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1           “(A) IN GENERAL.—The Secretary shall  
2           pay to American Samoa amounts estimated by  
3           the Secretary as being equal to the aggregate  
4           benefits that would have been provided to resi-  
5           dents of American Samoa by reason of the ap-  
6           plication of this section for taxable years begin-  
7           ning after 2020 if the provisions of this section  
8           had been in effect in American Samoa (applied  
9           as if American Samoa were the United States  
10          and without regard to the application of this  
11          section to bona fide residents of Puerto Rico  
12          under subsection (i)(1)).

13          “(B) DISTRIBUTION REQUIREMENT.—Sub-  
14          paragraph (A) shall not apply unless American  
15          Samoa has a plan, which has been approved by  
16          the Secretary, under which American Samoa  
17          will promptly distribute such payments to its  
18          residents.

19          “(C) COORDINATION WITH CREDIT AL-  
20          LOWED AGAINST UNITED STATES INCOME  
21          TAXES.—

22                 “(i) IN GENERAL.—In the case of a  
23                 taxable year with respect to which a plan  
24                 is approved under subparagraph (B), this  
25                 section (other than this subsection) shall

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1 not apply to any individual eligible for a  
2 distribution under such plan.

3 “(ii) APPLICATION OF SECTION IN  
4 EVENT OF ABSENCE OF APPROVED  
5 PLAN.—In the case of a taxable year with  
6 respect to which a plan is not approved  
7 under subparagraph (B)—

8 “(I) if such taxable year begins  
9 in 2021, subsection (i)(1) shall be ap-  
10 plied by substituting ‘bona fide resi-  
11 dent of Puerto Rico or American  
12 Samoa’ for ‘bona fide resident of  
13 Puerto Rico’, and

14 “(II) if such taxable year begins  
15 after December 31, 2021, rules simi-  
16 lar to the rules of paragraph (2)(B)  
17 shall apply with respect to bona fide  
18 residents of American Samoa (within  
19 the meaning of section 937(a)).

20 “(4) TREATMENT OF PAYMENTS.—For pur-  
21 poses of section 1324 of title 31, United States  
22 Code, the payments under this subsection shall be  
23 treated in the same manner as a refund due from  
24 a credit provision referred to in subsection (b)(2) of  
25 such section.”.

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1 (b) EFFECTIVE DATE.—The amendments made by  
 2 this section shall apply to taxable years beginning after  
 3 December 31, 2020.

4 **PART 3—EARNED INCOME TAX CREDIT**

5 **SEC. 9621. STRENGTHENING THE EARNED INCOME TAX**

6 **CREDIT FOR INDIVIDUALS WITH NO QUALI-**  
 7 **FYING CHILDREN.**

8 (a) SPECIAL RULES FOR 2021.—Section 32 of the  
 9 Internal Revenue Code of 1986 is amended by adding at  
 10 the end the following new subsection:

11 “(n) SPECIAL RULES FOR INDIVIDUALS WITHOUT  
 12 QUALIFYING CHILDREN.—In the case of any taxable year  
 13 beginning after December 31, 2020, and before January  
 14 1, 2022—

15 “(1) DECREASE IN MINIMUM AGE FOR CRED-  
 16 IT.—

17 “(A) IN GENERAL.—Subsection  
 18 (c)(1)(A)(ii)(II) shall be applied by substituting  
 19 ‘the applicable minimum age’ for ‘age 25’.

20 “(B) APPLICABLE MINIMUM AGE.—For  
 21 purposes of this paragraph, the term ‘applicable  
 22 minimum age’ means—

23 “(i) except as otherwise provided in  
 24 this subparagraph, age 19,

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1                   “(ii) in the case of a specified student  
2                   (other than a qualified former foster youth  
3                   or a qualified homeless youth), age 24, and

4                   “(iii) in the case of a qualified former  
5                   foster youth or a qualified homeless youth,  
6                   age 18.

7                   “(C) SPECIFIED STUDENT.—For purposes  
8                   of this paragraph, the term ‘specified student’  
9                   means, with respect to any taxable year, an in-  
10                  dividual who is an eligible student (as defined  
11                  in section 25A(b)(3)) during at least 5 calendar  
12                  months during the taxable year.

13                  “(D) QUALIFIED FORMER FOSTER  
14                  YOUTH.—For purposes of this paragraph, the  
15                  term ‘qualified former foster youth’ means an  
16                  individual who—

17                  “(i) on or after the date that such in-  
18                  dividual attained age 14, was in foster care  
19                  provided under the supervision or adminis-  
20                  tration of an entity administering (or eligi-  
21                  ble to administer) a plan under part B or  
22                  part E of title IV of the Social Security  
23                  Act (without regard to whether Federal as-  
24                  sistance was provided with respect to such  
25                  child under such part E), and

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1                   “(ii) provides (in such manner as the  
2                   Secretary may provide) consent for entities  
3                   which administer a plan under part B or  
4                   part E of title IV of the Social Security  
5                   Act to disclose to the Secretary informa-  
6                   tion related to the status of such individual  
7                   as a qualified former foster youth.

8                   “(E) QUALIFIED HOMELESS YOUTH.—For  
9                   purposes of this paragraph, the term ‘qualified  
10                  homeless youth’ means, with respect to any tax-  
11                  able year, an individual who—

12                  “(i) is certified by a local educational  
13                  agency or a financial aid administrator  
14                  during such taxable year as being either an  
15                  unaccompanied youth who is a homeless  
16                  child or youth, or as unaccompanied, at  
17                  risk of homelessness, and self-supporting,  
18                  and

19                  “(ii) provides (in such manner as the  
20                  Secretary may provide) consent for local  
21                  educational agencies and financial aid ad-  
22                  ministrators to disclose to the Secretary in-  
23                  formation related to the status of such in-  
24                  dividual as a qualified homeless youth.

1 Terms used in this subparagraph which are also  
 2 used in section 480(d)(1) of the Higher Edu-  
 3 cation Act of 1965 shall have the same meaning  
 4 as when used in such section.

5 “(2) ELIMINATION OF MAXIMUM AGE FOR  
 6 CREDIT.—Subsection (c)(1)(A)(ii)(II) shall be ap-  
 7 plied without regard to the phrase ‘but not attained  
 8 age 65’.

9 “(3) INCREASE IN CREDIT AND PHASEOUT PER-  
 10 CENTAGES.—The table contained in subsection  
 11 (b)(1) shall be applied by substituting ‘15.3’ for  
 12 ‘7.65’ each place it appears therein.

13 “(4) INCREASE IN EARNED INCOME AND  
 14 PHASEOUT AMOUNTS.—

15 “(A) IN GENERAL.—The table contained in  
 16 subsection (b)(2)(A) shall be applied—

17 “(i) by substituting ‘\$9,820’ for  
 18 ‘\$4,220’, and

19 “(ii) by substituting ‘\$11,610’ for  
 20 ‘\$5,280’.

21 “(B) COORDINATION WITH INFLATION AD-  
 22 JUSTMENT.—Subsection (j) shall not apply to  
 23 any dollar amount specified in this paragraph.”.

24 (b) INFORMATION RETURN MATCHING.—As soon as  
 25 practicable, the Secretary of the Treasury (or the Sec-

1 retary's delegate) shall develop and implement procedures  
 2 to use information returns under section 6050S (relating  
 3 to returns relating to higher education tuition and related  
 4 expenses) to check the status of individuals as specified  
 5 students for purposes of section 32(n)(1)(B)(ii) of the In-  
 6 ternal Revenue Code of 1986 (as added by this section).  
 7 (c) EFFECTIVE DATE.—The amendment made by  
 8 this section shall apply to taxable years beginning after  
 9 December 31, 2020.

**10 SEC. 9622. TAXPAYER ELIGIBLE FOR CHILDLESS EARNED**  
**11 INCOME CREDIT IN CASE OF QUALIFYING**  
**12 CHILDREN WHO FAIL TO MEET CERTAIN**  
**13 IDENTIFICATION REQUIREMENTS.**

14 (a) IN GENERAL.—Section 32(c)(1) of the Internal  
 15 Revenue Code of 1986 is amended by striking subpara-  
 16 graph (F).

17 (b) EFFECTIVE DATE.—The amendment made by  
 18 this section shall apply to taxable years beginning after  
 19 December 31 2020.

**20 SEC. 9623. CREDIT ALLOWED IN CASE OF CERTAIN SEPA-**  
**21 RATED SPOUSES.**

22 (a) IN GENERAL.—Section 32(d) of the Internal Rev-  
 23 enue Code of 1986 is amended—

1 (1) by striking “MARRIED INDIVIDUALS.—In  
2 the case of” and inserting the following: “MARRIED  
3 INDIVIDUALS.—

4 “(1) IN GENERAL.—In the case of”, and  
5 (2) by adding at the end the following new  
6 paragraph:

7 “(2) DETERMINATION OF MARITAL STATUS.—  
8 For purposes of this section—

9 “(A) IN GENERAL.—Except as provided in  
10 subparagraph (B), marital status shall be deter-  
11 mined under section 7703(a).

12 “(B) SPECIAL RULE FOR SEPARATED  
13 SPOUSE.—An individual shall not be treated as  
14 married if such individual—

15 “(i) is married (as determined under  
16 section 7703(a)) and does not file a joint  
17 return for the taxable year,

18 “(ii) resides with a qualifying child of  
19 the individual for more than one-half of  
20 such taxable year, and

21 “(iii)(I) during the last 6 months of  
22 such taxable year, does not have the same  
23 principal place of abode as the individual’s  
24 spouse, or



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1           “(II) has a decree, instrument, or  
2           agreement (other than a decree of divorce)  
3           described in section 121(d)(3)(C) with re-  
4           spect to the individual’s spouse and is not  
5           a member of the same household with the  
6           individual’s spouse by the end of the tax-  
7           able year.”.

8       (b) CONFORMING AMENDMENTS.—

9           (1) Section 32(c)(1)(A) of such Code is amend-  
10          ed by striking the last sentence.

11          (2) Section 32(c)(1)(E)(ii) of such Code is  
12          amended by striking “(within the meaning of section  
13          7703)”.

14          (3) Section 32(d)(1) of such Code, as amended  
15          by subsection (a), is amended by striking “(within  
16          the meaning of section 7703)”.

17       (c) EFFECTIVE DATE.—The amendments made by  
18       this section shall apply to taxable years beginning after  
19       December 31, 2020.

**20 SEC. 9624. MODIFICATION OF DISQUALIFIED INVESTMENT**

**21                   INCOME TEST.**

22       (a) IN GENERAL.—Section 32(i) of the Internal Rev-  
23       enue Code of 1986 is amended by striking “\$2,200” and  
24       inserting “\$10,000”.

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1 (b) INFLATION ADJUSTMENT.—Section 32(j)(1) of  
 2 such Code is amended—  
 3 (1) in the matter preceding subparagraph (A),  
 4 by inserting “(2021 in the case of the dollar amount  
 5 in subsection (i)(1))” after “2015”,  
 6 (2) in subparagraph (B)(i)—  
 7 (A) by striking “subsections (b)(2)(A) and  
 8 (i)(1)” and inserting “subsection (b)(2)(A)”,  
 9 and  
 10 (B) by striking “and” at the end,  
 11 (3) by striking the period at the end of sub-  
 12 paragraph (B)(ii) and inserting “, and”, and  
 13 (4) by inserting after subparagraph (B)(ii) the  
 14 following new clause:  
 15 “(iii) in the case of the \$10,000  
 16 amount in subsection (i)(1), ‘calendar year  
 17 2020’ for ‘calendar year 2016’.”  
 18 (c) EFFECTIVE DATE.—The amendments made by  
 19 this section shall apply to taxable years beginning after  
 20 December 31, 2020.

**21 SEC. 9625. APPLICATION OF EARNED INCOME TAX CREDIT**  
**22 IN POSSESSIONS OF THE UNITED STATES.**

23 (a) IN GENERAL.—Chapter 77 of the Internal Rev-  
 24 enue Code of 1986 is amended by adding at the end the  
 25 following new section:

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1 “SEC. 7530. APPLICATION OF EARNED INCOME TAX CREDIT

2 TO POSSESSIONS OF THE UNITED STATES.

3 “(a) PUERTO RICO.—

4 “(1) IN GENERAL.—With respect to calendar  
5 year 2021 and each calendar year thereafter, the  
6 Secretary shall, except as otherwise provided in this  
7 subsection, make payments to Puerto Rico equal  
8 to—

9 “(A) the specified matching amount for  
10 such calendar year, plus

11 “(B) in the case of calendar years 2021  
12 through 2025, the lesser of—

13 “(i) the expenditures made by Puerto  
14 Rico during such calendar year for edu-  
15 cation efforts with respect to individual  
16 taxpayers and tax return preparers relat-  
17 ing to the earned income tax credit, or

18 “(ii) \$1,000,000.

19 “(2) REQUIREMENT TO REFORM EARNED IN-  
20 COME TAX CREDIT.—The Secretary shall not make  
21 any payments under paragraph (1) with respect to  
22 any calendar year unless Puerto Rico has in effect  
23 an earned income tax credit for taxable years begin-  
24 ning in or with such calendar year which (relative to  
25 the earned income tax credit which was in effect for  
26 taxable years beginning in or with calendar year

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1       2019) increases the percentage of earned income  
 2       which is allowed as a credit for each group of indi-  
 3       viduals with respect to which such percentage is sep-  
 4       arately stated or determined in a manner designed  
 5       to substantially increase workforce participation.

6               “(3) SPECIFIED MATCHING AMOUNT.—For pur-  
 7       poses of this subsection—

8                       “(A) IN GENERAL.—The term ‘specified  
 9       matching amount’ means, with respect to any  
 10      calendar year, the lesser of—

11                               “(i) the excess (if any) of—

12                                       “(I) the cost to Puerto Rico of  
 13                                       the earned income tax credit for tax-  
 14                                       able years beginning in or with such  
 15                                       calendar year, over

16                                       “(II) the base amount for such  
 17                                       calendar year, or

18                                       “(ii) the product of 3, multiplied by  
 19                                       the base amount for such calendar year.

20                       “(B) BASE AMOUNT.—

21                               “(i) BASE AMOUNT FOR 2021.—In the  
 22                               case of calendar year 2021, the term ‘base  
 23                               amount’ means the greater of—

24                                       “(I) the cost to Puerto Rico of  
 25                                       the earned income tax credit for tax-

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1                   able years beginning in or with cal-  
2                   endar year 2019 (rounded to the  
3                   nearest multiple of \$1,000,000), or  
4                   “(I) \$200,000,000.

5                   “(ii) INFLATION ADJUSTMENT.—In  
6                   the case of any calendar year after 2021,  
7                   the term ‘base amount’ means the dollar  
8                   amount determined under clause (i) in-  
9                   creased by an amount equal to—

10                   “(I) such dollar amount, multi-  
11                   plied by—

12                   “(II) the cost-of-living adjust-  
13                   ment determined under section 1(f)(3)  
14                   for such calendar year, determined by  
15                   substituting ‘calendar year 2020’ for  
16                   ‘calendar year 2016’ in subparagraph  
17                   (A)(ii) thereof.

18                   Any amount determined under this clause  
19                   shall be rounded to the nearest multiple of  
20                   \$1,000,000.

21                   “(4) RULES RELATED TO PAYMENTS AND RE-  
22                   PORTS.—

23                   “(A) TIMING OF PAYMENTS.—The Sec-  
24                   retary shall make payments under paragraph  
25                   (1) for any calendar year—

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1 “(i) after receipt of the report de-  
2 scribed in subparagraph (B) for such cal-  
3 endar year, and

4 “(ii) except as provided in clause (i),  
5 within a reasonable period of time before  
6 the due date for individual income tax re-  
7 turns (as determined under the laws of  
8 Puerto Rico) for taxable years which began  
9 on the first day of such calendar year.

10 “(B) ANNUAL REPORTS.—With respect to  
11 calendar year 2021 and each calendar year  
12 thereafter, Puerto Rico shall provide to the Sec-  
13 retary a report which shall include—

14 “(i) an estimate of the costs described  
15 in paragraphs (1)(B)(i) and (3)(A)(i)(I)  
16 with respect to such calendar year, and

17 “(ii) a statement of such costs with  
18 respect to the preceding calendar year.

19 “(C) ADJUSTMENTS.—

20 “(i) IN GENERAL.—In the event that  
21 any estimate of an amount is more or less  
22 than the actual amount as later deter-  
23 mined and any payment under paragraph  
24 (1) was determined on the basis of such  
25 estimate, proper payment shall be made

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1 by, or to, the Secretary (as the case may  
2 be) as soon as practicable after the deter-  
3 mination that such estimate was inac-  
4 curate. Proper adjustment shall be made in  
5 the amount of any subsequent payments  
6 made under paragraph (1) to the extent  
7 that proper payment is not made under the  
8 preceding sentence before such subsequent  
9 payments.

10 “(ii) ADDITIONAL REPORTS.—The  
11 Secretary may require such additional peri-  
12 odic reports of the information described in  
13 subparagraph (B) as the Secretary deter-  
14 mines appropriate to facilitate timely ad-  
15 justments under clause (i).

16 “(D) DETERMINATION OF COST OF  
17 EARNED INCOME TAX CREDIT.—For purposes  
18 of this subsection, the cost to Puerto Rico of  
19 the earned income tax credit shall be deter-  
20 mined by the Secretary on the basis of the laws  
21 of Puerto Rico and shall include reductions in  
22 revenues received by Puerto Rico by reason of  
23 such credit and refunds attributable to such  
24 credit, but shall not include any administrative  
25 costs with respect to such credit.

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1       “(b) POSSESSIONS WITH MIRROR CODE TAX SYS-  
2       TEMS.—

3               “(1) IN GENERAL.—With respect to calendar  
4       year 2021 and each calendar year thereafter, the  
5       Secretary shall, except as otherwise provided in this  
6       subsection, make payments to the Virgin Islands,  
7       Guam, and the Commonwealth of the Northern Mar-  
8       iana Islands equal to—

9               “(A) the cost to such possession of the  
10       earned income tax credit for taxable years be-  
11       ginning in or with such calendar year, plus

12               “(B) in the case of calendar years 2021  
13       through 2025, the lesser of—

14               “(i) the expenditures made by such  
15       possession during such calendar year for  
16       education efforts with respect to individual  
17       taxpayers and tax return preparers relat-  
18       ing to such earned income tax credit, or

19               “(ii) \$50,000.

20               “(2) APPLICATION OF CERTAIN RULES.—Rules  
21       similar to the rules of subparagraphs (A), (B), (C),  
22       and (D) of subsection (a)(4) shall apply for purposes  
23       of this subsection.

24       “(c) AMERICAN SAMOA.—

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1           “(1) IN GENERAL.—With respect to calendar  
2           year 2021 and each calendar year thereafter, the  
3           Secretary shall, except as otherwise provided in this  
4           subsection, make payments to American Samoa  
5           equal to—

6                   “(A) the lesser of—

7                           “(i) the cost to American Samoa of  
8                           the earned income tax credit for taxable  
9                           years beginning in or with such calendar  
10                          year, or

11                           “(ii) \$16,000,000, plus

12                          “(B) in the case of calendar years 2021  
13                          through 2025, the lesser of—

14                           “(i) the expenditures made by Amer-  
15                           ican Samoa during such calendar year for  
16                           education efforts with respect to individual  
17                           taxpayers and tax return preparers relat-  
18                           ing to such earned income tax credit, or

19                           “(ii) \$50,000.

20           “(2) REQUIREMENT TO ENACT AND MAINTAIN  
21           AN EARNED INCOME TAX CREDIT.—The Secretary  
22           shall not make any payments under paragraph (1)  
23           with respect to any calendar year unless American  
24           Samoa has in effect an earned income tax credit for  
25           taxable years beginning in or with such calendar

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1 year which allows a refundable tax credit to individ-  
2 uals on the basis of the taxpayer's earned income  
3 which is designed to substantially increase workforce  
4 participation.

5 “(3) INFLATION ADJUSTMENT.—In the case of  
6 any calendar year after 2021, the \$16,000,000  
7 amount in paragraph (1)(A)(ii) shall be increased by  
8 an amount equal to—

9 “(A) such dollar amount, multiplied by—

10 “(B) the cost-of-living adjustment deter-  
11 mined under section 1(f)(3) for such calendar  
12 year, determined by substituting ‘calendar year  
13 2020’ for ‘calendar year 2016’ in subparagraph  
14 (A)(ii) thereof.

15 Any increase determined under this clause shall be  
16 rounded to the nearest multiple of \$100,000.

17 “(4) APPLICATION OF CERTAIN RULES.—Rules  
18 similar to the rules of subparagraphs (A), (B), (C),  
19 and (D) of subsection (a)(4) shall apply for purposes  
20 of this subsection.

21 “(d) TREATMENT OF PAYMENTS.—For purposes of  
22 section 1324 of title 31, United States Code, the payments  
23 under this section shall be treated in the same manner  
24 as a refund due from a credit provision referred to in sub-  
25 section (b)(2) of such section.”.

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1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 for chapter 77 of the Internal Revenue Code of 1986 is  
 3 amended by adding at the end the following new item:

“Sec. 7530. Application of earned income tax credit to possessions of the  
 United States.”.

4 SEC. 9626. TEMPORARY SPECIAL RULE FOR DETERMINING  
 5 EARNED INCOME FOR PURPOSES OF EARNED  
 6 INCOME TAX CREDIT.

7 (a) IN GENERAL.—If the earned income of the tax-  
 8 payer for the taxpayer’s first taxable year beginning in  
 9 2021 is less than the earned income of the taxpayer for  
 10 the taxpayer’s first taxable year beginning in 2019, the  
 11 credit allowed under section 32 of the Internal Revenue  
 12 Code of 1986 may, at the election of the taxpayer, be de-  
 13 termined by substituting—

14 (1) such earned income for the taxpayer’s first  
 15 taxable year beginning in 2019, for

16 (2) such earned income for the taxpayer’s first  
 17 taxable year beginning in 2021.

18 (b) EARNED INCOME.—

19 (1) IN GENERAL.—For purposes of this section,  
 20 the term “earned income” has the meaning given  
 21 such term under section 32(c) of the Internal Rev-  
 22 enue Code of 1986.

23 (2) APPLICATION TO JOINT RETURNS.—For  
 24 purposes of subsection (a), in the case of a joint re-

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1 turn, the earned income of the taxpayer for the first  
2 taxable year beginning in 2019 shall be the sum of  
3 the earned income of each spouse for such taxable  
4 year.

5 (c) SPECIAL RULES.—

6 (1) ERRORS TREATED AS MATHEMATICAL ER-  
7 RORS.—For purposes of section 6213 of the Internal  
8 Revenue Code of 1986, an incorrect use on a return  
9 of earned income pursuant to subsection (a) shall be  
10 treated as a mathematical or clerical error.

11 (2) NO EFFECT ON DETERMINATION OF GROSS  
12 INCOME, ETC.—Except as otherwise provided in this  
13 subsection, the Internal Revenue Code of 1986 shall  
14 be applied without regard to any substitution under  
15 subsection (a).

16 (d) TREATMENT OF CERTAIN POSSESSIONS.—

17 (1) PAYMENTS TO POSSESSIONS WITH MIRROR  
18 CODE TAX SYSTEMS.—The Secretary of the Treas-  
19 ury shall pay to each possession of the United States  
20 which has a mirror code tax system amounts equal  
21 to the loss (if any) to that possession by reason of  
22 the application of the provisions of this section  
23 (other than this subsection) with respect to section  
24 32 of the Internal Revenue Code of 1986. Such  
25 amounts shall be determined by the Secretary of the

1 Treasury based on information provided by the gov-  
2 ernment of the respective possession.

3 (2) PAYMENTS TO OTHER POSSESSIONS.—The  
4 Secretary of the Treasury shall pay to each posses-  
5 sion of the United States which does not have a mir-  
6 ror code tax system amounts estimated by the Sec-  
7 retary of the Treasury as being equal to the aggre-  
8 gate benefits (if any) that would have been provided  
9 to residents of such possession by reason of the pro-  
10 visions of this section (other than this subsection)  
11 with respect to section 32 of the Internal Revenue  
12 Code of 1986 if a mirror code tax system had been  
13 in effect in such possession. The preceding sentence  
14 shall not apply unless the respective possession has  
15 a plan, which has been approved by the Secretary of  
16 the Treasury, under which such possession will  
17 promptly distribute such payments to its residents.

18 (3) MIRROR CODE TAX SYSTEM.—For purposes  
19 of this section, the term “mirror code tax system”  
20 means, with respect to any possession of the United  
21 States, the income tax system of such possession if  
22 the income tax liability of the residents of such pos-  
23 session under such system is determined by ref-  
24 erence to the income tax laws of the United States  
25 as if such possession were the United States.



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1           “(A) by substituting ‘\$8,000’ for ‘\$3,000’  
 2           in paragraph (1) thereof, and  
 3           “(B) by substituting ‘\$16,000’ for ‘\$6,000’  
 4           in paragraph (2) thereof.

5           “(3) INCREASE IN APPLICABLE PERCENTAGE.—  
 6           Subsection (a)(2) shall be applied—

7           “(A) by substituting ‘50 percent’ for ‘35  
 8           percent’, and

9           “(B) by substituting ‘\$125,000’ for  
 10          ‘\$15,000’.

11          “(4) APPLICATION OF PHASEOUT TO HIGH IN-  
 12          COME INDIVIDUALS.—

13          “(A) IN GENERAL.—Subsection (a)(2)  
 14          shall be applied by substituting ‘the phaseout  
 15          percentage’ for ‘20 percent’.

16          “(B) PHASEOUT PERCENTAGE.—The term  
 17          ‘phaseout percentage’ means 20 percent re-  
 18          duced (but not below zero) by 1 percentage  
 19          point for each \$2,000 (or fraction thereof) by  
 20          which the taxpayer’s adjusted gross income for  
 21          the taxable year exceeds \$400,000.”.

22          (b) APPLICATION OF CREDIT IN POSSESSIONS.—Sec-  
 23          tion 21 of such Code, as amended by subsection (a), is  
 24          amended by adding at the end the following new sub-  
 25          section:

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1 “(h) APPLICATION OF CREDIT IN POSSESSIONS.—

2 “(1) PAYMENT TO POSSESSIONS WITH MIRROR

3 CODE TAX SYSTEMS.—The Secretary shall pay to

4 each possession of the United States with a mirror

5 code tax system amounts equal to the loss (if any)

6 to that possession by reason of the application of

7 this section (determined without regard to this sub-

8 section) with respect to taxable years beginning in or

9 with 2021. Such amounts shall be determined by the

10 Secretary based on information provided by the gov-

11 ernment of the respective possession.

12 “(2) PAYMENTS TO OTHER POSSESSIONS.—The

13 Secretary shall pay to each possession of the United

14 States which does not have a mirror code tax system

15 amounts estimated by the Secretary as being equal

16 to the aggregate benefits that would have been pro-

17 vided to residents of such possession by reason of

18 this section with respect to taxable years beginning

19 in or with 2021 if a mirror code tax system had

20 been in effect in such possession. The preceding sen-

21 tence shall not apply unless the respective possession

22 has a plan, which has been approved by the Sec-

23 retary, under which such possession will promptly

24 distribute such payments to its residents.



1           “(3) COORDINATION WITH CREDIT ALLOWED  
2           AGAINST UNITED STATES INCOME TAXES.—In the  
3           case of any taxable year beginning in or with 2021,  
4           no credit shall be allowed under this section to any  
5           individual—

6                   “(A) to whom a credit is allowable against  
7                   taxes imposed by a possession with a mirror  
8                   code tax system by reason of this section, or

9                   “(B) who is eligible for a payment under  
10                  a plan described in paragraph (2).

11           “(4) MIRROR CODE TAX SYSTEM.—For pur-  
12           poses of this subsection, the term ‘mirror code tax  
13           system’ means, with respect to any possession of the  
14           United States, the income tax system of such posses-  
15           sion if the income tax liability of the residents of  
16           such possession under such system is determined by  
17           reference to the income tax laws of the United  
18           States as if such possession were the United States.

19           “(5) TREATMENT OF PAYMENTS.—For pur-  
20           poses of section 1324 of title 31, United States  
21           Code, the payments under this subsection shall be  
22           treated in the same manner as a refund due from  
23           a credit provision referred to in subsection (b)(2) of  
24           such section.”.

25           (c) CONFORMING AMENDMENTS.—

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1 (1) Section 6211(b)(4)(A) of such Code, as  
 2 amended by the preceding provisions of this Act, is  
 3 amended by inserting “21 by reason of subsection  
 4 (g) thereof,” before “24”.

5 (2) Section 1324(b)(2) of title 31, United  
 6 States Code (as amended by the preceding provi-  
 7 sions of this title), is amended by inserting “21,” be-  
 8 fore “24”.

9 (d) EFFECTIVE DATE.—The amendments made by  
 10 this section shall apply to taxable years beginning after  
 11 December 31, 2020.

**12 SEC. 9632. INCREASE IN EXCLUSION FOR EMPLOYER-PRO-**  
**13 VIDED DEPENDENT CARE ASSISTANCE.**

14 (a) IN GENERAL.—Section 129(a)(2) of the Internal  
 15 Revenue Code of 1986 is amended by adding at the end  
 16 the following new subparagraph:

17 “(D) SPECIAL RULE FOR 2021.—In the  
 18 case of any taxable year beginning after Decem-  
 19 ber 31, 2020, and before January 1, 2022, sub-  
 20 paragraph (A) shall be applied be substituting  
 21 ‘\$10,500 (half such dollar amount’ for ‘\$5,000  
 22 (\$2,500’.”.

23 (b) EFFECTIVE DATE.—The amendment made by  
 24 this section shall apply to taxable years beginning after  
 25 December 31, 2020.

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1 (c) RETROACTIVE PLAN AMENDMENTS.—A plan that  
 2 otherwise satisfies all applicable requirements of sections  
 3 125 and 129 of the Internal Revenue Code of 1986 (in-  
 4 cluding any rules or regulations thereunder) shall not fail  
 5 to be treated as a cafeteria plan or dependent care assist-  
 6 ance program merely because such plan is amended pursu-  
 7 ant to a provision under this section and such amendment  
 8 is retroactive, if—

9 (1) such amendment is adopted no later than  
 10 the last day of the plan year in which the amend-  
 11 ment is effective, and

12 (2) the plan is operated consistent with the  
 13 terms of such amendment during the period begin-  
 14 ning on the effective date of the amendment and  
 15 ending on the date the amendment is adopted.

16 **PART 5—CREDITS FOR PAID SICK AND FAMILY**

17 **LEAVE**

18 **SEC. 9641. EXTENSION OF CREDITS.**

19 (a) IN GENERAL.—The following provisions of the  
 20 Families First Coronavirus Response Act are each amend-  
 21 ed by striking “March 31, 2021” and inserting “Sep-  
 22 tember 30, 2021”:

23 (1) Section 7001(c)(2)(A).

24 (2) Section 7001(g).

25 (3) Section 7002(b)(2)(B)(i).

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1 (4) Section 7002(e).

2 (5) Section 7003(c)(2)(A).

3 (6) Section 7003(g).

4 (7) Section 7004(b)(2)(B)(i).

5 (8) Section 7004(e).

6 (b) CONFORMING AMENDMENT.—Section 7005(a) of  
7 such Act is amended by striking “April 1, 2021” and in-  
8 serting “October 1, 2021”.

9 SEC. 9642. INCREASE IN LIMITATIONS ON CREDITS FOR  
10 PAID FAMILY LEAVE.

11 (a) INCREASE IN OVERALL LIMITATION ON QUALI-  
12 FIED FAMILY LEAVE WAGES.—

13 (1) IN GENERAL.—Section 7003(b)(1)(B) of  
14 the Families First Coronavirus Response Act is  
15 amended by striking “\$10,000” and inserting  
16 “\$12,000”.

17 (2) CONFORMING AMENDMENT.—Section  
18 7004(d)(3) of such Act is amended by striking  
19 “\$10,000” and inserting “\$12,000”.

20 (b) INCREASE IN QUALIFIED FAMILY LEAVE EQUIV-  
21 ALENT AMOUNT FOR SELF-EMPLOYED INDIVIDUALS.—  
22 Section 7004(c)(1)(A) of such Act is amended by striking  
23 “50” and inserting “60”.

24 (c) COORDINATION WITH DEFINITION OF QUALIFIED  
25 FAMILY LEAVE WAGES.—Section 7003(c)(2)(A) of such

1 Act, as amended by the preceding provisions of this part,  
2 is amended to read as follows:

3 “(A) which would be so required to be paid  
4 if—

5 “(i) section 102(a)(1)(F) of the Fam-  
6 ily and Medical Leave Act of 1993 were  
7 applied by substituting ‘September 30,  
8 2021’ for ‘December 31, 2020’, and

9 “(ii) section 110(b)(2)(B)(ii) of such  
10 Act were applied by substituting ‘\$12,000’  
11 for ‘\$10,000’, and”.

**12 SEC. 9643. EXPANSION OF LEAVE TO WHICH PAID FAMILY  
13 LEAVE CREDITS APPLIES.**

14 (a) IN GENERAL.—Section 7003(c)(2)(A) of the  
15 Families First Coronavirus Response Act, as amended by  
16 the preceding provisions of this part, is amended by strik-  
17 ing “and” at the end of clause (i), by redesignating clause  
18 (ii) as clause (iii), and by inserting after clause (i) the  
19 following new clause:

20 “(ii) section 110(a)(2)(A) of such Act  
21 were applied by inserting ‘or any reason  
22 for leave described in section 5102(a) of  
23 the Families First Coronavirus Response  
24 Act’ after ‘public health emergency’, and”.

1           **(b) APPLICATION TO CREDIT FOR PAID FAMILY**  
 2 LEAVE FOR SELF-EMPLOYED INDIVIDUALS.—Section  
 3 7004(b)(2)(B) of such Act is amended by striking “and”  
 4 at the end of clause (i), by redesignating clause (ii) as  
 5 clause (iii), and by inserting after clause (i) the following  
 6 new clause:  
 7                           “(ii) section 110(a)(2)(A) of such Act  
 8                           were applied by inserting ‘or any reason  
 9                           for leave described in section 5102(a) of  
 10                           the Families First Coronavirus Response  
 11                           Act’ after ‘public health emergency’, and”.

**12 SEC. 9644. PAID LEAVE CREDITS ALLOWED FOR LEAVE FOR**  
**13 COVID-VACCINATION.**

14           **(a) PAID SICK LEAVE CREDIT.**—Section  
 15 7001(c)(2)(A) of the Families First Coronavirus Response  
 16 Act is amended by striking “and” at the end of clause  
 17 (i), by redesignating clause (ii) as clause (iii), and by in-  
 18 serting after clause (i) the following new clause:  
 19                           “(ii) by inserting ‘or the employee is  
 20                           obtaining immunization related to COVID-  
 21                           19 or recovering from any injury, dis-  
 22                           ability, illness, or condition related to such  
 23                           immunization’ after ‘medical diagnosis’ in  
 24                           section 5102(a)(3), and”.

1 (b) PAID SICK LEAVE CREDIT FOR SELF-EMPLOYED

2 INDIVIDUALS.—Section 7002(b)(2)(B)(i) of such Act, as  
3 amended by the preceding provisions of this part, is  
4 amended to read as follows:

5 (i) such Act were applied—

6 (I) by substituting ‘September  
7 30, 2021’ for ‘December 31, 2020’ in  
8 section 5109 thereof, and

9 (II) by inserting ‘or the em-  
10 ployee is obtaining immunization re-  
11 lated to COVID-19 or recovering  
12 from any injury, disability, illness, or  
13 condition related to such immuniza-  
14 tion’ after ‘medical diagnosis’ in sec-  
15 tion 5102(a)(3), and”.

16 (c) PAID FAMILY LEAVE CREDIT.—Section  
17 7003(c)(2)(A)(ii) of such Act, as amended by the pre-  
18 ceding provisions of this part, is amended by inserting “or  
19 to obtain immunization related to COVID-19 or to recover  
20 from any injury, disability, illness, or condition related to  
21 such immunization” after “section 5102(a) of the Fami-  
22 lies First Coronavirus Response Act”.

23 (d) PAID FAMILY LEAVE CREDIT FOR SELF-EM-

24 PLOYED INDIVIDUALS.—Section 7004(b)(2)(B)(ii) of such

25 Act, as amended by the preceding provisions of this part,

1 is amended by inserting “or to obtain immunization re-  
2 lated to COVID-19 or to recover from any injury, dis-  
3 ability, illness, or condition related to such immunization”  
4 after “section 5102(a) of the Families First Coronavirus  
5 Response Act”.

6 **SEC. 9645. APPLICATION OF NON-DISCRIMINATION RULES.**

7 (a) **PAID SICK LEAVE CREDIT.**—Section 7001 of the  
8 Families First and Coronavirus Response Act is amended  
9 by adding at the end the following new subsection:

10 “(j) **NON-DISCRIMINATION REQUIREMENT.**—No  
11 credit shall be allowed under this section to any employer  
12 for any calendar quarter if such employer, with respect  
13 to the availability of the provision of qualified sick leave  
14 wages to which this section otherwise applies for such cal-  
15 endar quarter, discriminates in favor of highly com-  
16 pensated employees (within the meaning of section 414(q)  
17 of the Internal Revenue Code of 1986), full-time employ-  
18 ees, or employees on the basis of employment tenure with  
19 such employer.”.

20 (b) **PAID FAMILY LEAVE CREDIT.**—Section 7003 of  
21 such Act is amended by adding at the end the following  
22 new subsection:

23 “(j) **NON-DISCRIMINATION REQUIREMENT.**—No  
24 credit shall be allowed under this section to any employer  
25 for any calendar quarter if such employer, with respect



1 to the availability of the provision of qualified family leave  
 2 wages to which this section otherwise applies for such cal-  
 3 endar quarter, discriminates in favor of highly com-  
 4 pensated employees (within the meaning of section 414(q)  
 5 of the Internal Revenue Code of 1986), full-time employ-  
 6 ees, or employees on the basis of employment tenure with  
 7 such employer.”.

**8 SEC. 9646. RESET OF LIMITATION ON PAID SICK LEAVE.**

9 (a) IN GENERAL.—Section 7001(b)(2) of the Fami-  
 10 lies First Coronavirus Response Act is amended to read  
 11 as follows:

12 “(2) OVERALL LIMITATION ON NUMBER OF  
 13 DAYS TAKEN INTO ACCOUNT.—

14 “(A) LIMITATION APPLICABLE AFTER THE  
 15 FIRST QUARTER OF 2021.—In the case of cal-  
 16 endar quarters beginning after March 31, 2021,  
 17 in any calendar year, the aggregate number of  
 18 days taken into account under paragraph (1)  
 19 shall not exceed the excess (if any) of—

20 “(i) 10, over

21 “(ii) the aggregate number of days so  
 22 taken into account during preceding cal-  
 23 endar quarters in such calendar year  
 24 (other than the first quarter of calendar  
 25 year 2021).

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1           “(B) LIMITATION APPLICABLE BEFORE  
 2           THE SECOND QUARTER OF 2021.—In the case of  
 3           calendar quarters beginning before April 1,  
 4           2021, the aggregate number of days taken into  
 5           account under paragraph (1) for any calendar  
 6           quarter shall not exceed the excess (if any) of—  
 7                   “(i) 10, over  
 8                   “(ii) the aggregate number of days so  
 9           taken into account for all preceding cal-  
 10          endar quarters.”.

11          (b) COORDINATION WITH MANDATE PROVISIONS.—  
 12          Section 7001(c)(2)(A) of such Act, as amended by the pre-  
 13          ceding provisions of this part, is amended by striking  
 14          “and” at the end of clause (ii), by redesignating clause  
 15          (iii) as clause (iv), and by inserting after clause (ii) the  
 16          following new clause:

17                   “(iii) by applying section 5102(b)(1)  
 18                   of such Act separately with respect to the  
 19                   period before April 1, 2021, and to each  
 20                   calendar year after 2020 (and, in the case  
 21                   of calendar year 2021, without regard to  
 22                   the first quarter thereof), and”.

23          (c) APPLICATION TO SICK LEAVE CREDIT FOR THE  
 24          SELF-EMPLOYED.—

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1 (1) IN GENERAL.—Section 7002(c) of such Act  
2 is amended—

3 (A) by striking “(but not more than the  
4 applicable number of days)” in paragraph  
5 (1)(A) and inserting “(but not more than 10)”,  
6 and

7 (B) by striking paragraph (3) and redesignating  
8 paragraph (4) as paragraph (3).

9 (2) COORDINATION WITH MANDATE PROVI-  
10 SIONS.—Section 7002(b)(2)(B)(i) of such Act, as  
11 amended by the preceding provisions of this part, is  
12 amended by striking “and” at the end of subclause  
13 (I), by striking “and” at the end of subclause (II),  
14 and by adding at the end the following new sub-  
15 clauses:

16 “(III) by applying section  
17 5102(b)(1) of such Act separately  
18 with respect to each taxable year, and  
19 “(IV) without regard to section  
20 5102(b)(3) thereof, and”.

**21 SEC. 9647. CREDITS ALLOWED AGAINST EMPLOYER HOS-  
22 PITAL INSURANCE TAX.**

23 (a) IN GENERAL.—The following provisions of the  
24 Families First Coronavirus Response Act are each amend-

1 ed by striking “section 3111(a)” and inserting “section  
2 3111(b)”:

3 (1) Section 7001(a).

4 (2) Section 7001(b)(3).

5 (3) The section 7001(e)(4) which relates to ref-  
6 erences to railroad retirement tax.

7 (4) Section 7001(i).

8 (5) Section 7003(a).

9 (6) Section 7003(b)(2).

10 (7) The section 7003(e)(4) which relates to ref-  
11 erences to railroad retirement tax.

12 (8) Section 7003(i).

13 (b) CONFORMING AMENDMENTS.—

14 (1) Section 7001(b)(3) of such Act is amended  
15 by striking “(reduced by any credits allowed under  
16 subsections (e) and (f) of section 3111 of such Code,  
17 and section 303(d) of the Taxpayer Certainty and  
18 Disaster Tax Relief Act of 2020, for such quarter)”.

19 (2) Section 7001 of such Act is amended by  
20 striking subsection (h).

21 (3) Section 7003(b)(2) of such Act is amended  
22 by striking “(reduced by any credits allowed under  
23 subsections (e) and (f) of section 3111 of such Code,  
24 section 7001 of this Act, and section 303(d) of the  
25 Taxpayer Certainty and Disaster Tax Relief Act of

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1 2020, for such quarter)” and inserting “(reduced by  
2 any credits allowed under section 7001 of this Act)”.

3 (4) Section 7003 of such Act is amended by  
4 striking subsection (h).

5 (5) Section 7005(a) of such Act is amended by  
6 striking “section 3111(a)” both places it appears  
7 and inserting “section 3111(b)”.

8 (6) Section 7005 of such Act is amended by  
9 striking subsection (c).

10 **SEC. 9648. APPLICATION OF CREDITS TO CERTAIN GOVERN-**  
11 **MENTAL EMPLOYERS.**

12 (a) CREDIT FOR PAID SICK LEAVE.—Section  
13 7001(e) of the Families First Coronavirus Response Act  
14 is amended—

15 (1) by striking the paragraph (4) which relates  
16 to certain governmental employers, and

17 (2) by adding at the end the following new  
18 paragraph:

19 “(5) CERTAIN GOVERNMENTAL EMPLOYERS.—  
20 No credit shall be allowed under this section to the  
21 Government of the United States or to any agency  
22 or instrumentality thereof. The preceding sentence  
23 shall not apply to any organization described in sec-  
24 tion 501(c)(1) of the Internal Revenue Code of 1986

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1 and exempt from tax under section 501(a) of such  
2 Code.”.

3 (b) CREDIT FOR PAID FAMILY LEAVE.—Section  
4 7003(e) of such Act is amended—

5 (1) by striking the paragraph (4) which relates  
6 to certain governmental employers, and

7 (2) by adding at the end the following new  
8 paragraph:

9 “(5) CERTAIN GOVERNMENTAL EMPLOYERS.—  
10 No credit shall be allowed under this section to the  
11 Government of the United States or to any agency  
12 or instrumentality thereof. The preceding sentence  
13 shall not apply to any organization described in sec-  
14 tion 501(c)(1) of the Internal Revenue Code of 1986  
15 and exempt from tax under section 501(a) of such  
16 Code.”.

**17 SEC. 9649. GROSS UP OF CREDIT IN LIEU OF EXCLUSION  
18 FROM TAX.**

19 (a) IN GENERAL.—Section 7005 of the Families  
20 First Coronavirus Response Act (as amended by the pre-  
21 ceding provisions of this part) is amended—

22 (1) by amending subsection (a) to read as fol-  
23 lows:

24 “(a) IN GENERAL.—The credit allowed by section  
25 7001 and the credit allowed by section 7003 shall each

1 be increased by the amount of the taxes imposed by sub-  
2 sections (a) and (b) of section 3111 and section 3221(a)  
3 of the Internal Revenue Code of 1986 on qualified sick  
4 leave wages, or qualified family leave wages, for which  
5 credit is allowed under such section 7001 or 7003 (respec-  
6 tively).”,

7 (2) by striking so much of subsection (b) as  
8 precedes paragraph (2) thereof,

9 (3) by redesignating such paragraph (2) as sub-  
10 section (b) and adjusting the indentation thereof ac-  
11 cordingly, and

12 (4) by striking “paragraph (1)” in such sub-  
13 section (b) (as so redesignated) and inserting “sub-  
14 section (a)”.

15 (b) COORDINATION WITH DEFINITION OF QUALI-  
16 FIED WAGES.—

17 (1) Section 7001(c) of such Act is amended—

18 (A) by striking “and section 7005(a) of  
19 this Act,” and

20 (B) by striking “and without regard to sec-  
21 tion 7005(a) of this Act”.

22 (2) Section 7003(c) of such Act is amended by  
23 striking “wages (as defined” and all that follows  
24 through “paid by an employer” and inserting  
25 “wages (as defined in section 3121(a) of the Inter-

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1       nal Revenue Code of 1986, determined without re-  
 2       gard to paragraphs (1) through (22) of section  
 3       3121(b) of such Code) and compensation (as defined  
 4       in section 3231(e) of the Internal Revenue Code, de-  
 5       termined without regard to the sentence in para-  
 6       graph (1) thereof which begins ‘Such term does not  
 7       include remuneration’) paid by an employer”.

**8 SEC. 9650. EFFECTIVE DATE.**

9       (a) **IN GENERAL.**—Except as otherwise provided in  
 10       this section, the amendments made by this part shall apply  
 11       to amounts paid with respect to calendar quarters begin-  
 12       ning after March 31, 2021.

13       (b) **APPLICATION TO SELF-EMPLOYMENT TAX CRED-**  
 14       **ITS.**—The amendments made by this part to any provision  
 15       of section 7002 or 7004 of the Families First Coronavirus  
 16       Response Act shall apply to taxable years beginning after  
 17       December 31, 2020.

**18 PART 6—EMPLOYEE RETENTION CREDIT**

**19 SEC. 9651. EXTENSION OF EMPLOYEE RETENTION CREDIT.**

20       (a) **IN GENERAL.**—Section 2301(m) of the CARES  
 21       Act is amended by striking “July 1, 2021” and inserting  
 22       “January 1, 2022”.

23       (b) **CREDIT ALLOWED AGAINST EMPLOYER HOS-**  
 24       **PITAL INSURANCE TAX.**—



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1           (1) IN GENERAL.—Subparagraphs (A) and (B)  
 2           of section 2301(c)(1) of such Act are each amended  
 3           by striking “section 3111(a)” and inserting “section  
 4           3111(b)”.

5           (2) CONFORMING AMENDMENTS.—Section  
 6           2301(b)(2) of such Act is amended—

7                   (A) by striking “subsections (e) and (f) of  
 8                   section 3111 of the Internal Revenue Code of  
 9                   1986,” and

10                   (B) by striking “, and section 303(d) of  
 11                   the Taxpayer Certainty and Disaster Tax Relief  
 12                   Act of 2020”.

13           (c) EFFECTIVE DATE.—The amendments made by  
 14           this section shall apply to calendar quarters beginning  
 15           after June 30, 2021.

16                   **PART 7—PREMIUM TAX CREDIT**

17           **SEC. 9661. IMPROVING AFFORDABILITY BY EXPANDING**

18                   **PREMIUM ASSISTANCE FOR CONSUMERS.**

19           (a) IN GENERAL.—Section 36B(b)(3)(A) of the In-  
 20           ternal Revenue Code of 1986 is amended by adding at the  
 21           end the following new clause:

22                                   “(iii) TEMPORARY PERCENTAGES FOR  
 23                                   2021 AND 2022.—In the case of a taxable  
 24                                   year beginning in 2021 or 2022—

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1 “(I) clause (ii) shall not apply for  
 2 purposes of adjusting premium per-  
 3 centages under this subparagraph,  
 4 and  
 5 “(II) the following table shall be  
 6 applied in lieu of the table contained  
 7 in clause (i):

“In the case of household income (expressed as a percent of poverty line) within the following income tier:	The initial premium percentage is—	The final premium percentage is—
Up to 150.0 percent .....	0.0	0.0
150.0 percent up to 200.0 percent .....	0.0	2.0
200.0 percent up to 250.0 percent .....	2.0	4.0
250.0 percent up to 300.0 percent .....	4.0	6.0
300.0 percent up to 400.0 percent .....	6.0	8.5
400.0 percent and higher .....	8.5	8.5”.

8 (b) CONFORMING AMENDMENT.—Section 36B(c)(1)  
 9 of the Internal Revenue Code of 1986 is amended by add-  
 10 ing at the end the following new subparagraph:

11 “(E) TEMPORARY RULE FOR 2021 AND  
 12 2022.—In the case of a taxable year beginning  
 13 in 2021 or 2022, subparagraph (A) shall be ap-  
 14 plied without regard to ‘but does not exceed  
 15 400 percent’.”.

16 (c) EFFECTIVE DATE.—The amendments made by  
 17 this section shall apply to taxable years beginning after  
 18 December 31, 2020.

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**1 SEC. 9662. TEMPORARY MODIFICATION OF LIMITATIONS**  
**2 ON RECONCILIATION OF TAX CREDITS FOR**  
**3 COVERAGE UNDER A QUALIFIED HEALTH**  
**4 PLAN WITH ADVANCE PAYMENTS OF SUCH**  
**5 CREDIT.**

6 (a) **IN GENERAL.**—Section 36B(f)(2)(B) of the Inter-  
 7 nal Revenue Code of 1986 is amended by adding at the  
 8 end the following new clause:

9 “(iii) **TEMPORARY MODIFICATION OF**  
 10 **LIMITATION ON INCREASE.**—In the case of  
 11 any taxable year beginning in 2020, for  
 12 any taxpayer who files for such taxable  
 13 year an income tax return reconciling any  
 14 advance payment of the credit under this  
 15 section, the Secretary shall treat subpara-  
 16 graph (A) as not applying.”.

17 (b) **EFFECTIVE DATE.**—The amendment made by  
 18 this section shall apply to taxable years beginning after  
 19 December 31, 2019.

**20 SEC. 9663. APPLICATION OF PREMIUM TAX CREDIT IN CASE**  
**21 OF INDIVIDUALS RECEIVING UNEMPLOY-**  
**22 MENT COMPENSATION DURING 2021.**

23 (a) **IN GENERAL.**—Section 36B of the Internal Rev-  
 24 enue Code of 1986 is amended by redesignating subsection  
 25 (g) as subsection (h) and by inserting after subsection (f)  
 26 the following new subsection:

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1       “(g) SPECIAL RULE FOR INDIVIDUALS WHO RE-  
2 CEIVE UNEMPLOYMENT COMPENSATION DURING 2021.—

3           “(1) IN GENERAL.—For purposes of this sec-  
4 tion, in the case of a taxpayer who has received, or  
5 has been approved to receive, unemployment com-  
6 pensation for any week beginning during 2021, for  
7 the taxable year in which such week begins—

8           “(A) such taxpayer shall be treated as an  
9 applicable taxpayer, and

10          “(B) there shall not be taken into account  
11 any household income of the taxpayer in excess  
12 of 133 percent of the poverty line for a family  
13 of the size involved.

14          “(2) UNEMPLOYMENT COMPENSATION.—For  
15 purposes of this subsection, the term ‘unemployment  
16 compensation’ has the meaning given such term in  
17 section 85(b).

18          “(3) EVIDENCE OF UNEMPLOYMENT COM-  
19 PENSATION.—For purposes of this subsection, a tax-  
20 payer shall not be treated as having received (or  
21 been approved to receive) unemployment compensa-  
22 tion for any week unless such taxpayer provides self-  
23 attestation of, and such documentation as the Sec-  
24 retary shall prescribe which demonstrates, such re-  
25 ceipt or approval.



1           (1) amounts received from the Administrator of  
2           the Small Business Administration in the form of a  
3           Targeted EIDL Advance shall not be included in the  
4           gross income of the person that receives such  
5           amounts,

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

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

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

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

**1 SEC. 9673. TAX TREATMENT OF RESTAURANT REVITALIZA-**  
**2 TION GRANTS.**

3 For purposes of the Internal Revenue Code of  
4 1986—

5 (1) amounts received from the Administrator of  
6 the Small Business Administration in the form of a  
7 Restaurant Revitalization Grant shall not be in-  
8 cluded in the gross income of the person that re-  
9 ceives such amounts,

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

14 (3) in the case of a partnership or S corpora-  
15 tion that receives such amounts—

16 (A) except as otherwise provided by the  
17 Secretary of the Treasury (or the Secretary's  
18 delegate), any amount excluded from income by  
19 reason of paragraph (1) shall be treated as tax  
20 exempt income for purposes of sections 705 and  
21 1366 of the Internal Revenue Code of 1986,  
22 and

23 (B) the Secretary of the Treasury (or the  
24 Secretary's delegate) shall prescribe rules for  
25 determining a partner's distributive share of  
26 any amount described in subparagraph (A) for

1 purposes of section 705 of the Internal Revenue  
2 Code of 1986.

### 3 **Subtitle H—Pensions**

#### 4 SEC. 9700. SHORT TITLE.

5 This subtitle may be cited as the “Butch Lewis  
6 Emergency Pension Plan Relief Act of 2021”.

#### 7 SEC. 9701. TEMPORARY DELAY OF DESIGNATION OF MULTI- 8 EMPLOYER PLANS AS IN ENDANGERED, CRIT- 9 ICAL, OR CRITICAL AND DECLINING STATUS.

10 (a) IN GENERAL.—Notwithstanding the actuarial  
11 certification under section 305(b)(3) of the Employee Re-  
12 tirement Income Security Act of 1974 and section  
13 432(b)(3) of the Internal Revenue Code of 1986, if a plan  
14 sponsor of a multiemployer plan elects the application of  
15 this section, then, for purposes of section 305 of such Act  
16 and section 432 of such Code—

17 (1) the status of the plan for its first plan year  
18 beginning during the period beginning on March 1,  
19 2020, and ending on February 28, 2021, or the next  
20 succeeding plan year (as designated by the plan  
21 sponsor in such election), shall be the same as the  
22 status of such plan under such sections for the plan  
23 year preceding such designated plan year, and

24 (2) in the case of a plan which was in endan-  
25 gered or critical status for the plan year preceding



1 the designated plan year described in paragraph (1),  
2 the plan shall not be required to update its plan or  
3 schedules under section 305(c)(6) of such Act and  
4 section 432(c)(6) of such Code, or section  
5 305(e)(3)(B) of such Act and section 432(e)(3)(B)  
6 of such Code, whichever is applicable, until the plan  
7 year following the designated plan year described in  
8 paragraph (1).

9 (b) EXCEPTION FOR PLANS BECOMING CRITICAL

10 DURING ELECTION.—If—

11 (1) an election was made under subsection (a)  
12 with respect to a multiemployer plan, and

13 (2) such plan has, without regard to such elec-  
14 tion, been certified by the plan actuary under section  
15 305(b)(3) of the Employee Retirement Income Secu-  
16 rity Act of 1974 and section 432(b)(3) of the Inter-  
17 nal Revenue Code of 1986 to be in critical status for  
18 the designated plan year described in subsection  
19 (a)(1), then such plan shall be treated as a plan in  
20 critical status for such plan year for purposes of ap-  
21 plying section 4971(g)(1)(A) of such Code, section  
22 302(b)(3) of such Act (without regard to the second  
23 sentence thereof), and section 412(b)(3) of such  
24 Code (without regard to the second sentence there-  
25 of).

1 (c) ELECTION AND NOTICE.—

2 (1) ELECTION.—An election under subsection

3 (a)—

4 (A) shall be made at such time and in such  
5 manner as the Secretary of the Treasury or the  
6 Secretary's delegate may prescribe and, once  
7 made, may be revoked only with the consent of  
8 the Secretary, and

9 (B) if made—

10 (i) before the date the annual certifi-  
11 cation is submitted to the Secretary or the  
12 Secretary's delegate under section  
13 305(b)(3) of such Act and section  
14 432(b)(3) of such Code, shall be included  
15 with such annual certification, and

16 (ii) after such date, shall be submitted  
17 to the Secretary or the Secretary's delegate  
18 not later than 30 days after the date of the  
19 election.

20 (2) NOTICE TO PARTICIPANTS.—

21 (A) IN GENERAL.—Notwithstanding sec-  
22 tion 305(b)(3)(D) of the Employee Retirement  
23 Income Security Act of 1974 and section  
24 432(b)(3)(D) of the Internal Revenue Code of  
25 1986, if, by reason of an election made under

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1 subsection (a), the plan is in neither endan-  
2 gered nor critical status—

3 (i) the plan sponsor of a multiem-  
4 ployer plan shall not be required to provide  
5 notice under such sections, and

6 (ii) the plan sponsor shall provide to  
7 the participants and beneficiaries, the bar-  
8 gaining parties, the Pension Benefit Guar-  
9 anty Corporation, and the Secretary of  
10 Labor a notice of the election under sub-  
11 section (a) and such other information as  
12 the Secretary of the Treasury (in consulta-  
13 tion with the Secretary of Labor) may re-  
14 quire—

15 (I) if the election is made before  
16 the date the annual certification is  
17 submitted to the Secretary or the Sec-  
18 retary's delegate under section  
19 305(b)(3) of such Act and section  
20 432(b)(3) of such Code, not later than  
21 30 days after the date of the certifi-  
22 cation, and

23 (II) if the election is made after  
24 such date, not later than 30 days  
25 after the date of the election.

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1                   **(B) NOTICE OF ENDANGERED STATUS.—**  
 2                   Notwithstanding section 305(b)(3)(D) of such  
 3                   Act and section 432(b)(3)(D) of such Code, if  
 4                   the plan is certified to be in critical status for  
 5                   any plan year but is in endangered status by  
 6                   reason of an election made under subsection  
 7                   (a), the notice provided under such sections  
 8                   shall be the notice which would have been pro-  
 9                   vided if the plan had been certified to be in en-  
 10                  dangered status.

**11 SEC. 9702. TEMPORARY EXTENSION OF THE FUNDING IM-  
 12                   PROVEMENT AND REHABILITATION PERIODS  
 13                   FOR MULTIEMPLOYER PENSION PLANS IN  
 14                   CRITICAL AND ENDANGERED STATUS FOR  
 15                   2020 OR 2021.**

16           (a) **IN GENERAL.—**If the plan sponsor of a multiem-  
 17           ployer plan which is in endangered or critical status for  
 18           a plan year beginning in 2020 or 2021 (determined after  
 19           application of section 9701) elects the application of this  
 20           section, then, for purposes of section 305 of the Employee  
 21           Retirement Income Security Act of 1974 and section 432  
 22           of the Internal Revenue Code of 1986—

23                   (1) except as provided in paragraph (2), the  
 24           plan's funding improvement period or rehabilitation

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1 period, whichever is applicable, shall be 15 years  
 2 rather than 10 years, and

3 (2) in the case of a plan in seriously endan-  
 4 gered status, the plan's funding improvement period  
 5 shall be 20 years rather than 15 years.

6 (b) DEFINITIONS AND SPECIAL RULES.—For pur-  
 7 poses of this section—

8 (1) ELECTION.—An election under this section  
 9 shall be made at such time, and in such manner and  
 10 form, as (in consultation with the Secretary of  
 11 Labor) the Secretary of the Treasury or the Sec-  
 12 retary's delegate may prescribe.

13 (2) DEFINITIONS.—Any term which is used in  
 14 this section which is also used in section 305 of the  
 15 Employee Retirement Income Security Act of 1974  
 16 and section 432 of the Internal Revenue Code of  
 17 1986 shall have the same meaning as when used in  
 18 such sections.

19 (c) EFFECTIVE DATE.—This section shall apply to  
 20 plan years beginning after December 31, 2019.

**21 SEC. 9703. ADJUSTMENTS TO FUNDING STANDARD AC-  
 22 COUNT RULES.**

23 (a) ADJUSTMENTS.—

24 (1) AMENDMENT TO EMPLOYEE RETIREMENT  
 25 INCOME SECURITY ACT OF 1974.—Section 304(b)(8)

1 of the Employee Retirement Income Security Act of  
2 1974 (29 U.S.C. 1084(b)) is amended by adding at  
3 the end the following new subparagraph:

4 “(F) RELIEF FOR 2020 AND 2021.—A mul-  
5 tiemployer plan with respect to which the sol-  
6 vency test under subparagraph (C) is met as of  
7 February 29, 2020, may elect to apply this  
8 paragraph (without regard to whether such plan  
9 previously elected the application of this para-  
10 graph)—

11 “(i) by substituting ‘February 29,  
12 2020’ for ‘August 31, 2008’ each place it  
13 appears in subparagraphs (A)(i), (B)(i)(I),  
14 and (B)(i)(II),

15 “(ii) by inserting ‘and other losses re-  
16 lated to the virus SARS-CoV-2 or  
17 coronavirus disease 2019 (COVID-19) (in-  
18 cluding experience losses related to reduc-  
19 tions in contributions, reductions in em-  
20 ployment, and deviations from anticipated  
21 retirement rates, as determined by the plan  
22 sponsor)’ after ‘net investment losses’ in  
23 subparagraph (A)(i), and

24 “(iii) by substituting ‘this subpara-  
25 graph or subparagraph (A)’ for ‘this sub-

1 paragraph and subparagraph (A) both' in  
2 subparagraph (B)(iii).

3 The preceding sentence shall not apply to a  
4 plan to which special financial assistance is  
5 granted under section 4262. For purposes of  
6 the application of this subparagraph, the Sec-  
7 retary of the Treasury shall rely on the plan  
8 sponsor's calculations of plan losses unless such  
9 calculations are clearly erroneous.”.

10 (2) AMENDMENT TO INTERNAL REVENUE CODE  
11 OF 1986.—Section 431(b)(8) of the Internal Revenue  
12 Code of 1986 is amended by adding at the end the  
13 following new subparagraph:

14 “(F) RELIEF FOR 2020 AND 2021.—A mul-  
15 tiemployer plan with respect to which the sol-  
16 vency test under subparagraph (C) is met as of  
17 February 29, 2020, may elect to apply this  
18 paragraph (without regard to whether such plan  
19 previously elected the application of this para-  
20 graph)—

21 “(i) by substituting ‘February 29,  
22 2020’ for ‘August 31, 2008’ each place it  
23 appears in subparagraphs (A)(i), (B)(i)(I),  
24 and (B)(i)(II),

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1           “(ii) by inserting ‘and other losses re-  
 2           lated to the virus SARS-CoV-2 or  
 3           coronavirus disease 2019 (COVID-19) (in-  
 4           cluding experience losses related to reduc-  
 5           tions in contributions, reductions in em-  
 6           ployment, and deviations from anticipated  
 7           retirement rates, as determined by the plan  
 8           sponsor)’ after ‘net investment losses’ in  
 9           subparagraph (A)(i), and

10           “(iii) by substituting ‘this subpara-  
 11           graph or subparagraph (A)’ for ‘this sub-  
 12           paragraph and subparagraph (A) both’ in  
 13           subparagraph (B)(iii).

14           The preceding sentence shall not apply to a  
 15           plan to which special financial assistance is  
 16           granted under section 4262 of the Employee  
 17           Retirement Income Security Act of 1974. For  
 18           purposes of the application of this subpara-  
 19           graph, the Secretary shall rely on the plan  
 20           sponsor’s calculations of plan losses unless such  
 21           calculations are clearly erroneous.”.

22           **(b) EFFECTIVE DATES.—**

23           **(1) IN GENERAL.—**The amendments made by  
 24           this section shall take effect as of the first day of  
 25           the first plan year ending on or after February 29,

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1 2020, except that any election a plan makes pursu-  
 2 ant to this section that affects the plan's funding  
 3 standard account for the first plan year beginning  
 4 after February 29, 2020, shall be disregarded for  
 5 purposes of applying the provisions of section 305 of  
 6 the Employee Retirement Income Security Act of  
 7 1974 and section 432 of the Internal Revenue Code  
 8 of 1986 to such plan year.

9 (2) RESTRICTIONS ON BENEFIT INCREASES.—  
 10 Notwithstanding paragraph (1), the restrictions on  
 11 plan amendments increasing benefits in sections  
 12 304(b)(8)(D) of such Act and 431(b)(8)(D) of such  
 13 Code, as applied by the amendments made by this  
 14 section, shall take effect on the date of enactment of  
 15 this Act.

16 **SEC. 9704. SPECIAL FINANCIAL ASSISTANCE PROGRAM FOR**  
 17 **FINANCIALLY TROUBLED MULTIEMPLOYER**  
 18 **PLANS.**

19 (a) APPROPRIATION.—Section 4005 of the Employee  
 20 Retirement Income Security Act of 1974 (29 U.S.C. 1305)  
 21 is amended by adding at the end the following:  
 22 “(i)(1) An eighth fund shall be established for special  
 23 financial assistance to multiemployer pension plans, as  
 24 provided under section 4262, and to pay for necessary ad-

1 ministrative and operating expenses of the corporation re-  
 2 lating to such assistance.

3 “(2) There is appropriated from the general fund  
 4 such amounts as are necessary for the costs of providing  
 5 financial assistance under section 4262 and necessary ad-  
 6 ministrative and operating expenses of the corporation.  
 7 The eighth fund established under this subsection shall be  
 8 credited with amounts from time to time as the Secretary  
 9 of the Treasury, in conjunction with the Director of the  
 10 Pension Benefit Guaranty Corporation, determines appro-  
 11 priate, from the general fund of the Treasury, but in no  
 12 case shall such transfers occur after September 30,  
 13 2030.”.

14 (b) FINANCIAL ASSISTANCE AUTHORITY.—The Em-  
 15 ployee Retirement Income Security Act of 1974 is amend-  
 16 ed by inserting after section 4261 of such Act (29 U.S.C.  
 17 1431) the following:

18 “SEC. 4262. SPECIAL FINANCIAL ASSISTANCE BY THE COR-  
 19 PORATION.

20 “(a) SPECIAL FINANCIAL ASSISTANCE.—

21 “(1) IN GENERAL.—The corporation shall pro-  
 22 vide special financial assistance to an eligible multi-  
 23 employer plan under this section, upon the applica-  
 24 tion of a plan sponsor of such a plan for such assist-  
 25 ance.

1           “(2) INAPPLICABILITY OF CERTAIN REPAYMENT  
2           OBLIGATION.—A plan receiving financial assistance  
3           pursuant to this section shall not be subject to re-  
4           payment obligations.

5           “(b) ELIGIBLE MULTIEMPLOYER PLANS.—

6           “(1) IN GENERAL.—For purposes of this sec-  
7           tion, a multiemployer plan is an eligible multiem-  
8           ployer plan if—

9           “(A) the plan is in critical and declining  
10          status (within the meaning of section  
11          305(b)(6)) in any plan year beginning in 2020  
12          through 2022;

13          “(B) a suspension of benefits has been ap-  
14          proved with respect to the plan under section  
15          305(e)(9) as of the date of the enactment of  
16          this section;

17          “(C) in any plan year beginning in 2020  
18          through 2022, the plan is certified by the plan  
19          actuary to be in critical status (within the  
20          meaning of section 305(b)(2)), has a modified  
21          funded percentage of less than 40 percent, and  
22          has a ratio of active to inactive participants  
23          which is less than 2 to 3; or

24          “(D) the plan became insolvent for pur-  
25          poses of section 418E of the Internal Revenue

1 Code of 1986 after December 16, 2014, and  
2 has remained so insolvent and has not been ter-  
3 minated as of the date of enactment of this sec-  
4 tion.

5 “(2) MODIFIED FUNDED PERCENTAGE.—For  
6 purposes of paragraph (1)(C), the term ‘modified  
7 funded percentage’ means the percentage equal to a  
8 fraction the numerator of which is current value of  
9 plan assets (as defined in section 3(26) of such Act)  
10 and the denominator of which is current liabilities  
11 (as defined in section 431(c)(6)(D) of such Code and  
12 section 304(c)(6)(D) of such Act).

13 “(c) APPLICATIONS FOR SPECIAL FINANCIAL ASSIST-  
14 ANCE.—Within 120 days of the date of enactment of this  
15 section, the corporation shall issue regulations or guidance  
16 setting forth requirements for special financial assistance  
17 applications under this section. In such regulations or  
18 guidance, the corporation shall—

19 “(1) limit the materials required for a special  
20 financial assistance application to the minimum nec-  
21 essary to make a determination on the application;

22 “(2) specify effective dates for transfers of spe-  
23 cial financial assistance following approval of an ap-  
24 plication, based on the effective date of the sup-

1       porting actuarial analysis and the date on which the  
2       application is submitted; and

3           “(3) provide for an alternate application for  
4       special financial assistance under this section, which  
5       may be used by a plan that has been approved for  
6       a partition under section 4233 before the date of en-  
7       actment of this section.

8       “(d) TEMPORARY PRIORITY CONSIDERATION OF AP-  
9       PLICATIONS.—

10           “(1) IN GENERAL.—The corporation may speci-  
11       fy in regulations or guidance under subsection (c)  
12       that, during a period no longer than the first 2  
13       years following the date of enactment of this section,  
14       applications may not be filed by an eligible multiem-  
15       ployer plan unless—

16           “(A) the eligible multiemployer plan is in-  
17       solvent or is likely to become insolvent within 5  
18       years of the date of enactment of this section;

19           “(B) the corporation projects the eligible  
20       multiemployer plan to have a present value of  
21       financial assistance payments under section  
22       4261 that exceeds \$1,000,000,000 if the special  
23       financial assistance is not ordered;

24           “(C) the eligible multiemployer plan has  
25       implemented benefit suspensions under section

1 305(e)(9) as of the date of the enactment of  
2 this section; or

3 “(D) the corporation determines it appro-  
4 priate based on other similar circumstances.

5 “(e) ACTUARIAL ASSUMPTIONS.—

6 “(1) ELIGIBILITY.—For purposes of deter-  
7 mining eligibility for special financial assistance, the  
8 corporation shall accept assumptions incorporated in  
9 a multiemployer plan’s determination that it is in  
10 critical status or critical and declining status (within  
11 the meaning of section 305(b)) for certifications of  
12 plan status completed before January 1, 2021, un-  
13 less such assumptions are clearly erroneous. For cer-  
14 tifications of plan status completed after December  
15 31, 2020, a plan shall determine whether it is in  
16 critical or critical and declining status for purposes  
17 of eligibility for special financial assistance by using  
18 the assumptions that the plan used in its most re-  
19 cently completed certification of plan status before  
20 January 1, 2021, unless such assumptions (exclud-  
21 ing the plan’s interest rate) are unreasonable.

22 “(2) AMOUNT OF FINANCIAL ASSISTANCE.—In  
23 determining the amount of special financial assist-  
24 ance in its application, an eligible multiemployer  
25 plan shall—

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1           “(A) use the interest rate used by the plan  
2           in its most recently completed certification of  
3           plan status before January 1, 2021, provided  
4           that such interest rate may not exceed the in-  
5           terest rate limit; and

6           “(B) for other assumptions, use the as-  
7           sumptions that the plan used in its most re-  
8           cently completed certification of plan status be-  
9           fore January 1, 2021, unless such assumptions  
10          are unreasonable.

11          “(3) INTEREST RATE.—The interest rate limit  
12          for purposes of this subsection is the rate specified  
13          in section 303(h)(2)(C)(iii) (disregarding modifica-  
14          tions made under clause (iv) of such section) for the  
15          month in which the application for special financial  
16          assistance is filed by the eligible multiemployer plan  
17          or the 3 preceding months, with such specified rate  
18          increased by 200 basis points.

19          “(4) CHANGES IN ASSUMPTIONS.—If a plan de-  
20          termines that use of one or more prior assumptions  
21          is unreasonable, the plan may propose in its applica-  
22          tion to change such assumptions, provided that the  
23          plan discloses such changes in its application and  
24          describes why such assumptions are no longer rea-  
25          sonable. The corporation shall accept such changed

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1 assumptions unless it determines the changes are  
2 unreasonable, individually or in the aggregate. The  
3 plan may not propose a change to the interest rate  
4 otherwise required under this subsection for eligi-  
5 bility or financial assistance amount.

6 “(f) APPLICATION DEADLINE.—Any application by a  
7 plan for special financial assistance under this section  
8 shall be submitted no later than December 31, 2025, and  
9 any revised application for special financial assistance  
10 shall be submitted no later than December 31, 2026.

11 “(g) DETERMINATIONS ON APPLICATIONS.—A plan’s  
12 application for special financial assistance under this sec-  
13 tion that is timely filed in accordance with the regulations  
14 or guidance issued under subsection (c) shall be deemed  
15 approved unless the corporation notifies the plan within  
16 120 days of the filing of the application that the applica-  
17 tion is incomplete, any proposed change or assumption is  
18 unreasonable, or the plan is not eligible under this section.  
19 Such notice shall specify the reasons the plan is ineligible  
20 for special financial assistance, any proposed change or  
21 assumption is unreasonable, or information is needed to  
22 complete the application. If a plan is denied assistance  
23 under this subsection, the plan may submit a revised ap-  
24 plication under this section. Any revised application for  
25 special financial assistance submitted by a plan shall be



1 deemed approved unless the corporation notifies the plan  
2 within 120 days of the filing of the revised application that  
3 the application is incomplete, any proposed change or as-  
4 sumption is unreasonable, or the plan is not eligible under  
5 this section. Special financial assistance issued by the cor-  
6 poration shall be effective on a date determined by the  
7 corporation, but no later than 1 year after a plan's special  
8 financial assistance application is approved by the cor-  
9 poration or deemed approved. The corporation shall not  
10 pay any special financial assistance after September 30,  
11 2030.

12 “(h) MANNER OF PAYMENT.—The payment made by  
13 the corporation to an eligible multiemployer plan under  
14 this section shall be made as a single, lump sum payment.

15 “(i) AMOUNT AND MANNER OF SPECIAL FINANCIAL  
16 ASSISTANCE.—

17 “(1) IN GENERAL.—Special financial assistance  
18 under this section shall be a transfer of funds in the  
19 amount necessary as demonstrated by the plan spon-  
20 sor on the application for such special financial as-  
21 sistance, in accordance with the requirements de-  
22 scribed in subsection (j). Special financial assistance  
23 shall be paid to such plan as soon as practicable  
24 upon approval of the application by the corporation.

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1           “(2) No <sup>CAP.</sup>—Special financial assistance  
2           granted by the corporation under this section shall  
3           not be capped by the guarantee under 4022A.

4           “(j) DETERMINATION OF AMOUNT OF SPECIAL FI-  
5           NANCIAL ASSISTANCE.—

6           “(1) IN GENERAL.—The amount of financial  
7           assistance provided to a multiemployer plan eligible  
8           for financial assistance under this section shall be  
9           such amount required for the plan to pay all benefits  
10          due during the period beginning on the date of pay-  
11          ment of the special financial assistance payment  
12          under this section and ending on the last day of the  
13          plan year ending in 2051, with no reduction in a  
14          participant’s or beneficiary’s accrued benefit as of  
15          the date of enactment of this section, except to the  
16          extent of a reduction in accordance with section  
17          305(e)(8) adopted prior to the plan’s application for  
18          special financial assistance under this section, and  
19          taking into account the reinstatement of benefits re-  
20          quired under subsection (k).

21          “(2) PROJECTIONS.—The funding projections  
22          for purposes of this section shall be performed on a  
23          deterministic basis.

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1       “(k) REINSTATEMENT OF BENEFIT SUSPENSIONS.—

2       An eligible multiemployer plan that receives special finan-  
3       cial assistance under this section shall—

4               “(1) reinstate any benefits that were suspended  
5               under section 305(e)(9) or section 4245(a), effective  
6               as of the first month in which the effective date for  
7               the special financial assistance occurs, for partici-  
8               pants and beneficiaries as of such month; and

9               “(2) provide payments equal to the amount of  
10              benefits previously suspended under section  
11              305(e)(9) or 4245(a) to any participants or bene-  
12              ficiaries in pay status as of the effective date of the  
13              special financial assistance, payable, as determined  
14              by the eligible multiemployer plan—

15              “(A) as a lump sum within 3 months of  
16              such effective date; or

17              “(B) in equal monthly installments over a  
18              period of 5 years, commencing within 3 months  
19              of such effective date, with no adjustment for  
20              interest.

21       “(l) WITHDRAWAL LIABILITY.—An employer’s with-  
22       drawal liability for purposes of this title shall be calculated  
23       without taking into account special financial assistance re-  
24       ceived under this section until the plan year beginning 15

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1 calendar years after the effective date of the special finan-  
2 cial assistance.

3       “(m) REQUIRED DISCLOSURE.—An eligible plan that  
4 receives special financial assistance under this section  
5 shall provide each employer that has an obligation to con-  
6 tribute to such plan, and each labor organization rep-  
7 resenting participants employed by such employer, with an  
8 estimate of the employer’s share of the plan’s unfunded  
9 vested benefits as of the end of each plan year ending after  
10 the date of enactment of this section, as determined after  
11 taking into account any special financial assistance re-  
12 ceived under this section. Such disclosure shall include a  
13 statement that, due to the special financial assistance pro-  
14 vided under this section, the plan will have sufficient re-  
15 sources to pay 100 percent of the plan’s benefit obligations  
16 until the last day of the plan year ending in 2051.

17       “(n) RESTRICTIONS ON THE USE OF SPECIAL FI-  
18 NANCIAL ASSISTANCE.—Special financial assistance re-  
19 ceived under this section may be used by an eligible multi-  
20 employer plan to make benefit payments and pay plan ex-  
21 penses. Special financial assistance and any earnings on  
22 such assistance shall be segregated from other plan assets.  
23 Special financial assistance shall be invested by plans in  
24 investment-grade bonds or other investments as permitted  
25 by the corporation.

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1       “(o) CONDITIONS ON PLANS RECEIVING SPECIAL FI-  
2       NANCIAL ASSISTANCE.—

3               “(1) IN GENERAL.—The corporation may im-  
4       pose, by regulation, reasonable conditions on an eli-  
5       gible multiemployer plan that receives special finan-  
6       cial assistance relating to increases in future accrual  
7       rates and any retroactive benefit improvements, allo-  
8       cation of plan assets, reductions in employer con-  
9       tribution rates, diversion of contributions to, and al-  
10      location of expenses to, other benefit plans, and  
11      withdrawal liability.

12              “(2) LIMITATION.—The corporation shall not  
13      impose conditions on an eligible multiemployer plan  
14      as a condition of, or following receipt of, special fi-  
15      nancial assistance under this section relating to—

16              “(A) any prospective reduction in plan  
17      benefits (including benefits that may be ad-  
18      justed pursuant to section 305(e)(8));

19              “(B) plan governance, including selection  
20      of, removal of, and terms of contracts with,  
21      trustees, actuaries, investment managers, and  
22      other service providers; or

23              “(C) any funding rules relating to the plan  
24      receiving special financial assistance under this  
25      section.

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1           “(3) PAYMENT OF PREMIUMS.—An eligible  
2           multiemployer plan receiving special financial assist-  
3           ance under this section shall continue to pay all pre-  
4           miums due under section 4007 for participants and  
5           beneficiaries in the plan.

6           “(4) ASSISTANCE NOT CONSIDERED FOR CER-  
7           TAIN PURPOSES.—An eligible multiemployer plan  
8           that receives special financial assistance shall be  
9           deemed to be in critical status within the meaning  
10          of section 305(b)(2) until the last plan year ending  
11          in 2051.

12          “(5) INSOLVENT PLANS.—An eligible multiem-  
13          ployer plan receiving special financial assistance  
14          under this section that subsequently becomes insol-  
15          vent will be subject to the current rules and guar-  
16          antee for insolvent plans.

17          “(6) INELIGIBILITY FOR OTHER ASSISTANCE.—  
18          An eligible multiemployer plan that receives special  
19          financial assistance under this section is not eligible  
20          to apply for a new suspension of benefits under sec-  
21          tion 305(e)(9)(G).”.

22          (c) PREMIUM RATE INCREASE.—Section 4006(a)(3)  
23          of the Employee Retirement Income Security Act of 1974  
24          (29 U.S.C. 1306(a)(3)) is amended—

25                 (1) in subparagraph (A)—

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- 1 (A) in clause (vi)—
- 2 (i) by inserting “, and before January
- 3 1, 2031” after “December 31, 2014,”; and
- 4 (ii) by striking “or” at the end;
- 5 (B) in clause (vii)—
- 6 (i) by moving the margin 2 ems to the
- 7 left; and
- 8 (ii) in subclause (II), by striking the
- 9 period and inserting “, or”; and
- 10 (C) by adding at the end the following:
- 11 “(viii) in the case of a multiemployer plan, for
- 12 plan years beginning after December 31, 2030, \$52
- 13 for each individual who is a participant in such plan
- 14 during the applicable plan year.”; and
- 15 (2) by adding at the end the following:
- 16 “(N) For each plan year beginning in a calendar year
- 17 after 2031, there shall be substituted for the dollar
- 18 amount specified in clause (viii) of subparagraph (A) an
- 19 amount equal to the greater of—
- 20 “(i) the product derived by multiplying such
- 21 dollar amount by the ratio of—
- 22 “(I) the national average wage index (as
- 23 defined in section 209(k)(1) of the Social Secu-
- 24 rity Act) for the first of the 2 calendar years

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1 preceding the calendar year in which such plan  
2 year begins, to

3 “(II) the national average wage index (as  
4 so defined) for 2029; and

5 “(ii) such dollar amount for plan years begin-  
6 ning in the preceding calendar year.

7 If the amount determined under this subparagraph  
8 is not a multiple of \$1, such product shall be round-  
9 ed to the nearest multiple of \$1.”.

10 **SEC. 9705. EXTENDED AMORTIZATION FOR SINGLE EM-**  
11 **PLOYER PLANS.**

12 (a) **15-YEAR AMORTIZATION UNDER THE INTERNAL**  
13 **REVENUE CODE OF 1986.**—Section 430(c) of the Internal  
14 Revenue Code of 1986 is amended by adding at the end  
15 the following new paragraph:

16 “(8) **15-YEAR AMORTIZATION.**—With respect to  
17 plan years beginning after December 31, 2019 (or,  
18 at the election of the plan sponsor, after December  
19 31, 2018)—

20 “(A) the shortfall amortization bases for  
21 all plan years preceding the first plan year be-  
22 ginning after December 31, 2019 (or after De-  
23 cember 31, 2018, whichever is elected), and all  
24 shortfall amortization installments determined

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1 with respect to such bases, shall be reduced to  
2 zero, and

3 “(B) subparagraphs (A) and (B) of para-  
4 graph (2) shall each be applied by substituting  
5 ‘15-plan-year period’ for ‘7-plan-year period’.”.

6 (b) 15-YEAR AMORTIZATION UNDER THE EMPLOYEE  
7 RETIREMENT INCOME SECURITY ACT OF 1974.—Section  
8 303(c) of the Employee Retirement Income Security Act  
9 of 1974 (29 U.S.C. 1083(c)) is amended by adding at the  
10 end the following new paragraph:

11 “(8) 15-YEAR AMORTIZATION.—With respect to  
12 plan years beginning after December 31, 2019 (or,  
13 at the election of the plan sponsor, after December  
14 31, 2018)—

15 “(A) the shortfall amortization bases for  
16 all plan years preceding the first plan year be-  
17 ginning after December 31, 2019 (or after De-  
18 cember 31, 2018, whichever is elected), and all  
19 shortfall amortization installments determined  
20 with respect to such bases, shall be reduced to  
21 zero, and

22 “(B) subparagraphs (A) and (B) of para-  
23 graph (2) shall each be applied by substituting  
24 ‘15-plan-year period’ for ‘7-plan-year period’.”.

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1 (c) EFFECTIVE DATE.—The amendments made by  
 2 this section shall apply to plan years beginning after De-  
 3 cember 31, 2018.

4 SEC. 9706. EXTENSION OF PENSION FUNDING STABILIZA-  
 5 TION PERCENTAGES FOR SINGLE EMPLOYER  
 6 PLANS.

7 (a) AMENDMENT TO INTERNAL REVENUE CODE OF  
 8 1986.—

9 (1) IN GENERAL.—The table contained in sub-  
 10 clause (II) of section 430(h)(2)(C)(iv) of the Inter-  
 11 nal Revenue Code of 1986 is amended to read as fol-  
 12 lows:

“If the calendar year is:	The applica- ble min- imum per- centage is:	The applica- ble max- imum per- centage is:
Any year in the period starting in 2012 and end- ing in 2019 .....	90%	110%
Any year in the period starting in 2020 and end- ing in 2025 .....	95%	105%
2026 .....	90%	110%
2027 .....	85%	115%
2028 .....	80%	120%
2029 .....	75%	125%
After 2029 .....	70%	130%.”.

13 (2) FLOOR ON 25-YEAR AVERAGES.—Subclause  
 14 (I) of section 430(h)(2)(C)(iv) of such Code is  
 15 amended by adding at the end the following: “Not-  
 16 withstanding anything in this subclause, if the aver-  
 17 age of the first, second, or third segment rate for

1 any 25-year period is less than 5 percent, such aver-  
 2 age shall be deemed to be 5 percent.”.

3 (b) AMENDMENTS TO EMPLOYEE RETIREMENT IN-  
 4 COME SECURITY ACT OF 1974.—

5 (1) IN GENERAL.—The table contained in sub-  
 6 clause (II) of section 303(h)(2)(C)(iv) of the Em-  
 7 ployee Retirement Income Security Act of 1974 (29  
 8 U.S.C. 1083(h)(2)(C)(iv)(II)) is amended to read as  
 9 follows:

“If the calendar year is:	The applica- ble min- imum per- centage is:	The applica- ble max- imum per- centage is:
Any year in the period starting in 2012 and ending in 2019 .....	90%	110%
Any year in the period starting in 2020 and ending in 2025 .....	95%	105%
2026 .....	90%	110%
2027 .....	85%	115%
2028 .....	80%	120%
2029 .....	75%	125%
After 2029 .....	70%	130%.”.

10 (2) FLOOR ON 25-YEAR AVERAGES.—Subclause  
 11 (I) of section 303(h)(2)(C)(iv) of such Act (29  
 12 U.S.C. 1083(h)(2)(C)(iv)(I)) is amended by adding  
 13 at the end the following: “Notwithstanding anything  
 14 in this subclause, if the average of the first, second,  
 15 or third segment rate for any 25-year period is less  
 16 than 5 percent, such average shall be deemed to be  
 17 5 percent.”.

18 (3) CONFORMING AMENDMENTS.—

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1 (A) IN GENERAL.—Section 101(f)(2)(D) of  
 2 such Act (29 U.S.C. 1021(f)(2)(D)) is amend-  
 3 ed—

4 (i) in clause (i) by striking “and the  
 5 Bipartisan Budget Act of 2015” both  
 6 places it appears and inserting “, the Bi-  
 7 partisan Budget Act of 2015, and the  
 8 Butch Lewis Emergency Pension Plan Re-  
 9 lief Act of 2021”, and

10 (ii) in clause (ii) by striking “2023”  
 11 and inserting “2029”.

12 (B) STATEMENTS.—The Secretary of  
 13 Labor shall modify the statements required  
 14 under subclauses (I) and (II) of section  
 15 101(f)(2)(D)(i) of such Act to conform to the  
 16 amendments made by this section.

17 (c) EFFECTIVE DATE.—The amendments made by  
 18 this section shall apply with respect to plan years begin-  
 19 ning after December 31, 2019.

20 **SEC. 9707. MODIFICATION OF SPECIAL RULES FOR MIN-**  
 21 **IMUM FUNDING STANDARDS FOR COMMU-**  
 22 **NITY NEWSPAPER PLANS.**

23 (a) AMENDMENT TO INTERNAL REVENUE CODE OF  
 24 1986.—Subsection (m) of section 430 of the Internal Rev-  
 25 enue Code of 1986 is amended to read as follows:

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1       “(m) SPECIAL RULES FOR COMMUNITY NEWSPAPER

2 PLANS.—

3           “(1) IN GENERAL.—An eligible newspaper plan  
4 sponsor of a plan under which no participant has  
5 had the participant’s accrued benefit increased  
6 (whether because of service or compensation) after  
7 April 2, 2019, may elect to have the alternative  
8 standards described in paragraph (4) apply to such  
9 plan.

10          “(2) ELIGIBLE NEWSPAPER PLAN SPONSOR.—

11 The term ‘eligible newspaper plan sponsor’ means  
12 the plan sponsor of—

13           “(A) any community newspaper plan, or

14           “(B) any other plan sponsored, as of April  
15 2, 2019, by a member of the same controlled  
16 group of a plan sponsor of a community news-  
17 paper plan if such member is in the trade or  
18 business of publishing 1 or more newspapers.

19          “(3) ELECTION.—An election under paragraph  
20 (1) shall be made at such time and in such manner  
21 as prescribed by the Secretary. Such election, once  
22 made with respect to a plan year, shall apply to all  
23 subsequent plan years unless revoked with the con-  
24 sent of the Secretary.

1           “(4) ALTERNATIVE MINIMUM FUNDING STAND-  
2           ARDS.—The alternative standards described in this  
3           paragraph are the following:

4           “(A) INTEREST RATES.—

5           “(i) IN GENERAL.—Notwithstanding  
6           subsection (h)(2)(C) and except as pro-  
7           vided in clause (ii), the first, second, and  
8           third segment rates in effect for any  
9           month for purposes of this section shall be  
10          8 percent.

11          “(ii) NEW BENEFIT ACCRUALS.—Not-  
12          withstanding subsection (h)(2), for pur-  
13          poses of determining the funding target  
14          and normal cost of a plan for any plan  
15          year, the present value of any benefits ac-  
16          crued or earned under the plan for a plan  
17          year with respect to which an election  
18          under paragraph (1) is in effect shall be  
19          determined on the basis of the United  
20          States Treasury obligation yield curve for  
21          the day that is the valuation date of such  
22          plan for such plan year.

23          “(iii) UNITED STATES TREASURY OB-  
24          LIGATION YIELD CURVE.—For purposes of  
25          this subsection, the term ‘United States

1 Treasury obligation yield curve' means,  
2 with respect to any day, a yield curve  
3 which shall be prescribed by the Secretary  
4 for such day on interest-bearing obligations  
5 of the United States.

6 “(B) SHORTFALL AMORTIZATION BASE.—

7 “(i) PREVIOUS SHORTFALL AMORTIZA-  
8 TION BASES.—The shortfall amortization  
9 bases determined under subsection (c)(3)  
10 for all plan years preceding the first plan  
11 year to which the election under paragraph  
12 (1) applies (and all shortfall amortization  
13 installments determined with respect to  
14 such bases) shall be reduced to zero under  
15 rules similar to the rules of subsection  
16 (c)(6).

17 “(ii) NEW SHORTFALL AMORTIZATION  
18 BASE.—Notwithstanding subsection (c)(3),  
19 the shortfall amortization base for the first  
20 plan year to which the election under para-  
21 graph (1) applies shall be the funding  
22 shortfall of such plan for such plan year  
23 (determined using the interest rates as  
24 modified under subparagraph (A)).

1                   “(C) DETERMINATION OF SHORTFALL AM-  
2                   ORTIZATION INSTALLMENTS.—

3                   “(i) 30-YEAR PERIOD.—Subpara-  
4                   graphs (A) and (B) of subsection (c)(2)  
5                   shall be applied by substituting ‘30-plan-  
6                   year’ for ‘7-plan-year’ each place it ap-  
7                   pears.

8                   “(ii) NO SPECIAL ELECTION.—The  
9                   election under subparagraph (D) of sub-  
10                  section (c)(2) shall not apply to any plan  
11                  year to which the election under paragraph  
12                  (1) applies.

13                  “(D) EXEMPTION FROM AT-RISK TREAT-  
14                  MENT.—Subsection (i) shall not apply.

15                  “(5) COMMUNITY NEWSPAPER PLAN.—For pur-  
16                  poses of this subsection—

17                  “(A) IN GENERAL.—The term ‘community  
18                  newspaper plan’ means any plan to which this  
19                  section applies maintained as of December 31,  
20                  2018, by an employer which—

21                  “(i) maintains the plan on behalf of  
22                  participants and beneficiaries with respect  
23                  to employment in the trade or business of  
24                  publishing 1 or more newspapers which  
25                  were published by the employer at any



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1 time during the 11-year period ending on  
 2 the date of the enactment of this sub-  
 3 section,

4 “(ii)(I) is not a company the stock of  
 5 which is publicly traded (on a stock ex-  
 6 change or in an over-the-counter market),  
 7 and is not controlled, directly or indirectly,  
 8 by such a company, or

9 “(II) is controlled, directly or indi-  
 10 rectly, during the entire 30-year period  
 11 ending on the date of the enactment of this  
 12 subsection by individuals who are members  
 13 of the same family, and does not publish or  
 14 distribute a daily newspaper that is car-  
 15 rier-distributed in printed form in more  
 16 than 5 States, and

17 “(iii) is controlled, directly or indi-  
 18 rectly—

19 “(I) by 1 or more persons resid-  
 20 ing primarily in a State in which the  
 21 community newspaper has been pub-  
 22 lished on newsprint or carrier-distrib-  
 23 uted,

24 “(II) during the entire 30-year  
 25 period ending on the date of the en-

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1 actment of this subsection by individ-  
2 uals who are members of the same  
3 family,

4 “(III) by 1 or more trusts, the  
5 sole trustees of which are persons de-  
6 scribed in subclause (I) or (II), or

7 “(IV) by a combination of per-  
8 sons described in subclause (I), (II),  
9 or (III).

10 “(B) NEWSPAPER.—The term ‘newspaper’  
11 does not include any newspaper (determined  
12 without regard to this subparagraph) to which  
13 any of the following apply:

14 “(i) Is not in general circulation.

15 “(ii) Is published (on newsprint or  
16 electronically) less frequently than 3 times  
17 per week.

18 “(iii) Has not ever been regularly  
19 published on newsprint.

20 “(iv) Does not have a bona fide list of  
21 paid subscribers.

22 “(C) CONTROL.—A person shall be treated  
23 as controlled by another person if such other  
24 person possesses, directly or indirectly, the  
25 power to direct or cause the direction and man-

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1           agement of such person (including the power to  
2           elect a majority of the members of the board of  
3           directors of such person) through the ownership  
4           of voting securities.

5           “(6) CONTROLLED GROUP.—For purposes of  
6           this subsection, the term ‘controlled group’ means all  
7           persons treated as a single employer under sub-  
8           section (b), (c), (m), or (o) of section 414 as of the  
9           date of the enactment of this subsection.”.

10          (b) AMENDMENT TO EMPLOYEE RETIREMENT IN-  
11          COME SECURITY ACT OF 1974.—Subsection (m) of section  
12          303 of the Employee Retirement Income Security Act of  
13          1974 (29 U.S.C. 1083(m)) is amended to read as follows:

14          “(m) SPECIAL RULES FOR COMMUNITY NEWSPAPER  
15          PLANS.—

16                 “(1) IN GENERAL.—An eligible newspaper plan  
17                 sponsor of a plan under which no participant has  
18                 had the participant’s accrued benefit increased  
19                 (whether because of service or compensation) after  
20                 April 2, 2019, may elect to have the alternative  
21                 standards described in paragraph (4) apply to such  
22                 plan.

23                 “(2) ELIGIBLE NEWSPAPER PLAN SPONSOR.—  
24                 The term ‘eligible newspaper plan sponsor’ means  
25                 the plan sponsor of—

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1           “(A) any community newspaper plan, or  
2           “(B) any other plan sponsored, as of April  
3           2, 2019, by a member of the same controlled  
4           group of a plan sponsor of a community news-  
5           paper plan if such member is in the trade or  
6           business of publishing 1 or more newspapers.  
7           “(3) ELECTION.—An election under paragraph  
8           (1) shall be made at such time and in such manner  
9           as prescribed by the Secretary of the Treasury. Such  
10          election, once made with respect to a plan year, shall  
11          apply to all subsequent plan years unless revoked  
12          with the consent of the Secretary of the Treasury.  
13          “(4) ALTERNATIVE MINIMUM FUNDING STAND-  
14          ARDS.—The alternative standards described in this  
15          paragraph are the following:  
16               “(A) INTEREST RATES.—  
17                   “(i) IN GENERAL.—Notwithstanding  
18                   subsection (h)(2)(C) and except as pro-  
19                   vided in clause (ii), the first, second, and  
20                   third segment rates in effect for any  
21                   month for purposes of this section shall be  
22                   8 percent.  
23                   “(ii) NEW BENEFIT ACCRUALS.—Not-  
24                   withstanding subsection (h)(2), for pur-  
25                   poses of determining the funding target

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1 and normal cost of a plan for any plan  
 2 year, the present value of any benefits ac-  
 3 crued or earned under the plan for a plan  
 4 year with respect to which an election  
 5 under paragraph (1) is in effect shall be  
 6 determined on the basis of the United  
 7 States Treasury obligation yield curve for  
 8 the day that is the valuation date of such  
 9 plan for such plan year.

10 “(iii) UNITED STATES TREASURY OB-  
 11 LIGATION YIELD CURVE.—For purposes of  
 12 this subsection, the term ‘United States  
 13 Treasury obligation yield curve’ means,  
 14 with respect to any day, a yield curve  
 15 which shall be prescribed by the Secretary  
 16 of the Treasury for such day on interest-  
 17 bearing obligations of the United States.

18 “(B) SHORTFALL AMORTIZATION BASE.—

19 “(i) PREVIOUS SHORTFALL AMORTIZA-  
 20 TION BASES.—The shortfall amortization  
 21 bases determined under subsection (c)(3)  
 22 for all plan years preceding the first plan  
 23 year to which the election under paragraph  
 24 (1) applies (and all shortfall amortization  
 25 installments determined with respect to

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1 such bases) shall be reduced to zero under  
 2 rules similar to the rules of subsection  
 3 (c)(6).

4 “(ii) NEW SHORTFALL AMORTIZATION  
 5 BASE.—Notwithstanding subsection (c)(3),  
 6 the shortfall amortization base for the first  
 7 plan year to which the election under para-  
 8 graph (1) applies shall be the funding  
 9 shortfall of such plan for such plan year  
 10 (determined using the interest rates as  
 11 modified under subparagraph (A)).

12 “(C) DETERMINATION OF SHORTFALL AM-  
 13 ORTIZATION INSTALLMENTS.—

14 “(i) 30-YEAR PERIOD.—Subpara-  
 15 graphs (A) and (B) of subsection (c)(2)  
 16 shall be applied by substituting ‘30-plan-  
 17 year’ for ‘7-plan-year’ each place it ap-  
 18 pears.

19 “(ii) NO SPECIAL ELECTION.—The  
 20 election under subparagraph (D) of sub-  
 21 section (c)(2) shall not apply to any plan  
 22 year to which the election under paragraph  
 23 (1) applies.

24 “(D) EXEMPTION FROM AT-RISK TREAT-  
 25 MENT.—Subsection (i) shall not apply.

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1           “(5) COMMUNITY NEWSPAPER PLAN.—For pur-  
2           poses of this subsection—

3           “(A) IN GENERAL.—The term ‘community  
4           newspaper plan’ means a plan to which this sec-  
5           tion applies maintained as of December 31,  
6           2018, by an employer which—

7           “(i) maintains the plan on behalf of  
8           participants and beneficiaries with respect  
9           to employment in the trade or business of  
10          publishing 1 or more newspapers which  
11          were published by the employer at any  
12          time during the 11-year period ending on  
13          the date of the enactment of this sub-  
14          section,

15          “(ii)(I) is not a company the stock of  
16          which is publicly traded (on a stock ex-  
17          change or in an over-the-counter market),  
18          and is not controlled, directly or indirectly,  
19          by such a company, or

20          “(II) is controlled, directly, or indi-  
21          rectly, during the entire 30-year period  
22          ending on the date of the enactment of this  
23          subsection by individuals who are members  
24          of the same family, and does not publish or  
25          distribute a daily newspaper that is car-

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1 rier-distributed in printed form in more  
 2 than 5 States, and  
 3 “(iii) is controlled, directly, or indi-  
 4 rectly—  
 5 “(I) by 1 or more persons resid-  
 6 ing primarily in a State in which the  
 7 community newspaper has been pub-  
 8 lished on newsprint or carrier-distrib-  
 9 uted,  
 10 “(II) during the entire 30-year  
 11 period ending on the date of the en-  
 12 actment of this subsection by individ-  
 13 uals who are members of the same  
 14 family,  
 15 “(III) by 1 or more trusts, the  
 16 sole trustees of which are persons de-  
 17 scribed in subclause (I) or (II), or  
 18 “(IV) by a combination of per-  
 19 sons described in subclause (I), (II),  
 20 or (III).  
 21 “(B) NEWSPAPER.—The term ‘newspaper’  
 22 does not include any newspaper (determined  
 23 without regard to this subparagraph) to which  
 24 any of the following apply:  
 25 “(i) Is not in general circulation.

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1                   “(ii) Is published (on newsprint or  
2                   electronically) less frequently than 3 times  
3                   per week.

4                   “(iii) Has not ever been regularly  
5                   published on newsprint.

6                   “(iv) Does not have a bona fide list of  
7                   paid subscribers.

8                   “(C) CONTROL.—A person shall be treated  
9                   as controlled by another person if such other  
10                  person possesses, directly or indirectly, the  
11                  power to direct or cause the direction and man-  
12                  agement of such person (including the power to  
13                  elect a majority of the members of the board of  
14                  directors of such person) through the ownership  
15                  of voting securities.

16                  “(6) CONTROLLED GROUP.—For purposes of  
17                  this subsection, the term ‘controlled group’ means all  
18                  persons treated as a single employer under sub-  
19                  section (b), (c), (m), or (o) of section 414 of the In-  
20                  ternal Revenue Code of 1986 as of the date of the  
21                  enactment of this subsection.

22                  “(7) EFFECT ON PREMIUM RATE CALCULA-  
23                  TION.—Notwithstanding any other provision of law  
24                  or any regulation issued by the Pension Benefit  
25                  Guaranty Corporation, in the case of a plan for

1 which an election is made to apply the alternative  
 2 standards described in paragraph (3), the additional  
 3 premium under section 4006(a)(3)(E) shall be deter-  
 4 mined as if such election had not been made.”.

5 (c) EFFECTIVE DATE.—The amendments made by  
 6 this section shall apply to plan years ending after Decem-  
 7 ber 31, 2017.

**8 SEC. 9708. COST OF LIVING ADJUSTMENT FREEZE.**

9 (a) IN GENERAL.—Subsection (d) of section 415 of  
 10 the Internal Revenue Code of 1986 is amended by adding  
 11 at the end the following new paragraph:

12 “(5) FREEZE ON COST OF LIVING ADJUST-  
 13 MENTS.—

14 “(A) IN GENERAL.—Except as provided in  
 15 subparagraph (B), in the case of calendar years  
 16 beginning after December 31, 2030—

17 “(i) no adjustment shall be made  
 18 under paragraph (1), and

19 “(ii) the dollar amounts as adjusted  
 20 under such paragraph for calendar year  
 21 2030 shall apply.

22 “(B) EXCEPTION.—Subparagraph (A)  
 23 shall not apply in the case of a plan maintained  
 24 pursuant to 1 or more collective bargaining  
 25 agreements.”.

1 (b) COMPENSATION LIMIT.—Paragraph (17) of sec-  
 2 tion 401(a) of the Internal Revenue Code of 1986 is  
 3 amended by adding at the end the following new subpara-  
 4 graph:

5 “(C) FREEZE ON COST OF LIVING ADJUST-  
 6 MENTS.—

7 “(i) IN GENERAL.—Except as pro-  
 8 vided in clause (ii), in the case of calendar  
 9 years beginning after December 31,  
 10 2030—

11 “(I) no adjustment shall be made  
 12 under subparagraph (B), and

13 “(II) the dollar amount as ad-  
 14 justed under such subparagraph for  
 15 calendar year 2030 shall apply.

16 “(ii) EXCEPTION.—Clause (i) shall  
 17 not apply in the case of a plan maintained  
 18 pursuant to 1 or more collective bargaining  
 19 agreements.”.

20 (c) CONFORMING AMENDMENTS.—

21 (1) Section 45A(c)(3) of the Internal Revenue  
 22 Code of 1986 is amended by striking “415(d)” and  
 23 inserting “415(d) (without regard to paragraph (5)  
 24 thereof”.

1 (2) Section 402(g)(4) of such Code is amended  
2 by striking “415(d)” and inserting “415(d) (without  
3 regard to paragraph (5) thereof”).

4 (3) Section 404(l) of such Code is amended by  
5 striking “401(a)(17)(B)” and inserting  
6 “401(a)(17)(B) (without regard to section  
7 401(a)(17)(C))”.

8 (4) Section 408(k)(8) of such Code is amend-  
9 ed—

10 (A) by striking “415(d)” and inserting  
11 “415(d) (without regard to paragraph (5)  
12 thereof”, and

13 (B) by striking “401(a)(17)(B)” and in-  
14 serting “401(a)(17)(B) (without regard to sec-  
15 tion 401(a)(17)(C))”.

16 (5) Section 408(p)(2)(E)(ii) of such Code is  
17 amended by striking “415(d)” and inserting “415(d)  
18 (without regard to paragraph (5) thereof”).

19 (6) Section 409(o)(2) of such Code is amended  
20 by striking “415(d)” and inserting “415(d) (without  
21 regard to paragraph (5) thereof”).

22 (7) Section 416(i)(1)(A) of such Code is  
23 amended by striking “415(d)” and inserting “415(d)  
24 (without regard to paragraph (5) thereof”).

1           (8) Section 457(e)(11)(B)(iii) of such Code is  
2           amended by striking “415(d)” and inserting “415(d)  
3           (without regard to paragraph (5) thereof)”.

4           (9) Section 457(e)(15)(B) of such Code is  
5           amended by striking “415(d)” and inserting “415(d)  
6           (without regard to paragraph (5) thereof)”.

7           (10) Section 505(b)(7) of such Code is amend-  
8           ed by striking “401(a)(17)(B)” and inserting  
9           “401(a)(17)(B) (without regard to section  
10          401(a)(17)(C))”.

11          (11) Section 664(g)(7)(B) of such Code is  
12          amended by striking “415(d)” and inserting “415(d)  
13          (without regard to paragraph (5) thereof)”.

#### 14   **Subtitle I—Child Care for Workers**

##### 15   **SEC. 9801. CHILD CARE ASSISTANCE.**

###### 16   (a) APPROPRIATION.—

17          (1) IN GENERAL.—Section 418(a)(3) of the So-  
18          cial Security Act (42 U.S.C. 618(a)(3)) is amended  
19          to read as follows:

20               “(3) APPROPRIATION.—For grants under this  
21          section, there are appropriated \$3,550,000,000 for  
22          each fiscal year, of which—

23                       “(A) \$3,375,000,000 shall be available for  
24          grants to States;

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1           “(B) \$100,000,000 shall be available for  
2           grants to Indian tribes and tribal organizations;  
3           and

4           “(C) \$75,000,000 shall be available for  
5           grants to territories.”.

6           (2) CONFORMING AMENDMENT.—Section  
7           418(a)(2)(A) of such Act (42 U.S.C. 618(a)(2)(A))  
8           is amended by striking “paragraph (3), and remain-  
9           ing after the reservation described in paragraph (4)  
10          and” and inserting “paragraph (3)(A),”.

11          (b) SUSPENSION OF STATE MATCH REQUIREMENT  
12          IN FISCAL YEARS 2021 AND 2022.—With respect to the  
13          amounts made available by section 418(a)(3)(A) of the So-  
14          cial Security Act for each of fiscal years 2021 and 2022,  
15          section 418(a)(2)(C) of such Act shall be applied and ad-  
16          ministered with respect to any State that is entitled to  
17          receive the entire amount that would be allotted to the  
18          State under section 418(a)(2)(B) of such Act for the fiscal  
19          year in the absence of this section, as if the Federal med-  
20          ical assistance percentage for the State for the fiscal year  
21          were 100 percent.

22          (c) FUNDING FOR THE TERRITORIES.—Section  
23          418(a)(4) of such Act (42 U.S.C. 618(a)(4)) is amended  
24          to read as follows:

25                 “(4) TERRITORIES.—

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1           “(A) GRANTS.—The Secretary shall use  
2           the amounts made available by paragraph  
3           (3)(C) to make grants to the territories under  
4           this paragraph.

5           “(B) ALLOTMENTS.—The amount de-  
6           scribed in subparagraph (A) shall be allotted  
7           among the territories in proportion to the share  
8           of each territory of the total of the amounts  
9           payable to the territories under the Child Care  
10          and Development Block Grant Act of 1990 for  
11          the then most recent fiscal year.

12          “(C) REDISTRIBUTION.—The 1st sentence  
13          of clause (i) and clause (ii) of paragraph (2)(D)  
14          shall apply with respect to the amounts allotted  
15          to the territories under this paragraph, except  
16          that the 2nd sentence of paragraph (2)(D) shall  
17          not apply and the amounts allotted to the terri-  
18          tories that are available for redistribution for a  
19          fiscal year shall be redistributed to each terri-  
20          tory that applies for the additional amounts, to  
21          the extent that the Secretary determines that  
22          the territory will be able to use the additional  
23          amounts to provide child care assistance, in an  
24          amount that bears the same ratio to the  
25          amount so available for redistribution as the

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1 amount allotted to the territory for the fiscal  
2 year bears to the total amount allotted to all  
3 the territories receiving redistributed funds  
4 under this paragraph for the fiscal year.

5 “(D) INAPPLICABILITY OF PAYMENT LIM-  
6 TATION.— Section 1108(a) shall not apply with  
7 respect to any amount paid under this para-  
8 graph.

9 “(E) APPLICATION OF CHILD CARE AND  
10 DEVELOPMENT BLOCK GRANT ACT OF 1990.—  
11 Subsection (c) shall apply with respect to any  
12 amount paid under this paragraph.

13 “(F) TERRITORY.—In this paragraph, the  
14 term ‘territory’ means the Commonwealth of  
15 Puerto Rico, the United States Virgin Islands,  
16 Guam, American Samoa, and the Common-  
17 wealth of the Northern Mariana Islands.”



**U.S. House of Representatives**  
**Committee on Agriculture**  
**Washington, DC 20515**

February 16, 2021

The Honorable John A. Yarmuth  
Chairman  
Committee on the Budget  
204-E Cannon House Office Building  
Washington, D.C. 20515

Dear Chairman Yarmuth,

Pursuant to section 2001 of the Concurrent Resolution on the Budget, I hereby transmit these recommendations which have been approved by vote of the Committee on Agriculture and the appropriate accompanying material including additional and minority views, to the House Committee on the Budget. This submission is in order to comply with reconciliation directives included in S. Con. Res. 5, the fiscal year 2021 budget resolution, and is consistent with section 310 of the Congressional Budget and Impoundment Control Act of 1974.

Sincerely,

A handwritten signature in black ink that reads "David Scott". The signature is written in a cursive, slightly slanted style.

David Scott  
Chairman

TITLE I—COMMITTEE ON AGRICULTURE

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## TITLE I—COMMITTEE ON AGRICULTURE

**BRIEF EXPLANATION**

The provisions passed by the Committee increase spending within the jurisdiction of the Committee on Agriculture, as instructed by S. Con. Res. 5, establishing the congressional budget for the United States Government for Fiscal Year 2021 and setting forth the appropriate budgetary levels for fiscal years 2022 through 2030, as passed by the House of Representatives on February 5, 2021.

**PURPOSE AND NEED**

The Senate Concurrent Resolution, S. Con. Res. 5, included budget reconciliation instructions directing the Committee on Agriculture to report changes in laws within its jurisdiction that result in increases to the deficit by not more than \$16,112,000,000 for fiscal years 2021 through 2030. The Committee on Agriculture reported provisions out of Committee that meet those instructions and are intended to address the ongoing crises across our country.

The United States faces unprecedented crises of a pandemic because of a zoonotic virus, recession, joblessness, poverty, and hunger. The pandemic has exposed structural inadequacies of the food supply chain, highlighting the need for improved resiliency from farm to fork.

The COVID-19 pandemic has claimed the lives of at least 484,000 Americans and sickened over 27 million Americans to date, with nearly 62,000 Americans lost in January 2021 alone. The impact of the virus on Americans has been uneven, with communities of color more likely to contract the virus, more likely to be hospitalized because of the virus, and more likely to die from the virus according to statistics from the Centers for Disease Control. Additionally, as compared to urban and suburban communities, rural communities often had less access to intensive care hospital resources needed to survive this disease, with 17 rural hospitals closing in 2020 alone.

This ongoing pandemic has led to an economic recession, with significant unemployment, hunger, and economic wellbeing impacts to Americans and families across the country. In April 2020, the unemployment rate of the United States rose to a level not seen since the data has been collected. Both the Federal Reserve and the Congressional Budget Office project that the country will have unemployment rates over 6 percent for the next three years. In February 2021, the Bureau of Labor Statistics found that nearly 40 percent of the total of unemployed Americans have been without a job for at least 27 weeks. Another 7 million Americans want a job but are not currently in the labor force.

Not surprisingly, the poverty and hunger rates of families, children, seniors, and working age Americans have increased in the past year. Before the pandemic, the Census Bureau reported an overall poverty rate of 10.5 percent, with significant differences across races. In 2019, the poverty rate for black Americans was 18.8 percent, Hispanic Americans was 15.7 percent, and American Indian and Alaska Natives was 18.5 percent. Poverty in America in 2020 is defined as having an annual income of approximately \$12,760 for an individual, \$17,240 for a family of

## TITLE I—COMMITTEE ON AGRICULTURE

two, and \$26,200 for a family of four. In 2019, those guidelines were \$12,490; \$16,910; and \$25,750. Even before the pandemic, one in ten American households and one in eight American households with children experienced food insecurity. Rural households also experienced these high rates of food insecurity and poverty. While Congress has provided some relief for households suffering from food insecurity by providing crucial waivers for state agencies administering the Supplemental Nutrition Assistance Program (SNAP) to efficiently process significant increases in their caseloads and by providing emergency allotments under the Families First Coronavirus Response Act to SNAP households, as determined by the Secretary, the rates of food insecurity and poverty due to the pandemic remain high.

Across the country, more than 420 Republican and Democratic mayors from states including Arizona, Florida, California, Ohio, Oklahoma, Kentucky, and Minnesota have exhorted Congress to provide critical assistance for their cities and states, including assistance contained in this measure. In a February 2021 article in the *Washington Post*, Mayor Jerry Dyer of Fresno, California stated that Federal aid for cities and states, including to help care for the hungry, “[is] not a Republican issue or a Democrat issue. . . . It’s a public health issue. It’s an economic issue. And it’s a public safety issue.”

## Food Supply Chain and Agriculture Pandemic Response

The impacts of the COVID-19 pandemic have been acutely experienced by food and farmworkers. News reports estimate nearly 90,000 food processing plant workers located across nearly 1,400 facilities have had confirmed cases of COVID-19. Economists at Purdue University estimate nearly 500,000 agriculture and farmworkers have contracted the disease. These essential employees have continued to perform despite challenges in acquiring adequate personal protective equipment, difficulty with socially distancing while working, and the lack of culturally appropriate literature on COVID-19 in workers’ preferred language. In December 2020, the National Academy of Sciences published an article titled “Livestock plants and COVID-19 transmission” that “suggests that, among essential industries, livestock processing poses a particular public health risk extending far beyond meatpacking companies and their employees.” An article published in the CDC journal *Emerging Infectious Diseases* titled “Coronavirus Disease among Workers in Food Processing, Food Manufacturing, and Agriculture Workplaces” highlighted how the COVID-19 pandemic has affected food and farmworkers, particularly racial minorities within the sector. Of the states reporting race and ethnicity data, 36.5 percent of food and farm workers were Hispanic or Latino, but these workers accounted for 72.8 percent of workers with COVID-19.

Acknowledging these needs, forty-three groups representing specialty crop growers and processors wrote to the Secretary of Agriculture requesting that at least \$1,000,000,000 be prioritized specifically for the procurement and distribution of worker protective equipment.

The negative impacts of COVID-19 on food and farmworkers, as well as the simultaneous shutdown of the food service sector in the initial days of the pandemic, crippled agricultural supply chains that were heavily dependent on human labor and “just in time” processing and

## TITLE I—COMMITTEE ON AGRICULTURE

delivery of products to retailers and consumers. According to the United States Department of Agriculture (USDA), consumers typically spend 54 percent of all food and drink dollars on products that are purchased and consumed outside of the home. As restaurants, bars, and other food service institutions such as schools and universities quickly closed in response to the pandemic, agricultural processors and distributors were forced to pivot to other available channels of trade such as retail grocery outlets.

Challenges with safe processing capacity, product packaging, and shelf-life led to the backup of supply chains, causing increases in food costs and bare grocery store shelves, while on-farm prices dropped and necessitated the destruction of livestock and agriculture products that could not be timely rerouted or repurposed. Some livestock and poultry producer groups forecast that on-farm losses for hog farmers alone total \$5,000,000,000.

The destruction of these products was happening as more and more Americans faced unemployment and hunger. Food and agricultural supply chain security needs will persist as pandemic recovery continues and understanding of SARS-CoV-2 continues to evolve.

To meet these critical needs, section 1001 of the Committee Print invests \$4 billion in the United States food supply chain and agriculture pandemic response. \$3.6 billion of these funds are intended to purchase food and agricultural commodities; purchase and distribute agricultural commodities to Americans in need; make grants and loans to eligible organizations to respond to COVID-19; and, make loans and grants and other assistance to improve the resiliency of the food and agricultural supply chain.

This virus is of zoonotic origin, has demonstrated the ability to cross species boundaries and mutate in multiple species, and may have unknown reservoir host or hosts. Cases have been documented and tracked by the World Organization for Animal Health (OIE) in multiple genera of the *Felidae* family; mustelids; primates; dogs; and more. To fully respond to the threat of SARS CoV-2 and protect public health, a one health approach to surveillance must be adopted and fully implemented. On November 12, 2020, the OIE issued a statement on COVID-19 and mink. The statement observed that “[t]he risk of susceptible animals...becoming a SARS-CoV-2 reservoir generates worldwide concern, as it could pose a continued public health risk and lead to future spillover events to humans.” The OIE went on to assert that “a global One Health approach is needed” and that “actions should be taken to . . . monitor susceptible animals.” An OIE guidance document on November 16, 2020 notes that “[t]ransmission from infected minks to humans was demonstrated in the Netherlands” and that “in high mink density areas there is a risk of establishing a reservoir of SARS-CoV-2.” With these recommendations and observations from the international organization supporting global animal welfare and disease, the Committee invests \$300 million in monitoring and surveillance of SARS CoV-2 in susceptible animals.

In 2020, the meat and poultry supply chain in America was significantly disrupted by COVID-19. Temporary actions to protect public health resulted in a supply chain backlog, mismatch of product availability and accessible markets, and the euthanasia of animals. Very small and small meat and poultry plants across the country are still working to reduce the backlog from that time period. The Committee invests \$100 million to defray the costs of overtime fees for Federal

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inspectors at small and very small Federally inspected meat and poultry facilities. These funds will support resiliency and capacity in the domestic meat and poultry supply chains.

## Emergency Grants for Rural Health Care

As stated earlier, rural communities may have less access to health care providers and infrastructure, and some rural communities are also impacted by persistent poverty and hunger. Even with Federal assistance earlier investments to combat COVID-19, rural communities have been hit hard by COVID-19 as the pandemic has spread across the country, with the USDA Economic Research Service noting that “non-metro death rates from COVID-19 surpassed metro rates starting in late August”. Accordingly, the Committee provides the Department funds for emergency grants to entities eligible under the USDA Community Facilities Grant Program to maintain and increase health care and nutritional assistance capacity related to COVID-19.

## Socially Disadvantaged Farmers, Ranchers, Forest Land Owners and Operators, and Groups

The USDA spends billions of dollars annually to provide crucial support to American agricultural producers. Black farmers and other agricultural producers belonging to racial or ethnic minority groups have received a disproportionately small share of the farm loans and payments administered by USDA as a result of the longstanding and widespread discrimination against these groups. Despite multiple lawsuits, numerous government reports, and the limited programs created by Congress since the 1980s attempting to address the disproportionately low rates of agricultural spending on socially disadvantaged groups, USDA farm loan and payment programs continue to disproportionately benefit farmers who are not racial or ethnic minorities. Consequently, the Committee has agreed to achieve its directed spending target by using a tailored approach to increase spending to address these longstanding inequities.

For this purpose, the Committee provides funds for payment or modification of existing Department of Agriculture Farm Service Agency loans and Commodity Credit Corporation Farm Storage Facility Loans held by socially disadvantaged farmers or ranchers. The Committee also ensures that these payments do not affect the eligibility of farmers or ranchers for future farm loans.

For the same purpose, the Committee provides \$1.01 billion for assistance to socially disadvantaged farmers, ranchers, forest landowners, and groups who have historically faced discrimination on the basis of race or ethnicity by USDA. These funds will support outreach, financial training, cooperative development and capacity building, and other technical assistance to socially disadvantaged groups. These funds will also support the development of agricultural legal centers and agricultural credit institutions to serve socially disadvantaged groups, including other financing institutions funded by the Farm Credit System. These funds will support pilot projects to provide technical and financial assistance to socially disadvantaged groups focused on land acquisition, financial planning, technical assistance, and access to credit. The funds will also support grants and loans to improve land access, including heirs’ property issues, and aid former

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farm loan borrowers that suffered adverse actions or past discrimination or bias. These funds will support the activities of equity commissions. These funds will also support research, education, and extension activities at minority serving institutions, including scholarships, internships, and pathways to Federal employment for students; eligible institutions include 1890 Land-Grant Institutions, 1994 Tribal Land-Grant Colleges and Universities, Alaska Native/Native Hawaiian Serving Institutions, Hispanic-Serving Institutions, and Insular Area Institutions.

## Food Assistance

To ease food and agricultural supply chain disruptions and address increased hunger due to COVID-19, the Committee provides an additional \$800 million in necessary funds to facilitate delivery of U.S. commodities abroad via Title II grants of the Food for Peace Act, most recently reauthorized in the Agriculture Improvement Act of 2018 (P.L. 115-334).

## Domestic Hunger and Nutrition

As stated earlier in this report, the crisis of hunger in this country has been exacerbated by the ongoing pandemic. News story after news story has highlighted the impact of this in communities across the country.

Subtitle B of the Committee Print is intended to reduce this real threat of hunger to American families. The Committee extends for 3 additional months, through September 30, 2021, the requirement that the value of SNAP benefits be calculated using 115 percent of the June 2020 value of the thrifty food plan. This temporary increase to SNAP benefits is necessary because of the significant increase in food insecurity and rise in food prices during the COVID-19 pandemic. The Committee provides additional funds to states to administer the program, as caseloads are expected to remain high through the fiscal year due to the economic indicators. The Committee also provides funds to the Nutrition Assistance Programs for Puerto Rico, American Samoa, and the Commonwealth of the Northern Mariana Islands. In order to achieve greater equity in the distribution of Federal resources to the underserved, minority community in the Commonwealth of the Northern Mariana Islands, the Committee encourages the Secretary of Agriculture to collaborate with leadership of the Northern Mariana Islands to better meet the nutrition and anti-hunger needs of communities across the islands.

The Committee also provides funds to support improvements for online purchases using SNAP, modernize the electronic benefit transfer system, and support mobile payment technologies. And, the Committee provides additional funding for the Commodity Supplemental Food Program to ensure sufficient inventory of food and to provide flexibility for increased caseload of low-income seniors for this critical program.

## Program Administration and Oversight

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The Committee designates \$47.5 million for administration of the programs and policies in Subtitle A of this title.

Over the past 12 months, the United States Department of Agriculture has received an additional \$111 billion to respond to the impacts of COVID-19. Congress and the public have an interest in ensuring that all funds used to implement projects and activities have followed appropriate laws and regulations. The Committee provides \$2.5 million to the USDA Office of the Inspector General for such purposes.



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**SECTION-BY-SECTION DESCRIPTION****SUBTITLE A - AGRICULTURE***Section 1001. Food supply chain and agriculture pandemic response*

Section 1001 provides \$4,000,000,000 to the Secretary of Agriculture, \$3,600,000,000 of which is to support the food supply chain, including purchasing food and agricultural commodities; making grants and loans for small to mid-sized processors, seafood processing facilities, farmers markets, producers and other organizations to respond to COVID-19; providing assistance to maintain and improve food and agricultural supply chain resiliency; and making payments for necessary expenses related to losses of crops (including losses due to derechos) pursuant to the Wildfire Hurricane Indemnity Program Plus.

The section requires the Secretary to use \$300,000,000 of the \$4,000,000,000 made available, to conduct animal surveillance related to COVID-19.

The section requires that Secretary use \$100,000,000 of the \$4,000,000,000 made available, to reduce the amount of overtime inspection costs borne by federally-inspected small and very small meat, poultry, and egg processors.

*Section 1002. Emergency grants for rural health care*

Section 1002 provides \$500,000,000 for the Secretary of Agriculture to award emergency grants for rural health care costs related to COVID-19, including increasing capacity for vaccine distribution, constructing temporary or permanent structures to provide vaccine administration or testing, and supporting staffing needs for vaccine administration or testing. Grants awarded under this section may be used to reimburse for costs incurred prior to the issuance of the grant.

The funds provided to carry out this section shall remain available until September 30, 2023. Not more than three percent of the funds may be used by the Secretary for administrative purposes and not more than two percent may be used by the Secretary for technical assistance.

*Section 1003. Pandemic program administration funds*

Section 1003 provides \$47,500,000 for necessary administrative expenses associated with carrying out this subtitle.

*Section 1004. Funding for the USDA Office of Inspector General for oversight of COVID-19-related programs*

Section 1004 provides \$2,500,000 for the USDA Office of the Inspector General to audit, investigate, and conduct other oversight activities of projects and activities carried out with funds made available to the Department of Agriculture related to the COVID-19 pandemic. These funds remain available until September 30, 2022.

*Section 1005. Farm loan assistance for socially disadvantaged farmers and ranchers*

Section 1005 requires the Secretary of Agriculture to make payments of 120 percent of any outstanding farm loan indebtedness, as of January 1, 2021, to pay off such loan debt for each socially disadvantaged farmer or rancher. A payment under this section shall not affect the

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eligibility of the affected socially disadvantaged farmer or rancher for a farm loan after the date on which the payment under this section is made.

*Section 1006. Assistance and support for socially disadvantaged farmers, ranchers, forest land owners and operators, and groups*

Section 1006 provides \$1,010,000,000 for the Secretary of Agriculture to provide assistance and support for socially disadvantaged farmers, ranchers, and forest land owners and operators, and socially disadvantaged groups, including providing technical assistance, cooperative development training and support, and other activities to support socially disadvantaged groups; providing grants and loans to improve land access for socially disadvantaged farmers, ranchers, or forest land owners or operators, including issues related to heirs' property; supporting the development of agricultural credit institutions that are designed to serve socially disadvantaged groups; to support the activities of one or more equity commissions; to support and supplement research, education, and extension, as well as scholarships and programs that provide internships and pathways to Federal employment, at 1890 institutions, 1994 institutions, Alaska Native, Native Hawaiian, and Hispanic-serving institutions, and insular area institutions of higher education.

*Section 1007. Funding for Food for Peace Title II grants*

Section 1007 provides \$800,000,000 for Food for Peace Title II grants. These funds remain available until September 30, 2022.

**SUBTITLE B – NUTRITION**

*Section 1011. Supplemental nutrition assistance program*

Section 1011 extends from June 30, 2021 to September 30, 2021, the requirement that the value of supplemental nutrition assistance program benefits be calculated using 115 percent of the June 2020 value of the thrifty food plan.

This section also provides \$1,150,000,000 to the Secretary of Agriculture, \$1,135,000,000 of which shall be for the Secretary to make grants for each of fiscal years 2021 through 2023 to each State agency for the costs of State administrative expenses associated with the supplemental nutrition assistance program. The remaining \$15,000,000 is made available to the Secretary of Agriculture for necessary expenses for management and oversight of the supplemental nutrition assistance program.

*Section 1012. Additional assistance for SNAP online purchasing and technology improvements*

Section 1012 provides \$25,000,000 for the Secretary of Agriculture to make technological improvements to online purchasing in the supplemental nutrition assistance program, to modernize electronic benefit transfer technology, to support the use of mobile technologies, and to provide technical assistance to educate retailers on such technologies. These funds remain available until September 30, 2026.

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*Section 1013. Additional funding for nutrition assistance programs*

Section 1013 provides \$1,000,000,000 to remain available until September 30, 2027 for the Secretary of Agriculture to provide grants for nutrition assistance to Puerto Rico, American Samoa, and the Commonwealth of Northern Mariana Islands. \$30,000,000 of the total funding shall be made available to the Commonwealth of Northern Mariana Islands.

*Section 1014. Commodity supplemental food program*

Section 1014 provides \$37,000,000 for the Commodity Supplemental Food Program, to remain available until September 30, 2022.

## TITLE I—COMMITTEE ON AGRICULTURE

**COMMITTEE CONSIDERATION**

The Committee on Agriculture met, pursuant to notice, with a quorum present, on Wednesday, February 10, 2021, to consider the Committee on Agriculture Committee Print pursuant to the budget reconciliation instructions provided in the fiscal year 2021 budget resolution, S. Con. Res. 5.

Chairman David Scott offered an opening statement as did Ranking Member Glenn ‘GT’ Thompson. Without objection the Committee on Agriculture Committee Print was placed before the Committee for consideration and the first reading of the measure was waived. The measure was open for amendment on a section by section basis and subsequently for amendment at any point.

The Committee engaged in discussion of specific sections and of the Committee Print in general. Fourteen amendments were offered, all by the Minority.

Ranking Member Thompson offered an amendment to the Committee Print that would have reduced by half each dollar amount specified in any section of the measure, excluding sections 1005 and 1006. The amendment would have provided payments through the Renewable Fuel Reimbursement Program and would have provided funding for certain broadband programs, rural utility bridge loans, and rural hospitals and other community facilities. Mr. Thompson called for a recorded vote and it failed by a vote of 23 yeas to 24 nays.

Mr. Feenstra offered an amendment to section 1001 of the Committee Print that would provide payments for necessary expenses related to crop losses, including losses due to high winds or derechos, pursuant to the Wildfire Hurricane Indemnity Program Plus. Mr. Feenstra called for a recorded vote and the amendment was adopted by a vote of 24 yeas to 23 nays.

Mr. Feenstra offered an amendment to section 1001 of the Committee Print that would have prioritized small and medium-sized processors and distributors, where available, for purchases and distribution of agricultural commodities under section 1001(b)(2). Mr. Thompson called for recorded vote and it failed by a vote of 23 yeas to 24 nays.

Mr. Davis offered an amendment to section 1001 of the Committee Print that would have provided payments to biofuels producers for unexpected market losses due to COVID-19. Mr. Thompson called for a recorded vote and it failed by a vote of 23 yeas to 25 nays.

Mr. LaMalfa offered an amendment to section 1001 of the Committee Print that would have reduced funding for COVID-19 animal surveillance by \$200 million and increased funding for grants and loans for measures to protect workers against COVID-19 by \$200 million. Mr. LaMalfa withdrew his amendment.

Mr. Johnson offered an amendment to section 1001 of the Committee Print that would have allowed funds for COVID-19 animal monitoring and surveillance to be used to conduct animal research and vaccination. Mr. Johnson withdrew his amendment.

Mr. Hagedorn offered an amendment to the Committee Print that would have prevented any funds provided under this measure from being allocated until 80 percent of the funds made available under the Coronavirus Aid, Relief, and Economic Security Act and the Consolidated Appropriations Act, 2021 have been obligated. Mr. Hagedorn called for a recorded vote and it failed by a vote of 23 yeas to 25 nays.

Mr. Feenstra offered an amendment to section 1005 of the Committee Print that would have reduced farm loan assistance to socially disadvantaged farmers and ranchers to 100 percent of the outstanding farm loan indebtedness of each such farmer or rancher. Mr. Thompson called for recorded vote and it failed by a vote of 23 yeas to 24 nays.

Mrs. Hartzler offered an amendment to section 1005 of the Committee Print that would

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have limited farm loan assistance to socially disadvantaged farmers and ranchers to farm loan debt incurred as a direct result of the COVID-19 pandemic. Mr. Thompson called for a recorded vote and it failed by a vote of 23 yeas to 25 nays.

Mr. Davis offered an amendment to section 1006 of the Committee Print that would have expanded section 1006(b)(6) of the measure to include any entities eligible to receive funds under a capacity and infrastructure program under the Department of Agriculture Reorganization Act of 1994. Mr. Davis withdrew his amendment.

Mrs. Cammack offered an amendment to section 1011 of the Committee Print that would have eliminated the 3-month extension of the temporary increase in Supplemental Nutrition Assistance Program benefits and provided \$3 billion for employment and training programs. Mr. Thompson called for a recorded vote and it failed by a vote of 23 yeas to 25 nays.

Mr. Bacon offered an amendment to the Committee Print that would have provided a \$380 million increase in agricultural research and cooperative extension and education programs. Mr. Thompson called for a recorded vote and it failed by a vote of 23 yeas to 25 nays.

Mr. Feenstra offered an amendment to the Committee Print that would have rescinded the unobligated balance of each amount made available without fiscal year limitation by the Act, as of September 22, 2022. Mr. Thompson called for recorded vote and it failed by a vote of 23 yeas to 25 nays.

Mr. Baird offered an amendment to the Committee Print that would withhold all funds made available under this measure until the Secretary of Agriculture reinstated the processing of payments under the program under part 9 of title 7, Code of Federal Regulations. Mr. Thompson called for a recorded vote and it failed by a vote of 22 yeas to 25 nays.

Hearing no further debate or amendments, Vice Chair Alma Adams moved that the Committee transmit the Committee Print, with amendment, to the Committee on the Budget. Ranking Member Thompson called for a recorded vote and it passed by a vote of 25 yeas to 23 nays.

Ranking Member Thompson reserved the right for Minority views to be included with the Committee Report.

Chairman David Scott advised Members that, consistent with Committee and House rules, Members would have until the end of the day on Sunday, February 14, 2021 to file such views with the Committee. Without objection, staff were given the authority to make any necessary clerical, technical, or conforming changes to the Committee Report reflect the intent of the Committee. Chairman David Scott thanked the Members and the Committee meeting was adjourned.

## TITLE I—COMMITTEE ON AGRICULTURE

**TRANSMITTING THE MEASURE**

On a motion by Vice Chair Adams, the Committee voted to transmit the Agriculture and Nutrition title Committee Print, with amendment, to the Committee on the Budget, by a vote of 25 yeas to 23 nays.

**ROLL CALL VOTES**

In compliance with clause 3(b) of rule XIII of the House of Representatives, the Committee sets forth the record of the following roll call votes taken with respect to the Agriculture and Nutrition title Committee Print.

*Rollcall No. 1*

Summary: An amendment that would have reduced by half each dollar amount specified in any section of the measure, excluding sections 1005 and 1006. The amendment would have provided payments through the Renewable Fuel Reimbursement Program and would have provided funding for certain broadband programs, rural utility bridge loans, and rural hospitals and other community facilities.

Offered by: Mr. Thompson  
Result: Failed  
23 yeas, 24 nays, 1 not voting

**YEAS**

1. Mr. Thompson	7. Mr. Davis	13. Mr. Baird	19. Mr. Feenstra
2. Mr. Austin Scott	8. Mr. Allen	14. Mr. Hagedorn	20. Mrs. Miller
3. Mr. Crawford	9. Mr. Rouzer	15. Mr. Jacobs	21. Mr. Moore
4. Mr. DesJarlais	10. Mr. Kelly	16. Mr. Balderson	22. Mrs. Cammack
5. Mrs. Hartzler	11. Mr. Bacon	17. Mr. Cloud	23. Mrs. Fischbach
6. Mr. LaMalfa	12. Mr. Johnson	18. Mr. Mann	

**NAYS**

1. Mr. David Scott	7. Mrs. Hayes	13. Mrs. Bustos	19. Mr. Correa
2. Mr. Costa	8. Mr. Delgado	14. Mr. Maloney	20. Ms. Craig
3. Mr. McGovern	9. Mr. Rush	15. Mr. O'Halleran	21. Mr. Harder
4. Mr. Vela	10. Ms. Pingree	16. Mr. Carbajal	22. Mrs. Axne
5. Ms. Adams	11. Mr. Sablan	17. Mr. Khanna	23. Ms. Schrier
6. Ms. Spanberger	12. Ms. Kuster	18. Mr. Lawson	24. Mr. Panetta

**NOT VOTING**

1. Ms. Plaskett

## TITLE I—COMMITTEE ON AGRICULTURE

*Rollcall No. 2*

Summary: An amendment to section 1001 that would provide payments for necessary expenses related to crop losses, including losses due to high winds or derechos, pursuant to the Wildfire Hurricane Indemnity Program Plus.

Offered by: Mr. Feenstra  
Result: Passed  
24 yeas, 23 nays, 1 not voting

## YEAS

1. Mr. Thompson	7. Mr. Davis	13. Mr. Baird	19. Mr. Feenstra
2. Mr. Austin Scott	8. Mr. Allen	14. Mr. Hagedorn	20. Mrs. Miller
3. Mr. Crawford	9. Mr. Rouzer	15. Mr. Jacobs	21. Mr. Moore
4. Mr. DesJarlais	10. Mr. Kelly	16. Mr. Balderson	22. Mrs. Cammack
5. Mrs. Hartzler	11. Mr. Bacon	17. Mr. Cloud	23. Mrs. Fischbach
6. Mr. LaMalfa	12. Mr. Johnson	18. Mr. Mann	24. Mrs. Axne

## NAYS

1. Mr. David Scott	7. Mrs. Hayes	13. Mrs. Bustos	19. Mr. Correa
2. Mr. Costa	8. Mr. Delgado	14. Mr. Maloney	20. Ms. Craig
3. Mr. McGovern	9. Mr. Rush	15. Mr. O'Halleran	21. Mr. Harder
4. Mr. Vela	10. Ms. Pingree	16. Mr. Carbajal	22. Ms. Schrier
5. Ms. Adams	11. Mr. Sablan	17. Mr. Khanna	23. Mr. Panetta
6. Ms. Spanberger	12. Ms. Kuster	18. Mr. Lawson	

## NOT VOTING

1. Ms. Plaskett

*Rollcall No. 3*

Summary: An amendment to section 1001 that would have prioritized small and medium-sized processors and distributors, where available, for purchases and distribution of agricultural commodities under section 1001(b)(2).

Offered by: Mr. Feenstra.  
Result: Failed  
23 yeas, 24 nays, 1 not voting

## YEAS

1. Mr. Thompson	7. Mr. Davis	13. Mr. Baird	19. Mr. Feenstra
2. Mr. Austin Scott	8. Mr. Allen	14. Mr. Hagedorn	20. Mrs. Miller
3. Mr. Crawford	9. Mr. Rouzer	15. Mr. Jacobs	21. Mr. Moore
4. Mr. DesJarlais	10. Mr. Kelly	16. Mr. Balderson	22. Mrs. Cammack
5. Mrs. Hartzler	11. Mr. Bacon	17. Mr. Cloud	23. Mrs. Fischbach

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6. Mr. LaMalfa                      12. Mr. Johnson                      18. Mr. Mann

## NAYS

1. Mr. David Scott	7. Mrs. Hayes	13. Mrs. Bustos	19. Mr. Correa
2. Mr. Costa	8. Mr. Delgado	14. Mr. Maloney	20. Ms. Craig
3. Mr. McGovern	9. Mr. Rush	15. Mr. O'Halleran	21. Mr. Harder
4. Mr. Vela	10. Ms. Pingree	16. Mr. Carbajal	22. Mrs. Axne
5. Ms. Adams	11. Mr. Sablan	17. Mr. Khanna	23. Ms. Schrier
6. Ms. Spanberger	12. Ms. Kuster	18. Mr. Lawson	24. Mr. Panetta

## NOT VOTING

1. Ms. Plaskett

*Rollcall No. 6*

Summary: An amendment to section 1001 that would have provided payments to biofuels producers for unexpected market losses due to COVID-19.

Offered by: Mr. Davis

Result: Failed

23 yeas, 25 nays

## YEAS

1. Mr. Thompson	7. Mr. Davis	13. Mr. Baird	19. Mr. Feenstra
2. Mr. Austin Scott	8. Mr. Allen	14. Mr. Hagedorn	20. Mrs. Miller
3. Mr. Crawford	9. Mr. Rouzer	15. Mr. Jacobs	21. Mr. Moore
4. Mr. DesJarlais	10. Mr. Kelly	16. Mr. Balderson	22. Mrs. Cammack
5. Mrs. Hartzler	11. Mr. Bacon	17. Mr. Cloud	23. Mrs. Fischbach
6. Mr. LaMalfa	12. Mr. Johnson	18. Mr. Mann	

## NAYS

1. Mr. David Scott	8. Mr. Delgado	15. Ms. Plaskett	22. Mr. Harder
2. Mr. Costa	9. Mr. Rush	16. Mr. O'Halleran	23. Mrs. Axne
3. Mr. McGovern	10. Ms. Pingree	17. Mr. Carbajal	24. Ms. Schrier
4. Mr. Vela	11. Mr. Sablan	18. Mr. Khanna	25. Mr. Panetta
5. Ms. Adams	12. Ms. Kuster	19. Mr. Lawson	
6. Ms. Spanberger	13. Mrs. Bustos	20. Mr. Correa	
7. Mrs. Hayes	14. Mr. Maloney	21. Ms. Craig	



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*Rollcall No. 7*

Summary: An amendment to the measure that would have prevented any funds provided under this measure from being allocated until 80 percent of the funds made available under the Coronavirus Aid, Relief, and Economic Security Act and the Consolidated Appropriations Act, 2021 have been obligated.

Offered by: Mr. Hagedorn

Result: Failed

23 yeas, 25 nays

## YEAS

1. Mr. Thompson	7. Mr. Davis	13. Mr. Baird	19. Mr. Feenstra
2. Mr. Austin Scott	8. Mr. Allen	14. Mr. Hagedorn	20. Mrs. Miller
3. Mr. Crawford	9. Mr. Rouzer	15. Mr. Jacobs	21. Mr. Moore
4. Mr. DesJarlais	10. Mr. Kelly	16. Mr. Balderson	22. Mrs. Cammack
5. Mrs. Hartzler	11. Mr. Bacon	17. Mr. Cloud	23. Mrs. Fischbach
6. Mr. LaMalfa	12. Mr. Johnson	18. Mr. Mann	

## NAYS

1. Mr. David Scott	8. Mr. Delgado	15. Ms. Plaskett	22. Mr. Harder
2. Mr. Costa	9. Mr. Rush	16. Mr. O'Halleran	23. Mrs. Axne
3. Mr. McGovern	10. Ms. Pingree	17. Mr. Carbajal	24. Ms. Schrier
4. Mr. Vela	11. Mr. Sablan	18. Mr. Khanna	25. Mr. Panetta
5. Ms. Adams	12. Ms. Kuster	19. Mr. Lawson	
6. Ms. Spanberger	13. Mrs. Bustos	20. Mr. Correa	
7. Mrs. Hayes	14. Mr. Maloney	21. Ms. Craig	

*Rollcall No. 8*

Summary: An amendment to section 1005 that would have reduced farm loan assistance to socially disadvantaged farmers and ranchers to 100 percent of the outstanding farm loan indebtedness of each such farmer or rancher.

Offered by: Mr. Feenstra

Result: Failed

23 yeas, 24 nays, 1 not voting

## YEAS

1. Mr. Thompson	7. Mr. Davis	13. Mr. Baird	19. Mr. Feenstra
2. Mr. Austin Scott	8. Mr. Allen	14. Mr. Hagedorn	20. Mrs. Miller
3. Mr. Crawford	9. Mr. Rouzer	15. Mr. Jacobs	21. Mr. Moore
4. Mr. DesJarlais	10. Mr. Kelly	16. Mr. Balderson	22. Mrs. Cammack
5. Mrs. Hartzler	11. Mr. Bacon	17. Mr. Cloud	23. Mrs. Fischbach
6. Mr. LaMalfa	12. Mr. Johnson	18. Mr. Mann	

## TITLE I—COMMITTEE ON AGRICULTURE

## NAYS

1. Mr. David Scott	8. Mr. Delgado	15. Ms. Plaskett	22. Mrs. Axne
2. Mr. Costa	9. Mr. Rush	16. Mr. O'Halleran	23. Ms. Schrier
3. Mr. McGovern	10. Ms. Pingree	17. Mr. Carbajal	24. Mr. Panetta
4. Mr. Vela	11. Mr. Sablan	18. Mr. Lawson	
5. Ms. Adams	12. Ms. Kuster	19. Mr. Correa	
6. Ms. Spanberger	13. Mrs. Bustos	20. Ms. Craig	
7. Mrs. Hayes	14. Mr. Maloney	21. Mr. Harder	

## NOT VOTING

1. Mr. Khanna

*Rollcall No. 9*

Summary: An amendment to section 1005 that would have limited farm loan assistance to socially disadvantaged farmers and ranchers to farm loan debt incurred as a direct result of the COVID-19 pandemic.

Offered by: Mrs. Hartzler

Result: Failed

23 yeas, 25 nays

## YEAS

1. Mr. Thompson	7. Mr. Davis	13. Mr. Baird	19. Mr. Feenstra
2. Mr. Austin Scott	8. Mr. Allen	14. Mr. Hagedorn	20. Mrs. Miller
3. Mr. Crawford	9. Mr. Rouzer	15. Mr. Jacobs	21. Mr. Moore
4. Mr. DesJarlais	10. Mr. Kelly	16. Mr. Balderson	22. Mrs. Cammack
5. Mrs. Hartzler	11. Mr. Bacon	17. Mr. Cloud	23. Mrs. Fischbach
6. Mr. LaMalfa	12. Mr. Johnson	18. Mr. Mann	

## NAYS

1. Mr. David Scott	8. Mr. Delgado	15. Ms. Plaskett	22. Mr. Harder
2. Mr. Costa	9. Mr. Rush	16. Mr. O'Halleran	23. Mrs. Axne
3. Mr. McGovern	10. Ms. Pingree	17. Mr. Carbajal	24. Ms. Schrier
4. Mr. Vela	11. Mr. Sablan	18. Mr. Khanna	25. Mr. Panetta
5. Ms. Adams	12. Ms. Kuster	19. Mr. Lawson	
6. Ms. Spanberger	13. Mrs. Bustos	20. Mr. Correa	
7. Mrs. Hayes	14. Mr. Maloney	21. Ms. Craig	

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*Rollcall No. 10*

Summary: An amendment to section 1011 that would have eliminated the 3-month extension of the temporary increase in Supplemental Nutrition Assistance Program benefits and provided \$3 billion for employment and training programs.

Offered by: Mrs. Cammack  
Result: Failed  
23 yeas, 25 nays

## YEAS

1. Mr. Thompson	7. Mr. Davis	13. Mr. Baird	19. Mr. Feenstra
2. Mr. Austin Scott	8. Mr. Allen	14. Mr. Hagedorn	20. Mrs. Miller
3. Mr. Crawford	9. Mr. Rouzer	15. Mr. Jacobs	21. Mr. Moore
4. Mr. DesJarlais	10. Mr. Kelly	16. Mr. Balderson	22. Mrs. Cammack
5. Mrs. Hartzler	11. Mr. Bacon	17. Mr. Cloud	23. Mrs. Fischbach
6. Mr. LaMalfa	12. Mr. Johnson	18. Mr. Mann	

## NAYS

1. Mr. David Scott	8. Mr. Delgado	15. Ms. Plaskett	22. Mr. Harder
2. Mr. Costa	9. Mr. Rush	16. Mr. O'Halleran	23. Mrs. Axne
3. Mr. McGovern	10. Ms. Pingree	17. Mr. Carbajal	24. Ms. Schrier
4. Mr. Vela	11. Mr. Sablan	18. Mr. Khanna	25. Mr. Panetta
5. Ms. Adams	12. Ms. Kuster	19. Mr. Lawson	
6. Ms. Spanberger	13. Mrs. Bustos	20. Mr. Correa	
7. Mrs. Hayes	14. Mr. Maloney	21. Ms. Craig	

*Rollcall No. 11*

Summary: An amendment to the measure that would have provided a \$380 million increase in agricultural research and cooperative extension and education programs.

Offered by: Mr. Bacon  
Result: Failed  
23 yeas, 25 nays

## YEAS

1. Mr. Thompson	7. Mr. Davis	13. Mr. Baird	19. Mr. Feenstra
2. Mr. Austin Scott	8. Mr. Allen	14. Mr. Hagedorn	20. Mrs. Miller
3. Mr. Crawford	9. Mr. Rouzer	15. Mr. Jacobs	21. Mr. Moore
4. Mr. DesJarlais	10. Mr. Kelly	16. Mr. Balderson	22. Mrs. Cammack
5. Mrs. Hartzler	11. Mr. Bacon	17. Mr. Cloud	23. Mrs. Fischbach
6. Mr. LaMalfa	12. Mr. Johnson	18. Mr. Mann	

## TITLE I—COMMITTEE ON AGRICULTURE

## NAYS

1. Mr. David Scott	8. Mr. Delgado	15. Ms. Plaskett	22. Mr. Harder
2. Mr. Costa	9. Mr. Rush	16. Mr. O'Halleran	23. Mrs. Axne
3. Mr. McGovern	10. Ms. Pingree	17. Mr. Carbajal	24. Ms. Schrier
4. Mr. Vela	11. Mr. Sablan	18. Mr. Khanna	25. Mr. Panetta
5. Ms. Adams	12. Ms. Kuster	19. Mr. Lawson	
6. Ms. Spanberger	13. Mrs. Bustos	20. Mr. Correa	
7. Mrs. Hayes	14. Mr. Maloney	21. Ms. Craig	

*Rollcall No. 12*

Summary: An amendment to the measure that would have rescinded the unobligated balance of each amount made available without fiscal year limitation by the Act, as of September 22, 2022.

Offered by: Mr. Feenstra  
 Result: Failed  
 23 yeas, 25 nays

## YEAS

1. Mr. Thompson	7. Mr. Davis	13. Mr. Baird	19. Mr. Feenstra
2. Mr. Austin Scott	8. Mr. Allen	14. Mr. Hagedorn	20. Mrs. Miller
3. Mr. Crawford	9. Mr. Rouzer	15. Mr. Jacobs	21. Mr. Moore
4. Mr. DesJarlais	10. Mr. Kelly	16. Mr. Balderson	22. Mrs. Cammack
5. Mrs. Hartzler	11. Mr. Bacon	17. Mr. Cloud	23. Mrs. Fischbach
6. Mr. LaMalfa	12. Mr. Johnson	18. Mr. Mann	

## NAYS

1. Mr. David Scott	8. Mr. Delgado	15. Ms. Plaskett	22. Mr. Harder
2. Mr. Costa	9. Mr. Rush	16. Mr. O'Halleran	23. Mrs. Axne
3. Mr. McGovern	10. Ms. Pingree	17. Mr. Carbajal	24. Ms. Schrier
4. Mr. Vela	11. Mr. Sablan	18. Mr. Khanna	25. Mr. Panetta
5. Ms. Adams	12. Ms. Kuster	19. Mr. Lawson	
6. Ms. Spanberger	13. Mrs. Bustos	20. Mr. Correa	
7. Mrs. Hayes	14. Mr. Maloney	21. Ms. Craig	

## TITLE I—COMMITTEE ON AGRICULTURE

*Rollcall No. 13*

Summary: An amendment to the measure that would withhold all funds made available under this measure until the Secretary of Agriculture reinstated the processing of payments under the program under part 9 of title 7, Code of Federal Regulations.

Offered by: Mr. Baird

Result: Failed

22 yeas, 25 nays, 1 not voting

## YEAS

1. Mr. Thompson	7. Mr. Davis	13. Mr. Baird	19. Mrs. Miller
2. Mr. Austin Scott	8. Mr. Allen	14. Mr. Jacobs	20. Mr. Moore
3. Mr. Crawford	9. Mr. Rouzer	15. Mr. Balderson	21. Mrs. Cammack
4. Mr. DesJarlais	10. Mr. Kelly	16. Mr. Cloud	22. Mrs. Fischbach
5. Mrs. Hartzler	11. Mr. Bacon	17. Mr. Mann	
6. Mr. LaMalfa	12. Mr. Johnson	18. Mr. Feenstra	

## NAYS

1. Mr. David Scott	8. Mr. Delgado	15. Ms. Plaskett	22. Mr. Harder
2. Mr. Costa	9. Mr. Rush	16. Mr. O'Halleran	23. Mrs. Axne
3. Mr. McGovern	10. Ms. Pingree	17. Mr. Carbajal	24. Ms. Schrier
4. Mr. Vela	11. Mr. Sablan	18. Mr. Khanna	25. Mr. Panetta
5. Ms. Adams	12. Ms. Kuster	19. Mr. Lawson	
6. Ms. Spanberger	13. Mrs. Bustos	20. Mr. Correa	
7. Mrs. Hayes	14. Mr. Maloney	21. Ms. Craig	

## NOT VOTING

1. Mr. Hagedorn

*Rollcall No. 13*

Summary: Motion to transmit the measure, as amended, to the Committee on the Budget.

Offered by: Vice Chair Adams

Result: Passed

## YEAS

1. Mr. David Scott	8. Mr. Delgado	15. Ms. Plaskett	22. Mr. Harder
2. Mr. Costa	9. Mr. Rush	16. Mr. O'Halleran	23. Mrs. Axne
3. Mr. McGovern	10. Ms. Pingree	17. Mr. Carbajal	24. Ms. Schrier
4. Mr. Vela	11. Mr. Sablan	18. Mr. Khanna	25. Mr. Panetta
5. Ms. Adams	12. Ms. Kuster	19. Mr. Lawson	
6. Ms. Spanberger	13. Mrs. Bustos	20. Mr. Correa	
7. Mrs. Hayes	14. Mr. Maloney	21. Ms. Craig	

TITLE I—COMMITTEE ON AGRICULTURE

NAYS

- |                    |                 |                   |                    |
|--------------------|-----------------|-------------------|--------------------|
| 1. Mr. Thompson    | 7. Mr. Davis    | 13. Mr. Baird     | 19. Mr. Feenstra   |
| 2. Mr Austin Scott | 8. Mr. Allen    | 14. Mr. Hagedorn  | 20. Mrs. Miller    |
| 3. Mr. Crawford    | 9. Mr. Rouzer   | 15. Mr. Jacobs    | 21. Mr. Moore      |
| 4. Mr. DesJarlais  | 10. Mr. Kelly   | 16. Mr. Balderson | 22. Mrs. Cammack   |
| 5. Mrs. Hartzler   | 11. Mr. Bacon   | 17. Mr. Cloud     | 23. Mrs. Fischbach |
| 6. Mr. LaMalfa     | 12. Mr. Johnson | 18. Mr. Mann      |                    |

## TITLE I—COMMITTEE ON AGRICULTURE

**BUDGET ACT COMPLIANCE (SECTIONS 308, 402, AND 423)**

The provisions of clause 3(c)(2) of rule XIII of the House of Representatives and section 308(a)(1) of the Congressional Budget Act of 1974 (relating to estimates of new budget authority, new spending authority, new credit authority, or increased or decreased revenues or tax expenditures) are not considered applicable. The estimate and comparison required to be prepared by the Director of the Congressional Budget Office under clause 3(c)(3) of rule XIII of the House of Representatives and sections 402 and 423 of the Congressional Budget Act of 1974 submitted to the Committee prior to the filing of the report are as follows (on the subsequent pages):

<b>At a Glance</b>			
<b>Reconciliation Recommendations of the House Committee on Agriculture</b>			
<b>As ordered reported on February 10, 2021</b>			
By Fiscal Year, Millions of Dollars	2021	2021-2030	2021-2031
Direct Spending (Outlays)	<b>13,018</b>	<b>16,072</b>	<b>16,072</b>
Revenues	<b>0</b>	<b>0</b>	<b>0</b>
Increase or Decrease (-) in the Deficit	<b>13,018</b>	<b>16,072</b>	<b>16,072</b>
Statutory pay-as-you-go procedures apply?	<b>Yes</b>	<b>Mandate Effects</b>	
Increases on-budget deficits in any year after 2030?	<b>No</b>	Contains intergovernmental mandate?	<b>No</b>
		Contains private-sector mandate?	<b>No</b>
CBO has not reviewed the legislation for effects on spending subject to appropriation.			
<b>The bill would</b>			
<ul style="list-style-type: none"> <li>• Appropriate funds to address the effects of COVID-19, the disease caused by coronavirus, on the food supply chain, including the purchase and distribution of agricultural commodities to people in need</li> <li>• Appropriate funds to aid in vaccine administration and expand health care capacity in rural areas</li> <li>• Provide debt relief to socially disadvantaged farmers and ranchers</li> <li>• Fund new programs to increase the participation of socially disadvantaged groups in agriculture</li> <li>• Extend the period for increased benefits under the Supplemental Nutrition Assistance Program (SNAP)</li> <li>• Provide funds for SNAP and other nutrition programs</li> </ul>			
<b>Estimated budgetary effects would mainly stem from</b>			
<ul style="list-style-type: none"> <li>• Debt relief for socially disadvantaged farmers and ranchers</li> <li>• Purchase and distribution of agricultural commodities</li> <li>• Support for the food supply chain</li> <li>• New programs to support socially disadvantaged groups in agriculture</li> <li>• Extended higher funding for SNAP</li> <li>• Increased spending from additional funding provided for nutrition programs</li> </ul>			
<b>Areas of uncertainty include</b>			
<ul style="list-style-type: none"> <li>• Estimating the cost of debt relief for socially disadvantaged farmers and ranchers</li> <li>• Estimating the cost of extending the period for increased SNAP benefits</li> </ul>			
<b>Detailed estimate begins on the next page.</b>			

See also CBO's *Cost Estimates Explained*, [www.cbo.gov/publication/54437](http://www.cbo.gov/publication/54437);  
*How CBO Prepares Cost Estimates*, [www.cbo.gov/publication/53519](http://www.cbo.gov/publication/53519); and *Glossary*, [www.cbo.gov/publication/42904](http://www.cbo.gov/publication/42904).<sup>41</sup>



### Bill Summary

S. Con. Res. 5, the Concurrent Resolution on the Budget for Fiscal Year 2021, instructed several committees of the House of Representatives to recommend legislative changes that would increase deficits up to a specified amount over the 2021-2030 period. As part of this reconciliation process, the House Committee on Agriculture approved legislation on February 10, 2021, with a number of provisions that would increase deficits.

Subtitle A would appropriate an estimated \$10.4 billion for measures intended to strengthen the food supply chain, purchase and distribute agricultural commodities, increase health care capacity in lower-income rural areas and other efforts to address the pandemic. Also included are provisions that would provide debt relief for socially disadvantaged farmers and ranchers and establish new programs to support socially disadvantaged groups in agriculture.

Subtitle B would extend increased SNAP benefits through September 30, 2021, and provides administrative and technology support for SNAP, as well as increased funding to other nutrition programs.

### Estimated Federal Cost

The estimated budgetary effects of the Reconciliation Recommendations of the House Committee on Agriculture are shown in Table 1. The costs of the legislation fall within budget functions 150 (international affairs), 350 (agriculture), 450 (community and regional development), 550 (health), and 600 (income security).

### Basis of Estimate

For this estimate, CBO assumes that the Reconciliation Recommendations of the House Committee on Agriculture will be enacted by the end of March 2021. CBO estimates that enacting the legislation would increase direct spending by \$16.1 billion over the 2021-2030 period.

As required by the Federal Credit Reform Act of 1990 (FCRA), CBO estimates most costs of USDA loan programs on a net-present-value basis. A present value is a single number that expresses a flow of current and future payments in terms of an equivalent lump sum received or paid at a specific time. Under credit reform, the present value of all loan-related cash flows is calculated by discounting those expected cash flows to the year of disbursement, using the rates for comparable maturities on Treasury securities. (For example, the cash flow for a one-year loan is discounted using the rate for a one-year, zero-coupon Treasury note.) As required by FCRA, changes to the estimated costs of outstanding direct loans are shown in the year of enactment. CBO's estimated cost of \$4 billion to pay off certain USDA loans represents the net-present-value of the change in cash flows resulting from the loan



forgiveness. That \$4 billion comprises the cost of the loan forgiveness and an additional cash payment to those borrowers equal to 20 percent of their outstanding indebtedness, as directed in the legislation.

### **Direct Spending**

Subtitle A of the legislation would provide funds to USDA and other agencies to respond to the pandemic by appropriating:

- \$3.7 billion to purchase and distribute agricultural products to persons in need; to provide loans and grants for small- and mid-sized food processors and distributors, including seafood processors, farmers markets, producers, or other organizations to improve supply chain resiliency; to reduce fees charged to small and very small meat, poultry, and egg processing facilities for overtime inspection costs; and to compensate producers for losses in crop year 2020 due to natural disasters, including high winds or derechos;
- \$300 million for monitoring animals like mink and domesticated cats that are susceptible to the viral strain that causes COVID-19 in humans;
- \$500 million to make grants to hospitals and clinics located in rural communities to provide testing and vaccination services related to COVID-19, increase health care capacity, and engage in other efforts critical to addressing the pandemic;
- \$50 million for USDA administrative expenses and oversight of COVID-19-related programs;
- An estimated \$4 billion to pay off farm ownership, operating, emergency, and farm storage facility loans for farmers and ranchers who are members of socially disadvantaged groups, and to provide, as directed by the legislation, an additional cash payment equal to 20 percent of the outstanding indebtedness of those producers;
- \$1.01 billion to develop programs that provide assistance to socially disadvantaged farmers, ranchers, forest land owners and operators, and to provide additional funding for institutions of higher education dedicated to supporting socially disadvantaged groups; and
- \$800 million in additional funding for donations of U.S. food assistance to meet emergency and nonemergency food needs around the world, including support for food security goals.

In total, enacting those provisions would cost \$10.3 billion over the 2021-2030 period, CBO estimates.

The Consolidated Appropriations Act, 2021, increased SNAP benefits through June 2021. Subtitle B would extend the period for those increased SNAP benefits through September 30, 2021, at an estimated cost of \$3.54 billion. It also would provide:



- \$1.15 billion for SNAP state administrative expenses;
- \$25 million for SNAP online purchasing and technology improvements;
- \$1 billion for nutrition assistance programs in the Commonwealth of the Northern Mariana Islands, Puerto Rico, and American Samoa; and
- \$37 million for the Commodity Supplemental Food Program.

In total, enacting those provisions would cost \$5.8 billion over the 2021-2030 period, CBO estimates.

#### **Uncertainty**

Uncertainty in the estimate of the cost of debt relief for socially disadvantaged farmers and ranchers arises from incomplete data on the actual indebtedness of those producers. If the number of affected producers and the net-present-value of future interest on the loans is higher or lower than our estimate, then the cost of loan forgiveness and the additional payment would increase or decrease accordingly.

Additionally, the cost of extending increased SNAP benefits depends on the level of participation in that program and the average benefits for participants. Uncertainty in the estimate arises around both of those factors. For example, if SNAP participation is higher or lower than CBO forecasts, costs for extending increased benefits would be higher or lower.

#### **Pay-As-You-Go Considerations:**

The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays that are subject to those pay-as-you-go procedures are shown in Table 1.

**Increases On-Budget Deficits in any Year after 2030:** None.

**Mandates:** None.

**Estimate Prepared By**

## Federal Costs:

Tiffany Arthur for agriculture  
Susan Yeh Beyer for nutrition programs  
Jennifer Gray for SNAP and nutrition programs  
Etaf Khan for international development  
Erik O'Donoghue for agriculture  
Jon Sperl for rural development  
Ellen Werble for food safety

Mandates: Lilia Ledezma

**Estimate Reviewed By**

Sheila Dacey  
Chief, Income Security and Education Cost Estimates Unit

Susan Willie  
Chief, Natural and Physical Resources Cost Estimates Unit

H. Samuel Papenfuss  
Deputy Director of Budget Analysis

Theresa Gullo  
Director of Budget Analysis



**Table 1.**  
**Estimated Budgetary Effects of Reconciliation Recommendations of the House Committee on Agriculture**

	By Fiscal Year, Millions of Dollars											2021-2030	2021-2031		
	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031				
<b>Increases in Direct Spending</b>															
<b>Sec. 1001 - Food Supply Chain and Agriculture Pandemic Response</b>															
Budget Authority	4,000	0	0	0	0	0	0	0	0	0	0	0	0	4,000	4,000
Estimated Outlays	3,774	108	55	42	3	3	3	4	4	4	4	0	0	4,000	4,000
<b>Sec. 1002 - Emergency Grants for Rural Healthcare</b>															
Budget Authority	500	0	0	0	0	0	0	0	0	0	0	0	0	500	500
Estimated Outlays	200	150	100	50	0	0	0	0	0	0	0	0	0	500	500
<b>Sec. 1003 - Pandemic Program Administration Funds</b>															
Budget Authority	47	0	0	0	0	0	0	0	0	0	0	0	0	47	47
Estimated Outlays	41	4	1	*	*	*	*	*	*	*	*	0	0	47	47
<b>Sec. 1004 - Office of the Inspector General</b>															
Budget Authority	3	0	0	0	0	0	0	0	0	0	0	0	0	3	3
Estimated Outlays	1	2	0	0	0	0	0	0	0	0	0	0	0	3	3
<b>Sec. 1005 - Farm Loan Assistance for Socially Disadvantaged Farmers and Ranchers</b>															
Estimated Budget Authority	4,000	0	0	0	0	0	0	0	0	0	0	0	0	4,000	4,000
Estimated Outlays	4,000	0	0	0	0	0	0	0	0	0	0	0	0	4,000	4,000
<b>Sec. 1006 - Assistance and Support for Socially Disadvantaged Farmers, Ranchers, Forest Land Owners and Operators, and Groups</b>															
Budget Authority	1,010	0	0	0	0	0	0	0	0	0	0	0	0	1,010	1,010
Estimated Outlays	475	296	64	25	25	25	25	25	25	25	25	0	0	1,010	1,010
<b>Sec. 1007 - Food for Peace Title II Grants</b>															
Budget Authority	800	0	0	0	0	0	0	0	0	0	0	0	0	800	800
Estimated Outlays	128	440	120	48	16	8	0	0	0	0	0	0	0	760	760
<b>Sec. 1011 - SNAP Value of Benefits</b>															
Estimated Budget Authority	3,540	0	0	0	0	0	0	0	0	0	0	0	0	3,540	3,540
Estimated Outlays	3,540	0	0	0	0	0	0	0	0	0	0	0	0	3,540	3,540
<b>SNAP Administrative Expenses</b>															
Budget Authority	1,150	0	0	0	0	0	0	0	0	0	0	0	0	1,150	1,150
Estimated Outlays	345	460	345	0	0	0	0	0	0	0	0	0	0	1,150	1,150
<b>Sec. 1012 - Additional Assistance for SNAP Online Purchasing and Technology Improvements</b>															
Budget Authority	25	0	0	0	0	0	0	0	0	0	0	0	0	25	25
Estimated Outlays	3	11	11	0	0	0	0	0	0	0	0	0	0	25	25
<b>Sec. 1013 - Additional Funding for Nutrition Assistance Programs</b>															
Budget Authority	1,000	0	0	0	0	0	0	0	0	0	0	0	0	1,000	1,000
Estimated Outlays	500	500	0	0	0	0	0	0	0	0	0	0	0	1,000	1,000
<b>Sec. 1014 - Commodity Supplemental Food Program</b>															
Budget Authority	37	0	0	0	0	0	0	0	0	0	0	0	0	37	37
Estimated Outlays	11	22	4	0	0	0	0	0	0	0	0	0	0	37	37
<b>Total Direct Spending</b>															
Estimated Budget Authority	16,112	0	0	0	0	0	0	0	0	0	0	0	0	16,112	16,112
Estimated Outlays	13,018	1,993	700	165	44	36	28	29	29	29	29	0	0	16,072	16,072

Components may not sum to totals because of rounding; SNAP = Supplemental Nutrition Assistance Program; \* = between -\$500,000 and \$500,000.

## TITLE I—COMMITTEE ON AGRICULTURE

**CONSTITUTIONAL AUTHORITY STATEMENT**

The Committee finds the Constitutional authority for this legislation in Article I, section 8, clause 18, that grants Congress the power to make all laws necessary and proper for carrying out the powers vested by Congress in the consideration of the United States or in any department or officer thereof. The Committee further finds the Constitutional authority for this legislation in Article I, section 8, clause 1, that grants Congress the power to provide for the general welfare of the United States.

**PERFORMANCE GOALS AND OBJECTIVES**

Pursuant to clause 3(c)(4) of rule XIII of the House of Representatives, the performance goals and objectives of this measure are to increase spending through changes in laws within the jurisdiction of the Committee on Agriculture as required by S. Con. Res. 5, the fiscal year 2021 budget resolution.

**COMMITTEE OVERSIGHT FINDINGS**

Pursuant to clause 3(c)(1) of rule XIII of the House of Representatives, the Committee on Agriculture's oversight findings and recommendations are reflected in the body of this report.

**ADVISORY COMMITTEE STATEMENT**

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this measure.

**APPLICABILITY TO THE LEGISLATIVE BRANCH**

The Committee finds that the measure does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104-1).

**FEDERAL MANDATES STATEMENT**

The Committee adopted as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104-4).

TITLE I—COMMITTEE ON AGRICULTURE

**EARMARK STATEMENT**

This measure does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI of the House of Representatives.

**DUPLICATION OF FEDERAL PROGRAMS**

This measure does not establish or reauthorize a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program in the most recent Catalog of Federal Domestic Assistance.

**CHANGES IN EXISTING LAW**

At the time of transmission to the Committee on the Budget, a comparative print (Ramseyer) showing changes in existing law was not available to the Committee.

## TITLE I--COMMITTEE ON AGRICULTURE

**Minority Views on Committee Print, as reported by the Committee on Agriculture,  
required by S. Con. Res. 5****Summary**

S. Con. Res. 5 provides reconciliation instructions to certain Committees of the House. For its part, the Agriculture Committee is responsible for producing legislation that achieves \$16.112 billion in new spending. The Committee Print to accompany this legislation is a partisan exercise, developed behind closed doors with zero input from the Minority, and the measure fails to meet the needs of rural America while exploding the deficit to fund programs including those just funded two months ago, programs with a tenuous connection to the pandemic, and priorities that manage to ignore most farmers and ranchers.

This partisan approach is particularly galling in the context of the Agriculture Committee, which has long prided itself on being the most bipartisan Committee in the House. In addition, the Agriculture Committee has never before been utilized in a reconciliation process for the sole purpose of increasing deficit spending without any provisions to create mandatory savings. All told, this exercise will saddle future generations with \$1.9 trillion in additional debt while more than \$1 trillion in already enacted coronavirus relief funds remain unspent.

The United States Department of Agriculture (USDA) has only obligated 62 percent of the monies provided by Congress to date.

In order to highlight just a few of the priorities missing from the bill, Republican Leader Glenn “GT” Thompson (R-PA) offered an amendment that would have redirected 23 percent of spending under the bill - holding harmless provisions for socially disadvantaged producers and Supplemental Nutrition Assistance Program benefits - to support critical needs for rural families, businesses, and communities. The amendment would have provided critical investments in biofuels, needed assistance for rural communities through distance learning and telemedicine grants, broadband infrastructure improvements, and aid for rural hospitals, community facilities, rural utility providers, and rural businesses.

During the markup, the Majority universally praised the proposals offered in the amendment and professed that they shared the same priorities yet labeled them as “poison pills” that would derail the entire process. The amendment failed 24-23 along partisan lines.

Additionally, an amendment offered by Representative Jim Baird (R-IN) was rejected on a party line vote. The amendment would have required the Biden Administration to unfreeze funding for the Coronavirus Food Assistance Program (CFAP) – for which signup has already begun – prior to moving forward with additional spending under this bill. If the impact of the COVID-19 crisis is so acute it necessitates moving additional aid through Congress in this hurried partisan manner, it would make eminent sense not to hold up critical assistance ready to be delivered in a matter of days, rather than delaying help for weeks or months on an arbitrary review process.

**Subtitle A****Sec. 1001 – Food Supply Chain and Agriculture Pandemic Response**



## TITLE I--COMMITTEE ON AGRICULTURE

Section 1001 provides \$3.6 billion in funding for the Secretary to purchase food and agricultural commodities, distribute commodities to individuals in need, make grants and loans to processors and distributors for measures to protect workers against COVID-19, and provide assistance available to improve agricultural supply chain resiliency. While all important provisions, the Minority would note that these are all authorities that were provided to the Secretary in the Consolidated Appropriations Act, 2021 (PL 116-260) along with \$11 billion in funding that has yet to be obligated by USDA. Additionally, the original text of the legislation completely ignored the needs of production agriculture and did not contain any provision that would provide direct support to producers.

An amendment offered by Representative Randy Feenstra (R-IA), which makes disaster relief for 2020 losses (including losses by high winds or derechos) eligible for funding under the section, was adopted by a 24-23 margin with one Democrat joining all members of the Minority in supporting. All other amendments offered by the Minority were defeated along partisan lines, including an amendment offered by Representative Jim Hagedorn (R-MN) to require that 80 percent of previous funding made available to USDA for COVID-19 relief be expended before any new funds under the bill could be obligated.

Additionally, this section makes \$300 million available to the Secretary to carry out monitoring and surveillance of susceptible animals for incidence of SARS-CoV-2 despite USDA and Centers for Disease Control (CDC) guidance advising against such testing.

#### **Sec. 1002 – Emergency Grants for Rural Health Care**

Section 1002 provides \$500 million in funding for the Secretary to make grants to entities eligible for the Community Facilities Program in order to assist eligible entities in meeting the healthcare needs of rural residents.

Almost one year and \$3.5 trillion into this pandemic, the Majority's belated recognition of the needs of rural health providers and the unique challenges that they face is welcome. Yet, this program is poorly targeted, badly designed, and insufficient for the crisis facing rural hospitals and other essential service providers in rural communities.

The Majority's legislation excludes hospitals and health facilities which are ineligible for the Community Facilities program. In many communities this blanket prohibition excludes the sole hospital or healthcare provider. We do not believe that essential assistance to battle the pandemic should be limited to health providers who meet the limited requirements of the Community Facilities program.

Similarly, the Majority's further restrictions on the usage of grant funds, the complex limitations on median household income, and wage mandates, all further conspire to make this program needlessly complicated and treat similar situated communities unequally.

Finally, the \$500 million in funds is woefully insufficient for the scope of this crisis. Last Congress, Subcommittee Ranking Member Austin Scott (R-GA) offered a more robust proposal which would have addressed the concerns the Minority raised with the Majority and provided \$4 billion in funding.

## TITLE I--COMMITTEE ON AGRICULTURE

Ranking Member Glenn “GT” Thompson’s (R-PA) amendment included a program which was modeled on Subcommittee Ranking Member Austin Scott’s (R-GA) legislation. It would have provided a more flexible, responsive program for USDA to meet the needs of rural hospitals, educational institutions, and public safety facilities. Unfortunately, it was rejected out of hand by the Majority.

In doing so, the Majority suggested the amendment would cost lives and hinder vaccine deployment, while failing to note that under Republican Leader Glenn “GT” Thompson’s amendment, \$150 million more would have been made available for rural healthcare needs.

**Sec. 1005 – Farm Loan Assistance for Socially Disadvantaged Farmers and Ranchers and Assistance and Sec. 1006 – Assistance and Support for Socially Disadvantaged Farmers, Ranchers, Forest Land Owners and Operators, and Groups**

The Minority believes that issues of social justice and addressing historical racial inequities in USDA programs is a worthy and important endeavor for the Committee. These issues certainly deserve thorough review, thoughtful analysis, and a deliberative process to determine the best policy solutions to address the problems faced by socially disadvantaged farmers. The Chairman of the Committee highlighted his intentions to hold a hearing on the matter. However, the Minority believes it is prudent to hold such a hearing prior to enacting unvetted legislation that could have unintended impacts, including for the very producers who are the intended beneficiaries.

The Majority was unable to answer simple questions such as those regarding what specific producers would be eligible under these sections, if women would be eligible for these programs, or even if there was a nexus between the purpose of the program and the COVID-19 pandemic. The Majority’s inability to articulate responses makes it clear that if these provisions are to have coherent purpose, further discussions of these provisions are necessary before they become law.

**Subtitle B**

**Section 1011. Supplemental Nutrition Assistance Program**

Section 1011 both extends a 15 percent increase to Supplemental Nutrition Assistance Program (SNAP) benefits from June 30, 2021 to September 30, 2021 and provides \$1.15 billion to States for administrative-related expenses.

The Supplemental Nutrition Assistance Program currently provides nutrition assistance to 43 million individuals, providing an average benefit of \$183 per person, up from \$122 in October 2019, the last full fiscal year of data made available. Total SNAP-related spending in FY 2020 was \$78.9 billion, which includes benefits, administration, nutrition education, employment and training, and program integrity. Total benefits provided to households in FY 2020 totaled \$74.2 billion.

The COVID-19 pandemic impacted households in need in unprecedented ways, and the Congressional response to hunger remains colossal. By way of the Families First Coronavirus Response Act (FFCRA), the Coronavirus Aid, Relief, and Economic Security Act (CARES), and

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the Consolidated Appropriations Act, 2021, more than \$37.8 billion has been appropriated to respond to the nutrition needs of our nation's vulnerable. This magnificent response is also in addition to the more than \$7.7 billion per month in standard SNAP benefits. Beyond direct funding from Congress, over 3,000 administrative waivers have been provided to all States; these waivers impact operations related to program eligibility, distribution of benefits, employment and training, etc.

Like other Committees, this Committee has found itself victim to an Administration and a Majority who have repeatedly failed to take into consideration the plight of the American worker, the worker who has fallen victim to shuttered businesses, job-killing shutdowns, and canceled classes and training.

Rather than perpetuate our Nation's second largest expansion of welfare entitlements, and continue down a pathway of never-ending work disincentives and prolonged dependency, Representative Kat Cammack (FL-03) introduced a commonsense amendment that would have taken \$3 billion from an extension of an (arbitrary) benefit increase and injected it directly into SNAP Employment and Training (E&T). These funds would have provided a lifeline to individuals staring at a post-pandemic economy unlike one ever seen.

Instead of entertaining the amendment, the Majority immediately launched into a tirade against it, also calling into question Republicans' commitment to the Congressional response to hunger. Unfortunately, a few facts were left out of this response, including the fact that the SNAP benefit formula assumes households will spend at least 30 percent of their net income on food; SNAP makes up the difference between that contribution and the cost of the Thirty Food Plan. To claim that SNAP is the only means of purchasing food is disingenuous at best. The Majority relies on a half-truth – that anyone on SNAP who can work, does – which begs the question, which is it? Is SNAP the only means to food access, or do working households spend some amount of money on food? Worse, the Majority acknowledged that “many people lost their jobs because of the pandemic.” The ensuing rant against using the benefit increase, not the benefit itself, for employment and training further proved the Majority has no interest in helping the very unemployed workers they rely on for political messaging to regain employment, an income, and independence, particularly as this pandemic begins to recede.

Additionally, the Majority continues to rely on (anecdotal) evidence related to the Farmers to Families Food Box Program. The Majority fails to acknowledge that this program has open eligibility, making certain anyone and everyone in need, regardless of status, income, household size, has access to nutritious foods that run the gamut from fruits and vegetables to meat and dairy. This program has provided over 136 million boxes to households across the nation. And with this program, farmers were able to redirect their products, American workers were able to sustain their employment or join new ventures, and most importantly, a vast selection of foods that would have otherwise been wasted found their way into the homes of millions.

**Section 1012. Additional Assistance for SNAP Online Purchasing and Technology Improvements**

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This section provides an additional \$25 million, to remain available until September 30, 2026, to make technological improvements to improve SNAP online purchasing, to modernize electronic benefit transfer (EBT) technology, to support mobile technologies demonstration projects, and for technical assistance purposes. This appropriation is in addition to the \$5 million provided in the Consolidated Appropriations Act, 2021, of which it is unknown what has been obligated as of February 12, 2021.

**Section 1013. Additional Funding for Nutrition Assistance Programs**

Section 1013 provided an additional \$1 billion to remain available until September 30, 2027, for nutrition assistance grants to be provided to the Commonwealth of the Northern Mariana Islands, Puerto Rico, and American Samoa, of which \$30 million is guaranteed for the Commonwealth of the Northern Mariana Islands. This appropriation is in addition to the \$614 million provided in the Consolidated Appropriations Act, 2021, of which to date, zero has been obligated. This calls into question the need, and the desire of the Majority to circumvent the annual appropriations process without a clear understanding of the needs of these communities.

**Section 1014. Commodity Supplemental Food Program**

This section appropriates \$37 million to the Commodity Supplemental Food Program, a program geared toward seniors in need. It is important to note that the Speaker of the House was the sole arbiter of every policy related to nutrition since the beginning of the pandemic, and yet never once acknowledged the needs of our Nation's seniors. Until the Consolidated Appropriations Act, 2021, where the Minority reflected on the need based on data from USDA, the Majority had no proposal to fund this important program. Instead, the Majority has spent eleven months advocating for various legislative proposals aimed at pausing program integrity measures, allowing SNAP benefits to be used for diapers and sundries, expanding SNAP to be accepted in restaurants, and earmarking millions of dollars to further bloat multi-billion dollar nonprofits.

**Grants for Distance Learning and Telemedicine Needs**

Perhaps there is no more urgent need than additional funds for the Distance Learning and Telemedicine (DLT) program, which helps hospitals, health clinics, schools, and libraries purchase the equipment needed to help rural residents see doctors and teachers safely during this pandemic.

USDA has indicated that this program is dramatically oversubscribed, with over \$200 million worth of application requests that have sat unfulfilled since the pandemic began. Republican Leader Glenn "GT" Thompson's (R-PA) amendment would have addressed this backlog by providing an immediate infusion of \$200 million into the DLT program. Unfortunately, it was unanimously rejected by the Majority on the grounds that providing funds for broadband programs would "derail the bill."

Distance learning and telemedicine tools require broadband access and this pandemic has laid bare the stark divide between those with broadband access and those without broadband access. The Minority agrees with the concerns of the Majority, that construction of broadband infrastructure is a long-term investment and will not be solved overnight. However, the Minority

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strongly believes that this amendment is the right way to continue to make investments in those programs.

**Assistance for Rural Families and Essential Rural Utility Providers**

Many families have been forced to make difficult financial choices over the past year and at times, that has understandably included skipping utility bills. Rural utility operators – like electric cooperatives, local telephone companies, municipal water systems, and waste disposal services – are facing crippling drops in revenue from bills their subscribers cannot pay and lost demand due to idled businesses. These costs have been mounting month after month for rural utility operators, who nevertheless continue to provide their essential services to the families and communities who rely on them.

Unlike large, diversified utility companies, many utility companies serving isolated rural communities are small, independent, and lack access to the capital markets and financial services that might enable them to better withstand these temporary disruptions.

The Minority does not believe that this situation is sustainable, which is why Republican Leader Glenn “GT” Thompson’s (R-PA) amendment included an important provision - based on legislation introduced by Representative Rick Crawford (R-AR) - to provide bridge loans to rural utility operators to see them through this time of disruption, and provide them with the necessary breathing room until economic conditions return to normal. The legislation would encourage operators to work with their customers to provide flexible repayment options, extended repayment periods, and even debt forgiveness for those who are in need.

**Assistance for Rural Businesses**

The Minority notes with concern the lack of parity between the treatment of business lending programs at the Small Business Administration (SBA) and the Rural Business Service (BRS) of USDA. In the CARES Act and again in the Consolidated Appropriations Act, 2021, borrowers in loan programs operated by SBA were provided with significant temporary assistance with their loan and interest payments. No such similar assistance was extended to borrowers in similar loan programs operated by RBS. Bipartisan legislation was introduced by Representatives Cynthia Axne (D-IA) and Troy Balderson (R-OH) which would have addressed this inequity.

The Minority strongly believes this is an oversight in need of correction, which is why the amendment included a provision which would have rectified this oversight.

**In Closing**

As we have detailed in these views, we believe the Majority’s proposal fails to fully address the myriad of problems facing rural communities. It doubles down on assistance where it is unnecessary while ignoring proposals that would alleviate tangible, immediate problems.

Perhaps more concerning was the Majority’s continued and inexplicable insistence that any alterations to the plan - devised in secret by their Leadership - would result in delays to the passage of this relief bill. We are incredulous at such claims and would not find them worthy of

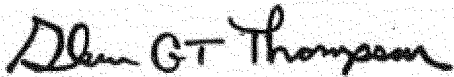
## TITLE I--COMMITTEE ON AGRICULTURE

discussion, if they were not the sole reason the Majority could offer for their indestructible blockade of common sense.

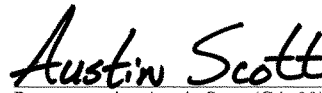
There is no plausible or rational argument that can be made that adopting an amendment during a markup delays the legislative process. Perhaps the Majority was simply seeking to save time for the Leadership staff, who would have had to find and delete any text added during markup, so as to preserve their legislation, in its perfect inception. If that is the concern, it makes one wonder why we bothered with this charade to begin with.

Yet, we need not stretch for hypotheticals in this argument. The Majority surprised itself by adopting Representative Randy Feenstra's (R-IA) amendment. We shall see if its inclusion delays or derails the Budget and Rules Committees as they prepare this Reconciliation Package. The Minority suspects that it will not, whether the Majority keeps the provision or takes the time to carefully strike it from the text.

To say that members of the Minority were frustrated with this process would be an understatement. We take the Chairman at his word that this process will not be the process we undertake in future Committee business. We look forward to the many opportunities for hearings and oversight and fruitful participation in the work of this Committee in the months to come.




Representative Glenn 'GT' Thompson (PA-15)  
Republican Leader  
House Committee on Agriculture



Representative Austin Scott (GA-08)



Representative Rick Crawford (AR-01)



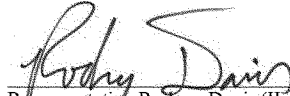
Representative Scott DesJarlais, M.D. (TN-04)



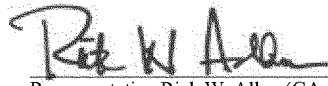
Representative Vicky Hartzler (MO-04)



Representative Doug LaMalfa (CA-01)



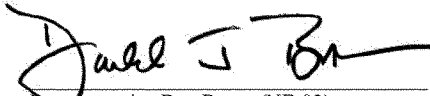
Representative Rodney Davis (IL-13)



Representative Rick W. Allen (GA-12)

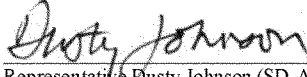


Representative David Rouzer (NC-07)

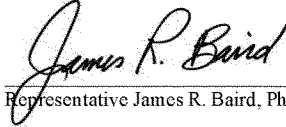


Representative Don Bacon (NE-02)

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Representative Dusty Johnson (SD-AL)



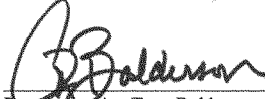
Representative James R. Baird, Ph.D. (IN-04)



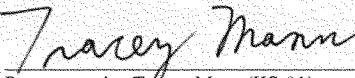
Representative Jim Hagedorn (MN-01)



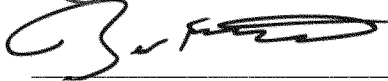
Representative Chris Jacobs (NY-27)



Representative Troy Balderson (OH-12)



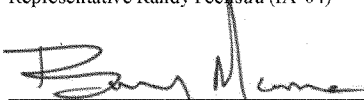
Representative Tracey Mann (KS-01)



Representative Randy Feenstra (IA-04)



Representative Mary E. Miller (IL-15)



Representative Barry Moore (AL-02)



Representative Kat Cammack (FL-03)



Representative Michelle Fischbach (MN-07)

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**Additional Views of Mr. O'Halleran**

As a Representative of a cotton producing district, the economic stability of the U.S. cotton industry is important to me. The United States is the top cotton exporting country in the world, and our ability to remain competitive in the global marketplace is crucial to the livelihoods of every cotton farmer in my district.

The COVID pandemic has created challenges to the entire U.S. cotton supply chain, including the merchandiser-shippers who are the crucial link connecting the U.S. supply chain to the global marketplace. For nearly a year, business shutdowns and disruptions throughout the transportation network have caused, widespread delays and cancellations of shipments of U.S. cotton. These cancellations and delays have imposed onerous carrying and logistical costs associated with destination displacement, which have been borne on the entire industry. While there has been some recent recovery in demand and shipments, port congestion and lack of container availability at major U.S. west coast ports, which handle the majority of U.S. exports, continue to squeeze supply chain capacity, adding more costs and risks to U.S. cotton exporters. Industry estimates indicate that COVID-related losses and added costs already total at least \$700 million for U.S. cotton merchandisers.

I am pleased to support this bill that will provide the funding the Secretary of Agriculture needs to respond to the food and agricultural supply chain challenges brought by COVID, including challenges in the cotton supply chain. I look forward to working with the Chairman and with incoming Secretary Vilsack to ensure the Secretary uses this authority to assist cotton merchandisers as this legislation is implemented in the coming weeks.





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**Table 1**  
**Estimated Budgetary Effects of Reconciliation Recommendations**  
**As Ordered Reported by the House Committee on Education and Labor on February 9, 2021**

		By Fiscal Year, Millions of Dollars												
		2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2021-2030	2021-2031
		Increases or Decreases (\$) in Direct Spending												
<b>Subtitle A. Education Matters</b>														
<b>Part 1 - Department of Education</b>														
Sec.	2001	Elementary and Secondary School Emergency Relief Fund												
		128,555	0	0	0	0	0	0	0	0	0	0	128,555	128,555
		6,429	32,139	32,139	26,711	18,283	8,999	2,571	1,286	0	0	0	128,555	128,555
Sec.	2002	Higher Education Emergency Relief Fund												
		39,585	0	0	0	0	0	0	0	0	0	0	39,585	39,585
		5,938	13,855	5,638	5,958	3,958	1,979	1,583	396	0	0	0	39,585	39,585
Sec.	2004	Outlying Areas												
		850	0	0	0	0	0	0	0	0	0	0	850	850
		43	212	212	170	128	60	17	8	0	0	0	850	850
Sec.	2005	Bureau of Indian Education												
		850	0	0	0	0	0	0	0	0	0	0	850	850
		43	153	153	153	153	128	42	25	0	0	0	850	850
Sec.	2006	Carnegie Mellon University												
		19	0	0	0	0	0	0	0	0	0	0	19	19
		1	8	7	3	0	0	0	0	0	0	0	19	19
Sec.	2007	Student Aid Administration												
		91	0	0	0	0	0	0	0	0	0	0	91	91
		9	38	25	8	8	0	0	0	0	0	0	91	91
Sec.	2008	Howard University												
		35	0	0	0	0	0	0	0	0	0	0	35	35
		2	15	13	5	0	0	0	0	0	0	0	35	35
Sec.	2009	National Technical Institute for the Deaf												
		19	0	0	0	0	0	0	0	0	0	0	19	19
		1	8	7	3	0	0	0	0	0	0	0	19	19
Sec.	2010	Institute of Education Sciences												
		100	0	0	0	0	0	0	0	0	0	0	100	100
		1	15	15	30	30	9	0	0	0	0	0	100	100
Sec.	2011	Program Administration												
		15	0	0	0	0	0	0	0	0	0	0	15	15
		1	3	6	3	2	0	0	0	0	0	0	15	15
Sec.	2012	Office of Inspector General												
		5	0	0	0	0	0	0	0	0	0	0	5	5
		-	1	2	1	1	0	0	0	0	0	0	5	5
Sec.	2013	Modification of Revenue Requirements for Proprietary Institutions of Higher Education												
		0	-3	-10	-13	-16	-16	-17	-19	-19	-20	-20	-130	-153
		0	-2	-6	-11	-15	-16	-17	-18	-19	-19	-20	-124	-144
<b>Part 2 - Miscellaneous</b>														
Sec.	2021	National Endowment for the Arts												
		135	0	0	0	0	0	0	0	0	0	0	135	135
		30	64	34	7	0	0	0	0	0	0	0	135	135
Sec.	2022	National Endowment for the Humanities												
		135	0	0	0	0	0	0	0	0	0	0	135	135
		30	64	34	7	0	0	0	0	0	0	0	135	135
Sec.	2023	Institute of Museum and Library Services												
		200	0	0	0	0	0	0	0	0	0	0	200	200
		16	102	62	13	8	0	0	0	0	0	0	196	199
Sec.	2024	COVID-19 Response Resources for the Preservation and Maintenance of Native American Languages												
		10	0	0	0	0	0	0	0	0	0	0	10	10
		-	8	2	0	0	0	0	0	0	0	0	16	10
<b>Subtotal, Subtitle A</b>		170,804	-3	-10	-13	-16	-16	-17	-19	-19	-20	-20	170,471	170,451
		12,643	46,684	38,643	32,042	23,656	11,159	4,198	1,896	-19	-19	-20	170,478	170,459
<b>Subtitle B. Labor Matters</b>														
Sec.	2101	Raising the Federal Minimum Wage <sup>(1)</sup>												
		-593	1,964	2,907	3,710	4,989	6,483	8,194	8,655	8,467	10,030	12,691	54,996	67,387
		-593	2,070	3,113	4,144	5,615	7,116	8,890	8,412	9,367	11,005	13,732	60,198	73,969
		-593	1,958	2,873	3,604	4,864	6,305	6,597	6,915	5,933	6,922	8,850	43,379	52,228
		-593	2,064	3,079	3,938	4,930	5,937	7,293	7,372	6,643	7,697	9,891	46,820	58,710
		-	6	34	206	625	1,178	1,597	2,040	2,524	3,108	3,841	11,318	15,159
		-	6	34	206	625	1,178	1,597	2,040	2,524	3,108	3,841	11,319	15,159
Sec.	2102	Funding for Department of Labor Worker Protection Activities												
		150	0	0	0	0	0	0	0	0	0	0	150	150
		87	36	9	6	2	0	0	0	0	0	0	150	150

**Table 1**  
**Estimated Budgetary Effects of Reconciliation Recommendations**  
**As Ordered Reported by the House Committee on Education and Labor on February 9, 2021**

		By Fiscal Year, Millions of Dollars												
		2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2021-2030	2021-2031
		Increases or Decreases (e) in Direct Spending												
Sec.	2103 Eligibility for Workers' Compensation Benefits for Federal Employees Diagnosed with COVID-19													
	Estimated Budget Authority	37	17	11	8	8	8	5	5	4	4	0	103	103
	Estimated Outlays	37	17	11	8	8	8	5	5	4	4	0	103	103
Sec.	2104 Compensation Pursuant to the Longshore and Harbor Workers' Compensation Act													
	Estimated Budget Authority	120	65	7	6	5	5	4	4	4	4	0	224	224
	Estimated Outlays	120	65	7	6	5	5	4	4	4	4	0	224	224
<b>Subtotal, Subtitle B</b>														
	Estimated Budget Authority	-286	2,048	2,925	3,724	5,000	6,484	8,203	8,564	8,465	10,038	12,691	55,173	67,894
	Estimated Outlays	-539	2,189	3,140	4,184	5,828	7,126	8,899	9,421	9,375	11,013	13,732	60,615	74,346
<b>Subtitle C. Human Services and Community Supports</b>														
Sec.	2201 Additional Funding for Aging and Disability Services Programs													
	Budget Authority	68	188	0	0	0	0	0	0	0	0	0	276	276
	Estimated Outlays	40	120	88	28	0	0	0	0	0	0	0	276	276
Sec.	2202 Supporting Older Americans and Their Families													
	Budget Authority	1,444	0	0	0	0	0	0	0	0	0	0	1,444	1,444
	Estimated Outlays	745	817	82	0	0	0	0	0	0	0	0	1,444	1,444
Sec.	2203 Child Care and Development Block Grant Program													
	Budget Authority	14,990	0	0	0	0	0	0	0	0	0	0	14,990	14,990
	Estimated Outlays	2,998	4,787	4,187	2,998	0	0	0	0	0	0	0	14,990	14,990
	Child Care Stabilization													
	Budget Authority	23,975	0	0	0	0	0	0	0	0	0	0	23,975	23,975
	Estimated Outlays	-4,555	12,467	6,473	480	0	0	0	0	0	0	0	23,975	23,975
	Child Care Administration													
	Budget Authority	35	0	0	0	0	0	0	0	0	0	0	35	35
	Estimated Outlays	4	11	11	7	2	1	0	0	0	0	0	35	35
Sec.	2205 Head Start													
	Budget Authority	1,000	0	0	0	0	0	0	0	0	0	0	1,000	1,000
	Estimated Outlays	200	750	50	0	0	0	0	0	0	0	0	1,000	1,000
Sec.	2206 Programs for Survivors													
	Budget Authority	450	0	0	0	0	0	0	0	0	0	0	450	450
	Estimated Outlays	68	225	113	23	21	0	0	0	0	0	0	450	450
Sec.	2207 Child Abuse Prevention and Treatment													
	Budget Authority	350	0	0	0	0	0	0	0	0	0	0	350	350
	Estimated Outlays	53	175	89	18	16	0	0	0	0	0	0	350	350
Sec.	2208 LIHEAP													
	Budget Authority	4,500	0	0	0	0	0	0	0	0	0	0	4,500	4,500
	Estimated Outlays	1,508	1,727	487	422	188	188	0	0	0	0	0	4,500	4,500
Sec.	2209 Department of Health and Human Services													
	Budget Authority	425	0	0	0	0	0	0	0	0	0	0	425	425
	Estimated Outlays	13	17	64	68	74	70	64	51	4	0	0	425	425
Sec.	2210 Corporation for National and Community Service and the National Service Trust													
	Budget Authority	1,000	0	0	0	0	0	0	0	0	0	0	1,000	1,000
	Estimated Outlays	200	425	100	90	75	50	30	0	0	0	0	1,000	1,000
<b>Subtotal, Subtitle C</b>														
	Budget Authority	48,257	188	0	0	0	0	0	0	0	0	0	48,445	48,445
	Estimated Outlays	10,384	21,331	11,763	4,134	376	308	94	51	4	0	0	48,445	48,445
<b>Subtitle D. Child Nutrition &amp; Related Programs</b>														
Sec.	2201 Improvements to WIC Benefits													
	Budget Authority	490	0	0	0	0	0	0	0	0	0	0	490	490
	Estimated Outlays	490	0	0	0	0	0	0	0	0	0	0	490	490
Sec.	2302 WIC Program Modernization													
	Budget Authority	390	0	0	0	0	0	0	0	0	0	0	390	390
	Estimated Outlays	59	156	137	38	0	0	0	0	0	0	0	390	390
Sec.	2303 Meals and Supplements Reimbursements for Individuals who have not Attained the Age of 25													
	Estimated Budget Authority	70	110	0	0	0	0	0	0	0	0	0	180	180
	Estimated Outlays	70	110	0	0	0	0	0	0	0	0	0	180	180
Sec.	2304 Pandemic EBT Program													
	Estimated Budget Authority	5,560	*	0	0	0	0	0	0	0	0	0	5,560	5,560
	Estimated Outlays	5,560	*	0	0	0	0	0	0	0	0	0	5,560	5,560
<b>Subtotal, Subtitle D</b>														
	Estimated Budget Authority	8,510	110	0	0	0	0	0	0	0	0	0	8,620	8,620
	Estimated Outlays	6,179	288	137	38	0	0	0	0	0	0	0	6,620	6,620

**Table 1.**  
**Estimated Budgetary Effects of Reconciliation Recommendations**  
**As Ordered Reported by the House Committee on Education and Labor on February 9, 2021**

	By Fiscal Year, Millions of Dollars													
	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2021-2030	2021-2031	
<b>Increases or Decreases ( ) in Direct Spending</b>														
<b>Subtitle E. COBRA Continuation Coverage</b>														
Sec. 2401 Preserving Health Benefits for Workers <sup>a, c</sup>														
Estimated Budget Authority	-6,915	-171	0	0	0	0	0	0	0	0	0	0	-6,986	-6,086
Estimated Outlays	-5,918	-198	0	0	0	0	0	0	0	0	0	0	-6,086	-6,086
<b>Total Increase in Direct Spending (on- and off-budget)</b>														
Estimated Budget Authority	218,170	2,170	2,915	3,711	4,984	6,478	8,198	8,645	8,446	10,018	12,671	274,823	287,284	
Estimated Outlays	22,849	70,301	53,685	40,578	28,559	18,593	13,189	11,167	9,360	10,994	13,712	280,076	283,784	
<b>Total Increase in Direct Spending (on-budget)</b>														
Estimated Budget Authority	218,170	2,164	2,891	3,505	4,359	5,300	6,589	6,965	5,922	6,910	8,600	263,365	272,135	
Estimated Outlays	22,849	70,295	53,649	40,172	28,334	17,415	11,992	8,127	6,636	7,886	8,871	268,028	276,626	
<b>Total Increase in Direct Spending (off-budget)</b>														
Estimated Budget Authority	*	6	24	206	625	1,178	1,597	2,040	2,524	3,108	3,841	11,318	15,158	
Estimated Outlays	*	6	24	206	625	1,178	1,597	2,040	2,524	3,108	3,841	11,318	15,158	
<b>Increases or Decreases ( ) in Revenues</b>														
<b>Subtitle B. Labor Matters</b>														
Sec. 2101 Raising the Federal Minimum Wage <sup>a, b</sup>														
Total Revenues	-14	43	-222	-250	-2,313	1,090	2,839	3,782	4,638	5,099	5,047	14,702	19,749	
On-Budget Revenues	-72	-313	-1,283	-2,497	-5,914	-3,349	-2,080	-1,350	-897	-321	-305	-17,976	-18,181	
Off-Budget Revenues	58	356	1,061	2,247	3,601	4,439	4,919	5,142	5,335	5,420	5,352	32,678	37,930	
<b>Subtitle E. COBRA Continuation Coverage</b>														
Sec. 2401 Preserving Health Benefits for Workers <sup>a, c</sup>														
Total Revenues	-11,972	-3,991	0	0	0	0	0	0	0	0	0	0	-15,963	-16,963
On-Budget Revenues	-11,976	-3,992	0	0	0	0	0	0	0	0	0	0	-15,968	-16,968
Off-Budget Revenues	4	1	0	0	0	0	0	0	0	0	0	0	5	5
<b>Revenues</b>														
Total Revenues	-11,986	-3,948	-222	-250	-2,313	1,090	2,839	3,782	4,638	5,099	5,047	-1,261	3,788	
On-Budget Revenues	-12,049	-4,305	-1,283	-2,497	-5,914	-3,349	-2,080	-1,350	-897	-321	-305	-33,644	-34,149	
Off-Budget Revenues	62	357	1,061	2,247	3,601	4,439	4,919	5,142	5,335	5,420	5,352	32,363	37,935	
<b>Net Increase or Decrease ( ) in the Deficit From Changes in Direct Spending and Revenues</b>														
<b>Estimated Changes in the Deficit</b>	<b>34,835</b>	<b>74,348</b>	<b>53,860</b>	<b>40,628</b>	<b>31,872</b>	<b>17,583</b>	<b>10,350</b>	<b>7,375</b>	<b>4,722</b>	<b>5,895</b>	<b>8,865</b>	<b>281,334</b>	<b>288,898</b>	
On-Budget Deficit	34,697	74,000	54,932	42,659	34,848	20,164	13,572	10,477	7,533	8,207	10,170	322,569	312,774	
Off-Budget Deficit	-62	-351	-1,072	-2,041	-2,976	-3,261	-3,322	-3,102	-2,811	-2,312	-1,511	-21,235	-22,776	

Components may not sum to totals because of rounding.  
 Estimates relative to CBO's February 2021 baseline.  
 LIHEAP = Low Income Home Energy Assistance Program; Pandemic EBT = Pandemic Electronic Benefits Transfer Program; WIC = Special Supplemental Nutrition Program for Women, Infants and Children; n.a. = not applicable; \* = between -\$500,000 and \$500,000.

Off-budget effects are designated by law as excluded from budget totals. The revenues and outlays of the two Social Security trust funds (the Old-Age and Survivors Insurance Trust Fund and the Disability Insurance Trust Fund) and the transactions of the Postal Service are off-budget. All effects in this table are on-budget unless otherwise noted.

- a. For more detail, see Congressional Budget Office, The Budgetary Effects of the Raise the Wage Act of 2021 (February 2021), [www.cbo.gov/publication/56975](http://www.cbo.gov/publication/56975).
- b. These sections would affect direct spending and revenues, which are shown separately.
- c. The estimated budgetary effects shown here differ from the estimated effects of the same provision that was included in the Reconciliation Recommendations of the House Committee on Ways and Means. The estimated budgetary effects of the provision in the Ways & Means legislation accounted for interactions with sections 9661 and 9663 in subtitle G of that legislation, which would increase marketplace subsidies for certain individuals, whereas this estimate does not.

**ADVISORY COMMITTEE STATEMENT**

No advisory committees within the meaning of section 5(b) of the *Federal Advisory Committee Act* were created by this Committee Print.

**SUMMARY OF THE RECONCILIATION MEASURE**

The purpose of the Committee Print is to respond to the needs of students, workers, and communities as the country continues to grapple with the COVID-19 pandemic and to comply with the reconciliation directive given to the Committee on Education and Labor included in section 2001(b) of the Concurrent Resolution on the Budget for Fiscal Year 2021, S.Con.Res. 5. As of February 2021, the public health crisis has sickened more than 27 million people and left over 470,000 dead in the United States alone,<sup>1</sup> with the nation's most vulnerable populations—in particular communities of color, low-income families, and older Americans—bearing the brunt of the harm. While Congress has previously acted to provide relief during the pandemic, the Committee Print will provide continued and urgent relief to struggling workers, students, and families.

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<sup>1</sup> *Coronavirus in the U.S.: Latest Map and Case Count*, N.Y. TIMES (Feb. 10, 2021), <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html>.

<b>At a Glance</b>			
<b>Reconciliation Recommendations of the House Committee on Education and Labor</b>			
As ordered reported on February 9, 2021			
By Fiscal Year, Millions of Dollars	2021	2021-2030	2021-2031
Direct Spending (Outlays)	<b>22,849</b>	<b>280,073</b>	<b>293,784</b>
Revenues	<b>-11,986</b>	<b>-1,261</b>	<b>3,786</b>
Increase or Decrease (-) in the Deficit	<b>34,835</b>	<b>281,334</b>	<b>289,998</b>
Statutory pay-as-you-go procedures apply?	Yes	<b>Mandate Effects</b>	
Increases on-budget deficits in any year after 2030?	Yes	Contains intergovernmental mandate?	<b>Yes, Over Threshold</b>
		Contains private-sector mandate?	<b>Yes, Over Threshold</b>
CBO has not completed a review of the legislation for effects on spending subject to appropriation.			
<b>The legislation would</b>			
<ul style="list-style-type: none"> <li>• Appropriate funds for education-related programs, labor-related programs, child care, human services and community support programs, and nutrition programs</li> <li>• Increase the federal minimum wage to \$15 per hour by 2025, which would affect the federal budget and impose intergovernmental and private-sector mandates</li> <li>• Expand eligibility for federally funded workers' compensation benefits to certain federal employees and maritime workers affected by the coronavirus</li> <li>• Subsidize premiums for coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA) at 85 percent for people enrolled in that coverage through September 2021</li> </ul>			
<b>Estimated budgetary effects would mainly stem from</b>			
<ul style="list-style-type: none"> <li>• Increased federal spending on education and child care programs</li> <li>• Increased federal spending resulting from changes in employment, prices, and the distribution of income caused by a higher minimum wage</li> <li>• Federal subsidies for COBRA premiums</li> </ul>			
<b>Areas of significant uncertainty include</b>			
<ul style="list-style-type: none"> <li>• Projecting the rate at which various entities would spend new budget authority</li> <li>• Projecting the duration of school closures related to the coronavirus pandemic</li> <li>• Estimating the behavior of businesses and individuals in response to a higher minimum wage and how those responses would affect federal spending and revenues</li> </ul>			
<b>Detailed estimate begins on the next page.</b>			

See also CBO's *Cost Estimates Explained*, [www.cbo.gov/publication/54437](http://www.cbo.gov/publication/54437); *How CBO Prepares Cost Estimates*, [www.cbo.gov/publication/53519](http://www.cbo.gov/publication/53519); and *Glossary*, [www.cbo.gov/publication/42904](http://www.cbo.gov/publication/42904).



## Legislation Summary

S. Con. Res. 5, the Concurrent Resolution on the Budget for Fiscal Year 2021, instructed several committees of the House of Representatives to recommend legislative changes that would increase deficits up to a specified amount over the 2021-2030 period. As part of the reconciliation process, the House Committee on Education and Labor approved legislation on February 9, 2021, that contains provisions that CBO estimates would, on net, increase deficits over that period by \$281.3 billion.

The legislation would appropriate specified amounts totaling \$220.1 billion for education-related programs, labor-related programs, child care, human services and community support programs, and nutrition programs.

The reconciliation recommendations also would make the following changes:

- Modify the 90/10 rule for proprietary postsecondary education institutions to include all federal education benefits in the formula for aid eligibility (a decrease in direct spending of \$124 million over the 2021-2030 period);
- Amend the Fair Labor Standards Act (FLSA) to increase the federal minimum wage to \$15 per hour by 2025 (an increase in direct spending of \$60.1 billion and an increase in revenues of \$14.7 billion over the 2021-2030 period);
- Expand eligibility for federally funded workers' compensation benefits to federal employees and maritime workers affected by the coronavirus (an increase in direct spending of \$103 million and \$224 million, respectively, over the 2021-2030 period);
- Expand eligibility for certain nutrition programs (an increase in direct spending of \$5.74 billion over the 2021-2030 period); and
- Provide a subsidy, in the form of a tax credit, for 85 percent of premiums for continuation coverage through the Consolidated Omnibus Budget Reconciliation Act (COBRA) to people enrolled in such coverage from the first of the month following the date of enactment through September 30, 2021 (an increase in the deficit of \$9.9 billion over the 2021-2030 period).

## Estimated Federal Cost

The estimated budgetary effect of the Committee's reconciliation recommendations is shown in Table 1. The changes in outlays from the legislation fall within budget functions 370 (commerce and housing credit), 400 (transportation), 500 (education, training, employment, and social services), 550 (health), 570 (Medicare), 600 (income security), 650 (Social Security), and 700 (veterans benefits and services).





### **Basis of Estimate**

For this estimate, CBO assumes that the reconciliation legislation will be enacted at the end of March 2021. Outlay estimates are based on historical spending patterns for affected programs and on information from affected agencies about implementation.

### **Direct Spending and Revenues**

CBO and the staff of the Joint Committee on Taxation (JCT) estimate that enacting the Committee's reconciliation recommendations would increase direct spending by \$280.1 billion and reduce federal revenues by \$1.3 billion over the 2021-2030 period, for a net effect on the deficit of \$281.3 billion.

**Subtitle A: Education Matters.** Subtitle A would appropriate \$170.6 billion mostly for education grants to respond to the coronavirus pandemic; the legislation also would amend the 90/10 rule, which would reduce spending by about \$0.1 billion. Thus, CBO estimates that enacting subtitle A would cost \$170.5 billion over the 2021-2030 period.

*Part 1—Department of Education.* The legislation would appropriate \$170.1 billion for the Department of Education mostly to make grants to states, local education agencies, and postsecondary education institutions, which would result in outlays totaling \$170.1 billion over the 2021-2030 period, CBO estimates. The Congress previously provided nearly \$31 billion for education stabilization in the Coronavirus Aid, Relief, and Economic Security (CARES) Act, enacted on March 27, 2020, and another \$82 billion for this purpose in the Consolidated Appropriations Act, 2021, enacted on December 27, 2020. Because most of those funds remain to be spent, CBO anticipates that the bulk of spending of funds provided in the reconciliation recommendations would occur after 2021. Specifically, the legislation would appropriate:

- \$128.6 billion for the Elementary and Secondary School Emergency Relief Fund for preparation for, prevention of, and response to the coronavirus pandemic or for other uses allowed by other federal education programs;
- \$39.6 billion to the Higher Education Emergency Relief Fund to provide grants to students or to defray institutional expenses related to the pandemic; and
- \$2.0 billion for other education programs, including \$850 million for the Bureau of Indian Education, \$850 million for Outlying Areas (American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands), \$100 million for the Institute of Education Sciences, and \$91 million for student aid administration.

Section 2013 would modify the 90/10 rule, under which proprietary institutions that receive more than 90 percent of their overall revenue from student aid programs authorized under title IV of the Higher Education Act (including Pell grants and federal student loans) are



ineligible to participate in the federal aid programs. The legislation would expand the definition of federal aid to include additional non-title-IV programs, such as veterans' education benefits. CBO expects that amending the 90/10 rule would reduce the number of students enrolled in proprietary schools, resulting in an estimated savings of \$124 million over the 2021-2030 period. Those savings would stem from a reduction in mandatory spending for Pell grants (\$78 million), student loans (\$25 million), and veterans' education benefits (\$21 million).

*Part 2—Miscellaneous.* The legislation would appropriate \$480 million for grants to fund activities related to the arts, humanities, libraries and museums, and Native American language preservation and maintenance. CBO estimates outlays for those activities would total \$479 million over the 2021-2030 period.

**Subtitle B: Labor Matters.** Subtitle B would increase the federal minimum wage, provide funding to the Department of Labor (DOL) for activities to help protect workers from contracting COVID-19 (the disease caused by the coronavirus), and expand the eligibility of federal employees and maritime workers who contract COVID-19 for federally funded workers' compensation benefits. CBO estimates that enacting subtitle B would increase outlays by \$60.6 billion over the 2021-2030 period.

*Raising the Federal Minimum Wage.* Section 2101 would amend the FLSA to increase the federal minimum wage in annual increments from \$7.25 per hour to \$15 per hour in 2025 (shortly after enactment, the minimum wage would be \$9.50 per hour). After 2025, the minimum wage would rise by the annual percentage increase, if any, in the median hourly wage of all employees. The legislation also would repeal the separate minimum wage for tipped workers, teenagers, and disabled workers.

CBO estimates that enacting the higher minimum wage would increase the cumulative budget deficit by \$45.4 billion over the 2021-2030 period (and by \$54.1 billion over the 2021-2031 period). The \$45.4 billion increase over the 2021-2030 period is the net effect of a \$60.1 billion increase in direct spending and a \$14.7 billion increase in revenues. (This provision would affect both on- and off-budget spending and revenues. The increase in the on-budget deficit would be \$66.7 billion over the 2021-2030 period, CBO estimates, consisting of a \$48.8 billion increase in on-budget mandatory spending and a reduction in on-budget revenues of \$17.9 billion.)<sup>1</sup>

Increasing the minimum wage would induce a number of behaviors among businesses and people that would result in changes in prices, the distribution of income, employment, and

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1. Off-budget effects are designated by law as excluded from budget totals. The revenues and outlays of the two Social Security trust funds (the Old-Age and Survivors Insurance Trust Fund and the Disability Insurance Trust Fund) and the transactions of the Postal Service are off-budget.



other economic factors, CBO estimates.<sup>2</sup> Those changes in turn would produce budgetary effects in revenues and in a broad set of federal programs, including the major health care programs, unemployment compensation, Social Security, nutrition programs, student loans, and retirement programs.

CBO estimates that the higher wages of some workers would lead to higher prices for goods and services, which would contribute to increases in spending for some federal programs. For example, CBO estimates that higher prices for long-term services and supports and medical services would increase costs to Medicaid. Changes in employment and in the distribution of income would increase spending for some programs (such as unemployment compensation) and reduce spending for others (such as nutrition programs).

Changes in employment and the distribution of income also would affect revenues. On net, revenues would increase under the provision, but those changes would result from a number of factors that worked in opposite directions. Revenues from payroll taxes for Social Security (which are categorized as off-budget) would increase. Other revenues would decline, on net, in part because income would shift toward lower-income people and away from higher-income people under the legislation, and lower-income people face lower tax rates, on average, than higher-income people do.

The basis of this estimate is described in significantly greater detail in CBO's analysis of the budgetary effects of S. 53, the Raise the Wage Act of 2021, published on February 8, 2021.<sup>3</sup>

*Other Provisions.* Sections 2102–2104 would make additional changes to labor programs; CBO estimates enacting those sections would increase outlays by \$477 million over the 2021–2030 period.

Section 2102 would provide \$150 million to DOL for activities to help protect workers from contracting COVID-19. Much of the funding would be spent by the Occupational Safety and Health Administration on enforcement of workplace safety standards.

Section 2103 would expand through 2030 the number of federal employees with COVID-19 who are eligible for medical, wage replacement, and death benefits under the Federal Employees' Compensation Act (FECA), under an assumption that those workers had contracted the illness on the job. FECA benefits are treated as direct spending; however,

2. Consistent with CBO's conventional approach to estimating the costs of legislation, these estimates incorporate the assumption that nominal gross domestic product would be unchanged. As a result, total income is roughly unchanged. Even so, the set of effects incorporated in this estimate is more extensive than the set incorporated in most cost estimates. That is because the effects on economic behavior that would affect the federal budget would be broader for increases in the minimum wage than for most policies that CBO examines.

3. See Congressional Budget Office, *The Budgetary Effects of the Raise the Wage Act of 2021* (February 2021), [www.cbo.gov/publication/56975](http://www.cbo.gov/publication/56975).



employing agencies ultimately bear the cost of federal workers' compensation claims. Because FECA costs are charged back to a claimant's employing agency by DOL, the ultimate costs are borne by those agencies' accounts for salaries and expenses. CBO estimates enacting this provision would cost \$103 million over the 2021-2030 period.

Section 2104 would establish the presumption that maritime workers with COVID-19 have contracted the illness on the job, making them eligible for medical, wage replacement, and death benefits under the Longshore and Harbor Workers' Compensation Act. Employers or the employers' insurance carriers would be reimbursed for the cost of those benefits through the end of fiscal year 2030. CBO estimates enacting this provision would increase outlays by \$224 million over the 2021-2030 period.

**Subtitle C: Human Services and Community Supports.** Subtitle C would appropriate \$48.4 billion for child care and other human service and community support programs, which CBO estimates would result in outlays of \$48.4 billion over the 2021-2030 period. Specifically, the legislation would appropriate the following amounts:

- \$276 million for programs authorized by the Elder Justice Act;
- \$1.4 billion for programs authorized by the Older Americans Act;
- \$39.0 billion for the Child Care and Development Block Grant program (including \$24.0 billion for the new Child Care Stabilization Fund to provide assistance to providers);
- \$1.0 billion for Head Start;
- \$450 million for programs authorized by the Family Violence Prevention and Services Act and other programs to support survivors of sexual assault and domestic violence;
- \$350 million for programs authorized by the Child Abuse Prevention and Treatment Act;
- \$4.5 billion for the Low Income Home Energy Assistance Program;
- \$425 million for the Department of Health and Human Services to allow for pandemic-related cost increases in programs of the Administration for Children and Families that provide direct services to children, which CBO interprets as funding that would support care provided by the Office of Refugee Resettlement to unaccompanied alien children; and
- \$1.0 billion for the Corporation for National and Community Service, primarily to make new grants to community service programs and to increase the living allowances of AmeriCorps volunteers.



**Subtitle D: Child Nutrition and Related Programs.** Subtitle D would amend and provide funds for nutrition programs; CBO estimates enacting subtitle D would increase outlays by \$6.6 billion over the 2021-2030 period.

Sections 2301 and 2302 would appropriate \$490 million to fund an increase in certain benefits under the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and an additional \$390 million for activities to increase participation in WIC. Enacting those provisions would cost \$880 million over the 2021-2030 period, CBO estimates.

Section 2303 would raise the age of eligibility from 18 to 25 for the Child and Adult Care Food Program at emergency homeless shelters for the duration of the public health emergency, which CBO estimates will end in July 2022. CBO estimates that enacting this provision would cost \$180 million over the 2021-2030 period.

Section 2304 would expand the Pandemic Electronic Benefit Transfer (P-EBT) program by providing benefits in the summer months after a period during which schools are closed for at least five consecutive days, and expand eligibility to children under the age of 6 in households that receive Nutrition Assistance Program benefits in Puerto Rico, the Commonwealth of the North Mariana Islands, and American Samoa. CBO estimates that enacting this provision would cost \$5.6 billion over the 2021-2030 period. Section 2304 would also extend P-EBT for the duration of the public health emergency. However, CBO anticipates that all schools will return to in-person instruction for school year 2021-2022, so CBO estimates that the extension would result in an insignificant cost in 2022.

**Subtitle E: COBRA Continuation Coverage.** Under current law, people who lose their job or experience another qualifying event that results in a termination of their employment-based health insurance are eligible to continue health insurance coverage through the Consolidated Omnibus Budget Reconciliation Act (COBRA). If an individual chooses to enroll in COBRA coverage, he or she may be required to pay up to 102 percent of the total premium and can maintain the coverage for 18 months. Under section 2401, qualifying COBRA enrollees would be required to pay 15 percent of the total COBRA premium from the first of the month following the date of enactment through September 30, 2021. The federal government would provide a subsidy on behalf of the individual for the remainder. People would be eligible for premiums to be paid on their behalf if they are enrolled in, or are eligible to enroll in, COBRA coverage because of an involuntary termination or reduction of hours at the time of enactment. Section 2401 would permit eligible people who did not previously elect COBRA coverage and eligible people who discontinued COBRA coverage prior to enactment to enroll within 60 days of being notified about the availability of these subsidies.



CBO and JCT estimate that enacting section 2401 would increase federal deficits by \$9.9 billion over the 2021-2030 period. That increase in deficits would consist of a decrease in direct spending of \$6.1 billion and a decrease in revenues of \$16.0 billion over the period. Those effects would primarily stem from federal subsidies for COBRA premiums, partially offset by a reduction in federal subsidies for other sources of health insurance coverage.

Under current law, CBO and JCT project that about 1.3 million people would be enrolled in COBRA coverage on a full year equivalent basis (FYE), representing less than 10 percent of the eligible population. The estimated take-up of COBRA coverage is low because premiums are not typically subsidized by employers as they are when people are actively employed. The remaining estimated 11.4 million eligible people who do not enroll in COBRA coverage would enroll in another form of insurance coverage or be uninsured.

In response to the availability of those subsidies, CBO and JCT estimate that an additional 2.2 million people, on a FYE basis, would enroll in COBRA coverage, resulting in a total of about 3.5 million FYE COBRA enrollees in 2021. In total, the agencies estimate that subsidies for COBRA—for existing and new enrollees—would increase deficits by \$16.3 billion over the 2021-2030 period.

CBO and JCT estimate there would be offsetting effects as people who would newly enroll in COBRA coverage would no longer enroll in other sources of health insurance coverage that are subsidized by the federal government. Of the 2.2 million FYEs that CBO and JCT estimate would newly enroll in COBRA coverage, an estimated 1.1 million would have otherwise been enrolled in Medicaid or CHIP and about 600,000 would have forgone insurance coverage and been uninsured. About 200,000 FYEs would otherwise have enrolled in subsidized nongroup coverage and about 100,000 would have enrolled in nongroup coverage without subsidies. The remainder, about 200,000, would have been enrolled in employment-based coverage. CBO and JCT estimate that those changes in health insurance coverage would offset the cost of the new COBRA subsidy by \$6.4 billion over the 2021-2030 period. On net, the COBRA provisions in the legislation would increase deficits by \$9.9 billion over the 2021-2030 period.

### **Uncertainty**

The Committee's reconciliation recommendations would appropriate \$220 billion in budget authority to new and existing programs—a substantial increase in funding for those activities. For example, funding to help K-12 and higher education institutions respond to the coronavirus pandemic and funding for the Child Care and Development Block Grant program would increase significantly. As a result, CBO's estimates of the rate at which federal agencies, states, local education agencies, and other entities would spend those new funds are subject to considerable uncertainty, as is the question of whether those entities could spend the new funds within the allotted time.



CBO's estimates are subject to other significant areas of uncertainty:

- Projecting the behavior of businesses and individuals in response to a higher minimum wage and how those responses would affect federal spending and revenues;
- Anticipating effects among proprietary postsecondary education institutions in response to a change in the 90/10 rule; and
- Projecting the duration of school closures related to the coronavirus pandemic.

### **Pay-As-You-Go Considerations**

The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays and revenues that are subject to those pay-as-you-go procedures are shown in Table 1.

### **Increase in Long-Term Deficits**

CBO estimates that enacting the Committee's reconciliation recommendations would increase on-budget deficits in every year after 2030. Those increases would total more than \$5 billion in each of the four consecutive 10-year periods beginning in 2031.

### **Mandates**

The Committee's reconciliation recommendations would impose intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) by requiring employers to pay a higher minimum wage to workers who are covered under the Fair Labor Standards Act. Among that group are workers who receive tips, teenage workers, and workers with disabilities. The legislation also would impose mandates by requiring group health insurance plans to provide notifications to beneficiaries related to continuation of coverage under COBRA.

CBO estimates that the aggregate additional amount paid to workers to meet the new minimum wage requirements would significantly exceed the thresholds established in UMRA for private-sector and intergovernmental entities in each year beginning in 2021 and 2022, respectively. In 2021, the intergovernmental threshold under UMRA is \$85 million and the private-sector threshold is \$170 million; both are adjusted annually for inflation.

CBO estimates that by 2025—when the minimum wage reaches \$15 per hour—state, local, and tribal employers would be required to pay covered workers approximately \$4 billion in additional wages annually. The additional annual cost to private-sector employers would be \$45 billion. Those amounts do not account for employers' possible responses to the higher minimum wage, which could include reducing hiring, altering the composition of the minimum-wage and non-minimum-wage workforce, or purchasing equipment that would substitute for workers.



If employers reduce hiring, CBO estimates that in 2025, public-sector employers would be required to pay covered workers \$3 billion in additional wages. The additional cost to private-sector employers in that year would be \$32.5 billion. CBO did not estimate the changes in costs to employers associated with other possible responses.

CBO estimated the cost of the mandates using monthly data from the Census Bureau's Current Population Survey to estimate the distribution of workers' hourly wages under current law. In projecting hourly wages, CBO accounted for prospective increases in some states' minimum wage rates, including those coming into effect under current and future state law.

CBO then identified the subset of workers covered under the FLSA whose hourly wages, in CBO's projections, would fall below the schedule of minimum wages set by the legislation. For this analysis, CBO excluded workers who are not covered under the FLSA (including those in most small businesses and in occupations that generally are exempt from the FLSA) and workers whose estimated wages would be more than \$15 per hour in 2025.

Employers would be expected to incur additional costs to increase the wages of workers who are not directly covered under this legislation, but that increase would not result from the employers' compliance with the mandate.

The legislation also would impose a private-sector mandate by requiring group health insurance plans to include additional information about COBRA eligibility and premium assistance in notifications to beneficiaries. Because group plans routinely provide information to beneficiaries, CBO estimates that the additional cost of the mandate would be small.

### **Estimate Prepared By**

#### Federal Costs:

Susan Yeh Beyer (child nutrition programs), Meredith Decker (unemployment insurance and labor programs), Jennifer Gray (human services programs and the Special Supplemental Nutrition Program for Women, Infants, and Children), Sofia Guo (workplace safety programs), Jared Hirschfield (Consolidated Omnibus Budget Reconciliation Act), Paul B.A. Holland (veterans' benefits), Justin Humphrey (education programs), Arin Kerstein (child care programs), Leah Koestner (education programs), Justin Latus (longshore workers' programs, aging programs, and disability programs), Susanne Mehlman (Low Income Energy Assistance Program), Carolyn Ugolino (Consolidated Omnibus Budget Reconciliation Act), and Emily Vreeland (Consolidated Omnibus Budget Reconciliation Act)





## Effects of the Minimum-Wage Increase:

Nabeel Alsalam, Susan Yeh Beyer, William Carrington, Yiqun Gloria Chen, Chad Chirico, Sheila Dacey, Meredith Decker, Devrim Demirel, Justin Falk, Nathaniel Frentz, Edward Gamber, Jennifer Gray, Cornelia Hall, Edward Harris, Julia Heinzl, Lori Housman, Justin Humphrey, Nadia Karamcheva, Brian Klein-Qiu, Leah Koestner, Jamease Kowalczyk (formerly of CBO), Justin Latus, Junghoon Lee, Avi Lerner, Sarah Masi, Noah Meyerson, Alexandra Minicozzi, Eamon Molloy, Hudson Osgood, James Otterson, Brooks Pierce, Allison Percy, Jeffrey Perry, Stephen Rabent, Dan Ready, Sarah Sajewski, Jeffrey Schafer, Kurt Seibert, John Seliski, Joshua Shakin, Naveen Singhal, Emily Stern, Robert Stewart, Carolyn Ugolino, and Emily Vreeland

## Mandates:

Lilia Ledezma, Andrew Laughlin

**Estimate Reviewed By**

Chad Chirico

Chief, Low-Income Health Programs and Prescription Drugs Cost Estimates Unit

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Director of Budget Analysis

**Table 1.**  
**Estimated Budgetary Effects of Reconciliation Recommendations**  
**As Ordered Reported by the House Committee on Education and Labor on February 9, 2021**

		By Fiscal Year, Millions of Dollars												
		2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2021-2030	2021-2031
		Increases or Decreases (+) in Direct Spending												
<b>Subtitle A. Education Matters</b>														
<b>Part 1 - Department of Education</b>														
Sec.	2001 Elementary and Secondary School Emergency Relief Fund													
	Budget Authority	128,555											128,555	128,555
	Estimated Outlays	8,428	32,139	32,139	25,711	19,283	8,869	2,571	1,295	0	0	0	128,695	128,555
Sec.	2002 Higher Education Emergency Relief Fund													
	Budget Authority	39,595	0	0	0	0	0	0	0	0	0	0	39,595	39,595
	Estimated Outlays	5,938	13,655	5,938	5,938	3,958	1,979	1,563	396	0	0	0	39,695	39,595
Sec.	2004 Outlying Areas													
	Budget Authority	850	0	0	0	0	0	0	0	0	0	0	850	850
	Estimated Outlays	43	212	212	170	128	80	17	8	0	0	0	850	850
Sec.	2005 Bureau of Indian Education													
	Budget Authority	850	0	0	0	0	0	0	0	0	0	0	850	850
	Estimated Outlays	43	153	153	153	153	128	42	25	0	0	0	850	850
Sec.	2006 Gallaudet University													
	Budget Authority	19	0	0	0	0	0	0	0	0	0	0	19	19
	Estimated Outlays	1	8	7	3	0	0	0	0	0	0	0	16	19
Sec.	2007 Student Aid Administration													
	Budget Authority	91	0	0	0	0	0	0	0	0	0	0	91	91
	Estimated Outlays	9	39	25	9	9	0	0	0	0	0	0	91	91
Sec.	2008 Howard University													
	Budget Authority	35	0	0	0	0	0	0	0	0	0	0	35	35
	Estimated Outlays	2	15	13	5	0	0	0	0	0	0	0	35	35
Sec.	2009 National Technical Institute for the Deaf													
	Budget Authority	19	0	0	0	0	0	0	0	0	0	0	19	19
	Estimated Outlays	1	8	7	3	0	0	0	0	0	0	0	18	19
Sec.	2010 Institute of Education Sciences													
	Budget Authority	100	0	0	0	0	0	0	0	0	0	0	100	100
	Estimated Outlays	1	15	15	30	30	9	0	0	0	0	0	100	100
Sec.	2011 Program Administration													
	Budget Authority	15	0	0	0	0	0	0	0	0	0	0	15	15
	Estimated Outlays	1	3	6	3	2	0	0	0	0	0	0	15	15
Sec.	2012 Office of Inspector General													
	Budget Authority	5	0	0	0	0	0	0	0	0	0	0	5	5
	Estimated Outlays	*	1	2	1	1	0	0	0	0	0	0	5	5
Sec.	2013 Modification of Revenue Requirements for Proprietary Institutions of Higher Education													
	Estimated Budget Authority	0	-3	-10	-13	-16	-18	-17	-19	-19	-20	-20	-133	-153
	Estimated Outlays	0	-2	-6	-11	-15	-16	-17	-19	-19	-19	-20	-124	-144
<b>Part 2 - Miscellaneous</b>														
Sec.	2021 National Endowment for the Arts													
	Budget Authority	135	0	0	0	0	0	0	0	0	0	0	135	135
	Estimated Outlays	30	64	34	7	0	0	0	0	0	0	0	135	135
Sec.	2022 National Endowment for the Humanities													
	Budget Authority	135	0	0	0	0	0	0	0	0	0	0	135	135
	Estimated Outlays	30	64	34	7	0	0	0	0	0	0	0	135	135
Sec.	2023 Institute of Museum and Library Services													
	Budget Authority	200	0	0	0	0	0	0	0	0	0	0	200	200
	Estimated Outlays	18	102	82	13	6	0	0	0	0	0	0	196	199
Sec.	2024 COVID-19 Response Resources for the Preservation and Maintenance of Native American Languages													
	Budget Authority	10	0	0	0	0	0	0	0	0	0	0	10	10
	Estimated Outlays	*	8	2	0	0	0	0	0	0	0	0	10	10
<b>Subtotal, Subtitle A</b>		178,804	-3	-10	-13	-18	-18	-17	-19	-19	-20	-20	170,671	170,451
		12,543	46,684	38,643	32,042	23,555	11,159	4,196	1,685	-19	-19	-20	170,678	170,459
<b>Subtitle B. Labor Matters</b>														
Sec.	2101 Raising the Federal Minimum Wage <sup>13</sup>													
	Estimated Budget Authority	-593	1,864	2,807	3,710	4,989	6,483	8,194	9,555	8,457	10,000	12,891	54,696	97,387
	Estimated Outlays	-593	2,070	3,113	4,144	5,615	7,115	8,800	9,412	8,367	11,065	13,732	60,138	73,869
	Estimated Budget Authority - On-budget	-593	1,858	2,873	3,394	4,364	5,305	6,597	6,515	5,533	6,922	8,820	43,278	52,228
	Estimated Outlays - On-budget	-593	2,064	3,079	3,938	4,990	5,937	7,293	7,372	6,843	7,697	9,691	46,822	56,710
	Estimated Budget Authority - Off-budget	*	6	34	206	625	1,178	1,597	2,040	2,524	3,108	3,841	11,318	15,159
	Estimated Outlays - Off-budget	*	6	34	206	625	1,178	1,597	2,040	2,524	3,108	3,841	11,319	15,159
Sec.	2102 Funding for Department of Labor Worker Protection Activities													
	Budget Authority	150	0	0	0	0	0	0	0	0	0	0	150	150
	Estimated Outlays	97	36	0	6	2	0	0	0	0	0	0	150	150

**Table 1.**  
**Estimated Budgetary Effects of Reconciliation Recommendations**  
**As Ordered Reported by the House Committee on Education and Labor on February 9, 2021**

		By Fiscal Year, Millions of Dollars												
		2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2021-2030	2021-2031
<b>Increases or Decreases (-) in Direct Spending</b>														
Sec.	2103 Eligibility for Workers' Compensation Benefits for Federal Employees Diagnosed with COVID-19													
	Estimated Budget Authority	37	17	11	8	8	8	5	5	4	4	0	103	103
	Estimated Outlays	37	17	11	8	8	8	5	5	4	4	0	103	103
Sec.	2104 Compensation Pursuant to the Longshore and Harbor Workers' Compensation Act													
	Estimated Budget Authority	120	65	7	6	5	5	4	4	4	4	0	224	224
	Estimated Outlays	120	65	7	6	5	5	4	4	4	4	0	224	224
<b>Subtotal, Subtitle B</b>														
	Estimated Budget Authority	-286	2,046	-2,925	3,724	5,000	6,484	8,203	8,564	8,465	10,038	12,691	55,173	67,864
	Estimated Outlays	-339	2,188	-3,140	4,164	5,028	7,126	8,899	9,421	9,375	11,013	13,732	60,615	74,246
<b>Subtitle C. Human Services and Community Supports</b>														
Sec.	2201 Additional Funding for Aging and Disability Services Programs													
	Budget Authority	88	198	0	0	0	0	0	0	0	0	0	276	276
	Estimated Outlays	40	120	88	28	0	0	0	0	0	0	0	276	276
Sec.	2202 Supporting Older Americans and Their Families													
	Budget Authority	1,444	0	0	0	0	0	0	0	0	0	0	1,444	1,444
	Estimated Outlays	745	617	82	0	0	0	0	0	0	0	0	1,444	1,444
Sec.	2203 Child Care and Development Block Grant Program													
	Budget Authority	14,890	0	0	0	0	0	0	0	0	0	0	14,890	14,890
	Estimated Outlays	2,988	4,797	4,197	2,899	0	0	0	0	0	0	0	14,890	14,890
	Child Care Stabilization													
	Budget Authority	23,975	0	0	0	0	0	0	0	0	0	0	23,975	23,975
	Estimated Outlays	4,555	12,467	6,473	480	0	0	0	0	0	0	0	23,975	23,975
	Child Care Administration													
	Budget Authority	35	0	0	0	0	0	0	0	0	0	0	35	35
	Estimated Outlays	4	11	11	7	2	0	0	0	0	0	0	35	35
Sec.	2205 Head Start													
	Budget Authority	1,000	0	0	0	0	0	0	0	0	0	0	1,000	1,000
	Estimated Outlays	200	750	50	0	0	0	0	0	0	0	0	1,000	1,000
Sec.	2206 Programs for Survivors													
	Budget Authority	450	0	0	0	0	0	0	0	0	0	0	450	450
	Estimated Outlays	88	225	113	23	21	0	0	0	0	0	0	450	450
Sec.	2207 Child Abuse Prevention and Treatment													
	Budget Authority	350	0	0	0	0	0	0	0	0	0	0	350	350
	Estimated Outlays	53	175	88	18	16	0	0	0	0	0	0	350	350
Sec.	2208 LHCAP													
	Budget Authority	4,500	0	0	0	0	0	0	0	0	0	0	4,500	4,500
	Estimated Outlays	1,508	1,727	467	422	188	188	0	0	0	0	0	4,500	4,500
Sec.	2209 Department of Health and Human Services													
	Budget Authority	425	0	0	0	0	0	0	0	0	0	0	425	425
	Estimated Outlays	13	17	64	68	74	70	64	51	4	0	0	425	425
Sec.	2210 Corporation for National and Community Service and the National Service Trust													
	Budget Authority	1,000	0	0	0	0	0	0	0	0	0	0	1,000	1,000
	Estimated Outlays	200	425	130	90	75	50	30	0	0	0	0	1,000	1,000
<b>Subtotal, Subtitle C</b>														
	Budget Authority	48,257	188	0	0	0	0	0	0	0	0	0	48,445	48,445
	Estimated Outlays	10,384	21,331	11,763	4,134	376	308	94	51	4	0	0	48,445	48,445
<b>Subtitle D. Child Nutrition &amp; Related Programs</b>														
Sec.	2301 Improvements to WIC Benefits													
	Budget Authority	490	0	0	0	0	0	0	0	0	0	0	490	490
	Estimated Outlays	490	0	0	0	0	0	0	0	0	0	0	490	490
Sec.	2302 WIC Program Modernization													
	Budget Authority	290	0	0	0	0	0	0	0	0	0	0	290	290
	Estimated Outlays	59	156	137	38	0	0	0	0	0	0	0	290	290
Sec.	2303 Meals and Supplements Reimbursements for Individuals who have not Attained the Age of 25													
	Estimated Budget Authority	70	110	0	0	0	0	0	0	0	0	0	180	180
	Estimated Outlays	70	110	0	0	0	0	0	0	0	0	0	180	180
Sec.	2304 Pandemic EBT Program													
	Estimated Budget Authority	5,560	0	0	0	0	0	0	0	0	0	0	5,560	5,560
	Estimated Outlays	5,560	0	0	0	0	0	0	0	0	0	0	5,560	5,560
<b>Subtotal, Subtitle D</b>														
	Estimated Budget Authority	6,510	110	0	0	0	0	0	0	0	0	0	6,620	6,620
	Estimated Outlays	6,179	266	137	38	0	0	0	0	0	0	0	6,620	6,620

**Table 1.**  
**Estimated Budgetary Effects of Reconciliation Recommendations**  
**As Ordered Reported by the House Committee on Education and Labor on February 9, 2021**

		By Fiscal Year, Millions of Dollars												
		2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2021-2030	2021-2031
<b>Increases or Decreases (+) in Direct Spending</b>														
<b>Subtitle E. COBRA Continuation Coverage</b>														
Sec.	2401 Preserving Health Benefits for Workers <sup>a,c</sup>													
	Estimated Budget Authority	-5,915	-171	0	0	0	0	0	0	0	0	0	-6,086	-6,086
	Estimated Outlays	-5,818	-168	0	0	0	0	0	0	0	0	0	-6,088	-6,088
<b>Total Increase in Direct Spending (on- and off-budget)</b>		<b>219,170</b>	<b>2,170</b>	<b>2,915</b>	<b>3,711</b>	<b>4,984</b>	<b>6,478</b>	<b>8,180</b>	<b>8,545</b>	<b>8,448</b>	<b>10,018</b>	<b>12,871</b>	<b>274,623</b>	<b>287,204</b>
	Estimated Budget Authority	219,170	2,170	2,915	3,711	4,984	6,478	8,180	8,545	8,448	10,018	12,871	274,623	287,204
	Estimated Outlays	22,849	70,301	53,683	40,378	28,658	18,593	13,189	11,167	9,360	10,984	13,712	289,073	283,784
<b>Total Increase in Direct Spending (on budget)</b>		<b>219,170</b>	<b>2,164</b>	<b>2,891</b>	<b>3,505</b>	<b>4,359</b>	<b>5,300</b>	<b>6,589</b>	<b>6,526</b>	<b>5,922</b>	<b>6,910</b>	<b>8,830</b>	<b>263,303</b>	<b>272,135</b>
	Estimated Budget Authority	219,170	2,164	2,891	3,505	4,359	5,300	6,589	6,526	5,922	6,910	8,830	263,303	272,135
	Estimated Outlays	22,849	70,295	53,649	40,172	28,934	17,415	11,992	8,127	6,836	7,886	9,871	286,193	278,625
<b>Total Increase in Direct Spending (off-budget)</b>		<b>*</b>	<b>6</b>	<b>34</b>	<b>206</b>	<b>625</b>	<b>1,178</b>	<b>1,597</b>	<b>2,040</b>	<b>2,524</b>	<b>3,108</b>	<b>3,841</b>	<b>11,318</b>	<b>15,158</b>
	Estimated Budget Authority	*	6	34	206	625	1,178	1,597	2,040	2,524	3,108	3,841	11,318	15,158
	Estimated Outlays	*	6	34	206	625	1,178	1,597	2,040	2,524	3,108	3,841	11,318	15,158
<b>Increases or Decreases (+) in Revenues</b>														
<b>Subtitle B. Labor Matters</b>														
Sec.	2101 Raising the Federal Minimum Wage <sup>b</sup>													
	Total Revenues	-14	43	-222	-250	-2,313	1,690	2,839	3,782	4,658	5,099	5,047	14,702	19,749
	On-budget Revenues	-72	-313	-1,283	-2,497	-3,914	-3,349	-2,080	-1,350	-897	-321	-305	-17,876	-18,181
	Off-budget Revenues	58	356	1,061	2,247	3,601	4,439	4,919	5,142	5,335	5,420	5,352	32,578	37,930
<b>Subtitle E. COBRA Continuation Coverage</b>														
Sec.	2401 Preserving Health Benefits for Workers <sup>a,c</sup>													
	Total Revenues	-11,972	-3,991	0	0	0	0	0	0	0	0	0	-15,963	-15,963
	On-budget Revenues	-11,876	-3,992	0	0	0	0	0	0	0	0	0	-15,868	-15,968
	Off-budget Revenues	4	1	0	0	0	0	0	0	0	0	0	95	5
<b>Revenues</b>														
	Total Revenues	-11,986	-3,948	-222	-250	-2,313	1,690	2,839	3,792	4,638	5,099	5,847	-1,261	3,786
	On-budget Revenues	-12,048	-4,305	-1,283	-2,497	-3,914	-3,349	-2,080	-1,350	-897	-321	-305	-33,844	-34,149
	Off-budget Revenues	62	357	1,061	2,247	3,601	4,439	4,919	5,142	5,335	5,420	5,352	32,583	37,935
<b>Net Increase or Decrease (+) in the Deficit</b>														
<b>From Changes in Direct Spending and Revenues</b>														
	Estimated Changes in the Deficit	<b>34,835</b>	<b>74,248</b>	<b>53,995</b>	<b>46,628</b>	<b>31,872</b>	<b>17,593</b>	<b>16,350</b>	<b>7,375</b>	<b>4,722</b>	<b>5,895</b>	<b>8,669</b>	<b>281,236</b>	<b>289,898</b>
	On-budget Deficit	34,897	74,600	54,932	42,669	34,948	20,764	13,872	10,477	7,533	8,207	10,118	302,098	312,774
	Off-budget Deficit	-42	-351	-1,027	-2,041	-2,976	-3,261	-3,322	-3,102	-2,811	-2,312	-1,511	21,288	-22,776

Components may not sum to totals because of rounding.  
 Estimates relative to CBO's February 2021 baseline.  
 LIHEAP = Low Income Home Energy Assistance Program; Pandemic EBT = Pandemic Electronic Benefits Transfer Program; WIC = Special Supplemental Nutrition Program for Women, Infants and Children; n.a. = not applicable; \* = between -\$500,000 and \$500,000.

Off-budget effects are designated by law as excluded from budget totals. The revenues and outlays of the two Social Security trust funds (the Old-Age and Survivors Insurance Trust Fund and the Disability Insurance Trust Fund) and the transactions of the Postal Service are off-budget. All effects in this table are on-budget unless otherwise noted.

- a. For more detail, see Congressional Budget Office, The Budgetary Effects of the Raise the Wage Act of 2021 (February 2021), [www.cbo.gov/publication/56975](http://www.cbo.gov/publication/56975).
- b. These sections would affect direct spending and revenues, which are shown separately.
- c. The estimated budgetary effects shown here differ from the estimated effects of the same provision that was included in the Reconciliation Recommendations of the House Committee on Ways and Means. The estimated budgetary effects of the provision in the Ways & Means legislation accounted for interactions with sections 9661 and 9663 in subtitle G of that legislation, which would increase marketplace subsidies for certain individuals, whereas this estimate does not.

## PURPOSE AND SUMMARY

The purpose of the Committee Print is to respond to the needs of students, workers, and communities as the country continues to grapple with the COVID-19 pandemic and to comply with the reconciliation directive given to the Committee on Education and Labor (Committee) included in section 2001(b) of the Concurrent Resolution on the Budget for Fiscal Year 2021, S.Con.Res. 5. As of February 2021, the public health crisis has sickened more than 27 million people and left over 470,000 dead in the United States alone,<sup>1</sup> with the nation's most vulnerable populations—in particular communities of color, low-income families, and older Americans—bearing the brunt of the harm. While Congress has previously acted to provide relief during the pandemic, the Committee Print will provide continued and urgent relief to struggling workers, students, and families.

## COMMITTEE ACTION

### 117<sup>th</sup> Congress

On February 9, 2021, the Committee began consideration of the Committee Print, and on February 10, 2021, the Committee concluded its consideration and voted to transmit the Committee Print, as amended, to the Committee on the Budget by a vote of 27 ayes and 21 nays.

The Committee considered and adopted the following amendments to the Committee Print:

- Chairman Robert C. “Bobby” Scott (D-VA-03) offered an Amendment in the Nature of a Substitute (ANS) that made one technical edit to the Committee Print. The amendment was adopted by voice vote.
- Rep. Joe Courtney (D-CT-02) offered a manager’s amendment that made technical and clarifying edits to the ANS, clarified the uses of funding in section 2201, provided \$10 million to carry out the long-term care ombudsman program under title VII of the *Older Americans Act (OAA) of 1965*,<sup>2</sup> and reduced funding to carry out Part B of Title III of OAA from \$480 million to \$470 million. The amendment was adopted by voice vote.

The Committee also considered the following amendments:

- Rep. Rick Allen (R-AL-12) offered an amendment to deny Elementary and Secondary School Emergency Relief (ESSER) funds to school districts that do not offer the option of in-person instruction to all students. The amendment was defeated by a recorded vote of 21 ayes and 27 nays.
- Rep. Greg Murphy (R-NC-03) offered an amendment to deny ESSER funds unless in-person instruction is available to subgroups of students. The amendment was defeated by a recorded vote of 21 ayes and 27 nays.

<sup>1</sup> *Coronavirus in the U.S.: Latest Map and Case Count*, N.Y. TIMES (Feb. 10, 2021), <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html>.

<sup>2</sup> 42 U.S.C. §§ 3001-3058ff.

- Rep. Michelle Steel (R-CA-48) offered an amendment to deny ESSER funds unless in-person instruction is available and all teachers have had access to the COVID-19 vaccine. The amendment was defeated by a recorded vote of 21 ayes and 26 nays.
- Rep. Mary Miller (R-IL-15) offered an amendment to deny ESSER funds unless instruction is entirely in-person and require each state that receives ESSER funds to open an Education Savings Account to divert funding from away public schools and to private school vouchers. The amendment was defeated by a recorded vote of 21 ayes and 27 nays.
- Rep. Bob Good (R-VA-05) offered an amendment to require school districts that accept ESSER funds to document in writing and make public all negotiations regarding reopening between the school district and the teacher's union. The amendment was defeated by a recorded vote of 21 ayes and 27 nays.
- Ranking Member Foxx (R-NC-05) offered an amendment to strike sections 2103 and 2104 of the Committee Print. Section 2103 expands eligibility under the *Federal Employees' Compensation Act* for workers' compensation benefits for federal employees diagnosed with COVID-19,<sup>3</sup> and Section 2104 expands eligibility under the *Longshore and Harbor Workers' Compensation Act* for workers' compensation benefits for maritime workers diagnosed with COVID-19.<sup>4</sup> The amendment was defeated by a recorded vote of 21 ayes and 27 nays as part of en bloc 1.
- Reps. Burgess Owens (R-UT-04) and Veronica Spartz (R-IN-05) offered an amendment to prohibit any ESSER funds from being used on the assessments required under section 1111 of the *Elementary and Secondary Education Act*.<sup>5</sup> The amendment was defeated by a recorded vote of 21 ayes and 27 nays.
- Rep. Fred Keller (R-PA-12) offered an amendment to exempt certain small businesses from provisions of section 2101 of the Committee Print that raises the federal minimum wage. The amendment was defeated by a recorded vote of 21 ayes and 27 nays.
- Rep. Madison Cawthorn (R-NC-11) offered an amendment to exempt certain geographical areas from section 2101 of the Committee Print, which raises the federal minimum wage. The amendment was defeated by a recorded vote of 21 ayes and 27 nays.
- Rep. Steel offered an amendment to prohibit the implementation of the increase of the minimum wage in section 2101 of the Committee Print if the U.S. Government Accountability Office determines that at least 200,000 jobs will be lost due to automation from implementation of section 2101. The amendment was defeated by a recorded vote of 21 ayes and 27 nays.
- Rep. Owens offered an amendment to condition the minimum wage increase in section 2101 of the Committee Print on various employment statistics. The amendment was defeated by a recorded vote of 21 ayes and 27 nays.
- Rep. Murphy offered an amendment to strike section 2101 of the Committee Print, which raises the federal minimum wage. The amendment was defeated by a recorded vote of 21 ayes and 27 nays as part of en bloc 1.

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<sup>3</sup> 5 U.S.C. § 8101 *et seq.*

<sup>4</sup> 33 USC § 901 *et seq.*

<sup>5</sup> 20 U.S.C. § 6311.

- Rep. Glenn Grothman (R-WI-06) offered an amendment to strike the language in Section 2101 phasing out the 14(c) subminimum wage certificates for individuals with disabilities. The amendment was defeated by a recorded vote of 21 ayes and 27 nays.
- Ranking Member Foxx offered an amendment to strike the provisions closing the *Higher Education Act's*<sup>6</sup> 90/10 loophole and instead exclude veterans' education benefits from the calculation entirely. The amendment was defeated by a recorded vote of 21 ayes and 27 nays.
- Rep. Keller offered an amendment to increase the share of Higher Education Emergency Relief (HEER) funds that flow to students at for-profit colleges. The amendment was defeated by a recorded vote of 21 ayes and 27 nays as part of en bloc 1.
- Rep. Jim Banks (R-IN-03) offered an amendment to exclude workers from receiving premium assistance if their health plan provides coverage of abortion care. The amendment was defeated by a recorded vote of 21 ayes and 27 nays.
- Rep. Spartz offered an amendment to provide \$1 billion to entities receiving funding under Title II of the *Juvenile Justice and Delinquency Prevention Act of 1974*.<sup>7</sup> The amendment was defeated by a recorded vote of 21 ayes and 27 nays.
- Rep. Tim Walberg (R-MI-07) offered an amendment to allocate \$20 million for the Office of Labor-Management Standards from U.S. Department of Labor (DOL) appropriations. The amendment was defeated by a recorded vote of 21 ayes and 27 nays as part of en bloc 1.
- Rep. Elise Stefanik (R-NY-21) offered an amendment to add \$4.58 billion in funding to the *Workforce Innovation and Opportunity Act* and require that 75 percent of such funds be spent on skills development and education.<sup>8</sup> The amendment was defeated by a recorded vote of 21 ayes and 27 nays.
- Rep. Stefanik offered an amendment to deny HEER funds to institutions of higher education that have partnerships with entities owned or controlled by China. The amendment was defeated by a recorded vote of 20 ayes and 27 nays.
- Rep. Stefanik offered an amendment to reserve a very low percentage of funds from the child care stabilization fund for rural care child care providers. The amendment was defeated by a recorded vote of 21 ayes and 27 nays as part of en bloc 1.
- Rep. Mariannette Miller-Meeks (R-IA-02) offered an amendment to divert two percent of ESSER and HEER funds to multi-year competitive grants for mental health services. The amendment was defeated by a recorded vote of 20 ayes and 28 nays.
- Rep. Stefanik offered an amendment to cut funding and limit allowable uses for institutions of higher education subject to the excise tax on endowments. The amendment was defeated by a recorded vote of 21 ayes and 27 nays.
- Rep. Good offered an amendment to deny emergency aid under HEER to undocumented students. The amendment was defeated by a recorded vote of 21 ayes and 27 nays as part of en bloc 2.
- Rep. Russ Fulcher (R-ID-01) offered an amendment to exclude workers from premium assistance unless they provide a social security number. The amendment was defeated by a recorded vote of 21 ayes and 27 nays as part of en bloc 2.

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<sup>6</sup> 20 U.S.C. § 1001 *et seq.*

<sup>7</sup> 34 U.S.C. § 11101 *et seq.*

<sup>8</sup> 29 U.S.C. § 3101 *et seq.*

- Rep. Cawthorn offered an amendment to add \$2 billion to ESSER for competitive grants to rural schools to use for education technology. The amendment was defeated by a recorded vote of 19 ayes and 29 nays.
- Rep. Good offered an amendment to eliminate the \$270 million appropriation to the National Endowment for the Arts and the National Endowment for the Humanities and redirect that funding to the Rural Education Achievement Program. The amendment was defeated by a recorded vote of 20 ayes and 28 nays.
- Rep. Miller-Meeks offered an amendment to appropriate an additional \$30 million to the Occupational Safety and Health Administration (OSHA) to carry out compliance assistance activities related to COVID-19. The amendment was defeated by a recorded vote of 21 ayes and 27 nays.
- Rep. Spartz offered an amendment to require the U.S. Department of Health and Human Services (HHS) to prioritize foster care services with funding appropriated to assist programs under the Administration for Children and Families. The amendment was defeated by a recorded vote of 21 ayes and 27 nays.
- Rep. Spartz offered an amendment to require the Inspector General of HHS to issue a report to Congress on fraud, performance, and compliance audits related to emergency funding provided under the Committee Print for *Older Americans Act* programs. The amendment was defeated by a recorded vote of 21 ayes and 27 nays as part of en bloc 3.
- Rep. Spartz offered an amendment to prohibit ESSER funds from going to a state educational agency unless the governor and state and local legislatures are notified of the maintenance of effort and maintenance of equity conditions, which the governor and legislature must approve if required by law. The amendment was defeated by a recorded vote of 21 ayes and 27 nays as part of en bloc 3.
- Rep. Spartz offered an amendment to require the Inspector Generals of the U.S. Department of Education (ED) and the Corporation for National and Community Service (CNCS) to transmit reports to the authorizing committees regarding audits and oversight of activities funded by the Committee Print. The amendment was defeated by a recorded vote of 21 ayes and 27 nays as part of en bloc 3.

## COMMITTEE VIEWS

### Background

The COVID-19 pandemic has impacted every aspect of daily life. It has forced early childhood care and education programs, schools, and institutions of higher education across the nation to close and operate remotely, leading to an unprecedented disruption in learning and exacerbating pre-existing educational disparities faced by tens of millions of vulnerable students.<sup>9</sup> At the same time, the virus's effects have upended the U.S. economy and labor market; economic output shrank by 3.5 percent in 2020, the largest decline since the end of World War II.<sup>10</sup> The

<sup>9</sup> *Map: Coronavirus and School Closures*, EDUC. WK., (Sept. 16, 2020), <https://www.edweek.org/leadership/map-coronavirus-and-school-closures-in-2019-2020/2020/03>; *College Crisis Initiative @ Davidson College*, (Sept. 9, 2020), <https://collegecrisis.shinyapps.io/dashboard/>.

<sup>10</sup> News Release, U.S. Bureau of Econ. Analysis, Gross Domestic Product, 4th Quarter and Year 2020 (Advance Estimate) (Jan. 28, 2021), <https://www.bea.gov/news/2021/gross-domestic-product-4th-quarter-and-year-2020-advance-estimate>.



United States lost an estimated 22 million payroll jobs in a two-month period—nearly 10 million of which have not yet been recovered—while initial weekly claims for unemployment benefits have exceeded their historical high-point for 47 consecutive weeks and counting.<sup>11</sup>

Throughout the course of the COVID-19 pandemic, systemic and structural inequities in access to quality, affordable, and effective health care, education, housing, and community support services have contributed to disproportionately high rates of COVID-19-related death among patients of color.<sup>12</sup> Low-wage essential workers of color (many of whom are women) often serve in environments that increase their risk for COVID-19 exposure (e.g., hospitals and meat-processing facilities), have limited access to personal protective equipment (PPE) and COVID-19 testing, live in areas with few opportunities for social distancing, and lack telehealth access to manage chronic conditions that can cause life-threatening COVID-19 symptoms.<sup>13</sup> COVID-19 hospitalization rates for Native American, Latino, and Black patients are currently 4.0 times higher, 4.1 times higher, and 3.7 times higher than rates for non-Hispanic White patients respectively.<sup>14</sup> Families have reported that bias, discrimination, and limited access to translation services were barriers to COVID-19 testing and treatment for symptomatic patients of color who died from COVID-19 while seeking medical care.<sup>15</sup> Against this backdrop, Congress must do more to address the ways in which COVID-19 has exacerbated these barriers and the underlying causes of these inequities.

Congressional action to date, including policy advanced by the Committee, has been critical in securing relief for schools and institutions of higher education, providing workers with access to paid leave, protecting workplace safety and health, making sure school-age children have enough

<sup>11</sup> As of the week ending February 6, 2021, seasonally adjusted initial claims for Unemployment Insurance (UI) had exceeded the previous high of 695,000 (October 1982) for 46 weeks in a row. U.S. Dep't of Lab., "Unemployment Insurance Weekly Claims," <https://www.dol.gov/ui/data.pdf> (last visited Feb. 11, 2021).

<sup>12</sup> Kristen Azar et. al, *Disparities In Outcomes Among COVID-19 Patients In A Large Health Care System In California*, HEALTH AFF. (May 2020), <https://www.healthaffairs.org/doi/10.1377/hlthaff.2020.00598>. According to the Centers for Disease Control and Prevention and the World Health Organization (WHO), the term "health inequity" refers to the presence of health disparities in controllable or remediable aspects of health and health care access. World Health Organization, *Health Systems: Equity* (2021), <https://www.who.int/healthsystems/topics/equity/en/>; Jamila Taylor, *Racism, Inequality, and Health Care for African Americans*, THE CENTURY FOUND. (Dec. 19, 2019), <https://tcf.org/content/report/racism-inequality-health-care-african-americans/>.

<sup>13</sup> Katy O'Donnell, *Black community braces for next threat: Mass evictions*, POLITICO (Jun. 12, 2020), <https://www.politico.com/news/2020/06/12/mass-evictions-314699>; Blair Levin, *COVID-19 proves we need to continue upgrading America's broadband infrastructure*, BROOKINGS INST. (Mar. 30, 2020), <https://www.brookings.edu/blog/the-avenue/2020/03/30/covid-19-proves-we-need-to-continue-upgrading-americas-broadband-infrastructure/>; Chris Geary, Vincent Palacios, and Laura Tatum, *Who Are Essential Workers? The U.S. Economy Depends on Women, People of Color, & Immigrant Workers*, Georgetown Center on Poverty and Inequality, Georgetown University Law Center (Jul. 20, 2020), <http://www.georgetownpoverty.org/wp-content/uploads/2020/07/GCPI-ESOI-Essential-Workers-July2020.pdf>.

<sup>14</sup> Centers for Disease Control and Prevention, *Infographic: COVID-19 Cases, Hospitalization, and Death by Race/Ethnicity* (Dec. 10, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/racial-ethnic-disparities/infographic-cases-hospitalization-death.html>.

<sup>15</sup> John Eligon and Audra Burch, *Questions of Bias in COVID-19 Treatment Add to the Mourning for Black Families*, N.Y. Times (May 20, 2020), <https://www.nytimes.com/2020/05/10/us/coronavirus-african-americans-bias.html>.

to eat, supporting access to health care, and more.<sup>16</sup> However, further action is needed, as the nation's economic policy leaders, including Federal Reserve Chairman Jerome Powell and Treasury Secretary Janet Yellen, have repeatedly advised Congress.<sup>17</sup>

On January 20, 2021, President Joseph R. Biden, Jr., laid out the *American Rescue Plan*, the first step of an aggressive, two-step plan for rescue from the depths of the COVID-19 pandemic.<sup>18</sup> The Committee's consideration of the Committee Print is in response to the budget resolution adopted by Congress that instructed the Committee to "submit changes in laws within its jurisdiction to increase the deficit by not more than \$357,926,000,000 for the period of Fiscal Years 2021 through 2030."<sup>19</sup>

More than a year after the first case of COVID-19 was confirmed in the United States, the need to help our constituents overcome this pandemic has only grown. Over 470,000 people in this country have died from the virus; students across the country are falling further behind; millions of workers remain unemployed, and the latest research predicts that 7 million of the jobs lost will not come back; and an unprecedented number of children and families are facing hunger and homelessness. The Committee on Education and Labor's piece of the budget reconciliation measure will provide our communities with the immediate relief they need and deserve.

## SECTION-BY-SECTION ANALYSIS

### *Subtitle A: Education Matters*

#### Part 1 – Department of Education

##### **Section 2001. Elementary and Secondary School Emergency Relief Fund**

Provides \$128,554,800,000 for grants to state educational agencies (SEAs), with 90 percent allocated to local educational agencies (LEAs), to be made in accordance with the same terms and conditions applicable to funds provided in Fiscal Year 2021 for the Elementary and Secondary School Emergency Relief Fund (ESSERF) of the Education Stabilization Fund. SEAs are required to reserve at least 5 percent of new ESSERF allocations to carry out activities to address learning loss. LEAs must reserve at least 20 percent of newly allocated ESSERF subgrants to address learning loss. The LEA reservation for learning loss is the only provision subject to equitable services. LEAs are required to provide equitable services to students and teachers in non-public schools in the same manner as Section 1117 of the *Elementary and*

<sup>16</sup> Including the *Families First Coronavirus Response Act* (FFCRA) (Pub. L. No. 116-127), the *Coronavirus Aid, Relief, and Economic Security (CARES) Act* (Pub. L. No. 116-136), and the *Consolidated Appropriations Act, 2021* (Pub. L. No. 116-260).

<sup>17</sup> Erica Werner and Jeff Stein, "Janet Yellen tells lawmakers it's 'critically important to act now' on economic relief plan," WASH. POST, (Jan. 19, 2021), <https://www.washingtonpost.com/us-policy/2021/01/19/yellen-confirmation-hearing-stimulus/>; "Transcript of Chair Powell's Press Conference January 27, 2021," <https://www.federalreserve.gov/mediacenter/files/FOMCpresconf20210127.pdf>.

<sup>18</sup> The White House, President Biden Announces American Rescue Plan, (Jan. 20, 2021), <https://www.whitehouse.gov/briefing-room/legislation/2021/01/20/president-biden-announces-american-rescue-plan/>.

<sup>19</sup> S.Con.Res. 5, 117th Cong. § 2001(b) (2021).

*Secondary Education Act*, as determined in consultation with representatives of non-public schools.

**Section 2002. Higher Education Emergency Relief Fund**

Provides \$39,584,570,000 for grants to institutions of higher education to be made in accordance with the same terms and conditions applicable to funds provided in Fiscal Year 2021 for the Higher Education Emergency Relief Fund (HEERF) of the Education Stabilization Fund. Public and private non-profit institutions receiving new HEERF allocations will be required to spend at least 50 percent of such allocations on emergency financial aid grants to students, while for-profit institutions receiving allocations and institutions receiving allocations due to the enrollment of students enrolled exclusively online will have to spend 100 percent of such allocations on student aid. Institutions will be solely responsible for determining which students receive emergency financial aid grants. Institutions are required to use a portion of the institutional share of new allocations to implement evidence-based practices to mitigate COVID-19 and conduct outreach to students regarding the opportunity to receive a financial aid adjustment due to the recent unemployment of a family member or other changes in financial circumstances. Restrictions that were applied exclusively to institutions subject to the endowment tax in the previous Higher Education Emergency Relief Fund will not apply to new allocations under this section. The share of funds for for-profit institutions is reduced from 3 percent to 1 percent, with the difference reinvested in funds for institutions as defined in section 101 of the *Higher Education Act*. The share of funds for Historically Black Colleges and Universities, Tribal Colleges and Universities, Minority-Serving Institutions, and other under-resourced institutions is unchanged at 7.5 percent. Similarly, the share of funds for institutions with the greatest unmet needs related to coronavirus is unchanged at .5 percent.

**Section 2003. Maintenance of Effort and Maintenance of Equity**

Requires each state receiving funds under the Elementary and Secondary School Emergency Relief Fund to maintain spending in Fiscal Years 2022 and 2023 on both elementary and secondary education and higher education, at least at the proportionate levels of the state's spending on those categories relative to the state's overall spending, averaged over Fiscal Years 2017, 2018, and 2019. The Secretary of Education may waive maintenance of effort requirements for the purpose of relieving fiscal burdens incurred by states in preventing, preparing for, and responding to the coronavirus. This section also includes fiscal equity guardrails to prevent state budget cuts from disproportionately impacting high-poverty school districts and low-income students. This section prohibits state educational agencies (SEAs) from cutting per-pupil spending on high-poverty local education agencies (LEAs) at a rate steeper than overall cuts in per-pupil spending across all local education agencies. SEAs are further prohibited from reducing funding for the 20 percent of LEAs with the highest percentage of economically disadvantaged students below the level of funding provided to those LEAs in Fiscal Year 2019. Lastly, LEAs are prohibited from cutting per-pupil spending on any high-poverty school at a rate steeper than overall cuts in per-pupil spending across all schools served by the LEA, and from reducing per-pupil staffing in any high-poverty school at a rate steeper than overall cuts in per-pupil staffing across all schools served by the LEA.

**Section 2004. Outlying Areas**

Provides \$850,000,000 for grants to the outlying areas.

**Section 2005. Bureau of Indian Education**

Provides \$850,000,000 for grants to Bureau of Indian Education-operated and funded elementary and secondary schools and Tribal Colleges or Universities.

**Section 2006. Gallaudet University**

Provides \$19,250,000 for the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and Gallaudet University.

**Section 2007. Student Aid Administration**

Provides \$91,130,000 for Student Aid Administration within the Department of Education to prevent, prepare for, and respond to coronavirus, domestically and 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.

**Section 2008. Howard University**

Provides \$35,000,000 for Howard University.

**Section 2009. National Technical Institute for the Deaf**

Provides \$19,250,000 for the National Technical Institute for the Deaf.

**Section 2010. Institute of Education Sciences**

Provides \$100,000,000 for the Institute of Education Sciences to study learning loss and disseminate findings to SEAs, LEAs, and other appropriate entities.

**Section 2011. Program Administration**

Provides \$15,000,000 for Program Administration within the Department of Education to prevent, prepare for, and respond to coronavirus, domestically and internationally, and for salaries and expenses necessary to implement this part.

**Section 2012. Office of Inspector General**

Provides \$5,000,000 for the Office of the Inspector General of the Department of Education.

**Section 2013. Modification of Revenue Requirements for Proprietary Institutions of Higher Education**

Modifies the requirement in Sec. 487 of the *Higher Education Act* to require proprietary institutions to derive not less than ten percent of revenue from funds other than federal education assistance funds, including from the GI Bill.

Part 2 – Miscellaneous**Section 2021. National Endowment for the Arts**

Provides \$135,000,000 for the National Endowment for the Arts, with forty percent of funds reserved for grants to state art agencies and regional art organizations, and sixty percent of funds reserved for direct grants that support organizations' programming and general operating expenses.

**Section 2022. National Endowment for the Humanities**

Provides \$135,000,000 for the National Endowment for the Humanities, with forty percent of funds reserved for grants to state humanities councils, and sixty percent of funds reserved for direct grants that support humanities organizations' programming and general operating expenses.

**Section 2023. Institute of Museum and Library Services**

Provides \$200,000,000 to carry out the *Library Service and Technology Act* as authorized under Subtitle B of the *Museum and Library Services Act* with a minimum allocation of \$2,000,000 for each state.

**Section 2024. COVID-19 Response Resources for the Preservation and Maintenance of Native American Languages**

Provides \$10,000,000 for emergency grants to support Native American language preservation and maintenance. Funding will mitigate COVID-19-related disruptions or threats to Native American languages and the continued vitality of Native American languages during and after the COVID-19 public health emergency.

***Subtitle B: Labor Matters*****Section 2101. Raising the Federal Minimum Wage**

Increases the federal minimum wage ("6(a)(1) wage") for employees from \$7.25 per hour to \$15 per hour by 2025 (\$9.50 in 2021; \$11.00 in 2022; \$12.50 in 2023; \$14.00 in 2024; and \$15.00 in 2025). Thereafter, annual increases in the 6(a)(1) wage are indexed to the percentage increase, if any, in the median hourly wages of all employees.

Increases the tipped minimum wage from \$2.13 to \$4.95 in 2021. For each succeeding year, the tipped minimum wage increases by the lesser of either \$2.00 or the difference between the tipped minimum wage and the 6(a)(1) wage. Once the tipped minimum wage reaches the 6(a)(1) wage (2027), the tipped minimum wage is eliminated by stipulating that the tipped minimum wage will be the 6(a)(1) wage.

Increases the youth subminimum wage, which employers may currently pay to individuals under 20 years of age for the first 90 calendar days of employment, from \$4.25 to \$6.00 in 2021. Each subsequent year, the youth subminimum wage increases by the lesser of either \$1.75 or the difference between the youth subminimum wage and the 6(a)(1) wage. Once the youth minimum wage reaches the 6(a)(1) wage (in 2027), the youth subminimum wage is eliminated by stipulating that the youth minimum wage will be the 6(a)(1) wage.

Discontinues the issuance of new 14(c) certificates, which permit the payment of subminimum wages to workers with disabilities, while allowing existing 14(c) certificate holders to continue using their subminimum wage certificates for five years after enactment. Sets the hourly wage paid to 14(c) covered employees to at least \$5.00 in 2021 (or, if greater, the wage that was paid to the employee before enactment). Each subsequent year, the 14(c) subminimum wage

increases by \$2.50. In 2025, the subminimum wage paid to 14(c) covered employees must be the same as the 6(a)(1) wage and remaining 14(c) certificates will have no legal effect.

Unless otherwise specified, these amendments to the *Fair Labor Standards Act* take effect on the first day of the third month that begins after the date of enactment. The effective date for the Commonwealth of the Northern Mariana Islands is 18 months after this general effective date.

**Section 2102. Funding for U.S. Department of Labor Worker Protection Activities**

Provides \$150,000,000 for the Secretary of Labor to implement COVID-19 worker protection activities across the Department, with not less than \$75,000,000 allocated to the Occupational Safety and Health Administration (OSHA), and within this allocation funds are reserved for OSHA enforcement in high risk sectors (such as meat processing, corrections, and health care) and the Susan Harwood Training Grant Program. As part of the \$150,000,000, \$12,500,000 is provided for the DOL Inspector General.

**Section 2103. COVID-19 Presumption of Eligibility for Federal and Postal Employees Under the *Federal Employees' Compensation Act***

Provides that federal and postal employees who (1) came into contact with patients, the public, or co-workers in the course of their duties, and (2) were diagnosed with COVID-19 between January 27, 2020, and January 30, 2023, will receive a presumption that COVID-19 is a work-related illness for purposes of eligibility under the *Federal Employees' Compensation Act* (FECA). FECA provides wage loss compensation for temporary or total disability, medical costs, and death benefits to survivors. Funds are appropriated to the Employees' Compensation Fund to pay benefit costs through September 30, 2030.

**Section 2104. COVID-19 Presumption of Eligibility for Maritime Workers Under the *Longshore and Harbor Workers' Compensation Act***

Provides that employees who were engaged in maritime employment between January 27, 2020, and January 27, 2023, and were diagnosed with COVID-19, or were ordered to quarantine, shall receive a conclusive presumption that such illness or quarantine was work related for purposes of workers' compensation benefits under the *Longshore and Harbor Workers' Compensation Act* (LHWCA). The LHWCA provides medical benefits, wage loss compensation for disability, funeral expenses, and survivors benefits. Self-insured employers and insurance carriers shall be reimbursed for the cost of such claims from the Employees' Compensation Fund in the U.S. Treasury, provided the employer is in compliance with any safety and health guidelines and standards related to COVID-19, including those issued by the OSHA, a state OSHA plan, or applicable public health authority. Funds are appropriated from the Treasury to the Employees' Compensation Fund through September 30, 2030, to cover the cost of such reimbursements.

***Subtitle C: Human Services and Community Supports***

**Section 2201. Additional Funding for Aging and Disability Services Programs**

Provides a total of \$276,000,000 in funding for the *Elder Justice Act* for Fiscal Years 2021 and 2022; ensures that Adult Protective Services (APS) funding may be used to serve all adults.

**Section 2202. Supporting Older Americans and Their Families**

Provides \$1,444,000,000 in funding for programs authorized under the *Older Americans Act* (OAA):

- \$740,000,000 to support nutrition programs for older Americans;
- \$25,000,000 for services, including nutrition, for Native American communities;
- \$470,000,000 to support home- and community-based support services programs, including support for COVID-19 vaccination outreach and coordination and addressing social isolation;
- \$44,000,000 for evidence-based health promotion and disease prevention;
- \$145,000,000 for the National Family Caregiver Support Program; and
- \$10,000,000 for the long-term care ombudsman program.

**Section 2203. Child Care and Development Block Grant Program**

Provides \$14,990,000,000 for the Child Care and Development Block Grant (CCDBG) program. Lead agencies may obligate funds during the current fiscal year and succeeding two fiscal years. Lead agencies may use such funds to provide child care assistance to essential workers without regard to such workers' income.

Provides an additional \$23,975,000,000 to be used for child care stabilization as described in section 2204 and in accordance with the requirements of the *Child Care and Development Block Grant Act* except for requirements in subparagraphs (C) through (E) of section 658E(c)(3) and section 658G of such Act.

Provides an additional \$35,000,000 for federal administrative costs, including technical assistance and research, to carry out child care stabilization and implement the additional funding for CCDBG.

**Section 2204. Child Care Stabilization**

Establishes child care stabilization grants to be awarded to each lead agency in accordance with allocation requirements under the *Child Care and Development Block Grant Act*. A lead agency may reserve up to 10 percent of grant funds for administrative and technical assistance costs and must use the remainder of funds to award subgrants to qualified child care providers that were, on the date of submission of the application for the subgrant, either open and available to provide child care services or closed for reasons related to the COVID-19 public health emergency. The subgrant amount must be based on the child care provider's stated current operating expenses. The Committee Print specifies the allowable uses of funds for subgrants, which include but are not limited to personnel expenses, cleaning supplies and personal protective equipment, and mental health supports. Subgrant funds may be used for sums obligated or expended prior to the date of enactment of this Act.

A child care provider that receives funds must certify that for the duration of the subgrant, the child care provider will: implement practices in line with guidance from state, Tribal, and local authorities, and to the greatest extent possible, guidance from the Centers for Disease Control and Prevention; pay no less than the full compensation the provider was paying each employee on the date of submission of the application for the subgrant; and provide relief from copayments and tuition payments to families enrolled in the provider's program, to the greatest extent possible, and prioritize such relief for families struggling to make either type of payment. The

lead agency shall notify the Secretary of Health and Human Services if the lead agency is unable to obligate at least 50 percent of funds awarded to carry out this section within nine months of the date of the enactment of this Act.

**Section 2205. Head Start**

Provides \$1,000,000,000 for Head Start programs, to be allocated to each Head Start agency according to the number of children enrolled in that agency as compared to the total number of children enrolled in all Head Start agencies. Such funding shall not be included in the calculation of base grants in subsequent fiscal years and shall not be subject to allocation requirements in section 640(a) of the *Head Start Act*.

**Section 2206. Programs for Survivors**

Provides a total of \$450,000,000, which shall not be subject to matching requirements for the duration of the COVID-19 pandemic, for *Family Violence Prevention and Services Act* (FVPSA) programs and related programs:

- \$180,000,000 to support FVPSA formula grants;
- \$18,000,000 for grants for Indian tribes;
- \$2,000,000 for the national domestic violence hotline, of which \$1,000,000 is directed to support Tribal communities;
- \$49,500,000 for grants to support culturally-specific populations;
- \$198,000,000 for grants to support survivors of sexual assault; and
- \$2,500,000 for the federal administrative costs of implementing grants to support culturally-specific populations and grants to support survivors of sexual assault.

**Section 2207. Child Abuse Prevention and Treatment**

Provides \$250,000,000 for child abuse and neglect prevention programs as authorized under Title II of the *Child Abuse Prevention and Treatment Act* (CAPTA), except that such funds shall not be subject to state match requirements and shall be distributed to each state in an amount that bears the same proportion to such amount appropriated for all states as the number of children under the age of 18 residing in the state bears to the total number of children under the age of 18 residing in all states.

Provides \$100,000,000 for the child abuse and neglect treatment and response state grant program authorized under section 106 of CAPTA, which shall be allocated without regard to the discretionary activity allocation requirements under section 112(a)(2) of CAPTA.

**Section 2208. LIHEAP**

Provides \$4,500,000,000 for the Low Income Home Energy Assistance Program (LIHEAP) to help families afford home heating and cooling costs, to remain available through September 30, 2022.

**Section 2209. Department of Health and Human Services**

Provides \$425,000,000 to the Secretary of Health and Human Services for increased costs associated with the COVID-19 pandemic in any programs administered under the Administration for Children and Families that provide direct program services to children.



**Section 2210. Corporation for National and Community Service and the National Service Trust**

Provides \$1,000,000,000 to the Corporation for National and Community Service and the National Service Trust to support an increase in AmeriCorps volunteers to respond to communities impacted by COVID-19 such as helping schools safely reopen and tackling the growing hunger crisis. Grants will be prioritized based on grantees located in and recruiting from communities disproportionately impacted by COVID-19 and taking into account the diversity of communities and participants served by such entities, including racial, ethnic, socioeconomic, linguistic, or geographic diversity.

***Subtitle D: Child Nutrition & Related Programs***

**Section 2301. Improvements to WIC Benefits**

Provides the Secretary of Agriculture with authority and funding to temporarily boost the value of the Cash Value Voucher (CVV) in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) up to \$35 per month for women and children for a four-month period during the COVID-19 pandemic.

**Section 2302. WIC Program Modernization**

Provides \$390 million for outreach, innovation, and program modernization efforts to improve participation and benefit redemption in the WIC program.

**Section 2303. Meals and Supplementals Reimbursements for Individuals who Have Not Attained the Age of 25**

Temporarily expands the age of eligibility for the Child and Adult Care Food Program (CACFP) at emergency homeless shelters from 18 to 25 for the duration of the COVID-19 pandemic.

**Section 2304. Pandemic EBT Program**

Allows the Pandemic Electronic Benefit Transfer (P-EBT) program to be implemented for any school year in which the COVID-19 public health emergency designation is in effect and allows for P-EBT benefits to be extended through the summer.

***Subtitle E: COBRA Continuation Coverage***

**Section 2401. Preserving Health Benefits for Workers**

Provides subsidies to support workers who are eligible for continuation coverage under the *Consolidated Omnibus Reconciliation Act of 1985* (COBRA) due to involuntary termination or reduction in hours. Eighty-five percent premium assistance will be available beginning the first month following the date of enactment and will remain available through September 30, 2021. Provides for an extended election period to allow individuals who previously experienced a qualifying event to enroll in subsidized coverage. Requires clear and understandable written notices and establishes an expedited review process for workers who are denied premium assistance. Provides a refundable payroll tax credit to allow employers and health plans to be reimbursed for the full amount of COBRA premiums.

Provides \$10 million to the Secretary of Labor to support implementation by the Employee Benefits Security Administration (EBSA).

**EXPLANATION OF AMENDMENTS**

The Committee Print to comply with the reconciliation directive included in section 2001(b) of the Concurrent Resolution on the Budget for Fiscal Year 2021, S.Con.Res. 5, as amended, including the amendment in the nature of a substitute, are explained in the descriptive portions of this report.

**APPLICATION OF LAW TO THE LEGISLATIVE BRANCH**

Pursuant to section 102(b)(3) of the *Congressional Accountability Act*, Pub. L. No. 104-1, Section 2103 of this Committee Print to comply with the reconciliation directive included in section 2001(b) of the Concurrent Resolution on the Budget for Fiscal Year 2021, S.Con.Res. 5, as amended, applies to terms and conditions of employment within the legislative branch by expanding access to benefits under the *Federal Employees' Compensation Act* (5 U.S.C. 8101 *et seq.*) for civilian federal employees who are diagnosed with COVID-19.

**UNFUNDED MANDATE STATEMENT**

Pursuant to Section 423 of the *Congressional Budget and Impoundment Control Act* (as amended by Section 101(a)(2) of the *Unfunded Mandates Reform Act*, Pub. L. No. 104-4), the Committee adopts as its own the estimate of federal mandates regarding the Committee Print, as amended, prepared by the Director of the Congressional Budget Office.

**EARMARK STATEMENT**

In accordance with clause 9 of Rule XXI of the Rules of the House of Representatives, the Committee Print to comply with the reconciliation directive included in section 2001(b) of the Concurrent Resolution on the Budget for Fiscal Year 2021, S.Con.Res. 5, as amended, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as described in clauses 9(e), 9(f), and 9(g) of Rule XXI.

**ROLL CALL VOTES**

In compliance with clause 3(b) of Rule XIII of the Rules of the House of Representatives, the Committee advises that the following roll call votes occurred during the Committee's consideration of the Committee Print to comply with the reconciliation directive included in section 2001(b) of the Concurrent Resolution on the Budget for Fiscal Year 2021, S.Con.Res. 5, as amended:

**[INSERT ROLL CALL SHEETS]**

### STATEMENT OF PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause (3)(c) of Rule XIII of the Rules of the House of Representatives, the goals of the Committee Print are to provide urgent and needed relief to struggling students, workers, and families and to comply with the reconciliation directive included in section 2001(b) of the Concurrent Resolution on the Budget for Fiscal Year 2021, S.Con.Res. 5.

### DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of Rule XIII of the Rules of the House of Representatives, the Committee states that no provision of the Committee Print to comply with the reconciliation directive included in section 2001(b) of the Concurrent Resolution on the Budget for Fiscal Year 2021, S.Con.Res. 5, establishes or reauthorizes a program of the Federal Government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Pub. L. No. 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

### HEARINGS

Pursuant to Section 3(u) of H.Res. 8, Adopting the Rules of the House of Representatives of the One Hundred Seventeenth Congress, and for other purposes, which passed the House of Representatives on January 4, 2021, the Committee is not required to conduct hearings on legislation reported or transmitted from the Committee before April 1, 2021.

### STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of Rule XIII and clause 2(b)(1) of Rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

### NEW BUDGET AUTHORITY AND CBO COST ESTIMATE

Pursuant to clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives and section 308(a) of the *Congressional Budget Act of 1974*, and pursuant to clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget Act of 1974*, the Committee has received the following estimate for the Committee Print to comply with the reconciliation directive included in section 2001(b) of the Concurrent Resolution on the Budget for Fiscal Year 2021, S.Con.Res. 5, as amended, from the Director of the Congressional Budget Office. Pursuant to clause 3(v) of H.Res. 8, Adopting the Rules of the House of Representatives of the One Hundred Seventeenth Congress, and for other purposes, which passed the House of Representatives on January 4, 2021, the chair of the Committee on the Budget may adjust an estimate under clause 4 of Rule XXIX of the Rules of the House of Representatives to "exempt the budgetary effects of measures to prevent, prepare for, or respond to economic or public health consequences resulting from the COVID-19 pandemic."

**[INSERT DOCUMENT FROM CBO]**

**COMMITTEE COST ESTIMATE**

Clause 3(d)(1) of Rule XIII of the Rules of the House of Representatives requires an estimate and a comparison of the costs that would be incurred in carrying out the Committee Print to comply with the reconciliation directive included in section 2001(b) of the Concurrent Resolution on the Budget for Fiscal Year 2021, S.Con.Res. 5, as amended. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the committee has included in its report a timely submitted cost estimate of the Committee Print prepared by the Director of the Congressional Budget Office under section 402 of the *Congressional Budget Act of 1974*.

**CHANGES IN EXISTING LAW MADE BY THE COMMITTEE PRINT, AS REPORTED**

Pursuant to clause 3(e) of Rule XIII of the Rules of the House of Representatives, a comparative print of changes in existing law made by the Committee Print, as reported, has been requested but not received.



COMMITTEE ON  
EDUCATION AND LABOR  
U. S. HOUSE OF REPRESENTATIVES  
2176 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6100

February 16, 2021

MAJORITY MEMBERS:  
ROBERT C. "BOBBY" SCOTT, VIRGINIA,  
Chairman  
RAUL M. GRIJALVA, ARIZONA  
JOE COURTNEY, CONNECTICUT  
GREGORIO KILILI CAMACHO SABLAN,  
NORTHERN MARIANA ISLANDS  
FREDERICA S. WILSON, FLORIDA  
SUZANNE BONAMICI, OREGON  
MARK TAKANO, CALIFORNIA  
ALMA S. ADAMS, NORTH CAROLINA  
MARK DESJARDIN, CALIFORNIA  
DONALD NORCROSS, NEW JERSEY  
FRANBLA JAYAPAL, WASHINGTON  
JOSEPH D. MOKELLE, NEW YORK  
SUSAN WILD, PENNSYLVANIA  
LUCY MCBEATH, GEORGIA  
JAHANA HAYES, CONNECTICUT  
ANDY LEVIN, MICHIGAN  
LEWIS OWAK, MINNESOTA  
HALEY M. STEVENS, MICHIGAN  
TERESA LESER FERNANDEZ,  
NEW MEXICO  
MONDAIRE JONES, NEW YORK  
KATHY E. HARRING, NORTH CAROLINA  
FRANK J. MRVAN, INDIANA  
JAMMAL BOYMAN, NEW YORK  
MARK POON, WISCONSIN  
JOAQUIN CASTRO, TEXAS  
MIKE SHERRILL, NEW JERSEY  
JOHN A. YARMUTH, KENTUCKY  
ADRIANO ESPALLAT, NEW YORK  
VACANCY

MINORITY MEMBERS:  
VIRGINIA FOIX, NORTH CAROLINA,  
Ranking Member  
JOE WILSON, SOUTH CAROLINA  
GLENN THOMPSON, PENNSYLVANIA  
TIM WALBERG, MICHIGAN  
GLENN GROTHMAN, WISCONSIN  
ELISE M. STEFANIK, NEW YORK  
RICK W. ALLEN, GEORGIA  
JIM BANKS, INDIANA  
JAMES COMER, KENTUCKY  
RUSS FULCHER, IDAHO  
FRED KELLER, PENNSYLVANIA  
GREGORY F. MURPHY, NORTH CAROLINA  
MARIANNETTE MILLER-NEEKS, IOWA  
BURGESS OWENS, UTAH  
BOB GOOD, VIRGINIA  
LISA C. MCCLEAN, MICHIGAN  
DIANA HARSHBARGER, TENNESSEE  
MARY E. MILLER, ILLINOIS  
VICTORIA SPARTZ, INDIANA  
SCOTT FITZGERALD, WISCONSIN  
MADISON CAWTHORN, NORTH CAROLINA  
MICHELLE STEEL, CALIFORNIA  
VACANCY

The Honorable John Yarmuth  
Chairman  
Committee on the Budget  
204-E Cannon House Office Building  
Washington, DC 20515

Dear Chairman Yarmuth:

Pursuant to section 2001 of the Concurrent Resolution on the Budget for Fiscal Year 2021, S. Con. Res. 5, I hereby transmit these recommendations that have been approved by vote of the Committee on Education and Labor, and the appropriate accompanying material including Minority Views, to the House Committee on the Budget. This submission is in order to comply with reconciliation directives included in the Concurrent Resolution on the Budget for Fiscal Year 2021, S. Con. Res. 5, and is consistent with section 310 of the *Congressional Budget and Impoundment Control Act of 1974*.

Sincerely,

Robert C. "Bobby" Scott  
Chairman

Date: Feb 9, 2021

**COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE**

Roll Call: 4

Bill: H.R. Cmte Print Amendment Number: 6

Disposition: Defeated by a vote of 21-27

Sponsor/Amendment: Miller/RAMD\_14.xml

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRUJALVA (AZ)		X		Mr. WILSON (SC)			X
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. GROTHMAN (WI)	X		
Ms. WILSON (FL)		X		Ms. STEFANIK (NY)	X		
Ms. BONAMICI (OR)		X		Mr. ALLEN (GA)	X		
Mr. TAKANO (CA)		X		Mr. BANKS (IN)	X		
Ms. ADAMS (NC)		X		Mr. COMER (KY)	X		
Mr. DESAULNIER (CA)		X		Mr. FULCHER (ID)	X		
Mr. NORCROSS (NJ)		X		Mr. KELLER (PA)	X		
Ms. JAYAPAL (WA)		X		Mr. MURPHY (NC)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MI)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNANDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		<i>Vacancy</i>			
Mr. BOWMAN (NY)		X		<i>Vacancy</i>			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)			X				
Ms. SHERRILL (NJ)		X					
Mr. YARMUTH (KY)		X					
Mr. ESPAILLAT (NY)		X					
<i>Vacancy</i>							

TOTALS: Ayes: 21

Nos: 27

Not Voting: 2

Total: 53 / Quorum: / Report:

(29 D - 24 R)

\*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

\*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.



Date: Feb 9, 2021

**COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE**

Roll Call: 7

Bill: H.R. Cmte Print Amendment Number: 10

Disposition: Defeated by a vote of 21-27

Sponsor/Amendment: Keller/SMALLBUSINESS\_01.xml

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRIJALVA (AZ)		X		Mr. WILSON (SC)			X
Mr. COURNTHEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. GROTHMAN (WI)	X		
Ms. WILSON (FL)		X		Ms. STEFANIK (NY)	X		
Ms. BONAMICI (OR)		X		Mr. ALLEN (GA)	X		
Mr. TAKANO (CA)		X		Mr. BANKS (IN)	X		
Ms. ADAMS (NC)		X		Mr. COMER (KY)	X		
Mr. DESAULNIER (CA)		X		Mr. FULCHER (ID)	X		
Mr. NORCROSS (NJ)		X		Mr. KELLER (PA)	X		
Ms. JAYAPAL (WA)		X		Mr. MURPHY (NC)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MD)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNANDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		<i>Vacancy</i>			
Mr. BOWMAN (NY)		X		<i>Vacancy</i>			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)			X				
Ms. SHERRILL (NJ)		X					
Mr. YARMUTH (KY)		X					
Mr. ESPAILLAT (NY)		X					
<i>Vacancy</i>							

TOTALS: Ayes: 21

Nos: 27

Not Voting: 2

Total: 53 / Quorum: / Report:

(29 D - 24 R)

\*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

\*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: 02/09/2021

**COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE**

Roll Call: 1 Bill: H.R. Cmte Print Amendment Number: 3

Disposition: Defeated by a vote of 21-27

Sponsor/Amendment: Allen/ RAMD\_11.xml

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRJALVA (AZ)		X		Mr. WILSON (SC)			X
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. GROTHMAN (WI)	X		
Ms. WILSON (FL)		X		Ms. STEFANIK (NY)	X		
Ms. BONAMICI (OR)		X		Mr. ALLEN (GA)	X		
Mr. TAKANO (CA)		X		Mr. BANKS (IN)	X		
Ms. ADAMS (NC)		X		Mr. COMER (KY)	X		
Mr. DESAULNIER (CA)		X		Mr. FULCHER (ID)	X		
Mr. NORCROSS (NJ)		X		Mr. KELLER (PA)	X		
Ms. JAYAPAL (WA)		X		Mr. MURPHY (NC)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MI)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNANDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		<i>Vacancy</i>			
Mr. BOWMAN (NY)		X		<i>Vacancy</i>			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)			X				
Ms. SHERRILL (NJ)		X					
Mr. YARMUTH (KY)		X					
Mr. ESPAILLAT (NY)		X					
<i>Vacancy</i>							

TOTALS: Ayes: 21

Nos: 27

Not Voting: 2

Total: 53 / Quorum: / Report:

(29 D - 24 R)

\*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

\*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: Feb 9, 2021

**COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE**

Roll Call: 2

Bill: H.R. Cmte Print Amendment Number: 4

Disposition: Defeated by a vote of 21-27

Sponsor/Amendment: Murphy/RAMD\_12.xml

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRIJALVA (AZ)		X		Mr. WILSON (SC)			X
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. GROTHMAN (WI)	X		
Ms. WILSON (FL)		X		Ms. STEFANIK (NY)	X		
Ms. BONAMICI (OR)		X		Mr. ALLEN (GA)	X		
Mr. TAKANO (CA)		X		Mr. BANKS (IN)	X		
Ms. ADAMS (NC)		X		Mr. COMER (KY)	X		
Mr. DESAULNIER (CA)		X		Mr. FULCHER (ID)	X		
Mr. NORCROSS (NJ)		X		Mr. KELLER (PA)	X		
Ms. JAYAPAL (WA)		X		Mr. MURPHY (NC)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MI)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNANDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		<i>Vacancy</i>			
Mr. BOWMAN (NY)		X		<i>Vacancy</i>			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)			X				
Ms. SHERRILL (NJ)		X					
Mr. YARMUTH (KY)		X					
Mr. ESPAILLAT (NY)		X					
<i>Vacancy</i>							

TOTALS: Ayes: 21

Nos: 27

Not Voting: 2

Total: 53 / Quorum: / Report:

(29 D - 24 R)

\*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

\*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: Feb 9, 2021

**COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE**

Roll Call: 3

Bill: H.R. Cmte Print Amendment Number: 5

Disposition: Defeated by a vote of 21-26

Sponsor/Amendment: Steel/RAMD\_13.xml

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRIJALVA (AZ)		X		Mr. WILSON (SC)			X
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLON (MP)		X		Mr. GROTHMAN (WI)	X		
Ms. WILSON (FL)			X	Ms. STEFANIK (NY)	X		
Ms. BONAMICI (OR)		X		Mr. ALLEN (GA)	X		
Mr. TAKANO (CA)		X		Mr. BANKS (IN)	X		
Ms. ADAMS (NC)		X		Mr. COMER (KY)	X		
Mr. DESAULNIER (CA)		X		Mr. FULCHER (ID)	X		
Mr. NORCROSS (NJ)		X		Mr. KELLER (PA)	X		
Ms. JAYAPAL (WA)		X		Mr. MURPHY (NC)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MI)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNANDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		<i>Vacancy</i>			
Mr. BOWMAN (NY)		X		<i>Vacancy</i>			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)			X				
Ms. SHERRILL (NJ)		X					
Mr. YARMUTH (KY)		X					
Mr. ESPAILLAT (NY)		X					
<i>Vacancy</i>							

TOTALS: Ayes: 21

Nos: 26

Not Voting: 3

Total: 53 / Quorum: / Report:

(29 D - 24 R)

\*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

\*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: Feb 9, 2021

**COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE**

Roll Call: 11

Bill: H.R. Cmte Print Amendment Number: 15

Disposition: Defeated by a vote of 21-27

Sponsor/Amendment: GROTHMAN/GROTWI\_004.xml

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRIJALVA (AZ)		X		Mr. WILSON (SC)			X
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. GROTHMAN (WI)	X		
Ms. WILSON (FL)		X		Ms. STEFANIK (NY)	X		
Ms. BONAMICI (OR)		X		Mr. ALLEN (GA)	X		
Mr. TAKANO (CA)		X		Mr. BANKS (IN)	X		
Ms. ADAMS (NC)		X		Mr. COMER (KY)	X		
Mr. DESAULNIER (CA)		X		Mr. FULCHER (ID)	X		
Mr. NORCROSS (NJ)		X		Mr. KELLER (PA)	X		
Ms. JAYAPAL (WA)		X		Mr. MURPHY (NC)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MI)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNANDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		<i>Vacancy</i>			
Mr. BOWMAN (NY)		X		<i>Vacancy</i>			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)			X				
Ms. SHERRILL (NJ)		X					
Mr. YARMUTH (KY)		X					
Mr. ESPAILLAT (NY)		X					
<i>Vacancy</i>							

TOTALS: Ayes: 21

Nos: 27

Not Voting: 2

Total: 53 / Quorum: / Report:

(29 D - 24 R)

\*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

\*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: Feb 9, 2021

**COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE**

Roll Call: 5

Bill: H.R. Cmte Print Amendment Number: 7

Disposition: Defeated by a vote of 21-27

Sponsor/Amendment: Good/RAMD\_15.xml

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRUJALVA (AZ)		X		Mr. WILSON (SC)			X
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. GROTHMAN (WI)	X		
Ms. WILSON (FL)		X		Ms. STEFANIK (NY)	X		
Ms. BONAMICI (OR)		X		Mr. ALLEN (GA)	X		
Mr. TAKANO (CA)		X		Mr. BANKS (IN)	X		
Ms. ADAMS (NC)		X		Mr. COMER (KY)	X		
Mr. DESAULNIER (CA)		X		Mr. FULCHER (ID)	X		
Mr. NORCROSS (NJ)		X		Mr. KELLER (PA)	X		
Ms. JAYAPAL (WA)		X		Mr. MURPHY (NC)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MI)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNANDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		<i>Vacancy</i>			
Mr. BOWMAN (NY)		X		<i>Vacancy</i>			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)			X				
Ms. SHERRILL (NJ)		X					
Mr. YARMUTH (KY)		X					
Mr. ESPAILLAT (NY)		X					
<i>Vacancy</i>							

TOTALS: Ayes: 21

Nos: 27

Not Voting: 2

Total: 53 / Quorum: / Report:

(29 D - 24 R)

\*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

\*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: Feb 9, 2021

**COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE**

Roll Call:6

Bill:H.R. Cmte Print Amendment Number:9

Disposition: Defeated by a vote of 21-27

Sponsor/Amendment: Owens/RAMD\_21.xml

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRIJALVA (AZ)		X		Mr. WILSON (SC)			X
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. GROTHMAN (WI)	X		
Ms. WILSON (FL)		X		Ms. STEFANIK (NY)	X		
Ms. BONAMICI (OR)		X		Mr. ALLEN (GA)	X		
Mr. TAKANO (CA)		X		Mr. BANKS (IN)	X		
Ms. ADAMS (NC)		X		Mr. COMER (KY)	X		
Mr. DESAULNIER (CA)		X		Mr. FULCHER (ID)	X		
Mr. NORCROSS (NJ)		X		Mr. KELLER (PA)	X		
Ms. JAYAPAL (WA)		X		Mr. MURPHY (NC)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MD)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNANDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		<i>Vacancy</i>			
Mr. BOWMAN (NY)		X		<i>Vacancy</i>			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)			X				
Ms. SHERRILL (NJ)		X					
Mr. YARMUTH (KY)		X					
Mr. ESPAILLAT (NY)		X					
<i>Vacancy</i>							

TOTALS: Ayes: 21

Nos: 27

Not Voting: 2

Total: 53 / Quorum: / Report:

(29 D - 24 R)

\*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

\*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: Feb 9, 2021

**COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE**

Roll Call: 14

Bill: H.R. Cmte Print Amendment Number: 19

Disposition: Defeated by a vote of 21-27

Sponsor/Amendment: SPARTZ/SPARTZ\_001.xml

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRIJALVA (AZ)		X		Mr. WILSON (SC)			X
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. GROTHMAN (WI)	X		
Ms. WILSON (FL)		X		Ms. STEFANIK (NY)	X		
Ms. BONAMICI (OR)		X		Mr. ALLEN (GA)	X		
Mr. TAKANO (CA)		X		Mr. BANKS (IN)	X		
Ms. ADAMS (NC)		X		Mr. COMER (KY)	X		
Mr. DESAULNIER (CA)		X		Mr. FULCHER (ID)	X		
Mr. NORCROSS (NJ)		X		Mr. KELLER (PA)	X		
Ms. JAYAPAL (WA)		X		Mr. MURPHY (NC)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MI)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNANDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		<i>Vacancy</i>			
Mr. BOWMAN (NY)		X		<i>Vacancy</i>			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)			X				
Ms. SHERRILL (NJ)		X					
Mr. YARMUTH (KY)		X					
Mr. ESPAILLAT (NY)		X					
<i>Vacancy</i>							

TOTALS: Ayes: 21

Nos: 27

Not Voting: 2

Total: 53 / Quorum: / Report:

(29 D - 24 R)

\*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

\*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.



Date: Feb 9, 2021

**COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE**

Roll Call: 15

Bill:H.R. Cmte Print Amendment Number: 21

Disposition: Defeated by a vote of 21-27

Sponsor/Amendment: STEFANIK/AMD18.xml

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRUJALVA (AZ)		X		Mr. WILSON (SC)			X
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. GROTHMAN (WI)	X		
Ms. WILSON (FL)		X		Ms. STEFANIK (NY)	X		
Ms. BONAMICI (OR)		X		Mr. ALLEN (GA)	X		
Mr. TAKANO (CA)		X		Mr. BANKS (IN)	X		
Ms. ADAMS (NC)		X		Mr. COMER (KY)	X		
Mr. DESAULNIER (CA)		X		Mr. FULCHER (ID)	X		
Mr. NORCROSS (NJ)		X		Mr. KELLER (PA)	X		
Ms. JAYAPAL (WA)		X		Mr. MURPHY (NC)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MI)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNANDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		<i>Vacancy</i>			
Mr. BOWMAN (NY)		X		<i>Vacancy</i>			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)			X				
Ms. SHERRILL (NJ)		X					
Mr. YARMUTH (KY)		X					
Mr. ESPAILLAT (NY)		X					
<i>Vacancy</i>							

TOTALS: Ayes: 21

Nos: 27

Not Voting: 2

Total: 53 / Quorum: / Report:

(29 D - 24 R)

\*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

\*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: Feb 9, 2021

**COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE**

Roll Call: 16

Bill: H.R. Cmte Print Amendment Number: 22

Disposition: Defeated by a vote of 20-27

Sponsor/Amendment: STEFANIK/RAMD\_04.xml

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRUJALVA (AZ)		X		Mr. WILSON (SC)			X
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. GROTHMAN (WI)	X		
Ms. WILSON (FL)		X		Ms. STEFANIK (NY)	X		
Ms. BONAMICI (OR)		X		Mr. ALLEN (GA)	X		
Mr. TAKANO (CA)		X		Mr. BANKS (IN)	X		
Ms. ADAMS (NC)		X		Mr. COMER (KY)			X
Mr. DESAULNIER (CA)		X		Mr. FULCHER (ID)	X		
Mr. NORCROSS (NJ)		X		Mr. KELLER (PA)	X		
Ms. JAYAPAL (WA)		X		Mr. MURPHY (NC)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MI)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNANDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		<i>Vacancy</i>			
Mr. BOWMAN (NY)		X		<i>Vacancy</i>			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)			X				
Ms. SHERRILL (NJ)		X					
Mr. YARMUTH (KY)		X					
Mr. ESPAILLAT (NY)		X					
<i>Vacancy</i>							

TOTALS: Ayes: 20

Nos: 27

Not Voting: 3

Total: 53 / Quorum: / Report:

(29 D - 24 R)

\*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

\*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: Feb 9, 2021

**COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE**

Roll Call: 17

Bill: H.R. Cmte Print Amendment Number: 24

Disposition: Defeated by a vote of 20-28

Sponsor/Amendment: MILLER-MEEKS/RAMD\_05.xml

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRJALVA (AZ)		X		Mr. WILSON (SC)			X
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. GROTHMAN (WI)	X		
Ms. WILSON (FL)		X		Ms. STEFANIK (NY)	X		
Ms. BONAMICI (OR)		X		Mr. ALLEN (GA)	X		
Mr. TAKANO (CA)		X		Mr. BANKS (IN)	X		
Ms. ADAMS (NC)		X		Mr. COMER (KY)	X		
Mr. DESAULNIER (CA)		X		Mr. FULCHER (ID)		X	
Mr. NORCROSS (NJ)		X		Mr. KELLER (PA)	X		
Ms. JAYAPAL (WA)		X		Mr. MURPHY (NC)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MD)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNANDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		Vacancy			
Mr. BOWMAN (NY)		X		Vacancy			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)			X				
Ms. SHERRILL (NJ)		X					
Mr. YARMUTH (KY)		X					
Mr. ESPAILLAT (NY)		X					
Vacancy							

TOTALS: Ayes: 20

Nos: 28

Not Voting: 2

Total: 53 / Quorum: / Report:

(29 D - 24 R)

\*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

\*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: Feb 9, 2021

**COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE**

Roll Call: 18

Bill: H.R. Cmte Print Amendment Number: 25

Disposition: Defeated by a vote of 21-27

Sponsor/Amendment: STEFANIK/RAMD\_08.xml

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRIJALVA (AZ)		X		Mr. WILSON (SC)			X
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. GROTHMAN (WI)	X		
Ms. WILSON (FL)		X		Ms. STEFANIK (NY)	X		
Ms. BONAMICI (OR)		X		Mr. ALLEN (GA)	X		
Mr. TAKANO (CA)		X		Mr. BANKS (IN)	X		
Ms. ADAMS (NC)		X		Mr. COMER (KY)	X		
Mr. DESAULNIER (CA)		X		Mr. FULCHER (ID)	X		
Mr. NORCROSS (NJ)		X		Mr. KELLER (PA)	X		
Ms. JAYAPAL (WA)		X		Mr. MURPHY (NC)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MI)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNANDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		<i>Vacancy</i>			
Mr. BOWMAN (NY)		X		<i>Vacancy</i>			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)			X				
Ms. SHERRILL (NJ)		X					
Mr. YARMUTH (KY)		X					
Mr. ESPAILLAT (NY)		X					
<i>Vacancy</i>							

TOTALS: Ayes: 21

Nos: 27

Not Voting: 2

Total: 53 / Quorum: / Report:

(29 D - 24 R)

\*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

\*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: Feb 9, 2021

**COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE**

Roll Call: 19

Bill: H.R. Cmte Print Amendment Number: 28

Disposition: Defeated by a vote of 19-29

Sponsor/Amendment: CAWTHORN/RAMD\_16.xml

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRIJALVA (AZ)		X		Mr. WILSON (SC)			X
Mr. COURNTHEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. GROTHMAN (WI)		X	
Ms. WILSON (FL)		X		Ms. STEFANIK (NY)	X		
Ms. BONAMICI (OR)		X		Mr. ALLEN (GA)	X		
Mr. TAKANO (CA)		X		Mr. BANKS (IN)	X		
Ms. ADAMS (NC)		X		Mr. COMER (KY)	X		
Mr. DESAULNIER (CA)		X		Mr. FULCHER (ID)		X	
Mr. NORCROSS (NJ)		X		Mr. KELLER (PA)	X		
Ms. JAYAPAL (WA)		X		Mr. MURPHY (NC)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MD)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNANDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		<i>Vacancy</i>			
Mr. BOWMAN (NY)		X		<i>Vacancy</i>			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)			X				
Ms. SHERRILL (NJ)		X					
Mr. YARMUTH (KY)		X					
Mr. ESPAILLAT (NY)		X					
<i>Vacancy</i>							

TOTALS: Ayes: 19

Nos: 29

Not Voting: 2

Total: 53 / Quorum: / Report:

(29 D - 24 R)

\*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

\*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: Feb 9, 2021

**COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE**

Roll Call: 20

Bill: H.R. Cmte Print Amendment Number: 29

Disposition: Defeated by a vote of 20-28

Sponsor/Amendment: GOOD/GOOD\_010.xml

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRIJALVA (AZ)		X		Mr. WILSON (SC)			X
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)		X	
Mr. SABLAN (MP)		X		Mr. GROTHMAN (WI)	X		
Ms. WILSON (FL)		X		Ms. STEFANIK (NY)	X		
Ms. BONAMICI (OR)		X		Mr. ALLEN (GA)	X		
Mr. TAKANO (CA)		X		Mr. BANKS (IN)	X		
Ms. ADAMS (NC)		X		Mr. COMER (KY)	X		
Mr. DESAULNIER (CA)		X		Mr. FULCHER (ID)	X		
Mr. NORCROSS (NJ)		X		Mr. KELLER (PA)	X		
Ms. JAYAPAL (WA)		X		Mr. MURPHY (NC)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MI)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNANDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		<i>Vacancy</i>			
Mr. BOWMAN (NY)		X		<i>Vacancy</i>			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)			X				
Ms. SHERRILL (NJ)		X					
Mr. YARMUTH (KY)		X					
Mr. ESPAILLAT (NY)		X					
<i>Vacancy</i>							

TOTALS: Ayes: 20

Nos: 28

Not Voting: 2

Total: 53 / Quorum: / Report:

(29 D - 24 R)

\*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

\*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: Feb 9, 2021

**COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE**

Roll Call: 21

Bill: H.R. Cmte Print Amendment Number: 30

Disposition: Defeated by a vote of 21-27

Sponsor/Amendment: MILLER-MEEKS/DOLFUND2.xml

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRUJALVA (AZ)		X		Mr. WILSON (SC)			X
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. GROTHMAN (WI)	X		
Ms. WILSON (FL)		X		Ms. STEFANIK (NY)	X		
Ms. BONAMICI (OR)		X		Mr. ALLEN (GA)	X		
Mr. TAKANO (CA)		X		Mr. BANKS (IN)	X		
Ms. ADAMS (NC)		X		Mr. COMER (KY)	X		
Mr. DESAULNIER (CA)		X		Mr. FULCHER (ID)	X		
Mr. NORCROSS (NJ)		X		Mr. KELLER (PA)	X		
Ms. JAYAPAL (WA)		X		Mr. MURPHY (NC)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MD)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNANDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		<i>Vacancy</i>			
Mr. BOWMAN (NY)		X		<i>Vacancy</i>			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)			X				
Ms. SHERRILL (NJ)		X					
Mr. YARMUTH (KY)		X					
Mr. ESPAILLAT (NY)		X					
<i>Vacancy</i>							

TOTALS: Ayes: 21

Nos: 27

Not Voting: 2

Total: 53 / Quorum: / Report:

(29 D - 24 R)

\*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

\*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: Feb 9, 2021

**COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE**

Roll Call: 22

Bill: H.R. Cmte Print Amendment Number: 31

Disposition: Defeated by a vote of 21-27

Sponsor/Amendment: SPARTZ/SPARTZ\_06.xml

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRUJALVA (AZ)		X		Mr. WILSON (SC)			X
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLON (MP)		X		Mr. GROTHMAN (WI)	X		
Ms. WILSON (FL)		X		Ms. STEFANIK (NY)	X		
Ms. BONAMICI (OR)		X		Mr. ALLEN (GA)	X		
Mr. TAKANO (CA)		X		Mr. BANKS (IN)	X		
Ms. ADAMS (NC)		X		Mr. COMER (KY)	X		
Mr. DESAULNIER (CA)		X		Mr. FULCHER (ID)	X		
Mr. NORCROSS (NJ)		X		Mr. KELLER (PA)	X		
Ms. JAYAPAL (WA)		X		Mr. MURPHY (NC)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MD)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNANDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		<i>Vacancy</i>			
Mr. BOWMAN (NY)		X		<i>Vacancy</i>			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)			X				
Ms. SHERRILL (NJ)		X					
Mr. YARMUTH (KY)		X					
Mr. ESPAILLAT (NY)		X					
<i>Vacancy</i>							

TOTALS: Ayes: 21

Nos: 27

Not Voting: 2

Total: 53 / Quorum: / Report:

(29 D - 24 R)

\*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

\*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.



Date: Feb 9, 2021

**COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE**

Roll Call: 23

Bill: H.R. Cmte Print Amendment Number: 8, 14, 17, 20, 23 en bloc

Disposition: Defeated by a vote of 21-27

Sponsor/Amendment: FOXX (amend #8), Murphy (amend #14), Keller (amend #17),  
Walberg (amend #20), Stefanik (amend #23)

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRJALVA (AZ)		X		Mr. WILSON (SC)			X
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. GROTHMAN (WI)	X		
Ms. WILSON (FL)		X		Ms. STEFANIK (NY)	X		
Ms. BONAMICI (OR)		X		Mr. ALLEN (GA)	X		
Mr. TAKANO (CA)		X		Mr. BANKS (IN)	X		
Ms. ADAMS (NC)		X		Mr. COMER (KY)	X		
Mr. DESAULNIER (CA)		X		Mr. FULCHER (ID)	X		
Mr. NORCROSS (NJ)		X		Mr. KELLER (PA)	X		
Ms. JAYAPAL (WA)		X		Mr. MURPHY (NC)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MI)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNANDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		Vacancy			
Mr. BOWMAN (NY)		X		Vacancy			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)			X				
Ms. SHERRILL (NJ)		X					
Mr. YARMUTH (KY)		X					
Mr. ESPAILLAT (NY)		X					
Vacancy							

TOTALS: Ayes: 21

Nos: 27

Not Voting: 2

Total: 53 / Quorum: / Report:

(29 D - 24 R)

\*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

\*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: Feb 9, 2021

**COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE**

Roll Call: 24

Bill: H.R. Cmte Print Amendment Number: 26, 27 en bloc

Disposition: Defeated by a vote of 21-27

Sponsor/Amendment: Good (amend #26), Fulcher (amend #27)

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRJALVA (AZ)		X		Mr. WILSON (SC)			X
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. GROTHMAN (WI)	X		
Ms. WILSON (FL)		X		Ms. STEFANIK (NY)	X		
Ms. BONAMICI (OR)		X		Mr. ALLEN (GA)	X		
Mr. TAKANO (CA)		X		Mr. BANKS (IN)	X		
Ms. ADAMS (NC)		X		Mr. COMER (KY)	X		
Mr. DESAULNIER (CA)		X		Mr. FULCHER (ID)	X		
Mr. NORCROSS (NJ)		X		Mr. KELLER (PA)	X		
Ms. JAYAPAL (WA)		X		Mr. MURPHY (NC)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MI)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNANDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		<i>Vacancy</i>			
Mr. BOWMAN (NY)		X		<i>Vacancy</i>			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)			X				
Ms. SHERRILL (NJ)		X					
Mr. YARMUTH (KY)		X					
Mr. ESPAILLAT (NY)		X					
<i>Vacancy</i>							

TOTALS: Ayes: 21

Nos: 27

Not Voting: 2

Total: 53 / Quorum: / Report:

(29 D - 24 R)

\*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

\*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: Feb 9, 2021

**COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE**

Roll Call: 25

Bill: H.R. Cmte Print Amendment Number: 32,33,34 en bloc

Disposition: Defeated by a vote of 21-27

Sponsor/Amendment: Spartz (amends #32, 33, 34)

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRUJALVA (AZ)		X		Mr. WILSON (SC)			X
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. GROTHMAN (WI)	X		
Ms. WILSON (FL)		X		Ms. STEFANIK (NY)	X		
Ms. BONAMICI (OR)		X		Mr. ALLEN (GA)	X		
Mr. TAKANO (CA)		X		Mr. BANKS (IN)	X		
Ms. ADAMS (NC)		X		Mr. COMER (KY)	X		
Mr. DESAULNIER (CA)		X		Mr. FULCHER (ID)	X		
Mr. NORCROSS (NJ)		X		Mr. KELLER (PA)	X		
Ms. JAYAPAL (WA)		X		Mr. MURPHY (NC)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MI)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNANDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		<i>Vacancy</i>			
Mr. BOWMAN (NY)		X		<i>Vacancy</i>			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)			X				
Ms. SHERRILL (NJ)		X					
Mr. YARMUTH (KY)		X					
Mr. ESPAILLAT (NY)		X					
<i>Vacancy</i>							

TOTALS: Ayes: 21

Nos: 27

Not Voting: 2

Total: 53 / Quorum: / Report:

(29 D - 24 R)

\*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

\*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: 02/09/2021

**COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE**

Roll Call: 26

Bill: Committee Print Amendment Number: (Reconciliation)

Disposition: Agreed to by a vote of 27-21

Sponsor/Amendment: Scott/ Motion to transmit the Committee Print (Reconciliation), as amended, with recommendations to the House Committee on the Budget

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)	X			Mrs. FOXX (NC) (Ranking)		X	
Mr. GRIJALVA (AZ)	X			Mr. WILSON (SC)			X
Mr. COURNTEY (CT)	X			Mr. THOMPSON (PA)		X	
Mr. SABLAN (MP)	X			Mr. GROTHMAN (WI)		X	
Ms. WILSON (FL)	X			Ms. STEFANIK (NY)		X	
Ms. BONAMICI (OR)	X			Mr. ALLEN (GA)		X	
Mr. TAKANO (CA)	X			Mr. BANKS (IN)		X	
Ms. ADAMS (NC)	X			Mr. COMER (KY)		X	
Mr. DESAULNIER (CA)	X			Mr. FULCHER (ID)		X	
Mr. NORCROSS (NJ)	X			Mr. KELLER (PA)		X	
Ms. JAYAPAL (WA)	X			Mr. MURPHY (NC)		X	
Mr. MORELLE (NY)	X			Ms. MILLER-MEEKS (IA)		X	
Ms. WILD (PA)	X			Mr. OWENS (UT)		X	
Mrs. MCBATH (GA)	X			Mr. GOOD (VA)		X	
Mrs. HAYES (CT)	X			Mrs. MCCLAIN (MI)		X	
Mr. LEVIN (MI)	X			Mrs. HARSHBARGER (TN)		X	
Ms. OMAR (MN)	X			Mrs. MILLER (IL)		X	
Ms. STEVENS (MI)	X			Mrs. SPARTZ (IN)		X	
Ms. LEGER FERNANDEZ (NM)	X			Mr. FITZGERALD (WI)		X	
Mr. JONES (NY)	X			Mr. CAWTHORN (NC)		X	
Ms. MANNING (NC)	X			Mrs. STEEL (CA)		X	
Mr. MRVAN (IN)	X			<i>Vacancy</i>			
Mr. BOWMAN (NY)	X			<i>Vacancy</i>			
Mr. POCAN (WI)	X						
Mr. CASTRO (TX)			X				
Ms. SHERRILL (NJ)	X						
Mr. YARMUTH (KY)	X						
Mr. ESPAILLAT (NY)	X						
<i>Vacancy</i>							

TOTALS: Ayes: 27

Nos: 21

Not Voting: 2

Total: 53 / Quorum: 27 / Report: 27

(29 D - 24 R)

\*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

\*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: Feb 9, 2021

**COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE**

Roll Call: 9

Bill: H.R. Cmte Print Amendment Number: 12

Disposition: Defeated by a vote of 21-27

Sponsor/Amendment: STEEL/JOBLOSSAUTO\_01.xml

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRUJALVA (AZ)		X		Mr. WILSON (SC)			X
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. GROTHMAN (WI)	X		
Ms. WILSON (FL)		X		Ms. STEFANIK (NY)	X		
Ms. BONAMICI (OR)		X		Mr. ALLEN (GA)	X		
Mr. TAKANO (CA)		X		Mr. BANKS (IN)	X		
Ms. ADAMS (NC)		X		Mr. COMER (KY)	X		
Mr. DESAULNIER (CA)		X		Mr. FULCHER (ID)	X		
Mr. NORCROSS (NJ)		X		Mr. KELLER (PA)	X		
Ms. JAYAPAL (WA)		X		Mr. MURPHY (NC)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MD)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNANDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		<i>Vacancy</i>			
Mr. BOWMAN (NY)		X		<i>Vacancy</i>			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)			X				
Ms. SHERRILL (NJ)		X					
Mr. YARMUTH (KY)		X					
Mr. ESPAILLAT (NY)		X					
<i>Vacancy</i>							

TOTALS: Ayes: 21

Nos: 27

Not Voting: 2

Total: 53 / Quorum: / Report:

(29 D - 24 R)

\*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

\*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: Feb 9, 2021

**COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE**

Roll Call: 8

Bill: H.R. Cmte Print Amendment Number: 11

Disposition: Defeated by a vote of 21-27

Sponsor/Amendment: CAWTHORN/RURALEXCEPTION\_01.xml

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRUJALVA (AZ)		X		Mr. WILSON (SC)			X
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. GROTHMAN (WI)	X		
Ms. WILSON (FL)		X		Ms. STEFANIK (NY)	X		
Ms. BONAMICI (OR)		X		Mr. ALLEN (GA)	X		
Mr. TAKANO (CA)		X		Mr. BANKS (IN)	X		
Ms. ADAMS (NC)		X		Mr. COMER (KY)	X		
Mr. DESAULNIER (CA)		X		Mr. FULCHER (ID)	X		
Mr. NORCROSS (NJ)		X		Mr. KELLER (PA)	X		
Ms. JAYAPAL (WA)		X		Mr. MURPHY (NC)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MD)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNANDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		<i>Vacancy</i>			
Mr. BOWMAN (NY)		X		<i>Vacancy</i>			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)			X				
Ms. SHERRILL (NJ)		X					
Mr. YARMUTH (KY)		X					
Mr. ESPAILLAT (NY)		X					
<i>Vacancy</i>							

TOTALS: Ayes: 21

Nos: 27

Not Voting: 2

Total: 53 / Quorum: / Report:

(29 D - 24 R)

\*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

\*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: Feb 9, 2021

**COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE**

Roll Call: 12

Bill: H.R. Cmte Print Amendment Number: 16

Disposition: Defeated by a vote of 21-27

Sponsor/Amendment: FOXX/RAMD2.xml

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRIJALVA (AZ)		X		Mr. WILSON (SC)			X
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. GROTHMAN (WI)	X		
Ms. WILSON (FL)		X		Ms. STEFANIK (NY)	X		
Ms. BONAMICI (OR)		X		Mr. ALLEN (GA)	X		
Mr. TAKANO (CA)		X		Mr. BANKS (IN)	X		
Ms. ADAMS (NC)		X		Mr. COMER (KY)	X		
Mr. DESAULNIER (CA)		X		Mr. FULCHER (ID)	X		
Mr. NORCROSS (NJ)		X		Mr. KELLER (PA)	X		
Ms. JAYAPAL (WA)		X		Mr. MURPHY (NC)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MI)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNANDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		<i>Vacancy</i>			
Mr. BOWMAN (NY)		X		<i>Vacancy</i>			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)			X				
Ms. SHERRILL (NJ)		X					
Mr. YARMUTH (KY)		X					
Mr. ESPAILLAT (NY)		X					
<i>Vacancy</i>							

TOTALS: Ayes: 21

Nos: 27

Not Voting: 2

Total: 53 / Quorum: / Report:

(29 D - 24 R)

\*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

\*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: Feb 9, 2021

**COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE**

Roll Call: 10

Bill: H.R. Cmte Print Amendment Number: 13

Disposition: Defeated by a vote of 21-27

Sponsor/Amendment: OWENS/JOBLOSSTRIGGER\_01.xml

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRIJALVA (AZ)		X		Mr. WILSON (SC)			X
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. GROTHMAN (WI)	X		
Ms. WILSON (FL)		X		Ms. STEFANIK (NY)	X		
Ms. BONAMICI (OR)		X		Mr. ALLEN (GA)	X		
Mr. TAKANO (CA)		X		Mr. BANKS (IN)	X		
Ms. ADAMS (NC)		X		Mr. COMER (KY)	X		
Mr. DESAULNIER (CA)		X		Mr. FULCHER (ID)	X		
Mr. NORCROSS (NJ)		X		Mr. KELLER (PA)	X		
Ms. JAYAPAL (WA)		X		Mr. MURPHY (NC)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MI)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNANDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		<i>Vacancy</i>			
Mr. BOWMAN (NY)		X		<i>Vacancy</i>			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)			X				
Ms. SHERRILL (NJ)		X					
Mr. YARMUTH (KY)		X					
Mr. ESPAILLAT (NY)		X					
<i>Vacancy</i>							

TOTALS: Ayes: 21

Nos: 27

Not Voting: 2

Total: 53 / Quorum: / Report:

(29 D - 24 R)

\*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

\*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.



Date: Feb 9, 2021

**COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE**

Roll Call: 13

Bill: H.R. Cmte Print Amendment Number: 18

Disposition: Defeated by a vote of 21-27

Sponsor/Amendment: BANKS/FC-AMD-PROLIFE-CVGE-PROT\_01.xml

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRIJALVA (AZ)		X		Mr. WILSON (SC)			X
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. GROTHMAN (WI)	X		
Ms. WILSON (FL)		X		Ms. STEFANIK (NY)	X		
Ms. BONAMICI (OR)		X		Mr. ALLEN (GA)	X		
Mr. TAKANO (CA)		X		Mr. BANKS (IN)	X		
Ms. ADAMS (NC)		X		Mr. COMER (KY)	X		
Mr. DESAULNIER (CA)		X		Mr. FULCHER (ID)	X		
Mr. NORCROSS (NJ)		X		Mr. KELLER (PA)	X		
Ms. JAYAPAL (WA)		X		Mr. MURPHY (NC)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MI)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNANDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)	X		
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		Vacancy			
Mr. BOWMAN (NY)		X		Vacancy			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)			X				
Ms. SHERRILL (NJ)		X					
Mr. YARMUTH (KY)		X					
Mr. ESPAILLAT (NY)		X					
Vacancy							

TOTALS: Ayes: 21

Nos: 27

Not Voting: 2

Total: 53 / Quorum: / Report:

(29 D - 24 R)

\*Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

\*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

## Minority Views on S. Con. Res. 5

### Introduction

At a time when hardworking American families need Congress to come together to find responsible, bipartisan solutions and provide critical COVID-19 relief, Democrats are ignoring those needs and using a sham process to ram left wing priorities through this Committee. The legislation the Democrats are reporting to the Committee on Budget is a socialist policy wish list disguised as pandemic relief. Rather than considering this partisan measure, we should have worked together to convene hearings to examine where relief was needed, identified any gaps in previous relief packages, and then negotiated a bipartisan relief package as Congress did under the Trump administration. Instead of advancing proposals that help schools safely reopen, get Americans the skills they need to reenter the workforce, and allow our economy to return to its pre-pandemic prosperity, the Democrats included radical provisions to mandate a \$15 national minimum wage and allow an extreme and flawed expansion of certain workers' compensation programs. Committee Democrats then blocked amendments that would have achieved legitimate and effective bipartisan goals.

Furthermore, Democrats labeled themselves experts, deciding that the pandemic only impacts their chosen groups. COVID-19 doesn't pick winners and losers. The public health emergency we currently face has disrupted our nation's school systems across the country. The way this legislation cherry picks which students and schools receive assistance is wildly insulting. Democrats are operating under the assumption that only some schools and some students need relief. We need all schools to reopen safely so future generations do not fall further behind. While Democrats may have an unfounded bias against K-12 private schools, those students do not deserve to be left behind while Democrats play partisan politics. Additionally, their nonsensical approach to determining who is worthy of aid extends into higher education. Democrats decided that students who attend for-profit colleges and universities are not as worthy of financial relief because the Democrats do not approve of the institutions they enrolled in. This is wrong. Those students are just as impacted as other students by the pandemic, and they desperately need financial relief.

### Process

Only twenty-six hours after first sharing legislative text, the Chairman gavelled in the markup on how to allocate the funding this Committee was instructed to spend. Congressional Democrats seem to never let a crisis go to waste, so it's no surprise they used this process as an opportunity to create wasteful, permanent programs and expand the power of Washington bureaucrats to the detriment of students, workers, and job creators.

The first thing Democrats did under the jurisdiction of this Committee was move a bill on an important issue, apprenticeships, that silenced half of the Committee by sidestepping any committee processes. Then, less than a week later, the Committee marked up a supposed COVID relief bill that was written completely in secret by the Democrats. The majority provided the text almost exactly one day before the markup was to begin. Committee Republicans were expected to analyze and assess the bill's policy and spending priorities and then carefully and thoughtfully

craft our position in one day. This was not a small, five-page bill with a narrow scope and impact. This bill includes hundreds of billions of dollars and covers broad, complex policy provisions.

Congress and this Committee are supposed to be better. There are times every committee pursues partisan measures, but a relief package for the American people facing a once in a century pandemic is not the time to play politics. This is an issue that impacts all our districts and constituents, but the Democrats' process left half of the country without a voice, at a time when families are desperate to reopen their small businesses, get their kids back to school, and get the vaccine. It would be surprising to learn even Democrats had time to review the legislation. Americans have seen what happens when weeks of work is crammed into 24 hours - it's never good.

### **Missed Opportunities for Needed COVID Relief**

Despite the cost and scope of this partisan bill, Democrats fail to help mitigate the challenges faced by so many American families. Parents and students have relayed heartbreaking stories about the failures of their schools' transition to online learning while teachers' unions continue the push for remote learning. Students are falling behind, and mental health issues are on the rise. Democrats aren't listening, opting to pursue the interests of their political allies rather than the interests of American families.

We know the costs of keeping schools closed are high. So why are schools still closed, especially when so many private schools are open? The science tells us schools can reopen safely. The Biden administration's own experts have said this. In a piece in the *Journal of the American Medical Association*, Centers for Disease Control and Prevention (CDC) researchers wrote, "the preponderance of available evidence from the fall school semester has been reassuring..."<sup>1</sup> They went on to say, "there has been little evidence that schools have contributed meaningfully to increased community transmission." A second CDC report found, "with proper mitigation strategies, K-12 schools might be capable of opening for in-person learning with minimal in-school transmission of SARS-CoV-2."<sup>2</sup>

Democrats claim that schools cannot reopen without significantly more federal spending, but this claim does not hold up to scrutiny. The CDC has estimated that implementing its recommended mitigation strategies in pre-K through 12th grade schools should cost between \$55 and \$442 per student.<sup>3</sup> There are approximately 51 million public school students<sup>4</sup> and another approximately 6 million private school students.<sup>5</sup> Using the top of the per-pupil range, the total cost of implementing the CDC's recommended mitigation strategies is approximately \$25 billion.

So far, Congress has appropriated nearly \$70 billion in dedicated K-12 funding for coronavirus relief. That does not include additional funds provided to governors, much of which has also been spent on K-12 schools. In other words, Congress has already provided significantly more

<sup>1</sup> <https://jamanetwork.com/journals/jama/fullarticle/2775875>

<sup>2</sup> [https://www.cdc.gov/mmwr/volumes/70/wr/mm7004e3.htm?s\\_cid=mm7004e3\\_w](https://www.cdc.gov/mmwr/volumes/70/wr/mm7004e3.htm?s_cid=mm7004e3_w)

<sup>3</sup> <https://www.cdc.gov/mmwr/volumes/69/wr/mm6950e1.htm>

<sup>4</sup> [https://nces.ed.gov/programs/digest/d19/tables/dt19\\_203.10.asp?current=yes](https://nces.ed.gov/programs/digest/d19/tables/dt19_203.10.asp?current=yes)

<sup>5</sup> [https://nces.ed.gov/programs/digest/d19/tables/dt19\\_205.10.asp?current=yes](https://nces.ed.gov/programs/digest/d19/tables/dt19_205.10.asp?current=yes)

funding than the CDC says is necessary. Even if some of the federal school aid is also meant to offset lost state and local operating revenue, and some is meant to support interventions in the months and years ahead to support learning loss recovery, the argument that Congress has shortchanged schools as they cope with COVID-19 is false.

Finally, some Democrats argue that schools cannot reopen until teachers are vaccinated. To be clear, We believe that teachers should be prioritized for vaccines and should be vaccinated as quickly as possible. We owe that to our educators, many of whom are above reopening politics and are eager to serve their students and communities.

Do the experts agree that schools should not reopen until teachers have been vaccinated? The answer is no. Just last week, the Biden administration's CDC director, Dr. Rochelle Walensky, said, "vaccination of teachers is not a prerequisite for safe reopening of schools."<sup>6</sup> However, the next day, the White House press secretary inexplicably tried to walk that statement back, saying that Dr. Walensky, "spoke to this in her personal capacity," despite the fact that Dr. Walensky made those comments at an official White House coronavirus briefing.<sup>7</sup> In a particularly surreal moment, Democrats said during the markup that President Biden would never politicize the CDC, apparently unaware his White House has been busy doing exactly that.

During the markup, Republicans offered commonsense solutions to these challenges. Unfortunately, Democrats rejected each of these. Specifically, Democrats voted against the following amendments:

- Rep. Rick Allen's (R-GA) amendment requiring K-12 school districts offer in-person instruction in order to receive most of the COVID relief funds appropriated under the bill.
- Rep. Gregory F. Murphy's (R-NC) amendment requiring schools reopen to serve high-risk students if school districts receive COVID relief funds.
- Rep. Michelle Steel's (R-CA) amendment requiring schools reopen if teachers have had access to the COVID-19 vaccine.
- Rep. Miller's (R-IL) amendment putting COVID relief funds into education savings accounts for parents to use to pay for education if their children's public schools are closed.
- Rep. Bob Good's (R-VA) amendment to increase transparency of school reopening negotiations between school districts and teachers' unions.

The science is clear. Congress has provided the funding. Yet, children are still stuck learning from behind a screen, which is forcing our youngest and most vulnerable to overcome insurmountable barriers to success.

Another missed opportunity in this bill is the lack of support for students and workers, many of whom have lost jobs during this pandemic or are facing a challenging labor market. The

<sup>6</sup> [https://www.washingtonpost.com/politics/2021/02/05/biden-administrations-muddled-confusing-message-reopening-schools/?utm\\_campaign=wp\\_the\\_5\\_minute\\_fix&utm\\_medium=email&utm\\_source=newsletter&wpisrc=nl\\_fix&carta-url=https%3A%2F%2Fs2.washingtonpost.com%2Fcar-in-tr%2F2f3eab8%2F601db9299d2fda4c88d51978%2F5d2490edade4e25d4bf63ba6%2F29%2F42%2F601db9299d2fda4c88d51978](https://www.washingtonpost.com/politics/2021/02/05/biden-administrations-muddled-confusing-message-reopening-schools/?utm_campaign=wp_the_5_minute_fix&utm_medium=email&utm_source=newsletter&wpisrc=nl_fix&carta-url=https%3A%2F%2Fs2.washingtonpost.com%2Fcar-in-tr%2F2f3eab8%2F601db9299d2fda4c88d51978%2F5d2490edade4e25d4bf63ba6%2F29%2F42%2F601db9299d2fda4c88d51978)

<sup>7</sup> Ibid

Democrat bill allocates nearly \$40 billion for traditional higher education, and not a dime for those who choose to pursue other pathways outside of the same brick and mortar, four or more year postsecondary education that Democrats believe is the best and only option for students seeking skills. At a time of unprecedented turmoil for workers across the country, funding for workforce development was so low on the Democrats' list of priorities that they determined it wasn't even worth consideration in a \$1.9 trillion dollar package. Around 150,000 individuals receive upskilling or reskilling through programs under the *Workforce Innovation and Opportunity Act* every year, which would hardly scratch the surface of meeting the skills gap we are currently facing. Once again, Democrats passed on the opportunity to provide targeted support to American workers so they can receive competitive skills. Instead, Democrats chose progressive priorities that will put more Americans out of work. Republicans sought to rectify this error. Rep. Elise M. Stefanik (R-NY) offered an amendment to provide targeted funding for workforce development, but Democrats rejected that amendment on a party-line vote.

This one-sided budget reconciliation scheme accomplishes more for the left-wing playbook than it does for struggling Americans who are desperate to get back to school and work. Instead, we should be focused on solutions that will help get our economy back on track. To do so, we must ensure that relief for Americans is temporary, targeted, and tied to COVID-19.

### **Permanent Partisan Policy Provisions**

#### ***\$15 National Minimum Wage***

Committee Democrats are attempting to circumvent the legitimate Committee process for considering legislation by including a \$15 national minimum wage in the House budget reconciliation bill. This sham process is a disgraceful attempt to enact policy which should be soundly rejected. The Democrat Amendment in the Nature of a Substitute (ANS) enacts a \$15 national minimum wage by 2025; indexes the wage hike so it automatically increases in subsequent years; and eliminates the separate minimum wages for youth employment, tipped workers, and employers providing opportunities to individuals with disabilities. Instead of providing tangible benefits to American workers during a worldwide pandemic, this 107 percent increase in the national minimum wage will cause the most harm to the very people its supporters claim to benefit. Studies cited below, including sources such as the nonpartisan Congressional Budget Office (CBO), demonstrate that this extreme wage hike will result in significant job losses. Lesser-skilled workers in entry-level jobs, Americans without a GED, and tipped employees would bear the brunt of job losses caused by the mandate. Committee Republicans know that a radical, one-size-fits-all minimum wage hike will redistribute poverty, not reduce it.

First, mandating a \$15 national minimum wage will harm students, as it will have a negative impact on youth employment. Forty percent of workers paid the minimum wage are below the age of 25.<sup>8</sup> These are individuals at the start of their careers, working part-time or in summer jobs. Raising the minimum wage to \$15 an hour puts these types of jobs at risk of elimination. More than doubling the current national minimum wage will harm businesses, especially small

<sup>8</sup> U.S. BUREAU OF LAB. STATISTICS, CHARACTERISTICS OF MINIMUM WAGE WORKERS, 2019 (Apr. 2020), <https://www.bls.gov/opub/reports/minimum-wage/2019/home.htm>.

and local businesses, as well as the economy. This kind of unprecedented, one-size-fits-all mandate will force many job creators to reduce workers' hours, let employees go, or close their doors for good, not to mention the acceleration of workplace automation.

This legislation is not being considered in a vacuum and will compound COVID-19 job which has crippled large sectors of the economy over the past year. Congress should be cautious when considering a policy that will come with such significant economic repercussions, especially when employment opportunities are dwindling due to the effects of the pandemic, and businesses of all sizes are already facing unprecedented challenges. Committee Democrats have failed miserably in this regard and are rushing ahead with a sham process without scheduling public hearings with impacted business owners, workers, and economists about the destructive effects of this ill-advised proposal.

*The ANS Imposes a Radical and Unprecedented Minimum Wage Hike*

Imposing a 107 percent increase in the national minimum wage to \$15 an hour would be a historically unprecedented mandate. The value of the minimum wage has typically averaged \$7.44 in today's dollars, slightly above the current wage rate of \$7.25 per hour.<sup>9</sup> The last increase in the federal minimum wage, passed by Congress in 2007 and implemented through 2009, was 41 percent, but prior increases were "typically lower."<sup>10</sup> According to CBO, the federal minimum wage reached its peak in 1968, when its value in 2018 dollars was \$9.42 if the conversion is done with the price index for personal consumption expenditures published by the U.S. Bureau of Economic Analysis, which is the index CBO favors.<sup>11</sup>

In January 2021, the National Bureau of Economic Research issued an analysis on the key findings of academic literature concerning the economic effects of a minimum wage increase. This report states that over 79 percent of the studies conducted since 1992 found that an increase in the minimum wage leads to a decrease in the level of employment.<sup>12</sup> Similarly, a survey of nearly 200 U.S. economists conducted in February 2019 found that 84 percent believe a \$15 federal minimum wage would have negative effects on youth employment, and 77 percent believe it would have a negative impact on jobs available.<sup>13</sup> Even President Obama's former Chairman of Economic Advisers Alan Krueger argued in October 2015 that raising the minimum wage to \$15 would "put us in uncharted waters, and risk undesirable and unintended consequences."<sup>14</sup>

<sup>9</sup> EMP. POLICIES INST., THE STATE EMPLOYMENT IMPACT OF A \$15 MINIMUM WAGE 5 (Jan. 2021), [https://epionline.org/wp-content/uploads/2020/10/EPI\\_StateEmployment15MinimumWage-5.pdf](https://epionline.org/wp-content/uploads/2020/10/EPI_StateEmployment15MinimumWage-5.pdf).

<sup>10</sup> CBO, THE EFFECTS OF A MINIMUM-WAGE INCREASE ON EMPLOYMENT AND FAMILY INCOME 26 (Feb. 2014).

<sup>11</sup> CBO, THE EFFECTS ON EMPLOYMENT AND FAMILY INCOME OF INCREASING THE FEDERAL MINIMUM WAGE 5 (July 2019).

<sup>12</sup> David Neumark & Peter Shirley, *Myth or Measurement: What Does the New Minimum Wage Research Say About Minimum Wages and Job Loss in the United States?*, NAT'L BUREAU OF ECON. RESEARCH, WORKING PAPER 28388, at 3 (Jan. 2021).

<sup>13</sup> LLOYD CORDER, EMP. POLICIES INST., SURVEY OF US ECONOMISTS ON A \$15 FEDERAL MINIMUM WAGE 4 (Mar. 2019), [https://www.epionline.org/wp-content/uploads/2019/03/EPI\\_Feb2019\\_MinWageSurvey-FINAL.pdf](https://www.epionline.org/wp-content/uploads/2019/03/EPI_Feb2019_MinWageSurvey-FINAL.pdf).

<sup>14</sup> Alan B. Krueger, *The Minimum Wage: How Much Is Too Much?*, N.Y. TIMES, Oct. 9, 2015.

*The ANS Threatens Small and Local Businesses*

In a January 2021 survey conducted by the National Federation of Independent Business (NFIB), 74 percent of small businesses said a five-year phased-in \$15 minimum wage would negatively impact their business.<sup>15</sup> Of those reporting a negative impact, 87 percent anticipated they would have to increase the price of goods and services, passing on some of those price increases to consumers. Fifty-six percent anticipated using less expensive or part-time workers, 67 percent would not fill an open position, 60 percent would reduce employee hours, and 58 percent would reduce the number of employees working for them. According to a January 2019 study done by NFIB, enacting a \$15 national minimum wage would, over a 10-year period, reduce U.S. private sector employment by over 1.6 million jobs and result in a cumulative reduction in U.S. real output of over \$2 trillion.<sup>16</sup> Small businesses would be particularly hurt. Businesses with fewer than 500 employees would see 57 percent of private sector job losses—over 900,000 lost jobs; businesses with fewer than 100 employees would see about 43 percent of all jobs lost—nearly 700,000 jobs.

The job losses imposed by a \$15 national minimum wage would spread beyond small businesses to vulnerable sectors of the economy already suffering job losses during the COVID-19 pandemic. The National Restaurant Association's 2021 State of the Industry report found that in 2020, food service industry sales fell by \$240 billion, and the industry finished 2020 at 2.5 million jobs below a pre-coronavirus level. Additionally, 62 percent of fine dining operators and 54 percent of family dining and casual dining operators reported staffing levels more than 20 percent below normal. As of December 2020, 110,000 eating and drinking establishments were closed for business temporarily and, in many cases, permanently.<sup>17</sup>

In 2019, about three-fourths of hourly workers earning the minimum wage or less were employed in service occupations, mostly in food preparation and serving-related jobs. About three-fifths of all hourly workers paid at or below the minimum wage were employed in the leisure and hospitality industry, almost entirely in restaurants and other food services, but many of these workers supplement their wages with tips. As a result of the number of affected workers in this sector, an increase to a \$15 national minimum wage would result in the restaurant and bar industry accounting for 45 percent of total job losses.<sup>18</sup>

*The ANS Will Cause Extensive Job Losses*

Raising the national minimum wage to \$15 an hour would cause extensive and disruptive job losses, harming entry-level workers in many regions around the country. In a report issued in February 2021, CBO estimates that up to 2.7 million jobs would be lost from a minimum wage increase to \$15, with a median impact of 1.4 million workers becoming jobless due to the hike.<sup>19</sup>

<sup>15</sup> NFIB COVID-19 SMALL BUSINESS SURVEY (2021), [https://assets.nfib.com/nfibcom/Covid-19-15-Questionnaire\\_.pdf](https://assets.nfib.com/nfibcom/Covid-19-15-Questionnaire_.pdf).

<sup>16</sup> MICHAEL J. CHOW & PAUL S. BETTENCOURT, NFIB RESEARCH FOUND., ECONOMIC EFFECTS OF ENACTING THE RAISE THE WAGE ACT ON SMALL BUSINESSES AND THE U.S. ECONOMY 1 (Jan. 25, 2019).

<sup>17</sup> News Release, National Restaurant Association Releases 2021 State of the Restaurant Industry Report (Jan. 26, 2021), <https://restaurant.org/news/pressroom/press-releases/2021-state-of-the-restaurant-industry-report>.

<sup>18</sup> EMP. POLICIES INST., THE STATE EMPLOYMENT IMPACT OF A \$15 MINIMUM WAGE 19 (Jan. 2021).

<sup>19</sup> CBO, THE BUDGETARY EFFECTS OF THE RAISE THE WAGE ACT OF 2021, at 9 (Feb. 2021).

CBO also predicts that half of the individuals losing their job would drop out of the labor force completely.<sup>20</sup> This report estimates that a \$15 national minimum wage would lift 900,000 individuals out of poverty—500,000 less than the median number of expected job losses imposed by such a proposal.<sup>21</sup> Therefore, the ANS would cause roughly 1.6 jobs to be lost for every person who moved out of poverty, and in the worst-case scenario estimated by CBO, as many as approximately three jobs would be lost for every individual moving out of poverty. Significantly, those losing their jobs, and the broader population, would face higher prices for goods and services.<sup>22</sup>

The job losses detailed above would be concentrated among certain populations and areas of employment. Minimum wage workers tend to be young. In 2019, while workers under 25 were about one-fifth of all hourly paid workers, they were about two-fifths of those paid the minimum wage or less. Of hourly workers, 8.3 percent of 16- to 19-year-olds and 5.6 percent of 16- to 24-year-olds were paid at or below the minimum wage.<sup>23</sup> A January 2021 report by the Employment Policies Institute using CBO methodology found that a \$15 minimum wage would cost more than two million jobs.<sup>24</sup> Significantly, among individuals losing their jobs, 61 percent would be female workers, and 60 percent would be young workers aged 16 to 24.<sup>25</sup> The CBO also predicts that job losses stemming from a \$15 national minimum wage would have a disproportionate effect on younger, less educated individuals.<sup>26</sup> In fact, the unprecedented, one-size-fits-all 107 percent wage hike included in the Democrat ANS would hurt workers and decimate small businesses, forcing many job creators to cope by reducing workers' hours, eliminating workers' jobs, increasing automation, or closing their doors for good. As such, the provision creates a very ill-advised and dangerous trade off.

#### ***Federal Employees' Compensation Act COVID-19 Presumption***

Section 2103 of the ANS establishes a presumption that certain federal workers covered under the *Federal Employees' Compensation Act* (FECA) who contract COVID-19 contracted the virus through work and are eligible for medical benefits, lost wages, and survivor benefits under FECA programs. This provision applies to federal workers employed by specific agencies that are deemed to be high risk due to contact with the public, patients, or coworkers.

This expansion of the FECA program creates an unprecedented and extremely broad presumption that many federal workers who are designated as high risk and contract COVID-19 have contracted the virus through work-related activities. This provision is problematic for several reasons. First, under long-standing law governing federal workers' compensation programs, there is no list of specific injuries or illnesses that are automatically covered. Worker claims have always been evaluated on a case-by-case basis formed on the medical and supporting evidence available to back the benefit claim. The broad, sweeping, untested, and

<sup>20</sup> *Id.* at 8.

<sup>21</sup> *Id.* at 2.

<sup>22</sup> *Id.* at 8.

<sup>23</sup> U.S. BUREAU OF LAB. STATISTICS, CHARACTERISTICS OF MINIMUM WAGE WORKERS, 2019 (Apr. 2020), <https://www.bls.gov/opub/reports/minimum-wage/2019/home.htm>.

<sup>24</sup> EMP. POLICIES INST., THE STATE EMPLOYMENT IMPACT OF A \$15 MINIMUM WAGE 11 (Jan. 2021).

<sup>25</sup> *Id.* at 15.

<sup>26</sup> CBO, THE BUDGETARY EFFECTS OF THE RAISE THE WAGE ACT OF 2021, at 8 (Feb. 2021).



unprecedented definitions related to COVID-19 in Section 2103 would set a new expansive precedent by designating a specific illness for coverage, force taxpayers to cover many non-employment-related claims, and pose a new and significant financial burden on federal agencies and taxpayers.

The U.S. Department of Labor (DOL) has already recognized the unique circumstances that COVID-19 presents related to the federal workforce and has issued guidance to address these issues based on longstanding FECA procedures.<sup>27</sup> DOL has also created a COVID-19 Task Force to support claims examiners and assist staff, employing agencies, and the general public with COVID-19 claims.<sup>28</sup> Additionally, DOL maintains a reporting dashboard for employing-agency leadership to flag positions and duty stations as high risk for claims evaluation.<sup>29</sup>

In July 2020, DOL's Office of Inspector General found that COVID-19 had not affected DOL's ability to meet timeliness and quality-performance indicators for claims processing.<sup>30</sup> A DOL spokesperson indicated that as of November 2020, there have been 6,620 COVID-19 FECA claims, of which 3,477 have been accepted, 339 were denied, 191 have been withdrawn, and 2,613 are still being adjudicated.<sup>31</sup> These statistics indicate that a large majority of FECA claimants are being accepted into the program upon adjudication, and a majority have already been accepted into the program. They further indicate that Section 2103 is unnecessary to ensure federal workers receive the benefits they deserve.

#### ***Longshore and Harbor Workers Compensation Act COVID-19 Presumption***

Section 2104 of the ANS establishes a presumption that all maritime workers covered under the *Longshore and Harbor Workers' Compensation Act* (LHWCA) who contract COVID-19 contracted the virus through work and are eligible for medical benefits, lost wages, and survivor benefits under LHWCA programs. Self-insured employers and insurance carriers in the LHWCA program will be reimbursed from the U.S. Treasury Employees' Compensation Fund.

Similar to the FECA provision in Section 2103, the LHWCA provision creates an unprecedented and extremely broad presumption that maritime workers who caught COVID-19 have contracted the virus through work-related activities. Additionally, because of unique aspects of the maritime industry, these workers can also be employed by multiple companies over a short time, which further complicates LHWCA benefits administration. As previously stated, under long-standing law governing workers' compensation programs administered by the federal government, there is no list of injuries or illnesses that are covered, and this framework applies for workers covered

<sup>27</sup> DOL, OFF. OF WORKERS' COMPENSATION PROGRAMS (OWCP), FECA BULLETIN 20-05 (Mar. 31, 2020), FECA BULLETIN 21-01 (Oct. 21, 2020).

<sup>28</sup> OWCP, CLAIMS UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT DUE TO THE NOVEL CORONAVIRUS (COVID-19).

<sup>29</sup> Information provided to Committee staff by DOL.

<sup>30</sup> DOL, OFF. OF INSPECTOR GEN., REPORT TO OFFICE OF WORKERS' COMPENSATION ON COVID-19: OWCP SHOULD CONTINUE TO CLOSELY MONITOR IMPACT ON CLAIMS PROCESSING (July 2020).

<sup>31</sup> Stephanie Weaver, *Nearly 3,500 federal employees to be compensated for contracting COVID-19 at work*, FOX 5 WASHINGTON, DC, Nov. 25, 2020, <https://www.fox5dc.com/news/nearly-3500-federal-employees-to-be-compensated-for-contracting-covid-19-at-work>.

under the LHWCA. Claims have always been evaluated on a case-by-case basis depending on the medical and supporting evidence available to support the benefit claim.

Under current law, these private-sector workers already have access to unemployment and disability benefits. In addition, the labor unions representing longshore workers—the International Longshoremen’s Association and the International Longshore and Warehouse Union—have negotiated a special fund for COVID-19 claims, which certain workers have accessed since early 2020.<sup>32</sup>

The broad and unprecedented LHWCA presumption contained in the bill would create new financial burdens on private employers and the federal government by requiring that workers’ compensation benefits are covered for maritime workers who potentially contracted COVID-19 outside of work or were exposed to COVID-19 and ordered to remain home by a public health official but did not test positive for the virus. Significantly, industry estimates the impact of this presumption to range from \$700 million to \$1 billion, far more than the CBO preliminary estimate of \$212 million.<sup>33</sup> As such, Section 2104 creates unnecessary costs to private employers and the federal government for workers who are already eligible for a range of private-sector and LHWCA benefits.

#### ***Consolidated Omnibus Budget Appropriations Act of 1985 Coverage***

Section 2401 of the ANS establishes an 85 percent health care insurance premium reduction for individuals enrolled in *Consolidated Omnibus Budget Appropriations Act of 1985* (COBRA) continuation coverage and reimburses employers for this cost through a payroll tax credit. However, under current law, workers who lose employer-sponsored coverage already have access to additional coverage options, many of which are subsidized by the federal government. In addition to COBRA, anyone who loses their employer-sponsored coverage qualifies for an Exchange Special Enrollment Period (SEP).<sup>34</sup> Depending on their income, they may also be eligible for tax credits or Medicaid coverage.

During the COVID-19 pandemic, the majority of the 3.9 million workers who lost their employer-sponsored coverage were able to obtain coverage elsewhere. CBO reported that two-thirds of these workers have enrolled in other employer-sponsored coverage through the existing COBRA program, or other employer-sponsored coverage through a family member with employer-sponsored coverage, Medicaid, or Exchange coverage.<sup>35</sup> Committee Democrats have not demonstrated that Section 2401 is necessary to ensure those who have lost coverage obtain the coverage they need.

There are other significant concerns with Section 2401. The provision fails to ensure only those authorized to work in the United States can receive subsidies. Additionally, the subsidies could be greater for people when they are unemployed than when they are employed, which could

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<sup>32</sup> Information provided to Committee staff from the National Association of Waterfront Employers.

<sup>33</sup> *Id.*

<sup>34</sup> 29 C.F.R. § 2590.701-6.

<sup>35</sup> CONG. BUDGET OFF., FEDERAL SUBSIDIES FOR HEALTH INSURANCE COVERAGE FOR PEOPLE UNDER AGE 65: 2020 TO 2030 (Sept. 2020).

make it less attractive to return to work. Providing subsidies for COBRA coverage during the public health emergency could also establish a precedent for a new program that will continue once the emergency has passed.

Finally, Section 2401 does not prohibit federal spending for abortion services. Committee Republicans believe that any federal funds used to subsidize private coverage must include protections to ensure that no federal funds are used to provide abortion services. Consistent with long-standing, bipartisan agreement, provisions included in annual Congressional appropriations legislation prevent the federal government from using taxpayer dollars on abortion services.<sup>36</sup> Section 2401 excludes these protections, and Committee Democrats have been unwilling to address these concerns.

#### ***Department of Labor Appropriations***

Section 2102 of the ANS provides DOL with \$150 million in supplemental appropriations to remain 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 (OSHA) to carry out COVID-19-related worker protection activities. Of the \$150 million, \$75 million is allocated to OSHA and \$12.5 million is directed to the Office of Inspector General.

This provision further highlights the Democrats' inappropriate focus on aggressive government enforcement policies rather than a proper balance of activities that includes compliance assistance to help business owners better understand their obligations and how best to fulfill them. A balanced approach involves both the carrot and the stick to ensure compliance. Unfortunately, the Democrat bill only focuses on using more "sticks." Chairman Robert C. "Bobby" Scott (D-VA) made clear in his opening statement at the markup that these supplemental funds are intended to create and enforce new one-size-fits-all national workplace safety regulations specific to COVID-19. Committee Democrats fail to acknowledge that such standards would place onerous new mandates on business owners already struggling to stay afloat. These regulations would tie the hands of employers, forcing them to follow top-down edicts that would be quickly outdated and fail to keep pace with the ever-evolving threat of COVID-19. Instead of rushing one-size-fits-all regulations, the Trump administration's DOL provided robust, industry-specific guidance and compliance assistance that was regularly updated based on scientific recommendations to help employers protect their workers from exposure to COVID-19, while also using its existing enforcement authority to hold bad actors accountable.<sup>37</sup>

#### ***Amending College and University Program Participation Agreements***

The legislation amends the *Higher Education Act's* (HEA) Program Participation Agreement (PPA) that institutions enter into with the Department of Education to operate federal student aid programs like the Pell Grant program or the Direct Loan program. Specifically, the bill changes a

<sup>36</sup> See, e.g., Michael J. New, *The Hyde Amendment is Life-Saving and Worth Saving*, NAT'L REV., July 27, 2020.

<sup>37</sup> News Release, U.S. Department of Labor's OSHA Announces \$3,930,381 In Coronavirus Violations (Jan. 8, 2021).

revenue requirement applicable to proprietary colleges and universities. Currently, for-profit institutions must derive at least 10 percent of their revenue from sources other than the aid programs located in Title IV of the HEA. This requirement is commonly referred to as the 90/10 rule. Sources of funding like private student loans and military or veteran education benefits like the Post-9/11 GI Bill funds count towards the 10 percent part of the calculation. Democrats alter the 90/10 rule in their bill by including all “Federal funds” as part of the 90 percent portion of the equation.

The 90/10 rule has nothing to do with COVID-19 relief. Democrats are attempting to sneak a hyper-partisan irrelevant policy into what should be a bipartisan pandemic relief legislative vehicle. Even worse, the 90/10 rule changes proposed in the legislation will be devastating for student veterans in particular, and lead to a combination of higher college costs for students and decreased student access to postsecondary education in general. The accounting gimmick in the PPA does not measure the quality of the education delivered. The provision does not lead to better outcomes for students. The 90/10 rule does not hold all colleges and universities accountable. In sum, this is a terrible proposal. Attempting to jam unrelated Democrat pet projects through budget reconciliation is not what the American people expect of Congress.

#### **Amendments not Accepted**

Committee Democrats did not accept any Republican amendments. Despite receiving the bill at the very last minute, Committee Republicans offered thoughtful amendments that would have improved the bill. Many of these amendments would have addressed key needs of the American people suffering during the pandemic. The following are just a few of the many commonsense proposals Republicans offered to dramatically improve the bill:

**Mental Health Among Students.** Rep. Marianne Miller-Meeks (R-IA) offered an amendment to direct the Secretary to reserve 2 percent of the appropriation for both the Elementary and Secondary School Emergency Relief and Higher Education Emergency Relief funds to award competitive grants to elementary and secondary schools and institutions of higher education, respectively, for mental health services. A study by the American Academy of Pediatrics found that higher rates of suicide-related behaviors in youths corresponded with COVID-19 stressors and community responses, like school closures.<sup>38</sup> Additionally, a special report by the American Psychological Association quotes a mental health expert saying, “we can reasonably anticipate increases in anxiety, depression and trauma, and it goes without saying there will be significant grief and loss issues... we can also anticipate increases in child abuse and neglect.”<sup>39</sup> As we work to overcome the virus, we must address the need for mental health services in elementary and secondary schools, as well as colleges and universities.

**Education Technology.** Rep. Madison Cawthorn (R-NC) offered an amendment to increase the Elementary and Secondary School Emergency Relief Fund by \$2 billion to award formula funds to states. States then would award competitive grants to their rural school districts to support the technology needs of students and educators in those districts. Funds can be used to purchase hardware, software, and connectivity to support educational activities. We know that rural school

<sup>38</sup> <https://www.aapublications.org/news/2020/12/16/pediatricssuicidestudy121620>

<sup>39</sup> <https://www.apa.org/monitor/2020/09/safeguarding-mental-health>

districts often have less access to educational technology, and this amendment would address that disparity.

**Rural Child Care.** Rep. Elise Stefanik offered an amendment to reserve about \$1 billion of the almost \$40 billion from child care and early childhood education funds to address child care needs in rural communities. The funds would recruit new providers to rural communities and help businesses offer new options for on-site child care for employees' children, among a myriad of other benefits. Democrats opposed the amendment, choosing instead to dole out tens of billions of dollars in neither a targeted nor thoughtful way.

**Colleges, China, and Confucius Institutes.** Rep. Elise Stefanik also offered an amendment to prevent HEER money from going to colleges and universities that have a partnership with any entity owned, controlled, or organized under the laws of the People's Republic of China. The Chinese Communist Party (CCP) uses Confucius Institutes and other entities to influence operations throughout academia and poison the well of free thought and expression. Taxpayer money should not be going to further prop up the inhumane efforts of the CCP. Democrats voted along party lines to preserve the CCP's efforts and jeopardize our colleges and universities.

**Juvenile Justice.** Rep. Victoria Spartz (R-IN) offered an amendment to provide funds to the Department of Justice to help improve conditions for juveniles and staff in juvenile detention centers and support PROMISE grants authorized in Title V of the *Juvenile Justice Delinquency Prevention Act of 1974*. The funds for PROMISE grants would garner community support for at-risk youth with pandemic-related struggles, preventing youth from becoming engaged or more deeply engaged in the juvenile justice system. This amendment was also defeated along party lines.

**Remove Worker's Compensation Presumptions.** Republican Leader Virginia Foxx (R-NC) offered an amendment to strike Sections 2103 and 2104. These are two provisions from the ANS that establish an unprecedented and burdensome presumption that certain federal workers covered by the FECA and maritime workers covered by the LWHCA who caught COVID-19 contracted the virus through work and are thereby eligible for medical benefits, lost wages, and survivor benefits. This amendment ensures that covered workers who contract COVID-19 through their employment can continue to receive appropriate compensation under the law without exposing private-sector businesses and the federal government to a flood of non-work-related claims and increased costs to taxpayers. Unfortunately, Committee Democrats proved that they are willing to sacrifice longstanding precedents regarding how these programs are responsibly administered by creating a new, expensive, and untested presumption without the benefit of even one oversight hearing to receive outside expert input on the implications of these provisions. The amendment was defeated on a party-line vote.

**Small Business Survival.** Rep. Fred Keller (R-PA) offered an amendment to exempt employers with fewer than 10 employees or annual sales under \$1 million from an increase of the national minimum wage to \$15 per hour. This amendment shielded the smallest of businesses from the bill's mandated extreme spike in labor costs. This provision would protect small establishments, which drive local economies and are the most vulnerable to the negative impacts of the radical wage increase contained in this bill. Small businesses employ almost half of American workers

and account for two-thirds of net new jobs. A 2019 study by the NFIB estimated that 57 percent of job losses caused by increasing the national minimum wage to \$15 will come from small businesses,<sup>40</sup> which make up 99.9 percent of all businesses in the United States.<sup>41</sup> Committee Democrats signaled their lack of concern about the dire conditions facing small businesses and the destructive impacts of a \$15 national minimum wage and this amendment was defeated on a party-line vote.

**Protect Rural Jobs.** Rep. Madison Cawthorn offered an amendment to protect workers in rural communities around the country from the devastating impacts of a \$15 national minimum wage. This amendment prevents the 107 percent minimum wage hike in the ANS from going into effect in nonmetropolitan regions with a median hourly wage of less than \$18. These are generally rural areas with a cost of living unable to bear the shocks of implementing such a radical proposal. By unanimously voting against this amendment, Committee Democrats demonstrated a lack of concern and understanding about the regional implications of this radical legislation which threatens millions of American jobs around the country.

**Stop Job Loss Due to Automation.** Rep. Michelle Steel offered an amendment to stop the damaging effects of a \$15 national minimum wage if the Government Accountability Office finds that the wage hike will cause more than 200,000 jobs to be lost due to automation. The Democrat ANS will precipitate a sudden and extreme hike in labor costs that will only accelerate the rate of workforce automation. Committee Democrats opposed and defeated the amendment on a party-line vote, choosing to stand behind a partisan political priority at the expense of jobs, in the middle of a global pandemic.

**Stop Job Loss Due to Adverse Economic Conditions.** Rep. Burgess Owens (R-UT) offered an amendment stating that no prospective increase in the national minimum wage will take effect if the monthly unemployment rate increases for at least three months in the year prior to a wage hike taking effect, the unemployment rate increases by 0.25 percentage points from the month prior in any of the 12 months before a scheduled increase, or the national unemployment rate is above 6.5 percent for any month during the prior 12 months. The amendment highlights a key priority for Committee Republicans—American job growth and economic recovery from the COVID-19 pandemic. The CBO estimated that the 107 percent increase in the national minimum wage contained in this legislation will result in 1.4 million lost jobs, and could range as high as 2.7 million job losses.<sup>42</sup> It would be egregiously irresponsible to enact this legislation without an “off ramp” to prevent the radical increase from phasing in if harmful economic conditions arise. Mr. Owens proposed a commonsense amendment to ensure that the extreme wage hikes mandated by the Democrat ANS stop if jobs are being lost or the U.S. faces sudden economic downturns, such as the one which occurred due to the COVID-19 pandemic. Committee Democrats demonstrated a willful ignorance of economic realities by voting to defeat this amendment on a party-line vote.

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<sup>40</sup> MICHAEL J. CHOW & PAUL S. BETTENCOURT, NFIB RESEARCH FOUND., ECONOMIC EFFECTS OF ENACTING THE RAISE THE WAGE ACT ON SMALL BUSINESSES AND THE U.S. ECONOMY (Jan. 25, 2019).

<sup>41</sup> U.S. SMALL BUS. ADMIN. OFF. OF ADVOCACY, WHAT’S NEW WITH SMALLBUSINESS? (Oct. 2020), <https://cdn.advocacy.sba.gov/wp-content/uploads/2020/10/22094424/Whats-New-With-Small-Business-2020.pdf>.

<sup>42</sup> CBO, THE BUDGETARY EFFECTS OF THE RAISE THE WAGE ACT OF 2021 (Feb. 2021).

**Remove \$15 National Wage Provision.** Rep. Greg Murphy offered an amendment to highlight the destructive economic impacts imposed by a \$15 national minimum wage and the inappropriate use of the budget reconciliation process to advance this ill-conceived policy change. Budget reconciliation is reserved for spending and revenue provisions, not extraneous partisan proposals. The nonpartisan CBO recently released a report finding that increasing the national minimum wage to \$15 would result in 1.4 million lost jobs, with half of affected individuals leaving the job market completely.<sup>43</sup> Mr. Murphy's amendment would have mitigated these effects, saving millions of American jobs, by striking Section 2101, the radical wage-hike provisions, from the ANS. Instead of truly helping American workers find opportunity and secure employment during a pandemic, Committee Democrats displayed their commitment to partisan political objectives unrelated to the COVID-19 pandemic by defeating the amendment, as a part of en bloc amendment #1 on a party-line vote.

**Protect Employment Opportunities for Individuals of Differing Abilities.** Rep. Glenn Grothman (R-WI) offered an amendment to strike language in the ANS which would threaten the elimination of the Section 14(c) certificate program that allows employers to offer employment opportunities to individuals with differing levels of abilities.<sup>[1]</sup> The 14(c) program encourages the building of employment-based skills while also affording individuals of differing abilities the dignity and pride that result from paid, productive work. According to the Bureau of Labor Statistics, in 2019 the unemployment rate for individuals with a disability was 7.5 percent compared to 3.5 percent overall. Moreover, only 19.3 percent of individuals with a disability were employed, compared to 66.3 percent of individuals without a disability.<sup>[2]</sup> By defeating this amendment on a party line vote, Committee Democrats unanimously supported mandating a \$15 national minimum wage on workers at 14(c) establishments, effectively eliminating this valued and successful program which provides employment opportunities for individuals of differing abilities.

**Ensure Pro-Life Protections.** Rep. Jim Banks (R-IN) offered an amendment to ensure that any federal government funds or credits provided to cover COBRA premiums include a prohibition on subsidizing abortion services. This amendment would apply protections consistent with long-standing, bipartisan policy to avoid violating taxpayers' consciences by preventing any federal funds from being spent on abortion services. The amendment was defeated on a party-line vote.

**Support Worker Rights.** Rep. Tim Walberg (R-MI) offered an amendment to appropriate \$20 million to the Office of Labor Management Standards (OLMS) for enforcement activities. OLMS is vital to protecting the rights of workers and ensuring labor-management transparency and financial integrity in our nation's labor unions. The integrity of union programs that are funded by forced union dues is of paramount importance. The recurring problem of corruption and wrongdoing by leaders of private- and public-sector unions has not subsided during the COVID-19 pandemic, with notable examples including the United Auto Workers corruption scandal that resulted in the conviction of 15 individuals connected with the union, including

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<sup>43</sup> *Id.*

<sup>[1]</sup> Fair Labor Standards Act § 14(c), 29 U.S.C. § 214(c).

<sup>[2]</sup> U.S. BUREAU OF LAB. STATISTICS, PERSONS WITH A DISABILITY: LABOR FORCE CHARACTERISTICS SUMMARY, (Feb. 2020).

multiple past presidents and officers.<sup>44</sup> The ANS appropriates \$150,000,000 for worker protection activities at the DOL's Wage and Hour Division, Office of Workers' Compensation Programs, Office of the Solicitor, Mine Safety and Health Administration, and OSHA, but did not designate funding for the agency responsible for providing oversight of labor organization activities on behalf of union members. Deciding to put the interest of labor unions ahead of workers, Committee Democrats defeated this amendment on party lines.

**Limit COBRA Coverage to Individuals with Lawful Immigration Status.** Rep. Russ Fulcher (R-ID) offered an amendment to prevent federal government-funded COBRA subsidies provided in the ANS from flowing to individuals who are not lawfully authorized to work in the United States. This amendment ensures that tax dollars only go to individuals authorized to work in the country, and it treats COBRA subsidies consistently with programs such as Medicare, Medicaid, and *Affordable Care Act* exchanges, in which illegal immigrants are not eligible for federal benefits. By opposing this amendment, Committee Democrats demonstrated their continued support for unlawful immigration and the amendment was defeated on a party-line vote.

**Compliance Assistance for Business Owners.** Rep. Mariannette Miller-Meeks offered an amendment to direct \$30 million to the DOL's OSHA for compliance assistance activities to support employers, including small business owners, in complying with OSHA guidelines and regulations related to protecting workers from COVID-19. Since the beginning of the COVID-19 pandemic, employers have worked around the clock to keep their workplaces safe under ever-changing science, state and local mandates, evolving CDC and OSHA guidelines, and industry-recognized best practices. President Biden has asked OSHA to consider imposing new and sweeping mandates on business owners in the form of a one-size-fits-all regulation specific to COVID-19. Rather than pursue this harmful, heavy-handed approach, Committee Republicans believe it is critical that Congress support OSHA in its mission to provide compliance assistance to help business owners understand evolving scientific and operational guidance on how to best protect their workers and operate their businesses safely. Unfortunately, on a party line vote, Committee Democrats rejected funding that would help employers, including small business owners struggling to stay afloat, keep their workplaces safe.

## Conclusion

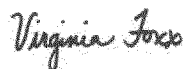
While there has been no true evaluation of how trillions in hardworking taxpayer money has been spent, there have been plenty of stories of waste, fraud, and abuse. USA Today reported that international scammers have taken \$36 billion in fraudulent unemployment benefits alone from the United States.<sup>45</sup> Without protections against further fraud, Committee Democrats rushed through hundreds of billions in new spending and radical policy changes. Sadly, far too much of the legislation was devoted to long held policy wishes that the Democrats are sneaking in under the guise of pandemic relief.

<sup>44</sup> Ben Foldy & Nora Naughton, *UAW Reaches Settlement With Feds in Multiyear Corruption Probe*, WALL ST. J., Dec. 14, 2020.

<sup>45</sup> <https://www.usatoday.com/in-depth/news/investigations/2020/12/30/unemployment-fraud-how-international-scammers-took-36-b-us/3960263001/>



This is not a timely and targeted legislative proposal. It is one-third of a trillion dollars to support misguided Democrat priorities. Not one Republican amendment was accepted or given a fair debate. This is not a package of unity. This is not a package of relief for those begging for support from the federal government. This is a left wing wish list that will destroy jobs, decimate small businesses, bolster unions, and ensure our schools' doors remain shut.

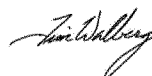


Virginia Foxx  
Ranking Member

Joe Wilson  
Member of Congress



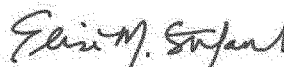
Glenn "GT" Thompson  
Member of Congress



Tim Walberg  
Member of Congress



Glenn Grothman  
Member of Congress



Elise M. Stefanik  
Member of Congress

Rick W. Allen  
Member of Congress

Jim Banks  
Member of Congress

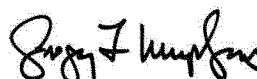


James Comer  
Member of Congress

Russ Fulcher  
Member of Congress



Fred Keller  
Member of Congress



Gregory F. Murphy  
Member of Congress

Mariannette Miller Meeks, M.D.  
Member of Congress

Burgess Owens  
Member of Congress



Bob Good  
Member of Congress

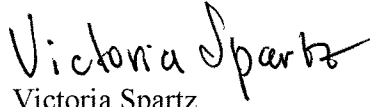
Lisa C. McClain  
Member of Congress



Diana Harshbarger  
Member of Congress



Mary E. Miller  
Member of Congress



Victoria Spartz  
Member of Congress

Scott Fitzgerald  
Member of Congress



Madison Cawthorn  
Member of Congress

Michelle Steel  
Member of Congress



CONGRESSIONAL BUDGET OFFICE  
U.S. Congress  
Washington, DC 20515

*Phillip L. Swagel, Director*

February 15, 2021

Honorable Robert C. (Bobby) Scott  
Chairman  
Committee on Education and Labor  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

The Congressional Budget Office has prepared the enclosed cost estimate for Reconciliation Recommendations of the House Committee on Education and Labor.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Leah Koestner.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip L. Swagel".

Phillip L. Swagel

Enclosure

cc: Honorable Virginia Foxx  
Ranking Member

**Virginia Foxx, Ranking Member**  
**Glenn “GT” Thompson**  
**Tim Walberg**  
**Glenn Grothman**  
**Elise M. Stefanik**  
**James Comer**  
**Fred Keller**  
**Gregory F. Murphy**  
**Bob Good**  
**Diana Harshbarger**  
**Mary E. Miller**  
**Victoria Spartz**  
**Madison Cawthorn**

**SUMMARY OF THE RECONCILIATION MEASURE**

The purpose of the Committee Print is to respond to the needs of students, workers, and communities as the country continues to grapple with the COVID-19 pandemic and to comply with the reconciliation directive given to the Committee on Education and Labor included in section 2001(b) of the Concurrent Resolution on the Budget for Fiscal Year 2021, S.Con.Res. 5. As of February 2021, the public health crisis has sickened more than 27 million people and left over 470,000 dead in the United States alone,<sup>1</sup> with the nation's most vulnerable populations—in particular communities of color, low-income families, and older Americans—bearing the brunt of the harm. While Congress has previously acted to provide relief during the pandemic, the Committee Print will provide continued and urgent relief to struggling workers, students, and families.

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<sup>1</sup> *Coronavirus in the U.S.: Latest Map and Case Count*, N.Y. TIMES (Feb. 10, 2021), <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html>.

**ADVISORY COMMITTEE STATEMENT**

No advisory committees within the meaning of section 5(b) of the *Federal Advisory Committee Act* were created by this Committee Print.

FRANK PALLONE, JR., NEW JERSEY  
CHAIRMAN

CATHY McMORRIS RODGERS, WASHINGTON  
RANKING MEMBER

ONE HUNDRED SEVENTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

February 16, 2021

The Honorable John Yarmuth  
Chairman  
Committee on the Budget  
204-E Cannon House Office Building  
Washington, DC 20515

Dear Chairman Yarmuth:

Pursuant to section 2001 of the Concurrent Resolution on the Budget, I hereby transmit these recommendations which have been approved by vote of the Committee on Energy and Commerce, and the appropriate accompanying material including additional, supplemental or dissenting views, to the House Committee on the Budget. This submission is in order to comply with reconciliation directives included in S. Con. Res. 5, the fiscal year 2021 budget resolution, and is consistent with section 310 of the Congressional Budget and Impoundment Control Act of 1974.

Sincerely,



Frank Pallone, Jr.  
Chairman  
Committee on Energy and Commerce





CONGRESSIONAL BUDGET OFFICE  
U.S. Congress  
Washington, DC 20515

*Phillip L. Swagel, Director*

February 14, 2021

Honorable Frank Pallone Jr.  
Chairman  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

The Congressional Budget Office has prepared the enclosed cost estimate for the Reconciliation Recommendations of the House Committee on Energy and Commerce.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Alice Burns.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip L. Swagel".

Phillip L. Swagel

Enclosure

cc: Honorable Cathy McMorris Rodgers  
Ranking Member

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**I. PURPOSE AND SUMMARY**

Subtitle A: Budget Reconciliation Legislative Recommendations Relating to Public Health provides budget reconciliation recommendations related to public health to the House Committee on Budget pursuant to S. Con. Res. 5 to provide comprehensive relief to the American people in response to the coronavirus disease of 2019 (COVID-19) pandemic and the resulting public health emergency (PHE).

The legislation provides funding for comprehensive activities related to COVID-19 vaccines, including greater communication related to vaccines, strengthening vaccine confidence, and the deployment of vaccines across the country. In addition, it invests in the research, development, manufacturing, and purchase of vaccines, therapeutics, and ancillary medical products and supplies utilized for the treatment and prevention of COVID-19, as well as supports the continued evaluation of the performance, safety, and effectiveness of vaccines, therapeutics, and diagnostics for COVID-19. It further provides funding for comprehensive activities related to testing, contact tracing and mitigation of COVID-19, including expansion of a COVID-19 data surveillance system and genomic sequencing activities. It invests in public health workforce and supports tribal health programs and services. Funding is also provided for congregate settings to mitigate the effects of COVID-19 as well as to invest in public health and disparities as it relates to COVID-19.

Finally, the legislation provides funding to address mental health and substance use disorders worsened by the pandemic.

## II. BACKGROUND AND NEED FOR LEGISLATION

Since the first case of COVID-19 in the United States was discovered on January 21, 2020,<sup>1</sup> the United States response efforts have failed to mitigate or reduce COVID-19 transmission in the country. As of February 8, 2021, more than 26 million Americans have been infected with COVID-19, and more than 462,000 people have died from the disease.<sup>2</sup>

### *Vaccines*

On May 15, 2020, the Trump Administration announced Operation Warp Speed (OWS), a partnership led by HHS, including the Centers for Disease Control and Prevention (CDC), the National Institutes of Health (NIH), the Biomedical Advanced Research and Development Authority (BARDA), and the Department of Defense (DoD), along with private companies and other federal agencies. The partnership's goal was to facilitate and accelerate development, manufacturing, and distribution of COVID-19 vaccines, therapeutics, and diagnostics.<sup>3</sup> Less than a year from when COVID-19 was first detected, the Food and Drug Administration (FDA) issued the first emergency use authorization (EUA) for Pfizer and BioNTech's COVID-19 vaccine on December 11, 2020, allowing it to be distributed and administered in the United States.<sup>4</sup> On December 18, 2020, FDA issued an EUA for a second vaccine manufactured by Moderna.<sup>5</sup>

As promising clinical trial data from the first vaccine candidates became public, Dr. Slaoui stated in early December 2020 he was confident that 20 million Americans would be vaccinated by the end of the year.<sup>6</sup> However, by December 31, 2020, less than three million individuals had received even one dose of the vaccine, and total administered vaccine doses did not cross 20 million until January 23, 2021.<sup>7</sup> Supply chain experts attribute these delays in part to a

<sup>1</sup> Centers for Disease Control and Prevention, *First Travel-related Case of 2019 novel Coronavirus Detected in United States* (Jan. 21, 2020) ([www.cdc.gov/media/releases/2020/p0121-novel-coronavirus-travel-case.html](http://www.cdc.gov/media/releases/2020/p0121-novel-coronavirus-travel-case.html)) (press release).

<sup>2</sup> Centers for Disease Control and Prevention, *United States COVID-19 Cases and Deaths by State* ([covid.cdc.gov/covid-data-tracker/#cases\\_casesper100klast7days](https://covid.cdc.gov/covid-data-tracker/#cases_casesper100klast7days)) (accessed Feb. 9, 2021).

<sup>3</sup> U.S. Department of Health and Human Services, *Trump Administration Announces Framework and Leadership for 'Operation Warp Speed'* (May 5, 2020) ([www.hhs.gov/about/news/2020/05/15/trump-administration-announces-framework-and-leadership-for-operation-warp-speed.html](http://www.hhs.gov/about/news/2020/05/15/trump-administration-announces-framework-and-leadership-for-operation-warp-speed.html)) (press release).

<sup>4</sup> U.S. Food and Drug Administration, *FDA Takes Key Action in Fight Against COVID-19 By Issuing Emergency Use Authorization for First COVID-19 Vaccine* (Dec. 11, 2020) ([www.fda.gov/news-events/press-announcements/fda-takes-key-action-fight-against-covid-19-issuing-emergency-use-authorization-first-covid-19](http://www.fda.gov/news-events/press-announcements/fda-takes-key-action-fight-against-covid-19-issuing-emergency-use-authorization-first-covid-19)) (press release).

<sup>5</sup> U.S. Food and Drug Administration, *FDA Takes Additional Action in Fight Against COVID-19 By Issuing Emergency Use Authorization for Second COVID-19 Vaccine* (Dec. 18, 2020) ([www.fda.gov/news-events/press-announcements/fda-takes-additional-action-fight-against-covid-19-issuing-emergency-use-authorization-second-covid](http://www.fda.gov/news-events/press-announcements/fda-takes-additional-action-fight-against-covid-19-issuing-emergency-use-authorization-second-covid)) (press release).

<sup>6</sup> U.S. Department of Health and Human Services, *Briefing with Senior Officials on OWS and COVID-19 Vaccines* (Dec. 2, 2020) ([www.youtube.com/watch?v=WBdDUiQXE3M](https://www.youtube.com/watch?v=WBdDUiQXE3M)).

<sup>7</sup> U.S. CDC says 41.4 million doses of COVID-19 vaccines distributed, 20.5 million administered, Reuters (Jan. 23, 2021) ([www.reuters.com/article/us-health-coronavirus-usa-cdc-idUSKBN29S0NO](http://www.reuters.com/article/us-health-coronavirus-usa-cdc-idUSKBN29S0NO)).

decentralized distribution plan that relies heavily on underfunded state and local health entities whose resources have already been spread thin by the pandemic.<sup>8</sup> While CDC required states and other jurisdictions to begin planning to receive vaccines in October, which was before any COVID-19 vaccines were authorized, few resources were made available for states that cited hardships or distribution concerns in their plans.<sup>9</sup> State public health leaders urged Congress to appropriate an additional \$8.4 billion for vaccine distribution activities in a letter to congressional leadership on October 15, 2020, noting the funding was “urgently needed” to support a “herculean effort for a rapid, safe, and effective nationwide vaccination program.”<sup>10</sup> Additional vaccine funding was not appropriated until December 27, 2020, when the Consolidated Appropriations Act, 2021 was signed into law, after vaccine doses were already being delivered to states.<sup>11</sup>

As the national COVID-19 vaccine rollout began, states noted a myriad of distribution concerns. For example, states have cited miscommunication or a lack of communication from the federal government about the number of doses they can expect to receive.<sup>12</sup> Lacking sufficient clarity as to the number of doses they would receive, some states were forced to cancel appointments due to a lack of supply relative to the amount the state expected to receive, and other states have allowed vaccines to sit on shelves to ensure they would have an adequate supply to administer both required doses.<sup>13</sup> Additionally, states have also cited concerns with the complexity of administering a large number of vaccines in sparsely populated areas and following recommendations for equitable distribution from the Advisory Committee on Immunization Practices (ACIP) at CDC.<sup>14</sup> Other states, which have administered the vaccine more quickly, have noted ongoing challenges related to lack of vaccine supply.<sup>15</sup>

<sup>8</sup> *U.S. Covid-19 Vaccination Plan Limits Speed of Rollout, Supply-Chain Experts Say*, Wall Street Journal (Jan. 11, 2021) ([www.wsj.com/articles/u-s-covid-19-vaccination-plan-limits-speed-of-rollout-supply-chain-experts-say-11610283601](http://www.wsj.com/articles/u-s-covid-19-vaccination-plan-limits-speed-of-rollout-supply-chain-experts-say-11610283601)).

<sup>9</sup> Kaiser Family Foundation, *States Are Getting Ready to Distribute COVID-19 Vaccines. What Do Their Plans Tell Us So Far?* (Nov. 18, 2020) ([www.kff.org/coronavirus-covid-19/issue-brief/states-are-getting-ready-to-distribute-covid-19-vaccines-what-do-their-plans-tell-us-so-far/](http://www.kff.org/coronavirus-covid-19/issue-brief/states-are-getting-ready-to-distribute-covid-19-vaccines-what-do-their-plans-tell-us-so-far/)).

<sup>10</sup> Letter to Senate Majority Leader Mitch McConnell, Speaker Nancy Pelosi, Senate Minority Leader Charles Schumer, and House Minority Leader Kevin McCarthy from Michael Fraser, Chief Executive Officer of the Association of State and Territorial Health Officials, and Clare Hannan, Executive Director of the Association of Immunization Managers (Oct. 15, 2020).

<sup>11</sup> Pub. L. 116-260.

<sup>12</sup> *‘Pixie dust’: Why some vaccine sits on shelves while shortages intensify nationwide*, Washington Post (Jan. 21, 2021) ([www.washingtonpost.com/health/2021/01/21/vaccine-rollout-states-shortages/](http://www.washingtonpost.com/health/2021/01/21/vaccine-rollout-states-shortages/)).

<sup>13</sup> *Id.*

<sup>14</sup> *Pixie dust’: Why some vaccine sits on shelves while shortages intensify nationwide*, Washington Post (Jan. 21, 2021) ([www.washingtonpost.com/health/2021/01/21/vaccine-rollout-states-shortages/](http://www.washingtonpost.com/health/2021/01/21/vaccine-rollout-states-shortages/)); Kaiser Family Foundation, *The COVID-19 Vaccine Priority Line Continues to Change as States Make Further Updates* (Jan. 21, 2021) ([www.kff.org/policy-watch/the-covid-19-vaccine-priority-line-continues-to-change-as-states-make-further-updates/](http://www.kff.org/policy-watch/the-covid-19-vaccine-priority-line-continues-to-change-as-states-make-further-updates/)); Centers for Disease Control and Prevention, COVID-19, Advisory Committee on Immunization Practices (ACIP) ([www.cdc.gov/vaccines/hcp/acip-recs/vacc-specific/covid-19.html](http://www.cdc.gov/vaccines/hcp/acip-recs/vacc-specific/covid-19.html)) (accessed Jan. 26, 2021).

<sup>15</sup> *States’ new vaccine worry: Not enough doses*, Politico (Jan. 20, 2021) ([www.politico.com/news/2021/01/20/states-coronavirus-vaccine-shortages-460899](http://www.politico.com/news/2021/01/20/states-coronavirus-vaccine-shortages-460899)).

The legislation takes concrete steps to address vaccine development and distribution challenges by investing \$7.5 billion for vaccine distribution activities at the CDC. Activities in this space would include: establishing community vaccination centers, facilities enhancements, and mobile vaccination units, particularly in underserved areas; information technology, data, and reporting enhancements, to ensure vaccines are getting where they are most needed; and communication activities so people will know when, where, and how to receive COVID-19 vaccines. In addition, it invests \$1 billion to strengthen vaccine confidence through education and information sharing, and \$5.2 billion for research, development, manufacturing, production, and purchase of COVID-19 vaccines, therapeutics, and ancillary supplies. To ensure continued safety in a resilient vaccine, therapeutic, and medical device supply chain, the legislation also invests \$500 million for activities at FDA.

### *Testing*

Testing is a critical component of COVID-19 response efforts, including for use in identifying infected individuals and informing public health decisions such as reopening strategies. Widespread testing in the United States has faced many hurdles. Initial tests for COVID-19 in the United States were developed and produced by CDC, which first received an EUA from FDA on February 4, 2020<sup>16</sup> and began shipping testing kits to public health laboratories on February 5.<sup>17</sup> Shortly after distribution of these tests, the reagent components were found to be contaminated, further slowing the rollout of reliable tests.<sup>18</sup> Following this discovery, CDC issued guidance to states on how to augment the faulty tests and released an updated test on February 28.<sup>19</sup> The first commercial test for COVID-19 was not authorized until March 12.<sup>20</sup>

While testing in the United States has expanded since the start of the pandemic, public health officials believe that the absence of robust COVID-19 testing has impacted the ability of the United States to contain the virus.<sup>21</sup> Today, the United States tests approximately 1.5 million

<sup>16</sup> Centers for Disease Control and Prevention, COVID-19, Diagnostic Testing ([www.cdc.gov/coronavirus/2019-ncov/lab/testing.html](http://www.cdc.gov/coronavirus/2019-ncov/lab/testing.html)) (accessed Jan. 26, 2021).

<sup>17</sup> Centers for Disease Control and Prevention, *Distribution of CDC Diagnostic Test Kits Will Expand Laboratory Capacity to Detect 2019-nCoV* (Feb. 6, 2021) ([www.cdc.gov/media/releases/2020/p0206-coronavirus-diagnostic-test-kits.html](http://www.cdc.gov/media/releases/2020/p0206-coronavirus-diagnostic-test-kits.html)). While most tests must typically go through an approval process at FDA before their use, during declared public health emergencies, tests may come to market after being authorized under an EUA. See 21 U.S.C. § 360bbb-3.

<sup>18</sup> *EXCLUSIVE: Internal HHS investigation finds CDC's early test kits were 'contaminated'*, KATU 2 ABC News (June 19, 2020) ([katu.com/news/nation-world/exclusive-internal-hhs-investigation-finds-cdcs-early-test-kits-were-contaminated](http://katu.com/news/nation-world/exclusive-internal-hhs-investigation-finds-cdcs-early-test-kits-were-contaminated)).

<sup>19</sup> *Amid testing concerns, US officials unveil new coronavirus test kits and streamline commercial development*, CNBC (Feb. 28, 2020) ([www.cnbc.com/2020/02/28/amid-testing-capacity-concerns-cdc-unveils-new-coronavirus-test-kits.html](http://www.cnbc.com/2020/02/28/amid-testing-capacity-concerns-cdc-unveils-new-coronavirus-test-kits.html)).

<sup>20</sup> U.S. Food and Drug Administration, Emergency Use Authorization ([www.fda.gov/emergency-preparedness-and-response/mcm-legal-regulatory-and-policyframework/emergency-use-authorization](http://www.fda.gov/emergency-preparedness-and-response/mcm-legal-regulatory-and-policyframework/emergency-use-authorization)) (accessed May 29, 2020).

<sup>21</sup> *The Lost Month: How a Failure to Test Blinded the U.S. to Covid-19*, New York Times (March 28, 2020) ([www.nytimes.com/2020/03/28/us/testing-coronavirus-pandemic.html](http://www.nytimes.com/2020/03/28/us/testing-coronavirus-pandemic.html)).

people a day, far less than what public health experts say is needed to suppress or contain COVID-19.<sup>22 23</sup>

The legislation would provide the resources to establish a robust, coordinated federal testing plan, and for other activities necessary to mitigate the spread of COVID-19. It provides \$46 billion for: the implementation of a national strategy for testing, contact tracing, surveillance, and mitigation of COVID-19; providing guidance and support for state and local public health departments in their work to implement the COVID-19 activities and strategies to mitigate infections; supporting the development, manufacturing, procurement, distribution, and administration of tests, including other supplies necessary for COVID-19 testing, such as personal protective equipment; establishing and expanding federal, state, or local testing and contact tracing capabilities, including investments in laboratory capacity, community-based testing sites, and mobile testing units; and sustaining a public health workforce necessary for testing, contact tracing, surveillance, and mitigation of COVID-19.

Further, the legislation invests resources to strengthen and expand genomic sequencing, analytics, and disease surveillance activities and workforce, as well as activities to support public health data surveillance and analytics infrastructure modernization initiatives, modernizing the United States disease warning system, and provide support for COVID-19 global health activities.

#### *Public Health Investments*

The COVID-19 pandemic has now laid bare vast health disparities in our most vulnerable populations. From 2010 to 2016, the uninsured rate for Black Americans dropped from nearly 20 percent to 10.7 percent, while the uninsured rate for Hispanic Americans dropped from 32.6 percent to 19.1 percent.<sup>24</sup> However, the uninsured rate for Black and Hispanic Americans increased from 2016 on.<sup>25</sup> Recent data also shows that although differences in COVID-19 testing rates are small, disparities in positivity rate are vast; Black patients are two times more likely and Hispanic patients are two and a half times more likely to have a positive COVID-19 test result than their white counterparts.<sup>26</sup> Despite that fact that people of color in America are disproportionately burdened by the pandemic, the of lack access to paid sick leave or the inability to work from home forces many Black and Hispanic workers to choose between going

<sup>22</sup> The COVID Tracking Project at The Atlantic, US Daily Tests ([covidtracking.com/data/charts/us-daily-tests](https://covidtracking.com/data/charts/us-daily-tests)) (accessed Feb. 9, 2021).

<sup>23</sup> Harvard University Edmond J. Safra Center for Ethics, *Why We Must Test Million a Day* (Apr. 8, 2020) ([ethics.harvard.edu/test-millions](https://ethics.harvard.edu/test-millions)).

<sup>24</sup> Kaiser Family Foundation, *Changes in Health Coverage by Race and Ethnicity since the ACA, 2010-2018* (Mar. 5, 2020) ([www.kff.org/racial-equity-and-health-policy/issue-brief/changes-in-health-coverage-by-race-and-ethnicity-since-the-aca-2010-2018/](https://www.kff.org/racial-equity-and-health-policy/issue-brief/changes-in-health-coverage-by-race-and-ethnicity-since-the-aca-2010-2018/)).

<sup>25</sup> *Id.*

<sup>26</sup> Kaiser Family Foundation, *COVID-19 Racial Disparities in Testing, Infection, Hospitalization, and Death: Analysis of Epic Patient Data* (Sept. 16, 2020). ([www.kff.org/coronavirus-covid-19/issue-brief/covid-19-racial-disparities-testing-infection-hospitalization-death-analysis-epic-patient-data/](https://www.kff.org/coronavirus-covid-19/issue-brief/covid-19-racial-disparities-testing-infection-hospitalization-death-analysis-epic-patient-data/)).

to work in higher-risk places or quarantining.<sup>27</sup>

Furthermore, death rates from COVID-19 also show marked disparities with Black and Hispanic people dying at twice the rate of Whites.<sup>28</sup> Despite these disparities in COVID-19 outcomes, as well as higher occupational risks,<sup>29</sup> Black and Hispanic patients lag markedly in their uptake of the vaccine, with only 11.5 percent of vaccines being provided to someone of Hispanic ethnicity and 5.4 percent to people who are Black.<sup>30</sup>

Rural communities have also noted a negative impact of COVID-19, with over 50 percent of rural community members reporting that the COVID-19 pandemic has had a negative impact on their lives, and 44 percent reporting a negative impact on their mental health.<sup>31</sup>

The pandemic has also taken its toll on tribal communities. The United States has a treaty and trust responsibility to provide health care to all 574 federally recognized Tribes and their members. The COVID-19 pandemic has highlighted health care delivery and infrastructure challenges experienced by tribal communities. Data has shown that Native Americans suffer from COVID-19 at three and a half times higher rates than Whites and have more severe outcomes.<sup>32</sup> Further, according to CDC, American Indian and Alaskan Native populations have an age-adjusted hospitalization rate approximately five times that of Whites.<sup>33</sup>

The legislation takes numerous steps to address health disparities as they are related to and exacerbated by the COVID-19 pandemic. It provides: \$7.6 billion for Community Health Centers to test, treat, vaccinate, and sustain COVID-19 activities, supplies, and infrastructure, including \$20 million for Native Hawaiian Health Centers to support Native health centers; \$800 million for National Health Service Corps to invest in primary care services for health professional shortage areas nationwide; \$200 million for Nurse Corps to sustain our nursing

<sup>27</sup> *Addressing Racial Health Disparities In The COVID-19 Pandemic: Immediate And Long-Term Policy Solutions*, Health Affairs (July 20, 2020) ([www.healthaffairs.org/doi/10.1377/hblog20200716.620294/full/](http://www.healthaffairs.org/doi/10.1377/hblog20200716.620294/full/)).

<sup>28</sup> *Id.*

<sup>29</sup> Centers for Disease Control and Prevention, *COVID-19 Racial and Ethnic Health Disparities* (Dec. 10, 2020) ([www.cdc.gov/coronavirus/2019-ncov/community/health-equity/racial-ethnic-disparities/index.html](http://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/racial-ethnic-disparities/index.html)).

<sup>30</sup> Centers for Disease Control and Prevention, *Morbidity and Mortality Weekly Report (MMWR): Demographic Characteristics of Persons Vaccinated During the First Month of the COVID-19 Vaccination Program – United States, December 14, 2020–January 14, 2021* (Feb. 1, 2021) ([www.cdc.gov/mmwr/volumes/70/wr/mm7005e1.htm](http://www.cdc.gov/mmwr/volumes/70/wr/mm7005e1.htm)).

<sup>31</sup> Centers for Disease Control and Prevention, *Morbidity and Mortality Weekly Report (MMWR): COVID-19 Stats: COVID-19 Incidence by Urban-Rural Classification – United States, January 22–October 31, 2020* (Nov. 20, 2020) ([www.cdc.gov/mmwr/volumes/69/wr/mm6946a6.htm](http://www.cdc.gov/mmwr/volumes/69/wr/mm6946a6.htm)).

<sup>32</sup> Centers for Disease Control and Prevention, *CDC data show disproportionate COVID-19 impact in American Indian/Alaska Native populations* (Aug. 19, 2020) ([www.cdc.gov/media/releases/2020/p0819-covid-19-impact-american-indian-alaska-native.html](http://www.cdc.gov/media/releases/2020/p0819-covid-19-impact-american-indian-alaska-native.html)) (press release).

<sup>33</sup> Centers for Disease Control and Prevention, *Coronavirus Disease 2019, Racial & Ethnic Minority Groups* (June 25, 2020) ([www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html](http://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html)).

workforce in critical shortage facilities nationwide; \$330 million for Teaching Health Centers that operate Graduate Medical Education to support and expand primary care medical and dental residency programs; and \$100 million in funding to HRSA's Behavioral Health Workforce Education and Training Program to improve access to behavioral health services, particularly in rural and underserved parts of the country. It would also enable CDC to deploy mobile vaccination units and community vaccination centers in underserved areas; providing supplemental funding for the Title X Family Planning Program; and supporting the care of children in the care of HHS.

#### *Mental Health and Substance Use Disorders*

The COVID-19 pandemic has put a strain on the mental health of many Americans and has made access to mental health and substance use disorder services more important than ever. Recent data shows that drug overdose deaths are up to an all-time high, with 81,230 Americans dying of a drug overdose.<sup>34</sup> Underscoring the severity of this data, this past December, the CDC issued an advisory to alert public health departments and health care professionals of the substantial increases in drug overdose deaths during the COVID-19 pandemic.<sup>35</sup> An article published in the *Journal of the American Medical Association* found that emergency department visits for mental health, suicide attempts, overdose, and violence were higher in mid-March through October 2020, when the pandemic first began, compared to the same period in 2019.<sup>36</sup>

Additionally, data shows elevated adverse mental health conditions such as depression and anxiety since the start of the pandemic, with younger adults more likely to have worse mental health outcomes compared to other age groups.<sup>37</sup> Health workers and front-line workers are also experiencing burnout, trauma, and grief due to difficulties managing COVID-19 patients, shortages of personal protective equipment, and fears of infecting loved ones.<sup>38</sup> Tragically, these stressors have resulted in suicide for some.<sup>39</sup>

This legislation includes \$3.5 billion for SAMHSA's Mental Health and Substance Abuse Prevention Treatment Block Grants, which support evidence-based practices for preventing substance misuse, community-based mental health services for children, and wraparound services for children and their families. In addition, it provides \$80 million in additional grants to direct funds to local communities; \$100 million in funding to HRSA's Behavioral Health Workforce Education and Training Program; \$80 million for mental and behavioral health

<sup>34</sup> Centers for Diseases Control and Prevention, Health Alert Network, HAN00438 (Dec. 17, 2020) ([emergency.cdc.gov/han/2020/han00438.asp](https://emergency.cdc.gov/han/2020/han00438.asp)).

<sup>35</sup> *Id.*

<sup>36</sup> JAMA, *Trends in US Emergency Department Visits for Mental Health, Overdose, and Violence Outcomes Before and During the COVID-19 Pandemic* (Feb. 3, 2021) ([jamanetwork.com/journals/jamapsychiatry/fullarticle/2775991](https://jamanetwork.com/journals/jamapsychiatry/fullarticle/2775991)).

<sup>37</sup> Centers for Disease Control and Prevention, *Morbidity and Mortality Weekly Report (MMWR): Mental Health, Substance Use, and Suicidal Ideation During the COVID-19 Pandemic — United States, June 24–30, 2020*. (Aug. 14, 2020) ([www.cdc.gov/mmwr/volumes/69/wr/mm6932a1.htm](https://www.cdc.gov/mmwr/volumes/69/wr/mm6932a1.htm)).

<sup>38</sup> *'I Can't Turn My Brain Off': PTSD and Burnout Threaten Medical Workers*, New York Times (May 16, 2020) ([www.nytimes.com/2020/05/16/health/coronavirus-ptsd-medical-workers.html](https://www.nytimes.com/2020/05/16/health/coronavirus-ptsd-medical-workers.html)).

<sup>39</sup> *Top E.R. Doctor Who Treated Virus Patients Dies by Suicide*, New York Times (Apr. 27, 2020) ([www.nytimes.com/2020/04/27/nyregion/new-york-city-doctor-suicide-coronavirus.html](https://www.nytimes.com/2020/04/27/nyregion/new-york-city-doctor-suicide-coronavirus.html)).



training for health care professionals, para-professionals, and public safety officers; \$20 million for a national evidence-based education and awareness campaign targeting health care professionals and first responders, and \$40 million for grants for health care providers to promote mental and behavioral health among their health professional workforce; \$20 million to develop and implement youth suicide prevention and early intervention strategies and to provide trainings and activities aimed at identifying youth at risk for suicide; \$30 million to aid strategies for addressing mental health in schools, including support for mental wellness in education settings, building awareness of mental health issues, and early intervention with coordinated support; \$10 million for SAMHSA's National Child Traumatic Stress Network, which is sharing critical COVID-19 resources nationwide to improve behavioral health services and interventions for children and adolescents exposed to traumatic events; and \$420 million for the Indian Health Service to bolster substance use disorder and mental health efforts with tribes and tribal entities.

### III. COMMITTEE CONSIDERATION

The Committee on Energy and Commerce met in virtual open markup session, pursuant to notice, on February 11 and 12, 2021. During consideration of Subtitle A on February 11, an amendment in the nature of a substitute (AINS) offered by Mr. Pallone was agreed to by a voice vote, without amendment. During consideration of the AINS, 13 amendments were offered to the Pallone AINS, but were not agreed to. Mr. Pallone, Chairman of the Committee, subsequently moved that Subtitle A be ordered transmitted favorably to the House Committee on Budget, amended, by a roll call vote: 31-25 (*Roll call no. 13*), a quorum being present.

### IV. COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list each record vote on the motion to report legislation and amendments thereto. The Committee advises that there were 13 record votes taken on Subtitle A, including a motion by Mr. Pallone ordering Subtitle A favorably reported to the House, amended. The motion on final passage of the bill was approved by a record vote of 31 yeas to 25 nays. The following are the record votes taken during Committee consideration, including the names of those members voting for and against:

[CAMERA COPY - GPO – See attached after this page]

Committee on Energy and Commerce  
117<sup>th</sup> Congress

**Full Committee**  
(ratio: 32-26)

ROLL CALL VOTE #1

**Bill:** **Subtitle A, "Budget Reconciliation Legislative Recommendations Relating to Public Health"**

**Amendment:** An amendment to the amendment in the nature of a substitute, offered by Mr. Upton of Michigan, No. 1a, to add a new chapter regarding the National Institutes of Health (NIH), which provides the Director of the NIH \$10 billion for coronavirus-related efforts and for restarting research delayed due to COVID-19. Of this amendment, \$1 billion is reserved for clinical trials on the long-term studies of COVID-19 and \$500 million is reserved for the Rapid Acceleration of Diagnostics.

**Disposition:** **NOT AGREED TO** by a roll call vote of 25 yeas to 31 nays

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Pallone		x		Rep. Rodgers	x		
Rep. Rush		x		Rep. Upton	x		
Rep. Eshoo		x		Rep. Burgess	x		
Rep. DeGette				Rep. Scalise	x		
Rep. Doyle		x		Rep. Latta	x		
Rep. Schakowsky		x		Rep. Guthrie	x		
Rep. Butterfield		x		Rep. McKinley	x		
Rep. Matsui		x		Rep. Kinzinger	x		
Rep. Castor		x		Rep. Griffith	x		
Rep. Sarbanes		x		Rep. Bilirakis	x		
Rep. McNerney		x		Rep. Johnson	x		
Rep. Welch		x		Rep. Long			
Rep. Tonko		x		Rep. Bucshon	x		
Rep. Clarke		x		Rep. Mullin	x		
Rep. Schrader		x		Rep. Hudson	x		
Rep. Cárdenas		x		Rep. Walberg	x		
Rep. Ruiz		x		Rep. Carter	x		
Rep. Peters		x		Rep. Duncan	x		
Rep. Dingell		x		Rep. Palmer	x		
Rep. Veasey		x		Rep. Dunn	x		
Rep. Kuster		x		Rep. Curtis	x		
Rep. Kelly		x		Rep. Lesko	x		
Rep. Barragán		x		Rep. Pence	x		
Rep. McEachin		x		Rep. Crenshaw	x		
Rep. Blunt Rochester		x		Rep. Joyce	x		
Rep. Soto		x		Rep. Armstrong	x		
Rep. O'Halleran		x					
Rep. Rice		x					
Rep. Craig		x					
Rep. Schrier		x					

Committee on Energy and Commerce  
117<sup>th</sup> Congress

Rep. Trahan		x					
Rep. Fletcher		x					

02/11/2021

Committee on Energy and Commerce  
117<sup>th</sup> Congress

**Full Committee**  
(ratio: 32-26)

ROLL CALL VOTE #2

Bill: **Subtitle A, "Budget Reconciliation Legislative Recommendations Relating to Public Health"**

Amendment: An amendment to the amendment in the nature of a substitute, offered by Mr. Scalise of Louisiana, No. 1b, appropriates an additional \$2 billion to the Secretary of Health and Human Services (HHS) for COVID-19 vaccine activities upon receipt of a plan to vaccinate two million individuals against COVID-19 per day by Congress.

Disposition: **NOT AGREED TO** by a roll call vote of 25 yeas to 31 nays

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Pallone		x		Rep. Rodgers	x		
Rep. Rush		x		Rep. Upton	x		
Rep. Eshoo		x		Rep. Burgess	x		
Rep. DeGette				Rep. Scalise	x		
Rep. Doyle		x		Rep. Latta	x		
Rep. Schakowsky		x		Rep. Guthrie	x		
Rep. Butterfield		x		Rep. McKinley	x		
Rep. Matsui		x		Rep. Kinzinger	x		
Rep. Castor		x		Rep. Griffith	x		
Rep. Sarbanes		x		Rep. Bilirakis	x		
Rep. McNerney		x		Rep. Johnson	x		
Rep. Welch		x		Rep. Long			
Rep. Tonko		x		Rep. Bucshon	x		
Rep. Clarke		x		Rep. Mullin	x		
Rep. Schrader		x		Rep. Hudson	x		
Rep. Cárdenas		x		Rep. Walberg	x		
Rep. Ruiz		x		Rep. Carter	x		
Rep. Peters		x		Rep. Duncan	x		
Rep. Dingell		x		Rep. Palmer	x		
Rep. Veasey		x		Rep. Dunn	x		
Rep. Kuster		x		Rep. Curtis	x		
Rep. Kelly		x		Rep. Lesko	x		
Rep. Barragán		x		Rep. Pence	x		
Rep. McEachin		x		Rep. Crenshaw	x		
Rep. Blunt Rochester		x		Rep. Joyce	x		
Rep. Soto		x		Rep. Armstrong	x		
Rep. O'Halleran		x					
Rep. Rice		x					
Rep. Craig		x					
Rep. Schrier		x					
Rep. Trahan		x					

Committee on Energy and Commerce  
117<sup>th</sup> Congress

Rep. Fletcher		x					
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02/11/2021

Committee on Energy and Commerce  
117<sup>th</sup> Congress

Full Committee  
(ratio: 32-26)

ROLL CALL VOTE #3

Bill: **Subtitle A, "Budget Reconciliation Legislative Recommendations Relating to Public Health"**

Amendment: An amendment to the amendment in the nature of a substitute, offered by Mr. Crenshaw of Texas, No. 1c, requires the Secretary of HHS to publish the formula used to determine allocation of COVID-19 vaccines to states, localities, the Department of Defense, the Department of Veterans Affairs, the Indian Health Service, the Department of Homeland Security, and other federal agencies, as appropriate.

Disposition: **NOT AGREED TO** by a roll call vote of 25 yeas to 31 nays

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Pallone		x		Rep. Rodgers	x		
Rep. Rush		x		Rep. Upton	x		
Rep. Eshoo		x		Rep. Burgess	x		
Rep. DeGette				Rep. Scalise	x		
Rep. Doyle		x		Rep. Latta	x		
Rep. Schakowsky		x		Rep. Guthrie	x		
Rep. Butterfield		x		Rep. McKinley	x		
Rep. Matsui		x		Rep. Kinzinger	x		
Rep. Castor		x		Rep. Griffith	x		
Rep. Sarbanes		x		Rep. Bilirakis	x		
Rep. McNerney		x		Rep. Johnson	x		
Rep. Welch		x		Rep. Long			
Rep. Tonko		x		Rep. Bucshon	x		
Rep. Clarke		x		Rep. Mullin	x		
Rep. Schrader		x		Rep. Hudson	x		
Rep. Cárdenas		x		Rep. Walberg	x		
Rep. Ruiz		x		Rep. Carter	x		
Rep. Peters		x		Rep. Duncan	x		
Rep. Dingell		x		Rep. Palmer	x		
Rep. Veasey		x		Rep. Dunn	x		
Rep. Kuster		x		Rep. Curtis	x		
Rep. Kelly		x		Rep. Lesko	x		
Rep. Barragán		x		Rep. Pence	x		
Rep. McEachin		x		Rep. Crenshaw	x		
Rep. Blunt Rochester		x		Rep. Joyce	x		
Rep. Soto		x		Rep. Armstrong	x		
Rep. O'Halleran		x					
Rep. Rice		x					
Rep. Craig		x					
Rep. Schrier		x					
Rep. Trahan		x					

Committee on Energy and Commerce  
117<sup>th</sup> Congress

Rep. Fletcher		x					
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Committee on Energy and Commerce  
117<sup>th</sup> Congress

**Full Committee**  
(ratio: 32-26)

ROLL CALL VOTE #4

Bill: **Subtitle A, "Budget Reconciliation Legislative Recommendations Relating to Public Health"**

Amendment: An amendment to the amendment in the nature of a substitute, offered by Mr. Carter of Georgia, No. 1d, adds a new subsection to reserve \$10 billion from the legislation's testing provision to assist States in testing teachers and school personnel for COVID-19 for the purpose of reopening schools.

Disposition: **NOT AGREED TO** by a roll call vote of 25 yeas to 31 nays

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Pallone		x		Rep. Rodgers	x		
Rep. Rush		x		Rep. Upton	x		
Rep. Eshoo		x		Rep. Burgess	x		
Rep. DeGette				Rep. Scalise	x		
Rep. Doyle		x		Rep. Latta	x		
Rep. Schakowsky		x		Rep. Guthrie	x		
Rep. Butterfield		x		Rep. McKinley	x		
Rep. Matsui		x		Rep. Kinzinger	x		
Rep. Castor		x		Rep. Griffith	x		
Rep. Sarbanes		x		Rep. Bilirakis	x		
Rep. McNerney		x		Rep. Johnson	x		
Rep. Welch		x		Rep. Long			
Rep. Tonko		x		Rep. Bucshon	x		
Rep. Clarke		x		Rep. Mullin	x		
Rep. Schrader		x		Rep. Hudson	x		
Rep. Cárdenas		x		Rep. Walberg	x		
Rep. Ruiz		x		Rep. Carter	x		
Rep. Peters		x		Rep. Duncan	x		
Rep. Dingell		x		Rep. Palmer	x		
Rep. Veasey		x		Rep. Dunn	x		
Rep. Kuster		x		Rep. Curtis	x		
Rep. Kelly		x		Rep. Lesko	x		
Rep. Barragán		x		Rep. Pence	x		
Rep. McEachin		x		Rep. Crenshaw	x		
Rep. Blunt Rochester		x		Rep. Joyce	x		
Rep. Soto		x		Rep. Armstrong	x		
Rep. O'Halleran		x					
Rep. Rice		x					
Rep. Craig		x					
Rep. Schrier		x					
Rep. Trahan		x					



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Committee on Energy and Commerce  
117<sup>th</sup> Congress

Rep. Fletcher		x					
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**Committee on Energy and Commerce**  
117<sup>th</sup> Congress

**Full Committee**  
(ratio: 32-26)

ROLL CALL VOTE #5

**Bill:** **Subtitle A, "Budget Reconciliation Legislative Recommendations Relating to Public Health"**

**Amendment:** An amendment to the amendment in the nature of a substitute, offered by Mr. Hudson of North Carolina, No. 1e, increases the amount made available for COVID-19 vaccine distribution activities at the CDC by \$2 billion. Requires the Secretary of HHS, in making any grants or cooperative agreements related to vaccine distribution activities under Section 3001(a) to reserve \$1 billion for states for purposes of vaccinating teachers and school personnel for COVID-19.

**Disposition:** **NOT AGREED TO** by a roll call vote of 25 yeas to 31 nays

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Pallone		x		Rep. Rodgers	x		
Rep. Rush		x		Rep. Upton	x		
Rep. Eshoo		x		Rep. Burgess	x		
Rep. DeGette				Rep. Scalise	x		
Rep. Doyle		x		Rep. Latta	x		
Rep. Schakowsky		x		Rep. Guthrie	x		
Rep. Butterfield		x		Rep. McKinley	x		
Rep. Matsui		x		Rep. Kinzinger	x		
Rep. Castor		x		Rep. Griffith	x		
Rep. Sarbanes		x		Rep. Bilirakis	x		
Rep. McNerney		x		Rep. Johnson	x		
Rep. Welch		x		Rep. Long			
Rep. Tonko		x		Rep. Bucshon	x		
Rep. Clarke		x		Rep. Mullin	x		
Rep. Schrader		x		Rep. Hudson	x		
Rep. Cárdenas		x		Rep. Walberg	x		
Rep. Ruiz		x		Rep. Carter	x		
Rep. Peters		x		Rep. Duncan	x		
Rep. Dingell		x		Rep. Palmer	x		
Rep. Veasey		x		Rep. Dunn	x		
Rep. Kuster		x		Rep. Curtis	x		
Rep. Kelly		x		Rep. Lesko	x		
Rep. Barragán		x		Rep. Pence	x		
Rep. McEachin		x		Rep. Crenshaw	x		
Rep. Blunt Rochester		x		Rep. Joyce	x		
Rep. Soto		x		Rep. Armstrong	x		
Rep. O'Halleran		x					
Rep. Rice		x					
Rep. Craig		x					
Rep. Schrier		x					

Committee on Energy and Commerce  
117<sup>th</sup> Congress

Rep. Trahan		x					
Rep. Fletcher		x					

02/11/2021

Committee on Energy and Commerce  
117<sup>th</sup> Congress

Full Committee  
(ratio: 32-26)

ROLL CALL VOTE #6

Bill: **Subtitle A, "Budget Reconciliation Legislative Recommendations Relating to Public Health"**

Amendment: An amendment to the amendment in the nature of a substitute, offered by Mr. Bucshon of Indiana, No. 1f, adds a new subsection to reserve \$10 billion from the legislation's testing provision to assist States in testing individuals for COVID-19 for the purpose of reopening workplaces.

Disposition: **NOT AGREED TO** by a roll call vote of 25 yeas to 31 nays

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Pallone		x		Rep. Rodgers	x		
Rep. Rush		x		Rep. Upton	x		
Rep. Eshoo		x		Rep. Burgess	x		
Rep. DeGette				Rep. Scalise	x		
Rep. Doyle		x		Rep. Latta	x		
Rep. Schakowsky		x		Rep. Guthrie	x		
Rep. Butterfield		x		Rep. McKinley	x		
Rep. Matsui		x		Rep. Kinzinger	x		
Rep. Castor		x		Rep. Griffith	x		
Rep. Sarbanes		x		Rep. Bilirakis	x		
Rep. McNeerney		x		Rep. Johnson	x		
Rep. Welch		x		Rep. Long			
Rep. Tonko		x		Rep. Bucshon	x		
Rep. Clarke		x		Rep. Mullin	x		
Rep. Schrader		x		Rep. Hudson	x		
Rep. Cárdenas		x		Rep. Walberg	x		
Rep. Ruiz		x		Rep. Carter	x		
Rep. Peters		x		Rep. Duncan	x		
Rep. Dingell		x		Rep. Palmer	x		
Rep. Veasey		x		Rep. Dunn	x		
Rep. Kuster		x		Rep. Curtis	x		
Rep. Kelly		x		Rep. Lesko	x		
Rep. Barragán		x		Rep. Pence	x		
Rep. McEachin		x		Rep. Crenshaw	x		
Rep. Blunt Rochester		x		Rep. Joyce	x		
Rep. Soto		x		Rep. Armstrong	x		
Rep. O'Halleran		x					
Rep. Rice		x					
Rep. Craig		x					
Rep. Schrier		x					
Rep. Trahan		x					
Rep. Fletcher		x					

02/11/2021

Committee on Energy and Commerce  
117<sup>th</sup> Congress

Full Committee  
(ratio: 32-26)

ROLL CALL VOTE #7

Bill: **Subtitle A, "Budget Reconciliation Legislative Recommendations  
Relating to Public Health"**

Amendment: An amendment to the amendment in the nature of a substitute, offered by  
Mr. Dunn of Florida, No. 1g, requires the Secretary to reserve \$100  
million of the funds appropriated to the Food and Drug Administration to  
be used for review of applications related to COVID-19 therapeutics.

Disposition: **NOT AGREED TO** by a roll call vote of 26 yeas to 31 nays

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Pallone		x		Rep. Rodgers	x		
Rep. Rush		x		Rep. Upton	x		
Rep. Eshoo		x		Rep. Burgess	x		
Rep. DeGette				Rep. Scalise	x		
Rep. Doyle		x		Rep. Latta	x		
Rep. Schakowsky		x		Rep. Guthrie	x		
Rep. Butterfield		x		Rep. McKinley	x		
Rep. Matsui		x		Rep. Kinzinger	x		
Rep. Castor		x		Rep. Griffith	x		
Rep. Sarbanes		x		Rep. Bilirakis	x		
Rep. McNeerney		x		Rep. Johnson	x		
Rep. Welch		x		Rep. Long	x		
Rep. Tonko		x		Rep. Bucshon	x		
Rep. Clarke		x		Rep. Mullin	x		
Rep. Schrader		x		Rep. Hudson	x		
Rep. Cárdenas		x		Rep. Walberg	x		
Rep. Ruiz		x		Rep. Carter	x		
Rep. Peters		x		Rep. Duncan	x		
Rep. Dingell		x		Rep. Palmer	x		
Rep. Veasey		x		Rep. Dunn	x		
Rep. Kuster		x		Rep. Curtis	x		
Rep. Kelly		x		Rep. Lesko	x		
Rep. Barragán		x		Rep. Pence	x		
Rep. McEachin		x		Rep. Crenshaw	x		
Rep. Blunt Rochester		x		Rep. Joyce	x		
Rep. Soto		x		Rep. Armstrong	x		
Rep. O'Halleran		x					
Rep. Rice		x					
Rep. Craig		x					
Rep. Schrier		x					
Rep. Trahan		x					
Rep. Fletcher		x					

02/11/2021

Committee on Energy and Commerce  
117<sup>th</sup> Congress

Full Committee  
(ratio: 32-26)

ROLL CALL VOTE #8

Bill: **Subtitle A**, "Budget Reconciliation Legislative Recommendations Relating to Public Health"

Amendment: An amendment to the amendment in the nature of a substitute, offered by Mr. McKinley of West Virginia, No. 1h, increases the appropriated amount for the Substance Abuse and Mental Health Services Administration (SAMHSA) Substance Abuse Prevention and Treatment Block Grant program from \$1.75 billion to \$4.75 billion.

Disposition: **NOT AGREED TO** by a roll call vote of 26 yeas to 31 nays

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Pallone		x		Rep. Rodgers	x		
Rep. Rush		x		Rep. Upton	x		
Rep. Eshoo		x		Rep. Burgess	x		
Rep. DeGette				Rep. Scalise	x		
Rep. Doyle		x		Rep. Latta	x		
Rep. Schakowsky		x		Rep. Guthrie	x		
Rep. Butterfield		x		Rep. McKinley	x		
Rep. Matsui		x		Rep. Kinzinger	x		
Rep. Castor		x		Rep. Griffith	x		
Rep. Sarbanes		x		Rep. Bilirakis	x		
Rep. McNerney		x		Rep. Johnson	x		
Rep. Welch		x		Rep. Long	x		
Rep. Tonko		x		Rep. Bucshon	x		
Rep. Clarke		x		Rep. Mullin	x		
Rep. Schrader		x		Rep. Hudson	x		
Rep. Cárdenas		x		Rep. Walberg	x		
Rep. Ruiz		x		Rep. Carter	x		
Rep. Peters		x		Rep. Duncan	x		
Rep. Dingell		x		Rep. Palmer	x		
Rep. Veasey		x		Rep. Dunn	x		
Rep. Kuster		x		Rep. Curtis	x		
Rep. Kelly		x		Rep. Lesko	x		
Rep. Barragán		x		Rep. Pence	x		
Rep. McEachin		x		Rep. Crenshaw	x		
Rep. Blunt Rochester		x		Rep. Joyce	x		
Rep. Soto		x		Rep. Armstrong	x		
Rep. O'Halleran		x					
Rep. Rice		x					
Rep. Craig		x					
Rep. Schrier		x					
Rep. Trahan		x					

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Committee on Energy and Commerce  
117<sup>th</sup> Congress

Rep. Fletcher		x					
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02/11/2021

Committee on Energy and Commerce  
117<sup>th</sup> Congress

**Full Committee**  
(ratio: 32-26)

ROLL CALL VOTE #9

Bill: **Subtitle A, "Budget Reconciliation Legislative Recommendations Relating to Public Health"**

Amendment: An amendment to the amendment in the nature of a substitute, offered by Mr. Guthrie of Kentucky, No. 1i, provides \$35 million in funding to the Public Health and Social Services Emergency Fund for the purpose of making grants and providing other funding mechanisms to eligible health care providers for health care related expenses or lost revenues that are attributable to the coronavirus. Of this funding, \$5 million is directed to Medicaid enrolled suppliers and providers, and \$5 million is directed to suppliers and providers located in rural areas.

Disposition: **NOT AGREED TO** by a roll call vote of 25 yeas to 31 nays

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Pallone		x		Rep. Rodgers	x		
Rep. Rush		x		Rep. Upton	x		
Rep. Eshoo		x		Rep. Burgess	x		
Rep. DeGette				Rep. Scalise	x		
Rep. Doyle		x		Rep. Latta	x		
Rep. Schakowsky		x		Rep. Guthrie	x		
Rep. Butterfield		x		Rep. McKinley	x		
Rep. Matsui		x		Rep. Kinzinger	x		
Rep. Castor		x		Rep. Griffith	x		
Rep. Sarbanes		x		Rep. Bilirakis	x		
Rep. McNerney		x		Rep. Johnson	x		
Rep. Welch		x		Rep. Long			
Rep. Tonko		x		Rep. Bucshon	x		
Rep. Clarke		x		Rep. Mullin	x		
Rep. Schrader		x		Rep. Hudson	x		
Rep. Cárdenas		x		Rep. Walberg	x		
Rep. Ruiz		x		Rep. Carter	x		
Rep. Peters		x		Rep. Duncan	x		
Rep. Dingell		x		Rep. Palmer	x		
Rep. Veasey		x		Rep. Dunn	x		
Rep. Kuster		x		Rep. Curtis	x		
Rep. Kelly		x		Rep. Lesko	x		
Rep. Barragán		x		Rep. Pence	x		
Rep. McEachin		x		Rep. Crenshaw	x		
Rep. Blunt Rochester		x		Rep. Joyce	x		
Rep. Soto		x		Rep. Armstrong	x		
Rep. O'Halleran		x					
Rep. Rice		x					
Rep. Craig		x					



Committee on Energy and Commerce  
117<sup>th</sup> Congress

Rep. Schrier		x					
Rep. Trahan		x					
Rep. Fletcher		x					

02/11/2021

Committee on Energy and Commerce  
117<sup>th</sup> Congress

Full Committee  
(ratio: 32-26)

ROLL CALL VOTE #10

Bill: **Subtitle A, "Budget Reconciliation Legislative Recommendations Relating to Public Health"**

Amendment: An amendment to the amendment in the nature of a substitute, offered by Ms. Lesko of Arizona, No. 1j, transfers appropriations for family planning to suicide prevention program for children and adolescents at SAMHSA.

Disposition: **NOT AGREED TO** by a roll call vote of 26 yeas to 31 nays

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Pallone		x		Rep. Rodgers	x		
Rep. Rush		x		Rep. Upton	x		
Rep. Eshoo		x		Rep. Burgess	x		
Rep. DeGette				Rep. Scalise	x		
Rep. Doyle		x		Rep. Latta	x		
Rep. Schakowsky		x		Rep. Guthrie	x		
Rep. Butterfield		x		Rep. McKinley	x		
Rep. Matsui		x		Rep. Kinzinger	x		
Rep. Castor		x		Rep. Griffith	x		
Rep. Sarbanes		x		Rep. Bilirakis	x		
Rep. McNerney		x		Rep. Johnson	x		
Rep. Welch		x		Rep. Long	x		
Rep. Tonko		x		Rep. Bucshon	x		
Rep. Clarke		x		Rep. Mullin	x		
Rep. Schrader		x		Rep. Hudson	x		
Rep. Cárdenas		x		Rep. Walberg	x		
Rep. Ruiz		x		Rep. Carter	x		
Rep. Peters		x		Rep. Duncan	x		
Rep. Dingell		x		Rep. Palmer	x		
Rep. Veasey		x		Rep. Dunn	x		
Rep. Kuster		x		Rep. Curtis	x		
Rep. Kelly		x		Rep. Lesko	x		
Rep. Barragán		x		Rep. Pence	x		
Rep. McEachin		x		Rep. Crenshaw	x		
Rep. Blunt Rochester		x		Rep. Joyce	x		
Rep. Soto		x		Rep. Armstrong	x		
Rep. O'Halleran		x					
Rep. Rice		x					
Rep. Craig		x					
Rep. Schrier		x					
Rep. Trahan		x					
Rep. Fletcher		x					

02/11/2021

Committee on Energy and Commerce  
117<sup>th</sup> Congress

**Full Committee**  
(ratio: 32-26)

ROLL CALL VOTE #11

Bill: **Subtitle A**, "Budget Reconciliation Legislative Recommendations Relating to Public Health"

Amendment: An amendment to the amendment in the nature of a substitute, offered by Mr. Mullin of Oklahoma, No. 1k, increases the appropriated amount for SAMHSA's Substance Community Mental Health Services Block Grant from \$1.75 billion to \$2.75 billion. Also requires the Secretary to obligate five percent of the amount available to support mental health services in States with higher rates of unemployment related to the Keystone XL pipeline permit or the pause in new oil and natural gas leases on public lands or offshore waters as required by Executive Order 14008.

Disposition: **NOT AGREED TO** by a roll call vote of 26 yeas to 31 nays

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Pallone		x		Rep. Rodgers	x		
Rep. Rush		x		Rep. Upton	x		
Rep. Eshoo		x		Rep. Burgess	x		
Rep. DeGette				Rep. Scalise	x		
Rep. Doyle		x		Rep. Latta	x		
Rep. Schakowsky		x		Rep. Guthrie	x		
Rep. Butterfield		x		Rep. McKinley	x		
Rep. Matsui		x		Rep. Kinzinger	x		
Rep. Castor		x		Rep. Griffith	x		
Rep. Sarbanes		x		Rep. Bilirakis	x		
Rep. McNerney		x		Rep. Johnson	x		
Rep. Welch		x		Rep. Long	x		
Rep. Tonko		x		Rep. Bucshon	x		
Rep. Clarke		x		Rep. Mullin	x		
Rep. Schrader		x		Rep. Hudson	x		
Rep. Cárdenas		x		Rep. Walberg	x		
Rep. Ruiz		x		Rep. Carter	x		
Rep. Peters		x		Rep. Duncan	x		
Rep. Dingell		x		Rep. Palmer	x		
Rep. Veasey		x		Rep. Dunn	x		
Rep. Kuster		x		Rep. Curtis	x		
Rep. Kelly		x		Rep. Lesko	x		
Rep. Barragán		x		Rep. Pence	x		
Rep. McEachin		x		Rep. Crenshaw	x		
Rep. Blunt Rochester		x		Rep. Joyce	x		
Rep. Soto		x		Rep. Armstrong	x		
Rep. O'Halleran		x					
Rep. Rice		x					
Rep. Craig		x					

Committee on Energy and Commerce  
117<sup>th</sup> Congress

Rep. Schrier		x					
Rep. Trahan		x					
Rep. Fletcher		x					

02/11/2021

Committee on Energy and Commerce  
117<sup>th</sup> Congress

Full Committee  
(ratio: 32-26)

ROLL CALL VOTE #12

Bill: **Subtitle A, "Budget Reconciliation Legislative Recommendations Relating to Public Health"**

Amendment: An amendment to the amendment in the nature of a substitute, offered by Mrs. Rodgers of Washington, No. 1m, applies the funding limitations specified in sections 506 and 507 of division A of Public Law 116-94 to the provisions under Subtitle A.

Disposition: **NOT AGREED TO** by a roll call vote of 26 yeas to 30 nays

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Pallone		x		Rep. Rodgers	x		
Rep. Rush				Rep. Upton	x		
Rep. Eshoo		x		Rep. Burgess	x		
Rep. DeGette				Rep. Scalise	x		
Rep. Doyle		x		Rep. Latta	x		
Rep. Schakowsky		x		Rep. Guthrie	x		
Rep. Butterfield		x		Rep. McKinley	x		
Rep. Matsui		x		Rep. Kinzinger	x		
Rep. Castor		x		Rep. Griffith	x		
Rep. Sarbanes		x		Rep. Bilirakis	x		
Rep. McNeerney		x		Rep. Johnson	x		
Rep. Welch		x		Rep. Long	x		
Rep. Tonko		x		Rep. Bucshon	x		
Rep. Clarke		x		Rep. Mullin	x		
Rep. Schrader		x		Rep. Hudson	x		
Rep. Cárdenas		x		Rep. Walberg	x		
Rep. Ruiz		x		Rep. Carter	x		
Rep. Peters		x		Rep. Duncan	x		
Rep. Dingell		x		Rep. Palmer	x		
Rep. Veasey		x		Rep. Dunn	x		
Rep. Kuster		x		Rep. Curtis	x		
Rep. Kelly		x		Rep. Lesko	x		
Rep. Barragán		x		Rep. Pence	x		
Rep. McEachin		x		Rep. Crenshaw	x		
Rep. Blunt Rochester		x		Rep. Joyce	x		
Rep. Soto		x		Rep. Armstrong	x		
Rep. O'Halleran		x					
Rep. Rice		x					
Rep. Craig		x					
Rep. Schrier		x					
Rep. Trahan		x					
Rep. Fletcher		x					

02/11/2021

Committee on Energy and Commerce  
117<sup>th</sup> Congress

**Full Committee**  
(ratio: 32-26)

ROLL CALL VOTE #13

Bill: **Subtitle A**, "Budget Reconciliation Legislative Recommendations Relating to Public Health"

Motion: A motion by Mr. Pallone of New Jersey to order **Subtitle A**, "Budget Reconciliation Legislative Recommendations Relating to Public Health" transmitted favorably to the House Committee on Budget, amended (Final Passage).

Disposition: **AGREED TO** by a roll call vote of 31 yeas to 25 nays

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Pallone	x			Rep. Rodgers		x	
Rep. Rush	x			Rep. Upton		x	
Rep. Eshoo	x			Rep. Burgess		x	
Rep. DeGette				Rep. Scalise		x	
Rep. Doyle	x			Rep. Latta		x	
Rep. Schakowsky	x			Rep. Guthrie		x	
Rep. Butterfield	x			Rep. McKinley		x	
Rep. Matsui	x			Rep. Kinzinger		x	
Rep. Castor	x			Rep. Griffith		x	
Rep. Sarbanes	x			Rep. Bilirakis		x	
Rep. McNeerney	x			Rep. Johnson		x	
Rep. Welch	x			Rep. Long		x	
Rep. Tonko	x			Rep. Bucshon		x	
Rep. Clarke	x			Rep. Mullin		x	
Rep. Schrader	x			Rep. Hudson		x	
Rep. Cárdenas	x			Rep. Walberg		x	
Rep. Ruiz	x			Rep. Carter		x	
Rep. Peters	x			Rep. Duncan		x	
Rep. Dingell	x			Rep. Palmer		x	
Rep. Veasey	x			Rep. Dunn		x	
Rep. Kuster	x			Rep. Curtis		x	
Rep. Kelly	x			Rep. Lesko		x	
Rep. Barragán	x			Rep. Pence		x	
Rep. McEachin	x			Rep. Crenshaw		x	
Rep. Blunt Rochester	x			Rep. Joyce		x	
Rep. Soto	x			Rep. Armstrong		x	
Rep. O'Halleran	x						
Rep. Rice	x						
Rep. Craig	x						
Rep. Schrier	x						
Rep. Trahan	x						

Committee on Energy and Commerce  
117<sup>th</sup> Congress

Rep. Fletcher	x						
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02/11/2021

**V. OVERSIGHT FINDINGS**

Pursuant to clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the oversight findings and recommendations of the Committee are reflected in the descriptive portion of the report.

**VI. NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES**

Pursuant to 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

**VII. CONGRESSIONAL BUDGET OFFICE ESTIMATE**

**[INSERT LETTER & DOCUMENT FROM CONGRESSIONAL BUDGET OFFICE  
(CBO)]**





CONGRESSIONAL BUDGET OFFICE  
U.S. Congress  
Washington, DC 20515

*Phillip L. Swagel, Director*

February 14, 2021

Honorable Frank Pallone Jr.  
Chairman  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

The Congressional Budget Office has prepared the enclosed cost estimate for the Reconciliation Recommendations of the House Committee on Energy and Commerce.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Alice Burns.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip L. Swagel".

Phillip L. Swagel

Enclosure

cc: Honorable Cathy McMorris Rodgers  
Ranking Member

<b>At a Glance</b>			
<b>Reconciliation Recommendations of the House Committee on Energy and Commerce</b>			
As ordered reported on February 12, 2021			
By Fiscal Year, Millions of Dollars	2021	2021-2030	2021-2031
Direct Spending (Outlays)	27,498	126,130	123,827
Revenues	0	1,474	1,488
Increase or Decrease (-) in the Deficit	27,498	124,656	122,339
Statutory pay-as-you-go procedures apply?	Yes	<b>Mandate Effects</b>	
Increases on-budget deficits in any year after 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	<b>Yes, Under Threshold</b>
CBO has not reviewed the legislation for effects on spending subject to appropriation.			
<b>The legislation would</b>			
<ul style="list-style-type: none"> <li>• Appropriate \$105 billion for various activities related to testing for, treating, and responding to COVID-19 (the disease cause by the coronavirus); and for other activities related to COVID-19</li> <li>• Allow extended postpartum coverage in Medicaid and the Children's Health Insurance Program (CHIP)</li> <li>• Increase the federal medical assistance percentage (FMAP) to encourage states to expand Medicaid coverage and increase their provision of certain types of long-term services and supports</li> <li>• Eliminate the cap on rebates that drug manufacturers pay to Medicaid</li> <li>• Increase the cost of an existing private-sector mandate on certain commercial entities if the Federal Communications Commission increases annual fee collections</li> </ul>			
<b>Estimated budgetary effects would mainly stem from</b>			
<ul style="list-style-type: none"> <li>• Increased direct spending resulting from \$105 billion in new budget authority</li> <li>• Additional direct spending from increasing the number of months of postpartum coverage under Medicaid and CHIP</li> <li>• Increased Medicaid and CHIP spending on COVID-19 vaccines, new enrollees, services for inmates in jails and prisons, and long-term services and supports</li> <li>• Reduced Medicaid spending on prescription drugs</li> </ul>			
<b>Areas of significant uncertainty include</b>			
<ul style="list-style-type: none"> <li>• Estimating the rate at which the new budget authority would be spent by federal agencies</li> <li>• Predicting how many women would participate in postpartum coverage under Medicaid and CHIP</li> <li>• Estimating how many states would expand Medicaid coverage as the result of higher FMAPs</li> <li>• Estimating future growth in drug prices</li> </ul>			
<b>Detailed estimate begins on the next page.</b>			

See also CBO's *Cost Estimates Explained*, [www.cbo.gov/publication/54437](http://www.cbo.gov/publication/54437); *How CBO Prepares Cost Estimates*, [www.cbo.gov/publication/53519](http://www.cbo.gov/publication/53519); and *Glossary*, [www.cbo.gov/publication/42904](http://www.cbo.gov/publication/42904).



### Summary of the Legislation

S. Con. Res. 5, the Concurrent Resolution on the Budget for Fiscal Year 2021, instructed several committees of the House of Representatives to recommend legislative changes that would increase deficits up to a specified amount over the 2021-2030 period. As part of this reconciliation process, the House Committee on Energy and Commerce approved legislation on February 12, 2021, with a number of provisions that would increase deficits.

The legislation would appropriate \$92.2 billion for various activities related to testing for, treating, and responding to COVID-19, the disease caused by the coronavirus. The legislation would also make changes to the Medicaid program and the Children's Health Insurance Program (CHIP), which include expanding coverage for women after the birth of their child, encouraging states that have not already done so to expand Medicaid coverage to adults made eligible by the Affordable Care Act (ACA), and eliminating the limit on the rebates paid by drug manufacturers to Medicaid. Finally, the legislation would appropriate \$12.8 billion for various activities related to addressing the energy, environmental, educational, and commerce-related effects of the coronavirus pandemic.

### Estimated Federal Cost

The estimated budgetary effects of the reconciliation recommendations of the House Committee on Energy and Commerce are shown in Table 1. The costs of the legislation fall within budget functions 300 (natural resources and environment), 370 (commerce and housing credit), 500 (education, training, employment, and social services), 550 (health), and 600 (income security).

### Basis of Estimate

For this estimate, CBO assumes that the reconciliation bill will be enacted by the end of March 2021. Outlay estimates are based on historical spending patterns for affected programs and information from the agencies about program implementation.

### Direct Spending and Revenues

CBO and the staff of the Joint Committee on Taxation (JCT) estimate that enacting the reconciliation recommendations of the House Committee on Energy and Commerce would increase direct spending by \$126.1 billion and would increase federal revenues by \$1.5 billion over the 2021-2030 period, for a net effect on the deficit over that period of \$124.7 billion.

**Funding for Public Health.** Subtitle A would appropriate \$92.2 billion for various activities aimed at improving public health and responding to COVID-19.

Within subtitle A, Chapter 1 would provide \$14.2 billion to fund activities related to vaccination and treatment with the following specific appropriations:



- \$7.5 billion to the Centers for Disease Control and Prevention (CDC) to plan, prepare for, promote, distribute, administer, monitor, and track COVID-19 vaccines;
- \$1.0 billion to the CDC to improve vaccine education and confidence and vaccination rates;
- \$5.2 billion to the Secretary of Health and Human Services (HHS) to advance research, development, manufacturing, production, and the purchase of vaccines, therapeutics, and ancillary medical products to prevent, prepare, and respond to SARS-CoV-2, COVID-19, or any disease with potential for creating a pandemic; and
- \$0.5 billion to the Food and Drug Administration to oversee the development and marketing of COVID-19 therapeutics, vaccines, and diagnostic tests.

Chapter 2 would provide \$49.0 billion for testing for COVID-19, specifically appropriating:

- \$46.0 billion to the Secretary of HHS to detect, diagnose, trace, and monitor COVID-19 infections;
- \$1.8 billion to the CDC for genomic sequencing, analytics, and disease surveillance;
- \$0.8 billion to the CDC to combat COVID-19 and other emerging infectious threats globally; and
- \$0.5 billion to the CDC to support the surveillance and analytic infrastructure of public health data.

Chapter 3 would provide \$7.8 billion for strengthening the public health workforce with two specific appropriations:

- \$7.7 billion for state, local, and territorial public health departments to establish, expand, and sustain their public health workforce; and
- \$0.1 billion to the Medical Reserve Corps.

Chapter 4 would provide \$11.2 billion for other public health investments that specifically cover:

- \$7.6 billion for awarding grants and cooperative agreements to community health centers and qualified entities under the Native Hawaiian Health Care Improvement Act to support activities related to testing for, treating, and vaccinating against COVID-19;
- \$0.8 billion to the National Health Service Corps to support qualified health care providers working in areas with limited access to care;
- \$0.2 billion to the Nurse Corps to support nurses working in facilities that provide primary health care or maternal health care to underserved populations;
- \$0.3 billion to health centers that provide graduate medical education;



- \$1.8 billion for activities related to testing, tracing, and mitigating COVID-19 infections in congregate settings; and
- \$0.4 billion for HHS to provide services for children under its care, including unaccompanied alien children in the custody of the Office of Refugee Resettlement.

Chapter 5 would provide \$6.1 billion to the Indian Health Service (IHS) for lost reimbursements resulting from people deferring routine and elective health care, testing and tracing of COVID-19 infections, COVID-19 vaccine promotion, distribution and administration, additional support for purchased and referred care, and for other purposes.

Chapter 6 would provide \$3.9 billion to strengthen activities related to mental health and substance abuse, specifically appropriating:

- \$1.8 billion to the Secretary of HHS for community mental health services;
- \$1.8 billion to the Secretary of HHS for activities relating to the prevention and treatment of substance abuse;
- \$0.1 billion for the Health Resources and Services Administration (HRSA) to award grants to eligible institutions that provide mental and behavioral health education and training; and
- \$0.3 billion for other activities.

Chapter 7 would appropriate \$20 million to HHS for grants to eligible states to modernize the health insurance marketplaces established under the ACA.

In total, CBO estimates that the funds appropriated by subtitle A would increase direct spending by \$91.3 billion over the 2021-2030 period.

**Coverage of COVID-19 Vaccinations and Treatments.** Subtitles B and C would make various changes to the Medicaid and CHIP programs' coronavirus-related spending. In total, sections 3101 and 3201 would increase direct spending by an estimated \$1.1 billion and \$68 million, respectively, over the 2021-2030 period.

*Mandatory Coverage of COVID-19 Vaccination, Without Cost Sharing.* Sections 3101 and 3201 would require state Medicaid and CHIP programs to cover vaccinations, without cost sharing, for all eligible enrollees. Under current law, the federal government is expected to provide the vaccines administered through both programs, but some patients would still have to pay the cost sharing associated with having the vaccine administered. In addition, if a state implements an option under Medicaid to provide COVID-19 testing for uninsured people, it would have to do so without cost sharing. The sections also would extend for a year the period in which a state must vaccinate, without cost sharing, adults enrolled in Medicaid under the program's traditional eligibility rules.

CBO estimates that 4 million Medicaid and CHIP enrollees are currently ineligible for vaccination under either program. By the end of the public health emergency (PHE), CBO



estimates, fewer than 1 million adults enrolled under Medicaid's traditional eligibility rules would be subject to cost-sharing requirements to receive the vaccine.

If enacted, CBO estimates, the requirements in sections 3101 and 3201 would increase the number of vaccinations administered to Medicaid and CHIP enrollees by about 2 million doses in 2021 and by about 6 million over the 2021-2023 period. Because the federal government is expected to provide the vaccine itself, sections 3101 and 3102 would only affect the costs associated with administering the vaccines. Using information from the Centers for Medicare & Medicaid Services, CBO estimates that in 2021, the cost of administering a single dose will vary between \$17 and \$28, depending on the type of vaccine. Over the 2021-2030 period, CBO estimates, the requirement to provide vaccination coverage without cost sharing would increase Medicaid's direct spending by \$107 million and CHIP's by less than \$1 million.

*Increased Federal Medical Assistance Percentage for Vaccinations.* Sections 3101 and 3201 also would raise the federal medical assistance percentage (FMAP) to 100 percent for payments to states for administering vaccines for one year after the end of the PHE. Over the 2021-2030 period, CBO estimates, the higher FMAP would increase direct spending for Medicaid and CHIP by \$747 million and by \$68 million, respectively.

*Mandatory Coverage of Treatment or Prevention, Without Cost Sharing.* Sections 3101 and 3201 also would require state Medicaid and CHIP programs to provide coverage, without cost sharing, for treatment or prevention of COVID-19 for one year after the end of the PHE. Additionally, over the same period, if a state chose to implement an option under Medicaid to provide COVID-19 testing for uninsured people, section 3101 also would extend the requirement to provide treatment and prevention to those people without requiring cost sharing.

About 5 million people enrolled in Medicaid or CHIP are expected to receive COVID-19 treatment in 2021. CBO expects that number to decline to fewer than 100,000 by 2022 and estimates that about 25 percent of those people would be subject to cost-sharing requirements for a physician service (\$2, on average, in 2021), an inpatient hospital service (\$70, on average, in 2021), or both. CBO estimates that the requirements in sections 3101 and 3201 that would prohibit cost sharing for treatment would increase direct spending by \$34 million for Medicaid and by less than \$1 million for CHIP over the 2021-2030 period.

CBO anticipates that 3 million uninsured people will receive COVID-19 treatment in 2021. By 2022, that number is expected to fall below 50,000. In 2020, 10 states had implemented an option under Medicaid to test uninsured people for COVID-19. In those states, CBO estimates, the requirement in section 3101 to provide vaccinations or treatment services would increase direct spending for Medicaid by \$243 million over the 2021-2030 period.

**Coverage for Pregnant and Postpartum Women.** Sections 3102 and 3202 would allow states to extend health coverage for women enrolled in Medicaid or CHIP for 12 months after the birth of a child. In total, CBO estimates, those sections would increase federal



deficits by \$5.1 billion over the 2021-2030 period—an increase in direct spending of \$6.0 billion and an increase in revenues of \$0.8 billion over the period.

Under current law, for 60 days after the birth of a child, states must provide Medicaid coverage to women whose income does not exceed 138 percent of the federal poverty level (FPL). Forty-six states and the District of Columbia exercise an option under current law to provide Medicaid coverage to pregnant women whose income is above 138 percent of the FPL, 29 extend coverage if their income is equal to or above 200 percent of the FPL, and 3 extend coverage if their income is above 300 percent of the FPL. Under current law, states also can provide pregnancy-related services to women under CHIP, but they may only provide postpartum services to women who, if not for their income, would otherwise be eligible for coverage under Medicaid.

CBO estimates that in 2020, Medicaid and CHIP provided pregnancy-related coverage to about 2 million women; approximately 1.8 million carried their pregnancy to term. CBO estimates that about 35 percent of those recipients have income above 138 percent of the FPL, which reflects the coverage options currently available to states under Medicaid and CHIP. Regardless of a state's decision to provide optional coverage to eligible women, the state must reevaluate applicants' eligibility for other coverage before the end of the 60-day postpartum period. Medicaid coverage after that point can include the full scope of health services or be limited to family-planning services.

*Medicaid Coverage Under the 12-Month Option.* CBO estimates that under current law, at the end of the 60-day postpartum period about 30 percent of women will continue to receive comprehensive services from Medicaid, 30 percent will enroll either in employment-based or in marketplace coverage, and about 45 percent will be uninsured (although roughly two-thirds of those women would still receive family-planning services).

Section 3102 would provide women in states that exercise the option with 10 additional months of Medicaid coverage. CBO estimates that by 2024, about 25 percent of all women who would be expected to receive postpartum services from Medicaid will live in states that implement the 12-month option. Using administrative data and information from industry sources, CBO estimates that the combined federal and state cost to provide 10 additional months of Medicaid coverage would be about \$1,500 per person, on average, in 2022; that amount would increase at an average annual rate of about 6 percent over the 2022-2030 period. For women whose current-law Medicaid services are limited to family planning, CBO estimates that the cost per person would be about \$1,100, on average. In total, CBO estimates, the additional months of coverage would increase direct spending for Medicaid by \$6.1 billion over the 2021-2030 period.

*CHIP Coverage for Pregnant and Postpartum Women.* Under current law, states can provide CHIP coverage to eligible women during pregnancy and for 60 days after the birth of a child. CHIP cannot be used to replace existing Medicaid coverage for pregnant women. To cover pregnant women under CHIP, states must provide, at a minimum, Medicaid coverage to



women whose income is up to 185 percent of the FPL. In 2020, approximately 15,000 women received pregnancy and postpartum care under CHIP. CBO estimates that all of those women became ineligible for comprehensive Medicaid and CHIP services at the end of the 60-day postpartum period.

If a state provides CHIP coverage to eligible women up to the end of the 60-day postpartum period, and if the state chooses to implement the Medicaid option under section 3102, the legislation would require the state to extend similar coverage under CHIP. However, because not all states extend CHIP coverage to pregnant women, CBO estimates that by 2024 fewer than 1,000 pregnant women would reside in a state that implemented the option. CBO expects that additional months of coverage under CHIP would cost about the same as under Medicaid. On net, CBO estimates, section 3202 would increase direct spending for CHIP by \$5 million over the 2021-2030 period.

*Private Health Insurance for Pregnant and Postpartum Women.* Some women whose Medicaid coverage ends after the birth of a child enroll in private health insurance. CBO estimates that in states that are expected to implement the option under section 3102, fewer than 5 percent of women who become ineligible each year for Medicaid or CHIP currently receive coverage through a marketplace and 30 percent enroll in employment-based coverage. Under section 3102, over the 2021-2030 period, about 10,000 and 100,000 women annually would delay enrollment either in marketplace coverage or in employment-based coverage, respectively, for about 10 months. That delay would lower subsidies for private health insurance, thereby reducing direct spending by \$137 million and increasing revenues by \$816 million over the 2021-2030 period, according to CBO and JCT's estimates.

**Medicaid for Inmates During the 30-Day Period Preceding Release.** Section 3103 would create an exception for 5 years, starting one year after enactment, to the prohibition on making Medicaid payments for services provided to inmates of correctional institutions. Section 3103 would permit payments for services to inmates who are enrolled in Medicaid during the last 30 days of their incarceration. According to data from the Bureau of Justice Statistics:

- Local jails admit and release about 10 million people per year, 89 percent of whom are admitted and released within 30 days, and
- State prisons admit and release about 600,000 people per year, almost all of whom remain incarcerated for longer than 30 days.

As a result, section 3103 would allow the vast majority of Medicaid enrollees to maintain their Medicaid coverage during their incarceration in local jails and would permit those jails to bill Medicaid for medical care provided to the incarcerated enrollees. Section 3103 would allow incarcerated enrollees in prisons to receive Medicaid coverage in the final 30 days of their incarceration, which would permit state prisons to bill Medicaid for services provided pre-release.





Based on a report by the Prison Policy Initiative, CBO estimates that about 45 percent of inmates released from jails and prisons would be enrolled in Medicaid in the early years of the 2021-2030 period, rising to 55 percent by the end of the period as CBO projects additional states will adopt the ACA expansion over time.

CBO expects that the costs per Medicaid inmate would be modest, as local jails generally provide limited services, such as generic medications to assist with drug withdrawals and mental health crises during the short-term stays, while prisons would be expected to provide pre-release health screenings and short-term supplies of medications to help with the transition to the post-release period. CBO estimates that the average cost per prisoner would be about \$100 in the beginning of the period, rising to about \$200 by the end of the period because of increases in the costs of providing medical care.

Lastly, CBO projects that state prisons would quickly develop the infrastructure to bill Medicaid for services to inmates in the last 30 days of their stay, which in many cases would allow them to defray the costs incurred for pre-release services. Local jails would more gradually establish similar capacity to bill Medicaid, delaying the full implementation of section 3103 for several years. In total, CBO estimates that section 3103 would increase direct spending by \$3.7 billion over the 2021-2030 period.

**Bundled Community-Based Mobile Crisis Intervention.** Section 3104 would, for 12 fiscal quarters, increase a state's FMAP for crisis intervention services that qualify as mobile and community-based, as defined by the bill. The enhanced FMAP would equal 85 percent and would apply only to services that otherwise would be reimbursed at a state's traditional FMAP. Based on information from state mental health agencies, CBO estimates that at least 16 states have programs that provide services that would qualify for the enhanced FMAP provided under section 3104. Not all of those programs currently seek Medicaid reimbursement for crisis intervention services provided to Medicaid; CBO expects that the programs would be more likely to do so under section 3104. CBO also anticipates that those changes would encourage all of the programs to request reimbursement under their state Medicaid programs and that the states would receive the enhanced FMAP under section 3104 for such services. In addition, based on the rate at which state Medicaid programs have adopted other services and demonstrations specific to behavioral health care, CBO expects additional states would begin reimbursing for crisis intervention services that qualify as mobile and community-based.

CBO estimates that the combined federal and state cost to provide crisis intervention services that qualify as mobile and community-based would be about \$1,500 per person, on average, in 2021; that amount would increase at an average annual rate of about 6 percent over the 2022-2030 period. In total, CBO estimates, the enhanced FMAP and the decision by states to establish new programs that provide crisis intervention services that qualify as mobile and community-based would increase direct spending for Medicaid by \$1.1 billion over the 2021-2030 period.



**Temporary Increase in FMAP for Expanding ACA Coverage.** Section 3105 would, for eight calendar quarters, provide a temporary, 5 percentage-point increase in the Medicaid FMAP to states that expand coverage to adults made eligible by the ACA. CBO and JCT estimate that the provision would increase federal deficits by \$15.5 billion over the 2021-2030 period—the net effect of an increase in outlays of \$16.2 billion and an increase in revenues of \$0.7 billion.

Under section 3105, the FMAP increase would be available only to states that expand such coverage after the legislation is enacted, and it would not be available to states that had previously expanded coverage. Only services provided to traditional eligibility groups could qualify for the increase; services provided to adults made eligible by the ACA would not be included. The higher FMAP also would not apply to the following expenditures:

- Medicaid payments to hospitals that serve a disproportionate share of low-income enrollees,
- Medicaid allotments to the territories, and
- Payments for programs other than Medicaid that use the FMAP to determine the federal share of payments (such as CHIP, payments from states toward Medicare Part D, and Title IV).

*Increased Medicaid Spending.* Section 3105 would increase Medicaid spending in two ways. First, CBO expects, the additional 5 percentage-point increase in the FMAP would induce some states to expand Medicaid coverage to low-income adults sooner than CBO's baseline projections for Medicaid enrollment would indicate. Currently, 37 states and the District of Columbia have implemented the expansion, and those states have enrolled roughly 60 percent of eligible adults nationwide. Under its baseline forecast, CBO projects that additional states will adopt the expansion at the historical rate of expansions since 2014 (the initial year of the expansion's availability). CBO anticipates that by 2030 about 70 percent of all potential enrollees will be covered.

Although the rate of expansion is subject to considerable uncertainty, CBO projects that the 5 percentage-point increase in the FMAP would induce states that would expand during the 2021-2030 period to do so about a year sooner, on average, than they otherwise would. The result would be an increase in Medicaid enrollment in those years among adults made eligible by the ACA in those states. Based on CBO's projections for enrollment in states that have not already adopted the expansion and the projected cost per adult made eligible by the ACA, CBO estimates that those earlier expansions would cost the federal government \$17.2 billion over the 2021-2030 period.

The second effect of section 3105 would be the added cost of the 5 percentage-point increase in the FMAP. Based on the average matching rates projected for states that have not yet adopted the expansion, CBO estimates the cost at \$4.7 billion. In total, CBO estimates,



section 3105 would increase direct spending on Medicaid by \$21.8 billion over the 2021-2030 period.

*Reduced Federal Subsidies for Private Health Insurance.* Section 3105 also would reduce enrollment in private health insurance as more people enroll in Medicaid in the states that adopt the ACA expansion. CBO and JCT estimate that over the 2021-2030 period Medicaid enrollment would increase, on average, by about 85,000 people who would otherwise have enrolled in coverage through the marketplaces and by another 33,000 people who would otherwise have enrolled in employment-based coverage. CBO and JCT estimate that those reductions in enrollment would reduce direct spending for health insurance subsidies by \$5.7 billion and increase revenues by \$0.7 billion over the 2021-2030 period.

**100 Percent FMAP for Urban Indian Organizations and Native Hawaiian Health Care.** Section 3106 would, for eight calendar quarters, provide a 100 percent federal matching rate for services to Medicaid enrollees who access care in the Urban Indian Health Programs (UIHPs) or the Native Hawaiian Health Care System (NHHCS). Under current law, services provided to Medicaid enrollees are matched at 100 percent if they are received through an IHS facility. IHS is the agency that is responsible for providing federal health services to American Indians and Alaska Natives. UIHPs are health care organizations that are grantees of the IHS but are not considered federal entities that are part of the IHS and therefore only receive the standard federal matching rates for services to Medicaid enrollees. Similarly, the NHHCS comprises five health care clinics that are grantees of HRSA that are not considered federal entities.

The standard federal matching rates under current law average an estimated 65 percent for traditional eligibility categories during 2021 and 2022, and will average an estimated 58.5 percent during 2023, the time period covered by the eight quarters specified under section 3106. The matching rates for adults made eligible by the ACA will be 90 percent during the same period.

According to information from the UIHP system, the UIHP treats about 90,000 Medicaid patients per year at an estimated average cost of about \$2,000 per patient. Applying the 100 percent matching rate for services to these enrollees would increase direct spending by \$155 million over the 2021-2030 period. Given the size of the NHHCS relative to the UIHP system, CBO estimates that applying a 100 percent matching rate to services provided at NHHCS clinics would increase direct spending by another \$7 million over the period.

**Sunset of Limit on Maximum Rebate for Certain Drugs.** Under current law, manufacturers are required to pay Medicaid a rebate on all covered outpatient drugs. The rebate amount is determined according to statute by two formulas that include a basic rebate with separate calculations for brand and generic drugs and an additional inflationary rebate that reflects differences in growth between the Average Manufacturer Prices (AMPs) and the consumer price index. The total rebate amount is capped at 100 percent of the AMP. The cap does not affect rebates paid for all drugs: It tends to be most relevant for drugs that have



experienced substantial price increases over time and for drugs that offer particularly large rebates to payers other than Medicaid. Section 3107 would eliminate the cap on the total rebate amount starting January 1, 2023.

Based on administrative data on AMPs and prescription drug spending in Medicaid, CBO estimates that in 2019, the cap on the total rebate amount prevented federal and state governments from collecting more than \$3 billion in rebates for covered outpatient drugs. CBO expects that section 3107 would increase the amount of rebates that manufacturers pay Medicaid and would reduce direct spending in Medicaid by \$15.9 billion over the 2021-2030 period.

**Additional Support for Medicaid HCBS.** Section 3108 would, for four fiscal quarters, increase the federal FMAP in Medicaid by 7.35 percentage points for state expenditures on home and community-based services (HCBS). HCBS are long-term care services that beneficiaries receive in their home or in the community rather than in institutions such as nursing facilities. CBO projects that the federal and state governments will spend almost \$200 billion on HCBS during the four quarters for which the enhanced FMAP is available to states. Increasing the federal share of such spending would increase federal spending on Medicaid by \$9.3 billion.

**Strike Teams for Nursing Facilities.** Section 3109 would appropriate \$250 million for states to establish strike teams that would be deployed to nursing facilities that have patients who have been diagnosed with COVID-19 or who are suspected of having the disease. CBO estimates that section 3109 would increase direct spending by \$250 million over the 2021-2030 period.

**Other Provisions.** Subtitle D would appropriate \$12.8 billion for environmental protections, utility assistance, distance learning, and other consumer product safety.

Within subtitle D, chapter 1 would appropriate \$5.1 billion to fund activities related to environmental health and assistance to people for paying utility bills:

- \$0.1 billion to the Environmental Protection Agency for grants and other activities that enhance environmental justice and to support implementation of the Clean Air Act;
- \$4.5 billion to the Low-Income Home Energy Assistance Program; and
- \$0.5 billion for grants to assist low-income households with the costs of drinking water and wastewater services.

Chapter 2 would appropriate \$7.7 billion for distance learning, primarily to reimburse schools and libraries for the costs of telecommunications equipment and services, and consumer product safety.

In total, CBO estimates that the funds appropriated by subtitle D would increase direct spending by \$12.8 billion over the 2021-2030 period.



### Uncertainty

There are two major types of uncertainty in CBO's estimate of the reconciliation recommendations of the House Committee on Energy and Commerce: For subtitles A and D, the primary forms of uncertainty stem from CBO's estimates of the pace at which federal agencies would spend the new budget authority. For subtitles B and C, most of the uncertainty of CBO's estimates stem from expectations about state behavior, people's enrollment in various forms of health coverage, and the of the increase in health care prices.

#### *Uncertainty About the Pace at Which Federal Agencies Would Spend New Budget Authority.*

The reconciliation recommendations of the House Committee on Energy and Commerce would provide \$105 billion in new budget authority for fiscal year 2021, increasing individual agencies' funding for the year by a substantial amount. For example, the 2021 budget authority for the CDC, HRSA, and the IHS would see significant increases roughly halfway through the fiscal year. It is uncertain whether such agencies would be able to spend all of the new funds rapidly.

*Uncertainty About State Behavior, People's Enrollment in Various Forms of Health Coverage, and the Growth of Health Care Prices.* For subtitles B and C, CBO's estimates include projections of the results of states' choices to expand coverage, people's choices to enroll in coverage if they were newly eligible, and the future costs of providing health care services to beneficiaries—all of which are uncertain. Some of the more significant sources of uncertainty include:

- Estimating how many women would remain enrolled in Medicaid if states expand postpartum coverage and how many additional months of coverage they would have;
- Predicting how many states will expand Medicaid under current law and how the increased FMAP would accelerate the pace of state expansions;
- Forecasting future growth in drug prices and how drug manufacturers would change their pricing strategies if the cap on rebates were eliminated; and
- Estimating the future growth in prices for HCBS and how states would expand their coverage of HCBS on account of the higher FMAP.

### Pay-As-You-Go Considerations

The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays and revenues that are subject to those pay-as-you-go procedures are shown in Table 1.

**Increase in Long-Term Deficits:** None.

### Mandates

If the FCC increases annual fee collections to offset the costs of issuing rules to promote internet connectivity for schools and libraries as required by section 3312, the legislation



would increase the cost of an existing private-sector mandate on commercial entities required to pay those fees. CBO estimates that the incremental cost of the mandate would be small and would fall well below the annual threshold established in the Unfunded Mandates Reform Act for private-sector mandates (\$170 million in 2021, adjusted annually for inflation).

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<b>Table 1.</b>													
<b>Estimated Budgetary Effects of Reconciliation Recommendations</b>													
<b>As Reported by the House Committee on Energy and Commerce on February 12, 2021</b>													
<b>By Fiscal Year, Millions of Dollars</b>													
	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2021-2031	2021-2031
	<b>Increases or Decreases (-) in Direct Spending</b>												
<b>Subtitle A. Funding for Public Health</b>													
<b>Chapter 1 - Vaccines and Therapeutics</b>													
Sec. 3001. Vaccine Activities at the CDC													
Budget Authority	7,500	0	0	0	0	0	0	0	0	0	0	7,500	7,500
Estimated Outlays	1,500	4,500	750	450	225	0	0	0	0	0	0	7,425	7,425
Sec. 3002. Vaccine Confidence Activities													
Budget Authority	1,000	0	0	0	0	0	0	0	0	0	0	1,000	1,000
Estimated Outlays	200	600	100	60	30	0	0	0	0	0	0	990	990
Sec. 3003. Vaccines and Therapeutics Supply Chain													
Budget Authority	5,200	0	0	0	0	0	0	0	0	0	0	5,200	5,200
Estimated Outlays	2,033	2,803	312	52	0	0	0	0	0	0	0	5,200	5,200
Sec. 3004. Activities at the Food and Drug Administration													
Budget Authority	500	0	0	0	0	0	0	0	0	0	0	500	500
Estimated Outlays	165	250	75	10	0	0	0	0	0	0	0	500	500
<b>Chapter 1, Total</b>													
<b>Budget Authority</b>	<b>14,200</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14,200</b>	<b>14,200</b>
<b>Estimated Outlays</b>	<b>3,898</b>	<b>8,153</b>	<b>1,237</b>	<b>572</b>	<b>255</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14,115</b>	<b>14,115</b>
<b>Chapter 2 - Testing</b>													
Sec. 3011. Testing, Contact Tracing, and Mitigation Activities													
Budget Authority	46,000	0	0	0	0	0	0	0	0	0	0	46,000	46,000
Estimated Outlays	9,200	27,600	4,600	2,760	1,380	0	0	0	0	0	0	45,540	45,540
Sec. 3012. SARS-CoV-2 Genomic Sequencing and Surveillance													
Budget Authority	1,750	0	0	0	0	0	0	0	0	0	0	1,750	1,750
Estimated Outlays	350	1,050	175	105	53	0	0	0	0	0	0	1,733	1,733
Sec. 3013. Global Health													
Budget Authority	750	0	0	0	0	0	0	0	0	0	0	750	750
Estimated Outlays	150	450	75	45	23	0	0	0	0	0	0	743	743
Sec. 3014. Data Modernization and Forecasting Center													
Budget Authority	500	0	0	0	0	0	0	0	0	0	0	500	500
Estimated Outlays	100	300	50	30	15	0	0	0	0	0	0	485	485
<b>Chapter 2, Total</b>													
<b>Budget Authority</b>	<b>49,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>49,000</b>	<b>49,000</b>
<b>Estimated Outlays</b>	<b>9,800</b>	<b>29,400</b>	<b>4,900</b>	<b>2,940</b>	<b>1,471</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>48,511</b>	<b>48,511</b>
<b>Chapter 3 - Public Health Workforce</b>													
Sec. 3021. Public Health Workforce													
Budget Authority	7,660	0	0	0	0	0	0	0	0	0	0	7,660	7,660
Estimated Outlays	1,532	3,064	2,681	383	0	0	0	0	0	0	0	7,660	7,660
Sec. 3022. Medical Reserve Corps													
Budget Authority	100	0	0	0	0	0	0	0	0	0	0	100	100
Estimated Outlays	20	56	16	6	2	0	0	0	0	0	0	100	100
<b>Chapter 3, Total</b>													
<b>Budget Authority</b>	<b>7,760</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7,760</b>	<b>7,760</b>
<b>Estimated Outlays</b>	<b>1,552</b>	<b>3,120</b>	<b>2,697</b>	<b>389</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7,760</b>	<b>7,760</b>
<b>Chapter 4 - Public Health Investments</b>													
Sec. 3031. Community Health Centers													
Budget Authority	7,600	0	0	0	0	0	0	0	0	0	0	7,600	7,600
Estimated Outlays	1,520	3,040	2,660	380	0	0	0	0	0	0	0	7,600	7,600
Sec. 3032. National Health Service Corps													
Budget Authority	800	0	0	0	0	0	0	0	0	0	0	800	800
Estimated Outlays	160	320	280	40	0	0	0	0	0	0	0	800	800
Sec. 3033. Nurse Corps													
Budget Authority	200	0	0	0	0	0	0	0	0	0	0	200	200
Estimated Outlays	46	100	40	10	0	0	0	0	0	0	0	196	196
Sec. 3034. Teaching Health Centers that Operate Graduate Medical Education													
Budget Authority	330	0	0	0	0	0	0	0	0	0	0	330	330
Estimated Outlays	66	132	116	13	0	0	0	0	0	0	0	327	327

continued

Table 1. Estimated Budgetary Effects of Reconciliation Recommendations by the House Committee on Energy and Commerce on February 12, 2021  
continued.

	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2021- 2030	2021- 2031
Sec. 3035. Testing, Tracing, and Mitigation Activities in Congregate Settings													
Budget Authority	1,800	0	0	0	0	0	0	0	0	0	0	1,800	1,800
Estimated Outlays	324	990	396	36	18	0	0	0	0	0	0	1,764	1,764
Sec. 3036. Family Planning													
Budget Authority	50	0	0	0	0	0	0	0	0	0	0	50	50
Estimated Outlays	10	35	4	0	0	0	0	0	0	0	0	49	49
Sec. 3037. Children Under HHS Care													
Budget Authority	425	0	0	0	0	0	0	0	0	0	0	425	425
Estimated Outlays	13	17	64	68	74	70	64	51	4	0	0	425	425
Sec. 3038. HHS Inspector General													
Budget Authority	5	0	0	0	0	0	0	0	0	0	0	5	5
Estimated Outlays	2	3	0	0	0	0	0	0	0	0	0	5	5
<b>Chapter 4, Total</b>													
<b>Budget Authority</b>	<b>11,210</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>11,210</b>	<b>11,210</b>
<b>Estimated Outlays</b>	<b>2,141</b>	<b>4,637</b>	<b>3,560</b>	<b>547</b>	<b>92</b>	<b>70</b>	<b>64</b>	<b>51</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>11,166</b>	<b>11,166</b>
<b>Chapter 5 - Indian Health</b>													
Sec. 3041. Indian Health													
Budget Authority	6,094	0	0	0	0	0	0	0	0	0	0	6,094	6,094
Estimated Outlays	1,493	3,534	506	84	84	71	59	43	19	6	0	5,899	5,899
<b>Chapter 6 - Mental Health and Substance Use Disorder</b>													
Sec. 3051. Community Mental Health Services													
Budget Authority	1,750	0	0	0	0	0	0	0	0	0	0	1,750	1,750
Estimated Outlays	315	910	350	140	35	0	0	0	0	0	0	1,750	1,750
Sec. 3052. Prevention and Treatment of Substance Abuse													
Budget Authority	1,750	0	0	0	0	0	0	0	0	0	0	1,750	1,750
Estimated Outlays	315	910	350	140	35	0	0	0	0	0	0	1,750	1,750
Sec. 3053. Training for Health Care Professionals, Paraprofessionals, and Public Safety Officers													
Budget Authority	80	0	0	0	0	0	0	0	0	0	0	80	80
Estimated Outlays	18	40	16	4	0	0	0	0	0	0	0	78	78
Sec. 3054. Education and Awareness Campaign for Health Care Professionals													
Budget Authority	20	0	0	0	0	0	0	0	0	0	0	20	20
Estimated Outlays	4	12	2	1	1	0	0	0	0	0	0	20	20
Sec. 3055. Grants to Health Care Providers for Mental and Behavioral Health Among Workforce													
Budget Authority	40	0	0	0	0	0	0	0	0	0	0	40	40
Estimated Outlays	9	20	8	2	0	0	0	0	0	0	0	39	39
Sec. 3056. Community-Based Funding for Local Substance Use Disorder													
Budget Authority	30	0	0	0	0	0	0	0	0	0	0	30	30
Estimated Outlays	6	15	6	2	1	0	0	0	0	0	0	30	30
Sec. 3057. Community-Based Funding for Local Behavioral Health													
Budget Authority	50	0	0	0	0	0	0	0	0	0	0	50	50
Estimated Outlays	9	26	10	4	1	0	0	0	0	0	0	60	60
Sec. 3058. National Child Traumatic Stress Network													
Budget Authority	10	0	0	0	0	0	0	0	0	0	0	10	10
Estimated Outlays	2	5	2	1	0	0	0	0	0	0	0	10	10
Sec. 3059. Project Aware													
Budget Authority	30	0	0	0	0	0	0	0	0	0	0	30	30
Estimated Outlays	6	15	6	2	1	0	0	0	0	0	0	30	30

continued



Table 1: Estimated Budgetary Effects of Reconciliation Recommendations by the House Committee on Energy and Commerce on February 12, 2021  
continued

	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2021- 2030	2021- 2031
Sec. 3059A Youth Suicide Prevention													
Budget Authority	20	0	0	0	0	0	0	0	0	0	0	20	20
Estimated Outlays	4	10	4	2	0	0	0	0	0	0	0	20	20
Sec. 3059B Behavioral Health Workforce													
Budget Authority	100	0	0	0	0	0	0	0	0	0	0	100	100
Estimated Outlays	23	50	20	5	0	0	0	0	0	0	0	98	98
<b>Chapter 6, Total</b>													
<b>Budget Authority</b>	<b>3,880</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,880</b>	<b>3,880</b>
<b>Estimated Outlays</b>	<b>711</b>	<b>2,013</b>	<b>774</b>	<b>303</b>	<b>74</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,875</b>	<b>3,875</b>
<b>Chapter 7 - Exchange Grant Program</b>													
Sec. 3061. Exchange Modernization													
Budget Authority	20	0	0	0	0	0	0	0	0	0	0	20	20
Estimated Outlays	20	0	0	0	0	0	0	0	0	0	0	20	20
<b>Subtitle A, Total</b>													
<b>Budget Authority</b>	<b>92,164</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>92,164</b>	<b>92,164</b>
<b>Outlays</b>	<b>19,615</b>	<b>50,857</b>	<b>13,674</b>	<b>4,835</b>	<b>1,978</b>	<b>141</b>	<b>123</b>	<b>94</b>	<b>23</b>	<b>6</b>	<b>0</b>	<b>91,346</b>	<b>91,346</b>
<b>Subtitle B. Medicaid</b>													
Sec. 3101. Coverage of COVID-19 Vaccinations and Treatments													
Estimated Budget Authority	287	534	247	63	0	0	0	0	0	0	0	1,131	1,131
Estimated Outlays	287	534	247	63	0	0	0	0	0	0	0	1,131	1,131
Sec. 3102. Coverage for Pregnant and Postpartum Women (a, b)													
Estimated Budget Authority	0	0	756	1,249	1,417	1,429	1,108	0	0	0	0	5,959	5,959
Estimated Outlays	0	0	756	1,249	1,417	1,429	1,108	0	0	0	0	5,959	5,959
Sec. 3103. Medicaid for Inmates During 30-Day Period Preceding Release													
Estimated Budget Authority	0	177	444	683	918	1,014	510	0	0	0	0	3,746	3,746
Estimated Outlays	0	177	444	683	918	1,014	510	0	0	0	0	3,746	3,746
Sec. 3104. Bundled Community-Based Mobile Crisis Intervention													
Estimated Budget Authority	15	0	71	305	330	270	25	32	40	49	58	1,137	1,195
Estimated Outlays	0	5	77	307	332	270	25	32	40	49	58	1,137	1,195
Sec. 3105. Temporary Increase in FMAP for Expanding ACA Coverage													
Estimated Budget Authority	0	0	3,768	3,427	2,177	2,308	2,131	1,337	479	531	212	16,158	16,370
Estimated Outlays	0	0	3,768	3,427	2,177	2,308	2,131	1,337	479	531	212	16,158	16,370
Sec. 3106. 100% FMAP for Urban Indian Organizations and Native Hawaiian Health Care													
Estimated Budget Authority	38	81	43	0	0	0	0	0	0	0	0	162	162
Estimated Outlays	38	81	43	0	0	0	0	0	0	0	0	162	162
Sec. 3107. Sunset of Limit on Maximum Rebate for Certain Drugs													
Estimated Budget Authority	0	0	-217	-1,803	-2,293	-2,277	-2,258	-2,279	-2,318	-2,443	-2,573	-15,888	-18,461
Estimated Outlays	0	0	-217	-1,803	-2,293	-2,277	-2,258	-2,279	-2,318	-2,443	-2,573	-15,888	-18,461
Sec. 3108. Temporary Increase in FMAP for Expanding HCBS													
Estimated Budget Authority	4,795	4,515	0	0	0	0	0	0	0	0	0	9,310	9,310
Estimated Outlays	4,795	4,515	0	0	0	0	0	0	0	0	0	9,310	9,310
Sec. 3109. Strike Teams for Nursing Facilities													
Budget Authority	250	0	0	0	0	0	0	0	0	0	0	250	250
Estimated Outlays	50	175	25	0	0	0	0	0	0	0	0	250	250
<b>Subtitle B, Total</b>													
<b>Budget Authority</b>	<b>5,385</b>	<b>5,307</b>	<b>5,112</b>	<b>3,924</b>	<b>2,549</b>	<b>2,744</b>	<b>1,516</b>	<b>-910</b>	<b>-1,799</b>	<b>-1,863</b>	<b>-2,303</b>	<b>21,965</b>	<b>19,682</b>
<b>Outlays</b>	<b>5,170</b>	<b>5,487</b>	<b>5,143</b>	<b>3,926</b>	<b>2,551</b>	<b>2,744</b>	<b>1,516</b>	<b>-910</b>	<b>-1,799</b>	<b>-1,863</b>	<b>-2,303</b>	<b>21,965</b>	<b>19,682</b>
<b>Subtitle C. Children's Health Insurance Program</b>													
Sec. 3201. Coverage of COVID-19 Vaccinations and Treatments													
Budget Authority	0	47	17	4	0	0	0	0	0	0	0	68	68
Estimated Outlays	0	47	17	4	0	0	0	0	0	0	0	68	68
Sec. 3202. Coverage for Pregnant and Postpartum Women (a)													

continued

Table 1. Estimated Budgetary Effects of Reconciliation Recommendations by the House Committee on Energy and Commerce on February 12, 2021  
continued.

	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2021- 2030	2021- 2031
<b>Subtitle D. Other Provisions</b>													
<b>Chapter 1 - Ensuring Environmental Health and Ratepayer Protection</b>													
Sec. 3301. Pollution and Disparate Impacts of the Pandemic													
Budget Authority	100	0	0	0	0	0	0	0	0	0	0	100	100
Estimated Outlays	10	60	20	10	0	0	0	0	0	0	0	100	100
Sec. 3302. LIHEAP													
Budget Authority	4,500	0	0	0	0	0	0	0	0	0	0	4,500	4,500
Estimated Outlays	1,508	1,727	467	422	188	188	0	0	0	0	0	4,500	4,500
Sec. 3303. Water Assistance Program													
Budget Authority	500	0	0	0	0	0	0	0	0	0	0	500	500
Estimated Outlays	50	225	150	50	25	0	0	0	0	0	0	500	500
<b>Chapter 1, Total</b>													
<b>Budget Authority</b>	<b>5,100</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5,100</b>	<b>5,100</b>
<b>Estimated Outlays</b>	<b>1,568</b>	<b>2,012</b>	<b>637</b>	<b>482</b>	<b>213</b>	<b>188</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5,100</b>	<b>5,100</b>
<b>Chapter 2 - Distance Learning and Consumer Protections</b>													
Sec. 3311. Consumer Product Safety													
Budget Authority	50	0	0	0	0	0	0	0	0	0	0	50	50
Estimated Outlays	4	6	8	10	9	8	2	1	0	0	0	48	48
Sec. 3312. Remote Learning Support													
Budget Authority	7,600	0	0	0	0	0	0	0	0	0	0	7,600	7,600
Estimated Outlays	1,140	3,800	1,900	760	0	0	0	0	0	0	0	7,600	7,600
<b>Chapter 2, Total</b>													
<b>Budget Authority</b>	<b>7,650</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7,650</b>	<b>7,650</b>
<b>Estimated Outlays</b>	<b>1,144</b>	<b>3,806</b>	<b>1,908</b>	<b>770</b>	<b>9</b>	<b>8</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7,648</b>	<b>7,648</b>
<b>Chapter 3 - Oversight of Department of Commerce Prevention and Response to COVID-19</b>													
Sec. 3321. Department of Commerce													
Budget Authority	3	0	0	0	0	0	0	0	0	0	0	3	3
Estimated Outlays	1	1	1	0	0	0	0	0	0	0	0	3	3
<b>Subtitle D, Total</b>													
<b>Budget Authority</b>	<b>12,753</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12,753</b>	<b>12,753</b>
<b>Outlays</b>	<b>2,713</b>	<b>5,819</b>	<b>2,546</b>	<b>1,262</b>	<b>222</b>	<b>196</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12,751</b>	<b>12,751</b>
<b>Total Increase in Direct Spending</b>													
<b>Estimated Budget Authority</b>	<b>110,302</b>	<b>5,354</b>	<b>5,129</b>	<b>3,928</b>	<b>2,549</b>	<b>2,744</b>	<b>1,516</b>	<b>-910</b>	<b>-1,799</b>	<b>-1,863</b>	<b>-2,303</b>	<b>126,950</b>	<b>124,647</b>
<b>Estimated Outlays</b>	<b>27,498</b>	<b>62,210</b>	<b>21,380</b>	<b>10,017</b>	<b>4,751</b>	<b>3,081</b>	<b>1,641</b>	<b>-815</b>	<b>-1,776</b>	<b>-1,857</b>	<b>-2,303</b>	<b>126,130</b>	<b>123,827</b>
<b>Increases in Revenues</b>													
Sec. 3102. Coverage for Pregnant and Postpartum Women (a, b)													
On-Budget Revenues	0	0	76	172	192	209	167	0	0	0	0	816	816
Off-Budget Revenues	0	0	43	98	109	119	95	0	0	0	0	464	464
Sec. 3105. Temporary Increase in FMAP for Expanding ACA Coverage													
On-Budget Revenues	0	0	165	107	93	94	93	51	31	24	14	658	672
Off-Budget Revenues	0	0	96	63	55	58	60	33	20	15	9	400	409
<b>Total Increase in Revenues</b>	<b>0</b>	<b>0</b>	<b>241</b>	<b>279</b>	<b>285</b>	<b>303</b>	<b>260</b>	<b>51</b>	<b>31</b>	<b>24</b>	<b>14</b>	<b>1,474</b>	<b>1,488</b>
On-Budget Revenues	0	0	139	161	164	177	155	33	20	15	9	864	873
Off-Budget Revenues	0	0	102	118	121	126	105	18	11	9	5	610	615
<b>Net Increase or Decrease (-) in the Deficit From Changes in Direct Spending and Revenues</b>													
<b>Estimated Effect on the Deficit</b>	<b>27,498</b>	<b>62,210</b>	<b>21,139</b>	<b>9,738</b>	<b>4,466</b>	<b>2,778</b>	<b>1,381</b>	<b>-866</b>	<b>-1,807</b>	<b>-1,881</b>	<b>-2,317</b>	<b>124,656</b>	<b>122,339</b>
On-Budget Deficits	27,498	62,210	21,241	9,856	4,587	2,904	1,486	-848	-1,796	-1,872	-2,312	125,266	122,954
Off-Budget Deficit	0	0	-102	-118	-121	-126	-105	-18	-11	-9	-5	-610	-615

Components may not sum to totals because of rounding.  
 ACA = Affordable Care Act. CDC = Centers for Disease Control and Prevention. FMAP = federal medical assistance percentage. HCBS = home and community-based services. HHS = Department of Health and Human Services. LIHEAP = Low-Income Home Energy Assistance Program.  
 a. Section would affect both revenues and spending, which is shown separately.  
 b. The estimate for section 3102 includes the budgetary effects of sections 3202.

**VIII. FEDERAL MANDATES STATEMENT**

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

**IX. STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES**

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to provide funding for coronavirus emergency response and relief, and for other purposes.

**X. DUPLICATION OF FEDERAL PROGRAMS**

Pursuant to clause 3(c)(5) of rule XIII, no provision of the Committee Print is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111-139 or the most recent Catalog of Federal Domestic Assistance.

**XI. COMMITTEE COST ESTIMATE**

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

**XII. EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS**

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that the Committee Print contains no earmarks, limited tax benefits, or limited tariff benefits.

**XIII. ADVISORY COMMITTEE STATEMENT**

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

**XIV. APPLICABILITY TO LEGISLATIVE BRANCH**

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

**XV. SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION**

**CHAPTER 1 – Vaccines and Therapeutics**

***SECTION. 3001. FUNDING FOR COVID-19 VACCINE ACTIVITIES AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION.***

Provides \$7.5 billion in funding for CDC to support vaccine related activities to prepare, promote, distribute, administer, monitor, and track COVID-19 vaccines. This includes funding for activities related to enhancing, expanding, and improving distribution and administration, including activities related to the distribution of ancillary medical products and supplies related to vaccines. This section further provides technical assistance, guidance, support, and awards to State, local, Tribal, and territorial public health departments for enhancement of COVID-19 vaccine distribution and administration capabilities, including the distribution and administration of licensed or authorized vaccines and ancillary medical products and supplies; the establishment and expansion of community vaccination centers, including in particularly underserved areas; the deployment of mobile vaccination units, particularly in underserved areas; IT, data, and reporting enhancements; facility enhancements; and public communication.

***SEC. 3002. FUNDING FOR VACCINE CONFIDENCE ACTIVITIES.***

Provides \$1 billion in funding for CDC to strengthen vaccine confidence in the United States, provide further information and education with respect to authorized or licensed vaccines, and improve vaccination rates.

***SEC. 3003. FUNDING FOR SUPPLY CHAIN FOR COVID-19 VACCINES, THERAPEUTICS, AND MEDICAL SUPPLIES.***

Provides \$5.2 billion in funding to the Secretary of HHS to support research, development, manufacturing, production, and purchase of vaccines, therapeutics, and ancillary medical products and supplies for SARS-CoV-2, or any viral variant mutating therefrom, and COVID-19 or any disease with potential for creating a pandemic.

***SEC. 3004. FUNDING FOR COVID-19 VACCINE, THERAPEUTIC, AND DEVICE ACTIVITIES AT THE FOOD AND DRUG ADMINISTRATION.***

Provides \$500 million in funding to be made available to FDA for the evaluation of the continued performance, safety, and effectiveness of COVID-19 vaccines, therapeutics, and diagnostics; invest in advanced continuous manufacturing activities related to the production of vaccines and related materials; conduct inspections; review of devices authorized for COVID-19; and supply chain oversight including to mitigate shortages.

**CHAPTER 2 – Testing**

**SEC. 3011. FUNDING FOR COVID-19 TESTING, CONTACT TRACING, AND MITIGATION ACTIVITIES.**

Provides \$46 billion in funding to the Secretary of HHS to detect, diagnose, trace, monitor and mitigate COVID-19 infections. Specified activities include: implementing a national strategy for testing, contact tracing, surveillance, and mitigation; providing technical assistance, guidance, support, and grants or cooperative agreements to States, localities, and territories for activities to detect, diagnose, trace, monitor, and mitigate COVID-19 infections; support the development, manufacturing, procurement, distribution, administration of tests, including supplies necessary for administration such as personal protective equipment (PPE); establishing and expanding federal, State, local, or territorial testing and contact tracing capabilities, including investments in laboratory capacity, community-based testing sites, and mobile testing units, particularly in medically underserved areas; enhancing IT, data modernization, and reporting; awarding grants, cooperative agreements, or contracts with State, local, and territorial public health departments to establish, expand, and sustain a public health workforce; and to cover administrative and program support costs

**SEC. 3012. FUNDING FOR SARS-COV-2 GENOMIC SEQUENCING AND SURVEILLANCE.**

Provides \$1.75 billion in funding to the Director of CDC to be used for activities and workforce related to genomic sequencing and analytics, and diseases surveillance. Such funds shall be used to conduct, expand, and improve activities to sequence genomes, identify mutations, and survey the circulation and transmission of viruses including strains of SARS-CoV-2; awarding grants or cooperative agreements to State, local, Tribal, and territorial public health departments or public health laboratories to increase their genomic sequencing, identifying mutations, identifying outbreaks, developing disease response strategies, enhancing and expanding informatics capabilities, and facility improvements.

**SEC. 3013. FUNDING FOR GLOBAL HEALTH.**

Provides \$750 million to CDC to combat COVID-19 and other emerging infectious disease threats globally, including efforts related to global health security, global disease detection and response, global health protection, global immunization, and global coordination on public health.

**SEC. 3014. FUNDING FOR DATA MODERNIZATION AND FORECASTING CENTER.**

Provides \$500 million to CDC to support health data surveillance and analytics infrastructure modernization initiatives and to establish, expand, and maintain efforts to modernize the United States disease warning system to forecast and track hotspots for COVID-19.

**CHAPTER 3 – Public Health Workforce**

**SEC 3021. FUNDING FOR PUBLIC HEALTH WORKFORCE.**

Provides \$7.66 billion in funding to the Secretary of HHS to establish, expand, and sustain a public health workforce, including by making awards to State, local, and territorial public health departments. Such funds shall be used for costs, including wages and benefits, related to the recruiting, hiring, and training of individuals to serve as case investigators, contact tracers, social support specialists, community health workers, public health nurses, disease intervention specialists, epidemiologists, program managers, laboratory personnel, informaticians, communication and policy experts, and any other positions as may be required to prevent, prepare for, and respond to COVID-19. Further, such individuals shall be employed by the State, territorial, or local public health department involved or a nonprofit private or public organization with demonstrated expertise in implementing public health programs and established relationships with such public health departments, particularly in medically underserved areas. Such funds shall also be used for PPE, data management and other technology, other supplies, administrative costs, reporting, or subawards.

**SEC. 3022. FUNDING FOR MEDICAL RESERVE CORPS.**

Provides \$100 million to the Medical Reserve Corps.

**CHAPTER 4 - Public Health Investments**

**SEC 3031. FUNDING FOR COMMUNITY HEALTH CENTERS AND COMMUNITY CARE.**

Provides \$7.6 billion in funding to the Secretary of HHS to support COVID-19 response at community health centers. No less than \$20 million of the funding shall be for grants or contracts to qualified Native Hawaiian Health Centers. Funds are required to be used to plan, prepare for, promote, distribute, administer, and track COVID-19 vaccines and related activities; detect, diagnose, trace, monitor, and mitigate COVID-19 infections, including equipment or supplies necessary for such activities; purchase equipment and supplies to conduct mobile testing or vaccinations for COVID-19, including purchasing and maintaining mobile vehicles and equipment to conduct such testing or vaccinations, and personnel needs, in particular in medically underserved areas; establish, expand, and sustain the health care workforce to prevent, prepare, and respond to COVID-19; modify, enhance and expand health care services and infrastructure; and conduct community outreach and education activities related to COVID-19. Awardees may use amounts made available to cover the costs of carrying out such related past COVID-19 activities.

**SEC. 3032. FUNDING FOR NATIONAL HEALTH SERVICE CORPS.**

Provides \$800 million in funding for the National Health Service Corps. This includes \$100 million for the State Loan Repayment Programs for which the state matching requirement shall not apply. State loan repayment programs shall not spend more than 10 percent of an award on the cost of administering the program.

**SEC. 3033. FUNDING FOR NURSE CORPS.**

Provides \$200 million in funding to support the Nurse Corps Loan Repayment Program.

**SEC. 3034. FUNDING FOR TEACHING HEALTH CENTERS THAT OPERATE GRADUATE MEDICAL EDUCATION.**

Provides \$330 million to remain available until September 30, 2023 for Teaching Health Centers (THC) Graduate Medical Education (GME) sites nationwide. Such funds shall be used for making payments to new approved graduate medical residency training programs, increasing the per resident allocation of existing and new THC GME providers, restoring the number of full-time equivalent residents in existing programs to at least the numbers between fiscal years 2016 through 2018, expanding existing approved graduate medical residency programs, establishing new accredited or expanded primary care residency programs, and covering administrative costs necessary for carrying out these activities.

**SEC. 3035. FUNDING FOR COVID-19 TESTING, CONTRACT TRACING, AND MITIGATION ACTIVITIES IN CONGREGATE SETTINGS.**

Provides \$1.8 billion to carry out activities to detect, diagnose, trace, monitor, and report on SARS-CoV-2 and COVID-19 infections and related strategies to mitigate the spread of SARS-CoV-2, in congregate settings. Funds shall be used to support activities related to testing through the use of in vitro diagnostic products for the detection or diagnosis of SARS-CoV-2 and the virus that causes COVID-19, including to purchase, procure, or administer tests and supplies necessary for administering and processing such tests to staff of, or individuals residing in, congregate settings. The Secretary of HHS shall pay through any mechanism deemed appropriate, all or part of the costs to entities administering or procuring tests. Funds shall also be used to support vaccine-related activities for authorized or licensed COVID-19 vaccines, for the vaccination of staff of, or individuals residing in, congregate settings. The Secretary shall pay through any mechanism deemed appropriate, all or part of the costs to entities administering or procuring vaccines. Funds shall also be used to purchase, procure, or distribute personal protective equipment or other products supplies for use in mitigation of COVID-19 transmission among staff of, or individuals residing in, congregate settings. Funds shall be used to provide technical assistance, guidance, and support and award grants, contracts, or cooperative agreements to public health departments or public and private entities that manage congregate settings for activities related to SARS-CoV-2 and COVID-19 infections. Congregate settings, are defined to include prisons, jails, detention centers (including juvenile detention centers), other correctional, detention, and reentry facilities, long-term care facilities, psychiatric hospitals and residential treatment facilities, shared living arrangements for individuals with disabilities, immediate care, and other residential care facilities.

**SEC. 3036. FUNDING FOR FAMILY PLANNING.**

Provides \$50 million in funding for fiscal year 2021 to the Secretary of HHS for necessary expenses for grants and contracts for the Title X Family Planning Program.

**SEC. 3037. FUNDING FOR CHILDREN UNDER THE CARE OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

Provides \$425 million in funding to the Secretary of HHS for expenses related to the care of children under the care of HHS. These expenses include providing child care, education services, health care services, case management services, or other necessary services for children in the care of personnel employed by or under a grant, cooperative agreement, or contract with HHS. The funds shall be used for costs related to capacity to provide care to the children described; cost related to the recruiting, hiring, and training of additional staff; activities to detect, diagnose, trace, treat, and monitor SARS-CoV-2 and COVID-19 infections; the purchase, procurement, or distribution of in vitro diagnostic products for the detection or diagnosis of SARS-CoV-2 and supplies necessary for administering tests; distribution of COVID-19 vaccines to children and staff caring for such children; or the purchase, procurement, or distribution of personal protective equipment for mitigation and prevention of COVID-19 transmission.

**SEC. 3038. FUNDING FOR OFFICE OF INSPECTOR GENERAL.**

Provides \$5 million in funding to the Inspector General of HHS for oversight of activities supported with funds provided to HHS to prevent, prepare for, and respond to COVID-19.

**CHAPTER 5 – Indian Health**

**SEC. 3041. FUNDING FOR INDIAN HEALTH.**

Provides \$6.94 billion to the Secretary of HHS, of which \$5.484 billion for carrying out activities of the Indian Health Service (IHS). Of these funds, \$2 billion for lost reimbursements from third party payers to IHS; \$500 million for additional health care services, services provided through the Purchased/Referred Care program, and other related services; \$140 million for IT infrastructure for telehealth and the IHS electronic health records system; \$84 million for urban Indian health programs; \$600 million for expenses to plan, prepare for, promote, distribute, administer, and track COVID-19 vaccines among Indian Tribes, Tribal organizations, and urban Indian organizations; \$1.5 billion for expenses to detect, diagnose, trace, and monitor COVID-19 infections, as well as activities to mitigate spread, necessary supplies for such activities including vaccine-related activities and workforce-related activities; \$240 million for expenses to establish, expand and sustain a public health workforce for COVID-19 response and public health workforce-related activities, including for vaccine-related activities and testing, contact tracing, and mitigation activities; \$420 million for expenses related to mental and behavioral health prevention and treatment services, and IT and facilities needs related to mental and behavioral health services; \$600 million for leasing, purchasing, constructing, altering, renovating, or equipping health facilities to respond to COVID-19 and for maintenance and improvement projects necessary to respond to COVID-19; and \$10 million for potable water delivery.

Funds appropriated in this section are available to restore funds that were incurred during since the COVID-19 PHE began on January 30, 2020 and are available to Tribes and Tribal organizations, including self-governance Tribes on a one-time allotment.



**CHAPTER 6 – Mental Health and Substance Use Disorder*****SEC 3051. FUNDING FOR BLOCK GRANTS FOR COMMUNITY MENTAL HEALTH SERVICES.***

Provides \$1.75 billion to the Secretary of HHS or activities related to the Community Mental Health Services Block Grant program.

***SEC 3052. FUNDING FOR BLOCK GRANTS FOR PREVENTION AND TREATMENT OF SUBSTANCE ABUSE.***

Provides \$1.75 billion to the Secretary for activities related to the Substance Abuse Prevention Treatment Block Grant program.

***SEC. 3053. FUNDING FOR MENTAL AND BEHAVIORAL HEALTH TRAINING FOR HEALTH CARE PROFESSIONALS, PARAPROFESSIONALS, AND PUBLIC SAFETY OFFICERS.***

Provides \$80 million in funding to the Secretary of HHS, acting through the Administrator of HRSA, to award grants or contracts to health professions schools, academic health centers, State or local governments, Indian Tribes and tribal organizations, or other appropriate public or private nonprofit entities. The funding shall be used to plan, develop, operate, or participate in health professions and nursing training activities for health care students, residents, professionals, paraprofessionals, trainees, public safety officers, and employers of such individuals in evidence-informed strategies for reducing and addressing suicide, burnout, and mental and behavioral health conditions (including substance use disorders) among health care professionals.

***SEC. 3054. FUNDING FOR EDUCATION AND AWARENESS CAMPAIGNS ENCOURAGING HEALTHY WORK CONDITIONS AND USE OF MENTAL AND BEHAVIORAL HEALTH SERVICES BY HEALTH CARE PROFESSIONALS.***

Provides \$20 million in funding to the Secretary of HHS, acting through the Director of CDC and in consultation with the medical professional community, to carry out a national evidence-based education and awareness campaign directed at health care professionals and first responders (such as emergency medical service providers), and employers of such professionals. Such awareness campaign shall encourage primary prevention of mental and behavioral health conditions and secondary tertiary prevention by encouraging health care professionals to seek support and treatment for their own behavioral health concerns; help such professionals to identify risk factors and respond to such risks; include information on reducing or preventing suicide, substance use disorders, burnout, and other mental and behavioral health conditions, and addressing stigma associated with seeking support and treatment; and consider the needs of rural and medically underserved communities.

**SEC. 3055. FUNDING FOR GRANTS FOR HEALTH CARE PROVIDERS TO PROMOTE MENTAL AND BEHAVIORAL HEALTH AMONG THEIR HEALTH PROFESSIONAL WORKFORCE.**

Provides \$40 million in funding to the Secretary of HHS, acting through the Administrator of HRSA, to award grants or contracts to entities providing health care, including health care providers associations and Federally qualified health centers to establish, enhance or expand evidence-informed programs or protocols to promote mental and behavioral health among health care providers and related personnel.

**SEC. 3056. FUNDING FOR COMMUNITY-BASED FUNDING FOR LOCAL SUBSTANCE USE DISORDER SERVICES.**

Provides \$30 million to the Secretary of HHS, acting through the Assistant Secretary of Mental Health and Substance Use and in consultation with the Director of CDC, to award grants to State, local, Tribal, and territorial governments, Tribal organizations, nonprofit community-based organizations, and primary care and behavioral health organizations to support community-based overdose prevention programs, syringe service programs, and other harm reduction services with respect to the harms of drug misuse exacerbated by the COVID-19 public health emergency. Such funds are to be used for preventing and controlling the spread of infectious diseases and the consequences of such diseases for individuals with substance use disorder, distributing opioid overdose reversal medication to at-risk individuals, connecting at-risk individuals to overdose education, counseling, and health education, and encouraging at-risk individuals to take steps to reduce the negative personal and public health impacts of substance use or misuse.

**SEC 3057. FUNDING FOR COMMUNITY-BASED FUNDING FOR LOCAL BEHAVIORAL HEALTH NEEDS.**

Provides \$50 million to the Secretary of HHS, acting through the Assistant Secretary of Mental Health and Substance Use to award grants to State, local, Tribal, and territorial governments, Tribal organizations, nonprofit community-based organizations, and primary care and behavioral health organizations to address increased community behavioral health needs worsened by the COVID-19 pandemic. Such funds are to be used for supporting care coordination among local entities; training workforce, relevant stakeholders, and community members; expanding evidence-based integrated models of care; addressing surge capacity for mental and behavioral health needs; providing mental and behavioral health services to individuals with mental health needs, including for those with co-occurring substance use disorders delivered by behavioral and mental health professionals using telehealth services; and supporting, enhancing, or expanding mental and behavioral health preventative and crisis intervention services.

**SEC. 3058. FUNDING FOR THE NATIONAL CHILD TRAUMATIC STRESS NETWORK.**

Provides \$10 million for the National Childhood Traumatic Stress Network at SAMHSA to address the problem of high-risk or medically underserved persons who experience violence-related stress.

**SEC. 3059. FUNDING FOR PROJECT AWARE.**

Provides \$30 million for Project AWARE at SAMHSA to advance wellness and resiliency in education.

**SEC. 3059A. FUNDING FOR YOUTH SUICIDE PREVENTION.**

Provides \$20 million to SAMHSA for youth suicide early intervention and prevention strategies program and suicide prevention for children and adolescents program.

**SEC. 3059B. FUNDING FOR BEHAVIORAL HEALTH WORKFORCE EDUCATION AND TRAINING.**

Provides \$100 million in funding to HRSA's Behavioral Health Workforce Education and Training Program.

**CHAPTER 7 – Exchange Grant Program**

**SEC. 3061. ESTABLISHING A GRANT PROGRAM FOR EXCHANGE MODERNIZATION.**

Provides \$20 million to the Secretary of HHS to award grants to State-Based Marketplaces (SBMs) to modernize or update any system, program or technology utilized by SBMs.

**XVI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED**

There are no changes to existing law made by the bill the Committee Print.

**XVII. ADDITIONAL VIEWS**

**[(Dissenting) Views (original) attached to this page]**

**Energy and Commerce Committee Republican Views**

Republicans have supported five targeted, bipartisan bills to crush COVID-19, to reopen schools, to get the economy back on track, and to improve health and wellness of those suffering from the pandemic. That is what we should be doing with this Reconciliation package. Unfortunately, this package falls well short, but at an extraordinary cost. The Congressional Budget Office (CBO) estimates that the Committee on Energy and Commerce's contribution to the Reconciliation process will cost approximately \$120 billion. That is still well short of the \$188 billion instruction to the Committee, which shows there was an opportunity to adopt some of the bipartisan, targeted, and timely amendments Republicans offered during markup. For instance:

- \$1 billion for teachers to get vaccinated and ensure our children can go back to school safely;
- \$10 billion for COVID-19 research at the National Institutes of Health (NIH);
- \$35 billion to support our frontline workers through the Provider Relief Fund (PRF); or
- \$1 billion to boost mental health services in states with unexpected job loss due to President Biden's various Executive Orders.

Unfortunately, the Democrats rushed this bill through a partisan markup without bipartisan consultation with CBO on cost, preventing any chance of adequate analysis and deliberation.

In addition to the wasteful spending, we must comment on the Democratic Majority's decision to bypass regular order. Democrats wrote this entire package in secret without any input from Republicans, and Republicans did not see a draft until 10:00 p.m. on Tuesday, February 9 for a markup scheduled to start at 11:00 a.m. on Thursday, February 11. Such secrecy might be expected on controversial measures, but Republicans and Democrats have already worked together to enact 5 bills in response to COVID-19. This partisan process on this package is a failure of Democratic leadership and a huge disappointment.

**Subtitle A: Budget Reconciliation Legislative Recommendations Relating to Public Health**

Republicans on the Energy and Commerce Committee strongly support additional funding for advanced research, development, manufacturing, production, and the purchase of vaccines, diagnostic tests, therapeutics, and ancillary medical products to prevent, prepare, and respond to SARS-CoV-2, COVID-19, or any disease with potential for creating a pandemic. Republicans on the Energy and Commerce Committee also support additional funding for the prevention and treatment of mental health and substance use disorders. The COVID-19 pandemic and resulting economic downturn have significantly impacted the mental health and wellbeing of all Americans.

Since the beginning of this pandemic, many Americans have reported that their mental health has been negatively impacted by recent events, with about 4 in 10 adults reporting

symptoms of anxiety or depressive disorder.<sup>1</sup> Reports have found that declines in the economy, lost jobs, and health challenges have all contributed to an increase in mental health difficulties. Individuals in states with more restrictive measures, such as stay-at-home orders, have recorded even more cases of mental health difficulties.<sup>2</sup> The pandemic has also presented unique challenges for individuals with substance use disorder (SUD) and those who are in recovery, as social distancing and stay at home orders make it harder for patients to access treatment, such as critical medications for opioid use disorders.<sup>3</sup>

However, Subtitle A is also a departure from how the Congress has previously provided emergency funding to address the coronavirus pandemic, and because of this, does not take into account the time it will take for federal agencies to spend these resources, or address all the needs, such as those of the National Institutes of Health and health care providers. The past five legislative packages that were signed into law were negotiated in good faith between Republicans and Democrats, with extensive input from all sides.<sup>4</sup>

We are disappointed that the Democrats rejected bipartisanship and embraced a partisan process. Instead of targeted and timely relief to COVID-19, the Democrats proposed mandatory funding for all of these initiatives, abdicating responsibility for oversight, which is a troubling departure from the oversight and reporting on the emergency designated discretionary appropriations provided in the previous five COVID-19 emergency appropriations bills passed last year.

Republicans agree with CBO that federal agencies might not be able to use the new budget authority provided in Subtitle A quickly enough. Republicans are also concerned that the resources may not be timely enough to help address any outstanding COVID-19 needs that remain after the most recent relief package.<sup>5</sup> Subtitle A increases individual agencies' funding for a single fiscal year by a substantial amount. The 2021 budget authority for the Centers for Disease Control and Prevention (CDC), the Health Resources and Services Administration (HRSA), and the Indian Health Service (IHS) would see enormous increases roughly halfway through the fiscal year. Republicans, like the CBO, do not understand how these agencies would be able to spend all of the new funds rapidly in a manner that has any meaningful near-term impact on reducing COVID-19 cases and deaths in the United States.<sup>6</sup>

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<sup>1</sup> Nirmita Panchal, et. al., The Implications of COVID-19 for Mental Health and Substance Use, Kaiser Family Foundation, available at <https://www.kff.org/health-reform/issue-brief/the-implications-of-covid-19-for-mental-health-and-substance-use/> (last updated Feb. 10, 2021).

<sup>2</sup> Madeline Holcombe, *Long-term social distancing may be traumatic. Here is what to expect and what to do*, CNN (Apr. 12, 2020), available at <https://www.cnn.com/2020/04/09/health/coronavirus-mental-health-long-term-wellness/index.html>.

<sup>3</sup> Dr. Francis Collins, Director, National Institutes of Health, *Coping with the Collision of Public Health Crises: COVID-19 and Substance Use Disorders*, NIH Director's Blog (Apr. 21, 2020), available at <https://directorsblog.nih.gov/2020/04/21/coping-with-the-collision-of-public-health-crises-covid-19-and-substance-use-disorders/>.

<sup>4</sup> P.L. 116-123; P.L. 116-127; P.L. 116-136; P.L. 116-139; and P.L. 116-260.

<sup>5</sup> Congressional Budget Office, *Reconciliation Recommendations of the House Committee on Energy and Commerce*, February 14, 2021, <https://www.cbo.gov/system/files/2021-02/EnergyandCommerceReconciliationEstimate.pdf>.

<sup>6</sup> *Id.*

For example, the state of the nation's public health infrastructure and workforce are a result of decades of neglect by state and local governments. At the same time, states have spent ever increasing amounts of their budgets on Medicaid. Support for states to build their public health workforce is laudable and could be accomplished by discretionary appropriations. However, it is unclear how an immediate infusion of \$7.6 billion in mandatory funding for establishing and expanding a public health workforce, as is done in section 3021, will lead to more public health professionals to fight COVID-19 now. State and local health departments have struggled for years to recruit public health professionals in a field that has lost more than 56,000 positions in the past decade.<sup>7</sup> A sustainable long-term increase in discretionary funding authorized through regular order would have been a more appropriate way to support state and local public health departments and address the dearth in public health professionals.

Republicans are concerned about the long-term health of critically important public health programs that Subtitle A sets on dangerous fiscal cliffs. For example, section 3031 provides \$7.6 billion for Federally-qualified health centers, \$800 million for the National Health Service Corps, and \$300 million for the Teaching Health Center Graduate Medical Education program. This is approximately twice the amount that was authorized for these programs for each of fiscal years 2021 through 2023 in the Consolidated Appropriations Act, 2021, which was just signed into law two months ago.<sup>8</sup> These are unsustainable funding levels.

Republicans are disappointed that Subtitle A opens the door to federal funding for elective abortions. Every Democrat voted against including the Hyde amendment protections in Subtitle A. The Hyde Amendment prevents all other federal funds for the Department of Health and Human Services appropriated through the discretionary appropriations process, and also mandatory health spending, from being used to fund abortion, except in the cases where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape or incest. Since 1976, Hyde, and similar policies governing other federal programs, have been supported and renewed annually on a bipartisan basis, multiple times, for decades.<sup>9</sup> Because there are no Hyde Amendment protections, many provisions in Subtitle A, particularly where funds have been authorized for broad purposes or for the provision of health services that are not directly related to preventing and treating COVID-19, will support elective abortions.

For example, section 3036 authorizes \$50 million in mandatory funding for grants and contracts under section 1001 of the Public Health Service Act, which is the Title X Family Planning Program. First, it is unclear to Republicans how Title X funding will reduce transmission of, and illness and death caused by, COVID-19. This funding is being authorized on the heels of President Biden directing the Department of Health and Human Services to

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<sup>7</sup> Blaire Bryant, Protect Funding for Core Local Public Health Services and Prevention Programs, National Association of Counties, available at <https://www.naco.org/resources/protect-funding-core-local-public-health-services-and-prevention-programs#:~:text=According%20to%20the%20National%20Association,in%20five%20local%20health%20departments.> (last updated Feb. 28, 2019).

<sup>8</sup> P.L. 116-260,

<sup>9</sup> H.R. 14232, Departments of Labor, and Health, Education, and Welfare, and Related Agencies, 1977, 94th Congress (1976); Roll no. 846.

reverse the “Protect Life Rule,”<sup>10</sup> a rule that prohibited Title X-funded family planning services to be performed at the same location where abortions are provided. Since existing Title X appropriations have been obligated to non-abortion providing entities, section 3036 is just a way to direct taxpayer dollars to abortion providers, like Planned Parenthood.

Lastly, Republicans are disappointed that the Democrats, in their haste to pass a partisan package, did not assess the true budgetary needs of these agencies. The exorbitant funding levels could lead to waste.

For example, section 3004 provides \$500 million to the Food and Drug Administration (FDA) for the evaluation of the continued performance, safety, and effectiveness of vaccines, therapeutics, and diagnostics approved, cleared, licensed, or authorized for use for the treatment, prevention, or diagnosis of COVID-19. Republicans believe that the agency should provide a detailed account of how funds previously appropriated have been spent, what amount of funding remains unobligated, and to what activities those unobligated dollars will be allocated before appropriating additional funds, especially considering that \$500 million is more than twice the amount that has been appropriated to FDA under all previously enacted Coronavirus relief legislation combined.<sup>11</sup>

Additionally, advancing this legislation through regular order would have allowed both Republicans and Democrats to have a better understanding of the FDA’s existing needs. During the full committee markup, the only opportunity provided to Republicans to ask questions and raise concerns about the legislation being considered, Democrats asserted they had conversations with FDA during which the agency expressed the need for this amount of funding. The FDA has not provided to Republicans any request or justification for these funds, nor has FDA explained how they will be used to advance the agency’s mission. In addition, the majority of FDA’s spending is on salaries. It is unclear how the \$500 million could be used to support salaries without creating a cliff where more funding is needed to retain those employees.

With respect to product reviews, Republicans question why these funds appear to be intended solely for post-market surveillance, as opposed to both pre- and post-market activities, given the likelihood that new COVID-19 vaccines, therapeutics, and diagnostics will warrant premarket review.<sup>12</sup> Furthermore, the funds may be used to facilitate and conduct inspections delayed or cancelled for reasons related to COVID-19.<sup>13</sup> While Republicans agree it is critical that FDA resume on-site inspections, we question why additional funds are required to do so.

Since March 2020, FDA has conducted few domestic or foreign inspections due to safety concerns and travel restrictions, not due to funding limitations. During fiscal year (FY) 2020, the total number of inspections conducted by FDA, of both foreign and domestic establishments,

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<sup>10</sup> 84 F.R. 7714.

<sup>11</sup> P.L. 116-123; P.L. 116-136; P.L. 116-260,

<sup>12</sup> S. Con. Res. 5, the Concurrent Resolution on the Budget for Fiscal Year 2021 (February 11, 2021), 117<sup>th</sup> Congress (2021-2022), available at <https://docs.house.gov/meetings/IF/IF00/20210211/111190/BILLS-117-A-P000034-Amdt-2.pdf>.

<sup>13</sup> *Id.*

was fifty-six percent lower than during each of the previous two fiscal years.<sup>14</sup> Between March and October of 2020, only three foreign mission critical inspections and only fifty-two domestic inspections took place.<sup>15</sup> In contrast, during a similar timeframe in each of the previous two years, more than 600 foreign and 400 domestic inspections took place.<sup>16</sup> Given the significant reduction in the number of inspections conducted, FDA must answer for how funds obligated for FY 2020 inspection activities have been used and why it needs more funds to carry out delayed or cancelled inspections.

**Subtitle B: Budget Reconciliation Legislative Recommendations Relating to Medicaid**

**Section 3101. Mandatory Coverage of COVID-19 Vaccines and Administration Treatment Under Medicaid.**

Republicans want every American to have access to the COVID-19 vaccine and we support fully covering the cost of the vaccine for Medicaid beneficiaries for the length of the public health emergency. This will ensure we can vaccinate every single American, which will help us reopen schools, workplaces, and the economy. However, in this section the Democrats, instead, chose to extend the timeframe where vaccines are fully covered by one year. The Democrats have provided no justification for this extension. Given that the public health emergency will continue throughout 2021, Republicans recommend ascertaining how the states are doing at the end of the year and extend the timeframe if needed. Instead, the Democrats are spending money on the extra year that could have been used to increase funding for mental health or SUD providers, or a number of other targeted and temporary priorities that both parties share.

The Democrats are also giving the states the option to provide coverage to the uninsured for COVID-19 vaccines and treatment without cost sharing at 100 percent federal medical assistance percentage (FMAP). Republicans want all eligible beneficiaries to receive care and want to work with the Democrats to improve access to care for all Americans. However, the Medicaid program has eligibility requirements for a reason and Republicans want to make sure that the program is able to continue serving the Americans who are eligible for Medicaid coverage.

**Section 3102. Modifications to Certain Coverage Under Medicaid for Pregnant and Postpartum Women.**

Republicans are disappointed that the Democrats chose this partisan approach to a bipartisan priority. H.R. 4996, the Helping MOMS Act of 2020, passed the House unanimously last year and is the same policy as section 3102, except, H.R. 4996 was a permanent state option to extend Medicaid eligibility to women for 12 months postpartum and section 3102 is a five-year option. At markup, Republicans offered an amendment that would have implemented the

<sup>14</sup> United States Government Accountability Office (GAO), *COVID-19: Critical Vaccine Distribution, Supply Chain, Program Integrity, and Other Challenges Require Focused Federal Attention* (January 2021), available at <https://www.gao.gov/assets/720/712030.pdf>.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*



permanent policy. Predictably, the Democrats rejected the proposal because it would cause the Committee to exceed its reconciliation instructions. However, when CBO released its estimate of the Committee's reconciliation package, Republicans learned that the Committee is under its instruction of \$188.5 billion by over \$65 billion.<sup>17</sup> If the Committee had an estimate and technical assistance before markup, we could have made this change permanent.

**Section 3103. Allowing for Medical Assistance Under Medicaid for Inmates During 30-Day Period Preceding Release.**

Republicans are willing to work with the Democrats to address medical assistance for inmates during the 30-day period preceding their release from prison, but this is irrelevant to responding to COVID-19. This is especially true since the Democrats included the coverage of inmates in the vaccine development and distribution funding in Subtitle A, and included specific funding for COVID-19 for those that live in congregate facilities. If this policy had been considered through regular order, a hearing might have revealed how prisons differ from jails when handling inmates a month before release and how we can tailor the policy to be the most effective.

Republicans want all Americans to have access to the COVID-19 vaccine, including inmates during the 30-day period before their release. But why is Medicaid coverage for inmates 30 days prior to release necessary? Also, how long will it take prisons and jails to have the administrative capacity to bill Medicaid, and will prisons need additional resources to do so? If the Committee followed regular order, some of these questions could have been answered.

**Section 3104. Enhanced Federal Medicaid Support for Bundled Community-Based Mobile Crisis Intervention Services.**

This section is another partisan disappointment. The Democrats never explained how this section will provide immediate relief to those suffering from COVID-19's devastating impact on mental health or SUD. CBO indicated that only 16 states have programs that would immediately qualify for this provision, suggesting the limited impact this provision will have on addressing nationwide mental health and SUD impacts from COVID-19.<sup>18</sup> Republicans believe that tailoring a policy like the one in section 3108 for mental health and substance use providers would have been a better way to provide immediate relief for the next year.

**Section 3105. Temporary Increase in FMAP for Medical Assistance Under State Medicaid Plans which Begin to Expend Amounts for Certain Mandatory Individuals.**

Incentivizing states to expand Medicaid to address COVID-19 is a mistake. It is neither a targeted nor a timely approach to continue the fight against COVID. We understand the need to provide Americans access to affordable health insurance options, but, at a minimum, it takes

<sup>17</sup> Congressional Budget Office, *Reconciliation Recommendations of the House Committee on Energy and Commerce*, February 14, 2021, <https://www.cbo.gov/system/files/2021-02/EnergyandCommerceReconciliationEstimate.pdf>.

<sup>18</sup> Congressional Budget Office, *Reconciliation Recommendations of the House Committee on Energy and Commerce*, February 14, 2021, <https://www.cbo.gov/system/files/2021-02/EnergyandCommerceReconciliationEstimate.pdf>.

several months to expand Medicaid.<sup>19</sup> Republicans believe that any COVID-19 relief package should aim to end the pandemic in weeks now that a vaccine is available. The \$16 billion cost associated with this policy should be targeted to immediate COVID-19 relief for Medicaid providers who are working with the most at risk beneficiaries, including SUD, mental illness, hospitals in rural areas, and nursing homes.

**Section 3106. Extension of 100 Percent Federal Medical Assistance Percentage to Urban Indian Health Organizations and Native Hawaiian Health Care Systems.**

Republicans would have preferred to consider this section through regular order to ensure that there are proper reporting and data requirements on the impact of the policy given that it is only a two-year extension.

**Section 3107. Sunset of Limit on Maximum Rebate Amount for Single Source Drugs and Innovator Multiple Source Drugs.**

Including this provision in this partisan package is another disappointment. Republicans have supported this policy to pay for a permanent option for states to provide Medicaid coverage to women for 12 months after birth. That was the bipartisan approach taken in H.R. 4996, the Helping MOMS Act of 2020, which passed the House unanimously in the 116th Congress. But including this spending offset to fund unnecessary spending unrelated to the COVID-19 fight will only make it harder to enact permanent needed support for new mothers who rely on Medicaid.

**Section 3108. Additional Support for Medicaid Home and Community Based Services During the COVID-19 Emergency Period.**

This is another provision that could have been done through regular order, but instead, Democrats chose partisanship. Republicans support a temporary FMAP increase of 7.35 percentage points for states to make improvements to Medicaid home- and community-based services (HCBS) for one year. However, the Democrats would impose a litany of required uses of the funds, which are overly burdensome at a time when states Medicaid programs need flexibility to target efficiently their response to COVID-19. Republicans recommend providing states more flexibility on how to use those funds.

**Section 3109. Funding for State Strike Teams for Resident and Employee Safety in Nursing Facilities.**

Nursing homes have been devastated by COVID-19, and the pandemic has brought attention to the need for improved infectious disease control at nursing homes. The Trump Administration deployed “strike teams” to nursing homes starting in July, 2020,<sup>20</sup> and Republicans support providing funding to continue this important initiative. However, Republicans prefer that this funding be provided through emergency supplemental appropriations

<sup>19</sup> <https://www.kff.org/medicaid/issue-brief/status-of-state-medicaid-expansion-decisions-interactive-map/>.

<sup>20</sup> <https://www.cms.gov/newsroom/press-releases/trump-administration-announces-new-resources-protect-nursing-home-residents-against-covid-19>.

through regular order to ensure we have proper reporting and data on the impact of the policy and its effectiveness.

**Subtitle C: Budget Reconciliation Legislative Recommendations Relating to CHIP**

**Section 3201. Mandatory Coverage of COVID-19 Vaccines and Administration and Treatment Under CHIP.**

Republicans want every American to have access to the COVID-19 vaccine. We support fully covering the cost to vaccinate CHIP beneficiaries for the length of the public health emergency. However, the Democrats' partisan decision to extend that timeframe for a year is not based on any data or technical assistance. Since the public health emergency will continue through 2021, a better way would have been to see how the states are doing at the end of the year and adjust if needed.

**Section 3202. Modifications to Certain Coverage Under CHIP for Pregnant and Postpartum Women.**

It is disappointing the Democrats chose to include a bipartisan priority in the partisan package. As noted earlier, H.R. 4996, the Helping MOMS Act of 2020, passed the House unanimously last year and is the same policy as section 3102.

**Subtitle D: Budget Reconciliation Legislative Recommendations Relating to Other Provisions**

**Chapter 1**

Chapter 1 of Subtitle D is another disappointment and lost opportunity. Our concerns with this chapter can be divided into two distinct categories: big-picture concerns and specific policy choices reflected in the reported text, as well as those rejected by the votes of the Democrats

Generally, the three sections in this Chapter are not consistent with the Democrats' claims about what this bill does. Rather than providing the immediate aid the Democrats insisted was essential for all Americans struggling with or vulnerable to COVID-19, the provisions instead appear to craft long-term policies that deserved closer, deliberate attention.

To illustrate this overarching point, the authorized funding appropriated in sections 3301 and 3303 is not time limited – it is supposed to “remain available until expended” – and section 3302 makes its funding available until September 30, 2022 – a time frame exceeding current predictions on the length of the pandemic in the United States. Moreover, none of the sections reference the public health emergency related to COVID-19 that was issued by the Department of Health and Human Services (HHS) and only section 3301 attempts to create a COVID-19

nexus.

We believe the aid in this chapter would have been more efficiently and effectively provided had the explicit statutory focus only been on directing actions necessary for the nation's COVID-19 response. Frustratingly, the Democrats were not interested in a bipartisan response of targeted relief that was time-limited and tied directly to COVID-19.

Unfortunately, Chapter 1, particularly section 3301 and 3303, also was not considered through regular order in the Committee. Regular order would have allowed careful review of the scope and timing of these provisions. For example, it would have provided opportunity to adjust the focus of Section 3301 to include increasing employment and economic opportunity, in addition to technical assistance concerning air quality. Providing more scrutiny and opportunity for improvement of the legislative language would have ensured resources are directed to the most urgent economic impacts of the pandemic.

Beyond these overarching concerns, each of the three sections in this chapter contained specific provisions that gave us pause.

For section 3301, the lack of meaningful Congressional input is concerning – we should have had more of a process to obtain assurances as to what this language intends and, considering that these provisions could be in force for a few years, understand what this language might practically mean. These insights also are critical to conducting Congressional oversight on the provisions, should they become enacted.

Another area of concern for us in section 3301 is its omission of health disparities of certain workers related to COVID-19. Unemployment is well established as a risk factor for elevated illness and mortality rates in epidemiological studies performed since the early 1980s. In fact, the National Center for Health Statistics concluded that “children in poor families were four times as likely to be in fair or poor health as children in families that are not poor.” Most significantly, as it relates to COVID-19 and the emergence of new more contagious variants, Yale researcher Dr. William Gallo has stated in the past that late-career job loss results include “substantial health consequences” and are a “potential risk factor for adverse vascular health changes” -- the most troubling comorbidities threatening the survival of any person exposed to the coronavirus.

The people made jobless via the White House executive orders in the first month of the Biden Administration have been disregarded in these provisions. Our Democratic colleagues not only rejected efforts to help these economically disadvantaged people, but their views were punctuated by suggestions that welfare programs and green jobs for half the wages of their recent employment should be an adequate replacement for these people.<sup>21</sup>

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<sup>21</sup>“The average salary of oil and natural gas workers is approximately \$112,000, more than double the national private-sector average of \$51,000. But oil and gas workers don't just make double that of the national average. They make double that of wind and solar workers.

Moving to section 3302, it provides \$4.5 billion through the end of fiscal year 2022 for the Low-Income Home Energy Assistance Program (LIHEAP). This amount exceeds the entire amount enacted for LIHEAP in fiscal year 2021 just eight weeks ago (\$3.75 billion).<sup>22</sup> In addition, this funding is to be disbursed without regard to existing financial reasonableness requirements placed on states for how much LIHEAP funding can be allotted at any one time. As mentioned earlier, while we do not oppose addressing LIHEAP at this time, this scale of spending should have been directly connected to COVID-19, and adjusted to ensure it will do what it is supposed to do, minimizing waste and abuse.

Section 3303 provides \$500 million – for as long as it takes to spend it all – to a new program to pay the water and wastewater bills of low-income people. This \$500 million amount is in addition to the \$638 million provided for a nearly identical purpose in the Consolidated Appropriations Act, 2021.<sup>23</sup> Taken together, this eight-week total comes to \$1.138 billion for this new program – \$12 million more than the Federal government provided in capitalization grants in fiscal year 2021 for all public water system infrastructure under the Drinking Water State Revolving Loan Fund.

Of note, the biggest difference between the language in section 3303 and that from the Consolidated Appropriations Act, 2021 is that section 3303 omits provisions encouraging HHS to use its existing processes and procedures under LIHEAP to distribute this money to utilities efficiently. This is an important omission. There was no Committee of review whether this omission will create problems. For, example, because the language in the Consolidated Appropriations Act, 2021 is only valid for that fiscal year and section 3303 is drafted to outlast it, when section 3303 still has funding on October 1, 2021, HHS would be free to use whatever process it wants to distribute the money, even if it is untested or inefficient. This seems like a recipe for potential waste and abuse; and only further reinforces why a targeted and temporary program is the preferred way to handle this matter.

While President Biden and the Democrats should be focused on defeating COVID-19 and rebuilding our economy, they are waging a war on fossil energy jobs that is resulting in significant and negative disparate impacts in rural and low-income communities. Immediately upon taking office, President Biden revoked the permit for the Keystone XL pipeline and imposed a moratorium on oil and gas drilling on Federal lands and offshore waters. These

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According to data from the U.S. Department of Labor's Bureau of Labor Statistics, in 2019 a worker installing solar panels made an average of a little more than \$21 an hour. Workers in oil and gas extraction made more than twice as much, at an average of over \$42 an hour."

<https://thefederalist.com/2021/01/27/bidens-green-energy-jobs-really-mean-no-energy-jobs-and-low-paying-energy-jobs/>

<sup>22</sup> House Energy and Commerce Committee Republican Leader Cathy McMorris Rodgers sent a letter to the Office of Management and Budget on February 4, 2021, requesting an accounting of what funds have been expended already in connection with the \$3.75 billion in LIHEAP funding from the Consolidated Appropriations Act, 2021. OMB has provided no response to that letter to date.

<sup>23</sup> House Energy and Commerce Committee Republican Leader Cathy McMorris Rodgers sent a letter to the Office of Management and Budget on February 4, 2021, requesting an accounting of what funds have been expended already in connection with the \$638 million from the Consolidated Appropriations Act, 2021. OMB has provided no response to that letter to date.

decisions will eliminate tens of thousands of jobs and deprive states of billions of dollars of tax revenue to help pay for schools, hospitals, and government services.

Republicans offered several amendments to protect jobs, stimulate economic growth, and provide mental health services for unemployed energy workers – particularly critical during the global pandemic and economic downturn -- Democrats rejected them all.

In connection with Subtitle A, Rep. Mullin offered an amendment to increase funds for community mental health block grants to strengthen mental health services in states that have had unexpected jobs losses due to President Biden’s Executive Orders. This Administration’s policies, such as implementing moratoria on oil and gas development and production, will put tens of thousands of people in the energy sector out of work and deprive states of billions of dollars in tax revenues. This amendment would have required the HHS Secretary to obligate 5 percent of the amounts under the mental health block grants to states suffering unemployment from the Biden Administration’s recent energy and climate executive orders. Every Democrat rejected the Mullin amendment.

Rep. Armstrong offered an amendment to resume construction of the Keystone XL pipeline and immediately put thousands of people back to work. This \$1.7 billion investment would have created over 10,000 American union jobs and contributed billions to U.S. workers through direct jobs in construction and indirect jobs in hotels, restaurants, and thousands of businesses across the country that were lined up to provide their services to help build the project. This construction program was already underway when the Biden Administration revoked their permit and eliminated thousands of jobs and over \$3 billion in contracts that would have gone to U.S. contractors and suppliers. Again, every Democrat rejected the Armstrong amendment to authorize construction of the Keystone XL pipeline.

Rep. Duncan offered an amendment to prevent President Biden from following through on his campaign promise to ban hydraulic fracturing — perhaps the most direct threat to our economic security and national security. If the Biden Administration were to ban hydraulic fracturing, this would eliminate millions of jobs across our American energy industry and our economy. States and local governments, schools, hospitals, and community centers would be cut off from billions of dollars in funding that currently comes from the oil and gas industry. According to a recent study,<sup>24</sup> placing a moratorium on hydraulic fracturing would mean a \$900 billion increase in U.S. household energy costs, \$7.1 trillion in potential losses to the U.S. economy through 2030, and over 7 million fewer U.S. jobs by 2022. Additionally, such a moratorium would force the U.S. to import 40 percent of our oil and petroleum products and 29 percent of our natural gas by 2030. Again, every Democrat rejected the Duncan amendment.

We understand the importance of this package and wanted to support it, but defects such as those outlined above and the unwillingness of the Democrats to accept any of our ideas to

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<sup>24</sup> *America’s Progress at Risk: An Economic Analysis of a Ban on Fracking and Federal Leasing for Natural Gas and Oil Development*, American Petroleum Institute, <https://www.api.org/-/media/Files/Oil-and-Natural-Gas/Hydraulic-Fracturing/2020/fracking-ban-study-americas-progress-at-risk.pdf?la=en&hash=13423D13150A5594442D84D507F6EAB04A231246>.

protect workers and focus the delivery of funding on those most in need leaves us no choice but to oppose it.

## **Chapter 2**

### **Section 3311. Funding for Consumer Protection Safety Fund to protect consumers from potentially dangerous products related to COVID-19.**

We are disappointed that the Democrats continued its partisan approach in drafting section 3311, which is similar to the provisions of H.R. 8134, the Consumer Product Safety Inspection Enhancement Act, a bill to authorize additional resources for the Consumer Product Safety Commission (CPSC). During the 116th Congress, the Committee on Energy and Commerce passed H.R. 8134 by a voice vote on September 24, 2020, and the bill passed the full House of Representatives by a voice vote on September 29, 2020. Because of the Committee's bipartisan efforts, an authorization for additional port inspection personnel for the CPSC was included in division F, title XX, of H.R. 133, the Consolidated Appropriations Act of 2021, enacted on December 27, 2020.

The Democrats ignored the bipartisan consensus recognizing the threat posed by the People's Republic of China (PRC) and instead, allocated \$50 million that are desperately needed for the CPSC's port inspection responsibilities to a Commission slush fund to be used however the CPSC chooses and without regard for our bipartisan agreement.

We support enhancing our ports security and providing the necessary resources to do so. In 2020, the House Republican China Task Force issued a report outlining many of the Chinese Communist Party's (CCP) subversive acts against our country. The PRC is a threat to our way of life. Resources are needed to enhance targeting, surveillance, and screening of consumer products originating from China. But section 3311 includes new definitions like "COVID-19 products," which have not been vetted and may reach beyond the CPSC's authority.

Section 3311 also includes new provisions that were not included in the 2020 bipartisan agreement and that the Democrats never discussed with us. In particular, we are concerned that authorizing the CPSC to undertake "enhanced monitoring of Internet websites" will distract the Commission from its port inspection duties.

The CPSC does not need more full-time personnel surfing the Internet. The Commission needs more personnel on the ground at ports, protecting us from dangerous products from the CCP. These resources should be targeted on counterfeit and illicit products originating in the PRC. In a January 24, 2020, report entitled "Combating Trafficking in Counterfeit and Pirated Goods," the Department of Homeland Security (DHS) estimated that 100,000 packages that

could harm or defraud our constituents arrive in America every day from China and more than 85 percent of all contraband seized at our borders comes from China and Hong Kong.

There is another DHS report, “Operation Stolen Promise,” which found that more than 50 percent of the nations’ counterfeit COVID-19 products originate from China and Hong Kong. And a recent article from Reuters found that Chinese internment camps in the Xinjiang region force Uighur Muslims into labor camps and often shave the heads of women to use their hair in products shipped to the U.S. We wrote to the CPSC about these Uighur women recently, and the CPSC has acknowledged that it has not tracked this matter.

This section is a disappointment and a missed opportunity to continue our bipartisan work to keep Americans safe from dangerous products from China.

**Section 3312. Funding for E-Rate Support for Emergency Educational Connections and Devices.**

This section wastes \$7.6 billion dollars in taxpayer funding for purposes that Congress has already funded. It provides funding for schools and libraries to buy and distribute Wi-Fi hotspots, modems, routers, and other devices for students to use for off-premise schoolwork. This funding is duplicative of a cumulative \$110 billion that Congress appropriated in 2020 to the Department of Education to respond to the coronavirus pandemic, and much of that money remains unspent. It is irresponsible for Congress to appropriate more money for this purpose before the existing money is spent and Congress can determine where, if any, there are remaining gaps.

Besides the fact that Congress already appropriated money in the early days of the pandemic for remote learning purposes, this program is also inconsistent with the President’s goal to reopen schools because it encourages the continuation of remote learning. Similarly, it conflicts with the Administration’s Centers for Disease Control and Prevention guidance, which states that it is safe for schools to reopen and that they should do so as quickly as possible.

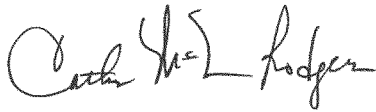
In addition, and contrary to claims from the Democrats, section 3312 does nothing to support the Federal Communications Commission’s (FCC) E-Rate program. Rather, it creates a new program with no rules, no requirements, and no oversight to track the devices once they are given to students, or to verify eligibility and ensure that there is no double dipping at schools and libraries. The statute also does not clearly state whether or not this funding is available only for the duration of the COVID-19 pandemic, or until 2030, which is well beyond the scope of the pandemic. This program is simply a vehicle for the Democrats to implement its longstanding partisan policies endorsed by the teachers’ unions rather than helping Americans.

During the Committee markup of this provision, Rep. Latta and Rep. Walberg offered amendments that would provide long-term solutions to close the digital divide and incentivize schools to re-open for in-person learning. To provide a permanent solution to close the digital divide, Rep. Latta offered an amendment to redirect this funding to rural broadband deployment in unserved areas. Rep. Walberg offered an amendment to put this money directly into the existing E-Rate program at the FCC, which funds connections and certain technologies in



schools and libraries where it is not economically feasible for carriers to otherwise serve. Eligibility would have been contingent on schools and libraries being open 5 days per week. The word “open” was not defined, which would ensure that schools and libraries had the flexibility to follow appropriate CDC guidance to reopen safely. Both proposals were unanimously opposed by the Democrats.

Section 3312 is another bad public policy and missed opportunity. The only way to close the so-called “homework gap” is to invest in permanent broadband infrastructure that closes the digital divide between urban and rural America once and for all. In order to recover from this pandemic and ensure our students are not left behind, we need to focus on policies that reopen schools and the economy as quickly as possible. We are disappointed the Democrats rejected bipartisanship and again embraced a partisan process that will waste billions of dollars on temporary, unreliable options such as hotspots, with no oversight and no accountability.



Cathy McMorris Rodgers  
Ranking Member



Fred Upton  
Ranking Member  
Subcommittee on Energy



Robert E. Latta  
Ranking Member  
Subcommittee on Communications  
and Technology



Brett Guthrie  
Ranking Member  
Subcommittee on Health



David B. McKinley  
Ranking Member  
Subcommittee on Environment  
and Climate Change



Gus M. Bilirakis  
Ranking Member  
Subcommittee on Consumer Protection  
and Commerce



February 2021

**Fact Sheet on House's Reconciliation Package & the  
Biden Administration's COVID-19 American Rescue Plan  
COMMITTEE ON ENERGY & COMMERCE**

The Fiscal Year 2021 Reconciliation Act puts into action the policies and budgetary requests outlined by the Biden Administration's American Rescue Plan.

**VACCINES:**

The American Rescue Plan calls for the establishment of a national vaccination program, and this legislation provides critical funding and resources to increase COVID-19 vaccinations across the country.

- Many states have struggled to distribute vaccines after the Trump Administration chose to defer almost entirely to the states to distribute and administer all vaccines.
- The American Rescue Plan requests **\$20 billion** for improving COVID-19 vaccine administration and distribution, including vaccination clinics and mobile vaccination units, a vaccine awareness campaign, and increasing the Federal Medical Assistance Percentage (FMAP) to Medicaid-covered recipients of a vaccine. It also requests over **\$5 billion** for research, development, and manufacturing of vaccines, therapeutics, and ancillary supplies.
- **Specifically, the Fiscal Year 2021 Reconciliation Act provides:**
  - **\$7.5 billion** for Centers for Disease Control and Prevention (CDC) to prepare, promote, distribute, administer, monitor, and track COVID-19 vaccines. This includes distribution and administration, support for state, local, tribal, and territorial public health departments, community vaccination centers, IT enhancements, facility enhancements, and public communication;
  - **\$600 million** to be directed to the Indian Health Service (IHS) for vaccine-related activities;
  - **\$5.2 billion** to the Biomedical Advanced Research and Development Authority (BARDA) to support advanced research, development, manufacturing, production, and purchase of vaccines, therapeutics, and ancillary medical products for COVID-19;
  - **\$1 billion** for the CDC to undertake a vaccine awareness and engagement campaign;
  - **\$500 million** for the Food and Drug Administration (FDA) to support the review, facilitate the development of, and post-marketing surveillance of COVID-19 vaccines and therapeutics and address drug shortages, among other activities; and
  - Medicaid coverage of COVID-19 vaccines, including the option for states to provide coverage to the uninsured, without cost sharing at 100 percent FMAP for the duration of the public health emergency.

**TESTING:**

The American Rescue Plan proposes scaling up testing in order to stop the spread of COVID-19, safely reopen schools, and protect at-risk populations. A robust testing program remains a critical tool in the

Prepared by the Committee on Energy and Commerce

**fight against this virus in conjunction with vaccinations. This legislation provides the funding and resources to do just that.**

- Despite innovations and adaptations in the testing space, COVID-19 tests are still not widely accessible, and supplies continue to be in shortage.
- According to a Government Accountability Office (GAO) [report from November 2020](#), a national survey to states and territories found that 21 states reported shortages of testing reagents, 16 states reported shortages of testing instruments, and 24 states reported shortages of rapid point-of-care tests in the 30 days prior to the report's release, and those same states predicted shortages would continue through the winter months.
- The American Rescue Plan requests **\$50 billion** for testing related resources and activities, including procurement and administration of regular screening tests, and investments in United States laboratory capacity for diagnostic and screening tests.
- **The Fiscal Year 2021 Reconciliation Act provides:**
  - **\$46 billion** for testing, contact tracing, and mitigation. These activities include: implementing a national strategy for testing, contact tracing, surveillance, and mitigation; providing technical assistance, guidance, support, and grants or contracts to States; manufacturing, procurement, distribution, administration of tests, including personal protective equipment (PPE) and supplies necessary for administration; and establishing and expanding federal, State, or local testing and contact tracing capabilities, including investments in laboratory capacity, community-based testing sites, and mobile testing units;
  - **\$1.5 billion** for IHS testing, tracing, and mitigation needs;
  - **\$1.75 billion** for genomic sequencing and surveillance of the circulating strains of COVID-19. There are currently [multiple strains of COVID-19 circling the globe](#), some of which have recently [emerged in the United States](#); and
  - **\$500 million** to allow CDC to establish, expand, and maintain data surveillance and analytics, including to modernize the United States' disease warning system to forecast and track hotspots for COVID-19.

**PUBLIC HEALTH WORKFORCE:**

**The American Rescue Plan calls for the mobilization of a public health jobs program to support the COVID-19 response.**

- **The Fiscal Year 2021 Reconciliation Act provides:**
  - **\$7.6 billion** in funding to public health departments to hire 100,000 full time employees into the public health workforce. These positions would include contact tracers, social support specialists, community health workers, public health nurses, epidemiologists, lab personnel, and communications. Funds would also support PPE, technology, data management, supplies, and reporting;
  - **\$240 million** for IHS public health workforce needs; and

- **\$100 million** to support the Medical Reserve Corps, which consists of a network of volunteer medical and public health professionals that support emergency response efforts and community health activities.

**HEALTH DISPARITIES:**

**The American Rescue Plan includes funding to provide health services to the underserved and addressing ongoing health disparities.**

- COVID-19 has laid bare the harsh realities of health disparities in the United States. For instance, Black and Hispanic Americans are getting vaccinated at significantly lower rates than White Americans, a trend that advocates blame on the federal government's failure to prioritize equitable distribution. Communities of color are also experiencing higher rates of COVID-19 cases, and higher hospitalization and death rates as a result.
- **The Fiscal Year 2021 Reconciliation Act provides a total of \$25.2 billion** for addressing health disparities and protecting vulnerable populations, including:
  - **\$250 million** for nursing home strike teams to help facilities manage COVID-19 outbreaks when they occur;
  - **\$7.6 billion** in funding to support COVID-19 response at Community Health Centers;
  - **\$1.8 billion** to support the purchase, procurement, or distribution of COVID-19 test and testing supplies, PPE, and vaccines for staff and individuals in congregate settings. This would include support to states, localities, territories, and tribes for strategies and activities to detect, diagnose, trace or monitor COVID-19 in congregate settings, including prisons, jails, detention centers, long-term care facilities, psychiatric hospitals and residential treatment facilities, intermediate care facilities, and other settings providing care for individuals with disabilities;
  - **\$3.3 billion** to IHS in flexible funding to support lost third-party revenue, information technology infrastructure for telehealth and electronic health records, urban Indian organizations, and other health services and costs;
  - **\$800 million** to the National Health Service Corps to support primary health care clinicians in high-need areas;
  - **\$331 million** for Teaching Health Centers to expand the number of sites nationwide, increase resident allocations, and provide administrative support for expanding the program;
  - **\$240 million** to support the Nurse Corps Loan Repayment program, which helps support nurses working in critical shortage and underserved areas;
  - A Medicaid state option to allow states to cover postpartum women for 12 months after birth, to help address the maternal mortality crisis disproportionately affecting women of color; and
  - Medicaid coverage for incarcerated individuals 30 days prior to their release, to ensure continuity of care for justice-connected individuals.

**MENTAL HEALTH:**

**The American Rescue Plan proposes scaling up mental health services, including to expand access to behavioral and mental health prevention and treatment.**

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- **The Fiscal Year 2021 Reconciliation Act provides a total of \$4 billion** for behavioral and mental health services, including:
  - **\$3.5 billion** for the Substance Abuse and Mental Health Services Agency (SAMHSA) to be split between the Substance Abuse Prevention and Treatment and Community Mental Health block grant programs. Both programs provide funding to all 50 States, the District of Columbia, Puerto Rico, the United States Virgin Islands, and six Pacific jurisdictions. The Substance Abuse block grant program also supports one tribal entity, the Chippewa Tribe;
  - **\$420 million** will be made available to IHS for mental and behavioral health prevention and treatment services;
  - **\$100 million** to the Behavioral Health Workforce Education and Training Program within the Health Resources and Services Administration (HRSA) to expand access to behavioral health services by focusing on training behavioral health paraprofessionals, such as peer support specialists;
  - **\$140 million** to develop a program for mental and behavioral health and to prevent burnout among health care providers and public safety officers, including training and outreach;
  - **\$80 million** to provide support for mental health and substance use disorder services at community-based entities and behavioral health organizations;
  - **\$10 million** to support the National Childhood Traumatic Stress Network, which works to develop and promote effective community practices for children and adolescents exposed to a wide array of traumatic events; and
  - **\$50 million** to Suicide Prevention and Project Aware programs at SAMHSA, which support youth mental health services and suicide prevention efforts.

**HEALTH COVERAGE:**

**The American Rescue Plan commits to preserving and expanding access to health care coverage during the pandemic.**

- Between March and September of 2020, roughly 2 to 3 million people lost employer sponsored health insurance.
- Prior to that, 30 million people already lacked coverage, barring them from accessing the health care system from the outset of the pandemic.
- **The Fiscal Year 2021 Reconciliation Act provides a number of complementary provisions to make coverage more affordable and accessible to millions of Americans by:**
  - Expanding Affordable Care Act (ACA) Marketplace premium tax credits to more middle-class Americans for 2021 and 2022, including those with incomes above 400 percent of the federal poverty line (FPL).
  - Allowing individuals receiving unemployment compensation during the public health emergency to access ACA premium tax credits regardless of income.

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- Providing a new incentive for states to expand Medicaid by temporarily increasing the federal medical assistance percentage by five percentage points. If all 12 remaining states expanded Medicaid, more than two million people currently in the coverage gap would gain access to Medicaid.
- Ensuring that workers can continue to afford their employer health care by providing partial COBRA subsidies. COBRA allows workers who experience layoffs or reduction in hours to continue with their job-based health coverage for a limited period of time to avoid a disruption in care.

**CONSUMER ENERGY AND WATER ASSISTANCE:**

**The American Rescue Plan helps Americans who are struggling to make ends meet keep the lights on, the heat working and the water running by proposing \$5 billion in assistance.**

- Energy access is crucial to residential health and to sustaining socially-distanced and remote work lifestyles.
- Unpaid electric and natural gas bills were expected to reach \$32 billion by the end of 2020, with an estimated 20 percent of residential customers at least 60 days behind on their bills. A projected five million additional households are eligible for energy assistance due to pandemic-related job losses.
- Households in California and Virginia, two states that are tracking water debt, are facing more than \$1 billion and more than \$88 million, respectively, in unpaid water bills. These debts threaten the long-term viability of municipal water utilities and raise the risk of interruptions in water service, which is essential to maintain hygiene during the Covid-19 pandemic.
- **The Fiscal Year 2021 Reconciliation Act provides \$5 billion to those most in need to pay their utility bills at a time when so many Americans are spending unprecedented amounts of time at home, including:**
  - **\$4.5 billion** to the Department of Health and Human Services (HHS) for home energy assistance through the Low-Income Home Energy Assistance Program (LIHEAP); and
  - **\$500 million** in additional funds for HHS for the Low-Income Household Drinking Water and Wastewater Emergency Assistance Program established by Congress at the end of 2020. This brings the total amount of money available to assist families with their water and sewer bills to over \$1.1 billion.

**POLLUTION AND THE PANDEMIC:**

**The Fiscal Year 2021 Reconciliation Act helps address health outcome disparities from pollution and the COVID-19 Pandemic.**

- Recent work by GAO found that our national air monitoring network infrastructure is aging and needs to be modernized to identify localized pollution that threatens environmental justice communities.
- **The Fiscal Year 2021 Reconciliation Act provides the Environmental Protection Agency (EPA) with \$100 million to address health outcome disparities from pollution and the COVID-19 pandemic:**
  - **\$50 million** to EPA for environmental justice grants and activities to help communities facing a disproportionate burden of pollution and disease; and

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- **\$50 million** to EPA for air quality monitoring grants and other purposes.

**REMOTE LEARNING:**

**The American Rescue Plan will help bridge the digital divide for students and teachers without home internet access.**

- To keep communities safe and prevent further spread of COVID-19, schools need the flexibility to engage in remote learning when necessary for public health and safety.
- Studies estimate that as many as 12 million students still lack internet service at their homes, with minorities and those in rural areas most often among the unconnected. Without a reliable internet connection to log into classes, submit work, and engage with teachers and other students, these students have fallen even further behind in school.
- **The Fiscal Year 2021 Reconciliation Act provides \$7.6 billion to expand internet connectivity to students and communities by:**
  - Reimbursing schools and libraries—central points for connectivity in many communities—to purchase equipment such as hotspots, internet service, and computers on behalf of students and patrons; and
  - Ensuring schools and libraries can quickly access this critical funding by relying upon the Federal Communications Commission and its E-rate program to administer the funds.

**CONSUMER PROTECTION:**

**The Fiscal Year 2021 Reconciliation Act will make Americans safer in their homes by reducing the number of unsafe imported consumer products.**

- More than \$174 billion spent by consumers online can be attributed to COVID-19-related boosts in online shopping with online spending jumping 44 percent in 2020 compared with 2019.
- The Consumer Product Safety Commission (CPSC) has not been able to keep pace with changing consumer trends brought on by the pandemic, including the substantial shift to online shopping and the influx of e-commerce shipments from foreign countries. The CPSC does not have enough funding to adequately staff United States ports of entry, leaving already struggling families vulnerable to risk of injury or death from uninspected consumer products, especially in-demand COVID-19 products.
- **The Fiscal Year 2021 Reconciliation Act provides \$50 million for the CPSC to ensure the safety of consumer products entering our country and into people's homes — an essential priority during the COVID-19 pandemic.**

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**I. PURPOSE AND SUMMARY**

Subtitle B: Budget Reconciliation Legislative Recommendations Relating to Medicaid provides budget reconciliation recommendations related to the Medicaid program to the House Committee on Budget pursuant to S. Con. Res. 5 to provide comprehensive relief to the American people in response to the coronavirus disease of 2019 (COVID-19) pandemic and the resulting public health emergency (PHE).

Subtitle B requires Medicaid coverage of COVID-19 vaccines without beneficiary cost sharing with a 100 percent federal medical assistance percentage (FMAP) through one-year after the end of the PHE, as well as a 100 percent FMAP for vaccine administration. It requires states to cover treatment for COVID-19 without cost sharing through one-year after the end of the PHE. It also gives states the option to provide coverage to the uninsured for COVID-19 vaccines and treatment without cost sharing at 100 percent FMAP through the PHE.

The legislation provides Medicaid eligibility, for five years, to incarcerated individuals 30 days prior to their release; allows states the option to expand Medicaid coverage to women for 12 months postpartum; provides an enhanced FMAP for state Medicaid programs to cover mobile crisis intervention services for individuals experiencing a mental health or substance use disorder crisis; provides a temporary five percentage point increase to a state's base FMAP for two years for a state that newly expands Medicaid; provides a two-year 100 percent FMAP for services provided to Medicaid beneficiaries receiving care through Urban Indian Organizations and Native Hawaiian Centers; eliminates the cap on Medicaid drug rebates, starting in calendar year 2023; provides a one-year temporary FMAP increase of 7.35 percentage points for states to



spend on Medicaid home- and community-based services (HCBS). Finally, Subtitle D provides funding to states to create nursing home strike teams to help facilities manage COVID-19 outbreaks.

## II. BACKGROUND AND NEED FOR LEGISLATION

Since the first case of COVID-19 in the United States was discovered on January 21, 2020,<sup>1</sup> the United States response efforts have failed to mitigate or reduce COVID-19 transmission in the country. As of February 8, 2021, more than 26 million Americans have been infected with COVID-19, and more than 462,000 people have died from the disease.<sup>2</sup>

The most recent data shows that 10 million Americans are still unemployed,<sup>3</sup> and there are still 9.8 million fewer jobs in the U.S. economy than there were in February 2020, right before the pandemic began.<sup>4</sup> In addition, non-universal take up of Medicaid expansion has left millions of working-age adults uninsured. Nationally, there are an estimated 2 million uninsured individuals who would gain coverage if their state expanded Medicaid.<sup>5</sup> The uninsured rate in non-expansion states was 42.5 percent for unemployed adults, nearly double that in expansion states, which stands at 22.6 percent.<sup>6</sup> Medicaid has been a critical safety net program helping states respond to and mitigate the effects of COVID-19 and the economic downturn. Medicaid enrollment grew by an estimated 7 million people as it helped to provide health insurance to the millions of Americans who lost their jobs and employer-based health insurance.<sup>7</sup> States expect these trends to continue into 2021, with many predicting enrollment growths of more than 8 percent this year.<sup>8</sup>

The legislation would strengthen the ability for Medicaid to help millions of Americans through numerous health coverage provisions intended to ensure that Americans get the health care needed as a result of COVID-19 and the resulting economic downturn from the COVID-19 pandemic.

<sup>1</sup> Centers for Disease Control and Prevention, *First Travel-related Case of 2019 novel Coronavirus Detected in United States* (Jan. 21, 2020) ([www.cdc.gov/media/releases/2020/p0121-novel-coronavirus-travel-case.html](http://www.cdc.gov/media/releases/2020/p0121-novel-coronavirus-travel-case.html)) (press release).

<sup>2</sup> Centers for Disease Control and Prevention, *United States COVID-19 Cases and Deaths by State* ([covid.cdc.gov/covid-data-tracker/#cases\\_casesper100klast7days](https://covid.cdc.gov/covid-data-tracker/#cases_casesper100klast7days)) (accessed Feb. 9, 2021).

<sup>3</sup> Bureau of Labor Statistics, *THE EMPLOYMENT SITUATION — JANUARY 2021* (Feb. 5, 2021) ([www.bls.gov/news.release/pdf/empst.pdf](http://www.bls.gov/news.release/pdf/empst.pdf)) (press release).

<sup>4</sup> *The economy gained just 49,000 jobs in January as recovery sputters amid pressure from virus*, Washington Post (Feb. 6, 2021) ([www.washingtonpost.com/business/2021/02/05/january-jobs-report-2021-unemployment/](http://www.washingtonpost.com/business/2021/02/05/january-jobs-report-2021-unemployment/)).

<sup>5</sup> Kaiser Family Foundation, *The Coverage Gap: Uninsured Poor Adults in States that Do Not Expand Medicaid* (Jan. 21, 2021) ([www.kff.org/medicaid/issue-brief/the-coverage-gap-uninsured-poor-adults-in-states-that-do-not-expand-medicaid/](http://www.kff.org/medicaid/issue-brief/the-coverage-gap-uninsured-poor-adults-in-states-that-do-not-expand-medicaid/)).

<sup>6</sup> *Id.*

<sup>7</sup> Center on Budget and Policy Priorities, *Medicaid Enrollment Still Rising* (Nov. 10, 2020) ([www.cbpp.org/blog/medicaid-enrollment-still-rising](http://www.cbpp.org/blog/medicaid-enrollment-still-rising)).

<sup>8</sup> Kaiser Family Foundation, *Medicaid Enrollment & Spending Growth: FY 2020 & 2021* (Oct. 14, 2020) ([www.kff.org/medicaid/issue-brief/medicaid-enrollment-spending-growth-fy-2020-2021/](http://www.kff.org/medicaid/issue-brief/medicaid-enrollment-spending-growth-fy-2020-2021/)).

In addition, although federal legislation in previous COVID relief packages expanded access to vaccines and treatment for COVID-19 free of cost-sharing, gaps in coverage remain both for Medicaid beneficiaries and the uninsured.<sup>9</sup> The legislation takes concrete steps to address these gaps and expand access to vaccination and treatment for COVID-19.

The legislation also includes measures to address the issue of COVID-19 in congregate settings. COVID-19 has had a disproportionate impact on nursing home and other long-term care facility residents and staff.<sup>10</sup> Six percent of all COVID-19 cases nationally and 38 percent of deaths from the virus have been associated with long-term care settings.<sup>11</sup> The legislation strengthens Medicaid home and community-based services (HCBS) and helps keep vulnerable populations out of congregate settings and helps states establish strike teams to be deployed to nursing facilities with diagnosed or suspected cases of COVID-19 among residents.

Finally, the legislation includes measures to address the ongoing issue of affordability in prescription drug prices, as drug manufacturers continue to raise prices throughout the pandemic.<sup>12</sup>

### III. COMMITTEE CONSIDERATION

The Committee on Energy and Commerce met in virtual open markup session, pursuant to notice, on February 11 and 12, 2021. During consideration of Subtitle B on February 12, an amendment in the nature of a substitute (AINS) offered by Ms. Eshoo was agreed to by a voice vote, without amendment. During consideration of the AINS, three amendments were offered to the Eshoo AINS, but were not agreed to. Mr. Pallone, Chairman of the Committee, subsequently moved that Subtitle B be ordered transmitted favorably to the House Committee on Budget, amended, and the Committee on Energy and Commerce agreed to the motion by a record vote of 30 yeas to 25 nays, a quorum being present.

### IV. COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list each record vote on the motion to report legislation and amendments thereto.

<sup>9</sup> Kaiser Family Foundation, *Gaps in Cost Sharing Protections for COVID-19 Testing and Treatment Could Spark Public Concerns About COVID-19 Vaccine Costs* (Dec. 18, 2020) ([www.kff.org/health-costs/issue-brief/gaps-in-cost-sharing-protections-for-covid-19-testing-and-treatment-could-spark-public-concerns-about-covid-19-vaccine-costs/](http://www.kff.org/health-costs/issue-brief/gaps-in-cost-sharing-protections-for-covid-19-testing-and-treatment-could-spark-public-concerns-about-covid-19-vaccine-costs/)).

<sup>10</sup> Kaiser Family Foundation, *Despite Efforts to Slow the Spread of the Virus in Long-Term Care Facilities, KFF Analysis Finds Many States Experienced the Worst COVID-19 Outbreaks and Highest Number of Deaths in December* (Jan. 14, 2021) ([www.kff.org/coronavirus-covid-19/press-release/despite-efforts-to-slow-the-spread-of-the-virus-in-long-term-care-facilities-kff-analysis-finds-many-states-experienced-the-worst-covid-19-outbreaks-and-highest-number-of-deaths-in-december/](http://www.kff.org/coronavirus-covid-19/press-release/despite-efforts-to-slow-the-spread-of-the-virus-in-long-term-care-facilities-kff-analysis-finds-many-states-experienced-the-worst-covid-19-outbreaks-and-highest-number-of-deaths-in-december/)).

<sup>11</sup> *Id.*

<sup>12</sup> 46Brooklyn, *Drugmakers break record for most January list price increases in a decade* (Jan. 29, 2021) ([www.46brooklyn.com/news/1/29/2020/whats-happening-to-generic-drug-prices-jan-2021-nadac-survey-update-hmthw-yzcgdb9lb-pkwcs-tw4ya-ashfh-rhlgc](http://www.46brooklyn.com/news/1/29/2020/whats-happening-to-generic-drug-prices-jan-2021-nadac-survey-update-hmthw-yzcgdb9lb-pkwcs-tw4ya-ashfh-rhlgc)).

The Committee advises that there were four record votes taken on Subtitle B, including a motion by Mr. Pallone ordering Subtitle B favorably transmitted to the House Committee on Budget, amended. The motion on final passage of the bill was approved by a record vote of 30 yeas to 25 nays. The following are the record votes taken during Committee consideration, including the names of those members voting for and against:

**[CAMERA COPY - GPO – See attached after this page]**

**V. OVERSIGHT FINDINGS**

Pursuant to clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the oversight findings and recommendations of the Committee are reflected in the descriptive portion of the report.

**VI. NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES**

Pursuant to 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

**VII. CONGRESSIONAL BUDGET OFFICE ESTIMATE**

[INSERT LETTER & DOCUMENT FROM CONGRESSIONAL BUDGET OFFICE (CBO)]

**VIII. FEDERAL MANDATES STATEMENT**

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

**IX. STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES**

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to provide coronavirus emergency response and relief, and for other purposes.

**X. DUPLICATION OF FEDERAL PROGRAMS**

Pursuant to clause 3(c)(5) of rule XIII, no provision of the Committee Print is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111-139 or the most recent Catalog of Federal Domestic Assistance.

**XI. COMMITTEE COST ESTIMATE**

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

**XII. EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS**

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that the Committee Print contains no earmarks, limited tax benefits, or limited tariff benefits.

**XIII. ADVISORY COMMITTEE STATEMENT**

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

**XIV. APPLICABILITY TO LEGISLATIVE BRANCH**

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

**XV. SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION**

**SECTION. 3101. MANDATORY COVERAGE OF COVID-19 VACCINES AND ADMINISTRATION TREATMENT UNDER MEDICAID**

This provision requires Medicaid coverage of COVID-19 vaccines and treatment without beneficiary cost sharing with coverage and administration of vaccines matched at a 100 percent FMAP through one year after the end of the PHE. It also gives states the option to provide coverage to the uninsured for COVID-19 vaccines and treatment without cost sharing through the PHE, with vaccines matched at 100 percent FMAP.

**SEC. 3102. MODIFICATIONS TO CERTAIN COVERAGE UNDER MEDICAID FOR PREGNANT AND POSTPARTUM WOMEN**

This provision allows states, for five years, to extend Medicaid eligibility to women for 12 months postpartum.

**SEC. 3103. ALLOWING FOR MEDICAL ASSISTANCE UNDER MEDICAID FOR INMATES DURING 30-DAY PERIOD PRECEDING RELEASE**

This provision provides Medicaid eligibility, for five years, to incarcerated individuals 30 days prior to their release.

**SEC. 3104. ENHANCED FEDERAL MEDICAID SUPPORT FOR BUNDLED COMMUNITY-BASED MOBILE CRISIS INTERVENTION SERVICES**

This provision provides an enhanced FMAP for state Medicaid programs to cover mobile crisis intervention services for individuals experiencing a mental health or substance use disorder crisis.

**SEC. 3105. TEMPORARY INCREASE IN FMAP FOR MEDICAL ASSISTANCE UNDER STATE MEDICAID PLANS WHICH BEGIN TO EXPEND AMOUNTS FOR CERTAIN MANDATORY INDIVIDUALS**

This provision temporarily increases a state's base FMAP by five percentage points for two years for states that newly expand Medicaid.

**SEC. 3106. EXTENSION OF 100 PERCENT FEDERAL MEDICAL ASSISTANCE PERCENTAGE TO URBAN INDIAN HEALTH ORGANIZATIONS AND NATIVE HAWAIIAN HEALTH CARE SYSTEMS**

This provision provides 100 percent FMAP for services provided to Medicaid beneficiaries receiving care through Urban Indian Organizations and Native Hawaiian Health Centers for two years.

**SEC. 3107. SUNSET OF LIMIT ON MAXIMUM REBATE AMOUNT FOR SINGLE SOURCE DRUGS AND INNOVATOR MULTIPLE SOURCE DRUGS**

This provision eliminates the cap on Medicaid drug rebates, starting in calendar year 2023.

**SEC. 3108. ADDITIONAL SUPPORT FOR MEDICAID HOME AND COMMUNITY BASED SERVICES DURING THE COVID-19 EMERGENCY PERIOD**

This provision provides a temporary FMAP increase of 7.35 percentage points for states to make improvements to Medicaid HCBS for one year.

**SEC. 3109. FUNDING FOR STATE STRIKE TEAMS FOR RESIDENT AND EMPLOYEE SAFETY IN NURSING FACILITIES**

This provision provides \$250 million to the Secretary of Health and Human Services to allocate to states for the purposes of establishing strike teams to be deployed to nursing facilities with diagnosed or suspected cases of COVID-19 among residents.

**XVI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED**

A Ramseyer was requested but not yet received. Therefore, with respect to clause 3(e) of rule XIII of the Rules of the House of Representatives, the Committee advises that compliance prior to submission to the Committee on the Budget was not possible.

**XVII. ADDITIONAL VIEWS**

[Additional Views (original) attached to this page]

Committee on Energy and Commerce  
117<sup>th</sup> Congress

**Full Committee**  
(ratio: 32-26)

ROLL CALL VOTE #14

Bill: **Subtitle B**, "Budget Reconciliation Legislative Recommendations Relating to Medicaid"

Motion: An amendment to Subtitle B by Mr. Scalise of Louisiana, No. 2, to decrease the Federal medical assistance percentage by one percentage point for a state Medicaid program during the period which the State Attorney General of such State finds the State department of health undercounted the number of deaths of residents of nursing facilities.

Disposition: **NOT AGREED TO** by a roll call vote of 26 yeas to 30 nays

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Pallone		x		Rep. Rodgers	x		
Rep. Rush		x		Rep. Upton	x		
Rep. Eshoo		x		Rep. Burgess	x		
Rep. DeGette				Rep. Scalise	x		
Rep. Doyle		x		Rep. Latta	x		
Rep. Schakowsky		x		Rep. Guthrie	x		
Rep. Butterfield		x		Rep. McKinley	x		
Rep. Matsui		x		Rep. Kinzinger	x		
Rep. Castor		x		Rep. Griffith	x		
Rep. Sarbanes		x		Rep. Bilirakis	x		
Rep. McNeerney		x		Rep. Johnson	x		
Rep. Welch		x		Rep. Long	x		
Rep. Tonko		x		Rep. Bucshon	x		
Rep. Clarke		x		Rep. Mullin	x		
Rep. Schrader		x		Rep. Hudson	x		
Rep. Cárdenas		x		Rep. Walberg	x		
Rep. Ruiz		x		Rep. Carter	x		
Rep. Peters		x		Rep. Duncan	x		
Rep. Dingell		x		Rep. Palmer	x		
Rep. Veasey		x		Rep. Dunn	x		
Rep. Kuster		x		Rep. Curtis	x		
Rep. Kelly		x		Rep. Lesko	x		
Rep. Barragán		x		Rep. Pence	x		
Rep. McEachin				Rep. Crenshaw	x		
Rep. Blunt Rochester		x		Rep. Joyce	x		
Rep. Soto		x		Rep. Armstrong	x		
Rep. O'Halleran		x					
Rep. Rice		x					
Rep. Craig		x					
Rep. Schrier		x					
Rep. Trahan		x					
Rep. Fletcher		x					

02/12/2021



**Committee on Energy and Commerce**  
117<sup>th</sup> Congress

**Full Committee**  
(ratio: 32-26)

ROLL CALL VOTE #15

Bill: **Subtitle B**, "Budget Reconciliation Legislative Recommendations Relating to Medicaid"

Motion: An amendment to the amendment in the nature of a substitute, offered by Mr. Burgess of Texas, No. 1a, to permanently authorize a state plan option to extend Medicaid eligibility for 12 months postpartum.

Disposition: **NOT AGREED TO** by a roll call vote of 26 yeas to 30 nays

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Pallone		x		Rep. Rodgers	x		
Rep. Rush		x		Rep. Upton	x		
Rep. Eshoo		x		Rep. Burgess	x		
Rep. DeGette				Rep. Scalise	x		
Rep. Doyle		x		Rep. Latta	x		
Rep. Schakowsky		x		Rep. Guthrie	x		
Rep. Butterfield		x		Rep. McKinley	x		
Rep. Matsui		x		Rep. Kinzinger	x		
Rep. Castor		x		Rep. Griffith	x		
Rep. Sarbanes		x		Rep. Bilirakis	x		
Rep. McNerney		x		Rep. Johnson	x		
Rep. Welch		x		Rep. Long	x		
Rep. Tonko		x		Rep. Bucshon	x		
Rep. Clarke		x		Rep. Mullin	x		
Rep. Schrader		x		Rep. Hudson	x		
Rep. Cárdenas		x		Rep. Walberg	x		
Rep. Ruiz		x		Rep. Carter	x		
Rep. Peters		x		Rep. Duncan	x		
Rep. Dingell		x		Rep. Palmer	x		
Rep. Veasey		x		Rep. Dunn	x		
Rep. Kuster		x		Rep. Curtis	x		
Rep. Kelly		x		Rep. Lesko	x		
Rep. Barragán		x		Rep. Pence	x		
Rep. McEachin				Rep. Crenshaw	x		
Rep. Blunt Rochester		x		Rep. Joyce	x		
Rep. Soto		x		Rep. Armstrong	x		
Rep. O'Halleran		x					
Rep. Rice		x					
Rep. Craig		x					
Rep. Schrier		x					
Rep. Trahan		x					
Rep. Fletcher		x					

02/12/2021

Committee on Energy and Commerce  
117<sup>th</sup> Congress

Full Committee  
(ratio: 32-26)

ROLL CALL VOTE #16

Bill: **Subtitle B**, “Budget Reconciliation Legislative Recommendations Relating to Medicaid”

Motion: An amendment to the amendment in the nature of a substitute, offered by Mr. Burgess of Texas, No. 1b, to direct the Secretary of Health and Human Services to issue and disseminate guidance to states to increase access to telehealth in Medicaid. It requires the Medicaid and CHIP Payment and Access Commission to issue a report to Congress to health care access, utilization, cost, and outcomes. It requires a report by the Comptroller General with recommendations on expanding access to telehealth in Medicaid.

Disposition: **NOT AGREED TO** by a roll call vote of 25 yeas to 30 nays

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Pallone		x		Rep. Rodgers	x		
Rep. Rush		x		Rep. Upton	x		
Rep. Eshoo		x		Rep. Burgess	x		
Rep. DeGette				Rep. Scalise	x		
Rep. Doyle		x		Rep. Latta	x		
Rep. Schakowsky		x		Rep. Guthrie	x		
Rep. Butterfield		x		Rep. McKinley	x		
Rep. Matsui		x		Rep. Kinzinger	x		
Rep. Castor		x		Rep. Griffith	x		
Rep. Sarbanes		x		Rep. Bilirakis	x		
Rep. McNerney		x		Rep. Johnson	x		
Rep. Welch		x		Rep. Long	x		
Rep. Tonko		x		Rep. Bucshon	x		
Rep. Clarke		x		Rep. Mullin	x		
Rep. Schrader		x		Rep. Hudson	x		
Rep. Cárdenas		x		Rep. Walberg	x		
Rep. Ruiz		x		Rep. Carter			
Rep. Peters		x		Rep. Duncan	x		
Rep. Dingell		x		Rep. Palmer	x		
Rep. Veasey		x		Rep. Dunn	x		
Rep. Kuster		x		Rep. Curtis	x		
Rep. Kelly		x		Rep. Lesko	x		
Rep. Barragán		x		Rep. Pence	x		
Rep. McEachin				Rep. Crenshaw	x		
Rep. Blunt Rochester		x		Rep. Joyce	x		
Rep. Soto		x		Rep. Armstrong	x		
Rep. O’Halloran		x					
Rep. Rice		x					
Rep. Craig		x					
Rep. Schrier		x					
Rep. Trahan		x					
Rep. Fletcher		x					

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Committee on Energy and Commerce  
117<sup>th</sup> Congress

Full Committee  
(ratio: 32-26)

ROLL CALL VOTE #17

Bill: **Subtitle B**, “Budget Reconciliation Legislative Recommendations Relating to Medicaid”

Motion: A motion by Mr. Pallone of New Jersey to order **Subtitle B**, “Budget Reconciliation Legislative Recommendations Relating to Medicaid” reported favorably to the House Committee on Budget, amended (Final Passage).

Disposition: **AGREED TO** by a roll call vote of 30 yeas to 25 nays

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Pallone	x			Rep. Rodgers		x	
Rep. Rush	x			Rep. Upton		x	
Rep. Eshoo	x			Rep. Burgess		x	
Rep. DeGette				Rep. Scalise		x	
Rep. Doyle	x			Rep. Latta		x	
Rep. Schakowsky	x			Rep. Guthrie		x	
Rep. Butterfield	x			Rep. McKinley		x	
Rep. Matsui	x			Rep. Kinzinger		x	
Rep. Castor	x			Rep. Griffith		x	
Rep. Sarbanes	x			Rep. Bilirakis		x	
Rep. McNerney	x			Rep. Johnson		x	
Rep. Welch	x			Rep. Long		x	
Rep. Tonko	x			Rep. Bucshon		x	
Rep. Clarke	x			Rep. Mullin		x	
Rep. Schrader	x			Rep. Hudson		x	
Rep. Cárdenas	x			Rep. Walberg		x	
Rep. Ruiz	x			Rep. Carter			
Rep. Peters	x			Rep. Duncan		x	
Rep. Dingell	x			Rep. Palmer		x	
Rep. Veasey	x			Rep. Dunn		x	
Rep. Kuster	x			Rep. Curtis		x	
Rep. Kelly	x			Rep. Lesko		x	
Rep. Barragán	x			Rep. Pence		x	
Rep. McEachin				Rep. Crenshaw		x	
Rep. Blunt Rochester	x			Rep. Joyce		x	
Rep. Soto	x			Rep. Armstrong		x	
Rep. O’Halleran	x						
Rep. Rice	x						
Rep. Craig	x						
Rep. Schrier	x						
Rep. Trahan	x						
Rep. Fletcher	x						

02/12/2021

<b>At a Glance</b>			
<b>Reconciliation Recommendations of the House Committee on Energy and Commerce</b>			
As ordered reported on February 12, 2021			
By Fiscal Year, Millions of Dollars	2021	2021-2030	2021-2031
Direct Spending (Outlays)	<b>27,498</b>	<b>126,130</b>	<b>123,827</b>
Revenues	<b>0</b>	<b>1,474</b>	<b>1,488</b>
Increase or Decrease (-) in the Deficit	<b>27,498</b>	<b>124,656</b>	<b>122,339</b>
Statutory pay-as-you-go procedures apply?	<b>Yes</b>	<b>Mandate Effects</b>	
Increases on-budget deficits in any year after 2030?	<b>No</b>	Contains intergovernmental mandate?	<b>No</b>
		Contains private-sector mandate?	<b>Yes, Under Threshold</b>
CBO has not reviewed the legislation for effects on spending subject to appropriation.			
<b>The legislation would</b>			
<ul style="list-style-type: none"> <li>• Appropriate \$105 billion for various activities related to testing for, treating, and responding to COVID-19 (the disease cause by the coronavirus); and for other activities related to COVID-19</li> <li>• Allow extended postpartum coverage in Medicaid and the Children's Health Insurance Program (CHIP)</li> <li>• Increase the federal medical assistance percentage (FMAP) to encourage states to expand Medicaid coverage and increase their provision of certain types of long-term services and supports</li> <li>• Eliminate the cap on rebates that drug manufacturers pay to Medicaid</li> <li>• Increase the cost of an existing private-sector mandate on certain commercial entities if the Federal Communications Commission increases annual fee collections</li> </ul>			
<b>Estimated budgetary effects would mainly stem from</b>			
<ul style="list-style-type: none"> <li>• Increased direct spending resulting from \$105 billion in new budget authority</li> <li>• Additional direct spending from increasing the number of months of postpartum coverage under Medicaid and CHIP</li> <li>• Increased Medicaid and CHIP spending on COVID-19 vaccines, new enrollees, services for inmates in jails and prisons, and long-term services and supports</li> <li>• Reduced Medicaid spending on prescription drugs</li> </ul>			
<b>Areas of significant uncertainty include</b>			
<ul style="list-style-type: none"> <li>• Estimating the rate at which the new budget authority would be spent by federal agencies</li> <li>• Predicting how many women would participate in postpartum coverage under Medicaid and CHIP</li> <li>• Estimating how many states would expand Medicaid coverage as the result of higher FMAPs</li> <li>• Estimating future growth in drug prices</li> </ul>			
<b>Detailed estimate begins on the next page.</b>			

See also *CBO's Cost Estimates Explained*, [www.cbo.gov/publication/54437](http://www.cbo.gov/publication/54437); *How CBO Prepares Cost Estimates*, [www.cbo.gov/publication/53519](http://www.cbo.gov/publication/53519); and *Glossary*, [www.cbo.gov/publication/42904](http://www.cbo.gov/publication/42904).

### Summary of the Legislation

S. Con. Res. 5, the Concurrent Resolution on the Budget for Fiscal Year 2021, instructed several committees of the House of Representatives to recommend legislative changes that would increase deficits up to a specified amount over the 2021-2030 period. As part of this reconciliation process, the House Committee on Energy and Commerce approved legislation on February 12, 2021, with a number of provisions that would increase deficits.

The legislation would appropriate \$92.2 billion for various activities related to testing for, treating, and responding to COVID-19, the disease caused by the coronavirus. The legislation would also make changes to the Medicaid program and the Children's Health Insurance Program (CHIP), which include expanding coverage for women after the birth of their child, encouraging states that have not already done so to expand Medicaid coverage to adults made eligible by the Affordable Care Act (ACA), and eliminating the limit on the rebates paid by drug manufacturers to Medicaid. Finally, the legislation would appropriate \$12.8 billion for various activities related to addressing the energy, environmental, educational, and commerce-related effects of the coronavirus pandemic.

### Estimated Federal Cost

The estimated budgetary effects of the reconciliation recommendations of the House Committee on Energy and Commerce are shown in Table 1. The costs of the legislation fall within budget functions 300 (natural resources and environment), 370 (commerce and housing credit), 500 (education, training, employment, and social services), 550 (health), and 600 (income security).

### Basis of Estimate

For this estimate, CBO assumes that the reconciliation bill will be enacted by the end of March 2021. Outlay estimates are based on historical spending patterns for affected programs and information from the agencies about program implementation.

### Direct Spending and Revenues

CBO and the staff of the Joint Committee on Taxation (JCT) estimate that enacting the reconciliation recommendations of the House Committee on Energy and Commerce would increase direct spending by \$126.1 billion and would increase federal revenues by \$1.5 billion over the 2021-2030 period, for a net effect on the deficit over that period of \$124.7 billion.

**Funding for Public Health.** Subtitle A would appropriate \$92.2 billion for various activities aimed at improving public health and responding to COVID-19.

Within subtitle A, Chapter 1 would provide \$14.2 billion to fund activities related to vaccination and treatment with the following specific appropriations:

- \$7.5 billion to the Centers for Disease Control and Prevention (CDC) to plan, prepare for, promote, distribute, administer, monitor, and track COVID-19 vaccines;

- \$1.0 billion to the CDC to improve vaccine education and confidence and vaccination rates;
- \$5.2 billion to the Secretary of Health and Human Services (HHS) to advance research, development, manufacturing, production, and the purchase of vaccines, therapeutics, and ancillary medical products to prevent, prepare, and respond to SARS-CoV-2, COVID-19, or any disease with potential for creating a pandemic; and
- \$0.5 billion to the Food and Drug Administration to oversee the development and marketing of COVID-19 therapeutics, vaccines, and diagnostic tests.

Chapter 2 would provide \$49.0 billion for testing for COVID-19, specifically appropriating:

- \$46.0 billion to the Secretary of HHS to detect, diagnose, trace, and monitor COVID-19 infections;
- \$1.8 billion to the CDC for genomic sequencing, analytics, and disease surveillance;
- \$0.8 billion to the CDC to combat COVID-19 and other emerging infectious threats globally; and
- \$0.5 billion to the CDC to support the surveillance and analytic infrastructure of public health data.

Chapter 3 would provide \$7.8 billion for strengthening the public health workforce with two specific appropriations:

- \$7.7 billion for state, local, and territorial public health departments to establish, expand, and sustain their public health workforce; and
- \$0.1 billion to the Medical Reserve Corps.

Chapter 4 would provide \$11.2 billion for other public health investments that specifically cover:

- \$7.6 billion for awarding grants and cooperative agreements to community health centers and qualified entities under the Native Hawaiian Health Care Improvement Act to support activities related to testing for, treating, and vaccinating against COVID-19;
- \$0.8 billion to the National Health Service Corps to support qualified health care providers working in areas with limited access to care;
- \$0.2 billion to the Nurse Corps to support nurses working in facilities that provide primary health care or maternal health care to underserved populations;
- \$0.3 billion to health centers that provide graduate medical education;
- \$1.8 billion for activities related to testing, tracing, and mitigating COVID-19 infections in congregate settings; and
- \$0.4 billion for HHS to provide services for children under its care, including unaccompanied alien children in the custody of the Office of Refugee Resettlement.

Chapter 5 would provide \$6.1 billion to the Indian Health Service (IHS) for lost reimbursements resulting from people deferring routine and elective health care, testing and tracing of COVID-19 infections, COVID-19 vaccine promotion, distribution and administration, additional support for purchased and referred care, and for other purposes.

Chapter 6 would provide \$3.9 billion to strengthen activities related to mental health and substance abuse, specifically appropriating:

- \$1.8 billion to the Secretary of HHS for community mental health services;
- \$1.8 billion to the Secretary of HHS for activities relating to the prevention and treatment of substance abuse;
- \$0.1 billion for the Health Resources and Services Administration (HRSA) to award grants to eligible institutions that provide mental and behavioral health education and training; and
- \$0.3 billion for other activities.

Chapter 7 would appropriate \$20 million to HHS for grants to eligible states to modernize the health insurance marketplaces established under the ACA.

In total, CBO estimates that the funds appropriated by subtitle A would increase direct spending by \$91.3 billion over the 2021-2030 period.

**Coverage of COVID-19 Vaccinations and Treatments.** Subtitles B and C would make various changes to the Medicaid and CHIP programs' coronavirus-related spending. In total, sections 3101 and 3201 would increase direct spending by an estimated \$1.1 billion and \$68 million, respectively, over the 2021-2030 period.

*Mandatory Coverage of COVID-19 Vaccination, Without Cost Sharing.* Sections 3101 and 3201 would require state Medicaid and CHIP programs to cover vaccinations, without cost sharing, for all eligible enrollees. Under current law, the federal government is expected to provide the vaccines administered through both programs, but some patients would still have to pay the cost sharing associated with having the vaccine administered. In addition, if a state implements an option under Medicaid to provide COVID-19 testing for uninsured people, it would have to do so without cost sharing. The sections also would extend for a year the period in which a state must vaccinate, without cost sharing, adults enrolled in Medicaid under the program's traditional eligibility rules.

CBO estimates that 4 million Medicaid and CHIP enrollees are currently ineligible for vaccination under either program. By the end of the public health emergency (PHE), CBO estimates, fewer than 1 million adults enrolled under Medicaid's traditional eligibility rules would be subject to cost-sharing requirements to receive the vaccine.

If enacted, CBO estimates, the requirements in sections 3101 and 3201 would increase the number of vaccinations administered to Medicaid and CHIP enrollees by about 2 million doses in 2021 and by about 6 million over the 2021-2023 period. Because the federal government is expected to provide the vaccine itself, sections 3101 and 3102 would only

affect the costs associated with administering the vaccines. Using information from the Centers for Medicare & Medicaid Services, CBO estimates that in 2021, the cost of administering a single dose will vary between \$17 and \$28, depending on the type of vaccine. Over the 2021-2030 period, CBO estimates, the requirement to provide vaccination coverage without cost sharing would increase Medicaid's direct spending by \$107 million and CHIP's by less than \$1 million.

*Increased Federal Medical Assistance Percentage for Vaccinations.* Sections 3101 and 3201 also would raise the federal medical assistance percentage (FMAP) to 100 percent for payments to states for administering vaccines for one year after the end of the PHE. Over the 2021-2030 period, CBO estimates, the higher FMAP would increase direct spending for Medicaid and CHIP by \$747 million and by \$68 million, respectively.

*Mandatory Coverage of Treatment or Prevention, Without Cost Sharing.* Sections 3101 and 3201 also would require state Medicaid and CHIP programs to provide coverage, without cost sharing, for treatment or prevention of COVID-19 for one year after the end of the PHE. Additionally, over the same period, if a state chose to implement an option under Medicaid to provide COVID-19 testing for uninsured people, section 3101 also would extend the requirement to provide treatment and prevention to those people without requiring cost sharing.

About 5 million people enrolled in Medicaid or CHIP are expected to receive COVID-19 treatment in 2021. CBO expects that number to decline to fewer than 100,000 by 2022 and estimates that about 25 percent of those people would be subject to cost-sharing requirements for a physician service (\$2, on average, in 2021), an inpatient hospital service (\$70, on average, in 2021), or both. CBO estimates that the requirements in sections 3101 and 3201 that would prohibit cost sharing for treatment would increase direct spending by \$34 million for Medicaid and by less than \$1 million for CHIP over the 2021-2030 period.

CBO anticipates that 3 million uninsured people will receive COVID-19 treatment in 2021. By 2022, that number is expected to fall below 50,000. In 2020, 10 states had implemented an option under Medicaid to test uninsured people for COVID-19. In those states, CBO estimates, the requirement in section 3101 to provide vaccinations or treatment services would increase direct spending for Medicaid by \$243 million over the 2021-2030 period.

**Coverage for Pregnant and Postpartum Women.** Sections 3102 and 3202 would allow states to extend health coverage for women enrolled in Medicaid or CHIP for 12 months after the birth of a child. In total, CBO estimates, those sections would increase federal deficits by \$5.1 billion over the 2021-2030 period—an increase in direct spending of \$6.0 billion and an increase in revenues of \$0.8 billion over the period.

Under current law, for 60 days after the birth of a child, states must provide Medicaid coverage to women whose income does not exceed 138 percent of the federal poverty level (FPL). Forty-six states and the District of Columbia exercise an option under current law to provide Medicaid coverage to pregnant women whose income is above 138 percent of the FPL, 29 extend coverage if their income is equal to or above 200 percent of the FPL, and 3 extend coverage if their income is above 300 percent of the FPL. Under current law, states



also can provide pregnancy-related services to women under CHIP, but they may only provide postpartum services to women who, if not for their income, would otherwise be eligible for coverage under Medicaid.

CBO estimates that in 2020, Medicaid and CHIP provided pregnancy-related coverage to about 2 million women; approximately 1.8 million carried their pregnancy to term. CBO estimates that about 35 percent of those recipients have income above 138 percent of the FPL, which reflects the coverage options currently available to states under Medicaid and CHIP. Regardless of a state's decision to provide optional coverage to eligible women, the state must reevaluate applicants' eligibility for other coverage before the end of the 60-day postpartum period. Medicaid coverage after that point can include the full scope of health services or be limited to family-planning services.

*Medicaid Coverage Under the 12-Month Option.* CBO estimates that under current law, at the end of the 60-day postpartum period about 30 percent of women will continue to receive comprehensive services from Medicaid, 30 percent will enroll either in employment-based or in marketplace coverage, and about 45 percent will be uninsured (although roughly two-thirds of those women would still receive family-planning services).

Section 3102 would provide women in states that exercise the option with 10 additional months of Medicaid coverage. CBO estimates that by 2024, about 25 percent of all women who would be expected to receive postpartum services from Medicaid will live in states that implement the 12-month option. Using administrative data and information from industry sources, CBO estimates that the combined federal and state cost to provide 10 additional months of Medicaid coverage would be about \$1,500 per person, on average, in 2022; that amount would increase at an average annual rate of about 6 percent over the 2022-2030 period. For women whose current-law Medicaid services are limited to family planning, CBO estimates that the cost per person would be about \$1,100, on average. In total, CBO estimates, the additional months of coverage would increase direct spending for Medicaid by \$6.1 billion over the 2021-2030 period.

*CHIP Coverage for Pregnant and Postpartum Women.* Under current law, states can provide CHIP coverage to eligible women during pregnancy and for 60 days after the birth of a child. CHIP cannot be used to replace existing Medicaid coverage for pregnant women. To cover pregnant women under CHIP, states must provide, at a minimum, Medicaid coverage to women whose income is up to 185 percent of the FPL. In 2020, approximately 15,000 women received pregnancy and postpartum care under CHIP. CBO estimates that all of those women became ineligible for comprehensive Medicaid and CHIP services at the end of the 60-day postpartum period.

If a state provides CHIP coverage to eligible women up to the end of the 60-day postpartum period, and if the state chooses to implement the Medicaid option under section 3102, the legislation would require the state to extend similar coverage under CHIP. However, because not all states extend CHIP coverage to pregnant women, CBO estimates that by 2024 fewer than 1,000 pregnant women would reside in a state that implemented the option. CBO expects that additional months of coverage under CHIP would cost about the same as under

Medicaid. On net, CBO estimates, section 3202 would increase direct spending for CHIP by \$5 million over the 2021-2030 period.

*Private Health Insurance for Pregnant and Postpartum Women.* Some women whose Medicaid coverage ends after the birth of a child enroll in private health insurance. CBO estimates that in states that are expected to implement the option under section 3102, fewer than 5 percent of women who become ineligible each year for Medicaid or CHIP currently receive coverage through a marketplace and 30 percent enroll in employment-based coverage. Under section 3102, over the 2021-2030 period, about 10,000 and 100,000 women annually would delay enrollment either in marketplace coverage or in employment-based coverage, respectively, for about 10 months. That delay would lower subsidies for private health insurance, thereby reducing direct spending by \$137 million and increasing revenues by \$816 million over the 2021-2030 period, according to CBO and JCT's estimates.

**Medicaid for Inmates During the 30-Day Period Preceding Release.** Section 3103 would create an exception for 5 years, starting one year after enactment, to the prohibition on making Medicaid payments for services provided to inmates of correctional institutions. Section 3103 would permit payments for services to inmates who are enrolled in Medicaid during the last 30 days of their incarceration. According to data from the Bureau of Justice Statistics:

- Local jails admit and release about 10 million people per year, 89 percent of whom are admitted and released within 30 days, and
- State prisons admit and release about 600,000 people per year, almost all of whom remain incarcerated for longer than 30 days.

As a result, section 3103 would allow the vast majority of Medicaid enrollees to maintain their Medicaid coverage during their incarceration in local jails and would permit those jails to bill Medicaid for medical care provided to the incarcerated enrollees. Section 3103 would allow incarcerated enrollees in prisons to receive Medicaid coverage in the final 30 days of their incarceration, which would permit state prisons to bill Medicaid for services provided pre-release.

Based on a report by the Prison Policy Initiative, CBO estimates that about 45 percent of inmates released from jails and prisons would be enrolled in Medicaid in the early years of the 2021-2030 period, rising to 55 percent by the end of the period as CBO projects additional states will adopt the ACA expansion over time.

CBO expects that the costs per Medicaid inmate would be modest, as local jails generally provide limited services, such as generic medications to assist with drug withdrawals and mental health crises during the short-term stays, while prisons would be expected to provide pre-release health screenings and short-term supplies of medications to help with the transition to the post-release period. CBO estimates that the average cost per prisoner would be about \$100 in the beginning of the period, rising to about \$200 by the end of the period because of increases in the costs of providing medical care.

Lastly, CBO projects that state prisons would quickly develop the infrastructure to bill Medicaid for services to inmates in the last 30 days of their stay, which in many cases would allow them to defray the costs incurred for pre-release services. Local jails would more gradually establish similar capacity to bill Medicaid, delaying the full implementation of section 3103 for several years. In total, CBO estimates that section 3103 would increase direct spending by \$3.7 billion over the 2021-2030 period.

**Bundled Community-Based Mobile Crisis Intervention.** Section 3104 would, for 12 fiscal quarters, increase a state's FMAP for crisis intervention services that qualify as mobile and community-based, as defined by the bill. The enhanced FMAP would equal 85 percent and would apply only to services that otherwise would be reimbursed at a state's traditional FMAP. Based on information from state mental health agencies, CBO estimates that at least 16 states have programs that provide services that would qualify for the enhanced FMAP provided under section 3104. Not all of those programs currently seek Medicaid reimbursement for crisis intervention services provided to Medicaid; CBO expects that the programs would be more likely to do so under section 3104. CBO also anticipates that those changes would encourage all of the programs to request reimbursement under their state Medicaid programs and that the states would receive the enhanced FMAP under section 3104 for such services. In addition, based on the rate at which state Medicaid programs have adopted other services and demonstrations specific to behavioral health care, CBO expects additional states would begin reimbursing for crisis intervention services that qualify as mobile and community-based.

CBO estimates that the combined federal and state cost to provide crisis intervention services that qualify as mobile and community-based would be about \$1,500 per person, on average, in 2021; that amount would increase at an average annual rate of about 6 percent over the 2022-2030 period. In total, CBO estimates, the enhanced FMAP and the decision by states to establish new programs that provide crisis intervention services that qualify as mobile and community-based would increase direct spending for Medicaid by \$1.1 billion over the 2021-2030 period.

**Temporary Increase in FMAP for Expanding ACA Coverage.** Section 3105 would, for eight calendar quarters, provide a temporary, 5 percentage-point increase in the Medicaid FMAP to states that expand coverage to adults made eligible by the ACA. CBO and JCT estimate that the provision would increase federal deficits by \$15.5 billion over the 2021-2030 period—the net effect of an increase in outlays of \$16.2 billion and an increase in revenues of \$0.7 billion.

Under section 3105, the FMAP increase would be available only to states that expand such coverage after the legislation is enacted, and it would not be available to states that had previously expanded coverage. Only services provided to traditional eligibility groups could qualify for the increase; services provided to adults made eligible by the ACA would not be included. The higher FMAP also would not apply to the following expenditures:

- Medicaid payments to hospitals that serve a disproportionate share of low-income enrollees,

- Medicaid allotments to the territories, and
- Payments for programs other than Medicaid that use the FMAP to determine the federal share of payments (such as CHIP, payments from states toward Medicare Part D, and Title IV).

*Increased Medicaid Spending.* Section 3105 would increase Medicaid spending in two ways. First, CBO expects, the additional 5 percentage-point increase in the FMAP would induce some states to expand Medicaid coverage to low-income adults sooner than CBO's baseline projections for Medicaid enrollment would indicate. Currently, 37 states and the District of Columbia have implemented the expansion, and those states have enrolled roughly 60 percent of eligible adults nationwide. Under its baseline forecast, CBO projects that additional states will adopt the expansion at the historical rate of expansions since 2014 (the initial year of the expansion's availability). CBO anticipates that by 2030 about 70 percent of all potential enrollees will be covered.

Although the rate of expansion is subject to considerable uncertainty, CBO projects that the 5 percentage-point increase in the FMAP would induce states that would expand during the 2021-2030 period to do so about a year sooner, on average, than they otherwise would. The result would be an increase in Medicaid enrollment in those years among adults made eligible by the ACA in those states. Based on CBO's projections for enrollment in states that have not already adopted the expansion and the projected cost per adult made eligible by the ACA, CBO estimates that those earlier expansions would cost the federal government \$17.2 billion over the 2021-2030 period.

The second effect of section 3105 would be the added cost of the 5 percentage-point increase in the FMAP. Based on the average matching rates projected for states that have not yet adopted the expansion, CBO estimates the cost at \$4.7 billion. In total, CBO estimates, section 3105 would increase direct spending on Medicaid by \$21.8 billion over the 2021-2030 period.

*Reduced Federal Subsidies for Private Health Insurance.* Section 3105 also would reduce enrollment in private health insurance as more people enroll in Medicaid in the states that adopt the ACA expansion. CBO and JCT estimate that over the 2021-2030 period Medicaid enrollment would increase, on average, by about 85,000 people who would otherwise have enrolled in coverage through the marketplaces and by another 33,000 people who would otherwise have enrolled in employment-based coverage. CBO and JCT estimate that those reductions in enrollment would reduce direct spending for health insurance subsidies by \$5.7 billion and increase revenues by \$0.7 billion over the 2021-2030 period.

**100 Percent FMAP for Urban Indian Organizations and Native Hawaiian Health Care.** Section 3106 would, for eight calendar quarters, provide a 100 percent federal matching rate for services to Medicaid enrollees who access care in the Urban Indian Health Programs (UIHPs) or the Native Hawaiian Health Care System (NHHCS). Under current law, services provided to Medicaid enrollees are matched at 100 percent if they are received through an IHS facility. IHS is the agency that is responsible for providing federal health services to American Indians and Alaska Natives. UIHPs are health care organizations that are grantees

of the IHS but are not considered federal entities that are part of the IHS and therefore only receive the standard federal matching rates for services to Medicaid enrollees. Similarly, the NHHCS comprises five health care clinics that are grantees of HRSA that are not considered federal entities.

The standard federal matching rates under current law average an estimated 65 percent for traditional eligibility categories during 2021 and 2022, and will average an estimated 58.5 percent during 2023, the time period covered by the eight quarters specified under section 3106. The matching rates for adults made eligible by the ACA will be 90 percent during the same period.

According to information from the UIHP system, the UIHP treats about 90,000 Medicaid patients per year at an estimated average cost of about \$2,000 per patient. Applying the 100 percent matching rate for services to these enrollees would increase direct spending by \$155 million over the 2021-2030 period. Given the size of the NHHCS relative to the UIHP system, CBO estimates that applying a 100 percent matching rate to services provided at NHHCS clinics would increase direct spending by another \$7 million over the period.

**Sunset of Limit on Maximum Rebate for Certain Drugs.** Under current law, manufacturers are required to pay Medicaid a rebate on all covered outpatient drugs. The rebate amount is determined according to statute by two formulas that include a basic rebate with separate calculations for brand and generic drugs and an additional inflationary rebate that reflects differences in growth between the Average Manufacturer Prices (AMPs) and the consumer price index. The total rebate amount is capped at 100 percent of the AMP. The cap does not affect rebates paid for all drugs: It tends to be most relevant for drugs that have experienced substantial price increases over time and for drugs that offer particularly large rebates to payers other than Medicaid. Section 3107 would eliminate the cap on the total rebate amount starting January 1, 2023.

Based on administrative data on AMPs and prescription drug spending in Medicaid, CBO estimates that in 2019, the cap on the total rebate amount prevented federal and state governments from collecting more than \$3 billion in rebates for covered outpatient drugs. CBO expects that section 3107 would increase the amount of rebates that manufacturers pay Medicaid and would reduce direct spending in Medicaid by \$15.9 billion over the 2021-2030 period.

**Additional Support for Medicaid HCBS.** Section 3108 would, for four fiscal quarters, increase the federal FMAP in Medicaid by 7.35 percentage points for state expenditures on home and community-based services (HCBS). HCBS are long-term care services that beneficiaries receive in their home or in the community rather than in institutions such as nursing facilities. CBO projects that the federal and state governments will spend almost \$200 billion on HCBS during the four quarters for which the enhanced FMAP is available to states. Increasing the federal share of such spending would increase federal spending on Medicaid by \$9.3 billion.

**Strike Teams for Nursing Facilities.** Section 3109 would appropriate \$250 million for states to establish strike teams that would be deployed to nursing facilities that have patients

who have been diagnosed with COVID-19 or who are suspected of having the disease. CBO estimates that section 3109 would increase direct spending by \$250 million over the 2021-2030 period.

**Other Provisions.** Subtitle D would appropriate \$12.8 billion for environmental protections, utility assistance, distance learning, and other consumer product safety.

Within subtitle D, chapter 1 would appropriate \$5.1 billion to fund activities related to environmental health and assistance to people for paying utility bills:

- \$0.1 billion to the Environmental Protection Agency for grants and other activities that enhance environmental justice and to support implementation of the Clean Air Act;
- \$4.5 billion to the Low-Income Home Energy Assistance Program; and
- \$0.5 billion for grants to assist low-income households with the costs of drinking water and wastewater services.

Chapter 2 would appropriate \$7.7 billion for distance learning, primarily to reimburse schools and libraries for the costs of telecommunications equipment and services, and consumer product safety.

In total, CBO estimates that the funds appropriated by subtitle D would increase direct spending by \$12.8 billion over the 2021-2030 period.

#### **Uncertainty**

There are two major types of uncertainty in CBO's estimate of the reconciliation recommendations of the House Committee on Energy and Commerce: For subtitles A and D, the primary forms of uncertainty stem from CBO's estimates of the pace at which federal agencies would spend the new budget authority. For subtitles B and C, most of the uncertainty of CBO's estimates stem from expectations about state behavior, people's enrollment in various forms of health coverage, and the of the increase in health care prices.

##### *Uncertainty About the Pace at Which Federal Agencies Would Spend New Budget Authority.*

The reconciliation recommendations of the House Committee on Energy and Commerce would provide \$105 billion in new budget authority for fiscal year 2021, increasing individual agencies' funding for the year by a substantial amount. For example, the 2021 budget authority for the CDC, HRSA, and the IHS would see significant increases roughly halfway through the fiscal year. It is uncertain whether such agencies would be able to spend all of the new funds rapidly.

##### *Uncertainty About State Behavior, People's Enrollment in Various Forms of Health*

*Coverage, and the Growth of Health Care Prices.* For subtitles B and C, CBO's estimates include projections of the results of states' choices to expand coverage, people's choices to enroll in coverage if they were newly eligible, and the future costs of providing health care services to beneficiaries—all of which are uncertain. Some of the more significant sources of uncertainty include:

- Estimating how many women would remain enrolled in Medicaid if states expand postpartum coverage and how many additional months of coverage they would have;
- Predicting how many states will expand Medicaid under current law and how the increased FMAP would accelerate the pace of state expansions;
- Forecasting future growth in drug prices and how drug manufacturers would change their pricing strategies if the cap on rebates were eliminated; and
- Estimating the future growth in prices for HCBS and how states would expand their coverage of HCBS on account of the higher FMAP.

### **Pay-As-You-Go Considerations**

The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays and revenues that are subject to those pay-as-you-go procedures are shown in Table 1.

**Increase in Long-Term Deficits:** None.

### **Mandates**

If the FCC increases annual fee collections to offset the costs of issuing rules to promote internet connectivity for schools and libraries as required by section 3312, the legislation would increase the cost of an existing private-sector mandate on commercial entities required to pay those fees. CBO estimates that the incremental cost of the mandate would be small and would fall well below the annual threshold established in the Unfunded Mandates Reform Act for private-sector mandates (\$170 million in 2021, adjusted annually for inflation).

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<b>Table 1.</b>													
<b>Estimated Budgetary Effects of Reconciliation Recommendations</b>													
<b>As Reported by the House Committee on Energy and Commerce on February 12, 2021</b>													
<b>By Fiscal Year, Millions of Dollars</b>													
	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2021-	2021-
	<b>Increases or Decreases (-) in Direct Spending</b>											2030	2031
<b>Subtitle A. Funding for Public Health</b>													
<b>Chapter 1 - Vaccines and Therapeutics</b>													
Sec. 3001. Vaccine Activities at the CDC													
Budget Authority	7,500	0	0	0	0	0	0	0	0	0	0	7,500	7,500
Estimated Outlays	1,500	4,500	750	450	225	0	0	0	0	0	0	7,425	7,425
Sec. 3002. Vaccine Confidence Activities													
Budget Authority	1,000	0	0	0	0	0	0	0	0	0	0	1,000	1,000
Estimated Outlays	200	600	100	60	30	0	0	0	0	0	0	990	990
Sec. 3003. Vaccines and Therapeutics Supply Chain													
Budget Authority	5,200	0	0	0	0	0	0	0	0	0	0	5,200	5,200
Estimated Outlays	2,033	2,803	312	52	0	0	0	0	0	0	0	5,200	5,200
Sec. 3004. Activities at the Food and Drug Administration													
Budget Authority	500	0	0	0	0	0	0	0	0	0	0	500	500
Estimated Outlays	165	250	75	10	0	0	0	0	0	0	0	500	500
<b>Chapter 1, Total</b>													
<b>Budget Authority</b>	<b>14,200</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14,200</b>	<b>14,200</b>
<b>Estimated Outlays</b>	<b>3,898</b>	<b>8,153</b>	<b>1,237</b>	<b>572</b>	<b>255</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14,115</b>	<b>14,115</b>
<b>Chapter 2 - Testing</b>													
Sec. 3011. Testing, Contact Tracing, and Mitigation Activities													
Budget Authority	46,000	0	0	0	0	0	0	0	0	0	0	46,000	46,000
Estimated Outlays	9,200	27,600	4,600	2,760	1,380	0	0	0	0	0	0	45,540	45,540
Sec. 3012. SARS-CoV-2 Genomic Sequencing and Surveillance													
Budget Authority	1,750	0	0	0	0	0	0	0	0	0	0	1,750	1,750
Estimated Outlays	350	1,050	175	105	53	0	0	0	0	0	0	1,733	1,733
Sec. 3013. Global Health													
Budget Authority	750	0	0	0	0	0	0	0	0	0	0	750	750
Estimated Outlays	150	450	75	45	23	0	0	0	0	0	0	743	743
Sec. 3014. Data Modernization and Forecasting Center													
Budget Authority	500	0	0	0	0	0	0	0	0	0	0	500	500
Estimated Outlays	100	300	50	30	15	0	0	0	0	0	0	495	495
<b>Chapter 2, Total</b>													
<b>Budget Authority</b>	<b>49,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>49,000</b>	<b>49,000</b>
<b>Estimated Outlays</b>	<b>9,800</b>	<b>29,400</b>	<b>4,900</b>	<b>2,940</b>	<b>1,471</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>48,511</b>	<b>48,511</b>
<b>Chapter 3 - Public Health Workforce</b>													
Sec. 3021. Public Health Workforce													
Budget Authority	7,660	0	0	0	0	0	0	0	0	0	0	7,660	7,660
Estimated Outlays	1,532	3,064	2,681	383	0	0	0	0	0	0	0	7,660	7,660
Sec. 3022. Medical Reserve Corps													
Budget Authority	100	0	0	0	0	0	0	0	0	0	0	100	100
Estimated Outlays	20	56	16	6	2	0	0	0	0	0	0	100	100
<b>Chapter 3, Total</b>													
<b>Budget Authority</b>	<b>7,760</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7,760</b>	<b>7,760</b>
<b>Estimated Outlays</b>	<b>1,552</b>	<b>3,120</b>	<b>2,697</b>	<b>389</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7,760</b>	<b>7,760</b>
<b>Chapter 4 - Public Health Investments</b>													
Sec. 3031. Community Health Centers													
Budget Authority	7,600	0	0	0	0	0	0	0	0	0	0	7,600	7,600
Estimated Outlays	1,520	3,040	2,660	380	0	0	0	0	0	0	0	7,600	7,600
Sec. 3032. National Health Service Corps													
Budget Authority	800	0	0	0	0	0	0	0	0	0	0	800	800
Estimated Outlays	160	320	280	40	0	0	0	0	0	0	0	800	800
Sec. 3033. Nurse Corps													
Budget Authority	200	0	0	0	0	0	0	0	0	0	0	200	200
Estimated Outlays	48	100	40	10	0	0	0	0	0	0	0	196	196
Sec. 3034. Teaching Health Centers that Operate Graduate Medical Education													
Budget Authority	330	0	0	0	0	0	0	0	0	0	0	330	330
Estimated Outlays	66	132	116	13	0	0	0	0	0	0	0	327	327

continued

Table 1. Estimated Budgetary Effects of Reconciliation Recommendations by the House Committee on Energy and Commerce on February 12, 2021  
continued

	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2021- 2030	2021- 2031
Sec. 3035. Testing, Tracing, and Mitigation Activities in Congregate Settings													
Budget Authority	1,800	0	0	0	0	0	0	0	0	0	0	1,800	1,800
Estimated Outlays	324	990	396	36	18	0	0	0	0	0	0	1,764	1,764
Sec. 3036. Family Planning													
Budget Authority	50	0	0	0	0	0	0	0	0	0	0	50	50
Estimated Outlays	10	35	4	0	0	0	0	0	0	0	0	49	49
Sec. 3037. Children Under HHS Care													
Budget Authority	425	0	0	0	0	0	0	0	0	0	0	425	425
Estimated Outlays	13	17	64	68	74	70	64	51	4	0	0	425	425
Sec. 3038. HHS Inspector General													
Budget Authority	5	0	0	0	0	0	0	0	0	0	0	5	5
Estimated Outlays	2	3	0	0	0	0	0	0	0	0	0	5	5
<b>Chapter 4, Total</b>													
<b>Budget Authority</b>	<b>11,210</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>11,210</b>	<b>11,210</b>
<b>Estimated Outlays</b>	<b>2,141</b>	<b>4,637</b>	<b>3,560</b>	<b>547</b>	<b>92</b>	<b>70</b>	<b>64</b>	<b>51</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>11,166</b>	<b>11,166</b>
<b>Chapter 5 - Indian Health</b>													
Sec. 3041. Indian Health													
Budget Authority	6,094	0	0	0	0	0	0	0	0	0	0	6,094	6,094
Estimated Outlays	1,493	3,534	506	84	84	71	59	43	19	6	0	5,899	5,899
<b>Chapter 6- Mental Health and Substance Use Disorder</b>													
Sec. 3051. Community Mental Health Services													
Budget Authority	1,750	0	0	0	0	0	0	0	0	0	0	1,750	1,750
Estimated Outlays	315	910	350	140	35	0	0	0	0	0	0	1,750	1,750
Sec. 3052. Prevention and Treatment of Substance Abuse													
Budget Authority	1,750	0	0	0	0	0	0	0	0	0	0	1,750	1,750
Estimated Outlays	315	910	350	140	35	0	0	0	0	0	0	1,750	1,750
Sec. 3053. Training for Health Care Professionals, Paraprofessionals, and Public Safety Officers													
Budget Authority	80	0	0	0	0	0	0	0	0	0	0	80	80
Estimated Outlays	18	40	16	4	0	0	0	0	0	0	0	78	78
Sec. 3054. Education and Awareness Campaign for Health Care Professionals													
Budget Authority	20	0	0	0	0	0	0	0	0	0	0	20	20
Estimated Outlays	4	12	2	1	1	0	0	0	0	0	0	20	20
Sec. 3055. Grants to Health Care Providers for Mental and Behavioral Health Among Workforce													
Budget Authority	40	0	0	0	0	0	0	0	0	0	0	40	40
Estimated Outlays	9	20	8	2	0	0	0	0	0	0	0	39	39
Sec. 3056. Community-Based Funding for Local Substance Use Disorder													
Budget Authority	30	0	0	0	0	0	0	0	0	0	0	30	30
Estimated Outlays	6	15	6	2	1	0	0	0	0	0	0	30	30
Sec. 3057. Community-Based Funding for Local Behavioral Health													
Budget Authority	50	0	0	0	0	0	0	0	0	0	0	50	50
Estimated Outlays	9	26	10	4	1	0	0	0	0	0	0	50	50
Sec. 3058. National Child Traumatic Stress Network													
Budget Authority	10	0	0	0	0	0	0	0	0	0	0	10	10
Estimated Outlays	2	5	2	1	0	0	0	0	0	0	0	10	10
Sec. 3059. Project Aware													
Budget Authority	30	0	0	0	0	0	0	0	0	0	0	30	30
Estimated Outlays	6	15	6	2	1	0	0	0	0	0	0	30	30

continued

Table 1. Estimated Budgetary Effects of Reconciliation Recommendations by the House Committee on Energy and Commerce on February 12, 2021  
continued

	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2021- 2030	2021- 2031
Sec. 3059A Youth Suicide Prevention													
Budget Authority	20	0	0	0	0	0	0	0	0	0	0	0	20
Estimated Outlays	4	10	4	2	0	0	0	0	0	0	0	0	20
Sec. 3059B Behavioral Health Workforce													
Budget Authority	100	0	0	0	0	0	0	0	0	0	0	100	100
Estimated Outlays	23	50	20	5	0	0	0	0	0	0	0	98	98
<b>Chapter 6, Total</b>													
Budget Authority	<b>3,880</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,880</b>	<b>3,880</b>
Estimated Outlays	<b>711</b>	<b>2,013</b>	<b>774</b>	<b>303</b>	<b>74</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,875</b>	<b>3,875</b>
<b>Chapter 7 - Exchange Grant Program</b>													
Sec. 3061. Exchange Modernization													
Budget Authority	20	0	0	0	0	0	0	0	0	0	0	20	20
Estimated Outlays	20	0	0	0	0	0	0	0	0	0	0	20	20
<b>Subtitle A, Total</b>													
Budget Authority	<b>92,164</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>92,164</b>	<b>92,164</b>
Outlays	<b>19,615</b>	<b>50,857</b>	<b>13,674</b>	<b>4,835</b>	<b>1,978</b>	<b>141</b>	<b>123</b>	<b>94</b>	<b>23</b>	<b>6</b>	<b>0</b>	<b>91,346</b>	<b>91,346</b>
<b>Subtitle B. Medicaid</b>													
Sec. 3101. Coverage of COVID-19 Vaccinations and Treatments													
Estimated Budget Authority	287	534	247	63	0	0	0	0	0	0	0	1,131	1,131
Estimated Outlays	287	534	247	63	0	0	0	0	0	0	0	1,131	1,131
Sec. 3102. Coverage for Pregnant and Postpartum Women (a, b)													
Estimated Budget Authority	0	0	756	1,249	1,417	1,429	1,108	0	0	0	0	5,959	5,959
Estimated Outlays	0	0	756	1,249	1,417	1,429	1,108	0	0	0	0	5,959	5,959
Sec. 3103. Medicaid for Inmates During 30-Day Period Preceding Release													
Estimated Budget Authority	0	177	444	683	918	1,014	510	0	0	0	0	3,746	3,746
Estimated Outlays	0	177	444	683	918	1,014	510	0	0	0	0	3,746	3,746
Sec. 3104. Bundled Community-Based Mobile Crisis Intervention													
Estimated Budget Authority	15	0	71	305	330	270	25	32	40	49	58	1,137	1,195
Estimated Outlays	0	5	77	307	332	270	25	32	40	49	58	1,137	1,195
Sec. 3105. Temporary Increase in FMAP for Expanding ACA Coverage													
Estimated Budget Authority	0	0	3,768	3,427	2,177	2,308	2,131	1,337	479	531	212	16,158	16,370
Estimated Outlays	0	0	3,768	3,427	2,177	2,308	2,131	1,337	479	531	212	16,158	16,370
Sec. 3106. 100% FMAP for Urban Indian Organizations and Native Hawaiian Health Care													
Estimated Budget Authority	38	81	43	0	0	0	0	0	0	0	0	162	162
Estimated Outlays	38	81	43	0	0	0	0	0	0	0	0	162	162
Sec. 3107. Sunset of Limit on Maximum Rebate for Certain Drugs													
Estimated Budget Authority	0	0	-217	-1,803	-2,293	-2,277	-2,258	-2,279	-2,318	-2,443	-2,573	-15,888	-18,461
Estimated Outlays	0	0	-217	-1,803	-2,293	-2,277	-2,258	-2,279	-2,318	-2,443	-2,573	-15,888	-18,461
Sec. 3108. Temporary Increase in FMAP for Expanding HCBS													
Estimated Budget Authority	4,795	4,515	0	0	0	0	0	0	0	0	0	9,310	9,310
Estimated Outlays	4,795	4,515	0	0	0	0	0	0	0	0	0	9,310	9,310
Sec. 3109. Strike Teams for Nursing Facilities													
Budget Authority	250	0	0	0	0	0	0	0	0	0	0	250	250
Estimated Outlays	50	175	25	0	0	0	0	0	0	0	0	250	250
<b>Subtitle B, Total</b>													
Budget Authority	<b>5,385</b>	<b>5,307</b>	<b>5,112</b>	<b>3,924</b>	<b>2,549</b>	<b>2,744</b>	<b>1,516</b>	<b>-910</b>	<b>-1,799</b>	<b>-1,863</b>	<b>-2,303</b>	<b>21,965</b>	<b>19,662</b>
Outlays	<b>5,170</b>	<b>5,487</b>	<b>5,143</b>	<b>3,926</b>	<b>2,551</b>	<b>2,744</b>	<b>1,516</b>	<b>-910</b>	<b>-1,799</b>	<b>-1,863</b>	<b>-2,303</b>	<b>21,965</b>	<b>19,662</b>
<b>Subtitle C. Children's Health Insurance Program</b>													
Sec. 3201. Coverage of COVID-19 Vaccinations and Treatments													
Budget Authority	0	47	17	4	0	0	0	0	0	0	0	68	68
Estimated Outlays	0	47	17	4	0	0	0	0	0	0	0	68	68
Sec. 3202. Coverage for Pregnant and Postpartum Women (a)													

continued

Table 1. Estimated Budgetary Effects of Reconciliation Recommendations by the House Committee on Energy and Commerce on February 12, 2021  
continued

	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2021- 2030	2021- 2031	
<b>Subtitle D. Other Provisions</b>														
<b>Chapter 1 - Ensuring Environmental Health and Ratepayer Protection</b>														
Sec. 3301. Pollution and Disparate Impacts of the Pandemic														
	Budget Authority	100	0	0	0	0	0	0	0	0	0	0	100	100
	Estimated Outlays	10	60	20	10	0	0	0	0	0	0	0	100	100
Sec. 3302. LIHEAP														
	Budget Authority	4,500	0	0	0	0	0	0	0	0	0	0	4,500	4,500
	Estimated Outlays	1,508	1,727	467	422	188	188	0	0	0	0	0	4,500	4,500
Sec. 3303. Water Assistance Program														
	Budget Authority	500	0	0	0	0	0	0	0	0	0	0	500	500
	Estimated Outlays	50	225	150	50	25	0	0	0	0	0	0	500	500
<b>Chapter 1, Total</b>														
	<b>Budget Authority</b>	<b>5,100</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5,100</b>	<b>5,100</b>
	<b>Estimated Outlays</b>	<b>1,568</b>	<b>2,012</b>	<b>637</b>	<b>482</b>	<b>213</b>	<b>188</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5,100</b>	<b>5,100</b>
<b>Chapter 2 - Distance Learning and Consumer Protections</b>														
Sec. 3311. Consumer Product Safety														
	Budget Authority	50	0	0	0	0	0	0	0	0	0	0	50	50
	Estimated Outlays	4	6	8	10	9	8	2	1	0	0	0	48	48
Sec. 3312. Remote Learning Support														
	Budget Authority	7,600	0	0	0	0	0	0	0	0	0	0	7,600	7,600
	Estimated Outlays	1,140	3,800	1,900	760	0	0	0	0	0	0	0	7,600	7,600
<b>Chapter 2, Total</b>														
	<b>Budget Authority</b>	<b>7,650</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7,650</b>	<b>7,650</b>
	<b>Estimated Outlays</b>	<b>1,144</b>	<b>3,806</b>	<b>1,908</b>	<b>770</b>	<b>9</b>	<b>8</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7,648</b>	<b>7,648</b>
<b>Chapter 3 - Oversight of Department of Commerce Prevention and Response to COVID-19</b>														
Sec. 3321. Department of Commerce														
	Budget Authority	3	0	0	0	0	0	0	0	0	0	0	3	3
	Estimated Outlays	1	1	1	0	0	0	0	0	0	0	0	3	3
<b>Subtitle D, Total</b>														
	<b>Budget Authority</b>	<b>12,753</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12,753</b>	<b>12,753</b>
	<b>Outlays</b>	<b>2,713</b>	<b>5,819</b>	<b>2,546</b>	<b>1,252</b>	<b>222</b>	<b>196</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12,751</b>	<b>12,751</b>
<b>Total Increase in Direct Spending</b>														
	<b>Estimated Budget Authority</b>	<b>110,302</b>	<b>5,354</b>	<b>5,129</b>	<b>3,928</b>	<b>2,549</b>	<b>2,744</b>	<b>1,516</b>	<b>-910</b>	<b>-1,799</b>	<b>-1,863</b>	<b>-2,303</b>	<b>126,950</b>	<b>124,647</b>
	<b>Estimated Outlays</b>	<b>27,498</b>	<b>62,210</b>	<b>21,380</b>	<b>10,017</b>	<b>4,751</b>	<b>3,081</b>	<b>1,641</b>	<b>-815</b>	<b>-1,776</b>	<b>-1,857</b>	<b>-2,303</b>	<b>126,130</b>	<b>123,827</b>
<b>Increases in Revenues</b>														
Sec. 3102. Coverage for Pregnant and Postpartum Women (a, b)														
	<i>On-Budget Revenues</i>	0	0	43	98	109	119	95	0	0	0	0	464	464
	<i>Off-Budget Revenues</i>	0	0	33	74	83	90	72	0	0	0	0	352	352
Sec. 3105. Temporary Increase in FMAP for Expanding ACA Coverage														
	<i>On-Budget Revenues</i>	0	0	165	107	93	94	93	51	31	24	14	658	672
	<i>Off-Budget Revenues</i>	0	0	96	63	55	58	60	33	20	15	9	400	409
	<i>Off-Budget Revenues</i>	0	0	69	44	38	36	33	18	11	9	5	258	263
<b>Total Increase in Revenues</b>														
	<i>On-Budget Revenues</i>	0	0	241	279	285	303	260	51	31	24	14	1,474	1,488
	<i>Off-Budget Revenues</i>	0	0	139	161	164	177	155	33	20	15	9	864	873
	<i>Off-Budget Revenues</i>	0	0	102	118	121	126	105	18	11	9	5	610	615
<b>Net Increase or Decrease (-) in the Deficit From Changes in Direct Spending and Revenues</b>														
	<b>Estimated Effect on the Deficit</b>	<b>27,498</b>	<b>62,210</b>	<b>21,139</b>	<b>9,738</b>	<b>4,466</b>	<b>2,778</b>	<b>1,381</b>	<b>-866</b>	<b>-1,807</b>	<b>-1,881</b>	<b>-2,317</b>	<b>124,656</b>	<b>122,339</b>
	<i>On-Budget Deficits</i>	27,498	62,210	21,241	9,856	4,587	2,904	1,486	-848	-1,796	-1,872	-2,312	125,266	122,854
	<i>Off-Budget Deficit</i>	0	0	-102	-118	-121	-126	-105	-18	-11	-9	-5	-610	-615

Components may not sum to totals because of rounding.  
 ACA = Affordable Care Act. CDC = Centers for Disease Control and Prevention. FMAP = federal medical assistance percentage. HCBS = home and community-based services. HHS = Department of Health and Human Services. LIHEAP = Low-Income Home Energy Assistance Program.  
 a. Section would affect both revenues and spending, which is shown separately.  
 b. The estimate for section 3102 includes the budgetary effects of sections 3202.



February 2021

**Fact Sheet on House's Reconciliation Package & the  
Biden Administration's COVID-19 American Rescue Plan**  
**COMMITTEE ON ENERGY & COMMERCE**

The Fiscal Year 2021 Reconciliation Act puts into action the policies and budgetary requests outlined by the Biden Administration's American Rescue Plan.

**VACCINES:**

The American Rescue Plan calls for the establishment of a national vaccination program, and this legislation provides critical funding and resources to increase COVID-19 vaccinations across the country.

- Many states have struggled to distribute vaccines after the Trump Administration chose to defer almost entirely to the states to distribute and administer all vaccines.
- The American Rescue Plan requests **\$20 billion** for improving COVID-19 vaccine administration and distribution, including vaccination clinics and mobile vaccination units, a vaccine awareness campaign, and increasing the Federal Medical Assistance Percentage (FMAP) to Medicaid-covered recipients of a vaccine. It also requests over **\$5 billion** for research, development, and manufacturing of vaccines, therapeutics, and ancillary supplies.
- **Specifically, the Fiscal Year 2021 Reconciliation Act provides:**
  - **\$7.5 billion** for Centers for Disease Control and Prevention (CDC) to prepare, promote, distribute, administer, monitor, and track COVID-19 vaccines. This includes distribution and administration, support for state, local, tribal, and territorial public health departments, community vaccination centers, IT enhancements, facility enhancements, and public communication;
  - **\$600 million** to be directed to the Indian Health Service (IHS) for vaccine-related activities;
  - **\$5.2 billion** to the Biomedical Advanced Research and Development Authority (BARDA) to support advanced research, development, manufacturing, production, and purchase of vaccines, therapeutics, and ancillary medical products for COVID-19;
  - **\$1 billion** for the CDC to undertake a vaccine awareness and engagement campaign;
  - **\$500 million** for the Food and Drug Administration (FDA) to support the review, facilitate the development of, and post-marketing surveillance of COVID-19 vaccines and therapeutics and address drug shortages, among other activities; and
  - Medicaid coverage of COVID-19 vaccines, including the option for states to provide coverage to the uninsured, without cost sharing at 100 percent FMAP for the duration of the public health emergency.

**TESTING:**

The American Rescue Plan proposes scaling up testing in order to stop the spread of COVID-19, safely reopen schools, and protect at-risk populations. A robust testing program remains a critical tool in the

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**fight against this virus in conjunction with vaccinations. This legislation provides the funding and resources to do just that.**

- Despite innovations and adaptations in the testing space, COVID-19 tests are still not widely accessible, and supplies continue to be in shortage.
- According to a Government Accountability Office (GAO) [report from November 2020](#), a national survey to states and territories found that 21 states reported shortages of testing reagents, 16 states reported shortages of testing instruments, and 24 states reported shortages of rapid point-of-care tests in the 30 days prior to the report's release, and those same states predicted shortages would continue through the winter months.
- The American Rescue Plan requests **\$50 billion** for testing related resources and activities, including procurement and administration of regular screening tests, and investments in United States laboratory capacity for diagnostic and screening tests.
- **The Fiscal Year 2021 Reconciliation Act provides:**
  - **\$46 billion** for testing, contact tracing, and mitigation. These activities include: implementing a national strategy for testing, contact tracing, surveillance, and mitigation; providing technical assistance, guidance, support, and grants or contracts to States; manufacturing, procurement, distribution, administration of tests, including personal protective equipment (PPE) and supplies necessary for administration; and establishing and expanding federal, State, or local testing and contact tracing capabilities, including investments in laboratory capacity, community-based testing sites, and mobile testing units;
  - **\$1.5 billion** for IHS testing, tracing, and mitigation needs;
  - **\$1.75 billion** for genomic sequencing and surveillance of the circulating strains of COVID-19. There are currently [multiple strains of COVID-19 circling the globe](#), some of which have recently [emerged in the United States](#); and
  - **\$500 million** to allow CDC to establish, expand, and maintain data surveillance and analytics, including to modernize the United States' disease warning system to forecast and track hotspots for COVID-19.

**PUBLIC HEALTH WORKFORCE:**

**The American Rescue Plan calls for the mobilization of a public health jobs program to support the COVID-19 response.**

- **The Fiscal Year 2021 Reconciliation Act provides:**
  - **\$7.6 billion** in funding to public health departments to hire 100,000 full time employees into the public health workforce. These positions would include contact tracers, social support specialists, community health workers, public health nurses, epidemiologists, lab personnel, and communications. Funds would also support PPE, technology, data management, supplies, and reporting;
  - **\$240 million** for IHS public health workforce needs; and

- **\$100 million** to support the Medical Reserve Corps, which consists of a network of volunteer medical and public health professionals that support emergency response efforts and community health activities.

**HEALTH DISPARITIES:**

**The American Rescue Plan includes funding to provide health services to the underserved and addressing ongoing health disparities.**

- COVID-19 has laid bare the harsh realities of health disparities in the United States. For instance, Black and Hispanic Americans are getting vaccinated at significantly lower rates than White Americans, a trend that advocates blame on the federal government's failure to prioritize equitable distribution. Communities of color are also experiencing higher rates of COVID-19 cases, and higher hospitalization and death rates as a result.
- **The Fiscal Year 2021 Reconciliation Act provides a total of \$25.2 billion** for addressing health disparities and protecting vulnerable populations, including:
  - **\$250 million** for nursing home strike teams to help facilities manage COVID-19 outbreaks when they occur;
  - **\$7.6 billion** in funding to support COVID-19 response at Community Health Centers;
  - **\$1.8 billion** to support the purchase, procurement, or distribution of COVID-19 test and testing supplies, PPE, and vaccines for staff and individuals in congregate settings. This would include support to states, localities, territories, and tribes for strategies and activities to detect, diagnose, trace or monitor COVID-19 in congregate settings, including prisons, jails, detention centers, long-term care facilities, psychiatric hospitals and residential treatment facilities, intermediate care facilities, and other settings providing care for individuals with disabilities;
  - **\$3.3 billion** to IHS in flexible funding to support lost third-party revenue, information technology infrastructure for telehealth and electronic health records, urban Indian organizations, and other health services and costs;
  - **\$800 million** to the National Health Service Corps to support primary health care clinicians in high-need areas;
  - **\$331 million** for Teaching Health Centers to expand the number of sites nationwide, increase resident allocations, and provide administrative support for expanding the program;
  - **\$240 million** to support the Nurse Corps Loan Repayment program, which helps support nurses working in critical shortage and underserved areas;
  - A Medicaid state option to allow states to cover postpartum women for 12 months after birth, to help address the maternal mortality crisis disproportionately affecting women of color; and
  - Medicaid coverage for incarcerated individuals 30 days prior to their release, to ensure continuity of care for justice-connected individuals.

**MENTAL HEALTH:**

**The American Rescue Plan proposes scaling up mental health services, including to expand access to behavioral and mental health prevention and treatment.**

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- **The Fiscal Year 2021 Reconciliation Act provides a total of \$4 billion** for behavioral and mental health services, including:
  - **\$3.5 billion** for the Substance Abuse and Mental Health Services Agency (SAMHSA) to be split between the Substance Abuse Prevention and Treatment and Community Mental Health block grant programs. Both programs provide funding to all 50 States, the District of Columbia, Puerto Rico, the United States Virgin Islands, and six Pacific jurisdictions. The Substance Abuse block grant program also supports one tribal entity, the Chippewa Tribe;
  - **\$420 million** will be made available to IHS for mental and behavioral health prevention and treatment services;
  - **\$100 million** to the Behavioral Health Workforce Education and Training Program within the Health Resources and Services Administration (HRSA) to expand access to behavioral health services by focusing on training behavioral health paraprofessionals, such as peer support specialists;
  - **\$140 million** to develop a program for mental and behavioral health and to prevent burnout among health care providers and public safety officers, including training and outreach;
  - **\$80 million** to provide support for mental health and substance use disorder services at community-based entities and behavioral health organizations;
  - **\$10 million** to support the National Childhood Traumatic Stress Network, which works to develop and promote effective community practices for children and adolescents exposed to a wide array of traumatic events; and
  - **\$50 million** to Suicide Prevention and Project Aware programs at SAMHSA, which support youth mental health services and suicide prevention efforts.

**HEALTH COVERAGE:**

**The American Rescue Plan commits to preserving and expanding access to health care coverage during the pandemic.**

- Between March and September of 2020, roughly 2 to 3 million people lost employer sponsored health insurance.
- Prior to that, 30 million people already lacked coverage, barring them from accessing the health care system from the outset of the pandemic.
- **The Fiscal Year 2021 Reconciliation Act provides a number of complementary provisions to make coverage more affordable and accessible to millions of Americans by:**
  - Expanding Affordable Care Act (ACA) Marketplace premium tax credits to more middle-class Americans for 2021 and 2022, including those with incomes above 400 percent of the federal poverty line (FPL).
  - Allowing individuals receiving unemployment compensation during the public health emergency to access ACA premium tax credits regardless of income.

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- Providing a new incentive for states to expand Medicaid by temporarily increasing the federal medical assistance percentage by five percentage points. If all 12 remaining states expanded Medicaid, more than two million people currently in the coverage gap would gain access to Medicaid.
- Ensuring that workers can continue to afford their employer health care by providing partial COBRA subsidies. COBRA allows workers who experience layoffs or reduction in hours to continue with their job-based health coverage for a limited period of time to avoid a disruption in care.

**CONSUMER ENERGY AND WATER ASSISTANCE:**

**The American Rescue Plan helps Americans who are struggling to make ends meet keep the lights on, the heat working and the water running by proposing \$5 billion in assistance.**

- Energy access is crucial to residential health and to sustaining socially-distanced and remote work lifestyles.
- Unpaid electric and natural gas bills were expected to reach \$32 billion by the end of 2020, with an estimated 20 percent of residential customers at least 60 days behind on their bills. A projected five million additional households are eligible for energy assistance due to pandemic-related job losses.
- Households in California and Virginia, two states that are tracking water debt, are facing more than \$1 billion and more than \$88 million, respectively, in unpaid water bills. These debts threaten the long-term viability of municipal water utilities and raise the risk of interruptions in water service, which is essential to maintain hygiene during the Covid-19 pandemic.
- **The Fiscal Year 2021 Reconciliation Act provides \$5 billion to those most in need to pay their utility bills at a time when so many Americans are spending unprecedented amounts of time at home, including:**
  - **\$4.5 billion** to the Department of Health and Human Services (HHS) for home energy assistance through the Low-Income Home Energy Assistance Program (LIHEAP); and
  - **\$500 million** in additional funds for HHS for the Low-Income Household Drinking Water and Wastewater Emergency Assistance Program established by Congress at the end of 2020. This brings the total amount of money available to assist families with their water and sewer bills to over \$1.1 billion.

**POLLUTION AND THE PANDEMIC:**

**The Fiscal Year 2021 Reconciliation Act helps address health outcome disparities from pollution and the COVID-19 Pandemic.**

- Recent work by GAO found that our national air monitoring network infrastructure is aging and needs to be modernized to identify localized pollution that threatens environmental justice communities.
- **The Fiscal Year 2021 Reconciliation Act provides the Environmental Protection Agency (EPA) with \$100 million to address health outcome disparities from pollution and the COVID-19 pandemic:**
  - **\$50 million** to EPA for environmental justice grants and activities to help communities facing a disproportionate burden of pollution and disease; and

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- **\$50 million** to EPA for air quality monitoring grants and other purposes.

**REMOTE LEARNING:**

**The American Rescue Plan will help bridge the digital divide for students and teachers without home internet access.**

- To keep communities safe and prevent further spread of COVID-19, schools need the flexibility to engage in remote learning when necessary for public health and safety.
- Studies estimate that as many as 12 million students still lack internet service at their homes, with minorities and those in rural areas most often among the unconnected. Without a reliable internet connection to log into classes, submit work, and engage with teachers and other students, these students have fallen even further behind in school.
- **The Fiscal Year 2021 Reconciliation Act provides \$7.6 billion to expand internet connectivity to students and communities by:**
  - Reimbursing schools and libraries—central points for connectivity in many communities—to purchase equipment such as hotspots, internet service, and computers on behalf of students and patrons; and
  - Ensuring schools and libraries can quickly access this critical funding by relying upon the Federal Communications Commission and its E-rate program to administer the funds.

**CONSUMER PROTECTION:**

**The Fiscal Year 2021 Reconciliation Act will make Americans safer in their homes by reducing the number of unsafe imported consumer products.**

- More than \$174 billion spent by consumers online can be attributed to COVID-19-related boosts in online shopping with online spending jumping 44 percent in 2020 compared with 2019.
- The Consumer Product Safety Commission (CPSC) has not been able to keep pace with changing consumer trends brought on by the pandemic, including the substantial shift to online shopping and the influx of e-commerce shipments from foreign countries. The CPSC does not have enough funding to adequately staff United States ports of entry, leaving already struggling families vulnerable to risk of injury or death from uninspected consumer products, especially in-demand COVID-19 products.
- **The Fiscal Year 2021 Reconciliation Act provides \$50 million for the CPSC to ensure the safety of consumer products entering our country and into people's homes — an essential priority during the COVID-19 pandemic.**

**Energy and Commerce Committee Republican Views**

Republicans have supported five targeted, bipartisan bills to crush COVID-19, to reopen schools, to get the economy back on track, and to improve health and wellness of those suffering from the pandemic. That is what we should be doing with this Reconciliation package. Unfortunately, this package falls well short, but at an extraordinary cost. The Congressional Budget Office (CBO) estimates that the Committee on Energy and Commerce's contribution to the Reconciliation process will cost approximately \$120 billion. That is still well short of the \$188 billion instruction to the Committee, which shows there was an opportunity to adopt some of the bipartisan, targeted, and timely amendments Republicans offered during markup. For instance:

- \$1 billion for teachers to get vaccinated and ensure our children can go back to school safely;
- \$10 billion for COVID-19 research at the National Institutes of Health (NIH);
- \$35 billion to support our frontline workers through the Provider Relief Fund (PRF); or
- \$1 billion to boost mental health services in states with unexpected job loss due to President Biden's various Executive Orders.

Unfortunately, the Democrats rushed this bill through a partisan markup without bipartisan consultation with CBO on cost, preventing any chance of adequate analysis and deliberation.

In addition to the wasteful spending, we must comment on the Democratic Majority's decision to bypass regular order. Democrats wrote this entire package in secret without any input from Republicans, and Republicans did not see a draft until 10:00 p.m. on Tuesday, February 9 for a markup scheduled to start at 11:00 a.m. on Thursday, February 11. Such secrecy might be expected on controversial measures, but Republicans and Democrats have already worked together to enact 5 bills in response to COVID-19. This partisan process on this package is a failure of Democratic leadership and a huge disappointment.

**Subtitle A: Budget Reconciliation Legislative Recommendations Relating to Public Health**

Republicans on the Energy and Commerce Committee strongly support additional funding for advanced research, development, manufacturing, production, and the purchase of vaccines, diagnostic tests, therapeutics, and ancillary medical products to prevent, prepare, and respond to SARS-CoV-2, COVID-19, or any disease with potential for creating a pandemic. Republicans on the Energy and Commerce Committee also support additional funding for the prevention and treatment of mental health and substance use disorders. The COVID-19 pandemic and resulting economic downturn have significantly impacted the mental health and wellbeing of all Americans.

Since the beginning of this pandemic, many Americans have reported that their mental health has been negatively impacted by recent events, with about 4 in 10 adults reporting

symptoms of anxiety or depressive disorder.<sup>1</sup> Reports have found that declines in the economy, lost jobs, and health challenges have all contributed to an increase in mental health difficulties. Individuals in states with more restrictive measures, such as stay-at-home orders, have recorded even more cases of mental health difficulties.<sup>2</sup> The pandemic has also presented unique challenges for individuals with substance use disorder (SUD) and those who are in recovery, as social distancing and stay at home orders make it harder for patients to access treatment, such as critical medications for opioid use disorders.<sup>3</sup>

However, Subtitle A is also a departure from how the Congress has previously provided emergency funding to address the coronavirus pandemic, and because of this, does not take into account the time it will take for federal agencies to spend these resources, or address all the needs, such as those of the National Institutes of Health and health care providers. The past five legislative packages that were signed into law were negotiated in good faith between Republicans and Democrats, with extensive input from all sides.<sup>4</sup>

We are disappointed that the Democrats rejected bipartisanship and embraced a partisan process. Instead of targeted and timely relief to COVID-19, the Democrats proposed mandatory funding for all of these initiatives, abdicating responsibility for oversight, which is a troubling departure from the oversight and reporting on the emergency designated discretionary appropriations provided in the previous five COVID-19 emergency appropriations bills passed last year.

Republicans agree with CBO that federal agencies might not be able to use the new budget authority provided in Subtitle A quickly enough. Republicans are also concerned that the resources may not be timely enough to help address any outstanding COVID-19 needs that remain after the most recent relief package.<sup>5</sup> Subtitle A increases individual agencies' funding for a single fiscal year by a substantial amount. The 2021 budget authority for the Centers for Disease Control and Prevention (CDC), the Health Resources and Services Administration (HRSA), and the Indian Health Service (IHS) would see enormous increases roughly halfway through the fiscal year. Republicans, like the CBO, do not understand how these agencies would be able to spend all of the new funds rapidly in a manner that has any meaningful near-term impact on reducing COVID-19 cases and deaths in the United States.<sup>6</sup>

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<sup>1</sup> Nirmita Panchal, et. al., The Implications of COVID-19 for Mental Health and Substance Use, Kaiser Family Foundation, available at <https://www.kff.org/health-reform/issue-brief/the-implications-of-covid-19-for-mental-health-and-substance-use/> (last updated Feb. 10, 2021).

<sup>2</sup> Madeline Holcombe, *Long-term social distancing may be traumatic. Here is what to expect and what to do*, CNN (Apr. 12, 2020), available at <https://www.cnn.com/2020/04/09/health/coronavirus-mental-health-long-term-wellness/index.html>.

<sup>3</sup> Dr. Francis Collins, Director, National Institutes of Health, *Coping with the Collision of Public Health Crises: COVID-19 and Substance Use Disorders*, NIH Director's Blog (Apr. 21, 2020), available at <https://directorsblog.nih.gov/2020/04/21/coping-with-the-collision-of-public-health-crises-covid-19-and-substance-use-disorders/>.

<sup>4</sup> P.L. 116-123; P.L. 116-127; P.L. 116-136; P.L. 116-139; and P.L. 116-260.

<sup>5</sup> Congressional Budget Office, *Reconciliation Recommendations of the House Committee on Energy and Commerce*, February 14, 2021, <https://www.cbo.gov/system/files/2021-02/EnergyandCommerceReconciliationEstimate.pdf>.

<sup>6</sup> *Id.*

For example, the state of the nation's public health infrastructure and workforce are a result of decades of neglect by state and local governments. At the same time, states have spent ever increasing amounts of their budgets on Medicaid. Support for states to build their public health workforce is laudable and could be accomplished by discretionary appropriations. However, it is unclear how an immediate infusion of \$7.6 billion in mandatory funding for establishing and expanding a public health workforce, as is done in section 3021, will lead to more public health professionals to fight COVID-19 now. State and local health departments have struggled for years to recruit public health professionals in a field that has lost more than 56,000 positions in the past decade.<sup>7</sup> A sustainable long-term increase in discretionary funding authorized through regular order would have been a more appropriate way to support state and local public health departments and address the dearth in public health professionals.

Republicans are concerned about the long-term health of critically important public health programs that Subtitle A sets on dangerous fiscal cliffs. For example, section 3031 provides \$7.6 billion for Federally-qualified health centers, \$800 million for the National Health Service Corps, and \$300 million for the Teaching Health Center Graduate Medical Education program. This is approximately twice the amount that was authorized for these programs for each of fiscal years 2021 through 2023 in the Consolidated Appropriations Act, 2021, which was just signed into law two months ago.<sup>8</sup> These are unsustainable funding levels.

Republicans are disappointed that Subtitle A opens the door to federal funding for elective abortions. Every Democrat voted against including the Hyde amendment protections in Subtitle A. The Hyde Amendment prevents all other federal funds for the Department of Health and Human Services appropriated through the discretionary appropriations process, and also mandatory health spending, from being used to fund abortion, except in the cases where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape or incest. Since 1976, Hyde, and similar policies governing other federal programs, have been supported and renewed annually on a bipartisan basis, multiple times, for decades.<sup>9</sup> Because there are no Hyde Amendment protections, many provisions in Subtitle A, particularly where funds have been authorized for broad purposes or for the provision of health services that are not directly related to preventing and treating COVID-19, will support elective abortions.

For example, section 3036 authorizes \$50 million in mandatory funding for grants and contracts under section 1001 of the Public Health Service Act, which is the Title X Family Planning Program. First, it is unclear to Republicans how Title X funding will reduce transmission of, and illness and death caused by, COVID-19. This funding is being authorized on the heels of President Biden directing the Department of Health and Human Services to

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<sup>7</sup> Blaire Bryant, Protect Funding for Core Local Public Health Services and Prevention Programs, National Association of Counties, available at [https://www.naco.org/resources/protect-funding-core-local-public-health-services-and-prevention-programs#:~:text=According%20to%20the%20National%20Association,in%20five%20local%20health%20departments.\(last updated Feb. 28, 2019\).](https://www.naco.org/resources/protect-funding-core-local-public-health-services-and-prevention-programs#:~:text=According%20to%20the%20National%20Association,in%20five%20local%20health%20departments.(last updated Feb. 28, 2019).)

<sup>8</sup> P.L. 116-260,

<sup>9</sup> H.R. 14232, Departments of Labor, and Health, Education, and Welfare, and Related Agencies, 1977, 94th Congress (1976); Roll no. 846.

reverse the “Protect Life Rule,”<sup>10</sup> a rule that prohibited Title X-funded family planning services to be performed at the same location where abortions are provided. Since existing Title X appropriations have been obligated to non-abortion providing entities, section 3036 is just a way to direct taxpayer dollars to abortion providers, like Planned Parenthood.

Lastly, Republicans are disappointed that the Democrats, in their haste to pass a partisan package, did not assess the true budgetary needs of these agencies. The exorbitant funding levels could lead to waste.

For example, section 3004 provides \$500 million to the Food and Drug Administration (FDA) for the evaluation of the continued performance, safety, and effectiveness of vaccines, therapeutics, and diagnostics approved, cleared, licensed, or authorized for use for the treatment, prevention, or diagnosis of COVID-19. Republicans believe that the agency should provide a detailed account of how funds previously appropriated have been spent, what amount of funding remains unobligated, and to what activities those unobligated dollars will be allocated before appropriating additional funds, especially considering that \$500 million is more than twice the amount that has been appropriated to FDA under all previously enacted Coronavirus relief legislation combined.<sup>11</sup>

Additionally, advancing this legislation through regular order would have allowed both Republicans and Democrats to have a better understanding of the FDA’s existing needs. During the full committee markup, the only opportunity provided to Republicans to ask questions and raise concerns about the legislation being considered, Democrats asserted they had conversations with FDA during which the agency expressed the need for this amount of funding. The FDA has not provided to Republicans any request or justification for these funds, nor has FDA explained how they will be used to advance the agency’s mission. In addition, the majority of FDA’s spending is on salaries. It is unclear how the \$500 million could be used to support salaries without creating a cliff where more funding is needed to retain those employees.

With respect to product reviews, Republicans question why these funds appear to be intended solely for post-market surveillance, as opposed to both pre- and post-market activities, given the likelihood that new COVID-19 vaccines, therapeutics, and diagnostics will warrant premarket review.<sup>12</sup> Furthermore, the funds may be used to facilitate and conduct inspections delayed or cancelled for reasons related to COVID-19.<sup>13</sup> While Republicans agree it is critical that FDA resume on-site inspections, we question why additional funds are required to do so.

Since March 2020, FDA has conducted few domestic or foreign inspections due to safety concerns and travel restrictions, not due to funding limitations. During fiscal year (FY) 2020, the total number of inspections conducted by FDA, of both foreign and domestic establishments,

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<sup>10</sup> 84 F.R. 7714.

<sup>11</sup> P.L. 116-123; P.L. 116-136; P.L. 116-260,

<sup>12</sup> S. Con. Res. 5, the Concurrent Resolution on the Budget for Fiscal Year 2021 (February 11, 2021), 117<sup>th</sup> Congress (2021-2022), available at <https://docs.house.gov/meetings/IF/IF00/20210211/111190/BILLS-117-A-P000034-Amdt-2.pdf>.

<sup>13</sup> *Id.*

was fifty-six percent lower than during each of the previous two fiscal years.<sup>14</sup> Between March and October of 2020, only three foreign mission critical inspections and only fifty-two domestic inspections took place.<sup>15</sup> In contrast, during a similar timeframe in each of the previous two years, more than 600 foreign and 400 domestic inspections took place.<sup>16</sup> Given the significant reduction in the number of inspections conducted, FDA must answer for how funds obligated for FY 2020 inspection activities have been used and why it needs more funds to carry out delayed or cancelled inspections.

**Subtitle B: Budget Reconciliation Legislative Recommendations Relating to Medicaid**

**Section 3101. Mandatory Coverage of COVID-19 Vaccines and Administration Treatment Under Medicaid.**

Republicans want every American to have access to the COVID-19 vaccine and we support fully covering the cost of the vaccine for Medicaid beneficiaries for the length of the public health emergency. This will ensure we can vaccinate every single American, which will help us reopen schools, workplaces, and the economy. However, in this section the Democrats, instead, chose to extend the timeframe where vaccines are fully covered by one year. The Democrats have provided no justification for this extension. Given that the public health emergency will continue throughout 2021, Republicans recommend ascertaining how the states are doing at the end of the year and extend the timeframe if needed. Instead, the Democrats are spending money on the extra year that could have been used to increase funding for mental health or SUD providers, or a number of other targeted and temporary priorities that both parties share.

The Democrats are also giving the states the option to provide coverage to the uninsured for COVID-19 vaccines and treatment without cost sharing at 100 percent federal medical assistance percentage (FMAP). Republicans want all eligible beneficiaries to receive care and want to work with the Democrats to improve access to care for all Americans. However, the Medicaid program has eligibility requirements for a reason and Republicans want to make sure that the program is able to continue serving the Americans who are eligible for Medicaid coverage.

**Section 3102. Modifications to Certain Coverage Under Medicaid for Pregnant and Postpartum Women.**

Republicans are disappointed that the Democrats chose this partisan approach to a bipartisan priority. H.R. 4996, the Helping MOMS Act of 2020, passed the House unanimously last year and is the same policy as section 3102, except, H.R. 4996 was a permanent state option to extend Medicaid eligibility to women for 12 months postpartum and section 3102 is a five-year option. At markup, Republicans offered an amendment that would have implemented the

<sup>14</sup> United States Government Accountability Office (GAO), *COVID-19: Critical Vaccine Distribution, Supply Chain, Program Integrity, and Other Challenges Require Focused Federal Attention* (January 2021), available at <https://www.gao.gov/assets/720/712030.pdf>.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

permanent policy. Predictably, the Democrats rejected the proposal because it would cause the Committee to exceed its reconciliation instructions. However, when CBO released its estimate of the Committee's reconciliation package, Republicans learned that the Committee is under its instruction of \$188.5 billion by over \$65 billion.<sup>17</sup> If the Committee had an estimate and technical assistance before markup, we could have made this change permanent.

**Section 3103. Allowing for Medical Assistance Under Medicaid for Inmates During 30-Day Period Preceding Release.**

Republicans are willing to work with the Democrats to address medical assistance for inmates during the 30-day period preceding their release from prison, but this is irrelevant to responding to COVID-19. This is especially true since the Democrats included the coverage of inmates in the vaccine development and distribution funding in Subtitle A, and included specific funding for COVID-19 for those that live in congregate facilities. If this policy had been considered through regular order, a hearing might have revealed how prisons differ from jails when handling inmates a month before release and how we can tailor the policy to be the most effective.

Republicans want all Americans to have access to the COVID-19 vaccine, including inmates during the 30-day period before their release. But why is Medicaid coverage for inmates 30 days prior to release necessary? Also, how long will it take prisons and jails to have the administrative capacity to bill Medicaid, and will prisons need additional resources to do so? If the Committee followed regular order, some of these questions could have been answered.

**Section 3104. Enhanced Federal Medicaid Support for Bundled Community-Based Mobile Crisis Intervention Services.**

This section is another partisan disappointment. The Democrats never explained how this section will provide immediate relief to those suffering from COVID-19's devastating impact on mental health or SUD. CBO indicated that only 16 states have programs that would immediately qualify for this provision, suggesting the limited impact this provision will have on addressing nationwide mental health and SUD impacts from COVID-19.<sup>18</sup> Republicans believe that tailoring a policy like the one in section 3108 for mental health and substance use providers would have been a better way to provide immediate relief for the next year.

**Section 3105. Temporary Increase in FMAP for Medical Assistance Under State Medicaid Plans which Begin to Expend Amounts for Certain Mandatory Individuals.**

Incentivizing states to expand Medicaid to address COVID-19 is a mistake. It is neither a targeted nor a timely approach to continue the fight against COVID. We understand the need to provide Americans access to affordable health insurance options, but, at a minimum, it takes

<sup>17</sup> Congressional Budget Office, *Reconciliation Recommendations of the House Committee on Energy and Commerce*, February 14, 2021, <https://www.cbo.gov/system/files/2021-02/EnergyandCommerceReconciliationEstimate.pdf>.

<sup>18</sup> Congressional Budget Office, *Reconciliation Recommendations of the House Committee on Energy and Commerce*, February 14, 2021, <https://www.cbo.gov/system/files/2021-02/EnergyandCommerceReconciliationEstimate.pdf>.



several months to expand Medicaid.<sup>19</sup> Republicans believe that any COVID-19 relief package should aim to end the pandemic in weeks now that a vaccine is available. The \$16 billion cost associated with this policy should be targeted to immediate COVID-19 relief for Medicaid providers who are working with the most at risk beneficiaries, including SUD, mental illness, hospitals in rural areas, and nursing homes.

**Section 3106. Extension of 100 Percent Federal Medical Assistance Percentage to Urban Indian Health Organizations and Native Hawaiian Health Care Systems.**

Republicans would have preferred to consider this section through regular order to ensure that there are proper reporting and data requirements on the impact of the policy given that it is only a two-year extension.

**Section 3107. Sunset of Limit on Maximum Rebate Amount for Single Source Drugs and Innovator Multiple Source Drugs.**

Including this provision in this partisan package is another disappointment. Republicans have supported this policy to pay for a permanent option for states to provide Medicaid coverage to women for 12 months after birth. That was the bipartisan approach taken in H.R. 4996, the Helping MOMS Act of 2020, which passed the House unanimously in the 116th Congress. But including this spending offset to fund unnecessary spending unrelated to the COVID-19 fight will only make it harder to enact permanent needed support for new mothers who rely on Medicaid.

**Section 3108. Additional Support for Medicaid Home and Community Based Services During the COVID-19 Emergency Period.**

This is another provision that could have been done through regular order, but instead, Democrats chose partisanship. Republicans support a temporary FMAP increase of 7.35 percentage points for states to make improvements to Medicaid home- and community-based services (HCBS) for one year. However, the Democrats would impose a litany of required uses of the funds, which are overly burdensome at a time when states Medicaid programs need flexibility to target efficiently their response to COVID-19. Republicans recommend providing states more flexibility on how to use those funds.

**Section 3109. Funding for State Strike Teams for Resident and Employee Safety in Nursing Facilities.**

Nursing homes have been devastated by COVID-19, and the pandemic has brought attention to the need for improved infectious disease control at nursing homes. The Trump Administration deployed “strike teams” to nursing homes starting in July, 2020,<sup>20</sup> and Republicans support providing funding to continue this important initiative. However, Republicans prefer that this funding be provided through emergency supplemental appropriations

<sup>19</sup> <https://www.kff.org/medicaid/issue-brief/status-of-state-medicaid-expansion-decisions-interactive-map/>.

<sup>20</sup> <https://www.cms.gov/newsroom/press-releases/trump-administration-announces-new-resources-protect-nursing-home-residents-against-covid-19>.

through regular order to ensure we have proper reporting and data on the impact of the policy and its effectiveness.

**Subtitle C: Budget Reconciliation Legislative Recommendations Relating to CHIP**

**Section 3201. Mandatory Coverage of COVID-19 Vaccines and Administration and Treatment Under CHIP.**

Republicans want every American to have access to the COVID-19 vaccine. We support fully covering the cost to vaccinate CHIP beneficiaries for the length of the public health emergency. However, the Democrats' partisan decision to extend that timeframe for a year is not based on any data or technical assistance. Since the public health emergency will continue through 2021, a better way would have been to see how the states are doing at the end of the year and adjust if needed.

**Section 3202. Modifications to Certain Coverage Under CHIP for Pregnant and Postpartum Women.**

It is disappointing the Democrats chose to include a bipartisan priority in the partisan package. As noted earlier, H.R. 4996, the Helping MOMS Act of 2020, passed the House unanimously last year and is the same policy as section 3102.

**Subtitle D: Budget Reconciliation Legislative Recommendations Relating to Other Provisions**

**Chapter 1**

Chapter 1 of Subtitle D is another disappointment and lost opportunity. Our concerns with this chapter can be divided into two distinct categories: big-picture concerns and specific policy choices reflected in the reported text, as well as those rejected by the votes of the Democrats

Generally, the three sections in this Chapter are not consistent with the Democrats' claims about what this bill does. Rather than providing the immediate aid the Democrats insisted was essential for all Americans struggling with or vulnerable to COVID-19, the provisions instead appear to craft long-term policies that deserved closer, deliberate attention.

To illustrate this overarching point, the authorized funding appropriated in sections 3301 and 3303 is not time limited – it is supposed to “remain available until expended” – and section 3302 makes its funding available until September 30, 2022 – a time frame exceeding current predictions on the length of the pandemic in the United States. Moreover, none of the sections reference the public health emergency related to COVID-19 that was issued by the Department of Health and Human Services (HHS) and only section 3301 attempts to create a COVID-19

nexus.

We believe the aid in this chapter would have been more efficiently and effectively provided had the explicit statutory focus only been on directing actions necessary for the nation's COVID-19 response. Frustratingly, the Democrats were not interested in a bipartisan response of targeted relief that was time-limited and tied directly to COVID-19.

Unfortunately, Chapter 1, particularly section 3301 and 3303, also was not considered through regular order in the Committee. Regular order would have allowed careful review of the scope and timing of these provisions. For example, it would have provided opportunity to adjust the focus of Section 3301 to include increasing employment and economic opportunity, in addition to technical assistance concerning air quality. Providing more scrutiny and opportunity for improvement of the legislative language would have ensured resources are directed to the most urgent economic impacts of the pandemic.

Beyond these overarching concerns, each of the three sections in this chapter contained specific provisions that gave us pause.

For section 3301, the lack of meaningful Congressional input is concerning – we should have had more of a process to obtain assurances as to what this language intends and, considering that these provisions could be in force for a few years, understand what this language might practically mean. These insights also are critical to conducting Congressional oversight on the provisions, should they become enacted.

Another area of concern for us in section 3301 is its omission of health disparities of certain workers related to COVID-19. Unemployment is well established as a risk factor for elevated illness and mortality rates in epidemiological studies performed since the early 1980s. In fact, the National Center for Health Statistics concluded that “children in poor families were four times as likely to be in fair or poor health as children in families that are not poor.” Most significantly, as it relates to COVID-19 and the emergence of new more contagious variants, Yale researcher Dr. William Gallo has stated in the past that late-career job loss results include “substantial health consequences” and are a “potential risk factor for adverse vascular health changes” -- the most troubling comorbidities threatening the survival of any person exposed to the coronavirus.

The people made jobless via the White House executive orders in the first month of the Biden Administration have been disregarded in these provisions. Our Democratic colleagues not only rejected efforts to help these economically disadvantaged people, but their views were punctuated by suggestions that welfare programs and green jobs for half the wages of their recent employment should be an adequate replacement for these people.<sup>21</sup>

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<sup>21</sup>“The average salary of oil and natural gas workers is approximately \$112,000, more than double the national private-sector average of \$51,000. But oil and gas workers don't just make double that of the national average. They make double that of wind and solar workers.

Moving to section 3302, it provides \$4.5 billion through the end of fiscal year 2022 for the Low-Income Home Energy Assistance Program (LIHEAP). This amount exceeds the entire amount enacted for LIHEAP in fiscal year 2021 just eight weeks ago (\$3.75 billion).<sup>22</sup> In addition, this funding is to be disbursed without regard to existing financial reasonableness requirements placed on states for how much LIHEAP funding can be allotted at any one time. As mentioned earlier, while we do not oppose addressing LIHEAP at this time, this scale of spending should have been directly connected to COVID-19, and adjusted to ensure it will do what it is supposed to do, minimizing waste and abuse.

Section 3303 provides \$500 million – for as long as it takes to spend it all – to a new program to pay the water and wastewater bills of low-income people. This \$500 million amount is in addition to the \$638 million provided for a nearly identical purpose in the Consolidated Appropriations Act, 2021.<sup>23</sup> Taken together, this eight-week total comes to \$1.138 billion for this new program – \$12 million more than the Federal government provided in capitalization grants in fiscal year 2021 for all public water system infrastructure under the Drinking Water State Revolving Loan Fund.

Of note, the biggest difference between the language in section 3303 and that from the Consolidated Appropriations Act, 2021 is that section 3303 omits provisions encouraging HHS to use its existing processes and procedures under LIHEAP to distribute this money to utilities efficiently. This is an important omission. There was no Committee of review whether this omission will create problems. For, example, because the language in the Consolidated Appropriations Act, 2021 is only valid for that fiscal year and section 3303 is drafted to outlast it, when section 3303 still has funding on October 1, 2021, HHS would be free to use whatever process it wants to distribute the money, even if it is untested or inefficient. This seems like a recipe for potential waste and abuse; and only further reinforces why a targeted and temporary program is the preferred way to handle this matter.

While President Biden and the Democrats should be focused on defeating COVID-19 and rebuilding our economy, they are waging a war on fossil energy jobs that is resulting in significant and negative disparate impacts in rural and low-income communities. Immediately upon taking office, President Biden revoked the permit for the Keystone XL pipeline and imposed a moratorium on oil and gas drilling on Federal lands and offshore waters. These

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According to data from the U.S. Department of Labor’s Bureau of Labor Statistics, in 2019 a worker installing solar panels made an average of a little more than \$21 an hour. Workers in oil and gas extraction made more than twice as much, at an average of over \$42 an hour.”

<https://thefederalist.com/2021/01/27/bidens-green-energy-jobs-really-mean-no-energy-jobs-and-low-paying-energy-jobs/>

<sup>22</sup> House Energy and Commerce Committee Republican Leader Cathy McMorris Rodgers sent a letter to the Office of Management and Budget on February 4, 2021, requesting an accounting of what funds have been expended already in connection with the \$3.75 billion in LIHEAP funding from the Consolidated Appropriations Act, 2021. OMB has provided no response to that letter to date.

<sup>23</sup> House Energy and Commerce Committee Republican Leader Cathy McMorris Rodgers sent a letter to the Office of Management and Budget on February 4, 2021, requesting an accounting of what funds have been expended already in connection with the \$638 million from the Consolidated Appropriations Act, 2021. OMB has provided no response to that letter to date.

decisions will eliminate tens of thousands of jobs and deprive states of billions of dollars of tax revenue to help pay for schools, hospitals, and government services.

Republicans offered several amendments to protect jobs, stimulate economic growth, and provide mental health services for unemployed energy workers – particularly critical during the global pandemic and economic downturn -- Democrats rejected them all.

In connection with Subtitle A, Rep. Mullin offered an amendment to increase funds for community mental health block grants to strengthen mental health services in states that have had unexpected jobs losses due to President Biden’s Executive Orders. This Administration’s policies, such as implementing moratoria on oil and gas development and production, will put tens of thousands of people in the energy sector out of work and deprive states of billions of dollars in tax revenues. This amendment would have required the HHS Secretary to obligate 5 percent of the amounts under the mental health block grants to states suffering unemployment from the Biden Administration’s recent energy and climate executive orders. Every Democrat rejected the Mullin amendment.

Rep. Armstrong offered an amendment to resume construction of the Keystone XL pipeline and immediately put thousands of people back to work. This \$1.7 billion investment would have created over 10,000 American union jobs and contributed billions to U.S. workers through direct jobs in construction and indirect jobs in hotels, restaurants, and thousands of businesses across the country that were lined up to provide their services to help build the project. This construction program was already underway when the Biden Administration revoked their permit and eliminated thousands of jobs and over \$3 billion in contracts that would have gone to U.S. contractors and suppliers. Again, every Democrat rejected the Armstrong amendment to authorize construction of the Keystone XL pipeline.

Rep. Duncan offered an amendment to prevent President Biden from following through on his campaign promise to ban hydraulic fracturing — perhaps the most direct threat to our economic security and national security. If the Biden Administration were to ban hydraulic fracturing, this would eliminate millions of jobs across our American energy industry and our economy. States and local governments, schools, hospitals, and community centers would be cut off from billions of dollars in funding that currently comes from the oil and gas industry. According to a recent study,<sup>24</sup> placing a moratorium on hydraulic fracturing would mean a \$900 billion increase in U.S. household energy costs, \$7.1 trillion in potential losses to the U.S. economy through 2030, and over 7 million fewer U.S. jobs by 2022. Additionally, such a moratorium would force the U.S. to import 40 percent of our oil and petroleum products and 29 percent of our natural gas by 2030. Again, every Democrat rejected the Duncan amendment.

We understand the importance of this package and wanted to support it, but defects such as those outlined above and the unwillingness of the Democrats to accept any of our ideas to

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<sup>24</sup> *America’s Progress at Risk: An Economic Analysis of a Ban on Fracking and Federal Leasing for Natural Gas and Oil Development*, American Petroleum Institute, <https://www.api.org/-/media/Files/Oil-and-Natural-Gas/Hydraulic-Fracturing/2020/fracking-ban-study-americas-progress-at-risk.pdf?la=en&hash=13423D13150A5594442D84D507F6EAB04A231246>.

protect workers and focus the delivery of funding on those most in need leaves us no choice but to oppose it.

## **Chapter 2**

### **Section 3311. Funding for Consumer Protection Safety Fund to protect consumers from potentially dangerous products related to COVID-19.**

We are disappointed that the Democrats continued its partisan approach in drafting section 3311, which is similar to the provisions of H.R. 8134, the Consumer Product Safety Inspection Enhancement Act, a bill to authorize additional resources for the Consumer Product Safety Commission (CPSC). During the 116th Congress, the Committee on Energy and Commerce passed H.R. 8134 by a voice vote on September 24, 2020, and the bill passed the full House of Representatives by a voice vote on September 29, 2020. Because of the Committee's bipartisan efforts, an authorization for additional port inspection personnel for the CPSC was included in division F, title XX, of H.R. 133, the Consolidated Appropriations Act of 2021, enacted on December 27, 2020.

The Democrats ignored the bipartisan consensus recognizing the threat posed by the People's Republic of China (PRC) and instead, allocated \$50 million that are desperately needed for the CPSC's port inspection responsibilities to a Commission slush fund to be used however the CPSC chooses and without regard for our bipartisan agreement.

We support enhancing our ports security and providing the necessary resources to do so. In 2020, the House Republican China Task Force issued a report outlining many of the Chinese Communist Party's (CCP) subversive acts against our country. The PRC is a threat to our way of life. Resources are needed to enhance targeting, surveillance, and screening of consumer products originating from China. But section 3311 includes new definitions like "COVID-19 products," which have not been vetted and may reach beyond the CPSC's authority.

Section 3311 also includes new provisions that were not included in the 2020 bipartisan agreement and that the Democrats never discussed with us. In particular, we are concerned that authorizing the CPSC to undertake "enhanced monitoring of Internet websites" will distract the Commission from its port inspection duties.

The CPSC does not need more full-time personnel surfing the Internet. The Commission needs more personnel on the ground at ports, protecting us from dangerous products from the CCP. These resources should be targeted on counterfeit and illicit products originating in the PRC. In a January 24, 2020, report entitled "Combating Trafficking in Counterfeit and Pirated Goods," the Department of Homeland Security (DHS) estimated that 100,000 packages that

could harm or defraud our constituents arrive in America every day from China and more than 85 percent of all contraband seized at our borders comes from China and Hong Kong.

There is another DHS report, “Operation Stolen Promise,” which found that more than 50 percent of the nations’ counterfeit COVID-19 products originate from China and Hong Kong. And a recent article from Reuters found that Chinese internment camps in the Xinjiang region force Uighur Muslims into labor camps and often shave the heads of women to use their hair in products shipped to the U.S. We wrote to the CPSC about these Uighur women recently, and the CPSC has acknowledged that it has not tracked this matter.

This section is a disappointment and a missed opportunity to continue our bipartisan work to keep Americans safe from dangerous products from China.

**Section 3312. Funding for E-Rate Support for Emergency Educational Connections and Devices.**

This section wastes \$7.6 billion dollars in taxpayer funding for purposes that Congress has already funded. It provides funding for schools and libraries to buy and distribute Wi-Fi hotspots, modems, routers, and other devices for students to use for off-premise schoolwork. This funding is duplicative of a cumulative \$110 billion that Congress appropriated in 2020 to the Department of Education to respond to the coronavirus pandemic, and much of that money remains unspent. It is irresponsible for Congress to appropriate more money for this purpose before the existing money is spent and Congress can determine where, if any, there are remaining gaps.

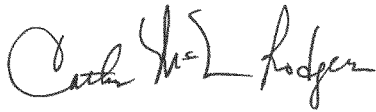
Besides the fact that Congress already appropriated money in the early days of the pandemic for remote learning purposes, this program is also inconsistent with the President’s goal to reopen schools because it encourages the continuation of remote learning. Similarly, it conflicts with the Administration’s Centers for Disease Control and Prevention guidance, which states that it is safe for schools to reopen and that they should do so as quickly as possible.

In addition, and contrary to claims from the Democrats, section 3312 does nothing to support the Federal Communications Commission’s (FCC) E-Rate program. Rather, it creates a new program with no rules, no requirements, and no oversight to track the devices once they are given to students, or to verify eligibility and ensure that there is no double dipping at schools and libraries. The statute also does not clearly state whether or not this funding is available only for the duration of the COVID-19 pandemic, or until 2030, which is well beyond the scope of the pandemic. This program is simply a vehicle for the Democrats to implement its longstanding partisan policies endorsed by the teachers’ unions rather than helping Americans.

During the Committee markup of this provision, Rep. Latta and Rep. Walberg offered amendments that would provide long-term solutions to close the digital divide and incentivize schools to re-open for in-person learning. To provide a permanent solution to close the digital divide, Rep. Latta offered an amendment to redirect this funding to rural broadband deployment in unserved areas. Rep. Walberg offered an amendment to put this money directly into the existing E-Rate program at the FCC, which funds connections and certain technologies in

schools and libraries where it is not economically feasible for carriers to otherwise serve. Eligibility would have been contingent on schools and libraries being open 5 days per week. The word “open” was not defined, which would ensure that schools and libraries had the flexibility to follow appropriate CDC guidance to reopen safely. Both proposals were unanimously opposed by the Democrats.

Section 3312 is another bad public policy and missed opportunity. The only way to close the so-called “homework gap” is to invest in permanent broadband infrastructure that closes the digital divide between urban and rural America once and for all. In order to recover from this pandemic and ensure our students are not left behind, we need to focus on policies that reopen schools and the economy as quickly as possible. We are disappointed the Democrats rejected bipartisanship and again embraced a partisan process that will waste billions of dollars on temporary, unreliable options such as hotspots, with no oversight and no accountability.



Cathy McMorris Rodgers  
Ranking Member



Fred Upton  
Ranking Member  
Subcommittee on Energy



Robert E. Latta  
Ranking Member  
Subcommittee on Communications  
and Technology



Brett Guthrie  
Ranking Member  
Subcommittee on Health



David B. McKinley  
Ranking Member  
Subcommittee on Environment  
and Climate Change



Gus M. Bilirakis  
Ranking Member  
Subcommittee on Consumer Protection  
and Commerce



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**I. PURPOSE AND SUMMARY**

Subtitle C: Budget Reconciliation Legislative Recommendations Relating to Children's Health Insurance Program (Subtitle C) provides budget reconciliation recommendations related to the Children's Health Insurance Program (CHIP) to the House Committee on Budget pursuant to S. Con. Res. 5 to provide comprehensive relief to the American people in response to the coronavirus disease of 2019 (COVID-19) pandemic and the resulting public health emergency (PHE). The legislation would give states the option to extend CHIP eligibility to women for 12 months postpartum for five years. It also requires CHIP coverage of COVID-19 vaccines and treatment without beneficiary cost sharing with the vaccines and the administration of vaccines matched at a 100 percent of Federal Medical Assistance Percentages (FMAP) through one year after the end of the PHE.

**II. BACKGROUND AND NEED FOR LEGISLATION**

Since the first case of COVID-19 in the United States was discovered on January 21, 2020,<sup>1</sup> the United States response efforts have failed to mitigate or reduce COVID-19 transmission in the country. As of February 4, 2021, approximately 2.93 million children in American have

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<sup>1</sup> Centers for Disease Control and Prevention, *First Travel-related Case of 2019 novel Coronavirus Detected in United States* (Jan. 21, 2020) ([www.cdc.gov/media/releases/2020/p0121-novel-coronavirus-travel-case.html](http://www.cdc.gov/media/releases/2020/p0121-novel-coronavirus-travel-case.html)) (press release).

tested positive for COVID-19.<sup>2</sup>

The most recent data shows that 10 million Americans are still unemployed,<sup>3</sup> and there are still 9.8 million fewer jobs in the U.S. economy than there were in February 2020, right before the pandemic began.<sup>4</sup> CHIP has been an important source of coverage that has helped states respond to and mitigate the effects of COVID-19 and the economic downturn.<sup>5</sup> The legislation would strengthen CHIP coverage by authorizing states to invest additional resources to extend CHIP eligibility for women to 12 months postpartum.

In addition, although federal legislation in previous COVID relief packages has expanded access to vaccines and treatment for COVID-19 free of cost-sharing, gaps in coverage remain.<sup>6</sup> The legislation expands access to vaccination and treatment for COVID-19, by providing children and pregnant and postpartum women enrolled in CHIP with free COVID-19 vaccines and treatment fully funded by the federal government through one-year after the end of the PHE.

### III. COMMITTEE CONSIDERATION

The Committee on Energy and Commerce met in virtual open markup session, pursuant to notice, on February 11 and 12, 2021. During consideration of Subtitle C on February 12, an amendment in the nature of a substitute (AINS) offered by Ms. Eshoo was agreed to by a voice vote. Mr. Pallone, Chairman of the committee, subsequently moved that Subtitle C be ordered transmitted favorably to the House Committee on Budget, amended, by a roll call vote: 30-24 (*Roll call no. 18*), a quorum being present.

### IV. COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list each record vote on the motion to report legislation and amendments thereto. The Committee advises that there was one record vote taken on Subtitle C, including a motion by Mr. Pallone ordering Subtitle C favorably transmitted to the Committee on Budget, amended. The motion on final passage of the bill was approved by a record vote of 30 yeas to 24 nays. The

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<sup>2</sup> American Academy of Pediatrics, *Children and COVID-19: State-Level Data Report*, (Feb. 8, 2021) ([services.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/children-and-covid-19-state-level-data-report/](https://services.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/children-and-covid-19-state-level-data-report/)).

<sup>3</sup> Bureau of Labor Statistics, *THE EMPLOYMENT SITUATION — JANUARY 2021* (Feb. 5, 2021) ([www.bls.gov/news.release/pdf/empsit.pdf](https://www.bls.gov/news.release/pdf/empsit.pdf)) (press release).

<sup>4</sup> *The economy gained just 49,000 jobs in January as recovery sputters amid pressure from virus*, Washington Post (Feb. 6, 2021) ([www.washingtonpost.com/business/2021/02/05/january-jobs-report-2021-unemployment/](https://www.washingtonpost.com/business/2021/02/05/january-jobs-report-2021-unemployment/)).

<sup>5</sup> Kaiser Family Foundation, *Analysis of Recent National Trends in Medicaid and CHIP Enrollment* (Jan. 21, 2021) ([www.kff.org/coronavirus-covid-19/issue-brief/analysis-of-recent-national-trends-in-medicare-and-chip-enrollment/](https://www.kff.org/coronavirus-covid-19/issue-brief/analysis-of-recent-national-trends-in-medicare-and-chip-enrollment/)).

<sup>6</sup> Kaiser Family Foundation, *Gaps in Cost Sharing Protections for COVID-19 Testing and Treatment Could Spark Public Concerns About COVID-19 Vaccine Costs* (Dec. 18, 2020) ([www.kff.org/health-costs/issue-brief/gaps-in-cost-sharing-protections-for-covid-19-testing-and-treatment-could-spark-public-concerns-about-covid-19-vaccine-costs/](https://www.kff.org/health-costs/issue-brief/gaps-in-cost-sharing-protections-for-covid-19-testing-and-treatment-could-spark-public-concerns-about-covid-19-vaccine-costs/)).

following is the record vote taken during Committee consideration, including the names of those members voting for and against:

**[CAMERA COPY - GPO – See attached after this page]**

**V. OVERSIGHT FINDINGS**

Pursuant to clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the oversight findings and recommendations of the Committee are reflected in the descriptive portion of the report.

**VI. NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES**

Pursuant to 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

**VII. CONGRESSIONAL BUDGET OFFICE ESTIMATE**

**[INSERT LETTER & DOCUMENT FROM CONGRESSIONAL BUDGET OFFICE (CBO)]**

**VII. FEDERAL MANDATES STATEMENT**

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

**IX. STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES**

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to provide coronavirus emergency response and relief, and for other purposes.

**X. DUPLICATION OF FEDERAL PROGRAMS**

Pursuant to clause 3(c)(5) of rule XIII, no provision of the Committee Print is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111-139 or the most recent Catalog of Federal Domestic Assistance.

**XI. COMMITTEE COST ESTIMATE**

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

**XII. EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS**

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that the Committee Print contains no earmarks, limited tax benefits, or limited tariff benefits.

**XIII. ADVISORY COMMITTEE STATEMENT**

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

**XIV. APPLICABILITY TO LEGISLATIVE BRANCH**

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

**X. SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION****SECTION. 3201. MANDATORY COVERAGE OF COVID-19 VACCINES AND ADMINISTRATION TREATMENT UNDER CHIP**

Requires CHIP coverage of COVID-19 vaccines and treatment without beneficiary cost sharing with the vaccines and the administration of vaccines matched at a 100 percent FMAP through one year after the end of the PHE.

**SEC. 3202. MODIFICATIONS TO CERTAIN COVERAGE UNDER CHIP FOR PREGNANT AND POSTPARTUM WOMEN**

This provision allows states, for five years, to extend CHIP eligibility to women for 12 months postpartum.

**XVI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED**

A Ramseyer was requested but not yet received. Therefore, with respect to clause 3(e) of rule XIII of the Rules of the House of Representatives, the Committee advises that compliance prior to submission to the Committee on the Budget was not possible.

**XVII. ADDITIONAL VIEWS**

[Additional Views (original) attached to this page]

<b>At a Glance</b>			
<b>Reconciliation Recommendations of the House Committee on Energy and Commerce</b>			
As ordered reported on February 12, 2021			
By Fiscal Year, Millions of Dollars	2021	2021-2030	2021-2031
Direct Spending (Outlays)	<b>27,498</b>	<b>126,130</b>	<b>123,827</b>
Revenues	<b>0</b>	<b>1,474</b>	<b>1,488</b>
Increase or Decrease (-) in the Deficit	<b>27,498</b>	<b>124,656</b>	<b>122,339</b>
Statutory pay-as-you-go procedures apply?	<b>Yes</b>	<b>Mandate Effects</b>	
Increases on-budget deficits in any year after 2030?	<b>No</b>	Contains intergovernmental mandate?	<b>No</b>
		Contains private-sector mandate?	<b>Yes, Under Threshold</b>
CBO has not reviewed the legislation for effects on spending subject to appropriation.			
<b>The legislation would</b>			
<ul style="list-style-type: none"> <li>• Appropriate \$105 billion for various activities related to testing for, treating, and responding to COVID-19 (the disease cause by the coronavirus); and for other activities related to COVID-19</li> <li>• Allow extended postpartum coverage in Medicaid and the Children's Health Insurance Program (CHIP)</li> <li>• Increase the federal medical assistance percentage (FMAP) to encourage states to expand Medicaid coverage and increase their provision of certain types of long-term services and supports</li> <li>• Eliminate the cap on rebates that drug manufacturers pay to Medicaid</li> <li>• Increase the cost of an existing private-sector mandate on certain commercial entities if the Federal Communications Commission increases annual fee collections</li> </ul>			
<b>Estimated budgetary effects would mainly stem from</b>			
<ul style="list-style-type: none"> <li>• Increased direct spending resulting from \$105 billion in new budget authority</li> <li>• Additional direct spending from increasing the number of months of postpartum coverage under Medicaid and CHIP</li> <li>• Increased Medicaid and CHIP spending on COVID-19 vaccines, new enrollees, services for inmates in jails and prisons, and long-term services and supports</li> <li>• Reduced Medicaid spending on prescription drugs</li> </ul>			
<b>Areas of significant uncertainty include</b>			
<ul style="list-style-type: none"> <li>• Estimating the rate at which the new budget authority would be spent by federal agencies</li> <li>• Predicting how many women would participate in postpartum coverage under Medicaid and CHIP</li> <li>• Estimating how many states would expand Medicaid coverage as the result of higher FMAPs</li> <li>• Estimating future growth in drug prices</li> </ul>			
<b>Detailed estimate begins on the next page.</b>			

See also *CBO's Cost Estimates Explained*, [www.cbo.gov/publication/54437](http://www.cbo.gov/publication/54437);  
*How CBO Prepares Cost Estimates*, [www.cbo.gov/publication/53519](http://www.cbo.gov/publication/53519); and *Glossary*, [www.cbo.gov/publication/42904](http://www.cbo.gov/publication/42904).

### Summary of the Legislation

S. Con. Res. 5, the Concurrent Resolution on the Budget for Fiscal Year 2021, instructed several committees of the House of Representatives to recommend legislative changes that would increase deficits up to a specified amount over the 2021-2030 period. As part of this reconciliation process, the House Committee on Energy and Commerce approved legislation on February 12, 2021, with a number of provisions that would increase deficits.

The legislation would appropriate \$92.2 billion for various activities related to testing for, treating, and responding to COVID-19, the disease caused by the coronavirus. The legislation would also make changes to the Medicaid program and the Children's Health Insurance Program (CHIP), which include expanding coverage for women after the birth of their child, encouraging states that have not already done so to expand Medicaid coverage to adults made eligible by the Affordable Care Act (ACA), and eliminating the limit on the rebates paid by drug manufacturers to Medicaid. Finally, the legislation would appropriate \$12.8 billion for various activities related to addressing the energy, environmental, educational, and commerce-related effects of the coronavirus pandemic.

### Estimated Federal Cost

The estimated budgetary effects of the reconciliation recommendations of the House Committee on Energy and Commerce are shown in Table 1. The costs of the legislation fall within budget functions 300 (natural resources and environment), 370 (commerce and housing credit), 500 (education, training, employment, and social services), 550 (health), and 600 (income security).

### Basis of Estimate

For this estimate, CBO assumes that the reconciliation bill will be enacted by the end of March 2021. Outlay estimates are based on historical spending patterns for affected programs and information from the agencies about program implementation.

### Direct Spending and Revenues

CBO and the staff of the Joint Committee on Taxation (JCT) estimate that enacting the reconciliation recommendations of the House Committee on Energy and Commerce would increase direct spending by \$126.1 billion and would increase federal revenues by \$1.5 billion over the 2021-2030 period, for a net effect on the deficit over that period of \$124.7 billion.

**Funding for Public Health.** Subtitle A would appropriate \$92.2 billion for various activities aimed at improving public health and responding to COVID-19.

Within subtitle A, Chapter 1 would provide \$14.2 billion to fund activities related to vaccination and treatment with the following specific appropriations:

- \$7.5 billion to the Centers for Disease Control and Prevention (CDC) to plan, prepare for, promote, distribute, administer, monitor, and track COVID-19 vaccines;



- \$1.0 billion to the CDC to improve vaccine education and confidence and vaccination rates;
- \$5.2 billion to the Secretary of Health and Human Services (HHS) to advance research, development, manufacturing, production, and the purchase of vaccines, therapeutics, and ancillary medical products to prevent, prepare, and respond to SARS-CoV-2, COVID-19, or any disease with potential for creating a pandemic; and
- \$0.5 billion to the Food and Drug Administration to oversee the development and marketing of COVID-19 therapeutics, vaccines, and diagnostic tests.

Chapter 2 would provide \$49.0 billion for testing for COVID-19, specifically appropriating:

- \$46.0 billion to the Secretary of HHS to detect, diagnose, trace, and monitor COVID-19 infections;
- \$1.8 billion to the CDC for genomic sequencing, analytics, and disease surveillance;
- \$0.8 billion to the CDC to combat COVID-19 and other emerging infectious threats globally; and
- \$0.5 billion to the CDC to support the surveillance and analytic infrastructure of public health data.

Chapter 3 would provide \$7.8 billion for strengthening the public health workforce with two specific appropriations:

- \$7.7 billion for state, local, and territorial public health departments to establish, expand, and sustain their public health workforce; and
- \$0.1 billion to the Medical Reserve Corps.

Chapter 4 would provide \$11.2 billion for other public health investments that specifically cover:

- \$7.6 billion for awarding grants and cooperative agreements to community health centers and qualified entities under the Native Hawaiian Health Care Improvement Act to support activities related to testing for, treating, and vaccinating against COVID-19;
- \$0.8 billion to the National Health Service Corps to support qualified health care providers working in areas with limited access to care;
- \$0.2 billion to the Nurse Corps to support nurses working in facilities that provide primary health care or maternal health care to underserved populations;
- \$0.3 billion to health centers that provide graduate medical education;
- \$1.8 billion for activities related to testing, tracing, and mitigating COVID-19 infections in congregate settings; and
- \$0.4 billion for HHS to provide services for children under its care, including unaccompanied alien children in the custody of the Office of Refugee Resettlement.

Chapter 5 would provide \$6.1 billion to the Indian Health Service (IHS) for lost reimbursements resulting from people deferring routine and elective health care, testing and tracing of COVID-19 infections, COVID-19 vaccine promotion, distribution and administration, additional support for purchased and referred care, and for other purposes.

Chapter 6 would provide \$3.9 billion to strengthen activities related to mental health and substance abuse, specifically appropriating:

- \$1.8 billion to the Secretary of HHS for community mental health services;
- \$1.8 billion to the Secretary of HHS for activities relating to the prevention and treatment of substance abuse;
- \$0.1 billion for the Health Resources and Services Administration (HRSA) to award grants to eligible institutions that provide mental and behavioral health education and training; and
- \$0.3 billion for other activities.

Chapter 7 would appropriate \$20 million to HHS for grants to eligible states to modernize the health insurance marketplaces established under the ACA.

In total, CBO estimates that the funds appropriated by subtitle A would increase direct spending by \$91.3 billion over the 2021-2030 period.

**Coverage of COVID-19 Vaccinations and Treatments.** Subtitles B and C would make various changes to the Medicaid and CHIP programs' coronavirus-related spending. In total, sections 3101 and 3201 would increase direct spending by an estimated \$1.1 billion and \$68 million, respectively, over the 2021-2030 period.

*Mandatory Coverage of COVID-19 Vaccination, Without Cost Sharing.* Sections 3101 and 3201 would require state Medicaid and CHIP programs to cover vaccinations, without cost sharing, for all eligible enrollees. Under current law, the federal government is expected to provide the vaccines administered through both programs, but some patients would still have to pay the cost sharing associated with having the vaccine administered. In addition, if a state implements an option under Medicaid to provide COVID-19 testing for uninsured people, it would have to do so without cost sharing. The sections also would extend for a year the period in which a state must vaccinate, without cost sharing, adults enrolled in Medicaid under the program's traditional eligibility rules.

CBO estimates that 4 million Medicaid and CHIP enrollees are currently ineligible for vaccination under either program. By the end of the public health emergency (PHE), CBO estimates, fewer than 1 million adults enrolled under Medicaid's traditional eligibility rules would be subject to cost-sharing requirements to receive the vaccine.

If enacted, CBO estimates, the requirements in sections 3101 and 3201 would increase the number of vaccinations administered to Medicaid and CHIP enrollees by about 2 million doses in 2021 and by about 6 million over the 2021-2023 period. Because the federal government is expected to provide the vaccine itself, sections 3101 and 3102 would only

affect the costs associated with administering the vaccines. Using information from the Centers for Medicare & Medicaid Services, CBO estimates that in 2021, the cost of administering a single dose will vary between \$17 and \$28, depending on the type of vaccine. Over the 2021-2030 period, CBO estimates, the requirement to provide vaccination coverage without cost sharing would increase Medicaid's direct spending by \$107 million and CHIP's by less than \$1 million.

*Increased Federal Medical Assistance Percentage for Vaccinations.* Sections 3101 and 3201 also would raise the federal medical assistance percentage (FMAP) to 100 percent for payments to states for administering vaccines for one year after the end of the PHE. Over the 2021-2030 period, CBO estimates, the higher FMAP would increase direct spending for Medicaid and CHIP by \$747 million and by \$68 million, respectively.

*Mandatory Coverage of Treatment or Prevention, Without Cost Sharing.* Sections 3101 and 3201 also would require state Medicaid and CHIP programs to provide coverage, without cost sharing, for treatment or prevention of COVID-19 for one year after the end of the PHE. Additionally, over the same period, if a state chose to implement an option under Medicaid to provide COVID-19 testing for uninsured people, section 3101 also would extend the requirement to provide treatment and prevention to those people without requiring cost sharing.

About 5 million people enrolled in Medicaid or CHIP are expected to receive COVID-19 treatment in 2021. CBO expects that number to decline to fewer than 100,000 by 2022 and estimates that about 25 percent of those people would be subject to cost-sharing requirements for a physician service (\$2, on average, in 2021), an inpatient hospital service (\$70, on average, in 2021), or both. CBO estimates that the requirements in sections 3101 and 3201 that would prohibit cost sharing for treatment would increase direct spending by \$34 million for Medicaid and by less than \$1 million for CHIP over the 2021-2030 period.

CBO anticipates that 3 million uninsured people will receive COVID-19 treatment in 2021. By 2022, that number is expected to fall below 50,000. In 2020, 10 states had implemented an option under Medicaid to test uninsured people for COVID-19. In those states, CBO estimates, the requirement in section 3101 to provide vaccinations or treatment services would increase direct spending for Medicaid by \$243 million over the 2021-2030 period.

**Coverage for Pregnant and Postpartum Women.** Sections 3102 and 3202 would allow states to extend health coverage for women enrolled in Medicaid or CHIP for 12 months after the birth of a child. In total, CBO estimates, those sections would increase federal deficits by \$5.1 billion over the 2021-2030 period—an increase in direct spending of \$6.0 billion and an increase in revenues of \$0.8 billion over the period.

Under current law, for 60 days after the birth of a child, states must provide Medicaid coverage to women whose income does not exceed 138 percent of the federal poverty level (FPL). Forty-six states and the District of Columbia exercise an option under current law to provide Medicaid coverage to pregnant women whose income is above 138 percent of the FPL, 29 extend coverage if their income is equal to or above 200 percent of the FPL, and 3 extend coverage if their income is above 300 percent of the FPL. Under current law, states

also can provide pregnancy-related services to women under CHIP, but they may only provide postpartum services to women who, if not for their income, would otherwise be eligible for coverage under Medicaid.

CBO estimates that in 2020, Medicaid and CHIP provided pregnancy-related coverage to about 2 million women; approximately 1.8 million carried their pregnancy to term. CBO estimates that about 35 percent of those recipients have income above 138 percent of the FPL, which reflects the coverage options currently available to states under Medicaid and CHIP. Regardless of a state's decision to provide optional coverage to eligible women, the state must reevaluate applicants' eligibility for other coverage before the end of the 60-day postpartum period. Medicaid coverage after that point can include the full scope of health services or be limited to family-planning services.

*Medicaid Coverage Under the 12-Month Option.* CBO estimates that under current law, at the end of the 60-day postpartum period about 30 percent of women will continue to receive comprehensive services from Medicaid, 30 percent will enroll either in employment-based or in marketplace coverage, and about 45 percent will be uninsured (although roughly two-thirds of those women would still receive family-planning services).

Section 3102 would provide women in states that exercise the option with 10 additional months of Medicaid coverage. CBO estimates that by 2024, about 25 percent of all women who would be expected to receive postpartum services from Medicaid will live in states that implement the 12-month option. Using administrative data and information from industry sources, CBO estimates that the combined federal and state cost to provide 10 additional months of Medicaid coverage would be about \$1,500 per person, on average, in 2022; that amount would increase at an average annual rate of about 6 percent over the 2022-2030 period. For women whose current-law Medicaid services are limited to family planning, CBO estimates that the cost per person would be about \$1,100, on average. In total, CBO estimates, the additional months of coverage would increase direct spending for Medicaid by \$6.1 billion over the 2021-2030 period.

*CHIP Coverage for Pregnant and Postpartum Women.* Under current law, states can provide CHIP coverage to eligible women during pregnancy and for 60 days after the birth of a child. CHIP cannot be used to replace existing Medicaid coverage for pregnant women. To cover pregnant women under CHIP, states must provide, at a minimum, Medicaid coverage to women whose income is up to 185 percent of the FPL. In 2020, approximately 15,000 women received pregnancy and postpartum care under CHIP. CBO estimates that all of those women became ineligible for comprehensive Medicaid and CHIP services at the end of the 60-day postpartum period.

If a state provides CHIP coverage to eligible women up to the end of the 60-day postpartum period, and if the state chooses to implement the Medicaid option under section 3102, the legislation would require the state to extend similar coverage under CHIP. However, because not all states extend CHIP coverage to pregnant women, CBO estimates that by 2024 fewer than 1,000 pregnant women would reside in a state that implemented the option. CBO expects that additional months of coverage under CHIP would cost about the same as under

Medicaid. On net, CBO estimates, section 3202 would increase direct spending for CHIP by \$5 million over the 2021-2030 period.

*Private Health Insurance for Pregnant and Postpartum Women.* Some women whose Medicaid coverage ends after the birth of a child enroll in private health insurance. CBO estimates that in states that are expected to implement the option under section 3102, fewer than 5 percent of women who become ineligible each year for Medicaid or CHIP currently receive coverage through a marketplace and 30 percent enroll in employment-based coverage. Under section 3102, over the 2021-2030 period, about 10,000 and 100,000 women annually would delay enrollment either in marketplace coverage or in employment-based coverage, respectively, for about 10 months. That delay would lower subsidies for private health insurance, thereby reducing direct spending by \$137 million and increasing revenues by \$816 million over the 2021-2030 period, according to CBO and JCT's estimates.

**Medicaid for Inmates During the 30-Day Period Preceding Release.** Section 3103 would create an exception for 5 years, starting one year after enactment, to the prohibition on making Medicaid payments for services provided to inmates of correctional institutions. Section 3103 would permit payments for services to inmates who are enrolled in Medicaid during the last 30 days of their incarceration. According to data from the Bureau of Justice Statistics:

- Local jails admit and release about 10 million people per year, 89 percent of whom are admitted and released within 30 days, and
- State prisons admit and release about 600,000 people per year, almost all of whom remain incarcerated for longer than 30 days.

As a result, section 3103 would allow the vast majority of Medicaid enrollees to maintain their Medicaid coverage during their incarceration in local jails and would permit those jails to bill Medicaid for medical care provided to the incarcerated enrollees. Section 3103 would allow incarcerated enrollees in prisons to receive Medicaid coverage in the final 30 days of their incarceration, which would permit state prisons to bill Medicaid for services provided pre-release.

Based on a report by the Prison Policy Initiative, CBO estimates that about 45 percent of inmates released from jails and prisons would be enrolled in Medicaid in the early years of the 2021-2030 period, rising to 55 percent by the end of the period as CBO projects additional states will adopt the ACA expansion over time.

CBO expects that the costs per Medicaid inmate would be modest, as local jails generally provide limited services, such as generic medications to assist with drug withdrawals and mental health crises during the short-term stays, while prisons would be expected to provide pre-release health screenings and short-term supplies of medications to help with the transition to the post-release period. CBO estimates that the average cost per prisoner would be about \$100 in the beginning of the period, rising to about \$200 by the end of the period because of increases in the costs of providing medical care.

Lastly, CBO projects that state prisons would quickly develop the infrastructure to bill Medicaid for services to inmates in the last 30 days of their stay, which in many cases would allow them to defray the costs incurred for pre-release services. Local jails would more gradually establish similar capacity to bill Medicaid, delaying the full implementation of section 3103 for several years. In total, CBO estimates that section 3103 would increase direct spending by \$3.7 billion over the 2021-2030 period.

**Bundled Community-Based Mobile Crisis Intervention.** Section 3104 would, for 12 fiscal quarters, increase a state's FMAP for crisis intervention services that qualify as mobile and community-based, as defined by the bill. The enhanced FMAP would equal 85 percent and would apply only to services that otherwise would be reimbursed at a state's traditional FMAP. Based on information from state mental health agencies, CBO estimates that at least 16 states have programs that provide services that would qualify for the enhanced FMAP provided under section 3104. Not all of those programs currently seek Medicaid reimbursement for crisis intervention services provided to Medicaid; CBO expects that the programs would be more likely to do so under section 3104. CBO also anticipates that those changes would encourage all of the programs to request reimbursement under their state Medicaid programs and that the states would receive the enhanced FMAP under section 3104 for such services. In addition, based on the rate at which state Medicaid programs have adopted other services and demonstrations specific to behavioral health care, CBO expects additional states would begin reimbursing for crisis intervention services that qualify as mobile and community-based.

CBO estimates that the combined federal and state cost to provide crisis intervention services that qualify as mobile and community-based would be about \$1,500 per person, on average, in 2021; that amount would increase at an average annual rate of about 6 percent over the 2022-2030 period. In total, CBO estimates, the enhanced FMAP and the decision by states to establish new programs that provide crisis intervention services that qualify as mobile and community-based would increase direct spending for Medicaid by \$1.1 billion over the 2021-2030 period.

**Temporary Increase in FMAP for Expanding ACA Coverage.** Section 3105 would, for eight calendar quarters, provide a temporary, 5 percentage-point increase in the Medicaid FMAP to states that expand coverage to adults made eligible by the ACA. CBO and JCT estimate that the provision would increase federal deficits by \$15.5 billion over the 2021-2030 period—the net effect of an increase in outlays of \$16.2 billion and an increase in revenues of \$0.7 billion.

Under section 3105, the FMAP increase would be available only to states that expand such coverage after the legislation is enacted, and it would not be available to states that had previously expanded coverage. Only services provided to traditional eligibility groups could qualify for the increase; services provided to adults made eligible by the ACA would not be included. The higher FMAP also would not apply to the following expenditures:

- Medicaid payments to hospitals that serve a disproportionate share of low-income enrollees,

- Medicaid allotments to the territories, and
- Payments for programs other than Medicaid that use the FMAP to determine the federal share of payments (such as CHIP, payments from states toward Medicare Part D, and Title IV).

*Increased Medicaid Spending.* Section 3105 would increase Medicaid spending in two ways. First, CBO expects, the additional 5 percentage-point increase in the FMAP would induce some states to expand Medicaid coverage to low-income adults sooner than CBO's baseline projections for Medicaid enrollment would indicate. Currently, 37 states and the District of Columbia have implemented the expansion, and those states have enrolled roughly 60 percent of eligible adults nationwide. Under its baseline forecast, CBO projects that additional states will adopt the expansion at the historical rate of expansions since 2014 (the initial year of the expansion's availability). CBO anticipates that by 2030 about 70 percent of all potential enrollees will be covered.

Although the rate of expansion is subject to considerable uncertainty, CBO projects that the 5 percentage-point increase in the FMAP would induce states that would expand during the 2021-2030 period to do so about a year sooner, on average, than they otherwise would. The result would be an increase in Medicaid enrollment in those years among adults made eligible by the ACA in those states. Based on CBO's projections for enrollment in states that have not already adopted the expansion and the projected cost per adult made eligible by the ACA, CBO estimates that those earlier expansions would cost the federal government \$17.2 billion over the 2021-2030 period.

The second effect of section 3105 would be the added cost of the 5 percentage-point increase in the FMAP. Based on the average matching rates projected for states that have not yet adopted the expansion, CBO estimates the cost at \$4.7 billion. In total, CBO estimates, section 3105 would increase direct spending on Medicaid by \$21.8 billion over the 2021-2030 period.

*Reduced Federal Subsidies for Private Health Insurance.* Section 3105 also would reduce enrollment in private health insurance as more people enroll in Medicaid in the states that adopt the ACA expansion. CBO and JCT estimate that over the 2021-2030 period Medicaid enrollment would increase, on average, by about 85,000 people who would otherwise have enrolled in coverage through the marketplaces and by another 33,000 people who would otherwise have enrolled in employment-based coverage. CBO and JCT estimate that those reductions in enrollment would reduce direct spending for health insurance subsidies by \$5.7 billion and increase revenues by \$0.7 billion over the 2021-2030 period.

**100 Percent FMAP for Urban Indian Organizations and Native Hawaiian Health Care.** Section 3106 would, for eight calendar quarters, provide a 100 percent federal matching rate for services to Medicaid enrollees who access care in the Urban Indian Health Programs (UIHPs) or the Native Hawaiian Health Care System (NHHCS). Under current law, services provided to Medicaid enrollees are matched at 100 percent if they are received through an IHS facility. IHS is the agency that is responsible for providing federal health services to American Indians and Alaska Natives. UIHPs are health care organizations that are grantees