

1 **DIVISION** **N—ADDITIONAL**
2 **CORONAVIRUS** **RESPONSE**
3 **AND RELIEF**
4 **TITLE I—HEALTHCARE**

5 **SEC. 101. SUPPORTING PHYSICIANS AND OTHER PROFES-**
6 **SIONALS IN ADJUSTING TO MEDICARE PAY-**
7 **MENT CHANGES DURING 2021.**

8 (a) IN GENERAL.—Section 1848 of the Social Secu-
9 rity Act (42 U.S.C. 1395w-4) is amended by adding at
10 the end the following new subsection:

11 “(t) SUPPORTING PHYSICIANS AND OTHER PROFES-
12 SIONALS IN ADJUSTING TO MEDICARE PAYMENT
13 CHANGES DURING 2021.—

14 “(1) IN GENERAL.—In order to support physi-
15 cians and other professionals in adjusting to changes
16 in payment for physicians’ services during 2021, the
17 Secretary shall increase fee schedules under sub-
18 section (b) that establish payment amounts for such
19 services furnished on or after January 1, 2021, and
20 before January 1, 2022, by 3.75 percent.

21 “(2) IMPLEMENTATION.—

22 “(A) ADMINISTRATION.—Notwithstanding
23 any other provision of law, the Secretary may

1 implement this subsection by program instruc-
2 tion or otherwise.

3 “(B) LIMITATION.—There shall be no ad-
4 ministrative or judicial review under section
5 1869, 1878 or otherwise of the fee schedules
6 that establish payment amounts calculated pur-
7 suant to this subsection.

8 “(C) APPLICATION ONLY FOR 2021.—The
9 increase in fee schedules that establish payment
10 amounts under this subsection shall not be
11 taken into account in determining such fee
12 schedules that establish payment amounts for
13 services furnished in years after 2021.

14 “(3) FUNDING.—For purposes of increasing the
15 fee schedules that establish payment amounts pursu-
16 ant to this subsection—

17 “(A) there shall be transferred from the
18 General Fund of the Treasury to the Federal
19 Supplementary Medical Insurance Trust Fund
20 under section 1841, \$3,000,000,000, to remain
21 available until expended; and

22 “(B) in the event the Secretary determines
23 additional amounts are necessary, such
24 amounts shall be available from the Federal

1 Supplementary Medical Insurance Trust
2 Fund.”.

3 (b) EXEMPTION OF ADDITIONAL EXPENDITURES
4 FROM PHYSICIAN FEE SCHEDULE BUDGET-NEU-
5 TRALITY.—Such section 1848 is amended, in subsection
6 (c)(2)(B)(iv)—

7 (1) in subclause (III), by striking “and” at the
8 end;

9 (2) in subclause (IV), by striking the period at
10 the end and inserting “; and”; and

11 (3) by adding at the end the following new sub-
12 clause:

13 “(V) subsection (t) shall not be
14 taken into account in applying clause
15 (ii)(II) for 2021.”.

16 (c) REPORT.—Not later than April 1, 2022, the Sec-
17 retary of Health and Human Services shall submit a re-
18 port to the Committee on Finance of the Senate and the
19 Committee on Ways and Means and the Committee on En-
20 ergy and Commerce of the House of Representatives on
21 the increase in fee schedules that establish payment
22 amounts for physicians’ services under section 1848(t) of
23 the Social Security Act, as added by subsection (a). Such
24 report shall include the aggregate amount of the increase
25 in payment amounts under such section, including infor-

1 mation regarding any payments made in excess of the
2 amount of funding provided under paragraph (3)(A) of
3 such section.

4 **SEC. 102. EXTENSION OF TEMPORARY SUSPENSION OF**
5 **MEDICARE SEQUESTRATION.**

6 (a) **IN GENERAL.**—Section 3709(a) of division A of
7 the CARES Act (2 U.S.C. 901a note) is amended by strik-
8 ing “December 31, 2020” and inserting “March 31,
9 2021”.

10 (b) **EFFECTIVE DATE.**—The amendment made by
11 subsection (a) shall take effect as if enacted as part of
12 the CARES Act (Public Law 116–136).

13 **TITLE II—ASSISTANCE TO INDI-**
14 **VIDUALS, FAMILIES, AND**
15 **BUSINESSES**

16 **Subtitle A—Unemployment**
17 **Insurance**

18 **CHAPTER 1—CONTINUED ASSISTANCE TO**
19 **UNEMPLOYED WORKERS**

20 **SEC. 200. SHORT TITLE.**

21 This chapter may be cited as the “Continued Assist-
22 ance for Unemployed Workers Act of 2020”.

1 **Subchapter I—Extension of CARES Act**
2 **Unemployment Provisions**

3 **SEC. 201. EXTENSION AND BENEFIT PHASEOUT RULE FOR**
4 **PANDEMIC UNEMPLOYMENT ASSISTANCE.**

5 (a) IN GENERAL.—Section 2102(c) of the CARES
6 Act (15 U.S.C. 9021(c)) is amended—

7 (1) in paragraph (1)—

8 (A) by striking “paragraph (2)” and in-
9 serting “paragraphs (2) and (3)”; and

10 (B) in subparagraph (A)(ii), by striking
11 “December 31, 2020” and inserting “March
12 14, 2021”; and

13 (2) by redesignating paragraph (3) as para-
14 graph (4); and

15 (3) by inserting after paragraph (2) the fol-
16 lowing:

17 “(3) TRANSITION RULE FOR INDIVIDUALS RE-
18 MAINING ENTITLED TO PANDEMIC UNEMPLOYMENT
19 ASSISTANCE AS OF MARCH 14, 2021.—

20 “(A) IN GENERAL.—Subject to subpara-
21 graph (B), in the case of any individual who, as
22 of the date specified in paragraph (1)(A)(ii), is
23 receiving pandemic unemployment assistance
24 but has not yet exhausted all rights to such as-
25 sistance under this section, pandemic unemploy-

1 ment assistance shall continue to be payable to
2 such individual for any week beginning on or
3 after such date for which the individual is oth-
4 erwise eligible for pandemic unemployment as-
5 sistance.

6 “(B) TERMINATION.—Notwithstanding
7 any other provision of this subsection, no pan-
8 demic unemployment assistance shall be payable
9 for any week beginning after April 5, 2021.”.

10 (b) INCREASE IN NUMBER OF WEEKS.—Section
11 2102(c)(2) of the CARES Act (15 U.S.C. 9021(c)(2)) is
12 amended—

13 (1) by striking “39 weeks” and inserting “50
14 weeks”; and

15 (2) by striking “39-week period” and inserting
16 “50-week period”.

17 (c) APPEALS.—

18 (1) IN GENERAL.—Section 2102(c) of the
19 CARES Act (15 U.S.C. 9021(c)), as amended by
20 subsections (a) and (b), is amended by adding at the
21 end the following:

22 “(5) APPEALS BY AN INDIVIDUAL.—

23 “(A) IN GENERAL.—An individual may ap-
24 peal any determination or redetermination re-
25 garding the rights to pandemic unemployment

1 assistance under this section made by the State
2 agency of any of the States.

3 “(B) PROCEDURE.—All levels of appeal
4 filed under this paragraph in the 50 states, the
5 District of Columbia, the Commonwealth of
6 Puerto Rico, and the Virgin Islands—

7 “(i) shall be carried out by the appli-
8 cable State that made the determination or
9 redetermination; and

10 “(ii) shall be conducted in the same
11 manner and to the same extent as the ap-
12 plicable State would conduct appeals of de-
13 terminations or redeterminations regarding
14 rights to regular compensation under State
15 law.

16 “(C) PROCEDURE FOR CERTAIN TERRI-
17 TORIES.—With respect to any appeal filed in
18 Guam, American Samoa, the Commonwealth of
19 the Northern Mariana Islands, the Federated
20 States of Micronesia, Republic of the Marshall
21 Islands, and the Republic of Palau—

22 “(i) lower level appeals shall be car-
23 ried out by the applicable entity within the
24 State;

1 “(ii) if a higher level appeal is allowed
2 by the State, the higher level appeal shall
3 be carried out by the applicability entity
4 within the State; and

5 “(iii) appeals described in clauses (i)
6 and (ii) shall be conducted in the same
7 manner and to the same extent as appeals
8 of regular unemployment compensation are
9 conducted under the unemployment com-
10 pensation law of Hawaii.”.

11 (2) EFFECTIVE DATE.—The amendment made
12 by paragraph (1) shall take effect as if enacted as
13 part of division A of the CARES Act (Public Law
14 116–136), except that any decision issued on appeal
15 or review before the date of enactment of this Act
16 shall not be affected by the amendment made by
17 paragraph (1).

18 (d) WAIVER AUTHORITY FOR CERTAIN OVERPAY-
19 MENTS OF PANDEMIC UNEMPLOYMENT ASSISTANCE.—
20 Section 2102(d) of the CARES Act (15 U.S.C. 9021(d))
21 is amended by adding at the end the following:

22 “(4) WAIVER AUTHORITY.—In the case of indi-
23 viduals who have received amounts of pandemic un-
24 employment assistance to which they were not enti-
25 tled, the State shall require such individuals to repay

1 the amounts of such pandemic unemployment assist-
2 ance to the State agency, except that the State
3 agency may waive such repayment if it determines
4 that—

5 “(A) the payment of such pandemic unem-
6 ployment assistance was without fault on the
7 part of any such individual; and

8 “(B) such repayment would be contrary to
9 equity and good conscience.”.

10 (e) HOLD HARMLESS FOR PROPER ADMINISTRA-
11 TION.—In the case of an individual who is eligible to re-
12 ceive pandemic unemployment assistance under section
13 2102 the CARES Act (15 U.S.C. 9021) as of the day be-
14 fore the date of enactment of this Act and on the date
15 of enactment of this Act becomes eligible for pandemic
16 emergency unemployment compensation under section
17 2107 of the CARES Act (15 U.S.C. 9025) by reason of
18 the amendments made by section 206(b) of this subtitle,
19 any payment of pandemic unemployment assistance under
20 such section 2102 made after the date of enactment of
21 this Act to such individual during an appropriate period
22 of time, as determined by the Secretary of Labor, that
23 should have been made under such section 2107 shall not
24 be considered to be an overpayment of assistance under
25 such section 2102, except that an individual may not re-

1 ceive payment for assistance under section 2102 and a
2 payment for assistance under section 2107 for the same
3 week of unemployment.

4 (f) **LIMITATION.**—In the case of a covered individual
5 whose first application for pandemic unemployment assist-
6 ance under section 2102 of the CARES Act (15 U.S.C.
7 9021) is filed after the date of enactment of this Act, sub-
8 section (e)(1)(A)(i) of such section 2102 shall be applied
9 by substituting “December 1, 2020” for “January 27,
10 2020”.

11 (g) **EFFECTIVE DATE.**—The amendments made by
12 subsections (a), (b), (c), and (d) shall apply as if included
13 in the enactment of the CARES Act (Public Law 116–
14 136), except that no amount shall be payable by virtue
15 of such amendments with respect to any week of unem-
16 ployment commencing before the date of the enactment
17 of this Act.

18 **SEC. 202. EXTENSION OF EMERGENCY UNEMPLOYMENT RE-**
19 **LIEF FOR GOVERNMENTAL ENTITIES AND**
20 **NONPROFIT ORGANIZATIONS.**

21 Section 903(i)(1)(D) of the Social Security Act (42
22 U.S.C. 1103(i)(1)(D)) is amended by striking “December
23 31, 2020” and inserting “March 14, 2021”.

1 **SEC. 203. EXTENSION OF FEDERAL PANDEMIC UNEMPLOY-**
2 **MENT COMPENSATION.**

3 (a) IN GENERAL.—Section 2104(e) of the CARES
4 Act (15 U.S.C. 9023(e)) is amended to read as follows:

5 “(e) APPLICABILITY.—An agreement entered into
6 under this section shall apply—

7 “(1) to weeks of unemployment beginning after
8 the date on which such agreement is entered into
9 and ending on or before July 31, 2020; and

10 “(2) to weeks of unemployment beginning after
11 December 26, 2020 (or, if later, the date on which
12 such agreement is entered into), and ending on or
13 before March 14, 2021.”

14 (b) AMOUNT.—

15 (1) IN GENERAL.—Section 2104(b) of the
16 CARES Act (15 U.S.C. 9023(b)) is amended—

17 (A) in paragraph (1)(B), by striking “of
18 \$600” and inserting “equal to the amount spec-
19 ified in paragraph (3)”; and

20 (B) by adding at the end the following new
21 paragraph:

22 “(3) AMOUNT OF FEDERAL PANDEMIC UNEM-
23 PLOYMENT COMPENSATION.—

24 “(A) IN GENERAL.—The amount specified
25 in this paragraph is the following amount:

1 “(i) For weeks of unemployment be-
2 ginning after the date on which an agree-
3 ment is entered into under this section and
4 ending on or before July 31, 2020, \$600.

5 “(ii) For weeks of unemployment be-
6 ginning after December 26, 2020 (or, if
7 later, the date on which such agreement is
8 entered into), and ending on or before
9 March 14, 2021, \$300.”.

10 (2) TECHNICAL AMENDMENT REGARDING AP-
11 PLICATION TO SHORT-TIME COMPENSATION PRO-
12 GRAMS AND AGREEMENTS.—Section 2104(i)(2) of
13 the CARES Act (15 U.S.C. 9023(i)(2)) is amend-
14 ed—

15 (A) in subparagraph (C), by striking
16 “and” at the end;

17 (B) in subparagraph (D), by striking the
18 period at the end and inserting “; and”; and

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

20 “(E) short-time compensation under a
21 short-time compensation program (as defined in
22 section 3306(v) of the Internal Revenue Code of
23 1986).”.

1 **SEC. 204. EXTENSION OF FEDERAL FUNDING OF THE FIRST**
2 **WEEK OF COMPENSABLE REGULAR UNEM-**
3 **PLOYMENT FOR STATES WITH NO WAITING**
4 **WEEK.**

5 Section 2105 of the CARES Act (15 U.S.C. 9024)
6 is amended—

7 (1) in subsection (c)—

8 (A) in paragraph (1), by striking “There
9 shall be paid” and inserting “Except as pro-
10 vided in paragraph (3), there shall be paid”;
11 and

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

13 “(3) PARTIAL REIMBURSEMENT.—With respect
14 to compensation paid to individuals for weeks of un-
15 employment ending after December 31, 2020, para-
16 graph (1) shall be applied by substituting ‘50 per-
17 cent’ for ‘100 percent.’”; and

18 (2) in subsection (e)(2), by striking “December
19 31, 2020” and inserting “March 14, 2021”.

20 **SEC. 205. EXTENSION OF EMERGENCY STATE STAFFING**
21 **FLEXIBILITY.**

22 Section 4102(b) of the Families First Coronavirus
23 Response Act (26 U.S.C. 3304 note), in the second sen-
24 tence, is amended by striking “December 31, 2020” and
25 inserting “March 14, 2021”.

1 **SEC. 206. EXTENSION AND BENEFIT PHASEOUT RULE FOR**
2 **PANDEMIC EMERGENCY UNEMPLOYMENT**
3 **COMPENSATION.**

4 (a) IN GENERAL.—Section 2107(g) of the CARES
5 Act (15 U.S.C. 9025(g)) is amended to read as follows:

6 “(g) APPLICABILITY.—

7 “(1) IN GENERAL.—Except as provided in para-
8 graphs (2) and (3), an agreement entered into under
9 this section shall apply to weeks of unemployment—

10 “(A) beginning after the date on which
11 such agreement is entered into; and

12 “(B) ending on or before March 14, 2021.

13 “(2) TRANSITION RULE FOR INDIVIDUALS RE-
14 MAINING ENTITLED TO PANDEMIC EMERGENCY UN-
15 EMPLOYMENT COMPENSATION AS OF MARCH 14,
16 2021.—In the case of any individual who, as of the
17 date specified in paragraph (1)(B), is receiving Pan-
18 demic Emergency Unemployment Compensation but
19 has not yet exhausted all rights to such assistance
20 under this section, Pandemic Emergency Unemploy-
21 ment Compensation shall continue to be payable to
22 such individual for any week beginning on or after
23 such date for which the individual is otherwise eligi-
24 ble for Pandemic Emergency Unemployment Com-
25 pensation.

1 “(3) TERMINATION.—Notwithstanding any
2 other provision of this subsection, no Pandemic
3 Emergency Unemployment Compensation shall be
4 payable for any week beginning after April 5,
5 2021.”.

6 (b) INCREASE IN NUMBER OF WEEKS.—Section
7 2107(b)(2) of the CARES Act (15 U.S.C. 9025(b)(2)) is
8 amended by striking “13” and inserting “24”.

9 (c) COORDINATION RULES.—

10 (1) COORDINATION OF PANDEMIC EMERGENCY
11 UNEMPLOYMENT COMPENSATION WITH REGULAR
12 COMPENSATION.—Section 2107(b) of the CARES
13 Act (15 U.S.C. 9025(b)) is amended by adding at
14 the end the following:

15 “(4) COORDINATION OF PANDEMIC EMERGENCY
16 UNEMPLOYMENT COMPENSATION WITH REGULAR
17 COMPENSATION.—

18 “(A) IN GENERAL.—If—

19 “(i) an individual has been determined
20 to be entitled to pandemic emergency un-
21 employment compensation with respect to
22 a benefit year;

23 “(ii) that benefit year has expired;

24 “(iii) that individual has remaining
25 entitlement to pandemic emergency unem-

1 employment compensation with respect to
2 that benefit year; and

3 “*(iv)* that individual would qualify for
4 a new benefit year in which the weekly
5 benefit amount of regular compensation is
6 at least \$25 less than the individual’s
7 weekly benefit amount in the benefit year
8 referred to in clause *(i)*,

9 then the State shall determine eligibility for
10 compensation as provided in subparagraph *(B)*.

11 “*(B)* DETERMINATION OF ELIGIBILITY.—
12 For individuals described in subparagraph *(A)*,
13 the State shall determine whether the individual
14 is to be paid pandemic emergency unemploy-
15 ment compensation or regular compensation for
16 a week of unemployment using one of the fol-
17 lowing methods:

18 “*(i)* The State shall, if permitted by
19 State law, establish a new benefit year, but
20 defer the payment of regular compensation
21 with respect to that new benefit year until
22 exhaustion of all pandemic emergency un-
23 employment compensation payable with re-
24 spect to the benefit year referred to in sub-
25 paragraph *(A)(i)*.

1 “(ii) The State shall, if permitted by
2 State law, defer the establishment of a new
3 benefit year (which uses all the wages and
4 employment which would have been used to
5 establish a benefit year but for the applica-
6 tion of this subparagraph), until exhaus-
7 tion of all pandemic emergency unemploy-
8 ment compensation payable with respect to
9 the benefit year referred to in subpara-
10 graph (A)(i).

11 “(iii) The State shall pay, if permitted
12 by State law—

13 “(I) regular compensation equal
14 to the weekly benefit amount estab-
15 lished under the new benefit year; and

16 “(II) pandemic emergency unem-
17 ployment compensation equal to the
18 difference between that weekly benefit
19 amount and the weekly benefit
20 amount for the expired benefit year.

21 “(iv) The State shall determine rights
22 to pandemic emergency unemployment
23 compensation without regard to any rights
24 to regular compensation if the individual

1 elects to not file a claim for regular com-
2 pensation under the new benefit year.”.

3 (2) COORDINATION OF PANDEMIC EMERGENCY
4 UNEMPLOYMENT COMPENSATION WITH EXTENDED
5 COMPENSATION.—

6 (A) INDIVIDUALS RECEIVING EXTENDED
7 COMPENSATION AS OF THE DATE OF ENACT-
8 MENT.—Section 2107(a)(5) of the CARES Act
9 (15 U.S.C. 9025(a)(5)) is amended—

10 (i) by striking “RULE.—An agree-
11 ment” and inserting the following:

12 “RULES.—

13 “(A) IN GENERAL.—Subject to subpara-
14 graph (B), an agreement”;

15 (ii) by adding at the end the fol-
16 lowing:

17 “(B) SPECIAL RULE.—In the case of an
18 individual who is receiving extended compensa-
19 tion under the State law for the week that in-
20 cludes the date of enactment of this subpara-
21 graph (without regard to the amendments made
22 by subsections (a) and (b) of section 206 of the
23 Continued Assistance for Unemployed Workers
24 Act of 2020), such individual shall not be eligi-
25 ble to receive pandemic emergency unemploy-

1 ment compensation by reason of such amend-
2 ments until such individual has exhausted all
3 rights to such extended benefits.”.

4 (B) ELIGIBILITY FOR EXTENDED COM-
5 PENSATION.—Section 2107(a) of the CARES
6 Act (15 U.S.C. 9025(a)) is amended by adding
7 at the end the following:

8 “(8) SPECIAL RULE FOR EXTENDED COM-
9 PENSATION.—At the option of a State, for any
10 weeks of unemployment beginning after the date of
11 the enactment of this paragraph and before April
12 12, 2021, an individual’s eligibility period (as de-
13 scribed in section 203(c) of the Federal-State Ex-
14 tended Unemployment Compensation Act of 1970
15 (26 U.S.C. 3304 note)) shall, for purposes of any
16 determination of eligibility for extended compensa-
17 tion under the State law of such State, be consid-
18 ered to include any week which begins—

19 “(A) after the date as of which such indi-
20 vidual exhausts all rights to pandemic emer-
21 gency unemployment compensation; and

22 “(B) during an extended benefit period
23 that began on or before the date described in
24 subparagraph (A).”.

25 (d) EFFECTIVE DATE.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), the amendments made by this section
3 shall apply as if included in the enactment of the
4 CARES Act (Public Law 116–136), except that no
5 amount shall be payable by virtue of such amend-
6 ments with respect to any week of unemployment
7 commencing before the date of the enactment of this
8 Act.

9 (2) COORDINATION RULES.—The amendments
10 made by subsection (c)(1) shall apply to individuals
11 whose benefit years, as described in section
12 2107(b)(4)(A)(ii) of the CARES Act, expire after
13 the date of enactment of this Act.

14 **SEC. 207. EXTENSION OF TEMPORARY FINANCING OF**
15 **SHORT-TIME COMPENSATION PAYMENTS IN**
16 **STATES WITH PROGRAMS IN LAW.**

17 Section 2108(b)(2) of the CARES Act (15 U.S.C.
18 9026(b)(2)) is amended by striking “December 31, 2020”
19 and inserting “March 14, 2021”.

20 **SEC. 208. EXTENSION OF TEMPORARY FINANCING OF**
21 **SHORT-TIME COMPENSATION AGREEMENTS**
22 **FOR STATES WITHOUT PROGRAMS IN LAW.**

23 Section 2109(d)(2) of the CARES Act (15 U.S.C.
24 9027(d)(2)) is amended by striking “December 31, 2020”
25 and inserting “March 14, 2021”.

1 **SEC. 209. TECHNICAL AMENDMENT TO REFERENCES TO**
2 **REGULATION IN CARES ACT.**

3 (a) IN GENERAL.—Section 2102(h) of the CARES
4 Act (Public Law 116-136) is amended by striking “section
5 625” in each place it appears and inserting “part 625”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 this section shall take effect as if included in section 2102
8 of the CARES Act (Public Law 116-136).

9 **Subchapter II—Extension of FFCRA**
10 **Unemployment Provisions**

11 **SEC. 221. EXTENSION OF TEMPORARY ASSISTANCE FOR**
12 **STATES WITH ADVANCES.**

13 Section 1202(b)(10)(A) of the Social Security Act
14 (42 U.S.C. 1322(b)(10)(A)) is amended by striking “De-
15 cember 31, 2020” and inserting “March 14, 2021”.

16 **SEC. 222. EXTENSION OF FULL FEDERAL FUNDING OF EX-**
17 **TENDED UNEMPLOYMENT COMPENSATION.**

18 Section 4105 of the Families First Coronavirus Re-
19 sponse Act (26 U.S.C. 3304 note) is amended—

20 (1) in subsection (a), by striking “December
21 31, 2020” and inserting “March 14, 2021”; and

22 (2) in subsection (b), by striking “ending on or
23 before December 31, 2020” and inserting “before
24 March 14, 2021”.

1 **Subchapter III—Continued Assistance to Rail**
2 **Workers**

3 **SEC. 231. SHORT TITLE.**

4 This subchapter may be cited as the “Continued As-
5 sistance to Rail Workers Act of 2020”.

6 **SEC. 232. ADDITIONAL ENHANCED BENEFITS UNDER THE**
7 **RAILROAD UNEMPLOYMENT INSURANCE ACT.**

8 (a) IN GENERAL.—Section 2(a)(5)(A) of the Railroad
9 Unemployment Insurance Act (45 U.S.C. 352(a)(5)(A)) is
10 amended—

11 (1) in the first sentence—

12 (A) by inserting “and for registration peri-
13 ods beginning after December 26, 2020, but on
14 or before March 14, 2021,” after “July 31,
15 2020,”;

16 (B) by striking “in the amount of \$1,200”;
17 and

18 (C) by striking “July 1, 2019” and insert-
19 ing “July 1, 2019, or July 1, 2020”; and

20 (2) by adding at the end the following: “For
21 registration periods beginning on or after April 1,
22 2020, but on or before July 31, 2020, the recovery
23 benefit payable under this subparagraph shall be in
24 the amount of \$1,200. For registration periods be-
25 ginning after December 26, 2020, but on or before

1 March 14, 2021, the recovery benefit payable under
2 this subparagraph shall be in the amount of \$600.”.

3 (b) CLARIFICATION ON AUTHORITY TO USE
4 FUNDS.—Funds appropriated under subparagraph (B) of
5 section 2(a)(5) of the Railroad Unemployment Insurance
6 Act (45 U.S.C. 352(a)(5)) shall be available to cover the
7 cost of recovery benefits provided under such section
8 2(a)(5) by reason of the amendments made by subsection
9 (a) as well as to cover the cost of such benefits provided
10 under such section 2(a)(5) as in effect on the day before
11 the date of enactment of this Act.

12 **SEC. 233. EXTENDED UNEMPLOYMENT BENEFITS UNDER**
13 **THE RAILROAD UNEMPLOYMENT INSURANCE**
14 **ACT.**

15 (a) IN GENERAL.—Section 2(c)(2)(D) of the Rail-
16 road Unemployment Insurance Act (45 U.S.C.
17 352(c)(2)(D)) is amended—

18 (1) in clause (i)—

19 (A) in subclause (I), by striking “130
20 days” and inserting “185 days”;

21 (B) in subclause (II), by striking “13 con-
22 secutive 14-day periods” and inserting “19 con-
23 secutive 14-day periods, except that no ex-
24 tended benefit period shall end before 6 con-
25 secutive 14-day periods after the date of enact-

1 ment of the Continued Assistance for Unem-
2 ployed Workers Act of 2020 have elapsed”;

3 (2) in clause (ii), by striking “if such clause
4 had not been enacted.” and inserting “if such clause
5 had not been enacted and if—

6 “(A) subparagraph (A) were ap-
7 plied by substituting ‘120 days of un-
8 employment’ for ‘65 days of unem-
9 ployment’; and

10 “(B) subparagraph (B) were ap-
11 plied by inserting ‘(or, in the case of
12 unemployment benefits, 12 consecu-
13 tive 14-day periods, except that no ex-
14 tended benefit period shall end before
15 6 consecutive 14-day periods after the
16 date of enactment of the Continued
17 Assistance for Unemployed Workers
18 Act of 2020 have elapsed)’ after ‘7
19 consecutive 14-day periods.’”; and

20 (3) in clause (iii)—

21 (A) by striking “June 30, 2020” and in-
22 serting “June 30, 2021”;

23 (B) by striking “no extended benefit period
24 under this paragraph shall begin after Decem-
25 ber 31, 2020” and inserting “the provisions of

1 clauses (i) and (ii) shall not apply to any em-
2 ployee whose extended benefit period under sub-
3 paragraph (B) begins after March 14, 2021,
4 and shall not apply to any employee with re-
5 spect to any registration period beginning after
6 April 5, 2021.”; and

7 (C) by striking “clause (iv)” and inserting
8 “clause (v)”;

9 (4) by redesignating clause (iv) as clause (v);
10 and

11 (5) by inserting after clause (iii) the following:

12 “(iv) TREATMENT OF CERTAIN CAL-
13 ENDAR DAYS.—No calendar day occurring
14 during the period beginning on the first
15 date with respect to which the employee
16 has exhausted all rights to extended unem-
17 ployment benefits under this paragraph as
18 in effect on the day before the date of en-
19 actment of the Continued Assistance for
20 Unemployed Workers Act of 2020 and
21 ending with the date of such enactment
22 may be treated as a day of unemployment
23 for purposes of the payment of extended
24 unemployment benefits under this para-
25 graph.”.

1 (b) APPLICATION.—The amendments made by sub-
2 section (a) shall apply as if included in the enactment of
3 the CARES Act (15 U.S.C. 9001 et seq.).

4 (c) CLARIFICATION ON AUTHORITY TO USE FUND.—
5 Funds appropriated under either the first or second sen-
6 tence of clause (v) of section 2(c)(2)(D) of the Railroad
7 Unemployment Insurance Act (as redesignated by sub-
8 section (a)(4)) shall be available to cover the cost of addi-
9 tional extended unemployment benefits provided under
10 such section 2(c)(2)(D) by reason of the amendments
11 made by subsection (a) as well as to cover the cost of such
12 benefits provided under such section 2(c)(2)(D) as in ef-
13 fect on the day before the date of enactment of this Act.

14 **SEC. 234. EXTENSION OF WAIVER OF THE 7-DAY WAITING**
15 **PERIOD FOR BENEFITS UNDER THE RAIL-**
16 **ROAD UNEMPLOYMENT INSURANCE ACT.**

17 (a) IN GENERAL.—Section 2112(a) of the CARES
18 Act (15 U.S.C. 9030(a)) is amended by striking “Decem-
19 ber 31, 2020” and inserting “March 14, 2021”.

20 (b) OPERATING INSTRUCTIONS AND REGULA-
21 TIONS.—The Railroad Retirement Board may prescribe
22 any operating instructions or regulations necessary to
23 carry out this section.

24 (c) CLARIFICATION ON AUTHORITY TO USE
25 FUNDS.—Funds appropriated under section 2112(c) of

1 the CARES Act (15 U.S.C. 9030(e)) shall be available to
2 cover the cost of additional benefits payable due to section
3 2112(a) of such Act by reason of the amendments made
4 by subsection (a) as well as to cover the cost of such bene-
5 fits payable due to such section 2112(a) as in effect on
6 the day before the date of enactment of this Act.

7 **SEC. 235. TREATMENT OF PAYMENTS FROM THE RAILROAD**
8 **UNEMPLOYMENT INSURANCE ACCOUNT.**

9 (a) IN GENERAL.—Section 256(i)(1) of the Balanced
10 Budget and Emergency Deficit Control Act of 1985 (2
11 U.S.C. 906(i)(1)) is amended—

12 (1) in subparagraph (B), by striking “and” at
13 the end;

14 (2) in subparagraph (C), by inserting “and” at
15 the end; and

16 (3) by inserting after subparagraph (C) the fol-
17 lowing new subparagraph:

18 “(D) any payment made from the Railroad Un-
19 employment Insurance Account (established by sec-
20 tion 10 of the Railroad Unemployment Insurance
21 Act) for the purpose of carrying out the Railroad
22 Unemployment Insurance Act, and funds appro-
23 priated or transferred to or otherwise deposited in
24 such Account,”.

1 (b) EFFECTIVE DATE.—The treatment of payments
2 made from the Railroad Unemployment Insurance Ac-
3 count pursuant to the amendment made by subsection
4 (a)—

5 (1) shall take effect 7 days after the date of the
6 enactment of this Act; and

7 (2) shall apply only to obligations incurred dur-
8 ing the period beginning on the effective date de-
9 scribed in paragraph (1) and ending on the date
10 that is 30 days after the date on which the national
11 emergency concerning the novel coronavirus disease
12 (COVID–19) outbreak declared by the President on
13 March 13, 2020, under the National Emergencies
14 Act (50 U.S.C. 1601 et seq.) terminates.

15 (c) SUNSET.—The amendments made by subsection
16 (a) shall be repealed on the date that is 30 days after
17 the date on which the national emergency concerning the
18 novel coronavirus disease (COVID–19) outbreak declared
19 by the President on March 13, 2020, under the National
20 Emergencies Act (50 U.S.C. 1601 et seq.) terminates.

1 **Subchapter IV—Improvements to Pandemic**
2 **Unemployment Assistance to Strengthen**
3 **Program Integrity**

4 **SEC. 241. REQUIREMENT TO SUBSTANTIATE EMPLOYMENT**
5 **OR SELF-EMPLOYMENT AND WAGES EARNED**
6 **OR PAID TO CONFIRM ELIGIBILITY FOR PAN-**
7 **DEMIC UNEMPLOYMENT ASSISTANCE.**

8 (a) IN GENERAL.—Section 2102(a)(3)(A) of the
9 CARES Act (15 U.S.C. 9021(a)(3)(A)) is amended—

10 (1) in clause (i), by striking “and” at the end;

11 (2) by inserting after clause (ii) the following:

12 “(iii) provides documentation to sub-
13 stantiate employment or self-employment
14 or the planned commencement of employ-
15 ment or self-employment not later than 21
16 days after the later of the date on which
17 the individual submits an application for
18 pandemic unemployment assistance under
19 this section or the date on which an indi-
20 vidual is directed by the State Agency to
21 submit such documentation in accordance
22 with section 625.6(e) of title 20, Code of
23 Federal Regulations, or any successor
24 thereto, except that such deadline may be
25 extended if the individual has shown good

1 cause under applicable State law for failing
2 to submit such documentation; and”.

3 (b) APPLICABILITY.—

4 (1) IN GENERAL.—Subject to paragraphs (2)
5 and (3), the amendments made by subsection (a)
6 shall apply to any individual who files a new applica-
7 tion for pandemic unemployment assistance or
8 claims pandemic unemployment assistance for any
9 week of unemployment under section 2102 of the
10 CARES Act (15 U.S.C. 9021) on or after January
11 31, 2021.

12 (2) SPECIAL RULE.—An individual who received
13 pandemic unemployment assistance under section
14 2102 of the CARES Act (15 U.S.C. 9021) for any
15 week ending before the date of enactment of this Act
16 shall not be considered ineligible for such assistance
17 for such week solely by reason of failure to submit
18 documentation described in clause (iii) of subsection
19 (a)(3)(A) of such section 2102, as added by sub-
20 section (a).

21 (3) PRIOR APPLICANTS.—With respect to an in-
22 dividual who applied for pandemic unemployment as-
23 sistance under section 2102 of the CARES Act (15
24 U.S.C. 9021) before January 31, 2021, and receives
25 such assistance on or after the date of enactment of

1 this Act, clause (iii) of subsection (a)(3)(A) of such
2 section shall be applied by substituting “90 days”
3 for “21 days”.

4 **SEC. 242. REQUIREMENT FOR STATES TO VERIFY IDENTITY**
5 **OF APPLICANTS FOR PANDEMIC UNEMPLOY-**
6 **MENT ASSISTANCE.**

7 (a) IN GENERAL.—Section 2102(f) of the CARES
8 Act (15 U.S.C. 9021(f)) is amended—

9 (1) in paragraph (1), by inserting “, including
10 procedures for identity verification or validation and
11 for timely payment, to the extent reasonable and
12 practicable” before the period at the end; and

13 (2) in paragraph (2)(B), by inserting “and ex-
14 penses related to identity verification or validation
15 and timely and accurate payment” before the period
16 at the end.

17 (b) APPLICABILITY.—The requirements imposed by
18 the amendments made by this section shall apply, with re-
19 spect to agreements made under section 2102 of the
20 CARES Act, beginning on the date that is 30 days after
21 the date of enactment of this Act.

1 **Subchapter V—Return to Work Reporting**
2 **Requirement**

3 **SEC. 251. RETURN TO WORK REPORTING FOR CARES ACT**
4 **AGREEMENTS.**

5 (a) IN GENERAL.—Subtitle A of title II of division
6 A of the CARES Act (Public Law 116–136) is amended
7 by adding at the end the following:

8 **“SEC. 2117. RETURN TO WORK REPORTING.**

9 “Each State participating in an agreement under any
10 of the preceding sections of this subtitle shall have in ef-
11 fect a method to address any circumstances in which, dur-
12 ing any period during which such agreement is in effect,
13 claimants of unemployment compensation refuse to return
14 to work or to accept an offer of suitable work without good
15 cause. Such method shall include the following:

16 “(1) A reporting method for employers, such as
17 through a phone line, email, or online portal, to no-
18 tify the State agency when an individual refuses an
19 offer of employment.

20 “(2) A plain-language notice provided to such
21 claimants about State return to work laws, rights to
22 refuse to return to work or to refuse suitable work,
23 including what constitutes suitable work, and a
24 claimant’s right to refuse work that poses a risk to
25 the claimant’s health or safety, and information on

1 contesting the denial of a claim that has been denied
2 due to a report by an employer that the claimant re-
3 fused to return to work or refused suitable work.”.

4 (b) EFFECTIVE DATE.—The requirements imposed
5 by this section shall take effect 30 days from the date of
6 enactment of this Act.

7 **Subchapter VI—Other Related Provisions**
8 **and Technical Corrections**

9 **SECTION 261. MIXED EARNER UNEMPLOYMENT COMPENSA-**
10 **TION.**

11 (a) IN GENERAL.—Section 2104(b) of the CARES
12 Act (15 U.S.C. 9023(b)(1)), as amended by section 1103,
13 is further amended—

14 (1) in paragraph (1)—

15 (A) in subparagraph (B), by striking the
16 period at the end and inserting “, plus”; and

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

18 “(C) an additional amount of \$100 (in this
19 section referred to as ‘Mixed Earner Unemploy-
20 ment Compensation’) in any case in which the
21 individual received at least \$5,000 of self-em-
22 ployment income (as defined in section 1402(b)
23 of the Internal Revenue Code of 1986) in the
24 most recent taxable year ending prior to the in-

1 dividual’s application for regular compensa-
2 tion.”; and

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

4 “(4) CERTAIN DOCUMENTATION REQUIRED.—

5 An agreement under this section shall include a re-
6 quirement, similar to the requirement under section
7 2102(a)(3)(A)(iii), for the substantiation of self-em-
8 ployment income with respect to each applicant for
9 Mixed Earner Unemployment Compensation under
10 paragraph (1)(C).”.

11 (b) CONFORMING AMENDMENTS.—

12 (1) FEDERAL PANDEMIC UNEMPLOYMENT COM-
13 PENSATION.—Section 2104 of such Act is amend-
14 ed—

15 (A) by inserting “or Mixed Earner Unem-
16 ployment Compensation” after “Federal Pan-
17 demic Unemployment Compensation” each
18 place such term appears in subsection (b)(2),
19 (c), or (f) of such section;

20 (B) in subsection (d), by inserting “and
21 Mixed Earner Unemployment Compensation”
22 after “Federal Pandemic Unemployment Com-
23 pensation”; and

1 (C) in subsection (g), by striking “provide
2 that” and all that follows through the end and
3 inserting “provide that—

4 “(1) the purposes of the preceding provisions of
5 this section, as such provisions apply with respect to
6 Federal Pandemic Unemployment Compensation,
7 shall be applied with respect to unemployment bene-
8 fits described in subsection (i)(2) to the same extent
9 and in the same manner as if those benefits were
10 regular compensation; and

11 “(2) the purposes of the preceding provisions of
12 this section, as such provisions apply with respect to
13 Mixed Earner Unemployment Compensation, shall
14 be applied with respect to unemployment benefits
15 described in subparagraph (A), (B), (D), or (E) of
16 subsection (i)(2) to the same extent and in the same
17 manner as if those benefits were regular compensa-
18 tion.”.

19 (2) PANDEMIC EMERGENCY UNEMPLOYMENT
20 COMPENSATION.—Section 2107(a)(4)(A) of such Act
21 is amended—

22 (A) in clause (i), by striking “and”;

23 (B) in clause (ii), by striking “section
24 2104;” and inserting “section 2104(b)(1)(B);
25 and”; and

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

2 “(iii) the amount (if any) of Mixed
3 Earner Unemployment Compensation
4 under section 2104(b)(1)(C);”.

5 (c) STATE’S RIGHT OF NON-PARTICIPATION.—Any
6 State participating in an agreement under section 2104
7 of the CARES Act may elect to continue paying Federal
8 Pandemic Unemployment Compensation under such
9 agreement without providing Mixed Earner Unemploy-
10 ment Compensation pursuant to the amendments made by
11 this section. Such amendments shall apply with respect to
12 such a State only if the State so elects, in which case such
13 amendments shall apply with respect to weeks of unem-
14 ployment beginning on or after the later of the date of
15 such election or the date of enactment of this section.

16 **SEC. 262. LOST WAGES ASSISTANCE RECOUPMENT FAIR-**
17 **NESS.**

18 (a) DEFINITIONS.—In this section—

19 (1) the term “covered assistance” means assist-
20 ance provided for supplemental lost wages payments
21 under subsections (e)(2) and (f) of section 408 of
22 the Robert T. Stafford Disaster Relief and Emer-
23 gency Assistance Act (42 U.S.C. 5174), as author-
24 ized under the emergency declaration issued by the
25 President on March 13, 2020, pursuant to section

1 501(b) of such Act (42 U.S.C. 5191(b)) and under
2 any subsequent major disaster declaration under sec-
3 tion 401 of such Act (42 U.S.C. 5170) that super-
4 sedes such emergency declaration; and

5 (2) the term “State” has the meaning given the
6 term in section 102 of the Robert T. Stafford Dis-
7 aster Relief and Emergency Assistance Act (42
8 U.S.C. 5122).

9 (b) WAIVER AUTHORITY FOR STATE LIABILITY.—In
10 the case of any individual who has received amounts of
11 covered assistance to which the individual is not entitled,
12 the State shall require the individual to repay the amounts
13 of such assistance to the State agency, except that the
14 State agency may waive such repayment if the State agen-
15 cy determines that—

16 (1) the payment of such covered assistance was
17 without fault on the part of the individual; and

18 (2) such repayment would be contrary to equity
19 and good conscience.

20 (c) WAIVER AUTHORITY FOR FEDERAL LIABILITY.—

21 Any waiver of debt issued by a State under subsection (b)
22 shall also waive the debt owed to the United States.

23 (d) REPORTING.—

24 (1) STATE REPORTING.—If a State issues a
25 waiver of debt under subsection (b), the State shall

1 report such waiver to the Administrator of the Fed-
2 eral Emergency Management Agency.

3 (2) **OIG REPORTING.**—Not later than 6 months
4 after the date of enactment of this Act, the Inspec-
5 tor General of the Department of Homeland Secu-
6 rity shall submit a report that assesses the efforts
7 of the States to waive recoupment related to lost
8 wages assistance under section 408 of the Robert T.
9 Stafford Disaster Relief and Emergency Assistance
10 Act (42 U.S.C. 5174) to—

11 (A) the Committee on Homeland Security
12 and Governmental Affairs, the Committee on
13 Finance, and the Subcommittee on Homeland
14 Security of the Committee on Appropriations of
15 the Senate; and

16 (B) the Committee on Transportation and
17 Infrastructure, Committee on Ways and Means,
18 and the Subcommittee on Homeland Security of
19 the Committee on Appropriations of the House
20 of Representatives.

1 **SEC. 263. CONTINUING ELIGIBILITY FOR CERTAIN RECIPI-**
2 **ENTS OF PANDEMIC UNEMPLOYMENT ASSIST-**
3 **ANCE.**

4 (a) IN GENERAL.—Section 2102(c) of the CARES
5 Act (15 U.S.C. 9021(c)), as amended by section 201, is
6 further amended by adding at the end the following:

7 “(6) CONTINUED ELIGIBILITY FOR ASSIST-
8 ANCE.—As a condition of continued eligibility for as-
9 sistance under this section, a covered individual shall
10 submit a recertification to the State for each week
11 after the individual’s 1st week of eligibility that cer-
12 tifies that the individual remains an individual de-
13 scribed in subsection (a)(3)(A)(ii) for such week.”.

14 (b) EFFECTIVE DATE; SPECIAL RULE.—

15 (1) IN GENERAL.—The amendment made by
16 subsection (a) shall apply with respect to weeks be-
17 ginning on or after the date that is 30 days after
18 the date of enactment of this section.

19 (2) SPECIAL RULE.—In the case of any State
20 that made a good faith effort to implement section
21 2102 of division A of the CARES Act (15 U.S.C.
22 9021) in accordance with rules similar to those pro-
23 vided in section 625.6 of title 20, Code of Federal
24 Regulations, for weeks ending before the effective
25 date specified in paragraph (1), an individual who
26 received pandemic unemployment assistance from

1 such State for any such week shall not be considered
2 ineligible for such assistance for such week solely by
3 reason of failure to submit a recertification described
4 in subsection (c)(5) of such section 2102.

5 **SEC. 264. TECHNICAL CORRECTION FOR NONPROFIT ORGA-**
6 **NIZATIONS CLASSIFIED AS FEDERAL TRUST**
7 **INSTRUMENTALITIES.**

8 (a) IN GENERAL.—Section 903(i)(1) of the Social Se-
9 curity Act (42 U.S.C. 1103(i)(1)) is amended—

10 (1) in subparagraph (B), in the first sentence,
11 by inserting “and to service provided by employees
12 of an entity created by Public Law 85–874 (20
13 U.S.C. 76h et seq.)” after “of such Code applies”;
14 and

15 (2) in subparagraph (C), by inserting “or an
16 entity created by Public Law 85–874 (20 U.S.C.
17 76h et seq.)” before the period at the end.

18 (b) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect as if included in the enact-
20 ment of section 2103 of the CARES Act (Public Law 116–
21 136).

22 **SEC. 265. TECHNICAL CORRECTION FOR THE COMMON-**
23 **WEALTH OF NORTHERN MARIANA ISLANDS.**

24 A Commonwealth Only Transitional Worker (as de-
25 fined in section 6(i)(2) of the Joint Resolution entitled “A

1 Joint Resolution to approve the ‘Covenant To Establish
2 a Commonwealth of the Northern Mariana Islands in Po-
3 litical Union with the United States of America’, and for
4 other purposes” (48 U.S.C. 1806)) shall be considered a
5 qualified alien under section 431 of Public Law 104-193
6 (8 U.S.C. 1641) for purposes of eligibility for a benefit
7 under section 2102 or 2104 of the CARES Act.

8 **SEC. 266. WAIVER TO PRESERVE ACCESS TO EXTENDED**
9 **BENEFITS IN HIGH UNEMPLOYMENT STATES.**

10 (a) IN GENERAL.—For purposes of determining the
11 beginning of an extended benefit period (or a high unem-
12 ployment period) under the Federal-State Extended Un-
13 employment Compensation Act of 1970 (26 U.S.C. 3304
14 note) during the period beginning on November 1, 2020,
15 and ending December 31, 2021, section 203 of such Act
16 may be applied without regard to subsection (b)(1)(B) of
17 such section.

18 (b) RULEMAKING AUTHORITY; TECHNICAL ASSIST-
19 ANCE.—The Secretary of Labor shall issue such rules or
20 other guidance as the Secretary determines may be nec-
21 essary for the implementation of subsection (a), and shall
22 provide technical assistance to States as needed to facili-
23 tate such implementation.

1 **Subtitle B—COVID-related Tax**
2 **Relief Act of 2020**

3 **SEC. 271. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This subtitle may be cited as the
5 “COVID-related Tax Relief Act of 2020”.

6 (b) AMENDMENT OF 1986 CODE.—Except as other-
7 wise expressly provided, whenever in this Act an amend-
8 ment or repeal is expressed in terms of an amendment
9 to, or repeal of, a section or other provision, the reference
10 shall be considered to be made to a section or other provi-
11 sion of the Internal Revenue Code of 1986.

12 (c) TABLE OF CONTENTS.—The table of contents of
13 this Act is as follows:

- Sec. 271. Short title; table of contents.
- Sec. 272. Additional 2020 recovery rebates for individuals.
- Sec. 273. Amendments to recovery rebates under the CARES Act.
- Sec. 274. Extension of certain deferred payroll taxes.
- Sec. 275. Regulations or guidance clarifying application of educator expense tax deduction.
- Sec. 276. Clarification of tax treatment of forgiveness of covered loans.
- Sec. 277. Emergency financial aid grants.
- Sec. 278. Clarification of tax treatment of certain loan forgiveness and other business financial assistance under the CARES Act.
- Sec. 279. Authority to waive certain information reporting requirements.
- Sec. 280. Application of special rules to money purchase pension plans.
- Sec. 281. Election to waive application of certain modifications to farming losses.
- Sec. 282. Oversight and audit reporting.
- Sec. 283. Disclosures to identify tax receivables not eligible for collection pursuant to qualified tax collection contracts.
- Sec. 284. Modification of certain protections for taxpayer return information.
- Sec. 285. 2020 election to terminate transfer period for qualified transfers from pension plan for covering future retiree costs.
- Sec. 286. Extension of credits for paid sick and family leave.
- Sec. 287. Election to use prior year net earnings from self-employment in determining average daily self-employment income for purposes of credits for paid sick and family leave.
- Sec. 288. Certain technical improvements to credits for paid sick and family leave.

1 **SEC. 272. ADDITIONAL 2020 RECOVERY REBATES FOR INDI-**
2 **VIDUALS.**

3 (a) IN GENERAL.—Subchapter B of chapter 65 of
4 subtitle F is amended by inserting after section 6428 the
5 following new section:

6 **“SEC. 6428A. ADDITIONAL 2020 RECOVERY REBATES FOR IN-**
7 **DIVIDUALS.**

8 “(a) IN GENERAL.—In addition to the credit allowed
9 under section 6428, in the case of an eligible individual,
10 there shall be allowed as a credit against the tax imposed
11 by subtitle A for the first taxable year beginning in 2020
12 an amount equal to the sum of—

13 “(1) \$600 (\$1,200 in the case of eligible indi-
14 viduals filing a joint return), plus

15 “(2) an amount equal to the product of \$600
16 multiplied by the number of qualifying children
17 (within the meaning of section 24(c)) of the tax-
18 payer.

19 “(b) TREATMENT OF CREDIT.—The credit allowed by
20 subsection (a) shall be treated as allowed by subpart C
21 of part IV of subchapter A of chapter 1.

22 “(c) LIMITATION BASED ON ADJUSTED GROSS IN-
23 COME.—The amount of the credit allowed by subsection
24 (a) (determined without regard to this subsection and sub-
25 section (e)) shall be reduced (but not below zero) by 5

1 percent of so much of the taxpayer's adjusted gross in-
2 come as exceeds—

3 “(1) \$150,000 in the case of a joint return or
4 a surviving spouse (as defined in section 2(a)),

5 “(2) \$112,500 in the case of a head of house-
6 hold (as defined in section 2(b)), and

7 “(3) \$75,000 in the case of a taxpayer not de-
8 scribed in paragraph (1) or (2).

9 “(d) ELIGIBLE INDIVIDUAL.—For purposes of this
10 section, the term ‘eligible individual’ means any individual
11 other than—

12 “(1) any nonresident alien individual,

13 “(2) any individual with respect to whom a de-
14 duction under section 151 is allowable to another
15 taxpayer for a taxable year beginning in the cal-
16 endar year in which the individual's taxable year be-
17 gins, and

18 “(3) an estate or trust.

19 “(e) COORDINATION WITH ADVANCE REFUNDS OF
20 CREDIT.—

21 “(1) IN GENERAL.—The amount of the credit
22 which would (but for this paragraph) be allowable
23 under this section shall be reduced (but not below
24 zero) by the aggregate refunds and credits made or
25 allowed to the taxpayer under subsection (f). Any

1 failure to so reduce the credit shall be treated as
2 arising out of a mathematical or clerical error and
3 assessed according to section 6213(b)(1).

4 “(2) JOINT RETURNS.—Except as otherwise
5 provided by the Secretary, in the case of a refund
6 or credit made or allowed under subsection (f) with
7 respect to a joint return, half of such refund or cred-
8 it shall be treated as having been made or allowed
9 to each individual filing such return.

10 “(f) ADVANCE REFUNDS AND CREDITS.—

11 “(1) IN GENERAL.—Each individual who was
12 an eligible individual for such individual’s first tax-
13 able year beginning in 2019 shall be treated as hav-
14 ing made a payment against the tax imposed by
15 chapter 1 for such taxable year in an amount equal
16 to the advance refund amount for such taxable year.

17 “(2) ADVANCE REFUND AMOUNT.—For pur-
18 poses of paragraph (1), the advance refund amount
19 is the amount that would have been allowed as a
20 credit under this section for such taxable year if this
21 section (other than subsection (e) and this sub-
22 section) had applied to such taxable year. For pur-
23 poses of determining the advance refund amount
24 with respect to such taxable year—

1 “(A) any individual who was deceased be-
2 fore January 1, 2020, shall be treated for pur-
3 poses of applying subsection (g) in the same
4 manner as if the valid identification number of
5 such person was not included on the return of
6 tax for such taxable year, and

7 “(B) no amount shall be determined under
8 this subsection with respect to any qualifying
9 child of the taxpayer if—

10 “(i) the taxpayer was deceased before
11 January 1, 2020, or

12 “(ii) in the case of a joint return, both
13 taxpayers were deceased before January 1,
14 2020.

15 “(3) TIMING AND MANNER OF PAYMENTS.—

16 “(A) TIMING.—

17 “(i) IN GENERAL.—The Secretary
18 shall, subject to the provisions of this title,
19 refund or credit any overpayment attrib-
20 utable to this subsection as rapidly as pos-
21 sible.

22 “(ii) DEADLINE.—

23 “(I) IN GENERAL.—Except as
24 provided in subclause (II), no refund
25 or credit shall be made or allowed

1 under this subsection after January
2 15, 2021.

3 “(II) EXCEPTION FOR MIRROR
4 CODE POSSESSIONS.—In the case of a
5 possession of the United States which
6 has a mirror code tax system (as such
7 terms are defined in section 272(c) of
8 the COVID-related Tax Relief Act of
9 2020), no refund or credit shall be
10 made or allowed under this subsection
11 after the earlier of—

12 “(aa) such date as is deter-
13 mined appropriate by the Sec-
14 retary, or

15 “(bb) September 30, 2021.

16 “(B) DELIVERY OF PAYMENTS.—Notwith-
17 standing any other provision of law, the Sec-
18 retary may certify and disburse refunds payable
19 under this subsection electronically to—

20 “(i) any account to which the payee
21 authorized, on or after January 1, 2019,
22 the delivery of a refund of taxes under this
23 title or of a Federal payment (as defined
24 in section 3332 of title 31, United States
25 Code),

1 “(ii) any account belonging to a payee
2 from which that individual, on or after
3 January 1, 2019, made a payment of taxes
4 under this title, or

5 “(iii) any Treasury-sponsored account
6 (as defined in section 208.2 of title 31,
7 Code of Federal Regulations).

8 “(C) WAIVER OF CERTAIN RULES.—Not-
9 withstanding section 3325 of title 31, United
10 States Code, or any other provision of law, with
11 respect to any payment of a refund under this
12 subsection, a disbursing official in the executive
13 branch of the United States Government may
14 modify payment information received from an
15 officer or employee described in section
16 3325(a)(1)(B) of such title for the purpose of
17 facilitating the accurate and efficient delivery of
18 such payment. Except in cases of fraud or reck-
19 less neglect, no liability under sections 3325,
20 3527, 3528, or 3529 of title 31, United States
21 Code, shall be imposed with respect to pay-
22 ments made under this subparagraph.

23 “(4) NO INTEREST.—No interest shall be al-
24 lowed on any overpayment attributable to this sub-
25 section.

1 “(5) APPLICATION TO CERTAIN INDIVIDUALS
2 WHO DO NOT FILE A RETURN OF TAX FOR 2019.—

3 “(A) IN GENERAL.—In the case of a speci-
4 fied individual who, at the time of any deter-
5 mination made pursuant to paragraph (3), has
6 not filed a tax return for the year described in
7 paragraph (1), the Secretary may use informa-
8 tion with respect to such individual which is
9 provided by—

10 “(i) in the case of a specified social
11 security beneficiary or a specified supple-
12 mental security income recipient, the Com-
13 missioner of Social Security,

14 “(ii) in the case of a specified railroad
15 retirement beneficiary, the Railroad Retire-
16 ment Board, and

17 “(iii) in the case of a specified vet-
18 erans beneficiary, the Secretary of Vet-
19 erans Affairs (in coordination with, and
20 with the assistance of, the Commissioner of
21 Social Security if appropriate).

22 “(B) SPECIFIED INDIVIDUAL.—For pur-
23 poses of this paragraph, the term ‘specified in-
24 dividual’ means any individual who is—

1 “(i) a specified social security bene-
2 ficiary,

3 “(ii) a specified supplemental security
4 income recipient,

5 “(iii) a specified railroad retirement
6 beneficiary, or

7 “(iv) a specified veterans beneficiary.

8 “(C) SPECIFIED SOCIAL SECURITY BENE-
9 FICIARY.—

10 “(i) IN GENERAL.—For purposes of
11 this paragraph, the term ‘specified social
12 security beneficiary’ means any individual
13 who, for the last month for which the Sec-
14 retary has available information as of the
15 date of enactment of this section, is enti-
16 tled to any monthly insurance benefit pay-
17 able under title II of the Social Security
18 Act (42 U.S.C. 401 et seq.), including pay-
19 ments made pursuant to sections 202(d),
20 223(g), and 223(i)(7) of such Act.

21 “(ii) EXCEPTION.—For purposes of
22 this paragraph, the term ‘specified social
23 security beneficiary’ shall not include any
24 individual if such benefit is not payable for
25 such month by reason of section

1 202(x)(1)(A) of the Social Security Act
2 (42 U.S.C. 402(x)(1)(A)) or section 1129A
3 of such Act (42 U.S.C. 1320a–8a).

4 “(D) SPECIFIED SUPPLEMENTAL SECUR-
5 RITY INCOME RECIPIENT.—

6 “(i) IN GENERAL.—For purposes of
7 this paragraph, the term ‘specified supple-
8 mental security income recipient’ means
9 any individual who, for the last month for
10 which the Secretary has available informa-
11 tion as of the date of enactment of this
12 section, is eligible for a monthly benefit
13 payable under title XVI of the Social Secu-
14 rity Act (42 U.S.C. 1381 et seq.), includ-
15 ing—

16 “(I) payments made pursuant to
17 section 1614(a)(3)(C) of such Act (42
18 U.S.C. 1382c(a)(3)(C)),

19 “(II) payments made pursuant to
20 section 1619(a) (42 U.S.C. 1382h(a))
21 or subsections (a)(4), (a)(7), or (p)(7)
22 of section 1631 (42 U.S.C. 1383) of
23 such Act, and

24 “(III) State supplementary pay-
25 ments of the type referred to in sec-

1 tion 1616(a) of such Act (42 U.S.C.
2 1382e(a)) (or payments of the type
3 described in section 212(a) of Public
4 Law 93–66) which are paid by the
5 Commissioner under an agreement re-
6 ferred to in such section 1616(a) (or
7 section 212(a) of Public Law 93–66).

8 “(ii) EXCEPTION.—For purposes of
9 this paragraph, the term ‘specified supple-
10 mental security income recipient’ shall not
11 include any individual if such monthly ben-
12 efit is not payable for such month by rea-
13 son of section 1611(e)(1)(A) of the Social
14 Security Act (42 U.S.C. 1382(e)(1)(A)) or
15 section 1129A of such Act (42 U.S.C.
16 1320a–8a).

17 “(E) SPECIFIED RAILROAD RETIREMENT
18 BENEFICIARY.—For purposes of this para-
19 graph, the term ‘specified railroad retirement
20 beneficiary’ means any individual who, for the
21 last month for which the Secretary has avail-
22 able information as of the date of enactment of
23 this section, is entitled to a monthly annuity or
24 pension payment payable (without regard to

1 section 5(a)(ii) of the Railroad Retirement Act
2 of 1974 (45 U.S.C. 231d(a)(ii)) under—

3 “(i) section 2(a)(1) of such Act (45
4 U.S.C. 231a(a)(1)),

5 “(ii) section 2(c) of such Act (45
6 U.S.C. 231a(c)),

7 “(iii) section 2(d)(1) of such Act (45
8 U.S.C. 231a(d)(1)), or

9 “(iv) section 7(b)(2) of such Act (45
10 U.S.C. 231f(b)(2)) with respect to any of
11 the benefit payments described in subpara-
12 graph (C)(i).

13 “(F) SPECIFIED VETERANS BENE-
14 FICIARY.—

15 “(i) IN GENERAL.—For purposes of
16 this paragraph, the term ‘specified vet-
17 erans beneficiary’ means any individual
18 who, for the last month for which the Sec-
19 retary has available information as of the
20 date of enactment of this section, is enti-
21 tled to a compensation or pension payment
22 payable under—

23 “(I) section 1110, 1117, 1121,
24 1131, 1141, or 1151 of title 38,
25 United States Code,

1 “(II) section 1310, 1312, 1313,
2 1315, 1316, or 1318 of title 38,
3 United States Code,

4 “(III) section 1513, 1521, 1533,
5 1536, 1537, 1541, 1542, or 1562 of
6 title 38, United States Code, or

7 “(IV) section 1805, 1815, or
8 1821 of title 38, United States Code,
9 to a veteran, surviving spouse, child, or
10 parent as described in paragraph (2), (3),
11 (4)(A)(ii), or (5) of section 101, title 38,
12 United States Code.

13 “(ii) EXCEPTION.—For purposes of
14 this paragraph, the term ‘specified vet-
15 erans beneficiary’ shall not include any in-
16 dividual if such compensation or pension
17 payment is not payable, or was reduced,
18 for such month by reason of section 1505
19 or 5313 of title 38, United States Code.

20 “(G) SUBSEQUENT DETERMINATIONS AND
21 REDETERMINATIONS NOT TAKEN INTO AC-
22 COUNT.—For purposes of this section, any indi-
23 vidual’s status as a specified social security ben-
24 eficiary, a specified supplemental security in-
25 come recipient, a specified railroad retirement

1 beneficiary, or a specified veterans beneficiary
2 shall be unaffected by any determination or re-
3 determination of any entitlement to, or eligi-
4 bility for, any benefit, payment, or compensa-
5 tion, if such determination or redetermination
6 occurs after the last month for which the Sec-
7 retary has available information as of the date
8 of enactment of this section.

9 “(H) PAYMENT TO REPRESENTATIVE PAY-
10 EES AND FIDUCIARIES.—

11 “(i) IN GENERAL.—If the benefit,
12 payment, or compensation referred to in
13 subparagraph (C)(i), (D)(i), (E), or (F)(i)
14 with respect to any specified individual is
15 paid to a representative payee or fiduciary,
16 payment by the Secretary under paragraph
17 (3) with respect to such specified indi-
18 vidual shall be made to such individual’s
19 representative payee or fiduciary and the
20 entire payment shall be used only for the
21 benefit of the individual who is entitled to
22 the payment.

23 “(ii) APPLICATION OF ENFORCEMENT
24 PROVISIONS.—

1 “(I) In the case of a payment de-
2 scribed in clause (i) which is made
3 with respect to a specified social secu-
4 rity beneficiary or a specified supple-
5 mental security income recipient, sec-
6 tion 1129(a)(3) of the Social Security
7 Act (42 U.S.C. 1320a–8(a)(3)) shall
8 apply to such payment in the same
9 manner as such section applies to a
10 payment under title II or XVI of such
11 Act.

12 “(II) In the case of a payment
13 described in clause (i) which is made
14 with respect to a specified railroad re-
15 tirement beneficiary, section 13 of the
16 Railroad Retirement Act (45 U.S.C.
17 2311) shall apply to such payment in
18 the same manner as such section ap-
19 plies to a payment under such Act.

20 “(III) In the case of a payment
21 described in clause (i) which is made
22 with respect to a specified veterans
23 beneficiary, sections 5502, 6106, and
24 6108 of title 38, United States Code,
25 shall apply to such payment in the

1 same manner as such sections apply
2 to a payment under such title.

3 “(I) INELIGIBILITY FOR SPECIAL RULE
4 NOT TO BE INTERPRETED AS GENERAL INELI-
5 GIBILITY.—An individual shall not fail to be
6 treated as an eligible individual for purposes of
7 this subsection or subsection (a) merely because
8 such individual is not a specified individual (in-
9 cluding by reason of subparagraph (C)(ii),
10 (D)(ii), or (F)(ii)).

11 “(6) NOTICE TO TAXPAYER.—As soon as prac-
12 ticable after the date on which the Secretary distrib-
13 uted any payment to an eligible taxpayer pursuant
14 to this subsection, the Secretary shall send notice by
15 mail to such taxpayer’s last known address. Such
16 notice shall indicate the method by which such pay-
17 ment was made, the amount of such payment, and
18 a phone number for the appropriate point of contact
19 at the Internal Revenue Service to report any failure
20 to receive such payment.

21 “(g) IDENTIFICATION NUMBER REQUIREMENT.—

22 “(1) IN GENERAL.—In the case of a return
23 other than a joint return, the \$600 amount in sub-
24 section (a)(1) shall be treated as being zero unless
25 the taxpayer includes the valid identification number

1 of the taxpayer on the return of tax for the taxable
2 year.

3 “(2) JOINT RETURNS.—In the case of a joint
4 return, the \$1,200 amount in subsection (a)(1) shall
5 be treated as being—

6 “(A) \$600 if the valid identification num-
7 ber of only 1 spouse is included on the return
8 of tax for the taxable year, and

9 “(B) zero if the valid identification number
10 of neither spouse is so included.

11 “(3) QUALIFYING CHILD.—A qualifying child of
12 a taxpayer shall not be taken into account under
13 subsection (a)(2) unless—

14 “(A) the taxpayer includes the valid identi-
15 fication number of such taxpayer (or, in the
16 case of a joint return, the valid identification
17 number of at least 1 spouse) on the return of
18 tax for the taxable year, and

19 “(B) the valid identification number of
20 such qualifying child is included on the return
21 of tax for the taxable year.

22 “(4) VALID IDENTIFICATION NUMBER.—

23 “(A) IN GENERAL.—For purposes of this
24 subsection, the term ‘valid identification num-

1 ber’ means a social security number (as such
2 term is defined in section 24(h)(7)).

3 “(B) ADOPTION TAXPAYER IDENTIFICA-
4 TION NUMBER.—For purposes of paragraph
5 (3)(B), in the case of a qualifying child who is
6 adopted or placed for adoption, the term ‘valid
7 identification number’ shall include the adop-
8 tion taxpayer identification number of such
9 child.

10 “(5) SPECIAL RULE FOR MEMBERS OF THE
11 ARMED FORCES.—Paragraph (2) shall not apply in
12 the case where at least 1 spouse was a member of
13 the Armed Forces of the United States at any time
14 during the taxable year and the valid identification
15 number of at least 1 spouse is included on the re-
16 turn of tax for the taxable year.

17 “(6) COORDINATION WITH CERTAIN ADVANCE
18 PAYMENTS.—In the case of any payment under sub-
19 section (f) which is based on information provided
20 under paragraph (5) of such subsection, a valid
21 identification number shall be treated for purposes
22 of this subsection as included on the taxpayer’s re-
23 turn of tax if such valid identification number is
24 provided pursuant to subsection (f)(5).

1 “(7) MATHEMATICAL OR CLERICAL ERROR AU-
2 THORITY.—Any omission of a correct valid identi-
3 fication number required under this subsection shall
4 be treated as a mathematical or clerical error for
5 purposes of applying section 6213(g)(2) to such
6 omission.

7 “(h) REGULATIONS.—The Secretary shall prescribe
8 such regulations or other guidance as may be necessary
9 to carry out the purposes of this section, including any
10 such measures as are deemed appropriate to avoid allow-
11 ing multiple credits or rebates to a taxpayer.”.

12 (b) ADMINISTRATIVE AMENDMENTS.—

13 (1) DEFINITION OF DEFICIENCY.—Section
14 6211(b)(4)(A) is amended by striking “and 6428”
15 and inserting “6428, and 6428A”.

16 (2) MATHEMATICAL OR CLERICAL ERROR AU-
17 THORITY.—Section 6213(g)(2)(L) is amended by
18 striking “or 6428” and inserting “6428, or 6428A”.

19 (c) TREATMENT OF POSSESSIONS.—

20 (1) PAYMENTS TO POSSESSIONS.—

21 (A) MIRROR CODE POSSESSION.—The Sec-
22 retary of the Treasury shall pay to each posses-
23 sion of the United States which has a mirror
24 code tax system amounts equal to the loss (if
25 any) to that possession by reason of the amend-

1 ments made by this section. Such amounts shall
2 be determined by the Secretary of the Treasury
3 based on information provided by the govern-
4 ment of the respective possession.

5 (B) OTHER POSSESSIONS.—The Secretary
6 of the Treasury shall pay to each possession of
7 the United States which does not have a mirror
8 code tax system amounts estimated by the Sec-
9 retary of the Treasury as being equal to the ag-
10 gregate benefits (if any) that would have been
11 provided to residents of such possession by rea-
12 son of the amendments made by this section if
13 a mirror code tax system had been in effect in
14 such possession. The preceding sentence shall
15 not apply unless the respective possession has a
16 plan, which has been approved by the Secretary
17 of the Treasury, under which such possession
18 will promptly distribute such payments to its
19 residents.

20 (2) COORDINATION WITH CREDIT ALLOWED
21 AGAINST UNITED STATES INCOME TAXES.—No cred-
22 it shall be allowed against United States income
23 taxes under section 6428A of the Internal Revenue
24 Code of 1986 (as added by this section) to any per-
25 son—

1 (A) to whom a credit is allowed against
2 taxes imposed by the possession by reason of
3 the amendments made by this section, or

4 (B) who is eligible for a payment under a
5 plan described in paragraph (1)(B).

6 (3) DEFINITIONS AND SPECIAL RULES.—

7 (A) POSSESSION OF THE UNITED
8 STATES.—For purposes of this subsection, the
9 term “possession of the United States” includes
10 the Commonwealth of Puerto Rico and the
11 Commonwealth of the Northern Mariana Is-
12 lands.

13 (B) MIRROR CODE TAX SYSTEM.—For pur-
14 poses of this subsection, the term “mirror code
15 tax system” means, with respect to any posses-
16 sion of the United States, the income tax sys-
17 tem of such possession if the income tax liabil-
18 ity of the residents of such possession under
19 such system is determined by reference to the
20 income tax laws of the United States as if such
21 possession were the United States.

22 (C) TREATMENT OF PAYMENTS.—For pur-
23 poses of section 1324 of title 31, United States
24 Code, the payments under this subsection shall
25 be treated in the same manner as a refund due

1 from a credit provision referred to in subsection
2 (b)(2) of such section.

3 (d) ADMINISTRATIVE PROVISIONS.—

4 (1) EXCEPTION FROM REDUCTION OR OFF-
5 SET.—Any refund payable by reason of section
6 6428A(f) of the Internal Revenue Code of 1986 (as
7 added by this section), or any such refund payable
8 by reason of subsection (e) of this section, shall not
9 be—

10 (A) subject to reduction or offset pursuant
11 to section 3716 or 3720A of title 31, United
12 States Code,

13 (B) subject to reduction or offset pursuant
14 to subsection (c), (d), (e), or (f) of section 6402
15 of the Internal Revenue Code of 1986, or

16 (C) reduced or offset by other assessed
17 Federal taxes that would otherwise be subject
18 to levy or collection.

19 (2) ASSIGNMENT OF BENEFITS.—

20 (A) IN GENERAL.—The right of any per-
21 son to any applicable payment shall not be
22 transferable or assignable, at law or in equity,
23 and no applicable payment shall be subject to,
24 execution, levy, attachment, garnishment, or

1 other legal process, or the operation of any
2 bankruptcy or insolvency law.

3 (B) ENCODING OF PAYMENTS.—In the
4 case of an applicable payment described in sub-
5 paragraph (E)(iii)(I) that is paid electronically
6 by direct deposit through the Automated Clear-
7 ing House (ACH) network, the Secretary of the
8 Treasury (or the Secretary’s delegate) shall—

9 (i) issue the payment using a unique
10 identifier that is reasonably sufficient to
11 allow a financial institution to identify the
12 payment as an applicable payment, and

13 (ii) further encode the payment pursu-
14 ant to the same specifications as required
15 for a benefit payment defined in section
16 212.3 of title 31, Code of Federal Regula-
17 tions.

18 (C) GARNISHMENT.—

19 (i) ENCODED PAYMENTS.—In the case
20 of a garnishment order that applies to an
21 account that has received an applicable
22 payment that is encoded as provided in
23 subparagraph (B), a financial institution
24 shall follow the requirements and proce-

1 dures set forth in part 212 of title 31,
2 Code of Federal Regulations, except—

3 (I) notwithstanding section 212.4
4 of title 31, Code of Federal Regula-
5 tions (and except as provided in sub-
6 clause (II)), a financial institution
7 shall not fail to follow the procedures
8 of sections 212.5 and 212.6 of such
9 title with respect to a garnishment
10 order merely because such order has
11 attached, or includes, a notice of right
12 to garnish federal benefits issued by a
13 State child support enforcement agen-
14 cy, and

15 (II) a financial institution shall
16 not, with regard to any applicable
17 payment, be required to provide the
18 notice referenced in sections 212.6
19 and 212.7 of title 31, Code of Federal
20 Regulations.

21 (ii) OTHER PAYMENTS.—In the case
22 of a garnishment order (other than an
23 order that has been served by the United
24 States) that has been received by a finan-
25 cial institution and that applies to an ac-

1 count into which an applicable payment
2 that has not been encoded as provided in
3 subparagraph (B) has been deposited elec-
4 tronically on any date during the lookback
5 period or into which an applicable payment
6 that has been deposited by check on any
7 date in the lookback period, the financial
8 institution, upon the request of the account
9 holder, shall treat the amount of the funds
10 in the account at the time of the request,
11 up to the amount of the applicable pay-
12 ment (in addition to any amounts other-
13 wise protected under part 212 of title 31,
14 Code of Federal Regulations), as exempt
15 from a garnishment order without requir-
16 ing the consent of the party serving the
17 garnishment order or the judgment cred-
18 itor.

19 (iii) LIABILITY.—A financial institu-
20 tion that acts in good faith in reliance on
21 clauses (i) or (ii) shall not be subject to li-
22 ability or regulatory action under any Fed-
23 eral or State law, regulation, court or other
24 order, or regulatory interpretation for ac-
25 tions concerning any applicable payments.

1 (D) NO RECLAMATION RIGHTS.—This
2 paragraph shall not alter the status of applica-
3 ble payments as tax refunds or other nonbenefit
4 payments for purpose of any reclamation rights
5 of the Department of the Treasury or the Inter-
6 nal Revenue Service as per part 210 of title 31,
7 Code of Federal Regulations.

8 (E) DEFINITIONS.—For purposes of this
9 paragraph—

10 (i) ACCOUNT HOLDER.—The term
11 “account holder” means a natural person
12 whose name appears in a financial institu-
13 tion’s records as the direct or beneficial
14 owner of an account.

15 (ii) ACCOUNT REVIEW.—The term
16 “account review” means the process of ex-
17 amining deposits in an account to deter-
18 mine if an applicable payment has been de-
19 posited into the account during the
20 lookback period. The financial institution
21 shall perform the account review following
22 the procedures outlined in section 212.5 of
23 title 31, Code of Federal Regulations and
24 in accordance with the requirements of sec-

1 tion 212.6 of title 31, Code of Federal
2 Regulations.

3 (iii) APPLICABLE PAYMENT.—The
4 term “applicable payment” means—

5 (I) any advance refund amount
6 paid pursuant to section 6428A(f) of
7 Internal Revenue Code of 1986 (as
8 added by this section),

9 (II) any payment made by a pos-
10 session of the United States with a
11 mirror code tax system (as defined in
12 subsection (c) of this section) pursu-
13 ant to such subsection which cor-
14 responds to a payment described in
15 subclause (I), and

16 (III) any payment made by a
17 possession of the United States with-
18 out a mirror code tax system (as so
19 defined) pursuant to subsection (c) of
20 this section.

21 (iv) GARNISHMENT.—The term “gar-
22 nishment” means execution, levy, attach-
23 ment, garnishment, or other legal process.

24 (v) GARNISHMENT ORDER.—The term
25 “garnishment order” means a writ, order,

1 notice, summons, judgment, levy, or simi-
2 lar written instruction issued by a court, a
3 State or State agency, a municipality or
4 municipal corporation, or a State child
5 support enforcement agency, including a
6 lien arising by operation of law for overdue
7 child support or an order to freeze the as-
8 sets in an account, to effect a garnishment
9 against a debtor.

10 (vi) LOOKBACK PERIOD.—The term
11 “lookback period” means the two month
12 period that begins on the date preceding
13 the date of account review and ends on the
14 corresponding date of the month two
15 months earlier, or on the last date of the
16 month two months earlier if the cor-
17 responding date does not exist.

18 (3) AGENCY INFORMATION SHARING AND AS-
19 SISTANCE.—

20 (A) IN GENERAL.—The Commissioner of
21 Social Security, the Railroad Retirement Board,
22 and the Secretary of Veterans Affairs shall each
23 provide the Secretary of the Treasury (or the
24 Secretary’s delegate) such information and as-
25 sistance as the Secretary of the Treasury (or

1 the Secretary's delegate) may require for pur-
2 poses of—

3 (i) making payments under section
4 6428A(f) of the Internal Revenue Code of
5 1986 to individuals described in paragraph
6 (5)(A) thereof, or

7 (ii) providing administrative assist-
8 ance to a possession of the United States
9 (as defined in subsection (c)(3)(A)) to
10 allow such possession to promptly dis-
11 tribute payments under subsection (c) to
12 its residents.

13 (B) EXCHANGE OF INFORMATION WITH
14 POSSESSIONS.—Any information provided to the
15 Secretary of the Treasury (or the Secretary's
16 delegate) pursuant to subparagraph (A)(ii) may
17 be exchanged with a possession of the United
18 States in accordance with the applicable tax co-
19 ordination agreement for information exchange
20 and administrative assistance that the Internal
21 Revenue Service has agreed to with such pos-
22 session.

23 (e) PUBLIC AWARENESS CAMPAIGN.—The Secretary
24 of the Treasury (or the Secretary's delegate) shall conduct
25 a public awareness campaign, in coordination with the

1 Commissioner of Social Security and the heads of other
2 relevant Federal agencies, to provide information regard-
3 ing the availability of the credit and rebate allowed under
4 section 6428A of the Internal Revenue Code of 1986 (as
5 added by this section), including information with respect
6 to individuals who may not have filed a tax return for tax-
7 able year 2019.

8 (f) APPROPRIATIONS TO CARRY OUT REBATES AND
9 ADDRESS COVID-RELATED TAX ADMINISTRATION
10 ISSUES.—

11 (1) IN GENERAL.—Immediately upon the enact-
12 ment of this Act, the following sums are appro-
13 priated, out of any money in the Treasury not other-
14 wise appropriated, for the fiscal year ending Sep-
15 tember 30, 2021:

16 (A) DEPARTMENT OF THE TREASURY.—

17 (i) For an additional amount for “De-
18 partment of the Treasury—Internal Rev-
19 enue Service—Taxpayer Services”,
20 \$178,335,000, to remain available until
21 September 30, 2021.

22 (ii) For an additional amount for
23 “Department of the Treasury—Internal
24 Revenue Service—Operations Support”,

1 \$273,237,000, to remain available until
2 September 30, 2021.

3 (iii) For an additional amount for
4 “Department of Treasury—Internal Rev-
5 enue Service—Enforcement”, \$57,428,000,
6 to remain available until September 30,
7 2021.

8 Amounts made available in appropriations
9 under this subparagraph may be transferred be-
10 tween such appropriations upon the advance no-
11 tification of the Committees on Appropriations
12 of the House of Representatives and the Sen-
13 ate. Such transfer authority is in addition to
14 any other transfer authority provided by law.

15 (B) SOCIAL SECURITY ADMINISTRATION.—
16 For an additional amount for “Social Security
17 Administration—Limitation on Administrative
18 Expenses”, \$38,000,000, to remain available
19 until September 30, 2021.

20 (C) RAILROAD RETIREMENT BOARD.—For
21 an additional amount for “Railroad Retirement
22 Board—Limitation on Administration”, \$8,300,
23 to remain available until September 30, 2021.

24 (2) REPORTS.—No later than 15 days after en-
25 actment of this Act, the Secretary of the Treasury

1 shall submit a plan to the Committees on Appropria-
2 tions of the House of Representatives and the Sen-
3 ate detailing the expected use of the funds provided
4 by paragraph (1)(A). Beginning 90 days after enact-
5 ment of this Act, the Secretary of the Treasury shall
6 submit a quarterly report to the Committees on Ap-
7 propriations of the House of Representatives and the
8 Senate detailing the actual expenditure of funds pro-
9 vided by paragraph (1)(A) and the expected expendi-
10 ture of such funds in the subsequent quarter.

11 (g) CONFORMING AMENDMENTS.—

12 (1) Paragraph (2) of section 1324(b) of title
13 31, United States Code, is amended by inserting
14 “6428A,” after “6428,”.

15 (2) The table of sections for subchapter B of
16 chapter 65 of subtitle F is amended by inserting
17 after the item relating to section 6428 the following:

“Sec. 6428A. Additional 2020 recovery rebates for individuals.”.

18 **SEC. 273. AMENDMENTS TO RECOVERY REBATES UNDER**
19 **THE CARES ACT.**

20 (a) AMENDMENTS TO SECTION 6428 OF THE INTER-
21 NATIONAL REVENUE CODE OF 1986.—Section 6428 is amend-
22 ed—

23 (1) in subsection (c)(1), by inserting “or a sur-
24 viving spouse (as defined in section 2(a))” after
25 “joint return”,

1 (2) in subsection (f)—

2 (A) in paragraph (3)(A), by striking “sec-
3 tion” and inserting “subsection”,

4 (B) in paragraph (4), by striking “section”
5 and inserting “subsection”, and

6 (C) by redesignating paragraph (6) as
7 paragraph (7) and by inserting after paragraph
8 (5) the following new paragraph:

9 “(6) PAYMENT TO REPRESENTATIVE PAYEES
10 AND FIDUCIARIES.—

11 “(A) IN GENERAL.—In the case of any in-
12 dividual for which payment information is pro-
13 vided to the Secretary by the Commissioner of
14 Social Security, the Railroad Retirement Board,
15 or the Secretary of Veterans Affairs, the pay-
16 ment by the Secretary under paragraph (3)
17 with respect to such individual may be made to
18 such individual’s representative payee or fidu-
19 ciary and the entire payment shall be—

20 “(i) provided to the individual who is
21 entitled to the payment, or

22 “(ii) used only for the benefit of the
23 individual who is entitled to the payment.

24 “(B) APPLICATION OF ENFORCEMENT
25 PROVISIONS.—

1 “(i) In the case of a payment de-
2 scribed in subparagraph (A) which is made
3 with respect to a social security beneficiary
4 or a supplemental security income recipi-
5 ent, section 1129(a)(3) of the Social Secu-
6 rity Act (42 U.S.C. 1320a–8(a)(3)) shall
7 apply to such payment in the same manner
8 as such section applies to a payment under
9 title II or XVI of such Act.

10 “(ii) In the case of a payment de-
11 scribed in subparagraph (A) which is made
12 with respect to a railroad retirement bene-
13 ficiary, section 13 of the Railroad Retire-
14 ment Act (45 U.S.C. 2311) shall apply to
15 such payment in the same manner as such
16 section applies to a payment under such
17 Act.

18 “(iii) In the case of a payment de-
19 scribed in subparagraph (A) which is made
20 with respect to a veterans beneficiary, sec-
21 tions 5502, 6106, and 6108 of title 38,
22 United States Code, shall apply to such
23 payment in the same manner as such sec-
24 tions apply to a payment under such
25 title.”, and

1 (3) by striking subsection (g) and inserting the
2 following:

3 “(g) IDENTIFICATION NUMBER REQUIREMENT.—

4 “(1) REQUIREMENTS FOR CREDIT.—Subject to
5 paragraph (2), with respect to the credit allowed
6 under subsection (a), the following provisions shall
7 apply:

8 “(A) IN GENERAL.—In the case of a re-
9 turn other than a joint return, the \$1,200
10 amount in subsection (a)(1) shall be treated as
11 being zero unless the taxpayer includes the
12 valid identification number of the taxpayer on
13 the return of tax for the taxable year.

14 “(B) JOINT RETURNS.—In the case of a
15 joint return, the \$2,400 amount in subsection
16 (a)(1) shall be treated as being—

17 “(i) \$1,200 if the valid identification
18 number of only 1 spouse is included on the
19 return of tax for the taxable year, and

20 “(ii) zero if the valid identification
21 number of neither spouse is so included.

22 “(C) QUALIFYING CHILD.—A qualifying
23 child of a taxpayer shall not be taken into ac-
24 count under subsection (a)(2) unless—

1 “(i) the taxpayer includes the valid
2 identification number of such taxpayer (or,
3 in the case of a joint return, the valid iden-
4 tification number of at least 1 spouse) on
5 the return of tax for the taxable year, and

6 “(ii) the valid identification number of
7 such qualifying child is included on the re-
8 turn of tax for the taxable year.

9 “(2) REQUIREMENTS FOR ADVANCE RE-
10 FUNDS.—No refund shall be payable under sub-
11 section (f) to an eligible individual who does not in-
12 clude on the return of tax for the taxable year—

13 “(A) such individual’s valid identification
14 number,

15 “(B) in the case of a joint return, the valid
16 identification number of such individual’s
17 spouse, and

18 “(C) in the case of any qualifying child
19 taken into account under subsection (a)(2), the
20 valid identification number of such qualifying
21 child.

22 “(3) VALID IDENTIFICATION NUMBER.—

23 “(A) IN GENERAL.—For purposes of this
24 subsection, the term ‘valid identification num-

1 ber’ means a social security number (as such
2 term is defined in section 24(h)(7)).

3 “(B) ADOPTION TAXPAYER IDENTIFICA-
4 TION NUMBER.—For purposes of paragraphs
5 (1)(C) and (2)(C), in the case of a qualifying
6 child who is adopted or placed for adoption, the
7 term ‘valid identification number’ shall include
8 the adoption taxpayer identification number of
9 such child.

10 “(4) SPECIAL RULE FOR MEMBERS OF THE
11 ARMED FORCES.—Paragraphs (1)(B) and (2)(B)
12 shall not apply in the case where at least 1 spouse
13 was a member of the Armed Forces of the United
14 States at any time during the taxable year and the
15 valid identification number of at least 1 spouse is in-
16 cluded on the return of tax for the taxable year.

17 “(5) MATHEMATICAL OR CLERICAL ERROR AU-
18 THORITY.—Any omission of a correct valid identi-
19 fication number required under this subsection shall
20 be treated as a mathematical or clerical error for
21 purposes of applying section 6213(g)(2) to such
22 omission.”.

23 (b) AMENDMENTS TO SECTION 2201 OF THE CARES
24 ACT.—Section 2201 of the CARES Act is amended—

1 (1) in subsection (d), by striking “Any credit or
2 refund allowed or made to any individual by reason
3 of section 6428 of the Internal Revenue Code of
4 1986 (as added by this section) or by reason of sub-
5 section (c) of this section” and inserting “Any re-
6 fund payable by reason of section 6428(f) of the In-
7 ternal Revenue Code of 1986 (as added by this sec-
8 tion), or any such refund payable by reason of sub-
9 section (c) of this section,” and

10 (2) in subsection (f)(1)(A)(i), by inserting after
11 “September 30, 2021” the following: “, of which up
12 to \$63,000,000 may be transferred to the “Depart-
13 ment of the Treasury—Bureau of the Fiscal Serv-
14 ice—Debt Collection” for necessary expenses related
15 to the implementation and operation of Government-
16 wide debt collection activities pursuant to sections
17 3711(g), 3716, and 3720A of title 31, United States
18 Code, and subsections (c) through (f) of section
19 6402 of the Internal Revenue Code of 1986 to offset
20 the loss resulting from the coronavirus pandemic of
21 debt collection receipts collected pursuant to such
22 sections: *Provided*, That amounts transferred pursu-
23 ant to this clause shall be in addition to any other
24 funds made available for this purpose”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect as if included in section 2201
3 of the CARES Act.

4 **SEC. 274. EXTENSION OF CERTAIN DEFERRED PAYROLL**
5 **TAXES.**

6 The Secretary of the Treasury (or the Secretary’s
7 delegate) shall ensure that Internal Revenue Service No-
8 tice 2020–65 (entitled “Relief with Respect to Employ-
9 ment Tax Deadlines Applicable to Employers Affected by
10 the Ongoing Coronavirus (COVID–19) Disease 2019 Pan-
11 demic”) and any successor or related regulation, notice,
12 or guidance is applied—

13 (1) by substituting “December 31, 2021” for
14 “April 30, 2021” each place it appears therein, and

15 (2) by substituting “January 1, 2022” for
16 “May 1, 2021” each place it appears therein.

17 **SEC. 275. REGULATIONS OR GUIDANCE CLARIFYING APPLI-**
18 **CATION OF EDUCATOR EXPENSE TAX DEDUC-**
19 **TION.**

20 Not later than February 28, 2021, the Secretary of
21 the Treasury (or the Secretary’s delegate) shall by regula-
22 tion or other guidance clarify that personal protective
23 equipment, disinfectant, and other supplies used for the
24 prevention of the spread of COVID–19 are treated as de-
25 scribed in section 62(a)(2)(D)(ii) of the Internal Revenue

1 Code of 1986. Such regulations or other guidance shall
2 apply to expenses paid or incurred after March 12, 2020.

3 **SEC. 276. CLARIFICATION OF TAX TREATMENT OF FOR-**
4 **GIVENESS OF COVERED LOANS.**

5 (a) ORIGINAL PAYCHECK PROTECTION PROGRAM
6 LOANS.—

7 (1) IN GENERAL.—Subsection (i) of section 7A
8 of the Small Business Act, as redesignated, trans-
9 ferred, and amended by the Economic Aid to Hard-
10 Hit Small Businesses, Nonprofits, and Venues Act,
11 is amended to read as follows:

12 “(i) TAX TREATMENT.—For purposes of the Internal
13 Revenue Code of 1986—

14 “(1) no amount shall be included in the gross
15 income of the eligible recipient by reason of forgive-
16 ness of indebtedness described in subsection (b),

17 “(2) no deduction shall be denied, no tax at-
18 tribute shall be reduced, and no basis increase shall
19 be denied, by reason of the exclusion from gross in-
20 come provided by paragraph (1), and

21 “(3) in the case of an eligible recipient that is
22 a partnership or S corporation—

23 “(A) any amount excluded from income by
24 reason of paragraph (1) shall be treated as tax
25 exempt income for purposes of sections 705 and

1 1366 of the Internal Revenue Code of 1986,
2 and

3 “(B) except as provided by the Secretary
4 of the Treasury (or the Secretary’s delegate),
5 any increase in the adjusted basis of a partner’s
6 interest in a partnership under section 705 of
7 the Internal Revenue Code of 1986 with respect
8 to any amount described in subparagraph (A)
9 shall equal the partner’s distributive share of
10 deductions resulting from costs giving rise to
11 forgiveness described in subsection (b).”.

12 (2) EFFECTIVE DATE.—The amendment made
13 by this subsection shall apply to taxable years end-
14 ing after the date of the enactment of the CARES
15 Act.

16 (b) SUBSEQUENT PAYCHECK PROTECTION PROGRAM
17 LOANS.—For purposes of the Internal Revenue Code of
18 1986, in the case of any taxable year ending after the date
19 of the enactment of this Act—

20 (1) no amount shall be included in the gross in-
21 come of an eligible entity (within the meaning of
22 subparagraph (J) of section 7(a)(37) of the Small
23 Business Act) by reason of forgiveness of indebted-
24 ness described in clause (ii) of such subparagraph,

1 (2) no deduction shall be denied, no tax at-
2 tribute shall be reduced, and no basis increase shall
3 be denied, by reason of the exclusion from gross in-
4 come provided by paragraph (1), and

5 (3) in the case of an eligible entity that is a
6 partnership or S corporation—

7 (A) any amount excluded from income by
8 reason of paragraph (1) shall be treated as tax
9 exempt income for purposes of sections 705 and
10 1366 of the Internal Revenue Code of 1986,
11 and

12 (B) except as provided by the Secretary of
13 the Treasury (or the Secretary's delegate), any
14 increase in the adjusted basis of a partner's in-
15 terest in a partnership under section 705 of the
16 Internal Revenue Code of 1986 with respect to
17 any amount described in subparagraph (A)
18 shall equal the partner's distributive share of
19 deductions resulting from costs giving rise to
20 the forgiveness of indebtedness referred to in
21 paragraph (1).

22 **SEC. 277. EMERGENCY FINANCIAL AID GRANTS.**

23 (a) **IN GENERAL.**—In the case of a student receiving
24 a qualified emergency financial aid grant—

1 (1) such grant shall not be included in the
2 gross income of such individual for purposes of the
3 Internal Revenue Code of 1986, and

4 (2) such grant shall not be treated as described
5 in subparagraph (A), (B), or (C) of section
6 25A(g)(2) of such Code.

7 (b) DEFINITIONS.—For purposes of this subsection,
8 the term “qualified emergency financial aid grant”
9 means—

10 (1) any emergency financial aid grant awarded
11 by an institution of higher education under section
12 3504 of the CARES Act,

13 (2) any emergency financial aid grant from an
14 institution of higher education made with funds
15 made available under section 18004 of the CARES
16 Act, and

17 (3) any other emergency financial aid grant
18 made to a student from a Federal agency, a State,
19 an Indian tribe, an institution of higher education,
20 or a scholarship-granting organization (including a
21 tribal organization, as defined in section 4 of the In-
22 dian Self-Determination and Education Assistance
23 Act (25 U.S.C.5304)) for the purpose of providing
24 financial relief to students enrolled at institutions of
25 higher education in response to a qualifying emer-

1 agency (as defined in section 3502(a)(4) of the
2 CARES Act).

3 (c) LIMITATION.—This section shall not apply to that
4 portion of any amount received which represents payment
5 for teaching, research, or other services required as a con-
6 dition for receiving the qualified emergency financial aid
7 grant.

8 (d) EFFECTIVE DATE.—This section shall apply to
9 qualified emergency financial aid grants made after March
10 26, 2020.

11 **SEC. 278. CLARIFICATION OF TAX TREATMENT OF CERTAIN**
12 **LOAN FORGIVENESS AND OTHER BUSINESS**
13 **FINANCIAL ASSISTANCE.**

14 (a) UNITED STATES TREASURY PROGRAM MANAGE-
15 MENT AUTHORITY.—For purposes of the Internal Rev-
16 enue Code of 1986—

17 (1) no amount shall be included in the gross in-
18 come of a borrower by reason of forgiveness of in-
19 debtedness described in section 1109(d)(2)(D) of the
20 CARES Act,

21 (2) no deduction shall be denied, no tax at-
22 tribute shall be reduced, and no basis increase shall
23 be denied, by reason of the exclusion from gross in-
24 come provided by paragraph (1), and

1 (3) in the case of a borrower that is a partner-
2 ship or S corporation—

3 (A) any amount excluded from income by
4 reason of paragraph (1) shall be treated as tax
5 exempt income for purposes of sections 705 and
6 1366 of the Internal Revenue Code of 1986,
7 and

8 (B) except as provided by the Secretary of
9 the Treasury (or the Secretary's delegate), any
10 increase in the adjusted basis of a partner's in-
11 terest in a partnership under section 705 of the
12 Internal Revenue Code of 1986 with respect to
13 any amount described in subparagraph (A)
14 shall equal the partner's distributive share of
15 deductions resulting from costs giving rise to
16 forgiveness described in section 1109(d)(2)(D)
17 of the CARES Act.

18 (b) **EMERGENCY EIDL GRANTS AND TARGETED**
19 **EIDL ADVANCES.**—For purposes of the Internal Revenue
20 Code of 1986—

21 (1) any advance described in section 1110(e) of
22 the CARES Act or any funding under section 331
23 of the Economic Aid to Hard-Hit Small Businesses,
24 Nonprofits, and Venues Act shall not be included in

1 the gross income of the person that receives such ad-
2 vance or funding,

3 (2) no deduction shall be denied, no tax at-
4 tribute shall be reduced, and no basis increase shall
5 be denied, by reason of the exclusion from gross in-
6 come provided by paragraph (1), and

7 (3) in the case of a partnership or S corpora-
8 tion that receives such advance or funding—

9 (A) any amount excluded from income by
10 reason of paragraph (1) shall be treated as tax
11 exempt income for purposes of sections 705 and
12 1366 of the Internal Revenue Code of 1986,
13 and

14 (B) the Secretary of the Treasury (or the
15 Secretary's delegate) shall prescribe rules for
16 determining a partner's distributive share of
17 any amount described in subparagraph (A) for
18 purposes of section 705 of the Internal Revenue
19 Code of 1986.

20 (c) SUBSIDY FOR CERTAIN LOAN PAYMENTS.—For
21 purposes of the Internal Revenue Code of 1986—

22 (1) any payment described in section 1112(c) of
23 the CARES Act shall not be included in the gross
24 income of the person on whose behalf such payment
25 is made,

1 (2) no deduction shall be denied, no tax at-
2 tribute shall be reduced, and no basis increase shall
3 be denied, by reason of the exclusion from gross in-
4 come provided by paragraph (1), and

5 (3) in the case of a partnership or S corpora-
6 tion on whose behalf of a payment described in sec-
7 tion 1112(c) of the CARES Act is made—

8 (A) any amount excluded from income by
9 reason of paragraph (1) shall be treated as tax
10 exempt income for purposes of sections 705 and
11 1366 of the Internal Revenue Code of 1986,
12 and

13 (B) except as provided by the Secretary of
14 the Treasury (or the Secretary's delegate), any
15 increase in the adjusted basis of a partner's in-
16 terest in a partnership under section 705 of the
17 Internal Revenue Code of 1986 with respect to
18 any amount described in subparagraph (A)
19 shall equal the sum of the partner's distributive
20 share of deductions resulting from interest and
21 fees described in section 1112(c) of the CARES
22 Act and the partner's share, as determined
23 under section 752 of the Internal Revenue Code
24 of 1986, of principal described in section
25 1112(c) of the CARES Act.

1 (d) GRANTS FOR SHUTTERED VENUE OPERATORS.—

2 For purposes of the Internal Revenue Code of 1986—

3 (1) any grant made under section 324 of the
4 Economic Aid to Hard-Hit Small Businesses, Non-
5 profits, and Venues Act shall not be included in the
6 gross income of the person that receives such grant,

7 (2) no deduction shall be denied, no tax at-
8 tribute shall be reduced, and no basis increase shall
9 be denied, by reason of the exclusion from gross in-
10 come provided by paragraph (1), and

11 (3) in the case of a partnership or S corpora-
12 tion that receives such grant—

13 (A) any amount excluded from income by
14 reason of paragraph (1) shall be treated as tax
15 exempt income for purposes of sections 705 and
16 1366 of the Internal Revenue Code of 1986,
17 and

18 (B) the Secretary of the Treasury (or the
19 Secretary's delegate) shall prescribe rules for
20 determining a partner's distributive share of
21 any amount described in subparagraph (A) for
22 purposes of section 705 of the Internal Revenue
23 Code of 1986.

24 (e) EFFECTIVE DATES.—

1 (1) IN GENERAL.—Except as otherwise pro-
2 vided in this subsection, subsections (a), (b), and (c)
3 shall apply to taxable years ending after the date of
4 the enactment of the CARES Act.

5 (2) GRANTS FOR SHUTTERED VENUE OPERA-
6 TORS; TARGETED EIDL ADVANCES.—Subsection (d),
7 and so much of subsection (b) as relates to funding
8 under section 331 of the Economic Aid to Hard-Hit
9 Small Businesses, Nonprofits, and Venues Act, shall
10 apply to taxable years ending after the date of the
11 enactment of this Act.

12 **SEC. 279. AUTHORITY TO WAIVE CERTAIN INFORMATION**
13 **REPORTING REQUIREMENTS.**

14 The Secretary of the Treasury (or the Secretary's
15 delegate) may provide an exception from any requirement
16 to file an information return otherwise required by chapter
17 61 of the Internal Revenue Code of 1986 with respect to
18 any amount excluded from gross income by reason of sec-
19 tion 7A(i) of the Small Business Act or section 276(b),
20 277, or 278 of this subtitle.

21 **SEC. 280. APPLICATION OF SPECIAL RULES TO MONEY PUR-**
22 **CHASE PENSION PLANS.**

23 (a) IN GENERAL.—Section 2202(a)(6)(B) of the
24 CARES Act is amended by inserting “, and, in the case
25 of a money purchase pension plan, a coronavirus-related

1 distribution which is an in-service withdrawal shall be
2 treated as meeting the distribution rules of section 401(a)
3 of the Internal Revenue Code of 1986” before the period.

4 (b) EFFECTIVE DATE.—The amendment made by
5 this section shall apply as if included in the enactment
6 of section 2202 of the CARES Act.

7 **SEC. 281. ELECTION TO WAIVE APPLICATION OF CERTAIN**
8 **MODIFICATIONS TO FARMING LOSSES.**

9 (a) IN GENERAL.—Section 2303 of the CARES Act
10 is amended by adding at the end the following new sub-
11 section:

12 “(e) SPECIAL RULES WITH RESPECT TO FARMING
13 LOSSES.—

14 “(1) ELECTION TO DISREGARD APPLICATION OF
15 AMENDMENTS MADE BY SUBSECTIONS (a) AND
16 (b).—

17 “(A) IN GENERAL.—If a taxpayer who has
18 a farming loss (within the meaning of section
19 172(b)(1)(B)(ii) of the Internal Revenue Code
20 of 1986) for any taxable year beginning in
21 2018, 2019, or 2020 makes an election under
22 this paragraph, then—

23 “(i) the amendments made by sub-
24 section (a) shall not apply to any taxable

1 year beginning in 2018, 2019, or 2020,
2 and

3 “(ii) the amendments made by sub-
4 section (b) shall not apply to any net oper-
5 ating loss arising in any taxable year be-
6 ginning in 2018, 2019, or 2020.

7 “(B) ELECTION.—

8 “(i) IN GENERAL.—Except as pro-
9 vided in clause (ii)(II), an election under
10 this paragraph shall be made in such man-
11 ner as may be prescribed by the Secretary.
12 Such election, once made, shall be irrev-
13 ocable.

14 “(ii) TIME FOR MAKING ELECTION.—

15 “(I) IN GENERAL.—An election
16 under this paragraph shall be made
17 by the due date (including extensions
18 of time) for filing the taxpayer’s re-
19 turn for the taxpayer’s first taxable
20 year ending after the date of the en-
21 actment of the COVID-related Tax
22 Relief Act of 2020.

23 “(II) PREVIOUSLY FILED RE-
24 TURNS.—In the case of any taxable
25 year for which the taxpayer has filed

1 a return of Federal income tax before
2 the date of the enactment of the
3 COVID-related Tax Relief Act of
4 2020 which disregards the amend-
5 ments made by subsections (a) and
6 (b), such taxpayer shall be treated as
7 having made an election under this
8 paragraph unless the taxpayer amends
9 such return to reflect such amend-
10 ments by the due date (including ex-
11 tensions of time) for filing the tax-
12 payer's return for the first taxable
13 year ending after the date of the en-
14 actment of the COVID-related Tax
15 Relief Act of 2020.

16 “(C) REGULATIONS.—The Secretary of the
17 Treasury (or the Secretary's delegate) shall
18 issue such regulations and other guidance as
19 may be necessary to carry out the purposes of
20 this paragraph, including regulations and guid-
21 ance relating to the application of the rules of
22 section 172(a) of the Internal Revenue Code of
23 1986 (as in effect before the date of the enact-
24 ment of the CARES Act) to taxpayers making
25 an election under this paragraph.

1 “(2) REVOCATION OF ELECTION TO WAIVE
2 CARRYBACK.—The last sentence of section 172(b)(3)
3 of the Internal Revenue Code of 1986 and the last
4 sentence of section 172(b)(1)(B) of such Code shall
5 not apply to any election—

6 “(A) which was made before the date of
7 the enactment of the COVID-related Tax Relief
8 Act of 2020, and

9 “(B) which relates to the carryback period
10 provided under section 172(b)(1)(B) of such
11 Code with respect to any net operating loss
12 arising in taxable years beginning in 2018 or
13 2019.”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 this section shall take effect as if included in section 2303
16 of the CARES Act.

17 **SEC. 282. OVERSIGHT AND AUDIT REPORTING.**

18 Section 19010(a)(1) of the CARES Act is amended
19 by striking “and” at the end of subparagraph (F), by
20 striking “and” at the end of subparagraph (G), and by
21 adding at the end the following new subparagraphs:

22 “(H) the Committee on Finance of the
23 Senate; and

24 “(I) the Committee on Ways and Means of
25 the House of Representatives; and”.

1 **SEC. 283. DISCLOSURES TO IDENTIFY TAX RECEIVABLES**
2 **NOT ELIGIBLE FOR COLLECTION PURSUANT**
3 **TO QUALIFIED TAX COLLECTION CON-**
4 **TRACTS.**

5 (a) IN GENERAL.—Section 1106 of the Social Secu-
6 rity Act (42 U.S.C. 1306) is amended by adding at the
7 end the following:

8 “(g) Notwithstanding any other provision of this sec-
9 tion, the Commissioner of Social Security shall enter into
10 an agreement with the Secretary of the Treasury under
11 which—

12 “(1) if the Secretary provides the Commissioner
13 with the information described in section
14 6103(k)(15) of the Internal Revenue Code of 1986
15 with respect to any individual, the Commissioner
16 shall indicate to the Secretary as to whether such in-
17 dividual receives disability insurance benefits under
18 section 223 or supplemental security income benefits
19 under title XVI (including State supplementary pay-
20 ments of the type referred to in section 1616(a) or
21 payments of the type described in section 212(a) of
22 Public Law 93–66);

23 “(2) appropriate safeguards are included to as-
24 sure that the indication described in paragraph (1)
25 will be used solely for the purpose of determining if
26 tax receivables involving such individual are not eli-

1 gible for collection pursuant to a qualified tax collec-
2 tion contract by reason of section 6306(d)(3)(E) of
3 the Internal Revenue Code of 1986; and

4 “(3) the Secretary shall pay the Commissioner
5 of Social Security the full costs (including systems
6 and administrative costs) of providing the indication
7 described in paragraph (1).”.

8 (b) AUTHORIZATION OF DISCLOSURE BY SECRETARY
9 OF THE TREASURY.—

10 (1) IN GENERAL.—Section 6103(k) is amended
11 by adding at the end the following new paragraph:

12 “(15) DISCLOSURES TO SOCIAL SECURITY AD-
13 MINISTRATION TO IDENTIFY TAX RECEIVABLES NOT
14 ELIGIBLE FOR COLLECTION PURSUANT TO QUALI-
15 FIED TAX COLLECTION CONTRACTS.—In the case of
16 any individual involved with a tax receivable which
17 the Secretary has identified for possible collection
18 pursuant to a qualified tax collection contract (as
19 defined in section 6306(b)), the Secretary may dis-
20 close the taxpayer identity and date of birth of such
21 individual to officers, employees, and contractors of
22 the Social Security Administration to determine if
23 such tax receivable is not eligible for collection pur-
24 suant to such a qualified tax collection contract by
25 reason of section 6306(d)(3)(E).”.

1 (2) CONFORMING AMENDMENTS RELATED TO
2 SAFEGUARDS.—

3 (A) Section 6103(a)(3) is amended by
4 striking “or (14)” and inserting “(14), or
5 (15)”.

6 (B) Section 6103(p)(4) is amended—

7 (i) by striking “(k)(8), (10) or (11)”
8 both places it appears and inserting
9 “(k)(8), (10), (11), or (15)”, and

10 (ii) by striking “any other person de-
11 scribed in subsection (k)(10)” each place it
12 appears and inserting “any other person
13 described in subsection (k)(10) or (15)”.

14 (C) Section 7213(a)(2) is amended by
15 striking “(k)(10), (13), or (14)” and inserting
16 “(k)(10), (13), (14), or (15)”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to disclosures made on or after
19 the date of the enactment of this Act.

20 **SEC. 284. MODIFICATION OF CERTAIN PROTECTIONS FOR**
21 **TAXPAYER RETURN INFORMATION.**

22 (a) AMENDMENTS TO THE INTERNAL REVENUE
23 CODE OF 1986.—

24 (1) IN GENERAL.—Subparagraph (D) of section
25 6103(l)(13) is amended—

1 (A) by inserting at the end of clause (iii)
2 the following new sentence: “Under such terms
3 and conditions as may be prescribed by the Sec-
4 retary, after consultation with the Department
5 of Education, an institution of higher education
6 described in subclause (I) or a State higher
7 education agency described in subclause (II)
8 may designate a contractor of such institution
9 or state agency to receive return information on
10 behalf of such institution or state agency to ad-
11 minister aspects of the institution’s or state
12 agency’s activities for the application, award,
13 and administration of such financial aid.”, and

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

15 “(iv) REDISCLOSURE TO OFFICE OF
16 INSPECTOR GENERAL, INDEPENDENT
17 AUDITORS, AND CONTRACTORS.—Any re-
18 turn information which is redisclosed
19 under clause (iii)—

20 “(I) may be further disclosed by
21 persons described in subclauses (I),
22 (II), or (III) of clause (iii) or persons
23 designated in the last sentence of
24 clause (iii) to the Office of Inspector
25 General of the Department of Edu-

1 cation and independent auditors con-
2 ducting audits of such person’s ad-
3 ministration of the programs for
4 which the return information was re-
5 ceived, and

6 “(II) may be further disclosed by
7 persons described in subclauses (I),
8 (II), or (III) of clause (iii) to contrac-
9 tors of such entities,

10 but only to the extent necessary in car-
11 rying out the purposes described in such
12 clause (iii).

13 “(v) REDISCLOSURE TO FAMILY MEM-
14 BERS.—In addition to the purposes for
15 which information is disclosed and used
16 under subparagraphs (A) and (C), or re-
17 disclosed under clause (iii), any return in-
18 formation so disclosed or redisclosed may
19 be further disclosed to any individual cer-
20 tified by the Secretary of Education as
21 having provided approval under paragraph
22 (1) or (2) of section 494(a) of the Higher
23 Education Act of 1965, as the case may
24 be, for disclosure related to the income-
25 contingent or income-based repayment plan

1 under subparagraph (A) or the eligibility
2 for, and amount of, Federal student finan-
3 cial aid described in subparagraph (C).

4 “(vi) REDISCLOSURE OF FAFSA IN-
5 FORMATION.—Return information received
6 under subparagraph (C) may be redis-
7 closed in accordance with subsection (c) of
8 section 494 of the Higher Education Act
9 of 1965 (as in effect on the date of enact-
10 ment of the COVID-related Tax Relief Act
11 of 2020) to carry out the purposes speci-
12 fied in such subsection.”.

13 (2) CONFORMING AMENDMENT.—Subparagraph
14 (F) of section 6103(l)(13) is amended by inserting
15 “, and any redisclosure authorized under clause (iii),
16 (iv) (v), or (vi) of subparagraph (D),” after “ or
17 (C)”.

18 (3) CONFIDENTIALITY OF RETURN INFORMA-
19 TION.—

20 (A) Section 6103(a)(3), as amended by
21 section 3516(a)(1) of the CARES Act, is
22 amended by striking “(13)(A), (13)(B),
23 (13)(C), (13)(D)(i),” and inserting “(13) (other
24 than subparagraphs (D)(v) and (D)(vi) there-
25 of),”.

1 (B) Section 6103(p)(3)(A), as amended by
2 section 3516(a)(2) of such Act, is amended by
3 striking “(13)(A), (13)(B), (13)(C),
4 (13)(D)(i),” and inserting “(13)(D)(iv),
5 (13)(D)(v), (13)(D)(vi)”.

6 (4) EFFECTIVE DATE.—The amendments made
7 by this subsection shall apply to disclosures made
8 after the date of the enactment of the FUTURE Act
9 (Public Law 116–91).

10 (b) AMENDMENTS TO THE HIGHER EDUCATION ACT
11 OF 1965.—

12 (1) IN GENERAL.—Section 494 of the Higher
13 Education Act of 1965 (20 U.S.C. 1098h(a)) is
14 amended—

15 (A) in subsection (a)(1)—

16 (i) in the matter preceding subpara-
17 graph (A), by inserting “, including return
18 information,” after “financial informa-
19 tion”;

20 (ii) in subparagraph (A)—

21 (I) in clause (i)—

22 (aa) by striking “subpara-
23 graph (B), the” and inserting the
24 following: “subparagraph (B)—
25 “(I) the”; and

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

3 “(II) the return information of
4 such individuals may be redisclosed
5 pursuant to clauses (iii), (iv), (v), and
6 (vi) of section 6103(l)(13)(D) of the
7 Internal Revenue Code of 1986, for
8 the relevant purposes described in
9 such section; and”;

10 (II) in clause (ii), by striking
11 “such disclosure” and inserting “the
12 disclosures described in subclauses (I)
13 and (II) of clause (i)”;

14 (iii) in subparagraph (B), by striking
15 “disclosure described in subparagraph
16 (A)(i)” and inserting “disclosures de-
17 scribed in subclauses (I) and (II) of sub-
18 paragraph (A)(i)”;

19 (B) in subsection (a)(2)(A)(ii), by striking
20 “affirmatively approve the disclosure described
21 in paragraph (1)(A)(i) and agree that such ap-
22 proval shall serve as an ongoing approval of
23 such disclosure until the date on which the indi-
24 vidual elects to opt out of such disclosure” and
25 inserting “affirmatively approve the disclosures

1 described in subclauses (I) and (II) of para-
2 graph (1)(A)(i), to the extent applicable, and
3 agree that such approval shall serve as an ongo-
4 ing approval of such disclosures until the date
5 on which the individual elects to opt out of such
6 disclosures”; and

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

8 “(c) ACCESS TO FAFSA INFORMATION.—

9 “(1) REDISCLOSURE OF INFORMATION.—The
10 information in a complete, unredacted Student Aid
11 Report (including any return information disclosed
12 under section 6103(l)(13) of the Internal Revenue
13 Code of 1986 (26 U.S.C. 6103(l)(13))) with respect
14 to an application described in subsection (a)(1) of an
15 applicant for Federal student financial aid—

16 “(A) upon request for such information by
17 such applicant, shall be provided to such appli-
18 cant by—

19 “(i) the Secretary; or

20 “(ii) in a case in which the Secretary
21 has requested that institutions of higher
22 education carry out the requirements of
23 this subparagraph, an institution of higher
24 education that has received such informa-
25 tion; and

1 “(B) with the written consent by the appli-
2 cant to an institution of higher education, may
3 be provided by such institution of higher edu-
4 cation as is necessary to a scholarship granting
5 organization (including a tribal organization
6 (defined in section 4 of the Indian Self-Deter-
7 mination and Education Assistance Act (25
8 U.S.C. 5304))), or to an organization assisting
9 the applicant in applying for and receiving Fed-
10 eral, State, local, or tribal assistance, that is
11 designated by the applicant to assist the appli-
12 cant in applying for and receiving financial as-
13 sistance for any component of the applicant’s
14 cost of attendance (defined in section 472) at
15 that institution.

16 “(2) DISCUSSION OF INFORMATION.—A discus-
17 sion of the information in an application described
18 in subsection (a)(1) (including any return informa-
19 tion disclosed under section 6103(l)(13) of the Inter-
20 nal Revenue Code of 1986 (26 U.S.C. 6103(l)(13))
21 of an applicant between an institution of higher edu-
22 cation and the applicant may, with the written con-
23 sent of the applicant, include an individual selected
24 by the applicant (such as an advisor) to participate
25 in such discussion.

1 “(3) RESTRICTION ON DISCLOSING INFORMA-
2 TION.—A person receiving information under para-
3 graph (1)(B) or (2) with respect to an applicant
4 shall not use the information for any purpose other
5 than the express purpose for which consent was
6 granted by the applicant and shall not disclose such
7 information to any other person without the express
8 permission of, or request by, the applicant.

9 “(4) DEFINITIONS.—In this subsection:

10 “(A) STUDENT AID REPORT.—The term
11 ‘Student Aid Report’ has the meaning given the
12 term in section 668.2 of title 34, Code of Fed-
13 eral Regulations (or successor regulations).

14 “(B) WRITTEN CONSENT.—The term
15 ‘written consent’ means a separate, written doc-
16 ument that is signed and dated (which may in-
17 clude by electronic format) by an applicant,
18 which—

19 “(i) indicates that the information
20 being disclosed includes return information
21 disclosed under section 6103(l)(13) of the
22 Internal Revenue Code of 1986 (26 U.S.C.
23 6103(l)(13)) with respect to the applicant;

24 “(ii) states the purpose for which the
25 information is being disclosed; and

1 “(iii) states that the information may
2 only be used for the specific purpose and
3 no other purposes.

4 “(5) RECORD KEEPING REQUIREMENT.—An in-
5 stitution of higher education shall—

6 “(A) keep a record of each written consent
7 made under this subsection for a period of at
8 least 3 years from the date of the student’s last
9 date of attendance at the institution; and

10 “(B) make each such record readily avail-
11 able for review by the Secretary.”.

12 (2) CONFORMING AMENDMENT.—Section
13 494(a)(3) of the Higher Education Act of 1965 (20
14 U.S.C. 1098h(a)(3)) is amended by striking “para-
15 graph (1)(A)(i)” both places the term appears and
16 inserting “paragraph (1)(A)(i)(I)”.

17 **SEC. 285. 2020 ELECTION TO TERMINATE TRANSFER PE-**
18 **RIOD FOR QUALIFIED TRANSFERS FROM**
19 **PENSION PLAN FOR COVERING FUTURE RE-**
20 **TIREE COSTS.**

21 (a) IN GENERAL.—Section 420(f) is amended by
22 adding at the end the following new paragraph:

23 “(7) ELECTION TO END TRANSFER PERIOD.—

24 “(A) IN GENERAL.—In the case of an em-
25 ployer maintaining a plan which has made a

1 qualified future transfer under this subsection,
2 such employer may, not later than December
3 31, 2021, elect to terminate the transfer period
4 with respect to such transfer effective as of any
5 taxable year specified by the taxpayer that be-
6 gins after the date of such election.

7 “(B) AMOUNTS TRANSFERRED TO PLAN
8 ON TERMINATION.—Any assets transferred to a
9 health benefits account, or an applicable life in-
10 surance account, in a qualified future transfer
11 (and any income allocable thereto) which are
12 not used as of the effective date of the election
13 to terminate the transfer period with respect to
14 such transfer under subparagraph (A), shall be
15 transferred out of the account to the transferor
16 plan within a reasonable period of time. The
17 transfer required by this subparagraph shall be
18 treated as an employer reversion for purposes
19 of section 4980 (other than subsection (d)
20 thereof), unless before the end of the 5-year pe-
21 riod beginning after the original transfer period
22 an equivalent amount is transferred back to
23 such health benefits account, or applicable life
24 insurance account, as the case may be. Any
25 such transfer back pursuant to the preceding

1 sentence may be made without regard to section
2 401(h)(1).

3 “(C) MINIMUM COST REQUIREMENTS CON-
4 TINUE.—The requirements of subsection (c)(3)
5 and paragraph (2)(D) shall apply with respect
6 to a qualified future transfer without regard to
7 any election under subparagraph (A) with re-
8 spect to such transfer.

9 “(D) MODIFIED MAINTENANCE OF FUND-
10 ED STATUS DURING ORIGINAL TRANSFER PE-
11 RIOD.—The requirements of paragraph (2)(B)
12 shall apply without regard to any such election,
13 and clause (i) thereof shall be applied by sub-
14 stituting ‘100 percent’ for ‘120 percent’ during
15 the original transfer period.

16 “(E) CONTINUED MAINTENANCE OF FUND-
17 ING STATUS AFTER ORIGINAL TRANSFER PE-
18 RIOD.—

19 “(i) IN GENERAL.—In the case of a
20 plan with respect to which there is an ex-
21 cess described in paragraph (2)(B)(ii) as of
22 the valuation date of the plan year in the
23 last year of the original transfer period,
24 paragraph (2)(B) shall apply for 5 years
25 after the original transfer period in the

1 same manner as during a transfer period
 2 by substituting the applicable percentage
 3 for ‘120 percent’ in clause (i) thereof.

4 “(ii) APPLICABLE PERCENTAGE.—For
 5 purposes of this subparagraph, the applica-
 6 ble percentage shall be determined under
 7 the following table:

“For the valuation date of the plan year in the following year after the original transfer period: The applicable percentage is:

1st	104 percent
2nd	108 percent
3rd	112 percent
4th	116 percent
5th	120 percent

8 “(iii) EARLY TERMINATION OF CON-
 9 TINUED MAINTENANCE PERIOD WHEN 120
 10 PERCENT FUNDING REACHED.—If, as of
 11 the valuation date of any plan year in the
 12 first 4 years after the original transfer pe-
 13 riod with respect to a qualified future
 14 transfer, there would be no excess deter-
 15 mined under this subparagraph were the
 16 applicable percentage 120 percent, then
 17 this subparagraph shall cease to apply with
 18 respect to the plan.

19 “(F) ORIGINAL TRANSFER PERIOD.—For
 20 purposes of this paragraph, the term ‘original
 21 transfer period’ means the transfer period

1 under this subsection with respect to a qualified
2 future transfer determined without regard to
3 the election under subparagraph (A).”.

4 (b) **EFFECTIVE DATE.**—The amendments made by
5 this section shall apply to taxable years beginning after
6 December 31, 2019.

7 **SEC. 286. EXTENSION OF CREDITS FOR PAID SICK AND**
8 **FAMILY LEAVE.**

9 (a) **IN GENERAL.**—Sections 7001(g), 7002(e),
10 7003(g), and 7004(e) of the Families First Coronavirus
11 Response Act are each amended by striking “December
12 31, 2020” and inserting “March 31, 2021”.

13 (b) **COORDINATION WITH TERMINATION OF MAN-**
14 **DATE.**—

15 (1) **PAYROLL CREDIT FOR PAID SICK LEAVE.**—
16 Section 7001(c) of the Families First Coronavirus
17 Response Act is amended by striking “paid by an
18 employer which” and all that follows and inserting
19 “paid by an employer—

20 “(1) which are required to be paid by reason of
21 the Emergency Paid Sick Leave Act, or

22 “(2) both—

23 “(A) which would be so required to be paid
24 if such Act were applied—

1 “(i) by substituting ‘March 31, 2021’
2 for ‘December 31, 2020’ in section 5109
3 thereof, and

4 “(ii) without regard to section
5 5102(b)(3) thereof, and

6 “(B) with respect to which all require-
7 ments of such Act (other than subsections (a)
8 and (b) of section 5105 thereof, and determined
9 by substituting ‘To be compliant with section
10 5102, an employer may not’ for ‘It shall be un-
11 lawful for any employer to’ in section 5104
12 thereof) which would apply if so required are
13 satisfied.”.

14 (2) CREDIT FOR SICK LEAVE OF SELF-EM-
15 PLOYED INDIVIDUALS.—Section 7002(b)(2) of the
16 Families First Coronavirus Response Act is amend-
17 ed to read as follows:

18 “(2) either—

19 “(A) would be entitled to receive paid leave
20 during the taxable year pursuant to the Emer-
21 gency Paid Sick Leave Act if the individual
22 were an employee of an employer (other than
23 himself or herself), or

24 “(B) would be so entitled if—

1 “(i) such Act were applied by sub-
2 stituting ‘March 31, 2021’ for ‘December
3 31, 2020’ in section 5109 thereof, and

4 “(ii) the individual were an employee
5 of an employer (other than himself or her-
6 self).”.

7 (3) PAYROLL CREDIT FOR PAID FAMILY
8 LEAVE.—Section 7003(e) of the Families First
9 Coronavirus Response Act is amended by striking
10 “paid by an employer which” and all that follows
11 and inserting “paid by an employer—

12 “(1) which are required to be paid by reason of
13 the Emergency Family and Medical Leave Expan-
14 sion Act (including the amendments made by such
15 Act), or

16 “(2) both—

17 “(A) which would be so required to be paid
18 if section 102(a)(1)(F) of the Family and Med-
19 ical Leave Act of 1993, as amended by the
20 Emergency Family and Medical Leave Expan-
21 sion Act, were applied by substituting ‘March
22 31, 2021’ for ‘December 31, 2020’, and

23 “(B) with respect to which all require-
24 ments of the Family and Medical Leave Act of
25 1993 (other than section 107 thereof, and de-

1 terminated by substituting ‘To be compliant with
2 section 102(a)(1)(F), an employer may not’ for
3 ‘It shall be unlawful for any employer to’ each
4 place it appears in subsection (a) of section 105
5 thereof, by substituting ‘made unlawful in this
6 title or described in this section’ for ‘made un-
7 lawful by this title’ in paragraph (2) of such
8 subsection, and by substituting ‘To be compli-
9 ant with section 102(a)(1)(F), an employer may
10 not’ for ‘It shall be unlawful for any person to’
11 in subsection (b) of such section) which relate
12 to such section 102(a)(1)(F), and which would
13 apply if so required, are satisfied.”.

14 (4) CREDIT FOR FAMILY LEAVE OF SELF-EM-
15 PLOYED INDIVIDUALS.—Section 7004(b)(2) of the
16 Families First Coronavirus Response Act is amend-
17 ed to read as follows:

18 “(2) either—

19 “(A) would be entitled to receive paid leave
20 during the taxable year pursuant to the Emer-
21 gency Family and Medical Leave Expansion Act
22 if the individual were an employee of an em-
23 ployer (other than himself or herself), or

24 “(B) would be so entitled if—

1 “(i) section 102(a)(1)(F) of the Fam-
2 ily and Medical Leave Act of 1993, as
3 amended by the Emergency Family and
4 Medical Leave Expansion Act, were applied
5 by substituting ‘March 31, 2021’ for ‘De-
6 cember 31, 2020’, and

7 “(ii) the individual were an employee
8 of an employer (other than himself or her-
9 self).”.

10 (5) COORDINATION WITH CERTAIN EMPLOY-
11 MENT TAXES.—Section 7005(a) of the Families
12 First Coronavirus Response Act is amended by in-
13 serting “(or, in the case of wages paid after Decem-
14 ber 31, 2020, and before April 1, 2021, with respect
15 to which a credit is allowed under section 7001 or
16 7003)” before “shall not be considered”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall take effect as if included in the provisions
19 of the Families First Coronavirus Response Act to which
20 they relate.

1 **SEC. 287. ELECTION TO USE PRIOR YEAR NET EARNINGS**
2 **FROM SELF-EMPLOYMENT IN DETERMINING**
3 **AVERAGE DAILY SELF-EMPLOYMENT INCOME**
4 **FOR PURPOSES OF CREDITS FOR PAID SICK**
5 **AND FAMILY LEAVE.**

6 (a) CREDIT FOR SICK LEAVE.—Section 7002(c) of
7 the Families First Coronavirus Response Act is amended
8 by adding at the end the following new paragraph:

9 “(4) ELECTION TO USE PRIOR YEAR NET EARN-
10 INGS FROM SELF-EMPLOYMENT INCOME.—In the
11 case of an individual who elects (at such time and
12 in such manner as the Secretary, or the Secretary’s
13 delegate, may provide) the application of this para-
14 graph, paragraph (2)(A) shall be applied by sub-
15 stituting ‘the prior taxable year’ for ‘the taxable
16 year’.”.

17 (b) CREDIT FOR FAMILY LEAVE.—Section 7004(c)
18 of the Families First Coronavirus Response Act is amend-
19 ed by adding at the end the following new paragraph:

20 “(4) ELECTION TO USE PRIOR YEAR NET EARN-
21 INGS FROM SELF-EMPLOYMENT INCOME.—In the
22 case of an individual who elects (at such time and
23 in such manner as the Secretary, or the Secretary’s
24 delegate, may provide) the application of this para-
25 graph, paragraph (2)(A) shall be applied by sub-

1 stituting ‘the prior taxable year’ for ‘the taxable
2 year’.”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect as if included in the provisions
5 of the Families First Coronavirus Response Act to which
6 they relate.

7 **SEC. 288. CERTAIN TECHNICAL IMPROVEMENTS TO CRED-**
8 **ITS FOR PAID SICK AND FAMILY LEAVE.**

9 (a) COORDINATION WITH APPLICATION OF CERTAIN
10 DEFINITIONS.—

11 (1) IN GENERAL.—Sections 7001(c) and
12 7003(c) of the Families First Coronavirus Response
13 Act are each amended—

14 (A) by inserting “, determined without re-
15 gard to paragraphs (1) through (22) of section
16 3121(b) of such Code” after “as defined in sec-
17 tion 3121(a) of the Internal Revenue Code of
18 1986”, and

19 (B) by inserting “, determined without re-
20 gard to the sentence in paragraph (1) thereof
21 which begins ‘Such term does not include remun-
22 eration’” after “as defined in section 3231(e)
23 of the Internal Revenue Code”.

24 (2) CONFORMING AMENDMENTS.—Sections
25 7001(e)(3) and 7003(e)(3) of the Families First

1 Coronavirus Response Act are each amended by
2 striking “Any term” and inserting “Except as other-
3 wise provided in this section, any term”.

4 (b) COORDINATION WITH EXCLUSION FROM EM-
5 PLOYMENT TAXES.—Sections 7001(c) and 7003(c) of the
6 Families First Coronavirus Response Act, as amended by
7 subsection (a), are each amended—

8 (1) by inserting “and section 7005(a) of this
9 Act,” after “determined without regard to para-
10 graphs (1) through (22) of section 3121(b) of such
11 Code”, and

12 (2) by inserting “and without regard to section
13 7005(a) of this Act” after “which begins ‘Such term
14 does not include remuneration’ ”.

15 (c) CLARIFICATION OF APPLICABLE RAILROAD RE-
16 TIREMENT TAX FOR PAID LEAVE CREDITS.—Sections
17 7001(e) and 7003(e) of the Families First Coronavirus
18 Response Act, as amended by the preceding provisions of
19 this Act, are each amended by adding at the end the fol-
20 lowing new paragraph:

21 “(4) REFERENCES TO RAILROAD RETIREMENT
22 TAX.—Any reference in this section to the tax im-
23 posed by section 3221(a) of the Internal Revenue
24 Code of 1986 shall be treated as a reference to so

1 much of such tax as is attributable to the rate in ef-
2 fect under section 3111(a) of such Code.”.

3 (d) CLARIFICATION OF TREATMENT OF PAID LEAVE
4 FOR APPLICABLE RAILROAD RETIREMENT TAX.—Section
5 7005(a) of the Families First Coronavirus Response Act
6 is amended by adding the following sentence at the end
7 of such subsection: “Any reference in this subsection to
8 the tax imposed by section 3221(a) of such Code shall be
9 treated as a reference to so much of the tax as is attrib-
10 utable to the rate in effect under section 3111(a) of such
11 Code.”.

12 (e) CLARIFICATION OF APPLICABLE RAILROAD RE-
13 TIREMENT TAX FOR HOSPITAL INSURANCE TAX CRED-
14 IT.—Section 7005(b)(1) of the Families First Coronavirus
15 Response Act is amended to read as follows:

16 “(1) IN GENERAL.—The credit allowed by sec-
17 tion 7001 and the credit allowed by section 7003
18 shall each be increased by the amount of the tax im-
19 posed by section 3111(b) of the Internal Revenue
20 Code of 1986 and so much of the taxes imposed
21 under section 3221(a) of such Code as are attrib-
22 utable to the rate in effect under section 3111(b) of
23 such Code on qualified sick leave wages, or qualified
24 family leave wages, for which credit is allowed under
25 such section 7001 or 7003 (respectively).”.

1 (f) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect as if included in the provisions
3 of the Families First Coronavirus Response Act to which
4 they relate.

5 **TITLE III—CONTINUING THE**
6 **PAYCHECK PROTECTION**
7 **PROGRAM AND OTHER SMALL**
8 **BUSINESS SUPPORT**

9 **SEC. 301. SHORT TITLE.**

10 This title may be cited as the “Economic Aid to
11 Hard-Hit Small Businesses, Nonprofits, and Venues Act”.

12 **SEC. 302. DEFINITIONS.**

13 In this Act:

14 (1) ADMINISTRATION; ADMINISTRATOR.—The
15 terms “Administration” and “Administrator” mean
16 the Small Business Administration and the Adminis-
17 trator thereof, respectively.

18 (2) SMALL BUSINESS CONCERN.—The term
19 “small business concern” has the meaning given the
20 term in section 3 of the Small Business Act (15
21 U.S.C. 632).

22 **SEC. 303. EMERGENCY RULEMAKING AUTHORITY.**

23 Not later than 10 days after the date of enactment
24 of this Act, the Administrator shall issue regulations to
25 carry out this Act and the amendments made by this Act

1 without regard to the notice requirements under section
2 553(b) of title 5, United States Code.

3 **SEC. 304. ADDITIONAL ELIGIBLE EXPENSES.**

4 (a) ALLOWABLE USE OF PPP LOAN.—Section
5 7(a)(36)(F)(i) of the Small Business Act (15 U.S.C.
6 636(a)(36)(F)(i)) is amended—

7 (1) in subclause (VI), by striking “and” at the
8 end;

9 (2) in subclause (VII), by striking the period at
10 the end and inserting a semicolon; and

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

12 “(VIII) covered operations ex-
13 penditures, as defined in section
14 7A(a);

15 “(IX) covered property damage
16 costs, as defined in section 7A(a);

17 “(X) covered supplier costs, as
18 defined in section 7A(a); and

19 “(XI) covered worker protection
20 expenditures, as defined in section
21 7A(a).”.

22 (b) LOAN FORGIVENESS.—

23 (1) TRANSFER OF SECTION TO SMALL BUSI-
24 NESS ACT.—

1 (A) IN GENERAL.—Section 1106 of the
2 CARES Act (15 U.S.C. 9005) is redesignated
3 as section 7A, transferred to the Small Busi-
4 ness Act (15 U.S.C. 631 et seq.), and inserted
5 so as to appear after section 7 of the Small
6 Business Act (15 U.S.C. 636).

7 (B) CONFORMING AMENDMENTS TO
8 TRANSFERRED SECTION.—Section 7A of the
9 Small Business Act, as redesignated and trans-
10 ferred by subparagraph (A) of this paragraph,
11 is amended—

12 (i) in subsection (a)(1), by striking
13 “under paragraph (36) of section 7(a) of
14 the Small Business Act (15 U.S.C.
15 636(a)), as added by section 1102” and in-
16 serting “under section 7(a)(36)”; and

17 (ii) in subsection (c), by striking “of
18 the Small Business Act (15 U.S.C.
19 636(a))” each place it appears.

20 (C) OTHER CONFORMING AMENDMENTS.—

21 (i) Section 1109(d)(2)(D) of the
22 CARES Act (15 U.S.C. 9008(d)(2)(D)) is
23 amended by striking “section 1106 of this
24 Act” and inserting “section 7A of the
25 Small Business Act”.

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

4 (I) in subparagraph (K), by
5 striking “section 1106 of the CARES
6 Act” and inserting “section 7A”; and

7 (II) in subparagraph (M)—

8 (aa) by striking “section
9 1106 of the CARES Act” each
10 place it appears and inserting
11 “section 7A”; and

12 (bb) in clause (v), by strik-
13 ing “section 1106(a) of the
14 CARES Act” and inserting “sec-
15 tion 7A(a)”.

16 (2) ADDITIONAL ELIGIBLE EXPENSES.—Section
17 7A of the Small Business Act, as redesignated and
18 transferred by paragraph (1) of this subsection, is
19 amended—

20 (A) in subsection (a)—

21 (i) by redesignating paragraphs (6),
22 (7), and (8) as paragraphs (10), (11), and
23 (12), respectively;

24 (ii) by redesignating paragraph (5) as
25 paragraph (8);

1 (iii) by redesignating paragraph (4) as
2 paragraph (6);

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

5 (v) by inserting after paragraph (2)
6 the following:

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

15 (vi) by inserting after paragraph (4),
16 as so redesignated, the following:

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

22 (vii) by inserting after paragraph (6),
23 as so redesignated, the following:

1 “(7) the term ‘covered supplier cost’ means an
2 expenditure made by an entity to a supplier of goods
3 for the supply of goods that—

4 “(A) are essential to the operations of the
5 entity at the time at which the expenditure is
6 made; and

7 “(B) is made pursuant to a contract,
8 order, or purchase order—

9 “(i) in effect at any time before the
10 covered period with respect to the applica-
11 ble covered loan; or

12 “(ii) with respect to perishable goods,
13 in effect before or at any time during the
14 covered period with respect to the applica-
15 ble covered loan;”;

16 (viii) by inserting after paragraph (8),
17 as so redesignated, the following:

18 “(9) the term ‘covered worker protection ex-
19 penditure’—

20 “(A) means an operating or a capital ex-
21 penditure to facilitate the adaptation of the
22 business activities of an entity to comply with
23 requirements established or guidance issued by
24 the Department of Health and Human Services,
25 the Centers for Disease Control, or the Occupa-

1 tional Safety and Health Administration, or any
2 equivalent requirements established or guidance
3 issued by a State or local government, during
4 the period beginning on March 1, 2020 and
5 ending the date on which the national emer-
6 gency declared by the President under the Na-
7 tional Emergencies Act (50 U.S.C. 1601 et
8 seq.) with respect to the Coronavirus Disease
9 2019 (COVID–19) expires related to the main-
10 tenance of standards for sanitation, social
11 distancing, or any other worker or customer
12 safety requirement related to COVID–19;

13 “(B) may include—

14 “(i) the purchase, maintenance, or
15 renovation of assets that create or ex-
16 pand—

17 “(I) a drive-through window fa-
18 cility;

19 “(II) an indoor, outdoor, or com-
20 bined air or air pressure ventilation or
21 filtration system;

22 “(III) a physical barrier such as
23 a sneeze guard;

1 “(IV) an expansion of additional
2 indoor, outdoor, or combined business
3 space;

4 “(V) an onsite or offsite health
5 screening capability; or

6 “(VI) other assets relating to the
7 compliance with the requirements or
8 guidance described in subparagraph
9 (A), as determined by the Adminis-
10 trator in consultation with the Sec-
11 retary of Health and Human Services
12 and the Secretary of Labor; and

13 “(ii) the purchase of—

14 “(I) covered materials described
15 in section 328.103(a) of title 44, Code
16 of Federal Regulations, or any suc-
17 cessor regulation;

18 “(II) particulate filtering face-
19 piece respirators approved by the Na-
20 tional Institute for Occupational Safe-
21 ty and Health, including those ap-
22 proved only for emergency use author-
23 ization; or

24 “(III) other kinds of personal
25 protective equipment, as determined

1 by the Administrator in consultation
2 with the Secretary of Health and
3 Human Services and the Secretary of
4 Labor; and

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

7 (ix) in paragraph (11), as so redesign-
8 nated—

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

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

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

15 “(E) covered operations expenditures;

16 “(F) covered property damage costs;

17 “(G) covered supplier costs; and

18 “(H) covered worker protection expendi-
19 tures; and”;

20 (B) in subsection (b), by adding at the end
21 the following:

22 “(5) Any covered operations expenditure.

23 “(6) Any covered property damage cost.

24 “(7) Any covered supplier cost.

1 “(8) Any covered worker protection expendi-
2 ture.”;

3 (C) in subsection (d)(8), by inserting “any
4 payment on any covered operations expenditure,
5 any payment on any covered property damage
6 cost, any payment on any covered supplier cost,
7 any payment on any covered worker protection
8 expenditure,” after “rent obligation,”; and

9 (D) in subsection (e)—

10 (i) in paragraph (2)—

11 (I) by inserting “purchase orders,
12 orders, invoices,” before “or other
13 documents”; and

14 (II) by striking “covered lease
15 obligations,” and inserting “covered
16 rent obligations, payments on covered
17 operations expenditures, payments on
18 covered property damage costs, pay-
19 ments on covered supplier costs, pay-
20 ments on covered worker protection
21 expenditures,”; and

22 (ii) in paragraph (3)(B), by inserting
23 “make payments on covered operations ex-
24 penditures, make payments on covered
25 property damage costs, make payments on

1 covered supplier costs, make payments on
2 covered worker protection expenditures,”
3 after “rent obligation,”.

4 (c) EFFECTIVE DATE; APPLICABILITY.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), the amendments made by subsections (a)
7 and (b) shall be effective as if included in the
8 CARES Act (Public Law 116–136; 134 Stat. 281)
9 and shall apply to any loan made pursuant to sec-
10 tion 7(a)(36) of the Small Business Act (15 U.S.C.
11 636(a)(36)) before, on, or after the date of enact-
12 ment of this Act, including forgiveness of such a
13 loan.

14 (2) EXCLUSION OF LOANS ALREADY FOR-
15 GIVEN.—The amendments made by subsections (a)
16 and (b) shall not apply to a loan made pursuant to
17 section 7(a)(36) of the Small Business Act (15
18 U.S.C. 636(a)(36)) for which the borrower received
19 forgiveness before the date of enactment of this Act
20 under section 1106 of the CARES Act, as in effect
21 on the day before such date of enactment.

22 **SEC. 305. HOLD HARMLESS.**

23 (a) IN GENERAL.—Subsection (h) of section 7A of
24 the Small Business Act, as redesignated and transferred
25 by section 304 of this Act, is amended to read as follows:

1 “(h) HOLD HARMLESS.—

2 “(1) DEFINITION.—In this subsection, the term
3 ‘initial or second draw PPP loan’ means a covered
4 loan or a loan under paragraph (37) of section 7(a).

5 “(2) RELIANCE.—A lender may rely on any cer-
6 tification or documentation submitted by an appli-
7 cant for an initial or second draw PPP loan or an
8 eligible recipient or eligible entity receiving initial or
9 second draw PPP loan that—

10 “(A) is submitted pursuant to all applica-
11 ble statutory requirements, regulations, and
12 guidance related to initial or second draw PPP
13 loan, including under paragraph (36) or (37) of
14 section 7(a) and under this section; and

15 “(B) attests that the applicant, eligible re-
16 cipient, or eligible entity, as applicable, has ac-
17 curately provided the certification or docu-
18 mentation to the lender in accordance with the
19 statutory requirements, regulations, and guid-
20 ance described in subparagraph (A).

21 “(3) NO ENFORCEMENT ACTION.—With respect
22 to a lender that relies on a certification or docu-
23 mentation described in paragraph (2) related to an
24 initial or second draw PPP loan, an enforcement ac-
25 tion may not be taken against the lender, and the

1 lender shall not be subject to any penalties relating
2 to loan origination or forgiveness of the initial or
3 second draw PPP loan, if—

4 “(A) the lender acts in good faith relating
5 to loan origination or forgiveness of the initial
6 or second draw PPP loan based on that reli-
7 ance; and

8 “(B) all other relevant Federal, State,
9 local, and other statutory and regulatory re-
10 quirements applicable to the lender are satisfied
11 with respect to the initial or second draw PPP
12 loan.”.

13 (b) **EFFECTIVE DATE; APPLICABILITY.**—The amend-
14 ment made by subsection (a) shall be effective as if in-
15 cluded in the CARES Act (Public Law 116–136; 134 Stat.
16 281) and shall apply to any loan made pursuant to section
17 7(a)(36) of the Small Business Act (15 U.S.C.
18 636(a)(36)) before, on, or after the date of enactment of
19 this Act, including forgiveness of such a loan.

20 **SEC. 306. SELECTION OF COVERED PERIOD FOR FORGIVE-**
21 **NESS.**

22 Section 7A of the Small Business Act, as redesi-
23 gnated and transferred by section 304 of this Act, is
24 amended—

25

1 (A) by amending paragraph (4) of sub-
2 section (a), as so redesignated by section 304(b)
3 of this Act, to read as follows:

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

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

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

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

13 “(ii) ending on the date that is 24
14 weeks after such date of origination;”; and

15 (1) by striking subsection (l).

16 **SEC. 307. SIMPLIFIED FORGIVENESS APPLICATION.**

17 (a) IN GENERAL.—Section 7A of the Small Business
18 Act, as redesignated and transferred by section 304 of this
19 Act, and as amended by section 306 of this Act, is amend-
20 ed—

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

1 (2) in subsection (f), by inserting “or the cer-
2 tification required under subsection (l), as applica-
3 ble” after “subsection (e)”; and

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

5 “(1) SIMPLIFIED APPLICATION.—

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

7 “(A) IN GENERAL .—With respect to a
8 covered loan made to an eligible recipient that
9 is not more than \$150,000, the covered loan
10 amount shall be forgiven under this section if
11 the eligible recipient—

12 “(i) signs and submits to the lender a
13 certification, to be established by the Ad-
14 ministrators not later than 24 days after
15 the date of enactment of the Economic Aid
16 to Hard-Hit Small Businesses, Nonprofits,
17 and Venues Act, which—

18 “(I) shall be not more than 1
19 page in length; and

20 “(II) shall only require the eligi-
21 ble recipient to provide—

22 “(aa) a description of the
23 number of employees the eligible
24 recipient was able to retain be-
25 cause of the covered loan;

1 “(bb) the estimated amount
2 of the covered loan amount spent
3 by the eligible recipient on pay-
4 roll costs; and

5 “(cc) the total loan value;
6 “(ii) attests that the eligible recipient
7 has—

8 “(I) accurately provided the re-
9 quired certification; and

10 “(II) complied with the require-
11 ments under section 7(a)(36); and

12 “(iii) retains records relevant to the
13 form that prove compliance with such re-
14 quirements—

15 “(I) with respect to employment
16 records, for the 4-year period fol-
17 lowing submission of the form; and

18 “(II) with respect to other
19 records, for the 3-year period fol-
20 lowing submission of the form.

21 “(B) LIMITATION ON REQUIRING ADDI-
22 TIONAL MATERIALS.—An eligible recipient of a
23 covered loan that is not more than \$150,000
24 shall not, at the time of the application for for-
25 giveness, be required to submit any application

1 or documentation in addition to the certification
2 and information required to substantiate for-
3 giveness.

4 “(C) RECORDS FOR OTHER REQUIRE-
5 MENTS.—Nothing in subparagraph (A) or (B)
6 shall be construed to exempt an eligible recipi-
7 ent from having to provide documentation inde-
8 pendently to a lender to satisfy relevant Fed-
9 eral, State, local, or other statutory or regu-
10 latory requirements, or in connection with an
11 audit as authorized under subparagraph (E).

12 “(D) DEMOGRAPHIC INFORMATION.—The
13 certification established by the Administrator
14 under subparagraph (A) shall include a means
15 by which an eligible recipient may, at the dis-
16 cretion of the eligible recipient, submit demo-
17 graphic information of the owner of the eligible
18 recipient, including the sex, race, ethnicity, and
19 veteran status of the owner.

20 “(E) AUDIT AUTHORITY.—The Adminis-
21 trator may—

22 “(i) review and audit covered loans
23 described in subparagraph (A);

24 “(ii) access any records described in
25 subparagraph (A)(iii); and

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

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

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

10 “(2) COVERED LOANS OF MORE THAN
11 \$150,000.—

12 “(A) IN GENERAL.—With respect to a cov-
13 ered loan in an amount that is more than
14 \$150,000, the eligible recipient shall submit to
15 the lender that is servicing the covered loan the
16 documentation described in subsection (e).

17 “(B) DEMOGRAPHIC INFORMATION.—The
18 process for submitting the documentation de-
19 scribed in subsection (e) shall include a means
20 by which an eligible recipient may, at the dis-
21 cretion of the eligible recipient, submit demo-
22 graphic information of the owner of the eligible
23 recipient, including the sex, race, ethnicity, and
24 veteran status of the owner.

25 “(3) FORGIVENESS AUDIT PLAN.—

1 “(A) IN GENERAL.—Not later than 45
2 days after the date of enactment of the Eco-
3 nomic Aid to Hard-Hit Small Businesses, Non-
4 profits, and Venues Act, the Administrator shall
5 submit to the Committee on Small Business
6 and Entrepreneurship of the Senate and the
7 Committee on Small Business of the House of
8 Representatives an audit plan that details—

9 “(i) the policies and procedures of the
10 Administrator for conducting forgiveness
11 reviews and audits of covered loans; and

12 “(ii) the metrics that the Adminis-
13 trator shall use to determine which covered
14 loans will be audited.

15 “(B) REPORTS.—Not later than 30 days
16 after the date on which the Administrator sub-
17 mits the audit plan required under subpara-
18 graph (A), and each month thereafter, the Ad-
19 ministrator shall submit to the Committee on
20 Small Business and Entrepreneurship of the
21 Senate and the Committee on Small Business
22 of the House of Representatives a report on the
23 forgiveness review and audit activities of the
24 Administrator under this subsection, which
25 shall include—

1 “(i) the number of active reviews and
2 audits;

3 “(ii) the number of reviews and audits
4 that have been ongoing for more than 60
5 days; and

6 “(iii) any substantial changes made to
7 the audit plan submitted under subpara-
8 graph (A).”.

9 (b) EFFECTIVE DATE; APPLICABILITY.—The amend-
10 ments made by subsection (a) shall be effective as if in-
11 cluded in the CARES Act (Public Law 116–136; 134 Stat.
12 281) and shall apply to any loan made pursuant to section
13 7(a)(36) of the Small Business Act (15 U.S.C.
14 636(a)(36)) before, on, or after the date of enactment of
15 this Act, including forgiveness of such a loan.

16 **SEC. 308. SPECIFIC GROUP INSURANCE PAYMENTS AS PAY-**
17 **ROLL COSTS.**

18 (a) IN GENERAL.—Section
19 7(a)(36)(A)(viii)(I)(aa)(EE) of the Small Business Act
20 (15 U.S.C. 636(a)(36)(A)(viii)(I)(aa)(EE)) is amended by
21 inserting “or group life, disability, vision, or dental insur-
22 ance” before “benefits”.

23 (b) EFFECTIVE DATE; APPLICABILITY.—The amend-
24 ment made by subsection (a) shall be effective as if in-
25 cluded in the CARES Act (Public Law 116–136; 134 Stat.

1 281) and shall apply to any loan made pursuant to section
2 7(a)(36) of the Small Business Act (15 U.S.C.
3 636(a)(36)) before, on, or after the date of enactment of
4 this Act, including forgiveness of such a loan.

5 **SEC. 309. DEMOGRAPHIC INFORMATION.**

6 On and after the date of enactment of this Act, any
7 loan origination application for a loan under paragraph
8 (36) or (37) of section 7(a) of the Small Business Act
9 (15 U.S.C. 636(a)), as amended and added by this divi-
10 sion, shall include a means by which the applicant for the
11 loan may, at the discretion of the applicant, submit demo-
12 graphic information of the owner of the recipient of the
13 loan, including the sex, race, ethnicity, and veteran status
14 of the owner.

15 **SEC. 310. CLARIFICATION OF AND ADDITIONAL LIMITA-**
16 **TIONS ON ELIGIBILITY.**

17 (a) DATE IN OPERATION.—

18 (1) IN GENERAL.—Section 7(a)(36) of the
19 Small Business Act (15 U.S.C. 636(a)(36)) is
20 amended by adding at the end the following:

21 “(T) REQUIREMENT FOR DATE IN OPER-
22 ATION.—A business or organization that was
23 not in operation on February 15, 2020 shall not
24 be eligible for a loan under this paragraph.”.

1 (2) EFFECTIVE DATE; APPLICABILITY.—The
2 amendment made by paragraph (1) shall be effective
3 as if included in the CARES Act (Public Law 116–
4 136; 134 Stat. 281) and shall apply to any loan
5 made pursuant to section 7(a)(36) of the Small
6 Business Act (15 U.S.C. 636(a)(36)) before, on, or
7 after the date of enactment of this Act, including
8 forgiveness of such a loan.

9 (b) EXCLUSION OF ENTITIES RECEIVING SHUT-
10 TERED VENUE OPERATOR GRANTS.—Section 7(a)(36) of
11 the Small Business Act (15 U.S.C. 636(a)(36)), as
12 amended by subsection (a) of this section, is amended by
13 adding at the end the following:

14 “(U) EXCLUSION OF ENTITIES RECEIVING
15 SHUTTERED VENUE OPERATOR GRANTS.—An
16 eligible person or entity (as defined under of
17 section 24 of the Economic Aid to Hard-Hit
18 Small Businesses, Nonprofits, and Venues Act)
19 that receives a grant under such section 24
20 shall not be eligible for a loan under this para-
21 graph.”.

1 **SEC. 311. PAYCHECK PROTECTION PROGRAM SECOND**
2 **DRAW LOANS.**

3 (a) IN GENERAL.—Section 7(a) of the Small Busi-
4 ness Act (15 U.S.C. 636(a)) is amended by adding at the
5 end the following:

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

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

9 “(i) the terms ‘eligible self-employed
10 individual’, ‘housing cooperative’, ‘non-
11 profit organization’, ‘payroll costs’, ‘sea-
12 sonal employer’, and ‘veterans organiza-
13 tion’ have the meanings given those terms
14 in paragraph (36), except that ‘eligible en-
15 tity’ shall be substituted for ‘eligible recipi-
16 ent’ each place it appears in the definitions
17 of those terms;

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

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

1 meanings given those terms in section
2 7A(a);

3 “(iv) the term ‘eligible entity’—

4 “(I) means any business concern,
5 nonprofit organization, housing coop-
6 erative, veterans organization, Tribal
7 business concern, eligible self-em-
8 ployed individual, sole proprietor,
9 independent contractor, or small agri-
10 cultural cooperative that—

11 “(aa) employs not more
12 than 300 employees; and

13 “(bb)(AA) except as pro-
14 vided in subitems (BB), (CC),
15 and (DD), had gross receipts
16 during the first, second, third, or,
17 only with respect to an applica-
18 tion submitted on or after Janu-
19 ary 1, 2021, fourth quarter in
20 2020 that demonstrate not less
21 than a 25 percent reduction from
22 the gross receipts of the entity
23 during the same quarter in 2019;

24 “(BB) if the entity was not
25 in business during the first or

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1 second quarter of 2019, but was
2 in business during the third and
3 fourth quarter of 2019, had gross
4 receipts during the first, second,
5 third, or, only with respect to an
6 application submitted on or after
7 January 1, 2021, fourth quarter
8 of 2020 that demonstrate not
9 less than a 25 percent reduction
10 from the gross receipts of the en-
11 tity during the third or fourth
12 quarter of 2019;

13 “(CC) if the entity was not
14 in business during the first, sec-
15 ond, or third quarter of 2019,
16 but was in business during the
17 fourth quarter of 2019, had gross
18 receipts during the first, second,
19 third, or, only with respect to an
20 application submitted on or after
21 January 1, 2021, fourth quarter
22 of 2020 that demonstrate not
23 less than a 25 percent reduction
24 from the gross receipts of the en-

1 tity during the fourth quarter of
2 2019; or

3 “(DD) if the entity was not
4 in business during 2019, but was
5 in operation on February 15,
6 2020, had gross receipts during
7 the second, third, or, only with
8 respect to an application sub-
9 mitted on or after January 1,
10 2021, fourth quarter of 2020
11 that demonstrate not less than a
12 25 percent reduction from the
13 gross receipts of the entity dur-
14 ing the first quarter of 2020;

15 “(II) includes a business concern
16 or organization made eligible for a
17 loan under paragraph (36) under
18 clause (iii)(II), (iv)(IV), or (vii) of
19 subparagraph (D) of paragraph (36)
20 and that meets the requirements de-
21 scribed in items (aa) and (bb) of sub-
22 clause (I); and

23 “(III) does not include—

24 “(aa) any entity that is a
25 type of business concern (or

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1 would be, if such entity were a
2 business concern) described in
3 section 120.110 of title 13, Code
4 of Federal Regulations (or in any
5 successor regulation or other re-
6 lated guidance or rule that may
7 be issued by the Administrator)
8 other than a business concern de-
9 scribed in subsection (a) or (k) of
10 such section; or

11 “(bb) any business concern
12 or entity primarily engaged in
13 political or lobbying activities,
14 which shall include any entity
15 that is organized for research or
16 for engaging in advocacy in areas
17 such as public policy or political
18 strategy or otherwise describes
19 itself as a think tank in any pub-
20 lic documents;

21 “(cc) any business concern
22 or entity—

23 “(AA) for which an en-
24 tity created in or organized
25 under the laws of the Peo-

1 ple’s Republic of China or
2 the Special Administrative
3 Region of Hong Kong, or
4 that has significant oper-
5 ations in the People’s Re-
6 public of China or the Spe-
7 cial Administrative Region
8 of Hong Kong, owns or
9 holds, directly or indirectly,
10 not less than 20 percent of
11 the economic interest of the
12 business concern or entity,
13 including as equity shares or
14 a capital or profit interest in
15 a limited liability company
16 or partnership; or

17 “(BB) that retains, as
18 a member of the board of di-
19 rectors of the business con-
20 cern, a person who is a resi-
21 dent of the People’s Repub-
22 lic of China;

23 “(dd) any person required to
24 submit a registration statement
25 under section 2 of the Foreign

1 Agents Registration Act of 1938
2 (22 U.S.C. 612); or

3 “(ee) an eligible person or
4 entity (as defined under section
5 24 of the Economic Aid to Hard-
6 Hit Small Businesses, Non-
7 profits, and Venues Act) that re-
8 ceives a grant under such section
9 24; and

10 “(v) the term ‘Tribal business con-
11 cern’ means a Tribal business concern de-
12 scribed in section 31(b)(2)(C).

13 “(B) LOANS.—Except as otherwise pro-
14 vided in this paragraph, the Administrator may
15 guarantee covered loans to eligible entities
16 under the same terms, conditions, and processes
17 as a loan made under paragraph (36).

18 “(C) MAXIMUM LOAN AMOUNT.—

19 “(i) IN GENERAL.—Except as other-
20 wise provided in this subparagraph, the
21 maximum amount of a covered loan made
22 to an eligible entity is the lesser of—

23 “(I) the product obtained by mul-
24 tiplying—

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

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

9 “(BB) calendar year
10 2019; by

11 “(bb) 2.5; or

12 “(II) \$2,000,000.

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

17 “(I) the product obtained by mul-
18 tiplying—

19 “(aa) at the election of the
20 eligible entity, the average total
21 monthly payments for payroll
22 costs incurred or paid by the eli-
23 gible entity for any 12-week pe-
24 riod between February 15, 2019
25 and February 15, 2020; by

1 “(bb) 2.5; or

2 “(II) \$2,000,000.

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

8 “(I) the product obtained by mul-
9 tipling—

10 “(aa) the quotient obtained
11 by dividing—

12 “(AA) the sum of the
13 total monthly payments by
14 the eligible entity for payroll
15 costs paid or incurred by the
16 eligible entity as of the date
17 on which the eligible entity
18 applies for the covered loan;
19 by

20 “(BB) the number of
21 months in which those pay-
22 roll costs were paid or in-
23 curred; by

24 “(bb) 2.5; or

25 “(II) \$2,000,000.

1 “(iv) NAICS 72 ENTITIES.—The max-
2 imum amount of a covered loan made to
3 an eligible entity that is assigned a North
4 American Industry Classification System
5 code beginning with 72 at the time of dis-
6 bursal is the lesser of—

7 “(I) the product obtained by mul-
8 tiplying—

9 “(aa) at the election of the
10 eligible entity, the average total
11 monthly payment for payroll
12 costs incurred or paid by the eli-
13 gible entity during—

14 “(AA) the 1-year period
15 before the date on which the
16 loan is made; or

17 “(BB) calendar year
18 2019; by

19 “(bb) 3.5; or

20 “(II) \$2,000,000.

21 “(D) BUSINESS CONCERNS WITH MORE
22 THAN 1 PHYSICAL LOCATION.—

23 “(i) IN GENERAL.—For a business
24 concern with more than 1 physical loca-
25 tion, the business concern shall be an eligi-

1 ble entity if the business concern would be
2 eligible for a loan under paragraph (36)
3 pursuant to clause (iii) of subparagraph
4 (D) of such paragraph, as applied in ac-
5 cordance with clause (ii) of this subpara-
6 graph, and meets the revenue reduction re-
7 quirements described in item (bb) of sub-
8 paragraph (A)(iv)(I).

9 “(ii) SIZE LIMIT.—For purposes of
10 applying clause (i), the Administrator shall
11 substitute ‘not more than 300 employees’
12 for ‘not more than 500 employees’ in para-
13 graph (36)(D)(iii).

14 “(E) WAIVER OF AFFILIATION RULES.—

15 “(i) IN GENERAL.—The waiver de-
16 scribed in paragraph (36)(D)(iv) shall
17 apply for purposes of determining eligi-
18 bility under this paragraph.

19 “(ii) SIZE LIMIT.—For purposes of
20 applying clause (i), the Administrator shall
21 substitute ‘not more than 300 employees’
22 for ‘not more than 500 employees’ in sub-
23 clause (I) and (IV) of paragraph
24 (36)(D)(iv).

1 “(F) LOAN NUMBER LIMITATION.—An eli-
2 gible entity may only receive 1 covered loan.

3 “(G) EXCEPTION FROM CERTAIN CERTIFI-
4 CATION REQUIREMENTS.—An eligible entity ap-
5 plying for a covered loan shall not be required
6 to make the certification described in clause
7 (iii) or (iv) of paragraph (36)(G).

8 “(H) FEE WAIVER.—With respect to a
9 covered loan—

10 “(i) in lieu of the fee otherwise appli-
11 cable under paragraph (23)(A), the Ad-
12 ministrators shall collect no fee; and

13 “(ii) in lieu of the fee otherwise appli-
14 cable under paragraph (18)(A), the Ad-
15 ministrators shall collect no fee.

16 “(I) GROSS RECEIPTS AND SIMPLIFIED
17 CERTIFICATION OF REVENUE TEST.—

18 “(i) LOANS OF UP TO \$150,000.—For
19 a covered loan of not more than \$150,000,
20 the eligible entity—

21 “(I) may submit a certification
22 attesting that the eligible entity meets
23 the applicable revenue loss require-
24 ment under subparagraph
25 (A)(iv)(I)(bb); and

1 “(II) if the eligible entity submits
2 a certification under subclause (I),
3 shall, on or before the date on which
4 the eligible entity submits an applica-
5 tion for forgiveness under subpara-
6 graph (J), produce adequate docu-
7 mentation that the eligible entity met
8 such revenue loss standard.

9 “(ii) FOR NONPROFIT AND VETERANS
10 ORGANIZATIONS.—For purposes of calcu-
11 lating gross receipts under subparagraph
12 (A)(iv)(I)(bb) for an eligible entity that is
13 a nonprofit organization, a veterans orga-
14 nization, or an organization described in
15 subparagraph (A)(iv)(II), gross receipts
16 means gross receipts within the meaning of
17 section 6033 of the Internal Revenue Code
18 of 1986.

19 “(J) LOAN FORGIVENESS.—

20 “(i) DEFINITION OF COVERED PE-
21 RIOD.—In this subparagraph, the term
22 ‘covered period’ has the meaning given
23 that term in section 7A(a).

24 “(ii) FORGIVENESS GENERALLY.—Ex-
25 cept as otherwise provided in this subpara-

1 graph, an eligible entity shall be eligible for
2 forgiveness of indebtedness on a covered
3 loan in the same manner as an eligible re-
4 cipient with respect to a loan made under
5 paragraph (36) of this section, as de-
6 scribed in section 7A.

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

13 “(I) Payroll costs, excluding any
14 payroll costs that are—

15 “(aa) qualified wages, as de-
16 fined in subsection (c)(3) of sec-
17 tion 2301 of the CARES Act (26
18 U.S.C. 3111 note), taken into ac-
19 count in determining the credit
20 allowed under such section; or

21 “(bb) qualified wages taken
22 into account in determining the
23 credit allowed under subsection
24 (a) or (d) of section 303 of the

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1 Taxpayer Certainty and Disaster
2 Relief Act of 2020.

3 “(II) Any payment of interest on
4 any covered mortgage obligation
5 (which shall not include any prepay-
6 ment of or payment of principal on a
7 covered mortgage obligation).

8 “(III) Any covered operations ex-
9 penditure.

10 “(IV) Any covered property dam-
11 age cost.

12 “(V) Any payment on any cov-
13 ered rent obligation.

14 “(VI) Any covered utility pay-
15 ment.

16 “(VII) Any covered supplier cost.

17 “(VIII) Any covered worker pro-
18 tection expenditure.

19 “(iv) LIMITATION ON FORGIVENESS
20 FOR ALL ELIGIBLE ENTITIES.—Subject to
21 any reductions under section 7A(d), the
22 forgiveness amount under this subpara-
23 graph shall be equal to the lesser of—

24 “(I) the amount described in
25 clause (ii); and

1 “(II) the amount equal to the
2 quotient obtained by dividing—

3 “(aa) the amount of the cov-
4 ered loan used for payroll costs
5 during the covered period; and

6 “(bb) 0.60.

7 “(v) SUBMISSION OF MATERIALS FOR
8 FORGIVENESS.—For purposes of applying
9 subsection (l)(1) of section 7A to a covered
10 loan of not more than \$150,000 under this
11 paragraph, an eligible entity may be re-
12 quired to provide, at the time of the appli-
13 cation for forgiveness, documentation re-
14 quired to substantiate revenue loss in ac-
15 cordance with subparagraph (I).

16 “(K) LENDER ELIGIBILITY.—Except as
17 otherwise provided in this paragraph, a lender
18 approved to make loans under paragraph (36)
19 may make covered loans under the same terms
20 and conditions as in paragraph (36).

21 “(L) REIMBURSEMENT FOR LOAN PROC-
22 ESSING AND SERVICING.—The Administrator
23 shall reimburse a lender authorized to make a
24 covered loan—

1 “(i) for a covered loan of not more
2 than \$50,000, in an amount equal to the
3 lesser of—

4 “(I) 50 percent of the balance of
5 the financing outstanding at the time
6 of disbursement of the covered loan;
7 or

8 “(II) \$2,500;

9 “(ii) at a rate, based on the balance
10 of the financing outstanding at the time of
11 disbursement of the covered loan, of—

12 “(I) 5 percent for a covered loan
13 of more than \$50,000 and not more
14 than \$350,000; and

15 “(II) 3 percent for a covered loan
16 of more than \$350,000.

17 “(M) PUBLICATION OF GUIDANCE.—Not
18 later than 10 days after the date of enactment
19 of this paragraph, the Administrator shall issue
20 guidance addressing barriers to accessing cap-
21 ital for minority, underserved, veteran, and
22 women-owned business concerns for the purpose
23 of ensuring equitable access to covered loans.

24 “(N) STANDARD OPERATING PROCE-
25 DURE.—The Administrator shall, to the max-

1 imum extent practicable, allow a lender ap-
2 proved to make covered loans to use existing
3 program guidance and standard operating pro-
4 cedures for loans made under this subsection.

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

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

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

15 (b) APPLICATION OF EXEMPTION BASED ON EM-
16 PLOYEE AVAILABILITY.—

17 (1) IN GENERAL.—Section 7A(d) of the Small
18 Business Act, as redesignated and transferred by
19 section 304 of this Act, is amended—

20 (A) in paragraph (5)(B), by inserting “(or,
21 with respect to a covered loan made on or after
22 the date of enactment of the Economic Aid to
23 Hard-Hit Small Businesses, Nonprofits, and
24 Venues Act, not later than the last day of the
25 covered period with respect to such covered

1 loan)” after “December 31, 2020” each place it
2 appears; and

3 (B) in paragraph (7)—

4 (i) by inserting “(or, with respect to a
5 covered loan made on or after the date of
6 enactment of the Economic Aid to Hard-
7 Hit Small Businesses, Nonprofits, and
8 Venues Act, ending on the last day of the
9 covered period with respect to such covered
10 loan)” after “December 31, 2020” the
11 first and third places it appears; and

12 (ii) by inserting “(or, with respect to
13 a covered loan made on or after the date
14 of enactment of the Economic Aid to
15 Hard-Hit Small Businesses, Nonprofits,
16 and Venues Act, on or before the last day
17 of the covered period with respect to such
18 covered loan)” after “December 31, 2020”
19 the second place it appears.

20 (2) MODIFICATION OF DATES.—The Adminis-
21 trator and the Secretary of the Treasury may joint-
22 ly, by regulation, modify any date in section 7A(d)
23 of the Small Business Act, as redesignated and
24 transferred by section 304 of this Act, other than a
25 deadline established under an amendment made by

1 paragraph (1), in a manner consistent with the pur-
2 poses of the Paycheck Protection Program to help
3 businesses retain workers and meet financial obliga-
4 tions.

5 (c) ELIGIBLE CHURCHES AND RELIGIOUS ORGANIZA-
6 TIONS.—

7 (1) SENSE OF CONGRESS.—It is the sense of
8 Congress that the interim final rule of the Adminis-
9 tration entitled “Business Loan Program Temporary
10 Changes; Paycheck Protection Program” (85 Fed.
11 Reg. 20817 (April 15, 2020)) properly clarified the
12 eligibility of churches and religious organizations for
13 loans made under paragraph (36) of section 7(a) of
14 the Small Business Act (15 U.S.C. 636(a)).

15 (2) APPLICABILITY OF PROHIBITION.—The pro-
16 hibition on eligibility established by section
17 120.110(k) of title 13, Code of Federal Regulations,
18 or any successor regulation, shall not apply to a loan
19 under paragraph (36) of section 7(a) of the Small
20 Business Act (15 U.S.C. 636(a)).

21 **SEC. 312. INCREASED ABILITY FOR PAYCHECK PROTEC-**
22 **TION PROGRAM BORROWERS TO REQUEST**
23 **AN INCREASE IN LOAN AMOUNT DUE TO UP-**
24 **DATED REGULATIONS.**

25 (a) DEFINITIONS.—In this section—

1 (1) the terms “covered loan” and “eligible re-
2 recipient” have the meanings given those terms in
3 7(a)(36)(A) of the Small Business Act (15 U.S.C.
4 636(a)(36)(A)); and

5 (2) the term “included covered loan” means a
6 covered loan for which, as of the date of enactment
7 of this Act, the borrower had not received forgive-
8 ness under section 1106 of the CARES Act, as in
9 effect on the day before such date of enactment.

10 (b) RULES OR GUIDANCE.—Not later than 17 days
11 after the date of enactment of this Act, and without regard
12 to the notice requirements under section 553(b) of title
13 5, United States Code, the Administrator shall issue rules
14 or guidance to ensure that an eligible recipient of an in-
15 cluded covered loan that returns amounts disbursed under
16 the included covered loan or does not accept the full
17 amount of the included covered loan for which the eligible
18 recipient was approved—

19 (1) in the case of an eligible recipient that re-
20 turned all or part of an included covered loan, the
21 eligible recipient may reapply for a covered loan for
22 an amount equal to the difference between the
23 amount retained and the maximum amount applica-
24 ble; and

1 (2) in the case of an eligible recipient that did
2 not accept the full amount of an included covered
3 loan, the eligible recipient may request a modifica-
4 tion to increase the amount of the covered loan to
5 the maximum amount applicable, subject to the re-
6 quirements of section 7(a)(36) of the Small Business
7 Act (15 U.S.C. 636(a)(36)).

8 (c) INTERIM FINAL RULES.—Notwithstanding the
9 interim final rule issued by the Administration entitled
10 “Business Loan Program Temporary Changes; Paycheck
11 Protection Program—Loan Increases” (85 Fed. Reg.
12 29842 (May 19, 2020)), an eligible recipient of an in-
13 cluded covered loan that is eligible for an increased cov-
14 ered loan amount as a result of any interim final rule that
15 allows for covered loan increases may submit a request
16 for an increase in the included covered loan amount even
17 if—

18 (1) the initial covered loan amount has been
19 fully disbursed; or

20 (2) the lender of the initial covered loan has
21 submitted to the Administration a Form 1502 report
22 related to the covered loan.

1 **SEC. 313. CALCULATION OF MAXIMUM LOAN AMOUNT FOR**
2 **FARMERS AND RANCHERS UNDER THE PAY-**
3 **CHECK PROTECTION PROGRAM.**

4 (a) IN GENERAL.—Section 7(a)(36) of the Small
5 Business Act (15 U.S.C. 636(a)(36)), as amended by sec-
6 tion 310 of this Act, is amended—

7 (1) in subparagraph (E), in the matter pre-
8 ceding clause (i), by striking “During” and inserting
9 “Except as provided in subparagraph (V), during”;
10 and

11 (2) by adding at the end the following:

12 “(V) CALCULATION OF MAXIMUM LOAN
13 AMOUNT FOR FARMERS AND RANCHERS.—

14 “(i) DEFINITION.—In this subpara-
15 graph, the term ‘covered recipient’ means
16 an eligible recipient that—

17 “(I) operates as a sole propri-
18 etorship or as an independent con-
19 tractor, or is an eligible self-employed
20 individual;

21 “(II) reports farm income or ex-
22 penses on a Schedule F (or any equiv-
23 alent successor schedule); and

24 “(III) was in business as of Feb-
25 ruary 15, 2020.

1 “(ii) NO EMPLOYEES.—With respect
2 to covered recipient without employees, the
3 maximum covered loan amount shall be the
4 lesser of—

5 “(I) the sum of—

6 “(aa) the product obtained
7 by multiplying—

8 “(AA) the gross income
9 of the covered recipient in
10 2019, as reported on a
11 Schedule F (or any equiva-
12 lent successor schedule),
13 that is not more than
14 \$100,000, divided by 12;
15 and

16 “(BB) 2.5; and

17 “(bb) the outstanding
18 amount of a loan under sub-
19 section (b)(2) that was made
20 during the period beginning on
21 January 31, 2020 and ending on
22 April 3, 2020 that the borrower
23 intends to refinance under the
24 covered loan, not including any
25 amount of any advance under the

1 loan that is not required to be re-
2 paid; or

3 “(II) \$2,000,000.

4 “(iii) WITH EMPLOYEES.—With re-
5 spect to a covered recipient with employ-
6 ees, the maximum covered loan amount
7 shall be calculated using the formula de-
8 scribed in subparagraph (E), except that
9 the gross income of the covered recipient
10 described in clause (ii)(I)(aa)(AA) of this
11 subparagraph, as divided by 12, shall be
12 added to the sum calculated under sub-
13 paragraph (E)(i)(I).

14 “(iv) RECALCULATION.—A lender that
15 made a covered loan to a covered recipient
16 before the date of enactment of this sub-
17 paragraph may, at the request of the cov-
18 ered recipient—

19 “(I) recalculate the maximum
20 loan amount applicable to that cov-
21 ered loan based on the formula de-
22 scribed in clause (ii) or (iii), as appli-
23 cable, if doing so would result in a
24 larger covered loan amount; and

1 “(II) provide the covered recipi-
2 ent with additional covered loan
3 amounts based on that recalcula-
4 tion.”.

5 (b) **EFFECTIVE DATE; APPLICABILITY.**—

6 (1) **IN GENERAL.**—Except as provided in para-
7 graph (2), the amendments made by subsection (a)
8 shall be effective as if included in the CARES Act
9 (Public Law 116–136; 134 Stat. 281) and shall
10 apply to any loan made pursuant to section 7(a)(36)
11 of the Small Business Act (15 U.S.C. 636(a)(36))
12 before, on, or after the date of enactment of this
13 Act, including forgiveness of such a loan.

14 (2) **EXCLUSION OF LOANS ALREADY FOR-**
15 **GIVEN.**—The amendments made by subsection (a)
16 shall not apply to a loan made pursuant to section
17 7(a)(36) of the Small Business Act (15 U.S.C.
18 636(a)(36)) for which the borrower received forgive-
19 ness before the date of enactment of this Act under
20 section 1106 of the CARES Act, as in effect on the
21 day before such date of enactment.

22 **SEC. 314. FARM CREDIT SYSTEM INSTITUTIONS.**

23 (a) **DEFINITION OF FARM CREDIT SYSTEM INSTITU-**
24 **TION.**—In this section, the term “Farm Credit System in-
25 stitution”—

1 (1) means an institution of the Farm Credit
2 System chartered under the Farm Credit Act of
3 1971 (12 U.S.C. 2001 et seq.); and

4 (2) does not include the Federal Agricultural
5 Mortgage Corporation.

6 (b) FACILITATION OF PARTICIPATION IN PPP AND
7 SECOND DRAW LOANS.—

8 (1) APPLICABLE RULES.—Solely with respect to
9 loans under paragraphs (36) and (37) of section
10 7(a) of the Small Business Act (15 U.S.C. 636(a)),
11 Farm Credit Administration regulations and guid-
12 ance issued as of July 14, 2020, and compliance
13 with such regulations and guidance, shall be deemed
14 functionally equivalent to requirements referenced in
15 section 3(a)(iii)(II) of the interim final rule of the
16 Administration entitled “Business Loan Program
17 Temporary Changes; Paycheck Protection Program”
18 (85 Fed. Reg. 20811 (April 15, 2020)) or any simi-
19 lar requirement referenced in that interim final rule
20 in implementing such paragraph (37).

21 (2) APPLICABILITY OF CERTAIN LOAN RE-
22 QUIREMENTS.—For purposes of making loans under
23 paragraph (36) or (37) of section 7(a) of the Small
24 Business Act (15 U.S.C. 636(a)) or forgiving those
25 loans in accordance with section 7A of the Small

1 Business Act, as redesignated and transferred by
2 section 304 of this Act, and subparagraph (J) of
3 such paragraph (37), sections 4.13, 4.14, and 4.14A
4 of the Farm Credit Act of 1971 (12 U.S.C. 2199,
5 2202, 2202a) (including regulations issued under
6 those sections) shall not apply.

7 (3) RISK WEIGHT.—

8 (A) IN GENERAL.—With respect to the ap-
9 plication of Farm Credit Administration capital
10 requirements, a loan described in subparagraph

11 (B)—

12 (i) shall receive a risk weight of zero
13 percent; and

14 (ii) shall not be included in the cal-
15 culation of any applicable leverage ratio or
16 other applicable capital ratio or calculation.

17 (B) LOANS DESCRIBED.—A loan referred
18 to in subparagraph (A) is—

19 (i) a loan made by a Farm Credit
20 Bank described in section 1.2(a) of the
21 Farm Credit Act of 1971 (12 U.S.C.
22 2002(a)) to a Federal Land Bank Associa-
23 tion, a Production Credit Association, or
24 an agricultural credit association described
25 in that section to make loans under para-

1 graph (36) or (37) of section 7(a) of the
2 Small Business Act (15 U.S.C. 636(a)) or
3 forgive those loans in accordance with sec-
4 tion 7A of the Small Business Act, as re-
5 designated and transferred by section 304
6 of this Act, and subparagraph (J) of such
7 paragraph (37); or

8 (ii) a loan made by a Federal Land
9 Bank Association, a Production Credit As-
10 sociation, an agricultural credit associa-
11 tion, or the bank for cooperatives described
12 in section 1.2(a) of the Farm Credit Act of
13 1971 (12 U.S.C. 2002(a)) under para-
14 graph (36) or (37) of section 7(a) of the
15 Small Business Act (15 U.S.C. 636(a)).

16 (c) EFFECTIVE DATE; APPLICABILITY.—This section
17 shall be effective as if included in the CARES Act (Public
18 Law 116–136; 134 Stat. 281) and shall apply to any loan
19 made pursuant to section 7(a)(36) of the Small Business
20 Act (15 U.S.C. 636(a)(36)) before, on, or after the date
21 of enactment of this Act, including forgiveness of such a
22 loan.

23 **SEC. 315. DEFINITION OF SEASONAL EMPLOYER.**

24 (a) PPP LOANS.—Section 7(a)(36)(A) of the Small
25 Business Act (15 U.S.C. 636(a)(36)(A)) is amended—

1 (1) in clause (xi), by striking “and” at the end;

2 (2) in clause (xii), by striking the period at the
3 end and inserting a semicolon; and

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

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

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

10 “(II) during the preceding cal-
11 endar year, had gross receipts for any
12 6 months of that year that were not
13 more than 33.33 percent of the gross
14 receipts of the employer for the other
15 6 months of that year;”.

16 (b) LOAN FORGIVENESS.—Paragraph (12) of section
17 7A(a) of the Small Business Act, as so redesignated and
18 transferred by section 304 of this Act, is amended to read
19 as follows:

20 “(12) the terms ‘payroll costs’ and ‘seasonal
21 employer’ have the meanings given those terms in
22 section 7(a)(36).”.

23 (c) EFFECTIVE DATE; APPLICABILITY.—The amend-
24 ments made by subsections (a) and (b) shall be effective
25 as if included in the CARES Act (Public Law 116–136;

1 134 Stat. 281) and shall apply to any loan made pursuant
2 to section 7(a)(36) of the Small Business Act (15 U.S.C.
3 636(a)(36)) before, on, or after the date of enactment of
4 this Act, including forgiveness of such a loan.

5 **SEC. 316. HOUSING COOPERATIVES.**

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

8 (1) in subparagraph (A), as amended by section
9 315(a) of this Act, by adding at the end the fol-
10 lowing:

11 “(xiv) the term ‘housing cooperative’
12 means a cooperative housing corporation
13 (as defined in section 216(b) of the Inter-
14 nal Revenue Code of 1986) that employs
15 not more than 300 employees;” and

16 (2) in subparagraph (D)—

17 (A) in clause (i), by inserting “housing co-
18 operative,” before “veterans organization,” each
19 place it appears; and

20 (B) in clause (vi), by inserting “, a housing
21 cooperative,” before “a veterans organization”.

1 **SEC. 317. ELIGIBILITY OF NEWS ORGANIZATIONS FOR**
2 **LOANS UNDER THE PAYCHECK PROTECTION**
3 **PROGRAM.**

4 (a) **ELIGIBILITY OF INDIVIDUAL STATIONS, NEWS-**
5 **PAPERS, AND PUBLIC BROADCASTING ORGANIZATIONS.—**

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

8 (1) by striking “During the covered period”
9 and inserting the following:

10 “(I) **IN GENERAL.—**During the
11 covered period”; and

12 (2) by adding at the end the following

13 “(II) **ELIGIBILITY OF NEWS OR-**
14 **GANIZATIONS.—**

15 “(aa) **DEFINITION.—**In this
16 subclause, the term ‘included
17 business concern’ means a busi-
18 ness concern, including any sta-
19 tion which broadcasts pursuant
20 to a license granted by the Fed-
21 eral Communications Commission
22 under title III of the Commu-
23 nications Act of 1934 (47 U.S.C.
24 301 et seq.) without regard for
25 whether such a station is a con-
26 cern as defined in section

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1 121.105 of title 13, Code of Fed-
2 eral Regulations, or any suc-
3 cessor thereto—

4 “(AA) that employs not
5 more than 500 employees, or
6 the size standard established
7 by the Administrator for the
8 North American Industry
9 Classification System code
10 applicable to the business
11 concern, per physical loca-
12 tion of such business con-
13 cern; or

14 “(BB) any nonprofit
15 organization or any organi-
16 zation otherwise subject to
17 section 511(a)(2)(B) of the
18 Internal Revenue Code of
19 1986 that is a public broad-
20 casting entity (as defined in
21 section 397(11) of the Com-
22 munications Act of 1934 (47
23 U.S.C. 397(11))).

24 “(bb) ELIGIBILITY.—During
25 the covered period, an included

1 business concern shall be eligible
2 to receive a covered loan if—

3 “(AA) the included
4 business concern is majority
5 owned or controlled by a
6 business concern that is as-
7 signed a North American In-
8 dustry Classification System
9 code beginning with 511110
10 or 5151 or, with respect to a
11 public broadcasting entity
12 (as defined in section
13 397(11) of the Communica-
14 tions Act of 1934 (47
15 U.S.C. 397(11))), has a
16 trade or business that falls
17 under such a code; and

18 “(BB) the included
19 business concern makes a
20 good faith certification that
21 proceeds of the loan will be
22 used to support expenses at
23 the component of the in-
24 cluded business concern that
25 produces or distributes lo-

1 cally focused or emergency
2 information.”.

3 (b) ELIGIBILITY OF AFFILIATED ENTITIES.—Section
4 7(a)(36)(D)(iv) of the Small Business Act (15 U.S.C.
5 636(a)(36)(D)(iv)) is amended—

6 (1) in subclause (II), by striking “and” at the
7 end;

8 (2) in subclause (III), by striking the period at
9 the end and inserting “; and”; and

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

11 “(IV)(aa) any business concern
12 (including any station which broad-
13 casts pursuant to a license granted by
14 the Federal Communications Commis-
15 sion under title III of the Communica-
16 tions Act of 1934 (47 U.S.C. 301 et
17 seq.) without regard for whether such
18 a station is a concern as defined in
19 section 121.105 of title 13, Code of
20 Federal Regulations, or any successor
21 thereto) that employs not more than
22 500 employees, or the size standard
23 established by the Administrator for
24 the North American Industry Classi-
25 fication System code applicable to the

1 business concern, per physical location
2 of such business concern and is ma-
3 jority owned or controlled by a busi-
4 ness concern that is assigned a North
5 American Industry Classification Sys-
6 tem code beginning with 511110 or
7 5151; or

8 “(bb) any nonprofit organization
9 that is assigned a North American In-
10 dustry Classification System code be-
11 ginning with 5151.”.

12 (c) APPLICATION OF PROHIBITION ON PUBLICLY
13 TRADED COMPANIES.—Clause (viii) of section
14 7(a)(36)(D) of the Small Business Act (15 U.S.C.
15 636(a)(36)(D), as added by section 342 of this Act is
16 amended—

17 (1) by striking “Notwithstanding” and insert-
18 ing the following:

19 “(I) IN GENERAL.—Subject to
20 subclause (II), and notwithstanding”;
21 and

22 (2) by adding at the end—

23 “(II) RULE FOR AFFILIATED EN-
24 TITIES.—With respect to a business
25 concern made eligible by clause

1 (iii)(II) or clause (iv)(IV) of this sub-
2 paragraph, the Administrator shall
3 not consider whether any affiliated en-
4 tity, which for purposes of this sub-
5 clause shall include any entity that
6 owns or controls such business con-
7 cern, is an issuer.”.

8 **SEC. 318. ELIGIBILITY OF 501(c)(6) AND DESTINATION MAR-**
9 **KETING ORGANIZATIONS FOR LOANS UNDER**
10 **THE PAYCHECK PROTECTION PROGRAM.**

11 Section 7(a)(36) of the Small Business Act (15
12 U.S.C. 636(a)(36)) is amended—

13 (1) in subparagraph (A), as amended by section
14 316 of this Act, by adding at the end the following:

15 “(xv) the term ‘destination marketing
16 organization’ means a nonprofit entity that
17 is—

18 “(I) an organization described in
19 section 501(c) of the Internal Revenue
20 Code of 1986 and exempt from tax
21 under section 501(a) of such Code; or

22 “(II) a State, or a political sub-
23 division of a State (including any in-
24 strumentality of such entities)—

1 “(aa) engaged in marketing
2 and promoting communities and
3 facilities to businesses and leisure
4 travelers through a range of ac-
5 tivities, including—

6 “(AA) assisting with
7 the location of meeting and
8 convention sites;

9 “(BB) providing travel
10 information on area attrac-
11 tions, lodging accommoda-
12 tions, and restaurants;

13 “(CC) providing maps;
14 and

15 “(DD) organizing
16 group tours of local histor-
17 ical, recreational, and cul-
18 tural attractions; or

19 “(bb) that is engaged in,
20 and derives the majority of the
21 operating budget of the entity
22 from revenue attributable to, pro-
23 viding live events; and”;

24 (2) in subparagraph (D), as amended by section
25 316 of this Act—

1 (A) in clause (v), by inserting “or for pur-
2 poses of determining the number of employees
3 of a housing cooperative or a business concern
4 or organization made eligible for a loan under
5 this paragraph under clause (iii)(II), (iv)(IV),
6 or (vii),” after “clause (i)(I),”;

7 (B) in clause (vi), by inserting “a business
8 concern or organization made eligible for a loan
9 under this paragraph under clause (vii),” after
10 “a nonprofit organization,”; and

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

12 “(vii) ELIGIBILITY FOR CERTAIN
13 501(c)(6) ORGANIZATIONS.—

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

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1 “(aa) the organization does
2 not receive more than 15 percent
3 of its receipts from lobbying ac-
4 tivities;

5 “(bb) the lobbying activities
6 of the organization do not com-
7 prise more than 15 percent of the
8 total activities of the organiza-
9 tion;

10 “(cc) the cost of the lob-
11 bing activities of the organiza-
12 tion did not exceed \$1,000,000
13 during the most recent tax year
14 of the organization that ended
15 prior to February 15, 2020; and

16 “(dd) the organization em-
17 ploys not more than 300 employ-
18 ees.

19 “(II) DESTINATION MARKETING
20 ORGANIZATIONS.—Any destination
21 marketing organization shall be eligi-
22 ble to receive a covered loan if—

23 “(aa) the destination mar-
24 keting organization does not re-

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1 ceive more than 15 percent of its
2 receipts from lobbying activities;

3 “(bb) the lobbying activities
4 of the destination marketing or-
5 ganization do not comprise more
6 than 15 percent of the total ac-
7 tivities of the organization;

8 “(cc) the cost of the lob-
9 bying activities of the destination
10 marketing organization did not
11 exceed \$1,000,000 during the
12 most recent tax year of the des-
13 tination marketing organization
14 that ended prior to February 15,
15 2020; and

16 “(dd) the destination mar-
17 keting organization employs not
18 more than 300 employees; and

19 “(ee) the destination mar-
20 keting organization—

21 “(AA) is described in
22 section 501(c) of the Inter-
23 nal Revenue Code and is ex-
24 empt from taxation under

1 section 501(a) of such Code;
2 or
3 “(BB) is a quasi-gov-
4 ernmental entity or is a po-
5 litical subdivision of a State
6 or local government, includ-
7 ing any instrumentality of
8 those entities.”.

9 **SEC. 319. PROHIBITION ON USE OF LOAN PROCEEDS FOR**
10 **LOBBYING ACTIVITIES.**

11 Section 7(a)(36)(F) of the Small Business Act (15
12 U.S.C. 636(a)(36)(F)) is amended by adding at the end
13 the following:

14 “(vi) PROHIBITION.—None of the pro-
15 ceeds of a covered loan may be used for—

16 “(I) lobbying activities, as de-
17 fined in section 3 of the Lobbying
18 Disclosure Act of 1995 (2 U.S.C.
19 1602);

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

22 “(III) expenditures designed to
23 influence the enactment of legislation,
24 appropriations, regulation, adminis-
25 trative action, or Executive order pro-

1 posed or pending before Congress or
2 any State government, State legisla-
3 ture, or local legislature or legislative
4 body.”.

5 **SEC. 320. BANKRUPTCY PROVISIONS.**

6 (a) IN GENERAL.—Section 364 of title 11, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 “(g)(1) The court, after notice and a hearing, may
10 authorize a debtor in possession or a trustee that is au-
11 thorized to operate the business of the debtor under sec-
12 tion 1183, 1184, 1203, 1204, or 1304 of this title to ob-
13 tain a loan under paragraph (36) or (37) of section 7(a)
14 of the Small Business Act (15 U.S.C. 636(a)), and such
15 loan shall be treated as a debt to the extent the loan is
16 not forgiven in accordance with section 7A of the Small
17 Business Act or subparagraph (J) of such paragraph (37),
18 as applicable, with priority equal to a claim of the kind
19 specified in subsection (c)(1) of this section.

20 “(2) The trustee may incur debt described in para-
21 graph (1) notwithstanding any provision in a contract,
22 prior order authorizing the trustee to incur debt under this
23 section, prior order authorizing the trustee to use cash col-
24 lateral under section 363, or applicable law that prohibits
25 the debtor from incurring additional debt.

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

6 (b) ALLOWANCE OF ADMINISTRATIVE EXPENSES.—
7 Section 503(b) of title 11, United States Code, is amend-
8 ed—

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

11 (2) in paragraph (9), by striking the period at
12 the end and inserting “; and”; and

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

14 “(10) any debt incurred under section
15 364(g)(1) of this title.”.

16 (c) CONFIRMATION OF PLAN FOR REORGANIZA-
17 TION.—Section 1191 of title 11, United States Code, is
18 amended by adding at the end the following:

19 “(f) SPECIAL PROVISION RELATED TO COVID-19
20 PANDEMIC.—Notwithstanding section 1129(a)(9)(A) of
21 this title and subsection (e) of this section, a plan that
22 provides for payment of a claim of a kind specified in sec-
23 tion 503(b)(10) of this title may be confirmed under sub-
24 section (b) of this section if the plan proposes to make

1 payments on account of such claim when due under the
2 terms of the loan giving rise to such claim.”.

3 (d) CONFIRMATION OF PLAN FOR FAMILY FARMERS
4 AND FISHERMEN.—Section 1225 of title 11, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 “(d) Notwithstanding section 1222(a)(2) of this title
8 and subsection (b)(1) of this section, a plan that provides
9 for payment of a claim of a kind specified in section
10 503(b)(10) of this title may be confirmed if the plan pro-
11 poses to make payments on account of such claim when
12 due under the terms of the loan giving rise to such
13 claim.”.

14 (e) CONFIRMATION OF PLAN FOR INDIVIDUALS.—
15 Section 1325 of title 11, United States Code, is amended
16 by adding at the end the following:

17 “(d) Notwithstanding section 1322(a)(2) of this title
18 and subsection (b)(1) of this section, a plan that provides
19 for payment of a claim of a kind specified in section
20 503(b)(10) of this title may be confirmed if the plan pro-
21 poses to make payments on account of such claim when
22 due under the terms of the loan giving rise to such
23 claim.”.

24 (f) EFFECTIVE DATE; SUNSET.—

1 (1) EFFECTIVE DATE.—The amendments made
2 by subsections (a) through (e) shall—

3 (A) take effect on the date on which the
4 Administrator submits to the Director of the
5 Executive Office for United States Trustees a
6 written determination that, subject to satisfying
7 any other eligibility requirements, any debtor in
8 possession or trustee that is authorized to oper-
9 ate the business of the debtor under section
10 1183, 1184, 1203, 1204, or 1304 of title 11,
11 United States Code, would be eligible for a loan
12 under paragraphs (36) and (37) of section 7(a)
13 of the Small Business Act (15 U.S.C. 636(a));
14 and

15 (B) apply to any case pending on or com-
16 menced on or after the date described in sub-
17 paragraph (A).

18 (2) SUNSET.—

19 (A) IN GENERAL.—If the amendments
20 made by subsections (a) through (e) take effect
21 under paragraph (1), effective on the date that
22 is 2 years after the date of enactment of this
23 Act—

1 (i) section 364 of title 11, United
2 States Code, is amended by striking sub-
3 section (g);

4 (ii) section 503(b) of title 11, United
5 States Code, is amended—

6 (I) in paragraph (8)(B), by add-
7 ing “and” at the end;

8 (II) in paragraph (9), by striking
9 “; and” at the end and inserting a pe-
10 riod; and

11 (III) by striking paragraph (10);

12 (iii) section 1191 of title 11, United
13 States Code, is amended by striking sub-
14 section (f);

15 (iv) section 1225 of title 11, United
16 States Code, is amended by striking sub-
17 section (d); and

18 (v) section 1325 of title 11, United
19 States Code, is amended by striking sub-
20 section (d).

21 (B) APPLICABILITY.—Notwithstanding the
22 amendments made by subparagraph (A) of this
23 paragraph, if the amendments made by sub-
24 sections (a) through (e) take effect under para-
25 graph (1) of this subsection, such amendments

1 shall apply to any case under title 11, United
2 States Code, commenced before the date that is
3 2 years after the date of enactment of this Act.

4 **SEC. 321. OVERSIGHT.**

5 (a) COMPLIANCE WITH OVERSIGHT REQUIRE-
6 MENTS.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), on and after the date of enactment of this
9 Act, the Administrator shall comply with any data
10 or information requests or inquiries made by the
11 Comptroller General of the United States not later
12 than 15 days (or such later date as the Comptroller
13 General may specify) after receiving the request or
14 inquiry.

15 (2) EXCEPTION.—If the Administrator is un-
16 able to comply with a request or inquiry described
17 in paragraph (1) before the applicable date described
18 in that paragraph, the Administrator shall, before
19 such applicable date, submit to the Committee on
20 Small Business and Entrepreneurship of the Senate
21 and the Committee on Small Business of the House
22 of Representatives a notification that includes a de-
23 tailed justification for the inability of the Adminis-
24 trator to comply with the request or inquiry.

1 (b) TESTIMONY.—Not later than the date that is 120
2 days after the date of enactment of this Act, and not less
3 than twice each year thereafter until the date that is 2
4 years after the date of enactment of this Act, the Adminis-
5 trator and the Secretary of the Treasury shall testify be-
6 fore the Committee on Small Business and Entrepreneur-
7 ship of the Senate and the Committee on Small Business
8 of the House of Representatives regarding implementation
9 of this Act and the amendments made by this Act.

10 **SEC. 322. CONFLICTS OF INTEREST.**

11 (a) DEFINITIONS.—In this section:

12 (1) CONTROLLING INTEREST.—The term “con-
13 trolling interest” means owning, controlling, or hold-
14 ing not less than 20 percent, by vote or value, of the
15 outstanding amount of any class of equity interest in
16 an entity.

17 (2) COVERED ENTITY.—

18 (A) DEFINITION.—The term “covered enti-
19 ty” means an entity in which a covered indi-
20 vidual directly or indirectly holds a controlling
21 interest.

22 (B) TREATMENT OF SECURITIES.—For the
23 purpose of determining whether an entity is a
24 covered entity, the securities owned, controlled,
25 or held by 2 or more individuals who are related

1 as described in paragraph (3)(B) shall be ag-
2 gregated.

3 (3) COVERED INDIVIDUAL.—The term “covered
4 individual” means—

5 (A) the President, the Vice President, the
6 head of an Executive department, or a Member
7 of Congress; and

8 (B) the spouse, as determined under appli-
9 cable common law, of an individual described in
10 subparagraph (A).

11 (4) EXECUTIVE DEPARTMENT.—The term “Ex-
12 ecutive department” has the meaning given the term
13 in section 101 of title 5, United States Code.

14 (5) MEMBER OF CONGRESS.—The term “Mem-
15 ber of Congress” means a Member of the Senate or
16 House of Representatives, a Delegate to the House
17 of Representatives, and the Resident Commissioner
18 from Puerto Rico.

19 (6) EQUITY INTEREST.—The term “equity in-
20 terest” means—

21 (A) a share in an entity, without regard to
22 whether the share is—

23 (i) transferable; or

24 (ii) classified as stock or anything
25 similar;

1 (B) a capital or profit interest in a limited
2 liability company or partnership; or

3 (C) a warrant or right, other than a right
4 to convert, to purchase, sell, or subscribe to a
5 share or interest described in subparagraph (A)
6 or (B), respectively.

7 (b) REQUIREMENT FOR DISCLOSURE REGARDING
8 EXISTING LOANS.—For any loan under paragraph (36)
9 of section 7(a) of the Small Business Act (15 U.S.C.
10 636(a)) made to a covered entity before the date of enact-
11 ment of this Act—

12 (1) if, before the date of enactment of this Act,
13 the covered entity submitted an application for for-
14 giveness under section 1106 of the CARES Act (15
15 U.S.C. 9005) (as such section was in effect on the
16 day before the date of enactment of this Act) with
17 respect to such loan, not later than 30 days after
18 the date of enactment of this Act, the principal exec-
19 utive officer, or individual performing a similar func-
20 tion, of the covered entity shall disclose to the Ad-
21 ministrator that the entity is a covered entity; and

22 (2) if, on or after the date of enactment of this
23 Act, the covered entity submits an application for
24 forgiveness under section 7A of the Small Business
25 Act, as redesignated and transferred by section 304

1 of this Act, with respect to such loan, not later than
2 30 days after submitting the application, the prin-
3 cipal executive officer, or individual performing a
4 similar function, of the covered entity shall disclose
5 to the Administrator that the entity is a covered en-
6 tity.

7 (c) **BAN ON NEW LOANS.**—On and after the date of
8 enactment of this Act, a loan under paragraph (36) or
9 (37) of section 7(a) of the Small Business Act (15 U.S.C.
10 636(a)), as added and amended by this Act, may not be
11 made to a covered entity.

12 **SEC. 323. COMMITMENT AUTHORITY AND APPROPRIA-**
13 **TIONS.**

14 (a) **COMMITMENT AUTHORITY.**—Section 1102(b) of
15 the CARES Act (Public Law 116–136) is amended—

16 (1) in paragraph (1)—

17 (A) in the paragraph heading, by inserting
18 “AND SECOND DRAW” after “PPP”;

19 (B) by striking “August 8, 2020” and in-
20 sserting “March 31, 2021”;

21 (C) by striking “paragraph (36)” and in-
22 sserting “paragraphs (36) and (37)”; and

23 (D) by striking “ \$659,000,000,000” and
24 inserting “ \$806,450,000,000”; and

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

1 “(3) 2021 7(a) LOAN PROGRAM LEVEL AND
2 FUNDING.—Notwithstanding the amount authorized
3 under the heading ‘Small Business Administration—
4 Business Loans Program Account’ under the Finan-
5 cial Services and General Government Appropria-
6 tions Act, 2021 for commitments for general busi-
7 ness loans authorized under paragraphs (1) through
8 (35) of section 7(a) of the Small Business Act (15
9 U.S.C. 636(a)), commitments for general business
10 loans authorized under paragraphs (1) through (35)
11 of section 7(a) of the Small Business Act (15 U.S.C.
12 636(a)) shall not exceed \$75,000,000,000 for a com-
13 bination of amortizing term loans and the aggre-
14 gated maximum line of credit provided by revolving
15 loans during the period beginning on the date of en-
16 actment of this Act and ending on September 30,
17 2021.”.

18 (b) CLARIFICATION OF SECONDARY MARKET CAP.—
19 Section 1107(b) of the CARES Act (15 U.S.C. 9006(b))
20 is amended by inserting “with respect to loans under any
21 paragraph of section 7(a) of the Small Business Act (15
22 U.S.C. 636(a))” before “shall not exceed”.

23 (c) RESCISSION.—With respect to unobligated bal-
24 ances under the heading “Small Business Administra-
25 tion—Business Loans Program Account, CARES Act” as

1 of the day before the date of enactment of this Act,
2 \$146,500,000,000 shall be rescinded and deposited into
3 the general fund of the Treasury.

4 (d) DIRECT APPROPRIATIONS.—

5 (1) NEW DIRECT APPROPRIATIONS FOR PPP
6 LOANS, SECOND DRAW LOANS, AND THE MBDA.—

7 There is appropriated, out of amounts in the Treas-
8 ury not otherwise appropriated, for the fiscal year
9 ending September 30, 2021, to remain available
10 until expended, for additional amounts—

11 (A) \$284,450,000,000 under the heading
12 “Small Business Administration—Business
13 Loans Program Account, CARES Act”, for the
14 cost of guaranteed loans as authorized under
15 paragraph (36) or (37) of section 7(a) of the
16 Small Business Act (15 U.S.C. 636(a)), as
17 amended and added by this Act, including the
18 cost of any modifications to any loans guaran-
19 teed under such paragraph (36) that were ap-
20 proved on or before August 8, 2020, of which—

21 (i) not less than \$15,000,000,000
22 shall be for guaranteeing loans under such
23 paragraph (36) or (37) made by commu-
24 nity financial institutions, as defined in

1 section 7(a)(36)(A) of the Small Business
2 Act (15 U.S.C. 636(a)(36)(A));

3 (ii) not less than \$15,000,000,000
4 shall be for guaranteeing loans under such
5 paragraph (36) or (37) made by—

6 (I) insured depository institutions
7 (as defined in section 3 of the Federal
8 Deposit Insurance Act (12 U.S.C.
9 1813)) with consolidated assets of less
10 than \$10,000,000,000;

11 (II) credit unions (as defined in
12 section 7(a)(36)(A) of the Small Busi-
13 ness Act (15 U.S.C. 636(a)(36)(A)))
14 with consolidated assets of less than
15 \$10,000,000,000; or

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

23 (iii) not less than \$15,000,000,000
24 shall be for guaranteeing loans under para-
25 graph (36) of section 7(a) of the Small

1 Business Act (15 U.S.C. 636(a)), as
2 amended by this Act, that are—

3 (I) made to eligible recipients
4 with not more than 10 employees; or

5 (II) in an amount that is not
6 more than \$250,000 and made to an
7 eligible recipient that is located in a
8 neighborhood that is a low-income
9 neighborhood or a moderate-income
10 neighborhood, for the purposes of the
11 Community Reinvestment Act of 1977
12 (12 U.S.C. 2901 et seq.);

13 (iv) not less than \$35,000,000,000
14 shall be for guaranteeing loans under para-
15 graph (36) of section 7(a) of the Small
16 Business Act (15 U.S.C. 636(a)), as
17 amended by this Act, to eligible recipients
18 that have not previously received a loan
19 under such paragraph (36); and

20 (v) not less than \$25,000,000,000
21 shall be for guaranteeing loans under para-
22 graph (37) of section 7(a) of the Small
23 Business Act (15 U.S.C. 636(a)), as added
24 by this Act, that are—

1 (I) made to eligible entities with
2 not more than 10 employees; or

3 (II) in an amount that is not
4 more than \$250,000 and made to an
5 eligible entity that is located in a
6 neighborhood that is a low-income
7 neighborhood or a moderate-income
8 neighborhood, for the purposes of the
9 Community Reinvestment Act of 1977
10 (12 U.S.C. 2901 et seq.);

11 (B) \$25,000,000 under the heading “De-
12 partment of Commerce—Minority Business De-
13 velopment Agency” for the Minority Business
14 Development Centers Program, including Spe-
15 cialty Centers, for necessary expenses, including
16 any cost sharing requirements that may exist,
17 for assisting minority business enterprises to
18 prevent, prepare for, and respond to
19 coronavirus, including identifying and accessing
20 local, State, and Federal government assistance
21 related to such virus;

22 (C) \$50,000,000 under the heading “Small
23 Business Administration—Salaries and Ex-
24 penses” for the cost of carrying out reviews and
25 audits of loans under subsection (l) of section

1 7A of the Small Business Act, as redesignated,
2 transferred, and amended by this Act;

3 (D) \$20,000,000,000 under the heading
4 “Small Business Administration—Targeted
5 EIDL Advance” to carry out section 331 of this
6 Act, of which \$20,000,000 shall be made avail-
7 able to the Inspector General of the Small Busi-
8 ness Administration to prevent waste, fraud,
9 and abuse with respect to funding made avail-
10 able under that section;

11 (E) \$57,000,000 for the program estab-
12 lished under section 7(m) of the Small Business
13 Act (15 U.S.C. 636(m)) of which—

14 (i) \$50,000,000 shall be to provide
15 technical assistance grants under such sec-
16 tion 7(m) under the heading “Small Busi-
17 ness Administration—Entrepreneurial De-
18 velopment Programs”; and

19 (ii) \$7,000,000 shall be to provide di-
20 rect loans under such section 7(m) under
21 the heading “Small Business Administra-
22 tion—Business Loans Program Account”;

23 (F) \$1,918,000,000 under the heading
24 “Small Business Administration—Business
25 Loans Program Account” for the cost of guar-

1 anted loans as authorized by paragraphs (1)
2 through (35) of section 7(a) of the Small Busi-
3 ness Act (15 U.S.C. 636(a)), including the cost
4 of carrying out sections 326, 327, and 328 of
5 this Act;

6 (G) \$3,500,000,000 under the heading
7 “Small Business Administration—Business
8 Loans Program Account, CARES Act” for car-
9 rying out section 325 of this Act; and

10 (H) \$15,000,000,000 under the heading
11 “Small Business Administration—Shuttered
12 Venue Operators” to carry out section 324 of
13 this Act.

14 (2) MODIFICATION OF SET-ASIDES.—

15 (A) IN GENERAL.—Notwithstanding para-
16 graph (1)(A), if the Administrator makes the
17 determination described in subparagraph (B) of
18 this paragraph, the Administrator may reduce
19 the amount of any allocation under paragraph
20 (1)(A) to be such amount as the Administrator
21 may determine necessary.

22 (B) REQUIREMENTS FOR DETERMINA-
23 TION.—The determination described in this
24 subparagraph is a determination by the Admin-
25 istrator that—

1 (i) is not made earlier than 25 days
2 after the date of enactment of this Act;

3 (ii) it is not reasonably expected that
4 a type of entity described in paragraph
5 (1)(A) will make, or receive, as applicable,
6 the minimum amount of loans necessary to
7 meet the applicable allocation under para-
8 graph(1)(A); and

9 (iii) it is reasonably expected that the
10 total amount of loans guaranteed under
11 paragraph (36) or (37) of section 7(a) of
12 the Small Business Act (15 U.S.C.
13 636(a)), as amended and added by this
14 Act, will equal substantially all of the
15 amount permitted by available funds by
16 March 31, 2021.

17 (3) APPROPRIATIONS FOR THE OFFICE OF IN-
18 SPECTOR GENERAL.—

19 (A) IN GENERAL.—Effective on the date of
20 enactment of this Act, the remaining unobli-
21 gated balances of funds from amounts made
22 available for “Small Business Administration—
23 Office of Inspector General” under section
24 1107(a)(3) of the CARES Act (15 U.S.C.
25 9006(a)(3)), are hereby rescinded.

1 (B) FUNDING.—

2 (i) IN GENERAL.—There is appro-
3 priated, for an additional amount, for the
4 fiscal year ending September 30, 2021, out
5 of amounts in the Treasury not otherwise
6 appropriated, an amount equal to the
7 amount rescinded under subparagraph (A),
8 to remain available until expended, under
9 the heading “Small Business Administra-
10 tion—Office of Inspector General”.

11 (ii) USE OF FUNDS.—The amounts
12 made available under clause (i) shall be
13 available for the same purposes, in addi-
14 tion to other funds as may be available for
15 such purposes, and under the same au-
16 thorities as the amounts made available
17 under section 1107(a)(3) of the CARES
18 Act (15 U.S.C. 9006(a)(3)).

19 **SEC. 324. GRANTS FOR SHUTTERED VENUE OPERATORS.**

20 (a) DEFINITIONS.—In this section:

21 (1) ELIGIBLE PERSON OR ENTITY.—

22 (A) IN GENERAL.—The term “eligible per-
23 son or entity” means a live venue operator or
24 promoter, theatrical producer, or live per-
25 forming arts organization operator, a relevant

1 museum operator, a motion picture theatre op-
2 erator, or a talent representative that meets the
3 following requirements:

4 (i) The live venue operator or pro-
5 moter, theatrical producer, or live per-
6 forming arts organization operator, the rel-
7 evant museum operator, the motion picture
8 theatre operator, or the talent representa-
9 tive—

10 (I) was fully operational as a live
11 venue operator or promoter, theatrical
12 producer, or live performing arts or-
13 ganization operator, a relevant mu-
14 seum operator, a motion picture the-
15 atre operator, or a talent representa-
16 tive on February 29, 2020; and

17 (II) has gross earned revenue
18 during the first, second, third, or, only
19 with respect to an application sub-
20 mitted on or after January 1, 2021,
21 fourth quarter in 2020 that dem-
22 onstrates not less than a 25 percent
23 reduction from the gross earned rev-
24 enue of the live venue operator or pro-
25 moter, theatrical producer, or live per-

1 forming arts organization operator,
2 the relevant museum operator, the
3 motion picture theatre operator, or
4 the talent representative during the
5 same quarter in 2019.

6 (ii) As of the date of the grant under
7 this section—

8 (I) the live venue operator or
9 promoter, theatrical producer, or live
10 performing arts organization operator
11 is or intends to resume organizing,
12 promoting, producing, managing, or
13 hosting future live events described in
14 paragraph (3)(A)(i);

15 (II) the motion picture theatre
16 operator is open or intends to reopen
17 for the primary purpose of public ex-
18 hibition of motion pictures;

19 (III) the relevant museum oper-
20 ator is open or intends to reopen; or

21 (IV) the talent representative is
22 representing or managing artists and
23 entertainers.

24 (iii) The venues at which the live
25 venue operator or promoter, theatrical pro-

1 ducer, or live performing arts organization
2 operator promotes, produces, manages, or
3 hosts events described in paragraph
4 (3)(A)(i) or the artists and entertainers
5 represented or managed by the talent rep-
6 resentative perform have the following
7 characteristics:

8 (I) A defined performance and
9 audience space.

10 (II) Mixing equipment, a public
11 address system, and a lighting rig.

12 (III) Engages 1 or more individ-
13 uals to carry out not less than 2 of
14 the following roles:

15 (aa) A sound engineer.

16 (bb) A booker.

17 (cc) A promoter.

18 (dd) A stage manager.

19 (ee) Security personnel.

20 (ff) A box office manager.

21 (IV) There is a paid ticket or
22 cover charge to attend most perform-
23 ances and artists are paid fairly and
24 do not play for free or solely for tips,

1 except for fundraisers or similar char-
2 itable events.

3 (V) For a venue owned or oper-
4 ated by a nonprofit entity that pro-
5 duces free events, the events are pro-
6 duced and managed primarily by paid
7 employees, not by volunteers.

8 (VI) Performances are marketed
9 through listings in printed or elec-
10 tronic publications, on websites, by
11 mass email, or on social media.

12 (iv) A motion picture theatre or mo-
13 tion picture theatres operated by the mo-
14 tion picture theatre operator have the fol-
15 lowing characteristics:

16 (I) At least 1 auditorium that in-
17 cludes a motion picture screen and
18 fixed audience seating.

19 (II) A projection booth or space
20 containing not less than 1 motion pic-
21 ture projector.

22 (III) A paid ticket charge to at-
23 tend exhibition of motion pictures.

24 (IV) Motion picture exhibitions
25 are marketed through showtime list-

1 ings in printed or electronic publica-
2 tions, on websites, by mass mail, or
3 on social media.

4 (v) The relevant museum or relevant
5 museums for which the relevant museum
6 operator is seeking a grant under this sec-
7 tion have the following characteristics:

8 (I) Serving as a relevant museum
9 as its principal business activity.

10 (II) Indoor exhibition spaces that
11 are a component of the principal busi-
12 ness activity and which have been sub-
13 jected to pandemic-related occupancy
14 restrictions.

15 (III) At least 1 auditorium, the-
16 ater, or performance or lecture hall
17 with fixed audience seating and reg-
18 ular programming.

19 (vi)(I) The live venue operator or pro-
20 moter, theatrical producer, or live per-
21 forming arts organization operator, the rel-
22 evant museum operator, the motion picture
23 theatre operator, or the talent representa-
24 tive does not have, or is not majority

1 owned or controlled by an entity with, any
2 of the following characteristics:

3 (aa) Being an issuer, the securi-
4 ties of which are listed on a national
5 securities exchange.

6 (bb) Receiving more than 10 per-
7 cent of gross revenue from Federal
8 funding during 2019, excluding
9 amounts received by the live venue op-
10 erator or promoter, theatrical pro-
11 ducer, or live performing arts organi-
12 zation operator, the relevant museum
13 operator, the motion picture theatre
14 operator, or the talent representative
15 under the Robert T. Stafford Disaster
16 Relief and Emergency Assistance Act
17 (42 U.S.C. 5121 et seq.).

18 (II) The live venue operator or pro-
19 moter, theatrical producer, or live per-
20 forming arts organization operator, the rel-
21 evant museum operator, the motion picture
22 theatre operator, or the talent representa-
23 tive does not have, or is not majority
24 owned or controlled by an entity with,

1 more than 2 of the following characteris-
2 ties:

3 (aa) Owning or operating venues,
4 relevant museums, motion picture the-
5 atres, or talent agencies or talent
6 management companies in more than
7 1 country.

8 (bb) Owning or operating venues,
9 relevant museums, motion picture the-
10 atres, or talent agencies or talent
11 management companies in more than
12 10 States.

13 (cc) Employing more than 500
14 employees as of February 29, 2020,
15 determined on a full-time equivalent
16 basis in accordance with subpara-
17 graph (C).

18 (III) The live venue operator or pro-
19 moter, theatrical producer, or live per-
20 forming arts organization operator, the rel-
21 evant museum operator, the motion picture
22 theatre operator, or the talent representa-
23 tive has not received, on or after the date
24 of enactment of this Act, a loan guaran-
25 teed under paragraph (36) or (37) of sec-

1 tion 7(a) of the Small Business Act (15
2 U.S.C. 636(a)), as amended and added by
3 this division.

4 (IV) For purposes of applying the
5 characteristics described in subclauses (I),
6 (II), and (III) to an entity owned by a
7 State or a political subdivision of a State,
8 the relevant entity—

9 (aa) shall be the live venue oper-
10 ator or promoter, theatrical producer,
11 or live performing arts organization
12 operator, the relevant museum oper-
13 ator, the motion picture theatre oper-
14 ator, or the talent representative; and

15 (bb) shall not include entities of
16 the State or political subdivision other
17 than the live venue operator or pro-
18 moter, theatrical producer, or live per-
19 forming arts organization operator,
20 the relevant museum operator, the
21 motion picture theatre operator, or
22 the talent representative.

23 (B) EXCLUSION.—The term “eligible per-
24 son or entity” shall not include a live venue op-
25 erator or promoter, theatrical producer, or live

1 performing arts organization operator, a rel-
2 evant museum operator, a motion picture the-
3 atre operator, or a talent representative that—

4 (i) presents live performances of a
5 prurient sexual nature; or

6 (ii) derives, directly or indirectly, more
7 than de minimis gross revenue through the
8 sale of products or services, or the presen-
9 tation of any depictions or displays, of a
10 prurient sexual nature.

11 (C) CALCULATION OF FULL-TIME EMPLOY-
12 EES.—For purposes of determining the number
13 of full-time equivalent employees under sub-
14 paragraph (A)(vi)(II)(cc) of this paragraph and
15 under paragraph (2)(E)—

16 (i) any employee working not fewer
17 than 30 hours per week shall be considered
18 a full-time employee; and

19 (ii) any employee working not fewer
20 than 10 hours and fewer than 30 hours
21 per week shall be counted as one-half of a
22 full-time employee.

23 (D) MULTIPLE BUSINESS ENTITIES.—
24 Each business entity of an eligible person or en-
25 tity that also meets the requirements under

1 subparagraph (A) and that is not described in
2 subparagraph (B) shall be treated by the Ad-
3 ministrators as an independent, non-affiliated
4 entity for the purposes of this section.

5 (2) EXCHANGE; ISSUER; SECURITY.—The terms
6 “exchange”, “issuer”, and “security” have the
7 meanings given those terms in section 3(a) of the
8 Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

9 (3) LIVE VENUE OPERATOR OR PROMOTER,
10 THEATRICAL PRODUCER, OR LIVE PERFORMING
11 ARTS ORGANIZATION OPERATOR.—The term “live
12 venue operator or promoter, theatrical producer, or
13 live performing arts organization operator”—

14 (A) means—

15 (i) an individual or entity—

16 (I) that, as a principal business
17 activity, organizes, promotes, pro-
18 duces, manages, or hosts live concerts,
19 comedy shows, theatrical productions,
20 or other events by performing artists
21 for which—

22 (aa) a cover charge through
23 ticketing or front door entrance
24 fee is applied; and

1 (bb) performers are paid in
2 an amount that is based on a
3 percentage of sales, a guarantee
4 (in writing or standard contract),
5 or another mutually beneficial
6 formal agreement; and

7 (II) for which not less than 70
8 percent of the earned revenue of the
9 individual or entity is generated
10 through, to the extent related to a live
11 event described in subclause (I), cover
12 charges or ticket sales, production
13 fees or production reimbursements,
14 nonprofit educational initiatives, or
15 the sale of event beverages, food, or
16 merchandise; or

17 (ii) an individual or entity that, as a
18 principal business activity, makes available
19 for purchase by the public an average of
20 not less than 60 days before the date of
21 the event tickets to events—

22 (I) described in clause (i)(I); and

23 (II) for which performers are
24 paid in an amount that is based on a
25 percentage of sales, a guarantee (in

1 writing or standard contract), or an-
2 other mutually beneficial formal
3 agreement; and

4 (B) includes an individual or entity de-
5 scribed in subparagraph (A) that—

6 (i) operates for profit;

7 (ii) is a nonprofit organization;

8 (iii) is government-owned; or

9 (iv) is a corporation, limited liability
10 company, or partnership or operated as a
11 sole proprietorship.

12 (4) MOTION PICTURE THEATRE OPERATOR.—

13 The term “motion picture theatre operator” means
14 an individual or entity that—

15 (A) as the principal business activity of the
16 individual or entity, owns or operates at least 1
17 place of public accommodation for the purpose
18 of motion picture exhibition for a fee; and

19 (B) includes an individual or entity de-
20 scribed in subparagraph (A) that—

21 (i) operates for profit;

22 (ii) is a nonprofit organization;

23 (iii) is government-owned; or

1 (iv) is a corporation, limited liability
2 company, or partnership or operated as a
3 sole proprietorship.

4 (5) NATIONAL SECURITIES EXCHANGE.—The
5 term “national securities exchange” means an ex-
6 change registered as a national securities exchange
7 under section 6 of the Securities Exchange Act of
8 1934 (15 U.S.C. 78f).

9 (6) NONPROFIT.—The term “nonprofit”, with
10 respect to an organization, means that the organiza-
11 tion is exempt from taxation under section 501(a) of
12 the Internal Revenue Code of 1986.

13 (7) RELEVANT MUSEUM.—The term “relevant
14 museum”—

15 (A) has the meaning given the term “mu-
16 seum” in section 273 of the Museum and Li-
17 brary Services Act (20 U.S.C. 9172); and

18 (B) shall not include any entity that is or-
19 ganized as a for-profit entity.

20 (8) SEASONAL EMPLOYER.—The term “sea-
21 sonal employer” has the meaning given that term in
22 subparagraph (A) of section 7(a)(36) of the Small
23 Business Act (15 U.S.C. 636(a)), as amended by
24 this Act.

25 (9) STATE.—The term “State” means—

- 1 (A) a State;
- 2 (B) the District of Columbia;
- 3 (C) the Commonwealth of Puerto Rico;
- 4 and
- 5 (D) any other territory or possession of the
- 6 United States.

7 (10) TALENT REPRESENTATIVE.—The term

8 “talent representative”—

- 9 (A) means an agent or manager that—
- 10 (i) as not less than 70 percent of the
- 11 operations of the agent or manager, is en-
- 12 gaged in representing or managing artists
- 13 and entertainers;
- 14 (ii) books or represents musicians, co-
- 15 medians, actors, or similar performing art-
- 16 ists primarily at live events in venues or at
- 17 festivals; and
- 18 (iii) represents performers described
- 19 in clause (ii) that are paid in an amount
- 20 that is based on the number of tickets sold,
- 21 or a similar basis; and
- 22 (B) includes an agent or manager de-
- 23 scribed in subparagraph (A) that—
- 24 (i) operates for profit;
- 25 (ii) is a nonprofit organization;

1 (iii) is government-owned; or

2 (iv) is a corporation, limited liability
3 company, or partnership or operated as a
4 sole proprietorship.

5 (b) AUTHORITY.—

6 (1) IN GENERAL.—

7 (A) ADMINISTRATION.—The Associate Ad-
8 ministrator for the Office of Disaster Assist-
9 ance of the Administration shall coordinate and
10 formulate policies relating to the administration
11 of grants made under this section.

12 (B) CERTIFICATION OF NEED.—An eligible
13 person or entity applying for a grant under this
14 section shall submit a good faith certification
15 that the uncertainty of current economic condi-
16 tions makes necessary the grant to support the
17 ongoing operations of the eligible person or en-
18 tity.

19 (2) INITIAL GRANTS.—

20 (A) IN GENERAL.—The Administrator may
21 make initial grants to eligible persons or enti-
22 ties in accordance with this section.

23 (B) INITIAL PRIORITIES FOR AWARDING
24 GRANTS.—

1 (i) FIRST PRIORITY IN AWARDING
2 GRANTS.—During the initial 14-day period
3 during which the Administrator awards
4 grants under this paragraph, the Adminis-
5 trator shall only award grants to an eligi-
6 ble person or entity with revenue, during
7 the period beginning on April 1, 2020 and
8 ending on December 31, 2020, that is not
9 more than 10 percent of the revenue of the
10 eligible person or entity during the period
11 beginning on April 1, 2019 and ending on
12 December 31, 2019, due to the COVID-19
13 pandemic.

14 (ii) SECOND PRIORITY IN AWARDING
15 GRANTS.—During the 14-day period imme-
16 diately following the 14-day period de-
17 scribed in clause (i), the Administrator
18 shall only award grants to an eligible per-
19 son or entity with revenue, during the pe-
20 riod beginning on April 1, 2020 and end-
21 ing on December 31, 2020, that is not
22 more than 30 percent of the revenue of the
23 eligible person or entity during the period
24 beginning on April 1, 2019 and ending on

1 December 31, 2019, due to the COVID-19
2 pandemic.

3 (iii) DETERMINATION OF REVENUE.—

4 For purposes of clauses (i) and (ii)—

5 (I) any amounts received by an
6 eligible person or entity under the
7 CARES Act (Public Law 116-136;
8 134 Stat. 281) or an amendment
9 made by the CARES Act shall not be
10 counted as revenue of an eligible per-
11 son or entity;

12 (II) the Administrator shall use
13 an accrual method of accounting for
14 determining revenue; and

15 (III) the Administrator may use
16 alternative methods to establish rev-
17 enue losses for an eligible person or
18 entity that is a seasonal employer and
19 that would be adversely impacted if
20 January, February, and March are
21 excluded from the calculation of year-
22 over-year revenues.

23 (iv) LIMIT ON USE OF AMOUNTS FOR
24 PRIORITY APPLICANTS.—The Adminis-
25 trator may use not more than 80 percent

1 of the amounts appropriated under section
2 323(d)(1)(H) of this Act to carry out this
3 section to make initial grants under this
4 paragraph to eligible persons or entities
5 described in clause (i) or (ii) of this sub-
6 paragraph that apply for a grant under
7 this paragraph during the initial 28-day
8 period during which the Administrator
9 awards grants under this paragraph.

10 (C) GRANTS AFTER PRIORITY PERIODS.—
11 After the end of the initial 28-day period during
12 which the Administrator awards grants under
13 this paragraph, the Administrator may award
14 an initial grant to any eligible person or entity.

15 (D) LIMITS ON NUMBER OF INITIAL
16 GRANTS TO AFFILIATES.—Not more than 5
17 business entities of an eligible person or entity
18 that would be considered affiliates under the af-
19 filiation rules of the Administration may receive
20 a grant under this paragraph.

21 (E) SET-ASIDE FOR SMALL EMPLOYERS.—

22 (i) IN GENERAL.—Subject to clause
23 (ii), not less than \$2,000,000,000 of the
24 total amount of grants made available
25 under this paragraph shall be awarded to

1 eligible persons or entities which employ
2 not more than 50 full-time employees, de-
3 termined in accordance with subsection
4 (a)(1)(C).

5 (ii) TIME LIMIT.—Clause (i) shall not
6 apply on and after the date that is 60 days
7 after the Administrator begins awarding
8 grants under this section and, on and after
9 such date, amounts available for grants
10 under this section may be used for grants
11 under this section to any eligible person or
12 entity.

13 (3) SUPPLEMENTAL GRANTS.—

14 (A) IN GENERAL.—Subject to subpara-
15 graph (B), the Administrator may make a sup-
16 plemental grant in accordance with this section
17 to an eligible person or entity that receives a
18 grant under paragraph (2) if, as of April 1,
19 2021, the revenues of the eligible person or en-
20 tity for the most recent calendar quarter are
21 not more than 30 percent of the revenues of the
22 eligible person or entity for the corresponding
23 calendar quarter during 2019 due to the
24 COVID-19 pandemic.

1 (B) PROCESSING TIMELY INITIAL GRANT
2 APPLICATIONS FIRST.—The Administrator may
3 not award a supplemental grant under subpara-
4 graph (A) until the Administrator has com-
5 pleted processing (including determining wheth-
6 er to award a grant) each application for an ini-
7 tial grant under paragraph (2) that is sub-
8 mitted by an eligible person or entity on or be-
9 fore the date that is 60 days after the date on
10 which the Administrator begins accepting such
11 applications.

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

19 (c) AMOUNT.—

20 (1) INITIAL GRANTS.—

21 (A) IN GENERAL.—A grant under sub-
22 section (b)(2) shall be in the amount equal to
23 the lesser of—

24 (i)(I) for an eligible person or entity
25 that was in operation on January 1, 2019,

1 the amount equal to 45 percent of the
2 gross earned revenue of the eligible person
3 or entity during 2019; or

4 (II) for an eligible person or entity
5 that began operations after January 1,
6 2019, the amount equal to the product ob-
7 tained by multiplying—

8 (aa) the average monthly gross
9 earned revenue for each full month
10 during which the eligible person or en-
11 tity was in operation during 2019; by

12 (bb) 6; or

13 (ii) \$10,000,000.

14 (B) APPLICATION TO RELEVANT MUSEUM
15 OPERATORS.—A relevant museum operator may
16 not receive grants under subsection (b)(2) in a
17 total amount that is more than \$10,000,000
18 with respect to all relevant museums operated
19 by the relevant museum operator.

20 (2) SUPPLEMENTAL GRANTS.—A grant under
21 subsection (b)(3) shall be in the amount equal to 50
22 percent of the grant received by the eligible person
23 or entity under subsection (b)(2).

24 (3) OVERALL MAXIMUMS.—The total amount of
25 grants received under paragraphs (2) and (3) of

1 subsection (b) by an eligible person or entity shall be
2 not more than \$10,000,000.

3 (d) USE OF FUNDS.—

4 (1) TIMING.—

5 (A) EXPENSES INCURRED.—

6 (i) IN GENERAL.—Except as provided
7 in clause (ii), amounts received under a
8 grant under this section may be used for
9 costs incurred during the period beginning
10 on March 1, 2020, and ending on Decem-
11 ber 31, 2021.

12 (ii) EXTENSION FOR SUPPLEMENTAL
13 GRANTS.—If an eligible person or entity
14 receives a grant under subsection (b)(3),
15 amounts received under either grant under
16 this section may be used for costs incurred
17 during the period beginning on March 1,
18 2020, and ending on June 30, 2022.

19 (B) EXPENDITURE.—

20 (i) IN GENERAL.—Except as provided
21 in clause (ii), an eligible person or entity
22 shall return to the Administrator any
23 amounts received under a grant under this
24 section that are not expended on or before

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

3 (ii) EXTENSION FOR SUPPLEMENTAL
4 GRANTS.—If an eligible person or entity
5 receives a grant under subsection (b)(3),
6 the eligible person or entity shall return to
7 the Administrator any amounts received
8 under either grant under this section that
9 are not expended on or before the date
10 that is 18 months after the date of dis-
11 bursement to the eligible person or entity
12 of the grant under subsection (b)(2).

13 (2) ALLOWABLE EXPENSES.—

14 (A) DEFINITIONS.—In this paragraph—

15 (i) the terms “covered mortgage obli-
16 gation”, “covered rent obligation”, “cov-
17 ered utility payment”, and “covered worker
18 protection expenditure” have the meanings
19 given those terms in section 7A(a) of the
20 Small Business Act, as redesignated,
21 transferred, and amended by this Act; and

22 (ii) the term “payroll costs” has the
23 meaning given that term in section
24 7(a)(36)(A) of the Small Business Act (15
25 U.S.C. 636(a)(36)(A).

1 (B) EXPENSES.—An eligible person or en-
2 tity may use amounts received under a grant
3 under this section for—

4 (i) payroll costs;

5 (ii) payments on any covered rent ob-
6 ligation;

7 (iii) any covered utility payment;

8 (iv) scheduled payments of interest or
9 principal on any covered mortgage obliga-
10 tion (which shall not include any prepay-
11 ment of principal on a covered mortgage
12 obligation);

13 (v) scheduled payments of interest or
14 principal on any indebtedness or debt in-
15 strument (which shall not include any pre-
16 payment of principal) incurred in the ordi-
17 nary course of business that is a liability of
18 the eligible person or entity and was in-
19 curred prior to February 15, 2020;

20 (vi) covered worker protection expend-
21 itures;

22 (vii) payments made to independent
23 contractors, as reported on Form-1099
24 MISC, not to exceed a total of \$100,000 in
25 annual compensation for any individual

1 employee of an independent contractor;

2 and

3 (viii) other ordinary and necessary

4 business expenses, including—

5 (I) maintenance expenses;

6 (II) administrative costs, includ-

7 ing fees and licensing costs;

8 (III) State and local taxes and

9 fees;

10 (IV) operating leases in effect as

11 of February 15, 2020;

12 (V) payments required for insur-

13 ance on any insurance policy; and

14 (VI) advertising, production

15 transportation, and capital expendi-

16 tures related to producing a theatrical

17 or live performing arts production,

18 concert, exhibition, or comedy show,

19 except that a grant under this section

20 may not be used primarily for such

21 expenditures.

22 (3) PROHIBITED EXPENSES.—An eligible per-

23 son or entity may not use amounts received under

24 a grant under this section—

25 (A) to purchase real estate;

1 (B) for payments of interest or principal
2 on loans originated after February 15, 2020;

3 (C) to invest or re-lend funds;

4 (D) for contributions or expenditures to, or
5 on behalf of, any political party, party com-
6 mittee, or candidate for elective office; or

7 (E) for any other use as may be prohibited
8 by the Administrator.

9 (e) INCREASED OVERSIGHT OF SHUTTERED VENUE
10 OPERATOR GRANTS.—The Administrator shall increase
11 oversight of eligible persons and entities receiving grants
12 under this section, which may include the following:

13 (1) DOCUMENTATION.—Additional documenta-
14 tion requirements that are consistent with the eligi-
15 bility and other requirements under this section, in-
16 cluding requiring an eligible person or entity that re-
17 ceives a grant under this section to retain records
18 that document compliance with the requirements for
19 grants under this section—

20 (A) with respect to employment records,
21 for the 4-year period following receipt of the
22 grant; and

23 (B) with respect to other records, for the
24 3-year period following receipt of the grant.

1 (2) **REVIEWS OF USE.**—Reviews of the use of
2 the grant proceeds by an eligible person or entity to
3 ensure compliance with requirements established
4 under this section and by the Administrator, includ-
5 ing that the Administrator may—

6 (A) review and audit grants under this sec-
7 tion; and

8 (B) in the case of fraud or other material
9 noncompliance with respect to a grant under
10 this section—

11 (i) require repayment of misspent
12 funds; or

13 (ii) pursue legal action to collect
14 funds.

15 (f) **SHUTTERED VENUE OVERSIGHT AND AUDIT**
16 **PLAN.**—

17 (1) **IN GENERAL.**—Not later than 45 days after
18 the date of enactment of this Act, the Administrator
19 shall submit to the Committee on Small Business
20 and Entrepreneurship of the Senate and the Com-
21 mittee on Small Business of the House of Rep-
22 resentatives an audit plan that details—

23 (A) the policies and procedures of the Ad-
24 ministrator for conducting oversight and audits
25 of grants under this section; and

1 (B) the metrics that the Administrator
2 shall use to determine which grants under this
3 section will be audited pursuant to subsection
4 (e).

5 (2) REPORTS.—Not later than 60 days after
6 the date of enactment of this Act, and each month
7 thereafter until the date that is 1 year after the date
8 on which all amounts made available under section
9 323(d)(1)(H) of this Act have been expended, the
10 Administrator shall submit to the Committee on
11 Small Business and Entrepreneurship of the Senate
12 and the Committee on Small Business of the House
13 of Representatives a report on the oversight and
14 audit activities of the Administrator under this sub-
15 section, which shall include—

16 (A) the total number of initial grants ap-
17 proved and disbursed;

18 (B) the total amount of grants received by
19 each eligible person or entity, including any
20 supplemental grants;

21 (C) the number of active investigations and
22 audits of grants under this section;

23 (D) the number of completed reviews and
24 audits of grants under this section, including a

1 description of any findings of fraud or other
2 material noncompliance.

3 (E) any substantial changes made to the
4 oversight and audit plan submitted under para-
5 graph (1).

6 **SEC. 325. EXTENSION OF THE DEBT RELIEF PROGRAM.**

7 (a) IN GENERAL.—Section 1112 of the CARES Act
8 (15 U.S.C. 9011) is amended—

9 (1) in subsection (c)—

10 (A) by striking paragraph (1) and insert-
11 ing the following:

12 “(1) IN GENERAL.—Subject to the other provi-
13 sions of this section, the Administrator shall pay the
14 principal, interest, and any associated fees that are
15 owed on a covered loan in a regular servicing status,
16 without regard to the date on which the covered loan
17 is fully disbursed, and subject to availability of
18 funds, as follows:

19 “(A) With respect to a covered loan made
20 before the date of enactment of this Act and
21 not on deferment, the Administrator shall make
22 those payments as follows:

23 “(i) The Administrator shall make
24 those payments for the 6-month period be-

1 ginning with the next payment due on the
2 covered loan.

3 “(ii) In addition to the payments
4 under clause (i)—

5 “(I) with respect to a covered
6 loan other than a covered loan de-
7 scribed in paragraph (1)(A)(i) or (2)
8 of subsection (a), the Administrator
9 shall make those payments for—

10 “(aa) the 3-month period
11 beginning with the first payment
12 due on the covered loan on or
13 after February 1, 2021; and

14 “(bb) an additional 5-month
15 period immediately following the
16 end of the 3-month period pro-
17 vided under item (aa) if the cov-
18 ered loan is made to a borrower
19 that, according to records of the
20 Administration, is assigned a
21 North American Industry Classi-
22 fication System code beginning
23 with 61, 71, 72, 213, 315, 448,
24 451, 481, 485, 487, 511, 512,
25 515, 532, or 812; and

1 “(II) with respect to a covered
2 loan described in paragraph (1)(A)(i)
3 or (2) of subsection (a), the Adminis-
4 trator shall make those payments for
5 the 8-month period beginning with the
6 first payment due on the covered loan
7 on or after February 1, 2021.

8 “(B) With respect to a covered loan made
9 before the date of enactment of this Act and on
10 deferment, the Administrator shall make those
11 payments as follows:

12 “(i) The Administrator shall make
13 those payments for the 6-month period be-
14 ginning with the next payment due on the
15 covered loan after the deferment period.

16 “(ii) In addition to the payments
17 under clause (i)—

18 “(I) with respect to a covered
19 loan other than a covered loan de-
20 scribed in paragraph (1)(A)(i) or (2)
21 of subsection (a), the Administrator
22 shall make those payments for—

23 “(aa) the 3-month period
24 (beginning on or after February

233

1 1, 2021) beginning with the later
2 of—

3 “(AA) the next pay-
4 ment due on the covered
5 loan after the deferment pe-
6 riod; or

7 “(BB) the first month
8 after the Administrator has
9 completed the payments
10 under clause (i); and

11 “(bb) an additional 5-month
12 period immediately following the
13 end of the 3-month period pro-
14 vided under item (aa) if the cov-
15 ered loan is made to a borrower
16 that, according to records of the
17 Administration, is assigned a
18 North American Industry Classi-
19 fication System code beginning
20 with 61, 71, 72, 213, 315, 448,
21 451, 481, 485, 487, 511, 512,
22 515, 532, or 812; and

23 “(II) with respect to a loan de-
24 scribed in paragraph (1)(A)(i) or (2)
25 of subsection (a), the 8-month period

1 (beginning on or after February 1,
2 2021) beginning with the later of—

3 “(aa) the next payment due
4 on the covered loan after the
5 deferment period; or

6 “(bb) the first month after
7 the payments under clause (i) are
8 complete.

9 “(C) With respect to a covered loan made
10 during the period beginning on the date of en-
11 actment of this Act and ending on the date that
12 is 6 months after such date of enactment, for
13 the 6-month period beginning with the first
14 payment due on the covered loan.

15 “(D) With respect to a covered loan ap-
16 proved during the period beginning on Feb-
17 ruary 1, 2021, and ending on September 30,
18 2021, for the 6-month period beginning with
19 the first payment due on the covered loan.”;
20 and

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

22 “(4) LIMITATION.—

23 “(A) IN GENERAL.—No single monthly
24 payment of principal, interest, and associated
25 fees made by the Administrator under subpara-

1 graph (A)(ii), (B)(ii), or (D) of paragraph (1)
2 with respect to a covered loan may be in a total
3 amount that is more than \$9,000.

4 “(B) TREATMENT OF ADDITIONAL
5 AMOUNTS OWED.—If, for a month, the total
6 amount of principal, interest, and associated
7 fees that are owed on a covered loan for which
8 the Administration makes payments under
9 paragraph (1) is more than \$9,000 the Admin-
10 istrator may require the lender with respect to
11 the covered loan to add the amount by which
12 those costs exceed \$9,000 for that month as in-
13 terest to be paid by the borrower with respect
14 to the covered loan at the end of the loan pe-
15 riod.

16 “(5) ADDITIONAL PROVISIONS FOR NEW
17 LOANS.—With respect to a loan described in para-
18 graph (1)(C)—

19 “(A) the Administrator may further extend
20 the period described in paragraph (1)(C) if
21 there are sufficient funds to continue those pay-
22 ments; and

23 “(B) during the underwriting process, a
24 lender of such a loan may consider the pay-
25 ments under this section as part of a com-

1 prehensive review to determine the ability to
2 repay over the entire period of maturity of the
3 loan.

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

9 “(7) AUTHORITY TO REVISE EXTENSIONS.—

10 “(A) IN GENERAL.—The Administrator
11 shall monitor whether amounts made available
12 to make payments under this subsection are
13 sufficient to make the payments for the periods
14 described in paragraph (1).

15 “(B) PLAN.—If the Administrator deter-
16 mines under subparagraph (A) that the
17 amounts made available to make payments
18 under this subsection are insufficient, the Ad-
19 ministrator shall—

20 “(i) develop a plan to proportionally
21 reduce the number of months provided for
22 each period described in paragraph (1),
23 while ensuring all amounts made available
24 to make payments under this subsection
25 are fully expended; and

1 “(ii) before taking action under the
2 plan developed under clause (i), submit to
3 Congress a report regarding the plan,
4 which shall include the data that informs
5 the plan.

6 “(8) ADDITIONAL REQUIREMENTS.—With re-
7 spect to the payments made under this subsection—

8 “(A) no lender may charge a late fee to a
9 borrower with respect to a covered loan during
10 any period in which the Administrator makes
11 payments with respect to the covered loan
12 under paragraph (1); and

13 “(B) the Administrator shall, with respect
14 to a covered loan, make all payments with re-
15 spect to the covered loan under paragraph (1)
16 not later than the 15th day of the applicable
17 month.

18 “(9) RULE OF CONSTRUCTION.—Except as pro-
19 vided in paragraph (4), nothing in this subsection
20 may be construed to preclude a borrower from re-
21 ceiving full payments of principal, interest, and any
22 associated fees authorized under this subsection with
23 respect to a covered loan.”;

24 (2) by redesignating subsection (f) as sub-
25 section (i); and

1 (3) by inserting after subsection (e) the fol-
2 lowing:

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

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

13 “(h) REPORTING AND OUTREACH.—

14 “(1) UPDATED INFORMATION.—

15 “(A) IN GENERAL.—Not later than 14
16 days after the date of enactment of the Eco-
17 nomic Aid to Hard-Hit Small Businesses, Non-
18 profits, and Venues Act, the Administrator shall
19 make publicly available information regarding
20 the modifications to the assistance provided
21 under this section under the amendments made
22 by such Act.

23 “(B) GUIDANCE.—Not later than 21 days
24 after the date of enactment of the Economic
25 Aid to Hard-Hit Small Businesses, Nonprofits,

1 and Venues Act the Administrator shall issue
2 guidance on implementing the modifications to
3 the assistance provided under this section under
4 the amendments made by such Act.

5 “(2) PUBLICATION OF LIST.—Not later than
6 March 1, 2021, the Administrator shall transmit to
7 each lender of a covered loan a list of each borrower
8 of a covered loan that includes the North American
9 Industry Classification System code assigned to the
10 borrower, based on the records of the Administra-
11 tion, to assist the lenders in identifying which bor-
12 rowers qualify for an extension of payments under
13 subsection (c).

14 “(3) EDUCATION AND OUTREACH.—The Ad-
15 ministrator shall provide education, outreach, and
16 communication to lenders, borrowers, district offices,
17 and resource partners of the Administration in order
18 to ensure full and proper compliance with this sec-
19 tion, encourage broad participation with respect to
20 covered loans that have not yet been approved by the
21 Administrator, and help lenders transition borrowers
22 from subsidy payments under this section directly to
23 a deferral when suitable for the borrower.

24 “(4) NOTIFICATION.—Not later than 30 days
25 after the date of enactment of the Economic Aid to

1 Hard-Hit Small Businesses, Nonprofits, and Venues
2 Act, the Administrator shall mail a letter to each
3 borrower of a covered loan that includes—

4 “(A) an overview of assistance provided
5 under this section;

6 “(B) the rights of the borrower to receive
7 that assistance;

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

11 “(D) the rights of the borrower to request
12 a loan deferral from a lender, and guidance on
13 how to do successfully transition directly to a
14 loan deferral once subsidy payments under this
15 section are concluded.

16 “(5) MONTHLY REPORTING.—Not later than
17 the 15th of each month beginning after the date of
18 enactment of the Economic Aid to Hard-Hit Small
19 Businesses, Nonprofits, and Venues Act, the Admin-
20 istrator shall submit to Congress a report on assist-
21 ance provided under this section, which shall in-
22 clude—

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

1 “(i) the number of participating bor-
2 rowers;

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

5 “(iii) the volume of payments made
6 for covered loans made before the date of
7 enactment of this Act and loans made
8 after such date of enactment;

9 “(B) the names of any lenders of covered
10 loans that have not submitted information on
11 the covered loans to the Administrator during
12 the preceding month; and

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

16 (b) EFFECTIVE DATE; APPLICABILITY.—The amend-
17 ments made by subsection (a) shall be effective as if in-
18 cluded in the CARES Act (Public Law 116–136; 134 Stat.
19 281).

20 **SEC. 326. MODIFICATIONS TO 7(a) LOAN PROGRAMS.**

21 (a) 7(a) LOAN GUARANTEES.—

22 (1) IN GENERAL.—Section 7(a)(2)(A) of the
23 Small Business Act (15 U.S.C. 636(a)(2)(A)) is
24 amended by striking “), such participation by the
25 Administration shall be equal to” and all that fol-

1 lows through the period at the end and inserting “or
2 the Community Advantage Pilot Program of the Ad-
3 ministration), such participation by the Administra-
4 tion shall be equal to 90 percent of the balance of
5 the financing outstanding at the time of disburse-
6 ment of the loan.”.

7 (2) PROSPECTIVE REPEAL.—Effective October
8 1, 2021, section 7(a)(2)(A) of the Small Business
9 Act (15 U.S.C. 636(a)(2)(A)), as amended by para-
10 graph (1), is amended to read as follows:

11 “(A) IN GENERAL.—Except as provided in
12 subparagraphs (B), (D), (E), and (F), in an
13 agreement to participate in a loan on a deferred
14 basis under this subsection (including a loan
15 made under the Preferred Lenders Program),
16 such participation by the Administration shall
17 be equal to—

18 “(i) 75 percent of the balance of the
19 financing outstanding at the time of dis-
20 bursement of the loan, if such balance ex-
21 ceeds \$150,000; or

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

1 (b) EXPRESS LOANS.—

2 (1) LOAN AMOUNT.—Section 1102(c)(2) of the
3 CARES Act (Public Law 116–136; 15 U.S.C. 636
4 note) is amended to read as follows:

5 “(2) PROSPECTIVE REPEAL.—Effective on Oc-
6 tober 1, 2021, section 7(a)(31)(D) of the Small
7 Business Act (15 U.S.C. 636(a)(31)(D)) is amended
8 by striking ‘ \$1,000,000’ and inserting ‘
9 \$500,000’.”.

10 (2) GUARANTEE RATES.—

11 (A) TEMPORARY MODIFICATION.—Section
12 7(a)(31)(A)(iv) of the Small Business Act (15
13 U.S.C. 636(a)(31)(A)(iv)) is amended by strik-
14 ing “with a guaranty rate of not more than 50
15 percent.” and inserting the following: “with a
16 guarantee rate—

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

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

23 (B) PROSPECTIVE REPEAL.—Effective Oc-
24 tober 1, 2021, section 7(a)(31)(A)(iv) of the
25 Small Business Act (15 U.S.C. 636(a)(31)(iv)),

1 as amended by subparagraph (A), is amended
2 by striking “guarantee rate” and all that fol-
3 lows through the period at the end and insert-
4 ing “guarantee rate of not more than 50 per-
5 cent.”.

6 **SEC. 327. TEMPORARY FEE REDUCTIONS.**

7 (a) ADMINISTRATIVE FEE WAIVER.—

8 (1) IN GENERAL.—During the period beginning
9 on the date of enactment of this Act and ending on
10 September 30, 2021, and to the extent that the cost
11 of such elimination or reduction of fees is offset by
12 appropriations, with respect to each loan guaranteed
13 under section 7(a) of the Small Business Act (15
14 U.S.C. 636(a)) (including a recipient of assistance
15 under the Community Advantage Pilot Program of
16 the Administration) for which an application is ap-
17 proved or pending approval on or after the date of
18 enactment of this Act, the Administrator shall—

19 (A) in lieu of the fee otherwise applicable
20 under section 7(a)(23)(A) of the Small Busi-
21 ness Act (15 U.S.C. 636(a)(23)(A)), collect no
22 fee or reduce fees to the maximum extent pos-
23 sible; and

24 (B) in lieu of the fee otherwise applicable
25 under section 7(a)(18)(A) of the Small Busi-

1 ness Act (15 U.S.C. 636(a)(18)(A)), collect no
2 fee or reduce fees to the maximum extent pos-
3 sible.

4 (2) APPLICATION OF FEE ELIMINATIONS OR RE-
5 DUCTIONS.—To the extent that amounts are made
6 available to the Administrator for the purpose of fee
7 eliminations or reductions under paragraph (1), the
8 Administrator shall—

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

15 (B) then use any amounts provided to
16 eliminate or reduce fees under 7(a)(23)(A) of
17 the Small Business Act (15 U.S.C.
18 636(a)(23)(A)).

19 (b) TEMPORARY FEE ELIMINATION FOR THE 504
20 LOAN PROGRAM.—

21 (1) IN GENERAL.—During the period beginning
22 on the date of enactment of this Act and ending on
23 September 30, 2021, and to the extent the cost of
24 such elimination in fees is offset by appropriations,
25 with respect to each project or loan guaranteed by

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

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

10 (B) a development company shall, in lieu
11 of the processing fee under section
12 120.971(a)(1) of title 13, Code of Federal Reg-
13 ulations (relating to fees paid by borrowers), or
14 any successor regulation, collect no fee.

15 (2) REIMBURSEMENT FOR WAIVED FEES.—

16 (A) IN GENERAL.—To the extent that the
17 cost of such payments is offset by appropria-
18 tions, the Administrator shall reimburse each
19 development company that does not collect a
20 processing fee pursuant to paragraph (1)(B).

21 (B) AMOUNT.—The payment to a develop-
22 ment company under clause (i) shall be in an
23 amount equal to 1.5 percent of the net debenture
24 proceeds for which the development com-

1 pany does not collect a processing fee pursuant
2 to paragraph (1)(B).

3 **SEC. 328. LOW-INTEREST REFINANCING.**

4 (a) **LOW-INTEREST REFINANCING UNDER THE**
5 **LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.—**

6 (1) **REPEAL.**—Section 521(a) of title V of divi-
7 sion E of the Consolidated Appropriations Act, 2016
8 (15 U.S.C. 696 note) is repealed.

9 (2) **REFINANCING.**—Section 502(7) of the
10 Small Business Investment Act of 1958 (15 U.S.C.
11 696(7)) is amended—

12 (A) in subparagraph (B), in the matter
13 preceding clause (i), by striking “50” and in-
14 serting “100”; and

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

16 “(C) **REFINANCING NOT INVOLVING EX-**
17 **PANSIONS.—**

18 “(i) **DEFINITIONS.**—In this subpara-
19 graph—

20 “(I) the term ‘borrower’ means a
21 small business concern that submits
22 an application to a development com-
23 pany for financing under this sub-
24 paragraph;

1 “(II) the term ‘eligible fixed
2 asset’ means tangible property relat-
3 ing to which the Administrator may
4 provide financing under this section;
5 and

6 “(III) the term ‘qualified debt’
7 means indebtedness—

8 “(aa) that was incurred not
9 less than 6 months before the
10 date of the application for assist-
11 ance under this subparagraph;

12 “(bb) that is a commercial
13 loan;

14 “(cc) the proceeds of which
15 were used to acquire an eligible
16 fixed asset;

17 “(dd) that was incurred for
18 the benefit of the small business
19 concern; and

20 “(ee) that is collateralized
21 by eligible fixed assets.

22 “(ii) **AUTHORITY.**—A project that
23 does not involve the expansion of a small
24 business concern may include the refi-
25 nancing of qualified debt if—

1 “(I) the amount of the financing
2 is not more than 90 percent of the
3 value of the collateral for the financ-
4 ing, except that, if the appraised value
5 of the eligible fixed assets serving as
6 collateral for the financing is less than
7 the amount equal to 125 percent of
8 the amount of the financing, the bor-
9 rower may provide additional cash or
10 other collateral to eliminate any defi-
11 ciency;

12 “(II) the borrower has been in
13 operation for all of the 2-year period
14 ending on the date the loan applica-
15 tion is submitted; and

16 “(III) for a financing for which
17 the Administrator determines there
18 will be an additional cost attributable
19 to the refinancing of the qualified
20 debt, the borrower agrees to pay a fee
21 in an amount equal to the anticipated
22 additional cost.

23 “(iii) FINANCING FOR BUSINESS EX-
24 PENSES.—

1 “(I) FINANCING FOR BUSINESS
2 EXPENSES.—The Administrator may
3 provide financing to a borrower that
4 receives financing that includes a refi-
5 nancing of qualified debt under clause
6 (ii), in addition to the refinancing
7 under clause (ii), to be used solely for
8 the payment of business expenses.

9 “(II) APPLICATION FOR FINANC-
10 ING.—An application for financing
11 under subclause (I) shall include—

12 “(aa) a specific description
13 of the expenses for which the ad-
14 ditional financing is requested;
15 and

16 “(bb) an itemization of the
17 amount of each expense.

18 “(III) CONDITION ON ADDI-
19 TIONAL FINANCING.—A borrower may
20 not use any part of the financing
21 under this clause for non-business
22 purposes.

23 “(iv) LOANS BASED ON JOBS.—

24 “(I) JOB CREATION AND RETEN-
25 TION GOALS.—

1 “(aa) IN GENERAL.—The
2 Administrator may provide fi-
3 nancing under this subparagraph
4 for a borrower that meets the job
5 creation goals under subsection
6 (d) or (e) of section 501.

7 “(bb) ALTERNATE JOB RE-
8 TENTION GOAL.—The Adminis-
9 trator may provide financing
10 under this subparagraph to a
11 borrower that does not meet the
12 goals described in item (aa) in an
13 amount that is not more than the
14 product obtained by multiplying
15 the number of employees of the
16 borrower by \$75,000.

17 “(II) NUMBER OF EMPLOYEES.—
18 For purposes of subclause (I), the
19 number of employees of a borrower is
20 equal to the sum of—

21 “(aa) the number of full-
22 time employees of the borrower
23 on the date on which the bor-
24 rower applies for a loan under
25 this subparagraph; and

1 “(bb) the product obtained
2 by multiplying—

3 “(AA) the number of
4 part-time employees of the
5 borrower on the date on
6 which the borrower applies
7 for a loan under this sub-
8 paragraph, by

9 “(BB) the quotient ob-
10 tained by dividing the aver-
11 age number of hours each
12 part time employee of the
13 borrower works each week
14 by 40.

15 “(v) TOTAL AMOUNT OF LOANS.—The
16 Administrator may provide not more than
17 a total of \$7,500,000,000 of financing
18 under this subparagraph for each fiscal
19 year.”.

20 (b) EXPRESS LOAN AUTHORITY FOR ACCREDITED
21 LENDERS.—

22 (1) IN GENERAL.—Section 507 of the Small
23 Business Investment Act of 1958 (15 U.S.C. 697d)
24 is amended by striking subsection (e) and inserting
25 the following:

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

4 “(1) may—

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

8 “(B) authorize the guarantee of a deben-
9 ture described in subparagraph (A); and

10 “(2) with respect to a covered loan, shall be
11 subject to final approval as to eligibility of any guar-
12 antee by the Administration pursuant to section
13 503(a), but such final approval shall not include re-
14 view of decisions by the lender involving credit-
15 worthiness, loan closing, or compliance with legal re-
16 quirements imposed by law or regulation.

17 “(f) DEFINITIONS.—In this section—

18 “(1) the term ‘accredited lender certified com-
19 pany’ means a certified development company that
20 meets the requirements under subsection (b), includ-
21 ing a certified development company that the Ad-
22 ministration has designated as an accredited lender
23 under that subsection;

24 “(2) the term ‘covered loan’—

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

4 “(B) does not include a loan made to a
5 borrower that is in an industry that has a high
6 rate of default, as annually determined by the
7 Administrator and reported in rules of the Ad-
8 ministration; and

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

12 (2) PROSPECTIVE REPEAL.—Effective on Sep-
13 tember 30, 2023, section 507 of the Small Business
14 Investment Act of 1958 (15 U.S.C. 697d), as
15 amended by paragraph (1), is amended by striking
16 subsections (e) and (f) and inserting the following:

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

20 (c) REFINANCING SENIOR PROJECT DEBT.—During
21 the 1-year period beginning on the date of enactment of
22 this Act, a development company described in title V of
23 the Small Business Investment Act of 1958 (15 U.S.C.
24 695 et seq.) is authorized to allow the refinancing of a
25 senior loan on an existing project in an amount that, when

1 combined with the outstanding balance on the develop-
2 ment company loan, is not more than 90 percent of the
3 total loan to value. Proceeds of such refinancing can be
4 used to support business operating expenses.

5 **SEC. 329. RECOVERY ASSISTANCE UNDER THE MICROLOAN**
6 **PROGRAM.**

7 (a) LOANS TO INTERMEDIARIES.—

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

10 (A) in paragraph (3)(C)—

11 (i) by striking “and \$6,000,000” and
12 inserting “ \$10,000,000 (in the aggre-
13 gate)”; and

14 (ii) by inserting before the period at
15 the end the following: “, and \$4,500,000 in
16 any of those remaining years”;

17 (B) in paragraph (4)—

18 (i) in subparagraph (A), by striking
19 “subparagraph (C)” each place that term
20 appears and inserting “subparagraphs (C)
21 and (G)”;

22 (ii) in subparagraph (C), by amending
23 clause (i) to read as follows:

24 “(i) IN GENERAL.—In addition to
25 grants made under subparagraph (A) or

1 (G), each intermediary shall be eligible to
2 receive a grant equal to 5 percent of the
3 total outstanding balance of loans made to
4 the intermediary under this subsection if—

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

10 “(II) the intermediary has a
11 portfolio of loans made under this
12 subsection—

13 “(aa) that averages not
14 more than \$10,000 during the
15 period of the intermediary’s par-
16 ticipation in the program; or

17 “(bb) of which not less than
18 25 percent is serving rural areas
19 during the period of the
20 intermediary’s participation in
21 the program.”; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(G) GRANT AMOUNTS BASED ON APPRO-
25 PRIATIONS.—In any fiscal year in which the

1 amount appropriated to make grants under
2 subparagraph (A) is sufficient to provide to
3 each intermediary that receives a loan under
4 paragraph (1)(B)(i) a grant of not less than 25
5 percent of the total outstanding balance of
6 loans made to the intermediary under this sub-
7 section, the Administration shall make a grant
8 under subparagraph (A) to each intermediary
9 of not less than 25 percent and not more than
10 30 percent of that total outstanding balance for
11 the intermediary.”; and

12 (C) in paragraph (11)—

13 (i) in subparagraph (C)(ii), by strik-
14 ing all after the semicolon and inserting
15 “and”; and

16 (ii) by striking all after subparagraph
17 (C) and inserting the following:

18 “(D) the term ‘economically distressed
19 area’, as used in paragraph (4), means a county
20 or equivalent division of local government of a
21 State in which the small business concern is lo-
22 cated, in which, according to the most recent
23 data available from the Bureau of the Census,
24 Department of Commerce, not less than 40 per-

1 cent of residents have an annual income that is
2 at or below the poverty level.”.

3 (2) PROSPECTIVE AMENDMENT.—Effective on
4 October 1, 2021, section 7(m)(3)(C) of the Small
5 Business Act (15 U.S.C. 636(m)(3)(C)), as amended
6 by paragraph (1)(A), is amended—

7 (A) by striking “ \$10,000,000” and by in-
8 serting “ \$7,000,000”; and

9 (B) by striking “ \$4,500,000” and insert-
10 ing “ \$3,000,000”.

11 (b) TEMPORARY WAIVER OF TECHNICAL ASSIST-
12 ANCE GRANTS MATCHING REQUIREMENTS AND FLEXI-
13 BILITY ON PRE- AND POST-LOAN ASSISTANCE.—During
14 the period beginning on the date of enactment of this Act
15 and ending on September 30, 2021, the Administration
16 shall waive—

17 (1) the requirement to contribute non-Federal
18 funds under section 7(m)(4)(B) of the Small Busi-
19 ness Act (15 U.S.C. 636(m)(4)(B)); and

20 (2) the limitation on amounts allowed to be ex-
21 pended to provide information and technical assist-
22 ance under clause (i) of section 7(m)(4)(E) of the
23 Small Business Act (15 U.S.C. 636(m)(4)(E)) and
24 enter into third party contracts for the provision of

1 technical assistance under clause (ii) of such section
2 7(m)(4)(E).

3 (c) TEMPORARY DURATION OF LOANS TO BOR-
4 ROWERS.—

5 (1) IN GENERAL.—During the period beginning
6 on the date of enactment of this Act and ending on
7 September 30, 2021, the duration of a loan made by
8 an eligible intermediary under section 7(m) of the
9 Small Business Act (15 U.S.C. 636(m))—

10 (A) to an existing borrower may be ex-
11 tended to not more than 8 years; and

12 (B) to a new borrower may be not more
13 than 8 years.

14 (2) REVERSION.—On and after October 1,
15 2021, the duration of a loan made by an eligible
16 intermediary to a borrower under section 7(m) of
17 the Small Business Act (15 U.S.C. 636(m)) shall be
18 7 years or such other amount established by the Ad-
19 ministrator.

20 (d) FUNDING.—Section 20 of the Small Business Act
21 (15 U.S.C. 631 note) is amended by adding at the end
22 the following:

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

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

3 “(2) \$110,000,000 in direct loans, as provided
4 in section 7(m).”.

5 (e) **AUTHORIZATION OF APPROPRIATIONS.**—In addi-
6 tion to amounts provided under the Consolidated Appro-
7 priations Act, 2020 (Public Law 116–93; 133 Stat. 2317)
8 for the program established under section 7(m) of the
9 Small Business Act (15 U.S.C. 636(m)) and amounts pro-
10 vided for fiscal year 2021 for that program, there is au-
11 thorized to be appropriated for fiscal year 2021, to remain
12 available until expended—

13 (1) \$50,000,000 to provide technical assistance
14 grants under such section 7(m); and

15 (2) \$7,000,000 to provide direct loans under
16 such section 7(m).

17 **SEC. 330. EXTENSION OF PARTICIPATION IN 8(a) PROGRAM.**

18 (a) **IN GENERAL.**—The Administrator shall ensure
19 that a small business concern participating in the program
20 established under section 8(a) of the Small Business Act
21 (15 U.S.C. 637(a)) on or before September 9, 2020, may
22 elect to extend such participation by a period of 1 year,
23 regardless of whether the small business concern pre-
24 viously elected to suspend participation in the program
25 pursuant to guidance of the Administrator.

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

6 **SEC. 331. TARGETED EIDL ADVANCE FOR SMALL BUSINESS**
7 **CONTINUITY, ADAPTATION, AND RESILIENCY.**

8 (a) DEFINITIONS.—In this section:

9 (1) AGRICULTURAL ENTERPRISE.—The term
10 “agricultural enterprise” has the meaning given the
11 term in section 18(b) of the Small Business Act (15
12 U.S.C. 647(b)).

13 (2) COVERED ENTITY.—The term “covered en-
14 tity”—

15 (A) means an eligible entity that—

16 (i) applies for a loan under section
17 7(b)(2) of the Small Business Act (15
18 U.S.C. 636(b)(2)) during the covered pe-
19 riod, including before the date of enact-
20 ment of this Act;

21 (ii) is located in a low-income commu-
22 nity;

23 (iii) has suffered an economic loss of
24 greater than 30 percent; and

1 (iv) employs not more than 300 em-
2 ployees; and

3 (B) except with respect to an entity in-
4 cluded under section 123.300(c) of title 13,
5 Code of Federal Regulations, or any successor
6 regulation, does not include an agricultural en-
7 terprise.

8 (3) COVERED PERIOD.—The term “covered pe-
9 riod” has the meaning given the term in section
10 1110(a)(1) of the CARES Act (15 U.S.C.
11 9009(a)(1)), as amended by section 332 of this Act.

12 (4) ECONOMIC LOSS.—The term “economic
13 loss” means, with respect to a covered entity—

14 (A) the amount by which the gross receipts
15 of the covered entity declined during an 8-week
16 period between March 2, 2020, and December
17 31, 2021, relative to a comparable 8-week pe-
18 riod immediately preceding March 2, 2020, or
19 during 2019; or

20 (B) if the covered entity is a seasonal busi-
21 ness concern, such other amount determined
22 appropriate by the Administrator.

23 (5) ELIGIBLE ENTITY.—The term “eligible enti-
24 ty” means an entity that, during the covered period,
25 is eligible for a loan made under section 7(b)(2) of

1 the Small Business Act (15 U.S.C. 636(b)(2)), as
2 described in section 1110(b) of the CARES Act (15
3 U.S.C. 9009(b)).

4 (6) LOW-INCOME COMMUNITY.—The term “low-
5 income community” has the meaning given the term
6 in section 45D(e) of the Internal Revenue Code of
7 1986.

8 (b) ENTITLEMENT TO FULL AMOUNT.—

9 (1) IN GENERAL.—Subject to paragraph (2), a
10 covered entity, after submitting a request to the Ad-
11 ministrator that the Administrator verifies under
12 subsection (c), shall receive a total of \$10,000 under
13 section 1110(e) of the CARES Act (15 U.S.C.
14 9009(e)), without regard to whether—

15 (A) the applicable loan for which the cov-
16 ered entity applies or applied under section
17 7(b)(2) of the Small Business Act (15 U.S.C.
18 636(b)(2)) is or was approved;

19 (B) the covered entity accepts or accepted
20 the offer of the Administrator with respect to
21 an approved loan described in subparagraph
22 (A); or

23 (C) the covered entity has previously re-
24 ceived a loan under section 7(a)(36) of the
25 Small Business Act (15 U.S.C. 636(a)(36)).

1 (2) EFFECT OF PREVIOUSLY RECEIVED
2 AMOUNTS.—

3 (A) IN GENERAL.—With respect to a cov-
4 ered entity that received an emergency grant
5 under section 1110(e) of the CARES Act (15
6 U.S.C. 9009(e)) before the date of enactment of
7 this Act, the amount of the payment that the
8 covered entity shall receive under this sub-
9 section (after satisfaction of the procedures re-
10 quired under subparagraph (B)) shall be the
11 difference between \$10,000 and the amount of
12 that previously received grant.

13 (B) PROCEDURES.—If the Administrator
14 receives a request under paragraph (1) from a
15 covered entity described in subparagraph (A) of
16 this paragraph, the Administrator shall, not
17 later than 21 days after the date on which the
18 Administrator receives the request—

19 (i) perform the verification required
20 under subsection (c);

21 (ii) if the Administrator, under sub-
22 section (c), verifies that the entity is a cov-
23 ered entity, provide to the covered entity a
24 payment in the amount described in sub-
25 paragraph (A); and

1 (iii) with respect to a covered entity
2 that the Administrator determines is not
3 entitled to a payment under this section,
4 provide the covered entity with a notifica-
5 tion explaining why the Administrator
6 reached that determination.

7 (C) RULE OF CONSTRUCTION.—Nothing in
8 this paragraph may be construed to require any
9 entity that received an emergency grant under
10 section 1110(e) of the CARES Act (15 U.S.C.
11 9009(e)) before the date of enactment of this
12 Act to repay any amount of that grant.

13 (c) VERIFICATION.—In carrying out this section, the
14 Administrator shall require any information, including any
15 tax records, from an entity submitting a request under
16 subsection (b) that the Administrator determines to be
17 necessary to verify that the entity is a covered entity, with-
18 out regard to whether the entity has previously submitted
19 such information to the Administrator.

20 (d) ORDER OF PROCESSING.—The Administrator
21 shall process and approve requests for payments under
22 subsection (b) in the order that the Administrator receives
23 the requests, except that the Administrator shall give—

24 (1) first priority to covered entities described in
25 subsection (b)(2)(A); and

1 (2) second priority to covered entities that have
2 not received emergency grants under section 1110(e)
3 of the CARES Act (15 U.S.C. 9009(e)), as of the
4 date on which the Administrator receives such a re-
5 quest, because of the unavailability of funding to
6 carry out such section 1110(e).

7 (e) APPLICABILITY.—In addition to any other restric-
8 tion imposed under this section, any eligibility restriction
9 applicable to a loan made under section 7(b)(2) of the
10 Small Business Act (15 U.S.C. 636(b)(2)), including any
11 restriction under section 123.300 or 123.301 of title 13,
12 Code of Federal Regulations, or any successor regulation,
13 shall apply with respect to funding provided under this
14 section.

15 (f) NOTIFICATION REQUIRED.—The Administrator
16 shall provide notice to each of the following entities stating
17 that the entity may be eligible for a payment under this
18 section if the entity satisfies the requirements under
19 clauses (ii), (iii), and (iv) of subsection (a)(2)(A):

20 (1) Each entity that received an emergency
21 grant under section 1110(e) of the CARES Act (15
22 U.S.C. 9009(e)) before the date of enactment of this
23 Act.

24 (2) Each entity that, before the date of enact-
25 ment of this Act—

1 (A) applied for a loan under section
2 7(b)(2) of the Small Business Act (15 U.S.C.
3 636(b)(2)); and

4 (B) did not receive an emergency grant
5 under section 1110(e) of the CARES Act (15
6 U.S.C. 9009(e)) because of the unavailability of
7 funding to carry out such section 1110(e).

8 (g) ADMINISTRATION.—In carrying out this section,
9 the Administrator may rely on loan officers and other per-
10 sonnel of the Office of Disaster Assistance of the Adminis-
11 tration and other resources of the Administration, includ-
12 ing contractors of the Administration.

13 (h) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to the Administrator
15 \$20,000,000,000 to carry out this section—

16 (1) which shall remain available through De-
17 cember 31, 2021; and

18 (2) of which \$20,000,000 is authorized to be
19 appropriated to the Inspector General of the Admin-
20 istration to prevent waste, fraud, and abuse with re-
21 spect to funding provided under this section.

22 **SEC. 332. EMERGENCY EIDL GRANTS.**

23 Section 1110 of the CARES Act (15 U.S.C. 9009)
24 is amended—

1 (1) in subsection (a)(1), by striking “December
2 31, 2020” and inserting “December 31, 2021”;

3 (2) in subsection (d), by striking paragraphs
4 (1) and (2) and inserting the following:

5 “(1) approve an applicant—

6 “(A) based solely on the credit score of the
7 applicant; or

8 “(B) by using alternative appropriate
9 methods to determine an applicant’s ability to
10 repay; and

11 “(2) use information from the Department of
12 the Treasury to confirm that—

13 “(A) an applicant is eligible to receive such
14 a loan; or

15 “(B) the information contained in an ap-
16 plication for such a loan is accurate.”; and

17 (3) in subsection (e)—

18 (A) in paragraph (1)—

19 (i) by striking “During the covered
20 period” and inserting the following:

21 “(A) **ADVANCES.**—During the covered pe-
22 riod”;

23 (ii) in subparagraph (A), as so des-
24 ignated, by striking “within 3 days after

1 the Administrator receives an application
2 from such applicant”; and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(B) TIMING.—With respect to each re-
6 quest submitted to the Administrator under
7 subparagraph (A), the Administrator shall, not
8 later than 21 days after the date on which the
9 Administrator receives the request—

10 “(i) verify whether the entity is an en-
11 tity that is eligible for a loan made under
12 section 7(b)(2) of the Small Business Act
13 (15 U.S.C. 636(b)(2)) during the covered
14 period, as described in subsection (b);

15 “(ii) if the Administrator, under
16 clause (i), verifies that the entity submit-
17 ting the request is an entity that is eligible,
18 as described in that clause, provide the ad-
19 vance requested by the entity; and

20 “(iii) with respect to an entity that
21 the Administrator determines is not enti-
22 tled to receive an advance under this sub-
23 section, provide the entity with a notifica-
24 tion explaining why the Administrator
25 reached that determination.”;

1 (B) in paragraph (7), by striking “
2 \$20,000,000,000” and inserting “
3 \$40,000,000,000”; and

4 (C) in paragraph (8), by striking “Decem-
5 ber 31, 2020” and inserting “December 31,
6 2021”.

7 **SEC. 333. REPEAL OF EIDL ADVANCE DEDUCTION.**

8 (a) DEFINITIONS.—In this section—

9 (1) the term “covered entity” means an entity
10 that receives an advance under section 1110(e) of
11 the CARES Act (15 U.S.C. 9009(e)), including an
12 entity that received such an advance before the date
13 of enactment of this Act; and

14 (2) the term “covered period” has the meaning
15 given the term in section 1110(a)(1) of the CARES
16 Act (15 U.S.C. 9009(a)(1)), as amended by section
17 332 of this Act.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that borrowers of loans made under section 7(b)(2)
20 of the Small Business Act (15 U.S.C. 636(b)(2)) in re-
21 sponse to COVID–19 during the covered period should be
22 made whole, without regard to whether those borrowers
23 are eligible for forgiveness with respect to those loans.

24 (c) REPEAL.—Section 1110(e)(6) of the CARES Act
25 (15 U.S.C. 9009(e)(6)) is repealed.

1 (d) EFFECTIVE DATE; APPLICABILITY.—The amend-
2 ment made by subsection (c) shall be effective as if in-
3 cluded in the CARES Act (Public Law 116–136; 134 Stat.
4 281).

5 (e) RULEMAKING.—

6 (1) IN GENERAL.—Not later than 15 days after
7 the date of enactment of this Act, the Administrator
8 shall issue rules that ensure the equal treatment of
9 all covered entities with respect to the amendment
10 made by subsection (c), which shall include consider-
11 ation of covered entities that, before the date of en-
12 actment of this Act, completed the loan forgiveness
13 process described in section 1110(e)(6) of the
14 CARES Act (15 U.S.C. 9009(e)(6)), as in effect be-
15 fore that date of enactment.

16 (2) NOTICE AND COMMENT.— The notice and
17 comment requirements under section 553 of title 5,
18 United States Code, shall not apply with respect to
19 the rules issued under paragraph (1).

20 **SEC. 334. FLEXIBILITY IN DEFERRAL OF PAYMENTS OF 7(a)**
21 **LOANS.**

22 Section 7(a)(7) of the Small Business Act (15 U.S.C.
23 636(a)(7)) is amended—

24 (1) by striking “The Administration” and in-
25 serting “(A) IN GENERAL.—The Administrator”;

1 (2) in subparagraph (A), as so designated, by
2 inserting “and interest” after “principal”; and

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

4 “(B) DEFERRAL REQUIREMENTS.—With
5 respect to a deferral provided under this para-
6 graph, the Administrator may allow lenders
7 under this subsection—

8 “(i) to provide full payment deferment
9 relief (including payment of principal and
10 interest) for a period of not more than 1
11 year; and

12 “(ii) to provide an additional
13 deferment period if the borrower provides
14 documentation justifying such additional
15 deferment.

16 “(C) SECONDARY MARKET.—

17 “(i) IN GENERAL.—Except as pro-
18 vided in clause (ii), if an investor declines
19 to approve a deferral or additional
20 deferment requested by a lender under
21 subparagraph (B), the Administrator shall
22 exercise the authority to purchase the loan
23 so that the borrower may receive full pay-
24 ment deferment relief (including payment
25 of principal and interest) or an additional

1 deferment as described in subparagraph
2 (B).

3 “(ii) EXCEPTION.—If, in a fiscal year,
4 the Administrator determines that the cost
5 of implementing clause (i) is greater than
6 zero, the Administrator shall not imple-
7 ment that clause.”.

8 **SEC. 335. DOCUMENTATION REQUIRED FOR CERTAIN ELI-**
9 **GIBLE RECIPIENTS.**

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

16 (b) EFFECTIVE DATE; APPLICABILITY.—The amend-
17 ment made by subsection (a) shall be effective as if in-
18 cluded in the CARES Act (Public Law 116–136; 134 Stat.
19 281) and shall apply to any loan made pursuant to section
20 7(a)(36) of the Small Business Act (15 U.S.C.
21 636(a)(36)) before, on, or after the date of enactment of
22 this Act, including forgiveness of such a loan.

1 **SEC. 336. ELECTION OF 12-WEEK PERIOD BY SEASONAL EM-**
2 **PLOYERS.**

3 (a) IN GENERAL.—Section 7(a)(36)(E)(i)(I)(aa)(AA)
4 of the Small Business Act (15 U.S.C.
5 636(a)(36)(E)(i)(I)(aa)(AA)) is amended by striking “, in
6 the case of an applicant” and all that follows through
7 “June 30, 2019” and inserting the following: “an appli-
8 cant that is a seasonal employer shall use the average total
9 monthly payments for payroll for any 12-week period se-
10 lected by the seasonal employer between February 15,
11 2019, and February 15, 2020”.

12 (b) EFFECTIVE DATE; APPLICABILITY.—

13 (1) IN GENERAL.—Except as provided in para-
14 graph (2), the amendment made by subsection (a)
15 shall be effective as if included in the CARES Act
16 (Public Law 116–136; 134 Stat. 281) and shall
17 apply to any loan made pursuant to section 7(a)(36)
18 of the Small Business Act (15 U.S.C. 636(a)(36))
19 before, on, or after the date of enactment of this
20 Act, including forgiveness of such a loan.

21 (2) EXCLUSION OF LOANS ALREADY FOR-
22 GIVEN.—The amendment made by subsection (a)
23 shall not apply to a loan made pursuant to section
24 7(a)(36) of the Small Business Act (15 U.S.C.
25 636(a)(36)) for which the borrower received forgive-
26 ness before the date of enactment of this Act under

1 section 1106 of the CARES Act, as in effect on the
2 day before such date of enactment.

3 **SEC. 337. INCLUSION OF CERTAIN REFINANCING IN NON-**
4 **RECOURSE REQUIREMENTS.**

5 (a) IN GENERAL.—Section 7(a)(36)(F)(v) of the
6 Small Business Act (15 U.S.C. 636(a)(36)(F)(v)) is
7 amended by striking “clause (i)” and inserting “clause (i)
8 or (iv)”.

9 (b) EFFECTIVE DATE; APPLICABILITY.—The amend-
10 ment made by subsection (a) shall be effective as if in-
11 cluded in the CARES Act (Public Law 116–136; 134 Stat.
12 281) and shall apply to any loan made pursuant to section
13 7(a)(36) of the Small Business Act (15 U.S.C.
14 636(a)(36)) before, on, or after the date of enactment of
15 this Act, including forgiveness of such a loan.

16 **SEC. 338. APPLICATION OF CERTAIN TERMS THROUGH**
17 **LIFE OF COVERED LOAN.**

18 (a) IN GENERAL.—Section 7(a)(36) of the Small
19 Business Act (15 U.S.C. 636(a)(36)) is amended—

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

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

1 (3) in subparagraph (M)—

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

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

7 (b) EFFECTIVE DATE; APPLICABILITY.—The amend-
8 ments made by subsection (a) shall be effective as if in-
9 cluded in the CARES Act (Public Law 116–136; 134 Stat.
10 281) and shall apply to any loan made pursuant to section
11 7(a)(36) of the Small Business Act (15 U.S.C.
12 636(a)(36)) before, on, or after the date of enactment of
13 this Act, including forgiveness of such a loan.

14 **SEC. 339. INTEREST CALCULATION ON COVERED LOANS.**

15 (a) DEFINITIONS.—In this section, the terms “cov-
16 ered loan” and “eligible recipient” have the meanings
17 given the terms in section 7(a)(36)(A) of the Small Busi-
18 ness Act (15 U.S.C. 636(a)(36)(A)).

19 (b) CALCULATION.—Section 7(a)(36)(L) of the Small
20 Business Act (15 U.S.C. 636(a)(36)(L)) is amended by
21 inserting “, calculated on a non-compounding, non-adjust-
22 able basis” after “4 percent”.

23 (c) APPLICABILITY.—The amendment made by sub-
24 section (b) may apply with respect to a covered loan made
25 before the date of enactment of this Act, upon the agree-

1 ment of the lender and the eligible recipient with respect
2 to the covered loan.

3 **SEC. 340. REIMBURSEMENT FOR PROCESSING.**

4 (a) REIMBURSEMENT.—Section 7(a)(36)(P) of the
5 Small Business Act (15 U.S.C. 636(a)(36)(P)) is amend-
6 ed—

7 (1) by amending clause (i) to read as follows:

8 “(i) IN GENERAL.—The Administrator
9 shall reimburse a lender authorized to
10 make a covered loan as follows:

11 “(I) With respect to a covered
12 loan made during the period begin-
13 ning on the date of enactment of this
14 paragraph and ending on the day be-
15 fore the date of enactment of the Eco-
16 nomic Aid to Hard-Hit Small Busi-
17 nesses, Nonprofits, and Venues Act,
18 the Administrator shall reimburse
19 such a lender at a rate, based on the
20 balance of the financing outstanding
21 at the time of disbursement of the
22 covered loan, of—

23 “(aa) 5 percent for loans of
24 not more than \$350,000;

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1 “(bb) 3 percent for loans of
2 more than \$350,000 and less
3 than \$2,000,000; and

4 “(cc) 1 percent for loans of
5 not less than \$2,000,000.

6 “(II) With respect to a covered
7 loan made on or after the date of en-
8 actment of the Economic Aid to
9 Hard-Hit Small Businesses, Non-
10 profits, and Venues Act, the Adminis-
11 trator shall reimburse such a lender—

12 “(aa) for a covered loan of
13 not more than \$50,000, in an
14 amount equal to the lesser of—

15 “(AA) 50 percent of the
16 balance of the financing out-
17 standing at the time of dis-
18 bursement of the covered
19 loan; or

20 “(BB) \$2,500; and

21 “(bb) at a rate, based on the
22 balance of the financing out-
23 standing at the time of disburse-
24 ment of the covered loan, of—

1 “(AA) 5 percent for a
2 covered loan of more than
3 \$50,000 and not more than
4 \$350,000;

5 “(BB) 3 percent for a
6 covered loan of more than
7 \$350,000 and less than
8 \$2,000,000; and

9 “(CC) 1 percent for a
10 covered loan of not less than
11 \$2,000,000.”; and

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

13 “(iii) TIMING.—A reimbursement de-
14 scribed in clause (i) shall be made not later
15 than 5 days after the reported disburse-
16 ment of the covered loan and may not be
17 required to be repaid by a lender unless
18 the lender is found guilty of an act of
19 fraud in connection with the covered
20 loan.”.

21 (b) FEE LIMITS.—

22 (1) IN GENERAL.—Section 7(a)(36)(P)(ii) of
23 the Small Business Act (15 U.S.C.
24 636(a)(36)(P)(ii)) is amended by adding at the end
25 the following: “If an eligible recipient has knowingly

1 retained an agent, such fees shall be paid by the eli-
2 gible recipient and may not be paid out of the pro-
3 ceeds of a covered loan. A lender shall only be re-
4 sponsible for paying fees to an agent for services for
5 which the lender directly contracts with the agent.”.

6 (2) **EFFECTIVE DATE; APPLICABILITY.**—The
7 amendment made by paragraph (1) shall be effective
8 as if included in the CARES Act (Public Law 116–
9 136; 134 Stat. 281) and shall apply to any loan
10 made pursuant to section 7(a)(36) of the Small
11 Business Act (15 U.S.C. 636(a)(36)) before, on, or
12 after the date of enactment of this Act, including
13 forgiveness of such a loan.

14 **SEC. 341. DUPLICATION REQUIREMENTS FOR ECONOMIC**
15 **INJURY DISASTER LOAN RECIPIENTS.**

16 Section 7(a)(36)(Q) of the Small Business Act (15
17 U.S.C. 636(a)(36)(Q)) is amended by striking “during the
18 period beginning on January 31, 2020, and ending on the
19 date on which covered loans are made available”.

20 **SEC. 342. PROHIBITION OF ELIGIBILITY FOR PUBLICLY-**
21 **TRADED COMPANIES.**

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

24 (1) in subparagraph (A), as amended by section
25 318 of this Act, by adding at the end the following:

1 “(xvi) the terms ‘exchange’, ‘issuer’,
2 and ‘security’ have the meanings given
3 those terms in section 3(a) of the Securi-
4 ties Exchange Act of 1934 (15 U.S.C.
5 78c(a)).”; and

6 (2) in subparagraph (D), as amended by section
7 318 of this Act by adding at the end the following:

8 “(viii) INELIGIBILITY OF PUBLICLY-
9 TRADED ENTITIES.—Notwithstanding any
10 other provision of this paragraph, on and
11 after the date of enactment of the Eco-
12 nomic Aid to Hard-Hit Small Businesses,
13 Nonprofits, and Venues Act, an entity that
14 is an issuer, the securities of which are
15 listed on an exchange registered as a na-
16 tional securities exchange under section 6
17 of the Securities Exchange Act of 1934
18 (15 U.S.C. 78f), shall be ineligible to re-
19 ceive a covered loan under this para-
20 graph.”.

21 **SEC. 343. COVERED PERIOD FOR NEW PARAGRAPH (36)**

22 **LOANS.**

23 (a) IN GENERAL.—Section 7(a)(36)(A)(iii) of the
24 Small Business Act (15 U.S.C. 636(a)(36)(A)(iii)) is

1 amended by striking “December 31, 2020” and inserting
2 “March 31, 2021”.

3 (b) EFFECTIVE DATE; APPLICABILITY.—The amend-
4 ment made by subsection (a) shall be effective as if in-
5 cluded in the CARES Act (Public Law 116–136; 134 Stat.
6 281) and shall apply to any loan made pursuant to section
7 7(a)(36) of the Small Business Act (15 U.S.C.
8 636(a)(36)) before, on, or after the date of enactment of
9 this Act, including forgiveness of such a loan.

10 **SEC. 344. APPLICABLE PERIODS FOR PRORATION.**

11 Section 7(a)(36)(A)(viii) of the Small Business Act
12 (15 U.S.C. 636(a)(36)(A)(viii)) is amended—

13 (1) in subclause (I)(bb), by striking “in 1 year,
14 as prorated for the covered period” and inserting
15 “on an annualized basis, as prorated for the period
16 during which the payments are made or the obliga-
17 tion to make the payments is incurred”; and

18 (2) in subclause (II)—

19 (A) in item (aa), by striking “an annual
20 salary of \$100,000, as prorated for the covered
21 period” and inserting “ \$100,000 on an
22 annualized basis, as prorated for the period
23 during which the compensation is paid or the
24 obligation to pay the compensation is incurred”;
25 and

1 (B) in item (bb), by striking “covered” and
2 inserting “applicable”.

3 **SEC. 345. EXTENSION OF WAIVER OF MATCHING FUNDS RE-**
4 **QUIREMENT UNDER THE WOMEN’S BUSINESS**
5 **CENTER PROGRAM.**

6 (a) IN GENERAL.—Section 1105 of the CARES Act
7 (15 U.S.C. 9004) is amended by striking “the 3-month
8 period beginning on the date of enactment of this Act”
9 and inserting “the period beginning on the date of enact-
10 ment of this Act and ending on June 30, 2021”.

11 (b) EFFECTIVE DATE; APPLICABILITY.—The amend-
12 ment made by subsection (a) shall be effective as if in-
13 cluded in the CARES Act (Public Law 116–136; 134 Stat.
14 281).

15 **SEC. 346. CLARIFICATION OF USE OF CARES ACT FUNDS**
16 **FOR SMALL BUSINESS DEVELOPMENT CEN-**
17 **TERS.**

18 (a) IN GENERAL.—Section 1103(b)(3)(A) of the
19 CARES Act (15 U.S.C. 9002(b)(3)(A)) is amended—

20 (1) by striking “The Administration” and in-
21 serting the following:

22 “(i) IN GENERAL.—The Administra-
23 tion”; and

24 (2) by adding at the end the following:

1 “(ii) CLARIFICATION OF USE.—
2 Awards made under clause (i) shall be in
3 addition to, and separate from, any
4 amounts appropriated to make grants
5 under section 21(a) of the Small Business
6 Act (15 U.S.C. 648(a)) and such an award
7 may be used to complement and support
8 such a grant, except that priority with re-
9 spect to the receipt of that assistance shall
10 be given to small business development
11 centers that have been affected by issues
12 described in paragraph (2).”.

13 (b) EFFECTIVE DATE; APPLICABILITY.—The amend-
14 ments made by subsection (a) shall be effective as if in-
15 cluded in the CARES Act (Public Law 116–136; 134 Stat.
16 281).

17 **SEC. 347. GAO REPORT.**

18 Not later than 120 days after the date of enactment
19 of this Act, the Comptroller General of the United States
20 shall submit to the Committee on Small Business and En-
21 trepreneurship of the Senate and the Committee on Small
22 Business of the House of Representatives a report regard-
23 ing the use by the Administration of funds made available
24 to the Administration through supplemental appropria-

1 tions in fiscal year 2020, the purpose of which was for
2 administrative expenses.

3 **SEC. 348. EFFECTIVE DATE; APPLICABILITY.**

4 Except as otherwise provided in this Act, this Act and
5 the amendments made by this Act shall take effect on the
6 date of enactment of this Act and apply to loans and
7 grants made on or after the date of enactment of this Act.

8 **TITLE IV—TRANSPORTATION**
9 **Subtitle A—Airline Worker Support**
10 **Extension**

11 **SEC. 401. DEFINITIONS.**

12 Unless otherwise specified, the definitions in section
13 40102(a) of title 49, United States Code, shall apply to
14 this subtitle, except that in this subtitle—

15 (1) the term “catering functions” means prepa-
16 ration, assembly, or both, of food, beverages, provi-
17 sions and related supplies for delivery, and the deliv-
18 ery of such items, directly to aircraft or to a location
19 on or near airport property for subsequent delivery
20 to aircraft;

21 (2) the term “contractor” means—

22 (A) a person that performs, under contract
23 with a passenger air carrier conducting oper-
24 ations under part 121 of title 14, Code of Fed-
25 eral Regulations—

1 (i) catering functions; or

2 (ii) functions on the property of an
3 airport that are directly related to the air
4 transportation of persons, property, or
5 mail, including, but not limited to, the
6 loading and unloading of property on air-
7 craft, assistance to passengers under part
8 382 of title 14, Code of Federal Regula-
9 tions, security, airport ticketing and check-
10 in functions, ground-handling of aircraft,
11 or aircraft cleaning and sanitization func-
12 tions and waste removal; or

13 (B) a subcontractor that performs such
14 functions;

15 (3) the term “employee” means an individual,
16 other than a corporate officer, who is employed by
17 an air carrier or a contractor;

18 (4) the term “recall” means the dispatch of a
19 notice by a passenger air carrier or a contractor, via
20 mail, courier, or electronic mail, to an involuntarily
21 furloughed employee notifying the employee that—

22 (A) the employee must, within a specified
23 period of time, elect either—

24 (i) to return to employment or bypass
25 return to employment, in accordance with

1 an applicable collective bargaining agree-
2 ment or, in the absence of a collective bar-
3 gaining agreement, company policy; or

4 (ii) to permanently separate from em-
5 ployment with the passenger air carrier or
6 contractor; and

7 (B) failure to respond within such time pe-
8 riod specified shall be considered an election
9 under subparagraph (A)(ii);

10 (5) the term “returning employee” means an
11 involuntarily furloughed employee who has elected to
12 return to employment pursuant to a recall notice;
13 and

14 (6) the term “Secretary” means the Secretary
15 of the Treasury.

16 **SEC. 402. PANDEMIC RELIEF FOR AVIATION WORKERS.**

17 (a) **FINANCIAL ASSISTANCE FOR EMPLOYEE WAGES,**
18 **SALARIES, AND BENEFITS.**—Notwithstanding any other
19 provision of law, to preserve aviation jobs and compensate
20 air carrier industry workers, the Secretary shall provide
21 financial assistance that shall exclusively be used for the
22 continuation of payment of employee wages, salaries, and
23 benefits to—

24 (1) passenger air carriers, in an aggregate
25 amount up to \$15,000,000,000; and

1 (2) contractors, in an aggregate amount up to
2 \$1,000,000,000.

3 (b) ADMINISTRATIVE EXPENSES.—Notwithstanding
4 any other provision of law, the Secretary may use funds
5 made available under section 4112(b) of the CARES Act
6 (15 U.S.C. 9072(b)) for costs and administrative expenses
7 associated with providing financial assistance under this
8 subtitle.

9 **SEC. 403. PROCEDURES FOR PROVIDING PAYROLL SUP-**
10 **PORT.**

11 (a) AWARDABLE AMOUNTS.—The Secretary shall
12 provide financial assistance under this subtitle—

13 (1) to a passenger air carrier required to file re-
14 ports pursuant to part 241 of title 14, Code of Fed-
15 eral Regulations, as of March 27, 2020, in an
16 amount equal to—

17 (A) the amount such air carrier was ap-
18 proved to receive (without taking into account
19 any pro rata reduction) under section 4113 of
20 the CARES Act (15 U.S.C. 9073); or

21 (B) at the request of such air carrier, or
22 in the event such air carrier did not receive as-
23 sistance under section 4113 of the CARES Act
24 (15 U.S.C. 9073), the amount of the salaries
25 and benefits reported by the air carrier to the

1 Department of Transportation pursuant to such
2 part 241, for the period from October 1, 2019,
3 through March 31, 2020;

4 (2) to a passenger air carrier that was not re-
5 quired to transmit reports under such part 241, as
6 of March 27, 2020, in an amount equal to—

7 (A) the amount such air carrier was ap-
8 proved to receive (without taking into account
9 any pro rata reduction) under section 4113 of
10 the CARES Act (15 U.S.C. 9073), plus an ad-
11 ditional 15 percent of such amount;

12 (B) at the request of such air carrier, pro-
13 vided such air carrier received assistance under
14 section 4113 of the CARES Act (15 U.S.C.
15 9073), the sum of—

16 (i) the amount that such air carrier
17 certifies, using sworn financial statements
18 or other appropriate data, as the amount
19 of total salaries and related fringe benefits
20 that such air carrier incurred and would be
21 required to be reported to the Department
22 of Transportation pursuant to such part
23 241, if such air carrier was required to
24 transmit such information during the pe-

1 riod from April 1, 2019, through Sep-
2 tember 30, 2019; and

3 (ii) an additional amount equal to the
4 difference between the amount certified
5 under clause (i) and the amount the air
6 carrier received under section 4113 of the
7 CARES Act (15 U.S.C. 9073); or

8 (C) in the event such air carrier did not re-
9 ceive assistance under section 4113 of the
10 CARES Act (15 U.S.C. 9073), an amount that
11 such an air carrier certifies, using sworn finan-
12 cial statements or other appropriate data, as
13 the amount of total salaries and related fringe
14 benefits that such air carrier incurred and
15 would be required to be reported to the Depart-
16 ment of Transportation pursuant to such part
17 241, if such air carrier was required to trans-
18 mit such information during the period from
19 October 1, 2019, through March 31, 2020; and
20 (3) to a contractor in an amount equal to—

21 (A) the amount such contractor was ap-
22 proved to receive (without taking into account
23 any pro rata reduction) under section 4113 of
24 the CARES Act (15 U.S.C. 9073); or

1 (B) in the event such contractor did not
2 receive assistance under section 4113 of the
3 CARES Act (15 U.S.C. 9073), an amount that
4 the contractor certifies, using sworn financial
5 statements or other appropriate data, as the
6 amount of wages, salaries, benefits, and other
7 compensation that such contractor paid the em-
8 ployees of such contractor during the period
9 from October 1, 2019, through March 31,
10 2020.

11 (b) DEADLINES AND PROCEDURES.—

12 (1) IN GENERAL.—

13 (A) FORMS; TERMS AND CONDITIONS.—Fi-
14 nancial assistance provided to a passenger air
15 carrier or contractor under this subtitle shall—

16 (i) be, to the maximum extent prac-
17 ticable, in the same form and on the same
18 terms and conditions (including require-
19 ments for audits and the clawback of any
20 financial assistance provided upon failure
21 by a passenger air carrier or contractor to
22 honor the assurances specified in section
23 404), as agreed to by the Secretary and
24 the recipient for assistance received under
25 section 4113 of the CARES Act (15

1 U.S.C. 9073), except if inconsistent with
2 this subtitle; or

3 (ii) in the event such a passenger air
4 carrier or a contractor did not receive as-
5 sistance under section 4113 of the CARES
6 Act (15 U.S.C. 9073), be, to the maximum
7 extent practicable, in the same form and
8 on the same terms and conditions (includ-
9 ing requirements for audits and the
10 clawback of any financial assistance pro-
11 vided upon failure by a passenger air car-
12 rier or contractor to honor the assurances
13 specified in section 404), as agreed to by
14 the Secretary and similarly situated recipi-
15 ents of assistance under such section 4113.

16 (B) PROCEDURES.—The Secretary shall,
17 to the maximum extent practicable, publish
18 streamlined and expedited procedures not later
19 than 5 days after the date of enactment of this
20 subtitle for passenger air carriers and contrac-
21 tors to submit requests for financial assistance
22 under this subtitle.

23 (2) DEADLINE FOR IMMEDIATE PAYROLL AS-
24 SISTANCE.—Not later than 10 days after the date of
25 enactment of this subtitle, the Secretary shall make

1 initial payments to passenger air carriers and con-
2 tractors that submit requests for financial assistance
3 approved by the Secretary.

4 (3) SUBSEQUENT PAYMENTS.—The Secretary
5 shall determine an appropriate method for the timely
6 distribution of payments to passenger air carriers
7 and contractors with approved requests for financial
8 assistance from any funds remaining available after
9 providing initial financial assistance payments under
10 paragraph (2).

11 (c) PRO RATA REDUCTIONS.—The Secretary shall
12 have the authority to reduce, on a pro rata basis, the
13 amounts due to passenger air carriers and contractors
14 under subsection (a) in order to address any shortfall in
15 assistance that would otherwise be provided under such
16 subsection.

17 (d) AUDITS.—The Inspector General of the Depart-
18 ment of the Treasury shall audit certifications made under
19 subsection (a).

20 **SEC. 404. REQUIRED ASSURANCES.**

21 (a) IN GENERAL.—To be eligible for financial assist-
22 ance under this subtitle, a passenger air carrier or a con-
23 tractor shall enter into an agreement with the Secretary,
24 or otherwise certify in such form and manner as the Sec-

1 retary shall prescribe, that the passenger air carrier or
2 contractor shall—

3 (1) refrain from conducting involuntary fur-
4 loughs or reducing pay rates and benefits until—

5 (A) with respect to passenger air carriers,
6 March 31, 2021; or

7 (B) with respect to contractors, March 31,
8 2021, or the date on which the contractor ex-
9 pends such financial assistance, whichever is
10 later;

11 (2) ensure that neither the passenger air carrier
12 or contractor nor any affiliate of the passenger air
13 carrier or contractor may, in any transaction, pur-
14 chase an equity security of the passenger air carrier
15 or contractor or the parent company of the pas-
16 senger air carrier or contractor that is listed on a
17 national securities exchange through—

18 (A) with respect to passenger air carriers,
19 March 31, 2022; or

20 (B) with respect to contractors, March 31,
21 2022, or the date on which the contractor ex-
22 pends such financial assistance, whichever is
23 later;

24 (3) ensure that the passenger air carrier or con-
25 tractor shall not pay dividends, or make other cap-

1 ital distributions, with respect to common stock (or
2 equivalent interest) of the air carrier or contractor
3 through—

4 (A) with respect to passenger air carriers,
5 March 31, 2022; or

6 (B) with respect to contractors, March 31,
7 2022, or the date on which the contractor ex-
8 pends such financial assistance, whichever is
9 later; and

10 (4) meet the requirements of sections 405 and
11 406.

12 (b) **RECALLS OF EMPLOYEES.**—An agreement or cer-
13 tification under this section shall require a passenger air
14 carrier or contractor to perform the following actions:

15 (1) In the case of a passenger air carrier or
16 contractor that received financial assistance under
17 title IV of the CARES Act—

18 (A) recall (as defined in section 401), not
19 later than 72 hours after executing such agree-
20 ment or certification, any employees involun-
21 tarily furloughed by such passenger air carrier
22 or contractor between October 1, 2020, and the
23 date such passenger air carrier or contractor
24 enters into an agreement with the Secretary

1 with respect to financial assistance under this
2 subtitle;

3 (B) compensate returning employees for
4 lost pay and benefits (offset by any amounts re-
5 ceived by the employee from a passenger air
6 carrier or contractor as a result of the employ-
7 ee's furlough, including, but not limited to, fur-
8 lough pay, severance pay, or separation pay) be-
9 tween—

10 (i) in the case of a passenger air car-
11 rier, December 1, 2020, and the date on
12 which such passenger air carrier enters
13 into an agreement with the Secretary with
14 respect to financial assistance under this
15 subtitle; or

16 (ii) in the case of a contractor, the
17 date of enactment of this subtitle and the
18 date on which such contractor enters into
19 an agreement with the Secretary with re-
20 spect to financial assistance under this
21 subtitle; and

22 (C) restore the rights and protections for
23 such returning employees as if such employees
24 had not been involuntarily furloughed.

1 (2) In the case of a passenger air carrier or
2 contractor that did not receive financial assistance
3 under title IV of the CARES Act to—

4 (A) recall (as defined in section 401), with-
5 in 72 hours after executing such agreement or
6 certification, any employees involuntarily fur-
7 loughed by such passenger air carrier or con-
8 tractor between March 27, 2020, and the date
9 such passenger air carrier or contractor enters
10 into an agreement with the Secretary for finan-
11 cial assistance under this subtitle;

12 (B) compensate returning employees under
13 this paragraph for lost pay and benefits (offset
14 by any amounts received by the employee from
15 a passenger air carrier or contractor as a result
16 of the employee's furlough, including, but not
17 limited to, furlough pay, severance pay, or sepa-
18 ration pay) between—

19 (i) in the case of a passenger air car-
20 rier, December 1, 2020, and the date such
21 passenger air carrier enters into an agree-
22 ment with the Secretary for financial as-
23 sistance under this subtitle; or

24 (ii) in the case of a contractor, the
25 date of enactment of this subtitle and the

1 date on which such contractor enters into
2 an agreement with the Secretary with re-
3 spect to financial assistance under this
4 subtitle; and

5 (C) restore the rights and protections for
6 such returning employees as if such employees
7 had not been involuntarily furloughed.

8 **SEC. 405. PROTECTION OF COLLECTIVE BARGAINING**
9 **AGREEMENTS.**

10 (a) **IN GENERAL.**—Neither the Secretary, nor any
11 other actor, department, or agency of the Federal Govern-
12 ment, shall condition the issuance of financial assistance
13 under this subtitle on a passenger air carrier’s or contrac-
14 tor’s implementation of measures to enter into negotia-
15 tions with the certified bargaining representative of a craft
16 or class of employees of the passenger air carrier or con-
17 tractor under the Railway Labor Act (45 U.S.C. 151 et
18 seq.) or the National Labor Relations Act (29 U.S.C. 151
19 et seq.), regarding pay or other terms and conditions of
20 employment.

21 (b) **PASSENGER AIR CARRIER PERIOD OF EFFECT.**—
22 With respect to any passenger air carrier to which finan-
23 cial assistance is provided under this subtitle, this section
24 shall be in effect with respect to the passenger air carrier
25 for the period beginning on the date on which the pas-

1 senger air carrier is first issued such financial assistance
2 and ending on March 31, 2021.

3 (c) CONTRACTOR PERIOD OF EFFECT.—With respect
4 to any contractor to which financial assistance is provided
5 under this subtitle, this section shall be in effect with re-
6 spect to the contractor beginning on the date on which
7 the contractor is first issued such financial assistance and
8 ending on March 31, 2021, or until the date on which
9 all funds are expended, whichever is later.

10 **SEC. 406. LIMITATION ON CERTAIN EMPLOYEE COMPENSA-**
11 **TION.**

12 (a) IN GENERAL.—The Secretary may only provide
13 financial assistance under this subtitle to a passenger air
14 carrier or contractor after such carrier or contractor en-
15 ters into an agreement with the Secretary that provides
16 that, during the 2-year period beginning October 1, 2020,
17 and ending October 1, 2022—

18 (1) no officer or employee of the passenger air
19 carrier or contractor whose total compensation ex-
20 ceeded \$425,000 in calendar year 2019 (other than
21 an employee whose compensation is determined
22 through an existing collective bargaining agreement
23 entered into prior to the date of enactment of this
24 subtitle) will receive from the passenger air carrier
25 or contractor—

1 (A) total compensation that exceeds, dur-
2 ing any 12 consecutive months of such 2-year
3 period, the total compensation received by the
4 officer or employee from the passenger air car-
5 rier or contractor in calendar year 2019; or

6 (B) severance pay or other benefits upon
7 termination of employment with the passenger
8 air carrier or contractor which exceeds twice the
9 maximum total compensation received by the
10 officer or employee from the passenger air car-
11 rier or contractor in calendar year 2019; and

12 (2) no officer or employee of the passenger air
13 carrier or contractor whose total compensation ex-
14 ceeded \$3,000,000 in calendar year 2019 may re-
15 ceive during any 12 consecutive months of such pe-
16 riod total compensation in excess of the sum of—

17 (A) \$3,000,000; and

18 (B) 50 percent of the excess over
19 \$3,000,000 of the total compensation received
20 by the officer or employee from the passenger
21 air carrier or contractor in calendar year 2019.

22 (b) TOTAL COMPENSATION DEFINED.—In this sec-
23 tion, the term “total compensation” includes salary, bo-
24 nuses, awards of stock, and other financial benefits pro-

1 vided by a passenger air carrier or contractor to an officer
2 or employee of the passenger air carrier or contractor.

3 **SEC. 407. MINIMUM AIR SERVICE GUARANTEES.**

4 (a) **IN GENERAL.**—The Secretary of Transportation
5 is authorized to require, to the extent reasonable and prac-
6 ticable, an air carrier provided financial assistance under
7 this subtitle to maintain scheduled air transportation, as
8 the Secretary of Transportation determines necessary, to
9 ensure services to any point served by that air carrier be-
10 fore March 1, 2020.

11 (b) **REQUIRED CONSIDERATIONS.**—When considering
12 whether to exercise the authority provided by this section,
13 the Secretary of Transportation shall take into consider-
14 ation the air transportation needs of small and remote
15 communities, the need to maintain well-functioning health
16 care supply chains, including medical devices and supplies,
17 and pharmaceutical supply chains.

18 (c) **SUNSET.**—The authority provided under this sec-
19 tion shall terminate on March 1, 2022, and any require-
20 ments issued by the Secretary of Transportation under
21 this section shall cease to apply after that date.

22 (d) **SENSE OF CONGRESS.**—It is the sense of Con-
23 gress that, when implementing this section, the Secretary
24 of Transportation should take into consideration the fol-
25 lowing:

1 (1) A number of airports and communities have
2 lost air service as a result of consolidated operations
3 by covered air carriers, as permitted by the Depart-
4 ment of Transportation, including smaller airports
5 that are located near larger airports.

6 (2) Airports covering common points, as deter-
7 mined by the Department of Transportation, do not
8 align with the grouping commonly used by many air
9 carriers, other Federal agencies, and distribution
10 channels used by consumers to purchase air travel.

11 (3) The demographic, geographic, economic,
12 and other characteristics of an area and affected
13 communities when determining whether consolidated
14 operations at a single airport effectively serve the
15 needs of the point.

16 (4) Maintaining a robust air transportation sys-
17 tem, including maintaining air service to airports
18 throughout the United States, plays an important
19 role in the effective distribution of a coronavirus vac-
20 cine.

21 (5) The objections from community respondents
22 on whether a specific airport should or should not be
23 included in a consolidated point, including those ob-
24 jections noting the importance of the required con-
25 siderations set forth in subsection (b).

1 **SEC. 408. TAXPAYER PROTECTION.**

2 (a) CARES ACT ASSISTANCE RECIPIENTS.—With
3 respect to a recipient of financial assistance under section
4 4113 of the CARES Act (15 U.S.C. 9073) that receives
5 financial assistance under this subtitle, the Secretary may
6 receive warrants, options, preferred stock, debt securities,
7 notes, or other financial instruments issued by such recipi-
8 ent that are, to the maximum extent practicable, in the
9 same form and amount, and under the same terms and
10 conditions, as agreed to by the Secretary and such recipi-
11 ent to provide appropriate compensation to the Federal
12 Government for the provision of the financial assistance
13 under this subtitle.

14 (b) OTHER APPLICANTS.—With respect to a recipient
15 of financial assistance under this subtitle that did not re-
16 ceive financial assistance under section 4113 of the
17 CARES Act (15 U.S.C. 9073), the Secretary may receive
18 warrants, options, preferred stock, debt securities, notes,
19 or other financial instruments issued by such recipient in
20 a form and amount that are, to the maximum extent prac-
21 ticable, under the same terms and conditions as agreed
22 to by the Secretary and similarly situated recipients of fi-
23 nancial assistance under such section to provide appro-
24 priate compensation to the Federal Government for the
25 provision of the financial assistance under this subtitle.

1 **SEC. 409. REPORTS.**

2 (a) REPORT.—Not later than May 1, 2021, the Sec-
3 retary shall submit to the Committee on Transportation
4 and Infrastructure and the Committee on Financial Serv-
5 ices of the House of Representatives and the Committee
6 on Commerce, Science, and Transportation and the Com-
7 mittee on Banking, Housing, and Urban Affairs of the
8 Senate a report on the financial assistance provided to
9 passenger air carriers and contractors under this subtitle,
10 that includes—

11 (1) a description of any financial assistance
12 provided to passenger air carriers under this sub-
13 title;

14 (2) any audits of passenger air carriers or con-
15 tractors receiving financial assistance under this
16 subtitle;

17 (3) any reports filed by passenger air carriers
18 or contractors receiving financial assistance under
19 this subtitle;

20 (4) any instances of non-compliance by pas-
21 senger air carriers or contractors receiving financial
22 assistance under this subtitle with the requirements
23 of this subtitle or agreements entered into with the
24 Secretary to receive such financial assistance; and

1 (5) information relating to any clawback of any
2 financial assistance provided to passenger air car-
3 riers or contractors under this subtitle.

4 (b) INTERNET UPDATES.—The Secretary shall up-
5 date the website of the Department of the Treasury, at
6 minimum, on a weekly basis as necessary to reflect new
7 or revised distributions of financial assistance under this
8 subtitle with respect to each passenger air carrier or con-
9 tractor that receives such assistance, the identification of
10 any applicant that applied for financial assistance under
11 this subtitle, and the date of application for such assist-
12 ance.

13 (c) SUPPLEMENTAL UPDATE.—Not later than the
14 last day of the 1-year period following the date of enact-
15 ment of this subtitle, the Secretary shall update and sub-
16 mit to the Committee on Transportation and Infrastruc-
17 ture and the Committee on Financial Services of the
18 House of Representatives and the Committee on Com-
19 merce, Science, and Transportation and the Committee on
20 Banking, Housing, and Urban Affairs of the Senate, the
21 report submitted under subsection (a).

22 (d) PROTECTION OF CERTAIN DATA.—The Secretary
23 may withhold information that would otherwise be re-
24 quired to be made available under this section only if the

1 Secretary determines to withhold the information in ac-
2 cordance with section 552 of title 5, United States Code.

3 **SEC. 410. COORDINATION.**

4 In implementing this subtitle, the Secretary shall co-
5 ordinate with the Secretary of Transportation.

6 **SEC. 411. FUNDING.**

7 There is appropriated, out of amounts in the Treas-
8 ury not otherwise appropriated, \$16,000,000,000 to carry
9 out this subtitle, to remain available until expended.

10 **SEC. 412. CARES ACT AMENDMENTS.**

11 (a) CONTINUED APPLICATION OF REQUIRED ASSUR-
12 ANCES.—Section 4114 of the CARES Act (15 U.S.C.
13 9074) is amended by adding at the end the following new
14 subsections:

15 “(c) CONTINUED APPLICATION.—

16 “(1) IN GENERAL.—If, after the date of enact-
17 ment of this subsection, a contractor expends any
18 funds made available pursuant to section 4112 and
19 distributed pursuant to section 4113, the assurances
20 in paragraphs (1) through (3) of subsection (a) shall
21 continue to apply until the dates included in such
22 paragraphs, or the date on which the contractor
23 fully expends such financial assistance, whichever is
24 later.

1 “(2) SPECIAL RULE.—Not later than April 5,
2 2021, each contractor described in section
3 4111(3)(A)(i) that has received funds pursuant to
4 such section 4112 shall report to the Secretary on
5 the amount of such funds that the contractor has
6 expended through March 31, 2021. If the contractor
7 has expended an amount that is less than 100 per-
8 cent of the total amount of funds the contractor re-
9 ceived under such section, the Secretary shall ini-
10 tiate an action to recover any funds that remain un-
11 expended as of April 30, 2021.

12 “(d) RECALL OF EMPLOYEES.—

13 “(1) IN GENERAL.—Subject to paragraph (2),
14 any contractor that has unspent financial assistance
15 provided under this subtitle as of the date of enact-
16 ment of this subsection and conducted involuntary
17 furloughs or reduced pay rates and benefits, between
18 March 27, 2020, and the date on which the con-
19 tractor entered into an agreement with the Secretary
20 related to financial assistance under this subtitle,
21 shall recall (as defined in section 4111) employees
22 who were involuntarily furloughed during such pe-
23 riod by not later than January 4, 2021.

24 “(2) WAIVER.—The Secretary of the Treasury
25 shall waive the requirement under paragraph (1) for

1 a contractor to recall employees if the contractor
2 certifies that the contractor has or will have insuffi-
3 cient remaining financial assistance provided under
4 this subtitle to keep recalled employees employed for
5 more than two weeks upon returning to work.

6 “(3) AUDITS.—The Inspector General of the
7 Department of the Treasury shall audit certifi-
8 cations made under paragraph (2).”.

9 (b) DEFINITION OF RECALL.—Section 4111 of the
10 CARES Act (15 U.S.C. 9071) is amended—

11 (1) in paragraph (4) by striking “and” at the
12 end;

13 (2) by redesignating paragraph (5) as para-
14 graph (6); and

15 (3) by inserting after paragraph (4) the fol-
16 lowing:

17 “(5) the term ‘recall’ means the dispatch of a
18 notice by a contractor, via mail, courier, or electronic
19 mail, to an involuntarily furloughed employee noti-
20 fying the employee that—

21 “(A) the employee must, within a specified
22 period of time that is not less than 14 days,
23 elect either—

24 “(i) to return to employment or by-
25 pass return to employment in accordance

1 with an applicable collective bargaining
2 agreement or, in the absence of a collective
3 bargaining agreement, company policy; or

4 “(ii) to permanently separate from
5 employment with the contractor; and

6 “(B) failure to respond within such time
7 period specified will be deemed to be an election
8 under subparagraph (A)(ii); and”.

9 (c) DEFINITION OF BUSINESSES CRITICAL TO MAIN-
10 TAINING NATIONAL SECURITY.—Section 4002 of the
11 CARES Act (15 U.S.C. 9041) is amended by adding at
12 the end the following:

13 “(11) AEROSPACE-RELATED BUSINESSES CRIT-
14 ICAL TO MAINTAINING NATIONAL SECURITY.—The
15 term ‘businesses critical to maintaining national se-
16 curity’ means those businesses that manufacture or
17 produce aerospace-related products, civil or defense,
18 including those that design, integrate, assemble, sup-
19 ply, maintain, and repair such products, and other
20 businesses involved in aerospace-related manufac-
21 turing or production as further defined by the Sec-
22 retary, in consultation with the Secretary of Defense
23 and the Secretary of Transportation. For purposes
24 of the preceding sentence, aerospace-related products
25 include, but are not limited to, components, parts, or

1 systems of aircraft, aircraft engines, or appliances
2 for inclusion in an aircraft, aircraft engine, or appli-
3 ance.”.

4 **Subtitle B—Coronavirus Economic**
5 **Relief for Transportation Serv-**
6 **ices Act**

7 **SEC. 420. SHORT TITLE.**

8 This subtitle may be cited as the “Coronavirus Eco-
9 nomic Relief for Transportation Services Act”.

10 **SEC. 421. ASSISTANCE FOR PROVIDERS OF TRANSPOR-**
11 **TATION SERVICES AFFECTED BY COVID-19.**

12 (a) DEFINITIONS.—In this section:

13 (1) COVERED PERIOD.—The term “covered pe-
14 riod”, with respect to a provider of transportation
15 services, means the period—

16 (A) beginning on the date of enactment of
17 this Act; and

18 (B) ending on the later of—

19 (i) March 31, 2021; or

20 (ii) the date on which all funds pro-
21 vided to the provider of transportation
22 services under subsection (c) are expended.

23 (2) COVID-19.—The term “COVID-19”
24 means the Coronavirus Disease 2019.

25 (3) PAYROLL COSTS.—

1 (A) IN GENERAL.—The term “payroll
2 costs” means—

3 (i) any payment to an employee of
4 compensation in the form of—

5 (I) salary, wage, commission, or
6 similar compensation;

7 (II) payment of a cash tip or an
8 equivalent;

9 (III) payment for vacation, pa-
10 rental, family, medical, or sick leave;

11 (IV) payment required for the
12 provision of group health care or
13 other group insurance benefits, includ-
14 ing insurance premiums;

15 (V) payment of a retirement ben-
16 efit;

17 (VI) payment of a State or local
18 tax assessed on employees with re-
19 spect to compensation; or

20 (VII) paid administrative leave;
21 and

22 (ii) any payment of compensation to,
23 or income of, a sole proprietor or inde-
24 pendent contractor—

25 (I) that is—

- 1 (aa) a wage;
- 2 (bb) a commission;
- 3 (cc) income;
- 4 (dd) net earnings from self-
- 5 employment; or
- 6 (ee) similar compensation;
- 7 and
- 8 (II) in an amount equal to not
- 9 more than \$100,000 during 1 cal-
- 10 endar year, as prorated for the cov-
- 11 ered period.
- 12 (B) EXCLUSIONS.—The term “payroll
- 13 costs” does not include—
- 14 (i) any compensation of an individual
- 15 employee in excess of an annual salary of
- 16 \$100,000, as prorated for the covered pe-
- 17 riod;
- 18 (ii) any tax imposed or withheld under
- 19 chapter 21, 22, or 24 of the Internal Rev-
- 20 enue Code of 1986 during the covered pe-
- 21 riod;
- 22 (iii) any compensation of an employee
- 23 whose principal place of residence is out-
- 24 side the United States;

1 (iv) any qualified sick leave wages for
2 which a credit is allowed under section
3 7001 of the Families First Coronavirus
4 Response Act (26 U.S.C. 3111 note; Pub-
5 lic Law 116–127);

6 (v) any qualified family leave wages
7 for which a credit is allowed under section
8 7003 of that Act (26 U.S.C. 3111 note;
9 Public Law 116–127); or

10 (vi) any bonus, raise in excess of in-
11 flation, or other form of additional em-
12 ployee compensation.

13 (4) PROVIDER OF TRANSPORTATION SERV-
14 ICES.—The term “provider of transportation serv-
15 ices” means an entity that—

16 (A) is established or organized—

17 (i) in the United States; or

18 (ii) pursuant to Federal law;

19 (B) has significant operations, and a ma-
20 jority of employees based, in the United States;

21 (C) was in operation on March 1, 2020;

22 and

23 (D) is the operator of—

1 (i) a vessel of the United States (as
2 defined in section 116 of title 46, United
3 States Code) that is—

4 (I) a passenger vessel (as defined
5 in section 2101 of that title) carrying
6 fewer than 2,400 passengers;

7 (II) a small passenger vessel (as
8 defined in section 2101 of that title);
9 or

10 (III) a vessel providing pilotage
11 services and regulated by a State in
12 accordance with chapter 85 of that
13 title;

14 (ii) a company providing transpor-
15 tation services using a bus characterized
16 by an elevated passenger deck located over
17 a baggage compartment (commonly known
18 as an “over-the-road bus”), including local
19 and intercity fixed-route service, commuter
20 service, and charter or tour service (includ-
21 ing tour or excursion service that includes
22 features in addition to bus transportation,
23 such as meals, lodging, admission to points
24 of interest or special attractions, or the
25 services of a guide);

1 (iii) a company providing transpor-
2 tation services using a school bus (as de-
3 fined in section 571.3 of title 49, Code of
4 Federal Regulations (or successor regula-
5 tions)); or

6 (iv) any other passenger transpor-
7 tation service company subject to regula-
8 tion by the Department of Transportation
9 as the Secretary, in consultation with the
10 Secretary of Transportation, determines to
11 be appropriate.

12 (5) SECRETARY.—The term “Secretary” means
13 the Secretary of the Treasury.

14 (b) FUNDING.—Out of any funds in the Treasury not
15 otherwise appropriated, there are appropriated to provide
16 grants to eligible providers of transportation services
17 under this section, \$2,000,000,000 for fiscal year 2021,
18 to remain available until expended.

19 (c) PROVISION OF ASSISTANCE.—

20 (1) IN GENERAL.—The Secretary, in consulta-
21 tion with the Secretary of Transportation, shall use
22 the amounts made available under subsection (b) to
23 provide grants to eligible providers of transportation
24 services described in paragraph (2) that certify to
25 the Secretary that the providers of transportation

1 services have experienced a revenue loss of 25 per-
2 cent or more, on an annual basis, as a direct or indi-
3 rect result of COVID–19.

4 (2) DESCRIPTION OF ELIGIBLE PROVIDERS OF
5 TRANSPORTATION SERVICES.—

6 (A) IN GENERAL.—An eligible provider of
7 transportation services referred to in paragraph

8 (1) is—

9 (i) a provider of transportation serv-
10 ices that, on March 1, 2020—

11 (I) had 500 or fewer full-time,
12 part-time, or temporary employees;
13 and

14 (II) was not a subsidiary, parent,
15 or affiliate of any other entity with a
16 combined total workforce of more
17 than 500 full-time, part-time, or tem-
18 porary employees; or

19 (ii) a provider of transportation serv-
20 ices that—

21 (I) on March 1, 2020, had more
22 than 500 full-time, part-time, or tem-
23 porary employees; and

24 (II) has not received assistance
25 under paragraph (1), (2), or (3) of

1 section 4003(b), or subtitle B of title
2 IV of division A, of the Coronavirus
3 Aid, Relief, and Economic Security
4 Act (Public Law 116–136; 134 Stat.
5 281).

6 (B) SCOPE OF ELIGIBILITY FOR CERTAIN
7 COMPANIES.—

8 (i) IN GENERAL.—A provider of trans-
9 portation services that has entered into or
10 maintains a contract or agreement de-
11 scribed in clause (ii) shall not be deter-
12 mined to be ineligible for assistance under
13 this subsection on the basis of that con-
14 tract or agreement, subject to clause (iv).

15 (ii) CONTRACT OR AGREEMENT DE-
16 SCRIBED.—A contract or agreement re-
17 ferred to in clause (i) is a contract or
18 agreement for transportation services that
19 is supported by a public entity using funds
20 received under the Emergency Appropria-
21 tions for Coronavirus Health Response and
22 Agency Operations (division B of Public
23 Law 116–136; 134 Stat. 505).

24 (iii) ADJUSTMENT OF ASSISTANCE.—
25 The Secretary may reduce the amount of

1 assistance available under this subsection
2 to a provider of transportation services de-
3 scribed in clause (i) based on the amount
4 of funds provided under this section or the
5 Emergency Appropriations for Coronavirus
6 Health Response and Agency Operations
7 (division B of Public Law 116–136; 134
8 Stat. 505) that have supported a contract
9 or agreement described in clause (ii) to
10 which the provider of transportation serv-
11 ices is a party.

12 (iv) NOTICE REQUIREMENT.—A pro-
13 vider of transportation services that has
14 entered into or maintains a contract or
15 agreement described in clause (ii), and
16 that applies for assistance under this sub-
17 section, shall submit to the Secretary a no-
18 tice describing the contract or agreement,
19 including the amount of funds provided for
20 the contract or agreement under this sub-
21 section or the Emergency Appropriations
22 for Coronavirus Health Response and
23 Agency Operations (division B of Public
24 Law 116–136; 134 Stat. 505).

25 (3) AMOUNT.—

1 (A) FACTORS FOR CONSIDERATION.—In
2 determining the amount of assistance to be pro-
3 vided to an eligible provider of transportation
4 services under this subsection, the Secretary
5 shall take into consideration information pro-
6 vided by the provider of transportation services,
7 including—

8 (i) the amount of debt owed by the
9 provider of transportation services on
10 major equipment, if any;

11 (ii) other sources of Federal assist-
12 ance provided to the provider of transpor-
13 tation services, if any; and

14 (iii) such other information as the
15 Secretary may require.

16 (B) LIMITATIONS.—

17 (i) AWARD.—The Secretary shall en-
18 sure that the amount of assistance pro-
19 vided to a provider of transportation serv-
20 ices under this subsection, when combined
21 with any other Federal assistance provided
22 in response to COVID–19 under the
23 Coronavirus Aid, Relief, and Economic Se-
24 curity Act (Public Law 116–136; 134 Stat.
25 281), the Paycheck Protection Program

1 and Health Care Enhancement Act (Public
2 Law 116–139; 134 Stat. 620), or any
3 other provision of law, does not exceed the
4 total amount of revenue earned by the pro-
5 vider of transportation services during cal-
6 endar year 2019.

7 (ii) CERTIFICATION.—A provider of
8 transportation services seeking assistance
9 under this subsection shall submit to the
10 Secretary—

11 (I) documentation describing the
12 total amount of revenue earned by the
13 provider of transportation services
14 during calendar year 2019; and

15 (II) a certification that the
16 amount of assistance sought under
17 this subsection, when combined with
18 any other Federal assistance described
19 in clause (i), does not exceed the total
20 amount of revenue earned by the pro-
21 vider of transportation services during
22 calendar year 2019.

23 (4) FORM OF ASSISTANCE.—The amounts made
24 available under subsection (b) shall be provided to

1 eligible providers of transportation services in the
2 form of grants.

3 (5) EQUAL ACCESS.—The Secretary shall en-
4 sure equal access to the assistance provided under
5 this section to eligible providers of transportation
6 services that are small, minority-owned, and women-
7 owned businesses.

8 (6) CONDITIONS OF RECEIPT.—As a condition
9 of receipt of assistance under this subsection, the
10 Secretary shall require that a provider of transpor-
11 tation services shall agree—

12 (A) subject to paragraph (7)—

13 (i) to commence using the funds, on a
14 priority basis and to the extent the funds
15 are available, to maintain through the ap-
16 plicable covered period, expenditures on
17 payroll costs for all employees as of the
18 date of enactment of this Act, after mak-
19 ing any adjustments required for—

20 (I) retirement; or

21 (II) voluntary employee separa-
22 tion;

23 (ii) not to impose, during the covered
24 period—

25 (I) any involuntary furlough; or

1 (II) any reduction in pay rates or
2 benefits for nonexecutive employees;
3 and

4 (iii) to recall or rehire any employees
5 laid off, furloughed, or terminated after
6 March 27, 2020, to the extent warranted
7 by increased service levels;

8 (B) to return to the Secretary any funds
9 received under this subsection that are not used
10 by the provider of transportation services by the
11 date that is 1 year after the date of receipt of
12 the funds; and

13 (C) to examine the anticipated expenditure
14 of the funds by the provider of transportation
15 services for the purposes described in subpara-
16 graph (A) not less frequently than once every
17 90 days after the date of receipt of the funds.

18 (7) RAMP-UP PERIOD.—The requirement de-
19 scribed in paragraph (6)(A)(iii) shall not apply to a
20 provider of transportation services until the later
21 of—

22 (A) the date that is 30 days after the date
23 of receipt of the funds; and

24 (B) the date that is 90 days after the date
25 of enactment of this Act.

1 (8) ADDITIONAL CONDITIONS OF CERTAIN RE-
2 RECEIPTS.—

3 (A) PRIORITIZATION OF PAYROLL
4 COSTS.—As a condition of receipt of a grant
5 under this subsection, the Secretary shall re-
6 quire that, except as provided in subparagraph
7 (B), a provider of transportation services shall
8 agree to use an amount equal to not less than
9 60 percent of the funds on payroll costs of the
10 provider of transportation services.

11 (B) EXCEPTION.—Subparagraph (A) shall
12 not apply to a provider of transportation serv-
13 ices if the provider of transportation services
14 certifies to the Secretary that, after making any
15 adjustments required for retirement or vol-
16 untary employee separation—

17 (i) each nonseasonal employee on the
18 payroll of the provider of transportation
19 services on January 1, 2020—

20 (I) if laid off, furloughed, or ter-
21 minated by the provider of transpor-
22 tation services as described in para-
23 graph (6)(A)(iii), is rehired, or has
24 been offered rehire, by the provider of
25 transportation services; and

1 (II) if rehired under clause (i) or
2 subject to a reduction in salary before
3 the date of receipt by the provider of
4 transportation services of assistance
5 under this subsection, receives not less
6 than 100 percent of the previous sal-
7 ary of the employee;

8 (ii) the provider of transportation
9 services—

10 (I) is staffed at a level of full-
11 time equivalent, seasonal employees,
12 on a monthly basis, that is greater
13 than or equivalent to the level at
14 which the provider of transportation
15 services was staffed with full-time
16 equivalent, seasonal employees on a
17 monthly basis during calendar year
18 2019;

19 (II) is offering priority in rehir-
20 ing to seasonal employees that were
21 laid off, furloughed, terminated, or
22 not offered rehire in calendar year
23 2020, as the provider of transpor-
24 tation services achieves staffing at the
25 level described in subclause (I); and

1 (III) offers any seasonal em-
2 ployee rehired under subclause (II) or
3 subject to a reduction in salary before
4 the date of receipt by the provider of
5 transportation services of assistance
6 under this subsection not less than
7 100 percent of the previous salary of
8 the employee; and

9 (iii) the provider of transportation
10 services will fully cover, through the appli-
11 cable covered period, all payroll costs asso-
12 ciated with the staffing requirements de-
13 scribed in clauses (i) and (ii).

14 (9) FORMS; TERMS AND CONDITIONS.—A grant
15 provided under this section shall be in such form,
16 subject to such terms and conditions, and contain
17 such covenants, representations, warranties, and re-
18 quirements (including requirements for audits) as
19 the Secretary determines to be appropriate in ac-
20 cordance with this section.

21 (d) ELIGIBLE ACTIVITIES.—

22 (1) IN GENERAL.—Subject to the priority de-
23 scribed in subsection (c)(6)(A), a provider of trans-
24 portation services shall use assistance provided
25 under subsection (c) only for—

1 (A) the payment of payroll costs;

2 (B) the acquisition of services, equipment,
3 including personal protective equipment, and
4 other measures needed to protect workers and
5 customers from COVID–19;

6 (C) continued operations and maintenance
7 during the applicable covered period of existing
8 capital equipment and facilities—

9 (i) including rent, leases, insurance,
10 and interest on regularly scheduled debt
11 service; but

12 (ii) not including any prepayment of,
13 or payment of principal on, a debt obliga-
14 tion, except for any principal on a debt ob-
15 ligation accrued by the provider of trans-
16 portation services directly to maintain the
17 expenditures of the provider of transpor-
18 tation services on payroll costs throughout
19 the COVID–19 pandemic; or

20 (D) the compensation of returning employ-
21 ees for lost pay and benefits during the
22 COVID–19 pandemic, subject to subsection (e).

23 (2) ELIGIBILITY.—The use of assistance pro-
24 vided under subsection (c) for the compensation of
25 returning employees under paragraph (1)(D) shall

1 be counted toward the required amount of grants to
2 be used on payroll costs under subsection (c)(6)(A).

3 (e) COMPENSATION OF RETURNING EMPLOYEES.—

4 Notwithstanding any other provision of law, any com-
5 pensation provided to a returning employee under sub-
6 section (d)(1)(D)—

7 (1) shall be offset by—

8 (A) any amounts received by the employee
9 from the provider of transportation services as
10 a result of the layoff, furlough, or termination
11 of the employee or any failure to hire the em-
12 ployee for seasonal employment during calendar
13 year 2020, including—

14 (i) furlough pay;

15 (ii) severance pay; or

16 (iii) separation pay; and

17 (B) any amounts the employee received
18 from unemployment insurance; and

19 (2) shall not—

20 (A) be considered an overpayment for pur-
21 poses of any State or Federal unemployment
22 law; or

23 (B) be subject to any overpayment recov-
24 ery efforts by a State agency (as defined in sec-
25 tion 205 of the Federal-State Extended Unem-

1 ployment Compensation Act of 1970 (U.S.C.
2 3304 note)).

3 (f) ADMINISTRATIVE PROVISIONS.—

4 (1) IN GENERAL.—The Secretary may take
5 such actions as the Secretary determines to be nec-
6 essary to carry out this section, including—

7 (A) using direct hiring authority to hire
8 employees to administer this section;

9 (B) entering into contracts, including con-
10 tracts for services authorized by this section;
11 and

12 (C) issuing such regulations and other
13 guidance as may be necessary or appropriate to
14 carry out the purposes of this section.

15 (2) ADMINISTRATIVE EXPENSES.—Of the funds
16 made available under this section, not more than
17 \$50,000,000 may be used by the Secretary for ad-
18 ministrative expenses to carry out this section.

19 (3) AVAILABILITY FOR OBLIGATION.—The
20 funds made available under this section shall remain
21 available for obligation until the date that is 3 years
22 after the date of enactment of this Act.

1 **Subtitle C—Motor Carrier Safety**
2 **Grant Relief Act of 2020**

3 **SEC. 440. SHORT TITLE.**

4 This subtitle may be cited as the “Motor Carrier
5 Safety Grant Relief Act of 2020”.

6 **SEC. 441. RELIEF FOR RECIPIENTS OF FINANCIAL ASSIST-**
7 **ANCE AWARDS FROM THE FEDERAL MOTOR**
8 **CARRIER SAFETY ADMINISTRATION.**

9 (a) **DEFINITION OF SECRETARY.**—In this section, the
10 term “Secretary” means the Secretary of Transportation.

11 (b) **RELIEF FOR RECIPIENTS OF FINANCIAL ASSIST-**
12 **ANCE AWARDED FOR FISCAL YEARS 2019 AND 2020.**—

13 (1) **IN GENERAL.**—Notwithstanding any provi-
14 sion of chapter 311 of title 49, United States Code
15 (including any applicable period of availability under
16 section 31104(f) of that title), and any regulations
17 promulgated under that chapter and subject to para-
18 graph (2), the period of availability during which a
19 recipient may expend amounts made available to the
20 recipient under a grant or cooperative agreement de-
21 scribed in subparagraphs (A) through (E) shall be—

22 (A) for a grant made under section 31102
23 of that title (other than subsection (l) of that
24 section)—

1 (i) the fiscal year in which the Sec-
2 retary approves the financial assistance
3 agreement with respect to the grant; and

4 (ii) the following 2 fiscal years;

5 (B) for a grant made or a cooperative
6 agreement entered into under section
7 31102(1)(2) of that title—

8 (i) the fiscal year in which the Sec-
9 retary approves the financial assistance
10 agreement with respect to the grant or co-
11 operative agreement; and

12 (ii) the following 3 fiscal years;

13 (C) for a grant made under section
14 31102(1)(3) of that title—

15 (i) the fiscal year in which the Sec-
16 retary approves the financial assistance
17 agreement with respect to the grant; and

18 (ii) the following 5 fiscal years;

19 (D) for a grant made under section 31103
20 of that title—

21 (i) the fiscal year in which the Sec-
22 retary approves the financial assistance
23 agreement with respect to the grant; and

24 (ii) the following 2 fiscal years; and

1 (E) for a grant made or a cooperative
2 agreement entered into under section 31313 of
3 that title—

4 (i) the year in which the Secretary ap-
5 proves the financial assistance agreement
6 with respect to the grant or cooperative
7 agreement; and

8 (ii) the following 5 fiscal years.

9 (2) APPLICABILITY.—

10 (A) AMOUNTS AWARDED FOR FISCAL
11 YEARS 2019 AND 2020.—The periods of avail-
12 ability described in paragraph (1) shall apply
13 only—

14 (i) to amounts awarded for fiscal year
15 2019 or 2020 under a grant or cooperative
16 agreement described in subparagraphs (A)
17 through (E) of that paragraph; and

18 (ii) for the purpose of expanding the
19 period of availability during which the re-
20 cipient may expend the amounts described
21 in clause (i).

22 (B) AMOUNTS AWARDED FOR OTHER
23 YEARS.—The periods of availability described in
24 paragraph (1) shall not apply to any amounts
25 awarded under a grant or cooperative agree-

1 ment described in subparagraphs (A) through
2 (E) of that paragraph for any fiscal year other
3 than fiscal year 2019 or 2020, and those
4 amounts shall be subject to the period of avail-
5 ability otherwise applicable to those amounts
6 under Federal law.

7 **Subtitle D—Extension of Waiver**
8 **Authority**

9 **SEC. 442. EXTENSION OF WAIVER AUTHORITY.**

10 Notwithstanding any other provision of law, in fiscal
11 year 2021, the Secretary of Transportation may exercise
12 the authority provided by section 22005 of division B of
13 the CARES Act (23 U.S.C. 401 note; Public Law 116–
14 136).

15 **TITLE V—BANKING**

16 **Subtitle A—Emergency Rental**
17 **Assistance**

18 **SEC. 501. EMERGENCY RENTAL ASSISTANCE.**

19 (a) APPROPRIATION.—

20 (1) IN GENERAL.—Out of any money in the
21 Treasury of the United States not otherwise appro-
22 priated, there are appropriated for making payments
23 to eligible grantees under this section,
24 \$25,000,000,000 for fiscal year 2021.

1 (2) RESERVATION OF FUNDS FOR THE TERRI-
2 TORIES AND TRIBAL COMMUNITIES.—Of the amount
3 appropriated under paragraph (1), the Secretary
4 shall reserve—

5 (A) \$400,000,000 of such amount for
6 making payments under this section to the
7 Commonwealth of Puerto Rico, the United
8 States Virgin Islands, Guam, the Common-
9 wealth of the Northern Mariana Islands, and
10 American Samoa; and

11 (B) \$800,000,000 of such amount for
12 making payments under this section to eligible
13 grantees described in subparagraphs (C) and
14 (D) of subsection (k)(2); and

15 (C) \$15,000,000 for administrative ex-
16 penses of the Secretary described in subsection
17 (h).

18 (b) PAYMENTS FOR RENTAL ASSISTANCE.—

19 (1) ALLOCATION AND PAYMENTS TO STATES
20 AND UNITS OF LOCAL GOVERNMENT.—

21 (A) IN GENERAL.—The amount appro-
22 priated under paragraph (1) of subsection (a)
23 that remains after the application of paragraph
24 (2) of such subsection shall be allocated and
25 paid to eligible grantees described in subpara-

1 graph (B) in the same manner as the amount
2 appropriated under subsection (a)(1) of section
3 601 of the Social Security Act (42 U.S.C. 801)
4 is allocated and paid to States and units of
5 local government under subsections (b) and (c)
6 of such section, and shall be subject to the
7 same requirements, except that—

8 (i) the deadline for payments under
9 section 601(b)(1) of such Act shall, for
10 purposes of payments under this section,
11 be deemed to be not later than 30 days
12 after the date of enactment of this section;

13 (ii) the amount referred to in para-
14 graph (3) of section 601(c) of such Act
15 shall be deemed to be the amount appro-
16 priated under paragraph (1) of subsection
17 (a) of this Act that remains after the ap-
18 plication of paragraph (2) of such sub-
19 section;

20 (iii) section 601(c) of the Social Secu-
21 rity Act shall be applied—

22 (I) by substituting “1 of the 50
23 States or the District of Columbia”
24 for “1 of the 50 States” each place it
25 appears;

1 (II) in paragraph (2)(A), by sub-
2 stituting “ \$200,000,000” for “
3 \$1,250,000,000”;

4 (III) in paragraph (2)(B), by
5 substituting “each of the 50 States
6 and District of Columbia” for “each
7 of the 50 States”;

8 (IV) in paragraph (4), by sub-
9 stituting “excluding the Common-
10 wealth of Puerto Rico, the United
11 States Virgin Islands, Guam, the
12 Commonwealth of the Northern Mar-
13 iana Islands, and American Samoa”
14 for “excluding the District of Colum-
15 bia and territories specified in sub-
16 section (a)(2)(A)”;

17 (V) without regard to paragraph
18 (6);

19 (iv) section 601(d) of such Act shall
20 not apply to such payments; and

21 (v) section 601(e) shall be applied —

22 (I) by substituting “under section
23 501 of subtitle A of title V of division
24 N of the Consolidated Appropriations

1 Act, 2021” for “under this section”;
2 and

3 (II) by substituting “local gov-
4 ernment elects to receive funds from
5 the Secretary under section 501 of
6 subtitle A of title V of division N of
7 the Consolidated Appropriations Act,
8 2021 and will use the funds in a man-
9 ner consistent with such section” for
10 “local government’s proposed uses of
11 the funds are consistent with sub-
12 section (d)”.

13 (B) ELIGIBLE GRANTEES DESCRIBED.—
14 The eligible grantees described in this subpara-
15 graph are the following:

16 (i) A State that is 1 of the 50 States
17 or the District of Columbia.

18 (ii) A unit of local government located
19 in a State described in clause (i).

20 (2) ALLOCATION AND PAYMENTS TO TRIBAL
21 COMMUNITIES.—

22 (A) IN GENERAL.—From the amount re-
23 served under subsection (a)(2)(B), the Sec-
24 retary shall—

1 (i) pay the amount equal to 0.3 per-
2 cent of such amount to the Department of
3 Hawaiian Home Lands; and
4 (ii) subject to subparagraph (B), from
5 the remainder of such amount, allocate
6 and pay to each Indian tribe (or, if appli-
7 cable, the tribally designated housing enti-
8 ty of an Indian tribe) that was eligible for
9 a grant under title I of the Native Amer-
10 ican Housing Assistance and Self-Deter-
11 mination Act of 1996 (NAHASDA) (25
12 U.S.C. 4111 et seq.) for fiscal year 2020
13 an amount that bears the same proportion
14 to the such remainder as the amount each
15 such Indian tribe (or entity) was eligible to
16 receive for such fiscal year from the
17 amount appropriated under paragraph (1)
18 under the heading “NATIVE AMERICAN
19 PROGRAMS” under the heading “PUBLIC
20 AND INDIAN HOUSING” of title II of divi-
21 sion H of the Further Consolidated Appro-
22 priations Act, 2020 (Public Law 116–94)
23 to carry out the Native American Housing
24 Block Grants program bears to the amount
25 appropriated under such paragraph for

1 such fiscal year, provided the Secretary
2 shall be authorized to allocate, in an equi-
3 table manner as determined by the Sec-
4 retary, and pay any Indian tribe that opted
5 out of receiving a grant allocation under
6 the Native American Housing Block
7 Grants program formula in fiscal year
8 2020, including by establishing a minimum
9 amount of payments to such Indian tribe,
10 provided such Indian tribe notifies the Sec-
11 retary not later than 30 days after the
12 date of enactment of this Act that it in-
13 tends to receive allocations and payments
14 under this section.

15 (B) PRO RATA ADJUSTMENT; DISTRIBUTION OF DECLINED FUNDS.—

17 (i) PRO RATA ADJUSTMENTS.—The
18 Secretary shall make pro rata reductions
19 in the amounts of the allocations deter-
20 mined under clause (ii) of subparagraph
21 (A) for entities described in such clause as
22 necessary to ensure that the total amount
23 of payments made pursuant to such clause
24 does not exceed the remainder amount de-
25 scribed in such clause.

1 (ii) DISTRIBUTION OF DECLINED
2 FUNDS.—If the Secretary determines as of
3 30 days after the date of enactment of this
4 Act that an entity described in clause (ii)
5 of subparagraph (A) has declined to re-
6 ceive its full allocation under such clause
7 then, not later than 15 days after such
8 date, the Secretary shall redistribute, on a
9 pro rata basis, such allocation among the
10 other entities described in such clause that
11 have not declined to receive their alloca-
12 tions.

13 (3) ALLOCATIONS AND PAYMENTS TO TERRI-
14 TORIES.—

15 (A) IN GENERAL.—From the amount re-
16 served under subsection (a)(2)(A), subject to
17 subparagraph (B), the Secretary shall allocate
18 and pay to each eligible grantee described in
19 subparagraph (C) an amount equal to the prod-
20 uct of—

21 (i) the amount so reserved; and
22 (ii) each such eligible grantee's share
23 of the combined total population of all
24 such eligible grantees, as determined by
25 the Secretary.

1 (B) ALLOCATION ADJUSTMENT.—

2 (i) REQUIREMENT.—The sum of the
3 amounts allocated under subparagraph (A)
4 to all of the eligible grantees described in
5 clause (ii) of subparagraph (C) shall not be
6 less than the amount equal to 0.3 percent
7 of the amount appropriated under sub-
8 section (a)(1).

9 (ii) REDUCTION.—The Secretary shall
10 reduce the amount of the allocation deter-
11 mined under subparagraph (A) for the eli-
12 gible grantee described in clause (i) of sub-
13 paragraph (C) as necessary to meet the re-
14 quirement of clause (i).

15 (C) ELIGIBLE GRANTEE DESCRIBED.—
16 The eligible grantees described in this subpara-
17 graph are—

18 (i) the Commonwealth of Puerto Rico;

19 and

20 (ii) the United States Virgin Islands,
21 Guam, the Commonwealth of the Northern
22 Mariana Islands, and American Samoa.

23 (c) USE OF FUNDS.—

24 (1) IN GENERAL.—An eligible grantee shall
25 only use the funds provided from a payment made

1 under this section to provide financial assistance and
2 housing stability services to eligible households.

3 (2) FINANCIAL ASSISTANCE.—

4 (A) IN GENERAL.—Not less than 90 per-
5 cent of the funds received by an eligible grantee
6 from a payment made under this section shall
7 be used to provide financial assistance to eligi-
8 ble households, including the payment of

9 (i) rent;

10 (ii) rental arrears;

11 (iii) utilities and home energy costs;

12 (iv) utilities and home energy costs
13 arrears; and

14 (v) other expenses related to housing
15 incurred due, directly or indirectly, to the
16 novel coronavirus disease (COVID-19) out-
17 break, as defined by the Secretary.

18 Such assistance shall be provided for a period
19 not to exceed 12 months except that grantees
20 may provide assistance for an additional 3
21 months only if necessary to ensure housing sta-
22 bility for a household subject to the availability
23 of funds.

24 (B) LIMITATION ON ASSISTANCE FOR PRO-
25 SPECTIVE RENT PAYMENTS.—

1 (i) IN GENERAL.—Subject to the ex-
2 ception in clause (ii), an eligible grantee
3 shall not provide an eligible household with
4 financial assistance for prospective rent
5 payments for more than 3 months based
6 on any application by or on behalf of the
7 household.

8 (ii) EXCEPTION.—For any eligible
9 household described in clause (i), such
10 household may receive financial assistance
11 for prospective rent payments for addi-
12 tional months:

13 (I) subject to the availability of
14 remaining funds currently allocated to
15 the eligible grantee, and

16 (II) based on a subsequent appli-
17 cation for additional financial assist-
18 ance provided that the total months of
19 financial assistance provided to the
20 household do not exceed the total
21 months of assistance allowed under
22 subparagraph (A).

23 (iii) FURTHER LIMITATION.—To the
24 extent that applicants have rental arrears,
25 grantees may not make commitments for

1 prospective rent payments unless they have
2 also provided assistance to reduce an eligi-
3 ble household's rental arrears.

4 (C) DISTRIBUTION OF FINANCIAL ASSIST-
5 ANCE.—

6 (i) PAYMENTS.—

7 (I) IN GENERAL.—With respect
8 to financial assistance for rent and
9 rental arrears and utilities and home
10 energy costs and utility and home en-
11 ergy costs arrears provided to an eligi-
12 ble household from a payment made
13 under this section, an eligible grantee
14 shall make payments to a lessor or
15 utility provider on behalf of the eligi-
16 ble household, except that, if the les-
17 sor or utility provider does not agree
18 to accept such payment from the
19 grantee after outreach to the lessor or
20 utility provider by the grantee, the
21 grantee may make such payments di-
22 rectly to the eligible household for the
23 purpose of making payments to the
24 lessor or utility provider.

1 (II) RULE OF CONSTRUCTION.—

2 Nothing in this section shall be con-
3 strued to invalidate any otherwise le-
4 gitimate grounds for eviction.

5 (ii) DOCUMENTATION.—For any pay-
6 ments made by an eligible grantee to a les-
7 sor or utility provider on behalf of an eligi-
8 ble household, the eligible grantee shall
9 provide documentation of such payments to
10 such household.

11 (3) HOUSING STABILITY SERVICES.—Not more
12 than 10 percent of funds received by an eligible
13 grantee from a payment made under this section
14 may be used to provide eligible households with case
15 management and other services related to the novel
16 coronavirus disease (COVID-19) outbreak, as de-
17 fined by the Secretary, intended to help keep house-
18 holds stably housed.

19 (4) PRIORITIZATION OF ASSISTANCE.—

20 (A) In reviewing applications for financial
21 assistance and housing stability services to eligi-
22 ble households from a payment made under this
23 section, an eligible grantee shall prioritize con-
24 sideration of the applications of an eligible

1 household that satisfies any of the following
2 conditions:

3 (i) The income of the household does
4 not exceed 50 percent of the area median
5 income for the household.

6 (ii) 1 or more individuals within the
7 household are unemployed as of the date of
8 the application for assistance and have not
9 been employed for the 90-day period pre-
10 ceding such date.

11 (B) Nothing in this section shall be con-
12 strued to prohibit an eligible grantee from pro-
13 viding a process for the further prioritizing of
14 applications for financial assistance and hous-
15 ing stability services from a payment made
16 under this section, including to eligible house-
17 holds in which 1 or more individuals within the
18 household were unable to reach their place of
19 employment or their place of employment was
20 closed because of a public health order imposed
21 as a direct result of the COVID-19 public
22 health emergency.

23 (5) ADMINISTRATIVE COSTS.—

24 (A) IN GENERAL.—Not more than 10 per-
25 cent of the amount paid to an eligible grantee

1 under this section may be used for administra-
2 tive costs attributable to providing financial as-
3 sistance and housing stability services under
4 paragraphs (2) and (3), respectively, including
5 for data collection and reporting requirements
6 related to such funds.

7 (B) NO OTHER ADMINISTRATIVE COSTS.—
8 Amounts paid under this section shall not be
9 used for any administrative costs other than to
10 the extent allowed under subparagraph (A).

11 (d) REALLOCATION OF UNUSED FUNDS.—Beginning
12 on September 30, 2021, the Secretary shall recapture ex-
13 cess funds, as determined by the Secretary, not obligated
14 by a grantee for the purposes described under subsection
15 (c) and the Secretary shall reallocate and repay such
16 amounts to eligible grantees who, at the time of such re-
17 allocation, have obligated at least 65 percent of the
18 amount originally allocated and paid to such grantee
19 under subsection (b)(1), only for the allowable uses de-
20 scribed under subsection (c). The amount of any such re-
21 allocation shall be determined based on demonstrated need
22 within a grantee’s jurisdiction, as determined by the Sec-
23 retary.

24 (e) AVAILABILITY.—

1 (1) IN GENERAL.—Funds provided to an eligi-
2 ble grantee under a payment made under this sec-
3 tion shall remain available through December 31,
4 2021.

5 (2) EXTENSION FOR FUNDS PROVIDED PURSU-
6 ANT TO A REALLOCATION OF UNUSED FUNDS.—For
7 funds reallocated to an eligible grantee pursuant to
8 subsection (d), an eligible grantee may request, sub-
9 ject to the approval of the Secretary, a 90-day exten-
10 sion of the deadline established in paragraph (1).

11 (f) APPLICATION FOR ASSISTANCE BY LANDLORDS
12 AND OWNERS.—

13 (1) IN GENERAL.—Subject to paragraph (2),
14 nothing in this section shall preclude a landlord or
15 owner of a residential dwelling from—

16 (A) assisting a renter of such dwelling in
17 applying for assistance from a payment made
18 under this section; or

19 (B) applying for such assistance on behalf
20 of a renter of such dwelling.

21 (2) REQUIREMENTS FOR APPLICATIONS SUB-
22 MITTED ON BEHALF OF TENANTS.—If a landlord or
23 owner of a residential dwelling submits an applica-
24 tion for assistance from a payment made under this
25 section on behalf of a renter of such dwelling—

1 (A) the landlord must obtain the signature
2 of the tenant on such application, which may be
3 documented electronically;

4 (B) documentation of such application
5 shall be provided to the tenant by the landlord;
6 and

7 (C) any payments received by the landlord
8 from a payment made under this section shall
9 be used to satisfy the tenant's rental obligations
10 to the owner.

11 (g) REPORTING REQUIREMENTS.—

12 (1) IN GENERAL.—The Secretary, in consulta-
13 tion with the Secretary of Housing and Urban De-
14 velopment, shall provide public reports not less fre-
15 quently than quarterly regarding the use of funds
16 made available under this section, which shall in-
17 clude, with respect to each eligible grantee under
18 this section, both for the past quarter and over the
19 period for which such funds are available—

20 (A) the number of eligible households that
21 receive assistance from such payments;

22 (B) the acceptance rate of applicants for
23 assistance;

24 (C) the type or types of assistance pro-
25 vided to each eligible household;

1 (D) the average amount of funding pro-
2 vided per eligible household receiving assistance;

3 (E) household income level, with such in-
4 formation disaggregated for households with in-
5 come that—

6 (i) does not exceed 30 percent of the
7 area median income for the household;

8 (ii) exceeds 30 percent but does not
9 exceed 50 percent of the area median in-
10 come for the household; and

11 (iii) exceeds 50 percent but does not
12 exceed 80 percent of area median income
13 for the household; and

14 (F) the average number of monthly rental
15 or utility payments that were covered by the
16 funding amount that a household received, as
17 applicable.

18 (2) DISAGGREGATION.—Each report under this
19 subsection shall disaggregate the information relat-
20 ing to households provided under subparagraphs (A)
21 through (F) of paragraph (1) by the gender, race,
22 and ethnicity of the primary applicant for assistance
23 in such households.

24 (3) ALTERNATIVE REPORTING REQUIREMENTS
25 FOR CERTAIN GRANTEES.—The Secretary may es-

1 tabish alternative reporting requirements for grant-
2 ees described in subsection (b)(2).

3 (4) PRIVACY REQUIREMENTS.—

4 (A) IN GENERAL.—Each eligible grantee
5 that receives a payment under this section shall
6 establish data privacy and security require-
7 ments for the information described in para-
8 graph (1) that—

9 (i) include appropriate measures to
10 ensure that the privacy of the individuals
11 and households is protected;

12 (ii) provide that the information, in-
13 cluding any personally identifiable informa-
14 tion, is collected and used only for the pur-
15 pose of submitting reports under para-
16 graph (1); and

17 (iii) provide confidentiality protections
18 for data collected about any individuals
19 who are survivors of intimate partner vio-
20 lence, sexual assault, or stalking.

21 (B) STATISTICAL RESEARCH.—

22 (i) IN GENERAL.—The Secretary—

23 (I) may provide full and
24 unredacted information provided
25 under subparagraphs (A) through (F)

1 of paragraph (1), including personally
2 identifiable information, for statistical
3 research purposes in accordance with
4 existing law; and

5 (II) may collect and make avail-
6 able for statistical research, at the
7 census tract level, information col-
8 lected under subparagraph (A).

9 (ii) APPLICATION OF PRIVACY RE-
10 QUIREMENTS.—A recipient of information
11 under clause (i) shall establish for such in-
12 formation the data privacy and security re-
13 quirements described in subparagraph (A).

14 (5) NONAPPLICATION OF THE PAPERWORK RE-
15 DUCATION ACT.—Subchapter I of chapter 35 of title
16 44, United States Code, shall not apply to the collec-
17 tion of information for the reporting or research re-
18 quirements specified in this subsection.

19 (h) ADMINISTRATIVE EXPENSES OF THE SEC-
20 RETARY.—Of the funds appropriated pursuant to sub-
21 section (a), not more than \$15,000,000 may be used for
22 administrative expenses of the Secretary in administering
23 this section, including technical assistance to grantees in
24 order to facilitate effective use of funds provided under
25 this section.

1 (i) Inspector General Oversight; Recoupment

2 (1) OVERSIGHT AUTHORITY.—The Inspector
3 General of the Department of the Treasury shall
4 conduct monitoring and oversight of the receipt, dis-
5 bursement, and use of funds made available under
6 this section.

7 (2) RECOUPMENT.—If the Inspector General of
8 the Department of the Treasury determines that a
9 State, Tribal government, or unit of local govern-
10 ment has failed to comply with subsection (c), the
11 amount equal to the amount of funds used in viola-
12 tion of such subsection shall be booked as a debt of
13 such entity owed to the Federal Government.
14 Amounts recovered under this subsection shall be de-
15 posited into the general fund of the Treasury.

16 (3) APPROPRIATION.—Out of any money in the
17 Treasury of the United States not otherwise appro-
18 priated, there are appropriated to the Office of the
19 Inspector General of the Department of the Treas-
20 ury, \$6,500,000 to carry out oversight and
21 recoupment activities under this subsection.
22 Amounts appropriated under the preceding sentence
23 shall remain available until expended.

24 (4) AUTHORITY OF INSPECTOR GENERAL.—
25 Nothing in this subsection shall be construed to di-

1 minish the authority of any Inspector General, in-
2 cluding such authority as provided in the Inspector
3 General Act of 1978 (5 U.S.C. App.)

4 (j) TREATMENT OF ASSISTANCE.—Assistance pro-
5 vided to a household from a payment made under this sec-
6 tion shall not be regarded as income and shall not be re-
7 garded as a resource for purposes of determining the eligi-
8 bility of the household or any member of the household
9 for benefits or assistance, or the amount or extent of bene-
10 fits or assistance, under any Federal program or under
11 any State or local program financed in whole or in part
12 with Federal funds.

13 (k) DEFINITIONS.—In this section:

14 (1) AREA MEDIAN INCOME.—The term “area
15 median income” means, with respect to a household,
16 the median income for the area in which the house-
17 hold is located, as determined by the Secretary of
18 Housing and Urban Development.

19 (2) ELIGIBLE GRANTEE.—The term “eligible
20 grantee” means any of the following:

21 (A) A State (as defined in section
22 601(g)(4) of the Social Security Act (42 U.S.C.
23 801(g)(4)).

24 (B) A unit of local government (as defined
25 in paragraph (5)).

1 (C) An Indian tribe or its tribally des-
2 ignated housing entity (as such terms are de-
3 fined in section 4 of the Native American Hous-
4 ing Assistance and Self-Determination Act of
5 1996 (25 U.S.C. 4103)) that was eligible to re-
6 ceive a grant under title I of such Act (25
7 U.S.C. 4111 et seq.) for fiscal year 2020 from
8 the amount appropriated under paragraph (1)
9 under the heading “NATIVE AMERICAN PRO-
10 GRAMS” under the heading “PUBLIC AND IN-
11 DIAN HOUSING” of title II of division H of the
12 Further Consolidated Appropriations Act, 2020
13 (Public Law 116–94) to carry out the Native
14 American Housing Block Grants program. For
15 the avoidance of doubt, the term Indian tribe
16 shall include Alaska native corporations estab-
17 lished pursuant to the Alaska Native Claims
18 Settlement Act (43 U.S.C. 1601 et seq.).

19 (D) The Department of Hawaiian Home-
20 lands.

21 (3) ELIGIBLE HOUSEHOLD.—

22 (A) IN GENERAL.—The term “eligible
23 household” means a household of 1 or more in-
24 dividuals who are obligated to pay rent on a

1 residential dwelling and with respect to which
2 the eligible grantee involved determines—

3 (i) that 1 or more individuals within
4 the household has

5 (I) qualified for unemployment
6 benefits or

7 (II) experienced a reduction in
8 household income, incurred significant
9 costs, or experienced other financial
10 hardship due, directly or indirectly, to
11 the novel coronavirus disease
12 (COVID–19) outbreak, which the ap-
13 plicant shall attest in writing;

14 (ii) that 1 or more individuals within
15 the household can demonstrate a risk of
16 experiencing homelessness or housing in-
17 stability, which may include—

18 (I) a past due utility or rent no-
19 tice or eviction notice;

20 (II) unsafe or unhealthy living
21 conditions; or

22 (III) any other evidence of such
23 risk, as determined by the eligible
24 grantee involved; and

1 (iii) the household has a household in-
2 come that is not more than 80 percent of
3 the area median income for the household.

4 (B) EXCEPTION.—To the extent feasible,
5 an eligible grantee shall ensure that any rental
6 assistance provided to an eligible household
7 pursuant to funds made available under this
8 section is not duplicative of any other Federally
9 funded rental assistance provided to such
10 household.

11 (C) INCOME DETERMINATION.—

12 (i) In determining the income of a
13 household for purposes of determining
14 such household's eligibility for assistance
15 from a payment made under this section
16 (including for purposes of subsection
17 (c)(4)), the eligible grantee involved shall
18 consider either

19 (I) the household's total income
20 for calendar year 2020, or

21 (II) subject to clause (ii), suffi-
22 cient confirmation, as determined by
23 the Secretary, of the household's
24 monthly income at the time of appli-
25 cation for such assistance.

1 (ii) In the case of income determined
2 under subclause (II), the eligible grantee
3 shall be required to re-determine the eligi-
4 bility of a household’s income after each
5 such period of 3 months for which the
6 household receives assistance from a pay-
7 ment made under this section.

8 (4) INSPECTOR GENERAL.—The term “Inspec-
9 tor General” means the Inspector General of the De-
10 partment of the Treasury.

11 (5) SECRETARY.—The term “Secretary” means
12 the Secretary of the Treasury.

13 (6) UNIT OF LOCAL GOVERNMENT.—The term
14 “unit of local government” has the meaning given
15 such term in paragraph (2) of section 601(g) of the
16 Social Security Act (42 U.S.C. 801(g)), except that,
17 in applying such term for purposes of this section,
18 such paragraph shall be applied by substituting
19 “200,000” for “500,000”.

20 (1) TERMINATION OF PROGRAM.—The authority of
21 an eligible grantee to make new obligations to provide pay-
22 ments under subsection (c) shall terminate on the date
23 established in subsection (e) for that eligible grantee.
24 Amounts not expended in accordance with this section
25 shall revert to the Department of the Treasury.

1 **SEC. 502. EXTENSION OF EVICTION MORATORIUM.**

2 The order issued by the Centers for Disease Control
3 and Prevention under section 361 of the Public Health
4 Service Act (42 U.S.C. 264), entitled “Temporary Halt
5 in Residential Evictions To Prevent the Further Spread
6 of COVID–19” (85 Fed. Reg. 55292 (September 4, 2020))
7 is extended through January 31, 2021, notwithstanding
8 the effective dates specified in such Order.

9 **Subtitle B—Community**
10 **Development Investment**

11 **SEC. 520. PURPOSE.**

12 The purpose of this subtitle is to establish emergency
13 programs to revitalize and provide long-term financial
14 products and service availability for, and provide invest-
15 ments in, low- and moderate-income and minority commu-
16 nities that have disproportionately suffered from the im-
17 pacts of the COVID–19 pandemic.

18 **SEC. 521. CONSIDERATIONS; REQUIREMENTS FOR CREDI-**
19 **TORS.**

20 (a) **IN GENERAL.**—In exercising the authorities
21 under this subtitle and the amendments made by this sub-
22 title, the Secretary of the Treasury shall take into consid-
23 eration increasing the availability of affordable credit for
24 consumers, small businesses, and nonprofit organizations,
25 including for projects supporting affordable housing, com-
26 munity-serving real estate, and other projects, that pro-

1 vide direct benefits to low- and moderate-income commu-
2 nities, low-income and underserved individuals, and mi-
3 norities, that have disproportionately suffered from the
4 health and economic impacts of the COVID–19 pandemic.

5 (b) REQUIREMENT FOR CREDITORS.—Any creditor
6 participating in a program established under this subtitle
7 or the amendments made by this subtitle shall fully comply
8 with all applicable statutory and regulatory requirements
9 relating to fair lending.

10 **SEC. 522. CAPITAL INVESTMENTS FOR NEIGHBORHOODS**
11 **DISPROPORTIONATELY IMPACTED BY THE**
12 **COVID–19 PANDEMIC.**

13 (a) IN GENERAL.—The Community Development
14 Banking and Financial Institutions Act of 1994 (12
15 U.S.C. 4701 et seq.) is amended by inserting after section
16 104 (12 U.S.C. 4703) the following:

17 **“SEC. 104A. CAPITAL INVESTMENTS FOR NEIGHBORHOODS**
18 **DISPROPORTIONATELY IMPACTED BY THE**
19 **COVID–19 PANDEMIC.**

20 “(a) DEFINITIONS.—In this section—

21 “(1) the term ‘bank holding company’ has the
22 meaning given the term in section 2 of the Bank
23 Holding Company Act of 1956 (12 U.S.C. 1841);

1 “(2) the term ‘eligible institution’ means any
2 low- and moderate-income community financial insti-
3 tution that is eligible to participate in the Program;

4 “(3) the term ‘Emergency Capital Investment
5 Fund’ means the Emergency Capital Investment
6 Fund established under subsection (b);

7 “(4) the term ‘low- and moderate-income com-
8 munity financial institution’ means any financial in-
9 stitution that is—

10 “(A)(i) a community development financial
11 institution; or

12 “(ii) a minority depository institution; and

13 “(B)(i) an insured depository institution
14 that is not controlled by a bank holding com-
15 pany or savings and loan holding company that
16 is also an eligible institution;

17 “(ii) a bank holding company;

18 “(iii) a savings and loan holding company;

19 or

20 “(iv) a federally insured credit union;

21 “(5) the term ‘minority’ means any Black
22 American, Native American, Hispanic American,
23 Asian American, Native Alaskan, Native Hawaiian,
24 or Pacific Islander;

1 “(6) the term ‘minority depository institution’
2 means an entity that is—

3 “(A) a minority depository institution, as
4 defined in section 308 of the Financial Institu-
5 tions Reform, Recovery, and Enforcement Act
6 of 1989 (12 U.S.C. 1463 note); or

7 “(B) considered to be a minority depository
8 institution by—

9 “(i) the appropriate Federal banking
10 agency; or

11 “(ii) the National Credit Union Ad-
12 ministration, in the case of an insured
13 credit union; or

14 “(C) listed in the Federal Deposit Insur-
15 ance Corporation’s Minority Depository Institu-
16 tions List published for the Third Quarter
17 2020.

18 “(7) the term ‘Program’ means the Emergency
19 Capital Investment Program established under sub-
20 section (b);

21 “(8) the term ‘savings and loan holding com-
22 pany’ has the meaning given the term under section
23 10(a) of the Home Owners’ Loan Act (12 U.S.C.
24 1467a(a)); and

1 “(9) the ‘Secretary’ means the Secretary of the
2 Treasury.

3 “(b) ESTABLISHMENT.—

4 “(1) FUND ESTABLISHED.—There is estab-
5 lished in the Treasury of the United States a fund
6 to be known as the ‘Emergency Capital Investment
7 Fund’, which shall be administered by the Secretary.

8 “(2) PROGRAM AUTHORIZED.—The Secretary is
9 authorized to establish an emergency program
10 known as the ‘Emergency Capital Investment Pro-
11 gram’ to support the efforts of low- and moderate-
12 income community financial institutions to, among
13 other things, provide loans, grants, and forbearance
14 for small businesses, minority-owned businesses, and
15 consumers, especially in low-income and underserved
16 communities, including persistent poverty counties,
17 that may be disproportionately impacted by the eco-
18 nomic effects of the COVID–19 pandemic, by pro-
19 viding direct and indirect capital investments in low-
20 and moderate-income community financial institu-
21 tions consistent with this section.

22 “(c) PURCHASES.—

23 “(1) IN GENERAL.—Subject to paragraph (2),
24 the Emergency Capital Investment Fund shall be
25 available to the Secretary, without further appro-

1 priation or fiscal year limitation, for the costs of
2 purchases (including commitments to purchase), and
3 modifications of such purchases, of preferred stock
4 and other financial instruments from eligible institu-
5 tions on such terms and conditions as are deter-
6 mined by the Secretary in accordance with this sec-
7 tion.

8 “(2) PURCHASE LIMIT.—The aggregate amount
9 of purchases pursuant to paragraph (1) may not ex-
10 ceed \$9,000,000,000.

11 “(d) APPLICATION.—

12 “(1) ACCEPTANCE.—The Secretary shall begin
13 accepting applications for capital investments under
14 the Program not later than the end of the 30-day
15 period beginning on the date of enactment of this
16 section.

17 “(2) CONSULTATION WITH REGULATORS.—For
18 each eligible institution that applies to receive a cap-
19 ital investment under the Program, the Secretary
20 shall consult with the appropriate Federal banking
21 agency or the National Credit Union Administration,
22 as applicable, to determine whether the eligible insti-
23 tution may receive such capital investment.

24 “(3) ELIGIBILITY.—

1 “(A) IN GENERAL.—Only low- and mod-
2 erate-income community financial institutions
3 shall be eligible to participate in the Program.

4 “(B) ADDITIONAL CRITERIA.—The Sec-
5 retary may establish additional criteria for par-
6 ticipation by an institution in the Program, as
7 the Secretary may determine appropriate in
8 furtherance of the goals of the Program.

9 “(4) REQUIREMENT TO PROVIDE AN EMER-
10 GENCY INVESTMENT LENDING PLAN FOR COMMU-
11 NITIES THAT MAY BE DISPROPORTIONATELY IM-
12 PACTED BY THE ECONOMIC EFFECTS OF THE
13 COVID-19 PANDEMIC.—

14 “(A) IN GENERAL.—At the time that an
15 applicant submits an application to the Sec-
16 retary for a capital investment under the Pro-
17 gram, the applicant shall provide the Secretary,
18 along with the appropriate Federal banking
19 agency or the National Credit Union Adminis-
20 tration, as applicable, an investment and lend-
21 ing plan that—

22 “(i) demonstrates that not less than
23 30 percent of the lending of the applicant
24 over the past 2 fiscal years was made di-
25 rectly to low- and moderate income bor-

1 rowers, to borrowers that create direct ben-
2 efits for low- and moderate-income popu-
3 lations, to other targeted populations as
4 defined by the Fund, or any combination
5 thereof, as measured by the total number
6 and dollar amount of loans;

7 “*(ii)* describes how the business strat-
8 egy and operating goals of the applicant
9 will address community development needs
10 in communities that may be disproportion-
11 ately impacted by the economic effects of
12 COVID–19, which includes the needs of
13 small businesses, consumers, nonprofit or-
14 ganizations, community development, and
15 other projects providing direct benefits to
16 low- and moderate-income communities,
17 low-income individuals, and minorities
18 within the minority, rural, and urban low-
19 income and underserved areas served by
20 the applicant;

21 “*(iii)* includes a plan to provide com-
22 munity outreach and communication,
23 where appropriate;

24 “*(iv)* includes details on how the ap-
25 plicant plans to expand or maintain signifi-

1 cant lending or investment activity in low-
2 or moderate-income minority communities,
3 especially those that may be disproportion-
4 ately impacted by COVID–19 to histori-
5 cally disadvantaged borrowers, and to mi-
6 norities that have significant unmet capital
7 or financial services needs.

8 “(B) DOCUMENTATION.—In the case of an
9 applicant that is certified as a community devel-
10 opment financial institution as of the date of
11 enactment of this subsection, for purposes of
12 subparagraph (A)(i), the Secretary may rely on
13 documentation submitted by the applicant to
14 the Fund as part of certification compliance re-
15 porting.

16 “(5) INCENTIVES TO INCREASE LENDING AND
17 PROVIDE AFFORDABLE CREDIT.—

18 “(A) ISSUANCE AND PURCHASE OF PRE-
19 FERRED STOCK.—An eligible institution that
20 the Secretary approves for participation in the
21 Program may issue to the Secretary, and the
22 Secretary may purchase from such institution,
23 preferred stock that—

24 “(i) provides that the preferred stock
25 will—

1 “(I) be repaid not later than the
2 end of the 10-year period beginning
3 on the date of the capital investment
4 under the Program; or

5 “(II) at the end of such 10-year
6 period, be subject to such additional
7 terms as the Secretary shall prescribe,
8 which shall include a requirement that
9 the stock shall carry the highest divi-
10 dend or interest rate payable; and

11 “(ii) provides that the term and condi-
12 tion described under clause (i) shall not
13 apply if the application of that term and
14 condition would adversely affect the capital
15 treatment of the stock under current or
16 successor applicable capital provisions com-
17 pared to a capital instrument with iden-
18 tical terms other than the term and condi-
19 tion described under clause (i).

20 “(B) ALTERNATIVE FINANCIAL INSTRU-
21 MENTS.—If the Secretary determines that an
22 institution cannot feasibly issue preferred stock
23 as provided under subparagraph (A), such insti-
24 tution may issue to the Secretary, and the Sec-
25 retary may purchase from such institution, a

1 subordinated debt instrument whose terms are,
2 to the extent possible, consistent with require-
3 ments under the Program applicable to the
4 terms of preferred stock issued by institutions
5 participating in the Program, with such adjust-
6 ments as the Secretary determines appropriate,
7 including by taking into account the tax treat-
8 ment of payments made with respect to securi-
9 ties issued by such eligible institution.

10 “(6) REQUIREMENTS ON PREFERRED STOCK
11 AND OTHER FINANCIAL INSTRUMENT.—Any finan-
12 cial instrument issued to the Secretary by a low- and
13 moderate-income community financial institution
14 under the Program shall provide the following:

15 “(A) No dividends, interest or other simi-
16 lar required payments shall have a rate exceed-
17 ing 2 percent per annum for the first 10 years.

18 “(B) The annual required payment rate of
19 dividends, interest, or other similar payments of
20 a low- and moderate-income community finan-
21 cial institution shall be adjusted downward as
22 follows, based on lending by the institution dur-
23 ing the most recent annual period compared to
24 lending by the institution during the annual pe-
25 riod ending on September 30, 2020:

1 “(i) No dividends, interest, or other
2 similar payments shall be due within the
3 first 24-month period after the capital in-
4 vestment by the Secretary.

5 “(ii) If the amount of lending by the
6 institution within minority, rural, and
7 urban low-income and underserved commu-
8 nities and to low- and moderate-income
9 borrowers has increased in amount be-
10 tween 200 percent and 400 percent of the
11 amount of the capital investment, the an-
12 nual payment rate shall not exceed 1.25
13 percent per annum.

14 “(iii) If the amount of lending by the
15 institution within minority, rural, and
16 urban low-income and underserved commu-
17 nities and to low- and moderate-income
18 borrowers has increased by more than 400
19 percent of the capital investment, the an-
20 nual payment rate shall not exceed 0.5
21 percent per annum.

22 “(7) CONTINGENCY OF PAYMENTS BASED ON
23 CERTAIN FINANCIAL CRITERIA.—

24 “(A) DEFERRAL.—Any annual payments
25 under this section shall be deferred in any quar-

1 ter or payment period if any of the following is
2 true:

3 “(i) The low- and moderate-income
4 community institution fails to meet the
5 Tier 1 capital ratio or similar ratio as de-
6 termined by the Secretary.

7 “(ii) The low- and moderate-income
8 community financial institution fails to
9 achieve positive net income for the quarter
10 or payment period.

11 “(iii) The low- and moderate-income
12 community financial institution determines
13 that the payment would be detrimental to
14 the financial health of the institution and
15 the Chief Executive Officer and Chief Fi-
16 nancial Officer of the institution provide
17 written notice, in a form reasonably satis-
18 factory to the Secretary, of such deter-
19 mination and the basis thereof.

20 “(B) TESTING DURING NEXT PAYMENT
21 PERIOD.—Any annual payment that is deferred
22 under this section shall—

23 “(i) be tested against the metrics de-
24 scribed in subparagraph (A) at the begin-
25 ning of the next payment period; and

1 “(ii) continue to be deferred until the
2 metrics described in that subparagraph are
3 no longer applicable.

4 “(8) REQUIREMENTS IN CONNECTION WITH
5 FAILURE TO SATISFY PROGRAM GOALS.—Any finan-
6 cial instrument issued to the Secretary by a low- and
7 moderate-income community financial institution
8 under the Program may include such additional
9 terms and conditions as the Secretary determines
10 may be appropriate to provide the holders with
11 rights in the event that such institution fails to sat-
12 isfy applicable requirements under the Program or
13 to protect the interests of the Federal Government.

14 “(e) RESTRICTIONS.—

15 “(1) IN GENERAL.—Each low- and moderate-in-
16 come community financial institution may only issue
17 financial instruments or senior preferred stock under
18 this subsection with an aggregate principal amount
19 (or comparable amount) that is—

20 “(A) not more than \$250,000,000; and

21 “(B)(i) not more than 7.5 percent of total
22 assets for an institution with assets of more
23 than \$2,000,000,000;

24 “(ii) not more than 15 percent of total as-
25 sets for an institution with assets of not less

1 than \$500,000,000 and not more than
2 \$2,000,000,000; and

3 “(iii) not more than 22.5 percent of total
4 assets for an institution with assets of less than
5 \$500,000,000.

6 “(2) SET-ASIDES.—Of the amounts made avail-
7 able under subsection (c)(2), not less than
8 \$4,000,000,000 shall be made available for eligible
9 institutions with total assets of not more than
10 \$2,000,000,000 that timely apply to receive a capital
11 investment under the Program, of which not less
12 than \$2,000,000,000 shall be made available for eli-
13 gible institutions with total assets of less than
14 \$500,000,000 that timely apply to receive a capital
15 investment under the Program.

16 “(3) HOLDING OF INSTRUMENTS.—Holding any
17 instrument of a low- and moderate-income commu-
18 nity financial institution described in paragraph (1)
19 shall not give the Secretary or any successor that
20 owns the instrument any rights over the manage-
21 ment of the institution in the ordinary course of
22 business.

23 “(4) SALE OF INTEREST.—

24 “(A) IN GENERAL.—With respect to a cap-
25 ital investment made into a low- and moderate-

1 income community financial institution under
2 this section, the Secretary—

3 “(i) prior to any sale of such capital
4 investment to a third party, shall provide
5 the low- and moderate-income community
6 financial institution a right of first refusal
7 to buy back the investment under terms
8 that do not exceed a value as determined
9 by an independent third party;

10 “(ii) shall not sell more than 25 per-
11 cent of the outstanding equity interests of
12 any institution to a single third party with-
13 out the consent of such institution, which
14 may not be unreasonably withheld; and

15 “(iii) with the permission of the insti-
16 tution, may transfer or sell the interest of
17 the Secretary in the capital investment for
18 no consideration or for a de minimis
19 amount to a mission aligned nonprofit af-
20 filiate of an applicant that is an insured
21 community development financial institu-
22 tion.

23 “(B) CALCULATION OF OWNERSHIP FOR
24 MINORITY DEPOSITORY INSTITUTIONS.—The
25 calculation and determination of ownership

1 thresholds for a depository institution to qualify
2 as a minority depository institution shall ex-
3 clude any dilutive effect of equity investments
4 by the Federal Government, including under the
5 Program or through the Fund.

6 “(5) REPAYMENT INCENTIVES.—The Secretary
7 may establish repayment incentives that will apply to
8 capital investments under the Program in a manner
9 that the Secretary determines to be consistent with
10 the purposes of the Program.

11 “(f) TREATMENT OF CAPITAL INVESTMENTS.—The
12 Secretary shall seek to establish the terms of preferred
13 stock issued under the Program to enable such preferred
14 stock to receive Tier 1 capital treatment.

15 “(g) OUTREACH TO MINORITY COMMUNITIES.—The
16 Secretary shall require low- and moderate-income commu-
17 nity financial institutions receiving capital investments
18 under the Program to provide community outreach and
19 communication, where appropriate, describing the avail-
20 ability and application process of receiving loans made
21 possible by the Program through organizations, trade as-
22 sociations, and individuals that represent or work within
23 or are members of minority communities.

24 “(h) RESTRICTIONS.—

1 “(1) IN GENERAL.—Not later than the end of
2 the 30-day period beginning on the date of enact-
3 ment of this section, the Secretary shall issue rules
4 setting restrictions on executive compensation, share
5 buybacks, and dividend payments for recipients of
6 capital investments under the Program.

7 “(2) CONFLICTS OF INTEREST.—

8 “(A) DEFINITIONS.—In this paragraph:

9 “(i) CONTROLLING INTEREST.—The
10 term ‘controlling interest’ means owning,
11 controlling, or holding not less than 20
12 percent, by vote or value, of the out-
13 standing amount of any class of equity in-
14 terest in an entity.

15 “(ii) COVERED ENTITY.—The term
16 ‘covered entity’ means an entity in which a
17 covered individual directly or indirectly
18 holds a controlling interest. For the pur-
19 pose of determining whether an entity is a
20 covered entity, the securities owned, con-
21 trolled, or held by 2 or more individuals
22 who are related as described in clause
23 (iii)(II) shall be aggregated.

24 “(iii) COVERED INDIVIDUAL.—The
25 term ‘covered individual’ means—

1 “(I) the President, the Vice
2 President, the head of an Executive
3 department, or a Member of Con-
4 gress; and

5 “(II) the spouse, child, son-in-
6 law, or daughter-in-law, as determined
7 under applicable common law, of an
8 individual described in subclause (i).

9 “(iv) EXECUTIVE DEPARTMENT.—The
10 term ‘Executive department’ has the mean-
11 ing given the term in section 101 of title
12 5, United States Code.

13 “(v) MEMBER OF CONGRESS.—The
14 term ‘member of Congress’ means a mem-
15 ber of the Senate or House of Representa-
16 tives, a Delegate to the House of Rep-
17 resentatives, and the Resident Commis-
18 sioner from Puerto Rico.

19 “(vi) EQUITY INTEREST.—The term
20 ‘equity interest’ means—

21 “(I) a share in an entity, without
22 regard to whether the share is—

23 “(aa) transferable; or

24 “(bb) classified as stock or
25 anything similar;

1 “(II) a capital or profit interest
2 in a limited liability company or part-
3 nership; or

4 “(III) a warrant or right, other
5 than a right to convert, to purchase,
6 sell, or subscribe to a share or interest
7 described in subclause (I) or (II), re-
8 spectively.

9 “(B) PROHIBITION.—Notwithstanding any
10 other provision of this section, no covered entity
11 may be eligible for any investment made under
12 the Program.

13 “(C) REQUIREMENT.—The principal execu-
14 tive officer and the principal financial officer,
15 or individuals performing similar functions, of
16 an entity seeking to receive an investment made
17 under the Program shall, before that invest-
18 ment is approved, certify to the Secretary and
19 the appropriate Federal banking agency or the
20 National Credit Union Administration, as appli-
21 cable, that the entity is eligible to receive the
22 investment, including that the entity is not a
23 covered entity.

24 “(i) INELIGIBILITY OF CERTAIN INSTITUTIONS.—An
25 institution shall be ineligible to participate in the Program

1 if such institution is designated in Troubled Condition by
2 the appropriate Federal banking agency or the National
3 Credit Union Administration, as applicable, or is subject
4 to a formal enforcement action with its primary Federal
5 regulator that addresses unsafe or unsound lending prac-
6 tices.

7 “(j) TERMINATION OF INVESTMENT AUTHORITY.—

8 “(1) IN GENERAL.—The authority to make new
9 capital investments in low- and moderate-income
10 community financial institutions, including commit-
11 ments to purchase preferred stock or other instru-
12 ments, provided under the Program shall terminate
13 on the date that is 6 months after the date on which
14 the national emergency concerning the novel
15 coronavirus disease (COVID–19) outbreak declared
16 by the President on March 13, 2020 under the Na-
17 tional Emergencies Act (50 U.S.C. 1601 et seq.) ter-
18 minates.

19 “(2) RULE OF CONSTRUCTION.—Nothing in
20 this subsection may be construed to limit any other
21 authority of the Secretary not described in para-
22 graph (1).

23 “(k) COLLECTION OF DATA.—Notwithstanding the
24 Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.)—

1 “(1) any low- and moderate-income community
2 financial institution may collect data described in
3 section 701(a)(1) of that Act (15 U.S.C. 1691(a)(1))
4 from borrowers and applicants for credit for the sole
5 purpose and exclusive use of monitoring compliance
6 under the plan required under subsection (d)(4); and

7 “(2) a low- and moderate-income community fi-
8 nancial institution that collects the data described in
9 paragraph (1) shall not be subject to adverse action
10 related to that collection by the Bureau of Consumer
11 Financial Protection or any other Federal agency.

12 “(l) DEPOSIT OF FUNDS.—All funds received by the
13 Secretary in connection with purchases made pursuant
14 this section, including interest payments, dividend pay-
15 ments, and proceeds from the sale of any financial instru-
16 ment, shall be deposited into the Fund and used to provide
17 financial and technical assistance pursuant to section 108,
18 except that subsection (e) of that section shall be waived.

19 “(m) DIRECT APPROPRIATION.—There is appro-
20 priated, out of amounts in the Treasury not otherwise ap-
21 propriated, for fiscal year 2021, \$9,000,000,000, to re-
22 main available until expended and to be deposited in the
23 Emergency Capital Investment Fund, to carry out this
24 section.

1 “(n) ADMINISTRATIVE EXPENSES.—Funds appro-
2 priated pursuant to subsection (m) may be used for ad-
3 ministrative expenses, including the costs of modifying
4 such investments, and reasonable costs of administering
5 the Program of making, holding, managing, and selling
6 the capital investments.

7 “(o) ADMINISTRATIVE PROVISIONS.—The Secretary
8 may take such actions as the Secretary determines nec-
9 essary to carry out the authorities in this section, includ-
10 ing the following:

11 “(1) The Secretary may use the services of any
12 agency or instrumentality of the United States or
13 component thereof on a reimbursable basis, and any
14 such agency or instrumentality or component thereof
15 is authorized to provide services as requested by the
16 Secretary using all authorities vested in or delegated
17 to that agency, instrumentality, or component.

18 “(2) The Secretary may enter into contracts,
19 including contracts for services authorized by section
20 3109 of title 5, United States Code.

21 “(3) The Secretary may designate any bank,
22 savings association, trust company, security broker
23 or dealer, asset manager, or investment adviser as a
24 financial agent of the Federal Government and such
25 institution shall perform all such reasonable duties

1 related to this section as financial agent of the Fed-
2 eral Government as may be required. The Secretary
3 shall have authority to amend existing agreements
4 with financial agents to perform reasonable duties
5 related to this section.

6 “(4) The Secretary may exercise any rights re-
7 ceived in connection with any preferred stock or
8 other financial instruments or assets purchased or
9 acquired pursuant to the authorities granted under
10 this section.

11 “(5) The Secretary may manage any assets
12 purchased under this section, including revenues and
13 portfolio risks therefrom.

14 “(6) The Secretary may sell, dispose of, trans-
15 fer, exchange or enter into securities loans, repur-
16 chase transactions, or other financial transactions in
17 regard to, any preferred stock or other financial in-
18 strument or asset purchased or acquired under this
19 section, upon terms and conditions and at a price
20 determined by the Secretary.

21 “(7) The Secretary may manage or prohibit
22 conflicts of interest that may arise in connection
23 with the administration and execution of the au-
24 thorities provided under this section.

1 **FUND PROGRAM ACCOUNT, EMERGENCY SUPPORT”**

2 to carry out this section, of which—

3 (1) up to \$1,250,000,000, shall remain avail-
4 able until September 30, 2021, to support, prepare
5 for, and respond to the economic impact of the
6 coronavirus, provided that the Fund shall—

7 (A) provide grants funded under this para-
8 graph using a formula that takes into account
9 criteria such as certification status, financial
10 and compliance performance, portfolio and bal-
11 ance sheet strength, a diversity of CDFI busi-
12 ness model types, and program capacity, of
13 which not less than \$25,000,000 may be for
14 grants to benefit Native American, Native Ha-
15 waiian, and Alaska Native communities; and

16 (B) make funds available under this para-
17 graph not later than 60 days after the date of
18 enactment of this Act; and

19 (2) up to \$1,750,000,000, shall remain avail-
20 able until expended, to provide grants to CDFIs to
21 respond to the economic impact of the COVID-19
22 pandemic—

23 (A) to expand lending, grant making, or
24 investment activity in low- or moderate-income
25 minority communities and to minorities that

1 have significant unmet capital or financial serv-
2 ices needs;

3 (B) using criteria such as certification sta-
4 tus, financial and compliance performance,
5 portfolio and balance sheet strength, a diversity
6 of CDFI business model types, status as a mi-
7 nority lending institution, and program capac-
8 ity, as well as experience making loans and in-
9 vestments to those areas and populations identi-
10 fied in this paragraph; and

11 (C) of which up to \$1,200,000,000, shall
12 be for providing financial assistance, technical
13 assistance, awards, training and outreach pro-
14 grams to recipients that are minority lending
15 institutions.

16 (b) ADMINISTRATIVE EXPENSES.—Funds appro-
17 priated pursuant to subsection (a) may be used for admin-
18 istrative expenses, including administration of Fund pro-
19 grams and the New Markets Tax Credit Program under
20 section 45D of the Internal Revenue Code of 1986.

21 (c) DEFINITIONS.—In this section:

22 (1) CDFI.—The term “CDFI” means a com-
23 munity development financial institution, as defined
24 in section 103 of the Community Development

1 Banking and Financial Institutions Act of 1994 (12
2 U.S.C. 4702).

3 (2) FUND.—The term “Fund” means the Com-
4 munity Development Financial Institutions Fund es-
5 tablished under section 104(a) of the Community
6 Development Banking and Financial Institutions Act
7 of 1994 (12 U.S.C. 4703(a)).

8 (3) MINORITY.—The term “minority” means
9 any Black American, Hispanic American, Asian
10 American, Native American, Native Alaskan, Native
11 Hawaiian, or Pacific Islander.

12 (4) MINORITY LENDING INSTITUTION.—The
13 term “minority lending institution” means a
14 CDFI—

15 (A) with respect to which a majority of
16 both the number dollar volume of arm’s-length,
17 on-balance sheet financial products of the CDFI
18 are directed at minorities or majority minority
19 census tracts or equivalents; and

20 (B) that—

21 (i) is a minority depository institution,
22 as defined in section 308(b) of the Finan-
23 cial Institutions Reform, Recovery, and
24 Enforcement Act of 1989 (12 U.S.C. 1463
25 note), or otherwise considered to be a mi-

1 nosity depository institution by the appro-
2 priate Federal banking agency, as defined
3 in section 3 of the Federal Deposit Insur-
4 ance Act (12 U.S.C. 1813), or by the Na-
5 tional Credit Union Administration, as ap-
6 plicable; or

7 (ii) meets standards for accountability
8 to minority populations as determined by
9 the Administrator.

10 (d) **COLLECTION OF DATA.**—With respect to a CDFI
11 that receives funds under this section, notwithstanding the
12 Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.)—

13 (1) the CDFI may collect data described in sec-
14 tion 701(a)(1) of that Act (15 U.S.C. 1691(a)(1))
15 from borrowers and applicants for credit for the sole
16 purpose and exclusive use to ensure that targeted
17 populations and low-income residents of investment
18 areas are adequately served; and

19 (2) the CDFI that collects the data described in
20 paragraph (1) shall not be subject to adverse action
21 related to that collection by the Bureau of Consumer
22 Financial Protection or any other Federal agency.

23 **SEC. 524. INSPECTOR GENERAL OVERSIGHT.**

24 (a) **IN GENERAL.**—The Inspector General of the De-
25 partment of the Treasury shall conduct, supervise, and co-

1 ordinate audits and investigations of any program estab-
2 lished under this subtitle or the amendments made by this
3 subtitle.

4 (b) REPORTING.—The Inspector General of the De-
5 partment of the Treasury shall submit to the Committee
6 on Financial Services of the House of Representatives and
7 the Committee on Banking, Housing, and Urban Affairs
8 of the Senate and the Secretary of the Treasury not less
9 frequently than 2 times per year a report relating to the
10 oversight provided by the Office of the Inspector General,
11 including any recommendations for improvements to the
12 programs described in subsection (a).

13 **SEC. 525. STUDY AND REPORT WITH RESPECT TO IMPACT**
14 **OF PROGRAMS ON LOW- AND MODERATE-IN-**
15 **COME AND MINORITY COMMUNITIES.**

16 (a) STUDY.—The Secretary of the Treasury shall
17 conduct a study of the impact of the programs established
18 under this subtitle or any amendment made by this sub-
19 title on low- and moderate-income and minority commu-
20 nities.

21 (b) REPORT.—Not later than 18 months after the
22 date of enactment of this Act, the Secretary of the Treas-
23 ury shall submit to the Committee on Financial Services
24 of the House of Representatives and the Committee on
25 Banking, Housing, and Urban Affairs of the Senate a re-

1 port on the results of the study conducted pursuant to
2 subsection (a), which shall include, to the extent possible,
3 the results of the study disaggregated by ethnic group.

4 (c) INFORMATION PROVIDED TO THE SECRETARY.—
5 Eligible institutions that participate in any of the pro-
6 grams described in subsection (a) shall provide the Sec-
7 retary of the Treasury with such information as the Sec-
8 retary may require to carry out the study required by this
9 section.

10 **Subtitle C—Miscellaneous**

11 **SEC. 540. EXTENSIONS OF TEMPORARY RELIEF AND EMER-** 12 **GENCY AUTHORITIES.**

13 (a) IN GENERAL.—Title IV of the CARES Act (15
14 U.S.C. 9041 et seq.) is amended—

15 (1) in section 4014(b) (15 U.S.C. 9052(b))—

16 (A) in paragraph (1), by inserting “the
17 first day of the fiscal year of the insured depos-
18 itory institution, bank holding company, or any
19 affiliate thereof that begins after” before “the
20 date”; and

21 (B) in paragraph (2), by striking “Decem-
22 ber 31, 2020” and inserting “January 1,
23 2022”; and

24 (2) in section 4016(b)(2), by striking “2020”
25 and inserting “2021”.

1 (b) TEMPORARY CREDIT UNION PROVISIONS.—Sec-
2 tion 307(a)(4)(A) of the Federal Credit Union Act (12
3 U.S.C. 1795f(a)(4)(A)) is amended by striking “December
4 31, 2020” and inserting “December 31, 2021”.

5 **SEC. 541. EXTENSION OF TEMPORARY RELIEF FROM TROU-**
6 **BLED DEBT RESTRUCTURINGS AND INSURER**
7 **CLARIFICATION.**

8 Section 4013 of the CARES Act (15 U.S.C. 9051)
9 is amended—

10 (1) by inserting “, including an insurance com-
11 pany,” after “institution” each place the term ap-
12 pears;

13 (2) in subsection (a)(1), by striking “December
14 31, 2020” and inserting “January 1, 2022”;

15 (3) in subsection (b)(1)(B), by inserting “under
16 United States Generally Accepted Accounting Prin-
17 ciples” after “purposes”; and

18 (4) in subsection (d)(1), by inserting “, includ-
19 ing insurance companies,” after “institutions”.

20 **SEC. 542. HEALTHCARE OPERATING LOSS LOANS.**

21 (a) DEFINITIONS.—In this section:

22 (1) OPERATING LOSS.—The term “operating
23 loss” has the meaning given the term in section
24 223(d) of the National Housing Act (12 U.S.C.
25 1715n(d)).

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of Housing and Urban Development.

3 (b) AUTHORIZATION TO PROVIDE MORTGAGE INSUR-
4 ANCE.—Notwithstanding any other provision of law, for
5 fiscal years 2020 and 2021, in addition to the authority
6 provided to insure operating loss loans under section
7 223(d) of the National Housing Act (12 U.S.C.
8 1715n(d)), the Secretary may insure or enter into commit-
9 ments to ensure mortgages under such section 223(d) with
10 respect to healthcare facilities—

11 (1) insured under section 232 or section 242 of
12 the National Housing Act (12 U.S.C. 1715w,
13 1715z-7);

14 (2) that were financially sound immediately
15 prior to the President’s March 13, 2020 Proclama-
16 tion on Declaring a National Emergency Concerning
17 the Novel Coronavirus Disease (COVID-19) Out-
18 break;

19 (3) that have exhausted all other forms of as-
20 sistance; and

21 (4) subject to—

22 (A) the limitation for new commitments to
23 guarantee loans insured under the General and
24 Special Risk Insurance Funds under the head-

1 ing “General and Special Risk Program Ac-
2 count” for fiscal years 2020 and 2021; and

3 (B) the underwriting parameters and other
4 terms and conditions that the Secretary deter-
5 mines appropriate through guidance.

6 (c) AMOUNT OF LOAN.—After all other realized or
7 reasonably anticipated assistance (including reimburse-
8 ments, loans, or other payments from other Federal
9 sources) are taken into account, a loan insured under sub-
10 section (b) shall be in an amount not exceeding the lesser
11 of—

12 (1) the temporary losses or additional expenses
13 incurred or expected to be incurred by the
14 healthcare facility as a result of the impact of the
15 circumstances giving rise to the President’s March
16 13, 2020 Proclamation on Declaring a National
17 Emergency Concerning the Novel Coronavirus Dis-
18 ease (COVID–19) Outbreak; or

19 (2) the amount expected to be needed to cover
20 the sum of—

21 (A) 1 year of principal and interest pay-
22 ments for the existing loans of the healthcare
23 facility insured by the Secretary;

24 (B) 1 year of principal and interest pay-
25 ments for the loan pursuant to this section;

1 (C) 1 year of mortgage insurance pre-
2 miums for the loans described in subparagraphs
3 (A) and (B);

4 (D) 1 year of monthly deposits to reserve
5 accounts required by the Secretary for the loans
6 described in subparagraphs (A) and (B);

7 (E) 1 year of property taxes and insurance
8 for the healthcare facility; and

9 (F) transaction costs, including legal fees,
10 for the loans described in subparagraphs (A)
11 and (B).

12 **TITLE VI—LABOR PROVISIONS**

13 **SEC. 601. JOB CORPS FLEXIBILITIES.**

14 (a) ENROLLMENT.—During the period beginning on
15 the date of enactment of this Act and ending when all
16 qualifying emergencies have expired, notwithstanding any
17 other provision of law, the requirements described in sec-
18 tions 145(a)(2)(A) and 152(b)(2)(B) of the Workforce In-
19 novation and Opportunity Act (29 U.S.C. 3195(a)(2)(A),
20 3202(b)(2)(B)) shall be applicable only for enrollees in the
21 Job Corps—

22 (1) participating on-site at a Job Corps center;
23 or

24 (2) returning to on-site participation at a Job
25 Corps center after participating in distance learning.

1 (b) ELIGIBILITY.—During a qualifying emergency or
2 the 1-year period immediately following the expiration of
3 the qualifying emergency, an individual who would be
4 older than the age of 24 on the date the individual enrolls
5 in the Job Corps is eligible to enroll in the Job Corps,
6 notwithstanding section 144(a)(1)(A) of the Workforce In-
7 novation and Opportunity Act (29 U.S.C. 3194(a)(1)(A)),
8 as long as—

9 (1) the individual applies for enrollment by the
10 date that is 6 months after the date of enactment
11 of this Act, and is not older than age 24 on the date
12 of application; and

13 (2) the individual attains the age of 25 during
14 the qualifying emergency or the 1-year period imme-
15 diately following the expiration of the qualifying
16 emergency.

17 (c) QUALIFYING EMERGENCY DEFINED.—In this
18 section, the term “qualifying emergency” has the meaning
19 given the term in section 3502(a)(4) of the Coronavirus
20 Aid, Relief, and Economic Security Act (Public Law 116–
21 136).

1 **TITLE VII—NUTRITION AND**
2 **AGRICULTURE RELIEF**
3 **Subtitle A—Nutrition**
4 **CHAPTER 1—SUPPLEMENTAL NUTRITION**
5 **ASSISTANCE PROGRAM**

6 **SEC. 701. DEFINITIONS.**

7 In this chapter—

8 (1) COVID-19 PUBLIC HEALTH EMERGENCY.—

9 The term “COVID-19 public health emergency”
10 means a public health emergency declared or re-
11 newed by the Secretary of Health and Human Serv-
12 ices under section 319 of the Public Health Service
13 Act (42 U.S.C. 247d) based on an outbreak of
14 coronavirus disease 2019 (COVID-19).

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

17 (3) SUPPLEMENTAL NUTRITION ASSISTANCE
18 PROGRAM.—The term “supplemental nutrition as-
19 sistance program” has the meaning given such term
20 in section 3(t) of the Food and Nutrition Act of
21 2008 (7 U.S.C. 2012(t)).

22 (4) SNAP.—The term “SNAP” refers to the
23 supplemental nutrition assistance program.

1 **SEC. 702. SUPPLEMENTAL NUTRITION ASSISTANCE PRO-**
2 **GRAM.**

3 (a) VALUE OF BENEFITS.—Notwithstanding any
4 other provision of law, beginning on January 1, 2021, and
5 for each subsequent month through June 30, 2021, the
6 value of benefits determined under section 8(a) of the
7 Food and Nutrition Act of 2008 (7 U.S.C. 15 2017(a))
8 shall be calculated using 115 percent of the June 2020
9 value of the thrifty food plan (as defined in section 3 of
10 such Act (7 U.S.C. 2012)) if the value of the benefits
11 would be greater under that calculation than in the ab-
12 sence of this subsection.

13 (b) REQUIREMENTS FOR THE SECRETARY.—In car-
14 rying out this section, the Secretary shall—

15 (1) consider the benefit increases described in
16 subsection (a) to be a “mass change”;

17 (2) require a simple process for States to notify
18 households of the increase in benefits;

19 (3) consider section 16(c)(3)(A) of the Food
20 and Nutrition Act of 2008 (7 U.S.C. 2025(c)(3)(A))
21 to apply to any errors in the implementation of this
22 section without regard to the 120-day limit described
23 in that section; and

24 (4) disregard the additional amount of benefits
25 that a household receives as a result of this section
26 in determining the amount of overissuances under

1 section 13 of the Food and Nutrition Act of 2008
2 (7 U.S.C. 2022).

3 (c) ADMINISTRATIVE EXPENSES.—

4 (1) IN GENERAL.—For the costs of State ad-
5 ministrative expenses associated with carrying out
6 this section and administering the supplemental nu-
7 trition assistance program established under the
8 Food and Nutrition Act of 2008 (7 U.S.C. 2011 et
9 seq.) during the COVID-19 public health emergency,
10 the Secretary shall make available \$100,000,000 for
11 fiscal year 2021.

12 (2) TIMING.—Not later than 60 days after the
13 date of the enactment of this Act, the Secretary
14 shall make available to States amounts for fiscal
15 year 2021 under paragraph (1).

16 (3) ALLOCATION OF FUNDS.—Funds described
17 in paragraph (1) shall be made available as grants
18 to State agencies for fiscal year 2021 as follows:

19 (A) 75 percent of the amounts available
20 for fiscal year 2021 shall be allocated to States
21 based on the share of each State of households
22 that participate in the supplemental nutrition
23 assistance program as reported to the Depart-
24 ment of Agriculture for the most recent 12-
25 month period for which data are available, ad-

1 justed by the Secretary (as of the date of the
2 enactment of this Act) for participation in dis-
3 aster programs under section 5(h) of the Food
4 and Nutrition Act of 2008 (7 U.S.C. 2014(h));
5 and

6 (B) 25 percent of the amounts available
7 for fiscal year 2021 shall be allocated to States
8 based on the increase in the number of house-
9 holds that participate in the supplemental nu-
10 trition assistance program as reported to the
11 Department of Agriculture over the most recent
12 12-month period for which data are available,
13 adjusted by the Secretary (as of the date of the
14 enactment of this Act) for participation in dis-
15 aster programs under section 5(h) of the Food
16 and Nutrition Act of 2008 (7 U.S.C. 2014(h)).

17 (d) CERTAIN EXCLUSIONS FROM SNAP INCOME.—A
18 Federal pandemic unemployment compensation payment
19 made to an individual under section 2104 of the
20 Coronavirus Aid, Relief, and Economic Security Act (Pub-
21 lic Law 116–136) shall not be regarded as income and
22 shall not be regarded as a resource for the month of re-
23 ceipt and the following 9 months, for the purpose of deter-
24 mining eligibility of such individual or any other individual
25 for benefits or assistance, or the amount of benefits or

1 assistance, under any programs authorized under the
2 Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

3 (e) PROVISIONS FOR IMPACTED STUDENTS.—

4 (1) IN GENERAL.—Notwithstanding any other
5 provision of law, not later than 20 days after the
6 date of the enactment of this Act, eligibility for sup-
7 plemental nutrition assistance program benefits shall
8 not be limited under section 6(e) of the Food and
9 Nutrition Act of 2008 (7 U.S.C. 2015(e)) for an in-
10 dividual who—

11 (A) is enrolled at least half-time in an in-
12 stitution of higher education; and

13 (B)(i) is eligible to participate in a State
14 or federally financed work study program dur-
15 ing the regular school year as determined by
16 the institution of higher education; or

17 (ii) in the current academic year, has an
18 expected family contribution of \$0 as deter-
19 mined in accordance with part F of title IV of
20 the Higher Education Act of 195 (20 U.S.C.
21 1087kk et. seq.).

22 (2) SUNSET.—

23 (A) INITIAL APPLICATIONS.—The eligi-
24 bility standards authorized under paragraph (1)
25 shall be in effect for initial applications for the

1 supplemental nutrition assistance program until
2 30 days after the COVID–19 public health
3 emergency is lifted.

4 (B) RECERTIFICATIONS.—The eligibility
5 standards authorized under paragraph (1) shall
6 be in effect until the first recertification of a
7 household beginning no earlier than 30 days
8 after the COVID–19 public health emergency is
9 lifted.

10 (3) GUIDANCE.—

11 (A) IN GENERAL.—Not later than 10 days
12 after the date of enactment of this Act, the Sec-
13 retary shall issue guidance to State agencies on
14 the temporary student eligibility requirements
15 established under this subsection.

16 (B) COORDINATION WITH THE DEPART-
17 MENT OF EDUCATION.—The Secretary of Edu-
18 cation, in consultation with the Secretary of Ag-
19 riculture and institutions of higher education,
20 shall carry out activities to inform applicants
21 for Federal student financial aid under the
22 Higher Education Act of 1965 (20 U.S.C. 1001
23 et seq.) and students at institutions of higher
24 education of the temporary student eligibility
25 requirements established under this subsection.

1 (f) REPORT.—Not later than July 31, 2021, the Sec-
2 retary shall submit to the Committee on Agriculture of
3 the House of Representatives and the Committee on Agri-
4 culture, Nutrition, and Forestry of the Senate a report
5 that accounts for both the redemption rate and account
6 balances for each month during the period specified in
7 subsection (a).

8 (g) LIMITATION ON QUALITY CONTROL WAIVERS.—
9 Section 4603(a)(2) of the Continuing Appropriations Act,
10 2021 and Other Extensions Act (Public Law 116-159) is
11 amended by striking “September 30, 2021” and inserting
12 “June 30, 2021”.

13 (h) FUNDING.—There are hereby appropriated to the
14 Secretary, out of any money not otherwise appropriated,
15 such sums as may be necessary to carry out this section.

16 **SEC. 703. ADDITIONAL ASSISTANCE FOR SNAP ONLINE PUR-**
17 **CHASING AND TECHNOLOGY IMPROVE-**
18 **MENTS.**

19 (a) RESOURCES FOR SNAP ONLINE PURCHASING.—
20 Not later than 60 days after the date of enactment of this
21 Act, the Secretary shall provide—

22 (1) additional support for the Food and Nutri-
23 tion Service to conduct end-to-end testing in the on-
24 line production environment; and

1 (2) technical assistance to educate retailers on
2 the process and technical requirements for the online
3 acceptance of SNAP benefits and to support and ex-
4 pedite SNAP online purchasing.

5 (b) SNAP ONLINE PURCHASING ASSISTANCE FOR DI-
6 RECT-MARKETING FARMERS AND FARMERS' MARKETS.—
7 The Secretary, on a competitive basis, shall enter into co-
8 operative agreements with, or provide grants to, not more
9 than 5 eligible entities to build out functionality, and pro-
10 vide assistance to direct-marketing farmers and farmers'
11 markets to accept SNAP benefits through online trans-
12 actions.

13 (1) SELECTION PRIORITY.—The Secretary shall
14 prioritize eligible entities with experience building
15 online purchasing platforms for technology solutions
16 for farmers' markets and direct-marketing farmers.

17 (2) DEFINITION OF ELIGIBLE ENTITY.—In this
18 subsection, the term “eligible entity” means a non-
19 profit entity with experience building online pur-
20 chasing platforms or technology solutions, or with
21 experience working with commercial entities that
22 have experience building online purchasing platforms
23 or technology solutions.

24 (c) ISSUANCE INNOVATION AND TECHNOLOGY IM-
25 PROVEMENT SUPPORT.—The Secretary shall—

1 (1) review technological developments, including
2 developments related to security and privacy, sur-
3 rounding mobile payment technology, to support the
4 mobile technologies demonstration projects and the
5 use of mobile technologies authorized under section
6 7(k)(14) of the Food and Nutrition Act of 2008;
7 and

8 (2) test methods to modernize electronic benefit
9 transfer technology for the purpose of improving the
10 security and integrity of the electronic benefits
11 transfer system.

12 (d) REPORT.—Not later than January 31, 2022, and
13 annually thereafter until all funds provided under sub-
14 section (e) have been expended, the Secretary shall submit
15 to the Committee on Agriculture of the House of Rep-
16 resentatives and the Committee on Agriculture, Nutrition,
17 and Forestry of the Senate a report that includes—

18 (1) a description of the activities conducted
19 under subsections (a), (b), and (c);

20 (2) a description of any grants, cooperative
21 agreements, or contracts awarded under this section;

22 (3) an analysis of the technological develop-
23 ments surrounding mobile payment technology; and

24 (4) a summary of EBT modernization testing
25 results under subsection (c)(2).

1 (e) FUNDING.—

2 (1) APPROPRIATIONS.—There is hereby appro-
3 priated to the Secretary, out of any money in the
4 Treasury not otherwise appropriated, \$5,000,000 to
5 be available until expended to carry out this section.

6 (2) USE OF FUNDS.—With respect to the funds
7 appropriated under paragraph (1), the Secretary
8 shall use—

9 (A) not more than \$1,000,000 for pur-
10 poses described in subsection (a); and

11 (B) not more than \$1,000,000 for pur-
12 poses described in subsection (b).

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

14 In addition to amounts otherwise made available,
15 \$614,000,000, to remain available through September 30,
16 2021, shall be available for the Secretary of Agriculture
17 to provide grants to the Commonwealth of the Northern
18 Mariana Islands, Puerto Rico, and American Samoa for
19 nutrition assistance in response to a COVID-19 public
20 health emergency, of which \$14,000,000 shall be available
21 for the Commonwealth of the Northern Mariana Islands.

1 **CHAPTER 2—COMMODITY DISTRIBUTION**
2 **PROGRAMS**

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

4 For an additional amount for the “Commodity As-
5 sistance Program” for the emergency food assistance pro-
6 gram as authorized by section 27(a) of the Food and Nu-
7 trition Act of 2008 (7 U.S.C. 2036(a)) and section
8 204(a)(1) of the Emergency Food Assistance Act of 1983
9 (7 U.S.C. 7508(a)(1)), \$400,000,000, to remain available
10 through September 30, 2021: *Provided*, That of the funds
11 made available in this section, the Secretary may use up
12 to 20 percent for costs associated with the distribution of
13 commodities.

14 **SEC. 712. COMMODITY SUPPLEMENTAL ASSISTANCE PRO-**
15 **GRAM.**

16 In addition to amounts otherwise made available,
17 \$13,000,000, to remain available through September 30,
18 2021, shall be available for the Secretary of Agriculture
19 for the Commodity Supplemental Food Program as au-
20 thorized by section 4(a) of the Agriculture and Consumer
21 Protection Act of 1973 (7 U.S.C. 612c note): *Provided*,
22 That of the funds made available in this section, up to
23 20 percent shall be available for State administrative ex-
24 penses.

1 **CHAPTER 3—CHILD NUTRITION**

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

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

6 (1) in subsection (f), by amending paragraph
7 (2) to read as follows:

8 “(2) SIMPLIFYING ASSUMPTIONS FOR SCHOOL
9 YEAR 2020-2021.—For purposes of this section, a
10 State agency may develop and use simplifying as-
11 sumptions (including a State or local public health
12 ordinance developed in response to COVID–19) and
13 the best feasibly available data to determine the sta-
14 tus of a school or covered child care facility as
15 opened, closed, or operating with a reduced number
16 of days or hours, establish State or regionally-based
17 benefits levels, identify eligible children and children
18 eligible for assistance under subsection (h), and es-
19 tablish eligibility periods for eligible children and
20 children eligible for assistance under subsection
21 (h).”;

22 (2) in subsection (h)—

23 (A) in paragraph (1), by inserting “or the
24 area of a child’s residence” after “schools in the
25 area of a covered child care facility”;

1 (B) in paragraph (2), by inserting “or for
2 each day that a school in the area of a covered
3 child care facility or the area of the child’s resi-
4 dence is closed or has reduced attendance or
5 hours for at least 5 consecutive days” before
6 the period at the end; and

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

8 “(4) DEEMED POPULATION.—For purposes of
9 an approved State agency plan described in para-
10 graph (1) or an approved amendment to such a plan
11 described in such paragraph, the Secretary of Agri-
12 culture shall deem any child who has not attained
13 the age of 6 as a child who is enrolled in a covered
14 child care facility.”; and

15 (3) in subsection (j), by inserting “for State
16 agencies, other agencies of the State, local units, and
17 schools” after “administrative expenses”.

18 **SEC. 722. EMERGENCY COSTS FOR CHILD NUTRITION PRO-**

19 **GRAMS DURING COVID-19 PANDEMIC.**

20 (a) USE OF CERTAIN APPROPRIATIONS TO COVER
21 EMERGENCY OPERATIONAL COSTS UNDER SCHOOL MEAL
22 PROGRAMS.—

23 (1) IN GENERAL.—

24 (A) REQUIRED ALLOTMENTS.—Notwith-
25 standing any other provision of law, the Sec-

1 retary shall allocate to each State that partici-
2 pates in the reimbursement program under
3 paragraph (3) such amounts as may be nec-
4 essary to carry out reimbursements under such
5 paragraph for each reimbursement month, in-
6 cluding, subject to paragraph (5)(B), adminis-
7 trative expenses necessary to make such reim-
8 bursements.

9 (B) GUIDANCE WITH RESPECT TO PRO-
10 GRAM.—Not later than 30 days after the date
11 of the enactment of this section, the Secretary
12 shall issue guidance with respect to the reim-
13 bursement program under paragraph (3).

14 (2) REIMBURSEMENT PROGRAM APPLICA-
15 TION.—To participate in the reimbursement pro-
16 gram under paragraph (3), not later than 30 days
17 after the date described in paragraph (1)(B), a
18 State shall submit an application to the Secretary
19 that includes a plan to calculate and disburse reim-
20 bursements under the reimbursement program under
21 paragraph (3).

22 (3) REIMBURSEMENT PROGRAM.—Subject to
23 paragraphs (4) and (5)(D), using the amounts allo-
24 cated under paragraph (1)(A), a State participating
25 in the reimbursement program under this paragraph

1 shall make reimbursements for emergency oper-
2 ational costs for each reimbursement month as fol-
3 lows:

4 (A) For each new school food authority in
5 the State for the reimbursement month, an
6 amount equal to 55 percent of the amount
7 equal to—

8 (i) the average monthly amount such
9 new school food authority was reimbursed
10 under the reimbursement sections for
11 meals and supplements served by such new
12 school food authority during the alternate
13 period; minus

14 (ii) the amount such new school food
15 authority was reimbursed under the reim-
16 bursement sections for meals and supple-
17 ments served by such new school food au-
18 thority during such reimbursement month.

19 (B) For each school food authority not de-
20 scribed in subparagraph (A) in the State for
21 the reimbursement month, an amount equal to
22 55 percent of—

23 (i) the amount such school food au-
24 thority was reimbursed under the reim-
25 bursement sections for meals and supple-

1 ments served by such school food authority
2 for the month beginning one year before
3 such reimbursement month; minus

4 (ii) the amount such school food au-
5 thority was reimbursed under the reim-
6 bursement sections for meals and supple-
7 ments served by such school food authority
8 during such reimbursement month.

9 (4) SPECIAL RULES RELATING TO REIMBURSE-
10 MENT CALCULATION.—

11 (A) EFFECT OF NEGATIVE NUMBER.—If a
12 subtraction performed under subparagraph (A)
13 or (B) of paragraph (3) results in a negative
14 number, the reimbursement amount calculated
15 under such subparagraph shall equal zero.

16 (B) SPECIAL TREATMENT OF MARCH,
17 2020.—In the case of a reimbursement under
18 subparagraph (A) or (B) of paragraph (3) for
19 the reimbursement month of March, 2020, the
20 reimbursement amount shall be equal to the
21 amount determined under such a subparagraph
22 for such month, divided by 2.

23 (5) TREATMENT OF FUNDS.—

1 (A) AVAILABILITY.—Funds allocated to a
2 State under paragraph (1)(A) shall remain
3 available until September 30, 2021.

4 (B) ADMINISTRATIVE EXPENSES.—A State
5 may reserve not more than 1 percent of the
6 funds allocated under paragraph (1)(A) for ad-
7 ministrative expenses to carry out this sub-
8 section.

9 (C) UNEXPENDED BALANCE.—On March
10 31, 2022, any amounts allocated to a State
11 under paragraph (1)(A) or reimbursed to a
12 school food authority or new school food author-
13 ity under paragraph (3) that are unexpended by
14 such State, school food authority, or new school
15 food authority shall revert to the Secretary.

16 (D) LIMITATION ON USE OF FUNDS.—
17 Funds allocated to a State under paragraph
18 (1)(A) may only be made available to a school
19 food authority or new school food authority
20 that—

21 (i) submits a claim to such State for
22 meals, supplements, or administrative costs
23 with respect to a month occurring during
24 the period beginning September 1, 2020
25 and ending December 31, 2020; or

1 (ii) provides an assurance to such
2 State that the school food authority or new
3 school food authority will submit a claim to
4 such State for meals, supplements, or ad-
5 ministrative costs with respect to a month
6 occurring during the first full semester (or
7 equivalent term) after the conclusion of the
8 public health emergency, as determined by
9 such State.

10 (6) REPORTS.—Each State that carries out a
11 reimbursement program under paragraph (3) shall,
12 not later than March 31, 2022, submit a report to
13 the Secretary that includes a summary of the use of
14 such funds by the State and each school food au-
15 thority and new school food authority in such State.

16 (b) USE OF CERTAIN APPROPRIATIONS TO COVER
17 CHILD AND ADULT CARE FOOD PROGRAM CHILD CARE
18 OPERATIONAL EMERGENCY COSTS DURING COVID-19
19 PANDEMIC.—

20 (1) IN GENERAL.—

21 (A) REQUIRED ALLOTMENTS.—Notwith-
22 standing any other provision of law, the Sec-
23 retary shall allocate to each State that partici-
24 pates in the reimbursement program under
25 paragraph (3) such amounts as may be nec-

1 essary to carry out reimbursements under such
2 paragraph for each reimbursement month, in-
3 cluding, subject to paragraph (5)(C), adminis-
4 trative expenses necessary to make such reim-
5 bursements.

6 (B) GUIDANCE WITH RESPECT TO PRO-
7 GRAM.—Not later than 30 days after the date
8 of the enactment of this section, the Secretary
9 shall issue guidance with respect to the reim-
10 bursement program under paragraph (3).

11 (2) REIMBURSEMENT PROGRAM APPLICA-
12 TION.—To participate in the reimbursement pro-
13 gram under paragraph (3), not later than 30 days
14 after the date described in paragraph (1)(B), a
15 State shall submit an application to the Secretary
16 that includes a plan to calculate and disburse reim-
17 bursements under the reimbursement program under
18 paragraph (3).

19 (3) REIMBURSEMENT AMOUNT.—Subject to
20 paragraphs (4) and (5)(E), using the amounts allo-
21 cated under paragraph (1)(A), a State participating
22 in the reimbursement program under this paragraph
23 shall make reimbursements for child care operational
24 emergency costs for each reimbursement month as
25 follows:

1 (A) For each new covered institution in the
2 State for the reimbursement month, an amount
3 equal to 55 percent of—

4 (i) the average monthly amount such
5 new covered institution was reimbursed
6 under subsection (c) and subsection (f) of
7 section 17 of the Richard B. Russell Na-
8 tional School Lunch Act (42 U.S.C. 1766)
9 for meals and supplements served by such
10 new covered institution during the alter-
11 nate period; minus

12 (ii) the amount such new covered in-
13 stitution was reimbursed under such sec-
14 tion for meals and supplements served by
15 such new covered institution during such
16 reimbursement month.

17 (B) For each covered institution not de-
18 scribed in subparagraph (A) in the State for
19 the reimbursement month, an amount equal to
20 55 percent of—

21 (i) the amount such covered institu-
22 tion was reimbursed under subsection (c)
23 and subsection (f) of section 17 of the
24 Richard B. Russell National School Lunch
25 Act (42 U.S.C. 1766) for meals and sup-

1 plements served by such covered institution
2 during the month beginning one year be-
3 fore such reimbursement month; minus

4 (ii) the amount such covered institu-
5 tion was reimbursed under such section for
6 meals and supplements served by such cov-
7 ered institution during such reimbursement
8 month.

9 (C) For each new sponsoring organization
10 of a family or group day care home in the State
11 for the reimbursement month, an amount equal
12 to 55 percent of—

13 (i) the average monthly amount such
14 new sponsoring organization of a family or
15 group day care home was reimbursed
16 under section 17(f)(3)(B) of the Richard
17 B. Russell National School Lunch Act (42
18 U.S.C. 1766(f)(3)(B)) for administrative
19 funds for the alternate period; minus

20 (ii) the amount such new sponsoring
21 organization of a family or group day care
22 home was reimbursed under such section
23 for administrative funds for the reimburse-
24 ment month.

1 (D) For each sponsoring organization of a
2 family or group day care home not described in
3 subparagraph (C) in the State for the reim-
4 bursement month, an amount equal to 55 per-
5 cent of—

6 (i) the amount such sponsoring orga-
7 nization of a family or group day care
8 home was reimbursed under section
9 17(f)(3)(B) of the Richard B. Russell Na-
10 tional School Lunch Act (42 U.S.C.
11 1766(f)(3)(B)) for administrative funds for
12 the month beginning one year before such
13 reimbursement month; minus

14 (ii) the amount such sponsoring orga-
15 nization of a family or group day care
16 home was reimbursed under such section
17 for administrative funds for such reim-
18 bursement month.

19 (4) SPECIAL RULES RELATING TO REIMBURSE-
20 MENT CALCULATION.—

21 (A) EFFECT OF NEGATIVE NUMBER.—If a
22 subtraction performed under subparagraph (A),
23 (B), (C), or (D) of paragraph (3) results in a
24 negative number, the reimbursement amount

1 calculated under such subparagraph shall equal
2 zero.

3 (B) SPECIAL TREATMENT OF MARCH,
4 2020.—In the case of a reimbursement under
5 subparagraph (A), (B), (C), or (D) of para-
6 graph (3) for the reimbursement month of
7 March, 2020, the reimbursement amount shall
8 be equal to the amount determined under such
9 a subparagraph for such month, divided by 2.

10 (5) TREATMENT OF FUNDS.—

11 (A) AVAILABILITY.—Funds allocated to a
12 State under paragraph (1)(A) shall remain
13 available until September 30, 2021.

14 (B) UNAFFILIATED CENTER.—In the case
15 of a covered institution or a new covered insti-
16 tution that is an unaffiliated center that is
17 sponsored by a sponsoring organization and re-
18 ceives funds for a reimbursement month under
19 subparagraph (A) or (B) of paragraph (3), such
20 unaffiliated center shall provide to such spon-
21 soring organization an amount of such funds as
22 agreed to by the sponsoring organization and
23 the unaffiliated center, except such amount may
24 not be greater be than 15 percent of such
25 funds.

1 (C) ADMINISTRATIVE EXPENSES.—A State
2 may reserve not more than 1 percent of the
3 funds allocated under paragraph (1)(A) for ad-
4 ministrative expenses to carry out this sub-
5 section.

6 (D) UNEXPENDED BALANCE.—On March
7 31, 2022, any amounts allocated to a State
8 under paragraph (1)(A) or reimbursed to a new
9 covered institution, covered institution, new
10 sponsoring organization of a family or group
11 day care home, or sponsoring organization of a
12 family or group day care home that are unex-
13 pended by such State, new covered institution,
14 covered institution, new sponsoring organization
15 of a family or group day care home, or spon-
16 soring organization of a family or group day
17 care home, shall revert to the Secretary.

18 (E) LIMITATION ON USE OF FUNDS.—
19 Funds allocated to a State under paragraph
20 (1)(A) may only be made available to a new
21 covered institution, covered institution, new
22 sponsoring organization of a family or group
23 day care home, or sponsoring organization of a
24 family or group day care home that—

1 (i) submits a claim to such State for
2 meals, supplements, or administrative costs
3 with respect to a month occurring during
4 the period beginning September 1, 2020
5 and ending December 31, 2020; or

6 (ii) provides an assurance to such
7 State that the new covered institution, cov-
8 ered institution, new sponsoring organiza-
9 tion of a family or group day care home,
10 or sponsoring organization of a family or
11 group day care home will submit a claim to
12 such State for meals, supplements, or ad-
13 ministrative costs with respect to a month
14 occurring within 90 days after the conclu-
15 sion of the public health emergency.

16 (6) REPORTS.—Each State that carries out a
17 reimbursement program under paragraph (3) shall,
18 not later than March 31, 2022, submit a report to
19 the Secretary that includes a summary of the use of
20 such funds by the State and each new covered insti-
21 tution, covered institution, new sponsoring organiza-
22 tion of a family or group day care home, or spon-
23 soring organization of a family or group day care
24 home.

1 (c) FUNDING.—There are appropriated to the Sec-
2 retary, out of any funds in the Treasury not otherwise
3 appropriated, such sums as are necessary to carry out this
4 section.

5 (d) DEFINITIONS.—In this section:

6 (1) ALTERNATE PERIOD.—The term “alternate
7 period” means the period beginning January 1,
8 2020 and ending February 29, 2020.

9 (2) EMERGENCY OPERATIONAL COSTS.—The
10 term “emergency operational costs” means the costs
11 incurred by a school food authority or new school
12 food authority—

13 (A) during a public health emergency;

14 (B) that are related to the ongoing oper-
15 ation, modified operation, or temporary suspen-
16 sion of operation (including administrative
17 costs) of such school food authority or new
18 school food authority; and

19 (C) except as provided under subsection
20 (a), that are not reimbursed under a Federal
21 grant.

22 (3) CHILD CARE OPERATIONAL EMERGENCY
23 COSTS.—The term “child care operational emergency
24 costs” means the costs under the child and adult
25 care food program under section 17 of the Richard

1 B. Russell National School Lunch Act (42 U.S.C.
2 1766) incurred by a new covered institution, covered
3 institution, new sponsoring organization of a family
4 or group day care home, or sponsoring organization
5 of a family or group day care home—

6 (A) during a public health emergency;

7 (B) that are related to the ongoing oper-
8 ation, modified operation, or temporary suspen-
9 sion of operation (including administrative
10 costs) of such new covered institution, covered
11 institution, new sponsoring organization of a
12 family or group day care home, sponsoring or-
13 ganization of a family or group day care home,
14 or sponsoring organization of an unaffiliated
15 center; and

16 (C) except as provided under subsection
17 (b), that are not reimbursed under a Federal
18 grant.

19 (4) COVERED INSTITUTION.—The term “cov-
20 ered institution” means—

21 (A) an institution (as defined in section
22 17(a)(2) of the Richard B. Russell National
23 School Lunch Act (42 U.S.C. 1766(a)(2))); and

24 (B) a family or group day care home.

1 (5) NEW COVERED INSTITUTION.—The term
2 “new covered institution” means a covered institu-
3 tion for which no reimbursements were made for
4 meals and supplements under section 17(e) or (f) of
5 the Richard B. Russell National School Lunch Act
6 (42 U.S.C. 1766) with respect to the previous reim-
7 bursement period.

8 (6) NEW SCHOOL FOOD AUTHORITY.—The term
9 “new school food authority” means a school food au-
10 thority for which no reimbursements were made
11 under the reimbursement sections with respect to
12 the previous reimbursement period.

13 (7) NEW SPONSORING ORGANIZATION OF A
14 FAMILY OR GROUP DAY CARE.—The term “new
15 sponsoring organization of a family or group day
16 care” means a sponsoring organization of a family
17 or group day care home for which no reimburse-
18 ments for administrative funds were made under
19 section 17(f)(3)(B) of the Richard B. Russell Na-
20 tional School Lunch Act (42 U.S.C. 1766(f)(3)(B))
21 for the previous reimbursement period.

22 (8) PREVIOUS REIMBURSEMENT PERIOD.—The
23 term “previous reimbursement period” means the
24 period beginning March 1, 2019 and ending June
25 30, 2019.

1 (9) PUBLIC HEALTH EMERGENCY.—The term
2 “public health emergency” means a public health
3 emergency declared pursuant to section 319 of the
4 Public Health Service Act (42 U.S.C. 247d) result-
5 ing from the COVID–19 pandemic or any renewal of
6 such declaration pursuant to such section 319.

7 (10) REIMBURSEMENT MONTH.—The term “re-
8 imbursement month” means March 2020, April
9 2020, May 2020, and June 2020.

10 (11) REIMBURSEMENT SECTIONS.—The term
11 “reimbursement sections” means—

12 (A) section 4(b), section 11(a)(2), section
13 13, and section 17A(c) of the Richard B. Rus-
14 sell National School Lunch Act (42 U.S.C.
15 1753(b); 42 U.S.C. 1759a(a)(2); 42 U.S.C.
16 1761; 42 U.S.C. 1766a(c)); and

17 (B) section 4 of the Child Nutrition Act
18 (42 U.S.C. 1773).

19 (12) SECRETARY.—The term “Secretary”
20 means the Secretary of Agriculture.

21 (13) STATE.— The term “State” has the mean-
22 ing given such term in section 12(d)(8) of the Rich-
23 ard B. Russell National School Lunch Act (42
24 U.S.C. 1760(d)(8)).

1 **SEC. 723. TASK FORCE ON SUPPLEMENTAL FOODS DELIV-**
2 **ERY IN THE SPECIAL SUPPLEMENTAL NUTRI-**
3 **TION PROGRAM.**

4 (a) ESTABLISHMENT OF TASK FORCE.—Not later
5 than 90 days after the date of the enactment of this sec-
6 tion, the Secretary shall establish a task force on supple-
7 mental foods delivery in the special supplemental nutrition
8 program (in this section referred to as the “Task Force”).

9 (b) MEMBERSHIP.—

10 (1) COMPOSITION.—The Task Force shall be
11 composed of at least 1 member but not more than
12 3 members appointed by the Secretary from each of
13 the following:

14 (A) Retailers of supplemental foods.

15 (B) Representatives of State agencies.

16 (C) Representatives of Indian State agen-
17 cies.

18 (D) Representatives of local agencies.

19 (E) Technology companies with experience
20 maintaining the special supplemental nutrition
21 program information systems and technology,
22 including management information systems or
23 electronic benefit transfer services.

24 (F) Manufacturers of supplemental foods,
25 including infant formula.

1 (G) Participants in the special supple-
2 mental nutrition program from diverse loca-
3 tions.

4 (H) Other organizations that have experi-
5 ence with and knowledge of the special supple-
6 mental nutrition program.

7 (2) LIMITATION ON MEMBERSHIP.—The Task
8 Force shall be composed of not more than 20 mem-
9 bers.

10 (c) DUTIES.—

11 (1) STUDY.—The Task Force shall study meas-
12 ures to streamline the redemption of supplemental
13 foods benefits that promote convenience, safety, and
14 equitable access to supplemental foods, including in-
15 fant formula, for participants in the special supple-
16 mental nutrition program, including—

17 (A) online and telephonic ordering and
18 curbside pickup of, and payment for, supple-
19 mental foods;

20 (B) online and telephonic purchasing of
21 supplemental foods;

22 (C) home delivery of supplemental foods;

23 (D) self checkout for purchases of supple-
24 mental foods; and

1 (E) other measures that limit or eliminate
2 consumer presence in a physical store.

3 (2) REPORT BY TASK FORCE.—Not later than
4 September 30, 2021, the Task Force shall submit to
5 the Secretary a report that includes—

6 (A) the results of the study required under
7 paragraph (1); and

8 (B) recommendations with respect to such
9 results.

10 (3) REPORT BY SECRETARY.—Not later than
11 45 days after receiving the report required under
12 paragraph (2), the Secretary shall—

13 (A) submit to Congress a report that in-
14 cludes—

15 (i) a plan with respect to carrying out
16 the recommendations received by the Sec-
17 retary in such report under paragraph (2);
18 and

19 (ii) an assessment of whether legisla-
20 tive changes are necessary to carry out
21 such plan; and

22 (B) notify the Task Force of the submis-
23 sion of the report required under subparagraph
24 (A).

1 (4) PUBLICATION.—The Secretary shall make
2 publicly available on the website of the Department
3 of Agriculture—

4 (A) the report received by the Secretary
5 under paragraph (2); and

6 (B) the report submitted by the Secretary
7 under paragraph (3)(A).

8 (d) TERMINATION.—The Task Force shall terminate
9 on the date the Secretary submits the report required
10 under paragraph (3)(A).

11 (e) NONAPPLICABILITY OF FACA.—The Federal Ad-
12 visory Committee Act (5 U.S.C. App.) shall not apply to
13 the Task Force.

14 (f) DEFINITIONS.—In this section:

15 (1) LOCAL AGENCY.—The term “local agency”
16 has the meaning given the term in section 17(b) of
17 the Child Nutrition Act of 1966 (42 U.S.C.
18 1786(b)).

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

21 (3) SPECIAL SUPPLEMENTAL NUTRITION PRO-
22 GRAM.—The term “special supplemental nutrition
23 program” means the special supplemental nutrition
24 program under section 17 of the Child Nutrition Act
25 of 1966 (42 U.S.C. 1786).

1 (4) STATE AGENCY.—The term “State agency”
2 has the meaning given the term in section 17(b) of
3 the Child Nutrition Act of 1966 (42 U.S.C.
4 1786(b)).

5 (5) SUPPLEMENTAL FOODS.—The term “sup-
6 plemental foods” has the meaning given the term in
7 section 17(b) of the Child Nutrition Act of 1966 (42
8 U.S.C. 1786(b)).

9 **CHAPTER 4—OTHER MATTERS**

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

11 For an additional amount for nutrition services under
12 the Older Americans Act of 1965, \$175,000,000: *Pro-*
13 *vided*, That of the amount made available under this head-
14 ing in this Act, \$168,000,000 shall be for subparts 1 and
15 2 of part C of title III of such Act and \$7,000,000 shall
16 be for nutrition services under title VI of such Act: *Pro-*
17 *vided further*, That State matching requirements under
18 sections 304(d)(1)(D) and 309(b)(2) of such Act shall not
19 apply to funds made available under this heading.

20 **SEC. 732. NUTRITION SERVICES UNDER OLDER AMERICANS** 21 **ACT.**

22 (a) NUTRITION SERVICES TRANSFER CRITERIA.—
23 With respect to funds appropriated under paragraph (1)
24 or (2) of section 303(b) of the Older Americans Act of
25 1965 (42 U.S.C. 3023(b)) received by a State for fiscal

1 year 2021, the Secretary shall allow a State agency or an
2 area agency on aging, without prior approval, to transfer
3 not more than 100 percent of the funds received, notwith-
4 standing the limitation on transfer authority provided in
5 subparagraph (A) of section 308(b)(4) of the Older Ameri-
6 cans Act of 1965 (42 U.S.C. 3028(b)(4)) and without re-
7 gard to subparagraph (B) of such section, by the State
8 agency or area agency on aging, respectively, and attrib-
9 utable to funds appropriated under paragraph (1) or (2)
10 of section 303(b) of such Act, between subpart 1 and sub-
11 part 2 of part C (42 U.S.C. 3030d–2 et seq.) for such
12 use as the State agency or area agency on aging, respec-
13 tively, considers appropriate to meet the needs of the State
14 or area served.

15 (b) HOME-DELIVERED NUTRITION SERVICES WAIV-
16 ER.—For purposes of determining eligibility for the deliv-
17 ery of nutrition services under section 337 of the Older
18 Americans Act of 1965 (42 U.S.C. 3030g), with funds re-
19 ceived by a State under the Older Americans Act of 1965
20 (42 U.S.C. 2001 et seq.) for fiscal 2021, the State shall
21 treat an older individual who is unable to obtain nutrition
22 because the individual is practicing social distancing due
23 to the public health emergency in the same manner as the
24 State treats an older individual who is homebound by rea-
25 son of illness.

1 (c) DIETARY GUIDELINES WAIVER.—To facilitate
2 implementation of subparts 1 and 2 of part C of title III
3 of the Older Americans Act of 1965 (42 U.S.C. 3030d–
4 2 et seq.), with funds received by a State for fiscal year
5 2021, the Assistant Secretary for Aging may waive, but
6 continue to make every effort practicable to encourage the
7 restoration of, the applicable requirements for meals pro-
8 vided under such subparts comply with the requirements
9 of clauses (i) and (ii) of section 339(2)(A) of such Act
10 (42 U.S.C. 3030g–21(2)(A)).

11 **Subtitle B—Agriculture**

12 **CHAPTER 1—AGRICULTURAL PROGRAMS**

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

14 There is appropriated, out of any funds in the Treas-
15 ury not otherwise appropriated, for an additional amount
16 for the “Office of the Secretary”, \$11,187,500,000, to re-
17 main available until expended, to prevent, prepare for, and
18 respond to coronavirus by providing support for agricul-
19 tural producers, growers, and processors impacted by
20 coronavirus, including producers and growers of specialty
21 crops, non-specialty crops, dairy, livestock, and poultry,
22 producers that supply local food systems, including farm-
23 ers markets, restaurants, and schools, and growers who
24 produce livestock or poultry under a contract for another
25 entity: *Provided*, That from the amounts provided in this

1 section, the Secretary of Agriculture shall make supple-
2 mental payments to producers of price trigger crops for
3 the 2020 crop year under section 9.202 of title 7, Code
4 of Federal Regulations, on eligible acres of the crop, in
5 an amount equal to \$20 per eligible acre: *Provided further,*
6 That from the amounts provided in this section, the Sec-
7 retary of Agriculture shall make supplemental payments
8 to producers of flat-rate crops for the 2020 crop year
9 under section 9.202 of title 7, Code of Federal Regula-
10 tions, on eligible acres of the crop, in an amount equal
11 to \$20 per eligible acre: *Provided further,* That for the pur-
12 poses of determining the amount of eligible sales under
13 section 9.202(i) of title 7, Code of Federal Regulations,
14 the Secretary of Agriculture shall also include indemnities
15 received under crop insurance under the Federal Crop In-
16 surance Act (7 U.S.C. 1501 et seq.) and payments made
17 or calculated under the noninsured crop disaster assist-
18 ance program established by section 196 of the Federal
19 Agriculture Improvement and Reform Act of 1996 (7
20 U.S.C. 7333) and the wildfire and hurricane indemnity
21 plus program under subpart O of part 760 of title 7, Code
22 of Federal Regulations: *Provided further,* That for the pur-
23 poses of determining the amount of eligible sales under
24 section 9.202(i) of title 7, Code of Federal Regulations,
25 the Secretary of Agriculture may allow producers to sub-

1 stitute 2018 sales for such commodities for 2019 sales:
2 *Provided further*, That from the amounts provided in this
3 section, the Secretary of Agriculture shall make payments
4 to producers of livestock or poultry (not including any
5 packer (as defined in section 201 of the Packers and
6 Stockyards Act, 1921 (7 U.S.C. 191)) or live poultry deal-
7 er (as defined in section 2(a) of that Act (7 U.S.C.
8 182(a)))) for losses of livestock or poultry depopulated be-
9 fore the date of enactment of this Act due to insufficient
10 processing access, based on 80 percent of the fair market
11 value of any livestock or poultry so depopulated, and for
12 the cost of such depopulation (other than costs for which
13 the producer has been compensated under the environ-
14 mental quality incentives program under subchapter A of
15 chapter 4 of subtitle D of title XII of the Food Security
16 Act of 1985 (16 U.S.C. 3839aa et seq.)): *Provided further*,
17 That in determining the cost of depopulation under the
18 preceding proviso, the Secretary of Agriculture may take
19 into consideration whether a producer has been com-
20 pensated for the costs of such depopulation by any State
21 program: *Provided further*, That from the amounts pro-
22 vided in this section, the Secretary of Agriculture shall
23 make payments to producers of cattle described in para-
24 graphs (2), (3), and (4) of section 9.102(i) of title 7, Code
25 of Federal Regulations, in an amount equal to the product

1 obtained by multiplying the number of such cattle in in-
2 ventory during the time period specified in paragraph
3 (c)(2) of that section by 50 percent of the payment rate
4 calculated by subtracting the applicable CCC payment rate
5 specified in paragraph (h) of that section and the applica-
6 ble payment rate specified in section 9.202(c) of that title
7 from the applicable CARES Act payment rate specified
8 in section 9.102(h) of that title: *Provided further*, That
9 from the amounts provided in this section, the Secretary
10 of Agriculture shall make payments to producers of cattle
11 described in paragraphs (1) and (5) of section 9.102(i)
12 of title 7, Code of Federal Regulations, in an amount
13 equal to the product obtained by multiplying the number
14 of such cattle in inventory during the time period specified
15 in paragraph (c)(2) of that section by 25 percent of the
16 payment rate calculated by subtracting the applicable CCC
17 payment rate specified in paragraph (h) of that section
18 and the applicable payment rate specified in section
19 9.202(c) of that title (if applicable) from the applicable
20 CARES Act payment rate specified in section 9.102(h) of
21 that title: *Provided further*, That from the amounts pro-
22 vided in this section, the Secretary of Agriculture shall use
23 not more than \$1,000,000,000 to make payments to con-
24 tract growers of livestock and poultry to cover not more
25 than 80 percent of revenue losses, as determined by the

1 Secretary of Agriculture, for the period beginning on Jan-
2 uary 1, 2020, and ending on the date of enactment of this
3 Act: *Provided further*, That from the amounts provided in
4 this section, the Secretary of Agriculture shall use not less
5 than \$20,000,000 to improve and maintain animal disease
6 prevention and response capacity: *Provided further*, That
7 from the amounts provided in this section, the Secretary
8 of Agriculture shall make payments to domestic users of
9 upland cotton and extra-long staple cotton for the period
10 beginning on March 1, 2020, and ending on December 31,
11 2020, in an amount equal to the product obtained by mul-
12 tipling 10 by the product obtained by multiplying 6 cents
13 per pound by the average monthly consumption of the do-
14 mestic user for the period beginning on January 1, 2017,
15 and ending on December 31, 2019: *Provided further*, That
16 notwithstanding paragraph (e) of section 9.7 of title 7,
17 Code of Federal Regulations (or any successor regulation),
18 and subject to the availability of funds, taking into ac-
19 count the requirements of the other provisos in this sec-
20 tion, for purposes of providing assistance under subparts
21 B and C of part 9 of that title, the Secretary of Agri-
22 culture shall make additional payments to ensure that
23 such assistance more closely aligns with the calculated
24 gross payment or revenue losses of any person or entity,
25 except that such assistance shall not exceed the calculated

1 gross payment or 80 percent of the loss, as determined
2 by the Secretary of Agriculture, of any entity or persons,
3 and that for the purposes of determining income derived
4 from farming, ranching, and forestry under paragraph (d)
5 of that section, the Secretary of Agriculture shall broadly
6 consider income derived from agricultural sales (including
7 gains), agricultural services, the sale of agricultural real
8 estate, and prior year net operating loss carryforward as
9 such income: *Provided further*, That from the amounts
10 provided in this section, the Secretary of Agriculture may
11 provide support to processors for losses of crops due to
12 insufficient processing access: *Provided further*, That the
13 Secretary of Agriculture may extend the term of a mar-
14 keting assistance loan authorized by section 1201 of the
15 Agricultural Act of 2014 (7 U.S.C. 9031), notwith-
16 standing section 1203(b) of that Act (7 U.S.C. 9033(b)),
17 for any loan commodity to 12 months: *Provided further*,
18 That the authority provided by the previous proviso shall
19 expire on September 30, 2021: *Provided further*, That
20 from the amounts provided in this section, the Secretary
21 of Agriculture shall use not less than \$1,500,000,000 to
22 purchase food and agricultural products, including sea-
23 food, to purchase and distribute agricultural products (in-
24 cluding fresh produce, dairy, and meat products) to indi-
25 viduals in need, including through delivery to nonprofit or-

1 ganizations that can receive, store, and distribute food
2 items, and for grants and loans to small or midsized food
3 processors or distributors, seafood processing facilities and
4 processing vessels, farmers markets, producers, or other
5 organizations to respond to coronavirus, including for
6 measures to protect workers against the Coronavirus Dis-
7 ease 2019 (COVID–19): *Provided further*, That not later
8 than 30 days after the date of enactment of this Act and
9 prior to issuing solicitations for contracts under the pre-
10 vious proviso, the Secretary of Agriculture shall conduct
11 a preliminary review of actions necessary to improve
12 COVID–19-related food purchasing, including reviewing
13 coordination, specifications, quality, and fairness of pur-
14 chases, including the distribution of purchased commod-
15 ities, including the fairness of food distribution, such as
16 whether rural communities received adequate support, the
17 degree to which transportation costs were sufficient to
18 reach all areas, whether food safety was adequate in the
19 distribution of food, and the degree to which local pur-
20 chases of food were made: *Provided further*, That from the
21 amounts provided in this section, the Secretary of Agri-
22 culture may use not more than \$200,000,000 to provide
23 relief to timber harvesting and timber hauling businesses
24 that have, as a result of the COVID–19 pandemic, experi-
25 enced a loss of not less than 10 percent in gross revenue

1 during the period beginning on January 1, 2020, and end-
2 ing on December 1, 2020, as compared to the gross rev-
3 enue of that timber harvesting or hauling business during
4 the same period in 2019: *Provided further*, That in making
5 direct support payments in this section, the Secretary of
6 Agriculture may take into account price differentiation
7 factors for each commodity based on specialized varieties,
8 local markets, and farm practices, such as certified or-
9 ganic farms (as defined in section 2103 of the Organic
10 Foods Production Act of 1990 (7 U.S.C. 6502)): *Provided*
11 *further*, That using amounts provided in this section, the
12 Secretary of Agriculture may make payments to producers
13 of advanced biofuel, biomass-based diesel, cellulosic
14 biofuel, conventional biofuel, or renewable fuel (as such
15 terms are defined in section 211(o)(1) of the Clean Air
16 Act (42 U.S.C. 7545(o)(1))) produced in the United
17 States, for unexpected market losses as a result of
18 COVID–19: *Provided further*, That the Secretary of Agri-
19 culture may make recourse loans available to dairy prod-
20 uct processors, packagers, or merchandisers impacted by
21 COVID–19: *Provided further*, That each reference in this
22 section to a section or other provision of the Code of Fed-
23 eral Regulations shall be considered to be a reference to
24 that section or other provision as in effect on the date
25 of enactment of this Act.

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

2 Due to the impacts of COVID–19 on specialty crops,
3 there is appropriated, out of any funds in the Treasury
4 not otherwise appropriated, for Specialty Crop Block
5 Grants under section 101 of the Specialty Crops Competi-
6 tiveness Act of 2004 (7 U.S.C. 1621 note; Public Law
7 108–465), \$100,000,000, to remain available until ex-
8 pended.

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

10 Due to the impacts that COVID–19 has had on many
11 local agriculture markets, there is appropriated, out of any
12 funds in the Treasury not otherwise appropriated, for the
13 Local Agriculture Market Program established under sec-
14 tion 210A of the Agricultural Marketing Act of 1946 (7
15 U.S.C. 1627c), \$100,000,000, to remain available until
16 expended: *Provided*, That notwithstanding any other pro-
17 vision of law, the Secretary of Agriculture may reduce the
18 amount of matching funds otherwise required under that
19 section 210A to an amount not greater than 10 percent
20 of the total amount of the Federal funds obligated under
21 this section only during the public health emergency de-
22 clared by the Secretary of Health and Human Services
23 under section 319 of the Public Health Service Act (42
24 U.S.C. 247d) on January 31, 2020, with respect to
25 COVID–19 (or any renewal of that declaration): *Provided*
26 *further*, That such match may be an in-kind contribution.

1 **SEC. 754. FARMING OPPORTUNITIES TRAINING AND OUT-**
2 **REACH PROGRAM.**

3 Due to the impacts of COVID–19 on certain pro-
4 ducers, there is appropriated, out of any funds in the
5 Treasury not otherwise appropriated, for the Farming Op-
6 portunities Training and Outreach Program under section
7 2501 of the Food, Agriculture, Conservation, and Trade
8 Act of 1990 (7 U.S.C. 2279), \$75,000,000, to remain
9 available until expended: *Provided*, That notwithstanding
10 any other provision of law, the Secretary of Agriculture
11 may reduce the amount of matching funds otherwise re-
12 quired under that section 2501 to an amount not greater
13 than 10 percent of the total amount of the Federal funds
14 obligated under this section only during the public health
15 emergency declared by the Secretary of Health and
16 Human Services under section 319 of the Public Health
17 Service Act (42 U.S.C. 247d) on January 31, 2020, with
18 respect to COVID–19 (or any renewal of that declaration):
19 *Provided further*, That such match may be an in-kind con-
20 tribution: *Provided further*, That the Secretary of Agri-
21 culture may waive any maximum grant amount otherwise
22 applicable to grants provided using such amounts.

23 **SEC. 755. GUS SCHUMACHER NUTRITION INCENTIVE PRO-**
24 **GRAM.**

25 There is appropriated, out of any funds in the Treas-
26 ury not otherwise appropriated, for the Gus Schumacher

1 Nutrition Incentive Program under section 4405 of the
2 Food, Conservation, and Energy Act of 2008 (7 U.S.C.
3 7517), \$75,000,000, to remain available until expended:
4 *Provided*, That notwithstanding any other provision of
5 law, the Secretary of Agriculture may reduce the amount
6 of matching funds otherwise required under that section
7 4405 to an amount not greater than 10 percent of the
8 total amount of the Federal funds obligated under this
9 section only during the public health emergency declared
10 by the Secretary of Health and Human Services under
11 section 319 of the Public Health Service Act (42 U.S.C.
12 247d) on January 31, 2020, with respect to COVID–19
13 (or any renewal of that declaration): *Provided further*,
14 That such match may be an in-kind contribution: *Provided*
15 *further*, That the Secretary of Agriculture may waive any
16 maximum grant amount otherwise applicable to grants
17 provided under this section: *Provided further*, That the
18 Secretary of Agriculture may use such amounts to provide
19 additional funding to ongoing grants provided under such
20 Program before the date of enactment of this Act.

21 **SEC. 756. RESEARCH.**

22 There is appropriated, out of any funds in the Treas-
23 ury not otherwise appropriated, \$20,000,000 for fiscal
24 year 2021 and each fiscal year thereafter for the Agricul-
25 tural Research Service to address gaps in nutrition re-

1 search at the critical intersections of responsive agri-
2 culture, quality food production, and human nutrition and
3 health.

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

6 **SEC. 760. DEFINITIONS.**

7 In this chapter:

8 (1) The term “COVID–19” means the disease
9 caused by SARS–CoV–2, or any viral strain mutat-
10 ing therefrom with pandemic potential.

11 (2) The term “COVID–19 public health emer-
12 gency” means the public health emergency declared
13 by the Secretary of Health and Human Services
14 under section 319 of the Public Health Service Act
15 (42 U.S.C. 247d) on January 31, 2020, with respect
16 to COVID–19 (or any renewal of that declaration).

17 (3) The term “Secretary” means the Secretary
18 of Agriculture.

19 **SEC. 761. SUPPLEMENTAL DAIRY MARGIN COVERAGE PAY-**
20 **MENTS.**

21 (a) **IN GENERAL.**—The Secretary shall provide sup-
22 plemental dairy margin coverage payments to partici-
23 pating eligible dairy operations described in subsection
24 (b)(1) whenever the average actual dairy production mar-
25 gin (as defined in section 1401 of the Agricultural Act

1 of 2014 (7 U.S.C. 9051)) for a month is less than the
2 coverage level threshold selected by such eligible dairy op-
3 eration under section 1406 of that Act (7 U.S.C. 9056).

4 (b) ELIGIBLE DAIRY OPERATION DESCRIBED.—

5 (1) IN GENERAL.—An eligible dairy operation
6 described in this subsection is a dairy operation
7 that—

8 (A) is located in the United States; and

9 (B) during a calendar year in which such
10 dairy operation is a participating dairy oper-
11 ation (as defined in section 1401 of the Agricul-
12 tural Act of 2014 (7 U.S.C. 9051)), has a pro-
13 duction history established under the dairy
14 margin coverage program under section 1405 of
15 the Agricultural Act of 2014 (7 U.S.C. 9055)
16 of less than 5,000,000 pounds, as determined in
17 accordance with subsection (c) of such section
18 1405.

19 (2) LIMITATION ON ELIGIBILITY.—An eligible
20 dairy operation shall only be eligible for payments
21 under this section during a calendar year in which
22 such eligible dairy operation is enrolled in the dairy
23 margin coverage (as defined in section 1401 of the
24 Agricultural Act of 2014 (7 U.S.C. 9051)).

1 (c) SUPPLEMENTAL PRODUCTION HISTORY CAL-
2 CULATION.—

3 (1) IN GENERAL.—For purposes of determining
4 the supplemental production history of an eligible
5 dairy operation under this section, such dairy oper-
6 ation’s supplemental production history shall be
7 equal to 75 percent of the amount described in para-
8 graph (2) with respect to such dairy operation.

9 (2) AMOUNT.—The amount referred to in para-
10 graph (1) is, with respect to an eligible dairy oper-
11 ation, the amount equal to—

12 (A) the production volume of such dairy
13 operation for the 2019 milk marketing year;
14 minus

15 (B) the dairy margin coverage production
16 history of such dairy operation established
17 under section 1405 of the Agricultural Act of
18 2014 (7 U.S.C. 9055).

19 (d) COVERAGE PERCENTAGE.—

20 (1) IN GENERAL.—For purposes of calculating
21 payments to be issued under this section during a
22 calendar year, an eligible dairy operation’s coverage
23 percentage shall be equal to the coverage percentage
24 selected by such eligible dairy operation with respect

1 to such calendar year under section 1406 of the Ag-
2 ricultural Act of 2014 (7 U.S.C. 9056).

3 (2) 5 MILLION POUND LIMITATION.—

4 (A) IN GENERAL.—The Secretary shall not
5 provide supplemental dairy margin coverage on
6 an eligible dairy operation’s actual production
7 for a calendar year such that the total covered
8 production history of such dairy operation ex-
9 ceeds 5,000,000 pounds.

10 (B) DETERMINATION OF AMOUNT.—In cal-
11 culating the total covered production history of
12 an eligible dairy operation under subparagraph
13 (A), the Secretary shall multiply the coverage
14 percentage selected by such operation under
15 section 1406 of the Agricultural Act of 2014 (7
16 U.S.C. 9056) by the sum of—

17 (i) the supplemental production his-
18 tory calculated under subsection (c) with
19 respect to such dairy operation; and

20 (ii) the dairy margin coverage produc-
21 tion history described in subsection
22 (c)(2)(B) with respect to such dairy oper-
23 ation.

1 (e) PREMIUM COST.—The premium cost for an eligi-
2 ble dairy operation under this section for a calendar year
3 shall be equal to the product of multiplying—

4 (1) the Tier I premium cost calculated with re-
5 spect to such dairy operation for such year under
6 section 1407(b) of the Agricultural Act of 2014 (7
7 U.S.C. 9057(b)); by

8 (2) the supplemental production history with re-
9 spect to such dairy operation calculated under sub-
10 section (c) (such that total covered production his-
11 tory does not exceed 5,000,000 pounds).

12 (f) REGULATIONS.—Not later than 45 days after the
13 date of the enactment of this section, the Secretary shall
14 issue regulations to carry out this section.

15 (g) PROHIBITION WITH RESPECT TO DAIRY MARGIN
16 COVERAGE ENROLLMENT.—

17 (1) IN GENERAL.—The Secretary may not re-
18 open or otherwise provide a special enrollment for
19 dairy margin coverage (as defined in section 1401 of
20 the Agricultural Act of 2014 (7 U.S.C. 9051)) for
21 purposes of establishing eligibility for supplemental
22 dairy margin coverage payments under this section.

23 (2) CLARIFICATION WITH RESPECT TO SUPPLE-
24 MENTAL DAIRY MARGIN COVERAGE PAYMENTS.—The

1 Secretary may open a special enrollment for supple-
2 mental dairy margin coverage under this section.

3 (h) APPLICATION FOR CALENDAR YEAR 2021.—The
4 Secretary shall make payments under this section to eligi-
5 ble dairy operations described in subsection (b)(1) for
6 months after and including January, 2021.

7 (i) SUNSET.—The authority to make payments under
8 this section shall terminate on December 31, 2023.

9 (j) FUNDING.—There is appropriated, out of any
10 funds in the Treasury not otherwise appropriated, to carry
11 out this section such sums as necessary, to remain avail-
12 able until the date specified in subsection (i).

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

14 (a) DEFINITIONS.—In this section:

15 (1) ELIGIBLE DAIRY ORGANIZATION.—The term
16 “eligible dairy organization” has the meaning given
17 the term in section 1431(a) of the Agricultural Act
18 of 2014 (7 U.S.C. 9071(a)).

19 (2) ELIGIBLE DAIRY PRODUCT.—The term “eli-
20 gible dairy product” means a product primarily
21 made from milk, including fluid milk, that is pro-
22 duced and processed in the United States.

23 (3) ELIGIBLE DISTRIBUTOR.—The term “eligi-
24 ble distributor” means a public or private nonprofit

1 organization that distributes donated eligible dairy
2 products to recipient individuals and families.

3 (4) ELIGIBLE PARTNERSHIP.—The term “eligi-
4 ble partnership” means a partnership between an el-
5 ible dairy organization and an eligible distributor.

6 (b) ESTABLISHMENT AND PURPOSES.—Not later
7 than 60 days after the date of enactment of this Act, the
8 Secretary shall establish and administer a dairy donation
9 program for the purposes of—

10 (1) facilitating the timely donation of eligible
11 dairy products; and

12 (2) preventing and minimizing food waste.

13 (c) DONATION AND DISTRIBUTION PLANS.—

14 (1) IN GENERAL.—To be eligible to receive re-
15 imbursement under subsection (d), an eligible part-
16 nership shall submit to the Secretary a donation and
17 distribution plan that describes the process that the
18 eligible partnership will use for the donation, proc-
19 essing, transportation, temporary storage, and dis-
20 tribution of eligible dairy products.

21 (2) REVIEW AND APPROVAL.—

22 (A) IN GENERAL.—Not later than 15 busi-
23 ness days after receiving a plan described in
24 paragraph (1), the Secretary shall—

25 (i) review that plan; and

1 (ii) issue an approval or disapproval
2 of that plan.

3 (B) EMERGENCY AND DISASTER-RELATED
4 PRIORITIZATION.—

5 (i) IN GENERAL.—In receiving and re-
6 viewing a donation and distribution plan
7 submitted under paragraph (1), the Sec-
8 retary shall determine whether an emer-
9 gency or disaster was a substantial factor
10 in the submission, including—

11 (I) a declared or renewed public
12 health emergency under section 319
13 of the Public Health Service Act (42
14 U.S.C. 247d); and

15 (II) a disaster designated by the
16 Secretary.

17 (ii) PRIORITY REVIEW.—On making
18 an affirmative determination under clause
19 (i) with respect to a donation and distribu-
20 tion plan submitted under paragraph (1),
21 the Secretary shall give priority to the ap-
22 proval or disapproval of that plan.

23 (d) REIMBURSEMENT.—

24 (1) IN GENERAL.—On receipt of appropriate
25 documentation under paragraph (3), the Secretary

1 shall reimburse an eligible dairy organization that is
2 a member of an eligible partnership for which the
3 Secretary has approved a donation and distribution
4 plan under subsection (c)(2)(A)(ii) at a rate equal to
5 the product obtained by multiplying—

6 (A) the current reimbursement price de-
7 scribed in paragraph (2); and

8 (B) the volume of milk required to make
9 the donated eligible dairy product.

10 (2) REIMBURSEMENT PRICE.—The Secretary—

11 (A) shall set the reimbursement price re-
12 ferred to in paragraph (1)(A) at a value that
13 shall—

14 (i) be representative of the cost of the
15 milk required to make the donated eligible
16 dairy product;

17 (ii) be between the lowest and highest
18 of the class I, II, III, or IV milk prices on
19 the date of the production of the eligible
20 dairy product;

21 (iii) be sufficient to avoid food waste;

22 and

23 (iv) not interfere with the commercial
24 marketing of milk or dairy products;

1 (B) may set appropriate reimbursement
2 prices under subparagraph (A) for different eli-
3 gible dairy products by class and region for the
4 purpose of—

5 (i) encouraging the donation of sur-
6 plus eligible dairy products;

7 (ii) facilitating the orderly marketing
8 of milk;

9 (iii) reducing volatility relating to sig-
10 nificant market disruptions;

11 (iv) maintaining traditional price rela-
12 tionships between classes of milk; or

13 (v) stabilizing on-farm milk prices.

14 (3) DOCUMENTATION.—

15 (A) IN GENERAL.—An eligible dairy orga-
16 nization shall submit to the Secretary such doc-
17 umentation as the Secretary may require to
18 demonstrate—

19 (i) the production of the eligible dairy
20 product; and

21 (ii) the donation of the eligible dairy
22 product to an eligible distributor.

23 (B) VERIFICATION.—The Secretary may
24 verify the accuracy of documentation submitted
25 under subparagraph (A).

1 (4) RETROACTIVE REIMBURSEMENT.—In pro-
2 viding reimbursements under paragraph (1), the
3 Secretary may provide reimbursements for eligible
4 dairy product costs incurred before the date on
5 which the donation and distribution plan for the ap-
6 plicable participating partnership was approved by
7 the Secretary under subsection (c)(2)(A)(ii).

8 (5) EMERGENCY AND DISASTER-RELATED
9 PRIORITIZATION.—In providing reimbursements
10 under paragraph (1), the Secretary shall give pri-
11 ority to reimbursements to eligible dairy organiza-
12 tions covered by a donation and distribution plan for
13 which the Secretary makes an affirmative deter-
14 mination under subsection (c)(2)(B)(i).

15 (e) PROHIBITION ON RESALE OF PRODUCTS.—

16 (1) IN GENERAL.—An eligible distributor that
17 receives eligible dairy products donated under this
18 section may not sell the eligible dairy products into
19 commercial markets.

20 (2) PROHIBITION ON FUTURE PARTICIPA-
21 TION.—An eligible distributor that the Secretary de-
22 termines has violated paragraph (1) shall not be eli-
23 gible for any future participation in the program es-
24 tablished under this section.

1 (f) **REVIEWS.**—The Secretary shall conduct appro-
2 priate reviews or audits to ensure the integrity of the pro-
3 gram established under this section.

4 (g) **PUBLICATION OF DONATION ACTIVITY.**—The
5 Secretary, acting through the Administrator of the Agri-
6 cultural Marketing Service, shall publish on the publicly
7 accessible website of the Agricultural Marketing Service
8 periodic reports describing donation activity under this
9 section.

10 (h) **SUPPLEMENTAL REIMBURSEMENTS.**—

11 (1) **IN GENERAL.**—The Secretary shall make a
12 supplemental reimbursement to an eligible dairy or-
13 ganization that received a reimbursement under the
14 milk donation program established under section
15 1431 of the Agricultural Act of 2014 (7 U.S.C.
16 9071) during the period beginning on January 1,
17 2020, and ending on the date on which amounts
18 made available under subsection (i) are no longer
19 available.

20 (2) **REIMBURSEMENT CALCULATION.**—A sup-
21 plemental reimbursement described in paragraph (1)
22 shall be an amount equal to—

23 (A) the reimbursement calculated under
24 subsection (d); minus

1 (B) the reimbursement under the milk do-
2 nation program described in paragraph (1).

3 (i) FUNDING.—Out of any amounts of the Treasury
4 not otherwise appropriated, there is appropriated to the
5 Secretary to carry out this section \$400,000,000, to re-
6 main available until expended.

7 **SEC. 763. ESTABLISHMENT OF TRUST FOR BENEFIT OF UN-**
8 **PAID CASH SELLERS OF LIVESTOCK.**

9 The Packers and Stockyards Act, 1921, is amended
10 by inserting after section 317 (7 U.S.C. 217a) the fol-
11 lowing new section:

12 **“SEC. 318. STATUTORY TRUST ESTABLISHED; DEALER.**

13 “(a) ESTABLISHMENT.—

14 “(1) IN GENERAL.—All livestock purchased by
15 a dealer in cash sales and all inventories of, or re-
16 ceivables or proceeds from, such livestock shall be
17 held by such dealer in trust for the benefit of all un-
18 paid cash sellers of such livestock until full payment
19 has been received by such unpaid cash sellers.

20 “(2) EXEMPTION.—Any dealer whose average
21 annual purchases of livestock do not exceed
22 \$100,000 shall be exempt from the provisions of this
23 section.

24 “(3) EFFECT OF DISHONORED INSTRU-
25 MENTS.—For purposes of determining full payment

1 under paragraph (1), a payment to an unpaid cash
2 seller shall not be considered to have been made if
3 the unpaid cash seller receives a payment instrument
4 that is dishonored.

5 “(b) PRESERVATION OF TRUST.—An unpaid cash
6 seller shall lose the benefit of a trust under subsection (a)
7 if the unpaid cash seller has not preserved the trust by
8 giving written notice to the dealer involved and filing such
9 notice with the Secretary—

10 “(1) within 30 days of the final date for mak-
11 ing a payment under section 409 in the event that
12 a payment instrument has not been received; or

13 “(2) within 15 business days after the date on
14 which the seller receives notice that the payment in-
15 strument promptly presented for payment has been
16 dishonored.

17 “(c) NOTICE TO LIEN HOLDERS.—When a dealer re-
18 ceives notice under subsection (b) of the unpaid cash sell-
19 er’s intent to preserve the benefits of the trust, the dealer
20 shall, within 15 business days, give notice to all persons
21 who have recorded a security interest in, or lien on, the
22 livestock held in such trust.

23 “(d) CASH SALES DEFINED.—For the purpose of
24 this section, a cash sale means a sale in which the seller
25 does not expressly extend credit to the buyer.

1 “(e) PURCHASE OF LIVESTOCK SUBJECT TO
2 TRUST.—

3 “(1) IN GENERAL.—A person purchasing live-
4 stock subject to a dealer trust shall receive good title
5 to the livestock if the person receives the livestock—

6 “(A) in exchange for payment of new
7 value; and

8 “(B) in good faith without notice that the
9 transfer is a breach of trust.

10 “(2) DISHONORED PAYMENT INSTRUMENT.—

11 Payment shall not be considered to have been made
12 if a payment instrument given in exchange for the
13 livestock is dishonored.

14 “(3) TRANSFER IN SATISFACTION OF ANTE-
15 CEDENT DEBT.—A transfer of livestock subject to a
16 dealer trust is not for value if the transfer is in sat-
17 isfaction of an antecedent debt or to a secured party
18 pursuant to a security agreement.

19 “(f) ENFORCEMENT.—Whenever the Secretary has
20 reason to believe that a dealer subject to this section has
21 failed to perform the duties required by this section or
22 whenever the Secretary has reason to believe that it will
23 be in the best interest of unpaid cash sellers, the Secretary
24 shall do one or more of the following—

1 “(1) appoint an independent trustee to carry
2 out the duties required by this section, preserve
3 trust assets, and enforce the trust;

4 “(2) serve as independent trustee, preserve
5 trust assets, and enforce the trust; or

6 “(3) file suit in the United States district court
7 for the district in which the dealer resides to enjoin
8 the dealer’s failure to perform the duties required by
9 this section, preserve trust assets, and to enforce the
10 trust. Attorneys employed by the Secretary may,
11 with the approval of the Attorney General, represent
12 the Secretary in any such suit. Nothing herein shall
13 preclude unpaid sellers from filing suit to preserve
14 or enforce the trust.”.

15 **SEC. 764. GRANTS FOR IMPROVEMENTS TO MEAT AND**
16 **POULTRY FACILITIES TO ALLOW FOR INTER-**
17 **STATE SHIPMENT.**

18 (a) IN GENERAL.—The Secretary shall make grants
19 to meat and poultry slaughter and processing facilities de-
20 scribed in subsection (b) (including such facilities oper-
21 ating under State inspection or such facilities that are ex-
22 empt from Federal inspection) to assist such facilities with
23 respect to costs incurred in making improvements to such
24 facilities and carrying out other planning activities nec-
25 essary—

1 (1) to obtain a Federal grant of inspection
2 under the Federal Meat Inspection Act (21 U.S.C.
3 601 et seq.) or the Poultry Products Inspection Act
4 (21 U.S.C. 451 et seq.), as applicable; or

5 (2) to operate as a State-inspected facility that
6 is compliant with—

7 (A) the Federal Meat Inspection Act (21
8 U.S.C. 601 et seq.) under the cooperative inter-
9 state shipment program established under sec-
10 tion 501 of that Act (21 U.S.C. 683); or

11 (B) the Poultry Products Inspection Act
12 (21 U.S.C. 451 et seq.) under the cooperative
13 interstate shipment program established under
14 section 31 of that Act (21 U.S.C. 472).

15 (b) ELIGIBLE FACILITIES.—To be eligible for a grant
16 under this section, a meat or poultry slaughter or proc-
17 essing facility shall be—

18 (1) in operation as of the date on which the fa-
19 cility submits to the Secretary an application for the
20 grant; and

21 (2) seeking—

22 (A) to obtain a Federal grant of inspection
23 described in subsection (a)(1); or

24 (B) to be eligible for inspection under a co-
25 operative interstate shipment program described

1 in subparagraph (A) or (B), as applicable, of
2 subsection (a)(2), in a State that participates in
3 that program.

4 (c) ELIGIBLE ACTIVITIES.—A facility that receives a
5 grant under this section may use the grant amount for—

6 (1) the modernization or expansion of existing
7 facilities;

8 (2) the modernization of equipment;

9 (3) compliance with packaging and labeling re-
10 quirements under applicable law;

11 (4) compliance with safety requirements under
12 applicable law;

13 (5) the development of processes to ensure food
14 safety; and

15 (6) such other purposes as the Secretary deter-
16 mines to be appropriate.

17 (d) GRANT REQUIREMENTS.—

18 (1) AMOUNT.—The amount of a grant under
19 this section shall not exceed \$200,000.

20 (2) CONDITION.—As a condition of receiving a
21 grant under this section, a grant recipient shall
22 agree that the grant recipient shall make a payment
23 (or payments) to the Secretary in an amount equal
24 to the amount of the grant if the recipient, within
25 36 months of receiving such grant—

1 (A) as applicable—

2 (i) is not subject to inspection under
3 the Federal Meat Inspection Act (21
4 U.S.C. 601 et seq.) or the Poultry Prod-
5 ucts Inspection Act (21 U.S.C. 451 et
6 seq.), as applicable; or

7 (ii) is not eligible for inspection under
8 a cooperative interstate shipment program
9 described in subparagraph (A) or (B), as
10 applicable, of subsection (a)(2); or

11 (B) is not making a good faith effort to be
12 subject to such inspection or to be eligible
13 under such a cooperative interstate shipment
14 program, as applicable.

15 (3) MATCHING FUNDS.—

16 (A) IN GENERAL.—The Secretary shall re-
17 quire a recipient of a grant under this section
18 to provide matching non-Federal funds in an
19 amount equal to the amount of the grant.

20 (B) EXCEPTION.—The Secretary shall not
21 require any recipient of a grant under this sec-
22 tion to provide matching funds with respect to
23 a grant awarded in fiscal year 2021.

24 (e) REPORTS.—

1 (1) REPORTS ON GRANTS MADE.—Beginning
2 not later than 1 year after the date on which the
3 first grant is awarded under this section, and con-
4 tinuing annually thereafter through the year that is
5 10 years after the date on which the final grant is
6 awarded under this section, the Secretary shall sub-
7 mit to the Committee on Agriculture and the Com-
8 mittee on Appropriations of the House of Represent-
9 atives and the Committee on Agriculture, Nutrition,
10 and Forestry and the Committee on Appropriations
11 of the Senate a report on grants made under this
12 section, including—

13 (A) any facilities that used a grant award-
14 ed under this section to carry out eligible activi-
15 ties described in subsection (c) during the year
16 covered by the report; and

17 (B) the operational status of facilities that
18 were awarded grants under this section.

19 (2) REPORT ON THE COOPERATIVE INTERSTATE
20 SHIPMENT PROGRAM.—Beginning not later than 1
21 year after the date of the enactment of this section,
22 the Secretary shall submit to the Committee on Ag-
23 riculture and the Committee on Appropriations of
24 the House of Representatives and the Committee on
25 Agriculture, Nutrition, and Forestry and the Com-

1 mittee on Appropriations of the Senate a report de-
2 scribing any recommendations, developed in con-
3 sultation with all States, for possible improvements
4 to the cooperative interstate shipment programs
5 under section 501 of the Federal Meat Inspection
6 Act (21 U.S.C. 683) and section 31 of the Poultry
7 Products Inspection Act (21 U.S.C. 472).

8 (f) FUNDING.—Of the funds of the Treasury not oth-
9 erwise appropriated, there is appropriated to carry out
10 this section \$60,000,000 for the period of fiscal years
11 2021 through 2023, to remain available until expended.

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

14 (a) STUDY AND REPORT ON FINANCIAL ASSISTANCE
15 AVAILABILITY.—

16 (1) STUDY REQUIRED.—The Secretary shall
17 conduct a study on the availability and effectiveness
18 of—

19 (A) Federal loan programs, Federal loan
20 guarantee programs, and grant programs for
21 which—

22 (i) facilities that slaughter or other-
23 wise process meat and poultry in the
24 United States, which are in operation and
25 subject to inspection under the Federal

1 Meat Inspection Act (21 U.S.C. 601 et
2 seq.) or the Poultry Products Inspection
3 Act (21 U.S.C. 451 et seq.), as of the date
4 of the enactment of this section, and

5 (ii) entities seeking to establish such a
6 facility in the United States,

7 may be eligible; and

8 (B) Federal grant programs intended to
9 support—

10 (i) business activities relating to in-
11 creasing the slaughter or processing capac-
12 ity in the United States; and

13 (ii) feasibility or marketing studies on
14 the practicality and viability of specific new
15 or expanded projects to support additional
16 slaughter or processing capacity in the
17 United States.

18 (2) REPORT TO CONGRESS.—Not later than 60
19 days after the date of the enactment of this section,
20 the Secretary, in consultation with applicable Fed-
21 eral agencies, shall submit a report to the Com-
22 mittee on Agriculture of the House of Representa-
23 tives and the Committee on Agriculture, Nutrition,
24 and Forestry of the Senate that includes the results
25 of the study required under paragraph (1).

1 (3) PUBLICATION.—Not later than 90 days
2 after the date of the enactment of this section, the
3 Secretary shall make publicly available on the
4 website of the Food Safety and Inspection Service of
5 the Department of Agriculture a list of each loan
6 program, loan guarantee program, and grant pro-
7 gram identified under paragraph (1).

8 (b) FUNDING.—There is appropriated, out of the
9 funds of the Treasury not otherwise appropriated,
10 \$2,000,000 to carry out this section.

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

12 (a) IN GENERAL.—The Secretary shall make grants
13 to State departments of agriculture (or such equivalent
14 department) to expand or sustain stress assistance pro-
15 grams for individuals who are engaged in farming, ranch-
16 ing, and other agriculture-related occupations, including—

17 (1) programs that meet the criteria specified in
18 section 7522(b)(1) of the Food, Conservation, and
19 Energy Act of 2008 (7 U.S.C. 5936(b)(1)); and

20 (2) any State initiatives carried out as of the
21 date of the enactment of this Act that provide stress
22 assistance for such individuals.

23 (b) GRANT TIMING AND AMOUNT.—In making grants
24 under subsection (a), not later than 60 days after the date

1 of the enactment of this Act and subject to subsection (c),
2 the Secretary shall—

3 (1) make awards to States submitting State
4 plans that meet the criteria specified in paragraph
5 (1) of such subsection within the time period speci-
6 fied by the Secretary; and

7 (2) of the amounts made available under sub-
8 section (f), allocate among such States, an amount
9 to be determined by the Secretary, which in no case
10 may exceed \$500,000 for each State.

11 (c) STATE PLAN.—

12 (1) IN GENERAL.—A State department of agri-
13 culture seeking a grant under subsection (a) shall
14 submit to the Secretary a State plan to expand or
15 sustain stress assistance programs described in that
16 subsection that includes—

17 (A) a description of each activity and the
18 estimated amount of funding to support each
19 program and activity carried out through such
20 a program;

21 (B) an estimated timeline for the operation
22 of each such program and activity;

23 (C) the total amount of funding sought;
24 and

1 (D) an assurance that the State depart-
2 ment of agriculture will comply with the report-
3 ing requirement under subsection (e).

4 (2) GUIDANCE.—Not later than 20 days after
5 the date of the enactment of this Act, the Secretary
6 shall issue guidance for States with respect to the
7 submission of a State plan under paragraph (1) and
8 the allocation criteria under subsection (b).

9 (3) REALLOCATION.—If, after the first grants
10 are awarded pursuant to allocation under subsection
11 (b), any funds made available under subsection (f)
12 to carry out this subsection remain unobligated, the
13 Secretary shall—

14 (A) inform States that submit plans as de-
15 scribed in subsection (b), of such availability;
16 and

17 (B) reallocate such funds among such
18 States, as the Secretary determines to be ap-
19 propriate and equitable.

20 (d) COLLABORATION.—The Secretary may issue
21 guidance to encourage State departments of agriculture
22 to use funds provided under this section to support pro-
23 grams described in subsection (a) that are operated by—

1 (1) Indian tribes (as defined in section 4 of the
2 Indian Self-Determination and Education Assistance
3 Act (25 U.S.C. 5304));

4 (2) State cooperative extension services; and

5 (3) nongovernmental organizations.

6 (e) REPORTING.—Not later than 180 days after the
7 COVID–19 public health emergency ends, each State re-
8 ceiving additional grants under subsection (b) shall submit
9 a report to the Secretary describing—

10 (1) the activities conducted using such funds;

11 (2) the amount of funds used to support each
12 such activity; and

13 (3) the estimated number of individuals served
14 by each such activity.

15 (f) FUNDING.—Out of the funds of the Treasury not
16 otherwise appropriated, there is appropriated to carry out
17 this section \$28,000,000, to remain available until ex-
18 pended.

19 (g) STATE DEFINED.—In this section, the term
20 “State” means—

21 (1) a State;

22 (2) the District of Columbia;

23 (3) the Commonwealth of Puerto Rico; and

24 (4) any other territory or possession of the
25 United States.

1 **TITLE VIII—UNITED STATES**
2 **POSTAL SERVICE**

3 **SEC. 801. COVID-19 FUNDING FOR THE UNITED STATES**
4 **POSTAL SERVICE.**

5 Section 6001 of the CARES Act (39 U.S.C. 101 note;
6 Public Law 116–136) is amended—

7 (1) in the section heading, by striking “**BOR-**
8 **ROWING AUTHORITY**” and inserting “**FUNDING**”;

9 (2) by redesignating subsection (c) as sub-
10 subsection (d); and

11 (3) by inserting after subsection (b) the fol-
12 lowing:

13 “(c) **NO REPAYMENT REQUIRED.**—Notwithstanding
14 any other provision of law, including subsection (b) of this
15 section, or any agreement entered into between the Sec-
16 retary of the Treasury and the Postal Service under that
17 subsection, the Postal Service shall not be required to
18 repay the amounts borrowed under that subsection.”.

19 **SEC. 802. TEMPORARY ACCEPTANCE OF CERTAIN LOW-RISK**
20 **POSTAL SHIPMENTS.**

21 Section 343(a)(3)(K)(vii) of the Trade Act of 2002
22 (19 U.S.C. 1415(a)(3)(K)(vii)) is amended—

23 (1) in subclause (I), by striking “subclause
24 (II)” and inserting “subclause (II) or (III)”; and

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

1 “(III) Notwithstanding subclause (I), dur-
2 ing the period beginning on January 1, 2021,
3 through March 15, 2021, the Postmaster Gen-
4 eral may accept a shipment without trans-
5 mission of the information described in para-
6 graphs (1) and (2) if the Commissioner deter-
7 mines, or concurs with the determination of the
8 Postmaster General, that the shipment presents
9 a low risk of violating any relevant United
10 States statutes or regulations, including stat-
11 utes or regulations relating to the importation
12 of controlled substances such as fentanyl and
13 other synthetic opioids.”.

14 **TITLE IX—BROADBAND**
15 **INTERNET ACCESS SERVICE**

16 **SEC. 901. AMENDMENTS TO THE SECURE AND TRUSTED**
17 **COMMUNICATIONS NETWORK REIMBURSE-**
18 **MENT PROGRAM.**

19 The Secure and Trusted Communications Networks
20 Act of 2019 (47 U.S.C. 1601 et seq.) is amended—

21 (1) in section 4 (47 U.S.C. 1603)—

22 (A) in subsection (b)(1), by striking
23 “2,000,000” and inserting “10,000,000”;

24 (B) in subsection (c)—

25 (i) in paragraph (1)(A)—

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1 (I) in the matter preceding clause
2 (i), by striking “before”;

3 (II) by amending clause (i) to
4 read as follows:

5 “(i) as defined in the Report and
6 Order of the Commission in the matter of
7 Protecting Against National Security
8 Threats to the Communications Supply
9 Chain Through FCC Programs (FCC 19–
10 121; WC Docket No. 18–89; adopted No-
11 vember 22, 2019) (in this section referred
12 to as the ‘Report and Order’); or”;

13 (III) by amending clause (ii) to
14 read as follows:

15 “(ii) as determined to be covered by
16 both the process of the Report and Order
17 and the Designation Orders of the Com-
18 mission on June 30, 2020 (DA 20–690;
19 PS Docket No. 19–351; adopted June 30,
20 2020) (DA 20–691; PS Docket No. 19–
21 352; adopted June 30, 2020) (in this sec-
22 tion collectively referred to as the ‘Des-
23 ignation Orders’);”;

24 (ii) in paragraph (2)(A), by amending
25 clauses (i) and (ii) to read as follows:

1 “(i) publication of the Report and
2 Order; or

3 “(ii) in the case of covered commu-
4 nications equipment that only became cov-
5 ered pursuant to the Designation Orders,
6 June 30, 2020; or”;

7 (C) in subsection (d)(5)—

8 (i) in subparagraph (A), by striking
9 “The Commission” and inserting “Subject
10 to subparagraph (C), the Commission”;
11 and

12 (ii) by adding at the end the fol-
13 lowing:

14 “(C) PRIORITY FOR ALLOCATION.—On and
15 after the date of enactment of this subpara-
16 graph, the Commission shall allocate sufficient
17 reimbursement funds—

18 “(i) first, to approved applicants that
19 have 2,000,000 or fewer customers, for re-
20 moval and replacement of covered commu-
21 nications equipment, as defined in section
22 9 or as designated by the process set forth
23 in the Report and Order;

24 “(ii) after funds have been allocated
25 to all applicants described in clause (i), to

1 approved applicants that are accredited
2 public or private non-commercial edu-
3 cational institutions providing their own
4 facilities-based educational broadband serv-
5 ice, as defined in section 27.4 of title 47,
6 Code of Federal Regulations, or any suc-
7 cessor regulation, for removal and replace-
8 ment of covered communications equip-
9 ment, as defined in section 9 or as des-
10 ignated by the process set forth in the Re-
11 port and Order; and

12 “(iii) after funds have been allocated
13 to all applicants described in clause (ii), to
14 any remaining approved applicants deter-
15 mined to be eligible for reimbursement
16 under the Program.”; and

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

18 “(k) LIMITATION.—In carrying out this section, the
19 Commission may not expend more than \$1,900,000,000.”;
20 and

21 (2) in section 9 (47 U.S.C. 1608), by amending
22 paragraph (10) to read as follows:

23 “(10) PROVIDER OF ADVANCED COMMUNICA-
24 TIONS SERVICE.—The term ‘provider of advanced
25 communications service’—

1 “(A) means a person who provides ad-
2 vanced communications service to United States
3 customers; and

4 “(B) includes—

5 “(i) accredited public or private non-
6 commercial educational institutions, pro-
7 viding their own facilities-based edu-
8 cational broadband service, as defined in
9 section 27.4 of title 47, Code of Federal
10 Regulations, or any successor regulation;
11 and

12 “(ii) health care providers and librar-
13 ies providing advanced communications
14 service.”.

15 **SEC. 902. CONNECTING MINORITY COMMUNITIES.**

16 (a) DEFINITIONS.—In this section:

17 (1) ANCHOR COMMUNITY.—

18 (A) IN GENERAL.—The term “anchor com-
19 munity” means any area that—

20 (i) except as provided in subparagraph
21 (B), is not more than 15 miles from a his-
22 torically Black college or university, a
23 Tribal College or University, or a Minority-
24 serving institution; and

1 (ii) has an estimated median annual
2 household income of not more than 250
3 percent of the poverty line, as that term is
4 defined in section 673(2) of the Commu-
5 nity Services Block Grant Act (42 U.S.C.
6 9902(2)).

7 (B) CERTAIN TRIBAL COLLEGES OR UNI-
8 VERSITIES.—With respect to a Tribal College or
9 University that is located on land held in trust
10 by the United States, the Assistant Secretary,
11 in consultation with the Secretary of the Inte-
12 rior, may establish a different maximum dis-
13 tance for the purposes of subparagraph (A)(i) if
14 the Assistant Secretary is able to ensure that,
15 in establishing that different maximum dis-
16 tance, each anchor community that is estab-
17 lished as a result of that action is statistically
18 comparable to other anchor communities de-
19 scribed in subparagraph (A).

20 (2) ASSISTANT SECRETARY.—The term “Assist-
21 ant Secretary” means the Assistant Secretary of
22 Commerce for Communications and Information.

23 (3) BROADBAND INTERNET ACCESS SERVICE.—
24 The term “broadband internet access service” has
25 the meaning given the term in section 8.1(b) of title

1 47, Code of Federal Regulations, or any successor
2 regulation.

3 (4) COMMISSION.—The term “Commission”
4 means the Federal Communications Commission.

5 (5) CONNECTED DEVICE.—The term “con-
6 nected device” means a laptop computer, tablet com-
7 puter, or similar device that is capable of connecting
8 to broadband internet access service.

9 (6) DIRECTOR.—The term “Director” means
10 the Director of the Office.

11 (7) ELIGIBLE EQUIPMENT.—The term “eligible
12 equipment” means—

13 (A) a Wi-Fi hotspot;

14 (B) a modem;

15 (C) a router;

16 (D) a device that combines a modem and
17 router;

18 (E) a connected device; or

19 (F) any other equipment used to provide
20 access to broadband internet access service.

21 (8) ELIGIBLE RECIPIENT.—The term “eligible
22 recipient” means—

23 (A) a historically Black college or univer-
24 sity;

25 (B) a Tribal College or University;

1 (C) a Minority-serving institution; or

2 (D) a consortium that is led by a histori-
3 cally Black college or university, a Tribal Col-
4 lege or University, or a Minority-serving institu-
5 tion and that also includes—

6 (i) a minority business enterprise; or

7 (ii) an organization described in sec-
8 tion 501(c)(3) of the Internal Revenue
9 Code of 1986 and exempt from tax under
10 section 501(a) of such Code.

11 (9) HISTORICALLY BLACK COLLEGE OR UNI-
12 VERSITY.—The term “historically Black college or
13 university” has the meaning given the term “part B
14 institution” in section 322 of the Higher Education
15 Act of 1965 (20 U.S.C. 1061).

16 (10) MINORITY-SERVING INSTITUTION.—The
17 term “Minority-serving institution” means any of
18 the following:

19 (A) An Alaska Native-serving institution,
20 as that term is defined in section 317(b) of the
21 Higher Education Act of 1965 (20 U.S.C.
22 1059d(b)).

23 (B) A Native Hawaiian-serving institution,
24 as that term is defined in section 317(b) of the

1 Higher Education Act of 1965 (20 U.S.C.
2 1059d(b)).

3 (C) A Hispanic-serving institution, as that
4 term is defined in section 502(a) of the Higher
5 Education Act of 1965 (20 U.S.C. 1101a(a)).

6 (D) A Predominantly Black institution, as
7 that term is defined in section 371(c) of the
8 Higher Education Act of 1965 (20 U.S.C.
9 1067q(c)).

10 (E) An Asian American and Native Amer-
11 ican Pacific Islander-serving institution, as that
12 term is defined in section 320(b) of the Higher
13 Education Act of 1965 (20 U.S.C. 1059g(b)).

14 (F) A Native American-serving, nontribal
15 institution, as that term is defined in section
16 319(b) of the Higher Education Act of 1965
17 (20 U.S.C. 1059f(b)).

18 (11) MINORITY BUSINESS ENTERPRISE.—The
19 term “minority business enterprise” has the mean-
20 ing given the term in section 1400.2 of title 15,
21 Code of Federal Regulations, or any successor regu-
22 lation.

23 (12) OFFICE.—The term “Office” means the
24 Office of Minority Broadband Initiatives established
25 pursuant to subsection (b)(1).

1 (13) PILOT PROGRAM.—The term “Pilot Pro-
2 gram” means the Connecting Minority Communities
3 Pilot Program established under the rules promul-
4 gated by the Assistant Secretary under subsection
5 (c)(1).

6 (14) TRIBAL COLLEGE OR UNIVERSITY.—The
7 term “Tribal College or University” has the meaning
8 given the term in section 316(b) of the Higher Edu-
9 cation Act of 1965 (20 U.S.C. 1059c(b)).

10 (15) WI-FI.—The term “Wi-Fi” means a wire-
11 less networking protocol based on Institute of Elec-
12 trical and Electronics Engineers standard 802.11, or
13 any successor standard.

14 (16) WI-FI HOTSPOT.—The term “Wi-Fi
15 hotspot” means a device that is capable of—

16 (A) receiving broadband internet access
17 service; and

18 (B) sharing broadband internet access
19 service with another device through the use of
20 Wi-Fi.

21 (b) OFFICE OF MINORITY BROADBAND INITIA-
22 TIVES.—

23 (1) ESTABLISHMENT.—Not later than 180 days
24 after the date of enactment of this Act, the Assist-
25 ant Secretary shall establish within the National

1 Telecommunications and Information Administration
2 the Office of Minority Broadband Initiatives.

3 (2) DIRECTOR.—The Office shall be headed by
4 the Director of the Office of Minority Broadband
5 Initiatives, who shall be appointed by the Assistant
6 Secretary.

7 (3) DUTIES.—The Office, acting through the
8 Director, shall—

9 (A) collaborate with Federal agencies that
10 carry out broadband internet access service sup-
11 port programs to determine how to expand ac-
12 cess to broadband internet access service and
13 other digital opportunities in anchor commu-
14 nities;

15 (B) collaborate with State, local, and Trib-
16 al governments, historically Black colleges or
17 universities, Tribal Colleges or Universities, Mi-
18 nority-serving institutions, and stakeholders in
19 the communications, education, business, and
20 technology fields to—

21 (i) promote—

22 (I) initiatives relating to
23 broadband internet access service
24 connectivity for anchor communities;
25 and

1 (II) digital opportunities for an-
2 chor communities;

3 (ii) develop recommendations to pro-
4 mote the rapid, expanded deployment of
5 broadband internet access service to
6 unserved historically Black colleges or uni-
7 versities, Tribal Colleges or Universities,
8 Minority-serving institutions, and anchor
9 communities, including to—

10 (I) students, faculty, and staff of
11 historically Black colleges or univer-
12 sities, Tribal Colleges or Universities,
13 and Minority-serving institutions; and

14 (II) senior citizens and veterans
15 who live in anchor communities;

16 (iii) promote activities that would ac-
17 celerate the adoption of broadband internet
18 access service (including any associated
19 equipment or personnel necessary to access
20 and use that service, such as modems,
21 routers, devices that combine a modem and
22 a router, Wi-Fi hotspots, and connected
23 devices)—

24 (I) by students, faculty, and staff
25 of historically Black colleges or uni-

1 versities, Tribal Colleges or Univer-
2 sities, and Minority-serving institu-
3 tions; and

4 (II) within anchor communities;

5 (iv) upon request, provide assistance
6 to historically Black colleges or univer-
7 sities, Tribal Colleges or Universities, Mi-
8 nority-serving institutions, and leaders
9 from anchor communities with respect to
10 navigating Federal programs dealing with
11 broadband internet access service;

12 (v) promote digital literacy skills, in-
13 cluding by providing opportunities for vir-
14 tual or in-person digital literacy training
15 and education;

16 (vi) promote professional development
17 opportunity partnerships between industry
18 and historically Black colleges or univer-
19 sities, Tribal Colleges or Universities, and
20 Minority-serving institutions to help ensure
21 that information technology personnel and
22 students of historically Black colleges or
23 universities, Tribal Colleges or Univer-
24 sities, and Minority-serving institutions
25 have the skills needed to work with new

1 and emerging technologies with respect to
2 broadband internet access service; and

3 (vii) explore how to leverage invest-
4 ment in infrastructure with respect to
5 broadband internet access service to—

6 (I) expand connectivity with re-
7 spect to that service in anchor com-
8 munities and by students, faculty, and
9 staff of historically Black colleges or
10 universities, Tribal Colleges or Uni-
11 versities, and Minority-serving institu-
12 tions;

13 (II) encourage investment in
14 communities that have been des-
15 ignated as qualified opportunity zones
16 under section 1400Z–1 of the Internal
17 Revenue Code of 1986; and

18 (III) serve as a catalyst for adop-
19 tion of that service, so as to promote
20 job growth and economic development
21 and deployment of advanced tech-
22 nologies; and

23 (C) assume any functions carried out
24 under the Minority Broadband Initiative of the
25 National Telecommunications and Information

1 Administration, as of the day before the date of
2 enactment of this Act.

3 (4) REPORTS.—

4 (A) IN GENERAL.—Not later than 1 year
5 after the date on which the Assistant Secretary
6 establishes the Office under paragraph (1), and
7 annually thereafter, the Assistant Secretary
8 shall submit to the Committee on Commerce,
9 Science, and Transportation of the Senate and
10 the Committee on Energy and Commerce of the
11 House of Representatives a report that—

12 (i) for the year covered by the report,
13 details the work of the Office in expanding
14 access to fixed and mobile broadband
15 internet access service—

16 (I) at historically Black colleges
17 or universities, Tribal Colleges or Uni-
18 versities, and Minority-serving institu-
19 tions, including by expanding that ac-
20 cess to students, faculty, and staff of
21 historically Black colleges or univer-
22 sities, Tribal Colleges or Universities,
23 and Minority-serving institutions; and

24 (II) within anchor communities;
25 and

1 (ii) identifies barriers to providing ac-
2 cess to broadband internet access service—

3 (I) at historically Black colleges
4 or universities, Tribal Colleges or Uni-
5 versities, and Minority-serving institu-
6 tions, including to students, faculty,
7 and staff of historically Black colleges
8 or universities, Tribal Colleges or Uni-
9 versities, and Minority-serving institu-
10 tions; and

11 (II) within anchor communities.

12 (B) PUBLIC AVAILABILITY.—Not later
13 than 30 days after the date on which the As-
14 sistant Secretary submits a report under sub-
15 paragraph (A), the Assistant Secretary shall, to
16 the extent feasible, make that report publicly
17 available.

18 (c) CONNECTING MINORITY COMMUNITIES PILOT
19 PROGRAM.—

20 (1) RULES REQUIRED.—

21 (A) IN GENERAL.—Not later than 45 days
22 after the date of enactment of this Act, the As-
23 sistant Secretary shall promulgate rules estab-
24 lishing the Connecting Minority Communities
25 Pilot Program, the purpose of which shall be to

1 provide grants to eligible recipients in anchor
2 communities for the purchase of broadband
3 internet access service or any eligible equip-
4 ment, or to hire and train information tech-
5 nology personnel—

6 (i) in the case of an eligible recipient
7 described in subparagraph (A), (B), or (C)
8 of subsection (a)(8), to facilitate edu-
9 cational instruction and learning, including
10 through remote instruction;

11 (ii) in the case of an eligible recipient
12 described in subsection (a)(8)(D)(i), to op-
13 erate the minority business enterprise; or

14 (iii) in the case of an eligible recipient
15 described in subsection (a)(8)(D)(ii), to op-
16 erate the organization.

17 (B) CONTENT.—The rules promulgated
18 under subparagraph (A) shall—

19 (i) establish a method for identifying
20 which eligible recipients in anchor commu-
21 nities have the greatest unmet financial
22 needs;

23 (ii) ensure that grants under the Pilot
24 Program are made—

1 (I) to eligible recipients identified
2 under the method established under
3 clause (i); and

4 (II) in a manner that best
5 achieves the purposes of the Pilot
6 Program;

7 (iii) require that an eligible recipient
8 described in subparagraph (A), (B), or (C)
9 of subsection (a)(8) that receives a grant
10 to provide broadband internet access serv-
11 ice or eligible equipment to students
12 prioritizes students who—

13 (I) are eligible to receive a Fed-
14 eral Pell Grant under section 401 of
15 the Higher Education Act of 1965 (20
16 U.S.C. 1070a);

17 (II) are recipients of any other
18 need-based financial aid from the
19 Federal Government, a State, or that
20 eligible recipient;

21 (III) are qualifying low-income
22 consumers for the purposes of the
23 program carried out under subpart E
24 of part 54 of title 47, Code of Federal

1 Regulations, or any successor regula-
2 tions;

3 (IV) are low-income individuals,
4 as that term is defined in section
5 312(g) of the Higher Education Act
6 of 1965 (20 U.S.C. 1058(g)); or

7 (V) have been approved to receive
8 unemployment insurance benefits
9 under any Federal or State law since
10 March 1, 2020;

11 (iv) provide that a recipient of a grant
12 under the Pilot Program—

13 (I) shall use eligible equipment
14 for a purpose that the recipient con-
15 siders to be appropriate, subject to
16 any restriction provided in those rules
17 (or any successor rules);

18 (II) if the recipient lends, or oth-
19 erwise provides, eligible equipment to
20 students or patrons, shall prioritize
21 lending or providing to such individ-
22 uals that the recipient believes do not
23 have access to that equipment, subject
24 to any restriction provided in those
25 rules (or any successor rules); and

1 (III) may not sell or otherwise
2 transfer eligible equipment in ex-
3 change for any thing (including a
4 service) of value;

5 (v) include audit requirements that—

6 (I) ensure that a recipient of a
7 grant made under the Pilot Program
8 uses grant funds in compliance with
9 the requirements of this section and
10 the overall purpose of the Pilot Pro-
11 gram; and

12 (II) prevent waste, fraud, and
13 abuse in the operation of the Pilot
14 Program;

15 (vi) provide that not less than 40 per-
16 cent of the amount of the grants made
17 under the Pilot Program are made to His-
18 torically Black colleges or universities; and

19 (vii) provide that not less than 20 per-
20 cent of the amount of the grants made
21 under the Pilot Program are made to eligi-
22 ble recipients described in subparagraphs
23 (A), (B), and (C) of subsection (a)(8) to
24 provide broadband internet access service

1 or eligible equipment to students of those
2 eligible recipients.

3 (2) FUND.—

4 (A) ESTABLISHMENT.—There is estab-
5 lished in the Treasury of the United States a
6 fund to be known as the Connecting Minority
7 Communities Fund.

8 (B) USE OF FUND.—Amounts in the Con-
9 necting Minority Communities Fund established
10 under subparagraph (A) shall be available to
11 the Assistant Secretary to provide support
12 under the rules promulgated under paragraph
13 (1).

14 (3) INTERAGENCY COORDINATION.—When mak-
15 ing grants under the Pilot Program, the Assistant
16 Secretary shall coordinate with other Federal agen-
17 cies, including the Commission, the National Science
18 Foundation, and the Department of Education, to
19 ensure the efficient expenditure of Federal funds, in-
20 cluding by preventing multiple expenditures of Fed-
21 eral funds for the same purpose.

22 (4) AUDITS.—

23 (A) IN GENERAL.—For each of fiscal years
24 2021 and 2022, the Inspector General of the
25 Department of Commerce shall conduct an

1 audit of the Pilot Program according to the re-
2 quirements established under paragraph
3 (1)(B)(v).

4 (B) REPORT.—After completing each audit
5 conducted under subparagraph (A), the Inspec-
6 tor General of the Department of Commerce
7 shall submit to the Committee on Commerce,
8 Science, and Transportation of the Senate and
9 the Committee on Energy and Commerce of the
10 House of Representatives a report that details
11 the findings of the audit.

12 (5) DIRECT APPROPRIATION.—There is appro-
13 priated, out of amounts in the Treasury not other-
14 wise appropriated, for the fiscal year ending Sep-
15 tember 30, 2021, to remain available until expended,
16 \$285,000,000 to the Connecting Minority Commu-
17 nities Fund established under paragraph (2).

18 (6) TERMINATION.—Except with respect to the
19 report required under paragraph (7) and the author-
20 ity of the Secretary of Commerce and the Inspector
21 General of the Department of Commerce described
22 in paragraph (8), the Pilot Program, including all
23 reporting requirements under this section, shall ter-
24 minate on the date on which the amounts made

1 available to carry out the Pilot Program are fully ex-
2 pended.

3 (7) REPORT.—Not later than 90 days after the
4 date on which the Pilot Program terminates under
5 paragraph (6), the Assistant Secretary, after con-
6 sulting with eligible recipients that received grants
7 under the Pilot Program, shall submit to the Com-
8 mittee on Commerce, Science, and Transportation of
9 the Senate and the Committee on Energy and Com-
10 merce of the House of Representatives a report
11 that—

12 (A) describes the manner in which the
13 Pilot Program was carried out;

14 (B) identifies each eligible recipient that
15 received a grant under the Pilot Program; and

16 (C) contains information regarding the ef-
17 fectiveness of the Pilot Program, including les-
18 sons learned in carrying out the Pilot Program
19 and recommendations for future action.

20 (8) SAVINGS PROVISION.—The termination of
21 the Pilot Program under paragraph (6) shall not
22 limit, alter, or affect the ability of the Secretary of
23 Commerce or the Inspector General of the Depart-
24 ment of Commerce to—

1 (A) investigate waste, fraud, and abuse
2 with respect to the Pilot Program; or

3 (B) recover funds that are misused under
4 the Pilot Program.

5 **SEC. 903. FCC COVID-19 TELEHEALTH PROGRAM.**

6 (a) DEFINITIONS.—In this section—

7 (1) the term “appropriate congressional com-
8 mittees” means—

9 (A) the Committee on Commerce, Science,
10 and Transportation of the Senate; and

11 (B) the Committee on Energy and Com-
12 merce of the House of Representatives;

13 (2) the term “Commission” means the Federal
14 Communications Commission; and

15 (3) the term “COVID-19 Telehealth Program”
16 or “Program” means the COVID-19 Telehealth
17 Program established by the Commission under the
18 authority provided under the heading “SALARIES
19 AND EXPENSES” under the heading “FEDERAL
20 COMMUNICATIONS COMMISSION” under the heading
21 “INDEPENDENT AGENCIES” in title V of divi-
22 sion B of the CARES Act (Public Law 116-136;
23 134 Stat. 531).

24 (b) ADDITIONAL APPROPRIATION.—Out of amounts
25 in the Treasury not otherwise appropriated, there is ap-

1 appropriated \$249,950,000 in additional funds for the
2 COVID–19 Telehealth Program, of which \$50,000 shall
3 be transferred by the Commission to the Inspector General
4 of the Commission for oversight of the COVID–19 Tele-
5 health Program.

6 (c) ADMINISTRATIVE PROVISIONS.—

7 (1) EVALUATION OF APPLICATIONS.—

8 (A) PUBLIC NOTICE.—Not later than 10
9 days after the date of enactment of this Act,
10 the Commission shall issue a Public Notice es-
11 tablishing a 10-day period during which the
12 Commission will seek comments on—

13 (i) the metrics the Commission should
14 use to evaluate applications for funding
15 under this section; and

16 (ii) how the Commission should treat
17 applications filed during the funding
18 rounds for awards from the COVID-19
19 Telehealth Program using amounts appro-
20 priated under the CARES Act (Public Law
21 116–36; 134 Stat. 281).

22 (B) CONGRESSIONAL NOTICE.—After the
23 end of the comment period under subparagraph
24 (A), and not later than 15 days before the
25 Commission first commits funds under this sec-

1 tion, the Commission shall provide notice to the
2 appropriate congressional committees of the
3 metrics the Commission plans to use to evaluate
4 applications for those funds.

5 (2) **EQUITABLE DISTRIBUTION.**—To the extent
6 feasible, the Commission shall ensure, in providing
7 assistance under the COVID–19 Telehealth Program
8 from amounts made available under subsection (b),
9 that not less than 1 applicant in each of the 50
10 States and the District of Columbia has received
11 funding from the Program since the inception of the
12 Program, unless there is no such applicant eligible
13 for such assistance in a State or in the District of
14 Columbia, as the case may be.

15 (3) **PREVIOUS APPLICANTS.**—The Commission
16 shall allow an applicant who filed an application dur-
17 ing the funding rounds for awards from the
18 COVID–19 Telehealth Program using amounts ap-
19 propriated under the CARES Act (Public Law 116-
20 36; 134 Stat. 281) the opportunity to update or
21 amend that application as necessary.

22 (4) **INFORMATION.**—To the extent feasible, the
23 Commission shall provide each applicant for funding
24 from the COVID–19 Telehealth Program, if re-
25 quested, with—

1 (A) information on the status of the appli-
2 cation; and

3 (B) a rationale for the final funding deci-
4 sion for the application, after making that deci-
5 sion.

6 (5) DENIAL.—If the Commission chooses to
7 deny an application for funding from the COVID-
8 19 Telehealth Program, the Commission shall—

9 (A) issue notice to the applicant of the in-
10 tent of the Commission to deny the application
11 and the grounds for that decision;

12 (B) provide the applicant with 10 days to
13 submit any supplementary information that the
14 applicant determines relevant; and

15 (C) consider any supplementary informa-
16 tion submitted under subparagraph (B) in mak-
17 ing any final decision with respect to the appli-
18 cation.

19 (d) REPORT TO CONGRESS.—Not later than 90 days
20 after the date of enactment of this Act, and every 30 days
21 thereafter until all funds made available under this section
22 have been expended, the Commission shall submit to the
23 appropriate congressional committees a report on the dis-
24 tribution of funds appropriated for the COVID-19 Tele-
25 health Program under the CARES Act (Public Law 116-

1 36; 134 Stat. 281) or under this section, which shall in-
2 clude—

3 (1) non-identifiable and aggregated data on de-
4 ficient and rejected applications;

5 (2) non-identifiable and aggregated data on ap-
6 plications for which no award determination was
7 made;

8 (3) information on the total number of appli-
9 cants;

10 (4) information on the total dollar amount of
11 requests for awards made under this section; and

12 (5) information on applicant outreach and tech-
13 nical assistance.

14 (e) PAPERWORK REDUCTION ACT REQUIREMENTS.—

15 A collection of information conducted or sponsored under
16 any regulations required to implement this section shall
17 not constitute a collection of information for the purposes
18 of subchapter I of chapter 35 of title 44, United States
19 Code (commonly referred to as the “Paperwork Reduction
20 Act”).

21 **SEC. 904. BENEFIT FOR BROADBAND SERVICE DURING**
22 **EMERGENCY PERIOD RELATING TO COVID-**
23 **19.**

24 (a) DEFINITIONS.—In this section:

1 (1) BROADBAND INTERNET ACCESS SERVICE.—

2 The term “broadband internet access service” has
3 the meaning given such term in section 8.1(b) of
4 title 47, Code of Federal Regulations, or any suc-
5 cessor regulation.

6 (2) BROADBAND PROVIDER.—The term
7 “broadband provider” means a provider of
8 broadband internet access service.

9 (3) COMMISSION.—The term “Commission”
10 means the Federal Communications Commission.

11 (4) CONNECTED DEVICE.—The term “con-
12 nected device” means a laptop or desktop computer
13 or a tablet.

14 (5) DESIGNATED AS AN ELIGIBLE TELE-
15 COMMUNICATIONS CARRIER.—The term “designated
16 as an eligible telecommunications carrier”, with re-
17 spect to a broadband provider, means the broadband
18 provider is designated as an eligible telecommuni-
19 cations carrier under section 214(e) of the Commu-
20 nications Act of 1934 (47 U.S.C. 214(e)).

21 (6) ELIGIBLE HOUSEHOLD.—The term “eligible
22 household” means, regardless of whether the house-
23 hold or any member of the household receives sup-
24 port under subpart E of part 54 of title 47, Code
25 of Federal Regulations (or any successor regulation),

1 and regardless of whether any member of the house-
2 hold has any past or present arrearages with a
3 broadband provider, a household in which—

4 (A) at least one member of the household
5 meets the qualifications in subsection (a) or (b)
6 of section 54.409 of title 47, Code of Federal
7 Regulations (or any successor regulation);

8 (B) at least one member of the household
9 has applied for and been approved to receive
10 benefits under the free and reduced price lunch
11 program under the Richard B. Russell National
12 School Lunch Act (42 U.S.C. 1751 et seq.) or
13 the school breakfast program under section 4 of
14 the Child Nutrition Act of 1966 (42 U.S.C.
15 1773);

16 (C) at least one member of the household
17 has experienced a substantial loss of income
18 since February 29, 2020, that is documented by
19 layoff or furlough notice, application for unem-
20 ployment insurance benefits, or similar docu-
21 mentation or that is otherwise verifiable
22 through the National Verifier or National Life-
23 line Accountability Database;

24 (D) at least one member of the household
25 has received a Federal Pell Grant under section

1 401 of the Higher Education Act of 1965 (20
2 U.S.C. 1070a) in the current award year, if
3 such award is verifiable through the National
4 Verifier or National Lifeline Accountability
5 Database or the participating provider verifies
6 eligibility under subsection (a)(2)(B); or

7 (E) at least one member of the household
8 meets the eligibility criteria for a participating
9 provider’s existing low-income or COVID–19
10 program, subject to the requirements of sub-
11 section (a)(2)(B) and any other eligibility re-
12 quirements the Commission may consider nec-
13 essary for the public interest.

14 (7) EMERGENCY BROADBAND BENEFIT.—The
15 term “emergency broadband benefit” means a
16 monthly discount for an eligible household applied to
17 the actual amount charged to such household, which
18 shall be no more than the standard rate for an inter-
19 net service offering and associated equipment, in an
20 amount equal to such amount charged, but not more
21 than \$50, or, if an internet service offering is pro-
22 vided to an eligible household on Tribal land, not
23 more than \$75.

24 (8) EMERGENCY PERIOD.—The term “emer-
25 gency period” means the period that—

1 (A) begins on the date of the enactment of
2 this Act; and

3 (B) ends on the date that is 6 months
4 after the date on which the determination by
5 the Secretary of Health and Human Services
6 pursuant to section 319 of the Public Health
7 Service Act (42 U.S.C. 247d) that a public
8 health emergency exists as a result of COVID–
9 19, including any renewal thereof, terminates.

10 (9) INTERNET SERVICE OFFERING.—The term
11 “internet service offering” means, with respect to a
12 broadband provider, broadband internet access serv-
13 ice provided by such provider to a household, offered
14 in the same manner, and on the same terms, as de-
15 scribed in any of such provider’s offerings for
16 broadband internet access service to such household,
17 as on December 1, 2020.

18 (10) NATIONAL LIFELINE ACCOUNTABILITY
19 DATABASE.—The term “National Lifeline Account-
20 ability Database” has the meaning given such term
21 in section 54.400 of title 47, Code of Federal Regu-
22 lations (or any successor regulation).

23 (11) NATIONAL VERIFIER.—The term “Na-
24 tional Verifier” has the meaning given such term in

1 section 54.400 of title 47, Code of Federal Regula-
2 tions, or any successor regulation.

3 (12) PARTICIPATING PROVIDER.—The term
4 “participating provider” means a broadband pro-
5 vider that—

6 (A)(i) is designated as an eligible tele-
7 communications carrier; or

8 (ii) meets requirements established by the
9 Commission for participation in the Emergency
10 Broadband Benefit Program and is approved by
11 the Commission under subsection (d)(2); and

12 (B) elects to participate in the Emergency
13 Broadband Benefit Program.

14 (13) STANDARD RATE.—The term “standard
15 rate” means the monthly retail rate for the applica-
16 ble tier of broadband internet access service as of
17 December 1, 2020, excluding any taxes or other gov-
18 ernmental fees.

19 (b) EMERGENCY BROADBAND BENEFIT PROGRAM.—

20 (1) ESTABLISHMENT.—The Commission shall
21 establish a program, to be known as the “Emer-
22 gency Broadband Benefit Program”, under which
23 the Commission shall, in accordance with this sec-
24 tion, reimburse, using funds from the Emergency
25 Broadband Connectivity Fund established in sub-

1 section (i), a participating provider for an emergency
2 broadband benefit, or an emergency broadband ben-
3 efit and a connected device, provided to an eligible
4 household during the emergency period.

5 (2) VERIFICATION OF ELIGIBILITY.—To verify
6 whether a household is an eligible household, a par-
7 ticipating provider shall—

8 (A) use the National Verifier or National
9 Lifeline Accountability Database;

10 (B) rely upon an alternative verification
11 process of the participating provider, if—

12 (i) the participating provider submits
13 information as required by the Commission
14 regarding the alternative verification proc-
15 ess prior to seeking reimbursement; and

16 (ii) not later than 7 days after receiv-
17 ing the information required under clause
18 (i), the Commission—

19 (I) determines that the alter-
20 native verification process will be suf-
21 ficient to avoid waste, fraud, and
22 abuse; and

23 (II) notifies the participating
24 provider of the determination under
25 subclause (I); or

1 (C) rely on a school to verify the eligibility
2 of a household based on the participation of the
3 household in the free and reduced price lunch
4 program or the school breakfast program de-
5 scribed in subsection (a)(6)(B).

6 (3) USE OF NATIONAL VERIFIER AND NA-
7 TIONAL LIFELINE ACCOUNTABILITY DATABASE.—
8 The Commission shall—

9 (A) expedite the ability of all participating
10 providers to access the National Verifier and
11 National Lifeline Accountability Database for
12 purposes of determining whether a household is
13 an eligible household, without regard to whether
14 a participating provider is designated as an eli-
15 gible telecommunications carrier; and

16 (B) ensure that the National Verifier and
17 National Lifeline Accountability Database ap-
18 prove an eligible household to receive the emer-
19 gency broadband benefit not later than 2 days
20 after the date of the submission of information
21 necessary to determine if such household is an
22 eligible household.

23 (4) REIMBURSEMENT.—From the Emergency
24 Broadband Connectivity Fund established in sub-
25 section (i), the Commission shall reimburse a partici-

1 participating provider in an amount equal to the emer-
2 gency broadband benefit with respect to an eligible
3 household that receives such benefit from such par-
4 ticipating provider during the emergency period.

5 (5) REIMBURSEMENT FOR CONNECTED DE-
6 VICE.—A participating provider that, during the
7 emergency period, in addition to providing the emer-
8 gency broadband benefit to an eligible household,
9 supplies such household with a connected device may
10 be reimbursed up to \$100 from the Emergency
11 Broadband Connectivity Fund established in sub-
12 section (i) for such connected device, if the charge
13 to such eligible household is more than \$10 but less
14 than \$50 for such connected device, except that a
15 participating provider may receive reimbursement
16 for no more than 1 connected device per eligible
17 household.

18 (6) CERTIFICATION REQUIRED.—To receive a
19 reimbursement under paragraph (4) or (5), a par-
20 ticipating provider shall certify to the Commission
21 the following:

22 (A) That the amount for which the partici-
23 pating provider is seeking reimbursement from
24 the Emergency Broadband Connectivity Fund
25 established in subsection (i) for providing an

1 internet service offering to an eligible household
2 is not more than the standard rate.

3 (B) That each eligible household for which
4 the participating provider is seeking reimburse-
5 ment for providing an internet service offering
6 discounted by the emergency broadband ben-
7 efit—

8 (i) has not been and will not be
9 charged—

10 (I) for such offering, if the stand-
11 ard rate for such offering is less than
12 or equal to the amount of the emer-
13 gency broadband benefit for such
14 household; or

15 (II) more for such offering than
16 the difference between the standard
17 rate for such offering and the amount
18 of the emergency broadband benefit
19 for such household;

20 (ii) will not be required to pay an
21 early termination fee if such eligible house-
22 hold elects to enter into a contract to re-
23 ceive such internet service offering if such
24 household later terminates such contract;

1 (iii) was not, after the date of the en-
2 actment of this Act, subject to a manda-
3 tory waiting period for such internet serv-
4 ice offering based on having previously re-
5 ceived broadband internet access service
6 from such participating provider; and

7 (iv) will otherwise be subject to the
8 participating provider's generally applica-
9 ble terms and conditions as applied to
10 other customers.

11 (C) That each eligible household for which
12 the participating provider is seeking reimburse-
13 ment for supplying such household with a con-
14 nected device has not been and will not be
15 charged \$10 or less or \$50 or more for such de-
16 vice.

17 (D) A description of the process used by
18 the participating provider to verify that a
19 household is an eligible household, if the pro-
20 vider elects an alternative verification process
21 under paragraph (2)(B), and that such
22 verification process was designed to avoid
23 waste, fraud, and abuse.

24 (7) AUDIT REQUIREMENTS.—The Commission
25 shall adopt audit requirements to ensure that par-

1 participating providers are in compliance with the re-
2 quirements of this section and to prevent waste,
3 fraud, and abuse in the Emergency Broadband Ben-
4 efit Program. A finding of waste, fraud, or abuse or
5 an improper payment (as such term is defined in
6 section 2(d) of the Improper Payments Information
7 Act of 2002 (31 U.S.C. 3321 note)) identified by the
8 Commission or the Inspector General of the Com-
9 mission shall include the following:

10 (A) The name of the participating pro-
11 vider.

12 (B) The amount of funding made available
13 from the Emergency Broadband Connectivity
14 Fund to the participating provider.

15 (C) The amount of funding determined to
16 be an improper payment to a participating pro-
17 vider.

18 (D) A description of to what extent fund-
19 ing made available from the Emergency
20 Broadband Connectivity Fund that was an im-
21 proper payment was used for a reimbursement
22 for a connected device or a reimbursement for
23 an internet service offering.

1 (E) Whether, in the case of a connected
2 device, such device, or the value thereof, has
3 been recovered.

4 (F) Whether any funding from the Emer-
5 gency Broadband Connectivity Fund was made
6 available to a participating provider for an
7 emergency broadband benefit for a person out-
8 side the eligible household.

9 (G) Whether any funding from the Emer-
10 gency Broadband Connectivity Fund was made
11 available to reimburse a participating provider
12 for an emergency broadband benefit made avail-
13 able to an eligible household in which all mem-
14 bers of such household necessary to satisfy the
15 eligibility requirements described in subsection
16 (a)(6) were deceased.

17 (8) RANDOM AUDIT REQUIRED.—Not later than
18 1 year after the date of the enactment of this Act,
19 the Inspector General of the Commission shall con-
20 duct an audit of a representative sample of partici-
21 pating providers receiving reimbursements under the
22 Emergency Broadband Benefit Program.

23 (9) NOTIFICATION OF AUDIT FINDINGS.—Not
24 later than 7 days after a finding made by the Com-
25 mission under the requirements of paragraph (7),

1 the Commission shall notify the Committee on En-
2 ergy and Commerce of the House of Representatives
3 and the Committee on Commerce, Science, and
4 Transportation of the Senate with any information
5 described in such paragraph that the Commission
6 has obtained.

7 (10) EXPIRATION OF PROGRAM.—At the conclu-
8 sion of the Emergency Broadband Benefit Program,
9 any participating eligible households shall be subject
10 to a participating provider’s generally applicable
11 terms and conditions.

12 (c) REGULATIONS REQUIRED.—

13 (1) IN GENERAL.—Not later than 60 days after
14 the date of the enactment of this Act, the Commis-
15 sion shall promulgate regulations to implement this
16 section.

17 (2) COMMENT PERIODS.—As part of the rule-
18 making under paragraph (1), the Commission
19 shall—

20 (A) provide a 20-day public comment pe-
21 riod that begins not later than 5 days after the
22 date of the enactment of this Act;

23 (B) provide a 20-day public reply comment
24 period that immediately follows the period
25 under subparagraph (A); and

1 (C) during the comment periods under
2 subparagraphs (A) and (B), seek comment
3 on—

4 (i) the provision of assistance from
5 the Emergency Broadband Connectivity
6 Fund established in subsection (i) con-
7 sistent with this section; and

8 (ii) other related matters.

9 (d) ELIGIBILITY OF PROVIDERS.—

10 (1) RELATION TO ELIGIBLE TELECOMMUNI-
11 CATIONS CARRIER DESIGNATION.—The Commission
12 may not require a broadband provider to be des-
13 igned as an eligible telecommunications carrier in
14 order to be a participating provider.

15 (2) EXPEDITED APPROVAL PROCESS.—

16 (A) IN GENERAL.—The Commission shall
17 establish an expedited process by which the
18 Commission approves as participating providers
19 broadband providers that are not designated as
20 eligible telecommunications carriers and elect to
21 participate in the Emergency Broadband Ben-
22 efit Program.

23 (B) EXCEPTION.—Notwithstanding sub-
24 paragraph (A), the Commission shall automati-
25 cally approve as a participating provider a

1 broadband provider that has an established pro-
2 gram as of April 1, 2020, that is widely avail-
3 able and offers internet service offerings to eli-
4 gible households and maintains verification
5 processes that are sufficient to avoid fraud,
6 waste, and abuse.

7 (e) **RULE OF CONSTRUCTION.**—Nothing in this sec-
8 tion shall affect the collection, distribution, or administra-
9 tion of the Lifeline Assistance Program governed by the
10 rules set forth in subpart E of part 54 of title 47, Code
11 of Federal Regulations (or any successor regulation).

12 (f) **PART 54 REGULATIONS.**—Nothing in this section
13 shall be construed to prevent the Commission from pro-
14 viding that the regulations in part 54 of title 47, Code
15 of Federal Regulations, or any successor regulation, shall
16 apply in whole or in part to the Emergency Broadband
17 Benefit Program, shall not apply in whole or in part to
18 such Program, or shall be modified in whole or in part
19 for purposes of application to such Program.

20 (g) **ENFORCEMENT.**—A violation of this section or a
21 regulation promulgated under this section shall be treated
22 as a violation of the Communications Act of 1934 (47
23 U.S.C. 151 et seq.) or a regulation promulgated under
24 such Act. The Commission shall enforce this section and
25 the regulations promulgated under this section in the same

1 manner, by the same means, and with the same jurisdic-
2 tion, powers, and duties as though all applicable terms and
3 provisions of the Communications Act of 1934 were incor-
4 porated into and made a part of this section.

5 (h) EXEMPTIONS.—

6 (1) CERTAIN RULEMAKING REQUIREMENTS.—

7 Section 553 of title 5, United States Code, shall not
8 apply to a regulation promulgated under subsection
9 (c) or a rulemaking proceeding to promulgate such
10 a regulation.

11 (2) PAPERWORK REDUCTION ACT REQUIRE-

12 MENTS.—A collection of information conducted or
13 sponsored under the regulations required by sub-
14 section (c) shall not constitute a collection of infor-
15 mation for the purposes of subchapter I of chapter
16 35 of title 44, United States Code (commonly re-
17 ferred to as the Paperwork Reduction Act).

18 (i) EMERGENCY BROADBAND CONNECTIVITY

19 FUND.—

20 (1) ESTABLISHMENT.—There is established in

21 the Treasury of the United States a fund to be
22 known as the Emergency Broadband Connectivity
23 Fund.

24 (2) APPROPRIATION.—There is appropriated to

25 the Emergency Broadband Connectivity Fund, out

1 of any money in the Treasury not otherwise appro-
2 priated, \$3,200,000,000 for fiscal year 2021, to re-
3 main available until expended.

4 (3) USE OF FUNDS.—Amounts in the Emer-
5 gency Broadband Connectivity Fund shall be avail-
6 able to the Commission for reimbursements to par-
7 ticipating providers under this section, and the Com-
8 mission may use not more than 2 percent of such
9 amounts to administer the Emergency Broadband
10 Benefit Program.

11 (4) RELATIONSHIP TO UNIVERSAL SERVICE
12 CONTRIBUTIONS.—Reimbursements provided under
13 this section shall be provided from amounts made
14 available under this subsection and not from con-
15 tributions under section 254(d) of the Communica-
16 tions Act of 1934 (47 U.S.C. 254(d)).

17 (5) USE OF UNIVERSAL SERVICE ADMINISTRA-
18 TIVE COMPANY PERMITTED.—The Commission shall
19 have the authority to avail itself of the services of
20 the Universal Service Administrative Company to
21 implement the Emergency Broadband Benefit Pro-
22 gram, including developing and processing reim-
23 bursements and distributing funds to participating
24 providers.

1 (j) SAFE HARBOR.—The Commission may not en-
2 force a violation of this section under section 501, 502,
3 or 503 of the Communications Act of 1934 (47 U.S.C.
4 501; 502; 503), or any rules of the Commission promul-
5 gated under such sections of such Act, if a participating
6 provider demonstrates to the Commission that such pro-
7 vider relied in good faith on information provided to such
8 provider to make the verification required by subsection
9 (b)(2).

10 **SEC. 905. GRANTS FOR BROADBAND CONNECTIVITY.**

11 (a) DEFINITIONS.—In this section:

12 (1) ASSISTANT SECRETARY.—The term “Assist-
13 ant Secretary” means the Assistant Secretary of
14 Commerce for Communications and Information.

15 (2) BROADBAND OR BROADBAND SERVICE.—
16 The term “broadband” or “broadband service” has
17 the meaning given the term “broadband internet ac-
18 cess service” in section 8.1(b) of title 47, Code of
19 Federal Regulations, or any successor regulation.

20 (3) COMMISSION.—The term “Commission”
21 means the Federal Communications Commission.

22 (4) COVERED BROADBAND PROJECT.—The
23 term “covered broadband project” means a competi-
24 tively and technologically neutral project for the de-
25 ployment of fixed broadband service that provides

1 qualifying broadband service in an eligible service
2 area.

3 (5) COVERED PARTNERSHIP.—The term “cov-
4 ered partnership” means a partnership between—

5 (A) a State, or 1 or more political subdivi-
6 sions of a State; and

7 (B) a provider of fixed broadband service.

8 (6) DEPARTMENT.—The term “Department”
9 means the Department of Commerce.

10 (7) ELIGIBLE SERVICE AREA.—The term “eligi-
11 ble service area” means a census block in which
12 broadband service is not available at 1 or more
13 households or businesses in the census block, as de-
14 termined by the Assistant Secretary on the basis
15 of—

16 (A) the maps created under section
17 802(c)(1) of the Communications Act of 1934
18 (47 U.S.C. 642(c)(1)); or

19 (B) if the maps described in subparagraph
20 (A) are not available, the most recent informa-
21 tion available to the Assistant Secretary, includ-
22 ing information provided by the Commission.

23 (8) ELIGIBLE ENTITY.—The term “eligible enti-
24 ty” means—

25 (A) a Tribal Government;

1 (B) a Tribal College or University;

2 (C) the Department of Hawaiian Home
3 Lands on behalf of the Native Hawaiian Com-
4 munity, including Native Hawaiian Education
5 Programs;

6 (D) a Tribal organization; or

7 (E) a Native Corporation.

8 (9) NATIVE CORPORATION.—The term “Native
9 Corporation” has the meaning given the term in sec-
10 tion 3 of the Alaska Native Claims Settlement Act
11 (43 U.S.C. 1602).

12 (10) NATIVE HAWAIIAN.—The term “Native
13 Hawaiian” has the meaning given the term in sec-
14 tion 801 of the Native American Housing Assistance
15 and Self-Determination Act of 1996 (25 U.S.C.
16 4221).

17 (11) QUALIFYING BROADBAND SERVICE.—The
18 term “qualifying broadband service” means
19 broadband service with—

20 (A) a download speed of not less than 25
21 megabits per second;

22 (B) an upload speed of not less than 3
23 megabits per second; and

24 (C) a latency sufficient to support real-
25 time, interactive applications.

1 (12) TRIBAL GOVERNMENT.—The term “Tribal
2 Government” means the governing body of any In-
3 dian or Alaska Native Tribe, band, nation, pueblo,
4 village, community, component band, or component
5 reservation, individually recognized (including par-
6 enthetically) in the list published most recently as of
7 the date of enactment of this Act pursuant to sec-
8 tion 104 of the Federally Recognized Indian Tribe
9 List Act of 1994 (25 U.S.C. 5131).

10 (13) TRIBAL LAND.—The term “Tribal land”
11 means—

12 (A) any land located within the boundaries
13 of—

14 (i) an Indian reservation, pueblo, or
15 rancheria; or

16 (ii) a former reservation within Okla-
17 homa;

18 (B) any land not located within the bound-
19 aries of an Indian reservation, pueblo, or
20 rancheria, the title to which is held—

21 (i) in trust by the United States for
22 the benefit of an Indian Tribe or an indi-
23 vidual Indian;

24 (ii) by an Indian Tribe or an indi-
25 vidual Indian, subject to restriction against

1 alienation under laws of the United States;

2 or

3 (iii) by a dependent Indian commu-
4 nity;

5 (C) any land located within a region estab-
6 lished pursuant to section 7(a) of the Alaska
7 Native Claims Settlement Act (43 U.S.C.
8 1606(a));

9 (D) Hawaiian Home Lands, as defined in
10 section 801 of the Native American Housing
11 Assistance and Self-Determination Act of 1996
12 (25 U.S.C. 4221); or

13 (E) those areas or communities designated
14 by the Assistant Secretary of Indian Affairs of
15 the Department of the Interior that are near,
16 adjacent, or contiguous to reservations where fi-
17 nancial assistance and social service programs
18 are provided to Indians because of their status
19 as Indians.

20 (14) UNSERVED.—The term “unserved”, with
21 respect to a household, means—

22 (A) the household lacks access to quali-
23 fying broadband service; and

24 (B) no broadband provider has been se-
25 lected to receive, or is otherwise receiving, Fed-

1 eral or State funding subject to enforceable
2 build out commitments to deploy qualifying
3 broadband service in the specific area where the
4 household is located by dates certain, even if
5 such service is not yet available, provided that
6 the Federal or State agency providing the fund-
7 ing has not deemed the service provider to be
8 in default of its buildout obligations under the
9 applicable Federal or State program.

10 (b) DIRECT APPROPRIATION.—There is appropriated
11 to the Assistant Secretary, out of amounts in the Treasury
12 not otherwise appropriated, for the fiscal year ending Sep-
13 tember 30, 2021, to remain available until expended—

14 (1) \$1,000,000,000 for grants under subsection
15 (c); and

16 (2) \$300,000,000 for grants under subsection
17 (d).

18 (c) TRIBAL BROADBAND CONNECTIVITY PRO-
19 GRAM.—

20 (1) TRIBAL BROADBAND CONNECTIVITY
21 GRANTS.—The Assistant Secretary shall use the
22 funds made available under subsection (b)(1) to im-
23 plement a program to make grants to eligible enti-
24 ties to expand access to and adoption of—

25 (A) broadband service on Tribal land; or

1 (B) remote learning, telework, or telehealth
2 resources during the COVID–19 pandemic.

3 (2) GRANTS.—From the amounts appropriated
4 under subsection (b)(1), the Assistant Secretary
5 shall award a grant to each eligible entity that sub-
6 mits an application that the Assistant Secretary ap-
7 proves after consultation with the Commission to
8 prevent duplication of funding.

9 (3) ALLOCATIONS.—

10 (A) EQUITABLE DISTRIBUTION.—The
11 amounts appropriated under subsection (b)(1)
12 shall be made available to eligible entities on an
13 equitable basis, and not less than 3 percent of
14 those amounts shall be made available for the
15 benefit of Native Hawaiians.

16 (B) ADMINISTRATIVE EXPENSES OF AS-
17 SISTANT SECRETARY.—The Assistant Secretary
18 may use not more than 2 percent of amounts
19 appropriated under subsection (b)(1) for admin-
20 istrative purposes, including the provision of
21 technical assistance to Tribal Governments to
22 help those Governments take advantage of the
23 program established under this subsection.

24 (4) USE OF GRANT FUNDS.—

25 (A) COMMITMENT DEADLINE.—

1 (i) IN GENERAL.—Not later than 180
2 days after receiving grant funds under this
3 subsection, an eligible entity shall commit
4 the funds in accordance with the approved
5 application of the entity.

6 (ii) REVERSION OF FUNDS.—Any
7 grant funds not committed by an eligible
8 entity by the deadline under clause (i) shall
9 revert to the general fund of the Treasury.

10 (B) EXPENDITURE DEADLINE.—

11 (i) IN GENERAL.—Not later than 1
12 year after receiving grant funds under this
13 subsection, an eligible entity shall expend
14 the grant funds.

15 (ii) EXTENSIONS FOR INFRASTRUC-
16 TURE PROJECTS.—The Assistant Secretary
17 may extend the period under clause (i) for
18 an eligible entity that proposes to use the
19 grant funds for construction of broadband
20 infrastructure if the eligible entity certifies
21 that—

22 (I) the eligible entity has a plan
23 for use of the grant funds;

24 (II) the construction project is
25 underway; or

1 (III) extenuating circumstances
2 require an extension of time to allow
3 the project to be completed.

4 (iii) REVERSION OF FUNDS.—Any
5 grant funds not expended by an eligible en-
6 tity by the deadline under clause (i) shall
7 be made available to other eligible entities
8 for the purposes provided in this sub-
9 section.

10 (5) ELIGIBLE USES.—An eligible entity may
11 use grant funds made available under this subsection
12 for—

13 (A) broadband infrastructure deployment,
14 including support for the establishment of car-
15 rier-neutral submarine cable landing stations;

16 (B) affordable broadband programs, in-
17 cluding—

18 (i) providing free or reduced-cost
19 broadband service; and

20 (ii) preventing disconnection of exist-
21 ing broadband service;

22 (C) distance learning;

23 (D) telehealth;

24 (E) digital inclusion efforts; and

25 (F) broadband adoption activities.

1 (6) ADMINISTRATIVE EXPENSES OF ELIGIBLE
2 ENTITIES.—An eligible entity may use not more
3 than 2 percent of grant funds received under this
4 subsection for administrative purposes.

5 (7) SUBGRANTEES.—

6 (A) IN GENERAL.—An eligible entity may
7 enter into a contract with a subgrantee, includ-
8 ing a non-Tribal entity, as part of its use of
9 grant funds pursuant to this subsection.

10 (B) REQUIREMENTS.—An eligible entity
11 that enters into a contract with a subgrantee
12 for use of grant funds received under this sub-
13 section shall—

14 (i) before entering into the contract,
15 after a reasonable investigation, make a
16 determination that the subgrantee—

17 (I) is capable of carrying out the
18 project for which grant funds will be
19 provided in a competent manner in
20 compliance with all applicable laws;

21 (II) has the financial capacity to
22 meet the obligations of the project
23 and the requirements of this sub-
24 section; and

1 (III) has the technical and oper-
2 ational capability to carry out the
3 project; and

4 (ii) stipulate in the contract reason-
5 able provisions for recovery of funds for
6 nonperformance.

7 (8) BROADBAND INFRASTRUCTURE DEPLOY-
8 MENT.—In using grant funds received under this
9 subsection for new construction of broadband infra-
10 structure, an eligible entity shall prioritize projects
11 that deploy broadband infrastructure to unserved
12 households.

13 (d) BROADBAND INFRASTRUCTURE PROGRAM.—

14 (1) BROADBAND INFRASTRUCTURE DEPLOY-
15 MENT GRANTS.—The Assistant Secretary shall use
16 the funds made available under subsection (b)(2) to
17 implement a program under which the Assistant
18 Secretary makes grants on a competitive basis to
19 covered partnerships for covered broadband projects.

20 (2) MAPPING.—

21 (A) DATA FROM COMMISSION.—Not less
22 frequently than annually, the Commission shall,
23 through the process established under section
24 802(b)(7)) of the Communications Act of 1934
25 (47 U.S.C. 642(b)(7)), provide the Assistant

1 Secretary any data collected by the Commission
2 pursuant to title VIII of that Act (47 U.S.C.
3 641 et seq.).

4 (B) USE BY ASSISTANT SECRETARY.—The
5 Assistant Secretary shall rely on the data pro-
6 vided under subparagraph (A) in carrying out
7 this subsection to the greatest extent prac-
8 ticable.

9 (3) ELIGIBILITY REQUIREMENTS.—To be eligi-
10 ble for a grant under this subsection, a covered part-
11 nership shall submit an application at such time, in
12 such manner, and containing such information as
13 the Assistant Secretary may require, which applica-
14 tion shall, at a minimum, include a description of—

15 (A) the covered partnership;

16 (B) the covered broadband project to be
17 funded by the grant, including—

18 (i) the speed or speeds at which the
19 covered partnership plans to offer
20 broadband service; and

21 (ii) the cost of the project;

22 (C) the area to be served by the covered
23 broadband project (in this paragraph referred
24 to as the “proposed service area”);

1 (D) any support provided to the provider
2 of broadband service that is part of the covered
3 partnership through—

4 (i) any grant, loan, or loan guarantee
5 provided by a State to the provider of
6 broadband service for the deployment of
7 broadband service in the proposed service
8 area;

9 (ii) any grant, loan, or loan guarantee
10 with respect to the proposed service area
11 provided by the Secretary of Agriculture—

12 (I) under title VI of the Rural
13 Electrification Act of 1936 (7 U.S.C.
14 950bb et seq.), including—

15 (aa) any program to provide
16 grants, loans, or loan guarantees
17 under sections 601 through 603
18 of that Act (7 U.S.C. 950bb et
19 seq.); and

20 (bb) the Community Con-
21 nect Grant Program established
22 under section 604 of that Act (7
23 U.S.C. 950bb-3); or

24 (II) the broadband loan and
25 grant pilot program known as the

1 “Rural eConnectivity Pilot Program”
2 or the “ReConnect Program” author-
3 ized under section 779 of division A of
4 the Consolidated Appropriations Act,
5 2018 (Public Law 115–141; 132 Stat.
6 348);

7 (iii) any high-cost universal service
8 support provided under section 254 of the
9 Communications Act of 1934 (47 U.S.C.
10 254);

11 (iv) any grant provided under section
12 6001 of the American Recovery and Rein-
13 vestment Act of 2009 (47 U.S.C. 1305);

14 (v) amounts made available for the
15 Education Stabilization Fund under the
16 heading “DEPARTMENT OF EDU-
17 CATION” in title VIII of division B of the
18 CARES Act (Public Law 116–136; 134
19 Stat. 564); or

20 (vi) any other grant, loan, or loan
21 guarantee provided by the Federal Govern-
22 ment for the provision of broadband serv-
23 ice.

24 (4) PRIORITY.—In awarding grants under this
25 subsection, the Assistant Secretary shall give pri-

1 ority to applications for covered broadband projects
2 as follows, in decreasing order of priority:

3 (A) Covered broadband projects designed
4 to provide broadband service to the greatest
5 number of households in an eligible service
6 area.

7 (B) Covered broadband projects designed
8 to provide broadband service in an eligible serv-
9 ice area that is wholly within any area other
10 than—

11 (i) a county, city, or town that has a
12 population of more than 50,000 inhab-
13 itants; and

14 (ii) the urbanized area contiguous and
15 adjacent to a city or town described in
16 clause (i).

17 (C) Covered broadband projects that are
18 the most cost-effective, prioritizing such
19 projects in areas that are the most rural.

20 (D) Covered broadband projects designed
21 to provide broadband service with a download
22 speed of not less than 100 megabits per second
23 and an upload speed of not less than 20 mega-
24 bits per second.

1 (E) Any other covered broadband project
2 that meets the requirements of this subsection.

3 (5) EXPENDITURE DEADLINE.—

4 (A) IN GENERAL.—Not later than 1 year
5 after receiving grant funds under this sub-
6 section, a covered partnership shall expend the
7 grant funds.

8 (B) EXTENSIONS.—The Assistant Sec-
9 retary may extend the period under subpara-
10 graph (A) for a covered partnership that pro-
11 poses to use the grant funds for construction of
12 broadband infrastructure if the covered partner-
13 ship certifies that—

14 (i) the covered partnership has a plan
15 for use of the grant funds;

16 (ii) the construction project is under-
17 way; or

18 (iii) extenuating circumstances require
19 an extension of time to allow the project to
20 be completed.

21 (C) REVERSION OF FUNDS.—Any grant
22 funds not expended by an covered partnership
23 by the deadline under subparagraph (A) shall
24 be made available to other covered partnerships
25 for the purposes provided in this subsection.

1 (6) GRANT CONDITIONS.—

2 (A) PROHIBITIONS.—As a condition of re-
3 ceiving a grant under this subsection, the As-
4 sistant Secretary shall prohibit a provider of
5 broadband service that is part of a covered
6 partnership receiving the grant—

7 (i) from using the grant amounts to
8 repay, or make any other payment relating
9 to, a loan made by any public or private
10 lender;

11 (ii) from using grant amounts as col-
12 lateral for a loan made by any public or
13 private lender; and

14 (iii) from using more than \$50,000 of
15 the grant amounts to pay for the prepara-
16 tion of the grant.

17 (B) NONDISCRIMINATION.—The Assistant
18 Secretary may not require a provider of
19 broadband service that is part of a covered
20 partnership to be designated as an eligible tele-
21 communications carrier pursuant to section
22 214(e) of the Communications Act of 1934 (47
23 U.S.C. 214(e)) to be eligible to receive a grant
24 under this subsection or as a condition of re-
25 ceiving a grant under this subsection.

1 (e) IMPLEMENTATION.—

2 (1) REQUIREMENTS; OUTREACH.—Not earlier
3 than 30 days, and not later than 60 days, after the
4 date of enactment of this Act, the Assistant Sec-
5 retary shall—

6 (A) issue a notice inviting eligible entities
7 and covered partnerships to submit applications
8 for grants under this section, which shall con-
9 tain details about how awarding decisions will
10 be made; and

11 (B) outline—

12 (i) the requirements for applications
13 for grants under this section; and

14 (ii) the allowed uses of grant funds
15 awarded under this section.

16 (2) APPLICATIONS.—

17 (A) SUBMISSION.—During the 90-day pe-
18 riod beginning on the date on which the Assist-
19 ant Secretary issues the notice under paragraph
20 (1), an eligible entity or covered partnership
21 may submit an application for a grant under
22 this section.

23 (B) PROCESSING.—

24 (i) IN GENERAL.—Not later than 90
25 days after receiving an application under

1 subparagraph (A), the Assistant Secretary
2 shall approve or deny the application.

3 (ii) DENIAL.—The Assistant Sec-
4 retary may deny an application submitted
5 under subparagraph (A) only if—

6 (I) the Assistant Secretary pro-
7 vides the applicant an opportunity to
8 cure any defects in the application;
9 and

10 (II) after receiving the oppor-
11 tunity under subclause (I), the appli-
12 cant still fails to meet the require-
13 ments of this section.

14 (C) SINGLE APPLICATION.—An eligible en-
15 tity or covered partnership may submit only 1
16 application under this paragraph.

17 (D) PROPOSED USE OF FUNDS.—An appli-
18 cation submitted by an eligible entity or a cov-
19 ered partnership under this paragraph shall de-
20 scribe each proposed use of grant funds.

21 (E) ALLOCATION OF FUNDS.—Not later
22 than 14 days after approving an application for
23 a grant under this paragraph, the Assistant
24 Secretary shall allocate the grant funds to the
25 eligible entity or covered partnership.

1 (F) TREATMENT OF UNALLOCATED
2 FUNDS.—

3 (i) IN GENERAL.—If an eligible entity
4 or covered partnership does not submit an
5 application by the deadline under subpara-
6 graph (A), or the Assistant Secretary does
7 not approve an application submitted by an
8 eligible entity or a covered partnership
9 under that subparagraph, the Assistant
10 Secretary shall make the amounts allocated
11 for, as applicable—

12 (I) the eligible entity under sub-
13 section (c) available to other eligible
14 entities on an equitable basis; or

15 (II) the covered partnership
16 under subsection (d) to other covered
17 partnerships.

18 (ii) SECOND PROCESS.—The Assistant
19 Secretary shall initiate a second notice and
20 application process described in this sub-
21 section to reallocate any funds made avail-
22 able to other eligible entities or covered
23 partnerships under clause (i).

24 (3) TRANSPARENCY, ACCOUNTABILITY, AND
25 OVERSIGHT REQUIRED.—In implementing this sec-

1 tion, the Assistant Secretary shall adopt measures,
2 including audit requirements, to—

3 (A) ensure sufficient transparency, ac-
4 countability, and oversight to provide the public
5 with information regarding the award and use
6 of grant funds under this section;

7 (B) ensure that a recipient of a grant
8 under this section uses the grant funds in com-
9 pliance with the requirements of this section
10 and the overall purpose of the applicable grant
11 program under this section; and

12 (C) deter waste, fraud, and abuse of grant
13 funds.

14 (4) PROHIBITION ON USE FOR COVERED COM-
15 MUNICATIONS EQUIPMENT OR SERVICES.—An eligi-
16 ble entity or covered partnership may not use grant
17 funds received under this section to purchase or sup-
18 port any covered communications equipment or serv-
19 ice (as defined in section 9 of the Secure and Trust-
20 ed Communications Networks Act of 2019 (47
21 U.S.C. 1608)).

22 (5) UNAUTHORIZED USE OF FUNDS.—To the
23 extent that the Assistant Secretary or the Inspector
24 General of the Department determines that an eligi-
25 ble entity or covered partnership has expended grant

1 funds received under this section in violation of this
2 section, the Assistant Secretary shall recover the
3 amount of funds that were so expended.

4 (f) REPORTING.—

5 (1) ELIGIBLE ENTITIES AND COVERED PART-
6 NERSHIPS.—

7 (A) ANNUAL REPORT.—Not later than 1
8 year after receiving grant funds under this sec-
9 tion, and annually thereafter until the funds
10 have been expended, an eligible entity or cov-
11 ered partnership shall submit to the Assistant
12 Secretary a report, with respect to the 1-year
13 period immediately preceding the report date,
14 that—

15 (i) describes how the eligible entity or
16 covered partnership expended the funds;

17 (ii) certifies that the eligible entity or
18 covered partnership complied with the re-
19 quirements of this section and with any
20 additional reporting requirements pre-
21 scribed by the Assistant Secretary, includ-
22 ing—

23 (I) a description of each service
24 provided with the grant funds; and

1 (II) the number of locations or
2 geographic areas at which broadband
3 service was provided using the grant
4 funds; and

5 (iii) identifies each subgrantee that re-
6 ceived a subgrant from the eligible entity
7 or covered partnership and a description of
8 the specific project for which grant funds
9 were provided.

10 (B) PROVISION OF INFORMATION TO FCC
11 AND USDA.—The Assistant Secretary shall pro-
12 vide the information collected under subpara-
13 graph (A) to the Commission and the Depart-
14 ment of Agriculture to be used when deter-
15 mining whether to award funds for the deploy-
16 ment of broadband under any program adminis-
17 tered by those agencies.

18 (C) TRANSMISSION OF REPORTS TO CON-
19 GRESS.—Not later than 5 days after receiving
20 a report from an eligible entity under subpara-
21 graph (A), the Assistant Secretary shall trans-
22 mit the report to the Committee on Commerce,
23 Science, and Transportation of the Senate and
24 the Committee on Energy and Commerce of the
25 House of Representatives.

1 (2) INSPECTOR GENERAL AND GAO.—Not later
2 than 6 months after the date on which the first
3 grant is awarded under this section, and every 6
4 months thereafter until all of the grant funds award-
5 ed under this section are expended, the Inspector
6 General of the Department and the Comptroller
7 General of the United States shall each submit to
8 the Committee on Commerce, Science, and Trans-
9 portation of the Senate and the Committee on En-
10 ergy and Commerce of the House of Representatives
11 a report that reviews the grants awarded under this
12 section during the preceding 6-month period. Each
13 such report shall include recommendations to ad-
14 dress waste, fraud, and abuse, if any.

15 (g) IMPACT ON OTHER FEDERAL BROADBAND PRO-
16 GRAMS.—The use of grant funds received under this sec-
17 tion by an eligible entity, covered partnership, or sub-
18 grantee shall not impact the eligibility of, or otherwise dis-
19 advantage, the eligible entity, covered partnership, or sub-
20 grantee with respect to participation in any other Federal
21 broadband program.

22 **SEC. 906. APPROPRIATIONS FOR FEDERAL COMMUNICA-**
23 **TIONS COMMISSION ACTIVITIES.**

24 There is appropriated to the Federal Communica-
25 tions Commission, out of amounts in the Treasury not oth-

1 erwise appropriated, for fiscal year 2021, to remain avail-
2 able until expended—

3 (1) \$65,000,000 to carry out title VIII of the
4 Communications Act of 1934 (47 U.S.C. 641 et
5 seq.); and

6 (2) \$1,900,000,000 to carry out the Secure and
7 Trusted Communications Networks Act of 2019 (47
8 U.S.C. 1601 et seq.), of which \$1,895,000,000 shall
9 be used to carry out the program established under
10 section 4 of that Act (47 U.S.C. 1603).

11 **TITLE X—MISCELLANEOUS**

12 **SEC. 1001. CORONAVIRUS RELIEF FUND EXTENSION.**

13 Section 601(d)(3) of the Social Security Act (42
14 U.S.C. 801(d)(3)) is amended by striking “December 30,
15 2020” and inserting “December 31, 2021”.

16 **SEC. 1002. CONTRACTOR PAY.**

17 Section 3610 of division A of the CARES Act (Public
18 Law 116–136) shall be applied by substituting “March 31,
19 2021” for “September 30, 2020”.

20 **SEC. 1003. RESCISSIONS.**

21 (a) **EXCHANGE STABILIZATION FUND.**—

22 (1) **IMMEDIATE RESCISSION.**—Of the unobli-
23 gated balances made available under section 4027 of
24 the CARES Act (15 U.S.C. 9061),

1 \$429,000,000,000 shall be permanently rescinded on
2 the date of enactment of this Act.

3 (2) SUBSEQUENT RESCISSION OF REMAINING
4 FUNDS.—

5 (A) IN GENERAL.—Except as provided in
6 subparagraph (C), any remaining unobligated
7 balances made available under section 4027 of
8 the CARES Act (15 U.S.C. 9061) shall be per-
9 manently rescinded on January 9, 2021.

10 (B) APPLICABILITY.—Notwithstanding the
11 Federal Credit Reform Act of 1990 (2 U.S.C.
12 661 et seq.) or any other provision of law, the
13 rescission in subparagraph (A) shall apply to—

14 (i) the obligated but not disbursed
15 credit subsidy cost of all loans, loan guar-
16 antees, and other investments that the Sec-
17 retary of the Treasury has made or com-
18 mitted to make under section 4003(b)(4)
19 of the CARES Act (15 U.S.C. 9042(b)(4));
20 and

21 (ii) the obligated and disbursed credit
22 subsidy cost of all loans, loan guarantees,
23 and other investments that—

24 (I) the Secretary of the Treasury
25 has made or committed to make

1 under section 4003(b)(4) of the
2 CARES Act (15 U.S.C. 9042(b)(4));
3 and

4 (II) are not needed to meet the
5 commitments, as of January 9, 2021,
6 of the programs and facilities estab-
7 lished under section 13(3) of the Fed-
8 eral Reserve Act (12 U.S.C. 343(3))
9 in which the Secretary of the Treas-
10 ury has made or committed to make
11 a loan, loan guarantee, or other in-
12 vestment using funds appropriated
13 under section 4027 of the CARES Act
14 (15 U.S.C. 9061).

15 (C) EXCEPTIONS.—

16 (i) ADMINISTRATIVE EXPENSES.—The
17 \$100,000,000 made available under section
18 4003(f) of the CARES Act (15 U.S.C.
19 9042(f)) to pay costs and administrative
20 expenses—

21 (I) shall not be rescinded under
22 this paragraph; and

23 (II) shall be used exclusively for
24 the specific purposes described in that
25 section.

1 (ii) SPECIAL INSPECTOR GENERAL
2 FOR PANDEMIC RECOVERY.—The
3 \$25,000,000 made available under section
4 4018(g) of the CARES Act (15 U.S.C.
5 9053(g)) for the Special Inspector General
6 for Pandemic Recovery—

7 (I) shall not be rescinded under
8 this paragraph; and

9 (II) shall be used exclusively for
10 the specific purposes described in that
11 section.

12 (iii) CONGRESSIONAL OVERSIGHT
13 COMMISSION.—Of the amounts made avail-
14 able under section 4027 of the CARES Act
15 (15 U.S.C. 9061) for the Congressional
16 Oversight Commission established under
17 section 4020 of that Act (15 U.S.C. 9055),
18 \$5,000,000—

19 (I) shall not be rescinded under
20 this paragraph; and

21 (II) shall be used exclusively for
22 the expenses of the Congressional
23 Oversight Commission set forth in
24 section 4020(g)(2) of that Act.

1 (b) LOANS, LOAN GUARANTEES, AND OTHER IN-
2 VESTMENTS.—

3 (1) IN GENERAL.—Effective on January 9,
4 2021, section 4003 of the CARES Act (15 U.S.C.
5 9042) is amended—

6 (A) in subsection (a), by striking “
7 \$500,000,000,000” and inserting “ \$0”; and

8 (B) in subsection (b)—

9 (i) in paragraph (1), by striking
10 “25,000,000,000” and inserting “0”;

11 (ii) in paragraph (2), by striking “
12 \$4,000,000,000” and inserting “0”;

13 (iii) in paragraph (3), by striking “
14 \$17,000,000,000” and inserting “0”; and

15 (iv) in paragraph (4), in the matter
16 preceding subparagraph (A), by striking “
17 \$454,000,000,000” and inserting “ \$0”.

18 (2) RULE OF CONSTRUCTION.—The amend-
19 ments made under paragraph (1) shall not be con-
20 strued to affect obligations incurred by the Depart-
21 ment of the Treasury before January 1, 2021.

22 **SEC. 1004. EMERGENCY RELIEF AND TAXPAYER PROTEC-**
23 **TIONS.**

24 Section 4003(e) of the CARES Act (15 U.S.C.
25 9042(e)) is amended, in the matter preceding paragraph

1 (1), by striking “Amounts” and inserting “Notwith-
2 standing any other provision of law, amounts”.

3 **SEC. 1005. TERMINATION OF AUTHORITY.**

4 Section 4029 of the CARES Act (15 U.S.C. 9063)
5 is amended—

6 (1) in subsection (a), by striking “new”;

7 (2) in subsection (b)(1), in the matter pre-
8 ceding subparagraph (A), by striking “, loan guar-
9 antee, or other investment” and inserting “or loan
10 guarantee made under paragraph (1), (2), or (3) of
11 section 4003(b)”;

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

13 “(c) FEDERAL RESERVE PROGRAMS OR FACILI-
14 TIES.—

15 “(1) IN GENERAL.—After December 31, 2020,
16 the Board of Governors of the Federal Reserve Sys-
17 tem and the Federal Reserve banks shall not make
18 any loan, purchase any obligation, asset, security, or
19 other interest, or make any extension of credit
20 through any program or facility established under
21 section 13(3) of the Federal Reserve Act (12 U.S.C.
22 343(3)) in which the Secretary made a loan, loan
23 guarantee, or other investment pursuant to section
24 4003(b)(4), other than a loan submitted, on or be-
25 fore December 14, 2020, to the Main Street Lend-

1 ing Program’s lender portal for the sale of a partici-
2 pation interest in such loan, provided that the Main
3 Street Lending Program purchases a participation
4 interest in such loan on or before January 8, 2021
5 and under the terms and conditions of the Main
6 Street Lending Program as in effect on the date the
7 loan was submitted to the Main Street Lending Pro-
8 gram’s lender portal for the sale of a participation
9 interest in such loan.

10 “(2) NO MODIFICATION.—After December 31,
11 2020, the Board of Governors of the Federal Re-
12 serve System and the Federal Reserve banks—

13 “(A) shall not modify the terms and condi-
14 tions of any program or facility established
15 under section 13(3) of the Federal Reserve Act
16 (12 U.S.C. 343(3)) in which the Secretary
17 made a loan, loan guarantee, or other invest-
18 ment pursuant to section 4003(b)(4), including
19 by authorizing transfer of such funds to a new
20 program or facility established under section
21 13(3) of the Federal Reserve Act (12 U.S.C.
22 343(3)); and

23 “(B) may modify or restructure a loan, ob-
24 ligation, asset, security, other interest, or exten-

1 sion of credit made or purchased through any
2 such program or facility provided that—

3 “(i) the loan, obligation, asset, secu-
4 rity, other interest, or extension of credit is
5 an eligible asset or for an eligible business,
6 including an eligible nonprofit organiza-
7 tion, each as defined by such program or
8 facility; and

9 “(ii) the modification or restructuring
10 relates to an eligible asset or single and
11 specific eligible business, including an eligi-
12 ble nonprofit organization, each as defined
13 by such program or facility; and

14 “(iii) the modification or restructuring
15 is necessary to minimize costs to taxpayers
16 that could arise from a default on the loan,
17 obligation, asset, security, other interest,
18 or extension of credit.

19 “(3) USE OF FUNDS.—

20 “(A) IN GENERAL.—Except as provided in
21 subparagraph (B), the Secretary is permitted to
22 use the fund established under section 5302 of
23 title 31, United States Code, for any purpose
24 permitted under that section.

1 “(B) EXCEPTION.—The fund established
2 under section 5302 of title 31, United States
3 Code, shall not be available for any program or
4 facility established under section 13(3) of the
5 Federal Reserve Act (12 U.S.C. 343(3)) that is
6 the same as any such program or facility in
7 which the Secretary made an investment pursu-
8 ant to section 4003(b)(4), except the Term
9 Asset-Backed Securities Loan Facility.”.

10 **SEC. 1006. RULE OF CONSTRUCTION.**

11 Except as expressly set forth in paragraphs (1) and
12 (2) of subsection (c) of section 4029 of the CARES Act,
13 as added by this Act, nothing in this Act shall be con-
14 strued to modify or limit the authority of the Board of
15 Governors of the Federal Reserve System under section
16 13(3) of the Federal Reserve Act (12 U.S.C. 343(3)) as
17 of the day before the date of enactment of the CARES
18 Act (Public Law 116–136).