



## **H.R. 133**

### ***DIVISION-BY-DIVISION SUMMARY OF COVID-19 RELIEF PROVISIONS***

In addition to the text of the Fiscal Year 2021 appropriations bills and authorizing matters, the spending package includes emergency coronavirus relief.

#### **Division M – Coronavirus Response and Relief Supplemental Appropriations Act, 2021**

*Prepared by the Democratic Staff of the House Committee on Appropriations*

##### **Agriculture-Rural Development-FDA**

**Food and Drug Administration** – \$55 million for continued work on FDA efforts to facilitate the development and review, both pre-market and post-market, of medical countermeasures, devices, therapies, and vaccines to combat the coronavirus. In addition, funds will support medical product supply chain monitoring and other public health research and response investments.

##### **Labor-Health and Human Services-Education**

**Department of Health and Human Services** – \$73 billion to support public health; research, development, manufacturing, procurement, and distribution of vaccines and therapeutics; diagnostic testing and contact tracing; mental health and substance abuse prevention and treatment services; child care support; and other activities related to coronavirus, including:

**Centers for Disease Control and Prevention** – \$8.75 billion to support federal, state, local, territorial and tribal public health agencies to distribute, administer, monitor, and track coronavirus vaccination to ensure broad-based distribution, access, and vaccine coverage, including:

- \$4.5 billion for State, local, Territorial, and Tribal Public Health Departments; and
- \$300 million for a targeted effort to distribute and administer vaccines to high-risk and underserved populations, including racial and ethnic minority populations and rural communities.

**Assistant Secretary for Preparedness and Response** – \$22.945 billion to respond to coronavirus, including:

- \$19.695 billion for the Biomedical Advanced Research and Development Authority (BARDA) for manufacturing and procurement of vaccines and therapeutics, as well as ancillary supplies necessary for the administration of vaccines and therapeutics; and
- \$3.25 billion for the Strategic National Stockpile.

**Public Health and Social Services Emergency Fund** – \$25.4 billion to support testing and contact tracing to effectively monitor and suppress COVID-19, as well as to reimburse for health care related expenses or lost revenue attributable to the coronavirus, including:

- \$22.4 billion for testing, contact tracing, and other activities necessary to effectively monitor and suppress COVID-19, including \$2.5 billion for a targeted effort to improve testing capabilities and contact tracing in high-risk and underserved populations, including racial and ethnic minority populations and rural communities; and

- \$3 billion in additional grants for hospital and health care providers to be reimbursed for health care related expenses or lost revenue directly attributable to the public health emergency resulting from coronavirus, along with direction to allocate not less than 85 percent of unobligated funds in the Provider Relief Fund through an application-based portal to reimburse health care providers for financial losses incurred in 2020.

**National Institutes of Health** – \$1.25 billion to support research and clinical trials related to the long-term effects of COVID-19, as well as continued support for Rapid Acceleration of Diagnostics for COVID-19.

**Substance Abuse and Mental Health Services Administration** – \$4.25 billion to provide increased mental health and substance abuse services and support, including:

- \$1.65 billion for the Substance Abuse and Prevention Treatment Block Grant;
- \$1.65 billion for the Mental Health Services Block Grant;
- \$600 million for Certified Community Behavioral Health Clinics;
- \$50 million for suicide prevention programs;
- \$50 million for Project AWARE to support school-based mental health for children;
- \$240 million for emergency grants to States; and
- \$10 million for the National Child Traumatic Stress Network;
- Not less than \$125 million of funds provided to SAMHSA must be allocated to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes across a variety of programs.

**Administration for Children and Families** – \$10.25 billion to support early childhood programs and child care providers through:

- • \$10 billion for Child Care and Development Block Grants to provide immediate assistance to child care providers; and
- • \$250 million for Head Start.

**Administration for Community Living** – \$100 million to address abuse, neglect, and exploitation of the elderly, including adult protective service and long-term care ombudsman activities.

## **Department of Education**

- **\$82 billion Education Stabilization Fund:** Flexible funding to support the educational needs of States, school districts, and institutions of higher education and the students they serve in response to coronavirus.
- \$819 million for **outlying areas and Bureau of Indian Education-operated and funded schools and Tribal Colleges and Universities**
- **\$54.3 billion for the Elementary and Secondary School Emergency Relief Fund**
  - Formula funding to States and school districts to help schools respond to coronavirus, including new allowable uses of funds for:
    - school facilities repairs and improvements, including heating, ventilation, and air conditioning systems projects to improve indoor air quality in school facilities, and
    - addressing learning loss among students, including low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care.
- **\$4.1 billion for the Governor’s Emergency Education Relief Fund, including:**
  - \$2.75 billion for Emergency Assistance to Non-Public Schools grants

- Language prohibiting States from using any funds to support vouchers or tax credit scholarship programs
- **\$22.7 billion for the Higher Education Emergency Relief Fund**
  - \$20.2 billion for public and private, non-profit institutions of higher education, including those that serve students enrolled exclusively in distance education, to be distributed by a formula taking into account head count and full-time equivalent enrollment
  - \$1.7 billion for Historically Black Colleges and Universities, Tribal Colleges and Universities, Hispanic Serving Institutions, and certain other institutions.
  - \$113 million for institutions of higher education with unmet need
  - Cap on funding for proprietary institutions and restrictions on use of funds.
- **\$11 million for National Technical Institute for the Deaf** in direct support for this university, created by the National Technical Institute for the Deaf Act, including support for students.
- **\$20 million for Howard University** in direct support for this federally-chartered HBCU, including support for students.
- **\$11 million for Gallaudet University** in direct support for this federally-chartered university, including support for students.
- **\$28 million for the Institute of Education Sciences** to cover the coronavirus related costs of implementing National Assessment of Educational Progress (NAEP) assessments.
- **\$50 million total for Student Aid Administration, Program Administration, and the Office of the Inspector General.**

## **Homeland Security**

**Federal Emergency Management Agency** – Provides up to \$2 billion in assistance through states for families with funeral expenses due to COVID through December 31, 2020. It requires FEMA to provide this assistance, which this Administration has previously declined to do, and waives an otherwise required 25% state match.

## **Transportation-Housing and Urban Development**

**FAA, Grants-in-Aid for Airports** – \$2 billion in grants for the operations and personnel cost of airports, including economic relief for retailers at the airport (i.e., concessionaires), and for assistance to communities with small airports.

**Highways** – \$10 billion to support State Departments of Transportation and certain local transportation agencies. Funds are available to replace amounts lost as a result of the coronavirus for preventive maintenance, routine maintenance, operations, and personnel costs and may also support tolling agencies and ferry systems.

**Amtrak** – \$1 billion to support Amtrak’s ability to operate Northeast Corridor, State-supported, and long-distance passenger rail service, including \$284.7 million to assist States and commuter rail providers in making required payments to Amtrak. Supports Amtrak workers by preventing further employee furloughs, requiring Amtrak to recall workers as passenger rail service is restored, barring Amtrak from replacing any furloughed workers with contractors, and preventing further reductions in long-distance rail service.

**Transit Emergency Relief** – \$14 billion for operating assistance. In combination with amounts provided in the CARES Act, this funding will ensure both urban and rural transit agencies receive amounts based on their operating expenses. The bill also provides \$50 million and spending flexibility for paratransit providers.

## **Division N – Additional Coronavirus Response and Relief**

### **Title I – Healthcare**

*Prepared by the Democratic Staff of the House Committee Energy and Commerce*

#### **Sec. 101. Supporting Physicians and Other Professionals In Adjusting to Medicare Payment Changes During 2021.**

Provides for a one-time, one-year increase in the Medicare physician fee schedule of 3.75 percent, in order to support physicians and other professionals in adjusting to changes in the Medicare physician fee schedule during 2021, and to provide relief during the COVID-19 public health emergency.

#### **Sec. 102. Extension of Temporary Suspension of Medicare Sequestration.**

Provides for a three-month delay of the Medicare sequester payment reductions through March 31, 2021.

### **Title II – Assistance to Individuals, Families, and Businesses**

*Prepared by the Democratic Staff of the House Committee on Ways & Means*

#### **Subtitle A – Unemployment Insurance**

#### **Chapter 1 – Continued Assistance to Unemployed Workers**

**Section 200.** This section provides the short title.

#### **Subchapter I – Extension of CARES Act Unemployment Provisions**

#### **Section 201. Extension and Benefit Phaseout Rule for Pandemic Unemployment Assistance.**

- Extends Pandemic Unemployment Assistance (PUA) to March 14, 2021 and allows individuals receiving benefits as of March 14, 2021 to continue through April 5, 2021, as long as the individual has not reached the maximum number of weeks.
- Increases the number of weeks of benefits an individual may claim from 39 to 50.
- Provides for appeals to be at the state level.
- Provides states authority to waive overpayments made without fault on the part of the individual or when such repayment would violate equity and good conscience.
- Provides a transition rule for certain individuals transitioning between PUA and the Pandemic Emergency Unemployment Compensation program.
- Limits payment of retroactive PUA benefits to weeks of unemployment after December 1, 2020.

#### **Section 202. Extension of Emergency Unemployment Relief for Governmental Entities and Nonprofit Organizations.**

Extends through March 14, 2021 a provision in the CARES Act which amended the Families First Coronavirus Response Act to provide federal support to cover 50% of the costs of unemployment benefits for employees of state and local governments and non-profit organizations.

#### **Section 203. Extension of Federal Pandemic Unemployment Compensation.**

Restores the Federal Pandemic Unemployment Compensation (FPUC) supplement to all state and federal unemployment benefits at \$300 per week, starting after December 26 and ending March 14, 2021.

**Section 204. Extension of Federal Funding of the First Week of Compensable Regular Unemployment for States with No Waiting Week.**

Extends through March 14, 2021 the CARES Act provision which reimbursed states for the cost of waiving the “waiting week” for regular unemployment compensation. Sets the reimbursement percentage for weeks ending after December 26, 2020 at 50 percent.

**Section 205. Extension of Emergency State Staffing Flexibility.**

Extends through March 14, 2021 the CARES Act provision which gave state unemployment offices temporary, emergency authority to use “non-merit” staff.

**Section 206. Extension and Benefit Phaseout Rule for Pandemic Emergency Unemployment Compensation.**

- Extends Pandemic Emergency Unemployment Compensation (PEUC) to March 14, 2021 and allows individuals receiving benefits as of March 14, 2021 to continue through April 5, 2021, as long as the individual has not reached the maximum number of weeks.
- Increases the number of weeks of benefits an individual may claim through the PEUC program from 13 to 24.
- Provides rules for states about sequencing these benefits with other unemployment benefits.

**Section 207. Extension of Temporary Financing of Short-Time Compensation Payments in States with Programs in Law.**

Extends through March 14, 2021 the CARES Act provision which provided temporary 100 percent federal financing for Short-Time Compensation (“worksharing”) programs which are established in state law.

**Section 208. Extension of Temporary Financing of Short-Time Compensation Agreements for States Without Programs in Law.**

Extends through March 14, 2021 the CARES Act provision which provided a 50 percent subsidy to non-statutory, temporary state Short-Time Compensation programs.

**Section 209. Technical Amendment to References to Regulation in CARES Act.**

Provides a technical amendment to correct a reference error in the CARES Act.

**Subchapter II – Extension of FFCRA Unemployment Provisions**

**Section 221. Extension of Temporary Assistance for States with Advances.**

Extends through March 14, 2021 accumulation of interest on federal loans states have taken in order to pay state unemployment benefits. The loans allow states with low balances in their unemployment trust funds to delay employer tax increases or other employer surcharges while the economy is struggling.

**Section 222. Extension of Full Federal Funding of Extended Unemployment Compensation.**

Extends through March 14, 2021 the provision in the Families First Coronavirus Response Act which provided temporary full federal financing of Extended Benefits (EB) for high-unemployment states. States are normally required to pay 50 percent of the cost of EB, which is a program in permanent law.

**Subchapter III – Continued Assistance to Rail Workers**

**Section 231. Short Title.**

This section provides the short title.

**Section 232. Additional Enhanced Benefits Under the Railroad Unemployment Insurance Act.**

This section restores the federal supplemental benefit for unemployed railroad workers at \$600/registration period for registration periods beginning after December 26, 2020 and on or before March 14, 2021.

**Section 233. Extended Unemployment Benefits Under the Railroad Unemployment Insurance Act.**

Provides up to 11 additional weeks of unemployment benefits under the Railroad Unemployment Insurance Act (RUIA) for qualifying railroad workers. This provision also extends the availability of the 13 weeks of additional unemployment benefits provided under the CARES Act. These weeks are not available to those whose extended benefit period begins after March 14, 2021, and they turn off for everyone for any registration period beginning after April 5, 2021.

**Section 234. Extension of Waiver of the 7-Day Waiting Period for Benefits Under the Railroad Unemployment Insurance Act.**

This section extends the waiver of the 7-day waiting period for benefits provided under the RUIA through March 14, 2021.

**Section 235. Treatment of Payments From the Railroad Unemployment Insurance Account**

This section temporarily prevents sequestration of the benefits available under the RUIA during the period that is 7 days after the date of enactment of this section and 30 days after the date on which the President's declaration under the National Emergencies Act related to the coronavirus is terminated.

**Subchapter IV – Improvements to Pandemic Unemployment Assistance to Strengthen Program Integrity****Section 241. Requirement to Substantiate Employment or Self-Employment and Wages Earned or Paid to Confirm Eligibility for Pandemic Unemployment Assistance.**

- Effective January 31, 2021, requires new applicants for Pandemic Unemployment Assistance (PUA) to submit documentation to substantiate employment or self-employment within 21 days and provides for such deadline to be extended when an individual has shown good cause.
- Requires individuals receiving PUA as of January 31, 2021 to submit documentation to substantiate employment or self-employment within 90 days.

**Section 242. Requirement for States to Verify Identity of Applicants for Pandemic Unemployment Assistance.**

- Requires states to have procedures in place to verify or validate the identity of PUA applicants, and for timely payment of benefits.
- Clarifies that expenses to implement such procedures qualify as an administrative cost and may be reimbursed as part of PUA operation.

**Subchapter V – Return to Work Reporting Requirement**

**Section 251. Return to Work Reporting for CARES Act Agreements.** Effective 30 days after enactment, requires states to have methods in place to address situations when claimants of unemployment compensation refuse to return to work or refuse to accept an offer of suitable work without good cause including:

- A reporting method for employers to notify the state when an individual refuses employment.

- A plain language notice to claimants about state return to work laws, rights to refuse to return to work or to refuse suitable work and information on contesting a denial of a claim, as well as what constitutes suitable work, including a claimant’s right to refuse work that poses a risk to the claimant’s health and safety.

## **Subchapter VI – Other Related Provisions and Technical Corrections**

### **Section 261. Mixed Earner Unemployment Compensation.**

Provides a federally funded \$100 per week additional benefit to individuals who have at least \$5,000 a year in self-employment income but are disqualified from receiving Pandemic Unemployment Assistance because they are eligible for regular state unemployment benefits. This mixed-earner supplemental benefit would be added to the FPUC and would terminate along with it on March 14, 2021. This provision would be effective for future unemployment benefit payments after a state chose to make an agreement with the Department of Labor.

### **Section 262. Lost Wages Assistance Recoupment Fairness.**

Allows states to waive recovery of “Lost Wages Assistance” overpayments for which the recipient was not at fault and would suffer hardship if required to repay the benefits the same way they do in state unemployment benefits.

### **Section 263. Continuing Eligibility for Certain Recipients of Pandemic Unemployment Assistance.**

Ensures individuals who are otherwise eligible for Pandemic Unemployment Assistance do not have their benefits terminated because of inadvertent or state system failure errors in past required weekly benefit recertifications, so long as the state made good faith efforts to implement the program.

### **Section 264. Technical Correction for Nonprofit Organizations Classified as Federal Instrumentalities.**

This section makes a technical correction to allow certain federal instrumentalities that are reimbursable employers to receive the same federal subsidy for reimbursable employers that is provided to nonprofit organizations and government entities (see Sec. 1102).

### **Section 265. Technical Correction for the Commonwealth of Northern Mariana Islands.**

Allows Pandemic Unemployment Assistance benefits to be provided to workers in the Commonwealth of the Northern Mariana Islands with “Commonwealth Only Transitional Worker,” or CW-1 status.

### **Section 266. Waiver to Preserve Access to Extended Benefits in High Unemployment States.**

Provides a temporary waiver of the mandatory “EB freeze period” for states that trigger back onto the program because of fluctuations in their unemployment rates, beginning November 1, 2020 and ending December 31, 2021.

## **Subtitle B – COVID-Related Tax Relief**

### **Chapter 1 – Continued Assistance to Unemployed Workers**

**Secs. 271. Short title. Table of contents.**

### **Secs. 272-273. Additional 2020 recovery rebates for individuals.**

The provision provides a refundable tax credit in the amount of \$600 per eligible family member. The credit is \$600 per taxpayer (\$1,200 for married filing jointly), in addition to \$600 per qualifying child. The credit phases

out starting at \$75,000 of modified adjusted gross income (\$112,500 for heads of household and \$150,000 for married filing jointly) at a rate of \$5 per \$100 of additional income.

The provision also provides for Treasury to issue advance payments based on the information on 2019 tax returns. Eligible taxpayers treated as providing returns through the nonfiler portal in the first round of Economic Impact Payments, provided under the CARES Act, will also receive payments. Treasury may issue advance payments for Social Security Old-Age, Survivors, and Disability Insurance beneficiaries, Supplemental Security Income recipients, Railroad Retirement Board beneficiaries, and Veterans Administration beneficiaries who did not file 2019 returns based on information provided by the Social Security Administration, the Railroad Retirement Board, and the Veterans Administration.

In general, taxpayers without an eligible social security number are not eligible for the payment. However, married taxpayers filing jointly where one spouse has a Social Security Number and one spouse does not are eligible for a payment of \$600, in addition to \$600 per child with a Social Security Number.

The provision aligns the eligibility criteria for the new round of Economic Impact Payments and the credit for the Economic Impact Payments provided by the CARES Act. Taxpayers receiving an advance payment that exceeds the amount of their eligible credit will not be required to repay any amount of the payment. If the amount of the credit determined on the taxpayer's 2020 tax return exceeds the amount of the advance payment, taxpayers will receive the difference as a refundable tax credit.

Advance payments are generally not subject to administrative offset for past due federal or state debts. In addition, the payments are protected from bank garnishment or levy by private creditors or debt collectors.

Additionally, the provision instructs Treasury to make payments to the territories that relate to each territory's cost of providing the credits.

**Sec. 274. Extension of certain deferred payroll taxes.** On August 8, 2020, the President of the United States issued a memorandum to allow employers to defer withholding employees' share of social security taxes or the railroad retirement tax equivalent from September 1, 2020 through December 31, 2020, and required employers to increase withholding and pay the deferred amounts ratably from wages and compensation paid between January 1, 2021 and April 31, 2021. Beginning on May 1, 2021, penalties and interest on deferred unpaid tax liability will begin to accrue.

The provision extends the repayment period through December 31, 2021. Penalties and interest on deferred unpaid tax liability will not begin to accrue until January 1, 2022.

**Sec. 275. Regulations or guidance clarifying application of educator expense tax deduction.**

The provision requires the Secretary of the Treasury to issue guidance or regulations providing that personal protective equipment and other supplies used for the prevention of the spread of COVID-19 are treated as eligible expenses for purposes of the educator expense deduction. Such regulations or guidance shall be retroactive to March 12, 2020.

**Sec. 276. Clarification of tax treatment of Paycheck Protection Program loans.**

The provision clarifies that gross income does not include any amount that would otherwise arise from the forgiveness of a Paycheck Protection Program (PPP) loan. This provision also clarifies that deductions are allowed for otherwise deductible expenses paid with the proceeds of a PPP loan that is forgiven, and that the tax basis and other attributes of the borrower's assets will not be reduced as a result of the loan forgiveness. The



provision is effective as of the date of enactment of the CARES Act. The provision provides similar treatment for Second Draw PPP loans, effective for tax years ending after the date of enactment of the provision.

**Sec. 277. Emergency financial aid grants.**

The provision provides that certain emergency financial aid grants under the CARES Act are excluded from the gross income of college and university students. The provision also holds students harmless for purposes of determining eligibility for the American Opportunity and Lifetime Learning tax credits. The provision is effective as of the date of enactment of the CARES Act.

**Sec. 278. Clarification of tax treatment of certain loan forgiveness and other business financial assistance under the coronavirus relief legislation.**

The provision clarifies that gross income does not include forgiveness of certain loans, emergency EIDL grants, and certain loan repayment assistance, each as provided by the CARES Act. The provision also clarifies that deductions are allowed for otherwise deductible expenses paid with the amounts not included in income by this section, and that tax basis and other attributes will not be reduced as a result of those amounts being excluded from gross income. The provision is effective for tax years ending after date of enactment of the CARES Act. The provision provides similar treatment for Targeted EIDL advances and Grants for Shuttered Venue Operators, effective for tax years ending after the date of enactment of the provision.

**Sec. 279. Authority to waive certain information reporting requirements.**

The provision gives Treasury authority to waive information filing requirements for any amount excluded from income by reason of the exclusion of covered loan amount forgiveness from taxable income, the exclusion of emergency financial aid grants from taxable income or the exclusion of certain loan forgiveness and other business financial assistance under the CARES act from income.

**Sec. 280. Application of special rules to money purchase pension plans.**

The CARES Act temporarily allows individuals to make penalty-free withdrawals from certain retirement plans for coronavirus-related expenses, permits taxpayers to pay the associated tax over three years, allows taxpayers to recontribute withdrawn funds, and increases the allowed limits on retirement plan loans. This section clarifies that money purchase pension plans are included in the retirement plans qualifying for these temporary rules. The provision applies retroactively as if included in Section 2202 of the CARES Act.

**Sec. 281. Election to waive application of certain modifications to farming losses.**

This section allows farmers who elected a two-year net operating loss carryback prior to the CARES Act to elect to retain that two-year carryback rather than claim the five-year carryback provided in the CARES Act. This section also allows farmers who previously waived an election to carry back a net operating loss to revoke the waiver. These clarifications eliminate unnecessary compliance burdens for farmers. The provision applies retroactively as if included in Section 2303 of the CARES Act.

**Sec. 282. Oversight and audit reporting.**

The CARES Act authorizes the Comptroller General to conduct monitoring and oversight of federal response efforts related to the Coronavirus 2019 pandemic and its general effects. The Comptroller General is required to provide briefings and reports to “appropriate congressional committees.” The CARES Act omitted the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives in its list of “appropriate congressional committees.” This section includes those two committees in the appropriate-committee list, as the Comptroller General’s monitoring and oversight is expected to cover matters in the committees’ jurisdiction and may involve accessing federal tax data.

**Sec. 283. Disclosures to identify tax receivables not eligible for collection pursuant to qualified tax collection contracts.**

Section 1205 of the Taxpayer First Act (P.L. 116-25) excludes supplemental social security (SSI) and social security disability insurance (SSDI) beneficiaries from the IRS private debt collection program beginning on January 1, 2021. The IRS and SSA need statutory authority to share information to determine which taxpayers are SSI or SSDI beneficiaries and eligible for exclusion from the IRS program. The provision provides the authority needed to share such information and make the Taxpayer First Act provision work as intended.

**Sec. 284. Modification of certain protections for taxpayer return information.**

The provision modifies a provision in the CARES Act. The CARES Act modified Section 3 of the FUTURE Act (P.L. 116-91), which amended section 6103 of the Code to allow the IRS to share tax return information of student aid applicants, their parents, students, and borrowers with the Department of Education and further allowed that tax return information be redisclosed to colleges and universities (and certain scholarship organizations) with the taxpayer confidentiality protections afforded under section 6103 of the Code. Section 3516 of the CARES Act repealed the 6103 changes in the FUTURE Act and stripped all the taxpayer confidentiality protections applicable to the tax return information shared by IRS with the Department of Education (and the subsequent redisclosure to colleges, universities, and scholarship funds). The provision unwinds and fixes the changes made by the CARES Act and restores taxpayer confidentiality protections to the tax return information shared by IRS while allowing certain uses as requested by the committees with education jurisdiction.

**Sec. 285. Election to Terminate Transfer Period for Qualified Transfers from Pension Plan for Covering Future Retiree Costs.**

Section 420 of the Internal Revenue Code permits “qualified future transfers,” under which up to 10 years of retiree health and life costs may be transferred from a company’s pension plan to a retiree health benefits account and/or a retiree life insurance account within the pension plan. Such transfers must meet a number of requirements: the plan must be 120 percent funded at the outset, it must be 120 percent funded throughout the transfer period, all unused amounts must be transferred back, and the plan is subject to a maintenance of effort requirement. Applying the current-law requirements during the market volatility related to the coronavirus pandemic has caused plans that have been historically far over 120 percent funded to fall below 120 percent and face a requirement to immediately restore these large market losses in order to get back to 120 percent funded. This provision would allow employers to make a one-time election during 2020 and 2021 to end any existing transfer period for any taxable year beginning after the date of election, provided the maintenance of effort continues to apply as if the transfer period were not shortened, the employer ensures the plan stays at least 100 percent funded throughout the original transfer period, the plan has funding targets for the first five years after the original transfer period, and all amounts left in the retiree benefits account at the end of the shortened transfer period must be returned to the pension plan (without application of an excise tax to such amounts).

**Sec. 286. Extension of credits for paid sick and family leave.**

The provision extends the refundable payroll tax credits for paid sick and family leave, enacted in the Families First Coronavirus Response Act, through the end of March 2021. It also modifies the tax credits so that they apply as if the corresponding employer mandates were extended through the end of March 2021. This provision is effective as if included in FFCRA.

**Sec. 287. Election to use prior year net earnings from self-employment in determining average daily and self-employment income for purposes of credits for paid sick and family leave.**

Allows individuals to elect to use their average daily self-employment income from 2019 rather than 2020 to compute the credit. This provision is effective as if included in FFCRA.

## **Sec. 288. Certain technical improvements to credits for paid sick and family leave.**

Makes technical changes coordinating the definitions of qualified wages within the paid sick leave, paid family and medical leave, and the exclusion of such leave from employer OASDI tax. This provision is effective as if included in FFCRA.

## **Title III - Continuing the Paycheck Protection Program and Other Small Business Support** *Prepared by the House Committee on Small Business*

### **Title I: Continuing the Paycheck Protection Program and Other Small Business Support**

#### **Section 301; 302: Short Title; Definitions.**

#### **Section 303: Emergency Rulemaking Authority.**

- Requires the SBA Administrator to establish regulations to carry out this title no later than 10 days after enactment of this title.

#### **Section 304: Additional Eligible Expenses.**

- Makes the following expenses allowable and forgivable uses for Paycheck Protection Program funds:
  - Covered operations expenditures. Payment for any software, cloud computing, and other human resources and accounting needs.
  - Covered property damage costs. Costs related to property damage due to public disturbances that occurred during 2020 that are not covered by insurance.
  - Covered supplier costs. Expenditures to a supplier pursuant to a contract, purchase order, or order for goods in effect prior to taking out the loan that are essential to the recipient's operations at the time at which the expenditure was made. Supplier costs of perishable goods can be made before or during the life of the loan.
  - Covered worker protection expenditure. Personal protective equipment and adaptive investments to help a loan recipient comply with federal health and safety guidelines or any equivalent State and local guidance related to COVID-19 during the period between March 1, 2020, and the end of the national emergency declaration.
- Redesignates Section 1106 of the CARES Act and other subsequent conforming amendments as section 7A. This would transfer section 104 of this title to the end of section 7 of the Small Business Act (15 U.S.C. 631 et seq.). Relevant sections to follow contain this technical redesignation.
- Allows loans made under PPP before, on, or after the enactment of this act to be eligible to utilize the expanded forgivable expenses except for borrowers who have already had their loans forgiven.

#### **Section 05: Hold Harmless.**

- Provides that a lender may rely on any certification or documentation submitted by a borrower for an initial or second draw PPP loan and that no enforcement action may be taken against the lender and the lender shall not be subject to any penalties relating to loan origination or forgiveness if (1) the lender acts in good faith relating to loan origination or forgiveness; and (2) all relevant federal, state, local and other statutory and regulatory requirements are satisfied.

#### **Section 306: Selection of Covered Period for Forgiveness.**

- Allows the borrower to elect a covered period ending at the point of the borrower's choosing between 8 and 24 weeks after origination.

#### **Section 307: Simplified Application.**

- Creates a simplified application process for loans under \$150,000 such that:

- A borrower shall receive forgiveness if a borrower signs and submits to the lender a certification that is not more than one page in length, includes a description of the number of employees the borrower was able to retain because of the covered loan, the estimated total amount of the loan spent on payroll costs, and the total loan amount. The borrower must also attest that borrower accurately provided the required certification and complied with Paycheck Protection Program loan requirements. SBA must establish this form within 24 days of enactment and may not require additional materials unless necessary to substantiate revenue loss requirements or satisfy relevant statutory or regulatory requirements. Additionally, borrowers are required to retain relevant records related to employment for four years and other records for three years. The Administrator may review and audit these loans to ensure against fraud.
- At the discretion of the borrower, the borrowers may complete and submit demographic information for all PPP loans.
- The SBA must submit to the Senate and House Small Business Committees a report 45 days after enactment detailing their review and forgiveness audit plan to mitigate risk of fraud and provide monthly reviews and audit updates thereafter.
- Applies to loans made before, on, or after the date of enactment, including the forgiveness of the loan.

**Section 308: Specific Group Insurance Payments as Payroll Costs.**

- Clarifies that other employer-provided group insurance benefits are included in payroll costs. This includes, group life, disability, vision, or dental insurance.
- Applies to loans made before, on, or after the date of enactment, including the forgiveness of the loan.

**Section 309: Demographic Information.**

- Requires the SBA to include a voluntary demographic information section on the loan origination application for initial PPP loans and second draw PPP loans. All PPP loan applications after enactment must include this section.

**Section 310: Clarification of and Additional Limitations on Eligibility.**

- Clarifies that a business or organization that was not in operation on February 15, 2020 shall not be eligible for an initial PPP loan and a second draw PPP loan.
- Prohibits eligible entities that receive a grant under the Shuttered Venue Operator Grants from obtaining a PPP loan.

**Section 311: Paycheck Protection Program Second Draw Loans.**

- Creates a second loan from the Paycheck Protection Program, called a “PPP second draw” loan for smaller and harder-hit businesses, with a maximum amount of \$2 million.
- Eligibility. In order to receive a Paycheck Protection Program loan under this section, eligible entities must:
  - Employ not more than 300 employees;
  - Have used or will use the full amount of their first PPP; and
  - Demonstrate at least a 25 percent reduction in gross receipts in the first, second, or third quarter of 2020 relative to the same 2019 quarter. Provides applicable timelines for businesses that were not in operation in Q1, Q2, and Q3, and Q4 of 2019. Applications submitted on or after January 1, 2021 are eligible to utilize the gross receipts from the fourth quarter of 2020.
- Eligible entities must be businesses, certain non-profit organizations, housing cooperatives, veterans’ organizations, tribal businesses, self-employed individuals, sole proprietors, independent contractors, and small agricultural co-operatives.
- Ineligible entities include: entities listed in 13 C.F.R. 120.110 and subsequent regulations except for entities from that regulation which have otherwise been made eligible by statute or guidance, and except for nonprofits and religious organizations; entities involved in political and lobbying activities including

engaging in advocacy in areas such as public policy or political strategy or otherwise describes itself as a think tank in any public document, entities affiliated with entities in the People's Republic of China; registrants under the Foreign Agents Registration Act; and entities that receive a grant under the Shuttered Venue Operator Grant program.

- **Loan terms.** In general, borrowers may receive a loan amount of up to 2.5X the average monthly payroll costs in the one year prior to the loan or the calendar year. No loan can be greater than \$2 million.
  - Seasonal employers may calculate their maximum loan amount based on a 12-week period beginning February 15, 2019 through February 15, 2020.
  - New entities may receive loans of up to 2.5X the sum of average monthly payroll costs.
  - Entities in industries assigned to NAICS code 72 (Accommodation and Food Services) may receive loans of up to 3.5X average monthly payroll costs.
  - Businesses with multiple locations that are eligible entities under the initial PPP requirements may employ not more than 300 employees per physical location.
  - Waiver of affiliation rules that applied during initial PPP loans apply to a second loan.
  - An eligible entity may only receive one PPP second draw loan.
  - Fees are waived for both borrowers and lenders to encourage participation.
  - For loans of not more than \$150,000, the entity may submit a certification attesting that the entity meets the revenue loss requirements on or before the date the entity submits their loan forgiveness application and non-profit and veterans organizations may utilize gross receipts to calculate their revenue loss standard.
- **Loan forgiveness.** Borrowers of a PPP second draw loan would be eligible for loan forgiveness equal to the sum of their payroll costs, as well as covered mortgage, rent, and utility payments, covered operations expenditures, covered property damage costs, covered supplier costs, and covered worker protection expenditures incurred during the covered period. The 60/40 cost allocation between payroll and non-payroll costs in order to receive full forgiveness will continue to apply.
- **Lender eligibility.** A lender approved to make loans under initial PPP loans may make covered loans under the same terms and conditions as the initial loans.
- **Lender compensation.** The Administrator is authorized to reimburse a lender by a tiered structure: For loans up to \$50,000, the lender processing fee will be the lesser of 50 percent of the principal amount or \$2,500. For loans between \$50,000 and \$350,000, the lender fee will be five percent. For loans \$350,000 and above, the lender fee will be three percent.
- **Guidance to prioritize underserved communities.** Directs the Administrator to issue guidance addressing barriers to access to capital for underserved communities no later than 10 days after enactment.
- **Standard Procedures.** Directs the SBA to allow lenders to approve loans made under this paragraph utilizing existing program guidance and standard operating procedure, to the maximum extent possible, as the standard SBA 7(a) program.
- **Churches and religion organizations.** Expresses the sense of Congress that the Administrator's guidance clarifying the eligibility of churches and religious organizations was proper and prohibits the application of regulations otherwise rendering ineligible businesses principally engaged in teaching, instructing, counseling, or indoctrinating religion or religious beliefs. Codifies that the prohibition on eligibility in 13 CFR 120.110(k) shall not apply for initial and second draw loans.
- **Application of Exemption Based on Employee.** Extends existing safe harbors on restoring FTE and salaries and wages. Specifically, applies the rule of reducing loan forgiveness for the borrower reducing the number of employees retained and reducing employees' salaries in excess of 25 percent. Allows the SBA and Treasury Department to jointly modify any date in section 7A(d) consistent with the purposes of the Paycheck Protection Program.

### **Section 312: Increased Ability for Paycheck Protection Program Borrowers to Request an Increase in Loan Amount Due to Updated Regulations.**

- Requires the Administrator to release guidance to lenders within 17 days of enactment that allows borrowers who returned all or part of their PPP loan to reapply for the maximum amount applicable so

long that they have not received forgiveness. Additionally, this section allows borrowers whose loan calculations have increased due to changes in interim final rules to work with lenders to modify their loan value regardless of whether the loan has been fully disbursed, or if Form 1502 has already been submitted.

### **Section 313: Calculation of Maximum Loan Amount for Farmers and Ranchers under the Paycheck Protection Program.**

- Establishes a specific loan calculation for the first round of Paycheck Protection Program loans for farmers and ranchers who operate as a sole proprietor, independent contractor, self-employed individual, who report income and expenses on a Schedule F, and were in business as of February 15, 2020. These entities may utilize their gross income in 2019 as reported on a Schedule F. Lenders may recalculate loans that have been previously approved to these entities if they would result in a larger loan.
- Applies to PPP loans before, on, or after the date of enactment, except for loans that have already been forgiven.

### **Section 314: Farm Credit System Institutions.**

- Allows Farm Credit System Institutions to be eligible to make loans under the Paycheck Protection Program. It also allows for a zero risk weight for Paycheck Protection Program loans and aligns eased requirements for Farm Credit System Institutions with those of other Paycheck Protection Program lenders.
- Applies to any loan made before, on or after enactment including the forgiveness of the loan.

### **Section 315: Definition of a Seasonal Employer.**

- Defines a seasonal employer to be an eligible recipient which: (1) operates for no more than seven months in a year, or (2) earned no more than 1/3 of its receipts in any six months in the prior calendar year.
- Applies to any loan made before, on or after enactment including the forgiveness of the loan.

### **Section 316: Housing Cooperatives.**

- Extends PPP eligibility to housing cooperatives defined in section 216(b) of the Internal Revenue Code of 1986 and which employ no more than 300 employees.

### **Section 317: Eligibility of News Organizations for Loans under the Paycheck Protection Program.**

- Makes eligible FCC license holders and newspapers with more than one physical location, as long as the business has no more than 500 employees per physical location or the applicable SBA size standard; and makes eligible section 511 public colleges and universities that have a public broadcasting station if:
  - The organization certifies that the loan will support locally focused or emergency information.
- Waives affiliation rules for newspapers, TV and radio broadcasters, and public broadcasters, as long as the organization has no more than 500 employees per physical location or the applicable SBA size standard.
- Waives the prohibition against publicly-traded news organizations from being eligible if the business certifies that the loan will support locally focused or emergency content.

### **Section 318: Eligibility of 501(c)(6) and Destination Marketing Organizations for Loan Under the Paycheck Protection Program.**

- Expands eligibility to receive a Paycheck Protection Program loan to include the following organizations:
  - 501(c)(6) organizations if:
    - The organization does not receive more than 15 percent of receipts from lobbying;
    - The lobbying activities do not comprise more than 15 percent of activities;

- The cost of lobbying activities of the organization did not exceed \$1,000,000 during the most recent tax year that ended prior to February 15, 2020 and
- The organization has 300 or fewer employees.
- Professional sports leagues or organizations with the purpose of promoting or participating in a political campaign or other political activities are not eligible under this section.
- Destination Marketing Organizations if:
  - The organization does not receive more than 15 percent of receipts from lobbying;
  - The lobbying activities do not comprise more than 15 percent of activities;
  - The organization has 300 or fewer employees; and
  - That destination marketing organization is registered as a 501(c) organization, a quasi-government entity, or a political subdivision of a state or local government.

**Section 319: Prohibition on Use of Loan Proceeds for Lobbying Activities.**

- Prohibits any eligible entity from using proceeds of the covered loan for lobbying activities, as defined by the Lobbying Disclosure Act, lobbying expenditures related to state or local campaigns, and expenditures to influence the enactment of legislation, appropriations, or regulations.

**Section 320: Bankruptcy Provisions.**

- Establishes a special procedure in the bankruptcy process if the Administrator determines certain small business debtors are eligible for Paycheck Protection Program loans. It requires court approval for Paycheck Protection Program loans to these debtors and requires any such loan be given a superpriority claim in the bankruptcy process, providing additional protection to taxpayers and participating banks. The provisions in this section would take effect only upon a written determination by the Administrator that certain small business debtors are eligible for Paycheck Protection Program loans and would sunset two years from the date of enactment.

**Section 321: Oversight.**

- Requires the SBA to comply with GAO requests no later than 15 days, and requires the SBA to submit a detailed justification to Senate and House Small Business Committees if they are unable to comply with the request. It also would require the Secretary of the Treasury and SBA Administrator to testify within 120 days of enactment of this Act and not less than twice per year for the next two years to the Senate and House Small Business Committees.

**Section 322: Conflicts of Interest.**

- Requires the President, Vice President, the head of an Executive department, or a Member of Congress as well as their spouse that has received a PPP loan to disclose this status at forgiveness or 30 days thereafter. It would also prohibit the covered individuals from receiving a loan in the future.

**Section 323: Commitment Authority and Appropriations.**

- Extends the time of the program to March 31, 2021.
- Sets the authorization level for PPP at \$806.5 billion.
- Separates regular 7(a) and PPP loans to ensure the continued operation of the 7(a) program by setting an authorization level of \$75 billion and clarifies the 7(a) program level and secondary market cap.
- Direct appropriations:
  - \$284.45 billion for PPP, including the following set-asides:
    - Lenders:
      - \$15 billion for PPP loans (initial and second draw) issued by community financial institutions, including community development financial institutions (CDFIs) and minority depository intuitions (MDIs);

- \$15 billion for PPP loans (initial and second draw) issued by certain small depository institutions.
- Borrowers:
  - \$35 billion for first-time borrowers, \$15 billion of which for smaller, first-time borrowers with 10 or fewer employees, or loans less than \$250,000 in low-income areas;
  - \$25 billion for second draw PPP loans for smaller borrowers with 10 or fewer employees, or loans less than \$250,000 in low-income areas.
- After 25 days, the SBA Administrator may adjust the set-asides as necessary.
  - \$25 million for the Minority Business Development Centers program under the Minority Business Development Agency (MBDA);
  - \$50 million for PPP auditing and fraud mitigation purposes;
  - \$20 billion for the Targeted EIDL Advance program, of which \$20 million for the Inspector General;
  - \$57 million for the Microloan program as described in section 29;
  - \$1.9 billion to carry out sections 26, 27, and 28;
  - \$3.5 billion for the Debt Relief program as described in section 25;
  - \$15 billion for grants for live venues as described in section 24.

#### **Section 324: Grants for Shuttered Venue Operators.**

- Authorizes \$15 billion for the SBA to make grants to eligible live venue operators or promoters, theatrical producers, live performing arts organization operators, museum operators, motion picture theatre operators, or talent representatives who demonstrate a 25 percent reduction in revenues.
- There is a set-aside of \$2 billion for eligible entities that employ not more than 50 full-time employees, and any amounts from this set-aside remaining after sixty days from the date of implementation of this program shall become available to all eligible applicants under this section.
- The SBA may make an initial grant of up to \$10 million dollars to an eligible person or entity and a supplemental grant that is equal to 50 percent of the initial grant.
- In the initial 14-day period of implementation of the program, grants shall only be awarded to eligible entities that have faced 90 percent or greater revenue loss. In the 14-day period following the initial 14-day period, grants shall only be awarded to eligible entities that have faced 70 percent or greater revenue loss. After these two periods, grants shall be awarded to all other eligible entities.
- Such grants shall be used for specified expenses such as payroll costs, rent, utilities, and personal protective equipment.
- Requires the Administrator to conduct increased oversight of eligible persons and entities receiving these grants.
- Requires the SBA to submit a report to the Senate and House Small Business Committees 45 days after enactment detailing their oversight and audit plan for shuttered venue grants and to provide monthly updates on the oversight and audit activities conducted by the Administrator.

#### **Section 325: Extension of the debt relief program.**

- Resumes the payment of principal and interest (P&I) on small business loans guaranteed by the SBA under the 7(a), 504 and microloan programs, established under the CARES Act.
- All borrowers with qualifying loans approved by the SBA prior to the CARES Act will receive an additional three months of P&I, starting in February 2021. Going forward, those payments will be capped at \$9,000 per borrower per month.
- After the three-month period described above, borrowers considered to be underserved—namely the smallest or hardest-hit by the pandemic—will receive an additional five months of P&I payments, also capped at \$9,000 per borrower per month. They include:



- Borrowers with SBA microloans or 7(a) Community Advantage loans
- Borrowers with any 7(a) or 504 loan in the hardest-hit sectors, as measured by the severity of sector-wide job losses since the start of the pandemic. They include food service and accommodation; arts, entertainment and recreation; education; and laundry and personal care services.
- SBA payments of P&I on the first 6 months of newly approved loans will resume for all loans approved between February 1 and September 30, 2021, also capped at \$9,000 per month.
- If the SBA projects that appropriations provided for the debt relief program are insufficient to fund the extensions provided, the Administrator may proportionally reduce the number of months provided in each extension.
- Clarifies eligibility and increases program integrity:
  - SBA payments should be made on any loan approved before the applicable deadline, and debt relief payments should be made only once the loan is fully disbursed.
  - SBA may establish a minimum loan maturity period for each loan product covered under this section to prevent program abuse.
  - Any business or applicant may only receive P&I payments for only one loan approved after CARES Act enactment.
- Requires that SBA place program information on its website, conduct outreach to all borrowers, report monthly to Congress on program spending, and educate lenders, borrowers, SBA district offices, and resources partners about the program.

#### **Section 326: Modifications to 7(a) Loan Programs.**

- Increases to 90 percent the loan guarantee amount on 7(a) loans, including for Community Advantage loans, until October 1, 2021.
- Increases the Express Loan amount from \$350,000 to \$1 million on January 1, 2021, and then reverts permanently to a lower amount of \$500,000 on October 1, 2021.
- The Express Loan guaranty amount for loans of \$350,000 and less is temporarily increased from 50 percent to 75 percent, and for loans above \$350,000 the guarantee remains at 50 percent. On October 1, 2021, the guarantee reverts to 50 percent for all Express Loans.

#### **Section 327: Temporary Fee Reductions.**

- Waives lender and borrower fees for both the 7(a) and 504 loan programs.

#### **Section 328: Low-Interest Refinancing.**

- Enhances the 504 refinancing rules in order to create reciprocity for refinancing between 504 and 7(a) programs.
- Grants authority through September 30, 2023 for SBA to establish a 504 Express Loan Program for the most experienced successful 504 lenders to expedite 504 loans of less than \$500,000.

#### **Section 329: Recovery Assistance under the Microloan Program.**

- Enhances the microloan program to increase access to micro capital and technical assistance under the program for businesses impacted by the COVID-19 pandemic.
- Temporarily increases the amount of time that borrowers can repay their loans from 6 to 8 years.
- Temporarily increases the outstanding aggregate amount each intermediary may borrow from \$6 million to \$10 million to expand their capacity to deploy more capital to small businesses.
- Allows intermediaries to access more technical assistance funding if they serve rural areas.
- Maximizes flexibility and reduces red tape for intermediaries by temporarily waiving the limitations for the technical assistance grants and the 50 percent limitation on pre-loan technical assistance.
- Provides \$50 million in additional funding for Microloan Technical Assistance funding for lenders and \$7 million to leverage about \$64 million more in microloans to businesses.

### **Section 330: Extension of Participation in 8(a) Program.**

- Requires Administrator to allow businesses in the 8(a) program to seek an enrollment extension of 1 year.
- Requires rules to be drafted to carry out this section within 15 days.

### **Section 331: Targeted EIDL Advance for Small Business Continuity, Adaptation, and Resiliency.**

- Provides additional targeted funding for eligible entities located in low-income communities through the EIDL Advance program from Section 1110 of the CARES Act.
- Makes entities in low-income communities that received an EIDL Advance under Section 1110 of the CARES Act eligible to receive an amount equal to the difference of what the entity received under the CARES Act and \$10,000.
- Provides \$10,000 grants to eligible applicants in low-income communities that did not secure grants because funding had run out.

### **Section 332: Emergency EIDL Grants.**

- Extends covered period for Emergency EIDL grants through December 31, 2021.
- Allows more flexibility for the SBA to verify that Emergency EIDL grant applicants have submitted accurate information.
- Extends time for SBA to approve and disburse Emergency EIDL grants from 3 to 21 days.

### **Section 333: Repeal of EIDL Advance Deduction.**

- Repeals section 1110(e)(6) of the CARES Act, which requires PPP borrowers to deduct the amount of their EIDL advance from their PPP forgiveness amount.
- Establishes the Sense of Congress that EIDL Advance borrowers should be made whole without regard to whether those borrowers are eligible for PPP forgiveness.
- The Administrator shall issue rules that ensure borrowers are made whole if they received forgiveness and their EIDL was deducted from that amount.

### **Section 334: Flexibility in Deferral of Payments of 7(a) Loans.**

- Creates parity between bank-held and secondary market-owned 7(a) loans to seek up to a 1-year deferral.
- Requires SBA to buy back loans if investors refuse to provide the extend deferral unless the SBA determines the extended deferral would cause a positive subsidy for the Secondary Market Guarantee Program.

### **Section 335: Documentation Required for Certain Eligible Recipients.**

- Allows more flexibility for the Administration to accept documentation beyond those enumerated in the CARES Act to determine eligibility for sole proprietors and the self-employed.

### **Section 336: Election of 12-week Period by Seasonal Employers.**

- Expands the seasonal period to any 12-weeks between February 15, 2019 and February 15, 2020.
- Applies to loans before, on, or after the date of enactment, except for loan for which the borrower has already received forgiveness.

### **Section 337: Inclusion of Certain Refinancing in Nonrecourse Requirements.**

- Ensures applicants cannot be held liable if they didn't understand they had recourse against them at the time they took the PPP and EIDL loans after a refinancing.

**Section 338: Application of Certain Terms through Life of Covered Loan.**

- Clarifies that (1) fee waivers; (2) personal guarantee waiver; and (3) deferral eligibility continues past the covered period and attaches for the life of the PPP loan.

**Section 339: Interest Calculation on Covered Loans.**

- Clarifies the interest rate on PPP loans is non-compounding and non-adjustable for all new initial Paycheck Protection Program loans and second draw loans.

**Section 340: Reimbursement for Processing.**

- Provides for PPP lender reimbursement by SBA for new PPP loans.
- Establishes a tiered reimbursement rate for PPP loans: (1) Loans of less than \$50,000 that is equal to the lesser of 50 percent of the loan principal or \$2,500; (2) loans of more than \$50,000 and not more than \$350,000 equal to five percent of the loan principal; (3) loans of more than \$350,000 and less than \$2,00,000 equal to three percent of the loan principal; and (4) loans of more than \$2,000,000 equal to one percent.
- Clarifies lender reimbursement by SBA may be made no later than 5 days post-disbursement.
- Clarifies PPP borrowers who knowingly retained a loan agent may not pay agent fees out of the PPP proceeds. This applies to PPP loan before, on, or after the date of enactment, including during forgiveness of such loan.

**Section 341: Duplication Requirements for Economic Injury Disaster Loan Recipients.**

- Permits certain EIDL borrowers to also apply for a PPP loan.

**Section 342: Prohibition of Eligibility for Publicly Traded Companies.**

- Excludes publicly traded companies from PPP eligibility.

**Section 343: Covered Period for New PPP Loans.**

- Extends the covered period for all PPP loans through March 31, 2021.
- Applies to loans made before, on, or after the date of enactment, including the forgiveness of such loan.

**Section 344: Covered Period for Other Purposes.**

- Clarifies the applicable period for employee's salaries of \$100,000 on an annualized basis as prorated during the period in which compensation is paid or incurred.

**Section 345: Extension of Waiver of Matching Funds Requirement under the Women's Business Center (WBC).**

- Extends CARES Act waiver of WBC matching funds requirement through June 30, 2021.

**Section 346: Clarification of Use of CARES Act Funds for Small Business Development Centers (SBDCs).**

- Clarifies that any awards made under this bill are in addition to and separate from any amounts appropriated under section 21 of the Small Business Act, and any award made under this bill may be used to complement and support such grant. CARES Act funds and annually appropriated funds can be used and tracked together as one funding stream.
- Prioritizes SBDCs impacted by this accounting issue.

### **Section 347: GAO Report**

- Requires the GAO to report to the House and Senate Small Business Committees no later than 120 days on the SBA's use of administrative funds made through supplemental appropriations during FY 2020.

### **Section 348: Effective Date; Applicability.**

- Clarifies the amendments made by this bill shall take effect on the date of enactment and apply to loans and grants made on or after the date of enactment.

## **Title IV - Transportation**

### ***Prepared by the Democratic Staff of the House Committee on Transportation and Infrastructure***

### **Subtitle A – Airline Worker Support Extension**

#### **Section 401. Definitions**

Section 401 defines catering functions, contractor, employee, recall, returning employee, and Secretary.

#### **Section 402. Pandemic Relief for Aviation Workers**

Section 402 provides \$15 billion in grants to employees of passenger air carriers, passing to workers through each carrier. Provides \$1 billion in grants to employees of contractors.

#### **Section 403. Procedures for Providing Payroll Support**

Section 403 directs the Secretary to distribute the funding in amounts proportional to the amounts received under the CARES Act, or—if elected by the air carrier or contractor or in the occurrence that such an entity did not receive funding under the CARES Act—modified proportions based on similar metrics to be pro-rated by the Secretary.

#### **Section 404. Required Assurances**

Section 404 mandates that to receive funding, an air carrier or contractor must—

- Recall involuntarily furloughed employees;
- Provide backpay to returning employees;
- Restore the rights and protections for such returning employees as if such employees had not been involuntarily furloughed;
- Refrain from conducting involuntary layoffs or furloughs, or reducing pay rates and benefits, of employees until March 31, 2020;
- Refrain from purchasing an equity security of the entity or the direct or indirect parent company of the applicant that is listed on a national securities exchange until March 31, 2021; and
- Not pay dividends, or make other capital distributions, with respect to the common stock (or equivalent interest) of the entity until March 31, 2021.

Such assurance that have an end date are further extended for contractors until all such financial assistance has been expended, if applicable.

#### **Section 405. Protection of Collective Bargaining Agreements**

Section 405 prohibits the Treasury Department and Federal Government from conditioning the financial assistance on the alteration of collective bargaining agreements.

#### **Section 406. Limitation on Certain Employee Compensation**

Section 406 limits the total compensation (including salary, bonus, awards of stock, and other financial benefits) of executives until October 1, 2022.

**Section 407. Minimum Air Service Guarantees**

Section 407 requires air carriers, to the extent reasonable and practicable, to maintain scheduled air transportation service until March 1, 2022, to ensure service to any point served by that carrier before March 1, 2020, as determined by the Secretary of Transportation.

**Section 408. Taxpayer Protection**

Section 408 authorizes the Treasury Department to receive warrants, options, preferred stock, debt securities, notes, or other financial instruments as compensation to the Federal Government for the provision of financial assistance.

**Section 409. Reports**

Section 409 requires the Treasury Department to provide a report to Congress by May 1, 2021, regarding its implementation of the program, including financial assistance provided and any audits performed, and requires the Department to update its website weekly to reflect financial assistance distribution.

**Section 410. Coordination**

Section 410 requires the Treasury Department to coordinate with the Department of Transportation when implementing the program.

**Section 411. Funding**

Section 411 appropriates \$16 billion to fund the provisions of this [title/section].

**Section 412. CARES Act Amendments**

Section 412 amends certain CARES Act provisions to remedy unintended consequences of CARES Act requirements that permitted contractors to involuntarily furlough vast numbers of workers and then receive payroll support grants to pay those workers.

**Subtitle B – Coronavirus Economic Relief for Transportations Services Act**

**Sec. 420. Short Title.**

Defines the short title as Coronavirus Economic Relief for Transportation Services Act.

**Sec. 421. Assistance for Providers of Transportation Services Affected By Covid-19.**

Section 421 provides \$2 billion in economic assistance to motorcoach and bus operators, school bus companies, U.S. flag passenger vessel operators, like passenger ferries, and other U.S. transportation service providers.

**Subtitle C – Motor Carrier Safety Grant Relief Act of 2020**

**Sec. 440. Short Title.**

Defines the short title as Motor Carrier Safety Grant Relief Act of 2020.

**Sec. 441. Relief for Recipients of Financial Assistance Awards From The Federal Motor Carrier Safety Administration.**

Extends the period of availability for FMCSA’s “Motor Carrier Safety Assistance Program (MCSAP)” grant funds awarded in FY19 and FY20 by one year.

## **Subtitle D – Extension of Waiver Authority**

### **Sec. 442. Extension of Waiver Authority.**

Extends NHTSA’s authority to waive or postpone highway safety grant requirements under sections 402, 404, 405, or 412 of title 23, section 4001 of FAST, or 23 CFR part 1300 in FY21.

## **Title V – Banking**

*Prepared by the Democratic staff of the House Committee on Financial Services*

## **Subtitle A — Emergency Rental Assistance**

### **Sec. 501. Emergency Rental Assistance.**

Section 5201 appropriates \$25 billion through Treasury to provide to state and local government entities, including \$400 million for U.S. territories and \$800 million for Native Americans, Alaska Natives, and Native Hawaiians (with the District of Columbia treated as a state). Funds would be required to be allocated to state and local governments (“grantees”) within 30 days of enactment. Eligible households are defined as renter households who: (1) have a household income not more than 80 percent of AMI; (2) have one or more household members who can demonstrate a risk of experiencing homelessness or housing instability; and (3) have one or more household members who qualify for unemployment benefits or experienced financial hardship due, directly or indirectly, to the pandemic. Assistance would be prioritized for renter households whose incomes do not exceed 50 percent of AMI as well as renter households who are currently unemployed and have been unemployed for 90 or more days. Financial assistance provided under this section is non-taxable for households receiving such assistance.

### **Sec. 502. Eviction Moratorium.**

This section extends the CDC eviction moratorium until January 31, 2021.

## **Subtitle B – Community Development Investment (CDFIs and MDIs)**

### **Sec. 520. Purpose.**

This section stipulates the purpose of this subtitle is to establish emergency programs to support access to credit to and investments in low- and moderate-income (LMI) and minority communities disproportionately impacted by the COVID-19 pandemic.

### **Sec. 521. Considerations; Requirements for Creditors.**

This section includes factors that the Secretary of the Treasury must consider in implementing this subtitle, including increasing the availability of affordable credit for consumers, small businesses, and nonprofit organizations that provide direct benefits to LMI communities, low-income and underserved individuals, and minorities. This section also affirms that lenders receiving funds through this subtitle must fully comply with all applicable requirements relating to fair lending.

### **Sec. 522. Capital Investments for Neighborhoods Disproportionally Impacted by the COVID-19 Pandemic.**

This section establishes a \$9 billion Emergency Capital Investment Program (ECIP), administered by the Department of the Treasury, to provide low-cost, long-term capital investments to minority depository institutions (MDIs) and community development financial institutions (CDFIs) that are depository institutions. Participants must develop a plan to maintain or expand significant lending or investment activity in LMI minority communities, and the repayment terms on the investment incentivizes enhanced lending to LMI communities. During the initial application period when entities apply in a timely manner, as determined by Treasury, \$4 billion will be set aside for eligible institutions with less than \$2 billion in total assets, with \$2

billion of that amount reserved for eligible institutions with less than \$500 million in total assets. If there are ECIP funds left over in either tranche, Treasury can redeploy those funds to other applicants until all funds have been expended. Additionally, this section provides a narrow exemption from the Equal Credit Opportunity Act (ECOA) for the sole purpose and exclusive use of data collection to ensure compliance with the program's plan to enhance lending to minority communities, while ensuring institutions will be subject to ECOA enforcement actions should they discriminate against borrowers. Treasury's authority to make new capital investments ceases 6 months after the date on which the national emergency concerning the COVID-19 outbreak under the National Emergencies Act terminates.

**Sec. 523. Emergency Support for CDFIs and Communities Responding to the COVID-19 Pandemic.**

This section provides \$3 billion to the CDFI Fund to provide grants and other financial assistance to CDFIs, including CDFI loan funds, as they serve consumers, small businesses, and nonprofits in their communities. Of the total funds, \$1.25 billion will be available until September 30, 2021, for the CDFI Fund to award grants and other financial and technical assistance to help CDFIs serve their communities responding to the economic hardships created by the pandemic, including \$25 million reserved to benefit Native American, Native Hawaiian, and Alaska Native communities. The remaining \$1.75 billion will be available until expended to provide additional grants and other financial and technical assistance to CDFIs, including reserved for "minority lending institutions," a new category of CDFIs that predominantly serve minority communities and are either MDIs or meet other standards for accountability to minority populations as determined by the CDFI Fund. This section also provides a narrow exemption from ECOA for the sole purpose and exclusive use of data collection to ensure CDFIs are adequately serving minority communities, while ensuring institutions will be subject to ECOA enforcement actions should they discriminate against borrowers.

**Sec. 524. Inspector General Oversight.**

This section stipulates that the Inspector General of the Department of the Treasury will oversee the programs established under this subtitle, and will report to Congress semiannually.

**Sec. 525. Study and Report with Respect to Impact of Programs on Low- and Moderate-Income and Minority Communities.**

This section requires Treasury to conduct a study 18 months after enactment of impact of the programs established under this subtitle on LMI and minority communities.

**Subtitle C — Miscellaneous**

**Sec. 540. Extensions of Temporary Relief and Emergency Authorities.**

This section extends and modifies a CARES Act provision allowing banks and credit unions to temporarily delay the adoption of a new credit loss accounting standard – Current Expected Credit Loss (CECL). The section allows these institutions until the earlier of (1) the first day of the fiscal year of the institution that begins after the national emergency termination date or (2) January 1, 2022.

This section also extends another CARES Act provision that temporarily changes the National Credit Union Administration's (NCUA) Central Liquidity Facility (CLF) for credit unions to meet liquidity needs by expanding the ability to borrow up to a value 16 times the CLF's subscribed capital stock and surplus, up from the statutory limit of 12 times. This section extends the termination of CLF's expansion to December 31, 2021.

**Sec. 541. Extension of Temporary Relief from Troubled Debt Restructurings and Insurer Clarification.**

This section extends the CARES Act provision under section 4013, which allows financial institutions to determine if they will suspend the Generally Accepted Accounting Principles (GAAP) requirements for recognizing any potential COVID-related losses from a troubled debt restructuring (TDR) related to a loan modification. This section extends the termination of this provision to the earlier of (1) 60 days after the national emergency termination date or (2) January 1, 2022, and clarifies that insurance companies are covered by the provision.

**Sec. 542. Healthcare Operating Loss Loans.**

This section authorizes HUD to insure mortgages under Section 223(d) to cover the operating losses of healthcare facilities that are already insured under the Section 232 and 242 programs and that were financially sound immediately prior to the COVID-19 pandemic.

**Title VI – Labor Provisions**

*Prepared by the Democratic Staff of the House Committee on Education and Labor*

**Section 601. Job Corps Flexibilities.**

This section waives certain statutory requirements regarding enrollment and eligibility for Job Corps students during the qualifying emergency. This includes waiving drug testing requirements for students enrolling in Job Corps virtually, and allowing students who turn 25 during the qualifying emergency to maintain enrollment eligibility if enrolling within six months of enactment of this Act.

**Title VII – Nutrition and Agriculture Relief**

*Prepared by the Democratic Staff of the House Committee on Agriculture and the House Committee on Education and Labor*

**Subtitle A – Nutrition**

**CHAPTER 1 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**

**SEC. 701. DEFINITIONS.**

Defines public health emergency and supplemental nutrition assistance program (SNAP).

**SEC. 702. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**

Subsection (a) increases the monthly SNAP benefit level by 15% based on the June 2020 Thrifty Food Plan through June 30, 2021. Subsection (b) simplifies the state administrative process for SNAP benefit level increases. Subsection (c) provides \$100 million for state administrative costs through fiscal year 2021 and requires these funds to be made available to states within 60 days of enactment. Subsection (d) excludes Pandemic Unemployment Compensation from being counted toward household income for SNAP. Subsection (e) extends SNAP eligibility to college students who are eligible for a federal or state work study program or has an expected family contribution of zero. Subsection (f) directs the Secretary to submit a report on the redemption rate and account balances for each month from January 2021 to June 2021. Subsection (g) shortens the statutory waivers for certain SNAP quality control requirements from September 30, 2021 to June 30, 2021.

**SEC. 703. ADDITIONAL ASSISTANCE FOR SNAP ONLINE PURCHASING AND TECHNOLOGY IMPROVEMENTS.**

Provides \$5 million for technical support to USDA in expanding the SNAP online purchasing program, including for farmers markets and direct marketing farmers, and for supporting mobile payment technologies and the electronic benefit transfer system.

**SEC. 704. NUTRITION ASSISTANCE PROGRAMS.**

Provides \$614 million to Puerto Rico and American Samoa for nutrition assistance, of which \$14 million shall be available to the Commonwealth of the Northern Mariana Islands.

**CHAPTER 2 - COMMODITY DISTRIBUTION PROGRAMS**



**SEC. 711. EMERGENCY FOOD ASSISTANCE PROGRAM.**

Invests \$400 million in the Emergency Food Assistance Program through September 30, 2021. Allows up to 20 percent of these funds to be used for commodity distribution.

**SEC. 712. COMMODITY SUPPLEMENTAL FOOD PROGRAM.**

Provides \$13 million to the Commodity Supplemental Food Program, 20% of which may be used for administrative costs through September 30, 2021.

**CHAPTER 3 – CHILD NUTRITION AND RELATED PROGRAMS**

**SEC. 721. ASSISTANCE FOR CHILDREN IN CHILD CARE**

Ensures that millions of young children can access needed nutrition benefits by clarifying that states may issue P-EBT benefits to children under the age of 6 who live in households receiving Supplemental Nutrition Assistance Program (SNAP) benefits and residing in an area in which schools or child care facilities are closed or operating with reduced hours or attendance without the need to verify child care enrollment at the individual household level. Additionally, makes P-EBT implementation easier for states and clarifies simplifying assumptions that may be used.

**SEC. 722. EMERGENCY COSTS FOR CHILD NUTRITION PROGRAMS DURING COVID-19 PANDEMIC**

Provides emergency relief to help school meal and child and adult care food programs, which are in dire need of financial assistance, to continue serving children and families. Provides as much funding as necessary to carry out these payments.

**SEC. 723. TASK FORCE ON SUPPLEMENTAL FOODS DELIVERY IN THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM**

Requires the Department of Agriculture to establish a task force on food delivery models in the WIC program so that participants have access to curbside pickup and other safe food purchasing methods during the pandemic.

**CHAPTER 4– OTHER MATTERS**

**SEC. 731. AGING AND DISABILITY SERVICES PROGRAMS**

Provides \$175 million in emergency funding for Older Americans Act nutrition programs, including \$7 million for tribal nutrition programs.

**SEC. 732. NUTRITION SERVICES UNDER OLDER AMERICANS ACT**

Provides needed flexibility to area agencies on aging and state units on aging to ensure that older adults' nutritional needs can continue to be met safely during the pandemic.

**Subtitle B - Agriculture**

**CHAPTER 1 – AGRICULTURAL PROGRAMS**

**SEC. 751. OFFICE OF THE SECRETARY.**

Provides \$11.1875 billion to the Office of the Secretary, to remain available until expended, to prevent, prepare for, and respond to coronavirus by providing support to agricultural producers, growers, and processors. From this amount, the Secretary:

- Shall make supplemental Coronavirus Food Assistance Program (CFAP) payments for the 2020 crop year to producers of price trigger crops who meet a defined market trigger;

- Shall make CFAP supplemental payments for the 2020 crop year to producers of flat-rate crops who meet a defined market trigger;
- Shall take crop insurance indemnities, noninsured crop disaster assistance payments, and Wildfire and Hurricanes Indemnity Program Plus payments into consideration when determining the amount of eligible sales and may allow producers to select 2018 or 2019 sales;
- Shall make payments to livestock and poultry growers for losses suffered due to depopulation because of insufficient processing access due to COVID-19 market impacts;
- Shall make supplemental CFAP payments to cattle producers;
- Shall use no more than \$1 billion to make payments to livestock and poultry contract growers who had revenue losses due to contract changes because of COVID-19;
- Shall use no less than \$20 million to improve and maintain animal disease prevention and response capacity;
- Shall make payments to domestic users of upland cotton and extra-long staple cotton;
- Shall make additional payments to supplement the CFAP payment to more closely align with the calculated gross payment or revenue loss;
- May provide support to processors for crop losses due to insufficient processing access;
- May extend the term of a marketing assistance loan;
- Shall use no less than \$1.5 billion to purchase food and agricultural products, including seafood;
- The same fund is also available to make loans and grants to small and midsize food processors or distributors, seafood processing facilities and vessels, farmers markets, and producers to respond to COVID-19, including measures to protect workers;
- Is to conduct a preliminary review of the COVID-19 impacts on and needs of agricultural producers and food processors and actions needed to improve COVID-19 food purchasing;
- May use no more than \$200 million to support timber harvesting and timber hauling businesses impacted by COVID-19;
- May take into account price differentiation factors for each commodity when making payments under this section, such as specialized varieties, local markets, and certified organic;
- May make payments to producers of advanced biofuel, biomass-based diesel, cellulosic biofuel, conventional biofuel, or renewable fuels with market losses due to COVID-19; and,
- May make recourse loans available to dairy product processors, packagers, or merchandisers.

#### **SEC. 752. SPECIALTY CROP BLOCK GRANTS.**

The bill provides \$100 million in additional funding to support specialty crop farmers and address COVID-19 specialty crop supply chain issues at the state level via the farm bill's Specialty Crop Block Grant Program.

#### **SEC. 753. LOCAL AGRICULTURE MARKET PROGRAM.**

The bill provides \$100 million in additional funding to support local farmers, farmers markets, and value-added production for farmers and outlets who are impacted by COVID-19 market disruptions through the farm bill's Local Agriculture Market Program. The Secretary may reduce matching requirements for these additional funds.

#### **SEC. 754. FARMING OPPORTUNITIES TRAINING AND OUTREACH PROGRAM.**

The bill provides \$75 million to the farm bill's Farming Opportunities Training and Outreach Program to support groups providing beginning, socially disadvantaged, and veteran farmers and ranchers with financial and marketing advice and technical assistance in this difficult market, including help in accessing Federal and State assistance programs. The Secretary may reduce matching requirements for these additional funds.

#### **SEC. 755. GUS SCHUMACHER NUTRITION INCENTIVE PROGRAM.**

The bill provides \$75 million for the Gus Schumacher Nutrition Incentive Program. The Secretary may reduce matching requirements for these additional funds.

**SEC. 756. RESEARCH.**

The bill provides \$20 million annually to the Agricultural Research Service to address gaps in nutrition research by studying the connection between agriculture production and human nutrition and health.

**CHAPTER 2 —SUPPORT FOR DAIRY, LIVESTOCK, AND FARM STRESS**

**SEC. 760.** Definitions.

**SEC. 761. SUPPLEMENTAL DAIRY MARGIN COVERAGE PAYMENTS.**

The bill provides necessary cash flow assistance to small- and mid-sized dairies that have grown over the last seven years by establishing supplemental margin coverage based on the difference between 2019 actual production and Dairy Margin Coverage production history.

**SEC. 762. DAIRY DONATION PROGRAM.**

The bill provides \$400 million to pay for milk to be processed into dairy products and donated to non-profit entities (food banks, feeding programs, etc.). Under the framework of the program, the dairy processor and non-profit develop a plan for donation and distribution and USDA reimburses the processor for the associated cost of milk. The bill allows USDA to adjust the existing Milk Donation Program payments to match the level of payment provided by this new program.

**SEC. 763. ESTABLISHMENT OF TRUST FOR BENEFIT OF UNPAID CASH SELLERS OF LIVESTOCK.**

The bill establishes a Federal livestock dealer trust to ensure that livestock producers are paid for their animals.

**SEC. 764. GRANTS FOR IMPROVEMENTS TO MEAT AND POULTRY FACILITIES TO ALLOW FOR INTERSTATE SHIPMENT.**

The bill provides \$60 million to make facility upgrade and planning grants to existing meat and poultry processors to help them move to Federal inspection and be able to sell their products across state lines. The bill also requires USDA to work with States and report on ways to improve the existing Cooperative Interstate Shipment program.

**SEC. 765. MEAT AND POULTRY PROCESSING STUDY AND REPORT.**

The bill requires a report on the availability of financing for new and existing meat and poultry processing capacity.

**SEC. 766. SUPPORT FOR FARM STRESS PROGRAMS.**

The bill provides \$28 million to be distributed as block grants to state departments of agriculture for use to support existing farm stress programs.

**Title VIII – United States Postal Service**

*Prepared by the Democratic Staff of the House Committee on Oversight and Reform*

**SEC. 801. Covid—19 Funding for the United States Postal Service.**

This section amends section 6001 of the CARES Act (P.L. 116-136) to provide that any money borrowed under that section does not have to be repaid. The CARES Act authorized the Postal Service to borrow up to \$10 billion, subject to such terms and conditions agreed to by the Postal Service and the Department of the Treasury.

### **SEC. 802. Temporary Acceptance of Certain Low-Risk Postal Shipments.**

This section delays implementation of the STOP Act (sec. 1415 of title 19 U.S.C.) if the Postmaster General or the Commissioner of Customs and Border Patrol determine that an international mail shipment presents a low risk of violating any statutes or regulations of the United States.

## **Title IX – Broadband Internet Access Service**

*Prepared by the Democratic Staff of the House Committee Energy and Commerce*

### **Section 901. Amendments to the Secure and Trusted Communications Network Reimbursement Program.**

Section 901 expands eligibility for the Secure and Trusted Reimbursement Program at the Federal Communications Commission (FCC) that compensates providers for the cost of removing and replacing certain unsecure equipment from their networks, which will help protect our nation's communications networks from foreign adversaries. It also ensures that smaller providers and public or private educational institutions are prioritized for such reimbursements.

### **Section 902. Connecting Minority Communities.**

Section 902 establishes an Office of Minority Broadband Initiatives at the National Telecommunications and Information Administration (NTIA) to focus on broadband access and adoption at Historically Black colleges or universities, Tribal colleges and universities, and other Minority-serving institutions, including the students, faculty, and staff of such institutions and their surrounding communities. It also appropriates \$285 million for a Pilot Program to award grants to these institutions and certain businesses and non-profit organizations in the community to support connectivity, and specifies that at least 20 percent of such funds should be used to ensure that students of such institutions have internet service and devices.

### **Section 903. FCC COVID-19 Telehealth program.**

Section 903 appropriates an additional \$250 million to the FCC for its COVID-19 Telehealth Program authorized under the CARES Act. It also puts in place new transparency obligations for the program surrounding the FCC's review of applications, and directs the Commission to ensure, to the extent feasible, that all states benefit from the program.

### **Section 904. Benefit for Broadband Service During Emergency Period Relating to COVID-19.**

Section 904 establishes the Emergency Broadband Benefit Program at the FCC, under which eligible households may receive a discount of up to \$50, or up to \$75 on Tribal lands, off the cost of internet service and a subsidy for low-cost devices such as computers and tablets. Internet service providers that provide the discounted service or devices to customers can receive a reimbursement from the FCC for such costs. Households that qualify for the benefit include those with: children that qualify for the free and reduced lunch program, Pell grant recipients, recently laid off or furloughed workers, an individual who qualifies for the Lifeline program, or an individual who qualifies for a low-income or COVID-19 discount program offered by internet service providers. \$3.2 billion is appropriated for the Program.

### **Section 905. Grants for Broadband Connectivity.**

Section 905 establishes two grant programs at the NTIA. The first is a grant program to support broadband connectivity on tribal lands throughout the country. The grants would be directed to tribal governments to be

used not only for broadband deployment on tribal lands, but also telehealth, distance learning, broadband affordability, and digital inclusion. \$1 billion is appropriated for this program. The second is a \$300 million broadband deployment program to support broadband infrastructure deployment to areas lacking broadband, especially rural areas. The grants would be issued to qualifying partnerships between state and local governments and fixed broadband providers. Priority for grants would be given to networks that would reach the most unserved consumers.

**Section 906. Appropriations for Federal Communications Commission Activities.**

This section appropriates \$65 million to the FCC to create broadband data maps required under the Broadband DATA Act. It also appropriates \$1.9 billion for the FCC's Secure and Trusted Reimbursement Program.

**Title X – Miscellaneous**

**Sec. 1001. Coronavirus Relief Fund Extension.**

Extends the date by which state and local governments must make expenditures with CARES Act Coronavirus Relief Fund awards from December 30, 2020 to December 31, 2021.

**Sec. 1002. Contractor Pay.**

Allows reimbursement to qualifying contractors for the costs of providing paid leave to employees during the pandemic.

**Sec. 1003. Rescissions.**

Rescinds the unobligated amounts appropriated under section 4027 of the CARES Act that were deposited in the Exchange Stabilization Fund (ESF) for direct loans by the Department of the Treasury (Treasury) and emergency lending programs and facilities established by the Board of Governors of the Federal Reserve System (Federal Reserve or Fed). There is an immediate rescission of \$429 billion from unobligated balances, and a subsequent rescission on January 9, 2021 of any remaining unobligated balances. Certain administrative expenses are exempted from the rescissions.

**Sec. 1004. Emergency Relief and Taxpayer Protections.**

Clarifies that proceeds from investments should be deposited as described in section 4003(e) of the CARES Act.

**Sec. 1005. Termination of Authority.**

Sets December 31, 2020 as the date for termination of the Federal Reserve's authority to make new loans, asset purchases, or modifications through the existing CARES Act facilities. As the ESF funds provided through the CARES Act are rescinded, this section clarifies the Secretary of the Treasury retains authority to use other ESF funds to backstop future Federal Reserve emergency lending programs and facilities under section 13(3) of the Federal Reserve Act. This section also clarifies that while those other ESF funds may not be used to establish Federal Reserve emergency lending programs and facilities that are the "same as" (i.e. identical to) current Federal Reserve programs and facilities that received CARES Act funding support (except the Term Asset-Backed Securities Loan Facility, or TALF), it permits substantially similar Federal Reserve emergency lending programs and facilities, including those designed to support small businesses and non-profit organizations, as well as state, territory, and local governments, to be established with ESF funds in the future.

**Sec. 1006. Rule of Construction.**

Clarifies that the Federal Reserve fully retains the authority it had prior to the enactment of the CARES Act to establish programs and facilities under section 13(3) of the Federal Reserve Act.