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Memorandum

Date: December 23, 2020
From: Holland & Knight LLP
Re: Overview of Key Provisions in Omnibus Spending Package

Congress passed a \$2.3 trillion legislative package (H.R. 133), the second-largest economic rescue package in U.S. history, on December 21 as part of a massive year-end spending bill that contains appropriations for Fiscal Year (FY) 2021, additional COVID-19 relief, the Water Resources Development Act (WRDA) reauthorization, tax extenders and the Energy Act of 2020.

Both the House and Senate passed the \$2.3 trillion bill by overwhelming majorities, just hours after lawmakers got their first look at the 5,593 pages of text. At this time, it is unclear whether President Donald Trump will sign the bill. He has now indicated that he would like Congress to increase the size of direct payments to individuals. A continuing resolution has been signed into law extending government funding through December 28.

Under the COVID-19 portion of the bill, more than \$900 billion would be provided for unemployment aid, direct payments to individuals and business loans. The measure would provide funding for vaccines and testing, rental assistance, arts, education and broadband. It would also extend the moratorium on evictions through January 31, 2021, expand nutrition assistance programs and provide additional funds for the Paycheck Protection Program (PPP). The measure does not include limits on COVID-related liability or additional direct funding for state and local governments.

The FY 21 Appropriations Omnibus includes \$1.4 trillion to fund the federal government. It provides increased funding for most agencies and programs, including Health and Human Services, the Environmental Protection Agency, Housing and Urban Development, and Transportation.

This memorandum provides a summary of key provisions in the omnibus and COVID-19 relief package, including:

- Coronavirus Relief Fund (CRF)
- COVID-19 Relief for Individuals
- Small Business Administration (SBA)
- Department of Transportation (DOT)
- Department of Housing and Urban Development (HUD)
- Water
- Department of Justice (DOJ)
- Department of Homeland Security (DHS)
- Department of Labor (DOL)
- Department of Health and Human Services (HHS)
- Department of Education (ED)
- Broadband
- Nutrition Assistance

- Arts
- Other Authorizing Measures in H.R. 133

In addition, attached are state-by-state allocation estimates for many of the COVID-19 package programs, and summaries of WRDA, the Energy Act of 2020 and the tax extender provisions.

CORONAVIRUS RELIEF FUND (CRF)

- Extends the expiration of funds provided under the CARES Act for the Coronavirus Relief Fund (CRF) through December 31, 2021. The measure does not provide additional flexibility or aid.

COVID-19 RELIEF FOR INDIVIDUALS

The measure provides direct assistance to individuals, additional pandemic unemployment insurance and several tax measures to assist individuals. This includes:

- \$166 billion in Economic Impact Payments
 - \$600 for individuals making up to \$75,000 per year and \$1,200 for couples making up to \$150,000 per year, as well as an additional \$600 payment for each child dependent.
 - Families with members of mixed immigration status, with a valid Social Security number for one spouse, are also eligible for the payments (retroactive to CARES Act).
- \$120 billion in Unemployment Insurance
 - \$300 per week for all workers receiving unemployment benefits through March 14, 2021.
 - Extends Pandemic Unemployment Assistance (PUA) program, with expanded coverage to the self-employed, gig workers and others in non-traditional employment.
 - Extends the Pandemic Emergency Unemployment Compensation (PEUC) program, which provides additional weeks of federally funded employment benefits to individuals who exhaust their regular state benefits.
 - Increases the maximum number of weeks an individual may claim benefits through regular state unemployment plus the PEUC program, or through the PUA program, to 50 weeks.
 - Provides an extra benefit of \$100 per week for certain workers who have both wage and self-employment income but whose base unemployment benefit calculation does not take their self-employment into account.
- A special temporary rule allowing lower-income individuals to use their earned income from tax year 2019 to determine the Earned Income Tax Credit and the refundable portion of the Child Tax Credit (i.e., the Additional Child Tax Credit) in the 2020 tax year. This will help workers who experienced lower wages this year, due to the pandemic, to get a larger refund that is consistent with their earnings from prior filing seasons.
- Incentivizes private sector employers to provide paid sick and family leave to employees by extending the availability of paid sick and paid family leave tax credits, as established in the Families First Coronavirus Relief Act through March 31, 2021.

SMALL BUSINESS ADMINISTRATION (SBA)

Coronavirus Supplemental

Paycheck Protection Program (\$284 billion)

- Provides \$284 billion for the Paycheck Protection Program (PPP), and extends the PPP through March 31, 2021. PPP changes include:
 - Opportunity for a second PPP forgivable loan for small businesses and nonprofits with 300 or fewer employees that can demonstrate a loss of 25 percent of gross receipts in any quarter during 2020 compared to the same quarter in 2019.
 - \$15 billion set-aside for lending through community financial institutions, including Community Development Financial Institutions and Minority Depository Institutions.
 - Set-aside for very small businesses with 10 or fewer employees and for small businesses located in distressed areas.
 - Expands PPP eligibility to critical access hospitals, local newspapers and TV and radio broadcasters, housing cooperatives and 501(c)(6) nonprofits, including tourism promotion organizations and local chambers of commerce.
 - Allows small businesses in the restaurant and hospitality industries to receive larger awards of 3.5 times average total monthly payroll (rather than 2.5 times).
 - Adds personal protective equipment (PPE) expenses, costs associated with outdoor dining and supplier costs as eligible and forgivable expenses.
 - Simplifies the forgiveness process for loans of \$150,000 and less.
 - Repeals the requirement of deducting an Economic Injury Disaster Loan (EIDL) Advance from the PPP forgiveness amount.

Economic Injury Disaster Program (EIDL) Grant Program

- \$20 billion for EIDL Advance grant program
 - Small businesses and nonprofits in low-income communities are eligible to receive \$10,000 grants.
 - Small businesses and nonprofits in low-income communities that received an EIDL Advance previously are also eligible to receive the full \$10,000 if their award was less in the first round of grants.

Grants for Shuttered Venue Operators (\$15 Billion)

- \$15 billion for SBA grants up to \$10 million to live venues, independent movie theaters and cultural institutions. Grants can cover expenses such as payroll costs, rent, utilities and PPE. \$2 billion is reserved for entities with 50 or fewer employees. The program can make supplemental grants equal to 50 percent of the initial grant.

Extended SBA Debt Relief Payments (\$3.5 Billion)

- \$3.5 billion to resume debt relief payments of principal and interest (P&I) on SBA small business loans under the 7(a), 504, and microloan programs. Borrowers with qualifying loans prior to the CARES Act will receive an additional three months of P&I, starting in February 2021. Payments will be capped at \$9,000 per borrower per month. After the three-month period, borrowers, considered to be underserved, will receive an additional five months of P&I payments. SBA payments of P&I on the first six months of newly approved loans will resume for loans approved between February 1 and September 30, 2021, also capped at \$9,000 per month.

Enhancements of SBA Lending Programs (\$2 Billion)

- \$2 billion to enhance SBA's programs, including 7(a), Community Advantage, 504 and the microloan program, by making them more affordable and useful to small businesses.
- Provides \$57 million for the SBA Microloan Program to provide technical assistance and leverage about \$64 million in microloans for minority-owned and other underserved small businesses.
- Waives borrower and lender fees within the 7(a) and 504 loan programs and increases the 7(a) loan guarantee to 90 percent.

Additional SBA Programs

- \$168 million for SBA disaster loans, which provide assistance to business owners, homeowners and nonprofits that are rebuilding in the wake of devastating natural disasters.

Omnibus Highlights

The bill provides a total of \$922 million for the SBA, \$60 million less than the FY 2020 enacted level, and \$90 million more than the budget level.

- \$778.9 million for SBA, an increase of \$39.9 million above the President's budget request.
- Provides additional \$142.9 million in disaster cap adjustment funds for SBA Disaster Loans.
- \$272 million for Entrepreneurial Development grants, which is \$11 million more than the FY 20 enacted level, including:
 - \$136 million for Small Business Development Centers
 - \$23 million for Women's Business Centers
 - \$35 million for microloan technical assistance
 - \$3 million for a new cybersecurity grant program that will provide small businesses with access to cybersecurity tools

DEPARTMENT OF TRANSPORTATION (DOT)

Coronavirus Supplemental

Transit (\$14 Billion)

- Funding to prevent, prepare for and respond to COVID-19, and to the maximum extent possible, shall be directed to payroll and operations. 100 percent federal share. The Federal Transit Administration (FTA) must allocate the funding not later than 30 days after the date of enactment of this Act. Funding is distributed through the following formula funds:
 - \$13,271,310,572 by Federal Transit Administration (FTA) Section 5307 Urbanized Area Formula (including FTA Section 5337 State of Good Repair formula funds).
 - \$50 billion for paratransit.
 - \$679 million for grants to rural areas.

Highways (\$10 Billion)

- Funding to support state Departments of Transportation and certain local transportation agencies.
- Funds are available to replace amounts lost as a result of COVID-19 for preventive maintenance, routine maintenance, operations and personnel costs, including salaries of employees (including those employees who have been placed on administrative leave) or contractors, debt service payments, availability payments and coverage for other revenue losses.
 - Surface Transportation Block Grant (STBG) funds will be apportioned to states in the same ratio as the obligation limitation for FY 2021. Has to be apportioned not later than 30 days after the date of enactment of this bill.
 - Funds will be sub-allocated within the state to urbanized areas with a population of over 200,000.

Aviation

- \$2 billion for airports to prevent, prepare for and respond to COVID-19 under the conditions outlined below. As a condition of accepting these funds, large-, medium- and small-hub airports are required to retain at least 90 percent of workers employed as of March 27, 2020 through February 15, 2021.
 - Not less than \$200 million is set aside for airports that provide rent and minimum annual guarantee relief to on-airport car rental, on-airport parking and in-terminal airport concessions from the date of enactment.

Omnibus Highlights

Provides \$88.2 billion for the DOT, a \$955 million increase over FY 2020, including:

- \$46.365 billion for highways (FAST Act authorized Highway Trust Fund), same as FY 2020
 - Additional \$2 billion from the Treasury Department, allocated as follows:
 - \$640.7 million for STBG
 - \$1.08 billion for Bridge Replacement/Rehabilitation Grants
 - \$50 million for Competitive Grade Crossing Grants
- \$10.15 billion for transit, same as FY 2020
 - Additional \$2 billion for Capital Investment Grants
 - \$1.169 billion for New Starts
 - \$525 million for Core Capacity
 - \$200 million for Small Starts

- Transit report language: Prevents FTA from delaying projects that have a proposed federal share of their capital costs greater than 40 percent and prevents FTA from requiring CIG get a medium or higher rating before finishing its EIS.
- \$1 billion for BUILD Grants, same as FY 2020
- Port Infrastructure Development Program: \$230 million, \$5 million increase from FY 2020
- Federal Aviation Administration (FAA): \$18 billion, \$347 million increase from FY 2020
- Airport Improvement Program (AIP): \$400 million, same as FY 2020

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Coronavirus Supplemental

Emergency Rental Assistance

- \$25 billion for emergency rental assistance that would be funded through the CRF and administered by the Department of Treasury.
 - \$400 million for U.S. territories and \$800 million for tribal communities
 - Remaining funds would be distributed within 30 days to states and cities with populations of 200,000 or more
 - Each state would receive a minimum of \$200 million
- Ease of Funds: At least 90 percent of the funds must be used to provide financial assistance, including back and forward rent and utility payments, and other housing expenses. Assistance can be provided for 12 months. States and localities can provide an additional three months of assistance "if necessary to ensure housing stability for a household."
 - When providing forward rent, assistance can only be given for three months, though households can subsequently reapply for additional assistance. To the extent that households have back rent, states and localities may not make commitments for forward rent payments unless they have also provided assistance to reduce an eligible household's rental arrears.
 - Recipients would be able to use the remainder of funds (up to 10 percent) to provide case management and other services related to the pandemic, as defined by the Treasury Secretary, intended to help keep households stably housed.
 - Under the legislation, cities and states can make payments directly to landlords or utility companies on behalf of renters. If a landlord refuses to accept the rental assistance, cities and states can give assistance directly to the renter, who can then make payments to the landlord or utility provider.
- Eligibility: Funds must be used for households with incomes below 80 percent of area median income (AMI), and states and localities must prioritize households below 50 percent of AMI or those who are unemployed and have been unemployed for 90 days. States and localities can provide additional prioritization of funds.
 - Income determination would be based on either the household's total income in 2020 or the monthly income the household is receiving at the time of application. If income determinations are made based on the applicant's monthly income, the state or locality must re-determine eligibility after three months.
 - Households are eligible for emergency rental assistance funds if one or more individuals: 1) has qualified for unemployment benefits or can attest in writing that he or she has experienced a reduction in household income, incurred significant costs or experienced other financial hardship due, directly or indirectly, to the pandemic; 2) can demonstrate a risk of experiencing homelessness or housing instability; and 3) has a household income below 80 percent AMI.
 - A household receiving other forms of federal housing assistance is not be eligible to receive emergency rental assistance.
 - Rental assistance provided through the CRF would not be regarded as income or considered when determining eligibility for federal benefits or federally assisted programs.
- Allows landlords and property owners to aid tenants in applying for assistance or applying on the renter's behalf. If a landlord applies for assistance on behalf of their tenant, the tenant must cosign the application, the landlord must provide the tenant documentation of the application, and the payments must be used to pay the tenant's rental obligations.

- **Deadlines:** Beginning September 30, 2021, the Treasury Secretary is required to recapture excess funds not obligated by a state or locality and to reallocate and repay these dollars to eligible grantees who, at the time of such reallocation, have obligated at least 65 percent of the amount originally allocated and have met other criteria. Any such reallocation amount will be determined based on demonstrated need within a grantee's jurisdiction, as determined by the Secretary.
 - Funds are available through December 31, 2021. States and localities can request the Treasury Secretary for a 90-day extension for any funds reallocated to grantees. Any unspent funds will be reverted back to the Treasury Department.
- **Reporting Requirements:** The bill requires the Treasury Department, in consultation with the Secretary of the Department of Housing and Urban Development (HUD), to report quarterly on how each state, local, tribal and territorial government is using emergency rental assistance funds. Each report must include the number of households served, the acceptance rate for applicants, the types of assistance provided to each eligible household, the average amount of funding provided per household, the average number of monthly payments covered by the assistance, and income levels. The data collected must be disaggregated by the gender, race and ethnicity of the primary applicant in the household. Under the bill, the Treasury Secretary can make full, unredacted data available for statistical research.

Eviction Moratorium

The measure extends the CDC eviction moratorium for nonpayment of rent through January 31, 2020.

Low Income Housing Tax Credits (LIHTC)

- Establishes a permanent floor for the 4 percent credit in the Low-Income Housing Tax Credit (LIHTC). The provision is effective for acquisition LIHTCs allocated after December 31 and for bond-financed properties placed in service and receiving allocations from private activity bonds issued after December 31.
- Provides an additional allocation of \$1.1 billion in LIHTC for the 11 states and Puerto Rico that experienced non-COVID-19 major disasters in 2020 and that qualified for Federal Emergency Management Agency (FEMA) individual and public assistance.

Omnibus Highlights

The bill provides a total of \$49.6 billion for HUD, \$561 million above the 2020 enacted level (excluding FHA receipts). Of the \$49.6 billion, the bill includes:

Tenant-Based Rental Assistance

- \$25.777 billion for tenant-based rental assistance (TBRA), including \$23.08 billion to renew previous contracts. This is a significant increase over the President's \$18.833 billion request for TBRA for FY 2021 and is enough to renew all existing contracts for the year (as long as HUD makes adequate use of the reserve offset authority).
- \$40 million for Veterans Affairs Supportive Housing (VASH), same funding as FY 2020.
- \$314 million for Section 811 mainstream vouchers, an increase from \$229 million provided in FY 2020. Provides level funding for Family Unification Program vouchers at \$25 million.
- \$43 million in additional funding for new vouchers for people experiencing or at risk of homelessness and survivors of domestic violence, dating violence, sexual assault or stalking.

Project-Based Rental Housing

- \$13.465 billion to renew Project-Based Rental Assistance (PBRA) contracts for calendar year 2021, an increase of \$895 million from FY 2020 funding levels. Advocates estimate this amount will be sufficient to renew all contracts.

Public Housing

- \$4.864 billion for the public housing operating fund, and an additional \$25 million is made available based on need. This amount is \$315 million more than FY 2020.
- The bill provides the capital account with a \$73 million increase to \$2.942 billion. Of this total, \$2.765 billion is for the capital fund, and an additional \$75 million is for emergency capital needs, \$25 million for lead-based hazards, \$35 million for a Healthy Homes Initiative, \$15 million for troubled properties, \$23 million to support financial and physical assessment activities, and \$4 million for radon testing. (The President had proposed to zero out funding for this last program.)
- Funding for the Family Self-Sufficiency program is increased to \$105 million.

Homelessness

- The bill increases funding for homeless assistance programs to \$3 billion, up from \$2.777 billion in FY 2020. The bill also cancels the Continuums of Care (CoC) Notice of Funding Availability (NOFA) competition for 2021, which advocates have been pushing for to ensure that homeless service providers are able to focus their efforts on responding to the needs of unhoused people throughout the duration of the pandemic.
- The bill also provides \$3.8 million to continue the work and operation of the U.S. Interagency Council on Homelessness.

CDBG/HOME

- The bill would increase funding for the Community Development Block Grant (CDBG) program by \$50 million to \$3.475 billion and provides level funding for the HOME Investments Partnerships program (HOME) at \$1.35 billion.

Other Housing Programs

- The bill provides \$855 million to the Section 202 Housing for the Elderly program, an increase of \$62 million from FY 2020 enacted levels, and increases funding for the Section 811 Housing for People with Disabilities program to \$227 million, \$25 million more than in FY 2020.
- Funding for the Housing Opportunities for People with AIDS (HOPWA) program was increased to \$430 million, \$20 million more than in FY 2020.
- Funding for the Choice Neighborhoods Initiative is increased by \$25 million to \$200 million.

Policy Issues

- The FY 2021 appropriations bill rejects HUD Secretary Ben Carson's proposal to slash federal housing benefits through rent increases, rigid work requirements and other barriers to assistance that would make it more difficult for many low-income people to climb the economic ladder and live with dignity.
- The final bill is silent on HUD's proposed anti-transgender rule change to the Equal Access Rule.
- The final bill also does not include the House bill language to prevent HUD from finalizing its proposed rule to force mixed-status immigrant families to separate or face eviction from HUD housing.
- The spending bill does not include legislative text to prevent HUD's changes to the Affirmatively Furthering Fair Housing rule and Disparate Impact rule that undermine tools used to address historic and ongoing legacies of racial discrimination. The House bill included such provisions. The Biden Administration is expected to roll back these policy changes.

WATER

Coronavirus Supplemental

- \$638 million to create a Low-Income Household Drinking Water and Wastewater Emergency Assistance Program.
- Requires HHS to make grants to states to assist low-income households, particularly those with the lowest incomes, that pay a high proportion of household income for drinking water and wastewater services.
 - HHS will distribute the funding to the states based on:
 - the percentage of households in the state with income equal to or less than 150 percent of the Federal poverty line
 - the percentage of such households in the state that spend more than 30 percent of monthly income on housing
 - States will then provide the funds to owners or operators of public water systems or treatment works to reduce arrearages of and rates charged to such households for such services.

Omnibus Highlights

Environmental Protection Agency (EPA)

The bill provides \$9.24 billion for EPA, \$180 million above FY 2020 enacted level, including:

- \$53 million for EPA for scientific and regulatory work and cleanup assistance for per- and polyfluoroalkyl substances (PFAS), needed to establish a drinking water standard and cleanup standards. This level of funding is \$10 million above the FY 2020 enacted level.
- \$2.77 billion for Clean Water and Drinking Water State Revolving Funds (SRF), same as FY 2020 enacted level
- \$40 million for Combined Sewer Overflow (CSO) grants, a \$12 million increase above FY 2020 enacted level.
- \$91 million for Brownfields cleanups, a \$2 million increase above the FY 2020 enacted level.
- \$90 million for Diesel Emissions Reductions (DERA) grants, a \$3 million increase above the FY 2020 enacted level.
- \$1.21 billion for Superfund, a \$21 million increase above the FY 2020 enacted level.
- \$12.5 million for Environmental Justice activities, a \$2.3 million increase above the FY 2020 enacted level.

DEPARTMENT OF JUSTICE (DOJ)

Omnibus Highlights

- \$5 million is provided to DOJ for the development and deployment of a database to track excessive use of force and officer misconduct.
- \$79 million for STOP School Violence Bureau of Justice Assistance (BJA) Grants, \$4 million above the FY 2020 enacted level.
- \$53 million for STOP School COPS Office Grants, \$3 million above the FY 2020 enacted level.
- \$367.1 million for Byrne Memorial Justice Assistance Grants (JAG) Grants, \$13 million above the FY 2020 enacted level.
- \$8 million for Smart Policing, \$500,000 above the FY 2020 enacted level.
- \$35 million for Body Worn Camera Partnership, \$12.5 million above the FY 2020 enacted level.
- \$22 million for Byrne Criminal Justice Innovation Grants, \$4 million above the FY 2020 enacted level.
- \$83 million for Drugs Court, \$3 million above the FY 2020 enacted level.
- \$35 million for Mental Health Courts, \$2 million above the FY 2020 enacted level.
- \$25 million for Veterans Treatment Courts, \$2 million above the FY 2020 enacted level.
- \$185 million for Comprehensive Opioid, Stimulant, and Substance Abuse Program, \$5 million above the FY 2020 enacted level.
- \$7.5 million new competitive grant program to award grants to state and local law enforcement to educate, train and prepare officers so that they are equipped to appropriately interact with mentally ill or disabled individuals in the course of completing their job responsibilities. This training should be developed in conjunction with healthcare professionals to provide crisis intervention training focused on understanding mental and behavioral health, developing empathy, navigating community resources, de-escalation skills, and practical application training for all first responders.
- \$16.5 million for Youth Mentoring Grants, \$500,000 above the FY 2020 enacted level.
- \$156.5 million for COPS Hiring Grants. Two new additional priority focus areas: 1) hiring officers who live in the communities that they serve and 2) hiring officers who are willing to relocate to areas characterized by fragmented relationships between police and residents of the community, or where there are high incidents of crime.
- \$35 million for Community Policing Development Grants (an increase of \$28.5 million):
 - \$10 million to expand the use of crisis intervention teams in order to embed mental and behavioral health services with law enforcement, including training programs.
 - \$15 million for officer training in de-escalation techniques.
 - \$3 million for Microgrants.
 - \$2 million for grants to support tolerance, diversity and anti-bias training programs offered by organizations with well-established experience training law enforcement personnel.
 - \$5 million for assisting agencies with gaining accreditation to ensure compliance with national and international standards covering all aspects of law enforcement policies, procedures, practices, and operations.

Other Key DOJ Provisions

Provides the Attorney General the authority to waive matching requirements for Second Chance Act adult and juvenile reentry demonstration projects; state, tribal and local reentry courts; and drug treatment programs. If a waiver is granted, the Attorney General shall document any factors and material presented by a grantee upon determining that a fiscal hardship exists prior to making an award.

DEPARTMENT OF HOMELAND SECURITY (DHS)

Coronavirus Supplemental

Nearly \$2 billion will be set aside for Federal Emergency Management Agency (FEMA) to distribute to states in order to help families with coronavirus-related funeral expenses through the end of this month, waiving a 25 percent state match requirement.

Omnibus Highlights

- \$25 million for a new Alternatives to Detention (ATD) case management services grant pilot program to be executed by nonprofit organizations and local communities. With grants support from FEMA, the pilot will be managed by a national board, similar to the Emergency Food and Shelter program and chaired by the Officer for Civil Rights and Civil Liberties.
- \$610 million for State Homeland Security Grant Program, an increase of \$50 million over FY 2020.
- \$705 million for Urban Areas Security Initiative (UASI), an increase of \$40 million over FY 2020.
- \$100 million for Port Security Grants, same funding as FY 2020.
- \$100 million for Public Transportation Security Grants, same funding as FY 2020.
- \$360 million for Assistance to Firefighter Grants, an increase of \$5 million over FY 2020.
- \$360 million for Staffing for Adequate Fire & Emergency Response (SAFER) grants, an increase of \$5 million over FY 2020.
- \$355 million for Emergency Management Performance Grants, same funding as FY 2020.
- \$12 million for Regional Catastrophic Preparedness Grants, an increase of \$2 million over FY 2020.
- \$37.82 million for Urban Search & Rescue Taskforces.
- \$17.14 billion FEMA Disaster Relief Fund, a \$720 million decrease from FY 2020.

Other Key DHS Provisions

- Disaster Declaration Recommendations: FEMA is directed to consult with states on its policies for estimating disaster damage costs in relation to the population of a state when determining whether to recommend that the President issue a federal disaster declaration. The consultation should include considerations of local economic factors such as the local assessable tax base; the local sales tax; the median income and poverty rate of the local affected area as it compares to that of the state; and the economic health of the state, including factors such as the state unemployment rate compared to the national rate.
- A repeal of a mandate to auction public safety spectrum in the T-Band (470 MHz-512 MHz).
- Permanent reauthorization of the Volunteer Responder Incentive Protection Act to protect some state and local incentives for volunteer fire and EMS personnel from federal taxation.
- Provides certain waivers to SAFER grant program requirements, including:
 - three-year performance period
 - requirement that SAFER funds not supplant local funds
 - requirement that the recipient fire department maintain its budget at 80 percent of the average funding over the past three years
 - the ability for fire departments to retain and rehire firefighters
- Provides certain waivers to AFG grant program requirements.

DEPARTMENT OF LABOR (DOL)

Coronavirus Supplemental

Provides temporary programmatic flexibilities for individuals seeking enrollment in Job Corps, including a waiver of drug testing until students are able to return on-site and additional time for students who may otherwise have aged out of Job Corps eligibility.

Omnibus Highlights

\$12.5 billion for DOL, an increase of \$122 million above the FY 2020 enacted level. Key provisions include:

- \$2.8 billion for Workforce Innovation and Opportunity Act Grants, an increase of \$26 million above FY 2020.
- \$185 million for Registered Apprenticeships, an increase of \$10 million above FY 2020 enacted level. No funding is provided for Industry Recognized Apprenticeship Programs (IRAPs).
- \$97 million for YouthBuild, an increase of \$2 million above the fiscal year 2020 enacted level.
- \$45 million for Strengthening Community College Training Grants, an increase of \$5 million above the FY 2020 enacted level.

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Coronavirus Supplemental

Public Health

The HHS Public Health and Social Services Emergency Fund will receive \$3 billion for the purposes of reimbursing Medicare-enrolled suppliers and providers for the expenses of their COVID-19 response, including PPE and workforce surge costs.

Centers for Disease Control and Prevention (CDC)

- Provides \$8.75 billion to assist with vaccine development and distribution. Of this total, \$4.5 billion will be made available for CDC direct grants to states and localities under the Public Health Emergency Preparedness cooperative agreement formula.
- \$300 million to distribute and administer vaccines to high-risk and underserved populations, including racial and ethnic minority populations and rural communities.
- Requires the CDC to provide an updated and comprehensive coronavirus vaccine distribution strategy and spend plan within 30 days of enactment.

Public Health and Social Services Emergency Fund

- \$22.4 billion to states, localities, territories and tribes for testing, contact tracing, containment, and mitigation to suppress COVID-19, including \$2.5 billion to improve testing capabilities and contact tracing in high-risk and underserved populations, including racial and ethnic minority populations and rural communities.
- \$3 billion in grants to hospitals and healthcare providers for healthcare-related expenses or lost revenue due to the COVID-19 pandemic, along with a provision for the allocation of not less than 85 percent of unobligated funds to be available through an application-based portal for reimbursement of financial losses incurred in 2020.
- \$22.9 billion for development of countermeasures and vaccines, therapeutics, diagnostics, medical supplies and surge capacity with \$19.7 billion allocated to the Biomedical Advanced Research and Development Authority and \$3.2 billion for Strategic National Stockpile.

National Institutes of Health (NIH)

- \$1.25 billion to support research and clinical trials related to long term effects of COVID-19 and continued support for rapid acceleration of diagnostics for COVID-19.

Substance Abuse and Mental Health Services Administration (SAMHSA)

- \$4.25 billion for increased mental health and substance abuse services, including:
 - \$1.65 billion for substance abuse and prevention treatment block grant; \$1.65 billion for mental health services block grant
 - \$600 million for certified community behavioral health clinics
 - \$240 million for emergency grants to states
 - \$50 million for Project AWARE to support school-based mental health for children

Administration for Children and Families (ACF)

- \$10 billion for child care and development block grants to provide immediate assistance to child care providers, including relief for families' payments to providers.
- \$250 million for the program with funds not subject to allocation requirements; funds may be used to restore amounts for obligations incurred in response to the pandemic.

Administration for Community Living (ACL)

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

Selected Public Health Provisions

(For a reading of all the public health provisions, including Medicare and Medicaid, see the [Ways and Means fact sheet](#).)

- Extends mandatory funding for community health center, the national health service corps and teaching health centers that operate Graduate Medical Education (GME) programs at current levels for each FY 2021 through FY 2023.
- Authorizes a national campaign to increase awareness of the safety and effectiveness of vaccines, and provides grants for planning, implementation and evaluation of approaches to improve awareness of evidence-based vaccine related information.
- Requires HHS to expand and improve public health data systems used by CDC, and provides for grants to state, local, tribal and territorial public health departments to modernize public health data systems and enhance interoperability, support, and training personnel for earlier disease and health condition detection and to disseminate the information.
- Reauthorizes school-based health centers program for FY 2022 through FY 2026.
- Eliminates Medicaid Disproportionate Share Hospital (DSH) reductions for FY 2021 through FY 2023.
- Expands access to mental health services furnished through telehealth in Medicare.

Human Services Provisions

- Extends current funding and policy for the temporary assistance for needy families (TANF), the child care entitlement to states and related programs including healthy marriage and responsible fatherhood grants, through end of FY 2021.
- Extends promoting safe and stable families program and state court support through end of FY 2022.

Supporting Foster Youth and Families Through Pandemic

- Provides \$350 million for the John Chafee foster care program for successful transition to adulthood with \$50 million for educational and training vouchers for youths aging out of foster care. The measure waives the state match requirement for these additional funds and increases maximum award amount from \$5,000 up to \$12,000 per youth per year for training and postsecondary education.

Omnibus Highlights

Centers for Disease Control and Prevention (CDC)

- \$202 million for influenza planning and response, and \$287 million for pandemic influenza preparedness funded under Public Health and Social Services Emergency Fund.
- \$175 million to support CDC's efforts to reduce new HIV infections, and \$55 million for Minority HIV/AIDS initiative.
- \$12.5 million for firearm violence prevention.
- \$695 million for public health emergency preparedness cooperative agreements with state and local health departments.
- \$361 million to strengthen epidemiologic and lab capacity with \$50 million to support modernization of public health data surveillance and analytics at state and local health departments as well as at CDC.

National Institutes of Health (NIH)

- \$220 million for universal flu vaccine research at the NIH.
- \$3.1 billion for HIV/AIDS research.
- \$541 million for research on opioids as part of the HEAL initiative.
- \$3.1 billion for Alzheimer's disease and related dementias research.
- \$597 million for the Biomedical Advanced Research and Development Authority (BARDA) for manufacturing and procurement of vaccines, countermeasures, therapeutics, diagnostics, PPE and supplies, and surge capacity.

Substance Abuse and Mental Health Services Administration (SAMHSA)

- \$1.65 billion in grants for community mental health services, with \$72 million for National Child Traumatic Stress initiative and \$107 million for Project AWARE.
- \$3.8 billion in treatment services, including \$1.5 billion for state opioid response grants.
- \$208 million for substance abuse prevention activities.
- \$250 million for grants to communities and community organizations who meet the criteria for certified community behavioral health clinics.

Health Resources and Services Administration (HRSA)

- \$1.7 billion for the primary health centers program.
- \$2.4 billion for the Ryan White HIV/AIDS program, with \$105 million for emergency assistance to reduce new HIV infections.
- \$900 million for state AIDS drug assistance program.
- \$975 million for programs to improve maternal and child health, including state-federal partnerships.

Administration for Children and Families (ACF)

- \$5.9 billion for the child care and development block grant.
- \$775 million for the Community Services Block Grant (CSBG).
- \$10.7 billion for Head Start, including early head start-child care partnerships.
- \$3.8 billion for Low Income Home Energy Assistance Program (LIHEAP).
- \$182 million for family violence prevention and services.
- \$345 million to improve the quality of caseworker foster care visits, with \$60 million for regional partnership grants to states to promote safe and stable families.
- \$7 billion for Title IV-E payments for foster care and permanency.

Administration for Community Living (ACL)

- \$952 million for senior nutrition programs and \$200 million for family caregivers services.

DEPARTMENT OF EDUCATION (ED)

Coronavirus Supplemental

- Provides \$82 billion in education relief funding, including:
 - \$22.7 billion for the Higher Education Emergency Relief Fund (HEERF), broken out as follows:
 - \$20.2 billion for nonprofit colleges distributed through a formula that accounts for an institution's total number of students (headcount) and relative share of full-time equivalent (FTE) students
 - \$1.7 billion for Historically Black Colleges and Universities (HBCUs), Minority-Serving Institutions (MSIs) and tribal colleges
 - \$113 million for Institutions of Higher Education (IHE) with the greatest unmet need
 - \$908 million for financial aid for students at for-profit colleges
 - Institutions can use this aid money for lost revenue, reimbursement for expenses and technology costs due to the shift to online learning, financial aid for students and more. The bill directs schools to prioritize grants for students with exceptional need. Colleges and universities cannot use the funds for recruitment activities, athletics facilities, religious instruction or senior administrator salaries or bonuses.
 - \$4.1 billion for the Governor's Emergency Education Relief Fund (GEERF)
 - \$54.3 billion for Elementary and Secondary School Emergency Relief Fund (public K-12 schools)
 - Funds are distributed based on states' allocations under Title I, Part A of the Elementary and Secondary Education Act and allocated to school districts based on their Title I, Part A allocation

Omnibus Highlights

\$73.5 billion for the Department of Education, \$785 million above FY 2020.

- \$2.5 billion for higher education programs, an increase of \$66 million above the FY 2020 enacted level.
- \$789 million, an increase of \$30 million above the FY 2020 enacted level, to assist primarily Minority Serving Institution (MSIs), including:
 - \$338 million for Historically Black Colleges and Universities (HBCUs), an increase of \$13 million above the FY 2020 enacted level
 - \$149 million for Hispanic Serving Institutions (HSIs), an increase of \$6 million above the FY 2020 enacted level
- \$6,495 for the maximum Pell Grant award, \$150 above FY 2020.
- \$880 million for the Federal Supplemental Educational Opportunity Grant (FSEOG) program, \$15 million above FY 2020.
- \$1.2 billion for the Federal Work Study (FWS) program, \$10 million above FY 2020.
- \$55 million for Child Care Access Means Parents in School (CCAMPIS) program, \$2 million above FY 2020.
- \$675 million for Adult Education State Grants, \$18 million above FY 2020.
- \$1.3 billion for Career Technical Education State Grants, \$52 million above FY 2020.
- \$5 million for Basic Needs Grants pilot program.
- \$1.1 billion for Federal TRIO programs, an increase of \$7 million above the FY 2020 enacted level.

- \$368 million for GEAR UP, an increase of \$3 million above the FY 2020 enacted level.

Other Key ED Provisions

- The bill simplifies the Free Application for Federal Student Aid (FAFSA) by reducing the number of questions on the form, simplifying the applicant verification process and streamlining the formula for calculating who qualifies for Pell Grants. It would take effect on July 1, 2023, and be applied starting with the 2023-2024 award year.
- Reinstates Pell Grant eligibility for incarcerated students who are enrolled in prison education programs.
- Discharges \$1.34 billion in loans made to HBCUs.

BROADBAND

Coronavirus Supplemental

- \$7 billion to strengthen and expand broadband services
 - \$3.2 billion in emergency funds for low-income families to access broadband through an Federal Communications Commission (FCC) fund. The bill establishes the Emergency Broadband Benefit Program at the FCC, under which eligible households may receive a discount of up to \$50, or up to \$75 on tribal lands, off the cost of internet service and a subsidy for low-cost devices such as computers and tablets. Internet service providers that provide the discounted service or devices to customers can receive a reimbursement from the FCC for such costs. Households that qualify for the benefit include those with: children that qualify for the free and reduced lunch program, Pell Grant recipients, recently laid off or furloughed workers, an individual who qualifies for the Lifeline program, or an individual who qualifies for a low-income or COVID-19 discount program offered by internet service providers.
 - \$250 million for its COVID-19 Telehealth Program, authorized under the CARES Act.
 - \$285 million to help address broadband needs of HBCUs and MSI higher education institutions. Establishes an Office of Minority Broadband Initiatives at the National Telecommunications and Information Administration (NTIA) to focus on broadband access and adoption at HBCUs and MSIs, including the students, faculty and staff of such institutions and their surrounding communities. It creates a pilot program to award grants to these institutions and certain businesses and nonprofit organizations in the community to support connectivity.
 - \$65 million to complete broadband maps so that the government can effectively disperse funding to the areas that need it most.
 - \$300 million for a broadband deployment program to support broadband infrastructure deployment to areas lacking broadband, especially rural areas. The grants would be issued to qualifying partnerships between state and local governments and fixed broadband providers. Priority for grants would be given to networks that would reach the most unserved consumers.

NUTRITION ASSISTANCE

Coronavirus Supplemental

- \$26 billion in agriculture and nutrition funding.
 - Provides a temporary, 15 percent increase in monthly Supplemental Nutrition Assistance Program (SNAP) benefits for all participants. The uniform benefit increase will take effect from January 1, 2021 through June 30, 2021.
 - Includes new flexibilities for low-income college students enrolled half-time to receive SNAP by temporarily waiving work requirements.
 - Allocates \$400 million for The Emergency Food Assistance Program (TEFAP) to fund the continued work of food banks.
 - \$13 million for the Commodity Supplemental Food Program to provide food for seniors and includes \$175 million for senior nutrition programs through the Older Americans Act (such as Meals on Wheels)

Omnibus Highlights

- \$325 million for the Commodity Supplemental Food Program, which provides food assistance for seniors, an \$80 million increase from FY 2020.
- \$952 million for senior nutrition programs (Administration for Community Living), an increase of \$15 million above FY 2020.

ARTS

Coronavirus Supplemental

- \$15 billion for Small Business Administration (SBA) grants up to \$10 million to live venues, independent movie theaters, cultural institution, including the nonprofit arts and culture industry. Grants can cover expenses such as payroll costs, rent, utilities and PPE. \$2 billion is reserved for entities with 50 or fewer employees. The program can make supplemental grants equal to 50 percent of the initial grant.
- Extends the duration of unemployment insurance for artists, arts professionals and self-employed workers whose income has been negatively impacted by COVID-19.
- Extends SBA and PPP assistance for artists and arts professionals and providing additional forgivable SBA loans to nonprofit arts and cultural organizations, self-employed workers, sole proprietors, small LLCs, and providing further flexibility regarding the percentage of loan forgiveness for payroll versus rent.
- Incentivizes increased contributed support for the arts and culture sector by extending through the 2021 tax year the universal charitable deduction for those that do not itemize their tax returns.
- Enables equitable participation in artistic, educational and cultural online activity through ensuring the most vulnerable populations have access to free or low-cost high-speed broadband program offerings.

Omnibus Highlights

- \$257 million for the Institute of Museum and Library Services (IMLS)
- \$167.5 million for the National Endowment for the Arts (NEA)
- \$167.5 million for the National Endowment for the Humanities (NEH)

OTHER AUTHORIZING MEASURES IN H.R. 133

Housing

Several housing-related bills were added to the package, including:

- The "Fostering Stable Housing Opportunities Act," which improves the accessibility of Family Unification Program (FUP) vouchers for youth aging out of foster care by allowing vouchers to be administered when needed to foster youth at risk of homelessness. It would provide voucher recipients engaged in education, training, or work-related activities the opportunity to extend the use of their vouchers from the standard 36 months to up to 60 months. The bill was introduced in the House by Reps. Madeline Dean (D-Pa.), Michael Turner (R-Ohio), Karen Bass (D-Calif.), and Steve Stivers (R-Ohio) in September 2019.
- As noted previously, the bill eliminates the 2020 competition for Continuum of Care funding.

Tax Extenders

Congress moved to extend a package of expiring tax provisions as part of the omnibus. Lawmakers elected to make a handful of extenders permanent, offer five-year extensions for some and one-year extensions for the rest. The [Joint Committee on Taxation estimates](#) the extensions will reduce federal revenue by almost \$104 billion over the 2021-2030 budget window.

- Here is a [summary of tax extenders of note](#).

Water Resources Development Act (WRDA) of 2020

The omnibus also includes a biennial water infrastructure package that would authorize spending for dozens of U.S. Army Corps of Engineers projects and studies across the country. Bipartisan negotiators agreed to a deal for unlocking and spending down the roughly \$10 billion balance in the Harbor Maintenance Trust Fund, including allowing access to \$500 million in appropriations to the Army Corps from the fund for the first year (FY 2021) to tackle the backlog in federal navigation maintenance work at the nation's ports and harbors.

- Here is a [summary of key WRDA provisions](#).

Energy Act of 2020

The Energy Act of 2020, which combines elements of Senate and House legislation (S. 2657 and H.R. 4447) also moved through Congress as part of the \$1.4 trillion year-end spending package. The broad energy measure to boost innovation, research and efficiency programs is the first energy authorization bill in more than a decade. The measure contains provisions on advanced nuclear fuel availability and research; renewable energy and storage; grid modernization; carbon management and removal, including direct air capture and storage; as well as critical materials. It would authorize \$35 billion in appropriations for clean energy research and development over the next five years, including calling for greater investments in electric vehicles.

- Here is a [summary of key Energy Act of 2020 provisions](#).