Amendment in the Nature of a Substitute to Committee Print

(Providing for reconciliation pursuant to S. Con. Res. 5, the Concurrent Resolution on the Budget for Fiscal Year 2021)

Strike all after the heading and insert the following:

TITLE VII—COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
Subtitle A—Transportation and Infrastructure

SEC. 7001. FEDERAL EMERGENCY MANAGEMENT AGENCY APPROPRIATION.

In addition to amounts otherwise available, there is appropriated to the Federal Emergency Management Agency for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $50,000,000,000, to remain available until September 30, 2025, for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).
SEC. 7002. FUNERAL ASSISTANCE.

(a) IN GENERAL.—For the emergency declaration issued by the President on March 13, 2020, pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)), and for any subsequent major disaster declaration under section 401 of such Act (42 U.S.C. 5170) that supersedes such emergency declaration, the President shall provide financial assistance to an individual or household to meet disaster-related funeral expenses under section 408(e)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(e)(1)), for which the Federal cost share shall be 100 percent.

(b) USE OF FUNDS.—Funds appropriated under section 7001 may be used to carry out subsection (a) of this section.

SEC. 7003. ECONOMIC ADJUSTMENT ASSISTANCE.

(a) ECONOMIC DEVELOPMENT ADMINISTRATION APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $3,000,000,000, to remain available until September 30, 2022, to the Department of Commerce for economic adjustment assistance as authorized by sections 209 and 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149 and 3233) to prevent, prepare for,
and respond to coronavirus and for necessary expenses for responding to economic injury as a result of coronavirus.

(b) Of the funds provided by this section, up to 2 percent shall be used for Federal costs to administer such assistance utilizing temporary Federal personnel as may be necessary consistent with the requirements applicable to such administrative funding in fiscal year 2020 to prevent, prepare for, and respond to coronavirus and which shall remain available until September 30, 2027.

(c) Of the funds provided by this section, 15 percent shall be for assistance to communities that have suffered economic injury as a result of job losses in the travel, tourism, or outdoor recreation sectors.

(d) The total amount provided by this section shall be allocated to eligible recipients in the States and Territories according to the total level of economic injury of such States and Territories as a result of coronavirus beginning on March 1, 2020, as measured by the change in economic activity, demonstrated by current Federal economic data sources such as unemployment claims and gross domestic product, before and after such date.
SEC. 7004. GREAT LAKES ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION OPERATIONS AND MAINTENANCE.

In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of amounts not otherwise appropriated from the Harbor Maintenance Trust Fund pursuant to section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238), $1,500,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus by conducting the operations, maintenance, and capital infrastructure activities of the Seaway International Bridge.

SEC. 7005. GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION.

(a) Northeast Corridor Appropriation.—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $820,388,160, to remain available until September 30, 2024, for grants as authorized under section 11101(a) of the FAST Act (Public Law 114–94) to prevent, prepare for, and respond to coronavirus.

(b) National Network Appropriation.—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $679,611,840, to remain
available until September 30, 2024, for grants as authorized under section 11101(b) of the FAST Act (Public Law 114–94) to prevent, prepare for, and respond to coronavirus.

(c) Long-Distance Service Restoration and Employee Recalls.—Not less than $165,926,000 of the aggregate amounts made available under subsections (a) and (b) shall be for use by the National Railroad Passenger Corporation to—

(1) restore, not later than 90 days after the date of enactment of this Act, the frequency of rail service on long-distance routes (as defined in section 24102 of title 49, United States Code) that the National Railroad Passenger Corporation reduced the frequency of on or after July 1, 2020, and continue to operate such service at such frequency; and

(2) recall and manage employees furloughed on or after October 1, 2020, as a result of efforts to prevent, prepare for, and respond to coronavirus.

(d) Use of Funds in Lieu of Capital Payments.—Not less than $109,805,000 of the aggregate amounts made available under subsections (a) and (b)—

(1) shall be for use by the National Railroad Passenger Corporation in lieu of capital payments from States and commuter rail passenger transpor-
tation providers that are subject to the cost allocation policy under section 24905(c) of title 49, United States Code; and

(2) notwithstanding sections 24319(g) and 24905(c)(1)(A)(i) of title 49, United States Code, such amounts do not constitute cross-subsidization of commuter rail passenger transportation.

(e) Use of Funds for State Payments for State-Supported Routes.—

(1) In General.—Of the amounts made available under subsection (b), $174,850,000 shall be for use by the National Railroad Passenger Corporation to offset amounts required to be paid by States for covered State-supported routes.

(2) Funding Share.—The share of funding provided under paragraph (1) with respect to a covered State-supported route shall be distributed as follows:

(A) Each covered State-supported route shall receive 7 percent of the costs allocated to the route in fiscal year 2019 under the cost allocation methodology adopted pursuant to section 209 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432).
(B) Any remaining amounts after the distribution described in subparagraph (A) shall be apportioned to each covered State-supported route in proportion to the passenger revenue of such route and other revenue allocated to such route in fiscal year 2019 divided by the total passenger revenue and other revenue allocated to all covered State-supported routes in fiscal year 2019.

(3) COVERED STATE-SUPPORTED ROUTE DEFINED.—In this subsection, the term “covered State-supported route” means a State-supported route, as such term is defined in section 24102 of title 49, United States Code, but does not include a State-supported route for which service was terminated on or before February 1, 2020.

(f) USE OF FUNDS FOR DEBT REPAYMENT OR PRE-PAYMENT.—Not more than $100,885,000 of the aggregate amounts made available under subsections (a) and (b) shall be—

(1) for the repayment or prepayment of debt incurred by the National Railroad Passenger Corporation under financing arrangements entered into prior to the date of enactment of this Act; and
(2) to pay required reserves, costs, and fees related to such debt, including for loans from the Department of Transportation and loans that would otherwise have been paid from National Railroad Passenger Corporation revenues.

(g) Project Management Oversight.—Not more than $2,000,000 of the aggregate amounts made available under subsections (a) and (b) shall be for activities authorized under section 11101(e) of the FAST Act (Public Law 114–94).

SEC. 7006. FEDERAL TRANSIT ADMINISTRATION GRANTS.

(a) Federal Transit Administration Appropriation.—

(1) In general.—In addition to amounts otherwise made available, there are appropriated for fiscal year 2021, out of any funds in the Treasury not otherwise appropriated, $30,000,000,000, to remain available until September 30, 2024, that shall—

(A) be for grants under chapter 53 of title 49, United States Code, to eligible recipients to prevent, prepare for, and respond to coronavirus; and

(B) not be subject to any prior restriction on the total amount of funds available for implementation or execution of programs author-
ized under sections 5307, 5310, or 5311 of such title.

(2) AVAILABILITY OF FUNDS FOR OPERATING EXPENSES.—

(A) IN GENERAL.—Notwithstanding subsection (a)(1) or (b) of section 5307 of title 49, United States Code, section 5310(b)(2)(A), or any other provision of chapter 53 of such title, funds provided under this section, other than subsection (b)(4), shall be available for the operating expenses of transit agencies to prevent, prepare for, and respond to the coronavirus public health emergency, including, beginning on January 20, 2020—

(i) reimbursement for payroll of public transportation (including payroll and expenses of private providers of public transportation);

(ii) operating costs to maintain service due to lost revenue due as a result of the coronavirus public health emergency, including the purchase of personal protective equipment; and
(iii) paying the administrative leave of operations or contractor personnel due to reductions in service.

(B) USE OF FUNDS.—Funds described in subparagraph (A) shall be—

(i) available for immediate obligation, notwithstanding the requirement for such expenses to be included in a transportation improvement program, long-range transportation plan, statewide transportation plan, or statewide transportation improvement program under sections 5303 and 5304 of title 49, United States Code;

(ii) directed to payroll and operations of public transportation (including payroll and expenses of private providers of public transportation), unless the recipient certifies to the Secretary that the recipient has not furloughed any employees;

(iii) subject to the requirements of section 5333 of such title, notwithstanding any waiver authority under section 5324 of such title; and

(iv) used to provide a Federal share of the costs for any grant made under this
section of 100 percent, notwithstanding any provision of chapter 53 of such title.

(b) Allocation of Funds.—

(1) Urbanized area formula grants.—

(A) In general.—Of the amounts made available under subsection (a), $26,086,580,227 shall be for grants to recipients and subrecipients under section 5307 of title 49, United States Code, and shall be administered as if such funds were provided under section 5307 of such title.

(B) Allocation.—Amounts made available under subparagraph (A) shall be apportioned to urbanized areas based on data contained in the National Transit Database such that—

(i) each urbanized area shall receive an apportionment of an amount that, when combined with amounts that were otherwise made available to such urbanized area for similar activities to prevent, prepare for, and respond to coronavirus, is equal to 132 percent of the urbanized area’s 2018 operating costs; and
(ii) for funds remaining after the apportionment described in clause (i), such funds shall be apportioned such that—

(I) each urbanized area that did not receive an apportionment under clause (i) shall receive an apportionment equal to 25 percent of the urbanized area’s 2018 operating costs; and

(II) each urbanized area under clause (i), when the amounts that were otherwise made available, prior to clause (i) to that urbanized area for similar activities to prevent, prepare for, and respond to coronavirus are equal to or greater than 130 percent of the urbanized area’s 2018 operating costs but do not exceed 132 percent of such costs, such urbanized area shall receive an apportionment equal to 10 percent of the urbanized area’s 2018 operating costs, in addition to amounts apportioned to the urbanized area under clause (i).
(2) Formula grants for the enhanced mobility of seniors and individuals with disabilities.—

(A) In general.—Of the amounts made available under subsection (a), $50,000,000 shall be for grants to recipients or subrecipients eligible under section 5310 of title 49, United States Code, and shall be apportioned in accordance with such section.

(B) Allocation ratio.—Amounts made available under subparagraph (A) shall be allocated in the same ratio as funds were provided under section 5310 of title 49, United States Code, for fiscal year 2020.

(3) Formula grants for rural areas.—

(A) In general.—Of the amounts made available under subsection (a), $280,858,479 shall be for grants to recipients or subrecipients eligible under section 5311 of title 49, United States Code, other than subsections (b)(3) and (c)(1)(B) of such section and shall be administered as if the funds were provided under section 5311 of such title.

(B) Allocation ratio.—Amounts made available under subparagraph (A) shall be allo-
cated to States, as defined in section 5302 of
title 49, United States Code, based on data con-
tained in the National Transit Database, such
that—

(i) any State that received an amount
for similar activities to prevent, prepare
for, and respond to coronavirus that is
equal to or greater than 150 percent of the
combined 2018 rural operating costs of the
recipients and subrecipients in such State
shall receive an amount equal to 5 percent
of such State’s 2018 rural operating costs;

(ii) any State that does not receive an
allocation under clause (i) that received an
amount for similar activities to prevent,
prepare for, and respond to coronavirus
that is equal to or greater than 140 per-
cent of the combined 2018 rural operating
costs of the recipients and subrecipients in
that State shall receive an amount equal to
10 percent of such State’s 2018 rural op-
erating costs; and

(iii) any State that does not receive an
allocation under clauses (i) or (ii) shall re-
receive an amount equal to 20 percent of such State’s 2018 rural operating costs.

(4) CAPITAL INVESTMENTS.—

(A) IN GENERAL.—Of the amounts made available under subsection (a)—

(i) $1,000,000,000 shall be for grants administered under subsections (d) and (e) of section 5309 of title 49, United States Code, and section 3005(b) of the FAST Act (Public Law 114–94); and

(ii) $250,000,000 shall be for grants administered under subsection (h) of section 5309 of title 49, United States Code.

(B) FUNDING DISTRIBUTION.—

(i) Amounts made available in sub-
paragraph (A)(i) shall be proportionally provided to each recipient to all projects with existing full funding grant agreements and all projects under section 3005(b) of Public Law 114–94 that received allocations for fiscal year 2019 or 2020, except that recipients with projects open for revenue service are not eligible to receive a grant under this paragraph.
(ii) For amounts made available in subparagraph (A)(ii), eligible recipients shall be any recipient of an allocation under subsection (h) of section 5309 of title 49, United States Code, or an applicant in the project development phase described in paragraph (2) of such subsection.

(iii) Amounts distributed under clauses (i) and (ii) of subparagraph (A) shall be provided notwithstanding the limitation of any calculation of the maximum amount of Federal financial assistance for the project under subsection (k)(2)(C)(ii) or (h)(7) of section 5309 of title 49, United States Code, or section 3005(b)(9) of the FAST Act (Public Law 114–94).

(5) SECTION 5311(F) SERVICES.—

(A) IN GENERAL.—Of the amounts made available under subsection (a) and in addition to the amounts made available under paragraph (3), $100,000,000 shall be available for grants to recipients for bus operators that partner with recipients or subrecipients of funds under section 5311(f) of title 49, United States Code.
(B) ALLOCATION RATIO.—Notwithstanding paragraph (3), the Secretary shall allocate amounts under subparagraph (A) in the same ratio as funds were provided under section 5311 of title 49, United States Code, for fiscal year 2020.

(C) EXCEPTION.—If a State or territory does not have bus providers eligible under section 5311(f) of title 49, United States Code, funds under this paragraph may be used by such State or territory for any expense eligible under section 5311 of title 49, United States Code.

(6) PLANNING.—

(A) IN GENERAL.—Of the amounts made available under subsection (a), $25,000,000 shall be for grants to recipients eligible under section 5307 of title 49, United States Code, for the planning of public transportation associated with the restoration of services as the coronavirus public health emergency concludes and shall be available in accordance with such section.

(B) AVAILABILITY OF FUNDS FOR ROUTE PLANNING.—Amounts made available under
subparagraph (A) shall be available for route planning designed to—

(i) increase ridership and reduce travel times, while maintaining or expanding the total level of vehicle revenue miles of service provided in the planning period; or

(ii) make service adjustments to increase the quality or frequency of service provided to low-income riders and disadvantaged neighborhoods or communities.

(C) LIMITATION.—Amounts made available under subparagraph (A) shall not be used for route planning related to transitioning public transportation service provided as of the date of receipt of funds to a transportation network company or other third-party contract provider, unless the existing provider of public transportation service is a third-party contract provider.

(7) RECIPIENTS AND SUBRECIPIENTS REQUIRING ADDITIONAL ASSISTANCE.—

(A) IN GENERAL.—Of the amounts made available under subsection (a), $2,207,561,294 shall be for grants to eligible recipients or sub-recipients of funds under chapter 53 of title 49, United States Code, that, as a result of
COVID–19, require additional assistance to maintain operations.

(B) ADMINISTRATION.—Funds made available under subparagraph (A) shall, after allocation, be administered as if provided under subsections (b)(1) or (b)(3), as applicable.

(C) APPLICATION REQUIREMENTS.—

(i) IN GENERAL.—The Secretary may not allocate funds to an eligible recipient or subrecipient of funds under chapter 53 of title 49, United States Code, unless the recipient provides to the Secretary—

(I) estimates of financial need;

(II) data on reductions in farebox or other sources of local revenue for sustained operations; and

(III) a spending plan for such funds.

(ii) EVALUATION.—

(I) IN GENERAL.—Applications for assistance under this paragraph shall be evaluated by the Secretary based on the level of financial need demonstrated by an eligible recipient or subrecipient, including projections.
of future financial need to maintain
service as a percentage of the 2018
operating costs that has not been re-
placed by the funds made available to
the eligible recipient or subrecipient
under paragraphs (1) through (5) of
this subsection when combined with
the amounts allocated to such eligible
recipient or subrecipient from funds
previously made available for the op-
erating expenses of transit agencies
related to the response to the
COVID–19 public health emergency.

(II) Restriction.—Amounts
made available under this paragraph
shall only be available for operating
expenses.

(iv) State Applicants.—A State
may apply for assistance under this para-
graph on behalf of an eligible recipient or
subrecipient, or a group of eligible recipi-
ents or subrecipients.

(D) Unobligated Funds.—If amounts
made available under this paragraph remain
unobligated on September 30, 2023, such
amounts shall be available for any purpose eligible under section 5324 of title 49, United States Code.

**SEC. 7007. RELIEF FOR AIRPORTS.**

(a) **IN GENERAL.**—

(1) **IN GENERAL.**—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any funds in the Treasury not otherwise appropriated, $8,000,000,000, to remain available until September 30, 2024, for assistance to airports under sections 47101 through 47144 of title 49, United States Code, to be made available to prevent, prepare for, and respond to coronavirus.

(2) **REQUIREMENTS AND LIMITATIONS.**—

Amounts made available under this section—

(A) shall not be subject to the requirements of chapter 471 of title 49, United States Code, except the requirements of chapter 471 (other than eligibility requirements) shall apply to any contract awarded after the date of enactment of this Act for airport development;

(B) may not be used for any purpose not directly related to the airport; and

(C) may not be provided to any airport that was allocated in excess of 4 years of oper-
ating funds to prevent, prepare for, and re-
respond to coronavirus in fiscal year 2020.

(b) ALLOCATIONS.—The following terms shall apply
to the amounts made available under this section:

(1) OPERATING EXPENSES AND DEBT SERVICE
PAYMENTS.—

(A) IN GENERAL.—Not more than
$6,492,000,000 shall be made available for pri-
mary airports, as such term is defined in sec-
tion 47102 of title 49, United States Code, and
certain cargo airports, for costs related to oper-
ations, personnel, cleaning, sanitization, janit-
torial services, combating the spread of patho-
gens at the airport, and debt service payments.

(B) DISTRIBUTION.— Amounts made
available under this paragraph—

(i) shall not be subject to the reduced
apportionments under section 47114(f) of
title 49, United States Code;

(ii) shall first be apportioned as set
forth in sections 47114(c)(1)(A),
47114(c)(1)(C)(i), 47114(c)(1)(C)(ii),
47114(c)(2)(A), 47114(c)(2)(B), and
47114(c)(2)(E) of title 49, United States
Code; and
(iii) shall not be subject to a maximum apportionment limit set forth in section 47114(c)(1)(B) of title 49, United States Code.

(C) REMAINING AMOUNTS.—Any amount remaining after distribution under subparagraph (B) shall be distributed to the sponsor of each primary airport (as such term is defined in section 47102 of title 49, United States Code) based on each such primary airport’s passenger enplanements compared to the total passenger enplanements of all such primary airports in calendar year 2019.

(2) FEDERAL SHARE FOR DEVELOPMENT PROJECTS.—

(A) IN GENERAL.—Not more than $608,000,000 allocated under subsection (a)(1) shall be available to pay a Federal share of 100 percent of the costs for any grant awarded in fiscal year 2021, or in fiscal year 2020 with less than a 100-percent Federal share, for an airport development project (as such term is defined in section 47102 of title 49).
(B) REMAINING AMOUNTS.—Any amount remaining under this paragraph shall be distributed as described in paragraph (1)(C).

(3) NONPRIMARY AIRPORTS.—

(A) IN GENERAL.—Not more than $100,000,000 shall be made available for general aviation and commercial service airports that are not primary airports (as such terms are defined in section 47102 of title 49, United States Code) for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments.

(B) DISTRIBUTION.—Amounts made available under this paragraph shall be apportioned to each non-primary airport based on the categories published in the most current National Plan of Integrated Airport Systems, reflecting the percentage of the aggregate published eligible development costs for each such category, and then dividing the allocated funds evenly among the eligible airports in each category, rounding up to the nearest thousand dollars.
(C) REMAINING AMOUNTS.—Any amount remaining under this paragraph shall be distributed as described in paragraph (1)(C).

(4) AIRPORT CONCESSIONS.—

(A) IN GENERAL.—Not more than $800,000,000 shall be made available for sponsors of primary airports to provide relief from rent and minimum annual guarantees to airport concessions, of which at least $640,000,000 shall be available to provide relief to eligible small airport concessions and of which at least $160,000,000 shall be available to provide relief to eligible large airport concessions located at primary airports.

(B) DISTRIBUTION.—The amounts made available for each set-aside in this paragraph shall be distributed to the sponsor of each primary airport (as such term is defined in section 47102 of title 49, United States Code) based on each such primary airport’s passenger enplanements compared to the total passenger enplanements of all such primary airports in calendar year 2019.

(C) CONDITIONS.—As a condition of approving a grant under this paragraph—
(i) the sponsor shall provide such relief from the date of enactment of this Act until the sponsor has provided relief equaling the total grant amount, to the extent practicable and to the extent permissible under State laws, local laws, and applicable trust indentures; and

(ii) for each set-aside, the sponsor shall provide relief from rent and minimum annual guarantee obligations to each eligible airport concession in an amount that reflects each eligible airport concession’s proportional share of the total amount of the rent and minimum annual guarantees of those eligible airport concessions at such airport.

(c) Administration.—

(1) Administrative expenses.—The Administrator of the Federal Aviation Administration may retain up to 0.1 percent of the funds provided under this section to fund the award of, and oversight by the Administrator of, grants made under this section.

(2) Workforce retention requirements.—
(A) REQUIRED RETENTION.—All airports receiving funds under this section shall continue to employ, through September 30, 2021, at least 90 percent of the number of individuals employed (after making adjustments for retirements or voluntary employee separations) by the airport as of March 27, 2020.

(B) WAIVER OF RETENTION REQUIREMENT.—The Secretary shall waive the workforce retention requirement if the Secretary determines that—

(i) the airport is experiencing economic hardship as a direct result of the requirement; or

(ii) the requirement reduces aviation safety or security.

(C) EXCEPTION.—The workforce retention requirement shall not apply to nonhub airports or nonprimary airports receiving funds under this section.

(d) DEFINITIONS.—In this section:

(1) ELIGIBLE LARGE AIRPORT CONCESSION.—The term “eligible large airport concession” means a concession (as defined in section 23.3 of title 49, Code of Federal Regulations), that is in-terminal
and has maximum gross receipts, averaged over the previous three fiscal years, of more than $56,420,000.

(2) ELIGIBLE SMALL AIRPORT CONCESSION.—

The term “eligible small airport concession” means a concession (as defined in section 23.3 of title 49, Code of Federal Regulations), that is in-terminal and—

(A) a small business with maximum gross receipts, averaged over the previous 3 fiscal years, of less than $56,420,000; or

(B) is a joint venture (as defined in section 23.3 of title 49, Code of Federal Regulations).

Subtitle B—Aviation

Manufacturing Jobs Protection

SEC. 7101. DEFINITIONS.

In this subtitle:

(1) ELIGIBLE EMPLOYEE GROUP.—The term “eligible employee group” means the portion of an employer’s United States workforce that—

(A) does not exceed 25 percent of the employer’s total United States workforce as of April 1, 2020; and
(B) contains only employees with a total compensation level of $200,000 or less per year; and

(C) is engaged in aviation manufacturing activities and services, or maintenance, repair, and overhaul activities and services.

(2) AVIATION MANUFACTURING COMPANY.—

The term “aviation manufacturing company” means a corporation, firm, or other business entity—

(A) that—

(i) actively manufactures an aircraft, aircraft engine, propeller, or a component, part, or systems of an aircraft or aircraft engine under a Federal Aviation Administration production approval; or

(ii) holds a certificate issued under part 145 of title 14, Code of Federal Regulations, for maintenance, repair, and overhaul of aircraft, aircraft engines, components, or propellers.

(B) which, as supported by demonstrable evidence—

(i) is established, created, or organized in the United States or under the laws of the United States; and
(ii) has significant operations in, and
a majority of its employees engaged in
aviation manufacturing activities and serv-
ices, or maintenance, repair, and overhaul
activities and services based in the United
States;

(C) which, as supported by demonstrable
evidence, has involuntarily furloughed or laid
off at least 10 percent of its workforce in 2020
as compared to 2019 or has experienced at
least a 15 percent decline in 2020 revenues as
compared to 2019;

(D) that, as supported by sworn financial
statements or other appropriate data, has iden-
tified the eligible employee group and the
amount of total compensation level for the eligi-
ble employee group;

(E) that agrees to provide private con-
tributions and maintain the total compensation
level for the eligible employee group for the du-
ration of an agreement under this subtitle;

(F) that agrees to provide immediate no-
tice and justification to the Secretary of invol-
untary furloughs or layoffs exceeding 10 per-
cent of the workforce that is not included in an
eligible employee group for the duration of an
agreement and receipt of public contributions
under this subtitle;

(G) that has not conducted involuntary
furloughs or reduced pay rates or benefits for
the eligible employee group, subject to the em-
ployer’s right to discipline or terminate an em-
ployee in accordance with employer policy, be-
tween the date of application and the date on
which such a corporation, firm, or other busi-
ness entity enters into an agreement with the
Secretary under this subtitle; and

(H) that—

(i) in the case of a corporation, firm,
or other business entity including any par-
et company or subsidiary of such a cor-
poration, firm, or other business entity,
that holds any type or production certifi-
cate or similar authorization issued under
section 44704 of title 49, United States
Code, with respect to a transport-category
airplane covered under part 25 of title 14,
Code of Federal Regulations, certificated
with a passenger seating capacity of 50 or
more, agrees to refrain from conducting in-
voluntary layoffs or furloughs, or reducing pay rates and benefits, for the eligible employee group, subject to the employer’s right to discipline or terminate an employee in accordance with employer policy from the date of agreement until September 30, 2021, or the duration of the agreement and receipt of public contributions under this subtitle, whichever period ends later; or

(ii) in the case of corporation, firm, or other business entity not specified under subparagraph (i), agrees to refrain from conducting involuntary layoffs or furloughs, or reducing pay rates and benefits, for the eligible employee group, subject to the employer’s right to discipline or terminate an employee in accordance with employer policy for the duration of the agreement and receipt of public contributions under this subtitle.

(3) COVID–19 PUBLIC HEALTH EMERGENCY.—The term “COVID–19 public health emergency” means the public health emergency first declared on January 31, 2020, by the Secretary of Health and
Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to the 2019 Novel Coronavirus (COVID–19) and includes any renewal of such declaration pursuant to such section 319.

(4) **EMPLOYEE.**—The term “employee” has the meaning given that term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(5) **EMPLOYER.**—The term “employer” means an aviation manufacturing company that is an employer (as defined in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203)).

(6) **PRIVATE CONTRIBUTION.**—The term “private contribution” means the contribution funded by the employer under this subtitle to maintain 50 percent of the eligible employee group’s total compensation level, and combined with the public contribution, is sufficient to maintain the total compensation level for the eligible employee group as of April 1, 2020.

(7) **PUBLIC CONTRIBUTION.**—The term “public contribution” means the contribution funded by the Federal Government under this title to provide 50 percent of the eligible employees group’s total compensation level, and combined with the private con-
tribution, is sufficient to maintain the total compensa-
tion level for those in the eligible employee group as of April 1, 2020.

(8) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(9) TOTAL COMPENSATION LEVEL.—The term “total compensation level” means the level of total base compensation and benefits being provided to an eligible employee group employee, excluding overtime and premium pay, and excluding any Federal, State, or local payroll taxes paid, as of April 1, 2020.

SEC. 7102. PAYROLL SUPPORT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a payroll support program and enter into agreements with employers who meet the eligibility criteria specified in subsection (b) and are not ineligible under subsection (c), to provide public contributions to supplement compensation of an eligible employee group. There is appropriated for fiscal year 2021, out of amounts in the Treasury not otherwise appropriated, $3,000,000,000, to remain available until September 30, 2023, for the Secretary to carry out the payroll support program authorized under the preceding sentence for which 1 percent of the funds may be used for implementation costs and administrative ex-
penses.
(b) ELIGIBILITY.—The Secretary shall enter into an agreement and provide public contributions, for a term no longer than 6 months, solely with an employer that—

(1) agrees to use the funds received under an agreement exclusively for the continuation of employee wages, salaries, and benefits, to maintain the total compensation level for the eligible employee group as of April 1, 2020 for the duration of the agreement, and to facilitate the retention, rehire, or recall of employees of the employer, except that such funds may not be used for back pay of returning rehired or recalled employees; and

(2) agrees that any false, fictitious, misleading, or fraudulent information made or submitted by the employer, or the omission of any material fact by the employer, may subject the employer to criminal, civil, or administrative penalties for fraud, false statements, false claims, or otherwise pursuant to applicable Federal law.

(c) INELIGIBILITY.—The Secretary may not enter into any agreement under this section with an employer who was allowed a credit under section 2301 of the CARES Act (26 U.S.C. 3111 note) for any calendar quarter ending before such agreement is entered into, who received financial assistance under section 4113 of the
CARES Act (15 U.S.C. 9073), or who is currently expend-
ing financial assistance under the paycheck protection pro-
gram established under section 7(a)(36) of the Small
Business Act (15 U.S.C. 636(a)(36)), as of the date the
employer submits an application under the payroll support
program established under subsection (a).

(d) REDUCTIONS.—To address any shortfall in assist-
ance that would otherwise be provided under this subtitle,
the Secretary shall reduce, on a pro rata basis, the finan-
cial assistance provided under this subtitle.

(e) AGREEMENT DEADLINE.—No agreement may be
entered into by the Secretary under the payroll support
program established under subsection (a) after the last
day of the 6 month period that begins on the effective
date of the first agreement entered into under such pro-
gram.

Subtitle C—Continued Assistance to Rail Workers

SEC. 7201. ADDITIONAL ENHANCED BENEFITS UNDER THE
RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) IN GENERAL.—Section 2(a)(5)(A) of the Railroad
Unemployment Insurance Act (45 U.S.C. 352(a)(5)(A)) is
amended—

(1) in the first sentence—
(A) by striking “March 14, 2021” and inserting “August 29, 2021”;

(B) by striking “or July 1, 2020” and inserting “July 1, 2020, or July 1, 2021”; and

(2) by adding at the end the following: “For registration periods beginning after March 14, 2021, but on or before August 29, 2021, the recovery benefit payable under this subparagraph shall be in the amount of $800.”.

(b) Clarification on Authority to Use Funds.—Funds appropriated under subparagraph (B) of section 2(a)(5) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(a)(5)) shall be available to cover the cost of recovery benefits provided under such section 2(a)(5) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(a)(5) as in effect on the day before the date of enactment of this Act.

SEC. 7202. EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) In General.—Section 2(c)(2)(D) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(c)(2)(D)) is amended—

(1) in clause (i)—
(A) in subclause (I), by striking “185 days” and inserting “305 days”;

(B) in subclause (II),

(i) by striking “19 consecutive 14-day periods” and inserting “31 consecutive 14-day periods”; and

(ii) by striking “6 consecutive 14-day periods” and inserting “18 consecutive 14-day periods”;

(2) in clause (ii)—

(A) by striking “120 days of unemployment” and inserting “240 days of unemployment”;

(B) by striking “12 consecutive 14-day periods” and inserting “24 consecutive 14-day periods”; and

(C) by striking “6 consecutive 14-day periods” and inserting “18 consecutive 14-day periods”; and

(3) in clause (iii)—

(A) by striking “June 30, 2021” and inserting “June 30, 2022”; and

(B) by striking “the provisions of clauses (i) and (ii) shall not apply to any employee whose extended benefit period under subpara-
graph (B) begins after March 14, 2021, and shall not apply to any employee with respect to any registration period beginning after April 5, 2021.” and inserting “the provisions of clauses (i) and (ii) shall not apply to any employee with respect to any registration period beginning after August 29, 2021.”

(b) Clarification on Authority to Use Funds.—Funds appropriated under either the first or second sentence of clause (v) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D) as in effect on the day before the date of enactment of this Act.

SEC. 7203. EXTENSION OF WAIVER OF THE 7-DAY WAITING PERIOD FOR BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) In General.—Section 2112(a) of the CARES Act (15 U.S.C. 9030(a)) is amended by striking “March 14, 2021” and inserting “August 29, 2021”.

(b) Clarification on Authority to Use Funds.—Funds appropriated under section 2112(c) of
the CARES Act (15 U.S.C. 9030(c)) shall be available to
cover the cost of additional benefits payable due to section
2112(a) of such Act by reason of the amendments made
by subsection (a) as well as to cover the cost of such bene-
fits payable due to such section 2112(a) as in effect on
the day before the date of enactment of this Act.

SEC. 7204. RAILROAD RETIREMENT BOARD AND OFFICE OF
THE INSPECTOR GENERAL FUNDING.

In addition to amounts otherwise made available,
there are appropriated for fiscal year 2021, out of any
money in the Treasury not otherwise appropriated—

(1) $27,975,000, to remain available until ex-
pended, for the Railroad Retirement Board, to pre-
vent, prepare for, and respond to coronavirus, of
which—

(A) $6,800,000 shall be for additional hir-
ing and overtime bonuses as needed to admin-
ister the Railroad Unemployment Insurance
Act; and

(B) $21,175,000 shall be to supplement,
not supplant, existing resources devoted to op-
erations and improvements for the Information
Technology Investment Initiatives of the Rail-
road Retirement Board; and
(2) $500,000, to remain available until expended, for the Railroad Retirement Board Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978.