

The American Rescue Plan Act - Summary of Senate Modifications to the House Bill

AGRICULTURE COMMITTEE

- **Sec.1001, Food supply chain and agriculture pandemic response:** Adds “seafood” into the list of commodities the Secretary of Agriculture is allowed to purchase and adds a provision that allows the Secretary to make grants and loans to seafood processing facilities and processing vessels, in addition to grants and loans to small and midsized food processors or distributors already required under the current bill text. Strikes language requiring the Secretary to carry out animal surveillance in accordance with the guidance provided by the World Organization for Animal Health.
- **Sec. 1005, Debt Relief Flexibility:** This change would provide Secretary of Agriculture the flexibility to provide “up to” 120% of the outstanding debt of BIPOC farmers, rather than current language that specifies exactly equal to 120%. This change provides limited discretion to the Secretary to provide appropriate relief.
- **Sec. 1006, USDA assistance and support for farmers and ranchers of color:** Strikes the following provisions: support for development of agricultural credit institutions, support for legal centers, and support for pilot projects on land acquisition. Adds minimum funding requirements for remaining uses of assistance fund. Clarifies that former holders of USDA loans can be given “financial” assistance in addition to general support.
- **Sec. 1105: Improvements to WIC benefits:** added WIC recipients with special dietary needs to list of participants that can receive the increase in Cash Value Vouchers.

BANKING COMMITTEE

- **Sec. 3101, Defense Production Act:** Removes a notwithstanding clause that would have waived a carryover provision related to DPA funding availability after September 30, 2022.
- **Sec. 3201, Emergency Rental Assistance:** Increases the funding to be distributed to high-need grantees to \$2.5 billion from \$1.2 billion in the House version.
- **Sec. 3301, State Small Business Credit Initiative:** Strikes provisions that would have required states to develop plans related to: CDFI and MDI participation, pandemic response, and predatory lending. Also strikes provisions that would have required the Treasury Secretary to oversee states’ expenditures of funds for businesses owned by socially and economically disadvantaged individuals and established a minimum amount of support for such businesses.
- **Sec. 3206, Homeowner Assistance Fund:** Increases the minimum state allocation to \$50 million from \$40 million in the House version.
- **Sec. 3401, Federal Transit Administration Grants:** Removes relief funding for projects under an existing pilot program for transit construction due to Byrd rule issues. Removes a formula provision that applied to urbanized areas receiving 130 to 132 percent of a full year’s operating expenses due to Byrd rule issues.

COMMERCE COMMITTEE

- **Sec. 7601, Corporation for Public Broadcasting:** Provides \$175 million to the CPB for support related to COVID to continue programming.
- **Sec. 7402, E-rate/remote learning:** Provides \$7.172 billion.
- **Sec. 7101, Amtrak:** Increases the total amount of funding up to \$1.7 billion from the House's \$1.5 billion.
- **Sec. 7404, Federal Trade Commission:** Provides \$30.4 million for consumer protection work related to COVID-19.
- **Sec. 7104, TSA emergency leave:** Provides parity for TSA employees compared to all other Federal employees for leave related to COVID-19 illnesses.
- **Sec. 7103, FAA emergency leave:** Includes the word "civilian" in reference to retirement benefits.

ENVIRONMENT AND PUBLIC WORKS COMMITTEE

- **Sec. 6001, Economic Adjustment Assistance:** 25% of the \$3 billion for the Economic Development Administration is set-aside for communities and States that have suffered economic injury due to job losses in the travel, tourism, or outdoor recreation sectors. The House-passed bill had set aside 15%.
- **Sec. 6003, United States Fish and Wildlife Service:** The provision providing \$10 million to list species as injurious under the Lacey Act was broadened with the deletion of the specific direction regarding species that transmit pathogens that could potentially pose a risk to human health. The part of the provisions requiring the USFWS to develop regulations to develop a process to make emergency listings for injurious species was also removed.
- **Great Lakes St. Lawrence Seaway Development Corporation Operations and Maintenance:** The House-passed provision providing \$1.5 million for operational shortfalls due to COVID-19 at the Seaway International Bridge was removed.

FINANCE COMMITTEE

- **Sec. 9011 – Sec. 9032 (Subtitle A, Crisis Support for Unemployed Workers):** The unemployment insurance provisions in Subtitle A extend all Families First and CARES Act unemployment programs until September 6 (compared to August 29 in the House bill). The Senate bill reduced the amount of Federal Pandemic Unemployment Compensation (sec. 9013) from \$400 to \$300. The Senate bill also made several technical corrections in this subtitle.
- **Sec. 9041, Extension of Limitation on Excess Business Losses of Noncorporate Taxpayers:** Extends the Section 461(l) excess business loss limitations for non-corporate taxpayers that was put into place by the 2017 Republican tax bill by one year. The provision is currently set to expire at the end of 2025; this amendment extends the limitation through the end of 2026.
- **Sec. 9042, Suspension of Tax on Portion of Unemployment Compensation:** Excludes \$10,200 of unemployment compensation from income for tax year 2020 for households with incomes under \$150,000.

- **Sec. 9401, Infection Control Support to Skilled Nursing Facilities:** Clarifies that the Secretary must require Quality Improvement Organizations to provide support to skilled nursing facilities and adds vaccination uptake support to the required activities.
- **Sec. 9402, Funding for Strike Teams:** Extends the period for expending funds until 1 year after the end of the COVID-19 public health emergency period.
- **Sec. 9501, COBRA:** Increases the federal subsidy for COBRA coverage from 85% to 100% of premiums.
- **Sec. 9601, Economic Impact Payments:** Phases out the Economic Impact Payments at \$75,000 to \$80,000 for individuals, \$112,500–\$120,000 for head of household, and \$150,000–\$160,000 for joint filers
- **Sec. 9641, payroll credits for paid sick and family leave:** Provides for reimbursement of pension plan and apprenticeship program contributions made by employers under collective bargaining agreements that are allocable to employee paid sick and family leave. Clarifies that paid leave wages do not include wages taken into account as payroll costs under certain Small Business Administration programs.
- **Sec. 9651, ERTC:** Expands the ERTC to (1) allow the hardest hit businesses to count all wages paid as qualifying wages, not just those wages paid to employees that are not providing services and (2) allow certain start-up businesses to be eligible for the credit. The provision also clarifies that (1) employers that were not in existence in 2019 must use their average number of 2020 employees for purposes of determining the credit wage base and (2) qualified wages do not include wages taken into account as payroll costs under certain Small Business Administration programs.
- **Sec. 9675, Student Loan Relief Tax Exclusion:** Forgives income taxes on forgiven student loan debt, for loans discharged between December 31, 2020 and January 1, 2026.
- **Sec. 9704, special financial assistance program for multiemployer pensions:** Removes a requirement that withdrawal liability be determined for 15 years without regard to financial assistance, and removes a notice to employers on withdrawal liability.
- **Sections 9705 and 9706, funding relief for single employer pension plans:** Permits employers to elect whether to apply the funding relief (longer amortization periods and higher interest rates) retroactively.
- **Section 9708, Employee Remuneration Deduction:** Current law limits public companies from deducting more than \$1 million in compensation paid to the CEO, CFO, and the next 3 highest paid officers. The 2017 Republican tax law added the CFO to this list. The substitute adds to the \$1 million compensation deduction limit the next highest paid 5 employees. The provision would take effect for tax years after December 31, 2026.
- **Sec. 9812 & Sec. 9822, Medicaid and CHIP 12 Months Postpartum Coverage:** Amends the language to provide a 5 year state plan option
- **Sec. 9816, AMP Cap:** Amends the implementation date to 2024 for the sunset of the limit on maximum rebate amount for single source drugs and innovator multiple source drugs under Medicaid.

- **Sec. 9817, HCBS:** Increases the one-year enhanced FMAP for home and community-based services from 7.35 percent to 10 percent.
- **Sec. 9818, Funding for State Strike Teams:** Extends the period for expending funds until 1 year after the end of the COVID-19 public health emergency period.
- **Sec. 9831, Medicare:** Establishes a minimum wage index for hospitals in all-urban states for purposes of Medicare hospital payments, beginning October 1, 2021.
- **Sec. 9832, Medicare:** Provides authority to waive Medicare requirement that a ground ambulance service include transport of a beneficiary during the COVID-19 public health emergency.
- **Sec. 9901, Coronavirus State and Local Relief Fund:** Establishes a requirement that small states receive at least the amount they received under the CARES Act's Coronavirus Relief Fund. Prohibits states and territories from using funds to cut taxes. Divides the local allocation of funds into two equal tranches of payments spaced 12 months apart. Adds a new \$10 billion Critical Infrastructure Projects program to help States, territories, and Tribal governments carry out critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to COVID-19. Makes clear that funds can be used to replace revenue lost during the COVID-19 crisis, for local economic relief and recovery purposes, including assistance to households, essential workers, small businesses and nonprofits, assistance to hard-hit industries like tourism, travel, and hospitality, and infrastructure investment. Adds a **new \$2 billion county and Tribal assistance fund** to make payments to eligible revenue-sharing counties and Tribes. Eligible counties and Tribes are those for which the Secretary determines there is a negative revenue impact owing to implementation of Federal programs or changes to those programs.
- **Sec. 9911, Provider Relief:** Creates an \$8.5 billion fund for Rural providers.
- **Sec. 9912, Extension of Customs User Fees.**

FOREIGN RELATIONS COMMITTEE

- No significant policy changes.

HELP COMMITTEE

- **Sec. 2001, ESSER Funding:** Funds ESSER at \$122,774,800,000.
- **Sec. 2001, ESSER Timing:** Requires all states to subgrant ESSER funds to their local educational agencies, to the extent practicable, not later than 60 days after the State receives such funds.
- **Sec. 2001 ESSER State-level Requirements:** Includes two new mandatory one percent reservations at the State level for implementing evidence based summer enrichment and afterschool programs.
- **Sec. 2001, ESSER Uses of Funds:** Includes implementation of full-service community schools in the allowable uses of funds and adds summer enrichment in the examples of allowable activities to address learning loss. Removes one allowable use of funds related to school leaders due to Byrd issues.
- **Sec. 2001, ESSER Reporting Requirement:** Removes reporting requirement due to Byrd issues.

- **Sec. 2001, Funding for Students Experiencing Homelessness:** Includes \$800 million in dedicated funding to support the identification and provision of wraparound services for children and youth experiencing homelessness.
- **Sec. 2002, Emergency Assistance to Non-Public Schools:** Provides \$2.75 billion in funding to States to provide services to non-public schools through EANS in lieu of providing assistance to non-public students through equitable services in ESSER.
- **Sec. 2003, Higher Education Emergency Relief Fund:** No changes.
- **Sec. 2004, Maintenance of Equity:** Makes policy improvements to the maintenance of equity provisions included in the House bill, with the intent to ensure higher-poverty local educational agencies and schools do not face disproportionate cuts. This amendment would change the methodology for determining which high-need local educational agencies, highest poverty local educational agencies, and high-poverty schools are protected under the maintenance of equity provision's fiscal guardrails. Additionally, the amendment would make necessary corrections to address charter schools in states where charter schools are authorized as individual local educational agencies.
- **Section 2013: Modification of Revenue Requirements for Proprietary Institutions of Higher Education:** This section was amended so that the negotiated rule will commence not earlier than October 1, 2021 and will be applied to institutional fiscal years beginning on or after January 1, 2023.
- **Section 2014: Funding for the Individuals with Disabilities Education Act:** Provides funding for programs authorized under IDEA, including \$2.58 billion for grants to states under Part B, \$200 million for preschool grants under section 619, and \$250 million for infants and toddlers programs under Part C.
- **Section 2101, DOL Funding:** In response to the Parliamentarian finding that the budget impact of the Longshore Act provisions was merely incidental to their policy impact, a portion of the cost otherwise attributable to Section 2104 is redirected to DOL enforcement. The DOL enforcement amount is raised to \$200 million total from \$150 million, and OSHA's portion is increased from to \$100 million from \$75 million.
- **Sec. 2201, Child Care and Development Block Grant:** Clarifies that this funding is meant to supplement, not supplant state funding for child care.
- **Sec. 2202, Child Care Stabilization:** Moves language for the child care stabilization appropriation into section 2202 so that it is in the same place as the child care stabilization policy (it was previously in section 2201(b)).
- **Sec. 2204, Programs for Survivors:** Modifies language in the House bill to ensure grantees can utilize funds in a way that best serves survivors, including allowing grantees to spend money over a longer period of time and allowing grantees to provide direct cash assistance to survivors, which can be necessary for survivors to safely access housing and other services.
- **Sec. 2301, Funding for COVID-19 Vaccine Activities at the Centers for Disease Control and Prevention:** Adds a supplemental funding opportunity for state, locality and territory vaccine distribution grants from December COVID relief package based on entities receiving the higher of two distribution formulas; Clarifies use of standards for data and data sharing under (b)(2)(D).

- **Sec. 2305, Reduced Cost-Sharing:** Expands eligibility for cost-sharing reductions to individuals who receive unemployment compensations during 2021, providing such individuals the most generous cost-sharing reduction.
- **Sec. 2401, Funding for COVID-19 Testing, Contact Tracing, and Mitigation Activities:** Expands description of laboratory capacity investments under (b)(4)(A)
- **Subtitle H: Mental Health and Substance Use Disorder:** Changes made throughout to clarify intent to specify support is for substance use disorder services.
- **Sec. 2701, Block Grants for Community Mental Health Services:** Funding level changed to \$1.5 billion for fiscal year 2021.
- **Sec. 2702, Block Grants for Prevention and Treatment of Substance Abuse:** Funding level changed to \$1.5 billion for fiscal year 2021.
- **Sec. 2712, Funding for Pediatric Mental Health Care Access:** New section to provide \$80 million for the Pediatric Mental Health Care Access program.
- **Section 2713, Funding for Certified Community Behavioral Health Clinics:** New section to provide \$420 million for grants for Certified Community Behavioral Health Clinics.
- **Sec. 2801, Grant funding state-based marketplace modernization:** Limits the availability of grant funding for state-based marketplaces to two years.
- **Sec. 2912, Funding for Water Assistance Program:** Adds a definition of “state” to clarify that DC and the territories should be included in this program.
- **Sec. 2921, Supporting Older Americans And Their Families:** Funding level changed to \$1.434 billion for fiscal year 2021.
- **Sec. 2922, National Technical Assistance Center on Grandfamilies and Kinship Families:** New section to provide \$10 million to establish a National Technical Assistance Center to provide resources for programs and organizations that serve grandfamilies and kinship families to support the health and well-being of such families.
- **Minimum Wage and Longshore:** In response to the Parliamentarian finding that the budget impact of these provisions was merely incidental to their policy impacts, the Sections on Minimum Wage and the Longshore Act have been struck.

HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE

- **Sec. 4007. Emergency Food and Shelter Program Funding:** Provides \$400 million for support to homeless services providers in communities across the nation for overnight shelter, meals, assistance to food banks and pantries, one month's rental or mortgage assistance to prevent evictions, and one month's utility payments to prevent service cut-offs.
- **Sec. 4008. Humanitarian Relief:** In addition to the funding provided to EFSP, \$110 million is provided to support communities and organizations assisting with the humane, safe, and orderly reception of migrant families and individuals during the COVID-19 pandemic.
- **Sec. 4009, Cybersecurity Risk Mitigation:** Provides \$650 million dollars to the DHS Cybersecurity and Infrastructure Security Agency (CISA) to mitigate cybersecurity risks such as those resulting from agencies’ rapid shift to working from home, and continued efforts to hack vaccine development.

- **Sec. 4010, U.S. Digital Service:** Provides \$200 million for the United States Digital Service (USDS) to meet high demand from agencies for continued help delivering better services, including vaccine distribution (particularly for veterans), unemployment assistance, stimulus checks, and others.
- **Sec. 4011, Technology Modernization Fund (TMF):** Provides \$1 billion to General Services Administration (GSA) for its structured process to help agencies accelerate modernization of outdated systems, such as those that have hampered the Department of Labor from processing volumes of State unemployment data, and accurate IRS distribution of stimulus checks.
- **Sec. 4012, GSA Federal Citizen Services Fund:** \$150 million to provide shared services that agencies across government can leverage to better inform the American public and deliver the benefits and services that Congress has provided in the fight against COVID.
- **Sec. 4013: Support for our firefighters:** Delivers \$300 million in relief for our nation's brave firefighters across two FEMA grant programs. These critical funds will help ensure these heroes have access to PPE, are able to be paid for sick leave and overtime, and fire departments have the support they need in the face of revenue shortfalls due to the pandemic.
- **Sec. 4014: Relief for local emergency services:** Includes \$100 million for state and local emergency management agencies so that our communities can continue battling back against COVID and rolling out the vaccine to the American people.

INDIAN AFFAIRS COMMITTEE

- **Sec. 11003, Housing Assistance and Supportive Programs for Native Americans:** This change clarifies that the funds reserved for the Department of Hawaiian Homelands are not solely for emergency rental assistance purposes.
- **Sec. 11004, COVID-19 Response Resources for the Preservation and Maintenance of Native American Languages:** This change increased funding for the Administration for Native Americans for emergency grants to Native American communities whose language revitalization and maintenance activities have been disrupted by the COVID-19 pandemic to \$20,000,000.
- **Sec. 11005, Bureau of Indian Education:** This change would appropriate the \$850 million in COVID-19 education relief funds allocated to the Bureau of Indian Education directly to the Bureau of Indian Education, rather than first flowing through the Department of Education. It further extends the deadline by which the Bureau must allocate these funds from 30 days to 45 days. And, finally, it clarifies that the Bureau may use a portion of these funds to carry out administrative activities for federally-operated Bureau schools.
- **Sec. 11006, American Indian, Native Hawaiian, and Alaska Native Education:** This change adds a new section to the Committee on Indian Affairs' Title that appropriates \$190 million to the Department of Education for grants to Tribal education agencies, Native Hawaiian education organizations, and Alaska Native education organizations. The Department may use these funds for new or supplemental awards to eligible entities for purposes authorized by the *Elementary and Secondary Education Act* Title on American Indian, Native Hawaiian, and Alaska Native education.

SMALL BUSINESS COMMITTEE

- **Sec. 5001, Modifications to the Paycheck Protection Program:** The change maintains application of SBA's affiliation rules to nonprofit organizations. Larger nonprofits confirmed that the affiliation waiver was not necessary and that they would still be able to access PPP based on the employee headcount calculated at the individual physical location level rather than the entire organization.
- **Sec. 5003, Support for Restaurants:** Removes language that would limit payments from grant recipients to certain entities regulated by the Investment Company Act and the Investment Advisor Act. This provision presented jurisdictional issues under the Byrd Rule and was removed to avoid a parliamentary challenge. We believe SBA has administrative authority to issue regulations that ensure that funding is used primarily to keep restaurants in operation and not to compensate these type of investors.
- **Sec. 5005, Shuttered Venue Operators:** This change would ensure that eligible applicants can access both the Shuttered Venue Operators Grant and PPP. This change is necessary to ensure that eligible applicants are not forced to forgo the SVOG due to the program's delayed start date. Because PPP closes on March 31 and SVOG is not expected to come online until shortly before then, many eligible venues will have no choice but to take the smaller PPP award and disqualify themselves from SVOG.

VETERANS AFFAIRS COMMITTEE

- **Sec. 8002, Funding Availability for Medical Care and Health Needs:** Increases the funding available to VA to \$14.5 billion, from \$13.5 billion, to provide health care services and related support to eligible veterans.
- **Sec. 8007, Copayment Waiver:** Provides \$1 billion based on new data from VA, for VA to make itself whole after waiving copayments for veterans during the pandemic and to reimburse veterans who have paid copayments during that same time.