

1 ment described in subparagraphs (A) through
2 (E) of that paragraph for any fiscal year other
3 than fiscal year 2019 or 2020, and those
4 amounts shall be subject to the period of avail-
5 ability otherwise applicable to those amounts
6 under Federal law.

7 **Subtitle D—Extension of Waiver
8 Authority**

9 **SEC. 442. EXTENSION OF WAIVER AUTHORITY.**

10 Notwithstanding any other provision of law, in fiscal
11 year 2021, the Secretary of Transportation may exercise
12 the authority provided by section 22005 of division B of
13 the CARES Act (23 U.S.C. 401 note; Public Law 116–
14 136).

15 **TITLE V—BANKING
16 Subtitle A—Emergency Rental
17 Assistance**

18 **SEC. 501. EMERGENCY RENTAL ASSISTANCE.**

19 (a) APPROPRIATION.—

20 (1) IN GENERAL.—Out of any money in the
21 Treasury of the United States not otherwise appro-
22 priated, there are appropriated for making payments
23 to eligible grantees under this section,
24 \$25,000,000,000 for fiscal year 2021.

11 (B) \$800,000,000 of such amount for
12 making payments under this section to eligible
13 grantees described in subparagraphs (C) and
14 (D) of subsection (k)(2); and

15 (C) \$15,000,000 for administrative ex-
16 penses of the Secretary described in subsection
17 (h).

18 (b) PAYMENTS FOR RENTAL ASSISTANCE.—

19 (1) ALLOCATION AND PAYMENTS TO STATES
20 AND UNITS OF LOCAL GOVERNMENT.—

21 (A) IN GENERAL.—The amount appro-
22 priated under paragraph (1) of subsection (a)
23 that remains after the application of paragraph
24 (2) of such subsection shall be allocated and
25 paid to eligible grantees described in subparagraph

graph (B) in the same manner as the amount appropriated under subsection (a)(1) of section 601 of the Social Security Act (42 U.S.C. 801) is allocated and paid to States and units of local government under subsections (b) and (c) of such section, and shall be subject to the same requirements, except that—

20 (iii) section 601(c) of the Social Secu-
21 rity Act shall be applied—

22 (I) by substituting "1 of the 50
23 States or the District of Columbia"
24 for "1 of the 50 States" each place it
25 appears;

4 (III) in paragraph (2)(B), by
5 substituting “each of the 50 States
6 and District of Columbia” for “each
7 of the 50 States”;

8 (IV) in paragraph (4), by sub-
9 stituting “excluding the Common-
10 wealth of Puerto Rico, the United
11 States Virgin Islands, Guam, the
12 Commonwealth of the Northern Mar-
13 iana Islands, and American Samoa”
14 for “excluding the District of Colum-
15 bia and territories specified in sub-
16 section (a)(2)(A)”;

17 (V) without regard to paragraph
18 (6);

19 (iv) section 601(d) of such Act shall
20 not apply to such payments; and

21 (v) section 601(e) shall be applied —
22 (I) by substituting “under section
23 501 of subtitle A of title V of division
24 N of the Consolidated Appropriations

(II) by substituting “local government elects to receive funds from the Secretary under section 501 of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 and will use the funds in a manner consistent with such section” for “local government’s proposed uses of the funds are consistent with subsection (d)”.

13 (B) ELIGIBLE GRANTEES DESCRIBED.—

14 The eligible grantees described in this subparagraph-
15 graph are the following:

16 (i) A State that is 1 of the 50 States
17 or the District of Columbia.

18 (ii) A unit of local government located
19 in a State described in clause (i).

20 (2) ALLOCATION AND PAYMENTS TO TRIBAL
21 COMMUNITIES —

22 (A) IN GENERAL.—From the amount re-
23 served under subsection (a)(2)(B), the Sec-
24 retary shall—

such fiscal year, provided the Secretary shall be authorized to allocate, in an equitable manner as determined by the Secretary, and pay any Indian tribe that opted out of receiving a grant allocation under the Native American Housing Block Grants program formula in fiscal year 2020, including by establishing a minimum amount of payments to such Indian tribe, provided such Indian tribe notifies the Secretary not later than 30 days after the date of enactment of this Act that it intends to receive allocations and payments under this section.

15 (B) PRO RATA ADJUSTMENT; DISTRIBUTION OF DECLINED FUNDS.—
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1 (ii) DISTRIBUTION OF DECLINED
2 FUNDS.—If the Secretary determines as of
3 30 days after the date of enactment of this
4 Act that an entity described in clause (ii)
5 of subparagraph (A) has declined to re-
6 ceive its full allocation under such clause
7 then, not later than 15 days after such
8 date, the Secretary shall redistribute, on a
9 pro rata basis, such allocation among the
10 other entities described in such clause that
11 have not declined to receive their alloca-
12 tions.

15 (A) IN GENERAL.—From the amount re-
16 served under subsection (a)(2)(A), subject to
17 subparagraph (B), the Secretary shall allocate
18 and pay to each eligible grantee described in
19 subparagraph (C) an amount equal to the prod-
20 uct of—

1 (B) ALLOCATION ADJUSTMENT.—

2 (i) REQUIREMENT.—The sum of the
3 amounts allocated under subparagraph (A)
4 to all of the eligible grantees described in
5 clause (ii) of subparagraph (C) shall not be
6 less than the amount equal to 0.3 percent
7 of the amount appropriated under sub-
8 section (a)(1).

9 (ii) REDUCTION.—The Secretary shall
10 reduce the amount of the allocation deter-
11 mined under subparagraph (A) for the eli-
12 gible grantee described in clause (i) of sub-
13 paragraph (C) as necessary to meet the re-
14 quirement of clause (i).

15 (C) ELIGIBLE GRANTEES DESCRIBED.—
16 The eligible grantees described in this subpara-
17 graph are—

18 (i) the Commonwealth of Puerto Rico;

and

20 (ii) the United States Virgin Islands,
21 Guam, the Commonwealth of the Northern
22 Mariana Islands, and American Samoa.

23 (c) USE OF FUNDS.—

24 (1) IN GENERAL.—An eligible grantee shall
25 only use the funds provided from a payment made

1 under this section to provide financial assistance and
2 housing stability services to eligible households.

3 (2) FINANCIAL ASSISTANCE.—

4 (A) IN GENERAL.—Not less than 90 per-
5 cent of the funds received by an eligible grantee
6 from a payment made under this section shall
7 be used to provide financial assistance to eligi-
8 ble households, including the payment of

9 (i) rent;

10 (ii) rental arrears;

11 (iii) utilities and home energy costs;

12 (iv) utilities and home energy costs
13 arrears; and

14 (v) other expenses related to housing
15 incurred due, directly or indirectly, to the
16 novel coronavirus disease (COVID-19) out-
17 break, as defined by the Secretary.

18 Such assistance shall be provided for a period
19 not to exceed 12 months except that grantees
20 may provide assistance for an additional 3
21 months only if necessary to ensure housing sta-
22 bility for a household subject to the availability
23 of funds.

24 (B) LIMITATION ON ASSISTANCE FOR PRO-
25 SPECTIVE RENT PAYMENTS.—

1 (i) IN GENERAL.—Subject to the ex-
2 ception in clause (ii), an eligible grantee
3 shall not provide an eligible household with
4 financial assistance for prospective rent
5 payments for more than 3 months based
6 on any application by or on behalf of the
7 household.

13 (I) subject to the availability of
14 remaining funds currently allocated to
15 the eligible grantee, and

16 (II) based on a subsequent appli-
17 cation for additional financial assist-
18 ance provided that the total months of
19 financial assistance provided to the
20 household do not exceed the total
21 months of assistance allowed under
22 subparagraph (A).

23 (iii) FURTHER LIMITATION.—To the
24 extent that applicants have rental arrears,
25 grantees may not make commitments for

1 prospective rent payments unless they have
2 also provided assistance to reduce an eligi-
3 ble household's rental arrears.

4 (C) DISTRIBUTION OF FINANCIAL ASSIST-
5 ANCE.—

6 (i) PAYMENTS.—

7 (I) IN GENERAL.—With respect
8 to financial assistance for rent and
9 rental arrears and utilities and home
10 energy costs and utility and home en-
11 ergy costs arrears provided to an eligi-
12 ble household from a payment made
13 under this section, an eligible grantee
14 shall make payments to a lessor or
15 utility provider on behalf of the eligi-
16 ble household, except that, if the les-
17 sor or utility provider does not agree
18 to accept such payment from the
19 grantee after outreach to the lessor or
20 utility provider by the grantee, the
21 grantee may make such payments di-
22 rectly to the eligible household for the
23 purpose of making payments to the
24 lessor or utility provider.

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(II) RULE OF CONSTRUCTION.—

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Nothing in this section shall be construed to invalidate any otherwise legitimate grounds for eviction.

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(ii) DOCUMENTATION.—For any payments made by an eligible grantee to a lessor or utility provider on behalf of an eligible household, the eligible grantee shall provide documentation of such payments to such household.

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(3) HOUSING STABILITY SERVICES.—Not more than 10 percent of funds received by an eligible grantee from a payment made under this section may be used to provide eligible households with case management and other services related to the novel coronavirus disease (COVID-19) outbreak, as defined by the Secretary, intended to help keep households stably housed.

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(4) PRIORITIZATION OF ASSISTANCE.—

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(A) In reviewing applications for financial assistance and housing stability services to eligible households from a payment made under this section, an eligible grantee shall prioritize consideration of the applications of an eligible

1 household that satisfies any of the following
2 conditions:

3 (i) The income of the household does
4 not exceed 50 percent of the area median
5 income for the household.

6 (ii) 1 or more individuals within the
7 household are unemployed as of the date of
8 the application for assistance and have not
9 been employed for the 90-day period pre-
10 ceding such date.

(B) Nothing in this section shall be construed to prohibit an eligible grantee from providing a process for the further prioritizing of applications for financial assistance and housing stability services from a payment made under this section, including to eligible households in which 1 or more individuals within the household were unable to reach their place of employment or their place of employment was closed because of a public health order imposed as a direct result of the COVID-19 public health emergency.

23 (5) ADMINISTRATIVE COSTS.—

24 (A) IN GENERAL.—Not more than 10 per-
25 cent of the amount paid to an eligible grantee

1 under this section may be used for administrative
2 costs attributable to providing financial assistance and housing stability services under
3 paragraphs (2) and (3), respectively, including for data collection and reporting requirements
4 related to such funds.

7 (B) NO OTHER ADMINISTRATIVE COSTS.—
8 Amounts paid under this section shall not be
9 used for any administrative costs other than to
10 the extent allowed under subparagraph (A).

11 (d) REALLOCATION OF UNUSED FUNDS.—Beginning
12 on September 30, 2021, the Secretary shall recapture excess funds, as determined by the Secretary, not obligated
13 by a grantee for the purposes described under subsection
14 (c) and the Secretary shall reallocate and repay such amounts to eligible grantees who, at the time of such reallocation, have obligated at least 65 percent of the amount originally allocated and paid to such grantee under subsection (b)(1), only for the allowable uses described under subsection (c). The amount of any such reallocation shall be determined based on demonstrated need within a grantee's jurisdiction, as determined by the Secretary.

24 (e) AVAILABILITY.—

11 (f) APPLICATION FOR ASSISTANCE BY LANDLORDS
12 AND OWNERS.—

13 (1) IN GENERAL.—Subject to paragraph (2),
14 nothing in this section shall preclude a landlord or
15 owner of a residential dwelling from—

16 (A) assisting a renter of such dwelling in
17 applying for assistance from a payment made
18 under this section; or

19 (B) applying for such assistance on behalf
20 of a renter of such dwelling.

1 (A) the landlord must obtain the signature
2 of the tenant on such application, which may be
3 documented electronically;

11 (g) REPORTING REQUIREMENTS.—

12 (1) IN GENERAL.—The Secretary, in consulta-
13 tion with the Secretary of Housing and Urban De-
14 velopment, shall provide public reports not less fre-
15 quently than quarterly regarding the use of funds
16 made available under this section, which shall in-
17 clude, with respect to each eligible grantee under
18 this section, both for the past quarter and over the
19 period for which such funds are available—

20 (A) the number of eligible households that
21 receive assistance from such payments;

22 (B) the acceptance rate of applicants for
23 assistance;

24 (C) the type or types of assistance pro-
25 vided to each eligible household;

1 (D) the average amount of funding pro-
2 vided per eligible household receiving assistance;

(E) household income level, with such information disaggregated for households with income that—

6 (i) does not exceed 30 percent of the
7 area median income for the household;

8 (ii) exceeds 30 percent but does not
9 exceed 50 percent of the area median in-
10 come for the household; and

(iii) exceeds 50 percent but does not exceed 80 percent of area median income for the household; and

14 (F) the average number of monthly rental
15 or utility payments that were covered by the
16 funding amount that a household received, as
17 applicable.

24 (3) ALTERNATIVE REPORTING REQUIREMENTS
25 FOR CERTAIN GRANTEES.—The Secretary may es-

1 establish alternative reporting requirements for grant-
2 ees described in subsection (b)(2).

3 (4) PRIVACY REQUIREMENTS.—

4 (A) IN GENERAL.—Each eligible grantee
5 that receives a payment under this section shall
6 establish data privacy and security require-
7 ments for the information described in para-
8 graph (1) that—

9 (i) include appropriate measures to
10 ensure that the privacy of the individuals
11 and households is protected;

12 (ii) provide that the information, in-
13 cluding any personally identifiable informa-
14 tion, is collected and used only for the pur-
15 pose of submitting reports under para-
16 graph (1); and

17 (iii) provide confidentiality protections
18 for data collected about any individuals
19 who are survivors of intimate partner vio-
20 lence, sexual assault, or stalking.

21 (B) STATISTICAL RESEARCH.—

22 (i) IN GENERAL.—The Secretary—

23 (I) may provide full and
24 unredacted information provided
25 under subparagraphs (A) through (F)

1 of paragraph (1), including personally
2 identifiable information, for statistical
3 research purposes in accordance with
4 existing law; and

5 (II) may collect and make avail-
6 able for statistical research, at the
7 census tract level, information col-
8 lected under subparagraph (A).

9 (ii) APPLICATION OF PRIVACY RE-
10 QUIREMENTS.—A recipient of information
11 under clause (i) shall establish for such in-
12 formation the data privacy and security re-
13 quirements described in subparagraph (A).

14 (5) NONAPPLICATION OF THE PAPERWORK RE-
15 DUCTION ACT.—Subchapter I of chapter 35 of title
16 44, United States Code, shall not apply to the collec-
17 tion of information for the reporting or research re-
18 quirements specified in this subsection.

19 (h) ADMINISTRATIVE EXPENSES OF THE SEC-
20 RETARY.—Of the funds appropriated pursuant to sub-
21 section (a), not more than \$15,000,000 may be used for
22 administrative expenses of the Secretary in administering
23 this section, including technical assistance to grantees in
24 order to facilitate effective use of funds provided under
25 this section.

1 (i) Inspector General Oversight; Recoupment

24 (4) AUTHORITY OF INSPECTOR GENERAL.—
25 Nothing in this subsection shall be construed to di-

1 minish the authority of any Inspector General, in-
2 cluding such authority as provided in the Inspector
3 General Act of 1978 (5 U.S.C. App.)
4 (j) TREATMENT OF ASSISTANCE.—Assistance pro-
5 vided to a household from a payment made under this sec-
6 tion shall not be regarded as income and shall not be re-
7 garded as a resource for purposes of determining the eligi-
8 bility of the household or any member of the household
9 for benefits or assistance, or the amount or extent of bene-
10 fits or assistance, under any Federal program or under
11 any State or local program financed in whole or in part
12 with Federal funds.

13 (k) DEFINITIONS.—In this section:

14 (1) AREA MEDIAN INCOME.—The term “area
15 median income” means, with respect to a household,
16 the median income for the area in which the house-
17 hold is located, as determined by the Secretary of
18 Housing and Urban Development.

19 (2) ELIGIBLE GRANTEE.—The term “eligible
20 grantee” means any of the following:

21 (A) A State (as defined in section
22 601(g)(4) of the Social Security Act (42 U.S.C.
23 801(g)(4)).

24 (B) A unit of local government (as defined
25 in paragraph (5)).

(C) An Indian tribe or its tribally designated housing entity (as such terms are defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) that was eligible to receive a grant under title I of such Act (25 U.S.C. 4111 et seq.) for fiscal year 2020 from the amount appropriated under paragraph (1) under the heading “NATIVE AMERICAN PROGRAMS” under the heading “PUBLIC AND INDIAN HOUSING” of title II of division H of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) to carry out the Native American Housing Block Grants program. For the avoidance of doubt, the term Indian tribe shall include Alaska native corporations established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

19 (D) The Department of Hawaiian Home-
20 lands.

21 (3) ELIGIBLE HOUSEHOLD.—

22 (A) IN GENERAL.—The term “eligible
23 household” means a household of 1 or more in-
24 dividuals who are obligated to pay rent on a

1 residential dwelling and with respect to which
2 the eligible grantee involved determines—
3 (i) that 1 or more individuals within
4 the household has
5 (I) qualified for unemployment
6 benefits or
7 (II) experienced a reduction in
8 household income, incurred significant
9 costs, or experienced other financial
10 hardship due, directly or indirectly, to
11 the novel coronavirus disease
12 (COVID–19) outbreak, which the ap-
13 plicant shall attest in writing;
14 (ii) that 1 or more individuals within
15 the household can demonstrate a risk of
16 experiencing homelessness or housing in-
17 stability, which may include—
18 (I) a past due utility or rent no-
19 tice or eviction notice;
20 (II) unsafe or unhealthy living
21 conditions; or
22 (III) any other evidence of such
23 risk, as determined by the eligible
24 grantee involved; and

(iii) the household has a household income that is not more than 80 percent of the area median income for the household.

4 (B) EXCEPTION.—To the extent feasible,
5 an eligible grantee shall ensure that any rental
6 assistance provided to an eligible household
7 pursuant to funds made available under this
8 section is not duplicative of any other Federally
9 funded rental assistance provided to such
10 household.

11 (C) INCOME DETERMINATION.—

12 (i) In determining the income of a
13 household for purposes of determining
14 such household's eligibility for assistance
15 from a payment made under this section
16 (including for purposes of subsection
17 (c)(4)), the eligible grantee involved shall
18 consider either

19 (I) the household's total income
20 for calendar year 2020, or

21 (II) subject to clause (ii), sufficient confirmation, as determined by
22 the Secretary, of the household's monthly income at the time of application for such assistance.

20 (l) TERMINATION OF PROGRAM.—The authority of
21 an eligible grantee to make new obligations to provide pay-
22 ments under subsection (c) shall terminate on the date
23 established in subsection (e) for that eligible grantee.
24 Amounts not expended in accordance with this section
25 shall revert to the Department of the Treasury.

1 SEC. 502. EXTENSION OF EVICTION MORATORIUM.

2 The order issued by the Centers for Disease Control
3 and Prevention under section 361 of the Public Health
4 Service Act (42 U.S.C. 264), entitled “Temporary Halt
5 in Residential Evictions To Prevent the Further Spread
6 of COVID–19” (85 Fed. Reg. 55292 (September 4, 2020))
7 is extended through January 31, 2021, notwithstanding
8 the effective dates specified in such Order.

9 **Subtitle B—Community
10 Development Investment**

11 **SEC. 520. PURPOSE.**

12 The purpose of this subtitle is to establish emergency
13 programs to revitalize and provide long-term financial
14 products and service availability for, and provide invest-
15 ments in, low- and moderate-income and minority commu-
16 nities that have disproportionately suffered from the im-
17 pacts of the COVID–19 pandemic.

18 **SEC. 521. CONSIDERATIONS; REQUIREMENTS FOR CREDI-
19 TORS.**

20 (a) IN GENERAL.—In exercising the authorities
21 under this subtitle and the amendments made by this sub-
22 title, the Secretary of the Treasury shall take into consid-
23 eration increasing the availability of affordable credit for
24 consumers, small businesses, and nonprofit organizations,
25 including for projects supporting affordable housing, com-
26 munity-serving real estate, and other projects, that pro-