

116TH CONGRESS
2D SESSION

S. _____

To provide emergency relief to American workers, families, and small businesses impacted by the COVID-19 pandemic.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide emergency relief to American workers, families, and small businesses impacted by the COVID-19 pandemic.

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Emergency Coronavirus Relief Act of 2020”.

6 (b) **TABLE OF CONTENTS.**—The table of contents is
7 as follows:

Sec. 1. Short title; table of contents.

TITLE I—EMERGENCY ASSISTANCE FOR AMERICAN WORKERS
AND SMALL BUSINESSES

Subtitle A—Paycheck Protection Program and Other Small Business Support

Sec. 1101. Short title.

2

Sec. 1102. Small business recovery.

Subtitle B—Unemployment Insurance Provisions

Sec. 1201. Extension of Pandemic Unemployment Assistance.

Sec. 1202. Extension of emergency unemployment relief for governmental entities and nonprofit organizations.

Sec. 1203. Extension of Federal Pandemic Unemployment Compensation.

Sec. 1204. Extension of full Federal funding of the first week of compensable regular unemployment for States with no waiting week.

Sec. 1205. Extension of emergency State staffing flexibility.

Sec. 1206. Extension of Pandemic Emergency Unemployment Compensation.

Sec. 1207. Extension of temporary financing of short-time compensation payments in States with programs in law.

Sec. 1208. Extension of temporary financing of short-time compensation agreements.

Sec. 1209. Extension of waiver of the 7-day waiting period for benefits under the Railroad Unemployment Insurance Act.

Sec. 1210. Additional enhanced benefits under the Railroad Unemployment Insurance Act.

Sec. 1211. Extension of extended unemployment benefits under the Railroad Unemployment Insurance Act.

Sec. 1212. Treatment of payments from the Railroad Unemployment Insurance Account.

Sec. 1213. Extension of temporary assistance for States with advances.

Sec. 1214. Extension of full Federal funding of extended unemployment compensation.

Sec. 1215. Special transfer for unemployment compensation administration, including technology modernization and fraud prevention.

TITLE II—EMERGENCY APPROPRIATIONS FOR CORONAVIRUS
HEALTH RESPONSE AND AGENCY OPERATIONS

Subtitle A—

Sec. 2001. Vaccine distribution and administration; testing and contact tracing; long-term care facilities.

Sec. 2002. Provider Relief Fund provisions.

Sec. 2003. Compacts and agreements.

Sec. 2004. Authority to extend Medicare telehealth waivers.

Subtitle B—Addiction and Mental Health

Sec. 2101. Application of provisions.

Sec. 2102. Waiver authority.

Sec. 2103. Expanding access to medically assisted treatment.

Sec. 2104. Waiver of Federal fund limitation for the Drug-Free Communities Support program
Waiver of Federal fund limitation for the Drug-Free Communities Support Program.

TITLE III—EMERGENCY ASSISTANCE FOR A STRONG ECONOMIC
RECOVERY

Subtitle A—Transportation

CHAPTER 1—NATIONAL RAILROAD PASSENGER CORPORATION

3

- Sec. 3001. Northeast Corridor grants.
- Sec. 3002. National Network grants.
- Sec. 3003. Conditions.

CHAPTER 2—PROVIDERS OF TRANSPORTATION SERVICES

- Sec. 3011. Assistance for providers of transportation services affected by COVID-19.

CHAPTER 3—AVIATION

SUBCHAPTER A—FEDERAL AVIATION ADMINISTRATION

- Sec. 3021. Airport improvement program apportionments to primary airports.
- Sec. 3022. Air traffic control contract program.
- Sec. 3023. Emergency designation.

SUBCHAPTER B—AIRLINE WORKER SUPPORT EXTENSION

- Sec. 3031. Definitions.
- Sec. 3032. Pandemic relief for passenger airline workers.
- Sec. 3033. Procedures for providing payroll support.
- Sec. 3034. Required assurances.
- Sec. 3035. Protection of collective bargaining agreements.
- Sec. 3036. Limitation on certain employee compensation.
- Sec. 3037. Minimum air service guarantees.
- Sec. 3038. Taxpayer protection.
- Sec. 3039. Reports.
- Sec. 3040. Coordination.
- Sec. 3041. Funding.
- Sec. 3042. CARES Act amendments.
- Sec. 3043. Emergency requirement.

CHAPTER 4—TRANSIT

Subtitle B—Child Care Providers

- Sec. 3101. Back to work child care grants.

Subtitle C—Agricultural Assistance and USDA

- Sec. 3201. Office of the Secretary.
- Sec. 3202. Agricultural and rural development programs.
- Sec. 3203. Dairy Donation Program.
- Sec. 3204. Waiver of certain matching requirements.
- Sec. 3205. Distribution of certain funds appropriated for the Community Services Block Grant Act.
- Sec. 3206. Definitions.

Subtitle D—Fisheries

CHAPTER 1—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

- Sec. 3301. Operations, research, and facilities.
- Sec. 3302. Fisheries disaster assistance.

CHAPTER 2—WAIVERS

- Sec. 3311. Waiver under National Institute of Standards and Technology Act.

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Sec. 3312. Waiver under Coastal Zone Management Act of 1972.

Subtitle E—CDFI/MDI Community Lenders

Sec. 3401. Purpose.

Sec. 3402. Sense of Congress.

Sec. 3403. Considerations; requirements for creditors.

Sec. 3404. Capital investments for neighborhoods disproportionately impacted by the COVID–19 pandemic.

Sec. 3405. Emergency support for CDFIs and communities responding to the covid–19 pandemic.

Sec. 3406. Collection of data.

Sec. 3407. Inspector General oversight.

Sec. 3408. Study and report with respect to impact of programs on low- and moderate-income and minority communities.

Subtitle F—United States Postal Service

Sec. 3501. Postal Service assistance.

TITLE IV—EMERGENCY ASSISTANCE FOR AMERICAN FAMILIES
AND STUDENTS

Subtitle A—Nutrition

PART I—NUTRITION ASSISTANCE

Sec. 4001. Assistance for children in child care.

Sec. 4002. Supplemental nutrition assistance program.

Sec. 4003. Emergency costs for child nutrition programs during COVID–19 pandemic.

Sec. 4004. Food distribution program on Indian reservations.

Sec. 4005. Serving youth in the child and adult care food program at emergency shelters.

Sec. 4006. State option for cash-value voucher increases.

PART II—FUNDING

Sec. 4011. Commodity assistance program.

Sec. 4012. Emergency food assistance program.

Sec. 4013. Food distribution program on Indian reservations.

Sec. 4014. Additional assistance for the Commonwealth of Puerto Rico, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Sec. 4015. Nutrition services under the Older Americans Act of 1965.

Sec. 4016. Emergency designation.

Subtitle B—Rental Assistance

Sec. 4101. Coronavirus Relief Fund payments for rental assistance.

Sec. 4102. Extension of eviction moratorium.

Subtitle C—Student Loans

Sec. 4201. Extension of temporary relief for Federal student loan borrowers.

TITLE V—EMERGENCY ASSISTANCE FOR EDUCATIONAL
INSTITUTIONS AND CONNECTIVITY

Subtitle A—Broadband

- Sec. 5001. Grants for State broadband deployment and connectivity.
 Sec. 5002. Education and community connectivity.
 Sec. 5003. Telehealth.
 Sec. 5004. Additional amounts for Department of Veterans Affairs for Telehealth and Connected Care Program to purchase, furnish, and maintain internet-connected devices and associated access services for provision of telehealth services to veterans.
 Sec. 5005. Emergency designation.

Subtitle B—K–12 and Higher Education

- Sec. 5101. Education stabilization fund .
 Sec. 5102. Governor’s emergency education relief fund.
 Sec. 5103. Elementary and secondary school emergency relief fund.
 Sec. 5104. Higher education emergency relief fund.
 Sec. 5105. Continued payment to employees.
 Sec. 5106. Reports.
 Sec. 5107. Maintenance of effort.
 Sec. 5108. Flexibilities for corporation for national and community service.
 Sec. 5109. 21st century community learning centers coronavirus relief.
 Sec. 5110. Extension of temporary relief for Federal student loan borrowers.
 Sec. 5111. Definitions.

TITLE VI—RESCISSIONS

- Sec. 6001. Rescissions.
 Sec. 6002. Deposit of proceeds.

TITLE VII—OTHER MATTERS

- Sec. 7001. Extension of reimbursement authority for Federal contractors.

1 **TITLE I—EMERGENCY**
 2 **ASSISTANCE FOR AMERICAN**
 3 **WORKERS AND SMALL**
 4 **BUSINESSES**
 5 **Subtitle A—Paycheck Protection**
 6 **Program and Other Small Business**
 7 **Support**

8 **SEC. 1101. SHORT TITLE.**

9 This title may be cited as the “Continuing the Pay-
 10 check Protection Program Act”.

1 **SEC. 1102. SMALL BUSINESS RECOVERY.**

2 (a) DEFINITIONS.—In this section:

3 (1) ADMINISTRATION; ADMINISTRATOR.—The
4 terms “Administration” and “Administrator” mean
5 the Small Business Administration and the Adminis-
6 trator thereof, respectively.

7 (2) SMALL BUSINESS CONCERN.—The term
8 “small business concern” has the meaning given the
9 term in section 3 of the Small Business Act (15
10 U.S.C. 632).

11 (b) EMERGENCY RULEMAKING AUTHORITY.— Not
12 later than 30 days after the date of enactment of this Act,
13 the Administrator shall issue regulations to carry out this
14 section and the amendments made by this section without
15 regard to the notice requirements under section 553(b) of
16 title 5, United States Code.

17 (c) ADDITIONAL ELIGIBLE EXPENSES.—

18 (1) ALLOWABLE USE OF PPP LOAN.—Section
19 7(a)(36)(F)(i) of the Small Business Act (15 U.S.C.
20 636(a)(36)(F)(i)) is amended—

21 (A) in subclause (VI), by striking “and” at
22 the end;

23 (B) in subclause (VII), by striking the pe-
24 riod at the end and inserting a semicolon; and

25 (C) by adding at the end the following:

1 “(VIII) covered operations ex-
2 penditures, as defined in section
3 1106(a) of the CARES Act (15
4 U.S.C. 9005(a));

5 “(IX) covered property damage
6 costs, as defined in such section
7 1106(a);

8 “(X) covered supplier costs, as
9 defined in such section 1106(a); and

10 “(XI) covered worker protection
11 expenditures, as defined in such sec-
12 tion 1106(a).”.

13 (2) LOAN FORGIVENESS.—Section 1106 of the
14 CARES Act (15 U.S.C. 9005) is amended—

15 (A) in subsection (a)—

16 (i) by redesignating paragraphs (6),
17 (7), and (8) as paragraphs (10), (11), and
18 (12), respectively;

19 (ii) by redesignating paragraph (5) as
20 paragraph (8);

21 (iii) by redesignating paragraph (4) as
22 paragraph (6);

23 (iv) by redesignating paragraph (3) as
24 paragraph (4);

1 (v) by inserting after paragraph (2)
2 the following:

3 “(3) the term ‘covered operations expenditure’
4 means a payment for any business software or cloud
5 computing service that facilitates business oper-
6 ations, product or service delivery, the processing,
7 payment, or tracking of payroll expenses, human re-
8 sources, sales and billing functions, or accounting or
9 tracking of supplies, inventory, records and ex-
10 penses;”;

11 (vi) by inserting after paragraph (4),
12 as so redesignated, the following:

13 “(5) the term ‘covered property damage cost’
14 means a cost related to property damage and van-
15 dalism or looting due to public disturbances that oc-
16 curred during 2020 that was not covered by insur-
17 ance or other compensation;”;

18 (vii) by inserting after paragraph (6),
19 as so redesignated, the following:

20 “(5) the term ‘covered supplier cost’ means an
21 expenditure made by an entity to a supplier of goods
22 pursuant to a contract, order, or purchase order in
23 effect before the date of disbursement of the covered
24 loan for the supply of goods that are essential to the

1 operations of the entity at the time at which the ex-
2 penditure is made;”;

3 (viii) by inserting after paragraph (8),
4 as so redesignated, the following:

5 “(9) the term ‘covered worker protection ex-
6 penditure’—

7 “(A) means an operating or a capital ex-
8 penditure that is required to facilitate the adap-
9 tation of the business activities of an entity to
10 comply with requirements established or guid-
11 ance issued by the Department of Health and
12 Human Services, the Centers for Disease Con-
13 trol, or the Occupational Safety and Health Ad-
14 ministration during the period beginning on
15 March 1, 2020 and ending on the date on
16 which the national emergency declared by the
17 President under the National Emergencies Act
18 (50 U.S.C. 1601 et seq.) with respect to the
19 Coronavirus Disease 2019 (COVID–19) expires
20 related to the maintenance of standards for
21 sanitation, social distancing, or any other work-
22 er or customer safety requirement related to
23 COVID–19;

24 “(B) may include—

1 “(i) the purchase, maintenance, or
2 renovation of assets that create or ex-
3 pand—

4 “(I) a drive-through window fa-
5 cility;

6 “(II) an indoor, outdoor, or com-
7 bined air or air pressure ventilation or
8 filtration system;

9 “(III) a physical barrier such as
10 a sneeze guard;

11 “(IV) an indoor, outdoor, or com-
12 bined commercial real property;

13 “(V) an onsite or offsite health
14 screening capability; or

15 “(VI) other assets relating to the
16 compliance with the requirements or
17 guidance described in subparagraph
18 (A), as determined by the Adminis-
19 trator in consultation with the Sec-
20 retary of Health and Human Services
21 and the Secretary of Labor; and

22 “(ii) the purchase of—

23 “(I) covered materials described
24 in section 328.103(a) of title 44, Code

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1 of Federal Regulations, or any suc-
2 cessor regulation;

3 “(II) particulate filtering face-
4 piece respirators approved by the Na-
5 tional Institute for Occupational Safe-
6 ty and Health, including those ap-
7 proved only for emergency use author-
8 ization; or

9 “(III) other kinds of personal
10 protective equipment, as determined
11 by the Administrator in consultation
12 with the Secretary of Health and
13 Human Services and the Secretary of
14 Labor; and

15 “(C) does not include residential real prop-
16 erty or intangible property;” and

17 (ix) in paragraph (11), as so redesign-
18 nated—

19 (I) in subparagraph (C), by strik-
20 ing “and” at the end;

21 (II) in subparagraph (D), by
22 striking “and” at the end; and

23 (III) by adding at the end the
24 following:

25 “(E) covered operations expenditures;

1 “(F) covered property damage costs;

2 “(G) covered supplier costs; and

3 “(H) covered worker protection expendi-
4 tures; and”;

5 (B) in subsection (b), by adding at the end
6 the following:

7 “(5) Any covered operations expenditure.

8 “(6) Any covered property damage cost.

9 “(7) Any covered supplier cost.

10 “(8) Any covered worker protection expendi-
11 ture.”;

12 (C) in subsection (d)(8), by inserting “any
13 payment on any covered operations expenditure,
14 any payment on any covered property damage
15 cost, any payment on any covered supplier cost,
16 any payment on any covered worker protection
17 expenditure,” after “rent obligation,”; and

18 (D) in subsection (e)—

19 (i) in paragraph (2), by inserting
20 “payments on covered operations expendi-
21 tures, payments on covered property dam-
22 age costs, payments on covered supplier
23 costs, payments on covered worker protec-
24 tion expenditures,” after “lease obliga-
25 tions,”; and

1 (ii) in paragraph (3)(B), by inserting
2 “make payments on covered operations ex-
3 penditures, make payments on covered
4 property damage costs, make payments on
5 covered supplier costs, make payments on
6 covered worker protection expenditures,”
7 after “rent obligation.”

8 (3) CLARIFICATION OF TREATMENT OF BUSI-
9 NESS EXPENSES.—Subsection (i) of section 1106 of
10 the CARES Act (15 U.S.C. 9005) is amended—

11 (A) by striking “1986, any amount” and
12 inserting “1986—
13 “(1) any amount”;

14 (B) by striking the period at the end and
15 inserting “; and”; and

16 (C) by adding at the end the following:

17 “(2) no deduction shall be denied or reduced,
18 no tax attribute shall be reduced, and no basis in-
19 crease shall be denied, by reason of the exclusion
20 from gross income provided by paragraph (1).”.

21 (4) APPLICABILITY.—The amendments made
22 by paragraphs (1) and (2) of this subsection shall
23 only apply with respect to a loan for which forgive-
24 ness is provided under section 1106 of the CARES

1 Act (15 U.S.C. 9005), as amended by this section,
2 after the date of enactment of this Act.

3 (d) LENDER SAFE HARBOR.—Subsection (h) of sec-
4 tion 1106 of the CARES Act (15 U.S.C. 9005) is amended
5 to read as follows:

6 “(h) HOLD HARMLESS.—

7 “(1) IN GENERAL.—A lender may rely on all
8 certifications and documentation submitted by an
9 applicant or eligible recipient pursuant to any re-
10 quirement in statute regarding covered loans, or
11 rules or guidance promulgated to carry out any ac-
12 tion relating to covered loans, from an applicant or
13 eligible recipient attesting that the applicant or eligi-
14 ble recipient has accurately verified all documenta-
15 tion provided to the lender.

16 “(2) NO ENFORCEMENT ACTION.—With respect
17 to a lender that relies on the certifications and docu-
18 mentation described in paragraph (1) relating to a
19 covered loan—

20 “(A) no enforcement or other action may
21 be taken against the lender relating to loan
22 origination, forgiveness, or guarantee of the
23 covered loan based on such reliance, including
24 claims under—

1 “(i) the Small Business Act (15
2 U.S.C. 631 et seq.);

3 “(ii) sections 3729 through 3733 of
4 title 31, United States Code (commonly
5 known as the ‘False Claims Act’);

6 “(iii) the Financial Institutions Re-
7 form, Recovery, and Enforcement Act
8 (Public Law 101–73);

9 “(iv) section 21 of the Federal De-
10 posit Insurance Act (12 U.S.C. 1829b),
11 chapter 2 of title I of Public Law 91–508
12 (12 U.S.C. 1951 et seq.), and subchapter
13 II of chapter 53 of title 31, United States
14 Code (collectively known as the ‘Bank Se-
15 crecy Act’); or

16 “(v) any other Federal, State, or
17 other criminal or civil law or regulation;
18 and

19 “(B) the lender shall not be subject to any
20 penalties relating to loan origination, forgive-
21 ness, or guarantee of the covered loan based on
22 such reliance.”.

23 (e) SELECTION OF COVERED PERIOD FOR FORGIVE-
24 NESS.—

1 (1) IN GENERAL.—Section 1106 of the CARES
2 Act (15 U.S.C. 9005) is amended—

3 (A) by amending paragraph (4) of sub-
4 section (a), as so redesignated by subsection (c)
5 of this section, to read as follows:

6 “(4) the term ‘covered period’ means the pe-
7 riod—

8 “(A) beginning on the date of the origina-
9 tion of a covered loan; and

10 “(B) ending on a date selected by the eligi-
11 ble recipient of the covered loan that occurs
12 during the period—

13 “(i) beginning on the date that is 8
14 weeks after such date of origination; and

15 “(ii) ending on the date that is 24
16 weeks after such date of origination;”;

17 (B) in subsection (d)—

18 (i) in paragraph (5)(B)—

19 (I) in clause (i)(II), by striking
20 “December 31, 2020” and inserting
21 “September 30, 2021”; and

22 (II) in clause (ii)(II), by striking
23 “December 31, 2020” and inserting
24 “September 30, 2021”; and

25 (ii) in paragraph (7)—

1 (I) in the matter preceding sub-
2 paragraph (A), by striking “December
3 31, 2020” and inserting “September
4 30, 2021”;

5 (II) in subparagraph (A)(ii), by
6 striking “December 31, 2020” and in-
7 serting “September 30, 2021”; and

8 (III) in subparagraph (B), by
9 striking “December 31, 2020” and in-
10 serting “September 30, 2021”; and

11 (C) by striking subsection (l).

12 (2) APPLICABILITY.—The amendments made
13 by this subsection shall only apply with respect to a
14 loan for which forgiveness is provided under section
15 1106 of the CARES Act (15 U.S.C. 9005), as
16 amended by this section, after the date of enactment
17 of this Act.

18 (f) SIMPLIFIED APPLICATION.—Section 1106 of the
19 CARES Act (15 U.S.C. 9005), as amended by subsection
20 (e) of this section, is amended—

21 (1) in subsection (e), in the matter preceding
22 paragraph (1), by striking “An eligible” and insert-
23 ing “Except as provided in subsection (l), an eligi-
24 ble”;

1 (2) in subsection (f), by inserting “or the infor-
2 mation required under subsection (l), as applicable”
3 after “subsection (e)”; and

4 (3) by adding at the end the following:

5 “(1) SIMPLIFIED APPLICATION.—

6 “(1) COVERED LOANS UP TO \$150,000.—

7 “(A) IN GENERAL.—Notwithstanding sub-
8 section (e), with respect to a covered loan made
9 to an eligible recipient that is not more than
10 \$150,000, the covered loan amount shall be for-
11 given under this section if the eligible recipient
12 submits to the lender a one-page online or
13 paper form, to be established by the Adminis-
14 trator not later than 7 days after the date of
15 enactment of the Continuing the Paycheck Pro-
16 tection Program Act, that attests that the eligi-
17 ble recipient complied with the requirements
18 under section 7(a)(36) of the Small Business
19 Act (15 U.S.C. 636(a)(36)).

20 “(B) HOLD HARMLESS.—With respect to a
21 lender that relies on an attestation submitted
22 by an eligible recipient under subparagraph (A),
23 no enforcement action may be taken against the
24 lender for any falsehoods contained in the attes-
25 tation.

1 “(C) DEMOGRAPHIC INFORMATION.—The
2 online or paper form established by the Admin-
3 istrator under subparagraph (A) shall include a
4 means by which an eligible recipient may, at the
5 discretion of the eligible recipient, submit demo-
6 graphic information of the owner of the eligible
7 recipient, including the sex, race, ethnicity, and
8 veteran status of the owner.

9 “(2) COVERED LOANS BETWEEN \$150,000 AND
10 \$2,000,000.—

11 “(A) IN GENERAL.—Notwithstanding sub-
12 section (e), with respect to a covered loan made
13 to an eligible recipient that is more than
14 \$150,000 and not more than \$2,000,000—

15 “(i) the eligible recipient seeking loan
16 forgiveness under this section—

17 “(I) is not required to submit the
18 supporting documentation described
19 in paragraph (1) or (2) of subsection
20 (e) or the certification described in
21 subsection (e)(3)(A);

22 “(II) shall retain—

23 “(aa) all employment
24 records relevant to the applica-
25 tion for loan forgiveness for the

1 4-year period following submis-
2 sion of the application; and

3 “(bb) all other supporting
4 documentation relevant to the ap-
5 plication for loan forgiveness for
6 the 3-year period following sub-
7 mission of the application; and

8 “(III) may complete and submit
9 any form related to borrower demo-
10 graphic information;

11 “(ii) review by the lender of an appli-
12 cation submitted by the eligible recipient
13 for loan forgiveness under this section shall
14 be limited to whether the lender received a
15 complete application, with all fields com-
16 pleted, initialed, or signed, as applicable;
17 and

18 “(iii) the lender shall—

19 “(I) accept the application sub-
20 mitted by the eligible recipient for
21 loan forgiveness under this section;
22 and

23 “(II) submit the application to
24 the Administrator.

25 “(B) AUDIT.—The Administrator may—

1 “(i) review and audit covered loans
2 described in subparagraph (A); and

3 “(ii) in the case of fraud, ineligibility,
4 or other material noncompliance with ap-
5 plicable loan or loan forgiveness require-
6 ments, modify—

7 “(I) the amount of a covered loan
8 described in subparagraph (A); or

9 “(II) the loan forgiveness amount
10 with respect to a covered loan de-
11 scribed in subparagraph (A).

12 “(3) AUDIT PLAN.—

13 “(A) IN GENERAL.—Not later than 30
14 days after the date of enactment of the Con-
15 tinuing the Paycheck Protection Program Act,
16 the Administrator shall submit to the Com-
17 mittee on Small Business and Entrepreneurship
18 of the Senate and the Committee on Small
19 Business of the House of Representatives an
20 audit plan that details—

21 “(i) the policies and procedures of the
22 Administrator for conducting reviews and
23 audits of covered loans; and

24 “(ii) the metrics that the Adminis-
25 trator shall use to determine which covered

1 loans will be audited for each category of
2 covered loans described in paragraphs (1)
3 and (2).

4 “(B) REPORTS.—Not later than 30 days
5 after the date on which the Administrator sub-
6 mits the audit plan required under subpara-
7 graph (A), and each month thereafter, the Ad-
8 ministrator shall submit to the Committee on
9 Small Business and Entrepreneurship of the
10 Senate and the Committee on Small Business
11 of the House of Representatives a report on the
12 review and audit activities of the Administrator
13 under this subsection, which shall include—

14 “(i) the number of active reviews and
15 audits;

16 “(ii) the number of reviews and audits
17 that have been ongoing for more than 60
18 days; and

19 “(iii) any substantial changes made to
20 the audit plan submitted under subpara-
21 graph (A).

22 “(m) ENFORCEMENT ACTION AGAINST BORROWERS
23 FOR COVERED LOANS UP TO \$150,000.—

24 “(1) IN GENERAL.—The Administrator may
25 only pursue an enforcement action or penalty relat-

1 ing to loan origination, forgiveness, or guarantee of
2 a covered loan against the recipient of a covered
3 loan of not more than \$150,000 that is eligible to
4 receive a covered loan under the requirements under
5 section 7(a)(36) of the Small Business Act (15
6 U.S.C. 636(a)(36)) if the recipient—

7 “(A) commits fraud; or

8 “(B) expends covered loan proceeds on ex-
9 penses that are not allowable under section
10 7(a)(36)(F) of the Small Business Act (15
11 U.S.C. 636(a)(36)(F)).

12 “(2) USE FOR ORDINARY AND NECESSARY
13 BUSINESS EXPENSES.—For purposes of an enforce-
14 ment action or penalty relating to the expenditure of
15 the proceeds on a covered loan that is not more than
16 \$150,000 for the other allowable uses of a loan
17 under section 7(a) of the Small Business Act (15
18 U.S.C. 636(a)) that are not specified in subclauses
19 (I) through (XI) of paragraph (36)(F), as author-
20 ized under the matter preceding subclause (I) in
21 such paragraph (36)(F), the Administrator may
22 apply the standards and procedures that the Admin-
23 istrator would apply with respect to a loan under an-
24 other paragraph of such section 7(a).

1 “(3) ENFORCEMENT AND PENALTIES FOR IN-
2 ELIGIBLE RECIPIENTS.—Nothing in this subsection
3 shall be construed to limit the authority of the Ad-
4 ministrator to pursue an enforcement action or pen-
5 alty with respect to the recipient of a covered loan
6 that was not eligible to receive a covered loan under
7 the requirements under section 7(a)(36) of the
8 Small Business Act (15 U.S.C. 636(a)(36)).”.

9 (g) GROUP INSURANCE PAYMENTS AS PAYROLL
10 COSTS.—Section 7(a)(36)(A)(viii)(I)(aa)(EE) of the
11 Small Business Act (15 U.S.C.
12 636(a)(36)(A)(viii)(I)(aa)(EE)) is amended by inserting
13 “and other group insurance” before “benefits”.

14 (h) DEMOGRAPHIC INFORMATION.—Not later than 5
15 days after the date of enactment of this Act, the Adminis-
16 trator shall issue an updated loan origination application
17 for initial covered loans under paragraph (36) of section
18 7(a) of the Small Business Act (15 U.S.C. 636(a)), as
19 amended by this Act, and issue a loan origination applica-
20 tion for second draw loans under paragraph (37) of such
21 section, as added by this Act, to include a means by which
22 an applicant may, at the discretion of the applicant, sub-
23 mit demographic information, including the sex, race, eth-
24 nicity, and veteran status of the owner of the applicant.

1 (i) PAYCHECK PROTECTION PROGRAM SECOND
2 DRAW LOANS.—Section 7(a) of the Small Business Act
3 (15 U.S.C. 636(a)) is amended by adding at the end the
4 following:

5 “(37) PAYCHECK PROTECTION PROGRAM SEC-
6 OND DRAW LOANS.—

7 “(A) DEFINITIONS.—In this paragraph—

8 “(i) the terms ‘community financial
9 institutions’, ‘credit union’, ‘eligible self-
10 employed individual’, ‘insured depository
11 institution’, ‘nonprofit organization’, ‘pay-
12 roll costs’, ‘seasonal employer’, and ‘vet-
13 erans organization’ have the meanings
14 given those terms in paragraph (36), ex-
15 cept that ‘eligible entity’ shall be sub-
16 stituted for ‘eligible recipient’ each place it
17 appears in the definitions of those terms;

18 “(ii) the term ‘covered loan’ means a
19 loan made under this paragraph;

20 “(iii) the terms ‘covered mortgage ob-
21 ligation’, ‘covered operating expenditure’,
22 ‘covered property damage cost’, ‘covered
23 rent obligation’, ‘covered supplier cost’,
24 ‘covered utility payment’, and ‘covered
25 worker protection expenditure’ have the

1 meanings given those terms in section
2 1106(a) of the CARES Act (15 U.S.C.
3 9005(a));

4 “(iv) the term ‘covered period’ means
5 the period beginning on the date of the
6 origination of a covered loan and ending on
7 March 31, 2021;

8 “(v) the term ‘eligible entity’—

9 “(I) means any business concern,
10 nonprofit organization, veterans orga-
11 nization, Tribal business concern, eli-
12 gible self-employed individual, sole
13 proprietor, independent contractor, or
14 small agricultural cooperative that at-
15 tests that it has used or will use on or
16 before the expected date of the dis-
17 bursement of the covered loan under
18 this paragraph, the full amount of the
19 loan received under paragraph (36)
20 and that—

21 “(aa)(AA) with respect to a
22 business concern, would qualify
23 as a small business concern by
24 the annual receipts size standard
25 (if applicable) established by sec-

1 tion 121.201 of title 13, Code of
2 Federal Regulations, or any suc-
3 cessor regulation; or

4 “(BB) if the entity does not
5 qualify as a small business con-
6 cern, meets the alternative size
7 standard established under sec-
8 tion 3(a)(5);

9 “(bb) employs not more
10 than 300 employees; and

11 “(cc)(AA) except as provided
12 in subitems (BB), (CC), and
13 (DD), had gross receipts during
14 the first, second, third, or, only
15 with respect to an application
16 submitted on or after January 1,
17 2021, fourth quarter in 2020,
18 that demonstrate not less than a
19 30 percent reduction from the
20 gross receipts of the entity dur-
21 ing the same quarter in 2019;

22 “(BB) if the entity was not
23 in business during the first or
24 second quarter of 2019, but was
25 in business during the third and

1 fourth quarter of 2019, had gross
2 receipts during the first, second,
3 or third quarter of 2020 that
4 demonstrate not less than a 30
5 percent reduction from the gross
6 receipts of the entity during the
7 third or fourth quarter of 2019;

8 “(CC) if the entity was not
9 in business during the first, sec-
10 ond, or third quarter of 2019,
11 but was in business during the
12 fourth quarter of 2019, had gross
13 receipts during the first, second,
14 or third quarter of 2020 that
15 demonstrate not less than a 30
16 percent reduction from the gross
17 receipts of the entity during the
18 fourth quarter of 2019; or

19 “(DD) if the entity was not
20 in business during 2019, but was
21 in operation on February 15,
22 2020, had gross receipts during
23 the second or third quarter of
24 2020 that demonstrate not less
25 than a 30 percent reduction from

1 the gross receipts of the entity
2 during the first quarter of 2020;

3 “(II) includes an organization de-
4 scribed in subparagraph (D)(vii) of
5 paragraph (36) that is eligible to re-
6 ceive a loan under that paragraph and
7 that meets the requirements described
8 in items (aa) and (cc) of subclause
9 (I); and

10 “(III) does not include—

11 “(aa) an issuer, the securi-
12 ties of which are listed on an ex-
13 change registered a national se-
14 curities exchange under section 6
15 of the Securities Exchange Act of
16 1934 (15 U.S.C. 78f);

17 “(bb) any entity that—

18 “(AA) is a type of busi-
19 ness concern described in
20 subsection (b), (c), (d), (e),
21 (f), (h), (l) (m), (p), (q), (r),
22 or (s) of section 120.110 of
23 title 13, Code of Federal
24 Regulations, or any suc-
25 cessor regulation;

1 “(BB) is a type of busi-
2 ness concern described in
3 section 120.110(g) of title
4 13, Code of Federal Regula-
5 tions, or any successor regu-
6 lation, except as otherwise
7 provided in the interim final
8 rule of the Administration
9 entitled ‘Business Loan Pro-
10 gram Temporary Changes;
11 Paycheck Protection Pro-
12 gram—Additional Eligibility
13 Criteria and Requirements
14 for Certain Pledges of
15 Loans’ (85 Fed. Reg. 21747
16 (April 20, 2020));

17 “(CC) is a type of busi-
18 ness concern described in
19 section 120.110(i) of title
20 13, Code of Federal Regula-
21 tions, or any successor regu-
22 lation, except if the business
23 concern is an organization
24 described in paragraph
25 (36)(D)(vii);

1 “(DD) is a type of
2 business concern described
3 in section 120.110(j) of title
4 13, Code of Federal Regula-
5 tions, or any successor regu-
6 lation, except as otherwise
7 provided in the interim final
8 rules of the Administration
9 entitled ‘Business Loan Pro-
10 gram Temporary Changes;
11 Paycheck Protection Pro-
12 gram—Eligibility of Certain
13 Electric Cooperatives’ (85
14 Fed. Reg. 29847 (May 19,
15 2020)) and ‘Business Loan
16 Program Temporary
17 Changes; Paycheck Protec-
18 tion Program—Eligibility of
19 Certain Telephone Coopera-
20 tives’ (85 Fed. Reg. 35550
21 (June 11, 2020)) or any
22 other guidance or rule
23 issued or that may be issued
24 by the Administrator;

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“(EE) is a type of business concern described in section 120.110(n) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rule of the Administration entitled ‘Business Loan Program Temporary Changes; Paycheck Protection Program—Additional Eligibility Revisions to First Interim Final Rule’ (85 Fed. Reg. 38301 (June 26, 2020)) or any other guidance or rule issued or that may be issued by the Administrator;

“(FF) is a type of business concern described in section 120.110(o) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in any guidance or

1 rule issued or that may be
2 issued by the Administrator;
3 or

4 “(GG) is an entity that
5 would be described in the
6 subsections listed in
7 subitems (AA) through (FF)
8 if the entity were a business
9 concern; or

10 “(HH) is assigned, or
11 was approved for a loan
12 under paragraph (36) with,
13 a North American Industry
14 Classification System code
15 beginning with 52;

16 “(cc) any business concern
17 or entity primarily engaged in
18 political or lobbying activities,
19 which shall include any entity
20 that is organized for research or
21 for engaging in advocacy in areas
22 such as public policy or political
23 strategy or otherwise describes
24 itself as a think tank in any pub-
25 lic documents;

1 “(dd) any business concern
2 or entity—

3 “(AA) for which an en-
4 tity created in or organized
5 under the laws of the Peo-
6 ple’s Republic of China or
7 the Special Administrative
8 Region of Hong Kong, or
9 that has significant oper-
10 ations in the People’s Re-
11 public of China or the Spe-
12 cial Administrative Region
13 of Hong Kong, owns or
14 holds, directly or indirectly,
15 not less than 20 percent of
16 the economic interest of the
17 business concern or entity,
18 including as equity shares or
19 a capital or profit interest in
20 a limited liability company
21 or partnership; or

22 “(BB) that retains, as
23 a member of the board of di-
24 rectors of the business con-
25 cern, a person who is a resi-

1 “(I) the product obtained by mul-
2 tipling—

3 “(aa) at the election of the
4 eligible entity, the average total
5 monthly payment for payroll
6 costs incurred or paid by the eli-
7 gible entity during—

8 “(AA) the 1-year period
9 before the date on which the
10 loan is made; or

11 “(BB) calendar year
12 2019; by

13 “(bb) 2.5; or

14 “(II) \$2,000,000.

15 “(ii) SEASONAL EMPLOYERS.—The
16 maximum amount of a covered loan made
17 to an eligible entity that is a seasonal em-
18 ployer is the lesser of—

19 “(I) the product obtained by mul-
20 tipling—

21 “(aa) at the election of the
22 eligible entity, the average total
23 monthly payments for payroll
24 costs incurred or paid by the eli-
25 gible entity for a 12-week period

1 beginning February 15, 2019, or
2 March 1, 2019, and ending June
3 30, 2019, or at the election of
4 the eligible recipient, any con-
5 secutive 12-week period during
6 the period beginning on February
7 15, 2020 and ending on Decem-
8 ber 31, 2020; by

9 “(bb) 2.5; or

10 “(II) \$2,000,000.

11 “(iii) NEW ENTITIES.—The maximum
12 amount of a covered loan made to an eligi-
13 ble entity that did not exist during the 1-
14 year period preceding February 15, 2020
15 is the lesser of—

16 “(I) the product obtained by mul-
17 tipling—

18 “(aa) the quotient obtained
19 by dividing—

20 “(AA) the sum of the
21 total monthly payments by
22 the eligible entity for payroll
23 costs paid or incurred by the
24 eligible entity as of the date
25 on which the eligible entity

1 applies for the covered loan;

2 by

3 “(BB) the number of

4 months in which those pay-

5 roll costs were paid or in-

6 curred; by

7 “(bb) 2.5; or

8 “(II) \$2,000,000.

9 “(iv) LIMITATIONS FOR BUSINESS
10 CONCERNS WITH MORE THAN 1 PHYSICAL
11 LOCATION.—With respect to an eligible en-
12 tity with more than 1 physical location—

13 “(I) the total amount of all cov-
14 ered loans shall be not more than
15 \$2,000,000; and

16 “(II) in applying this paragraph,
17 the Administrator shall substitute ‘not
18 more than 300 employees per physical
19 location’ for the term ‘not more than
20 500 employees per physical location’
21 in paragraph (36)(D)(iii).

22 “(v) LOAN NUMBER LIMITATION.—An
23 eligible entity may only receive 1 covered
24 loan.

1 “(F) ELIGIBLE CHURCHES AND RELIGIOUS
2 ORGANIZATIONS.—

3 “(i) SENSE OF CONGRESS.—It is the
4 sense of Congress that the interim final
5 rule of the Administration entitled ‘Busi-
6 ness Loan Program Temporary Changes;
7 Paycheck Protection Program’ (85 Fed.
8 Reg. 20817 (April 15, 2020)) properly
9 clarified the eligibility of churches and reli-
10 gious organizations for loans made under
11 paragraph (36).

12 “(ii) APPLICABILITY OF PROHIBI-
13 TION.—The prohibition on eligibility estab-
14 lished by section 120.110(k) of title 13,
15 Code of Federal Regulations, or any suc-
16 cessor regulation, shall not apply to a cov-
17 ered loan.

18 “(G) GROSS RECEIPTS FOR NONPROFIT
19 AND VETERANS ORGANIZATIONS.—For purposes
20 of calculating gross receipts under subpara-
21 graph (A)(v)(I)(cc) for an eligible entity that is
22 a nonprofit organization, a veterans organiza-
23 tion, or an organization described in subpara-
24 graph (A)(v)(II), gross receipts—

1 “(i) shall include proceeds from pro-
2 gram services, fundraising events, fed-
3 erated campaigns, gifts, donor-advised
4 funds, and funds from similar sources; and

5 “(ii) shall not include—

6 “(I) Federal grants (excluding
7 any loan forgiveness on loans received
8 under paragraph (36) or this para-
9 graph);

10 “(II) revenues from a supporting
11 organization;

12 “(III) grants from private foun-
13 dations that are disbursed over the
14 course of more than 1 calendar year;

15 “(IV) any contribution of prop-
16 erty other than money, stocks, bonds,
17 and other securities, provided that the
18 non-cash contribution is not sold by
19 the organization in a transaction un-
20 related to the tax-exempt purpose of
21 the organization; or

22 “(V) any loan proceeds from a
23 loan made under paragraph (36).

24 “(H) LOAN FORGIVENESS.—

1 “(i) IN GENERAL.—Except as other-
2 wise provided in this subparagraph, an eli-
3 gible entity shall be eligible for forgiveness
4 of indebtedness on a covered loan in the
5 same manner as an eligible recipient with
6 respect to a loan made under paragraph
7 (36), as described in section 1106 of the
8 CARES Act (15 U.S.C. 9005).

9 “(ii) FORGIVENESS AMOUNT.—An eli-
10 gible entity shall be eligible for forgiveness
11 of indebtedness on a covered loan in an
12 amount equal to the sum of the following
13 costs incurred or expenditures made during
14 the covered period:

15 “(I) Payroll costs.

16 “(II) Any payment of interest on
17 any covered mortgage obligation
18 (which shall not include any prepay-
19 ment of or payment of principal on a
20 covered mortgage obligation).

21 “(III) Any covered operations ex-
22 penditure.

23 “(IV) Any covered property dam-
24 age cost.

1 “(V) Any payment on any cov-
2 ered rent obligation.

3 “(VI) Any covered utility pay-
4 ment.

5 “(VII) Any covered supplier cost.

6 “(VIII) Any covered worker pro-
7 tection expenditure.

8 “(iii) LIMITATION ON FORGIVENESS
9 FOR ALL ELIGIBLE ENTITIES.—The for-
10 giveness amount under this subparagraph
11 shall be equal to the lesser of—

12 “(I) the amount described in
13 clause (ii); and

14 “(II) the amount equal to the
15 quotient obtained by dividing—

16 “(aa) the amount of the cov-
17 ered loan used for payroll costs
18 during the covered period; and

19 “(bb) 0.60.

20 “(I) LENDER ELIGIBILITY.—Except as
21 otherwise provided in this paragraph, a lender
22 approved to make loans under paragraph (36)
23 may make covered loans under the same terms
24 and conditions as in paragraph (36).

1 “(J) REIMBURSEMENT FOR LOAN PROC-
2 ESSING AND SERVICING.—The Administrator
3 shall reimburse a lender authorized to make a
4 covered loan in an amount that is—

5 “(i) 3 percent of the principal amount
6 of the financing of the covered loan up to
7 \$350,000; and

8 “(ii) 1 percent of the principal
9 amount of the financing of the covered
10 loan above \$350,000, if applicable.

11 “(K) SET ASIDE FOR SMALL ENTITIES.—

12 “(i) IN GENERAL.—Not less than
13 \$25,000,000,000 of the total amount of
14 covered loans guaranteed by the Adminis-
15 trator shall be made to eligible entities
16 with not more than 10 employees as of
17 February 15, 2020.

18 “(ii) WEEKLY ESTIMATES.—The Ad-
19 ministrators and the Secretary of the
20 Treasury shall jointly submit to Congress a
21 weekly estimate of the number and
22 amounts of covered loans made to eligible
23 entities described in clause (i).

24 “(L) SET ASIDE FOR COMMUNITY FINAN-
25 CIAL INSTITUTIONS, SMALL INSURED DEPOSI-

1 TORY INSTITUTIONS, CREDIT UNIONS, AND
2 FARM CREDIT SYSTEM INSTITUTIONS.—

3 “(i) IN GENERAL.—Not less than
4 \$10,000,000,000 of the total amount of
5 covered loans guaranteed by the Adminis-
6 trator shall be made by—

7 “(I) community financial institu-
8 tions;

9 “(II) insured depository institu-
10 tions with consolidated assets of less
11 than \$10,000,000,000;

12 “(III) credit unions with consoli-
13 dated assets of less than
14 \$10,000,000,000; and

15 “(IV) institutions of the Farm
16 Credit System chartered under the
17 Farm Credit Act of 1971 (12 U.S.C.
18 2001 et seq.) with consolidated assets
19 of less than \$10,000,000,000 (not in-
20 cluding the Federal Agricultural
21 Mortgage Corporation).

22 “(ii) WEEKLY ESTIMATES.—The Ad-
23 ministrator and the Secretary of the
24 Treasury shall jointly submit to Congress a
25 weekly estimate of the number and

1 amounts of covered loans made by lenders
2 described in clause (i).

3 “(M) PUBLICATION OF GUIDANCE.—Not
4 later than 10 days after the date of enactment
5 of this paragraph, the Administrator shall issue
6 guidance addressing barriers to accessing cap-
7 ital for minority, underserved, veteran, and
8 women-owned business concerns for the purpose
9 of ensuring equitable access to covered loans.

10 “(N) STANDARD OPERATING PROCEDURE.—The Administrator shall, to the max-
11 imum extent practicable, allow a lender ap-
12 proved to make covered loans to use existing
13 program guidance and standard operating pro-
14 cedures for loans made under this subsection.

15
16 “(O) PROHIBITION ON USE OF PROCEEDS
17 FOR LOBBYING ACTIVITIES.—None of the pro-
18 ceeds of a covered loan may be used for—

19 “(i) lobbying activities, as defined in
20 section 3 of the Lobbying Disclosure Act of
21 1995 (2 U.S.C. 1602);

22 “(ii) lobbying expenditures related to
23 a State or local election; or

24 “(iii) expenditures designed to influ-
25 ence the enactment of legislation, appro-

1 priations, regulation, administrative action,
2 or Executive order proposed or pending be-
3 fore Congress or any State government,
4 State legislature, or local legislature or leg-
5 islative body.

6 “(P) SUPPLEMENTAL COVERED LOANS.—A
7 covered loan under this paragraph may only be
8 made to an eligible entity that—

9 “(i) has received a loan under para-
10 graph (36); and

11 “(ii) on or before the expected date on
12 which the covered loan under this para-
13 graph is disbursed to the eligible entity,
14 has used, or will use, the full amount of
15 the loan received under paragraph (36).”.

16 (j) CONTINUED ACCESS TO THE PAYCHECK PROTEC-
17 TION PROGRAM.—

18 (1) IN GENERAL.—Section 7(a)(36)(E)(ii) of
19 the Small Business Act (15 U.S.C.
20 636(a)(36)(E)(ii)) is amended by striking
21 “\$10,000,000” and inserting “\$2,000,000”.

22 (2) APPLICABILITY OF MAXIMUM LOAN AMOUNT
23 CALCULATION.—

24 (A) DEFINITIONS.—In this paragraph, the
25 terms “covered loan” and “eligible recipient”

1 have the meanings given those terms in section
2 7(a)(36) of the Small Business Act (15 U.S.C.
3 636(a)(36)).

4 (B) APPLICABILITY.—The amendment
5 made by paragraph (1) shall apply only with re-
6 spect to a covered loan applied for by an eligible
7 recipient on or after the date of enactment of
8 this Act.

9 (k) INCREASED ABILITY FOR PAYCHECK PROTEC-
10 TION PROGRAM BORROWERS TO REQUEST AN INCREASE
11 IN LOAN AMOUNT DUE TO UPDATED REGULATIONS.—

12 (1) DEFINITIONS.—In this subsection, the
13 terms “covered loan” and “eligible recipient” have
14 the meanings given those terms in section 7(a)(36)
15 of the Small Business Act (15 U.S.C. 636(a)(36)).

16 (2) INCREASED AMOUNT.—Notwithstanding the
17 interim final rule issued by the Administration enti-
18 tled “Business Loan Program Temporary Changes;
19 Paycheck Protection Program—Loan Increases” (85
20 Fed. Reg. 29842 (May 19, 2020)), an eligible recipi-
21 ent of a covered loan that is eligible for an increased
22 covered loan amount as a result of any interim final
23 rule that allows for covered loan increases may sub-
24 mit a request for an increase in the covered loan
25 amount even if—

1 (A) the initial covered loan amount has
2 been fully disbursed; or

3 (B) the lender of the initial covered loan
4 has submitted to the Administration a Form
5 1502 report related to the covered loan.

6 (I) CALCULATION OF MAXIMUM LOAN AMOUNT FOR
7 FARMERS AND RANCHERS UNDER THE PAYCHECK PRO-
8 TECTION PROGRAM.—

9 (1) IN GENERAL.—Section 7(a)(36) of the
10 Small Business Act (15 U.S.C. 636(a)(36)), as
11 amended by subsection (j) of this section, is amend-
12 ed—

13 (A) in subparagraph (E), in the matter
14 preceding clause (i), by striking “During” and
15 inserting “Except as provided in subparagraph
16 (T), during”; and

17 (B) by adding at the end the following:

18 “(T) CALCULATION OF MAXIMUM LOAN
19 AMOUNT FOR FARMERS AND RANCHERS.—

20 “(i) DEFINITION.—In this subpara-
21 graph, the term ‘covered recipient’ means
22 an eligible recipient that—

23 “(I) operates as a sole propri-
24 etorship or as an independent con-

1 tractor, or is an eligible self-employed
2 individual;

3 “(II) reports farm income or ex-
4 penses on a Schedule F (or any equiv-
5 alent successor schedule); and

6 “(III) was in business during the
7 period beginning on February 15,
8 2019 and ending on June 30, 2019.

9 “(ii) NO EMPLOYEES.—With respect
10 to covered recipient without employees, the
11 maximum covered loan amount shall be the
12 lesser of—

13 “(I) the sum of—

14 “(aa) the product obtained
15 by multiplying—

16 “(AA) the gross income
17 of the covered recipient in
18 2019, as reported on a
19 Schedule F (or any equiva-
20 lent successor schedule),
21 that is not more than
22 \$100,000, divided by 12;
23 and

24 “(BB) 2.5; and

1 “(bb) the outstanding
2 amount of a loan under sub-
3 section (b)(2) that was made
4 during the period beginning on
5 January 31, 2020 and ending on
6 April 3, 2020 that the borrower
7 intends to refinance under the
8 covered loan, not including any
9 amount of any advance under the
10 loan that is not required to be re-
11 paid; or

12 “(II) \$2,000,000.

13 “(iii) WITH EMPLOYEES.—With re-
14 spect to a covered recipient with employ-
15 ees, the maximum covered loan amount
16 shall be calculated using the formula de-
17 scribed in subparagraph (E), except that
18 the gross income of the covered recipient
19 described in clause (ii)(I)(aa)(AA) of this
20 subparagraph, as divided by 12, shall be
21 added to the sum calculated under sub-
22 paragraph (E)(i)(I).

23 “(iv) RECALCULATION.—A lender that
24 made a covered loan to a covered recipient
25 before the date of enactment of this sub-

1 paragraph may, at the request of the cov-
2 ered recipient—

3 “(I) recalculate the maximum
4 loan amount applicable to that cov-
5 ered loan based on the formula de-
6 scribed in clause (ii) or (iii), as appli-
7 cable, if doing so would result in a
8 larger covered loan amount; and

9 “(II) provide the covered recipi-
10 ent with additional covered loan
11 amounts based on that recalcula-
12 tion.”.

13 (m) FARM CREDIT SYSTEM INSTITUTIONS.—

14 (1) DEFINITION OF FARM CREDIT SYSTEM IN-
15 STITUTION.—In this subsection, the term “Farm
16 Credit System institution”—

17 (A) means an institution of the Farm
18 Credit System chartered under the Farm Credit
19 Act of 1971 (12 U.S.C. 2001 et seq.); and

20 (B) does not include the Federal Agricul-
21 tural Mortgage Corporation.

22 (2) FACILITATION OF PARTICIPATION IN PPP
23 AND SECOND DRAW LOANS.—

24 (A) APPLICABLE RULES.—Solely with re-
25 spect to loans under paragraphs (36) and (37)

1 of section 7(a) of the Small Business Act (15
2 U.S.C. 636(a)), Farm Credit Administration
3 regulations and guidance issued as of July 14,
4 2020, and compliance with such regulations and
5 guidance, shall be deemed functionally equiva-
6 lent to requirements referenced in section
7 3(a)(iii)(II) of the interim final rule of the Ad-
8 ministration entitled “Business Loan Program
9 Temporary Changes; Paycheck Protection Pro-
10 gram” (85 Fed. Reg. 20811 (April 15, 2020))
11 or any similar requirement referenced in that
12 interim final rule in implementing such para-
13 graph (37).

14 (B) APPLICABILITY OF CERTAIN LOAN RE-
15 QUIREMENTS.—For purposes of making loans
16 under paragraph (36) or (37) of section 7(a) of
17 the Small Business Act (15 U.S.C. 636(a)) or
18 forgiving those loans in accordance with section
19 1106 of the CARES Act (15 U.S.C. 9005) and
20 subparagraph (H) of such paragraph (37), sec-
21 tions 4.13, 4.14, and 4.14A of the Farm Credit
22 Act of 1971 (12 U.S.C. 2199, 2202, 2202a)
23 (including regulations issued under those sec-
24 tions) shall not apply.

25 (C) RISK WEIGHT.—

1 (i) IN GENERAL.—With respect to the
2 application of Farm Credit Administration
3 capital requirements, a loan described in
4 clause (ii)—

5 (I) shall receive a risk weight of
6 zero percent; and

7 (II) shall not be included in the
8 calculation of any applicable leverage
9 ratio or other applicable capital ratio
10 or calculation.

11 (ii) LOANS DESCRIBED.—A loan re-
12 ferred to in clause (i) is—

13 (I) a loan made by a Farm Cred-
14 it Bank described in section 1.2(a) of
15 the Farm Credit Act of 1971 (12
16 U.S.C. 2002(a)) to a Federal Land
17 Bank Association, a Production Credit
18 Association, or an agricultural credit
19 association described in that section
20 to make loans under paragraph (36)
21 or (37) of section 7(a) of the Small
22 Business Act (15 U.S.C. 636(a)) or
23 forgive those loans in accordance with
24 section 1106 of the CARES Act (15

1 U.S.C. 9005) and subparagraph (H)
2 of such paragraph (37); or

3 (II) a loan made by a Federal
4 Land Bank Association, a Production
5 Credit Association, an agricultural
6 credit association, or the bank for co-
7 operatives described in section 1.2(a)
8 of the Farm Credit Act of 1971 (12
9 U.S.C. 2002(a)) under paragraph
10 (36) or (37) of section 7(a) of the
11 Small Business Act (15 U.S.C.
12 636(a)).

13 (D) RESERVATION OF LOAN GUARAN-
14 TEES.—Section 7(a)(36)(S) of the Small Busi-
15 ness Act (15 U.S.C. 636(a)(36)(S)) is amend-
16 ed—

17 (i) in clause (i)—

18 (I) in subclause (I), by striking
19 “and” at the end;

20 (II) in subclause (II), by striking
21 the period at the end and inserting “;
22 and”; and

23 (III) by adding at the end the
24 following:

1 “(III) institutions of the Farm
2 Credit System chartered under the
3 Farm Credit Act of 1971 (12 U.S.C.
4 2001 et seq.) with consolidated assets
5 of not less than \$10,000,000,000 and
6 less than \$50,000,000,000.”; and

7 (ii) in clause (ii)—

8 (I) in subclause (II), by striking
9 “and” at the end;

10 (II) in subclause (III), by strik-
11 ing the period at the end and insert-
12 ing “; and”; and

13 (III) by adding at the end the
14 following:

15 “(IV) institutions of the Farm
16 Credit System chartered under the
17 Farm Credit Act of 1971 (12 U.S.C.
18 2001 et seq.) with consolidated assets
19 of less than \$10,000,000,000.”.

20 (n) DEFINITION OF SEASONAL EMPLOYER.—

21 (1) PPP LOANS.—Section 7(a)(36)(A) of the
22 Small Business Act (15 U.S.C. 636(a)(36)(A)) is
23 amended—

24 (A) in clause (xi), by striking “and” at the
25 end;

1 (B) in clause (xii), by striking the period
2 at the end and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(xiii) the term ‘seasonal employer’
5 means an eligible recipient that—

6 “(I) does not operate for more
7 than 7 months in any calendar year;
8 or

9 “(II) during the preceding cal-
10 endar year, had gross receipts for any
11 6 months of that year that were not
12 more than 33.33 percent of the gross
13 receipts of the employer for the other
14 6 months of that year.”.

15 (2) LOAN FORGIVENESS.—Paragraph (12) of
16 section 1106(a) of the CARES Act (15 U.S.C.
17 9005(a)), as so redesignated by subsection (c)(2) of
18 this section, is amended to read as follows:

19 “(12) the terms ‘payroll costs’ and ‘seasonal
20 employer’ have the meanings given those terms in
21 section 7(a)(36) of the Small Business Act (15
22 U.S.C. 636(a)(36)).”.

23 (o) ELIGIBILITY OF 501(C)(6) ORGANIZATIONS FOR
24 LOANS UNDER THE PAYCHECK PROTECTION PRO-

1 GRAM.—Section 7(a)(36)(D) of the Small Business Act
2 (15 U.S.C. 636(a)(36)(D)) is amended—

3 (1) in clause (v), by inserting “or whether an
4 organization described in clause (vii) employs not
5 more than 150 employees,” after “clause (i)(I),”;

6 (2) in clause (vi), by inserting “, an organiza-
7 tion described in clause (vii),” after “nonprofit orga-
8 nization”; and

9 (3) by adding at the end the following:

10 “(vii) ELIGIBILITY FOR CERTAIN
11 501(C)(6) ORGANIZATIONS.—

12 “(I) IN GENERAL.—Except as
13 provided in subclause (II), any organi-
14 zation that is described in section
15 501(c)(6) of the Internal Revenue
16 Code and that is exempt from tax-
17 ation under section 501(a) of such
18 Code (excluding professional sports
19 leagues and organizations with the
20 purpose of promoting or participating
21 in a political campaign or other activ-
22 ity) shall be eligible to receive a cov-
23 ered loan if—

24 “(aa) the organization does
25 not receive more than 10 percent

1 of its receipts from lobbying ac-
2 tivities;

3 “(bb) the lobbying activities
4 of the organization do not com-
5 prise more than 10 percent of the
6 total activities of the organiza-
7 tion; and

8 “(cc) the organization em-
9 ploys not more than 150 employ-
10 ees.

11 “(II) DESTINATION MARKETING
12 ORGANIZATIONS.—Notwithstanding
13 subclause (I), during the covered pe-
14 riod, any destination marketing orga-
15 nization shall be eligible to receive a
16 covered loan if—

17 “(aa) the destination mar-
18 keting organization does not re-
19 ceive more than 10 percent of its
20 receipts from lobbying activities;

21 “(bb) the lobbying activities
22 of the destination marketing or-
23 ganization do not comprise more
24 than 10 percent of the total ac-
25 tivities of the organization;

1 Disclosure Act of 1995 (2 U.S.C.
2 1602);

3 “(II) lobbying expenditures re-
4 lated to a State or local election; or

5 “(III) expenditures designed to
6 influence the enactment of legislation,
7 appropriations, regulation, adminis-
8 trative action, or Executive order pro-
9 posed or pending before Congress or
10 any State government, State legisla-
11 ture, or local legislature or legislative
12 body.”.

13 (q) EFFECTIVE DATE; APPLICABILITY.—The amend-
14 ments made to paragraph (36) of section 7(a) of the Small
15 Business Act (15 U.S.C. 636(a)) and title I of the CARES
16 Act (Public Law 116–136) under this section shall be ef-
17 fective as if included in the CARES Act and shall apply
18 to any loan made pursuant to section 7(a)(36) of the
19 Small Business Act (15 U.S.C. 636(a)(36)).

20 (r) BANKRUPTCY PROVISIONS.—

21 (1) IN GENERAL.—Section 364 of title 11,
22 United States Code, is amended by adding at the
23 end the following:

24 “(g)(1) The court, after notice and a hearing, may
25 authorize a debtor in possession or a trustee that is au-

1 thORIZED to operate the business of the debtor under sec-
2 tion 1183, 1184, 1203, 1204, or 1304 of this title to ob-
3 tain a loan under paragraph (36) or (37) of section 7(a)
4 of the Small Business Act (15 U.S.C. 636(a)), and such
5 loan shall be treated as a debt to the extent the loan is
6 not forgiven in accordance with section 1106 of the
7 CARES Act (15 U.S.C. 9005) or subparagraph (H) of
8 such paragraph (37), as applicable, with priority equal to
9 a claim of the kind specified in subsection (c)(1) of this
10 section.

11 “(2) The trustee may incur debt described in para-
12 graph (1) notwithstanding any provision in a contract,
13 prior order authorizing the trustee to incur debt under this
14 section, prior order authorizing the trustee to use cash col-
15 lateral under section 363, or applicable law that prohibits
16 the debtor from incurring additional debt.

17 “(3) The court shall hold a hearing within 7 days
18 after the filing and service of the motion to obtain a loan
19 described in paragraph (1). Notwithstanding the Federal
20 Rules of Bankruptcy Procedure, at such hearing, the court
21 may grant relief on a final basis.”.

22 (2) ALLOWANCE OF ADMINISTRATIVE EX-
23 PENSES.—Section 503(b) of title 11, United States
24 Code, is amended—

1 (A) in paragraph (8)(B), by striking “and”
2 at the end;

3 (B) in paragraph (9), by striking the pe-
4 riod at the end and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(10) any debt incurred under section
7 364(g)(1) of this title.”.

8 (3) CONFIRMATION OF PLAN FOR REORGANIZA-
9 TION.—Section 1191 of title 11, United States Code,
10 is amended by adding at the end the following:

11 “(f) SPECIAL PROVISION RELATED TO COVID–19
12 PANDEMIC.—Notwithstanding section 1129(a)(9)(A) of
13 this title and subsection (e) of this section, a plan that
14 provides for payment of a claim of a kind specified in sec-
15 tion 503(b)(10) of this title may be confirmed under sub-
16 section (b) of this section if the plan proposes to make
17 payments on account of such claim when due under the
18 terms of the loan giving rise to such claim.”.

19 (4) CONFIRMATION OF PLAN FOR FAMILY
20 FARMERS AND FISHERMEN.—Section 1225 of title
21 11, United States Code, is amended by adding at
22 the end the following:

23 “(d) Notwithstanding section 1222(a)(2) of this title
24 and subsection (b)(1) of this section, a plan that provides
25 for payment of a claim of a kind specified in section

1 503(b)(10) of this title may be confirmed if the plan pro-
2 poses to make payments on account of such claim when
3 due under the terms of the loan giving rise to such
4 claim.”.

5 (5) CONFIRMATION OF PLAN FOR INDIVID-
6 UALS.—Section 1325 of title 11, United States
7 Code, is amended by adding at the end the fol-
8 lowing:

9 “(d) Notwithstanding section 1322(a)(2) of this title
10 and subsection (b)(1) of this section, a plan that provides
11 for payment of a claim of a kind specified in section
12 503(b)(10) of this title may be confirmed if the plan pro-
13 poses to make payments on account of such claim when
14 due under the terms of the loan giving rise to such
15 claim.”.

16 (6) EFFECTIVE DATE; SUNSET.—

17 (A) EFFECTIVE DATE.—The amendments
18 made by paragraphs (1) through (5) shall—

19 (i) take effect on the date on which
20 the Administrator submits to the Director
21 of the Executive Office for United States
22 Trustees a written determination that, sub-
23 ject to satisfying any other eligibility re-
24 quirements, any debtor in possession or
25 trustee that is authorized to operate the

1 business of the debtor under section 1183,
2 1184, 1203, 1204, or 1304 of title 11,
3 United States Code, would be eligible for a
4 loan under paragraphs (36) and (37) of
5 section 7(a) of the Small Business Act (15
6 U.S.C. 636(a)); and

7 (ii) apply to any case pending on or
8 commenced on or after the date described
9 in clause (i).

10 (B) SUNSET.—

11 (i) IN GENERAL.—If the amendments
12 made by this subsection take effect under
13 subparagraph (A), effective on the date
14 that is 2 years after the date of enactment
15 of this Act—

16 (I) section 364 of title 11, United
17 States Code, is amended by striking
18 subsection (g);

19 (II) section 503(b) of title 11,
20 United States Code, is amended—

21 (aa) in paragraph (8)(B), by
22 adding “and” at the end;

23 (bb) in paragraph (9), by
24 striking “; and” at the end and
25 inserting a period; and

1 (cc) by striking paragraph

2 (10);

3 (III) section 1191 of title 11,

4 United States Code, is amended by

5 striking subsection (f);

6 (IV) section 1225 of title 11,

7 United States Code, is amended by

8 striking subsection (d); and

9 (V) section 1325 of title 11,

10 United States Code, is amended by

11 striking subsection (d).

12 (ii) APPLICABILITY.—Notwithstanding

13 the amendments made by clause (i) of this

14 subparagraph, if the amendments made by

15 paragraphs (1), (2), (3), (4), and (5) take

16 effect under subparagraph (A) of this

17 paragraph, such amendments shall apply

18 to any case under title 11, United States

19 Code, commenced before the date that is 2

20 years after the date of enactment of this

21 Act.

22 (s) OVERSIGHT.—

23 (1) COMPLIANCE WITH OVERSIGHT REQUIRE-

24 MENTS.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), on and after the date of en-
3 actment of this Act, the Administrator shall
4 comply with any data or information requests
5 or inquiries made by the Comptroller General of
6 the United States not later than 15 days (or
7 such later date as the Comptroller General may
8 specify) after receiving the request or inquiry.

9 (B) EXCEPTION.—If the Administrator is
10 unable to comply with a request or inquiry de-
11 scribed in subparagraph (A) before the applica-
12 ble date described in that subparagraph, the
13 Administrator shall, before such applicable
14 date, submit to the Committee on Small Busi-
15 ness and Entrepreneurship of the Senate and
16 the Committee on Small Business of the House
17 of Representatives a notification that includes a
18 detailed justification for the inability of the Ad-
19 ministrator to comply with the request or in-
20 quiry.

21 (2) TESTIMONY.—Not later than the date that
22 is 30 days after the date of enactment of this Act,
23 and every quarter thereafter until the date that is 2
24 years after the date of enactment of this Act, the
25 Administrator and the Secretary of the Treasury

1 shall testify before the Committee on Small Business
2 and Entrepreneurship of the Senate and the Com-
3 mittee on Small Business of the House of Rep-
4 resentatives regarding implementation of this section
5 and the amendments made by this section.

6 (t) CONFLICTS OF INTEREST.—

7 (1) DEFINITIONS.—In this subsection:

8 (A) CONTROLLING INTEREST.—The term
9 “controlling interest” means owning, control-
10 ling, or holding not less than 20 percent, by
11 vote or value, of the outstanding amount of any
12 class of equity interest in an entity.

13 (B) COVERED ENTITY.—

14 (i) DEFINITION.—The term “covered
15 entity” means an entity in which a covered
16 individual directly or indirectly holds a
17 controlling interest.

18 (ii) TREATMENT OF SECURITIES.—

19 For the purpose of determining whether an
20 entity is a covered entity, the securities
21 owned, controlled, or held by 2 or more in-
22 dividuals who are related as described in
23 subparagraph (C)(ii) shall be aggregated.

24 (C) COVERED INDIVIDUAL.—The term
25 “covered individual” means—

1 (i) the President, the Vice President,
2 the head of an Executive department, or a
3 Member of Congress; and

4 (ii) the spouse, child, son-in-law, or
5 daughter-in-law, as determined under ap-
6 plicable common law, of an individual de-
7 scribed in clause (i).

8 (D) EXECUTIVE DEPARTMENT.—The term
9 “Executive department” has the meaning given
10 the term in section 101 of title 5, United States
11 Code.

12 (E) MEMBER OF CONGRESS.—The term
13 “Member of Congress” means a Member of the
14 Senate or House of Representatives, a Delegate
15 to the House of Representatives, and the Resi-
16 dent Commissioner from Puerto Rico.

17 (F) EQUITY INTEREST.—The term “equity
18 interest” means—

19 (i) a share in an entity, without re-
20 gard to whether the share is—

21 (I) transferable; or

22 (II) classified as stock or any-
23 thing similar;

24 (ii) a capital or profit interest in a
25 limited liability company or partnership; or

1 (iii) a warrant or right, other than a
2 right to convert, to purchase, sell, or sub-
3 scribe to a share or interest described in
4 clause (i) or (ii), respectively.

5 (2) REQUIREMENT.—The principal executive of-
6 ficer and the principal financial officer, or individ-
7 uals performing similar functions, of an entity seek-
8 ing to enter a transaction made under paragraph
9 (36) or (37) of section 7(a) of the Small Business
10 Act (15 U.S.C. 636(a)), as added and amended by
11 this section, shall, before that transaction is ap-
12 proved, disclose to the Administrator whether the
13 entity is a covered entity.

14 (3) APPLICABILITY.—The requirement under
15 paragraph (2)—

16 (A) shall apply with respect to any trans-
17 action made under paragraph (36) or (37) of
18 section 7(a) of the Small Business Act (15
19 U.S.C. 636(a)), as added and amended by this
20 section, on or after the date of enactment of
21 this Act; and

22 (B) shall not apply with respect to—

23 (i) any transaction described in sub-
24 paragraph (A) that was made before the
25 date of enactment of this Act; or

1 (ii) forgiveness under section 1106 of
2 the CARES Act (15 U.S.C. 9005) or any
3 other provision of law of any loan associ-
4 ated with any transaction described in sub-
5 paragraph (A) that was made before the
6 date of enactment of this Act.

7 (u) COMMITMENT AUTHORITY AND APPROPRIA-
8 TIONS.—

9 (1) COMMITMENT AUTHORITY.—Section
10 1102(b) of the CARES Act (Public Law 116–136)
11 is amended—

12 (A) in paragraph (1)—

13 (i) in the paragraph heading, by in-
14 serting “AND SECOND DRAW” after
15 “PPP”;

16 (ii) by striking “August 8, 2020” and
17 inserting “March 31, 2021”;

18 (iii) by striking “paragraph (36)” and
19 inserting “paragraphs (36) and (37)”; and

20 (iv) by striking “\$659,000,000,000”
21 and inserting “\$779,640,000,000”; and

22 (B) by amending paragraph (2) to read as
23 follows:

24 “(2) OTHER 7(A) LOANS.—During fiscal year
25 2020, the amount authorized for commitments for

1 section 7(a) of the Small Business Act (15 U.S.C.
2 636(a)) under the heading ‘Small Business Adminis-
3 tration—Business Loans Program Account’ in the
4 Financial Services and General Government Appro-
5 priations Act, 2020 (division C of Public Law 116–
6 193) shall apply with respect to any commitments
7 under such section 7(a) other than under para-
8 graphs (36) and (37) of such section 7(a).”.

9 (2) DIRECT APPROPRIATIONS.—

10 (A) NEW DIRECT APPROPRIATIONS FOR
11 PPP LOANS, SECOND DRAW LOANS, AND THE
12 MBDA.—There is appropriated, out of amounts
13 in the Treasury not otherwise appropriated, for
14 the fiscal year ending September 30, 2021, for
15 additional amounts—

16 (i) to remain available until Sep-
17 tember 30, 2021—

18 (I) \$267,500,000,000 under the
19 heading “Small Business Administra-
20 tion—Business Loans Program Ac-
21 count, CARES Act” for the cost of
22 guaranteed loans as authorized under
23 paragraph (36) and (37) of section
24 7(a) of the Small Business Act (15

1 U.S.C. 636(a)), as amended and
2 added by this Act;

3 (II) \$50,000,000 under the head-
4 ing “Small Business Administration—
5 Salaries and Expenses” for the cost of
6 carrying out reviews and audits of
7 loans under subsections (l) and (m) of
8 section 1106 of the CARES Act (15
9 U.S.C. 9005), as added by this Act;

10 (III) \$13,500,000,000 under the
11 heading “Small Business Administra-
12 tion—Emergency EIDL Grants” for
13 the cost of emergency economic injury
14 disaster loan grants authorized under
15 section 1110 of the CARES Act (15
16 U.S.C. 9009), as amended by this sec-
17 tion;

18 (IV) \$3,000,000,000 for the cost
19 of carrying out subsections (x) and (y)
20 of this section, the cost of guaranteed
21 loans as authorized by paragraphs (1)
22 through (35) of section 7(a) of the
23 Small Business Act (15 U.S.C.
24 636(a)), and the amendments made

1 by subsection (mm)(2) of this section;
2 and

3 (V) \$6,000,000,000 under the
4 heading “**SMALL BUSINESS ADMIN-**
5 **ISTRATION—BUSINESS LOANS**
6 **PROGRAM ACCOUNT, CARES ACT**”
7 for carrying out section 1112 of the
8 CARES Act (15 U.S.C. 9011), as
9 amended by this section; and

10 (ii) to remain available through March
11 31, 2021—

12 (I) \$10,000,000 under the head-
13 ing “Department of Commerce—Mi-
14 nority Business Development Agency”
15 for minority business centers of the
16 Minority Business Development Agen-
17 cy to provide technical assistance to
18 small business concerns; and

19 (II) \$8,500,000 for technical as-
20 sistance grants and to provide direct
21 loans under section 7(m) of the Small
22 Business Act (15 U.S.C. 636(m)).

23 (B) AVAILABILITY OF AMOUNTS APPRO-
24 PRIATED FOR THE OFFICE OF INSPECTOR GEN-
25 ERAL.—Section 1107(a)(3) of the CARES Act

1 (15 U.S.C. 9006(a)(3)) is amended by striking
2 “September 20, 2024” and inserting “ex-
3 pended”.

4 (3) RESCISSION.—Of the unobligated balances
5 in the appropriations account under the heading
6 “Small Business Administration—Business Loans
7 Program Account, CARES Act” as of the day before
8 the date of enactment of this Act, effective on the
9 date of enactment of this Act \$138,000,000,000
10 shall be rescinded and deposited into the general
11 fund of the Treasury.

12 (4) EMERGENCY DESIGNATION.—

13 (A) IN GENERAL.—The amounts provided
14 under this subsection are designated as an
15 emergency requirement pursuant to section 4(g)
16 of the Statutory Pay-As-You-Go Act of 2010 (2
17 U.S.C. 933(g)).

18 (B) DESIGNATION IN SENATE.—In the
19 Senate, this subsection is designated as an
20 emergency requirement pursuant to section
21 4112(a) of H. Con. Res. 71 (115th Congress),
22 the concurrent resolution on the budget for fis-
23 cal year 2018.

24 (v) GRANTS FOR SHUTTERED VENUE OPERATORS.—

25 (1) DEFINITIONS.—In this subsection:

1 (A) ELIGIBLE PERSON OR ENTITY.—

2 (i) IN GENERAL.—The term “eligible
3 person or entity” means a live venue oper-
4 ator or promoter or theatrical producer, an
5 independent motion picture theatre oper-
6 ator, a museum operator, or a talent rep-
7 resentative that meets the following re-
8 quirements:

9 (I) The live venue operator or
10 promoter or theatrical producer, the
11 independent motion picture theatre
12 operator, the museum operator, or the
13 talent representative was fully oper-
14 ational as a live venue operator or
15 promoter or theatrical producer, an
16 independent motion picture theatre
17 operator, a museum operator, or a tal-
18 ent representative, respectively, on
19 February 29, 2020.

20 (II) As of the date of the grant
21 under this subsection—

22 (aa) the live venue operator
23 or promoter or theatrical pro-
24 ducer is organizing, promoting,
25 producing, managing, or hosting

1 future live events described in
2 subparagraph (D)(i)(I);

3 (bb) the independent motion
4 picture theatre operator is open
5 or intends to reopen for the pri-
6 mary purpose of public exhibition
7 of motion pictures; or

8 (cc) the talent representative
9 is representing or managing art-
10 ists and entertainers.

11 (III) The venues at which the live
12 venue operator or promoter or theat-
13 rical producer promotes, produces,
14 manages, or hosts events described in
15 subparagraph (D)(i)(I) or the artists
16 and entertainers represented or man-
17 aged by the talent representative per-
18 form have the following characteris-
19 tics:

20 (aa) A defined performance
21 and audience space.

22 (bb) Mixing equipment, a
23 public address system, and a
24 lighting rig.

- 1 (cc) Engages 1 or more indi-
2 viduals to carry out not less than
3 2 of the following roles:
- 4 (AA) A sound engineer.
 - 5 (BB) A booker.
 - 6 (CC) A promoter.
 - 7 (DD) A stage manager.
 - 8 (EE) Security per-
9 sonnel.
 - 10 (FF) A box office man-
11 ager.
- 12 (dd) There is a paid ticket
13 or cover charge to attend most
14 performances and artists are paid
15 fairly and do not play for free or
16 solely for tips, except for fund-
17 raisers or similar charitable
18 events.
- 19 (ee) For a venue owned or
20 operated by a nonprofit entity
21 that produces free events, the
22 events are produced and man-
23 aged by paid employees, not by
24 volunteers.

1 (ff) Performances are mar-
2 keted through listings in printed
3 or electronic publications, on
4 websites, by mass email, or on
5 social media.

6 (IV) The motion picture theatre
7 or motion picture theatres operated by
8 the independent motion picture the-
9 atre operator have the following char-
10 acteristics:

11 (aa) At least 1 auditorium
12 that includes a motion picture
13 screen and fixed audience seat-
14 ing.

15 (bb) A projection booth or
16 space containing not less than 1
17 motion picture projector.

18 (cc) A paid ticket charge to
19 attend exhibitions of motion pic-
20 tures.

21 (dd) Motion picture exhibi-
22 tions are marketed through
23 showtime listings in printed or
24 electronic publications, on

1 websites, by mass mail, or on so-
2 cial media.

3 (V) The live venue operator or
4 promoter or theatrical producer, the
5 independent motion picture theatre
6 operator, the museum operator, or the
7 talent representative does not have, or
8 is not majority owned or controlled by
9 an entity with, more than 1 of the fol-
10 lowing characteristics:

11 (aa) Being an issuer, the se-
12 curities of which are listed on a
13 national securities exchange.

14 (bb) Owning or operating
15 venues, motion picture theatres,
16 museums, talent agencies, or tal-
17 ent management companies with
18 offices in more than 1 country.

19 (cc) Owning or operating
20 venues or motion picture theatres
21 in more than 10 States.

22 (dd) Employing more than
23 500 employees, determined on a
24 full-time equivalent basis in ac-
25 cordance with clause (ii).

1 (ee) Receiving more than 10
2 percent of gross revenue from
3 Federal funding.

4 (ii) CALCULATION OF FULL-TIME EM-
5 PLOYEES.—For purposes of determining
6 the number of full-time equivalent employ-
7 ees under clause (i)(V)(dd)—

8 (I) any employee working not
9 fewer than 30 hours per week shall be
10 considered a full-time employee;

11 (II) any employee working not
12 fewer than 10 hours and fewer than
13 30 hours per week shall be counted as
14 one-half of a full-time employee;

15 (III) with respect to an inde-
16 pendent motion picture theatre oper-
17 ator, an employee of any business en-
18 tity of the independent motion picture
19 theatre operator that would be consid-
20 ered an affiliate under the affiliation
21 rules of the Administration shall be
22 considered an employee of the inde-
23 pendent motion picture theatre oper-
24 ator;

1 (IV) with respect to a museum
2 operator, an employee of any business
3 entity of the museum operator that
4 would be considered an affiliate under
5 the affiliation rules of the Administra-
6 tion shall be considered an employee
7 of the museum operator;

8 (iii) TREATMENT OF BUSINESS ENTI-
9 TIES.—Each business entity of an eligible
10 person or entity which also meets the re-
11 quirements under clause (i) shall, except as
12 provided in clause (ii) of this subparagraph
13 and paragraph (3)(C)(ii), be treated by the
14 Administrator as an independent, non-af-
15 filiated entity for the purposes of this sub-
16 section.

17 (B) EXCHANGE; ISSUER; SECURITY.—The
18 terms “exchange”, “issuer”, and “security”
19 have the meanings given such terms in section
20 3(a) of the Securities Exchange Act of 1934
21 (15 U.S.C. 78c(a)).

22 (C) INDEPENDENT MOTION PICTURE THE-
23 ATRE OPERATOR.—The term “independent mo-
24 tion picture theatre operator” means an indi-
25 vidual or entity that—

1 (i) as the principal business activity of
2 the individual or entity, owns or operates
3 at least 1 place of public accommodation
4 for the purpose of motion picture exhi-
5 bition for a fee; and

6 (ii) includes an individual or entity de-
7 scribed in clause (i) that—

8 (I) operates for profit or as a
9 nonprofit;

10 (II) is government-owned; or

11 (III) is a corporation, limited li-
12 ability company, or partnership or op-
13 erated as a sole proprietorship.

14 (D) LIVE VENUE OPERATOR OR PROMOTER
15 OR THEATRICAL PRODUCER.—The term “live
16 venue operator or promoter or theatrical pro-
17 ducer”—

18 (i) means—

19 (I) an individual or entity—

20 (aa) that, as a principal
21 business activity, organizes, pro-
22 motes, produces, manages, or
23 hosts live concerts, comedy
24 shows, theatrical productions, or

1 other events by performing art-
2 ists for which—
3 (AA) a cover charge
4 through ticketing or a front
5 door entrance fee is applied;
6 and
7 (BB) performers are
8 paid in an amount that is
9 based on a percentage of
10 sales, a guarantee (in writ-
11 ing or standard contract), or
12 another mutually beneficial
13 formal agreement; and
14 (bb) for which not less than
15 70 percent of the earned revenue
16 of the individual or entity is gen-
17 erated through, to the extent re-
18 lated to a live event described in
19 item (aa), cover charges or ticket
20 sales, production fees or produc-
21 tion reimbursements, nonprofit
22 educational activities, or the sale
23 of event beverages, food, or mer-
24 chandise; or

1 (II) an individual or entity that,
2 as a principal business activity, makes
3 available for purchase by the public
4 an average of not less than 60 days
5 before the date of the event tickets to
6 events—

7 (aa) described in subclause
8 (I)(aa); and

9 (bb) for which performers
10 are paid in an amount that is
11 based on a percentage of sales, a
12 guarantee (in writing or standard
13 contract), or another mutually
14 beneficial formal agreement; and

15 (ii) includes an individual or entity de-
16 scribed in clause (i) that—

17 (I) operates for profit or as a
18 nonprofit;

19 (II) is government-owned; or

20 (III) is a corporation, limited li-
21 ability company, or partnership or op-
22 erated as a sole proprietorship.

23 (E) MUSEUM.—The term “museum” has
24 the meaning given that term in section 273 of

1 the Museum and Library Services Act (20
2 U.S.C. 9172).

3 (F) MUSEUM OPERATOR.—The term “mu-
4 seum operator” means an entity that operates
5 1 or more museums and that, as of December
6 31, 2019, had an endowment of not more than
7 \$75,000,000.

8 (G) NATIONAL SECURITIES EXCHANGE.—
9 The term “national securities exchange” means
10 an exchange registered as a national securities
11 exchange under section 6 of the Securities Ex-
12 change Act of 1934 (15 U.S.C. 78f).

13 (H) SEASONAL EMPLOYER.—The term
14 “seasonal employer” has the meaning give that
15 term in section 7(a)(36)(A) of the Small Busi-
16 ness Act (15 U.S.C. 636(a)(36)(A)), as amend-
17 ed by this Act.

18 (I) STATE.—The term “State” means—
19 (i) a State;
20 (ii) the District of Columbia;
21 (iii) the Commonwealth of Puerto
22 Rico; and
23 (iv) any other territory or possession
24 of the United States.

1 (J) TALENT REPRESENTATIVE.—The term
2 “talent representative”—

3 (i) means an agent or manager that—

4 (I) as not less than 70 percent of
5 the operations of the agent or man-
6 ager, is engaged in representing or
7 managing artists and entertainers;

8 (II) books or represents musi-
9 cians, comedians, actors, or similar
10 performing artists primarily at live
11 events in venues or at festivals; and

12 (III) represents performers de-
13 scribed in subclause (II) that are paid
14 in an amount that is based on the
15 number of tickets sold, or a similar
16 basis; and

17 (ii) includes an agent or manager de-
18 scribed in clause (i) that—

19 (I) operates for profit or as a
20 nonprofit;

21 (II) is government-owned; or

22 (III) is a corporation, limited li-
23 ability company, or partnership or op-
24 erated as a sole proprietorship.

25 (2) AUTHORITY.—

1 (A) INITIAL GRANTS.—

2 (i) IN GENERAL.—The Administrator
3 may make initial grants to an eligible per-
4 son or entity in accordance with this sub-
5 section.

6 (ii) PRIORITY.—

7 (I) DEFINITION.—In this clause,
8 the term “highest revenue consecutive
9 12-week period in 2019”, with respect
10 to an eligible person or entity, means
11 the consecutive 12-week period during
12 2019 during which the eligible person
13 or entity had the greatest amount of
14 revenue of any consecutive 12-week
15 period during 2019.

16 (II) FIRST PRIORITY IN AWARD-
17 ING GRANTS.—During the initial 14-
18 day period during which the Adminis-
19 trator awards grants under this sub-
20 section, the Administrator shall only
21 award grants to an eligible person or
22 entity—

23 (aa) with revenue, during
24 the calendar quarter during
25 which this Act is enacted, that is

1 not more than 10 percent of the
2 revenue of the eligible person or
3 entity during the corresponding
4 calendar quarter during 2019,
5 due to the COVID–19 pandemic;
6 or

7 (bb) for a seasonal em-
8 ployer, with revenue, during the
9 consecutive 12-week period dur-
10 ing 2020 that corresponds to the
11 12-week period of the highest
12 revenue consecutive 12-week pe-
13 riod in 2019 for the eligible per-
14 son or entity, that was not more
15 than 10 percent of the revenue
16 during such the highest revenue
17 consecutive 12-week period in
18 2019, due to the COVID–19 pan-
19 demic.

20 (III) SECOND PRIORITY IN
21 AWARDING GRANTS.—During the 14-
22 day period immediately following the
23 14-day period described in subclause
24 (II), the Administrator shall only

1 award grants to an eligible person or
2 entity—

3 (aa) with revenue, during
4 the calendar quarter during
5 which this Act is enacted, that is
6 not more than 30 percent of the
7 revenue of the eligible person or
8 entity during the corresponding
9 calendar quarter during 2019,
10 due to the COVID–19 pandemic;
11 or

12 (bb) for a seasonal em-
13 ployer, with revenue, during the
14 consecutive 12-week period dur-
15 ing 2020 that corresponds to the
16 12-week period of the highest
17 revenue consecutive 12-week pe-
18 riod in 2019 for the eligible per-
19 son or entity, that was not more
20 than 30 percent of the revenue
21 during such the highest revenue
22 consecutive 12-week period in
23 2019, due to the COVID–19 pan-
24 demic.

1 (B) SUPPLEMENTAL GRANTS.—The Ad-
2 ministrator may make a supplemental grant in
3 accordance with this subsection to an eligible
4 person or entity that receives a grant under
5 subparagraph (A) if, as of December 31, 2020,
6 the revenues of the eligible person or entity for
7 the most recent calendar quarter are not more
8 than 20 percent of the revenues of the eligible
9 person or entity for the corresponding calendar
10 quarter during 2019 due to the COVID–19
11 pandemic.

12 (C) CERTIFICATION.—An eligible person or
13 entity applying for a grant under this sub-
14 section that is an eligible business described in
15 the matter preceding subclause (I) of section
16 4003(c)(3)(D)(i) of the CARES Act (15 U.S.C.
17 9042(c)(3)(D)(i)), shall make a good-faith cer-
18 tification described in subclauses (IX) and (X)
19 of such section.

20 (3) AMOUNT.—

21 (A) INITIAL GRANTS.—A grant under
22 paragraph (2)(A) shall be in the amount equal
23 to the lesser of—

1 (i)(I) for an eligible person or entity
2 that began operations on or before Janu-
3 ary 1, 2019, the lesser of—

4 (aa) the amount equal to 45 per-
5 cent of the gross earned revenue of
6 the eligible person or entity during
7 2019; or

8 (bb) the amount equal to 85 per-
9 cent of the operating expenses of the
10 eligible person or entity that would be
11 an eligible use of a grant under this
12 subsection under paragraph (4) dur-
13 ing, at the election of the borrower,
14 2018 or 2019; or

15 (II) for an eligible person or entity
16 that began operations after January 1,
17 2019, the amount equal to the product ob-
18 tained by multiplying—

19 (aa) the lesser of—

20 (AA) the amount equal to
21 45 percent of the average month-
22 ly gross earned revenue for each
23 full month during which the enti-
24 ty was in operation during 2019;
25 or

1 (BB) the amount equal to
2 85 percent of the average month-
3 ly operating expenses of the eligi-
4 ble person or entity that would
5 be an eligible use of a grant
6 under this subsection under para-
7 graph (4) during each full month
8 during which the entity was in
9 operation during 2019; by

10 (bb) 6; or

11 (ii) the difference between—

12 (I) \$10,000,000; and

13 (II) the total amount of loans re-
14 ceived by the eligible person or entity
15 under paragraph (36) or (37) of sec-
16 tion 7(a) of the Small Business Act
17 (15 U.S.C. 636(a)), as amended by
18 this Act, on the date of the grant
19 under paragraph (2)(A).

20 (B) SUPPLEMENTAL GRANTS.—A grant
21 under paragraph (2)(B) shall be in the amount
22 equal to the lesser of—

23 (i) 50 percent of the grant received by
24 the eligible person or entity under para-
25 graph (2)(A); or

1 (ii) the difference between—

2 (I) \$2,000,000; and

3 (II) the total amount of loans re-
4 ceived by the eligible person or entity
5 under paragraph (36) or (37) of sec-
6 tion 7(a) of the Small Business Act
7 (15 U.S.C. 636(a)), as amended by
8 this Act, on the date of the grant
9 under paragraph (2)(B).

10 (C) OVERALL MAXIMUMS.—

11 (i) IN GENERAL.—The total amount
12 of grants received under subparagraphs
13 (A) and (B) of paragraph (2) by an eligible
14 person or entity shall be not more than
15 \$10,000,000.

16 (ii) APPLICATION OF AFFILIATION
17 RULES.—The total amount of grants re-
18 ceived under subparagraphs (A) and (B) of
19 paragraph (2) by all business entities of an
20 eligible person or entity that would be con-
21 sidered affiliates under the affiliation rules
22 of the Administration shall be not more
23 than \$10,000,000.

24 (4) USE OF FUNDS.—

25 (A) TIMING.—

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(i) EXPENSES INCURRED.—

(I) IN GENERAL.—Except as provided in subclause (II), amounts received under a grant under this subsection may be used for costs incurred during the period beginning on March 1, 2020, and ending on December 31, 2021.

(II) EXTENSION FOR SUPPLEMENTAL GRANTS.—If an eligible person or entity receives a grant under paragraph (2)(B), amounts received under either grant under this subsection may be used for costs incurred during the period beginning on March 1, 2020, and ending on June 30, 2022.

(ii) EXPENDITURE.—

(I) IN GENERAL.—Except as provided in subclause (II), an eligible person or entity shall return to the Administrator any amounts received under a grant under this subsection that are not expended on or before the

1 date that is 1 year after the date of
2 disbursement of the grant.

3 (II) EXTENSION FOR SUPPLE-
4 MENTAL GRANTS.—If an eligible per-
5 son or entity receives a grant under
6 paragraph (2)(B), the eligible person
7 or entity shall return to the Adminis-
8 trator any amounts received under ei-
9 ther grant under this subsection that
10 are not expended on or before the
11 date that is 18 months after the date
12 of disbursement to the eligible person
13 or entity of the grant under para-
14 graph (2)(A).

15 (B) ALLOWABLE EXPENSES.—An eligible
16 person or entity may use amounts received
17 under a grant under this subsection for ex-
18 penses incurred in the ordinary course of busi-
19 ness for—

20 (i) an allowable use of the proceeds of
21 a loan under paragraph (36) of section
22 7(a) of the Small Business Act (15 U.S.C.
23 636), as amended by this Act;

24 (ii) advertising, production transpor-
25 tation, and capital expenditures related to

1 producing a theatrical production, concert,
2 or comedy show;

3 (iii) scheduled mortgage principle and
4 interest payments on mortgages entered
5 into as of February 15, 2020;

6 (iv) scheduled principal and interest
7 payments on debt entered into as of Feb-
8 ruary 15, 2020;

9 (v) maintenance expenses; or

10 (vi) administrative costs.

11 (C) PROHIBITED EXPENSES.—An eligible
12 person or entity may not use amounts received
13 under a grant under this section—

14 (i) to purchase real estate;

15 (ii) for payments of interest or prin-
16 cipal on loans originated after February
17 15, 2020;

18 (iii) to invest or re-lend funds;

19 (iv) for contributions or expenditures
20 to, or on behalf of, any political party,
21 party committee, or candidate for elective
22 office;

23 (v) to prepay interest or principal on
24 any mortgage or debt instrument;

1 (vi) to pay any expense that is not an
2 allowable expense described in subpara-
3 graph (B) or

4 (vii) for any other use as may be pro-
5 hibited by the Administrator.

6 (5) FUNDING.—Of the unobligated balances in
7 the appropriations account under the heading
8 “Small Business Administration—Business Loans
9 Program Account, CARES Act” as of the day before
10 the date of enactment of this Act, \$10,000,000,000
11 shall be available to the Administrator to carry out
12 this subsection, of which the Administrator may use
13 not more than \$25,000,000 for administrative ex-
14 penses. Amounts made available under this para-
15 graph shall remain available until September 30,
16 2021.

17 (6) LIMIT ON AMOUNT OF PPP LOANS FOR RE-
18 CIPIENTS OF GRANTS.—Section 7(a)(36) of the
19 Small Business Act (15 U.S.C. 636(a)(36)), as
20 amended by subsection (l) of this section, is amend-
21 ed by adding at the end the following:

22 “(U) LIMIT ON LOANS TO RECIPIENTS OF
23 GRANTS FOR SHUTTERED VENUE OPERA-
24 TORS.—

1 regard to the date on which the cov-
2 ered loan is fully disbursed and sub-
3 ject to availability of funds” after
4 “status”;

5 (II) by amending subparagraphs
6 (A) and (B) to read as follows:

7 “(A) with respect to a covered loan ap-
8 proved by the Administration before the date of
9 enactment of this Act and not on deferment—

10 “(i) except as provided in clauses (ii)
11 and (iii), for the 6-month period beginning
12 with the next payment due on the covered
13 loan after the covered loan is fully dis-
14 bursed;

15 “(ii) for the 11-month period begin-
16 ning with the next payment due on the
17 covered loan after the covered loan is fully
18 disbursed, with respect to a covered loan
19 that—

20 “(I) is described in subsection
21 (a)(1)(B) or is a loan guaranteed by
22 the Administration under section 7(a)
23 of the Small Business Act (15 U.S.C.
24 636(a)) other than a loan described in

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1 clause (i) or (ii) of subsection
2 (a)(1)(A); and

3 “(II) is made to a borrower oper-
4 ating primarily in an industry other
5 than an industry that is assigned a
6 North American Industry Classifica-
7 tion System code described in item
8 (aa) or (bb) of clause (iii)(II); and

9 “(iii) for the 18-month period begin-
10 ning with the next payment due on the
11 covered loan after the covered loan is fully
12 disbursed, with respect to—

13 “(I) a covered loan described in
14 paragraph (1)(A)(i) or paragraph (2)
15 of subsection (a); or

16 “(II) any covered loan made to a
17 borrower operating primarily in an in-
18 dustry that is assigned—

19 “(aa) a North American In-
20 dustry Classification System code
21 beginning with 61, 71, 72, or
22 487; or

23 “(bb) the North American
24 Industry Classification System

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1 Code 485510, 511110, 515112,
2 or 515120;

3 “(B) with respect to a covered loan ap-
4 proved by the Administration before the date of
5 enactment of this Act and on deferment—

6 “(i) except as provided in clauses (ii)
7 and (iii), for the 6-month period beginning
8 with the next payment due on the covered
9 loan after the deferment period and after
10 the covered loan is fully disbursed;

11 “(ii) for the 11-month period begin-
12 ning with the next payment due on the
13 covered loan after the deferment period
14 and after the covered loan is fully dis-
15 bursed, with respect to a covered loan de-
16 scribed in subclause (I) or (II) of subpara-
17 graph (A)(ii); and

18 “(iii) for the 18-month period begin-
19 ning with the next payment due on the
20 covered loan after the deferment period
21 and after the covered loan is fully dis-
22 bursed, with respect to a covered loan de-
23 scribed in subclause (I) or (II) of subpara-
24 graph (A)(iii); and”;

25 (III) in subparagraph (C)—

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1 (aa) by striking “covered
2 loan made” and inserting “cov-
3 ered loan approved by the Ad-
4 ministration”;

5 (bb) by striking “6 months
6 after” and inserting “18 months
7 after”;

8 (cc) by inserting “(or, for a
9 covered loan made by an inter-
10 mediary to a small business con-
11 cern using loans or grants re-
12 ceived under section 7(m) of the
13 Small Business Act (15 U.S.C.
14 636(m)) or guaranteed by the
15 Administration under the Com-
16 munity Advantage Pilot Program
17 of the Administration, for the 12-
18 month period)” after “6-month
19 period”; and

20 (dd) by inserting “after the
21 covered loan is fully disbursed”
22 after “due on the covered loan”;
23 and

24 (ii) by adding at the end the fol-
25 lowing:

1 “(4) ADDITIONAL PROVISIONS FOR NEW
2 LOANS.—With respect to a loan described in para-
3 graph (1)(C)—

4 “(A) the Administrator may further extend
5 the 18-month period described in paragraph
6 (1)(C) if there are sufficient funds to continue
7 those payments; and

8 “(B) during the underwriting process, a
9 lender of such a loan may consider the pay-
10 ments under this section as part of a com-
11 prehensive review to determine the ability to
12 repay over the entire period of maturity of the
13 loan.

14 “(5) ELIGIBILITY.—Eligibility for a covered
15 loan to receive such payments of principal, interest,
16 and any associated fees under this subsection shall
17 be based on the date on which the covered loan is
18 approved by the Administration.

19 “(6) AUTHORITY TO REVISE EXTENSIONS.—

20 “(A) IN GENERAL.—As part of preparing
21 the reports under subsection (i)(5) that are re-
22 quired to be submitted not later than January
23 15, 2021, and not later than June 15, 2021,
24 the Administrator shall conduct an evaluation
25 of whether amounts made available to make

1 payments under this subsection are sufficient to
2 make the payments for the period described in
3 paragraph (1).

4 “(B) PLAN.—If the Administrator deter-
5 mines under subparagraph (A) that the
6 amounts made available to make payments
7 under this subsection are insufficient, the Ad-
8 ministrator shall—

9 “(i) develop a plan to proportionally
10 reduce the number of months provided for
11 each period described in paragraph (1),
12 while ensuring all amounts made available
13 to make payments under this subsection
14 are fully expended; and

15 “(ii) before taking action under the
16 plan developed under clause (i), include in
17 the applicable report under subsection
18 (i)(5) the plan and the data that informs
19 the plan.

20 “(7) RULE OF CONSTRUCTION.—Nothing in
21 this subsection shall preclude a borrower from re-
22 ceiving full payments of principal, interest, and any
23 associated fees as authorized by subsection.”;

24 (B) by redesignating subsection (f) as sub-
25 section (k); and

1 (C) by inserting after subsection (e) the
2 following:

3 “(f) ELIGIBILITY FOR NEW LOANS.—For each indi-
4 vidual lending program under this section, the Adminis-
5 trator may establish a minimum loan maturity period, tak-
6 ing into consideration the normal underwriting require-
7 ments for each such program, with the goal of preventing
8 abuse under the program.

9 “(g) LIMITATION ON ASSISTANCE.—A borrower may
10 not receive assistance under subsection (c) for more than
11 1 covered loan of the borrower described in paragraph
12 (1)(C) of that subsection.

13 “(h) TAXABILITY.—For purposes of the Internal
14 Revenue Code of 1986—

15 “(1) any payment made under subsection (c)
16 shall be treated as paid by the person on whose be-
17 half such payment is made,

18 “(2) no amount shall be included in the gross
19 income of the borrower by reason of a payment
20 made under subsection (c), and

21 “(3) no deduction shall be denied or reduced,
22 no tax attribute shall be reduced, and no basis in-
23 crease shall be denied, by reason of the exclusion
24 from gross income provided by paragraph (2).

25 “(i) REPORTING AND OUTREACH.—

1 “(1) UPDATED INFORMATION.—

2 “(A) IN GENERAL.—Not later than 7 days
3 after the date of enactment of the Continuing
4 the Paycheck Protection Program Act, the Ad-
5 ministrator shall make publicly available infor-
6 mation regarding the modifications to the as-
7 sistance provided under this section under the
8 amendments made by such Act.

9 “(B) GUIDANCE.—Not later than 14 days
10 after the date of enactment of the Continuing
11 the Paycheck Protection Program Act, the Ad-
12 ministrator shall issue guidance on imple-
13 menting the modifications to the assistance pro-
14 vided under this section under the amendments
15 made by such Act.

16 “(2) PUBLICATION OF LIST.—Not later than 14
17 days after the date of enactment of the Continuing
18 the Paycheck Protection Program Act, the Adminis-
19 trator shall transmit to each lender of a covered loan
20 a list of each borrower of a covered loan that in-
21 cludes the North American Industry Classification
22 System code assigned to the borrower, based on the
23 records of the Administration, to assist the lenders
24 in identifying which borrowers qualify for an exten-
25 sion of payments under subsection (c).

1 “(3) EDUCATION AND OUTREACH.—The Ad-
2 ministrators shall provide education, outreach, and
3 communication to lenders, borrowers, district offices,
4 and resource partners of the Administration in order
5 to ensure full and proper compliance with this sec-
6 tion, encourage broad participation with respect to
7 covered loans that have not yet been approved by the
8 Administrator, and help lenders transition borrowers
9 from subsidy payments under this section directly to
10 a deferral when suitable for the borrower.

11 “(4) NOTIFICATION.—Not later than 30 days
12 after the date of enactment of the Continuing the
13 Paycheck Protection Program Act, the Adminis-
14 trator shall mail a letter to each borrower of a cov-
15 ered loan that includes—

16 “(A) an overview of assistance provided
17 under this section;

18 “(B) the rights of the borrower to receive
19 that assistance;

20 “(C) how to seek recourse with the Admin-
21 istrator or the lender of the covered loan if the
22 borrower has not received that assistance; and

23 “(D) the rights of the borrower to request
24 a loan deferral from a lender, and guidance on
25 how to do successfully transition directly to a

1 loan deferral once subsidy payments under this
2 section are concluded.

3 “(5) MONTHLY REPORTING.—Not later than
4 the 15th day of each month beginning after the date
5 of enactment of the Continuing the Paycheck Pro-
6 tection Program Act, the Administrator shall submit
7 to Congress a report on assistance provided under
8 this section, which shall include—

9 “(A) monthly and cumulative data on pay-
10 ments made under this section as of the date of
11 the report, including a breakdown by—

12 “(i) the number of participating bor-
13 rowers;

14 “(ii) the volume of payments made for
15 each type of covered loan; and

16 “(iii) the volume of payments made
17 for covered loans made before the date of
18 enactment of this Act and loans made
19 after such date of enactment;

20 “(B) the names of any lenders of covered
21 loans that have not submitted information on
22 the covered loans to the Administrator during
23 the preceding month; and

1 “(C) an update on the education and out-
2 reach activities of the Administration carried
3 out under paragraph (3).”.

4 (2) EFFECTIVE DATE.—The amendments made
5 by paragraph (1) shall apply as if included in the
6 enactment of section 1112 of the CARES Act (15
7 U.S.C. 9011).

8 (x) MODIFICATIONS TO 7(a) LOAN PROGRAMS.—

9 (1) 7(a) LOAN GUARANTEES.—

10 (A) IN GENERAL.—Section 7(a)(2)(A) of
11 the Small Business Act (15 U.S.C.
12 636(a)(2)(A)) is amended by striking “), such
13 participation by the Administration shall be
14 equal to” and all that follows through the pe-
15 riod at the end and inserting “or the Commu-
16 nity Advantage Pilot Program of the Adminis-
17 tration), such participation by the Administra-
18 tion shall be equal to 90 percent of the balance
19 of the financing outstanding at the time of dis-
20 bursement of the loan.”.

21 (B) PROSPECTIVE REPEAL.—Effective
22 March 31, 2021, section 7(a)(2)(A) of the
23 Small Business Act (15 U.S.C. 636(a)(2)(A)),
24 as amended by subparagraph (A), is amended
25 to read as follows:

1 “(A) IN GENERAL.—Except as provided in
2 subparagraphs (B), (D), (E), and (F), in an
3 agreement to participate in a loan on a deferred
4 basis under this subsection (including a loan
5 made under the Preferred Lenders Program),
6 such participation by the Administration shall
7 be equal to—

8 “(i) 75 percent of the balance of the
9 financing outstanding at the time of dis-
10 bursement of the loan, if such balance ex-
11 ceeds \$150,000; or

12 “(ii) 85 percent of the balance of the
13 financing outstanding at the time of dis-
14 bursement of the loan, if such balance is
15 less than or equal to \$150,000.”.

16 (2) EXPRESS LOANS.—

17 (A) LOAN AMOUNT.—Section 1102(c)(2) of
18 the CARES Act (Public Law 116–36; 15
19 U.S.C. 636 note) is amended to read as follows:

20 “(2) PROSPECTIVE REPEAL.—Effective on
21 March 31, 2021, section 7(a)(31)(D) of the Small
22 Business Act (15 U.S.C. 636(a)(31)(D)) is amend-
23 ed—

24 “(A) by striking ‘\$1,000,000’ and inserting
25 ‘\$500,000’; and

1 “(B) by striking ‘\$500,000’ and inserting
2 ‘\$350,000’.”.

3 (B) GUARANTEE RATES.—

4 (i) TEMPORARY MODIFICATION.—Sec-
5 tion 7(a)(31)(A)(iv) of the Small Business
6 Act (15 U.S.C. 636(a)(31)(A)(iv)) is
7 amended by striking “with a guaranty rate
8 of not more than 50 percent.” and insert-
9 ing the following: “with a guarantee rate—

10 “(I) for a loan in an amount less
11 than or equal to \$350,000, of not
12 more than 75 percent; and

13 “(II) for a loan in an amount
14 greater than \$350,000, of not more
15 than 50 percent.”.

16 (ii) PROSPECTIVE REPEAL.—Effective
17 March 31, 2021, section 7(a)(31)(A)(iv) of
18 the Small Business Act (15 U.S.C.
19 636(a)(31)(iv)), as amended by clause (i),
20 is amended by striking “guarantee rate”
21 and all that follows through the period at
22 the end and inserting “guarantee rate of
23 not more than 50 percent.”.

24 (3) INCREASE IN LOAN LIMITS.—

1 (A) IN GENERAL.—Section 7(a)(3) of the
2 Small Business Act (15 U.S.C. 636(a)(3)) is
3 amended—

4 (i) in subparagraph (A)—

5 (I) by striking “\$3,750,000” and
6 inserting “\$9,000,000”; and

7 (II) by striking “\$5,000,000”
8 and inserting “\$10,000,000”; and

9 (ii) in subparagraph (B)—

10 (I) by striking “\$4,500,000” and
11 inserting “\$9,000,000”; and

12 (II) by striking “\$5,000,000”
13 and inserting “\$10,000,000”.

14 (B) PROSPECTIVE REPEAL.—Effective 1
15 year after the date of enactment of this Act,
16 section 7(a)(3) of the Small Business Act (15
17 U.S.C. 636(a)(3)) is amended—

18 (i) in subparagraph (A)—

19 (I) by striking “\$9,000,000” and
20 inserting “\$3,750,000”; and

21 (II) by striking “\$10,000,000”
22 and inserting “\$5,000,000”; and

23 (ii) in subparagraph (B)—

24 (I) by striking “\$9,000,000” and
25 inserting “\$4,500,000”; and

1 (II) by striking “\$10,000,000”
2 and inserting “\$5,000,000”.

3 (y) TEMPORARY FEE REDUCTIONS.—

4 (1) ADMINISTRATIVE FEE WAIVER.—

5 (A) IN GENERAL.—During the period be-
6 ginning on the date of enactment of this Act
7 and ending on March 31, 2021, and to the ex-
8 tent that the cost of such elimination or reduc-
9 tion of fees is offset by appropriations, with re-
10 spect to each loan guaranteed under section
11 7(a) of the Small Business Act (15 U.S.C.
12 636(a)) (including a recipient of assistance
13 under the Community Advantage Pilot Program
14 of the Administration) for which an application
15 is approved or pending approval on or after the
16 date of enactment of this Act, the Adminis-
17 trator shall—

18 (i) in lieu of the fee otherwise applica-
19 ble under section 7(a)(23)(A) of the Small
20 Business Act (15 U.S.C. 636(a)(23)(A)),
21 collect no fee or reduce fees to the max-
22 imum extent possible; and

23 (ii) in lieu of the fee otherwise appli-
24 cable under section 7(a)(18)(A) of the
25 Small Business Act (15 U.S.C.

1 636(a)(18)(A)), collect no fee or reduce
2 fees to the maximum extent possible.

3 (B) APPLICATION OF FEE ELIMINATIONS
4 OR REDUCTIONS.—To the extent that amounts
5 are made available to the Administrator for the
6 purpose of fee eliminations or reductions under
7 subparagraph (A), the Administrator shall—

8 (i) first use any amounts provided to
9 eliminate or reduce fees paid by small busi-
10 ness borrowers under clauses (i) through
11 (iii) of section 7(a)(18)(A) of the Small
12 Business Act (15 U.S.C. 636(a)(18)(A)),
13 to the maximum extent possible; and

14 (ii) then use any amounts provided to
15 eliminate or reduce fees under 7(a)(23)(A)
16 of the Small Business Act (15 U.S.C.
17 636(a)(23)(A)).

18 (2) TEMPORARY FEE ELIMINATION FOR THE
19 504 LOAN PROGRAM.—

20 (A) IN GENERAL.—During the period be-
21 ginning on the date of enactment of this Act
22 and ending on March 31, 2021, and to the ex-
23 tent the cost of such elimination in fees is offset
24 by appropriations, with respect to each project
25 or loan guaranteed by the Administrator pursu-

1 ant to title V of the Small Business Investment
2 Act of 1958 (15 U.S.C. 695 et seq.) for which
3 an application is approved or pending approval
4 on or after the date of enactment of this Act—

5 (i) the Administrator shall, in lieu of
6 the fee otherwise applicable under section
7 503(d)(2) of the Small Business Invest-
8 ment Act of 1958 (15 U.S.C. 697(d)(2)),
9 collect no fee; and

10 (ii) a development company shall, in
11 lieu of the processing fee under section
12 120.971(a)(1) of title 13, Code of Federal
13 Regulations (relating to fees paid by bor-
14 rowers), or any successor regulation, col-
15 lect no fee.

16 (B) REIMBURSEMENT FOR WAIVED
17 FEES.—

18 (i) IN GENERAL.—To the extent that
19 the cost of such payments is offset by ap-
20 propriations, the Administrator shall reim-
21 burse each development company that does
22 not collect a processing fee pursuant to
23 subparagraph (A)(ii).

24 (ii) AMOUNT.—The payment to a de-
25 velopment company under clause (i) shall

1 be in an amount equal to 1.5 percent of
2 the net debenture proceeds for which the
3 development company does not collect a
4 processing fee pursuant to subparagraph
5 (A)(ii).

6 (z) RECOVERY ASSISTANCE UNDER THE MICROLOAN
7 PROGRAM.—

8 (1) LOANS TO INTERMEDIARIES.—

9 (A) IN GENERAL.—Section 7(m) of the
10 Small Business Act (15 U.S.C. 636(m)) is
11 amended—

12 (i) in paragraph (3)(C)—

13 (I) by striking “and \$6,000,000”
14 and inserting “\$10,000,000 (in the
15 aggregate)”; and

16 (II) by inserting before the pe-
17 riod at the end the following: “, and
18 \$4,500,000 in any of those remaining
19 years”;

20 (ii) in paragraph (4)—

21 (I) in subparagraph (A), by strik-
22 ing “subparagraph (C)” each place
23 that term appears and inserting “sub-
24 paragraphs (C) and (G)”;

1 (II) in subparagraph (C), by
2 amending clause (i) to read as follows:

3 “(i) IN GENERAL.—In addition to
4 grants made under subparagraph (A) or
5 (G), each intermediary shall be eligible to
6 receive a grant equal to 5 percent of the
7 total outstanding balance of loans made to
8 the intermediary under this subsection if—

9 “(I) the intermediary provides
10 not less than 25 percent of its loans
11 to small business concerns located in
12 or owned by 1 or more residents of an
13 economically distressed area; or

14 “(II) the intermediary has a
15 portfolio of loans made under this
16 subsection—

17 “(aa) that averages not
18 more than \$10,000 during the
19 period of the intermediary’s par-
20 ticipation in the program; or

21 “(bb) of which not less than
22 25 percent is serving rural areas
23 during the period of the
24 intermediary’s participation in
25 the program.”; and

1 (III) by adding at the end the
2 following:

3 “(G) GRANT AMOUNTS BASED ON APPRO-
4 PRIATIONS.—In any fiscal year in which the
5 amount appropriated to make grants under
6 subparagraph (A) is sufficient to provide to
7 each intermediary that receives a loan under
8 paragraph (1)(B)(i) a grant of not less than 25
9 percent of the total outstanding balance of
10 loans made to the intermediary under this sub-
11 section, the Administration shall make a grant
12 under subparagraph (A) to each intermediary
13 of not less than 25 percent and not more than
14 30 percent of that total outstanding balance for
15 the intermediary.”;

16 (iii) by striking paragraph (7) and in-
17 serting the following:

18 “(7) PROGRAM FUNDING FOR MICROLOANS.—
19 Under the program authorized by this subsection,
20 the Administration may fund, on a competitive basis,
21 not more than 300 intermediaries.”; and

22 (iv) in paragraph (11)—

23 (I) in subparagraph (C)(ii), by
24 striking all after the semicolon and in-
25 serting “and”; and

1 (II) by striking all after subpara-
2 graph (C), and inserting the following:

3 “(D) the term ‘economically distressed
4 area’, as used in paragraph (4), means a county
5 or equivalent division of local government of a
6 State in which the small business concern is lo-
7 cated, in which, according to the most recent
8 data available from the Bureau of the Census,
9 Department of Commerce, not less than 40 per-
10 cent of residents have an annual income that is
11 at or below the poverty level.”.

12 (B) PROSPECTIVE AMENDMENT.—Effective
13 on March, 2021, section 7(m)(3)(C) of the
14 Small Business Act (15 U.S.C. 636(m)(3)(C)),
15 as amended by subparagraph (A)(i), is amend-
16 ed—

17 (i) by striking “\$10,000,000” and by
18 inserting “\$7,000,000”; and

19 (ii) by striking “\$4,500,000” and in-
20 serting “\$3,000,000”.

21 (2) TEMPORARY WAIVER OF TECHNICAL AS-
22 SISTANCE GRANTS MATCHING REQUIREMENTS AND
23 FLEXIBILITY ON PRE- AND POST-LOAN ASSIST-
24 ANCE.—During the period beginning on the date of

1 enactment of this Act and ending on March 31,
2 2021, the Administration shall waive—

3 (A) the requirement to contribute non-Fed-
4 eral funds under section 7(m)(4)(B) of the
5 Small Business Act (15 U.S.C. 636(m)(4)(B));
6 and

7 (B) the limitation on amounts allowed to
8 be expended to provide information and tech-
9 nical assistance under clause (i) of section
10 7(m)(4)(E) of the Small Business Act (15
11 U.S.C. 636(m)(4)(E)) and enter into third-
12 party contracts to provide technical assistance
13 under clause (ii) of such section 7(m)(4)(E).

14 (3) TEMPORARY DURATION OF LOANS TO BOR-
15 ROWERS.—

16 (A) IN GENERAL.—During the period be-
17 ginning on the date of enactment of this Act
18 and ending on March 31, 2021, the duration of
19 a loan made by an eligible intermediary under
20 section 7(m) of the Small Business Act (15
21 U.S.C. 636(m))—

22 (i) to an existing borrower may be ex-
23 tended to not more than 8 years; and

24 (ii) to a new borrower may be not
25 more than 8 years.

1 (B) REVERSION.—On and after April 1,
2 2021, the duration of a loan made by an eligi-
3 ble intermediary to a borrower under section
4 7(m) of the Small Business Act (15 U.S.C.
5 636(m)) shall be 7 years or such other amount
6 established by the Administrator.

7 (4) FUNDING.—Section 20 of the Small Busi-
8 ness Act (15 U.S.C. 631 note) is amended by adding
9 at the end the following:

10 “(h) MICROLOAN PROGRAM.—For each of fiscal
11 years 2021 through 2025, the Administration is author-
12 ized to make—

13 “(1) \$80,000,000 in technical assistance grants,
14 as provided in section 7(m); and

15 “(2) \$110,000,000 in direct loans, as provided
16 in section 7(m).”.

17 (5) AUTHORIZATION OF APPROPRIATIONS.—In
18 addition to amounts provided under the Consolidated
19 Appropriations Act, 2020 (Public Law 116–93) for
20 the program established under section 7(m) of the
21 Small Business Act (15 U.S.C. 636(m)) and
22 amounts provided for fiscal year 2021 for that pro-
23 gram, there is authorized to be appropriated for fis-
24 cal year 2021, to remain available until expended—

1 (A) \$50,000,000 to provide technical as-
2 sistance grants under such section 7(m); and

3 (B) \$7,000,000 to provide direct loans
4 under such section 7(m).

5 (aa) REPEAL OF EIDL ADVANCE DEDUCTION.—Sec-
6 tion 1110(e)(6) of the CARES Act (15 U.S.C. 9009(e)(6))
7 is repealed.

8 (bb) DOCUMENTATION REQUIRED FOR CERTAIN ELI-
9 GIBLE RECIPIENTS.—Section 7(a)(36)(D)(ii)(II) of the
10 Small Business Act (15 U.S.C. 636(a)(36)(D)(ii)(II)) is
11 amended by striking “as is necessary” and all that follows
12 through the period at the end and inserting “as deter-
13 mined necessary by the Administrator and the Secretary,
14 to establish the applicant as eligible.”.

15 (cc) ELECTION OF 12-WEEK PERIOD BY SEASONAL
16 EMPLOYERS.—Section 7(a)(36)(E)(i)(I)(aa)(AA) of the
17 Small Business Act (15 U.S.C.
18 636(a)(36)(E)(i)(I)(aa)(AA)) is amended by striking “, in
19 the case of an applicant” and all that follows through
20 “June 30, 2019” and inserting the following: “an appli-
21 cant that is a seasonal employer shall use the average total
22 monthly payments for payroll for any 12-week period se-
23 lected by the seasonal employer between February 15,
24 2019, and December 31, 2019”.

1 (dd) INCLUSION OF CERTAIN REFINANCING IN NON-
2 RECOURSE REQUIREMENTS.—Section 7(a)(36)(F)(v) of
3 the Small Business Act (15 U.S.C. 636(a)(36)(F)(v)) is
4 amended by striking “clause (i)” and inserting “clause (i)
5 or (iv)”.

6 (ee) CREDIT ELSEWHERE REQUIREMENTS.—Section
7 7(a)(36)(I) of the Small Business Act (15 U.S.C.
8 636(a)(36)(I)) is amended to read as follows:

9 “(I) CREDIT ELSEWHERE.—The require-
10 ment that a small business concern is unable to
11 obtain credit elsewhere (as defined in section
12 3(h))—

13 “(i) shall not apply to—

14 “(I) a covered loan approved by
15 the Administrator before the date of
16 enactment of the Continuing the Pay-
17 check Protection Program Act; or

18 “(II) a covered loan made to—

19 “(aa) a nonprofit organiza-
20 tion;

21 “(bb) an entity described in
22 subparagraph (D)(vii); or

23 “(cc) an eligible recipient
24 that is a housing corporation (as
25 defined in section 216(b) of the

1 Internal Revenue Code of 1986);

2 and

3 “(ii) for covered loans that are ap-
4 proved by the Administrator on or after
5 the date of the enactment of the Con-
6 tinuing the Paycheck Protection Program
7 Act, shall only apply to a covered loan in
8 an amount greater than \$350,000 made to
9 an eligible recipient that is not described in
10 clause (i)(II).”.

11 (ff) PROHIBITION ON RECEIVING DUPLICATIVE
12 AMOUNTS FOR PAYROLL COSTS.—

13 (1) PAYCHECK PROTECTION PROGRAM.—Sec-
14 tion 7(a)(36)(G) of the Small Business Act (15
15 U.S.C. 636(a)(36)(G)) is amended—

16 (A) in the subparagraph heading, by strik-
17 ing “BORROWER REQUIREMENTS” and all that
18 follows through “eligible recipient applying”
19 and inserting “BORROWER CERTIFICATION RE-
20 QUIREMENTS.—An eligible recipient applying”;

21 (B) by redesignating subclauses (I)
22 through (IV) as clauses (i) through (iv), respec-
23 tively, and adjusting the margins accordingly;
24 and

25 (C) in clause (iv), as so redesignated—

1 (i) by striking “December 31, 2020”
2 and inserting “June 30, 2020”; and

3 (ii) by striking “the same purpose
4 and” and inserting “payments for payroll
5 costs incurred during such period”.

6 (2) TREASURY PROGRAM.—Section 1109(f) of
7 the CARES Act (15 U.S.C. 9008(f)) is amended—

8 (A) in paragraph (1), by striking “for the
9 same purpose” and inserting “for payments for
10 payroll costs (as defined in section 7(a)(36)(A)
11 of the Small Business Act (15 U.S.C.
12 636(a)(36)(A))”; and

13 (B) in paragraph (2), by striking “Decem-
14 ber 31, 2020” and inserting “June 30, 2020”.

15 (gg) APPLICATION OF CERTAIN TERMS THROUGH
16 LIFE OF COVERED LOAN.—Section 7(a)(36) of the Small
17 Business Act (15 U.S.C. 636(a)(36)) is amended—

18 (1) in subparagraph (H), in the matter pre-
19 ceding clause (i), by striking “During the covered
20 period, with” and inserting “With”;

21 (2) in subparagraph (J), in the matter pre-
22 ceding clause (i), by striking “During the covered
23 period, with” and inserting “With”; and

24 (3) in subparagraph (M)—

1 (A) in clause (ii), in the matter preceding
2 subclause (I), by striking “During the covered
3 period, the” and inserting “The”; and

4 (B) in clause (iii), by striking “During the
5 covered period, with” and inserting “With”.

6 (hh) INTEREST CALCULATION ON COVERED
7 LOANS.—Section 7(a)(36)(L) of the Small Business Act
8 (15 U.S.C. 636(a)(36)(L)) is amended by inserting “, cal-
9 culated on a non-compounding, non-adjustable basis”
10 after “4 percent”.

11 (ii) REIMBURSEMENT FOR PROCESSING.—Section
12 7(a)(36)(P) of the Small Business Act (15 U.S.C.
13 636(a)(36)(P)) is amended—

14 (1) in clause (ii), by adding at the end the fol-
15 lowing: “Such fees shall be paid by the eligible re-
16 cipient and may not be paid out of the proceeds of
17 a covered loan. A lender shall only be responsible for
18 paying fees to an agent for services for which the
19 lender directly contracts with the agent.”; and

20 (2) by amending clause (iii) to read as follows:

21 “(iii) TIMING.—A reimbursement de-
22 scribed in clause (i) shall be made not later
23 than 5 days after the reported disburse-
24 ment of the covered loan and may not be
25 required to be repaid by a lender unless

1 the lender is found guilty of an act of
2 fraud in connection with the covered
3 loan.”.

4 (jj) DUPLICATION REQUIREMENTS FOR ECONOMIC
5 INJURY DISASTER LOAN RECIPIENTS.—Section
6 7(a)(36)(Q) of the Small Business Act (15 U.S.C.
7 636(a)(36)(Q)) is amended by striking “during the period
8 beginning on January 31, 2020, and ending on the date
9 on which covered loans are made available”.

10 (kk) REAPPLICATION FOR AND MODIFICATION TO
11 PAYCHECK PROTECTION PROGRAM.—

12 (1) DEFINITIONS.—In this subsection, the
13 terms “covered loan” and “eligible recipient” have
14 the meanings given those terms in 7(a)(36)(A) of
15 the Small Business Act (15 U.S.C. 636(a)(36)(A)).

16 (2) RULES OR GUIDANCE.—Not later than 7
17 days after the date of enactment of this Act, the Ad-
18 ministrator shall issue rules or guidance to ensure
19 that an eligible recipient of a covered loan that re-
20 turns amounts disbursed under the covered loan or
21 does not accept the full amount of the covered loan
22 for which the eligible recipient was approved—

23 (A) in the case of an eligible recipient that
24 returned all or part of a covered loan, the eligi-
25 ble recipient may reapply for a covered loan for

1 an amount equal to the difference between the
2 amount retained and the maximum amount ap-
3 plicable; and

4 (B) in the case of an eligible recipient that
5 did not accept the full amount of a covered
6 loan, the eligible recipient may request a modi-
7 fication to increase the amount of the covered
8 loan to the maximum amount applicable, sub-
9 ject to the requirements of section 7(a)(36) of
10 the Small Business Act (15 U.S.C. 636(a)(36)).

11 (II) SUBSIDY FOR CERTAIN RURAL DEVELOPMENT
12 LOAN PAYMENTS.—

13 (1) DEFINITION OF COVERED LOAN.—In this
14 subsection, the term “covered loan” means—

15 (A) a community facilities guaranteed loan
16 under section 306(a) of the Consolidated Farm
17 and Rural Development Act (7 U.S.C.
18 1926(a));

19 (B) a business and industry guaranteed
20 loan under section 310B(g) of that Act (7
21 U.S.C. 1932(g));

22 (C) a loan that is made by an intermediary
23 lender to an ultimate recipient using a loan re-
24 ceived under section 1323 of the Food Security

1 Act of 1985 (7 U.S.C. 1932 note; Public Law
2 99–198); and

3 (D) a loan that is made by a microenter-
4 prise development organization to a microentre-
5 preneur under section 379E of the Consolidated
6 Farm and Rural Development Act (7 U.S.C.
7 2008s).

8 (2) PRINCIPAL AND INTEREST PAYMENTS.—

9 (A) IN GENERAL.—The Secretary of Agri-
10 culture (referred to in this subsection as the
11 “Secretary”) shall pay the principal, interest,
12 and any associated fees that are owed on a cov-
13 ered loan in a regular servicing status—

14 (i) with respect to a covered loan
15 made before the date of enactment of this
16 Act and not on deferment, for the 6-month
17 period beginning with the next payment
18 due on the covered loan;

19 (ii) with respect to a covered loan
20 made before the date of enactment of this
21 Act and on deferment, for the 6-month pe-
22 riod beginning with the next payment due
23 on the covered loan after the deferment pe-
24 riod; and

1 (iii) with respect to a covered loan
2 made during the period beginning on the
3 date of enactment of this Act and ending
4 on the date that is 6 months after that
5 date of enactment, for the 6-month period
6 beginning with the first payment due on
7 the covered loan.

8 (B) TIMING OF PAYMENT.—The Secretary
9 shall begin making payments under subpara-
10 graph (A) on a covered loan not later than 30
11 days after the date on which the first payment
12 described in that subparagraph is due.

13 (C) APPLICATION OF PAYMENT.—Any pay-
14 ment made by the Secretary under subpara-
15 graph (A) shall be applied to the covered loan
16 such that the borrower is relieved of the obliga-
17 tion to pay that amount.

18 (3) OTHER REQUIREMENTS.—The Secretary
19 shall—

20 (A) communicate and coordinate with the
21 Federal Deposit Insurance Corporation, the Of-
22 fice of the Comptroller of the Currency, and
23 State bank regulators to encourage those enti-
24 ties to not require lenders to increase their re-

1 serves on account of receiving payments made
2 by the Secretary under paragraph (2);

3 (B) waive statutory limits on maximum
4 loan maturities for any covered loan durations
5 where the lender provides a deferral and ex-
6 tends the maturity of covered loans during the
7 1-year period following the date of enactment of
8 this Act; and

9 (C) when necessary to provide more time
10 because of the potential of higher volumes, trav-
11 el restrictions, and the inability to access some
12 properties during the COVID–19 pandemic, ex-
13 tend lender site visit requirements to—

14 (i) not more than 60 days (which may
15 be extended at the discretion of the Sec-
16 retary) after the occurrence of an adverse
17 event, other than a payment default, caus-
18 ing a loan to be classified as in liquidation;
19 and

20 (ii) not more than 90 days after a
21 payment default.

22 (4) EFFECT.—Nothing in this subsection limits
23 the authority of the Secretary to make payments
24 pursuant to paragraph (2) with respect to a covered

1 loan solely because the covered loan has been sold in
2 the secondary market.

3 (5) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated to the Sec-
5 retary such sums as are necessary to carry out this
6 subsection.

7 (mm) MAXIMUM LOAN AMOUNT FOR 504 LOANS.—

8 (1) INCREASE IN LOAN LIMITS.—

9 (A) IN GENERAL.—Section 502(2)(A) of
10 the Small Business Investment Act of 1958 (15
11 U.S.C. 696(2)(A)) is amended—

12 (i) in clause (i), by striking
13 “\$5,000,000” and inserting
14 “\$10,000,000”;

15 (ii) in clause (ii), by striking
16 “\$5,000,000” and inserting
17 “\$10,000,000”;

18 (iii) in clause (iii), by striking
19 “\$5,500,000” and inserting
20 “\$10,000,000”;

21 (iv) in clause (iv), by striking
22 “\$5,500,000” and inserting
23 “\$10,000,000”; and

1 (v) in clause (v), by striking
2 “\$5,500,000” and inserting
3 “\$10,000,000”.

4 (B) PROSPECTIVE REPEAL.—Effective 1
5 year after the date of enactment of this Act,
6 section 502(2)(A) of the Small Business Invest-
7 ment Act of 1958 (15 U.S.C. 696(2)(A)) is
8 amended—

9 (i) in clause (i), by striking
10 “\$10,000,000” and inserting
11 “\$5,000,000”;

12 (ii) in clause (ii), by striking
13 “\$10,000,000” and inserting
14 “\$5,000,000”;

15 (iii) in clause (iii), by striking
16 “\$10,000,000” and inserting
17 “\$6,500,000”;

18 (iv) in clause (iv), by striking
19 “\$10,000,000” and inserting
20 “\$5,500,000”; and

21 (v) in clause (v), by striking
22 “\$10,000,000” and inserting
23 “\$5,500,000”.

24 (2) LOW-INTEREST REFINANCING UNDER THE
25 LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.—

1 (A) REPEAL.—Section 521(a) of title V of
2 division E of the Consolidated Appropriations
3 Act, 2016 (15 U.S.C. 696 note) is repealed.

4 (B) REFINANCING.—Section 502(7) of the
5 Small Business Investment Act of 1958 (15
6 U.S.C. 696(7)) is amended—

7 (i) in subparagraph (B), in the matter
8 preceding clause (i), by striking “50” and
9 inserting “100”; and

10 (ii) by adding at the end the fol-
11 lowing:

12 “(C) REFINANCING NOT INVOLVING EX-
13 PANSIONS.—

14 “(i) DEFINITIONS.—In this subpara-
15 graph—

16 “(I) the term ‘borrower’ means a
17 small business concern that submits
18 an application to a development com-
19 pany for financing under this sub-
20 paragraph;

21 “(II) the term ‘eligible fixed
22 asset’ means tangible property relat-
23 ing to which the Administrator may
24 provide financing under this section;
25 and

1 “(III) the term ‘qualified debt’
2 means indebtedness—

3 “(aa) that was incurred not
4 less than 6 months before the
5 date of the application for assist-
6 ance under this subparagraph;

7 “(bb) that is a commercial
8 loan;

9 “(cc) the proceeds of which
10 were used to acquire an eligible
11 fixed asset;

12 “(dd) that was incurred for
13 the benefit of the small business
14 concern; and

15 “(ee) that is collateralized
16 by eligible fixed assets.

17 “(ii) **AUTHORITY.**—A project that
18 does not involve the expansion of a small
19 business concern may include the refi-
20 nancing of qualified debt if—

21 “(I) the amount of the financing
22 is not more than 90 percent of the
23 value of the collateral for the financ-
24 ing, except that, if the appraised value
25 of the eligible fixed assets serving as

1 collateral for the financing is less than
2 the amount equal to 125 percent of
3 the amount of the financing, the bor-
4 rower may provide additional cash or
5 other collateral to eliminate any defi-
6 ciency;

7 “(II) the borrower has been in
8 operation for all of the 2-year period
9 ending on the date the loan applica-
10 tion is submitted; and

11 “(III) for a financing for which
12 the Administrator determines there
13 will be an additional cost attributable
14 to the refinancing of the qualified
15 debt, the borrower agrees to pay a fee
16 in an amount equal to the anticipated
17 additional cost.

18 “(iii) FINANCING FOR BUSINESS EX-
19 PENSES.—

20 “(I) FINANCING FOR BUSINESS
21 EXPENSES.—The Administrator may
22 provide financing to a borrower that
23 receives financing that includes a refi-
24 nancing of qualified debt under clause
25 (ii), in addition to the refinancing

1 under clause (ii), to be used solely for
2 the payment of business expenses.

3 “(II) APPLICATION FOR FINANCING.—An application for financing
4 under subclause (I) shall include—
5

6 “(aa) a specific description
7 of the expenses for which the ad-
8 ditional financing is requested;
9 and

10 “(bb) an itemization of the
11 amount of each expense.

12 “(III) CONDITION ON ADDI-
13 TIONAL FINANCING.—A borrower may
14 not use any part of the financing
15 under this clause for non-business
16 purposes.

17 “(iv) LOANS BASED ON JOBS.—

18 “(I) JOB CREATION AND RETEN-
19 TION GOALS.—

20 “(aa) IN GENERAL.—The
21 Administrator may provide fi-
22 nancing under this subparagraph
23 for a borrower that meets the job
24 creation goals under subsection
25 (d) or (e) of section 501.

1 for a loan under this sub-
2 paragraph, by

3 “(BB) the quotient ob-
4 tained by dividing the aver-
5 age number of hours each
6 part time employee of the
7 borrower works each week
8 by 40.

9 “(v) TOTAL AMOUNT OF LOANS.—The
10 Administrator may provide not more than
11 a total of \$7,500,000,000 of financing
12 under this subparagraph for each fiscal
13 year.”.

14 (3) EXPRESS LOAN AUTHORITY FOR ACCRED-
15 ITED LENDERS.—

16 (A) IN GENERAL.—Section 507 of the
17 Small Business Investment Act of 1958 (15
18 U.S.C. 697d) is amended by striking subsection
19 (e) and inserting the following:

20 “(e) EXPRESS LOAN AUTHORITY.—A local develop-
21 ment company designated as an accredited lender in ac-
22 cordance with subsection (b)—

23 “(1) may—

1 “(A) approve, authorize, close, and service
2 covered loans that are funded with proceeds of
3 a debenture issued by the company; and

4 “(B) authorize the guarantee of a debenture described in subparagraph (A); and

5 “(2) with respect to a covered loan, shall be
6 subject to final approval as to eligibility of any guarantee by the Administration pursuant to section
7 503(a), but such final approval shall not include review of decisions by the lender involving creditworthiness, loan closing, or compliance with legal requirements imposed by law or regulation.

8 “(f) DEFINITIONS.—In this section—

9 “(1) the term ‘accredited lender certified company’ means a certified development company that meets the requirements under subsection (b), including a certified development company that the Administration has designated as an accredited lender under that subsection;

10 “(2) the term ‘covered loan’—

11 “(A) means a loan made under section 502 in an amount that is not more than \$500,000; and

12 “(B) does not include a loan made to a borrower that is a franchise that, or is in an in-

1 industry that, has a high rate of default, as annu-
2 ally determined by the Administrator; and

3 “(3) the term ‘qualified State or local develop-
4 ment company’ has the meaning given the term in
5 section 503(e).”.

6 (B) PROSPECTIVE REPEAL.—Effective on
7 September 30, 2023, section 507 of the Small
8 Business Investment Act of 1958 (15 U.S.C.
9 697d), as amended by subparagraph (A), is
10 amended by striking subsections (e) and (f) and
11 inserting the following:

12 “(e) DEFINITION.—In this section, the term ‘quali-
13 fied State or local development company’ has the meaning
14 given the term in section 503(e).”.

15 (4) REFINANCING SENIOR PROJECT DEBT.—
16 During the 1-year period beginning on the date of
17 enactment of this Act, a development company de-
18 scribed in title V of the Small Business Investment
19 Act of 1958 (15 U.S.C. 695 et seq.) is authorized
20 to allow the refinancing of a senior loan on an exist-
21 ing project in an amount that, when combined with
22 the outstanding balance on the development com-
23 pany loan, is not more than 90 percent of the total
24 loan to value. Proceeds of such refinancing can be
25 used to support business operating expenses.

1 (nn) EXTENSION OF PARTICIPATION IN 8(a) PRO-
2 GRAM.—

3 (1) IN GENERAL.—The Administrator shall en-
4 sure that a small business concern participating in
5 the program established under section 8(a) of the
6 Small Business Act (15 U.S.C. 637(a)) on or before
7 September 9, 2020, may elect to extend such partici-
8 pation by a period of 1 year, regardless of whether
9 the small business concern previously elected to sus-
10 pend participation in the program pursuant to guid-
11 ance of the Administrator.

12 (2) EMERGENCY RULEMAKING AUTHORITY.—
13 Not later than 15 days after the date of enactment
14 of this Act, the Administrator shall issue regulations
15 to carry out this subsection without regard to the
16 notice requirements under section 553(b) of title 5,
17 United States Code.

18 (oo) TARGETED EIDL ADVANCE FOR SMALL BUSI-
19 NESS CONTINUITY, ADAPTATION, AND RESILIENCY.—

20 (1) DEFINITIONS.—In this subsection:

21 (A) AGRICULTURAL ENTERPRISE.—The
22 term “agricultural enterprise” has the meaning
23 given the term in section 18(b) of the Small
24 Business Act (15 U.S.C. 647(b)).

1 (B) COVERED ENTITY.—The term “cov-
2 ered entity”—

3 (i) means any entity that, during the
4 covered period, is eligible for a loan made
5 under section 7(b)(2) of the Small Busi-
6 ness Act (15 U.S.C. 636(b)(2)) (as ex-
7 panded under section 1110(b) of the
8 CARES Act (15 U.S.C. 9009(b))), if that
9 entity—

10 (I) has not more than 25 employ-
11 ees; and

12 (II) has suffered an economic
13 loss of not less than 30 percent; and

14 (III) except with respect to an
15 entity included under section
16 123.300(e) of title 13, Code of Fed-
17 eral Regulations, or any successor
18 regulation, does not include an agri-
19 cultural enterprise.

20 (C) COVERED PERIOD.—The term “cov-
21 ered period” means the period beginning on the
22 date of enactment of this Act and ending on
23 December 31, 2021.

1 (D) ECONOMIC LOSS.—The term “eco-
2 nomic loss” means, with respect to a covered
3 entity—

4 (i) the amount by which the gross re-
5 ceipts of the covered entity declined during
6 an 8-week period between March 2, 2020,
7 and December 31, 2021, relative to a com-
8 parable 8-week period immediately pre-
9 ceding March 2, 2020, or during 2019; or

10 (ii) if the covered entity is a seasonal
11 business concern, such other amount deter-
12 mined appropriate by the Administrator.

13 (E) ECONOMICALLY DISADVANTAGED INDI-
14 VIDUAL.—The term “economically disadvan-
15 taged individual” means an economically dis-
16 advantaged individual under section 124.104 of
17 title 13, Code of Federal Regulations, or any
18 successor regulation.

19 (F) LOW-INCOME COMMUNITY.—The term
20 “low-income community” has the meaning given
21 the term in section 45D(e) of the Internal Rev-
22 enue Code of 1986.

23 (G) SOCIALLY DISADVANTAGED INDI-
24 VIDUAL.—The term “socially disadvantaged in-
25 dividual” means a socially disadvantaged indi-

1 vidual under section 124.103 of title 13, Code
2 of Federal Regulations, or any successor regula-
3 tion.

4 (2) PROCEDURE.—During the covered period, a
5 covered entity that applies for a loan under section
6 7(b)(2) of the Small Business Act (15 U.S.C.
7 636(b)(2)) may request that the Administrator pro-
8 vide funding for the purposes described in paragraph
9 (6).

10 (3) VERIFICATION.—

11 (A) IN GENERAL.—With respect to each
12 request submitted by an entity under paragraph
13 (2), the Administrator shall—

14 (i) not later than 14 days after the
15 date on which the Administrator receives
16 the request, verify whether the entity is a
17 covered entity; and

18 (ii) if the Administrator, under clause
19 (i), verifies that the entity is a covered en-
20 tity (and subject to paragraph (7)), dis-
21 burse the funding requested by the covered
22 entity not later than 7 days after the date
23 on which the Administrator completes the
24 verification.

1 (4) ORDER OF PROCESSING.—Subject to para-
2 graph (8), the Administrator shall process and ap-
3 prove requests submitted under paragraph (2) in the
4 order the Administrator receives the requests.

5 (5) AMOUNT OF FUNDING.—

6 (A) IN GENERAL.—The amount of funding
7 provided to a covered entity that submits a re-
8 quest under paragraph (2) shall be in an
9 amount that is the lesser of—

10 (i) the amount of working capital
11 needed by the covered entity for the 180-
12 day period beginning on the date on which
13 the covered entity would receive the fund-
14 ing, as determined by the Administrator
15 using a methodology that is identical to the
16 methodology used by the Administrator to
17 determine working capital needs with re-
18 spect to an application for a loan sub-
19 mitted under section 7(b)(2) of the Small
20 Business Act (15 U.S.C. 636(b)(2)); or

21 (ii) \$50,000.

22 (B) ENTITLEMENT TO FULL AMOUNT.—A
23 covered entity that receives funding pursuant to
24 a request submitted under paragraph (2) shall
25 be entitled to receive the full amount of that

1 funding, as determined under subparagraph
2 (A), without regard to—

3 (i) if the applicable loan for which the
4 covered entity has applied under section
5 7(b)(2) of the Small Business Act (15
6 U.S.C. 636(b)(2)) is approved, the amount
7 of the loan;

8 (ii) whether the covered entity accepts
9 the offer of the Administrator with respect
10 to an approved loan described in clause (i);
11 or

12 (iii) whether the covered entity has
13 previously received—

14 (I) any amounts under section
15 1110(e) of the CARES Act (15
16 U.S.C. 9009(e)); or

17 (II) a loan under section 7(a)(36)
18 of the Small Business Act (15 U.S.C.
19 636(a)(36)).

20 (6) USE OF FUNDS.—A covered entity that re-
21 ceives funding under this subsection—

22 (A) may use the funding—

23 (i) for any purpose for which a loan
24 received under section 7(b)(2) of the Small

1 Business Act (15 U.S.C. 636(b)(2)) may
2 be used;

3 (ii) for working capital needs, includ-
4 ing investments to implement adaptive
5 changes or resiliency strategies to help the
6 covered entity maintain business continuity
7 during the COVID–19 pandemic; or

8 (iii) to repay any unpaid amount of—

9 (I) a loan received under sub-
10 section (a)(36) or (b)(2) of section 7
11 of the Small Business Act (15 U.S.C.
12 636); or

13 (II) mortgage interest; and

14 (B) may not use the funding to pay any
15 loan debt, except as provided in subparagraph
16 (A)(iii).

17 (7) APPLICABILITY.—In addition to any other
18 restriction imposed under this subsection, any eligi-
19 bility restriction applicable to a loan made under
20 section 7(b)(2) of the Small Business Act (15 U.S.C.
21 636(b)(2)), including any restriction under section
22 123.300 or 123.301 of title 13, Code of Federal
23 Regulations, or any successor regulation, shall apply
24 with respect to funding provided under this sub-
25 section.

1 (8) PRIORITY.—During the 56-day period be-
2 ginning on the date of enactment of this Act, the
3 Administrator may approve a request for funding
4 under this subsection only if the request is sub-
5 mitted by—

6 (A) a covered entity located in a low-in-
7 come community;

8 (B) a covered entity owned or controlled by
9 a veteran or a member of the Armed Forces; or

10 (C) a covered entity owned or controlled by
11 an economically disadvantaged individual or a
12 socially disadvantaged individual.

13 (9) ADMINISTRATION.—In carrying out this
14 subsection, the Administrator may rely on loan offi-
15 cers and other personnel of the Office of Disaster
16 Assistance of the Administration and other resources
17 of the Administration, including contractors of the
18 Administration.

19 (10) RETROACTIVE EFFECT.—Any covered enti-
20 ty that, during the period beginning on February 15,
21 2020, and ending on the day before the date of en-
22 actment of this Act, applied for a loan under section
23 7(b)(2) of the Small Business Act (15 U.S.C.
24 636(b)(2)) may submit to the Administrator a re-
25 quest under paragraph (2) with respect to that loan.

1 (11) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated to the Ad-
3 ministrator \$25,000,000,000 to carry out this sub-
4 section—

5 (A) which shall remain available through
6 December 31, 2021; and

7 (B) of which \$25,000,000 is authorized to
8 be appropriated to the Inspector General of the
9 Administration to prevent waste, fraud, and
10 abuse with respect to funding provided under
11 this subsection.

12 (pp) EMERGENCY EIDL GRANTS.—Section 1110 of
13 the CARES Act (15 U.S.C. 9009) is amended—

14 (1) in subsection (a)(1), by striking “December
15 31, 2020” and inserting “December 31, 2021”;

16 (2) in subsection (d), by striking paragraphs
17 (1) and (2) and inserting the following:

18 “(1) approve an applicant—

19 “(A) based solely on the credit score of the
20 applicant; or

21 “(B) by using alternative appropriate
22 methods to determine an applicant’s ability to
23 repay; and

24 “(2) use information from the Department of
25 the Treasury to confirm that—

1 size standard established by the
2 Administrator for the applicable
3 code shall be eligible to receive a
4 covered loan for expenses associ-
5 ated with an individual physical
6 location of that business concern
7 to support the continued provi-
8 sion of local news, information,
9 content, or emergency informa-
10 tion; or

11 “(bb) was not eligible to re-
12 ceive a covered loan the day be-
13 fore the date of enactment of this
14 clause, has a trade or business
15 that falls under a North Amer-
16 ican Industry Classification Sys-
17 tem code beginning with 5151 as
18 a public broadcast entity (as de-
19 fined in section 397(11) of the
20 Communications Act of 1934 (47
21 U.S.C. 397(11)), and is a non-
22 profit organization or another or-
23 ganization otherwise subject to
24 section 511(a)(2) of the Internal
25 Revenue Code of 1986, shall be

1 eligible to receive a covered loan
2 for expenses to support the con-
3 tinued provision of local news, in-
4 formation, content, or emergency
5 information by such entity;

6 “(II) that was not eligible to re-
7 ceive a covered loan the day before the
8 date of enactment of this subclause, is
9 assigned a North American Industry
10 Classification System code of 519130,
11 is identified as a Internet-only news
12 publisher or Internet-only periodical
13 publisher, and is engaged in the col-
14 lection and distribution of local or re-
15 gional and national news and informa-
16 tion shall be eligible to receive a cov-
17 ered loan for expenses to support the
18 continued provision of news, informa-
19 tion, content, or emergency informa-
20 tion; or

21 “(III) shall, notwithstanding sub-
22 clauses (I) and (II), be eligible to re-
23 ceive a covered loan with respect to an
24 individual physical location if—

1 “(aa) the individual physical
2 location—

3 “(AA) is assigned a
4 North American Industry
5 Classification System code
6 beginning with 511110,
7 515112, or 515120;

8 “(BB) has a trade or
9 business that falls under a
10 North American Industry
11 Classification System code
12 beginning with 5151 as a
13 public broadcast entity (as
14 defined in section 397(11) of
15 the Communications Act of
16 1934 (47 U.S.C. 397(11))
17 and is a nonprofit organiza-
18 tion or another organization
19 otherwise subject to section
20 511(a)(2) of the Internal
21 Revenue Code of 1986; or

22 “(CC) is identified as
23 an Internet-only news pub-
24 lisher or Internet-only peri-
25 odical publisher and as-

1 signed a North American In-
2 dustry Classification System
3 code of 519130;

4 “(bb) is not an entity de-
5 scribed in paragraph
6 (37)(A)(v)(III)(aa); and

7 “(cc) at the time of dis-
8 bursal, the individual physical lo-
9 cation—

10 “(AA) does not exceed
11 the size standard established
12 by the Administrator for the
13 applicable code;

14 “(BB) has not more
15 than 200 employees, oper-
16 ates under a sole proprietor-
17 ship or as an independent
18 contractor, or is an eligible
19 self-employed individual; and

20 “(CC) has reduced
21 gross revenues that meet the
22 requirements described in
23 paragraph (37)(A)(v)(I)(cc)
24 or has net profits, deter-
25 mined on an earnings before

1 interest, taxes, depreciation,
2 and amortization basis, for
3 2020 that are not more than
4 70 percent of net profits, de-
5 termined on such basis, for
6 2019.”.

7 **Subtitle B—Unemployment** 8 **Insurance Provisions**

9 **SEC. 1201. EXTENSION OF PANDEMIC UNEMPLOYMENT AS-** 10 **SISTANCE.**

11 (a) **EXTENSION.**—Section 2102(c)(1)(A)(ii) of divi-
12 sion A of the CARES Act (15 U.S.C. 9021(c)(1)(A)(ii))
13 is amended by striking “December 31, 2020” and insert-
14 ing “April 19, 2021”.

15 (b) **INCREASING NUMBER OF WEEKS.**—Section
16 2102(c)(2) of division A of the CARES Act (15 U.S.C.
17 9021(c)(2)) is amended—

18 (1) by striking “39 weeks” and inserting “55
19 weeks”; and

20 (2) by striking “39-week period” and inserting
21 “55-week period”.

22 (c) **WAIVER AUTHORITY FOR CERTAIN OVERPAY-**
23 **MENTS OF PANDEMIC UNEMPLOYMENT ASSISTANCE.**—
24 Section 2102(d) of division A of the CARES Act (15

1 U.S.C. 9021(d)) is amended by adding at the end the fol-
2 lowing:

3 “(4) WAIVER AUTHORITY.—In the case of indi-
4 viduals who have received amounts of Pandemic Un-
5 employment Assistance to which they were not enti-
6 tled, the State shall require such individuals to repay
7 the amounts of such Pandemic Unemployment As-
8 sistance to the State agency, except that the State
9 agency shall waive such repayment if it determines
10 that—

11 “(A) the payment of such Pandemic Un-
12 employment Assistance was without fault on the
13 part of any such individual; and

14 “(B) such repayment would be contrary to
15 equity and good conscience.”.

16 (d) CERTIFICATION OF EMPLOYMENT.—

17 (1) IN GENERAL.—Section 2102(a)(3)(A) of the
18 Relief for Workers Affected by Coronavirus Act
19 (contained in subtitle A of title II of division A of
20 the CARES Act (15 U.S.C. 9021(a)(3)(A)) is
21 amended—

22 (A) in clause (i), by striking “and” at the
23 end; and

24 (B) by inserting after clause (ii) the fol-
25 lowing:

1 “(iii) provides documentation to sub-
2 stantiate employment or self-employment
3 or the planned commencement of employ-
4 ment or self-employment not later than 21
5 days after the date on which the individual
6 submits an application for assistance under
7 this section or has shown good cause under
8 applicable State law (or as determined by
9 the Secretary of Labor) for failing to sub-
10 mit such documentation by the deadline, in
11 accordance with section 625.6(e) of title
12 20, Code of Federal Regulations, or any
13 successor thereto, except that the Sec-
14 retary of Labor may waive requirements
15 that would otherwise apply under this pro-
16 vision to provide State administrative flexi-
17 bility and ensure that individuals who
18 make a good-faith effort to submit the re-
19 quired documentation in a timely manner
20 are not deemed ineligible for Pandemic
21 Unemployment Assistance; and”.

22 (2) APPLICABILITY.—

23 (A) IN GENERAL.—The amendments made
24 by paragraph (1) shall apply to any individual
25 who applies for pandemic unemployment assist-

1 ance under section 2102 of division A of the
2 CARES Act (15 U.S.C. 9021) on or after Jan-
3 uary 1, 2021.

4 (B) SPECIAL RULE.—An individual who
5 received pandemic unemployment assistance
6 under section 2102 of division A of the CARES
7 Act (15 U.S.C. 9021) for any week ending be-
8 fore the date of enactment of this Act shall not
9 be considered ineligible for such assistance for
10 such week solely by reason of failure to submit
11 documentation described in clause (iii) of sub-
12 section (a)(3)(A) of such section 2102, as
13 added by paragraph (1).

14 (e) HOLD HARMLESS FOR PANDEMIC UNEMPLOY-
15 MENT ASSISTANCE.—

16 (1) IN GENERAL.—Section 2102(c) of division
17 A of the CARES Act (15 U.S.C. 9021(c)) is amend-
18 ed by adding at the end the following:

19 “(4) CONTINUED ELIGIBILITY FOR ASSIST-
20 ANCE.—As a condition of continued eligibility for as-
21 sistance under this section, a covered individual shall
22 submit a recertification to the State for each week
23 after the individual’s 1st week of eligibility that cer-
24 tifies that—

1 “(A) the individual’s loss of employment is
2 attributable to 1 or more of the criteria de-
3 scribed in items (aa) through (kk) of subsection
4 (a)(3)(A)(ii)(I); and

5 “(B) the individual remains unemployed
6 for such week.”.

7 (2) EFFECTIVE DATE; SPECIAL RULE.—

8 (A) IN GENERAL.—The amendment made
9 by paragraph (1) shall apply with respect to
10 weeks beginning on or after the date that is 30
11 days after the date of enactment of this section.

12 (B) SPECIAL RULE.—In the case of any
13 State that made a good faith effort to imple-
14 ment section 2102 of division A of the CARES
15 Act (15 U.S.C. 9021) in accordance with rules
16 similar to those provided in section 625.6 of
17 title 20, Code of Federal Regulations, for weeks
18 ending before the effective date specified in sub-
19 paragraph (A) an individual who received pan-
20 demic unemployment assistance from such
21 State for any such week shall not be considered
22 ineligible for such assistance for such week sole-
23 ly by reason of failure to submit a recertifi-
24 cation described in subsection (c)(4) of such
25 section 2102, as amended by paragraph (1).

1 (f) **HOLD HARMLESS FOR PROPER ADMINISTRA-**
2 **TION.**—In the case of an individual who is eligible to re-
3 ceive pandemic unemployment assistance under section
4 2102 division A of the CARES Act (15 U.S.C. 9021)) as
5 of the day before the date of enactment of this Act and
6 on the date of enactment of this Act becomes eligible for
7 pandemic emergency unemployment compensation under
8 section 2107 of division A of the CARES Act (15 U.S.C.
9 9025) by reason of the amendments made by section
10 1206(b) of this Act, any payment of pandemic unemploy-
11 ment assistance under section such 2102 made after the
12 date of enactment of this Act to such individual during
13 an appropriate period of time, as determined by the Sec-
14 retary of Labor, that should have been made under such
15 section 2107 shall not be considered to be an overpayment
16 of assistance under such section 2102.

17 (g) **LIMITATION.**—In the case of a covered individual
18 whose first application for unemployment benefit assist-
19 ance under section 2102 of division A of the CARES Act
20 (15 U.S.C. 9021) is filed after the date of enactment of
21 this Act, subsection (c)(1)(A)(i) of such section 2102 shall
22 be applied by substituting “December 1, 2020” for “Janu-
23 ary 27, 2020”.

24 (h) **EFFECTIVE DATE.**—The amendments made by
25 subsections (a), (b), and (c) shall apply as if included in

1 the enactment of the CARES Act (Public Law 116–136),
2 except that no amount shall be payable by virtue of such
3 amendments with respect to any week of unemployment
4 commencing before the date of the enactment of this Act.

5 **SEC. 1202. EXTENSION OF EMERGENCY UNEMPLOYMENT**
6 **RELIEF FOR GOVERNMENTAL ENTITIES AND**
7 **NONPROFIT ORGANIZATIONS.**

8 Section 903(i)(1)(D) of the Social Security Act (42
9 U.S.C. 1103(i)(1)(D)) is amended by striking “December
10 31, 2020” and inserting “April 19, 2021”.

11 **SEC. 1203. EXTENSION OF FEDERAL PANDEMIC UNEMPLOY-**
12 **MENT COMPENSATION.**

13 (a) IN GENERAL.—Section 2104(e) of division A of
14 the CARES Act (15 U.S.C. 9023(e)) is amended to read
15 as follows:

16 “(e) APPLICABILITY.—An agreement entered into
17 under this section shall apply—

18 “(1) to weeks of unemployment beginning after
19 the date on which such agreement is entered into
20 and ending on or before July 31, 2020; and

21 “(2) to weeks of unemployment beginning after
22 December 26, 2020 (or, if later, the date on which
23 such agreement is entered into), and ending on or
24 before April 19, 2021.”.

25 (b) AMOUNT.—

1 (1) IN GENERAL.—Section 2104(b) of division
2 A of the CARES Act (15 U.S.C. 9023(b)) is amend-
3 ed—

4 (A) in paragraph (1)(B), by striking “of
5 \$600” and inserting “equal to the amount spec-
6 ified in paragraph (3)”; and

7 (B) by adding at the end the following new
8 paragraph:

9 “(3) AMOUNT OF FEDERAL PANDEMIC UNEM-
10 PLOYMENT COMPENSATION.—

11 “(A) IN GENERAL.—The amount specified
12 in this paragraph is the following amount:

13 “(i) For weeks of unemployment be-
14 ginning after the date on which an agree-
15 ment is entered into under this section and
16 ending on or before July 31, 2020, \$600.

17 “(ii) For weeks of unemployment be-
18 ginning after December 26, 2020 (or, if
19 later, the date on which such agreement is
20 entered into), and ending on or before
21 April 19, 2021, \$300.”.

22 (2) TECHNICAL AMENDMENT REGARDING AP-
23 PLICATION TO SHORT-TIME COMPENSATION PRO-
24 GRAMS AND AGREEMENTS.—Section 2104(i)(2) of

1 division A of the CARES Act (15 U.S.C. 9023(i)(2))
2 is amended—

3 (A) in subparagraph (C), by striking
4 “and” at the end;

5 (B) in subparagraph (D), by striking the
6 period at the end and inserting “; and”; and

7 (C) by adding at the end the following:

8 “(E) short-time compensation under sec-
9 tion 2108 or 2109.”.

10 **SEC. 1204. EXTENSION OF FULL FEDERAL FUNDING OF THE**
11 **FIRST WEEK OF COMPENSABLE REGULAR**
12 **UNEMPLOYMENT FOR STATES WITH NO WAIT-**
13 **ING WEEK.**

14 Section 2105(e)(2) of division A of the CARES Act
15 (15 U.S.C. 9024(e)(2)) is amended by striking “December
16 31, 2020” and inserting “April 19, 2021”.

17 **SEC. 1205. EXTENSION OF EMERGENCY STATE STAFFING**
18 **FLEXIBILITY.**

19 Section 4102(b) of division D of the Families First
20 Coronavirus Response Act (26 U.S.C. 3304 note), in the
21 second sentence, is amended by striking “December 31,
22 2020” and inserting “April 19, 2021”.

1 **SEC. 1206. EXTENSION OF PANDEMIC EMERGENCY UNEM-**
2 **PLOYMENT COMPENSATION.**

3 (a) EXTENSION.—Section 2107(g) of division A of
4 the CARES Act (15 U.S.C. 9025(g)) is amended by strik-
5 ing “December 31, 2020” and inserting “April 19, 2021”.

6 (b) INCREASE IN NUMBER OF WEEKS.—Section
7 2107(b)(2) of division A of the CARES Act (15 U.S.C.
8 9025(b)(2)) is amended by striking “13 weeks” and in-
9 serting “29 weeks”.

10 (c) COORDINATION RULES.—

11 (1) COORDINATION OF PANDEMIC EMERGENCY
12 UNEMPLOYMENT COMPENSATION WITH REGULAR
13 COMPENSATION.—Section 2107(b) of division A of
14 the CARES Act (15 U.S.C. 9025(b)) is amended by
15 adding at the end the following:

16 “(7) COORDINATION OF PANDEMIC EMERGENCY
17 UNEMPLOYMENT COMPENSATION WITH REGULAR
18 COMPENSATION.—

19 “(A) IN GENERAL.—If—

20 “(i) an individual has been determined
21 to be entitled to pandemic emergency un-
22 employment compensation with respect to
23 a benefit year;

24 “(ii) that benefit year has expired;

25 “(iii) that individual has remaining
26 entitlement to pandemic emergency unem-

1 ployment compensation with respect to
2 that benefit year; and

3 “(iv) that individual would qualify for
4 a new benefit year in which the weekly
5 benefit amount of regular compensation is
6 at least \$25 less than the individual’s
7 weekly benefit amount in the benefit year
8 referred to in clause (i),

9 then the State shall determine eligibility for
10 compensation as provided in subparagraph (B).

11 “(B) DETERMINATION OF ELIGIBILITY.—
12 For individuals described in subparagraph (A),
13 the State shall determine whether the individual
14 is to be paid pandemic emergency unemploy-
15 ment compensation or regular compensation for
16 a week of unemployment using one of the fol-
17 lowing methods:

18 “(i) The State shall, if permitted by
19 State law, establish a new benefit year, but
20 defer the payment of regular compensation
21 with respect to that new benefit year until
22 exhaustion of all pandemic emergency un-
23 employment compensation payable with re-
24 spect to the benefit year referred to in sub-
25 paragraph (A)(i).

1 “(ii) The State shall, if permitted by
2 State law, defer the establishment of a new
3 benefit year (which uses all the wages and
4 employment which would have been used to
5 establish a benefit year but for the applica-
6 tion of this subparagraph), until exhaus-
7 tion of all pandemic emergency unemploy-
8 ment compensation payable with respect to
9 the benefit year referred to in subpara-
10 graph (A)(i).

11 “(iii) The State shall pay, if permitted
12 by State law—

13 “(I) regular compensation equal
14 to the weekly benefit amount estab-
15 lished under the new benefit year; and

16 “(II) pandemic emergency unem-
17 ployment compensation equal to the
18 difference between that weekly benefit
19 amount and the weekly benefit
20 amount for the expired benefit year.

21 “(iv) The State shall determine rights
22 to pandemic emergency unemployment
23 compensation without regard to any rights
24 to regular compensation if the individual

1 elects to not file a claim for regular com-
2 pensation under the new benefit year.”.

3 (2) COORDINATION OF PANDEMIC EMERGENCY
4 UNEMPLOYMENT COMPENSATION WITH EXTENDED
5 BENEFITS.—

6 (A) INDIVIDUALS RECEIVING EXTENDED
7 BENEFITS AS OF THE DATE OF ENACTMENT.—

8 Section 2107(a)(5) of division A of the CARES
9 Act (15 U.S.C. 9025(a)(5)) is amended—

10 (i) by striking “RULE.—An agree-
11 ment” and inserting the following:

12 “RULES.—

13 “(A) IN GENERAL.—Subject to subpara-
14 graph (B), an agreement”; and

15 (ii) by adding at the end the fol-
16 lowing:

17 “(B) SPECIAL RULE.—In the case of an
18 individual who is receiving extended compensa-
19 tion under the State law for the week that in-
20 cludes the date of enactment of this subpara-
21 graph (without regard to the amendments made
22 by subsections (a) and (b) of section 1206 of
23 the Emergency Coronavirus Relief Act of
24 2020), such individual shall not be eligible to
25 receive pandemic emergency unemployment

1 compensation by reason of such amendments
2 until such individual has exhausted all rights to
3 such extended benefits.”.

4 (B) ELIGIBILITY FOR EXTENDED BENE-
5 FITS.—Section 2107(a) of division A of the
6 CARES Act (15 U.S.C. 9025(a)) is amended by
7 adding at the end the following:

8 “(8) SPECIAL RULE FOR EXTENDED BENE-
9 FITS.—For any weeks of unemployment beginning
10 after the date of the enactment of this paragraph
11 and before April 19, 2021, an individual’s eligibility
12 period (as described in section 203(c) of the Fed-
13 eral-State Extended Unemployment Compensation
14 Act of 1970 (26 U.S.C.3304 note)) shall, for pur-
15 poses of any determination of eligibility for extended
16 compensation under the State law of such State, be
17 considered to include any week which begins—

18 “(A) after the date as of which such indi-
19 vidual exhausts all rights to pandemic emer-
20 gency unemployment compensation ; and

21 “(B) during an extended benefit period
22 that began on or before the date described in
23 subparagraph (A).”.

24 (d) EFFECTIVE DATE.—The amendments made by
25 this section shall apply as if included in the enactment

1 of the CARES Act (Public Law 116–136)), except that
2 no amount shall be payable by virtue of such amendments
3 with respect to any week of unemployment commencing
4 before the date of the enactment of this Act.

5 **SEC. 1207. EXTENSION OF TEMPORARY FINANCING OF**
6 **SHORT-TIME COMPENSATION PAYMENTS IN**
7 **STATES WITH PROGRAMS IN LAW.**

8 Section 2108(b)(2) of division A of the CARES Act
9 (15 U.S.C. 9026(b)(2)) is amended by striking “December
10 31, 2020” and inserting “April 19, 2021”.

11 **SEC. 1208. EXTENSION OF TEMPORARY FINANCING OF**
12 **SHORT-TIME COMPENSATION AGREEMENTS.**

13 Section 2109(d)(2) of division A of the CARES Act
14 (15 U.S.C. 9027(d)(2)) is amended by striking “December
15 31, 2020” and inserting “April 19, 2021”.

16 **SEC. 1209. EXTENSION OF WAIVER OF THE 7-DAY WAITING**
17 **PERIOD FOR BENEFITS UNDER THE RAIL-**
18 **ROAD UNEMPLOYMENT INSURANCE ACT.**

19 (a) IN GENERAL.—Section 2112(a) of division A of
20 the CARES Act (15 U.S.C. 9030(a)) is amended by strik-
21 ing “December 31, 2020” and inserting “April 19, 2021”.

22 (b) OPERATING INSTRUCTIONS AND REGULA-
23 TIONS.—The Railroad Retirement Board may prescribe
24 any operating instructions or regulations necessary to
25 carry out this section.

1 (c) CLARIFICATION ON AUTHORITY TO USE
2 FUNDS.—Funds appropriated under section 2112(c) of di-
3 vision A of the CARES Act (15 U.S.C. 9030(c)) shall be
4 available to cover the cost of additional benefits payable
5 due to section 2112(a) of division A of the CARES Act
6 by reason of the amendments made by subsection (a) as
7 well as to cover the cost of such benefits payable due to
8 such section 2112(a) as in effect on the day before the
9 date of enactment of this Act.

10 **SEC. 1210. ADDITIONAL ENHANCED BENEFITS UNDER THE**
11 **RAILROAD UNEMPLOYMENT INSURANCE ACT.**

12 (a) IN GENERAL.—Section 2(a)(5)(A) of the Railroad
13 Unemployment Insurance Act (45 U.S.C. 352(a)(5)(A)) is
14 amended—

15 (1) in the first sentence—

16 (A) by inserting “and for registration peri-
17 ods beginning on or after December 26, 2020,
18 but on or before April 19, 2021,” after “July
19 31, 2021,”;

20 (B) by striking “in the amount of \$1,200”;
21 and

22 (C) by striking “July 1, 2019” and insert-
23 ing “July 1, 2019, or July 1, 2020”; and

24 (2) by adding at the end the following: “For
25 registration periods beginning on or after April 1,

1 2020, but on or before July 31, 2020, the recovery
2 benefit payable under this subparagraph shall be in
3 the amount of \$1,200. For registration periods be-
4 ginning on or after December 26, 2020, but on or
5 before April 19, 2021, the recovery benefit payable
6 under this subparagraph shall be in the amount of
7 \$600.”.

8 (b) CLARIFICATION ON AUTHORITY TO USE
9 FUNDS.—Funds appropriated under subparagraph (B) of
10 section 2(a)(5) of the Railroad Unemployment Insurance
11 Act (45 U.S.C. 352(a)(5)) shall be available to cover the
12 cost of recovery benefits provided under such section
13 2(a)(5) by reason of the amendments made by subsection
14 (a) as well as to cover the cost of such benefits provided
15 under such section 2(a)(5) as in effect on the day before
16 the date of enactment of this Act.

17 **SEC. 1211. EXTENSION OF EXTENDED UNEMPLOYMENT**
18 **BENEFITS UNDER THE RAILROAD UNEM-**
19 **PLOYMENT INSURANCE ACT.**

20 (a) IN GENERAL.—Section 2(c)(2)(D)(iii) of the
21 Railroad Unemployment Insurance Act (45 U.S.C.
22 352(c)(2)(D)(iii)) is amended—

23 (1) by striking “June 30, 2020” and inserting
24 “June 30, 2021”; and

1 (2) by striking “no extended benefit period
2 under this paragraph shall begin after December 31,
3 2020” and inserting “the provisions of clauses (i)
4 and (ii) shall not apply to any employee with respect
5 to any registration period beginning on or after
6 April 20, 2021”.

7 (b) **CLARIFICATION ON AUTHORITY TO USE**
8 **FUNDS.**—Funds appropriated under either the first or
9 second sentence of clause (iv) of section 2(c)(2)(D) of the
10 Railroad Unemployment Insurance Act (45 U.S.C.
11 352(c)(2)(D)) shall be available to cover the cost of addi-
12 tional extended unemployment benefits provided under
13 such section 2(c)(2)(D) by reason of the amendments
14 made by subsection (a) as well as to cover the cost of such
15 benefits provided under such section 2(c)(2)(D) as in ef-
16 fect on the day before the date of enactment of this Act.

17 **SEC. 1212. TREATMENT OF PAYMENTS FROM THE RAIL-**
18 **ROAD UNEMPLOYMENT INSURANCE AC-**
19 **COUNT.**

20 (a) **IN GENERAL.**—Section 256(i)(1) of the Balanced
21 Budget and Emergency Deficit Control Act of 1985 (2
22 U.S.C. 906(i)(1)) is amended—

23 (1) in subparagraph (B), by striking “and” at
24 the end;

1 (2) in subparagraph (C), by inserting “and” at
2 the end; and

3 (3) by inserting after subparagraph (C) the fol-
4 lowing new subparagraph:

5 “(D) any payment made from the Railroad Un-
6 employment Insurance Account (established by sec-
7 tion 10 of the Railroad Unemployment Insurance
8 Act) for the purpose of carrying out the Railroad
9 Unemployment Insurance Act, and funds appro-
10 priated or transferred to or otherwise deposited in
11 such Account,”.

12 (b) EFFECTIVE DATE.—The treatment of payments
13 made from the Railroad Unemployment Insurance Ac-
14 count pursuant to the amendment made by subsection
15 (a)—

16 (1) shall take effect 7 days after the date of the
17 enactment of this Act; and

18 (2) shall apply only to obligations incurred dur-
19 ing the period beginning on the effective date de-
20 scribed in paragraph (1) and ending on the date
21 that is 30 days after the date on which the national
22 emergency concerning the novel coronavirus disease
23 (COVID–19) outbreak declared by the President on
24 March 13, 2020, under the National Emergencies
25 Act (50 U.S.C. 1601 et seq.) terminates.

1 (c) SUNSET.—The amendments made by subsection
2 (a) shall be repealed on the date that is 30 days after
3 the date on which the national emergency concerning the
4 novel coronavirus disease (COVID–19) outbreak declared
5 by the President on March 13, 2020, under the National
6 Emergencies Act (50 U.S.C. 1601 et seq.) terminates.

7 **SEC. 1213. EXTENSION OF TEMPORARY ASSISTANCE FOR**
8 **STATES WITH ADVANCES.**

9 Section 1202(b)(10)(A) of the Social Security Act
10 (42 U.S.C. 1322(b)(10)(A)) is amended by striking “De-
11 cember 31, 2020” and inserting “April 19, 2021”.

12 **SEC. 1214. EXTENSION OF FULL FEDERAL FUNDING OF EX-**
13 **TENDED UNEMPLOYMENT COMPENSATION.**

14 Subsections (a) and (b) of section 4105 of division
15 D of the Families First Coronavirus Response Act (26
16 U.S.C. 3304 note) are each amended by striking “Decem-
17 ber 31, 2020” and inserting “April 19, 2021”.

18 **SEC. 1215. SPECIAL TRANSFER FOR UNEMPLOYMENT COM-**
19 **PENSATION ADMINISTRATION, INCLUDING**
20 **TECHNOLOGY MODERNIZATION AND FRAUD**
21 **PREVENTION.**

22 Section 903 of the Social Security Act (42 U.S.C.
23 1103) is amended by adding at the end the following:

1 “(j) SPECIAL TRANSFER IN FISCAL YEAR 2021 FOR
2 ADMINISTRATION, INCLUDING TECHNOLOGY MODERNIZA-
3 TION AND FRAUD PREVENTION.—

4 “(1) IN GENERAL.—In addition to any other
5 amounts, the Secretary of Labor shall provide for
6 the making of grants to the accounts of the States
7 in the Unemployment Trust Fund, by transfer from
8 amounts in the Federal unemployment account, in
9 accordance with succeeding provisions of this sub-
10 section.

11 “(2) AMOUNT OF PAYMENT.—The amount of
12 payment under paragraph (1) with respect to any
13 State shall, as determined by the Secretary of
14 Labor, be equal to the amount obtained by multi-
15 plying \$1,000,000,000 by the same ratio as would
16 apply under subsection (a)(2)(B) for purposes of de-
17 termining such State’s share of any excess amount
18 (as described in subsection (a)(1)) that would have
19 been subject to transfer to State accounts, as of Oc-
20 tober 1, 2019, under the provisions of subsection
21 (a).

22 “(3) USE OF FUNDS.—

23 “(A) REQUIREMENTS.—

1 “(i) IN GENERAL.—A State receiving
2 a grant under this subsection shall be re-
3 quired to—

4 “(I) use the grant funds within 2
5 years of the date of enactment of this
6 subsection in compliance with sub-
7 paragraph (B); and

8 “(II) not later than 30 months
9 after the date of enactment of this
10 subsection, submit a report, as deter-
11 mined appropriate by the Secretary of
12 Labor, to such Secretary explaining
13 how the State used the grant funds
14 received under this subsection.

15 “(B) USE OF FUNDS.—Any amount trans-
16 ferred to the account of a State under this sub-
17 section shall be used by the State agency of
18 such State only for the administration of Fed-
19 eral unemployment compensation laws and the
20 unemployment compensation laws of the State,
21 including to—

22 “(i) prevent and reduce fraud in, and
23 increase oversight of, such law, including
24 through the creation and improvement of

1 job refusal notification portals for employ-
2 ers;

3 “(ii) modernize the technology used in
4 the administration of such laws in order to
5 better and more efficiently serve unemploy-
6 ment compensation claimants, including in
7 meeting Federal timeliness standards and
8 other requirements under title VII of Civil
9 Rights Act of 1964 (42 U.S.C. 2000e et
10 seq.) to serve limited English proficient
11 claimants and requirements under the
12 Americans with Disabilities Act of 1990
13 (42 U.S.C. 12101 et seq.) and title V of
14 the Rehabilitation Act of 1973 (29 U.S.C.
15 791 et seq.) to serve claimants with dis-
16 abilities;

17 “(iii) increase the capability of han-
18 dling surge claims, including through the
19 ability to accept electronic documentation
20 submissions;

21 “(iv) create or improve an automated
22 short-time compensation program; and

23 “(v) work with the Department of
24 Labor for the purposes of developing

1 cloud-based unemployment compensation
2 processing systems.

3 “(4) FUNDING.—

4 “(A) IN GENERAL.—There are appro-
5 priated from the general fund of the Treasury,
6 without fiscal year limitation, to the Federal
7 unemployment account \$1,000,000,000 for
8 making grants to States under this subsection.
9 The amount transferred under the preceding
10 sentence shall not be taken into account for
11 purposes of any determination under section
12 902, 910, or 1203 of the amount in the Federal
13 unemployment account as of any given time.

14 “(B) CERTIFICATION.—The Secretary of
15 Labor shall certify to the Secretary of the
16 Treasury for payment to each State the sum
17 payable to each State under this subsection.”.

18 TITLE II—EMERGENCY APPROPRIATIONS FOR
19 CORONAVIRUS HEALTH RESPONSE AND
20 AGENCY OPERATIONS

21 The following sums are hereby appropriated, out of
22 any money in the Treasury not otherwise appropriated,
23 for the fiscal year ending September 30, 2021, and for
24 other purposes, namely:

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1 Subtitle A
2 DEPARTMENT OF HEALTH AND HUMAN
3 SERVICES
4 CENTERS FOR DISEASE CONTROL AND PREVENTION
5 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT
6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount for “CDC-Wide Activities
8 and Program Support”, \$6,000,000,000 to remain avail-
9 able until expended, to prevent, prepare for, and respond
10 to coronavirus, domestically or internationally, including
11 for distribution and administration of and communications
12 about coronavirus vaccines in accordance with [section
13 ____01(a)]: *Provided*, That such amount is designated by
14 the Congress as being for an emergency requirement pur-
15 suant to section 251(b)(2)(A)(i) of the Balanced Budget
16 and Emergency Deficit Control Act of 1985.

17 OFFICE OF THE SECRETARY
18 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
19 FUND
20 (INCLUDING TRANSFER OF FUNDS)

21 For an additional amount for “Public Health and So-
22 cial Services Emergency Fund”, \$10,000,000,000, to re-
23 main available until expended, to prevent, prepare for, and
24 respond to coronavirus, domestically or internationally:
25 *Provided*, That of such amount \$7,000,000,000 shall be

1 available in accordance with subsection (b) of section
2 **【____01】** for necessary expenses to research, develop,
3 validate, manufacture, purchase, administer, and expand
4 capacity for COVID–19 tests to effectively monitor and
5 suppress COVID–19, to conduct surveillance and contact
6 tracing activities, and to support other activities related
7 to COVID–19 testing: *Provided further*, That of the
8 amount appropriated under this paragraph in this Act,
9 \$2,000,000,000 shall be available for the activities de-
10 scribed subsection (c) of section **【____01】**, as allocated
11 in accordance with such subsection: *Provided further*, That
12 of the amount appropriated under this paragraph in this
13 Act, \$300,000,000 shall be transferred to the “Health Re-
14 sources and Services Administration—Health Workforce”
15 to remain available until expended, to prevent, prepare for,
16 and respond to coronavirus, of which \$240,000,000 shall
17 be for carrying out section 338B of the Public Health
18 Service Act with respect to the health workforce and
19 \$60,000,000 shall be for carrying out section 846 of such
20 Act with respect to the health workforce: *Provided further*,
21 That individuals receiving awards from amounts made
22 available under the previous proviso shall attest to the Sec-
23 retary of Health and Human Services (referred to in this
24 paragraph as the “Secretary”), at such time and in such
25 manner as the Secretary may require, to their provision

1 of care related to COVID–19 during the period of the pub-
2 lic health emergency declared by the Secretary under sec-
3 tion 319 of such Act on January 31, 2020, with respect
4 to COVID–19, which may include care relating to testing,
5 contact tracing, vaccine outreach or administration, clin-
6 ical care or treatment, or any other relevant health serv-
7 ices: *Provided further*, That nothing in this paragraph
8 shall be construed to terminate any such award upon the
9 conclusion of such public health emergency: *Provided fur-*
10 *ther*, That in making awards from the funds transferred
11 under this paragraph for carrying out section 338B of the
12 Public Health Service Act and section 846 of such Act
13 with respect to the health workforce, the Secretary shall
14 prioritize, to the extent feasible and in a manner which
15 does not delay the issuance of awards, applicants who are
16 members of groups that are historically underrepresented
17 in health care professions, including racial and ethnic mi-
18 norities and individuals from low-income urban and rural
19 communities: *Provided further*, That in making awards
20 from the amounts so transferred and made available for
21 carrying out section 338B of the Public Health Service
22 Act and section 846 of such Act with respect to the health
23 workforce, the Secretary shall take actions to expeditiously
24 make such awards, which may include prioritizing eligible
25 individuals who have previously submitted applications

1 and issuing new application opportunities: *Provided fur-*
2 *ther*, That of the amount appropriated under this para-
3 graph in this Act, \$700,000,000 shall be made available,
4 at the discretion of the Secretary, to the National Insti-
5 tutes of Health for research related to COVID–19, and
6 the Assistant Secretary for Preparedness and Response:
7 *Provided further*, That any amounts made available to the
8 Assistant Secretary for Preparedness and Response under
9 the previous proviso may be made available to the Bio-
10 medical Advanced Research and Development Authority
11 for the purpose of supporting development or procuring
12 doses of, or ancillary supplies for, COVID–19 vaccines or
13 therapeutics, or may be made available for the purpose
14 of purchasing critical personal protective equipment and
15 supplies for the Strategic National Stockpile under section
16 319F–2 of the Public Health Service Act: *Provided fur-*
17 *ther*, That such amount is designated by the Congress as
18 being for an emergency requirement pursuant to section
19 251(b)(2)(A)(i) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 For an additional amount for “Public Health and So-
22 cial Services Emergency Fund”, \$35,000,000,000, to re-
23 main available until expended, to prevent, prepare for, and
24 respond to coronavirus, domestically or internationally, for
25 necessary expenses to reimburse, through grants or other

1 mechanisms, eligible health care providers for health care
2 related expenses or lost revenues that are attributable to
3 coronavirus, of which not less than \$7,000,000,000 shall
4 be used to reimburse rural health care providers: *Provided*,
5 That funds made available under this paragraph in this
6 Act may not be used to reimburse expenses or losses that
7 have been reimbursed from other sources or that other
8 sources are obligated to reimburse: *Provided further*, That
9 recipients of payments under this paragraph in this Act
10 shall submit reports and maintain documentation as the
11 Secretary of Health and Human Services (referred to in
12 this paragraph as the “Secretary”) determines are needed
13 to ensure compliance with conditions that are imposed by
14 this paragraph under this Act for such payments, and
15 such reports and documentation shall be in such form,
16 with such content, and in such time as the Secretary may
17 prescribe for such purpose: *Provided further*, That the
18 terms “eligible health care provider” and “rural health
19 care provider” have the meaning given the terms in [sec-
20 tion ____02]: *Provided further*, That the Secretary shall,
21 on a rolling basis, review applications and make payments
22 under this paragraph in this Act, and in reviewing applica-
23 tions and making such payments, the Secretary shall con-
24 sider eligible health care providers that serve Medicaid pa-
25 tients or at-risk populations, eligible health care providers

1 that are at risk of imminent closure or are in bankruptcy,
2 and eligible health care providers that have been underrep-
3 resented in prior payment distributions: *Provided further*,
4 That funds appropriated under this paragraph in this Act
5 shall be available for building or construction of temporary
6 structures, leasing of properties, medical supplies and
7 equipment including personal protective equipment and
8 testing supplies, increased workforce and trainings, emer-
9 gency operation centers, retrofitting facilities, surge ca-
10 pacity, and staffing: *Provided further*, That, in this para-
11 graph, the term “payment” means a pre-payment, pro-
12 spective payment, or retrospective payment, as determined
13 appropriate by the Secretary: *Provided further*, That pay-
14 ments under this paragraph in this Act shall be made in
15 consideration of the most efficient payment systems prac-
16 ticable to provide emergency payment: *Provided further*,
17 That to be eligible for a payment under this paragraph
18 in this Act, an eligible health care provider shall submit
19 to the Secretary an application that includes a statement
20 justifying the need of the provider for the payment and
21 the eligible health care provider shall have a valid tax iden-
22 tification number or, for an Indian tribe, tribal organiza-
23 tion, or Urban Indian organization without a valid tax
24 identification number, an alternative identification number
25 as determined by the Secretary: *Provided further*, That not

1 later than 3 years after final payments are made under
2 this paragraph in this Act, the Office of Inspector General
3 of the Department of Health and Human Services shall
4 transmit a final report on audit findings with respect to
5 this program to the Committees on Appropriations of the
6 House of Representatives and the Senate: *Provided fur-*
7 *ther*, That nothing in this paragraph limits the authority
8 of the Inspector General or the Comptroller General to
9 conduct audits of interim payments at an earlier date:
10 *Provided further*, That not later than 60 days after the
11 date of enactment of this Act, the Secretary shall provide
12 a report to the Committees on Appropriations of the
13 House of Representatives and the Senate on obligation of
14 funds, including obligations to such eligible health care
15 providers summarized by State of the payment receipt:
16 *Provided further*, That such reports shall be updated and
17 submitted to such Committees every 60 days until funds
18 are expended: *Provided further*, That of the amount made
19 available under this paragraph in this Act, not less than
20 \$1,000,000,000 shall be transferred to the Indian Health
21 Service, which may allocate the funds for Indian Health
22 Service directly operated programs, programs operated by
23 tribes and tribal organizations under the Indian Self-De-
24 termination and Education Assistance Act (25 U.S.C.
25 5301 et seq.), and contracts or grants with Urban Indian

1 organizations under title V of the Indian Health Care Im-
2 provement Act (25 U.S.C. 1601 et seq.), of which—

3 (1) \$700,000,000 shall be used to supplement
4 reduced third party revenue collections;

5 (2) \$200,000,000 shall be allocated at the dis-
6 cretion of the Director of the Indian Health Service
7 for maintenance and improvement projects or con-
8 struction of existing or new temporary structures
9 necessary to the purposes specified in this Act, for
10 water and sanitation infrastructure, or for other
11 needs at Indian Health Service and tribal facilities;
12 and

13 (3) \$100,000,000 shall be allocated at the dis-
14 cretion of the Director of the Indian Health Service
15 for additional expenditures necessary to the purposes
16 specified within this Act:

17 *Provided further*, That amounts provided under this para-
18 graph in this Act to the Indian Health Service, if allocated
19 to tribes and tribal organizations under the Indian Self-
20 Determination and Education Assistance Act, will be allo-
21 cated on a one-time basis, that these non-recurring funds
22 are not part of the amount required by section 106 of such
23 Act (25 U.S.C. 5325), and that such amounts may only
24 be used for the purposes identified under this paragraph
25 notwithstanding any other provision of law: *Provided fur-*

1 *ther*, That the Indian Health Service shall notify the Com-
2 mittees on Appropriations of the House of Representatives
3 and the Senate quarterly on the obligations and expendi-
4 tures of the funds provided to the Indian Health Service
5 by this Act: *Provided further*, That the amount provided
6 under this paragraph in this Act is designated by the Con-
7 gress as being for an emergency requirement pursuant to
8 section 251(b)(2)(A)(i) of the Balanced Budget and
9 Emergency Deficit Control Act of 1985.

10 GENERAL PROVISIONS

11 VACCINE DISTRIBUTION AND ADMINISTRATION; TESTING
12 AND CONTACT TRACING; LONG-TERM CARE FACILITIES

13 SEC. 2001. (a) VACCINE DISTRIBUTION AND ADMIN-
14 ISTRATION.—

15 (1) ALLOCATIONS.—From the \$6,000,000,000
16 appropriated under the heading “Department of
17 Health and Human Services—Centers for Disease
18 Control and Prevention—CDC-Wide Activities and
19 Program Support”, the Secretary of Health and
20 Human Services (referred to in this section as the
21 “Secretary”) shall make available—

22 (A) \$3,420,000,000 for awarding grants to
23 States, localities, and territories, in accordance
24 with the formula described in paragraph (2),
25 for the distribution and administration of and

1 communications about coronavirus vaccines,
2 which may include activities for vaccine track-
3 ing systems and data modernization; and

4 (B) \$2,580,000,000 for activities described
5 in paragraph (3).

6 (2) GRANTS TO STATES, LOCALITIES, AND TER-
7 RITORIES.—

8 (A) IN GENERAL.—The Secretary shall
9 award grants under paragraph (1)(A) in ac-
10 cordance with the formula that applied to the
11 Public Health Emergency Preparedness cooper-
12 ative agreement in fiscal year 2019.

13 (B) COORDINATION.—In awarding grants
14 to States, localities, and territories under para-
15 graph (1)(A), the Secretary may coordinate
16 with the Secretary of Defense, the Secretary of
17 State, the Director of the Bureau of Prisons,
18 the Director of the Indian Health Service, the
19 Secretary of Veterans Affairs, and other offi-
20 cials of Operation Warp Speed.

21 (3) VACCINE DISTRIBUTION AND ADMINISTRA-
22 TION.—

23 (A) ALLOCATION FOR TRIBES.—

24 (i) IN GENERAL.—From the amount
25 made available under paragraph (1)(B),

1 \$129,000,000 shall be transferred to the
2 Indian Health Service, which may, in con-
3 sultation with the Director of the Centers
4 for Disease Control and Prevention, allo-
5 cate the funds for Indian Health Service
6 directly operated programs, for programs
7 operated by tribes and tribal organizations
8 under the Indian Self-Determination and
9 Education Assistance Act (25 U.S.C. 5301
10 et seq.), for contracts or grants with urban
11 Indian organizations under the Indian
12 Health Care Improvement Act (25 U.S.C.
13 1601 et seq.), and for health service pro-
14 viders to tribes to carry out activities with
15 respect to coronavirus vaccine distribution,
16 administration, and communications.

17 (ii) LIMITATION.—If any amounts are
18 allocated under clause (i) to tribes and
19 tribal organizations under the Indian Self-
20 Determination and Education Assistance
21 Act, such amounts shall be allocated on a
22 one-time basis and these non-recurring
23 funds are not part of the amount required
24 by section 106 of that Act (25 U.S.C.
25 5325).

1 (B) ADDITIONAL ACTIVITIES.—From the
2 amount made available under paragraph (1)(B)
3 and not allocated under subparagraph (A), the
4 Secretary shall make available the remainder of
5 such amount for other activities to prevent, pre-
6 pare for, and respond to coronavirus, domesti-
7 cally or internationally, including—

8 (i) activities with respect to—

9 (I) distribution, storage, cold
10 chain management, and administra-
11 tion of coronavirus vaccines;

12 (II) monitoring safety and effec-
13 tiveness of coronavirus vaccines;

14 (III) tracking systems for
15 coronavirus vaccines; and

16 (IV) communications and edu-
17 cation with respect to coronavirus vac-
18 cines; and

19 (ii) a contingency fund for additional
20 amounts the Secretary may award, includ-
21 ing through grants, contracts, or coopera-
22 tive agreements, to States, localities, terri-
23 tories, tribes, tribal organizations, urban
24 Indian health organizations, or health serv-
25 ice providers to tribes to provide additional

1 assistance with distribution and adminis-
2 tration of coronavirus vaccines, as deter-
3 mined appropriate by the Secretary.

4 (4) CROSS JURISDICTIONAL CONSIDER-
5 ATIONS.—In determining an Operation Warp Speed
6 formula of vaccine allocation and related supplies to
7 jurisdictions, the Secretary, in coordination with of-
8 ficials of Operation Warp Speed, shall make a good
9 faith effort to account for geographical areas with a
10 high percentage of cross jurisdictional medical and
11 critical infrastructure workers that may not reside in
12 the jurisdiction in which they are employed. Such ef-
13 fort shall—

14 (A) have no application to vaccine alloca-
15 tions previously distributed to jurisdictions or
16 on vaccine allocations as forecasted by Oper-
17 ation Warp Speed prior to the enactment of
18 this Act;

19 (B) not otherwise disrupt the timely deliv-
20 ery of allocations to jurisdictions; and

21 (C) include working directly with jurisdic-
22 tions to understand and effectively use vaccine
23 exchange resources through a Federally-facili-
24 tated vaccine marketplace.

1 (5) USE OF USPS FORMATTING TOOL.—Section
2 3001(e)(2) of the Public Health Service Act (42
3 U.S.C. 300jj–11(e)(2)) is amended by adding at the
4 end the following:

5 “(C) USPS FORMATTING TOOL.—

6 “(i) IN GENERAL.—Not later than 90
7 days after the date of enactment of this
8 subparagraph, the Secretary, acting
9 through the National Coordinator, shall
10 ensure that the United States Postal Serv-
11 ice electronic address formatting tools that
12 are made available by the United States
13 Postal Service to online retailers at no cost
14 are also made available to health care pro-
15 viders for use in health information tech-
16 nology systems at no cost. The Secretary
17 shall ensure that the electronic address for-
18 mating tools are made available to any
19 health care organization (including hos-
20 pitals, physician offices, electronic health
21 record vendors, State and local health de-
22 partments, registries, and other organiza-
23 tions as determined necessary by the Sec-
24 retary) to transform both single address
25 records and multiple, simultaneous address

1 records into the United States Postal Serv-
2 ice preferred address format. The Sec-
3 retary shall ensure that no limitations exist
4 on the number of records or health organi-
5 zations that use the electronic conversion
6 tool.

7 “(ii) COVID–19 LABORATORY TEST-
8 ING.—Not later than 90 days after the
9 date of enactment of this subparagraph,
10 the Secretary shall make available the
11 United States Postal Service address for-
12 matting tool for use by laboratories en-
13 gaged in COVID–19 testing to accompany
14 COVID–19 laboratory results.

15 “(iii) CERTIFICATION.—Not later
16 than 1 year after the date of enactment of
17 this subparagraph, the Secretary shall pro-
18 mulgate regulations to update the condi-
19 tions of certification for health information
20 technology to require the standardization
21 of addresses in the United States Postal
22 Service standard. The Secretary shall up-
23 date requirements under section 3022(a)
24 to include the United States Postal Service
25 format as the standard for addresses when

1 communicated through application pro-
2 gramming interfaces under this subpara-
3 graph.”.

4 (b) TESTING AND CONTACT TRACING.—

5 (1) IN GENERAL.—From the \$7,000,000,000
6 made available under the first paragraph of the
7 heading “Department of Health and Human Serv-
8 ices—Office of the Secretary—Public Health and
9 Social Services Emergency Fund” for necessary ex-
10 penses to research, develop, validate, manufacture,
11 purchase, administer, and expand capacity for
12 COVID–19 tests to effectively monitor and suppress
13 COVID–19, to conduct surveillance and contact
14 tracing activities, and to support other activities re-
15 lated to COVID–19 testing in accordance with this
16 subsection, the Secretary shall—

17 (A) make available—

18 (i) \$3,500,000,000 for awarding
19 grants to States, localities, and territories
20 for such purposes, in accordance with the
21 formula that applied to the Public Health
22 Emergency Preparedness cooperative
23 agreement in fiscal year 2019;

- 1 (ii) \$2,322,500,000 for awarding
2 grants to States, localities, and territories,
3 for such purposes, in accordance with—
- 4 (I) the schedule for such awards
5 as specified under paragraph (3); and
6 (II) a formula determined by the
7 Secretary, which may consider the rel-
8 ative number of active cases of
9 COVID-19 per 100,000 people in the
10 State, locality, or territory; and
- 11 (iii) \$827,500,000, of which—
- 12 (I) not more than \$150,000,000
13 shall be made available to provide
14 support for States, localities, terri-
15 tories, and Indian Tribes entering into
16 compacts or agreements authorized
17 under **【_____03】**, for which support
18 may be provided through covering
19 start up or administrative costs for es-
20 tablishing or continuing such a com-
21 pact or agreement, or technology sup-
22 ports to enable greater regional col-
23 laboration through such a compact or
24 agreement;

1 (II) not more than \$400,000,000
2 shall be made available for awarding
3 grants to eligible entities in accord-
4 ance with paragraph (5); and

5 (III) the remainder shall be made
6 available for necessary expenses, as
7 determined by the Secretary to pre-
8 vent, prepare for, and respond to
9 coronavirus, domestically or inter-
10 nationally, which may include to re-
11 search, develop, validate, manufac-
12 ture, purchase, administer, and ex-
13 pand capacity for COVID–19 tests to
14 effectively monitor and suppress
15 COVID–19, to conduct surveillance
16 and contact tracing activities, and to
17 support other activities related to
18 COVID–19 testing; and

19 (B) transfer \$350,000,000 to the Director
20 of the Indian Health Service, which may allo-
21 cate the funds to tribes, tribal organizations,
22 urban Indian health organizations, or health
23 service providers to tribes for such purposes.

24 (2) GRANTS ACCORDING TO PHEP FORMULA.—

25 Not later than 60 days after a State, locality, or ter-

1 ritory receives a grant under paragraph (1)(A)(i),
2 the State, locality, or territory shall submit to the
3 Secretary—

4 (A) in the case the State, locality, or terri-
5 tory has submitted a plan to the Secretary for
6 COVID–19 testing as described in the second
7 paragraph under the heading “Department of
8 Health and Human Services—Office of the Sec-
9 retary—Public Health and Social Services
10 Emergency Fund” in division B of the Pay-
11 check Protection Program and Health Care En-
12 hancement Act (Public Law 116–139; 134 Stat.
13 624), an update to such plan with respect to
14 fiscal year 2021, including—

15 (i) activities for such fiscal year for
16 the purpose of suppressing COVID–19
17 through testing and contact tracing activi-
18 ties, which may include tracking systems
19 and data modernization activities; and

20 (ii) information on how the State, lo-
21 cality, or territory plans to spend any
22 amounts appropriated to the State, local-
23 ity, or territory under any other provision
24 of law for such purpose that are unobli-
25 gated on the date the State, locality, or

1 territory receives the grant under para-
2 graph (1)(A)(i); and

3 (B) in the case the State, locality, or terri-
4 tory has not submitted a plan described in sub-
5 paragraph (A), such plan as updated in accord-
6 ance with such subparagraph.

7 (3) GRANTS TO COVID-19 HOT SPOTS.—

8 (A) FIRST DISBURSEMENT.—As soon as
9 practicable after the date of enactment of this
10 Act, the Secretary shall use 1/2 of the amount
11 made available under paragraph (1)(A)(ii) to
12 award grants in accordance with such para-
13 graph based on the formula described in sub-
14 clause (II) of such paragraph at the time such
15 awards are made.

16 (B) SECOND DISBURSEMENT.—Between
17 30 and 45 days after making the awards de-
18 scribed in subparagraph (A), the Secretary shall
19 use the remaining 1/2 of the amount made
20 available under paragraph (1)(A)(ii) to award
21 grants in accordance with such paragraph
22 based on the formula described in subclause
23 (II) of such paragraph at the time the awards
24 under this subparagraph are made.

1 (4) SUPPORT FOR COMPACTS AND AGREE-
2 MENTS.—Not later than 30 days after the Secretary
3 disburses any amounts made available under para-
4 graph (1)(A)(iii)(I), the Secretary shall publicly re-
5 port on a website of the Department of Health and
6 Human Services the amounts so disbursed.

7 (5) GRANTS TO ELIGIBLE ENTITIES.—

8 (A) IN GENERAL.—

9 (i) GRANTS.—The Secretary, in con-
10 sultation with the Director of the Centers
11 for Disease Control and Prevention, may
12 award grants to eligible entities to conduct
13 testing for COVID–19, to trace and mon-
14 itor the contacts of infected individuals, or
15 to support the quarantine and isolation of
16 such contacts, including by providing such
17 services—

18 (I) through mobile health units;

19 (II) through academic or re-
20 search laboratories, including veteri-
21 nary laboratories, or other laboratory
22 spaces that could be used for proc-
23 essing of COVID–19 testing;

24 (III) through community-based
25 organizations; or

1 (IV) with respect to quarantine
2 and isolation of contacts, at individ-
3 uals' residences or another facility
4 that a State, territorial, Tribal, or
5 local health authority has provided for
6 such purposes.

7 (ii) USE OF EXISTING MECHANISMS
8 AND PROGRAMS.—The Secretary may use
9 existing mechanisms and programs to ad-
10 minister and distribute grants under clause
11 (i).

12 (B) PERMISSIBLE USES OF FUNDS.—A re-
13 cipient of a grant under this paragraph may
14 use the grant funds to—

15 (i) hire, train, and equip personnel to
16 provide services described in subparagraph
17 (A)(i);

18 (ii) cover other expenses related to
19 carrying out the activities described in sub-
20 paragraph (A)(i), which may include cov-
21 ering appropriate and related expenses in-
22 curred by individuals receiving services de-
23 scribed in such subparagraph; or

24 (iii) purchase personal protective
25 equipment, testing supplies and equipment,

1 and other supplies for persons carrying out
2 the activities or receiving services described
3 in subparagraph (A)(i).

4 (C) APPLICANTS.—

5 (i) IN GENERAL.—To be eligible to re-
6 ceive a grant under this paragraph, an eli-
7 gible entity shall submit an application to
8 the Secretary, at such time, in such man-
9 ner, and containing such information as
10 the Secretary may require, including the
11 entity's proposal for using evidence-based
12 models for testing, tracing, or supported
13 isolation.

14 (ii) PRIORITY.—In selecting grant re-
15 cipients under this paragraph, the Sec-
16 retary shall give priority to applicants that
17 meet one or more of the following criteria,
18 in proportion to the number of the fol-
19 lowing criteria met:

20 (I) Proposing to conduct activi-
21 ties funded under this paragraph in
22 hot spots and medically underserved
23 communities.

24 (II) Proposing to enhance labora-
25 tory capacity for processing COVID-

1 19 testing to expand availability of
2 testing and provide quicker turn-
3 around.

4 (III) Proposing to perform
5 screening testing for schools or insti-
6 tutions of higher education, as defined
7 in section 102 of the Higher Edu-
8 cation Act of 1965 (20 U.S.C. 1002).

9 (IV) For purposes of carrying
10 out activities funded under this para-
11 graph, proposing to hire residents of
12 the area or community where the ac-
13 tivities will primarily occur, with pri-
14 ority among applicants described in
15 this subclause given in proportion to
16 the percentage of individuals to be
17 hired from such area or community.

18 (V) With respect to contact trac-
19 ing activities, demonstrating experi-
20 ence or expertise in training, con-
21 ducting, participating in, or admin-
22 istering public health contact tracing
23 programs.

24 (D) DISTRIBUTION.—

1 (i) REPRESENTATIONAL DIVERSITY.—

2 In selecting grant recipients under this
3 paragraph, the Secretary shall, to the ex-
4 tent feasible and in a manner that does not
5 delay the issuance of awards, ensure that
6 grants are distributed in a manner to re-
7 flect—

8 (I) geographic diversity, including
9 across urban and rural areas; and

10 (II) diversity across different
11 types of eligible entities under sub-
12 paragraph (H)(i)(I).

13 (ii) AWARD CHARACTERISTICS.—In
14 making awards under this paragraph, the
15 Secretary may—

16 (I) make awards of varying
17 amounts; and

18 (II) consider applications from a
19 consortia of eligible entities.

20 (E) FEDERAL PRIVACY REQUIREMENTS.—

21 Nothing in this paragraph shall be construed to
22 supersede any Federal privacy or confidentiality
23 requirement, including the regulations promul-
24 gated under section 264(c) of the Health Insur-
25 ance Portability and Accountability Act of 1996

1 (Public Law 104–191; 110 Stat. 2033) and sec-
2 tion 543 of the Public Health Service Act (42
3 U.S.C. 290dd–2).

4 (F) CLARIFICATION ON PROFIT.—No
5 funds from a grant under this paragraph may
6 be paid as profit to an eligible entity receiving
7 such grant, in accordance with section
8 75.216(b) of title 45, Code of Federal Regula-
9 tions (or a successor regulation).

10 (G) SENSE OF CONGRESS ON TIMING.—It
11 is the sense of Congress that the Secretary
12 make an announcement for grants under this
13 paragraph not later than 45 days after the date
14 of enactment of this Act.

15 (H) DEFINITIONS.—In this paragraph:

16 (i) The term “eligible entity” means
17 an entity that—

18 (I) is—

19 (aa) a federally qualified
20 health center (as defined in sec-
21 tion 1861(aa) of the Social Secu-
22 rity Act (42 U.S.C. 1395x(aa)));

23 (bb) a school-based health
24 clinic;

- 1 (cc) a disproportionate share
2 hospital (as defined under the
3 applicable State plan under title
4 XIX of the Social Security Act
5 (42 U.S.C. 1396 et seq.) pursu-
6 ant to section 1923(a)(1)(A) of
7 such Act (42 U.S.C. 1396r-
8 4(a)(1)(A));
- 9 (dd) an academic medical
10 center;
- 11 (ee) a veterinary laboratory;
- 12 (ff) an academic research
13 laboratory;
- 14 (gg) a nonprofit organiza-
15 tion (including any such faith-
16 based organization);
- 17 (hh) an institution of higher
18 education (as defined in section
19 101 of the Higher Education Act
20 of 1965 (20 U.S.C. 1001));
- 21 (ii) an elementary school,
22 secondary school, or local edu-
23 cational agency (as such terms
24 are defined in section 8101 of the
25 Elementary and Secondary Edu-

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1 cation Act of 1965 (20 U.S.C.
2 7801));

3 (jj) a community pharmacy,
4 or local or regional chain phar-
5 macy, that satisfies the criteria,
6 with respect to size, for eligibility
7 to receive a loan under section
8 7(a)(36) of the Small Business
9 Act (15 U.S.C. 636(a)(36));

10 (kk) a Tribal government,
11 an Indian Tribe or Tribal Orga-
12 nization (as such terms are de-
13 fined in section 4 of the Indian
14 Self-Determination and Edu-
15 cation Assistance Act (25 U.S.C.
16 5304)), or an urban Indian orga-
17 nization (as defined in section 4
18 of the Indian Health Care Im-
19 provement Act (25 U.S.C.
20 1603));

21 (ll) a rural health clinic (as
22 defined in section 1861(aa) of
23 such Act (42 U.S.C. 1395x(aa));
24 or

1 (mm) a local government
2 working in coordination with an-
3 other entity described in any of
4 items (aa) through (ll); and

5 (II) is working in coordination
6 with a State, territorial, Tribal, coun-
7 ty, or municipal health department.

8 (ii) The term “hot spot” means a geo-
9 graphic area where the prevalence or inci-
10 dence of SARS-CoV-2 (the virus that
11 causes COVID-19) or of COVID-19 ex-
12 ceeds the national or State average.

13 (iii) The term “medically underserved
14 community” has the meaning given to that
15 term in section 799B of the Public Health
16 Service Act (42 U.S.C. 295p).

17 (6) ALLOCATIONS TO TRIBES AND TRIBAL OR-
18 GANIZATIONS.—In the case that amounts described
19 in paragraph (1)(B) are allocated to tribes and trib-
20 al organizations under the Indian Self-Determina-
21 tion and Education Assistance Act (25 U.S.C. 5301
22 et seq.), such allocation shall be made on a one-time
23 basis and these non-recurring funds are not part of
24 the amount required by section 106 of such Act (25
25 U.S.C. 5325).

1 (c) LONG-TERM CARE SETTINGS.—

2 (1) ALLOCATIONS.—Out of the \$2,000,000,000
3 made available under the first paragraph of the
4 heading “Department of Health and Human Serv-
5 ices—Office of the Secretary—Public Health and
6 Social Services Emergency Fund” for activities in
7 accordance with this subsection, the Secretary shall
8 make available—

9 (A) \$1,800,000,000 for health care pro-
10 viders, as defined in paragraph (2)(B)(ii), for
11 activities described in paragraph (2)(A); and

12 (B) \$200,000,000 in accordance with para-
13 graph (3).

14 (2) FUNDING FOR HEALTH CARE PROVIDERS IN
15 LONG-TERM CARE SETTINGS.—

16 (A) PERMITTED USES OF FUNDS.—A
17 health care provider that receives funds made
18 available under paragraph (1)(A) shall use such
19 funds to prevent, prepare for, and respond to
20 coronavirus, which may include using the funds
21 for any of the following purposes:

22 (i) To conduct COVID–19 testing,
23 contact tracing, screening, containment,
24 mitigation, and related activities.

1 (ii) To purchase emergency supplies
2 and equipment related to the activities de-
3 scribed in clause (i), which may include
4 items such as personal protective equip-
5 ment, tests, testing devices and supplies,
6 and related items.

7 (iii) To pay for training that is spe-
8 cific to the public health emergency de-
9 clared by the Secretary under section 319
10 of the Public Health Service Act (42
11 U.S.C. 247d) on January 31, 2020, with
12 respect to COVID-19.

13 (iv) To secure adequate staffing
14 through the provision of workforce sup-
15 ports, such as premium or hazard pay,
16 overtime pay, enhanced payment rates,
17 paid sick leave, paid family leave, paid
18 medical leave, paid quarantine leave,
19 childcare, travel expenses, and temporary
20 housing.

21 (v) To safely facilitate necessary
22 transfers to and from skilled nursing facili-
23 ties, nursing facilities, and other residen-
24 tial or congregate settings.

1 (vi) To safely facilitate voluntary dis-
2 charges to the community from skilled
3 nursing facilities, nursing facilities, and
4 other residential or congregate settings.

5 (vii) To prepare information and pub-
6 lic health and educational materials in ac-
7 cessible formats (including formats acces-
8 sible to people with low literacy or intellec-
9 tual disabilities) about prevention, screen-
10 ing and testing protocols, treatment, vac-
11 cination, recovery, and other aspects of
12 COVID–19 for eligible individuals, their
13 families, and the general community served
14 by health care providers.

15 (viii) For any other purpose deter-
16 mined appropriate by the Secretary.

17 (B) DEFINITIONS.—In this paragraph:

18 (i) DIRECT SUPPORT AGENCY.—The
19 term “direct support agency” means an
20 agency that employs direct support profes-
21 sionals (including independent providers in
22 a self-directed or consumer-directed model)
23 to provide home and community-based
24 services.

1 (ii) HEALTH CARE PROVIDER.—The
2 term “health care provider” means a
3 health care provider providing services
4 through any of the following:

5 (I) A direct support agency.

6 (II) A home health agency.

7 (III) A nursing facility, as de-
8 fined in section 1919(a) of the Social
9 Security Act (42 U.S.C. 1396r(a)).

10 (IV) A skilled nursing facility, as
11 defined in section 1819(a) of the So-
12 cial Security Act (42 U.S.C. 1395i-
13 3(a)).

14 (V) Any other residential or con-
15 gregate setting determined appro-
16 priate by the Secretary.

17 (iii) HOME HEALTH AGENCY.—The
18 term “home health agency” means any
19 agency that provides services as described
20 in section 1861(m) of the Social Security
21 Act (42 U.S.C. 1395x(m)).

22 (iv) HOME AND COMMUNITY-BASED
23 SERVICES.—The term “home and commu-
24 nity-based services” means services de-
25 scribed in paragraph (7), (8), (13), or (24)

1 of section 1905(a) of the Social Security
2 Act (42 U.S.C. 1396d(a)) or subsection
3 (c), (i), or (k) of section 1915 of such Act
4 (42 U.S.C. 1396n).

5 (3) FUNDING FOR STATE STRIKE TEAMS FOR
6 RESIDENT AND EMPLOYEE SAFETY IN SKILLED
7 NURSING FACILITIES AND NURSING FACILITIES.—

8 (A) IN GENERAL.—Of the amounts made
9 available under paragraph (1)(B), the Secretary
10 shall allocate such amounts among the States,
11 in a manner that takes into account the per-
12 centage of skilled nursing facilities and nursing
13 facilities in each State that have residents or
14 employees who have been diagnosed with
15 COVID–19, for purposes of establishing and
16 implementing strike teams in accordance with
17 subparagraph (B).

18 (B) USE OF FUNDS.—A State that receives
19 funds under this paragraph shall use such
20 funds to establish and implement a strike team
21 that will be deployed to a skilled nursing facility
22 or nursing facility in the State with diagnosed
23 or suspected cases of COVID–19 among resi-
24 dents or staff for the purposes of assisting with

1 clinical care, infection control, or staffing and
2 improving State oversight.

3 (C) DEFINITIONS.—In this paragraph:

4 (i) NURSING FACILITY.—The term
5 “nursing facility” has the meaning given
6 such term in section 1919(a) of the Social
7 Security Act (42 U.S.C. 1396r(a)).

8 (ii) SKILLED NURSING FACILITY.—
9 The term “skilled nursing facility” has the
10 meaning given such term in section
11 1819(a) of the Social Security Act (42
12 U.S.C. 1395i–3(a)).

13 PROVIDER RELIEF FUND PROVISIONS

14 SEC. 2002. (a) PROVIDER FLEXIBILITY IN CALCULATING REVENUES FOR PURPOSES OF PROVIDER RELIEF
15 FUND REIMBURSEMENT.—

17 (1) CLARIFICATION REGARDING LOST REVENUE.—With respect to any reimbursement by the
18 Secretary of Health and Human Services from the
19 Provider Relief Fund to an eligible health care pro-
20 vider for health care related expenses or lost reve-
21 nues that are attributable to coronavirus, the eligible
22 health care provider may calculate lost revenues that
23 are attributable to coronavirus by any reasonable
24 method, including a method that calculates the dif-
25 ference between the budgeted and actual revenue of
26

1 the eligible health care provider on a monthly, quar-
2 terly, or annual basis. In the case of an eligible
3 health care provider that experienced negative net
4 operating income in 2019, a reasonable method for
5 calculating lost revenues that are attributable to
6 coronavirus shall also include calculating lost income
7 up to a net gain or loss of zero in 2020 and up to
8 a net gain or loss of zero for the period January 1,
9 2021 through June 30, 2021.

10 (2) REIMBURSEMENT FOR STAFFING.—Ex-
11 penses eligible for reimbursement by the Secretary
12 of Health and Human Services from the Provider
13 Relief Fund shall include staffing expenses.

14 (3) ATTESTATION.—

15 (A) IN GENERAL.—An eligible health care
16 provider using a method to calculate lost reve-
17 nues attributable to coronavirus as described in
18 paragraph (1) shall, not later than 90 days
19 after receiving an amount from the Provider
20 Relief Fund for such lost revenues, provide to
21 the Secretary an attestation of such lost reve-
22 nues from the Chief Financial Officer of the
23 provider (or other representative of the pro-
24 vider, as applicable).

1 (B) CLARIFICATION.—Nothing in this sec-
2 tion shall prohibit the Secretary, as part of an
3 audit of an eligible health care provider receiv-
4 ing reimbursement from the Provider Relief
5 Fund, from reviewing any budget documents of
6 such provider.

7 (4) SAVINGS.—Nothing in this section shall be
8 construed to permit an eligible health care provider
9 to receive from the Provider Relief Fund as reim-
10 bursement an amount that exceeds the amount of
11 health care related expenses and lost revenues of the
12 provider that are attributable to coronavirus.

13 (b) AUTHORITY FOR PARENT ORGANIZATIONS TO
14 ALLOCATE PROVIDER RELIEF FUND REIMBURSEMENTS
15 AMONG SUBSIDIARIES.—

16 (1) IN GENERAL.—With respect to any reim-
17 bursement by the Secretary of Health and Human
18 Services from the Provider Relief Fund to an eligible
19 health care provider that is a subsidiary of a parent
20 organization or that is a parent organization with a
21 subsidiary eligible health care provider, the parent
22 organization may, subject to paragraph (2), allocate
23 (through transfers or otherwise) all or any portion
24 of such reimbursement among the subsidiary eligible
25 health care providers of the parent organization, in-

1 including reimbursements referred to by the Secretary
2 of Health and Human Services as “Targeted Dis-
3 tribution” payments.

4 (2) REQUIREMENT FOR ALLOCATIONS.—Any
5 reimbursements allocated to a subsidiary eligible
6 health care provider (through transfers or otherwise)
7 under paragraph (1) may only be used by such sub-
8 sidiary eligible health care provider to prevent, pre-
9 pare for, and respond to coronavirus, domestically or
10 internationally, for necessary expenses to reimburse
11 such subsidiary eligible health care provider for
12 health care related expenses or lost revenues that
13 are attributable to coronavirus.

14 (3) NOTIFICATION.—

15 (A) PARENT ORGANIZATION.—Any parent
16 organization that allocates (through transfers
17 or otherwise) any amount of a reimbursement
18 described in paragraph (1) as described in such
19 paragraph shall, not later than 7 days after
20 making such allocation, notify the Secretary of
21 such allocation.

22 (B) SUBSIDIARY.—In the event that a sub-
23 sidiary eligible health care provider receives a
24 reimbursement from a parent organization as
25 described in paragraph (1) and separately ap-

1 plies to the Secretary for a reimbursement from
2 the Provider Relief Fund, such subsidiary shall
3 note in such application that the subsidiary has
4 received a reimbursement from the parent orga-
5 nization.

6 (C) PORTAL.—The Secretary shall update
7 the portal for reimbursements under the Pro-
8 vider Relief Fund to—

9 (i) accommodate the attestation de-
10 scribed in subparagraph (B); and

11 (ii) provide a clear method for parent
12 organizations to provide the notice de-
13 scribed in subparagraph (A).

14 (c) DEFINITIONS.—In this section:

15 (1) ELIGIBLE HEALTH CARE PROVIDERS.—The
16 term “eligible health care providers” means public
17 entities, Medicare or Medicaid enrolled suppliers and
18 providers, rural health care providers, and such for-
19 profit entities and not-for-profit entities not other-
20 wise described in this paragraph as the Secretary
21 may specify, within the United States (including ter-
22 ritories), that provide diagnoses, testing, or care for
23 individuals with possible or actual cases of COVID—
24 19.

1 (2) PROVIDER RELIEF FUND.—The term “Pro-
2 vider Relief Fund” means the program to prevent,
3 prepare for, and respond to coronavirus, domesti-
4 cally or internationally, for necessary expenses to re-
5 imburse, through grants or other mechanisms, eligi-
6 ble health care providers for health care related ex-
7 penses or lost revenues that are attributable to
8 coronavirus for which appropriations are made—

9 (A) in the third paragraph under the head-
10 ing “Department of Health and Human Serv-
11 ices—Office of the Secretary—Public Health
12 and Social Services Emergency Fund” in divi-
13 sion B of the CARES Act (Public Law 116–
14 136; 134 Stat. 563);

15 (B) in the first paragraph under the head-
16 ing “Department of Health and Human Serv-
17 ices—Office of the Secretary—Public Health
18 and Social Services Emergency Fund” in divi-
19 sion B of the Paycheck Protection Program and
20 Health Care Enhancement Act (Public Law
21 116–139; 134 Stat. 622); and

22 (C) in the second paragraph under the
23 heading “Department of Health and Human
24 Services—Office of the Secretary—Public

1 Health and Social Services Emergency Fund”
2 in this Act.

3 (3) RURAL HEALTH CARE PROVIDER.—The
4 term “rural health care provider” means—

5 (A) any health care provider that—

6 (i) is eligible to receive payments
7 under the Provider Relief Fund; and

8 (ii) is located in a rural area, as de-
9 fined by the Secretary of Health and
10 Human Services; or

11 (B) any health care provider that is—

12 (i) a critical access hospital, as de-
13 fined in section 1861(mm) of the Social
14 Security Act (42 U.S.C. 1395x(mm));

15 (ii) a rural health clinic (as defined in
16 section 1861(aa)(2) of such Act (42 U.S.C.
17 1395x(aa)(2));

18 (iii) a hospital that—

19 (I) is classified as a rural referral
20 center under section 1886(d)(5)(C)(i)
21 of such Act (42 U.S.C.
22 1395ww(d)(5)(C)(i)); and

23 (II) is a sole community hospital
24 (as defined in section

1 1886(d)(5)(D)(iii) of such Act (42
2 U.S.C. 1395ww(d)(5)(D)(iii)); or
3 (iv) any other health care service pro-
4 vider located in a rural area, as defined by
5 the Secretary of Health and Human Serv-
6 ices.

7 (4) SUBSIDIARY; SUBSIDIARY ELIGIBLE
8 HEALTH CARE PROVIDER.—The terms “subsidiary”
9 and “subsidiary eligible health care provider” mean,
10 with respect to a parent organization, an eligible
11 health care provider in which the parent organiza-
12 tion has a controlling ownership interest.

13 (d) PERIOD OF APPLICABILITY.—This section shall
14 apply until the date on which all funds in the Provider
15 Relief Fund are expended.

16 COMPACTS AND AGREEMENTS

17 SEC. 2003. (a) ESTABLISHMENT AND PURPOSES.—

18 (1) IN GENERAL.—The consent of Congress is
19 hereby given to States, localities, territories, and In-
20 dian Tribes to enter into compacts, not in conflict
21 with any law of the United States, for using funds
22 described in paragraph (2) for cooperative effort and
23 mutual assistance in procuring COVID–19 tests and
24 supplies for such tests, or cooperative agreements
25 (referred to in this section as “agreements”) for co-
26 operative effort and mutual assistance in procuring

1 COVID–19 tests and supplies for such tests through
2 memoranda of understanding.

3 (2) FUNDS.—Funds described in this para-
4 graph are any funds made available to a State, local-
5 ity, territory, or Indian Tribe for assisting in pro-
6 curement of COVID–19 testing for which appropria-
7 tions are made—

8 (A) under the heading “Department of
9 Health and Human Services—Office of the Sec-
10 retary—Public Health and Social Services
11 Emergency Fund” in this Act;

12 (B) under such heading in the Paycheck
13 Protection Program and Health Care Enhance-
14 ment Act (Public Law 116–139; 134 Stat.
15 623);

16 (C) under such heading in the CARES Act
17 (Public Law 116–139; 134 Stat. 560); or

18 (D) under such heading in any other ap-
19 propriations Act.

20 (b) ASSISTANCE.—The Secretary of Health and
21 Human Services (referred to in this section as the “Sec-
22 retary”) shall—

23 (1) take all possible steps to encourage and as-
24 sist States, localities, territories, and Indian Tribes

1 choosing to enter into compacts or agreements under
2 this section;

3 (2) cooperate with such compacts and agree-
4 ments;

5 (3) cooperate with States, localities, territories,
6 and Indian Tribes forming cooperative agreements
7 for cooperative effort and mutual assistance in pro-
8 curing COVID–19 tests and supplies for such tests,
9 through memoranda of understanding instead of
10 compacts; and

11 (4) encourage cooperative activities of Federal
12 departments and agencies with such compacts or
13 agreements.

14 (c) RECOMMENDATIONS FOR COMPACTS OR AGREE-
15 MENTS.—The Secretary shall recommend that each com-
16 pact or agreement under subsection (a) shall seek to ad-
17 here to each of the following recommendations:

18 (1) TRANSPARENCY PROVISIONS.—It is rec-
19 ommended that the compact or agreement publicly
20 disclose all contract sums, terms, requests for pro-
21 posals, and recipients of contracts on a quarterly
22 basis, and publicly disclose, on a quarterly basis, key
23 performance indicators of, with respect to COVID–
24 19 testing used by the compact or agreement, the
25 price, volume, speed to market, and test turnaround

1 time. With respect to new contracts, it is rec-
2 ommended that compacts and agreements give pri-
3 ority to contracting entities that can guarantee ful-
4 fillment of existing contracts with States, localities,
5 territories, and Indian Tribes.

6 (2) PROCUREMENT GOVERNING STRUCTURE.—

7 It is recommended that the compact or agreement
8 demonstrates having consulted with, for purposes of
9 developing contracts for testing procurement, med-
10 ical professionals, individuals with a background in
11 public health, business, biotechnology, logistics, man-
12 ufacturing, or procurement.

13 (3) ANTI-CORRUPTION PROVISIONS.—It is rec-

14 ommended that the compact or agreement has in
15 place anti-corruption requirements that prohibit any-
16 one who is overseeing the development of the com-
17 pact or agreement from personally benefitting from
18 any contract the compact or agreement enters.

19 (4) TIMELY TESTING.—It is recommended that

20 the compact or agreement has as a goal testing
21 turnaround times of under 24 hours.

22 (d) PERIOD OF APPLICABILITY.—This section shall
23 apply without fiscal year limitation.

24 (e) DEFINITION OF INDIAN TRIBE.—In this section,

25 the term “Indian Tribe” means a Tribal government, an

1 Indian Tribe or Tribal organization (as such terms are
2 defined in section 4 of the Indian Self-Determination and
3 Education Assistance Act (25 U.S.C. 5304)), an urban In-
4 dian organization (as defined in section 4 of the Indian
5 Health Care Improvement Act (25 U.S.C. 1603)), or an
6 urban Indian health organization.

7 AUTHORITY TO EXTEND MEDICARE TELEHEALTH

8 WAIVERS

9 SEC. 2004. (a) AUTHORITY.—Section 1834(m) of the
10 Social Security Act (42 U.S.C. 1395m(m)) is amended by
11 adding at the end the following new paragraph:

12 “(9) AUTHORITY TO EXTEND TELEHEALTH
13 WAIVERS AND POLICIES.—

14 “(A) AUTHORITY.—Notwithstanding the
15 preceding provisions of this subsection and sec-
16 tion 1135, subject to subparagraph (B), if the
17 emergency period under section 1135(g)(1)(B)
18 expires prior to December 31, 2021, the author-
19 ity provided the Secretary under section
20 1135(b)(8) to waive or modify requirements
21 with respect to a telehealth service, and modi-
22 fications of policies with respect to telehealth
23 services made by interim final rule applicable to
24 such period, shall be extended through Decem-
25 ber 31, 2021.

1 “(B) NO REQUIREMENT TO EXTEND.—
2 Nothing in subparagraph (A) shall require the
3 Secretary to extend any specific waiver or modi-
4 fication or modifications of policies that the
5 Secretary does not find appropriate for exten-
6 sion.

7 “(C) IMPLEMENTATION.—Notwithstanding
8 any provision of law, the provisions of this
9 paragraph may be implemented by interim final
10 rule, program instructions or otherwise.”.

11 (b) MEDPAC EVALUATION AND REPORT.—

12 (1) STUDY.—

13 (A) IN GENERAL.—The Medicare Payment
14 Advisory Commission (in this subsection re-
15 ferred to as the “Commission”) shall conduct
16 an evaluation of—

17 (i) the expansions of telehealth serv-
18 ices under part B of title XVII of the So-
19 cial Security Act related to the COVID-19
20 public health emergency described in sec-
21 tion 1135(g)(1)(B) of such Act (42 U.S.C.
22 1320b–5(g)(1)(B)); and

23 (ii) the appropriate treatment of such
24 expansions after the expiration of such
25 public health emergency.

1 (B) ANALYSIS.—The evaluation under sub-
2 paragraph (A) shall include an analysis of each
3 the following:

4 (i) Which, if any, of such expansions
5 should be continued after the expiration of
6 the such public health emergency,

7 (ii) Whether any such continued ex-
8 pansion should be limited to, or differen-
9 tially applied to, clinicians participating in
10 certain value-based payment models.

11 (iii) How Medicare should pay for
12 telehealth services after the expiration of
13 such public health emergency, and the im-
14 plications of payment approaches on aggre-
15 gate Medicare program spending,

16 (iv) Medicare program integrity and
17 beneficiary safeguards that may be war-
18 ranted with the coverage of telehealth serv-
19 ices.

20 (v) The implications of expanded
21 Medicare coverage of telehealth services for
22 beneficiary access to care and the quality
23 of care provided via telehealth.

24 (vi) Other areas determined appro-
25 priate by the Commission.

1 (2) REPORT.—Not later than June 15, 2021,
2 the Commission shall submit to Congress a report
3 containing the results of the evaluation conducted
4 under paragraph (1), together with recommenda-
5 tions for such legislation and administrative action
6 as the Commission determines appropriate.

7 (c) HHS PROVISION OF INFORMATION AND STUDY
8 AND REPORT.—

9 (1) PRE-COVID-19 PUBLIC HEALTH EMER-
10 GENCY TELEHEALTH AUTHORITY.—Not later than 3
11 months after the date of enactment of this Act, the
12 Secretary of Health and Human Services (in this
13 subsection referred to as the “Secretary”) shall
14 make available on the internet website of the Cen-
15 ters for Medicare & Medicaid Services information
16 describing the requirements applicable to telehealth
17 services and other virtual services under the original
18 Medicare fee-for-service program under parts A and
19 B of title XVIII of the Social Security Act (42
20 U.S.C. 1395 et seq.) and the Medicare Advantage
21 program under part C of such title prior to the waiv-
22 er or modification of such requirements during the
23 emergency period described in section 1135(g)(1)(B)
24 of the Social Security Act (42 U.S.C. 1320b-

1 5(g)(1)(B)), as established by statute, regulation,
2 and sub-regulatory guidance under such title.

3 (2) STUDY AND REPORT.—

4 (A) STUDY.—The Secretary shall conduct
5 a study on the impact of telehealth and other
6 virtual services furnished under the Medicare
7 program under title XVIII of the Social Secu-
8 rity Act (42 U.S.C. 1395 et seq.) during the
9 emergency period described in section
10 1135(g)(1)(B) of such Act (42 U.S.C. 1320b-
11 5(g)(1)(B)). In conducting such study, the Sec-
12 retary shall—

13 (i) assess the impact of such services
14 on access to care, health outcomes, and
15 spending by type of physician, practitioner,
16 or other entity, and by patient demo-
17 graphics and other characteristics that in-
18 clude—

19 (I) age, sex, race, and type of eli-
20 gibility for the Medicare program;

21 (II) dual eligibility for both the
22 Medicare program and the Medicaid
23 program under title XIX of such Act
24 (42 U.S.C. 1396 et seq.);

1 (III) residing in an area of low-
2 population density or a health profes-
3 sional shortage area (as defined in
4 section 332(a)(1)(A) of the Public
5 Health Service Act (42 U.S.C.
6 254e(a)(1)(A)));

7 (IV) diagnoses, such as a diag-
8 nosis of COVID-19, a chronic condi-
9 tion, or a mental health disorder or
10 substance use disorder;

11 (V) telecommunication modality
12 used, including extent to which the
13 services are furnished using audio-
14 only technology;

15 (VI) residing in a State other
16 than the State in which the furnishing
17 physician, practitioner, or other entity
18 is located; and

19 (VII) other characteristics and
20 information determined appropriate
21 by the Secretary; and

22 (ii) to the extent feasible, assess such
23 impact based on—

24 (I) the type of technology used to
25 furnish the service, including any limi-

1 tations based on availability of
2 broadband or other technology;

3 (II) the extent to which patient
4 privacy is protected;

5 (III) the extent to which docu-
6 mented or suspected fraud or abuse
7 occurred; and

8 (IV) patient satisfaction.

9 (B) USE OF INFORMATION.—The Sec-
10 retary may use reliable non-governmental
11 sources of information in assessing the impact
12 of characteristics described in subparagraph (A)
13 under the study.

14 (C) REPORT.—

15 (i) INTERIM PROVISION OF INFORMA-
16 TION.—The Secretary shall, as determined
17 appropriate, periodically during such emer-
18 gency period, post on the internet website
19 of the Centers for Medicare & Medicaid
20 services data on utilization of telehealth
21 and other virtual services under the Medi-
22 care program and the impact of character-
23 istics described in subparagraph (A) on
24 such utilization.

1 (ii) REPORT.—Not later than 12
2 months after date of enactment of this
3 Act, the Secretary shall submit to Con-
4 gress a report on the study conducted
5 under subparagraph (A), together with rec-
6 ommendations for such legislation and ad-
7 ministrative action as the Secretary deter-
8 mines appropriate.

9 (3) LIMITATIONS.—Amounts appropriated
10 under this subtitle for fiscal year 2021 shall be sub-
11 ject to the requirements contained in Public Law
12 116–94 for funds for programs authorized under
13 sections 330 through 340 of the Public Health Serv-
14 ice Act (42 U.S.C. 254b through 256).

15 **Subtitle B—Addiction and Mental** 16 **Health**

17
18 The following sums are hereby appropriated,
19 out of any money in the Treasury not otherwise ap-
20 propriated, for the fiscal year ending September 30,
21 2021, and for other purposes, namely:

1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES
3 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
4 ADMINISTRATION
5 MENTAL HEALTH

6 For an additional amount for carrying out subpart
7 I of part B of title XIX of the PHS Act, \$1,225,000,000:
8 *Provided*, That in addition to amounts provided herein, for
9 an additional amount, \$150,000,000 for grants to commu-
10 nities and community organizations who meet criteria for
11 Certified Community Behavioral Health Clinics pursuant
12 to section 223(a) of Public Law 113–93: *Provided further*,
13 That such amounts are designated by the Congress as
14 being for an emergency requirement pursuant to section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

17 SUBSTANCE ABUSE TREATMENT

18 For an additional amount for carrying out titles III
19 and V of the PHS Act, including grant programs under
20 such title V, with respect to substance abuse treatment
21 and prevention, \$3,000,000,000: *Provided*, That of such
22 amount, \$1,300,000,000 shall be for the State Opioid Re-
23 sponse Grants for carrying out activities pertaining to
24 opioids, stimulants, and alcohol undertaken by State agen-
25 cies responsible for administering the substance abuse pre-

1 vention and treatment block grant under subpart II of
2 part B of title XIX of the PHS Act (42 U.S.C. 300x–
3 21 et seq): *Provided further*, That of such amount,
4 \$50,000,000 shall be made available to Indian Tribes and
5 Tribal organizations: *Provider further, Provided further*,
6 That 15 percent of the remaining amount shall be for the
7 States with the highest mortality rate related to opioid dis-
8 orders: *Provided further*, That the Assistant Secretary for
9 Mental Health and Substance Use shall ensure that the
10 formula for allocating such amounts to States avoids a sig-
11 nificant differential in amounts received by States with
12 similar mortality rates: *Provided further*, That of the
13 amounts provided for State Opioid Response Grants, not
14 more than 2 percent shall be available for Federal admin-
15 istrative expenses, training, technical assistance, and eval-
16 uation: *Provided further*, That of the amount not reserved
17 by the previous 3 provisos, the Secretary shall make allo-
18 cations to States, territories, and the District of Columbia
19 according to a formula using national survey results that
20 the Secretary determines are the most objective and reli-
21 able measure of drug use and drug-related deaths: *Pro-*
22 *vided further*, That the Secretary shall submit the formula
23 methodology to the Committees on Appropriations of the
24 House of Representatives and the Senate not less than
25 15 days prior to publishing a Funding Opportunity An-

1 nouncement: *Provided further*, That prevention and treat-
2 ment activities funded through such grants may include
3 education, treatment (including the provision of medica-
4 tion), behavioral health services for individuals in treat-
5 ment programs, referral to treatment services, recovery
6 support, and medical screening associated with such treat-
7 ment: *Provided further*, That each State, as well as the
8 District of Columbia, shall receive not less than
9 \$3,450,000: *Provided further*, That none of the funds pro-
10 vided for section 1921 of the PHS Act or State Opioid
11 Response Grants shall be subject to section 241 of such
12 Act: *Provided further*, That \$340,000,000 shall be for ac-
13 tivities related to the prevention of substance abuse: *Pro-*
14 *vided further*, That such amounts are designated by the
15 Congress as being for an emergency requirement pursuant
16 to section 251(b)(2)(A)(i) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985 (2 U.S.C.
18 901(b)(2)(A)(i)).

19 PEER RECOVERY SERVICES

20 For an additional amount for carrying out titles III,
21 V, and XIX of the PHS Act with respect to peer recovery
22 services to provide continuing care and ongoing commu-
23 nity support for individuals to maintain their recovery
24 from substance use disorder, \$75,000,000: *Provided*, That
25 such amounts may be used with respect to the misuse of

1 various substances including opioids, alcohol, and
2 methamphetamines: *Provided further*, That such amount
3 is designated by the Congress as being for an emergency
4 requirement pursuant to section 251(b)(2)(A)(i) of the
5 Balanced Budget and Emergency Deficit Control Act of
6 1985 (2 U.S.C. 901(b)(2)(A)(i)).

7 SUBSTANCE USE DISORDER AND BEHAVIORAL HEALTH
8 EFFORTS

9 For an additional amount for carrying out titles III,
10 V, and XIX of the PHS Act, in coordination with the In-
11 dian Health Service, with respect to substance use dis-
12 order and behavioral health among Indian tribes, tribal
13 organizations, and urban Indian organizations,
14 \$185,000,000: *Provided*, That such amount is designated
15 by the Congress as being for an emergency requirement
16 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
17 et and Emergency Deficit Control Act of 1985 (2 U.S.C.
18 901(b)(2)(A)(i)).

19 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

20 For an additional amount for “Heath Surveillance
21 and Program Support”, \$15,000,000, to prevent, prepare
22 for, and respond to coronavirus, domestically or inter-
23 nationally: *Provided*, That such amount shall be made
24 available to eligible entities that did not receive amounts
25 made available for such purpose under the Coronavirus

1 Aid, Relief, and Economic Security Act (Public Law 116–
2 136): *Provided further*, That such amount is designated
3 by the Congress as being for an emergency requirement
4 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
5 et and Emergency Deficit Control Act of 1985 (2 U.S.C.
6 901(b)(2)(A)(i)).

7 CENTERS FOR DISEASE CONTROL AND PREVENTION

8 INJURY PREVENTION AND CONTROL

9 For an additional amount for carrying out title III
10 of the PHS Act with respect to suicide prevention,
11 \$50,000,000: *Provided*, That such amount is designated
12 by the Congress as being for an emergency requirement
13 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
14 et and Emergency Deficit Control Act of 1985 (2 U.S.C.
15 901(b)(2)(A)(i)).

16 GENERAL PROVISIONS

17 **SEC. 2101. APPLICATION OF PROVISIONS.**

18 Amounts appropriated for fiscal year 2021 under this
19 **【title/division】** shall be subject to the requirements con-
20 tained in Public Law 116–94 for funds for programs au-
21 thorized under sections 330 through 340 of the Public
22 Health Service Act (42 U.S.C. 254b through 256).

23 **SEC. 2102. WAIVER AUTHORITY.**

24 The Assistant Secretary for Substance Abuse and
25 Mental health may waive requirements with respect to al-

1 lowable activities, timelines, or reporting requirements for
2 the Prevention and Treatment of Substance Abuse Block
3 Grant and the Community Mental Health Services Block
4 Grant, as such Assistant Secretary determines necessary
5 to facilitate a grantee's response to COVID-19.

6 **SEC. 2103. EXPANDING ACCESS TO MEDICALLY ASSISTED**

7 **TREATMENT. (a) DEFINITION.—In this section, the**
8 **term “COVID covered period” means the period**
9 **beginning on the date of enactment of this Act**
10 **and ending on the later of—**

11 (1) December 31, 2021; or

12 (2) the date on which the emergency period
13 under section 1135(g)(1)(B) of the Social Security
14 Act (42 U.S.C. 1320b-5(g)(1)(B)) expires.

15 (b) TELEHEALTH.—

16 (1) AUTHORITY TO EXTEND MEDICARE TELE-
17 HEALTH WAIVERS.—Section 1834(m) of the Social
18 Security Act (42 U.S.C. 1395m(m)) is amended by
19 adding at the end the following new paragraph:

20 “(9) AUTHORITY TO EXTEND TELEHEALTH
21 WAIVERS AND POLICIES.—

22 “(A) AUTHORITY.—Notwithstanding the
23 preceding provisions of this subsection and sec-
24 tion 1135, subject to subparagraph (B), if the
25 emergency period under section 1135(g)(1)(B)

1 expires prior to December 31, 2021, the author-
2 ity provided the Secretary under section
3 1135(b)(8) to waive or modify requirements
4 with respect to a telehealth service, and modi-
5 fications of policies with respect to telehealth
6 services made by interim final rule applicable to
7 such period, shall be extended through Decem-
8 ber 31, 2021.

9 “(B) NO REQUIREMENT TO EXTEND.—
10 Nothing in subparagraph (A) shall require the
11 Secretary to extend any specific waiver or modi-
12 fication or modifications of policies that the
13 Secretary does not find appropriate for exten-
14 sion.

15 “(C) IMPLEMENTATION.—Notwithstanding
16 any provision of law, the provisions of this
17 paragraph may be implemented by interim final
18 rule, program instructions or otherwise.”.

19 (2) EXTENDING PUBLIC HEALTH EMERGENCY
20 EXCEPTION TO IN-PERSON MEDICAL EVALUATION
21 REQUIREMENT FOR PRESCRIBING CONTROLLED SUB-
22 STANCES THROUGH TELEMEDICINE.—

23 (A) IN GENERAL.—Section 102(54)(D)(i)
24 of the Controlled Substances Act (21 U.S.C.
25 802(54)(D)(i)) is amended by inserting after

1 “during a public health emergency declared by
2 the Secretary under section 319 of the Public
3 Health Service Act” the following: “or during
4 the COVID covered period (as defined in the
5 **【_____ Act of 2020】**)”.

6 (B) PLAN OF CARE.—

7 (i) IN GENERAL.—The Attorney Gen-
8 eral may, at the discretion of the Attorney
9 General and as determined appropriate for
10 promoting public health and safety, require
11 the usage of a plan of care that includes
12 in-person care to accompany the usage of
13 telemedicine under section 102(54)(D) of
14 the Controlled Substances Act (21 U.S.C.
15 802(54)(D)), as amended by subparagraph
16 (A), during the COVID covered period.

17 (ii) STATE REQUIREMENTS.—Notwith-
18 standing any other provision of law, the
19 State in which a practitioner practices or
20 resides may establish requirements for an
21 accompanying plan of care that are more
22 stringent than any requirements estab-
23 lished by the Attorney General under
24 clause (i).

1 (C) NO REQUIREMENT TO EXTEND.—
2 Nothing in the amendment made by subpara-
3 graph (A) shall require the Attorney General to
4 extend the authority for the use of telemedicine
5 under section 102(54)(D) of the Controlled
6 Substances Act (21 U.S.C. 802(54)(D)) beyond
7 the expiration of the public health emergency
8 declared by the Secretary of Health and
9 Human Services under section 319 of the Pub-
10 lic Health Service Act (42 U.S.C. 247d) on
11 January 31, 2020, with respect to COVID–19.

12 (D) IMPLEMENTATION.—The Attorney
13 General may promulgate any regulations nec-
14 essary to implement this paragraph without re-
15 gard to the notice and comment requirements
16 under section 553 of title 5, United States
17 Code.

18 (E) PROSPECTIVE REPEAL.—Effective on
19 the day after the last day of the COVID cov-
20 ered period—

21 (i) the amendment made by subpara-
22 graph (A) is repealed; and

23 (ii) the provision of law so amended is
24 restored and revived as if that amendment
25 had not been enacted.

1 (c) COMMUNITY HEALTH AIDES AND COMMUNITY
2 HEALTH PRACTITIONERS.—

3 (1) PRACTICE OF TELEMEDICINE.—Section 102
4 of the Controlled Substances Act (21 U.S.C. 802) is
5 amended—

6 (A) in paragraph (54)(A), by striking
7 clause (i) and inserting the following:

8 “(i) while the patient is—

9 “(I) being treated by, and phys-
10 ically located in, a hospital or clinic
11 registered under section 303(f); or

12 “(II) for purposes of section
13 302(h), being treated by a community
14 health aide or community health prac-
15 titioner; and”;

16 (B) by redesignating paragraph (58) as
17 paragraph (59);

18 (C) by redesignating the second paragraph
19 designated as paragraph (57) (relating to the
20 definition of the term “serious drug felony”) as
21 paragraph (58);

22 (D) by moving paragraphs (57), (58) (as
23 so redesignated), and (59) (as so redesignated)
24 2 ems to the left; and

25 (E) by adding at the end the following:

1 “(60) The terms ‘community health aide’ and
2 ‘community health practitioner’ have the meanings
3 within the meaning of section 119 of the Indian
4 Health Care Improvement Act (25 U.S.C. 1616l).”.

5 (d) ELIMINATING SEPARATE REGISTRATION RE-
6 QUIREMENT FOR DISPENSING NARCOTIC DRUGS IN
7 SCHEDULES III, IV, AND V FOR MAINTENANCE OR DE-
8 TOXIFICATION TREATMENT.—

9 (1) IN GENERAL.—Section 303(g) of the Con-
10 trolled Substances Act (21 U.S.C. 823(g)) is amend-
11 ed—

12 (A) by striking paragraph (2);

13 (B) by striking “(g)(1) Except as provided
14 in paragraph (2), practitioners who dispense
15 narcotic drugs to individuals for maintenance
16 treatment or detoxification treatment” and in-
17 serting “(g) Practitioners who dispense narcotic
18 drugs (other than narcotic drugs in schedule
19 III, IV, or V) to individuals for maintenance
20 treatment or detoxification treatment”;

21 (C) by redesignating subparagraphs (A),
22 (B), and (C) as paragraphs (1), (2), and (3),
23 respectively; and

1 (D) in paragraph (2), as so redesignated,
2 by redesignating clauses (i) and (ii) as subpara-
3 graphs (A) and (B), respectively.

4 (2) TECHNICAL AND CONFORMING EDITS.—

5 (A) CONTROLLED SUBSTANCES ACT.—The
6 Controlled Substances Act (21 U.S.C. 801 et
7 seq.) is amended—

8 (i) in section 304 (21 U.S.C. 824)—

9 (I) in subsection (a), by striking
10 “303(g)(1)” each place it appears and
11 inserting “303(g)”; and

12 (II) in subsection (d)(1), by
13 striking “303(g)(1)” and inserting
14 “303(g)”; and

15 (ii) in section 309A(a) (21 U.S.C.
16 829a(a)), by striking paragraph (2) and
17 inserting the following:

18 “(2) the controlled substance—

19 “(A) is a narcotic drug in schedule III, IV,
20 or V to be administered for the purpose of
21 maintenance or detoxification treatment; and

22 “(B) is to be administered by injection or
23 implantation;”.

1 (B) PUBLIC HEALTH SERVICE ACT.—The
2 Public Health Service Act (42 U.S.C. 201 et
3 seq.) is amended—

4 (i) in section 520E–4(c) (42 U.S.C.
5 290bb–36d(e)), in the matter preceding
6 paragraph (1), by striking “information on
7 any qualified practitioner that is certified
8 to prescribe medication for opioid depend-
9 ency under section 303(g)(2)(B) of the
10 Controlled Substances Act” and inserting
11 “information on any practitioner who pre-
12 scribes narcotic drugs in schedule III, IV,
13 or V of section 202 of the Controlled Sub-
14 stances Act for the purpose of maintenance
15 or detoxification treatment”; and

16 (ii) section 544(a)(3) (42 U.S.C.
17 290dd–3), by striking “any practitioner
18 dispensing narcotic drugs pursuant to sec-
19 tion 303(g) of the Controlled Substances
20 Act” and inserting “any practitioner dis-
21 pensing narcotic drugs for the purpose of
22 maintenance or detoxification treatment”.

23 (C) MEDICARE.—During the COVID cov-
24 ered period—

25 (i) no payment shall be made—

1 (I) under section 1833(bb) of the
2 Social Security Act (42 U.S.C.
3 1395l(bb)); or

4 (II) under section 1834(o)(3) of
5 such Act (42 U.S.C. 1395m(o)(3));
6 and

7 (ii) the demonstration program under
8 section 1866F of such Act (42 U.S.C.
9 1395cc-6) shall not be implemented.

10 (3) PROSPECTIVE REPEAL.—Effective on the
11 day after the last day of the COVID covered pe-
12 riod—

13 (A) the amendments made by this sub-
14 section are repealed; and

15 (B) the provisions of law so amended are
16 restored and revived as if those amendments
17 had not been enacted.

18 (4) IMPLEMENTATION AND REPORT.—

19 (A) IMPLEMENTATION.—Notwithstanding
20 any other provision of law, during the COVID
21 covered period, the Attorney General may pro-
22 vide technical assistance to a State that wishes
23 to implement additional professional trainings
24 and safety measures to practitioners who, but
25 for the amendment made by paragraph (1),

1 would have obtained a waiver under section
2 303(g)(2) of the Controlled Substances Act (21
3 U.S.C. 823(g)(2)), as in effect on the day be-
4 fore the date of enactment of this Act.

5 (B) REPORT.—Not later than June 15,
6 2021, the Attorney General, in partnership with
7 the Secretary of Health and Human Services,
8 shall submit to Congress a report that—

9 (i) describes the effects of the elimi-
10 nation of the waiver procedures under sec-
11 tion 303(g)(2) of the Controlled Sub-
12 stances Act (21 U.S.C. 823(g)(2)) during
13 the COVID covered period as provided
14 under paragraph (1) of this subsection;
15 and

16 (ii) provides information on—

17 (I) the improved access to detoxi-
18 fication treatment as a result of the
19 elimination of the waiver procedures
20 described in clause (i); and

21 (II) any concerns regarding nar-
22 cotic diversion resulting from the
23 elimination of the waiver procedures
24 described in clause (i).

1 **SEC. 2104. WAIVER OF FEDERAL FUND LIMITATION FOR**
2 **THE DRUG-FREE COMMUNITIES SUPPORT**
3 **PROGRAM.** **WAIVER OF FEDERAL FUND LIM-**
4 **ITATION FOR THE DRUG-FREE COMMUNITIES**
5 **SUPPORT PROGRAM. (a) IN GENERAL.—Subject to**
6 **subsection (b), if the Administrator of the Drug-**
7 **Free Communities Support Program determines**
8 **that, as a result of the public health emergency**
9 **declared pursuant to section 319 of the Public**
10 **Health Service Act (42 U.S.C. 247d) as a result of**
11 **COVID-19, an eligible coalition is unable to raise**
12 **the amount of non-Federal funds, including in-**
13 **kind contributions, agreed to be raised by the co-**
14 **alition for a fiscal year under an agreement en-**
15 **tered into with the Administrator pursuant to**
16 **paragraph (1)(A) or (3)(D) of section 1032(b) of**
17 **the Anti-Drug Abuse Act of 1988 (21 U.S.C.**
18 **1532(b)), the Administrator may, notwithstanding**
19 **such paragraphs, provide to the eligible coalition**
20 **the grant or renewal grant, as applicable, for**
21 **that fiscal year in an amount—**

22 (1) with respect to an initial grant or renewal
23 grant described under paragraph (1)(A) of such sec-
24 tion, that exceeds the amount of non-Federal funds
25 raised by the eligible coalition, including in-kind con-
26 tributions, for that fiscal year;

1 (2) with respect to a renewal grant described
2 under paragraph (3)(D)(i) of such section, that ex-
3 ceeds 125 percent of the amount of non-Federal
4 funds raised by the eligible coalition, including in-
5 kind contributions, for that fiscal year; and

6 (3) with respect to a renewal grant described
7 under paragraph (3)(D)(ii) of such section, that ex-
8 ceeds 150 percent of the amount of non-Federal
9 funds raised by the eligible coalition, including in-
10 kind contributions, for that fiscal year.

11 (b) LIMITATIONS.—The Administrator may not pro-
12 vide a grant or renewal grant to an eligible coalition in
13 an amount exceeding the amount of funds initially agreed
14 to be provided by the Administrator under the applicable
15 agreement.

16 **TITLE III—EMERGENCY ASSIST-**
17 **ANCE FOR A STRONG ECO-**
18 **NOMIC RECOVERY**

19 **Subtitle A—Transportation**

20 **CHAPTER 1—NATIONAL RAILROAD**

21 **PASSENGER CORPORATION**

22 **SEC. 3001. NORTHEAST CORRIDOR GRANTS.**

23 (a) APPROPRIATION.—There is appropriated, out of
24 amounts in the Treasury not otherwise appropriated, for
25 the fiscal year ending September 30, 2021, \$580,000,000

1 for an additional amount for “Northeast Corridor Grants
2 to the National Railroad Passenger Corporation”, which
3 shall remain available until expended, to prevent, prepare
4 for, and respond to coronavirus, including to enable the
5 Secretary of Transportation to make or amend existing
6 grants to the National Railroad Passenger Corporation for
7 activities associated with the Northeast Corridor, as au-
8 thorized under section 11101(a) of the Passenger Rail Re-
9 form and Investment Act of 2015 (title XI of division A
10 of Public Law 114–94).

11 (b) USE OF FUNDS IN LIEU OF CAPITAL PAY-
12 MENTS.—

13 (1) IN GENERAL.—Not less than \$91,640,000
14 of the aggregate amounts made available under sub-
15 section (a) and section 3002(a) shall be made avail-
16 able to the National Railroad Passenger Corporation
17 in lieu of capital payments by States and commuter
18 rail passenger transportation providers pursuant to
19 the cost allocation policy developed pursuant to sec-
20 tion 24905(c)(1) of title 49, United States Code.

21 (2) SAVINGS PROVISION.—Notwithstanding sec-
22 tions 24319(g) and 24905(c)(1)(A)(i) of title 49,
23 United States Code, the use of funds under para-
24 graph (1) shall not be deemed as cross-subsidization
25 of commuter rail passenger transportation.

1 (c) **PROJECT MANAGEMENT AND OVERSIGHT.**—The
2 Secretary of Transportation may retain up to \$2,030,000
3 of the aggregate amounts made available under subsection
4 (a) and section 3002(a) for expenses related to project
5 management and oversight of activities authorized under
6 section 11101(c) of the Passenger Rail Reform and In-
7 vestment Act of 2015 (title XI of division A of Public Law
8 114–94).

9 (d) **TRANSFERS.**—Amounts made available under
10 subsection (a) may be transferred to and merged with
11 amounts made available under section 3002(a) for ex-
12 penses related to preventing, preparing for, and respond-
13 ing to coronavirus.

14 (e) **EMERGENCY REQUIREMENT.**—Amounts made
15 available under this section are designated by Congress
16 as an emergency requirement pursuant to section
17 251(b)(2)(A)(i) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 **SEC. 3002. NATIONAL NETWORK GRANTS.**

20 (a) **IN GENERAL.**—There is appropriated, out of
21 amounts in the Treasury not otherwise appropriated, for
22 the fiscal year ending September 30, 2021, \$420,000,000
23 for “National Network Grants to the National Railroad
24 Passenger Corporation”, which shall remain available
25 until expended, to prevent, prepare for, and respond to

1 coronavirus, including enabling the Secretary of Transpor-
2 tation to make or amend existing grants to the National
3 Railroad Passenger Corporation for activities associated
4 with the National Network, as authorized under section
5 11101(b) of the Passenger Rail Reform and Investment
6 Act of 2015 (title XI of division A of Public Law 114–
7 94).

8 (b) USE OF FUNDS FOR STATE PAYMENTS.—Of the
9 amounts appropriated under subsection (a), \$145,320,000
10 shall be made available to the National Railroad Pas-
11 senger Corporation and shall be apportioned toward State
12 payments required by the cost methodology policy adopted
13 pursuant to section 209 of the Passenger Rail Investment
14 and Improvement Act of 2008 (division B of Public Law
15 110–432; 49 U.S.C. 24101 note).

16 (c) ALLOCATION OF FUNDS.—

17 (1) IN GENERAL.—Each State-supported
18 route’s share of the funding under subsection (b)
19 shall be equal to the sum of—

20 (A) 7 percent of the costs allocated to such
21 route in fiscal year 2019 under the cost meth-
22 odology policy referred to in subsection (b); and

23 (B) an amount equal to the product cal-
24 culated by multiplying the remaining funding
25 (after the distribution described in subpara-

1 graph (A)) by the percentage of such route's
2 passenger revenue and other revenue in fiscal
3 year 2019 of the total passenger revenue and
4 other revenue for all State-supported routes in
5 fiscal year 2019.

6 (2) EXCLUDED ROUTES.—Any State-supported
7 route that terminated service on or before February
8 1, 2020, shall not be included in the cost and rev-
9 enue calculations made under paragraph (1).

10 (d) TRANSFERS.—Amounts made available under
11 subsection (a) may be transferred to and merged with
12 amounts made available under section 3001(a) for ex-
13 penses related to preventing, preparing for, and respond-
14 ing to coronavirus.

15 (e) EMERGENCY REQUIREMENT.—Amounts made
16 available under this section are designated by Congress
17 as an emergency requirement pursuant to section
18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 **SEC. 3003. CONDITIONS.**

21 (a) IN GENERAL.—Amounts made available under
22 this chapter shall be expended in accordance with the re-
23 quirements under this section and section 22002 of title
24 XII of division B of the Coronavirus Aid, Relief, and Eco-

1 nomic Security Act (Public Law 116–136), except as oth-
2 erwise provided in this chapter.

3 (b) USE OF FUNDS.—Amounts made available under
4 this chapter shall be used by the National Railroad Pas-
5 senger Corporation—

6 (1) to prevent further employee furloughs that
7 are a result of efforts to prevent, prepare for, and
8 respond to coronavirus; and

9 (2) to prevent further reductions to the fre-
10 quency of rail service on any long-distance route (as
11 defined in section 24102 of title 49, United States
12 Code) except in an emergency (other than the
13 coronavirus) or during maintenance or construction
14 outages impacting such routes.

15 (c) EFFECT OF FURLOUGHS.—Any National Rail-
16 road Passenger Corporation employees who are furloughed
17 as a result of efforts to prevent, prepare for, and respond
18 to coronavirus shall be given the opportunity to be recalled
19 to work in accordance with their seniority and classifica-
20 tion of work, regardless of their time in the National Rail-
21 road Passenger Corporation’s service, when intercity pas-
22 senger rail service is restored.

23 (d) CONTRACTING.—The National Railroad Pas-
24 senger Corporation may not contract out any scope-cov-
25 ered work conducted by an employee who was furloughed

1 through reductions in the workforce as a result of efforts
2 to prevent, prepare for, and respond to coronavirus un-
3 less—

4 (1) such contractual arrangement was in place
5 before March 1, 2020; or

6 (2) such work is done by agreement with the
7 labor organization representing such furloughed
8 worker.

9 **CHAPTER 2—PROVIDERS OF**
10 **TRANSPORTATION SERVICES**

11 **SEC. 3011. ASSISTANCE FOR PROVIDERS OF TRANSPOR-**
12 **TATION SERVICES AFFECTED BY COVID-19.**

13 (a) **SHORT TITLE.**—This section may be cited as the
14 “Coronavirus Economic Relief for Transportation Services
15 Act”.

16 (b) **DEFINITIONS.**—In this section:

17 (1) **COVERED PERIOD.**—The term “covered pe-
18 riod”, with respect to a provider of transportation
19 services, means the period—

20 (A) beginning on the date of enactment of
21 this Act; and

22 (B) ending on the later of—

23 (i) March 31, 2021; and

1 (ii) the date on which all funds pro-
2 vided to the provider of transportation
3 services under subsection (d) are expended.

4 (2) COVID-19.—The term “COVID-19”
5 means the Coronavirus Disease 2019.

6 (3) PAYROLL COSTS.—

7 (A) IN GENERAL.—The term “payroll
8 costs” means—

9 (i) any payment to an employee of
10 compensation in the form of—

11 (I) salary, wage, commission, or
12 similar compensation;

13 (II) payment of a cash tip or an
14 equivalent;

15 (III) payment for vacation, pa-
16 rental, family, medical, or sick leave;

17 (IV) allowance for dismissal or
18 separation;

19 (V) payment required for the
20 provision of group health care or
21 other group insurance benefits, includ-
22 ing insurance premiums;

23 (VI) payment of a retirement
24 benefit;

1 (VII) payment of a State or local
2 tax assessed on the compensation of
3 employees; or

4 (VIII) paid administrative leave;
5 and

6 (ii) any payment of compensation to,
7 or income of, a sole proprietor or inde-
8 pendent contractor—

9 (I) that is—

10 (aa) a wage;

11 (bb) a commission;

12 (cc) income;

13 (dd) net earnings from self-
14 employment; or

15 (ee) similar compensation;

16 and

17 (II) in an amount equal to not
18 more than \$100,000 during 1 cal-
19 endar year, as prorated for the cov-
20 ered period.

21 (B) EXCLUSIONS.—The term “payroll
22 costs” does not include—

23 (i) any compensation of an individual
24 employee in excess of an annual salary of

1 \$100,000, as prorated for the covered pe-
2 riod;

3 (ii) any tax imposed or withheld under
4 chapter 21, 22, or 24 of the Internal Rev-
5 enue Code of 1986 during the covered pe-
6 riod;

7 (iii) any compensation of an employee
8 whose principal place of residence is out-
9 side the United States;

10 (iv) any qualified sick leave wages for
11 which a credit is allowed under section
12 7001 of the Families First Coronavirus
13 Response Act (26 U.S.C. 3111 note; Pub-
14 lic Law 116–127);

15 (v) any qualified family leave wages
16 for which a credit is allowed under section
17 7003 of that Act (26 U.S.C. 3111 note;
18 Public Law 116–127); or

19 (vi) any bonus, raise in excess of in-
20 flation, or other form of additional em-
21 ployee compensation.

22 (4) PROVIDER OF TRANSPORTATION SERV-
23 ICES.—The term “provider of transportation serv-
24 ices” means an entity that—

25 (A) is established or organized—

1 (i) in the United States; or

2 (ii) pursuant to Federal law;

3 (B) has significant operations, and a ma-
4 jority of employees based, in the United States;

5 (C) was in operation on March 1, 2020;

6 and

7 (D) is the operator of—

8 (i) a vessel of the United States (as
9 defined in section 116 of title 46, United
10 States Code) that is—

11 (I) a passenger vessel (as defined
12 in section 2101 of that title) carrying
13 fewer than 2,400 passengers;

14 (II) a small passenger vessel (as
15 defined in section 2101 of that title);

16 or

17 (III) a vessel providing pilotage
18 services and regulated by a State in
19 accordance with chapter 85 of that
20 title;

21 (ii) a company providing transpor-
22 tation services using a bus characterized
23 by an elevated passenger deck located over
24 a baggage compartment (commonly known
25 as an “over-the-road bus”), including local

1 and intercity fixed-route service, commuter
2 service, and charter or tour service (includ-
3 ing tour or excursion service that includes
4 features in addition to bus transportation,
5 such as meals, lodging, admission to points
6 of interest or special attractions, or the
7 services of a guide);

8 (iii) a company providing transpor-
9 tation services using a school bus (as de-
10 fined in section 571.3 of title 49, Code of
11 Federal Regulations (or successor regula-
12 tions)); or

13 (iv) any other passenger transpor-
14 tation service company subject to regula-
15 tion by the Department of Transportation
16 as the Secretary, in consultation with the
17 Secretary of Transportation, determines to
18 be appropriate.

19 (5) SECRETARY.—The term “Secretary” means
20 the Secretary of the Treasury.

21 (c) FUNDING.—

22 (1) IN GENERAL.—Out of any funds in the
23 Treasury not otherwise appropriated, there are ap-
24 propriated to provide grants, loans, and loan guar-
25 antees to eligible providers of transportation services

1 under this section, \$8,000,000,000 for fiscal year
2 2021.

3 (2) EMERGENCY DESIGNATION.—

4 (A) IN GENERAL.—The amounts provided
5 by this subsection are designated as an emer-
6 gency requirement pursuant to section 4(g) of
7 the Statutory Pay-As-You-Go Act of 2010 (2
8 U.S.C. 933(g)).

9 (B) DESIGNATION IN SENATE.—In the
10 Senate, this section is designated as an emer-
11 gency requirement pursuant to section 4112(a)
12 of H. Con. Res. 71 (115th Congress), the con-
13 current resolution on the budget for fiscal year
14 2018.

15 (d) PROVISION OF ASSISTANCE.—

16 (1) IN GENERAL.—The Secretary, in consulta-
17 tion with the Secretary of Transportation, shall use
18 the amounts made available under subsection (c) to
19 provide grants, loans, and loan guarantees to eligible
20 providers of transportation services described in
21 paragraph (2) that have experienced a significant
22 revenue loss as a direct or indirect result of COVID-
23 19.

24 (2) DESCRIPTION OF ELIGIBLE PROVIDERS OF
25 TRANSPORTATION SERVICES.—

1 (A) IN GENERAL.—An eligible provider of
2 transportation services referred to in paragraph

3 (1) is—

4 (i) a provider of transportation serv-
5 ices that, on March 1, 2020—

6 (I) had 500 or fewer full-time or
7 part-time employees; and

8 (II) was not a subsidiary of, or
9 controlled by, another entity with a
10 combined total full-time workforce of
11 more than 500 full-time or part-time
12 employees; or

13 (ii) a provider of transportation serv-
14 ices that—

15 (I) on March 1, 2020, had more
16 than 500 full-time or part-time em-
17 ployees; and

18 (II) except as provided in sub-
19 paragraph (B), has not received as-
20 sistance under paragraph (1), (2), or
21 (3) of section 4003(b), or subtitle B
22 of title IV, of the Coronavirus Aid,
23 Relief, and Economic Security Act
24 (Public Law 116–136; 134 Stat. 281).

1 (B) SCOPE OF ELIGIBILITY FOR CERTAIN
2 COMPANIES.—

3 (i) IN GENERAL.—A provider of trans-
4 portation services that has entered into or
5 maintains a contract or agreement de-
6 scribed in clause (ii) shall not be deter-
7 mined to be ineligible for assistance under
8 this subsection on the basis of the require-
9 ment described in subparagraph (A)(ii)(II).

10 (ii) CONTRACT OR AGREEMENT DE-
11 SCRIBED.—A contract or agreement re-
12 ferred to in clause (i) is a contract or
13 agreement for transportation services that
14 is supported by a public entity using funds
15 received under subtitle B of title IV of the
16 Coronavirus Aid, Relief, and Economic Se-
17 curity Act (Public Law 116–136; 134 Stat.
18 281).

19 (iii) ADJUSTMENT OF ASSISTANCE.—
20 The Secretary may reduce the amount of
21 assistance available under this subsection
22 to a provider of transportation services de-
23 scribed in clause (i) based on the amount
24 of funds provided under this section or
25 subtitle B of title IV of the Coronavirus

1 Aid, Relief, and Economic Security Act
2 (Public Law 116–136; 134 Stat. 281) that
3 have supported a contract described in
4 clause (ii) to which the provider of trans-
5 portation services is a party.

6 (3) AMOUNT.—

7 (A) FACTORS FOR CONSIDERATION.—In
8 determining the amount of assistance to be pro-
9 vided to an eligible provider of transportation
10 services under this subsection, the Secretary
11 shall take into consideration information pro-
12 vided by the provider of transportation services,
13 including—

14 (i) the amount of debt owed by the
15 provider of transportation services on
16 major equipment, if any;

17 (ii) other sources of Federal assist-
18 ance provided to the provider of transpor-
19 tation services, if any; and

20 (iii) such other information as the
21 Secretary may require.

22 (B) LIMITATIONS.—

23 (i) AWARD.—The Secretary shall en-
24 sure that the amount of assistance pro-
25 vided to a provider of transportation serv-

1 ices under this subsection, when combined
2 with any other Federal assistance provided
3 in response to COVID–19 under the
4 Coronavirus Aid, Relief, and Economic Se-
5 curity Act (Public Law 116–136; 134 Stat.
6 281), the Paycheck Protection Program
7 and Health Care Enhancement Act (Public
8 Law 116–139; 134 Stat. 620), or any
9 other provision of law, does not exceed the
10 total amount of revenue earned by the pro-
11 vider of transportation services during cal-
12 endar year 2019.

13 (ii) CERTIFICATION.—A provider of
14 transportation services seeking assistance
15 under this subsection shall submit to the
16 Secretary—

17 (I) documentation describing the
18 total amount of revenue earned by the
19 provider of transportation services
20 during calendar year 2019; and

21 (II) a certification that the
22 amount of assistance sought under
23 this subsection, when combined with
24 any other Federal assistance described
25 in clause (i), does not exceed the total

1 amount of revenue earned by the pro-
2 vider of transportation services during
3 calendar year 2019.

4 (4) TYPE OF ASSISTANCE.—The Secretary shall
5 ensure that not less than 50 percent of the amounts
6 made available under subsection (c) are used to pro-
7 vide grants.

8 (5) EQUAL ACCESS.—The Secretary shall en-
9 sure equal access to the assistance provided under
10 this section to eligible providers of transportation
11 services that are small, minority-owned, and women-
12 owned businesses.

13 (6) CONDITIONS OF RECEIPT.—As a condition
14 of receipt of assistance under this subsection, the
15 Secretary shall require that a provider of transpor-
16 tation services shall agree—

17 (A) subject to paragraph (7), to commence
18 using the funds—

19 (i) on a priority basis and to the ex-
20 tent available, to maintain through the ap-
21 plicable covered period, expenditures on
22 payroll costs for all employees as of the
23 date of enactment of this Act, after mak-
24 ing any adjustments required for—

25 (I) retirement; or

1 (II) voluntary employee separa-
2 tion;

3 (ii) to avoid imposing, during the cov-
4 ered period—

5 (I) any involuntary furlough; or

6 (II) any reduction in pay rates or
7 benefits for nonexecutive employees;
8 and

9 (iii) to recall or rehire any employees
10 laid off, furloughed, or terminated because
11 of reduced service as a result of COVID-
12 19 or the effects of COVID-19, to the ex-
13 tent warranted by increased service levels;

14 (B) to expend all funds received, in accord-
15 ance with subparagraph (A), by not later than
16 1 year after the date of receipt of the funds;
17 and

18 (C)(i) to examine the anticipated expendi-
19 ture of the funds by the provider of transpor-
20 tation services for the purposes described in
21 subparagraph (A) not less frequently than once
22 every 90 days after the date of receipt of the
23 funds; and

24 (ii) to return promptly to the Secretary
25 any portion of those funds that the provider of

1 transportation services anticipates will not be
2 expended by the deadline described in subpara-
3 graph (B).

4 (7) RAMP-UP PERIOD.—The requirement de-
5 scribed in paragraph (6)(A) shall not apply to a pro-
6 vider of transportation services until the later of—

7 (A) the date that is 30 days after the date
8 of receipt of the funds; and

9 (B) the date that is 90 days after the date
10 of enactment of this Act.

11 (8) ADDITIONAL CONDITIONS OF CERTAIN RE-
12 CEIPTS.—

13 (A) PRIORITIZATION OF PAYROLL
14 COSTS.—As a condition of receipt of a grant, or
15 any forgivable proceeds of a loan, under this
16 subsection, the Secretary shall require that, ex-
17 cept as provided in subparagraph (B), a pro-
18 vider of transportation services shall agree to
19 use an amount equal to not less than 60 per-
20 cent of the funds on payroll costs of the pro-
21 vider of transportation services.

22 (B) EXCEPTION.—Subparagraph (A) shall
23 not apply to a provider of transportation serv-
24 ices if the Secretary determines that, after mak-

1 services was staffed with full-time
2 equivalent, seasonal employees on a
3 monthly basis during calendar year
4 2019;

5 (II) is offering priority in rehir-
6 ing to seasonal employees that were
7 laid off, furloughed, terminated, or
8 not offered rehire in calendar year
9 2020, as the provider of transpor-
10 tation services achieves staffing at the
11 level described in subclause (I); and

12 (III) offers any seasonal em-
13 ployee rehired under subclause (II) or
14 subject to a reduction in salary before
15 the date of receipt by the provider of
16 transportation services of assistance
17 under this subsection not less than
18 100 percent of the previous salary of
19 the employee; and

20 (iii) the provider of transportation
21 services will fully cover, through the appli-
22 cable covered period, all payroll costs asso-
23 ciated with the staffing requirements de-
24 scribed in clauses (i) and (ii).

25 (9) FORMS; TERMS AND CONDITIONS.—

1 (A) IN GENERAL.—A grant, loan, or loan
2 guarantee provided under this section shall be
3 in such form, subject to such terms and condi-
4 tions, and contain such covenants, representa-
5 tions, warranties, and requirements (including
6 requirements for audits) as the Secretary deter-
7 mines to be appropriate in accordance with this
8 section.

9 (B) RATE.—Any loan provided under this
10 section shall be at a rate determined by the
11 Secretary, based on the risk and the current av-
12 erage yield on outstanding marketable obliga-
13 tions of the United States of comparable matu-
14 rity.

15 (e) ELIGIBLE ACTIVITIES.—

16 (1) IN GENERAL.—Subject to the priority de-
17 scribed in subsection (d)(6)(A), a provider of trans-
18 portation services shall use assistance provided
19 under subsection (d) only for—

20 (A) the payment of payroll costs;

21 (B) the acquisition of services, equipment,
22 including personal protective equipment, and
23 other measures needed to protect workers and
24 customers from COVID-19;

1 (C) continued operations and maintenance
2 during the applicable covered period of existing
3 capital equipment and facilities—

4 (i) including rent, leases, insurance,
5 and interest on debt service; but

6 (ii) not including any prepayment of,
7 or payment of principal on, a debt obliga-
8 tion, except for any principal on a debt ob-
9 ligation accrued by the provider of trans-
10 portation services as a direct result of an
11 effort to maintain the expenditures of the
12 provider of transportation services on pay-
13 roll costs throughout the COVID–19 pan-
14 demic; or

15 (D) the compensation of returning employ-
16 ees for lost pay and benefits during the
17 COVID–19 pandemic, subject to paragraph (3).

18 (2) ELIGIBILITY.—The use of assistance pro-
19 vided under subsection (d) for the compensation of
20 returning employees under paragraph (1)(D) shall
21 be counted toward the required amount of grants or
22 forgivable proceeds of loans to be used on payroll
23 costs under subsection (d)(6)(A).

24 (3) COMPENSATION OF RETURNING EMPLOY-
25 EES.—Notwithstanding any other provision of law,

1 any compensation provided to a returning employee
2 under paragraph (1)(D)—

3 (A) shall be offset by—

4 (i) any amounts received by the em-
5 ployee from the provider of transportation
6 services as a result of the layoff, furlough,
7 or termination of the employee or any fail-
8 ure to hire the employee for seasonal em-
9 ployment during calendar year 2020, in-
10 cluding—

11 (I) furlough pay;

12 (II) severance pay; or

13 (III) separation pay; and

14 (ii) any amounts the employee re-
15 ceived from unemployment insurance; and

16 (B) shall not—

17 (i) be considered to be an overpay-
18 ment for purposes of unemployment insur-
19 ance; or

20 (ii) be subject to any recovery effort
21 by a State agency.

1 **CHAPTER 3—AVIATION**
2 **Subchapter A—Federal Aviation**
3 **Administration**

4 FEDERAL AVIATION ADMINISTRATION
5 GRANTS-IN-AID FOR AIRPORTS

6 There is appropriated, out of amounts in the Treas-
7 ury not otherwise appropriated, for the fiscal year ending
8 September 30, 2021, for an additional amount for
9 “Grants-in-Aid for Airports” \$4,000,000,000, to remain
10 available until September 30, 2021, to prevent, prepare
11 for, and respond to coronavirus: *Provided*, That amounts
12 made available under this heading in this subchapter shall
13 be derived from the general fund of the Treasury: *Pro-*
14 *vided further*, That funds provided under this heading in
15 this subchapter shall only be available to airports in cat-
16 egories defined in section 47102 of title 49, United States
17 Code: *Provided further*, That funds provided under this
18 heading in this subchapter shall not otherwise be subject
19 to the requirements of chapter 471 of such title: *Provided*
20 *further*, That notwithstanding the previous proviso, except
21 for project eligibility, the requirements of chapter 471 of
22 such title shall apply to funds provided for any contract
23 awarded (after the date of enactment) for airport develop-
24 ment and funded under this heading: *Provided further*,
25 That funds provided under this heading in this subchapter

1 may not be used for any purpose not directly related to
2 the airport: *Provided further*, That no additional funding
3 shall be provided under this heading to any airport that
4 was allocated in excess of four years of operating funds
5 under Public Law 116–136: *Provided further*, That the
6 Federal share payable of the costs for which a grant is
7 made under this heading shall be 100 percent: *Provided*
8 *further*, That, notwithstanding any other provision of law,
9 any funds appropriated under the heading “Grants-In-Aid
10 for Airports” in Public Law 116-136 that are unallocated
11 as of the date of enactment of this subchapter shall be
12 added to and allocated under paragraph (1) of this head-
13 ing: *Provided further*, That any funds obligated under
14 Public Law 116–136 that are recovered by or returned
15 to the FAA shall be allocated under paragraph (1) of this
16 heading *Provided further*, That of the amounts appro-
17 priated under this heading in this subchapter:

18 (1) Not less than \$3,407,000,000 shall be avail-
19 able for primary airports as defined in section
20 47102(16) of title 49, United States Code, and cer-
21 tain cargo airports for costs related to operations,
22 cleaning, sanitization, janitorial services, combating
23 the spread of pathogens at the airport, and debt
24 service payments: *Provided*, That such funds shall
25 not be subject to the reduced apportionments of sec-

1 tion 47114(f) of title 49, United States Code: *Pro-*
2 *vided further*, That such funds shall first be appor-
3 tioned as set forth in sections 47114(c)(1)(A),
4 47114(c)(1)(C)(i), 47114(c)(1)(C)(ii),
5 47114(c)(2)(A), 47114(c)(2)(B), and
6 47114(c)(2)(E) of title 49, United States Code: *Pro-*
7 *vided further*, That there shall be no maximum ap-
8 portionment limit: *Provided further*, That any re-
9 maining funds after such apportionment shall be dis-
10 tributed to all sponsors of primary airports (as de-
11 fined in section 47102(16) of title 49, United States
12 Code) based on each such airport's passenger
13 enplanements compared to total passenger
14 enplanements of all airports defined in section
15 47102(16) of title 49, United States Code, for the
16 most recent calendar year enplanements upon which
17 the Secretary has apportioned funds pursuant to
18 section 47114(c) of title 49, United States Code;

19 (2) Up to \$50,000,000 shall be for general
20 aviation and commercial service airports that are not
21 primary airports as defined in paragraphs (7), (8),
22 and (16) of section 47102 of title 49, United States
23 Code, for costs related to operations, cleaning, sani-
24 tization, janitorial services, combating the spread of
25 pathogens at the airport, and debt service payments:

1 *Provided*, That not less than \$8,150,000 of such
2 funds shall be available to sponsors of non-primary
3 airports, divided equally, that participate in the FAA
4 Contract Tower Program defined in section 47124
5 of title 49, United States Code, to cover lawful ex-
6 penses to support FAA contract tower operations:

7 *Provided further*, That the Secretary shall apportion
8 the remaining funds to each non-primary airport
9 based on the categories published in the most cur-
10 rent National Plan of Integrated Airport Systems,
11 reflecting the percentage of the aggregate published
12 eligible development costs for each such category,
13 and then dividing the allocated funds evenly among
14 the eligible airports in each category, rounding up to
15 the nearest thousand dollars: *Provided further*, That
16 any remaining funds under this paragraph shall be
17 distributed as described in paragraph (1) under this
18 heading in this subchapter;

19 (3) Not less than \$500,000,000 shall be avail-
20 able to sponsors of primary airports to provide relief
21 from rent and minimum annual guarantees to on-
22 airport car rental, on-airport parking, and in-ter-
23 minal airport concessions (as defined in part 23 of
24 title 49, Code of Federal Regulations) located at pri-
25 mary airports: *Provided*, That such funds shall be

1 distributed to all sponsors of primary airports (as
2 defined in section 47102(16) of title 49, United
3 States Code) based on each such airport's passenger
4 enplanements compared to total passenger
5 enplanements of all airports defined in section
6 47102(16) of title 49, United States Code, for cal-
7 endar year 2019: *Provided further*, That as a condi-
8 tion of approving a grant under this paragraph, the
9 Secretary shall require the sponsor to provide such
10 relief from the date of enactment of this subchapter
11 until the sponsor has provided relief equaling the
12 total grant amount, to the extent practicable and to
13 the extent permissible under state laws, local laws,
14 and applicable trust indentures: *Provided further*,
15 That the sponsor shall provide relief from rent and
16 minimum annual guarantee obligations to each eligi-
17 ble airport concession in an amount that reflects
18 each eligible airport concession's proportional share
19 of the total amount of the rent and minimum annual
20 guarantees of all the eligible airport concessions at
21 such airport: *Provided further*, That, to the extent
22 permissible under this paragraph, airport sponsors
23 shall prioritize relief from rent and minimum annual
24 guarantee to minority-owned businesses: *Provided*
25 *further*, That only airport concessions that have cer-

1 tified they have not received a second draw or assist-
2 ance for a covered loan under section 7(a)(37) of the
3 Small Business Act (15 U.S.C. 636(a)(37)) that has
4 been applied toward rent or minimum annual guar-
5 antee costs shall be eligible for relief under this
6 paragraph and such concessions are hereby prohib-
7 ited from applying for a covered loan under such
8 section for rent or minimum annual guarantee costs:
9 *Provided further*, That sponsors of primary airports
10 may retain up to 2 percent of the funds provided
11 under this paragraph to administer the relief re-
12 quired under this paragraph;

13 (4) Up to \$20,000,000 shall be available and
14 transferred to “Office of the Secretary, Salaries and
15 Expenses” to carry out the Small Community Air
16 Service Development Program: *Provided*, That in al-
17 locating funding made available in this or any pre-
18 vious acts for such program for fiscal years 2019,
19 2020, and 2021, the Secretary of Transportation
20 shall give priority to communities or consortia of
21 communities that have had air carrier service re-
22 duced or suspended as a result of the coronavirus
23 pandemic: *Provided further*, That the Secretary shall
24 publish streamlined and expedited procedures for the
25 solicitation of applications for assistance under this

1 paragraph not later than 60 days after the date of
2 enactment of this subchapter and shall make awards
3 as soon as practicable; and

4 (5) Up to \$23,000,000 shall be available to the
5 Essential Air Service and Rural Improvement Fund,
6 in addition to funds provided to the “Payments to
7 Air Carriers” program in this fiscal year, to carry
8 out the essential air service program under section
9 41731 through 41742 of title 49, United States
10 Code: *Provided*, That the Secretary may pay com-
11 pensation to alternate essential air service commu-
12 nities in the same manner as authorized under
13 41733(d) of title 49, United States Code: *Provided*
14 *further*, That, notwithstanding section 41733 of title
15 49, United States Code, for each of fiscal years
16 2020 and 2021, the requirements established under
17 subparagraphs (B) and (C) of section 41731(a)(1)
18 of title 49, United States Code, and the subsidy cap
19 established by section 332 of the Department of
20 Transportation and Related Agencies Appropriations
21 Act, 2000, shall not apply to maintain eligibility
22 under section 417831 of title 49, United States
23 Code.

24 *Provided further*, That the Administrator of the Fed-
25 eral Aviation Administration may retain up to 0.15 per-

1 cent of the funds provided under this heading in this sub-
2 chapter to fund the award and oversight by the Adminis-
3 trator of grants made under this heading in this sub-
4 chapter: *Provided further*, That obligations of funds under
5 this heading in this subchapter shall not be subject to any
6 limitations on obligations provided in any Act making an-
7 nual appropriations: *Provided further*, That all airports re-
8 ceiving funds under this heading in this subchapter shall
9 continue to employ, through March 31, 2021, at least 90
10 percent of the number of individuals employed (after mak-
11 ing adjustments for retirements or voluntary employee
12 separations) by the airport as of March 27, 2020: *Pro-*
13 *vided further*, That the Secretary may waive the workforce
14 retention requirement in the previous proviso, if the Sec-
15 retary determines the airport is experiencing economic
16 hardship as a direct result of the requirement, or the re-
17 quirement reduces aviation safety or security: *Provided*
18 *further*, That the workforce retention requirement shall
19 not apply to nonhub airports or nonprimary airports re-
20 ceiving funds under this heading in this subchapter.

21 **SEC. 3021. AIRPORT IMPROVEMENT PROGRAM APPORTION-**
22 **MENTS TO PRIMARY AIRPORTS.**

23 Section 47114(c)(1) of title 49, United States Code,
24 is amended by adding at the end the following:

1 “(J) SPECIAL RULE FOR FISCAL YEARS
2 2022 AND 2023.—Notwithstanding subparagraph
3 (A) and the absence of scheduled passenger air-
4 craft service at an airport, the Secretary shall
5 apportion in fiscal years 2022 and 2023 to the
6 sponsor of the airport an amount based on the
7 number of passenger boardings at the airport
8 during whichever of the following years that
9 would result in the highest apportioned amount:

10 “(i) Calendar year 2018.

11 “(ii) Calendar year 2019.

12 “(iii) The prior full calendar year
13 prior to the current fiscal year.”.

14 **SEC. 3022. AIR TRAFFIC CONTROL CONTRACT PROGRAM.**

15 Notwithstanding section 47124(d)(1)(B) of title 49,
16 United States Code, the Secretary of Transportation shall
17 not calculate a benefit-to-cost ratio with respect to an air
18 traffic control tower participating in the Contract Tower
19 Program on the basis of an annual aircraft traffic de-
20 crease in fiscal years 2020 and 2021.

21 **SEC. 3023. EMERGENCY DESIGNATION.**

22 The amounts made available under this subchapter
23 (including under the amendment made by section 3022
24 and under the application of section 3023) are designated
25 by the Congress as being for an emergency requirement

1 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
2 et and Emergency Deficit Control Act of 1985.

3 **Subchapter B—Airline Worker Support**
4 **Extension**

5 **SEC. 3031. DEFINITIONS.**

6 Unless otherwise specified, the definitions in section
7 40102(a) of title 49, United States Code, shall apply to
8 this subchapter, except that in this subchapter—

9 (1) the term “employee” means an individual,
10 other than a corporate officer, who is employed by
11 an air carrier;

12 (2) the term “recall” means the dispatch of a
13 notice by an air carrier, via mail, courier, or elec-
14 tronic mail, to an involuntarily furloughed employee
15 notifying the employee that—

16 (A) the employee must, within a specified
17 period of time, elect either—

18 (i) to return to employment or bypass
19 return to employment in accordance with
20 an applicable collective bargaining agree-
21 ment or, in the absence of a collective bar-
22 gaining agreement, company policy; or

23 (ii) to permanently separate from em-
24 ployment with the air carrier; and

1 (B) failure to respond within such time pe-
2 riod specified shall be considered an election
3 under subparagraph (A)(ii);

4 (3) the term “returning employee” means an
5 involuntarily furloughed employee who has elected to
6 return to employment pursuant to a recall notice;
7 and

8 (4) the term “Secretary” means the Secretary
9 of the Treasury.

10 **SEC. 3032. PANDEMIC RELIEF FOR PASSENGER AIRLINE**
11 **WORKERS.**

12 (a) FINANCIAL ASSISTANCE FOR EMPLOYEE WAGES,
13 SALARIES, AND BENEFITS.—Notwithstanding any other
14 provision of law, to preserve passenger air carrier jobs and
15 compensate passenger air carrier workers, the Secretary
16 shall provide financial assistance that shall exclusively be
17 used for the continuation of payment of employee wages,
18 salaries, and benefits to passenger air carriers, in an ag-
19 gregate amount up to \$17,000,000,000.

20 (b) ADMINISTRATIVE EXPENSES.—Notwithstanding
21 any other provision of law, the Secretary may use funds
22 made available under section 4112(b) of the CARES Act
23 (15 U.S.C. 9072(b)) for costs and administrative expenses
24 associated with providing financial assistance under this
25 subchapter.

1 **SEC. 3033. PROCEDURES FOR PROVIDING PAYROLL SUP-**
2 **PORT.**

3 (a) **AWARDABLE AMOUNTS.**—The Secretary shall
4 provide financial assistance under this subchapter—

5 (1) to an air carrier required to file reports pur-
6 suant to part 241 of title 14, Code of Federal Regu-
7 lations, as of March 27, 2020, in an amount equal
8 to two-thirds of—

9 (A) the amount such air carrier received
10 under section 4113 of the CARES Act (15
11 U.S.C. 9073); or

12 (B) at the request of such air carrier, or
13 in the event such air carrier did not receive as-
14 sistance under section 4113 of the CARES Act
15 (15 U.S.C. 9073), the amount of the salaries
16 and benefits reported by the air carrier to the
17 Department of Transportation pursuant to such
18 part 241, for the period from October 1, 2019,
19 through March 31, 2020;

20 (2) to an air carrier that was not required to
21 transmit reports under such part 241, as of March
22 27, 2020, in an amount equal to two-thirds of—

23 (A) the amount such air carrier received
24 under section 4113 of the CARES Act (15
25 U.S.C. 9073), plus an additional 15 percent of
26 such amount;

1 (B) at the request of such air carrier, pro-
2 vided such air carrier received assistance under
3 section 4113 of the CARES Act (15 U.S.C.
4 9073), the sum of—

5 (i) the amount that such air carrier
6 certifies, using sworn financial statements
7 or other appropriate data, as the amount
8 of total salaries and related fringe benefits
9 that such air carrier incurred and would be
10 required to be reported to the Department
11 of Transportation pursuant to such part
12 241, if such air carrier was required to
13 transmit such information during the pe-
14 riod from April 1, 2019, through Sep-
15 tember 30, 2019; and

16 (ii) an additional amount equal to the
17 difference between the amount certified
18 under clause (i) and the amount the air
19 carrier received under section 4113 of the
20 CARES Act (15 U.S.C. 9073); or

21 (C) in the event such air carrier did not re-
22 ceive assistance under section 4113 of the
23 CARES Act (15 U.S.C. 9073), an amount that
24 such an air carrier certifies, using sworn finan-
25 cial statements or other appropriate data, as

1 the amount of total salaries and related fringe
2 benefits that such air carrier incurred and
3 would be required to be reported to the Depart-
4 ment of Transportation pursuant to such part
5 241, if such air carrier was required to trans-
6 mit such information during the period from
7 October 1, 2019, through March 31, 2020.

8 (b) DEADLINES AND PROCEDURES.—

9 (1) IN GENERAL.—

10 (A) FORMS; TERMS AND CONDITIONS.—Fi-
11 nancial assistance provided to an air carrier
12 under this subchapter shall—

13 (i) be, to the maximum extent prac-
14 ticable, in the same form and on the same
15 terms and conditions (including require-
16 ments for audits and the clawback of any
17 financial assistance provided upon failure
18 by a passenger air carrier to honor the as-
19 surances specified in section 3034), as
20 agreed to by the Secretary and the recipi-
21 ent for assistance received under section
22 4113 of the CARES Act (15 U.S.C. 9073),
23 except if inconsistent with this subchapter;
24 or

1 (ii) in the event such air carrier did
2 not receive assistance under section 4113
3 of the CARES Act (15 U.S.C. 9073), be,
4 to the maximum extent practicable, in the
5 same form and on the same terms and
6 conditions (including requirements for au-
7 dits and the clawback of any financial as-
8 sistance provided upon failure by a pas-
9 senger air carrier to honor the assurances
10 specified in section 3034), as agreed to by
11 the Secretary and similarly situated recipi-
12 ents of assistance under such section 4113.

13 (B) PROCEDURES.—The Secretary shall
14 publish streamlined and expedited procedures
15 not later than 5 days after the date of enact-
16 ment of this subchapter for air carriers to sub-
17 mit requests for financial assistance under this
18 subchapter.

19 (2) DEADLINE FOR IMMEDIATE PAYROLL AS-
20 SISTANCE.—Not later than 10 days after the date of
21 enactment of this subchapter, the Secretary shall
22 make initial payments to air carriers that submit re-
23 quests for financial assistance approved by to the
24 Secretary.

1 (3) SUBSEQUENT PAYMENTS.—The Secretary
2 shall determine an appropriate method for the timely
3 distribution of payments to air carriers with ap-
4 proved requests for financial assistance from any
5 funds remaining available after providing initial fi-
6 nancial assistance payments under paragraph (2).

7 (c) PRO RATA REDUCTIONS.—The amounts under
8 subsection (a) shall, to the maximum extent practicable,
9 be subject to the same pro rata reduction applied by the
10 Secretary to passenger air carriers that received assistance
11 under section 4113 of the CARES Act (15 U.S.C. 9073).

12 (d) AUDITS.—The Inspector General of the Depart-
13 ment of the Treasury shall audit certifications made under
14 subsection (a).

15 **SEC. 3034. REQUIRED ASSURANCES.**

16 (a) IN GENERAL.—To be eligible for financial assist-
17 ance under this subchapter, an air carrier shall enter into
18 an agreement with the Secretary, or otherwise certify in
19 such form and manner as the Secretary shall prescribe,
20 that the air carrier shall—

21 (1) refrain from conducting involuntary fur-
22 loughs or reducing pay rates and benefits until
23 March 31, 2021;

24 (2) ensure that neither the air carrier nor any
25 affiliate of the air carrier may, in any transaction,

1 purchase an equity security of the air carrier or the
2 parent company of the air carrier that is listed on
3 a national securities exchange through March 31,
4 2022;

5 (3) ensure that the air carrier shall not pay
6 dividends, or make other capital distributions, with
7 respect to common stock (or equivalent interest) of
8 the air carrier through March 31, 2022; and

9 (4) meet the requirements of sections 3035 and
10 3036.

11 (b) **RECALLS OF EMPLOYEES.**—An agreement or cer-
12 tification under this section shall require an air carrier
13 to perform the following actions:

14 (1) In the case of an air carrier that received
15 financial assistance under title IV of the CARES Ac
16 tot—

17 (A) recall (as defined in section 3031), not
18 later than 72 hours after executing such agree-
19 ment or certification, any employees involun-
20 tarily furloughed by such air carrier between
21 October 1, 2020, and the date such air carrier
22 enters into an agreement with the Secretary
23 with respect to financial assistance under this
24 subchapter;

1 (B) compensate returning employees for
2 lost pay and benefits (offset by any amounts re-
3 ceived by the employee from an air carrier as
4 a result of the employee's furlough, including,
5 but not limited to, furlough pay, severance pay,
6 or separation pay) between December 1, 2020,
7 and the date on which such air carrier enters
8 into an agreement with the Secretary with re-
9 spect to financial assistance under this sub-
10 chapter; and

11 (C) restore the rights and protections for
12 such returning employees as if such employees
13 had not been involuntarily furloughed.

14 (2) In the case of an air carrier that did not
15 receive financial assistance under title IV of the
16 CARES Act to—

17 (A) recall (as defined in section 3031),
18 within 72 hours after executing such agreement
19 or certification, any employees involuntarily fur-
20 loughed by such air carrier between March 27,
21 2020, and the date such air carrier enters into
22 an agreement with the Secretary for financial
23 assistance under this subchapter;

24 (B) compensate returning employees under
25 this paragraph for lost pay and benefits (offset

1 by any amounts received by the employee from
2 an air carrier as a result of the employee's fur-
3 lough, including, but not limited to, furlough
4 pay, severance pay, or separation pay) between
5 December 1, 2020, and the date such air car-
6 rier enters into an agreement with the Sec-
7 retary for financial assistance under this sub-
8 chapter; and

9 (C) restore the rights and protections for
10 such returning employees as if such employees
11 had not been involuntarily furloughed.

12 **SEC. 3035. PROTECTION OF COLLECTIVE BARGAINING**
13 **AGREEMENTS.**

14 (a) **IN GENERAL.**—Neither the Secretary, nor any
15 other actor, department, or agency of the Federal Govern-
16 ment, shall condition the issuance of financial assistance
17 under this subchapter on an air carrier's implementation
18 of measures to enter into negotiations with the certified
19 bargaining representative of a craft or class of employees
20 of the air carrier under the Railway Labor Act (45 U.S.C.
21 151 et seq.) or the National Labor Relations Act (29
22 U.S.C. 151 et seq.), regarding pay or other terms and con-
23 ditions of employment.

24 (b) **PERIOD OF EFFECT.**—With respect to any air
25 carrier to which financial assistance is provided under this

1 subchapter, this section shall be in effect with respect to
2 the air carrier for the period beginning on the date on
3 which the air carrier is first issued such financial assist-
4 ance and ending on March 31, 2021.

5 **SEC. 3036. LIMITATION ON CERTAIN EMPLOYEE COM-**
6 **PENSATION.**

7 (a) IN GENERAL.—The Secretary may only provide
8 financial assistance under this subchapter to an air carrier
9 after such carrier enters into an agreement with the Sec-
10 retary that provides that, during the 2-year period begin-
11 ning October 1, 2020, and ending October 1, 2022—

12 (1) no officer or employee of the air carrier
13 whose total compensation exceeded \$425,000 in cal-
14 endar year 2019 (other than an employee whose
15 compensation is determined through an existing col-
16 lective bargaining agreement entered into prior to
17 the date of enactment of this subchapter) will receive
18 from the air carrier—

19 (A) total compensation that exceeds, dur-
20 ing any 12 consecutive months of such 2-year
21 period, the total compensation received by the
22 officer or employee from the air carrier in cal-
23 endar year 2019; or

24 (B) severance pay or other benefits upon
25 termination of employment with the air carrier

1 which exceeds twice the maximum total com-
2 pensation received by the officer or employee
3 from the air carrier in calendar year 2019; and

4 (2) no officer or employee of the air carrier
5 whose total compensation exceeded \$3,000,000 in
6 calendar year 2019 may receive during any 12 con-
7 secutive months of such period total compensation in
8 excess of the sum of—

9 (A) \$3,000,000; and

10 (B) 50 percent of the excess over
11 \$3,000,000 of the total compensation received
12 by the officer or employee from the air carrier
13 in calendar year 2019.

14 (b) **TOTAL COMPENSATION DEFINED.**—In this sec-
15 tion, the term “total compensation” includes salary, bo-
16 nuses, awards of stock, and other financial benefits pro-
17 vided by an air carrier to an officer or employee of the
18 air carrier.

19 **SEC. 3037. MINIMUM AIR SERVICE GUARANTEES.**

20 (a) **IN GENERAL.**—The Secretary of Transportation
21 is authorized to require, to the extent reasonable and prac-
22 ticable, an air carrier provided financial assistance under
23 this subchapter to maintain scheduled air transportation,
24 as the Secretary of Transportation determines necessary,

1 to ensure services to any point served by that air carrier
2 before March 1, 2020.

3 (b) REQUIRED CONSIDERATIONS.—When considering
4 whether to exercise the authority provided by this section,
5 the Secretary of Transportation shall take into consider-
6 ation the air transportation needs of small and remote
7 communities, the need to maintain well-functioning health
8 care supply chains, including medical devices and supplies,
9 and pharmaceutical supply chains.

10 (c) SUNSET.—The authority provided under this sec-
11 tion shall terminate on March 1, 2022, and any require-
12 ments issued by the Secretary of Transportation under
13 this section shall cease to apply after that date.

14 (d) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that, when implementing this section, the Secretary
16 of Transportation should take into consideration the fol-
17 lowing:

18 (1) A number of airports and communities have
19 lost air service as a result of consolidated operations
20 by covered air carriers, as permitted by the Depart-
21 ment of Transportation, including smaller airports
22 that are located near larger airports.

23 (2) Airports covering common points, as deter-
24 mined the Department of Transportation, do not
25 align with the grouping commonly used by many air

1 carriers, other Federal agencies, and distribution
2 channels used by consumers to purchase air travel.

3 (3) The Department of Transportation should
4 consider the demographic, geographic, economic, and
5 other characteristics of an area and affected commu-
6 nities when determining whether consolidated oper-
7 ations at a single airport effectively serve the needs
8 of the point.

9 (4) Maintaining a robust air transportation sys-
10 tem, including maintaining air service to airports
11 throughout the United States, plays an important
12 role in the effective distribution of a coronavirus vac-
13 cine.

14 (5) The Department of Transportation should
15 consider the objections from community respondents
16 on whether a specific airport should or should not be
17 included in a consolidated point, including those ob-
18 jections noting the importance of the required con-
19 siderations set forth in subsection (b).

20 **SEC. 3038. TAXPAYER PROTECTION.**

21 (a) CARES ACT ASSISTANCE RECIPIENTS.—With
22 respect to a recipient of financial assistance under section
23 4113 of the CARES Act (15 U.S.C. 9073) that receives
24 financial assistance under this subchapter, the Secretary
25 may receive warrants, options, preferred stock, debt secu-

1 rities, notes, or other financial instruments issued by such
2 recipient that are, to the maximum extent practicable, in
3 the same form and amount, and under the same terms
4 and conditions, as agreed to by the Secretary and such
5 recipient to provide appropriate compensation to the Fed-
6 eral Government for the provision of the financial assist-
7 ance under this subchapter.

8 (b) OTHER APPLICANTS.—With respect to a recipient
9 of financial assistance under this subchapter that did not
10 receive financial assistance under section 4113 of the
11 CARES Act (15 U.S.C. 9073), the Secretary may receive
12 warrants, options, preferred stock, debt securities, notes,
13 or other financial instruments issued by such recipient in
14 a form and amount that are, to the maximum extent prac-
15 ticable, under the same as the terms and conditions as
16 agreed to by the Secretary and similarly situated recipi-
17 ents of financial assistance under such section to provide
18 appropriate compensation to the Federal Government for
19 the provision of the financial assistance under this sub-
20 chapter.

21 **SEC. 3039. REPORTS.**

22 (a) REPORT.—Not later than March 1, 2021, the
23 Secretary shall submit to the Committee on Transpor-
24 tation and Infrastructure and the Committee on Financial
25 Services of the House of Representatives and the Com-

1 mittee on Commerce, Science, and Transportation and the
2 Committee on Banking, Housing, and Urban Affairs of
3 the Senate a report on the financial assistance provided
4 to air carriers under this subchapter, that includes—

5 (1) a description of any financial assistance
6 provided to air carrier under this subchapter;

7 (2) any audits of air carriers receiving financial
8 assistance under this subchapter;

9 (3) any reports filed by air carriers receiving fi-
10 nancial assistance under this subchapter;

11 (4) any instances of non-compliances by air car-
12 riers receiving financial assistance under this sub-
13 chapter with the requirements of this subchapter or
14 agreements entered into with the Secretary to re-
15 ceive such financial assistance; and

16 (5) information relating to any clawback of any
17 financial assistance provided to air carriers under
18 this subchapter.

19 (b) INTERNET UPDATES.—The Secretary shall up-
20 date the website of the Department of the Treasury, at
21 minimum, on a weekly basis as necessary to reflect new
22 or revised distributions of financial assistance under this
23 subchapter with respect to each air carrier that receives
24 such assistance, the identification of any applicant that

1 applied for financial assistance under this subchapter, and
2 the date of application for such assistance.

3 (c) SUPPLEMENTAL UPDATE.—Not later than the
4 last day of the 1-year period following the date of enact-
5 ment of this subchapter, the Secretary shall update and
6 submit to the Committee on Transportation and Infra-
7 structure and the Committee on Financial Services of the
8 House of Representatives and the Committee on Com-
9 merce, Science, and Transportation and the Committee on
10 Banking, Housing, and Urban Affairs of the Senate, the
11 report submitted under subsection (a).

12 (d) PROTECTION OF CERTAIN DATA.—The Secretary
13 may withhold information that would otherwise be re-
14 quired to be made available under this section only if the
15 Secretary determines to withhold the information in ac-
16 cordance with section 552 of title 5, United States Code.

17 **SEC. 3040. COORDINATION.**

18 In implementing this subchapter, the Secretary shall
19 coordinate with the Secretary of Transportation.

20 **[SEC. 3041. FUNDING.**

21 There is appropriated, out of amounts in the Treas-
22 ury not otherwise appropriated, \$17,000,000,000 to carry
23 out this subchapter, to remain available until expended.]

1 **SEC. 3042. CARES ACT AMENDMENTS.**

2 (a) CONTINUED APPLICATION OF REQUIRED ASSUR-
3 ANCE.—Section 4114 of the CARES Act (15 U.S.C.
4 9074) is amended by adding at the end the following new
5 subsections:

6 “(c) CONTINUED APPLICATION.—

7 “(1) IN GENERAL.—If, after the date of enact-
8 ment of this subsection, a contractor expends any
9 funds made available pursuant to section 4112 and
10 distributed pursuant to section 4113, the assurances
11 in paragraphs (1) through (3) of subsection (a) shall
12 continue to apply until the dates included in such
13 paragraphs, or the date on which the contractor
14 fully exhausts such financial assistance, whichever is
15 later.

16 “(2) SPECIAL RULE.—Not later than April 5,
17 2021, each contractor that has received funds pursu-
18 ant to such section 4112 shall report to the Sec-
19 retary on the amount of such funds that the con-
20 tractor has expended through March 31, 2021. If
21 the contractor has expended an amount that is less
22 than 50 percent of the total amount of funds the
23 contractor received under such section, the Secretary
24 shall initiate an action to recover any funds that re-
25 main unexpended as of April 30, 2021.

1 “(d) RECALL OF EMPLOYEES.—Any contractor that
2 conducted involuntary furloughs or reduced pay rates and
3 benefits, between October 1, 2020, and the date on of en-
4 actment of this subsection, shall recall (as defined in sec-
5 tion 4111) employees who were involuntary furloughed
6 during such period.”.

7 (b) DEFINITION OF RECALL.—

8 (1) IN GENERAL.—Section 4111 of the CARES
9 Act (15 U.S.C. 9071) is amended—

10 (A) in paragraph (4) by striking “and” at
11 the end;

12 (B) by redesignating paragraph (5) as
13 paragraph (6); and

14 (C) by inserting after paragraph (4) the
15 following:

16 “(5) the term ‘recall’ means the dispatch of a
17 notice by a contractor, via mail, courier, or electronic
18 mail, to an involuntarily furloughed employee noti-
19 fying the employee that—

20 “(A) the employee must, within a specified
21 period of time that is not less than **[14 days]**,
22 elect either—

23 “(i) to return to employment or by-
24 pass return to employment in accordance
25 with an applicable collective bargaining

1 agreement or, in the absence of a collective
2 bargaining agreement, company policy; or
3 “(ii) to permanently separate from
4 employment with the contractor; and
5 “(B) failure to respond within such time
6 period specified will be deemed to be an election
7 under subparagraph (A)(ii); and”.

8 (2) SAVINGS CLAUSE.—Notwithstanding the
9 amendments made by paragraph (1), the Secretary
10 of the Treasury shall have the discretion to waive
11 the requirement for a contractor to recall employees
12 if the Secretary determines that—

13 (A) imposition of such requirement would
14 cause the contractor to go into bankruptcy or
15 permanently cease operating; or

16 (B) the contractor has or will have insuffi-
17 cient remaining payroll support program funds
18 remaining to keep recalled employees employed
19 for more than two weeks upon returning to
20 work.

21 **SEC. 3043. EMERGENCY REQUIREMENT.**

22 (a) IN GENERAL.—This subchapter is designated as
23 an emergency requirement pursuant to section 4(g) of the
24 Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

1 (b) DESIGNATION IN SENATE.—In the Senate, this
2 subchapter is designated as an emergency requirement
3 pursuant to section 4112(a) of H. Con. Res. 71 (115th
4 Congress), the concurrent resolution on the budget for fis-
5 cal year 2018.

6 CHAPTER 4—TRANSIT

7 FEDERAL TRANSIT ADMINISTRATION

8 TRANSIT INFRASTRUCTURE GRANTS

9 For an additional amount for “Transit Infrastructure
10 Grants”, \$15,000,000,000, to remain available until ex-
11 pended, to prevent, prepare for, and respond to
12 **【coronavirus - COVID–19? Note: global】**: *Provided*, That
13 of the amounts appropriated under this heading in this
14 Act **【Note: heading in this chapter? Throughout chap-
15 ter.】**—

16 (1) \$13,271,310,572 shall be for grants to re-
17 cipients eligible under chapter 53 of title 49, United
18 States Code, and administered as if such funds were
19 provided under section 5307 of title 49, United
20 States Code (apportioned in accordance with section
21 5336 of such title (other than subsections (h)(1) and
22 (h)(4))), and section 5337 of title 49, United States
23 Code (apportioned in accordance with such section),
24 except that funds apportioned under section 5337
25 shall be added to funds apportioned under 5307 for

1 administration under 5307: *Provided*, That the Sec-
2 retary of Transportation (referred to under this
3 heading in this Act as the “Secretary”) shall allocate
4 the amounts provided in the preceding proviso under
5 sections 5307 and 5337 of title 49, United States
6 Code, in the same ratio as funds were provided
7 under the Further Consolidated Appropriations Act,
8 2020 (Public Law 116–94; 133 Stat. 2534) and
9 shall allocate such amounts not later than 30 days
10 after enactment of this Act: *Provided further*, That
11 the amounts allocated to any urbanized area from
12 amounts made available under this paragraph when
13 combined with the amounts allocated to that urban-
14 ized area from funds appropriated under this head-
15 ing in title XII of division B of the CARES Act
16 (Public Law 116–136; 134 Stat. 599)) may not ex-
17 ceed 75 percent of that urbanized area’s 2018 oper-
18 ating costs based on data contained in the National
19 Transit Database: *Provided further*, That for any ur-
20 banized area for which the calculation in the pre-
21 vious proviso exceeds 75 percent of the urbanized
22 area’s 2018 operating costs, the Secretary shall dis-
23 tribute funds in excess of such percent to urbanized
24 areas for which the calculation in the previous pro-
25 viso does not exceed 75 percent, in the same propor-

1 tion as amounts allocated under the first proviso of
2 this paragraph: *Provided further*, That if amounts
3 remain available after distributing funds under this
4 paragraph, such amounts shall be distributed to
5 those urbanized areas for which the calculation in
6 the second proviso of this paragraph is between 75
7 percent and 100 percent of the area's 2018 oper-
8 ating costs in the proportion that the 2018 oper-
9 ating costs bear to the total operating costs for such
10 urbanized areas: *Provided further*, That no urban-
11 ized area may receive more than \$4,000,000,000
12 from the amounts allocated under this paragraph in
13 combination with the amounts provided under this
14 heading in title XII of division B of the CARES Act
15 (Public Law 116–136; 134 Stat. 599) until 75 per-
16 cent of the funds provided are obligated and only
17 after the recipient certifies to the Secretary that the
18 use of such funds in excess of such amount is nec-
19 essary to prevent layoffs or furloughs directly related
20 to demonstrated revenue losses directly attributable
21 to COVID–19;

22 (2) \$100,000,000 shall be for grants to recipi-
23 ents or subrecipients eligible under section 5310 of
24 title 49, United States Code, and the Secretary shall
25 apportion such funds in accordance with such sec-

1 tion: *Provided*, That the Secretary shall allocate such
2 funds in the same ratio as funds were provided
3 under the Further Consolidated Appropriations Act,
4 2020 (Public Law 116–94; 133 Stat. 2534) and
5 shall allocate such funds not later than 30 days after
6 the date of enactment of this Act;

7 (3) \$1,000,261,513 shall be for grants to recipi-
8 ents or subrecipients eligible under section 5311 of
9 title 49, United States Code (other than subsections
10 (b)(3), (c)(1)(A), and (f)), and the Secretary shall
11 apportion such funds in accordance with such sec-
12 tion: *Provided*, That the Secretary shall allocate such
13 funds in the same ratio as funds were provided
14 under the Further Consolidated Appropriations Act,
15 2020 (Public Law 116–94; 133 Stat. 2534) and
16 shall allocate funds within 30 days of enactment of
17 this Act: *Provided further*, That the amounts allo-
18 cated to any State (as defined in section 5302 of
19 title 49, United States Code) for rural operating
20 costs from amounts made available under this head-
21 ing in this Act when combined with the amounts al-
22 located to each such State for rural operating costs
23 from funds appropriated under this heading in title
24 XII of division B of the CARES Act (Public Law
25 116–136; 134 Stat. 599) may not exceed 150 per-

1 cent of that State's combined 2018 rural operating
2 costs of the recipients and subrecipients in the State
3 based on data contained in the National Transit
4 Database: *Provided further*, That for any State for
5 which the calculation in the previous proviso exceeds
6 150 percent of the State's combined 2018 rural op-
7 erating costs of the recipients and subrecipients in
8 the State, the Secretary shall distribute funds in ex-
9 cess of such percent to States for which the calcula-
10 tion in the previous proviso does not exceed 150 per-
11 cent in the same proportion as amounts allocated
12 under the first proviso of this paragraph; and

13 (4) \$ 628,427,916 shall be for grants to eligible
14 recipients or subrecipients of funds under chapter 53
15 of title 49, United States Code, that, as a result of
16 coronavirus, require additional assistance to main-
17 tain operations: *Provided*, That such funds shall be
18 administered as if they were provided under section
19 5324 of title 49, United States Code: *Provided fur-*
20 *ther*, That the Secretary shall issue a Notice of
21 Funding Opportunity not later than 60 days after
22 the date of enactment of this Act that requires ap-
23 plications to be submitted not later than 90 days
24 after the date of enactment of this Act: *Provided*
25 *further*, That the Secretary shall make selections not

1 later than 60 days after the application deadline:
2 *Provided further*, That the Secretary shall require
3 grantees to provide estimates of financial need, data
4 on reduced ridership, and a spending plan for funds:
5 *Provided further*, That when evaluating applications
6 for assistance to transit agencies, the Secretary shall
7 give priority to agencies in urbanized areas that re-
8 ceived less than 100 percent of their 2018 operating
9 expenses from the funds appropriated in paragraph
10 (1) combined with the funds appropriated under this
11 heading in title XII of division B of the CARES Act
12 (Public Law 116–136; 134 Stat. 599): *Provided fur-*
13 *ther*, That States may apply on behalf of a recipient,
14 a subrecipient, or a group of recipients or subrecipi-
15 ents: *Provided further*, That if amounts made avail-
16 able under this paragraph remain unobligated on
17 December 31, 2021, such amounts shall be available
18 for any purpose eligible under section 5324 of title
19 49, United States Code:
20 *Provided further*, That the Secretary shall not waive the
21 requirements of section 5333 of title 49, United States
22 Code, for funds appropriated under this heading in this
23 Act or for funds previously made available under section
24 5307 of title 49, United States Code, or section 5311,
25 5337, or 5340 of such title as a result of the coronavirus:

1 *Provided further*, That the provision of funds under this
2 heading in this Act shall not affect the ability of any other
3 agency of the Government, including the Federal Emer-
4 gency Management Agency, a State agency, or a local gov-
5 ernmental entity, organization, or person, to provide any
6 other funds otherwise authorized by law: *Provided further*,
7 That notwithstanding subsection (a)(1) or (b) of section
8 5307 of title 49, United States Code, section
9 5310(b)(2)(A) of that title, or any provision of chapter
10 53 of that title, funds provided under this heading in this
11 Act are available for the operating expenses of transit
12 agencies related to the response to a coronavirus public
13 health emergency, including, beginning on January 20,
14 2020, reimbursement for operating costs to maintain serv-
15 ice and lost revenue due to the coronavirus public health
16 emergency, including the purchase of personal protective
17 equipment, and paying the administrative leave of oper-
18 ations or contractor personnel due to reductions in service:
19 *Provided further*, That to the maximum extent possible,
20 funds made available under this heading in this Act and
21 in title XII of division B of the CARES Act (Public Law
22 116–136; 134 Stat. 595) shall be directed to payroll and
23 operations of public transit, unless the recipient certifies
24 to the Secretary that the recipient has not furloughed any
25 employees, except that a recipient may use amounts made

1 available under this heading in this Act and in title XII
2 of division B of the CARES Act (Public Law 116–136;
3 134 Stat. 599) to pay the cost of a project that received
4 an allocation under section 5309 of title 49, United States
5 Code: *Provided further*, That operating expenses are not
6 required to be included in a transportation improvement
7 program, long-range transportation plan, statewide trans-
8 portation plan, or a statewide transportation improvement
9 program: *Provided further*, That private providers of pub-
10 lic transportation may be considered eligible subrecipients
11 of funding provided under this heading in this Act and
12 in title XII of division B of the CARES Act (Public Law
13 116–136; 134 Stat. 599): *Provided further*, That unless
14 otherwise specified, applicable requirements under chapter
15 53 of title 49, United States Code, shall apply to funding
16 made available under this heading in this Act, except that
17 the Federal share of the costs for which any grant is made
18 under this heading in this Act shall be, at the option of
19 the recipient, up to 100 percent: *Provided further*, That
20 the amount made available under this heading in this Act
21 shall be derived from the general fund of the Treasury
22 and shall not be subject to any limitation on obligations
23 for transit programs set forth in any Act: *Provided further*,
24 That such amount is designated by the Congress as being
25 for an emergency requirement pursuant to section

1 251(b)(2)(A)(i) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)):
3 *Provided further*, That the Federal share of costs for any
4 unobligated grant funds under section 5310 of title 49,
5 United States Code, [as of the date of enactment of this
6 Act] shall be, at the option of the recipient, up to 100
7 percent.

8 **Subtitle B—Child Care Providers**

9 **SEC. 3101. BACK TO WORK CHILD CARE GRANTS.**

10 (a) DEFINITIONS.—In this section:

11 (1) CCDBG ACT.—The terms “lead agency”,
12 “Secretary”, and “State” have the meanings given
13 the terms in section 658P, and the terms “Indian
14 Tribe” and “Tribal organization” have the meanings
15 given the terms “Indian tribe” and “tribal organiza-
16 tion”, respectively, in section 658P, of the Child
17 Care and Development Block Grant Act of 1990 (42
18 U.S.C. 9858n) except as otherwise provided in this
19 section.

20 (2) COVID–19 PUBLIC HEALTH EMERGENCY.—
21 The term “COVID–19 public health emergency”
22 means the public health emergency declared by the
23 Secretary of Health and Human Services under sec-
24 tion 319 of the Public Health Service Act (42
25 U.S.C. 247d) on January 31, 2020, with respect to

1 COVID–19, including any renewal of such declara-
2 tion.

3 (3) ELIGIBLE CHILD CARE PROVIDER.—The
4 term “eligible child care provider” means—

5 (A) an eligible child care provider as de-
6 fined in section 658P(6)(A) of the Child Care
7 and Development Block Grant Act of 1990 (42
8 U.S.C. 9858n(6)(A)); or

9 (B) a child care provider that—

10 (i) is license-exempt and operating le-
11 gally in the State;

12 (ii) is not providing child care services
13 solely to relatives; and

14 (iii) satisfies State and local require-
15 ments, including those referenced in sec-
16 tion 658E(c)(2)(I) of the Child Care and
17 Development Block Grant Act of 1990 (42
18 U.S.C. 9858c(c)(2)(I)).

19 (b) GRANTS.—From funds appropriated to carry out
20 this section and under the authority of section 658O of
21 the Child Care and Development Block Grant Act of 1990
22 (42 U.S.C. 9858m) and this section, the Secretary shall
23 establish a child care stabilization grants program that—

24 (1) shall provide assistance to assist in paying
25 for costs and increased operating expenses due to

1 COVID–19, and to reenroll children in an environ-
2 ment that supports the health and safety of children
3 and staff; and

4 (2) through which the Secretary shall award
5 child care stabilization grants to the lead agency of
6 each State (as defined in that section 6580), terri-
7 tory described in subsection (a)(1) of such section,
8 Indian Tribe, and Tribal organization from allot-
9 ments and payments made under subsection (c)(2),
10 not later than 30 days after the date of enactment
11 of this Act.

12 (c) SECRETARIAL RESERVATION AND ALLOT-
13 MENTS.—

14 (1) RESERVATION.—The Secretary shall reserve
15 not more than 1 percent of the funds appropriated
16 to carry out this section for the Federal administra-
17 tion of grants described in subsection (b). Amounts
18 reserved by the Secretary for administrative ex-
19 penses shall remain available through fiscal year
20 2024.

21 (2) ALLOTMENTS.—The Secretary shall use the
22 remainder of the funds appropriated to carry out
23 this section to award allotments to States, as defined
24 in section 6580 of the Child Care and Development
25 Block Grant Act of 1990 (42 U.S.C. 9858m), and

1 payments to territories, Indian Tribes, and Tribal
2 organizations in accordance with paragraphs (1) and
3 (2) of subsection (a), and subsection (b), of section
4 6580 of the Child Care and Development Block
5 Grant Act of 1990 (42 U.S.C. 9858m).

6 (d) ASSURANCES.—

7 (1) IN GENERAL.—A State, Indian Tribe, or
8 Tribal organization that receives a grant under sub-
9 section (b) shall provide to the Secretary, not later
10 than 15 days after receipt of the grant, assurances
11 that the lead agency will—

12 (A) require as a condition of subgrant
13 funding under subsection (e) that each eligible
14 child care provider applying for a subgrant
15 from the lead agency will submit the assurances
16 described in subsection (e)(2)(D)(i)(V);

17 (B) ensure eligible child care providers in
18 urban, suburban, and rural areas, center-based
19 child care providers, family child care providers,
20 group home child care providers, and providers
21 with limited administrative capacity can readily
22 apply for and access funding under this section,
23 which shall include undertaking widespread out-
24 reach efforts to eligible child care providers and
25 the provision of technical assistance either di-

1 rectly or through resource and referral agencies,
2 staffed family child care provider networks, or
3 other organizations with whom the lead agency
4 involved has contracted in the past;

5 (C) ensure that subgrant funds are made
6 available to qualified child care providers re-
7 gardless of whether the qualified child care pro-
8 vider is providing services for which assistance
9 is made available under the Child Care and De-
10 velopment Block Grant Act of 1990 (42 U.S.C.
11 9857 et seq.), or received assistance through
12 the Paycheck Protection Program set forth in
13 section 7(a)(36) of the Small Business Act (15
14 U.S.C. 636(a)(36)), at the time of application
15 for a subgrant;

16 (D) undertake a review of zoning and
17 building requirements at the local level within
18 the State or area of the Tribal community that
19 might hinder the opening of new licensed child
20 care programs to meet the needs of the working
21 families in the State or Tribal community, as
22 applicable;

23 (E) not later than 30 days after the lead
24 agency receives grant funds awarded pursuant
25 to subsection (b), make available to the public,

1 which shall include, at a minimum, posting to
2 an internet website of the lead agency in the
3 languages most commonly spoken in the State,
4 or area of the Tribal community involved—

5 (i) notice of funding availability
6 through subgrants for qualified child care
7 providers under this section;

8 (ii) the application for subgrant fund-
9 ing; and

10 (iii) the criteria for awarding sub-
11 grants for qualified child care providers,
12 including the methodology the lead agency
13 uses to determine and disburse funds; and

14 (F) ensure the maintenance of a delivery
15 system of child care services throughout the
16 State, or area of the Tribal community in-
17 volved, that provides for child care in a variety
18 of settings, including the settings of family
19 child care providers, and for a variety of ages,
20 including care for infants and toddlers, and
21 maintains access to child care for dual language
22 learners, children with disabilities, children ex-
23 periencing homelessness, children in foster care,
24 children from low-income families, children
25 whose families received subsidies under the

1 Child Care and Development Block Grant Act
2 of 1990 (42 U.S.C. 9857 et seq.), and children
3 that use care during nontraditional hours, and
4 child care in localities, including rural localities,
5 with a low supply of child care; and

6 (G) equitably award subgrants to center-
7 based child care providers, family child care
8 providers, group home child care providers, and
9 other non-center-based child care providers,
10 such that qualified child care providers are able
11 to access the subgrant opportunity under sub-
12 section (e) regardless of the providers' setting,
13 size, or administrative capacity.

14 (2) REALLOTMENT OF FUNDS RETURNED DUE
15 TO LACK OF ASSURANCES.—

16 (A) UNOBLIGATED FUNDS.—If a State, In-
17 dian Tribe, or Tribal organization fails to sub-
18 mit the assurances described in subsection (d)
19 within 15 days after receipt of a grant under
20 subsection (b), the Secretary shall require the
21 State, Tribe, or Tribal organization to return
22 the grant funds received under subsection (b).

23 (B) REALLOTMENT.—The Secretary shall
24 award new allotments and payments, in accord-
25 ance with subsection (c)(2), to covered States,

1 Indian Tribes, or Tribal organizations from
2 funds that are returned under subparagraph
3 (A) within 60 days after receiving such funds.
4 Funds made available through the new allot-
5 ments and payments shall remain available to
6 each such covered State, Indian Tribe, or Tribal
7 organization until September 30, 2022.

8 (C) COVERED STATE, INDIAN TRIBE, OR
9 TRIBAL ORGANIZATION.—For purposes of sub-
10 paragraph (B), a covered State, Indian Tribe,
11 or Tribal organization is a State, Indian Tribe,
12 or Tribal organization that received an allot-
13 ment or payment under this section and did
14 submit the assurances within the 15-day period
15 referred to in subparagraph (A).

16 (e) 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 8
20 percent of such grant funds—

21 (A) to administer subgrants made to quali-
22 fied child care providers under paragraph (2),
23 including to carry out data systems building
24 and other activities that enable—

1 (i) the disbursement of payments of
2 such subgrants;

3 (ii) monitoring the compliance of
4 qualified child care providers with applica-
5 ble State, Tribal, and local health and
6 safety requirements; and

7 (iii) monitoring the compliance of
8 qualified child care providers with the re-
9 porting and documentation requirements
10 for subgrants;

11 (B) to provide technical assistance, out-
12 reach, and support in applying for and access-
13 ing the subgrant opportunity under paragraph
14 (2), to eligible child care providers (including to
15 family child care providers, group home child
16 care providers, and other non-center-based child
17 care providers, providers in rural areas, and
18 providers with limited administrative capacity),
19 either directly or through resource and referral
20 agencies, staffed family child care networks, or
21 other organizations with whom the lead agency
22 has contracted in the past to provide technical
23 assistance to child care providers;

24 (C) to carry out the reporting require-
25 ments described in subsection (g);

1 (D) to provide technical assistance to child
2 care providers to help the providers implement
3 policies—

4 (i) in line with guidance from the
5 Centers for Disease Control and Preven-
6 tion and the corresponding State, Tribal,
7 and local authorities, including guidance
8 on sanitization practices, group size limits,
9 and social distancing; and

10 (ii) in accordance with the cor-
11 responding State, Tribal, and local orders;
12 and

13 (E) to assist families in identifying avail-
14 able child care slots, including for children of
15 essential workers (such as health care sector
16 employees, emergency responders, sanitation
17 workers, farmworkers, child care employees,
18 and other workers determined to be essential
19 during the response to COVID–19 by public of-
20 ficials), children of workers whose places of em-
21 ployment require their attendance, children ex-
22 periencing homelessness, children with disabil-
23 ities, children at risk of child abuse or neglect,
24 and children in foster care, either directly,
25 through resource and referral agencies, or

1 through other organizations with whom the lead
2 agency has contracted in the past to support
3 families in accessing child care.

4 (2) SUBGRANTS TO QUALIFIED CHILD CARE
5 PROVIDERS.—

6 (A) IN GENERAL.—The lead agency shall
7 use the remainder of the grant funds awarded
8 pursuant to subsection (b) to make subgrants
9 to qualified child care providers described in
10 subparagraph (B), to support the stability of
11 the child care sector during and after the
12 COVID–19 public health emergency and to en-
13 sure the maintenance of a delivery system of
14 child care services throughout the State, or area
15 of the Tribal community involved, that provides
16 for child care in a variety of settings, including
17 the settings of family child care providers, and
18 for a variety of ages, including care for infants
19 and toddlers. The lead agency shall provide the
20 subgrant funds in advance of provider expendi-
21 tures for costs described in subsection (f), ex-
22 cept as provided in subsection (f)(11).

23 (B) QUALIFIED CHILD CARE PROVIDER.—
24 To be qualified to receive a subgrant under this
25 paragraph, a provider shall be an eligible child

1 care provider that, on the date of submission of
2 an application for the subgrant, was either—

3 (i) open and available to provide child
4 care services; or

5 (ii) temporarily closed due to public
6 health, financial hardship, or other reasons
7 relating to the COVID–19 public health
8 emergency.

9 (C) SUBGRANT AMOUNT.—The lead agency
10 shall make subgrants, from amounts awarded
11 pursuant to subsection (b), to qualified child
12 care providers, and the amount of such a
13 subgrant to such a provider shall—

14 (i) at a minimum, be based on the
15 provider’s current (as of the date of sub-
16 mission of the subgrant application) aver-
17 age operating expenses; and

18 (ii) at the election of the lead agency,
19 provide an additional amount determined
20 by the lead agency, to account for in-
21 creased costs of providing or preparing to
22 provide child care as a result of the
23 COVID–19 public health emergency and
24 lost revenue as a result of the COVID–19
25 public health emergency.

1 (D) APPLICATION.—

2 (i) ELIGIBILITY.—To be eligible to re-
3 ceive a subgrant under this paragraph, a
4 child care provider shall submit an applica-
5 tion to a lead agency at such time and in
6 such manner as the lead agency may re-
7 quire. Such application shall include—

8 (I) information about the child
9 care provider's—

10 (aa) program characteristics
11 sufficient to allow the lead agen-
12 cy to establish whether the child
13 care provider is eligible for pri-
14 ority, as described in subsection
15 (g)(1)(A)(ii);

16 (bb) program operational
17 status on the date of submission
18 of the application;

19 (cc) type of program, includ-
20 ing whether the program is a
21 center-based child care, family
22 child care, group home child care,
23 or other non-center-based child
24 care type program; and

1 (dd) total enrollment on the
2 date of submission of the applica-
3 tion and total capacity as allowed
4 by the State, Tribal, and local
5 authorities;

6 (II) information describing how
7 the eligible child care provider will use
8 the subgrant funds;

9 (III) information necessary to de-
10 termine the amount of the subgrant,
11 such as information about the pro-
12 vider's stated average operating ex-
13 penses over the period specified by the
14 lead agency;

15 (IV) such other limited informa-
16 tion as the lead agency shall deter-
17 mine to be necessary to make sub-
18 grants to qualified child care pro-
19 viders; and

20 (V) assurances that the eligible
21 child care provider will—

22 (aa) not artificially suppress
23 revenue, enrollment, or attend-
24 ance for the purposes of receiving
25 subgrant funding;

1 (bb) provide the necessary
2 documentation to the lead agen-
3 cy;

4 (cc) implement all applicable
5 State, Tribal, and local health
6 and safety requirements and, if
7 applicable, enhanced protocols for
8 child care services and related to
9 COVID-19 or another health or
10 safety condition, and, to the ex-
11 tent possible, implement policies
12 in line with guidance from the
13 Centers for Disease Control and
14 Prevention; and

15 (dd) to the extent possible,
16 provide relief from copayments
17 and tuition payments for the
18 families enrolled in the provider's
19 programs that are struggling to
20 make either type of payments.

21 (ii) FREQUENCY.—The lead agency
22 shall accept and process applications sub-
23 mitted under this subparagraph on a roll-
24 ing basis.

1 shall treat the 2 applications as an applica-
2 tion submitted under this subparagraph.

3 (E) PROVIDERS RECEIVING OTHER ASSIST-
4 ANCE.—The lead agency, in determining wheth-
5 er a provider is a qualified child care provider,
6 shall not take into consideration receipt of a
7 payment or assistance under—

8 (i) the Child Care and Developmental
9 Block Grant Act of 1990 (42 U.S.C. 9857
10 et seq.);

11 (ii) the Head Start Act (42 U.S.C.
12 9831 et seq.) or

13 (iii) the Paycheck Protection Program
14 set forth in section 7(a)(36) of the Small
15 Business Act (15 U.S.C. 636(a)(36)).

16 (F) OBLIGATION.—The lead agency shall
17 obligate at least 50 percent of funds available
18 to carry out this section for subgrants described
19 in this paragraph within 6 months after the
20 date of enactment of this Act.

21 (f) USES OF FUNDS.—A qualified child care provider
22 that receives funds through such a subgrant may use the
23 funds for the costs of—

24 (1) sanitization and other costs associated with
25 cleaning the facility, including deep cleaning in the

1 case of an outbreak of COVID–19, of a child care
2 program used to provide child care services;

3 (2) recruiting, retaining, and compensating
4 child care staff, including providing professional de-
5 velopment to the staff related to child care services
6 and applicable State, Tribal, and local health and
7 safety requirements and, if applicable, enhanced pro-
8 tocols for child care services and related to COVID–
9 19 or another health or safety condition;

10 (3) paying for operating costs associated with
11 providing child care services, including the costs of—

12 (A) payroll including any income or other
13 compensation to a sole proprietor or inde-
14 pendent contractor that is a wage, a commis-
15 sion, net earnings from self-employment, or
16 similar compensation;

17 (B) the continuation of employee benefits;

18 (C) premium pay; and

19 (D) mortgage or rent, utilities, facility
20 maintenance, and insurance;

21 (4) acquiring equipment and supplies (including
22 personal protective equipment) necessary to provide
23 child care services in a manner that is safe for chil-
24 dren and staff in accordance with applicable State,
25 Tribal, and local health and safety requirements

1 and, to the extent possible, guidance from the Cen-
2 ters for Disease Control and Prevention;

3 (5) replacing materials that are no longer safe
4 to use as a result of the COVID–19 public health
5 emergency;

6 (6) making facility changes and repairs to ad-
7 dress enhanced protocols for child care services re-
8 lated to COVID–19 or another health or safety con-
9 dition, to ensure children can safely occupy a child
10 care facility;

11 (7) purchasing or updating equipment and sup-
12 plies to serve children during nontraditional hours;

13 (8) modifications to child care services as a re-
14 sult of the COVID–19 public health emergency, such
15 as limiting group sizes, adjusting staff-to-child ra-
16 tios, and implementing other heightened health and
17 safety measures, including modifications to accom-
18 modate children who have not had recent access to
19 a child care setting;

20 (9) providing mental health services and sup-
21 ports for children and employees;

22 (10) carrying out any other activity related to
23 the child care program of a qualified child care pro-
24 vider, including those activities that support the on-
25 going sustainability and viability of such provider to

1 continue to operate after the subgrant period has
2 ended; and

3 (11) expenses incurred before the provider re-
4 ceived a subgrant under subsection (e)(2), if the use
5 for which the expenses are incurred is described in
6 any of paragraphs (1) through (10) and is disclosed
7 in the subgrant application for such subgrant.

8 (g) REPORTING.—

9 (1) INTERIM REPORT.—Not later than 60 days
10 after a lead agency receiving a grant under this sec-
11 tion has obligated 50 percent of the grant funds, the
12 lead agency shall submit a report to the Secretary
13 in such manner as the Secretary may require, that
14 includes—

15 (A) data on qualified child care providers
16 that applied for subgrants and qualified child
17 care providers that received such subgrants, in-
18 cluding—

19 (i) the number of such applicants and
20 the number of such recipients;

21 (ii) the number and percentage of
22 such applicants and recipients that re-
23 ceived priority and the characteristic or
24 characteristics of such applicants and re-
25 cipients associated with the priority includ-

1 ing considerations related to providers that
2 on or before March 1, 2020—

3 (I) provided child care during
4 nontraditional hours;

5 (II) served dual language learn-
6 ers, children with disabilities, children
7 experiencing homelessness, children in
8 foster care, children from low-income
9 families, or infants and toddlers;

10 (III) served a high percentage of
11 children whose families received sub-
12 sidies under the Child Care and De-
13 velopment Block Grant Act of 1990
14 (42 U.S.C. 9857 et seq.) for the child
15 care; and

16 (IV) operated in localities, includ-
17 ing rural localities, with a low supply
18 of child care;

19 (V) received assistance under the
20 Child and Adult Care Food Program;

21 (iii) the numbers and percentages of
22 applicants and recipients referred to in
23 clause (i) that are—

24 (I) center-based child care pro-
25 viders;

333

- 1 (II) family child care providers;
- 2 (III) group home child care pro-
- 3 viders;
- 4 (IV) family, friend, and neighbor
- 5 providers; or
- 6 (V) other non-center-based child
- 7 care providers; and
- 8 (iv) within each of the provider groups
- 9 listed in clause (iii), the number of such
- 10 applicants and recipients that are, on the
- 11 date of submission of the report—
- 12 (I) open and available to provide
- 13 child care services; or
- 14 (II) temporarily closed as de-
- 15 scribed in subsection (e)(2)(B)(i)(II).
- 16 (B) a description of—
- 17 (i) the efforts of the lead agency to
- 18 publicize the availability of subgrants
- 19 under this section and conduct widespread
- 20 outreach to eligible child care providers
- 21 about such subgrants, including efforts to
- 22 make materials available in languages
- 23 other than English;

1 (ii) the lead agency's methodology for
2 determining amounts of subgrants under
3 subsection (e)(2);

4 (iii) the lead agency's timeline for dis-
5 bursing the subgrant funds; and

6 (iv) the lead agency's plan for ensur-
7 ing that qualified child care providers that
8 receive funding through such a subgrant
9 comply with assurances described in sub-
10 section (e)(2)(D)(i)(V) and use funds in
11 compliance with subsection (f); and

12 (C) such other limited information as the
13 Secretary may require.

14 (2) FINAL REPORT.—Not later than 60 days
15 after a lead agency receiving a grant under this sec-
16 tion has obligated all of the grant funds (including
17 funds received under subsection (d)(2) or (h)), the
18 lead agency shall submit a report to the Secretary,
19 in such manner as the Secretary may require, that
20 includes—

21 (A) the total number of eligible child care
22 providers who were providing child care services
23 on or before March 1, 2020, in the State, or
24 area of the Tribal community involved, and the

1 number of such providers that submitted an ap-
2 plication under subsection (e)(2)(D);

3 (B) the number of qualified child care pro-
4 viders in the State, or area of the Tribal com-
5 munity involved, that received funds through
6 the grant;

7 (C) the lead agency's methodology for de-
8 termining amounts of subgrants under sub-
9 section (e)(2);

10 (D) the average and range of the subgrant
11 amounts by provider type (center-based child
12 care, family child care, group home child care,
13 or other non-center-based child care provider);

14 (E) the types, and percentages of such
15 types, of the child care providers that received
16 priority for such a subgrant, and the char-
17 acteristic or characteristics of such providers
18 associated with the priority including consider-
19 ations related to providers that, on or before
20 March 1, 2020—

21 (i) provided child care during non-
22 traditional hours;

23 (ii) served dual language learners,
24 children with disabilities, children experi-
25 encing homelessness, children in foster

1 care, children from low-income families, or
2 infants and toddlers;

3 (iii) served a high percentage of chil-
4 dren whose families received subsidies
5 under the Child Care and Development
6 Block Grant Act of 1990 (42 U.S.C. 9857
7 et seq.) for the child care;

8 (iv) operated in localities, including
9 rural localities, with a low supply of child
10 care; and

11 (v) received assistance under the
12 Child and Adult Care Food Program;

13 (F) the number of children served by the
14 child care providers that received such a
15 subgrant, for the duration of the subgrant;

16 (G) the percentages, of the child care pro-
17 viders that received such a subgrant, that are—

18 (i) center-based child care providers;

19 (ii) family child care providers;

20 (iii) group home child care providers;

21 or

22 (iv) other non-center-based child care
23 providers;

1 (H) information about how child care pro-
2 viders used the funds received under such a
3 subgrant;

4 (I) information about how the lead agency
5 used funds reserved under subsection (e)(1);

6 (J) information about how the subgrants
7 helped to stabilize the child care sector; and

8 (K) information on child care capacity in
9 the State or Tribal community involved before
10 and after the COVID–19 public health emer-
11 gency, including data disaggregated by age of
12 children served, geography, region, center-based
13 child care setting, and family child care setting.

14 (3) REPORTS TO CONGRESS.—

15 (A) FINDINGS FROM INTERIM REPORT.—

16 Not later than 60 days after receiving all re-
17 ports required to be submitted under paragraph
18 (1), the Secretary shall provide a report to the
19 Committee on Education and Labor and the
20 Committee on Appropriations of the House of
21 Representatives and to the Committee on
22 Health, Education, Labor, and Pensions and
23 the Committee on Appropriations of the Senate,
24 summarizing the findings from the reports re-
25 ceived under paragraph (1).

1 (B) FINDINGS FROM FINAL REPORTS.—

2 Not later than 36 months after the date of en-
3 actment of this Act, the Secretary shall provide
4 a report to the Committee on Health, Edu-
5 cation, Labor, and Pensions and the Committee
6 on Appropriations of the Senate and to the
7 Committee on Education and Labor and the
8 Committee on Appropriations of the House of
9 Representatives, summarizing the findings from
10 the reports received under paragraph (2).

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

18 (i) REALLOTMENT OF UNOBLIGATED FUNDS.—

19 (1) UNOBLIGATED FUNDS.—A State, Indian
20 Tribe, or Tribal organization that anticipates being
21 unable to obligate all grant funds received under this
22 section by September 30, 2022, shall notify the Sec-
23 retary, at least 60 days prior to such date, of the
24 amount of funds it anticipates being unable to obli-
25 gate by such date. A State, Indian Tribe, or Tribal

1 organization shall return to the Secretary any grant
2 funds received under this section that the State, In-
3 dian Tribe, or Tribal organization does not obligate
4 by September 30, 2022.

5 (2) REALLOTMENT.—The Secretary shall award
6 new allotments and payments, in accordance with
7 subsection (c)(2), to covered States, Indian Tribes,
8 or Tribal organizations from funds that are returned
9 under paragraph (1) within 60 days of receiving
10 such funds. Funds made available through the new
11 allotments and payments shall remain available to
12 each such covered State, Indian Tribe, or Tribal or-
13 ganization until September 30, 2023.

14 (3) COVERED STATE, INDIAN TRIBE, OR TRIBAL
15 ORGANIZATION.—For purposes of paragraph (2), a
16 covered State, Indian Tribe, or Tribal organization
17 is a State, Indian Tribe, or Tribal organization that
18 received an allotment or payment under this section
19 and was not required to return grant funds under
20 paragraph (1).

21 (j) EXCEPTIONS.—The Child Care and Development
22 Block Grant Act of 1990 (42 U.S.C. 9857 et seq.), exclud-
23 ing requirements in subparagraphs (C) through (E) of sec-
24 tion 658E(c)(3), section 658G, and section 658J(c) of
25 such Act (42 U.S.C. 9858c(c)(3), 9858e, 9858h(c)), shall

1 apply to child care services provided under this section to
2 the extent the application of such Act does not conflict
3 with the provisions of this section. Nothing in this section
4 shall be construed to require a State, Indian Tribe, or
5 Tribal organization to submit an application, other than
6 the application described in section 658E or 658O(c) of
7 the Child Care and Development Block Grant Act of 1990
8 (42 U.S.C. 9858c, 9858m(c)), to receive a grant under
9 this section.

10 (k) AUTHORIZATION OF APPROPRIATIONS.—

11 (1) IN GENERAL.—There is authorized to be
12 appropriated, and there is appropriated, out of any
13 money in the Treasury not already appropriated, to
14 carry out this section \$10,000,000,000 for fiscal
15 year 2021, to remain available until expended.

16 (2) APPLICATION.—In carrying out the Child
17 Care and Development Block Grant Act of 1990
18 with funds other than the funds appropriated under
19 paragraph (1), the Secretary shall calculate the
20 amounts of appropriated funds described in sub-
21 sections (a) and (b) of section 658O of such Act (42
22 U.S.C. 9858m) by excluding funds appropriated
23 under paragraph (1).

1 **Subtitle C—Agricultural Assistance**
2 **and USDA**

3 **SEC. 3201. OFFICE OF THE SECRETARY.**

4 There is appropriated, out of amounts in the Treas-
5 ury not otherwise appropriated, for the fiscal year ending
6 September 30, 2021, for an additional amount for the
7 “Office of the Secretary” (relating to the Department of
8 Agriculture), \$9,900,000,000, to remain available until ex-
9 pended, to prevent, prepare for, and respond to
10 coronavirus by providing direct support to, and purchasing
11 food and agricultural products, including seafood, from,
12 agricultural producers and food processors impacted by
13 coronavirus, including producers of specialty crops, pro-
14 ducers that supply local food systems, including farmers
15 markets, restaurants, and schools, and livestock pro-
16 ducers, including dairy producers and growers who
17 produce livestock or poultry under a contract for another
18 entity, for other food purchases, and for grants and loans
19 to small or mid-sized food processors or distributors, sea-
20 food processing facilities and processing vessels, farmers
21 markets, producers, or other organizations for measures
22 to protect workers against COVID–19: *Provided*, That of
23 the amount provided under this heading, \$200,000,000
24 shall be used to provide relief to timber harvesting and
25 timber hauling businesses that have, as a result of the

1 COVID–19 pandemic, experienced a loss of not less than
2 10 percent in gross revenue during the period beginning
3 on January 1, 2020, and ending on December 1, 2020,
4 as compared to the gross revenue of the eligible entity dur-
5 ing the same period in 2019: *Provided further*, That not
6 later than 30 days after the date of enactment of this Act,
7 and prior to making such support available or bidding for
8 contracts, the Secretary of Agriculture shall conduct a
9 preliminary review of COVID–19-related impacts on, and
10 COVID–19-related needs of, all categories of agricultural
11 producers and food processors, including such producers
12 and food processors that have not previously received ade-
13 quate support for damages as a result of COVID–19, and
14 of actions necessary to improve COVID–19-related food
15 purchasing, including reviewing coordination, specifica-
16 tions, quality, and fairness of purchases: *Provided further*,
17 That the Secretary of Agriculture shall also conduct a re-
18 view of the distribution of purchased commodities, includ-
19 ing the fairness of food distribution, including whether
20 rural communities received adequate support, the degree
21 to which transportation costs were sufficient to reach all
22 areas, whether food safety was adequate in the distribu-
23 tion of food, and the degree to which local purchases of
24 food were made: *Provided further*, That the Secretary of
25 Agriculture shall brief the Committees on Agriculture, Nu-

1 trition, and Forestry and Appropriations of the Senate
2 and the Committees on Agriculture and Appropriations of
3 the House of Representatives on the results of such re-
4 views and incorporate the findings in the provision of such
5 support or bidding for contracts.

6 **SEC. 3202. AGRICULTURAL AND RURAL DEVELOPMENT**
7 **PROGRAMS.**

8 (a) IN GENERAL.—There are appropriated, out of
9 amounts in the Treasury not otherwise appropriated, for
10 the fiscal year ending September 30, 2021—

11 (1) due to the impacts of COVID–19 on spe-
12 cialty crops, for an additional amount for Specialty
13 Crop Block Grants under section 101 of the Spe-
14 cialty Crops Competitiveness Act of 2004 (7 U.S.C.
15 1621 note; Public Law 108–465), \$500,000,000, to
16 remain available until expended;

17 (2) due to the impacts that COVID–19 has had
18 on many local agriculture markets, for an additional
19 amount for the Local Agriculture Market Program
20 established under section 210A of the Agricultural
21 Marketing Act of 1946 (7 U.S.C. 1627e),
22 \$300,000,000, to remain available until expended:
23 *Provided*, That notwithstanding any other provision
24 of law, the Secretary of Agriculture may not require
25 more than 10 percent of any grant as a required

1 match for a recipient of a grant awarded under that
2 Program during the public health emergency de-
3 clared by the Secretary of Health and Human Serv-
4 ices under section 319 of the Public Health Service
5 Act (42 U.S.C. 247d) on January 31, 2020, with re-
6 spect to COVID–19: *Provided further*, That such
7 match may be an in-kind contribution;

8 (3) for an additional amount for the Gus
9 Schumacher Nutrition Incentive Program under sec-
10 tion 4405 of the Food, Conservation, and Energy
11 Act of 2008 (7 U.S.C. 7517), \$100,000,000, to re-
12 main available until expended: *Provided*, That not-
13 withstanding any other provision of law, the Sec-
14 retary of Agriculture may not require more than 10
15 percent of any grant as a required match for a re-
16 cipient of a grant awarded under that Program dur-
17 ing the public health emergency declared by the Sec-
18 retary of Health and Human Services under section
19 319 of the Public Health Service Act (42 U.S.C.
20 247d) on January 31, 2020, with respect to
21 COVID–19: *Provided further*, That such match may
22 be an in-kind contribution, including for such grants
23 awarded before the date of enactment of this Act:
24 *Provided further*, That the Secretary of Agriculture
25 may waive any maximum grant amount otherwise

1 applicable to grants provided using such amounts:
2 *Provided further*, That the Secretary of Agriculture
3 may use such amounts to provide additional funding
4 to ongoing grants provided under such Program be-
5 fore the date of enactment of this Act;

6 (4) due to the impacts of COVID–19 on certain
7 producers, for an additional amount for the Farming
8 Opportunities Training and Outreach Program
9 under section 2501 of the Food, Agriculture, Con-
10 servation, and Trade Act of 1990 (7 U.S.C. 2279),
11 \$100,000,000, to remain available until expended:
12 *Provided*, That notwithstanding any other provision
13 of law, the Secretary of Agriculture may not require
14 more than 10 percent of any grant as a required
15 match for a recipient of a grant awarded under that
16 Program during the public health emergency de-
17 clared by the Secretary of Health and Human Serv-
18 ices under section 319 of the Public Health Service
19 Act (42 U.S.C. 247d) on January 31, 2020, with re-
20 spect to COVID–19: *Provided further*, That such
21 match may be an in-kind contribution: *Provided fur-*
22 *ther*, That the Secretary of Agriculture may waive
23 any maximum grant amount otherwise applicable to
24 grants provided using such amounts; and

1 (5) for an additional amount for the “Rural
2 Water and Waste Disposal Program Account”,
3 \$1,000,000,000, to remain available until expended,
4 to prevent, prepare for, and respond to coronavirus,
5 for the cost of loans and grants for rural water and
6 wastewater disposal programs authorized by sections
7 306, 306A, 306C, 306D, 306E, and 310B and de-
8 scribed in sections 306C(a)(2), 306D, 306E, and
9 381E(d)(2) of the Consolidated Farm and Rural De-
10 velopment Act (7 U.S.C. 1926, 1926a, 1926c,
11 1926d, 1926e, 1932, 1926c(a)(2), 1926d, 1926e,
12 2009d(d)(2)): *Provided*, That funds made available
13 under this paragraph may be used to provide grants
14 to reduce loan debt or may be used for zero percent
15 interest loans, 1 percent interest loans, reducing
16 loan debt to restructure existing water or wastewater
17 loans under such programs, or any combination
18 thereof: *Provided further*, That the funds made avail-
19 able under this paragraph shall not require any stat-
20 utory or regulatory matching contributions: *Provided*
21 *further*, That \$500,000,000 of the amount made
22 available under this paragraph shall be for grants
23 under sections 306C(a)(2)(B) and 306D of the Con-
24 solidated Farm and Rural Development Act (7
25 U.S.C. 1926c(a)(2)(B), 1926d), and grants to feder-

1 ally recognized Indian Tribes under section
2 306C(a)(1) of that Act (7 U.S.C. 1926c(a)(1)): *Pro-*
3 *vided further*, That funding provided under this
4 paragraph for section 306D of the Consolidated
5 Farm and Rural Development Act (7 U.S.C. 1926d)
6 may be provided to a consortium formed pursuant to
7 section 325 of Public Law 105–83 (111 Stat. 1597):
8 *Provided further*, That the Secretary of Agriculture
9 shall reserve 3 percent of the amount appropriated
10 by this paragraph for administrative expenses in-
11 curred in carrying out this paragraph.

12 (b) EMERGENCY DESIGNATION.—

13 (1) IN GENERAL.—The amounts provided under
14 this section are designated as an emergency require-
15 ment pursuant to section 4(g) of the Statutory Pay-
16 As-You-Go Act of 2010 (2 U.S.C. 933(g)).

17 (2) DESIGNATION IN SENATE.—In the Senate,
18 this section is designated as an emergency require-
19 ment pursuant to section 4112(a) of H. Con. Res.
20 71 (115th Congress), the concurrent resolution on
21 the budget for fiscal year 2018.

22 **SEC. 3203. DAIRY DONATION PROGRAM.**

23 (a) DEFINITIONS.—In this section:

24 (1) ELIGIBLE DAIRY ORGANIZATION.—The term
25 “eligible dairy organization” has the meaning given

1 the term in section 1431(a) of the Agricultural Act
2 of 2014 (7 U.S.C. 9071(a)).

3 (2) ELIGIBLE DAIRY PRODUCT.—The term “eli-
4 gible dairy product” means a product primarily
5 made from milk, including fluid milk, that is pro-
6 duced and processed in the United States.

7 (3) ELIGIBLE DISTRIBUTOR.—The term “eligi-
8 ble distributor” means a public or private nonprofit
9 organization that distributes donated eligible dairy
10 products to recipient individuals and families.

11 (4) ELIGIBLE PARTNERSHIP.—The term “eligi-
12 ble partnership” means a partnership between an el-
13 igible dairy organization and an eligible distributor.

14 (5) SECRETARY.—The term “Secretary” means
15 the Secretary of Agriculture.

16 (b) ESTABLISHMENT AND PURPOSES.—Not later
17 than 60 days after the date of enactment of this Act, the
18 Secretary shall establish and administer a dairy donation
19 program for the purposes of—

20 (1) facilitating the timely donation of eligible
21 dairy products; and

22 (2) preventing and minimizing food waste.

23 (c) DONATION AND DISTRIBUTION PLANS.—

24 (1) IN GENERAL.—To be eligible to receive re-
25 imbursement under subsection (d), an eligible part-

1 nership shall submit to the Secretary a donation and
2 distribution plan that describes the process that the
3 eligible partnership will use for the donation, proc-
4 essing, transportation, temporary storage, and dis-
5 tribution of eligible dairy products.

6 (2) REVIEW AND APPROVAL.—

7 (A) IN GENERAL.—Not later than 15 busi-
8 ness days after receiving a plan described in
9 paragraph (1), the Secretary shall—

10 (i) review that plan; and

11 (ii) issue an approval or disapproval
12 of that plan.

13 (B) EMERGENCY AND DISASTER-RELATED
14 PRIORITIZATION.—

15 (i) IN GENERAL.—In receiving and re-
16 viewing a donation and distribution plan
17 submitted under paragraph (1), the Sec-
18 retary shall determine whether an emer-
19 gency or disaster was a substantial factor
20 in the submission, including—

21 (I) a declared or renewed public
22 health emergency under section 319
23 of the Public Health Service Act (42
24 U.S.C. 247d); and

1 (II) a disaster designated by the
2 Secretary.

3 (ii) PRIORITY REVIEW.—On making
4 an affirmative determination under clause
5 (i) with respect to a donation and distribu-
6 tion plan submitted under paragraph (1),
7 the Secretary shall give priority to the ap-
8 proval or disapproval of that plan.

9 (d) REIMBURSEMENT.—

10 (1) IN GENERAL.—On receipt of appropriate
11 documentation under paragraph (3), the Secretary
12 shall reimburse an eligible dairy organization that is
13 a member of an eligible partnership for which the
14 Secretary has approved a donation and distribution
15 plan under subsection (c)(2)(A)(ii) at a rate equal to
16 the product obtained by multiplying—

17 (A) the current reimbursement price de-
18 scribed in paragraph (2); and

19 (B) the volume of milk required to make
20 the donated eligible dairy product.

21 (2) REIMBURSEMENT PRICE.—The Secretary—

22 (A) shall set the reimbursement price re-
23 ferred to in paragraph (1)(A) at a value that
24 shall—

1 (i) be representative of the cost of the
2 milk required to make the donated eligible
3 dairy product;

4 (ii) be between the lowest and highest
5 of the class I, II, III, or IV milk prices on
6 the date of the production of the eligible
7 dairy product;

8 (iii) be sufficient to avoid food waste;
9 and

10 (iv) not interfere with the commercial
11 marketing of milk or dairy products;

12 (B) may set appropriate reimbursement
13 prices under subparagraph (A) for different eli-
14 gible dairy products by class and region for the
15 purpose of—

16 (i) encouraging the donation of sur-
17 plus eligible dairy products;

18 (ii) facilitating the orderly marketing
19 of milk;

20 (iii) reducing volatility relating to sig-
21 nificant market disruptions;

22 (iv) maintaining traditional price rela-
23 tionships between classes of milk; or

24 (v) stabilizing on-farm milk prices.

25 (3) DOCUMENTATION.—

1 (A) IN GENERAL.—An eligible dairy orga-
2 nization shall submit to the Secretary such doc-
3 umentation as the Secretary may require to
4 demonstrate—

5 (i) the production of the eligible dairy
6 product; and

7 (ii) the donation of the eligible dairy
8 product to an eligible distributor.

9 (B) VERIFICATION.—The Secretary may
10 verify the accuracy of documentation submitted
11 under subparagraph (A).

12 (4) RETROACTIVE REIMBURSEMENT.—In pro-
13 viding reimbursements under paragraph (1), the
14 Secretary may provide reimbursements for eligible
15 dairy product costs incurred before the date on
16 which the donation and distribution plan for the ap-
17 plicable participating partnership was approved by
18 the Secretary under subsection (c)(2)(A)(ii).

19 (5) EMERGENCY AND DISASTER-RELATED
20 PRIORITIZATION.—In providing reimbursements
21 under paragraph (1), the Secretary shall give pri-
22 ority to reimbursements to eligible dairy organiza-
23 tions covered by a donation and distribution plan for
24 which the Secretary makes an affirmative deter-
25 mination under subsection (c)(2)(B)(i).

1 (e) PROHIBITION ON RESALE OF PRODUCTS.—

2 (1) IN GENERAL.—An eligible distributor that
3 receives eligible dairy products donated under this
4 section may not sell the eligible dairy products into
5 commercial markets.

6 (2) PROHIBITION ON FUTURE PARTICIPA-
7 TION.—An eligible distributor that the Secretary de-
8 termines has violated paragraph (1) shall not be eli-
9 gible for any future participation in the program es-
10 tablished under this section.

11 (f) REVIEWS.—The Secretary shall conduct appro-
12 priate reviews or audits to ensure the integrity of the pro-
13 gram established under this section.

14 (g) PUBLICATION OF DONATION ACTIVITY.—The
15 Secretary, acting through the Administrator of the Agri-
16 cultural Marketing Service, shall publish on the publicly
17 accessible website of the Agricultural Marketing Service
18 periodic reports describing donation activity under this
19 section.

20 (h) SUPPLEMENTAL REIMBURSEMENTS.—

21 (1) IN GENERAL.—The Secretary shall make a
22 supplemental reimbursement to an eligible dairy or-
23 ganization that received a reimbursement under the
24 milk donation program established under section
25 1431 of the Agricultural Act of 2014 (7 U.S.C.

1 9071) during the period beginning on January 1,
2 2020, and ending on the date on which amounts
3 made available under subsection (i) are no longer
4 available.

5 (2) REIMBURSEMENT CALCULATION.—A sup-
6 plemental reimbursement described in paragraph (1)
7 shall be an amount equal to—

8 (A) the reimbursement calculated under
9 subsection (d); minus

10 (B) the reimbursement under the milk do-
11 nation program described in paragraph (1).

12 (i) FUNDING.—Out of any amounts of the Treasury
13 not otherwise appropriated, there is appropriated to the
14 Secretary to carry out this section \$500,000,000, to re-
15 main available until expended.

16 **SEC. 3204. WAIVER OF CERTAIN MATCHING REQUIRE-**
17 **MENTS.**

18 (a) DELTA REGIONAL AUTHORITY.—In the case of
19 a grant or cooperative agreement awarded by the Delta
20 Regional Authority on or after October 1, 2019, that is
21 in response to economic distress directly related to the im-
22 pacts of COVID–19, any cost-share requirement under
23 section 382D of the Consolidated Farm and Rural Devel-
24 opment Act (7 U.S.C. 2009aa–3) otherwise applicable to
25 the grant or cooperative agreement shall not apply.

1 (b) NORTHERN BORDER REGIONAL COMMISSION.—
2 In the case of a grant or cooperative agreement awarded
3 by the Northern Border Regional Commission on or after
4 October 1, 2019, that is in response to economic distress
5 directly related to the impacts of COVID–19, any cost-
6 share requirement under section 15501(d) of title 40,
7 United States Code, otherwise applicable to the grant or
8 cooperative agreement shall not apply.

9 (c) DENALI COMMISSION.—In the case of a grant or
10 cooperative agreement awarded by the Denali Commission
11 on or after October 1, 2019, that is in response to eco-
12 nomic distress directly related to the impacts of COVID–
13 19, any cost-share requirement or cooperative agreement
14 requirement otherwise applicable to the grant or coopera-
15 tive agreement shall not apply.

16 **SEC. 3205. DISTRIBUTION OF CERTAIN FUNDS APPRO-**
17 **RIATED FOR THE COMMUNITY SERVICES**
18 **BLOCK GRANT ACT.**

19 Section 675B(b)(3) of the Community Services Block
20 Grant Act (42 U.S.C. 9906(b)(3)) shall not apply with re-
21 spect to funds appropriated under the CARES Act (Public
22 Law 116–136) to carry out the Community Service Block
23 Grant Act (42 U.S.C. 9901 et seq.).

24 **SEC. 3206. DEFINITIONS.**

25 In this subtitle:

1 (1) CORONAVIRUS.—The term “coronavirus”
2 means SARS-CoV-2 or another coronavirus with
3 pandemic potential.

4 (2) COVID-19.—The term “COVID-19”
5 means the Coronavirus Disease 2019.

6 **Subtitle D—Fisheries**

7 **CHAPTER 1—NATIONAL OCEANIC AND**

8 **ATMOSPHERIC ADMINISTRATION**

9 **SEC. 3301. OPERATIONS, RESEARCH, AND FACILITIES.**

10 There is appropriated, out of amounts in the Treas-
11 ury not otherwise appropriated, for the fiscal year ending
12 September 30, 2021, for an additional amount for “Oper-
13 ations, Research, and Facilities” (relating to the Depart-
14 ment of Commerce), \$25,000,000, to remain available
15 until September 30, 2022, to prevent, prepare for, and re-
16 spond to coronavirus, for an expedited process for imple-
17 mentation grants similar to the purposes authorized by the
18 Saltonstall-Kennedy Act of 1954 (15 U.S.C. 713c) for
19 harvesting, processing, marketing, and associated infra-
20 structures to rebuild and strengthen the United States
21 fisheries supply chain: *Provided*, That from the amount
22 appropriated under this section, not more than 2 percent
23 of such amount may be used for management, administra-
24 tion, and oversight of funds provided under this section:
25 *Provided further*, That such amount is designated by the

1 Congress as being for an emergency requirement pursuant
2 to section 251(b)(2)(A)(i) of the Balanced Budget and
3 Emergency Deficit Control Act of 1985 (2 U.S.C.
4 901(b)(2)(A)(i)).

5 **SEC. 3302. FISHERIES DISASTER ASSISTANCE.**

6 There is appropriated, out of amounts in the Treas-
7 ury not otherwise appropriated, for the fiscal year ending
8 September 30, 2021, for an additional amount for “Fish-
9 eries Disaster Assistance”, \$575,000,000, for activities
10 authorized under section 12005 of the Coronavirus Aid,
11 Relief, and Economic Security Act (15 U.S.C. 1512 note),
12 including for necessary expenses to provide timely assist-
13 ance to Tribal, subsistence, ceremonial, commercial, aqua-
14 culture, processor, and charter fishery participants af-
15 fected by the coronavirus, which may include direct relief
16 payments: *Provided*, That the amount provided under this
17 section shall only be allocated to States of the United
18 States bordering the Atlantic, Pacific, or Arctic Ocean, the
19 Gulf of Mexico, or the Great Lakes, as well as the Com-
20 monwealth of Puerto Rico, the United States Virgin Is-
21 lands, Guam, the Commonwealth of the Northern Mariana
22 Islands, American Samoa, and Federally recognized
23 Tribes in any of the Nation’s coastal States and terri-
24 tories, Federally recognized Tribes in any of the Nation’s
25 Great Lakes States with fisheries on the Tribe’s reserva-

1 tion or ceded or usual and accustomed territory, and in
2 the case of Alaska, Federally recognized Tribes: *Provided*
3 *further*, That each State and territory in the preceding
4 proviso, except those States only bordering the Great
5 Lakes, shall receive an amount equal to not less than 1
6 percent of the amount provided under this section and not
7 greater than the total amount, from amounts provided
8 under both section 12005 of the Coronavirus Aid, Relief,
9 and Economic Security Act (15 U.S.C. 1512 note) and
10 under this section, that exceeds such State or territory's
11 total annual average revenue from commercial fishing,
12 aquaculture, processors, and charter fishing: *Provided fur-*
13 *ther*, That from the amount appropriated under this sec-
14 tion, States, Tribes, and territories referenced in the first
15 proviso may use not more than 5 percent of funds for
16 management, administration, and oversight of funds pro-
17 vided under this section: *Provided further*, In consultation
18 with the Secretary of the Interior, that of the funds pro-
19 vided under this section, \$50,000,000 shall be for all
20 coronavirus related fishing impacts for Tribal fishery par-
21 ticipants referenced in the first proviso: *Provided further*,
22 That the National Oceanic and Atmospheric Administra-
23 tion, in consultation with Tribes referenced in the pre-
24 ceding proviso, shall develop an application and distribu-
25 tion process to dispense funds to all eligible impacted

1 Tribes in a manner that takes into account economic, and
2 Tribal commercial fisheries, subsistence and ceremonial
3 impacts to Tribes and that ensures rapid distribution of
4 funds: *Provided further*, That from the funds provided
5 under this section, \$25,000,000 shall be for all
6 coronavirus related fishing impacts to non-tribal commer-
7 cial, aquaculture, processor, and charter fishery partici-
8 pants in States of the United States bordering the Great
9 Lakes: *Provided further*, That such amount is designated
10 by the Congress as being for an emergency requirement
11 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
12 et and Emergency Deficit Control Act of 1985 (2 U.S.C.
13 901(b)(2)(A)(i)).

14

CHAPTER 2—WAIVERS

SEC. 3311. WAIVER UNDER NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.

17 The Secretary of Commerce may waive all or a por-
18 tion of the requirements of subsection (e)(2) of section 25
19 of the National Institute of Standards and Technology Act
20 (15 U.S.C. 278k) with respect to the provision under such
21 section by the Secretary of capital and annual operating
22 and maintenance funds required to establish and support
23 a Center (as defined in subsection (a) of such section) to
24 the degree that such funds are derived from amounts spe-

1 cifically appropriated for the Hollings Manufacturing Ex-
2 tension Partnership for fiscal years 2021 and 2022.

3 **SEC. 3312. WAIVER UNDER COASTAL ZONE MANAGEMENT**

4 **ACT OF 1972.**

5 The Secretary of Commerce may waive, in whole or
6 in part, the matching requirements under section 306 and
7 306A, and the cost sharing requirements under section
8 315, of the Coastal Zone Management Act of 1972 (16
9 U.S.C. 1455, 1455a, and 1461 respectively) as necessary
10 for fiscal years 2020, 2021, and 2022 upon written re-
11 quest by a coastal State.

12 **Subtitle E—CDFI/MDI Community**
13 **Lenders**

14 **SEC. 3401. PURPOSE.**

15 The purpose of this subtitle is to establish emergency
16 programs to revitalize and provide long-term financial
17 products and service availability for, and provide invest-
18 ments in, low- and moderate-income and minority commu-
19 nities that have disproportionately suffered from the im-
20 pacts of the COVID–19 pandemic.

21 **SEC. 3402. SENSE OF CONGRESS.**

22 It is the sense of Congress that the Department of
23 the Treasury, Board of Governors of the Federal Reserve
24 System, Small Business Administration, Office of the
25 Comptroller of the Currency, Federal Deposit Insurance

1 Corporation, National Credit Union Administration, and
2 other Federal agencies should take steps to support, en-
3 gage with, and utilize minority depository institutions and
4 community development financial institutions in the near
5 term, especially as they carry out programs to respond to
6 the COVID–19 pandemic, and the long term.

7 **SEC. 3403. CONSIDERATIONS; REQUIREMENTS FOR CREDI-**
8 **TORS.**

9 (a) IN GENERAL.—In exercising the authorities
10 under this subtitle and the amendments made by this sub-
11 title, the Secretary of the Treasury shall take into consid-
12 eration—

13 (1) increasing the availability of affordable
14 credit for consumers, small businesses, and nonprofit
15 organizations, including for projects supporting af-
16 fordable housing, community-serving real estate, and
17 other projects, that provide direct benefits to low-
18 and moderate-income communities, low-income and
19 underserved individuals, and minorities, that have
20 disproportionately suffered from the health and eco-
21 nomic impacts of the COVID-19 pandemic;

22 (2) providing funding to minority-owned or mi-
23 nority-led eligible institutions and other eligible insti-
24 tutions that serve minority small businesses;

1 (3) protecting and increasing jobs in the United
2 States;

3 (4) increasing the opportunity for small busi-
4 ness, affordable housing and community develop-
5 ment in geographic areas and demographic segments
6 with poverty and high unemployment rates that ex-
7 ceed the average in the United States as a result of
8 COVID-19;

9 (5) ensuring that all low- and moderate-income
10 community financial institutions may apply to par-
11 ticipate in the programs established under this sub-
12 title and the amendments made by this subtitle,
13 without discrimination based on geography;

14 (6) providing transparency with respect to use
15 of funds provided under this subtitle and the amend-
16 ments made by this subtitle;

17 (7) promoting and engaging in financial edu-
18 cation to would-be borrowers; and

19 (8) providing funding to eligible institutions
20 that serve consumers, small businesses, and non-
21 profit organizations to support affordable housing,
22 community-serving real estate, and other projects
23 that provide direct benefits to low- and moderate-in-
24 come communities, low-income individuals, and mi-

1 norities directly affected by the COVID–19 pan-
2 demic.

3 (b) REQUIREMENT FOR CREDITORS.—Any creditor
4 participating in a program established under this subtitle
5 or the amendments made by this subtitle shall fully comply
6 with all applicable statutory and regulatory requirements
7 relating to fair lending.

8 **SEC. 3404. CAPITAL INVESTMENTS FOR NEIGHBORHOODS**
9 **DISPROPORTIONATELY IMPACTED BY THE**
10 **COVID–19 PANDEMIC.**

11 Chapter XVIII of title 12, Code of Federal Regula-
12 tions, is amended by adding at the end the following:

13 **“PART 1816—CAPITAL INVESTMENTS FOR NEIGH-**
14 **BORHOODS DISPROPORTIONATELY IM-**
15 **PACTED BY THE COVID–19 PANDEMIC**

“§ 1816.100 — Capital investments for neighborhoods disproportionately im-
pacted by the COVID–19 pandemic.

16 **“§ 1816.100. Capital investments for neighborhoods**
17 **disproportionately impacted by the**
18 **COVID–19 pandemic”.**

19 “(a) DEFINITIONS.—In this section—

20 “(1) the term ‘community development financial
21 institution’ has the meaning given the term in sec-
22 tion 103 of the Riegle Community Development and
23 Regulatory Improvement Act of 1994 (12 U.S.C.
24 4702);

1 “(2) the term ‘Fund’ means the Community
2 Development Financial Institutions Fund established
3 under section 104(a) of the Riegle Community De-
4 velopment and Regulatory Improvement Act of 1994
5 (12 U.S.C. 4703(a));

6 “(3) the term ‘low- and moderate-income com-
7 munity financial institution’ means any financial in-
8 stitution that is—

9 “(A) a community development financial
10 institution that is—

11 “(i) an insured depository institution
12 that is not controlled by a bank holding
13 company or savings and loan holding com-
14 pany that is also an eligible institution;

15 “(ii) a bank holding company;

16 “(iii) a savings and loan holding com-
17 pany; or

18 “(iv) a Federally insured credit union;

19 or

20 “(B) a minority depository institution;

21 “(4) the term ‘minority’ means any Black
22 American, Native American, Hispanic American, or
23 Asian American;

24 “(5) the term ‘minority depository institu-
25 tion’—

1 “(A) has the meaning given that term
2 under section 308 of the Financial Institutions
3 Reform, Recovery, and Enforcement Act of
4 1989 (12 U.S.C. 1463 note);

5 “(B) means an entity considered to be a
6 minority depository institution by—

7 “(i) the appropriate Federal banking
8 agency, as defined in section 3 of the Fed-
9 eral Deposit Insurance Act(12 U.S.C.
10 1813); or

11 “(ii) the National Credit Union Ad-
12 ministration, in the case of an insured
13 credit union; and

14 “(C) means an entity listed in the Federal
15 Deposit Insurance Corporation’s Minority De-
16 pository Institutions List published for the Sec-
17 ond Quarter 2020.

18 “(6) the term ‘Program’ means the Emergency
19 Capital Investment Program established under para-
20 graph (2); and

21 “(7) the ‘Secretary’ means the Secretary of the
22 Treasury.

23 “(b) ESTABLISHMENT.—The Secretary of the Treas-
24 ury shall establish an emergency program known as the
25 ‘Emergency Capital Investment Program’ to support the

1 efforts of low- and moderate-income community financial
2 institutions to, among other things, provide loans, grants,
3 and forbearance for small businesses, minority-owned
4 businesses, and consumers, especially in low-income and
5 underserved communities, including persistent poverty
6 counties, that may be disproportionately impacted by the
7 economic effects of the COVID–19 pandemic, by providing
8 direct and indirect capital investments in low- and mod-
9 erate-income community financial institutions.

10 “(c) PURCHASES.—The Secretary may purchase pre-
11 ferred stock and other financial instruments from eligible
12 institutions on such terms and conditions as are deter-
13 mined by the Secretary in accordance with this section.

14 “(d) APPLICATION.—

15 “(1) ACCEPTANCE.—The Secretary shall begin
16 accepting applications for capital investments under
17 the Program not later than the end of the 30-day
18 period beginning on the date of enactment of this
19 section, with priority in distribution given to low-
20 and moderate-income community financial institu-
21 tions that are minority lending institutions, as de-
22 fined in section 103 of the Community Development
23 Banking and Financial Institutions Act of 1994 (12
24 U.S.C. 4702).

1 “(2) ELIGIBILITY.—The Secretary may estab-
2 lish additional criteria for participation by an insti-
3 tution in the Program, as the Secretary may deter-
4 mine appropriate in furtherance of the goals of the
5 Program.

6 “(3) REQUIREMENT TO PROVIDE AN EMER-
7 GENCY INVESTMENT LENDING PLAN FOR COMMU-
8 NITIES THAT MAY BE DISPROPORTIONATELY IM-
9 PACTED BY THE ECONOMIC EFFECTS OF THE
10 COVID–19 PANDEMIC.—

11 “(A) IN GENERAL.—At the time that an
12 applicant submits an application to the Sec-
13 retary for a capital investment under the Pro-
14 gram, the applicant shall provide the Secretary,
15 along with the appropriate Federal banking
16 agency or the National Credit Union Adminis-
17 tration, as applicable, an investment and lend-
18 ing plan that—

19 “(i) demonstrates that not less than
20 30 percent of the lending of the applicant
21 over the past 2 fiscal years was made di-
22 rectly to low- and moderate income bor-
23 rowers, to borrowers that create direct ben-
24 efits for low- and moderate-income popu-
25 lations, to other targeted populations as

1 defined by the Fund, or any combination
2 thereof, as measured by the total number
3 and dollar amount of loans;

4 “(ii) describes how the business strat-
5 egy and operating goals of the applicant
6 will address community development needs
7 in communities that may be disproportion-
8 ately impacted by the economic effects of
9 COVID–19, which includes the needs of
10 small businesses, consumers, nonprofit or-
11 ganizations, community development, and
12 other projects providing direct benefits to
13 low- and moderate-income communities,
14 low-income individuals, and minorities
15 within the minority, rural, and urban low-
16 income and underserved areas served by
17 the applicant;

18 “(iii) includes a plan to provide com-
19 munity outreach, where appropriate;

20 “(iv) includes details on how the ap-
21 plicant plans to expand or maintain signifi-
22 cant lending or investment activity in low-
23 or moderate-income minority communities,
24 especially those that may be disproportion-
25 ately impacted by COVID–19 to histori-

1 cally disadvantaged borrowers, and to mi-
2 norities that have significant unmet capital
3 or financial services needs.

4 “(B) DOCUMENTATION.—In the case of an
5 applicant that is certified as a community devel-
6 opment financial institution as of the date of
7 enactment of this subsection, for purposes of
8 clause (i)(I), the Secretary may rely on docu-
9 mentation submitted by the applicant to the
10 Fund as part of certification compliance report-
11 ing.

12 “(4) INCENTIVES TO INCREASE LENDING AND
13 PROVIDE AFFORDABLE CREDIT.—

14 “(A) ISSUANCE AND PURCHASE OF PRE-
15 FERRED STOCK.—An eligible institution that
16 the Secretary approves for participation in the
17 Program may issue to Treasury, and Treasury
18 may purchase from such institution, preferred
19 stock that—

20 “(i) provides that the preferred stock
21 will—

22 “(I) be repaid not later than the
23 end of the 10-year period beginning
24 on the date of the capital investment
25 under the Program; or

1 “(II) at the end of such 10-year
2 period, be subject to such additional
3 terms as the Secretary shall prescribe,
4 which shall include a requirement that
5 the stock shall carry the highest divi-
6 dend or interest rate payable; and

7 “(ii) provides that the term and condi-
8 tion described under clause (i) shall not
9 apply if the application of that term and
10 condition would adversely affect the capital
11 treatment of the stock under current or
12 successor applicable capital provisions com-
13 pared to a capital instrument with iden-
14 tical terms other than the term and condi-
15 tion described under clause (i).

16 “(B) ALTERNATIVE FINANCIAL INSTRU-
17 MENTS.—If the Secretary determines that an
18 institution cannot feasibly issue preferred stock
19 as provided under subparagraph (A) above,
20 such institution may issue to the Secretary, and
21 the Secretary may purchase from such institu-
22 tion, a subordinated debt instrument whose
23 terms are, to the extent possible, consistent
24 with requirements under the Program applica-

1 urban low-income and underserved commu-
2 nities and to low- and moderate-income
3 borrowers has increased in amount be-
4 tween 200 percent and 400 percent of the
5 amount of the capital investment, the an-
6 nual payment rate shall not exceed 1.25
7 percent per annum.

8 “(iii) If the amount of lending by the
9 institution within minority, rural, and
10 urban low-income and underserved commu-
11 nities and to low- and moderate-income
12 borrowers has increased by more than 400
13 percent of the capital investment, the an-
14 nual payment rate shall not exceed 0.5
15 percent per annum.

16 “(6) CONTINGENCY OF PAYMENTS BASED ON
17 CERTAIN FINANCIAL CRITERIA.—

18 “(A) DEFERRAL.—Any annual payments
19 under this section shall be deferred in any quar-
20 ter or payment period if any of the following is
21 true:

22 “(i) The low- and moderate-income
23 community institution fails to meet the
24 Tier 1 capital ratio or similar ratio as de-
25 termined by the Secretary.

1 “(ii) The low- and moderate-income
2 community financial institution fails to
3 achieve positive net income for the quarter
4 or payment period.

5 “(iii) The low- and moderate-income
6 community financial institution determines
7 that the payment would be detrimental to
8 the financial health of the institution.

9 “(B) TESTING DURING NEXT PAYMENT
10 PERIOD.—Any annual payment that is deferred
11 under this section shall—

12 “(i) be tested against the metrics de-
13 scribed in subparagraph (A) at the begin-
14 ning of the next payment period; and

15 “(ii) continue to be deferred until the
16 metrics described in that subparagraph are
17 no longer applicable.

18 “(7) REQUIREMENTS IN CONNECTION WITH
19 FAILURE TO SATISFY PROGRAM GOALS.—Any finan-
20 cial instrument issued to Treasury by a low- and
21 moderate-income community financial institution
22 under the Program may include such additional
23 terms and conditions as the Secretary determines
24 may be appropriate to provide the holders with
25 rights in the event that such institution fails to sat-

1 isfy applicable requirements under the Program or
2 to protect the interests of the Federal Government.

3 “(e) RESTRICTIONS.—

4 “(1) IN GENERAL.—Each low- and moderate-in-
5 come community financial institution may only issue
6 financial instruments or senior preferred stock under
7 this subsection with an aggregate principal amount
8 (or comparable amount) that is—

9 “(A) not more than 15 percent of risk-
10 weighted assets for an institution with assets of
11 more than \$2,000,000,000;

12 “(B) not more than 25 percent of risk-
13 weighted assets for an institution with assets of
14 not less than \$500,000,000 and not more than
15 \$2,000,000,000; and

16 “(C) not more than 30 percent of risk-
17 weighted assets for an institution with assets of
18 less than \$500,000,000.

19 “(2) HOLDING OF INSTRUMENTS.—Holding any
20 instrument of a low- and moderate-income commu-
21 nity financial institution described in paragraph (1)
22 shall not give Treasury or any successor that owns
23 the instrument any rights over the management of
24 the institution in the ordinary course of business.

25 “(3) SALE OF INTEREST.—

1 “(A) IN GENERAL.—With respect to a cap-
2 ital investment made into a low- and moderate-
3 income community financial institution under
4 this section, the Secretary—

5 “(i) shall provide the low- and mod-
6 erate-income community financial institu-
7 tion a right of first refusal to buy back the
8 investment under terms that do not exceed
9 a value as determined by an independent
10 third party;

11 “(ii) shall not sell more than 25 per-
12 cent of the outstanding equity interests of
13 any institution to a single third party with-
14 out the consent of such institution; and

15 “(iii) with the permission of the insti-
16 tution, may transfer or sell the interest of
17 the Secretary in the capital investment for
18 no consideration or for a de minimis
19 amount to a mission aligned nonprofit af-
20 filiate of an applicant that is an insured
21 community development financial institu-
22 tion, as defined in section 103 of the Rie-
23 gle Community Development and Regu-
24 latory Improvement Act of 1994 (12
25 U.S.C. 4702).

1 “(B) CALCULATION OF OWNERSHIP FOR
2 MINORITY DEPOSITORY INSTITUTIONS.—The
3 calculation and determination of ownership
4 thresholds for a depository institution to qualify
5 as a minority depository institution described in
6 section 4002(7)(B) shall exclude any dilutive ef-
7 fect of equity investments by the Federal Gov-
8 ernment, including under the Program or
9 through the Fund.

10 “(4) REPAYMENT INCENTIVES.—The Secretary
11 may establish repayment incentives that will apply to
12 capital investments under the Program in a manner
13 that the Secretary determines to be consistent with
14 the purposes of the Program.

15 “(f) TREATMENT OF CAPITAL INVESTMENTS.—The
16 Secretary shall seek to establish the terms of preferred
17 stock issued under the Program to enable such preferred
18 stock to receive Tier 1 capital treatment.

19 “(g) OUTREACH TO MINORITIES.—The Secretary
20 shall require low- and moderate-income community finan-
21 cial institutions receiving capital investments under the
22 Program to provide outreach and advertising describing
23 the availability and application process of receiving loans
24 made possible by the Program through organizations,

1 trade associations, and individuals that represent or work
2 within or are members of minority communities.

3 “(h) RESTRICTIONS.—

4 “(1) IN GENERAL.—Not later than the end of
5 the 30-day period beginning on the date of enact-
6 ment of this section, the Secretary of the Treasury
7 shall issue rules setting restrictions on executive
8 compensation, share buybacks, and dividend pay-
9 ments for recipients of capital investments under the
10 Program.

11 “(2) RULE OF CONSTRUCTION.—The provisions
12 of section 4019 of the CARES Act shall apply to in-
13 vestments made under the Program.

14 “(i) INELIGIBILITY OF CERTAIN INSTITUTIONS.—An
15 institution shall be ineligible to participate in the Program
16 if such institution is designated in Troubled Condition by
17 the appropriate Federal banking agency or the National
18 Credit Union Administration, as applicable, or is subject
19 to a formal enforcement action with its primary Federal
20 regulator that addresses unsafe or unsound lending prac-
21 tices.

22 “(j) TERMINATION OF INVESTMENT AUTHORITY.—
23 The authority to make new capital investments in low- and
24 moderate-income community financial institutions, includ-
25 ing commitments to purchase preferred stock or other in-

1 struments, provided under the Program shall terminate on
2 the date that is 6 months after the date on which the na-
3 tional emergency concerning the novel coronavirus disease
4 (COVID–19) outbreak declared by the President on
5 March 13, 2020 under the National Emergencies Act (50
6 U.S.C. 1601 et seq.) terminates.

7 “(k) COLLECTION OF DATA.—Notwithstanding the
8 Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.)—

9 “(1) any low- and moderate-income community
10 financial institution may collect data described in
11 section 701(a)(1) of that Act (15 U.S.C. 1691(a)(1))
12 from borrowers and applicants for credit for the pur-
13 pose of monitoring compliance under the plan re-
14 quired under paragraph (4)(B); and

15 “(2) a low- and moderate-income community fi-
16 nancial institution that collects the data described in
17 subparagraph (A) shall not be subject to adverse ac-
18 tion related to that collection by the Bureau of Con-
19 sumer Financial Protection or any other Federal
20 agency.

21 “(l) DEPOSIT OF FUNDS.—All funds received by the
22 Secretary in connection with purchases made pursuant
23 this subsection, including interest payments, dividend pay-
24 ments, and proceeds from the sale of any financial instru-
25 ment, shall be deposited into the Fund and used to provide

1 financial and technical assistance pursuant to section 108
2 of the Riegle Community Development and Regulatory
3 Improvement Act of 1994 (12 U.S.C. 4707), except that
4 subsection (e) of that section shall be waived.

5 “(m) APPROPRIATION.—Notwithstanding any other
6 provision of law, there is appropriated, out of amounts in
7 the Treasury not otherwise appropriated, \$10,000,000 to
8 carry out this section.

9 “(n) ADMINISTRATIVE EXPENSES.—Funds appro-
10 priated pursuant to subsection (m) may be used for ad-
11 ministrative expenses, including the costs of modifying
12 such investments, and reasonable costs of administering
13 the Program of making, holding, managing, and selling
14 the capital investments.

15 “(o) ADMINISTRATIVE PROVISIONS.—The Secretary
16 may take such actions as the Secretary deems necessary
17 to carry out the authorities in this section, including, the
18 following:

19 “(1) The Secretary may use the services of any
20 agency or instrumentality of the United States or
21 component thereof on a reimbursable basis, and any
22 such agency or instrumentality or component thereof
23 is authorized to provide services as requested by the
24 Secretary using all authorities vested in or delegated
25 to that agency, instrumentality, or component.

1 “(2) The Secretary may enter into contracts,
2 including contracts for services authorized by section
3 3109 of title 5, United States Code.

4 “(3) The Secretary may designate any bank,
5 savings association, trust company, security broker
6 or dealer, asset manager, or investment adviser as a
7 financial agent of the Federal Government and such
8 institution shall perform all such reasonable duties
9 related to this section as financial agent of the Fed-
10 eral Government as may be required. The Secretary
11 shall have authority to amend existing agreements
12 with financial agents to perform reasonable duties
13 related to this section.

14 “(4) The Secretary may exercise any rights re-
15 ceived in connection with any preferred stock or
16 other financial instruments or assets purchased or
17 acquired pursuant to the authorities granted under
18 this section.

19 “(5) The Secretary may manage any assets
20 purchased under this section, including revenues and
21 portfolio risks therefrom.

22 “(6) The Secretary may sell, dispose of, trans-
23 fer, exchange or enter into securities loans, repur-
24 chase transactions, or other financial transactions in
25 regard to, any preferred stock or other financial in-

1 strument or asset purchased or acquired under this
2 section, upon terms and conditions and at a price
3 determined by the Secretary.

4 “(7) The Secretary may manage or prohibit
5 conflicts of interest that may arise in connection
6 with the administration and execution of the au-
7 thorities provided under this section.

8 “(8) The Secretary may establish and use vehi-
9 cles to purchase, hold, and sell preferred stock or
10 other financial instruments and issue obligations.

11 “(9) The Secretary may issue such regulations
12 and other guidance as may be necessary or appro-
13 priate to define terms or carry out the authorities or
14 purposes of this section.

15 “(10) The Secretary is authorized to use direct
16 hiring authority to hire employees to administer this
17 section.”.

18 **SEC. 3405. EMERGENCY SUPPORT FOR CDFIS AND COMMU-**
19 **NITIES RESPONDING TO THE COVID-19 PAN-**
20 **DEMIC.**

21 (a) APPROPRIATIONS.—Of the amounts made avail-
22 able to the Secretary of the Treasury under this Act,
23 \$2,000,000,000 shall be made available to the Fund to
24 carry out this section.

1 (b) SET ASIDES.—Of the amounts made available
2 under subsection (a), the following amounts shall be set
3 aside:

4 (1) Up to \$1,000,000,000, to remain available
5 until September 30, 2021, to support, prepare for,
6 and respond to the economic impact of the
7 coronavirus, provided that the Fund shall—

8 (A) provide grants funded under this para-
9 graph using a formula that takes into account
10 criteria such as certification status, financial
11 and compliance performance, portfolio and bal-
12 ance sheet strength, a diversity of CDFI busi-
13 ness model types, and program capacity, of
14 which not less than \$25,000,000 may be for
15 grants to benefit Native American, Native Ha-
16 waiian, and Alaska Native communities; and

17 (B) make funds available under this para-
18 graph not later than 60 days after the date of
19 enactment of this Act.

20 (2) Up to \$1,000,000,000, to remain available
21 until expended, to provide grants to CDFIs to re-
22 spond to the economic impact of the COVID-19 pan-
23 demic—

24 (A) to expand lending, grant making, or
25 investment activity in low- or moderate-income

1 minority communities and to minorities that
2 have significant unmet capital or financial serv-
3 ices needs;

4 (B) using criteria such as certification sta-
5 tus, financial and compliance performance,
6 portfolio and balance sheet strength, a diversity
7 of CDFI business model types, status as a mi-
8 nority lending institution, and program capac-
9 ity, as well as experience making loans and in-
10 vestments to those areas and populations identi-
11 fied in this paragraph; and

12 (C) of which up to \$800,000,000, to re-
13 main available until expended, shall be for pro-
14 viding financial assistance, technical assistance,
15 awards, training and outreach programs to re-
16 cipients that are minority lending institutions.

17 (c) ADMINISTRATIVE EXPENSES.—Funds appro-
18 priated pursuant to the authorization under subsection (a)
19 may be used for administrative expenses, including admin-
20 istration of Fund programs and the New Markets Tax
21 Credit Program under section 45D of the Internal Rev-
22 enue Code of 1986.

23 (d) DEFINITIONS.—In this section:

24 (1) CDFI.—The term “CDFI” means a com-
25 munity development financial institution, as defined

1 in section 103 of the Community Development
2 Banking and Financial Institutions Act of 1994 (12
3 U.S.C. 4702).

4 (2) FUND.—The term “Fund” means the Com-
5 munity Development Financial Institutions Fund es-
6 tablished under section 104(a) of the Community
7 Development Banking and Financial Institutions Act
8 of 1994 (12 U.S.C. 4703(a)).

9 (3) MINORITY.—The term “minority” means
10 any Black American, Hispanic American, Asian
11 American, Native American, Native Alaskan, Native
12 Hawaiian, or Pacific Islander.

13 (4) MINORITY LENDING INSTITUTION.—The
14 term “minority lending institution” means a
15 CDFI—

16 (A) with respect to which a majority of
17 both the number and dollar volume of arm’s-
18 length, on-balance sheet Financial Products of
19 the CDFI are directed at minorities or majority
20 minority census tracts or equivalents; and

21 (B) that is a minority depository institu-
22 tion, as defined in section 308(b) of the Finan-
23 cial Institutions Reform, Recovery, and En-
24 forcement Act of 1989 (12 U.S.C. 1463 note),
25 or otherwise considered to be a minority deposi-

1 tory institution by the appropriate Federal
2 banking agency, as defined in section 3 of the
3 Federal Deposit Insurance Act(12 U.S.C.
4 1813), or by the National Credit Union Admin-
5 istration, as applicable; or

6 (C) meets standards for accountability to
7 minority populations as determined by the Ad-
8 ministrator

9 (5) MINORITY LENDING INSTITUTION.—The
10 term “minority lending institution” means a
11 CDFI—

12 (A) with respect to which a majority of the
13 total number of loans and a majority of the
14 value of investments of the CDFI are directed
15 at minorities and other targeted populations;

16 (B) that is a minority depository institu-
17 tion, as defined in section 308(b) of the Finan-
18 cial Institutions Reform, Recovery, and En-
19 forcement Act of 1989 (12 U.S.C. 1463 note),
20 or otherwise considered to be a minority deposi-
21 tory institution by the appropriate Federal
22 banking agency, as defined in section 3 of the
23 Federal Deposit Insurance Act(12 U.S.C.
24 1813), or by the National Credit Union Admin-
25 istration, as applicable; or

1 (C) that is 51 percent owned by 1 or more
2 socially and economically disadvantaged individ-
3 uals.

4 **SEC. 3406. COLLECTION OF DATA.**

5 Notwithstanding the Equal Credit Opportunity Act
6 (15 U.S.C. 1691 et seq.)—

7 (1) a community development financial institu-
8 tion may collect data described in section 701(a)(1)
9 of that Act (15 U.S.C. 1691(a)(1)) from borrowers
10 and applicants for credit to ensure that targeted
11 populations and low-income residents of investment
12 areas are adequately served; and

13 (2) a community development financial institu-
14 tion that collects the data described in paragraph
15 (1) shall not be subject to adverse action related to
16 that collection by the Bureau of Consumer Financial
17 Protection or any other Federal agency.

18 **SEC. 3407. INSPECTOR GENERAL OVERSIGHT.**

19 (a) IN GENERAL.—The Inspector General of the De-
20 partment of the Treasury shall conduct, supervise, and co-
21 ordinate audits and investigations of any program estab-
22 lished under this subtitle or the amendments made by this
23 subtitle.

24 (b) REPORTING.—The Inspector General of the De-
25 partment of the Treasury shall submit to Congress and

1 the Secretary of the Treasury not less frequently than 2
2 times per year a report relating to the oversight provided
3 by the Office of the Inspector General, including any rec-
4 ommendations for improvements to the programs de-
5 scribed in subsection (a).

6 **SEC. 3408. STUDY AND REPORT WITH RESPECT TO IMPACT**
7 **OF PROGRAMS ON LOW- AND MODERATE-IN-**
8 **COME AND MINORITY COMMUNITIES.**

9 (a) **STUDY.**—The Secretary of the Treasury shall
10 conduct a study of the impact of the programs established
11 under this subtitle or any amendment made by this sub-
12 title on low- and moderate-income and minority commu-
13 nities.

14 (b) **REPORT.**—Not later than 18 months after the
15 date of enactment of this Act, the Secretary of the Treas-
16 ury shall submit to Congress a report on the results of
17 the study conducted pursuant to subsection (a), which
18 shall include, to the extent possible, the results of the
19 study disaggregated by ethnic group.

20 (c) **INFORMATION PROVIDED TO THE SECRETARY.**—
21 Eligible institutions that participate in any of the pro-
22 grams described in subsection (a) shall provide the Sec-
23 retary of the Treasury with such information as the Sec-
24 retary may require to carry out the study required by this
25 section.

1 **Subtitle F—United States Postal**
2 **Service**

3 **SEC. 3501. POSTAL SERVICE ASSISTANCE.**

4 (a) COVID–19 FUNDING.—Section 6001 of the
5 CARES Act (39 U.S.C. 101 note; Public Law 116–136)
6 is amended—

7 (1) in the section heading, by striking “**BOR-**
8 **ROWING AUTHORITY**” and inserting “**FUNDING**”;

9 (2) in subsection (b)(2)—

10 (A) by striking “may lend” and inserting
11 “shall lend”; and

12 (B) by striking “, upon terms and condi-
13 tions mutually agreed upon by the Secretary
14 and the Postal Service” and inserting “without
15 regard to whether any agreement regarding
16 terms and conditions is in effect between the
17 Secretary and the Postal Service”;

18 (3) by redesignating subsection (c) as sub-
19 section (e); and

20 (4) by inserting after subsection (b) the fol-
21 lowing:

22 “(c) **NO REPAYMENT REQUIRED; TERMINATION OF**
23 **JULY 2020 AGREEMENT.**—

24 “(1) **NO REPAYMENT REQUIRED.**—Notwith-
25 standing subsection (b) or any agreement entered

1 into between the Secretary of the Treasury and the
2 Postal Service under that subsection, the Postal
3 Service shall not be required to repay the amounts
4 borrowed under that subsection.

5 “(2) TERMINATION OF JULY 2020 AGREE-
6 MENT.—The agreement in principle between the
7 Secretary of the Treasury and the Postal Service
8 that was approved by the Board of Governors of the
9 Postal Service on July 28, 2020, shall have no force
10 or effect.”.

11 (b) POSTAL SERVICE REFORM PLAN.—

12 (1) DEFINITION.—In this subsection, the term
13 “Postal Service” means the United States Postal
14 Service.

15 (2) PLAN REQUIRED.—

16 (A) IN GENERAL.—The Board of Gov-
17 ernors of the Postal Service shall develop a plan
18 to ensure the long-term solvency of the Postal
19 Service.

20 (B) INPUT FROM INTERESTED PARTIES.—

21 In developing the plan under subparagraph (A),
22 the Board of Governors shall solicit and con-
23 sider the views and suggestions of those entities
24 potentially affected by or interested in such a
25 plan, including Congress.

1 (3) SUBMISSION TO CONGRESS AND POSTAL
2 REGULATORY COMMISSION.—Not later than 180
3 days after the date of enactment of this Act, the
4 Postal Service shall submit to the Committee on
5 Homeland Security and Governmental Affairs of the
6 Senate, the Committee on Oversight and Reform of
7 the House of Representatives, and the Postal Regu-
8 latory Commission the plan required under this sub-
9 section, including recommendations for congressional
10 action.

11 (4) CONGRESSIONAL UPDATE.—Prior to sub-
12 mission of the plan required under paragraph (3)
13 and not later than 60 days after the date of enact-
14 ment of this Act, the Postal Service shall provide a
15 briefing on the status of the plan to the Committee
16 on Homeland Security and Governmental Affairs of
17 the Senate and the Committee on Oversight and Re-
18 form of the House of Representatives.

19 (c) REPORTS ON COVID–19 FUNDING.—Section
20 6001 of the CARES Act (39 U.S.C. 101 note; Public Law
21 116–136) is amended by inserting after subsection (c), as
22 added by subsection (a) of this section, the following:

23 “(d) CERTIFICATIONS.—

24 “(1) POSTAL REGULATORY COMMISSION.—The
25 Postal Service shall certify in its quarterly and au-

1 dited annual reports to the Postal Regulatory Com-
2 mission under section 3654 of title 39, United
3 States Code, and in conformity with the require-
4 ments of section 13 or 15(d) of the Securities Ex-
5 change Act of 1934 (15 U.S.C. 78m, 78o(d)), any
6 expenditures made using amounts borrowed under
7 subsection (b) of this section.

8 “(2) CONGRESS.—Not later than 15 days after
9 filing a report described in paragraph (1) with the
10 Postal Regulatory Commission, the Postal Service
11 shall submit a copy of the information required to
12 be certified under that paragraph to the Committee
13 on Homeland Security and Governmental Affairs of
14 the Senate and the Committee on Oversight and Re-
15 form of the House of Representatives.”.

16 **TITLE IV—EMERGENCY ASSIST-**
17 **ANCE FOR AMERICAN FAMI-**
18 **LIES AND STUDENTS**

19 **Subtitle A—Nutrition**

20 **PART I—NUTRITION ASSISTANCE**

21 **SEC. 4001. ASSISTANCE FOR CHILDREN IN CHILD CARE.**

22 Section 1101(h) of the Families First Coronavirus
23 Response Act (7 U.S.C. 2011 note; Public Law 116–127)
24 is amended by adding at the end the following:

1 “(4) DEEMED POPULATION.—For purposes of
2 an approved State agency plan or an approved
3 amendment to a State agency plan described in
4 paragraph (1), the Secretary of Agriculture shall
5 deem any child who has not attained the age of 6
6 as a child who is enrolled in a covered child care fa-
7 cility.”.

8 **SEC. 4002. SUPPLEMENTAL NUTRITION ASSISTANCE PRO-**
9 **GRAM.**

10 (a) VALUE OF BENEFITS.—Notwithstanding any
11 other provision of law, during the period beginning on
12 January 1, 2021, and ending on April 30, 2021, the value
13 of benefits determined under section 8(a) of the Food and
14 Nutrition Act of 2008 (7 U.S.C. 2017(a)), the consoli-
15 dated block grants for Puerto Rico and American Samoa
16 determined under section 19(a) of that Act (7 U.S.C.
17 2028(a)), and the block grant for the Commonwealth of
18 the Northern Mariana Islands made pursuant to section
19 601 of Public Law 96–597 (48 U.S.C. 1469d) shall be
20 calculated using 115 percent of the June 2020 value of
21 the thrifty food plan (as defined in section 3 of the Food
22 and Nutrition Act of 2008 (7 U.S.C. 2012)).

23 (b) REQUIREMENTS FOR THE SECRETARY.—In car-
24 rying out this section, the Secretary shall—

1 (1) consider the benefit increases described in
2 subsection (a) to be a “mass change”;

3 (2) require a simple process for States to notify
4 households of the increase in benefits;

5 (3) consider section 16(c)(3)(A) of the Food
6 and Nutrition Act of 2008 (7 U.S.C. 2025(c)(3)(A))
7 to apply to any errors in the implementation of this
8 section without regard to the 120-day limit described
9 in that section;

10 (4) disregard the additional amount of benefits
11 that a household receives as a result of this section
12 in determining the amount of overissuances under
13 section 13 of the Food and Nutrition Act of 2008
14 (7 U.S.C. 2022); and

15 (5) set the tolerance level for excluding small
16 errors for the purposes of section 16(c) of the Food
17 and Nutrition Act of 2008 (7 U.S.C. 2025(c)) at
18 \$50 through the month subsequent to the month in
19 which the COVID–19 public health emergency is
20 lifted.

21 (c) ADMINISTRATIVE EXPENSES.—

22 (1) IN GENERAL.—For the costs of State ad-
23 ministrative expenses associated with carrying out
24 this section and administering the supplemental nu-
25 trition assistance program, the Secretary shall make

1 available \$200,000,000 not later than 60 days after
2 the date of enactment of this Act.

3 (2) ALLOCATION OF FUNDS.—Amounts de-
4 scribed in paragraph (1) shall be made available as
5 grants to State agencies 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 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 enactment of this
25 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 (d) CERTAIN EXCLUSIONS FROM SNAP INCOME.—

4 For the purpose of determining the eligibility of an indi-
5 vidual for benefits or assistance, or the amount of benefits
6 or assistance, under any program authorized under the
7 Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.),
8 a Federal pandemic unemployment compensation payment
9 made to an individual under this Act shall not be regarded
10 as income or a resource for the month of receipt or any
11 of the following 9 months.

12 (e) PROVISIONS FOR IMPACTED STUDENTS.—

13 (1) IN GENERAL.—Notwithstanding any other
14 provision of law, not later than 20 days after the
15 date of enactment of this Act, eligibility for benefits
16 under the supplemental nutrition assistance program
17 shall not be limited under section 6(e) of that Act
18 (7 U.S.C. 2015(e)) for an individual who—

19 (A) is enrolled at least half-time in an in-
20 stitution of higher education; and

21 (B)(i) is eligible to participate in a State
22 or federally financed work study program dur-
23 ing the regular school year, as determined by
24 the institution of higher education; or

1 (ii) in the current academic year, has an
2 expected family contribution of \$0, as deter-
3 mined in accordance with part F of title IV of
4 the Higher Education Act of 1965 (20 U.S.C.
5 1087kk et seq.).

6 (2) SUNSET.—

7 (A) INITIAL APPLICATIONS.—The eligi-
8 bility standards authorized under paragraph (1)
9 shall be in effect for initial applications for the
10 supplemental nutrition assistance program until
11 30 days after the date on which the COVID-
12 19 public health emergency is lifted.

13 (B) RECERTIFICATIONS.—The eligibility
14 standards authorized under paragraph (1) shall
15 be in effect until the first recertification of a
16 household under the supplemental nutrition as-
17 sistance program beginning no earlier than 30
18 days after the date on which the COVID-19
19 public health emergency is lifted.

20 (3) GUIDANCE.—

21 (A) IN GENERAL.—Not later than 10 days
22 after the date of enactment of this Act, the Sec-
23 retary shall issue guidance to State agencies on
24 the temporary student eligibility requirements
25 established under this subsection.

1 (B) COORDINATION WITH THE DEPART-
2 MENT OF EDUCATION.—The Secretary of Edu-
3 cation, in consultation with the Secretary and
4 institutions of higher education, shall carry out
5 activities to inform applicants for Federal stu-
6 dent financial aid under the Higher Education
7 Act of 1965 (20 U.S.C. 1001 et seq.) and stu-
8 dents at institutions of higher education of the
9 temporary student eligibility requirements es-
10 tablished under this subsection.

11 (f) FUNDING.—There are appropriated to the Sec-
12 retary, out of any funds in the Treasury not otherwise
13 appropriated, such sums as may be necessary to carry out
14 this section.

15 (g) DEFINITIONS.—In this section:

16 (1) COVID–19 PUBLIC HEALTH EMERGENCY.—
17 The term “COVID–19 public health emergency”
18 means the public health emergency declared by the
19 Secretary of Health and Human Services under sec-
20 tion 319 of the Public Health Service Act (42
21 U.S.C. 247d) on January 31, 2020, with respect to
22 the Coronavirus Disease 2019 (COVID–19).

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

1 (3) SUPPLEMENTAL NUTRITION ASSISTANCE
2 PROGRAM.—The term “supplemental nutrition as-
3 sistance program” means the supplemental nutrition
4 assistance program established under the Food and
5 Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

6 **SEC. 4003. EMERGENCY COSTS FOR CHILD NUTRITION PRO-**
7 **GRAMS DURING COVID-19 PANDEMIC.**

8 (a) DEFINITIONS.—In this section:

9 (1) CHILD CARE OPERATIONAL EMERGENCY
10 COSTS.—The term “child care operational emergency
11 costs” means the costs incurred under the child and
12 adult care food program under section 17 of the
13 Richard B. Russell National School Lunch Act (42
14 U.S.C. 1766) incurred by a new covered institution,
15 covered institution, new sponsoring organization of a
16 family or group day care home, sponsoring organiza-
17 tion of a family or group day care home, or unaffili-
18 ated center—

19 (A) during the COVID-19 public health
20 emergency;

21 (B) that are related to the ongoing oper-
22 ation, modified operation, or temporary suspen-
23 sion of operation (including administrative
24 costs) of the new covered institution, covered
25 institution, new sponsoring organization of a

1 family or group day care home, sponsoring or-
2 ganization of a family or group day care home,
3 or unaffiliated center; and

4 (C) except as provided under subsection
5 (c), that are not reimbursed under a Federal
6 grant.

7 (2) COVERED INSTITUTION.—The term “cov-
8 ered institution” means—

9 (A) an institution (as defined in section
10 17(a)(2) of the Richard B. Russell National
11 School Lunch Act (42 U.S.C. 1766(a)(2))); and

12 (B) a family or group day care home.

13 (3) COVID–19 PUBLIC HEALTH EMERGENCY.—
14 The term “COVID–19 public health emergency”
15 means the public health emergency declared by the
16 Secretary of Health and Human Services under sec-
17 tion 319 of the Public Health Service Act (42
18 U.S.C. 247d) on January 31, 2020, with respect to
19 the Coronavirus Disease 2019 (COVID–19).

20 (4) EMERGENCY OPERATIONAL COSTS.—The
21 term “emergency operational costs” means the costs
22 incurred by a school food authority or new school
23 food authority—

24 (A) during the COVID–19 public health
25 emergency;

1 (B) that are related to the ongoing oper-
2 ation, modified operation, or temporary suspen-
3 sion of operation (including administrative
4 costs) of the school food authority or new school
5 food authority, as applicable; and

6 (C) except as provided under subsection
7 (b), that are not reimbursed under a Federal
8 grant.

9 (5) NEW COVERED INSTITUTION.—The term
10 “new covered institution” means a covered institu-
11 tion for which no reimbursements were made for
12 meals and supplements under subsection (e) or (f) of
13 section 17 of the Richard B. Russell National School
14 Lunch Act (42 U.S.C. 1766) for the previous reim-
15 bursement period.

16 (6) NEW SCHOOL FOOD AUTHORITY.—The term
17 “new school food authority” means a school food au-
18 thority for which no reimbursements were made
19 under the reimbursement sections for the previous
20 reimbursement period.

21 (7) NEW SPONSORING ORGANIZATION OF A
22 FAMILY OR GROUP DAY CARE.—The term “new
23 sponsoring organization of a family or group day
24 care” means a sponsoring organization of a family
25 or group day care home for which no reimburse-

1 ments for administrative funds were made under
2 section 17(f)(3)(B) of the Richard B. Russell Na-
3 tional School Lunch Act (42 U.S.C. 1766(f)(3)(B))
4 for the previous reimbursement period.

5 (8) PREVIOUS REIMBURSEMENT PERIOD.—The
6 term “previous reimbursement period” means the
7 period beginning on September 1, 2019, and ending
8 on December 30, 2019.

9 (9) REFERENCE COVERED INSTITUTION.—The
10 term “reference covered institution” means a cov-
11 ered institution in the same State, and with similar
12 demographics, as the new covered institution to
13 which the covered institution is being used as a ref-
14 erence under a reimbursement program under this
15 section, as determined by the Secretary.

16 (10) REFERENCE SCHOOL FOOD AUTHORITY.—
17 The term “reference school food authority” means a
18 school food authority in the same State, and with
19 similar demographics, as the new school food author-
20 ity to which the school food authority is being used
21 as a reference under a reimbursement program
22 under this section, as determined by the Secretary.

23 (11) REFERENCE SPONSORING ORGANIZATION
24 OF A FAMILY OR GROUP DAY CARE.—The term “ref-
25 erence sponsoring organization of a family or group

1 day care” means a sponsoring organization of a
2 family or group day care in the same State, and
3 with similar demographics, as the new sponsoring
4 organization of a family or group day care to which
5 the sponsoring organization of a family or group day
6 care is being used as a reference under a reimburse-
7 ment program under this section, as determined by
8 the Secretary.

9 (12) REIMBURSEMENT MONTH.—The term “re-
10 imbursement month” means—

- 11 (A) September 2020;
- 12 (B) October 2020;
- 13 (C) November 2020; and
- 14 (D) December 2020.

15 (13) REIMBURSEMENT SECTIONS.—The term
16 “reimbursement sections” means—

- 17 (A) section 4(b) of the Richard B. Russell
18 National School Lunch Act (42 U.S.C.
19 1753(b));
- 20 (B) section 11(a)(2) of that Act (42
21 U.S.C. 1759a(a)(2));
- 22 (C) section 13 of that Act (42 U.S.C.
23 1761);
- 24 (D) section 17A(c) of that Act (42 U.S.C.
25 1766a(c)); and

1 (E) section 4 of the Child Nutrition Act of
2 1966 (42 U.S.C. 1773).

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

5 (15) STATE.—The term “State” has the mean-
6 ing given the term in section 12(d) of the Richard
7 B. Russell National School Lunch Act (42 U.S.C.
8 1760(d)).

9 (16) UNAFFILIATED CENTER.—The term “un-
10 affiliated center” means a covered institution or new
11 covered institution that—

12 (A) is sponsored by a sponsoring organiza-
13 tion; and

14 (B) receives funds for a reimbursement
15 month under subparagraph (D) of subsection
16 (c)(3).

17 (b) USE OF CERTAIN APPROPRIATIONS TO COVER
18 EMERGENCY OPERATIONAL COSTS UNDER SCHOOL MEAL
19 PROGRAMS.—

20 (1) IN GENERAL.—

21 (A) REQUIRED ALLOTMENTS.—Notwith-
22 standing any other provision of law, the Sec-
23 retary shall allocate to each State that partici-
24 pates in the reimbursement program under
25 paragraph (3) (referred to in this subsection as

1 the “reimbursement program”) such amounts
2 as are necessary to provide reimbursements
3 under that program for each reimbursement
4 month, including, subject to paragraph (3)(B),
5 administrative expenses necessary to make such
6 reimbursements.

7 (B) GUIDANCE.—Not later than 30 days
8 after the date of enactment of this Act, the Sec-
9 retary shall issue guidance with respect to the
10 reimbursement program.

11 (2) REIMBURSEMENT PROGRAM APPLICA-
12 TION.—To participate in the reimbursement pro-
13 gram, a State shall submit an application to the Sec-
14 retary not later than 30 days after the date of en-
15 actment of this Act that includes a plan to calculate
16 and disburse reimbursements under the reimburse-
17 ment program.

18 (3) REIMBURSEMENT PROGRAM.—The Sec-
19 retary shall establish a reimbursement program
20 under which the Secretary shall allocate amounts to
21 States, in accordance with paragraph (1), for States
22 to use to provide reimbursements for emergency
23 operational costs for each reimbursement month as
24 follows:

1 (A) For each new school food authority in
2 the State for the reimbursement month, an
3 amount equal to 55 percent of the difference
4 between—

5 (i) the average monthly amount that
6 the reference school food authority was re-
7 imbursed under the reimbursement sec-
8 tions for meals and supplements served
9 during the month beginning 1 year before
10 the reimbursement month; and

11 (ii) the amount that the new school
12 food authority was reimbursed under the
13 reimbursement sections for meals and sup-
14 plements served by the new school food au-
15 thority during that reimbursement month.

16 (B) For each school food authority in the
17 State not described in subparagraph (A) for the
18 reimbursement month, an amount equal to 55
19 percent of the difference between—

20 (i) the amount that the school food
21 authority was reimbursed under the reim-
22 bursement sections for meals and supple-
23 ments served by the school food authority
24 for the month beginning 1 year before the
25 reimbursement month; and

1 (ii) the amount that the school food
2 authority was reimbursed under the reim-
3 bursement sections for meals and supple-
4 ments served by the school food authority
5 during the reimbursement month.

6 (4) REQUIREMENTS FOR PARTICIPATION.—In
7 order to receive reimbursements from a State under
8 the reimbursement program, a school food authority
9 or new school food authority shall be required to
10 serve meals or supplements during a reimbursement
11 month.

12 (5) TREATMENT OF FUNDS.—

13 (A) AVAILABILITY.—Funds allocated to a
14 State under paragraph (1)(A) shall remain
15 available until September 30, 2021.

16 (B) ADMINISTRATIVE EXPENSES.—A State
17 may use not more than 1 percent of the funds
18 allocated to the State under paragraph (1)(A)
19 for administrative expenses.

20 (C) UNOBLIGATED BALANCE.—On Decem-
21 ber 31, 2021, any amounts allocated to a State
22 under paragraph (1)(A) or reimbursed to a
23 school food authority or new school food author-
24 ity of that State under the reimbursement pro-

1 gram that are unobligated shall revert to the
2 Treasury.

3 (6) REPORT.—Each State that participates in
4 the reimbursement program shall submit by not
5 later than June 30, 2022, a report to the Secretary
6 that—

7 (A) summarizes the use of the funds allo-
8 cated to the State under paragraph (1)(A); and

9 (B) lists each school food authority and
10 new school food authority in the State that re-
11 ceived a reimbursement.

12 (c) USE OF CERTAIN APPROPRIATIONS TO COVER
13 CHILD AND ADULT CARE FOOD PROGRAM CHILD CARE
14 OPERATIONAL EMERGENCY COSTS DURING COVID–19
15 PANDEMIC.—

16 (1) IN GENERAL.—

17 (A) REQUIRED ALLOTMENTS.—Notwith-
18 standing any other provision of law, the Sec-
19 retary shall allocate to each State that partici-
20 pates in the reimbursement program under
21 paragraph (3) (referred to in this subsection as
22 the “reimbursement program”) such amounts
23 as are necessary to provide reimbursements
24 under that program for each reimbursement
25 month, including, subject to paragraph (5)(C),

1 administrative expenses necessary to make such
2 reimbursements.

3 (B) GUIDANCE.—Not later than 30 days
4 after the date of enactment of this Act, the Sec-
5 retary shall issue guidance with respect to the
6 reimbursement program.

7 (2) REIMBURSEMENT PROGRAM APPLICA-
8 TION.—To participate in the reimbursement pro-
9 gram, a State shall submit an application to the Sec-
10 retary not later than 30 days after the date of en-
11 actment of this Act that includes a plan to calculate
12 and disburse reimbursements under the reimburse-
13 ment program.

14 (3) REIMBURSEMENT AMOUNT.—The Secretary
15 shall establish a reimbursement program under
16 which the Secretary shall allocate amounts to States,
17 in accordance with paragraph (1), for States to use
18 to provide reimbursements for child care operational
19 emergency costs for each reimbursement month as
20 follows:

21 (A) For each new covered institution in the
22 State for the reimbursement month, an amount
23 equal to 55 percent of the difference between—

24 (i) the average monthly amount that
25 the reference covered institution was reim-

1 bursed under subsections (c) and (f) of
2 section 17 of the Richard B. Russell Na-
3 tional School Lunch Act (42 U.S.C. 1766)
4 for meals and supplements served by the
5 reference covered institution during the
6 month beginning 1 year before the reim-
7 bursement month; and

8 (ii) the amount that the new covered
9 institution was reimbursed under that sec-
10 tion for meals and supplements served by
11 the new covered institution during the re-
12 imbursement month.

13 (B) For each covered institution in the
14 State not described in subparagraph (A) for the
15 reimbursement month, an amount equal to 55
16 percent of the difference between—

17 (i) the amount that the covered insti-
18 tution was reimbursed under subsections
19 (c) and (f) of section 17 of the Richard B.
20 Russell National School Lunch Act (42
21 U.S.C. 1766) for meals and supplements
22 served by the covered institution during
23 the month beginning 1 year before the re-
24 imbursement month; and

1 (ii) the amount that the covered insti-
2 tution was reimbursed under that section
3 for meals and supplements served by the
4 covered institution during the reimburse-
5 ment month.

6 (C) For each new sponsoring organization
7 of a family or group day care home in the State
8 for the reimbursement month, an amount equal
9 to 55 percent of the difference between—

10 (i) the average monthly amount that
11 the reference sponsoring organization of a
12 family or group day care home was reim-
13 bursed under section 17(f)(3)(B) of the
14 Richard B. Russell National School Lunch
15 Act (42 U.S.C. 1766(f)(3)(B)) for admin-
16 istrative funds during the month beginning
17 1 year before the reimbursement month;
18 and

19 (ii) the amount that the new spon-
20 soring organization of a family or group
21 day care home was reimbursed under that
22 section for administrative funds for the re-
23 imbursement month.

24 (D) For each sponsoring organization of a
25 family or group day care home in the State not

1 described in subparagraph (C), or unaffiliated
2 center in the State, for the reimbursement
3 month, an amount equal to 55 percent of the
4 difference between—

5 (i) the amount that the sponsoring or-
6 ganization of a family or group day care
7 home or unaffiliated center, as applicable,
8 was reimbursed under section 17(f)(3)(B)
9 of the Richard B. Russell National School
10 Lunch Act (42 U.S.C.1766(f)(3)(B)) for
11 administrative funds for the month begin-
12 ning 1 year before the reimbursement
13 month; and

14 (ii) the amount that the sponsoring
15 organization of a family or group day care
16 home or unaffiliated center, as applicable,
17 was reimbursed under that section for ad-
18 ministrative funds for the reimbursement
19 month.

20 (4) REQUIREMENTS FOR PARTICIPATION.—In
21 order to receive reimbursements from a State under
22 the reimbursement program, a covered institution,
23 new covered institution, sponsoring organization of a
24 family or group day care home, new sponsoring or-
25 ganization of a family or group day care home, or

1 unaffiliated center shall be required to serve meals
2 or supplements during a reimbursement month.

3 (5) TREATMENT OF FUNDS.—

4 (A) AVAILABILITY.—Funds allocated to a
5 State under paragraph (1)(A) shall remain
6 available until September 30, 2021.

7 (B) UNAFFILIATED CENTERS.—An unaf-
8 filiated center shall provide to the sponsoring
9 organization of the unaffiliated center, from the
10 funds received for a reimbursement month
11 under subparagraph (D) of paragraph (3), an
12 amount agreed to by the sponsoring organiza-
13 tion and the unaffiliated center, not to exceed
14 15 percent of the funds.

15 (C) ADMINISTRATIVE EXPENSES.—A State
16 may use not more than 1 percent of the funds
17 allocated to the State under paragraph (1)(A)
18 for administrative expenses.

19 (D) UNOBLIGATED BALANCE.—On Decem-
20 ber 31, 2021, any amounts allocated to a State
21 under paragraph (1)(A) or reimbursed to a new
22 covered institution, covered institution, new
23 sponsoring organization of a family or group
24 day care home, or sponsoring organization of a
25 family or group day care home of that State

1 under the reimbursement program that are un-
2 obligated shall revert to the Treasury.

3 (6) REPORT.—Each State that participates in
4 the reimbursement program shall submit by not
5 later than June 30, 2022, a report to the Secretary
6 that—

7 (A) summarizes the use of the funds allo-
8 cated to the State under paragraph (1)(A); and

9 (B) lists each new covered institution, cov-
10 ered institution, new sponsoring organization of
11 a family or group day care home, sponsoring
12 organization of a family or group day care
13 home, and unaffiliated center that received a
14 reimbursement.

15 (d) FUNDING.—There are appropriated to the Sec-
16 retary, out of any funds in the Treasury not otherwise
17 appropriated, such sums as are necessary to carry out this
18 section.

19 **SEC. 4004. FOOD DISTRIBUTION PROGRAM ON INDIAN RES-**
20 **ERVATIONS.**

21 (a) DEFINITIONS.—In this section:

22 (1) COVERED FUNDS.—The term “covered
23 funds” means funds provided under part II for the
24 food distribution program on Indian reservations.

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

2 The term “COVID–19 public health emergency”
3 means the public health emergency declared by the
4 Secretary of Health and Human Services under sec-
5 tion 319 of the Public Health Service Act (42
6 U.S.C. 247d) on January 31, 2020, with respect to
7 the Coronavirus Disease 2019 (COVID–19).

8 (3) FOOD DISTRIBUTION PROGRAM ON INDIAN

9 RESERVATIONS.—The term “food distribution pro-
10 gram on Indian reservations” means the food dis-
11 tribution program on Indian reservations established
12 under section 4(b) of the Food and Nutrition Act of
13 2008 (7 U.S.C. 2013(b)).

14 (4) INDIAN TRIBAL ORGANIZATION.—The term

15 “Indian Tribal organization” means a tribal organi-
16 zation described in section 3(s)(2) of the Food and
17 Nutrition Act of 2008 (7 U.S.C. 2012(s)(2)).

18 (5) SECRETARY.—The term “Secretary” means

19 the Secretary of Agriculture.

20 (b) PURPOSE.—The purpose of this section is to en-
21 sure that households on Indian reservations have access
22 to commodities distributed under the food distribution
23 program on Indian reservations.

24 (c) ALLOWABLE USES OF FUNDS.—A State or In-

25 dian Tribal organization may apply to the Food and Nu-

1 trition Service to receive covered funds for purposes that
2 are authorized under the Food and Nutrition Act of 2008
3 (7 U.S.C. 2011 et seq.) (including applicable regulations),
4 including to request additional food or services for any of
5 the following purposes:

6 (1) To allow the State or Indian Tribal organi-
7 zation, as applicable, to serve additional commu-
8 nities.

9 (2) To request additional amounts of foods
10 from the allowable foods list of the food distribution
11 program on Indian reservations, including tradi-
12 tional foods, to serve participating communities.

13 (3) To lease or purchase equipment, or to lease
14 or renovate warehouse or storage space, appropriate
15 for the storage of food.

16 (4) To allow the Food and Nutrition Service
17 and an Indian Tribal organization to jointly provide
18 technical assistance to Indian Tribes and Tribal or-
19 ganizations (as those terms are defined in section 4
20 of the Indian Self-Determination and Education As-
21 sistance Act (25 U.S.C. 5304)) that seek to become
22 Indian Tribal organizations.

1 **SEC. 4005. SERVING YOUTH IN THE CHILD AND ADULT**
2 **CARE FOOD PROGRAM AT EMERGENCY SHEL-**
3 **TERS.**

4 (a) DEFINITIONS.—In this section:

5 (1) COVID–19 PUBLIC HEALTH EMERGENCY.—

6 The term “COVID–19 public health emergency”
7 means the public health emergency declared by the
8 Secretary of Health and Human Services under sec-
9 tion 319 of the Public Health Service Act (42
10 U.S.C. 247d) on January 31, 2020, with respect to
11 the Coronavirus Disease 2019 (COVID–19).

12 (2) EMERGENCY SHELTER.—The term “emer-
13 gency shelter” has the meaning given the term in
14 section 17(t)(1) of the Richard B. Russell National
15 School Lunch Act (42 U.S.C. 1766(t)(1)).

16 (3) SECRETARY.—The term “Secretary” means
17 the Secretary of Agriculture.

18 (b) PROGRAM FOR AT-RISK SCHOOL CHILDREN.—
19 Notwithstanding paragraph (1)(A) of section 17(r) of the
20 Richard B. Russell National School Lunch Act (42 U.S.C.
21 1766(r)), during the period beginning on the date of en-
22 actment of this Act and ending on the date on which the
23 COVID–19 public health emergency is lifted, the Sec-
24 retary shall reimburse emergency shelters under that sec-
25 tion for meals and supplements served to individuals who

1 at the time of receiving those meals or supplements have
2 not attained the age of 25.

3 (c) PARTICIPATION BY EMERGENCY SHELTERS.—
4 Notwithstanding paragraph (5)(A) of section 17(t) of the
5 Richard B. Russell National School Lunch Act (42 U.S.C.
6 1766(t)), during the period beginning on the date of en-
7 actment of this Act and ending on the date on which the
8 COVID–19 public health emergency is lifted, the Sec-
9 retary shall reimburse emergency shelters under that sec-
10 tion for meals and supplements served to individuals who
11 at the time of receiving those meals or supplements have
12 not attained the age of 25.

13 (d) FUNDING.—There are appropriated to the Sec-
14 retary, out of funds in the Treasury not otherwise appro-
15 priated, such sums as are necessary to carry out this sec-
16 tion.

17 **SEC. 4006. STATE OPTION FOR CASH-VALUE VOUCHER IN-**
18 **CREASES.**

19 (a) DEFINITIONS.—

20 (1) CASH-VALUE VOUCHER.—The term “cash-
21 value voucher” has the meaning given the term in
22 section 246.2 of title 7, Code of Federal Regulations
23 (as in effect on the date of enactment of this Act).

1 (2) COVERED PERIOD.—The term “covered pe-
2 riod” means the period beginning on the date of en-
3 actment of this Act and ending on April 30, 2021.

4 (3) PROGRAM.—The term “program” means
5 the special supplemental nutrition program for
6 women, infants, and children established by section
7 17 of the Child Nutrition Act of 1966 (42 U.S.C.
8 1786).

9 (4) QUALIFIED FOOD PACKAGE.—The term
10 “qualified food package” means each of the fol-
11 lowing food packages (as defined in section
12 246.10(e) of title 7, Code of Federal Regulations (as
13 in effect on the date of enactment of this Act)):

14 (A) Food Package IV—Children 1 through
15 4 years.

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

18 (C) Food Package VI—Postpartum women.

19 (D) Food Package VII—Fully
20 breastfeeding.

21 (5) SECRETARY.—The term “Secretary” means
22 the Secretary of Agriculture.

23 (6) STATE AGENCY.—The term “State agency”
24 has the meaning given the term in section 17(b) of

1 the Child Nutrition Act of 1966 (42 U.S.C.
2 1786(b)).

3 (b) AUTHORITY TO INCREASE AMOUNT OF CASH-
4 VALUE VOUCHER.—In response to challenges related to
5 the Coronavirus Disease 2019, during the covered period
6 only, the Secretary may, in carrying out the program, in-
7 crease the amount of a cash-value voucher under a quali-
8 fied food package to an amount that is less than or equal
9 to \$35.

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

12 (1) NOTIFICATION.—An increase to the amount
13 of a cash-value voucher under subsection (b) shall
14 apply to any State agency that notifies the Secretary
15 of the intent to use that increased amount, without
16 further application.

17 (2) USE OF INCREASED AMOUNT.—A State
18 agency that makes a notification to the Secretary
19 under paragraph (1) may use the increased amount
20 described in that paragraph only during the covered
21 period.

22 (d) FUNDING.—There are appropriated to the Sec-
23 retary, out of funds in the Treasury not otherwise appro-
24 priated, such sums as are necessary to carry out this sec-
25 tion.

1 **PART II—FUNDING**

2 **SEC. 4011. COMMODITY ASSISTANCE PROGRAM.**

3 There is appropriated, out of amounts in the Treas-
4 ury not otherwise appropriated, for the fiscal year ending
5 September 30, 2021, for an additional amount for the
6 “Commodity Assistance Program”, \$50,000,000, to re-
7 main available through September 30, 2022, to carry out
8 the commodity supplemental food program as authorized
9 by section 4(a) of the Agriculture and Consumer Protec-
10 tion Act of 1973 (7 U.S.C. 612c note; Public Law 93–
11 86): *Provided*, That of the funds made available under this
12 section, the Secretary may use such sums as are necessary
13 to support existing program caseload and increase case-
14 load for eligible States: *Provided further*, That notwith-
15 standing section 5(a)(2) of that Act (7 U.S.C. 612c note;
16 Public Law 93–86), the Secretary shall use such sums as
17 are necessary to provide administrative grants on a per
18 caseload basis to States for costs associated with the dis-
19 tribution of commodities.

20 **SEC. 4012. EMERGENCY FOOD ASSISTANCE PROGRAM.**

21 There is appropriated, out of amounts in the Treas-
22 ury not otherwise appropriated, for the fiscal year ending
23 September 30, 2021, for an additional amount for the
24 “Commodity Assistance Program”, to remain available
25 until expended, for the emergency food assistance program
26 authorized by section 27(a) of the Food and Nutrition Act

1 of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the
2 Emergency Food Assistance Act of 1983 (7 U.S.C.
3 7508(a)(1)), \$700,000,000: *Provided*, That of the funds
4 made available under this section, the Secretary may use
5 up to \$200,000,000 for costs associated with the distribu-
6 tion of commodities.

7 **SEC. 4013. FOOD DISTRIBUTION PROGRAM ON INDIAN RES-**
8 **ERVATIONS.**

9 There is appropriated, out of amounts in the Treas-
10 ury not otherwise appropriated, for the fiscal year ending
11 September 30, 2021, for an additional amount for the food
12 distribution program on Indian reservations authorized by
13 section 4(b) of the Food and Nutrition Act of 2008 (7
14 U.S.C. 2013(b)), \$50,000,000, to remain available until
15 expended: *Provided*, That funds made available under this
16 section shall not be subject to the non-Federal share re-
17 quirement described in section 4(b)(4)(A) of the Food and
18 Nutrition Act of 2008 (7 U.S.C. 2013(b)(4)(A)).

19 **SEC. 4014. ADDITIONAL ASSISTANCE FOR THE COMMON-**
20 **WEALTH OF PUERTO RICO, AMERICAN**
21 **SAMOA, AND THE COMMONWEALTH OF THE**
22 **NORTHERN MARIANA ISLANDS.**

23 There is appropriated, out of amounts in the Treas-
24 ury not otherwise appropriated, for the fiscal year ending
25 September 30, 2021, for an additional amount of

1 \$300,000,000 for the Secretary of Agriculture to provide
2 grants to the Commonwealth of Puerto Rico, American
3 Samoa, and the Commonwealth of the Northern Mariana
4 Islands for nutrition assistance to prevent, prepare for,
5 and respond to the Coronavirus Disease 2019 (COVID–
6 19), domestically or internationally: *Provided*, That such
7 amounts shall be in addition to any other amounts avail-
8 able for such purposes.

9 **SEC. 4015. NUTRITION SERVICES UNDER THE OLDER AMER-**
10 **ICANS ACT OF 1965.**

11 (a) FUNDING.—There is appropriated, out of any
12 money in the Treasury not otherwise appropriated, for the
13 fiscal year ending September 30, 2021, for an additional
14 amount for “Aging and Disability Services Programs–Ad-
15 ministration for Community Living–Department of Health
16 and Human Services”, \$750,000,000, to remain available
17 until September 30, 2021, to prevent, prepare for, and re-
18 spond to coronavirus: *Provided*, That such amount shall
19 be used for nutrition services authorized under subparts
20 1 and 2 of part C of title III of the Older Americans Act
21 of 1965 (42 U.S.C. 3030d–21 et seq.): *Provided further*,
22 That State matching requirements under sections
23 304(d)(1)(D) and 309(b)(2) of such Act (42 U.S.C.
24 3024(d)(1)(D); 42 U.S.C. 3029(b)(2)) shall not apply to
25 funds made available under this subsection.

1 (b) EXTENSION OF FLEXIBILITY.—

2 (1) TRANSFER AUTHORITY.—Notwithstanding
3 any provision in the Older Americans Act of 1965
4 (42 U.S.C. 3001 et seq.), including the limitations
5 on transfer authority under section 308(b)(4) of
6 such Act (42 U.S.C. 3028(b)(4)), or section 3222 of
7 the CARES Act (42 U.S.C. 3030e note), with re-
8 spect to funds received by a State agency or an area
9 agency on aging for fiscal year 2021 and attrib-
10 utable to funds appropriated under paragraph (1) or
11 (2) of section 303(b) of such Act (42 U.S.C.
12 3023(b)), the State agency or area agency on aging,
13 respectively, may elect, without prior approval, to
14 transfer between subpart 1 and subpart 2 of part C
15 of title III of such Act (42 U.S.C. 3030d–21 et seq.)
16 any amount of the funds so received. The preceding
17 sentence shall apply to such funds until expended by
18 the State agency or area agency on aging.

19 (2) HOME-DELIVERED NUTRITION SERVICES
20 WAIVER.—Notwithstanding section 3222 of the
21 CARES Act (42 U.S.C. 3030e note), for purposes of
22 determining eligibility for the delivery of nutrition
23 services under section 337 of the Older Americans
24 Act of 1965 (42 U.S.C. 3030g) with funds received
25 by a State and attributable to funds appropriated

1 under paragraph (1) or (2) of section 303(b) of such
2 Act (42 U.S.C. 3023(b)) for fiscal 2021, the State
3 shall treat an older individual who is unable to ob-
4 tain nutrition because such individual is practicing
5 social distancing due to the COVID–19 public health
6 emergency declared under section 319 of the Public
7 Health Service Act (42 U.S.C. 247d) in the same
8 manner as the State treats an older individual who
9 is homebound by reason of illness. The preceding
10 sentence shall apply to such funds until expended by
11 the State.

12 (3) DIETARY GUIDELINES WAIVER.—Notwith-
13 standing section 3222 of the CARES Act (42 U.S.C.
14 3030e note), to facilitate implementation of subparts
15 1 and 2 of part C of title III of the Older Americans
16 Act of 1965 (42 U.S.C. 3030d–21 et seq.) with
17 funds received by a State and attributable to funds
18 appropriated under paragraph (1) or (2) of section
19 303(b) of such Act (42 U.S.C. 3023(b)) for fiscal
20 year 2021, the Assistant Secretary may waive, but
21 make every effort practicable to continue to encour-
22 age the restoration of, the applicable requirements
23 that meals provided under such subparts comply
24 with the requirements of clauses (i) and (ii) of sec-
25 tion 339(2)(A) of such Act (42 U.S.C. 3030g–

1 21(2)(A)). The preceding sentence shall apply to
2 such funds until expended by the State.

3 (4) DEFINITIONS.—In this subsection, the
4 terms “area agency on aging”, “Assistant Sec-
5 retary”, “older individual”, and “State agency” have
6 the meanings given the terms in section 102 of the
7 Older Americans Act of 1965 (42 U.S.C. 3002).

8 **SEC. 4016. EMERGENCY DESIGNATION.**

9 (a) IN GENERAL.—The amounts provided under this
10 part are designated as an emergency requirement pursu-
11 ant to section 4(g) of the Statutory Pay-As-You-Go Act
12 of 2010 (2 U.S.C. 933(g)).

13 (b) DESIGNATION IN SENATE.—In the Senate, this
14 part is designated as an emergency requirement pursuant
15 to section 4112(a) of H. Con. Res. 71 (115th Congress),
16 the concurrent resolution on the budget for fiscal year
17 2018.

18 **Subtitle B—Rental Assistance**

19 **SEC. 4101. CORONAVIRUS RELIEF FUND PAYMENTS FOR**
20 **RENTAL ASSISTANCE.**

21 (a) IN GENERAL.—Title VI of the Social Security Act
22 (42 U.S.C. 801 et seq.) is amended by adding at the end
23 the following:

1 **“SEC. 602. CORONAVIRUS RELIEF FUND PAYMENTS FOR**
2 **RENTAL ASSISTANCE.**

3 “(a) APPROPRIATION.—

4 “(1) IN GENERAL.—Out of any money in the
5 Treasury of the United States not otherwise appro-
6 priated, there are appropriated for making payments
7 to eligible grantees under this section,
8 \$25,000,000,000 for the period of fiscal years 2021
9 through 2022.

10 “(2) RESERVATION OF FUNDS FOR THE DIS-
11 TRICT OF COLUMBIA, THE TERRITORIES, AND TRIB-
12 AL COMMUNITIES.—Of the amount appropriated
13 under paragraph (1), the Secretary shall reserve—

14 “(A) \$500,000,000 of such amount for
15 making payments under this section to the Dis-
16 trict of Columbia, the Commonwealth of Puerto
17 Rico, the United States Virgin Islands, Guam,
18 the Commonwealth of the Northern Mariana Is-
19 lands, and American Samoa; and

20 “(B) \$800,000,000 of such amount for
21 making payments under this section to eligible
22 grantees described in subparagraphs (C) and
23 (D) of subsection (h)(2).

24 “(b) PAYMENTS FOR RENTAL ASSISTANCE.—

25 “(1) IN GENERAL.—The amount appropriated
26 under paragraph (1) of subsection (a) that remains

1 after the application of paragraph (2) of such sub-
2 section shall be allotted and paid to eligible grantees
3 described in subparagraphs (A) and (B) of sub-
4 section (h)(2) in the same manner as the amount
5 appropriated under subsection (a)(1) of section 601
6 is allotted and paid to States and units of local gov-
7 ernment under subsections (b) and (c) of such sec-
8 tion, and shall be subject to the same requirements,
9 except that—

10 “(A) the deadline for payments under sec-
11 tion 601(b)(1) shall, for purposes of payments
12 under this section, be deemed to be not later
13 than 15 days after the date of enactment of
14 this section;

15 “(B) section 601(c)(2)(A) shall be applied
16 by substituting ‘\$200,000,000’ for
17 ‘\$1,250,000,000’;

18 “(C) section 601(d) shall not apply to such
19 payments; and

20 “(D) section 601(e) shall be applied—

21 “(i) by substituting ‘under section
22 602’ for ‘under this section’; and

23 “(ii) by substituting ‘section 602’ for
24 ‘subsection (d)’.

1 “(2) ALLOCATION AND PAYMENTS TO TRIBAL
2 COMMUNITIES.—

3 “(A) IN GENERAL.—From the amount re-
4 served under subsection (a)(2)(B), the Sec-
5 retary shall —

6 “(i) pay the amount equal to 0.3 per-
7 cent of such amount to the Department of
8 Hawaiian Home Lands; and

9 “(ii) subject to subparagraph (B),
10 from the remainder of such amount, allo-
11 cate and pay to each Indian tribe (or, if
12 applicable, the tribally designated housing
13 entity of an Indian tribe) that was eligible
14 for a grant under title I of the Native
15 American Housing Assistance and Self-De-
16 termination Act of 1996 (NAHASDA) (25
17 U.S.C. 4111 et seq.) for fiscal year 2020
18 an amount that bears the same proportion
19 to the such remainder as the amount each
20 such Indian tribe (or entity) was eligible to
21 receive for such fiscal year from the
22 amount appropriated under paragraph (1)
23 under the heading ‘NATIVE AMERICAN PRO-
24 GRAMS’ under the heading ‘PUBLIC AND
25 INDIAN HOUSING’ of title II of division H

1 of the Further Consolidated Appropria-
2 tions Act, 2020 (Public Law 116–94) to
3 carry out the Native American Housing
4 Block Grants program bears to the amount
5 appropriated under such paragraph for
6 such fiscal year, provided the Secretary
7 shall be authorized to allocate, in an equi-
8 table manner as determined by the Sec-
9 retary, and pay any Indian tribe that opted
10 out of receiving a grant allocation under
11 the Native American Housing Block
12 Grants program formula in fiscal year
13 2020, including by establishing a minimum
14 amount of payments to such Indian tribe,
15 provided such Indian tribe notifies the Sec-
16 retary not later than 15 days after the
17 date of enactment of this section that it in-
18 tends to receive allocations and payments
19 under this section.

20 “(B) PRO RATA ADJUSTMENT; DISTRIBUTION OF DECLINED FUNDS.—

21
22 “(i) PRO RATA ADJUSTMENTS.—The
23 Secretary shall make pro rata reductions
24 in the amounts of the allocations deter-
25 mined under clause (ii) of subparagraph

1 (A) for entities described in such clause as
2 necessary to ensure that the total amount
3 of payments made pursuant to such clause
4 does not exceed the remainder amount de-
5 scribed in such clause.

6 “(ii) DISTRIBUTION OF DECLINED
7 FUNDS.—If the Secretary determines as of
8 15 days after the date of enactment of this
9 section that an entity described in clause
10 (ii) of subparagraph (A) has declined to re-
11 ceive its allocation under such clause then,
12 not later than 20 days after such date, the
13 Secretary shall redistribute, on a pro rata
14 basis, such allocation among the other en-
15 tities described in such clause that have
16 not declined to receive their allocations.

17 “(c) USE OF FUNDS.—

18 “(1) IN GENERAL.—Except as provided in sub-
19 section (d), an eligible grantee shall use the funds
20 provided from a payment made under this section to
21 provide financial assistance and housing stability
22 services to eligible households.

23 “(2) FINANCIAL ASSISTANCE.—

24 “(A) IN GENERAL.—Not less than 90 per-
25 cent of the funds received by an eligible grantee

1 from a payment made under this section shall
2 be used to provide financial assistance to eligi-
3 ble households, including the payment of rent,
4 rental arrears, utilities and home energy costs,
5 utilities and home energy arrears, and other ex-
6 penses related to housing for a period not to ex-
7 ceed 18 months.

8 “(B) DISTRIBUTION OF FINANCIAL ASSIST-
9 ANCE.—

10 “(i) PAYMENTS.—With respect to fi-
11 nancial assistance for rent and rental ar-
12 rears and utilities and home energy costs
13 and utility and home energy arrears pro-
14 vided to an eligible household from a pay-
15 ment made under this section, an eligible
16 grantee shall make payments to a lessor or
17 utility or home energy provider on behalf
18 of the eligible household, except that, if the
19 lessor or utility or home energy provider
20 does not agree to accept such payment
21 from the grantee after outreach to the les-
22 sor or utility or home energy provider by
23 the grantee, the grantee may make such
24 payments directly to the eligible household

1 for the purpose of making payments to the
2 lessor or utility or home energy provider.

3 “(ii) DOCUMENTATION.—For any
4 payments made by an eligible grantee to a
5 lessor or utility or home energy provider on
6 behalf of an eligible household, the eligible
7 grantee shall provide documentation of
8 such payments to such household.

9 “(3) HOUSING STABILITY SERVICES.—Not
10 more than 10 percent of the funds received by an el-
11 igible grantee from a payment made under this sec-
12 tion may be used to provide housing stability serv-
13 ices to eligible households, including—

14 “(A) case management services, including
15 community resources to negotiate and resolve
16 non-financial, non-legal issues to keep individ-
17 uals and families housed;

18 “(B) services to connect eligible households
19 to other public supports, including long-term
20 housing assistance;

21 “(C) referrals to other services for behav-
22 ioral, emotional, and mental health issues, do-
23 mestic violence, child welfare issues, employ-
24 ment, substance abuse treatment, or other serv-
25 ices;

1 “(D) rehousing services; and

2 “(E) eviction prevention services.

3 “(4) PRIORITIZATION OF HOUSEHOLDS.—In
4 providing financial assistance and housing stability
5 services to eligible households from a payment made
6 under this section, an eligible grantee shall prioritize
7 providing such assistance and services to eligible
8 households with incomes that do not exceed 50 per-
9 cent of the area median income for the household.

10 “(5) ADMINISTRATIVE COSTS.—

11 “(A) IN GENERAL.—Not more than 10
12 percent of the amount paid to an eligible grant-
13 ee under this section may be used for adminis-
14 trative costs attributable to providing financial
15 assistance and housing stability services under
16 paragraphs (2) and (3), respectively, including
17 for data collection and reporting requirements
18 related to such funds.

19 “(B) NO OTHER ADMINISTRATIVE
20 COSTS.—Amounts paid under this section shall
21 not be used for any administrative costs other
22 than to the extent allowed under subparagraph
23 (A).

24 “(d) UNUSED FUNDS.—An eligible grantee may use
25 any funds from a payment made under this section that

1 are unobligated on October 1, 2022, for purposes other
2 than those specified in subsection (c) provided that—

3 “(1) such other purposes are affordable housing
4 purposes serving very low-income families or ex-
5 tremely low-income families (as such terms are de-
6 fined in section 3(b) of the United States Housing
7 Act of 1937 (42 U.S.C. 1437a(b))); and

8 “(2) prior to such date, the grantee—

9 “(A) submits to the Secretary, and the
10 Secretary approves, a plan describing the pro-
11 posed use of such funds; and

12 “(B) demonstrates to the Secretary’s satis-
13 faction that it has engaged in a good faith ef-
14 fort to implement an emergency rental assist-
15 ance program designed to address the needs of
16 eligible households within the jurisdiction.

17 “(e) AVAILABILITY.—Funds provided to an eligible
18 grantee under a payment made under this section shall
19 remain available through September 30, 2022, unless the
20 grantee has a plan for unused funds approved under sub-
21 section (d), in which case the funds shall remain available
22 through the date approved by the Secretary with respect
23 to such plan.

24 “(f) APPLICATION FOR ASSISTANCE BY LANDLORDS
25 AND OWNERS.—

1 “(1) IN GENERAL.—Subject to paragraph (2),
2 nothing in this section shall preclude a landlord or
3 owner of a residential dwelling from—

4 “(A) assisting a renter of such dwelling in
5 applying for assistance from a payment made
6 under this section; or

7 “(B) applying for such assistance on behalf
8 of a renter of such dwelling.

9 “(2) REQUIREMENTS FOR APPLICATIONS SUB-
10 MITTED ON BEHALF OF TENANTS.—If a landlord or
11 owner of a residential dwelling submits an applica-
12 tion for assistance from a payment made under this
13 section on behalf of a renter of such dwelling—

14 “(A) the tenant shall be required to cosign
15 such application;

16 “(B) documentation of such application
17 shall be provided to the tenant by the landlord;
18 and

19 “(C) any payments received by the land-
20 lord from a payment made under this section
21 shall be used to satisfy the tenant’s rental obli-
22 gations to the owner.

23 “(g) REPORTING REQUIREMENTS.—

24 “(1) IN GENERAL.—For each calendar quarter
25 during the period that begins on the date of enact-

1 ment of this section and ends on December 31,
2 2022, the Secretary, in consultation with the Sec-
3 retary of Housing and Urban Development, shall
4 provide at least 1 public report regarding the use of
5 funds made available under this section during such
6 quarter. Such reports shall be provided not less fre-
7 quently than quarterly and each such report shall in-
8 clude, with respect to each eligible grantee under
9 this section, both for the past quarter and over the
10 period for which such funds are available—

11 “(A) the amounts of funds allocated to
12 each eligible grantee;

13 “(B) the amount of funds disbursed to
14 each eligible grantee;

15 “(C) the number of eligible households
16 that receive assistance from such payments;

17 “(D) the acceptance rate of applicants for
18 assistance;

19 “(E) the type or types of assistance pro-
20 vided to each eligible household;

21 “(F) the average amount of funding pro-
22 vided per eligible household receiving assistance
23 and per type of assistance provided;

24 “(G) for each type of assistance provided,
25 the average number of monthly rental, utility,

1 or home energy payments that were covered by
2 the funding amount that a household received,
3 as applicable; and

4 “(H) the outcome, as determined by the
5 Secretary, for the eligible household at end of
6 the assistance period.

7 “(2) DISAGGREGATION.—Each report under
8 this subsection shall disaggregate the information re-
9 lating to households provided under subparagraphs
10 (C) through (H) of paragraph (1) by—

11 “(A) household ZIP Code;

12 “(B) household income level, with such in-
13 formation disaggregated for households with in-
14 come that—

15 “(i) does not exceed 30 percent of the
16 area median income for the household;

17 “(ii) exceeds 30 percent but does not
18 exceed 50 percent of the area median in-
19 come for the household; and

20 “(iii) exceeds 50 percent but does not
21 exceed 80 percent of area median income
22 for the household; and

23 “(C) the gender, race, and ethnicity of the
24 primary applicant for assistance in such house-
25 holds.

1 “(3) PRIVACY REQUIREMENTS.—

2 “(A) IN GENERAL.—Each eligible grantee
3 that receives a payment under this section shall
4 establish data privacy and security require-
5 ments for the information described in para-
6 graph (1) that—

7 “(i) include appropriate measures to
8 ensure that the privacy of the individuals
9 and households is protected;

10 “(ii) provide that the information, in-
11 cluding any personally identifiable informa-
12 tion, is collected and used only for the pur-
13 pose of submitting reports under para-
14 graph (1); and

15 “(iii) provide confidentiality protec-
16 tions for data collected about any individ-
17 uals who are survivors of intimate partner
18 violence, sexual assault, or stalking.

19 “(B) STATISTICAL RESEARCH.—

20 “(i) IN GENERAL.—The Secretary—

21 “(I) may provide full and
22 unredacted information provided
23 under subparagraphs (C) through (H)
24 of paragraph (1) for statistical re-

1 search purposes in accordance with
2 existing law; and

3 “(II) may collect and make avail-
4 able for statistical research, at the
5 census tract level, information col-
6 lected under subparagraph (A).

7 “(ii) APPLICATION OF PRIVACY RE-
8 QUIREMENTS.— A recipient of information
9 under clause (i) shall establish for such in-
10 formation the data privacy and security re-
11 quirements described in subparagraph (A).

12 “(4) NONAPPLICATION OF THE PAPERWORK
13 REDUCTION ACT.—Subchapter I of chapter 35 of
14 title 44, United States Code, shall not apply to the
15 collection of information for the reporting or re-
16 search requirements specified in this subsection.

17 “(h) DEFINITIONS.—In this section:

18 “(1) AREA MEDIAN INCOME.—The term ‘area
19 median income’ means, with respect to a household,
20 the median income for the area in which the house-
21 hold is located, as determined by the Secretary of
22 Housing and Urban Development.

23 “(2) ELIGIBLE GRANTEE.—The term ‘eligible
24 grantee’ means any of the following:

1 “(A) A State (as defined in section
2 601(g)(4)).

3 “(B) A unit of local government (as de-
4 fined in paragraph (5)).

5 “(C) An Indian tribe or its tribally des-
6 ignated housing entity (as such terms are de-
7 fined in section 4 of the Native American Hous-
8 ing Assistance and Self-Determination Act of
9 1996 (25 U.S.C. 4103)) that was eligible to re-
10 ceive a grant under title I of such Act (25
11 U.S.C. 4111 et seq.) for fiscal year 2020 from
12 the amount appropriated under paragraph (1)
13 under the heading ‘NATIVE AMERICAN PRO-
14 GRAMS’ under the heading ‘PUBLIC AND INDIAN
15 HOUSING’ of title II of division H of the Fur-
16 ther Consolidated Appropriations Act, 2020
17 (Public Law 116–94) to carry out the Native
18 American Housing Block Grants program.

19 “(D) The Department of Hawaiian Home-
20 lands.

21 “(3) ELIGIBLE HOUSEHOLD.—

22 “(A) IN GENERAL.—The term ‘eligible
23 household’ means a household of 1 or more in-
24 dividuals who are obligated to pay rent on a

1 residential dwelling and with respect to which
2 the eligible grantee involved determines—

3 “(i) that 1 or more individuals within
4 the household has qualified for unemploy-
5 ment benefits or has experienced a reduc-
6 tion in household income, incurred signifi-
7 cant costs, or experienced other financial
8 hardship due to or during the novel
9 coronavirus disease (COVID–19) outbreak;

10 “(ii) that 1 or more individuals within
11 the household can demonstrate a risk of
12 experiencing homelessness or housing in-
13 stability, which may include—

14 “(I) a past due utility, home en-
15 ergy, or rent notice or eviction notice;

16 “(II) unsafe or unhealthy living
17 conditions; or

18 “(III) any other evidence of such
19 risk, as determined by the eligible
20 grantee involved; and

21 “(iii) the household has a household
22 income that is not more than 80 percent of
23 the area median income for the household.

24 “(B) EXCEPTION.—To the extent feasible,
25 an eligible grantee shall ensure that any rental

1 assistance provided to an eligible household
2 pursuant to funds made available under this
3 section is not duplicative of any other Federally
4 funded rental assistance provided to such
5 household.

6 “(C) INCOME DETERMINATION.—In deter-
7 mining the income of a household for purposes
8 of determining such household’s eligibility for,
9 and amount of, assistance from a payment
10 made under this section (including for purposes
11 of subsection (c)(4)), the eligible grantee in-
12 volved shall only consider monthly income that
13 the household is receiving at the time of appli-
14 cation for such assistance, and shall not con-
15 sider any income terminated prior to such ap-
16 plication.

17 “(4) SECRETARY.—The term ‘Secretary’ means
18 the Secretary of the Treasury.

19 “(5) UNIT OF LOCAL GOVERNMENT.—The term
20 ‘unit of local government’ has the meaning given
21 such term in paragraph (2) of section 601(g), except
22 that, in applying such term for purposes of this sec-
23 tion, such paragraph shall be applied by substituting
24 ‘200,000’ for ‘500,000’.”

1 (b) APPLICATION OF INSPECTOR GENERAL OVER-
2 SIGHT AND RECOUPMENT AUTHORITIES.—Section 601(f)
3 of the Social Security Act (42 U.S.C. 801(f)) is amend-
4 ed—

5 (1) in paragraph (1), by inserting “and section
6 602” after “under this section”; and

7 (2) in paragraph (2)—

8 (A) by inserting “or section 602” after
9 “subsection (d)”; and

10 (B) by inserting “or section” after “such
11 subsection”.

12 (c) TREATMENT OF ASSISTANCE.—

13 (1) RENTAL ASSISTANCE TO BE DISREGARDED
14 FOR PURPOSES OF ALL FEDERAL AND FEDERALLY
15 ASSISTED PROGRAMS.—Assistance provided to a
16 household from a payment made under section 602
17 of the Social Security Act, as added by subsection
18 (a), shall not be regarded as income and shall not
19 be regarded as a resource for purposes of deter-
20 mining the eligibility of the household or any mem-
21 ber of the household for benefits or assistance, or
22 the amount or extent of benefits or assistance, under
23 any Federal program or under any State or local
24 program financed in whole or in part with Federal
25 funds.

1 (2) EXCLUSION OF RENTAL ASSISTANCE FROM
2 INCOME FOR PURPOSES OF FEDERAL TAXATION.—
3 For purposes of the Internal Revenue Code of 1986,
4 any assistance provided to a household from a pay-
5 ment made under section 602 of the Social Security
6 Act, as added by subsection (a), shall not be in-
7 cluded in the gross income of any member of the
8 household.

9 **SEC. 4102. EXTENSION OF EVICTION MORATORIUM.**

10 The order issued by the Centers for Disease Control
11 and Prevention under section 361 of the Public Health
12 Service Act (42 U.S.C. 264), entitled “Temporary Halt
13 in Residential Evictions To Prevent the Further Spread
14 of COVID–19” (85 Fed. Reg. 55292 (September 4, 2020))
15 is extended through January 31, 2021, notwithstanding
16 the effective dates specified in such Order.

17 **Subtitle C—Student Loans**

18 **SEC. 4201. EXTENSION OF TEMPORARY RELIEF FOR FED-**
19 **ERAL STUDENT LOAN BORROWERS.**

20 Section 3513(a) of the CARES Act (Public Law 116–
21 136; 20 U.S.C. 1001 note) is amended by striking “Sep-
22 tember 30, 2020” and inserting “April 1, 2021”.

1 **TITLE V—EMERGENCY ASSIST-**
2 **ANCE FOR EDUCATIONAL IN-**
3 **STITUTIONS AND**
4 **CONNECTIVITY**

5 **Subtitle A—Broadband**

6 **SEC. 5001. GRANTS FOR STATE BROADBAND DEPLOYMENT**
7 **AND CONNECTIVITY.**

8 (a) DEFINITIONS.—In this section—

9 (1) the term “broadband” or “broadband serv-
10 ice” has the meaning given the term “broadband
11 internet access service” in section 8.1(b) of title 47,
12 Code of Federal Regulations, or any successor regu-
13 lation;

14 (2) the term “Commission” means the Federal
15 Communications Commission;

16 (3) the term “eligible entity” means a State, a
17 territory, the District of Columbia, or a Tribal Gov-
18 ernment;

19 (4) the term “Tribal Government” means the
20 governing body of any Indian or Alaska Native
21 Tribe, band, nation, pueblo, village, community,
22 component band, or component reservation, individ-
23 ually recognized (including parenthetically) in the
24 list published most recently as of the date of enact-
25 ment of this Act pursuant to section 104 of the Fed-

1 erally Recognized Indian Tribe List Act of 1994 (25
2 U.S.C. 5131);

3 (5) the term “Secretary” means the Secretary
4 of Commerce;

5 (6) the term “State” means any of the 50
6 States;

7 (7) the term “territory” means the Common-
8 wealth of Puerto Rico, the United States Virgin Is-
9 lands, Guam, American Samoa, the Commonwealth
10 of the Northern Mariana Islands, the Republic of
11 the Marshall Islands, the Federated States of Micro-
12 nesia, and the Republic of Palau; and

13 (8) the term “unserved”, with respect to a
14 household or area, means the household or area
15 lacks access to broadband with a download speed of
16 not less than 25 megabits per second and an upload
17 speed of not less than 3 megabits per second.

18 (b) DIRECT APPROPRIATION.—There is appropriated
19 to the Secretary, out of amounts in the Treasury not oth-
20 erwise appropriated, for the fiscal year ending September
21 30, 2021, to remain available until expended,
22 \$6,250,000,000, for grants to eligible entities to bridge the
23 digital divide and ensure access to remote learning,
24 telework, or telehealth resources during the COVID–19
25 pandemic.

1 (c) GRANTS.—

2 (1) IN GENERAL.—From the amounts appro-
3 priated under subsection (b), the Secretary shall
4 award a grant to each eligible entity that submits an
5 application that the Secretary approves.

6 (2) CONSULTATION.—In awarding grants under
7 paragraph (1), the Secretary shall consult with the
8 Commission.

9 (d) ALLOCATION.—

10 (1) MINIMUM AMOUNTS.—Of the amounts ap-
11 propriated under subsection (b)—

12 (A) \$100,000,000 shall be made available
13 to each State;

14 (B) \$75,000,000 shall be made available to
15 each of the Commonwealth of Puerto Rico and
16 the District of Columbia;

17 (C) \$100,000,000 shall be made available
18 to, and divided equally among, the United
19 States Virgin Islands, Guam, American Samoa,
20 the Commonwealth of the Northern Mariana Is-
21 lands, the Republic of the Marshall Islands, the
22 Federated States of Micronesia, and the Repub-
23 lic of Palau; and

1 (D) \$100,000,000 shall be made available
2 to Tribal Governments and the Department of
3 Hawaiian Home Lands, of which—

4 (i) not less than \$50,000 shall be allo-
5 cated to each Tribal Government; and

6 (ii) not less than \$50,000 shall be al-
7 located to the Department of Hawaiian
8 Home Lands to assist Native Hawaiians in
9 accordance with this section, which amount
10 shall be held by the State of Hawaii for
11 the exclusive use of the Department of Ha-
12 waiian Home Lands and the Native Ha-
13 waiian Education Programs.

14 (2) REMAINING AMOUNTS.—

15 (A) IN GENERAL.—Amounts remaining
16 after the allocations under paragraph (1) shall
17 be allocated to States based on population in
18 accordance with subparagraph (B) of this para-
19 graph.

20 (B) ALLOCATIONS.—Of the amounts allo-
21 cated under subparagraph (A)—

22 (i) 50 percent shall be allocated
23 among the States based on the proportion
24 that the population of each State bears to
25 the population of all States;

1 (ii) 25 percent shall be allocated
2 among the States based on the proportion
3 that the number of individuals living in
4 rural areas in each State, as determined by
5 the Bureau of the Census, bears to the
6 number of individuals living in rural area
7 in all States, as determined by the Bureau
8 of the Census; and

9 (iii) 25 percent shall be allocated
10 among the States based on the proportion
11 that the number of individuals with a
12 household income that is below 150 per-
13 cent of the poverty line applicable to a
14 family of the size involved (as determined
15 under section 673(2) of the Community
16 Services Block Grant Act (42 U.S.C.
17 9902(2)) in each State bears to the num-
18 ber of such individuals in all States.

19 (C) POPULATION DETERMINATIONS.—The
20 Secretary shall determine the population of
21 each State under subparagraph (B) using the
22 most recent data available from the Bureau of
23 the Census.

24 (e) IMPLEMENTATION.—

1 (1) REQUIREMENTS; OUTREACH.—Not later
2 than 60 days after the date of enactment of this
3 Act, the Secretary, in consultation with the Commis-
4 sion, shall—

5 (A) issue a notice inviting eligible entities
6 to submit applications for grants under this
7 section, which shall contain the amount avail-
8 able to each eligible entity under this section;
9 and

10 (B) outline—

11 (i) the requirements for applications
12 for grants under this section; and

13 (ii) the allowed uses of grant funds
14 awarded under this section, as provided in
15 subsection (f).

16 (2) APPLICATIONS.—

17 (A) SUBMISSION.—During the 90-day pe-
18 riod beginning on the date on which the Sec-
19 retary issues the notice under paragraph (1), an
20 eligible entity may submit an application for a
21 grant under this section.

22 (B) PROCESSING.—Not later than 60 days
23 after receiving an application under subpara-
24 graph (A), the Secretary shall approve or deny
25 the application.

1 (C) SINGLE APPLICATION.—An eligible en-
2 tity may submit only 1 application under this
3 paragraph.

4 (D) PROPOSED USE OF FUNDS.—An appli-
5 cation submitted by an eligible entity under this
6 paragraph shall describe each proposed use of
7 grant funds.

8 (E) ALLOCATION OF FUNDS.—Not later
9 than 14 days after approving an application for
10 a grant under this paragraph, the Secretary
11 shall allocate the grant funds to the eligible en-
12 tity.

13 (F) REVERSION OF UNALLOCATED
14 FUNDS.—If an eligible entity does not submit
15 an application by the deadline under subpara-
16 graph (A), or the Secretary does not approve an
17 application submitted by an eligible entity, the
18 amounts allocated for the eligible entity under
19 subsection (d) shall revert to the general fund
20 of the Treasury.

21 (f) USE OF GRANT FUNDS.—

22 (1) COMMITMENT DEADLINE.—

23 (A) IN GENERAL.—Not later than 180
24 days after receiving grant funds under this sec-
25 tion, an eligible entity shall commit the funds in

1 accordance with the approved application of the
2 entity.

3 (B) REVERSION OF FUNDS.—Any grant
4 funds not committed by an eligible entity by the
5 deadline under subparagraph (A) shall revert to
6 the general fund of the Treasury.

7 (2) EXPENDITURE DEADLINE.—

8 (A) IN GENERAL.—Not later than 1 year
9 after receiving grant funds under this section,
10 an eligible entity shall expend the grant funds.

11 (B) EXTENSIONS FOR INFRASTRUCTURE
12 PROJECTS.—The Secretary may extend the pe-
13 riod under subparagraph (A) for an eligible en-
14 tity that proposes to use the grant funds for
15 construction of broadband infrastructure if the
16 eligible entity certifies that—

17 (i) the eligible entity has a plan for
18 use of the grant funds;

19 (ii) the construction project is under-
20 way; and

21 (iii) extenuating circumstances require
22 an extension of time to allow the project to
23 be completed.

24 (C) REVERSION OF FUNDS.—Any grant
25 funds not expended by an eligible entity by the

1 deadline under subparagraph (A) shall revert to
2 the general fund of the Treasury.

3 (3) ELIGIBLE USES.—An eligible entity may
4 use grant funds made available under this section
5 for—

6 (A) broadband infrastructure deployment;

7 (B) broadband mapping;

8 (C) affordable broadband programs, in-
9 cluding—

10 (i) providing free or reduced-cost
11 broadband service; or

12 (ii) preventing disconnection of exist-
13 ing broadband service;

14 (D) distance learning, including—

15 (i) in coordination with—

16 (I) education efforts funded
17 under section 5002(a) of this subtitle;

18 or

19 (II) community connectivity ef-
20 forts funded under section 5002(b) of
21 this subtitle; and

22 (ii) partnering with existing service
23 providers, or purchasing and installing
24 equipment, to extend school and library

1 services beyond the school or library cam-
2 pus to unserved households;

3 (E) telehealth, including supplementing or
4 in conjunction with efforts funded under section
5 5003 or 5004 of this subtitle;

6 (F) digital inclusion;

7 (G) broadband adoption; or

8 (H) any other activity related to the pur-
9 poses described in subsection (b).

10 (4) ADMINISTRATIVE EXPENSES.—An eligible
11 entity may use not more than 2 percent of grant
12 funds received under this section for administrative
13 purposes.

14 (5) BROADBAND INFRASTRUCTURE DEPLOY-
15 MENT.—

16 (A) PRIORITY.—In using grant funds re-
17 ceived under this section for new construction
18 of broadband infrastructure, an eligible entity
19 shall prioritize—

20 (i) funding for deployment of
21 broadband infrastructure to unserved
22 households; and

23 (ii) projects that will deploy
24 broadband with a download speed of not
25 less than 100 megabits per second and an

1 upload speed of not less than 10 megabits
2 per second.

3 (B) MINIMUM EXPENDITURE FOR
4 UNSERVED HOUSEHOLDS.—If an eligible entity
5 uses any grant funds received under this section
6 for construction of broadband infrastructure,
7 the eligible entity shall use not less than 25
8 percent of those funds to provide broadband to
9 unserved households.

10 (6) NONPERFORMANCE STIPULATIONS.—An eli-
11 gible entity shall stipulate, in any contract with a
12 subgrantee for the use of grant funds received under
13 this section, reasonable provisions for recovery of
14 funds for nonperformance.

15 (g) SUBGRANTEE NON-FEDERAL SHARE OF
16 BROADBAND INFRASTRUCTURE DEPLOYMENT COSTS.—

17 (1) IN GENERAL.—

18 (A) MATCHING REQUIREMENT.—In allo-
19 cating grant funds received under this section
20 for construction of broadband infrastructure, an
21 eligible entity shall require a subgrantee to pro-
22 vide a contribution, derived from non-Federal
23 funds (or funds from a Federal regional com-
24 mission or authority), of not less than 10 per-
25 cent of project costs.

1 (B) REDUCED MATCH.—An eligible entity
2 may reduce the required matching contribution
3 under subparagraph (A) to not less than 5 per-
4 cent for a project if the average amount of new
5 capital investment per premise passed (which
6 shall not include operating costs) is more than
7 \$3,000.

8 (2) SOURCE OF MATCH.—A matching contribu-
9 tion under paragraph (1)—

10 (A) may be provided by an eligible entity,
11 a political subdivision of a State, a utility com-
12 pany, a cooperative, a nonprofit organization, a
13 for-profit company, a regional planning organi-
14 zation, or a Federal regional commission or au-
15 thority; and

16 (B) may include in-kind contributions.

17 (3) DEFINITION.—For purposes of this sub-
18 section, the term “Federal regional commission or
19 authority” means—

20 (A) the Appalachian Regional Commission;

21 (B) the Delta Regional Authority; and

22 (C) the Northern Border Regional Com-
23 mission.

24 (h) REPORTING.—

25 (1) ELIGIBLE ENTITIES.—

1 (A) ANNUAL REPORT.—Not later than 1
2 year after receiving grant funds under this sec-
3 tion, and annually thereafter until the funds
4 have been expended, an eligible entity shall sub-
5 mit to the Secretary a report, with respect to
6 the 1-year period immediately preceding the re-
7 port date, that—

8 (i) describes how the eligible entity ex-
9 pended the funds; and

10 (ii) certifies that the eligible entity
11 complied with the requirements of this sec-
12 tion and with any additional reporting re-
13 quirements prescribed by the Secretary, in-
14 cluding—

15 (I) a description of each service
16 provided with the grant funds; and

17 (II) the number of locations at
18 which broadband service was provided
19 using the grant funds.

20 (B) PROVISION TO FCC, NTIA, AND
21 USDA.—Subject to subsection (i), the Secretary
22 shall provide the data collected under subpara-
23 graph (A) to the Commission, the National
24 Telecommunications and Information Adminis-
25 tration, and the Department of Agriculture to

1 (III) describe the types of facili-
2 ties that have been constructed and
3 installed;

4 (IV) describe the peak and off-
5 peak actual speeds of the broadband
6 service being offered;

7 (V) describe the maximum adver-
8 tised speed of the broadband service
9 being offered;

10 (VI) include any other data that
11 would be required to comply with the
12 Form 477 process of the Commission
13 for broadband infrastructure projects;
14 and

15 (VII) comply with any other rea-
16 sonable reporting requirements deter-
17 mined by the eligible entity.

18 (i) **IMPACT ON OTHER FEDERAL BROADBAND PRO-**
19 **GRAMS.**—The use of grant funds received under this sec-
20 tion by an eligible entity or subgrantee shall not impact
21 the eligibility of, or otherwise disadvantage, the eligible en-
22 tity or subgrantee with respect to participation in any
23 other Federal broadband program.

1 **SEC. 5002. EDUCATION AND COMMUNITY CONNECTIVITY.**

2 (a) E-RATE SUPPORT FOR WI-FI HOTSPOTS, OTHER
3 EQUIPMENT, AND CONNECTED DEVICES DURING EMER-
4 GENCY PERIODS RELATING TO COVID-19.—

5 (1) DEFINITIONS.—In this subsection:

6 (A) ADVANCED TELECOMMUNICATIONS
7 AND INFORMATION SERVICES.—The term “ad-
8 vanced telecommunications and information
9 services” means advanced telecommunications
10 and information services, as that term is used
11 in section 254(h) of the Communications Act of
12 1934 (47 U.S.C. 254(h)).

13 (B) COMMISSION.—The term “Commis-
14 sion” means the Federal Communications Com-
15 mission.

16 (C) CONNECTED DEVICE.—The term “con-
17 nected device” means a laptop computer, tablet
18 computer, or similar end user device that is ca-
19 pable of connecting to advanced telecommuni-
20 cations and information services.

21 (D) COVERED REGULATIONS.—The term
22 “covered regulations” means the regulations
23 promulgated under paragraph (2).

24 (E) COVID-19 EMERGENCY PERIOD.—
25 The term “COVID-19 emergency period”
26 means the period during which a public health

1 emergency declared pursuant to section 319 of
2 the Public Health Service Act (42 U.S.C. 247d)
3 with respect to COVID–19, including under any
4 renewal of such declaration, is in effect.

5 (F) ELIGIBLE EQUIPMENT.—The term “el-
6 igible equipment” means the following:

7 (i) Wi-Fi hotspots.

8 (ii) Modems.

9 (iii) Routers.

10 (iv) Devices that combine a modem
11 and router.

12 (v) Connected devices.

13 (vi) Other network equipment to pro-
14 vide advanced telecommunications and in-
15 formation services to students and staff of
16 an elementary school or secondary school
17 and library patrons, if that equipment is
18 the most cost-effective option.

19 (G) ELIGIBLE SCHOOL OR LIBRARY.—The
20 term “eligible school or library” means an ele-
21 mentary school, secondary school, or library (in-
22 cluding a Tribal elementary school, Tribal sec-
23 ondary school, or Tribal library) eligible for
24 support under section 254(h)(1)(B) of the Com-

1 communications Act of 1934 (47 U.S.C.
2 254(h)(1)(B)).

3 (H) EMERGENCY CONNECTIVITY FUND.—
4 The term “Emergency Connectivity Fund”
5 means the fund established under paragraph
6 (10)(A).

7 (I) E-RATE PROGRAM.—The term “E-rate
8 program” means the universal service program
9 for schools and libraries authorized under sub-
10 section (h)(1)(B) of section 254 of the Commu-
11 nications Act of 1934 (47 U.S.C. 254), the
12 rules of which are set forth under subpart F of
13 part 54 of title 47, Code of Federal Regulations
14 (or any successor regulation), as authorized
15 under subsection (h)(2)(A) of such section 254.

16 (J) LIBRARY.—The term “library” in-
17 cludes a library consortium.

18 (K) TRIBAL LAND.—The term “Tribal
19 land” means—

20 (i) any land located within the bound-
21 aries of—

22 (I) an Indian reservation, pueblo,
23 or rancharia; or

24 (II) a former reservation within
25 Oklahoma;

- 1 (ii) any land not located within the
2 boundaries of an Indian reservation, pueb-
3 lo, or rancheria, the title to which is held—
- 4 (I) in trust by the United States
5 for the benefit of an Indian Tribe or
6 an individual Indian;
- 7 (II) by an Indian Tribe or an in-
8 dividual Indian, subject to restriction
9 against alienation under laws of the
10 United States; or
- 11 (III) by a dependent Indian com-
12 munity;
- 13 (iii) any land located within a region
14 established pursuant to section 7(a) of the
15 Alaska Native Claims Settlement Act (43
16 U.S.C. 1606(a));
- 17 (iv) Hawaiian Home Lands, as de-
18 fined in section 801 of the Native Amer-
19 ican Housing Assistance and Self-Deter-
20 mination Act of 1996 (25 U.S.C. 4221); or
- 21 (v) those areas or communities des-
22 igned by the Assistant Secretary of In-
23 dian Affairs of the Department of the Inte-
24 rior that are near, adjacent, or contiguous
25 to reservations where financial assistance

1 and social service programs are provided to
2 Indians because of their status as Indians.

3 (L) TRIBAL LIBRARY.—The term “Tribal
4 library” means, only during a COVID–19 emer-
5 gency period, a facility owned by an Indian
6 Tribe, serving Indian Tribes, or serving Amer-
7 ican Indians, Alaskan Natives, or Native Ha-
8 waiian communities, including—

9 (i) a library or library consortium; or
10 (ii) a government building, chapter
11 house, longhouse, community center, or
12 other similar public building.

13 (M) WI-FI.—The term “Wi-Fi” means a
14 wireless networking protocol based on Institute
15 of Electrical and Electronics Engineers stand-
16 ard 802.11 (or any successor standard).

17 (N) WI-FI HOTSPOT.—The term “Wi-Fi
18 hotspot” means a device that is capable of—

19 (i) receiving advanced telecommuni-
20 cations and information services; and

21 (ii) sharing such services with another
22 connected device through the use of Wi-Fi.

23 (2) REGULATIONS REQUIRED.—

24 (A) IN GENERAL.—Not later than 60 days
25 after the date of enactment of this Act, the

1 Commission shall promulgate regulations pro-
2 viding for the provision, from amounts made
3 available from the Emergency Connectivity
4 Fund, of support under section 254(h)(1)(B) of
5 the Communications Act of 1934 (47 U.S.C.
6 254(h)(1)(B)) to an eligible school or library,
7 during a COVID–19 emergency period (includ-
8 ing any portion of the period occurring before
9 the date of enactment of this Act) of eligible
10 equipment or advanced telecommunications and
11 information services, for use by—

12 (i) in the case of a school, students
13 and staff of the school at locations that in-
14 clude locations other than the school; and

15 (ii) in the case of a library, patrons of
16 the library at locations that include loca-
17 tions other than the library.

18 (B) COMMENT PERIODS.—As part of the
19 rulemaking under subparagraph (A), the Com-
20 mission shall—

21 (i) provide a 15-day public comment
22 period that begins not later than 5 days
23 after the date of enactment of this Act;

1 (ii) provide a 15-day public reply com-
2 ment period that immediately follows the
3 period under clause (i); and

4 (iii) during the comment periods
5 under clauses (i) and (ii), seek comment
6 on—

7 (I) the provision of assistance
8 from the Emergency Connectivity
9 Fund;

10 (II) whether and how to reim-
11 burse expenses that were incurred
12 during the 2020–2021 academic year
13 before the effective date of the regula-
14 tions; and

15 (III) other related matters.

16 (3) TRIBAL ISSUES.—

17 (A) RESERVATION FOR TRIBAL LANDS.—

18 The Commission shall reserve not less than 5
19 percent of the amounts made available to the
20 Commission under paragraph (10) to provide
21 support under the covered regulations to eligible
22 schools and libraries that serve persons who—

23 (i) are located on Tribal lands; or

1 (ii) participate in Alaska Native Edu-
2 cation Programs or Native Hawaiian Edu-
3 cation Programs.

4 (B) ELIGIBILITY OF TRIBAL LIBRARIES.—

5 For purposes of determining the eligibility of a
6 Tribal library for support under the covered
7 regulations, the portion of paragraph (4) of sec-
8 tion 254(h) of the Communications Act of 1934
9 (47 U.S.C. 254(h)) relating to eligibility for as-
10 sistance from a State library administrative
11 agency under the Library Services and Tech-
12 nology Act (20 U.S.C. 9121 et seq.) shall not
13 apply.

14 (4) PRIORITIZATION OF SUPPORT.—The Com-
15 mission shall provide in the covered regulations for
16 a mechanism to require a school or library receiving
17 funding under this subsection to prioritize the provi-
18 sion of eligible equipment or advanced telecommuni-
19 cations and information services (or both), for which
20 support is received under those regulations, to stu-
21 dents and staff or patrons (as the case may be) that
22 the school or library believes do not have access to
23 eligible equipment or advanced telecommunications
24 and information services (or do not have access to

1 either), respectively, at the residences of the stu-
2 dents and staff or patrons.

3 (5) SUPPORT AMOUNT.—

4 (A) IN GENERAL.—In providing support
5 under the covered regulations, the Commission
6 shall reimburse 100 percent of the costs associ-
7 ated with the eligible equipment, advanced tele-
8 communications and information services, or el-
9 igible equipment and advanced telecommuni-
10 cations and information services, if the costs for
11 the eligible equipment for any applicant are de-
12 termined to be reasonable.

13 (B) NO MATCH REQUIRED.—The Commis-
14 sion shall not require any matching funds to be
15 paid as a condition of receiving the support
16 under the covered regulations.

17 (C) FUNDING SHORTFALLS.—If requests
18 for reimbursement for eligible equipment, ad-
19 vanced telecommunications and information
20 services, or eligible equipment and advanced
21 telecommunications and information services ex-
22 ceed amounts made available from the Emer-
23 gency Connectivity Fund, the Commission
24 shall—

1 (i) prioritize the reimbursement of re-
2 quests based on the assigned discount per-
3 centage of each eligible school or library
4 under subpart F of part 54 of title 47,
5 Code of Federal Regulations (or any suc-
6 cessor regulation), beginning with the
7 schools and libraries with the highest dis-
8 count percentage established under that
9 subpart; and

10 (ii) immediately provide notice of the
11 shortfall in funding to—

12 (I) the Committee on Commerce,
13 Science, and Transportation and the
14 Committee on Appropriations of the
15 Senate; and

16 (II) the Committee on Energy
17 and Commerce and the Committee on
18 Appropriations of the House of Rep-
19 resentatives.

20 (6) TREATMENT OF EQUIPMENT AFTER EMER-
21 GENCY PERIOD.—The Commission shall provide in
22 the covered regulations that, in the case of a school
23 or library that purchases eligible equipment using
24 support received under the covered regulations, the
25 school or library—

1 (A) may, after the COVID–19 emergency
2 period with respect to which the support is re-
3 ceived, use the equipment for any purposes that
4 the school or library considers appropriate, sub-
5 ject to any restrictions provided in the covered
6 regulations (or any successor regulation); and

7 (B) may not sell or otherwise transfer the
8 equipment in exchange for any thing (including
9 a service) of value, except that the school or li-
10 brary may exchange the equipment for up-
11 graded equipment of the same type.

12 (7) RULE OF CONSTRUCTION.—Nothing in this
13 subsection shall be construed to affect any authority
14 of the Commission under section 254(h)(1)(B) of
15 the Communications Act of 1934 (47 U.S.C.
16 254(h)(1)(B)) to allow support under that section to
17 be used for the purposes described in paragraph (2)
18 of this subsection other than as required by that
19 paragraph.

20 (8) CONFORMING AMENDMENT.—Section
21 254(h)(3) of the Communications Act of 1934 (47
22 U.S.C. 254(h)(3)) is amended by inserting before
23 the period at the end the following: “, except that,
24 during the period beginning on the first day of the
25 public health emergency declared under section 319

1 of the Public Health Service Act (42 U.S.C. 247d)
2 with respect to COVID–19 and ending on the date
3 that is 90 days after the expiration of that emer-
4 gency, if schools are closed, the Commission may
5 provide for the re-use or transfer of capacity for
6 educational home access”.

7 (9) PROCEDURAL MATTERS.—

8 (A) PART 54 REGULATIONS.—Nothing in
9 this subsection shall be construed to prevent the
10 Commission from providing that the regulations
11 in part 54 of title 47, Code of Federal Regula-
12 tions—

13 (i) shall apply in whole or in part to
14 support provided under the covered regula-
15 tions;

16 (ii) shall not apply in whole or in part
17 to support provided under the covered reg-
18 ulations; or

19 (iii) shall be modified in whole or in
20 part for purposes of application to support
21 provided under the covered regulations.

22 (B) EXEMPTION FROM CERTAIN RULE-
23 MAKING REQUIREMENTS.—Subsections (b), (c),
24 and (d) of section 553 of title 5, United States
25 Code, shall not apply to the covered regulations

1 or a rulemaking to promulgate the covered reg-
2 ulations.

3 (C) PAPERWORK REDUCTION ACT EXEMP-
4 TION.—A collection of information conducted or
5 sponsored under the covered regulations, or
6 under section 254 of the Communications Act
7 of 1934 (47 U.S.C. 254) in connection with
8 support provided under the covered regulations,
9 shall not constitute a collection of information
10 for the purposes of subchapter I of chapter 35
11 of title 44, United States Code (commonly re-
12 ferred to as the “Paperwork Reduction Act”).

13 (10) EMERGENCY CONNECTIVITY FUND.—

14 (A) ESTABLISHMENT.—There is estab-
15 lished in the Treasury of the United States a
16 fund to be known as the “Emergency
17 Connectivity Fund”.

18 (B) APPROPRIATION.—There is appro-
19 priated to the Emergency Connectivity Fund,
20 out of any money in the Treasury not otherwise
21 appropriated, \$3,000,000,000 for fiscal year
22 2021, to remain available until the conclusion
23 of the public health emergency or until the
24 funds are expended, whichever occurs later.

1 (C) USE OF FUNDS.—Amounts in the
2 Emergency Connectivity Fund shall be available
3 to the Commission to adopt and implement the
4 covered regulations.

5 (D) RELATIONSHIP TO UNIVERSAL SERV-
6 ICE CONTRIBUTIONS.—Support provided under
7 the covered regulations shall be provided from
8 amounts made available under this paragraph
9 and not from contributions under section
10 254(d) of the Communications Act of 1934 (47
11 U.S.C. 254(d)).

12 (b) COMMUNITY CONNECTIVITY THROUGH LIBRARY
13 SERVICES.—

14 (1) DEFINITIONS.—In this subsection, the
15 terms “library”, “State”, and “State library admin-
16 istrative agency” have the meanings given those
17 terms in section 213 of the Museum and Library
18 Services Act (20 U.S.C. 9122).

19 (2) APPROPRIATIONS.—Out of amounts in the
20 Treasury not otherwise appropriated, there is appro-
21 priated to the Institute of Museum and Library
22 Services \$200,000,000 to carry out this subsection.

23 (3) PILOT PROGRAM.—

24 (A) IN GENERAL.—Not later than 21 days
25 after the date of enactment of this Act, the Di-

1 rector of the Institute of Museum and Library
2 Services (referred to in this subsection as the
3 “Director”) shall establish a 2-year pilot pro-
4 gram, through which the Director shall—

5 (i) reserve 2.5 percent of the amounts
6 appropriated to carry out this subsection
7 to make grants to Indian Tribes and to or-
8 ganizations that primarily serve and rep-
9 resent Native Hawaiians (as the term is
10 defined in section 6207 of the Native Ha-
11 waiian Education Act (20 U.S.C. 7517)) to
12 enable such Tribes and organizations to
13 carry out the activities described in para-
14 graph (6); and

15 (ii) allocate grant funds to States in
16 accordance with subparagraph (B) to en-
17 able States, through the State library ad-
18 ministrative agency, as appropriate, to
19 carry out the activities described in para-
20 graph (6).

21 (B) ALLOTMENTS TO STATES.—

22 (i) MINIMUM ALLOTMENTS.—

23 (I) IN GENERAL.—For purposes
24 of this paragraph, the minimum allot-
25 ment for each State shall be

1 \$1,600,000, except that the minimum
2 allotment shall be \$160,000 in the
3 case of the United States Virgin Is-
4 lands, Guam, American Samoa, the
5 Commonwealth of the Northern Mar-
6 iana Islands, the Republic of the Mar-
7 shall Islands, the Federated States of
8 Micronesia, and the Republic of
9 Palau.

10 (II) RATABLE REDUCTION.—Not-
11 withstanding subclause (I), if the sum
12 appropriated to carry out this sub-
13 section is insufficient to fully satisfy
14 the requirement of subclause (I), each
15 of the minimum allotments under
16 such subclause shall be reduced rat-
17 ably.

18 (ii) REMAINDER.—

19 (I) IN GENERAL.—From the re-
20 mainder of any sums made available
21 to carry out this paragraph and not
22 reserved or allotted under clause (i),
23 the Director shall award grants to
24 each State in an amount that bears
25 the same relation to such remainder

1 as the population of the State bears to
2 the population of all States.

3 (II) DATA.—The population of
4 each State and of all the States shall
5 be determined by the Director on the
6 basis of the most recent data available
7 from the Bureau of the Census.

8 (4) GRANTS, CONTRACTS, OR COOPERATIVE
9 AGREEMENTS.—From amounts appropriated under
10 paragraph (2), \$2,000,000 shall be made available
11 for the Director of the Institute of Museum and Li-
12 brary Services for grants, contracts, or cooperative
13 agreements with Federal agencies, public and private
14 organizations, and other entities determined to be el-
15 igible by the Director to enable those agencies, orga-
16 nizations, and entities to carry out the activities de-
17 scribed in paragraph (6).

18 (5) GRANTS FOR INDIAN TRIBES.—An Indian
19 Tribe or organization described in paragraph
20 (3)(A)(i) that is eligible for support under section
21 261 of the Library Services and Technology Act (20
22 U.S.C. 9161) may designate a tribal library or tribal
23 library consortium as a library or consortium that is
24 eligible for grant funds under this subsection, with-
25 out regard to whether the library or library consor-

1 tium is eligible for assistance from a State Library
2 Administrative Agency under the Library Services
3 and Technology Act (20 U.S.C. 9121 et seq.), if the
4 library or library consortium is eligible for support
5 from an Indian Tribe or organization described in
6 paragraph (3)(A)(i) under such section 261.

7 (6) USE OF GRANT FUNDS.—Each State, In-
8 dian Tribe, or other entity receiving a grant, con-
9 tract, or cooperative agreement under this sub-
10 section shall use funding under this subsection to—

11 (A) expand digital network access by pur-
12 chasing and distributing internet-connected de-
13 vices, such as hotspots, to libraries in low-in-
14 come and rural areas so that those libraries
15 can—

16 (i) allow individuals to borrow inter-
17 net-connected devices for home use; and

18 (ii) install or upgrade public Wi-Fi ac-
19 cess points for use on or near library
20 grounds, including modems, routers, items
21 that combine a modem and a router, and
22 other equipment that might be needed to
23 support increased broadband capacity;

24 (B) provide libraries with funds to pay the
25 other expenses associated with such devices and

1 related services, such as processing, training,
2 associated connectivity, hardware and support,
3 and other necessary expenses related to the re-
4 tention of these devices and provision of these
5 services; or

6 (C) encourage existing and new partner-
7 ships between State and local governments, li-
8 braries, nonprofit entities, agencies including
9 the Federal Communications Commission, and
10 telecommunication, broadband, and Internet
11 service providers to coordinate the distribution
12 of hotspots and other internet-connected devices
13 and services.

14 **SEC. 5003. TELEHEALTH.**

15 (a) DEFINITIONS.—In this section—

16 (1) the term “appropriate congressional com-
17 mittees” means—

18 (A) the Committee on Commerce, Science,
19 and Transportation of the Senate; and

20 (B) the Committee on Energy and Com-
21 merce of the House of Representatives;

22 (2) the term “Commission” means the Federal
23 Communications Commission;

24 (3) the term “COVID–19 Telehealth Program”
25 means the COVID–19 Telehealth Program estab-

1 lished by the Commission under the authority pro-
2 vided under the heading “SALARIES AND EXPENSES”
3 under the heading “FEDERAL COMMUNICATIONS
4 COMMISSION” under the heading “INDEPENDENT
5 AGENCIES” in title V of division B of the CARES
6 Act (Public Law 116–136; 134 Stat. 281); and

7 (4) the term “rural area” has the meaning
8 given the term in section 54.600 of title 47, Code of
9 Federal Regulations, or any successor regulation.

10 (b) DIRECT APPROPRIATION.—Out of amounts in the
11 Treasury not otherwise appropriated, there is appro-
12 priated to the Commission \$475,000,000 for fiscal year
13 2021 to carry out the COVID–19 Telehealth Program, to
14 remain available until expended.

15 (c) LIMITATION.—

16 (1) IN GENERAL.—Not less than \$95,000,000
17 of the amounts made available under subsection (b)
18 shall be used to assist health care providers that—

19 (A) are located in a rural area; and

20 (B) have fewer than 650 employees at any
21 location receiving funds.

22 (2) PAPERWORK REDUCTION ACT EXEMP-
23 TION.—A collection of information conducted or
24 sponsored under regulations required to implement
25 paragraph (1)(B) shall not constitute a collection of

1 information for the purposes of subchapter I of
2 chapter 35 of title 44, United States Code (com-
3 monly referred to as the “Paperwork Reduction
4 Act”).

5 (d) ADDITIONAL ADMINISTRATIVE EXPENSES.—Of
6 the amounts made available under subsection (b), the
7 Commission may use not more than \$8,000,000 for ad-
8 ministrative expenses necessary in order to—

9 (1) provide technical assistance to entities eligi-
10 ble for assistance under this section, giving priority
11 to eligible health care providers that—

12 (A) have fewer than 650 employees at any
13 location benefitting from the technical assist-
14 ance; and

15 (B)(i) are located in a rural area; or

16 (ii) provide services to patients who are lo-
17 cated in a rural area; and

18 (2) provide each applicant for funding under
19 this section with—

20 (A) information on the status of the appli-
21 cation; and

22 (B) a written explanation for the final
23 funding decision with respect to the application
24 not later than 7 days after making the decision.

1 (e) RETROACTIVITY FOR SMALL, RURAL PRO-
2 VIDERS.—The Commission may use amounts made avail-
3 able under subsection (b) to reimburse a health care pro-
4 vider described in subsection (c)(1) (relating to small,
5 rural providers) for expenses reasonably incurred on or
6 after the first day of the emergency period described in
7 section 1135(g)(1)(B) of the Social Security Act (42
8 U.S.C. 1320b–5(g)(1)(B)).

9 (f) EVALUATION OF APPLICATIONS.—

10 (1) PUBLIC NOTICE.—Not later than 5 days
11 after the date of enactment of this Act, the Commis-
12 sion shall issue a Public Notice establishing a 30-day
13 period during which the Commission will seek com-
14 ments on the metrics the Commission should use to
15 evaluate applications for funding under this section.

16 (2) CONGRESSIONAL NOTICE.—After the end of
17 the comment period under paragraph (1), and not
18 later than 15 days before the Commission first com-
19 mits funds under this section, the Commission shall
20 provide notice to the appropriate congressional com-
21 mittees of the metrics the Commission plans to use
22 to evaluate applications for those funds.

23 (g) REPORT TO CONGRESS.—Not later than 30 days
24 after the date of enactment of this Act, and every 30 days
25 thereafter until funds made available under this section

1 have been expended, the Commission shall submit to the
2 appropriate congressional committees a report on the dis-
3 tribution of funds appropriated under subsection (b), in-
4 cluding distribution to eligible applicants that were not
5 awarded funds appropriated for the COVID–19 Telehealth
6 Program under the CARES Act (Public Law 116–36),
7 which shall include—

8 (1) non-identifiable and aggregated data on de-
9 ficient and rejected applications;

10 (2) non-identifiable and aggregated data on ap-
11 plications for which no award determination was
12 made;

13 (3) information on the total number of appli-
14 cants;

15 (4) information on the total dollar amount of
16 requests for awards made under this section; and

17 (5) information on applicant outreach and tech-
18 nical assistance.

1 **SEC. 5004. ADDITIONAL AMOUNTS FOR DEPARTMENT OF**
2 **VETERANS AFFAIRS FOR TELEHEALTH AND**
3 **CONNECTED CARE PROGRAM TO PURCHASE,**
4 **FURNISH, AND MAINTAIN INTERNET-CON-**
5 **NECTED DEVICES AND ASSOCIATED ACCESS**
6 **SERVICES FOR PROVISION OF TELEHEALTH**
7 **SERVICES TO VETERANS.**

8 (a) DEFINITIONS.—In this section—

9 (1) the term “Department”, except as otherwise
10 specified, means the Department of Veterans Af-
11 fairs; and

12 (2) the term “Secretary” means the Secretary
13 of Veterans Affairs, acting through the Office of
14 Connected Care.

15 (b) DIRECT APPROPRIATION.—Out of amounts in the
16 Treasury not otherwise appropriated, there is appro-
17 priated to the Department \$100,000,000 for Telehealth
18 and Connected Care, Connected Care Program Funding:
19 Sustainment and Expansion, Home and Community
20 Based Services, to be used—

21 (1) to furnish internet-connected devices (such
22 as tablets) and associated internet access services to
23 veterans for purposes of providing such veterans
24 with access to telehealth services from the Depart-
25 ment; and

1 (2) to maintain and refresh such devices and
2 services and any such devices and services previously
3 provided to veterans for such purposes.

4 (c) AVAILABILITY OF AMOUNTS.—Amounts appro-
5 priated under subsection (b) shall remain available for ob-
6 ligation until September 30, 2022.

7 (d) PRIORITY.—In expending amounts to furnish,
8 maintain, and refresh devices and internet access services
9 for veterans as described in subsection (b), the Secretary
10 shall prioritize—

11 (1) veterans who are in unserved and under-
12 served areas;

13 (2) veterans who reside in rural and highly
14 rural areas, as defined in the Rural-Urban Com-
15 muting Areas coding system of the Department of
16 Agriculture;

17 (3) low-income veterans; and

18 (4) any other veterans that the Secretary con-
19 siders to be at a higher risk for suicide and mental
20 health concerns during isolation periods due to a
21 public health emergency.

22 (e) ADMINISTRATION OF PROGRAM.—

23 (1) GUIDANCE.—The Secretary shall provide
24 guidance to local facilities of the Department on

1 where the distribution of internet-connected devices
2 under this section will have the greatest impact.

3 (2) CONNECTIVITY.—The Secretary shall—

4 (A) consult with the Federal Communica-
5 tions Commission, the Assistant Secretary of
6 Commerce for Communications and Informa-
7 tion, and the Secretary of Agriculture to ensure
8 adequate connectivity for the internet-connected
9 devices distributed under this section; and

10 (B) work with local facilities of the De-
11 partment and local communications providers
12 to—

13 (i) ensure the effective provision of
14 internet-connected devices; and

15 (ii) explore other solutions for poor
16 connectivity in rural areas.

17 **SEC. 5005. EMERGENCY DESIGNATION.**

18 (a) IN GENERAL.—The amounts provided under this
19 subtitle are designated as an emergency requirement pur-
20 suant to section 4(g) of the Statutory Pay-As-You-Go Act
21 of 2010 (2 U.S.C. 933(g)).

22 (b) DESIGNATION IN SENATE.—In the Senate, this
23 subtitle is designated as an emergency requirement pursu-
24 ant to section 4112(a) of H. Con. Res. 71 (115th Con-

1 gress), the concurrent resolution on the budget for fiscal
2 year 2018.

3 Subtitle B—K–12 and Higher Education

4 DEPARTMENT OF EDUCATION

5 OFFICE OF THE SECRETARY

6 For an additional amount for “Education Stabiliza-
7 tion Fund”, \$82,000,000,000, to remain available through
8 September 30, 2021, to prevent, prepare for, and respond
9 to coronavirus, domestically or internationally: *Provided*,
10 That such amount is designated by the Congress as being
11 for an emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

14 GENERAL PROVISIONS

15 EDUCATION STABILIZATION FUND

16 SEC. 5101. (a) ALLOCATIONS.—

17 (1) IN GENERAL.—From the amount made
18 available under this heading in this subtitle to carry
19 out the Education Stabilization Fund, the Secretary
20 shall first allocate—

21 (A) not more than 1/2 of 1 percent to the
22 outlying areas on the basis of their respective
23 needs, as determined by the Secretary, in con-
24 sultation with the Secretary of the Interior; and

1 (B) one-half of 1 percent for the Secretary
2 of the Interior, in consultation with the Sec-
3 retary of Education, for programs operated or
4 funded by the Bureau of Indian Education.

5 (2) TIMING REQUIREMENT.—By not later than
6 30 days after the date of enactment of this Act, the
7 Secretary shall make the allocations required under
8 paragraph (1).

9 (b) RESERVATIONS.—After carrying out subsection
10 (a), the Secretary shall reserve the remaining funds made
11 available as follows:

12 (1) 9.24 percent to carry out section 5102 of
13 this subtitle.

14 (2) 66.12 percent to carry out section 5103 of
15 this subtitle.

16 (3) 24.64 percent to carry out section 5104 of
17 this subtitle.

18 GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND

19 SEC. 5102. (a) GRANTS.—

20 (1) PROGRAM AUTHORIZED.—From funds made
21 available under section 5101(b)(1) of this subtitle
22 and not reserved under paragraph (2), the Secretary
23 shall make supplemental Emergency Education Re-
24 lief grants to the Governors of each State with an
25 approved application (which shall include an applica-
26 tion approved for funds under section 18002 of the

1 Coronavirus Aid, Relief, and Economic Security Act
2 (20 U.S.C. 3401 note) before the date of enactment
3 of this Act). The Secretary shall award funds under
4 this paragraph to the Governor of each State with
5 an approved application not later than 30 days after
6 the date of enactment of this Act.

7 (2) RESERVATION.—From funds made available
8 under section 5101(b)(1) of this subtitle, the Sec-
9 retary shall reserve \$2,500,000,000 of such funds to
10 provide Emergency Assistance to Non-Public Schools
11 grants, in accordance with subsection (d), to the
12 Governor of each State with an approved application
13 under subsection (d)(2).

14 (b) ALLOCATIONS.—The amount of each grant under
15 subsection (a)(1) shall be allocated by the Secretary to
16 each State as follows:

17 (1) 60 percent on the basis of their relative
18 population of individuals aged 5 through 24.

19 (2) 40 percent on the basis of their relative
20 number of children counted under section 1124(c) of
21 the Elementary and Secondary Education Act of
22 1965 (referred to in this subtitle as “ESEA”).

23 (c) USES OF FUNDS.—Grant funds awarded under
24 subsection (a)(1) may be used to—

1 (1) provide emergency support through grants
2 to local educational agencies that the State edu-
3 cational agency deems have been most significantly
4 impacted by coronavirus to support the ability of
5 such local educational agencies to continue to pro-
6 vide educational services to their students and to
7 support the ongoing functionality of the local edu-
8 cational agency;

9 (2) provide emergency support through grants
10 to institutions of higher education serving students
11 within the State that the Governor determines have
12 been most significantly impacted by coronavirus to
13 support the ability of such institutions to continue to
14 provide educational services and support the on-
15 going functionality of the institution;

16 (3) provide emergency support to community
17 and technical colleges and other institutions of high-
18 er education to support adult career and technical
19 education or career training programs (including ca-
20 reer and technical education programs), and to sup-
21 port industry and sector partnerships to inform such
22 programs and to provide necessary supports to stu-
23 dents within the State that the Governor determines
24 have been most significantly impacted by
25 coronavirus;

1 (4) provide emergency support for the provision
2 of child care, early childhood education, and early
3 childhood education programs (including State and
4 local prekindergarten programs), within the State
5 that the Governor deems necessary for promoting
6 continuity of care and educational services for chil-
7 dren during a qualifying emergency; or

8 (5) provide support to any other institution of
9 higher education, local educational agency, or edu-
10 cation-related entity within the State, including In-
11 dian Tribes and Tribal organizations, that the Gov-
12 ernor deems essential for carrying out emergency
13 educational services to students for authorized ac-
14 tivities described in section 18003(d)(1) of the
15 Coronavirus Aid, Relief, and Economic Security Act
16 (20 U.S.C. 3401 note) or the Higher Education Act
17 of 1965, social and emotional support, and the pro-
18 tection of education-related jobs.

19 (d) EMERGENCY ASSISTANCE TO NON-PUBLIC
20 SCHOOLS.—

21 (1) PROGRAM AUTHORIZED.—

22 (A) IN GENERAL.—With funds reserved
23 under subsection (a)(2), the Secretary shall
24 allot the amount described in subparagraph (B)
25 to the Governors of each State with an ap-

1 proved application under paragraph (2) in order
2 to provide services or assistance to non-public
3 schools under this subsection.

4 (B) AMOUNT OF ALLOTMENT.—An allot-
5 ment for a State under subparagraph (A) shall
6 be in the amount that bears the same relation
7 to the total amount of the funds reserved under
8 subsection (a)(2) as the number of students
9 who are enrolled in non-public schools in the
10 State (based on the most recent and reliable
11 data available, as of the date of enactment of
12 this Act, from the National Center for Edu-
13 cation Statistics or the American Community
14 Survey by the Bureau of Census on non-public
15 school enrollment), bears to the total number of
16 all such students in all States with approved
17 applications.

18 (2) APPLICATIONS FROM STATES.—

19 (A) APPLICATION REQUEST AND RE-
20 VIEW.—The Secretary shall—

21 (i) issue a notice inviting applications
22 for funds reserved under subsection (a)(2)
23 not later than 30 days after the date of en-
24 actment of this Act; and

1 (iv) to the extent practicable, obligate
2 all funds provided under subsection (a)(2)
3 for services or assistance to non-public
4 schools in the State in an expedited and
5 timely manner; and

6 (v) obligate funds to provide services
7 or assistance to non-public schools in the
8 State by not later than 6 months after re-
9 ceiving such funds under subsection (a)(2).

10 (3) APPLICATIONS FOR SERVICES OR ASSIST-
11 ANCE.—

12 (A) APPLICATION REQUEST AND RE-
13 VIEW.—A State educational agency receiving
14 funds under this subsection shall—

15 (i) make the application for services
16 or assistance described in subparagraph
17 (B) available to non-public schools by not
18 later than 30 days after the receipt of such
19 funds; and

20 (ii) approve or deny an application not
21 later than 30 days after the receipt of the
22 application.

23 (B) APPLICATION REQUIREMENTS.—Each
24 non-public school desiring services or assistance
25 under this subsection shall submit an applica-

1 tion to the State educational agency at such
2 time, in such manner, and accompanied by such
3 information as the State educational agency
4 may reasonably require to ensure expedited and
5 timely provision of services or assistance to the
6 non-public school.

7 (C) TARGETING.—A State educational
8 agency receiving funds under this subsection
9 shall prioritize services or assistance to non-
10 public schools that enroll low-income students
11 or students with disabilities, or are most im-
12 pacted by a qualifying emergency.

13 (4) TYPES OF SERVICES OR ASSISTANCE.—A
14 non-public school receiving services or assistance
15 under this subsection shall use such services or as-
16 sistance to address educational disruptions resulting
17 from a qualifying emergency for—

18 (A) supplies to sanitize, disinfect, and
19 clean school facilities;

20 (B) personal protective equipment;

21 (C) improving ventilation systems, includ-
22 ing windows or portable air purification systems
23 to ensure healthy air in the non-public school;

24 (D) training and professional development
25 for staff on sanitation, the use of personal pro-

1 tective equipment, and minimizing the spread of
2 infectious diseases;

3 (E) physical barriers to facilitate social
4 distancing;

5 (F) other materials, supplies, or equipment
6 to implement public health protocols, including
7 guidelines and recommendations from the Cen-
8 ters for Disease Control and Prevention for the
9 reopening and operation of school facilities to
10 effectively maintain the health and safety of
11 students, educators, and other staff during a
12 qualifying emergency;

13 (G) expanding capacity to administer
14 coronavirus testing to effectively monitor and
15 suppress coronavirus, to conduct surveillance
16 and contact tracing activities, and to support
17 other activities related to coronavirus testing
18 for students, teachers, and staff at the non-pub-
19 lic school;

20 (H) educational technology (including
21 hardware, software, connectivity, assistive tech-
22 nology, and adaptive equipment) to assist stu-
23 dents, educators, and other staff with remote or
24 hybrid learning;

1 (I) redeveloping instructional plans, includ-
2 ing curriculum development, for remote learn-
3 ing, hybrid learning, or to address learning loss;

4 (J) leasing of sites or spaces to ensure safe
5 social distancing to implement public health
6 protocols, including guidelines and rec-
7 ommendations from the Centers for Disease
8 Control and Prevention;

9 (K) reasonable transportation costs;

10 (L) initiating and maintaining education
11 and support services or assistance for remote
12 learning, hybrid learning, or to address learning
13 loss; or

14 (M) reimbursement for the expenses of any
15 services or assistance described in this para-
16 graph (except for subparagraphs (D), (I), and
17 (L)) that the non-public school incurred on or
18 after the date of a qualifying emergency.

19 (5) ADMINISTRATION.—A State educational
20 agency receiving funds under this subsection may re-
21 serve not more than the greater of \$200,000 or one
22 half of 1 percent of such funds to administer the
23 services and assistance provided under this sub-
24 section to non-public schools.

1 (6) REALLOCATION.—Notwithstanding para-
2 graph (1)(A), each Governor of a State receiving
3 funds under this subsection that complies with para-
4 graph (2) but has unobligated funds remaining 6
5 months after receiving funds under this subsection
6 shall use such remaining unobligated funds for any
7 use authorized under subsection (c).

8 (7) PUBLIC CONTROL OF FUNDS.—

9 (A) IN GENERAL.—The control of funds
10 for the services or assistance provided to a non-
11 public school under this subsection, and title to
12 materials, equipment, and property purchased
13 with such funds, shall be in a public agency,
14 and a public agency shall administer such
15 funds, services, assistance, materials, equip-
16 ment, and property.

17 (B) PROVISION OF SERVICES OR ASSIST-
18 ANCE.—

19 (i) PROVIDER.—The provision of serv-
20 ices or assistance to a non-public school
21 under this subsection shall be provided—

22 (I) by employees of a public
23 agency; or

1 (II) through contract by such
2 public agency with an individual, asso-
3 ciation, agency, or organization.

4 (ii) REQUIREMENT.—In the provision
5 of services or assistance described in clause
6 (i), such employee, individual, association,
7 agency, or organization shall be inde-
8 pendent of the non-public school receiving
9 such services or assistance and of any reli-
10 gious organization, and such employment
11 and contracts shall be under the control
12 and supervision of such public agency de-
13 scribed in subparagraph (A).

14 (8) SECULAR, NEUTRAL, AND NON-IDEOLOG-
15 ICAL.—All services or assistance provided under this
16 subsection, including providing equipment, materials,
17 and any other items, shall be secular, neutral, and
18 non-ideological.

19 (9) RESTRICTIONS.—Funds provided under this
20 subsection shall not be used—

21 (A) to provide direct or indirect financial
22 assistance to scholarship granting organizations
23 or related entities; or

24 (B) to provide or support vouchers, tuition
25 tax credit programs, education savings ac-

1 counts, scholarships, scholarship programs, or
2 tuition-assistance programs.

3 (10) INTERACTION WITH PAYCHECK PROTEC-
4 TION PROGRAM.—In order to be eligible to receive
5 services or assistance under this subsection, a non-
6 public school shall submit to the State an assurance,
7 including any documentation required by the Sec-
8 retary, that such non-public school did not, and will
9 not, apply and receive a second draw covered loan
10 under section 7(a)(37) of the Small Business Act
11 (15 U.S.C. 636(a)(37)).

12 (11) REIMBURSEMENTS.—Not later than 30
13 days after the date of enactment of this Act, the
14 Secretary shall issue guidance to specify under what
15 circumstances funds may be used to reimburse a pri-
16 vate school for previously incurred expenses for serv-
17 ices or assistance provided to non-public schools
18 under paragraph (4)(M).

19 (e) REALLOCATION.—Each Governor shall return to
20 the Secretary any funds received under paragraph (1) or
21 (2) of subsection (a) that the Governor does not award
22 or obligate not later than 1 year after the date of receipt
23 of such funds, and the Secretary shall reallocate such
24 funds to the remaining States in accordance with sub-
25 section (b) for uses authorized under subsection (c).

500

1 ELEMENTARY AND SECONDARY SCHOOL EMERGENCY

2 RELIEF FUND

3 SEC. 5103. (a) GRANTS.—From funds reserved
4 under section 5101(b)(2) of this subtitle, the Secretary
5 shall make supplemental elementary and secondary school
6 emergency relief grants to each State educational agency
7 with an approved application under section 18003 of divi-
8 sion B of the CARES Act (Public Law 116–136). The
9 Secretary shall award funds under this section to each
10 State educational agency with an approved application not
11 later than 30 days after the date of enactment of this Act.

12 (b) ALLOCATIONS TO STATES.—The amount of each
13 grant under subsection (a) shall be allocated by the Sec-
14 retary to each State in the same proportion as each State
15 received under part A of title I of the ESEA (20 U.S.C.
16 6311 et seq.) in the most recent fiscal year.

17 (c) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
18 CIES.—Each State shall allocate not less than 90 percent
19 of the grant funds awarded to the State under this section
20 as subgrants to local educational agencies (including char-
21 ter schools that are local educational agencies) in the State
22 in proportion to the amount of funds such local edu-
23 cational agencies and charter schools that are local edu-
24 cational agencies received under part A of title I of the

1 ESEA (20 U.S.C. 6311 et seq.) in the most recent fiscal
2 year.

3 (d) USES OF FUNDS.—A local educational agency
4 that receives funds under subsection (c) may use funds
5 for any of the following:

6 (1) Any activity authorized by the ESEA, in-
7 cluding the Native Hawaiian Education Act and the
8 Alaska Native Educational Equity, Support, and As-
9 sistance Act (20 U.S.C. 7511 et seq.; 7541 et seq.),
10 the Individuals with Disabilities Education Act (20
11 U.S.C. 1400 et seq.), the Adult Education and Fam-
12 ily Literacy Act (20 U.S.C. 9201 et seq.), the Carl
13 D. Perkins Career and Technical Education Act of
14 2006 (20 U.S.C. 2301 et seq.) (commonly referred
15 to as the “Perkins Act”), or subtitle B of title VII
16 of the McKinney-Vento Homeless Assistance Act (42
17 U.S.C. 11431 et seq.).

18 (2) Supporting in-person instruction by ad-
19 dressing school management and operation issues
20 due to social distancing, including transportation
21 services, school schedules, prepared meals,
22 repurposed school facilities (including physical bar-
23 riers), and improving ventilation systems.

24 (3) Developing and implementing procedures
25 and systems to improve the preparedness and re-

1 sponse efforts of local educational agencies, includ-
2 ing coordination with State, local, Tribal, and terri-
3 torial public health departments, and other relevant
4 agencies, to improve coordinated responses among
5 such entities to prevent, prepare for, respond to, and
6 mitigate the spread of coronavirus.

7 (4) Developing strategies and implementing
8 public health protocols, including guidelines and rec-
9 ommendations from the Centers for Disease Control
10 and Prevention, for the reopening and operation of
11 school facilities to effectively maintain the health
12 and safety of students, educators, and other staff,
13 which may include testing protocols (including to
14 purchase, administer, and expand capacity for
15 coronavirus tests to effectively monitor and suppress
16 coronavirus and to conduct surveillance and contact
17 tracing activities).

18 (5) Providing principals and other school lead-
19 ers with the resources necessary to address the
20 needs of their individual schools directly related to
21 coronavirus, including effectively communicating
22 with families and staff, improving instruction pro-
23 vided to students through distance education, and
24 supporting the social and emotional well-being of
25 students, educators, and other staff.

1 (6) Providing additional services to address the
2 needs of low-income students, students who are chil-
3 dren with disabilities, English learners, racial and
4 ethnic minorities, students experiencing homeless-
5 ness, and foster care youth, including how outreach
6 and service delivery will meet the needs of each pop-
7 ulation.

8 (7) Training and professional development for
9 staff of the local educational agency on sanitation,
10 the use of personal protective equipment, and mini-
11 mizing the spread of infectious diseases.

12 (8) Purchasing supplies to sanitize, clean, and
13 disinfect the facilities of a local educational agency,
14 including buildings operated by such agency, and
15 purchasing personal protective equipment for edu-
16 cators, other staff, and students.

17 (9) Planning for and coordinating during long-
18 term closures, including for how to provide meals to
19 eligible students, how to provide technology and
20 connectivity for online learning to all students, how
21 to provide guidance for carrying out requirements
22 under the Individuals with Disabilities Education
23 Act (20 U.S.C. 1400 et seq.) and how to ensure
24 other educational services can continue to be pro-

1 vided consistent with all Federal, State, and local re-
2 quirements.

3 (10) Purchasing educational technology (includ-
4 ing hardware, software, and connectivity) for stu-
5 dents who are served by the local educational agency
6 that aids in regular and substantive educational
7 interaction between students and their classroom in-
8 structors, including low-income students and stu-
9 dents with disabilities, which may include assistive
10 technology or adaptive equipment.

11 (11) Providing healthcare and other health
12 services for students (including students at risk of
13 abuse or neglect or students experiencing homeless-
14 ness) educators, and other school personnel (includ-
15 ing mental health services and trauma-informed care
16 supports).

17 (12) Planning and implementing activities re-
18 lated to summer learning and supplemental after-
19 school programs, including providing classroom in-
20 struction, online learning, and nutritional support
21 during the summer months and addressing the
22 needs of low-income students, students with disabil-
23 ities, English learners, migrant students, students
24 experiencing homelessness, and children in foster
25 care.

1 (13) Meeting the social and emotional needs of
2 students and educators, including providing mental
3 health services and trauma-informed supports, in-
4 cluding using diagnostic assessments to identify stu-
5 dents' needs, supporting access to school-age child
6 care, and services provided by afterschool programs
7 and community learning centers.

8 (14) Providing professional development for
9 educators, paraprofessionals, principals, other school
10 leaders, specialized instructional support personnel,
11 and other staff to respond to students' needs, includ-
12 ing professional development on the use of diag-
13 nostic assessments described in paragraph (13).

14 (15) Addressing learning loss by improving aca-
15 demic instruction provided to students during a
16 qualifying emergency, including providing students
17 with real-time instruction, progress monitoring and
18 feedback, administering assessments and using such
19 data to improve instruction, tracking student attend-
20 ance and improving student engagement in distance
21 education, and providing resources and assistance to
22 parents to support students' engagement with dis-
23 tance education, including in online or hybrid learn-
24 ing environments.

1 (16) Reimbursing the local educational agency
2 for the expenses of any activities or services de-
3 scribed in this subsection that the local educational
4 agency incurred on or after the date of a qualifying
5 emergency.

6 (17) Other activities that are necessary to
7 maintain the operation of and continuity of services
8 in local educational agencies and continuing to em-
9 ploy existing staff of the local educational agency.

10 (e) STATE FUNDING.—With funds not otherwise allo-
11 cated or reserved under this section, a State may reserve
12 not more than 1/2 of 1 percent of its grant under this
13 section for administrative costs and the remainder for
14 emergency needs as determined by the State educational
15 agency to address issues responding to coronavirus, which
16 may be addressed through the use of grants or contracts.

17 (f) ASSURANCES.—A local educational agency receiv-
18 ing funding under this section shall provide an assurance,
19 as applicable, that if the local educational agency provides
20 services or assistance under subsection (d), or makes allo-
21 cations of funding under this section, to public schools
22 within such agency, the local educational agency shall pro-
23 vide public charter schools in the local educational agency
24 with an equitable share of such services, assistance, and
25 funding.

1 (g) REALLOCATION.—A State shall return to the Sec-
2 retary any funds received under this section that the State
3 does not award not later than 1 year after the date of
4 receipt of such funds and the Secretary shall deposit such
5 funds into the general fund of the Treasury.

6 HIGHER EDUCATION EMERGENCY RELIEF FUND

7 SEC. 5104. (a) IN GENERAL.—From funds reserved
8 under section 5101(b)(3) of this subtitle, the Secretary
9 shall allocate amounts as follows:

10 (1) 85 percent to each institution of higher edu-
11 cation described in section 101 or section 102(e) of
12 the Higher Education Act of 1965 to prevent, pre-
13 pare for, and respond to coronavirus, by appor-
14 tioning—

15 (A) an amount equal to 37.5 percent ac-
16 cording to the relative share of full-time equiva-
17 lent enrollment of students who were Federal
18 Pell Grant recipients who were not exclusively
19 enrolled in distance education courses prior to
20 a qualifying emergency;

21 (B) an amount equal to 37.5 percent ac-
22 cording to the relative share of the total num-
23 ber of students who were Federal Pell Grant re-
24 cipients who were not exclusively enrolled in
25 distance education courses prior to a qualifying
26 emergency;

1 (C) an amount equal to 12.5 percent ac-
2 cording to the relative share of full-time equiva-
3 lent enrollment of students who were not Fed-
4 eral Pell Grant recipients who were not exclu-
5 sively enrolled in distance education courses
6 prior to a qualifying emergency; and

7 (D) an amount equal to 12.5 percent ac-
8 cording to the relative share of the total num-
9 ber of students who were not Federal Pell
10 Grant recipients who were not exclusively en-
11 rolled in distance education courses prior to a
12 qualifying emergency.

13 (2) 10 percent for additional awards under
14 parts A and B of title III, parts A and B of title
15 V, and subpart 4 of part A of title VII of the Higher
16 Education Act of 1965 to address needs directly re-
17 lated to coronavirus, that shall be in addition to
18 awards made under paragraph (1), and allocated by
19 the Secretary proportionally to such programs based
20 on the relative share of funding appropriated to such
21 programs in the Further Consolidated Appropria-
22 tions Act, 2020 (Public Law 116–94; 113 Stat.
23 2593) and which may be used to defray expenses
24 (including lost revenue, reimbursement for expenses
25 already incurred, technology costs associated with

1 distance education, faculty and staff trainings, and
2 payroll) incurred by institutions of higher education
3 and for grants to students for any component of the
4 student's cost of attendance, including food, housing,
5 course materials, technology, health care, and child
6 care, with any such students receiving such grants
7 determined solely by the institution.

8 (3) 5 percent for grants under part B of title
9 VII of the Higher Education Act of 1965 for institu-
10 tions of higher education that the Secretary deter-
11 mines through an application process not less than
12 90 days have the greatest unmet needs related to
13 coronavirus, which may be used to defray expenses
14 (including lost revenue, reimbursement for expenses
15 already incurred, technology costs associated with a
16 transition to distance education, faculty and staff
17 trainings, and payroll) incurred by institutions of
18 higher education and for grants to students for any
19 component of the student's cost of attendance, such
20 as food, housing, course materials, technology,
21 health care, and child care, with any such students
22 receiving such grants determined solely by the insti-
23 tution.

24 (b) DISTRIBUTION.—The funds made available to
25 each institution under subsection (a)(1) shall be distrib-

1 uted by the Secretary using the same systems as the Sec-
2 retary otherwise distributes funding to each institution
3 under title IV of the Higher Education Act of 1965.

4 (c) USES OF FUNDS.—

5 (1) IN GENERAL.—Except as otherwise speci-
6 fied in subsection (a), an institution of higher edu-
7 cation receiving funds under this section—

8 (A) shall use not less than 50 percent of
9 such funds to provide financial aid grants to
10 students (including students exclusively enrolled
11 in distance education), which may be used for
12 any component of the student's cost of attend-
13 ance or for emergency costs that arise due to
14 coronavirus, such as food, housing, course ma-
15 terials, technology, health care, or child care
16 with any such students receiving such grants
17 determined solely by the institution; and

18 (B) may use funds received to defray ex-
19 penses associated with coronavirus (including
20 lost revenue, reimbursement for expenses al-
21 ready incurred, technology costs associated with
22 a transition to distance education, faculty and
23 staff trainings, and payroll).

24 (2) UNSPENT CARES FUNDS.—Notwithstanding
25 any other provision of law, any funds provided to an

1 institution of higher education under section 18004
2 of the Coronavirus Aid, Relief, and Economic Secu-
3 rity Act (20 U.S.C. 3401 note) that are not spent
4 by the date of enactment of this Act shall be ex-
5 pended in accordance with paragraph (1).

6 (d) SPECIAL PROVISIONS.—

7 (1) A Historically Black College and University
8 or a Minority-Serving Institution may use prior
9 awards provided under titles III, V, and VII of the
10 Higher Education Act of 1965 to prevent, prepare
11 for, and respond to coronavirus.

12 (2) No funds received by an institution of high-
13 er education under this section shall be used to fund
14 contractors for the provision of pre-enrollment re-
15 cruitment activities, endowments, or capital outlays
16 associated with facilities related to athletics, sec-
17 tarian instruction, or religious worship.

18 (3) An institution of higher education that was
19 required to remit payment to the Internal Revenue
20 Service for the excise tax based on investment in-
21 come of private colleges and universities under sec-
22 tion 4968 of the Internal Revenue Code of 1986 for
23 tax year 2019 or 2020 shall have their allocation
24 under this section reduced by 50 percent and may
25 only use funds for activities described in subsection

1 (c)(1). This paragraph shall not apply to an institu-
2 tion of higher education designated by the Secretary
3 as an eligible institution under section 448 of the
4 Higher Education Act of 1965 (20 U.S.C. 1087–
5 58).

6 (e) REALLOCATION.—Any funds allocated to an insti-
7 tution of higher education under this section on the basis
8 of a formula described in paragraph (1) or (2) of sub-
9 section (a) but for which an institution does not apply for
10 funding not later than 60 days after the date of the publi-
11 cation of the notice inviting applications, shall be reallo-
12 cated in accordance with the formula described in such
13 subsection to eligible institutions that had submitted an
14 application by such date.

15 CONTINUED PAYMENT TO EMPLOYEES

16 SEC. 5105. A local educational agency, State, institu-
17 tion of higher education, or other entity that receives
18 funds under “Education Stabilization Fund” shall, to the
19 greatest extent practicable, continue to pay its employees
20 and contractors during the period of any disruptions or
21 closures related to coronavirus.

22 REPORTS

23 SEC. 5106. (a) REPORTS ON USE OF FUNDS.—

24 (1) A local educational agency, State, institu-
25 tion of higher education, or other entity that receives
26 funds under “Education Stabilization Fund” under

1 this subtitle or under the “Education Stabilization
2 Fund” under the Coronavirus Aid, Relief, and Eco-
3 nomic Security Act (Public Law 116–136), shall
4 submit a report to the Secretary, not later than 1
5 year after the date of receipt of such funds, in such
6 manner and with such subsequent frequency as the
7 Secretary may require, that provides a detailed ac-
8 counting of the use of such funds.

9 (2) The Secretary, in consultation with the Di-
10 rector of the Institute of Education Sciences, shall
11 develop a template for all States and local edu-
12 cational agencies and other entities that receive
13 funds under “Education Stabilization Fund” under
14 this subtitle or under the “Education Stabilization
15 Fund” under the Coronavirus Aid, Relief, and Eco-
16 nomic Security Act (Public Law 116–136) to use to
17 report the required data under this subsection in a
18 standardized manner and to report any additional
19 data required by the Secretary in a standardized
20 manner.

21 (3) The Secretary shall prepare and submit a
22 public report to Congress containing the results of
23 the reports submitted under paragraph (1).

24 (b) STATE AND LOCAL REPORTS ON RESPONDING TO
25 THE CORONAVIRUS.—

1 (1) A State that receives funds under the “Ele-
2 mentary and Secondary School Emergency Relief
3 Fund” under this subtitle or under the “Elementary
4 and Secondary School Emergency Relief Fund”
5 under the Coronavirus Aid, Relief, and Economic
6 Security Act (Public Law 116–136), shall submit a
7 report to the Secretary, not later than December 31,
8 2022.

9 (2) A local educational agency that receives
10 funds under the “Elementary and Secondary School
11 Emergency Relief Fund” under this subtitle or
12 under the “Elementary and Secondary School Emer-
13 gency Relief Fund” under the Coronavirus Aid, Re-
14 lief, and Economic Security Act (Public Law 116–
15 136), shall submit a report to the State educational
16 agency, at such time and including such information
17 as needed by the State educational agency to comply
18 with paragraph (1).

19 (3) The reports described in paragraphs (1)
20 and (2) shall include, at a minimum and to the ex-
21 tent practicable, the following data for the 2019-
22 2020 school year, beginning on the date of a quali-
23 fying emergency, and separately for both the 2020-
24 2021 school year and the 2021-2022 school year for

1 the period during which a qualifying emergency re-
2 mained in effect:

3 (A) The number and percentage of stu-
4 dents in each local educational agency that at-
5 tended school in-person on a full-time basis,
6 using a hybrid model that included a combina-
7 tion of in-person and remote learning, or using
8 remote learning on a full-time basis, and the
9 percentage of time students spent in each
10 school attendance model for all students and
11 students disaggregated in accordance with the
12 requirements of section 1111(b)(2)(B)(xi) of
13 the ESEA, except that data do not have to be
14 provided at the school level.

15 (B) Assessments administered, if applica-
16 ble, to determine whether students experienced
17 a loss of learning in reading or mathematics as-
18 sociated with a qualifying emergency.

19 (C) The results of the assessments de-
20 scribed in subparagraph (B) for all students
21 and students disaggregated in accordance with
22 the requirements of section 1111(b)(2)(B)(xi)
23 of the ESEA except that data do not have to
24 be provided at the school level.

1 (D) A summary of the actions taken by the
2 State and each local educational agency to ad-
3 dress any identified learning loss associated
4 with a qualifying emergency.

5 (4) Data shall not be disaggregated under para-
6 graph (3) in the case of a State or local educational
7 agency in which the number of students in a sub-
8 group is insufficient to yield statistically reliable in-
9 formation or the results would reveal personally
10 identifiable information about an individual student.

11 (5) The Secretary, in consultation with the Di-
12 rector of the Institute of Education Sciences, shall
13 develop a template for all States and local edu-
14 cational agencies to use to report the required data
15 under this subsection in a standardized manner and
16 to report any additional data required by the Sec-
17 retary in a standardized manner.

18 (6) The Secretary shall prepare and submit a
19 public report to Congress containing the results of
20 the reports submitted under paragraph (1).

21 (c) **STUDY ON INSTRUCTIONAL LOSS.**—Not later
22 than 1 year after the date of enactment of this Act, the
23 Secretary, acting through the Director of the Institute of
24 Education Sciences, shall—

1 (b) WAIVER AUTHORITY.—The Secretary may waive
2 the requirement in subsection (a) for the purpose of reliev-
3 ing fiscal burdens on States that have experienced a pre-
4 cipitous decline in financial resources.

5 FLEXIBILITIES FOR CORPORATION FOR NATIONAL AND
6 COMMUNITY SERVICE

7 SEC. 5108. During the period beginning on the date
8 of enactment of this Act and ending on the date of the
9 end of a qualifying emergency, notwithstanding any other
10 provision of law, if a grantee of the Corporation for Na-
11 tional and Community Service under a program author-
12 ized under the National and Community Service Act of
13 1990 (42 U.S.C. 12501 et seq.), including a State Com-
14 mission or an entity receiving subgrant funds, is unable
15 to meet a requirement to provide matching funds due to
16 funding constraints resulting from a qualifying emergency,
17 the Chief Executive Officer of the Corporation for Na-
18 tional and Community Service may—

19 (1) waive any requirement that such grantee
20 provide matching funds for a program; and

21 (2) increase the Federal share of the grant for
22 such program up to 100 percent.

23 21ST CENTURY COMMUNITY LEARNING CENTERS

24 CORONAVIRUS RELIEF

25 SEC. 5109. (a) FLEXIBLE USE OF SUBGRANT
26 FUNDS.— Notwithstanding each provision in part B of

1 title IV of the Elementary and Secondary Education Act
2 of 1965 (20 U.S.C. 7171 et seq.) that requires activities
3 under such part to be carried out during nonschool hours
4 or periods when school is not in session, for the period
5 under which a public health emergency declared by the
6 Secretary of Health and Human Services under section
7 319 of the Public Health Service Act (42 U.S.C. 247d)
8 on January 31, 2020, with respect to COVID–19 is in
9 effect or until June 30, 2022, whichever is later, an eligi-
10 ble entity that is awarded a subgrant under section 4204
11 of such Act (20 U.S.C. 7174) for community learning cen-
12 ters may use such subgrant funds to carry out activities
13 described in section 4205 of such Act (20 U.S.C. 7175)—

14 (1) during the regular school day for students
15 eligible to receive services under part B of title IV
16 of such Act (20 U.S.C. 7171 et seq.) when the stu-
17 dent is not receiving full-time in-person instruction;

18 (2) regardless of whether such activities are
19 conducted in person or virtually; and

20 (3) if such activities supplement but do not sup-
21 plant regular school day instruction.

22 (b) COMPLIANCE WITH HEALTH MANDATES.—An el-
23 igible entity that is awarded a subgrant under section
24 4204 of the Elementary and Secondary Education Act of
25 1965 (20 U.S.C. 7174) for a community learning center

1 shall implement all applicable State, local, and Tribal
2 health and safety requirements, and, if applicable, en-
3 hanced protocols related to the public health emergency
4 declared by the Secretary of Health and Human Services
5 under section 319 of the Public Health Service Act (42
6 U.S.C. 247d) on January 31, 2020, with respect to
7 COVID-19.

8 (c) APPLICATION TO PROVIDE SERVICES DURING
9 THE SCHOOL DAY.—An eligible entity that seeks to pro-
10 vide services pursuant to the authority under this section
11 shall submit to the State educational agency in such form
12 as the State educational agency may require, an adden-
13 dum to the eligible entity’s application submitted under
14 section 4204(b) of the Elementary and Secondary Edu-
15 cation Act of 1965 (20 U.S.C. 7174(b))—

16 (1) specifying how such subgrant funds and any
17 additional funds that will be used to implement the
18 purposes of this section will be used to carry out the
19 activities described in section 4205 of the Elemen-
20 tary and Secondary Education Act of 1965 (20
21 U.S.C. 7175); and

22 (2) describing how the eligible entity will com-
23 ply with subsection (b).

1 EXTENSION OF TEMPORARY RELIEF FOR FEDERAL
2 STUDENT LOAN BORROWERS

3 SEC. 5110. (a) AMENDMENTS.—Section 3513 of the
4 CARES Act (Public Law 116–136; 20 U.S.C. 1001 note)
5 is amended—

6 (1) in subsection (a), by striking “September
7 30, 2020” and inserting “April 1, 2021”; and

8 (2) in subsection (g)(2), by striking “August 1,
9 2020” and inserting “February 1, 2021”.

10 (b) NOTICE TO BORROWERS.—To inform borrowers
11 of the actions taken in accordance with the amendments
12 made under subsection (a) and to ensure an effective tran-
13 sition, the Secretary shall, not later than 15 days after
14 the date of enactment of this Act, notify borrowers of the
15 extension of temporary relief for Federal student loan bor-
16 rowers.

17 DEFINITIONS

18 SEC. 5111. Except as otherwise provided in sections
19 5101 through 5109 of this subtitle, as used in such sec-
20 tions—

21 (1) the term “career and technical education”
22 has the meaning given the term in section 3 of the
23 Carl D. Perkins Career and Technical Education
24 Act of 2006 (20 U.S.C. 2302);

1 (2) the term “cost of attendance” has the
2 meaning given such term in section 472 of the High-
3 er Education Act of 1965 (20 U.S.C. 1087l);

4 (3) the term “early childhood education pro-
5 gram” has the meaning given the term in section
6 103 of the Higher Education Act of 1965 (20
7 U.S.C. 1003);

8 (4) the terms “elementary education” and “sec-
9 ondary education” have the meaning given such
10 terms under State law;

11 (5) the terms “Indian Tribe” and “Tribal orga-
12 nization” have the meaning given those terms in sec-
13 tion 4 of the Indian Self-Determination and Edu-
14 cation Assistance Act (25 U.S.C. 5304);

15 (6) the term “institution of higher education”
16 means an institution defined under title I of the
17 Higher Education Act of 1965 (20 U.S.C. 1001 et
18 seq.);

19 (7) the term “Minority-Serving Institution”
20 means an institution of higher education eligible to
21 receive funding under section 371(a) of the Higher
22 Education Act of 1965 (20 U.S.C. 1067q(a));

23 (8) the term “non-public school” means a non-
24 public elementary or secondary school that—

1 (A) is accredited, licensed, or otherwise op-
2 erates in accordance with State law; and

3 (B) was in existence prior to the date of a
4 qualifying emergency for which grants are
5 awarded under this subtitle;

6 (9) the term “public school” means a public ele-
7 mentary or secondary school;

8 (10) the term “qualifying emergency” has the
9 meaning given the term in section 3502(a)(4) of the
10 Coronavirus Aid, Relief, and Economic Security Act
11 (Public Law 116–136);

12 (11) the term “Secretary” means the Secretary
13 of Education;

14 (12) the term “State” means each of the 50
15 States, the District of Columbia, and the Common-
16 wealth of Puerto Rico; and

17 (13) any other term used that is defined in sec-
18 tion 8101 of the ESEA (20 U.S.C. 7801) shall have
19 the meaning given the term in such section.

20 **TITLE VI—RESCISSIONS**

21 **SEC. 6001. RESCISSIONS.**

22 (a) EXCHANGE STABILIZATION FUND.—

23 (1) RESCISSION.—Of the unobligated balances
24 made available under section 4027 of the CARES
25 Act (15 U.S.C. 9061), \$429,000,000,000 shall be

1 permanently rescinded not later than January 1,
2 2021 in accordance with this Act.

3 (2) SUBSEQUENT RESCISSION OF REMAINING
4 FUNDS.—Unless otherwise agreed to by the Board of
5 Governors of the Federal Reserve System and the
6 Secretary of the Treasury not later than January 1,
7 2021, any remaining unobligated balances made
8 available under section 4027 of the CARES Act (15
9 U.S.C. 9061) shall be permanently rescinded on
10 January 1, 2021.

11 (3) CLARIFICATION.—With respect to loans,
12 loan guarantees, or other investments made pursu-
13 ant to section 4003(b)(4) of the CARES Act (15
14 U.S.C. 9061), there remains appropriated an
15 amount not less than the sum of extensions of credit
16 made on or before December 31, 2020 under a pro-
17 gram or facility in which the Secretary has made an
18 investment pursuant to section 4003(b)(4) of the
19 CARES Act (15 U.S.C. 9061).

20 (b) LOANS, LOAN GUARANTEES, AND OTHER IN-
21 VESTMENTS.—Effective on January 1, 2021, section 4003
22 of the CARES Act (15 U.S.C. 9042) is amended—

23 (1) in subsection (a), by striking
24 “\$500,000,000,000” and inserting “\$0”; and

25 (2) in subsection (b)—

1 (A) in the subsection heading, by striking
2 “LOANS” and inserting “NEW LOANS”;

3 (B) in paragraph (1), by striking
4 “25,000,000,000” and inserting “0”;

5 (C) in paragraph (2), by striking
6 “\$4,000,000,000” and inserting “0”;

7 (D) in paragraph (3), by striking
8 “\$17,000,000,000” and inserting “0”; and

9 (E) in paragraph (4), in the matter pre-
10 ceeding subparagraph (A), by striking
11 “\$454,000,000,000” and inserting “\$0”.

12 **SEC. 6002. DEPOSIT OF PROCEEDS.**

13 Section 4003(e) of the CARES Act (15 U.S.C.
14 9042(e)) is amended, in the matter preceding paragraph
15 (1), by striking “Amounts” and inserting “Notwith-
16 standing any other provision of law, amounts”.

17 **TITLE VII—OTHER MATTERS**

18 **SEC. 7001. EXTENSION OF REIMBURSEMENT AUTHORITY**

19 **FOR FEDERAL CONTRACTORS.**

20 Section 3610 of the CARES Act (Public Law 116–
21 136; 134 Stat. 414) is amended by striking “September
22 30, 2020” and inserting “April 30, 2021”.