

Summary of Modifications in the Senate Substitute

Please note: this document is subject to change as we continue to move through the Senate Reconciliation and Byrd Bath process.

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.
- **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 would also provide limited discretion to the Secretary in the case of debt relief scenarios outside of Congressional intent.
- **Sec. 1006: USDA assistance and support for farmers and ranchers of color:** Strikes the following provisions from this section: (1) supporting the development of agricultural credit institutions; (2) supporting the development of legal centers to focus on agricultural issues; and (3) supporting pilot projects that focus on land acquisition. Adds text to require that \$5 million of the funding provided in the section be provided for the equity commissions provided for in this section. Clarifies that former holders of USDA loans can be given “financial” assistance.
- **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. 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. 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.

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 bill had set aside 15%.
- **Sec. 6002, Great Lakes St. Lawrence Seaway Development Corporation Operations and Maintenance:** The House provision providing \$1.5 million for operational shortfalls due to COVID-19 at the Seaway International Bridge was removed.

FINANCE COMMITTEE

- **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:** Makes all COVID-19 student loan relief tax-free.
- **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. 9801, Child Care:** Provides a permanent increase in child care assistance of \$130 million per year.
- **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.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 for local economic recovery purposes, including assistance to households, small businesses and nonprofits, assistance to hard-hit industries like tourism, travel, and hospitality, and infrastructure investment.
- **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 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 and a mandatory 2.5 percent reservation at the State level for education technology.

- **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. 2002, Emergency Assistance to Non-Public Schools:** Provides 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. 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 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 \$100 million from \$75 million.
- **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. 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. XXXX: 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.
- **Sec. XXXX: 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.

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. 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.
- **Sec. 11004, COVID-19 Response Resources for the Preservation and Maintenance of Native American Languages:** Provides \$20 million to 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.

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.