AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO THE COMMITTEE PRINT
OFFERED BY MR. SCOTT OF VIRGINIA

Beginning on page 1, strike line 1 and all that follows through the end and insert the following:

TITLE II—COMMITTEE ON EDUCATION AND LABOR
Subtitle A—Education Matters
PART 1—DEPARTMENT OF EDUCATION
SEC. 2001. ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND.

(a) In General.—In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $128,554,800,000, to remain available through September 30, 2023, for providing grants to States in accordance with the same terms and conditions that apply to the Elementary and Secondary School Emergency Relief Fund of the Education Stabilization Fund for funding appropriated for fiscal year 2021, except that—

(1) a State that receives a grant under this section shall use—
(A) not less than 90 percent of such grant for subgrants to local educational agencies; and

(B) not less than 5 percent of such grant to carry out, directly or through grants or contracts, activities to address learning loss by supporting the implementation of evidence-based interventions, such as summer learning, extended day, or extended school year programs, and ensure such interventions respond to students’ academic, social, and emotional needs and address the disproportionate impact of the coronavirus on the student populations described in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(ii)); and

(2) each local educational agency that receives funds from a subgrant under paragraph (1)(A) shall—

(A) reserve not less than 20 percent of such funds to address learning loss through the implementation of evidence-based interventions, such as summer learning, extended day, or extended school year programs, and ensure such interventions respond to students’ academic, social, and emotional needs and address the dis-
proportionate impact of the coronavirus on the
student populations described in section
1111(h)(1)(C)(ii) of the Elementary and Sec-
ondary Education Act of 1965 (20 U.S.C.
6311(h)(1)(C)(ii)); and

(B) using funds reserved under subpara-
graph (A), provide equitable services in the
same manner as provided under section 1117 of
the Elementary and Secondary Education Act
of 1965 (20 U.S.C. 6320) to students and
teachers in non-public schools, as determined in
consultation with representatives of non-public
schools.

(b) Public Control of Funds.—Control of funds
provided under subsection (a)(2)(B), and title to mate-
rials, equipment, and property purchased with such funds,
shall be in a public agency, and a public agency shall ad-
minister such funds, materials, equipment, and property
and shall provide such services (or may contract for the
provision of such services with a public or private entity).

SEC. 2002. HIGHER EDUCATION EMERGENCY RELIEF FUND.

In addition to amounts otherwise available, there is
appropriated to the Department of Education for fiscal
year 2021, out of any money in the Treasury not otherwise
appropriated, $39,584,570,000, to remain available
through September 30, 2023, for making allocations to insti-
stitutions of higher education in accordance with the same
terms and conditions that apply to the Higher Education
Emergency Relief Fund of the Education Stabilization
Fund for funding appropriated for fiscal year 2021, except
that—

(1) 91 percent of such funds shall be allocated
to each institution of higher education as defined in
section 101 or section 102(e) of the Higher Edu-
cation Act of 1965 (20 U.S.C. 1001, 1002(c)), and
shall be apportioned using the same formula used to
apportion funds to each such institution under such
Higher Education Emergency Relief Fund;

(2) 1 percent of such funds shall be allocated
to institutions of higher education as defined in sec-
tion 102(b) of the Higher Education Act of 1965
(20 U.S.C. 1002(b)), and shall be apportioned using
the same formula used to apportion funds to each
such institution under such Higher Education Emer-
gency Relief Fund;

(3) an institution shall solely determine which
students receive emergency financial aid grants
under this section;

(4) an institution receiving an allocation—
(A) under paragraph (1) shall use not less than 50 percent of such allocation to provide emergency financial aid grants to students; and

(B) under paragraph (2) shall use 100 percent of such allocation to provide emergency financial aid grants to students;

(5) an institution receiving an allocation under paragraph (1) shall use a portion of such allocation to—

(A) implement evidence-based practices to monitor and suppress coronavirus in accordance with public health guidelines; and

(B) conduct direct outreach to financial aid applicants about the opportunity to receive a financial aid adjustment due to the recent unemployment of a family member or independent student, or other circumstances, described in section 479A of the Higher Education Act of 1965 (20 U.S.C. 1087tt);

(6) notwithstanding paragraph (4)(A) or paragraph (5), an institution receiving an allocation under paragraph (1) a portion of which is apportioned according to a relative share (based on full-time equivalent enrollment or total number) of students who were Pell grant recipients and who were
exclusively enrolled in distance education courses prior to the qualifying emergency shall use 100 percent of such portion to provide emergency financial aid grants to students; and

(7) institutions required to remit payment to the Internal Revenue Service for the excise tax based on investment income of private colleges and universities under section 4968 of the Internal Revenue Code of 1986 for tax year 2019 shall not be subject to restrictions related to the amount of allocations or uses of funds applicable to such institutions under such Higher Education Emergency Relief Fund.

SEC. 2003. MAINTENANCE OF EFFORT AND MAINTENANCE OF EQUITY.

(a) STATE MAINTENANCE OF EFFORT.—

(1) IN GENERAL.—As a condition of receiving funds under section 2001, a State shall maintain support for elementary and secondary education, and for higher education (which shall include State funding to institutions of higher education and State need-based financial aid, and shall not include support for capital projects or for research and development or tuition and fees paid by students), in each of fiscal years 2022 and 2023 at least at the proportional levels of such State’s support for elementary
and secondary education and for higher education
relative to such State’s overall spending, averaged

(2) WAIVER.—For the purpose of relieving fis-
cal burdens incurred by States in preventing, pre-
paring for, and responding to the coronavirus, the
Secretary of Education may waive any maintenance
of effort requirements associated with the Education
Stabilization Fund.

(b) STATE MAINTENANCE OF EQUITY.—

(1) HIGH-POVERTY LOCAL EDUCATIONAL AGEN-
cies.—As a condition of receiving funds under sec-
tion 2001, a State educational agency shall not, in
fiscal year 2022 or 2023, reduce State funding (cal-
culated on a per-pupil basis) for any high-poverty
local educational agency in the State by an amount
that exceeds the overall per-pupil reduction in State
funds, if any, across all local educational agencies in
such State in such fiscal year.

(2) LOCAL EDUCATIONAL AGENCIES WITH
HIGHEST SHARE OF ECONOMICALLY DISADVAN-
tAGED STUDENT.—Notwithstanding paragraph (1),
as a condition of receiving funds under section 2001,
a State educational agency shall not, in fiscal year
2022 or 2023, reduce State funding for any local
educational agency that is part of the 20 percent of local educational agencies in the State with the highest percentage of economically disadvantaged students (based on the percentages of economically disadvantaged students served by all local educational agencies in the State on the basis of the most recent satisfactory data available from the Department of Commerce) below the level of funding provided to such local educational agencies in fiscal year 2019.

(c) LOCAL EDUCATIONAL AGENCY MAINTENANCE OF EQUITY FOR HIGH-POVERTY SCHOOLS.—As a condition of receiving funds under section 2001, a local educational agency shall not, in fiscal year 2022 or 2023—

(1) reduce per-pupil funding (from combined State and local funding) for any high-poverty school served by such local educational agency by an amount that exceeds—

(A) the total reduction in local educational agency funding (from combined State and local funding) for all schools served by the local educational agency in such fiscal year (if any); divided by

(B) the number of children enrolled in all schools served by the local educational agency in such fiscal year; or
(2) reduce per-pupil, full-time equivalent staff
in any high-poverty school by an amount that ex-
ceeds—

(A) the total reduction in full-time equiva-
lent staff in all schools served by such local
educational agency in such fiscal year (if any);
divided by

(B) the number of children enrolled in all
schools served by the local educational agency
in such fiscal year.

(d) DEFINITIONS.—In this section:

(1) The term “high-poverty local educational
agency” means, with respect to a local educational
agency in a State, a local educational agency that
serves a higher percentage of economically disadvan-
taged students than the local educational agency
that serves the median percentage of economically
disadvantaged students, based on the percentages of
economically disadvantaged students served by all
local educational agencies in such State, on the basis
of the most recent satisfactory data available from
the Department of Commerce.

(2) The term “high-poverty school” means, with
respect to a school served by a local educational
agency, a school that serves a higher percentage of
economically disadvantaged students, as determined by any of the measures of poverty in section 1113 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313) than the school that serves the median percentage of economically disadvantaged students based on the percentages of economically disadvantaged students—

(A) at all schools served by such local educational agency; or

(B) at all schools within each grade-span of such local educational agency.

(3) The term “overall per-pupil reduction in State funds” means, with respect to a fiscal year—

(A) the amount of any reduction in the total amount of State funds provided to all local educational agencies in the State in such fiscal year compared to the total amount of such funds provided to all local educational agencies in the State in the previous fiscal year; divided by

(B) the aggregate number of children enrolled in all schools served by all local educational agencies in the State in the fiscal year for which the determination is being made.
SEC. 2004. OUTLYING AREAS.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $850,000,000, to remain available through September 30, 2023, for the Secretary of Education to allocate awards to the outlying areas on the basis of their respective needs, as determined by the Secretary, to be allocated not more than 30 calendar days after the date of enactment of this Act.

SEC. 2005. BUREAU OF INDIAN EDUCATION.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $850,000,000, to remain available until expended, for the Secretary of Education to allocate to the Secretary of the Interior for awards, which awards shall be determined and funds for such awards allocated by the Secretary of the Interior not more than 30 calendar days after the date of enactment of this Act, for programs operated or funded by the Bureau of Indian Education, for Bureau-funded schools (as defined in section 1141(3) of the Education Amendments of 1978 (25 U.S.C. 2021(3)), and for Tribal Colleges or Universities (as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3))).
SEC. 2006. GALLAUDET UNIVERSITY.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $19,250,000, to remain available through September 30, 2023, for the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.) to prevent, prepare for, and respond to coronavirus, domestically or internationally, including to defray expenses associated with coronavirus (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, and payroll) and to provide financial aid grants to students, which may be used for any component of the student’s cost of attendance.

SEC. 2007. STUDENT AID ADMINISTRATION.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $91,130,000, to remain available through September 30, 2023, for Student Aid Administration within the Department of Education to prevent, prepare for, and respond to coronavirus, domestically or internationally, including direct outreach to students and borrowers.
about financial aid, economic impact payments, means-tested benefits, and tax benefits for which they may be eligible.

SEC. 2008. HOWARD UNIVERSITY.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $35,000,000, to remain available through September 30, 2023, for Howard University to prevent, prepare for, and respond to coronavirus, domestically or internationally, including to defray expenses associated with coronavirus (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, and payroll) and to provide financial aid grants to students, which may be used for any component of the student’s cost of attendance.

SEC. 2009. NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $19,250,000, to remain available through September 30, 2023, for the National Technical Institute for the Deaf under titles I and II of the Education of the
Deaf Act of 1986 (20 U.S.C. 4301 et seq.) to prevent, prepare for, and respond to coronavirus, domestically or internationally, including to defray expenses associated with coronavirus (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff training, and payroll) and to provide financial aid grants to students, which may be used for any component of the student’s cost of attendance.

SEC. 2010. INSTITUTE OF EDUCATION SCIENCES.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available through September 30, 2023, for the Institute of Education Sciences established under part A of title I of the Education Sciences Reform Act of 2002 (20 U.S.C. 9511 et seq.) to carry out research related to addressing learning loss caused by the coronavirus among the student populations described in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(ii)) and to disseminate such findings to State educational agencies and local educational agencies and other appropriate entities.
SEC. 2011. PROGRAM ADMINISTRATION.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available through September 30, 2024, for Program Administration within the Department of Education to prevent, prepare for, and respond to coronavirus, domestically or internationally, and for salaries and expenses necessary to implement this part.

SEC. 2012. OFFICE OF INSPECTOR GENERAL.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until expended, for the Office of Inspector General of the Department of Education, as authorized by section 211 of the Department of Education Organization Act (20 U.S.C. 3422), to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for salaries and expenses necessary for oversight, investigations, and audits of programs, grants, and projects funded under this part to respond to coronavirus.
SEC. 2013. MODIFICATION OF REVENUE REQUIREMENTS FOR PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION.

(a) In General.—Section 487(a)(24) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(24)) is amended by striking “funds provided under this title” and inserting “Federal funds that are disbursed or delivered to or on behalf of a student to be used to attend such institution (referred to in this paragraph and subsection (d) as ‘Federal education assistance funds’)”.

(b) Implementation of Non-Federal Revenue Requirement.—Section 487(d) of the Higher Education Act of 1965 (20 U.S.C. 1094(d)) is amended—

(1) in the subsection heading, by striking “Non-title IV” and inserting “Non-Federal”; and

(2) in paragraph (1)(C), by striking “funds for a program under this title” and inserting “Federal education assistance funds”.

PART 2—MISCELLANEOUS

SEC. 2021. NATIONAL ENDOWMENT FOR THE ARTS.

In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $135,000,000, to remain available until expended, under the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951 et seq.), as follows:
(1) Forty percent shall be for grants, and relevant administrative expenses, to State arts agencies and regional arts organizations that support organizations’ programming and general operating expenses to cover up to 100 percent of the costs of the programs which the grants support, to prevent, prepare for, respond to, and recover from the coronavirus.

(2) Sixty percent shall be for direct grants, and relevant administrative expenses, that support organizations’ programming and general operating expenses to cover up to 100 percent of the costs of the programs which the grants support, to prevent, prepare for, respond to, and recover from the coronavirus.

SEC. 2022. NATIONAL ENDOWMENT FOR THE HUMANITIES.

In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $135,000,000, to remain available until expended, under the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951 et seq.), as follows:

(1) Forty percent shall be for grants, and relevant administrative expenses, to State humanities councils that support humanities organizations’ pro-
gramming and general operating expenses to cover up to 100 percent of the costs of the programs which the grants support, to prevent, prepare for, respond to, and recover from the coronavirus.

(2) Sixty percent shall be for direct grants, and relevant administrative expenses, that support humanities organizations’ programming and general operating expenses to cover up to 100 percent of the costs of the programs which the grants support, to prevent, prepare for, respond to, and recover from the coronavirus.

SEC. 2023. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.

In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available until expended, to carry out the Library Services and Technology Act (20 U.S.C. 9121 et seq.) as authorized under subtitle B of the Museum and Library Services Act (20 U.S.C. 9121 et seq.), including for administrative costs authorized under section 210C of such Act (20 U.S.C. 9111), except that—

(1) section 221(b)(3)(A) of the Library Services and Technology Act shall be applied by substituting “$2,000,000” for “$680,000” and by substituting “$200,000” for “$60,000”; and
(2) section 221(b)(3)(C) and subsections (b) and (c) of section 223 of such Act shall not apply to funds provided under this section.

SEC. 2024. COVID-19 RESPONSE RESOURCES FOR THE PRESERVATION AND MAINTENANCE OF NATIVE AMERICAN LANGUAGES.

(a) Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended by adding at the end the following:

“(f) In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $10,000,000 to remain available until expended, to carry out section 803C(g) of this Act.”.

(b) Section 803C of the Native American Programs Act of 1974 (42 U.S.C. 2991b-3) is amended by adding at the end the following:

“(g) EMERGENCY GRANTS FOR NATIVE AMERICAN LANGUAGE PRESERVATION AND MAINTENANCE.—Not later than 180 days after the effective date of this subsection, the Secretary shall award grants to entities eligible to receive assistance under subsection (a) to ensure the survival and continuing vitality of Native American languages during and after the public health emergency declared by the Secretary pursuant to section 319 of the
Public Health Service Act (42 U.S.C. 247d) with respect to the COVID–19 pandemic.”.

**Subtitle B—Labor Matters**

**SEC. 2101. RAISING THE FEDERAL MINIMUM WAGE.**

(a) **MINIMUM WAGE INCREASES.**—

(1) **IN GENERAL.**—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

“(1) except as otherwise provided in this section, not less than—

“(A) $9.50 an hour, beginning on the effective date under section 2101(e) of the FY 2021 Reconciliation Act;

“(B) $11.00 an hour, beginning 1 year after such effective date;

“(C) $12.50 an hour, beginning 2 years after such effective date;

“(D) $14.00 an hour, beginning 3 years after such effective date;

“(E) $15.00 an hour, beginning 4 years after such effective date; and

“(F) beginning on the date that is 5 years after such effective date, and annually thereafter, the amount determined by the Secretary under subsection (h);”.


Determination based on increase in the median hourly wage of all employees.—

Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by adding at the end the following:

“(h)(1) Not later than each date that is 90 days before a new minimum wage determined under subsection (a)(1)(F) is to take effect, the Secretary shall determine the minimum wage to be in effect under this subsection for each period described in subsection (a)(1)(F). The wage determined under this subsection for a year shall be—

“(A) not less than the amount in effect under subsection (a)(1) on the date of such determination;

“(B) increased from such amount by the annual percentage increase, if any, in the median hourly wage of all employees as determined by the Bureau of Labor Statistics; and

“(C) rounded up to the nearest multiple of $0.05.

“(2) In calculating the annual percentage increase in the median hourly wage of all employees for purposes of paragraph (1)(B), the Secretary, through the Bureau of Labor Statistics, shall compile data on the hourly wages of all employees to determine such a median hourly wage
and compare such median hourly wage for the most recent
year for which data are available with the median hourly
wage determined for the preceding year.”.

(b) Tipped Employees.—

(1) Base minimum wage for tipped employees and tips retained by employees.—Section
3(m)(2)(A)(i) of the Fair Labor Standards Act of
1938 (29 U.S.C. 203(m)(2)(A)(i)) is amended to
read as follows:

“(i) the cash wage paid such em-
ployee, which for purposes of such deter-
mination shall be not less than—

“(I) for the 1-year period begin-
ning on the effective date under sec-
tion 2101(e) of the [FY 2021 Re-
ociliation Act], $4.95 an hour;

“(II) for each succeeding 1-year
period until the hourly wage under
this clause equals the wage in effect
under section 6(a)(1) for such period,
an hourly wage equal to the amount
determined under this clause for the
preceding year, increased by the lesser
of—

“(aa) $2.00; or
“(bb) the amount necessary for the wage in effect under this clause to equal the wage in effect under section 6(a)(1) for such period, rounded up to the nearest multiple of $0.05; and

“(III) for each succeeding 1-year period after all increases are made pursuant to subclause (II), the minimum wage in effect under section 6(a)(1); and”.

(2) SCHEDULED REPEAL OF SEPARATE MINIMUM WAGE FOR TIPPED EMPLOYEES.—

(A) TIPPED EMPLOYEES.—Section 3(m)(2)(A) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)(2)(A)), as amended by paragraph (1), is further amended by striking the sentence beginning with “In determining the wage an employer is required to pay a tipped employee,” and all that follows through “of this subsection.” and inserting “The wage required to be paid to a tipped employee shall be the wage set forth in section 6(a)(1).”.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect on
the date that is 1 day after the date on which
the hourly wage under subclause (III) of section
3(m)(2)(A)(i) of the Fair Labor Standards Act
of 1938 (29 U.S.C. 203(m)(2)(A)(i)), as
amended by paragraph (1), takes effect.

(3) PENALTIES.—Section 16 of the Fair Labor
Standards Act of 1938 (29 U.S.C. 216) is amend-
ed—

(A) in the third sentence of subsection (b),
by inserting “or used” after “kept”; and

(B) in the second sentence of subsection
(e)(2), by inserting “or used” after “kept”.

(e) NEWLY HIRED EMPLOYEES WHO ARE LESS
THAN 20 YEARS OLD.—

(1) IN GENERAL.—Section 6(g)(1) of the Fair
Labor Standards Act of 1938 (29 U.S.C. 206(g)(1))
is amended by striking “a wage which is not less
than $4.25 an hour.” and inserting the following: “a
wage at a rate that is not less than—

“(A) for the 1-year period beginning on
the effective date under section 2101(e) of the
FY 2021 Reconciliation Act, $6.00 an hour;

“(B) for each succeeding 1-year period
until the hourly wage under this paragraph
equals the wage in effect under section 6(a)(1)
for such period, an hourly wage equal to the amount determined under this paragraph for the preceding year, increased by the lesser of—

“(i) $1.75; or

“(ii) the amount necessary for the wage in effect under this paragraph to equal the wage in effect under section 6(a)(1) for such period, rounded up to the nearest multiple of $0.05; and

“(C) for each succeeding 1-year period after all increases are made pursuant to sub-paragraph (B), the minimum wage in effect under section 6(a)(1).”.

(2) SCHEDULED REPEAL OF SEPARATE MIN-IMUM WAGE FOR NEWLY HIRED EMPLOYEES WHO ARE LESS THAN 20 YEARS OLD.—

(A) IN GENERAL.—Section 6(g) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(g)), as amended by paragraph (1), shall be repealed.

(B) EFFECTIVE DATE.—The repeal made by subparagraph (A) shall take effect on the date that is 1 day after the date on which the hourly wage under subparagraph (C) of section 6(g)(1) of the Fair Labor Standards Act of
1938 (29 U.S.C. 206(g)(1)), as amended by paragraph (1), takes effect.

(d) Promoting Economic Self-sufficiency for Individuals With Disabilities.—

(1) Prohibition on new special certificates.—

(A) In general.—Section 14(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)) is amended by adding at the end the following:

“(6) Prohibition on new special certificates.—Notwithstanding paragraph (1), the Secretary shall not issue a special certificate under this subsection to an employer that was not issued a special certificate under this subsection before the date of enactment of the FY 2021 Reconciliation Act.”.

(B) Effective date.—The amendment made by subparagraph (A) shall take effect on the date of enactment of this Act.

(2) Transition to fair wages for individuals with disabilities.—Subparagraph (A) of section 14(c)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(e)(1)) is amended to read as follows:
“(A) at a rate that equals or exceeds, for each year, the greater of—

“(i)(I) $5.00 an hour, beginning on the effective date under section 2101(e) of the [FY 2021 Reconciliation Act];

“(II) $7.50 an hour, beginning 1 year after such effective date;

“(III) $10.00 an hour, beginning 2 years after such effective date;

“(IV) $12.50 an hour, beginning 3 years after such effective date;

“(V) $15.00 an hour, beginning 4 years after such effective date; and

“(VI) the wage rate in effect under section 6(a)(1), beginning 5 years after such effective date; or

“(ii) if applicable, the wage rate in effect on the day before the date of enactment of the [FY 2021 Reconciliation Act] for the employment, under a special certificate issued under this paragraph, of the individual for whom the wage rate is being determined under this subparagraph.”.
(3) Sunset.—Section 14(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(e)) is further amended by adding at the end the following:

“(7) Sunset.—Beginning on the day after the date on which the wage rate described in paragraph (1)(A)(i)(VI) takes effect, the authority to issue special certificates under paragraph (1) shall expire, and no special certificates issued under paragraph (1) shall have any legal effect.”

(c) General Effective Date.—Except as otherwise provided in this section, or the amendments made by this section, this section and the amendments made by this section shall take effect—

(1) subject to paragraph (2), on the first day of the third month that begins after the date of the enactment of this Act; and

(2) with respect to the Commonwealth of the Northern Mariana Islands, on the date that is 18 months after the effective date described in paragraph (1).

SEC. 2102. FUNDING FOR DEPARTMENT OF LABOR WORKER PROTECTION ACTIVITIES.

(a) Appropriation.—In addition to amounts otherwise made available, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Sec-
retary of Labor for fiscal year 2021, $150,000,000, to re-
main available until September 30, 2023, for the Wage
and Hour Division, the Office of Workers’ Compensation
Programs, the Office of the Solicitor, the Mine Safety and
Health Administration, and the Occupational Safety and
Health Administration to carry out COVID–19 related
worker protection activities, and for the Office of Inspec-
tor General for oversight of the Secretary’s activities to
prevent, prepare for, and respond to COVID–19.

(b) ALLOCATION OF AMOUNTS.—Amounts appro-
priated under subsection (a) shall be allocated as follows:

(1) Not less than $75,000,000 shall be for the
Occupational Safety and Health Administration, of
which $10,000,000 shall be for Susan Harwood
training grants and not less than $5,000,000 shall
be for enforcement activities related to COVID–19
at high risk workplaces including health care, meat
and poultry processing facilities, agricultural work-
places and correctional facilities.

(2) $12,500,000 shall be for the Office of In-
spector General.
SEC. 2103. ELIGIBILITY FOR WORKERS’ COMPENSATION

BENEFITS FOR FEDERAL EMPLOYEES DIAGNOSED WITH COVID–19.

(a) IN GENERAL.—Subject to subsection (c), a covered employee shall, with respect to any claim made by or on behalf of the covered employee for benefits under subchapter I of chapter 81 of title 5, United States Code, be deemed to have an injury proximately caused by exposure to the novel coronavirus arising out of the nature of the covered employee’s employment. Such covered employee, or a beneficiary of such an employee, shall be entitled to such benefits for such claim, including disability compensation, medical services, and survivor benefits.

(b) DEFINITIONS.—In this section, the following:

(1) COVERED EMPLOYEE.—

(A) IN GENERAL.—The term “covered employee” means an individual—

(i) who is an employee under section 8101(1) of title 5, United States Code, including an employee of the United States Postal Service, the Transportation Security Administration, or the Department of Veterans Affairs, including any individual appointed under chapter 73 or 74 of title 38, United States Code) employed in the Federal service at anytime during the period


beginning on January 27, 2020, and ending on January 27, 2023;

(ii) who is diagnosed with COVID–19 during such period; and

(iii) who, during a covered exposure period prior to such diagnosis, carries out duties that—

(I) require contact with patients, members of the public, or co-workers;

or

(II) include a risk of exposure to the novel coronavirus.

(B) TELEWORKING EXCEPTION.—The term “covered employee” does not include any employee otherwise covered by subparagraph (A) who is exclusively teleworking during a covered exposure period, regardless of whether such employment is full time or part time.

(2) COVERED EXPOSURE PERIOD.—The term “covered exposure period” means, with respect to a diagnosis of COVID–19, the period beginning on a date to be determined by the Secretary of Labor.

(3) NOVEL CORONAVIRUS.—The term “novel coronavirus” means SARS–CoV–2 or another
coronavirus declared to be a pandemic by public health authorities.

(c) LIMITATION.—

(1) DETERMINATIONS MADE ON OR BEFORE THE DATE OF ENACTMENT.—This section shall not apply with respect to a covered employee who is determined to be entitled to benefits under subchapter I of chapter 81 of title 5, United States Code, for a claim described in subsection (a) if such determination is made on or before the date of enactment of this Act.

(2) LIMITATION ON DURATION OF BENEFITS.—No funds are authorized to be appropriated to pay, and no benefits may be paid for, claims approved on the basis of subsection (a) after September 30, 2030. No administrative costs related to any such claim may be paid after such date.

(d) EMPLOYEES’ COMPENSATION FUND.—

(1) IN GENERAL.—The costs of benefits for claims approved on the basis of subsection (a) shall not be included in the annual statement of the cost of benefits and other payments of an agency or instrumentality under section 8147(b) of title 5, United States Code.
(2) FAIR SHARE PROVISION.—Costs of adminis-
tration for claims described in paragraph (1)—

(A) may be paid from the Employees’
Compensation Fund; and

(B) shall not be subject to the fair share
province in section 8147(c) of title 5, United
States Code.

SEC. 2104. COMPENSATION PURSUANT TO THE LONGSHORE
AND HARBOR WORKERS’ COMPENSATION
ACT.

(a) CLAIMS RELATED TO COVID–19.—

(1) IN GENERAL.—Subject to subsection (c), a
covered employee who receives a diagnosis or is sub-
ject to an order described in paragraph (2)(B) and
who provides notice of or files a claim relating to
such diagnosis or order under section 12 or 13 of
the Longshore and Harbor Workers’ Compensation
Act (33 U.S.C. 912, 913), respectively, shall be con-
clusively presumed to have an injury arising out of
or in the course of employment for the purpose of
compensation under the Longshore and Harbor
Workers’ Compensation Act (33 U.S.C. 901 et seq.).

(2) COVERED EMPLOYEE.—

(A) IN GENERAL.—In this section, the
term “covered employee” means an individual
who, at any time during the period beginning January 27, 2020, and ending on January 27, 2023—

(i) is an employee; and

(ii) is—

(I) diagnosed with COVID–19; or

(II) ordered not to return to work by the employee's employer or by a local, State, or Federal agency because of exposure, or the risk of exposure, to 1 or more individuals diagnosed with COVID–19 in the workplace.

(3) LIMITATION.—This section shall not apply with respect to a covered employee who—

(A) provides notice or files a claim described in paragraph (1) on or before the date of the enactment of this Act; and

(B) is determined to be entitled to the compensation described in paragraph (1) or awarded such compensation if such determination or award is made on or before such date.

(4) DENIALS ON OR BEFORE THE DATE OF ENACTMENT.—Paragraph (1) shall apply with respect to a covered employee who is determined not to be
entitled to, or who is not awarded, compensation de-
scribed in paragraph (1) if such determination or de-
cision not to award such compensation is made on
or before the date of enactment of this Act.

(b) Reimbursement.—

(1) In general.—

(A) Entitlement.—Subject to subpara-
graph (B) and to the availability of appropria-
tions and limitation on payments under sub-
section (c), an employer of a covered employee
or the employer’s carrier shall be entitled to re-
imbursement for any compensation paid with
respect to a notice or claim described in sub-
section (a), including disability benefits, funeral
and burial expenses, medical or other related
costs for treatment and care, and reasonable
and necessary allocated claims expenses.

(B) Safety and health require-
ments.—To be entitled to reimbursement
under subparagraph (A)—

(i) an employer shall be in compliance
with all applicable safety and health guide-
lines and standards that are related to the
prevention of occupational exposure to the
novel coronavirus that causes COVID–19,
including such guidelines and standards issued by the Occupational Safety and Health Administration, State plans approved under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667), and the National Institute for Occupational Safety and Health; and

(ii) a carrier—

(I) shall be a carrier for an employer that is in compliance with clause (i); and

(II) shall not adjust the experience rating or the annual premium of the employer based upon the compensation paid by the carrier with respect to a notice or claim described in subparagraph (A).

(2) REIMBURSEMENT PROCEDURES.—

(A) IN GENERAL.—Subject to subsection (c), to receive reimbursement under paragraph (1)—

(i) a claim for such reimbursement shall be submitted to the Secretary of Labor—

(I) not earlier than—
(aa) the date on which a compensation order (as described in section 19(e) of the Longshore and Harbor Workers’ Compensation Act (33 U.S.C. 919(e))) is issued that fixes entitlement to benefits; or

(bb) the date on which—

(AA) a payment is made under such Act;

(BB) entitlement to benefits is established under such Act; and

(CC) the rate of compensation and period of payment is relatively fixed and known; and

(II) not later than one year after the final payment of compensation to a covered employee pursuant to this section; and

(ii) an employer and the employer’s carrier shall make, keep, and preserve such records, make such reports, and provide such information, as the Secretary of
Labor determines necessary or appropriate to carry out this section.

(B) Commutation of compensation installments.—The Secretary may commute future compensation installments with respect to a claim under this section.

(c) Employees’ Compensation Fund.—

(1) In general.—A reimbursement under subsection (b) shall be paid out of the Employees’ Compensation Fund under section 8147 of title 5, United States Code.

(2) Funding.—In addition to amounts otherwise available, there are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated, such funds as may be necessary for the period beginning on the date of enactment of this Act and ending on September 30, 2030, to reimburse the Employees’ Compensation Fund for each reimbursement paid out of such Fund under subsection (b).

(3) Limitation.—With respect to a claim for benefits approved on the basis of subsection (a), no payments may be made from the Employees’ Compensation Fund or the special fund established in section 44 of Longshore and Harbor Workers’ Com-
(d) Definitions.—In this section:

(1) LHWCA terms.—The terms “carrier”, “compensation”, “employee”, and “employer” have the meanings given the terms in section 2 of the Longshore and Harbor Workers’ Compensation Act (33 U.S.C. 902).

(2) Novel coronavirus.—The term “novel coronavirus” means SARS–CoV–2 or any other coronavirus declared to be a pandemic by public health authorities.
Subtitle C—Human Services and Community Supports

SEC. 2201. ADDITIONAL FUNDING FOR AGING AND DISABILITY SERVICES PROGRAMS.

Subtitle A of title XX of the Social Security Act (42 U.S.C. 1397-1397h) is amended by adding at the end the following:

“SEC. 2010. ADDITIONAL FUNDING FOR AGING AND DISABILITY SERVICES PROGRAMS.

“For the programs described in subtitle B, the Secretary shall make available for each of fiscal years 2021 and 2022 the amount (if any) by which $188,000,000 exceeds the total of the amounts otherwise made available for subtitle B for the fiscal year, and shall ensure that not less than $100,000,000 is used in the fiscal year for activities described in section 2042(b).”.

SEC. 2202. SUPPORTING OLDER AMERICANS AND THEIR FAMILIES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $1,444,000,000, to remain available until expended, to carry out the Older Americans Act of 1965.

(b) ALLOCATION OF AMOUNTS.—Amounts made available by subsection (a) shall be available as follows:
(1) $750,000,000 shall be available to carry out part C of title III of such Act.

(2) $25,000,000 shall be available to carry out title VI of such Act, including part C of such title.

(3) $480,000,000 shall be available to carry out part B of title III of such Act, including for—

(A) supportive services of the types made available for fiscal year 2020;

(B) efforts related to COVID–19 vaccination outreach, including education, communication, transportation, and other activities to facilitate vaccination of older individuals; and

(C) prevention and mitigation activities related to COVID–19 focused on addressing extended social isolation among older individuals, including activities for investments in technological equipment and solutions or other strategies aimed at alleviating negative health effects of social isolation due to long-term stay-at-home recommendations for older individuals for the duration of the COVID–19 public health emergency;

(4) $44,000,000 shall be available to carry out part D of title III of such Act.
(5) $145,000,000 shall be available to carry out part E of title III of such Act.

SEC. 2203. CHILD CARE AND DEVELOPMENT BLOCK GRANT PROGRAM.

(a) Child Care and Development Block Grant Funding.—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any amounts in the Treasury not otherwise appropriated, $14,990,000,000, to remain available through September 30, 2021, to carry out the Child Care and Development Block Grant of 1990 (42 U.S.C. 9857 et seq.) without regard to requirements in sections 658E(c)(3)(D)–(E) or 658G of such Act (42 U.S.C. 9858c(e)(3), 9858e). Payments made to States, territories, Indian Tribes, and Tribal organizations from funds made available under this subsection shall be obligated in fiscal year 2021 or the succeeding 2 fiscal years. States, territories, Indian Tribes, and Tribal organizations are authorized to use such funds to provide child care assistance to health care sector employees, emergency responders, sanitation workers, and other workers deemed essential during the response to coronavirus by public officials, without regard to the income eligibility requirements of section 658P(4) of the Child Care and Development Block Grant Act (42 U.S.C. 9858n(4)).
(b) **Child Care Stabilization Funding.**—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any amounts in the Treasury not otherwise appropriated, $23,975,000,000, to remain available through September 30, 2021, for grants under section 2204(b) of this subtitle and in accordance with the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.), except for the requirements in subparagraphs (C) through (E) of section 658E(c)(3), and section 658G, of such Act (42 U.S.C. 9858c(c)(3), 9858e).

(c) **Administrative Costs.**—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any amounts in the Treasury not otherwise appropriated, $35,000,000, to remain available through September 30, 2025, for the costs of providing technical assistance and conducting research and for the administrative costs to carry out this section and section 2204 of this subtitle.

**SEC. 2204. CHILD CARE STABILIZATION.**

(a) **Definitions.**—In this section:

(1) **Child Care and Development Block Grant Terms.**—The terms “lead agency”, “Secretary”, and “State” have the meanings given those terms, and the terms “Indian Tribe” and “Tribal
organization” have the meanings given the terms “Indian tribe” and “tribal organization”, in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n) except as otherwise provided in this section.

(2) COVID–19 PUBLIC HEALTH EMERGENCY.—The term “COVID–19 public health emergency” means the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to COVID–19, including any renewal of the declaration.

(3) ELIGIBLE CHILD CARE PROVIDER.—The term “eligible child care provider” means an eligible child care provider as defined in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n) or a child care provider that is licensed, regulated, or registered in the State, territory, or Indian Tribe on the date of enactment of this Act and meets applicable State and local health and safety requirements.

(b) GRANTS.—From the amounts appropriated to carry out this section and under the authority of section 658O of the Child Care and Development Block Grant Act
of 1990 (42 U.S.C. 9858m) and this section, the Secretary shall award to the lead agency of each State (as designated or established under section 658D(a) of such Act (42 U.S.C. 9858b(a)), territory and possession described in subsection 658O(a)(1) of such Act, and Indian Tribe and Tribal organization described in section 658O(a)(2) of such Act that has submitted to the Secretary a letter of intent to use funds awarded pursuant to this subsection, child care stabilization grants from allotments and payments determined in accordance with paragraphs (1) and (2) of subsection (a), and subsection (b), of section 658O of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m). Such grants shall be used in accordance with the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.), except for the requirements in subparagraphs (C) through (E) of section 658E(c)(3), and in section 658G, of such Act (42 U.S.C. 9858c(c)(3), 9858e).

(c) STATE RESERVATIONS AND SUBGRANTS.—

(1) RESERVATION.—A lead agency for a State that receives a child care stabilization grant pursuant to subsection (b) shall reserve not more than 10 percent of such grant funds to administer subgrants, provide technical assistance and support for applying for and accessing the subgrant opportunity, publicize
the availability of the subgrants, and provide technical assistance to help child care providers implement policies as described in paragraph (2)(D)(i).

(2) SUBGRANTS TO QUALIFIED CHILD CARE PROVIDERS.—

(A) IN GENERAL.—The lead agency shall use the remainder of the grant funds awarded pursuant to subsection (b) to make subgrants to qualified child care providers described in subparagraph (B), regardless of such a provider’s previous receipt of other Federal assistance, to support the stability of the child care sector during and after the COVID–19 public health emergency.

(B) QUALIFIED CHILD CARE PROVIDER.—To be qualified to receive a subgrant under this paragraph, a provider shall be an eligible child care provider that on the date of submission of an application for the subgrant, was either—

(i) open and available to provide child care services; or

(ii) closed due to public health, financial hardship, or other reasons relating to the COVID–19 public health emergency.
(C) SUBGRANT AMOUNT.—The amount of such a subgrant to a qualified child care provider shall be based on the provider’s stated current operating expenses, including costs associated with providing or preparing to provide child care services during the COVID–19 public health emergency, and to the extent practicable, cover such operating expenses for the intended period of the subgrant.

(D) APPLICATION.—The lead agency shall—

(i) make available on the lead agency’s website an application for qualified child care providers that includes certifications that, for the duration of the subgrant—

(I) the provider applying will, when open and available to provide child care services, implement policies in line with guidance from the corresponding State, Tribal, and local authorities, and in accordance with State, Tribal, and local orders, and, to the greatest extent possible, implement policies in line with guidance
from the Centers for Disease Control and Prevention;

(II) for each employee, the provider will pay not less than the full compensation, including any benefits, that was provided to the employee as of the date of submission of the application for the subgrant (referred to in this subclause as “full compensation”), and will not take any action that reduces the weekly amount of the employee’s compensation below the weekly amount of full compensation, or that reduces the employee’s rate of compensation below the rate of full compensation, including the involuntary furloughing of any employee employed on the date of submission of the application for the subgrant; and

(III) the provider will provide relief from copayments and tuition payments for the families enrolled in the provider’s program, to the extent possible, and prioritize such relief for
families struggling to make either type of payment; and

(ii) accept and process applications submitted under this subparagraph on a rolling basis, and provide subgrant funds in advance of provider expenditures, except as provided in subsection (d)(2).

(E) OBLIGATION.—The lead agency shall notify the Secretary if it is unable to obligate at least 50 percent of the funds received pursuant to subsection (b) that are available for subgrants described in this paragraph within 9 months of the date of enactment of this Act.

(d) USES OF FUNDS.—

(1) IN GENERAL.—A qualified child care provider that receives funds through such a subgrant shall use the funds for at least one of the following:

(A) Personnel costs, including payroll and salaries or similar compensation for an employee (including any sole proprietor or independent contractor), employee benefits, premium pay, or costs for employee recruitment and retention.

(B) Rent (including rent under a lease agreement) or payment on any mortgage obliga-
tion, utilities, facility maintenance or improvements, or insurance.

(C) Personal protective equipment, cleaning and sanitization supplies and services, or training and professional development related to health and safety practices.

(D) Purchases of or updates to equipment and supplies to respond to the COVID–19 public health emergency.

(E) Goods and services necessary to maintain or resume child care services.

(F) Mental health supports for children and employees.

(2) REIMBURSEMENT.—The qualified child care provider may use the subgrant funds to reimburse the provider for sums obligated or expended before the date of enactment of this Act for the cost of a good or service described in paragraph (1) to respond to the COVID–19 public health emergency.

(e) SUPPLEMENT NOT SUPPLANT.—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide child care services for eligible individuals, including funds provided under the
Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.) and State child care programs.

**SEC. 2205. HEAD START.**

In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any amounts in the Treasury not otherwise appropriated, $1,000,000,000, to remain available through September 30, 2022, to carry out the Head Start Act (42 U.S.C. 9831 et seq.), including for Federal administrative expenses, to be allocated to each Head Start agency in an amount that bears the same ratio to the portion available for allocations as the number of enrolled children served by the Head Start agency bears to the number of enrolled children served by all Head Start agencies, except that funds appropriated in this section—

1. shall not be included in the calculation of the “base grant” in subsequent fiscal years, as such term is defined in section 640(a)(7)(A), 641A(h)(1)(B), or 645(d)(3) of the Head Start Act (42 U.S.C. 9835(a)(7)(A), 9836a(h)(1)(B), 9840(d)(3)); and
2. shall not be subject to the allocation requirements of section 640(a) of such Act (42 U.S.C. 9835(a)).
SEC. 2206. PROGRAMS FOR SURVIVORS.

(a) In General.—Section 303 of the Family Violence Prevention and Services Act (42 U.S.C. 10403) is amended by adding at the end the following:

“(d) Additional Funding.—For the purposes of carrying out this title, in addition to amounts otherwise made available for such purposes, there are appropriated, out of any amounts in the Treasury not otherwise appropriated, for fiscal year 2021, to remain available until expended, each of the following:

“(1) $180,000,000 to carry out sections 301 through 312, to be allocated in the manner described in subsection (a)(2), except that a reference in subsection (a)(2) to an amount appropriated under subsection (a)(1) shall be considered to be a reference to an amount appropriated under this paragraph, and that the matching requirement under section 306(c)(4) shall not apply.

“(2) $18,000,000 to carry out section 309.

“(3) $2,000,000 to carry out section 313, of which $1,000,000 for each fiscal year shall be allocated to support Indian communities.”.

(b) COVID–19 Public Health Emergency Defined.—In this section, the term “COVID–19 public health emergency” means the public health emergency declared by the Secretary of Health and Human Services...
under section 319 of the Public Health Service Act (42
U.S.C. 247d) on January 31, 2020, with respect to
COVID–19, including any renewal of the declaration.

(c) Grants to Support Culturally Specific Populations.—

(1) In general.—In addition to amounts other-
wise made available, there is appropriated, out of
any amounts in the Treasury not otherwise appro-
priated, to the Secretary of Health and Human
Services, $49,500,000 for fiscal year 2021, to be
available until expended, to carry out this subsection
(excluding Federal administrative costs, for which
funds are appropriated under subsection (e)).

(2) Use of funds.—From amounts appro-
priated under paragraph (1), the Secretary acting
through the Director of the Family Violence Preven-
tion and Services Program, shall—

(A) support community-based organiza-
tions to provide culturally specific activities for
survivors of sexual assault and domestic vio-
ence, to address emergent needs resulting from
the COVID–19 public health emergency and
other public health concerns; and

(B) support community-based organiza-
tions that provide culturally specific activities to
promote strategic partnership development and collaboration in responding to the impact of COVID–19 and other public health concerns on survivors of sexual assault and domestic violence.

(d) GRANTS TO SUPPORT SURVIVORS OF SEXUAL ASSAULT.—

(1) IN GENERAL.—In addition to amounts otherwise made available, there is appropriated, out of any amounts in the Treasury not otherwise appropriated, to the Secretary of Health and Human Services, $198,000,000 for fiscal year 2021, to be available until expended, to carry out this subsection (excluding Federal administrative costs, for which funds are appropriated under subsection (e)).

(2) USE OF FUNDS.—From amounts appropriated under paragraph (1), the Secretary acting through the Director of the Family Violence Prevention and Services Program, shall assist rape crisis centers in transitioning to virtual services and meeting the emergency needs of survivors.

(e) ADMINISTRATIVE COSTS.—In addition to amounts otherwise made available, there is appropriated to the Secretary of Health and Human Services, out of any amounts in the Treasury not otherwise appropriated,
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1 $2,500,000 for fiscal year 2021, to remain available until
2 expended, for the Federal administrative costs of carrying
3 out subsections (c) and (d).

4 SEC. 2207. CHILD ABUSE PREVENTION AND TREATMENT.

5 In addition to amounts otherwise available, there is
6 appropriated to the Secretary of Health and Human Serv-
7 ices for fiscal year 2021, out of any money in the Treasury
8 not otherwise appropriated, the following amounts, to re-
9 main available through September 30, 2023:

10 (1) $250,000,000 for carrying out title II of the
11 Child Abuse Prevention and Treatment Act (42
12 U.S.C. 5116 et seq.), which shall be allocated with-  
13 out regard to section 204(4) of such Act (42 U.S.C.
14 5116d(4)) and shall be allotted to States in accord-
15 ance with section 203 of such Act (42 U.S.C.
16 5116b), except that—

17 (A) in subsection (b)(1)(A) of such section
18 203, “70 percent” shall be deemed to be “100
19 percent”; and

20 (B) subsections (b)(1)(B) and (e) of such
21 section 203 shall not apply; and

22 (2) $100,000,000 for carrying out the State
23 grant program authorized under section 106 of the
24 Child Abuse Prevention and Treatment Act (42
25 U.S.C. 5106a), which shall be allocated without re-
gard to section 112(a)(2) of such Act (42 U.S.C. 5106h(a)(2)).

SEC. 2208. LIHEAP.

In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any amounts in the Treasury not otherwise appropriated, $4,500,000,000, to remain available through September 30, 2022, for additional funding to provide payments under section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)), except that—

(1) $2,250,000,000 of such amounts shall be allocated as though the total appropriation for such payments for fiscal year 2021 was less than $1,975,000,000;

(2) section 2607(b)(2)(B) of such Act (42 U.S.C. 8626(b)(2)(B)) shall not apply to funds appropriated under this section for fiscal year 2021; and

(3) with respect to funds appropriated under this section for fiscal year 2021, amounts reserved under subsection (d) of section 2604 of such Act (42 U.S.C. 8623(d)) shall be determined under such subsection as though no other amounts were otherwise appropriated for such payments, and reserved under such subsection, for fiscal year 2021.
SEC. 2209. DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $425,000,000, to remain available until expended for the Secretary of Health and Human Services to allocate as such Secretary determines necessary for cost increases that result from the COVID–19 public health emergency in programs administered under the Administration for Children and Families that provide direct program services to children.

(b) DEFINITION.—In this section, the term “COVID–19 public health emergency” means the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to COVID–19, including any renewal of the declaration.

SEC. 2210. CORPORATION FOR NATIONAL AND COMMUNITY SERVICE AND THE NATIONAL SERVICE TRUST.

(a) CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2021, out of any
money in the Treasury not otherwise appropriated, $852,000,000, to remain available through September 30, 2024, for necessary expenses under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) and the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) notwithstanding sections 198B(b)(3), 198S(g), and subparagraphs (C) and (F) of section 501(a)(4) of the National and Community Service Act of 1990 (42 U.S.C. 12653b(b)(3), 12653s(g), 12681(a)(4)).

(b) Allocation of Amounts.—Amounts provided by subsection (a) shall be allocated as follows:

(1) AMERICORPS STATE AND NATIONAL.—$620,000,000 shall be used—

(A) to increase the living allowances, of participants in national service programs, described in section 140 of the National and Community Service Act of 1990 (42 U.S.C. 12594); and

(B) to make funding adjustments to existing (as of the date of enactment of this Act) awards and award new and additional awards to organizations described in subsection (a) of section 121 of the National and Community Service Act of 1990 (42 U.S.C. 12571(a)),
whether or not the entities are already grant recipients under that section on the date of enactment of this Act, and without regard to the requirements of subsections (d) and (e) of such section 121, by—

(i) prioritizing entities serving communities disproportionately impacted by COVID–19 and utilizing culturally competent and multilingual strategies in the provision of services; and

(ii) taking into account the diversity of communities and participants served by such entities, including racial, ethnic, socioeconomic, linguistic, or geographic diversity.

(2) State Commissions.—$20,000,000 shall be used to make adjustments to existing (as of the date of enactment of this Act) awards and new and additional awards, including awards to State Commissions on National and Community Service, under section 126(a) of the National and Community Service Act of 1990 (42 U.S.C. 12576(a)).

(3) Volunteer Generation Fund.—$20,000,000 shall be used for expenses authorized under section 501(a)(4)(F) of the National and
Community Service Act of 1990 (42 U.S.C. 12681(a)(4)(F)), which, notwithstanding section 198P(d)(1)(B) of that Act (42 U.S.C. 12653p(d)(1)(B)), shall be for grants awarded by the Corporation for National and Community Service on a competitive basis.

(4) AMERICORPS VISTA.—$80,000,000 shall be used for programs authorized under part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), including to increase the living allowances of volunteers, described in section 105(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955(b)).

(5) NATIONAL SENIOR SERVICE CORPS.—$30,000,000 shall be used for programs authorized under title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5000 et seq.).

(6) ADMINISTRATIVE COSTS.—$73,000,000 shall, notwithstanding section 501(a)(5)(B) of the National and Community Service Act of 1990 (42 U.S.C. 12681(a)(5)(B)) and section 504(a) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5084(a)), be used for necessary expenses of administration as provided under section 501(a)(5) of the National and Community Service Act of 1990 (42 U.S.C. 12681(a)(5)).
U.S.C. 12681(a)(5)), including administrative costs of the Corporation for National and Community Service associated with the provision of funds under paragraphs (1) through (5).

(7) Office of Inspector General.—$9,000,000 shall be used for the Office of Inspector General of the Corporation for National and Community Service for salaries and expenses necessary for oversight and audit of programs and activities funded by subsection (a).

c) National Service Trust.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $148,000,000, to remain available until expended, for payment to and administration of the National Service Trust established in section 145 of the National and Community Service Act of 1990 (42 U.S.C. 12601).

Subtitle D—Child Nutrition & Related Programs

SEC. 2301. IMPROVEMENTS TO WIC BENEFITS.

(a) Definitions.—In this section:

(1) Applicable period.—The term “applicable period” means a period—
(A) beginning after the date of enactment of this Act, as selected by a State agency; and

(B) ending not later than the earlier of—

(i) 4 months after the date described in subparagraph (A); or


(2) Cash-Value Voucher.—The term “cash-value voucher” has the meaning given the term in section 246.2 of title 7, Code of Federal Regulations (as in effect on the date of the enactment of this Act).

(3) Program.—The term “program” means the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

(4) Qualified Food Package.—The term “qualified food package” means each of the following food packages (as defined in section 246.10(e) of title 7, Code of Federal Regulations (as in effect on the date of the enactment of this Act)):

(A) Food Package IV–Children 1 through 4 years.

(B) Food Package V–Pregnant and partially (mostly) breastfeeding women.
(C) Food Package VI—Postpartum women.

(D) Food Package VII—Fully breastfeeding.

(5) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(6) STATE AGENCY.—The term “State agency” has the meaning given the term in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).

(b) AUTHORITY TO INCREASE AMOUNT OF CASH-VALUE VOUCHER.—During the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to the Coronavirus Disease 2019 (COVID–19), and in response to challenges relating to that public health emergency, the Secretary may, in carrying out the program, increase the amount of a cash-value voucher under a qualified food package to an amount that is less than or equal to $35.

(c) APPLICATION OF INCREASED AMOUNT OF CASH-VALUE VOUCHER TO STATE AGENCIES.—

(1) NOTIFICATION.—An increase to the amount of a cash-value voucher under subsection (b) shall apply to any State agency that notifies the Secretary of—
(A) the intent to use that increased amount, without further application; and

(B) the applicable period selected by the State agency during which that increased amount shall apply.

(2) USE OF INCREASED AMOUNT.—A State agency that makes a notification to the Secretary under paragraph (1) shall use the increased amount described in that paragraph—

(A) during the applicable period described in that notification; and

(B) only during a single applicable period.

(d) SUNSET.—The authority of the Secretary under subsection (b), and the authority of a State agency to increase the amount of a cash-value voucher under subsection (c), shall terminate on September 30, 2021.

(e) FUNDING.—In addition to amounts otherwise made available, there is appropriated to the Secretary, out of funds in the Treasury not otherwise appropriated, $490,000,000 to carry out this section, to remain available until September 30, 2022.

SEC. 2302. WIC PROGRAM MODERNIZATION.

In addition to amounts otherwise available, there are appropriated to the Secretary of Agriculture, out of amounts in the Treasury not otherwise appropriated,
$390,000,000 for fiscal year 2021, to remain available until September 30, 2024, to carry out outreach, innovation, and program modernization efforts, including appropriate waivers and flexibility, to increase participation in and redemption of benefits under programs established under section 17 of the Child Nutrition Act of 1966 (7 U.S.C. 1431), except that such waivers may not relate to the content of the WIC Food Packages (as defined in section 246.10(e) of title 7, Code of Federal Regulations (as in effect on the date of enactment of this Act)), the nondiscrimination requirements under such section 246.10(e) (as in effect on the date of enactment of this Act), or the nondiscrimination requirements under section 246.8 of title 7, Code of Federal Regulations (as in effect on the date of enactment of this Act).

SEC. 2303. MEALS AND SUPPLEMENTS REIMBURSEMENTS FOR INDIVIDUALS WHO HAVE NOT ATTAINED THE AGE OF 25.

(a) Program for At-risk School Children.—Beginning on the date of enactment of this section, notwithstanding paragraph (1)(A) of section 17(r) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)), during the COVID–19 public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d), the Secretary shall reimburse insti-
tuitions that are emergency shelters under such section 17(r) (42 U.S.C. 1766(r)) for meals and supplements served to individuals who, at the time of such service—

(1) have not attained the age of 25; and

(2) are receiving assistance, including non-residential assistance, from such emergency shelter.

(b) Participation by Emergency Shelters.—Beginning on the date of enactment of this section, notwithstanding paragraph (5)(A) of section 17(t) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(t)), during the COVID–19 public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d), the Secretary shall reimburse emergency shelters under such section 17(t) (42 U.S.C. 1766(t)) for meals and supplements served to individuals who, at the time of such service have not attained the age of 25.

c) Definitions.—In this section:

(1) Emergency shelter.—The term “emergency shelter” has the meaning given the term under section 17(t)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(t)(1)).

(2) Secretary.—The term “Secretary” means the Secretary of Agriculture.
SEC. 2304. PANDEMIC EBT PROGRAM.

Section 1101 of the Families First Coronavirus Response Act (7 U.S.C. 2011 note; Public Law 116–127) is amended—

(1) in subsection (a)—

(A) by striking “During fiscal years 2020 and 2021” and inserting “In any school year in which there is a public health emergency designation”; and

(B) by inserting “or in a covered summer period following a school session” after “in session”;

(2) by amending subsection (e) to read as follows:

“(e) RELEASE OF INFORMATION.—Notwithstanding any other provision of law, the Secretary of Agriculture may authorize State educational agencies and school food authorities administering a school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) to release to appropriate officials administering the supplemental nutrition assistance program such information as may be necessary to carry out this section, including to carry out assistance during a covered summer period pursuant to subsection (i).”;

(3) in subsection (f)(2), in the paragraph heading, by striking “FOR SCHOOL YEAR 2020–2021”;
(4) in subsection (g), by striking “During fiscal year 2020, the” and inserting “The”;

(5) in subsection (h)(1)—

(A) by inserting “either” after “at least 1 child enrolled in such a covered child care facility and”; and

(B) by inserting “or a Department of Agriculture grant-funded nutrition assistance program in the Commonwealth of the Northern Mariana Islands, Puerto Rico, or American Samoa” before “shall be eligible to receive assistance”;

(6) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively;

(7) by inserting after subsection (h) the following:

“(i) EMERGENCIES DURING SUMMER.—The Secretary of Agriculture may permit a State agency to extend a State agency plan approved under subsection (b) for not more than 90 days for the purpose of operating the plan during a covered summer period, during which time schools participating in the school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42
U.S.C. 1773) and covered child care facilities shall be deemed closed for purposes of this section.”;

(8) in subsection (j) (as so redesignated)—

(A) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(B) by inserting after paragraph (1) the following:

“(2) COVERED SUMMER PERIOD.—The term ‘covered summer period’ means a summer period that follows a school year during which there was a public health emergency designation.”; and

(C) in paragraph (5) (as so redesignated), by striking “or another coronavirus with pandemic potential”; and

(9) in subsection (k) (as so redesignated), by inserting “Federal agencies,” before “State agencies”.

Subtitle E—COBRA Continuation Coverage

SEC. 2401. PRESERVING HEALTH BENEFITS FOR WORKERS.

(a) PREMIUM ASSISTANCE FOR COBRA CONTINUATION COVERAGE FOR INDIVIDUALS AND THEIR FAMILIES.—

(1) PROVISION OF PREMIUM ASSISTANCE.—
(A) REDUCTION OF PREMIUMS PAYABLE.—In the case of any premium for a period of coverage during the period beginning on the first day of the first month beginning after the date of the enactment of this Act, and ending on September 30, 2021, for COBRA continuation coverage with respect to any assistance eligible individual described in paragraph (3), such individual shall be treated for purposes of any COBRA continuation provision as having paid the amount of such premium if such individual pays (or any person other than such individual’s employer pays on behalf of such individual) 15 percent of the amount of such premium.

(B) PLAN ENROLLMENT OPTION.—

(i) IN GENERAL.—Notwithstanding the COBRA continuation provisions, any assistance eligible individual who is enrolled in a group health plan offered by a plan sponsor may, not later than 90 days after the date of notice of the plan enrollment option described in this subparagraph, elect to enroll in coverage under a plan offered by such plan sponsor that is
different than coverage under the plan in which such individual was enrolled at the time, in the case of any assistance eligible individual described in paragraph (3), the qualifying event specified in section 603(2) of the Employee Retirement Income Security Act of 1974, section 4980B(f)(3)(B) of the Internal Revenue Code of 1986, or section 2203(2) of the Public Health Service Act, except for the voluntary termination of such individual’s employment by such individual, occurred, and such coverage shall be treated as COBRA continuation coverage for purposes of the applicable COBRA continuation coverage provision.

(ii) REQUIREMENTS.—Any assistance eligible individual may elect to enroll in different coverage as described in clause (i) only if—

(I) the employer involved has made a determination that such employer will permit such assistance eligible individual to enroll in different
coverage as provided under this sub-
paragraph;

(II) the premium for such dif-
fferent coverage does not exceed the
premium for coverage in which such
individual was enrolled at the time
such qualifying event occurred;

(III) the different coverage in
which the individual elects to enroll is
coverage that is also offered to simi-
larly situated active employees of the
employer at the time at which such
election is made; and

(IV) the different coverage in
which the individual elects to enroll is
not—

(aa) coverage that provides
only excepted benefits as defined
in section 9832(c) of the Internal
Revenue Code of 1986, section
733(c) of the Employee Retire-
ment Income Security Act of
1974, and section 2791(e) of the
Public Health Service Act;
(bb) a qualified small employer health reimbursement arrangement (as defined in section 9831(d)(2) of the Internal Revenue Code of 1986); or

(cc) a flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986).

(2) LIMITATION OF PERIOD OF PREMIUM ASSISTANCE.—

(A) ELIGIBILITY FOR ADDITIONAL COVERAGE.—Paragraph (1)(A) shall not apply with respect to any assistance eligible individual described in paragraph (3) for months of coverage beginning on or after the earlier of—

(i) the first date that such individual is eligible for coverage under any other group health plan (other than coverage consisting of only excepted benefits (as defined in section 9832(c) of the Internal Revenue Code of 1986, section 733(c) of the Employee Retirement Income Security Act of 1974, and section 2791(c) of the Public Health Service Act), coverage under
a flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986), coverage under a qualified small employer health reimbursement arrangement (as defined in section 9831(d)(2) of the Internal Revenue Code of 1986)), or eligible for benefits under the Medicare program under title XVIII of the Social Security Act; or

(ii) the earlier of—

(I) the date following the expiration of the maximum period of continuation coverage required under the applicable COBRA continuation coverage provision; or

(II) the date following the expiration of the period of continuation coverage allowed under paragraph (4)(B)(ii).

(B) Notification requirement.—Any assistance eligible individual shall notify the group health plan with respect to which paragraph (1)(A) applies if such paragraph ceases to apply by reason of clause (i) of subparagraph (A). Such notice shall be provided to the group
health plan in such time and manner as may be
specified by the Secretary of Labor.

(3) ASSISTANCE ELIGIBLE INDIVIDUAL.—For
purposes of this section, the term “assistance eligible
individual” means, with respect to a period of cov-
erage during the period beginning on the first day
of the first month beginning after the date of the en-
actment of this Act, and ending on September 30,
2021, any individual that is a qualified beneficiary
who—

(A) is eligible for COBRA continuation
coverage by reason of a qualifying event speci-
fied in section 603(2) of the Employee Retire-
ment Income Security Act of 1974, section
4980B(f)(3)(B) of the Internal Revenue Code
of 1986, or section 2203(2) of the Public
Health Service Act, except for the voluntary
termination of such individual’s employment by
such individual; and

(B) elects such coverage.

(4) EXTENSION OF ELECTION PERIOD AND EF-
FECT ON COVERAGE.—

(A) IN GENERAL.—For purposes of applying
section 605(a) of the Employee Retirement
Income Security Act of 1974, section
4980B(f)(5)(A) of the Internal Revenue Code of 1986, and section 2205(a) of the Public Health Service Act, in the case of—

(i) an individual who does not have an election of COBRA continuation coverage in effect on the first day of the first month beginning after the date of the enactment of this Act but who would be an assistance eligible individual described in paragraph (3) if such election were so in effect; or

(ii) an individual who elected COBRA continuation coverage and discontinued from such coverage before the first day of the first month beginning after the date of the enactment of this Act, such individual may elect the COBRA continuation coverage under the COBRA continuation coverage provisions containing such provisions during the period beginning on the first day of the first month beginning after the date of the enactment of this Act and ending 60 days after the date on which the notification required under paragraph (6)(C) is provided to such individual.
(B) Commencement of COBRA continuation coverage.—Any COBRA continuation coverage elected by a qualified beneficiary during an extended election period under subparagraph (A)—

(i) shall commence (including for purposes of applying the treatment of premium payments under paragraph (1)(A) and any cost-sharing requirements for items and services under a group health plan) with the first period of coverage beginning on or after the first day of the first month beginning after the date of the enactment of this Act, and

(ii) shall not extend beyond the period of COBRA continuation coverage that would have been required under the applicable COBRA continuation coverage provision if the coverage had been elected as required under such provision.

(5) Expedited review of denials of premium assistance.—In any case in which an individual requests treatment as an assistance eligible individual described in paragraph (3) and is denied such treatment by the group health plan, the Sec-
retary of Labor (or the Secretary of Health and Human Services in connection with COBRA continuation coverage which is provided other than pursuant to part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974), in consultation with the Secretary of the Treasury, shall provide for expedited review of such denial. An individual shall be entitled to such review upon application to such Secretary in such form and manner as shall be provided by such Secretary, in consultation with the Secretary of the Treasury. Such Secretary shall make a determination regarding such individual’s eligibility within 15 business days after receipt of such individual’s application for review under this paragraph. Such Secretary’s determination upon review of the denial shall be de novo and shall be the final determination of such Secretary. A reviewing court shall grant deference to such Secretary’s determination. The provisions of this paragraph, paragraphs (1) through (4), and paragraphs (6) through (7) shall be treated as provisions of title I of the Employee Retirement Income Security Act of 1974 for purposes of part 5 of subtitle B of such title.

(6) Notices to Individuals.—
(A) General Notice.—

(i) In General.—In the case of notices provided under section 606(a)(4) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1166(4)), section 4980B(f)(6)(D) of the Internal Revenue Code of 1986, or section 2206(4) of the Public Health Service Act (42 U.S.C. 300bb–6(4)), with respect to individuals who, during the period described in paragraph (3), become entitled to elect COBRA continuation coverage, the requirements of such provisions shall not be treated as met unless such notices include an additional written notification to the recipient in clear and understandable language of—

(I) the availability of premium assistance with respect to such coverage under this subsection; and

(II) the option to enroll in different coverage if the employer permits assistance eligible individuals described in paragraph (3) to elect enrollment in different coverage (as described in paragraph (1)(B)).
(ii) ALTERNATIVE NOTICE.—In the case of COBRA continuation coverage to which the notice provision under such sections does not apply, the Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall, in consultation with administrators of the group health plans (or other entities) that provide or administer the COBRA continuation coverage involved, provide rules requiring the provision of such notice.

(iii) FORM.—The requirement of the additional notification under this subparagraph may be met by amendment of existing notice forms or by inclusion of a separate document with the notice otherwise required.

(B) SPECIFIC REQUIREMENTS.—Each additional notification under subparagraph (A) shall include—

(i) the forms necessary for establishing eligibility for premium assistance under this subsection;
(ii) the name, address, and telephone number necessary to contact the plan administrator and any other person maintaining relevant information in connection with such premium assistance;

(iii) a description of the extended election period provided for in paragraph (4)(A);

(iv) a description of the obligation of the qualified beneficiary under paragraph (2)(B) and the penalty provided under section 6720C of the Internal Revenue Code of 1986 for failure to carry out the obligation;

(v) a description, displayed in a prominent manner, of the qualified beneficiary’s right to a reduced premium and any conditions on entitlement to the reduced premium; and

(vi) a description of the option of the qualified beneficiary to enroll in different coverage if the employer permits such beneficiary to elect to enroll in such different coverage under paragraph (1)(B).
(C) NOTICE IN CONNECTION WITH EXTENDED ELECTION PERIODS.—In the case of any assistance eligible individual described in paragraph (3) (or any individual described in paragraph (4)(A)) who became entitled to elect COBRA continuation coverage before the first day of the first month beginning after the date of the enactment of this Act, the administrator of the applicable group health plan (or other entity) shall provide (within 60 days after such first day of such first month) for the additional notification required to be provided under subparagraph (A) and failure to provide such notice shall be treated as a failure to meet the notice requirements under the applicable COBRA continuation provision.

(D) MODEL NOTICES.—Not later than 30 days after the date of enactment of this Act, with respect to any assistance eligible individual described in paragraph (3), the Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall prescribe models for the additional notification required under this paragraph.
(7) NOTICE OF EXPIRATION OF PERIOD OF PREMIUM ASSISTANCE.—

(A) IN GENERAL.—With respect to any assistance eligible individual, subject to subparagraph (B), the requirements of section 606(a)(4) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1166(4)), section 4980B(f)(6)(D) of the Internal Revenue Code of 1986, or section 2206(4) of the Public Health Service Act (42 U.S.C. 300bb–6(4)), shall not be treated as met unless the plan administrator of the individual, during the period specified under subparagraph (C), provides to such individual a written notice in clear and understandable language—

(i) that the premium assistance for such individual will expire soon and the prominent identification of the date of such expiration; and

(ii) that such individual may be eligible for coverage without any premium assistance through—

(I) COBRA continuation coverage; or
(II) coverage under a group health plan.

(B) EXCEPTION.—The requirement for the group health plan administrator to provide the written notice under subparagraph (A) shall be waived if the premium assistance for such individual expires pursuant to clause (i) of paragraph (2)(A).

(C) PERIOD SPECIFIED.—For purposes of subparagraph (A), the period specified in this subparagraph is, with respect to the date of expiration of premium assistance for any assistance eligible individual pursuant to a limitation requiring a notice under this paragraph, the period beginning on the day that is 45 days before the date of such expiration and ending on the day that is 15 days before the date of such expiration.

(D) MODEL NOTICES.—Not later than 45 days after the date of enactment of this Act, with respect to any assistance eligible individual, the Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall
prescribe models for the notification required under this paragraph.

(8) REGULATIONS.—The Secretary of the Treasury and the Secretary of Labor may jointly prescribe such regulations or other guidance as may be necessary or appropriate to carry out the provisions of this subsection, including the prevention of fraud and abuse under this subsection, except that the Secretary of Labor and the Secretary of Health and Human Services may prescribe such regulations (including interim final regulations) or other guidance as may be necessary or appropriate to carry out the provisions of paragraphs (5), (6), (7), and (9).

(9) OUTREACH.—

(A) IN GENERAL.—The Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall provide outreach consisting of public education and enrollment assistance relating to premium assistance provided under this subsection. Such outreach shall target employers, group health plan administrators, public assistance programs, States, insurers, and other entities as determined appro-
appropriate by such Secretaries. Such outreach shall include an initial focus on those individuals electing continuation coverage who are referred to in paragraph (6)(C). Information on such premium assistance, including enrollment, shall also be made available on websites of the Departments of Labor, Treasury, and Health and Human Services.

(B) ENROLLMENT UNDER MEDICARE.—The Secretary of Health and Human Services shall provide outreach consisting of public education. Such outreach shall target individuals who lose health insurance coverage. Such outreach shall include information regarding enrollment for benefits under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for purposes of preventing mistaken delays of such enrollment by such individuals, including lifetime penalties for failure of timely enrollment.

(10) DEFINITIONS.—For purposes of this section:

(A) ADMINISTRATOR.—The term “administrator” has the meaning given such term in section 3(16)(A) of the Employee Retirement Income Security Act of 1974.
(B) COBRA continuation coverage.—
The term “COBRA continuation coverage” means continuation coverage provided pursuant to part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (other than under section 609), title XXII of the Public Health Service Act, or section 4980B of the Internal Revenue Code of 1986 (other than subsection (f)(1) of such section insofar as it relates to pediatric vaccines), or under a State program that provides comparable continuation coverage. Such term does not include coverage under a health flexible spending arrangement under a cafeteria plan within the meaning of section 125 of the Internal Revenue Code of 1986.

(C) COBRA continuation provision.—
The term “COBRA continuation provision” means the provisions of law described in subparagraph (B).

(D) Covered employee.—The term “covered employee” has the meaning given such term in section 607(2) of the Employee Retirement Income Security Act of 1974.
(E) QUALIFIED BENEFICIARY.—The term “qualified beneficiary” has the meaning given such term in section 607(3) of the Employee Retirement Income Security Act of 1974.

(F) GROUP HEALTH PLAN.—The term “group health plan” has the meaning given such term in section 607(1) of the Employee Retirement Income Security Act of 1974.

(G) STATE.—The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(H) PERIOD OF COVERAGE.—Any reference in this subsection to a period of coverage shall be treated as a reference to a monthly or shorter period of coverage with respect to which premiums are charged with respect to such coverage.

(I) PLAN SPONSOR.—The term “plan sponsor” has the meaning given such term in section 3(16)(B) of the Employee Retirement Income Security Act of 1974.
(J) PREMIUM.—The term “premium” includes, with respect to COBRA continuation coverage, any administrative fee.

(11) IMPLEMENTATION FUNDING.—In addition to amounts otherwise made available, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary of Labor for fiscal year 2021, $10,000,000, to remain available until expended, for the Employee Benefits Security Administration to carry out the provisions of this subtitle.

(b) COBRA PREMIUM ASSISTANCE.—

(1) ALLOWANCE OF CREDIT.—

(A) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 6432. CONTINUATION COVERAGE PREMIUM ASSISTANCE.

“(a) IN GENERAL.—The person to whom premiums are payable for continuation coverage under section 2401(a)(1) of the [FY 2021 Reconciliation Act] shall be allowed as a credit against the tax imposed by section 3111(b), or so much of the taxes imposed under section 3221(a) as are attributable to the rate in effect under sec-
tion 3111(b), for each calendar quarter an amount equal
to the premiums not paid by assistance eligible individuals
for such coverage by reason of such section 2401(a)(1)
with respect to such calendar quarter.

“(b) PERSON TO WHOM PREMIUMS ARE PAYABLE.—
For purposes of subsection (a), except as otherwise pro-
vided by the Secretary, the person to whom premiums are
payable under such continuation coverage shall be treated
as being—

“(1) in the case of any group health plan which
is a multiemployer plan (as defined in section 3(37)
of the Employee Retirement Income Security Act of
1974), the plan,

“(2) in the case of any group health plan not
described in paragraph (1), and under which some
or all of the coverage is not provided by insurance,
the employer maintaining the plan, and

“(3) in the case of any group health plan not
described in paragraph (1) or (2), the insurer pro-
viding the coverage under the group health plan.

“(c) LIMITATIONS AND REFUNDABILITY.—

“(1) CREDIT LIMITED TO CERTAIN EMPLOY-
MENT TAXES.—The credit allowed by subsection (a)
with respect to any calendar quarter shall not exceed
the tax imposed by section 3111(b), or so much of
the taxes imposed under section 3221(a) as are attributable to the rate in effect under section 3111(b), for such calendar quarter (reduced by any credits allowed against such taxes under sections 7001 and 7003 of the Families First Coronavirus Response Act and section 2301 of the CARES Act) on the wages paid with respect to the employment of all employees of the employer.

“(2) REFUNDABILITY OF EXCESS CREDIT.—

“(A) CREDIT IS REFUNDABLE.—If the amount of the credit under subsection (a) exceeds the limitation of paragraph (1) for any calendar quarter, such excess shall be treated as an overpayment that shall be refunded under sections 6402(a) and 6413(b).

“(B) CREDIT MAY BE ADVANCED.—In anticipation of the credit, including the refundable portion under subparagraph (A), the credit may be advanced, according to forms and instructions provided by the Secretary, up to an amount calculated under subsection (a) through the end of the most recent payroll period in the quarter.

“(C) TREATMENT OF DEPOSITS.—The Secretary shall waive any penalty under section
6656 for any failure to make a deposit of the
tax imposed by section 3111(b), or so much of
the taxes imposed under section 3221(a) as are
attributable to the rate in effect under section
3111(b), if the Secretary determines that such
failure was due to the anticipation of the credit
allowed under this section.

“(D) Treatment of Payments.—For
purposes of section 1324 of title 31, United
States Code, any amounts due to an employer
under this paragraph shall be treated in the
same manner as a refund due from a credit
provision referred to in subsection (b)(2) of
such section.

“(3) Overstatements.—Any overstatement of
the credit to which a person is entitled under this
section (and any amount paid by the Secretary as a
result of such overstatement) shall be treated as an
underpayment by such person of the taxes described
in paragraph (1) and may be assessed and collected
by the Secretary in the same manner as such taxes.

“(d) Governmental Entities.—For purposes of
this section, the term ‘person’ includes the government of
any State or political subdivision thereof, any Indian tribal
government (as defined in section 139E(c)(1)), any agency
or instrumentality of any of the foregoing, and any agency
or instrumentality of the Government of the United States
that is described in section 501(c)(1) and exempt from
taxation under section 501(a).

“(e) DENIAL OF DOUBLE BENEFIT.—For purposes
of chapter 1, the gross income of any person allowed a
credit under this section shall be increased for the taxable
year which includes the last day of any calendar quarter
with respect to which such credit is allowed by the amount
of such credit. No amount for which a credit is allowed
under this section shall be taken into account as qualified
wages under section 2301 of the CARES Act or as quali-
fied health plan expenses under section 7001(d) or
7003(d) of the Families First Coronavirus Response Act.

“(f) REGULATIONS.—The Secretary shall issue such
regulations, or other guidance, forms, instructions, and
publications, as may be necessary or appropriate to carry
out this section, including—

“(1) the requirement to report information or
the establishment of other methods for verifying the
correct amounts of reimbursements under this sec-
tion,

“(2) the application of this section to group
health plans that are multiemployer plans (as de-
fined in section 3(37) of the Employee Retirement Income Security Act of 1974),

“(3) to allow the advance payment of the credit determined under subsection (a), subject to the limitations provided in this section, based on such information as the Secretary shall require,

“(4) to provide for the reconciliation of such advance payment with the amount of the credit at the time of filing the return of tax for the applicable quarter or taxable year, and

“(5) allowing the credit to third party payors (including professional employer organizations, certified professional employer organizations, or agents under section 3504).”.

(B) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 6432. Continuation coverage premium assistance.”.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to premiums to which subsection (a)(1)(A) applies and wages paid on or after April 1, 2021.

(D) SPECIAL RULE IN CASE OF EMPLOYEE PAYMENT THAT IS NOT REQUIRED UNDER THIS SECTION.—
(i) IN GENERAL.—In the case of an assistance eligible individual who pays, with respect any period of coverage to which subsection (a)(1)(A) applies, the amount of the premium for such coverage that the individual would have (but for this Act) been required to pay, the person to whom such payment is payable shall reimburse such individual for the amount of such premium paid in excess of the amount required to be paid under subsection (a)(1)(A).

(ii) CREDIT OF REIMBURSEMENT.—A person to which clause (i) applies shall be allowed a credit in the manner provided under section 6432 of the Internal Revenue Code of 1986 for any payment made to the employee under such clause.

(iii) PAYMENT OF CREDITS.—Any person to which clause (i) applies shall make the payment required under such clause to the individual not later than 60 days after the date on which such individual elects continuation coverage under subsection (a)(1).
(2) PENALTY FOR FAILURE TO NOTIFY HEALTH PLAN OF CESSATION OF ELIGIBILITY FOR PREMIUM ASSISTANCE.—

(A) IN GENERAL.—Part I of subchapter B of chapter 68 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 6720C. PENALTY FOR FAILURE TO NOTIFY HEALTH PLAN OF CESSATION OF ELIGIBILITY FOR CONTINUATION COVERAGE PREMIUM ASSISTANCE.

“(a) IN GENERAL.—Except in the case of a failure described in subsection (b) or (c), any person required to notify a group health plan under section 2401(a)(2)(B) of the [FY 2021 Reconciliation Act] who fails to make such a notification at such time and in such manner as the Secretary of Labor may require shall pay a penalty of $250 for each such failure.

“(b) INTENTIONAL FAILURE.—In the case of any such failure that is fraudulent, such person shall pay a penalty equal to the greater of—

“(1) $250, or

“(2) 110 percent of the premium assistance provided under section 9501(a)(1)(A) of the [FY
2021 Reconciliation Act] after termination of eligibility under such section.

“(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause and not to willful neglect.”.

(B) CLERICAL AMENDMENT.—The table of sections of part I of subchapter B of chapter 68 of such Code is amended by adding at the end the following new item:

“Sec. 6720C. Penalty for failure to notify health plan of cessation of eligibility for continuation coverage premium assistance.”.

(3) COORDINATION WITH HCTC.—

(A) IN GENERAL.—Section 35(g)(9) of the Internal Revenue Code of 1986 is amended to read as follows:

“(9) CONTINUATION COVERAGE PREMIUM ASSISTANCE.—In the case of an assistance eligible individual who receives premium assistance for continuation coverage under section 2401(a)(1) of the [FY 2021 Reconciliation Act] for any month during the taxable year, such individual shall not be treated as an eligible individual, a certified individual, or a qualifying family member for purposes of this section or section 7527 with respect to such month.”.
(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to taxable years ending after the date of the enactment of this Act.

(4) EXCLUSION OF CONTINUATION COVERAGE PREMIUM ASSISTANCE FROM GROSS INCOME.—

(A) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139H the following new section:

“SEC. 139I. CONTINUATION COVERAGE PREMIUM ASSISTANCE.

“In the case of an assistance eligible individual (as defined in subsection (a)(3) of section 2401 of the [FY 2021 Reconciliation Act]), gross income does not include any premium assistance provided under subsection (a)(1) of such section.”.

(B) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 139H the following new item:

“Sec. 139I. Continuation coverage premium assistance.”.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to taxable
years ending after the date of the enactment of this Act.