AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO THE COMMITTEE PRINT
OFFERED BY MRS. CAROLYN B. MALONEY OF
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Strike line 1 beginning on page 1 and all that follows and insert the following:

TITLE V—COMMITTEE ON
OVERSIGHT AND REFORM
Subtitle A—Coronavirus State and
Local Fiscal Recovery Funds
SEC. 5001. CORONAVIRUS STATE AND LOCAL FISCAL RE-
COVERY FUNDS.
(a) IN GENERAL.—Title VI of the Social Security Act
(42 U.S.C. 801 et seq.) is amended by adding at the end
the following:
“SEC. 602. CORONAVIRUS STATE FISCAL RECOVERY FUND.
“(a) APPROPRIATION.—In addition to amounts oth-
erwise available, there is appropriated for fiscal year 2021,
out of any money in the Treasury not otherwise appro-
priated, $219,800,000,000, to remain available until ex-
pended, for making payments under this section to States,
territories, and Tribal governments to mitigate the fiscal
effects stemming from the public health emergency with respect to the Coronavirus Disease (COVID–19).

“(b) AUTHORITY TO MAKE PAYMENTS.—

“(1) PAYMENTS TO TERRITORIES.—

“(A) IN GENERAL.—The Secretary shall reserve $4,500,000,000 of the amount appropriated under subsection (a) to make payments to the territories.

“(B) ALLOCATION.—Of the amount reserved under subparagraph (A)—

“(i) 50 percent of such amount shall be allocated by the Secretary equally among each territory; and

“(ii) 50 percent of such amount shall be allocated by the Secretary as an additional amount to each territory in an amount which bears the same proportion to 1⁄2 of the total amount reserved under subparagraph (A) as the relative population of the territory bears to the total population of all such territories.

“(C) PAYMENT.—The Secretary shall pay each territory the total of the amounts allocated for the territory under subparagraph (B).

“(2) PAYMENTS TO TRIBAL GOVERNMENTS.—
“(A) IN GENERAL.—The Secretary shall reserve $20,000,000,000 of the amount appropriated under subsection (a) to make payments to Tribal governments.

“(B) ALLOCATION.—Of the amount reserved under subparagraph (A)—

“(i) $1,000,000,000 shall be allocated by the Secretary equally among each Tribal government; and

“(ii) $19,000,000,000 shall be allocated by the Secretary among each Tribal government in an amount determined by the Secretary.

“(C) PAYMENT.—The Secretary shall pay each Tribal government the total of the amounts allocated for the Tribal government under subparagraph (B).

“(3) PAYMENTS TO EACH OF THE 50 STATES AND THE DISTRICT OF COLUMBIA.—

“(A) IN GENERAL.—The Secretary shall reserve $195,300,000,000 of the amount appropriated under subsection (a) to make payments to each of the 50 States and the District of Columbia.
“(B) ALLOCATIONS.—Of the amount reserved under subparagraph (A)—

“(i) $25,500,000,000 of such amount shall be allocated by the Secretary equally among each of the 50 States and the District of Columbia;

“(ii) an amount equal to $1,250,000,000 less the amount allocated for the District of Columbia pursuant to section 601(c)(6) shall allocated by the Secretary as an additional amount to the District of Columbia; and

“(iii) an amount equal to the remainder of the amount reserved under subparagraph (A) after the application of clauses (i) and (ii) of this subparagraph shall be allocated by the Secretary as an additional amount to each of the 50 States and the District of Columbia in an amount which bears the same proportion to such remainder as the average estimated number of seasonally-adjusted unemployed individuals (as measured by the Bureau of Labor Statistics Local Area Unemployment Statistics program) in the State or District of Co-
lumbia over the 3-month period ending in December 2020 bears to the average estimated number of seasonally-adjusted unemployed individuals in all of the 50 States and the District of Columbia over the same period.

“(C) PAYMENT.—The Secretary shall pay each of the 50 States and the District of Columbia the total of the amounts allocated for the State and District of Columbia under subparagraph (B).

“(4) POPULATION DATA.—For purposes of determining allocations for a State or territory under this section, the population of the State or territory shall be determined based on the most recent data available from the Bureau of the Census.

“(5) TIMING.—

“(A) IN GENERAL.—Subject to subparagraph (B), to the extent practicable, with respect to each State, territory, and Tribal government allocated a payment under this subsection, the Secretary shall make the payment required for the State, territory, or Tribal government (as applicable) not later than 60 days after the date on which the certification re-
quired under subsection (d) is provided to the
Secretary.

“(B) EXCEPTION.—With respect to the
amount allocated to the District of Columbia
under paragraph (3)(B)(ii)—

“(i) the Secretary shall pay such
amount to the District of Columbia not
later than 15 days after the date of enact-
ment of this section; and

“(ii) the District of Columbia shall
not be required to submit a certification
under subsection (d) as a condition for re-
ceiving such payment.

“(6) PRO RATA ADJUSTMENT AUTHORITY.—
The amounts otherwise determined for allocation
and payment under paragraphs (1), (2), and (3)
may be adjusted by the Secretary on a pro rata
basis to the extent necessary to ensure that all avail-
able funds are distributed to territories, Tribal gov-
ernments, and States in accordance with the require-
ments specified in each paragraph (as applicable)
and the certification requirement specified in sub-
section (d).

“(c) REQUIREMENTS.—
“(1) USE OF FUNDS.—A State, territory, or Tribal government shall only use the funds provided under a payment made under this section to—

“(A) respond to or mitigate the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19) or its negative economic impacts;

“(B) cover costs incurred as a result of such emergency;

“(C) replace revenue that was lost, delayed, or decreased (as determined based on revenue projections for the State, Tribal Government, or territory as of January 27, 2020) as a result of such emergency; or

“(D) address the negative economic impacts of such emergency.

“(2) TRANSFER AUTHORITY.—A State, territory, or Tribal government receiving a payment from funds made available under this section may transfer funds to a private nonprofit organization (as that term is defined in paragraph (17) of section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(17)), a public benefit corporation involved in the transportation of passengers or cargo, a special-purpose unit of State or local government,
or a multi-State entity involved in the transportation
of passengers or cargo.

“(d) CERTIFICATION OF NEED AND INTENDED
USES.—In order to receive a payment under this section
(other than the payment made in accordance with sub-
section (b)(5)(B)), a State, territory, or Tribal govern-
ment shall provide the Secretary with a certification
signed by the authorized officer of such State, territory,
or Tribal government, that—

“(1) such State, territory, or Tribal government
requires Federal assistance under this section to ef-
fectively carry out the activities specified in sub-
section (c); and

“(2) such State, territory, or Tribal govern-
ment’s intended uses of any payment under this sec-
tion are consistent with subsection (e).

“(e) DEFINITIONS.—In this section:

“(1) SECRETARY.—The term ‘Secretary’ means
the Secretary of the Treasury.

“(2) STATE.—The term ‘State’ means each of
the 50 States and the District of Columbia.

“(3) TERRITORY.—The term ‘territory’ means
the Commonwealth of Puerto Rico, the United
States Virgin Islands, Guam, the Commonwealth of
the Northern Mariana Islands, and American Samoa.

“(4) TRIBAL GOVERNMENT.—The term ‘Tribal Government’ means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

“SEC. 603. CORONAVIRUS LOCAL FISCAL RECOVERY FUND.

“(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $130,200,000,000, to remain available until expended, for making payments under this section to metropolitan cities, nonentitlement units of local government, and counties to mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (COVID–19).

“(b) AUTHORITY TO MAKE PAYMENTS.—

“(1) METROPOLITAN CITIES.—

“(A) IN GENERAL.—Of the amount appropriated under subsection (a), the Secretary
shall reserve $45,570,000,000 to make payments to metropolitan cities.

“(B) ALLOCATION AND PAYMENT.—From the amount reserved under subparagraph (A), the Secretary shall allocate and pay to each metropolitan city an amount determined for the metropolitan city pursuant to the formula under section 106(b)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(b)(1)), except that, in applying such formula, the Secretary shall substitute ‘all metropolitan cities’ for ‘all metropolitan areas’ each place it appears.

“(2) NONENTITLEMENT UNITS OF LOCAL GOVERNMENT.—

“(A) IN GENERAL.—Of the amount appropriated under subsection (a), the Secretary shall reserve $19,530,000,000 to make payments to States for distribution by the State to nonentitlement units of local government in the State.

“(B) ALLOCATION AND PAYMENT.—From the amount reserved under subparagraph (A), the Secretary shall allocate and pay to each State an amount which bears the same propor-
tion to such reserved amount as the total population of all nonentitlement units of local government in the State bears to the total population of all nonentitlement units of local government in all such States.

“(C) DISTRIBUTION TO NONENTITLEMENT UNITS OF LOCAL GOVERNMENT.—

“(i) IN GENERAL.—Not later than 30 days after a State receives a payment under subparagraph (B), the State shall distribute to each nonentitlement unit of local government in the State an amount that bears the same proportion to the amount of such payment as the population of the nonentitlement unit of local government bears to the total population of all the nonentitlement units of local government in the State, subject to clause (iii).

“(ii) DISTRIBUTION OF FUNDS.—

“(I) EXTENSION FOR DISTRIBUTION.—If an authorized officer of a State required to make distributions under clause (i) certifies in writing to the Secretary before the end of the 30-day distribution period described
in such clause that it would constitute an excessive administrative burden for the State to meet the terms of such clause with respect to 1 or more such distributions, the authorized officer may request, and the Secretary shall grant, an extension of such period of not more than 30 days to allow the State to make such distributions in accordance with clause (i).

“(II) ADDITIONAL EXTENSIONS.—

“(aa) IN GENERAL.—If a State has been granted an extension to the distribution period under subclause (I) but is unable to make all the distributions required under clause (i) before the end of such period as extended, the authorized officer of the State may request an additional extension of the distribution period of not more than 30 days. The Secretary may grant a re-
request for an additional extension of such period only if—

“(AA) the authorized officer making such request provides a written plan to the Secretary specifying, for each distribution for which an additional extension is requested, when the State expects to make such distribution and the actions the State has taken and will take in order to make all such distributions before the end of the distribution period (as extended under sub-clause (I) and this sub-clause); and

“(BB) the Secretary certifies in writing that the actions specified in such plan are likely sufficient for the State to make all such distributions before the end
of the distribution period (as so extended).

“(bb) FURTHER ADDITIONAL EXTENSIONS.—If a State granted an additional extension of the distribution period under item (aa) requires any further additional extensions of such period, the request only may be made and granted subject to the requirements specified in item (aa).

“(iii) CAPPED AMOUNT.—The total amount distributed to a nonentitlement unit of local government under this paragraph may not exceed the amount equal to 75 percent of the most recent budget for the nonentitlement unit of local government as of January 27, 2020.

“(iv) REDISTRIBUTION OF EXCESS AMOUNTS.—Any amounts not distributed to a nonentitlement unit of local government as a result of the application of clause (iii) shall be retained or paid as follows:
“(I) 50 percent of all such undis-
distributed amounts shall be retained by
the State.

“(II) Subject to the payment
limit under clause (iii), the remainder
of all such undistributed amounts
shall be allocated and paid by the
State to each nonentitlement unit of
local government in the State an
amount that bears the same propor-
tion to such remainder as the popu-
lation of the nonentitlement unit of
local government bears to the total
population of all nonentitlement units
of local government in the State.

“(v) ADJUSTMENT AUTHORITY.—A
State may make pro rata adjustments to
the allocations determined under clause
(iv)(II) as necessary to comply with clause
(iii) and ensure that all available funds are
distributed to nonentitlement units of local
government in a State.

“(D) PENALTY FOR NONCOMPLIANCE.—If,
by the end of the 120-day period that begins on
the date a State receives a payment under sub-
paragraph (B) or, if later, the last day of the distribution period for the State (as extended with respect to the State under subparagraph (C)(ii)), such State has failed to make all the distributions from such payment in accordance with the terms of subparagraph (C) (including any extensions of the distribution period granted in accordance with such subparagraph), an amount equal to the amount of such payment that remains undistributed as of such date shall be booked as a debt of such State owed to the Federal Government, shall be paid back from the State’s allocation provided under section 602(b)(3)(B)(iii), and shall be deposited into the general fund of the Treasury.

“(3) COUNTIES.—

“(A) AMOUNT.—From the amount appropriated under subsection (a), the Secretary shall reserve $65,100,000,000 of such amount to make payments directly to counties within the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa in an amount which bears the
same proportion to the total amount reserved under this paragraph as the relative population of each such county bears to the total population of all such entities.

“(B) Special rules.—

“(i) Urban counties.—No county that is an ‘urban county’ (as defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) shall receive less than the amount the county would otherwise receive if the amount paid under this paragraph were allocated to metropolitan cities and urban counties under section 106(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(b)).

“(ii) Counties that are not units of general local government.—In the case of an amount to be paid to a county that is not a unit of general local government, the amount shall instead be paid to the State in which such county is located, and such State shall distribute such amount to units of general local government within such county in an amounts
that bear the same proportion as the population of such units of general local government bear to the total population of such county.

“(iii) DISTRICT OF COLUMBIA.—For purposes of this paragraph, the District of Columbia shall be considered to consist of a single county that is a unit of general local government.

“(4) CONSOLIDATED GOVERNMENTS.—A unit of general local government that has formed a consolidated government, or that is geographically contained (in full or in part) within the boundaries of another unit of general local government may receive a distribution under each of paragraphs (1), (2), and (3), as applicable, based on the respective formulas specified in such paragraphs.

“(5) PRO RATA ADJUSTMENT AUTHORITY.—The amounts otherwise determined for allocation and payment under paragraphs (1), (2), and (3) may be adjusted by the Secretary on a pro rata basis to the extent necessary to ensure that all available funds are distributed to metropolitan cities, counties, and States in accordance with the requirements specified in each paragraph (as applicable)
and the certification requirement specified in subsection (d).

“(6) POPULATION.—For purposes of determining allocations under this section, the population of an entity shall be determined based on the most recent data are available from the Bureau of the Census or, if not available, from such other data as a State determines appropriate.

“(7) TIMING.—To the extent practicable—

“(A) with respect to each metropolitan city allocated a payment under paragraph (1) and each county allocated a payment under paragraph (3), the Secretary shall make the payment required for the metropolitan city or county (as applicable) not later than 60 days after the date on which the certification required under subsection (d) is provided to the Secretary; and

“(B) with respect to the payments allocated to States under paragraph (2) for distribution to nonentitlement units of local government, the Secretary shall make such payments not later than 60 days after the date of enactment of this section.

“(c) REQUIREMENTS.—
(1) USE OF FUNDS.—A metropolitan city, nonentitlement unit of local government, or county receiving a payment from funds made available under this section shall only use such amounts to—

“(A) respond to or mitigate the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19) or its negative economic impacts;

“(B) cover costs incurred as a result of such emergency;

“(C) replace revenue that was lost, delayed, or decreased (as determined based on revenue projections for the metropolitan city, nonentitlement unit of local government, or county as of January 27, 2020) as a result of such emergency; or

“(D) address the negative economic impacts of such emergency.

(2) TRANSFER AUTHORITY.—A metropolitan city, nonentitlement unit of local government, or county receiving a payment from funds made available under this section may transfer funds to a private nonprofit organization (as that term is defined in paragraph (17) of section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C.
11360(17)), a public benefit corporation involved in the transportation of passengers or cargo, a special-purpose unit of State or local government, or a multi-State entity involved in the transportation of passengers or cargo.

“(d) Certification of Need and Intended Uses.—In order to receive a payment under paragraphs (1) or (3) of subsection (b), a metropolitan city or a county (as each of those terms are defined in subsection (e)), shall provide the Secretary with a certification signed by the authorized officer of such metropolitan city or county, that—

“(1) such metropolitan city or county requires Federal assistance under this section to effectively carry out the activities specified in subsection (c); and

“(2) such metropolitan city or county’s intended uses of any payment under this section are consistent with subsection (c).

“(e) Definitions.—In this section:

“(1) County.—The term ‘county’ means a county, parish, or other equivalent county division (as defined by the Bureau of the Census).

“(2) Metropolitan City.—The term ‘metropolitan city’ has the meaning given that term in sec-
tion 102(a)(4) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(4)) and includes cities that relinquish or defer their status as a metropolitan city for purposes of receiving allocations under section 106 of such Act (42 U.S.C. 5306) for fiscal year 2021.

“(3) NONENTITLEMENT UNIT OF LOCAL GOVERNMENT.—The term ‘nonentitlement unit of local government’ means a unit of general local government, other than a county, that is located in a non-entitlement area (as defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) of a State (as that term is defined in such section 102).

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of the Treasury.

“(5) STATE.—The term ‘State’ has the meaning given that term in section 102(a)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302 (a)(2)).

“(6) UNIT OF GENERAL LOCAL GOVERNMENT.—The term ‘unit of general local government’ has the meaning given that term in section 102(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(1)).”.
(b) TECHNICAL AMENDMENT.—The heading for title VI of the Social Security Act (42 U.S.C. 801 et seq.) is amended by striking “FUND” and inserting “AND FISCAL RECOVERY FUNDS”.

Subtitle B—Other Matters

SEC. 5111. EMERGENCY FEDERAL EMPLOYEE LEAVE FUND.

(a) ESTABLISHMENT; APPROPRIATION.—There is established in the Treasury the Emergency Federal Employee Leave Fund (in this section referred to as the “Fund”), to be administered by the Director of the Office of Personnel Management, for the purposes set forth in subsection (b). In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $570,000,000, to be deposited into the Fund.

(b) PURPOSE.—Amounts in the Fund shall be available for payment to an agency for the use of paid leave by any employee of the agency who is unable to work because the employee—

(1) is subject to a Federal, State, or local quarantine or isolation order related to COVID–19;

(2) has been advised by a health care provider to self-quarantine due to concerns related to COVID–19;
(3) is caring for an individual who is subject to such an order or has been so advised;

(4) is experiencing symptoms of COVID–19 and seeking a medical diagnosis;

(5) is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, if the school of such son or daughter requires or makes optional a virtual learning instruction model or requires or makes optional a hybrid of in-person and virtual learning instruction models, or the child care provider of such son or daughter is unavailable, due to COVID–19 precautions;

(6) is experiencing any other substantially similar condition;

(7) is caring for a family member with a mental or physical disability or who is 55 years of age or older and incapable of self-care, without regard to whether another individual other than the employee is available to care for such family member, if the place of care for such family member is closed or the direct care provider is unavailable due to COVID–19; or
(8) is obtaining immunization related to COVID–19 or to recover from any injury, disability, illness, or condition related to such immunization.

(c) LIMITATIONS.—

(1) PERIOD OF AVAILABILITY.—Paid leave under this section may only be provided to and used by an employee during the period beginning on the date of enactment of this Act and ending on September 30, 2021.

(2) TOTAL HOURS; AMOUNT.—Paid leave under this section—

(A) may be provided to an employee in an amount not to exceed 600 hours of paid leave for each full-time employee, and in the case of a part-time employee, employee on an uncommon tour of duty, or employee with a seasonal work schedule, in an amount not to exceed the proportional equivalent of 600 hours as established by the applicable agency; and

(B) may not be provided to an employee —

(i) at a rate that exceeds $35 for each hour of leave taken; and

(ii) in an amount greater than $1,400 in aggregate for any week.
(3) Relationship to Other Leave.—Paid leave under this section—

(A) is in addition to any other leave provided to an employee; and

(B) may not be used by an employee concurrently with any other paid leave.

(4) Calculation of Annuity.—Any paid leave provided to an employee under this section shall not count for purposes of determining the annuity of the employee, including an annuity under chapter 83 or 84 of title 5, United States Code.

(d) Definitions.—In this section—

(1) the term “agency” means—

(A) any agency or instrumentality of the executive branch of Government;

(B) the United States Postal Service and the Postal Regulatory Commission; and

(C) the Public Defender Service for the District of Columbia and the District of Columbia Courts; and

(2) the term “employee” does not include any member of the Armed Forces.

(e) Clarification.—Notwithstanding section 7425(b) of title 38, United States Code, the term “agen-
cy” in subsection (d)(1) includes the Veterans Health Administration.

SEC. 5112. FUNDING FOR THE GOVERNMENT ACCOUNTABILITY OFFICE.

In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $77,000,000, to remain available until September 30, 2025, for necessary expenses of the Government Accountability Office to prevent, prepare for, and respond to Coronavirus and to support oversight of the Coronavirus response and of funds provided in this Act or any other Act pertaining to the Coronavirus pandemic.

SEC. 5113. PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE FUNDING AVAILABILITY.

In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until September 30, 2025, for the Pandemic Response Accountability Committee to promote transparency and support oversight of the Coronavirus response and of funds provided in this Act or any other Act pertaining to the Coronavirus pandemic.