FY21 Budget Reconciliation Section by Section

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 (SEA), with 90 percent allocated to local educational agencies (LEA), 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 subject to equitable services. Under section 1117 of the *Elementary and Secondary Education Act* of 1965, LEAs are required to provide equitable services based on the number of low-income students, residing in eligible attendance areas within the district, who attend private 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 same terms and conditions applicable to funds provided in fiscal year 2021 for 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 year 2022 and 2023 on elementary and secondary education, and on 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.

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 million 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 (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, 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 provided to the Occupational Safety and Health Administration, and within this allocation to OSHA funds are reserved for enforcement in high-risk sectors (such as meat processing, corrections, and health care) and the Harwood grant program. As part of the $150,000,000, $12,500,000 is provided for the Department of Labor-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 came into contact with patients, the public or co-workers in the course of their duties and 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 Employee Compensation Act* (FECA). FECA provides wage loss compensation for temporary or total disability, medical costs and death benefits to survivors. Currently, 20 states have adopted similar presumptions that COVID-19 arose from the employee's performance f duties for purposes of eligibility under state workers' compensation programs.[15] CBO preliminary estimate: $129,000,000 in the 10-year budget window.

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 contracted COVID-19, or were ordered to quarantine, shall receive a presumption that such illness was work related for purposes of workers' compensation benefits under the *Longshore and Harbor Workers' Compensation Act* (LHWCA). 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 Occupational Safety and Health Administration, 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. CBO preliminary estimate: $212,000,000 in the 10-year budget window.

Subtitle C: Human Services and Community Supports

Section 2201. Additional Funding for Aging and Disability Services Programs.
Provides $188,000,000 in funding for the *Elder Justice Act* in 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*.

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.
Crates 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 legislation 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.

A child care provider that receives funds must certify that for the duration of the subgrant, the child care provider will: implement policies 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 9 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 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 to the summer.

Subtitle E: COBRA Continuation Coverage

Section 2400. Short Title

Provides that this subtitle may be cited as the ‘‘Worker Health Coverage Protection Act’’.

Section 2401. Preserving Health Benefits for Workers.

Allows workers who are eligible for COBRA due to involuntary termination or reduction in hours to receive coverage under their employment-based health plan with a premium reduction of 85 percent. Premium assistance will be available to workers 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 coverage. Requires employers to provide clear and understandable written notices to workers and establishes an expedited review process for workers who are denied premium assistance. Provides a payroll tax credit to allow employers and plans to be reimbursed for the full amount of COBRA premiums not paid by workers.