expand, and enhance the State Small Business

1 Credit Initiative established under the State
2 Small Business Credit Initiative Act of 2010,
3 including to provide support to small businesses
4 responding to and recovering from the economic
5 effects of the COVID–19 pandemic, ensure
6 business enterprises owned and controlled by
7 socially and economically disadvantaged individ-
8 uals have access to credit and investments, pro-
9 vide technical assistance to help small busi-
10 nesses applying for various support programs,
11 and to pay reasonable costs of administering
12 such Initiative.

13 (B) RESCISSION.—With respect to
14 amounts appropriated under subparagraph
15 (A)—

16 (i) the Secretary of the Treasury shall
17 complete all disbursements and remaining
18 obligations before September 30, 2030;
19 and

20 (ii) any amounts that remain unex-
21 pended (whether obligated or unobligated)
22 on September 30, 2030, shall be rescinded
23 and deposited into the general fund of the
24 Treasury.

1 (b) ADDITIONAL ALLOCATIONS TO SUPPORT BUSI-
2 NESS ENTERPRISES OWNED AND CONTROLLED BY SO-
3 CIALY AND ECONOMICALLY DISADVANTAGED INDIVID-
4 UALS.—Section 3003 of the State Small Business Credit
5 Initiative Act of 2010 (12 U.S.C. 5702) is amended by
6 adding at the end the following:

7 “(d) ADDITIONAL ALLOCATIONS TO SUPPORT BUSI-
8 NESS ENTERPRISES OWNED AND CONTROLLED BY SO-
9 CIALY AND ECONOMICALLY DISADVANTAGED INDIVID-
10 UALS.—Of the amounts appropriated for fiscal year 2021
11 to carry out the Program, the Secretary shall—

12 “(1) ensure that \$1,500,000,000 from funds al-
13 located under this section shall be allocated to States
14 to be expended for business enterprises owned and
15 controlled by socially and economically disadvan-
16 taged individuals;

17 “(2) allocate such amounts to States based on
18 the needs of business enterprises owned and con-
19 trolled by socially and economically disadvantaged
20 individuals, as determined by the Secretary, in each
21 State, and not subject to the allocation formula de-
22 scribed under subsection (b);

23 “(3) oversee the States’ use of these funds to
24 ensure they directly support business enterprises

1 owned and controlled by socially and economically
2 disadvantaged individuals; and

3 “(4) establish a minimum amount of support
4 that a State shall provide to business enterprises
5 owned and controlled by socially and economically
6 disadvantaged individuals.

7 “(e) INCENTIVE ALLOCATIONS TO SUPPORT BUSI-
8 NESS ENTERPRISES OWNED AND CONTROLLED BY SO-
9 CIALY AND ECONOMICALLY DISADVANTAGED INDIVID-
10 UALS.—Of the amounts appropriated for fiscal year 2021
11 to carry out the Program, the Secretary shall set aside
12 \$1,000,000,000 for an incentive program under which the
13 Secretary shall increase the second $\frac{1}{3}$ and last $\frac{1}{3}$ alloca-
14 tions for States that demonstrate robust support, as deter-
15 mined by the Secretary, for business concerns owned and
16 controlled by socially and economically disadvantaged indi-
17 viduals in the deployment of prior allocation amounts.”.

18 (c) ADDITIONAL ALLOCATIONS TO SUPPORT VERY
19 SMALL BUSINESSES.—Section 3003 of the State Small
20 Business Credit Initiative Act of 2010 (12 U.S.C. 5702),
21 as amended by subsection (b), is further amended by add-
22 ing at the end the following:

23 “(f) ADDITIONAL ALLOCATIONS TO SUPPORT VERY
24 SMALL BUSINESSES.—

1 “(1) IN GENERAL.—Of the amounts appro-
2 priated to carry out the Program, the Secretary
3 shall ensure that not less than \$500,000,000 from
4 funds allocated under this section shall be expended
5 for very small businesses.

6 “(2) VERY SMALL BUSINESS DEFINED.—In this
7 subsection, the term ‘very small business’—

8 “(A) means a business with fewer than 10
9 employees; and

10 “(B) may include independent contractors
11 and sole proprietors.”.

12 (d) CDFI AND MDI PARTICIPATION PLAN.—Section
13 3004 of the State Small Business Credit Initiative Act of
14 2010 (12 U.S.C. 5703) is amended by adding at the end
15 the following:

16 “(e) CDFI AND MDI PARTICIPATION PLAN.—The
17 Secretary may not approve a State to be a participating
18 State unless the State has provided the Secretary with a
19 plan detailing how minority depository institutions and
20 community development financial institutions will be en-
21 couraged to participate in State programs.”.

22 (e) PANDEMIC RESPONSE PLAN.—Section 3004 of
23 the State Small Business Credit Initiative Act of 2010 (12
24 U.S.C. 5703), as amended by subsection (c), is further
25 amended by adding at the end the following:

1 “(f) PANDEMIC RESPONSE PLAN.—The Secretary
2 may not approve a State to be a participating State unless
3 the State has provided the Secretary with a description
4 of how the State will expeditiously utilize funds to support
5 small businesses, including business enterprises owned and
6 controlled by socially and economically disadvantaged indi-
7 viduals, in responding to and recovering from the eco-
8 nomic effects of the COVID–19 pandemic.”.

9 (f) TECHNICAL ASSISTANCE.—Section 3009 of the
10 State Small Business Credit Initiative Act of 2010 (12
11 U.S.C. 5708) is amended by adding at the end the fol-
12 lowing:

13 “(e) TECHNICAL ASSISTANCE.—Of the amounts ap-
14 propriated for fiscal year 2021 to carry out the Program,
15 \$500,000,000 may be used by the Secretary to—

16 “(1) provide funds to States to carry out a
17 technical assistance plan under which a State will
18 provide legal, accounting, and financial advisory
19 services, either directly or contracted with legal, ac-
20 counting, and financial advisory firms, with priority
21 given to business enterprises owned and controlled
22 by socially and economically disadvantaged individ-
23 uals, to very small businesses and business enter-
24 prises owned and controlled by socially and economi-
25 cally disadvantaged individuals applying for—

1 “(A) State programs under the Program;
2 and

3 “(B) other State or Federal programs that
4 support small businesses;

5 “(2) transfer amounts to the Minority Business
6 Development Agency, so that the Agency may use
7 such amounts in a manner the Agency determines
8 appropriate, including through contracting with
9 third parties, to provide technical assistance to busi-
10 ness enterprises owned and controlled by socially
11 and economically disadvantaged individuals applying
12 to—

13 “(A) State programs under the Program;
14 and

15 “(B) other State or Federal programs that
16 support small businesses; and

17 “(3) contract with legal, accounting, and finan-
18 cial advisory firms (with priority given to business
19 enterprises owned and controlled by socially and eco-
20 nomically disadvantaged individuals), to provide
21 technical assistance to business enterprises owned
22 and controlled by socially and economically disadvan-
23 taged individuals applying to—

24 “(A) State programs under the Program;
25 and

1 “(B) other State or Federal programs that
2 support small businesses.”.

3 (g) MULTI-STATE PARTICIPATION PROGRAM.—Sec-
4 tion 3009 of the State Small Business Credit Initiative
5 Act of 2010 (12 U.S.C. 5708), as amended by subsection
6 (d)(2), is further amended by adding at the end the fol-
7 lowing:

8 “(f) MULTI-STATE PARTICIPATION PROGRAM.—The
9 Secretary may establish a multi-State participation pro-
10 gram under which—

11 “(1) the Secretary determines which State pro-
12 grams are similar to each other, with respect to eli-
13 gibility criteria and such other criteria as the Sec-
14 retary determines appropriate; and

15 “(2) a State may elect to automatically deem a
16 person eligible for a State program if the person is
17 already participating in another State’s State pro-
18 gram that the Secretary has determined is similar
19 under paragraph (1).”.

20 (h) APPROVAL OF MULTI-STATE PROGRAMS.—Sec-
21 tion 3004 of the State Small Business Credit Initiative
22 Act of 2010 (12 U.S.C. 5703), as amended by subsection
23 (d), is further amended by adding at the end the following:

24 “(g) APPROVAL OF MULTI-STATE PROGRAMS.—In
25 approving State programs under section 3005 or 3006,

1 the Secretary may approve a State program carried out
2 jointly by more than one State.”.

3 (i) PREDATORY LENDING PROHIBITED.—Section
4 3004 of the State Small Business Credit Initiative Act of
5 2010 (15 U.S.C. 5702), as amended by subsection (g),
6 is further amended by adding at the end the following:

7 “(h) PREDATORY LENDING PROHIBITED.—The Sec-
8 retary may not approve a State to be a participating State
9 unless the State has agreed that no lending activity sup-
10 ported by amounts received by the State under the Pro-
11 gram would result in predatory lending, as determined by
12 the Secretary.”.

13 (j) INCLUSION OF TRIBAL GOVERNMENTS.—Section
14 3002(10) of the State Small Business Credit Initiative Act
15 of 2010 (12 U.S.C. 5701(10)) is amended—

16 (1) in subparagraph (C), by striking “and” at
17 the end;

18 (2) in subparagraph (D), by striking the period
19 at the end and inserting “; and”; and

20 (3) by adding at the end the following:

21 “(E) a Tribal government, or a group of
22 Tribal governments that jointly apply for an al-
23 location.”.

1 (k) DEFINITIONS.—Section 3002 of the State Small
2 Business Credit Initiative Act of 2010 (12 U.S.C. 5701)
3 is amended by adding at the end the following:

4 “(15) BUSINESS ENTERPRISE OWNED AND CON-
5 TROLLED BY SOCIALLY AND ECONOMICALLY DIS-
6 ADVANTAGED INDIVIDUALS.—The term ‘business en-
7 terprise owned and controlled by socially and eco-
8 nomically disadvantaged individuals’ means a busi-
9 ness that—

10 “(A) if privately owned, 51 percent is
11 owned by one or more socially and economically
12 disadvantaged individuals;

13 “(B) if publicly owned, 51 percent of the
14 stock is owned by one or more socially and eco-
15 nomically disadvantaged individuals; and

16 “(C) in the case of a mutual institution, a
17 majority of the Board of Directors, account
18 holders, and the community which the institu-
19 tion services is predominantly comprised of so-
20 cially and economically disadvantaged individ-
21 uals.

22 “(16) COMMUNITY DEVELOPMENT FINANCIAL
23 INSTITUTION.—The term ‘community development
24 financial institution’ has the meaning given that
25 term under section 103 of the Riegle Community

1 Development and Regulatory Improvement Act of
2 1994.

3 “(17) MINORITY DEPOSITORY INSTITUTION.—
4 The term ‘minority depository institution’ has the
5 meaning given that term under section 308(b) of the
6 Financial Institutions Reform, Recovery, and En-
7 forcement Act of 1989.

8 “(18) SOCIALLY AND ECONOMICALLY DIS-
9 ADVANTAGED INDIVIDUAL.—The term ‘socially and
10 economically disadvantaged individual’ means an in-
11 dividual who is a socially disadvantaged individual or
12 an economically disadvantaged individual, as such
13 terms are defined, respectively, under section 8 of
14 the Small Business Act (15 U.S.C. 637) and the
15 regulations thereunder.

16 “(19) TRIBAL GOVERNMENT.—The term ‘Tribal
17 government’ means a government of an Indian Tribe
18 listed on the list of recognized Tribes published by
19 the Secretary of the Interior under section 104 of
20 the Federally Recognized Indian Tribe List Act of
21 1994 (25 U.S.C. 5131).”

22 (l) RULE OF APPLICATION.—The amendments made
23 by this section shall apply with respect to funds appro-
24 priated under this section and funds appropriated on and
25 after the date of enactment of this section.

1 **Subtitle D—Airlines**

2 **SEC. 4301. AIR TRANSPORTATION PAYROLL SUPPORT PRO-**
3 **GRAM EXTENSION.**

4 (a) DEFINITIONS.—The definitions in section
5 40102(a) of title 49, United States Code, shall apply with
6 respect to terms used in this section, except that—

7 (1) the term “catering functions” means prepa-
8 ration, assembly, or both, of food, beverages, provi-
9 sions and related supplies for delivery, and the deliv-
10 ery of such items, directly to aircraft or to a location
11 on or near airport property for subsequent delivery
12 to aircraft;

13 (2) the term “contractor” means—

14 (A) a person that performs, under contract
15 with a passenger air carrier conducting oper-
16 ations under part 121 of title 14, Code of Fed-
17 eral Regulations—

18 (i) catering functions; or

19 (ii) functions on the property of an
20 airport that are directly related to the air
21 transportation of persons, property, or
22 mail, including the loading and unloading
23 of property on aircraft, assistance to pas-
24 sengers under part 382 of title 14, Code of
25 Federal Regulations, security, airport

1 ticketing and check-in functions, ground-
2 handling of aircraft, or aircraft cleaning
3 and sanitization functions and waste re-
4 moval; or

5 (B) a subcontractor that performs such
6 functions;

7 (3) the term “employee” means an individual,
8 other than a corporate officer, who is employed by
9 an air carrier or a contractor;

10 (4) the term “eligible air carrier” means an air
11 carrier that—

12 (A) received financial assistance pursuant
13 section 402(a)(1) of division N of the Consoli-
14 dated Appropriations Act, 2021 (Public Law
15 116-260);

16 (B) provides air transportation as of
17 March 31, 2021;

18 (C) has not conducted involuntary fur-
19 loughs or reduced pay rates or benefits between
20 March 31, 2021, and the date on which the air
21 carrier makes a certification to the Secretary
22 pursuant to subparagraph (D); and

23 (D) certifies to the Secretary that such air
24 carrier will—

1 (i) refrain from conducting involun-
2 tary furloughs or reducing pay rates or
3 benefits until September 30, 2021, or the
4 date on which assistance provided under
5 this section is exhausted, whichever is
6 later;

7 (ii) refrain from purchasing an equity
8 security of the air carrier or the parent
9 company of the air carrier that is listed on
10 a national securities exchange through
11 September 30, 2022;

12 (iii) refrain from paying dividends, or
13 making other capital distributions, with re-
14 spect to common stock (or equivalent inter-
15 est) of such air carrier through September
16 30, 2022;

17 (iv) during the 2-year period begin-
18 ning April 1, 2021, and ending April 1,
19 2023, refrain from paying—

20 (I) any officer or employee of the
21 air carrier whose total compensation
22 exceeded \$425,000 in calendar year
23 2019 (other than an employee whose
24 compensation is determined through
25 an existing collective bargaining

1 agreement entered into prior to the
2 date of enactment of this Act)—

3 (aa) total compensation that
4 exceeds, during any 12 consecu-
5 tive months of such 2-year pe-
6 riod, the total compensation re-
7 ceived by the officer or employee
8 from the air carrier in calendar
9 year 2019; or

10 (bb) severance pay or other
11 benefits upon termination of em-
12 ployment with the air carrier
13 which exceeds twice the max-
14 imum total compensation re-
15 ceived by the officer or employee
16 from the air carrier in calendar
17 year 2019; and

18 (II) any officer or employee of
19 the air carrier whose total compensa-
20 tion exceeded \$3,000,000 in calendar
21 year 2019 during any 12 consecutive
22 months of such period total compensa-
23 tion in excess of the sum of—

24 (aa) \$3,000,000; and

1 (bb) 50 percent of the excess
2 over \$3,000,000 of the total com-
3 pensation received by the officer
4 or employee from the air carrier
5 in calendar year 2019.

6 (5) the term “eligible contractor” means a con-
7 tractor that—

8 (A) received financial assistance pursuant
9 to section 402(a)(2) of division N of the Con-
10 solidated Appropriations Act, 2021 (Public Law
11 116-260);

12 (B) performs one or more of the functions
13 described under paragraph (2) as of March 31,
14 2021;

15 (C) has not conducted involuntary fur-
16 loughs or reduced pay rates or benefits between
17 March 31, 2021, and the date on which the
18 contractor makes a certification to the Sec-
19 retary pursuant to subparagraph (D); and

20 (D) certifies to the Secretary that such
21 contractor will—

22 (i) refrain from conducting involun-
23 tary furloughs or reducing pay rates or
24 benefits until September 30, 2021, or the
25 date on which assistance provided under

1 this section is exhausted, whichever is
2 later;

3 (ii) refrain from purchasing an equity
4 security of the contractor or the parent
5 company of the contractor that is listed on
6 a national securities exchange through
7 September 30, 2022;

8 (iii) refrain from paying dividends, or
9 making other capital distributions, with re-
10 spect to common stock (or equivalent inter-
11 est) of the contractor through September
12 30, 2022;

13 (iv) during the 2-year period begin-
14 ning April 1, 2021, and ending April 1,
15 2023, refrain from paying—

16 (I) any officer or employee of the
17 contractor whose total compensation
18 exceeded \$425,000 in calendar year
19 2019 (other than an employee whose
20 compensation is determined through
21 an existing collective bargaining
22 agreement entered into prior to the
23 date of enactment of this Act)—

24 (aa) total compensation that
25 exceeds, during any 12 consecu-

1 tive months of such 2-year pe-
2 riod, the total compensation re-
3 ceived by the officer or employee
4 from the contractor in calendar
5 year 2019; or

6 (bb) severance pay or other
7 benefits upon termination of em-
8 ployment with the contractor
9 which exceeds twice the max-
10 imum total compensation re-
11 ceived by the officer or employee
12 from the contractor in calendar
13 year 2019; and

14 (II) any officer or employee of
15 the contractor whose total compensa-
16 tion exceeded \$3,000,000 in calendar
17 year 2019 during any 12 consecutive
18 months of such period total compensa-
19 tion in excess of the sum of—

20 (aa) \$3,000,000; and

21 (bb) 50 percent of the excess
22 over \$3,000,000 of the total com-
23 pensation received by the officer
24 or employee from the contractor
25 in calendar year 2019.

1 (6) the term “Secretary” means the Secretary
2 of the Treasury.

3 (b) PAYROLL SUPPORT GRANTS.—

4 (1) IN GENERAL.—To preserve aviation jobs
5 and compensate air carrier industry workers, the
6 Secretary shall make available to eligible air carriers
7 and eligible contractors, financial assistance exclu-
8 sively for the continuation of payment of employee
9 wages, salaries, and benefits to—

10 (A) eligible air carriers, in an aggregate
11 amount of \$14,000,000,000; and

12 (B) eligible contractors, in an aggregate
13 amount of \$1,000,000,000.

14 (2) APPORTIONMENTS.—

15 (A) IN GENERAL.—The Secretary shall ap-
16 portion funds to eligible air carriers and eligible
17 contractors in accordance with the requirements
18 of this section not later than April 15, 2021.

19 (B) ELIGIBLE AIR CARRIERS.—The Sec-
20 retary shall apportion funds made available
21 under paragraph (1)(A) to each eligible air car-
22 rier in the ratio that—

23 (i) the amount received by the air car-
24 rier pursuant to section 403(a) of division

1 N of the Consolidated Appropriations Act,
2 2021 (Public Law 116-260) bears to
3 (ii) \$15,000,000,000.

4 (C) ELIGIBLE CONTRACTORS.—The Sec-
5 retary shall apportion, to each eligible con-
6 tractor, an amount equal to the total amount
7 such contractor received pursuant to section
8 403(a) of division N of the Consolidated Appro-
9 priations Act, 2021 (Public Law 116-260).

10 (3) IN GENERAL.—

11 (A) FORMS; TERMS AND CONDITIONS.—
12 The Secretary shall provide financial assistance
13 to an eligible air carrier or eligible contractor
14 under this section in the same form and on the
15 same terms and conditions as determined by
16 pursuant to section 403(b)(1)(A) of subtitle A
17 of title IV of division N of the Consolidated Ap-
18 propriations Act, 2021 (Pub. L. No. 116-260).

19 (B) PROCEDURES.—The Secretary shall
20 publish streamlined and expedited procedures
21 not later than 5 days after the date of enact-
22 ment of this section for eligible air carriers and
23 eligible contractors to submit requests for fi-
24 nancial assistance under this section.

1 (C) DEADLINE FOR IMMEDIATE PAYROLL
2 ASSISTANCE.—Not later than 10 days after the
3 date of enactment of this section, the Secretary
4 shall make initial payments to air carriers and
5 contractors that submit requests for financial
6 assistance approved by the Secretary.

7 (4) TAXPAYER PROTECTION.—The Secretary
8 shall receive financial instruments issued by recipi-
9 ents of financial assistance under this section in the
10 same form and amount, and under the same terms
11 and conditions, as determined by the Secretary
12 under section 408 of subtitle A of title IV of division
13 N of the Consolidated Appropriations Act, 2021
14 (Pub. L. No. 116-260).

15 (5) ADMINISTRATIVE EXPENSES.—Of the
16 amounts made available under paragraph (1)(A),
17 \$10,000,000 shall be made available to the Sec-
18 retary for costs and administrative expenses associ-
19 ated with providing financial assistance under this
20 section.

21 (c) FUNDING.—In addition to amounts otherwise
22 available, there is appropriated for fiscal year 2021, out
23 of any money in the Treasury not otherwise appropriated,
24 \$15,000,000,000, to remain available until expended, to
25 carry out this section.

1 **TITLE V—COMMITTEE ON**
2 **OVERSIGHT AND REFORM**
3 **Subtitle A—Coronavirus State and**
4 **Local Fiscal Recovery Funds**

5 **SEC. 5001. CORONAVIRUS STATE AND LOCAL FISCAL RE-**
6 **COVERY FUNDS.**

7 (a) IN GENERAL.—Title VI of the Social Security Act
8 (42 U.S.C. 801 et seq.) is amended by adding at the end
9 the following:

10 **“SEC. 602. CORONAVIRUS STATE FISCAL RECOVERY FUND.**

11 “(a) APPROPRIATION.—In addition to amounts oth-
12 erwise available, there is appropriated for fiscal year 2021,
13 out of any money in the Treasury not otherwise appro-
14 priated, \$219,800,000,000, to remain available until ex-
15 pended, for making payments under this section to States,
16 territories, and Tribal governments to mitigate the fiscal
17 effects stemming from the public health emergency with
18 respect to the Coronavirus Disease (COVID–19).

19 “(b) AUTHORITY TO MAKE PAYMENTS.—

20 “(1) PAYMENTS TO TERRITORIES.—

21 “(A) IN GENERAL.—The Secretary shall
22 reserve \$4,500,000,000 of the amount appro-
23 priated under subsection (a) to make payments
24 to the territories.

1 “(B) ALLOCATION.—Of the amount re-
2 served under subparagraph (A)—

3 “(i) 50 percent of such amount shall
4 be allocated by the Secretary equally
5 among each territory; and

6 “(ii) 50 percent of such amount shall
7 be allocated by the Secretary as an addi-
8 tional amount to each territory in an
9 amount which bears the same proportion
10 to $\frac{1}{2}$ of the total amount reserved under
11 subparagraph (A) as the relative popu-
12 lation of the territory bears to the total
13 population of all such territories.

14 “(C) PAYMENT.—The Secretary shall pay
15 each territory the total of the amounts allocated
16 for the territory under subparagraph (B).

17 “(2) PAYMENTS TO TRIBAL GOVERNMENTS.—

18 “(A) IN GENERAL.—The Secretary shall
19 reserve \$20,000,000,000 of the amount appro-
20 priated under subsection (a) to make payments
21 to Tribal governments.

22 “(B) ALLOCATION.—Of the amount re-
23 served under subparagraph (A)—

1 “(i) \$1,000,000,000 shall be allocated
2 by the Secretary equally among each Trib-
3 al government; and

4 “(ii) \$19,000,000,000 shall be allo-
5 cated by the Secretary among each Tribal
6 government in an amount determined by
7 the Secretary.

8 “(C) PAYMENT.— The Secretary shall pay
9 each Tribal government the total of the
10 amounts allocated for the Tribal government
11 under subparagraph (B).

12 “(3) PAYMENTS TO EACH OF THE 50 STATES
13 AND THE DISTRICT OF COLUMBIA.—

14 “(A) IN GENERAL.—The Secretary shall
15 reserve \$195,300,000,000 of the amount appro-
16 priated under subsection (a) to make payments
17 to each of the 50 States and the District of Co-
18 lumbia.

19 “(B) ALLOCATIONS.—Of the amount re-
20 served under subparagraph (A)—

21 “(i) \$25,500,000,000 of such amount
22 shall be allocated by the Secretary equally
23 among each of the 50 States and the Dis-
24 trict of Columbia;

1 “(ii) an amount equal to
2 \$1,250,000,000 less the amount allocated
3 for the District of Columbia pursuant to
4 section 601(c)(6) shall allocated by the
5 Secretary as an additional amount to the
6 District of Columbia; and

7 “(iii) an amount equal to the remain-
8 der of the amount reserved under subpara-
9 graph (A) after the application of clauses
10 (i) and (ii) of this subparagraph shall be
11 allocated by the Secretary as an additional
12 amount to each of the 50 States and the
13 District of Columbia in an amount which
14 bears the same proportion to such remain-
15 der as the average estimated number of
16 seasonally-adjusted unemployed individuals
17 (as measured by the Bureau of Labor Sta-
18 tistics Local Area Unemployment Statistics
19 program) in the State or District of Co-
20 lumbia over the 3-month period ending in
21 December 2020 bears to the average esti-
22 mated number of seasonally-adjusted un-
23 employed individuals in all of the 50 States
24 and the District of Columbia over the same
25 period.

1 “(C) PAYMENT.—The Secretary shall pay
2 each of the 50 States and the District of Co-
3 lumbia the total of the amounts allocated for
4 the State and District of Columbia under sub-
5 paragraph (B).

6 “(4) POPULATION DATA.—For purposes of de-
7 termining allocations for a State or territory under
8 this section, the population of the State or territory
9 shall be determined based on the most recent data
10 available from the Bureau of the Census.

11 “(5) TIMING.—

12 “(A) IN GENERAL.—Subject to subpara-
13 graph (B), to the extent practicable, with re-
14 spect to each State, territory, and Tribal gov-
15 ernment allocated a payment under this sub-
16 section, the Secretary shall make the payment
17 required for the State, territory, or Tribal gov-
18 ernment (as applicable) not later than 60 days
19 after the date on which the certification re-
20 quired under subsection (d) is provided to the
21 Secretary.

22 “(B) EXCEPTION.—With respect to the
23 amount allocated to the District of Columbia
24 under paragraph (3)(B)(ii)—

1 “(i) the Secretary shall pay such
2 amount to the District of Columbia not
3 later than 15 days after the date of enact-
4 ment of this section; and

5 “(ii) the District of Columbia shall
6 not be required to submit a certification
7 under subsection (d) as a condition for re-
8 ceiving such payment.

9 “(6) PRO RATA ADJUSTMENT AUTHORITY.—
10 The amounts otherwise determined for allocation
11 and payment under paragraphs (1), (2), and (3)
12 may be adjusted by the Secretary on a pro rata
13 basis to the extent necessary to ensure that all avail-
14 able funds are distributed to territories, Tribal gov-
15 ernments, and States in accordance with the require-
16 ments specified in each paragraph (as applicable)
17 and the certification requirement specified in sub-
18 section (d).

19 “(c) REQUIREMENTS.—

20 “(1) USE OF FUNDS.—A State, territory, or
21 Tribal government shall only use the funds provided
22 under a payment made under this section to—

23 “(A) respond to or mitigate the public
24 health emergency with respect to the

1 Coronavirus Disease 2019 (COVID–19) or its
2 negative economic impacts;

3 “(B) cover costs incurred as a result of
4 such emergency;

5 “(C) replace revenue that was lost, de-
6 layed, or decreased (as determined based on
7 revenue projections for the State, Tribal Gov-
8 ernment, or territory as of January 27, 2020)
9 as a result of such emergency; or

10 “(D) address the negative economic im-
11 pacts of such emergency.

12 “(2) TRANSFER AUTHORITY.—A State, terri-
13 tory, or Tribal government receiving a payment from
14 funds made available under this section may transfer
15 funds to a private nonprofit organization (as that
16 term is defined in paragraph (17) of section 401 of
17 the McKinney-Vento Homeless Assistance Act (42
18 U.S.C. 11360(17)), a public benefit corporation in-
19 volved in the transportation of passengers or cargo,
20 a special-purpose unit of State or local government,
21 or a multi-State entity involved in the transportation
22 of passengers or cargo.

23 “(d) CERTIFICATION OF NEED AND INTENDED
24 USES.—In order to receive a payment under this section
25 (other than the payment made in accordance with sub-

1 section (b)(5)(B)), a State, territory, or Tribal govern-
2 ment shall provide the Secretary with a certification
3 signed by the authorized officer of such State, territory,
4 or Tribal government, that—

5 “(1) such State, territory, or Tribal government
6 requires Federal assistance under this section to ef-
7 fectively carry out the activities specified in sub-
8 section (c); and

9 “(2) such State, territory, or Tribal govern-
10 ment’s intended uses of any payment under this sec-
11 tion are consistent with subsection (c).

12 “(e) DEFINITIONS.—In this section:

13 “(1) SECRETARY.—The term ‘Secretary’ means
14 the Secretary of the Treasury.

15 “(2) STATE.—The term ‘State’ means each of
16 the 50 States and the District of Columbia.

17 “(3) TERRITORY.—The term ‘territory’ means
18 the Commonwealth of Puerto Rico, the United
19 States Virgin Islands, Guam, the Commonwealth of
20 the Northern Mariana Islands, and American
21 Samoa.

22 “(4) TRIBAL GOVERNMENT.—The term ‘Tribal
23 Government’ means the recognized governing body
24 of any Indian or Alaska Native tribe, band, nation,
25 pueblo, village, community, component band, or com-

1 ponent reservation, individually identified (including
2 parenthetically) in the list published most recently as
3 of the date of enactment of this Act pursuant to sec-
4 tion 104 of the Federally Recognized Indian Tribe
5 List Act of 1994 (25 U.S.C. 5131).

6 **“SEC. 603. CORONAVIRUS LOCAL FISCAL RECOVERY FUND.**

7 “(a) APPROPRIATION.—In addition to amounts oth-
8 erwise available, there is appropriated for fiscal year 2021,
9 out of any money in the Treasury not otherwise appro-
10 priated, \$130,200,000,000, to remain available until ex-
11 pended, for making payments under this section to metro-
12 politan cities, nonentitlement units of local government,
13 and counties to mitigate the fiscal effects stemming from
14 the public health emergency with respect to the
15 Coronavirus Disease (COVID–19).

16 “(b) AUTHORITY TO MAKE PAYMENTS.—

17 “(1) METROPOLITAN CITIES.—

18 “(A) IN GENERAL.—Of the amount appro-
19 priated under subsection (a), the Secretary
20 shall reserve \$45,570,000,000 to make pay-
21 ments to metropolitan cities.

22 “(B) ALLOCATION AND PAYMENT.—From
23 the amount reserved under subparagraph (A),
24 the Secretary shall allocate and pay to each
25 metropolitan city an amount determined for the

1 metropolitan city pursuant to the formula
2 under section 106(b)(1) of the Housing and
3 Community Development Act of 1974 (42
4 U.S.C. 5306(b)(1)), except that, in applying
5 such formula, the Secretary shall substitute ‘all
6 metropolitan cities’ for ‘all metropolitan areas’
7 each place it appears.

8 “(2) NONENTITLEMENT UNITS OF LOCAL GOV-
9 ERNMENT.—

10 “(A) IN GENERAL.—Of the amount appro-
11 priated under subsection (a), the Secretary
12 shall reserve \$19,530,000,000 to make pay-
13 ments to States for distribution by the State to
14 nonentitlement units of local government in the
15 State.

16 “(B) ALLOCATION AND PAYMENT.—From
17 the amount reserved under subparagraph (A),
18 the Secretary shall allocate and pay to each
19 State an amount which bears the same propor-
20 tion to such reserved amount as the total popu-
21 lation of all nonentitlement units of local gov-
22 ernment in the State bears to the total popu-
23 lation of all nonentitlement units of local gov-
24 ernment in all such States.

1 “(C) DISTRIBUTION TO NONENTITLEMENT
2 UNITS OF LOCAL GOVERNMENT.—

3 “(i) IN GENERAL.—Not later than 30
4 days after a State receives a payment
5 under subparagraph (B), the State shall
6 distribute to each nonentitlement unit of
7 local government in the State an amount
8 that bears the same proportion to the
9 amount of such payment as the population
10 of the nonentitlement unit of local govern-
11 ment bears to the total population of all
12 the nonentitlement units of local govern-
13 ment in the State, subject to clause (iii).

14 “(ii) DISTRIBUTION OF FUNDS.—

15 “(I) EXTENSION FOR DISTRIBUTION.—If an authorized officer of a
16 State required to make distributions
17 under clause (i) certifies in writing to
18 the Secretary before the end of the
19 30-day distribution period described
20 in such clause that it would constitute
21 an excessive administrative burden for
22 the State to meet the terms of such
23 clause with respect to 1 or more such
24 distributions, the authorized officer
25

1 may request, and the Secretary shall
2 grant, an extension of such period of
3 not more than 30 days to allow the
4 State to make such distributions in
5 accordance with clause (i).

6 “(II) ADDITIONAL EXTEN-
7 SIONS.—

8 “(aa) IN GENERAL.—If a
9 State has been granted an exten-
10 sion to the distribution period
11 under subclause (I) but is unable
12 to make all the distributions re-
13 quired under clause (i) before the
14 end of such period as extended,
15 the authorized officer of the
16 State may request an additional
17 extension of the distribution pe-
18 riod of not more than 30 days.
19 The Secretary may grant a re-
20 quest for an additional extension
21 of such period only if—

22 “(AA) the authorized
23 officer making such request
24 provides a written plan to
25 the Secretary specifying, for

1 each distribution for which
2 an additional extension is re-
3 quested, when the State ex-
4 pects to make such distribu-
5 tion and the actions the
6 State has taken and will
7 take in order to make all
8 such distributions before the
9 end of the distribution pe-
10 riod (as extended under sub-
11 clause (I) and this sub-
12 clause); and

13 “(BB) the Secretary
14 certifies in writing that the
15 actions specified in such
16 plan are likely sufficient for
17 the State to make all such
18 distributions before the end
19 of the distribution period (as
20 so extended).

21 “(bb) FURTHER ADDI-
22 TIONAL EXTENSIONS.—If a State
23 granted an additional extension
24 of the distribution period under
25 item (aa) requires any further

1 additional extensions of such pe-
2 riod, the request only may be
3 made and granted subject to the
4 requirements specified in item
5 (aa).

6 “(iii) CAPPED AMOUNT.—The total
7 amount distributed to a nonentitlement
8 unit of local government under this para-
9 graph may not exceed the amount equal to
10 75 percent of the most recent budget for
11 the nonentitlement unit of local govern-
12 ment as of January 27, 2020.

13 “(iv) REDISTRIBUTION OF EXCESS
14 AMOUNTS.—Any amounts not distributed
15 to a nonentitlement unit of local govern-
16 ment as a result of the application of
17 clause (iii) shall be retained or paid as fol-
18 lows:

19 “(I) 50 percent of all such undis-
20 tributed amounts shall be retained by
21 the State.

22 “(II) Subject to the payment
23 limit under clause (iii), the remainder
24 of all such undistributed amounts
25 shall be allocated and paid by the

1 State to each nonentitlement unit of
2 local government in the State an
3 amount that bears the same propor-
4 tion to such remainder as the popu-
5 lation of the nonentitlement unit of
6 local government bears to the total
7 population of all nonentitlement units
8 of local government in the State.

9 “(v) ADJUSTMENT AUTHORITY.—A
10 State may make pro rata adjustments to
11 the allocations determined under clause
12 (iv)(II) as necessary to comply with clause
13 (iii) and ensure that all available funds are
14 distributed to nonentitlement units of local
15 government in a State.

16 “(D) PENALTY FOR NONCOMPLIANCE.—If,
17 by the end of the 120-day period that begins on
18 the date a State receives a payment under sub-
19 paragraph (B) or, if later, the last day of the
20 distribution period for the State (as extended
21 with respect to the State under subparagraph
22 (C)(ii)), such State has failed to make all the
23 distributions from such payment in accordance
24 with the terms of subparagraph (C) (including
25 any extensions of the distribution period grant-

1 ed in accordance with such subparagraph), an
2 amount equal to the amount of such payment
3 that remains undistributed as of such date shall
4 be booked as a debt of such State owed to the
5 Federal Government, shall be paid back from
6 the State's allocation provided under section
7 602(b)(3)(B)(iii), and shall be deposited into
8 the general fund of the Treasury.

9 “(3) COUNTIES.—

10 “(A) AMOUNT.—From the amount appro-
11 priated under subsection (a), the Secretary
12 shall reserve \$65,100,000,000 of such amount
13 to make payments directly to counties within
14 the 50 States, the District of Columbia, the
15 Commonwealth of Puerto Rico, the United
16 States Virgin Islands, Guam, the Common-
17 wealth of the Northern Mariana Islands, and
18 American Samoa in an amount which bears the
19 same proportion to the total amount reserved
20 under this paragraph as the relative population
21 of each such county bears to the total popu-
22 lation of all such entities.

23 “(B) SPECIAL RULES.—

24 “(i) URBAN COUNTIES.—No county
25 that is an ‘urban county’ (as defined in

1 section 102 of the Housing and Commu-
2 nity Development Act of 1974 (42 U.S.C.
3 5302)) shall receive less than the amount
4 the county would otherwise receive if the
5 amount paid under this paragraph were al-
6 located to metropolitan cities and urban
7 counties under section 106(b) of the Hous-
8 ing and Community Development Act of
9 1974 (42 U.S.C. 5306(b)).

10 “(ii) COUNTIES THAT ARE NOT UNITS
11 OF GENERAL LOCAL GOVERNMENT.—In
12 the case of an amount to be paid to a
13 county that is not a unit of general local
14 government, the amount shall instead be
15 paid to the State in which such county is
16 located, and such State shall distribute
17 such amount to units of general local gov-
18 ernment within such county in an amounts
19 that bear the same proportion as the popu-
20 lation of such units of general local govern-
21 ment bear to the total population of such
22 county.

23 “(iii) DISTRICT OF COLUMBIA.—For
24 purposes of this paragraph, the District of
25 Columbia shall be considered to consist of

1 a single county that is a unit of general
2 local government.

3 “(4) CONSOLIDATED GOVERNMENTS.—A unit
4 of general local government that has formed a con-
5 solidated government, or that is geographically con-
6 tained (in full or in part) within the boundaries of
7 another unit of general local government may receive
8 a distribution under each of paragraphs (1), (2), and
9 (3), as applicable, based on the respective formulas
10 specified in such paragraphs.

11 “(5) PRO RATA ADJUSTMENT AUTHORITY.—
12 The amounts otherwise determined for allocation
13 and payment under paragraphs (1), (2), and (3)
14 may be adjusted by the Secretary on a pro rata
15 basis to the extent necessary to ensure that all avail-
16 able funds are distributed to metropolitan cities,
17 counties, and States in accordance with the require-
18 ments specified in each paragraph (as applicable)
19 and the certification requirement specified in sub-
20 section (d).

21 “(6) POPULATION.—For purposes of deter-
22 mining allocations under this section, the population
23 of an entity shall be determined based on the most
24 recent data are available from the Bureau of the

1 Census or, if not available, from such other data as
2 a State determines appropriate.

3 “(7) TIMING.—To the extent practicable—

4 “(A) with respect to each metropolitan city
5 allocated a payment under paragraph (1) and
6 each county allocated a payment under para-
7 graph (3), the Secretary shall make the pay-
8 ment required for the metropolitan city or coun-
9 ty (as applicable) not later than 60 days after
10 the date on which the certification required
11 under subsection (d) is provided to the Sec-
12 retary; and

13 “(B) with respect to the payments allo-
14 cated to States under paragraph (2) for dis-
15 tribution to nonentitlement units of local gov-
16 ernment, the Secretary shall make such pay-
17 ments not later than 60 days after the date of
18 enactment of this section.

19 “(c) REQUIREMENTS.—

20 “(1) USE OF FUNDS.—A metropolitan city,
21 nonentitlement unit of local government, or county
22 receiving a payment from funds made available
23 under this section shall only use such amounts to—

24 “(A) respond to or mitigate the public
25 health emergency with respect to the

1 Coronavirus Disease 2019 (COVID–19) or its
2 negative economic impacts;

3 “(B) cover costs incurred as a result of
4 such emergency;

5 “(C) replace revenue that was lost, de-
6 layed, or decreased (as determined based on
7 revenue projections for the metropolitan city,
8 nonentitlement unit of local government, or
9 county as of January 27, 2020) as a result of
10 such emergency; or

11 “(D) address the negative economic im-
12 pacts of such emergency.

13 “(2) TRANSFER AUTHORITY.—A metropolitan
14 city, nonentitlement unit of local government, or
15 county receiving a payment from funds made avail-
16 able under this section may transfer funds to a pri-
17 vate nonprofit organization (as that term is defined
18 in paragraph (17) of section 401 of the McKinney-
19 Vento Homeless Assistance Act (42 U.S.C.
20 11360(17)), a public benefit corporation involved in
21 the transportation of passengers or cargo, a special-
22 purpose unit of State or local government, or a
23 multi-State entity involved in the transportation of
24 passengers or cargo.

1 “(d) CERTIFICATION OF NEED AND INTENDED
2 USES.—In order to receive a payment under paragraphs
3 (1) or (3) of subsection (b), a metropolitan city or a coun-
4 ty (as each of those terms are defined in subsection (e),
5 shall provide the Secretary with a certification signed by
6 the authorized officer of such metropolitan city or county,
7 that—

8 “(1) such metropolitan city or county requires
9 Federal assistance under this section to effectively
10 carry out the activities specified in subsection (c);
11 and

12 “(2) such metropolitan city or county’s intended
13 uses of any payment under this section are con-
14 sistent with subsection (c).

15 “(e) DEFINITIONS.—In this section:

16 “(1) COUNTY.—The term ‘county’ means a
17 county, parish, or other equivalent county division
18 (as defined by the Bureau of the Census).

19 “(2) METROPOLITAN CITY.—The term ‘metro-
20 politan city’ has the meaning given that term in sec-
21 tion 102(a)(4) of the Housing and Community De-
22 velopment Act of 1974 (42 U.S.C. 5302(a)(4)) and
23 includes cities that relinquish or defer their status as
24 a metropolitan city for purposes of receiving alloca-

1 tions under section 106 of such Act (42 U.S.C.
2 5306) for fiscal year 2021.

3 “(3) NONENTITLEMENT UNIT OF LOCAL GOV-
4 ERNMENT.—The term ‘nonentitlement unit of local
5 government’ means a unit of general local govern-
6 ment, other than a county, that is located in a non-
7 entitlement area (as defined in section 102 of the
8 Housing and Community Development Act of 1974
9 (42 U.S.C. 5302)) of a State (as that term is de-
10 fined in such section 102).

11 “(4) SECRETARY.—The term ‘Secretary’ means
12 the Secretary of the Treasury.

13 “(5) STATE.—The term ‘State’ has the mean-
14 ing given that term in section 102(a)(2) of the
15 Housing and Community Development Act of 1974
16 (42 U.S.C. 5302 (a)(2)).

17 “(6) UNIT OF GENERAL LOCAL GOVERN-
18 MENT.—The term ‘unit of general local government’
19 has the meaning given that term in section
20 102(a)(1) of the Housing and Community Develop-
21 ment Act of 1974 (42 U.S.C. 5302(a)(1)).”.

22 (b) TECHNICAL AMENDMENT.—The heading for title
23 VI of the Social Security Act (42 U.S.C. 801 et seq.) is
24 amended by striking “**FUND**” and inserting “**AND**
25 **FISCAL RECOVERY FUNDS**”.

1 **Subtitle B—Other Matters**

2 **SEC. 5111. EMERGENCY FEDERAL EMPLOYEE LEAVE FUND.**

3 (a) ESTABLISHMENT; APPROPRIATION.—There is es-
4 tablished in the Treasury the Emergency Federal Em-
5 ployee Leave Fund (in this section referred to as the
6 “Fund”), to be administered by the Director of the Office
7 of Personnel Management, for the purposes set forth in
8 subsection (b). In addition to amounts otherwise available,
9 there is appropriated for fiscal year 2021, out of any
10 money in the Treasury not otherwise appropriated,
11 \$570,000,000, to be deposited into the Fund.

12 (b) PURPOSE.—Amounts in the Fund shall be avail-
13 able for payment to an agency for the use of paid leave
14 by any employee of the agency who is unable to work be-
15 cause the employee—

16 (1) is subject to a Federal, State, or local quar-
17 antine or isolation order related to COVID–19;

18 (2) has been advised by a health care provider
19 to self-quarantine due to concerns related to
20 COVID–19;

21 (3) is caring for an individual who is subject to
22 such an order or has been so advised;

23 (4) is experiencing symptoms of COVID–19
24 and seeking a medical diagnosis;

1 (5) is caring for a son or daughter of such em-
2 ployee if the school or place of care of the son or
3 daughter has been closed, if the school of such son
4 or daughter requires or makes optional a virtual
5 learning instruction model or requires or makes op-
6 tional a hybrid of in-person and virtual learning in-
7 struction models, or the child care provider of such
8 son or daughter is unavailable, due to COVID-19
9 precautions;

10 (6) is experiencing any other substantially simi-
11 lar condition;

12 (7) is caring for a family member with a mental
13 or physical disability or who is 55 years of age or
14 older and incapable of self-care, without regard to
15 whether another individual other than the employee
16 is available to care for such family member, if the
17 place of care for such family member is closed or the
18 direct care provider is unavailable due to COVID-
19 19; or

20 (8) is obtaining immunization related to
21 COVID-19 or to recover from any injury, disability,
22 illness, or condition related to such immunization.

23 (c) LIMITATIONS.—

24 (1) PERIOD OF AVAILABILITY.—Paid leave
25 under this section may only be provided to and used

1 by an employee during the period beginning on the
2 date of enactment of this Act and ending on Sep-
3 tember 30, 2021.

4 (2) TOTAL HOURS; AMOUNT.—Paid leave under
5 this section—

6 (A) may be provided to an employee in an
7 amount not to exceed 600 hours of paid leave
8 for each full-time employee, and in the case of
9 a part-time employee, employee on an uncom-
10 mon tour of duty, or employee with a seasonal
11 work schedule, in an amount not to exceed the
12 proportional equivalent of 600 hours as estab-
13 lished by the applicable agency; and

14 (B) may not be provided to an employee —

15 (i) at a rate that exceeds \$35 for each
16 hour of leave taken; and

17 (ii) in an amount greater than \$1,400
18 in aggregate for any week.

19 (3) RELATIONSHIP TO OTHER LEAVE.—Paid
20 leave under this section—

21 (A) is in addition to any other leave pro-
22 vided to an employee; and

23 (B) may not be used by an employee con-
24 currently with any other paid leave.

1 (4) CALCULATION OF ANNUITY.—Any paid
2 leave provided to an employee under this section
3 shall not count for purposes of determining the an-
4 nuity of the employee, including an annuity under
5 chapter 83 or 84 of title 5, United States Code.

6 (d) DEFINITIONS.—In this section—

7 (1) the term “agency” means—

8 (A) any agency or instrumentality of the
9 executive branch of Government;

10 (B) the United States Postal Service and
11 the Postal Regulatory Commission; and

12 (C) the Public Defender Service for the
13 District of Columbia and the District of Colum-
14 bia Courts; and

15 (2) the term “employee” does not include any
16 member of the Armed Forces.

17 (e) CLARIFICATION.—Notwithstanding section
18 7425(b) of title 38, United States Code, the term “agen-
19 cy” in subsection (d)(1) includes the Veterans Health Ad-
20 ministration.

21 **SEC. 5112. FUNDING FOR THE GOVERNMENT ACCOUNT-**
22 **ABILITY OFFICE.**

23 In addition to amounts otherwise available, there is
24 appropriated for fiscal year 2021, out of any money in
25 the Treasury not otherwise appropriated, \$77,000,000, to

1 remain available until September 30, 2025, for necessary
2 expenses of the Government Accountability Office to pre-
3 vent, prepare for, and respond to Coronavirus and to sup-
4 port oversight of the Coronavirus response and of funds
5 provided in this Act or any other Act pertaining to the
6 Coronavirus pandemic.

7 **SEC. 5113. PANDEMIC RESPONSE ACCOUNTABILITY COM-**
8 **MITTEE FUNDING AVAILABILITY.**

9 In addition to amounts otherwise available, there is
10 appropriated for fiscal year 2021, out of any money in
11 the Treasury not otherwise appropriated, \$40,000,000, to
12 remain available until September 30, 2025, for the Pan-
13 demic Response Accountability Committee to promote
14 transparency and support oversight of the Coronavirus re-
15 sponse and of funds provided in this Act or any other Act
16 pertaining to the Coronavirus pandemic.

17 **TITLE VI—COMMITTEE ON**
18 **SMALL BUSINESS**

19 **SEC. 6001. MODIFICATIONS TO PAYCHECK PROTECTION**
20 **PROGRAM.**

21 (a) ELIGIBILITY OF CERTAIN NONPROFIT ENTITIES
22 FOR COVERED LOANS UNDER THE PAYCHECK PROTEC-
23 TION PROGRAM.—

24 (1) IN GENERAL.—Section 7(a)(36) of the
25 Small Business Act (15 U.S.C. 636(a)(36)), as

1 amended by the Economic Aid to Hard-Hit Small
2 Businesses, Nonprofits, and Venues Act (title III of
3 division N of Public Law 116–260), is amended—

4 (A) in subparagraph (A)—

5 (i) in clause (xv), by striking “and” at
6 the end;

7 (ii) in clause (xvi), by striking the pe-
8 riod at the end and inserting “; and”; and

9 (iii) by adding at the end the fol-
10 lowing:

11 “(xvii) the term ‘additional covered
12 nonprofit entity’—

13 “(I) means an organization de-
14 scribed in any paragraph of section
15 501(c) of the Internal Revenue Code
16 of 1986, other than paragraph (3),
17 (4), (6), or (19), and exempt from tax
18 under section 501(a) of such Code;
19 and

20 “(II) does not include any entity
21 that, if the entity were a business con-
22 cern, would be described in section
23 120.110 of title 13, Code of Federal
24 Regulations (or in any successor regu-
25 lation or other related guidance or

1 rule that may be issued by the Admin-
2 istrator) other than a business con-
3 cern described in paragraph (a) or (k)
4 of such section.”; and

5 (B) in subparagraph (D)—

6 (i) in clause (iii), by adding at the end
7 the following:

8 “(III) ELIGIBILITY OF CERTAIN
9 ORGANIZATIONS.—Subject to the pro-
10 visions in this subparagraph, during
11 the covered period—

12 “(aa) a nonprofit organiza-
13 tion shall be eligible to receive a
14 covered loan if the nonprofit or-
15 ganization employs not more
16 than 500 employees per physical
17 location of the organization; and

18 “(bb) an additional covered
19 nonprofit entity and an organiza-
20 tion that, but for subclauses
21 (I)(dd) and (II)(dd) of clause
22 (vii), would be eligible for a cov-
23 ered loan under clause (vii) shall
24 be eligible to receive a covered
25 loan if the entity or organization

1 employs not more than 300 em-
2 ployees per physical location of
3 the entity or organization.”;

4 (ii) in clause (iv)—

5 (I) in subclause (III), by striking
6 “and” at the end;

7 (II) in subclause (IV)—

8 (aa) by striking “(aa)”;

9 (bb) by striking “; or” and
10 inserting a semicolon; and

11 (cc) by striking item (bb);

12 and

13 (III) by adding at the end the
14 following:

15 “(V) any nonprofit organization,
16 additional covered nonprofit entity, or
17 any organization made eligible for a
18 loan under clause (vii); and”;

19 (iii) by striking clause (vi) and insert-
20 ing the following:

21 “(vi) ELIGIBILITY OF ADDITIONAL
22 COVERED NONPROFIT ENTITIES.—An addi-
23 tional covered nonprofit entity shall be eli-
24 gible to receive a covered loan if—

1 “(I) the additional covered non-
2 profit entity does not receive more
3 than 15 percent of its receipts from
4 lobbying activities;

5 “(II) the lobbying activities of
6 the additional covered nonprofit entity
7 do not comprise more than 15 percent
8 of the total activities of the organiza-
9 tion;

10 “(III) the cost of the lobbying ac-
11 tivities of the additional covered non-
12 profit entity did not exceed
13 \$1,000,000 during the most recent
14 tax year of the additional covered non-
15 profit entity that ended prior to Feb-
16 ruary 15, 2020; and

17 “(IV) the additional covered non-
18 profit entity employs not more than
19 300 employees.”.

20 (2) ELIGIBILITY FOR SECOND DRAW LOANS.—
21 Paragraph (37)(A)(i) of section 7(a) of the Small
22 Business Act (15 U.S.C. 636(a)), as added by the
23 Economic Aid to Hard-Hit Small Businesses, Non-
24 profits, and Venues Act (title III of division N of
25 Public Law 116–260), is amended by inserting ““ad-

1 ditional covered nonprofit entity,’” after “the
2 terms”.

3 (b) ELIGIBILITY OF INTERNET PUBLISHING ORGANI-
4 ZATIONS FOR COVERED LOANS UNDER THE PAYCHECK
5 PROTECTION PROGRAM.—

6 (1) IN GENERAL.—Section 7(a)(36)(D) of the
7 Small Business Act (15 U.S.C. 636(a)(36)(D)), as
8 amended by subsection (a), is further amended—

9 (A) in clause (iii), by adding at the end the
10 following:

11 “(IV) ELIGIBILITY OF INTERNET
12 PUBLISHING ORGANIZATIONS.—A
13 business concern or other organization
14 that was not eligible to receive a cov-
15 ered loan the day before the date of
16 enactment of this subclause, is as-
17 signed a North American Industry
18 Classification System code of 519130,
19 certifies in good faith as an Internet-
20 only news publisher or Internet-only
21 periodical publisher, and is engaged in
22 the collection and distribution of local
23 or regional and national news and in-
24 formation shall be eligible to receive a
25 covered loan for the continued provi-

1 sion of news, information, content, or
2 emergency information if—

3 “(aa) the business concern
4 or organization employs not more
5 than 500 employees, or the size
6 standard established by the Ad-
7 ministrator for that North Amer-
8 ican Industry Classification code,
9 per physical location of the busi-
10 ness concern or organization; and

11 “(bb) the business concern
12 or organization makes a good
13 faith certification that proceeds
14 of the loan will be used to sup-
15 port expenses at the component
16 of the business concern or orga-
17 nization that supports local or re-
18 gional news.”;

19 (B) in clause (iv), by adding at the end the
20 following:

21 “(VI) any business concern or
22 other organization that was not eligi-
23 ble to receive a covered loan the day
24 before the date of enactment of this
25 subclause, is assigned a North Amer-

1 ican Industry Classification System
2 code of 519130, certifies in good faith
3 as an Internet-only news publisher or
4 Internet-only periodical publisher, and
5 is engaged in the collection and dis-
6 tribution of local or regional and na-
7 tional news and information, if the
8 business concern or organization—

9 “(aa) employs not more
10 than 500 employees, or the size
11 standard established by the Ad-
12 ministrator for that North Amer-
13 ican Industry Classification code,
14 per physical location of the busi-
15 ness concern or organization; and

16 “(bb) is majority owned or
17 controlled by a business concern
18 or organization that is assigned a
19 North American Industry Classi-
20 fication System code of
21 519130.”;

22 (C) in clause (v), by striking “clause
23 (iii)(II), (iv)(IV), or (vii)” and inserting “sub-
24 clause (II), (III), or (IV) of clause (iii), sub-

1 clause (IV) or (VI) of clause (iv), clause (vi), or
2 clause (vii)”; and

3 (D) in clause (viii)(II)—

4 (i) by striking “business concern made
5 eligible by clause (iii)(II) or clause (iv)(IV)
6 of this subparagraph” and inserting “busi-
7 ness concern made eligible by subclause
8 (II) or (IV) of clause (iii) or subclause (IV)
9 or (VI) of clause (iv) of this subpara-
10 graph”; and

11 (ii) by inserting “or organization”
12 after “business concern” each place it ap-
13 pears.

14 (2) ELIGIBILITY FOR SECOND DRAW LOANS.—

15 Section 7(a)(37)(A)(iv)(II) of the Small Business
16 Act, as amended by the Economic Aid to Hard-Hit
17 Small Businesses, Nonprofits, and Venues Act (title
18 III of division N of Public Law 116–260), is amend-
19 ed by striking “clause (iii)(II), (iv)(IV), or (vii)” and
20 inserting “subclause (II) or (III) of clause (iii), sub-
21 clause (IV) or (V) of clause (iv), clause (vi), or
22 clause (vii)”.

23 (c) COORDINATION WITH CONTINUATION COVERAGE
24 PREMIUM ASSISTANCE.—

1 (1) PAYCHECK PROTECTION PROGRAM.—Sec-
2 tion 7A(a)(12) of the Small Business Act (as redes-
3 ignated, transferred, and amended by section 304(b)
4 of the Economic Aid to Hard-Hit Small Businesses,
5 Nonprofits, and Venues Act (Public Law 116–260))
6 is amended—

7 (A) by striking “CARES Act or” and in-
8 serting “CARES Act,”; and

9 (B) by inserting before the period at the
10 end the following: “, or premiums taken into
11 account in determining the credit allowed under
12 section 6432 of the Internal Revenue Code of
13 1986”.

14 (2) PAYCHECK PROTECTION PROGRAM SECOND
15 DRAW.—Section 7(a)(37)(J)(iii)(I) of the Small
16 Business Act, as amended by the Economic Aid to
17 Hard-Hit Small Businesses, Nonprofits, and Venues
18 Act (title III of division N of Public Law 116–260),
19 is amended—

20 (A) by striking “or” at the end of item
21 (aa);

22 (B) by striking the period at the end of
23 item (bb) and inserting “; or”; and

24 (C) by adding at the end the following new
25 item:

1 “(cc) premiums taken into
2 account in determining the credit
3 allowed under section 6432 of the
4 Internal Revenue Code of 1986.”.

5 (3) APPLICABILITY.—The amendments made
6 by this subsection shall apply only with respect to
7 applications for forgiveness of covered loans made
8 under paragraphs (36) or (37) of section 7(a) of the
9 Small Business Act, as amended by the Economic
10 Aid to Hard-Hit Small Businesses, Nonprofits, and
11 Venues Act (title III of division N of Public Law
12 116–260), that are received on or after the date of
13 the enactment of this Act.

14 (d) COMMITMENT AUTHORITY AND APPROPRIA-
15 TIONS.—

16 (1) COMMITMENT AUTHORITY.—Section
17 1102(b)(1) of the CARES Act (Public Law 116–
18 136) is amended by striking “\$806,450,000,000”
19 and inserting “\$813,700,000,000”.

20 (2) DIRECT APPROPRIATIONS.—In addition to
21 amounts otherwise available, there is appropriated to
22 the Administrator of the Small Business Administra-
23 tion for fiscal year 2021, out of any money in the
24 Treasury not otherwise appropriated,

1 \$7,250,000,000, to remain available until expended,
2 for carrying out this section.

3 **SEC. 6002. TARGETED EIDL ADVANCE.**

4 (a) DEFINITIONS.—In this section—

5 (1) the term “Administrator” means the Ad-
6 ministrator of the Small Business Administration;

7 (2) the terms “covered entity” and “economic
8 loss” have the meanings given the terms in section
9 331(a) of the Economic Aid to Hard-Hit Small
10 Businesses, Nonprofits, and Venues Act (title III of
11 division N of Public Law 116–260);

12 (3) the term “severely impacted small business”
13 means a covered entity that—

14 (A) has suffered an economic loss of great-
15 er than 50 percent; and

16 (B) employs not more than 10 employees;

17 (4) the term “substantially impacted small busi-
18 ness” means a covered entity that—

19 (A) employs not more than 10 employees;
20 and

21 (B) is not a severely impacted small busi-
22 ness; and

23 (5) the term “supplemental payment” means a
24 payment—

1 (A) made by the Administrator under sec-
2 tion 1110(e) of the CARES Act (15 U.S.C.
3 9009(e)) to a severely impacted small business
4 or a substantially impacted small business;

5 (B) in an amount that is \$5,000; and

6 (C) that, with respect to a covered entity,
7 is in addition to any payment made to the cov-
8 ered entity under section 1110(e) of the
9 CARES Act (15 U.S.C. 9009(e)) or section 331
10 of the Economic Aid to Hard-Hit Small Busi-
11 nesses, Nonprofits, and Venues Act (title III of
12 division N of Public Law 116–260).

13 (b) PAYMENTS.—The Administrator shall take the
14 following actions:

15 (1) Not later than 14 days after the date of the
16 enactment of this subsection, the Administrator shall
17 begin processing applications for payments, and may
18 make payments, to covered entities that have not re-
19 ceived the full amounts to which the covered entities
20 are entitled under section 331 of the Economic Aid
21 to Hard-Hit Small Businesses, Nonprofits, and
22 Venues Act (title III of division N of Public Law
23 116–260).

24 (2)(A) During the 14-day period beginning on
25 the date that is 28 days after the date of enactment

1 of this subsection, and subject to the availability of
2 funds, the Administrator shall—

3 (i) begin processing applications for sup-
4 plemental payments to severely impacted small
5 businesses; and

6 (ii) continue to process applications for the
7 payments described in paragraph (1).

8 (B) During the period described in subpara-
9 graph (A), the Administrator may make supple-
10 mental payments to severely impacted small busi-
11 nesses, and payments described in paragraph (1), in
12 the order that the Administrator receives applica-
13 tions for those payments.

14 (3)(A) Beginning on the date that is 42 days
15 after the date of enactment of this subsection, and
16 subject to the availability of funds, the Adminis-
17 trator shall—

18 (i) begin processing applications for sup-
19 plemental payments to substantially impacted
20 small businesses; and

21 (ii) continue to process applications for the
22 supplemental payments described in paragraph
23 (2) and payments described in paragraph (1).

24 (B) During the period described in subpara-
25 graph (A), the Administrator may make supple-

1 mental payments to substantially impacted small
2 businesses, supplemental payments described in
3 paragraph (2), and payments described in paragraph
4 (1), in the order that the Administrator receives ap-
5 plications for those payments.

6 (c) APPROPRIATIONS.—In addition to amounts other-
7 wise available, there is appropriated to the Administrator
8 for fiscal year 2021, out of any money in the Treasury
9 not otherwise appropriated, \$15,000,000,000, to remain
10 available until expended, for carrying out this section.

11 **SEC. 6003. SUPPORT FOR RESTAURANTS.**

12 (a) DEFINITIONS.—In this section:

13 (1) ADMINISTRATOR.—The term “Adminis-
14 trator” means the Administrator of the Small Busi-
15 ness Administration.

16 (2) AFFILIATED BUSINESS.—The term “affili-
17 ated business” means a business in which an eligible
18 entity has an equity or right to profit distributions
19 of not less than 50 percent, or in which an eligible
20 entity has the contractual authority to control the
21 direction of the business, provided that such affili-
22 ation shall be determined as of any arrangements or
23 agreements in existence as of March 13, 2020.

24 (3) COVERED PERIOD.—The term “covered pe-
25 riod” means the period—

1 (A) beginning on February 15, 2020; and

2 (B) ending on December 31, 2021, or a
3 date to be determined by the Administrator
4 that is not later than 2 years after the date of
5 enactment of this section.

6 (4) ELIGIBLE ENTITY.—The term “eligible enti-
7 ty”—

8 (A) means a restaurant, food stand, food
9 truck, food cart, caterer, saloon, inn, tavern,
10 bar, lounge, brewpub, tasting room, taproom, li-
11 censed facility or premise of a beverage alcohol
12 producer where the public may taste, sample, or
13 purchase products, or other similar place of
14 business in which the public or patrons assem-
15 ble for the primary purpose of being served food
16 or drink;

17 (B) includes an entity described in sub-
18 paragraph (A) that is located in an airport ter-
19 minal or that is a Tribally-owned concern; and

20 (C) does not include—

21 (i) an entity described in subpara-
22 graph (A) that—

23 (I) is a State or local govern-
24 ment-operated business;

1 (II) as of March 13, 2020, owns
2 or operates (together with any affili-
3 ated business) more than 20 locations,
4 regardless of whether those locations
5 do business under the same or mul-
6 tiple names; or

7 (III) has a pending application
8 for or has received a grant under sec-
9 tion 324 of the Economic Aid to
10 Hard-Hit Small Businesses, Non-
11 profits, and Venues Act (title III of
12 division N of Public Law 116–260);
13 or

14 (ii) a publicly-traded company.

15 (5) EXCHANGE; ISSUER; SECURITY.—The terms
16 “exchange”, “issuer”, and “security” have the
17 meanings given those terms in section 3(a) of the
18 Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

19 (6) FUND.—The term “Fund” means the Res-
20 taurant Revitalization Fund established under sub-
21 section (b).

22 (7) PANDEMIC-RELATED REVENUE LOSS.—The
23 term “pandemic-related revenue loss” means, with
24 respect to an eligible entity—

1 (A) except as provided in subparagraphs
2 (B), (C), and (D), the gross receipts, as estab-
3 lished using such verification documentation as
4 the Administrator may require, of the eligible
5 entity during 2020 subtracted from the gross
6 receipts of the eligible entity in 2019, if such
7 sum is greater than zero;

8 (B) if the eligible entity was not in oper-
9 ation for the entirety of 2019—

10 (i) the difference between—

11 (I) the product obtained by mul-
12 tiplying the average monthly gross re-
13 ceipts of the eligible entity in 2019 by
14 12; and

15 (II) the product obtained by mul-
16 tiplying the average monthly gross re-
17 ceipts of the eligible entity in 2020 by
18 12; or

19 (ii) an amount based on a formula de-
20 termined by the Administrator;

21 (C) if the eligible entity opened during the
22 period beginning on January 1, 2020, and end-
23 ing on the day before the date of enactment of
24 this section—

1 (i) the expenses described in sub-
2 section (c)(5)(A) that were incurred by the
3 eligible entity minus any gross receipts re-
4 ceived; or

5 (ii) an amount based on a formula de-
6 termined by the Administrator; or

7 (D) if the eligible entity has not yet opened
8 as of the date of application for a grant under
9 subsection (c), but has incurred expenses de-
10 scribed in subsection (c)(5)(A) as of the date of
11 enactment of this section—

12 (i) the amount of those expenses; or

13 (ii) an amount based on a formula de-
14 termined by the Administrator.

15 For purposes of this paragraph, the pandemic-re-
16 lated revenue losses for an eligible entity shall be re-
17 duced by any amounts received from a covered loan
18 made under paragraph (36) or (37) of section 7(a)
19 of the Small Business Act (15 U.S.C. 636(a)) in
20 2020 or 2021.

21 (8) PAYROLL COSTS.—The term “payroll costs”
22 has the meaning given the term in section
23 7(a)(36)(A) of the Small Business Act (15 U.S.C.
24 636(a)(36)(A)), except that such term shall not in-
25 clude—

1 (A) qualified wages (as defined in sub-
2 section (c)(3) of section 2301 of the CARES
3 Act) taken into account in determining the
4 credit allowed under such section 2301; or

5 (B) premiums taken into account in deter-
6 mining the credit allowed under section 6432 of
7 the Internal Revenue Code of 1986.

8 (9) PUBLICLY-TRADED COMPANY.—The term
9 “publicly-traded company” means an entity that is
10 majority owned or controlled by an entity that is an
11 issuer, the securities of which are listed on a na-
12 tional securities exchange under section 6 of the Se-
13 curities Exchange Act of 1934 (15 U.S.C. 78f).

14 (10) TRIBALLY-OWNED CONCERN.—The term
15 “Tribally-owned concern” has the meaning given the
16 term in section 124.3 of title 13, Code of Federal
17 Regulations, or any successor regulation.

18 (b) RESTAURANT REVITALIZATION FUND.—

19 (1) IN GENERAL.—There is established in the
20 Treasury of the United States a fund to be known
21 as the Restaurant Revitalization Fund.

22 (2) APPROPRIATIONS.—

23 (A) IN GENERAL.—In addition to amounts
24 otherwise available, there is appropriated to the
25 Restaurant Revitalization Fund for fiscal year

1 2021, out of any money in the Treasury not
2 otherwise appropriated, \$25,000,000,000, to re-
3 main available until expended.

4 (B) DISTRIBUTION.—

5 (i) IN GENERAL.—Of the amounts
6 made available under subparagraph (A)—

7 (I) \$5,000,000,000 shall be avail-
8 able to eligible entities with gross re-
9 ceipts during 2019 of not more than
10 \$500,000; and

11 (II) \$20,000,000,000 shall be
12 available to the Administrator to
13 award grants under subsection (c) in
14 an equitable manner to eligible enti-
15 ties of different sizes based on annual
16 gross receipts.

17 (ii) ADJUSTMENTS.—The Adminis-
18 trator may make adjustments as necessary
19 to the distribution of funds under clause
20 (i)(II) based on demand and the relative
21 local costs in the markets in which eligible
22 entities operate.

23 (C) GRANTS AFTER INITIAL PERIOD.—

24 Notwithstanding subparagraph (B), on and
25 after the date that is 60 days after the date of

1 enactment of this section, or another period of
2 time determined by the Administrator, the Ad-
3 ministrator may make grants using amounts
4 appropriated under subparagraph (A) to any el-
5 igible entity regardless of the annual gross re-
6 ceipts of the eligible entity.

7 (3) USE OF FUNDS.—The Administrator shall
8 use amounts in the Fund to make grants described
9 in subsection (c).

10 (c) RESTAURANT REVITALIZATION GRANTS.—

11 (1) IN GENERAL.—Except as provided in sub-
12 section (b) and paragraph (3), the Administrator
13 shall award grants to eligible entities in the order in
14 which applications are received by the Adminis-
15 trator.

16 (2) APPLICATION.—

17 (A) CERTIFICATION.—An eligible entity
18 applying for a grant under this subsection shall
19 make a good faith certification that—

20 (i) the uncertainty of current eco-
21 nomic conditions makes necessary the
22 grant request to support the ongoing oper-
23 ations of the eligible entity; and

24 (ii) the eligible entity has not applied
25 for or received a grant under section 324

1 of the Economic Aid to Hard-Hit Small
2 Businesses, Nonprofits, and Venues Act
3 (title III of division N of Public Law 116–
4 260).

5 (B) PREVENTION OF WASTE, FRAUD, AND
6 ABUSE.—The Administrator may impose re-
7 quirements on applicants for the purpose of re-
8 ducing waste, fraud, and abuse.

9 (C) BUSINESS IDENTIFIERS.—In accepting
10 applications for grants under this subsection,
11 the Administrator shall prioritize the ability of
12 each applicant to use their existing business
13 identifiers over requiring other forms of reg-
14 istration or identification that may not be com-
15 mon to their industry and imposing additional
16 burdens on applicants.

17 (3) PRIORITY IN AWARDING GRANTS.—

18 (A) IN GENERAL.—During the initial 21-
19 day period in which the Administrator awards
20 grants under this subsection, the Administrator
21 shall prioritize awarding grants to eligible enti-
22 ties that are small business concerns owned
23 controlled by women (as defined in section 3(n)
24 of the Small Business Act (15 U.S.C. 632(n))),
25 small business concerns owned and controlled

1 by veterans (as defined in section 3(q) of such
2 Act (15 U.S.C. 632(q))), or socially and eco-
3 nomically disadvantaged small business con-
4 cerns (as defined in section 8(a)(4)(A) of the
5 Small Business Act (15 U.S.C. 637(a)(4)(A))).
6 The Administrator may take such steps as nec-
7 essary to ensure that eligible entities described
8 in this subparagraph have access to grant fund-
9 ing under this section after the end of such 21-
10 day period.

11 (B) CERTIFICATION.—For purposes of es-
12 tablishing priority under subparagraph (A), an
13 applicant shall submit a self-certification of eli-
14 gibility for priority with the grant application.

15 (4) GRANT AMOUNT.—

16 (A) AGGREGATE MAXIMUM AMOUNT.—The
17 aggregate amount of grants made to an eligible
18 entity and any affiliated businesses of the eligi-
19 ble entity under this subsection—

20 (i) shall not exceed \$10,000,000; and

21 (ii) shall be limited to \$5,000,000 per
22 physical location of the eligible entity.

23 (B) DETERMINATION OF GRANT
24 AMOUNT.—

1 (i) IN GENERAL.—Except as provided
2 in this paragraph, the amount of a grant
3 made to an eligible entity under this sub-
4 section shall be equal to the pandemic-re-
5 lated revenue loss of the eligible entity.

6 (ii) RETURN TO TREASURY.—Any
7 amount of a grant made under this sub-
8 section to an eligible entity based on esti-
9 mated receipts that is greater than the ac-
10 tual gross receipts of the eligible entity in
11 2020 shall be returned to the Treasury.

12 (5) USE OF FUNDS.—During the covered pe-
13 riod, an eligible entity that receives a grant under
14 this subsection may use the grant funds for the fol-
15 lowing expenses incurred as a direct result of, or
16 during, the COVID–19 pandemic:

17 (A) Payroll costs.

18 (B) Payments of principal or interest on
19 any mortgage obligation (which shall not in-
20 clude any prepayment of principal on a mort-
21 gage obligation).

22 (C) Rent payments, including rent under a
23 lease agreement (which shall not include any
24 prepayment of rent).

25 (D) Utilities.

1 (E) Maintenance expenses, including—

2 (i) construction to accommodate out-
3 door seating; and

4 (ii) walls, floors, deck surfaces, fur-
5 niture, fixtures, and equipment.

6 (F) Supplies, including protective equip-
7 ment and cleaning materials.

8 (G) Food and beverage expenses that are
9 within the scope of the normal business practice
10 of the eligible entity before the covered period.

11 (H) Covered supplier costs, as defined in
12 section 7A(a) of the Small Business Act (as re-
13 designated, transferred, and amended by sec-
14 tion 304(b) of the Economic Aid to Hard-Hit
15 Small Businesses, Nonprofits, and Venues Act
16 (Public Law 116–260)).

17 (I) Operational expenses.

18 (J) Paid sick leave.

19 (K) Any other expenses that the Adminis-
20 trator determines to be essential to maintaining
21 the eligible entity.

22 (6) RETURNING FUNDS.—If an eligible entity
23 that receives a grant under this subsection fails to
24 use all grant funds or permanently ceases operations
25 on or before the last day of the covered period, the

1 eligible entity shall return to the Treasury any funds
2 that the eligible entity did not use for the allowable
3 expenses under paragraph (5).

4 (7) LIMITATION WITH RESPECT TO PRIVATE
5 FUNDS.—

6 (A) DEFINITIONS.—In this paragraph:

7 (i) AFFILIATE.—

8 (I) IN GENERAL.—The term “af-
9 filiate” means, with respect to a per-
10 son, any other person directly or indi-
11 rectly controlling, controlled by, or
12 under direct or indirect common con-
13 trol with the person.

14 (II) CONTROL.—For purposes of
15 subclause (I), the term “control”
16 means the ability to make or block
17 management decisions of an entity.

18 (ii) EXECUTIVE.—The term “execu-
19 tive” means—

20 (I) any individual who serves an
21 executive or director of a person, in-
22 cluding the principal executive officer,
23 principal financial officer, comptroller
24 or principal accounting officer; and

1 (II) an executive officer, as de-
2 fined in section 230.405 of title 17,
3 Code of Federal Regulations, or any
4 successor regulation.

5 (iii) PRIVATE FUND.—The term “pri-
6 vate fund” means an issuer that would be
7 an investment company, as defined in the
8 Investment Company Act of 1940 (15
9 U.S.C. 80a–1 et seq.), but for paragraph
10 (1) or (7) of section 3(c) of that Act (15
11 U.S.C. 80a–3(c)).

12 (B) ANTI-EVASION.—No company in which
13 a private fund holds an ownership interest that
14 has, directly or indirectly, received amounts
15 under this subsection may pay any distribu-
16 tions, dividends, consulting fees, advisory fees,
17 interest payments, or any other fees, expenses,
18 or charges in excess of 10 percent of the net
19 operating profits of the company operating
20 profits for the calendar year ending December
21 31, 2021 (and for each successive year until the
22 covered period has ended), to—

23 (i) a person registered as an invest-
24 ment adviser under the Investment Advis-

1 ers Act of 1940 (15 U.S.C. 80b–1 et seq.)
2 who advises a private fund;
3 (ii) any affiliate of such adviser;
4 (iii) any executive of such adviser or
5 affiliate; or
6 (iv) any employee, consultant, or other
7 person with a contractual relationship to
8 provide services for or on behalf of such
9 adviser or affiliate.

10 **SEC. 6004. COMMUNITY NAVIGATOR PILOT PROGRAM.**

11 (a) DEFINITIONS.—In this section:

12 (1) ADMINISTRATION.—The term “Administra-
13 tion” means the Small Business Administration.

14 (2) ADMINISTRATOR.—The term “Adminis-
15 trator” means the Administrator of the Small Busi-
16 ness Administration.

17 (3) COMMUNITY NAVIGATOR SERVICES.—The
18 term “community navigator services” means the out-
19 reach, education, and technical assistance provided
20 by community navigators that target eligible busi-
21 nesses to increase awareness of, and participation in,
22 programs of the Small Business Administration.

23 (4) COMMUNITY NAVIGATOR.—The term “com-
24 munity navigator” means a community organization,
25 community financial institution as defined in section

1 7(a)(36)(A) of the Small Business Act (15 U.S.C.
2 636(a)(36)(A)), or other private nonprofit organiza-
3 tion engaged in the delivery of community navigator
4 services.

5 (5) ELIGIBLE BUSINESS.—The term “eligible
6 business” means any small business concern, with
7 priority for small business concerns owned and con-
8 trolled by women (as defined in section 3(n) of the
9 Small Business Act (15 U.S.C. 632(n))), small busi-
10 ness concerns owned and controlled by veterans (as
11 defined in section 3(q) of such Act (15 U.S.C.
12 632(q))), and socially and economically disadvan-
13 tagged small business concerns (as defined in section
14 8(a)(4)(A) of the Small Business Act (15 U.S.C.
15 637(a)(4)(A))).

16 (6) PRIVATE NONPROFIT ORGANIZATION.—The
17 term “private nonprofit organization” means an en-
18 tity that is described in section 501(c) of the Inter-
19 nal Revenue Code of 1986 and exempt from tax
20 under section 501(a) of such Code.

21 (7) RESOURCE PARTNER.—The term “resource
22 partner” means—

23 (A) a small business development center
24 (as defined in section 3 of the Small Business
25 Act (15 U.S.C. 632));

1 (B) a women’s business center (as de-
2 scribed in section 29 of the Small Business Act
3 (15 U.S.C. 656)); and

4 (C) a chapter of the Service Corps of Re-
5 tired Executives (as defined in section
6 8(b)(1)(B) of the Act (15 U.S.C.
7 637(b)(1)(B))).

8 (8) SMALL BUSINESS CONCERN.—The term
9 “small business concern” has the meaning given
10 under section 3 of the Small Business Act (15
11 U.S.C. 632).

12 (9) STATE.—The term “State” means a State
13 of the United States, the District of Columbia, the
14 Commonwealth of Puerto Rico, the Virgin Islands,
15 American Samoa, the Commonwealth of the North-
16 ern Mariana Islands, and Guam, or an agency, in-
17 strumentality, or fiscal agent thereof.

18 (10) UNIT OF GENERAL LOCAL GOVERN-
19 MENT.—The term “unit of general local govern-
20 ment” means a county, city, town, village, or other
21 general purpose political subdivision of a State.

22 (b) COMMUNITY NAVIGATOR PILOT PROGRAM.—

23 (1) IN GENERAL.—The Administrator of the
24 Small Business Administration shall establish a
25 Community Navigator pilot program to make grants

1 to, or enter into contracts or cooperative agreements
2 with, private nonprofit organizations, resource part-
3 ners, States, Tribes, and units of local government
4 to ensure the delivery of free community navigator
5 services to current or prospective owners of eligible
6 businesses in order to improve access to assistance
7 programs and resources made available because of
8 the COVID–19 pandemic by Federal, State, Tribal,
9 and local entities.

10 (2) APPROPRIATIONS.—In addition to amounts
11 otherwise available, there is appropriated to the Ad-
12 ministrator for fiscal year 2021, out of any money
13 in the Treasury not otherwise appropriated,
14 \$100,000,000, to remain available until expended,
15 for carrying out this subsection.

16 (c) OUTREACH AND EDUCATION.—

17 (1) PROMOTION.—The Administrator shall de-
18 velop and implement a program to promote commu-
19 nity navigator services to current or prospective
20 owners of eligible businesses.

21 (2) CALL CENTER.—The Administrator shall
22 establish a telephone hotline to offer information
23 about Federal programs to assist eligible businesses
24 and offer referral services to resource partners, com-
25 munity navigators, potential lenders, and other per-

1 sons that the Administrator determines appropriate
2 for current or prospective owners of eligible busi-
3 nesses.

4 (3) OUTREACH.—The Administrator shall—

5 (A) conduct outreach and education, in the
6 10 most commonly spoken languages in the
7 United States, to current or prospective owners
8 of eligible businesses on community navigator
9 services and other Federal programs to assist
10 eligible businesses;

11 (B) improve the website of the Administra-
12 tion to describe such community navigator serv-
13 ices and other Federal programs; and

14 (C) implement an education campaign by
15 advertising in media targeted to current or pro-
16 spective owners of eligible businesses.

17 (4) APPROPRIATIONS.—In addition to amounts
18 otherwise available, there is appropriated to the Ad-
19 ministrator for fiscal year 2021, out of any money
20 in the Treasury not otherwise appropriated,
21 \$75,000,000, to remain available until expended, for
22 carrying out this subsection.

23 (d) SUNSET.—The authority of the Administrator to
24 make grants under this section shall terminate on Decem-
25 ber 31, 2025.

1 **SEC. 6005. SHUTTERED VENUE OPERATORS.**

2 In addition to amounts otherwise available, there is
3 appropriated for fiscal year 2021, out of any money in
4 the Treasury not otherwise appropriated, \$1,250,000,000,
5 to remain available until expended, to carry out section
6 324 of the Economic Aid to Hard-Hit Small Businesses,
7 Nonprofits, and Venues Act (title III of division N of Pub-
8 lic Law 116–260), of which \$500,000 shall be used to pro-
9 vide technical assistance to help applicants access the Sys-
10 tem for Award Management (or any successor thereto) or
11 to assist applicants with an alternative grant application
12 system, which the Administrator of the Small Business
13 Administration may develop for use for grant programs
14 of the Small Business Administration.

15 **SEC. 6006. DIRECT APPROPRIATIONS.**

16 (a) IN GENERAL.—In addition to amounts otherwise
17 available, there is appropriated to the Administrator for
18 fiscal year 2021, out of any money in the Treasury not
19 otherwise appropriated, to remain available until ex-
20 pended—

21 (1) \$840,000,000 for administrative expenses,
22 including to prevent, prepare for, and respond to the
23 COVID–19 pandemic, domestically or internation-
24 ally, including administrative expenses related to
25 paragraphs (36) and (37) of section 7(a) of the
26 Small Business Act, section 324 of the Economic

1 Aid to Hard-Hit Small Businesses, Nonprofits, and
2 Venues Act (title III of division N of Public Law
3 116–260), section 6002 of this title, and section
4 6003 of this title; and

5 (2) \$460,000,000 to carry out the disaster loan
6 program authorized by section 7(b) of the Small
7 Business Act (15 U.S.C. 636(b)), of which
8 \$70,000,000 shall be for the cost of direct loans au-
9 thorized by such section and \$390,000,000 shall be
10 for administrative expenses to carry out such pro-
11 gram.

12 (b) INSPECTOR GENERAL.—In addition to amounts
13 otherwise available, there is appropriated to the Inspector
14 General of the Small Business Administration for fiscal
15 year 2021, out of any money in the Treasury not otherwise
16 appropriated, \$25,000,000, to remain available until ex-
17 pended, for necessary expenses of the Office of Inspector
18 General in carrying out the provisions of the Inspector
19 General Act of 1978.

1 **TITLE VII—COMMITTEE ON**
2 **TRANSPORTATION AND IN-**
3 **FRASTRUCTURE**

4 **Subtitle A—Transportation and**
5 **Infrastructure**

6 **SEC. 7001. FEDERAL EMERGENCY MANAGEMENT AGENCY**
7 **APPROPRIATION.**

8 In addition to amounts otherwise available, there is
9 appropriated to the Federal Emergency Management
10 Agency for fiscal year 2021, out of any money in the
11 Treasury not otherwise appropriated, \$50,000,000,000, to
12 remain available until September 30, 2025, for major dis-
13 asters declared pursuant to the Robert T. Stafford Dis-
14 aster Relief and Emergency Assistance Act (42 U.S.C.
15 5121 et sec.).

16 **SEC. 7002. FUNERAL ASSISTANCE.**

17 (a) IN GENERAL.—For the emergency declaration
18 issued by the President on March 13, 2020, pursuant to
19 section 501(b) of the Robert T. Stafford Disaster Relief
20 and Emergency Assistance Act (42 U.S.C. 5191(b)), and
21 for any subsequent major disaster declaration under sec-
22 tion 401 of such Act (42 U.S.C. 5170) that supersedes
23 such emergency declaration, the President shall provide fi-
24 nancial assistance to an individual or household to meet
25 disaster-related funeral expenses under section 408(e)(1)

1 of the Robert T. Stafford Disaster Relief and Emergency
2 Assistance Act (42 U.S.C. 5174(e)(1)), for which the Fed-
3 eral cost share shall be 100 percent.

4 (b) USE OF FUNDS.—Funds appropriated under sec-
5 tion 7001 may be used to carry out subsection (a) of this
6 section.

7 **SEC. 7003. ECONOMIC ADJUSTMENT ASSISTANCE.**

8 (a) ECONOMIC DEVELOPMENT ADMINISTRATION AP-
9 PROPRIATION.—In addition to amounts otherwise avail-
10 able, there is appropriated for fiscal year 2021, out of any
11 money in the Treasury not otherwise appropriated,
12 \$3,000,000,000, to remain available until September 30,
13 2022, to the Department of Commerce for economic ad-
14 justment assistance as authorized by sections 209 and 703
15 of the Public Works and Economic Development Act of
16 1965 (42 U.S.C. 3149 and 3233) to prevent, prepare for,
17 and respond to coronavirus and for necessary expenses for
18 responding to economic injury as a result of coronavirus.

19 (b) Of the funds provided by this section, up to 2
20 percent shall be used for Federal costs to administer such
21 assistance utilizing temporary Federal personnel as may
22 be necessary consistent with the requirements applicable
23 to such administrative funding in fiscal year 2020 to pre-
24 vent, prepare for, and respond to coronavirus and which
25 shall remain available until September 30, 2027.

1 (c) Of the funds provided by this section, 15 percent
2 shall be for assistance to communities that have suffered
3 economic injury as a result of job losses in the travel, tour-
4 ism, or outdoor recreation sectors.

5 (d) The total amount provided by this section shall
6 be allocated to eligible recipients in the States and Terri-
7 tories according to the total level of economic injury of
8 such States and Territories as a result of coronavirus be-
9 ginning on March 1, 2020, as measured by the change
10 in economic activity, demonstrated by current Federal eco-
11 nomic data sources such as unemployment claims and
12 gross domestic product, before and after such date.

13 **SEC. 7004. GREAT LAKES ST. LAWRENCE SEAWAY DEVELOP-**
14 **MENT CORPORATION OPERATIONS AND**
15 **MAINTENANCE.**

16 In addition to amounts otherwise available, there is
17 appropriated for fiscal year 2021, out of amounts not oth-
18 erwise appropriated from the Harbor Maintenance Trust
19 Fund pursuant to section 210 of the Water Resources De-
20 velopment Act of 1986 (33 U.S.C. 2238), \$1,500,000, to
21 remain available until expended, to prevent, prepare for,
22 and respond to coronavirus by conducting the operations,
23 maintenance, and capital infrastructure activities of the
24 Seaway International Bridge.

1 **SEC. 7005. GRANTS TO THE NATIONAL RAILROAD PAS-**
2 **SENGER CORPORATION.**

3 (a) **NORTHEAST CORRIDOR APPROPRIATION.**—In ad-
4 dition to amounts otherwise available, there is appro-
5 priated for fiscal year 2021, out of any money in the
6 Treasury not otherwise appropriated, \$820,388,160, to re-
7 main available until September 30, 2024, for grants as
8 authorized under section 11101(a) of the FAST Act (Pub-
9 lic Law 114–94) to prevent, prepare for, and respond to
10 coronavirus.

11 (b) **NATIONAL NETWORK APPROPRIATION.**—In addi-
12 tion to amounts otherwise available, there is appropriated
13 for fiscal year 2021, out of any money in the Treasury
14 not otherwise appropriated, \$679,611,840, to remain
15 available until September 30, 2024, for grants as author-
16 ized under section 11101(b) of the FAST Act (Public Law
17 114–94) to prevent, prepare for, and respond to
18 coronavirus.

19 (c) **LONG-DISTANCE SERVICE RESTORATION AND**
20 **EMPLOYEE RECALLS.**—Not less than \$165,926,000 of the
21 aggregate amounts made available under subsections (a)
22 and (b) shall be for use by the National Railroad Pas-
23 senger Corporation to—

24 (1) restore, not later than 90 days after the
25 date of enactment of this Act, the frequency of rail
26 service on long-distance routes (as defined in section

1 24102 of title 49, United States Code) that the Na-
2 tional Railroad Passenger Corporation reduced the
3 frequency of on or after July 1, 2020, and continue
4 to operate such service at such frequency; and

5 (2) recall and manage employees furloughed on
6 or after October 1, 2020, as a result of efforts to
7 prevent, prepare for, and respond to coronavirus.

8 (d) USE OF FUNDS IN LIEU OF CAPITAL PAY-
9 MENTS.—Not less than \$109,805,000 of the aggregate
10 amounts made available under subsections (a) and (b)—

11 (1) shall be for use by the National Railroad
12 Passenger Corporation in lieu of capital payments
13 from States and commuter rail passenger transpor-
14 tation providers that are subject to the cost alloca-
15 tion policy under section 24905(c) of title 49, United
16 States Code; and

17 (2) notwithstanding sections 24319(g) and
18 24905(c)(1)(A)(i) of title 49, United States Code,
19 such amounts do not constitute cross-subsidization
20 of commuter rail passenger transportation.

21 (e) USE OF FUNDS FOR STATE PAYMENTS FOR
22 STATE-SUPPORTED ROUTES.—

23 (1) IN GENERAL.—Of the amounts made avail-
24 able under subsection (b), \$174,850,000 shall be for
25 use by the National Railroad Passenger Corporation

1 to offset amounts required to be paid by States for
2 covered State-supported routes.

3 (2) FUNDING SHARE.—The share of funding
4 provided under paragraph (1) with respect to a cov-
5 ered State-supported route shall be distributed as
6 follows:

7 (A) Each covered State-supported route
8 shall receive 7 percent of the costs allocated to
9 the route in fiscal year 2019 under the cost al-
10 location methodology adopted pursuant to sec-
11 tion 209 of the Passenger Rail Investment and
12 Improvement Act of 2008 (Public Law 110–
13 432).

14 (B) Any remaining amounts after the dis-
15 tribution described in subparagraph (A) shall be
16 apportioned to each covered State-supported
17 route in proportion to the passenger revenue of
18 such route and other revenue allocated to such
19 route in fiscal year 2019 divided by the total
20 passenger revenue and other revenue allocated
21 to all covered State-supported routes in fiscal
22 year 2019.

23 (3) COVERED STATE-SUPPORTED ROUTE DE-
24 FINED.—In this subsection, the term “covered
25 State-supported route” means a State-supported

1 route, as such term is defined in section 24102 of
2 title 49, United States Code, but does not include a
3 State-supported route for which service was termi-
4 nated on or before February 1, 2020.

5 (f) USE OF FUNDS FOR DEBT REPAYMENT OR PRE-
6 PAYMENT.—Not more than \$100,885,000 of the aggre-
7 gate amounts made available under subsections (a) and
8 (b) shall be—

9 (1) for the repayment or prepayment of debt in-
10 curred by the National Railroad Passenger Corpora-
11 tion under financing arrangements entered into prior
12 to the date of enactment of this Act; and

13 (2) to pay required reserves, costs, and fees re-
14 lated to such debt, including for loans from the De-
15 partment of Transportation and loans that would
16 otherwise have been paid from National Railroad
17 Passenger Corporation revenues.

18 (g) PROJECT MANAGEMENT OVERSIGHT.—Not more
19 than \$2,000,000 of the aggregate amounts made available
20 under subsections (a) and (b) shall be for activities author-
21 ized under section 11101(c) of the FAST Act (Public Law
22 114–94).

23 **SEC. 7006. FEDERAL TRANSIT ADMINISTRATION GRANTS.**

24 (a) FEDERAL TRANSIT ADMINISTRATION APPRO-
25 PRIATION.—

1 (1) IN GENERAL.—In addition to amounts oth-
2 erwise made available, there are appropriated for fis-
3 cal year 2021, out of any funds in the Treasury not
4 otherwise appropriated, \$30,000,000,000, to remain
5 available until September 30, 2024, that shall—

6 (A) be for grants under chapter 53 of title
7 49, United States Code, to eligible recipients to
8 prevent, prepare for, and respond to
9 coronavirus; and

10 (B) not be subject to any prior restriction
11 on the total amount of funds available for im-
12 plementation or execution of programs author-
13 ized under sections 5307, 5310, or 5311 of
14 such title.

15 (2) AVAILABILITY OF FUNDS FOR OPERATING
16 EXPENSES.—

17 (A) IN GENERAL.—Notwithstanding sub-
18 section (a)(1) or (b) of section 5307 of title 49,
19 United States Code, section 5310(b)(2)(A), or
20 any other provision of chapter 53 of such title,
21 funds provided under this section, other than
22 subsection (b)(4), shall be available for the op-
23 erating expenses of transit agencies to prevent,
24 prepare for, and respond to the coronavirus

1 public health emergency, including, beginning
2 on January 20, 2020—

3 (i) reimbursement for payroll of public
4 transportation (including payroll and ex-
5 penses of private providers of public trans-
6 portation);

7 (ii) operating costs to maintain service
8 due to lost revenue due as a result of the
9 coronavirus public health emergency, in-
10 cluding the purchase of personal protective
11 equipment; and

12 (iii) paying the administrative leave of
13 operations or contractor personnel due to
14 reductions in service.

15 (B) USE OF FUNDS.—Funds described in
16 subparagraph (A) shall be—

17 (i) available for immediate obligation,
18 notwithstanding the requirement for such
19 expenses to be included in a transportation
20 improvement program, long-range trans-
21 portation plan, statewide transportation
22 plan, or statewide transportation improve-
23 ment program under sections 5303 and
24 5304 of title 49, United States Code;

1 (ii) directed to payroll and operations
2 of public transportation (including payroll
3 and expenses of private providers of public
4 transportation), unless the recipient cer-
5 tifies to the Secretary that the recipient
6 has not furloughed any employees;

7 (iii) subject to the requirements of
8 section 5333 of such title, notwithstanding
9 any waiver authority under section 5324 of
10 such title; and

11 (iv) used to provide a Federal share of
12 the costs for any grant made under this
13 section of 100 percent, notwithstanding
14 any provision of chapter 53 of such title.

15 (b) ALLOCATION OF FUNDS.—

16 (1) URBANIZED AREA FORMULA GRANTS.—

17 (A) IN GENERAL.—Of the amounts made
18 available under subsection (a), \$26,086,580,227
19 shall be for grants to recipients and subrecipi-
20 ents under section 5307 of title 49, United
21 States Code, and shall be administered as if
22 such funds were provided under section 5307 of
23 such title.

24 (B) ALLOCATION.—Amounts made avail-
25 able under subparagraph (A) shall be appor-

1 tioned to urbanized areas based on data con-
2 tained in the National Transit Database such
3 that—

4 (i) each urbanized area shall receive
5 an apportionment of an amount that, when
6 combined with amounts that were other-
7 wise made available to such urbanized area
8 for similar activities to prevent, prepare
9 for, and respond to coronavirus, is equal to
10 132 percent of the urbanized area’s 2018
11 operating costs; and

12 (ii) for funds remaining after the ap-
13 portionment described in clause (i), such
14 funds shall be apportioned such that—

15 (I) each urbanized area that did
16 not receive an apportionment under
17 clause (i) shall receive an apportion-
18 ment equal to 25 percent of the ur-
19 banized area’s 2018 operating costs;
20 and

21 (II) each urbanized area under
22 clause (i), when the amounts that
23 were otherwise made available, prior
24 to clause (i) to that urbanized area
25 for similar activities to prevent, pre-

1 pare for, and respond to coronavirus
2 are equal to or greater than 130 per-
3 cent of the urbanized area's 2018 op-
4 erating costs but do not exceed 132
5 percent of such costs, such urbanized
6 area shall receive an apportionment
7 equal to 10 percent of the urbanized
8 area's 2018 operating costs, in addi-
9 tion to amounts apportioned to the
10 urbanized area under clause (i).

11 (2) FORMULA GRANTS FOR THE ENHANCED
12 MOBILITY OF SENIORS AND INDIVIDUALS WITH DIS-
13 ABILITIES.—

14 (A) IN GENERAL.—Of the amounts made
15 available under subsection (a), \$50,000,000
16 shall be for grants to recipients or subrecipients
17 eligible under section 5310 of title 49, United
18 States Code, and shall be apportioned in ac-
19 cordance with such section.

20 (B) ALLOCATION RATIO.—Amounts made
21 available under subparagraph (A) shall be allo-
22 cated in the same ratio as funds were provided
23 under section 5310 of title 49, United States
24 Code, for fiscal year 2020.

25 (3) FORMULA GRANTS FOR RURAL AREAS.—

1 (A) IN GENERAL.—Of the amounts made
2 available under subsection (a), \$280,858,479
3 shall be for grants to recipients or subrecipients
4 eligible under section 5311 of title 49, United
5 States Code, other than subsections (b)(3) and
6 (c)(1)(B) of such section and shall be adminis-
7 tered as if the funds were provided under sec-
8 tion 5311 of such title.

9 (B) ALLOCATION RATIO.—Amounts made
10 available under subparagraph (A) shall be allo-
11 cated to States, as defined in section 5302 of
12 title 49, United States Code, based on data con-
13 tained in the National Transit Database, such
14 that—

15 (i) any State that received an amount
16 for similar activities to prevent, prepare
17 for, and respond to coronavirus that is
18 equal to or greater than 150 percent of the
19 combined 2018 rural operating costs of the
20 recipients and subrecipients in such State
21 shall receive an amount equal to 5 percent
22 of such State's 2018 rural operating costs;

23 (ii) any State that does not receive an
24 allocation under clause (i) that received an
25 amount for similar activities to prevent,

1 prepare for, and respond to coronavirus
2 that is equal to or greater than 140 per-
3 cent of the combined 2018 rural operating
4 costs of the recipients and subrecipients in
5 that State shall receive an amount equal to
6 10 percent of such State's 2018 rural op-
7 erating costs; and

8 (iii) any State that does not receive an
9 allocation under clauses (i) or (ii) shall re-
10 ceive an amount equal to 20 percent of
11 such State's 2018 rural operating costs.

12 (4) CAPITAL INVESTMENTS.—

13 (A) IN GENERAL.—Of the amounts made
14 available under subsection (a)—

15 (i) \$1,000,000,000 shall be for grants
16 administered under subsections (d) and (e)
17 of section 5309 of title 49, United States
18 Code, and section 3005(b) of the FAST
19 Act (Public Law 114–94); and

20 (ii) \$250,000,000 shall be for grants
21 administered under subsection (h) of sec-
22 tion 5309 of title 49, United States Code.

23 (B) FUNDING DISTRIBUTION.—

24 (i) Amounts made available in sub-
25 paragraph (A)(i) shall be proportionally

1 provided to each recipient to all projects
2 with existing full funding grant agreements
3 and all projects under section 3005(b) of
4 Public Law 114–94 that received alloca-
5 tions for fiscal year 2019 or 2020, except
6 that recipients with projects open for rev-
7 enue service are not eligible to receive a
8 grant under this paragraph.

9 (ii) For amounts made available in
10 subparagraph (A)(ii), eligible recipients
11 shall be any recipient of an allocation
12 under subsection (h) of section 5309 of
13 title 49, United States Code, or an appli-
14 cant in the project development phase de-
15 scribed in paragraph (2) of such sub-
16 section.

17 (iii) Amounts distributed under
18 clauses (i) and (ii) of subparagraph (A)
19 shall be provided notwithstanding the limi-
20 tation of any calculation of the maximum
21 amount of Federal financial assistance for
22 the project under subsection (k)(2)(C)(ii)
23 or (h)(7) of section 5309 of title 49,
24 United States Code, or section 3005(b)(9)
25 of the FAST Act (Public Law 114–94).

1 (5) SECTION 5311(F) SERVICES.—

2 (A) IN GENERAL.—Of the amounts made
3 available under subsection (a) and in addition
4 to the amounts made available under paragraph
5 (3), \$100,000,000 shall be available for grants
6 to recipients for bus operators that partner with
7 recipients or subrecipients of funds under sec-
8 tion 5311(f) of title 49, United States Code.

9 (B) ALLOCATION RATIO.—Notwithstanding
10 paragraph (3), the Secretary shall allocate
11 amounts under subparagraph (A) in the same
12 ratio as funds were provided under section
13 5311 of title 49, United States Code, for fiscal
14 year 2020.

15 (C) EXCEPTION.—If a State or territory
16 does not have bus providers eligible under sec-
17 tion 5311(f) of title 49, United States Code,
18 funds under this paragraph may be used by
19 such State or territory for any expense eligible
20 under section 5311 of title 49, United States
21 Code.

22 (6) PLANNING.—

23 (A) IN GENERAL.—Of the amounts made
24 available under subsection (a), \$25,000,000
25 shall be for grants to recipients eligible under

1 section 5307 of title 49, United States Code,
2 for the planning of public transportation associ-
3 ated with the restoration of services as the
4 coronavirus public health emergency concludes
5 and shall be available in accordance with such
6 section.

7 (B) AVAILABILITY OF FUNDS FOR ROUTE
8 PLANNING.—Amounts made available under
9 subparagraph (A) shall be available for route
10 planning designed to—

11 (i) increase ridership and reduce trav-
12 el times, while maintaining or expanding
13 the total level of vehicle revenue miles of
14 service provided in the planning period; or

15 (ii) make service adjustments to in-
16 crease the quality or frequency of service
17 provided to low-income riders and dis-
18 advantaged neighborhoods or communities.

19 (C) LIMITATION.—Amounts made available
20 under subparagraph (A) shall not be used for
21 route planning related to transitioning public
22 transportation service provided as of the date of
23 receipt of funds to a transportation network
24 company or other third-party contract provider,

1 unless the existing provider of public transpor-
2 tation service is a third-party contract provider.

3 (7) RECIPIENTS AND SUBRECIPIENTS REQUIR-
4 ING ADDITIONAL ASSISTANCE.—

5 (A) IN GENERAL.—Of the amounts made
6 available under subsection (a), \$2,207,561,294
7 shall be for grants to eligible recipients or sub-
8 recipients of funds under chapter 53 of title 49,
9 United States Code, that, as a result of
10 COVID–19, require additional assistance to
11 maintain operations.

12 (B) ADMINISTRATION.—Funds made avail-
13 able under subparagraph (A) shall, after alloca-
14 tion, be administered as if provided under sub-
15 sections (b)(1) or (b)(3), as applicable.

16 (C) APPLICATION REQUIREMENTS.—

17 (i) IN GENERAL.—The Secretary may
18 not allocate funds to an eligible recipient
19 or subrecipient of funds under chapter 53
20 of title 49, United States Code, unless the
21 recipient provides to the Secretary—

22 (I) estimates of financial need;

23 (II) data on reductions in farebox
24 or other sources of local revenue for
25 sustained operations; and

1 (III) a spending plan for such
2 funds.

3 (ii) EVALUATION.—

4 (I) IN GENERAL.—Applications
5 for assistance under this paragraph
6 shall be evaluated by the Secretary
7 based on the level of financial need
8 demonstrated by an eligible recipient
9 or subrecipient, including projections
10 of future financial need to maintain
11 service as a percentage of the 2018
12 operating costs that has not been re-
13 placed by the funds made available to
14 the eligible recipient or subrecipient
15 under paragraphs (1) through (5) of
16 this subsection when combined with
17 the amounts allocated to such eligible
18 recipient or subrecipient from funds
19 previously made available for the op-
20 erating expenses of transit agencies
21 related to the response to the
22 COVID–19 public health emergency.

23 (II) RESTRICTION.—Amounts
24 made available under this paragraph

1 shall only be available for operating
2 expenses.

3 (iv) STATE APPLICANTS.—A State
4 may apply for assistance under this para-
5 graph on behalf of an eligible recipient or
6 subrecipient, or a group of eligible recipi-
7 ents or subrecipients.

8 (D) UNOBLIGATED FUNDS.—If amounts
9 made available under this paragraph remain
10 unobligated on September 30, 2023, such
11 amounts shall be available for any purpose eligi-
12 ble under section 5324 of title 49, United
13 States Code.

14 **SEC. 7007. RELIEF FOR AIRPORTS.**

15 (a) IN GENERAL.—

16 (1) IN GENERAL.—In addition to amounts oth-
17 erwise available, there is appropriated for fiscal year
18 2021, out of any funds in the Treasury not other-
19 wise appropriated, \$8,000,000,000, to remain avail-
20 able until September 30, 2024, for assistance to air-
21 ports under sections 47101 through 47144 of title
22 49, United States Code, to be made available to pre-
23 vent, prepare for, and respond to coronavirus.

24 (2) REQUIREMENTS AND LIMITATIONS.—

25 Amounts made available under this section—

1 (A) shall not be subject to the require-
2 ments of chapter 471 of title 49, United States
3 Code, except the requirements of chapter 471
4 (other than eligibility requirements) shall apply
5 to any contract awarded after the date of enact-
6 ment of this Act for airport development;

7 (B) may not be used for any purpose not
8 directly related to the airport; and

9 (C) may not be provided to any airport
10 that was allocated in excess of 4 years of oper-
11 ating funds to prevent, prepare for, and re-
12 spond to coronavirus in fiscal year 2020.

13 (b) ALLOCATIONS.—The following terms shall apply
14 to the amounts made available under this section:

15 (1) OPERATING EXPENSES AND DEBT SERVICE
16 PAYMENTS.—

17 (A) IN GENERAL.—Not more than
18 \$6,492,000,000 shall be made available for pri-
19 mary airports, as such term is defined in sec-
20 tion 47102 of title 49, United States Code, and
21 certain cargo airports, for costs related to oper-
22 ations, personnel, cleaning, sanitization, jani-
23 torial services, combating the spread of patho-
24 gens at the airport, and debt service payments.

1 (B) DISTRIBUTION.— Amounts made
2 available under this paragraph—

3 (i) shall not be subject to the reduced
4 apportionments under section 47114(f) of
5 title 49, United States Code;

6 (ii) shall first be apportioned as set
7 forth in sections 47114(c)(1)(A),
8 47114(c)(1)(C)(i), 47114(c)(1)(C)(ii),
9 47114(c)(2)(A), 47114(c)(2)(B), and
10 47114(c)(2)(E) of title 49, United States
11 Code; and

12 (iii) shall not be subject to a max-
13 imum apportionment limit set forth in sec-
14 tion 47114(c)(1)(B) of title 49, United
15 States Code.

16 (C) REMAINING AMOUNTS.—Any amount
17 remaining after distribution under subpara-
18 graph (B) shall be distributed to the sponsor of
19 each primary airport (as such term is defined
20 in section 47102 of title 49, United States
21 Code) based on each such primary airport's
22 passenger enplanements compared to the total
23 passenger enplanements of all such primary air-
24 ports in calendar year 2019.

1 (2) FEDERAL SHARE FOR DEVELOPMENT
2 PROJECTS.—

3 (A) IN GENERAL.—Not more than
4 \$608,000,000 allocated under subsection (a)(1)
5 shall be available to pay a Federal share of 100
6 percent of the costs for any grant awarded in
7 fiscal year 2021, or in fiscal year 2020 with less
8 than a 100-percent Federal share, for an air-
9 port development project (as such term is de-
10 fined in section 47102 of title 49).

11 (B) REMAINING AMOUNTS.—Any amount
12 remaining under this paragraph shall be distrib-
13 uted as described in paragraph (1)(C).

14 (3) NONPRIMARY AIRPORTS.—

15 (A) IN GENERAL.—Not more than
16 \$100,000,000 shall be made available for gen-
17 eral aviation and commercial service airports
18 that are not primary airports (as such terms
19 are defined in section 47102 of title 49, United
20 States Code) for costs related to operations,
21 personnel, cleaning, sanitization, janitorial serv-
22 ices, combating the spread of pathogens at the
23 airport, and debt service payments.

24 (B) DISTRIBUTION.—Amounts made avail-
25 able under this paragraph shall be apportioned

1 to each non-primary airport based on the cat-
2 egories published in the most current National
3 Plan of Integrated Airport Systems, reflecting
4 the percentage of the aggregate published eligi-
5 ble development costs for each such category,
6 and then dividing the allocated funds evenly
7 among the eligible airports in each category,
8 rounding up to the nearest thousand dollars.

9 (C) REMAINING AMOUNTS.—Any amount
10 remaining under this paragraph shall be distrib-
11 uted as described in paragraph (1)(C).

12 (4) AIRPORT CONCESSIONS.—

13 (A) IN GENERAL.—Not more than
14 \$800,000,000 shall be made available for spon-
15 sors of primary airports to provide relief from
16 rent and minimum annual guarantees to airport
17 concessions, of which at least \$640,000,000
18 shall be available to provide relief to eligible
19 small airport concessions and of which at least
20 \$160,000,000 shall be available to provide relief
21 to eligible large airport concessions located at
22 primary airports.

23 (B) DISTRIBUTION.—The amounts made
24 available for each set-aside in this paragraph
25 shall be distributed to the sponsor of each pri-

1 mary airport (as such term is defined in section
2 47102 of title 49, United States Code) based on
3 each such primary airport's passenger
4 enplanements compared to the total passenger
5 enplanements of all such primary airports in
6 calendar year 2019.

7 (C) CONDITIONS.—As a condition of ap-
8 proving a grant under this paragraph—

9 (i) the sponsor shall provide such re-
10 lief from the date of enactment of this Act
11 until the sponsor has provided relief equal-
12 ing the total grant amount, to the extent
13 practicable and to the extent permissible
14 under State laws, local laws, and applicable
15 trust indentures; and

16 (ii) for each set-aside, the sponsor
17 shall provide relief from rent and minimum
18 annual guarantee obligations to each eligi-
19 ble airport concession in an amount that
20 reflects each eligible airport concession's
21 proportional share of the total amount of
22 the rent and minimum annual guarantees
23 of those eligible airport concessions at such
24 airport.

25 (c) ADMINISTRATION.—

1 (1) ADMINISTRATIVE EXPENSES.—The Admin-
2 istrator of the Federal Aviation Administration may
3 retain up to 0.1 percent of the funds provided under
4 this section to fund the award of, and oversight by
5 the Administrator of, grants made under this sec-
6 tion.

7 (2) WORKFORCE RETENTION REQUIRE-
8 MENTS.—

9 (A) REQUIRED RETENTION.—All airports
10 receiving funds under this section shall continue
11 to employ, through September 30, 2021, at
12 least 90 percent of the number of individuals
13 employed (after making adjustments for retire-
14 ments or voluntary employee separations) by
15 the airport as of March 27, 2020.

16 (B) WAIVER OF RETENTION REQUIRE-
17 MENT.—The Secretary shall waive the work-
18 force retention requirement if the Secretary de-
19 termines that—

20 (i) the airport is experiencing eco-
21 nomic hardship as a direct result of the re-
22 quirement; or

23 (ii) the requirement reduces aviation
24 safety or security.

1 (C) EXCEPTION.—The workforce retention
2 requirement shall not apply to nonhub airports
3 or nonprimary airports receiving funds under
4 this section.

5 (d) DEFINITIONS.—In this section:

6 (1) ELIGIBLE LARGE AIRPORT CONCESSION.—
7 The term “eligible large airport concession” means
8 a concession (as defined in section 23.3 of title 49,
9 Code of Federal Regulations), that is in-terminal
10 and has maximum gross receipts, averaged over the
11 previous three fiscal years, of more than
12 \$56,420,000.

13 (2) ELIGIBLE SMALL AIRPORT CONCESSION.—
14 The term “eligible small airport concession” means
15 a concession (as defined in section 23.3 of title 49,
16 Code of Federal Regulations), that is in-terminal
17 and—

18 (A) a small business with maximum gross
19 receipts, averaged over the previous 3 fiscal
20 years, of less than \$56,420,000; or

21 (B) is a joint venture (as defined in section
22 23.3 of title 49, Code of Federal Regulations).

1 **Subtitle B—Aviation**
2 **Manufacturing Jobs Protection**

3 **SEC. 7101. DEFINITIONS.**

4 In this subtitle:

5 (1) **ELIGIBLE EMPLOYEE GROUP.**—The term
6 “eligible employee group” means the portion of an
7 employer’s United States workforce that—

8 (A) does not exceed 25 percent of the em-
9 ployer’s total United States workforce as of
10 April 1, 2020; and

11 (B) contains only employees with a total
12 compensation level of \$200,000 or less per year;
13 and

14 (C) is engaged in aviation manufacturing
15 activities and services, or maintenance, repair,
16 and overhaul activities and services.

17 (2) **AVIATION MANUFACTURING COMPANY.**—
18 The term “aviation manufacturing company” means
19 a corporation, firm, or other business entity—

20 (A) that—

21 (i) actively manufactures an aircraft,
22 aircraft engine, propeller, or a component,
23 part, or systems of an aircraft or aircraft
24 engine under a Federal Aviation Adminis-
25 tration production approval; or

1 (ii) holds a certificate issued under
2 part 145 of title 14, Code of Federal Regu-
3 lations, for maintenance, repair, and over-
4 haul of aircraft, aircraft engines, compo-
5 nents, or propellers.

6 (B) which, as supported by demonstrable
7 evidence—

8 (i) is established, created, or orga-
9 nized in the United States or under the
10 laws of the United States; and

11 (ii) has significant operations in, and
12 a majority of its employees engaged in
13 aviation manufacturing activities and serv-
14 ices, or maintenance, repair, and overhaul
15 activities and services based in the United
16 States;

17 (C) which, as supported by demonstrable
18 evidence, has involuntarily furloughed or laid
19 off at least 10 percent of its workforce in 2020
20 as compared to 2019 or has experienced at
21 least a 15 percent decline in 2020 revenues as
22 compared to 2019;

23 (D) that, as supported by sworn financial
24 statements or other appropriate data, has iden-
25 tified the eligible employee group and the

1 amount of total compensation level for the eligi-
2 ble employee group;

3 (E) that agrees to provide private con-
4 tributions and maintain the total compensation
5 level for the eligible employee group for the du-
6 ration of an agreement under this subtitle;

7 (F) that agrees to provide immediate no-
8 tice and justification to the Secretary of invol-
9 untary furloughs or layoffs exceeding 10 per-
10 cent of the workforce that is not included in an
11 eligible employee group for the duration of an
12 agreement and receipt of public contributions
13 under this subtitle;

14 (G) that has not conducted involuntary
15 furloughs or reduced pay rates or benefits for
16 the eligible employee group, subject to the em-
17 ployer's right to discipline or terminate an em-
18 ployee in accordance with employer policy, be-
19 tween the date of application and the date on
20 which such a corporation, firm, or other busi-
21 ness entity enters into an agreement with the
22 Secretary under this subtitle; and

23 (H) that—

24 (i) in the case of a corporation, firm,
25 or other business entity including any par-

1 ent company or subsidiary of such a cor-
2 poration, firm, or other business entity,
3 that holds any type or production certifi-
4 cate or similar authorization issued under
5 section 44704 of title 49, United States
6 Code, with respect to a transport-category
7 airplane covered under part 25 of title 14,
8 Code of Federal Regulations, certificated
9 with a passenger seating capacity of 50 or
10 more, agrees to refrain from conducting in-
11 voluntary layoffs or furloughs, or reducing
12 pay rates and benefits, for the eligible em-
13 ployee group, subject to the employer's
14 right to discipline or terminate an em-
15 ployee in accordance with employer policy
16 from the date of agreement until Sep-
17 tember 30, 2021, or the duration of the
18 agreement and receipt of public contribu-
19 tions under this subtitle, whichever period
20 ends later; or

21 (ii) in the case of corporation, firm, or
22 other business entity not specified under
23 subparagraph (i), agrees to refrain from
24 conducting involuntary layoffs or fur-
25 loughs, or reducing pay rates and benefits,

1 for the eligible employee group, subject to
2 the employer’s right to discipline or termi-
3 nate an employee in accordance with em-
4 ployer policy for the duration of the agree-
5 ment and receipt of public contributions
6 under this subtitle.

7 (3) COVID–19 PUBLIC HEALTH EMERGENCY.—
8 The term “COVID–19 public health emergency”
9 means the public health emergency first declared on
10 January 31, 2020, by the Secretary of Health and
11 Human Services under section 319 of the Public
12 Health Service Act (42 U.S.C. 247d) with respect to
13 the 2019 Novel Coronavirus (COVID–19) and in-
14 cludes any renewal of such declaration pursuant to
15 such section 319.

16 (4) EMPLOYEE.—The term “employee” has the
17 meaning given that term in section 3 of the Fair
18 Labor Standards Act of 1938 (29 U.S.C. 203).

19 (5) EMPLOYER.—The term “employer” means
20 an aviation manufacturing company that is an em-
21 ployer (as defined in section 3 of the Fair Labor
22 Standards Act of 1938 (29 U.S.C. 203)).

23 (6) PRIVATE CONTRIBUTION.—The term “pri-
24 vate contribution” means the contribution funded by
25 the employer under this subtitle to maintain 50 per-

1 cent of the eligible employee group’s total compensa-
2 tion level, and combined with the public contribu-
3 tion, is sufficient to maintain the total compensation
4 level for the eligible employee group as of April 1,
5 2020.

6 (7) PUBLIC CONTRIBUTION.—The term “public
7 contribution” means the contribution funded by the
8 Federal Government under this title to provide 50
9 percent of the eligible employees group’s total com-
10 pensation level, and combined with the private con-
11 tribution, is sufficient to maintain the total com-
12 pensation level for those in the eligible employee
13 group as of April 1, 2020.

14 (8) SECRETARY.—The term “Secretary” means
15 the Secretary of Transportation.

16 (9) TOTAL COMPENSATION LEVEL.—The term
17 “total compensation level” means the level of total
18 base compensation and benefits being provided to an
19 eligible employee group employee, excluding overtime
20 and premium pay, and excluding any Federal, State,
21 or local payroll taxes paid, as of April 1, 2020.

22 **SEC. 7102. PAYROLL SUPPORT PROGRAM.**

23 (a) IN GENERAL.—The Secretary shall establish a
24 payroll support program and enter into agreements with
25 employers who meet the eligibility criteria specified in sub-

1 section (b) and are not ineligible under subsection (c), to
2 provide public contributions to supplement compensation
3 of an eligible employee group. There is appropriated for
4 fiscal year 2021, out of amounts in the Treasury not oth-
5 erwise appropriated, \$3,000,000,000, to remain available
6 until September 30, 2023, for the Secretary to carry out
7 the payroll support program authorized under the pre-
8 ceding sentence for which 1 percent of the funds may be
9 used for implementation costs and administrative ex-
10 penses.

11 (b) ELIGIBILITY.—The Secretary shall enter into an
12 agreement and provide public contributions, for a term no
13 longer than 6 months, solely with an employer that—

14 (1) agrees to use the funds received under an
15 agreement exclusively for the continuation of em-
16 ployee wages, salaries, and benefits, to maintain the
17 total compensation level for the eligible employee
18 group as of April 1, 2020 for the duration of the
19 agreement, and to facilitate the retention, rehire, or
20 recall of employees of the employer, except that such
21 funds may not be used for back pay of returning re-
22 hired or recalled employees; and

23 (2) agrees that any false, fictitious, misleading,
24 or fraudulent information made or submitted by the
25 employer, or the omission of any material fact by the

1 employer, may subject the employer to criminal,
2 civil, or administrative penalties for fraud, false
3 statements, false claims, or otherwise pursuant to
4 applicable Federal law.

5 (c) INELIGIBILITY.—The Secretary may not enter
6 into any agreement under this section with an employer
7 who was allowed a credit under section 2301 of the
8 CARES Act (26 U.S.C. 3111 note) for any calendar quar-
9 ter ending before such agreement is entered into, who re-
10 ceived financial assistance under section 4113 of the
11 CARES Act (15 U.S.C. 9073), or who is currently expend-
12 ing financial assistance under the paycheck protection pro-
13 gram established under section 7(a)(36) of the Small
14 Business Act (15 U.S.C. 636(a)(36)), as of the date the
15 employer submits an application under the payroll support
16 program established under subsection (a).

17 (d) REDUCTIONS.—To address any shortfall in assist-
18 ance that would otherwise be provided under this subtitle,
19 the Secretary shall reduce, on a pro rata basis, the finan-
20 cial assistance provided under this subtitle.

21 (e) AGREEMENT DEADLINE.—No agreement may be
22 entered into by the Secretary under the payroll support
23 program established under subsection (a) after the last
24 day of the 6 month period that begins on the effective

1 date of the first agreement entered into under such pro-
2 gram.

3 **Subtitle C—Continued Assistance**
4 **to Rail Workers**

5 **SEC. 7201. ADDITIONAL ENHANCED BENEFITS UNDER THE**
6 **RAILROAD UNEMPLOYMENT INSURANCE ACT.**

7 (a) IN GENERAL.—Section 2(a)(5)(A) of the Railroad
8 Unemployment Insurance Act (45 U.S.C. 352(a)(5)(A)) is
9 amended—

10 (1) in the first sentence—

11 (A) by striking “March 14, 2021” and in-
12 serting “August 29, 2021”;

13 (B) by striking “or July 1, 2020” and in-
14 serting “July 1, 2020, or July 1, 2021”; and

15 (2) by adding at the end the following: “For
16 registration periods beginning after March 14, 2021,
17 but on or before August 29, 2021, the recovery ben-
18 efit payable under this subparagraph shall be in the
19 amount of \$800.”.

20 (b) CLARIFICATION ON AUTHORITY TO USE
21 FUNDS.—Funds appropriated under subparagraph (B) of
22 section 2(a)(5) of the Railroad Unemployment Insurance
23 Act (45 U.S.C. 352(a)(5)) shall be available to cover the
24 cost of recovery benefits provided under such section
25 2(a)(5) by reason of the amendments made by subsection

1 (a) as well as to cover the cost of such benefits provided
2 under such section 2(a)(5) as in effect on the day before
3 the date of enactment of this Act.

4 **SEC. 7202. EXTENDED UNEMPLOYMENT BENEFITS UNDER**
5 **THE RAILROAD UNEMPLOYMENT INSURANCE**
6 **ACT.**

7 (a) IN GENERAL.—Section 2(c)(2)(D) of the Rail-
8 road Unemployment Insurance Act (45 U.S.C.
9 352(c)(2)(D)) is amended—

10 (1) in clause (i)—

11 (A) in subclause (I), by striking “185
12 days” and inserting “305 days”;

13 (B) in subclause (II),

14 (i) by striking “19 consecutive 14-day
15 periods” and inserting “31 consecutive 14-
16 day periods”; and

17 (ii) by striking “6 consecutive 14-day
18 periods” and inserting “18 consecutive 14-
19 day periods”;

20 (2) in clause (ii)—

21 (A) by striking “120 days of unemploy-
22 ment” and inserting “240 days of unemploy-
23 ment”;

1 (B) by striking “12 consecutive 14-day pe-
2 riods” and inserting “24 consecutive 14-day pe-
3 riods”; and

4 (C) by striking “6 consecutive 14-day peri-
5 ods” and inserting “18 consecutive 14-day peri-
6 ods”; and

7 (3) in clause (iii)—

8 (A) by striking “June 30, 2021” and in-
9 serting “June 30, 2022”; and

10 (B) by striking “the provisions of clauses
11 (i) and (ii) shall not apply to any employee
12 whose extended benefit period under subpara-
13 graph (B) begins after March 14, 2021, and
14 shall not apply to any employee with respect to
15 any registration period beginning after April 5,
16 2021.” and inserting “the provisions of clauses
17 (i) and (ii) shall not apply to any employee with
18 respect to any registration period beginning
19 after August 29, 2021.”

20 (b) CLARIFICATION ON AUTHORITY TO USE
21 FUNDS.—Funds appropriated under either the first or
22 second sentence of clause (v) of section 2(c)(2)(D) of the
23 Railroad Unemployment Insurance Act shall be available
24 to cover the cost of additional extended unemployment
25 benefits provided under such section 2(c)(2)(D) by reason

1 of the amendments made by subsection (a) as well as to
2 cover the cost of such benefits provided under such section
3 2(c)(2)(D) as in effect on the day before the date of enact-
4 ment of this Act.

5 **SEC. 7203. EXTENSION OF WAIVER OF THE 7-DAY WAITING**
6 **PERIOD FOR BENEFITS UNDER THE RAIL-**
7 **ROAD UNEMPLOYMENT INSURANCE ACT.**

8 (a) IN GENERAL.—Section 2112(a) of the CARES
9 Act (15 U.S.C. 9030(a)) is amended by striking “March
10 14, 2021” and inserting “August 29, 2021”.

11 (b) CLARIFICATION ON AUTHORITY TO USE
12 FUNDS.—Funds appropriated under section 2112(c) of
13 the CARES Act (15 U.S.C. 9030(c)) shall be available to
14 cover the cost of additional benefits payable due to section
15 2112(a) of such Act by reason of the amendments made
16 by subsection (a) as well as to cover the cost of such bene-
17 fits payable due to such section 2112(a) as in effect on
18 the day before the date of enactment of this Act.

19 **SEC. 7204. RAILROAD RETIREMENT BOARD AND OFFICE OF**
20 **THE INSPECTOR GENERAL FUNDING.**

21 In addition to amounts otherwise made available,
22 there are appropriated for fiscal year 2021, out of any
23 money in the Treasury not otherwise appropriated—

24 (1) \$27,975,000, to remain available until ex-
25 pended, for the Railroad Retirement Board, to pre-

1 vent, prepare for, and respond to coronavirus, of
2 which—

3 (A) \$6,800,000 shall be for additional hir-
4 ing and overtime bonuses as needed to admin-
5 ister the Railroad Unemployment Insurance
6 Act; and

7 (B) \$21,175,000 shall be to supplement,
8 not supplant, existing resources devoted to op-
9 erations and improvements for the Information
10 Technology Investment Initiatives of the Rail-
11 road Retirement Board; and

12 (2) \$500,000, to remain available until ex-
13 pended, for the Railroad Retirement Board Office of
14 Inspector General for audit, investigatory and review
15 activities, as authorized by the Inspector General
16 Act of 1978.

17 **TITLE VIII—COMMITTEE ON**
18 **VETERANS' AFFAIRS**

19 **SEC. 8001. FUNDING FOR CLAIMS AND APPEALS PROC-**
20 **ESSING.**

21 In addition to amounts otherwise made available,
22 there is appropriated for fiscal year 2021, out of any
23 money in the Treasury not otherwise appropriated,
24 \$272,000,000, to remain available until September 30,

1 2023, pursuant to sections 308, 310, 7101 through 7113,
2 7701, and 7703 of title 38, United States Code.

3 **SEC. 8002. FUNDING AVAILABILITY FOR MEDICAL CARE**
4 **AND HEALTH NEEDS.**

5 In addition to amounts otherwise made available,
6 there is appropriated for fiscal year 2021, out of any
7 money in the Treasury not otherwise appropriated,
8 \$13,482,000,000, to remain available until September 30,
9 2023, for allocation under chapters 17, 20, 73, and 81
10 of title 38, United States Code, of which not more than
11 \$4,000,000,000 shall be available pursuant to section
12 1703 of title 38, United States Code for health care fur-
13 nished through the Veterans Community Care program.

14 **SEC. 8003. FUNDING FOR SUPPLY CHAIN MODERNIZATION.**

15 In addition to amounts otherwise made available,
16 there is appropriated for fiscal year 2021, out of any
17 money in the Treasury not otherwise appropriated,
18 \$100,000,000, to remain available until September 30,
19 2022, for the supply chain modernization initiative under
20 sections 308, 310, and 7301(b) of title 38, United States
21 Code.

22 **SEC. 8004. FUNDING FOR STATE HOMES.**

23 In addition to amounts otherwise made available,
24 there are appropriated for fiscal year 2021, out of any
25 money in the Treasury not otherwise appropriated—

1 **SEC. 8006. COVID-19 VETERAN RAPID RETRAINING ASSIST-**
2 **ANCE PROGRAM.**

3 (a) IN GENERAL.—The Secretary of Veterans Affairs
4 shall carry out a program under which the Secretary shall
5 provide up to 12 months of retraining assistance to an
6 eligible veteran for the pursuit of a covered program of
7 education. Such retraining assistance shall be in addition
8 to any other entitlement to educational assistance or bene-
9 fits for which a veteran is, or has been, eligible.

10 (b) ELIGIBLE VETERANS.—

11 (1) IN GENERAL.—In this section, the term “el-
12 ible veteran” means a veteran who—

13 (A) as of the date of the receipt by the De-
14 partment of Veterans Affairs of an application
15 for assistance under this section, is at least 22
16 years of age but not more than 66 years of age;

17 (B) as of such date, is unemployed by rea-
18 son of the covered public health emergency, as
19 certified by the veteran;

20 (C) as of such date, is not eligible to re-
21 ceive educational assistance under chapter 30,
22 31, 32, 33, or 35 of title 38, United States
23 Code, or chapter 1606 of title 10, United States
24 Code;

25 (D) is not enrolled in any Federal or State
26 jobs program;

1 (E) is not in receipt of compensation for a
2 service-connected disability rated totally dis-
3 abling by reason of unemployability; and

4 (F) will not be in receipt of unemployment
5 compensation (as defined in section 85(b) of the
6 Internal Revenue Code of 1986), including any
7 cash benefit received pursuant to subtitle A of
8 title II of division A of the CARES Act (Public
9 Law 116–136), as of the first day on which the
10 veteran would receive a housing stipend pay-
11 ment under this section.

12 (2) TREATMENT OF VETERANS WHO TRANSFER
13 ENTITLEMENT.—For purposes of paragraph (1)(C),
14 a veteran who has transferred all of the veteran’s
15 entitlement to educational assistance under section
16 3319 of title 38, United States Code, shall be con-
17 sidered to be a veteran who is not eligible to receive
18 educational assistance under chapter 33 of such
19 title.

20 (3) FAILURE TO COMPLETE.—A veteran who
21 receives retraining assistance under this section to
22 pursue a program of education and who fails to com-
23 plete the program of education shall not be eligible
24 to receive additional assistance under this section.

25 (c) COVERED PROGRAMS OF EDUCATION.—

1 (1) IN GENERAL.—For purposes of this section,
2 a covered program of education is a program of edu-
3 cation (as such term is defined in section 3452(b) of
4 title 38, United States Code) for training, pursued
5 on a full-time or part-time basis—

6 (A) that—

7 (i) is approved under chapter 36 of
8 such title;

9 (ii) does not lead to a bachelors or
10 graduate degree; and

11 (iii) is designed to provide training for
12 a high-demand occupation, as determined
13 under paragraph (3); or

14 (B) that is a high technology program of
15 education offered by a qualified provider, under
16 the meaning given such terms in section 116 of
17 the Harry W. Colmery Veterans Educational
18 Assistance Act of 2017 (Public Law 115–48; 38
19 U.S.C. 3001 note).

20 (2) ACCREDITED PROGRAMS.—In the case of an
21 accredited program of education, the program of
22 education shall not be considered a covered program
23 of education under this section if the program has
24 received a show cause order from the accreditor of

1 the program during the five-year period preceding
2 the date of the enactment of this Act.

3 (3) DETERMINATION OF HIGH-DEMAND OCCU-
4 PATIONS.—

5 (A) INITIAL IMPLEMENTATION.—In car-
6 rying out this section, the Secretary shall use
7 the list of high-demand occupations compiled by
8 the Commissioner of Labor Statistics until the
9 final list under subparagraph (C) is complete.

10 (B) STUDY REQUIRED.—The Secretary of
11 Veterans Affairs shall enter into an agreement
12 with a federally funded research and develop-
13 ment corporation or another appropriate non-
14 Department entity for the conduct of a study to
15 determine which occupations are high-demand
16 occupations. Such study shall be completed not
17 later than 90 days after the date of the enact-
18 ment of this Act.

19 (C) FINAL LIST.—The Secretary—

20 (i) may add or remove occupation
21 from the list in use pursuant to subpara-
22 graph (A) during the 90-day period fol-
23 lowing the completion of the study required
24 by subparagraph (B);

1 (ii) shall issue a final list of high-de-
2 mand occupations for use under this sec-
3 tion by not later than 90 days after the
4 date of the completion of the study; and

5 (iii) shall make such final list publicly
6 available on a website of the Department.

7 (D) USE OF LIST.—The Secretary shall
8 use the list developed under this paragraph in
9 order to apply the requirement that retraining
10 assistance under this section is used for train-
11 ing for a high-demand occupation, but the Sec-
12 retary may remove occupations from the list as
13 the Secretary determines appropriate.

14 (4) FULL-TIME DEFINED.—For purposes of
15 this subsection, the term “full-time” has the mean-
16 ing given such term under section 3688 of title 38,
17 United States Code.

18 (d) AMOUNT OF ASSISTANCE.—

19 (1) RETRAINING ASSISTANCE.—The Secretary
20 of Veterans Affairs shall provide to an eligible vet-
21 eran pursuing a covered program of education under
22 the retraining assistance program under this section
23 an amount equal to the amount of educational as-
24 sistance payable under section 3313(c)(1)(A) of title
25 38, United States Code, for each month the veteran

1 pursues the covered program of education. Such
2 amount shall be payable directly to the educational
3 institution offering the covered program of education
4 pursued by the veteran as follows:

5 (A) 50 percent of the total amount payable
6 shall be paid when the eligible veteran begins
7 the program of education.

8 (B) 25 percent of the total amount payable
9 shall be paid when the eligible veteran com-
10 pletes the program of education.

11 (C) 25 percent of the total amount payable
12 shall be paid when the eligible veteran finds em-
13 ployment in a field related to the program of
14 education.

15 (2) FAILURE TO COMPLETE.—

16 (A) PRO-RATED PAYMENTS.—In the case
17 of a veteran who pursues a covered program of
18 education under the retraining assistance pro-
19 gram under this section, but who does not com-
20 plete the program of education, the Secretary
21 shall pay to the educational institution offering
22 such program of education a pro-rated amount
23 based on the number of months the veteran
24 pursued the program of education in accordance
25 with this paragraph.

1 (B) PAYMENT OTHERWISE DUE UPON
2 COMPLETION OF PROGRAM.—The Secretary
3 shall pay to the educational institution a pro-
4 rated amount under paragraph (1)(B) when the
5 veteran provides notice to the educational insti-
6 tution that the veteran no longer intends to
7 pursue the program of education.

8 (C) NONRECOVERY FROM VETERAN.—In
9 the case of a veteran referred to in subpara-
10 graph (A), the educational institution may not
11 seek payment from the veteran for any amount
12 that would have been payable under paragraph
13 (1)(B) had the veteran completed the program
14 of education.

15 (D) PAYMENT DUE UPON EMPLOYMENT.—

16 (i) VETERANS WHO FIND EMPLOY-
17 MENT.—In the case of a veteran referred
18 to in subparagraph (A) who finds employ-
19 ment in a field related to the program of
20 education during the 180-day period begin-
21 ning on the date on which the veteran
22 withdraws from the program of education,
23 the Secretary shall pay to the educational
24 institution a pro-rated amount under para-

1 graph (1)(C) when the veteran finds such
2 employment.

3 (ii) VETERANS WHO DO NOT FIND EM-
4 PLOYMENT.—In the case of a veteran re-
5 ferred to in subparagraph (A) who does
6 not find employment in a field related to
7 the program of education during the 180-
8 day period beginning on the date on which
9 the veteran withdraws from the program of
10 education—

11 (I) the Secretary shall not make
12 a payment to the educational institu-
13 tion under paragraph (1)(C); and

14 (II) the educational institution
15 may not seek payment from the vet-
16 eran for any amount that would have
17 been payable under paragraph (1)(C)
18 had the veteran found employment
19 during such 180-day period.

20 (3) HOUSING STIPEND.—For each month that
21 an eligible veteran pursues a covered program of
22 education under the retraining assistance program
23 under this section, the Secretary shall pay to the
24 veteran a monthly housing stipend in an amount
25 equal to—

1 (A) in the case of a covered program of
2 education leading to a degree, or a covered pro-
3 gram of education not leading to a degree, at
4 an institution of higher learning (as that term
5 is defined in section 3452(f) of title 38, United
6 States Code) pursued on more than a half-time
7 basis, the amount specified under subsection
8 (c)(1)(B) of section 3313 of title 38, United
9 States Code;

10 (B) in the case of a covered program of
11 education other than a program of education
12 leading to a degree at an institution other than
13 an institution of higher learning pursued on
14 more than a half-time basis, the amount speci-
15 fied under subsection (g)(3)(A)(ii) of such sec-
16 tion; or

17 (C) in the case of a covered program of
18 education pursued on less than a half-time
19 basis, or a covered program of education pur-
20 sued solely through distance learning on more
21 than a half-time basis, the amount specified
22 under subsection (c)(1)(B)(iii) of such section.

23 (4) FAILURE TO FIND EMPLOYMENT.—The
24 Secretary shall not make a payment under para-
25 graph (1)(C) with respect to an eligible veteran who

1 completes or fails to complete a program of edu-
2 cation under the retraining assistance program
3 under this section if the veteran fails to find employ-
4 ment in a field related to the program of education
5 within the 180-period beginning on the date on
6 which the veteran withdraws from or completes the
7 program.

8 (e) NO TRANSFERABILITY.—Retraining assistance
9 provided under this section may not be transferred to an-
10 other individual.

11 (f) EMPLOYEE ASSISTANCE.—The Secretary of Vet-
12 erans Affairs, in consultation with the Secretary of Labor,
13 shall contact each veteran who pursues a covered program
14 of education under this section—

15 (1) not later than 30 days after the date on
16 which the veteran begins the program of education
17 to notify the veteran of the availability of employ-
18 ment placement services upon completion of the pro-
19 gram; and

20 (2) not later than 14 days after the date on
21 which the veteran completes, or terminates partici-
22 pation in, such program to facilitate the provision of
23 employment placement services to such veteran.

24 (g) NONPROFIT ORGANIZATION.—

1 (1) IN GENERAL.—The Secretary of Veterans
2 Affairs shall seek to enter into a memorandum of
3 understanding with one or more qualified nonprofit
4 organizations for the purpose of facilitating the em-
5 ployment of veterans who participate in the retrain-
6 ing assistance program under this section.

7 (2) QUALIFIED NONPROFIT ORGANIZATION.—
8 For purposes of this subsection, a qualified non-
9 profit organization is a nonprofit organization
10 that—

11 (A) is an association of businesses; and

12 (B) has at least two years of experience
13 providing job placement services for veterans.

14 (h) FOLLOW UP OUTREACH.—The Secretary of Vet-
15 erans Affairs, in coordination with the Secretary of Labor,
16 shall contact each veteran who completes a covered pro-
17 gram of education under the retraining assistance pro-
18 gram under this section 30, 60, 90, and 180 days after
19 the veteran completes such program of education to ask
20 the veteran about the experience of the veteran in the re-
21 training assistance program and the veteran’s employment
22 status.

23 (i) QUARTERLY REPORTS.—Not later than the date
24 that is one year after the date of the enactment of this
25 Act, and quarterly thereafter, the Secretary of Labor shall

1 submit to the Committees on Veterans' Affairs of the Sen-
2 ate and House of Representatives a report containing the
3 following information about veterans who participate in
4 the retraining assistance program under this section:

5 (1) The percentage of such veterans who found
6 employment before the end of the second calendar
7 quarter after exiting the program.

8 (2) The percentage of such veterans who found
9 employment before the end of the fourth calendar
10 quarter after exiting the program.

11 (3) The median earnings of all such veterans
12 for the second quarter after exiting the program.

13 (4) The percentage of such veterans who attain
14 a recognized postsecondary credential during the 12-
15 month period after exiting the program.

16 (j) LIMITATION.—Not more than 17,250 eligible vet-
17 erans may receive retraining assistance under this section.

18 (k) TERMINATION.—No retraining assistance may be
19 paid under this section after the date that is 21 months
20 after the date of the enactment of this Act.

21 (l) COMPTROLLER GENERAL REPORT.—Not later
22 than 180 days after the termination of the retraining as-
23 sistance program under subsection (k), the Comptroller
24 General shall submit to the Committees on Veterans' Af-

1 fairs of the Senate and House of Representatives a report
2 on the outcomes and effectiveness of the program.

3 (m) DEFINITIONS.—In this section:

4 (1) The term “covered public health emer-
5 gency” means the declaration—

6 (A) of a public health emergency, based on
7 an outbreak of COVID–19 by the Secretary of
8 Health and Human Services under section 319
9 of the Public Health Service Act (42 U.S.C.
10 247d); or

11 (B) of a domestic emergency, based on an
12 outbreak of COVID–19 by the President, the
13 Secretary of Homeland Security, or State, or
14 local authority.

15 (2) The term “veteran” means—

16 (A) a person who served in the active mili-
17 tary, naval, or air service, and who was dis-
18 charged or released therefrom under conditions
19 other than dishonorable; or

20 (B) a member of a reserve component of
21 the Armed Forces who performs active service
22 for a period of 30 days or longer by reason of
23 the covered public health emergency.

1 (3) The term “active service” has the meaning
2 given such term in section 101 of title 10, United
3 States Code.

4 (n) FUNDING.—In addition to amounts otherwise
5 available there is appropriated to the Department of Vet-
6 erans Affairs for fiscal year 2021, out of any money in
7 the Treasury not otherwise appropriated, \$386,000,000,
8 to remain available until expended, to carry out this sec-
9 tion.

10 **SEC. 8007. PROHIBITION ON COPAYMENTS AND COST SHAR-**
11 **ING FOR VETERANS DURING EMERGENCY RE-**
12 **LATING TO COVID-19.**

13 (a) IN GENERAL.—The Secretary of Veterans Af-
14 fairs—

15 (1) shall not require a veteran to pay a copay-
16 ment or other cost sharing with respect to health
17 care under the laws administered by the Secretary
18 received by the veteran during the period specified in
19 subsection (b); and

20 (2) shall reimburse any veteran who paid a co-
21 payment or other cost sharing for health care under
22 the laws administered by the Secretary received by
23 the veteran during such period the amount paid by
24 the veteran.

1 (b) PERIOD SPECIFIED.—The period specified in this
2 subsection is the period beginning on April 6, 2020, and
3 ending on September 30, 2021.

4 (c) FUNDING.—In addition to amounts otherwise
5 available, there is appropriated to the Secretary of Vet-
6 erans Affairs for fiscal year 2021, out of any money in
7 the Treasury not otherwise appropriated, \$2,000,000,000,
8 to remain available until expended, to carry out this sec-
9 tion.

10 **TITLE IX—COMMITTEE ON WAYS**
11 **AND MEANS**

12 **Subtitle A—Crisis Support for**
13 **Unemployed Workers**

14 **SEC. 9001. SHORT TITLE.**

15 This subtitle may be cited as the “Crisis Support for
16 Unemployed Workers Act”.

17 **PART 1—EXTENSION OF CARES ACT**
18 **UNEMPLOYMENT PROVISIONS**

19 **SEC. 9011. EXTENSION OF PANDEMIC UNEMPLOYMENT AS-**
20 **SISTANCE.**

21 (a) IN GENERAL.—Section 2102(c) of the CARES
22 Act (15 U.S.C. 9021(c)) is amended—

23 (1) in paragraph (1)—

24 (A) by striking “paragraphs (2) and (3)”

25 and inserting “paragraph (2)”; and

1 (B) in subparagraph (A)(ii), by striking
2 “March 14, 2021” and inserting “August 29,
3 2021”; and

4 (2) by striking paragraph (3) and redesignating
5 paragraph (4) as paragraph (3).

6 (b) INCREASE IN NUMBER OF WEEKS.—Section
7 2102(c)(2) of such Act (15 U.S.C. 9021(c)(2)) is amend-
8 ed—

9 (1) by striking “50 weeks” and inserting “74
10 weeks”; and

11 (2) by striking “50-week period” and inserting
12 “74-week period”.

13 (c) HOLD HARMLESS FOR PROPER ADMINISTRA-
14 TION.—In the case of an individual who is eligible to re-
15 ceive pandemic unemployment assistance under section
16 2102 of the CARES Act (15 U.S.C. 9021) as of the day
17 before the date of enactment of this Act and on the date
18 of enactment of this Act becomes eligible for pandemic
19 emergency unemployment compensation under section
20 2107 of the CARES Act (15 U.S.C. 9025) by reason of
21 the amendments made by section 9016(b) of this title, any
22 payment of pandemic unemployment assistance under
23 such section 2102 made after the date of enactment of
24 this Act to such individual during an appropriate period
25 of time, as determined by the Secretary of Labor, that

1 should have been made under such section 2107 shall not
2 be considered to be an overpayment of assistance under
3 such section 2102, except that an individual may not re-
4 ceive payment for assistance under section 2102 and a
5 payment for assistance under section 2107 for the same
6 week of unemployment.

7 (d) EFFECTIVE DATE.—The amendments made by
8 subsections (a) and (b) shall apply as if included in the
9 enactment of the CARES Act (Public Law 116–136), ex-
10 cept that no amount shall be payable by virtue of such
11 amendments with respect to any week of unemployment
12 commencing before the date of the enactment of this Act.

13 **SEC. 9012. EXTENSION OF EMERGENCY UNEMPLOYMENT**
14 **RELIEF FOR GOVERNMENTAL ENTITIES AND**
15 **NONPROFIT ORGANIZATIONS.**

16 (a) IN GENERAL.—Section 903(i)(1)(D) of the Social
17 Security Act (42 U.S.C. 1103(i)(1)(D)) is amended by
18 striking “March 14, 2021” and inserting “August 29,
19 2021”.

20 (b) INCREASE IN REIMBURSEMENT RATE.—Section
21 903(i)(1)(B) of such Act (42 U.S.C. 1103(i)(1)(B)) is
22 amended—

23 (1) in the first sentence, by inserting “and ex-
24 cept as otherwise provided in this subparagraph”

1 after “as determined by the Secretary of Labor”;
2 and

3 (2) by inserting after the first sentence the fol-
4 lowing: “With respect to the amounts of such com-
5 pensation paid for weeks of unemployment beginning
6 after March 31, 2021, and ending on or before Au-
7 gust 29, 2021, the preceding sentence shall be ap-
8 plied by substituting ‘75 percent’ for ‘one-half’.”.

9 **SEC. 9013. EXTENSION OF FEDERAL PANDEMIC UNEMPLOY-**
10 **MENT COMPENSATION.**

11 (a) IN GENERAL.—Section 2104(e)(2) of the CARES
12 Act (15 U.S.C. 9023(e)(2)) is amended by striking
13 “March 14, 2021” and inserting “August 29, 2021”.

14 (b) AMOUNT.—Section 2104(b)(3)(A) of such Act
15 (15 U.S.C. 9023(b)(3)(A)) is amended by adding at the
16 end the following:

17 “(iii) For weeks of unemployment
18 ending after March 14, 2021, and ending
19 on or before August 29, 2021, \$400.”.

20 (c) DISREGARD OF CERTAIN ADDITIONAL COM-
21 PENSATION FOR PURPOSES OF MEDICAID AND CHIP.—
22 Section 2104(h) of the CARES Act (15 U.S.C. 9023(h))
23 is amended by striking “Federal pandemic unemployment
24 compensation” and inserting “Federal Pandemic Unem-

1 ployment Compensation or Mixed Earner Unemployment
2 Compensation”.

3 **SEC. 9014. EXTENSION OF FULL FEDERAL FUNDING OF THE**
4 **FIRST WEEK OF COMPENSABLE REGULAR**
5 **UNEMPLOYMENT FOR STATES WITH NO WAIT-**
6 **ING WEEK.**

7 (a) IN GENERAL.—Section 2105(e)(2) of the CARES
8 Act (15 U.S.C. 9024(e)(2)) is amended by striking
9 “March 14, 2021” and inserting “August 29, 2021”.

10 (b) FULL REIMBURSEMENT.—Paragraph (3) of sec-
11 tion 2105(e) of such Act (15 U.S.C. 9024(e)) is repealed
12 and such section shall be applied to weeks of unemploy-
13 ment to which an agreement under section 2105 of such
14 Act applies as if such paragraph had not been enacted.

15 **SEC. 9015. EXTENSION OF EMERGENCY STATE STAFFING**
16 **FLEXIBILITY.**

17 Section 4102(b) of the Families First Coronavirus
18 Response Act (26 U.S.C. 3304 note), in the second sen-
19 tence, is amended by striking “March 14, 2021” and in-
20 serting “August 29, 2021”.

21 **SEC. 9016. EXTENSION OF PANDEMIC EMERGENCY UNEM-**
22 **PLOYMENT COMPENSATION.**

23 (a) IN GENERAL.—Section 2107(g) of the CARES
24 Act (15 U.S.C. 9025(g)) is amended to read as follows:

1 “(g) APPLICABILITY.—An agreement entered into
2 under this section shall apply to weeks of unemployment—

3 “(1) beginning after the date on which such
4 agreement is entered into; and

5 “(2) ending on or before August 29, 2021.”.

6 (b) INCREASE IN NUMBER OF WEEKS.—Section
7 2107(b)(2) of such Act (15 U.S.C. 9025(b)(2)) is amend-
8 ed by striking “24” and inserting “48”.

9 (c) COORDINATION RULES.—

10 (1) COORDINATION OF PANDEMIC EMERGENCY
11 UNEMPLOYMENT COMPENSATION WITH EXTENDED
12 COMPENSATION.—

13 (A) INDIVIDUALS RECEIVING EXTENDED
14 COMPENSATION AS OF THE DATE OF ENACT-
15 MENT.—Section 2107(a)(5) of such Act (15
16 U.S.C. 9025(a)(5)) is amended—

17 (i) by striking “RULE.—An agree-
18 ment” and inserting the following:

19 “RULES.—

20 “(A) IN GENERAL.—Subject to subpara-
21 graph (B), an agreement”; and

22 (ii) by adding at the end the fol-
23 lowing:

24 “(B) SPECIAL RULE.—In the case of an
25 individual who is receiving extended compensa-

1 tion under the State law for the week that in-
2 cludes the date of enactment of this subpara-
3 graph (without regard to the amendments made
4 by subsections (a) and (b) of section 9016 of
5 the Crisis Support for Unemployed Workers
6 Act), such individual shall not be eligible to re-
7 ceive pandemic emergency unemployment com-
8 pensation by reason of such amendments until
9 such individual has exhausted all rights to such
10 extended benefits.”.

11 (B) ELIGIBILITY FOR EXTENDED COM-
12 PENSATION.—Section 2107(a) of such Act (15
13 U.S.C. 9025(a)) is amended by adding at the
14 end the following:

15 “(8) SPECIAL RULE FOR EXTENDED COM-
16 PENSATION.—At the option of a State, for any
17 weeks of unemployment beginning after the date of
18 the enactment of this paragraph and ending on or
19 before August 29, 2021, an individual’s eligibility
20 period (as described in section 203(c) of the Fed-
21 eral-State Extended Unemployment Compensation
22 Act of 1970 (26 U.S.C. 3304 note)) shall, for pur-
23 poses of any determination of eligibility for extended
24 compensation under the State law of such State, be
25 considered to include any week which begins—

1 **PART 2—EXTENSION OF FFCRA UNEMPLOYMENT**
2 **PROVISIONS**

3 **SEC. 9021. EXTENSION OF TEMPORARY ASSISTANCE FOR**
4 **STATES WITH ADVANCES.**

5 Section 1202(b)(10)(A) of the Social Security Act
6 (42 U.S.C. 1322(b)(10)(A)) is amended by striking
7 “March 14, 2021” and inserting “August 29, 2021”.

8 **SEC. 9022. EXTENSION OF FULL FEDERAL FUNDING OF EX-**
9 **TENDED UNEMPLOYMENT COMPENSATION.**

10 Section 4105 of the Families First Coronavirus Re-
11 sponse Act (26 U.S.C. 3304 note) is amended by striking
12 “March 14, 2021” each place it appears and inserting
13 “August 29, 2021”.

14 **PART 3—DEPARTMENT OF LABOR FUNDING FOR**
15 **TIMELY, ACCURATE, AND EQUITABLE PAYMENT**

16 **SEC. 9031. FUNDING FOR ADMINISTRATION.**

17 In addition to amounts otherwise available, there is
18 appropriated to the Employment and Training Adminis-
19 tration of the Department of Labor for fiscal year 2021,
20 out of any money in the Treasury not otherwise appro-
21 priated, \$8,000,000, to remain available until expended,
22 for necessary expenses to carry out Federal activities re-
23 lating to the administration of unemployment compensa-
24 tion programs.

1 **SEC. 9032. FUNDING FOR FRAUD PREVENTION, EQUITABLE**
2 **ACCESS, AND TIMELY PAYMENT TO ELIGIBLE**
3 **WORKERS.**

4 (a) IN GENERAL.—In addition to amounts otherwise
5 available, there is appropriated to the Secretary of Labor
6 for fiscal year 2021, out of any money in the Treasury
7 not otherwise appropriated, \$2,000,000,000, to remain
8 available until expended, to detect and prevent fraud, pro-
9 mote equitable access, and ensure the timely payment of
10 benefits with respect to unemployment insurance pro-
11 grams, including programs extended under this subtitle.

12 (b) USE OF FUNDS.—Amounts made available under
13 subsection (a) may be used—

14 (1) for Federal administrative costs related to
15 the purposes described in subsection (a);

16 (2) for systemwide infrastructure investment
17 and development related to such purposes;

18 (3) to make grants to States or territories ad-
19 ministering unemployment insurance programs de-
20 scribed in subsection (a) for such purposes, includ-
21 ing the establishment of procedures or the building
22 of infrastructure to verify or validate identity, imple-
23 ment Federal guidance regarding fraud detection
24 and prevention, and accelerate claims processing or
25 process claims backlogs due to the pandemic; and

1 (4) for transfer to the Inspector General of the
2 Department of Labor, to the Attorney General, to
3 the Commissioner of Internal Revenue, or to other
4 Federal agencies investigating identity theft crime
5 affecting Federal unemployment benefits, as deter-
6 mined appropriate by the Secretary, for the develop-
7 ment of State tools for fraud detection or prevention
8 or for the investigation or prosecution of fraud.

9 (c) RESTRICTIONS ON GRANTS TO STATES AND TER-
10 RITORIES.—As a condition of receiving a grant under sub-
11 section (b)(3), the Secretary may require that a State or
12 territory receiving such a grant shall—

13 (1) use such program integrity tools as the Sec-
14 retary may specify; and

15 (2) as directed by the Secretary, conduct user
16 accessibility testing on any new system developed by
17 the Secretary pursuant to subsection (b)(2).

18 **Subtitle B—Emergency Assistance**
19 **to Families Through Home Vis-**
20 **iting Programs**

21 **SEC. 9101. EMERGENCY ASSISTANCE TO FAMILIES**
22 **THROUGH HOME VISITING PROGRAMS.**

23 Title V of the Social Security Act (42 U.S.C. 701-
24 713) is amended by inserting after section 511 the fol-
25 lowing:

1 **“SEC. 511A. EMERGENCY ASSISTANCE TO FAMILIES**
2 **THROUGH HOME VISITING PROGRAMS.**

3 “(a) SUPPLEMENTAL APPROPRIATION.—In addition
4 to amounts otherwise appropriated, out of any money in
5 the Treasury of the United States not otherwise appro-
6 priated, there are appropriated to the Secretary
7 \$150,000,000, to remain available through September 30,
8 2022, to enable eligible entities to conduct programs in
9 accordance with section 511 and subsection (c) of this sec-
10 tion.

11 “(b) ELIGIBILITY FOR FUNDS.—To be eligible to re-
12 ceive funds made available by subsection (a) of this sec-
13 tion, an entity shall—

14 “(1) as of the date of the enactment of this sec-
15 tion, be conducting a program under section 511;

16 “(2) ensure the modification of grants, con-
17 tracts, and other agreements, as applicable, executed
18 under section 511 under which the program is con-
19 ducted as are necessary to provide that, during the
20 period that begins with the date of the enactment of
21 this section and ends with the end of the 2nd suc-
22 ceeding fiscal year after the funds are awarded, the
23 entity shall—

24 “(A) not reduce funding for, or staffing
25 levels of, the program on account of reduced en-
26 rollment in the program; and

1 “(B) when using funds to provide emer-
2 gency supplies to eligible families receiving
3 grant services under section 511, ensure coordi-
4 nation with local diaper banks to the extent
5 practicable; and

6 “(3) reaffirm that, in conducting the program,
7 the entity will focus on priority populations (as de-
8 fined in section 511(d)(4)).

9 “(c) USES OF FUNDS.—An entity to which funds are
10 provided under this section may use the funds—

11 “(1) to serve families with home visits or with
12 virtual visits, that may be conducted by the use of
13 electronic information and telecommunications tech-
14 nologies, in a service delivery model described in sec-
15 tion 511(d)(3)(A);

16 “(2) to pay hazard pay or other additional staff
17 costs associated with providing home visits or ad-
18 ministration for programs funded under section 511;

19 “(3) to train home visitors employed by the en-
20 tity in conducting a virtual home visit and in emer-
21 gency preparedness and response planning for fami-
22 lies served, and may include training on how to safe-
23 ly conduct intimate partner violence screenings, and
24 training on safety and planning for families served

1 to support the family outcome improvements listed
2 in section 511(d)(2)(B);

3 “(4) for the acquisition by families served by
4 programs under section 511 of such technological
5 means as are needed to conduct and support a vir-
6 tual home visit;

7 “(5) to provide emergency supplies (such as
8 diapers and diapering supplies including diaper
9 wipes and diaper cream, necessary to ensure that a
10 child using a diaper is properly cleaned and pro-
11 tected from diaper rash, formula, food, water, hand
12 soap and hand sanitizer) to an eligible family (as de-
13 fined in section 511(k)(2));

14 “(6) to coordinate with and provide reimburse-
15 ment for supplies to diaper banks when using such
16 entities to provide emergency supplies specified in
17 paragraph (5); and

18 “(7) to provide prepaid grocery cards to an eli-
19 gible family (as defined in section 511(k)(2)) partici-
20 pating in the maternal, infant, and early childhood
21 home visiting program under section 511 for the
22 purpose of enabling the family to meet the emer-
23 gency needs of the family.”.

1 **Subtitle C—Emergency Assistance**
2 **to Children and Families**

3 **SEC. 9201. PANDEMIC EMERGENCY ASSISTANCE FUND.**

4 Section 403 of the Social Security Act (42 U.S.C.
5 603) is amended by adding at the end the following:

6 “(c) PANDEMIC EMERGENCY ASSISTANCE FUND.—

7 “(1) ESTABLISHMENT.—There is established in
8 the Treasury of the United States a fund which
9 shall be known as the ‘Pandemic Emergency Assist-
10 ance Fund’ (in this section referred to as the
11 ‘Fund’) for the duration of the applicable period.

12 “(2) DEPOSITS INTO FUND.—Out of any money
13 in the Treasury of the United States not otherwise
14 appropriated, there are appropriated for payment to
15 the Fund \$1,000,000,000, to remain available until
16 expended.

17 “(3) RESERVATION OF FUNDS FOR TECHNICAL
18 ASSISTANCE.—Of the amount specified in paragraph
19 (2), the Secretary shall reserve \$2,000,000 for ad-
20 ministrative expenses and the provision of technical
21 assistance to States and Indian tribes with respect
22 to the use of funds provided under this subsection.

23 “(4) ALLOTMENTS.—

24 “(A) 50 STATES AND THE DISTRICT OF
25 COLUMBIA.—

1 “(i) TOTAL AMOUNT TO BE ALLOT-
2 TED.—The Secretary shall allot a total of
3 92.5 percent of the amount specified in
4 paragraph (2) that is not reserved under
5 paragraph (3) among the States that are
6 not a territory and that are operating a
7 program funded under this part, in accord-
8 ance with clause (ii) of this subparagraph.

9 “(ii) ALLOTMENT FORMULA.—The
10 Secretary shall allot to each such State the
11 sum of the following percentages of the
12 total amount described in clause (i):

13 “(I) 50 percent, multiplied by—
14 “(aa) the population of chil-
15 dren in the State, determined on
16 the basis of the most recent pop-
17 ulation estimates as determined
18 by the Bureau of the Census; di-
19 vided by

20 “(bb) the total population of
21 children in the States that are
22 not territories, as so determined;
23 plus

24 “(II) 50 percent, multiplied by—

1 “(aa) the total amount ex-
2 pended by the State for basic as-
3 sistance, non-recurrent short
4 term benefits, and emergency as-
5 sistance in fiscal year 2019, as
6 reported by the State under sec-
7 tion 411; divided by

8 “(bb) the total amount ex-
9 pended by the States that are not
10 territories for basic assistance,
11 non-recurrent short term bene-
12 fits, and emergency assistance in
13 fiscal year 2019, as so reported
14 by the States.

15 “(B) TERRITORIES AND INDIAN TRIBES.—
16 The Secretary shall allot among the territories
17 and Indian tribes otherwise eligible for a grant
18 under this part such portions of 7.5 percent of
19 the amount specified in paragraph (2) that are
20 not reserved under paragraph (3) as the Sec-
21 retary deems appropriate based on the needs of
22 the territory or tribe involved.

23 “(C) EXPENDITURE COMMITMENT RE-
24 QUIREMENT.—To receive the full amount of
25 funding payable under this subsection, a State

1 or Indian tribe shall inform the Secretary as to
2 whether it intends to use all of its allotment
3 under this paragraph and provide that informa-
4 tion—

5 “(i) in the case of a State that is not
6 a territory, within 45 days after the date
7 of the enactment of this subsection; or

8 “(ii) in the case of a territory or an
9 Indian tribe, within 90 days after such
10 date of enactment.

11 “(5) GRANTS.—

12 “(A) IN GENERAL.—The Secretary shall
13 provide funds to each State and Indian tribe to
14 which an amount is allotted under paragraph
15 (4), from the amount so allotted.

16 “(B) TREATMENT OF UNUSED FUNDS.—

17 “(i) REALLOTMENT.—The Secretary
18 shall reallocate in accordance with paragraph
19 (4) all funds provided to any State or In-
20 dian tribe under this subsection that are
21 unused, among the other States and In-
22 dian tribes eligible for funds under this
23 subsection. For purposes of paragraph (4),
24 the Secretary shall treat the funds as if in-

1 cluded in the amount specified in para-
2 graph (2).

3 “(ii) PROVISION.—The Secretary shall
4 provide funds to each such other State or
5 Indian tribe in an amount equal to the
6 amount so reallocated.

7 “(6) RECIPIENT OF FUNDS PROVIDED FOR TER-
8 RITORIES.—In the case of a territory not operating
9 a program funded under this part, the Secretary
10 shall provide the funds required to be provided to
11 the territory under this subsection, to the agency
12 that administers the bulk of local human services
13 programs in the territory.

14 “(7) USE OF FUNDS.—

15 “(A) IN GENERAL.—A State or Indian
16 tribe to which funds are provided under this
17 subsection may use the funds only for non-re-
18 current short term benefits, whether in the
19 form of cash or in other forms.

20 “(B) LIMITATION ON USE FOR ADMINIS-
21 TRATIVE EXPENSES.—A State to which funds
22 are provided under this subsection shall not ex-
23 pend more than 15 percent of the funds for ad-
24 ministrative purposes.

1 “(C) NONSUPPLANTATION.—Funds pro-
2 vided under this subsection shall be used to
3 supplement and not supplant other Federal,
4 State, or tribal funds for services and activities
5 that promote the purposes of this part.

6 “(D) EXPENDITURE DEADLINE.—

7 “(i) IN GENERAL.—Except as pro-
8 vided in clause (ii), a State or Indian tribe
9 to which funds are provided under this
10 subsection shall expend the funds not later
11 than the end of fiscal year 2022.

12 “(ii) EXCEPTION FOR REALLOTTED
13 FUNDS.—A State or Indian tribe to which
14 funds are provided under paragraph (5)(B)
15 shall expend the funds within 12 months
16 after receipt.

17 “(8) EXPENDITURE REPORTS.—

18 “(A) IN GENERAL.—On expending all
19 funds provided to a State or Indian tribe under
20 this subsection, the entity shall submit to the
21 Secretary a written report that describes how
22 the funds were expended, which report shall be
23 so submitted—

1 “(i) if the entity is a State that is not
2 a territory, within 90 days after expendi-
3 ture; or

4 “(ii) if the entity is a territory or is
5 operating a tribal program funded under
6 this part, within 120 days after expendi-
7 ture.

8 “(B) AUTHORITY TO COLLECT AND AD-
9 JUST EXPENDITURE DATA.—For the purpose of
10 determining whether a State has expended the
11 funds provided to the State under this sub-
12 section, the Secretary may—

13 “(i) develop a mechanism for col-
14 lecting the expenditure data;

15 “(ii) make appropriate adjustments to
16 the data, on a State-by-State basis, to en-
17 sure that the data are comparable with re-
18 spect to the groups of families served and
19 the types of aid provided; and

20 “(iii) set deadlines for making revi-
21 sions to the data.

22 “(9) SUSPENSION OF TERRITORY SPENDING
23 CAP.—Section 1108 shall not apply with respect to
24 any funds provided under this subsection.

1 “(10) IMPLEMENTATION.—The Secretary shall
2 implement this subsection as soon as is practicable,
3 pursuant to appropriate guidance to States.

4 “(11) DEFINITIONS.—In this subsection:

5 “(A) APPLICABLE PERIOD.—The term ‘ap-
6 plicable period’ means the period that begins
7 with April 1, 2021, and ends with September
8 30, 2022.

9 “(B) NON-RECURRENT SHORT TERM BEN-
10 EFITS.—The term ‘non-recurrent short term
11 benefits’ has the meaning given the term in
12 OMB approved Form ACF-196R, published on
13 July 31, 2014.

14 “(C) STATE.—The term ‘State’ means the
15 50 States of the United States, the District of
16 Columbia, and the territories.

17 “(D) TERRITORY.—The term ‘territory’
18 means the Commonwealth of Puerto Rico, the
19 United States Virgin Islands, Guam, American
20 Samoa, and the Commonwealth of the Northern
21 Mariana Islands.”.

1 **Subtitle D—Elder Justice and**
2 **Support Guarantee**

3 **SEC. 9301. ADDITIONAL FUNDING FOR AGING AND DIS-**
4 **ABILITY SERVICES PROGRAMS.**

5 Subtitle A of title XX of the Social Security Act (42
6 U.S.C. 1397-1397h) is amended by adding at the end the
7 following:

8 **“SEC. 2010. ADDITIONAL FUNDING FOR AGING AND DIS-**
9 **ABILITY SERVICES PROGRAMS.**

10 “(a) APPROPRIATION.—In addition to amounts oth-
11 erwise available, there is appropriated for fiscal year 2021,
12 out of any money in the Treasury not otherwise appro-
13 priated, \$276,000,000, to remain available until expended,
14 to carry out the programs described in subtitle B.

15 “(b) USE OF FUNDS.—

16 “(1) IN GENERAL.—Of the amounts made
17 available by subsection (a)—

18 “(A) \$88,000,000 shall be made available
19 to carry out the programs described in subtitle
20 B in fiscal year 2021, of which not less than an
21 amount equal to \$100,000,000 minus the
22 amount previously provided in fiscal year 2021
23 to carry out section 2042(b) shall be made
24 available to carry out such section; and

1 “(B) \$188,000,000 shall be made available
2 to carry out the programs described in subtitle
3 B in fiscal year 2022, of which not less than
4 \$100,000,000 shall be for activities described in
5 section 2042(b).

6 “(2) SERVICES FOR ALL ADULTS.—The
7 amounts made available by subsection (a) of this
8 section to carry out section 2042(b) may be used to
9 provide services under programs described in section
10 2042(b) for all adults.”.

11 **Subtitle E—Support to Skilled**
12 **Nursing Facilities in Response**
13 **to COVID–19**

14 **SEC. 9401. PROVIDING FOR INFECTION CONTROL SUPPORT**
15 **TO SKILLED NURSING FACILITIES THROUGH**
16 **CONTRACTS WITH QUALITY IMPROVEMENT**
17 **ORGANIZATIONS.**

18 Section 1862(g) of the Social Security Act (42 U.S.C.
19 1395y(g)) is amended—

20 (1) by striking “The Secretary” and inserting
21 “(1) The Secretary”; and

22 (2) by adding at the end the following new
23 paragraph:

24 “(2) In addition to any amounts otherwise available,
25 there is appropriated to the Secretary, out of any monies

1 in the Treasury not otherwise appropriated,
2 \$200,000,000, to remain available until expended, for pur-
3 poses of carrying out infection control support (as deter-
4 mined appropriate by the Secretary) through the develop-
5 ment and dissemination of protocols relating to the pre-
6 vention or mitigation of COVID–19 in skilled nursing fa-
7 cilities (as defined in section 1819(a)).”.

8 **SEC. 9402. FUNDING FOR STRIKE TEAMS FOR RESIDENT**
9 **AND EMPLOYEE SAFETY IN SKILLED NURS-**
10 **ING FACILITIES.**

11 Section 1819 of the Social Security Act (42 U.S.C.
12 1395i–3) is amended by adding at the end the following
13 new subsection:

14 “(k) **FUNDING FOR STRIKE TEAMS.**—In addition to
15 amounts otherwise available, there is appropriated to the
16 Secretary, out of any monies in the Treasury not otherwise
17 appropriated, \$250,000,000, to remain available until ex-
18 pended, for purposes of allocating such amount among the
19 States (including the District of Columbia and each terri-
20 tory of the United States) to increase the capacity of such
21 a State to respond to COVID–19 by allowing such a State
22 to establish and implement a strike team that will be de-
23 ployed to a skilled nursing facility in the State with diag-
24 nosed or suspected cases of COVID–19 among residents
25 or staff for the purposes of assisting with clinical care,

1 infection control, or staffing during the emergency period
2 described in section 1135(g)(1)(B).”.

3 **Subtitle F—Preserving Health**
4 **Benefits for Workers**

5 **SEC. 9500. SHORT TITLE.**

6 This subtitle may be cited as the “Worker Health
7 Coverage Protection Act”.

8 **SEC. 9501. PRESERVING HEALTH BENEFITS FOR WORKERS.**

9 (a) PREMIUM ASSISTANCE FOR COBRA CONTINU-
10 ATION COVERAGE FOR INDIVIDUALS AND THEIR FAMI-
11 LIES.—

12 (1) PROVISION OF PREMIUM ASSISTANCE.—

13 (A) REDUCTION OF PREMIUMS PAY-
14 ABLE.—In the case of any premium for a pe-
15 riod of coverage during the period beginning on
16 the first day of the first month beginning after
17 the date of the enactment of this Act, and end-
18 ing on September 30, 2021, for COBRA con-
19 tinuation coverage with respect to any assist-
20 ance eligible individual described in paragraph
21 (3), such individual shall be treated for pur-
22 poses of any COBRA continuation provision as
23 having paid the amount of such premium if
24 such individual pays (or any person other than
25 such individual’s employer pays on behalf of

1 such individual) 15 percent of the amount of
2 such premium.

3 (B) PLAN ENROLLMENT OPTION.—

4 (i) IN GENERAL.—Notwithstanding
5 the COBRA continuation provisions, any
6 assistance eligible individual who is en-
7 rolled in a group health plan offered by a
8 plan sponsor may, not later than 90 days
9 after the date of notice of the plan enroll-
10 ment option described in this subpara-
11 graph, elect to enroll in coverage under a
12 plan offered by such plan sponsor that is
13 different than coverage under the plan in
14 which such individual was enrolled at the
15 time, in the case of any assistance eligible
16 individual described in paragraph (3), the
17 qualifying event specified in section 603(2)
18 of the Employee Retirement Income Secu-
19 rity Act of 1974, section 4980B(f)(3)(B)
20 of the Internal Revenue Code of 1986, or
21 section 2203(2) of the Public Health Serv-
22 ice Act, except for the voluntary termi-
23 nation of such individual's employment by
24 such individual, occurred, and such cov-
25 erage shall be treated as COBRA continu-

1 ation coverage for purposes of the applica-
2 ble COBRA continuation coverage provi-
3 sion.

4 (ii) REQUIREMENTS.—Any assistance
5 eligible individual may elect to enroll in
6 different coverage as described in clause (i)
7 only if—

8 (I) the employer involved has
9 made a determination that such em-
10 ployer will permit such assistance eli-
11 gible individual to enroll in different
12 coverage as provided under this sub-
13 paragraph;

14 (II) the premium for such dif-
15 ferent coverage does not exceed the
16 premium for coverage in which such
17 individual was enrolled at the time
18 such qualifying event occurred;

19 (III) the different coverage in
20 which the individual elects to enroll is
21 coverage that is also offered to simi-
22 larly situated active employees of the
23 employer at the time at which such
24 election is made; and

1 (IV) the different coverage in
2 which the individual elects to enroll is
3 not—

4 (aa) coverage that provides
5 only excepted benefits as defined
6 in section 9832(c) of the Internal
7 Revenue Code of 1986, section
8 733(c) of the Employee Retirement
9 Income Security Act of
10 1974, and section 2791(c) of the
11 Public Health Service Act;

12 (bb) a qualified small em-
13 ployer health reimbursement ar-
14 rangement (as defined in section
15 9831(d)(2) of the Internal Rev-
16 enue Code of 1986); or

17 (cc) a flexible spending ar-
18 rangement (as defined in section
19 106(c)(2) of the Internal Rev-
20 enue Code of 1986).

21 (2) LIMITATION OF PERIOD OF PREMIUM AS-
22 SISTANCE.—

23 (A) ELIGIBILITY FOR ADDITIONAL COV-
24 ERAGE.—Paragraph (1)(A) shall not apply with
25 respect to any assistance eligible individual de-

1 scribed in paragraph (3) for months of coverage
2 beginning on or after the earlier of—

3 (i) the first date that such individual
4 is eligible for coverage under any other
5 group health plan (other than coverage
6 consisting of only excepted benefits (as de-
7 fined in section 9832(c) of the Internal
8 Revenue Code of 1986, section 733(c) of
9 the Employee Retirement Income Security
10 Act of 1974, and section 2791(c) of the
11 Public Health Service Act), coverage under
12 a flexible spending arrangement (as de-
13 fined in section 106(c)(2) of the Internal
14 Revenue Code of 1986), coverage under a
15 qualified small employer health reimburse-
16 ment arrangement (as defined in section
17 9831(d)(2) of the Internal Revenue Code
18 of 1986)), or eligible for benefits under the
19 Medicare program under title XVIII of the
20 Social Security Act; or

21 (ii) the earlier of—

22 (I) the date following the expira-
23 tion of the maximum period of con-
24 tinuation coverage required under the

1 applicable COBRA continuation cov-
2 erage provision; or

3 (II) the date following the expira-
4 tion of the period of continuation cov-
5 erage allowed under paragraph
6 (4)(B)(ii).

7 (B) NOTIFICATION REQUIREMENT.—Any
8 assistance eligible individual shall notify the
9 group health plan with respect to which para-
10 graph (1)(A) applies if such paragraph ceases
11 to apply by reason of clause (i) of subparagraph
12 (A) (as applicable). Such notice shall be pro-
13 vided to the group health plan in such time and
14 manner as may be specified by the Secretary of
15 Labor.

16 (3) ASSISTANCE ELIGIBLE INDIVIDUAL.—For
17 purposes of this section, the term “assistance eligible
18 individual” means, with respect to a period of cov-
19 erage during the period beginning on the first day
20 of the first month beginning after the date of the en-
21 actment of this Act, and ending on September 30,
22 2021, any individual that is a qualified beneficiary
23 who—

24 (A) is eligible for COBRA continuation
25 coverage by reason of a qualifying event speci-

1 fied in section 603(2) of the Employee Retirement
2 ment Income Security Act of 1974, section
3 4980B(f)(3)(B) of the Internal Revenue Code
4 of 1986, or section 2203(2) of the Public
5 Health Service Act, except for the voluntary
6 termination of such individual's employment by
7 such individual; and

8 (B) elects such coverage.

9 (4) EXTENSION OF ELECTION PERIOD AND EF-
10 FECT ON COVERAGE.—

11 (A) IN GENERAL.—For purposes of apply-
12 ing section 605(a) of the Employee Retirement
13 Income Security Act of 1974, section
14 4980B(f)(5)(A) of the Internal Revenue Code
15 of 1986, and section 2205(a) of the Public
16 Health Service Act, in the case of—

17 (i) an individual who does not have an
18 election of COBRA continuation coverage
19 in effect on the first day of the first month
20 beginning after the date of the enactment
21 of this Act but who would be an assistance
22 eligible individual described in paragraph
23 (3) if such election were so in effect; or

24 (ii) an individual who elected COBRA
25 continuation coverage and discontinued

1 from such coverage before the first day of
2 the first month beginning after the date of
3 the enactment of this Act,
4 such individual may elect the COBRA continu-
5 ation coverage under the COBRA continuation
6 coverage provisions containing such provisions
7 during the period beginning on the first day of
8 the first month beginning after the date of the
9 enactment of this Act and ending 60 days after
10 the date on which the notification required
11 under paragraph (6)(C) is provided to such in-
12 dividual.

13 (B) COMMENCEMENT OF COBRA CONTINU-
14 ATION COVERAGE.—Any COBRA continuation
15 coverage elected by a qualified beneficiary dur-
16 ing an extended election period under subpara-
17 graph (A)—

18 (i) shall commence (including for pur-
19 poses of applying the treatment of pre-
20 mium payments under paragraph (1)(A)
21 and any cost-sharing requirements for
22 items and services under a group health
23 plan) with the first period of coverage be-
24 ginning on or after the first day of the

1 first month beginning after the date of the
2 enactment of this Act, and

3 (ii) shall not extend beyond the period
4 of COBRA continuation coverage that
5 would have been required under the appli-
6 cable COBRA continuation coverage provi-
7 sion if the coverage had been elected as re-
8 quired under such provision.

9 (5) EXPEDITED REVIEW OF DENIALS OF PRE-
10 MIUM ASSISTANCE.—In any case in which an indi-
11 vidual requests treatment as an assistance eligible
12 individual described in paragraph (3) and is denied
13 such treatment by the group health plan, the Sec-
14 retary of Labor (or the Secretary of Health and
15 Human Services in connection with COBRA con-
16 tinuation coverage which is provided other than pur-
17 suant to part 6 of subtitle B of title I of the Em-
18 ployee Retirement Income Security Act of 1974), in
19 consultation with the Secretary of the Treasury,
20 shall provide for expedited review of such denial. An
21 individual shall be entitled to such review upon ap-
22 plication to such Secretary in such form and manner
23 as shall be provided by such Secretary, in consulta-
24 tion with the Secretary of the Treasury. Such Sec-
25 retary shall make a determination regarding such in-

1 dividual’s eligibility within 15 business days after re-
2 ceipt of such individual’s application for review
3 under this paragraph. Such Secretary’s determina-
4 tion upon review of the denial shall be de novo and
5 shall be the final determination of such Secretary. A
6 reviewing court shall grant deference to such Sec-
7 retary’s determination. The provisions of this para-
8 graph, paragraphs (1) through (4), and paragraphs
9 (6) through (7) shall be treated as provisions of title
10 I of the Employee Retirement Income Security Act
11 of 1974 for purposes of part 5 of subtitle B of such
12 title.

13 (6) NOTICES TO INDIVIDUALS.—

14 (A) GENERAL NOTICE.—

15 (i) IN GENERAL.—In the case of no-
16 tices provided under section 606(a)(4) of
17 the Employee Retirement Income Security
18 Act of 1974 (29 U.S.C. 1166(4)), section
19 4980B(f)(6)(D) of the Internal Revenue
20 Code of 1986, or section 2206(4) of the
21 Public Health Service Act (42 U.S.C.
22 300bb–6(4)), with respect to individuals
23 who, during the period described in para-
24 graph (3), become entitled to elect COBRA
25 continuation coverage, the requirements of

1 such provisions shall not be treated as met
2 unless such notices include an additional
3 written notification to the recipient in clear
4 and understandable language of—

5 (I) the availability of premium
6 assistance with respect to such cov-
7 erage under this subsection; and

8 (II) the option to enroll in dif-
9 ferent coverage if the employer per-
10 mits assistance eligible individuals de-
11 scribed in paragraph (3) to elect en-
12 rollment in different coverage (as de-
13 scribed in paragraph (1)(B)).

14 (ii) ALTERNATIVE NOTICE.—In the
15 case of COBRA continuation coverage to
16 which the notice provision under such sec-
17 tions does not apply, the Secretary of
18 Labor, in consultation with the Secretary
19 of the Treasury and the Secretary of
20 Health and Human Services, shall, in con-
21 sultation with administrators of the group
22 health plans (or other entities) that provide
23 or administer the COBRA continuation
24 coverage involved, provide rules requiring
25 the provision of such notice.

1 (iii) FORM.—The requirement of the
2 additional notification under this subpara-
3 graph may be met by amendment of exist-
4 ing notice forms or by inclusion of a sepa-
5 rate document with the notice otherwise
6 required.

7 (B) SPECIFIC REQUIREMENTS.—Each ad-
8 ditional notification under subparagraph (A)
9 shall include—

10 (i) the forms necessary for estab-
11 lishing eligibility for premium assistance
12 under this subsection;

13 (ii) the name, address, and telephone
14 number necessary to contact the plan ad-
15 ministrator and any other person main-
16 taining relevant information in connection
17 with such premium assistance;

18 (iii) a description of the extended elec-
19 tion period provided for in paragraph
20 (4)(A);

21 (iv) a description of the obligation of
22 the qualified beneficiary under paragraph
23 (2)(B) and the penalty provided under sec-
24 tion 6720C of the Internal Revenue Code

1 of 1986 for failure to carry out the obliga-
2 tion;

3 (v) a description, displayed in a
4 prominent manner, of the qualified bene-
5 ficiary's right to a reduced premium and
6 any conditions on entitlement to the re-
7 duced premium; and

8 (vi) a description of the option of the
9 qualified beneficiary to enroll in different
10 coverage if the employer permits such ben-
11 efiiciary to elect to enroll in such different
12 coverage under paragraph (1)(B).

13 (C) NOTICE IN CONNECTION WITH EX-
14 TENDED ELECTION PERIODS.—In the case of
15 any assistance eligible individual described in
16 paragraph (3) (or any individual described in
17 paragraph (4)(A)) who became entitled to elect
18 COBRA continuation coverage before the first
19 day of the first month beginning after the date
20 of the enactment of this Act, the administrator
21 of the applicable group health plan (or other
22 entity) shall provide (within 60 days after such
23 first day of such first month) for the additional
24 notification required to be provided under sub-
25 paragraph (A) and failure to provide such no-

1 tice shall be treated as a failure to meet the no-
2 tice requirements under the applicable COBRA
3 continuation provision.

4 (D) MODEL NOTICES.—Not later than 30
5 days after the date of enactment of this Act,
6 with respect to any assistance eligible individual
7 described in paragraph (3), the Secretary of
8 Labor, in consultation with the Secretary of the
9 Treasury and the Secretary of Health and
10 Human Services, shall prescribe models for the
11 additional notification required under this para-
12 graph.

13 (7) NOTICE OF EXPIRATION OF PERIOD OF
14 PREMIUM ASSISTANCE.—

15 (A) IN GENERAL.—With respect to any as-
16 sistance eligible individual, subject to subpara-
17 graph (B), the requirements of section
18 606(a)(4) of the Employee Retirement Income
19 Security Act of 1974 (29 U.S.C. 1166(4)), sec-
20 tion 4980B(f)(6)(D) of the Internal Revenue
21 Code of 1986, or section 2206(4) of the Public
22 Health Service Act (42 U.S.C. 300bb–6(4)),
23 shall not be treated as met unless the plan ad-
24 ministrator of the individual, during the period
25 specified under subparagraph (C), provides to

1 such individual a written notice in clear and un-
2 derstandable language—

3 (i) that the premium assistance for
4 such individual will expire soon and the
5 prominent identification of the date of
6 such expiration; and

7 (ii) that such individual may be eligi-
8 ble for coverage without any premium as-
9 sistance through—

10 (I) COBRA continuation cov-
11 erage; or

12 (II) coverage under a group
13 health plan.

14 (B) EXCEPTION.—The requirement for the
15 group health plan administrator to provide the
16 written notice under subparagraph (A) shall be
17 waived if the premium assistance for such indi-
18 vidual expires pursuant to clause (i) of para-
19 graph (2)(A).

20 (C) PERIOD SPECIFIED.—For purposes of
21 subparagraph (A), the period specified in this
22 subparagraph is, with respect to the date of ex-
23 piration of premium assistance for any assist-
24 ance eligible individual pursuant to a limitation
25 requiring a notice under this paragraph, the pe-

1 riod beginning on the day that is 45 days before
2 the date of such expiration and ending on the
3 day that is 15 days before the date of such ex-
4 piration.

5 (D) MODEL NOTICES.—Not later than 45
6 days after the date of enactment of this Act,
7 with respect to any assistance eligible indi-
8 vidual, the Secretary of Labor, in consultation
9 with the Secretary of the Treasury and the Sec-
10 retary of Health and Human Services, shall
11 prescribe models for the notification required
12 under this paragraph.

13 (8) REGULATIONS.—The Secretary of the
14 Treasury and the Secretary of Labor may jointly
15 prescribe such regulations or other guidance as may
16 be necessary or appropriate to carry out the provi-
17 sions of this subsection, including the prevention of
18 fraud and abuse under this subsection, except that
19 the Secretary of Labor and the Secretary of Health
20 and Human Services may prescribe such regulations
21 (including interim final regulations) or other guid-
22 ance as may be necessary or appropriate to carry
23 out the provisions of paragraphs (5), (6), (7), and
24 (9).

25 (9) OUTREACH.—

1 (A) IN GENERAL.—The Secretary of
2 Labor, in consultation with the Secretary of the
3 Treasury and the Secretary of Health and
4 Human Services, shall provide outreach con-
5 sisting of public education and enrollment as-
6 sistance relating to premium assistance pro-
7 vided under this subsection. Such outreach shall
8 target employers, group health plan administra-
9 tors, public assistance programs, States, insur-
10 ers, and other entities as determined appro-
11 priate by such Secretaries. Such outreach shall
12 include an initial focus on those individuals
13 electing continuation coverage who are referred
14 to in paragraph (6)(C). Information on such
15 premium assistance, including enrollment, shall
16 also be made available on websites of the De-
17 partments of Labor, Treasury, and Health and
18 Human Services.

19 (B) ENROLLMENT UNDER MEDICARE.—
20 The Secretary of Health and Human Services
21 shall provide outreach consisting of public edu-
22 cation. Such outreach shall target individuals
23 who lose health insurance coverage. Such out-
24 reach shall include information regarding en-
25 rollment for benefits under title XVIII of the

1 Social Security Act (42 U.S.C. 1395 et seq.) for
2 purposes of preventing mistaken delays of such
3 enrollment by such individuals, including life-
4 time penalties for failure of timely enrollment.

5 (10) DEFINITIONS.—For purposes of this sec-
6 tion:

7 (A) ADMINISTRATOR.—The term “admin-
8 istrator” has the meaning given such term in
9 section 3(16)(A) of the Employee Retirement
10 Income Security Act of 1974.

11 (B) COBRA CONTINUATION COVERAGE.—
12 The term “COBRA continuation coverage”
13 means continuation coverage provided pursuant
14 to part 6 of subtitle B of title I of the Em-
15 ployee Retirement Income Security Act of 1974
16 (other than under section 609), title XXII of
17 the Public Health Service Act, or section
18 4980B of the Internal Revenue Code of 1986
19 (other than subsection (f)(1) of such section in-
20 sofar as it relates to pediatric vaccines), or
21 under a State program that provides com-
22 parable continuation coverage. Such term does
23 not include coverage under a health flexible
24 spending arrangement under a cafeteria plan

1 within the meaning of section 125 of the Inter-
2 nal Revenue Code of 1986.

3 (C) COBRA CONTINUATION PROVISION.—
4 The term “COBRA continuation provision”
5 means the provisions of law described in sub-
6 paragraph (B).

7 (D) COVERED EMPLOYEE.—The term
8 “covered employee” has the meaning given such
9 term in section 607(2) of the Employee Retirement
10 Income Security Act of 1974.

11 (E) QUALIFIED BENEFICIARY.—The term
12 “qualified beneficiary” has the meaning given
13 such term in section 607(3) of the Employee
14 Retirement Income Security Act of 1974.

15 (F) GROUP HEALTH PLAN.—The term
16 “group health plan” has the meaning given
17 such term in section 607(1) of the Employee
18 Retirement Income Security Act of 1974.

19 (G) STATE.—The term “State” includes
20 the District of Columbia, the Commonwealth of
21 Puerto Rico, the Virgin Islands, Guam, Amer-
22 ican Samoa, and the Commonwealth of the
23 Northern Mariana Islands.

24 (H) PERIOD OF COVERAGE.—Any ref-
25 erence in this subsection to a period of coverage

1 shall be treated as a reference to a monthly or
2 shorter period of coverage with respect to which
3 premiums are charged with respect to such cov-
4 erage.

5 (I) PLAN SPONSOR.—The term “plan
6 sponsor” has the meaning given such term in
7 section 3(16)(B) of the Employee Retirement
8 Income Security Act of 1974.

9 (J) PREMIUM.—The term “premium” in-
10 cludes, with respect to COBRA continuation
11 coverage, any administrative fee.

12 (11) IMPLEMENTATION FUNDING.—In addition
13 to amounts otherwise made available, out of any
14 funds in the Treasury not otherwise appropriated,
15 there are appropriated to the Secretary of Labor for
16 fiscal year 2021, \$10,000,000, to remain available
17 until expended, for the Employee Benefits Security
18 Administration to carry out the provisions of this
19 subtitle.

20 (b) COBRA PREMIUM ASSISTANCE.—

21 (1) ALLOWANCE OF CREDIT.—

22 (A) IN GENERAL.—Subchapter B of chap-
23 ter 65 of the Internal Revenue Code of 1986 is
24 amended by adding at the end the following
25 new section:

1 **“SEC. 6432. CONTINUATION COVERAGE PREMIUM ASSIST-**
2 **ANCE.**

3 “(a) IN GENERAL.—The person to whom premiums
4 are payable for continuation coverage under section
5 9501(a)(1) of the Worker Health Coverage Protection Act
6 shall be allowed as a credit against the tax imposed by
7 section 3111(b), or so much of the taxes imposed under
8 section 3221(a) as are attributable to the rate in effect
9 under section 3111(b), for each calendar quarter an
10 amount equal to the premiums not paid by assistance eligi-
11 ble individuals for such coverage by reason of such section
12 9501(a)(1) with respect to such calendar quarter.

13 “(b) PERSON TO WHOM PREMIUMS ARE PAYABLE.—
14 For purposes of subsection (a), except as otherwise pro-
15 vided by the Secretary, the person to whom premiums are
16 payable under such continuation coverage shall be treated
17 as being—

18 “(1) in the case of any group health plan which
19 is a multiemployer plan (as defined in section 3(37)
20 of the Employee Retirement Income Security Act of
21 1974), the plan,

22 “(2) in the case of any group health plan not
23 described in paragraph (1), and under which some
24 or all of the coverage is not provided by insurance,
25 the employer maintaining the plan, and

1 “(3) in the case of any group health plan not
2 described in paragraph (1) or (2), the insurer pro-
3 viding the coverage under the group health plan.

4 “(c) LIMITATIONS AND REFUNDABILITY.—

5 “(1) CREDIT LIMITED TO CERTAIN EMPLOY-
6 MENT TAXES.—The credit allowed by subsection (a)
7 with respect to any calendar quarter shall not exceed
8 the tax imposed by section 3111(b), or so much of
9 the taxes imposed under section 3221(a) as are at-
10 tributable to the rate in effect under section
11 3111(b), for such calendar quarter (reduced by any
12 credits allowed against such taxes under sections
13 7001 and 7003 of the Families First Coronavirus
14 Response Act and section 2301 of the CARES Act)
15 on the wages paid with respect to the employment
16 of all employees of the employer.

17 “(2) REFUNDABILITY OF EXCESS CREDIT.—

18 “(A) CREDIT IS REFUNDABLE.—If the
19 amount of the credit under subsection (a) ex-
20 ceeds the limitation of paragraph (1) for any
21 calendar quarter, such excess shall be treated
22 as an overpayment that shall be refunded under
23 sections 6402(a) and 6413(b).

24 “(B) CREDIT MAY BE ADVANCED.—In an-
25 ticipation of the credit, including the refundable

1 portion under subparagraph (A), the credit may
2 be advanced, according to forms and instruc-
3 tions provided by the Secretary, up to an
4 amount calculated under subsection (a) through
5 the end of the most recent payroll period in the
6 quarter.

7 “(C) TREATMENT OF DEPOSITS.—The
8 Secretary shall waive any penalty under section
9 6656 for any failure to make a deposit of the
10 tax imposed by section 3111(b), or so much of
11 the taxes imposed under section 3221(a) as are
12 attributable to the rate in effect under section
13 3111(b), if the Secretary determines that such
14 failure was due to the anticipation of the credit
15 allowed under this section.

16 “(D) TREATMENT OF PAYMENTS.—For
17 purposes of section 1324 of title 31, United
18 States Code, any amounts due to an employer
19 under this paragraph shall be treated in the
20 same manner as a refund due from a credit
21 provision referred to in subsection (b)(2) of
22 such section.

23 “(3) OVERSTATEMENTS.—Any overstatement of
24 the credit to which a person is entitled under this
25 section (and any amount paid by the Secretary as a

1 result of such overstatement) shall be treated as an
2 underpayment by such person of the taxes described
3 in paragraph (1) and may be assessed and collected
4 by the Secretary in the same manner as such taxes.

5 “(d) GOVERNMENTAL ENTITIES.—For purposes of
6 this section, the term ‘person’ includes the government of
7 any State or political subdivision thereof, any Indian tribal
8 government (as defined in section 139E(c)(1)), any agency
9 or instrumentality of any of the foregoing, and any agency
10 or instrumentality of the Government of the United States
11 that is described in section 501(c)(1) and exempt from
12 taxation under section 501(a).

13 “(e) DENIAL OF DOUBLE BENEFIT.—For purposes
14 of chapter 1, the gross income of any person allowed a
15 credit under this section shall be increased for the taxable
16 year which includes the last day of any calendar quarter
17 with respect to which such credit is allowed by the amount
18 of such credit. No amount for which a credit is allowed
19 under this section shall be taken into account as qualified
20 wages under section 2301 of the CARES Act or as quali-
21 fied health plan expenses under section 7001(d) or
22 7003(d) of the Families First Coronavirus Response Act.

23 “(f) REGULATIONS.—The Secretary shall issue such
24 regulations, or other guidance, forms, instructions, and

1 publications, as may be necessary or appropriate to carry
2 out this section, including—

3 “(1) the requirement to report information or
4 the establishment of other methods for verifying the
5 correct amounts of reimbursements under this sec-
6 tion,

7 “(2) the application of this section to group
8 health plans that are multiemployer plans (as de-
9 fined in section 3(37) of the Employee Retirement
10 Income Security Act of 1974),

11 “(3) to allow the advance payment of the credit
12 determined under subsection (a), subject to the limi-
13 tations provided in this section, based on such infor-
14 mation as the Secretary shall require,

15 “(4) to provide for the reconciliation of such
16 advance payment with the amount of the credit at
17 the time of filing the return of tax for the applicable
18 quarter or taxable year, and

19 “(5) allowing the credit to third party payors
20 (including professional employer organizations, cer-
21 tified professional employer organizations, or agents
22 under section 3504).”.

23 (B) CLERICAL AMENDMENT.—The table of
24 sections for subchapter B of chapter 65 of the

1 Internal Revenue Code of 1986 is amended by
2 adding at the end the following new item:

“Sec. 6432. Continuation coverage premium assistance.”.

3 (C) EFFECTIVE DATE.—The amendments
4 made by this paragraph shall apply to pre-
5 miums to which subsection (a)(1)(A) applies
6 and wages paid on or after April 1, 2021.

7 (D) SPECIAL RULE IN CASE OF EMPLOYEE
8 PAYMENT THAT IS NOT REQUIRED UNDER THIS
9 SECTION.—

10 (i) IN GENERAL.—In the case of an
11 assistance eligible individual who pays,
12 with respect any period of coverage to
13 which subsection (a)(1)(A) applies, the
14 amount of the premium for such coverage
15 that the individual would have (but for this
16 Act) been required to pay, the person to
17 whom such payment is payable shall reim-
18 burse such individual for the amount of
19 such premium paid in excess of the
20 amount required to be paid under sub-
21 section (a)(1)(A).

22 (ii) CREDIT OF REIMBURSEMENT.—A
23 person to which clause (i) applies shall be
24 allowed a credit in the manner provided
25 under section 6432 of the Internal Rev-

1 enue Code of 1986 for any payment made
2 to the employee under such clause.

3 (iii) PAYMENT OF CREDITS.—Any
4 person to which clause (i) applies shall
5 make the payment required under such
6 clause to the individual not later than 60
7 days after the date on which such indi-
8 vidual elects continuation coverage under
9 subsection (a)(1).

10 (2) PENALTY FOR FAILURE TO NOTIFY HEALTH
11 PLAN OF CESSATION OF ELIGIBILITY FOR PREMIUM
12 ASSISTANCE.—

13 (A) IN GENERAL.—Part I of subchapter B
14 of chapter 68 of the Internal Revenue Code of
15 1986 is amended by adding at the end the fol-
16 lowing new section:

17 **“SEC. 6720C. PENALTY FOR FAILURE TO NOTIFY HEALTH**
18 **PLAN OF CESSATION OF ELIGIBILITY FOR**
19 **CONTINUATION COVERAGE PREMIUM ASSIST-**
20 **ANCE.**

21 “(a) IN GENERAL.—Except in the case of a failure
22 described in subsection (b) or (c), any person required to
23 notify a group health plan under section 9501(a)(2)(B)
24 of the Worker Health Coverage Protection Act who fails
25 to make such a notification at such time and in such man-

1 ner as the Secretary of Labor may require shall pay a
2 penalty of \$250 for each such failure.

3 “(b) INTENTIONAL FAILURE.—In the case of any
4 such failure that is fraudulent, such person shall pay a
5 penalty equal to the greater of—

6 “(1) \$250, or

7 “(2) 110 percent of the premium assistance
8 provided under section 9501(a)(1)(A) of the Worker
9 Health Coverage Protection Act after termination of
10 eligibility under such section.

11 “(c) REASONABLE CAUSE EXCEPTION.—No penalty
12 shall be imposed under this section with respect to any
13 failure if it is shown that such failure is due to reasonable
14 cause and not to willful neglect.”.

15 (B) CLERICAL AMENDMENT.—The table of
16 sections of part I of subchapter B of chapter 68
17 of such Code is amended by adding at the end
18 the following new item:

“Sec. 6720C. Penalty for failure to notify health plan of cessation of eligibility
for continuation coverage premium assistance.”.

19 (3) COORDINATION WITH HCTC.—

20 (A) IN GENERAL.—Section 35(g)(9) of the
21 Internal Revenue Code of 1986 is amended to
22 read as follows:

23 “(9) CONTINUATION COVERAGE PREMIUM AS-
24 SISTANCE.—In the case of an assistance eligible in-

1 dividual who receives premium assistance for con-
2 tinuation coverage under section 9501(a)(1) of the
3 Worker Health Coverage Protection Act for any
4 month during the taxable year, such individual shall
5 not be treated as an eligible individual, a certified
6 individual, or a qualifying family member for pur-
7 poses of this section or section 7527 with respect to
8 such month.”.

9 (B) EFFECTIVE DATE.—The amendment
10 made by subparagraph (A) shall apply to tax-
11 able years ending after the date of the enact-
12 ment of this Act.

13 (4) EXCLUSION OF CONTINUATION COVERAGE
14 PREMIUM ASSISTANCE FROM GROSS INCOME.—

15 (A) IN GENERAL.—Part III of subchapter
16 B of chapter 1 of the Internal Revenue Code of
17 1986 is amended by inserting after section
18 139H the following new section:

19 **“SEC. 139I. CONTINUATION COVERAGE PREMIUM ASSIST-**
20 **ANCE.**

21 “In the case of an assistance eligible individual (as
22 defined in subsection (a)(3) of section 9501 of the Worker
23 Health Coverage Protection Act), gross income does not
24 include any premium assistance provided under subsection
25 (a)(1) of such section.”.

1 (B) CLERICAL AMENDMENT.—The table of
2 sections for part III of subchapter B of chapter
3 1 of such Code is amended by inserting after
4 the item relating to section 139H the following
5 new item:

“Sec. 139I. Continuation coverage premium assistance.”.

6 (C) EFFECTIVE DATE.—The amendments
7 made by this paragraph shall apply to taxable
8 years ending after the date of the enactment of
9 this Act.

10 **Subtitle G—Promoting Economic** 11 **Security**

12 **PART 1—2021 RECOVERY REBATES TO** 13 **INDIVIDUALS**

14 **SEC. 9601. 2021 RECOVERY REBATES TO INDIVIDUALS.**

15 (a) IN GENERAL.—Subchapter B of chapter 65 of the
16 Internal Revenue Code of 1986 is amended by inserting
17 after section 6428A the following new section:

18 **“SEC. 6428B. 2021 RECOVERY REBATES TO INDIVIDUALS.**

19 “(a) IN GENERAL.—In the case of an eligible indi-
20 vidual, there shall be allowed as a credit against the tax
21 imposed by subtitle A for the first taxable year beginning
22 in 2021 an amount equal to the 2021 rebate amount de-
23 termined for such taxable year.

1 “(b) 2021 REBATE AMOUNT.—For purposes of this
2 section, the term ‘2021 rebate amount’ means, with re-
3 spect to any taxpayer for any taxable year, the sum of—

4 “(1) \$1,400 (\$2,800 in the case of a joint re-
5 turn), plus

6 “(2) \$1,400 multiplied by the number of de-
7 pendents of the taxpayer for such taxable year.

8 “(c) ELIGIBLE INDIVIDUAL.—For purposes of this
9 section, the term ‘eligible individual’ means any individual
10 other than—

11 “(1) any nonresident alien individual,

12 “(2) any individual who is a dependent of an-
13 other taxpayer for a taxable year beginning in the
14 calendar year in which the individual’s taxable year
15 begins, and

16 “(3) an estate or trust.

17 “(d) LIMITATION BASED ON ADJUSTED GROSS IN-
18 COME.—

19 “(1) IN GENERAL.—The amount of the credit
20 allowed by subsection (a) (determined without re-
21 gard to this subsection and subsection (f)) shall be
22 reduced (but not below zero) by the amount which
23 bears the same ratio to such credit (as so deter-
24 mined) as—

25 “(A) the excess of—

1 “(i) the taxpayer’s adjusted gross in-
2 come for such taxable year, over

3 “(ii) \$75,000, bears to

4 “(B) \$25,000.

5 “(2) SPECIAL RULES.—

6 “(A) JOINT RETURN OR SURVIVING
7 SPOUSE.—In the case of a joint return or a sur-
8 viving spouse (as defined in section 2(a)), para-
9 graph (1) shall be applied by substituting
10 ‘\$150,000’ for ‘\$75,000’ and ‘\$50,000’ for
11 ‘\$25,000’.

12 “(B) HEAD OF HOUSEHOLD.—In the case
13 of a head of household (as defined in section
14 2(b)), paragraph (1) shall be applied by sub-
15 stituting ‘\$112,500’ for ‘\$75,000’ and
16 ‘\$37,500’ for ‘\$25,000’.

17 “(e) DEFINITIONS AND SPECIAL RULES.—

18 “(1) DEPENDENT DEFINED.—For purposes of
19 this section, the term ‘dependent’ has the meaning
20 given such term by section 152.

21 “(2) IDENTIFICATION NUMBER REQUIRE-
22 MENT.—

23 “(A) IN GENERAL.—In the case of a re-
24 turn other than a joint return, the \$1,400
25 amount in subsection (b)(1) shall be treated as

1 being zero unless the taxpayer includes the
2 valid identification number of the taxpayer on
3 the return of tax for the taxable year.

4 “(B) JOINT RETURNS.—In the case of a
5 joint return, the \$2,800 amount in subsection
6 (b)(1) shall be treated as being—

7 “(i) \$1,400 if the valid identification
8 number of only 1 spouse is included on the
9 return of tax for the taxable year, and

10 “(ii) zero if the valid identification
11 number of neither spouse is so included.

12 “(C) DEPENDENTS.—A dependent shall
13 not be taken into account under subsection
14 (b)(2) unless the valid identification number of
15 such dependent is included on the return of tax
16 for the taxable year.

17 “(D) VALID IDENTIFICATION NUMBER.—

18 “(i) IN GENERAL.—For purposes of
19 this paragraph, the term ‘valid identifica-
20 tion number’ means a social security num-
21 ber issued to an individual by the Social
22 Security Administration on or before the
23 due date for filing the return for the tax-
24 able year.

1 “(ii) ADOPTION TAXPAYER IDENTI-
2 FICATION NUMBER.—For purposes of sub-
3 paragraph (C), in the case of a dependent
4 who is adopted or placed for adoption, the
5 term ‘valid identification number’ shall in-
6 clude the adoption taxpayer identification
7 number of such dependent.

8 “(E) SPECIAL RULE FOR MEMBERS OF
9 THE ARMED FORCES.—Subparagraph (B) shall
10 not apply in the case where at least 1 spouse
11 was a member of the Armed Forces of the
12 United States at any time during the taxable
13 year and the valid identification number of at
14 least 1 spouse is included on the return of tax
15 for the taxable year.

16 “(F) COORDINATION WITH CERTAIN AD-
17 VANCE PAYMENTS.—In the case of any payment
18 determined pursuant to subsection (g)(6), a
19 valid identification number shall be treated for
20 purposes of this paragraph as included on the
21 taxpayer’s return of tax if such valid identifica-
22 tion number is available to the Secretary as de-
23 scribed in such subsection.

24 “(G) MATHEMATICAL OR CLERICAL ERROR
25 AUTHORITY.—Any omission of a correct valid

1 identification number required under this para-
2 graph shall be treated as a mathematical or
3 clerical error for purposes of applying section
4 6213(g)(2) to such omission.

5 “(3) CREDIT TREATED AS REFUNDABLE.—The
6 credit allowed by subsection (a) shall be treated as
7 allowed by subpart C of part IV of subchapter A of
8 chapter 1.

9 “(f) COORDINATION WITH ADVANCE REFUNDS OF
10 CREDIT.—

11 “(1) REDUCTION OF REFUNDABLE CREDIT.—
12 The amount of the credit which would (but for this
13 paragraph) be allowable under subsection (a) shall
14 be reduced (but not below zero) by the aggregate re-
15 funds and credits made or allowed to the taxpayer
16 (or, except as otherwise provided by the Secretary,
17 any dependent of the taxpayer) under subsection (g).
18 Any failure to so reduce the credit shall be treated
19 as arising out of a mathematical or clerical error
20 and assessed according to section 6213(b)(1).

21 “(2) JOINT RETURNS.—Except as otherwise
22 provided by the Secretary, in the case of a refund
23 or credit made or allowed under subsection (g) with
24 respect to a joint return, half of such refund or cred-

1 it shall be treated as having been made or allowed
2 to each individual filing such return.

3 “(g) ADVANCE REFUNDS AND CREDITS.—

4 “(1) IN GENERAL.—Subject to paragraphs (5)
5 and (6), each individual who was an eligible indi-
6 vidual for such individual’s first taxable year begin-
7 ning in 2019 shall be treated as having made a pay-
8 ment against the tax imposed by chapter 1 for such
9 taxable year in an amount equal to the advance re-
10 fund amount for such taxable year.

11 “(2) ADVANCE REFUND AMOUNT.—

12 “(A) IN GENERAL.—For purposes of para-
13 graph (1), the advance refund amount is the
14 amount that would have been allowed as a cred-
15 it under this section for such taxable year if
16 this section (other than subsection (f) and this
17 subsection) had applied to such taxable year.

18 “(B) TREATMENT OF DECEASED INDIVID-
19 UALS.—For purposes of determining the ad-
20 vance refund amount with respect to such tax-
21 able year—

22 “(i) any individual who was deceased
23 before January 1, 2021, shall be treated
24 for purposes of applying subsection (e)(2)
25 in the same manner as if the valid identi-

1 fication number of such person was not in-
2 cluded on the return of tax for such tax-
3 able year (except that subparagraph (E)
4 thereof shall not apply),

5 “ (ii) notwithstanding clause (i), in the
6 case of a joint return with respect to which
7 only 1 spouse is deceased before January
8 1, 2021, such deceased spouse was a mem-
9 ber of the Armed Forces of the United
10 States at any time during the taxable year,
11 and the valid identification number of such
12 deceased spouse is included on the return
13 of tax for the taxable year, the valid identi-
14 fication number of 1 (and only 1) spouse
15 shall be treated as included on the return
16 of tax for the taxable year for purposes of
17 applying subsection (e)(2)(B) with respect
18 to such joint return, and

19 “ (iii) no amount shall be determined
20 under subsection (e)(2) with respect to any
21 dependent of the taxpayer if the taxpayer
22 (both spouses in the case of a joint return)
23 was deceased before January 1, 2021.

24 “(3) TIMING AND MANNER OF PAYMENTS.—

1 “(A) TIMING.—The Secretary shall, sub-
2 ject to the provisions of this title, refund or
3 credit any overpayment attributable to this sub-
4 section as rapidly as possible, consistent with a
5 rapid effort to make payments attributable to
6 such overpayments electronically if appropriate.
7 No refund or credit shall be made or allowed
8 under this subsection after December 31, 2021.

9 “(B) DELIVERY OF PAYMENTS.—Notwith-
10 standing any other provision of law, the Sec-
11 retary may certify and disburse refunds payable
12 under this subsection electronically to—

13 “(i) any account to which the payee
14 received or authorized, on or after January
15 1, 2019, a refund of taxes under this title
16 or of a Federal payment (as defined in sec-
17 tion 3332 of title 31, United States Code),

18 “(ii) any account belonging to a payee
19 from which that individual, on or after
20 January 1, 2019, made a payment of taxes
21 under this title, or

22 “(iii) any Treasury-sponsored account
23 (as defined in section 208.2 of title 31,
24 Code of Federal Regulations).

1 “(C) WAIVER OF CERTAIN RULES.—Not-
2 withstanding section 3325 of title 31, United
3 States Code, or any other provision of law, with
4 respect to any payment of a refund under this
5 subsection, a disbursing official in the executive
6 branch of the United States Government may
7 modify payment information received from an
8 officer or employee described in section
9 3325(a)(1)(B) of such title for the purpose of
10 facilitating the accurate and efficient delivery of
11 such payment. Except in cases of fraud or reck-
12 less neglect, no liability under section 3325,
13 3527, 3528, or 3529 of title 31, United States
14 Code, shall be imposed with respect to pay-
15 ments made under this subparagraph.

16 “(4) NO INTEREST.—No interest shall be al-
17 lowed on any overpayment attributable to this sub-
18 section.

19 “(5) APPLICATION TO INDIVIDUALS WHO HAVE
20 FILED A RETURN OF TAX FOR 2020.—

21 “(A) APPLICATION TO 2020 RETURNS
22 FILED AT TIME OF INITIAL DETERMINATION.—
23 If, at the time of any determination made pur-
24 suant to paragraph (3), the individual referred
25 to in paragraph (1) has filed a return of tax for

1 the individual's first taxable year beginning in
2 2020, paragraph (1) shall be applied with re-
3 spect to such individual by substituting '2020'
4 for '2019'.

5 “(B) ADDITIONAL PAYMENT.—

6 “(i) IN GENERAL.—In the case of any
7 individual who files, before the additional
8 payment determination date, a return of
9 tax for such individual's first taxable year
10 beginning in 2020, the Secretary shall
11 make a payment (in addition to any pay-
12 ment made under paragraph (1)) to such
13 individual equal to the excess (if any) of—

14 “(I) the amount which would be
15 determined under paragraph (1)
16 (after the application of subparagraph
17 (A)) by applying paragraph (1) as of
18 the additional payment determination
19 date, over

20 “(II) the amount of any payment
21 made with respect to such individual
22 under paragraph (1).

23 “(ii) ADDITIONAL PAYMENT DETER-
24 MINATION DATE.—The term 'additional

1 payment determination date’ means the
2 earlier of—

3 “(I) the date which is 90 days
4 after the 2020 calendar year filing
5 deadline, or

6 “(II) September 1, 2021.

7 “(iii) 2020 CALENDAR YEAR FILING
8 DEADLINE.—The term ‘2020 calendar year
9 filing deadline’ means the date specified in
10 section 6072(a) with respect to returns for
11 calendar year 2020. Such date shall be de-
12 termined after taking into account any pe-
13 riod disregarded under section 7508A if
14 such disregard applies to substantially all
15 returns for calendar year 2020 to which
16 section 6072(a) applies.

17 “(6) APPLICATION TO CERTAIN INDIVIDUALS
18 WHO HAVE NOT FILED A RETURN OF TAX FOR 2019
19 OR 2020 AT TIME OF DETERMINATION.—

20 “(A) IN GENERAL.—In the case of any in-
21 dividual who, at the time of any determination
22 made pursuant to paragraph (3), has filed a tax
23 return for neither the year described in para-
24 graph (1) nor for the year described in para-
25 graph (5)(A), the Secretary may apply para-

1 graph (1) on the basis of information available
2 to the Secretary and, on the basis of such infor-
3 mation, may determine the advance refund
4 amount with respect to such individual without
5 regard to subsection (d).

6 “(B) PAYMENT TO REPRESENTATIVE PAY-
7 EES AND FIDUCIARIES.—In the case of any
8 payment determined pursuant to subparagraph
9 (A), such payment may be made to an indi-
10 vidual or organization serving as the eligible in-
11 dividual’s representative payee or fiduciary for
12 a federal benefit program and the entire
13 amount of such payment so made shall be used
14 only for the benefit of the individual who is en-
15 titled to the payment.

16 “(7) SPECIAL RULE RELATED TO TIME OF FIL-
17 ING RETURN.—Solely for purposes of this sub-
18 section, a return of tax shall not be treated as filed
19 until such return has been processed by the Internal
20 Revenue Service.

21 “(8) NOTICE TO TAXPAYER.—As soon as prac-
22 ticable after the date on which the Secretary distrib-
23 uted any payment to an eligible taxpayer pursuant
24 to this subsection, notice shall be sent by mail to
25 such taxpayer’s last known address. Such notice

1 shall indicate the method by which such payment
2 was made, the amount of such payment, a phone
3 number for an appropriate point of contact at the
4 Internal Revenue Service to report any error with
5 respect to such payment, and such other information
6 as the Secretary determines appropriate.

7 “(9) RESTRICTION ON USE OF CERTAIN PRE-
8 VIOLUSLY ISSUED PREPAID DEBIT CARDS.—Payments
9 made by the Secretary to individuals under this sec-
10 tion shall not be in the form of an increase in the
11 balance of any previously issued prepaid debit card
12 if, as of the time of the issuance of such card, such
13 card was issued solely for purposes of making pay-
14 ments under section 6428 or 6428A.

15 “(h) REGULATIONS.—The Secretary shall prescribe
16 such regulations or other guidance as may be necessary
17 or appropriate to carry out the purposes of this section,
18 including—

19 “(1) regulations or other guidance providing
20 taxpayers the opportunity to provide the Secretary
21 information sufficient to allow the Secretary to make
22 payments to such taxpayers under subsection (g)
23 (including the determination of the amount of such
24 payment) if such information is not otherwise avail-
25 able to the Secretary, and

1 “(2) regulations or other guidance to ensure to
2 the maximum extent administratively practicable
3 that, in determining the amount of any credit under
4 subsection (a) and any credit or refund under sub-
5 section (g), an individual is not taken into account
6 more than once, including by different taxpayers and
7 including by reason of a change in joint return sta-
8 tus or dependent status between the taxable year for
9 which an advance refund amount is determined and
10 the taxable year for which a credit under subsection
11 (a) is determined.

12 “(i) OUTREACH.—The Secretary shall carry out a ro-
13 bust and comprehensive outreach program to ensure that
14 all taxpayers described in subsection (h)(1) learn of their
15 eligibility for the advance refunds and credits under sub-
16 section (g); are advised of the opportunity to receive such
17 advance refunds and credits as provided under subsection
18 (h)(1); and are provided assistance in applying for such
19 advance refunds and credits. In conducting such outreach
20 program, the Secretary shall coordinate with other govern-
21 ment, State, and local agencies; federal partners; and com-
22 munity-based nonprofit organizations that regularly inter-
23 face with such taxpayers.”.

24 (b) TREATMENT OF CERTAIN POSSESSIONS.—

1 (1) PAYMENTS TO POSSESSIONS WITH MIRROR
2 CODE TAX SYSTEMS.—The Secretary of the Treas-
3 ury shall pay to each possession of the United States
4 which has a mirror code tax system amounts equal
5 to the loss (if any) to that possession by reason of
6 the amendments made by this section. Such
7 amounts shall be determined by the Secretary of the
8 Treasury based on information provided by the gov-
9 ernment of the respective possession.

10 (2) PAYMENTS TO OTHER POSSESSIONS.—The
11 Secretary of the Treasury shall pay to each posses-
12 sion of the United States which does not have a mir-
13 ror code tax system amounts estimated by the Sec-
14 retary of the Treasury as being equal to the aggre-
15 gate benefits (if any) that would have been provided
16 to residents of such possession by reason of the
17 amendments made by this section if a mirror code
18 tax system had been in effect in such possession.
19 The preceding sentence shall not apply unless the re-
20 spective possession has a plan, which has been ap-
21 proved by the Secretary of the Treasury, under
22 which such possession will promptly distribute such
23 payments to its residents.

24 (3) INCLUSION OF ADMINISTRATIVE EX-
25 PENSES.—The Secretary of the Treasury shall pay

1 to each possession of the United States to which the
2 Secretary makes a payment under paragraph (1) or
3 (2) an amount equal to the lesser of—

4 (A) the increase (if any) of the administra-
5 tive expenses of such possession—

6 (i) in the case of a possession de-
7 scribed in paragraph (1), by reason of the
8 amendments made by this section, and

9 (ii) in the case of a possession de-
10 scribed in paragraph (2), by reason of car-
11 rying out the plan described in such para-
12 graph, or

13 (B) \$500,000 (\$10,000,000 in the case of
14 Puerto Rico).

15 The amount described in subparagraph (A) shall be
16 determined by the Secretary of the Treasury based
17 on information provided by the government of the
18 respective possession.

19 (4) COORDINATION WITH CREDIT ALLOWED
20 AGAINST UNITED STATES INCOME TAXES.—No cred-
21 it shall be allowed against United States income
22 taxes under section 6428B of the Internal Revenue
23 Code of 1986 (as added by this section), nor shall
24 any credit or refund be made or allowed under sub-
25 section (g) of such section, to any person—

1 (A) to whom a credit is allowed against
2 taxes imposed by the possession by reason of
3 the amendments made by this section, or

4 (B) who is eligible for a payment under a
5 plan described in paragraph (2).

6 (5) MIRROR CODE TAX SYSTEM.—For purposes
7 of this subsection, the term “mirror code tax sys-
8 tem” means, with respect to any possession of the
9 United States, the income tax system of such posses-
10 sion if the income tax liability of the residents of
11 such possession under such system is determined by
12 reference to the income tax laws of the United
13 States as if such possession were the United States.

14 (6) TREATMENT OF PAYMENTS.—For purposes
15 of section 1324 of title 31, United States Code, the
16 payments under this subsection shall be treated in
17 the same manner as a refund due from a credit pro-
18 vision referred to in subsection (b)(2) of such sec-
19 tion.

20 (c) ADMINISTRATIVE PROVISIONS.—

21 (1) DEFINITION OF DEFICIENCY.—Section
22 6211(b)(4)(A) of the Internal Revenue Code of 1986
23 is amended by striking “6428, and 6428A” and in-
24 serting “6428, 6428A, and 6428B”.

1 (2) EXCEPTION FROM REDUCTION OR OFF-
2 SET.—Any refund payable by reason of section
3 6428B(g) of the Internal Revenue Code of 1986 (as
4 added by this section), or any such refund payable
5 by reason of subsection (b) of this section, shall not
6 be —

7 (A) subject to reduction or offset pursuant
8 to section 3716 or 3720A of title 31, United
9 States Code,

10 (B) subject to reduction or offset pursuant
11 to subsection (c), (d), (e), or (f) of section 6402
12 of the Internal Revenue Code of 1986, or

13 (C) reduced or offset by other assessed
14 Federal taxes that would otherwise be subject
15 to levy or collection.

16 (3) CONFORMING AMENDMENTS.—

17 (A) Paragraph (2) of section 1324(b) of
18 title 31, United States Code, is amended by in-
19 serting “6428B,” after “6428A,”.

20 (B) The table of sections for subchapter B
21 of chapter 65 of the Internal Revenue Code of
22 1986 is amended by inserting after the item re-
23 lating to section 6428A the following new item:

“Sec. 6428B. 2021 recovery rebates to individuals.”.

24 (d) APPROPRIATIONS.—Immediately upon the enact-
25 ment of this Act, in addition to amounts otherwise avail-

1 able, there are appropriated for fiscal year 2021, out of
2 any money in the Treasury not otherwise appropriated:

3 (1) \$1,464,500,000 to remain available until
4 September 30, 2023 for necessary expenses for the
5 Internal Revenue Service for the administration of
6 the advance payments, the provision of taxpayer as-
7 sistance, and the furtherance of integrated, modern-
8 ized, and secure Internal Revenue Service systems,
9 which shall supplement and not supplant any other
10 appropriations that may be available for this pur-
11 pose.

12 (2) \$7,000,000 to remain available until Sep-
13 tember 30, 2022, for necessary expenses for the Bu-
14 reau of the Fiscal Service to carry out this section
15 (and the amendments made by this section), which
16 shall supplement and not supplant any other appro-
17 priations that may be available for this purpose, and

18 (3) \$8,000,000 to remain available until Sep-
19 tember 30, 2023, for the Treasury Inspector General
20 for Tax Administration for the purposes of over-
21 seeing activities related to the administration of this
22 section (and the amendments made by this section),
23 which shall supplement and not supplant any other
24 appropriations that may be available for this pur-
25 pose.

1 (e) FLEXIBILITY WITH RESPECT TO IRS INFORMA-
2 TION TECHNOLOGY EMPLOYEES.—

3 (1) If services performed by an employee of the
4 Internal Revenue Service during the period begin-
5 ning on January 1, 2020, and ending on December
6 31, 2022, are determined by the Commissioner of
7 Internal Revenue to be primarily related to informa-
8 tion technology, any premium pay for such services
9 shall be disregarded in calculating the aggregate of
10 such employee's basic pay and premium pay for pur-
11 poses of a limitation under section 5547(a) of title
12 5, United States Code, or under any other provision
13 of law, whether such employee's pay is paid on a bi-
14 weekly or calendar year basis.

15 (2) Any overtime pay for such services shall be
16 disregarded in calculating any annual limit on the
17 amount of overtime pay payable in a calendar or fis-
18 cal year.

19 (3) With regard to such services, any pay that
20 is disregarded under either paragraph (1) or (2)
21 shall be disregarded in calculating such employees
22 aggregate pay for purposes of the limitations in sec-
23 tions 5307 and 9502 of such title 5.

24 (4) If application of this subsection results in
25 the payment of additional premium pay to a covered

1 employee of a type that is normally creditable as
2 basic pay for retirement or any other purpose, that
3 additional pay shall not—

4 (A) be considered to be basic pay of the
5 covered employee for any purpose; or

6 (B) be used in computing a lump-sum pay-
7 ment to the covered employee for accumulated
8 and accrued annual leave under section 5551 or
9 section 5552 of such title 5.

10 **PART 2—CHILD TAX CREDIT**

11 **SEC. 9611. CHILD TAX CREDIT IMPROVEMENTS FOR 2021.**

12 (a) IN GENERAL.—Section 24 of the Internal Rev-
13 enue Code of 1986 is amended by adding at the end the
14 following new subsection:

15 “(i) SPECIAL RULES FOR 2021.—In the case of any
16 taxable year beginning after December 31, 2020, and be-
17 fore January 1, 2022—

18 “(1) REFUNDABLE CREDIT.—If the taxpayer
19 (in the case of a joint return, either spouse) has a
20 principal place of abode in the United States (deter-
21 mined as provided in section 32) for more than one-
22 half of the taxable year or is a bona fide resident of
23 Puerto Rico (within the meaning of section 937(a))
24 for such taxable year—

25 “(A) subsection (d) shall not apply, and

1 “(B) so much of the credit determined
2 under subsection (a) (after application of sub-
3 paragraph (A)) as does not exceed the amount
4 of such credit which would be so determined
5 without regard to subsection (h)(4) shall be al-
6 lowed under subpart C (and not allowed under
7 this subpart).

8 “(2) 17-YEAR-OLDS ELIGIBLE FOR TREATMENT
9 AS QUALIFYING CHILDREN.—This section shall be
10 applied—

11 “(A) by substituting ‘age 18’ for ‘age 17’
12 in subsection (c)(1), and

13 “(B) by substituting ‘described in sub-
14 section (c) (determined after the application of
15 subsection (i)(2)(A))’ for ‘described in sub-
16 section (c)’ in subsection (h)(4)(A).

17 “(3) CREDIT AMOUNT.—Subsection (h)(2) shall
18 not apply and subsection (a) shall be applied by sub-
19 stituting ‘\$3,000 (\$3,600 in the case of a qualifying
20 child who has not attained age 6 as of the close of
21 the calendar year in which the taxable year of the
22 taxpayer begins)’ for ‘\$1,000’.

23 “(4) REDUCTION OF INCREASED CREDIT
24 AMOUNT BASED ON MODIFIED ADJUSTED GROSS IN-
25 COME.—

1 “(A) IN GENERAL.—The amount of the
2 credit allowable under subsection (a) (deter-
3 mined without regard to subsection (b)) shall be
4 reduced by \$50 for each \$1,000 (or fraction
5 thereof) by which the taxpayer’s modified ad-
6 justed gross income (as defined in subsection
7 (b)) exceeds the applicable threshold amount.

8 “(B) APPLICABLE THRESHOLD AMOUNT.—
9 For purposes of this paragraph, the term ‘ap-
10 plicable threshold amount’ means—

11 “(i) \$150,000, in the case of a joint
12 return or surviving spouse (as defined in
13 section 2(a)) ,

14 “(ii) \$112,500, in the case of a head
15 of household (as defined in section 2(b)),
16 and

17 “(iii) \$75,000, in any other case.

18 “(C) LIMITATION ON REDUCTION.—

19 “(i) IN GENERAL.—The amount of
20 the reduction under subparagraph (A)
21 shall not exceed the lesser of—

22 “(I) the applicable credit increase
23 amount, or

24 “(II) 5 percent of the applicable
25 phaseout threshold range.

1 “(ii) APPLICABLE CREDIT INCREASE
2 AMOUNT.—For purposes of this subpara-
3 graph, the term ‘applicable credit increase
4 amount’ means the excess (if any) of—

5 “(I) the amount of the credit al-
6 lowable under this section for the tax-
7 able year determined without regard
8 to this paragraph and subsection (b),
9 over

10 “(II) the amount of such credit
11 as so determined and without regard
12 to paragraph (3).

13 “(iii) APPLICABLE PHASEOUT
14 THRESHOLD RANGE.—For purposes of this
15 subparagraph, the term ‘applicable phase-
16 out threshold range’ means the excess of—

17 “(I) the threshold amount appli-
18 cable to the taxpayer under subsection
19 (b) (determined after the application
20 of subsection (h)(3)), over

21 “(II) the applicable threshold
22 amount applicable to the taxpayer
23 under this paragraph.

24 “(D) COORDINATION WITH LIMITATION ON
25 OVERALL CREDIT.—Subsection (b) shall be ap-

1 plied by substituting ‘the credit allowable under
2 subsection (a) (determined after the application
3 of subsection (i)(4)(A)’ for ‘the credit allowable
4 under subsection (a)’.’.”

5 (b) ADVANCE PAYMENT OF CREDIT.—

6 (1) IN GENERAL.—Chapter 77 of such Code is
7 amended by inserting after section 7527 the fol-
8 lowing new section:

9 **“SEC. 7527A. ADVANCE PAYMENT OF CHILD TAX CREDIT.**

10 “(a) IN GENERAL.—The Secretary shall establish a
11 program for making monthly payments to taxpayers each
12 of which is equal to $\frac{1}{12}$ of the annual advance amount
13 determined with respect to such taxpayer for the calendar
14 year.

15 “(b) ANNUAL ADVANCE AMOUNT.—For purposes of
16 this section—

17 “(1) IN GENERAL.—Except as otherwise pro-
18 vided in this subsection, the term ‘annual advance
19 amount’ means, with respect to any taxpayer for any
20 calendar year, the amount (if any) which is esti-
21 mated by the Secretary as being equal to the
22 amount which would be treated as allowed under
23 subpart C of part IV of subchapter A of chapter 1
24 by reason of section 24(i)(1) for the taxpayer’s tax-
25 able year beginning in such calendar year if—

1 “(A) the status of the taxpayer as a tax-
2 payer described in section 24(i)(1) is deter-
3 mined with respect to the reference taxable
4 year,

5 “(B) the taxpayer’s modified adjusted
6 gross income for such taxable year is equal to
7 the taxpayer’s modified adjusted gross income
8 for the reference taxable year,

9 “(C) the only children of such taxpayer for
10 such taxable year are qualifying children prop-
11 erly claimed on the taxpayer’s return of tax for
12 the reference taxable year, and

13 “(D) the ages of such children (and the
14 status of such children as qualifying children)
15 are determined for such taxable year by taking
16 into account the passage of time since the ref-
17 erence taxable year.

18 “(2) REFERENCE TAXABLE YEAR.—Except as
19 provided in paragraph (3)(A), the term ‘reference
20 taxable year’ means, with respect to any taxpayer
21 for any calendar year, the taxpayer’s taxable year
22 beginning in the preceding calendar year or, in the
23 case of taxpayer who did not file a return of tax for
24 such taxable year, the taxpayer’s taxable year begin-
25 ning in the second preceding calendar year.

1 “(3) MODIFICATIONS DURING CALENDAR
2 YEAR.—

3 “(A) IN GENERAL.—The Secretary may
4 modify, during any calendar year, the annual
5 advance amount with respect to any taxpayer
6 for such calendar year to take into account—

7 “(i) a return of tax filed by such tax-
8 payer during such calendar year (and the
9 taxable year to which such return relates
10 may be taken into account as the reference
11 taxable year), and

12 “(ii) any other information provided
13 by the taxpayer to the Secretary which al-
14 lows the Secretary to determine payments
15 under subsection (a) which, in the aggre-
16 gate during any taxable year of the tax-
17 payer, more closely total the Secretary’s
18 estimate of the amount treated as allowed
19 under subpart C of part IV of subchapter
20 A of chapter 1 by reason of section
21 24(i)(1) for such taxable year of such tax-
22 payer.

23 “(B) ADJUSTMENT TO REFLECT EXCESS
24 OR DEFICIT IN PRIOR PAYMENTS.—In the case
25 of any modification of the annual advance

1 amount under subparagraph (A), the Secretary
2 may adjust the amount of any monthly pay-
3 ment made after the date of such modification
4 to properly take into account the amount by
5 which any monthly payment made before such
6 date was greater than or less than the amount
7 that such payment would have been on the
8 basis of the annual advance amount as so modi-
9 fied.

10 “(4) DETERMINATION OF STATUS.—If informa-
11 tion contained in the taxpayer’s return of tax for the
12 reference taxable year does not establish the status
13 of the taxpayer as being described in section
14 24(i)(1), the Secretary may, for purposes of para-
15 graph (1)(A), infer such status (or the lack thereof)
16 from such information as is so contained or from
17 other sources.

18 “(5) TREATMENT OF CERTAIN DEATHS.—A
19 child shall not be taken into account in determining
20 the annual advance amount under paragraph (1) if
21 the death of such child is known to the Secretary as
22 of the beginning of the calendar year for which the
23 estimate under such paragraph is made.

1 “(c) ON-LINE INFORMATION PORTAL.—The Sec-
2 retary shall establish an on-line portal which allows tax-
3 payers to—

4 “(1) elect not to receive payments under this
5 section, and

6 “(2) provide information to the Secretary which
7 would be relevant to a modification under subsection
8 (b)(3)(B) of the annual advance amount, including
9 information regarding—

10 “(A) a change in the number of the tax-
11 payer’s qualifying children, including by reason
12 of the birth of a child,

13 “(B) a change in the taxpayer’s marital
14 status,

15 “(C) a significant change in the taxpayer’s
16 income, and

17 “(D) any other factor which the Secretary
18 may provide.

19 “(d) NOTICE OF PAYMENTS.—Not later than Janu-
20 ary 31 of the calendar year following any calendar year
21 during which the Secretary makes one or more payments
22 to any taxpayer under this section, the Secretary shall pro-
23 vide such taxpayer with a written notice which includes
24 the taxpayer’s taxpayer identity (as defined in section
25 6103(b)(6)), the aggregate amount of such payments

1 made to such taxpayer during such calendar year, and
2 such other information as the Secretary determines appro-
3 priate.

4 “(e) AUTHORITY TO ADJUST INTERVAL OF PAY-
5 MENTS.—If the Secretary determines that it is not admin-
6 istratively feasible to make monthly payments under this
7 section—

8 “(1) such payments shall be made on the basis
9 of the shortest interval which the Secretary deter-
10 mines is administratively feasible, and

11 “(2) the amount of such payments shall be de-
12 termined by substituting the ratio of the length of
13 such interval to the length of the calendar year for
14 ‘ $\frac{1}{12}$ ’ in subsection (a).

15 “(f) ADMINISTRATIVE PROVISIONS.—

16 “(1) APPLICATION OF DIRECT DEPOSIT RE-
17 QUIREMENT.—Solely for purposes of section 3332 of
18 title 31, United States Code (and notwithstanding
19 the last sentence of subsection (j)(3) thereof), the
20 payments made by the Secretary under subsection
21 (a) shall be treated as Federal payments.

22 “(2) DELIVERY OF PAYMENTS.—Notwith-
23 standing any other provision of law, the Secretary
24 may certify and disburse refunds payable under this
25 section electronically to—

1 “(A) any account to which the payee re-
2 ceived or authorized, on or after January 1,
3 2019, a refund of taxes under this title or a
4 Federal payment (as defined in section 3332 of
5 title 31, United States Code),

6 “(B) any account belonging to a payee
7 from which that individual, on or after January
8 1, 2019, made a payment of taxes under this
9 title, or

10 “(C) any Treasury-sponsored account (as
11 defined in section 208.2 of title 31, Code of
12 Federal Regulations).

13 “(3) WAIVER OF CERTAIN RULES.—Notwith-
14 standing section 3325 of title 31, United States
15 Code, or any other provision of law, with respect to
16 any payment of a refund under this section, a dis-
17 bursing official in the executive branch of the United
18 States Government may modify payment information
19 received from an officer or employee described in
20 section 3325(a)(1)(B) of such title for the purpose
21 of facilitating the accurate and efficient delivery of
22 such payment. Except in cases of fraud or reckless
23 neglect, no liability under section 3325, 3527, 3528,
24 or 3529 of title 31, United States Code, shall be im-

1 posed with respect to payments made under this
2 paragraph.

3 “(4) EXCEPTION FROM REDUCTION OR OFF-
4 SET.—Any payment made to any individual under
5 this section shall not be—

6 “(A) subject to reduction or offset pursu-
7 ant to section 3716 or 3720A of title 31,
8 United States Code,

9 “(B) subject to reduction or offset pursu-
10 ant to subsection (c), (d), (e), or (f) of section
11 6402, or

12 “(C) reduced or offset by other assessed
13 Federal taxes that would otherwise be subject
14 to levy or collection.

15 “(5) ADVANCE PAYMENTS NOT APPLICABLE TO
16 POSSESSIONS OF THE UNITED STATES.—

17 “(A) IN GENERAL.—The advance payment
18 amount determined under this section shall be
19 determined—

20 “(i) by applying section 24(i)(1) with-
21 out regard to the phrase ‘or is a bona fide
22 resident of Puerto Rico (within the mean-
23 ing of section 937(a))’, and

24 “(ii) without regard to section
25 24(k)(3)(C)(ii)(I).

1 “(B) MIRROR CODE POSSESSIONS.—In the
2 case of any possession of the United States with
3 a mirror code tax system (as defined in section
4 24(k)), this section shall not be treated as part
5 of the income tax laws of the United States for
6 purposes of determining the income tax law of
7 such possession.

8 “(g) APPLICATION.—No payments shall be made
9 under the program established under subsection (a) with
10 respect to—

11 “(1) any month beginning before July 1, 2021,

12 or

13 “(2) any month beginning after December 31,
14 2021.

15 “(h) REGULATIONS.—The Secretary shall issue such
16 regulations or other guidance as the Secretary determines
17 necessary or appropriate to carry out the purposes of this
18 section and subsections (i)(1) and (j) of section 24, includ-
19 ing regulations or other guidance which provides for the
20 application of such provisions where the filing status of
21 the taxpayer for a taxable year is different from the status
22 used for determining the annual advance amount.”.

23 (2) RECONCILIATION OF CREDIT AND ADVANCE
24 CREDIT.—Section 24 of such Code, as amended by

1 the preceding provision of this Act, is amended by
2 adding at the end the following new subsection:

3 “(j) RECONCILIATION OF CREDIT AND ADVANCE
4 CREDIT.—

5 “(1) IN GENERAL.—The amount of the credit
6 allowed under this section to any taxpayer for any
7 taxable year shall be reduced (but not below zero) by
8 the aggregate amount of payments made under sec-
9 tion 7527A to such taxpayer during such taxable
10 year. Any failure to so reduce the credit shall be
11 treated as arising out of a mathematical or clerical
12 error and assessed according to section 6213(b)(1).

13 “(2) EXCESS ADVANCE PAYMENTS.—

14 “(A) IN GENERAL.—If the aggregate
15 amount of payments under section 7527A to
16 the taxpayer during the taxable year exceeds
17 the amount of the credit allowed under this sec-
18 tion to such taxpayer for such taxable year (de-
19 termined without regard to paragraph (1)), the
20 tax imposed by this chapter for such taxable
21 year shall be increased by the amount of such
22 excess. Any failure to so increase the tax shall
23 be treated as arising out of a mathematical or
24 clerical error and assessed according to section
25 6213(b)(1).

1 “(B) SAFE HARBOR BASED ON MODIFIED
2 ADJUSTED GROSS INCOME.—

3 “(i) IN GENERAL.—In the case of a
4 taxpayer whose modified adjusted gross in-
5 come (as defined in subsection (b)) for the
6 taxable year does not exceed 200 percent
7 of the applicable income threshold, the
8 amount of the increase determined under
9 subparagraph (A) with respect to such tax-
10 payer for such taxable year shall be re-
11 duced (but not below zero) by the safe har-
12 bor amount.

13 “(ii) PHASE OUT OF SAFE HARBOR
14 AMOUNT.—In the case of a taxpayer whose
15 modified adjusted gross income (as defined
16 in subsection (b)) for the taxable year ex-
17 ceeds the applicable income threshold, the
18 safe harbor amount otherwise in effect
19 under clause (i) shall be reduced by the
20 amount which bears the same ratio to such
21 amount as such excess bears to the appli-
22 cable income threshold.

23 “(iii) APPLICABLE INCOME THRESH-
24 OLD.—For purposes of this subparagraph,

1 the term ‘applicable income threshold’
2 means—

3 “(I) \$60,000 in the case of a
4 joint return or surviving spouse (as
5 defined in section 2(a)),

6 “(II) \$50,000 in the case of a
7 head of household, and

8 “(III) \$40,000 in any other case.

9 “(iv) SAFE HARBOR AMOUNT.—For
10 purposes of this subparagraph, the term
11 ‘safe harbor amount’ means, with respect
12 to any taxable year, the product of—

13 “(I) \$2,000, multiplied by

14 “(II) the excess (if any) of the
15 number of qualified children taken
16 into account in determining the an-
17 nual advance amount with respect to
18 the taxpayer under section 7527A
19 with respect to months beginning in
20 such taxable year, over the number of
21 qualified children taken into account
22 in determining the credit allowed
23 under this section for such taxable
24 year.”.

1 (3) COORDINATION WITH WAGE WITH-
2 HOLDING.—Section 3402(f)(1)(C) of such Code is
3 amended by striking “section 24(a)” and inserting
4 “section 24 (determined after application of sub-
5 section (j) thereof)”.

6 (4) CONFORMING AMENDMENTS.—

7 (A) Section 26(b)(2) of such Code is
8 amended by striking “and” at the end of sub-
9 paragraph (X), by striking the period at the
10 end of subparagraph (Y) and inserting “, and”,
11 and by adding at the end the following new sub-
12 paragraph:

13 “(Z) section 24(j)(2) (relating to excess
14 advance payments).”.

15 (B) Section 6211(b)(4)(A) of such Code,
16 as amended by the preceding provisions of this
17 subtitle, is amended—

18 (i) by striking “24(d)” and inserting
19 “24 by reason of subsections (d) and (i)(1)
20 thereof”, and

21 (ii) by striking “and 6428B” and in-
22 serting “6428B, and 7527A”.

23 (C) Paragraph (2) of section 1324(b) of
24 title 31, United States Code, is amended—

1 (i) by inserting “24,” before “25A”,
2 and

3 (ii) by striking “ or 6431” and insert-
4 ing “6431, or 7527A”.

5 (D) The table of sections for chapter 77 of
6 the Internal Revenue Code of 1986 is amended
7 by inserting after the item relating to section
8 7527 the following new item:

“Sec. 7527A. Advance payment of child tax credit.”.

9 (5) APPROPRIATIONS TO CARRY OUT ADVANCE
10 PAYMENTS.—Immediately upon the enactment of
11 this Act, in addition to amounts otherwise available,
12 there are appropriated for fiscal year 2021, out of
13 any money in the Treasury not otherwise appro-
14 priated:

15 (A) \$397,200,000 to remain available until
16 September 30, 2022, for necessary expenses for
17 the Internal Revenue Service to carry out this
18 section (and the amendments made by this sec-
19 tion), which shall supplement and not supplant
20 any other appropriations that may be available
21 for this purpose, and

22 (B) \$16,200,000 to remain available until
23 September 30, 2022, for necessary expenses for
24 the Bureau of the Fiscal Service to carry out
25 this section (and the amendments made by this

1 section), which shall supplement and not sup-
2 plant any other appropriations that may be
3 available for this purpose.

4 (c) EFFECTIVE DATE.—

5 (1) IN GENERAL.—The amendments made by
6 this section shall apply to taxable years beginning
7 after December 31, 2020.

8 (2) ESTABLISHMENT OF ADVANCE PAYMENT
9 PROGRAM.—The Secretary of the Treasury (or the
10 Secretary’s designee) shall establish the program de-
11 scribed in section 7527A of the Internal Revenue
12 Code of 1986 as soon as practicable after the date
13 of the enactment of this Act, except that the Sec-
14 retary shall ensure that the timing of the establish-
15 ment of such program does not interfere with car-
16 rying out section 6428B(g) as rapidly as possible.

17 **SEC. 9612. APPLICATION OF CHILD TAX CREDIT IN POSSES-**
18 **SIONS.**

19 (a) IN GENERAL.—Section 24 of the Internal Rev-
20 enue Code of 1986, as amended by the preceding provi-
21 sions of this Act, is amended by adding at the end the
22 following new subsection:

23 “(k) APPLICATION OF CREDIT IN POSSESSIONS.—

24 “(1) MIRROR CODE POSSESSIONS.—

1 “(A) IN GENERAL.—The Secretary shall
2 pay to each possession of the United States
3 with a mirror code tax system amounts equal to
4 the loss (if any) to that possession by reason of
5 the application of this section (determined with-
6 out regard to this subsection) with respect to
7 taxable years beginning after 2020. Such
8 amounts shall be determined by the Secretary
9 based on information provided by the govern-
10 ment of the respective possession.

11 “(B) COORDINATION WITH CREDIT AL-
12 LOWED AGAINST UNITED STATES INCOME
13 TAXES.—No credit shall be allowed under this
14 section for any taxable year to any individual to
15 whom a credit is allowable against taxes im-
16 posed by a possession of the United States with
17 a mirror code tax system by reason of the appli-
18 cation of this section in such possession for
19 such taxable year.

20 “(C) MIRROR CODE TAX SYSTEM.—For
21 purposes of this paragraph, the term ‘mirror
22 code tax system’ means, with respect to any
23 possession of the United States, the income tax
24 system of such possession if the income tax li-
25 ability of the residents of such possession under

1 such system is determined by reference to the
2 income tax laws of the United States as if such
3 possession were the United States.

4 “(2) PUERTO RICO.—

5 “(A) APPLICATION TO TAXABLE YEARS IN
6 2021.—

7 “(i) For application of refundable
8 credit to residents of Puerto Rico, see sub-
9 section (i)(1).

10 “(ii) For nonapplication of advance
11 payment to residents of Puerto Rico, see
12 section 7527A(f)(5)(A).

13 “(B) APPLICATION TO TAXABLE YEARS
14 AFTER 2021.—In the case of any bona fide resi-
15 dent of Puerto Rico (within the meaning of sec-
16 tion 937(a)) for any taxable year beginning
17 after December 31, 2021—

18 “(i) the credit determined under this
19 section shall be allowable to such resident,
20 and

21 “(ii) subsection (d)(1)(B)(ii) shall be
22 applied without regard to the phrase ‘in
23 the case of a taxpayer with 3 or more
24 qualifying children’.

25 “(3) AMERICAN SAMOA.—

1 “(A) IN GENERAL.—The Secretary shall
2 pay to American Samoa amounts estimated by
3 the Secretary as being equal to the aggregate
4 benefits that would have been provided to resi-
5 dents of American Samoa by reason of the ap-
6 plication of this section for taxable years begin-
7 ning after 2020 if the provisions of this section
8 had been in effect in American Samoa (applied
9 as if American Samoa were the United States
10 and without regard to the application of this
11 section to bona fide residents of Puerto Rico
12 under subsection (i)(1)).

13 “(B) DISTRIBUTION REQUIREMENT.—Sub-
14 paragraph (A) shall not apply unless American
15 Samoa has a plan, which has been approved by
16 the Secretary, under which American Samoa
17 will promptly distribute such payments to its
18 residents.

19 “(C) COORDINATION WITH CREDIT AL-
20 LOWED AGAINST UNITED STATES INCOME
21 TAXES.—

22 “(i) IN GENERAL.—In the case of a
23 taxable year with respect to which a plan
24 is approved under subparagraph (B), this
25 section (other than this subsection) shall

1 not apply to any individual eligible for a
2 distribution under such plan.

3 “(ii) APPLICATION OF SECTION IN
4 EVENT OF ABSENCE OF APPROVED
5 PLAN.—In the case of a taxable year with
6 respect to which a plan is not approved
7 under subparagraph (B)—

8 “(I) if such taxable year begins
9 in 2021, subsection (i)(1) shall be ap-
10 plied by substituting ‘bona fide resi-
11 dent of Puerto Rico or American
12 Samoa’ for ‘bona fide resident of
13 Puerto Rico’, and

14 “(II) if such taxable year begins
15 after December 31, 2021, rules simi-
16 lar to the rules of paragraph (2)(B)
17 shall apply with respect to bona fide
18 residents of American Samoa (within
19 the meaning of section 937(a)).

20 “(4) TREATMENT OF PAYMENTS.—For pur-
21 poses of section 1324 of title 31, United States
22 Code, the payments under this subsection shall be
23 treated in the same manner as a refund due from
24 a credit provision referred to in subsection (b)(2) of
25 such section.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 December 31, 2020.

4 **PART 3—EARNED INCOME TAX CREDIT**

5 **SEC. 9621. STRENGTHENING THE EARNED INCOME TAX**
6 **CREDIT FOR INDIVIDUALS WITH NO QUALI-**
7 **FYING CHILDREN.**

8 (a) SPECIAL RULES FOR 2021.—Section 32 of the
9 Internal Revenue Code of 1986 is amended by adding at
10 the end the following new subsection:

11 “(n) SPECIAL RULES FOR INDIVIDUALS WITHOUT
12 QUALIFYING CHILDREN.—In the case of any taxable year
13 beginning after December 31, 2020, and before January
14 1, 2022—

15 “(1) DECREASE IN MINIMUM AGE FOR CRED-
16 IT.—

17 “(A) IN GENERAL.—Subsection
18 (c)(1)(A)(ii)(II) shall be applied by substituting
19 ‘the applicable minimum age’ for ‘age 25’.

20 “(B) APPLICABLE MINIMUM AGE.—For
21 purposes of this paragraph, the term ‘applicable
22 minimum age’ means—

23 “(i) except as otherwise provided in
24 this subparagraph, age 19,

1 “(ii) in the case of a specified student
2 (other than a qualified former foster youth
3 or a qualified homeless youth), age 24, and

4 “(iii) in the case of a qualified former
5 foster youth or a qualified homeless youth,
6 age 18.

7 “(C) SPECIFIED STUDENT.—For purposes
8 of this paragraph, the term ‘specified student’
9 means, with respect to any taxable year, an in-
10 dividual who is an eligible student (as defined
11 in section 25A(b)(3)) during at least 5 calendar
12 months during the taxable year.

13 “(D) QUALIFIED FORMER FOSTER
14 YOUTH.—For purposes of this paragraph, the
15 term ‘qualified former foster youth’ means an
16 individual who—

17 “(i) on or after the date that such in-
18 dividual attained age 14, was in foster care
19 provided under the supervision or adminis-
20 tration of an entity administering (or eligi-
21 ble to administer) a plan under part B or
22 part E of title IV of the Social Security
23 Act (without regard to whether Federal as-
24 sistance was provided with respect to such
25 child under such part E), and

1 “(ii) provides (in such manner as the
2 Secretary may provide) consent for entities
3 which administer a plan under part B or
4 part E of title IV of the Social Security
5 Act to disclose to the Secretary informa-
6 tion related to the status of such individual
7 as a qualified former foster youth.

8 “(E) QUALIFIED HOMELESS YOUTH.—For
9 purposes of this paragraph, the term ‘qualified
10 homeless youth’ means, with respect to any tax-
11 able year, an individual who—

12 “(i) is certified by a local educational
13 agency or a financial aid administrator
14 during such taxable year as being either an
15 unaccompanied youth who is a homeless
16 child or youth, or as unaccompanied, at
17 risk of homelessness, and self-supporting,
18 and

19 “(ii) provides (in such manner as the
20 Secretary may provide) consent for local
21 educational agencies and financial aid ad-
22 ministrators to disclose to the Secretary in-
23 formation related to the status of such in-
24 dividual as a qualified homeless youth.

1 Terms used in this subparagraph which are also
2 used in section 480(d)(1) of the Higher Edu-
3 cation Act of 1965 shall have the same meaning
4 as when used in such section.

5 “(2) ELIMINATION OF MAXIMUM AGE FOR
6 CREDIT.—Subsection (c)(1)(A)(ii)(II) shall be ap-
7 plied without regard to the phrase ‘but not attained
8 age 65’.

9 “(3) INCREASE IN CREDIT AND PHASEOUT PER-
10 CENTAGES.—The table contained in subsection
11 (b)(1) shall be applied by substituting ‘15.3’ for
12 ‘7.65’ each place it appears therein.

13 “(4) INCREASE IN EARNED INCOME AND
14 PHASEOUT AMOUNTS.—

15 “(A) IN GENERAL.—The table contained in
16 subsection (b)(2)(A) shall be applied—

17 “(i) by substituting ‘\$9,820’ for
18 ‘\$4,220’, and

19 “(ii) by substituting ‘\$11,610’ for
20 ‘\$5,280’.

21 “(B) COORDINATION WITH INFLATION AD-
22 JUSTMENT.—Subsection (j) shall not apply to
23 any dollar amount specified in this paragraph.”.

24 (b) INFORMATION RETURN MATCHING.—As soon as
25 practicable, the Secretary of the Treasury (or the Sec-

1 retary's delegate) shall develop and implement procedures
2 to use information returns under section 6050S (relating
3 to returns relating to higher education tuition and related
4 expenses) to check the status of individuals as specified
5 students for purposes of section 32(n)(1)(B)(ii) of the In-
6 ternal Revenue Code of 1986 (as added by this section).

7 (c) EFFECTIVE DATE.—The amendment made by
8 this section shall apply to taxable years beginning after
9 December 31, 2020.

10 **SEC. 9622. TAXPAYER ELIGIBLE FOR CHILDLESS EARNED**
11 **INCOME CREDIT IN CASE OF QUALIFYING**
12 **CHILDREN WHO FAIL TO MEET CERTAIN**
13 **IDENTIFICATION REQUIREMENTS.**

14 (a) IN GENERAL.—Section 32(c)(1) of the Internal
15 Revenue Code of 1986 is amended by striking subpara-
16 graph (F).

17 (b) EFFECTIVE DATE.—The amendment made by
18 this section shall apply to taxable years beginning after
19 December 31 2020.

20 **SEC. 9623. CREDIT ALLOWED IN CASE OF CERTAIN SEPA-**
21 **RATED SPOUSES.**

22 (a) IN GENERAL.—Section 32(d) of the Internal Rev-
23 enue Code of 1986 is amended—

1 (1) by striking “MARRIED INDIVIDUALS.—In
2 the case of” and inserting the following: “MARRIED
3 INDIVIDUALS.—

4 “(1) IN GENERAL.—In the case of”, and

5 (2) by adding at the end the following new
6 paragraph:

7 “(2) DETERMINATION OF MARITAL STATUS.—

8 For purposes of this section—

9 “(A) IN GENERAL.—Except as provided in
10 subparagraph (B), marital status shall be deter-
11 mined under section 7703(a).

12 “(B) SPECIAL RULE FOR SEPARATED
13 SPOUSE.—An individual shall not be treated as
14 married if such individual—

15 “(i) is married (as determined under
16 section 7703(a)) and does not file a joint
17 return for the taxable year,

18 “(ii) resides with a qualifying child of
19 the individual for more than one-half of
20 such taxable year, and

21 “(iii)(I) during the last 6 months of
22 such taxable year, does not have the same
23 principal place of abode as the individual’s
24 spouse, or

1 “(II) has a decree, instrument, or
2 agreement (other than a decree of divorce)
3 described in section 121(d)(3)(C) with re-
4 spect to the individual’s spouse and is not
5 a member of the same household with the
6 individual’s spouse by the end of the tax-
7 able year.”.

8 (b) CONFORMING AMENDMENTS.—

9 (1) Section 32(c)(1)(A) of such Code is amend-
10 ed by striking the last sentence.

11 (2) Section 32(c)(1)(E)(ii) of such Code is
12 amended by striking “(within the meaning of section
13 7703)”.

14 (3) Section 32(d)(1) of such Code, as amended
15 by subsection (a), is amended by striking “(within
16 the meaning of section 7703)”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to taxable years beginning after
19 December 31, 2020.

20 **SEC. 9624. MODIFICATION OF DISQUALIFIED INVESTMENT**
21 **INCOME TEST.**

22 (a) IN GENERAL.—Section 32(i) of the Internal Rev-
23 enue Code of 1986 is amended by striking “\$2,200” and
24 inserting “\$10,000”.

1 (b) INFLATION ADJUSTMENT.—Section 32(j)(1) of
2 such Code is amended—

3 (1) in the matter preceding subparagraph (A),
4 by inserting “(2021 in the case of the dollar amount
5 in subsection (i)(1))” after “2015”,

6 (2) in subparagraph (B)(i)—

7 (A) by striking “subsections (b)(2)(A) and
8 (i)(1)” and inserting “subsection (b)(2)(A)”,
9 and

10 (B) by striking “and” at the end,

11 (3) by striking the period at the end of sub-
12 paragraph (B)(ii) and inserting “, and”, and

13 (4) by inserting after subparagraph (B)(ii) the
14 following new clause:

15 “(iii) in the case of the \$10,000
16 amount in subsection (i)(1), ‘calendar year
17 2020’ for ‘calendar year 2016’.”.

18 (c) EFFECTIVE DATE.—The amendments made by
19 this section shall apply to taxable years beginning after
20 December 31, 2020.

21 **SEC. 9625. APPLICATION OF EARNED INCOME TAX CREDIT**
22 **IN POSSESSIONS OF THE UNITED STATES.**

23 (a) IN GENERAL.—Chapter 77 of the Internal Rev-
24 enue Code of 1986 is amended by adding at the end the
25 following new section:

1 **“SEC. 7530. APPLICATION OF EARNED INCOME TAX CREDIT**
2 **TO POSSESSIONS OF THE UNITED STATES.**

3 “(a) PUERTO RICO.—

4 “(1) IN GENERAL.—With respect to calendar
5 year 2021 and each calendar year thereafter, the
6 Secretary shall, except as otherwise provided in this
7 subsection, make payments to Puerto Rico equal
8 to—

9 “(A) the specified matching amount for
10 such calendar year, plus

11 “(B) in the case of calendar years 2021
12 through 2025, the lesser of—

13 “(i) the expenditures made by Puerto
14 Rico during such calendar year for edu-
15 cation efforts with respect to individual
16 taxpayers and tax return preparers relat-
17 ing to the earned income tax credit, or

18 “(ii) \$1,000,000.

19 “(2) REQUIREMENT TO REFORM EARNED IN-
20 COME TAX CREDIT.—The Secretary shall not make
21 any payments under paragraph (1) with respect to
22 any calendar year unless Puerto Rico has in effect
23 an earned income tax credit for taxable years begin-
24 ning in or with such calendar year which (relative to
25 the earned income tax credit which was in effect for
26 taxable years beginning in or with calendar year

1 2019) increases the percentage of earned income
2 which is allowed as a credit for each group of indi-
3 viduals with respect to which such percentage is sep-
4 arately stated or determined in a manner designed
5 to substantially increase workforce participation.

6 “(3) SPECIFIED MATCHING AMOUNT.—For pur-
7 poses of this subsection—

8 “(A) IN GENERAL.—The term ‘specified
9 matching amount’ means, with respect to any
10 calendar year, the lesser of—

11 “(i) the excess (if any) of—

12 “(I) the cost to Puerto Rico of
13 the earned income tax credit for tax-
14 able years beginning in or with such
15 calendar year, over

16 “(II) the base amount for such
17 calendar year, or

18 “(ii) the product of 3, multiplied by
19 the base amount for such calendar year.

20 “(B) BASE AMOUNT.—

21 “(i) BASE AMOUNT FOR 2021.—In the
22 case of calendar year 2021, the term ‘base
23 amount’ means the greater of—

24 “(I) the cost to Puerto Rico of
25 the earned income tax credit for tax-

1 able years beginning in or with cal-
2 endar year 2019 (rounded to the
3 nearest multiple of \$1,000,000), or

4 “(II) \$200,000,000.

5 “(ii) INFLATION ADJUSTMENT.—In
6 the case of any calendar year after 2021,
7 the term ‘base amount’ means the dollar
8 amount determined under clause (i) in-
9 creased by an amount equal to—

10 “(I) such dollar amount, multi-
11 plied by—

12 “(II) the cost-of-living adjust-
13 ment determined under section 1(f)(3)
14 for such calendar year, determined by
15 substituting ‘calendar year 2020’ for
16 ‘calendar year 2016’ in subparagraph
17 (A)(ii) thereof.

18 Any amount determined under this clause
19 shall be rounded to the nearest multiple of
20 \$1,000,000.

21 “(4) RULES RELATED TO PAYMENTS AND RE-
22 PORTS.—

23 “(A) TIMING OF PAYMENTS.—The Sec-
24 retary shall make payments under paragraph
25 (1) for any calendar year—

1 “(i) after receipt of the report de-
2 scribed in subparagraph (B) for such cal-
3 endar year, and

4 “(ii) except as provided in clause (i),
5 within a reasonable period of time before
6 the due date for individual income tax re-
7 turns (as determined under the laws of
8 Puerto Rico) for taxable years which began
9 on the first day of such calendar year.

10 “(B) ANNUAL REPORTS.—With respect to
11 calendar year 2021 and each calendar year
12 thereafter, Puerto Rico shall provide to the Sec-
13 retary a report which shall include—

14 “(i) an estimate of the costs described
15 in paragraphs (1)(B)(i) and (3)(A)(i)(I)
16 with respect to such calendar year, and

17 “(ii) a statement of such costs with
18 respect to the preceding calendar year.

19 “(C) ADJUSTMENTS.—

20 “(i) IN GENERAL.—In the event that
21 any estimate of an amount is more or less
22 than the actual amount as later deter-
23 mined and any payment under paragraph
24 (1) was determined on the basis of such
25 estimate, proper payment shall be made

1 by, or to, the Secretary (as the case may
2 be) as soon as practicable after the deter-
3 mination that such estimate was inac-
4 curate. Proper adjustment shall be made in
5 the amount of any subsequent payments
6 made under paragraph (1) to the extent
7 that proper payment is not made under the
8 preceding sentence before such subsequent
9 payments.

10 “(ii) ADDITIONAL REPORTS.—The
11 Secretary may require such additional peri-
12 odic reports of the information described in
13 subparagraph (B) as the Secretary deter-
14 mines appropriate to facilitate timely ad-
15 justments under clause (i).

16 “(D) DETERMINATION OF COST OF
17 EARNED INCOME TAX CREDIT.—For purposes
18 of this subsection, the cost to Puerto Rico of
19 the earned income tax credit shall be deter-
20 mined by the Secretary on the basis of the laws
21 of Puerto Rico and shall include reductions in
22 revenues received by Puerto Rico by reason of
23 such credit and refunds attributable to such
24 credit, but shall not include any administrative
25 costs with respect to such credit.

1 “(b) POSSESSIONS WITH MIRROR CODE TAX SYS-
2 TEMS.—

3 “(1) IN GENERAL.—With respect to calendar
4 year 2021 and each calendar year thereafter, the
5 Secretary shall, except as otherwise provided in this
6 subsection, make payments to the Virgin Islands,
7 Guam, and the Commonwealth of the Northern Mar-
8 iana Islands equal to—

9 “(A) the cost to such possession of the
10 earned income tax credit for taxable years be-
11 ginning in or with such calendar year, plus

12 “(B) in the case of calendar years 2021
13 through 2025, the lesser of—

14 “(i) the expenditures made by such
15 possession during such calendar year for
16 education efforts with respect to individual
17 taxpayers and tax return preparers relat-
18 ing to such earned income tax credit, or

19 “(ii) \$50,000.

20 “(2) APPLICATION OF CERTAIN RULES.—Rules
21 similar to the rules of subparagraphs (A), (B), (C),
22 and (D) of subsection (a)(4) shall apply for purposes
23 of this subsection.

24 “(c) AMERICAN SAMOA.—

1 “(1) IN GENERAL.—With respect to calendar
2 year 2021 and each calendar year thereafter, the
3 Secretary shall, except as otherwise provided in this
4 subsection, make payments to American Samoa
5 equal to—

6 “(A) the lesser of—

7 “(i) the cost to American Samoa of
8 the earned income tax credit for taxable
9 years beginning in or with such calendar
10 year, or

11 “(ii) \$16,000,000, plus

12 “(B) in the case of calendar years 2021
13 through 2025, the lesser of—

14 “(i) the expenditures made by Amer-
15 ican Samoa during such calendar year for
16 education efforts with respect to individual
17 taxpayers and tax return preparers relat-
18 ing to such earned income tax credit, or

19 “(ii) \$50,000.

20 “(2) REQUIREMENT TO ENACT AND MAINTAIN
21 AN EARNED INCOME TAX CREDIT.—The Secretary
22 shall not make any payments under paragraph (1)
23 with respect to any calendar year unless American
24 Samoa has in effect an earned income tax credit for
25 taxable years beginning in or with such calendar

1 year which allows a refundable tax credit to individ-
2 uals on the basis of the taxpayer's earned income
3 which is designed to substantially increase workforce
4 participation.

5 “(3) INFLATION ADJUSTMENT.—In the case of
6 any calendar year after 2021, the \$16,000,000
7 amount in paragraph (1)(A)(ii) shall be increased by
8 an amount equal to—

9 “(A) such dollar amount, multiplied by—

10 “(B) the cost-of-living adjustment deter-
11 mined under section 1(f)(3) for such calendar
12 year, determined by substituting ‘calendar year
13 2020’ for ‘calendar year 2016’ in subparagraph
14 (A)(ii) thereof.

15 Any increase determined under this clause shall be
16 rounded to the nearest multiple of \$100,000.

17 “(4) APPLICATION OF CERTAIN RULES.—Rules
18 similar to the rules of subparagraphs (A), (B), (C),
19 and (D) of subsection (a)(4) shall apply for purposes
20 of this subsection.

21 “(d) TREATMENT OF PAYMENTS.—For purposes of
22 section 1324 of title 31, United States Code, the payments
23 under this section shall be treated in the same manner
24 as a refund due from a credit provision referred to in sub-
25 section (b)(2) of such section.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for chapter 77 of the Internal Revenue Code of 1986 is
3 amended by adding at the end the following new item:

“Sec. 7530. Application of earned income tax credit to possessions of the
United States.”.

4 **SEC. 9626. TEMPORARY SPECIAL RULE FOR DETERMINING**
5 **EARNED INCOME FOR PURPOSES OF EARNED**
6 **INCOME TAX CREDIT.**

7 (a) IN GENERAL.—If the earned income of the tax-
8 payer for the taxpayer’s first taxable year beginning in
9 2021 is less than the earned income of the taxpayer for
10 the taxpayer’s first taxable year beginning in 2019, the
11 credit allowed under section 32 of the Internal Revenue
12 Code of 1986 may, at the election of the taxpayer, be de-
13 termined by substituting—

14 (1) such earned income for the taxpayer’s first
15 taxable year beginning in 2019, for

16 (2) such earned income for the taxpayer’s first
17 taxable year beginning in 2021.

18 (b) EARNED INCOME.—

19 (1) IN GENERAL.—For purposes of this section,
20 the term “earned income” has the meaning given
21 such term under section 32(c) of the Internal Rev-
22 enue Code of 1986.

23 (2) APPLICATION TO JOINT RETURNS.—For
24 purposes of subsection (a), in the case of a joint re-

1 turn, the earned income of the taxpayer for the first
2 taxable year beginning in 2019 shall be the sum of
3 the earned income of each spouse for such taxable
4 year.

5 (c) SPECIAL RULES.—

6 (1) ERRORS TREATED AS MATHEMATICAL ER-
7 RORS.—For purposes of section 6213 of the Internal
8 Revenue Code of 1986, an incorrect use on a return
9 of earned income pursuant to subsection (a) shall be
10 treated as a mathematical or clerical error.

11 (2) NO EFFECT ON DETERMINATION OF GROSS
12 INCOME, ETC.—Except as otherwise provided in this
13 subsection, the Internal Revenue Code of 1986 shall
14 be applied without regard to any substitution under
15 subsection (a).

16 (d) TREATMENT OF CERTAIN POSSESSIONS.—

17 (1) PAYMENTS TO POSSESSIONS WITH MIRROR
18 CODE TAX SYSTEMS.—The Secretary of the Treas-
19 ury shall pay to each possession of the United States
20 which has a mirror code tax system amounts equal
21 to the loss (if any) to that possession by reason of
22 the application of the provisions of this section
23 (other than this subsection) with respect to section
24 32 of the Internal Revenue Code of 1986. Such
25 amounts shall be determined by the Secretary of the

1 Treasury based on information provided by the gov-
2 ernment of the respective possession.

3 (2) PAYMENTS TO OTHER POSSESSIONS.—The
4 Secretary of the Treasury shall pay to each posses-
5 sion of the United States which does not have a mir-
6 ror code tax system amounts estimated by the Sec-
7 retary of the Treasury as being equal to the aggre-
8 gate benefits (if any) that would have been provided
9 to residents of such possession by reason of the pro-
10 visions of this section (other than this subsection)
11 with respect to section 32 of the Internal Revenue
12 Code of 1986 if a mirror code tax system had been
13 in effect in such possession. The preceding sentence
14 shall not apply unless the respective possession has
15 a plan, which has been approved by the Secretary of
16 the Treasury, under which such possession will
17 promptly distribute such payments to its residents.

18 (3) MIRROR CODE TAX SYSTEM.—For purposes
19 of this section, the term “mirror code tax system”
20 means, with respect to any possession of the United
21 States, the income tax system of such possession if
22 the income tax liability of the residents of such pos-
23 session under such system is determined by ref-
24 erence to the income tax laws of the United States
25 as if such possession were the United States.

1 (4) TREATMENT OF PAYMENTS.—For purposes
2 of section 1324 of title 31, United States Code, the
3 payments under this section shall be treated in the
4 same manner as a refund due from a credit provi-
5 sion referred to in subsection (b)(2) of such section.

6 **PART 4—DEPENDENT CARE ASSISTANCE**

7 **SEC. 9631. REFUNDABILITY AND ENHANCEMENT OF CHILD**
8 **AND DEPENDENT CARE TAX CREDIT.**

9 (a) IN GENERAL.—Section 21 of the Internal Rev-
10 enue Code of 1986 is amended by adding at the end the
11 following new subsection:

12 “(g) SPECIAL RULES FOR 2021.—In the case of any
13 taxable year beginning after December 31, 2020, and be-
14 fore January 1, 2022—

15 “(1) CREDIT MADE REFUNDABLE.—If the tax-
16 payer (in the case of a joint return, either spouse)
17 has a principal place of abode in the United States
18 (determined as provided in section 32) for more than
19 one-half of the taxable year, the credit allowed under
20 subsection (a) shall be treated as a credit allowed
21 under subpart C (and not allowed under this sub-
22 part).

23 “(2) INCREASE IN DOLLAR LIMIT ON AMOUNT
24 CREDITABLE.—Subsection (c) shall be applied—

1 “(A) by substituting ‘\$8,000’ for ‘\$3,000’
2 in paragraph (1) thereof, and

3 “(B) by substituting ‘\$16,000’ for ‘\$6,000’
4 in paragraph (2) thereof.

5 “(3) INCREASE IN APPLICABLE PERCENTAGE.—
6 Subsection (a)(2) shall be applied—

7 “(A) by substituting ‘50 percent’ for ‘35
8 percent’, and

9 “(B) by substituting ‘\$125,000’ for
10 ‘\$15,000’.

11 “(4) APPLICATION OF PHASEOUT TO HIGH IN-
12 COME INDIVIDUALS.—

13 “(A) IN GENERAL.—Subsection (a)(2)
14 shall be applied by substituting ‘the phaseout
15 percentage’ for ‘20 percent’.

16 “(B) PHASEOUT PERCENTAGE.—The term
17 ‘phaseout percentage’ means 20 percent re-
18 duced (but not below zero) by 1 percentage
19 point for each \$2,000 (or fraction thereof) by
20 which the taxpayer’s adjusted gross income for
21 the taxable year exceeds \$400,000.”.

22 (b) APPLICATION OF CREDIT IN POSSESSIONS.—Sec-
23 tion 21 of such Code, as amended by subsection (a), is
24 amended by adding at the end the following new sub-
25 section:

1 “(h) APPLICATION OF CREDIT IN POSSESSIONS.—

2 “(1) PAYMENT TO POSSESSIONS WITH MIRROR
3 CODE TAX SYSTEMS.—The Secretary shall pay to
4 each possession of the United States with a mirror
5 code tax system amounts equal to the loss (if any)
6 to that possession by reason of the application of
7 this section (determined without regard to this sub-
8 section) with respect to taxable years beginning in or
9 with 2021. Such amounts shall be determined by the
10 Secretary based on information provided by the gov-
11 ernment of the respective possession.

12 “(2) PAYMENTS TO OTHER POSSESSIONS.—The
13 Secretary shall pay to each possession of the United
14 States which does not have a mirror code tax system
15 amounts estimated by the Secretary as being equal
16 to the aggregate benefits that would have been pro-
17 vided to residents of such possession by reason of
18 this section with respect to taxable years beginning
19 in or with 2021 if a mirror code tax system had
20 been in effect in such possession. The preceding sen-
21 tence shall not apply unless the respective possession
22 has a plan, which has been approved by the Sec-
23 retary, under which such possession will promptly
24 distribute such payments to its residents.

1 “(3) COORDINATION WITH CREDIT ALLOWED
2 AGAINST UNITED STATES INCOME TAXES.—In the
3 case of any taxable year beginning in or with 2021,
4 no credit shall be allowed under this section to any
5 individual—

6 “(A) to whom a credit is allowable against
7 taxes imposed by a possession with a mirror
8 code tax system by reason of this section, or

9 “(B) who is eligible for a payment under
10 a plan described in paragraph (2).

11 “(4) MIRROR CODE TAX SYSTEM.—For pur-
12 poses of this subsection, the term ‘mirror code tax
13 system’ means, with respect to any possession of the
14 United States, the income tax system of such posses-
15 sion if the income tax liability of the residents of
16 such possession under such system is determined by
17 reference to the income tax laws of the United
18 States as if such possession were the United States.

19 “(5) TREATMENT OF PAYMENTS.—For pur-
20 poses of section 1324 of title 31, United States
21 Code, the payments under this subsection shall be
22 treated in the same manner as a refund due from
23 a credit provision referred to in subsection (b)(2) of
24 such section.”.

25 (c) CONFORMING AMENDMENTS.—

1 (c) RETROACTIVE PLAN AMENDMENTS.—A plan that
2 otherwise satisfies all applicable requirements of sections
3 125 and 129 of the Internal Revenue Code of 1986 (in-
4 cluding any rules or regulations thereunder) shall not fail
5 to be treated as a cafeteria plan or dependent care assist-
6 ance program merely because such plan is amended pursu-
7 ant to a provision under this section and such amendment
8 is retroactive, if—

9 (1) such amendment is adopted no later than
10 the last day of the plan year in which the amend-
11 ment is effective, and

12 (2) the plan is operated consistent with the
13 terms of such amendment during the period begin-
14 ning on the effective date of the amendment and
15 ending on the date the amendment is adopted.

16 **PART 5—CREDITS FOR PAID SICK AND FAMILY**
17 **LEAVE**

18 **SEC. 9641. EXTENSION OF CREDITS.**

19 (a) IN GENERAL.—The following provisions of the
20 Families First Coronavirus Response Act are each amend-
21 ed by striking “March 31, 2021” and inserting “Sep-
22 tember 30, 2021”:

23 (1) Section 7001(c)(2)(A).

24 (2) Section 7001(g).

25 (3) Section 7002(b)(2)(B)(i).

1 (4) Section 7002(e).

2 (5) Section 7003(c)(2)(A).

3 (6) Section 7003(g).

4 (7) Section 7004(b)(2)(B)(i).

5 (8) Section 7004(e).

6 (b) CONFORMING AMENDMENT.—Section 7005(a) of
7 such Act is amended by striking “April 1, 2021” and in-
8 serting “October 1, 2021”.

9 **SEC. 9642. INCREASE IN LIMITATIONS ON CREDITS FOR**
10 **PAID FAMILY LEAVE.**

11 (a) INCREASE IN OVERALL LIMITATION ON QUALI-
12 FIED FAMILY LEAVE WAGES.—

13 (1) IN GENERAL.—Section 7003(b)(1)(B) of
14 the Families First Coronavirus Response Act is
15 amended by striking “\$10,000” and inserting
16 “\$12,000”.

17 (2) CONFORMING AMENDMENT.—Section
18 7004(d)(3) of such Act is amended by striking
19 “\$10,000” and inserting “\$12,000”.

20 (b) INCREASE IN QUALIFIED FAMILY LEAVE EQUIV-
21 ALENT AMOUNT FOR SELF-EMPLOYED INDIVIDUALS.—
22 Section 7004(c)(1)(A) of such Act is amended by striking
23 “50” and inserting “60”.

24 (c) COORDINATION WITH DEFINITION OF QUALIFIED
25 FAMILY LEAVE WAGES.—Section 7003(c)(2)(A) of such

1 Act, as amended by the preceding provisions of this part,
2 is amended to read as follows:

3 “(A) which would be so required to be paid
4 if—

5 “(i) section 102(a)(1)(F) of the Fam-
6 ily and Medical Leave Act of 1993 were
7 applied by substituting ‘September 30,
8 2021’ for ‘December 31, 2020’, and

9 “(ii) section 110(b)(2)(B)(ii) of such
10 Act were applied by substituting ‘\$12,000’
11 for ‘\$10,000’, and”.

12 **SEC. 9643. EXPANSION OF LEAVE TO WHICH PAID FAMILY**
13 **LEAVE CREDITS APPLIES.**

14 (a) IN GENERAL.—Section 7003(c)(2)(A) of the
15 Families First Coronavirus Response Act, as amended by
16 the preceding provisions of this part, is amended by strik-
17 ing “and” at the end of clause (i), by redesignating clause
18 (ii) as clause (iii), and by inserting after clause (i) the
19 following new clause:

20 “(ii) section 110(a)(2)(A) of such Act
21 were applied by inserting ‘or any reason
22 for leave described in section 5102(a) of
23 the Families First Coronavirus Response
24 Act’ after ‘public health emergency’, and”.

1 (b) APPLICATION TO CREDIT FOR PAID FAMILY
2 LEAVE FOR SELF-EMPLOYED INDIVIDUALS.—Section
3 7004(b)(2)(B) of such Act is amended by striking “and”
4 at the end of clause (i), by redesignating clause (ii) as
5 clause (iii), and by inserting after clause (i) the following
6 new clause:

7 “(ii) section 110(a)(2)(A) of such Act
8 were applied by inserting ‘or any reason
9 for leave described in section 5102(a) of
10 the Families First Coronavirus Response
11 Act’ after ‘public health emergency’, and”.

12 **SEC. 9644. PAID LEAVE CREDITS ALLOWED FOR LEAVE FOR**
13 **COVID-VACCINATION.**

14 (a) PAID SICK LEAVE CREDIT.—Section
15 7001(c)(2)(A) of the Families First Coronavirus Response
16 Act is amended by striking “and” at the end of clause
17 (i), by redesignating clause (ii) as clause (iii), and by in-
18 serting after clause (i) the following new clause:

19 “(ii) by inserting ‘or the employee is
20 obtaining immunization related to COVID–
21 19 or recovering from any injury, dis-
22 ability, illness, or condition related to such
23 immunization’ after ‘medical diagnosis’ in
24 section 5102(a)(3), and”.

1 (b) PAID SICK LEAVE CREDIT FOR SELF-EMPLOYED
2 INDIVIDUALS.—Section 7002(b)(2)(B)(i) of such Act, as
3 amended by the preceding provisions of this part, is
4 amended to read as follows:

5 “(i) such Act were applied—

6 “(I) by substituting ‘September
7 30, 2021’ for ‘December 31, 2020’ in
8 section 5109 thereof, and

9 “(II) by inserting ‘or the em-
10 ployee is obtaining immunization re-
11 lated to COVID–19 or recovering
12 from any injury, disability, illness, or
13 condition related to such immuniza-
14 tion’ after ‘medical diagnosis’ in sec-
15 tion 5102(a)(3), and”.

16 (c) PAID FAMILY LEAVE CREDIT.—Section
17 7003(c)(2)(A)(ii) of such Act, as amended by the pre-
18 ceding provisions of this part, is amended by inserting “or
19 to obtain immunization related to COVID–19 or to recover
20 from any injury, disability, illness, or condition related to
21 such immunization” after “section 5102(a) of the Fami-
22 lies First Coronavirus Response Act”.

23 (d) PAID FAMILY LEAVE CREDIT FOR SELF-EM-
24 PLOYED INDIVIDUALS.—Section 7004(b)(2)(B)(ii) of such
25 Act, as amended by the preceding provisions of this part,

1 is amended by inserting “or to obtain immunization re-
2 lated to COVID–19 or to recover from any injury, dis-
3 ability, illness, or condition related to such immunization”
4 after “section 5102(a) of the Families First Coronavirus
5 Response Act”.

6 **SEC. 9645. APPLICATION OF NON-DISCRIMINATION RULES.**

7 (a) PAID SICK LEAVE CREDIT.—Section 7001 of the
8 Families First and Coronavirus Response Act is amended
9 by adding at the end the following new subsection:

10 “(j) NON-DISCRIMINATION REQUIREMENT.—No
11 credit shall be allowed under this section to any employer
12 for any calendar quarter if such employer, with respect
13 to the availability of the provision of qualified sick leave
14 wages to which this section otherwise applies for such cal-
15 endar quarter, discriminates in favor of highly com-
16 pensated employees (within the meaning of section 414(q)
17 of the Internal Revenue Code of 1986), full-time employ-
18 ees, or employees on the basis of employment tenure with
19 such employer.”.

20 (b) PAID FAMILY LEAVE CREDIT.—Section 7003 of
21 such Act is amended by adding at the end the following
22 new subsection:

23 “(j) NON-DISCRIMINATION REQUIREMENT.—No
24 credit shall be allowed under this section to any employer
25 for any calendar quarter if such employer, with respect

1 to the availability of the provision of qualified family leave
2 wages to which this section otherwise applies for such cal-
3 endar quarter, discriminates in favor of highly com-
4 pensated employees (within the meaning of section 414(q)
5 of the Internal Revenue Code of 1986), full-time employ-
6 ees, or employees on the basis of employment tenure with
7 such employer.”.

8 **SEC. 9646. RESET OF LIMITATION ON PAID SICK LEAVE.**

9 (a) IN GENERAL.—Section 7001(b)(2) of the Fami-
10 lies First Coronavirus Response Act is amended to read
11 as follows:

12 “(2) OVERALL LIMITATION ON NUMBER OF
13 DAYS TAKEN INTO ACCOUNT.—

14 “(A) LIMITATION APPLICABLE AFTER THE
15 FIRST QUARTER OF 2021.—In the case of cal-
16 endar quarters beginning after March 31, 2021,
17 in any calendar year, the aggregate number of
18 days taken into account under paragraph (1)
19 shall not exceed the excess (if any) of—

20 “(i) 10, over

21 “(ii) the aggregate number of days so
22 taken into account during preceding cal-
23 endar quarters in such calendar year
24 (other than the first quarter of calendar
25 year 2021).

1 “(B) LIMITATION APPLICABLE BEFORE
2 THE SECOND QUARTER OF 2021.—In the case of
3 calendar quarters beginning before April 1,
4 2021, the aggregate number of days taken into
5 account under paragraph (1) for any calendar
6 quarter shall not exceed the excess (if any) of—

7 “(i) 10, over

8 “(ii) the aggregate number of days so
9 taken into account for all preceding cal-
10 endar quarters.”.

11 (b) COORDINATION WITH MANDATE PROVISIONS.—

12 Section 7001(c)(2)(A) of such Act, as amended by the pre-
13 ceding provisions of this part, is amended by striking
14 “and” at the end of clause (ii), by redesignating clause
15 (iii) as clause (iv), and by inserting after clause (ii) the
16 following new clause:

17 “(iii) by applying section 5102(b)(1)
18 of such Act separately with respect to the
19 period before April 1, 2021, and to each
20 calendar year after 2020 (and, in the case
21 of calendar year 2021, without regard to
22 the first quarter thereof), and”.

23 (c) APPLICATION TO SICK LEAVE CREDIT FOR THE
24 SELF-EMPLOYED.—

1 (1) IN GENERAL.—Section 7002(c) of such Act
2 is amended—

3 (A) by striking “(but not more than the
4 applicable number of days)” in paragraph
5 (1)(A) and inserting “(but not more than 10)”,
6 and

7 (B) by striking paragraph (3) and redesignig-
8 nating paragraph (4) as paragraph (3).

9 (2) COORDINATION WITH MANDATE PROVI-
10 SIONS.—Section 7002(b)(2)(B)(i) of such Act, as
11 amended by the preceding provisions of this part, is
12 amended by striking “and” at the end of subclause
13 (I), by striking “and” at the end of subclause (II),
14 and by adding at the end the following new sub-
15 clauses:

16 “(III) by applying section
17 5102(b)(1) of such Act separately
18 with respect to each taxable year, and

19 “(IV) without regard to section
20 5102(b)(3) thereof, and”.

21 **SEC. 9647. CREDITS ALLOWED AGAINST EMPLOYER HOS-**
22 **PITAL INSURANCE TAX.**

23 (a) IN GENERAL.—The following provisions of the
24 Families First Coronavirus Response Act are each amend-

1 ed by striking “section 3111(a)” and inserting “section
2 3111(b)”:

3 (1) Section 7001(a).

4 (2) Section 7001(b)(3).

5 (3) The section 7001(e)(4) which relates to ref-
6 erences to railroad retirement tax.

7 (4) Section 7001(i).

8 (5) Section 7003(a).

9 (6) Section 7003(b)(2).

10 (7) The section 7003(e)(4) which relates to ref-
11 erences to railroad retirement tax.

12 (8) Section 7003(i).

13 (b) CONFORMING AMENDMENTS.—

14 (1) Section 7001(b)(3) of such Act is amended
15 by striking “(reduced by any credits allowed under
16 subsections (e) and (f) of section 3111 of such Code,
17 and section 303(d) of the Taxpayer Certainty and
18 Disaster Tax Relief Act of 2020, for such quarter)”.

19 (2) Section 7001 of such Act is amended by
20 striking subsection (h).

21 (3) Section 7003(b)(2) of such Act is amended
22 by striking “(reduced by any credits allowed under
23 subsections (e) and (f) of section 3111 of such Code,
24 section 7001 of this Act, and section 303(d) of the
25 Taxpayer Certainty and Disaster Tax Relief Act of

1 2020, for such quarter)” and inserting “(reduced by
2 any credits allowed under section 7001 of this Act)”.

3 (4) Section 7003 of such Act is amended by
4 striking subsection (h).

5 (5) Section 7005(a) of such Act is amended by
6 striking “section 3111(a)” both places it appears
7 and inserting “section 3111(b)”.

8 (6) Section 7005 of such Act is amended by
9 striking subsection (c).

10 **SEC. 9648. APPLICATION OF CREDITS TO CERTAIN GOVERN-**
11 **MENTAL EMPLOYERS.**

12 (a) CREDIT FOR PAID SICK LEAVE.—Section
13 7001(e) of the Families First Coronavirus Response Act
14 is amended—

15 (1) by striking the paragraph (4) which relates
16 to certain governmental employers, and

17 (2) by adding at the end the following new
18 paragraph:

19 “(5) CERTAIN GOVERNMENTAL EMPLOYERS.—
20 No credit shall be allowed under this section to the
21 Government of the United States or to any agency
22 or instrumentality thereof. The preceding sentence
23 shall not apply to any organization described in sec-
24 tion 501(c)(1) of the Internal Revenue Code of 1986

1 and exempt from tax under section 501(a) of such
2 Code.”.

3 (b) CREDIT FOR PAID FAMILY LEAVE.—Section
4 7003(e) of such Act is amended—

5 (1) by striking the paragraph (4) which relates
6 to certain governmental employers, and

7 (2) by adding at the end the following new
8 paragraph:

9 “(5) CERTAIN GOVERNMENTAL EMPLOYERS.—
10 No credit shall be allowed under this section to the
11 Government of the United States or to any agency
12 or instrumentality thereof. The preceding sentence
13 shall not apply to any organization described in sec-
14 tion 501(c)(1) of the Internal Revenue Code of 1986
15 and exempt from tax under section 501(a) of such
16 Code.”.

17 **SEC. 9649. GROSS UP OF CREDIT IN LIEU OF EXCLUSION**
18 **FROM TAX.**

19 (a) IN GENERAL.—Section 7005 of the Families
20 First Coronavirus Response Act (as amended by the pre-
21 ceding provisions of this part) is amended—

22 (1) by amending subsection (a) to read as fol-
23 lows:

24 “(a) IN GENERAL.—The credit allowed by section
25 7001 and the credit allowed by section 7003 shall each

1 be increased by the amount of the taxes imposed by sub-
2 sections (a) and (b) of section 3111 and section 3221(a)
3 of the Internal Revenue Code of 1986 on qualified sick
4 leave wages, or qualified family leave wages, for which
5 credit is allowed under such section 7001 or 7003 (respec-
6 tively).”

7 (2) by striking so much of subsection (b) as
8 precedes paragraph (2) thereof,

9 (3) by redesignating such paragraph (2) as sub-
10 section (b) and adjusting the indentation thereof ac-
11 cordingly, and

12 (4) by striking “paragraph (1)” in such sub-
13 section (b) (as so redesignated) and inserting “sub-
14 section (a)”.

15 (b) COORDINATION WITH DEFINITION OF QUALI-
16 FIED WAGES.—

17 (1) Section 7001(c) of such Act is amended—

18 (A) by striking “and section 7005(a) of
19 this Act,” and

20 (B) by striking “and without regard to sec-
21 tion 7005(a) of this Act”.

22 (2) Section 7003(c) of such Act is amended by
23 striking “wages (as defined” and all that follows
24 through “paid by an employer” and inserting
25 “wages (as defined in section 3121(a) of the Inter-

1 nal Revenue Code of 1986, determined without re-
2 gard to paragraphs (1) through (22) of section
3 3121(b) of such Code) and compensation (as defined
4 in section 3231(e) of the Internal Revenue Code, de-
5 termined without regard to the sentence in para-
6 graph (1) thereof which begins ‘Such term does not
7 include remuneration’) paid by an employer”.

8 **SEC. 9650. EFFECTIVE DATE.**

9 (a) IN GENERAL.—Except as otherwise provided in
10 this section, the amendments made by this part shall apply
11 to amounts paid with respect to calendar quarters begin-
12 ning after March 31, 2021.

13 (b) APPLICATION TO SELF-EMPLOYMENT TAX CRED-
14 ITS.—The amendments made by this part to any provision
15 of section 7002 or 7004 of the Families First Coronavirus
16 Response Act shall apply to taxable years beginning after
17 December 31, 2020.

18 **PART 6—EMPLOYEE RETENTION CREDIT**

19 **SEC. 9651. EXTENSION OF EMPLOYEE RETENTION CREDIT.**

20 (a) IN GENERAL.—Section 2301(m) of the CARES
21 Act is amended by striking “July 1, 2021” and inserting
22 “January 1, 2022”.

23 (b) CREDIT ALLOWED AGAINST EMPLOYER HOS-
24 PITAL INSURANCE TAX.—

1 (1) IN GENERAL.—Subparagraphs (A) and (B)
2 of section 2301(c)(1) of such Act are each amended
3 by striking “section 3111(a)” and inserting “section
4 3111(b)”.

5 (2) CONFORMING AMENDMENTS.—Section
6 2301(b)(2) of such Act is amended—

7 (A) by striking “subsections (e) and (f) of
8 section 3111 of the Internal Revenue Code of
9 1986,” and

10 (B) by striking “, and section 303(d) of
11 the Taxpayer Certainty and Disaster Tax Relief
12 Act of 2020”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall apply to calendar quarters beginning
15 after June 30, 2021.

16 **PART 7—PREMIUM TAX CREDIT**

17 **SEC. 9661. IMPROVING AFFORDABILITY BY EXPANDING**
18 **PREMIUM ASSISTANCE FOR CONSUMERS.**

19 (a) IN GENERAL.—Section 36B(b)(3)(A) of the In-
20 ternal Revenue Code of 1986 is amended by adding at the
21 end the following new clause:

22 “(iii) TEMPORARY PERCENTAGES FOR
23 2021 AND 2022.—In the case of a taxable
24 year beginning in 2021 or 2022—

1 “(I) clause (ii) shall not apply for
 2 purposes of adjusting premium per-
 3 centages under this subparagraph,
 4 and

5 “(II) the following table shall be
 6 applied in lieu of the table contained
 7 in clause (i):

“In the case of household income (expressed as a percent of poverty line) within the following income tier:	The initial premium percentage is—	The final premium percentage is—
Up to 150.0 percent	0.0	0.0
150.0 percent up to 200.0 percent	0.0	2.0
200.0 percent up to 250.0 percent	2.0	4.0
250.0 percent up to 300.0 percent	4.0	6.0
300.0 percent up to 400.0 percent	6.0	8.5
400.0 percent and higher	8.5	8.5”.

8 (b) CONFORMING AMENDMENT.—Section 36B(c)(1)
 9 of the Internal Revenue Code of 1986 is amended by add-
 10 ing at the end the following new subparagraph:

11 “(E) TEMPORARY RULE FOR 2021 AND
 12 2022.—In the case of a taxable year beginning
 13 in 2021 or 2022, subparagraph (A) shall be ap-
 14 plied without regard to ‘but does not exceed
 15 400 percent’.”.

16 (c) EFFECTIVE DATE.—The amendments made by
 17 this section shall apply to taxable years beginning after
 18 December 31, 2020.

1 **SEC. 9662. TEMPORARY MODIFICATION OF LIMITATIONS**
2 **ON RECONCILIATION OF TAX CREDITS FOR**
3 **COVERAGE UNDER A QUALIFIED HEALTH**
4 **PLAN WITH ADVANCE PAYMENTS OF SUCH**
5 **CREDIT.**

6 (a) IN GENERAL.—Section 36B(f)(2)(B) of the Inter-
7 nal Revenue Code of 1986 is amended by adding at the
8 end the following new clause:

9 “(iii) TEMPORARY MODIFICATION OF
10 LIMITATION ON INCREASE.—In the case of
11 any taxable year beginning in 2020, for
12 any taxpayer who files for such taxable
13 year an income tax return reconciling any
14 advance payment of the credit under this
15 section, the Secretary shall treat subpara-
16 graph (A) as not applying.”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 this section shall apply to taxable years beginning after
19 December 31, 2019.

20 **SEC. 9663. APPLICATION OF PREMIUM TAX CREDIT IN CASE**
21 **OF INDIVIDUALS RECEIVING UNEMPLOY-**
22 **MENT COMPENSATION DURING 2021.**

23 (a) IN GENERAL.—Section 36B of the Internal Rev-
24 enue Code of 1986 is amended by redesignating subsection
25 (g) as subsection (h) and by inserting after subsection (f)
26 the following new subsection:

1 “(g) SPECIAL RULE FOR INDIVIDUALS WHO RE-
2 CEIVE UNEMPLOYMENT COMPENSATION DURING 2021.—

3 “(1) IN GENERAL.—For purposes of this sec-
4 tion, in the case of a taxpayer who has received, or
5 has been approved to receive, unemployment com-
6 pensation for any week beginning during 2021, for
7 the taxable year in which such week begins—

8 “(A) such taxpayer shall be treated as an
9 applicable taxpayer, and

10 “(B) there shall not be taken into account
11 any household income of the taxpayer in excess
12 of 133 percent of the poverty line for a family
13 of the size involved.

14 “(2) UNEMPLOYMENT COMPENSATION.—For
15 purposes of this subsection, the term ‘unemployment
16 compensation’ has the meaning given such term in
17 section 85(b).

18 “(3) EVIDENCE OF UNEMPLOYMENT COM-
19 PENSATION.—For purposes of this subsection, a tax-
20 payer shall not be treated as having received (or
21 been approved to receive) unemployment compensa-
22 tion for any week unless such taxpayer provides self-
23 attestation of, and such documentation as the Sec-
24 retary shall prescribe which demonstrates, such re-
25 ceipt or approval.

1 “(4) CLARIFICATION OF RULES REMAINING AP-
2 PLICABLE.—

3 “(A) JOINT RETURN REQUIREMENT.—
4 Paragraph (1)(A) shall not affect the applica-
5 tion of subsection (c)(1)(C).

6 “(B) HOUSEHOLD INCOME AND
7 AFFORDABILITY.—Paragraph (1)(B) shall not
8 apply to any determination of household income
9 for purposes of paragraph (2)(C)(i)(II) or
10 (4)(C)(ii) of subsection (c)”.

11 (b) EFFECTIVE DATE.—The amendments made by
12 this section shall apply to taxable years beginning after
13 December 31, 2020.

14 **PART 8—MISCELLANEOUS PROVISIONS**

15 **SEC. 9671. REPEAL OF ELECTION TO ALLOCATE INTEREST,**
16 **ETC. ON WORLDWIDE BASIS.**

17 (a) IN GENERAL.—Section 864 of the Internal Rev-
18 enue Code of 1986 is amended by striking subsection (f).

19 (b) EFFECTIVE DATE.—The amendment made by
20 this section shall apply to taxable years beginning after
21 December 31, 2020.

22 **SEC. 9672. TAX TREATMENT OF TARGETED EIDL ADVANCES.**

23 For purposes of the Internal Revenue Code of
24 1986—

1 (1) amounts received from the Administrator of
2 the Small Business Administration in the form of a
3 Targeted EIDL Advance shall not be included in the
4 gross income of the person that receives such
5 amounts,

6 (2) no deduction shall be denied, no tax at-
7 tribute shall be reduced, and no basis increase shall
8 be denied, by reason of the exclusion from gross in-
9 come provided by paragraph (1), and

10 (3) in the case of a partnership or S corpora-
11 tion that receives such amounts—

12 (A) any amount excluded from income by
13 reason of paragraph (1) shall be treated as tax
14 exempt income for purposes of sections 705 and
15 1366 of the Internal Revenue Code of 1986,
16 and

17 (B) the Secretary of the Treasury (or the
18 Secretary's delegate) shall prescribe rules for
19 determining a partner's distributive share of
20 any amount described in subparagraph (A) for
21 purposes of section 705 of the Internal Revenue
22 Code of 1986.

1 **SEC. 9673. TAX TREATMENT OF RESTAURANT REVITALIZA-**
2 **TION GRANTS.**

3 For purposes of the Internal Revenue Code of
4 1986—

5 (1) amounts received from the Administrator of
6 the Small Business Administration in the form of a
7 Restaurant Revitalization Grant shall not be in-
8 cluded in the gross income of the person that re-
9 ceives such amounts,

10 (2) no deduction shall be denied, no tax at-
11 tribute shall be reduced, and no basis increase shall
12 be denied, by reason of the exclusion from gross in-
13 come provided by paragraph (1), and

14 (3) in the case of a partnership or S corpora-
15 tion that receives such amounts—

16 (A) except as otherwise provided by the
17 Secretary of the Treasury (or the Secretary's
18 delegate), any amount excluded from income by
19 reason of paragraph (1) shall be treated as tax
20 exempt income for purposes of sections 705 and
21 1366 of the Internal Revenue Code of 1986,
22 and

23 (B) the Secretary of the Treasury (or the
24 Secretary's delegate) shall prescribe rules for
25 determining a partner's distributive share of
26 any amount described in subparagraph (A) for

1 purposes of section 705 of the Internal Revenue
2 Code of 1986.

3 **Subtitle H—Pensions**

4 **SEC. 9700. SHORT TITLE.**

5 This subtitle may be cited as the “Butch Lewis
6 Emergency Pension Plan Relief Act of 2021”.

7 **SEC. 9701. TEMPORARY DELAY OF DESIGNATION OF MULTI- 8 EMPLOYER PLANS AS IN ENDANGERED, CRIT- 9 ICAL, OR CRITICAL AND DECLINING STATUS.**

10 (a) IN GENERAL.—Notwithstanding the actuarial
11 certification under section 305(b)(3) of the Employee Re-
12 tirement Income Security Act of 1974 and section
13 432(b)(3) of the Internal Revenue Code of 1986, if a plan
14 sponsor of a multiemployer plan elects the application of
15 this section, then, for purposes of section 305 of such Act
16 and section 432 of such Code—

17 (1) the status of the plan for its first plan year
18 beginning during the period beginning on March 1,
19 2020, and ending on February 28, 2021, or the next
20 succeeding plan year (as designated by the plan
21 sponsor in such election), shall be the same as the
22 status of such plan under such sections for the plan
23 year preceding such designated plan year, and

24 (2) in the case of a plan which was in endan-
25 gered or critical status for the plan year preceding

1 the designated plan year described in paragraph (1),
2 the plan shall not be required to update its plan or
3 schedules under section 305(c)(6) of such Act and
4 section 432(e)(6) of such Code, or section
5 305(e)(3)(B) of such Act and section 432(e)(3)(B)
6 of such Code, whichever is applicable, until the plan
7 year following the designated plan year described in
8 paragraph (1).

9 (b) EXCEPTION FOR PLANS BECOMING CRITICAL
10 DURING ELECTION.—If—

11 (1) an election was made under subsection (a)
12 with respect to a multiemployer plan, and

13 (2) such plan has, without regard to such elec-
14 tion, been certified by the plan actuary under section
15 305(b)(3) of the Employee Retirement Income Secu-
16 rity Act of 1974 and section 432(b)(3) of the Inter-
17 nal Revenue Code of 1986 to be in critical status for
18 the designated plan year described in subsection
19 (a)(1), then such plan shall be treated as a plan in
20 critical status for such plan year for purposes of ap-
21 plying section 4971(g)(1)(A) of such Code, section
22 302(b)(3) of such Act (without regard to the second
23 sentence thereof), and section 412(b)(3) of such
24 Code (without regard to the second sentence there-
25 of).

1 (c) ELECTION AND NOTICE.—

2 (1) ELECTION.—An election under subsection

3 (a)—

4 (A) shall be made at such time and in such
5 manner as the Secretary of the Treasury or the
6 Secretary's delegate may prescribe and, once
7 made, may be revoked only with the consent of
8 the Secretary, and

9 (B) if made—

10 (i) before the date the annual certifi-
11 cation is submitted to the Secretary or the
12 Secretary's delegate under section
13 305(b)(3) of such Act and section
14 432(b)(3) of such Code, shall be included
15 with such annual certification, and

16 (ii) after such date, shall be submitted
17 to the Secretary or the Secretary's delegate
18 not later than 30 days after the date of the
19 election.

20 (2) NOTICE TO PARTICIPANTS.—

21 (A) IN GENERAL.—Notwithstanding sec-
22 tion 305(b)(3)(D) of the Employee Retirement
23 Income Security Act of 1974 and section
24 432(b)(3)(D) of the Internal Revenue Code of
25 1986, if, by reason of an election made under

1 subsection (a), the plan is in neither endan-
2 gered nor critical status—

3 (i) the plan sponsor of a multiem-
4 ployer plan shall not be required to provide
5 notice under such sections, and

6 (ii) the plan sponsor shall provide to
7 the participants and beneficiaries, the bar-
8 gaining parties, the Pension Benefit Guar-
9 anty Corporation, and the Secretary of
10 Labor a notice of the election under sub-
11 section (a) and such other information as
12 the Secretary of the Treasury (in consulta-
13 tion with the Secretary of Labor) may re-
14 quire—

15 (I) if the election is made before
16 the date the annual certification is
17 submitted to the Secretary or the Sec-
18 retary's delegate under section
19 305(b)(3) of such Act and section
20 432(b)(3) of such Code, not later than
21 30 days after the date of the certifi-
22 cation, and

23 (II) if the election is made after
24 such date, not later than 30 days
25 after the date of the election.

1 (B) NOTICE OF ENDANGERED STATUS.—
2 Notwithstanding section 305(b)(3)(D) of such
3 Act and section 432(b)(3)(D) of such Code, if
4 the plan is certified to be in critical status for
5 any plan year but is in endangered status by
6 reason of an election made under subsection
7 (a), the notice provided under such sections
8 shall be the notice which would have been pro-
9 vided if the plan had been certified to be in en-
10 dangered status.

11 **SEC. 9702. TEMPORARY EXTENSION OF THE FUNDING IM-**
12 **PROVEMENT AND REHABILITATION PERIODS**
13 **FOR MULTIEMPLOYER PENSION PLANS IN**
14 **CRITICAL AND ENDANGERED STATUS FOR**
15 **2020 OR 2021.**

16 (a) IN GENERAL.—If the plan sponsor of a multiem-
17 ployer plan which is in endangered or critical status for
18 a plan year beginning in 2020 or 2021 (determined after
19 application of section 9701) elects the application of this
20 section, then, for purposes of section 305 of the Employee
21 Retirement Income Security Act of 1974 and section 432
22 of the Internal Revenue Code of 1986—

23 (1) except as provided in paragraph (2), the
24 plan's funding improvement period or rehabilitation

1 period, whichever is applicable, shall be 15 years
2 rather than 10 years, and

3 (2) in the case of a plan in seriously endan-
4 gered status, the plan's funding improvement period
5 shall be 20 years rather than 15 years.

6 (b) DEFINITIONS AND SPECIAL RULES.—For pur-
7 poses of this section—

8 (1) ELECTION.—An election under this section
9 shall be made at such time, and in such manner and
10 form, as (in consultation with the Secretary of
11 Labor) the Secretary of the Treasury or the Sec-
12 retary's delegate may prescribe.

13 (2) DEFINITIONS.—Any term which is used in
14 this section which is also used in section 305 of the
15 Employee Retirement Income Security Act of 1974
16 and section 432 of the Internal Revenue Code of
17 1986 shall have the same meaning as when used in
18 such sections.

19 (c) EFFECTIVE DATE.—This section shall apply to
20 plan years beginning after December 31, 2019.

21 **SEC. 9703. ADJUSTMENTS TO FUNDING STANDARD AC-**
22 **COUNT RULES.**

23 (a) ADJUSTMENTS.—

24 (1) AMENDMENT TO EMPLOYEE RETIREMENT
25 INCOME SECURITY ACT OF 1974.—Section 304(b)(8)

1 of the Employee Retirement Income Security Act of
2 1974 (29 U.S.C. 1084(b)) is amended by adding at
3 the end the following new subparagraph:

4 “(F) RELIEF FOR 2020 AND 2021.—A mul-
5 tiemployer plan with respect to which the sol-
6 vency test under subparagraph (C) is met as of
7 February 29, 2020, may elect to apply this
8 paragraph (without regard to whether such plan
9 previously elected the application of this para-
10 graph)—

11 “(i) by substituting ‘February 29,
12 2020’ for ‘August 31, 2008’ each place it
13 appears in subparagraphs (A)(i), (B)(i)(I),
14 and (B)(i)(II),

15 “(ii) by inserting ‘and other losses re-
16 lated to the virus SARS-CoV-2 or
17 coronavirus disease 2019 (COVID-19) (in-
18 cluding experience losses related to reduc-
19 tions in contributions, reductions in em-
20 ployment, and deviations from anticipated
21 retirement rates, as determined by the plan
22 sponsor)’ after ‘net investment losses’ in
23 subparagraph (A)(i), and

24 “(iii) by substituting ‘this subpara-
25 graph or subparagraph (A)’ for ‘this sub-

1 paragraph and subparagraph (A) both' in
2 subparagraph (B)(iii).

3 The preceding sentence shall not apply to a
4 plan to which special financial assistance is
5 granted under section 4262. For purposes of
6 the application of this subparagraph, the Sec-
7 retary of the Treasury shall rely on the plan
8 sponsor's calculations of plan losses unless such
9 calculations are clearly erroneous.”.

10 (2) AMENDMENT TO INTERNAL REVENUE CODE
11 OF 1986.—Section 431(b)(8) of the Internal Revenue
12 Code of 1986 is amended by adding at the end the
13 following new subparagraph:

14 “(F) RELIEF FOR 2020 AND 2021.—A mul-
15 tiemployer plan with respect to which the sol-
16 vency test under subparagraph (C) is met as of
17 February 29, 2020, may elect to apply this
18 paragraph (without regard to whether such plan
19 previously elected the application of this para-
20 graph)—

21 “(i) by substituting ‘February 29,
22 2020’ for ‘August 31, 2008’ each place it
23 appears in subparagraphs (A)(i), (B)(i)(I),
24 and (B)(i)(II),

1 “(ii) by inserting ‘and other losses re-
2 lated to the virus SARS-CoV-2 or
3 coronavirus disease 2019 (COVID-19) (in-
4 cluding experience losses related to reduc-
5 tions in contributions, reductions in em-
6 ployment, and deviations from anticipated
7 retirement rates, as determined by the plan
8 sponsor)’ after ‘net investment losses’ in
9 subparagraph (A)(i), and

10 “(iii) by substituting ‘this subpara-
11 graph or subparagraph (A)’ for ‘this sub-
12 paragraph and subparagraph (A) both’ in
13 subparagraph (B)(iii).

14 The preceding sentence shall not apply to a
15 plan to which special financial assistance is
16 granted under section 4262 of the Employee
17 Retirement Income Security Act of 1974. For
18 purposes of the application of this subpara-
19 graph, the Secretary shall rely on the plan
20 sponsor’s calculations of plan losses unless such
21 calculations are clearly erroneous.”.

22 (b) EFFECTIVE DATES.—

23 (1) IN GENERAL.—The amendments made by
24 this section shall take effect as of the first day of
25 the first plan year ending on or after February 29,

1 2020, except that any election a plan makes pursu-
2 ant to this section that affects the plan’s funding
3 standard account for the first plan year beginning
4 after February 29, 2020, shall be disregarded for
5 purposes of applying the provisions of section 305 of
6 the Employee Retirement Income Security Act of
7 1974 and section 432 of the Internal Revenue Code
8 of 1986 to such plan year.

9 (2) RESTRICTIONS ON BENEFIT INCREASES.—
10 Notwithstanding paragraph (1), the restrictions on
11 plan amendments increasing benefits in sections
12 304(b)(8)(D) of such Act and 431(b)(8)(D) of such
13 Code, as applied by the amendments made by this
14 section, shall take effect on the date of enactment of
15 this Act.

16 **SEC. 9704. SPECIAL FINANCIAL ASSISTANCE PROGRAM FOR**
17 **FINANCIALLY TROUBLED MULTIEMPLOYER**
18 **PLANS.**

19 (a) APPROPRIATION.—Section 4005 of the Employee
20 Retirement Income Security Act of 1974 (29 U.S.C. 1305)
21 is amended by adding at the end the following:

22 “(i)(1) An eighth fund shall be established for special
23 financial assistance to multiemployer pension plans, as
24 provided under section 4262, and to pay for necessary ad-

1 ministrative and operating expenses of the corporation re-
2 lating to such assistance.

3 “(2) There is appropriated from the general fund
4 such amounts as are necessary for the costs of providing
5 financial assistance under section 4262 and necessary ad-
6 ministrative and operating expenses of the corporation.
7 The eighth fund established under this subsection shall be
8 credited with amounts from time to time as the Secretary
9 of the Treasury, in conjunction with the Director of the
10 Pension Benefit Guaranty Corporation, determines appro-
11 priate, from the general fund of the Treasury, but in no
12 case shall such transfers occur after September 30,
13 2030.”.

14 (b) FINANCIAL ASSISTANCE AUTHORITY.—The Em-
15 ployee Retirement Income Security Act of 1974 is amend-
16 ed by inserting after section 4261 of such Act (29 U.S.C.
17 1431) the following:

18 **“SEC. 4262. SPECIAL FINANCIAL ASSISTANCE BY THE COR-**
19 **PORATION.**

20 “(a) SPECIAL FINANCIAL ASSISTANCE.—

21 “(1) IN GENERAL.—The corporation shall pro-
22 vide special financial assistance to an eligible multi-
23 employer plan under this section, upon the applica-
24 tion of a plan sponsor of such a plan for such assist-
25 ance.

1 “(2) INAPPLICABILITY OF CERTAIN REPAYMENT
2 OBLIGATION.—A plan receiving financial assistance
3 pursuant to this section shall not be subject to re-
4 payment obligations.

5 “(b) ELIGIBLE MULTIEMPLOYER PLANS.—

6 “(1) IN GENERAL.—For purposes of this sec-
7 tion, a multiemployer plan is an eligible multiem-
8 ployer plan if—

9 “(A) the plan is in critical and declining
10 status (within the meaning of section
11 305(b)(6)) in any plan year beginning in 2020
12 through 2022;

13 “(B) a suspension of benefits has been ap-
14 proved with respect to the plan under section
15 305(e)(9) as of the date of the enactment of
16 this section;

17 “(C) in any plan year beginning in 2020
18 through 2022, the plan is certified by the plan
19 actuary to be in critical status (within the
20 meaning of section 305(b)(2)), has a modified
21 funded percentage of less than 40 percent, and
22 has a ratio of active to inactive participants
23 which is less than 2 to 3; or

24 “(D) the plan became insolvent for pur-
25 poses of section 418E of the Internal Revenue

1 Code of 1986 after December 16, 2014, and
2 has remained so insolvent and has not been ter-
3 minated as of the date of enactment of this sec-
4 tion.

5 “(2) MODIFIED FUNDED PERCENTAGE.—For
6 purposes of paragraph (1)(C), the term ‘modified
7 funded percentage’ means the percentage equal to a
8 fraction the numerator of which is current value of
9 plan assets (as defined in section 3(26) of such Act)
10 and the denominator of which is current liabilities
11 (as defined in section 431(c)(6)(D) of such Code and
12 section 304(c)(6)(D) of such Act).

13 “(c) APPLICATIONS FOR SPECIAL FINANCIAL ASSIST-
14 ANCE.—Within 120 days of the date of enactment of this
15 section, the corporation shall issue regulations or guidance
16 setting forth requirements for special financial assistance
17 applications under this section. In such regulations or
18 guidance, the corporation shall—

19 “(1) limit the materials required for a special
20 financial assistance application to the minimum nec-
21 essary to make a determination on the application;

22 “(2) specify effective dates for transfers of spe-
23 cial financial assistance following approval of an ap-
24 plication, based on the effective date of the sup-

1 porting actuarial analysis and the date on which the
2 application is submitted; and

3 “(3) provide for an alternate application for
4 special financial assistance under this section, which
5 may be used by a plan that has been approved for
6 a partition under section 4233 before the date of en-
7 actment of this section.

8 “(d) TEMPORARY PRIORITY CONSIDERATION OF AP-
9 PLICATIONS.—

10 “(1) IN GENERAL.—The corporation may speci-
11 fy in regulations or guidance under subsection (c)
12 that, during a period no longer than the first 2
13 years following the date of enactment of this section,
14 applications may not be filed by an eligible multiem-
15 ployer plan unless—

16 “(A) the eligible multiemployer plan is in-
17 solvent or is likely to become insolvent within 5
18 years of the date of enactment of this section;

19 “(B) the corporation projects the eligible
20 multiemployer plan to have a present value of
21 financial assistance payments under section
22 4261 that exceeds \$1,000,000,000 if the special
23 financial assistance is not ordered;

24 “(C) the eligible multiemployer plan has
25 implemented benefit suspensions under section

1 305(e)(9) as of the date of the enactment of
2 this section; or

3 “(D) the corporation determines it appro-
4 priate based on other similar circumstances.

5 “(e) ACTUARIAL ASSUMPTIONS.—

6 “(1) ELIGIBILITY.—For purposes of deter-
7 mining eligibility for special financial assistance, the
8 corporation shall accept assumptions incorporated in
9 a multiemployer plan’s determination that it is in
10 critical status or critical and declining status (within
11 the meaning of section 305(b)) for certifications of
12 plan status completed before January 1, 2021, un-
13 less such assumptions are clearly erroneous. For cer-
14 tifications of plan status completed after December
15 31, 2020, a plan shall determine whether it is in
16 critical or critical and declining status for purposes
17 of eligibility for special financial assistance by using
18 the assumptions that the plan used in its most re-
19 cently completed certification of plan status before
20 January 1, 2021, unless such assumptions (exclud-
21 ing the plan’s interest rate) are unreasonable.

22 “(2) AMOUNT OF FINANCIAL ASSISTANCE.—In
23 determining the amount of special financial assist-
24 ance in its application, an eligible multiemployer
25 plan shall—

1 “(A) use the interest rate used by the plan
2 in its most recently completed certification of
3 plan status before January 1, 2021, provided
4 that such interest rate may not exceed the in-
5 terest rate limit; and

6 “(B) for other assumptions, use the as-
7 sumptions that the plan used in its most re-
8 cently completed certification of plan status be-
9 fore January 1, 2021, unless such assumptions
10 are unreasonable.

11 “(3) INTEREST RATE.—The interest rate limit
12 for purposes of this subsection is the rate specified
13 in section 303(h)(2)(C)(iii) (disregarding modifica-
14 tions made under clause (iv) of such section) for the
15 month in which the application for special financial
16 assistance is filed by the eligible multiemployer plan
17 or the 3 preceding months, with such specified rate
18 increased by 200 basis points.

19 “(4) CHANGES IN ASSUMPTIONS.—If a plan de-
20 termines that use of one or more prior assumptions
21 is unreasonable, the plan may propose in its applica-
22 tion to change such assumptions, provided that the
23 plan discloses such changes in its application and
24 describes why such assumptions are no longer rea-
25 sonable. The corporation shall accept such changed

1 assumptions unless it determines the changes are
2 unreasonable, individually or in the aggregate. The
3 plan may not propose a change to the interest rate
4 otherwise required under this subsection for eligi-
5 bility or financial assistance amount.

6 “(f) APPLICATION DEADLINE.—Any application by a
7 plan for special financial assistance under this section
8 shall be submitted no later than December 31, 2025, and
9 any revised application for special financial assistance
10 shall be submitted no later than December 31, 2026.

11 “(g) DETERMINATIONS ON APPLICATIONS.—A plan’s
12 application for special financial assistance under this sec-
13 tion that is timely filed in accordance with the regulations
14 or guidance issued under subsection (c) shall be deemed
15 approved unless the corporation notifies the plan within
16 120 days of the filing of the application that the applica-
17 tion is incomplete, any proposed change or assumption is
18 unreasonable, or the plan is not eligible under this section.
19 Such notice shall specify the reasons the plan is ineligible
20 for special financial assistance, any proposed change or
21 assumption is unreasonable, or information is needed to
22 complete the application. If a plan is denied assistance
23 under this subsection, the plan may submit a revised ap-
24 plication under this section. Any revised application for
25 special financial assistance submitted by a plan shall be

1 deemed approved unless the corporation notifies the plan
2 within 120 days of the filing of the revised application that
3 the application is incomplete, any proposed change or as-
4 sumption is unreasonable, or the plan is not eligible under
5 this section. Special financial assistance issued by the cor-
6 poration shall be effective on a date determined by the
7 corporation, but no later than 1 year after a plan's special
8 financial assistance application is approved by the cor-
9 poration or deemed approved. The corporation shall not
10 pay any special financial assistance after September 30,
11 2030.

12 “(h) MANNER OF PAYMENT.—The payment made by
13 the corporation to an eligible multiemployer plan under
14 this section shall be made as a single, lump sum payment.

15 “(i) AMOUNT AND MANNER OF SPECIAL FINANCIAL
16 ASSISTANCE.—

17 “(1) IN GENERAL.—Special financial assistance
18 under this section shall be a transfer of funds in the
19 amount necessary as demonstrated by the plan spon-
20 sor on the application for such special financial as-
21 sistance, in accordance with the requirements de-
22 scribed in subsection (j). Special financial assistance
23 shall be paid to such plan as soon as practicable
24 upon approval of the application by the corporation.

1 “(2) NO CAP.—Special financial assistance
2 granted by the corporation under this section shall
3 not be capped by the guarantee under 4022A.

4 “(j) DETERMINATION OF AMOUNT OF SPECIAL FI-
5 NANCIAL ASSISTANCE.—

6 “(1) IN GENERAL.—The amount of financial
7 assistance provided to a multiemployer plan eligible
8 for financial assistance under this section shall be
9 such amount required for the plan to pay all benefits
10 due during the period beginning on the date of pay-
11 ment of the special financial assistance payment
12 under this section and ending on the last day of the
13 plan year ending in 2051, with no reduction in a
14 participant’s or beneficiary’s accrued benefit as of
15 the date of enactment of this section, except to the
16 extent of a reduction in accordance with section
17 305(e)(8) adopted prior to the plan’s application for
18 special financial assistance under this section, and
19 taking into account the reinstatement of benefits re-
20 quired under subsection (k).

21 “(2) PROJECTIONS.—The funding projections
22 for purposes of this section shall be performed on a
23 deterministic basis.

1 “(k) REINSTATEMENT OF BENEFIT SUSPENSIONS.—
2 An eligible multiemployer plan that receives special finan-
3 cial assistance under this section shall—

4 “(1) reinstate any benefits that were suspended
5 under section 305(e)(9) or section 4245(a), effective
6 as of the first month in which the effective date for
7 the special financial assistance occurs, for partici-
8 pants and beneficiaries as of such month; and

9 “(2) provide payments equal to the amount of
10 benefits previously suspended under section
11 305(e)(9) or 4245(a) to any participants or bene-
12 ficiaries in pay status as of the effective date of the
13 special financial assistance, payable, as determined
14 by the eligible multiemployer plan—

15 “(A) as a lump sum within 3 months of
16 such effective date; or

17 “(B) in equal monthly installments over a
18 period of 5 years, commencing within 3 months
19 of such effective date, with no adjustment for
20 interest.

21 “(l) WITHDRAWAL LIABILITY.—An employer’s with-
22 drawal liability for purposes of this title shall be calculated
23 without taking into account special financial assistance re-
24 ceived under this section until the plan year beginning 15

1 calendar years after the effective date of the special finan-
2 cial assistance.

3 “(m) REQUIRED DISCLOSURE.—An eligible plan that
4 receives special financial assistance under this section
5 shall provide each employer that has an obligation to con-
6 tribute to such plan, and each labor organization rep-
7 resenting participants employed by such employer, with an
8 estimate of the employer’s share of the plan’s unfunded
9 vested benefits as of the end of each plan year ending after
10 the date of enactment of this section, as determined after
11 taking into account any special financial assistance re-
12 ceived under this section. Such disclosure shall include a
13 statement that, due to the special financial assistance pro-
14 vided under this section, the plan will have sufficient re-
15 sources to pay 100 percent of the plan’s benefit obligations
16 until the last day of the plan year ending in 2051.

17 “(n) RESTRICTIONS ON THE USE OF SPECIAL FI-
18 NANCIAL ASSISTANCE.—Special financial assistance re-
19 ceived under this section may be used by an eligible multi-
20 employer plan to make benefit payments and pay plan ex-
21 penses. Special financial assistance and any earnings on
22 such assistance shall be segregated from other plan assets.
23 Special financial assistance shall be invested by plans in
24 investment-grade bonds or other investments as permitted
25 by the corporation.

1 “(o) CONDITIONS ON PLANS RECEIVING SPECIAL FI-
2 NANCIAL ASSISTANCE.—

3 “(1) IN GENERAL.—The corporation may im-
4 pose, by regulation, reasonable conditions on an eli-
5 gible multiemployer plan that receives special finan-
6 cial assistance relating to increases in future accrual
7 rates and any retroactive benefit improvements, allo-
8 cation of plan assets, reductions in employer con-
9 tribution rates, diversion of contributions to, and al-
10 location of expenses to, other benefit plans, and
11 withdrawal liability.

12 “(2) LIMITATION.—The corporation shall not
13 impose conditions on an eligible multiemployer plan
14 as a condition of, or following receipt of, special fi-
15 nancial assistance under this section relating to—

16 “(A) any prospective reduction in plan
17 benefits (including benefits that may be ad-
18 justed pursuant to section 305(e)(8));

19 “(B) plan governance, including selection
20 of, removal of, and terms of contracts with,
21 trustees, actuaries, investment managers, and
22 other service providers; or

23 “(C) any funding rules relating to the plan
24 receiving special financial assistance under this
25 section.

1 “(3) PAYMENT OF PREMIUMS.—An eligible
2 multiemployer plan receiving special financial assist-
3 ance under this section shall continue to pay all pre-
4 miums due under section 4007 for participants and
5 beneficiaries in the plan.

6 “(4) ASSISTANCE NOT CONSIDERED FOR CER-
7 TAIN PURPOSES.—An eligible multiemployer plan
8 that receives special financial assistance shall be
9 deemed to be in critical status within the meaning
10 of section 305(b)(2) until the last plan year ending
11 in 2051.

12 “(5) INSOLVENT PLANS.—An eligible multiem-
13 ployer plan receiving special financial assistance
14 under this section that subsequently becomes insol-
15 vent will be subject to the current rules and guar-
16 antee for insolvent plans.

17 “(6) INELIGIBILITY FOR OTHER ASSISTANCE.—
18 An eligible multiemployer plan that receives special
19 financial assistance under this section is not eligible
20 to apply for a new suspension of benefits under sec-
21 tion 305(e)(9)(G).”.

22 (c) PREMIUM RATE INCREASE.—Section 4006(a)(3)
23 of the Employee Retirement Income Security Act of 1974
24 (29 U.S.C. 1306(a)(3)) is amended—

25 (1) in subparagraph (A)—

1 (A) in clause (vi)—

2 (i) by inserting “, and before January
3 1, 2031” after “December 31, 2014,”; and

4 (ii) by striking “or” at the end;

5 (B) in clause (vii)—

6 (i) by moving the margin 2 ems to the
7 left; and

8 (ii) in subclause (II), by striking the
9 period and inserting “, or”; and

10 (C) by adding at the end the following:

11 “(viii) in the case of a multiemployer plan, for
12 plan years beginning after December 31, 2030, \$52
13 for each individual who is a participant in such plan
14 during the applicable plan year.”; and

15 (2) by adding at the end the following:

16 “(N) For each plan year beginning in a calendar year
17 after 2031, there shall be substituted for the dollar
18 amount specified in clause (viii) of subparagraph (A) an
19 amount equal to the greater of—

20 “(i) the product derived by multiplying such
21 dollar amount by the ratio of—

22 “(I) the national average wage index (as
23 defined in section 209(k)(1) of the Social Secu-
24 rity Act) for the first of the 2 calendar years

1 preceding the calendar year in which such plan
2 year begins, to

3 “(II) the national average wage index (as
4 so defined) for 2029; and

5 “(ii) such dollar amount for plan years begin-
6 ning in the preceding calendar year.

7 If the amount determined under this subparagraph
8 is not a multiple of \$1, such product shall be round-
9 ed to the nearest multiple of \$1.”.

10 **SEC. 9705. EXTENDED AMORTIZATION FOR SINGLE EM-**
11 **PLOYER PLANS.**

12 (a) 15-YEAR AMORTIZATION UNDER THE INTERNAL
13 REVENUE CODE OF 1986.—Section 430(c) of the Internal
14 Revenue Code of 1986 is amended by adding at the end
15 the following new paragraph:

16 “(8) 15-YEAR AMORTIZATION.—With respect to
17 plan years beginning after December 31, 2019 (or,
18 at the election of the plan sponsor, after December
19 31, 2018)—

20 “(A) the shortfall amortization bases for
21 all plan years preceding the first plan year be-
22 ginning after December 31, 2019 (or after De-
23 cember 31, 2018, whichever is elected), and all
24 shortfall amortization installments determined

1 with respect to such bases, shall be reduced to
2 zero, and

3 “(B) subparagraphs (A) and (B) of para-
4 graph (2) shall each be applied by substituting
5 ‘15-plan-year period’ for ‘7-plan-year period’.”.

6 (b) 15-YEAR AMORTIZATION UNDER THE EMPLOYEE
7 RETIREMENT INCOME SECURITY ACT OF 1974.—Section
8 303(c) of the Employee Retirement Income Security Act
9 of 1974 (29 U.S.C. 1083(c)) is amended by adding at the
10 end the following new paragraph:

11 “(8) 15-YEAR AMORTIZATION.—With respect to
12 plan years beginning after December 31, 2019 (or,
13 at the election of the plan sponsor, after December
14 31, 2018)—

15 “(A) the shortfall amortization bases for
16 all plan years preceding the first plan year be-
17 ginning after December 31, 2019 (or after De-
18 cember 31, 2018, whichever is elected), and all
19 shortfall amortization installments determined
20 with respect to such bases, shall be reduced to
21 zero, and

22 “(B) subparagraphs (A) and (B) of para-
23 graph (2) shall each be applied by substituting
24 ‘15-plan-year period’ for ‘7-plan-year period’.”.

1 (c) EFFECTIVE DATE.—The amendments made by
 2 this section shall apply to plan years beginning after De-
 3 cember 31, 2018.

4 **SEC. 9706. EXTENSION OF PENSION FUNDING STABILIZA-**
 5 **TION PERCENTAGES FOR SINGLE EMPLOYER**
 6 **PLANS.**

7 (a) AMENDMENT TO INTERNAL REVENUE CODE OF
 8 1986.—

9 (1) IN GENERAL.—The table contained in sub-
 10 clause (II) of section 430(h)(2)(C)(iv) of the Inter-
 11 nal Revenue Code of 1986 is amended to read as fol-
 12 lows:

“If the calendar year is:	The applica- ble min- imum per- centage is:	The applica- ble max- imum per- centage is:
Any year in the period starting in 2012 and end- ing in 2019	90%	110%
Any year in the period starting in 2020 and end- ing in 2025	95%	105%
2026	90%	110%
2027	85%	115%
2028	80%	120%
2029	75%	125%
After 2029	70%	130%.”.

13 (2) FLOOR ON 25-YEAR AVERAGES.—Subclause
 14 (I) of section 430(h)(2)(C)(iv) of such Code is
 15 amended by adding at the end the following: “Not-
 16 withstanding anything in this subclause, if the aver-
 17 age of the first, second, or third segment rate for

1 any 25-year period is less than 5 percent, such aver-
 2 age shall be deemed to be 5 percent.”.

3 (b) AMENDMENTS TO EMPLOYEE RETIREMENT IN-
 4 COME SECURITY ACT OF 1974.—

5 (1) IN GENERAL.—The table contained in sub-
 6 clause (II) of section 303(h)(2)(C)(iv) of the Em-
 7 ployee Retirement Income Security Act of 1974 (29
 8 U.S.C. 1083(h)(2)(C)(iv)(II)) is amended to read as
 9 follows:

“If the calendar year is:	The applica- ble min- imum per- centage is:	The applica- ble max- imum per- centage is:
Any year in the period starting in 2012 and end- ing in 2019	90%	110%
Any year in the period starting in 2020 and end- ing in 2025	95%	105%
2026	90%	110%
2027	85%	115%
2028	80%	120%
2029	75%	125%
After 2029	70%	130%.”.

10 (2) FLOOR ON 25-YEAR AVERAGES.—Subclause
 11 (I) of section 303(h)(2)(C)(iv) of such Act (29
 12 U.S.C. 1083(h)(2)(C)(iv)(I)) is amended by adding
 13 at the end the following: “Notwithstanding anything
 14 in this subclause, if the average of the first, second,
 15 or third segment rate for any 25-year period is less
 16 than 5 percent, such average shall be deemed to be
 17 5 percent.”.

18 (3) CONFORMING AMENDMENTS.—

1 (A) IN GENERAL.—Section 101(f)(2)(D) of
2 such Act (29 U.S.C. 1021(f)(2)(D)) is amend-
3 ed—

4 (i) in clause (i) by striking “and the
5 Bipartisan Budget Act of 2015” both
6 places it appears and inserting “, the Bi-
7 partisan Budget Act of 2015, and the
8 Butch Lewis Emergency Pension Plan Re-
9 lief Act of 2021”, and

10 (ii) in clause (ii) by striking “2023”
11 and inserting “2029”.

12 (B) STATEMENTS.—The Secretary of
13 Labor shall modify the statements required
14 under subclauses (I) and (II) of section
15 101(f)(2)(D)(i) of such Act to conform to the
16 amendments made by this section.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall apply with respect to plan years begin-
19 ning after December 31, 2019.

20 **SEC. 9707. MODIFICATION OF SPECIAL RULES FOR MIN-**
21 **IMUM FUNDING STANDARDS FOR COMMU-**
22 **NITY NEWSPAPER PLANS.**

23 (a) AMENDMENT TO INTERNAL REVENUE CODE OF
24 1986.—Subsection (m) of section 430 of the Internal Rev-
25 enue Code of 1986 is amended to read as follows:

1 “(m) SPECIAL RULES FOR COMMUNITY NEWSPAPER
2 PLANS.—

3 “(1) IN GENERAL.—An eligible newspaper plan
4 sponsor of a plan under which no participant has
5 had the participant’s accrued benefit increased
6 (whether because of service or compensation) after
7 April 2, 2019, may elect to have the alternative
8 standards described in paragraph (4) apply to such
9 plan.

10 “(2) ELIGIBLE NEWSPAPER PLAN SPONSOR.—
11 The term ‘eligible newspaper plan sponsor’ means
12 the plan sponsor of—

13 “(A) any community newspaper plan, or

14 “(B) any other plan sponsored, as of April
15 2, 2019, by a member of the same controlled
16 group of a plan sponsor of a community news-
17 paper plan if such member is in the trade or
18 business of publishing 1 or more newspapers.

19 “(3) ELECTION.—An election under paragraph
20 (1) shall be made at such time and in such manner
21 as prescribed by the Secretary. Such election, once
22 made with respect to a plan year, shall apply to all
23 subsequent plan years unless revoked with the con-
24 sent of the Secretary.

1 “(4) ALTERNATIVE MINIMUM FUNDING STAND-
2 ARDS.—The alternative standards described in this
3 paragraph are the following:

4 “(A) INTEREST RATES.—

5 “(i) IN GENERAL.—Notwithstanding
6 subsection (h)(2)(C) and except as pro-
7 vided in clause (ii), the first, second, and
8 third segment rates in effect for any
9 month for purposes of this section shall be
10 8 percent.

11 “(ii) NEW BENEFIT ACCRUALS.—Not-
12 withstanding subsection (h)(2), for pur-
13 poses of determining the funding target
14 and normal cost of a plan for any plan
15 year, the present value of any benefits ac-
16 crued or earned under the plan for a plan
17 year with respect to which an election
18 under paragraph (1) is in effect shall be
19 determined on the basis of the United
20 States Treasury obligation yield curve for
21 the day that is the valuation date of such
22 plan for such plan year.

23 “(iii) UNITED STATES TREASURY OB-
24 LIGATION YIELD CURVE.—For purposes of
25 this subsection, the term ‘United States

1 Treasury obligation yield curve’ means,
2 with respect to any day, a yield curve
3 which shall be prescribed by the Secretary
4 for such day on interest-bearing obligations
5 of the United States.

6 “(B) SHORTFALL AMORTIZATION BASE.—

7 “(i) PREVIOUS SHORTFALL AMORTIZA-
8 TION BASES.—The shortfall amortization
9 bases determined under subsection (c)(3)
10 for all plan years preceding the first plan
11 year to which the election under paragraph
12 (1) applies (and all shortfall amortization
13 installments determined with respect to
14 such bases) shall be reduced to zero under
15 rules similar to the rules of subsection
16 (c)(6).

17 “(ii) NEW SHORTFALL AMORTIZATION
18 BASE.—Notwithstanding subsection (c)(3),
19 the shortfall amortization base for the first
20 plan year to which the election under para-
21 graph (1) applies shall be the funding
22 shortfall of such plan for such plan year
23 (determined using the interest rates as
24 modified under subparagraph (A)).

1 “(C) DETERMINATION OF SHORTFALL AM-
2 ORTIZATION INSTALLMENTS.—

3 “(i) 30-YEAR PERIOD.—Subpara-
4 graphs (A) and (B) of subsection (c)(2)
5 shall be applied by substituting ‘30-plan-
6 year’ for ‘7-plan-year’ each place it ap-
7 pears.

8 “(ii) NO SPECIAL ELECTION.—The
9 election under subparagraph (D) of sub-
10 section (c)(2) shall not apply to any plan
11 year to which the election under paragraph
12 (1) applies.

13 “(D) EXEMPTION FROM AT-RISK TREAT-
14 MENT.—Subsection (i) shall not apply.

15 “(5) COMMUNITY NEWSPAPER PLAN.—For pur-
16 poses of this subsection—

17 “(A) IN GENERAL.—The term ‘community
18 newspaper plan’ means any plan to which this
19 section applies maintained as of December 31,
20 2018, by an employer which—

21 “(i) maintains the plan on behalf of
22 participants and beneficiaries with respect
23 to employment in the trade or business of
24 publishing 1 or more newspapers which
25 were published by the employer at any

1 time during the 11-year period ending on
2 the date of the enactment of this sub-
3 section,

4 “(ii)(I) is not a company the stock of
5 which is publicly traded (on a stock ex-
6 change or in an over-the-counter market),
7 and is not controlled, directly or indirectly,
8 by such a company, or

9 “(II) is controlled, directly or indi-
10 rectly, during the entire 30-year period
11 ending on the date of the enactment of this
12 subsection by individuals who are members
13 of the same family, and does not publish or
14 distribute a daily newspaper that is car-
15 rier-distributed in printed form in more
16 than 5 States, and

17 “(iii) is controlled, directly or indi-
18 rectly—

19 “(I) by 1 or more persons resid-
20 ing primarily in a State in which the
21 community newspaper has been pub-
22 lished on newsprint or carrier-distrib-
23 uted,

24 “(II) during the entire 30-year
25 period ending on the date of the en-

1 actment of this subsection by individ-
2 uals who are members of the same
3 family,

4 “(III) by 1 or more trusts, the
5 sole trustees of which are persons de-
6 scribed in subclause (I) or (II), or

7 “(IV) by a combination of per-
8 sons described in subclause (I), (II),
9 or (III).

10 “(B) NEWSPAPER.—The term ‘newspaper’
11 does not include any newspaper (determined
12 without regard to this subparagraph) to which
13 any of the following apply:

14 “(i) Is not in general circulation.

15 “(ii) Is published (on newsprint or
16 electronically) less frequently than 3 times
17 per week.

18 “(iii) Has not ever been regularly
19 published on newsprint.

20 “(iv) Does not have a bona fide list of
21 paid subscribers.

22 “(C) CONTROL.—A person shall be treated
23 as controlled by another person if such other
24 person possesses, directly or indirectly, the
25 power to direct or cause the direction and man-

1 agement of such person (including the power to
2 elect a majority of the members of the board of
3 directors of such person) through the ownership
4 of voting securities.

5 “(6) CONTROLLED GROUP.—For purposes of
6 this subsection, the term ‘controlled group’ means all
7 persons treated as a single employer under sub-
8 section (b), (c), (m), or (o) of section 414 as of the
9 date of the enactment of this subsection.”.

10 (b) AMENDMENT TO EMPLOYEE RETIREMENT IN-
11 COME SECURITY ACT OF 1974.—Subsection (m) of section
12 303 of the Employee Retirement Income Security Act of
13 1974 (29 U.S.C. 1083(m)) is amended to read as follows:

14 “(m) SPECIAL RULES FOR COMMUNITY NEWSPAPER
15 PLANS.—

16 “(1) IN GENERAL.—An eligible newspaper plan
17 sponsor of a plan under which no participant has
18 had the participant’s accrued benefit increased
19 (whether because of service or compensation) after
20 April 2, 2019, may elect to have the alternative
21 standards described in paragraph (4) apply to such
22 plan.

23 “(2) ELIGIBLE NEWSPAPER PLAN SPONSOR.—
24 The term ‘eligible newspaper plan sponsor’ means
25 the plan sponsor of—

1 “(A) any community newspaper plan, or

2 “(B) any other plan sponsored, as of April
3 2, 2019, by a member of the same controlled
4 group of a plan sponsor of a community news-
5 paper plan if such member is in the trade or
6 business of publishing 1 or more newspapers.

7 “(3) ELECTION.—An election under paragraph
8 (1) shall be made at such time and in such manner
9 as prescribed by the Secretary of the Treasury. Such
10 election, once made with respect to a plan year, shall
11 apply to all subsequent plan years unless revoked
12 with the consent of the Secretary of the Treasury.

13 “(4) ALTERNATIVE MINIMUM FUNDING STAND-
14 ARDS.—The alternative standards described in this
15 paragraph are the following:

16 “(A) INTEREST RATES.—

17 “(i) IN GENERAL.—Notwithstanding
18 subsection (h)(2)(C) and except as pro-
19 vided in clause (ii), the first, second, and
20 third segment rates in effect for any
21 month for purposes of this section shall be
22 8 percent.

23 “(ii) NEW BENEFIT ACCRUALS.—Not-
24 withstanding subsection (h)(2), for pur-
25 poses of determining the funding target

1 and normal cost of a plan for any plan
2 year, the present value of any benefits ac-
3 crued or earned under the plan for a plan
4 year with respect to which an election
5 under paragraph (1) is in effect shall be
6 determined on the basis of the United
7 States Treasury obligation yield curve for
8 the day that is the valuation date of such
9 plan for such plan year.

10 “(iii) UNITED STATES TREASURY OB-
11 LIGATION YIELD CURVE.—For purposes of
12 this subsection, the term ‘United States
13 Treasury obligation yield curve’ means,
14 with respect to any day, a yield curve
15 which shall be prescribed by the Secretary
16 of the Treasury for such day on interest-
17 bearing obligations of the United States.

18 “(B) SHORTFALL AMORTIZATION BASE.—

19 “(i) PREVIOUS SHORTFALL AMORTIZA-
20 TION BASES.—The shortfall amortization
21 bases determined under subsection (c)(3)
22 for all plan years preceding the first plan
23 year to which the election under paragraph
24 (1) applies (and all shortfall amortization
25 installments determined with respect to

1 such bases) shall be reduced to zero under
2 rules similar to the rules of subsection
3 (c)(6).

4 “(ii) NEW SHORTFALL AMORTIZATION
5 BASE.—Notwithstanding subsection (c)(3),
6 the shortfall amortization base for the first
7 plan year to which the election under para-
8 graph (1) applies shall be the funding
9 shortfall of such plan for such plan year
10 (determined using the interest rates as
11 modified under subparagraph (A)).

12 “(C) DETERMINATION OF SHORTFALL AM-
13 ORTIZATION INSTALLMENTS.—

14 “(i) 30-YEAR PERIOD.—Subpara-
15 graphs (A) and (B) of subsection (c)(2)
16 shall be applied by substituting ‘30-plan-
17 year’ for ‘7-plan-year’ each place it ap-
18 pears.

19 “(ii) NO SPECIAL ELECTION.—The
20 election under subparagraph (D) of sub-
21 section (c)(2) shall not apply to any plan
22 year to which the election under paragraph
23 (1) applies.

24 “(D) EXEMPTION FROM AT-RISK TREAT-
25 MENT.—Subsection (i) shall not apply.

1 “(5) COMMUNITY NEWSPAPER PLAN.—For pur-
2 poses of this subsection—

3 “(A) IN GENERAL.—The term ‘community
4 newspaper plan’ means a plan to which this sec-
5 tion applies maintained as of December 31,
6 2018, by an employer which—

7 “(i) maintains the plan on behalf of
8 participants and beneficiaries with respect
9 to employment in the trade or business of
10 publishing 1 or more newspapers which
11 were published by the employer at any
12 time during the 11-year period ending on
13 the date of the enactment of this sub-
14 section,

15 “(ii)(I) is not a company the stock of
16 which is publicly traded (on a stock ex-
17 change or in an over-the-counter market),
18 and is not controlled, directly or indirectly,
19 by such a company, or

20 “(II) is controlled, directly, or indi-
21 rectly, during the entire 30-year period
22 ending on the date of the enactment of this
23 subsection by individuals who are members
24 of the same family, and does not publish or
25 distribute a daily newspaper that is car-

1 rier-distributed in printed form in more
2 than 5 States, and

3 “(iii) is controlled, directly, or indi-
4 rectly—

5 “(I) by 1 or more persons resid-
6 ing primarily in a State in which the
7 community newspaper has been pub-
8 lished on newsprint or carrier-distrib-
9 uted,

10 “(II) during the entire 30-year
11 period ending on the date of the en-
12 actment of this subsection by individ-
13 uals who are members of the same
14 family,

15 “(III) by 1 or more trusts, the
16 sole trustees of which are persons de-
17 scribed in subclause (I) or (II), or

18 “(IV) by a combination of per-
19 sons described in subclause (I), (II),
20 or (III).

21 “(B) NEWSPAPER.—The term ‘newspaper’
22 does not include any newspaper (determined
23 without regard to this subparagraph) to which
24 any of the following apply:

25 “(i) Is not in general circulation.

1 “(ii) Is published (on newsprint or
2 electronically) less frequently than 3 times
3 per week.

4 “(iii) Has not ever been regularly
5 published on newsprint.

6 “(iv) Does not have a bona fide list of
7 paid subscribers.

8 “(C) CONTROL.—A person shall be treated
9 as controlled by another person if such other
10 person possesses, directly or indirectly, the
11 power to direct or cause the direction and man-
12 agement of such person (including the power to
13 elect a majority of the members of the board of
14 directors of such person) through the ownership
15 of voting securities.

16 “(6) CONTROLLED GROUP.—For purposes of
17 this subsection, the term ‘controlled group’ means all
18 persons treated as a single employer under sub-
19 section (b), (c), (m), or (o) of section 414 of the In-
20 ternal Revenue Code of 1986 as of the date of the
21 enactment of this subsection.

22 “(7) EFFECT ON PREMIUM RATE CALCULA-
23 TION.—Notwithstanding any other provision of law
24 or any regulation issued by the Pension Benefit
25 Guaranty Corporation, in the case of a plan for

1 which an election is made to apply the alternative
2 standards described in paragraph (3), the additional
3 premium under section 4006(a)(3)(E) shall be deter-
4 mined as if such election had not been made.”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to plan years ending after Decem-
7 ber 31, 2017.

8 **SEC. 9708. COST OF LIVING ADJUSTMENT FREEZE.**

9 (a) IN GENERAL.—Subsection (d) of section 415 of
10 the Internal Revenue Code of 1986 is amended by adding
11 at the end the following new paragraph:

12 “(5) FREEZE ON COST OF LIVING ADJUST-
13 MENTS.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), in the case of calendar years
16 beginning after December 31, 2030—

17 “(i) no adjustment shall be made
18 under paragraph (1), and

19 “(ii) the dollar amounts as adjusted
20 under such paragraph for calendar year
21 2030 shall apply.

22 “(B) EXCEPTION.—Subparagraph (A)
23 shall not apply in the case of a plan maintained
24 pursuant to 1 or more collective bargaining
25 agreements.”.

1 (b) COMPENSATION LIMIT.—Paragraph (17) of sec-
2 tion 401(a) of the Internal Revenue Code of 1986 is
3 amended by adding at the end the following new subpara-
4 graph:

5 “(C) FREEZE ON COST OF LIVING ADJUST-
6 MENTS.—

7 “(i) IN GENERAL.—Except as pro-
8 vided in clause (ii), in the case of calendar
9 years beginning after December 31,
10 2030—

11 “(I) no adjustment shall be made
12 under subparagraph (B), and

13 “(II) the dollar amount as ad-
14 justed under such subparagraph for
15 calendar year 2030 shall apply.

16 “(ii) EXCEPTION.—Clause (i) shall
17 not apply in the case of a plan maintained
18 pursuant to 1 or more collective bargaining
19 agreements.”.

20 (c) CONFORMING AMENDMENTS.—

21 (1) Section 45A(c)(3) of the Internal Revenue
22 Code of 1986 is amended by striking “415(d)” and
23 inserting “415(d) (without regard to paragraph (5)
24 thereof)”.

1 (2) Section 402(g)(4) of such Code is amended
2 by striking “415(d)” and inserting “415(d) (without
3 regard to paragraph (5) thereof)”.

4 (3) Section 404(l) of such Code is amended by
5 striking “401(a)(17)(B)” and inserting
6 “401(a)(17)(B) (without regard to section
7 401(a)(17)(C))”.

8 (4) Section 408(k)(8) of such Code is amend-
9 ed—

10 (A) by striking “415(d)” and inserting
11 “415(d) (without regard to paragraph (5)
12 thereof)”, and

13 (B) by striking “401(a)(17)(B)” and in-
14 serting “401(a)(17)(B) (without regard to sec-
15 tion 401(a)(17)(C))”.

16 (5) Section 408(p)(2)(E)(ii) of such Code is
17 amended by striking “415(d)” and inserting “415(d)
18 (without regard to paragraph (5) thereof)”.

19 (6) Section 409(o)(2) of such Code is amended
20 by striking “415(d)” and inserting “415(d) (without
21 regard to paragraph (5) thereof)”.

22 (7) Section 416(i)(1)(A) of such Code is
23 amended by striking “415(d)” and inserting “415(d)
24 (without regard to paragraph (5) thereof)”.

1 (8) Section 457(e)(11)(B)(iii) of such Code is
2 amended by striking “415(d)” and inserting “415(d)
3 (without regard to paragraph (5) thereof)”.

4 (9) Section 457(e)(15)(B) of such Code is
5 amended by striking “415(d)” and inserting “415(d)
6 (without regard to paragraph (5) thereof)”.

7 (10) Section 505(b)(7) of such Code is amend-
8 ed by striking “401(a)(17)(B)” and inserting
9 “401(a)(17)(B) (without regard to section
10 401(a)(17)(C))”.

11 (11) Section 664(g)(7)(B) of such Code is
12 amended by striking “415(d)” and inserting “415(d)
13 (without regard to paragraph (5) thereof)”.

14 **Subtitle I—Child Care for Workers**

15 **SEC. 9801. CHILD CARE ASSISTANCE.**

16 (a) APPROPRIATION.—

17 (1) IN GENERAL.—Section 418(a)(3) of the So-
18 cial Security Act (42 U.S.C. 618(a)(3)) is amended
19 to read as follows:

20 “(3) APPROPRIATION.—For grants under this
21 section, there are appropriated \$3,550,000,000 for
22 each fiscal year, of which—

23 “(A) \$3,375,000,000 shall be available for
24 grants to States;

1 “(B) \$100,000,000 shall be available for
2 grants to Indian tribes and tribal organizations;
3 and

4 “(C) \$75,000,000 shall be available for
5 grants to territories.”.

6 (2) CONFORMING AMENDMENT.—Section
7 418(a)(2)(A) of such Act (42 U.S.C. 618(a)(2)(A))
8 is amended by striking “paragraph (3), and remain-
9 ing after the reservation described in paragraph (4)
10 and” and inserting “paragraph (3)(A),”.

11 (b) SUSPENSION OF STATE MATCH REQUIREMENT
12 IN FISCAL YEARS 2021 AND 2022.—With respect to the
13 amounts made available by section 418(a)(3)(A) of the So-
14 cial Security Act for each of fiscal years 2021 and 2022,
15 section 418(a)(2)(C) of such Act shall be applied and ad-
16 ministered with respect to any State that is entitled to
17 receive the entire amount that would be allotted to the
18 State under section 418(a)(2)(B) of such Act for the fiscal
19 year in the absence of this section, as if the Federal med-
20 ical assistance percentage for the State for the fiscal year
21 were 100 percent.

22 (c) FUNDING FOR THE TERRITORIES.—Section
23 418(a)(4) of such Act (42 U.S.C. 618(a)(4)) is amended
24 to read as follows:

25 “(4) TERRITORIES.—

1 “(A) GRANTS.—The Secretary shall use
2 the amounts made available by paragraph
3 (3)(C) to make grants to the territories under
4 this paragraph.

5 “(B) ALLOTMENTS.—The amount de-
6 scribed in subparagraph (A) shall be allotted
7 among the territories in proportion to the share
8 of each territory of the total of the amounts
9 payable to the territories under the Child Care
10 and Development Block Grant Act of 1990 for
11 the then most recent fiscal year.

12 “(C) REDISTRIBUTION.—The 1st sentence
13 of clause (i) and clause (ii) of paragraph (2)(D)
14 shall apply with respect to the amounts allotted
15 to the territories under this paragraph, except
16 that the 2nd sentence of paragraph (2)(D) shall
17 not apply and the amounts allotted to the terri-
18 tories that are available for redistribution for a
19 fiscal year shall be redistributed to each terri-
20 tory that applies for the additional amounts, to
21 the extent that the Secretary determines that
22 the territory will be able to use the additional
23 amounts to provide child care assistance, in an
24 amount that bears the same ratio to the
25 amount so available for redistribution as the

1 amount allotted to the territory for the fiscal
2 year bears to the total amount allotted to all
3 the territories receiving redistributed funds
4 under this paragraph for the fiscal year.

5 “(D) INAPPLICABILITY OF PAYMENT LIM-
6 TATION.— Section 1108(a) shall not apply with
7 respect to any amount paid under this para-
8 graph.

9 “(E) APPLICATION OF CHILD CARE AND
10 DEVELOPMENT BLOCK GRANT ACT OF 1990.—
11 Subsection (c) shall apply with respect to any
12 amount paid under this paragraph.

13 “(F) TERRITORY.—In this paragraph, the
14 term ‘territory’ means the Commonwealth of
15 Puerto Rico, the United States Virgin Islands,
16 Guam, American Samoa, and the Common-
17 wealth of the Northern Mariana Islands.”.