

One Hundred Sixteenth Congress of the United States of America

AT THE SECOND SESSION

*Began and held at the City of Washington on Friday,
the third day of January, two thousand and twenty*

An Act

Making consolidated appropriations for the fiscal year ending September 30, 2021,
providing coronavirus emergency response and relief, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Consolidated Appropriations
Act, 2021”.

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(2) \$7,000,000 to provide direct loans under such section 7(m).

SEC. 330. EXTENSION OF PARTICIPATION IN 8(a) PROGRAM.

(a) **IN GENERAL.**—The Administrator shall ensure that a small business concern participating in the program established under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) on or before September 9, 2020, may elect to extend such participation by a period of 1 year, regardless of whether the small business concern previously elected to suspend participation in the program pursuant to guidance of the Administrator.

(b) **EMERGENCY RULEMAKING AUTHORITY.**—Not later than 15 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out this section without regard to the notice requirements under section 553(b) of title 5, United States Code.

SEC. 331. TARGETED EIDL ADVANCE FOR SMALL BUSINESS CONTINUITY, ADAPTATION, AND RESILIENCY.

(a) **DEFINITIONS.**—In this section:

(1) **AGRICULTURAL ENTERPRISE.**—The term “agricultural enterprise” has the meaning given the term in section 18(b) of the Small Business Act (15 U.S.C. 647(b)).

(2) **COVERED ENTITY.**—The term “covered entity”—

(A) means an eligible entity that—

(i) applies for a loan under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) during the covered period, including before the date of enactment of this Act;

(ii) is located in a low-income community;

(iii) has suffered an economic loss of greater than 30 percent; and

(iv) employs not more than 300 employees; and

(B) except with respect to an entity included under section 123.300(c) of title 13, Code of Federal Regulations, or any successor regulation, does not include an agricultural enterprise.

(3) **COVERED PERIOD.**—The term “covered period” has the meaning given the term in section 1110(a)(1) of the CARES Act (15 U.S.C. 9009(a)(1)), as amended by section 332 of this Act.

(4) **ECONOMIC LOSS.**—The term “economic loss” means, with respect to a covered entity—

(A) the amount by which the gross receipts of the covered entity declined during an 8-week period between March 2, 2020, and December 31, 2021, relative to a comparable 8-week period immediately preceding March 2, 2020, or during 2019; or

(B) if the covered entity is a seasonal business concern, such other amount determined appropriate by the Administrator.

(5) **ELIGIBLE ENTITY.**—The term “eligible entity” means an entity that, during the covered period, is eligible for a loan made under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)), as described in section 1110(b) of the CARES Act (15 U.S.C. 9009(b)).

(6) **LOW-INCOME COMMUNITY.**—The term “low-income community” has the meaning given the term in section 45D(e) of the Internal Revenue Code of 1986.

(b) **ENTITLEMENT TO FULL AMOUNT.**—

(1) **IN GENERAL.**—Subject to paragraph (2), a covered entity, after submitting a request to the Administrator that the Administrator verifies under subsection (c), shall receive a total of \$10,000 under section 1110(e) of the CARES Act (15 U.S.C. 9009(e)), without regard to whether—

(A) the applicable loan for which the covered entity applies or applied under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is or was approved;

(B) the covered entity accepts or accepted the offer of the Administrator with respect to an approved loan described in subparagraph (A); or

(C) the covered entity has previously received a loan under section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(2) **EFFECT OF PREVIOUSLY RECEIVED AMOUNTS.**—

(A) **IN GENERAL.**—With respect to a covered entity that received an emergency grant under section 1110(e) of the CARES Act (15 U.S.C. 9009(e)) before the date of enactment of this Act, the amount of the payment that the covered entity shall receive under this subsection (after satisfaction of the procedures required under subparagraph (B)) shall be the difference between \$10,000 and the amount of that previously received grant.

(B) **PROCEDURES.**—If the Administrator receives a request under paragraph (1) from a covered entity described in subparagraph (A) of this paragraph, the Administrator shall, not later than 21 days after the date on which the Administrator receives the request—

(i) perform the verification required under subsection (c);

(ii) if the Administrator, under subsection (c), verifies that the entity is a covered entity, provide to the covered entity a payment in the amount described in subparagraph (A); and

(iii) with respect to a covered entity that the Administrator determines is not entitled to a payment under this section, provide the covered entity with a notification explaining why the Administrator reached that determination.

(C) **RULE OF CONSTRUCTION.**—Nothing in this paragraph may be construed to require any entity that received an emergency grant under section 1110(e) of the CARES Act (15 U.S.C. 9009(e)) before the date of enactment of this Act to repay any amount of that grant.

(c) **VERIFICATION.**—In carrying out this section, the Administrator shall require any information, including any tax records, from an entity submitting a request under subsection (b) that the Administrator determines to be necessary to verify that the entity is a covered entity, without regard to whether the entity has previously submitted such information to the Administrator.

(d) **ORDER OF PROCESSING.**—The Administrator shall process and approve requests for payments under subsection (b) in the

order that the Administrator receives the requests, except that the Administrator shall give—

(1) first priority to covered entities described in subsection (b)(2)(A); and

(2) second priority to covered entities that have not received emergency grants under section 1110(e) of the CARES Act (15 U.S.C. 9009(e)), as of the date on which the Administrator receives such a request, because of the unavailability of funding to carry out such section 1110(e).

(e) APPLICABILITY.—In addition to any other restriction imposed under this section, any eligibility restriction applicable to a loan made under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)), including any restriction under section 123.300 or 123.301 of title 13, Code of Federal Regulations, or any successor regulation, shall apply with respect to funding provided under this section.

(f) NOTIFICATION REQUIRED.—The Administrator shall provide notice to each of the following entities stating that the entity may be eligible for a payment under this section if the entity satisfies the requirements under clauses (ii), (iii), and (iv) of subsection (a)(2)(A):

(1) Each entity that received an emergency grant under section 1110(e) of the CARES Act (15 U.S.C. 9009(e)) before the date of enactment of this Act.

(2) Each entity that, before the date of enactment of this Act—

(A) applied for a loan under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)); and

(B) did not receive an emergency grant under section 1110(e) of the CARES Act (15 U.S.C. 9009(e)) because of the unavailability of funding to carry out such section 1110(e).

(g) ADMINISTRATION.—In carrying out this section, the Administrator may rely on loan officers and other personnel of the Office of Disaster Assistance of the Administration and other resources of the Administration, including contractors of the Administration.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator \$20,000,000,000 to carry out this section—

(1) which shall remain available through December 31, 2021; and

(2) of which \$20,000,000 is authorized to be appropriated to the Inspector General of the Administration to prevent waste, fraud, and abuse with respect to funding provided under this section.

SEC. 332. EMERGENCY EIDL GRANTS.

Section 1110 of the CARES Act (15 U.S.C. 9009) is amended—

(1) in subsection (a)(1), by striking “December 31, 2020” and inserting “December 31, 2021”;

(2) in subsection (d), by striking paragraphs (1) and (2) and inserting the following:

“(1) approve an applicant—

“(A) based solely on the credit score of the applicant;

or

“(B) by using alternative appropriate methods to determine an applicant’s ability to repay; and

“(2) use information from the Department of the Treasury to confirm that—

“(A) an applicant is eligible to receive such a loan;

or

“(B) the information contained in an application for such a loan is accurate.”; and

(3) in subsection (e)—

(A) in paragraph (1)—

(i) by striking “During the covered period” and inserting the following:

“(A) ADVANCES.—During the covered period”;

(ii) in subparagraph (A), as so designated, by striking “within 3 days after the Administrator receives an application from such applicant”; and

(iii) by adding at the end the following:

“(B) TIMING.—With respect to each request submitted to the Administrator under subparagraph (A), the Administrator shall, not later than 21 days after the date on which the Administrator receives the request—

“(i) verify whether the entity is an entity that is eligible for a loan made under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) during the covered period, as described in subsection (b);

“(ii) if the Administrator, under clause (i), verifies that the entity submitting the request is an entity that is eligible, as described in that clause, provide the advance requested by the entity; and

“(iii) with respect to an entity that the Administrator determines is not entitled to receive an advance under this subsection, provide the entity with a notification explaining why the Administrator reached that determination.”;

(B) in paragraph (7), by striking “ \$20,000,000,000” and inserting “ \$40,000,000,000”; and

(C) in paragraph (8), by striking “December 31, 2020” and inserting “December 31, 2021”.

SEC. 333. REPEAL OF EIDL ADVANCE DEDUCTION.

(a) DEFINITIONS.—In this section—

(1) the term “covered entity” means an entity that receives an advance under section 1110(e) of the CARES Act (15 U.S.C. 9009(e)), including an entity that received such an advance before the date of enactment of this Act; and

(2) the term “covered period” has the meaning given the term in section 1110(a)(1) of the CARES Act (15 U.S.C. 9009(a)(1)), as amended by section 332 of this Act.

(b) SENSE OF CONGRESS.—It is the sense of Congress that borrowers of loans made under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) in response to COVID-19 during the covered period should be made whole, without regard to whether those borrowers are eligible for forgiveness with respect to those loans.

(c) REPEAL.—Section 1110(e)(6) of the CARES Act (15 U.S.C. 9009(e)(6)) is repealed.

(d) EFFECTIVE DATE; APPLICABILITY.—The amendment made by subsection (c) shall be effective as if included in the CARES Act (Public Law 116-136; 134 Stat. 281).

One Hundred Seventeenth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Sunday,
the third day of January, two thousand and twenty-one*

An Act

To provide for reconciliation pursuant to title II of S. Con. Res. 5.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “American Rescue Plan Act of 2021”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Subtitle A—Agriculture

- Sec. 1001. Food supply chain and agriculture pandemic response.
- Sec. 1002. Emergency rural development grants for rural health care.
- Sec. 1003. Pandemic program administration funds.
- Sec. 1004. Funding for the USDA Office of Inspector General for oversight of COVID-19-related programs.
- Sec. 1005. Farm loan assistance for socially disadvantaged farmers and ranchers.
- Sec. 1006. USDA assistance and support for socially disadvantaged farmers, ranchers, forest land owners and operators, and groups.
- Sec. 1007. Use of the Commodity Credit Corporation for commodities and associated expenses.

Subtitle B—Nutrition

- Sec. 1101. Supplemental nutrition assistance program.
- Sec. 1102. Additional assistance for SNAP online purchasing and technology improvements.
- Sec. 1103. Additional funding for nutrition assistance programs.
- Sec. 1104. Commodity supplemental food program.
- Sec. 1105. Improvements to WIC benefits.
- Sec. 1106. WIC program modernization.
- Sec. 1107. Meals and supplements reimbursements for individuals who have not attained the age of 25.
- Sec. 1108. Pandemic EBT program.

TITLE II—COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Subtitle A—Education Matters

PART 1—DEPARTMENT OF EDUCATION

- Sec. 2001. Elementary and Secondary School Emergency Relief Fund.
- Sec. 2002. Emergency assistance to non-public schools.
- Sec. 2003. Higher Education Emergency Relief Fund.
- Sec. 2004. Maintenance of effort and maintenance of equity.
- Sec. 2005. Outlying areas.
- Sec. 2006. Gallaudet University.
- Sec. 2007. Student aid administration.
- Sec. 2008. Howard University.

that are received on or after the date of the enactment of this Act.

(d) COMMITMENT AUTHORITY AND APPROPRIATIONS.—

(1) COMMITMENT AUTHORITY.—Section 1102(b)(1) of the CARES Act (Public Law 116–136) is amended by striking “\$806,450,000,000” and inserting “\$813,700,000,000”.

(2) DIRECT APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Small Business Administration for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$7,250,000,000, to remain available until expended, for carrying out this section.

SEC. 5002. TARGETED EIDL ADVANCE.

(a) DEFINITIONS.—In this section—

(1) the term “Administrator” means the Administrator of the Small Business Administration; and

(2) the terms “covered entity” and “economic loss” have the meanings given the terms in section 331(a) of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116–260).

(b) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$15,000,000,000—

(1) to remain available until expended; and

(2) of which, the Administrator shall use—

(A) \$10,000,000,000 to make payments to covered entities that have not received the full amounts to which the covered entities are entitled under section 331 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116–260); and

(B) \$5,000,000,000 to make payments under section 1110(e) of the CARES Act (15 U.S.C. 9009(e)), each of which shall be—

(i) made to a covered entity that—

(I) has suffered an economic loss of greater than 50 percent; and

(II) employs not more than 10 employees;

(ii) in an amount that is \$5,000; and

(iii) with respect to the covered entity to which the payment is made, in addition to any payment made to the covered entity under section 1110(e) of the CARES Act (15 U.S.C. 9009(e)) or section 331 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116–260).

SEC. 5003. SUPPORT FOR RESTAURANTS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Small Business Administration.

(2) AFFILIATED BUSINESS.—The term “affiliated business” means a business in which an eligible entity has an equity or right to profit distributions of not less than 50 percent, or in which an eligible entity has the contractual authority to control the direction of the business, provided that such