ASHLEY MOODY
ATTORNEY GENERAL
STATE OF FLORIDA

OFFICE OF THE ATTORNEY GENERAL
Office of Public Records

Nicholas J. Weilhammer
Office of the Attorney General
State of Florida
The Capitol, PL-01
Tallahassee, Florida 32399-1050
Phone: (850) 414-3300
Facsimile: 850-487-1705
Nicholas.weilhammer@myfloridalegal.com

July 20, 2021

VIA E-MAIL

Austin Evers
American Oversight
1030 15th Street NW, Suite B255
Washington, D.C. 20005

Dear Mr. Evers:

Attached please find documents responsive to your public records request for the following:

> **[2] All (a) email communications (including emails, complete email chains, calendar invitations, and attachments thereto) sent by and (b) text message threads/conversations sent or received by any of the individuals specified in Column A, above, that contain any of the key terms listed below ['from November 3, 2020, to the date the search is conducted']:**
>
> **Key Terms:**
> **i. 'Rule of Law'**
> **ii. RLDF**
> **iii. 'Republican Attorneys General Association'**
> **iv. RAGA**
> **v. 'Save America'**
> **vi. 'stop the steal'**
> **vii. Patriot**
> **viii. Patriots**
> **ix. 'election fraud'**
> **x. 'integrity of our election'**
> **xi. 'election integrity'**
> **xii. Rally**
> **xiii. MAGA**
> **xiv. 'great again'**
> **xv. Piper."**

AMERICAN OVERSIGHT

This office has compiled the responsive non-exempt public records materials, as of the date of the request, and has attached the records to this email for production.

In connection with this response to your public records request, please note the following:

- The home addresses, telephone numbers, social security numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors, and certain family information, is exempt under section 119.071(4)(d)2.f., Fla. Stat.
- Written procedures that could facilitate the unauthorized modification, disclosure, or destruction of data or information technology resources are redacted pursuant to section 282.318(4)(e), Florida Statutes.

The attached documents will serve to complete your public records request to this office. Please do not hesitate to contact me directly at (850) 414-3634 should you have any questions.

Sincerely,

s/ Nicholas J. Weilhammer

Nicholas J. Weilhammer

Attachments: Records

AMERICAN OVERSIGHT

From: Gerald Whitney Ray
To: Kylie Mason; Lauren Cassedy; John Guard
Subject: Fwd: EXPEDIATED DEADLINE: Sign-On Opportunity: Violence at U.S. Capitol
Date: Friday, January 8, 2021 6:26:18 PM
Attachments: image001.png
image002.png
Response Form.pdf
NAAG Capitol Letter Jan 2021 FINAL.pdf

Get Outlook for iOS

From: Allison Gilmore <agilmore@naag.org>
Sent: Friday, January 8, 2021 6:23:10 PM
Cc: Ashley Wynstra <awynstra@naag.org>
Subject: FW: EXPEDIATED DEADLINE: Sign-On Opportunity: Violence at U.S. Capitol

Good evening.

The attached letter was circulated to your offices just now. Given the short response time, I'm sharing with you as advance notice that, should this reach NAAG policy, a press release would go out as early as Tuesday afternoon.

I will be back in touch if/when this becomes NAAG policy.

Thanks and have a safe and healthy weekend!

Allison M. Gilmore, CAE
Chief Communications Officer
National Association of Attorneys General
1850 M Street, NW, 12th Floor
Washington, DC 20036
202.326.6047 office
202.320.4247 cell
agilmore@naag.org
www.naag.org

From: Ryan Greenstein
Sent: Friday, January 8, 2021 6:14 PM
To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Adam Rice <adam.rice@coag.gov>; joshua.shasserre@nebraska.gov; Swaruup, Vikram (OAG) <Vikram.Swaruup@dc.gov>; brian.kane@ag.idaho.gov
Subject: EXPEDIATED DEADLINE: Sign-On Opportunity: Violence at U.S. Capitol
Importance: High

This is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:

AMERICAN OVERSIGHT

If you'd like to sign-on to the attached letter led by Attorneys General Weiser, Racine, Wasden and Peterson, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org or by fax at (202) 521-4052 by ***12pm ET on Tuesday, January 12th.***

If you have any questions about the letter, please contact Adam Rice of Colorado at adam.rice@coag.gov or (720) 508-6564, Vikram Swaruup of the District of Columbia at vikram.swaruup@dc.gov or (202) 724-6533, Brian Kane in Idaho at brian.kane@ag.idaho.gov Josh Shasserre of Nebraska at Joshua.Shasserre@Nebraska.gov or (402) 890-8766.

Please note that if you are interested in which states have signed on to this letter, you may check the real-time status at this website, please note the new site password below:
http://signons.naag.org/
Password: [redacted]

Please do not share the password or draft letter with anyone not employed by an attorney general office.

Ryan Greenstein
Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6262
rgreenstein@naag.org
www.naag.org

AMERICAN OVERSIGHT

From: Gerald Whitney Ray
To: Kylie Mason; Skylar Swanson; Lauren Cassedy; Trevor DeGroot; Cameron Paul
Cc: John Guard; Erica Geiger
Subject: Draft Tweet
Date: Wednesday, January 6, 2021 4:04:38 PM
Attachments: image001.png
image002.png
image003.png

Draft Tweet:

We are a nation founded on a rule of law and respect for those who uphold it. Violence against law enforcement officers attempting to keep the peace is unacceptable and anyone who attacks an officer should be brought to justice.

Whitney Ray
Director of Communications

Office of the Attorney General Ashley Moody
Whitney.Ray@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

AMERICAN OVERSIGHT

From: Gerald Whitney Ray
To: Richard Martin
Cc: John Guard; Charles Trippe
Subject: RE: Presidential Commission on Law Enforcement and the Administration of Justice Releases Final Report
Date: Tuesday, December 22, 2020 4:30:02 PM
Attachments: image001.png
image002.png
image004.png
image003.png

Got it… Thank you.

Whitney Ray
Director of Communications

Office of the Attorney General Ashley Moody
Whitney.Ray@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

From: Richard Martin <Richard.Martin@myfloridalegal.com>
Sent: Tuesday, December 22, 2020 4:01 PM
To: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Cc: John Guard <John.Guard@myfloridalegal.com>; Charles Trippe <Charles.Trippe@myfloridalegal.com>
Subject: FW: Presidential Commission on Law Enforcement and the Administration of Justice Releases Final Report

Whitney,
See below.

Richard H. Martin
Chief of Staff
Office of the Attorney General
PL-01 The Capitol | Tallahassee, FL 32399-1050
Tel.: (850) 245-0187
E-mail: Richard.Martin@myfloridalegal.com

From: Office of Community Oriented Policing Services (COPS) <copsusdoj@service.govdelivery.com>
Sent: Tuesday, December 22, 2020 3:45 PM
To: Richard Martin <Richard.Martin@myfloridalegal.com>
Subject: Presidential Commission on Law Enforcement and the Administration of Justice Releases Final Report

COPS Logo 508

PRESS RELEASE

FOR IMMEDIATE RELEASE **AG**

TUESDAY, DECEMBER 22, 2020

(202) 514-2007
TTY (866) 544-5309

PRESIDENTIAL COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE RELEASES FINAL REPORT

WASHINGTON – Today, following months of virtual meetings, testimony and study, U.S. Attorney General William P. Barr submitted the final report of the President's Commission on Law Enforcement and the Administration of Justice to the White House. This report represents the first comprehensive study of law enforcement in more than 55 years.

On Oct. 28, 2019, President Donald J. Trump signed Executive Order No. 13896, which directed the Department of Justice to establish the "Commission on Law Enforcement and the Administration of Justice." The purpose of the Commission was to conduct a modern study of the state of American policing and determine specific measures to reduce crime and promote the rule of law. At the conclusion of this study, the Commission was to issue a report.

"This report is the result of significant effort and commitment by hundreds of working group members, dozens of staff, nearly 200 individual testimonies, and of course the 18 distinguished commissioners, who, as I've said before, truly reflect the best there is in law enforcement," said Attorney General Barr. "We could not have foreseen the challenges 2020 would present when we set out to accomplish our goal of researching important current issues facing law enforcement and the criminal justice system. Yet despite these challenges, the Commission produced a thoughtful and comprehensive report."

At a ceremony in January 2020, Attorney General Barr announced the establishment of the Commission and the individuals who would serve as commissioners. From January through July, the Commission met formally more than 50 times – adjusting to the challenges brought on by the COVID-19 pandemic – with the goal of making improvements to American law enforcement for years to come. Throughout that time, the Commission assembled a report that reviewed a variety of important issues affecting law enforcement and their capacity to safeguard American communities.

The full report can be found here: https://www.justice.gov/file/1347866/download.

###

The year 2020 marks the 150th anniversary of the Department of Justice. Learn more about the history of our agency at www.Justice.gov/Celebrating150Years.

You have received this email from the U.S. Department of Justice's Community Oriented Policing Services (COPS) Office. Your subscription information may not be used for any other purposes.

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This email was sent to richard.martin@myfloridalegal.com using GovDelivery Communications Cloud on behalf of: Office of Community Oriented Policing Services (COPS) · 145 N St, NE · Washington, DC 20530 · 800-421-6770

AMERICAN OVERSIGHT

From: Richard Martin
To: Gerald Whitney Ray
Cc: John Guard; Charles Trippe
Subject: FW: Presidential Commission on Law Enforcement and the Administration of Justice Releases Final Report
Date: Tuesday, December 22, 2020 4:00:32 PM
Attachments: image003.png

Whitney,
See below.

Richard H. Martin
Chief of Staff
Office of the Attorney General
PL-01 The Capitol | Tallahassee, FL 32399-1050
Tel.: (850) 245-0187
E-mail: Richard.Martin@myfloridalegal.com

From: Office of Community Oriented Policing Services (COPS) <copsusdoj@service.govdelivery.com>
Sent: Tuesday, December 22, 2020 3:45 PM
To: Richard Martin <Richard.Martin@myfloridalegal.com>
Subject: Presidential Commission on Law Enforcement and the Administration of Justice Releases Final Report

COPS Logo 508

PRESS RELEASE

FOR IMMEDIATE RELEASE **AG**

TUESDAY, DECEMBER 22, 2020

(202) 514-2007
TTY (866) 544-5309

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###

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You have received this email from the U.S. Department of Justice's Community Oriented Policing Services (COPS) Office. Your subscription information may not be used for any other purposes.

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AMERICAN OVERSIGHT

From:	Richard Martin
To:	Gerald Whitney Ray; Victoria Butler; John Guard; Charles Trippe; Daniel Olson; Ruth Dillard; Sabrina Donovan
Subject:	COVID-19 Stimulus Bill
Date:	Tuesday, December 22, 2020 8:57:23 AM
Attachments:	Summary of H.R. 133 Coronavirus Relief Provisions-Divisions.pdf Summary of H.R. 133 Appropriations Provisions.pdf image003.png

Attached is a summary of what's in the COVID-19 stimulus bill passed by Congress. You may want to pass this along to your contacts at DEO, OFR, and DACS as there are numerous provisions which affect unemployment, financial institutions with PPP loan programs, and agriculture.

Richard H. Martin
Chief of Staff
Office of the Attorney General
PL-01 The Capitol | Tallahassee, FL 32399-1050
Tel.: (850) 245-0187
E-mail: Richard.Martin@myfloridalegal.com

AMERICAN OVERSIGHT

From: Gerald Whitney Ray
To: Carolyn Snurkowski
Cc: Richard Martin; John Guard; Kylie Mason
Subject: Fwd: Orlando Sentinel Media Request RE: Joshua Timke
Date: Monday, December 21, 2020 3:13:47 PM
Attachments: timkedecision.pdf

Carolyn,

Please see the request for comment from the Orlando Sentinel below and advise.

Thank you,
Whitney

Get Outlook for iOS

From: Cordeiro, Monivette <mcordeiro@orlandosentinel.com>
Sent: Monday, December 21, 2020 2:57:38 PM
To: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Subject: Fw: Orlando Sentinel Media Request RE: Joshua Timke

From: Cordeiro, Monivette
Sent: Monday, December 21, 2020 2:57 PM
To: Kylie Mason <Kylie.Mason@myfloridalegal.com>
Subject: Orlando Sentinel Media Request RE: Joshua Timke

Hello,

I hope you're doing well. I was hoping to get a comment from the attorney general's office on the appellate opinion in the Joshua Timke case, which is attached to this email. Some critics online have called the decision unfair for sentencing someone to sentencing someone to more than 16 years in prison for a curfew violation. Does the office have a comment on that? Thanks!

Best,
Monivette

AMERICAN OVERSIGHT

From: Gerald Whitney Ray
To: Skylar Swanson; Charles Trippe; Richard Martin; John Guard
Cc: Kylie Mason; Trevor DeGroot
Subject: RE: Daniel"s Law NR
Date: Monday, December 14, 2020 2:00:12 PM
Attachments: Daniels Law NR.docx
image002.png
image003.png
image004.png
image005.png

We would like to push this at 3:00.

I have been updated since you last saw to include the language below. Please make any additional edits in the attached Word doc:

The threat judges face hit home in Florida in 2013, when a convicted felon sought revenge on U.S. District Judge for the Middle District of Florida Timothy J. Corrigan. The gunman fired a single shot at the judge missing him by less than two inches.

Whitney Ray
Director of Communications

Office of the Attorney General Ashley Moody
Whitney.Ray@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

From: Skylar Swanson <Skylar.Swanson@myfloridalegal.com>
Sent: Monday, December 14, 2020 9:41 AM
To: Charles Trippe <Charles.Trippe@myfloridalegal.com>; Richard Martin <Richard.Martin@myfloridalegal.com>; John Guard <John.Guard@myfloridalegal.com>
Cc: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>
Subject: RE: Daniel's Law NR

Thank you RM and CT, your edits are updated and attached!

From: Charles Trippe <Charles.Trippe@myfloridalegal.com>
Sent: Friday, December 11, 2020 6:54 PM
To: Richard Martin <Richard.Martin@myfloridalegal.com>; Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; John Guard <John.Guard@myfloridalegal.com>

AMERICAN OVERSIGHT

Cc: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>
Subject: RE: Daniel's Law NR

Two slight edits

From: Richard Martin <Richard.Martin@myfloridalegal.com>
Sent: Friday, December 11, 2020 5:28 PM
To: Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; John Guard <John.Guard@myfloridalegal.com>; Charles Trippe <Charles.Trippe@myfloridalegal.com>
Cc: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Subject: RE: Daniel's Law NR

My comments.

Richard H. Martin
Chief of Staff
Office of the Attorney General
PL-01 The Capitol | Tallahassee, FL 32399-1050
Tel.: (850) 245-0187
E-mail: Richard.Martin@myfloridalegal.com

From: Skylar Swanson <Skylar.Swanson@myfloridalegal.com>
Sent: Friday, December 11, 2020 5:09 PM
To: Richard Martin <Richard.Martin@myfloridalegal.com>; John Guard <John.Guard@myfloridalegal.com>; Charles Trippe <Charles.Trippe@myfloridalegal.com>
Cc: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Subject: Daniel's Law NR

Good Afternoon!

Draft NR for Daniel's Law is attached for review.

Thank you!

AMERICAN OVERSIGHT

From:	Richard Martin
To:	Skylar Swanson; John Guard; Charles Trippe
Cc:	Gerald Whitney Ray; Kylie Mason; Trevor DeGroot; Cameron Paul
Subject:	RE: Daniel"s Law NR
Date:	Friday, December 11, 2020 5:28:18 PM
Attachments:	Daniels Law NR rm.docx image002.png

My comments.

Richard H. Martin
Chief of Staff
Office of the Attorney General
PL-01 The Capitol | Tallahassee, FL 32399-1050
Tel.: (850) 245-0187
E-mail: Richard.Martin@myfloridalegal.com

From: Skylar Swanson <Skylar.Swanson@myfloridalegal.com>
Sent: Friday, December 11, 2020 5:09 PM
To: Richard Martin <Richard.Martin@myfloridalegal.com>; John Guard <John.Guard@myfloridalegal.com>; Charles Trippe <Charles.Trippe@myfloridalegal.com>
Cc: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Subject: Daniel's Law NR

Good Afternoon!

Draft NR for Daniel's Law is attached for review.

Thank you!

AMERICAN OVERSIGHT

From: Richard Martin
To: John Guard
Subject: FW: Scott R. Strauss Resume
Date: Monday, November 16, 2020 9:59:32 AM
Attachments: Strauss, Scott - CV.pdf
image003.png

John,
As discussed.

Richard H. Martin
Chief of Staff
Office of the Attorney General
PL-01 The Capitol | Tallahassee, FL 32399-1050
Tel.: (850) 245-0187
E-mail: Richard.Martin@myfloridalegal.com

From: Scott Strauss <scottstrauss@outlook.com>
Sent: Friday, November 13, 2020 11:55 PM
To: Richard Martin <Richard.Martin@myfloridalegal.com>
Subject: Scott R. Strauss Resume

Hi Richard,

I have attached a copy of my resume. If you have availability to speak next week, please let me know.

Thank you,

Scott R. Strauss

scottstrauss@outlook.com
[redacted]

Sent from Mail for Windows 10

AMERICAN OVERSIGHT

From:	John Guard
To:	Cameron Paul; Kylie Mason; Trevor DeGroot; Erica Geiger; Gerald Whitney Ray; Skylar Swanson; Lauren Cassedy
Subject:	Re: Draft Tweet
Date:	Wednesday, January 6, 2021 4:30:01 PM
Attachments:	image001.png image002.png image003.png

Let it go

Get Outlook for iOS

From: Cameron Paul <Cameron.Paul@myfloridalegal.com>
Sent: Wednesday, January 6, 2021 4:11:54 PM
To: Kylie Mason <Kylie.Mason@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Erica Geiger <Erica.Geiger@myfloridalegal.com>; Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; Lauren Cassedy <Lauren.Cassedy@myfloridalegal.com>
Cc: John Guard <John.Guard@myfloridalegal.com>
Subject: RE: Draft Tweet

Good to me

Cameron Paul
Executive Assistant
Florida Attorney General's Office
The Capitol, Suite PL-01
Tallahassee, Fla. 32399-1050
Office: (850) 245-0196

From: Kylie Mason <Kylie.Mason@myfloridalegal.com>
Sent: Wednesday, January 6, 2021 4:06 PM
To: Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Erica Geiger <Erica.Geiger@myfloridalegal.com>; Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; Lauren Cassedy <Lauren.Cassedy@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Cc: John Guard <John.Guard@myfloridalegal.com>
Subject: Re: Draft Tweet

Good!

Get Outlook for iOS

From: Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>
Sent: Wednesday, January 6, 2021 4:06:08 PM
To: Erica Geiger <Erica.Geiger@myfloridalegal.com>; Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>; Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; Lauren Cassedy

AMERICAN OVERSIGHT

<Lauren.Cassedy@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Cc: John Guard <John.Guard@myfloridalegal.com>
Subject: RE: Draft Tweet

Good

From: Erica Geiger <Erica.Geiger@myfloridalegal.com>
Sent: Wednesday, January 6, 2021 4:06 PM
To: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>; Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; Lauren Cassedy <Lauren.Cassedy@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Cc: John Guard <John.Guard@myfloridalegal.com>
Subject: RE: Draft Tweet

No edits. Great

From: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Sent: Wednesday, January 6, 2021 4:05 PM
To: Kylie Mason <Kylie.Mason@myfloridalegal.com>; Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; Lauren Cassedy <Lauren.Cassedy@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Cc: John Guard <John.Guard@myfloridalegal.com>; Erica Geiger <Erica.Geiger@myfloridalegal.com>
Subject: Draft Tweet

Draft Tweet:

We are a nation founded on a rule of law and respect for those who uphold it. Violence against law enforcement officers attempting to keep the peace is unacceptable and anyone who attacks an officer should be brought to justice.

Whitney Ray
Director of Communications

Office of the Attorney General Ashley Moody
Whitney.Ray@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: John Guard
To: Gerald Whitney Ray
Subject: Fwd: Legislative Update: Coronavirus Relief Package
Date: Monday, December 21, 2020 5:42:10 PM
Attachments: image001.png
image002.png
Summary of H.R. 133 Appropriations Provisions.pdf
Summary of H.R. 133 Coronavirus Relief Provisions.pdf

Congress is likely to pass the extension we sought to the Cares act
Get Outlook for iOS

From: Ryan Greenstein <rgreenstein@naag.org>
Sent: Monday, December 21, 2020 5:05:32 PM
To: Ryan Greenstein <rgreenstein@naag.org>
Subject: Legislative Update: Coronavirus Relief Package

This is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:

Today, both the Senate and House of Representatives are expected to vote on and pass a $900 billion coronavirus relief package attached to the larger $1.4 trillion omnibus spending bill. Assuming it passes both chambers, the White House has indicated the legislation will likely be signed quickly by the President. If either chamber fails to pass the bill or some other measure to fund the government, a federal government shutdown will begin at midnight. Further COVID relief is expected to be an early priority of the 117th Congress in January.

Several NAAG priorities and items are included in the final package. The below is intended as an initial high-level overview of NAAG priorities and is not meant to include every item that could impact attorneys general within the 5593 pages of text.

Final text is available HERE and section-by-section summaries of the appropriations provisions and the Coronavirus Relief provisions are both attached.

What NAAG priorities related to the pandemic were included in the legislation?

- Coronavirus Relief Fund (CRF) Spending Deadline Extension
  - As requested in NAAG's November 30, 2020 letter, the COVID relief bill amend the CRF program to allow state and local governments to spend the funding until at least December 31, 2021.
  - This week, NAAG resent this letter to Congressional leadership and the White House. Prior to this week, NAAG made sure key offices were aware of not only NAAG's support but that many other national associations, including the National Association of Counties, were supportive of this extension. As part of this outreach, many offices responded that they shared NAAG's view and Congressman Welch of Vermont even went further and tweeted his support of NAAG's stance.
- Broadband Access
  - This legislation includes $7 billion to increase access to broadband, including a new Emergency Broadband Benefit to help millions of students, families and unemployed workers afford the broadband they need during the pandemic.
  - In NAAG's May 21, 2020 letter, sent a letter to Congressional leadership encouraging

AMERICAN OVERSIGHT

future COVID-19 relief legislation to include "adequate and flexible funding to state, territorial, and local governments to expand broadband internet access" and "increase funding to the U.S. Federal Communication Commission Universal Service Fund." There have been several proposals over this year to bridge the digital divide similar to what was finally included in this legislation.

What NAAG priorities related to the pandemic are not included in the relief legislation?

- Medication Assisted Treatment for Opioid Use Disorder
  - Though initially included in a bipartisan Senate proposal, the final COVID relief bill does not language that would eliminate the requirement for health care practitioners to apply for an x-waiver from the DEA in order to prescribe buprenorphine to the end of the Public Health Emergency or to December 31, 2021. NAAG requested Congress eliminate this burdensome requirement in an August 2019 letter to Congress. The CDC also released a health advisory last week that recommended expanding access to FDA-approved medications, including buprenorphine, as a key tool in responding to the increase in synthetic opioid overdose deaths in the past year.
  - As part of NAAG's advocacy efforts in this area, NAAG has been in contact with Speaker Pelosi's staff, Minority Leader McCarthy's staff, Minority Leader Schumer's staff, the Senate Health, Education, Labor and Pensions (HELP) Committee, and SAMHSA officials. Last October, NAAG also hosted an attorney general for fly-in meetings with their Senators and ONDCP Director Carroll.
- Consumer Protection Conditions Attached to Fiscal Relief for the Airline Industry
  - In NAAG's October 1, 2020 letter to Congressional leadership, NAAG requested any fiscal relief to the airline industry require carriers receiving relief to provide full refunds to customers who voluntarily cancel their flight reservations for reasons related to COVID-19. The letter also ask Congress to strengthen "existing laws requiring that refunds for flight cancellations be remitted in full and according to federal law, and preventing delays in issuance of refunds or expirations that effectively cancel the value reimbursed" and that Congress authorize state attorneys general to enforce federal airline consumer protections.
  - Though the legislation includes $25 billion for airlines, it does not include the requested conditions from NAAG's letter. It does require airlines maintain minimum service levels and keeps workers on payroll through September 30, 2021.
- Amendments to the Victims of Crime Act of 1984 (VOCA)
  - NAAG sent two letters requesting VOCA amendments in 2020. The first letter sent on August 10th asked Congress to include victims of senior fraud as eligible for reimbursement by the Crime Victims Fund for states that provide compensation to victims and was signed by 44 attorneys general. The second letter sent on August 24th proposed several amendments to VOCA to stabilize the Crime Victims Fund and was the only 2020 NAAG letter signed by all 56 attorneys general. Neither letters' requests were included in the COVID relief legislation, though the HEROES Act did include language to allow penalties and fines from deferred prosecution and non-prosecution agreements be deposited into the Crime Victims Fund.
  - Both letters have attracted a significant amount of attention in Congress and have been included in requests by a coalition of over 1500 victim advocate and prosecutor groups.

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The coalition has engaged a wide range of offices and coordinated a national social media campaign using the hashtags #VOCAFix and #Crisis4Victims. In October, AG Fox and AG Healey published a joint op-ed on the priorities included in the August 24th letter. Following the August 10th letter, Sen. Baldwin of Wisconsin and Sens. Cassidy and Kennedy of Louisiana all put out social media statements supporting the August 10th letter.

- Equal Coronavirus Relief Funding for the District of Columbia
  - On March 26, 2020, NAAG sent a letter to Congress asking for the CARES Act to provide the District of Columbia at least $1.25 billion in direct payments, similar to what all fifty states received, instead of the $500 billion the District was allocated. Though the CARES Act was not amended as requested, the HEREOS Act, which passed the House in May, included language to provide the District $755 million so it's total relief would match the $1.25 billion relief initially requested.

Ryan Greenstein
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From:	John Guard
To:	Lauren Cassedy; Gerald Whitney Ray
Subject:	Fwd: 22O155 - Texas v. Pennsylvania (U.S.) - Amicus Brief of Missouri and 16 Other States - Final
Date:	Wednesday, December 9, 2020 3:08:59 PM
Attachments:	2020-12-09 - Texas v. Pennsylvania - Amicus Brief of Missouri et al. - Final with Tables.pdf 2020.12.09 Certificate of Compliance.pdf 2020.12.09 Certificate of Service.pdf

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From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Wednesday, December 9, 2020 3:03:26 PM
To: 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov>; John Guard <John.Guard@myfloridalegal.com>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; 'Chanay, Jeff' <Jeff.Chanay@ag.ks.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Michelle Williams' <Michelle.Williams@ago.ms.gov>; 'Schlichting, Melissa' <MSchlichting@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Seibel, Troy T.' <tseibel@nd.gov>; 'Mithun Mansinghani' <mithun.mansinghani@oag.ok.gov>; 'Emory Smith' <ESmith@scag.gov>; 'Ravnsborg, Jason' <Jason.Ravnsborg@state.sd.us>; 'Andree S. Blumstein' <Andree.Blumstein@ag.tn.gov>; 'Melissa Holyoak' <melissaholyoak@agutah.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>
Subject: 22O155 - Texas v. Pennsylvania (U.S.) - Amicus Brief of Missouri and 16 Other States - Final

All-

Thank you all for joining this amicus brief on such short notice. Attached are the final PDFs of the Amicus Brief and Certificates. We ended up with a 17-State coalition, which is an extremely strong group for such a short turnaround. Our press officer has requested that this be embargoed until 3:30 pm Central. Thank you all for your support on this important project!

Thank you,

John Sauer

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From:	John Guard
To:	Erica Geiger
Subject:	FW: Texas v. Pennsylvania, et al. - Amicus Brief of Missouri, at al. - Joins requested by 1:00 p.m. Central Tomorrow, 12/9
Date:	Wednesday, December 9, 2020 1:07:00 PM
Attachments:	2020-12-09 - Texas v. Pennsylvania - Amicus Brief of Missouri et al. - Circulation Redline.docx

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From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Wednesday, December 9, 2020 1:06 PM
To: John Guard <John.Guard@myfloridalegal.com>
Subject: FW: Texas v. Pennsylvania, et al. - Amicus Brief of Missouri, at al. - Joins requested by 1:00 p.m. Central Tomorrow, 12/9

Missouri
Arkansas
Louisiana
Missisippi
Nebraska
West Virginia

From: Sauer, John
Sent: Wednesday, December 9, 2020 11:21 AM
To: 'Mithun Mansinghani' <mithun.mansinghani@oag.ok.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Melissa Holyoak' <melissaholyoak@agutah.gov>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>; 'ed.sniffen@alaska.gov' <ed.sniffen@alaska.gov>; Smith, Justin <justin.smith@ago.mo.gov>; 'Amit.Agarwal@myfloridalegal.com' <Amit.Agarwal@myfloridalegal.com>; 'Kane, Brian' <brian.kane@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'julia.payne@atg.in.gov' <julia.payne@atg.in.gov>; 'toby.crouse@ag.ks.gov' <toby.crouse@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Andrew Pinson' <APinson@LAW.GA.GOV>; 'jeff.chanay' <jeff.chanay@ag.ks.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Kristi.Johnson@ago.ms.gov' <Kristi.Johnson@ago.ms.gov>; 'ABurton@mt.gov' <ABurton@mt.gov>; 'MSchlichting@mt.gov' <MSchlichting@mt.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'jonbennion@mt.gov' <jonbennion@mt.gov>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'Benjamin.flowers@ohioattorneygeneral.gov' <Benjamin.flowers@ohioattorneygeneral.gov>; 'ESmith@scag.gov' <ESmith@scag.gov>; 'BCook@scag.gov' <BCook@scag.gov>; 'steven.blair@state.sd.us' <steven.blair@state.sd.us>; 'Sherri.Wald@state.sd.us' <Sherri.Wald@state.sd.us>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'matthew.frederick@texasattorneygeneral.gov' <matthew.frederick@texasattorneygeneral.gov>; 'Kyle.Hawkins@oag.texas.gov' <Kyle.Hawkins@oag.texas.gov>; 'Ric Cantrell' <rcantrell@agutah.gov>; 'james.kaste@wyo.gov' <james.kaste@wyo.gov>; 'Jim.Campbell@nebraska.gov' <Jim.Campbell@nebraska.gov>; 'Thomas T.

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Subject: RE: Texas v. Pennsylvania, et al. - Amicus Brief of Missouri, at al. - Joins requested by 1:00 p.m. Central Tomorrow, 12/9

All-

Attached please find a redline with minor changes to this brief to address issues raised by several States. Thank you to Nebraska and West Virginia for proposing these changes. Arkansas, Louisiana, and Mississippi have joined, with many others expressing interest. Our printer has given a hard deadline of 1:00 pm, so please do let us know by then if you would like to join!

Thanks a lot, John Sauer

From: Sauer, John
Sent: Wednesday, December 9, 2020 9:04 AM
To: 'Mithun Mansinghani' <mithun.mansinghani@oag.ok.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Melissa Holyoak' <melissaholyoak@agutah.gov>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>; 'ed.sniffen@alaska.gov' <ed.sniffen@alaska.gov>; Smith, Justin <justin.smith@ago.mo.gov>; 'Amit.Agarwal@myfloridalegal.com' <Amit.Agarwal@myfloridalegal.com>; 'Kane, Brian' <brian.kane@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'julia.payne@atg.in.gov' <julia.payne@atg.in.gov>; 'toby.crouse@ag.ks.gov' <toby.crouse@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Andrew Pinson' <APinson@LAW.GA.GOV>; 'jeff.chanay' <jeff.chanay@ag.ks.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Kristi.Johnson@ago.ms.gov' <Kristi.Johnson@ago.ms.gov>; 'ABurton@mt.gov' <ABurton@mt.gov>; 'MSchlichting@mt.gov' <MSchlichting@mt.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'jonbennion@mt.gov' <jonbennion@mt.gov>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'Benjamin.flowers@ohioattorneygeneral.gov' <Benjamin.flowers@ohioattorneygeneral.gov>; 'ESmith@scag.gov' <ESmith@scag.gov>; 'BCook@scag.gov' <BCook@scag.gov>; 'steven.blair@state.sd.us' <steven.blair@state.sd.us>; 'Sherri.Wald@state.sd.us' <Sherri.Wald@state.sd.us>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'matthew.frederick@texasattorneygeneral.gov' <matthew.frederick@texasattorneygeneral.gov>; 'Kyle.Hawkins@oag.texas.gov' <Kyle.Hawkins@oag.texas.gov>; 'Ric Cantrell' <rcantrell@agutah.gov>; 'james.kaste@wyo.gov' <james.kaste@wyo.gov>; 'Jim.Campbell@nebraska.gov' <Jim.Campbell@nebraska.gov>; 'Thomas T. Lampman' <Thomas.T.Lampman@wvago.gov>; 'Jessica A. Lee' <Jessica.A.Lee@wvago.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Bash, Zina' <Zina.Bash@oag.texas.gov>; 'masagsve@nd.gov'; 'Harley Kirkland' <HKirkland@scag.gov>; 'Eddie

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Lacour' <elacour@ago.state.al.us>; 'Hudson, Kian' <Kian.Hudson@atg.in.gov>; 'Kuhn, Matt F (KYOAG)' <Matt.Kuhn@ky.gov>; 'Michelle Williams' <Michelle.Williams@ago.ms.gov>; 'krissy.nobile@ago.ms.gov' <krissy.nobile@ago.ms.gov>
Subject: RE: Texas v. Pennsylvania, et al. - Amicus Brief of Missouri, at al. - Joins requested by 1:00 p.m. Central Tomorrow, 12/9

All-

Thank you for considering this amicus brief on such short notice. So far, Louisiana and Arkansas have joined, with several others expressing interest. I have attached an updated draft that includes minor, non-substantive edits, and which adjusts the language of the concluding paragraphs in response to comments from an interested state. The Supreme Court issued an order last night ordering the Defendant States (MI, PA, WS, GA) to file a response for the Motion for Leave to File Bill of Complaint and request for interim injunctive relief by 3:00 pm tomorrow. Given this highly accelerated briefing schedule, we would like to file this brief as soon as possible this afternoon to give the Court the most time possible to read it. Accordingly, we would prefer not to extend the deadline past 1:00 p.m. Central today, so please let us know by then if you are interested. Thanks a lot!

Best, John Sauer

From: Sauer, John
Sent: Tuesday, December 8, 2020 6:11 PM
To: 'Mithun Mansinghani' <mithun.mansinghani@oag.ok.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Melissa Holyoak' <melissaholyoak@agutah.gov>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>; 'ed.sniffen@alaska.gov' <ed.sniffen@alaska.gov>; Smith, Justin <justin.smith@ago.mo.gov>; 'Amit.Agarwal@myfloridalegal.com' <Amit.Agarwal@myfloridalegal.com>; 'Kane, Brian' <brian.kane@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'julia.payne@atg.in.gov' <julia.payne@atg.in.gov>; 'toby.crouse@ag.ks.gov' <toby.crouse@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Andrew Pinson' <APinson@LAW.GA.GOV>; 'jeff.chanay' <jeff.chanay@ag.ks.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Kristi.Johnson@ago.ms.gov' <Kristi.Johnson@ago.ms.gov>; 'ABurton@mt.gov' <ABurton@mt.gov>; 'MSchlichting@mt.gov' <MSchlichting@mt.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'jonbennion@mt.gov' <jonbennion@mt.gov>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'Benjamin.flowers@ohioattorneygeneral.gov' <Benjamin.flowers@ohioattorneygeneral.gov>; 'ESmith@scag.gov' <ESmith@scag.gov>; 'BCook@scag.gov' <BCook@scag.gov>; 'steven.blair@state.sd.us' <steven.blair@state.sd.us>; 'Sherri.Wald@state.sd.us' <Sherri.Wald@state.sd.us>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'matthew.frederick@texasattorneygeneral.gov' <matthew.frederick@texasattorneygeneral.gov>; 'Kyle.Hawkins@oag.texas.gov' <Kyle.Hawkins@oag.texas.gov>; 'Ric Cantrell' <rcantrell@agutah.gov>; 'james.kaste@wyo.gov' <james.kaste@wyo.gov>; 'Jim.Campbell@nebraska.gov' <Jim.Campbell@nebraska.gov>; 'Thomas T.

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Subject: Texas v. Pennsylvania, et al. - Amicus Brief of Missouri, at al. - Joins requested by 1:00 p.m. Central Tomorrow, 12/9

All-

Attached please find a draft multistate amicus brief in support of Texas's motion for leave to file a bill of complaint in the U.S. Supreme Court challenging the administration of the recent Presidential election in Pennsylvania, Michigan, Wisconsin, and Georgia. The brief argues that (1) the separation-of-powers provision of the Electors Clause of Article II, Section 1 is an important structural check on government that safeguards individual liberty; (2) voting by mail presents real concerns for fraud and abuse that require statutory safeguards to protect against such fraud and abuse; and (3) the abrogation of statutory safeguards against fraud in voting by mail by non-legislative actors violates the Electors Clause and undermines public confidence in elections. For your reference, I have also attached Texas's Motion for Leave to File Bill of Complaint and related documents.

With apologies for the short deadline, given the time-sensitivity of this case, we are requesting joins by **1:00 p.m. Central TOMORROW**, 12/9. We are planning to file tomorrow afternoon.

Thanks a lot,

John Sauer
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From:	John Guard
To:	Erica Geiger
Subject:	FW: Texas v. Pennsylvania, et al. - Amicus Brief of Missouri, at al. - Joins requested by 1:00 p.m. Central Tomorrow, 12/9
Date:	Wednesday, December 9, 2020 11:06:00 AM
Attachments:	2020-12-08 - Texas v. Pennsylvania - Amicus Brief of Missouri et al.docx

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From: Amit Agarwal <Amit.Agarwal@myfloridalegal.com>
Sent: Tuesday, December 8, 2020 7:14 PM
To: John Guard <John.Guard@myfloridalegal.com>; Richard Martin <Richard.Martin@myfloridalegal.com>; Charles Trippe <Charles.Trippe@myfloridalegal.com>
Cc: Christopher Baum <Christopher.Baum@myfloridalegal.com>; Evan Ezray <Evan.Ezray@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>
Subject: Fw: Texas v. Pennsylvania, et al. - Amicus Brief of Missouri, at al. - Joins requested by 1:00 p.m. Central Tomorrow, 12/9

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Tuesday, December 8, 2020 7:10 PM
To: 'Mithun Mansinghani' <mithun.mansinghani@oag.ok.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Melissa Holyoak' <melissaholyoak@agutah.gov>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>; 'ed.sniffen@alaska.gov' <ed.sniffen@alaska.gov>; Smith, Justin <Justin.Smith@ago.mo.gov>; Amit Agarwal <Amit.Agarwal@myfloridalegal.com>; 'Kane, Brian' <brian.kane@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'julia.payne@atg.in.gov' <julia.payne@atg.in.gov>; 'toby.crouse@ag.ks.gov' <toby.crouse@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Andrew Pinson' <APinson@LAW.GA.GOV>; 'jeff.chanay' <jeff.chanay@ag.ks.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Kristi.Johnson@ago.ms.gov' <Kristi.Johnson@ago.ms.gov>; 'ABurton@mt.gov' <ABurton@mt.gov>; 'MSchlichting@mt.gov' <MSchlichting@mt.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'jonbennion@mt.gov' <jonbennion@mt.gov>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'Benjamin.flowers@ohioattorneygeneral.gov' <Benjamin.flowers@ohioattorneygeneral.gov>; 'ESmith@scag.gov' <ESmith@scag.gov>; 'BCook@scag.gov' <BCook@scag.gov>; 'steven.blair@state.sd.us' <steven.blair@state.sd.us>; 'Sherri.Wald@state.sd.us' <Sherri.Wald@state.sd.us>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'matthew.frederick@texasattorneygeneral.gov' <matthew.frederick@texasattorneygeneral.gov>; 'Kyle.Hawkins@oag.texas.gov' <Kyle.Hawkins@oag.texas.gov>; 'Ric Cantrell' <rcantrell@agutah.gov>; 'james.kaste@wyo.gov' <james.kaste@wyo.gov>; 'Jim.Campbell@nebraska.gov' <Jim.Campbell@nebraska.gov>; 'Thomas T. Lampman' <Thomas.T.Lampman@wvago.gov>; 'Jessica A. Lee' <Jessica.A.Lee@wvago.gov>; 'Lindsay S. See'

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All-

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Thanks a lot,

John Sauer
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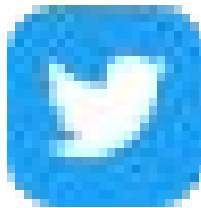

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RESPONSE FORM FOR SIGN-ON LETTER TO ACTING U.S. ATTORNEY GENERAL ROSEN REGARDING VIOLENCE AT US CAPITOL

DEADLINE FOR RESPONSE: 12PM ET ON TUESDAY, JANUARY 12TH

PLEASE RETURN FORM TO:
Ryan Greenstein
National Association of Attorneys General
rgreenstein@naag.org
or
(202) 521-4052 (fax)

o **YES, I authorize NAAG to affix my signature to the letter to Acting US Attorney General Rosen regarding violence at the US Capitol**
o **NO, I do not authorize NAAG to affix my signature** to the letter.

PLEASE PRINT OR TYPE LEGIBLY

_____ (name)

Attorney General of _____(state name)

Contact Name, Phone Number, Email and Fax Number

_____

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If you have any questions about the letter, please contact Adam Rice of Colorado at adam.rice@coag.gov or (720) 508-6564, Vikram Swaruup of the District of Columbia at vikram.swaruup@dc.gov or (202) 724-6533, Brian Kane in Idaho at brian.kane@ag.idaho.gov Josh Shasserre of Nebraska at Joshua.Shasserre@Nebraska.gov or (402) 890-8766.

If you have any questions about your state's response, please contact Ryan Greenstein at 202-326-6262 or rgreenstein@naag.org.

AMERICAN OVERSIGHT

January XX, 2021

The Honorable Jeffrey A. Rosen
Acting Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

Dear Acting Attorney General Rosen:

We, the undersigned state attorneys general, are committed to the protection of public safety, the rule of law, and the U.S. Constitution. We are appalled that on January 6, 2021, rioters invaded the U.S. Capitol, defaced the building, and engaged in a range of criminal conduct—including unlawful entry, theft, destruction of U.S. government property, and assault. Worst of all, the riot resulted in deaths of individuals, including a U.S. Capitol Police officer, and others were physically injured. Beyond these harms, the rioters' actions temporarily paused government business of the most sacred sort in our system—certifying the result of a presidential election.

We all just witnessed a very dark day in America. The events of January 6 represent a direct, physical challenge to the rule of law and our democratic republic itself. Together, we will continue to do our part to repair the damage done to institutions and build a more perfect union. As Americans, and those charged with enforcing the law, we must come together to condemn lawless violence, making clear that such actions will not be allowed to go unchecked.

Thank you for your consideration of and work on this crucial priority.

Sincerely

Phil Weiser
Colorado Attorney General

Karl A. Racine
District of Columbia Attorney General

Lawrence Wasden
Idaho Attorney General

Doug Peterson
Nebraska Attorney General

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cc: The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
Washington, DC 20510

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, DC 20515

The Honorable Chuck Schumer
Minority Leader
U.S. Senate
Washington, DC 20510

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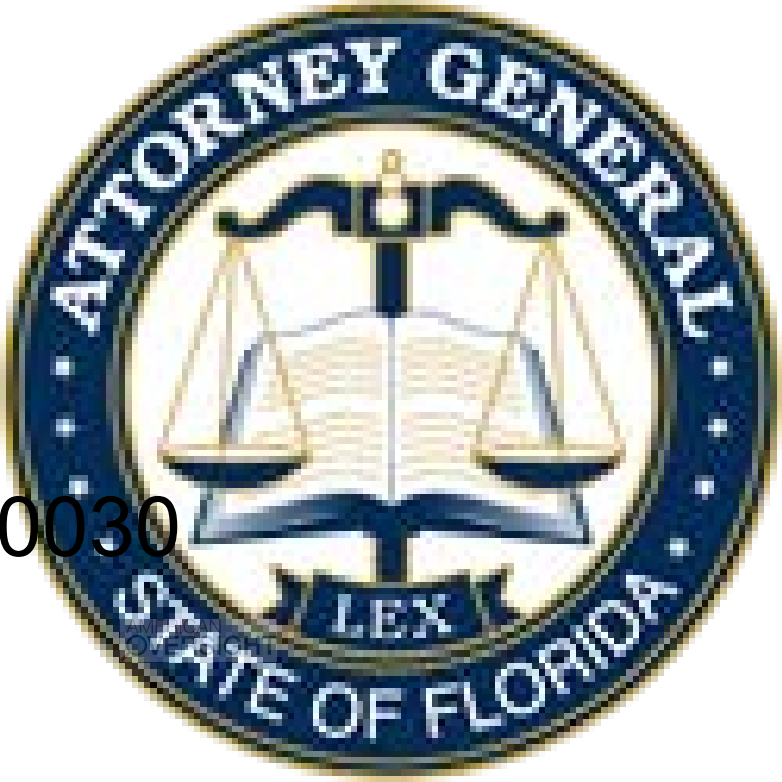

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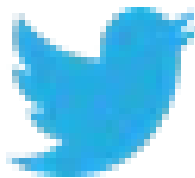

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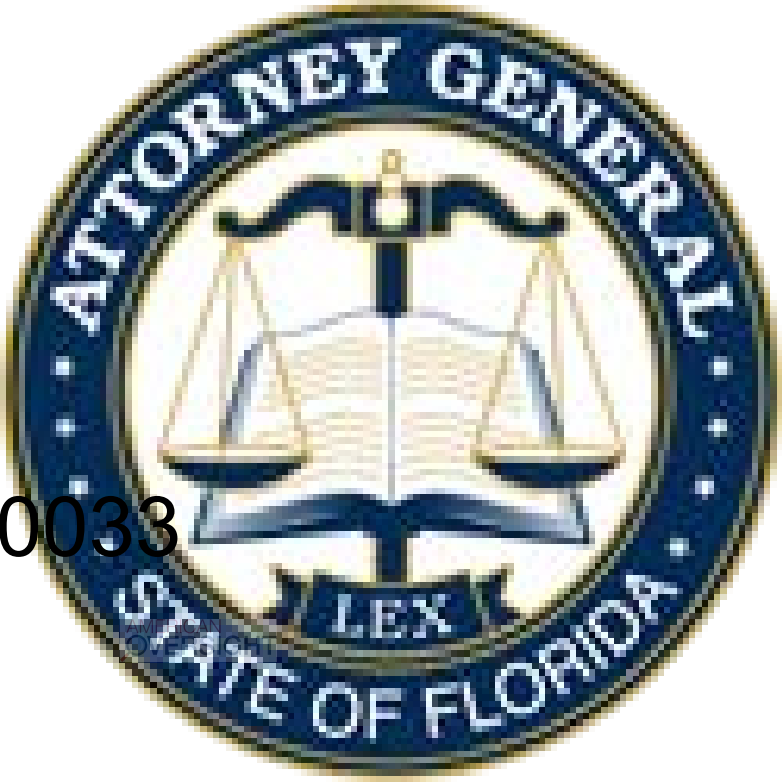

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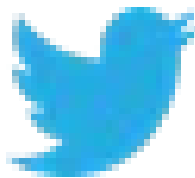

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ATTORNEY GENERAL
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STATE OF FLORIDA

ATTORNEY GENERAL
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STATE OF FLORIDA

H.R. 133

DIVISION-BY-DIVISION SUMMARY OF COVID-19 RELIEF PROVISIONS

In addition to the text of the Fiscal Year 2021 appropriations bills and authorizing matters, the spending package includes emergency coronavirus relief.

Division M – Coronavirus Response and Relief Supplemental Appropriations Act, 2021

Prepared by the Democratic Staff of the House Committee on Appropriations

Agriculture-Rural Development-FDA

Food and Drug Administration – $55 million for continued work on FDA efforts to facilitate the development and review, both pre-market and post-market, of medical countermeasures, devices, therapies, and vaccines to combat the coronavirus. In addition, funds will support medical product supply chain monitoring and other public health research and response investments.

Labor-Health and Human Services-Education

Department of Health and Human Services – $73 billion to support public health; research, development, manufacturing, procurement, and distribution of vaccines and therapeutics; diagnostic testing and contact tracing; mental health and substance abuse prevention and treatment services; child care support; and other activities related to coronavirus, including:

Centers for Disease Control and Prevention – $8.75 billion to support federal, state, local, territorial and tribal public health agencies to distribute, administer, monitor, and track coronavirus vaccination to ensure broad-based distribution, access, and vaccine coverage, including:

- $4.5 billion for State, local, Territorial, and Tribal Public Health Departments; and
- $300 million for a targeted effort to distribute and administer vaccines to high-risk and underserved populations, including racial and ethnic minority populations and rural communities.

Assistant Secretary for Preparedness and Response – $22.945 billion to respond to coronavirus, including:

- $19.695 billion for the Biomedical Advanced Research and Development Authority (BARDA) for manufacturing and procurement of vaccines and therapeutics, as well as ancillary supplies necessary for the administration of vaccines and therapeutics; and
- $3.25 billion for the Strategic National Stockpile.

Public Health and Social Services Emergency Fund – $25.4 billion to support testing and contact tracing to effectively monitor and suppress COVID-19, as well as to reimburse for health care related expenses or lost revenue attributable to the coronavirus, including:

- $22.4 billion for testing, contact tracing, and other activities necessary to effectively monitor and suppress COVID-19, including $2.5 billion for a targeted effort to improve testing capabilities and contact tracing in high-risk and underserved populations, including racial and ethnic minority populations and rural communities; and

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- $3 billion in additional grants for hospital and health care providers to be reimbursed for health care related expenses or lost revenue directly attributable to the public health emergency resulting from coronavirus, along with direction to allocate not less than 85 percent of unobligated funds in the Provider Relief Fund through an application-based portal to reimburse health care providers for financial losses incurred in 2020.

National Institutes of Health – $1.25 billion to support research and clinical trials related to the long-term effects of COVID-19, as well as continued support for Rapid Acceleration of Diagnostics for COVID-19.

Substance Abuse and Mental Health Services Administration – $4.25 billion to provide increased mental health and substance abuse services and support, including:
- $1.65 billion for the Substance Abuse and Prevention Treatment Block Grant;
- $1.65 billion for the Mental Health Services Block Grant;
- $600 million for Certified Community Behavioral Health Clinics;
- $50 million for suicide prevention programs;
- $50 million for Project AWARE to support school-based mental health for children;
- $240 million for emergency grants to States; and
- $10 million for the National Child Traumatic Stress Network;
- Not less than $125 million of funds provided to SAMHSA must be allocated to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes across a variety of programs.

Administration for Children and Families – $10.25 billion to support early childhood programs and child care providers through:
- • $10 billion for Child Care and Development Block Grants to provide immediate assistance to child care providers; and
- • $250 million for Head Start.

Administration for Community Living – $100 million to address abuse, neglect, and exploitation of the elderly, including adult protective service and long-term care ombudsman activities.

Department of Education

- **$82 billion Education Stabilization Fund**: Flexible funding to support the educational needs of States, school districts, and institutions of higher education and the students they serve in response to coronavirus.

- $819 million for **outlying areas and Bureau of Indian Education-operated and funded schools and Tribal Colleges and Universities**

- **$54.3 billion for the Elementary and Secondary School Emergency Relief Fund**
    - Formula funding to States and school districts to help schools respond to coronavirus, including new allowable uses of funds for:
        - school facilities repairs and improvements, including heating, ventilation, and air conditioning systems projects to improve indoor air quality in school facilities, and
        - addressing learning loss among students, including low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care.

- **$4.1 billion for the Governor's Emergency Education Relief Fund, including:**
    - $2.75 billion for Emergency Assistance to Non-Public Schools grants

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- Language prohibiting States from using any funds to support vouchers or tax credit scholarship programs

- **$22.7 billion for the Higher Education Emergency Relief Fund**
  - $20.2 billion for public and private, non-profit institutions of higher education, including those that serve students enrolled exclusively in distance education, to be distributed by a formula taking into account head count and full-time equivalent enrollment
  - $1.7 billion for Historically Black Colleges and Universities, Tribal Colleges and Universities, Hispanic Serving Institutions, and certain other institutions.
  - $113 million for institutions of higher education with unmet need
  - Cap on funding for proprietary institutions and restrictions on use of funds.

- **$11 million for National Technical Institute for the Deaf** in direct support for this university, created by the National Technical Institute for the Deaf Act, including support for students.

- **$20 million for Howard University** in direct support for this federally-chartered HBCU, including support for students.

- **$11 million for Gallaudet University** in direct support for this federally-chartered university, including support for students.

- **$28 million for the Institute of Education Sciences** to cover the coronavirus related costs of implementing National Assessment of Educational Progress (NAEP) assessments.

- **$50 million total for Student Aid Administration, Program Administration, and the Office of the Inspector General.**

Homeland Security

Federal Emergency Management Agency – Provides up to $2 billion in assistance through states for families with funeral expenses due to COVID through December 31, 2020. It requires FEMA to provide this assistance, which this Administration has previously declined to do, and waives an otherwise required 25% state match.

Transportation-Housing and Urban Development

FAA, Grants-in-Aid for Airports – $2 billion in grants for the operations and personnel cost of airports, including economic relief for retailers at the airport (i.e., concessionaires), and for assistance to communities with small airports.

Highways – $10 billion to support State Departments of Transportation and certain local transportation agencies. Funds are available to replace amounts lost as a result of the coronavirus for preventive maintenance, routine maintenance, operations, and personnel costs and may also support tolling agencies and ferry systems.

Amtrak – $1 billion to support Amtrak's ability to operate Northeast Corridor, State-supported, and long-distance passenger rail service, including $284.7 million to assist States and commuter rail providers in making required payments to Amtrak. Supports Amtrak workers by preventing further employee furloughs, requiring Amtrak to recall workers as passenger rail service is restored, barring Amtrak from replacing any furloughed workers with contractors, and preventing further reductions in long-distance rail service.

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Transit Emergency Relief – $14 billion for operating assistance. In combination with amounts provided in the CARES Act, this funding will ensure both urban and rural transit agencies receive amounts based on their operating expenses. The bill also provides $50 million and spending flexibility for paratransit providers.

Division N – Additional Coronavirus Response and Relief

Title I – Healthcare

Prepared by the Democratic Staff of the House Committee Energy and Commerce

Sec. 101. Supporting Physicians and Other Professionals In Adjusting to Medicare Payment Changes During 2021.

Provides for a one-time, one-year increase in the Medicare physician fee schedule of 3.75 percent, in order to support physicians and other professionals in adjusting to changes in the Medicare physician fee schedule during 2021, and to provide relief during the COVID-19 public health emergency.

Sec. 102. Extension of Temporary Suspension of Medicare Sequestration.

Provides for a three-month delay of the Medicare sequester payment reductions through March 31, 2021.

Title II – Assistance to Individuals, Families, and Businesses

Prepared by the Democratic Staff of the House Committee on Ways & Means

Subtitle A – Unemployment Insurance

Chapter 1 – Continued Assistance to Unemployed Workers

Section 200. This section provides the short title.

Subchapter I – Extension of CARES Act Unemployment Provisions

Section 201. Extension and Benefit Phaseout Rule for Pandemic Unemployment Assistance.

- Extends Pandemic Unemployment Assistance (PUA) to March 14, 2021 and allows individuals receiving benefits as of March 14, 2021 to continue through April 5, 2021, as long as the individual has not reached the maximum number of weeks.
- Increases the number of weeks of benefits an individual may claim from 39 to 50.
- Provides for appeals to be at the state level.
- Provides states authority to waive overpayments made without fault on the part of the individual or when such repayment would violate equity and good conscience.
- Provides a transition rule for certain individuals transitioning between PUA and the Pandemic Emergency Unemployment Compensation program.
- Limits payment of retroactive PUA benefits to weeks of unemployment after December 1, 2020.

Section 202. Extension of Emergency Unemployment Relief for Governmental Entities and Nonprofit Organizations.

Extends through March 14, 2021 a provision in the CARES Act which amended the Families First Coronavirus Response Act to provide federal support to cover 50% of the costs of unemployment benefits for employees of state and local governments and non-profit organizations.

Section 203. Extension of Federal Pandemic Unemployment Compensation.

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Restores the Federal Pandemic Unemployment Compensation (FPUC) supplement to all state and federal unemployment benefits at $300 per week, starting after December 26 and ending March 14, 2021.

Section 204. Extension of Federal Funding of the First Week of Compensable Regular Unemployment for States with No Waiting Week.
Extends through March 14, 2021 the CARES Act provision which reimbursed states for the cost of waiving the "waiting week" for regular unemployment compensation. Sets the reimbursement percentage for weeks ending after December 26, 2020 at 50 percent.

Section 205. Extension of Emergency State Staffing Flexibility.
Extends through March 14, 2021 the CARES Act provision which gave state unemployment offices temporary, emergency authority to use "non-merit" staff.

Section 206. Extension and Benefit Phaseout Rule for Pandemic Emergency Unemployment Compensation.

- Extends Pandemic Emergency Unemployment Compensation (PEUC) to March 14, 2021 and allows individuals receiving benefits as of March 14, 2021 to continue through April 5, 2021, as long as the individual has not reached the maximum number of weeks.
- Increases the number of weeks of benefits an individual may claim through the PEUC program from 13 to 24.
- Provides rules for states about sequencing these benefits with other unemployment benefits.

Section 207. Extension of Temporary Financing of Short-Time Compensation Payments in States with Programs in Law.
Extends through March 14, 2021 the CARES Act provision which provided temporary 100 percent federal financing for Short-Time Compensation ("worksharing") programs which are established in state law.

Section 208. Extension of Temporary Financing of Short-Time Compensation Agreements for States Without Programs in Law.
Extends through March 14, 2021 the CARES Act provision which provided a 50 percent subsidy to non-statutory, temporary state Short-Time Compensation programs.

Section 209. Technical Amendment to References to Regulation in CARES Act.
Provides a technical amendment to correct a reference error in the CARES Act.

Subchapter II – Extension of FFCRA Unemployment Provisions

Section 221. Extension of Temporary Assistance for States with Advances.
Extends through March 14, 2021 accumulation of interest on federal loans states have taken in order to pay state unemployment benefits. The loans allow states with low balances in their unemployment trust funds to delay employer tax increases or other employer surcharges while the economy is struggling.

Section 222. Extension of Full Federal Funding of Extended Unemployment Compensation.
Extends through March 14, 2021 the provision in the Families First Coronavirus Response Act which provided temporary full federal financing of Extended Benefits (EB) for high-unemployment states. States are normally required to pay 50 percent of the cost of EB, which is a program in permanent law.

Subchapter III – Continued Assistance to Rail Workers

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Section 231. Short Title.
This section provides the short title.

Section 232. Additional Enhanced Benefits Under the Railroad Unemployment Insurance Act.
This section restores the federal supplemental benefit for unemployed railroad workers at $600/registration period for registration periods beginning after December 26, 2020 and on or before March 14, 2021.

Section 233. Extended Unemployment Benefits Under the Railroad Unemployment Insurance Act.
Provides up to 11 additional weeks of unemployment benefits under the Railroad Unemployment Insurance Act (RUIA) for qualifying railroad workers. This provision also extends the availability of the 13 weeks of additional unemployment benefits provided under the CARES Act. These weeks are not available to those whose extended benefit period begins after March 14, 2021, and they turn off for everyone for any registration period beginning after April 5, 2021.

Section 234. Extension of Waiver of the 7-Day Waiting Period for Benefits Under the Railroad Unemployment Insurance Act.
This section extends the waiver of the 7-day waiting period for benefits provided under the RUIA through March 14, 2021.

Section 235. Treatment of Payments From the Railroad Unemployment Insurance Account
This section temporarily prevents sequestration of the benefits available under the RUIA during the period that is 7 days after the date of enactment of this section and 30 days after the date on which the President's declaration under the National Emergencies Act related to the coronavirus is terminated.

Subchapter IV – Improvements to Pandemic Unemployment Assistance to Strengthen Program Integrity

Section 241. Requirement to Substantiate Employment or Self-Employment and Wages Earned or Paid to Confirm Eligibility for Pandemic Unemployment Assistance.

- Effective January 31, 2021, requires new applicants for Pandemic Unemployment Assistance (PUA) to submit documentation to substantiate employment or self-employment within 21 days and provides for such deadline to be extended when an individual has shown good cause.
- Requires individuals receiving PUA as of January 31, 2021 to submit documentation to substantiate employment or self-employment within 90 days.

Section 242. Requirement for States to Verify Identity of Applicants for Pandemic Unemployment Assistance.

- Requires states to have procedures in place to verify or validate the identity of PUA applicants, and for timely payment of benefits.
- Clarifies that expenses to implement such procedures qualify as an administrative cost and may be reimbursed as part of PUA operation.

Subchapter V – Return to Work Reporting Requirement

Section 251. Return to Work Reporting for CARES Act Agreements. Effective 30 days after enactment, requires states to have methods in place to address situations when claimants of unemployment compensation refuse to return to work or refuse to accept an offer of suitable work without good cause including:

- A reporting method for employers to notify the state when an individual refuses employment.

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- A plain language notice to claimants about state return to work laws, rights to refuse to return to work or to refuse suitable work and information on contesting a denial of a claim, as well as what constitutes suitable work, including a claimant's right to refuse work that poses a risk to the claimant's health and safety.

Subchapter VI – Other Related Provisions and Technical Corrections

Section 261. Mixed Earner Unemployment Compensation.
Provides a federally funded $100 per week additional benefit to individuals who have at least $5,000 a year in self-employment income but are disqualified from receiving Pandemic Unemployment Assistance because they are eligible for regular state unemployment benefits. This mixed-earner supplemental benefit would be added to the FPUC and would terminate along with it on March 14, 2021. This provision would be effective for future unemployment benefit payments after a state chose to make an agreement with the Department of Labor.

Section 262. Lost Wages Assistance Recoupment Fairness.
Allows states to waive recovery of "Lost Wages Assistance" overpayments for which the recipient was not at fault and would suffer hardship if required to repay the benefits the same way they do in state unemployment benefits.

Section 263. Continuing Eligibility for Certain Recipients of Pandemic Unemployment Assistance.
Ensures individuals who are otherwise eligible for Pandemic Unemployment Assistance do not have their benefits terminated because of inadvertent or state system failure errors in past required weekly benefit recertifications, so long as the state made good faith efforts to implement the program.

Section 264. Technical Correction for Nonprofit Organizations Classified as Federal Instrumentalities.
This section makes a technical correction to allow certain federal instrumentalities that are reimbursable employers to receive the same federal subsidy for reimbursable employers that is provided to nonprofit organizations and government entities (see Sec. 1102).

Section 265. Technical Correction for the Commonwealth of Northern Mariana Islands.
Allows Pandemic Unemployment Assistance benefits to be provided to workers in the Commonwealth of the Northern Mariana Islands with "Commonwealth Only Transitional Worker," or CW-1 status.

Section 266. Waiver to Preserve Access to Extended Benefits in High Unemployment States.
Provides a temporary waiver of the mandatory "EB freeze period" for states that trigger back onto the program because of fluctuations in their unemployment rates, beginning November 1, 2020 and ending December 31, 2021.

Subtitle B – COVID-Related Tax Relief

Chapter 1 – Continued Assistance to Unemployed Workers

Secs. 271. Short title. Table of contents.

Secs. 272-273. Additional 2020 recovery rebates for individuals.
The provision provides a refundable tax credit in the amount of $600 per eligible family member. The credit is $600 per taxpayer ($1,200 for married filing jointly), in addition to $600 per qualifying child. The credit phases

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out starting at $75,000 of modified adjusted gross income ($112,500 for heads of household and $150,000 for married filing jointly) at a rate of $5 per $100 of additional income.

The provision also provides for Treasury to issue advance payments based on the information on 2019 tax returns. Eligible taxpayers treated as providing returns through the nonfiler portal in the first round of Economic Impact Payments, provided under the CARES Act, will also receive payments. Treasury may issue advance payments for Social Security Old-Age, Survivors, and Disability Insurance beneficiaries, Supplemental Security Income recipients, Railroad Retirement Board beneficiaries, and Veterans Administration beneficiaries who did not file 2019 returns based on information provided by the Social Security Administration, the Railroad Retirement Board, and the Veterans Administration.

In general, taxpayers without an eligible social security number are not eligible for the payment. However, married taxpayers filing jointly where one spouse has a Social Security Number and one spouse does not are eligible for a payment of $600, in addition to $600 per child with a Social Security Number.

The provision aligns the eligibility criteria for the new round of Economic Impact Payments and the credit for the Economic Impact Payments provided by the CARES Act. Taxpayers receiving an advance payment that exceeds the amount of their eligible credit will not be required to repay any amount of the payment. If the amount of the credit determined on the taxpayer's 2020 tax return exceeds the amount of the advance payment, taxpayers will receive the difference as a refundable tax credit.

Advance payments are generally not subject to administrative offset for past due federal or state debts. In addition, the payments are protected from bank garnishment or levy by private creditors or debt collectors.

Additionally, the provision instructs Treasury to make payments to the territories that relate to each territory's cost of providing the credits.

Sec. 274. Extension of certain deferred payroll taxes. On August 8, 2020, the President of the United States issued a memorandum to allow employers to defer withholding employees' share of social security taxes or the railroad retirement tax equivalent from September 1, 2020 through December 31, 2020, and required employers to increase withholding and pay the deferred amounts ratably from wages and compensation paid between January 1, 2021 and April 31, 2021. Beginning on May 1, 2021, penalties and interest on deferred unpaid tax liability will begin to accrue.

The provision extends the repayment period through December 31, 2021. Penalties and interest on deferred unpaid tax liability will not begin to accrue until January 1, 2022.

Sec. 275. Regulations or guidance clarifying application of educator expense tax deduction.
The provision requires the Secretary of the Treasury to issue guidance or regulations providing that personal protective equipment and other supplies used for the prevention of the spread of COVID-19 are treated as eligible expenses for purposes of the educator expense deduction. Such regulations or guidance shall be retroactive to March 12, 2020.

Sec. 276. Clarification of tax treatment of Paycheck Protection Program loans.
The provision clarifies that gross income does not include any amount that would otherwise arise from the forgiveness of a Paycheck Protection Program (PPP) loan. This provision also clarifies that deductions are allowed for otherwise deductible expenses paid with the proceeds of a PPP loan that is forgiven, and that the tax basis and other attributes of the borrower's assets will not be reduced as a result of the loan forgiveness. The

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provision is effective as of the date of enactment of the CARES Act. The provision provides similar treatment for Second Draw PPP loans, effective for tax years ending after the date of enactment of the provision.

Sec. 277. Emergency financial aid grants.
The provision provides that certain emergency financial aid grants under the CARES Act are excluded from the gross income of college and university students. The provision also holds students harmless for purposes of determining eligibility for the American Opportunity and Lifetime Learning tax credits. The provision is effective as of the date of enactment of the CARES Act.

Sec. 278. Clarification of tax treatment of certain loan forgiveness and other business financial assistance under the coronavirus relief legislation.
The provision clarifies that gross income does not include forgiveness of certain loans, emergency EIDL grants, and certain loan repayment assistance, each as provided by the CARES Act. The provision also clarifies that deductions are allowed for otherwise deductible expenses paid with the amounts not included in income by this section, and that tax basis and other attributes will not be reduced as a result of those amounts being excluded from gross income. The provision is effective for tax years ending after date of enactment of the CARES Act. The provision provides similar treatment for Targeted EIDL advances and Grants for Shuttered Venue Operators, effective for tax years ending after the date of enactment of the provision.

Sec. 279. Authority to waive certain information reporting requirements.
The provision gives Treasury authority to waive information filing requirements for any amount excluded from income by reason of the exclusion of covered loan amount forgiveness from taxable income, the exclusion of emergency financial aid grants from taxable income or the exclusion of certain loan forgiveness and other business financial assistance under the CARES act from income.

Sec. 280. Application of special rules to money purchase pension plans.
The CARES Act temporarily allows individuals to make penalty-free withdrawals from certain retirement plans for coronavirus-related expenses, permits taxpayers to pay the associated tax over three years, allows taxpayers to recontribute withdrawn funds, and increases the allowed limits on retirement plan loans. This section clarifies that money purchase pension plans are included in the retirement plans qualifying for these temporary rules. The provision applies retroactively as if included in Section 2202 of the CARES Act.

Sec. 281. Election to waive application of certain modifications to farming losses.
This section allows farmers who elected a two-year net operating loss carryback prior to the CARES Act to elect to retain that two-year carryback rather than claim the five-year carryback provided in the CARES Act. This section also allows farmers who previously waived an election to carry back a net operating loss to revoke the waiver. These clarifications eliminate unnecessary compliance burdens for farmers. The provision applies retroactively as if included in Section 2303 of the CARES Act.

Sec. 282. Oversight and audit reporting.
The CARES Act authorizes the Comptroller General to conduct monitoring and oversight of federal response efforts related to the Coronavirus 2019 pandemic and its general effects. The Comptroller General is required to provide briefings and reports to “appropriate congressional committees.” The CARES Act omitted the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives in its list of “appropriate congressional committees.” This section includes those two committees in the appropriate-committee list, as the Comptroller General’s monitoring and oversight is expected to cover matters in the committees’ jurisdiction and may involve accessing federal tax data.

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Sec. 283. Disclosures to identify tax receivables not eligible for collection pursuant to qualified tax collection contracts.
Section 1205 of the Taxpayer First Act (P.L. 116-25) excludes supplemental social security (SSI) and social security disability insurance (SSDI) beneficiaries from the IRS private debt collection program beginning on January 1, 2021. The IRS and SSA need statutory authority to share information to determine which taxpayers are SSI or SSDI beneficiaries and eligible for exclusion from the IRS program. The provision provides the authority needed to share such information and make the Taxpayer First Act provision work as intended.

Sec. 284. Modification of certain protections for taxpayer return information.
The provision modifies a provision in the CARES Act. The CARES Act modified Section 3 of the FUTURE Act (P.L. 116-91), which amended section 6103 of the Code to allow the IRS to share tax return information of student aid applicants, their parents, students, and borrowers with the Department of Education and further allowed that tax return information be redisclosed to colleges and universities (and certain scholarship organizations) with the taxpayer confidentiality protections afforded under section 6103 of the Code. Section 3516 of the CARES Act repealed the 6103 changes in the FUTURE Act and stripped all the taxpayer confidentiality protections applicable to the tax return information shared by IRS with the Department of Education (and the subsequent redisclosure to colleges, universities, and scholarship funds). The provision unwinds and fixes the changes made by the CARES Act and restores taxpayer confidentiality protections to the tax return information shared by IRS while allowing certain uses as requested by the committees with education jurisdiction.

Sec. 285. Election to Terminate Transfer Period for Qualified Transfers from Pension Plan for Covering Future Retiree Costs.
Section 420 of the Internal Revenue Code permits “qualified future transfers,” under which up to 10 years of retiree health and life costs may be transferred from a company’s pension plan to a retiree health benefits account and/or a retiree life insurance account within the pension plan. Such transfers must meet a number of requirements: the plan must be 120 percent funded at the outset, it must be 120 percent funded throughout the transfer period, all unused amounts must be transferred back, and the plan is subject to a maintenance of effort requirement. Applying the current-law requirements during the market volatility related to the coronavirus pandemic has caused plans that have been historically far over 120 percent funded to fall below 120 percent and face a requirement to immediately restore these large market losses in order to get back to 120 percent funded. This provision would allow employers to make a one-time election during 2020 and 2021 to end any existing transfer period for any taxable year beginning after the date of election, provided the maintenance of effort continues to apply as if the transfer period were not shortened, the employer ensures the plan stays at least 100 percent funded throughout the original transfer period, the plan has funding targets for the first five years after the original transfer period, and all amounts left in the retiree benefits account at the end of the shortened transfer period must be returned to the pension plan (without application of an excise tax to such amounts).

Sec. 286. Extension of credits for paid sick and family leave.
The provision extends the refundable payroll tax credits for paid sick and family leave, enacted in the Families First Coronavirus Response Act, through the end of March 2021. It also modifies the tax credits so that they apply as if the corresponding employer mandates were extended through the end of March 2021. This provision is effective as if included in FFCRA.

Sec. 287. Election to use prior year net earnings from self-employment in determining average daily and self-employment income for purposes of credits for paid sick and family leave.
Allows individuals to elect to use their average daily self-employment income from 2019 rather than 2020 to compute the credit. This provision is effective as if included in FFCRA.

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Sec. 288. Certain technical improvements to credits for paid sick and family leave.
Makes technical changes coordinating the definitions of qualified wages within the paid sick leave, paid family and medical leave, and the exclusion of such leave from employer OASDI tax. This provision is effective as if included in FFCRA.

Title III - Continuing the Paycheck Protection Program and Other Small Business Support
Prepared by the House Committee on Small Business

Title I: Continuing the Paycheck Protection Program and Other Small Business Support

Section 301; 302: Short Title; Definitions.

Section 303: Emergency Rulemaking Authority.
- Requires the SBA Administrator to establish regulations to carry out this title no later than 10 days after enactment of this title.

Section 304: Additional Eligible Expenses.
- Makes the following expenses allowable and forgivable uses for Paycheck Protection Program funds:
  - Covered operations expenditures. Payment for any software, cloud computing, and other human resources and accounting needs.
  - Covered property damage costs. Costs related to property damage due to public disturbances that occurred during 2020 that are not covered by insurance.
  - Covered supplier costs. Expenditures to a supplier pursuant to a contract, purchase order, or order for goods in effect prior to taking out the loan that are essential to the recipient's operations at the time at which the expenditure was made. Supplier costs of perishable goods can be made before or during the life of the loan.
  - Covered worker protection expenditure. Personal protective equipment and adaptive investments to help a loan recipient comply with federal health and safety guidelines or any equivalent State and local guidance related to COVID-19 during the period between March 1, 2020, and the end of the national emergency declaration.
- Redesignates Section 1106 of the CARES Act and other subsequent conforming amendments as section 7A. This would transfer section 104 of this title to the end of section 7 of the Small Business Act (15 U.S.C. 631 et seq.). Relevant sections to follow contain this technical redesignation.
- Allows loans made under PPP before, on, or after the enactment of this act to be eligible to utilize the expanded forgivable expenses except for borrowers who have already had their loans forgiven.

Section 05: Hold Harmless.
- Provides that a lender may rely on any certification or documentation submitted by a borrower for an initial or second draw PPP loan and that no enforcement action may be taken against the lender and the lender shall not be subject to any penalties relating to loan origination or forgiveness if (1) the lender acts in good faith relating to loan origination or forgiveness; and (2) all relevant federal, state, local and other statutory and regulatory requirements are satisfied.

Section 306: Selection of Covered Period for Forgiveness.
- Allows the borrower to elect a covered period ending at the point of the borrower's choosing between 8 and 24 weeks after origination.

Section 307: Simplified Application.
- Creates a simplified application process for loans under $150,000 such that:

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- A borrower shall receive forgiveness if a borrower signs and submits to the lender a certification that is not more than one page in length, includes a description of the number of employees the borrower was able to retain because of the covered loan, the estimated total amount of the loan spent on payroll costs, and the total loan amount. The borrower must also attest that borrower accurately provided the required certification and complied with Paycheck Protection Program loan requirements. SBA must establish this form within 24 days of enactment and may not require additional materials unless necessary to substantiate revenue loss requirements or satisfy relevant statutory or regulatory requirements. Additionally, borrowers are required to retain relevant records related to employment for four years and other records for three years. The Administrator may review and audit these loans to ensure against fraud.
- At the discretion of the borrower, the borrowers may complete and submit demographic information for all PPP loans.
- The SBA must submit to the Senate and House Small Business Committees a report 45 days after enactment detailing their review and forgiveness audit plan to mitigate risk of fraud and provide monthly reviews and audit updates thereafter.
- Applies to loans made before, on, or after the date of enactment, including the forgiveness of the loan.

Section 308: Specific Group Insurance Payments as Payroll Costs.

- Clarifies that other employer-provided group insurance benefits are included in payroll costs. This includes, group life, disability, vision, or dental insurance.
- Applies to loans made before, on, or after the date of enactment, including the forgiveness of the loan.

Section 309: Demographic Information.

- Requires the SBA to include a voluntary demographic information section on the loan origination application for initial PPP loans and second draw PPP loans. All PPP loan applications after enactment must include this section.

Section 310: Clarification of and Additional Limitations on Eligibility.

- Clarifies that a business or organization that was not in operation on February 15, 2020 shall not be eligible for an initial PPP loan and a second draw PPP loan.
- Prohibits eligible entities that receive a grant under the Shuttered Venue Operator Grants from obtaining a PPP loan.

Section 311: Paycheck Protection Program Second Draw Loans.

- Creates a second loan from the Paycheck Protection Program, called a "PPP second draw" loan for smaller and harder-hit businesses, with a maximum amount of $2 million.
- Eligibility. In order to receive a Paycheck Protection Program loan under this section, eligible entities must:
  - Employ not more than 300 employees;
  - Have used or will use the full amount of their first PPP; and
  - Demonstrate at least a 25 percent reduction in gross receipts in the first, second, or third quarter of 2020 relative to the same 2019 quarter. Provides applicable timelines for businesses that were not in operation in Q1, Q2, and Q3, and Q4 of 2019. Applications submitted on or after January 1, 2021 are eligible to utilize the gross receipts from the fourth quarter of 2020.
- Eligible entities must be businesses, certain non-profit organizations, housing cooperatives, veterans' organizations, tribal businesses, self-employed individuals, sole proprietors, independent contractors, and small agricultural co-operatives.
- Ineligible entities include: entities listed in 13 C.F.R. 120.110 and subsequent regulations except for entities from that regulation which have otherwise been made eligible by statute or guidance, and except for nonprofits and religious organizations; entities involved in political and lobbying activities including

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engaging in advocacy in areas such as public policy or political strategy or otherwise describes itself as a think tank in any public document, entities affiliated with entities in the People's Republic of China; registrants under the Foreign Agents Registration Act; and entities that receive a grant under the Shuttered Venue Operator Grant program.

- Loan terms. In general, borrowers may receive a loan amount of up to 2.5X the average monthly payroll costs in the one year prior to the loan or the calendar year. No loan can be greater than $2 million.
    - Seasonal employers may calculate their maximum loan amount based on a 12-week period beginning February 15, 2019 through February 15, 2020.
    - New entities may receive loans of up to 2.5X the sum of average monthly payroll costs.
    - Entities in industries assigned to NAICS code 72 (Accommodation and Food Services) may receive loans of up to 3.5X average monthly payroll costs.
    - Businesses with multiple locations that are eligible entities under the initial PPP requirements may employ not more than 300 employees per physical location.
    - Waiver of affiliation rules that applied during initial PPP loans apply to a second loan.
    - An eligible entity may only receive one PPP second draw loan.
    - Fees are waived for both borrowers and lenders to encourage participation.
    - For loans of not more than $150,000, the entity may submit a certification attesting that the entity meets the revenue loss requirements on or before the date the entity submits their loan forgiveness application and non-profit and veterans organizations may utilize gross receipts to calculate their revenue loss standard.
- Loan forgiveness. Borrowers of a PPP second draw loan would be eligible for loan forgiveness equal to the sum of their payroll costs, as well as covered mortgage, rent, and utility payments, covered operations expenditures, covered property damage costs, covered supplier costs, and covered worker protection expenditures incurred during the covered period. The 60/40 cost allocation between payroll and non-payroll costs in order to receive full forgiveness will continue to apply.
- Lender eligibility. A lender approved to make loans under initial PPP loans may make covered loans under the same terms and conditions as the initial loans.
- Lender compensation. The Administrator is authorized to reimburse a lender by a tiered structure: For loans up to $50,000, the lender processing fee will be the lesser of 50 percent of the principal amount or $2,500. For loans between $50,000 and $350,000, the lender fee will be five percent. For loans $350,000 and above, the lender fee will be three percent.
- Guidance to prioritize underserved communities. Directs the Administrator to issue guidance addressing barriers to access to capital for underserved communities no later than 10 days after enactment.
- Standard Procedures. Directs the SBA to allow lenders to approve loans made under this paragraph utilizing existing program guidance and standard operating procedure, to the maximum extent possible, as the standard SBA 7(a) program.
- Churches and religion organizations. Expresses the sense of Congress that the Administrator's guidance clarifying the eligibility of churches and religious organizations was proper and prohibits the application of regulations otherwise rendering ineligible businesses principally engaged in teaching, instructing, counseling, or indoctrinating religion or religious beliefs. Codifies that the prohibition on eligibility in 13 CRF 120.110(k) shall not apply for initial and second draw loans.
- Application of Exemption Based on Employee. Extends existing safe harbors on restoring FTE and salaries and wages. Specifically, applies the rule of reducing loan forgiveness for the borrower reducing the number of employees retained and reducing employees' salaries in excess of 25 percent. Allows the SBA and Treasury Department to jointly modify any date in section 7A(d) consistent with the purposes of the Paycheck Protection Program.

Section 312: Increased Ability for Paycheck Protection Program Borrowers to Request an Increase in Loan Amount Due to Updated Regulations.

- Requires the Administrator to release guidance to lenders within 17 days of enactment that allows borrowers who returned all or part of their PPP loan to reapply for the maximum amount applicable so

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long that they have not received forgiveness. Additionally, this section allows borrowers whose loan calculations have increased due to changes in interim final rules to work with lenders to modify their loan value regardless of whether the loan has been fully disbursed, or if Form 1502 has already been submitted.

Section 313: Calculation of Maximum Loan Amount for Farmers and Ranchers under the Paycheck Protection Program.

- Establishes a specific loan calculation for the first round of Paycheck Protection Program loans for farmers and ranchers who operate as a sole proprietor, independent contractor, self-employed individual, who report income and expenses on a Schedule F, and were in business as of February 15, 2020. These entities may utilize their gross income in 2019 as reported on a Schedule F. Lenders may recalculate loans that have been previously approved to these entities if they would result in a larger loan.
- Applies to PPP loans before, on, or after the date of enactment, except for loans that have already been forgiven.

Section 314: Farm Credit System Institutions.

- Allows Farm Credit System Institutions to be eligible to make loans under the Paycheck Protection Program. It also allows for a zero risk weight for Paycheck Protection Program loans and aligns eased requirements for Farm Credit System Institutions with those of other Paycheck Protection Program lenders.
- Applies to any loan made before, on or after enactment including the forgiveness of the loan.

Section 315: Definition of a Seasonal Employer.

- Defines a seasonal employer to be an eligible recipient which: (1) operates for no more than seven months in a year, or (2) earned no more than 1/3 of its receipts in any six months in the prior calendar year.
- Applies to any loan made before, on or after enactment including the forgiveness of the loan.

Section 316: Housing Cooperatives.

- Extends PPP eligibility to housing cooperatives defined in section 216(b) of the Internal Revenue Code of 1986 and which employ no more than 300 employees.

Section 317: Eligibility of News Organizations for Loans under the Paycheck Protection Program.

- Makes eligible FCC license holders and newspapers with more than one physical location, as long as the business has no more than 500 employees per physical location or the applicable SBA size standard; and makes eligible section 511 public colleges and universities that have a public broadcasting station if:
    - The organization certifies that the loan will support locally focused or emergency information.
- Waives affiliation rules for newspapers, TV and radio broadcasters, and public broadcasters, as long as the organization has no more than 500 employees per physical location or the applicable SBA size standard.
- Waives the prohibition against publicly-traded news organizations from being eligible if the business certifies that the loan will support locally focused or emergency content.

Section 318: Eligibility of 501(c)(6) and Destination Marketing Organizations for Loan Under the Paycheck Protection Program.

- Expands eligibility to receive a Paycheck Protection Program loan to include the following organizations:
    - 501(c)(6) organizations if:
        - The organization does not receive more than 15 percent of receipts from lobbying;
        - The lobbying activities do not comprise more than 15 percent of activities;

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        - The cost of lobbying activities of the organization did not exceed $1,000,000 during the most recent tax year that ended prior to February 15, 2020 and
        - The organization has 300 or fewer employees.
        - Professional sports leagues or organizations with the purpose of promoting or participating in a political campaign or other political activities are not eligible under this section.
    - Destination Marketing Organizations if:
        - The organization does not receive more than 15 percent of receipts from lobbying;
        - The lobbying activities do not comprise more than 15 percent of activities;
        - The organization has 300 or fewer employees; and
        - That destination marketing organization is registered as a 501(c) organization, a quasi-government entity, or a political subdivision of a state or local government.

Section 319: Prohibition on Use of Loan Proceeds for Lobbying Activities.

- Prohibits any eligible entity from using proceeds of the covered loan for lobbying activities, as defined by the Lobbying Disclosure Act, lobbying expenditures related to state or local campaigns, and expenditures to influence the enactment of legislation, appropriations, or regulations.

Section 320: Bankruptcy Provisions.

- Establishes a special procedure in the bankruptcy process if the Administrator determines certain small business debtors are eligible for Paycheck Protection Program loans. It requires court approval for Paycheck Protection Program loans to these debtors and requires any such loan be given a superpriority claim in the bankruptcy process, providing additional protection to taxpayers and participating banks. The provisions in this section would take effect only upon a written determination by the Administrator that certain small business debtors are eligible for Paycheck Protection Program loans and would sunset two years from the date of enactment.

Section 321: Oversight.

- Requires the SBA to comply with GAO requests no later than 15 days, and requires the SBA to submit a detailed justification to Senate and House Small Business Committees if they are unable to comply with the request. It also would require the Secretary of the Treasury and SBA Administrator to testify within 120 days of enactment of this Act and not less than twice per year for the next two years to the Senate and House Small Business Committees.

Section 322: Conflicts of Interest.

- Requires the President, Vice President, the head of an Executive department, or a Member of Congress as well as their spouse that has received a PPP loan to disclose this status at forgiveness or 30 days thereafter. It would also prohibit the covered individuals from receiving a loan in the future.

Section 323: Commitment Authority and Appropriations.

- Extends the time of the program to March 31, 2021.
- Sets the authorization level for PPP at $806.5 billion.
- Separates regular 7(a) and PPP loans to ensure the continued operation of the 7(a) program by setting an authorization level of $75 billion and clarifies the 7(a) program level and secondary market cap.
- Direct appropriations:
    - $284.45 billion for PPP, including the following set-asides:
        - Lenders:
            - $15 billion for PPP loans (initial and second draw) issued by community financial institutions, including community development financial institutions (CDFIs) and minority depository intuitions (MDIs);

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        - $15 billion for PPP loans (initial and second draw) issued by certain small depository institutions.
    - Borrowers:
        - $35 billion for first-time borrowers, $15 billion of which for smaller, first-time borrowers with 10 or fewer employees, or loans less than $250,000 in low-income areas;
        - $25 billion for second draw PPP loans for smaller borrowers with 10 or fewer employees, or loans less than $250,000 in low-income areas.
    - After 25 days, the SBA Administrator may adjust the set-asides as necessary.
- $25 million for the Minority Business Development Centers program under the Minority Business Development Agency (MBDA);
- $50 million for PPP auditing and fraud mitigation purposes;
- $20 billion for the Targeted EIDL Advance program, of which $20 million for the Inspector General;
- $57 million for the Microloan program as described in section 29;
- $1.9 billion to carry out sections 26, 27, and 28;
- $3.5 billion for the Debt Relief program as described in section 25;
- $15 billion for grants for live venues as described in section 24.

Section 324: Grants for Shuttered Venue Operators.

- Authorizes $15 billion for the SBA to make grants to eligible live venue operators or promoters, theatrical producers, live performing arts organization operators, museum operators, motion picture theatre operators, or talent representatives who demonstrate a 25 percent reduction in revenues.
- There is a set-aside of $2 billion for eligible entities that employ not more than 50 full-time employees, and any amounts from this set-aside remaining after sixty days from the date of implementation of this program shall become available to all eligible applicants under this section.
- The SBA may make an initial grant of up to $10 million dollars to an eligible person or entity and a supplemental grant that is equal to 50 percent of the initial grant.
- In the initial 14-day period of implementation of the program, grants shall only be awarded to eligible entities that have faced 90 percent or greater revenue loss. In the 14-day period following the initial 14-day period, grants shall only be awarded to eligible entities that have faced 70 percent or greater revenue loss. After these two periods, grants shall be awarded to all other eligible entities.
- Such grants shall be used for specified expenses such as payroll costs, rent, utilities, and personal protective equipment.
- Requires the Administrator to conduct increased oversight of eligible persons and entities receiving these grants.
- Requires the SBA to submit a report to the Senate and House Small Business Committees 45 days after enactment detailing their oversight and audit plan for shuttered venue grants and to provide monthly updates on the oversight and audit activities conducted by the Administrator.

Section 325: Extension of the debt relief program.

- Resumes the payment of principal and interest (P&I) on small business loans guaranteed by the SBA under the 7(a), 504 and microloan programs, established under the CARES Act.
- All borrowers with qualifying loans approved by the SBA prior to the CARES Act will receive an additional three months of P&I, starting in February 2021. Going forward, those payments will be capped at $9,000 per borrower per month.
- After the three-month period described above, borrowers considered to be underserved—namely the smallest or hardest-hit by the pandemic—will receive an additional five months of P&I payments, also capped at $9,000 per borrower per month. They include:

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    - Borrowers with SBA microloans or 7(a) Community Advantage loans
    - Borrowers with any 7(a) or 504 loan in the hardest-hit sectors, as measured by the severity of sector-wide job losses since the start of the pandemic. They include food service and accommodation; arts, entertainment and recreation; education; and laundry and personal care services.
- SBA payments of P&I on the first 6 months of newly approved loans will resume for all loans approved between February 1 and September 30, 2021, also capped at $9,000 per month.
- If the SBA projects that appropriations provided for the debt relief program are insufficient to fund the extensions provided, the Administrator may proportionally reduce the number of months provided in each extension.
- Clarifies eligibility and increases program integrity:
    - SBA payments should be made on any loan approved before the applicable deadline, and debt relief payments should be made only once the loan is fully disbursed.
    - SBA may establish a minimum loan maturity period for each loan product covered under this section to prevent program abuse.
    - Any business or applicant may only receive P&I payments for only one loan approved after CARES Act enactment.
- Requires that SBA place program information on its website, conduct outreach to all borrowers, report monthly to Congress on program spending, and educate lenders, borrowers, SBA district offices, and resources partners about the program.

Section 326: Modifications to 7(a) Loan Programs.

- Increases to 90 percent the loan guarantee amount on 7(a) loans, including for Community Advantage loans, until October 1, 2021.
- Increases the Express Loan amount from $350,000 to $1 million on January 1, 2021, and then reverts permanently to a lower amount of $500,000 on October 1, 2021.
- The Express Loan guaranty amount for loans of $350,000 and less is temporarily increased from 50 percent to 75 percent, and for loans above $350,000 the guarantee remains at 50 percent. On October 1, 2021, the guarantee reverts to 50 percent for all Express Loans.

Section 327: Temporary Fee Reductions.

- Waives lender and borrower fees for both the 7(a) and 504 loan programs.

Section 328: Low-Interest Refinancing.

- Enhances the 504 refinancing rules in order to create reciprocity for refinancing between 504 and 7(a) programs.
- Grants authority through September 30, 2023 for SBA to establish a 504 Express Loan Program for the most experienced successful 504 lenders to expedite 504 loans of less than $500,000.

Section 329: Recovery Assistance under the Microloan Program.

- Enhances the microloan program to increase access to micro capital and technical assistance under the program for businesses impacted by the COVID-19 pandemic.
- Temporarily increases the amount of time that borrowers can repay their loans from 6 to 8 years.
- Temporarily increases the outstanding aggregate amount each intermediary may borrow from $6 million to $10 million to expand their capacity to deploy more capital to small businesses.
- Allows intermediaries to access more technical assistance funding if they serve rural areas.
- Maximizes flexibility and reduces red tape for intermediaries by temporarily waiving the limitations for the technical assistance grants and the 50 percent limitation on pre-loan technical assistance.
- Provides $50 million in additional funding for Microloan Technical Assistance funding for lenders and $7 million to leverage about $64 million more in microloans to businesses.

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Section 330: Extension of Participation in 8(a) Program.

- Requires Administrator to allow businesses in the 8(a) program to seek an enrollment extension of 1 year.
- Requires rules to be drafted to carry out this section within 15 days.

Section 331: Targeted EIDL Advance for Small Business Continuity, Adaptation, and Resiliency.

- Provides additional targeted funding for eligible entities located in low-income communities through the EIDL Advance program from Section 1110 of the CARES Act.
- Makes entities in low-income communities that received an EIDL Advance under Section 1110 of the CARES Act eligible to receive an amount equal to the difference of what the entity received under the CARES Act and $10,000.
- Provides $10,000 grants to eligible applicants in low-income communities that did not secure grants because funding had run out.

Section 332: Emergency EIDL Grants.

- Extends covered period for Emergency EIDL grants through December 31, 2021.
- Allows more flexibility for the SBA to verify that Emergency EIDL grant applicants have submitted accurate information.
- Extends time for SBA to approve and disburse Emergency EIDL grants from 3 to 21 days.

Section 333: Repeal of EIDL Advance Deduction.

- Repeals section 1110(e)(6) of the CARES Act, which requires PPP borrowers to deduct the amount of their EIDL advance from their PPP forgiveness amount.
- Establishes the Sense of Congress that EIDL Advance borrowers should be made whole without regard to whether those borrowers are eligible for PPP forgiveness.
- The Administrator shall issue rules that ensure borrowers are made whole if they received forgiveness and their EIDL was deducted from that amount.

Section 334: Flexibility in Deferral of Payments of 7(a) Loans.

- Creates parity between bank-held and secondary market-owned 7(a) loans to seek up to a 1-year deferral.
- Requires SBA to buy back loans if investors refuse to provide the extend deferral unless the SBA determines the extended deferral would cause a positive subsidy for the Secondary Market Guarantee Program.

Section 335: Documentation Required for Certain Eligible Recipients.

- Allows more flexibility for the Administration to accept documentation beyond those enumerated in the CARES Act to determine eligibility for sole proprietors and the self-employed.

Section 336: Election of 12-week Period by Seasonal Employers.

- Expands the seasonal period to any 12-weeks between February 15, 2019 and February 15, 2020.
- Applies to loans before, on, or after the date of enactment, except for loan for which the borrower has already received forgiveness.

Section 337: Inclusion of Certain Refinancing in Nonrecourse Requirements.

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- Ensures applicants cannot be held liable if they didn't understand they had recourse against them at the time they took the PPP and EIDL loans after a refinancing.

Section 338: Application of Certain Terms through Life of Covered Loan.

- Clarifies that (1) fee waivers; (2) personal guarantee waiver; and (3) deferral eligibility continues past the covered period and attaches for the life of the PPP loan.

Section 339: Interest Calculation on Covered Loans.

- Clarifies the interest rate on PPP loans is non-compounding and non-adjustable for all new initial Paycheck Protection Program loans and second draw loans.

Section 340: Reimbursement for Processing.

- Provides for PPP lender reimbursement by SBA for new PPP loans.
- Establishes a tiered reimbursement rate for PPP loans: (1) Loans of less than $50,000 that is equal to the lesser of 50 percent of the loan principal or $2,500; (2) loans of more than $50,000 and not more than $350,000 equal to five percent of the loan principal; (3) loans of more than $350,000 and less than $2,00,000 equal to three percent of the loan principal; and (4) loans of more than $2,000,000 equal to one percent.
- Clarifies lender reimbursement by SBA may be made no later than 5 days post-disbursement.
- Clarifies PPP borrowers who knowingly retained a loan agent may not pay agent fees out of the PPP proceeds. This applies to PPP loan before, on, or after the date of enactment, including during forgiveness of such loan.

Section 341: Duplication Requirements for Economic Injury Disaster Loan Recipients.

- Permits certain EIDL borrowers to also apply for a PPP loan.

Section 342: Prohibition of Eligibility for Publicly Traded Companies.

- Excludes publicly traded companies from PPP eligibility.

Section 343: Covered Period for New PPP Loans.

- Extends the covered period for all PPP loans through March 31, 2021.
- Applies to loans made before, on, or after the date of enactment, including the forgiveness of such loan.

Section 344: Covered Period for Other Purposes.

- Clarifies the applicable period for employee's salaries of $100,000 on an annualized basis as prorated during the period in which compensation is paid or incurred.

Section 345: Extension of Waiver of Matching Funds Requirement under the Women's Business Center (WBC).

- Extends CARES Act waiver of WBC matching funds requirement through June 30, 2021.

Section 346: Clarification of Use of CARES Act Funds for Small Business Development Centers (SBDCs).

- Clarifies that any awards made under this bill are in addition to and separate from any amounts appropriated under section 21 of the Small Business Act, and any award made under this bill may be used to complement and support such grant. CARES Act funds and annually appropriated funds can be used and tracked together as one funding stream.
- Prioritizes SBDCs impacted by this accounting issue.

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Section 347: GAO Report

- Requires the GAO to report to the House and Senate Small Business Committees no later than 120 days on the SBA's use of administrative funds made through supplemental appropriations during FY 2020.

Section 348: Effective Date; Applicability.

- Clarifies the amendments made by this bill shall take effect on the date of enactment and apply to loans and grants made on or after the date of enactment.

Title IV - Transportation

Prepared by the Democratic Staff of the House Committee on Transportation and Infrastructure

Subtitle A – Airline Worker Support Extension

Section 401. Definitions

Section 401 defines catering functions, contractor, employee, recall, returning employee, and Secretary.

Section 402. Pandemic Relief for Aviation Workers

Section 402 provides $15 billion in grants to employees of passenger air carriers, passing to workers through each carrier. Provides $1 billion in grants to employees of contractors.

Section 403. Procedures for Providing Payroll Support

Section 403 directs the Secretary to distribute the funding in amounts proportional to the amounts received under the CARES Act, or—if elected by the air carrier or contractor or in the occurrence that such an entity did not receive funding under the CARES Act—modified proportions based on similar metrics to be pro-rated by the Secretary.

Section 404. Required Assurances

Section 404 mandates that to receive funding, an air carrier or contractor must—

- Recall involuntarily furloughed employees;
- Provide backpay to returning employees;
- Restore the rights and protections for such returning employees as if such employees had not been involuntarily furloughed;
- Refrain from conducting involuntary layoffs or furloughs, or reducing pay rates and benefits, of employees until March 31, 2020;
- Refrain from purchasing an equity security of the entity or the direct or indirect parent company of the applicant that is listed on a national securities exchange until March 31, 2021; and
- Not pay dividends, or make other capital distributions, with respect to the common stock (or equivalent interest) of the entity until March 31, 2021.

Such assurance that have an end date are further extended for contractors until all such financial assistance has been expended, if applicable.

Section 405. Protection of Collective Bargaining Agreements

Section 405 prohibits the Treasury Department and Federal Government from conditioning the financial assistance on the alteration of collective bargaining agreements.

Section 406. Limitation on Certain Employee Compensation

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Section 406 limits the total compensation (including salary, bonus, awards of stock, and other financial benefits) of executives until October 1, 2022.

Section 407. Minimum Air Service Guarantees
Section 407 requires air carriers, to the extent reasonable and practicable, to maintain scheduled air transportation service until March 1, 2022, to ensure service to any point served by that carrier before March 1, 2020, as determined by the Secretary of Transportation.

Section 408. Taxpayer Protection
Section 408 authorizes the Treasury Department to receive warrants, options, preferred stock, debt securities, notes, or other financial instruments as compensation to the Federal Government for the provision of financial assistance.

Section 409. Reports
Section 409 requires the Treasury Department to provide a report to Congress by May 1, 2021, regarding its implementation of the program, including financial assistance provided and any audits performed, and requires the Department to update its website weekly to reflect financial assistance distribution.

Section 410. Coordination
Section 410 requires the Treasury Department to coordinate with the Department of Transportation when implementing the program.

Section 411. Funding
Section 411 appropriates $16 billion to fund the provisions of this [title/section].

Section 412. CARES Act Amendments
Section 412 amends certain CARES Act provisions to remedy unintended consequences of CARES Act requirements that permitted contractors to involuntarily furlough vast numbers of workers and then receive payroll support grants to pay those workers.

Subtitle B – Coronavirus Economic Relief for Transportations Services Act

Sec. 420. Short Title.
Defines the short title as Coronavirus Economic Relief for Transportation Services Act.

Sec. 421. Assistance for Providers of Transportation Services Affected By Covid-19.
Section 421 provides $2 billion in economic assistance to motorcoach and bus operators, school bus companies, U.S. flag passenger vessel operators, like passenger ferries, and other U.S. transportation service providers.

Subtitle C – Motor Carrier Safety Grant Relief Act of 2020

Sec. 440. Short Title.
Defines the short title as Motor Carrier Safety Grant Relief Act of 2020.

Sec. 441. Relief for Recipients of Financial Assistance Awards From The Federal Motor Carrier Safety Administration.
Extends the period of availability for FMCSA's "Motor Carrier Safety Assistance Program (MCSAP)" grant funds awarded in FY19 and FY20 by one year.

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Subtitle D – Extension of Waiver Authority

Sec. 442. Extension of Waiver Authority.
Extends NHTSA's authority to waive or postpone highway safety grant requirements under sections 402, 404, 405, or 412 of title 23, section 4001 of FAST, or 23 CFR part 1300 in FY21.

Title V – Banking
Prepared by the Democratic staff of the House Committee on Financial Services

Subtitle A — Emergency Rental Assistance

Sec. 501. Emergency Rental Assistance.
Section 5201 appropriates $25 billion through Treasury to provide to state and local government entities, including $400 million for U.S. territories and $800 million for Native Americans, Alaska Natives, and Native Hawaiians (with the District of Columbia treated as a state). Funds would be required to be allocated to state and local governments ("grantees") within 30 days of enactment. Eligible households are defined as renter households who: (1) have a household income not more than 80 percent of AMI; (2) have one or more household members who can demonstrate a risk of experiencing homelessness or housing instability; and (3) have one or more household members who qualify for unemployment benefits or experienced financial hardship due, directly or indirectly, to the pandemic. Assistance would be prioritized for renter households whose incomes do not exceed 50 percent of AMI as well as renter households who are currently unemployed and have been unemployed for 90 or more days. Financial assistance provided under this section is non-taxable for households receiving such assistance.

Sec. 502. Eviction Moratorium.
This section extends the CDC eviction moratorium until January 31, 2021.

Subtitle B – Community Development Investment (CDFIs and MDIs)

Sec. 520. Purpose.
This section stipulates the purpose of this subtitle is to establish emergency programs to support access to credit to and investments in low- and moderate-income (LMI) and minority communities disproportionately impacted by the COVID-19 pandemic.

Sec. 521. Considerations; Requirements for Creditors.
This section includes factors that the Secretary of the Treasury must consider in implementing this subtitle, including increasing the availability of affordable credit for consumers, small businesses, and nonprofit organizations that provide direct benefits to LMI communities, low-income and underserved individuals, and minorities. This section also affirms that lenders receiving funds through this subtitle must fully comply with all applicable requirements relating to fair lending.

Sec. 522. Capital Investments for Neighborhoods Disproportionally Impacted by the COVID-19 Pandemic.
This section establishes a $9 billion Emergency Capital Investment Program (ECIP), administered by the Department of the Treasury, to provide low-cost, long-term capital investments to minority depository institutions (MDIs) and community development financial institutions (CDFIs) that are depository institutions. Participants must develop a plan to maintain or expand significant lending or investment activity in LMI minority communities, and the repayment terms on the investment incentivizes enhanced lending to LMI communities. During the initial application period when entities apply in a timely manner, as determined by Treasury, $4 billion will be set aside for eligible institutions with less than $2 billion in total assets, with $2

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billion of that amount reserved for eligible institutions with less than $500 million in total assets. If there are ECIP funds left over in either tranche, Treasury can redeploy those funds to other applicants until all funds have been expended. Additionally, this section provides a narrow exemption from the Equal Credit Opportunity Act (ECOA) for the sole purpose and exclusive use of data collection to ensure compliance with the program's plan to enhance lending to minority communities, while ensuring institutions will be subject to ECOA enforcement actions should they discriminate against borrowers. Treasury's authority to make new capital investments ceases 6 months after the date on which the national emergency concerning the COVID-19 outbreak under the National Emergencies Act terminates.

Sec. 523. Emergency Support for CDFIs and Communities Responding to the COVID-19 Pandemic.
This section provides $3 billion to the CDFI Fund to provide grants and other financial assistance to CDFIs, including CDFI loan funds, as they serve consumers, small businesses, and nonprofits in their communities. Of the total funds, $1.25 billion will be available until September 30, 2021, for the CDFI Fund to award grants and other financial and technical assistance to help CDFIs serve their communities responding to the economic hardships created by the pandemic, including $25 million reserved to benefit Native American, Native Hawaiian, and Alaska Native communities. The remaining $1.75 billion will be available until expended to provide additional grants and other financial and technical assistance to CDFIs, including reserved for "minority lending institutions," a new category of CDFIs that predominantly serve minority communities and are either MDIs or meet other standards for accountability to minority populations as determined by the CDFI Fund. This section also provides a narrow exemption from ECOA for the sole purpose and exclusive use of data collection to ensure CDFIs are adequately serving minority communities, while ensuring institutions will be subject to ECOA enforcement actions should they discriminate against borrowers.

Sec. 524. Inspector General Oversight.
This section stipulates that the Inspector General of the Department of the Treasury will oversee the programs established under this subtitle, and will report to Congress semiannually.

Sec. 525. Study and Report with Respect to Impact of Programs on Low- and Moderate-Income and Minority Communities.
This section requires Treasury to conduct a study 18 months after enactment of impact of the programs established under this subtitle on LMI and minority communities.

Subtitle C — Miscellaneous

Sec. 540. Extensions of Temporary Relief and Emergency Authorities.
This section extends and modifies a CARES Act provision allowing banks and credit unions to temporarily delay the adoption of a new credit loss accounting standard – Current Expected Credit Loss (CECL). The section allows these institutions until the earlier of (1) the first day of the fiscal year of the institution that begins after the national emergency termination date or (2) January 1, 2022.

This section also extends another CARES Act provision that temporarily changes the National Credit Union Administration's (NCUA) Central Liquidity Facility (CLF) for credit unions to meet liquidity needs by expanding the ability to borrow up to a value 16 times the CLF's subscribed capital stock and surplus, up from the statutory limit of 12 times. This section extends the termination of CLF's expansion to December 31, 2021.

Sec. 541. Extension of Temporary Relief from Troubled Debt Restructurings and Insurer Clarification.
This section extends the CARES Act provision under section 4013, which allows financial institutions to determine if they will suspend the Generally Accepted Accounting Principles (GAAP) requirements for recognizing any potential COVID-related losses from a troubled debt restructuring (TDR) related to a loan modification. This section extends the termination of this provision to the earlier of (1) 60 days after the national emergency termination date or (2) January 1, 2022, and clarifies that insurance companies are covered by the provision.

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Sec. 542. Healthcare Operating Loss Loans.
This section authorizes HUD to insure mortgages under Section 223(d) to cover the operating losses of healthcare facilities that are already insured under the Section 232 and 242 programs and that were financially sound immediately prior to the COVID-19 pandemic.

Title VI – Labor Provisions

Prepared by the Democratic Staff of the House Committee on Education and Labor

Section 601. Job Corps Flexibilities.
This section waives certain statutory requirements regarding enrollment and eligibility for Job Corps students during the qualifying emergency. This includes waiving drug testing requirements for students enrolling in Job Corps virtually, and allowing students who turn 25 during the qualifying emergency to maintain enrollment eligibility if enrolling within six months of enactment of this Act.

Title VII – Nutrition and Agriculture Relief

Prepared by the Democratic Staff of the House Committee on Agriculture and the House Committee on Education and Labor

Subtitle A – Nutrition

CHAPTER 1 SUPPLEMENTAL NUTRITION ASSSISTANCE PROGRAM

SEC. 701. DEFINITIONS.
Defines public health emergency and supplemental nutrition assistance program (SNAP).

SEC. 702. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM
Subsection (a) increases the monthly SNAP benefit level by 15% based on the June 2020 Thrifty Food Plan through June 30, 2021. Subsection (b) simplifies the state administrative process for SNAP benefit level increases. Subsection (c) provides $100 million for state administrative costs through fiscal year 2021 and requires these funds to be made available to states within 60 days of enactment. Subsection (d) excludes Pandemic Unemployment Compensation from being counted toward household income for SNAP. Subsection (e) extends SNAP eligibility to college students who are eligible for a federal or state work study program or has an expected family contribution of zero. Subsection (f) directs the Secretary to submit a report on the redemption rate and account balances for each month from January 2021 to June 2021. Subsection (g) shortens the statutory waivers for certain SNAP quality control requirements from September 30, 2021 to June 30, 2021.

SEC. 703. ADDITIONAL ASSISTANCE FOR SNAP ONLINE PURCHASING AND TECHNOLOGY IMPROVEMENTS.
Provides $5 million for technical support to USDA in expanding the SNAP online purchasing program, including for farmers markets and direct marketing farmers, and for supporting mobile payment technologies and the electronic benefit transfer system.

SEC. 704. NUTRITION ASSISTANCE PROGRAMS.
Provides $614 million to Puerto Rico and American Samoa for nutrition assistance, of which $14 million shall be available to the Commonwealth of the Northern Mariana Islands.

CHAPTER 2 - COMMODITY DISTRIBUTION PROGRAMS

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SEC. 711. EMERGENCY FOOD ASSISTANCE PROGRAM.
Invests $400 million in the Emergency Food Assistance Program through September 30, 2021. Allows up to 20 percent of these funds to be used for commodity distribution.

SEC. 712. COMMODITY SUPPLEMENTAL FOOD PROGRAM.
Provides $13 million to the Commodity Supplemental Food Program, 20% of which may be used for administrative costs through September 30, 2021.

CHAPTER 3 – CHILD NUTRITION AND RELATED PROGRAMS

SEC. 721. ASSISTANCE FOR CHILDREN IN CHILD CARE
Ensures that millions of young children can access needed nutrition benefits by clarifying that states may issue P-EBT benefits to children under the age of 6 who live in households receiving Supplemental Nutrition Assistance Program (SNAP) benefits and residing in an area in which schools or child care facilities are closed or operating with reduced hours or attendance without the need to verify child care enrollment at the individual household level. Additionally, makes P-EBT implementation easier for states and clarifies simplifying assumptions that may be used.

SEC. 722. EMERGENCY COSTS FOR CHILD NUTRITION PROGRAMS DURING COVID-19 PANDEMIC
Provides emergency relief to help school meal and child and adult care food programs, which are in dire need of financial assistance, to continue serving children and families. Provides as much funding as necessary to carry out these payments.

SEC. 723. TASK FORCE ON SUPPLEMENTAL FOODS DELIVERY IN THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM
Requires the Department of Agriculture to establish a task force on food delivery models in the WIC program so that participants have access to curbside pickup and other safe food purchasing methods during the pandemic.

CHAPTER 4– OTHER MATTERS

SEC. 731. AGING AND DISABILITY SERVICES PROGRAMS
Provides $175 million in emergency funding for Older Americans Act nutrition programs, including $7 million for tribal nutrition programs.

SEC. 732. NUTRITION SERVICES UNDER OLDER AMERICANS ACT
Provides needed flexibility to area agencies on aging and state units on aging to ensure that older adults' nutritional needs can continue to be met safely during the pandemic.

Subtitle B - Agriculture

CHAPTER 1 – AGRICULTURAL PROGRAMS

SEC. 751. OFFICE OF THE SECRETARY.
Provides $11.1875 billion to the Office of the Secretary, to remain available until expended, to prevent, prepare for, and respond to coronavirus by providing support to agricultural producers, growers, and processors. From this amount, the Secretary:

- Shall make supplemental Coronavirus Food Assistance Program (CFAP) payments for the 2020 crop year to producers of price trigger crops who meet a defined market trigger;

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- Shall make CFAP supplemental payments for the 2020 crop year to producers of flat-rate crops who meet a defined market trigger;
- Shall take crop insurance indemnities, noninsured crop disaster assistance payments, and Wildfire and Hurricanes Indemnity Program Plus payments into consideration when determining the amount of eligible sales and may allow producers to select 2018 or 2019 sales;
- Shall make payments to livestock and poultry growers for losses suffered due to depopulation because of insufficient processing access due to COVID-19 market impacts;
- Shall make supplemental CFAP payments to cattle producers;
- Shall use no more than $1 billion to make payments to livestock and poultry contract growers who had revenue losses due to contract changes because of COVID-19;
- Shall use no less than $20 million to improve and maintain animal disease prevention and response capacity;
- Shall make payments to domestic users of upland cotton and extra-long staple cotton;
- Shall make additional payments to supplement the CFAP payment to more closely align with the calculated gross payment or revenue loss;
- May provide support to processors for crop losses due to insufficient processing access;
- May extend the term of a marketing assistance loan;
- Shall use no less than $1.5 billion to purchase food and agricultural products, including seafood;
- The same fund is also available to make loans and grants to small and midsized food processors or distributors, seafood processing facilities and vessels, farmers markets, and producers to respond to COVID-19, including measures to protect workers;
- Is to conduct a preliminary review of the COVID-19 impacts on and needs of agricultural producers and food processors and actions needed to improve COVID-19 food purchasing;
- May use no more than $200 million to support timber harvesting and timber hauling businesses impacted by COVID-19;
- May take into account price differentiation factors for each commodity when making payments under this section, such as specialized varieties, local markets, and certified organic;
- May make payments to producers of advanced biofuel, biomass-based diesel, cellulosic biofuel, conventional biofuel, or renewable fuels with market losses due to COVID-19; and,
- May make recourse loans available to dairy product processors, packagers, or merchandisers.

SEC. 752. SPECIALTY CROP BLOCK GRANTS.
The bill provides $100 million in additional funding to support specialty crop farmers and address COVID-19 specialty crop supply chain issues at the state level via the farm bill's Specialty Crop Block Grant Program.

SEC. 753. LOCAL AGRICULTURE MARKET PROGRAM.
The bill provides $100 million in additional funding to support local farmers, farmers markets, and value-added production for farmers and outlets who are impacted by COVID-19 market disruptions through the farm bill's Local Agriculture Market Program. The Secretary may reduce matching requirements for these additional funds.

SEC. 754. FARMING OPPORTUNITIES TRAINING AND OUTREACH PROGRAM.
The bill provides $75 million to the farm bill's Farming Opportunities Training and Outreach Program to support groups providing beginning, socially disadvantaged, and veteran farmers and ranchers with financial and marketing advice and technical assistance in this difficult market, including help in accessing Federal and State assistance programs . The Secretary may reduce matching requirements for these additional funds.

SEC. 755. GUS SCHUMACHER NUTRITION INCENTIVE PROGRAM.

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The bill provides $75 million for the Gus Schumacher Nutrition Incentive Program. The Secretary may reduce matching requirements for these additional funds.

SEC. 756. RESEARCH.
The bill provides $20 million annually to the Agricultural Research Service to address gaps in nutrition research by studying the connection between agriculture production and human nutrition and health.

CHAPTER 2 —SUPPORT FOR DAIRY, LIVESTOCK, AND FARM STRESS

SEC. 760. Definitions.

SEC. 761. SUPPLEMENTAL DAIRY MARGIN COVERAGE PAYMENTS.
The bill provides necessary cash flow assistance to small- and mid-sized dairies that have grown over the last seven years by establishing supplemental margin coverage based on the difference between 2019 actual production and Dairy Margin Coverage production history.

SEC. 762. DAIRY DONATION PROGRAM.
The bill provides $400 million to pay for milk to be processed into dairy products and donated to non-profit entities (food banks, feeding programs, etc.). Under the framework of the program, the dairy processor and non-profit develop a plan for donation and distribution and USDA reimburses the processor for the associated cost of milk. The bill allows USDA to adjust the existing Milk Donation Program payments to match the level of payment provided by this new program.

SEC. 763. ESTABLISHMENT OF TRUST FOR BENEFIT OF UNPAID CASH SELLERS OF LIVESTOCK.
The bill establishes a Federal livestock dealer trust to ensure that livestock producers are paid for their animals.

SEC. 764. GRANTS FOR IMPROVEMENTS TO MEAT AND POULTRY FACILITIES TO ALLOW FOR INTERSTATE SHIPMENT.
The bill provides $60 million to make facility upgrade and planning grants to existing meat and poultry processors to help them move to Federal inspection and be able to sell their products across state lines. The bill also requires USDA to work with States and report on ways to improve the existing Cooperative Interstate Shipment program.

SEC. 765. MEAT AND POULTRY PROCESSING STUDY AND REPORT.
The bill requires a report on the availability of financing for new and existing meat and poultry processing capacity.

SEC. 766. SUPPORT FOR FARM STRESS PROGRAMS.
The bill provides $28 million to be distributed as block grants to state departments of agriculture for use to support existing farm stress programs.

Title VIII – United States Postal Service
Prepared by the Democratic Staff of the House Committee on Oversight and Reform

SEC. 801. Covid—19 Funding for the United States Postal Service.

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This section amends section 6001 of the CARES Act (P.L. 116-136) to provide that any money borrowed under that section does not have to be repaid. The CARES Act authorized the Postal Service to borrow up to $10 billion, subject to such terms and conditions agreed to by the Postal Service and the Department of the Treasury.

SEC. 802. Temporary Acceptance of Certain Low-Risk Postal Shipments.
This section delays implementation of the STOP Act (sec. 1415 of title 19 U.S.C.) if the Postmaster General or the Commissioner of Customs and Border Patrol determine that an international mail shipment presents a low risk of violating any statutes or regulations of the United States.

Title IX – Broadband Internet Access Service

Prepared by the Democratic Staff of the House Committee Energy and Commerce

Section 901. Amendments to the Secure and Trusted Communications Network Reimbursement Program.
Section 901 expands eligibility for the Secure and Trusted Reimbursement Program at the Federal Communications Commission (FCC) that compensates providers for the cost of removing and replacing certain unsecure equipment from their networks, which will help protect our nation's communications networks from foreign adversaries. It also ensures that smaller providers and public or private educational institutions are prioritized for such reimbursements.

Section 902. Connecting Minority Communities.
Section 902 establishes an Office of Minority Broadband Initiatives at the National Telecommunications and Information Administration (NTIA) to focus on broadband access and adoption at Historically Black colleges or universities, Tribal colleges and universities, and other Minority-serving institutions, including the students, faculty, and staff of such institutions and their surrounding communities. It also appropriates $285 million for a Pilot Program to award grants to these institutions and certain businesses and non-profit organizations in the community to support connectivity, and specifies that at least 20 percent of such funds should be used to ensure that students of such institutions have internet service and devices.

Section 903. FCC COVID-19 Telehealth program.
Section 903 appropriates an additional $250 million to the FCC for its COVID-19 Telehealth Program authorized under the CARES Act. It also puts in place new transparency obligations for the program surrounding the FCC's review of applications, and directs the Commission to ensure, to the extent feasible, that all states benefit from the program.

Section 904. Benefit for Broadband Service During Emergency Period Relating to COVID-19.
Section 904 establishes the Emergency Broadband Benefit Program at the FCC, under which eligible households may receive a discount of up to $50, or up to $75 on Tribal lands, off the cost of internet service and a subsidy for low-cost devices such as computers and tablets. Internet service providers that provide the discounted service or devices to customers can receive a reimbursement from the FCC for such costs. Households that qualify for the benefit include those with: children that qualify for the free and reduced lunch program, Pell grant recipients, recently laid off or furloughed workers, an individual who qualifies for the Lifeline program, or an individual who qualifies for a low-income or COVID-19 discount program offered by internet service providers. $3.2 billion is appropriated for the Program.

Section 905. Grants for Broadband Connectivity.
Section 905 establishes two grant programs at the NTIA. The first is a grant program to support broadband connectivity on tribal lands throughout the country. The grants would be directed to tribal governments to be used not only for broadband deployment on tribal lands, but also telehealth, distance learning, broadband

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affordability, and digital inclusion. $1 billion is appropriated for this program. The second is a $300 million broadband deployment program to support broadband infrastructure deployment to areas lacking broadband, especially rural areas. The grants would be issued to qualifying partnerships between state and local governments and fixed broadband providers. Priority for grants would be given to networks that would reach the most unserved consumers.

Section 906. Appropriations for Federal Communications Commission Activities.
This section appropriates $65 million to the FCC to create broadband data maps required under the Broadband DATA Act. It also appropriates $1.9 billion for the FCC's Secure and Trusted Reimbursement Program.

Title X – Miscellaneous

Sec. 1001. Coronavirus Relief Fund Extension.
Extends the date by which state and local governments much make expenditures with CARES Act Coronavirus Relief Fund awards from December 30, 2020 to December 31, 2021.

Sec. 1002. Contractor Pay.
Allows reimbursement to qualifying contractors for the costs of providing paid leave to employees during the pandemic.

Sec. 1003. Rescissions
This section rescinds the unobligated amounts appropriated in the CARES Act for direct loans by the Treasury and emergency lending by the Federal Reserve, and sets December 31, 2020 as the date for termination of the Federal Reserve's authority to make new loans, asset purchases, or modifications through the existing CARES Act facilities. As the CARES Act funds that were originally deposited in the Exchange Stabilization Fund (ESF) are rescinded, this section clarifies that ESF funds may not be used to establish Fed facilities that are the "same as" (i.e. identical to) current Fed facilities that received CARES Act funding support (except the Term Asset-Backed Securities Loan Facility, or TALF), while permitting substantially similar Fed facilities to be established with ESF funds in the future. This section also clarifies that the Federal Reserve fully retains the authority it had prior to the enactment of the CARES Act to establish programs and facilities under section 13(3) of the Federal Reserve Act, and that the Secretary of the Treasury fully retains its authority to use funds made available through the ESF to backstop such Fed facilities.

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H.R. 133

DIVISION-BY-DIVISION SUMMARY OF APPROPRIATIONS PROVISIONS

H.R. 133 totals $1.4 trillion and reflects conference agreements for the FY 2021 appropriations bills. It furthers House Democrats' commitment to investing For The People with substantial increases to non-defense spending alongside small increases for defense-related programs.

In total, the package provides:

- $671.5 billion in base defense funding, a $5 billion increase over FY 2020;
- $656.5 billion in nondefense funding, an $20 billion increase over FY2020;
- $77 billion for Overseas Contingency Operations (OCO)—$69 billion for defense activities and $8 billion for nondefense activities; and
- An additional $3.1 billion in emergency funding to fund agency operations impacted by the COVID-19 pandemic, $2.35 billion in funding for wildfire suppression activities, $1.9 billion for program integrity initiatives, and $474 million medical research associated with the 21st Century Cures Act.

In the last year of the Budget Control Act caps, after accounting for rescissions and emergency spending, the package includes non-defense funding that is $15 billion above the levels set in the Bipartisan Budget Act of 2019.

Division A – Agriculture-Rural Development-FDA

Overview:

The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies bill funds agencies and programs within the Department of Agriculture, the Farm Credit Administration, and the Food and Drug Administration.

The FY 2021 bill provides $23.395 billion in discretionary funding, $217 million above the FY 2020 enacted level. In addition, it provides the latest estimates for mandatory programs required by law.

The bill funds important agricultural and food programs and services, including food and medical product safety, animal and plant health programs, rural development, farm services, agricultural trade, financial marketplace oversight, and nutrition programs, both domestic and international.

Bill Summary:

Rural Development and Infrastructure – The bill provides a total of almost $3.9 billion for rural development programs. These programs help create an environment for economic growth by providing business and housing opportunities and building sustainable rural infrastructure for the modern economy.

- **Critical Infrastructure –** The legislation includes responsible investments in infrastructure to help rural areas of the country access basic utilities. This includes $1.45 billion for rural water and waste program loans, and more than $620 million in water and waste grants for clean and reliable drinking water systems and sanitary waste disposal systems. An additional $6.9 billion in loan authority is provided for rural electric and telephone infrastructure loans.

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- **Rural Broadband –** The legislation invests more than $730 million in the expansion of broadband service to provide economic development opportunities and improved education and healthcare services, including $635 million for the ReConnect program, an increase of $80 million over FY 2020. These significant investments in broadband reflect a commitment to enabling Americans in rural communities to access digital tools necessary to improve health, educational, and economic outcomes.

- **Rural Housing Loans and Rental Assistance –** The bill provides a total of $24 billion in loan authority for the Single Family Housing Guaranteed Loan Program. The bill includes $1 billion in direct single family housing loans, meeting the estimated need for these loans, which provide home loan assistance to low-income rural families, many of whom would have few loan options for purchasing a home because of their geographical location. In addition, $1.41 billion is provided for rental assistance for affordable rental housing for low-income families and the elderly in rural communities for renewal of all existing rental assistance contracts.

Food and Nutrition Programs – The legislation contains discretionary funding, as well as mandatory funding required by law, for food and nutrition programs within USDA. This includes funding for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), the Supplemental Nutrition Assistance Program (SNAP), and child nutrition programs.

- **WIC –** The bill provides $6 billion in discretionary funding for WIC, which fully funds participation this year. This includes $90 million for the breastfeeding counselor program.

- **Child nutrition programs –** The bill provides for $25.1 billion in required mandatory funding for child nutrition programs. This is $1.5 billion above the FY 2020 enacted level. This funding will provide free or reduced-price school lunches and snacks for children who qualify for the program. The bill provides approximately $552 million for the Summer Food Service Program to ensure low-income children continue to receive nutritious meals when school is not in session. In addition, the bill provides $42 million for the Summer EBT program, $30 million for school kitchen equipment grants, and $21 million for the WIC farmers market nutrition program.

- **SNAP –** The bill provides for $114 billion in required mandatory spending for SNAP. This fully funds participation as well as the SNAP enhanced allotments authorized by the Families First Act.

International Food Assistance Programs – The legislation contains $1.97 billion for international food aid and for the promotion of U.S. agricultural exports overseas. This includes $1.74 billion for Food for Peace grants and $230 million for the McGovern-Dole International Food for Education and Child Nutrition program. This represents the highest-ever level of funding for these two vital programs. These programs work to reduce famine and increase food security overseas.

Food and Drug Administration (FDA) – The FDA receives a total of $3.2 billion in discretionary funding in the bill, $43 million above the 2020 enacted level. Total funding for the FDA, including user fees, is $5.97 billion. Within this total, the Committee provides targeted increases for medical product and food safety activities, including new initiatives to advance new influenza vaccine manufacturing technologies and leverage emerging technologies to monitor food and medical product safety. Funding is also included to support the development of a framework for regulating CBD products, continue FDA's efforts to enable faster responses to foodborne illness outbreaks, and increase the safety and cybersecurity of medical devices. In addition, the bill includes a strong focus on continuing FDA's efforts to inspect foreign food and drug products. The bill also appropriates $70 million to accelerate medical product development as authorized in the 21st Century Cures Act.

Food Safety and Inspection Service – The legislation includes $1.076 billion for food safety and inspection programs. These mandatory inspection activities help to ensure safe, meat and poultry on American tables. The

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funding provided will maintain nearly 8,800 frontline inspection personnel for meat, poultry, and egg products at more than 6,400 facilities across the country.

Marketing Programs – The bill provides $189 million, $1 million above FY 2020 and $38 million above the President's request, to facilitate the movement of agriculture products and open market opportunities. This includes $18 million for the National Organic Program to protect the integrity of the USDA Organic label and $16.5 million for the new hemp production program. The bill also provides $19.4 million in discretionary funds to the Agricultural Marketing Service and Rural Development for the Local Agriculture Market Program to continue supporting local food and value-added agriculture. In addition, the bill provides $22 million to support dairy innovation centers.

Farm Programs – The legislation provides $1.824 billion for farm programs, $20 million above the FY 2020 level. This includes $5 million to resolve ownership and succession of farmland issues, also known as heirs property. This funding will continue support for various farm, conservation, and emergency loan programs, and help American farmers and ranchers. It will also meet estimates of demand for farm loan programs.

Animal and Plant Health – The legislation includes $1.067 billion – $21 million above the FY 2020 enacted level – for the Animal and Plant Health Inspection Service. This funding will support programs to help control or eradicate plant and animal pests and diseases that can be crippling to U.S. producers. The funding level provides increases that will help address harmful pests and diseases such as spotted lanternfly and chronic wasting disease, while maintaining increases from past years for citrus greening.

Conservation Programs – The bill provides $1.018 billion to help farmers, ranchers, and other private landowners conserve and protect their land. This includes $185 million for infrastructure for watershed and flood prevention and watershed rehabilitation projects.

Agricultural Research – The bill provides $3.3 billion – $125 million above the FY 2020 level – for agriculture research programs, including the Agricultural Research Service and the National Institute of Food and Agriculture. This funding will support research at all ARS facilities to help mitigate and stop devastating crop diseases, improve food safety and water quality, increase production, develop environmentally efficient agricultural practices, and combat antimicrobial resistance. This funding also includes important research investments in U.S. land-grant colleges and universities, including a significant increase for the 1890 institutions, and for the Agriculture and Food Research Initiative, the U.S. Department of Agriculture's premier competitive research program.

Policy Provisions

- Continues the '10-20-30' policy of dedicating rural development program resources to identified persistent poverty areas.
- Continues language allowing the Secretary to waive matching fund requirements for the Specialty Crop Research Initiative.
- Extends the hemp pilot program through January 1, 2022.
- Includes language directing the FDA to develop a plan to identify, detain, and refuse the import of FDA-regulated products from a foreign establishment that did not allow physical access to FDA investigators.
- Includes language preventing USDA from promulgating new user fees through regulations for certain marketing and regulatory programs, such as grain inspection, packers and stockyards licensing, animal welfare licensing, biotech product approval applications, and domestic hemp production program licenses.
- Continues House language related to the slaughter of horses for human food.
- Repurposes certain unobligated funds to ensure that USDA can provide disaster payments to farmers, ranchers and producers who were devastated by natural disasters in 2018 and 2019.
- Provides $635 million in emergency funds for the Agricultural Quarantine Inspection Program to ensure continued inspections of agricultural products in order to keep pests and diseases from entering the U.S.

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Division B – Commerce-Justice-Science

Overview:

The Commerce-Justice-Science bill funds the Departments of Commerce and Justice, the National Aeronautics and Space Administration (NASA), the National Science Foundation (NSF), and other related agencies.

The FY21 bill provides $71.12 billion in discretionary funding.

The bill provides funding increases to help ensure civil rights and reform police practices throughout the country. The bill also provides funding increases to help create jobs, support U.S. manufacturing, research and prepare for climate change, reduce gun violence, address the opioid crisis, and help keep schools safe. Furthermore, the bill provides funding increases for science research, science education, and legal services for underserved communities.

Bill Highlights:

U.S. Department of Commerce – $8.9 billion in net discretionary funding for the Department of Commerce, an increase of $596.7 million above the President's budget request.

- **International Trade Administration (ITA) –** $541 million, $19.75 million above the FY 2020 enacted level and $55.6 million above the President's budget request. The total includes no less than $340.75 million for ITA Global Markets, $60.4 million above the request and $7.8 million above FY 2020, to help create jobs here at home by increasing U.S. exports.

- **Bureau of Industry and Security (BIS) –** $133 million, an increase of $5.3 million above FY 2020.

- **Economic Development Administration (EDA) –** $346 million, an increase of $13 million above FY2020. This includes $119.5 million for EDA's Public Works program, which supports brick-and-mortar projects in distressed communities across the nation, and $38 million for the Regional Innovation Program, an increase of $5 million, to help create jobs by establishing and expanding region-focused innovative technology business endeavors. Additionally, $2 million is provided for STEM Apprenticeships to help align the skills of workers and the needs of employers. The President had proposed completely eliminating EDA.

- **Minority Business Development Agency (MBDA) –** $48 million, an increase of $6 million above FY 2020, is provided for MBDA to support minority businesses around the country. The President proposed reducing support for minority businesses through MBDA by $31.7 million.

- **U.S. Patent and Trademark Office (PTO) –** $3.7 billion, equal to the President's budget request and $244.6 million above FY 2020.

- **Manufacturing Extension Partnership (MEP) Program –** $150 million, $4 million above FY 2020. The President had proposed completely eliminating this program.

- **NOAA Climate Research –** $182 million, an increase of $12.5 million above FY 2020 and $98 million above the President's budget request, including an increase of $2.5 million to provide regional climate data and services to State and local partners.

- **NOAA's National Ocean Service (NOS) –** $620 million for NOS operations, an increase of $21 million above FY 2020, including a $3.5 million increase for the Coral Reef Program; an increase of

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$5.5 million for research to combat harmful algal blooms; and $2 million to increase research to predict and understand the impacts of sea level rise on the Nation's coasts.

- **National Weather Service –** $1.1 billion for operating expenses, an increase of $35 million above FY 2020. In addition, this Act fully funds efforts to procure future weather satellites, which are essential for accurate weather forecasting.

U.S. Department of Justice (DOJ) – $33.8 billion overall for the Department of Justice, which is $1.18 billion above the FY2020 enacted level and $874.4 million above the President's budget request.

- **Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016 –** $13.5 million is provided, as authorized under the Act, including: $5 million within the Civil Rights Division; $5 million within the Federal Bureau of Investigation; $1.5 million within the Community Relations Service; and $2 million within State and Local Law Enforcement Assistance.

- **Federal Bureau of Investigation –** $10.31 billion, an increase of $361.9 million above the FY 2020 enacted level and $514.1 million above the President's budget request.

- **Executive Office for Immigration Review --** $734 million, an increase of $61 million above FY 2020, including $22.5 million for the Legal Orientation Program, an increase of $4.5 million above FY 2020.

- **Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) –** $1.48 billion, an increase of $83.9 million above the FY 2020 enacted level.

- **Federal Bureau of Prisons (BOP) –** $7.84 billion, an increase of $57.4 million above the FY 2020 enacted level and $124.8 million above the President's budget request.

- **First Step Act –** The agreement fully funds the requested $409,483,000 for programs and activities authorized by the First Step Act of 2018, including medication-assisted treatment.

- **Task Force on Law Enforcement Oversight –** The agreement directs the Attorney General to establish a Task Force on Law Enforcement Oversight, with up to $5 million to be provided across DOJ accounts. The Task Force is to be comprised of representatives from multiple Justice Department components, in consultation with law enforcement, labor, and community-based organizations to coordinate the detection and referral of complaints regarding incidents of alleged law enforcement misconduct.

- The agreement includes $5,000,000 for the **development and deployment of databases to track excessive use of force and officer misconduct**, to be developed in consultation with State and local law enforcement agencies, community organizations, and advocacy groups, including those that advocate for the preservation of civil liberties and civil rights.

- **Grants to State and Local Law Enforcement –** $3.385 billion is provided, an increase of $107 million above FY 2020. This includes: $484 million for Byrne JAG; $386 million for the Community Oriented Policing Services (COPS) Program; $189 million to address sexual assault kit and other DNA evidence backlogs; $100 million for Second Chance Act programs; $526.5 million for grant programs to address the opioid crisis; $132 million for the STOP School Violence Act; $513.5 million for Violence Against Women Act (VAWA) programs; and $85 million for grants to improve the NICS firearms background check system.

National Aeronautics and Space Administration (NASA) – $23.27 billion is provided, an increase of $642.3 million above the FY 2020 enacted level, including:

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- $2 billion for **Earth Science**, an increase of $28.2 million above the FY2020 enacted level and $231.9 million above the President's budget request, to enable better scientific information about the Earth and its changing climate, and rejecting cuts proposed by the Administration aimed at eliminating climate science missions.

- $828.7 million for **Aeronautics research**, an increase of $44.8 million above FY 2020 and $9.7 million above the President's budget request, to continue efforts to improve passenger safety, fuel efficiency, and noise reduction, and to make air travel more environmentally sustainable.

- $127 million for **NASA's STEM Engagement educational efforts**, an increase of $7 million above FY 2020, to enable NASA to inspire young people to pursue future careers in science and engineering. This amount includes funding increases for the Space Grant program, Minority University Research and Education Project, and Established Program to Stimulate Competitive Research (EPSCOR). The President had proposed eliminating all funding for STEM Engagement.

National Science Foundation (NSF) – $8.5 billion, an increase of $208.4 million above the FY 2020 enacted level and $745.4 million above the President's budget request.

- **NSF Research and Related Activities –** $6.9 billion is provided, an increase of $172.6 million above FY 2020 and $696.7 million above the President's budget request.

- **Education and Human Resources** -- $968 million is provided, an increase of $28 million above FY 2020 and $37 million above the President's budget request.

Legal Services Corporation – $465 million, $25 million above the FY 2020 enacted level. The President had proposed eliminating this program, which helps provide legal assistance to underserved communities.

Equal Employment Opportunity Commission – $404.5 million, $15 million above the FY 2020 enacted level and $42 million above the President's budget request.

International Trade Commission (ITC) – $103 million, $3.6 million above the FY 2020 enacted level and $3.4 million above the President's budget request.

Division C – Defense

Overview:

For fiscal year 2021, the bill provides $696 billion in new, non-emergency discretionary spending authority for the Department of Defense for functions under the Defense Subcommittee's jurisdiction, an increase of $2.6 billion above the fiscal year 2020 enacted level, and $2.1 billion below the President's Budget. That includes $627.3 billion in base funding, an increase of $4.6 billion above the fiscal year 2020 enacted level and $2.1 billion below the President's Budget, and $68.7 billion for OCO/GWOT funding in title IX, a decrease of $2 billion from the fiscal year 2020 enacted level and equal to the President's Budget.

The FY 2021 Defense Appropriations bill continues to provide additional funding above the President's Budget for programs directly impacting the quality of life for servicemembers, their families, and military communities:

- $2.296 billion funded above the request for an additional Virginia Class Submarine.
- $116 million funded above the request for upgrades to child care facilities.
- $284 million funded above the request to address public school infrastructure requirements on DoD installations.
- $57.5 million funded above the request for sexual assault prevention and response programs.

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- $1.5 billion of total funding for environmental restoration programs, $430 million funded above the request.
- $15 million above the request for a CDC Water Containment Study and Assessment.
- $50 million of new funding for noise mitigation measures.
- $60 million above the request for the Defense Community Infrastructure program.
- $25 million above the request for Defense Manufacturing Communities.
- $50 million funded above the request for Impact Aid to communities and $20 million funded above the request for Impact Aid for those with disabilities.
- $577.5 million funded above the request for cancer research.
- Fully funds the 3.0 percent military pay raise.

Bill Summary:

Military Personnel

Total:	$162.4 billion
Base:	$157.8 billion
OCO/GWOT (title IX):	$4.6 billion

- Funds active duty end strength of 1,348,600, an increase of 9,100 above current year and a decrease of -2,900 below the request. Funds reserve component end strength of 802,000, an increase of 1,200 above current year and equal to the request.
  - Army totals: 485,900 active duty, an increase of 5,900 above current year and equal to the request; 189,800 reserve, an increase of 300 above current year and equal to the request; and 336,500 Guard, an increase of 500 above current year and equal to the request.
  - Navy totals: 347,800 active duty, an increase of 7,300 above current year and equal to the request; and 58,800 reserve, a decrease of 200 below current year and equal to the request.
  - Marine Corps totals: 181,200 active duty, a decrease of 5,000 below current year and a decrease of 2,900 below the request; and 38,500 reserve, equal to current year and the request.
  - Air Force totals: 333,700 active duty, an increase of 900 above current year and equal to the request; 70,100 reserve, an increase of 100 above current year and equal to the request; and 108,100 Guard, an increase of 400 above current year and equal to the request.

- Provides full funding necessary to support the proposed 3.0 percent military pay raise.
- Increases funding by $57.5 million above the President's request for the Department and Services' Sexual Assault Prevention and Response programs, for a total of $335.5 million. This includes $46 million for the Special Victims' Counsel, an increase of $7.5 million above the request for the Department's Sexual Assault Prevention and Response Office, and $4 million for the Sexual Trauma Pilot Program.

Operation and Maintenance

Total:	$251 billion
Base:	$192.2 billion
OCO/GWOT (title IX):	$58.8 billion

- Provides $9.5 billion to fund SOCOM's operation and maintenance requirements.
- Provides $1.5 billion for Environmental Restoration activities, $430 million above the request, and $87.8 million above the 2020 enacted level.
- Provides $15 million to continue the nation-wide CDC study and assessment of the health impacts of PFOS/PFOA contamination in drinking water.

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- Provides $284 million above the request to address public school infrastructure requirements on DoD installations.
- Provides an additional $116 million for upgrades to childcare facilities.
- Provides increases for National Guard Youth Challenge ($75 million) and Starbase ($41 million).
- Provides $60 million for the Defense Community Infrastructure Program, a $10 million increase over the 2020 level and $25 million for the Defense Manufacturing Communities.
- Provides $50 million for Impact Aid and $20 million for Impact Aid for those with disabilities.
- Provides $6.75 million for gender advisor programs.
- Provides $48 million for the Procurement Technical Assistance Program.
- Provides $50 million for noise mitigation tools for communities
- Provides $10 million for the Maternity Uniform Pilot Program

Procurement

Total:	$142.9 billion
Base:	$136.5 billion
OCO/GWOT (title IX):	$6.4 billion

Aircraft

- Funds the request of 24 F/A-18E/F Super Hornet aircraft ($1.7 billion).
- Funds 96 F-35 aircraft, 17 more than the request, including 60 F-35As, 10 F-35Bs, and 26 F-35Cs ($9.6 billion).
- Funds 12 F-15EX aircraft to recapitalize the F-15C/D fleet ($1.2 billion).
- Provides $189 million above the request for the first five CH-47F Block II Chinook aircraft and long-lead funding for the second five CH-47F Block II Chinook aircraft to ensure that the Army stays on schedule with the program of record.
- Provides $141 million above the request to fund a total of 42 UH/HH-60M Blackhawk helicopters ($862 million).
- Funds the requested 52 AH-64 Apache helicopters ($854 million).
- Provides $110 million above the request to fund 12 MQ-1 Gray Eagle unmanned aircraft systems.
- Funds the request of 15 KC-46 tankers ($2.7 billion).
- Funds 16 MQ-9 Reaper air vehicles, 16 more than the request ($344 million).
- Funds 15 V-22 aircraft, six more than the request ($1.4 billion).
- Funds nine P-8A Poseidon aircraft for the Navy Reserve, nine more than the request ($1.6 billion).
- Funds 17 C/MC/KC-130J aircraft, eight more than the request, including an additional two C-130Js only for the Air Force Reserve and an additional six C-130Js only for the Air National Guard ($1.5 billion).
- Funds five E-2D Advanced Hawkeye aircraft, one more than the request ($786 million).
- Funds nine CH-53K helicopters, two more than the request ($1.1 billion)
- Funds the request of five VH-92 executive helicopters ($578 million).
- Funds 19 HH-60W combat rescue helicopters ($1.1 billion).

Shipbuilding

- Provides $23.3 billion to procure 10 Navy ships.
- Funds are provided for two DDG-51 guided missile destroyers; two SSN-774 attack submarines; one Columbia class submarine; one Frigate; two towing, salvage, and rescue ships; one Expeditionary Fast Transport; and one LPD.
- Provides $500 million in incremental funding for LHA 9.
- Funds advance procurement for one Expeditionary Sea Base ($73 million).

Vehicles/Force Protection

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- Provides $375 million above the request to upgrade a total of 271 Stryker combat vehicles ($1.16 billion).
- Funds the request to upgrade 89 Abrams tanks to the M1A2 SEPv3 tank variant ($968 million).
- Provides an additional $100 million for Army National Guard HMMWV modernization.
- Fully funds the Army's request for 1,920 Joint Light Tactical Vehicles (JLTVs) and 1,334 JLTV companion trailers ($884 million).

Other

- Provides $996 million for three National Security Space Launch services.
- $598 million to procure two GPS IIIF spacecraft.
- Provides $200 million to fully support Israeli Cooperative procurement programs (Iron Dome, David's Sling, and Arrow).
- Provides $84 million above the request for safety and environmental upgrades of Army industrial facilities and $62 million above the request for Army organic industrial base investments.
- Includes $950 million for the National Guard and Reserve Equipment Account (NGREA).

Research, Development, Test and Evaluation

Total:	$107.4 billion
Base:	$107.1 billion
OCO/GWOT (title IX):	$0.3 billion

- Invests in basic and applied scientific research, development, test and evaluation of new technologies and equipment, and supports the research community so forces will have the systems and equipment for tomorrow's challenges.

Aircraft

- Fully funds the continued development of the Air Force's B-21 bomber program ($3 billion).
- Fully funds development of the VC-25B Presidential Aircraft Replacement ($758 million).
- Provides $90.5 million above the request for the development of the Army's Future Long Range Assault Aircraft ($225 million).

Shipbuilding

- Funds the continued development of the new design submarine ($243 million).

Vehicles and Ground Forces

- Provides $60 million above the request to fund the Army's Long Range Hypersonic Weapon ($861 million).
- Provides $88.1 million above the request for systems integration and testing in support of the Army's mid-range missile capability.
- Provides $161 million to support the Army's enduring indirect fire protection capability program.

Defense Advanced Research Project Agency (DARPA)

- Funds DARPA at $3.5 billion.

Other

- Provides $300 million for the Israeli cooperative research and development programs, including David's Sling and Arrow-3.
- Provides $285 million for the Global Positioning System IIIF program.
- Provides $481 million for the Global Positioning System III Operational Control Segment.
- Provides $551 million for National Security Space Launch to develop new U.S. space launch vehicles.
- Provides $2.32 billion for Next Generation Overhead Persistent Infrared.

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- Provides $214 million for future weather satellites.
- Provides $173 million for space situational awareness.
- Provides $8.5 million above the request to support the Army's Humanitarian Demining research and development program ($17 million).
- Provides $20 million above the request for the Special Operations Command Armed Overwatch Program.

Revolving and Management Funds

Total:	$1.493 billion
Base requirements:	$1.473 billion
OCO (title IX)	$0.20 billion

- Fully funds the Defense Commissary Agency to ensure servicemembers and their families receive continued savings for food and household goods as part of the military pay and benefits package.

Other Department of Defense Programs

Total:	$36.4 billion
Base Requirements:	$36 billion
OCO/GWOT (title IX)	$0.4 billion

Defense Health Program

- $33.68 billion plus $365.1 million for OCO/GWOT Requirements.
- Adds $542.5 million for cancer research. The total amount is distributed as follows:
  - $150 million for the breast cancer research program;
  - $15 million for the pancreatic cancer research program;
  - $110 million for the prostate cancer research program;
  - $35 million for the ovarian cancer research program;
  - $50 million for the kidney cancer research program;
  - $20 million for the lung cancer research program;
  - $30 million for the melanoma research program;
  - $17.5 million for the rare cancer research program; and
  - $115 million for the cancer research program.
- Adds $175 million for the peer-reviewed psychological health and traumatic brain injury research program.
- Adds $40 million for spinal cord research.
- Adds $40 million for the joint warfighter medical research program.

Chemical Agents and Munitions Destruction

- $1.05 billion, including $160.3 million above the President's Budget to address a shortfall for the Assembled Chemical Weapons Alternatives Program.

Overseas Humanitarian, Disaster, and Civic Aid

- $147.5 million, including levels above the President's Budget for foreign disaster relief, humanitarian assistance, and the humanitarian mine action program.

Drug Interdiction and Counter-Drug Activities

- $914 million, including $100 million above the President's Budget for the National Guard Counter-Drug Program.

Office of the Inspector General

- $375.4 million, an increase of $4 million above the President's Budget for oversight of funding provided in CARES.

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Afghanistan

- $3.05 billion for the Afghanistan Security Forces Fund. Funds may only be obligated if the Secretary of Defense certifies to Congress that the Afghan forces are controlled by a civilian, representative government that is committed to protecting human rights and women's rights and preventing terrorists from using the territory of Afghanistan to threaten the United States and our allies.
- Not less than $20 million for the recruitment and retention of women in the Afghanistan National Security Forces—twice the amount specified last year.
- Directs an assessment and report on Russia's malign activities in Afghanistan, including activities directed against U.S. and coalition troops, and measures taken by the Administration in response.
- No funds for the Taliban except support for reconciliation activities that also include the Afghan government, do not restrict the participation of women, and are authorized by law.

Counter-ISIS

- $710 million for the Counter-ISIS Train and Equip Fund, including support for the Iraqi Security Forces, Kurdish Peshmerga, and the Syrian Democratic Forces fighting ISIS.
- No funds may be used with respect to Iraq or Syria in contravention of the War Powers Resolution.
- No funds to exercise United States control over any oil resource of Iraq or Syria.

Security Cooperation Programs

- $275 million for the Ukraine Security Assistance Initiative, $25 million above the request. Continues notification requirements and requires the Secretary of Defense to inform Congress if funds have not been obligated within 60 days after notification.
- $1.19 billion for International Security Cooperation Programs.
  - $160 million for programs with countries in the Africa Command area of responsibility, $56 million above the budget request.
  - $120 million for programs with countries in the Southern Command area of responsibility, $46 million above the budget request.
  - $169 million for the Baltic Security Initiative, $25 million above the budget request.
  - $3 million for women's programs, which is in addition to $3.75 million included in the bill for the training of U.S. personnel related to these programs.
- Up to $500 million for Jordan, including not less than less than $150 million for reimbursements for enhanced border security.

Other General Provisions

- Includes various Buy America provisions.
- Includes $3.2 billion in prior year rescissions plus $1.9 billion in rescissions from prior year OCO/GWOT funding.
- Includes $284 million for public schools on military installations.
- Provides that nothing in this Act may be construed as authorizing the use of force against Iran.
- No funds in contravention of the War Powers Resolution.
- Requires the Secretary of Defense to notify Congress of any foreign contributions relating to the stationing or operations of the United States Armed Forces.
- Continues provisions prohibiting the transfer of Guantanamo detainees to the U.S. and limiting the transfer of detainees to other countries except under certain conditions (including assessment of that the detainee is no longer a threat to U.S. security).

Division D – Energy & Water Development

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Overview:

The Energy and Water Development and Related Agencies bill funds the U.S. Army Corps of Engineers, Department of the Interior programs, the Department of Energy, and other related agencies.

The FY 2021 bill provides $49.5 billion in discretionary funding, $6.9 billion above the President's budget request and $1.1 billion above the fiscal year 2020 enacted level. That amount includes $27.5 billion for defense-related activities, $1.5 billion above the request and $3.3 billion above the fiscal year 2020 enacted level. The amount also includes $21.9 billion for non-defense activities, $5.3 billion above the request and $2.1 billion below the fiscal year 2020 enacted level.

Bill Summary:

Army Corps of Engineers – Provides $7.8 billion, an increase of $145 million above the fiscal year 2020 level and $1.8 billion above the budget request.

- **Funding for Investigations** is $153 million, an increase of $2 million above the fiscal year 2020 level and $50.4 million above the request.

- **Funding for Construction** is $2.69 billion, an increase of $11.6 million above the fiscal year 2020 level and $519.4 million above the request.

- **Funding for Operation and Maintenance** is $3.85 billion, an increase of $59.7 million above the fiscal year 2020 level and $1.8 billion above the request.

- **Harbor Maintenance Trust Fund** projects receive $1.68 billion, an increase of $50 million above the fiscal year 2020 level and an increase of $665 million above the request. This meets the target set by the Water Resources Reform and Development Act of 2014 and represents 92 percent of estimated revenues compared to the fiscal year 2021 target of 83 percent.

- The bill makes full use of the estimated revenues, which includes a total appropriation of $113 million for the **Inland Waterways Trust Fund**.

- Provides **nine new study starts and seven new construction starts**.

- Funds the Water Infrastructure Finance and Innovation Program for the first time for the Corps at $14.2 million, to guarantee almost $1 billion in loans.

Department of Interior/Bureau of Reclamation – Provides $1.69 billion, an increase of $11 million above the fiscal year 2020 level and $553 million above the budget request.

- Provides $21 million for the **Central Utah Project**, $1 million above the fiscal year 2020 level and $11 million above the request.

- Provides $1.67 billion for the **Bureau of Reclamation**, an increase of $10 million above the fiscal year 2020 level and $542 million above the request. Within Reclamation:

    - Provides $559 million in additional funding for water resources projects, including those authorized in the Water Infrastructure Improvements for the Nation (WIIN) Act.

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- Within additional funding, $114.7 million is provided for rural water projects above the budget request.

Department of Energy – Provides $39.6 billion for the Department, an increase of $1 billion above the fiscal year 2020 level and $4.5 billion above the budget request.

- **Energy Efficiency and Renewable Energy –** Provides $2.86 billion, an increase of $72 million above the fiscal year 2020 level and $2.1 billion above the request. This funding provides for clean, affordable, and secure energy and ensures American leadership in the transition to a global clean energy economy.

- **Cybersecurity, Energy Security, and Emergency Response –** Provides $156 million, equal to the fiscal year 2020 level. This funding provides for efforts to secure the nation's energy infrastructure against all hazards, reduce the risks of and impacts from cybersecurity events, and assist with restoration activities.

- **Electricity –** Provides $211.7 million, an increase of $21.7 million above the fiscal year 2020 level and $16.7 million above the request. This funding will advance technologies to increase the resiliency and efficiency of the nation's electricity delivery system with capabilities to incorporate growing amounts of clean energy technologies.

- **Nuclear Energy –** Provides $1.5 billion, an increase of $14.2 million above the fiscal year 2020 level and $328 million above the request. This funding invests in activities to further improve the safety and economic viability of our current reactor fleet, develop the next generation of clean and safe reactors, and supports the advanced reactors demonstration program.

- **Fossil Energy Research and Development –** Provides $750 million, equal to the fiscal year 2020 level and $19.4 million above the request. This funding provides for research, development, and demonstration activities to ensure the safe, efficient, and environmentally sound use of fossil energy resources.

- **Science –** Provides $7.026 billion, an increase of $26 million above the fiscal year 2020 level and $1.2 billion above the request. The Office of Science funds basic science research in physics, biology, chemistry, and other science disciplines to expand scientific understanding and secure the nation's global leadership in energy innovation.

- **Advanced Research Projects Agency – Energy –** Provides $427 million, an increase of $2 million above the fiscal year 2020 level and rejects the budget proposal to eliminate this program. This funding supports research aimed at rapidly developing energy technologies that are capable of significantly changing the energy sector to address our critical economic, environmental, and energy security challenges.

- **National Nuclear Security Administration –** Provides $19.7 billion, an increase of $3 billion above the fiscal year 2020 level. This funding will maintain a safe, secure, and credible nuclear deterrent while addressing the threat of nuclear proliferation and terrorism. This includes:

    - **Weapons Activities -** $15.35 billion, an increase of $2.9 billion above the fiscal year 2020 level to maintain a credible nuclear deterrent and critical scientific and R&D capabilities.

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- **Defense Nuclear Nonproliferation -** $2.26 billion, an increase of $95.6 million above the fiscal year 2020 level and $229 million above the request. This funding secures nuclear material at home and abroad.

- **Naval Reactors -** $1.68 billion, an increase of $35.6 million above the fiscal year 2020 level and equal to the request, to continue safe and reliable operation of the Navy's nuclear-powered fleet.

- **Environmental Cleanup –** Provides $7.59 billion, an increase of $131 million above the fiscal year 2020 level and $1.52 billion above the budget request. This funding is used for nuclear waste cleanup at 16 sites across the country and includes:

  - **Non-Defense Environmental Cleanup -** $319.2 million, equal to the fiscal year 2020 level and $43 million above the request.

  - **Uranium Enrichment Decontamination and Decommissioning -** $841 million, $35 million above the request.

  - **Defense Environmental Cleanup -** $6.426 billion, an increase of $171 million above the fiscal year 2020 level and $1.4 billion above the request.

- **Power Marketing Administrations** – Provides the net budget request levels for the Southeastern Power Administration, Southwestern Power Administration, and Western Area Power Administration. The agreement rejects the President's proposal to sell the transmission assets of the PMAs, change the laws governing how the PMAs establish power rates, and repeal the borrowing authority for the Western Area Power Administration.

Nuclear Regulatory Commission – Provides a net appropriation of $123 million. This funds regulatory activities to ensure the safe use of nuclear reactors and radioactive materials while protecting people and the environment.

Appalachian Regional Commission – Provides $180 million, which is $5 million above the fiscal year 2020 level and $15 million above the budget request. The Commission funds projects in the Appalachian Region to promote economic development, education and job training, critical infrastructure, and community development.

Northern Border Regional Commission – Provides $30 million, which is $5 million above the fiscal year 2020 level and $29.1 million above the budget request. This funding targets the economic development needs of distressed portions of Maine, New Hampshire, Vermont, and New York.

Policy Provisions:

- A provision to prevent the reorganization of the Army Corps of Engineers, or to transfer Corps functions to other agencies.
- A provision to allow a transfer of funds from the Western Area Power Administration to the Bureau of Reclamation for environmental stewardship and endangered species recovery purposes.

Division E – Financial Services & General Government

Overview:

The Financial Services and General Government bill provides annual funding for the Department of the

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Treasury, the Judiciary, the Executive Office of the President, and other independent agencies, including the Small Business Administration.

The FY 2021 Financial Services and General Government bill includes funding for a broad range of functions and services in both the Executive and Judicial branches that are essential to the operation of the Federal Government. In addition, the bill supports programs that assist and protect the public, such as shielding consumers from defective and dangerous products, assisting small businesses, and investing in distressed communities.

The bill provides $24.42 billion in discretionary funding, an increase of $281 million over the comparable FY 2020 enacted level.

Bill Summary:

Department of the Treasury – $13.49 billion, $429.9 million above the FY 2020 enacted level.

- **Committee on Foreign Investment in the United States (CFIUS) Fund –** Provides $20 million to support CFIUS program responsibilities and enforcement efforts.

- **Terrorism and Financial Intelligence (TFI) and Financial Crimes Enforcement Network (FinCEN) –** Provides $175 million for TFI, an increase of $5.3 million above FY 2020, including $3 million for enhanced enforcement of human rights and corruption violations, and $127 million for FinCEN, $1 million above FY 2020.

- **Savings Bond Digitization –** Provides $25 million to digitize savings bonds records dating back to World War II, to enable Americans to redeem more than $24 billion in matured savings bonds left unclaimed in the U.S. Treasury.

- **Treasury Inspectors General –** Provides $41 million for the Treasury Inspector General, and $170 million for the Treasury Inspector General for Tax Administration, both equal to FY 2020.

- **Community Development Financial Institutions Fund (CDFI) –** Includes $270 million, an increase of $8 million above FY 2020 and $256 million more than the President's budget request. All core CDFI programs received an increase over FY 2020.

- **Internal Revenue Service (IRS) –** Includes $11.92 billion, an increase of $409 million above FY 2020, with increases to all four IRS accounts.

    - **Taxpayer Services:** $2.56 billion, an increase of $44 million above the FY 2020 level, to provide timely customer service to taxpayers. Grant programs funded within the total include:

        - Volunteer Income Tax Assistance – $30 million, an increase of $2 million;
        - Tax Counseling of the Elderly – $11 million, equal to FY 2020;
        - Low Income Taxpayer Clinic Grants – $13 million, an increase of $1 million; and
        - National Taxpayer Advocate – $211 million, an increase of $1 million.

    - **Enforcement:** $5.2 billion, an increase of $203 million, to increase IRS collection efforts and further close the tax gap.

    - **Operations Support:** $3.9 billion, an increase of $120 million, to provide for critical systems to maintain IRS operations.

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- **Business Systems Modernization:** $222.7 million, an increase of $43 million, to assist in the modernization of IRS's legacy IT systems.

Executive Office of the President – $758.8 million, $31.8 million above the FY 2020 enacted level and $405.4 million above the President's budget request.

- **Office of Management and Budget (OMB) –** Includes $106.6 million, $5 million above the FY 2020 level and $9.1 million below the President's budget request.

- **Intellectual Property Enforcement Coordinator (IPEC) –** Provides $1.8 million for IPEC, $500,000 above the FY 2020 level and $800,000 above the President's budget request.

- **Office of National Drug Control Policy (ONDCP) –** Rejects Administration's proposed transfer or elimination of ONDCP grant programs and includes:

  - $290 million for the High Intensity Drug Trafficking Areas Program, an increase of $5 million above FY 2020; and

  - $102 million for the Drug-Free Communities Program, an increase of $750,000 above FY 2020.

The Judiciary – $7.72 billion in discretionary funding, $233.3 million above the FY 2020 enacted level.

- **Defender Services –** $1.32 billion, an increase of $81.7 million above the FY 2020 level and equal to the budget request.

- **Court Security –** $664 million, an increase of $24.8 million above the FY 2020 level and equal to the budget request.

District of Columbia – $734.5 million, $20.2 million above the FY 2020 level.

- **D.C. Resident Tuition Support –** Rejects the President's proposal to terminate the program and includes $40 million, equal to the FY 2020 level.

- **HIV/AIDS Testing and Treatment –** $4 million, equal to FY 2020 and an increase of $1 million above the President's budget request.

- **D.C. Emergency Planning and Security Costs –** $38.4 million, an increase of $20.4 million above the FY 2020 level. An additional $13 million was provided in the continuing resolution.

- **D.C. Water and Sewer Authority –** Includes $8 million, equal to FY 2020 and $8 million above the President's budget request.

Independent Agencies – $1.79 billion to support a variety of agencies including the General Services Administration, Office of Personnel Management, and Small Business Administration. In addition, the bill includes $142.9 million in a disaster cap adjustment for SBA Disaster Loans.

- **Consumer Product and Safety Commission –** $135 million, an increase of $2.5 million above FY 2020. Within the total, $1.3 million is included for Virginia Graeme Baker Pool Safety Grants.

- **Election Assistance Commission (EAC) –** $17 million for EAC operating expenses, an increase of $1.8 million above FY 2020, to increase staffing and other resources to enable the EAC to support State efforts

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to ensure the continued security and accessibility of Federal elections.

- **Federal Communications Commission (FCC) –** $374 million for FCC salaries and expenses, an increase of $35 million over FY 2020. Of this increase, $33 million is provided for the FCC to improve its broadband maps as required by the Broadband DATA Act.

- **Federal Trade Commission (FTC) –** $351 million for FTC salaries and expenses, an increase of $20 million over FY 2020, to bolster the agency's competition, privacy, and consumer protection work.

- **General Services Administration**

    - **Construction and Acquisition –** $230 million, an increase of $77.6 million over FY 2020, for the construction of U.S. courthouses in Hartford, CT and Chattanooga, TN.

    - **Repairs and Alterations –** $576.6 million, including $203.9 million for Major Repairs and Alterations and $372.7 million for Basic Repairs.

    - **Presidential Transition Expenses –** $9.9 million for the Presidential Transition in 2020-2021.

- **National Archives and Records Administration (NARA) –** $377 million for NARA operating expenses, an $18 million increase over FY 2020.

    - Includes $2 million for implementation of the Civil Rights Cold Case Record Collections Act of 2018 and $18 million for NARA's transition responsibilities under the Presidential Records Act of 1978.

    - In addition, includes $6.5 million for the National Historical Publications & Records Commission Grants Program.

- **Office of Personnel Management (OPM) –** $362 million, an increase of $32 million above the FY 2020 level. The additional funds are needed to compensate for the lost revenue due to the FY 2020 transfer of the background investigation bureau to the Pentagon and increased IT modernization efforts. Rejects the Administration's request to merge OPM into GSA and OMB.

- **Securities and Exchange Commission (SEC) –** $1.93 billion for SEC salaries and expenses, an increase of $100.6 million above the FY 2020 level and the same as the President's budget request.

- **Small Business Administration (SBA) –** $778.9 million for SBA, an increase of $39.9 million above the President's budget request. In addition, the bill provides $142.9 million in disaster cap adjustment funds for SBA Disaster Loans.

    - Includes $272 million for **Entrepreneurial Development Programs**, an increase of $11 million above the FY 2020 level and $104.4 million above the budget request, including:

        - $136 million for Small Business Development Centers;
        - $23 million for Women's Business Centers;
        - $35 million for Microloan Technical Assistance; and
        - $19.5 million for the State Trade Expansion Program (STEP).

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Policy Provisions –

- The bill preserves 6-day postal delivery, continues to prevent the consolidation or closure of small rural and other small post offices, and requires the Postal Service to continue to sell the popular "Tiger Stamp."
- The bill preserves a 1 percent pay raise for Federal civilian employees for calendar year 2021.
- The bill continues language prioritizing CDFI awards to persistent poverty counties.
- The bill continues a provision requiring OMB to notify all Federal agencies of their obligations to comply with government-wide provisions in Title VII of the FSGG bill.
- The bill provides $50,000,000 in emergency funding for NARA's Records Center Revolving Fund to offset losses resulting from the coronavirus pandemic and to accelerate the processing of requests for military service records.

Division F – Homeland Security

Overview:

The bill provides $69.02 billion in discretionary resources, including $49.33 billion for non-defense programs; $2.55 billion for defense-related programs; and $17.1 billion for major disaster response and recovery activities. When excluding offsetting collections and major disaster funding, the total provided in the bill is $51.88 billion, which is $195.5 million below the budget request and $1.41 billion above the FY2020 enacted level.

Bill Summary

Office of the Secretary – The bill provides $205.8 million for the Office of the Secretary and Executive Management, an increase of $27 million above the FY2020 enacted level and an increase of $55.5 million above the President's budget request, including:

- $20 million for the Office of Immigration Detention Ombudsman to investigate and resolve complaints regarding misconduct by DHS personnel and violations of the rights of individuals in DHS custody, including through unannounced inspections of detention facilities; and

- $25 million to be transferred to FEMA, including:
  - $20 million for Targeted Violence and Terrorism Prevention grants; and
  - $5 million for an Alternatives to Detention case management grant pilot program.

Management Directorate – The bill provides $3.20 billion for the Management Directorate, an increase of $78.3 million above the FY2020 enacted level and $148.7 million below the President's budget request.

Office of Inspector General – The bill provides $190.2 million for the Office of Inspector General, an increase of $12.4 million above the budget request for increased oversight of detention and immigration enforcement activities.

U.S. Customs and Border Protection (CBP) – The bill provides $15.28 billion for CBP, $370.7million above the FY2020 enacted level and $520.2 million below the President's budget request, including:

- $261 million above the request to support base line operations.
- $34 million for new body worn cameras and video recording equipment for Border Patrol Stations.
- $10 million of Port of Entry Technology.
- $45 million for innovative technology.
- $119 million for new aircraft and aircraft sensors.
- $118 million for border technology.
- $142 million for CBP facilities.

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Provides no funding for an increased number of border patrol agents.

Provides an additional $840 million in emergency appropriations for the ports of entry to help offset the loss of customs and immigration fee revenue associated with the pandemic.

U.S. Immigration and Customs Enforcement (ICE) – Provides $7.97 billion for ICE, $106.5 million below the FY2020 enacted level and $1.95 billion below the President's budget request, including:

- $2.14 billion for investigations with cross-border nexus, including those related to human trafficking, financial crimes and cyber investigations, including:
  - $5.5 million increase for the Human Exploitation Rescue Operative Child-Rescue Corps; and
- $4.12 billion for Enforcement and Removal Operations, $310.1 million below the FY2020 enacted level and $1.59 billion below the President's budget request, including:
  - $3.26 billion for Custody Operations and Transportation and Removal, $450 million below the FY2020 enacted level and $1.49 billion below the President's budget request; and
  - $440 million for Alternatives to Detention, $120.9 million above the FY2020 enacted level, including $25 million for case management services.

Rejects the proposed use of USCIS Immigration Examination Fee funding to support ICE investigations.

Provides ***no*** funding for additional immigration enforcement personnel.

Provides additional funding above FY2020 enacted levels to address the backlog of critical maintenance and repairs at existing, ICE-owned detention facilities.

Provides $3.16 million above the request to address ICE's Freedom of Information Act backlog.

Transportation Security Administration (TSA) – Provides $7.96 billion for TSA, $144.2 million above the FY2020 enacted level and $325.4 million above the President's budget request, including.

- Provides $100 million for computed tomography screening equipment and credential authentication and standoff detection technology.
- Fully funds the Visible Intermodal Prevention and Response teams (VIPR); staffing at exit lanes; and the Law Enforcement Officer reimbursement program.
- $30 million for reimbursements to airports for legacy purchases of in-line explosive detection systems.

Coast Guard – Provides $12.84 billion for the Coast Guard, $878.8 million above the FY2020 enacted level and $739.4 million above the President's budget request, including:

- $2.26 billion for significant new investments in the Coast Guard's air and marine fleet, and facilities, including:
  - Continued support for the Offshore Patrol Cutter program, Fast Response Cutters, MH-60 helicopters, C-130 J aircraft, and procurement of a second Polar Security Cutter.
  - $363 million, which is $216 million above the request for shore facilities and other infrastructure, including housing for Coast Guard families.
- $107 million above the request to invest further in Coast Guard operational readiness, personnel and their families, including additional investment in cybersecurity, communications, workforce readiness and childcare subsidy.

United States Secret Service (USSS) – Provides $2.44 billion for the USSS, $22.2 million above the FY2020 enacted level and $77.5 million above the President's budget request, including:

- $6 million for grants related to investigations of missing and exploited children; and
- $15.3 million for additional overtime and retention incentives

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- $10 million for radio modernization
- $11.3 million for IT support and infrastructure modernization
- $30.4 million for basic and advanced computer forensics training for state and local law enforcement officers, judges, and prosecutors in support of the Secret Service mission

Funds additional requirements to support Post-Presidential Protection and Transition activities.

Cybersecurity and Infrastructure Security Agency (CISA) – Provides $2.0 billion for CISA, $9.4 million above the FY2020 enacted level and $267.2 million above the President's budget request, including:

- $92.8 million to further advance CISA's Cyber Operations, including $43.9 million for threat hunting;
- $43.3 million for the Continuous Diagnostics and Mitigation program; and
- $21.2 million for the National Cybersecurity Protection System.

Fully funds the Chemical Facility Anti-Terrorism Standards (CFATS) program.

Federal Emergency Management Agency (FEMA) – Provides $21.67 billion for FEMA, $604.1 million below the FY2020 enacted level and $12.32 billion above the President's budget request, including:

- $17.14 billion for disaster response and recovery efforts; and
- $3.32 billion for Federal Assistance, including:
    - $610 million for the State Homeland Security Grant Program (SHSGP), including $90 million for the SHSGP Nonprofit Security Grants Program;
    - $705 million for the Urban Areas Security Initiative (UASI), including $90 million for the UASI Nonprofit Security Grant Program;
    - $720 million for firefighter grant programs;
    - $130 million for the Emergency Food and Shelter program;
    - $20 million transferred from the Office of the Secretary for Targeted Violence and Terrorism Prevention grants; and
    - $5 million transferred from the Office of the Secretary for an Alternatives to Detention case management grant pilot program.

Other

- $340.3 million for the Federal Law Enforcement Training Centers, $10.8 million below the FY2020 enacted level and $8.9 million above the President's budget request, including $4.7 million above the request to expand export training for law enforcement officers.
- $765.6 million for the Science and Technology Directorate, $28.3 million above the FY2020 enacted level and $121.8 million above the President's budget request.
- $402.3 million for the Countering Weapons of Mass Destruction Office, $30.2 million above the FY2020 enacted level and $25 million above the request.

Policy Provisions

- Prohibits the use of any federal funding to construct fencing in Bentsen-Rio State Park, the National Butterfly Center, the Santa Ana Wildlife Refuge, the Lower Rio Grande Wildlife Refuge between Brownsville, TX, and the Gulf of Mexico, and historic cemeteries.

- Requires CBP to provide an expenditure plan prior to the use of funds for border security construction and acquisition.

- Requires ICE to make information about the 287(g) program publicly available.

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- Requires ICE to sever contracts with detention facilities that fail two consecutive inspections and requires more frequent inspections by ICE's Office of Professional Responsibility.

- Requires ICE to publicly post inspection results and plans to address deficiencies, with the status of addressing such deficiencies to be validated by the new Office of Immigration Detention Ombudsman.

- Authorizes members of Congress to conduct unannounced inspections of detention facilities, as well as designated congressional staff who provide a 24-hour notice.

- Prohibits DHS from destroying records related to the death of, potential sexual assault against, or abuse of individuals in its custody.

- Ensures that information shared with ICE by the Department of Health and Human on potential sponsors of unaccompanied children cannot be used by ICE for detention or removal purposes unless the sponsor has a dangerous criminal background.

- Prohibits DHS from placing pregnant women in restraints except in extraordinary circumstances.

- Requires ICE to provide detailed reporting on its Alternatives to Detention program.

- Requires ICE to publish information on a publicly available website with the numbers and types of people in its custody, such as:
    - families and transgender detainees;
    - border apprehension detainees;
    - interior enforcement detainees; and
    - those who are in custody who have a positive credible fear claim.

Division G – Interior-Environment

Overview:

The Interior, Environment, and Related Agencies bill includes funding for programs within the Department of the Interior, the Environmental Protection Agency, and other related agencies, including the Indian Health Service.

In total, the FY 2021 bill includes $36.107 billion, an increase of $118 million over the 2020 enacted level and $4.5 billion over the President's 2021 request. There is also an additional $2.35 billion of funding provided under the fire suppression cap adjustment.

Increases in funding will help protect and preserve public lands, build resilience to climate change, strength the environmental workforce, and ensure access to safe drinking water.

In FY 2021, Land and Water Conservation Fund (LWCF) allocations will shift from discretionary to mandatory appropriations. For clarity, comparisons throughout are for non-LWCF programs.

Bill Summary:

Land and Water Conservation Fund (LWCF) - The bill provides for the allocation of the full $900 million now permanently available from the Land and Water Conservation Fund as a result of enactment of the Great American Outdoors Act. These allocations include $405 million for the federal program, $360 million for the state grants program, and $135 million for other non-federal grant programs.

Wildland Fire Management (WFM) - The bill provides $5.27 billion for WFM, which includes, $2.35 billion in cap adjusted fire suppression funding. Funding includes a shift of $387 million to Forest Service (non-fire)

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due to the budget restructure and the creation of the "Forest Service Operations" account. After adjusting for this shift, the bill provides a programmatic increase of $104 million for WFM.

Department of the Interior (DOI) – The bill provides a total of $13.7 billion in discretionary appropriations for DOI – $186 million above the 2020 enacted level and $1.7 billion above the President's budget request. Of this amount, the bill includes:

- $1.27 billion for the **Bureau of Land Management**, $28 million below the enacted level and $90 million above the President's budget request. Within this amount, the bill includes:
  - $74 million for **sage-grouse conservation.**
  - $31 million for **renewable energy** development
  - $116 million for the **wild horse and burro program**, $15 million above the fiscal year 2020 enacted level.
- $1.58 billion for the **U.S. Fish and Wildlife Service**, $22 million above the fiscal year 2020 enacted level and $205 million above the President's budget request. Within this amount, the bill includes:
  - $270 million for **Ecological Services**, $3.7 million above the fiscal year 2020 enacted level and $26 million above the President's budget request.
  - $504 million for **National Wildlife Refuge System**, $1.4 million above the fiscal year 2020 enacted level and $21 million below the President's budget request.
  - $72 million for **State and Tribal Wildlife Grants**, $4.8 million above the fiscal year 2020 enacted level and $41 million above the President's budget request.
- **$3.12 billion for National Park Service**, $44 million below the fiscal year 2020 enacted level and $332 million above the President's budget request. Within this amount, the bill includes:
  - $2.69 billion for **Operation of the National Park System**, $111 million above the fiscal year 2020 enacted level and $172 million above the President's budget request. Within this amount, $3.3 million is provided for the 400 Years of African-American History Commission and $8 million is provided for the Semiquincentennial Commission.
  - $74 million for **National Recreation and Preservation**, $3 million above the fiscal year 2020 enacted level and $40 million above the President's budget request.
  - $144 million for the **Historic Preservation Fund**, $26 million above the fiscal year 2020 enacted level and $104 million above the President's budget request. Within this amount, the bill includes $71 million for State and Tribal Historic Preservation Offices, $25 million for Save America's Treasures grants, $21 million for competitive grants to preserve the sites and stories of underrepresented community civil rights, and $10 million for grants to Historically Black Colleges and Universities.
- $1.3 billion for the **U.S. Geological Survey**, $44.6 million above the fiscal year 2020 enacted level and $344 million above the President's budget request.
- $3.5 billion for **Bureau of Indian Affairs**, **Bureau of Indian Education**, and the **Office of the Special Trustee,** $171 million above the fiscal year 2020 enacted level and $544 million above the President's budget request. This amount rejects the new budget structure for the Bureau of Trust Funds Administration in Indian Affairs but includes the Office of the Special Trustee in the total. Within the $3.5 billion, the bill includes:
  - $1.6 billion for operation of **Bureau of Indian Affairs Operation of Indian Programs**, $39 million above the fiscal year 2020 enacted level and $170 million above the President's budget request.
  - $129 million for **Bureau of Indian Affairs Construction**, equal to the fiscal year 2020 enacted level and $70 million above the President's budget request.
  - $11.8 million for the **Indian Guaranteed Loan Program**, equal to the fiscal year 2020 enacted level and $10.9 million above the President's budget request.
  - $973 million for **Bureau of Indian Education Operation of Indian Programs**, $30 million above the fiscal year 2020 enacted level for the same programs and $97 million above the President's budget request.

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    - $264 million to **Bureau of Indian Education Construction**, $16 million above the fiscal year 2020 enacted level for the same programs and $195 million above the President's budget request.
    - Fully funds **Contract Support Costs**.
    - Establishes indefinite appropriation account for and fully funds **Payments for Tribal Leases.**
    - $108 million for the **Office of the Special Trustee,** equal to the fiscal year 2020 enacted level and the President's budget request for a proposed Bureau of Trust Funds Administration.
- $115 million for **Office of Insular Affairs**, $4 million above the 2020 enacted level and $26 million above the President's budget request.
- $58 million for **Office of Inspector General**, $2.6 million above the enacted level and $790,000 below the President's budget.
- $86 million for the **Office of the Solicitor**, $20 million above the 2020 enacted level and equal to the President's budget. The increase is due to the relocation of bureau Ethics Offices.

Environmental Protection Agency (EPA) – The bill provides a total of $9.24 billion in for EPA – $180 million above the 2020 enacted level and $2.53 billion above the President's budget request. Of this amount, the bill includes:

- $3.49 billion for EPA's core **science and environmental program work**, an increase of $111 million above the 2020 enacted level and $724 million above the President's budget request. Within these amounts, the bill includes:
    - $542 million for **Geographic Programs** which help with restoration of nationally significant bodies of water like the Great Lakes, Chesapeake Bay, and Long Island Sound. This is an increase of $32 million above the 2020 enacted level and $211 million above the President's budget request.
    - $566 million for **environmental compliance monitoring and enforcement activities and grants**, a $14 million increase above the 2020 enacted level and $41 million above the President's request.
    - $53 million in funding at EPA and partner agencies for **scientific and regulatory work and cleanup assistance for per- and polyfluoroalkyl substances (PFAS)**, needed to establish a drinking water standard and cleanup standards. This level of funding is $10 million above the 2020 enacted level.
- $4.31 billion for **State and Tribal Assistance Grants,** a $68 million increase above the 2020 enacted level and $1.47 billion above the President's budget request. Within this amount, the bill includes:
    - $2.77 billion for **Clean Water and Drinking Water State Revolving Funds**, equal to the 2020 enacted level.
    - $40 million for **Combined Sewer Overflow grants**, a $12 million increase above the enacted level.
    - $91 million for **Brownfields cleanups**, a $2 million increase above the 2020 enacted level.
    - $90 million for **Diesel Emissions Reductions grants**, a $3 million increase above the enacted level.
- $1.21 billion for **Superfund**, a $21 million increase above the 2020 enacted level and $127 million above the President's request.
- $12.5 million for **Environmental Justice activities**, a $2.3 million increase above the 2020 enacted level and over four-fold increase above the President's budget request.

Related Agencies –

- $3.46 billion for the **Forest Service (non-fire)**, an increase of $324 million above the 2020 enacted level and $527 million above the President's budget request. After adjusting for LWCF and a restructure of the Forest Service budget, this is a programmatic increase of $77.9 million.
- $6.2 billion for the **Indian Health Service**, an increase of $189 million above the 2020 enacted level and $57 million below the President's budget request.

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    - $4.3 billion for health services, $14 million below the 2020 enacted level and $206 million below the President's budget request. This rejects the President's proposed program cuts and includes $5 million for HIV and Hepatitis C initiative, $5 million for Alzheimer's, and $5 million for maternal health initiative. The amount reflects the transfer of funds for tribal lease payments to a new indefinite appropriation account for these costs.
    - $918 million for health facilities construction, $6 million above the 2020 enacted level and $149 million above the President's budget request. This continues $5 million to invest in green infrastructure.
    - Establishes an indefinite appropriation account and fully funds Payments for Tribal Leases.
- $167.50 million each for the **National Endowment for the Arts** and the **National Endowment for the Humanities**, which is $5.25 million more than the 2020 enacted levels and rejects the President's budget request proposal to eliminate the Agencies. The bill includes language that permits grants fund appropriated this year and in fiscal years 2019 and 2020 to be used for operating expenses.
- $1.03 billion for the **Smithsonian Institution**, a reduction of $14.6 million below the 2020 enacted level and $77.6 million below the President's budget request.
- $14 million for the **Woodrow Wilson International Center for Scholars**, the 2020 enacted level and $5.8 million above the President's budget request.
- $40.4 million for the **John F. Kennedy Center for the Performing Arts**, a decrease of $3 million below the 2020 enacted level and equal to the President's budget request.
- $61.4 million for the **United States Holocaust Memorial Museum**, $1 million above the enacted level and the President's budget request. The NEVER AGAIN EDUCATION ACT (Public Law 116-141) is fully funded at $2 million to enhance the U. S. Holocaust Memorial Museum's education programming on the Holocaust and genocide prevention.

Outcome of Policy Provisions:
The bill includes the following policy provisions that were previously enacted:

- Sec. 116 retains restrictions on the issuance of rules for sage grouse.
- Sec. 430 continues a provision limiting oil and gas development near Chaco Culture National Historical Park.
- Sec. 436 continues a provision prohibiting the use of funds to promulgate or implement permitting requirements under Title V of the Clean Air Act for certain livestock emissions.
- Sec. 437 continues a provision prohibiting funds to implement any provision that requires reporting mandatory greenhouse gas emissions from manure management operations.
- Sec. 438 retains provision prohibiting funds to regulate the lead content of ammunition or fishing tackle.
- Sec. 439 addresses carbon emissions from forest biomass.
- Sec. 440 addresses the use of small remote incinerators in the State of Alaska.

Division H – Labor-HHS-Education

Overview:

The Labor, Health and Human Services, Education, and Related Agencies bill includes funding for programs within the Departments of Labor, Health and Human Services, and Education, and other related agencies, including the Social Security Administration.

In total, the FY 2021 bill includes $197 billion in programmatic funding, an increase of $2.8 billion over the 2020 enacted level and $19.2 billion over the President's 2021 budget request.

Bill Summary:

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Department of Labor (DOL) – The bill provides a total of $12.5 billion in discretionary appropriations for DOL, an increase of $122 million above the 2020 enacted level and $1.4 billion above the President's budget request. Of this amount, the bill includes:

- $9.4 billion for the **Employment and Training Administration**, an increase of $99 million above the 2020 enacted level. Within this amount, the bill includes:
    - $2.8 billion for **Workforce Innovation and Opportunity Act Grants**, an increase of $26 million above the fiscal year 2020 enacted level.
    - $94 million for **Migrant and Seasonal Farmworkers**, an increase of $2 million above the fiscal year 2020 enacted level. New bill language is included increasing the eligibility threshold to 150 percent of the poverty line.
    - $100 million for the **Reintegration of Ex-Offenders**, an increase of $2 million above the fiscal year 2020 enacted level.
    - $185 million for **Registered Apprenticeships**, an increase of $10 million above the fiscal year 2020 enacted level. No funding is provided for Industry Recognized Apprenticeship Programs (IRAPs). New bill language is included that requires the participation of equity intermediaries and business and labor industry partner intermediaries.
    - $97 million for **YouthBuild**, an increase of $2 million above the fiscal year 2020 enacted level.
    - $45 million for **Strengthening Community College Training Grants**, an increase of $5 million above the fiscal year 2020 enacted level. Funding will help meet local and regional labor market demand for a skilled workforce by providing training to workers in in-demand industries.
    - $1.7 billion for **Job Corps,** an increase of $5 million above the 2020 enacted level.
    - $200 million for the **Reemployment Services and Eligibility Assessments** program, an increase of $25 million above the 2020 enacted level.
    - $670 million for the **Employment Service**, an increase of $2 million above the 2020 enacted level.
    - $77.8 million for the **Office of Foreign Labor Certification**, an increase of $9 million above the 2020 enacted level.
- $1.7 billion for **Worker Protection Agencies**, an increase of $15.3 million above the fiscal year 2020 enacted level. Within this amount, the bill includes:
    - $246 million for the **Wage and Hour Division**, an increase of $4 million above the 2020 enacted level.
    - $592 million for the **Occupational Safety and Health Administration**, an increase of $10 million above the 2020 enacted level.
- $15 million for the **Women's Bureau**, an increase of $1 million above the 2020 enacted level. Within this amount, the Women in Apprenticeship and Nontraditional Occupations (WANTO) program is funded at $1.8 million, $500,000 above the 2020 enacted level.

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- $316 million for **Veterans' Employment and Training Service** (VETS), an increase of $5 million above the 2020 enacted level. Of this amount:

    - $58 million for the **Homeless Veterans Reintegration Program**, an increase of $2 million above the 2020 enacted level.

    - $31 million for the **Transition Assistance Program**, an increase of $2 million above the 2020 enacted level.

Department of Health and Human Services (HHS) – The bill includes a total of $97 billion for HHS, an increase of $2.1 billion above the 2020 enacted level and $9.9 billion above the President's budget request.

- **National Institutes of Health (NIH)** – The bill provides a total of $42.9 billion for NIH, an increase of $1.25 billion above the 2020 enacted level. This includes:

    - $3.118 billion, an increase of $300 million, for **Alzheimer's disease and related dementias research**;

    - $560 million, an increase of $60 million, for the **BRAIN Initiative**;

    - $541 million, an increase of $8 million, for research related to opioids through the **HEAL Initiative**;

    - $220 million, an increase of $20 million, for **Universal Flu Vaccine Research**;

    - $3.09 billion, an increase of $20 million, for **HIV/AIDS Research**, including funding for the Centers for AIDS Research as part of the **Ending the HIV Epidemic Initiative**;

    - $397 million, an increase of $10 million, for **Institutional Development Awards (IDeA)**;

    - $80 million, an increase of $5 million, for **Research Centers in Minority Institutions**;

    - $587 million, an increase of $9 million, for **Clinical and Translational Science Awards**;

    - $65 million, an increase of $5 million, for the **INCLUDE Down syndrome research initiative**;

    - $12.5 million for **research on firearm violence prevention**;

    - $44 million, an increase of $5 million, for the **Office of Research on Women's Health**; and

    - Funding for new initiatives, including $10 million for **research on premature births**, $10 million for **research on tick-borne diseases**, and $50 million for **research on artificial intelligence** to address chronic diseases.

- **Centers for Disease Control and Prevention (CDC)** – The bill includes a total of $7.9 billion for CDC, an increase of $125 million above the 2020 enacted level. This includes $856 million in transfers from the Prevention and Public Health Fund.

    - The bill includes investments in our nation's public health infrastructure including:

        - $201 million, an increase of $25 million, for **influenza** planning and response.

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        - $695 million, an increase of $20 million, for **public health emergency preparedness cooperative agreements** with State and local health departments.
        - $65 million, an increase of $2 million, for **food safety**.
        - $361 million, an increase of $7.5 million, to **strengthen epidemiologic and laboratory capacity**, and includes $50 million to support **modernization of public health data surveillance and analytics** at CDC, State and local health departments.
        - $56 million, an increase of $5 million, for **public health workforce and career development**.
        - $175 million, an increase of $1 million, for **health statistics**.
    - The bill provides increases for numerous public health efforts, including:
        - $175 million, an increase of $35 million, to support CDC's efforts to **reduce new HIV infections**.
        - $12 million, an increase of $2 million, for **suicide prevention**.
        - $12.5 million, the same amount as the 2020 enacted level, to specifically support **firearm injury and mortality prevention research**.
        - $237.5 million, an increase of $7.5 million, to address **tobacco and e-cigarettes.**
        - $20.5 million, an increase of $5 million, for **Alzheimer's**.
        - $63 million, an increase of $5 million, for **safe motherhood**.
        - $345 million, an increase of $2.5 million, for the **National Institute for Occupational Safety and Health.**
        - $193 million, an increase of $20 million, for **global disease detection efforts.**
- **Substance Abuse and Mental Health Services Administration** (SAMHSA) – The bill funds SAMHSA at $6 billion, an increase of $133 million above the 2020 enacted level. SAMHSA funding includes increased support for:
    - **Mental health resources** including a new $35 million crisis care initiative within the Mental Health Block Grant; and expanded services and support for mental for children and youth including $107 million for Project AWARE, an increase of $5 million; and $72 million for the National Child Traumatic Stress Initiative, an increase of $3 million.
    - **Suicide prevention** including $21 million for the Zero Suicide program, an increase of $5 million; and $24 million for the Suicide Lifeline, an increase of $5 million.
    - **Substance abuse treatment**: $3.8 billion, an increase of $17 million, including continued funding for opioid prevention and treatment.
    - **Substance abuse prevention**: $208 million, an increase of $2 million.

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- **Health Resources and Services Administration** (HRSA) – The bill includes $7.5 billion for HRSA, which is $151 million above the 2020 enacted level. The amount includes:
    - $1.7 billion for the **Health Centers** program, an increase of $57 million.
    - $2.4 billion, an increase of $35 million, for the **Ryan White HIV/AIDS** program.
    - $102 million in **Health Centers** and $105 million in the **Ryan White HIV/AIDS program** to **reduce new HIV infections** by 90 percent in 10 years.
    - $1.2 billion, an increase of $30 million, for HRSA's **Bureau of Health Professions** programs to support the medical workforce.
    - $975 million, an increase of $32 million, for programs to **improve maternal and child health.**
    - $286 million for the **Title X Family Planning** program.
- **Agency for Healthcare Research and Quality (AHRQ)** – The bill provides $338 million for AHRQ, the same as the 2020 enacted level.
- **Centers for Medicare and Medicaid Services (CMS)** – The bill provides $4 billion for CMS administrative expenses, the same as the 2020 enacted level.
- **Administration for Children and Families (ACF)** – The bill provides $24.7 billion in discretionary funding for ACF, an increase of $251 million above the 2020 enacted level.
    - Early childhood programs receive an increase of $220 million:
        - $5.9 billion for the **Child Care and Development Block Grant**, an increase of $85 million; and
        - $10.7 billion for **Head Start**, an increase of $135 million.
    - $3.8 billion for the **Low Income Home Energy Assistance Program** (LIHEAP), an increase of $10 million.
    - $745 million for the **Community Services Block Grant**, an increase of $5 million.
    - $196 million for **Family Violence Prevention and Services and the Domestic Violence Hotline,** an increase of $8.5 million.
- **Administration for Community Living (ACL) –** The bill funds ACL at $2.3 billion, which is $35 million above the 2020 enacted level. This amount includes:
    - $952 million for **Senior Nutrition** programs, an increase of $15 million above the 2020 enacted level.
    - $200 million for **Family Caregivers Services**, an increase of $4 million above the 2020 enacted level.

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- **Office of the Secretary—General Departmental Management** – The bill provides $551 million, an increase of $6 million above the 2020 enacted level. The amount includes:
    - $108 million for the **Teen Pregnancy Prevention** program.
    - $62 million for the **Office of Minority Health**, an increase of $3 million above the fiscal year 2020 enacted level.
    - $55 million for the **Minority HIV/AIDS Initiative**, an increase of $1.5 million above the fiscal year 2020 enacted level.
    - $35 million for the **Office on Women's Health**, an increase of $1.5 million above the 2020 enacted level.
    - $5 million for **KidneyX** for the second year of a public-private partnership to accelerate the development and adoption of novel therapies and technologies to improve the diagnosis and treatment of kidney diseases.
- **Public Health and Social Services Emergency Fund (PHSSEF)** – The bill provides $2.8 billion for PHSSEF, an increase of $110 million above the 2020 enacted level. The total funding level includes:
    - $597 million for the **Biomedical Advanced Research and Development Authority** (BARDA), an increase of $35 million.
    - $770 million for **Project BioShield**, an increase of $35 million.
    - $705 million for the **Strategic National Stockpile**, the same as the 2020 enacted and the President's budget request.
    - $287 million for **Pandemic Influenza Preparedness**, an increase of $27 million.

Department of Education (ED) – The bill provides a total of $73.5 billion in discretionary appropriations for ED – an increase of $785 million above the 2020 enacted level and $7 billion above the President's budget request.

The bill includes language amending the General Education Provisions Act to eliminate the last remaining prohibition on using federal funds for transportation costs to carry out school desegregation efforts.

- **K-12 Education –** Overall, the bill provides $40.6 billion for K-12 education programs, including the Individuals with Disabilities Education Act, an increase of $498 million above the 2020 enacted level. Of this amount, the bill includes:
    - $16.5 billion for **Title I Grants to Local Educational Agencies**, an increase of $227 million above the 2020 enacted level.

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- $14.1 billion for **Special Education**, an increase of $186 million above the 2020 enacted level. Within this amount, the bill provides:
    - $12.9 billion for **Part B Grants to States**, an increase of $173 million above the 2020 enacted level; and
    - $23.7 million for **Special Olympics** education programs, an increase of $3.6 million above the 2020 enacted level.
- $2.1 billion for **Supporting Effective Instruction State Grants** (Title II-A), an increase of $11.3 million over the 2020 enacted level.
- $797 million for **English Language Acquisition State Grants**, an increase of $10 million above the 2020 enacted level.
- $1.2 billion for **Student Support and Academic Enrichment State Grants**, an increase of $10 million above the 2020 enacted level.
- $1.3 billion for **Nita M. Lowey 21st Century Community Learning Centers**, an increase of $10 million above the 2020 enacted level.
- $107 million for **Education for Homeless Children and Youth**, an increase of $5 million above the 2020 enacted level.
- $1.5 billion for **Impact Aid**, an increase of $15 million over the 2020 enacted level.
- Additional support for the **Social-Emotional Learning** (SEL) Initiative created in the fiscal year 2020 bill to fund SEL and "whole child" approaches to education, including:
    - $67 million within the **Education Innovation and Research** program, an increase of $2 million above the 2020 enacted level, for grants to support evidence-based, field-initiated innovations that address student social, emotional, and cognitive needs;
    - $30 million for **Full-Service Community Schools**, an increase of $5 million over the 2020 enacted level, to provide comprehensive services and expand evidence-based models that meet the holistic needs of children, families, and communities; and
    - $106 million for the **School-Based Mental Health Services Grant Program**, an increase of $1 million over the 2020 enacted level**.**
- $67 million within the **Education Innovation and Research** program, an increase of $2 million above the 2020 enacted level, for grants to expand opportunities in Science, Technology, Engineering, and Math (STEM), including computer science.
- $109 million for the **Magnet Schools Assistance Program**, an increase of $2 million above the 2020 enacted level.

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- **Career, Technical, and Adult Education:** The bill provides $2 billion for career, technical, and adult education programs, an increase of $70 million above the 2020 enacted level. Within this amount, the bill provides:

    - $1.3 billion for **Career and Technical Education State Grants**, an increase of $52 million above the 2020 enacted level.

    - $675 million for **Adult Education State Grants**, an increase of $18 million above the 2020 enacted level.

- **Randolph-Sheppard Act:** The bill includes new language providing $20 million to assist blind vendors operating vending facilities under the Randolph-Sheppard Act.

- **Disability Innovation Fund:** The bill includes new language allowing unallocated funding to be used for competitive grants, in consultation with the Department of Labor, to improve opportunities for competitive integrated employment for individuals with disabilities.

- **Student Financial Assistance** – The bill provides $24.5 billion for Federal student aid programs, an increase of $25 million above the 2020 enacted level. Within this amount, the bill provides:

    - $6,495 for the maximum **Pell Grant**, an increase of $150 above the 2020 enacted level. The increase will help the maximum award keep pace with inflation.

    - $880 million for the **Federal Supplemental Educational Opportunity Grant** program, an increase of $15 million above the 2020 enacted level.

    - $1.2 billion for **Federal Work Study**, an increase of $10 million above the 2020 enacted level.

- **Higher Education** – The bill provides $2.5 billion for higher education programs, an increase of $66 million above the 2020 enacted level.

    - Within this amount, the bill provides $789 million, an increase of $30 million above the 2020 enacted level, to assist primarily **Minority Serving Institutions (MSIs) in the Aid for Institutional Development** account, including:

        - $338 million for **Historically Black Colleges and Universities**, an increase of $13 million above the 2020 enacted level.

        - $149 million for **Hispanic Serving Institutions**, an increase of $6 million above the 2020 enacted level.

        - $38 million for **Tribally Controlled Colleges and Universities**, an increase of $1.4 million above the 2020 enacted level.

    - The bill also provides investments in the following higher education programs:

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- $1.1 billion for **Federal TRIO** programs, an increase of $7 million above the 2020 enacted level.

- $368 million for **GEAR UP**, an increase of $3 million above the 2020 enacted level.

- $52 million for **Teacher Quality Partnerships**, an increase of $2 million above the 2020 enacted level.

- $55 million for the **Child Care Access Means Parents in School**, an increase of $2 million above the 2020 enacted level.

- $7 million for the continued support of the **Centers of Excellence for Veteran Student Success Program**.

- $7 million for the continued support of the **Open Textbooks Pilot**.

- $10 million for the **Rural Postsecondary and Economic Development Grant Program** for innovative approaches to improve rates of postsecondary enrollment and completion among rural students.

- $2 million for the **Center of Educational Excellence**, a model center of educational excellence at an undergraduate HBCU with a demonstrable record in the production of Black teachers.

- $5 million for **Basic Needs Grants** to support programs that address the basic needs of postsecondary education students.

- $1 million for **Transitioning Gang-Involved Youth to Higher Education** to provide a funding opportunity for organizations that work directly with gang involved youth to help such youth pursue higher education opportunities.

- $7 million for **Modeling and Simulation Programs** as authorized under section 891 of the Higher Education Act.

- $2 million for the **National Center for Information and Technical Support for Postsecondary Students with Disabilities** as authorized under section 777(a) of the Higher Education Act.

- $131 million for the **Office for Civil Rights**, an increase of $1 million above the 2020 enacted level.

Related Agencies –

- $1.1 billion for the **Corporation for National and Community Service (CNCS)**, a programmatic increase of $40 million above the 2020 enacted level. Within that amount:

    - $455 million for **AmeriCorps State and National Grants**, an increase of $27 million above the 2020 enacted level.

    - $225 million for the **Senior Volunteer** programs, an increase of $4 million above the 2020 enacted level.

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- $97 million for the **Volunteers in Service to America** program, an increase of $4 million above the 2020 enacted level.

- $475 million for the **Corporation for Public Broadcasting** (CPB), in 2023 advance funding, an increase of $10 million above the 2020 enacted level. In addition, the bill includes $20 million for the interconnection system and system wide infrastructure, the same as the 2020 enacted level.

- $257 million for the **Institute of Museum and Library Services**, an increase of $5 million above the 2020 enacted level.

- $12.9 billion for the **Social Security Administration**'s (SSA) operating expenses, an increase of $67 million above the 2020 enacted level.

Division I – Legislative Branch

Overview:

The legislation funds the Legislative Branch of the U.S. government, including the U.S. House of Representatives and the U.S. Senate, Congressional Budget Office, and Capitol Police.

The bill appropriates a total of $5.3 billion, $251 million or 5.0 percent more than in FY 2020.The FY 2021 Legislative Branch Appropriations bill provides the House of Representatives with increased resources to carry out its responsibilities in developing legislation, conducting oversight, and assisting constituents in their interactions with the Federal Government. The bill also maintains and builds analytical capacity to support lawmaking and oversight, addresses high-priority needs involving information technology and security, and supports Legislative Branch agencies such as the Library of Congress and the Government Accountability Office in their wider roles of service to the nation.

Bill Summary:

House of Representatives – The bill provides a total of $1.477 billion in discretionary appropriations for the House of Representatives, $111 million above the 2020 enacted level.

- $640 million for the **Members Representational Allowance (MRA)**, the basic office budgets of House Members, $25 million above the FY 2020 level. In addition to bringing appropriations into line with currently authorized spending, this funding is estimated to support an increase of roughly $56,000 per Member office for 2021.

- $11.4 million in **funding for paid interns**, both in Member offices and leadership offices. This allowance helps extend internship opportunities to people who may not be financially able to take an unpaid position.

- $163 million for the **operations of House committees**, a $3 million increase. This appropriation will cover the funding allocated to committees for 2021 by the biennial funding resolution.

- The bill includes $2 million for the **newly created House Modernization Initiatives Account** to make Congress more effective, efficient, and transparent on behalf of the American people.

- $260.8 million for the **salaries and expenses of House officers and employees**, including the offices of the Clerk of the House, Sergeant at Arms, Chief Administrative Officer (CAO), Parliamentarian, and Legislative Counsel, among others, an increase of $28 million above the FY 2020 enacted level.

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- $1.5 million for the **Office of Diversity & Inclusion**, an increase of $500,000 above both FY 2020 and the FY 2021 request.

- **Increases the student loan lifetime cap** from $60,000 to $80,000 for House and Senate staff as well as the Capitol Police.

Other Agencies –

- $516 million for **the Capitol Police**, $51 million above the FY 2020 level. In addition, the agreement maintains several measures to help bring more transparency to the Capitol Police and address issues such as racial profiling, USCP jurisdiction, and diversity.

- $57 million for the **Congressional Budget Office (CBO)**, a $2 million increase above the FY 2020 level. This funding level will allow CBO to continue and modestly increase its efforts to improve modeling and analytical capability in key areas and to make its work as transparent and accessible as possible.

- $661 million for the **Government Accountability Office (GAO)**, a $31 million increase. This level should allow the GAO to handle its large workload and strengthen its Science, Technology Assessment, and Analytics (STAA) team.

- $757 million, an increase of $32 million, for the **Library of Congress**, including the Copyright Office, Congressional Research Service (CRS), and National Library Service for the Blind and Print Disabled.

    - The bill includes $10 million for the Library's Visitor Experience initiative, bringing the total Federal investment for the project to $30 million.

    - $2.5 million, available over two years, is provided to phase out and retire the mass de-acidification preservation project.

    - The bill includes requested CRS funding for additional staff to strengthen its capacity to support Congress with technology assessments.

    - The bill also includes $5 million for modernizing the website that handles distribution of audio and braille reading materials at the National Library Service for the Blind and Print Disabled as well as $2 million for purchase of braille e-readers.

- $675 million for the **Architect of the Capitol**, $13million less than the fiscal year 2020 total. Funding is provided for high priority projects such as the Cannon building renovation, repairs to the Capitol Power Plant, and a storage module for the Library at Ft. Meade.

Joint Congressional Committee on Inaugural Ceremonies of 2021 – The agreement provides $2 million for the Joint Congressional Committee on Inaugural Ceremonies of 2021to ensure safe, healthy and inclusive Presidential Inaugural Ceremonies. This responds to unanticipated needs due to the COVID pandemic, which will result in an unprecedented Presidential Inauguration. Funding will cover the costs of testing for all attendees, guests, and support staff in the Capitol for the ceremonies.

Office of the Attending Physician – The agreement provides $5 million for the Office of the Attending Physician for the response to COVID-19, including testing and vaccine handling, to keep the Capitol Complex safe and secure.

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Government Accountability Office (GAO) – The agreement provides $10 million in emergency funding for the GAO to conduct oversight of COVID-19 funding provided to federal departments and agencies for coronavirus response and recovery efforts.

Member Pay Adjustment – The bill includes language blocking the annual pay adjustment for Members of Congress that is otherwise required by statute.

Division J – Military Construction & Veterans Affairs

Overview:

The Military Construction, Veterans Affairs, and Related Agencies bill funds the Department of Defense, Department of Veterans Affairs, and other related agencies, including the American Battle Monuments Commission and the Armed Forces Retirement Home.

In total, the FY 2021 bill provides $113.1 billion in discretionary funding – $8.9 billion above the comparable fiscal year 2020 enacted level. This includes $350 million in Overseas Contingency Operations (OCO) funding.

The funding in this bill will provide for the construction of facilities to enable our military to fight current and emerging threats, to support increased troop levels, and to sustain services for military families. This includes operational facilities, training facilities, hospitals, family housing, National Guard readiness centers, barracks, and other important resources. Additionally, the funding in this bill will provide Veterans with the healthcare and benefits they have earned through their military service.

Bill Summary:

Military Construction – The bill provides a total of $8.06 billion for military construction projects – an increase of $250 million above the budget request. In addition to this amount, $350 million is provided in OCO funding for projects in countries with ongoing U.S. operations and the European Deterrence Initiative to combat Russian aggression. In total, 132 military construction projects across the country and overseas receive funding in the bill.

- **Military Family Housing** – The bill provides $1.3 billion to fund construction, operation, and maintenance of military family housing for fiscal year 2021, the same as the budget request, and provides an additional $60 million in an administrative provision. The additional funds above the request are provided to address family housing issues such as mold, vermin, and lead in military family housing. This funding will ensure quality housing for all 2,006,171 military families currently served by the program.

- **Guard and Reserve** – The bill includes $596 million for construction or alteration of Guard and Reserve facilities in states and territories.

- **NATO Security Investment Program (NSIP)** – The bill provides $173 million, the same as the budget request, for infrastructure necessary for wartime, crisis, and peace support and deterrence operations, and training requirements. The funds will support responses to the challenges posed by Russian aggression as well as the risks and threats emanating from the Middle East and North Africa.

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• **BRAC/PFAS** – The agreement provides an additional $180 million to address legacy Navy BRAC issues and the PFAS issues at installations.

Department of Veterans Affairs (VA) – The legislation includes a total of $243.2 billion in both discretionary and mandatory funding for VA, an increase of $25.3 billion above the fiscal year 2020 level. This funding will help address many of the problems currently facing VA and provide for better care and increased access to care for our Veterans. Discretionary funding alone for VA programs in the agreement totals $104.4 billion, an increase of $11.9 billion above the fiscal year 2020 level. Approximately $87.6 billion of this discretionary total was provided last year via advance funding in the fiscal year 2020 Appropriations bill. These additional funds will provide resources for important priorities within VA, such as greater access to healthcare for women Veterans, mental health, suicide prevention, claims processing, homeless prevention and care, opioid addiction, rural health, and medical research.

• **VA Medical Care** – The bill funds VA medical care at $90 billion – providing for approximately 7.2 million patients to be treated in fiscal year 2021. Within this total, funding includes: $10.3 billion in mental healthcare services, of which $313 million is for suicide prevention outreach activities; $661 million for gender-specific care for women; $1.9 billion for homeless assistance programs; $504 million for opioid abuse prevention; and $300 million in rural health initiatives.

• **VA Electronic Health Record** – The bill contains $2.6 billion to continue implementation of the VA electronic health record (EHR) system. This will ensure VA has the funding it needs to continue the deployment of the health record system across the country at VA facilities, which is the same system as DOD. The interoperable health record modernization will ensure our Veterans get proper care, with timely and accurate medical data transferred between VA, DOD, and the private sector. In order to facilitate robust oversight over the modernization effort, the agreement makes 25 percent of the funding contingent upon the Secretary certifying in writing of any changes to the deployment schedule within seven days prior to July 1, 2021. The agreement also continues GAO oversight of this program to ensure that the EHR system is implemented in a timely manner.

• **Disability Claims Processing Backlog** – The bill provides $3.18 billion, $55 million above the fiscal year 2020 level, for operating expenses of the Veterans Benefits Administration. These funds support the prompt processing of disability claims and efforts to continue reducing the disability claims backlog. In addition, the bill continues rigorous reporting requirements to track each regional office's performance on claims processing and appeals backlogs.

• **Construction** – Major and minor construction within the VA is funded at $1.7 billion.

• **VA Mandatory Funding** – The bill fulfills mandatory funding requirements such as: Veteran disability compensation programs for 5.7 million Veterans and their survivors; education benefits for almost one million Veterans; and vocational rehabilitation and employment training for over 100,000 Veterans.

• **Advance Appropriations** – The bill contains $94.2 billion in advance fiscal year 2022 funding for Veterans' medical programs – the same level as the President's request. This funding will provide for medical services, medical community care, medical support and compliance, and medical facilities, and will ensure that Veterans have continued, full access to their medical care needs. The bill also includes $145.3 billion in advance funding for VA mandatory benefits programs, as requested in the President's budget.

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Arlington National Cemetery (ANC) – The bill includes $81.8 million for ANC, which is $11 million above the fiscal year 2021 budget request and $1 million above the fiscal year 2020 enacted level. As in fiscal year 2020, the increase for salaries and expenses above the budget's proposed cut will allow ANC to maintain their current level of services for Veterans and family members.

American Battle Monuments Commission (ABMC) – The bill includes $84.1 million for ABMC, an increase of $9 million over the fiscal year 2021 budget request. These funds will support maintenance and operations at the cemeteries and monuments honoring America's war dead, as well as preserve and communicate these Veterans' stories of courage and sacrifice.

Armed Forces Retirement Home – The bill provides $75.3 million, an increase of $5 million above the fiscal year 2021 budget request and equal to the fiscal year 2020 enacted level. The increase will support urgently needed capital projects, such as roof replacement, elevator repair, and electric system modernization, as well as operations and maintenance requirements.

Additional Items –
• The bill does not include backfill or pre-backfill of the border wall.

Division K – State & Foreign Operations

Overview:

The State, Foreign Operations, and Related Programs bill funds the Department of State, the United States Agency for International Development, and other international programs and activities.

In total, the fiscal year 2021 bill provides $55.5 billion in discretionary funding, including $8 billion in Overseas Contingency Operations/Global War on Terrorism (OCO/GWOT) funding. This is $820 million above the fiscal year 2020 enacted level and $10.8 billion above the President's request.

Bill Summary:

State Department Operations and Related Agencies – The bill contains a total of $16.68 billion for State Department Operations, which is $116 million above the fiscal year 2020 enacted level and $2.8 billion above the President's budget request. Within this amount, the legislation provides $6.1 billion for embassy and diplomatic security, the same as fiscal year 2020 enacted level and $692 million above the President's budget request. These funds will address needs at more than 275 diplomatic facilities overseas, including facility upgrades and security personnel and equipment.

International Security Assistance – The bill provides a total of $9 billion for international security assistance, which is $9.92 million below the fiscal year 2020 enacted level and $1.27 billion above the President's budget request.

U.S. Agency for International Development (USAID) Operations – The bill provides $1.71 billion in total funding for USAID operations and the USAID Office of Inspector General, which is $48 million above the fiscal year 2020 enacted level and $119.7 million above the President's budget request.

Bilateral Economic Assistance – The legislation contains a total of $26.5 billion for bilateral assistance to foreign countries and prioritizes development assistance, democracy, global health, and humanitarian

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assistance, which is $527 million above the fiscal year 2020 enacted level and $6.9 billion above the President's budget request, and includes:

- $9.2 billion for **Global Health**, which is $103.5 million above the fiscal year 2020 enacted level.
- $3.2 billion in **Economic Support Fund**, which is $107 million above the fiscal year 2020 enacted level.
- $3.5 billion in **Development Assistance**, which is $100 million above the fiscal year 2020 enacted level.

Multilateral Assistance – The bill includes a total of $2 billion to meet United States commitments to multilateral organizations and international financial institutions, which is $41.5 million below the fiscal year 2020 enacted level and $560 million above the President's budget request.

- $54.6 million for the **African Development Bank (AfDB**)'s seventh general capital increase, which is $54.6 million above the fiscal year 2020 enacted level and equal to the President's budget request.
- $32.5 million for **International Fund for Agricultural Development (IFAD)**, which is $2.5 million above the fiscal year 2020 enacted level and $32.5 million above the President's budget request.

Maintains funding for critical programs & organizations:
President's Emergency Plan for AIDS Relief (PEPFAR), including Global Fund:

- $5.9 billion for **PEPFAR**, the same as the fiscal year 2020 enacted level and $2.1 billion above the President's budget request. This includes $1.56 billion for the Global Fund to Fight AIDS, Tuberculosis, and Malaria, $903 million above the President's budget request.
- The bill reinforces the United States' commitment to its 33% share to the Global Fund, unlike the President's budget request, which proposes reducing United States contributions to 25%.

Other Global Health Programs:

- $3.26 billion for programs to improve maternal and child health and fight infectious diseases, which is $103.5 million above the 2020 enacted level and $1.1 billion above the President's budget request. This also includes $575 million for family planning programs, and increases funds for the following programs:
    - $855.5 million for Maternal and Child Health, which is $4.5 million above the fiscal year 2020 enacted level, and includes $290 million for the GAVI Alliance;
    - $319 million to fight tuberculosis, which is $9 million above the fiscal year 2020 enacted level; and
    - $190 million for global health security, which is $90 million above the fiscal year 2020 enacted level.

International Basic Education:

- $950 million for **basic education**, which is $75 million above the fiscal year 2020 enacted level and includes $125 million for the Global Partnership for Education and $25 million for Education Cannot Wait.

Education and Cultural Exchanges:

- $740.3 million for **education and cultural exchanges**, which is $9.6 million above the fiscal year 2020 enacted level and $430.3 million above the President's budget request.

Humanitarian Assistance and Disaster Assistance:

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$7.8 billion, which is equal to the fiscal year 2020 enacted level and $1.56 billion above the President's budget request. This includes:

- $4.4 billion for **International Disaster Assistance (IDA),** which is equal to the fiscal year 2020 enacted level.
- $3.43 billion for **Refugee Assistance (MRA),** which is equal to the fiscal year 2020 enacted level.

Peace Corps:

- $410.5 million for the **Peace Corps**, which is equal to the fiscal year 2020 enacted level and $9.3 million above the President's budget request.

Democracy Programs:

- $2.42 billion for **democracy programs**, which is $17 million above the fiscal year 2020 enacted level and $867 million above the President's budget request.
- $290.7 million for **Democracy Fund**, of which $190.5 million is for State Department and $100.2 million is for USAID. This is $17 million above the fiscal year 2020 enacted level and $290.7 million above the President's budget request.
- $300 million for **National Endowment for Democracy (NED)**, which is equal to the fiscal year 2020 enacted level and $232.7 million above the President's budget request.

Environment:

- $320 million for **biodiversity**, which is$5 million above the fiscal year 2020 enacted level and $229 million above President's budget request.
- $100.7 million for **combatting wildlife trafficking**, which is equal to the fiscal year 2020 enacted level and $67.2 million above the President's budget request.
- $15 million for nature conservation, including the protection of coral reefs, reauthorized under the **Tropical Forest Conservation Act of 2018**.
- Includes designated amounts for **sustainable landscapes** at $135 million, **adaptation** at $177 million and **renewable energy** at $179 million.
- $75 million for programs to address ocean plastic pollution and other marine debris.

Millennium Challenge Corporation (MCC):

- $912 million for the **MCC**, which is $7 million above the fiscal year 2020 enacted level and $112 million above the President's budget request.

U.S. Agency for Global Media (formerly the Broadcasting Board of Governors, or BBG):

- $803 million for **USAGM**, which is $7.4 million below the fiscal year 2020 enacted level and $165.7 million above the President's budget request.

United States International Development Finance Corporation (DFC):

- $569 million for **DFC**, which is $270 million above the fiscal year 2020 enacted level and $264.7 million below the President's budget request.
- Of which, $119 million is for administrative expenses, which is equal to the fiscal year 2020 level and $14.7 million below the President's budget request.
- Of which, $450 million is for the program budget (equity investments, loans/loan guarantees, and technical assistance) which is $270 million above the fiscal year 2020 enacted level, and $250 million below the President's budget request.

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Contributions to International Organizations and Peacekeeping:

- $1.5 billion for **Contributions to International Organizations (CIO)** assessed contributions to international organizations, which is $32.1 million above the fiscal year 2020 enacted level and $540 million above the President's budget request.
- **Contributions to International Peacekeeping (CIPA)** – $1.46 billion, which is $70 million below the fiscal year 2020 enacted level and $377 million above the President's budget request.

The bill does not eliminate or reduce several partner organizations, as proposed in the President's budget request, and instead provides:

- **The Asia Foundation** - $20 million, which is $1 million above the fiscal year 2020 enacted level.
- **The U.S. African Development Foundation** - $33 million, which is equal to the fiscal year 2020 enacted level.
- **The Inter-American Foundation** - $38 million, which is $500,000 above the 2020 enacted level.
- **East-West Center** - $19.7 million, which is $3 million above the fiscal year 2020 enacted level.
- **U.S. Institute of Peace** (USIP) - $45 million, which is equal to the fiscal year 2020 enacted level.
- **Trade and Development Agency** - $79.5 million, which is equal to the fiscal year 2020 enacted level.

Support for U.S. allies and partners, including: (amounts are included in account totals above)

- **Israel**: $3.3 billion, fulfilling the MOU
- **Jordan**: $1.65 billion, exceeding the MOU
- **Ukraine**: $453 million
- **Georgia**: $132 million
- **Assistance for Eastern Europe and Eurasia**: $770.3 million
- **Countering Russian Influence Fund (CRIF)**: $290 million
- **Central America**: $506 million
- **Caribbean Basin Regional Security Initiative**: $74.8 million
- **Colombia**: $461 million
- **Mexico**: $158.9 million
- **Democracy and the rule of law in Venezuela**: Not less than $33 million
- **Tibet**: $18 million
- **Countering Chinese Influence Fund**: $300 million to counter the influence of the People's Republic of China globally

Policy Provisions:

- As part of the Heavily Indebted Poor Countries (HIPC) Initiative, the bill provides $78 million for debt relief to Somalia, and $111 million for bilateral debt relief and $120 million for multilateral debt relief to Sudan.
- The bill restores administratively determined pay authority to the Export-Import Bank.
- Reverses the impact of the Administration's hiring freeze and restores State Department and USAID personnel to 2016 levels.
- Provides $75 million for security assistance programs for the West Bank and $75 million for the humanitarian and development needs of the Palestinian people in the West Bank and Gaza Strip.
- Provides $50 million for the new Nita M. Lowey Middle East Partnership for Peace Fund, which authorizes people-to-people exchanges and economic partnerships between Israelis and Palestinians through initiatives overseen by USAID and the DFC.
- Provides $300 million for Consular and Border Security programs to offset losses due to the pandemic.
- Provides $4 billion as a contribution to GAVI for pandemic response.

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Division L – Transportation-Housing & Urban Development

Overview:

The Transportation, Housing and Urban Development, and Related Agencies bill funds the Department of Transportation, the Department of Housing and Urban Development, and related agencies, including the United States Interagency Council on Homelessness.

In total, the FY 2021 legislation provides $136.8 billion in budgetary resources, $1.2 billion above the 2020 enacted level and $11.4 billion above the President's budget request. The bill includes $75.4 billion in discretionary funding, an increase of $1.1 billion over the 2020 enacted level and $16.2 billion over the President's budget request.

The bill invests in America's infrastructure, improves transportation safety, protects vulnerable populations, builds resilience to climate change, and expands access to safe, affordable, and fair housing.

Bill Summary:

Department of Transportation (DOT) – The bill provides $86.7 billion in total budgetary resources for DOT, $553 million above the 2020 enacted level and $1.1 billion below the President's budget request. Of this amount, the bill includes:

- $1 billion for **National Infrastructure Investments (TIGER/BUILD)**, equal to the 2020 enacted level and the President's budget request. The bill ensures parity between urban and rural grants, and allows for cost-share waivers for grants in rural and **persistent poverty areas**.
    - Includes $30 million for planning grants, of which not less than $10 million is for planning grants in **persistent poverty areas**.
- $3 million to continue the **Highly Automated Systems Safety Center of Excellence**, $2 million below the 2020 enacted level. This program was not in the President's budget request.
- $1 million to support technical assistance, training, and research and development for **Resilient Infrastructure**, building upon the **Transportation Resilience Metrics Study** initiated in the 2020 enacted bill. This program was not in the President's budget request.
- $18 billion for the **Federal Aviation Administration (FAA)**, $347 million above the 2020 enacted level and $443 million above the President's budget request.
    - $1.5 billion for **Aviation Safety**, $75 million above the 2020 enacted level and $5 million above the President's budget request.
    - $400 million for discretionary **Airport Improvement Grants**, equal to the 2020 enacted level and $400 million above the President's budget request.
- $49.1 billion for the **Federal Highway Administration**, $166 million below the 2020 enacted level and $1.5 billion below the President's budget request.
    - $2 billion for discretionary **Highway Infrastructure Programs**, $166 million below the 2020 enacted level. The President's budget proposed eliminating this program.
        - $1 billion for a risk-based bridge rehabilitation and reconstruction program.

AMERICAN OVERSIGHT

- $748 million for the **Federal Motor Carrier Safety Administration**, $69 million above the 2020 enacted level and $46 million below the President's budget request.

- $989 million for the **National Highway Traffic Safety Administration**, equal to the 2020 enacted level and $25 million above the President's budget request.

- $2.8 billion for the **Federal Railroad Administration**, $27 million above the 2020 enacted level and $830 million above the President's budget request.

    - $375 million for **Consolidated Rail Infrastructure and Safety Improvements**, $50 million above the 2020 enacted level and $45 million above the President's budget request.

    - $200 million for **Federal-State Partnership for State of Good Repair**, equal to the 2020 enacted level. The President's budget request proposed eliminating this program.

    - $2 billion for **Amtrak**, equal the 2020 enacted level and $1.1 billion above the President's budget request.

        - $700 million for **Northeast Corridor Grants**, equal to the 2020 enacted level and $375 million above the President's budget request.

        - $1.3 billion for **National Network Grants**, equal to the 2020 enacted level and $689 million above the President's budget request.

- $13 billion for the **Federal Transit Administration**, $47 million above the 2020 enacted level and $255 million above the President's budget request.

    - $2 billion for **Capital Investment Grants**, $36 million above the 2020 enacted level and $125 million above the President's budget request.

    - $516 million for **Transit Infrastructure Grants**, $6 million above the 2020 enacted level. The President's budget request proposed eliminating this program. This amount includes $125 million for low- and no-emission buses, and $16.2 million for **areas of persistent poverty**.

- $38 million for the **Saint Lawrence Seaway Development Corporation**, equal to the 2020 enacted level and $7 million above the President's budget request.

- $1.2 billion for the **Maritime Administration**, $122 million above the 2020 enacted level and $431 million above the President's budget request.

    - $314 million for the **Maritime Security Program**, $14 million above the 2020 enacted level and equal to the President's budget request.

    - $10 million for the **Cable Security Fleet**, $10 million above the 2020 enacted level. This program was not included in the President's budget request.

    - $230 million for the **Port Infrastructure Development Program**, $5 million above the 2020 enacted level. The President's budget request proposed eliminating this program.

AMERICAN OVERSIGHT

- $390 million for **schoolship construction**, $90 million above the 2020 enacted level and $90 million above the President's budget request.

Department of Housing and Urban Development (HUD) – The bill provides a total of $49.6 billion for HUD, $561 million above the 2020 enacted level and $12.4 billion above the President's budget request. FHA and GNMA receipts are $10.6 billion, $3.3 billion more in receipts than the 2020 enacted bill. Of the $49.6 billion, the bill includes:

- $34.8 billion for the **Office of Public and Indian Housing**, $2.3 billion above the 2020 enacted level and $6.3 billion above the President's budget request.
    - $25.8 billion for **Tenant-based Rental Assistance**, $1.9 billion above the 2020 enacted level and $2.4 billion above the President's budget request.
        - $40 million for **HUD/VA Supportive Housing for Homeless Veterans**, equal to the 2020 enacted level. The President's budget request proposed eliminating this program.
        - $43 million for new incremental vouchers for **homeless individuals and families**, $43 million above the 2020 enacted level. The President's budget request did not include this program.
    - $7.8 billion for the **Public Housing Fund**, $387 million above the 2020 enacted level and $3.6 billion above the President's budget request.
    - $200 million for the **Choice Neighborhoods Initiative**, $25 million above the 2020 enacted level. The President's budget request proposed eliminating this program. This is the highest funding level in the program's history.
    - $155 million for **Self-Sufficiency Programs**, $25 million above the 2020 enacted level.
    - $825 million for **Native American Programs**, equal to the 2020 enacted level and $225 million above the President's budget request.
        - $70 million for **Indian Community Development Block Grants**, equal to the 2020 enacted level. The President's budget request proposed eliminating this program.
    - $2 million for **Native Hawaiian Housing Block Grant**, equal to the 2020 enacted level. The President's budget request proposed eliminating this program.
- $8.3 billion for the **Office of Community Planning and Development**, $298 million above the 2020 enacted level and $5.2 billion above the President's budget request.
    - $430 million for **Housing Opportunities for Persons with AIDS**, $20 million above the 2020 enacted level and $100 million above the President's budget request. This is the highest funding level in the program's history.
    - $3.5 billion for **Community Development Block Grants**, $50 million above the 2020 enacted level. The President's budget request proposed eliminating this program.
    - $1.35 billion for the **HOME Investment Partnership Program**, equal to the 2020 enacted

AMERICAN OVERSIGHT

level. The President's budget request proposed eliminating this program.

- $41 million for **Section 4 Capacity Building**, $5 million above the 2020 enacted level. The President's budget request proposed eliminating this program.

- $3 billion for **Homeless Assistance Grants**, $223 million above the 2020 enacted level and $227 million above the President's budget request.

- $14.6 billion for the **Office of Housing**, $1 billion above the 2020 enacted level and $833 million above the President's budget request.

  - $13.5 billion for **Project-Based Rental Assistance**, $895 million above the 2020 enacted level and $823 million above the President's budget request.

  - $855 million for **Housing for the Elderly**, $62 million above the 2020 enacted level and $2 million above the President's budget request. This includes $52 million for new construction, and $125 million for service coordinators.

  - $227 million for **Housing for Persons with Disabilities**, $25 million above the 2020 enacted level and $25 million below the President's budget request. This includes $54 million for new construction.

  - $77.5 million for **Housing Counseling**, $25 million above the 2020 enacted level and $33 million above the President's budget request.

    - This includes $20 million for a new **eviction prevention demonstration program**, $20 million above the 2020 enacted level. This program was not included in the President's budget request.

- $105 million for **Policy Development and Research**, $7 million above the 2020 enacted level and $10 million above the President's budget request. This includes $6 million for cooperative agreements and research partnerships with Historically Black Colleges and Universities and $5 million for technical assistance to **areas of persistent poverty**.

- $73 million for **Fair Housing and Equal Opportunity**, $2 million above the 2020 enacted level and $7 million above the President's budget request.

- $360 million for the **Office of Lead Hazard Control and Healthy Homes**, $70 million above the 2020 enacted level and equal to the President's budget request. This includes $60 million for the Healthy Homes Initiative, to address other health and safety hazards in the home, including carbon monoxide, asthma, mold, and radon.

Related Agencies – The bill provides $388 million for the related agencies in the bill, $18 million above the 2020 enacted level and $140 million above the President's budget request.

- $165 million for **NeighborWorks**, $7 million above the 2020 enacted level. The President's budget request proposed eliminating this program.

- $3.8 million for the **U.S. Interagency Council on Homelessness**, equal to the 2020 enacted level and the President's budget request.

AMERICAN OVERSIGHT

Policy Provisions –

- Extends the period of availability for fiscal year 2019 National Infrastructure Investments (TIGER/BUILD) grants.
- Does not include any provisions permitting longer or heavier trucks on our nation's roadways.
- Makes transit programs and alternative fuel infrastructure eligible for Surface Transportation Block Grant funding within Highway Infrastructure Programs.
- Prohibits DOT from requiring Capital Investment Grant applicants from having a Federal share below 40 percent and eliminates the 51 percent cap on the Federal share of such grants, restoring the authorized 80 percent cap.
- Directs HUD to establish a Director of Domestic Violence Prevention Activities position within the Office of the Secretary to coordinate domestic violence prevention activities throughout the Department and serve as a liaison with external stakeholders.

AMERICAN OVERSIGHT

ATTORNEY GENERAL
LEX
STATE OF FLORIDA

IN THE SECOND DISTRICT COURT OF APPEAL, LAKELAND, FLORIDA

December 2, 2020

JOSHUA RYAN TIMKE, Appellant, v. STATE OF FLORIDA, Appellee.	)	Case No. 2D19-1584

BY ORDER OF THE COURT:

Appellant's motion for rehearing is denied.

Appellant's motion for written opinion is granted. This court's opinion dated August 28, 2020, is withdrawn, and the attached opinion is issued in its place.

I HEREBY CERTIFY THE FOREGOING IS A
TRUE COPY OF THE ORIGINAL COURT ORDER.

MARY ELIZABETH KUENZEL
CLERK

AMERICAN OVERSIGHT

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JOSHUA RYAN TIMKE,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

Case No. 2D19-1584

Opinion filed December 2, 2020.

Appeal from the Circuit Court for Hillsborough County; Nick Nazaretian, Judge.

Howard L. Dimmig, II, Public Defender, and Susan M. Shanahan, Assistant Public Defender, Bartow, for Appellant.

Ashley Moody, Attorney General, Tallahassee, and William Stone, Jr., Assistant Attorney General, Tampa, for Appellee.

KHOUZAM, Chief Judge.

Joshua Ryan Timke timely appeals an order revoking his sex offender probation based on a curfew violation and sentencing him to 201 months in prison. After we initially issued a per curiam affirmance, Mr. Timke filed a motion for rehearing or, in the alternative, a written opinion. We deny the motion for rehearing but grant the motion for written opinion in order to explain the basis for our affirmance.

AMERICAN OVERSIGHT

FACTUAL BACKGROUND AND PROCEEDINGS BELOW

At the revocation hearing, Mr. Timke's probation officer testified that he received an alert that Mr. Timke's ankle monitor had detected that he was out past his 10:00 p.m. curfew on January 19, 2019. When the probation officer confronted Mr. Timke about it the following day, Mr. Timke admitted that he had been out past his curfew but responded that his prior probation officer "wouldn't make a big deal of that." He stated that the reason he was late was that he had gotten stuck in traffic on his way back from downtown Orlando due to events being held there.

Ankle monitoring records showed that Mr. Timke left his residence in the Orlando area at 8:30 p.m. and arrived in downtown Orlando eighteen minutes later, at 8:48 PM. He began moving again at approximately 9:00 p.m., traveling at various speeds and stopping intermittently. He ultimately arrived home at 10:26 p.m.

Mr. Timke testified that he had previously discussed his curfew with his probation officer and knew that he was required to be home by 10:00 p.m. On the night of the violation, he left his home at about 8:30 p.m. to drive to downtown Orlando. He testified he did not leave the area until 9:15 or 9:20, expecting to arrive home "[a]round 9:50." He testified he then ran into "gridlock traffic" that caused him to take an alternate route home, making him miss his curfew.

Mr. Timke admitted he did not contact his probation officer or the Department of Corrections, even after it became obvious that he was going to miss his curfew. Instead, he only responded to a call from his ankle monitoring system after it notified him that it had detected via GPS that he was out past curfew.

AMERICAN OVERSIGHT

Mr. Timke blamed the traffic on two events taking place in downtown Orlando that night: a monster truck rally and a basketball game. The court observed that both of these events had already started before Mr. Timke left his home and asked Mr. Timke to explain the discrepancy: "I'm just curious, it took 18 minutes to get there through all this monster traffic and then it takes you an hour and a half to get home. Does that make any sense to you?" Mr. Timke responded by simply stating there was "no traffic" on the way there, without addressing the incongruity identified by the court.

The trial court found that Mr. Timke had violated the curfew condition of his probation and that the violation was both willful and substantial. The trial court revoked Mr. Timke's probation and sentenced him at the bottom of the guidelines.

ANALYSIS

On appeal, Mr. Timke admits that he violated his curfew but asserts that the record lacks competent substantial evidence that the violation was willful and substantial. He contends that the violation was due to traffic conditions that arose on his drive home that "were beyond his control."

In reviewing a revocation order, this court first assesses whether the finding of a willful and substantial violation is supported by competent substantial evidence. Savage v. State, 120 So. 3d 619, 621 (Fla. 2d DCA 2013). If so, then the question becomes whether the trial court abused its discretion in deciding to revoke probation. Id. at 623. On this record, we cannot say that the court's finding of a willful and substantial violation is not supported by competent, substantial evidence or that the revocation was an abuse of discretion.

AMERICAN OVERSIGHT

Mr. Timke admitted he knew he had a mandatory curfew of 10:00 PM. Nonetheless, he decided to leave his home to drive to downtown Orlando at about 8:30 p.m.—ninety minutes before his curfew. That would risk a curfew violation any night of the week, but the fact that this was a Saturday night further increased the likelihood of events and traffic in that notoriously crowded metropolitan area. As Mr. Timke's probation officer testified at the hearing, "Anybody that lives in Orlando understands that there are always events in downtown."

When the probation officer discussed the violation with Mr. Timke, he responded that his prior probation officer would not have "ma[d]e a big deal" out of the violation. And Mr. Timke admitted he was planning to arrive home at "[a]round 9:50," leaving only ten minutes of cushion for complications or delays, such as traffic. These statements indicate that Mr. Timke was not particularly concerned about the risk of being out past curfew.

Further, Mr. Timke failed to contact his probation officer—or anyone else at the Department of Corrections—to seek permission to be out past curfew. He also did not notify the officer that he was going to violate his curfew, even after it became obvious during the drive home. Instead, he only returned a call from his ankle monitoring system *after* it had independently detected the curfew violation.

Finally, although no express finding was made as to Mr. Timke's credibility, it is clear on the record before us that the court did not find his story to be credible. Even when the court asked him directly about the clear discrepancy in his explanation of his trip, Mr. Timke declined to reconcile his testimony. And he never

AMERICAN OVERSIGHT

offered any explanation for why he went downtown shortly before curfew in the first place.

This evidence was sufficient to support the court's finding that Mr. Timke's violation was both willful and substantial. "The competent substantial evidence standard defers to the trial court's judgment because the trial court is in the best position to evaluate and weigh the testimony and evidence based upon its observation of the bearing, demeanor and credibility of the witnesses." Savage, 120 So. 3d at 622 (citations omitted).

Nonetheless, on appeal Mr. Timke focuses on the fact that he arrived home only twenty-six minutes late, asserting that revocation was inappropriate for such a brief delay. But the cases on which he relies are factually distinguishable.

First, he cites cases where a probationer obtained, or at least sought, permission for the actions leading up to the violation. See Rousey v. State, 226 So. 3d 1015, 1016 (Fla. 2d DCA 2017) (officer gave permission for probationer to go to cell phone store); Hugan v. State, 190 So. 3d 210, 211 (Fla. 2d DCA 2016) (probationer called officer to seek permission to take extra shift); Thomas v. State, 672 So. 2d 587, 588 (Fla. 4th DCA 1996) (job interview was approved). By contrast here, Mr. Timke did not attempt to coordinate with his probation officer in any way—neither before heading downtown nor after it became clear that he would not make curfew.

Second, and crucially here, Mr. Timke relies on cases where the probationer disclosed his or her reason for the violation and the court expressly incorporated that reason into its analysis. In Rousey, for example, the probationer had obtained permission to visit a cell phone store with instructions to be home by 1:00 p.m.

AMERICAN OVERSIGHT

but did not return home until 1:48. 226 So. 3d at 1016. He explained that he was late in returning from the store because he did not have his own transportation and his ride had car trouble after stopping for gas on the way home. Id. Emphasizing that there was no dispute that the probationer (1) had permission both to visit the phone store and to stop for gas and (2) had been stranded at the gas station during the entire period of time he was late, this court reversed the revocation of his probation. Id. at 1017.

Similarly, in Hugan, there was no dispute that the reason the probationer was away from home in violation of the conditions of his community control was that he was working an extra shift at his approved job. 190 So. 3d at 211. The probationer explained that, while at work on an approved shift, he was offered an adjacent overtime shift. Id. He tried to call his community control officer for permission to take the additional shift, but was unable to reach him. Id. This court reversed, as the probationer "was engaged in an approved activity" at the time and there was no suggestion the violation was the result of disregarding the terms of his supervision. Id. at 211-12.

Likewise, in Brown v. State, 86 So. 3d 1225, 1226 (Fla. 2d DCA 2012), the probationer arrived home twenty-five or thirty minutes after curfew. He explained that he was returning from his brother's house where he had gone to pick up job applications pursuant to the condition of his probation that required him to pursue gainful employment. Id. Indeed, he was later hired after submitting one of the applications he obtained that night. Id. at 1227 n.2. This court reversed, holding that the curfew violation to acquire job applications was insubstantial in context. Id. at 1227-28.

AMERICAN OVERSIGHT

In Hern v. State, 747 So. 2d 1039, 1039 (Fla. 4th DCA 1999), the probationer had attended a substance abuse program that ended just fifteen minutes before her curfew. She missed the bus to get home and walked the entire way despite suffering from multiple disabilities that limited her mobility. Id. at 1040. The Fourth District accordingly accepted the State's concession that these facts did not establish a willful or substantial violation. Id.

And finally, in Thomas, it was undisputed that the probationer was required to obtain a job and "was driving to an approved job interview" when one of his tires went flat. 672 So. 2d at 588. His efforts to obtain other transportation were unsuccessful, and the probationer ended up walking most of the way from Boca Raton to Lake Worth to return home. Id. "Several witnesses" corroborated the flat tire story, and the Fourth District reversed the revocation of probation because there was "no evidence to support a conclusion that defendant's failure to return . . . on time was the product of a knowing and willful act." Id. at 588-89.

Here, unlike any of these cases, Mr. Timke has not disclosed any purpose for his evening trip downtown, much less suggested that a valid exigency existed or that he was attempting to satisfy a condition of his probation. Although he was not legally required to explain what he was doing before the curfew violation, in context this omission is consequential. Having declined for whatever reason to disclose what he was doing when he violated his curfew, his reliance on authorities where a curfew violation was excused based on the probationer's stated explanation is misplaced.

In isolation, perhaps some of the arguments Mr. Timke has raised could have required reversal. But on this record, we cannot say that the circuit court abused

AMERICAN OVERSIGHT

its discretion under these particular circumstances. Holding otherwise would suggest that the trial court is precluded from revoking a sex offender's probation for a curfew violation where the probationer drives to a crowded downtown area shortly before his nightly curfew—for an undisclosed reason and without telling his probation officer—so long as he encounters unexpected traffic on the way home. The trial court's discretion is broader than that. Accordingly, we must affirm.

Affirmed.

NORTHCUTT and KELLY, JJ., Concur.

AMERICAN OVERSIGHT

Attorney General Moody Urges Congress to Protect Federal Judges and Families

TALLAHASSEE, Fla.—Attorney General Ashley Moody, a former judge, is asking the U.S. Congress to pass legislation to better protect federal judges. Joined by a bipartisan coalition of 50 attorneys general, Attorney General Moody today sent a letter to members of Congress urging support of federal legislation aimed at protecting the safety of federal judges and immediate family members.

Addressed to leaders of both the U.S. House and Senate Judiciary Committees, the letter supports passage of the Daniel Anderl Judicial Security and Privacy Act or similar legislation. The bill would protect the confidentiality of personal identifying information of members of the federal judiciary in public records and limit the distribution of that information online and by data brokers.

The letter calls passage of such legislation an “urgent matter” in light of attacks and increasing threats against members of the federal judiciary, and notes that the legislation has bipartisan support in both houses of Congress.

Attorney General Ashley Moody said, “As a former judge, and the daughter of a sitting federal judge, I know firsthand the risks and sacrifice judges make to uphold their oaths and enforce the rule of law. It is infuriating and heartbreaking that these public servants and their families are being targeted because they volunteer to serve in these important roles.”

The DAJSP Act is named for 20-year-old Daniel Anderl, the late son of Judge Esther Salas of the U.S. District Court for the District of New Jersey.

Daniel was killed on July 19, when an attorney who appeared in a case before Judge Salas—a man described in today’s letter as deranged—appeared at her home and shot both Daniel and Judge Salas’ husband. The judge’s husband sustained critical injuries but survived the attack.

The joint letter to Congress recalls that four federal judges have been murdered since 1979, including District Judge John Wood, District Judge Richard Daronco, Circuit Judge Robert Vance and District Judge John Roll. In addition, two family members of

AMERICAN OVERSIGHT

District Judge Joan Lefkow were killed in a targeted attack at her home in 2005.

The letter notes that incidents, inappropriate communications and threats against federal judges and others protected by the U.S. Marshals Service have been steadily climbing in recent years—as evidenced by a spike in such incidents from 2,357 in 2016 to 4,449 in 2019.

Introduced in the Senate on Sept. 24, and in the House on Oct. 13, the DAJSP Act would, among other initiatives:

- Protect judges and their families by requiring federal agencies to maintain the confidentiality of the personally identifiable information of judges and their family members upon request;

- Authorize funding for state and local governments to adopt similar measures;

- Prohibit data brokers from selling, licensing, trading, purchasing, or otherwise providing, or making available for consideration, judges' personally identifiable information; and

- Create an enforceable mechanism for judges and immediate family members to secure removal of their personally identifiable information from the internet.

In light of the tragic death of Daniel Anderl and the escalating danger to federal judges and family members, the attorneys general express full support for the legislation named in Daniel's memory and notes that the Judicial Conference of the United States and the American Bar Association, among others, support such legislation.

The letter concludes by noting that, while New Jersey and other states have enacted similar judicial protection laws on a state level, only federal legislation has the ability to protect federal judges and immediate family members wherever they reside and ensure uniform enforcement nationwide.

To read Daniel's Law, click here.

To read the letter, click here.

The threat judges face hit home in Florida in 2013, when a convicted felon sought revenge on U.S. District Judge for the Middle District of Florida Timothy J. Corrigan. The gunman fired a single shot at the judge missing him by less than two inches.

Attorney General Moody is joined in supporting the legislation by a bipartisan coalition of attorneys general from Alabama, Alaska, American Samoa, Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Georgia, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky Louisiana, Maine, Maryland Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, the Northern

DRAFT

AMERICAN OVERSIGHT

Mariana Islands, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Wisconsin, and Wyoming.

# # #

DRAFT TWEET:

As a former judge and the daughter of a federal judge, I am urging Congress to do more to protect members of the federal judiciary and their families.

Today, I sent a letter urging Congress to pass the Daniel Anderl Security and Privacy Act.

[LINK]
[GRAPHIC]

DRAFT

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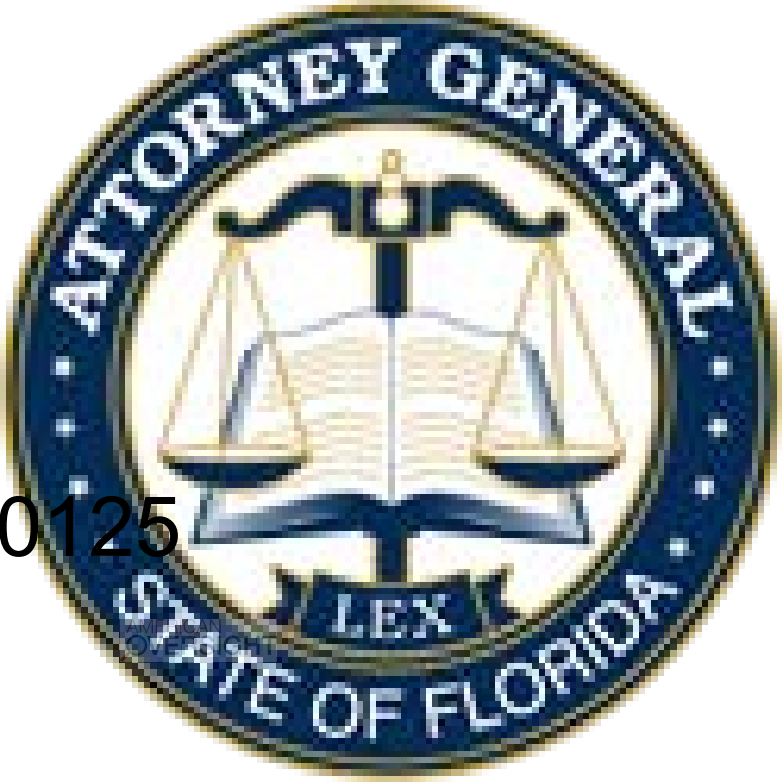

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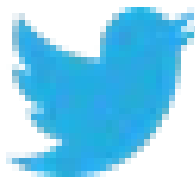

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ATTORNEY GENERAL
LEX
STATE OF FLORIDA

Attorney General Moody Urges Congress to Protect Federal Judges and Families

TALLAHASSEE, Fla.—Attorney General Ashley Moody, a former judge, is asking the U.S. Congress to pass legislation to better protect federal judges. Joined by a bipartisan coalition of **XX** attorneys general, Attorney General Moody today sent a letter to members of ~~congress~~ Congress urging support of federal legislation aimed at protecting the safety of federal judges and immediate family members.

Addressed to leaders of both the U.S. House and Senate Judiciary Committees, the letter supports passage of the Daniel Anderl Judicial Security and Privacy Act or similar legislation. The bill would protect the confidentiality of personal identifying information of members of the federal judiciary in public records and limit the distribution of that information online and by data brokers.

The letter calls passage of such legislation an “urgent matter” in light of attacks and increasing threats against members of the federal judiciary, and notes that the legislation contains bipartisan support in both houses of Congress.

Attorney General Ashley Moody said, “As a former judge, and the daughter of a sitting federal judge, I know firsthand the risks and sacrifice judges make to uphold their oaths and enforce the rule of law. It is infuriating and heartbreaking that these public servants and their families are being targeted by criminals in pursuit of revenge, all because they carried out their duties ~~they promised to fulfill to make our communities safer~~to uphold the law.

~~“We must do everything we can to protect our nation’s judges and their families, and that is why I sent a letter to congress urging the passage of the Daniel Anderl Security and Privacy Act. These judges serve our citizens everyday by holding court to distribute justice, it’s time we stand up to protect them, as they risk their safety putting dangerous criminals behind bars.~~”

The DAJSP Act is named for 20-year-old Daniel Anderl, the late son of Judge Esther Salas of the U.S. District Court for the District of New Jersey.

Daniel was killed on July 19, when an attorney who appeared in a case before Judge

AMERICAN OVERSIGHT

Salas—a man described in today's letter as deranged—appeared at her home and shot both Daniel and Judge Salas' husband. The judge's husband sustained critical injuries but survived the attack.

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To read the letter, click **here**.

Attorney General Moody is joined in supporting the legislation by a bipartisan coalition of attorneys general from **XXX**

# # #

DRAFT TWEET:

AMERICAN OVERSIGHT

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Today I send~~dt~~ a letter urging ~~congress~~ Congress to pass the Daniel Anderl Security and Privacy Act.

[LINK]
[GRAPHIC]

ATTORNEY GENERAL
LEX
STATE OF FLORIDA

SCOTT R. STRAUSS

[redacted] | [redacted] Scottstrauss@outlook.com

EXPERIENCE

UNITED STATES ATTORNEY'S OFFICE, S.D. FLORIDA, MIAMI/FORT LAUDERDALE
Assistant United States Attorney, May 2019 – October 2020
Appeals (May 2019 – July 2019); Major Crimes (August 2019 – November 2019); Violent Crimes (December 2019 – October 2020)

- Prosecuted and investigated various criminal cases in the areas of misbranded drugs; trafficking in counterfeit goods; election fraud; firearms offenses; drug trafficking offenses; access device fraud; cargo theft; naturalization fraud; marriage fraud; bank fraud; wire fraud; and mail fraud.
- Fostered excellent relationships among several federal agencies including the following: Federal Bureau of Investigation; the Bureau of Alcohol, Tobacco, Firearms and Explosives; Drug Enforcement Agency; U.S. Secret Service; Department of Homeland Security; U.S. Customs and Border and Protection; U.S. Treasury; and the U.S. Postal Inspector.
- Recognized by the Bureau of Alcohol, Tobacco, Firearms, and Explosives for vigorously prosecuting violent criminals, street gangs, and firearms traffickers.

OFFICE OF STATE ATTORNEY, BROWARD COUNTY, Fort Lauderdale, Florida
Assistant State Attorney, July 2013 – May 2019
Traffic Homicide Unit (August 2017 – May 2019); 10-20-Life (January 2016 – July 2017); Felony Trial Unit, First Degree (July 2013 – December 2015); October 2009 – December 2012

- Tried 61 cases to jury verdict.
- Lead, investigated, and prosecuted traffic homicides throughout Broward County.
- Collaborated with expert witnesses including the Broward County Medical Examiner, toxicologists, and accident reconstructions.
- Prosecuted hundreds of criminal cases including: armed robbery; unlawful practice of medicine; first degree grand theft; unlawful possession of firearms; and first degree attempted murder (firearm, discharge, great bodily harm).

LAW OFFICE OF DONALD YARBROUGH, Fort Lauderdale, Florida
Associate Attorney – Federal Civil Practice, January 2013 – July 2013

- Responsible for overseeing all facets of federal litigation, including depositions, mediations, and pre-trial matters arising under the Fair Debt Collection Practices Act (FDCPA) and the Telephone Consumer Protection Act (TCPA).

BROWARD COLLEGE, Fort Lauderdale, Florida
Adjunct Legal Studies Instructor, 2009 – Present

- Lead instructor for the following courses: Introduction to Legal Writing, Business Law I, Business Law II, Introduction to Legal Studies, Criminal Law and Business Law (graduate level).

LIBERTY MUTUAL INSURANCE, Boca Raton, Florida
Legal Intern, March-June 2009

NOVAQUEST - QUINTILES INC, Fort Lauderdale, Florida
Pharmaceutical Sales Representative, May 2008 - February 2009

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MERCK & CO., Miami, Florida
Pharmaceutical Sales Representative, April 2004 - May 2008

CBEYOND COMMUNICATIONS, Atlanta, GA
Sales Representative, September 2002 – April 2004

EDUCATION

FLORIDA INTERNATIONAL UNIVERSITY, Miami, Florida
J.D., December 2008; *Class Rank 6/20 (Evening Program)*

UNIVERSITY OF WISCONSIN, Madison, Wisconsin
B.A. in International Relations, May 2002

ADMISSIONS & OTHER

Member, State Bar of Florida; Georgia; Minnesota
The Federalist Society – Vice President, Broward County Chapter
U.S.D.C. Middle District of Florida; Southern District of Florida
Federal Bar Association; Broward – Board of Directors; 2015 – Present
Broward County Bar Association – Member; 2016 – 2019
Florida Bar – Government and Public Policy Committee; 2017– 2019
Coral Ridge Homeowners Association – Board of Directors; 2017 – 2019
Fort Lauderdale Little League Coach; 2015 – Present

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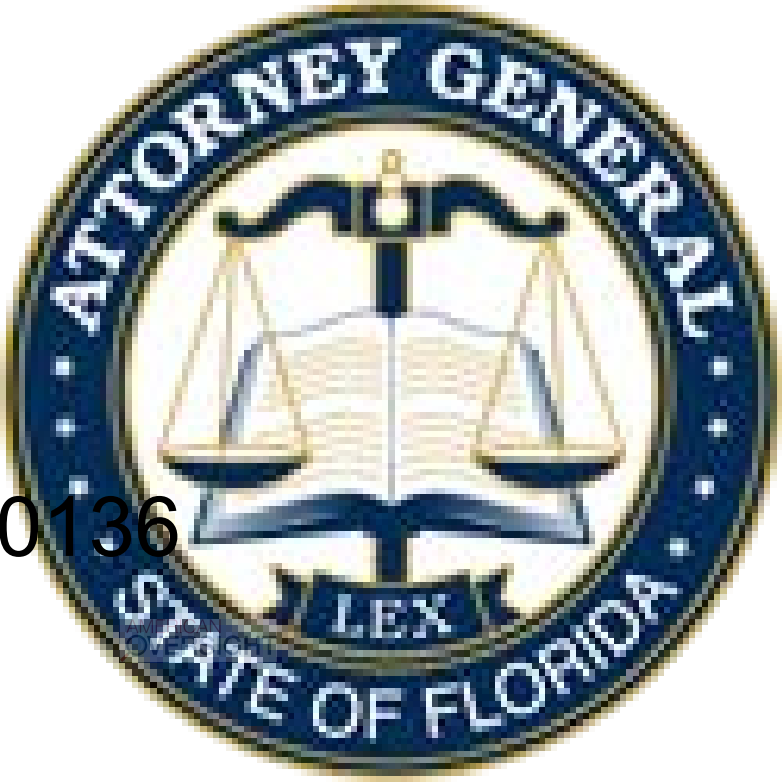
ATTORNEY GENERAL
LEX
STATE OF FLORIDA



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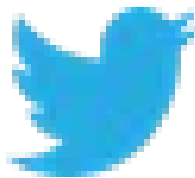

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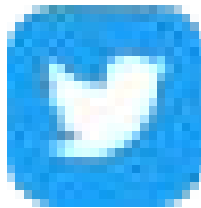

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H.R. 133

DIVISION-BY-DIVISION SUMMARY OF APPROPRIATIONS PROVISIONS

H.R. 133 totals $1.4 trillion and reflects conference agreements for the FY 2021 appropriations bills. It furthers House Democrats' commitment to investing For The People with substantial increases to non-defense spending alongside small increases for defense-related programs.

In total, the package provides:

- $671.5 billion in base defense funding, a $5 billion increase over FY 2020;
- $656.5 billion in nondefense funding, an $20 billion increase over FY2020;
- $77 billion for Overseas Contingency Operations (OCO)—$69 billion for defense activities and $8 billion for nondefense activities; and
- An additional $3.1 billion in emergency funding to fund agency operations impacted by the COVID-19 pandemic, $2.35 billion in funding for wildfire suppression activities, $1.9 billion for program integrity initiatives, and $474 million medical research associated with the 21st Century Cures Act.

In the last year of the Budget Control Act caps, after accounting for rescissions and emergency spending, the package includes non-defense funding that is $15 billion above the levels set in the Bipartisan Budget Act of 2019.

Division A – Agriculture-Rural Development-FDA

Overview:

The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies bill funds agencies and programs within the Department of Agriculture, the Farm Credit Administration, and the Food and Drug Administration.

The FY 2021 bill provides $23.395 billion in discretionary funding, $217 million above the FY 2020 enacted level. In addition, it provides the latest estimates for mandatory programs required by law.

The bill funds important agricultural and food programs and services, including food and medical product safety, animal and plant health programs, rural development, farm services, agricultural trade, financial marketplace oversight, and nutrition programs, both domestic and international.

Bill Summary:

Rural Development and Infrastructure – The bill provides a total of almost $3.9 billion for rural development programs. These programs help create an environment for economic growth by providing business and housing opportunities and building sustainable rural infrastructure for the modern economy.

- **Critical Infrastructure –** The legislation includes responsible investments in infrastructure to help rural areas of the country access basic utilities. This includes $1.45 billion for rural water and waste program loans, and more than $620 million in water and waste grants for clean and reliable drinking water systems and sanitary waste disposal systems. An additional $6.9 billion in loan authority is provided for rural electric and telephone infrastructure loans.

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- **Rural Broadband –** The legislation invests more than $730 million in the expansion of broadband service to provide economic development opportunities and improved education and healthcare services, including $635 million for the ReConnect program, an increase of $80 million over FY 2020. These significant investments in broadband reflect a commitment to enabling Americans in rural communities to access digital tools necessary to improve health, educational, and economic outcomes.

- **Rural Housing Loans and Rental Assistance –** The bill provides a total of $24 billion in loan authority for the Single Family Housing Guaranteed Loan Program. The bill includes $1 billion in direct single family housing loans, meeting the estimated need for these loans, which provide home loan assistance to low-income rural families, many of whom would have few loan options for purchasing a home because of their geographical location. In addition, $1.41 billion is provided for rental assistance for affordable rental housing for low-income families and the elderly in rural communities for renewal of all existing rental assistance contracts.

Food and Nutrition Programs – The legislation contains discretionary funding, as well as mandatory funding required by law, for food and nutrition programs within USDA. This includes funding for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), the Supplemental Nutrition Assistance Program (SNAP), and child nutrition programs.

- **WIC –** The bill provides $6 billion in discretionary funding for WIC, which fully funds participation this year. This includes $90 million for the breastfeeding counselor program.

- **Child nutrition programs –** The bill provides for $25.1 billion in required mandatory funding for child nutrition programs. This is $1.5 billion above the FY 2020 enacted level. This funding will provide free or reduced-price school lunches and snacks for children who qualify for the program. The bill provides approximately $552 million for the Summer Food Service Program to ensure low-income children continue to receive nutritious meals when school is not in session. In addition, the bill provides $42 million for the Summer EBT program, $30 million for school kitchen equipment grants, and $21 million for the WIC farmers market nutrition program.

- **SNAP –** The bill provides for $114 billion in required mandatory spending for SNAP. This fully funds participation as well as the SNAP enhanced allotments authorized by the Families First Act.

International Food Assistance Programs – The legislation contains $1.97 billion for international food aid and for the promotion of U.S. agricultural exports overseas. This includes $1.74 billion for Food for Peace grants and $230 million for the McGovern-Dole International Food for Education and Child Nutrition program. This represents the highest-ever level of funding for these two vital programs. These programs work to reduce famine and increase food security overseas.

Food and Drug Administration (FDA) – The FDA receives a total of $3.2 billion in discretionary funding in the bill, $43 million above the 2020 enacted level. Total funding for the FDA, including user fees, is $5.97 billion. Within this total, the Committee provides targeted increases for medical product and food safety activities, including new initiatives to advance new influenza vaccine manufacturing technologies and leverage emerging technologies to monitor food and medical product safety. Funding is also included to support the development of a framework for regulating CBD products, continue FDA's efforts to enable faster responses to foodborne illness outbreaks, and increase the safety and cybersecurity of medical devices. In addition, the bill includes a strong focus on continuing FDA's efforts to inspect foreign food and drug products. The bill also appropriates $70 million to accelerate medical product development as authorized in the 21st Century Cures Act.

Food Safety and Inspection Service – The legislation includes $1.076 billion for food safety and inspection programs. These mandatory inspection activities help to ensure safe, meat and poultry on American tables. The

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funding provided will maintain nearly 8,800 frontline inspection personnel for meat, poultry, and egg products at more than 6,400 facilities across the country.

Marketing Programs – The bill provides $189 million, $1 million above FY 2020 and $38 million above the President's request, to facilitate the movement of agriculture products and open market opportunities. This includes $18 million for the National Organic Program to protect the integrity of the USDA Organic label and $16.5 million for the new hemp production program. The bill also provides $19.4 million in discretionary funds to the Agricultural Marketing Service and Rural Development for the Local Agriculture Market Program to continue supporting local food and value-added agriculture. In addition, the bill provides $22 million to support dairy innovation centers.

Farm Programs – The legislation provides $1.824 billion for farm programs, $20 million above the FY 2020 level. This includes $5 million to resolve ownership and succession of farmland issues, also known as heirs property. This funding will continue support for various farm, conservation, and emergency loan programs, and help American farmers and ranchers. It will also meet estimates of demand for farm loan programs.

Animal and Plant Health – The legislation includes $1.067 billion – $21 million above the FY 2020 enacted level – for the Animal and Plant Health Inspection Service. This funding will support programs to help control or eradicate plant and animal pests and diseases that can be crippling to U.S. producers. The funding level provides increases that will help address harmful pests and diseases such as spotted lanternfly and chronic wasting disease, while maintaining increases from past years for citrus greening.

Conservation Programs – The bill provides $1.018 billion to help farmers, ranchers, and other private landowners conserve and protect their land. This includes $185 million for infrastructure for watershed and flood prevention and watershed rehabilitation projects.

Agricultural Research – The bill provides $3.3 billion – $125 million above the FY 2020 level – for agriculture research programs, including the Agricultural Research Service and the National Institute of Food and Agriculture. This funding will support research at all ARS facilities to help mitigate and stop devastating crop diseases, improve food safety and water quality, increase production, develop environmentally efficient agricultural practices, and combat antimicrobial resistance. This funding also includes important research investments in U.S. land-grant colleges and universities, including a significant increase for the 1890 institutions, and for the Agriculture and Food Research Initiative, the U.S. Department of Agriculture's premier competitive research program.

Policy Provisions

- Continues the '10-20-30' policy of dedicating rural development program resources to identified persistent poverty areas.
- Continues language allowing the Secretary to waive matching fund requirements for the Specialty Crop Research Initiative.
- Extends the hemp pilot program through January 1, 2022.
- Includes language directing the FDA to develop a plan to identify, detain, and refuse the import of FDA-regulated products from a foreign establishment that did not allow physical access to FDA investigators.
- Includes language preventing USDA from promulgating new user fees through regulations for certain marketing and regulatory programs, such as grain inspection, packers and stockyards licensing, animal welfare licensing, biotech product approval applications, and domestic hemp production program licenses.
- Continues House language related to the slaughter of horses for human food.
- Repurposes certain unobligated funds to ensure that USDA can provide disaster payments to farmers, ranchers and producers who were devastated by natural disasters in 2018 and 2019.
- Provides $635 million in emergency funds for the Agricultural Quarantine Inspection Program to ensure continued inspections of agricultural products in order to keep pests and diseases from entering the U.S.

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Division B – Commerce-Justice-Science

Overview:

The Commerce-Justice-Science bill funds the Departments of Commerce and Justice, the National Aeronautics and Space Administration (NASA), the National Science Foundation (NSF), and other related agencies.

The FY21 bill provides $71.12 billion in discretionary funding.

The bill provides funding increases to help ensure civil rights and reform police practices throughout the country. The bill also provides funding increases to help create jobs, support U.S. manufacturing, research and prepare for climate change, reduce gun violence, address the opioid crisis, and help keep schools safe. Furthermore, the bill provides funding increases for science research, science education, and legal services for underserved communities.

Bill Highlights:

U.S. Department of Commerce – $8.9 billion in net discretionary funding for the Department of Commerce, an increase of $596.7 million above the President's budget request.

- **International Trade Administration (ITA) –** $541 million, $19.75 million above the FY 2020 enacted level and $55.6 million above the President's budget request. The total includes no less than $340.75 million for ITA Global Markets, $60.4 million above the request and $7.8 million above FY 2020, to help create jobs here at home by increasing U.S. exports.

- **Bureau of Industry and Security (BIS) –** $133 million, an increase of $5.3 million above FY 2020.

- **Economic Development Administration (EDA) –** $346 million, an increase of $13 million above FY2020. This includes $119.5 million for EDA's Public Works program, which supports brick-and-mortar projects in distressed communities across the nation, and $38 million for the Regional Innovation Program, an increase of $5 million, to help create jobs by establishing and expanding region-focused innovative technology business endeavors. Additionally, $2 million is provided for STEM Apprenticeships to help align the skills of workers and the needs of employers. The President had proposed completely eliminating EDA.

- **Minority Business Development Agency (MBDA) –** $48 million, an increase of $6 million above FY 2020, is provided for MBDA to support minority businesses around the country. The President proposed reducing support for minority businesses through MBDA by $31.7 million.

- **U.S. Patent and Trademark Office (PTO) –** $3.7 billion, equal to the President's budget request and $244.6 million above FY 2020.

- **Manufacturing Extension Partnership (MEP) Program –** $150 million, $4 million above FY 2020. The President had proposed completely eliminating this program.

- **NOAA Climate Research –** $182 million, an increase of $12.5 million above FY 2020 and $98 million above the President's budget request, including an increase of $2.5 million to provide regional climate data and services to State and local partners.

- **NOAA's National Ocean Service (NOS) –** $620 million for NOS operations, an increase of $21 million above FY 2020, including a $3.5 million increase for the Coral Reef Program; an increase of

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$5.5 million for research to combat harmful algal blooms; and $2 million to increase research to predict and understand the impacts of sea level rise on the Nation's coasts.

- **National Weather Service –** $1.1 billion for operating expenses, an increase of $35 million above FY 2020. In addition, this Act fully funds efforts to procure future weather satellites, which are essential for accurate weather forecasting.

U.S. Department of Justice (DOJ) – $33.8 billion overall for the Department of Justice, which is $1.18 billion above the FY2020 enacted level and $874.4 million above the President's budget request.

- **Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016 –** $13.5 million is provided, as authorized under the Act, including: $5 million within the Civil Rights Division; $5 million within the Federal Bureau of Investigation; $1.5 million within the Community Relations Service; and $2 million within State and Local Law Enforcement Assistance.

- **Federal Bureau of Investigation –** $10.31 billion, an increase of $361.9 million above the FY 2020 enacted level and $514.1 million above the President's budget request.

- **Executive Office for Immigration Review --** $734 million, an increase of $61 million above FY 2020, including $22.5 million for the Legal Orientation Program, an increase of $4.5 million above FY 2020.

- **Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) –** $1.48 billion, an increase of $83.9 million above the FY 2020 enacted level.

- **Federal Bureau of Prisons (BOP) –** $7.84 billion, an increase of $57.4 million above the FY 2020 enacted level and $124.8 million above the President's budget request.

- **First Step Act –** The agreement fully funds the requested $409,483,000 for programs and activities authorized by the First Step Act of 2018, including medication-assisted treatment.

- **Task Force on Law Enforcement Oversight –** The agreement directs the Attorney General to establish a Task Force on Law Enforcement Oversight, with up to $5 million to be provided across DOJ accounts. The Task Force is to be comprised of representatives from multiple Justice Department components, in consultation with law enforcement, labor, and community-based organizations to coordinate the detection and referral of complaints regarding incidents of alleged law enforcement misconduct.

- The agreement includes $5,000,000 for the **development and deployment of databases to track excessive use of force and officer misconduct**, to be developed in consultation with State and local law enforcement agencies, community organizations, and advocacy groups, including those that advocate for the preservation of civil liberties and civil rights.

- **Grants to State and Local Law Enforcement –** $3.385 billion is provided, an increase of $107 million above FY 2020. This includes: $484 million for Byrne JAG; $386 million for the Community Oriented Policing Services (COPS) Program; $189 million to address sexual assault kit and other DNA evidence backlogs; $100 million for Second Chance Act programs; $526.5 million for grant programs to address the opioid crisis; $132 million for the STOP School Violence Act; $513.5 million for Violence Against Women Act (VAWA) programs; and $85 million for grants to improve the NICS firearms background check system.

National Aeronautics and Space Administration (NASA) – $23.27 billion is provided, an increase of $642.3 million above the FY 2020 enacted level, including:

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- $2 billion for **Earth Science**, an increase of $28.2 million above the FY2020 enacted level and $231.9 million above the President's budget request, to enable better scientific information about the Earth and its changing climate, and rejecting cuts proposed by the Administration aimed at eliminating climate science missions.

- $828.7 million for **Aeronautics research**, an increase of $44.8 million above FY 2020 and $9.7 million above the President's budget request, to continue efforts to improve passenger safety, fuel efficiency, and noise reduction, and to make air travel more environmentally sustainable.

- $127 million for **NASA's STEM Engagement educational efforts**, an increase of $7 million above FY 2020, to enable NASA to inspire young people to pursue future careers in science and engineering. This amount includes funding increases for the Space Grant program, Minority University Research and Education Project, and Established Program to Stimulate Competitive Research (EPSCOR). The President had proposed eliminating all funding for STEM Engagement.

National Science Foundation (NSF) – $8.5 billion, an increase of $208.4 million above the FY 2020 enacted level and $745.4 million above the President's budget request.

- **NSF Research and Related Activities –** $6.9 billion is provided, an increase of $172.6 million above FY 2020 and $696.7 million above the President's budget request.

- **Education and Human Resources** -- $968 million is provided, an increase of $28 million above FY 2020 and $37 million above the President's budget request.

Legal Services Corporation – $465 million, $25 million above the FY 2020 enacted level. The President had proposed eliminating this program, which helps provide legal assistance to underserved communities.

Equal Employment Opportunity Commission – $404.5 million, $15 million above the FY 2020 enacted level and $42 million above the President's budget request.

International Trade Commission (ITC) – $103 million, $3.6 million above the FY 2020 enacted level and $3.4 million above the President's budget request.

Division C – Defense

Overview:

For fiscal year 2021, the bill provides $696 billion in new, non-emergency discretionary spending authority for the Department of Defense for functions under the Defense Subcommittee's jurisdiction, an increase of $2.6 billion above the fiscal year 2020 enacted level, and $2.1 billion below the President's Budget. That includes $627.3 billion in base funding, an increase of $4.6 billion above the fiscal year 2020 enacted level and $2.1 billion below the President's Budget, and $68.7 billion for OCO/GWOT funding in title IX, a decrease of $2 billion from the fiscal year 2020 enacted level and equal to the President's Budget.

The FY 2021 Defense Appropriations bill continues to provide additional funding above the President's Budget for programs directly impacting the quality of life for servicemembers, their families, and military communities:

- $2.296 billion funded above the request for an additional Virginia Class Submarine.
- $116 million funded above the request for upgrades to child care facilities.
- $284 million funded above the request to address public school infrastructure requirements on DoD installations.
- $57.5 million funded above the request for sexual assault prevention and response programs.

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- $1.5 billion of total funding for environmental restoration programs, $430 million funded above the request.
- $15 million above the request for a CDC Water Containment Study and Assessment.
- $50 million of new funding for noise mitigation measures.
- $60 million above the request for the Defense Community Infrastructure program.
- $25 million above the request for Defense Manufacturing Communities.
- $50 million funded above the request for Impact Aid to communities and $20 million funded above the request for Impact Aid for those with disabilities.
- $577.5 million funded above the request for cancer research.
- Fully funds the 3.0 percent military pay raise.

Bill Summary:

Military Personnel

Total:	$162.4 billion
Base:	$157.8 billion
OCO/GWOT (title IX):	$4.6 billion

- Funds active duty end strength of 1,348,600, an increase of 9,100 above current year and a decrease of -2,900 below the request. Funds reserve component end strength of 802,000, an increase of 1,200 above current year and equal to the request.
  - Army totals: 485,900 active duty, an increase of 5,900 above current year and equal to the request; 189,800 reserve, an increase of 300 above current year and equal to the request; and 336,500 Guard, an increase of 500 above current year and equal to the request.
  - Navy totals: 347,800 active duty, an increase of 7,300 above current year and equal to the request; and 58,800 reserve, a decrease of 200 below current year and equal to the request.
  - Marine Corps totals: 181,200 active duty, a decrease of 5,000 below current year and a decrease of 2,900 below the request; and 38,500 reserve, equal to current year and the request.
  - Air Force totals: 333,700 active duty, an increase of 900 above current year and equal to the request; 70,100 reserve, an increase of 100 above current year and equal to the request; and 108,100 Guard, an increase of 400 above current year and equal to the request.

- Provides full funding necessary to support the proposed 3.0 percent military pay raise.
- Increases funding by $57.5 million above the President's request for the Department and Services' Sexual Assault Prevention and Response programs, for a total of $335.5 million. This includes $46 million for the Special Victims' Counsel, an increase of $7.5 million above the request for the Department's Sexual Assault Prevention and Response Office, and $4 million for the Sexual Trauma Pilot Program.

Operation and Maintenance

Total:	$251 billion
Base:	$192.2 billion
OCO/GWOT (title IX):	$58.8 billion

- Provides $9.5 billion to fund SOCOM's operation and maintenance requirements.
- Provides $1.5 billion for Environmental Restoration activities, $430 million above the request, and $87.8 million above the 2020 enacted level.
- Provides $15 million to continue the nation-wide CDC study and assessment of the health impacts of PFOS/PFOA contamination in drinking water.

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- Provides $284 million above the request to address public school infrastructure requirements on DoD installations.
- Provides an additional $116 million for upgrades to childcare facilities.
- Provides increases for National Guard Youth Challenge ($75 million) and Starbase ($41 million).
- Provides $60 million for the Defense Community Infrastructure Program, a $10 million increase over the 2020 level and $25 million for the Defense Manufacturing Communities.
- Provides $50 million for Impact Aid and $20 million for Impact Aid for those with disabilities.
- Provides $6.75 million for gender advisor programs.
- Provides $48 million for the Procurement Technical Assistance Program.
- Provides $50 million for noise mitigation tools for communities
- Provides $10 million for the Maternity Uniform Pilot Program

Procurement

Total:	$142.9 billion
Base:	$136.5 billion
OCO/GWOT (title IX):	$6.4 billion

Aircraft

- Funds the request of 24 F/A-18E/F Super Hornet aircraft ($1.7 billion).
- Funds 96 F-35 aircraft, 17 more than the request, including 60 F-35As, 10 F-35Bs, and 26 F-35Cs ($9.6 billion).
- Funds 12 F-15EX aircraft to recapitalize the F-15C/D fleet ($1.2 billion).
- Provides $189 million above the request for the first five CH-47F Block II Chinook aircraft and long-lead funding for the second five CH-47F Block II Chinook aircraft to ensure that the Army stays on schedule with the program of record.
- Provides $141 million above the request to fund a total of 42 UH/HH-60M Blackhawk helicopters ($862 million).
- Funds the requested 52 AH-64 Apache helicopters ($854 million).
- Provides $110 million above the request to fund 12 MQ-1 Gray Eagle unmanned aircraft systems.
- Funds the request of 15 KC-46 tankers ($2.7 billion).
- Funds 16 MQ-9 Reaper air vehicles, 16 more than the request ($344 million).
- Funds 15 V-22 aircraft, six more than the request ($1.4 billion).
- Funds nine P-8A Poseidon aircraft for the Navy Reserve, nine more than the request ($1.6 billion).
- Funds 17 C/MC/KC-130J aircraft, eight more than the request, including an additional two C-130Js only for the Air Force Reserve and an additional six C-130Js only for the Air National Guard ($1.5 billion).
- Funds five E-2D Advanced Hawkeye aircraft, one more than the request ($786 million).
- Funds nine CH-53K helicopters, two more than the request ($1.1 billion)
- Funds the request of five VH-92 executive helicopters ($578 million).
- Funds 19 HH-60W combat rescue helicopters ($1.1 billion).

Shipbuilding

- Provides $23.3 billion to procure 10 Navy ships.
- Funds are provided for two DDG-51 guided missile destroyers; two SSN-774 attack submarines; one Columbia class submarine; one Frigate; two towing, salvage, and rescue ships; one Expeditionary Fast Transport; and one LPD.
- Provides $500 million in incremental funding for LHA 9.
- Funds advance procurement for one Expeditionary Sea Base ($73 million).

Vehicles/Force Protection

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- Provides $375 million above the request to upgrade a total of 271 Stryker combat vehicles ($1.16 billion).
- Funds the request to upgrade 89 Abrams tanks to the M1A2 SEPv3 tank variant ($968 million).
- Provides an additional $100 million for Army National Guard HMMWV modernization.
- Fully funds the Army's request for 1,920 Joint Light Tactical Vehicles (JLTVs) and 1,334 JLTV companion trailers ($884 million).

Other

- Provides $996 million for three National Security Space Launch services.
- $598 million to procure two GPS IIIF spacecraft.
- Provides $200 million to fully support Israeli Cooperative procurement programs (Iron Dome, David's Sling, and Arrow).
- Provides $84 million above the request for safety and environmental upgrades of Army industrial facilities and $62 million above the request for Army organic industrial base investments.
- Includes $950 million for the National Guard and Reserve Equipment Account (NGREA).

Research, Development, Test and Evaluation

Total:	$107.4 billion
Base:	$107.1 billion
OCO/GWOT (title IX):	$0.3 billion

- Invests in basic and applied scientific research, development, test and evaluation of new technologies and equipment, and supports the research community so forces will have the systems and equipment for tomorrow's challenges.

Aircraft

- Fully funds the continued development of the Air Force's B-21 bomber program ($3 billion).
- Fully funds development of the VC-25B Presidential Aircraft Replacement ($758 million).
- Provides $90.5 million above the request for the development of the Army's Future Long Range Assault Aircraft ($225 million).

Shipbuilding

- Funds the continued development of the new design submarine ($243 million).

Vehicles and Ground Forces

- Provides $60 million above the request to fund the Army's Long Range Hypersonic Weapon ($861 million).
- Provides $88.1 million above the request for systems integration and testing in support of the Army's mid-range missile capability.
- Provides $161 million to support the Army's enduring indirect fire protection capability program.

Defense Advanced Research Project Agency (DARPA)

- Funds DARPA at $3.5 billion.

Other

- Provides $300 million for the Israeli cooperative research and development programs, including David's Sling and Arrow-3.
- Provides $285 million for the Global Positioning System IIIF program.
- Provides $481 million for the Global Positioning System III Operational Control Segment.
- Provides $551 million for National Security Space Launch to develop new U.S. space launch vehicles.
- Provides $2.32 billion for Next Generation Overhead Persistent Infrared.

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- Provides $214 million for future weather satellites.
- Provides $173 million for space situational awareness.
- Provides $8.5 million above the request to support the Army's Humanitarian Demining research and development program ($17 million).
- Provides $20 million above the request for the Special Operations Command Armed Overwatch Program.

Revolving and Management Funds

Total:	$1.493 billion
Base requirements:	$1.473 billion
OCO (title IX)	$0.20 billion

- Fully funds the Defense Commissary Agency to ensure servicemembers and their families receive continued savings for food and household goods as part of the military pay and benefits package.

Other Department of Defense Programs

Total:	$36.4 billion
Base Requirements:	$36 billion
OCO/GWOT (title IX)	$0.4 billion

Defense Health Program

- $33.68 billion plus $365.1 million for OCO/GWOT Requirements.
- Adds $542.5 million for cancer research. The total amount is distributed as follows:
  - $150 million for the breast cancer research program;
  - $15 million for the pancreatic cancer research program;
  - $110 million for the prostate cancer research program;
  - $35 million for the ovarian cancer research program;
  - $50 million for the kidney cancer research program;
  - $20 million for the lung cancer research program;
  - $30 million for the melanoma research program;
  - $17.5 million for the rare cancer research program; and
  - $115 million for the cancer research program.
- Adds $175 million for the peer-reviewed psychological health and traumatic brain injury research program.
- Adds $40 million for spinal cord research.
- Adds $40 million for the joint warfighter medical research program.

Chemical Agents and Munitions Destruction

- $1.05 billion, including $160.3 million above the President's Budget to address a shortfall for the Assembled Chemical Weapons Alternatives Program.

Overseas Humanitarian, Disaster, and Civic Aid

- $147.5 million, including levels above the President's Budget for foreign disaster relief, humanitarian assistance, and the humanitarian mine action program.

Drug Interdiction and Counter-Drug Activities

- $914 million, including $100 million above the President's Budget for the National Guard Counter-Drug Program.

Office of the Inspector General

- $375.4 million, an increase of $4 million above the President's Budget for oversight of funding provided in CARES.

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Afghanistan

- $3.05 billion for the Afghanistan Security Forces Fund. Funds may only be obligated if the Secretary of Defense certifies to Congress that the Afghan forces are controlled by a civilian, representative government that is committed to protecting human rights and women's rights and preventing terrorists from using the territory of Afghanistan to threaten the United States and our allies.
- Not less than $20 million for the recruitment and retention of women in the Afghanistan National Security Forces—twice the amount specified last year.
- Directs an assessment and report on Russia's malign activities in Afghanistan, including activities directed against U.S. and coalition troops, and measures taken by the Administration in response.
- No funds for the Taliban except support for reconciliation activities that also include the Afghan government, do not restrict the participation of women, and are authorized by law.

Counter-ISIS

- $710 million for the Counter-ISIS Train and Equip Fund, including support for the Iraqi Security Forces, Kurdish Peshmerga, and the Syrian Democratic Forces fighting ISIS.
- No funds may be used with respect to Iraq or Syria in contravention of the War Powers Resolution.
- No funds to exercise United States control over any oil resource of Iraq or Syria.

Security Cooperation Programs

- $275 million for the Ukraine Security Assistance Initiative, $25 million above the request. Continues notification requirements and requires the Secretary of Defense to inform Congress if funds have not been obligated within 60 days after notification.
- $1.19 billion for International Security Cooperation Programs.
  - $160 million for programs with countries in the Africa Command area of responsibility, $56 million above the budget request.
  - $120 million for programs with countries in the Southern Command area of responsibility, $46 million above the budget request.
  - $169 million for the Baltic Security Initiative, $25 million above the budget request.
  - $3 million for women's programs, which is in addition to $3.75 million included in the bill for the training of U.S. personnel related to these programs.
- Up to $500 million for Jordan, including not less than less than $150 million for reimbursements for enhanced border security.

Other General Provisions

- Includes various Buy America provisions.
- Includes $3.2 billion in prior year rescissions plus $1.9 billion in rescissions from prior year OCO/GWOT funding.
- Includes $284 million for public schools on military installations.
- Provides that nothing in this Act may be construed as authorizing the use of force against Iran.
- No funds in contravention of the War Powers Resolution.
- Requires the Secretary of Defense to notify Congress of any foreign contributions relating to the stationing or operations of the United States Armed Forces.
- Continues provisions prohibiting the transfer of Guantanamo detainees to the U.S. and limiting the transfer of detainees to other countries except under certain conditions (including assessment of that the detainee is no longer a threat to U.S. security).

Division D – Energy & Water Development

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Overview:

The Energy and Water Development and Related Agencies bill funds the U.S. Army Corps of Engineers, Department of the Interior programs, the Department of Energy, and other related agencies.

The FY 2021 bill provides $49.5 billion in discretionary funding, $6.9 billion above the President's budget request and $1.1 billion above the fiscal year 2020 enacted level. That amount includes $27.5 billion for defense-related activities, $1.5 billion above the request and $3.3 billion above the fiscal year 2020 enacted level. The amount also includes $21.9 billion for non-defense activities, $5.3 billion above the request and $2.1 billion below the fiscal year 2020 enacted level.

Bill Summary:

Army Corps of Engineers – Provides $7.8 billion, an increase of $145 million above the fiscal year 2020 level and $1.8 billion above the budget request.

- **Funding for Investigations** is $153 million, an increase of $2 million above the fiscal year 2020 level and $50.4 million above the request.

- **Funding for Construction** is $2.69 billion, an increase of $11.6 million above the fiscal year 2020 level and $519.4 million above the request.

- **Funding for Operation and Maintenance** is $3.85 billion, an increase of $59.7 million above the fiscal year 2020 level and $1.8 billion above the request.

- **Harbor Maintenance Trust Fund** projects receive $1.68 billion, an increase of $50 million above the fiscal year 2020 level and an increase of $665 million above the request. This meets the target set by the Water Resources Reform and Development Act of 2014 and represents 92 percent of estimated revenues compared to the fiscal year 2021 target of 83 percent.

- The bill makes full use of the estimated revenues, which includes a total appropriation of $113 million for the **Inland Waterways Trust Fund**.

- Provides **nine new study starts and seven new construction starts**.

- Funds the Water Infrastructure Finance and Innovation Program for the first time for the Corps at $14.2 million, to guarantee almost $1 billion in loans.

Department of Interior/Bureau of Reclamation – Provides $1.69 billion, an increase of $11 million above the fiscal year 2020 level and $553 million above the budget request.

- Provides $21 million for the **Central Utah Project**, $1 million above the fiscal year 2020 level and $11 million above the request.

- Provides $1.67 billion for the **Bureau of Reclamation**, an increase of $10 million above the fiscal year 2020 level and $542 million above the request. Within Reclamation:

    - Provides $559 million in additional funding for water resources projects, including those authorized in the Water Infrastructure Improvements for the Nation (WIIN) Act.

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- Within additional funding, $114.7 million is provided for rural water projects above the budget request.

Department of Energy – Provides $39.6 billion for the Department, an increase of $1 billion above the fiscal year 2020 level and $4.5 billion above the budget request.

- **Energy Efficiency and Renewable Energy –** Provides $2.86 billion, an increase of $72 million above the fiscal year 2020 level and $2.1 billion above the request. This funding provides for clean, affordable, and secure energy and ensures American leadership in the transition to a global clean energy economy.

- **Cybersecurity, Energy Security, and Emergency Response –** Provides $156 million, equal to the fiscal year 2020 level. This funding provides for efforts to secure the nation's energy infrastructure against all hazards, reduce the risks of and impacts from cybersecurity events, and assist with restoration activities.

- **Electricity –** Provides $211.7 million, an increase of $21.7 million above the fiscal year 2020 level and $16.7 million above the request. This funding will advance technologies to increase the resiliency and efficiency of the nation's electricity delivery system with capabilities to incorporate growing amounts of clean energy technologies.

- **Nuclear Energy –** Provides $1.5 billion, an increase of $14.2 million above the fiscal year 2020 level and $328 million above the request. This funding invests in activities to further improve the safety and economic viability of our current reactor fleet, develop the next generation of clean and safe reactors, and supports the advanced reactors demonstration program.

- **Fossil Energy Research and Development –** Provides $750 million, equal to the fiscal year 2020 level and $19.4 million above the request. This funding provides for research, development, and demonstration activities to ensure the safe, efficient, and environmentally sound use of fossil energy resources.

- **Science –** Provides $7.026 billion, an increase of $26 million above the fiscal year 2020 level and $1.2 billion above the request. The Office of Science funds basic science research in physics, biology, chemistry, and other science disciplines to expand scientific understanding and secure the nation's global leadership in energy innovation.

- **Advanced Research Projects Agency – Energy –** Provides $427 million, an increase of $2 million above the fiscal year 2020 level and rejects the budget proposal to eliminate this program. This funding supports research aimed at rapidly developing energy technologies that are capable of significantly changing the energy sector to address our critical economic, environmental, and energy security challenges.

- **National Nuclear Security Administration –** Provides $19.7 billion, an increase of $3 billion above the fiscal year 2020 level. This funding will maintain a safe, secure, and credible nuclear deterrent while addressing the threat of nuclear proliferation and terrorism. This includes:

    - **Weapons Activities -** $15.35 billion, an increase of $2.9 billion above the fiscal year 2020 level to maintain a credible nuclear deterrent and critical scientific and R&D capabilities.

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- **Defense Nuclear Nonproliferation -** $2.26 billion, an increase of $95.6 million above the fiscal year 2020 level and $229 million above the request. This funding secures nuclear material at home and abroad.

- **Naval Reactors -** $1.68 billion, an increase of $35.6 million above the fiscal year 2020 level and equal to the request, to continue safe and reliable operation of the Navy's nuclear-powered fleet.

- **Environmental Cleanup –** Provides $7.59 billion, an increase of $131 million above the fiscal year 2020 level and $1.52 billion above the budget request. This funding is used for nuclear waste cleanup at 16 sites across the country and includes:

  - **Non-Defense Environmental Cleanup -** $319.2 million, equal to the fiscal year 2020 level and $43 million above the request.

  - **Uranium Enrichment Decontamination and Decommissioning -** $841 million, $35 million above the request.

  - **Defense Environmental Cleanup -** $6.426 billion, an increase of $171 million above the fiscal year 2020 level and $1.4 billion above the request.

- **Power Marketing Administrations** – Provides the net budget request levels for the Southeastern Power Administration, Southwestern Power Administration, and Western Area Power Administration. The agreement rejects the President's proposal to sell the transmission assets of the PMAs, change the laws governing how the PMAs establish power rates, and repeal the borrowing authority for the Western Area Power Administration.

Nuclear Regulatory Commission – Provides a net appropriation of $123 million. This funds regulatory activities to ensure the safe use of nuclear reactors and radioactive materials while protecting people and the environment.

Appalachian Regional Commission – Provides $180 million, which is $5 million above the fiscal year 2020 level and $15 million above the budget request. The Commission funds projects in the Appalachian Region to promote economic development, education and job training, critical infrastructure, and community development.

Northern Border Regional Commission – Provides $30 million, which is $5 million above the fiscal year 2020 level and $29.1 million above the budget request. This funding targets the economic development needs of distressed portions of Maine, New Hampshire, Vermont, and New York.

Policy Provisions:

- A provision to prevent the reorganization of the Army Corps of Engineers, or to transfer Corps functions to other agencies.
- A provision to allow a transfer of funds from the Western Area Power Administration to the Bureau of Reclamation for environmental stewardship and endangered species recovery purposes.

Division E – Financial Services & General Government

Overview:

The Financial Services and General Government bill provides annual funding for the Department of the

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Treasury, the Judiciary, the Executive Office of the President, and other independent agencies, including the Small Business Administration.

The FY 2021 Financial Services and General Government bill includes funding for a broad range of functions and services in both the Executive and Judicial branches that are essential to the operation of the Federal Government. In addition, the bill supports programs that assist and protect the public, such as shielding consumers from defective and dangerous products, assisting small businesses, and investing in distressed communities.

The bill provides $24.42 billion in discretionary funding, an increase of $281 million over the comparable FY 2020 enacted level.

Bill Summary:

Department of the Treasury – $13.49 billion, $429.9 million above the FY 2020 enacted level.

- **Committee on Foreign Investment in the United States (CFIUS) Fund –** Provides $20 million to support CFIUS program responsibilities and enforcement efforts.

- **Terrorism and Financial Intelligence (TFI) and Financial Crimes Enforcement Network (FinCEN) –** Provides $175 million for TFI, an increase of $5.3 million above FY 2020, including $3 million for enhanced enforcement of human rights and corruption violations, and $127 million for FinCEN, $1 million above FY 2020.

- **Savings Bond Digitization –** Provides $25 million to digitize savings bonds records dating back to World War II, to enable Americans to redeem more than $24 billion in matured savings bonds left unclaimed in the U.S. Treasury.

- **Treasury Inspectors General –** Provides $41 million for the Treasury Inspector General, and $170 million for the Treasury Inspector General for Tax Administration, both equal to FY 2020.

- **Community Development Financial Institutions Fund (CDFI) –** Includes $270 million, an increase of $8 million above FY 2020 and $256 million more than the President's budget request. All core CDFI programs received an increase over FY 2020.

- **Internal Revenue Service (IRS) –** Includes $11.92 billion, an increase of $409 million above FY 2020, with increases to all four IRS accounts.

    - **Taxpayer Services:** $2.56 billion, an increase of $44 million above the FY 2020 level, to provide timely customer service to taxpayers. Grant programs funded within the total include:

        - Volunteer Income Tax Assistance – $30 million, an increase of $2 million;
        - Tax Counseling of the Elderly – $11 million, equal to FY 2020;
        - Low Income Taxpayer Clinic Grants – $13 million, an increase of $1 million; and
        - National Taxpayer Advocate – $211 million, an increase of $1 million.

    - **Enforcement:** $5.2 billion, an increase of $203 million, to increase IRS collection efforts and further close the tax gap.

    - **Operations Support:** $3.9 billion, an increase of $120 million, to provide for critical systems to maintain IRS operations.

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- **Business Systems Modernization:** $222.7 million, an increase of $43 million, to assist in the modernization of IRS's legacy IT systems.

Executive Office of the President – $758.8 million, $31.8 million above the FY 2020 enacted level and $405.4 million above the President's budget request.

- **Office of Management and Budget (OMB) –** Includes $106.6 million, $5 million above the FY 2020 level and $9.1 million below the President's budget request.

- **Intellectual Property Enforcement Coordinator (IPEC) –** Provides $1.8 million for IPEC, $500,000 above the FY 2020 level and $800,000 above the President's budget request.

- **Office of National Drug Control Policy (ONDCP) –** Rejects Administration's proposed transfer or elimination of ONDCP grant programs and includes:

  - $290 million for the High Intensity Drug Trafficking Areas Program, an increase of $5 million above FY 2020; and

  - $102 million for the Drug-Free Communities Program, an increase of $750,000 above FY 2020.

The Judiciary – $7.72 billion in discretionary funding, $233.3 million above the FY 2020 enacted level.

- **Defender Services –** $1.32 billion, an increase of $81.7 million above the FY 2020 level and equal to the budget request.

- **Court Security –** $664 million, an increase of $24.8 million above the FY 2020 level and equal to the budget request.

District of Columbia – $734.5 million, $20.2 million above the FY 2020 level.

- **D.C. Resident Tuition Support –** Rejects the President's proposal to terminate the program and includes $40 million, equal to the FY 2020 level.

- **HIV/AIDS Testing and Treatment –** $4 million, equal to FY 2020 and an increase of $1 million above the President's budget request.

- **D.C. Emergency Planning and Security Costs –** $38.4 million, an increase of $20.4 million above the FY 2020 level. An additional $13 million was provided in the continuing resolution.

- **D.C. Water and Sewer Authority –** Includes $8 million, equal to FY 2020 and $8 million above the President's budget request.

Independent Agencies – $1.79 billion to support a variety of agencies including the General Services Administration, Office of Personnel Management, and Small Business Administration. In addition, the bill includes $142.9 million in a disaster cap adjustment for SBA Disaster Loans.

- **Consumer Product and Safety Commission –** $135 million, an increase of $2.5 million above FY 2020. Within the total, $1.3 million is included for Virginia Graeme Baker Pool Safety Grants.

- **Election Assistance Commission (EAC) –** $17 million for EAC operating expenses, an increase of $1.8 million above FY 2020, to increase staffing and other resources to enable the EAC to support State efforts

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to ensure the continued security and accessibility of Federal elections.

- **Federal Communications Commission (FCC) –** $374 million for FCC salaries and expenses, an increase of $35 million over FY 2020. Of this increase, $33 million is provided for the FCC to improve its broadband maps as required by the Broadband DATA Act.

- **Federal Trade Commission (FTC) –** $351 million for FTC salaries and expenses, an increase of $20 million over FY 2020, to bolster the agency's competition, privacy, and consumer protection work.

- **General Services Administration**

    - **Construction and Acquisition –** $230 million, an increase of $77.6 million over FY 2020, for the construction of U.S. courthouses in Hartford, CT and Chattanooga, TN.

    - **Repairs and Alterations –** $576.6 million, including $203.9 million for Major Repairs and Alterations and $372.7 million for Basic Repairs.

    - **Presidential Transition Expenses –** $9.9 million for the Presidential Transition in 2020-2021.

- **National Archives and Records Administration (NARA) –** $377 million for NARA operating expenses, an $18 million increase over FY 2020.

    - Includes $2 million for implementation of the Civil Rights Cold Case Record Collections Act of 2018 and $18 million for NARA's transition responsibilities under the Presidential Records Act of 1978.

    - In addition, includes $6.5 million for the National Historical Publications & Records Commission Grants Program.

- **Office of Personnel Management (OPM) –** $362 million, an increase of $32 million above the FY 2020 level. The additional funds are needed to compensate for the lost revenue due to the FY 2020 transfer of the background investigation bureau to the Pentagon and increased IT modernization efforts. Rejects the Administration's request to merge OPM into GSA and OMB.

- **Securities and Exchange Commission (SEC) –** $1.93 billion for SEC salaries and expenses, an increase of $100.6 million above the FY 2020 level and the same as the President's budget request.

- **Small Business Administration (SBA) –** $778.9 million for SBA, an increase of $39.9 million above the President's budget request. In addition, the bill provides $142.9 million in disaster cap adjustment funds for SBA Disaster Loans.

    - Includes $272 million for **Entrepreneurial Development Programs**, an increase of $11 million above the FY 2020 level and $104.4 million above the budget request, including:

        - $136 million for Small Business Development Centers;
        - $23 million for Women's Business Centers;
        - $35 million for Microloan Technical Assistance; and
        - $19.5 million for the State Trade Expansion Program (STEP).

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Policy Provisions –

- The bill preserves 6-day postal delivery, continues to prevent the consolidation or closure of small rural and other small post offices, and requires the Postal Service to continue to sell the popular "Tiger Stamp."
- The bill preserves a 1 percent pay raise for Federal civilian employees for calendar year 2021.
- The bill continues language prioritizing CDFI awards to persistent poverty counties.
- The bill continues a provision requiring OMB to notify all Federal agencies of their obligations to comply with government-wide provisions in Title VII of the FSGG bill.
- The bill provides $50,000,000 in emergency funding for NARA's Records Center Revolving Fund to offset losses resulting from the coronavirus pandemic and to accelerate the processing of requests for military service records.

Division F – Homeland Security

Overview:

The bill provides $69.02 billion in discretionary resources, including $49.33 billion for non-defense programs; $2.55 billion for defense-related programs; and $17.1 billion for major disaster response and recovery activities. When excluding offsetting collections and major disaster funding, the total provided in the bill is $51.88 billion, which is $195.5 million below the budget request and $1.41 billion above the FY2020 enacted level.

Bill Summary

Office of the Secretary – The bill provides $205.8 million for the Office of the Secretary and Executive Management, an increase of $27 million above the FY2020 enacted level and an increase of $55.5 million above the President's budget request, including:

- $20 million for the Office of Immigration Detention Ombudsman to investigate and resolve complaints regarding misconduct by DHS personnel and violations of the rights of individuals in DHS custody, including through unannounced inspections of detention facilities; and

- $25 million to be transferred to FEMA, including:
  - $20 million for Targeted Violence and Terrorism Prevention grants; and
  - $5 million for an Alternatives to Detention case management grant pilot program.

Management Directorate – The bill provides $3.20 billion for the Management Directorate, an increase of $78.3 million above the FY2020 enacted level and $148.7 million below the President's budget request.

Office of Inspector General – The bill provides $190.2 million for the Office of Inspector General, an increase of $12.4 million above the budget request for increased oversight of detention and immigration enforcement activities.

U.S. Customs and Border Protection (CBP) – The bill provides $15.28 billion for CBP, $370.7million above the FY2020 enacted level and $520.2 million below the President's budget request, including:

- $261 million above the request to support base line operations.
- $34 million for new body worn cameras and video recording equipment for Border Patrol Stations.
- $10 million of Port of Entry Technology.
- $45 million for innovative technology.
- $119 million for new aircraft and aircraft sensors.
- $118 million for border technology.
- $142 million for CBP facilities.

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Provides no funding for an increased number of border patrol agents.

Provides an additional $840 million in emergency appropriations for the ports of entry to help offset the loss of customs and immigration fee revenue associated with the pandemic.

U.S. Immigration and Customs Enforcement (ICE) – Provides $7.97 billion for ICE, $106.5 million below the FY2020 enacted level and $1.95 billion below the President's budget request, including:

- $2.14 billion for investigations with cross-border nexus, including those related to human trafficking, financial crimes and cyber investigations, including:
    - $5.5 million increase for the Human Exploitation Rescue Operative Child-Rescue Corps; and
- $4.12 billion for Enforcement and Removal Operations, $310.1 million below the FY2020 enacted level and $1.59 billion below the President's budget request, including:
    - $3.26 billion for Custody Operations and Transportation and Removal, $450 million below the FY2020 enacted level and $1.49 billion below the President's budget request; and
    - $440 million for Alternatives to Detention, $120.9 million above the FY2020 enacted level, including $25 million for case management services.

Rejects the proposed use of USCIS Immigration Examination Fee funding to support ICE investigations.

Provides ***no*** funding for additional immigration enforcement personnel.

Provides additional funding above FY2020 enacted levels to address the backlog of critical maintenance and repairs at existing, ICE-owned detention facilities.

Provides $3.16 million above the request to address ICE's Freedom of Information Act backlog.

Transportation Security Administration (TSA) – Provides $7.96 billion for TSA, $144.2 million above the FY2020 enacted level and $325.4 million above the President's budget request, including.

- Provides $100 million for computed tomography screening equipment and credential authentication and standoff detection technology.
- Fully funds the Visible Intermodal Prevention and Response teams (VIPR); staffing at exit lanes; and the Law Enforcement Officer reimbursement program.
- $30 million for reimbursements to airports for legacy purchases of in-line explosive detection systems.

Coast Guard – Provides $12.84 billion for the Coast Guard, $878.8 million above the FY2020 enacted level and $739.4 million above the President's budget request, including:

- $2.26 billion for significant new investments in the Coast Guard's air and marine fleet, and facilities, including:
    - Continued support for the Offshore Patrol Cutter program, Fast Response Cutters, MH-60 helicopters, C-130 J aircraft, and procurement of a second Polar Security Cutter.
    - $363 million, which is $216 million above the request for shore facilities and other infrastructure, including housing for Coast Guard families.
- $107 million above the request to invest further in Coast Guard operational readiness, personnel and their families, including additional investment in cybersecurity, communications, workforce readiness and childcare subsidy.

United States Secret Service (USSS) – Provides $2.44 billion for the USSS, $22.2 million above the FY2020 enacted level and $77.5 million above the President's budget request, including:

- $6 million for grants related to investigations of missing and exploited children; and
- $15.3 million for additional overtime and retention incentives

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- $10 million for radio modernization
- $11.3 million for IT support and infrastructure modernization
- $30.4 million for basic and advanced computer forensics training for state and local law enforcement officers, judges, and prosecutors in support of the Secret Service mission

Funds additional requirements to support Post-Presidential Protection and Transition activities.

Cybersecurity and Infrastructure Security Agency (CISA) – Provides $2.0 billion for CISA, $9.4 million above the FY2020 enacted level and $267.2 million above the President's budget request, including:

- $92.8 million to further advance CISA's Cyber Operations, including $43.9 million for threat hunting;
- $43.3 million for the Continuous Diagnostics and Mitigation program; and
- $21.2 million for the National Cybersecurity Protection System.

Fully funds the Chemical Facility Anti-Terrorism Standards (CFATS) program.

Federal Emergency Management Agency (FEMA) – Provides $21.67 billion for FEMA, $604.1 million below the FY2020 enacted level and $12.32 billion above the President's budget request, including:

- $17.14 billion for disaster response and recovery efforts; and
- $3.32 billion for Federal Assistance, including:
    - $610 million for the State Homeland Security Grant Program (SHSGP), including $90 million for the SHSGP Nonprofit Security Grants Program;
    - $705 million for the Urban Areas Security Initiative (UASI), including $90 million for the UASI Nonprofit Security Grant Program;
    - $720 million for firefighter grant programs;
    - $130 million for the Emergency Food and Shelter program;
    - $20 million transferred from the Office of the Secretary for Targeted Violence and Terrorism Prevention grants; and
    - $5 million transferred from the Office of the Secretary for an Alternatives to Detention case management grant pilot program.

Other

- $340.3 million for the Federal Law Enforcement Training Centers, $10.8 million below the FY2020 enacted level and $8.9 million above the President's budget request, including $4.7 million above the request to expand export training for law enforcement officers.
- $765.6 million for the Science and Technology Directorate, $28.3 million above the FY2020 enacted level and $121.8 million above the President's budget request.
- $402.3 million for the Countering Weapons of Mass Destruction Office, $30.2 million above the FY2020 enacted level and $25 million above the request.

Policy Provisions

- Prohibits the use of any federal funding to construct fencing in Bentsen-Rio State Park, the National Butterfly Center, the Santa Ana Wildlife Refuge, the Lower Rio Grande Wildlife Refuge between Brownsville, TX, and the Gulf of Mexico, and historic cemeteries.

- Requires CBP to provide an expenditure plan prior to the use of funds for border security construction and acquisition.

- Requires ICE to make information about the 287(g) program publicly available.

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- Requires ICE to sever contracts with detention facilities that fail two consecutive inspections and requires more frequent inspections by ICE's Office of Professional Responsibility.

- Requires ICE to publicly post inspection results and plans to address deficiencies, with the status of addressing such deficiencies to be validated by the new Office of Immigration Detention Ombudsman.

- Authorizes members of Congress to conduct unannounced inspections of detention facilities, as well as designated congressional staff who provide a 24-hour notice.

- Prohibits DHS from destroying records related to the death of, potential sexual assault against, or abuse of individuals in its custody.

- Ensures that information shared with ICE by the Department of Health and Human on potential sponsors of unaccompanied children cannot be used by ICE for detention or removal purposes unless the sponsor has a dangerous criminal background.

- Prohibits DHS from placing pregnant women in restraints except in extraordinary circumstances.

- Requires ICE to provide detailed reporting on its Alternatives to Detention program.

- Requires ICE to publish information on a publicly available website with the numbers and types of people in its custody, such as:
    - families and transgender detainees;
    - border apprehension detainees;
    - interior enforcement detainees; and
    - those who are in custody who have a positive credible fear claim.

Division G – Interior-Environment

Overview:

The Interior, Environment, and Related Agencies bill includes funding for programs within the Department of the Interior, the Environmental Protection Agency, and other related agencies, including the Indian Health Service.

In total, the FY 2021 bill includes $36.107 billion, an increase of $118 million over the 2020 enacted level and $4.5 billion over the President's 2021 request. There is also an additional $2.35 billion of funding provided under the fire suppression cap adjustment.

Increases in funding will help protect and preserve public lands, build resilience to climate change, strength the environmental workforce, and ensure access to safe drinking water.

In FY 2021, Land and Water Conservation Fund (LWCF) allocations will shift from discretionary to mandatory appropriations. For clarity, comparisons throughout are for non-LWCF programs.

Bill Summary:

Land and Water Conservation Fund (LWCF) - The bill provides for the allocation of the full $900 million now permanently available from the Land and Water Conservation Fund as a result of enactment of the Great American Outdoors Act. These allocations include $405 million for the federal program, $360 million for the state grants program, and $135 million for other non-federal grant programs.

Wildland Fire Management (WFM) - The bill provides $5.27 billion for WFM, which includes, $2.35 billion in cap adjusted fire suppression funding. Funding includes a shift of $387 million to Forest Service (non-fire)

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due to the budget restructure and the creation of the "Forest Service Operations" account. After adjusting for this shift, the bill provides a programmatic increase of $104 million for WFM.

Department of the Interior (DOI) – The bill provides a total of $13.7 billion in discretionary appropriations for DOI – $186 million above the 2020 enacted level and $1.7 billion above the President's budget request. Of this amount, the bill includes:

- $1.27 billion for the **Bureau of Land Management**, $28 million below the enacted level and $90 million above the President's budget request. Within this amount, the bill includes:
  - $74 million for **sage-grouse conservation.**
  - $31 million for **renewable energy** development
  - $116 million for the **wild horse and burro program**, $15 million above the fiscal year 2020 enacted level.
- $1.58 billion for the **U.S. Fish and Wildlife Service**, $22 million above the fiscal year 2020 enacted level and $205 million above the President's budget request. Within this amount, the bill includes:
  - $270 million for **Ecological Services**, $3.7 million above the fiscal year 2020 enacted level and $26 million above the President's budget request.
  - $504 million for **National Wildlife Refuge System**, $1.4 million above the fiscal year 2020 enacted level and $21 million below the President's budget request.
  - $72 million for **State and Tribal Wildlife Grants**, $4.8 million above the fiscal year 2020 enacted level and $41 million above the President's budget request.
- **$3.12 billion for National Park Service**, $44 million below the fiscal year 2020 enacted level and $332 million above the President's budget request. Within this amount, the bill includes:
  - $2.69 billion for **Operation of the National Park System**, $111 million above the fiscal year 2020 enacted level and $172 million above the President's budget request. Within this amount, $3.3 million is provided for the 400 Years of African-American History Commission and $8 million is provided for the Semiquincentennial Commission.
  - $74 million for **National Recreation and Preservation**, $3 million above the fiscal year 2020 enacted level and $40 million above the President's budget request.
  - $144 million for the **Historic Preservation Fund**, $26 million above the fiscal year 2020 enacted level and $104 million above the President's budget request. Within this amount, the bill includes $71 million for State and Tribal Historic Preservation Offices, $25 million for Save America's Treasures grants, $21 million for competitive grants to preserve the sites and stories of underrepresented community civil rights, and $10 million for grants to Historically Black Colleges and Universities.
- $1.3 billion for the **U.S. Geological Survey**, $44.6 million above the fiscal year 2020 enacted level and $344 million above the President's budget request.
- $3.5 billion for **Bureau of Indian Affairs**, **Bureau of Indian Education**, and the **Office of the Special Trustee,** $171 million above the fiscal year 2020 enacted level and $544 million above the President's budget request. This amount rejects the new budget structure for the Bureau of Trust Funds Administration in Indian Affairs but includes the Office of the Special Trustee in the total. Within the $3.5 billion, the bill includes:
  - $1.6 billion for operation of **Bureau of Indian Affairs Operation of Indian Programs**, $39 million above the fiscal year 2020 enacted level and $170 million above the President's budget request.
  - $129 million for **Bureau of Indian Affairs Construction**, equal to the fiscal year 2020 enacted level and $70 million above the President's budget request.
  - $11.8 million for the **Indian Guaranteed Loan Program**, equal to the fiscal year 2020 enacted level and $10.9 million above the President's budget request.
  - $973 million for **Bureau of Indian Education Operation of Indian Programs**, $30 million above the fiscal year 2020 enacted level for the same programs and $97 million above the President's budget request.

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    - $264 million to **Bureau of Indian Education Construction**, $16 million above the fiscal year 2020 enacted level for the same programs and $195 million above the President's budget request.
    - Fully funds **Contract Support Costs**.
    - Establishes indefinite appropriation account for and fully funds **Payments for Tribal Leases.**
    - $108 million for the **Office of the Special Trustee,** equal to the fiscal year 2020 enacted level and the President's budget request for a proposed Bureau of Trust Funds Administration.
- $115 million for **Office of Insular Affairs**, $4 million above the 2020 enacted level and $26 million above the President's budget request.
- $58 million for **Office of Inspector General**, $2.6 million above the enacted level and $790,000 below the President's budget.
- $86 million for the **Office of the Solicitor**, $20 million above the 2020 enacted level and equal to the President's budget. The increase is due to the relocation of bureau Ethics Offices.

Environmental Protection Agency (EPA) – The bill provides a total of $9.24 billion in for EPA – $180 million above the 2020 enacted level and $2.53 billion above the President's budget request. Of this amount, the bill includes:

- $3.49 billion for EPA's core **science and environmental program work**, an increase of $111 million above the 2020 enacted level and $724 million above the President's budget request. Within these amounts, the bill includes:
    - $542 million for **Geographic Programs** which help with restoration of nationally significant bodies of water like the Great Lakes, Chesapeake Bay, and Long Island Sound. This is an increase of $32 million above the 2020 enacted level and $211 million above the President's budget request.
    - $566 million for **environmental compliance monitoring and enforcement activities and grants**, a $14 million increase above the 2020 enacted level and $41 million above the President's request.
    - $53 million in funding at EPA and partner agencies for **scientific and regulatory work and cleanup assistance for per- and polyfluoroalkyl substances (PFAS)**, needed to establish a drinking water standard and cleanup standards. This level of funding is $10 million above the 2020 enacted level.
- $4.31 billion for **State and Tribal Assistance Grants,** a $68 million increase above the 2020 enacted level and $1.47 billion above the President's budget request. Within this amount, the bill includes:
    - $2.77 billion for **Clean Water and Drinking Water State Revolving Funds**, equal to the 2020 enacted level.
    - $40 million for **Combined Sewer Overflow grants**, a $12 million increase above the enacted level.
    - $91 million for **Brownfields cleanups**, a $2 million increase above the 2020 enacted level.
    - $90 million for **Diesel Emissions Reductions grants**, a $3 million increase above the enacted level.
- $1.21 billion for **Superfund**, a $21 million increase above the 2020 enacted level and $127 million above the President's request.
- $12.5 million for **Environmental Justice activities**, a $2.3 million increase above the 2020 enacted level and over four-fold increase above the President's budget request.

Related Agencies –

- $3.46 billion for the **Forest Service (non-fire)**, an increase of $324 million above the 2020 enacted level and $527 million above the President's budget request. After adjusting for LWCF and a restructure of the Forest Service budget, this is a programmatic increase of $77.9 million.
- $6.2 billion for the **Indian Health Service**, an increase of $189 million above the 2020 enacted level and $57 million below the President's budget request.

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    - $4.3 billion for health services, $14 million below the 2020 enacted level and $206 million below the President's budget request. This rejects the President's proposed program cuts and includes $5 million for HIV and Hepatitis C initiative, $5 million for Alzheimer's, and $5 million for maternal health initiative. The amount reflects the transfer of funds for tribal lease payments to a new indefinite appropriation account for these costs.
    - $918 million for health facilities construction, $6 million above the 2020 enacted level and $149 million above the President's budget request. This continues $5 million to invest in green infrastructure.
    - Establishes an indefinite appropriation account and fully funds Payments for Tribal Leases.
- $167.50 million each for the **National Endowment for the Arts** and the **National Endowment for the Humanities**, which is $5.25 million more than the 2020 enacted levels and rejects the President's budget request proposal to eliminate the Agencies. The bill includes language that permits grants fund appropriated this year and in fiscal years 2019 and 2020 to be used for operating expenses.
- $1.03 billion for the **Smithsonian Institution**, a reduction of $14.6 million below the 2020 enacted level and $77.6 million below the President's budget request.
- $14 million for the **Woodrow Wilson International Center for Scholars**, the 2020 enacted level and $5.8 million above the President's budget request.
- $40.4 million for the **John F. Kennedy Center for the Performing Arts**, a decrease of $3 million below the 2020 enacted level and equal to the President's budget request.
- $61.4 million for the **United States Holocaust Memorial Museum**, $1 million above the enacted level and the President's budget request. The NEVER AGAIN EDUCATION ACT (Public Law 116-141) is fully funded at $2 million to enhance the U. S. Holocaust Memorial Museum's education programming on the Holocaust and genocide prevention.

Outcome of Policy Provisions:
The bill includes the following policy provisions that were previously enacted:

- Sec. 116 retains restrictions on the issuance of rules for sage grouse.
- Sec. 430 continues a provision limiting oil and gas development near Chaco Culture National Historical Park.
- Sec. 436 continues a provision prohibiting the use of funds to promulgate or implement permitting requirements under Title V of the Clean Air Act for certain livestock emissions.
- Sec. 437 continues a provision prohibiting funds to implement any provision that requires reporting mandatory greenhouse gas emissions from manure management operations.
- Sec. 438 retains provision prohibiting funds to regulate the lead content of ammunition or fishing tackle.
- Sec. 439 addresses carbon emissions from forest biomass.
- Sec. 440 addresses the use of small remote incinerators in the State of Alaska.

Division H – Labor-HHS-Education

Overview:

The Labor, Health and Human Services, Education, and Related Agencies bill includes funding for programs within the Departments of Labor, Health and Human Services, and Education, and other related agencies, including the Social Security Administration.

In total, the FY 2021 bill includes $197 billion in programmatic funding, an increase of $2.8 billion over the 2020 enacted level and $19.2 billion over the President's 2021 budget request.

Bill Summary:

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Department of Labor (DOL) – The bill provides a total of $12.5 billion in discretionary appropriations for DOL, an increase of $122 million above the 2020 enacted level and $1.4 billion above the President's budget request. Of this amount, the bill includes:

- $9.4 billion for the **Employment and Training Administration**, an increase of $99 million above the 2020 enacted level. Within this amount, the bill includes:
    - $2.8 billion for **Workforce Innovation and Opportunity Act Grants**, an increase of $26 million above the fiscal year 2020 enacted level.
    - $94 million for **Migrant and Seasonal Farmworkers**, an increase of $2 million above the fiscal year 2020 enacted level. New bill language is included increasing the eligibility threshold to 150 percent of the poverty line.
    - $100 million for the **Reintegration of Ex-Offenders**, an increase of $2 million above the fiscal year 2020 enacted level.
    - $185 million for **Registered Apprenticeships**, an increase of $10 million above the fiscal year 2020 enacted level. No funding is provided for Industry Recognized Apprenticeship Programs (IRAPs). New bill language is included that requires the participation of equity intermediaries and business and labor industry partner intermediaries.
    - $97 million for **YouthBuild**, an increase of $2 million above the fiscal year 2020 enacted level.
    - $45 million for **Strengthening Community College Training Grants**, an increase of $5 million above the fiscal year 2020 enacted level. Funding will help meet local and regional labor market demand for a skilled workforce by providing training to workers in in-demand industries.
    - $1.7 billion for **Job Corps,** an increase of $5 million above the 2020 enacted level.
    - $200 million for the **Reemployment Services and Eligibility Assessments** program, an increase of $25 million above the 2020 enacted level.
    - $670 million for the **Employment Service**, an increase of $2 million above the 2020 enacted level.
    - $77.8 million for the **Office of Foreign Labor Certification**, an increase of $9 million above the 2020 enacted level.
- $1.7 billion for **Worker Protection Agencies**, an increase of $15.3 million above the fiscal year 2020 enacted level. Within this amount, the bill includes:
    - $246 million for the **Wage and Hour Division**, an increase of $4 million above the 2020 enacted level.
    - $592 million for the **Occupational Safety and Health Administration**, an increase of $10 million above the 2020 enacted level.
- $15 million for the **Women's Bureau**, an increase of $1 million above the 2020 enacted level. Within this amount, the Women in Apprenticeship and Nontraditional Occupations (WANTO) program is funded at $1.8 million, $500,000 above the 2020 enacted level.

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- $316 million for **Veterans' Employment and Training Service** (VETS), an increase of $5 million above the 2020 enacted level. Of this amount:
    - $58 million for the **Homeless Veterans Reintegration Program**, an increase of $2 million above the 2020 enacted level.
    - $31 million for the **Transition Assistance Program**, an increase of $2 million above the 2020 enacted level.

Department of Health and Human Services (HHS) – The bill includes a total of $97 billion for HHS, an increase of $2.1 billion above the 2020 enacted level and $9.9 billion above the President's budget request.

- **National Institutes of Health (NIH)** – The bill provides a total of $42.9 billion for NIH, an increase of $1.25 billion above the 2020 enacted level. This includes:
    - $3.118 billion, an increase of $300 million, for **Alzheimer's disease and related dementias research**;
    - $560 million, an increase of $60 million, for the **BRAIN Initiative**;
    - $541 million, an increase of $8 million, for research related to opioids through the **HEAL Initiative**;
    - $220 million, an increase of $20 million, for **Universal Flu Vaccine Research**;
    - $3.09 billion, an increase of $20 million, for **HIV/AIDS Research**, including funding for the Centers for AIDS Research as part of the **Ending the HIV Epidemic Initiative**;
    - $397 million, an increase of $10 million, for **Institutional Development Awards (IDeA)**;
    - $80 million, an increase of $5 million, for **Research Centers in Minority Institutions**;
    - $587 million, an increase of $9 million, for **Clinical and Translational Science Awards**;
    - $65 million, an increase of $5 million, for the **INCLUDE Down syndrome research initiative**;
    - $12.5 million for **research on firearm violence prevention**;
    - $44 million, an increase of $5 million, for the **Office of Research on Women's Health**; and
    - Funding for new initiatives, including $10 million for **research on premature births**, $10 million for **research on tick-borne diseases**, and $50 million for **research on artificial intelligence** to address chronic diseases.

- **Centers for Disease Control and Prevention (CDC)** – The bill includes a total of $7.9 billion for CDC, an increase of $125 million above the 2020 enacted level. This includes $856 million in transfers from the Prevention and Public Health Fund.
    - The bill includes investments in our nation's public health infrastructure including:
        - $201 million, an increase of $25 million, for **influenza** planning and response.

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        - $695 million, an increase of $20 million, for **public health emergency preparedness cooperative agreements** with State and local health departments.
        - $65 million, an increase of $2 million, for **food safety**.
        - $361 million, an increase of $7.5 million, to **strengthen epidemiologic and laboratory capacity**, and includes $50 million to support **modernization of public health data surveillance and analytics** at CDC, State and local health departments.
        - $56 million, an increase of $5 million, for **public health workforce and career development**.
        - $175 million, an increase of $1 million, for **health statistics**.
    - The bill provides increases for numerous public health efforts, including:
        - $175 million, an increase of $35 million, to support CDC's efforts to **reduce new HIV infections**.
        - $12 million, an increase of $2 million, for **suicide prevention**.
        - $12.5 million, the same amount as the 2020 enacted level, to specifically support **firearm injury and mortality prevention research**.
        - $237.5 million, an increase of $7.5 million, to address **tobacco and e-cigarettes.**
        - $20.5 million, an increase of $5 million, for **Alzheimer's**.
        - $63 million, an increase of $5 million, for **safe motherhood**.
        - $345 million, an increase of $2.5 million, for the **National Institute for Occupational Safety and Health.**
        - $193 million, an increase of $20 million, for **global disease detection efforts.**
- **Substance Abuse and Mental Health Services Administration** (SAMHSA) – The bill funds SAMHSA at $6 billion, an increase of $133 million above the 2020 enacted level. SAMHSA funding includes increased support for:
    - **Mental health resources** including a new $35 million crisis care initiative within the Mental Health Block Grant; and expanded services and support for mental for children and youth including $107 million for Project AWARE, an increase of $5 million; and $72 million for the National Child Traumatic Stress Initiative, an increase of $3 million.
    - **Suicide prevention** including $21 million for the Zero Suicide program, an increase of $5 million; and $24 million for the Suicide Lifeline, an increase of $5 million.
    - **Substance abuse treatment**: $3.8 billion, an increase of $17 million, including continued funding for opioid prevention and treatment.
    - **Substance abuse prevention**: $208 million, an increase of $2 million.

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- **Health Resources and Services Administration** (HRSA) – The bill includes $7.5 billion for HRSA, which is $151 million above the 2020 enacted level. The amount includes:
    - $1.7 billion for the **Health Centers** program, an increase of $57 million.
    - $2.4 billion, an increase of $35 million, for the **Ryan White HIV/AIDS** program.
    - $102 million in **Health Centers** and $105 million in the **Ryan White HIV/AIDS program** to **reduce new HIV infections** by 90 percent in 10 years.
    - $1.2 billion, an increase of $30 million, for HRSA's **Bureau of Health Professions** programs to support the medical workforce.
    - $975 million, an increase of $32 million, for programs to **improve maternal and child health.**
    - $286 million for the **Title X Family Planning** program.
- **Agency for Healthcare Research and Quality (AHRQ)** – The bill provides $338 million for AHRQ, the same as the 2020 enacted level.
- **Centers for Medicare and Medicaid Services (CMS)** – The bill provides $4 billion for CMS administrative expenses, the same as the 2020 enacted level.
- **Administration for Children and Families (ACF)** – The bill provides $24.7 billion in discretionary funding for ACF, an increase of $251 million above the 2020 enacted level.
    - Early childhood programs receive an increase of $220 million:
        - $5.9 billion for the **Child Care and Development Block Grant**, an increase of $85 million; and
        - $10.7 billion for **Head Start**, an increase of $135 million.
    - $3.8 billion for the **Low Income Home Energy Assistance Program** (LIHEAP), an increase of $10 million.
    - $745 million for the **Community Services Block Grant**, an increase of $5 million.
    - $196 million for **Family Violence Prevention and Services and the Domestic Violence Hotline,** an increase of $8.5 million.
- **Administration for Community Living (ACL) –** The bill funds ACL at $2.3 billion, which is $35 million above the 2020 enacted level. This amount includes:
    - $952 million for **Senior Nutrition** programs, an increase of $15 million above the 2020 enacted level.
    - $200 million for **Family Caregivers Services**, an increase of $4 million above the 2020 enacted level.

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- **Office of the Secretary—General Departmental Management** – The bill provides $551 million, an increase of $6 million above the 2020 enacted level. The amount includes:
    - $108 million for the **Teen Pregnancy Prevention** program.
    - $62 million for the **Office of Minority Health**, an increase of $3 million above the fiscal year 2020 enacted level.
    - $55 million for the **Minority HIV/AIDS Initiative**, an increase of $1.5 million above the fiscal year 2020 enacted level.
    - $35 million for the **Office on Women's Health**, an increase of $1.5 million above the 2020 enacted level.
    - $5 million for **KidneyX** for the second year of a public-private partnership to accelerate the development and adoption of novel therapies and technologies to improve the diagnosis and treatment of kidney diseases.
- **Public Health and Social Services Emergency Fund (PHSSEF)** – The bill provides $2.8 billion for PHSSEF, an increase of $110 million above the 2020 enacted level. The total funding level includes:
    - $597 million for the **Biomedical Advanced Research and Development Authority** (BARDA), an increase of $35 million.
    - $770 million for **Project BioShield**, an increase of $35 million.
    - $705 million for the **Strategic National Stockpile**, the same as the 2020 enacted and the President's budget request.
    - $287 million for **Pandemic Influenza Preparedness**, an increase of $27 million.

Department of Education (ED) – The bill provides a total of $73.5 billion in discretionary appropriations for ED – an increase of $785 million above the 2020 enacted level and $7 billion above the President's budget request.

The bill includes language amending the General Education Provisions Act to eliminate the last remaining prohibition on using federal funds for transportation costs to carry out school desegregation efforts.

- **K-12 Education –** Overall, the bill provides $40.6 billion for K-12 education programs, including the Individuals with Disabilities Education Act, an increase of $498 million above the 2020 enacted level. Of this amount, the bill includes:
    - $16.5 billion for **Title I Grants to Local Educational Agencies**, an increase of $227 million above the 2020 enacted level.

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- $14.1 billion for **Special Education**, an increase of $186 million above the 2020 enacted level. Within this amount, the bill provides:
    - $12.9 billion for **Part B Grants to States**, an increase of $173 million above the 2020 enacted level; and
    - $23.7 million for **Special Olympics** education programs, an increase of $3.6 million above the 2020 enacted level.
- $2.1 billion for **Supporting Effective Instruction State Grants** (Title II-A), an increase of $11.3 million over the 2020 enacted level.
- $797 million for **English Language Acquisition State Grants**, an increase of $10 million above the 2020 enacted level.
- $1.2 billion for **Student Support and Academic Enrichment State Grants**, an increase of $10 million above the 2020 enacted level.
- $1.3 billion for **Nita M. Lowey 21st Century Community Learning Centers**, an increase of $10 million above the 2020 enacted level.
- $107 million for **Education for Homeless Children and Youth**, an increase of $5 million above the 2020 enacted level.
- $1.5 billion for **Impact Aid**, an increase of $15 million over the 2020 enacted level.
- Additional support for the **Social-Emotional Learning** (SEL) Initiative created in the fiscal year 2020 bill to fund SEL and "whole child" approaches to education, including:
    - $67 million within the **Education Innovation and Research** program, an increase of $2 million above the 2020 enacted level, for grants to support evidence-based, field-initiated innovations that address student social, emotional, and cognitive needs;
    - $30 million for **Full-Service Community Schools**, an increase of $5 million over the 2020 enacted level, to provide comprehensive services and expand evidence-based models that meet the holistic needs of children, families, and communities; and
    - $106 million for the **School-Based Mental Health Services Grant Program**, an increase of $1 million over the 2020 enacted level**.**
- $67 million within the **Education Innovation and Research** program, an increase of $2 million above the 2020 enacted level, for grants to expand opportunities in Science, Technology, Engineering, and Math (STEM), including computer science.
- $109 million for the **Magnet Schools Assistance Program**, an increase of $2 million above the 2020 enacted level.

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- **Career, Technical, and Adult Education:** The bill provides $2 billion for career, technical, and adult education programs, an increase of $70 million above the 2020 enacted level. Within this amount, the bill provides:

    - $1.3 billion for **Career and Technical Education State Grants**, an increase of $52 million above the 2020 enacted level.

    - $675 million for **Adult Education State Grants**, an increase of $18 million above the 2020 enacted level.

- **Randolph-Sheppard Act:** The bill includes new language providing $20 million to assist blind vendors operating vending facilities under the Randolph-Sheppard Act.

- **Disability Innovation Fund:** The bill includes new language allowing unallocated funding to be used for competitive grants, in consultation with the Department of Labor, to improve opportunities for competitive integrated employment for individuals with disabilities.

- **Student Financial Assistance** – The bill provides $24.5 billion for Federal student aid programs, an increase of $25 million above the 2020 enacted level. Within this amount, the bill provides:

    - $6,495 for the maximum **Pell Grant**, an increase of $150 above the 2020 enacted level. The increase will help the maximum award keep pace with inflation.

    - $880 million for the **Federal Supplemental Educational Opportunity Grant** program, an increase of $15 million above the 2020 enacted level.

    - $1.2 billion for **Federal Work Study**, an increase of $10 million above the 2020 enacted level.

- **Higher Education** – The bill provides $2.5 billion for higher education programs, an increase of $66 million above the 2020 enacted level.

    - Within this amount, the bill provides $789 million, an increase of $30 million above the 2020 enacted level, to assist primarily **Minority Serving Institutions (MSIs) in the Aid for Institutional Development** account, including:

        - $338 million for **Historically Black Colleges and Universities**, an increase of $13 million above the 2020 enacted level.

        - $149 million for **Hispanic Serving Institutions**, an increase of $6 million above the 2020 enacted level.

        - $38 million for **Tribally Controlled Colleges and Universities**, an increase of $1.4 million above the 2020 enacted level.

    - The bill also provides investments in the following higher education programs:

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- $1.1 billion for **Federal TRIO** programs, an increase of $7 million above the 2020 enacted level.

- $368 million for **GEAR UP**, an increase of $3 million above the 2020 enacted level.

- $52 million for **Teacher Quality Partnerships**, an increase of $2 million above the 2020 enacted level.

- $55 million for the **Child Care Access Means Parents in School**, an increase of $2 million above the 2020 enacted level.

- $7 million for the continued support of the **Centers of Excellence for Veteran Student Success Program**.

- $7 million for the continued support of the **Open Textbooks Pilot**.

- $10 million for the **Rural Postsecondary and Economic Development Grant Program** for innovative approaches to improve rates of postsecondary enrollment and completion among rural students.

- $2 million for the **Center of Educational Excellence**, a model center of educational excellence at an undergraduate HBCU with a demonstrable record in the production of Black teachers.

- $5 million for **Basic Needs Grants** to support programs that address the basic needs of postsecondary education students.

- $1 million for **Transitioning Gang-Involved Youth to Higher Education** to provide a funding opportunity for organizations that work directly with gang involved youth to help such youth pursue higher education opportunities.

- $7 million for **Modeling and Simulation Programs** as authorized under section 891 of the Higher Education Act.

- $2 million for the **National Center for Information and Technical Support for Postsecondary Students with Disabilities** as authorized under section 777(a) of the Higher Education Act.

- $131 million for the **Office for Civil Rights**, an increase of $1 million above the 2020 enacted level.

Related Agencies –

- $1.1 billion for the **Corporation for National and Community Service (CNCS)**, a programmatic increase of $40 million above the 2020 enacted level. Within that amount:

    - $455 million for **AmeriCorps State and National Grants**, an increase of $27 million above the 2020 enacted level.

    - $225 million for the **Senior Volunteer** programs, an increase of $4 million above the 2020 enacted level.

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- $97 million for the **Volunteers in Service to America** program, an increase of $4 million above the 2020 enacted level.

- $475 million for the **Corporation for Public Broadcasting** (CPB), in 2023 advance funding, an increase of $10 million above the 2020 enacted level. In addition, the bill includes $20 million for the interconnection system and system wide infrastructure, the same as the 2020 enacted level.

- $257 million for the **Institute of Museum and Library Services**, an increase of $5 million above the 2020 enacted level.

- $12.9 billion for the **Social Security Administration**'s (SSA) operating expenses, an increase of $67 million above the 2020 enacted level.

Division I – Legislative Branch

Overview:

The legislation funds the Legislative Branch of the U.S. government, including the U.S. House of Representatives and the U.S. Senate, Congressional Budget Office, and Capitol Police.

The bill appropriates a total of $5.3 billion, $251 million or 5.0 percent more than in FY 2020.The FY 2021 Legislative Branch Appropriations bill provides the House of Representatives with increased resources to carry out its responsibilities in developing legislation, conducting oversight, and assisting constituents in their interactions with the Federal Government. The bill also maintains and builds analytical capacity to support lawmaking and oversight, addresses high-priority needs involving information technology and security, and supports Legislative Branch agencies such as the Library of Congress and the Government Accountability Office in their wider roles of service to the nation.

Bill Summary:

House of Representatives – The bill provides a total of $1.477 billion in discretionary appropriations for the House of Representatives, $111 million above the 2020 enacted level.

- $640 million for the **Members Representational Allowance (MRA)**, the basic office budgets of House Members, $25 million above the FY 2020 level. In addition to bringing appropriations into line with currently authorized spending, this funding is estimated to support an increase of roughly $56,000 per Member office for 2021.

- $11.4 million in **funding for paid interns**, both in Member offices and leadership offices. This allowance helps extend internship opportunities to people who may not be financially able to take an unpaid position.

- $163 million for the **operations of House committees**, a $3 million increase. This appropriation will cover the funding allocated to committees for 2021 by the biennial funding resolution.

- The bill includes $2 million for the **newly created House Modernization Initiatives Account** to make Congress more effective, efficient, and transparent on behalf of the American people.

- $260.8 million for the **salaries and expenses of House officers and employees**, including the offices of the Clerk of the House, Sergeant at Arms, Chief Administrative Officer (CAO), Parliamentarian, and Legislative Counsel, among others, an increase of $28 million above the FY 2020 enacted level.

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- $1.5 million for the **Office of Diversity & Inclusion**, an increase of $500,000 above both FY 2020 and the FY 2021 request.

- **Increases the student loan lifetime cap** from $60,000 to $80,000 for House and Senate staff as well as the Capitol Police.

Other Agencies –

- $516 million for **the Capitol Police**, $51 million above the FY 2020 level. In addition, the agreement maintains several measures to help bring more transparency to the Capitol Police and address issues such as racial profiling, USCP jurisdiction, and diversity.

- $57 million for the **Congressional Budget Office (CBO)**, a $2 million increase above the FY 2020 level. This funding level will allow CBO to continue and modestly increase its efforts to improve modeling and analytical capability in key areas and to make its work as transparent and accessible as possible.

- $661 million for the **Government Accountability Office (GAO)**, a $31 million increase. This level should allow the GAO to handle its large workload and strengthen its Science, Technology Assessment, and Analytics (STAA) team.

- $757 million, an increase of $32 million, for the **Library of Congress**, including the Copyright Office, Congressional Research Service (CRS), and National Library Service for the Blind and Print Disabled.

    - The bill includes $10 million for the Library's Visitor Experience initiative, bringing the total Federal investment for the project to $30 million.

    - $2.5 million, available over two years, is provided to phase out and retire the mass de-acidification preservation project.

    - The bill includes requested CRS funding for additional staff to strengthen its capacity to support Congress with technology assessments.

    - The bill also includes $5 million for modernizing the website that handles distribution of audio and braille reading materials at the National Library Service for the Blind and Print Disabled as well as $2 million for purchase of braille e-readers.

- $675 million for the **Architect of the Capitol**, $13million less than the fiscal year 2020 total. Funding is provided for high priority projects such as the Cannon building renovation, repairs to the Capitol Power Plant, and a storage module for the Library at Ft. Meade.

Joint Congressional Committee on Inaugural Ceremonies of 2021 – The agreement provides $2 million for the Joint Congressional Committee on Inaugural Ceremonies of 2021to ensure safe, healthy and inclusive Presidential Inaugural Ceremonies. This responds to unanticipated needs due to the COVID pandemic, which will result in an unprecedented Presidential Inauguration. Funding will cover the costs of testing for all attendees, guests, and support staff in the Capitol for the ceremonies.

Office of the Attending Physician – The agreement provides $5 million for the Office of the Attending Physician for the response to COVID-19, including testing and vaccine handling, to keep the Capitol Complex safe and secure.

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Government Accountability Office (GAO) – The agreement provides $10 million in emergency funding for the GAO to conduct oversight of COVID-19 funding provided to federal departments and agencies for coronavirus response and recovery efforts.

Member Pay Adjustment – The bill includes language blocking the annual pay adjustment for Members of Congress that is otherwise required by statute.

Division J – Military Construction & Veterans Affairs

Overview:

The Military Construction, Veterans Affairs, and Related Agencies bill funds the Department of Defense, Department of Veterans Affairs, and other related agencies, including the American Battle Monuments Commission and the Armed Forces Retirement Home.

In total, the FY 2021 bill provides $113.1 billion in discretionary funding – $8.9 billion above the comparable fiscal year 2020 enacted level. This includes $350 million in Overseas Contingency Operations (OCO) funding.

The funding in this bill will provide for the construction of facilities to enable our military to fight current and emerging threats, to support increased troop levels, and to sustain services for military families. This includes operational facilities, training facilities, hospitals, family housing, National Guard readiness centers, barracks, and other important resources. Additionally, the funding in this bill will provide Veterans with the healthcare and benefits they have earned through their military service.

Bill Summary:

Military Construction – The bill provides a total of $8.06 billion for military construction projects – an increase of $250 million above the budget request. In addition to this amount, $350 million is provided in OCO funding for projects in countries with ongoing U.S. operations and the European Deterrence Initiative to combat Russian aggression. In total, 132 military construction projects across the country and overseas receive funding in the bill.

- **Military Family Housing** – The bill provides $1.3 billion to fund construction, operation, and maintenance of military family housing for fiscal year 2021, the same as the budget request, and provides an additional $60 million in an administrative provision. The additional funds above the request are provided to address family housing issues such as mold, vermin, and lead in military family housing. This funding will ensure quality housing for all 2,006,171 military families currently served by the program.

- **Guard and Reserve** – The bill includes $596 million for construction or alteration of Guard and Reserve facilities in states and territories.

- **NATO Security Investment Program (NSIP)** – The bill provides $173 million, the same as the budget request, for infrastructure necessary for wartime, crisis, and peace support and deterrence operations, and training requirements. The funds will support responses to the challenges posed by Russian aggression as well as the risks and threats emanating from the Middle East and North Africa.

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• **BRAC/PFAS** – The agreement provides an additional $180 million to address legacy Navy BRAC issues and the PFAS issues at installations.

Department of Veterans Affairs (VA) – The legislation includes a total of $243.2 billion in both discretionary and mandatory funding for VA, an increase of $25.3 billion above the fiscal year 2020 level. This funding will help address many of the problems currently facing VA and provide for better care and increased access to care for our Veterans. Discretionary funding alone for VA programs in the agreement totals $104.4 billion, an increase of $11.9 billion above the fiscal year 2020 level. Approximately $87.6 billion of this discretionary total was provided last year via advance funding in the fiscal year 2020 Appropriations bill. These additional funds will provide resources for important priorities within VA, such as greater access to healthcare for women Veterans, mental health, suicide prevention, claims processing, homeless prevention and care, opioid addiction, rural health, and medical research.

• **VA Medical Care** – The bill funds VA medical care at $90 billion – providing for approximately 7.2 million patients to be treated in fiscal year 2021. Within this total, funding includes: $10.3 billion in mental healthcare services, of which $313 million is for suicide prevention outreach activities; $661 million for gender-specific care for women; $1.9 billion for homeless assistance programs; $504 million for opioid abuse prevention; and $300 million in rural health initiatives.

• **VA Electronic Health Record** – The bill contains $2.6 billion to continue implementation of the VA electronic health record (EHR) system. This will ensure VA has the funding it needs to continue the deployment of the health record system across the country at VA facilities, which is the same system as DOD. The interoperable health record modernization will ensure our Veterans get proper care, with timely and accurate medical data transferred between VA, DOD, and the private sector. In order to facilitate robust oversight over the modernization effort, the agreement makes 25 percent of the funding contingent upon the Secretary certifying in writing of any changes to the deployment schedule within seven days prior to July 1, 2021. The agreement also continues GAO oversight of this program to ensure that the EHR system is implemented in a timely manner.

• **Disability Claims Processing Backlog** – The bill provides $3.18 billion, $55 million above the fiscal year 2020 level, for operating expenses of the Veterans Benefits Administration. These funds support the prompt processing of disability claims and efforts to continue reducing the disability claims backlog. In addition, the bill continues rigorous reporting requirements to track each regional office's performance on claims processing and appeals backlogs.

• **Construction** – Major and minor construction within the VA is funded at $1.7 billion.

• **VA Mandatory Funding** – The bill fulfills mandatory funding requirements such as: Veteran disability compensation programs for 5.7 million Veterans and their survivors; education benefits for almost one million Veterans; and vocational rehabilitation and employment training for over 100,000 Veterans.

• **Advance Appropriations** – The bill contains $94.2 billion in advance fiscal year 2022 funding for Veterans' medical programs – the same level as the President's request. This funding will provide for medical services, medical community care, medical support and compliance, and medical facilities, and will ensure that Veterans have continued, full access to their medical care needs. The bill also includes $145.3 billion in advance funding for VA mandatory benefits programs, as requested in the President's budget.

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Arlington National Cemetery (ANC) – The bill includes $81.8 million for ANC, which is $11 million above the fiscal year 2021 budget request and $1 million above the fiscal year 2020 enacted level. As in fiscal year 2020, the increase for salaries and expenses above the budget's proposed cut will allow ANC to maintain their current level of services for Veterans and family members.

American Battle Monuments Commission (ABMC) – The bill includes $84.1 million for ABMC, an increase of $9 million over the fiscal year 2021 budget request. These funds will support maintenance and operations at the cemeteries and monuments honoring America's war dead, as well as preserve and communicate these Veterans' stories of courage and sacrifice.

Armed Forces Retirement Home – The bill provides $75.3 million, an increase of $5 million above the fiscal year 2021 budget request and equal to the fiscal year 2020 enacted level. The increase will support urgently needed capital projects, such as roof replacement, elevator repair, and electric system modernization, as well as operations and maintenance requirements.

Additional Items –
• The bill does not include backfill or pre-backfill of the border wall.

Division K – State & Foreign Operations

Overview:

The State, Foreign Operations, and Related Programs bill funds the Department of State, the United States Agency for International Development, and other international programs and activities.

In total, the fiscal year 2021 bill provides $55.5 billion in discretionary funding, including $8 billion in Overseas Contingency Operations/Global War on Terrorism (OCO/GWOT) funding. This is $820 million above the fiscal year 2020 enacted level and $10.8 billion above the President's request.

Bill Summary:

State Department Operations and Related Agencies – The bill contains a total of $16.68 billion for State Department Operations, which is $116 million above the fiscal year 2020 enacted level and $2.8 billion above the President's budget request. Within this amount, the legislation provides $6.1 billion for embassy and diplomatic security, the same as fiscal year 2020 enacted level and $692 million above the President's budget request. These funds will address needs at more than 275 diplomatic facilities overseas, including facility upgrades and security personnel and equipment.

International Security Assistance – The bill provides a total of $9 billion for international security assistance, which is $9.92 million below the fiscal year 2020 enacted level and $1.27 billion above the President's budget request.

U.S. Agency for International Development (USAID) Operations – The bill provides $1.71 billion in total funding for USAID operations and the USAID Office of Inspector General, which is $48 million above the fiscal year 2020 enacted level and $119.7 million above the President's budget request.

Bilateral Economic Assistance – The legislation contains a total of $26.5 billion for bilateral assistance to foreign countries and prioritizes development assistance, democracy, global health, and humanitarian

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assistance, which is $527 million above the fiscal year 2020 enacted level and $6.9 billion above the President's budget request, and includes:

- $9.2 billion for **Global Health**, which is $103.5 million above the fiscal year 2020 enacted level.
- $3.2 billion in **Economic Support Fund**, which is $107 million above the fiscal year 2020 enacted level.
- $3.5 billion in **Development Assistance**, which is $100 million above the fiscal year 2020 enacted level.

Multilateral Assistance – The bill includes a total of $2 billion to meet United States commitments to multilateral organizations and international financial institutions, which is $41.5 million below the fiscal year 2020 enacted level and $560 million above the President's budget request.

- $54.6 million for the **African Development Bank (AfDB**)'s seventh general capital increase, which is $54.6 million above the fiscal year 2020 enacted level and equal to the President's budget request.
- $32.5 million for **International Fund for Agricultural Development (IFAD)**, which is $2.5 million above the fiscal year 2020 enacted level and $32.5 million above the President's budget request.

Maintains funding for critical programs & organizations:
President's Emergency Plan for AIDS Relief (PEPFAR), including Global Fund:

- $5.9 billion for **PEPFAR**, the same as the fiscal year 2020 enacted level and $2.1 billion above the President's budget request. This includes $1.56 billion for the Global Fund to Fight AIDS, Tuberculosis, and Malaria, $903 million above the President's budget request.
- The bill reinforces the United States' commitment to its 33% share to the Global Fund, unlike the President's budget request, which proposes reducing United States contributions to 25%.

Other Global Health Programs:

- $3.26 billion for programs to improve maternal and child health and fight infectious diseases, which is $103.5 million above the 2020 enacted level and $1.1 billion above the President's budget request. This also includes $575 million for family planning programs, and increases funds for the following programs:
    - $855.5 million for Maternal and Child Health, which is $4.5 million above the fiscal year 2020 enacted level, and includes $290 million for the GAVI Alliance;
    - $319 million to fight tuberculosis, which is $9 million above the fiscal year 2020 enacted level; and
    - $190 million for global health security, which is $90 million above the fiscal year 2020 enacted level.

International Basic Education:

- $950 million for **basic education**, which is $75 million above the fiscal year 2020 enacted level and includes $125 million for the Global Partnership for Education and $25 million for Education Cannot Wait.

Education and Cultural Exchanges:

- $740.3 million for **education and cultural exchanges**, which is $9.6 million above the fiscal year 2020 enacted level and $430.3 million above the President's budget request.

Humanitarian Assistance and Disaster Assistance:

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$7.8 billion, which is equal to the fiscal year 2020 enacted level and $1.56 billion above the President's budget request. This includes:

- $4.4 billion for **International Disaster Assistance (IDA),** which is equal to the fiscal year 2020 enacted level.
- $3.43 billion for **Refugee Assistance (MRA),** which is equal to the fiscal year 2020 enacted level.

Peace Corps:

- $410.5 million for the **Peace Corps**, which is equal to the fiscal year 2020 enacted level and $9.3 million above the President's budget request.

Democracy Programs:

- $2.42 billion for **democracy programs**, which is $17 million above the fiscal year 2020 enacted level and $867 million above the President's budget request.
- $290.7 million for **Democracy Fund**, of which $190.5 million is for State Department and $100.2 million is for USAID. This is $17 million above the fiscal year 2020 enacted level and $290.7 million above the President's budget request.
- $300 million for **National Endowment for Democracy (NED)**, which is equal to the fiscal year 2020 enacted level and $232.7 million above the President's budget request.

Environment:

- $320 million for **biodiversity**, which is$5 million above the fiscal year 2020 enacted level and $229 million above President's budget request.
- $100.7 million for **combatting wildlife trafficking**, which is equal to the fiscal year 2020 enacted level and $67.2 million above the President's budget request.
- $15 million for nature conservation, including the protection of coral reefs, reauthorized under the **Tropical Forest Conservation Act of 2018**.
- Includes designated amounts for **sustainable landscapes** at $135 million, **adaptation** at $177 million and **renewable energy** at $179 million.
- $75 million for programs to address ocean plastic pollution and other marine debris.

Millennium Challenge Corporation (MCC):

- $912 million for the **MCC**, which is $7 million above the fiscal year 2020 enacted level and $112 million above the President's budget request.

U.S. Agency for Global Media (formerly the Broadcasting Board of Governors, or BBG):

- $803 million for **USAGM**, which is $7.4 million below the fiscal year 2020 enacted level and $165.7 million above the President's budget request.

United States International Development Finance Corporation (DFC):

- $569 million for **DFC**, which is $270 million above the fiscal year 2020 enacted level and $264.7 million below the President's budget request.
- Of which, $119 million is for administrative expenses, which is equal to the fiscal year 2020 level and $14.7 million below the President's budget request.
- Of which, $450 million is for the program budget (equity investments, loans/loan guarantees, and technical assistance) which is $270 million above the fiscal year 2020 enacted level, and $250 million below the President's budget request.

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Contributions to International Organizations and Peacekeeping:

- $1.5 billion for **Contributions to International Organizations (CIO)** assessed contributions to international organizations, which is $32.1 million above the fiscal year 2020 enacted level and $540 million above the President's budget request.
- **Contributions to International Peacekeeping (CIPA)** – $1.46 billion, which is $70 million below the fiscal year 2020 enacted level and $377 million above the President's budget request.

The bill does not eliminate or reduce several partner organizations, as proposed in the President's budget request, and instead provides:

- **The Asia Foundation** - $20 million, which is $1 million above the fiscal year 2020 enacted level.
- **The U.S. African Development Foundation** - $33 million, which is equal to the fiscal year 2020 enacted level.
- **The Inter-American Foundation** - $38 million, which is $500,000 above the 2020 enacted level.
- **East-West Center** - $19.7 million, which is $3 million above the fiscal year 2020 enacted level.
- **U.S. Institute of Peace** (USIP) - $45 million, which is equal to the fiscal year 2020 enacted level.
- **Trade and Development Agency** - $79.5 million, which is equal to the fiscal year 2020 enacted level.

Support for U.S. allies and partners, including: (amounts are included in account totals above)

- **Israel**: $3.3 billion, fulfilling the MOU
- **Jordan**: $1.65 billion, exceeding the MOU
- **Ukraine**: $453 million
- **Georgia**: $132 million
- **Assistance for Eastern Europe and Eurasia**: $770.3 million
- **Countering Russian Influence Fund (CRIF)**: $290 million
- **Central America**: $506 million
- **Caribbean Basin Regional Security Initiative**: $74.8 million
- **Colombia**: $461 million
- **Mexico**: $158.9 million
- **Democracy and the rule of law in Venezuela**: Not less than $33 million
- **Tibet**: $18 million
- **Countering Chinese Influence Fund**: $300 million to counter the influence of the People's Republic of China globally

Policy Provisions:

- As part of the Heavily Indebted Poor Countries (HIPC) Initiative, the bill provides $78 million for debt relief to Somalia, and $111 million for bilateral debt relief and $120 million for multilateral debt relief to Sudan.
- The bill restores administratively determined pay authority to the Export-Import Bank.
- Reverses the impact of the Administration's hiring freeze and restores State Department and USAID personnel to 2016 levels.
- Provides $75 million for security assistance programs for the West Bank and $75 million for the humanitarian and development needs of the Palestinian people in the West Bank and Gaza Strip.
- Provides $50 million for the new Nita M. Lowey Middle East Partnership for Peace Fund, which authorizes people-to-people exchanges and economic partnerships between Israelis and Palestinians through initiatives overseen by USAID and the DFC.
- Provides $300 million for Consular and Border Security programs to offset losses due to the pandemic.
- Provides $4 billion as a contribution to GAVI for pandemic response.

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Division L – Transportation-Housing & Urban Development

Overview:

The Transportation, Housing and Urban Development, and Related Agencies bill funds the Department of Transportation, the Department of Housing and Urban Development, and related agencies, including the United States Interagency Council on Homelessness.

In total, the FY 2021 legislation provides $136.8 billion in budgetary resources, $1.2 billion above the 2020 enacted level and $11.4 billion above the President's budget request. The bill includes $75.4 billion in discretionary funding, an increase of $1.1 billion over the 2020 enacted level and $16.2 billion over the President's budget request.

The bill invests in America's infrastructure, improves transportation safety, protects vulnerable populations, builds resilience to climate change, and expands access to safe, affordable, and fair housing.

Bill Summary:

Department of Transportation (DOT) – The bill provides $86.7 billion in total budgetary resources for DOT, $553 million above the 2020 enacted level and $1.1 billion below the President's budget request. Of this amount, the bill includes:

- $1 billion for **National Infrastructure Investments (TIGER/BUILD)**, equal to the 2020 enacted level and the President's budget request. The bill ensures parity between urban and rural grants, and allows for cost-share waivers for grants in rural and **persistent poverty areas**.
    - Includes $30 million for planning grants, of which not less than $10 million is for planning grants in **persistent poverty areas**.
- $3 million to continue the **Highly Automated Systems Safety Center of Excellence**, $2 million below the 2020 enacted level. This program was not in the President's budget request.
- $1 million to support technical assistance, training, and research and development for **Resilient Infrastructure**, building upon the **Transportation Resilience Metrics Study** initiated in the 2020 enacted bill. This program was not in the President's budget request.
- $18 billion for the **Federal Aviation Administration (FAA)**, $347 million above the 2020 enacted level and $443 million above the President's budget request.
    - $1.5 billion for **Aviation Safety**, $75 million above the 2020 enacted level and $5 million above the President's budget request.
    - $400 million for discretionary **Airport Improvement Grants**, equal to the 2020 enacted level and $400 million above the President's budget request.
- $49.1 billion for the **Federal Highway Administration**, $166 million below the 2020 enacted level and $1.5 billion below the President's budget request.
    - $2 billion for discretionary **Highway Infrastructure Programs**, $166 million below the 2020 enacted level. The President's budget proposed eliminating this program.
        - $1 billion for a risk-based bridge rehabilitation and reconstruction program.

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- $748 million for the **Federal Motor Carrier Safety Administration**, $69 million above the 2020 enacted level and $46 million below the President's budget request.

- $989 million for the **National Highway Traffic Safety Administration**, equal to the 2020 enacted level and $25 million above the President's budget request.

- $2.8 billion for the **Federal Railroad Administration**, $27 million above the 2020 enacted level and $830 million above the President's budget request.

    - $375 million for **Consolidated Rail Infrastructure and Safety Improvements**, $50 million above the 2020 enacted level and $45 million above the President's budget request.

    - $200 million for **Federal-State Partnership for State of Good Repair**, equal to the 2020 enacted level. The President's budget request proposed eliminating this program.

    - $2 billion for **Amtrak**, equal the 2020 enacted level and $1.1 billion above the President's budget request.

        - $700 million for **Northeast Corridor Grants**, equal to the 2020 enacted level and $375 million above the President's budget request.

        - $1.3 billion for **National Network Grants**, equal to the 2020 enacted level and $689 million above the President's budget request.

- $13 billion for the **Federal Transit Administration**, $47 million above the 2020 enacted level and $255 million above the President's budget request.

    - $2 billion for **Capital Investment Grants**, $36 million above the 2020 enacted level and $125 million above the President's budget request.

    - $516 million for **Transit Infrastructure Grants**, $6 million above the 2020 enacted level. The President's budget request proposed eliminating this program. This amount includes $125 million for low- and no-emission buses, and $16.2 million for **areas of persistent poverty**.

- $38 million for the **Saint Lawrence Seaway Development Corporation**, equal to the 2020 enacted level and $7 million above the President's budget request.

- $1.2 billion for the **Maritime Administration**, $122 million above the 2020 enacted level and $431 million above the President's budget request.

    - $314 million for the **Maritime Security Program**, $14 million above the 2020 enacted level and equal to the President's budget request.

    - $10 million for the **Cable Security Fleet**, $10 million above the 2020 enacted level. This program was not included in the President's budget request.

    - $230 million for the **Port Infrastructure Development Program**, $5 million above the 2020 enacted level. The President's budget request proposed eliminating this program.

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- $390 million for **schoolship construction**, $90 million above the 2020 enacted level and $90 million above the President's budget request.

Department of Housing and Urban Development (HUD) – The bill provides a total of $49.6 billion for HUD, $561 million above the 2020 enacted level and $12.4 billion above the President's budget request. FHA and GNMA receipts are $10.6 billion, $3.3 billion more in receipts than the 2020 enacted bill. Of the $49.6 billion, the bill includes:

- $34.8 billion for the **Office of Public and Indian Housing**, $2.3 billion above the 2020 enacted level and $6.3 billion above the President's budget request.
    - $25.8 billion for **Tenant-based Rental Assistance**, $1.9 billion above the 2020 enacted level and $2.4 billion above the President's budget request.
        - $40 million for **HUD/VA Supportive Housing for Homeless Veterans**, equal to the 2020 enacted level. The President's budget request proposed eliminating this program.
        - $43 million for new incremental vouchers for **homeless individuals and families**, $43 million above the 2020 enacted level. The President's budget request did not include this program.
    - $7.8 billion for the **Public Housing Fund**, $387 million above the 2020 enacted level and $3.6 billion above the President's budget request.
    - $200 million for the **Choice Neighborhoods Initiative**, $25 million above the 2020 enacted level. The President's budget request proposed eliminating this program. This is the highest funding level in the program's history.
    - $155 million for **Self-Sufficiency Programs**, $25 million above the 2020 enacted level.
    - $825 million for **Native American Programs**, equal to the 2020 enacted level and $225 million above the President's budget request.
        - $70 million for **Indian Community Development Block Grants**, equal to the 2020 enacted level. The President's budget request proposed eliminating this program.
    - $2 million for **Native Hawaiian Housing Block Grant**, equal to the 2020 enacted level. The President's budget request proposed eliminating this program.
- $8.3 billion for the **Office of Community Planning and Development**, $298 million above the 2020 enacted level and $5.2 billion above the President's budget request.
    - $430 million for **Housing Opportunities for Persons with AIDS**, $20 million above the 2020 enacted level and $100 million above the President's budget request. This is the highest funding level in the program's history.
    - $3.5 billion for **Community Development Block Grants**, $50 million above the 2020 enacted level. The President's budget request proposed eliminating this program.
    - $1.35 billion for the **HOME Investment Partnership Program**, equal to the 2020 enacted

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level. The President's budget request proposed eliminating this program.

- $41 million for **Section 4 Capacity Building**, $5 million above the 2020 enacted level. The President's budget request proposed eliminating this program.

- $3 billion for **Homeless Assistance Grants**, $223 million above the 2020 enacted level and $227 million above the President's budget request.

- $14.6 billion for the **Office of Housing**, $1 billion above the 2020 enacted level and $833 million above the President's budget request.

    - $13.5 billion for **Project-Based Rental Assistance**, $895 million above the 2020 enacted level and $823 million above the President's budget request.

    - $855 million for **Housing for the Elderly**, $62 million above the 2020 enacted level and $2 million above the President's budget request. This includes $52 million for new construction, and $125 million for service coordinators.

    - $227 million for **Housing for Persons with Disabilities**, $25 million above the 2020 enacted level and $25 million below the President's budget request. This includes $54 million for new construction.

    - $77.5 million for **Housing Counseling**, $25 million above the 2020 enacted level and $33 million above the President's budget request.

        - This includes $20 million for a new **eviction prevention demonstration program**, $20 million above the 2020 enacted level. This program was not included in the President's budget request.

- $105 million for **Policy Development and Research**, $7 million above the 2020 enacted level and $10 million above the President's budget request. This includes $6 million for cooperative agreements and research partnerships with Historically Black Colleges and Universities and $5 million for technical assistance to **areas of persistent poverty**.

- $73 million for **Fair Housing and Equal Opportunity**, $2 million above the 2020 enacted level and $7 million above the President's budget request.

- $360 million for the **Office of Lead Hazard Control and Healthy Homes**, $70 million above the 2020 enacted level and equal to the President's budget request. This includes $60 million for the Healthy Homes Initiative, to address other health and safety hazards in the home, including carbon monoxide, asthma, mold, and radon.

Related Agencies – The bill provides $388 million for the related agencies in the bill, $18 million above the 2020 enacted level and $140 million above the President's budget request.

- $165 million for **NeighborWorks**, $7 million above the 2020 enacted level. The President's budget request proposed eliminating this program.

- $3.8 million for the **U.S. Interagency Council on Homelessness**, equal to the 2020 enacted level and the President's budget request.

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Policy Provisions –

- Extends the period of availability for fiscal year 2019 National Infrastructure Investments (TIGER/BUILD) grants.
- Does not include any provisions permitting longer or heavier trucks on our nation's roadways.
- Makes transit programs and alternative fuel infrastructure eligible for Surface Transportation Block Grant funding within Highway Infrastructure Programs.
- Prohibits DOT from requiring Capital Investment Grant applicants from having a Federal share below 40 percent and eliminates the 51 percent cap on the Federal share of such grants, restoring the authorized 80 percent cap.
- Directs HUD to establish a Director of Domestic Violence Prevention Activities position within the Office of the Secretary to coordinate domestic violence prevention activities throughout the Department and serve as a liaison with external stakeholders.

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DIVISION-BY-DIVISION SUMMARY OF COVID-19 RELIEF PROVISIONS

In addition to the text of the Fiscal Year 2021 appropriations bills and authorizing matters, the spending package includes emergency coronavirus relief.

Division M – Coronavirus Response and Relief Supplemental Appropriations Act, 2021

Prepared by the Democratic Staff of the House Committee on Appropriations

Agriculture-Rural Development-FDA

Food and Drug Administration – $55 million for continued work on FDA efforts to facilitate the development and review, both pre-market and post-market, of medical countermeasures, devices, therapies, and vaccines to combat the coronavirus. In addition, funds will support medical product supply chain monitoring and other public health research and response investments.

Labor-Health and Human Services-Education

Department of Health and Human Services – $73 billion to support public health; research, development, manufacturing, procurement, and distribution of vaccines and therapeutics; diagnostic testing and contact tracing; mental health and substance abuse prevention and treatment services; child care support; and other activities related to coronavirus, including:

Centers for Disease Control and Prevention – $8.75 billion to support federal, state, local, territorial and tribal public health agencies to distribute, administer, monitor, and track coronavirus vaccination to ensure broad-based distribution, access, and vaccine coverage, including:

- $4.5 billion for State, local, Territorial, and Tribal Public Health Departments; and
- $300 million for a targeted effort to distribute and administer vaccines to high-risk and underserved populations, including racial and ethnic minority populations and rural communities.

Assistant Secretary for Preparedness and Response – $22.945 billion to respond to coronavirus, including:

- $19.695 billion for the Biomedical Advanced Research and Development Authority (BARDA) for manufacturing and procurement of vaccines and therapeutics, as well as ancillary supplies necessary for the administration of vaccines and therapeutics; and
- $3.25 billion for the Strategic National Stockpile.

Public Health and Social Services Emergency Fund – $25.4 billion to support testing and contact tracing to effectively monitor and suppress COVID-19, as well as to reimburse for health care related expenses or lost revenue attributable to the coronavirus, including:

- $22.4 billion for testing, contact tracing, and other activities necessary to effectively monitor and suppress COVID-19, including $2.5 billion for a targeted effort to improve testing capabilities and contact tracing in high-risk and underserved populations, including racial and ethnic minority populations and rural communities; and

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- $3 billion in additional grants for hospital and health care providers to be reimbursed for health care related expenses or lost revenue directly attributable to the public health emergency resulting from coronavirus, along with direction to allocate not less than 85 percent of unobligated funds in the Provider Relief Fund through an application-based portal to reimburse health care providers for financial losses incurred in 2020.

National Institutes of Health – $1.25 billion to support research and clinical trials related to the long-term effects of COVID-19, as well as continued support for Rapid Acceleration of Diagnostics for COVID-19.

Substance Abuse and Mental Health Services Administration – $4.25 billion to provide increased mental health and substance abuse services and support, including:
- $1.65 billion for the Substance Abuse and Prevention Treatment Block Grant;
- $1.65 billion for the Mental Health Services Block Grant;
- $600 million for Certified Community Behavioral Health Clinics;
- $50 million for suicide prevention programs;
- $50 million for Project AWARE to support school-based mental health for children;
- $240 million for emergency grants to States; and
- $10 million for the National Child Traumatic Stress Network;
- Not less than $125 million of funds provided to SAMHSA must be allocated to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes across a variety of programs.

Administration for Children and Families – $10.25 billion to support early childhood programs and child care providers through:
- • $10 billion for Child Care and Development Block Grants to provide immediate assistance to child care providers; and
- • $250 million for Head Start.

Administration for Community Living – $100 million to address abuse, neglect, and exploitation of the elderly, including adult protective service and long-term care ombudsman activities.

Department of Education

- **$82 billion Education Stabilization Fund**: Flexible funding to support the educational needs of States, school districts, and institutions of higher education and the students they serve in response to coronavirus.

- $819 million for **outlying areas and Bureau of Indian Education-operated and funded schools and Tribal Colleges and Universities**

- **$54.3 billion for the Elementary and Secondary School Emergency Relief Fund**
    - Formula funding to States and school districts to help schools respond to coronavirus, including new allowable uses of funds for:
        - school facilities repairs and improvements, including heating, ventilation, and air conditioning systems projects to improve indoor air quality in school facilities, and
        - addressing learning loss among students, including low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care.

- **$4.1 billion for the Governor's Emergency Education Relief Fund, including:**
    - $2.75 billion for Emergency Assistance to Non-Public Schools grants

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- Language prohibiting States from using any funds to support vouchers or tax credit scholarship programs

- **$22.7 billion for the Higher Education Emergency Relief Fund**
  - $20.2 billion for public and private, non-profit institutions of higher education, including those that serve students enrolled exclusively in distance education, to be distributed by a formula taking into account head count and full-time equivalent enrollment
  - $1.7 billion for Historically Black Colleges and Universities, Tribal Colleges and Universities, Hispanic Serving Institutions, and certain other institutions.
  - $113 million for institutions of higher education with unmet need
  - Cap on funding for proprietary institutions and restrictions on use of funds.

- **$11 million for National Technical Institute for the Deaf** in direct support for this university, created by the National Technical Institute for the Deaf Act, including support for students.

- **$20 million for Howard University** in direct support for this federally-chartered HBCU, including support for students.

- **$11 million for Gallaudet University** in direct support for this federally-chartered university, including support for students.

- **$28 million for the Institute of Education Sciences** to cover the coronavirus related costs of implementing National Assessment of Educational Progress (NAEP) assessments.

- **$50 million total for Student Aid Administration, Program Administration, and the Office of the Inspector General.**

Homeland Security

Federal Emergency Management Agency – Provides up to $2 billion in assistance through states for families with funeral expenses due to COVID through December 31, 2020. It requires FEMA to provide this assistance, which this Administration has previously declined to do, and waives an otherwise required 25% state match.

Transportation-Housing and Urban Development

FAA, Grants-in-Aid for Airports – $2 billion in grants for the operations and personnel cost of airports, including economic relief for retailers at the airport (i.e., concessionaires), and for assistance to communities with small airports.

Highways – $10 billion to support State Departments of Transportation and certain local transportation agencies. Funds are available to replace amounts lost as a result of the coronavirus for preventive maintenance, routine maintenance, operations, and personnel costs and may also support tolling agencies and ferry systems.

Amtrak – $1 billion to support Amtrak's ability to operate Northeast Corridor, State-supported, and long-distance passenger rail service, including $284.7 million to assist States and commuter rail providers in making required payments to Amtrak. Supports Amtrak workers by preventing further employee furloughs, requiring Amtrak to recall workers as passenger rail service is restored, barring Amtrak from replacing any furloughed workers with contractors, and preventing further reductions in long-distance rail service.

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Transit Emergency Relief – $14 billion for operating assistance. In combination with amounts provided in the CARES Act, this funding will ensure both urban and rural transit agencies receive amounts based on their operating expenses. The bill also provides $50 million and spending flexibility for paratransit providers.

Division N – Additional Coronavirus Response and Relief

Title I – Healthcare

Prepared by the Democratic Staff of the House Committee Energy and Commerce

Sec. 101. Supporting Physicians and Other Professionals In Adjusting to Medicare Payment Changes During 2021.

Provides for a one-time, one-year increase in the Medicare physician fee schedule of 3.75 percent, in order to support physicians and other professionals in adjusting to changes in the Medicare physician fee schedule during 2021, and to provide relief during the COVID-19 public health emergency.

Sec. 102. Extension of Temporary Suspension of Medicare Sequestration.

Provides for a three-month delay of the Medicare sequester payment reductions through March 31, 2021.

Title II – Assistance to Individuals, Families, and Businesses

Prepared by the Democratic Staff of the House Committee on Ways & Means

Subtitle A – Unemployment Insurance

Chapter 1 – Continued Assistance to Unemployed Workers

Section 200. This section provides the short title.

Subchapter I – Extension of CARES Act Unemployment Provisions

Section 201. Extension and Benefit Phaseout Rule for Pandemic Unemployment Assistance.

- Extends Pandemic Unemployment Assistance (PUA) to March 14, 2021 and allows individuals receiving benefits as of March 14, 2021 to continue through April 5, 2021, as long as the individual has not reached the maximum number of weeks.
- Increases the number of weeks of benefits an individual may claim from 39 to 50.
- Provides for appeals to be at the state level.
- Provides states authority to waive overpayments made without fault on the part of the individual or when such repayment would violate equity and good conscience.
- Provides a transition rule for certain individuals transitioning between PUA and the Pandemic Emergency Unemployment Compensation program.
- Limits payment of retroactive PUA benefits to weeks of unemployment after December 1, 2020.

Section 202. Extension of Emergency Unemployment Relief for Governmental Entities and Nonprofit Organizations.

Extends through March 14, 2021 a provision in the CARES Act which amended the Families First Coronavirus Response Act to provide federal support to cover 50% of the costs of unemployment benefits for employees of state and local governments and non-profit organizations.

Section 203. Extension of Federal Pandemic Unemployment Compensation.

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Restores the Federal Pandemic Unemployment Compensation (FPUC) supplement to all state and federal unemployment benefits at $300 per week, starting after December 26 and ending March 14, 2021.

Section 204. Extension of Federal Funding of the First Week of Compensable Regular Unemployment for States with No Waiting Week.
Extends through March 14, 2021 the CARES Act provision which reimbursed states for the cost of waiving the "waiting week" for regular unemployment compensation. Sets the reimbursement percentage for weeks ending after December 26, 2020 at 50 percent.

Section 205. Extension of Emergency State Staffing Flexibility.
Extends through March 14, 2021 the CARES Act provision which gave state unemployment offices temporary, emergency authority to use "non-merit" staff.

Section 206. Extension and Benefit Phaseout Rule for Pandemic Emergency Unemployment Compensation.

- Extends Pandemic Emergency Unemployment Compensation (PEUC) to March 14, 2021 and allows individuals receiving benefits as of March 14, 2021 to continue through April 5, 2021, as long as the individual has not reached the maximum number of weeks.
- Increases the number of weeks of benefits an individual may claim through the PEUC program from 13 to 24.
- Provides rules for states about sequencing these benefits with other unemployment benefits.

Section 207. Extension of Temporary Financing of Short-Time Compensation Payments in States with Programs in Law.
Extends through March 14, 2021 the CARES Act provision which provided temporary 100 percent federal financing for Short-Time Compensation ("worksharing") programs which are established in state law.

Section 208. Extension of Temporary Financing of Short-Time Compensation Agreements for States Without Programs in Law.
Extends through March 14, 2021 the CARES Act provision which provided a 50 percent subsidy to non-statutory, temporary state Short-Time Compensation programs.

Section 209. Technical Amendment to References to Regulation in CARES Act.
Provides a technical amendment to correct a reference error in the CARES Act.

Subchapter II – Extension of FFCRA Unemployment Provisions

Section 221. Extension of Temporary Assistance for States with Advances.
Extends through March 14, 2021 accumulation of interest on federal loans states have taken in order to pay state unemployment benefits. The loans allow states with low balances in their unemployment trust funds to delay employer tax increases or other employer surcharges while the economy is struggling.

Section 222. Extension of Full Federal Funding of Extended Unemployment Compensation.
Extends through March 14, 2021 the provision in the Families First Coronavirus Response Act which provided temporary full federal financing of Extended Benefits (EB) for high-unemployment states. States are normally required to pay 50 percent of the cost of EB, which is a program in permanent law.

Subchapter III – Continued Assistance to Rail Workers

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Section 231. Short Title.
This section provides the short title.

Section 232. Additional Enhanced Benefits Under the Railroad Unemployment Insurance Act.
This section restores the federal supplemental benefit for unemployed railroad workers at $600/registration period for registration periods beginning after December 26, 2020 and on or before March 14, 2021.

Section 233. Extended Unemployment Benefits Under the Railroad Unemployment Insurance Act.
Provides up to 11 additional weeks of unemployment benefits under the Railroad Unemployment Insurance Act (RUIA) for qualifying railroad workers. This provision also extends the availability of the 13 weeks of additional unemployment benefits provided under the CARES Act. These weeks are not available to those whose extended benefit period begins after March 14, 2021, and they turn off for everyone for any registration period beginning after April 5, 2021.

Section 234. Extension of Waiver of the 7-Day Waiting Period for Benefits Under the Railroad Unemployment Insurance Act.
This section extends the waiver of the 7-day waiting period for benefits provided under the RUIA through March 14, 2021.

Section 235. Treatment of Payments From the Railroad Unemployment Insurance Account
This section temporarily prevents sequestration of the benefits available under the RUIA during the period that is 7 days after the date of enactment of this section and 30 days after the date on which the President's declaration under the National Emergencies Act related to the coronavirus is terminated.

Subchapter IV – Improvements to Pandemic Unemployment Assistance to Strengthen Program Integrity

Section 241. Requirement to Substantiate Employment or Self-Employment and Wages Earned or Paid to Confirm Eligibility for Pandemic Unemployment Assistance.

- Effective January 31, 2021, requires new applicants for Pandemic Unemployment Assistance (PUA) to submit documentation to substantiate employment or self-employment within 21 days and provides for such deadline to be extended when an individual has shown good cause.
- Requires individuals receiving PUA as of January 31, 2021 to submit documentation to substantiate employment or self-employment within 90 days.

Section 242. Requirement for States to Verify Identity of Applicants for Pandemic Unemployment Assistance.

- Requires states to have procedures in place to verify or validate the identity of PUA applicants, and for timely payment of benefits.
- Clarifies that expenses to implement such procedures qualify as an administrative cost and may be reimbursed as part of PUA operation.

Subchapter V – Return to Work Reporting Requirement

Section 251. Return to Work Reporting for CARES Act Agreements. Effective 30 days after enactment, requires states to have methods in place to address situations when claimants of unemployment compensation refuse to return to work or refuse to accept an offer of suitable work without good cause including:

- A reporting method for employers to notify the state when an individual refuses employment.

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- A plain language notice to claimants about state return to work laws, rights to refuse to return to work or to refuse suitable work and information on contesting a denial of a claim, as well as what constitutes suitable work, including a claimant's right to refuse work that poses a risk to the claimant's health and safety.

Subchapter VI – Other Related Provisions and Technical Corrections

Section 261. Mixed Earner Unemployment Compensation.
Provides a federally funded $100 per week additional benefit to individuals who have at least $5,000 a year in self-employment income but are disqualified from receiving Pandemic Unemployment Assistance because they are eligible for regular state unemployment benefits. This mixed-earner supplemental benefit would be added to the FPUC and would terminate along with it on March 14, 2021. This provision would be effective for future unemployment benefit payments after a state chose to make an agreement with the Department of Labor.

Section 262. Lost Wages Assistance Recoupment Fairness.
Allows states to waive recovery of "Lost Wages Assistance" overpayments for which the recipient was not at fault and would suffer hardship if required to repay the benefits the same way they do in state unemployment benefits.

Section 263. Continuing Eligibility for Certain Recipients of Pandemic Unemployment Assistance.
Ensures individuals who are otherwise eligible for Pandemic Unemployment Assistance do not have their benefits terminated because of inadvertent or state system failure errors in past required weekly benefit recertifications, so long as the state made good faith efforts to implement the program.

Section 264. Technical Correction for Nonprofit Organizations Classified as Federal Instrumentalities.
This section makes a technical correction to allow certain federal instrumentalities that are reimbursable employers to receive the same federal subsidy for reimbursable employers that is provided to nonprofit organizations and government entities (see Sec. 1102).

Section 265. Technical Correction for the Commonwealth of Northern Mariana Islands.
Allows Pandemic Unemployment Assistance benefits to be provided to workers in the Commonwealth of the Northern Mariana Islands with "Commonwealth Only Transitional Worker," or CW-1 status.

Section 266. Waiver to Preserve Access to Extended Benefits in High Unemployment States.
Provides a temporary waiver of the mandatory "EB freeze period" for states that trigger back onto the program because of fluctuations in their unemployment rates, beginning November 1, 2020 and ending December 31, 2021.

Subtitle B – COVID-Related Tax Relief

Chapter 1 – Continued Assistance to Unemployed Workers

Secs. 271. Short title. Table of contents.

Secs. 272-273. Additional 2020 recovery rebates for individuals.
The provision provides a refundable tax credit in the amount of $600 per eligible family member. The credit is $600 per taxpayer ($1,200 for married filing jointly), in addition to $600 per qualifying child. The credit phases

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out starting at $75,000 of modified adjusted gross income ($112,500 for heads of household and $150,000 for married filing jointly) at a rate of $5 per $100 of additional income.

The provision also provides for Treasury to issue advance payments based on the information on 2019 tax returns. Eligible taxpayers treated as providing returns through the nonfiler portal in the first round of Economic Impact Payments, provided under the CARES Act, will also receive payments. Treasury may issue advance payments for Social Security Old-Age, Survivors, and Disability Insurance beneficiaries, Supplemental Security Income recipients, Railroad Retirement Board beneficiaries, and Veterans Administration beneficiaries who did not file 2019 returns based on information provided by the Social Security Administration, the Railroad Retirement Board, and the Veterans Administration.

In general, taxpayers without an eligible social security number are not eligible for the payment. However, married taxpayers filing jointly where one spouse has a Social Security Number and one spouse does not are eligible for a payment of $600, in addition to $600 per child with a Social Security Number.

The provision aligns the eligibility criteria for the new round of Economic Impact Payments and the credit for the Economic Impact Payments provided by the CARES Act. Taxpayers receiving an advance payment that exceeds the amount of their eligible credit will not be required to repay any amount of the payment. If the amount of the credit determined on the taxpayer's 2020 tax return exceeds the amount of the advance payment, taxpayers will receive the difference as a refundable tax credit.

Advance payments are generally not subject to administrative offset for past due federal or state debts. In addition, the payments are protected from bank garnishment or levy by private creditors or debt collectors.

Additionally, the provision instructs Treasury to make payments to the territories that relate to each territory's cost of providing the credits.

Sec. 274. Extension of certain deferred payroll taxes. On August 8, 2020, the President of the United States issued a memorandum to allow employers to defer withholding employees' share of social security taxes or the railroad retirement tax equivalent from September 1, 2020 through December 31, 2020, and required employers to increase withholding and pay the deferred amounts ratably from wages and compensation paid between January 1, 2021 and April 31, 2021. Beginning on May 1, 2021, penalties and interest on deferred unpaid tax liability will begin to accrue.

The provision extends the repayment period through December 31, 2021. Penalties and interest on deferred unpaid tax liability will not begin to accrue until January 1, 2022.

Sec. 275. Regulations or guidance clarifying application of educator expense tax deduction.
The provision requires the Secretary of the Treasury to issue guidance or regulations providing that personal protective equipment and other supplies used for the prevention of the spread of COVID-19 are treated as eligible expenses for purposes of the educator expense deduction. Such regulations or guidance shall be retroactive to March 12, 2020.

Sec. 276. Clarification of tax treatment of Paycheck Protection Program loans.
The provision clarifies that gross income does not include any amount that would otherwise arise from the forgiveness of a Paycheck Protection Program (PPP) loan. This provision also clarifies that deductions are allowed for otherwise deductible expenses paid with the proceeds of a PPP loan that is forgiven, and that the tax basis and other attributes of the borrower's assets will not be reduced as a result of the loan forgiveness. The

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provision is effective as of the date of enactment of the CARES Act. The provision provides similar treatment for Second Draw PPP loans, effective for tax years ending after the date of enactment of the provision.

Sec. 277. Emergency financial aid grants.
The provision provides that certain emergency financial aid grants under the CARES Act are excluded from the gross income of college and university students. The provision also holds students harmless for purposes of determining eligibility for the American Opportunity and Lifetime Learning tax credits. The provision is effective as of the date of enactment of the CARES Act.

Sec. 278. Clarification of tax treatment of certain loan forgiveness and other business financial assistance under the coronavirus relief legislation.
The provision clarifies that gross income does not include forgiveness of certain loans, emergency EIDL grants, and certain loan repayment assistance, each as provided by the CARES Act. The provision also clarifies that deductions are allowed for otherwise deductible expenses paid with the amounts not included in income by this section, and that tax basis and other attributes will not be reduced as a result of those amounts being excluded from gross income. The provision is effective for tax years ending after date of enactment of the CARES Act. The provision provides similar treatment for Targeted EIDL advances and Grants for Shuttered Venue Operators, effective for tax years ending after the date of enactment of the provision.

Sec. 279. Authority to waive certain information reporting requirements.
The provision gives Treasury authority to waive information filing requirements for any amount excluded from income by reason of the exclusion of covered loan amount forgiveness from taxable income, the exclusion of emergency financial aid grants from taxable income or the exclusion of certain loan forgiveness and other business financial assistance under the CARES act from income.

Sec. 280. Application of special rules to money purchase pension plans.
The CARES Act temporarily allows individuals to make penalty-free withdrawals from certain retirement plans for coronavirus-related expenses, permits taxpayers to pay the associated tax over three years, allows taxpayers to recontribute withdrawn funds, and increases the allowed limits on retirement plan loans. This section clarifies that money purchase pension plans are included in the retirement plans qualifying for these temporary rules. The provision applies retroactively as if included in Section 2202 of the CARES Act.

Sec. 281. Election to waive application of certain modifications to farming losses.
This section allows farmers who elected a two-year net operating loss carryback prior to the CARES Act to elect to retain that two-year carryback rather than claim the five-year carryback provided in the CARES Act. This section also allows farmers who previously waived an election to carry back a net operating loss to revoke the waiver. These clarifications eliminate unnecessary compliance burdens for farmers. The provision applies retroactively as if included in Section 2303 of the CARES Act.

Sec. 282. Oversight and audit reporting.
The CARES Act authorizes the Comptroller General to conduct monitoring and oversight of federal response efforts related to the Coronavirus 2019 pandemic and its general effects. The Comptroller General is required to provide briefings and reports to “appropriate congressional committees.” The CARES Act omitted the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives in its list of “appropriate congressional committees.” This section includes those two committees in the appropriate-committee list, as the Comptroller General’s monitoring and oversight is expected to cover matters in the committees’ jurisdiction and may involve accessing federal tax data.

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Sec. 283. Disclosures to identify tax receivables not eligible for collection pursuant to qualified tax collection contracts.
Section 1205 of the Taxpayer First Act (P.L. 116-25) excludes supplemental social security (SSI) and social security disability insurance (SSDI) beneficiaries from the IRS private debt collection program beginning on January 1, 2021. The IRS and SSA need statutory authority to share information to determine which taxpayers are SSI or SSDI beneficiaries and eligible for exclusion from the IRS program. The provision provides the authority needed to share such information and make the Taxpayer First Act provision work as intended.

Sec. 284. Modification of certain protections for taxpayer return information.
The provision modifies a provision in the CARES Act. The CARES Act modified Section 3 of the FUTURE Act (P.L. 116-91), which amended section 6103 of the Code to allow the IRS to share tax return information of student aid applicants, their parents, students, and borrowers with the Department of Education and further allowed that tax return information be redisclosed to colleges and universities (and certain scholarship organizations) with the taxpayer confidentiality protections afforded under section 6103 of the Code. Section 3516 of the CARES Act repealed the 6103 changes in the FUTURE Act and stripped all the taxpayer confidentiality protections applicable to the tax return information shared by IRS with the Department of Education (and the subsequent redisclosure to colleges, universities, and scholarship funds). The provision unwinds and fixes the changes made by the CARES Act and restores taxpayer confidentiality protections to the tax return information shared by IRS while allowing certain uses as requested by the committees with education jurisdiction.

Sec. 285. Election to Terminate Transfer Period for Qualified Transfers from Pension Plan for Covering Future Retiree Costs.
Section 420 of the Internal Revenue Code permits “qualified future transfers,” under which up to 10 years of retiree health and life costs may be transferred from a company’s pension plan to a retiree health benefits account and/or a retiree life insurance account within the pension plan. Such transfers must meet a number of requirements: the plan must be 120 percent funded at the outset, it must be 120 percent funded throughout the transfer period, all unused amounts must be transferred back, and the plan is subject to a maintenance of effort requirement. Applying the current-law requirements during the market volatility related to the coronavirus pandemic has caused plans that have been historically far over 120 percent funded to fall below 120 percent and face a requirement to immediately restore these large market losses in order to get back to 120 percent funded. This provision would allow employers to make a one-time election during 2020 and 2021 to end any existing transfer period for any taxable year beginning after the date of election, provided the maintenance of effort continues to apply as if the transfer period were not shortened, the employer ensures the plan stays at least 100 percent funded throughout the original transfer period, the plan has funding targets for the first five years after the original transfer period, and all amounts left in the retiree benefits account at the end of the shortened transfer period must be returned to the pension plan (without application of an excise tax to such amounts).

Sec. 286. Extension of credits for paid sick and family leave.
The provision extends the refundable payroll tax credits for paid sick and family leave, enacted in the Families First Coronavirus Response Act, through the end of March 2021. It also modifies the tax credits so that they apply as if the corresponding employer mandates were extended through the end of March 2021. This provision is effective as if included in FFCRA.

Sec. 287. Election to use prior year net earnings from self-employment in determining average daily and self-employment income for purposes of credits for paid sick and family leave.
Allows individuals to elect to use their average daily self-employment income from 2019 rather than 2020 to compute the credit. This provision is effective as if included in FFCRA.

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Sec. 288. Certain technical improvements to credits for paid sick and family leave.
Makes technical changes coordinating the definitions of qualified wages within the paid sick leave, paid family and medical leave, and the exclusion of such leave from employer OASDI tax. This provision is effective as if included in FFCRA.

Title III - Continuing the Paycheck Protection Program and Other Small Business Support
Prepared by the House Committee on Small Business

Title I: Continuing the Paycheck Protection Program and Other Small Business Support

Section 301; 302: Short Title; Definitions.

Section 303: Emergency Rulemaking Authority.
- Requires the SBA Administrator to establish regulations to carry out this title no later than 10 days after enactment of this title.

Section 304: Additional Eligible Expenses.
- Makes the following expenses allowable and forgivable uses for Paycheck Protection Program funds:
  - Covered operations expenditures. Payment for any software, cloud computing, and other human resources and accounting needs.
  - Covered property damage costs. Costs related to property damage due to public disturbances that occurred during 2020 that are not covered by insurance.
  - Covered supplier costs. Expenditures to a supplier pursuant to a contract, purchase order, or order for goods in effect prior to taking out the loan that are essential to the recipient's operations at the time at which the expenditure was made. Supplier costs of perishable goods can be made before or during the life of the loan.
  - Covered worker protection expenditure. Personal protective equipment and adaptive investments to help a loan recipient comply with federal health and safety guidelines or any equivalent State and local guidance related to COVID-19 during the period between March 1, 2020, and the end of the national emergency declaration.
- Redesignates Section 1106 of the CARES Act and other subsequent conforming amendments as section 7A. This would transfer section 104 of this title to the end of section 7 of the Small Business Act (15 U.S.C. 631 et seq.). Relevant sections to follow contain this technical redesignation.
- Allows loans made under PPP before, on, or after the enactment of this act to be eligible to utilize the expanded forgivable expenses except for borrowers who have already had their loans forgiven.

Section 05: Hold Harmless.
- Provides that a lender may rely on any certification or documentation submitted by a borrower for an initial or second draw PPP loan and that no enforcement action may be taken against the lender and the lender shall not be subject to any penalties relating to loan origination or forgiveness if (1) the lender acts in good faith relating to loan origination or forgiveness; and (2) all relevant federal, state, local and other statutory and regulatory requirements are satisfied.

Section 306: Selection of Covered Period for Forgiveness.
- Allows the borrower to elect a covered period ending at the point of the borrower's choosing between 8 and 24 weeks after origination.

Section 307: Simplified Application.
- Creates a simplified application process for loans under $150,000 such that:

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- A borrower shall receive forgiveness if a borrower signs and submits to the lender a certification that is not more than one page in length, includes a description of the number of employees the borrower was able to retain because of the covered loan, the estimated total amount of the loan spent on payroll costs, and the total loan amount. The borrower must also attest that borrower accurately provided the required certification and complied with Paycheck Protection Program loan requirements. SBA must establish this form within 24 days of enactment and may not require additional materials unless necessary to substantiate revenue loss requirements or satisfy relevant statutory or regulatory requirements. Additionally, borrowers are required to retain relevant records related to employment for four years and other records for three years. The Administrator may review and audit these loans to ensure against fraud.
- At the discretion of the borrower, the borrowers may complete and submit demographic information for all PPP loans.
- The SBA must submit to the Senate and House Small Business Committees a report 45 days after enactment detailing their review and forgiveness audit plan to mitigate risk of fraud and provide monthly reviews and audit updates thereafter.
- Applies to loans made before, on, or after the date of enactment, including the forgiveness of the loan.

Section 308: Specific Group Insurance Payments as Payroll Costs.

- Clarifies that other employer-provided group insurance benefits are included in payroll costs. This includes, group life, disability, vision, or dental insurance.
- Applies to loans made before, on, or after the date of enactment, including the forgiveness of the loan.

Section 309: Demographic Information.

- Requires the SBA to include a voluntary demographic information section on the loan origination application for initial PPP loans and second draw PPP loans. All PPP loan applications after enactment must include this section.

Section 310: Clarification of and Additional Limitations on Eligibility.

- Clarifies that a business or organization that was not in operation on February 15, 2020 shall not be eligible for an initial PPP loan and a second draw PPP loan.
- Prohibits eligible entities that receive a grant under the Shuttered Venue Operator Grants from obtaining a PPP loan.

Section 311: Paycheck Protection Program Second Draw Loans.

- Creates a second loan from the Paycheck Protection Program, called a "PPP second draw" loan for smaller and harder-hit businesses, with a maximum amount of $2 million.
- Eligibility. In order to receive a Paycheck Protection Program loan under this section, eligible entities must:
  - Employ not more than 300 employees;
  - Have used or will use the full amount of their first PPP; and
  - Demonstrate at least a 25 percent reduction in gross receipts in the first, second, or third quarter of 2020 relative to the same 2019 quarter. Provides applicable timelines for businesses that were not in operation in Q1, Q2, and Q3, and Q4 of 2019. Applications submitted on or after January 1, 2021 are eligible to utilize the gross receipts from the fourth quarter of 2020.
- Eligible entities must be businesses, certain non-profit organizations, housing cooperatives, veterans' organizations, tribal businesses, self-employed individuals, sole proprietors, independent contractors, and small agricultural co-operatives.
- Ineligible entities include: entities listed in 13 C.F.R. 120.110 and subsequent regulations except for entities from that regulation which have otherwise been made eligible by statute or guidance, and except for nonprofits and religious organizations; entities involved in political and lobbying activities including

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engaging in advocacy in areas such as public policy or political strategy or otherwise describes itself as a think tank in any public document, entities affiliated with entities in the People's Republic of China; registrants under the Foreign Agents Registration Act; and entities that receive a grant under the Shuttered Venue Operator Grant program.

- Loan terms. In general, borrowers may receive a loan amount of up to 2.5X the average monthly payroll costs in the one year prior to the loan or the calendar year. No loan can be greater than $2 million.
    - Seasonal employers may calculate their maximum loan amount based on a 12-week period beginning February 15, 2019 through February 15, 2020.
    - New entities may receive loans of up to 2.5X the sum of average monthly payroll costs.
    - Entities in industries assigned to NAICS code 72 (Accommodation and Food Services) may receive loans of up to 3.5X average monthly payroll costs.
    - Businesses with multiple locations that are eligible entities under the initial PPP requirements may employ not more than 300 employees per physical location.
    - Waiver of affiliation rules that applied during initial PPP loans apply to a second loan.
    - An eligible entity may only receive one PPP second draw loan.
    - Fees are waived for both borrowers and lenders to encourage participation.
    - For loans of not more than $150,000, the entity may submit a certification attesting that the entity meets the revenue loss requirements on or before the date the entity submits their loan forgiveness application and non-profit and veterans organizations may utilize gross receipts to calculate their revenue loss standard.
- Loan forgiveness. Borrowers of a PPP second draw loan would be eligible for loan forgiveness equal to the sum of their payroll costs, as well as covered mortgage, rent, and utility payments, covered operations expenditures, covered property damage costs, covered supplier costs, and covered worker protection expenditures incurred during the covered period. The 60/40 cost allocation between payroll and non-payroll costs in order to receive full forgiveness will continue to apply.
- Lender eligibility. A lender approved to make loans under initial PPP loans may make covered loans under the same terms and conditions as the initial loans.
- Lender compensation. The Administrator is authorized to reimburse a lender by a tiered structure: For loans up to $50,000, the lender processing fee will be the lesser of 50 percent of the principal amount or $2,500. For loans between $50,000 and $350,000, the lender fee will be five percent. For loans $350,000 and above, the lender fee will be three percent.
- Guidance to prioritize underserved communities. Directs the Administrator to issue guidance addressing barriers to access to capital for underserved communities no later than 10 days after enactment.
- Standard Procedures. Directs the SBA to allow lenders to approve loans made under this paragraph utilizing existing program guidance and standard operating procedure, to the maximum extent possible, as the standard SBA 7(a) program.
- Churches and religion organizations. Expresses the sense of Congress that the Administrator's guidance clarifying the eligibility of churches and religious organizations was proper and prohibits the application of regulations otherwise rendering ineligible businesses principally engaged in teaching, instructing, counseling, or indoctrinating religion or religious beliefs. Codifies that the prohibition on eligibility in 13 CRF 120.110(k) shall not apply for initial and second draw loans.
- Application of Exemption Based on Employee. Extends existing safe harbors on restoring FTE and salaries and wages. Specifically, applies the rule of reducing loan forgiveness for the borrower reducing the number of employees retained and reducing employees' salaries in excess of 25 percent. Allows the SBA and Treasury Department to jointly modify any date in section 7A(d) consistent with the purposes of the Paycheck Protection Program.

Section 312: Increased Ability for Paycheck Protection Program Borrowers to Request an Increase in Loan Amount Due to Updated Regulations.

- Requires the Administrator to release guidance to lenders within 17 days of enactment that allows borrowers who returned all or part of their PPP loan to reapply for the maximum amount applicable so

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long that they have not received forgiveness. Additionally, this section allows borrowers whose loan calculations have increased due to changes in interim final rules to work with lenders to modify their loan value regardless of whether the loan has been fully disbursed, or if Form 1502 has already been submitted.

Section 313: Calculation of Maximum Loan Amount for Farmers and Ranchers under the Paycheck Protection Program.

- Establishes a specific loan calculation for the first round of Paycheck Protection Program loans for farmers and ranchers who operate as a sole proprietor, independent contractor, self-employed individual, who report income and expenses on a Schedule F, and were in business as of February 15, 2020. These entities may utilize their gross income in 2019 as reported on a Schedule F. Lenders may recalculate loans that have been previously approved to these entities if they would result in a larger loan.
- Applies to PPP loans before, on, or after the date of enactment, except for loans that have already been forgiven.

Section 314: Farm Credit System Institutions.

- Allows Farm Credit System Institutions to be eligible to make loans under the Paycheck Protection Program. It also allows for a zero risk weight for Paycheck Protection Program loans and aligns eased requirements for Farm Credit System Institutions with those of other Paycheck Protection Program lenders.
- Applies to any loan made before, on or after enactment including the forgiveness of the loan.

Section 315: Definition of a Seasonal Employer.

- Defines a seasonal employer to be an eligible recipient which: (1) operates for no more than seven months in a year, or (2) earned no more than 1/3 of its receipts in any six months in the prior calendar year.
- Applies to any loan made before, on or after enactment including the forgiveness of the loan.

Section 316: Housing Cooperatives.

- Extends PPP eligibility to housing cooperatives defined in section 216(b) of the Internal Revenue Code of 1986 and which employ no more than 300 employees.

Section 317: Eligibility of News Organizations for Loans under the Paycheck Protection Program.

- Makes eligible FCC license holders and newspapers with more than one physical location, as long as the business has no more than 500 employees per physical location or the applicable SBA size standard; and makes eligible section 511 public colleges and universities that have a public broadcasting station if:
    - The organization certifies that the loan will support locally focused or emergency information.
- Waives affiliation rules for newspapers, TV and radio broadcasters, and public broadcasters, as long as the organization has no more than 500 employees per physical location or the applicable SBA size standard.
- Waives the prohibition against publicly-traded news organizations from being eligible if the business certifies that the loan will support locally focused or emergency content.

Section 318: Eligibility of 501(c)(6) and Destination Marketing Organizations for Loan Under the Paycheck Protection Program.

- Expands eligibility to receive a Paycheck Protection Program loan to include the following organizations:
    - 501(c)(6) organizations if:
        - The organization does not receive more than 15 percent of receipts from lobbying;
        - The lobbying activities do not comprise more than 15 percent of activities;

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        - The cost of lobbying activities of the organization did not exceed $1,000,000 during the most recent tax year that ended prior to February 15, 2020 and
        - The organization has 300 or fewer employees.
        - Professional sports leagues or organizations with the purpose of promoting or participating in a political campaign or other political activities are not eligible under this section.
    - Destination Marketing Organizations if:
        - The organization does not receive more than 15 percent of receipts from lobbying;
        - The lobbying activities do not comprise more than 15 percent of activities;
        - The organization has 300 or fewer employees; and
        - That destination marketing organization is registered as a 501(c) organization, a quasi-government entity, or a political subdivision of a state or local government.

Section 319: Prohibition on Use of Loan Proceeds for Lobbying Activities.

- Prohibits any eligible entity from using proceeds of the covered loan for lobbying activities, as defined by the Lobbying Disclosure Act, lobbying expenditures related to state or local campaigns, and expenditures to influence the enactment of legislation, appropriations, or regulations.

Section 320: Bankruptcy Provisions.

- Establishes a special procedure in the bankruptcy process if the Administrator determines certain small business debtors are eligible for Paycheck Protection Program loans. It requires court approval for Paycheck Protection Program loans to these debtors and requires any such loan be given a superpriority claim in the bankruptcy process, providing additional protection to taxpayers and participating banks. The provisions in this section would take effect only upon a written determination by the Administrator that certain small business debtors are eligible for Paycheck Protection Program loans and would sunset two years from the date of enactment.

Section 321: Oversight.

- Requires the SBA to comply with GAO requests no later than 15 days, and requires the SBA to submit a detailed justification to Senate and House Small Business Committees if they are unable to comply with the request. It also would require the Secretary of the Treasury and SBA Administrator to testify within 120 days of enactment of this Act and not less than twice per year for the next two years to the Senate and House Small Business Committees.

Section 322: Conflicts of Interest.

- Requires the President, Vice President, the head of an Executive department, or a Member of Congress as well as their spouse that has received a PPP loan to disclose this status at forgiveness or 30 days thereafter. It would also prohibit the covered individuals from receiving a loan in the future.

Section 323: Commitment Authority and Appropriations.

- Extends the time of the program to March 31, 2021.
- Sets the authorization level for PPP at $806.5 billion.
- Separates regular 7(a) and PPP loans to ensure the continued operation of the 7(a) program by setting an authorization level of $75 billion and clarifies the 7(a) program level and secondary market cap.
- Direct appropriations:
    - $284.45 billion for PPP, including the following set-asides:
        - Lenders:
            - $15 billion for PPP loans (initial and second draw) issued by community financial institutions, including community development financial institutions (CDFIs) and minority depository intuitions (MDIs);

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        - $15 billion for PPP loans (initial and second draw) issued by certain small depository institutions.
    - Borrowers:
        - $35 billion for first-time borrowers, $15 billion of which for smaller, first-time borrowers with 10 or fewer employees, or loans less than $250,000 in low-income areas;
        - $25 billion for second draw PPP loans for smaller borrowers with 10 or fewer employees, or loans less than $250,000 in low-income areas.
    - After 25 days, the SBA Administrator may adjust the set-asides as necessary.
- $25 million for the Minority Business Development Centers program under the Minority Business Development Agency (MBDA);
- $50 million for PPP auditing and fraud mitigation purposes;
- $20 billion for the Targeted EIDL Advance program, of which $20 million for the Inspector General;
- $57 million for the Microloan program as described in section 29;
- $1.9 billion to carry out sections 26, 27, and 28;
- $3.5 billion for the Debt Relief program as described in section 25;
- $15 billion for grants for live venues as described in section 24.

Section 324: Grants for Shuttered Venue Operators.

- Authorizes $15 billion for the SBA to make grants to eligible live venue operators or promoters, theatrical producers, live performing arts organization operators, museum operators, motion picture theatre operators, or talent representatives who demonstrate a 25 percent reduction in revenues.
- There is a set-aside of $2 billion for eligible entities that employ not more than 50 full-time employees, and any amounts from this set-aside remaining after sixty days from the date of implementation of this program shall become available to all eligible applicants under this section.
- The SBA may make an initial grant of up to $10 million dollars to an eligible person or entity and a supplemental grant that is equal to 50 percent of the initial grant.
- In the initial 14-day period of implementation of the program, grants shall only be awarded to eligible entities that have faced 90 percent or greater revenue loss. In the 14-day period following the initial 14-day period, grants shall only be awarded to eligible entities that have faced 70 percent or greater revenue loss. After these two periods, grants shall be awarded to all other eligible entities.
- Such grants shall be used for specified expenses such as payroll costs, rent, utilities, and personal protective equipment.
- Requires the Administrator to conduct increased oversight of eligible persons and entities receiving these grants.
- Requires the SBA to submit a report to the Senate and House Small Business Committees 45 days after enactment detailing their oversight and audit plan for shuttered venue grants and to provide monthly updates on the oversight and audit activities conducted by the Administrator.

Section 325: Extension of the debt relief program.

- Resumes the payment of principal and interest (P&I) on small business loans guaranteed by the SBA under the 7(a), 504 and microloan programs, established under the CARES Act.
- All borrowers with qualifying loans approved by the SBA prior to the CARES Act will receive an additional three months of P&I, starting in February 2021. Going forward, those payments will be capped at $9,000 per borrower per month.
- After the three-month period described above, borrowers considered to be underserved—namely the smallest or hardest-hit by the pandemic—will receive an additional five months of P&I payments, also capped at $9,000 per borrower per month. They include:

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    - Borrowers with SBA microloans or 7(a) Community Advantage loans
    - Borrowers with any 7(a) or 504 loan in the hardest-hit sectors, as measured by the severity of sector-wide job losses since the start of the pandemic. They include food service and accommodation; arts, entertainment and recreation; education; and laundry and personal care services.
- SBA payments of P&I on the first 6 months of newly approved loans will resume for all loans approved between February 1 and September 30, 2021, also capped at $9,000 per month.
- If the SBA projects that appropriations provided for the debt relief program are insufficient to fund the extensions provided, the Administrator may proportionally reduce the number of months provided in each extension.
- Clarifies eligibility and increases program integrity:
    - SBA payments should be made on any loan approved before the applicable deadline, and debt relief payments should be made only once the loan is fully disbursed.
    - SBA may establish a minimum loan maturity period for each loan product covered under this section to prevent program abuse.
    - Any business or applicant may only receive P&I payments for only one loan approved after CARES Act enactment.
- Requires that SBA place program information on its website, conduct outreach to all borrowers, report monthly to Congress on program spending, and educate lenders, borrowers, SBA district offices, and resources partners about the program.

Section 326: Modifications to 7(a) Loan Programs.

- Increases to 90 percent the loan guarantee amount on 7(a) loans, including for Community Advantage loans, until October 1, 2021.
- Increases the Express Loan amount from $350,000 to $1 million on January 1, 2021, and then reverts permanently to a lower amount of $500,000 on October 1, 2021.
- The Express Loan guaranty amount for loans of $350,000 and less is temporarily increased from 50 percent to 75 percent, and for loans above $350,000 the guarantee remains at 50 percent. On October 1, 2021, the guarantee reverts to 50 percent for all Express Loans.

Section 327: Temporary Fee Reductions.

- Waives lender and borrower fees for both the 7(a) and 504 loan programs.

Section 328: Low-Interest Refinancing.

- Enhances the 504 refinancing rules in order to create reciprocity for refinancing between 504 and 7(a) programs.
- Grants authority through September 30, 2023 for SBA to establish a 504 Express Loan Program for the most experienced successful 504 lenders to expedite 504 loans of less than $500,000.

Section 329: Recovery Assistance under the Microloan Program.

- Enhances the microloan program to increase access to micro capital and technical assistance under the program for businesses impacted by the COVID-19 pandemic.
- Temporarily increases the amount of time that borrowers can repay their loans from 6 to 8 years.
- Temporarily increases the outstanding aggregate amount each intermediary may borrow from $6 million to $10 million to expand their capacity to deploy more capital to small businesses.
- Allows intermediaries to access more technical assistance funding if they serve rural areas.
- Maximizes flexibility and reduces red tape for intermediaries by temporarily waiving the limitations for the technical assistance grants and the 50 percent limitation on pre-loan technical assistance.
- Provides $50 million in additional funding for Microloan Technical Assistance funding for lenders and $7 million to leverage about $64 million more in microloans to businesses.

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Section 330: Extension of Participation in 8(a) Program.

- Requires Administrator to allow businesses in the 8(a) program to seek an enrollment extension of 1 year.
- Requires rules to be drafted to carry out this section within 15 days.

Section 331: Targeted EIDL Advance for Small Business Continuity, Adaptation, and Resiliency.

- Provides additional targeted funding for eligible entities located in low-income communities through the EIDL Advance program from Section 1110 of the CARES Act.
- Makes entities in low-income communities that received an EIDL Advance under Section 1110 of the CARES Act eligible to receive an amount equal to the difference of what the entity received under the CARES Act and $10,000.
- Provides $10,000 grants to eligible applicants in low-income communities that did not secure grants because funding had run out.

Section 332: Emergency EIDL Grants.

- Extends covered period for Emergency EIDL grants through December 31, 2021.
- Allows more flexibility for the SBA to verify that Emergency EIDL grant applicants have submitted accurate information.
- Extends time for SBA to approve and disburse Emergency EIDL grants from 3 to 21 days.

Section 333: Repeal of EIDL Advance Deduction.

- Repeals section 1110(e)(6) of the CARES Act, which requires PPP borrowers to deduct the amount of their EIDL advance from their PPP forgiveness amount.
- Establishes the Sense of Congress that EIDL Advance borrowers should be made whole without regard to whether those borrowers are eligible for PPP forgiveness.
- The Administrator shall issue rules that ensure borrowers are made whole if they received forgiveness and their EIDL was deducted from that amount.

Section 334: Flexibility in Deferral of Payments of 7(a) Loans.

- Creates parity between bank-held and secondary market-owned 7(a) loans to seek up to a 1-year deferral.
- Requires SBA to buy back loans if investors refuse to provide the extend deferral unless the SBA determines the extended deferral would cause a positive subsidy for the Secondary Market Guarantee Program.

Section 335: Documentation Required for Certain Eligible Recipients.

- Allows more flexibility for the Administration to accept documentation beyond those enumerated in the CARES Act to determine eligibility for sole proprietors and the self-employed.

Section 336: Election of 12-week Period by Seasonal Employers.

- Expands the seasonal period to any 12-weeks between February 15, 2019 and February 15, 2020.
- Applies to loans before, on, or after the date of enactment, except for loan for which the borrower has already received forgiveness.

Section 337: Inclusion of Certain Refinancing in Nonrecourse Requirements.

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- Ensures applicants cannot be held liable if they didn't understand they had recourse against them at the time they took the PPP and EIDL loans after a refinancing.

Section 338: Application of Certain Terms through Life of Covered Loan.

- Clarifies that (1) fee waivers; (2) personal guarantee waiver; and (3) deferral eligibility continues past the covered period and attaches for the life of the PPP loan.

Section 339: Interest Calculation on Covered Loans.

- Clarifies the interest rate on PPP loans is non-compounding and non-adjustable for all new initial Paycheck Protection Program loans and second draw loans.

Section 340: Reimbursement for Processing.

- Provides for PPP lender reimbursement by SBA for new PPP loans.
- Establishes a tiered reimbursement rate for PPP loans: (1) Loans of less than $50,000 that is equal to the lesser of 50 percent of the loan principal or $2,500; (2) loans of more than $50,000 and not more than $350,000 equal to five percent of the loan principal; (3) loans of more than $350,000 and less than $2,00,000 equal to three percent of the loan principal; and (4) loans of more than $2,000,000 equal to one percent.
- Clarifies lender reimbursement by SBA may be made no later than 5 days post-disbursement.
- Clarifies PPP borrowers who knowingly retained a loan agent may not pay agent fees out of the PPP proceeds. This applies to PPP loan before, on, or after the date of enactment, including during forgiveness of such loan.

Section 341: Duplication Requirements for Economic Injury Disaster Loan Recipients.

- Permits certain EIDL borrowers to also apply for a PPP loan.

Section 342: Prohibition of Eligibility for Publicly Traded Companies.

- Excludes publicly traded companies from PPP eligibility.

Section 343: Covered Period for New PPP Loans.

- Extends the covered period for all PPP loans through March 31, 2021.
- Applies to loans made before, on, or after the date of enactment, including the forgiveness of such loan.

Section 344: Covered Period for Other Purposes.

- Clarifies the applicable period for employee's salaries of $100,000 on an annualized basis as prorated during the period in which compensation is paid or incurred.

Section 345: Extension of Waiver of Matching Funds Requirement under the Women's Business Center (WBC).

- Extends CARES Act waiver of WBC matching funds requirement through June 30, 2021.

Section 346: Clarification of Use of CARES Act Funds for Small Business Development Centers (SBDCs).

- Clarifies that any awards made under this bill are in addition to and separate from any amounts appropriated under section 21 of the Small Business Act, and any award made under this bill may be used to complement and support such grant. CARES Act funds and annually appropriated funds can be used and tracked together as one funding stream.
- Prioritizes SBDCs impacted by this accounting issue.

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Section 347: GAO Report

- Requires the GAO to report to the House and Senate Small Business Committees no later than 120 days on the SBA's use of administrative funds made through supplemental appropriations during FY 2020.

Section 348: Effective Date; Applicability.

- Clarifies the amendments made by this bill shall take effect on the date of enactment and apply to loans and grants made on or after the date of enactment.

Title IV - Transportation

Prepared by the Democratic Staff of the House Committee on Transportation and Infrastructure

Subtitle A – Airline Worker Support Extension

Section 401. Definitions

Section 401 defines catering functions, contractor, employee, recall, returning employee, and Secretary.

Section 402. Pandemic Relief for Aviation Workers

Section 402 provides $15 billion in grants to employees of passenger air carriers, passing to workers through each carrier. Provides $1 billion in grants to employees of contractors.

Section 403. Procedures for Providing Payroll Support

Section 403 directs the Secretary to distribute the funding in amounts proportional to the amounts received under the CARES Act, or—if elected by the air carrier or contractor or in the occurrence that such an entity did not receive funding under the CARES Act—modified proportions based on similar metrics to be pro-rated by the Secretary.

Section 404. Required Assurances

Section 404 mandates that to receive funding, an air carrier or contractor must—

- Recall involuntarily furloughed employees;
- Provide backpay to returning employees;
- Restore the rights and protections for such returning employees as if such employees had not been involuntarily furloughed;
- Refrain from conducting involuntary layoffs or furloughs, or reducing pay rates and benefits, of employees until March 31, 2020;
- Refrain from purchasing an equity security of the entity or the direct or indirect parent company of the applicant that is listed on a national securities exchange until March 31, 2021; and
- Not pay dividends, or make other capital distributions, with respect to the common stock (or equivalent interest) of the entity until March 31, 2021.

Such assurance that have an end date are further extended for contractors until all such financial assistance has been expended, if applicable.

Section 405. Protection of Collective Bargaining Agreements

Section 405 prohibits the Treasury Department and Federal Government from conditioning the financial assistance on the alteration of collective bargaining agreements.

Section 406. Limitation on Certain Employee Compensation

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Section 406 limits the total compensation (including salary, bonus, awards of stock, and other financial benefits) of executives until October 1, 2022.

Section 407. Minimum Air Service Guarantees
Section 407 requires air carriers, to the extent reasonable and practicable, to maintain scheduled air transportation service until March 1, 2022, to ensure service to any point served by that carrier before March 1, 2020, as determined by the Secretary of Transportation.

Section 408. Taxpayer Protection
Section 408 authorizes the Treasury Department to receive warrants, options, preferred stock, debt securities, notes, or other financial instruments as compensation to the Federal Government for the provision of financial assistance.

Section 409. Reports
Section 409 requires the Treasury Department to provide a report to Congress by May 1, 2021, regarding its implementation of the program, including financial assistance provided and any audits performed, and requires the Department to update its website weekly to reflect financial assistance distribution.

Section 410. Coordination
Section 410 requires the Treasury Department to coordinate with the Department of Transportation when implementing the program.

Section 411. Funding
Section 411 appropriates $16 billion to fund the provisions of this [title/section].

Section 412. CARES Act Amendments
Section 412 amends certain CARES Act provisions to remedy unintended consequences of CARES Act requirements that permitted contractors to involuntarily furlough vast numbers of workers and then receive payroll support grants to pay those workers.

Subtitle B – Coronavirus Economic Relief for Transportations Services Act

Sec. 420. Short Title.
Defines the short title as Coronavirus Economic Relief for Transportation Services Act.

Sec. 421. Assistance for Providers of Transportation Services Affected By Covid-19.
Section 421 provides $2 billion in economic assistance to motorcoach and bus operators, school bus companies, U.S. flag passenger vessel operators, like passenger ferries, and other U.S. transportation service providers.

Subtitle C – Motor Carrier Safety Grant Relief Act of 2020

Sec. 440. Short Title.
Defines the short title as Motor Carrier Safety Grant Relief Act of 2020.

Sec. 441. Relief for Recipients of Financial Assistance Awards From The Federal Motor Carrier Safety Administration.
Extends the period of availability for FMCSA's "Motor Carrier Safety Assistance Program (MCSAP)" grant funds awarded in FY19 and FY20 by one year.

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Subtitle D – Extension of Waiver Authority

Sec. 442. Extension of Waiver Authority.
Extends NHTSA's authority to waive or postpone highway safety grant requirements under sections 402, 404, 405, or 412 of title 23, section 4001 of FAST, or 23 CFR part 1300 in FY21.

Title V – Banking

Prepared by the Democratic staff of the House Committee on Financial Services

Subtitle A — Emergency Rental Assistance

Sec. 501. Emergency Rental Assistance.
Section 5201 appropriates $25 billion through Treasury to provide to state and local government entities, including $400 million for U.S. territories and $800 million for Native Americans, Alaska Natives, and Native Hawaiians (with the District of Columbia treated as a state). Funds would be required to be allocated to state and local governments ("grantees") within 30 days of enactment. Eligible households are defined as renter households who: (1) have a household income not more than 80 percent of AMI; (2) have one or more household members who can demonstrate a risk of experiencing homelessness or housing instability; and (3) have one or more household members who qualify for unemployment benefits or experienced financial hardship due, directly or indirectly, to the pandemic. Assistance would be prioritized for renter households whose incomes do not exceed 50 percent of AMI as well as renter households who are currently unemployed and have been unemployed for 90 or more days. Financial assistance provided under this section is non-taxable for households receiving such assistance.

Sec. 502. Eviction Moratorium.
This section extends the CDC eviction moratorium until January 31, 2021.

Subtitle B – Community Development Investment (CDFIs and MDIs)

Sec. 520. Purpose.
This section stipulates the purpose of this subtitle is to establish emergency programs to support access to credit to and investments in low- and moderate-income (LMI) and minority communities disproportionately impacted by the COVID-19 pandemic.

Sec. 521. Considerations; Requirements for Creditors.
This section includes factors that the Secretary of the Treasury must consider in implementing this subtitle, including increasing the availability of affordable credit for consumers, small businesses, and nonprofit organizations that provide direct benefits to LMI communities, low-income and underserved individuals, and minorities. This section also affirms that lenders receiving funds through this subtitle must fully comply with all applicable requirements relating to fair lending.

Sec. 522. Capital Investments for Neighborhoods Disproportionally Impacted by the COVID-19 Pandemic.
This section establishes a $9 billion Emergency Capital Investment Program (ECIP), administered by the Department of the Treasury, to provide low-cost, long-term capital investments to minority depository institutions (MDIs) and community development financial institutions (CDFIs) that are depository institutions. Participants must develop a plan to maintain or expand significant lending or investment activity in LMI minority communities, and the repayment terms on the investment incentivizes enhanced lending to LMI communities. During the initial application period when entities apply in a timely manner, as determined by Treasury, $4 billion will be set aside for eligible institutions with less than $2 billion in total assets, with $2

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billion of that amount reserved for eligible institutions with less than $500 million in total assets. If there are ECIP funds left over in either tranche, Treasury can redeploy those funds to other applicants until all funds have been expended. Additionally, this section provides a narrow exemption from the Equal Credit Opportunity Act (ECOA) for the sole purpose and exclusive use of data collection to ensure compliance with the program's plan to enhance lending to minority communities, while ensuring institutions will be subject to ECOA enforcement actions should they discriminate against borrowers. Treasury's authority to make new capital investments ceases 6 months after the date on which the national emergency concerning the COVID-19 outbreak under the National Emergencies Act terminates.

Sec. 523. Emergency Support for CDFIs and Communities Responding to the COVID-19 Pandemic.
This section provides $3 billion to the CDFI Fund to provide grants and other financial assistance to CDFIs, including CDFI loan funds, as they serve consumers, small businesses, and nonprofits in their communities. Of the total funds, $1.25 billion will be available until September 30, 2021, for the CDFI Fund to award grants and other financial and technical assistance to help CDFIs serve their communities responding to the economic hardships created by the pandemic, including $25 million reserved to benefit Native American, Native Hawaiian, and Alaska Native communities. The remaining $1.75 billion will be available until expended to provide additional grants and other financial and technical assistance to CDFIs, including reserved for "minority lending institutions," a new category of CDFIs that predominantly serve minority communities and are either MDIs or meet other standards for accountability to minority populations as determined by the CDFI Fund. This section also provides a narrow exemption from ECOA for the sole purpose and exclusive use of data collection to ensure CDFIs are adequately serving minority communities, while ensuring institutions will be subject to ECOA enforcement actions should they discriminate against borrowers.

Sec. 524. Inspector General Oversight.
This section stipulates that the Inspector General of the Department of the Treasury will oversee the programs established under this subtitle, and will report to Congress semiannually.

Sec. 525. Study and Report with Respect to Impact of Programs on Low- and Moderate-Income and Minority Communities.
This section requires Treasury to conduct a study 18 months after enactment of impact of the programs established under this subtitle on LMI and minority communities.

Subtitle C — Miscellaneous

Sec. 540. Extensions of Temporary Relief and Emergency Authorities.
This section extends and modifies a CARES Act provision allowing banks and credit unions to temporarily delay the adoption of a new credit loss accounting standard – Current Expected Credit Loss (CECL). The section allows these institutions until the earlier of (1) the first day of the fiscal year of the institution that begins after the national emergency termination date or (2) January 1, 2022.

This section also extends another CARES Act provision that temporarily changes the National Credit Union Administration's (NCUA) Central Liquidity Facility (CLF) for credit unions to meet liquidity needs by expanding the ability to borrow up to a value 16 times the CLF's subscribed capital stock and surplus, up from the statutory limit of 12 times. This section extends the termination of CLF's expansion to December 31, 2021.

Sec. 541. Extension of Temporary Relief from Troubled Debt Restructurings and Insurer Clarification.
This section extends the CARES Act provision under section 4013, which allows financial institutions to determine if they will suspend the Generally Accepted Accounting Principles (GAAP) requirements for recognizing any potential COVID-related losses from a troubled debt restructuring (TDR) related to a loan modification. This section extends the termination of this provision to the earlier of (1) 60 days after the national emergency termination date or (2) January 1, 2022, and clarifies that insurance companies are covered by the provision.

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Sec. 542. Healthcare Operating Loss Loans.
This section authorizes HUD to insure mortgages under Section 223(d) to cover the operating losses of healthcare facilities that are already insured under the Section 232 and 242 programs and that were financially sound immediately prior to the COVID-19 pandemic.

Title VI – Labor Provisions
Prepared by the Democratic Staff of the House Committee on Education and Labor

Section 601. Job Corps Flexibilities.
This section waives certain statutory requirements regarding enrollment and eligibility for Job Corps students during the qualifying emergency. This includes waiving drug testing requirements for students enrolling in Job Corps virtually, and allowing students who turn 25 during the qualifying emergency to maintain enrollment eligibility if enrolling within six months of enactment of this Act.

Title VII – Nutrition and Agriculture Relief
Prepared by the Democratic Staff of the House Committee on Agriculture and the House Committee on Education and Labor

Subtitle A – Nutrition

CHAPTER 1 SUPPLEMENTAL NUTRITION ASSSISTANCE PROGRAM

SEC. 701. DEFINITIONS.
Defines public health emergency and supplemental nutrition assistance program (SNAP).

SEC. 702. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM
Subsection (a) increases the monthly SNAP benefit level by 15% based on the June 2020 Thrifty Food Plan through June 30, 2021. Subsection (b) simplifies the state administrative process for SNAP benefit level increases. Subsection (c) provides $100 million for state administrative costs through fiscal year 2021 and requires these funds to be made available to states within 60 days of enactment. Subsection (d) excludes Pandemic Unemployment Compensation from being counted toward household income for SNAP. Subsection (e) extends SNAP eligibility to college students who are eligible for a federal or state work study program or has an expected family contribution of zero. Subsection (f) directs the Secretary to submit a report on the redemption rate and account balances for each month from January 2021 to June 2021. Subsection (g) shortens the statutory waivers for certain SNAP quality control requirements from September 30, 2021 to June 30, 2021.

SEC. 703. ADDITIONAL ASSISTANCE FOR SNAP ONLINE PURCHASING AND TECHNOLOGY IMPROVEMENTS.
Provides $5 million for technical support to USDA in expanding the SNAP online purchasing program, including for farmers markets and direct marketing farmers, and for supporting mobile payment technologies and the electronic benefit transfer system.

SEC. 704. NUTRITION ASSISTANCE PROGRAMS.
Provides $614 million to Puerto Rico and American Samoa for nutrition assistance, of which $14 million shall be available to the Commonwealth of the Northern Mariana Islands.

CHAPTER 2 - COMMODITY DISTRIBUTION PROGRAMS

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SEC. 711. EMERGENCY FOOD ASSISTANCE PROGRAM.
Invests $400 million in the Emergency Food Assistance Program through September 30, 2021. Allows up to 20 percent of these funds to be used for commodity distribution.

SEC. 712. COMMODITY SUPPLEMENTAL FOOD PROGRAM.
Provides $13 million to the Commodity Supplemental Food Program, 20% of which may be used for administrative costs through September 30, 2021.

CHAPTER 3 – CHILD NUTRITION AND RELATED PROGRAMS

SEC. 721. ASSISTANCE FOR CHILDREN IN CHILD CARE
Ensures that millions of young children can access needed nutrition benefits by clarifying that states may issue P-EBT benefits to children under the age of 6 who live in households receiving Supplemental Nutrition Assistance Program (SNAP) benefits and residing in an area in which schools or child care facilities are closed or operating with reduced hours or attendance without the need to verify child care enrollment at the individual household level. Additionally, makes P-EBT implementation easier for states and clarifies simplifying assumptions that may be used.

SEC. 722. EMERGENCY COSTS FOR CHILD NUTRITION PROGRAMS DURING COVID-19 PANDEMIC
Provides emergency relief to help school meal and child and adult care food programs, which are in dire need of financial assistance, to continue serving children and families. Provides as much funding as necessary to carry out these payments.

SEC. 723. TASK FORCE ON SUPPLEMENTAL FOODS DELIVERY IN THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM
Requires the Department of Agriculture to establish a task force on food delivery models in the WIC program so that participants have access to curbside pickup and other safe food purchasing methods during the pandemic.

CHAPTER 4– OTHER MATTERS

SEC. 731. AGING AND DISABILITY SERVICES PROGRAMS
Provides $175 million in emergency funding for Older Americans Act nutrition programs, including $7 million for tribal nutrition programs.

SEC. 732. NUTRITION SERVICES UNDER OLDER AMERICANS ACT
Provides needed flexibility to area agencies on aging and state units on aging to ensure that older adults' nutritional needs can continue to be met safely during the pandemic.

Subtitle B - Agriculture

CHAPTER 1 – AGRICULTURAL PROGRAMS

SEC. 751. OFFICE OF THE SECRETARY.
Provides $11.1875 billion to the Office of the Secretary, to remain available until expended, to prevent, prepare for, and respond to coronavirus by providing support to agricultural producers, growers, and processors. From this amount, the Secretary:

- Shall make supplemental Coronavirus Food Assistance Program (CFAP) payments for the 2020 crop year to producers of price trigger crops who meet a defined market trigger;

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- Shall make CFAP supplemental payments for the 2020 crop year to producers of flat-rate crops who meet a defined market trigger;
- Shall take crop insurance indemnities, noninsured crop disaster assistance payments, and Wildfire and Hurricanes Indemnity Program Plus payments into consideration when determining the amount of eligible sales and may allow producers to select 2018 or 2019 sales;
- Shall make payments to livestock and poultry growers for losses suffered due to depopulation because of insufficient processing access due to COVID-19 market impacts;
- Shall make supplemental CFAP payments to cattle producers;
- Shall use no more than $1 billion to make payments to livestock and poultry contract growers who had revenue losses due to contract changes because of COVID-19;
- Shall use no less than $20 million to improve and maintain animal disease prevention and response capacity;
- Shall make payments to domestic users of upland cotton and extra-long staple cotton;
- Shall make additional payments to supplement the CFAP payment to more closely align with the calculated gross payment or revenue loss;
- May provide support to processors for crop losses due to insufficient processing access;
- May extend the term of a marketing assistance loan;
- Shall use no less than $1.5 billion to purchase food and agricultural products, including seafood;
- The same fund is also available to make loans and grants to small and midsized food processors or distributors, seafood processing facilities and vessels, farmers markets, and producers to respond to COVID-19, including measures to protect workers;
- Is to conduct a preliminary review of the COVID-19 impacts on and needs of agricultural producers and food processors and actions needed to improve COVID-19 food purchasing;
- May use no more than $200 million to support timber harvesting and timber hauling businesses impacted by COVID-19;
- May take into account price differentiation factors for each commodity when making payments under this section, such as specialized varieties, local markets, and certified organic;
- May make payments to producers of advanced biofuel, biomass-based diesel, cellulosic biofuel, conventional biofuel, or renewable fuels with market losses due to COVID-19; and,
- May make recourse loans available to dairy product processors, packagers, or merchandisers.

SEC. 752. SPECIALTY CROP BLOCK GRANTS.
The bill provides $100 million in additional funding to support specialty crop farmers and address COVID-19 specialty crop supply chain issues at the state level via the farm bill's Specialty Crop Block Grant Program.

SEC. 753. LOCAL AGRICULTURE MARKET PROGRAM.
The bill provides $100 million in additional funding to support local farmers, farmers markets, and value-added production for farmers and outlets who are impacted by COVID-19 market disruptions through the farm bill's Local Agriculture Market Program. The Secretary may reduce matching requirements for these additional funds.

SEC. 754. FARMING OPPORTUNITIES TRAINING AND OUTREACH PROGRAM.
The bill provides $75 million to the farm bill's Farming Opportunities Training and Outreach Program to support groups providing beginning, socially disadvantaged, and veteran farmers and ranchers with financial and marketing advice and technical assistance in this difficult market, including help in accessing Federal and State assistance programs . The Secretary may reduce matching requirements for these additional funds.

SEC. 755. GUS SCHUMACHER NUTRITION INCENTIVE PROGRAM.

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The bill provides $75 million for the Gus Schumacher Nutrition Incentive Program. The Secretary may reduce matching requirements for these additional funds.

SEC. 756. RESEARCH.
The bill provides $20 million annually to the Agricultural Research Service to address gaps in nutrition research by studying the connection between agriculture production and human nutrition and health.

CHAPTER 2 —SUPPORT FOR DAIRY, LIVESTOCK, AND FARM STRESS

SEC. 760. Definitions.

SEC. 761. SUPPLEMENTAL DAIRY MARGIN COVERAGE PAYMENTS.
The bill provides necessary cash flow assistance to small- and mid-sized dairies that have grown over the last seven years by establishing supplemental margin coverage based on the difference between 2019 actual production and Dairy Margin Coverage production history.

SEC. 762. DAIRY DONATION PROGRAM.
The bill provides $400 million to pay for milk to be processed into dairy products and donated to non-profit entities (food banks, feeding programs, etc.). Under the framework of the program, the dairy processor and non-profit develop a plan for donation and distribution and USDA reimburses the processor for the associated cost of milk. The bill allows USDA to adjust the existing Milk Donation Program payments to match the level of payment provided by this new program.

SEC. 763. ESTABLISHMENT OF TRUST FOR BENEFIT OF UNPAID CASH SELLERS OF LIVESTOCK.
The bill establishes a Federal livestock dealer trust to ensure that livestock producers are paid for their animals.

SEC. 764. GRANTS FOR IMPROVEMENTS TO MEAT AND POULTRY FACILITIES TO ALLOW FOR INTERSTATE SHIPMENT.
The bill provides $60 million to make facility upgrade and planning grants to existing meat and poultry processors to help them move to Federal inspection and be able to sell their products across state lines. The bill also requires USDA to work with States and report on ways to improve the existing Cooperative Interstate Shipment program.

SEC. 765. MEAT AND POULTRY PROCESSING STUDY AND REPORT.
The bill requires a report on the availability of financing for new and existing meat and poultry processing capacity.

SEC. 766. SUPPORT FOR FARM STRESS PROGRAMS.
The bill provides $28 million to be distributed as block grants to state departments of agriculture for use to support existing farm stress programs.

Title VIII – United States Postal Service
Prepared by the Democratic Staff of the House Committee on Oversight and Reform

SEC. 801. Covid—19 Funding for the United States Postal Service.

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This section amends section 6001 of the CARES Act (P.L. 116-136) to provide that any money borrowed under that section does not have to be repaid. The CARES Act authorized the Postal Service to borrow up to $10 billion, subject to such terms and conditions agreed to by the Postal Service and the Department of the Treasury.

SEC. 802. Temporary Acceptance of Certain Low-Risk Postal Shipments.
This section delays implementation of the STOP Act (sec. 1415 of title 19 U.S.C.) if the Postmaster General or the Commissioner of Customs and Border Patrol determine that an international mail shipment presents a low risk of violating any statutes or regulations of the United States.

Title IX – Broadband Internet Access Service

Prepared by the Democratic Staff of the House Committee Energy and Commerce

Section 901. Amendments to the Secure and Trusted Communications Network Reimbursement Program.
Section 901 expands eligibility for the Secure and Trusted Reimbursement Program at the Federal Communications Commission (FCC) that compensates providers for the cost of removing and replacing certain unsecure equipment from their networks, which will help protect our nation's communications networks from foreign adversaries. It also ensures that smaller providers and public or private educational institutions are prioritized for such reimbursements.

Section 902. Connecting Minority Communities.
Section 902 establishes an Office of Minority Broadband Initiatives at the National Telecommunications and Information Administration (NTIA) to focus on broadband access and adoption at Historically Black colleges or universities, Tribal colleges and universities, and other Minority-serving institutions, including the students, faculty, and staff of such institutions and their surrounding communities. It also appropriates $285 million for a Pilot Program to award grants to these institutions and certain businesses and non-profit organizations in the community to support connectivity, and specifies that at least 20 percent of such funds should be used to ensure that students of such institutions have internet service and devices.

Section 903. FCC COVID-19 Telehealth program.
Section 903 appropriates an additional $250 million to the FCC for its COVID-19 Telehealth Program authorized under the CARES Act. It also puts in place new transparency obligations for the program surrounding the FCC's review of applications, and directs the Commission to ensure, to the extent feasible, that all states benefit from the program.

Section 904. Benefit for Broadband Service During Emergency Period Relating to COVID-19.
Section 904 establishes the Emergency Broadband Benefit Program at the FCC, under which eligible households may receive a discount of up to $50, or up to $75 on Tribal lands, off the cost of internet service and a subsidy for low-cost devices such as computers and tablets. Internet service providers that provide the discounted service or devices to customers can receive a reimbursement from the FCC for such costs. Households that qualify for the benefit include those with: children that qualify for the free and reduced lunch program, Pell grant recipients, recently laid off or furloughed workers, an individual who qualifies for the Lifeline program, or an individual who qualifies for a low-income or COVID-19 discount program offered by internet service providers. $3.2 billion is appropriated for the Program.

Section 905. Grants for Broadband Connectivity.
Section 905 establishes two grant programs at the NTIA. The first is a grant program to support broadband connectivity on tribal lands throughout the country. The grants would be directed to tribal governments to be used not only for broadband deployment on tribal lands, but also telehealth, distance learning, broadband

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affordability, and digital inclusion. $1 billion is appropriated for this program. The second is a $300 million broadband deployment program to support broadband infrastructure deployment to areas lacking broadband, especially rural areas. The grants would be issued to qualifying partnerships between state and local governments and fixed broadband providers. Priority for grants would be given to networks that would reach the most unserved consumers.

Section 906. Appropriations for Federal Communications Commission Activities.
This section appropriates $65 million to the FCC to create broadband data maps required under the Broadband DATA Act. It also appropriates $1.9 billion for the FCC's Secure and Trusted Reimbursement Program.

Title X – Miscellaneous

Sec. 1001. Coronavirus Relief Fund Extension.
Extends the date by which state and local governments much make expenditures with CARES Act Coronavirus Relief Fund awards from December 30, 2020 to December 31, 2021.

Sec. 1002. Contractor Pay.
Allows reimbursement to qualifying contractors for the costs of providing paid leave to employees during the pandemic.

Sec. 1003. Rescissions
This section rescinds the unobligated amounts appropriated in the CARES Act for direct loans by the Treasury and emergency lending by the Federal Reserve, and sets December 31, 2020 as the date for termination of the Federal Reserve's authority to make new loans, asset purchases, or modifications through the existing CARES Act facilities. As the CARES Act funds that were originally deposited in the Exchange Stabilization Fund (ESF) are rescinded, this section clarifies that ESF funds may not be used to establish Fed facilities that are the "same as" (i.e. identical to) current Fed facilities that received CARES Act funding support (except the Term Asset-Backed Securities Loan Facility, or TALF), while permitting substantially similar Fed facilities to be established with ESF funds in the future. This section also clarifies that the Federal Reserve fully retains the authority it had prior to the enactment of the CARES Act to establish programs and facilities under section 13(3) of the Federal Reserve Act, and that the Secretary of the Treasury fully retains its authority to use funds made available through the ESF to backstop such Fed facilities.

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No. 22O155, Original

In the Supreme Court of the United States

STATE OF TEXAS,

Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA, STATE OF GEORGIA, STATE OF MICHIGAN, AND STATE OF WISCONSIN,

Defendants.

On Motion for Leave to File Bill of Complaint

BRIEF OF STATE OF MISSOURI AND 16 OTHER STATES AS *AMICI CURIAE* IN SUPPORT OF PLAINTIFF'S MOTION FOR LEAVE TO FILE BILL OF COMPLAINT

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STATEMENT OF INTEREST OF *AMICI*

"In the context of a Presidential election," state actions "implicate a uniquely important national interest," because "the impact of the votes cast in each State is affected by the votes cast for the various candidates in other States." *Anderson* v. *Celebrezze*, 460 U.S. 780, 794–95 (1983). "For the President and the Vice President of the United States are the only elected officials who represent all the voters in the Nation." *Id.*

Amici curiae are the States of Missouri, Alabama, Arkansas, Florida, Indiana, Kansas, Louisiana, Mississippi, Montana, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, and West Virginia.[1] *Amici* have several important interests in this case. *First*, the States have a strong interest in safeguarding the separation of powers among state actors in the regulation of Presidential elections. The Electors Clause of Article II, § 1 carefully separates power among state actors, and it assigns a specific function to the "Legislature thereof" in each State. U.S. CONST. art. II, § 1, cl. 4. Our system of federalism relies on separation of powers to preserve liberty at every level of government, and the separation of powers in the Electors Clause is no exception. The States have a strong interest in preserving the proper roles of state legislatures in the administration of federal elections, and thus safeguarding the individual liberty of their citizens.

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[1] This brief is filed under Supreme Court Rule 37.4, and all counsel of record received timely notice of the intent to file this amicus brief under Rule 37.2.

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Second, *amici* States have a strong interest in ensuring that the votes of their own citizens are not diluted by the unconstitutional administration of elections in other States. When non-legislative actors in other States encroach on the authority of the "Legislature thereof" in that State to administer a Presidential election, they threaten the liberty, not just of their own citizens, but of every citizen of the United States who casts a lawful ballot in that election—including the citizens of *amici* States.

Third, for similar reasons, *amici* States have a strong interest in safeguarding against fraud in voting by mail during Presidential elections. "Every voter" in a federal election, "has a right under the Constitution to have his vote fairly counted, without its being distorted by fraudulently cast votes." *Anderson* v. *United States*, 417 U.S. 211, 227 (1974). Plaintiff's Bill of Complaint alleges that non-legislative actors in the Defendant States stripped away important safeguards against fraud in voting by mail that had been enacted by the Legislature in each State. *Amici* States share a vital interest in protecting the integrity of the truly national election for President and Vice President of the United States.

SUMMARY OF ARGUMENT

The Bill of Complaint raises constitutional questions of great public importance that warrant this Court's review. First, like every similar provision in the Constitution, the separation-of-powers provision of the Electors Clause provides an important structural check on government designed to protect individual liberty. By allocating authority over

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Presidential electors to the "Legislature thereof" in each State, the Clause separates powers both vertically and horizontally, and it confers authority on the branch of state government most responsive to the democratic will. Encroachments on the authority of state Legislatures by other state actors violate the separation of powers and threaten individual liberty.

The unconstitutional encroachments on the authority of state Legislatures in this case raise particularly grave concerns. For decades, responsible observers have cautioned about the risks of fraud and abuse in voting by mail, and they have urged the adoption of statutory safeguards to prevent such fraud and abuse. In the numerous cases identified in the Bill of Complaint, non-legislative actors in each Defendant State repeatedly stripped away the statutory safeguards that the "Legislature thereof" had enacted to protect against fraud in voting by mail. These changes removed protections that responsible actors had recommended for decades to guard against fraud and abuse in voting by mail. The allegations in the Bill of Complaint raise important questions about election integrity and public confidence in the administration of Presidential elections. This Court should grant Plaintiff leave to file the Bill of Complaint.

ARGUMENT

The Electors Clause provides that each State "shall appoint" its Presidential electors "in such Manner as the *Legislature thereof* may direct." U.S. CONST. art. II, § 1, cl. 4 (emphasis added). Moreover, "[o]ur constitutional system of representative government only works when the worth of honest

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ballots is not diluted by invalid ballots procured by corruption." U.S. Dep't of Justice, *Federal Prosecution of Election Offenses*, at 1 (8th ed. Dec. 2017). "When the election process is corrupted, democracy is jeopardized." *Id.* The proposed Bill of Complaint raises serious concerns about both the constitutionality and ballot security of election procedures in the Defendant States. Given the importance of public confidence in American elections, these allegations raise questions of great public importance that warrant this Court's expedited review.

I. The Separation-of-Powers Provision of the Electors Clause Is a Structural Check on Government That Safeguards Liberty.

Article II requires that each State "shall appoint" its Presidential electors "in such Manner as the *Legislature thereof* may direct." U.S. CONST. art. II, § 1, cl. 4 (emphasis added); *see also id.* art. I, § 4, cl. 2 (providing that, in each State, the "Legislature thereof" shall establish "[t]he Times, Places and Manner of holding Elections for Senators and Representatives").

Thus, "in the case of a law enacted by a state legislature applicable not only to elections to state offices, but also to the selection of Presidential electors, the legislature is not acting solely under the authority given it by the people of the State, but by virtue of a direct grant of authority made under Art. II, § 1, cl. 2, of the United States Constitution." *Bush* v. *Palm Beach Cty. Canvassing Bd.*, 531 U.S. 70, 76 (2000). "[T]he state legislature's power to select the

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manner for appointing electors is plenary." *Bush* v. *Gore*, 531 U.S. 98, 104 (2000).

Here, as set forth in the Bill of Complaint, non-legislative actors in each Defendant State have purported to "alter[] an important statutory provision enacted by the [State's] Legislature pursuant to its authority under the Constitution of the United States to make rules governing the conduct of elections for federal office." *Republican Party of Pennsylvania* v. *Boockvar*, No. 20-542, 2020 WL 6304626, at *1 (U.S. Oct. 28, 2020) (Statement of Alito, J.). *See* Bill of Complaint, ¶¶ 41-127. In doing so, these non-legislative actors may have encroached upon the "plenary" authority of those States' respective legislatures over the conduct of the Presidential election in each State. *Bush* v. *Gore*, 531 U.S. at 104. This encroachment on the authority of each State's Legislature violated the separation of powers set forth in the Electors Clause. "[I]n the context of a Presidential election, state-imposed restrictions implicate a uniquely important national interest. For the President and the Vice President of the United States are the only elected officials who represent all the voters in the Nation." *Anderson*, 460 U.S. at 794–795.

In every other context, this Court recognizes that the Constitution's separation-of-powers provisions are designed to preserve liberty. "It is the proud boast of our democracy that we have 'a government of laws, and not of men.'" *Morrison* v. *Olson*, 487 U.S. 654, 697 (1988) (Scalia, J., dissenting). "The Framers of the Federal Constitution . . . viewed the principle of separation of powers as the absolutely central guarantee of a just Government." *Id.* "Without a

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secure structure of separated powers, our Bill of Rights would be worthless, as are the bills of rights of many nations of the world that have adopted, or even improved upon, the mere words of ours." *Id.* "The purpose of the separation and equilibration of powers in general . . . was not merely to assure effective government but to preserve individual freedom." *Id.* at 727.

This principle of preserving liberty applies both to the horizontal separation of powers among the branches of government, and the vertical separation of powers between the federal government and the States. "The federal system rests on what might at first seem a counterintuitive insight, that 'freedom is enhanced by the creation of two governments, not one.'" *Bond* v. *United States*, 564 U.S. 211, 220–21 (2011) (quoting *Alden* v. *Maine*, 527 U.S. 706, 758 (1999)). "[F]ederalism secures to citizens the liberties that derive from the diffusion of sovereign power." *Bond*, 564 U.S. at 221 (2011) (quoting *New York* v. *United States*, 505 U.S. 144, 181 (1992)). "Federalism also protects the liberty of all persons within a State by ensuring that laws enacted in excess of delegated governmental power cannot direct or control their actions." *Id.* Moreover, "federalism enhances the opportunity of all citizens to participate in representative government." *FERC* v. *Mississippi*, 456 U.S. 742, 789 (1982) (O'Connor, J., concurring in part and dissenting in part). "Just as the separation and independence of the coordinate branches of the Federal Government serve to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny

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and abuse from either front." *Gregory* v. *Ashcroft*, 501 U.S. 452, 458 (1991).

The explicit grant of authority to state *Legislatures* in the Electors Clause effects both a horizontal and a vertical separation of powers. The Clause allocates to each State—not to federal actors—the authority to dictate the manner of selecting Presidential Electors. And within each State, it explicitly allocates that authority to a single branch of state government: to the "Legislature thereof." U.S. CONST. art. II, § 1, cl. 4.

It is no accident that the Constitution allocates such authority to state Legislatures, rather than executive officers such as Secretaries of State, or judicial officers such as state Supreme Courts. The Constitutional Convention's delegates frequently recognized that the Legislature is the branch most responsive to the People and most democratically accountable. *See, e.g.,* Robert G. Natelson, *The Original Scope of the Congressional Power to Regulate Elections*, 13 U. PA. J. CONST. L. 1, 31 (2010) (collecting ratification documents expressing that state legislatures were most likely to be in sympathy with the interests of the people); Federal Farmer, No. 12 (1788), *reprinted in* 2 THE FOUNDERS' CONSTITUTION (Philip B. Kurland & Ralph Lerner eds., 1987) (arguing that electoral regulations "ought to be left to the state legislatures, they coming far nearest to the people themselves"); THE FEDERALIST NO. 57, at 350 (C. Rossiter, ed. 2003) (Madison, J.) (stating that the "House of Representatives is so constituted as to support in its members an habitual recollection of their dependence on the people"); *id.* (stating that the "vigilant and manly spirit that actuates the people of

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America" is greatest restraint on the House of Representatives).

Democratic accountability in the method of selecting the President of the United States is a powerful bulwark safeguarding individual liberty. By identifying the "Legislature thereof" in each State as the regulator of elections for federal officers, the Electors Clause of Article II, § 1 prohibits the very arrogation of power over Presidential elections by non-legislative officials that the Defendant States perpetrated in this case. By violating the Constitution's separation of powers, these non-legislative actors undermined the liberty of all Americans, including the voters in *amici* States.

II. Stripping Away Safeguards From Voting by Mail Exacerbates the Risks of Fraud.

By stripping away critical safeguards against ballot fraud in voting by mail, non-legislative actors in the Defendant States inflicted another grave injury on the conduct of the recent election: They enhanced the risks of fraudulent voting by mail without authority. An impressive body of public evidence demonstrates that voting by mail presents unique opportunities for fraud and abuse, and that statutory safeguards are critical to reduce such risks of fraud.

For decades prior to 2020, responsible observers emphasized the risks of fraud in voting by mail, and the importance of imposing safeguards on the process of voting by mail to allay such risks. For example, in *Crawford* v. *Marion County Election Board*, this Court held that fraudulent voting "perpetrated using absentee ballots" demonstrates "that not only is the risk of voter fraud real but that *it could affect the*

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outcome of a close election." *Crawford* v. *Marion County Election Bd.*, 553 U.S. 181, 195-96 (2008) (opinion of Stevens, J.) (emphasis added).

As noted by Plaintiff, the Carter-Baker Commission on Federal Election Reform emphasized the same concern. The bipartisan Commission—co-chaired by former President Jimmy Carter and former Secretary of State James A. Baker—determined that "[a]bsentee ballots remain the largest source of potential voter fraud." BUILDING CONFIDENCE IN U.S. ELECTIONS: REPORT OF THE COMMISSION ON FEDERAL ELECTION REFORM, at 46 (Sept. 2005) ("Carter-Baker Report").[2] According to the Carter-Baker Commission, "[a]bsentee balloting is vulnerable to abuse in several ways." *Id.* "Blank ballots mailed to the wrong address or to large residential buildings might be intercepted." *Id.* "Citizens who vote at home, at nursing homes, at the workplace, or in church are more susceptible to pressure, overt and subtle, or to intimidation." *Id.* "Vote buying schemes are far more difficult to detect when citizens vote by mail." *Id.*

Thus, the Commission noted that "absentee balloting in other states has been a major source of fraud." *Id.* at 35. It emphasized that voting by mail "increases the risk of fraud." *Id.* And the Commission recommended that "States … need to do more to prevent … absentee ballot fraud." *Id.* at v.

The Commission specifically recommended that States should implement and reinforce safeguards to prevent fraud in voting by mail. The Commission recommended that "States should make sure that

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[2] *Available at* https://www.legislationline.org/download/id/1472/file/-3b50795b2d0374cbef5c29766256.pdf.

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absentee ballots received by election officials before Election Day are kept secure until they are opened and counted." *Id.* at 46. It also recommended that States "prohibit[] 'third-party' organizations, candidates, and political party activists from handling absentee ballots." *Id.* And the Commission highlighted that a particular state "appear[ed] to have avoided significant fraud in its vote-by-mail elections by introducing *safeguards to protect ballot integrity, including signature verification*." *Id.* at 35 (emphasis added). The Commission concluded that "[v]ote by mail is … likely to increase the risks of fraud and contested elections … where the safeguards for ballot integrity are weaker." *Id.*

The most recent edition of the U.S. Department of Justice's Manual on *Federal Prosecution of Election Offenses*, published by its Public Integrity Section, highlights the very same concerns about fraud in voting by mail. U.S. Dep't of Justice, *Federal Prosecution of Election Offenses* (8th ed. Dec. 2017), at 28-29 ("DOJ Manual").[3] The Manual states: "Absentee ballots are particularly susceptible to fraudulent abuse because, by definition, they are marked and cast outside the presence of election officials and the structured environment of a polling place." *Id.* The Manual reports that "the more common ways" that election-fraud "crimes are committed include … [o]btaining and marking absentee ballots without the active input of the voters involved." *Id.* at 28. And the Manual notes that "[a]bsentee ballot

[3] *Available at* https://www.justice.gov/criminal/file/1029066/download.

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frauds" committed both with and without the voter's participation are "common." *Id.* at 29.

Similarly, the U.S. Government Accountability Office concluded that many crimes of election fraud likely go undetected. In 2014, discussing election fraud, the GAO reported that "crimes of fraud, in particular, are difficult to detect, as those involved are engaged in intentional deception." GAO-14-634, *Elections: Issues Related to State Voter Identification Laws* 62-63 (U.S. Gov't Accountability Office Sept. 2014).[4]

Despite the difficulties of detecting fraud schemes, recent experience contains many well-documented examples of absentee ballot fraud. For example, the News21 database, which was compiled to *refute* arguments that voter fraud is prevalent, identified 491 cases of absentee ballot over the 12-year period from 2000 to 2012—approximately 41 cases per year. *See* News21, *Election Fraud in America*.[5] This database reports that "Absentee Ballot Fraud" was "[t]he most prevalent fraud" in America, comprising "24 percent (491 cases)" of all cases reported in the public records surveyed. *Id.* Moreover, the database indicates that this number undercounts the total incidence of reported cases of absentee ballot fraud, because it was based on public-record requests to state and local government entities, many of which did not respond. *Id.*

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[4] *Available at* https://www.gao.gov/assets/670/665966.pdf.

[5] *Available at* https://votingrights.news21.com/interactive/election-fraud-database/&xid=17259,15700023,15700124,15700149,15700186,15700191,15700201,15700237,15700242

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Likewise, the Heritage Foundation's online database of election-fraud cases—which includes only a "sampling" of cases that resulted in an *adjudication* of fraud, such as a criminal conviction or civil penalty—identified 207 cases of proven "fraudulent use of absentee ballots" in the United States. The Heritage Foundation, *Election Fraud Cases*.[6] Again, this database undercounts the incidence of cases of election fraud: "The Heritage Foundation's Election Fraud Database presents a sampling of recent proven instances of election fraud from across the country. This database is not an exhaustive or comprehensive list." *Id.*

The public record abounds with recent examples of such fraudulent absentee-ballot schemes. For example, in November 2019, the mayor of Berkeley, Missouri was indicted on five felony counts of absentee ballot fraud for changing votes on absentee ballots to help him and his political allies to get elected. Brian Heffernan, *Berkeley Mayor Hoskins Charged with 5 Felony Counts of Election Fraud*, ST. LOUIS PUBLIC RADIO (Nov. 21, 2019).[7] Mayor Hoskins' scheme included "going to the home of elderly … residents" to harvest absentee ballots, "filling out absentee ballot applications for voters and having his campaign workers do the same," and "altering absentee ballots" after he had procured them from voters. *Id.* Again, in 2016, a state House race in Missouri was overturned amid allegations of

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[6] *Available at* https://www.heritage.org/voterfraud/search?combine=&state=All&year=&case_type=All&fraud_type=24489&page=12.

[7] *Available at* https://news.stlpublicradio.org/post/berkeley-mayor-hoskins-charged-5-felony-counts-election-fraud#stream/0

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widespread absentee-ballot fraud that had occurred across multiple election cycles in the same community. Sarah Fenske, *FBI, Secretary of State Asking Questions About St. Louis Statehouse Race*, RIVERFRONT TIMES (Aug. 16, 2016).[8] One candidate stated that it was widely known in the community that the incumbent ran an "absentee game" that resulted in the absentee vote tipping the outcome in her favor in multiple close elections. *Id.*

Other States have similar experiences. In 2018, a federal Congressional race was overturned in North Carolina, and eight political operatives were indicted for fraud, in an absentee-ballot scheme that sufficed to change the outcome of the election. Richard Gonzales, *North Carolina GOP Operative Faces New Felony Charges That Allege Ballot Fraud*, NPR.ORG, (July 30, 2019).[9] The indicted operatives "had improperly collected and possibly tampered with ballots," and were charged with "improperly mailing in absentee ballots for someone who had not mailed it themselves." *Id.*

In the North Carolina case, the lead investigator testified that the investigation was "a continuous case" over two election cycles, and that the scheme involved collecting absentee ballots from voters, altering the absentee ballots, and forging witness signatures on the ballots. *See In re: Investigation of Irregularities Affecting Counties Within the 9th*

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[8] *Available at* https://www.riverfronttimes.com/newsblog/2016/08/16/fbi-secretary-of-state-asking-questions-about-st-louis-statehouse-race.

[9] *Available at* https://www.npr.org/2019/07/30/746800630/north-carolina-gop-operative-faces-new-felony-charges-that-allege-ballot-fraud.

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Congressional District, North Carolina Board of Elections, Evidentiary Hearing, at 2-3.[10] The investigators described it as a "coordinated, unlawful, and substantially resourced absentee ballots scheme." *Id.* at 2. According to the investigators' trial presentation, the investigation involved 142 voter interviews, 30 subject and witness interviews, and subpoenas of documents, financial records, and phone records. *Id.* at 3. The perpetrators collected absentee ballots and falsified ballot witness certifications outside the presence of the voters. *Id.* at 10, 13. The congressional election at issue was decided by margin of less than 1,000 votes. *Id.* at 4. The scheme involved the submission of well over 1,000 fraudulent absentee ballots and request forms. *Id.* at 11. The perpetrators took extensive steps to conceal the fraudulent scheme, which lasted over multiple election cycles before it was detected. *Id.* at 14.

Similarly, in 2016, a politician in the Bronx was indicted and pled guilty to 242 counts of election fraud based on an absentee ballot fraud scheme. Ben Kochman, *Bronx politician pleads guilty in absentee ballot scheme for Assembly election,* NEW YORK DAILY NEWS (Nov. 22, 2016).[11] Despite pleading guilty to 242 felonies involving absentee ballot fraud in an election that was decided by two votes, the defendant received no jail time and vowed to run for office again after a short disqualification period. *Id.*

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[10] *Available at* https://images.radio.com/wbt/Voter%20ID_%20Website.pdf.

[11] *Available at* http://www.nydailynews.com/new-york/nyc-crime/bronx-pol-pleads-guilty-absentee-ballot-scheme-article-1.2884009.

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The increases in mail-in voting due to the COVID-19 pandemic likewise increased opportunities for fraud. For instance, in May 2020, the leader of the New Jersey NAACP called for an election in Paterson, New Jersey to be overturned due to widespread mail-in ballot fraud. *See* Jonathan Dienst et al., *NJ NAACP Leader Calls for Paterson Mail-In Vote to Be Canceled Amid Corruption Claims*, NBC NEW YORK (May 27, 2020).[12] "'Invalidate the election. Let's do it again,' [the NAACP leader] said amid reports more that 20 percent of all ballots were disqualified, some in connection with voter fraud allegations." *Id.*

Hundreds of other reported cases highlight the same concerns about the vulnerability of voting by mail to fraud and abuse. Recently, a Missouri court considered extensive expert testimony reviewing absentee-ballot fraud cases like these. *Findings of Fact, Conclusions of Law, and Final Judgment in Mo. State Conference of the NAACP* v. *State*, No. 20AC-CC00169-01 (Circuit Court of Cole County, Missouri Sept. 24, 2020), *aff'd*, 607 S.W.3d 728 (Mo. banc Oct. 9, 2020) ("*Mo. NAACP*"). The court held that cases of absentee-ballot fraud "have several common features that persist across multiple recent cases: (1) close elections; (2) perpetrators who are candidates, campaign workers, or political consultants, not ordinary voters; (3) common techniques of ballot harvesting; (4) common techniques of signature forging; (5) fraud that persisted across multiple elections before it was detected; (6) massive resources

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[12] *Available at* https://www.nbcnewyork.com/news/politics/nj-naacp-leader-calls-for-paterson-mail-in-vote-to-be-canceled-amid-fraud-claims/2435162/.

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required to investigate and prosecute the fraud; and (7) lenient criminal penalties." *Id.* at 17. Thus, the court concluded "that fraud in voting by mail is a recurrent problem, that it is hard to detect and prosecute, that there are strong incentives and weak penalties for doing so, and that it has the capacity to affect the outcome of close elections." *Id.* The court held that "the threat of mail-in ballot fraud is real." *Id.* at 2.

III. The Bill of Complaint Alleges that the Defendant States Unconstitutionally Abolished Critical Safeguards Against Fraud in Voting by Mail.

The Bill of Complaint alleges that non-legislative actors in each Defendant State unconstitutionally abolished or diluted statutory safeguards against fraud enacted by their state Legislatures, in violation of the Presidential Electors Clause. U.S. CONST. art. II, § 1, cl. 4. All the unconstitutional changes to election procedures identified in the Bill of Complaint have two common features: (1) They abrogated statutory safeguards against fraud that responsible observers have long recommended for voting by mail, and (2) they did so in a way that predictably conferred partisan advantage on one candidate in the Presidential election. Such allegations are serious, and they warrant this Court's review.

Abolishing signature verification. First, the proposed Bill of Complaint alleges that non-legislative actors in Pennsylvania, Michigan, and Georgia unilaterally abolished or weakened signature-verification requirements for mailed ballots. It alleges that Pennsylvania's Secretary of State

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abrogated Pennsylvania's statutory signature-verification requirement for mail-in ballots in a "friendly" settlement of a lawsuit brought by activists. Bill of Complaint, ¶¶ 44-46. It alleges that Michigan's Secretary of State permitted absentee ballot applications online, with no signature at all, in violation of Michigan statutes, *id.* ¶¶ 85-89; and that election officials in Wayne County, Michigan simply disregarded statutory signature verification requirements, *id.* ¶¶ 92-95. And it alleges that Georgia's Secretary of State unilaterally abrogated Georgia's statute authorizing county registrars to engage in signature verification for absentee ballots in another lawsuit settlement. *Id.* ¶¶ 66-72.

In addition to violating the Electors Clause, these actions, as alleged, contradict fundamental principles of ballot security. As noted above, the Carter-Baker Report highlighted the importance of "*signature verification*" as a critical "safeguard[] to protect ballot integrity" for ballots cast by mail. Carter-Baker Report, *supra*, at 35 (emphasis added). Without safeguards such as signature verification, the Report stated that "[v]ote by mail is … likely to increase the risks of fraud and contested elections … where the safeguards for ballot integrity are weaker." *Id.* The importance of signature verification is hard to overstate, because absentee-ballot fraud schemes commonly involve "common techniques of signature forging," typically by nefarious actors who are unfamiliar with the voter's signature. *Mo. NAACP*, *supra*, at 17. Verifying the voter's signature thus provides a fundamental safeguard against fraud.

Insecure ballot handling. The Bill of Complaint alleges that non-legislative actors changed

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or abolished statutory rules for the secure handling of absentee and mail-in ballots in Pennsylvania, Michigan, and Wisconsin. It alleges that election officials in Democratic areas of Pennsylvania violated state statutes by opening and reviewing mail-in ballots that were required to be kept locked and secure until Election Day. Bill of Complaint, ¶¶ 50-51. It alleges that Michigan's Secretary of State, acting in violation of state law, sent 7.7 million unsolicited absentee-ballot applications to Michigan voters, thus "flooding Michigan with millions of absentee ballot applications prior to the 2020 general election." *Id.* ¶¶ 80-84. And it alleges that the Wisconsin Election Commission violated state law by placing hundreds of unmonitored boxes for the submission of absentee and mail-in ballots around the State, concentrated in heavily Democratic areas. *Id.* ¶¶ 107-114.

In addition to violating the Electors Clause, these actions, as alleged, contradict commonsense ballot-security recommendations. The Department of Justice's Manual on *Federal Prosecution of Election Offenses* notes that vulnerability to mishandling is what makes absentee ballots "particularly susceptible to fraudulent abuse" because "they are marked and cast outside the presence of election officials and the structured environment of a polling place." DOJ Manual, at 28-29. According to the Manual, "[o]btaining and marking absentee ballots without the active input of the voters involved" is one of "the more common ways" that election fraud "crimes are committed." *Id.* at 28. For this reason, the Carter-Baker Commission made recommendations in favor of preventing such insecurity in the handling of ballots. For example, the Commission recommended that

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"States should make sure that absentee ballots received by election officials before Election Day are kept secure until they are opened and counted." *Id.* at 46. It also recommended that States "prohibit[] 'third-party' organizations, candidates, and political party activists from handling absentee ballots." *Id.*

Inconsistent Statewide Standards. The Bill of Complaint alleges that the Defendant States provided different standards and treatment for mail-in ballots submitted in different areas of each State, and that this differential treatment uniformly provided a partisan advantage to one side in the Presidential election. It alleges that election officials in Philadelphia and Allegheny County, Pennsylvania, applied different standards to voters in those Democratic strongholds than applied to other voters in Pennsylvania, in violation of state law. Bill of Complaint, ¶¶ 52-54. Similarly, it alleges that Milwaukee, Wisconsin violated state law by authorizing election officials to "correct" disqualifying omissions on ballot envelopes by entering information that the voter should have entered with a red pen, while no similar "correction" process was granted to other voters in that State. *Id.* ¶¶ 123-127. And it alleges that Wayne County, Michigan provided differential treatment of its voters, in violation of state statutes, by simply ignoring statutorily required signature-verification requirements. *Id.* ¶¶ 92-95.

Such differential treatment, as alleged under circumstances raising concerns of partisan bias, contradicts universal recommendations for integrity and public confidence in elections. As this Court stated in *Bush* v. *Gore*, "[t]he idea that one group can be granted greater voting strength than another is

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hostile to the one man, one vote basis of our representative government." 531 U.S. at 107 (quoting *Moore* v. *Ogilvie*, 394 US 814 (1969)). The Carter-Baker Report noted that "inconsistent or incorrect application of electoral procedures may have the effect of discouraging voter participation and may, on occasion, raise questions about bias in the way elections are conducted." Carter-Baker Report, at 49. "Such problems raise public suspicions or may provide grounds for the losing candidate to contest the result in a close election." *Id.*

Excluding Bipartisan Observers. The Bill of Complaint alleges that certain counties in Defendant States excluded bipartisan observers from the ballot-opening and ballot-counting processes. For example, it alleges that election officials in Philadelphia and Allegheny County, Pennsylvania, violated state law by excluding Republican observers from the opening, counting, and recording of absentee ballots in those counties. Bill of Complaint, ¶ 49. And it alleges that election officials in Wayne County, Michigan violated state statutes by systematically excluding poll watchers from the counting and recording of absentee ballots. *Id.* ¶¶ 90-91.

Such actions, as alleged, raise concerns about the integrity of the vote count in those counties. As the Carter-Baker Report emphasized, States should "provide observers with meaningful opportunities to monitor the conduct of the election." Carter-Baker Report, at 47. "To build confidence in the electoral process, it is important that elections be administered in a neutral and professional manner," without the appearance of partisan bias." *Id.* at 49. When observers of one political party are illegally and

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systematically excluded from observing the vote count, "the appearance of partisan bias" is inevitable. *Id.* For counties in Defendant States to exclude Republican observers weakens public confidence in the electoral process and raises grave concerns about the integrity of ballot counting in those counties.

Extending the Deadline to Receive Ballots. The Bill of Complaint alleges that a non-legislative actor in Pennsylvania—its Supreme Court—extended the statutory deadline to receive absentee and mail-in ballots without authorization from the "Legislature thereof," and that it directed that ballots with illegible postmarks or no postmarks at all would be deemed timely if received within the extended deadline. Bill of Complaint, ¶¶ 48, 55. Again, these non-legislative changes raise concerns about election integrity in Pennsylvania. They created a post-election window of time during which nefarious actors could wait and see whether the Presidential election would be close, and whether perpetrating fraud in Pennsylvania would be worthwhile. And they enhanced the opportunities for fraud by mandating that late ballots must be counted even when they are not postmarked or have no legible postmark, and thus there is no evidence they were mailed by Election Day.

These changes created needless vulnerability to actual fraud and undermined public confidence in the election. As the Department of Justice's Manual of *Federal Prosecution of Election Offenses* states, "the conditions most conducive to election fraud are close factional competition within an electoral jurisdiction for an elected position that matters." DOJ Manual, at 2-3. "[E]lection fraud is most likely to occur in electoral jurisdictions where there is close factional

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competition for an elected position that matters." *Id.* at 27. That statement exactly describes the conditions in each of the Defendant States in the recent Presidential election.

CONCLUSION

The allegations in the Bill of Complaint raise important constitutional issues under the Electors Clause of Article II, § 1. They also raise serious concerns relating to election integrity and public confidence in elections. These are questions of great public importance that warrant this Court's attention. The Court should grant the Plaintiff's Motion for Leave to File Bill of Complaint.

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December 9, 2020

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AMERICAN OVERSIGHT

No. 22O155

In the Supreme Court of the United States

STATE OF TEXAS,
Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA, STATE OF GEORGIA, STATE OF MICHIGAN, AND STATE OF WISCONSIN,
Defendants.

On Motion for Leave to File Bill of Complaint

CERTIFICATE OF COMPLIANCE

As required by Supreme Court Rule 33.1(h), I certify that the Brief of Missouri and 16 Other States as *Amici Curiae* in Support of Plaintiff's Motion for Leave to File Bill of Complaint in the above captioned case contains 5,166 words as determined by the word counting feature of Microsoft Word, excluding the parts of the brief that are exempted by Supreme Court Rule 33.1(d).

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AMERICAN OVERSIGHT

No. 22O155

In the Supreme Court of the United States

STATE OF TEXAS,
Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA, STATE OF GEORGIA, STATE OF MICHIGAN, AND STATE OF WISCONSIN,
Defendants.

On Motion for Leave to File Bill of Complaint

CERTIFICATE OF SERVICE

In accordance with Rule 29.5(b) and the Court's April 15, 2020 Order, I certify that the required copies of the Brief of Missouri and 16 Other States as *Amici Curiae* in Support of Plaintiff's Motion for Leave to File a Bill of Complaint in the above captioned case have been sent to the U.S. Supreme Court by commercial overnight delivery, and electronic copies were served by electronic mail on the following parties listed below on December 9, 2020.

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AMERICAN OVERSIGHT

No. 22O155, Original

In the Supreme Court of the United States

STATE OF TEXAS,

Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA, STATE OF GEORGIA, STATE OF MICHIGAN, AND STATE OF WISCONSIN,

Defendants.

On Motion for Leave to File Bill of Complaint

BRIEF OF STATES OF MISSOURI, ARKANSAS, LOUISIANA, ~~AND~~ MISSISSIPPI, AND _____ AS *AMICI CURIAE* IN SUPPORT OF PLAINTIFF'S MOTION FOR LEAVE TO FILE BILL OF COMPLAINT

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STATEMENT OF INTEREST OF *AMICI*

"In the context of a Presidential election," state actions "implicate a uniquely important national interest," because "the impact of the votes cast in each State is affected by the votes cast for the various candidates in other States." *Anderson* v. *Celebrezze*, 460 U.S. 780, 794–95 (1983). "For the President and the Vice President of the United States are the only elected officials who represent all the voters in the Nation." *Id.*

Amici curiae are the States of Missouri, Arkansas, Louisiana, ~~and~~ Mississippi, and _____.[1] *Amici* have several important interests in this case. *First*, the States have a strong interest in safeguarding the separation of powers among state actors in the regulation of Presidential elections. The Electors Clause of Article II, § 1 carefully separates power among state actors, and it assigns a specific function to the "Legislature thereof" in each State. U.S. CONST. art. II, § 1, cl. 4. Our system of federalism relies on separation of powers to preserve liberty at every level of government, and the separation of powers in the Electors Clause is no exception. The States have a strong interest in preserving the proper roles of state legislatures in the administration of federal elections, and thus safeguarding the individual liberty of their citizens.

Second, *amici* States have a strong interest in ensuring that the votes of their own citizens are not diluted by the unconstitutional administration of

[1] This brief is filed under Supreme Court Rule 37.4, and all counsel of record received timely notice of the intent to file this amicus brief under Rule 37.2.

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elections in other States. When non-legislative actors in other States encroach on the authority of the "Legislature thereof" in that State to administer a Presidential election, they threaten the liberty, not just of their own citizens, but of every citizen of the United States who casts a lawful ballot in that election—including the citizens of *amici* States.

Third, for similar reasons, *amici* States have a strong interest in safeguarding against fraud in voting by mail during Presidential elections. "Every voter" in a federal election, "has a right under the Constitution to have his vote fairly counted, without its being distorted by fraudulently cast votes." *Anderson* v. *United States*, 417 U.S. 211, 227 (1974). Plaintiff's Bill of Complaint alleges that non-legislative actors in the Defendant States stripped away important safeguards against fraud in voting by mail that had been enacted by the Legislature in each State. *Amici* States share a vital interest in protecting the integrity of the truly national election for President and Vice President of the United States.

SUMMARY OF ARGUMENT

The Bill of Complaint raises constitutional questions of great public importance that warrant this Court's review. First, like every similar provision in the Constitution, the separation-of-powers provision of the Electors Clause provides an important structural check on government designed to protect individual liberty. By allocating authority over Presidential electors to the "Legislature thereof" in each State, the Clause separates powers both vertically and horizontally, and it confers authority on

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the branch of state government most responsive to the democratic will. Encroachments on the authority of state Legislatures by other state actors violate the separation of powers and threaten individual liberty.

The unconstitutional encroachments on the authority of state Legislatures in this case raise particularly grave concerns. For decades, responsible observers have cautioned about the risks of fraud and abuse in voting by mail, and they have urged the adoption of statutory safeguards to prevent such fraud and abuse. In the numerous cases identified in the Bill of Complaint, non-legislative actors in each Defendant State repeatedly stripped away the statutory safeguards that the "Legislature thereof" had enacted to protect against fraud in voting by mail. These changes removed protections that responsible actors had recommended for decades to guard against fraud and abuse in voting by mail~~, and they did so in a manner that uniformly and predictably benefited one candidate in the recent Presidential election~~. The allegations in the Bill of Complaint raise important questions about election integrity and public confidence in the administration of Presidential elections. This Court should grant Plaintiff leave to file the Bill of Complaint.

ARGUMENT

The Electors Clause provides that each State "shall appoint" its Presidential electors "in such Manner as the *Legislature thereof* may direct." U.S. CONST. art. II, § 1, cl. 4 (emphasis added). Moreover, "[o]ur constitutional system of representative government only works when the worth of honest ballots is not diluted by invalid ballots procured by

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corruption." U.S. Dep't of Justice, *Federal Prosecution of Election Offenses*, at 1 (8th ed. Dec. 2017). "When the election process is corrupted, democracy is jeopardized." *Id.* The proposed Bill of Complaint raises serious concerns about both the constitutionality and ballot security of election procedures in the Defendant States. Given the importance of public confidence in American elections, these allegations raise questions of great public importance that warrant this Court's expedited review.

I. The Separation-of-Powers Provision of the Electors Clause Is a Structural Check on Government That Safeguards Liberty.

Article II requires that each State "shall appoint" its Presidential electors "in such Manner as the *Legislature thereof* may direct." U.S. CONST. art. II, § 1, cl. 4 (emphasis added); *see also id.* art. I, § 4, cl. 2 (providing that, in each State, the "Legislature thereof" shall establish "[t]he Times, Places and Manner of holding Elections for Senators and Representatives").

Thus, "in the case of a law enacted by a state legislature applicable not only to elections to state offices, but also to the selection of Presidential electors, the legislature is not acting solely under the authority given it by the people of the State, but by virtue of a direct grant of authority made under Art. II, § 1, cl. 2, of the United States Constitution." *Bush* v. *Palm Beach Cty. Canvassing Bd.*, 531 U.S. 70, 76 (2000). "[T]he state legislature's power to select the manner for appointing electors is plenary." *Bush* v. *Gore*, 531 U.S. 98, 104 (2000).

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Here, as set forth in the Bill of Complaint, non-legislative actors in each Defendant State have purported to "alter[] an important statutory provision enacted by the [State's] Legislature pursuant to its authority under the Constitution of the United States to make rules governing the conduct of elections for federal office." *Republican Party of Pennsylvania* v. *Boockvar*, No. 20-542, 2020 WL 6304626, at *1 (U.S. Oct. 28, 2020) (Statement of Alito, J.). *See* Bill of Complaint, ¶¶ 41-127. In doing so, these non-legislative actors may have encroached upon the "plenary" authority of those States' respective legislatures over the conduct of the Presidential election in each State. *Bush* v. *Gore*, 531 U.S. at 104. This encroachment on the authority of each State's Legislature violated the separation of powers set forth in the Electors Clause. "[I]n the context of a Presidential election, state-imposed restrictions implicate a uniquely important national interest. For the President and the Vice President of the United States are the only elected officials who represent all the voters in the Nation." *Anderson*, 460 U.S. at 794–795.

In every other context, this Court recognizes that the Constitution's separation-of-powers provisions are designed to preserve liberty. "It is the proud boast of our democracy that we have 'a government of laws, and not of men.'" *Morrison* v. *Olson*, 487 U.S. 654, 697 (1988) (Scalia, J., dissenting). "The Framers of the Federal Constitution . . . viewed the principle of separation of powers as the absolutely central guarantee of a just Government." *Id.* "Without a secure structure of separated powers, our Bill of Rights would be worthless, as are the bills of rights of

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many nations of the world that have adopted, or even improved upon, the mere words of ours." *Id.* "The purpose of the separation and equilibration of powers in general . . . was not merely to assure effective government but to preserve individual freedom." *Id.* at 727.

This principle of preserving liberty applies both to the horizontal separation of powers among the branches of government, and the vertical separation of powers between the federal government and the States. "The federal system rests on what might at first seem a counterintuitive insight, that 'freedom is enhanced by the creation of two governments, not one.'" *Bond* v. *United States*, 564 U.S. 211, 220–21 (2011) (quoting *Alden* v. *Maine*, 527 U.S. 706, 758 (1999)). "[F]ederalism secures to citizens the liberties that derive from the diffusion of sovereign power." *Bond*, 564 U.S. at 221 (2011) (quoting *New York* v. *United States*, 505 U.S. 144, 181 (1992)). "Federalism also protects the liberty of all persons within a State by ensuring that laws enacted in excess of delegated governmental power cannot direct or control their actions." *Id.* Moreover, "federalism enhances the opportunity of all citizens to participate in representative government." *FERC* v. *Mississippi*, 456 U.S. 742, 789 (1982) (O'Connor, J., concurring in part and dissenting in part). "Just as the separation and independence of the coordinate branches of the Federal Government serve to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front." *Gregory* v. *Ashcroft*, 501 U.S. 452, 458 (1991).

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The explicit grant of authority to state *Legislatures* in the Electors Clause effects both a horizontal and a vertical separation of powers. The Clause allocates to each State—not to federal actors—the authority to dictate the manner of selecting Presidential Electors. And within each State, it explicitly allocates that authority to a single branch of state government: to the "Legislature thereof." U.S. CONST. art. II, § 1, cl. 4.

It is no accident that the Constitution allocates such authority to state Legislatures, rather than executive officers such as Secretaries of State, or judicial officers such as state Supreme Courts. The Constitutional Convention's delegates frequently recognized that the Legislature is the branch most responsive to the People and most democratically accountable. *See, e.g.*, Robert G. Natelson, *The Original Scope of the Congressional Power to Regulate Elections*, 13 U. PA. J. CONST. L. 1, 31 (2010) (collecting ratification documents expressing that state legislatures were most likely to be in sympathy with the interests of the people); Federal Farmer, No. 12 (1788), *reprinted in* 2 THE FOUNDERS' CONSTITUTION (Philip B. Kurland & Ralph Lerner eds., 1987) (arguing that electoral regulations "ought to be left to the state legislatures, they coming far nearest to the people themselves"); THE FEDERALIST NO. 57, at 350 (C. Rossiter, ed. 2003) (Madison, J.) (stating that the "House of Representatives is so constituted as to support in its members an habitual recollection of their dependence on the people"); *id*. (stating that the "vigilant and manly spirit that actuates the people of America" is greatest restraint on the House of Representatives).

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Democratic accountability in the method of selecting the President of the United States is a powerful bulwark safeguarding individual liberty. By identifying the "Legislature thereof" in each State as the regulator of elections for federal officers, the Electors Clause of Article II, § 1 prohibits the very arrogation of power over Presidential elections by non-legislative officials that the Defendant States perpetrated in this case. By violating the Constitution's separation of powers, these non-legislative actors undermined the liberty of all Americans, including the voters in *amici* States.

II. Stripping Away Safeguards From Voting by Mail Exacerbates the Risks of Fraud.

By stripping away critical safeguards against ballot fraud in voting by mail, non-legislative actors in the Defendant States inflicted another grave injury on the conduct of the recent election: They enhanced the risks of fraudulent voting by mail without authority. An impressive body of public evidence demonstrates that voting by mail presents unique opportunities for fraud and abuse, and that statutory safeguards are critical to reduce such risks of fraud.

For decades prior to 2020, responsible observers emphasized the risks of fraud in voting by mail, and the importance of imposing safeguards on the process of voting by mail to allay such risks. For example, in *Crawford* v. *Marion County Election Board*, this Court held that fraudulent voting "perpetrated using absentee ballots" demonstrates "that not only is the risk of voter fraud real but that *it could affect the outcome of a close election*." *Crawford* v. *Marion*

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County Election Bd., 553 U.S. 181, 195-96 (2008) (opinion of Stevens, J.) (emphasis added).

As noted by Plaintiff, the Carter-Baker Commission on Federal Election Reform emphasized the same concern. The bipartisan Commission—co-chaired by former President Jimmy Carter and former Secretary of State James A. Baker—determined that "[a]bsentee ballots remain the largest source of potential voter fraud." BUILDING CONFIDENCE IN U.S. ELECTIONS: REPORT OF THE COMMISSION ON FEDERAL ELECTION REFORM, at 46 (Sept. 2005) ("Carter-Baker Report").[2] According to the Carter-Baker Commission, "[a]bsentee balloting is vulnerable to abuse in several ways." *Id.* "Blank ballots mailed to the wrong address or to large residential buildings might be intercepted." *Id.* "Citizens who vote at home, at nursing homes, at the workplace, or in church are more susceptible to pressure, overt and subtle, or to intimidation." *Id.* "Vote buying schemes are far more difficult to detect when citizens vote by mail." *Id.*

Thus, the Commission noted that "absentee balloting in other states has been a major source of fraud." *Id.* at 35. It emphasized that voting by mail "increases the risk of fraud." *Id.* And the Commission recommended that "States … need to do more to prevent … absentee ballot fraud." *Id.* at v.

The Commission specifically recommended that States should implement and reinforce safeguards to prevent fraud in voting by mail. The Commission recommended that "States should make sure that absentee ballots received by election officials before

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[2] *Available at* https://www.legislationline.org/download/id/1472/file/-3b50795b2d0374cbef5c29766256.pdf.

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Election Day are kept secure until they are opened and counted." *Id.* at 46. It also recommended that States "prohibit[] 'third-party' organizations, candidates, and political party activists from handling absentee ballots." *Id.* And the Commission highlighted that a particular state "appear[ed] to have avoided significant fraud in its vote-by-mail elections by introducing *safeguards to protect ballot integrity, including signature verification*." *Id.* at 35 (emphasis added). The Commission concluded that "[v]ote by mail is … likely to increase the risks of fraud and contested elections … where the safeguards for ballot integrity are weaker." *Id.*

The most recent edition of the U.S. Department of Justice's Manual on *Federal Prosecution of Election Offenses*, published by its Public Integrity Section, highlights the very same concerns about fraud in voting by mail. U.S. Dep't of Justice, *Federal Prosecution of Election Offenses* (8th ed. Dec. 2017), at 28-29 ("DOJ Manual").[3] The Manual states: "Absentee ballots are particularly susceptible to fraudulent abuse because, by definition, they are marked and cast outside the presence of election officials and the structured environment of a polling place." *Id.* The Manual reports that "the more common ways" that election-fraud "crimes are committed include … [o]btaining and marking absentee ballots without the active input of the voters involved." *Id.* at 28. And the Manual notes that "[a]bsentee ballot frauds" committed both with and without the voter's participation are "common." *Id.* at 29.

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[3] *Available at* https://www.justice.gov/criminal/file/1029066/download.

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Similarly, the U.S. Government Accountability Office concluded that many crimes of election fraud likely go undetected. In 2014, discussing election fraud, the GAO reported that "crimes of fraud, in particular, are difficult to detect, as those involved are engaged in intentional deception." GAO-14-634, *Elections: Issues Related to State Voter Identification Laws* 62-63 (U.S. Gov't Accountability Office Sept. 2014).[4]

Despite the difficulties of detecting fraud schemes, recent experience contains many well-documented examples of absentee ballot fraud. For example, the News21 database, which was compiled to *refute* arguments that voter fraud is prevalent, identified 491 cases of absentee ballot over the 12-year period from 2000 to 2012—approximately 41 cases per year. *See* News21, *Election Fraud in America*.[5] This database reports that "Absentee Ballot Fraud" was "[t]he most prevalent fraud" in America, comprising "24 percent (491 cases)" of all cases reported in the public records surveyed. *Id.* Moreover, the database indicates that this number undercounts the total incidence of reported cases of absentee ballot fraud, because it was based on public-record requests to state and local government entities, many of which did not respond. *Id.*

Likewise, the Heritage Foundation's online database of election-fraud cases—which includes only a "sampling" of cases that resulted in an *adjudication*

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[4] *Available at* https://www.gao.gov/assets/670/665966.pdf.

[5] *Available at* https://votingrights.news21.com/interactive/election-fraud-database/&xid=17259,15700023,15700124,15700149,15700186,15700191,15700201,15700237,15700242

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of fraud, such as a criminal conviction or civil penalty—identified 207 cases of proven "fraudulent use of absentee ballots" in the United States. The Heritage Foundation, *Election Fraud Cases*.[6] Again, this database undercounts the incidence of cases of election fraud: "The Heritage Foundation's Election Fraud Database presents a sampling of recent proven instances of election fraud from across the country. This database is not an exhaustive or comprehensive list." *Id.*

The public record abounds with recent examples of such fraudulent absentee-ballot schemes. For example, in November 2019, the mayor of Berkeley, Missouri was indicted on five felony counts of absentee ballot fraud for changing votes on absentee ballots to help him and his political allies to get elected. Brian Heffernan, *Berkeley Mayor Hoskins Charged with 5 Felony Counts of Election Fraud*, ST. LOUIS PUBLIC RADIO (Nov. 21, 2019).[7] Mayor Hoskins' scheme included "going to the home of elderly … residents" to harvest absentee ballots, "filling out absentee ballot applications for voters and having his campaign workers do the same," and "altering absentee ballots" after he had procured them from voters. *Id.* Again, in 2016, a state House race in Missouri was overturned amid allegations of widespread absentee-ballot fraud that had occurred across multiple election cycles in the same community. Sarah Fenske, *FBI, Secretary of State*

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[6] *Available at* https://www.heritage.org/voterfraud/search?combine=&state=All&year=&case_type=All&fraud_type=24489&page=12.

[7] *Available at* https://news.stlpublicradio.org/post/berkeley-mayor-hoskins-charged-5-felony-counts-election-fraud#stream/0

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Asking Questions About St. Louis Statehouse Race, RIVERFRONT TIMES (Aug. 16, 2016).[8] One candidate stated that it was widely known in the community that the incumbent ran an "absentee game" that resulted in the absentee vote tipping the outcome in her favor in multiple close elections. *Id.*

Other States have similar experiences. In 2018, a federal Congressional race was overturned in North Carolina, and eight political operatives were indicted for fraud, in an absentee-ballot scheme that sufficed to change the outcome of the election. Richard Gonzales, *North Carolina GOP Operative Faces New Felony Charges That Allege Ballot Fraud*, NPR.ORG, (July 30, 2019).[9] The indicted operatives "had improperly collected and possibly tampered with ballots," and were charged with "improperly mailing in absentee ballots for someone who had not mailed it themselves." *Id.*

In the North Carolina case, the lead investigator testified that the investigation was "a continuous case" over two election cycles, and that the scheme involved collecting absentee ballots from voters, altering the absentee ballots, and forging witness signatures on the ballots. *See In re: Investigation of Irregularities Affecting Counties Within the 9th Congressional District*, North Carolina Board of

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[8] *Available at* https://www.river-fronttimes.com/newsblog/2016/08/16/fbi-secretary-of-state-asking-questions-about-st-louis-statehouse-race.

[9] *Available at* https://www.npr.org/2019/07/30/746800630/north-carolina-gop-operative-faces-new-felony-charges-that-allege-ballot-fraud.

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Elections, Evidentiary Hearing, at 2-3.[10] The investigators described it as a "coordinated, unlawful, and substantially resourced absentee ballots scheme." *Id.* at 2. According to the investigators' trial presentation, the investigation involved 142 voter interviews, 30 subject and witness interviews, and subpoenas of documents, financial records, and phone records. *Id.* at 3. The perpetrators collected absentee ballots and falsified ballot witness certifications outside the presence of the voters. *Id.* at 10, 13. The congressional election at issue was decided by margin of less than 1,000 votes. *Id.* at 4. The scheme involved the submission of well over 1,000 fraudulent absentee ballots and request forms. *Id.* at 11. The perpetrators took extensive steps to conceal the fraudulent scheme, which lasted over multiple election cycles before it was detected. *Id.* at 14.

Similarly, in 2016, a politician in the Bronx was indicted and pled guilty to 242 counts of election fraud based on an absentee ballot fraud scheme. Ben Kochman, *Bronx politician pleads guilty in absentee ballot scheme for Assembly election*, NEW YORK DAILY NEWS (Nov. 22, 2016).[11] Despite pleading guilty to 242 felonies involving absentee ballot fraud in an election that was decided by two votes, the defendant received no jail time and vowed to run for office again after a short disqualification period. *Id.*

The increases in mail-in voting due to the COVID-19 pandemic likewise increased opportunities for

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[10] *Available at* https://images.radio.com/wbt/Voter%20ID_%20Website.pdf.

[11] *Available at* http://www.nydailynews.com/new-york/nyc-crime/bronx-pol-pleads-guilty-absentee-ballot-scheme-article-1.2884009.

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fraud. For instance, in May 2020, the leader of the New Jersey NAACP called for an election in Paterson, New Jersey to be overturned due to widespread mail-in ballot fraud. *See* Jonathan Dienst et al., *NJ NAACP Leader Calls for Paterson Mail-In Vote to Be Canceled Amid Corruption Claims*, NBC NEW YORK (May 27, 2020).[12] "'Invalidate the election. Let's do it again,' [the NAACP leader] said amid reports more that 20 percent of all ballots were disqualified, some in connection with voter fraud allegations." *Id.*

Hundreds of other reported cases highlight the same concerns about the vulnerability of voting by mail to fraud and abuse. Recently, a Missouri court considered extensive expert testimony reviewing absentee-ballot fraud cases like these. *Findings of Fact, Conclusions of Law, and Final Judgment in Mo. State Conference of the NAACP* v. *State*, No. 20AC-CC00169-01 (Circuit Court of Cole County, Missouri Sept. 24, 2020), *aff'd*, 607 S.W.3d 728 (Mo. banc Oct. 9, 2020) ("*Mo. NAACP*"). The court held that cases of absentee-ballot fraud "have several common features that persist across multiple recent cases: (1) close elections; (2) perpetrators who are candidates, campaign workers, or political consultants, not ordinary voters; (3) common techniques of ballot harvesting; (4) common techniques of signature forging; (5) fraud that persisted across multiple elections before it was detected; (6) massive resources required to investigate and prosecute the fraud; and (7) lenient criminal penalties." *Id.* at 17. Thus, the

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[12] *Available at* https://www.nbcnewyork.com/news/politics/nj-naacp-leader-calls-for-paterson-mail-in-vote-to-be-canceled-amid-fraud-claims/2435162/.

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court concluded "that fraud in voting by mail is a recurrent problem, that it is hard to detect and prosecute, that there are strong incentives and weak penalties for doing so, and that it has the capacity to affect the outcome of close elections." *Id.* The court held that "the threat of mail-in ballot fraud is real." *Id.* at 2.

III. The Bill of Complaint Alleges that the Defendant States Unconstitutionally Abolished Critical Safeguards Against Fraud in Voting by Mail.

The Bill of Complaint alleges that non-legislative actors in each Defendant State unconstitutionally abolished or diluted statutory safeguards against fraud enacted by their state Legislatures, in violation of the Presidential Electors Clause. U.S. CONST. art. II, § 1, cl. 4. All the unconstitutional changes to election procedures identified in the Bill of Complaint have two common features: (1) They abrogated statutory safeguards against fraud that responsible observers have long recommended for voting by mail, and (2) they did so in a way that predictably conferred partisan advantage on one candidate in the Presidential election. Such allegations are serious, and they warrant this Court's review.

Abolishing signature verification. First, the proposed Bill of Complaint alleges that non-legislative actors in Pennsylvania, Michigan, and Georgia unilaterally abolished or weakened signature-verification requirements for mailed ballots. It alleges that Pennsylvania's Secretary of State abrogated Pennsylvania's statutory signature-verification requirement for mail-in ballots in a

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"friendly" settlement of a lawsuit brought by activists. Bill of Complaint, ¶¶ 44-46. It alleges that Michigan's Secretary of State permitted absentee ballot applications online, with no signature at all, in violation of Michigan statutes, *id*. ¶¶ 85-89; and that election officials in Wayne County, Michigan simply disregarded statutory signature verification requirements, *id*. ¶¶ 92-95. And it alleges that Georgia's Secretary of State unilaterally abrogated Georgia's statute authorizing county registrars to engage in signature verification for absentee ballots in another lawsuit settlement. *Id*. ¶¶ 66-72.

In addition to violating the Electors Clause, these actions, as alleged, contradict~~ed~~ fundamental principles of ballot security. As noted above, the Carter-Baker Report highlighted the importance of "*signature verification*" as a critical "safeguard[] to protect ballot integrity" for ballots cast by mail. Carter-Baker Report, *supra*, at 35 (emphasis added). Without safeguards such as signature verification, the Report stated that "[v]ote by mail is … likely to increase the risks of fraud and contested elections … where the safeguards for ballot integrity are weaker." *Id*. The importance of signature verification is hard to overstate, because absentee-ballot fraud schemes commonly involve "common techniques of signature forging," typically by nefarious actors who are unfamiliar with the voter's signature. *Mo. NAACP*, *supra*, at 17. Verifying the voter's signature thus provides a fundamental safeguard against fraud.

Insecure ballot handling. The Bill of Complaint alleges that non-legislative actors changed or abolished statutory rules for the secure handling of absentee and mail-in ballots in Pennsylvania,

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Michigan, and Wisconsin. It alleges that election officials in Democratic areas of Pennsylvania violated state statutes by opening and reviewing mail-in ballots that were required to be kept locked and secure until Election Day. Bill of Complaint, ¶¶ 50-51. It alleges that Michigan's Secretary of State, acting in violation of state law, sent 7.7 million unsolicited absentee-ballot applications to Michigan voters, thus "flooding Michigan with millions of absentee ballot applications prior to the 2020 general election." *Id.* ¶¶ 80-84. And it alleges that the Wisconsin Election Commission violated state law by placing hundreds of unmonitored boxes for the submission of absentee and mail-in ballots around the State, concentrated in heavily Democratic areas. *Id.* ¶¶ 107-114.

In addition to violating the Electors Clause, these actions, as alleged, contradict~~ed~~ commonsense ballot-security recommendations. The Department of Justice's Manual on *Federal Prosecution of Election Offenses* notes that vulnerability to mishandling is what makes absentee ballots "particularly susceptible to fraudulent abuse" because "they are marked and cast outside the presence of election officials and the structured environment of a polling place." DOJ Manual, at 28-29. According to the Manual, "[o]btaining and marking absentee ballots without the active input of the voters involved" is one of "the more common ways" that election fraud "crimes are committed." *Id.* at 28. For this reason, the Carter-Baker Commission made recommendations in favor of preventing such insecurity in the handling of ballots. For example, the Commission recommended that "States should make sure that absentee ballots received by election officials before Election Day are

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kept secure until they are opened and counted." *Id.* at 46. It also recommended that States "prohibit[] 'third-party' organizations, candidates, and political party activists from handling absentee ballots." *Id.*

Inconsistent Statewide Standards. The Bill of Complaint alleges that the Defendant States provided different standards and treatment for mail-in ballots submitted in different areas of each State, and that this differential treatment uniformly provided a partisan advantage to one side in the Presidential election. It alleges that election officials in Philadelphia and Allegheny County, Pennsylvania, applied different standards to voters in those Democratic strongholds than applied to other voters in Pennsylvania, in violation of state law. Bill of Complaint, ¶¶ 52-54. Similarly, it alleges that Milwaukee, Wisconsin violated state law by authorizing election officials to "correct" disqualifying omissions on ballot envelopes by entering information that the voter should have entered with a red pen, while no similar "correction" process was granted to other voters in that State. *Id.* ¶¶ 123-127. And it alleges that Wayne County, Michigan provided differential treatment of its voters, in violation of state statutes, by simply ignoring statutorily required signature-verification requirements. *Id.* ¶¶ 92-95.

Such differential treatment, as alleged under circumstances raising concerns of partisan bias, contradicts universal recommendations for integrity and public confidence in elections. As this Court stated in *Bush* v. *Gore*, "[t]he idea that one group can be granted greater voting strength than another is hostile to the one man, one vote basis of our representative government." 531 U.S. at 107 (quoting

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Moore v. *Ogilvie*, 394 US 814 (1969)). The Carter-Baker Report noted that "inconsistent or incorrect application of electoral procedures may have the effect of discouraging voter participation and may, on occasion, raise questions about bias in the way elections are conducted." Carter-Baker Report, at 49. "Such problems raise public suspicions or may provide grounds for the losing candidate to contest the result in a close election." *Id*.

Excluding Bipartisan Observers. The Bill of Complaint alleges that certain counties in Defendant States excluded bipartisan observers from the ballot-opening and ballot-counting processes. For example, it alleges that election officials in Philadelphia and Allegheny County, Pennsylvania, violated state law by excluding Republican observers from the opening, counting, and recording of absentee ballots in those counties. Bill of Complaint, ¶ 49. And it alleges that election officials in Wayne County, Michigan violated state statutes by systematically excluding poll watchers from the counting and recording of absentee ballots. *Id*. ¶¶ 90-91.

Such actions, as alleged, raise concerns about the integrity of the vote count in those counties. As the Carter-Baker Report emphasized, States should "provide observers with meaningful opportunities to monitor the conduct of the election." Carter-Baker Report, at 47. "To build confidence in the electoral process, it is important that elections be administered in a neutral and professional manner," without the appearance of partisan bias." *Id*. at 49. When observers of one political party are illegally and systematically excluded from observing the vote count, "the appearance of partisan bias" is inevitable.

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Id. For counties in Defendant States to exclude Republican observers weakens public confidence in the electoral process and raises grave concerns about the integrity of ballot counting in those counties.

Extending the Deadline to Receive Ballots. The Bill of Complaint alleges that a non-legislative actor in Pennsylvania—its Supreme Court—extended the statutory deadline to receive absentee and mail-in ballots without authorization from the "Legislature thereof," and that it directed that ballots with illegible postmarks or no postmarks at all would be deemed timely if received within the extended deadline. Bill of Complaint, ¶¶ 48, 55. Again, these non-legislative changes raise concerns about election integrity in Pennsylvania. They created a post-election window of time during which nefarious actors could wait and see whether the Presidential election would be close, and whether perpetrating fraud in Pennsylvania would be worthwhile. And they enhanced the opportunities for fraud by mandating that late ballots must be counted even when they are not postmarked or have no legible postmark, and thus there is no evidence they were mailed by Election Day.

These changes created needless vulnerability to actual fraud and undermined public confidence in the election. As the Department of Justice's Manual of *Federal Prosecution of Election Offenses* states, "the conditions most conducive to election fraud are close factional competition within an electoral jurisdiction for an elected position that matters." DOJ Manual, at 2-3. "[E]lection fraud is most likely to occur in electoral jurisdictions where there is close factional competition for an elected position that matters." *Id.* at 27. That statement exactly describes the conditions

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in each of the Defendant States in the recent Presidential election.

CONCLUSION

The allegations in the Bill of Complaint raise important constitutional issues under the Electors Clause of Article II, § 1. They also raise serious concerns relating to election integrity and public confidence in elections. These are questions of great public importance that warrant this Court's attention. The Court should grant the Plaintiff's Motion for Leave to File Bill of Complaint.

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December 9, 2020

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No. 22O155, Original

In the Supreme Court of the United States

STATE OF TEXAS,

Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA, STATE OF GEORGIA, STATE OF MICHIGAN, AND STATE OF WISCONSIN,

Defendants.

On Motion for Leave to File Bill of Complaint

BRIEF OF STATES OF MISSOURI, ____ AS *AMICI CURIAE* IN SUPPORT OF PLAINTIFF'S MOTION FOR LEAVE TO FILE BILL OF COMPLAINT

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STATEMENT OF INTEREST OF *AMICI*

"In the context of a Presidential election," state actions "implicate a uniquely important national interest," because "the impact of the votes cast in each State is affected by the votes cast for the various candidates in other States." *Anderson* v. *Celebrezze*, 460 U.S. 780, 794–95 (1983). "For the President and the Vice President of the United States are the only elected officials who represent all the voters in the Nation." *Id*. "Every voter" in a federal election "has a right under the Constitution to have his vote fairly counted, without its being distorted by fraudulently cast votes." *Anderson* v. *United States*, 417 U.S. 211, 227 (1974).

Amici curiae are the States of Missouri, _____.[1] *Amici* have several important interests in this case. *First*, the States have a strong interest in safeguarding the separation of powers among state actors in the regulation of Presidential elections. The Electors Clause of Article II, § 1 carefully balances power among state actors, and it assigns a specific function to the "Legislature thereof" in each State. U.S. CONST. art. II, § 1, cl. 4. Our system of federalism relies on separation of powers to preserve liberty at every level of government, and the separation of powers in the Electors Clause is no exception. The States have a strong interest in preserving the proper roles of state legislatures in the administration of federal elections, and thus safeguarding the individual liberty of their citizens.

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[1] This brief is filed under Supreme Court Rule 37.4, and all counsel of record received timely notice of the intent to file this amicus brief under Rule 37.2.

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Second, *amici* States have a strong interest in ensuring that the votes of their own citizens are not diluted by the unconstitutional administration of elections in other States. When non-legislative actors in other States encroach on the authority of the "Legislature thereof" in that State to administer a Presidential election, they threaten the liberty, not just of their own citizens, but of every citizen of the United States who casts a lawful ballot in that election—including the citizens of *amici* States.

Third, for similar reasons, *amici* States have a strong interest in safeguarding against fraud in voting by mail during Presidential elections. "Every voter" in a federal election, "has a right under the Constitution to have his vote fairly counted, without its being distorted by fraudulently cast votes." *Anderson*, 417 U.S. at 227. Plaintiff's Bill of Complaint alleges that non-legislative actors in the Defendant States stripped away important safeguards against fraud in voting by mail that had been enacted by the Legislature in each State. *Amici* States share a vital interest in protecting the integrity of the truly national election for President and Vice President of the United States.

SUMMARY OF ARGUMENT

The Bill of Complaint raises constitutional questions of great public importance that warrant this Court's review. First, like every similar provision in the Constitution, the separation-of-powers provision of the Electors Clause provides an important structural check on government designed to protect individual liberty. By allocating authority over Presidential electors to the "Legislature thereof" in

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each State, the Clause separates powers both vertically and horizontally, and it confers authority on the branch of state government most responsive to the democratic will. Encroachments on the authority of state Legislatures by other state actors violate the separation of powers and threaten individual liberty.

The unconstitutional encroachments on the authority of state Legislatures in this case raise particularly grave concerns. For decades, responsible observers have cautioned about the risks of fraud and abuse in voting by mail, and they have urged the adoption of statutory safeguards to prevent such fraud and abuse. In the numerous cases identified in the Bill of Complaint, non-legislative actors in each Defendant State repeatedly stripped away statutory safeguards that the "Legislature thereof" had enacted to protect against fraud in voting by mail. These changes removed protections that responsible actors had recommended for decades to guard against fraud and abuse in voting by mail, and they did so in a manner that uniformly and predictably benefited one candidate in the recent Presidential election. The allegations in the Bill of Complaint raise grave questions about election integrity and public confidence in the administration of Presidential elections. This Court should grant Plaintiff leave to file the Bill of Complaint.

ARGUMENT

The Electors Clause provides that each State "shall appoint" its Presidential electors "in such Manner as the *Legislature thereof* may direct." U.S. CONST. art. II, § 1, cl. 4 (emphasis added). Moreover, "[o]ur constitutional system of representative government only works when the worth of honest

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ballots is not diluted by invalid ballots procured by corruption." U.S. Dep't of Justice, *Federal Prosecution of Election Offenses*, at 1 (8th ed. Dec. 2017). "When the election process is corrupted, democracy is jeopardized." *Id.* The proposed Bill of Complaint raises serious concerns about constitutionality and ballot security of election procedures in the Defendant States. Given the importance of public confidence in American elections, these allegations raise questions of great public importance that warrant this Court's expedited review.

I. The Separation-of-Powers Provision of the Electors Clause Is a Structural Check on Government That Safeguards Liberty.

Article II requires that each State "shall appoint" its Presidential electors "in such Manner as the *Legislature thereof* may direct." U.S. CONST. art. II, § 1, cl. 4 (emphasis added); *see also id.* art. I, § 4, cl. 2 (providing that, in each State, the "Legislature thereof" shall establish "[t]he Times, Places and Manner of holding Elections for Senators and Representatives").

Thus, "in the case of a law enacted by a state legislature applicable not only to elections to state offices, but also to the selection of Presidential electors, the legislature is not acting solely under the authority given it by the people of the State, but by virtue of a direct grant of authority made under Art. II, § 1, cl. 2, of the United States Constitution." *Bush* v. *Palm Beach Cty. Canvassing Bd.*, 531 U.S. 70, 76 (2000). "[T]he state legislature's power to select the manner for appointing electors is plenary." *Bush* v. *Gore*, 531 U.S. 98, 104 (2000).

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Here, as set forth in the Bill of Complaint, non-legislative actors in each Defendant State have purported to "alter[] an important statutory provision enacted by the [State's] Legislature pursuant to its authority under the Constitution of the United States to make rules governing the conduct of elections for federal office." *Republican Party of Pennsylvania* v. *Boockvar*, No. 20-542, 2020 WL 6304626, at *1 (U.S. Oct. 28, 2020) (Statement of Alito, J.). *See* Bill of Complaint, ¶¶ 41-127. In doing so, these non-legislative actors encroached upon the "plenary" authority of those States' respective legislatures over the conduct of the Presidential election in each State. *Bush* v. *Gore*, 531 U.S. at 104. This encroachment on the authority of each State's Legislature violated the separation of powers set forth in the Electors Clause. "[I]n the context of a Presidential election, state-imposed restrictions implicate a uniquely important national interest. For the President and the Vice President of the United States are the only elected officials who represent all the voters in the Nation." *Anderson*, 460 U.S. at 794–795.

In every other context, this Court recognizes that the Constitution's separation-of-powers provisions, which allocate authority to specific governmental actors to the exclusion of others, are designed to preserve liberty. "It is the proud boast of our democracy that we have 'a government of laws, and not of men.'" *Morrison* v. *Olson*, 487 U.S. 654, 697 (1988) (Scalia, J., dissenting). "The Framers of the Federal Constitution . . . viewed the principle of separation of powers as the absolutely central guarantee of a just Government." *Id.* "Without a secure structure of separated powers, our Bill of Rights would be worthless, as are the bills of rights of

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many nations of the world that have adopted, or even improved upon, the mere words of ours." *Id.* "The purpose of the separation and equilibration of powers in general . . . was not merely to assure effective government but to preserve individual freedom." *Id.* at 727.

This principle of preserving liberty applies both to the horizontal separation of powers among the branches of government, and the vertical separation of powers between the federal government and the States. "The federal system rests on what might at first seem a counterintuitive insight, that 'freedom is enhanced by the creation of two governments, not one.'" *Bond* v. *United States*, 564 U.S. 211, 220–21 (2011) (quoting *Alden* v. *Maine*, 527 U.S. 706, 758 (1999)). "[F]ederalism secures to citizens the liberties that derive from the diffusion of sovereign power." *Bond*, 564 U.S. at 221 (2011) (quoting *New York* v. *United States*, 505 U.S. 144, 181 (1992)). "Federalism also protects the liberty of all persons within a State by ensuring that laws enacted in excess of delegated governmental power cannot direct or control their actions." *Id.* Moreover, "federalism enhances the opportunity of all citizens to participate in representative government." *FERC* v. *Mississippi*, 456 U.S. 742, 789 (1982) (O'Connor, J., concurring in part and dissenting in part). "Just as the separation and independence of the coordinate branches of the Federal Government serve to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front." *Gregory* v. *Ashcroft*, 501 U.S. 452, 458 (1991).

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The explicit grant of authority to state *Legislatures* in the Electors Clause of Article II, §1 effects both a horizontal and a vertical separation of powers. The Clause allocates to each State—not to federal actors—the authority to dictate the manner of selecting Presidential Electors. And within each State, it explicitly allocates that authority to a single branch of state government: to the "Legislature thereof." U.S. CONST. art. II, § 1, cl. 4.

It is no accident that the Constitution allocates such authority to state Legislatures, rather than executive officers such as Secretaries of State, or judicial officers such as state Supreme Courts. The Constitutional Convention's delegates frequently recognized that the Legislature is the branch most responsive to the People and most democratically accountable. *See, e.g.*, Robert G. Natelson, *The Original Scope of the Congressional Power to Regulate Elections*, 13 U. PA. J. CONST. L. 1, 31 (2010) (collecting ratification documents expressing that state legislatures were most likely to be in sympathy with the interests of the people); Federal Farmer, No. 12 (1788), *reprinted in* 2 THE FOUNDERS' CONSTITUTION (Philip B. Kurland & Ralph Lerner eds., 1987) (arguing that electoral regulations "ought to be left to the state legislatures, they coming far nearest to the people themselves"); THE FEDERALIST NO. 57, at 350 (C. Rossiter, ed. 2003) (Madison, J.) (stating that the "House of Representatives is so constituted as to support in its members an habitual recollection of their dependence on the people"); *id*. (stating that the "vigilant and manly spirit that actuates the people of America" is greatest restraint on the House of Representatives).

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Democratic accountability in the method of selecting the President of the United States is a powerful bulwark safeguarding individual liberty. By identifying the "Legislature thereof" in each State as the regulator of elections for federal officers, the Electors Clause of Article II, § 1 prohibits the very arrogation of power over Presidential elections by non-legislative officials that the Defendant States perpetrated in this case. By violating the Constitution's separation of powers, these non-legislative actors undermined the liberty of all Americans, including the voters in *amici* States.

II. Stripping Away Safeguards From Voting by Mail Exacerbates the Risks of Fraud.

By stripping away critical safeguards against ballot fraud in voting by mail, non-legislative actors in the Defendant States inflicted another grave injury on the conduct of the recent election: They enhanced the risks of fraudulent voting by mail without authority. An impressive body of public evidence demonstrates that voting by mail presents unique opportunities for fraud and abuse, and that statutory safeguards are critical to reduce such risks of fraud.

For decades prior to 2020, responsible observers emphasized the risks of fraud in voting by mail, and the importance of imposing safeguards on the process of voting by mail to allay such risks. For example, in *Crawford* v. *Marion County Election Board*, this Court held that fraudulent voting "perpetrated using absentee ballots" demonstrates "that not only is the risk of voter fraud real but that *it could affect the outcome of a close election*." *Crawford* v. *Marion County Election Bd.*, 553 U.S. 181, 195-96 (2008) (opinion of Stevens, J.) (emphasis added).

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As noted by Plaintiff, the Carter-Baker Commission on Federal Election Reform emphasized the same concern. The bipartisan Commission—co-chaired by former President Jimmy Carter and former Secretary of State James A. Baker—determined that "[a]bsentee ballots remain the largest source of potential voter fraud." BUILDING CONFIDENCE IN U.S. ELECTIONS: REPORT OF THE COMMISSION ON FEDERAL ELECTION REFORM, at 46 (Sept. 2005) ("Carter-Baker Report").[2] According to the Carter-Baker Commission, "[a]bsentee balloting is vulnerable to abuse in several ways." *Id.* "Blank ballots mailed to the wrong address or to large residential buildings might bet intercepted." *Id.* "Citizens who vote at home, at nursing homes, at the workplace, or in church are more susceptible to pressure, overt and subtle, or to intimidation." *Id.* "Vote buying schemes are far more difficult to detect when citizens vote by mail." *Id.*

Thus, the Commission noted that "absentee balloting in other states has been a major source of fraud." *Id.* at 35. It emphasized that voting by mail "increases the risk of fraud." *Id.* And the Commission recommended that "States … need to do more to prevent … absentee ballot fraud." *Id.* at v.

The Commission specifically recommended that States should implement and reinforce safeguards to prevent fraud in voting by mail. The Commission recommended that "States should make sure that absentee ballots received by election officials before Election Day are kept secure until they are opened and counted." *Id.* at 46. It also recommended that States "prohibit[] 'third-party' organizations,

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[2] *Available at* https://www.legislationline.org/download/id/1472/file/-3b50795b2d0374cbef5c29766256.pdf.

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candidates, and political party activists from handling absentee ballots." *Id.* And the Commission highlighted that a particular state "appear[ed] to have avoided significant fraud in its vote-by-mail elections by introducing safeguards to protect ballot integrity, *including signature verification*." *Id.* at 35 (emphasis added). The Commission concluded that "[v]ote by mail is … likely to increase the risks of fraud and contested elections … where the safeguards for ballot integrity are weaker." *Id.*

The most recent edition of the U.S. Department of Justice's Manual on *Federal Prosecution of Election Offenses*, published by its Public Integrity Section, highlights the very same concerns about fraud in voting by mail. U.S. Dep't of Justice, *Federal Prosecution of Election Offenses* (8th ed. Dec. 2017), at 28-29 ("DOJ Manual").[3] The Manual states: "Absentee ballots are particularly susceptible to fraudulent abuse because, by definition, they are marked and cast outside the presence of election officials and the structured environment of a polling place." *Id.* The Manual reports that "the more common ways" that election-fraud "crimes are committed include … [o]btaining and marking absentee ballots without the active input of the voters involved." *Id.* at 28. And the Manual notes that "[a]bsentee ballot frauds" committed both with and without the voter's participation are "common." *Id.* at 29.

Similarly, the U.S. Government Accountability Office concluded that many crimes of election fraud likely go undetected. In 2014, discussing election fraud, the GAO reported that "crimes of fraud, in

[3] *Available at* https://www.justice.gov/criminal/file/1029066/download.

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particular, are difficult to detect, as those involved are engaged in intentional deception." GAO-14-634, *Elections: Issues Related to State Voter Identification Laws* 62-63 (U.S. Gov't Accountability Office Sept. 2014).[4]

Despite the difficulties of detecting fraud schemes, recent experience contains many well-documented examples of absentee ballot fraud. For example, the News21 database, which was compiled to *refute* arguments that voter fraud is prevalent, identified 491 cases of absentee ballot over the 12-year period from 2000 to 2012—approximately 41 cases per year. *See* News21, *Election Fraud in America*.[5] This database reports that "Absentee Ballot Fraud" was "[t]he most prevalent fraud" in America, comprising "24 percent (491 cases)" of all cases reported in the public records surveyed. *Id.* Moreover, the database indicates that this number undercounts the total incidence of reported cases of absentee ballot fraud, because it was based on public-record requests to state and local government entities, many of which did not respond. *Id.*

Likewise, the Heritage Foundation's online database of election-fraud cases—which includes only a "sampling" of cases that resulted in an *adjudication* of fraud, such as a criminal conviction or civil penalty—identified 207 cases of proven "fraudulent use of absentee ballots" in the United States. The

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[4] *Available at* https://www.gao.gov/assets/670/665966.pdf.

[5] *Available at* https://votingrights.news21.com/interactive/election-fraud-database/&xid=17259,15700023,15700124,15700149,15700186,15700191,15700201,15700237,15700242

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Heritage Foundation, *Election Fraud Cases*.[6] Again, this database undercounts the incidence of cases of election fraud: "The Heritage Foundation's Election Fraud Database presents a sampling of recent proven instances of election fraud from across the country. This database is not an exhaustive or comprehensive list." *Id.*

The public record abounds with recent examples of such fraudulent absentee-ballot schemes. For example, in November 2019, the mayor of Berkeley, Missouri was indicted on five felony counts of absentee ballot fraud for changing votes on absentee ballots to help him and his political allies to get elected. Brian Heffernan, *Berkeley Mayor Hoskins Charged with 5 Felony Counts of Election Fraud*, ST. LOUIS PUBLIC RADIO (Nov. 21, 2019).[7] Mayor Hoskins' scheme included "going to the home of elderly … residents" to harvest absentee ballots, "filling out absentee ballot applications for voters and having his campaign workers do the same," and "altering absentee ballots" after he had procured them from voters. *Id.* Again, in 2016, a state House race in Missouri was overturned amid allegations of widespread absentee-ballot fraud that had occurred across multiple election cycles in the same community. Sarah Fenske, *FBI, Secretary of State Asking Questions About St. Louis Statehouse Race*,

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[6] *Available at* https://www.heritage.org/voterfraud/search?combine=&state=All&year=&case_type=All&fraud_type=24489&page=12.

[7] *Available at* https://news.stlpublicradio.org/post/berkeley-mayor-hoskins-charged-5-felony-counts-election-fraud#stream/0

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RIVERFRONT TIMES (Aug. 16, 2016).[8] One candidate stated that it was widely known in the community that the incumbent ran an "absentee game" that resulted in the mail-in vote tipping the outcome in her favor in multiple close elections. *Id.*

Other States have similar experiences. In 2018, a federal Congressional race was overturned in North Carolina, and eight political operatives were indicted for fraud, in an absentee-ballot fraud scheme that sufficed to change the outcome of the election. Richard Gonzales, *North Carolina GOP Operative Faces New Felony Charges That Allege Ballot Fraud*, NPR.ORG, (July 30, 2019).[9] The indicted operatives "had improperly collected and possibly tampered with ballots," and were charged with "improperly mailing in absentee ballots for someone who had not mailed it themselves." *Id.*

In the North Carolina case, the lead investigator testified that the investigation was "a continuous case" over two election cycles, and that the scheme involved collecting absentee ballots from voters, altering the absentee ballots, and forging witness signatures on the ballots. *See In re: Investigation of Irregularities Affecting Counties Within the 9th Congressional District*, North Carolina Board of Elections, Evidentiary Hearing, at 2-3.[10] The investigators described it as a "coordinated, unlawful,

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[8] *Available at* https://www.river-fronttimes.com/newsblog/2016/08/16/fbi-secretary-of-state-asking-questions-about-st-louis-statehouse-race.

[9] *Available at* https://www.npr.org/2019/07/30/746800630/north-carolina-gop-operative-faces-new-felony-charges-that-allege-ballot-fraud.

[10] *Available at* https://images.radio.com/wbt/Voter%20ID_%20Website.pdf.

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and substantially resourced absentee ballots scheme." *Id.* at 2. According to the investigators' trial presentation, the investigation involved 142 voter interviews, 30 subject and witness interviews, and subpoenas of documents, financial records, and phone records. *Id.* at 3. The perpetrators collected absentee ballots and falsified ballot witness certifications outside the presence of the voters. *Id.* at 10, 13. The congressional election at issue was decided by margin of less than 1,000 votes. *Id.* at 4. The scheme involved the submission of well over 1,000 fraudulent absentee ballots and request forms. *Id.* at 11. The perpetrators took extensive steps to conceal the fraudulent scheme, which lasted over multiple election cycles before it was detected. *Id.* at 14.

Similarly, in 2016, a politician in the Bronx was indicted and pled guilty to 242 counts of election fraud based on an absentee ballot fraud scheme. Ben Kochman, *Bronx politician pleads guilty in absentee ballot scheme for Assembly election,* NEW YORK DAILY NEWS (Nov. 22, 2016).[11] Despite pleading guilty to 242 felonies involving absentee ballot fraud in an election that was decided by two votes, the defendant received no jail time and vowed to run for office again after a short disqualification period. *Id.*

The increases in mail-in voting due to the COVID-19 pandemic likewise increased opportunities for fraud. For instance, in May 2020, the leader of the New Jersey NAACP called for an election in Paterson, New Jersey to be overturned due to widespread mail-in ballot fraud. *See* Jonathan Dienst et al., *NJ NAACP*

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[11] *Available at* http://www.nydailynews.com/new-york/nyc-crime/bronx-pol-pleads-guilty-absentee-ballot-scheme-article-1.2884009.

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Leader Calls for Paterson Mail-In Vote to Be Canceled Amid Corruption Claims, NBC NEW YORK (May 27, 2020).[12] "'Invalidate the election. Let's do it again,' [the NAACP leader] said amid reports more that 20 percent of all ballots were disqualified, some in connection with voter fraud allegations." *Id.*

Hundreds of other reported cases highlight the same concerns about the vulnerability of voting by mail to fraud and abuse. Recently, a Missouri court considered extensive expert testimony reviewing absentee-ballot fraud cases like these. *Findings of Fact, Conclusions of Law, and Final Judgment in Mo. State Conference of the NAACP* v. *State*, No. 20AC-CC00169-01 (Circuit Court of Cole County, Missouri Sept. 24, 2020), *aff'd*, 607 S.W.3d 728 (Mo. banc Oct. 9, 2020) ("*Mo. NAACP*"). The court held that cases of absentee-ballot fraud "have several common features that persist across multiple recent cases: (1) close elections; (2) perpetrators who are candidates, campaign workers, or political consultants, not ordinary voters; (3) common techniques of ballot harvesting, (4) common techniques of signature forging, (5) fraud that persisted across multiple elections before it was detected, (6) massive resources required to investigate and prosecute the fraud, and (7) lenient criminal penalties." *Id.* at 17. Thus, "fraud in voting by mail is a recurrent problem, that it is hard to detect and prosecute, that there are strong incentives and weak penalties for doing so, and that it has the capacity to affect the outcome of close

[12] *Available at* https://www.nbcnewyork.com/news/politics/nj-naacp-leader-calls-for-paterson-mail-in-vote-to-be-canceled-amid-fraud-claims/2435162/.

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elections." *Id.* The court concluded that "the threat of mail-in ballot fraud is real." *Id.* at 2.

III. The Bill of Complaint Alleges that the Defendant States Abolished Critical Safeguards Against Fraud in Voting by Mail.

The Bill of Complaint alleges that non-legislative actors in each Defendant State unconstitutionally abolished or diluted statutory safeguards against fraud enacted by the state legislature, in violation of the Presidential Electors Clause. U.S. CONST. art. II, § 1, cl. 4. All the unconstitutional changes to election procedures identified in the Bill of Complaint have two common features: (1) They abrogated statutory safeguards against fraud that responsible observers have long recommended for voting by mail, and (2) they did so in a way that predictably conferred partisan advantage on one candidate in the Presidential election. Such allegations are serious, and they warrant this Court's review.

Abolishing signature verification. First, the proposed Bill of Complaint alleges that non-legislative actors in Pennsylvania, Georgia, and Michigan unilaterally abolished or undermined signature-verification requirements for mailed ballots. It alleges that Pennsylvania's Secretary of State abrogated Pennsylvania's statutory signature-verification requirement for mail-in ballots in a "friendly" settlement of a lawsuit brought by activists. Bill of Complaint, ¶¶ 44-46. It alleges that Georgia's Secretary of State unilaterally abrogated Georgia's statute authorizing county registrars to engage in signature verification for absentee ballots in a similar settlement. *Id.* ¶¶ 66-72. It alleges that Michigan's Secretary of State permitted absentee ballot

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applications online, with no signature at all, in violation of Michigan statutes, *id*. ¶¶ 85-89; and that election officials in Wayne County, Michigan simply disregarded statutory signature verification requirements, *id*. ¶¶ 92-95.

In addition to violating the Electors Clause, these actions contradicted fundamental principles of ballot security. As noted above, the Carter-Baker Report highlighted the importance of "*signature verification*" as a critical "safeguard[] to protect ballot integrity" for ballots cast by mail. Carter-Baker Report, *supra*, at 35 (emphasis added). Without safeguards such as signature verification, the Report stated that "[v]ote by mail is … likely to increase the risks of fraud and contested elections … where the safeguards for ballot integrity are weaker." *Id*. The importance of signature verification is hard to overstate, because absentee-ballot fraud schemes commonly involve "common techniques of signature forging," typically by nefarious actors who are unfamiliar with the voter's signature. *Mo. NAACP*, *supra*, at 17. Verifying the voter's signature by comparison to the signature on the voter rolls thus provides the most critical safeguard against fraud.

Insecure ballot handling. The Bill of Complaint alleges that non-legislative actors changed or abolished statutory rules for the secure handling of absentee and mail-in ballots in Pennsylvania, Michigan, and Wisconsin. It alleges that election officials in Democratic areas of Pennsylvania violated state statutes by opening and reviewing mail-in ballots that were required to be kept locked and secure until Election Day. Bill of Complaint, ¶¶ 50-51. It alleges that Michigan's Secretary of State, acting in violation of state law, sent 7.7 million unsolicited

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absentee-ballot applications to Michigan voters, thus "flooding Michigan with millions of absentee ballot applications prior to the 2020 general election." *Id.* ¶¶ 80-84. And it alleges that the Wisconsin Election Commission violated state law by placing hundreds of unmonitored boxes for the submission of absentee and mail-in ballots around the State, concentrated in heavily Democratic areas. *Id.* ¶¶ 107-114.

In addition to violating the Electors Clause, these actions contradicted commonsense ballot-security recommendations. The Department of Justice's Manual on *Federal Prosecution of Election Offenses* notes that vulnerability to mishandling is what makes absentee ballots "particularly susceptible to fraudulent abuse" because "they are marked and cast outside the presence of election officials and the structured environment of a polling place." DOJ Manual, at 28-29. According to the Manual, "[o]btaining and marking absentee ballots without the active input of the voters involved" is one of "the more common ways" that election fraud "crimes are committed." *Id.* at 28. For this reason, the Carter-Baker Commission made a series of recommendations in favor of preventing such insecurity in the handling of ballots. For example, the Commission recommended that "States should make sure that absentee ballots received by election officials before Election Day are kept secure until they are opened and counted." *Id.* at 46. It also recommended that States "prohibit[] 'third-party' organizations, candidates, and political party activists from handling absentee ballots." *Id.*

Inconsistent Statewide Standards. The Bill of Complaint alleges that the Defendant States provided different standards and treatment for mail-

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in ballots submitted in different areas of each State, and that this differential treatment uniformly provided a partisan advantage to one side in the Presidential election. It alleges that election officials in Philadelphia and Allegheny County, Pennsylvania, applied different standards to voters in those Democratic strongholds than applied to other voters in Pennsylvania, in violation of state law. Bill of Complaint, ¶¶ 52-54. Similarly, it alleges that Milwaukee, Wisconsin violated state law by authorizing election officials to "correct" disqualifying omissions on ballot envelopes by entering information that the voter should have entered with a red pen, while no similar "correction" process was granted to other voters in that State. *Id.* ¶¶ 123-127. And it alleges that Wayne County, Michigan provided favorable treatment to its voters, in violation of state statutes, by simply ignoring statutorily required signature-verification requirements. *Id.* ¶¶ 92-95.

Again, such differential treatment, under circumstances raising concerns of partisan bias, contradicts universal recommendations for integrity and public confidence in elections. As this Court stated in *Bush* v. *Gore*, "[t]he idea that one group can be granted greater voting strength than another is hostile to the one man, one vote basis of our representative government." 531 U.S. at 107 (quoting *Moore* v. *Ogilvie*, 394 US 814 (1969)). The Carter-Baker Report noted that "inconsistent or incorrect application of electoral procedures may have the effect of discouraging voter participation and may, on occasion, raise questions about bias in the way elections are conducted." Carter-Baker Report, at 49. "Such problems raise public suspicions or may provide

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grounds for the losing candidate to contest the result in a close election." *Id*.

Excluding Bipartisan Observers. The Bill of Complaint alleges that certain counties in Defendant States excluded bipartisan observers from the ballot-opening and ballot-counting processes. For example, it alleges that election officials in Philadelphia and Allegheny County, Pennsylvania, violated state law by excluding Republican observers from the opening, counting, and recording of absentee ballots in those counties. Bill of Complaint, ¶ 49. And it alleges that election officials in Wayne County, Michigan violated state statutes by systematically excluding poll watchers from the counting and recording of absentee ballots. *Id*. ¶¶ 90-91.

Such actions, as alleged, raise grave concerns about the integrity of the vote count in those counties. As the Carter-Baker Report emphasized, States should "provide observers with meaningful opportunities to monitor the conduct of the election." Carter-Baker Report, at 47. "To build confidence in the electoral process, it is important that elections be administered in a neutral and professional manner," without the appearance of partisan bias." *Id*. at 49. When observers of one political party are illegally and systematically excluded from observing the vote count, "the appearance of partisan bias" is inevitable. *Id*. For counties in Defendant States to exclude Republican observers weakens public confidence in the electoral process and raises grave concerns about the integrity of ballot counting in those counties.

Extending the deadline to receive ballots. The Bill of Complaint alleges that a non-legislative actor in Pennsylvania—its Supreme Court—extended the statutory deadline to receive absentee and mail-in

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ballots without authorization of the "Legislature thereof," and directed that ballots with illegible postmarks or no postmarks at all would be deemed timely if received within the extended deadline. Bill of Complaint, ¶¶ 48, 55. Again, these non-legislative changes raise grave concerns about election integrity in Pennsylvania. First, they created a post-election window of time during which nefarious actors could wait and see whether the Presidential election would be close, and whether perpetrating fraud in Pennsylvania would be worthwhile. Second, they enhanced the opportunities for fraud by mandating that late ballots must be counted even when they are not postmarked or have no legible postmark, and thus there is no evidence they were mailed by Election Day.

These changes created needless vulnerability to actual fraud and undermined public confidence in a Presidential election. As the Department of Justice's Manual of *Federal Prosecution of Election Offenses* states, "the conditions most conducive to election fraud are close factional competition within an electoral jurisdiction for an elected position that matters." DOJ Manual, at 2-3. "[E]lection fraud is most likely to occur in electoral jurisdictions where there is close factional competition for an elected position that matters." *Id.* at 27. That statement exactly describes the conditions in each of the Defendant States in the recent Presidential election.

CONCLUSION

"Fraud in any degree and in any circumstance is subversive to the electoral process." Carter-Baker Report, at 45. The allegations in the Bill of Complaint raise serious constitutional issues under the Electors

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Clause of Article II, § 1. In addition, the long series allegations of unconstitutional actions that stripped away safeguards against fraud in voting by mail raise concerns about the integrity of the recent election and the public confidence in its outcome. These are questions of great public importance that warrant this Court's attention. The Court should grant the Plaintiff's Motion for Leave to File Bill of Complaint.

December 9, 2020

Respectfully submitted,

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[To be inserted]

AMERICAN OVERSIGHT

From: Gerald Whitney Ray
To: Steve Contorno; Lauren Cassedy
Cc: Kylie Mason
Subject: RE: RAGA and Rule of Law Defense Fund
Date: Tuesday, January 12, 2021 1:32:41 PM
Attachments: image001.png
image002.png
image003.png

Yes sir. Will be in touch once I have more info on your public records request.

Whitney Ray
Director of Communications

Office of the Attorney General Ashley Moody
Whitney.Ray@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

From: Steve Contorno <scontorno@tampabay.com>
Sent: Tuesday, January 12, 2021 1:31 PM
To: Lauren Cassedy <Lauren.Cassedy@myfloridalegal.com>
Cc: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>
Subject: Re: RAGA and Rule of Law Defense Fund

Hello,

I just want to confirm that the second part of email was forwarded to the public records custodian for review.

Thank you,
Steve

From: Lauren Cassedy <Lauren.Cassedy@myfloridalegal.com>
Sent: Monday, January 11, 2021 3:07 PM
To: Steve Contorno <scontorno@tampabay.com>
Cc: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>
Subject: Re: RAGA and Rule of Law Defense Fund

CAUTION: External Sender

As you know, Attorney General Moody swiftly condemned the violence on Wednesday and continues to do so.

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She had no prior knowledge of this decision.

AG Moody has not been on the board of the RLDF, nor the Executive Committee for NAAG, since last year.

Get Outlook for iOS

From: Steve Contorno <scontorno@tampabay.com>
Sent: Monday, January 11, 2021 11:17 AM
To: Lauren Cassedy
Subject: RAGA and Rule of Law Defense Fund

Hi Lauren,

Hope you're well.

I'm working on a story about the involvement of the Rule of Law Defense Fund in last week's events at the Capitol, and I am seeking comment from Attorney General Ashley Moody about her involvement in the organization. Was she aware the RLDF was participating in the March to Save America? To what extent did she have advance knowledge of the organization's involvement? What conversations has she had with the organization and its members in the aftermath of Wednesday's events? Does she have a comment about the organization's involvement in this event, given what transpired?

Second, I noticed that after last week's events, this sentence was removed from General Moody's official bio on her state website: "Since taking office as Attorney General, Moody has been recognized as a national leader having been appointed to the Executive Committee of the National Association of Attorneys General and to the Board of Directors for the Rule of Law Defense Fund." Why was this removed? Is she still on the Executive Committee and Board of Directors for those two organizations, respectively?

Finally, and separately, I would like to request all communications received and sent since Jan. 4 through today for the following:

1. Emails including the words or acronyms "Rule of Law Defense Fund," "RLDF," "Republican Attorneys General Association," "RAGA," or "March to Save America"
2. Emails related to the drafting of this post from Attorney General Ashley Moody on her Twitter account, as seen here: https://twitter.com/AGAshleyMoody/status/1346929900926615554
3. Emails related to the drafting of Attorney General Ashley Moody's updated bio, as seen here: https://www.myfloridalegal.com/pages.nsf/Main/1515CE372E59D1E885256CC60071B1C4

The deadline for my questions regarding the RLDF and the March to Save America is 3 p.m.

Thank you,

Steve Contorno

AMERICAN OVERSIGHT

Political Editor
Tampa Bay Times
scontorno@tampabay.com
C: (312) 804-2385
Follow me on Twitter
Sign up for The Buzz, our weekly Florida politics newsletter.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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From: Gerald Whitney Ray
To: Kylie Mason; Lauren Cassedy; John Guard
Subject: Fwd: EXPEDIATED DEADLINE: Sign-On Opportunity: Violence at U.S. Capitol
Date: Friday, January 8, 2021 6:26:18 PM
Attachments: image001.png
image002.png
Response Form.pdf
NAAG Capitol Letter Jan 2021 FINAL.pdf

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From: Allison Gilmore <agilmore@naag.org>
Sent: Friday, January 8, 2021 6:23:10 PM
Cc: Ashley Wynstra <awynstra@naag.org>
Subject: FW: EXPEDIATED DEADLINE: Sign-On Opportunity: Violence at U.S. Capitol

Good evening.

The attached letter was circulated to your offices just now. Given the short response time, I'm sharing with you as advance notice that, should this reach NAAG policy, a press release would go out as early as Tuesday afternoon.

I will be back in touch if/when this becomes NAAG policy.

Thanks and have a safe and healthy weekend!

Allison M. Gilmore, CAE
Chief Communications Officer
National Association of Attorneys General
1850 M Street, NW, 12th Floor
Washington, DC 20036
202.326.6047 office
202.320.4247 cell
agilmore@naag.org
www.naag.org

From: Ryan Greenstein
Sent: Friday, January 8, 2021 6:14 PM
To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Adam Rice <adam.rice@coag.gov>; joshua.shasserre@nebraska.gov; Swaruup, Vikram (OAG) <Vikram.Swaruup@dc.gov>; brian.kane@ag.idaho.gov
Subject: EXPEDIATED DEADLINE: Sign-On Opportunity: Violence at U.S. Capitol
Importance: High

This is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:

AMERICAN OVERSIGHT

If you'd like to sign-on to the attached letter led by Attorneys General Weiser, Racine, Wasden and Peterson, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org or by fax at (202) 521-4052 by ***12pm ET on Tuesday, January 12th.***

If you have any questions about the letter, please contact Adam Rice of Colorado at adam.rice@coag.gov or (720) 508-6564, Vikram Swaruup of the District of Columbia at vikram.swaruup@dc.gov or (202) 724-6533, Brian Kane in Idaho at brian.kane@ag.idaho.gov Josh Shasserre of Nebraska at Joshua.Shasserre@Nebraska.gov or (402) 890-8766.

Please note that if you are interested in which states have signed on to this letter, you may check the real-time status at this website, please note the new site password below:
http://signons.naag.org/
Password: [redacted]

Please do not share the password or draft letter with anyone not employed by an attorney general office.

Ryan Greenstein
Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6262
rgreenstein@naag.org
www.naag.org

AMERICAN OVERSIGHT

From: John Guard
To: Cameron Paul; Kylie Mason; Trevor DeGroot; Erica Geiger; Gerald Whitney Ray; Skylar Swanson; Lauren Cassedy
Subject: Re: Draft Tweet
Date: Wednesday, January 6, 2021 4:30:01 PM
Attachments: image001.png
image002.png
image003.png

Let it go

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From: Cameron Paul <Cameron.Paul@myfloridalegal.com>
Sent: Wednesday, January 6, 2021 4:11:54 PM
To: Kylie Mason <Kylie.Mason@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Erica Geiger <Erica.Geiger@myfloridalegal.com>; Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; Lauren Cassedy <Lauren.Cassedy@myfloridalegal.com>
Cc: John Guard <John.Guard@myfloridalegal.com>
Subject: RE: Draft Tweet

Good to me

Cameron Paul
Executive Assistant
Florida Attorney General's Office
The Capitol, Suite PL-01
Tallahassee, Fla. 32399-1050
Office: (850) 245-0196

From: Kylie Mason <Kylie.Mason@myfloridalegal.com>
Sent: Wednesday, January 6, 2021 4:06 PM
To: Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Erica Geiger <Erica.Geiger@myfloridalegal.com>; Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; Lauren Cassedy <Lauren.Cassedy@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Cc: John Guard <John.Guard@myfloridalegal.com>
Subject: Re: Draft Tweet

Good!

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From: Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>
Sent: Wednesday, January 6, 2021 4:06:08 PM
To: Erica Geiger <Erica.Geiger@myfloridalegal.com>; Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>; Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; Lauren Cassedy

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<Lauren.Cassedy@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Cc: John Guard <John.Guard@myfloridalegal.com>
Subject: RE: Draft Tweet

Good

From: Erica Geiger <Erica.Geiger@myfloridalegal.com>
Sent: Wednesday, January 6, 2021 4:06 PM
To: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>; Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; Lauren Cassedy <Lauren.Cassedy@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Cc: John Guard <John.Guard@myfloridalegal.com>
Subject: RE: Draft Tweet

No edits. Great

From: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Sent: Wednesday, January 6, 2021 4:05 PM
To: Kylie Mason <Kylie.Mason@myfloridalegal.com>; Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; Lauren Cassedy <Lauren.Cassedy@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Cc: John Guard <John.Guard@myfloridalegal.com>; Erica Geiger <Erica.Geiger@myfloridalegal.com>
Subject: Draft Tweet

Draft Tweet:

We are a nation founded on a rule of law and respect for those who uphold it. Violence against law enforcement officers attempting to keep the peace is unacceptable and anyone who attacks an officer should be brought to justice.

Whitney Ray
Director of Communications

Office of the Attorney General Ashley Moody
Whitney.Ray@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

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From:	Gerald Whitney Ray
To:	Kylie Mason; Skylar Swanson; Lauren Cassedy; Trevor DeGroot; Cameron Paul
Cc:	John Guard; Erica Geiger
Subject:	Draft Tweet
Date:	Wednesday, January 6, 2021 4:04:38 PM
Attachments:	image001.png image002.png image003.png

Draft Tweet:

We are a nation founded on a rule of law and respect for those who uphold it. Violence against law enforcement officers attempting to keep the peace is unacceptable and anyone who attacks an officer should be brought to justice.

Whitney Ray
Director of Communications

Office of the Attorney General Ashley Moody
Whitney.Ray@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

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From:	Gerald Whitney Ray
To:	Heath, Christopher (CMG-Orlando)
Subject:	RE: statement
Date:	Thursday, December 10, 2020 2:56:54 PM
Attachments:	2020-12-09 - Texas v. Pennsylvania - Amicus Brief of Missouri et al. - Final with Tables.pdf image002.png image003.png image004.png image005.png

Chris,

Please see the statement linked below:

https://twitter.com/AGAshleyMoody/status/1336760683455778816?s=20

I have also attached the brief.

Thank you,
Whitney

Whitney Ray
Director of Communications

Office of the Attorney General Ashley Moody
Whitney.Ray@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

From: Heath, Christopher (CMG-Orlando) <Christopher.Heath@wftv.com>
Sent: Thursday, December 10, 2020 2:33 PM
To: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Subject: statement

I am looking for a statement from the office on Florida joining the federal lawsuit (STATE OF TEXAS v. COMMONWEALTH OF PENNSYLVANIA, STATE OF GEORGIA, STATE OF MICHIGAN, AND STATE OF WISCONSIN).

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Is the office concerned about Texas' standing to bring such a case?

Does the office think Texas (and by extension Florida) has a legal theory that could prevail?

What does the office make of the evidence cited in the motion?

Is the office concerned about the precedent that would be set of allowing one state to dictate the manner in which another state conducts its elections?

Also, considering the court has asked for a 3pm filing of responses in this case, if a decision is made by the court to grant the leave to file the complaint or reject the motion, I would like a response to that as well.

Thank you,
Chris

Christopher Heath | Investigative & Political Reporter
Cox Media Group Orlando | 490 E. South Street
d: 407.822.8305 c: 407.949.4087

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From:	Gerald Whitney Ray
To:	Lauren Cassedy; Kylie Mason
Subject:	Fwd: CNN"s Chris Cuomo / interview request for AG Ashley Moody / Election Integrity SCOTUS
Date:	Wednesday, December 9, 2020 5:32:30 PM
Attachments:	image001.png

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From: Geerlings, Dylan Rose <dylan.rose.geerlings@warnermedia.com>
Sent: Wednesday, December 9, 2020 5:23:35 PM
To: Kylie Mason <Kylie.Mason@myfloridalegal.com>; Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Subject: CNN's Chris Cuomo / interview request for AG Ashley Moody / Election Integrity SCOTUS

Hi there,
Reaching out to see if AG Moody was available to join Chris Cuomo this evening to comment on the decision to sign on to the integrity case being brought by Texas and many others before SCOTUS?

We are live in the 9pmET hour. Might the AG be available to join us tonight or have a statement to pass along?

Dylan Rose Geerlings
Mobile: 530.588.3129

CNN CUOMO PRIME TIME

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From:	John Guard
To:	Lauren Cassedy; Gerald Whitney Ray
Subject:	Fwd: 22O155 - Texas v. Pennsylvania (U.S.) - Amicus Brief of Missouri and 16 Other States - Final
Date:	Wednesday, December 9, 2020 3:09:00 PM
Attachments:	2020-12-09 - Texas v. Pennsylvania - Amicus Brief of Missouri et al. - Final with Tables.pdf 2020.12.09 Certificate of Compliance.pdf 2020.12.09 Certificate of Service.pdf

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From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Wednesday, December 9, 2020 3:03:26 PM
To: 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov>; John Guard <John.Guard@myfloridalegal.com>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; 'Chanay, Jeff' <Jeff.Chanay@ag.ks.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Michelle Williams' <Michelle.Williams@ago.ms.gov>; 'Schlichting, Melissa' <MSchlichting@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Seibel, Troy T.' <tseibel@nd.gov>; 'Mithun Mansinghani' <mithun.mansinghani@oag.ok.gov>; 'Emory Smith' <ESmith@scag.gov>; 'Ravnsborg, Jason' <Jason.Ravnsborg@state.sd.us>; 'Andree S. Blumstein' <Andree.Blumstein@ag.tn.gov>; 'Melissa Holyoak' <melissaholyoak@agutah.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>
Subject: 22O155 - Texas v. Pennsylvania (U.S.) - Amicus Brief of Missouri and 16 Other States - Final

All-

Thank you all for joining this amicus brief on such short notice. Attached are the final PDFs of the Amicus Brief and Certificates. We ended up with a 17-State coalition, which is an extremely strong group for such a short turnaround. Our press officer has requested that this be embargoed until 3:30 pm Central. Thank you all for your support on this important project!

Thank you,

John Sauer

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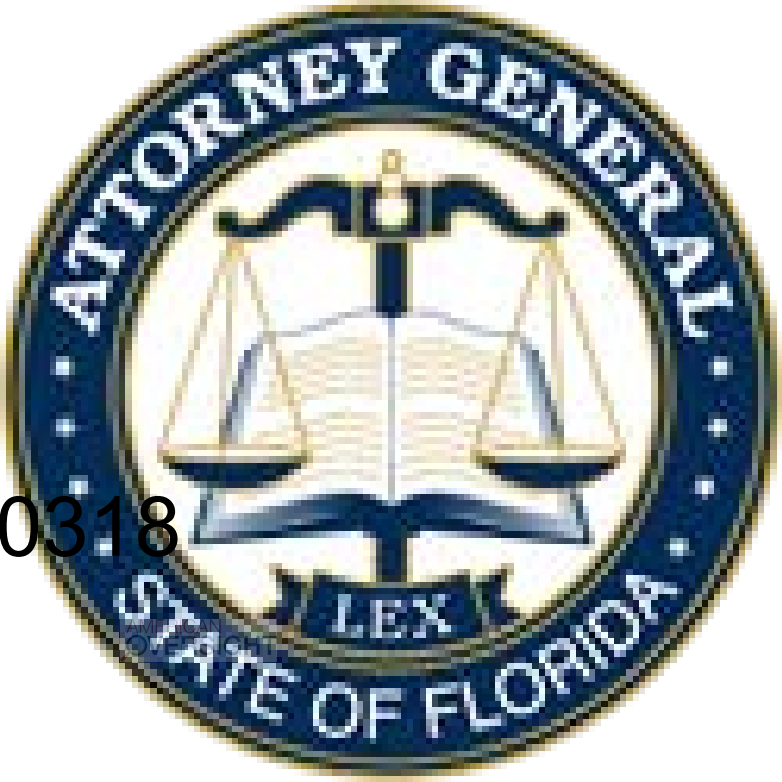

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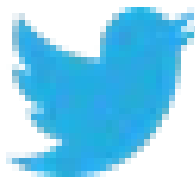

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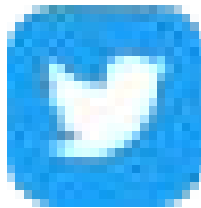

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RESPONSE FORM FOR SIGN-ON LETTER TO ACTING U.S. ATTORNEY GENERAL ROSEN REGARDING VIOLENCE AT US CAPITOL

DEADLINE FOR RESPONSE: 12PM ET ON TUESDAY, JANUARY 12TH

PLEASE RETURN FORM TO:
Ryan Greenstein
National Association of Attorneys General
rgreenstein@naag.org
or
(202) 521-4052 (fax)

o **YES, I authorize NAAG to affix my signature to the letter to Acting US Attorney General Rosen regarding violence at the US Capitol**
o **NO, I do not authorize NAAG to affix my signature** to the letter.

PLEASE PRINT OR TYPE LEGIBLY

_____ (name)

Attorney General of _____(state name)

Contact Name, Phone Number, Email and Fax Number

_____

_____

If you have any questions about the letter, please contact Adam Rice of Colorado at adam.rice@coag.gov or (720) 508-6564, Vikram Swaruup of the District of Columbia at vikram.swaruup@dc.gov or (202) 724-6533, Brian Kane in Idaho at brian.kane@ag.idaho.gov Josh Shasserre of Nebraska at Joshua.Shasserre@Nebraska.gov or (402) 890-8766.

If you have any questions about your state's response, please contact Ryan Greenstein at 202-326-6262 or rgreenstein@naag.org.

AMERICAN OVERSIGHT

January XX, 2021

The Honorable Jeffrey A. Rosen
Acting Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

Dear Acting Attorney General Rosen:

We, the undersigned state attorneys general, are committed to the protection of public safety, the rule of law, and the U.S. Constitution. We are appalled that on January 6, 2021, rioters invaded the U.S. Capitol, defaced the building, and engaged in a range of criminal conduct—including unlawful entry, theft, destruction of U.S. government property, and assault. Worst of all, the riot resulted in deaths of individuals, including a U.S. Capitol Police officer, and others were physically injured. Beyond these harms, the rioters' actions temporarily paused government business of the most sacred sort in our system—certifying the result of a presidential election.

We all just witnessed a very dark day in America. The events of January 6 represent a direct, physical challenge to the rule of law and our democratic republic itself. Together, we will continue to do our part to repair the damage done to institutions and build a more perfect union. As Americans, and those charged with enforcing the law, we must come together to condemn lawless violence, making clear that such actions will not be allowed to go unchecked.

Thank you for your consideration of and work on this crucial priority.

Sincerely

Phil Weiser
Colorado Attorney General

Karl A. Racine
District of Columbia Attorney General

Lawrence Wasden
Idaho Attorney General

Doug Peterson
Nebraska Attorney General

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cc: The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
Washington, DC 20510

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, DC 20515

The Honorable Chuck Schumer
Minority Leader
U.S. Senate
Washington, DC 20510

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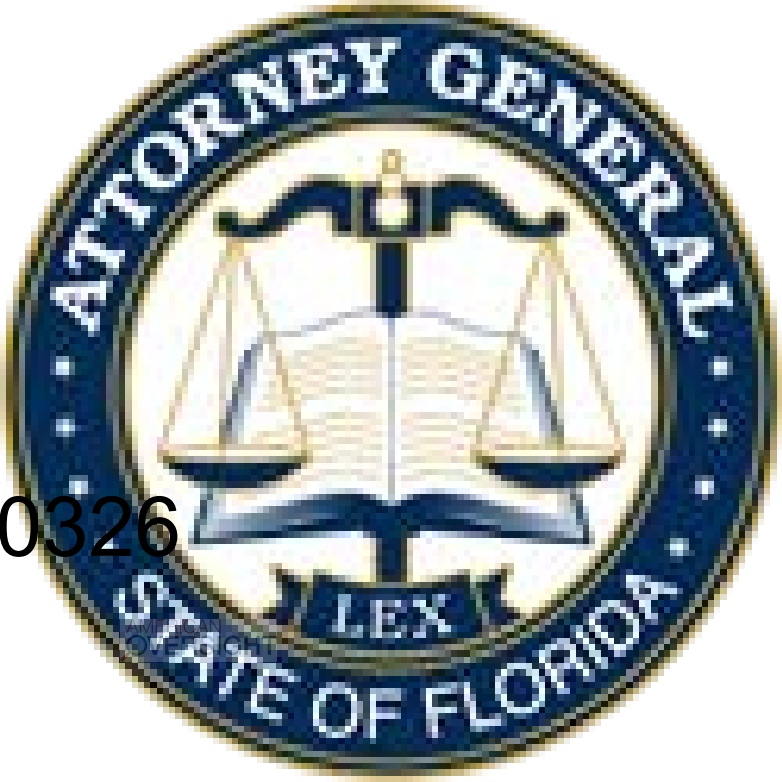

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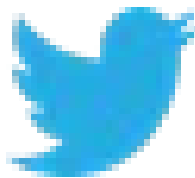

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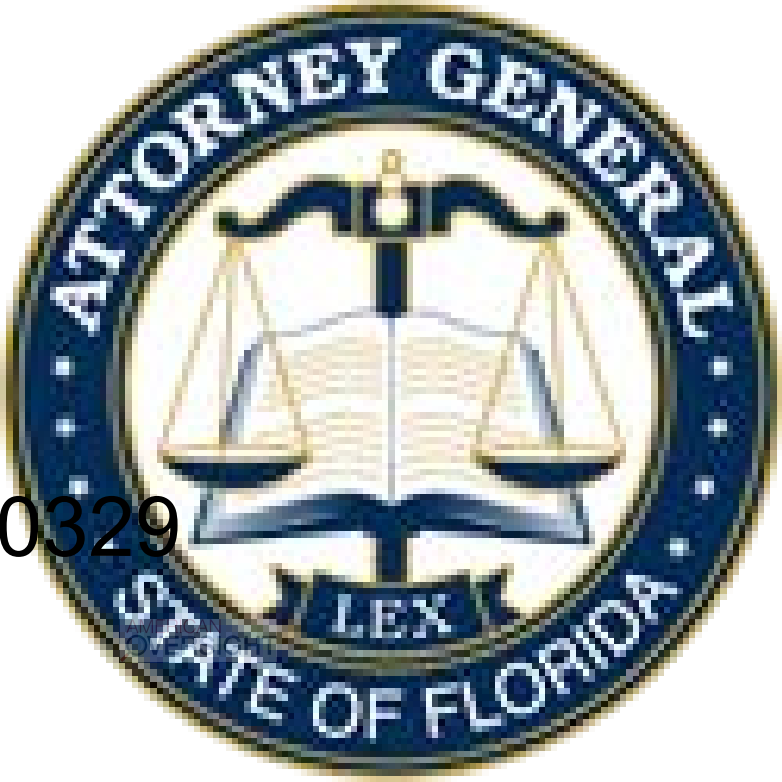

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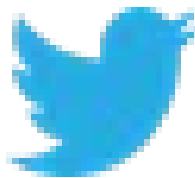

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No. 22O155, Original

In the Supreme Court of the United States

STATE OF TEXAS,

Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA, STATE OF GEORGIA, STATE OF MICHIGAN, AND STATE OF WISCONSIN,

Defendants.

On Motion for Leave to File Bill of Complaint

BRIEF OF STATE OF MISSOURI AND 16 OTHER STATES AS *AMICI CURIAE* IN SUPPORT OF PLAINTIFF'S MOTION FOR LEAVE TO FILE BILL OF COMPLAINT

OFFICE OF THE MISSOURI ATTORNEY GENERAL
Supreme Court Building
P.O. Box 899
Jefferson City, MO 65102
John.Sauer@ago.mo.gov

ERIC S. SCHMITT
Attorney General

D. John Sauer
Solicitor General
Counsel of Record

Counsel for Amici Curiae
(additional counsel listed on signature page)

AMERICAN OVERSIGHT

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STATEMENT OF INTEREST OF *AMICI*

"In the context of a Presidential election," state actions "implicate a uniquely important national interest," because "the impact of the votes cast in each State is affected by the votes cast for the various candidates in other States." *Anderson* v. *Celebrezze*, 460 U.S. 780, 794–95 (1983). "For the President and the Vice President of the United States are the only elected officials who represent all the voters in the Nation." *Id.*

Amici curiae are the States of Missouri, Alabama, Arkansas, Florida, Indiana, Kansas, Louisiana, Mississippi, Montana, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, and West Virginia.[1] *Amici* have several important interests in this case. *First*, the States have a strong interest in safeguarding the separation of powers among state actors in the regulation of Presidential elections. The Electors Clause of Article II, § 1 carefully separates power among state actors, and it assigns a specific function to the "Legislature thereof" in each State. U.S. CONST. art. II, § 1, cl. 4. Our system of federalism relies on separation of powers to preserve liberty at every level of government, and the separation of powers in the Electors Clause is no exception. The States have a strong interest in preserving the proper roles of state legislatures in the administration of federal elections, and thus safeguarding the individual liberty of their citizens.

---

[1] This brief is filed under Supreme Court Rule 37.4, and all counsel of record received timely notice of the intent to file this amicus brief under Rule 37.2.

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Second, *amici* States have a strong interest in ensuring that the votes of their own citizens are not diluted by the unconstitutional administration of elections in other States. When non-legislative actors in other States encroach on the authority of the "Legislature thereof" in that State to administer a Presidential election, they threaten the liberty, not just of their own citizens, but of every citizen of the United States who casts a lawful ballot in that election—including the citizens of *amici* States.

Third, for similar reasons, *amici* States have a strong interest in safeguarding against fraud in voting by mail during Presidential elections. "Every voter" in a federal election, "has a right under the Constitution to have his vote fairly counted, without its being distorted by fraudulently cast votes." *Anderson* v. *United States*, 417 U.S. 211, 227 (1974). Plaintiff's Bill of Complaint alleges that non-legislative actors in the Defendant States stripped away important safeguards against fraud in voting by mail that had been enacted by the Legislature in each State. *Amici* States share a vital interest in protecting the integrity of the truly national election for President and Vice President of the United States.

SUMMARY OF ARGUMENT

The Bill of Complaint raises constitutional questions of great public importance that warrant this Court's review. First, like every similar provision in the Constitution, the separation-of-powers provision of the Electors Clause provides an important structural check on government designed to protect individual liberty. By allocating authority over

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Presidential electors to the "Legislature thereof" in each State, the Clause separates powers both vertically and horizontally, and it confers authority on the branch of state government most responsive to the democratic will. Encroachments on the authority of state Legislatures by other state actors violate the separation of powers and threaten individual liberty.

The unconstitutional encroachments on the authority of state Legislatures in this case raise particularly grave concerns. For decades, responsible observers have cautioned about the risks of fraud and abuse in voting by mail, and they have urged the adoption of statutory safeguards to prevent such fraud and abuse. In the numerous cases identified in the Bill of Complaint, non-legislative actors in each Defendant State repeatedly stripped away the statutory safeguards that the "Legislature thereof" had enacted to protect against fraud in voting by mail. These changes removed protections that responsible actors had recommended for decades to guard against fraud and abuse in voting by mail. The allegations in the Bill of Complaint raise important questions about election integrity and public confidence in the administration of Presidential elections. This Court should grant Plaintiff leave to file the Bill of Complaint.

ARGUMENT

The Electors Clause provides that each State "shall appoint" its Presidential electors "in such Manner as the *Legislature thereof* may direct." U.S. CONST. art. II, § 1, cl. 4 (emphasis added). Moreover, "[o]ur constitutional system of representative government only works when the worth of honest

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ballots is not diluted by invalid ballots procured by corruption." U.S. Dep't of Justice, *Federal Prosecution of Election Offenses*, at 1 (8th ed. Dec. 2017). "When the election process is corrupted, democracy is jeopardized." *Id.* The proposed Bill of Complaint raises serious concerns about both the constitutionality and ballot security of election procedures in the Defendant States. Given the importance of public confidence in American elections, these allegations raise questions of great public importance that warrant this Court's expedited review.

I. The Separation-of-Powers Provision of the Electors Clause Is a Structural Check on Government That Safeguards Liberty.

Article II requires that each State "shall appoint" its Presidential electors "in such Manner as the *Legislature thereof* may direct." U.S. CONST. art. II, § 1, cl. 4 (emphasis added); *see also id.* art. I, § 4, cl. 2 (providing that, in each State, the "Legislature thereof" shall establish "[t]he Times, Places and Manner of holding Elections for Senators and Representatives").

Thus, "in the case of a law enacted by a state legislature applicable not only to elections to state offices, but also to the selection of Presidential electors, the legislature is not acting solely under the authority given it by the people of the State, but by virtue of a direct grant of authority made under Art. II, § 1, cl. 2, of the United States Constitution." *Bush* v. *Palm Beach Cty. Canvassing Bd.*, 531 U.S. 70, 76 (2000). "[T]he state legislature's power to select the

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manner for appointing electors is plenary." *Bush* v. *Gore*, 531 U.S. 98, 104 (2000).

Here, as set forth in the Bill of Complaint, non-legislative actors in each Defendant State have purported to "alter[] an important statutory provision enacted by the [State's] Legislature pursuant to its authority under the Constitution of the United States to make rules governing the conduct of elections for federal office." *Republican Party of Pennsylvania* v. *Boockvar*, No. 20-542, 2020 WL 6304626, at *1 (U.S. Oct. 28, 2020) (Statement of Alito, J.). *See* Bill of Complaint, ¶¶ 41-127. In doing so, these non-legislative actors may have encroached upon the "plenary" authority of those States' respective legislatures over the conduct of the Presidential election in each State. *Bush* v. *Gore*, 531 U.S. at 104. This encroachment on the authority of each State's Legislature violated the separation of powers set forth in the Electors Clause. "[I]n the context of a Presidential election, state-imposed restrictions implicate a uniquely important national interest. For the President and the Vice President of the United States are the only elected officials who represent all the voters in the Nation." *Anderson*, 460 U.S. at 794–795.

In every other context, this Court recognizes that the Constitution's separation-of-powers provisions are designed to preserve liberty. "It is the proud boast of our democracy that we have 'a government of laws, and not of men.'" *Morrison* v. *Olson*, 487 U.S. 654, 697 (1988) (Scalia, J., dissenting). "The Framers of the Federal Constitution . . . viewed the principle of separation of powers as the absolutely central guarantee of a just Government." *Id.* "Without a

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secure structure of separated powers, our Bill of Rights would be worthless, as are the bills of rights of many nations of the world that have adopted, or even improved upon, the mere words of ours." *Id.* "The purpose of the separation and equilibration of powers in general . . . was not merely to assure effective government but to preserve individual freedom." *Id.* at 727.

This principle of preserving liberty applies both to the horizontal separation of powers among the branches of government, and the vertical separation of powers between the federal government and the States. "The federal system rests on what might at first seem a counterintuitive insight, that 'freedom is enhanced by the creation of two governments, not one.'" *Bond* v. *United States*, 564 U.S. 211, 220–21 (2011) (quoting *Alden* v. *Maine*, 527 U.S. 706, 758 (1999)). "[F]ederalism secures to citizens the liberties that derive from the diffusion of sovereign power." *Bond*, 564 U.S. at 221 (2011) (quoting *New York* v. *United States*, 505 U.S. 144, 181 (1992)). "Federalism also protects the liberty of all persons within a State by ensuring that laws enacted in excess of delegated governmental power cannot direct or control their actions." *Id.* Moreover, "federalism enhances the opportunity of all citizens to participate in representative government." *FERC* v. *Mississippi*, 456 U.S. 742, 789 (1982) (O'Connor, J., concurring in part and dissenting in part). "Just as the separation and independence of the coordinate branches of the Federal Government serve to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny

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and abuse from either front." *Gregory* v. *Ashcroft*, 501 U.S. 452, 458 (1991).

The explicit grant of authority to state *Legislatures* in the Electors Clause effects both a horizontal and a vertical separation of powers. The Clause allocates to each State—not to federal actors—the authority to dictate the manner of selecting Presidential Electors. And within each State, it explicitly allocates that authority to a single branch of state government: to the "Legislature thereof." U.S. CONST. art. II, § 1, cl. 4.

It is no accident that the Constitution allocates such authority to state Legislatures, rather than executive officers such as Secretaries of State, or judicial officers such as state Supreme Courts. The Constitutional Convention's delegates frequently recognized that the Legislature is the branch most responsive to the People and most democratically accountable. *See, e.g.,* Robert G. Natelson, *The Original Scope of the Congressional Power to Regulate Elections*, 13 U. PA. J. CONST. L. 1, 31 (2010) (collecting ratification documents expressing that state legislatures were most likely to be in sympathy with the interests of the people); Federal Farmer, No. 12 (1788), *reprinted in* 2 THE FOUNDERS' CONSTITUTION (Philip B. Kurland & Ralph Lerner eds., 1987) (arguing that electoral regulations "ought to be left to the state legislatures, they coming far nearest to the people themselves"); THE FEDERALIST NO. 57, at 350 (C. Rossiter, ed. 2003) (Madison, J.) (stating that the "House of Representatives is so constituted as to support in its members an habitual recollection of their dependence on the people"); *id.* (stating that the "vigilant and manly spirit that actuates the people of

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America" is greatest restraint on the House of Representatives).

Democratic accountability in the method of selecting the President of the United States is a powerful bulwark safeguarding individual liberty. By identifying the "Legislature thereof" in each State as the regulator of elections for federal officers, the Electors Clause of Article II, § 1 prohibits the very arrogation of power over Presidential elections by non-legislative officials that the Defendant States perpetrated in this case. By violating the Constitution's separation of powers, these non-legislative actors undermined the liberty of all Americans, including the voters in *amici* States.

II. Stripping Away Safeguards From Voting by Mail Exacerbates the Risks of Fraud.

By stripping away critical safeguards against ballot fraud in voting by mail, non-legislative actors in the Defendant States inflicted another grave injury on the conduct of the recent election: They enhanced the risks of fraudulent voting by mail without authority. An impressive body of public evidence demonstrates that voting by mail presents unique opportunities for fraud and abuse, and that statutory safeguards are critical to reduce such risks of fraud.

For decades prior to 2020, responsible observers emphasized the risks of fraud in voting by mail, and the importance of imposing safeguards on the process of voting by mail to allay such risks. For example, in *Crawford* v. *Marion County Election Board*, this Court held that fraudulent voting "perpetrated using absentee ballots" demonstrates "that not only is the risk of voter fraud real but that *it could affect the*

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outcome of a close election." *Crawford* v. *Marion County Election Bd.*, 553 U.S. 181, 195-96 (2008) (opinion of Stevens, J.) (emphasis added).

As noted by Plaintiff, the Carter-Baker Commission on Federal Election Reform emphasized the same concern. The bipartisan Commission—co-chaired by former President Jimmy Carter and former Secretary of State James A. Baker—determined that "[a]bsentee ballots remain the largest source of potential voter fraud." BUILDING CONFIDENCE IN U.S. ELECTIONS: REPORT OF THE COMMISSION ON FEDERAL ELECTION REFORM, at 46 (Sept. 2005) ("Carter-Baker Report").[2] According to the Carter-Baker Commission, "[a]bsentee balloting is vulnerable to abuse in several ways." *Id.* "Blank ballots mailed to the wrong address or to large residential buildings might be intercepted." *Id.* "Citizens who vote at home, at nursing homes, at the workplace, or in church are more susceptible to pressure, overt and subtle, or to intimidation." *Id.* "Vote buying schemes are far more difficult to detect when citizens vote by mail." *Id.*

Thus, the Commission noted that "absentee balloting in other states has been a major source of fraud." *Id.* at 35. It emphasized that voting by mail "increases the risk of fraud." *Id.* And the Commission recommended that "States … need to do more to prevent … absentee ballot fraud." *Id.* at v.

The Commission specifically recommended that States should implement and reinforce safeguards to prevent fraud in voting by mail. The Commission recommended that "States should make sure that

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[2] *Available at* https://www.legislationline.org/download/id/1472/file/-3b50795b2d0374cbef5c29766256.pdf.

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absentee ballots received by election officials before Election Day are kept secure until they are opened and counted." *Id.* at 46. It also recommended that States "prohibit[] 'third-party' organizations, candidates, and political party activists from handling absentee ballots." *Id.* And the Commission highlighted that a particular state "appear[ed] to have avoided significant fraud in its vote-by-mail elections by introducing *safeguards to protect ballot integrity, including signature verification*." *Id.* at 35 (emphasis added). The Commission concluded that "[v]ote by mail is … likely to increase the risks of fraud and contested elections … where the safeguards for ballot integrity are weaker." *Id.*

The most recent edition of the U.S. Department of Justice's Manual on *Federal Prosecution of Election Offenses*, published by its Public Integrity Section, highlights the very same concerns about fraud in voting by mail. U.S. Dep't of Justice, *Federal Prosecution of Election Offenses* (8th ed. Dec. 2017), at 28-29 ("DOJ Manual").[3] The Manual states: "Absentee ballots are particularly susceptible to fraudulent abuse because, by definition, they are marked and cast outside the presence of election officials and the structured environment of a polling place." *Id.* The Manual reports that "the more common ways" that election-fraud "crimes are committed include … [o]btaining and marking absentee ballots without the active input of the voters involved." *Id.* at 28. And the Manual notes that "[a]bsentee ballot

[3] *Available at* https://www.justice.gov/criminal/file/1029066/download.

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frauds" committed both with and without the voter's participation are "common." *Id.* at 29.

Similarly, the U.S. Government Accountability Office concluded that many crimes of election fraud likely go undetected. In 2014, discussing election fraud, the GAO reported that "crimes of fraud, in particular, are difficult to detect, as those involved are engaged in intentional deception." GAO-14-634, *Elections: Issues Related to State Voter Identification Laws* 62-63 (U.S. Gov't Accountability Office Sept. 2014).[4]

Despite the difficulties of detecting fraud schemes, recent experience contains many well-documented examples of absentee ballot fraud. For example, the News21 database, which was compiled to *refute* arguments that voter fraud is prevalent, identified 491 cases of absentee ballot over the 12-year period from 2000 to 2012—approximately 41 cases per year. *See* News21, *Election Fraud in America*.[5] This database reports that "Absentee Ballot Fraud" was "[t]he most prevalent fraud" in America, comprising "24 percent (491 cases)" of all cases reported in the public records surveyed. *Id.* Moreover, the database indicates that this number undercounts the total incidence of reported cases of absentee ballot fraud, because it was based on public-record requests to state and local government entities, many of which did not respond. *Id.*

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[4] *Available at* https://www.gao.gov/assets/670/665966.pdf.

[5] *Available at* https://votingrights.news21.com/interactive/election-fraud-database/&xid=17259,15700023,15700124,15700149,15700186,15700191,15700201,15700237,15700242

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Likewise, the Heritage Foundation's online database of election-fraud cases—which includes only a "sampling" of cases that resulted in an *adjudication* of fraud, such as a criminal conviction or civil penalty—identified 207 cases of proven "fraudulent use of absentee ballots" in the United States. The Heritage Foundation, *Election Fraud Cases*.[6] Again, this database undercounts the incidence of cases of election fraud: "The Heritage Foundation's Election Fraud Database presents a sampling of recent proven instances of election fraud from across the country. This database is not an exhaustive or comprehensive list." *Id.*

The public record abounds with recent examples of such fraudulent absentee-ballot schemes. For example, in November 2019, the mayor of Berkeley, Missouri was indicted on five felony counts of absentee ballot fraud for changing votes on absentee ballots to help him and his political allies to get elected. Brian Heffernan, *Berkeley Mayor Hoskins Charged with 5 Felony Counts of Election Fraud*, ST. LOUIS PUBLIC RADIO (Nov. 21, 2019).[7] Mayor Hoskins' scheme included "going to the home of elderly … residents" to harvest absentee ballots, "filling out absentee ballot applications for voters and having his campaign workers do the same," and "altering absentee ballots" after he had procured them from voters. *Id.* Again, in 2016, a state House race in Missouri was overturned amid allegations of

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[6] *Available at* https://www.heritage.org/voterfraud/search?combine=&state=All&year=&case_type=All&fraud_type=24489&page=12.

[7] *Available at* https://news.stlpublicradio.org/post/berkeley-mayor-hoskins-charged-5-felony-counts-election-fraud#stream/0

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widespread absentee-ballot fraud that had occurred across multiple election cycles in the same community. Sarah Fenske, *FBI, Secretary of State Asking Questions About St. Louis Statehouse Race*, RIVERFRONT TIMES (Aug. 16, 2016).[8] One candidate stated that it was widely known in the community that the incumbent ran an "absentee game" that resulted in the absentee vote tipping the outcome in her favor in multiple close elections. *Id.*

Other States have similar experiences. In 2018, a federal Congressional race was overturned in North Carolina, and eight political operatives were indicted for fraud, in an absentee-ballot scheme that sufficed to change the outcome of the election. Richard Gonzales, *North Carolina GOP Operative Faces New Felony Charges That Allege Ballot Fraud*, NPR.ORG, (July 30, 2019).[9] The indicted operatives "had improperly collected and possibly tampered with ballots," and were charged with "improperly mailing in absentee ballots for someone who had not mailed it themselves." *Id.*

In the North Carolina case, the lead investigator testified that the investigation was "a continuous case" over two election cycles, and that the scheme involved collecting absentee ballots from voters, altering the absentee ballots, and forging witness signatures on the ballots. *See In re: Investigation of Irregularities Affecting Counties Within the 9th*

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[8] *Available at* https://www.riverfronttimes.com/newsblog/2016/08/16/fbi-secretary-of-state-asking-questions-about-st-louis-statehouse-race.

[9] *Available at* https://www.npr.org/2019/07/30/746800630/north-carolina-gop-operative-faces-new-felony-charges-that-allege-ballot-fraud.

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Congressional District, North Carolina Board of Elections, Evidentiary Hearing, at 2-3.[10] The investigators described it as a "coordinated, unlawful, and substantially resourced absentee ballots scheme." *Id.* at 2. According to the investigators' trial presentation, the investigation involved 142 voter interviews, 30 subject and witness interviews, and subpoenas of documents, financial records, and phone records. *Id.* at 3. The perpetrators collected absentee ballots and falsified ballot witness certifications outside the presence of the voters. *Id.* at 10, 13. The congressional election at issue was decided by margin of less than 1,000 votes. *Id.* at 4. The scheme involved the submission of well over 1,000 fraudulent absentee ballots and request forms. *Id.* at 11. The perpetrators took extensive steps to conceal the fraudulent scheme, which lasted over multiple election cycles before it was detected. *Id.* at 14.

Similarly, in 2016, a politician in the Bronx was indicted and pled guilty to 242 counts of election fraud based on an absentee ballot fraud scheme. Ben Kochman, *Bronx politician pleads guilty in absentee ballot scheme for Assembly election,* NEW YORK DAILY NEWS (Nov. 22, 2016).[11] Despite pleading guilty to 242 felonies involving absentee ballot fraud in an election that was decided by two votes, the defendant received no jail time and vowed to run for office again after a short disqualification period. *Id.*

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[10] *Available at* https://images.radio.com/wbt/Voter%20ID_%20Website.pdf.

[11] *Available at* http://www.nydailynews.com/new-york/nyc-crime/bronx-pol-pleads-guilty-absentee-ballot-scheme-article-1.2884009.

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The increases in mail-in voting due to the COVID-19 pandemic likewise increased opportunities for fraud. For instance, in May 2020, the leader of the New Jersey NAACP called for an election in Paterson, New Jersey to be overturned due to widespread mail-in ballot fraud. *See* Jonathan Dienst et al., *NJ NAACP Leader Calls for Paterson Mail-In Vote to Be Canceled Amid Corruption Claims*, NBC NEW YORK (May 27, 2020).[12] "'Invalidate the election. Let's do it again,' [the NAACP leader] said amid reports more that 20 percent of all ballots were disqualified, some in connection with voter fraud allegations." *Id.*

Hundreds of other reported cases highlight the same concerns about the vulnerability of voting by mail to fraud and abuse. Recently, a Missouri court considered extensive expert testimony reviewing absentee-ballot fraud cases like these. *Findings of Fact, Conclusions of Law, and Final Judgment in Mo. State Conference of the NAACP* v. *State*, No. 20AC-CC00169-01 (Circuit Court of Cole County, Missouri Sept. 24, 2020), *aff'd*, 607 S.W.3d 728 (Mo. banc Oct. 9, 2020) ("*Mo. NAACP*"). The court held that cases of absentee-ballot fraud "have several common features that persist across multiple recent cases: (1) close elections; (2) perpetrators who are candidates, campaign workers, or political consultants, not ordinary voters; (3) common techniques of ballot harvesting; (4) common techniques of signature forging; (5) fraud that persisted across multiple elections before it was detected; (6) massive resources

[12] *Available at* https://www.nbcnewyork.com/news/politics/nj-naacp-leader-calls-for-paterson-mail-in-vote-to-be-canceled-amid-fraud-claims/2435162/.

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required to investigate and prosecute the fraud; and (7) lenient criminal penalties." *Id.* at 17. Thus, the court concluded "that fraud in voting by mail is a recurrent problem, that it is hard to detect and prosecute, that there are strong incentives and weak penalties for doing so, and that it has the capacity to affect the outcome of close elections." *Id.* The court held that "the threat of mail-in ballot fraud is real." *Id.* at 2.

III. The Bill of Complaint Alleges that the Defendant States Unconstitutionally Abolished Critical Safeguards Against Fraud in Voting by Mail.

The Bill of Complaint alleges that non-legislative actors in each Defendant State unconstitutionally abolished or diluted statutory safeguards against fraud enacted by their state Legislatures, in violation of the Presidential Electors Clause. U.S. CONST. art. II, § 1, cl. 4. All the unconstitutional changes to election procedures identified in the Bill of Complaint have two common features: (1) They abrogated statutory safeguards against fraud that responsible observers have long recommended for voting by mail, and (2) they did so in a way that predictably conferred partisan advantage on one candidate in the Presidential election. Such allegations are serious, and they warrant this Court's review.

Abolishing signature verification. First, the proposed Bill of Complaint alleges that non-legislative actors in Pennsylvania, Michigan, and Georgia unilaterally abolished or weakened signature-verification requirements for mailed ballots. It alleges that Pennsylvania's Secretary of State

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abrogated Pennsylvania's statutory signature-verification requirement for mail-in ballots in a "friendly" settlement of a lawsuit brought by activists. Bill of Complaint, ¶¶ 44-46. It alleges that Michigan's Secretary of State permitted absentee ballot applications online, with no signature at all, in violation of Michigan statutes, *id.* ¶¶ 85-89; and that election officials in Wayne County, Michigan simply disregarded statutory signature verification requirements, *id.* ¶¶ 92-95. And it alleges that Georgia's Secretary of State unilaterally abrogated Georgia's statute authorizing county registrars to engage in signature verification for absentee ballots in another lawsuit settlement. *Id.* ¶¶ 66-72.

In addition to violating the Electors Clause, these actions, as alleged, contradict fundamental principles of ballot security. As noted above, the Carter-Baker Report highlighted the importance of "*signature verification*" as a critical "safeguard[] to protect ballot integrity" for ballots cast by mail. Carter-Baker Report, *supra*, at 35 (emphasis added). Without safeguards such as signature verification, the Report stated that "[v]ote by mail is … likely to increase the risks of fraud and contested elections … where the safeguards for ballot integrity are weaker." *Id.* The importance of signature verification is hard to overstate, because absentee-ballot fraud schemes commonly involve "common techniques of signature forging," typically by nefarious actors who are unfamiliar with the voter's signature. *Mo. NAACP*, *supra*, at 17. Verifying the voter's signature thus provides a fundamental safeguard against fraud.

Insecure ballot handling. The Bill of Complaint alleges that non-legislative actors changed

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or abolished statutory rules for the secure handling of absentee and mail-in ballots in Pennsylvania, Michigan, and Wisconsin. It alleges that election officials in Democratic areas of Pennsylvania violated state statutes by opening and reviewing mail-in ballots that were required to be kept locked and secure until Election Day. Bill of Complaint, ¶¶ 50-51. It alleges that Michigan's Secretary of State, acting in violation of state law, sent 7.7 million unsolicited absentee-ballot applications to Michigan voters, thus "flooding Michigan with millions of absentee ballot applications prior to the 2020 general election." *Id.* ¶¶ 80-84. And it alleges that the Wisconsin Election Commission violated state law by placing hundreds of unmonitored boxes for the submission of absentee and mail-in ballots around the State, concentrated in heavily Democratic areas. *Id.* ¶¶ 107-114.

In addition to violating the Electors Clause, these actions, as alleged, contradict commonsense ballot-security recommendations. The Department of Justice's Manual on *Federal Prosecution of Election Offenses* notes that vulnerability to mishandling is what makes absentee ballots "particularly susceptible to fraudulent abuse" because "they are marked and cast outside the presence of election officials and the structured environment of a polling place." DOJ Manual, at 28-29. According to the Manual, "[o]btaining and marking absentee ballots without the active input of the voters involved" is one of "the more common ways" that election fraud "crimes are committed." *Id.* at 28. For this reason, the Carter-Baker Commission made recommendations in favor of preventing such insecurity in the handling of ballots. For example, the Commission recommended that

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"States should make sure that absentee ballots received by election officials before Election Day are kept secure until they are opened and counted." *Id.* at 46. It also recommended that States "prohibit[] 'third-party' organizations, candidates, and political party activists from handling absentee ballots." *Id.*

Inconsistent Statewide Standards. The Bill of Complaint alleges that the Defendant States provided different standards and treatment for mail-in ballots submitted in different areas of each State, and that this differential treatment uniformly provided a partisan advantage to one side in the Presidential election. It alleges that election officials in Philadelphia and Allegheny County, Pennsylvania, applied different standards to voters in those Democratic strongholds than applied to other voters in Pennsylvania, in violation of state law. Bill of Complaint, ¶¶ 52-54. Similarly, it alleges that Milwaukee, Wisconsin violated state law by authorizing election officials to "correct" disqualifying omissions on ballot envelopes by entering information that the voter should have entered with a red pen, while no similar "correction" process was granted to other voters in that State. *Id.* ¶¶ 123-127. And it alleges that Wayne County, Michigan provided differential treatment of its voters, in violation of state statutes, by simply ignoring statutorily required signature-verification requirements. *Id.* ¶¶ 92-95.

Such differential treatment, as alleged under circumstances raising concerns of partisan bias, contradicts universal recommendations for integrity and public confidence in elections. As this Court stated in *Bush* v. *Gore*, "[t]he idea that one group can be granted greater voting strength than another is

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hostile to the one man, one vote basis of our representative government." 531 U.S. at 107 (quoting *Moore* v. *Ogilvie*, 394 US 814 (1969)). The Carter-Baker Report noted that "inconsistent or incorrect application of electoral procedures may have the effect of discouraging voter participation and may, on occasion, raise questions about bias in the way elections are conducted." Carter-Baker Report, at 49. "Such problems raise public suspicions or may provide grounds for the losing candidate to contest the result in a close election." *Id.*

Excluding Bipartisan Observers. The Bill of Complaint alleges that certain counties in Defendant States excluded bipartisan observers from the ballot-opening and ballot-counting processes. For example, it alleges that election officials in Philadelphia and Allegheny County, Pennsylvania, violated state law by excluding Republican observers from the opening, counting, and recording of absentee ballots in those counties. Bill of Complaint, ¶ 49. And it alleges that election officials in Wayne County, Michigan violated state statutes by systematically excluding poll watchers from the counting and recording of absentee ballots. *Id.* ¶¶ 90-91.

Such actions, as alleged, raise concerns about the integrity of the vote count in those counties. As the Carter-Baker Report emphasized, States should "provide observers with meaningful opportunities to monitor the conduct of the election." Carter-Baker Report, at 47. "To build confidence in the electoral process, it is important that elections be administered in a neutral and professional manner," without the appearance of partisan bias." *Id.* at 49. When observers of one political party are illegally and

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systematically excluded from observing the vote count, "the appearance of partisan bias" is inevitable. *Id.* For counties in Defendant States to exclude Republican observers weakens public confidence in the electoral process and raises grave concerns about the integrity of ballot counting in those counties.

Extending the Deadline to Receive Ballots. The Bill of Complaint alleges that a non-legislative actor in Pennsylvania—its Supreme Court—extended the statutory deadline to receive absentee and mail-in ballots without authorization from the "Legislature thereof," and that it directed that ballots with illegible postmarks or no postmarks at all would be deemed timely if received within the extended deadline. Bill of Complaint, ¶¶ 48, 55. Again, these non-legislative changes raise concerns about election integrity in Pennsylvania. They created a post-election window of time during which nefarious actors could wait and see whether the Presidential election would be close, and whether perpetrating fraud in Pennsylvania would be worthwhile. And they enhanced the opportunities for fraud by mandating that late ballots must be counted even when they are not postmarked or have no legible postmark, and thus there is no evidence they were mailed by Election Day.

These changes created needless vulnerability to actual fraud and undermined public confidence in the election. As the Department of Justice's Manual of *Federal Prosecution of Election Offenses* states, "the conditions most conducive to election fraud are close factional competition within an electoral jurisdiction for an elected position that matters." DOJ Manual, at 2-3. "[E]lection fraud is most likely to occur in electoral jurisdictions where there is close factional

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competition for an elected position that matters." *Id.* at 27. That statement exactly describes the conditions in each of the Defendant States in the recent Presidential election.

CONCLUSION

The allegations in the Bill of Complaint raise important constitutional issues under the Electors Clause of Article II, § 1. They also raise serious concerns relating to election integrity and public confidence in elections. These are questions of great public importance that warrant this Court's attention. The Court should grant the Plaintiff's Motion for Leave to File Bill of Complaint.

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December 9, 2020

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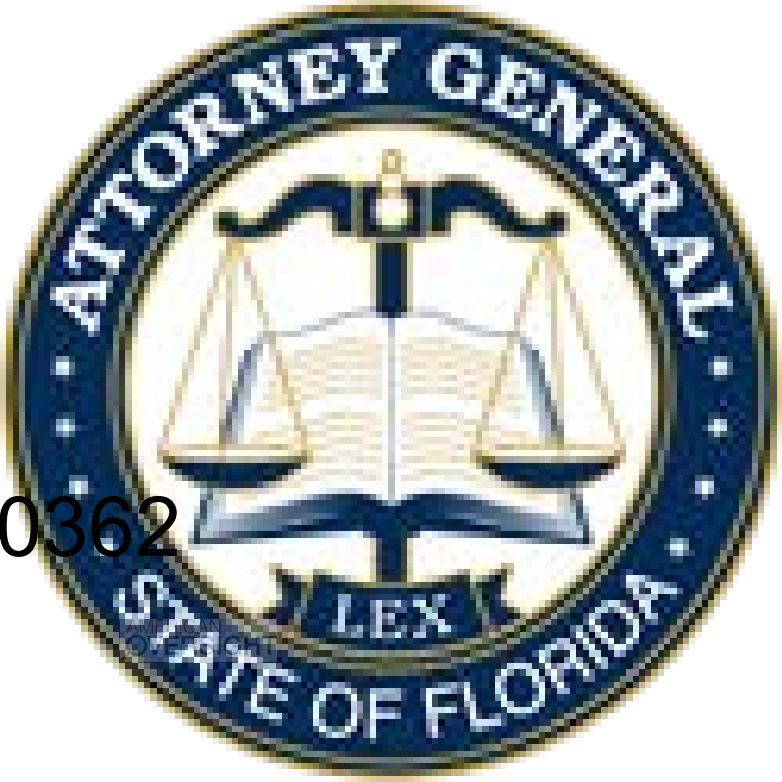

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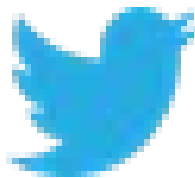

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-AG-21-0105-A-000366

No. 22O155, Original

In the Supreme Court of the United States

STATE OF TEXAS,

Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA, STATE OF GEORGIA, STATE OF MICHIGAN, AND STATE OF WISCONSIN,

Defendants.

On Motion for Leave to File Bill of Complaint

BRIEF OF STATE OF MISSOURI AND 16 OTHER STATES AS *AMICI CURIAE* IN SUPPORT OF PLAINTIFF'S MOTION FOR LEAVE TO FILE BILL OF COMPLAINT

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STATEMENT OF INTEREST OF *AMICI*

"In the context of a Presidential election," state actions "implicate a uniquely important national interest," because "the impact of the votes cast in each State is affected by the votes cast for the various candidates in other States." *Anderson* v. *Celebrezze*, 460 U.S. 780, 794–95 (1983). "For the President and the Vice President of the United States are the only elected officials who represent all the voters in the Nation." *Id.*

Amici curiae are the States of Missouri, Alabama, Arkansas, Florida, Indiana, Kansas, Louisiana, Mississippi, Montana, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, and West Virginia.[1] *Amici* have several important interests in this case. *First*, the States have a strong interest in safeguarding the separation of powers among state actors in the regulation of Presidential elections. The Electors Clause of Article II, § 1 carefully separates power among state actors, and it assigns a specific function to the "Legislature thereof" in each State. U.S. CONST. art. II, § 1, cl. 4. Our system of federalism relies on separation of powers to preserve liberty at every level of government, and the separation of powers in the Electors Clause is no exception. The States have a strong interest in preserving the proper roles of state legislatures in the administration of federal elections, and thus safeguarding the individual liberty of their citizens.

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[1] This brief is filed under Supreme Court Rule 37.4, and all counsel of record received timely notice of the intent to file this amicus brief under Rule 37.2.

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Second, *amici* States have a strong interest in ensuring that the votes of their own citizens are not diluted by the unconstitutional administration of elections in other States. When non-legislative actors in other States encroach on the authority of the "Legislature thereof" in that State to administer a Presidential election, they threaten the liberty, not just of their own citizens, but of every citizen of the United States who casts a lawful ballot in that election—including the citizens of *amici* States.

Third, for similar reasons, *amici* States have a strong interest in safeguarding against fraud in voting by mail during Presidential elections. "Every voter" in a federal election, "has a right under the Constitution to have his vote fairly counted, without its being distorted by fraudulently cast votes." *Anderson* v. *United States*, 417 U.S. 211, 227 (1974). Plaintiff's Bill of Complaint alleges that non-legislative actors in the Defendant States stripped away important safeguards against fraud in voting by mail that had been enacted by the Legislature in each State. *Amici* States share a vital interest in protecting the integrity of the truly national election for President and Vice President of the United States.

SUMMARY OF ARGUMENT

The Bill of Complaint raises constitutional questions of great public importance that warrant this Court's review. First, like every similar provision in the Constitution, the separation-of-powers provision of the Electors Clause provides an important structural check on government designed to protect individual liberty. By allocating authority over

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Presidential electors to the "Legislature thereof" in each State, the Clause separates powers both vertically and horizontally, and it confers authority on the branch of state government most responsive to the democratic will. Encroachments on the authority of state Legislatures by other state actors violate the separation of powers and threaten individual liberty.

The unconstitutional encroachments on the authority of state Legislatures in this case raise particularly grave concerns. For decades, responsible observers have cautioned about the risks of fraud and abuse in voting by mail, and they have urged the adoption of statutory safeguards to prevent such fraud and abuse. In the numerous cases identified in the Bill of Complaint, non-legislative actors in each Defendant State repeatedly stripped away the statutory safeguards that the "Legislature thereof" had enacted to protect against fraud in voting by mail. These changes removed protections that responsible actors had recommended for decades to guard against fraud and abuse in voting by mail. The allegations in the Bill of Complaint raise important questions about election integrity and public confidence in the administration of Presidential elections. This Court should grant Plaintiff leave to file the Bill of Complaint.

ARGUMENT

The Electors Clause provides that each State "shall appoint" its Presidential electors "in such Manner as the *Legislature thereof* may direct." U.S. CONST. art. II, § 1, cl. 4 (emphasis added). Moreover, "[o]ur constitutional system of representative government only works when the worth of honest

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ballots is not diluted by invalid ballots procured by corruption." U.S. Dep't of Justice, *Federal Prosecution of Election Offenses*, at 1 (8th ed. Dec. 2017). "When the election process is corrupted, democracy is jeopardized." *Id.* The proposed Bill of Complaint raises serious concerns about both the constitutionality and ballot security of election procedures in the Defendant States. Given the importance of public confidence in American elections, these allegations raise questions of great public importance that warrant this Court's expedited review.

I. The Separation-of-Powers Provision of the Electors Clause Is a Structural Check on Government That Safeguards Liberty.

Article II requires that each State "shall appoint" its Presidential electors "in such Manner as the *Legislature thereof* may direct." U.S. CONST. art. II, § 1, cl. 4 (emphasis added); *see also id.* art. I, § 4, cl. 2 (providing that, in each State, the "Legislature thereof" shall establish "[t]he Times, Places and Manner of holding Elections for Senators and Representatives").

Thus, "in the case of a law enacted by a state legislature applicable not only to elections to state offices, but also to the selection of Presidential electors, the legislature is not acting solely under the authority given it by the people of the State, but by virtue of a direct grant of authority made under Art. II, § 1, cl. 2, of the United States Constitution." *Bush* v. *Palm Beach Cty. Canvassing Bd.*, 531 U.S. 70, 76 (2000). "[T]he state legislature's power to select the

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manner for appointing electors is plenary." *Bush* v. *Gore*, 531 U.S. 98, 104 (2000).

Here, as set forth in the Bill of Complaint, non-legislative actors in each Defendant State have purported to "alter[] an important statutory provision enacted by the [State's] Legislature pursuant to its authority under the Constitution of the United States to make rules governing the conduct of elections for federal office." *Republican Party of Pennsylvania* v. *Boockvar*, No. 20-542, 2020 WL 6304626, at *1 (U.S. Oct. 28, 2020) (Statement of Alito, J.). *See* Bill of Complaint, ¶¶ 41-127. In doing so, these non-legislative actors may have encroached upon the "plenary" authority of those States' respective legislatures over the conduct of the Presidential election in each State. *Bush* v. *Gore*, 531 U.S. at 104. This encroachment on the authority of each State's Legislature violated the separation of powers set forth in the Electors Clause. "[I]n the context of a Presidential election, state-imposed restrictions implicate a uniquely important national interest. For the President and the Vice President of the United States are the only elected officials who represent all the voters in the Nation." *Anderson*, 460 U.S. at 794–795.

In every other context, this Court recognizes that the Constitution's separation-of-powers provisions are designed to preserve liberty. "It is the proud boast of our democracy that we have 'a government of laws, and not of men.'" *Morrison* v. *Olson*, 487 U.S. 654, 697 (1988) (Scalia, J., dissenting). "The Framers of the Federal Constitution . . . viewed the principle of separation of powers as the absolutely central guarantee of a just Government." *Id.* "Without a

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secure structure of separated powers, our Bill of Rights would be worthless, as are the bills of rights of many nations of the world that have adopted, or even improved upon, the mere words of ours." *Id.* "The purpose of the separation and equilibration of powers in general . . . was not merely to assure effective government but to preserve individual freedom." *Id.* at 727.

This principle of preserving liberty applies both to the horizontal separation of powers among the branches of government, and the vertical separation of powers between the federal government and the States. "The federal system rests on what might at first seem a counterintuitive insight, that 'freedom is enhanced by the creation of two governments, not one.'" *Bond* v. *United States*, 564 U.S. 211, 220–21 (2011) (quoting *Alden* v. *Maine*, 527 U.S. 706, 758 (1999)). "[F]ederalism secures to citizens the liberties that derive from the diffusion of sovereign power." *Bond*, 564 U.S. at 221 (2011) (quoting *New York* v. *United States*, 505 U.S. 144, 181 (1992)). "Federalism also protects the liberty of all persons within a State by ensuring that laws enacted in excess of delegated governmental power cannot direct or control their actions." *Id.* Moreover, "federalism enhances the opportunity of all citizens to participate in representative government." *FERC* v. *Mississippi*, 456 U.S. 742, 789 (1982) (O'Connor, J., concurring in part and dissenting in part). "Just as the separation and independence of the coordinate branches of the Federal Government serve to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny

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and abuse from either front." *Gregory* v. *Ashcroft*, 501 U.S. 452, 458 (1991).

The explicit grant of authority to state *Legislatures* in the Electors Clause effects both a horizontal and a vertical separation of powers. The Clause allocates to each State—not to federal actors—the authority to dictate the manner of selecting Presidential Electors. And within each State, it explicitly allocates that authority to a single branch of state government: to the "Legislature thereof." U.S. CONST. art. II, § 1, cl. 4.

It is no accident that the Constitution allocates such authority to state Legislatures, rather than executive officers such as Secretaries of State, or judicial officers such as state Supreme Courts. The Constitutional Convention's delegates frequently recognized that the Legislature is the branch most responsive to the People and most democratically accountable. *See, e.g.,* Robert G. Natelson, *The Original Scope of the Congressional Power to Regulate Elections*, 13 U. PA. J. CONST. L. 1, 31 (2010) (collecting ratification documents expressing that state legislatures were most likely to be in sympathy with the interests of the people); Federal Farmer, No. 12 (1788), *reprinted in* 2 THE FOUNDERS' CONSTITUTION (Philip B. Kurland & Ralph Lerner eds., 1987) (arguing that electoral regulations "ought to be left to the state legislatures, they coming far nearest to the people themselves"); THE FEDERALIST NO. 57, at 350 (C. Rossiter, ed. 2003) (Madison, J.) (stating that the "House of Representatives is so constituted as to support in its members an habitual recollection of their dependence on the people"); *id.* (stating that the "vigilant and manly spirit that actuates the people of

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America" is greatest restraint on the House of Representatives).

Democratic accountability in the method of selecting the President of the United States is a powerful bulwark safeguarding individual liberty. By identifying the "Legislature thereof" in each State as the regulator of elections for federal officers, the Electors Clause of Article II, § 1 prohibits the very arrogation of power over Presidential elections by non-legislative officials that the Defendant States perpetrated in this case. By violating the Constitution's separation of powers, these non-legislative actors undermined the liberty of all Americans, including the voters in *amici* States.

II. Stripping Away Safeguards From Voting by Mail Exacerbates the Risks of Fraud.

By stripping away critical safeguards against ballot fraud in voting by mail, non-legislative actors in the Defendant States inflicted another grave injury on the conduct of the recent election: They enhanced the risks of fraudulent voting by mail without authority. An impressive body of public evidence demonstrates that voting by mail presents unique opportunities for fraud and abuse, and that statutory safeguards are critical to reduce such risks of fraud.

For decades prior to 2020, responsible observers emphasized the risks of fraud in voting by mail, and the importance of imposing safeguards on the process of voting by mail to allay such risks. For example, in *Crawford* v. *Marion County Election Board*, this Court held that fraudulent voting "perpetrated using absentee ballots" demonstrates "that not only is the risk of voter fraud real but that *it could affect the*

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outcome of a close election." *Crawford* v. *Marion County Election Bd.*, 553 U.S. 181, 195-96 (2008) (opinion of Stevens, J.) (emphasis added).

As noted by Plaintiff, the Carter-Baker Commission on Federal Election Reform emphasized the same concern. The bipartisan Commission—co-chaired by former President Jimmy Carter and former Secretary of State James A. Baker—determined that "[a]bsentee ballots remain the largest source of potential voter fraud." BUILDING CONFIDENCE IN U.S. ELECTIONS: REPORT OF THE COMMISSION ON FEDERAL ELECTION REFORM, at 46 (Sept. 2005) ("Carter-Baker Report").[2] According to the Carter-Baker Commission, "[a]bsentee balloting is vulnerable to abuse in several ways." *Id.* "Blank ballots mailed to the wrong address or to large residential buildings might be intercepted." *Id.* "Citizens who vote at home, at nursing homes, at the workplace, or in church are more susceptible to pressure, overt and subtle, or to intimidation." *Id.* "Vote buying schemes are far more difficult to detect when citizens vote by mail." *Id.*

Thus, the Commission noted that "absentee balloting in other states has been a major source of fraud." *Id.* at 35. It emphasized that voting by mail "increases the risk of fraud." *Id.* And the Commission recommended that "States … need to do more to prevent … absentee ballot fraud." *Id.* at v.

The Commission specifically recommended that States should implement and reinforce safeguards to prevent fraud in voting by mail. The Commission recommended that "States should make sure that

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[2] *Available at* https://www.legislationline.org/download/id/1472/file/-3b50795b2d0374cbef5c29766256.pdf.

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absentee ballots received by election officials before Election Day are kept secure until they are opened and counted." *Id.* at 46. It also recommended that States "prohibit[] 'third-party' organizations, candidates, and political party activists from handling absentee ballots." *Id.* And the Commission highlighted that a particular state "appear[ed] to have avoided significant fraud in its vote-by-mail elections by introducing *safeguards to protect ballot integrity, including signature verification*." *Id.* at 35 (emphasis added). The Commission concluded that "[v]ote by mail is … likely to increase the risks of fraud and contested elections … where the safeguards for ballot integrity are weaker." *Id.*

The most recent edition of the U.S. Department of Justice's Manual on *Federal Prosecution of Election Offenses*, published by its Public Integrity Section, highlights the very same concerns about fraud in voting by mail. U.S. Dep't of Justice, *Federal Prosecution of Election Offenses* (8th ed. Dec. 2017), at 28-29 ("DOJ Manual").[3] The Manual states: "Absentee ballots are particularly susceptible to fraudulent abuse because, by definition, they are marked and cast outside the presence of election officials and the structured environment of a polling place." *Id.* The Manual reports that "the more common ways" that election-fraud "crimes are committed include … [o]btaining and marking absentee ballots without the active input of the voters involved." *Id.* at 28. And the Manual notes that "[a]bsentee ballot

[3] *Available at* https://www.justice.gov/criminal/file/1029066/download.

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frauds" committed both with and without the voter's participation are "common." *Id.* at 29.

Similarly, the U.S. Government Accountability Office concluded that many crimes of election fraud likely go undetected. In 2014, discussing election fraud, the GAO reported that "crimes of fraud, in particular, are difficult to detect, as those involved are engaged in intentional deception." GAO-14-634, *Elections: Issues Related to State Voter Identification Laws* 62-63 (U.S. Gov't Accountability Office Sept. 2014).[4]

Despite the difficulties of detecting fraud schemes, recent experience contains many well-documented examples of absentee ballot fraud. For example, the News21 database, which was compiled to *refute* arguments that voter fraud is prevalent, identified 491 cases of absentee ballot over the 12-year period from 2000 to 2012—approximately 41 cases per year. *See* News21, *Election Fraud in America*.[5] This database reports that "Absentee Ballot Fraud" was "[t]he most prevalent fraud" in America, comprising "24 percent (491 cases)" of all cases reported in the public records surveyed. *Id.* Moreover, the database indicates that this number undercounts the total incidence of reported cases of absentee ballot fraud, because it was based on public-record requests to state and local government entities, many of which did not respond. *Id.*

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[4] *Available at* https://www.gao.gov/assets/670/665966.pdf.

[5] *Available at* https://votingrights.news21.com/interactive/election-fraud-database/&xid=17259,15700023,15700124,15700149,15700186,15700191,15700201,15700237,15700242

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Likewise, the Heritage Foundation's online database of election-fraud cases—which includes only a "sampling" of cases that resulted in an *adjudication* of fraud, such as a criminal conviction or civil penalty—identified 207 cases of proven "fraudulent use of absentee ballots" in the United States. The Heritage Foundation, *Election Fraud Cases*.[6] Again, this database undercounts the incidence of cases of election fraud: "The Heritage Foundation's Election Fraud Database presents a sampling of recent proven instances of election fraud from across the country. This database is not an exhaustive or comprehensive list." *Id.*

The public record abounds with recent examples of such fraudulent absentee-ballot schemes. For example, in November 2019, the mayor of Berkeley, Missouri was indicted on five felony counts of absentee ballot fraud for changing votes on absentee ballots to help him and his political allies to get elected. Brian Heffernan, *Berkeley Mayor Hoskins Charged with 5 Felony Counts of Election Fraud*, ST. LOUIS PUBLIC RADIO (Nov. 21, 2019).[7] Mayor Hoskins' scheme included "going to the home of elderly … residents" to harvest absentee ballots, "filling out absentee ballot applications for voters and having his campaign workers do the same," and "altering absentee ballots" after he had procured them from voters. *Id.* Again, in 2016, a state House race in Missouri was overturned amid allegations of

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[6] *Available at* https://www.heritage.org/voterfraud/search?combine=&state=All&year=&case_type=All&fraud_type=24489&page=12.

[7] *Available at* https://news.stlpublicradio.org/post/berkeley-mayor-hoskins-charged-5-felony-counts-election-fraud#stream/0

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widespread absentee-ballot fraud that had occurred across multiple election cycles in the same community. Sarah Fenske, *FBI, Secretary of State Asking Questions About St. Louis Statehouse Race*, RIVERFRONT TIMES (Aug. 16, 2016).[8] One candidate stated that it was widely known in the community that the incumbent ran an "absentee game" that resulted in the absentee vote tipping the outcome in her favor in multiple close elections. *Id.*

Other States have similar experiences. In 2018, a federal Congressional race was overturned in North Carolina, and eight political operatives were indicted for fraud, in an absentee-ballot scheme that sufficed to change the outcome of the election. Richard Gonzales, *North Carolina GOP Operative Faces New Felony Charges That Allege Ballot Fraud*, NPR.ORG, (July 30, 2019).[9] The indicted operatives "had improperly collected and possibly tampered with ballots," and were charged with "improperly mailing in absentee ballots for someone who had not mailed it themselves." *Id.*

In the North Carolina case, the lead investigator testified that the investigation was "a continuous case" over two election cycles, and that the scheme involved collecting absentee ballots from voters, altering the absentee ballots, and forging witness signatures on the ballots. *See In re: Investigation of Irregularities Affecting Counties Within the 9th*

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[8] *Available at* https://www.riverfronttimes.com/newsblog/2016/08/16/fbi-secretary-of-state-asking-questions-about-st-louis-statehouse-race.

[9] *Available at* https://www.npr.org/2019/07/30/746800630/north-carolina-gop-operative-faces-new-felony-charges-that-allege-ballot-fraud.

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Congressional District, North Carolina Board of Elections, Evidentiary Hearing, at 2-3.[10] The investigators described it as a "coordinated, unlawful, and substantially resourced absentee ballots scheme." *Id.* at 2. According to the investigators' trial presentation, the investigation involved 142 voter interviews, 30 subject and witness interviews, and subpoenas of documents, financial records, and phone records. *Id.* at 3. The perpetrators collected absentee ballots and falsified ballot witness certifications outside the presence of the voters. *Id.* at 10, 13. The congressional election at issue was decided by margin of less than 1,000 votes. *Id.* at 4. The scheme involved the submission of well over 1,000 fraudulent absentee ballots and request forms. *Id.* at 11. The perpetrators took extensive steps to conceal the fraudulent scheme, which lasted over multiple election cycles before it was detected. *Id.* at 14.

Similarly, in 2016, a politician in the Bronx was indicted and pled guilty to 242 counts of election fraud based on an absentee ballot fraud scheme. Ben Kochman, *Bronx politician pleads guilty in absentee ballot scheme for Assembly election,* NEW YORK DAILY NEWS (Nov. 22, 2016).[11] Despite pleading guilty to 242 felonies involving absentee ballot fraud in an election that was decided by two votes, the defendant received no jail time and vowed to run for office again after a short disqualification period. *Id.*

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[10] *Available at* https://images.radio.com/wbt/Voter%20ID_%20Website.pdf.

[11] *Available at* http://www.nydailynews.com/new-york/nyc-crime/bronx-pol-pleads-guilty-absentee-ballot-scheme-article-1.2884009.

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The increases in mail-in voting due to the COVID-19 pandemic likewise increased opportunities for fraud. For instance, in May 2020, the leader of the New Jersey NAACP called for an election in Paterson, New Jersey to be overturned due to widespread mail-in ballot fraud. *See* Jonathan Dienst et al., *NJ NAACP Leader Calls for Paterson Mail-In Vote to Be Canceled Amid Corruption Claims*, NBC NEW YORK (May 27, 2020).[12] "'Invalidate the election. Let's do it again,' [the NAACP leader] said amid reports more that 20 percent of all ballots were disqualified, some in connection with voter fraud allegations." *Id.*

Hundreds of other reported cases highlight the same concerns about the vulnerability of voting by mail to fraud and abuse. Recently, a Missouri court considered extensive expert testimony reviewing absentee-ballot fraud cases like these. *Findings of Fact, Conclusions of Law, and Final Judgment in Mo. State Conference of the NAACP* v. *State*, No. 20AC-CC00169-01 (Circuit Court of Cole County, Missouri Sept. 24, 2020), *aff'd*, 607 S.W.3d 728 (Mo. banc Oct. 9, 2020) ("*Mo. NAACP*"). The court held that cases of absentee-ballot fraud "have several common features that persist across multiple recent cases: (1) close elections; (2) perpetrators who are candidates, campaign workers, or political consultants, not ordinary voters; (3) common techniques of ballot harvesting; (4) common techniques of signature forging; (5) fraud that persisted across multiple elections before it was detected; (6) massive resources

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[12] *Available at* https://www.nbcnewyork.com/news/politics/nj-naacp-leader-calls-for-paterson-mail-in-vote-to-be-canceled-amid-fraud-claims/2435162/.

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required to investigate and prosecute the fraud; and (7) lenient criminal penalties." *Id.* at 17. Thus, the court concluded "that fraud in voting by mail is a recurrent problem, that it is hard to detect and prosecute, that there are strong incentives and weak penalties for doing so, and that it has the capacity to affect the outcome of close elections." *Id.* The court held that "the threat of mail-in ballot fraud is real." *Id.* at 2.

III. The Bill of Complaint Alleges that the Defendant States Unconstitutionally Abolished Critical Safeguards Against Fraud in Voting by Mail.

The Bill of Complaint alleges that non-legislative actors in each Defendant State unconstitutionally abolished or diluted statutory safeguards against fraud enacted by their state Legislatures, in violation of the Presidential Electors Clause. U.S. CONST. art. II, § 1, cl. 4. All the unconstitutional changes to election procedures identified in the Bill of Complaint have two common features: (1) They abrogated statutory safeguards against fraud that responsible observers have long recommended for voting by mail, and (2) they did so in a way that predictably conferred partisan advantage on one candidate in the Presidential election. Such allegations are serious, and they warrant this Court's review.

Abolishing signature verification. First, the proposed Bill of Complaint alleges that non-legislative actors in Pennsylvania, Michigan, and Georgia unilaterally abolished or weakened signature-verification requirements for mailed ballots. It alleges that Pennsylvania's Secretary of State

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abrogated Pennsylvania's statutory signature-verification requirement for mail-in ballots in a "friendly" settlement of a lawsuit brought by activists. Bill of Complaint, ¶¶ 44-46. It alleges that Michigan's Secretary of State permitted absentee ballot applications online, with no signature at all, in violation of Michigan statutes, *id.* ¶¶ 85-89; and that election officials in Wayne County, Michigan simply disregarded statutory signature verification requirements, *id.* ¶¶ 92-95. And it alleges that Georgia's Secretary of State unilaterally abrogated Georgia's statute authorizing county registrars to engage in signature verification for absentee ballots in another lawsuit settlement. *Id.* ¶¶ 66-72.

In addition to violating the Electors Clause, these actions, as alleged, contradict fundamental principles of ballot security. As noted above, the Carter-Baker Report highlighted the importance of "*signature verification*" as a critical "safeguard[] to protect ballot integrity" for ballots cast by mail. Carter-Baker Report, *supra*, at 35 (emphasis added). Without safeguards such as signature verification, the Report stated that "[v]ote by mail is … likely to increase the risks of fraud and contested elections … where the safeguards for ballot integrity are weaker." *Id.* The importance of signature verification is hard to overstate, because absentee-ballot fraud schemes commonly involve "common techniques of signature forging," typically by nefarious actors who are unfamiliar with the voter's signature. *Mo. NAACP*, *supra*, at 17. Verifying the voter's signature thus provides a fundamental safeguard against fraud.

Insecure ballot handling. The Bill of Complaint alleges that non-legislative actors changed

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or abolished statutory rules for the secure handling of absentee and mail-in ballots in Pennsylvania, Michigan, and Wisconsin. It alleges that election officials in Democratic areas of Pennsylvania violated state statutes by opening and reviewing mail-in ballots that were required to be kept locked and secure until Election Day. Bill of Complaint, ¶¶ 50-51. It alleges that Michigan's Secretary of State, acting in violation of state law, sent 7.7 million unsolicited absentee-ballot applications to Michigan voters, thus "flooding Michigan with millions of absentee ballot applications prior to the 2020 general election." *Id.* ¶¶ 80-84. And it alleges that the Wisconsin Election Commission violated state law by placing hundreds of unmonitored boxes for the submission of absentee and mail-in ballots around the State, concentrated in heavily Democratic areas. *Id.* ¶¶ 107-114.

In addition to violating the Electors Clause, these actions, as alleged, contradict commonsense ballot-security recommendations. The Department of Justice's Manual on *Federal Prosecution of Election Offenses* notes that vulnerability to mishandling is what makes absentee ballots "particularly susceptible to fraudulent abuse" because "they are marked and cast outside the presence of election officials and the structured environment of a polling place." DOJ Manual, at 28-29. According to the Manual, "[o]btaining and marking absentee ballots without the active input of the voters involved" is one of "the more common ways" that election fraud "crimes are committed." *Id.* at 28. For this reason, the Carter-Baker Commission made recommendations in favor of preventing such insecurity in the handling of ballots. For example, the Commission recommended that

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"States should make sure that absentee ballots received by election officials before Election Day are kept secure until they are opened and counted." *Id.* at 46. It also recommended that States "prohibit[] 'third-party' organizations, candidates, and political party activists from handling absentee ballots." *Id.*

Inconsistent Statewide Standards. The Bill of Complaint alleges that the Defendant States provided different standards and treatment for mail-in ballots submitted in different areas of each State, and that this differential treatment uniformly provided a partisan advantage to one side in the Presidential election. It alleges that election officials in Philadelphia and Allegheny County, Pennsylvania, applied different standards to voters in those Democratic strongholds than applied to other voters in Pennsylvania, in violation of state law. Bill of Complaint, ¶¶ 52-54. Similarly, it alleges that Milwaukee, Wisconsin violated state law by authorizing election officials to "correct" disqualifying omissions on ballot envelopes by entering information that the voter should have entered with a red pen, while no similar "correction" process was granted to other voters in that State. *Id.* ¶¶ 123-127. And it alleges that Wayne County, Michigan provided differential treatment of its voters, in violation of state statutes, by simply ignoring statutorily required signature-verification requirements. *Id.* ¶¶ 92-95.

Such differential treatment, as alleged under circumstances raising concerns of partisan bias, contradicts universal recommendations for integrity and public confidence in elections. As this Court stated in *Bush* v. *Gore*, "[t]he idea that one group can be granted greater voting strength than another is

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hostile to the one man, one vote basis of our representative government." 531 U.S. at 107 (quoting *Moore* v. *Ogilvie*, 394 US 814 (1969)). The Carter-Baker Report noted that "inconsistent or incorrect application of electoral procedures may have the effect of discouraging voter participation and may, on occasion, raise questions about bias in the way elections are conducted." Carter-Baker Report, at 49. "Such problems raise public suspicions or may provide grounds for the losing candidate to contest the result in a close election." *Id.*

Excluding Bipartisan Observers. The Bill of Complaint alleges that certain counties in Defendant States excluded bipartisan observers from the ballot-opening and ballot-counting processes. For example, it alleges that election officials in Philadelphia and Allegheny County, Pennsylvania, violated state law by excluding Republican observers from the opening, counting, and recording of absentee ballots in those counties. Bill of Complaint, ¶ 49. And it alleges that election officials in Wayne County, Michigan violated state statutes by systematically excluding poll watchers from the counting and recording of absentee ballots. *Id.* ¶¶ 90-91.

Such actions, as alleged, raise concerns about the integrity of the vote count in those counties. As the Carter-Baker Report emphasized, States should "provide observers with meaningful opportunities to monitor the conduct of the election." Carter-Baker Report, at 47. "To build confidence in the electoral process, it is important that elections be administered in a neutral and professional manner," without the appearance of partisan bias." *Id.* at 49. When observers of one political party are illegally and

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systematically excluded from observing the vote count, "the appearance of partisan bias" is inevitable. *Id.* For counties in Defendant States to exclude Republican observers weakens public confidence in the electoral process and raises grave concerns about the integrity of ballot counting in those counties.

Extending the Deadline to Receive Ballots. The Bill of Complaint alleges that a non-legislative actor in Pennsylvania—its Supreme Court—extended the statutory deadline to receive absentee and mail-in ballots without authorization from the "Legislature thereof," and that it directed that ballots with illegible postmarks or no postmarks at all would be deemed timely if received within the extended deadline. Bill of Complaint, ¶¶ 48, 55. Again, these non-legislative changes raise concerns about election integrity in Pennsylvania. They created a post-election window of time during which nefarious actors could wait and see whether the Presidential election would be close, and whether perpetrating fraud in Pennsylvania would be worthwhile. And they enhanced the opportunities for fraud by mandating that late ballots must be counted even when they are not postmarked or have no legible postmark, and thus there is no evidence they were mailed by Election Day.

These changes created needless vulnerability to actual fraud and undermined public confidence in the election. As the Department of Justice's Manual of *Federal Prosecution of Election Offenses* states, "the conditions most conducive to election fraud are close factional competition within an electoral jurisdiction for an elected position that matters." DOJ Manual, at 2-3. "[E]lection fraud is most likely to occur in electoral jurisdictions where there is close factional

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competition for an elected position that matters." *Id.* at 27. That statement exactly describes the conditions in each of the Defendant States in the recent Presidential election.

CONCLUSION

The allegations in the Bill of Complaint raise important constitutional issues under the Electors Clause of Article II, § 1. They also raise serious concerns relating to election integrity and public confidence in elections. These are questions of great public importance that warrant this Court's attention. The Court should grant the Plaintiff's Motion for Leave to File Bill of Complaint.

AMERICAN OVERSIGHT

December 9, 2020

Respectfully submitted,

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Patrick Morrisey
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STATE OF WEST VIRGINIA

AMERICAN OVERSIGHT

No. 22O155

In the Supreme Court of the United States

STATE OF TEXAS,
Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA, STATE OF GEORGIA, STATE OF MICHIGAN, AND STATE OF WISCONSIN,
Defendants.

On Motion for Leave to File Bill of Complaint

CERTIFICATE OF COMPLIANCE

As required by Supreme Court Rule 33.1(h), I certify that the Brief of Missouri and 16 Other States as *Amici Curiae* in Support of Plaintiff's Motion for Leave to File Bill of Complaint in the above captioned case contains 5,166 words as determined by the word counting feature of Microsoft Word, excluding the parts of the brief that are exempted by Supreme Court Rule 33.1(d).

December 9, 2020

Respectfully submitted,

s/ D. John Sauer

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AMERICAN OVERSIGHT

No. 22O155

In the Supreme Court of the United States

STATE OF TEXAS,
Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA, STATE OF GEORGIA, STATE OF MICHIGAN, AND STATE OF WISCONSIN,
Defendants.

On Motion for Leave to File Bill of Complaint

CERTIFICATE OF SERVICE

In accordance with Rule 29.5(b) and the Court's April 15, 2020 Order, I certify that the required copies of the Brief of Missouri and 16 Other States as *Amici Curiae* in Support of Plaintiff's Motion for Leave to File a Bill of Complaint in the above captioned case have been sent to the U.S. Supreme Court by commercial overnight delivery, and electronic copies were served by electronic mail on the following parties listed below on December 9, 2020.

For the State of Pennsylvania:

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AMERICAN OVERSIGHT

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December 9, 2020

Respectfully submitted,

s/ D. John Sauer

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Counsel for Amici Curiae

AMERICAN OVERSIGHT

From: Gerald Whitney Ray
To: Richard Martin
Cc: John Guard; Charles Trippe
Subject: RE: Presidential Commission on Law Enforcement and the Administration of Justice Releases Final Report
Date: Tuesday, December 22, 2020 4:30:02 PM
Attachments: image001.png
image002.png
image004.png
image003.png

Got it… Thank you.

Whitney Ray
Director of Communications

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(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

From: Richard Martin <Richard.Martin@myfloridalegal.com>
Sent: Tuesday, December 22, 2020 4:01 PM
To: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Cc: John Guard <John.Guard@myfloridalegal.com>; Charles Trippe <Charles.Trippe@myfloridalegal.com>
Subject: FW: Presidential Commission on Law Enforcement and the Administration of Justice Releases Final Report

Whitney,
See below.

Richard H. Martin
Chief of Staff
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PL-01 The Capitol | Tallahassee, FL 32399-1050
Tel.: (850) 245-0187
E-mail: Richard.Martin@myfloridalegal.com

From: Office of Community Oriented Policing Services (COPS) <copsusdoj@service.govdelivery.com>
Sent: Tuesday, December 22, 2020 3:45 PM
To: Richard Martin <Richard.Martin@myfloridalegal.com>
Subject: Presidential Commission on Law Enforcement and the Administration of Justice Releases Final Report

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TUESDAY, DECEMBER 22, 2020

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PRESIDENTIAL COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE RELEASES FINAL REPORT

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"This report is the result of significant effort and commitment by hundreds of working group members, dozens of staff, nearly 200 individual testimonies, and of course the 18 distinguished commissioners, who, as I've said before, truly reflect the best there is in law enforcement," said Attorney General Barr. "We could not have foreseen the challenges 2020 would present when we set out to accomplish our goal of researching important current issues facing law enforcement and the criminal justice system. Yet despite these challenges, the Commission produced a thoughtful and comprehensive report."

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The full report can be found here: https://www.justice.gov/file/1347866/download.

###

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From: Gerald Whitney Ray
To: Carolyn Snurkowski
Cc: Richard Martin; John Guard; Kylie Mason
Subject: Fwd: Orlando Sentinel Media Request RE: Joshua Timke
Date: Monday, December 21, 2020 3:13:46 PM
Attachments: timkedecision.pdf

Carolyn,

Please see the request for comment from the Orlando Sentinel below and advise.

Thank you,
Whitney

Get Outlook for iOS

From: Cordeiro, Monivette <mcordeiro@orlandosentinel.com>
Sent: Monday, December 21, 2020 2:57:38 PM
To: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Subject: Fw: Orlando Sentinel Media Request RE: Joshua Timke

From: Cordeiro, Monivette
Sent: Monday, December 21, 2020 2:57 PM
To: Kylie Mason <Kylie.Mason@myfloridalegal.com>
Subject: Orlando Sentinel Media Request RE: Joshua Timke

Hello,

I hope you're doing well. I was hoping to get a comment from the attorney general's office on the appellate opinion in the Joshua Timke case, which is attached to this email. Some critics online have called the decision unfair for sentencing someone to sentencing someone to more than 16 years in prison for a curfew violation. Does the office have a comment on that? Thanks!

Best,
Monivette

AMERICAN OVERSIGHT

From: Gerald Whitney Ray
To: Skylar Swanson; Charles Trippe; Richard Martin; John Guard
Cc: Kylie Mason; Trevor DeGroot
Subject: RE: Daniel"s Law NR
Date: Monday, December 14, 2020 2:00:12 PM
Attachments: Daniels Law NR.docx
image002.png
image003.png
image004.png
image005.png

We would like to push this at 3:00.

I have been updated since you last saw to include the language below. Please make any additional edits in the attached Word doc:

The threat judges face hit home in Florida in 2013, when a convicted felon sought revenge on U.S. District Judge for the Middle District of Florida Timothy J. Corrigan. The gunman fired a single shot at the judge missing him by less than two inches.

Whitney Ray
Director of Communications

Office of the Attorney General Ashley Moody
Whitney.Ray@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

From: Skylar Swanson <Skylar.Swanson@myfloridalegal.com>
Sent: Monday, December 14, 2020 9:41 AM
To: Charles Trippe <Charles.Trippe@myfloridalegal.com>; Richard Martin <Richard.Martin@myfloridalegal.com>; John Guard <John.Guard@myfloridalegal.com>
Cc: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>
Subject: RE: Daniel's Law NR

Thank you RM and CT, your edits are updated and attached!

From: Charles Trippe <Charles.Trippe@myfloridalegal.com>
Sent: Friday, December 11, 2020 6:54 PM
To: Richard Martin <Richard.Martin@myfloridalegal.com>; Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; John Guard <John.Guard@myfloridalegal.com>

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Cc: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>
Subject: RE: Daniel's Law NR

Two slight edits

From: Richard Martin <Richard.Martin@myfloridalegal.com>
Sent: Friday, December 11, 2020 5:28 PM
To: Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; John Guard <John.Guard@myfloridalegal.com>; Charles Trippe <Charles.Trippe@myfloridalegal.com>
Cc: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Subject: RE: Daniel's Law NR

My comments.

Richard H. Martin
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From: Skylar Swanson <Skylar.Swanson@myfloridalegal.com>
Sent: Friday, December 11, 2020 5:09 PM
To: Richard Martin <Richard.Martin@myfloridalegal.com>; John Guard <John.Guard@myfloridalegal.com>; Charles Trippe <Charles.Trippe@myfloridalegal.com>
Cc: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Subject: Daniel's Law NR

Good Afternoon!

Draft NR for Daniel's Law is attached for review.

Thank you!

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From: Richard Martin
To: Rachel Kamoutsas
Subject: FW: Presidential Commission on Law Enforcement and the Administration of Justice Releases Final Report
Date: Tuesday, December 22, 2020 4:04:00 PM
Attachments: image005.png
image006.png

Forgot to copy you. Thanks for all your hard work.

Richard H. Martin
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From: Richard Martin
Sent: Tuesday, December 22, 2020 4:01 PM
To: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Cc: John Guard <John.Guard@myfloridalegal.com>; Charles Trippe <Charles.Trippe@myfloridalegal.com>
Subject: FW: Presidential Commission on Law Enforcement and the Administration of Justice Releases Final Report

Whitney,
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From: Office of Community Oriented Policing Services (COPS) <copsusdoj@service.govdelivery.com>
Sent: Tuesday, December 22, 2020 3:45 PM
To: Richard Martin <Richard.Martin@myfloridalegal.com>
Subject: Presidential Commission on Law Enforcement and the Administration of Justice Releases Final Report

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###

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From: Richard Martin
To: Gerald Whitney Ray
Cc: John Guard; Charles Trippe
Subject: FW: Presidential Commission on Law Enforcement and the Administration of Justice Releases Final Report
Date: Tuesday, December 22, 2020 4:00:00 PM
Attachments: image003.png

Whitney,
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From: Office of Community Oriented Policing Services (COPS) <copsusdoj@service.govdelivery.com>
Sent: Tuesday, December 22, 2020 3:45 PM
To: Richard Martin <Richard.Martin@myfloridalegal.com>
Subject: Presidential Commission on Law Enforcement and the Administration of Justice Releases Final Report

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AMERICAN OVERSIGHT

From: Richard Martin
To: Gary Howze
Subject: FW: Urgent: Commissioner Final Chapter Review
Date: Monday, November 16, 2020 11:19:00 AM
Attachments: Rule of Law 11132020.docx
image003.png
Importance: High

Gary, Please review. I will give you a call.

Richard H. Martin
Chief of Staff
Office of the Attorney General
PL-01 The Capitol | Tallahassee, FL 32399-1050
Tel.: (850) 245-0187
E-mail: Richard.Martin@myfloridalegal.com

From: COPS Director <COPS.Director@usdoj.gov>
Sent: Friday, November 13, 2020 4:10 PM
Subject: Urgent: Commissioner Final Chapter Review
Importance: High

Good Afternoon, Commissioners:

Either Vice-Chair Sullivan and I have spoken to you in recent days to provide updates, but one of the few remaining items to complete the report is your final review of the last two chapters, which are the Technology Chapter and Respect for Law Enforcement and Rule of Law. As we discussed, we are quickly finalizing the other chapters and report material, and are asking for you to review and provide any feedback you have on these two chapters **no later than Monday, November 16 at 2 PM EST.**

Please note that these chapters will go through additional copy editing and layout, and based on copy editing and layout, the chapter and recommendation numbers will change in the final report.

On behalf of Attorney General Barr, know that your many contributions and dedication continue to be appreciated as we complete the final steps in preparation for the delivery of the report. Please don't hesitate to reach out to me if you have any questions, and thank you in advance for your review.

Regards,

Phil Keith, Chair
President's Commission on Law Enforcement and the Administration of Justice

AMERICAN OVERSIGHT

From: COPS Director <COPSDirector@cops.usdoj.gov>
Sent: Friday, September 25, 2020 4:26 PM
To: COPS Director <COPSDirector@cops.usdoj.gov>
Subject: [encrypt] Urgent: Commissioner Final Chapter Review
Importance: High

Good Afternoon Commissioners:

Thank you again to those who provided comments on the first two sets of chapters that were sent for your final review. Attached is another batch of three chapters, and we again ask that you **provide your feedback to this email address no later than Monday, September 28 at 2 PM ET**. Note that you will have received all chapters, with the exception of the Technology and Respect for Law Enforcement and Rule of Law chapters, which will be provided for your review early next week.

Please note that these chapters will go through additional copy editing and layout, and based on copy editing and layout, the chapter and recommendation numbers will change in the final report.

As always, I appreciate your dedication as we complete these final steps in preparation for the delivery of the report to the Attorney General. Please don't hesitate to reach out to me if you have any questions, and thank you in advance for your review.

Regards,

Phil Keith, Chair
President's Commission on Law Enforcement and the Administration of Justice

---

From: COPS Director <COPSDirector@cops.usdoj.gov>
Sent: Wednesday, September 23, 2020 1:49 PM
To: COPS Director <COPSDirector@cops.usdoj.gov>
Subject: Urgent: Commissioner Final Chapter Review
Importance: High

Good Afternoon Commissioners:

Thank you to those of you who provided comments on the first set of chapters that were sent for your final review. As promised, attached is the second set of chapters, and we are again asking that you **provide your feedback to this email address within two business days or sooner, and no later than Friday, September 25 at 2 PM ET**. Again we appreciate your dedication as we complete the final steps necessary to produce the Commission report and deliver it to the Attorney General. Please don't hesitate to reach out to me if you have any questions, and thank you in advance for your review.

Regards,

AMERICAN OVERSIGHT

Phil Keith, Chair
President's Commission on Law Enforcement and the Administration of Justice

---

From: COPS Director <COPSDirector@cops.usdoj.gov>
Sent: Monday, September 21, 2020 1:45 PM
To: COPS Director <COPSDirector@cops.usdoj.gov>
Subject: Urgent: Commissioner Final Chapter Review
Importance: High

Hello, Commissioners –

Over the last several weeks, we have been busy editing the chapters to ensure that the recommendations are as high-level and impactful as possible. We are still on track for a Commission report release in October, however we would appreciate one final round of Commissioner review and comment on these drafts. Please note that these chapters will go through additional copy editing and layout, so we ask that you please reserve your comments to any significant suggestions or questions. After copy editing and layout, the chapter and recommendation numbers will change in the final report once it is finalized.

We plan for sequencing this final review by sending you the first five chapters today, the second five chapters this Wednesday, and the final five chapters Friday. Because of the limited number of days remaining before the release of the report, we are asking that any comments on chapters for all three batches be provided back to this email address **within two business days or sooner, and no later than Wednesday, September 23 at 12 PM ET** for these five chapters.

I understand your many competing priorities, however this final review is a critical step in completing the Commission's report, which is a culmination of the last eight months of your work. I continue to appreciate your commitment and dedication to the work of this Commission. Please do not hesitate to let me know if you have any questions.

Regards,

Phil Keith, Chair
President's Commission on Law Enforcement and the Administration of Justice

AMERICAN OVERSIGHT

From: Richard Martin
To: Citizen Services
Subject: FW: Please divest taxpayer funds from investments in big tech censors.
Date: Tuesday, January 19, 2021 2:52:00 PM
Attachments: image001.png
image002.png

Richard H. Martin
Chief of Staff
Office of the Attorney General
PL-01 The Capitol | Tallahassee, FL 32399-1050
Tel.: (850) 245-0187
E-mail: Richard.Martin@myfloridalegal.com

From: The Rally Force <rallyforce@gmail.com>
Sent: Tuesday, January 19, 2021 2:51 PM
To: ron.desantis@eog.myflorida.com; CFO.Patronis@myfloridacfo.com; Richard Martin <Richard.Martin@myfloridalegal.com>
Subject: Please divest taxpayer funds from investments in big tech censors.

Dear Honorable Governor Ron DeSantis, Attorney General Ashley Moody and Chief Financial Officer Jimmy Patronis. It is encouraging to see the third largest state in America consider divesting taxpayer funds from Apple, Amazon, Facebook, Google and Twitter. Big tech is deplatforming, delisting, demonetizing and censoring thousands of conservative patriots across America and treating tens of millions of Americans with great disdain by depriving them of free speech. I urge you as a member of the Florida Cabinet to vote yes to divest from investments in leftist censorship corporations.

AMERICAN OVERSIGHT

From: Richard Martin
To: Citizen Services
Subject: FW: Please divest taxpayer funds from investments in big tech censors.
Date: Tuesday, January 19, 2021 1:47:00 PM
Attachments: image001.png
image002.png

Richard H. Martin
Chief of Staff
Office of the Attorney General
PL-01 The Capitol | Tallahassee, FL 32399-1050
Tel.: (850) 245-0187
E-mail: Richard.Martin@myfloridalegal.com

From: Jean Benhoff <jmbenhoff@gmail.com>
Sent: Tuesday, January 19, 2021 1:39 PM
To: ron.desantis@eog.myflorida.com; CFO.Patronis@myfloridacfo.com; Richard Martin <Richard.Martin@myfloridalegal.com>
Subject: Please divest taxpayer funds from investments in big tech censors.

Dear Honorable Governor Ron DeSantis, Attorney General Ashley Moody and Chief Financial Officer Jimmy Patronis. It is encouraging to see the third largest state in America consider divesting taxpayer funds from Apple, Amazon, Facebook, Google and Twitter. Big tech is deplatforming, delisting, demonetizing and censoring thousands of conservative patriots across America and treating tens of millions of Americans with great disdain by depriving them of free speech. I urge you as a member of the Florida Cabinet to vote yes to divest from investments in leftist censorship corporations.
God bless and save America!
Respectfully,
Jean Benhoff

AMERICAN OVERSIGHT

From:	Richard Martin
To:	Gerald Whitney Ray; Victoria Butler; John Guard; Charles Trippe; Daniel Olson; Ruth Dillard; Sabrina Donovan
Subject:	COVID-19 Stimulus Bill
Date:	Tuesday, December 22, 2020 8:57:00 AM
Attachments:	Summary of H.R. 133 Coronavirus Relief Provisions-Divisions.pdf Summary of H.R. 133 Appropriations Provisions.pdf image003.png

Attached is a summary of what's in the COVID-19 stimulus bill passed by Congress. You may want to pass this along to your contacts at DEO, OFR, and DACS as there are numerous provisions which affect unemployment, financial institutions with PPP loan programs, and agriculture.

Richard H. Martin
Chief of Staff
Office of the Attorney General
PL-01 The Capitol | Tallahassee, FL 32399-1050
Tel.: (850) 245-0187
E-mail: Richard.Martin@myfloridalegal.com

AMERICAN OVERSIGHT

From:	Richard Martin
To:	Skylar Swanson; John Guard; Charles Trippe
Cc:	Gerald Whitney Ray; Kylie Mason; Trevor DeGroot; Cameron Paul
Subject:	RE: Daniel"s Law NR
Date:	Friday, December 11, 2020 5:28:00 PM
Attachments:	Daniels Law NR rm.docx image002.png

My comments.

Richard H. Martin
Chief of Staff
Office of the Attorney General
PL-01 The Capitol | Tallahassee, FL 32399-1050
Tel.: (850) 245-0187
E-mail: Richard.Martin@myfloridalegal.com

From: Skylar Swanson <Skylar.Swanson@myfloridalegal.com>
Sent: Friday, December 11, 2020 5:09 PM
To: Richard Martin <Richard.Martin@myfloridalegal.com>; John Guard <John.Guard@myfloridalegal.com>; Charles Trippe <Charles.Trippe@myfloridalegal.com>
Cc: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Subject: Daniel's Law NR

Good Afternoon!

Draft NR for Daniel's Law is attached for review.

Thank you!

AMERICAN OVERSIGHT

From: Richard Martin
To: Sabrina Donovan; Kathleen Von Hoene
Subject: FW: UPDATE -- Vendor List -- PPE and other resources 11/17/20
Date: Tuesday, November 17, 2020 1:57:00 PM
Attachments: Bi-Weekly_Vendor_List_17Nov2020.xlsx
image001.png

Richard H. Martin
Chief of Staff
Office of the Attorney General
PL-01 The Capitol | Tallahassee, FL 32399-1050
Tel.: (850) 245-0187
E-mail: Richard.Martin@myfloridalegal.com

From: Davis, Ashley <Ashley.Davis@em.myflorida.com>
Sent: Tuesday, November 17, 2020 1:46 PM
To: DEM ESF Leads and Partners <ECO_ESF@em.myflorida.com>
Subject: UPDATE -- Vendor List -- PPE and other resources 11/17/20

FYI -updated vendor list is attached.

From: Davis, Ashley
Sent: Wednesday, November 4, 2020 8:14 AM
To: DEM ESF Leads and Partners <ECO_ESF@em.myflorida.com>
Subject: UPDATE -- Vendor List -- PPE and other resources 11/4/20

FYI -updated vendor list is attached.

From: Davis, Ashley
Sent: Tuesday, September 29, 2020 3:26 PM
To: DEM ESF Leads and Partners <ECO_ESF@em.myflorida.com>
Subject: RE: UPDATE -- Vendor List -- PPE and other resources 9/29/20

FYI -updated list is attached.

From: Davis, Ashley
Sent: Tuesday, August 25, 2020 11:33 AM
To: DEM ESF Leads and Partners <ECO_ESF@em.myflorida.com>
Subject: UPDATE -- Vendor List -- PPE and other resources 8/25/20

FYI – updated vendor list is attached.

AMERICAN OVERSIGHT

From: Davis, Ashley
Sent: Wednesday, August 12, 2020 9:05 AM
To: DEM ESF Leads and Partners <ECO_ESF@em.myflorida.com>
Subject: Vendor List - PPE and other resources 8/12/20

Team:

Feel free to utilize the attached vendors and continue to exercise due diligence when contacting any vendors.

All are registered in MFMP.

Thanks,
Ash

From: Davis, Ashley
Sent: Tuesday, July 28, 2020 5:09 PM
To: DEM ESF Leads and Partners <ECO_ESF@em.myflorida.com>
Subject: UPDATED: Vendor List - PPE and other resources

Team:

Feel free to utilize the attached vendors and continue to exercise due diligence when contacting any vendors. All are registered in MFMP.

Thanks,
Ash

From: Davis, Ashley
Sent: Tuesday, July 14, 2020 6:32 PM
To: DEM ESF Leads and Partners <ECO_ESF@em.myflorida.com>
Subject: UPDATED Vendor List - PPE and other resources

Team, good evening:

We have updated the vendor list. Feel free to utilize the attached vendors and continue to exercise due diligence when contacting any vendors.

Thanks,
Ash

AMERICAN OVERSIGHT

From: Davis, Ashley
Sent: Thursday, May 28, 2020 4:03 PM
To: DEM ESF Leads and Partners <ECO_ESF@em.myflorida.com>
Subject: Vendor List - PPE

Team: Please find the attached state term vendors we have utilized throughout the COVID-19 response for PPE. DEM does not endorse these vendors but we have active orders with each of the companies.

Ashley H. Davis, FPEM, CEM | Bureau Chief of Response
State Logistics for COVID-19
Florida Division of Emergency Management
Ashley.Davis@em.myflorida.com

Under Florida law, correspondence with the Florida Division of Emergency Management, which is neither confidential nor exempt pursuant to Florida Statutes Chapter 119, is a public record made available upon request.

AMERICAN OVERSIGHT

From: Richard Martin
To: John Guard
Subject: FW: Scott R. Strauss Resume
Date: Monday, November 16, 2020 9:59:00 AM
Attachments: Strauss, Scott - CV.pdf
image003.png

John,
As discussed.

Richard H. Martin
Chief of Staff
Office of the Attorney General
PL-01 The Capitol | Tallahassee, FL 32399-1050
Tel.: (850) 245-0187
E-mail: Richard.Martin@myfloridalegal.com

From: Scott Strauss <scottstrauss@outlook.com>
Sent: Friday, November 13, 2020 11:55 PM
To: Richard Martin <Richard.Martin@myfloridalegal.com>
Subject: Scott R. Strauss Resume

Hi Richard,

I have attached a copy of my resume. If you have availability to speak next week, please let me know.

Thank you,

Scott R. Strauss

scottstrauss@outlook.com
[redacted]

Sent from Mail for Windows 10

AMERICAN OVERSIGHT

From: Richard Martin
To: Kylie Mason; Erica Geiger
Subject: RE: Talkers
Date: Friday, November 13, 2020 1:07:00 PM
Attachments: FPAA New State Attorney 2 rm.docx
image006.png
image007.png
image008.png
image002.png

A few edits.

Richard H. Martin
Chief of Staff
Office of the Attorney General
PL-01 The Capitol | Tallahassee, FL 32399-1050
Tel.: (850) 245-0187
E-mail: Richard.Martin@myfloridalegal.com

From: Kylie Mason <Kylie.Mason@myfloridalegal.com>
Sent: Friday, November 13, 2020 12:27 PM
To: Richard Martin <Richard.Martin@myfloridalegal.com>; Erica Geiger <Erica.Geiger@myfloridalegal.com>
Subject: Talkers

Hello,

Please see new talkers attached that will still need to be heavily edited. I was under the impression that these talkers were for assistant state attorneys. These are actually for the new elected state attorneys. They obviously need to altered.

I would appreciate any input.

Thank you,

Kylie

Kylie Mason
Press Secretary

Office of the Attorney General Ashley Moody
Kylie.Mason@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: Richard Martin
To: Kylie Mason
Subject: RE: Talkers
Date: Thursday, November 12, 2020 6:00:00 PM
Attachments: FPAA New State Attorney.docx
image006.png
image007.png
image008.png
image002.png

My comments

Richard H. Martin
Chief of Staff
Office of the Attorney General
PL-01 The Capitol | Tallahassee, FL 32399-1050
Tel.: (850) 245-0187
E-mail: Richard.Martin@myfloridalegal.com

From: Kylie Mason <Kylie.Mason@myfloridalegal.com>
Sent: Thursday, November 12, 2020 2:37 PM
To: Richard Martin <Richard.Martin@myfloridalegal.com>
Subject: Talkers

Richard,

Here is a rough draft of talkers for next Tuesday. I would appreciate any edits or additions you may have. Your insight within the legal profession clearly outweigh mine

Thank you,

Kylie

Kylie Mason
Press Secretary

Office of the Attorney General Ashley Moody
Kylie.Mason@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

AMERICAN OVERSIGHT

From: Richard Martin
To: Hallie Coombs; Sabrina Donovan; Kathleen Von Hoene
Subject: FW: UPDATE -- Vendor List -- PPE and other resources 11/4/20
Date: Wednesday, November 4, 2020 8:35:00 AM
Attachments: Bi-Weekly_Vendor_List_03Nov2020.xlsx
image003.png

FYI

Richard H. Martin
Chief of Staff
Office of the Attorney General
PL-01 The Capitol | Tallahassee, FL 32399-1050
Tel.: (850) 245-0187
E-mail: Richard.Martin@myfloridalegal.com

From: Davis, Ashley <Ashley.Davis@em.myflorida.com>
Sent: Wednesday, November 4, 2020 8:14 AM
To: DEM ESF Leads and Partners <ECO_ESF@em.myflorida.com>
Subject: UPDATE -- Vendor List -- PPE and other resources 11/4/20

FYI -updated vendor list is attached.

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Sent: Tuesday, September 29, 2020 3:26 PM
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Subject: RE: UPDATE -- Vendor List -- PPE and other resources 9/29/20

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Sent: Tuesday, August 25, 2020 11:33 AM
To: DEM ESF Leads and Partners <ECO_ESF@em.myflorida.com>
Subject: UPDATE -- Vendor List -- PPE and other resources 8/25/20

FYI – updated vendor list is attached.

From: Davis, Ashley
Sent: Wednesday, August 12, 2020 9:05 AM
To: DEM ESF Leads and Partners <ECO_ESF@em.myflorida.com>
Subject: Vendor List - PPE and other resources 8/12/20

Team:

AMERICAN OVERSIGHT

Feel free to utilize the attached vendors and continue to exercise due diligence when contacting any vendors.

All are registered in MFMP.

Thanks,
Ash

From: Davis, Ashley
Sent: Tuesday, July 28, 2020 5:09 PM
To: DEM ESF Leads and Partners <ECO_ESF@em.myflorida.com>
Subject: UPDATED: Vendor List - PPE and other resources

Team:

Feel free to utilize the attached vendors and continue to exercise due diligence when contacting any vendors. All are registered in MFMP.

Thanks,
Ash

From: Davis, Ashley
Sent: Tuesday, July 14, 2020 6:32 PM
To: DEM ESF Leads and Partners <ECO_ESF@em.myflorida.com>
Subject: UPDATED Vendor List - PPE and other resources

Team, good evening:

We have updated the vendor list. Feel free to utilize the attached vendors and continue to exercise due diligence when contacting any vendors.

Thanks,
Ash

From: Davis, Ashley
Sent: Thursday, May 28, 2020 4:03 PM
To: DEM ESF Leads and Partners <ECO_ESF@em.myflorida.com>
Subject: Vendor List - PPE

Team: Please find the attached state term vendors we have utilized throughout the COVID-19 response for PPE. DEM does not endorse these vendors but we have active orders with each of the

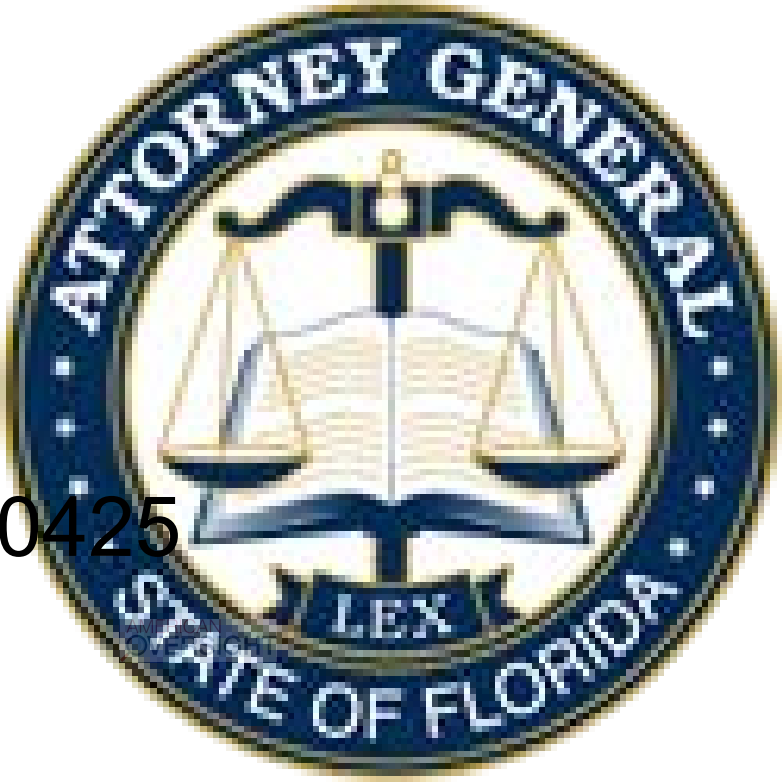
AMERICAN OVERSIGHT

companies.

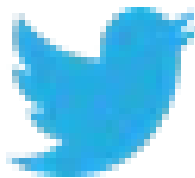
Ashley H. Davis, FPEM, CEM | Bureau Chief of Response
State Logistics for COVID-19
Florida Division of Emergency Management
Ashley.Davis@em.myflorida.com

Under Florida law, correspondence with the Florida Division of Emergency Management, which is neither confidential nor exempt pursuant to Florida Statutes Chapter 119, is a public record made available upon request.

AMERICAN OVERSIGHT



0425



AMERICAN
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ATTORNEY GENERAL
LEX
STATE OF FLORIDA

IN THE SECOND DISTRICT COURT OF APPEAL, LAKELAND, FLORIDA

December 2, 2020

JOSHUA RYAN TIMKE, Appellant, v. STATE OF FLORIDA, Appellee.	)	Case No. 2D19-1584

BY ORDER OF THE COURT:

Appellant's motion for rehearing is denied.

Appellant's motion for written opinion is granted. This court's opinion dated August 28, 2020, is withdrawn, and the attached opinion is issued in its place.

I HEREBY CERTIFY THE FOREGOING IS A
TRUE COPY OF THE ORIGINAL COURT ORDER.

MARY ELIZABETH KUENZEL
CLERK

AMERICAN OVERSIGHT

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JOSHUA RYAN TIMKE, Appellant, v. STATE OF FLORIDA, Appellee.	)	Case No. 2D19-1584

Opinion filed December 2, 2020.

Appeal from the Circuit Court for Hillsborough County; Nick Nazaretian, Judge.

Howard L. Dimmig, II, Public Defender, and Susan M. Shanahan, Assistant Public Defender, Bartow, for Appellant.

Ashley Moody, Attorney General, Tallahassee, and William Stone, Jr., Assistant Attorney General, Tampa, for Appellee.

KHOUZAM, Chief Judge.

Joshua Ryan Timke timely appeals an order revoking his sex offender probation based on a curfew violation and sentencing him to 201 months in prison. After we initially issued a per curiam affirmance, Mr. Timke filed a motion for rehearing or, in the alternative, a written opinion. We deny the motion for rehearing but grant the motion for written opinion in order to explain the basis for our affirmance.

AMERICAN OVERSIGHT

FACTUAL BACKGROUND AND PROCEEDINGS BELOW

At the revocation hearing, Mr. Timke's probation officer testified that he received an alert that Mr. Timke's ankle monitor had detected that he was out past his 10:00 p.m. curfew on January 19, 2019. When the probation officer confronted Mr. Timke about it the following day, Mr. Timke admitted that he had been out past his curfew but responded that his prior probation officer "wouldn't make a big deal of that." He stated that the reason he was late was that he had gotten stuck in traffic on his way back from downtown Orlando due to events being held there.

Ankle monitoring records showed that Mr. Timke left his residence in the Orlando area at 8:30 p.m. and arrived in downtown Orlando eighteen minutes later, at 8:48 PM. He began moving again at approximately 9:00 p.m., traveling at various speeds and stopping intermittently. He ultimately arrived home at 10:26 p.m.

Mr. Timke testified that he had previously discussed his curfew with his probation officer and knew that he was required to be home by 10:00 p.m. On the night of the violation, he left his home at about 8:30 p.m. to drive to downtown Orlando. He testified he did not leave the area until 9:15 or 9:20, expecting to arrive home "[a]round 9:50." He testified he then ran into "gridlock traffic" that caused him to take an alternate route home, making him miss his curfew.

Mr. Timke admitted he did not contact his probation officer or the Department of Corrections, even after it became obvious that he was going to miss his curfew. Instead, he only responded to a call from his ankle monitoring system after it notified him that it had detected via GPS that he was out past curfew.

AMERICAN OVERSIGHT

Mr. Timke blamed the traffic on two events taking place in downtown Orlando that night: a monster truck rally and a basketball game. The court observed that both of these events had already started before Mr. Timke left his home and asked Mr. Timke to explain the discrepancy: "I'm just curious, it took 18 minutes to get there through all this monster traffic and then it takes you an hour and a half to get home. Does that make any sense to you?" Mr. Timke responded by simply stating there was "no traffic" on the way there, without addressing the incongruity identified by the court.

The trial court found that Mr. Timke had violated the curfew condition of his probation and that the violation was both willful and substantial. The trial court revoked Mr. Timke's probation and sentenced him at the bottom of the guidelines.

ANALYSIS

On appeal, Mr. Timke admits that he violated his curfew but asserts that the record lacks competent substantial evidence that the violation was willful and substantial. He contends that the violation was due to traffic conditions that arose on his drive home that "were beyond his control."

In reviewing a revocation order, this court first assesses whether the finding of a willful and substantial violation is supported by competent substantial evidence. Savage v. State, 120 So. 3d 619, 621 (Fla. 2d DCA 2013). If so, then the question becomes whether the trial court abused its discretion in deciding to revoke probation. Id. at 623. On this record, we cannot say that the court's finding of a willful and substantial violation is not supported by competent, substantial evidence or that the revocation was an abuse of discretion.

AMERICAN OVERSIGHT

Mr. Timke admitted he knew he had a mandatory curfew of 10:00 PM. Nonetheless, he decided to leave his home to drive to downtown Orlando at about 8:30 p.m.—ninety minutes before his curfew. That would risk a curfew violation any night of the week, but the fact that this was a Saturday night further increased the likelihood of events and traffic in that notoriously crowded metropolitan area. As Mr. Timke's probation officer testified at the hearing, "Anybody that lives in Orlando understands that there are always events in downtown."

When the probation officer discussed the violation with Mr. Timke, he responded that his prior probation officer would not have "ma[d]e a big deal" out of the violation. And Mr. Timke admitted he was planning to arrive home at "[a]round 9:50," leaving only ten minutes of cushion for complications or delays, such as traffic. These statements indicate that Mr. Timke was not particularly concerned about the risk of being out past curfew.

Further, Mr. Timke failed to contact his probation officer—or anyone else at the Department of Corrections—to seek permission to be out past curfew. He also did not notify the officer that he was going to violate his curfew, even after it became obvious during the drive home. Instead, he only returned a call from his ankle monitoring system *after* it had independently detected the curfew violation.

Finally, although no express finding was made as to Mr. Timke's credibility, it is clear on the record before us that the court did not find his story to be credible. Even when the court asked him directly about the clear discrepancy in his explanation of his trip, Mr. Timke declined to reconcile his testimony. And he never

AMERICAN OVERSIGHT

offered any explanation for why he went downtown shortly before curfew in the first place.

This evidence was sufficient to support the court's finding that Mr. Timke's violation was both willful and substantial. "The competent substantial evidence standard defers to the trial court's judgment because the trial court is in the best position to evaluate and weigh the testimony and evidence based upon its observation of the bearing, demeanor and credibility of the witnesses." Savage, 120 So. 3d at 622 (citations omitted).

Nonetheless, on appeal Mr. Timke focuses on the fact that he arrived home only twenty-six minutes late, asserting that revocation was inappropriate for such a brief delay. But the cases on which he relies are factually distinguishable.

First, he cites cases where a probationer obtained, or at least sought, permission for the actions leading up to the violation. See Rousey v. State, 226 So. 3d 1015, 1016 (Fla. 2d DCA 2017) (officer gave permission for probationer to go to cell phone store); Hugan v. State, 190 So. 3d 210, 211 (Fla. 2d DCA 2016) (probationer called officer to seek permission to take extra shift); Thomas v. State, 672 So. 2d 587, 588 (Fla. 4th DCA 1996) (job interview was approved). By contrast here, Mr. Timke did not attempt to coordinate with his probation officer in any way—neither before heading downtown nor after it became clear that he would not make curfew.

Second, and crucially here, Mr. Timke relies on cases where the probationer disclosed his or her reason for the violation and the court expressly incorporated that reason into its analysis. In Rousey, for example, the probationer had obtained permission to visit a cell phone store with instructions to be home by 1:00 p.m.

AMERICAN OVERSIGHT

but did not return home until 1:48. 226 So. 3d at 1016. He explained that he was late in returning from the store because he did not have his own transportation and his ride had car trouble after stopping for gas on the way home. Id. Emphasizing that there was no dispute that the probationer (1) had permission both to visit the phone store and to stop for gas and (2) had been stranded at the gas station during the entire period of time he was late, this court reversed the revocation of his probation. Id. at 1017.

Similarly, in Hugan, there was no dispute that the reason the probationer was away from home in violation of the conditions of his community control was that he was working an extra shift at his approved job. 190 So. 3d at 211. The probationer explained that, while at work on an approved shift, he was offered an adjacent overtime shift. Id. He tried to call his community control officer for permission to take the additional shift, but was unable to reach him. Id. This court reversed, as the probationer "was engaged in an approved activity" at the time and there was no suggestion the violation was the result of disregarding the terms of his supervision. Id. at 211-12.

Likewise, in Brown v. State, 86 So. 3d 1225, 1226 (Fla. 2d DCA 2012), the probationer arrived home twenty-five or thirty minutes after curfew. He explained that he was returning from his brother's house where he had gone to pick up job applications pursuant to the condition of his probation that required him to pursue gainful employment. Id. Indeed, he was later hired after submitting one of the applications he obtained that night. Id. at 1227 n.2. This court reversed, holding that the curfew violation to acquire job applications was insubstantial in context. Id. at 1227-28.

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In Hern v. State, 747 So. 2d 1039, 1039 (Fla. 4th DCA 1999), the probationer had attended a substance abuse program that ended just fifteen minutes before her curfew. She missed the bus to get home and walked the entire way despite suffering from multiple disabilities that limited her mobility. Id. at 1040. The Fourth District accordingly accepted the State's concession that these facts did not establish a willful or substantial violation. Id.

And finally, in Thomas, it was undisputed that the probationer was required to obtain a job and "was driving to an approved job interview" when one of his tires went flat. 672 So. 2d at 588. His efforts to obtain other transportation were unsuccessful, and the probationer ended up walking most of the way from Boca Raton to Lake Worth to return home. Id. "Several witnesses" corroborated the flat tire story, and the Fourth District reversed the revocation of probation because there was "no evidence to support a conclusion that defendant's failure to return . . . on time was the product of a knowing and willful act." Id. at 588-89.

Here, unlike any of these cases, Mr. Timke has not disclosed any purpose for his evening trip downtown, much less suggested that a valid exigency existed or that he was attempting to satisfy a condition of his probation. Although he was not legally required to explain what he was doing before the curfew violation, in context this omission is consequential. Having declined for whatever reason to disclose what he was doing when he violated his curfew, his reliance on authorities where a curfew violation was excused based on the probationer's stated explanation is misplaced.

In isolation, perhaps some of the arguments Mr. Timke has raised could have required reversal. But on this record, we cannot say that the circuit court abused

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its discretion under these particular circumstances. Holding otherwise would suggest that the trial court is precluded from revoking a sex offender's probation for a curfew violation where the probationer drives to a crowded downtown area shortly before his nightly curfew—for an undisclosed reason and without telling his probation officer—so long as he encounters unexpected traffic on the way home. The trial court's discretion is broader than that. Accordingly, we must affirm.

Affirmed.

NORTHCUTT and KELLY, JJ., Concur.

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Attorney General Moody Urges Congress to Protect Federal Judges and Families

TALLAHASSEE, Fla.—Attorney General Ashley Moody, a former judge, is asking the U.S. Congress to pass legislation to better protect federal judges. Joined by a bipartisan coalition of 50 attorneys general, Attorney General Moody today sent a letter to members of Congress urging support of federal legislation aimed at protecting the safety of federal judges and immediate family members.

Addressed to leaders of both the U.S. House and Senate Judiciary Committees, the letter supports passage of the Daniel Anderl Judicial Security and Privacy Act or similar legislation. The bill would protect the confidentiality of personal identifying information of members of the federal judiciary in public records and limit the distribution of that information online and by data brokers.

The letter calls passage of such legislation an “urgent matter” in light of attacks and increasing threats against members of the federal judiciary, and notes that the legislation has bipartisan support in both houses of Congress.

Attorney General Ashley Moody said, “As a former judge, and the daughter of a sitting federal judge, I know firsthand the risks and sacrifice judges make to uphold their oaths and enforce the rule of law. It is infuriating and heartbreaking that these public servants and their families are being targeted because they volunteer to serve in these important roles.”

The DAJSP Act is named for 20-year-old Daniel Anderl, the late son of Judge Esther Salas of the U.S. District Court for the District of New Jersey.

Daniel was killed on July 19, when an attorney who appeared in a case before Judge Salas—a man described in today’s letter as deranged—appeared at her home and shot both Daniel and Judge Salas’ husband. The judge’s husband sustained critical injuries but survived the attack.

The joint letter to Congress recalls that four federal judges have been murdered since 1979, including District Judge John Wood, District Judge Richard Daronco, Circuit Judge Robert Vance and District Judge John Roll. In addition, two family members of

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District Judge Joan Lefkow were killed in a targeted attack at her home in 2005.

The letter notes that incidents, inappropriate communications and threats against federal judges and others protected by the U.S. Marshals Service have been steadily climbing in recent years—as evidenced by a spike in such incidents from 2,357 in 2016 to 4,449 in 2019.

Introduced in the Senate on Sept. 24, and in the House on Oct. 13, the DAJSP Act would, among other initiatives:

- Protect judges and their families by requiring federal agencies to maintain the confidentiality of the personally identifiable information of judges and their family members upon request;

- Authorize funding for state and local governments to adopt similar measures;

- Prohibit data brokers from selling, licensing, trading, purchasing, or otherwise providing, or making available for consideration, judges' personally identifiable information; and

- Create an enforceable mechanism for judges and immediate family members to secure removal of their personally identifiable information from the internet.

In light of the tragic death of Daniel Anderl and the escalating danger to federal judges and family members, the attorneys general express full support for the legislation named in Daniel's memory and notes that the Judicial Conference of the United States and the American Bar Association, among others, support such legislation.

The letter concludes by noting that, while New Jersey and other states have enacted similar judicial protection laws on a state level, only federal legislation has the ability to protect federal judges and immediate family members wherever they reside and ensure uniform enforcement nationwide.

To read Daniel's Law, click here.

To read the letter, click here.

The threat judges face hit home in Florida in 2013, when a convicted felon sought revenge on U.S. District Judge for the Middle District of Florida Timothy J. Corrigan. The gunman fired a single shot at the judge missing him by less than two inches.

Attorney General Moody is joined in supporting the legislation by a bipartisan coalition of attorneys general from Alabama, Alaska, American Samoa, Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Georgia, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky Louisiana, Maine, Maryland Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, the Northern

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Mariana Islands, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Wisconsin, and Wyoming.

# # #

DRAFT TWEET:

As a former judge and the daughter of a federal judge, I am urging Congress to do more to protect members of the federal judiciary and their families.

Today, I sent a letter urging Congress to pass the Daniel Anderl Security and Privacy Act.

[LINK]
[GRAPHIC]

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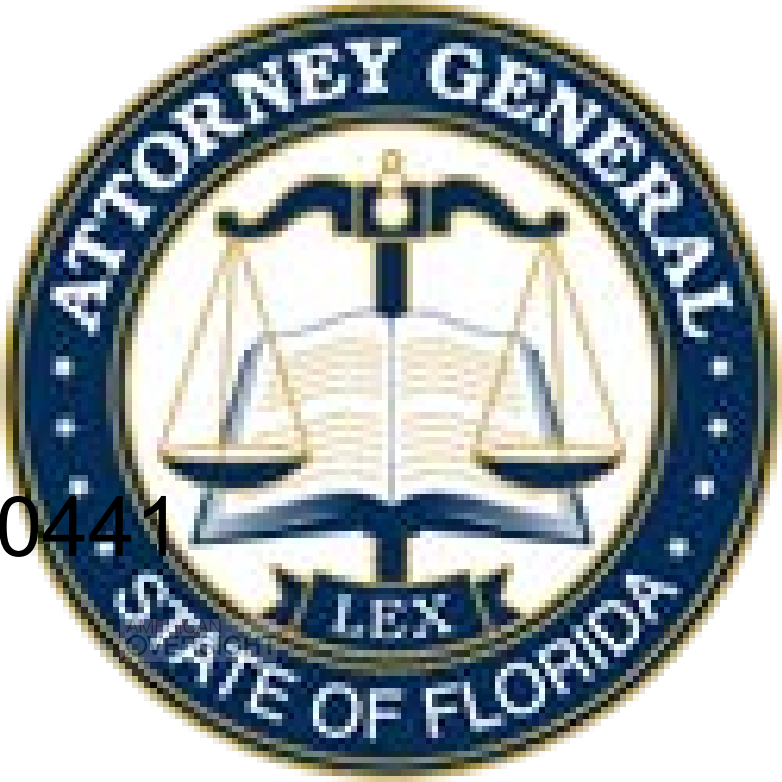
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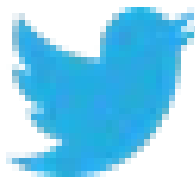

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Chapter 7: Respect for the Rule of Law and Law Enforcement

Preserving the rule of law is the central function of law enforcement. The safety of American communities does not rely merely on the physical presence of law enforcement, but rather a social trust that law enforcement will hold those accountable who violate the law. Law enforcement provides that trust, and thereby stabilizes and preserves the rule of law. When communities lose respect for law enforcement, they lose faith in the legal order that law enforcement officers administer. As disrespect for law enforcement devolves into disrespect for the law itself, the consequences to public safety and the rule of law are grave.

As former Attorney General Michael B. Mukasey relates, it is not just respect for law enforcement, but respect for the rule of law that is critical to a civil society: "We draw our identity not only from adherence to a system embodied in a law that we call the Constitution, but also from consensus in general terms about what that means. Once that is up for grabs, the whole point of having a country at all, as opposed to just being citizens of the world at large, is up for grabs as well."[1]

These remarks highlight the challenges facing law enforcement agencies across the country. While the majority of Americans appreciate the important role of law enforcement in our society, there still remains significant work to address persistent negative attitudes towards peace officers. For the stability of a free and civilized society hinges on a justice system that is not only fair, but also perceived as such. There are many ways law enforcement agencies and the community at large can foster support, respect, and appreciation for the individuals who put their lives on the line to ensure the safety and well-being of the American people.

Anti-police sentiment has various historical and social origins, but at present time predominantly centers around abuses of power by law enforcement in the discharge of their duties. Unlawful and unjustified use of force by law enforcement officers

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Manhattan Institute for Policy Research, testified, claims about "mass incarceration" are based on manipulation of statistics and invalid comparisons, such as to other countries that have far lower rates of crime.[4]

[INSERT GRAPH OF INCARCERATION RATE VERSUS VIOLENT CRIME RATE FROM 1990-PRESENT]

The current prison population also does not, contrary to some narratives, consist mostly of "non-violent drug offenders." "[T]he majority (60%) of prisoners in the U.S. are serving time primarily for one of just five serious offenses: murder (14.2%), rape or sexual assault (12.8%), robbery (13.1%), aggravated or simple assault (10.5%), and burglary (9.4%)…Those serving time primarily for drug offenses constitute less than 15% of state prisoners (who account for about 90% of the national prison population)."[5] As Jonathan W. Blodgett, the District Attorney for Essex County, Massachusetts, testified to the Commission, "[P]ersons suffering from the disease of addiction, arrested for possessory offenses, are not clogging our prisons. They are, more often than not, offered multiple opportunities for drug treatment, through drug courts, diversion programs and community based assistance."[6]

Remedying community distrust of police requires dispelling many of the narratives underlying that distrust, but it is even more important regardless of the validity of law enforcement officers should not be the subject of disrespect simply because of their position on the front lines of an embattled criminal justice system. As our predecessors noted in 1967: "They do not enact the laws that they are required to enforce."[7] Police officers may be the first and primary contact between the criminal justice system and the community, but they should not suffer the brunt of all social discontent simply because they are the front line agents of that system that the public primarily encounters.

It is therefore important to emphasize that law enforcement officers have an important but limited responsibility to execute the law, and that criticism towards officers should be accordingly limited to how they discharge that responsibility. In general, attacks towards the criminal justice system should not be directed at law enforcement officers simply because they are physically in the streets to take it. Reinforcing the separation of powers within the criminal justice system is therefore essential to fostering respect for law enforcement and the rule of law. One measure to do so the Commission believes is important is to discourage and restrain prosecutorial nonenforcement policies in order to maintain the clear and appropriate roles between legislators and law enforcement officials who execute the laws they enact.

This is not to say that all criticism towards police is misplaced. In fact, today the greatest source of distrust and disrespect for police results from the unlawful use of force against citizens in the course of enforcing the law. Accordingly, the Commission recommends specific protocols and policies to minimize unjustified uses of force, which should function to restore community trust in law enforcement and their capacity to ably and safely do their job. Police officers are far from perfect. There is always more work to be done. Genuine and enduring distrust between law enforcement and communities remains,
many ways that law enforcement can continue to engage with the community and build relationships that promote respect for law enforcement as well as the rule of law that keeps citizens safe.

7.1 Respect for Law Enforcement and the Rule of Law by the Executive Branch

Respect for law enforcement depends on a clear demarcation and understanding of the duty of the executive branch to enforce the law. Respect for law enforcement and the rule of law must permeate all levels of

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[4] Rafael Mangual, Testimony before the Commission on Law Enforcement and the Administration of Justice, July 21, 2020 https://www.justice.gov/file/1305886/download; For example, certain neighborhoods in Chicago and Baltimore experience "30% of the homicides seen in the whole of England and Wales, despite those subsections having a combined population that (at 292,898) is just 0.5% of England and Wales."

[7] CITE 1967 REPORT

[7] CITE 1967 REPORT

[7] CITE 1967 REPORT

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society. Governors, mayors, city managers, county executives, U.S. attorneys, prosecutors, and all elected officials should demonstrate respect for the rule of law and the men and women responsible for enforcing the law. Respect for law enforcement must start at the highest levels of government:

> We cannot expect parents to teach their children the importance of respecting those in authority, while elected leaders are demonizing their law enforcement agencies to gain political favor in times of crisis. We must implore methods of reconciliation to help restore the faith of the community that those officers responding to situations are there to help them, not hurt them. Similarly, our community leaders must sit down with local law enforcement to further develop that relationship. The safety of our citizens and our officers does not have to be diametrically opposed.[8]

A threat to the rule of law, and the ability of law enforcement to uphold it, has recently come from "progressive" or "social reform" prosecutors who purport to share the distrust and cynicism for law enforcement that some in their communities have.[9] Despite their election to a position to enforce the law, these prosecutors view the very laws they enforce as unjust and illegitimate, and therefore seek to undermine that system by unilaterally deciding not to enforce certain laws. [CITE] Unlike standard prosecutorial discretion, in which a prosecutor assesses whether to pursue charges after a case-by-case examination of the individual circumstances, nonenforcement policies remove that discretion entirely by prescribing that certain laws will be categorically unenforced.

The flaws of this approach are clear, as U.S. Attorney Macgregor Scott of the Eastern District of California testified to the Commission: It "1) usurps the constitutional role of the legislative branch; 2) miscasts who the prosecutor represents in a criminal case; 3) causes violent crime rates to go up, especially in minority communities; and 4) and forgets crime victims."[10]

On a legal, even philosophical, level these progressive prosecutors are not only violating the obligation of the Executive Branch to enforce the law but they also are disregarding our system of separation of powers In the language of the U.S. Constitution, the Executive has the duty to "take care that the laws be faithfully executed." If a prosecutor appropriates to herself the right to decide what crimes should be prosecuted, as one author has explained, "[i]t becomes an executive veto of the community's right to define and punish penal offenses through its legislative representatives."[11] Moreover, when enforcement of the law depends on executive whim, and not on the legislative will of the people, citizens may erroneously believe that law enforcement for the laws they enforce. Recent events in the arena of immigration law exemplify the detriment to law enforcement that occurs when executive nonenforcement violates the separation of powers. In or around 2017, after a change of presidential administration resulted in increased enforcement of immigration laws, critics of those laws attacked

[CITATION] The misdirected hostility towards ICE stemmed from the fallacy that it was the executive branch, not the United States Congress, that determined what laws to enforce.

Nonenforcement also has clear practical consequences to public safety. The Commission notes one case in Massachusetts described by Deputy Attorney General Rosen of a women brutally assaulted while walking her

[16] Gail Heriot, Testimony before the Commission on Law Enforcement and the Administration of Justice, July 21, 2020 https://www.justice.gov/file/1305886/download
[16] Gail Heriot, Testimony before the Commission on Law Enforcement and the Administration of Justice, July 21, 2020 https://www.justice.gov/file/1305886/download
[16] Gail Heriot, Testimony before the Commission on Law Enforcement and the Administration of Justice, July 21, 2020 https://www.justice.gov/file/1305886/download
[16] Gail Heriot, Testimony before the Commission on Law Enforcement and the Administration of Justice, July 21, 2020 https://www.justice.gov/file/1305886/download

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dog.[12] A criminal knocked her to the ground where she lay unconscious and suffering a skull fracture, among other injuries. The victim is reportedly still coping with speech, vision, and hearing impairments. The prosecutor, a self-described social reform district attorney, had publicly stated that it was her responsibility to "represent not just the victim, but the defendant and the community." The district attorney allowed the offender to plead guilty to a misdemeanor with a suspended sentence and one year of probation, even though the victim begged the prosecutor not to cut this deal and called it "flagrant, appalling, and disgusting." Nor was this case an anomaly. An analysis by the local media revealed that the Massachusetts district attorney was dropping "more cases than before, but some of the cases don't seem 'low-level' at all, involving serious bodily injury, major thefts, and career criminals."[13] As the Deputy Attorney General stated, "victims deserve better."[14] In fact, as DA Blodgett told the Commission, the entire discussion around criminal justice reform ignores the victims of crime. Blodgett says, "The crime victim is the only one in the courtroom who didn't ask to be there, who has suffered an incalculable loss that cannot be restored…Their voices must be heard and respected."[15]

resisting arrest, petty theft or certain drug crimes

the rule of law and only exacerbates disrespect for law enforcement. When communities can no longer depend on the criminal justice system to enforce the law and obtain justice for victims, trust in law enforcement deteriorates. Not only do victims deserve to have the rule of law respected, so do those who enforce the law. Widespread disrespect for the law endangers law enforcement officers and the communities they protect. In the aftermath of anti-police civil unrest in 2016 and 2020, for example, there have been unmistakable corresponding increases in crime. [CITE]

7.1.1 Prosecutorial authorities who adopt nonenforcement policies should publish such policies in the interests of transparency.

Prosecutors should have discretion in prosecuting cases to account for case strengths and weaknesses and to accommodate the pursuit of successful criminal justice objectives. However, the public deserves to know if and when prosecutors forego that discretion completely by refusing to enforce valid laws enacted by the people. Given that categorical nonenforcement of a law is tantamount to its abolition, transparency and accountability demand that prosecutor's offices publicly share written guidelines for nonenforcement priorities that correspond with community crime data and proven strategies for reducing crime.

7.1.2 State officials should provide oversight of prosecutors who have blanket policies not to prosecute certain categories of crimes.

When a prosecutor unilaterally decides to not prosecute an entire category of crimes (i.e., deems it a low-level offense that does not warrant prosecution or otherwise fails to prosecute a case where probable cause for an arrest is present), that prosecutor is usurping legislative authority and ultimately the authority of the citizens of that community. These laws have been duly enacted by an elected legislative body, and the public has a reasonable expectation that breaking these laws will result in prosecution. State governments, through legislative committees and executive actions, should oversee local prosecutors who refuse to prosecute crimes by conducting hearings and issuing reports to the public about the impact of those policies. Where necessary, legislators should take legal action to prevent such policies from harming public safety.

7.1.3 The doctrine of qualified immunity for law enforcement officers should not be weakened.

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[16] Gail Heriot, Testimony before the Commission on Law Enforcement and the Administration of Justice, July 21, 2020 https://www.justice.gov/file/1305886/download

[16] Gail Heriot, Testimony before the Commission on Law Enforcement and the Administration of Justice, July 21, 2020 https://www.justice.gov/file/1305886/download

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A related aspect of appreciating the role of law enforcement in merely enforcing the law is protecting these officers in the course of good faith law enforcement. The doctrine of qualified immunity protects government officials, including law enforcement officers, from being personally subjected to a civil lawsuit for an action that does not violate a clearly established statutory or Constitutional right. As Gail Heriot, Professor of Law, University of San Diego & Member, U.S. Commission on Civil Rights, explained to the Commission, "[I]t is thought that otherwise there is a danger that public officials will protect themselves by opting for inaction…This is a greater danger for public officials than it is for private citizens. In the private sector, diligence and industry tend to have a more direct link to reward than they do for public officials…But when a police officer saves a life, he doesn't get to keep it. If only his errors and not his successes affect his fortunes, a reluctance to act at all may be the result."[16]

When a federal judge grants qualified immunity, it may result in the early dismissal of a lawsuit for money damages and prevent a law enforcement official from having to go through the stresses and financial pressures of a long judicial process that can include discovery, depositions, and a trial.[17] The doctrine of qualified immunity should not be weakened. Officers who use excessive force can still be punished under existing procedures. If an officer does violate the law, he is subject to criminal investigation and prosecution under state and federal statutes, and he can also be subject to administrative punishment, such as suspension or firing even if criminal charges are not brought.

In speaking against the idea of limiting qualified immunity, Attorney General William Barr said: "I don't think you need to reduce immunity to go after the bad cops, because that would result certainly in police pulling back. Policing is the toughest job in the country. . . . The vast, overwhelming majority of police are good people. They're civic-minded people who believe in serving the public. They do so bravely. They do so righteously."[18]

7.2 Building Relationships

PULL QUOTE: "While policing is demanding, it is also uniquely rewarding. It is one of our country's highest callings, and we are blessed that there are men and women of character willing to serve selflessly so that their fellow citizens can live securely. We owe our officers the support and services they need to work their way through problems."[19] - Attorney General William Barr

Respect for law enforcement increases when partnerships are forged between agencies and their communities; each benefits realizing the other's perspective. When they can work through stereotypes and misunderstandings, years of false narratives can be dissolved, and new relationships can be cultivated.[20] These new lines of open communication increases public safety and respect for law enforcement.

Over the years, programs that embrace a proactive and consistent outreach approach have effectively developed and sustained relationships between law enforcement and the community. Law enforcement agencies may overlook these programs and consider them only if time and staff are available. However, such a casual approach is ill advised, and law enforcement agencies that do not engage in these programs do so at their own peril. Respect for law enforcement grows only through nurturing and sustaining these relationships.

Strong community-based partnerships can lead to greater trust between police and the public they serve. In turn, this trust should evolve and encourage a greater willingness for community members to assist in crime-

[16] Gail Heriot, Testimony before the Commission on Law Enforcement and the Administration of Justice, July 21, 2020 https://www.justice.gov/file/1305886/download

[17] Robert Fagin, Attorney, San Diego County Sheriff's Department, CA, email communication with Respect for Law Enforcement and the Rule of Law Working Group, email communication with Respect for Law Enforcement, June 24, 2020.

19 2015 Time Magazine Quote, citation needed

19 2015 Time Magazine Quote, citation needed

19 2015 Time Magazine Quote, citation needed

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reduction efforts. Another benefit of these relationships can be realized at the investigations level, as increased cooperation can strengthen investigations and help solve crimes.

Michael "Mick" McHale, president of the National Association of Police Officers (NAPO), says that one way to build relationships between law enforcement and the community is to ensure citizens that any complaint against an officer will be heard and thoroughly investigated. NAPO supports the idea of "Comply, Then Complain." Individuals, including youth, who are approached by a police officer should first "comply." Then, if the individual feels they were treated unfairly or unlawfully, they can submit a formal complaint with guided assistance throughout the process. McHale says this process helps "rebuild trust with the community."[21]

7.2.1 Law enforcement agencies should continue to prioritize community outreach and developing and maintaining strong, positive relationships with various segments of the community, while providing a knowledge of and appreciation for the daily responsibilities of law enforcement.

[CROSS REFERENCE BUSINESS AND COMMUNITY DEVELOPMENT]

Implementing strategies to accomplish stronger police–community relations can be daunting. Agencies looking to make these positive changes should look to other successful programs that already exist, such as citizen and youth police academies, clergy–police partnerships, youth mentoring, and business community partnerships.

Houston Police Chief Art Acevedo, who is president of the Major Cities Chiefs Association (MCCA), says the importance of building these relationships can't be stressed enough: "Overwhelmingly, MCCA members have heard from their communities—we don't want less police, we want better policing. It is imperative that law enforcement work tirelessly—in both good times and bad—to build strong relationships with the communities they serve. It is much easier to navigate a crisis when the public trusts law enforcement and knows their concerns will be taken seriously."[1]

In North Carolina, the Fayetteville Police Department prioritized community outreach by focusing on a variety of community-based engagement opportunities. The department identified and understood their audiences and recognized the need to use a diverse approach that covered a variety of interests, including community empowerment response teams, community watch groups, Citizens on Patrol, Coffee with a Cop, police activities leagues, and a Police Explorer program.[2]

While it may not be feasible to immediately and directly touch every community member through these outreach efforts, social media has been shown to be another way to build a positive narrative that reinforces the work accomplished by the men and women in law enforcement, including stories that highlight the bravery, compassion, and dedication of their officers and show the people behind the badge. Agencies with limited resources or experience should look for partnership opportunities to share in these efforts (e.g., local government, neighboring agencies, or local labor or representative organization).

An informed community can help improve relationships between law enforcement and the communities they serve. When community members understand the daily responsibilities of an officer, the decisions they face, and the breadth of assistance they are expected to provide every day, they can become law enforcement's strongest advocates and supporters. From Citizens Police Academies to after-school programs, efforts that give citizens a greater awareness of the work of law enforcement can go a long way toward increasing respect for law enforcement.

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Nicholas A. Trutanich, U.S. Attorney for Nevada, says that building those relationships is critical: "Community leaders and law enforcement should consider forming partnerships, involving regular meetings attended by executive-level officers, to build and maintain trust. Among other things, such meetings would allow law enforcement to solicit feedback from community leaders, and continually reinforce that the safety of the community (not arrests or convictions) is law enforcement's highest priority."[22]

7.3 Promoting Transparency and Accountability When Officers Use Force

Law enforcement is a dangerous task, and officers may need to use physical force to subdue suspects, sometimes (though rarely) including deadly force. Any understanding of these situations, and their importance to community trust, must account for the fact that such incidents can and will occur. Law enforcement officers must necessarily use force to "enforce" the law. Moreover, when a criminal suspect resists their authority, police do not have the option of simply standing down. If it were otherwise, citizens could avoid arrest by simple noncompliance. In fact, nearly all force used by police officers results from a citizen refusing to obey their orders. The most effective measure, therefore, to prevent police from using force remains for citizens to comply with law enforcement commands.

Nevertheless, police officers are not perfect. At times, use of force may be unwarranted or unjustified. In the aftermath of the killing of George Floyd on May 25, 2020, President Trump signed in the following month Executive Order No. 13929 entitled "Safe Policing for Safe Communities."[23] Pursuant to this Executive Order, the Department of Justice has devised generalized standards for safe policing, most prominently those involving use of force, and mandated that law enforcement agencies certify that they meet these standards in order to receive federal funding.[24] These actions will ensure that police departments implement sound and standardized policies on officer use of force that will minimize incidents where officers engage in excessive or unwarranted force.

These measures are independent of the work of the Commission, but complement and comport with the Commission's recommendations regarding use of force. For infrequent as these incidents may be, incidents involving police use of force garner widespread public attention, which is often driven by social media, 24/7 news cycles, and social divisions within the nation. When incidents of police use of force occur that result in death or serious injury, it is imperative that both prosecutor and law enforcement officers have transparent and effective protocols for handling such an event.

It is true that "police use of force is extremely rare. Rarer still are uses of force that are injurious and unwarranted."[25] The Bureau of Justice Statistics estimates that law enforcement officers interact with members of the public on 50 million or more occasions per year.[26] Incidents involving use of force are rare in this context. Citizen surveys indicate that force is used in 0.6 percent of interactions.[27] When an officer uses force, it is typically during an arrest, is at the low end of the use-of-force spectrum, and is the result of suspect resistance or aggression.[28] At the extreme end of the spectrum, the suspect is usually armed when an officer uses deadly force.[29] The data thus show that less than a half of a percent of police officers discharged their firearms in 2018, and only three arrests out of 1,000 involved use of a firearm.[30] Similarly, less than one

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23 June 16, 2020, https://www.whitehouse.gov/presidential-actions/executive-order-safe-policing-safe-communities/ [NEEDS FULL CITE]

23 June 16, 2020, https://www.whitehouse.gov/presidential-actions/executive-order-safe-policing-safe-communities/ [NEEDS FULL CITE]

24 [CITE DOJ announcement with Ja'Ron].

25 Mangual, note 2.

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percent of arrest used any physical force at all.

Nevertheless, even isolated incidents can nurture a cynicism about the criminal justice system that "erode[s] the public's respect for the policing profession and the system of laws they're sworn to uphold."[31] This environment is challenging for law enforcement, as they have the additional burden of combatting negative perceptions that are based on a small—but magnified—sample of incidents. These incidents have spurred a national conversation over police practices, including the types of accountability mechanisms in place to investigate and adjudicate allegations of misconduct and excessive use of force. Trust in a process is important for building and maintaining legitimacy.[32]

A prosecutor's office will often have a substantial and important role in addressing and adjudging the actions of a law enforcement officer who has engaged in use of force resulting in serious injury or death. The Commission examines that role elsewhere in the report.

But the law enforcement agency of the involved officer necessarily has a role as well, and its accountability process may have a substantial impact on public trust and respect for law enforcement. These mechanisms, however, vary widely in their form and function in agencies nationwide. For example, criminal investigations can be conducted by the involved law enforcement agency or independently by another agency, task force, or prosecutor. There is a growing demand for independent criminal investigations on deadly force, as well. Furthermore, more than one investigation may take place. State and local law enforcement agencies may conduct an administrative investigation to determine if the use of force was within department policy and/or a criminal investigation to determine if the use of force was compliant with the law.[33] The process of an investigation needs to be explained clearly and executed transparently so that the public has confidence in the outcome.

At the same time, officers involved in a use-of-force incident have the right to due process. The Constitution grants that right to all Americans regardless of their chosen profession and law enforcement is not exempted. Bending the investigative process to political pressure erodes the Constitutional protection of due process. To ensure immunity from undue influence, the conduct of internal investigations must be consistent, transparent, and impartial. Two Supreme Court decisions have reinforced this. In Garrity v. New Jersey, 385 U.S. 493 (1967), the Court stated that law enforcement officers and other public employees have the right to be free from compulsory self-incrimination. Similarly in Gardner v. Broderick, 392 U.S. 273 (1968), the Court ruled that a law enforcement officer who refuses to waive his constitutional protections cannot be dismissed from office because of that refusal.

Currently, rights for officers involved in administrative investigations vary depending on state and local law. In 2015, 14 states had Law Enforcement Officers' Bill of Rights (LEOBR), which define and protect the due process rights of officers who are subject to such investigations. During the same period, 11 states were in the process of developing legislation. At the federal level, he FOP has been working to pass legislation to define and protect due process.[34] These rights, for example, may extend to allowing officers direct access to body worn camera and in-car camera footage before giving their statements to investigators. In 2016, about 60 percent of agencies with body-worn cameras allowed the officers who made the recording direct access to

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33 International Association of Chiefs of Police, (Washington, DC: Office of Community Oriented Policing, 2016), https://www.theiacp.org/sites/default/files/2018-08/e051602754_Officer_Involved_v8.pdf; and Beau Thurnauer, (Washington, DC: International Association of Chiefs of Police, n.d.), https://www.theiacp.org/sites/default/files/2018-08/BP-InternalAffairs.pdf.

33 International Association of Chiefs of Police, (Washington, DC: Office of Community Oriented Policing, 2016), https://www.theiacp.org/sites/default/files/2018-08/e051602754_Officer_Involved_v8.pdf; and Beau Thurnauer, (Washington, DC: International Association of Chiefs of Police, n.d.), https://www.theiacp.org/sites/default/files/2018-08/BP-InternalAffairs.pdf.

34 Eli Hager, "Blue Shield: Did You Know Police Have Their Own Bill of Rights?," The Marshall Project, https://www.themarshallproject.org/2015/04/27/blue-shield#.Etqk3UTYF; and "Due Process Rights for Law Enforcement Officers," Fraternal Order of Police, accessed July 22, 2020, https://fop.net/CmsPage.aspx?id=97.

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the video.[35]

The recommendations below provide guidance to law enforcement agencies and governments overseeing them to improve handling of use-of-force incidents that will promote transparency and public understanding in order to reduce community tensions in the aftermath of such an event.

7.2.1 Law enforcement agencies should have well-documented and publicly available protocols for conducting administrative investigations of alleged officer misconduct and any uses of force.

Law enforcement agencies have an obligation to maintain protocols for administrative and criminal investigations of misconduct, use of force, and integrity failures. These protocols should appropriately consider best practices and be reviewed by a competent legal authority to establish the legal foundation for all investigations. These protocols should consider: thresholds that trigger an investigation; the unit responsible for conducting the investigation; notifications of all appropriate parties; investigative practices, including evidence collection, interview procedures, incident analysis, investigative steps, target timeframes, adjudication considerations, dispositions and required notifications to license or certifying entities, and the due process rights of officers, including in some instances, the right to representation.

Agencies should routinely review protocols for potential updates; how to apply research or legal decisions; and best practices to improve the efficiency, effectiveness, and fairness of investigations. Routine and systematic audits and inspections of investigative files can help agencies identify necessary refinements in training, policy, and practice in investigations.[36] Such audits can be conducted by qualified agency personnel. Alternatively, agencies can seek outside assistance. Agencies should account for cost, quality, timeliness, and capacity in determining the best approach.

7.2.2 Law enforcement agencies should publicly disseminate and educate the community on all use-of-force policies and procedures, including protocols for criminal and administrative investigations.

By making the investigative process more transparent, law enforcement agencies have an opportunity to educate the public, establish expectations, and engender trust. The Bureau of Justice Assistance's (BJA) guide,

, states that the written protocol for criminal investigations of use-of-force incidents may be shared with the public to instill confidence in the fairness of the process.[37] Likewise, an administrative investigation may demonstrate to the public that the agency is working to address a potential violation of policy and holds officers accountable when necessary. Public confidence and trust cannot exist without understanding of the agency's accountability process.

7.2.4 States should enact legislation that requires law enforcement agencies to have an independent, external agency that has met minimum training and accreditation standards conduct the criminal investigation of use-of-force incidents that result in death or serious bodily injury.

Independent criminal investigations increase transparency and public trust in the aftermath of use-of-force incidents. Specifically, a law enforcement agency not involved in the incident should conduct any criminal investigation involving a use-of-force incident. At a minimum, a use-of-force incident involving death or serious bodily injury should require an independent, external investigation.[38] State legislation should outline

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[35] Shelley S. Hyland, (Washington, DC: Bureau of Justice Statistics, 2018), 7, https://www.bjs.gov/content/pub/pdf/bwclea16.pdf.

[36] U.S. Department of Justice, (Washington, DC: Office of Community Oriented Policing Services, 2019), https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf

[37] Bureau of Justice Assistance, (Washington, DC: Bureau of Justice Assistance, 2017), https://it.ojp.gov/GIST/1202/Considerations-and-Recommendations-Regarding-State-and-Local-Officer-Involved-Use-of-Force-Investigations.

[38] For this report, serious bodily injury is "bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty." See "National Use-of-Force Data Collection," Federal Bureau of Investigation, accessed August 14, 2020, https://www.fbi.gov/services/cjis/ucr/use-of-force.

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the appropriate method for determining when and how an independent criminal investigation should be conducted, which should include "written protocols such as MOUs or standard operating procedures (SOPs) to identify and determine each jurisdiction's investigative response to a use-of-force incident, including which agency will serve as the primary investigative entity, the role of the prosecutor, and contact protocols. Agencies taking on the investigative responsibility should develop a uniform standard agreement to promote consistency and uniformity of approach."[39]

7.3 Public Outreach

Programs that embrace a proactive and consistent outreach approach have effectively developed and sustained relationships between law enforcement and the community. Given the constant and stressful demands on law enforcement, law enforcement agencies might overlook these programs and consider them only if time and staff are available. However, such a casual approach is ill advised. Respect for law enforcement grows only through nurturing and sustaining these relationships.

Strong community-based partnerships can lead to greater trust between police and the public they serve. In turn, this trust should evolve and encourage a greater willingness for community members to assist in crime-reduction efforts.

Additionally, public celebrations like parades, notable civic or historic events, and community festivals are ideal places to both recognize the commitment and dedication of law enforcement personnel and encourage community members to show their support. Annual events such as National Night Out (a celebration of police–community partnerships) and National Police Week (the week when the nation commemorates the sacrifice of America's fallen law enforcement officers) have also contributed to a positive image.[40]

Furthermore, with the omnipresence of social media and the 24/7 news cycle, the public demands information almost immediately. The narrative is set within the first few hours of an event occurring or even sooner; if this narrative is negative, it is often difficult to overcome. Law enforcement professionals should promptly share the facts of an incident, to the extent possible.

For years, police agencies have relied primarily on broadcast media to ensure communities receive public safety messages and alerts; however, that is no longer the sole method to accomplish those tasks. Multiple online tools, including social media platforms and blogs, enable community members to learn more about the reality of policing and the lives of law enforcement officers in near-real time.[41]

7.3.1 Law enforcement agencies should prioritize community outreach and developing and maintaining strong, positive relationships with various segments of the community, while providing knowledge of and appreciation for the daily responsibilities of law enforcement.

Implementing strategies to accomplish stronger police–community relations can be daunting. Agencies looking to make these positive changes should look to other successful programs that already exist, such as citizen and youth police academies, clergy–police partnerships, youth mentoring, and business community partnerships.

While strong relationships between law enforcement executives and community stakeholders are essential, those relationships should not only exist at the senior leadership level. Many others throughout the organization, particularly line-level personnel, can benefit from those relationships. Law enforcement agencies should ensure that their relationships with the clergy, community groups, businesses, other groups, and the public are not limited to executive leadership. These relationships should filter throughout the law

[39] Bureau of Justice Assistance, , 7–8.
[40] "National Night Out," National Night Out, May 7, 2020, https://natw.org/; and "National Police Week," National Law Enforcement Memorial Fund, accessed July 9, 2020, https://nleomf.org/programs-events/national-police-week.
[41] Gary Cordner and Elizabeth Beall Perkins, (Washington, DC: Office of Community Oriented Policing Services, 2013), https://cops.usdoj.gov/RIC/Publications/cops-w0706-pub.pdf.

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enforcement organization and be built from the bottom up, and officers should be the linchpins for establishing those relationships.

7.3.2 Train new prosecutors on the work of law enforcement officers.

[CROSS REFERENCE CRIMINAL JUSTICE PARTNERS]

Training for new prosecutors should include highlighting the importance of the prosecutor's role of working alongside law enforcement officers to secure justice within a community. This training can include ride-alongs or periodic roundtables with law enforcement agencies to help a new prosecutor understand the perspective of law enforcement officers. Such training would improve prosecutors' understanding of the effort and resources that officers put into each arrest and the risks that officers encounter in the line of duty.

Training prosecutors this way would make their work more efficient and boost the morale of both prosecutors and law enforcement officers. This training will also improve prosecutors' respect for law enforcement officers and officers' relationship with the prosecuting agency.

7.3.3 Law enforcement agencies should develop and maintain a strong social media presence and a comprehensive public outreach plan to consistently deliver accurate and timely messaging to the public.

When local law enforcement agencies lack a social media presence, it allows a counter-narrative to develop and direct perceptions and attitudes. Law enforcement agencies should use social media to build a narrative that reinforces the work accomplished by the people in law enforcement, including stories that highlight the bravery, compassion, and dedication of their officers and show the people behind the badge. This should include dedicated personnel to regularly share positive stories via social media, print and broadcast media, community websites, and other digital avenues. Agencies with limited resources or experience should look for partnership opportunities to share in these effort, such as other police departments and sheriff's offices, national police organizations, and local or national labor organizations. Government executives should also convey a positive message about law enforcement officers who protect their communities.

Police leadership should look through a public lens to consider how well the public understands their agency's mission and priorities, and leadership should ensure that the agency's core values reflect the community's priorities.

7.3.4 Law enforcement agencies should ensure that their social media technology and strategies are current and constantly updated to ensure responsiveness to their community.

People have become accustomed to prompt and efficient responses when communicating electronically, and law enforcement agencies are not exempt. Agencies have a variety of opportunities to engage using various social media platforms. In many ways, social media platforms have become the primary method in which law enforcement interacts with their communities. Social media can be used to quickly and directly disseminate information to the public. As cell phones take the place of home computers, police agencies should tailor social media messaging to mobile platforms. Additionally, agencies should maintain a traditional website to ensure optimum accessibility, outreach, and engagement opportunities.

Moreover, law enforcement agencies should create and maintain guidelines or policies regarding the use of personal media accounts. While employees of a law enforcement agency should be able to express themselves on social media, they should be aware of how their posts may affect the image of their agency and the department's ability to effectively maintain the trust of the community it serves

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H.R. 133

DIVISION-BY-DIVISION SUMMARY OF COVID-19 RELIEF PROVISIONS

In addition to the text of the Fiscal Year 2021 appropriations bills and authorizing matters, the spending package includes emergency coronavirus relief.

Division M – Coronavirus Response and Relief Supplemental Appropriations Act, 2021

Prepared by the Democratic Staff of the House Committee on Appropriations

Agriculture-Rural Development-FDA

Food and Drug Administration – $55 million for continued work on FDA efforts to facilitate the development and review, both pre-market and post-market, of medical countermeasures, devices, therapies, and vaccines to combat the coronavirus. In addition, funds will support medical product supply chain monitoring and other public health research and response investments.

Labor-Health and Human Services-Education

Department of Health and Human Services – $73 billion to support public health; research, development, manufacturing, procurement, and distribution of vaccines and therapeutics; diagnostic testing and contact tracing; mental health and substance abuse prevention and treatment services; child care support; and other activities related to coronavirus, including:

Centers for Disease Control and Prevention – $8.75 billion to support federal, state, local, territorial and tribal public health agencies to distribute, administer, monitor, and track coronavirus vaccination to ensure broad-based distribution, access, and vaccine coverage, including:

- $4.5 billion for State, local, Territorial, and Tribal Public Health Departments; and
- $300 million for a targeted effort to distribute and administer vaccines to high-risk and underserved populations, including racial and ethnic minority populations and rural communities.

Assistant Secretary for Preparedness and Response – $22.945 billion to respond to coronavirus, including:

- $19.695 billion for the Biomedical Advanced Research and Development Authority (BARDA) for manufacturing and procurement of vaccines and therapeutics, as well as ancillary supplies necessary for the administration of vaccines and therapeutics; and
- $3.25 billion for the Strategic National Stockpile.

Public Health and Social Services Emergency Fund – $25.4 billion to support testing and contact tracing to effectively monitor and suppress COVID-19, as well as to reimburse for health care related expenses or lost revenue attributable to the coronavirus, including:

- $22.4 billion for testing, contact tracing, and other activities necessary to effectively monitor and suppress COVID-19, including $2.5 billion for a targeted effort to improve testing capabilities and contact tracing in high-risk and underserved populations, including racial and ethnic minority populations and rural communities; and

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- $3 billion in additional grants for hospital and health care providers to be reimbursed for health care related expenses or lost revenue directly attributable to the public health emergency resulting from coronavirus, along with direction to allocate not less than 85 percent of unobligated funds in the Provider Relief Fund through an application-based portal to reimburse health care providers for financial losses incurred in 2020.

National Institutes of Health – $1.25 billion to support research and clinical trials related to the long-term effects of COVID-19, as well as continued support for Rapid Acceleration of Diagnostics for COVID-19.

Substance Abuse and Mental Health Services Administration – $4.25 billion to provide increased mental health and substance abuse services and support, including:
- $1.65 billion for the Substance Abuse and Prevention Treatment Block Grant;
- $1.65 billion for the Mental Health Services Block Grant;
- $600 million for Certified Community Behavioral Health Clinics;
- $50 million for suicide prevention programs;
- $50 million for Project AWARE to support school-based mental health for children;
- $240 million for emergency grants to States; and
- $10 million for the National Child Traumatic Stress Network;
- Not less than $125 million of funds provided to SAMHSA must be allocated to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes across a variety of programs.

Administration for Children and Families – $10.25 billion to support early childhood programs and child care providers through:
- • $10 billion for Child Care and Development Block Grants to provide immediate assistance to child care providers; and
- • $250 million for Head Start.

Administration for Community Living – $100 million to address abuse, neglect, and exploitation of the elderly, including adult protective service and long-term care ombudsman activities.

Department of Education

- **$82 billion Education Stabilization Fund**: Flexible funding to support the educational needs of States, school districts, and institutions of higher education and the students they serve in response to coronavirus.

- $819 million for **outlying areas and Bureau of Indian Education-operated and funded schools and Tribal Colleges and Universities**

- **$54.3 billion for the Elementary and Secondary School Emergency Relief Fund**
    - Formula funding to States and school districts to help schools respond to coronavirus, including new allowable uses of funds for:
        - school facilities repairs and improvements, including heating, ventilation, and air conditioning systems projects to improve indoor air quality in school facilities, and
        - addressing learning loss among students, including low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care.

- **$4.1 billion for the Governor's Emergency Education Relief Fund, including:**
    - $2.75 billion for Emergency Assistance to Non-Public Schools grants

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- Language prohibiting States from using any funds to support vouchers or tax credit scholarship programs

- **$22.7 billion for the Higher Education Emergency Relief Fund**
  - $20.2 billion for public and private, non-profit institutions of higher education, including those that serve students enrolled exclusively in distance education, to be distributed by a formula taking into account head count and full-time equivalent enrollment
  - $1.7 billion for Historically Black Colleges and Universities, Tribal Colleges and Universities, Hispanic Serving Institutions, and certain other institutions.
  - $113 million for institutions of higher education with unmet need
  - Cap on funding for proprietary institutions and restrictions on use of funds.

- **$11 million for National Technical Institute for the Deaf** in direct support for this university, created by the National Technical Institute for the Deaf Act, including support for students.

- **$20 million for Howard University** in direct support for this federally-chartered HBCU, including support for students.

- **$11 million for Gallaudet University** in direct support for this federally-chartered university, including support for students.

- **$28 million for the Institute of Education Sciences** to cover the coronavirus related costs of implementing National Assessment of Educational Progress (NAEP) assessments.

- **$50 million total for Student Aid Administration, Program Administration, and the Office of the Inspector General.**

Homeland Security

Federal Emergency Management Agency – Provides up to $2 billion in assistance through states for families with funeral expenses due to COVID through December 31, 2020. It requires FEMA to provide this assistance, which this Administration has previously declined to do, and waives an otherwise required 25% state match.

Transportation-Housing and Urban Development

FAA, Grants-in-Aid for Airports – $2 billion in grants for the operations and personnel cost of airports, including economic relief for retailers at the airport (i.e., concessionaires), and for assistance to communities with small airports.

Highways – $10 billion to support State Departments of Transportation and certain local transportation agencies. Funds are available to replace amounts lost as a result of the coronavirus for preventive maintenance, routine maintenance, operations, and personnel costs and may also support tolling agencies and ferry systems.

Amtrak – $1 billion to support Amtrak's ability to operate Northeast Corridor, State-supported, and long-distance passenger rail service, including $284.7 million to assist States and commuter rail providers in making required payments to Amtrak. Supports Amtrak workers by preventing further employee furloughs, requiring Amtrak to recall workers as passenger rail service is restored, barring Amtrak from replacing any furloughed workers with contractors, and preventing further reductions in long-distance rail service.

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Transit Emergency Relief – $14 billion for operating assistance. In combination with amounts provided in the CARES Act, this funding will ensure both urban and rural transit agencies receive amounts based on their operating expenses. The bill also provides $50 million and spending flexibility for paratransit providers.

Division N – Additional Coronavirus Response and Relief

Title I – Healthcare

Prepared by the Democratic Staff of the House Committee Energy and Commerce

Sec. 101. Supporting Physicians and Other Professionals In Adjusting to Medicare Payment Changes During 2021.

Provides for a one-time, one-year increase in the Medicare physician fee schedule of 3.75 percent, in order to support physicians and other professionals in adjusting to changes in the Medicare physician fee schedule during 2021, and to provide relief during the COVID-19 public health emergency.

Sec. 102. Extension of Temporary Suspension of Medicare Sequestration.

Provides for a three-month delay of the Medicare sequester payment reductions through March 31, 2021.

Title II – Assistance to Individuals, Families, and Businesses

Prepared by the Democratic Staff of the House Committee on Ways & Means

Subtitle A – Unemployment Insurance

Chapter 1 – Continued Assistance to Unemployed Workers

Section 200. This section provides the short title.

Subchapter I – Extension of CARES Act Unemployment Provisions

Section 201. Extension and Benefit Phaseout Rule for Pandemic Unemployment Assistance.

- Extends Pandemic Unemployment Assistance (PUA) to March 14, 2021 and allows individuals receiving benefits as of March 14, 2021 to continue through April 5, 2021, as long as the individual has not reached the maximum number of weeks.
- Increases the number of weeks of benefits an individual may claim from 39 to 50.
- Provides for appeals to be at the state level.
- Provides states authority to waive overpayments made without fault on the part of the individual or when such repayment would violate equity and good conscience.
- Provides a transition rule for certain individuals transitioning between PUA and the Pandemic Emergency Unemployment Compensation program.
- Limits payment of retroactive PUA benefits to weeks of unemployment after December 1, 2020.

Section 202. Extension of Emergency Unemployment Relief for Governmental Entities and Nonprofit Organizations.

Extends through March 14, 2021 a provision in the CARES Act which amended the Families First Coronavirus Response Act to provide federal support to cover 50% of the costs of unemployment benefits for employees of state and local governments and non-profit organizations.

Section 203. Extension of Federal Pandemic Unemployment Compensation.

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Restores the Federal Pandemic Unemployment Compensation (FPUC) supplement to all state and federal unemployment benefits at $300 per week, starting after December 26 and ending March 14, 2021.

Section 204. Extension of Federal Funding of the First Week of Compensable Regular Unemployment for States with No Waiting Week.
Extends through March 14, 2021 the CARES Act provision which reimbursed states for the cost of waiving the "waiting week" for regular unemployment compensation. Sets the reimbursement percentage for weeks ending after December 26, 2020 at 50 percent.

Section 205. Extension of Emergency State Staffing Flexibility.
Extends through March 14, 2021 the CARES Act provision which gave state unemployment offices temporary, emergency authority to use "non-merit" staff.

Section 206. Extension and Benefit Phaseout Rule for Pandemic Emergency Unemployment Compensation.

- Extends Pandemic Emergency Unemployment Compensation (PEUC) to March 14, 2021 and allows individuals receiving benefits as of March 14, 2021 to continue through April 5, 2021, as long as the individual has not reached the maximum number of weeks.
- Increases the number of weeks of benefits an individual may claim through the PEUC program from 13 to 24.
- Provides rules for states about sequencing these benefits with other unemployment benefits.

Section 207. Extension of Temporary Financing of Short-Time Compensation Payments in States with Programs in Law.
Extends through March 14, 2021 the CARES Act provision which provided temporary 100 percent federal financing for Short-Time Compensation ("worksharing") programs which are established in state law.

Section 208. Extension of Temporary Financing of Short-Time Compensation Agreements for States Without Programs in Law.
Extends through March 14, 2021 the CARES Act provision which provided a 50 percent subsidy to non-statutory, temporary state Short-Time Compensation programs.

Section 209. Technical Amendment to References to Regulation in CARES Act.
Provides a technical amendment to correct a reference error in the CARES Act.

Subchapter II – Extension of FFCRA Unemployment Provisions

Section 221. Extension of Temporary Assistance for States with Advances.
Extends through March 14, 2021 accumulation of interest on federal loans states have taken in order to pay state unemployment benefits. The loans allow states with low balances in their unemployment trust funds to delay employer tax increases or other employer surcharges while the economy is struggling.

Section 222. Extension of Full Federal Funding of Extended Unemployment Compensation.
Extends through March 14, 2021 the provision in the Families First Coronavirus Response Act which provided temporary full federal financing of Extended Benefits (EB) for high-unemployment states. States are normally required to pay 50 percent of the cost of EB, which is a program in permanent law.

Subchapter III – Continued Assistance to Rail Workers

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Section 231. Short Title.
This section provides the short title.

Section 232. Additional Enhanced Benefits Under the Railroad Unemployment Insurance Act.
This section restores the federal supplemental benefit for unemployed railroad workers at $600/registration period for registration periods beginning after December 26, 2020 and on or before March 14, 2021.

Section 233. Extended Unemployment Benefits Under the Railroad Unemployment Insurance Act.
Provides up to 11 additional weeks of unemployment benefits under the Railroad Unemployment Insurance Act (RUIA) for qualifying railroad workers. This provision also extends the availability of the 13 weeks of additional unemployment benefits provided under the CARES Act. These weeks are not available to those whose extended benefit period begins after March 14, 2021, and they turn off for everyone for any registration period beginning after April 5, 2021.

Section 234. Extension of Waiver of the 7-Day Waiting Period for Benefits Under the Railroad Unemployment Insurance Act.
This section extends the waiver of the 7-day waiting period for benefits provided under the RUIA through March 14, 2021.

Section 235. Treatment of Payments From the Railroad Unemployment Insurance Account
This section temporarily prevents sequestration of the benefits available under the RUIA during the period that is 7 days after the date of enactment of this section and 30 days after the date on which the President's declaration under the National Emergencies Act related to the coronavirus is terminated.

Subchapter IV – Improvements to Pandemic Unemployment Assistance to Strengthen Program Integrity

Section 241. Requirement to Substantiate Employment or Self-Employment and Wages Earned or Paid to Confirm Eligibility for Pandemic Unemployment Assistance.

- Effective January 31, 2021, requires new applicants for Pandemic Unemployment Assistance (PUA) to submit documentation to substantiate employment or self-employment within 21 days and provides for such deadline to be extended when an individual has shown good cause.
- Requires individuals receiving PUA as of January 31, 2021 to submit documentation to substantiate employment or self-employment within 90 days.

Section 242. Requirement for States to Verify Identity of Applicants for Pandemic Unemployment Assistance.

- Requires states to have procedures in place to verify or validate the identity of PUA applicants, and for timely payment of benefits.
- Clarifies that expenses to implement such procedures qualify as an administrative cost and may be reimbursed as part of PUA operation.

Subchapter V – Return to Work Reporting Requirement

Section 251. Return to Work Reporting for CARES Act Agreements. Effective 30 days after enactment, requires states to have methods in place to address situations when claimants of unemployment compensation refuse to return to work or refuse to accept an offer of suitable work without good cause including:

- A reporting method for employers to notify the state when an individual refuses employment.

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- A plain language notice to claimants about state return to work laws, rights to refuse to return to work or to refuse suitable work and information on contesting a denial of a claim, as well as what constitutes suitable work, including a claimant's right to refuse work that poses a risk to the claimant's health and safety.

Subchapter VI – Other Related Provisions and Technical Corrections

Section 261. Mixed Earner Unemployment Compensation.
Provides a federally funded $100 per week additional benefit to individuals who have at least $5,000 a year in self-employment income but are disqualified from receiving Pandemic Unemployment Assistance because they are eligible for regular state unemployment benefits. This mixed-earner supplemental benefit would be added to the FPUC and would terminate along with it on March 14, 2021. This provision would be effective for future unemployment benefit payments after a state chose to make an agreement with the Department of Labor.

Section 262. Lost Wages Assistance Recoupment Fairness.
Allows states to waive recovery of "Lost Wages Assistance" overpayments for which the recipient was not at fault and would suffer hardship if required to repay the benefits the same way they do in state unemployment benefits.

Section 263. Continuing Eligibility for Certain Recipients of Pandemic Unemployment Assistance.
Ensures individuals who are otherwise eligible for Pandemic Unemployment Assistance do not have their benefits terminated because of inadvertent or state system failure errors in past required weekly benefit recertifications, so long as the state made good faith efforts to implement the program.

Section 264. Technical Correction for Nonprofit Organizations Classified as Federal Instrumentalities.
This section makes a technical correction to allow certain federal instrumentalities that are reimbursable employers to receive the same federal subsidy for reimbursable employers that is provided to nonprofit organizations and government entities (see Sec. 1102).

Section 265. Technical Correction for the Commonwealth of Northern Mariana Islands.
Allows Pandemic Unemployment Assistance benefits to be provided to workers in the Commonwealth of the Northern Mariana Islands with "Commonwealth Only Transitional Worker," or CW-1 status.

Section 266. Waiver to Preserve Access to Extended Benefits in High Unemployment States.
Provides a temporary waiver of the mandatory "EB freeze period" for states that trigger back onto the program because of fluctuations in their unemployment rates, beginning November 1, 2020 and ending December 31, 2021.

Subtitle B – COVID-Related Tax Relief

Chapter 1 – Continued Assistance to Unemployed Workers

Secs. 271. Short title. Table of contents.

Secs. 272-273. Additional 2020 recovery rebates for individuals.
The provision provides a refundable tax credit in the amount of $600 per eligible family member. The credit is $600 per taxpayer ($1,200 for married filing jointly), in addition to $600 per qualifying child. The credit phases

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out starting at $75,000 of modified adjusted gross income ($112,500 for heads of household and $150,000 for married filing jointly) at a rate of $5 per $100 of additional income.

The provision also provides for Treasury to issue advance payments based on the information on 2019 tax returns. Eligible taxpayers treated as providing returns through the nonfiler portal in the first round of Economic Impact Payments, provided under the CARES Act, will also receive payments. Treasury may issue advance payments for Social Security Old-Age, Survivors, and Disability Insurance beneficiaries, Supplemental Security Income recipients, Railroad Retirement Board beneficiaries, and Veterans Administration beneficiaries who did not file 2019 returns based on information provided by the Social Security Administration, the Railroad Retirement Board, and the Veterans Administration.

In general, taxpayers without an eligible social security number are not eligible for the payment. However, married taxpayers filing jointly where one spouse has a Social Security Number and one spouse does not are eligible for a payment of $600, in addition to $600 per child with a Social Security Number.

The provision aligns the eligibility criteria for the new round of Economic Impact Payments and the credit for the Economic Impact Payments provided by the CARES Act. Taxpayers receiving an advance payment that exceeds the amount of their eligible credit will not be required to repay any amount of the payment. If the amount of the credit determined on the taxpayer's 2020 tax return exceeds the amount of the advance payment, taxpayers will receive the difference as a refundable tax credit.

Advance payments are generally not subject to administrative offset for past due federal or state debts. In addition, the payments are protected from bank garnishment or levy by private creditors or debt collectors.

Additionally, the provision instructs Treasury to make payments to the territories that relate to each territory's cost of providing the credits.

Sec. 274. Extension of certain deferred payroll taxes. On August 8, 2020, the President of the United States issued a memorandum to allow employers to defer withholding employees' share of social security taxes or the railroad retirement tax equivalent from September 1, 2020 through December 31, 2020, and required employers to increase withholding and pay the deferred amounts ratably from wages and compensation paid between January 1, 2021 and April 31, 2021. Beginning on May 1, 2021, penalties and interest on deferred unpaid tax liability will begin to accrue.

The provision extends the repayment period through December 31, 2021. Penalties and interest on deferred unpaid tax liability will not begin to accrue until January 1, 2022.

Sec. 275. Regulations or guidance clarifying application of educator expense tax deduction.
The provision requires the Secretary of the Treasury to issue guidance or regulations providing that personal protective equipment and other supplies used for the prevention of the spread of COVID-19 are treated as eligible expenses for purposes of the educator expense deduction. Such regulations or guidance shall be retroactive to March 12, 2020.

Sec. 276. Clarification of tax treatment of Paycheck Protection Program loans.
The provision clarifies that gross income does not include any amount that would otherwise arise from the forgiveness of a Paycheck Protection Program (PPP) loan. This provision also clarifies that deductions are allowed for otherwise deductible expenses paid with the proceeds of a PPP loan that is forgiven, and that the tax basis and other attributes of the borrower's assets will not be reduced as a result of the loan forgiveness. The

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provision is effective as of the date of enactment of the CARES Act. The provision provides similar treatment for Second Draw PPP loans, effective for tax years ending after the date of enactment of the provision.

Sec. 277. Emergency financial aid grants.
The provision provides that certain emergency financial aid grants under the CARES Act are excluded from the gross income of college and university students. The provision also holds students harmless for purposes of determining eligibility for the American Opportunity and Lifetime Learning tax credits. The provision is effective as of the date of enactment of the CARES Act.

Sec. 278. Clarification of tax treatment of certain loan forgiveness and other business financial assistance under the coronavirus relief legislation.
The provision clarifies that gross income does not include forgiveness of certain loans, emergency EIDL grants, and certain loan repayment assistance, each as provided by the CARES Act. The provision also clarifies that deductions are allowed for otherwise deductible expenses paid with the amounts not included in income by this section, and that tax basis and other attributes will not be reduced as a result of those amounts being excluded from gross income. The provision is effective for tax years ending after date of enactment of the CARES Act. The provision provides similar treatment for Targeted EIDL advances and Grants for Shuttered Venue Operators, effective for tax years ending after the date of enactment of the provision.

Sec. 279. Authority to waive certain information reporting requirements.
The provision gives Treasury authority to waive information filing requirements for any amount excluded from income by reason of the exclusion of covered loan amount forgiveness from taxable income, the exclusion of emergency financial aid grants from taxable income or the exclusion of certain loan forgiveness and other business financial assistance under the CARES act from income.

Sec. 280. Application of special rules to money purchase pension plans.
The CARES Act temporarily allows individuals to make penalty-free withdrawals from certain retirement plans for coronavirus-related expenses, permits taxpayers to pay the associated tax over three years, allows taxpayers to recontribute withdrawn funds, and increases the allowed limits on retirement plan loans. This section clarifies that money purchase pension plans are included in the retirement plans qualifying for these temporary rules. The provision applies retroactively as if included in Section 2202 of the CARES Act.

Sec. 281. Election to waive application of certain modifications to farming losses.
This section allows farmers who elected a two-year net operating loss carryback prior to the CARES Act to elect to retain that two-year carryback rather than claim the five-year carryback provided in the CARES Act. This section also allows farmers who previously waived an election to carry back a net operating loss to revoke the waiver. These clarifications eliminate unnecessary compliance burdens for farmers. The provision applies retroactively as if included in Section 2303 of the CARES Act.

Sec. 282. Oversight and audit reporting.
The CARES Act authorizes the Comptroller General to conduct monitoring and oversight of federal response efforts related to the Coronavirus 2019 pandemic and its general effects. The Comptroller General is required to provide briefings and reports to “appropriate congressional committees.” The CARES Act omitted the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives in its list of “appropriate congressional committees.” This section includes those two committees in the appropriate-committee list, as the Comptroller General’s monitoring and oversight is expected to cover matters in the committees’ jurisdiction and may involve accessing federal tax data.

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Sec. 283. Disclosures to identify tax receivables not eligible for collection pursuant to qualified tax collection contracts.
Section 1205 of the Taxpayer First Act (P.L. 116-25) excludes supplemental social security (SSI) and social security disability insurance (SSDI) beneficiaries from the IRS private debt collection program beginning on January 1, 2021. The IRS and SSA need statutory authority to share information to determine which taxpayers are SSI or SSDI beneficiaries and eligible for exclusion from the IRS program. The provision provides the authority needed to share such information and make the Taxpayer First Act provision work as intended.

Sec. 284. Modification of certain protections for taxpayer return information.
The provision modifies a provision in the CARES Act. The CARES Act modified Section 3 of the FUTURE Act (P.L. 116-91), which amended section 6103 of the Code to allow the IRS to share tax return information of student aid applicants, their parents, students, and borrowers with the Department of Education and further allowed that tax return information be redisclosed to colleges and universities (and certain scholarship organizations) with the taxpayer confidentiality protections afforded under section 6103 of the Code. Section 3516 of the CARES Act repealed the 6103 changes in the FUTURE Act and stripped all the taxpayer confidentiality protections applicable to the tax return information shared by IRS with the Department of Education (and the subsequent redisclosure to colleges, universities, and scholarship funds). The provision unwinds and fixes the changes made by the CARES Act and restores taxpayer confidentiality protections to the tax return information shared by IRS while allowing certain uses as requested by the committees with education jurisdiction.

Sec. 285. Election to Terminate Transfer Period for Qualified Transfers from Pension Plan for Covering Future Retiree Costs.
Section 420 of the Internal Revenue Code permits “qualified future transfers,” under which up to 10 years of retiree health and life costs may be transferred from a company’s pension plan to a retiree health benefits account and/or a retiree life insurance account within the pension plan. Such transfers must meet a number of requirements: the plan must be 120 percent funded at the outset, it must be 120 percent funded throughout the transfer period, all unused amounts must be transferred back, and the plan is subject to a maintenance of effort requirement. Applying the current-law requirements during the market volatility related to the coronavirus pandemic has caused plans that have been historically far over 120 percent funded to fall below 120 percent and face a requirement to immediately restore these large market losses in order to get back to 120 percent funded. This provision would allow employers to make a one-time election during 2020 and 2021 to end any existing transfer period for any taxable year beginning after the date of election, provided the maintenance of effort continues to apply as if the transfer period were not shortened, the employer ensures the plan stays at least 100 percent funded throughout the original transfer period, the plan has funding targets for the first five years after the original transfer period, and all amounts left in the retiree benefits account at the end of the shortened transfer period must be returned to the pension plan (without application of an excise tax to such amounts).

Sec. 286. Extension of credits for paid sick and family leave.
The provision extends the refundable payroll tax credits for paid sick and family leave, enacted in the Families First Coronavirus Response Act, through the end of March 2021. It also modifies the tax credits so that they apply as if the corresponding employer mandates were extended through the end of March 2021. This provision is effective as if included in FFCRA.

Sec. 287. Election to use prior year net earnings from self-employment in determining average daily and self-employment income for purposes of credits for paid sick and family leave.
Allows individuals to elect to use their average daily self-employment income from 2019 rather than 2020 to compute the credit. This provision is effective as if included in FFCRA.

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Sec. 288. Certain technical improvements to credits for paid sick and family leave.
Makes technical changes coordinating the definitions of qualified wages within the paid sick leave, paid family and medical leave, and the exclusion of such leave from employer OASDI tax. This provision is effective as if included in FFCRA.

Title III - Continuing the Paycheck Protection Program and Other Small Business Support
Prepared by the House Committee on Small Business

Title I: Continuing the Paycheck Protection Program and Other Small Business Support

Section 301; 302: Short Title; Definitions.

Section 303: Emergency Rulemaking Authority.
- Requires the SBA Administrator to establish regulations to carry out this title no later than 10 days after enactment of this title.

Section 304: Additional Eligible Expenses.
- Makes the following expenses allowable and forgivable uses for Paycheck Protection Program funds:
  - Covered operations expenditures. Payment for any software, cloud computing, and other human resources and accounting needs.
  - Covered property damage costs. Costs related to property damage due to public disturbances that occurred during 2020 that are not covered by insurance.
  - Covered supplier costs. Expenditures to a supplier pursuant to a contract, purchase order, or order for goods in effect prior to taking out the loan that are essential to the recipient's operations at the time at which the expenditure was made. Supplier costs of perishable goods can be made before or during the life of the loan.
  - Covered worker protection expenditure. Personal protective equipment and adaptive investments to help a loan recipient comply with federal health and safety guidelines or any equivalent State and local guidance related to COVID-19 during the period between March 1, 2020, and the end of the national emergency declaration.
- Redesignates Section 1106 of the CARES Act and other subsequent conforming amendments as section 7A. This would transfer section 104 of this title to the end of section 7 of the Small Business Act (15 U.S.C. 631 et seq.). Relevant sections to follow contain this technical redesignation.
- Allows loans made under PPP before, on, or after the enactment of this act to be eligible to utilize the expanded forgivable expenses except for borrowers who have already had their loans forgiven.

Section 05: Hold Harmless.
- Provides that a lender may rely on any certification or documentation submitted by a borrower for an initial or second draw PPP loan and that no enforcement action may be taken against the lender and the lender shall not be subject to any penalties relating to loan origination or forgiveness if (1) the lender acts in good faith relating to loan origination or forgiveness; and (2) all relevant federal, state, local and other statutory and regulatory requirements are satisfied.

Section 306: Selection of Covered Period for Forgiveness.
- Allows the borrower to elect a covered period ending at the point of the borrower's choosing between 8 and 24 weeks after origination.

Section 307: Simplified Application.
- Creates a simplified application process for loans under $150,000 such that:

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- A borrower shall receive forgiveness if a borrower signs and submits to the lender a certification that is not more than one page in length, includes a description of the number of employees the borrower was able to retain because of the covered loan, the estimated total amount of the loan spent on payroll costs, and the total loan amount. The borrower must also attest that borrower accurately provided the required certification and complied with Paycheck Protection Program loan requirements. SBA must establish this form within 24 days of enactment and may not require additional materials unless necessary to substantiate revenue loss requirements or satisfy relevant statutory or regulatory requirements. Additionally, borrowers are required to retain relevant records related to employment for four years and other records for three years. The Administrator may review and audit these loans to ensure against fraud.
- At the discretion of the borrower, the borrowers may complete and submit demographic information for all PPP loans.
- The SBA must submit to the Senate and House Small Business Committees a report 45 days after enactment detailing their review and forgiveness audit plan to mitigate risk of fraud and provide monthly reviews and audit updates thereafter.
- Applies to loans made before, on, or after the date of enactment, including the forgiveness of the loan.

Section 308: Specific Group Insurance Payments as Payroll Costs.

- Clarifies that other employer-provided group insurance benefits are included in payroll costs. This includes, group life, disability, vision, or dental insurance.
- Applies to loans made before, on, or after the date of enactment, including the forgiveness of the loan.

Section 309: Demographic Information.

- Requires the SBA to include a voluntary demographic information section on the loan origination application for initial PPP loans and second draw PPP loans. All PPP loan applications after enactment must include this section.

Section 310: Clarification of and Additional Limitations on Eligibility.

- Clarifies that a business or organization that was not in operation on February 15, 2020 shall not be eligible for an initial PPP loan and a second draw PPP loan.
- Prohibits eligible entities that receive a grant under the Shuttered Venue Operator Grants from obtaining a PPP loan.

Section 311: Paycheck Protection Program Second Draw Loans.

- Creates a second loan from the Paycheck Protection Program, called a "PPP second draw" loan for smaller and harder-hit businesses, with a maximum amount of $2 million.
- Eligibility. In order to receive a Paycheck Protection Program loan under this section, eligible entities must:
  - Employ not more than 300 employees;
  - Have used or will use the full amount of their first PPP; and
  - Demonstrate at least a 25 percent reduction in gross receipts in the first, second, or third quarter of 2020 relative to the same 2019 quarter. Provides applicable timelines for businesses that were not in operation in Q1, Q2, and Q3, and Q4 of 2019. Applications submitted on or after January 1, 2021 are eligible to utilize the gross receipts from the fourth quarter of 2020.
- Eligible entities must be businesses, certain non-profit organizations, housing cooperatives, veterans' organizations, tribal businesses, self-employed individuals, sole proprietors, independent contractors, and small agricultural co-operatives.
- Ineligible entities include: entities listed in 13 C.F.R. 120.110 and subsequent regulations except for entities from that regulation which have otherwise been made eligible by statute or guidance, and except for nonprofits and religious organizations; entities involved in political and lobbying activities including

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engaging in advocacy in areas such as public policy or political strategy or otherwise describes itself as a think tank in any public document, entities affiliated with entities in the People's Republic of China; registrants under the Foreign Agents Registration Act; and entities that receive a grant under the Shuttered Venue Operator Grant program.

- Loan terms. In general, borrowers may receive a loan amount of up to 2.5X the average monthly payroll costs in the one year prior to the loan or the calendar year. No loan can be greater than $2 million.
    - Seasonal employers may calculate their maximum loan amount based on a 12-week period beginning February 15, 2019 through February 15, 2020.
    - New entities may receive loans of up to 2.5X the sum of average monthly payroll costs.
    - Entities in industries assigned to NAICS code 72 (Accommodation and Food Services) may receive loans of up to 3.5X average monthly payroll costs.
    - Businesses with multiple locations that are eligible entities under the initial PPP requirements may employ not more than 300 employees per physical location.
    - Waiver of affiliation rules that applied during initial PPP loans apply to a second loan.
    - An eligible entity may only receive one PPP second draw loan.
    - Fees are waived for both borrowers and lenders to encourage participation.
    - For loans of not more than $150,000, the entity may submit a certification attesting that the entity meets the revenue loss requirements on or before the date the entity submits their loan forgiveness application and non-profit and veterans organizations may utilize gross receipts to calculate their revenue loss standard.
- Loan forgiveness. Borrowers of a PPP second draw loan would be eligible for loan forgiveness equal to the sum of their payroll costs, as well as covered mortgage, rent, and utility payments, covered operations expenditures, covered property damage costs, covered supplier costs, and covered worker protection expenditures incurred during the covered period. The 60/40 cost allocation between payroll and non-payroll costs in order to receive full forgiveness will continue to apply.
- Lender eligibility. A lender approved to make loans under initial PPP loans may make covered loans under the same terms and conditions as the initial loans.
- Lender compensation. The Administrator is authorized to reimburse a lender by a tiered structure: For loans up to $50,000, the lender processing fee will be the lesser of 50 percent of the principal amount or $2,500. For loans between $50,000 and $350,000, the lender fee will be five percent. For loans $350,000 and above, the lender fee will be three percent.
- Guidance to prioritize underserved communities. Directs the Administrator to issue guidance addressing barriers to access to capital for underserved communities no later than 10 days after enactment.
- Standard Procedures. Directs the SBA to allow lenders to approve loans made under this paragraph utilizing existing program guidance and standard operating procedure, to the maximum extent possible, as the standard SBA 7(a) program.
- Churches and religion organizations. Expresses the sense of Congress that the Administrator's guidance clarifying the eligibility of churches and religious organizations was proper and prohibits the application of regulations otherwise rendering ineligible businesses principally engaged in teaching, instructing, counseling, or indoctrinating religion or religious beliefs. Codifies that the prohibition on eligibility in 13 CRF 120.110(k) shall not apply for initial and second draw loans.
- Application of Exemption Based on Employee. Extends existing safe harbors on restoring FTE and salaries and wages. Specifically, applies the rule of reducing loan forgiveness for the borrower reducing the number of employees retained and reducing employees' salaries in excess of 25 percent. Allows the SBA and Treasury Department to jointly modify any date in section 7A(d) consistent with the purposes of the Paycheck Protection Program.

Section 312: Increased Ability for Paycheck Protection Program Borrowers to Request an Increase in Loan Amount Due to Updated Regulations.

- Requires the Administrator to release guidance to lenders within 17 days of enactment that allows borrowers who returned all or part of their PPP loan to reapply for the maximum amount applicable so

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long that they have not received forgiveness. Additionally, this section allows borrowers whose loan calculations have increased due to changes in interim final rules to work with lenders to modify their loan value regardless of whether the loan has been fully disbursed, or if Form 1502 has already been submitted.

Section 313: Calculation of Maximum Loan Amount for Farmers and Ranchers under the Paycheck Protection Program.

- Establishes a specific loan calculation for the first round of Paycheck Protection Program loans for farmers and ranchers who operate as a sole proprietor, independent contractor, self-employed individual, who report income and expenses on a Schedule F, and were in business as of February 15, 2020. These entities may utilize their gross income in 2019 as reported on a Schedule F. Lenders may recalculate loans that have been previously approved to these entities if they would result in a larger loan.
- Applies to PPP loans before, on, or after the date of enactment, except for loans that have already been forgiven.

Section 314: Farm Credit System Institutions.

- Allows Farm Credit System Institutions to be eligible to make loans under the Paycheck Protection Program. It also allows for a zero risk weight for Paycheck Protection Program loans and aligns eased requirements for Farm Credit System Institutions with those of other Paycheck Protection Program lenders.
- Applies to any loan made before, on or after enactment including the forgiveness of the loan.

Section 315: Definition of a Seasonal Employer.

- Defines a seasonal employer to be an eligible recipient which: (1) operates for no more than seven months in a year, or (2) earned no more than 1/3 of its receipts in any six months in the prior calendar year.
- Applies to any loan made before, on or after enactment including the forgiveness of the loan.

Section 316: Housing Cooperatives.

- Extends PPP eligibility to housing cooperatives defined in section 216(b) of the Internal Revenue Code of 1986 and which employ no more than 300 employees.

Section 317: Eligibility of News Organizations for Loans under the Paycheck Protection Program.

- Makes eligible FCC license holders and newspapers with more than one physical location, as long as the business has no more than 500 employees per physical location or the applicable SBA size standard; and makes eligible section 511 public colleges and universities that have a public broadcasting station if:
    - The organization certifies that the loan will support locally focused or emergency information.
- Waives affiliation rules for newspapers, TV and radio broadcasters, and public broadcasters, as long as the organization has no more than 500 employees per physical location or the applicable SBA size standard.
- Waives the prohibition against publicly-traded news organizations from being eligible if the business certifies that the loan will support locally focused or emergency content.

Section 318: Eligibility of 501(c)(6) and Destination Marketing Organizations for Loan Under the Paycheck Protection Program.

- Expands eligibility to receive a Paycheck Protection Program loan to include the following organizations:
    - 501(c)(6) organizations if:
        - The organization does not receive more than 15 percent of receipts from lobbying;
        - The lobbying activities do not comprise more than 15 percent of activities;

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        - The cost of lobbying activities of the organization did not exceed $1,000,000 during the most recent tax year that ended prior to February 15, 2020 and
        - The organization has 300 or fewer employees.
        - Professional sports leagues or organizations with the purpose of promoting or participating in a political campaign or other political activities are not eligible under this section.
    - Destination Marketing Organizations if:
        - The organization does not receive more than 15 percent of receipts from lobbying;
        - The lobbying activities do not comprise more than 15 percent of activities;
        - The organization has 300 or fewer employees; and
        - That destination marketing organization is registered as a 501(c) organization, a quasi-government entity, or a political subdivision of a state or local government.

Section 319: Prohibition on Use of Loan Proceeds for Lobbying Activities.

- Prohibits any eligible entity from using proceeds of the covered loan for lobbying activities, as defined by the Lobbying Disclosure Act, lobbying expenditures related to state or local campaigns, and expenditures to influence the enactment of legislation, appropriations, or regulations.

Section 320: Bankruptcy Provisions.

- Establishes a special procedure in the bankruptcy process if the Administrator determines certain small business debtors are eligible for Paycheck Protection Program loans. It requires court approval for Paycheck Protection Program loans to these debtors and requires any such loan be given a superpriority claim in the bankruptcy process, providing additional protection to taxpayers and participating banks. The provisions in this section would take effect only upon a written determination by the Administrator that certain small business debtors are eligible for Paycheck Protection Program loans and would sunset two years from the date of enactment.

Section 321: Oversight.

- Requires the SBA to comply with GAO requests no later than 15 days, and requires the SBA to submit a detailed justification to Senate and House Small Business Committees if they are unable to comply with the request. It also would require the Secretary of the Treasury and SBA Administrator to testify within 120 days of enactment of this Act and not less than twice per year for the next two years to the Senate and House Small Business Committees.

Section 322: Conflicts of Interest.

- Requires the President, Vice President, the head of an Executive department, or a Member of Congress as well as their spouse that has received a PPP loan to disclose this status at forgiveness or 30 days thereafter. It would also prohibit the covered individuals from receiving a loan in the future.

Section 323: Commitment Authority and Appropriations.

- Extends the time of the program to March 31, 2021.
- Sets the authorization level for PPP at $806.5 billion.
- Separates regular 7(a) and PPP loans to ensure the continued operation of the 7(a) program by setting an authorization level of $75 billion and clarifies the 7(a) program level and secondary market cap.
- Direct appropriations:
    - $284.45 billion for PPP, including the following set-asides:
        - Lenders:
            - $15 billion for PPP loans (initial and second draw) issued by community financial institutions, including community development financial institutions (CDFIs) and minority depository intuitions (MDIs);

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        - $15 billion for PPP loans (initial and second draw) issued by certain small depository institutions.
    - Borrowers:
        - $35 billion for first-time borrowers, $15 billion of which for smaller, first-time borrowers with 10 or fewer employees, or loans less than $250,000 in low-income areas;
        - $25 billion for second draw PPP loans for smaller borrowers with 10 or fewer employees, or loans less than $250,000 in low-income areas.
    - After 25 days, the SBA Administrator may adjust the set-asides as necessary.
- $25 million for the Minority Business Development Centers program under the Minority Business Development Agency (MBDA);
- $50 million for PPP auditing and fraud mitigation purposes;
- $20 billion for the Targeted EIDL Advance program, of which $20 million for the Inspector General;
- $57 million for the Microloan program as described in section 29;
- $1.9 billion to carry out sections 26, 27, and 28;
- $3.5 billion for the Debt Relief program as described in section 25;
- $15 billion for grants for live venues as described in section 24.

Section 324: Grants for Shuttered Venue Operators.

- Authorizes $15 billion for the SBA to make grants to eligible live venue operators or promoters, theatrical producers, live performing arts organization operators, museum operators, motion picture theatre operators, or talent representatives who demonstrate a 25 percent reduction in revenues.
- There is a set-aside of $2 billion for eligible entities that employ not more than 50 full-time employees, and any amounts from this set-aside remaining after sixty days from the date of implementation of this program shall become available to all eligible applicants under this section.
- The SBA may make an initial grant of up to $10 million dollars to an eligible person or entity and a supplemental grant that is equal to 50 percent of the initial grant.
- In the initial 14-day period of implementation of the program, grants shall only be awarded to eligible entities that have faced 90 percent or greater revenue loss. In the 14-day period following the initial 14-day period, grants shall only be awarded to eligible entities that have faced 70 percent or greater revenue loss. After these two periods, grants shall be awarded to all other eligible entities.
- Such grants shall be used for specified expenses such as payroll costs, rent, utilities, and personal protective equipment.
- Requires the Administrator to conduct increased oversight of eligible persons and entities receiving these grants.
- Requires the SBA to submit a report to the Senate and House Small Business Committees 45 days after enactment detailing their oversight and audit plan for shuttered venue grants and to provide monthly updates on the oversight and audit activities conducted by the Administrator.

Section 325: Extension of the debt relief program.

- Resumes the payment of principal and interest (P&I) on small business loans guaranteed by the SBA under the 7(a), 504 and microloan programs, established under the CARES Act.
- All borrowers with qualifying loans approved by the SBA prior to the CARES Act will receive an additional three months of P&I, starting in February 2021. Going forward, those payments will be capped at $9,000 per borrower per month.
- After the three-month period described above, borrowers considered to be underserved—namely the smallest or hardest-hit by the pandemic—will receive an additional five months of P&I payments, also capped at $9,000 per borrower per month. They include:

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    - Borrowers with SBA microloans or 7(a) Community Advantage loans
    - Borrowers with any 7(a) or 504 loan in the hardest-hit sectors, as measured by the severity of sector-wide job losses since the start of the pandemic. They include food service and accommodation; arts, entertainment and recreation; education; and laundry and personal care services.
- SBA payments of P&I on the first 6 months of newly approved loans will resume for all loans approved between February 1 and September 30, 2021, also capped at $9,000 per month.
- If the SBA projects that appropriations provided for the debt relief program are insufficient to fund the extensions provided, the Administrator may proportionally reduce the number of months provided in each extension.
- Clarifies eligibility and increases program integrity:
    - SBA payments should be made on any loan approved before the applicable deadline, and debt relief payments should be made only once the loan is fully disbursed.
    - SBA may establish a minimum loan maturity period for each loan product covered under this section to prevent program abuse.
    - Any business or applicant may only receive P&I payments for only one loan approved after CARES Act enactment.
- Requires that SBA place program information on its website, conduct outreach to all borrowers, report monthly to Congress on program spending, and educate lenders, borrowers, SBA district offices, and resources partners about the program.

Section 326: Modifications to 7(a) Loan Programs.

- Increases to 90 percent the loan guarantee amount on 7(a) loans, including for Community Advantage loans, until October 1, 2021.
- Increases the Express Loan amount from $350,000 to $1 million on January 1, 2021, and then reverts permanently to a lower amount of $500,000 on October 1, 2021.
- The Express Loan guaranty amount for loans of $350,000 and less is temporarily increased from 50 percent to 75 percent, and for loans above $350,000 the guarantee remains at 50 percent. On October 1, 2021, the guarantee reverts to 50 percent for all Express Loans.

Section 327: Temporary Fee Reductions.

- Waives lender and borrower fees for both the 7(a) and 504 loan programs.

Section 328: Low-Interest Refinancing.

- Enhances the 504 refinancing rules in order to create reciprocity for refinancing between 504 and 7(a) programs.
- Grants authority through September 30, 2023 for SBA to establish a 504 Express Loan Program for the most experienced successful 504 lenders to expedite 504 loans of less than $500,000.

Section 329: Recovery Assistance under the Microloan Program.

- Enhances the microloan program to increase access to micro capital and technical assistance under the program for businesses impacted by the COVID-19 pandemic.
- Temporarily increases the amount of time that borrowers can repay their loans from 6 to 8 years.
- Temporarily increases the outstanding aggregate amount each intermediary may borrow from $6 million to $10 million to expand their capacity to deploy more capital to small businesses.
- Allows intermediaries to access more technical assistance funding if they serve rural areas.
- Maximizes flexibility and reduces red tape for intermediaries by temporarily waiving the limitations for the technical assistance grants and the 50 percent limitation on pre-loan technical assistance.
- Provides $50 million in additional funding for Microloan Technical Assistance funding for lenders and $7 million to leverage about $64 million more in microloans to businesses.

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Section 330: Extension of Participation in 8(a) Program.

- Requires Administrator to allow businesses in the 8(a) program to seek an enrollment extension of 1 year.
- Requires rules to be drafted to carry out this section within 15 days.

Section 331: Targeted EIDL Advance for Small Business Continuity, Adaptation, and Resiliency.

- Provides additional targeted funding for eligible entities located in low-income communities through the EIDL Advance program from Section 1110 of the CARES Act.
- Makes entities in low-income communities that received an EIDL Advance under Section 1110 of the CARES Act eligible to receive an amount equal to the difference of what the entity received under the CARES Act and $10,000.
- Provides $10,000 grants to eligible applicants in low-income communities that did not secure grants because funding had run out.

Section 332: Emergency EIDL Grants.

- Extends covered period for Emergency EIDL grants through December 31, 2021.
- Allows more flexibility for the SBA to verify that Emergency EIDL grant applicants have submitted accurate information.
- Extends time for SBA to approve and disburse Emergency EIDL grants from 3 to 21 days.

Section 333: Repeal of EIDL Advance Deduction.

- Repeals section 1110(e)(6) of the CARES Act, which requires PPP borrowers to deduct the amount of their EIDL advance from their PPP forgiveness amount.
- Establishes the Sense of Congress that EIDL Advance borrowers should be made whole without regard to whether those borrowers are eligible for PPP forgiveness.
- The Administrator shall issue rules that ensure borrowers are made whole if they received forgiveness and their EIDL was deducted from that amount.

Section 334: Flexibility in Deferral of Payments of 7(a) Loans.

- Creates parity between bank-held and secondary market-owned 7(a) loans to seek up to a 1-year deferral.
- Requires SBA to buy back loans if investors refuse to provide the extend deferral unless the SBA determines the extended deferral would cause a positive subsidy for the Secondary Market Guarantee Program.

Section 335: Documentation Required for Certain Eligible Recipients.

- Allows more flexibility for the Administration to accept documentation beyond those enumerated in the CARES Act to determine eligibility for sole proprietors and the self-employed.

Section 336: Election of 12-week Period by Seasonal Employers.

- Expands the seasonal period to any 12-weeks between February 15, 2019 and February 15, 2020.
- Applies to loans before, on, or after the date of enactment, except for loan for which the borrower has already received forgiveness.

Section 337: Inclusion of Certain Refinancing in Nonrecourse Requirements.

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- Ensures applicants cannot be held liable if they didn't understand they had recourse against them at the time they took the PPP and EIDL loans after a refinancing.

Section 338: Application of Certain Terms through Life of Covered Loan.

- Clarifies that (1) fee waivers; (2) personal guarantee waiver; and (3) deferral eligibility continues past the covered period and attaches for the life of the PPP loan.

Section 339: Interest Calculation on Covered Loans.

- Clarifies the interest rate on PPP loans is non-compounding and non-adjustable for all new initial Paycheck Protection Program loans and second draw loans.

Section 340: Reimbursement for Processing.

- Provides for PPP lender reimbursement by SBA for new PPP loans.
- Establishes a tiered reimbursement rate for PPP loans: (1) Loans of less than $50,000 that is equal to the lesser of 50 percent of the loan principal or $2,500; (2) loans of more than $50,000 and not more than $350,000 equal to five percent of the loan principal; (3) loans of more than $350,000 and less than $2,00,000 equal to three percent of the loan principal; and (4) loans of more than $2,000,000 equal to one percent.
- Clarifies lender reimbursement by SBA may be made no later than 5 days post-disbursement.
- Clarifies PPP borrowers who knowingly retained a loan agent may not pay agent fees out of the PPP proceeds. This applies to PPP loan before, on, or after the date of enactment, including during forgiveness of such loan.

Section 341: Duplication Requirements for Economic Injury Disaster Loan Recipients.

- Permits certain EIDL borrowers to also apply for a PPP loan.

Section 342: Prohibition of Eligibility for Publicly Traded Companies.

- Excludes publicly traded companies from PPP eligibility.

Section 343: Covered Period for New PPP Loans.

- Extends the covered period for all PPP loans through March 31, 2021.
- Applies to loans made before, on, or after the date of enactment, including the forgiveness of such loan.

Section 344: Covered Period for Other Purposes.

- Clarifies the applicable period for employee's salaries of $100,000 on an annualized basis as prorated during the period in which compensation is paid or incurred.

Section 345: Extension of Waiver of Matching Funds Requirement under the Women's Business Center (WBC).

- Extends CARES Act waiver of WBC matching funds requirement through June 30, 2021.

Section 346: Clarification of Use of CARES Act Funds for Small Business Development Centers (SBDCs).

- Clarifies that any awards made under this bill are in addition to and separate from any amounts appropriated under section 21 of the Small Business Act, and any award made under this bill may be used to complement and support such grant. CARES Act funds and annually appropriated funds can be used and tracked together as one funding stream.
- Prioritizes SBDCs impacted by this accounting issue.

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Section 347: GAO Report

- Requires the GAO to report to the House and Senate Small Business Committees no later than 120 days on the SBA's use of administrative funds made through supplemental appropriations during FY 2020.

Section 348: Effective Date; Applicability.

- Clarifies the amendments made by this bill shall take effect on the date of enactment and apply to loans and grants made on or after the date of enactment.

Title IV - Transportation

Prepared by the Democratic Staff of the House Committee on Transportation and Infrastructure

Subtitle A – Airline Worker Support Extension

Section 401. Definitions

Section 401 defines catering functions, contractor, employee, recall, returning employee, and Secretary.

Section 402. Pandemic Relief for Aviation Workers

Section 402 provides $15 billion in grants to employees of passenger air carriers, passing to workers through each carrier. Provides $1 billion in grants to employees of contractors.

Section 403. Procedures for Providing Payroll Support

Section 403 directs the Secretary to distribute the funding in amounts proportional to the amounts received under the CARES Act, or—if elected by the air carrier or contractor or in the occurrence that such an entity did not receive funding under the CARES Act—modified proportions based on similar metrics to be pro-rated by the Secretary.

Section 404. Required Assurances

Section 404 mandates that to receive funding, an air carrier or contractor must—

- Recall involuntarily furloughed employees;
- Provide backpay to returning employees;
- Restore the rights and protections for such returning employees as if such employees had not been involuntarily furloughed;
- Refrain from conducting involuntary layoffs or furloughs, or reducing pay rates and benefits, of employees until March 31, 2020;
- Refrain from purchasing an equity security of the entity or the direct or indirect parent company of the applicant that is listed on a national securities exchange until March 31, 2021; and
- Not pay dividends, or make other capital distributions, with respect to the common stock (or equivalent interest) of the entity until March 31, 2021.

Such assurance that have an end date are further extended for contractors until all such financial assistance has been expended, if applicable.

Section 405. Protection of Collective Bargaining Agreements

Section 405 prohibits the Treasury Department and Federal Government from conditioning the financial assistance on the alteration of collective bargaining agreements.

Section 406. Limitation on Certain Employee Compensation

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Section 406 limits the total compensation (including salary, bonus, awards of stock, and other financial benefits) of executives until October 1, 2022.

Section 407. Minimum Air Service Guarantees
Section 407 requires air carriers, to the extent reasonable and practicable, to maintain scheduled air transportation service until March 1, 2022, to ensure service to any point served by that carrier before March 1, 2020, as determined by the Secretary of Transportation.

Section 408. Taxpayer Protection
Section 408 authorizes the Treasury Department to receive warrants, options, preferred stock, debt securities, notes, or other financial instruments as compensation to the Federal Government for the provision of financial assistance.

Section 409. Reports
Section 409 requires the Treasury Department to provide a report to Congress by May 1, 2021, regarding its implementation of the program, including financial assistance provided and any audits performed, and requires the Department to update its website weekly to reflect financial assistance distribution.

Section 410. Coordination
Section 410 requires the Treasury Department to coordinate with the Department of Transportation when implementing the program.

Section 411. Funding
Section 411 appropriates $16 billion to fund the provisions of this [title/section].

Section 412. CARES Act Amendments
Section 412 amends certain CARES Act provisions to remedy unintended consequences of CARES Act requirements that permitted contractors to involuntarily furlough vast numbers of workers and then receive payroll support grants to pay those workers.

Subtitle B – Coronavirus Economic Relief for Transportations Services Act

Sec. 420. Short Title.
Defines the short title as Coronavirus Economic Relief for Transportation Services Act.

Sec. 421. Assistance for Providers of Transportation Services Affected By Covid-19.
Section 421 provides $2 billion in economic assistance to motorcoach and bus operators, school bus companies, U.S. flag passenger vessel operators, like passenger ferries, and other U.S. transportation service providers.

Subtitle C – Motor Carrier Safety Grant Relief Act of 2020

Sec. 440. Short Title.
Defines the short title as Motor Carrier Safety Grant Relief Act of 2020.

Sec. 441. Relief for Recipients of Financial Assistance Awards From The Federal Motor Carrier Safety Administration.
Extends the period of availability for FMCSA's "Motor Carrier Safety Assistance Program (MCSAP)" grant funds awarded in FY19 and FY20 by one year.

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Subtitle D – Extension of Waiver Authority

Sec. 442. Extension of Waiver Authority.
Extends NHTSA's authority to waive or postpone highway safety grant requirements under sections 402, 404, 405, or 412 of title 23, section 4001 of FAST, or 23 CFR part 1300 in FY21.

Title V – Banking

Prepared by the Democratic staff of the House Committee on Financial Services

Subtitle A — Emergency Rental Assistance

Sec. 501. Emergency Rental Assistance.
Section 5201 appropriates $25 billion through Treasury to provide to state and local government entities, including $400 million for U.S. territories and $800 million for Native Americans, Alaska Natives, and Native Hawaiians (with the District of Columbia treated as a state). Funds would be required to be allocated to state and local governments ("grantees") within 30 days of enactment. Eligible households are defined as renter households who: (1) have a household income not more than 80 percent of AMI; (2) have one or more household members who can demonstrate a risk of experiencing homelessness or housing instability; and (3) have one or more household members who qualify for unemployment benefits or experienced financial hardship due, directly or indirectly, to the pandemic. Assistance would be prioritized for renter households whose incomes do not exceed 50 percent of AMI as well as renter households who are currently unemployed and have been unemployed for 90 or more days. Financial assistance provided under this section is non-taxable for households receiving such assistance.

Sec. 502. Eviction Moratorium.
This section extends the CDC eviction moratorium until January 31, 2021.

Subtitle B – Community Development Investment (CDFIs and MDIs)

Sec. 520. Purpose.
This section stipulates the purpose of this subtitle is to establish emergency programs to support access to credit to and investments in low- and moderate-income (LMI) and minority communities disproportionately impacted by the COVID-19 pandemic.

Sec. 521. Considerations; Requirements for Creditors.
This section includes factors that the Secretary of the Treasury must consider in implementing this subtitle, including increasing the availability of affordable credit for consumers, small businesses, and nonprofit organizations that provide direct benefits to LMI communities, low-income and underserved individuals, and minorities. This section also affirms that lenders receiving funds through this subtitle must fully comply with all applicable requirements relating to fair lending.

Sec. 522. Capital Investments for Neighborhoods Disproportionally Impacted by the COVID-19 Pandemic.
This section establishes a $9 billion Emergency Capital Investment Program (ECIP), administered by the Department of the Treasury, to provide low-cost, long-term capital investments to minority depository institutions (MDIs) and community development financial institutions (CDFIs) that are depository institutions. Participants must develop a plan to maintain or expand significant lending or investment activity in LMI minority communities, and the repayment terms on the investment incentivizes enhanced lending to LMI communities. During the initial application period when entities apply in a timely manner, as determined by Treasury, $4 billion will be set aside for eligible institutions with less than $2 billion in total assets, with $2

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billion of that amount reserved for eligible institutions with less than $500 million in total assets. If there are ECIP funds left over in either tranche, Treasury can redeploy those funds to other applicants until all funds have been expended. Additionally, this section provides a narrow exemption from the Equal Credit Opportunity Act (ECOA) for the sole purpose and exclusive use of data collection to ensure compliance with the program's plan to enhance lending to minority communities, while ensuring institutions will be subject to ECOA enforcement actions should they discriminate against borrowers. Treasury's authority to make new capital investments ceases 6 months after the date on which the national emergency concerning the COVID-19 outbreak under the National Emergencies Act terminates.

Sec. 523. Emergency Support for CDFIs and Communities Responding to the COVID-19 Pandemic.
This section provides $3 billion to the CDFI Fund to provide grants and other financial assistance to CDFIs, including CDFI loan funds, as they serve consumers, small businesses, and nonprofits in their communities. Of the total funds, $1.25 billion will be available until September 30, 2021, for the CDFI Fund to award grants and other financial and technical assistance to help CDFIs serve their communities responding to the economic hardships created by the pandemic, including $25 million reserved to benefit Native American, Native Hawaiian, and Alaska Native communities. The remaining $1.75 billion will be available until expended to provide additional grants and other financial and technical assistance to CDFIs, including reserved for "minority lending institutions," a new category of CDFIs that predominantly serve minority communities and are either MDIs or meet other standards for accountability to minority populations as determined by the CDFI Fund. This section also provides a narrow exemption from ECOA for the sole purpose and exclusive use of data collection to ensure CDFIs are adequately serving minority communities, while ensuring institutions will be subject to ECOA enforcement actions should they discriminate against borrowers.

Sec. 524. Inspector General Oversight.
This section stipulates that the Inspector General of the Department of the Treasury will oversee the programs established under this subtitle, and will report to Congress semiannually.

Sec. 525. Study and Report with Respect to Impact of Programs on Low- and Moderate-Income and Minority Communities.
This section requires Treasury to conduct a study 18 months after enactment of impact of the programs established under this subtitle on LMI and minority communities.

Subtitle C — Miscellaneous

Sec. 540. Extensions of Temporary Relief and Emergency Authorities.
This section extends and modifies a CARES Act provision allowing banks and credit unions to temporarily delay the adoption of a new credit loss accounting standard – Current Expected Credit Loss (CECL). The section allows these institutions until the earlier of (1) the first day of the fiscal year of the institution that begins after the national emergency termination date or (2) January 1, 2022.

This section also extends another CARES Act provision that temporarily changes the National Credit Union Administration's (NCUA) Central Liquidity Facility (CLF) for credit unions to meet liquidity needs by expanding the ability to borrow up to a value 16 times the CLF's subscribed capital stock and surplus, up from the statutory limit of 12 times. This section extends the termination of CLF's expansion to December 31, 2021.

Sec. 541. Extension of Temporary Relief from Troubled Debt Restructurings and Insurer Clarification.
This section extends the CARES Act provision under section 4013, which allows financial institutions to determine if they will suspend the Generally Accepted Accounting Principles (GAAP) requirements for recognizing any potential COVID-related losses from a troubled debt restructuring (TDR) related to a loan modification. This section extends the termination of this provision to the earlier of (1) 60 days after the national emergency termination date or (2) January 1, 2022, and clarifies that insurance companies are covered by the provision.

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Sec. 542. Healthcare Operating Loss Loans.
This section authorizes HUD to insure mortgages under Section 223(d) to cover the operating losses of healthcare facilities that are already insured under the Section 232 and 242 programs and that were financially sound immediately prior to the COVID-19 pandemic.

Title VI – Labor Provisions

Prepared by the Democratic Staff of the House Committee on Education and Labor

Section 601. Job Corps Flexibilities.
This section waives certain statutory requirements regarding enrollment and eligibility for Job Corps students during the qualifying emergency. This includes waiving drug testing requirements for students enrolling in Job Corps virtually, and allowing students who turn 25 during the qualifying emergency to maintain enrollment eligibility if enrolling within six months of enactment of this Act.

Title VII – Nutrition and Agriculture Relief

Prepared by the Democratic Staff of the House Committee on Agriculture and the House Committee on Education and Labor

Subtitle A – Nutrition

CHAPTER 1 SUPPLEMENTAL NUTRITION ASSSISTANCE PROGRAM

SEC. 701. DEFINITIONS.
Defines public health emergency and supplemental nutrition assistance program (SNAP).

SEC. 702. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM
Subsection (a) increases the monthly SNAP benefit level by 15% based on the June 2020 Thrifty Food Plan through June 30, 2021. Subsection (b) simplifies the state administrative process for SNAP benefit level increases. Subsection (c) provides $100 million for state administrative costs through fiscal year 2021 and requires these funds to be made available to states within 60 days of enactment. Subsection (d) excludes Pandemic Unemployment Compensation from being counted toward household income for SNAP. Subsection (e) extends SNAP eligibility to college students who are eligible for a federal or state work study program or has an expected family contribution of zero. Subsection (f) directs the Secretary to submit a report on the redemption rate and account balances for each month from January 2021 to June 2021. Subsection (g) shortens the statutory waivers for certain SNAP quality control requirements from September 30, 2021 to June 30, 2021.

SEC. 703. ADDITIONAL ASSISTANCE FOR SNAP ONLINE PURCHASING AND TECHNOLOGY IMPROVEMENTS.
Provides $5 million for technical support to USDA in expanding the SNAP online purchasing program, including for farmers markets and direct marketing farmers, and for supporting mobile payment technologies and the electronic benefit transfer system.

SEC. 704. NUTRITION ASSISTANCE PROGRAMS.
Provides $614 million to Puerto Rico and American Samoa for nutrition assistance, of which $14 million shall be available to the Commonwealth of the Northern Mariana Islands.

CHAPTER 2 - COMMODITY DISTRIBUTION PROGRAMS

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SEC. 711. EMERGENCY FOOD ASSISTANCE PROGRAM.
Invests $400 million in the Emergency Food Assistance Program through September 30, 2021. Allows up to 20 percent of these funds to be used for commodity distribution.

SEC. 712. COMMODITY SUPPLEMENTAL FOOD PROGRAM.
Provides $13 million to the Commodity Supplemental Food Program, 20% of which may be used for administrative costs through September 30, 2021.

CHAPTER 3 – CHILD NUTRITION AND RELATED PROGRAMS

SEC. 721. ASSISTANCE FOR CHILDREN IN CHILD CARE
Ensures that millions of young children can access needed nutrition benefits by clarifying that states may issue P-EBT benefits to children under the age of 6 who live in households receiving Supplemental Nutrition Assistance Program (SNAP) benefits and residing in an area in which schools or child care facilities are closed or operating with reduced hours or attendance without the need to verify child care enrollment at the individual household level. Additionally, makes P-EBT implementation easier for states and clarifies simplifying assumptions that may be used.

SEC. 722. EMERGENCY COSTS FOR CHILD NUTRITION PROGRAMS DURING COVID-19 PANDEMIC
Provides emergency relief to help school meal and child and adult care food programs, which are in dire need of financial assistance, to continue serving children and families. Provides as much funding as necessary to carry out these payments.

SEC. 723. TASK FORCE ON SUPPLEMENTAL FOODS DELIVERY IN THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM
Requires the Department of Agriculture to establish a task force on food delivery models in the WIC program so that participants have access to curbside pickup and other safe food purchasing methods during the pandemic.

CHAPTER 4– OTHER MATTERS

SEC. 731. AGING AND DISABILITY SERVICES PROGRAMS
Provides $175 million in emergency funding for Older Americans Act nutrition programs, including $7 million for tribal nutrition programs.

SEC. 732. NUTRITION SERVICES UNDER OLDER AMERICANS ACT
Provides needed flexibility to area agencies on aging and state units on aging to ensure that older adults' nutritional needs can continue to be met safely during the pandemic.

Subtitle B - Agriculture

CHAPTER 1 – AGRICULTURAL PROGRAMS

SEC. 751. OFFICE OF THE SECRETARY.
Provides $11.1875 billion to the Office of the Secretary, to remain available until expended, to prevent, prepare for, and respond to coronavirus by providing support to agricultural producers, growers, and processors. From this amount, the Secretary:

- Shall make supplemental Coronavirus Food Assistance Program (CFAP) payments for the 2020 crop year to producers of price trigger crops who meet a defined market trigger;

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- Shall make CFAP supplemental payments for the 2020 crop year to producers of flat-rate crops who meet a defined market trigger;
- Shall take crop insurance indemnities, noninsured crop disaster assistance payments, and Wildfire and Hurricanes Indemnity Program Plus payments into consideration when determining the amount of eligible sales and may allow producers to select 2018 or 2019 sales;
- Shall make payments to livestock and poultry growers for losses suffered due to depopulation because of insufficient processing access due to COVID-19 market impacts;
- Shall make supplemental CFAP payments to cattle producers;
- Shall use no more than $1 billion to make payments to livestock and poultry contract growers who had revenue losses due to contract changes because of COVID-19;
- Shall use no less than $20 million to improve and maintain animal disease prevention and response capacity;
- Shall make payments to domestic users of upland cotton and extra-long staple cotton;
- Shall make additional payments to supplement the CFAP payment to more closely align with the calculated gross payment or revenue loss;
- May provide support to processors for crop losses due to insufficient processing access;
- May extend the term of a marketing assistance loan;
- Shall use no less than $1.5 billion to purchase food and agricultural products, including seafood;
- The same fund is also available to make loans and grants to small and midsized food processors or distributors, seafood processing facilities and vessels, farmers markets, and producers to respond to COVID-19, including measures to protect workers;
- Is to conduct a preliminary review of the COVID-19 impacts on and needs of agricultural producers and food processors and actions needed to improve COVID-19 food purchasing;
- May use no more than $200 million to support timber harvesting and timber hauling businesses impacted by COVID-19;
- May take into account price differentiation factors for each commodity when making payments under this section, such as specialized varieties, local markets, and certified organic;
- May make payments to producers of advanced biofuel, biomass-based diesel, cellulosic biofuel, conventional biofuel, or renewable fuels with market losses due to COVID-19; and,
- May make recourse loans available to dairy product processors, packagers, or merchandisers.

SEC. 752. SPECIALTY CROP BLOCK GRANTS.
The bill provides $100 million in additional funding to support specialty crop farmers and address COVID-19 specialty crop supply chain issues at the state level via the farm bill's Specialty Crop Block Grant Program.

SEC. 753. LOCAL AGRICULTURE MARKET PROGRAM.
The bill provides $100 million in additional funding to support local farmers, farmers markets, and value-added production for farmers and outlets who are impacted by COVID-19 market disruptions through the farm bill's Local Agriculture Market Program. The Secretary may reduce matching requirements for these additional funds.

SEC. 754. FARMING OPPORTUNITIES TRAINING AND OUTREACH PROGRAM.
The bill provides $75 million to the farm bill's Farming Opportunities Training and Outreach Program to support groups providing beginning, socially disadvantaged, and veteran farmers and ranchers with financial and marketing advice and technical assistance in this difficult market, including help in accessing Federal and State assistance programs . The Secretary may reduce matching requirements for these additional funds.

SEC. 755. GUS SCHUMACHER NUTRITION INCENTIVE PROGRAM.

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The bill provides $75 million for the Gus Schumacher Nutrition Incentive Program. The Secretary may reduce matching requirements for these additional funds.

SEC. 756. RESEARCH.
The bill provides $20 million annually to the Agricultural Research Service to address gaps in nutrition research by studying the connection between agriculture production and human nutrition and health.

CHAPTER 2 —SUPPORT FOR DAIRY, LIVESTOCK, AND FARM STRESS

SEC. 760. Definitions.

SEC. 761. SUPPLEMENTAL DAIRY MARGIN COVERAGE PAYMENTS.
The bill provides necessary cash flow assistance to small- and mid-sized dairies that have grown over the last seven years by establishing supplemental margin coverage based on the difference between 2019 actual production and Dairy Margin Coverage production history.

SEC. 762. DAIRY DONATION PROGRAM.
The bill provides $400 million to pay for milk to be processed into dairy products and donated to non-profit entities (food banks, feeding programs, etc.). Under the framework of the program, the dairy processor and non-profit develop a plan for donation and distribution and USDA reimburses the processor for the associated cost of milk. The bill allows USDA to adjust the existing Milk Donation Program payments to match the level of payment provided by this new program.

SEC. 763. ESTABLISHMENT OF TRUST FOR BENEFIT OF UNPAID CASH SELLERS OF LIVESTOCK.
The bill establishes a Federal livestock dealer trust to ensure that livestock producers are paid for their animals.

SEC. 764. GRANTS FOR IMPROVEMENTS TO MEAT AND POULTRY FACILITIES TO ALLOW FOR INTERSTATE SHIPMENT.
The bill provides $60 million to make facility upgrade and planning grants to existing meat and poultry processors to help them move to Federal inspection and be able to sell their products across state lines. The bill also requires USDA to work with States and report on ways to improve the existing Cooperative Interstate Shipment program.

SEC. 765. MEAT AND POULTRY PROCESSING STUDY AND REPORT.
The bill requires a report on the availability of financing for new and existing meat and poultry processing capacity.

SEC. 766. SUPPORT FOR FARM STRESS PROGRAMS.
The bill provides $28 million to be distributed as block grants to state departments of agriculture for use to support existing farm stress programs.

Title VIII – United States Postal Service
Prepared by the Democratic Staff of the House Committee on Oversight and Reform

SEC. 801. Covid—19 Funding for the United States Postal Service.

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This section amends section 6001 of the CARES Act (P.L. 116-136) to provide that any money borrowed under that section does not have to be repaid. The CARES Act authorized the Postal Service to borrow up to $10 billion, subject to such terms and conditions agreed to by the Postal Service and the Department of the Treasury.

SEC. 802. Temporary Acceptance of Certain Low-Risk Postal Shipments.
This section delays implementation of the STOP Act (sec. 1415 of title 19 U.S.C.) if the Postmaster General or the Commissioner of Customs and Border Patrol determine that an international mail shipment presents a low risk of violating any statutes or regulations of the United States.

Title IX – Broadband Internet Access Service

Prepared by the Democratic Staff of the House Committee Energy and Commerce

Section 901. Amendments to the Secure and Trusted Communications Network Reimbursement Program.
Section 901 expands eligibility for the Secure and Trusted Reimbursement Program at the Federal Communications Commission (FCC) that compensates providers for the cost of removing and replacing certain unsecure equipment from their networks, which will help protect our nation's communications networks from foreign adversaries. It also ensures that smaller providers and public or private educational institutions are prioritized for such reimbursements.

Section 902. Connecting Minority Communities.
Section 902 establishes an Office of Minority Broadband Initiatives at the National Telecommunications and Information Administration (NTIA) to focus on broadband access and adoption at Historically Black colleges or universities, Tribal colleges and universities, and other Minority-serving institutions, including the students, faculty, and staff of such institutions and their surrounding communities. It also appropriates $285 million for a Pilot Program to award grants to these institutions and certain businesses and non-profit organizations in the community to support connectivity, and specifies that at least 20 percent of such funds should be used to ensure that students of such institutions have internet service and devices.

Section 903. FCC COVID-19 Telehealth program.
Section 903 appropriates an additional $250 million to the FCC for its COVID-19 Telehealth Program authorized under the CARES Act. It also puts in place new transparency obligations for the program surrounding the FCC's review of applications, and directs the Commission to ensure, to the extent feasible, that all states benefit from the program.

Section 904. Benefit for Broadband Service During Emergency Period Relating to COVID-19.
Section 904 establishes the Emergency Broadband Benefit Program at the FCC, under which eligible households may receive a discount of up to $50, or up to $75 on Tribal lands, off the cost of internet service and a subsidy for low-cost devices such as computers and tablets. Internet service providers that provide the discounted service or devices to customers can receive a reimbursement from the FCC for such costs. Households that qualify for the benefit include those with: children that qualify for the free and reduced lunch program, Pell grant recipients, recently laid off or furloughed workers, an individual who qualifies for the Lifeline program, or an individual who qualifies for a low-income or COVID-19 discount program offered by internet service providers. $3.2 billion is appropriated for the Program.

Section 905. Grants for Broadband Connectivity.
Section 905 establishes two grant programs at the NTIA. The first is a grant program to support broadband connectivity on tribal lands throughout the country. The grants would be directed to tribal governments to be used not only for broadband deployment on tribal lands, but also telehealth, distance learning, broadband

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affordability, and digital inclusion. $1 billion is appropriated for this program. The second is a $300 million broadband deployment program to support broadband infrastructure deployment to areas lacking broadband, especially rural areas. The grants would be issued to qualifying partnerships between state and local governments and fixed broadband providers. Priority for grants would be given to networks that would reach the most unserved consumers.

Section 906. Appropriations for Federal Communications Commission Activities.
This section appropriates $65 million to the FCC to create broadband data maps required under the Broadband DATA Act. It also appropriates $1.9 billion for the FCC's Secure and Trusted Reimbursement Program.

Title X – Miscellaneous

Sec. 1001. Coronavirus Relief Fund Extension.
Extends the date by which state and local governments much make expenditures with CARES Act Coronavirus Relief Fund awards from December 30, 2020 to December 31, 2021.

Sec. 1002. Contractor Pay.
Allows reimbursement to qualifying contractors for the costs of providing paid leave to employees during the pandemic.

Sec. 1003. Rescissions
This section rescinds the unobligated amounts appropriated in the CARES Act for direct loans by the Treasury and emergency lending by the Federal Reserve, and sets December 31, 2020 as the date for termination of the Federal Reserve's authority to make new loans, asset purchases, or modifications through the existing CARES Act facilities. As the CARES Act funds that were originally deposited in the Exchange Stabilization Fund (ESF) are rescinded, this section clarifies that ESF funds may not be used to establish Fed facilities that are the "same as" (i.e. identical to) current Fed facilities that received CARES Act funding support (except the Term Asset-Backed Securities Loan Facility, or TALF), while permitting substantially similar Fed facilities to be established with ESF funds in the future. This section also clarifies that the Federal Reserve fully retains the authority it had prior to the enactment of the CARES Act to establish programs and facilities under section 13(3) of the Federal Reserve Act, and that the Secretary of the Treasury fully retains its authority to use funds made available through the ESF to backstop such Fed facilities.

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H.R. 133

DIVISION-BY-DIVISION SUMMARY OF APPROPRIATIONS PROVISIONS

H.R. 133 totals $1.4 trillion and reflects conference agreements for the FY 2021 appropriations bills. It furthers House Democrats' commitment to investing For The People with substantial increases to non-defense spending alongside small increases for defense-related programs.

In total, the package provides:

- $671.5 billion in base defense funding, a $5 billion increase over FY 2020;
- $656.5 billion in nondefense funding, an $20 billion increase over FY2020;
- $77 billion for Overseas Contingency Operations (OCO)—$69 billion for defense activities and $8 billion for nondefense activities; and
- An additional $3.1 billion in emergency funding to fund agency operations impacted by the COVID-19 pandemic, $2.35 billion in funding for wildfire suppression activities, $1.9 billion for program integrity initiatives, and $474 million medical research associated with the 21st Century Cures Act.

In the last year of the Budget Control Act caps, after accounting for rescissions and emergency spending, the package includes non-defense funding that is $15 billion above the levels set in the Bipartisan Budget Act of 2019.

Division A – Agriculture-Rural Development-FDA

Overview:

The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies bill funds agencies and programs within the Department of Agriculture, the Farm Credit Administration, and the Food and Drug Administration.

The FY 2021 bill provides $23.395 billion in discretionary funding, $217 million above the FY 2020 enacted level. In addition, it provides the latest estimates for mandatory programs required by law.

The bill funds important agricultural and food programs and services, including food and medical product safety, animal and plant health programs, rural development, farm services, agricultural trade, financial marketplace oversight, and nutrition programs, both domestic and international.

Bill Summary:

Rural Development and Infrastructure – The bill provides a total of almost $3.9 billion for rural development programs. These programs help create an environment for economic growth by providing business and housing opportunities and building sustainable rural infrastructure for the modern economy.

- **Critical Infrastructure –** The legislation includes responsible investments in infrastructure to help rural areas of the country access basic utilities. This includes $1.45 billion for rural water and waste program loans, and more than $620 million in water and waste grants for clean and reliable drinking water systems and sanitary waste disposal systems. An additional $6.9 billion in loan authority is provided for rural electric and telephone infrastructure loans.

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- **Rural Broadband –** The legislation invests more than $730 million in the expansion of broadband service to provide economic development opportunities and improved education and healthcare services, including $635 million for the ReConnect program, an increase of $80 million over FY 2020. These significant investments in broadband reflect a commitment to enabling Americans in rural communities to access digital tools necessary to improve health, educational, and economic outcomes.

- **Rural Housing Loans and Rental Assistance –** The bill provides a total of $24 billion in loan authority for the Single Family Housing Guaranteed Loan Program. The bill includes $1 billion in direct single family housing loans, meeting the estimated need for these loans, which provide home loan assistance to low-income rural families, many of whom would have few loan options for purchasing a home because of their geographical location. In addition, $1.41 billion is provided for rental assistance for affordable rental housing for low-income families and the elderly in rural communities for renewal of all existing rental assistance contracts.

Food and Nutrition Programs – The legislation contains discretionary funding, as well as mandatory funding required by law, for food and nutrition programs within USDA. This includes funding for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), the Supplemental Nutrition Assistance Program (SNAP), and child nutrition programs.

- **WIC –** The bill provides $6 billion in discretionary funding for WIC, which fully funds participation this year. This includes $90 million for the breastfeeding counselor program.

- **Child nutrition programs –** The bill provides for $25.1 billion in required mandatory funding for child nutrition programs. This is $1.5 billion above the FY 2020 enacted level. This funding will provide free or reduced-price school lunches and snacks for children who qualify for the program. The bill provides approximately $552 million for the Summer Food Service Program to ensure low-income children continue to receive nutritious meals when school is not in session. In addition, the bill provides $42 million for the Summer EBT program, $30 million for school kitchen equipment grants, and $21 million for the WIC farmers market nutrition program.

- **SNAP –** The bill provides for $114 billion in required mandatory spending for SNAP. This fully funds participation as well as the SNAP enhanced allotments authorized by the Families First Act.

International Food Assistance Programs – The legislation contains $1.97 billion for international food aid and for the promotion of U.S. agricultural exports overseas. This includes $1.74 billion for Food for Peace grants and $230 million for the McGovern-Dole International Food for Education and Child Nutrition program. This represents the highest-ever level of funding for these two vital programs. These programs work to reduce famine and increase food security overseas.

Food and Drug Administration (FDA) – The FDA receives a total of $3.2 billion in discretionary funding in the bill, $43 million above the 2020 enacted level. Total funding for the FDA, including user fees, is $5.97 billion. Within this total, the Committee provides targeted increases for medical product and food safety activities, including new initiatives to advance new influenza vaccine manufacturing technologies and leverage emerging technologies to monitor food and medical product safety. Funding is also included to support the development of a framework for regulating CBD products, continue FDA's efforts to enable faster responses to foodborne illness outbreaks, and increase the safety and cybersecurity of medical devices. In addition, the bill includes a strong focus on continuing FDA's efforts to inspect foreign food and drug products. The bill also appropriates $70 million to accelerate medical product development as authorized in the 21st Century Cures Act.

Food Safety and Inspection Service – The legislation includes $1.076 billion for food safety and inspection programs. These mandatory inspection activities help to ensure safe, meat and poultry on American tables. The

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funding provided will maintain nearly 8,800 frontline inspection personnel for meat, poultry, and egg products at more than 6,400 facilities across the country.

Marketing Programs – The bill provides $189 million, $1 million above FY 2020 and $38 million above the President's request, to facilitate the movement of agriculture products and open market opportunities. This includes $18 million for the National Organic Program to protect the integrity of the USDA Organic label and $16.5 million for the new hemp production program. The bill also provides $19.4 million in discretionary funds to the Agricultural Marketing Service and Rural Development for the Local Agriculture Market Program to continue supporting local food and value-added agriculture. In addition, the bill provides $22 million to support dairy innovation centers.

Farm Programs – The legislation provides $1.824 billion for farm programs, $20 million above the FY 2020 level. This includes $5 million to resolve ownership and succession of farmland issues, also known as heirs property. This funding will continue support for various farm, conservation, and emergency loan programs, and help American farmers and ranchers. It will also meet estimates of demand for farm loan programs.

Animal and Plant Health – The legislation includes $1.067 billion – $21 million above the FY 2020 enacted level – for the Animal and Plant Health Inspection Service. This funding will support programs to help control or eradicate plant and animal pests and diseases that can be crippling to U.S. producers. The funding level provides increases that will help address harmful pests and diseases such as spotted lanternfly and chronic wasting disease, while maintaining increases from past years for citrus greening.

Conservation Programs – The bill provides $1.018 billion to help farmers, ranchers, and other private landowners conserve and protect their land. This includes $185 million for infrastructure for watershed and flood prevention and watershed rehabilitation projects.

Agricultural Research – The bill provides $3.3 billion – $125 million above the FY 2020 level – for agriculture research programs, including the Agricultural Research Service and the National Institute of Food and Agriculture. This funding will support research at all ARS facilities to help mitigate and stop devastating crop diseases, improve food safety and water quality, increase production, develop environmentally efficient agricultural practices, and combat antimicrobial resistance. This funding also includes important research investments in U.S. land-grant colleges and universities, including a significant increase for the 1890 institutions, and for the Agriculture and Food Research Initiative, the U.S. Department of Agriculture's premier competitive research program.

Policy Provisions

- Continues the '10-20-30' policy of dedicating rural development program resources to identified persistent poverty areas.
- Continues language allowing the Secretary to waive matching fund requirements for the Specialty Crop Research Initiative.
- Extends the hemp pilot program through January 1, 2022.
- Includes language directing the FDA to develop a plan to identify, detain, and refuse the import of FDA-regulated products from a foreign establishment that did not allow physical access to FDA investigators.
- Includes language preventing USDA from promulgating new user fees through regulations for certain marketing and regulatory programs, such as grain inspection, packers and stockyards licensing, animal welfare licensing, biotech product approval applications, and domestic hemp production program licenses.
- Continues House language related to the slaughter of horses for human food.
- Repurposes certain unobligated funds to ensure that USDA can provide disaster payments to farmers, ranchers and producers who were devastated by natural disasters in 2018 and 2019.
- Provides $635 million in emergency funds for the Agricultural Quarantine Inspection Program to ensure continued inspections of agricultural products in order to keep pests and diseases from entering the U.S.

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Division B – Commerce-Justice-Science

Overview:

The Commerce-Justice-Science bill funds the Departments of Commerce and Justice, the National Aeronautics and Space Administration (NASA), the National Science Foundation (NSF), and other related agencies.

The FY21 bill provides $71.12 billion in discretionary funding.

The bill provides funding increases to help ensure civil rights and reform police practices throughout the country. The bill also provides funding increases to help create jobs, support U.S. manufacturing, research and prepare for climate change, reduce gun violence, address the opioid crisis, and help keep schools safe. Furthermore, the bill provides funding increases for science research, science education, and legal services for underserved communities.

Bill Highlights:

U.S. Department of Commerce – $8.9 billion in net discretionary funding for the Department of Commerce, an increase of $596.7 million above the President's budget request.

- **International Trade Administration (ITA) –** $541 million, $19.75 million above the FY 2020 enacted level and $55.6 million above the President's budget request. The total includes no less than $340.75 million for ITA Global Markets, $60.4 million above the request and $7.8 million above FY 2020, to help create jobs here at home by increasing U.S. exports.

- **Bureau of Industry and Security (BIS) –** $133 million, an increase of $5.3 million above FY 2020.

- **Economic Development Administration (EDA) –** $346 million, an increase of $13 million above FY2020. This includes $119.5 million for EDA's Public Works program, which supports brick-and-mortar projects in distressed communities across the nation, and $38 million for the Regional Innovation Program, an increase of $5 million, to help create jobs by establishing and expanding region-focused innovative technology business endeavors. Additionally, $2 million is provided for STEM Apprenticeships to help align the skills of workers and the needs of employers. The President had proposed completely eliminating EDA.

- **Minority Business Development Agency (MBDA) –** $48 million, an increase of $6 million above FY 2020, is provided for MBDA to support minority businesses around the country. The President proposed reducing support for minority businesses through MBDA by $31.7 million.

- **U.S. Patent and Trademark Office (PTO) –** $3.7 billion, equal to the President's budget request and $244.6 million above FY 2020.

- **Manufacturing Extension Partnership (MEP) Program –** $150 million, $4 million above FY 2020. The President had proposed completely eliminating this program.

- **NOAA Climate Research –** $182 million, an increase of $12.5 million above FY 2020 and $98 million above the President's budget request, including an increase of $2.5 million to provide regional climate data and services to State and local partners.

- **NOAA's National Ocean Service (NOS) –** $620 million for NOS operations, an increase of $21 million above FY 2020, including a $3.5 million increase for the Coral Reef Program; an increase of

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$5.5 million for research to combat harmful algal blooms; and $2 million to increase research to predict and understand the impacts of sea level rise on the Nation's coasts.

- **National Weather Service –** $1.1 billion for operating expenses, an increase of $35 million above FY 2020. In addition, this Act fully funds efforts to procure future weather satellites, which are essential for accurate weather forecasting.

U.S. Department of Justice (DOJ) – $33.8 billion overall for the Department of Justice, which is $1.18 billion above the FY2020 enacted level and $874.4 million above the President's budget request.

- **Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016 –** $13.5 million is provided, as authorized under the Act, including: $5 million within the Civil Rights Division; $5 million within the Federal Bureau of Investigation; $1.5 million within the Community Relations Service; and $2 million within State and Local Law Enforcement Assistance.

- **Federal Bureau of Investigation –** $10.31 billion, an increase of $361.9 million above the FY 2020 enacted level and $514.1 million above the President's budget request.

- **Executive Office for Immigration Review --** $734 million, an increase of $61 million above FY 2020, including $22.5 million for the Legal Orientation Program, an increase of $4.5 million above FY 2020.

- **Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) –** $1.48 billion, an increase of $83.9 million above the FY 2020 enacted level.

- **Federal Bureau of Prisons (BOP) –** $7.84 billion, an increase of $57.4 million above the FY 2020 enacted level and $124.8 million above the President's budget request.

- **First Step Act –** The agreement fully funds the requested $409,483,000 for programs and activities authorized by the First Step Act of 2018, including medication-assisted treatment.

- **Task Force on Law Enforcement Oversight –** The agreement directs the Attorney General to establish a Task Force on Law Enforcement Oversight, with up to $5 million to be provided across DOJ accounts. The Task Force is to be comprised of representatives from multiple Justice Department components, in consultation with law enforcement, labor, and community-based organizations to coordinate the detection and referral of complaints regarding incidents of alleged law enforcement misconduct.

- The agreement includes $5,000,000 for the **development and deployment of databases to track excessive use of force and officer misconduct**, to be developed in consultation with State and local law enforcement agencies, community organizations, and advocacy groups, including those that advocate for the preservation of civil liberties and civil rights.

- **Grants to State and Local Law Enforcement –** $3.385 billion is provided, an increase of $107 million above FY 2020. This includes: $484 million for Byrne JAG; $386 million for the Community Oriented Policing Services (COPS) Program; $189 million to address sexual assault kit and other DNA evidence backlogs; $100 million for Second Chance Act programs; $526.5 million for grant programs to address the opioid crisis; $132 million for the STOP School Violence Act; $513.5 million for Violence Against Women Act (VAWA) programs; and $85 million for grants to improve the NICS firearms background check system.

National Aeronautics and Space Administration (NASA) – $23.27 billion is provided, an increase of $642.3 million above the FY 2020 enacted level, including:

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- $2 billion for **Earth Science**, an increase of $28.2 million above the FY2020 enacted level and $231.9 million above the President's budget request, to enable better scientific information about the Earth and its changing climate, and rejecting cuts proposed by the Administration aimed at eliminating climate science missions.

- $828.7 million for **Aeronautics research**, an increase of $44.8 million above FY 2020 and $9.7 million above the President's budget request, to continue efforts to improve passenger safety, fuel efficiency, and noise reduction, and to make air travel more environmentally sustainable.

- $127 million for **NASA's STEM Engagement educational efforts**, an increase of $7 million above FY 2020, to enable NASA to inspire young people to pursue future careers in science and engineering. This amount includes funding increases for the Space Grant program, Minority University Research and Education Project, and Established Program to Stimulate Competitive Research (EPSCOR). The President had proposed eliminating all funding for STEM Engagement.

National Science Foundation (NSF) – $8.5 billion, an increase of $208.4 million above the FY 2020 enacted level and $745.4 million above the President's budget request.

- **NSF Research and Related Activities –** $6.9 billion is provided, an increase of $172.6 million above FY 2020 and $696.7 million above the President's budget request.

- **Education and Human Resources** -- $968 million is provided, an increase of $28 million above FY 2020 and $37 million above the President's budget request.

Legal Services Corporation – $465 million, $25 million above the FY 2020 enacted level. The President had proposed eliminating this program, which helps provide legal assistance to underserved communities.

Equal Employment Opportunity Commission – $404.5 million, $15 million above the FY 2020 enacted level and $42 million above the President's budget request.

International Trade Commission (ITC) – $103 million, $3.6 million above the FY 2020 enacted level and $3.4 million above the President's budget request.

Division C – Defense

Overview:

For fiscal year 2021, the bill provides $696 billion in new, non-emergency discretionary spending authority for the Department of Defense for functions under the Defense Subcommittee's jurisdiction, an increase of $2.6 billion above the fiscal year 2020 enacted level, and $2.1 billion below the President's Budget. That includes $627.3 billion in base funding, an increase of $4.6 billion above the fiscal year 2020 enacted level and $2.1 billion below the President's Budget, and $68.7 billion for OCO/GWOT funding in title IX, a decrease of $2 billion from the fiscal year 2020 enacted level and equal to the President's Budget.

The FY 2021 Defense Appropriations bill continues to provide additional funding above the President's Budget for programs directly impacting the quality of life for servicemembers, their families, and military communities:

- $2.296 billion funded above the request for an additional Virginia Class Submarine.
- $116 million funded above the request for upgrades to child care facilities.
- $284 million funded above the request to address public school infrastructure requirements on DoD installations.
- $57.5 million funded above the request for sexual assault prevention and response programs.

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- $1.5 billion of total funding for environmental restoration programs, $430 million funded above the request.
- $15 million above the request for a CDC Water Containment Study and Assessment.
- $50 million of new funding for noise mitigation measures.
- $60 million above the request for the Defense Community Infrastructure program.
- $25 million above the request for Defense Manufacturing Communities.
- $50 million funded above the request for Impact Aid to communities and $20 million funded above the request for Impact Aid for those with disabilities.
- $577.5 million funded above the request for cancer research.
- Fully funds the 3.0 percent military pay raise.

Bill Summary:

Military Personnel

Total:	$162.4 billion
Base:	$157.8 billion
OCO/GWOT (title IX):	$4.6 billion

- Funds active duty end strength of 1,348,600, an increase of 9,100 above current year and a decrease of -2,900 below the request. Funds reserve component end strength of 802,000, an increase of 1,200 above current year and equal to the request.
  - Army totals: 485,900 active duty, an increase of 5,900 above current year and equal to the request; 189,800 reserve, an increase of 300 above current year and equal to the request; and 336,500 Guard, an increase of 500 above current year and equal to the request.
  - Navy totals: 347,800 active duty, an increase of 7,300 above current year and equal to the request; and 58,800 reserve, a decrease of 200 below current year and equal to the request.
  - Marine Corps totals: 181,200 active duty, a decrease of 5,000 below current year and a decrease of 2,900 below the request; and 38,500 reserve, equal to current year and the request.
  - Air Force totals: 333,700 active duty, an increase of 900 above current year and equal to the request; 70,100 reserve, an increase of 100 above current year and equal to the request; and 108,100 Guard, an increase of 400 above current year and equal to the request.

- Provides full funding necessary to support the proposed 3.0 percent military pay raise.
- Increases funding by $57.5 million above the President's request for the Department and Services' Sexual Assault Prevention and Response programs, for a total of $335.5 million. This includes $46 million for the Special Victims' Counsel, an increase of $7.5 million above the request for the Department's Sexual Assault Prevention and Response Office, and $4 million for the Sexual Trauma Pilot Program.

Operation and Maintenance

Total:	$251 billion
Base:	$192.2 billion
OCO/GWOT (title IX):	$58.8 billion

- Provides $9.5 billion to fund SOCOM's operation and maintenance requirements.
- Provides $1.5 billion for Environmental Restoration activities, $430 million above the request, and $87.8 million above the 2020 enacted level.
- Provides $15 million to continue the nation-wide CDC study and assessment of the health impacts of PFOS/PFOA contamination in drinking water.

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- Provides $284 million above the request to address public school infrastructure requirements on DoD installations.
- Provides an additional $116 million for upgrades to childcare facilities.
- Provides increases for National Guard Youth Challenge ($75 million) and Starbase ($41 million).
- Provides $60 million for the Defense Community Infrastructure Program, a $10 million increase over the 2020 level and $25 million for the Defense Manufacturing Communities.
- Provides $50 million for Impact Aid and $20 million for Impact Aid for those with disabilities.
- Provides $6.75 million for gender advisor programs.
- Provides $48 million for the Procurement Technical Assistance Program.
- Provides $50 million for noise mitigation tools for communities
- Provides $10 million for the Maternity Uniform Pilot Program

Procurement

Total:	$142.9 billion
Base:	$136.5 billion
OCO/GWOT (title IX):	$6.4 billion

Aircraft

- Funds the request of 24 F/A-18E/F Super Hornet aircraft ($1.7 billion).
- Funds 96 F-35 aircraft, 17 more than the request, including 60 F-35As, 10 F-35Bs, and 26 F-35Cs ($9.6 billion).
- Funds 12 F-15EX aircraft to recapitalize the F-15C/D fleet ($1.2 billion).
- Provides $189 million above the request for the first five CH-47F Block II Chinook aircraft and long-lead funding for the second five CH-47F Block II Chinook aircraft to ensure that the Army stays on schedule with the program of record.
- Provides $141 million above the request to fund a total of 42 UH/HH-60M Blackhawk helicopters ($862 million).
- Funds the requested 52 AH-64 Apache helicopters ($854 million).
- Provides $110 million above the request to fund 12 MQ-1 Gray Eagle unmanned aircraft systems.
- Funds the request of 15 KC-46 tankers ($2.7 billion).
- Funds 16 MQ-9 Reaper air vehicles, 16 more than the request ($344 million).
- Funds 15 V-22 aircraft, six more than the request ($1.4 billion).
- Funds nine P-8A Poseidon aircraft for the Navy Reserve, nine more than the request ($1.6 billion).
- Funds 17 C/MC/KC-130J aircraft, eight more than the request, including an additional two C-130Js only for the Air Force Reserve and an additional six C-130Js only for the Air National Guard ($1.5 billion).
- Funds five E-2D Advanced Hawkeye aircraft, one more than the request ($786 million).
- Funds nine CH-53K helicopters, two more than the request ($1.1 billion)
- Funds the request of five VH-92 executive helicopters ($578 million).
- Funds 19 HH-60W combat rescue helicopters ($1.1 billion).

Shipbuilding

- Provides $23.3 billion to procure 10 Navy ships.
- Funds are provided for two DDG-51 guided missile destroyers; two SSN-774 attack submarines; one Columbia class submarine; one Frigate; two towing, salvage, and rescue ships; one Expeditionary Fast Transport; and one LPD.
- Provides $500 million in incremental funding for LHA 9.
- Funds advance procurement for one Expeditionary Sea Base ($73 million).

Vehicles/Force Protection

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- Provides $375 million above the request to upgrade a total of 271 Stryker combat vehicles ($1.16 billion).
- Funds the request to upgrade 89 Abrams tanks to the M1A2 SEPv3 tank variant ($968 million).
- Provides an additional $100 million for Army National Guard HMMWV modernization.
- Fully funds the Army's request for 1,920 Joint Light Tactical Vehicles (JLTVs) and 1,334 JLTV companion trailers ($884 million).

Other

- Provides $996 million for three National Security Space Launch services.
- $598 million to procure two GPS IIIF spacecraft.
- Provides $200 million to fully support Israeli Cooperative procurement programs (Iron Dome, David's Sling, and Arrow).
- Provides $84 million above the request for safety and environmental upgrades of Army industrial facilities and $62 million above the request for Army organic industrial base investments.
- Includes $950 million for the National Guard and Reserve Equipment Account (NGREA).

Research, Development, Test and Evaluation

Total:	$107.4 billion
Base:	$107.1 billion
OCO/GWOT (title IX):	$0.3 billion

- Invests in basic and applied scientific research, development, test and evaluation of new technologies and equipment, and supports the research community so forces will have the systems and equipment for tomorrow's challenges.

Aircraft

- Fully funds the continued development of the Air Force's B-21 bomber program ($3 billion).
- Fully funds development of the VC-25B Presidential Aircraft Replacement ($758 million).
- Provides $90.5 million above the request for the development of the Army's Future Long Range Assault Aircraft ($225 million).

Shipbuilding

- Funds the continued development of the new design submarine ($243 million).

Vehicles and Ground Forces

- Provides $60 million above the request to fund the Army's Long Range Hypersonic Weapon ($861 million).
- Provides $88.1 million above the request for systems integration and testing in support of the Army's mid-range missile capability.
- Provides $161 million to support the Army's enduring indirect fire protection capability program.

Defense Advanced Research Project Agency (DARPA)

- Funds DARPA at $3.5 billion.

Other

- Provides $300 million for the Israeli cooperative research and development programs, including David's Sling and Arrow-3.
- Provides $285 million for the Global Positioning System IIIF program.
- Provides $481 million for the Global Positioning System III Operational Control Segment.
- Provides $551 million for National Security Space Launch to develop new U.S. space launch vehicles.
- Provides $2.32 billion for Next Generation Overhead Persistent Infrared.

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- Provides $214 million for future weather satellites.
- Provides $173 million for space situational awareness.
- Provides $8.5 million above the request to support the Army's Humanitarian Demining research and development program ($17 million).
- Provides $20 million above the request for the Special Operations Command Armed Overwatch Program.

Revolving and Management Funds

Total:	$1.493 billion
Base requirements:	$1.473 billion
OCO (title IX)	$0.20 billion

- Fully funds the Defense Commissary Agency to ensure servicemembers and their families receive continued savings for food and household goods as part of the military pay and benefits package.

Other Department of Defense Programs

Total:	$36.4 billion
Base Requirements:	$36 billion
OCO/GWOT (title IX)	$0.4 billion

Defense Health Program

- $33.68 billion plus $365.1 million for OCO/GWOT Requirements.
- Adds $542.5 million for cancer research. The total amount is distributed as follows:
  - $150 million for the breast cancer research program;
  - $15 million for the pancreatic cancer research program;
  - $110 million for the prostate cancer research program;
  - $35 million for the ovarian cancer research program;
  - $50 million for the kidney cancer research program;
  - $20 million for the lung cancer research program;
  - $30 million for the melanoma research program;
  - $17.5 million for the rare cancer research program; and
  - $115 million for the cancer research program.
- Adds $175 million for the peer-reviewed psychological health and traumatic brain injury research program.
- Adds $40 million for spinal cord research.
- Adds $40 million for the joint warfighter medical research program.

Chemical Agents and Munitions Destruction

- $1.05 billion, including $160.3 million above the President's Budget to address a shortfall for the Assembled Chemical Weapons Alternatives Program.

Overseas Humanitarian, Disaster, and Civic Aid

- $147.5 million, including levels above the President's Budget for foreign disaster relief, humanitarian assistance, and the humanitarian mine action program.

Drug Interdiction and Counter-Drug Activities

- $914 million, including $100 million above the President's Budget for the National Guard Counter-Drug Program.

Office of the Inspector General

- $375.4 million, an increase of $4 million above the President's Budget for oversight of funding provided in CARES.

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Afghanistan

- $3.05 billion for the Afghanistan Security Forces Fund. Funds may only be obligated if the Secretary of Defense certifies to Congress that the Afghan forces are controlled by a civilian, representative government that is committed to protecting human rights and women's rights and preventing terrorists from using the territory of Afghanistan to threaten the United States and our allies.
- Not less than $20 million for the recruitment and retention of women in the Afghanistan National Security Forces—twice the amount specified last year.
- Directs an assessment and report on Russia's malign activities in Afghanistan, including activities directed against U.S. and coalition troops, and measures taken by the Administration in response.
- No funds for the Taliban except support for reconciliation activities that also include the Afghan government, do not restrict the participation of women, and are authorized by law.

Counter-ISIS

- $710 million for the Counter-ISIS Train and Equip Fund, including support for the Iraqi Security Forces, Kurdish Peshmerga, and the Syrian Democratic Forces fighting ISIS.
- No funds may be used with respect to Iraq or Syria in contravention of the War Powers Resolution.
- No funds to exercise United States control over any oil resource of Iraq or Syria.

Security Cooperation Programs

- $275 million for the Ukraine Security Assistance Initiative, $25 million above the request. Continues notification requirements and requires the Secretary of Defense to inform Congress if funds have not been obligated within 60 days after notification.
- $1.19 billion for International Security Cooperation Programs.
  - $160 million for programs with countries in the Africa Command area of responsibility, $56 million above the budget request.
  - $120 million for programs with countries in the Southern Command area of responsibility, $46 million above the budget request.
  - $169 million for the Baltic Security Initiative, $25 million above the budget request.
  - $3 million for women's programs, which is in addition to $3.75 million included in the bill for the training of U.S. personnel related to these programs.
- Up to $500 million for Jordan, including not less than less than $150 million for reimbursements for enhanced border security.

Other General Provisions

- Includes various Buy America provisions.
- Includes $3.2 billion in prior year rescissions plus $1.9 billion in rescissions from prior year OCO/GWOT funding.
- Includes $284 million for public schools on military installations.
- Provides that nothing in this Act may be construed as authorizing the use of force against Iran.
- No funds in contravention of the War Powers Resolution.
- Requires the Secretary of Defense to notify Congress of any foreign contributions relating to the stationing or operations of the United States Armed Forces.
- Continues provisions prohibiting the transfer of Guantanamo detainees to the U.S. and limiting the transfer of detainees to other countries except under certain conditions (including assessment of that the detainee is no longer a threat to U.S. security).

Division D – Energy & Water Development

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Overview:

The Energy and Water Development and Related Agencies bill funds the U.S. Army Corps of Engineers, Department of the Interior programs, the Department of Energy, and other related agencies.

The FY 2021 bill provides $49.5 billion in discretionary funding, $6.9 billion above the President's budget request and $1.1 billion above the fiscal year 2020 enacted level. That amount includes $27.5 billion for defense-related activities, $1.5 billion above the request and $3.3 billion above the fiscal year 2020 enacted level. The amount also includes $21.9 billion for non-defense activities, $5.3 billion above the request and $2.1 billion below the fiscal year 2020 enacted level.

Bill Summary:

Army Corps of Engineers – Provides $7.8 billion, an increase of $145 million above the fiscal year 2020 level and $1.8 billion above the budget request.

- **Funding for Investigations** is $153 million, an increase of $2 million above the fiscal year 2020 level and $50.4 million above the request.

- **Funding for Construction** is $2.69 billion, an increase of $11.6 million above the fiscal year 2020 level and $519.4 million above the request.

- **Funding for Operation and Maintenance** is $3.85 billion, an increase of $59.7 million above the fiscal year 2020 level and $1.8 billion above the request.

- **Harbor Maintenance Trust Fund** projects receive $1.68 billion, an increase of $50 million above the fiscal year 2020 level and an increase of $665 million above the request. This meets the target set by the Water Resources Reform and Development Act of 2014 and represents 92 percent of estimated revenues compared to the fiscal year 2021 target of 83 percent.

- The bill makes full use of the estimated revenues, which includes a total appropriation of $113 million for the **Inland Waterways Trust Fund**.

- Provides **nine new study starts and seven new construction starts**.

- Funds the Water Infrastructure Finance and Innovation Program for the first time for the Corps at $14.2 million, to guarantee almost $1 billion in loans.

Department of Interior/Bureau of Reclamation – Provides $1.69 billion, an increase of $11 million above the fiscal year 2020 level and $553 million above the budget request.

- Provides $21 million for the **Central Utah Project**, $1 million above the fiscal year 2020 level and $11 million above the request.

- Provides $1.67 billion for the **Bureau of Reclamation**, an increase of $10 million above the fiscal year 2020 level and $542 million above the request. Within Reclamation:

    - Provides $559 million in additional funding for water resources projects, including those authorized in the Water Infrastructure Improvements for the Nation (WIIN) Act.

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- Within additional funding, $114.7 million is provided for rural water projects above the budget request.

Department of Energy – Provides $39.6 billion for the Department, an increase of $1 billion above the fiscal year 2020 level and $4.5 billion above the budget request.

- **Energy Efficiency and Renewable Energy –** Provides $2.86 billion, an increase of $72 million above the fiscal year 2020 level and $2.1 billion above the request. This funding provides for clean, affordable, and secure energy and ensures American leadership in the transition to a global clean energy economy.

- **Cybersecurity, Energy Security, and Emergency Response –** Provides $156 million, equal to the fiscal year 2020 level. This funding provides for efforts to secure the nation's energy infrastructure against all hazards, reduce the risks of and impacts from cybersecurity events, and assist with restoration activities.

- **Electricity –** Provides $211.7 million, an increase of $21.7 million above the fiscal year 2020 level and $16.7 million above the request. This funding will advance technologies to increase the resiliency and efficiency of the nation's electricity delivery system with capabilities to incorporate growing amounts of clean energy technologies.

- **Nuclear Energy –** Provides $1.5 billion, an increase of $14.2 million above the fiscal year 2020 level and $328 million above the request. This funding invests in activities to further improve the safety and economic viability of our current reactor fleet, develop the next generation of clean and safe reactors, and supports the advanced reactors demonstration program.

- **Fossil Energy Research and Development –** Provides $750 million, equal to the fiscal year 2020 level and $19.4 million above the request. This funding provides for research, development, and demonstration activities to ensure the safe, efficient, and environmentally sound use of fossil energy resources.

- **Science –** Provides $7.026 billion, an increase of $26 million above the fiscal year 2020 level and $1.2 billion above the request. The Office of Science funds basic science research in physics, biology, chemistry, and other science disciplines to expand scientific understanding and secure the nation's global leadership in energy innovation.

- **Advanced Research Projects Agency – Energy –** Provides $427 million, an increase of $2 million above the fiscal year 2020 level and rejects the budget proposal to eliminate this program. This funding supports research aimed at rapidly developing energy technologies that are capable of significantly changing the energy sector to address our critical economic, environmental, and energy security challenges.

- **National Nuclear Security Administration –** Provides $19.7 billion, an increase of $3 billion above the fiscal year 2020 level. This funding will maintain a safe, secure, and credible nuclear deterrent while addressing the threat of nuclear proliferation and terrorism. This includes:

    - **Weapons Activities -** $15.35 billion, an increase of $2.9 billion above the fiscal year 2020 level to maintain a credible nuclear deterrent and critical scientific and R&D capabilities.

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- **Defense Nuclear Nonproliferation -** $2.26 billion, an increase of $95.6 million above the fiscal year 2020 level and $229 million above the request. This funding secures nuclear material at home and abroad.

- **Naval Reactors -** $1.68 billion, an increase of $35.6 million above the fiscal year 2020 level and equal to the request, to continue safe and reliable operation of the Navy's nuclear-powered fleet.

- **Environmental Cleanup –** Provides $7.59 billion, an increase of $131 million above the fiscal year 2020 level and $1.52 billion above the budget request. This funding is used for nuclear waste cleanup at 16 sites across the country and includes:

  - **Non-Defense Environmental Cleanup -** $319.2 million, equal to the fiscal year 2020 level and $43 million above the request.

  - **Uranium Enrichment Decontamination and Decommissioning -** $841 million, $35 million above the request.

  - **Defense Environmental Cleanup -** $6.426 billion, an increase of $171 million above the fiscal year 2020 level and $1.4 billion above the request.

- **Power Marketing Administrations** – Provides the net budget request levels for the Southeastern Power Administration, Southwestern Power Administration, and Western Area Power Administration. The agreement rejects the President's proposal to sell the transmission assets of the PMAs, change the laws governing how the PMAs establish power rates, and repeal the borrowing authority for the Western Area Power Administration.

Nuclear Regulatory Commission – Provides a net appropriation of $123 million. This funds regulatory activities to ensure the safe use of nuclear reactors and radioactive materials while protecting people and the environment.

Appalachian Regional Commission – Provides $180 million, which is $5 million above the fiscal year 2020 level and $15 million above the budget request. The Commission funds projects in the Appalachian Region to promote economic development, education and job training, critical infrastructure, and community development.

Northern Border Regional Commission – Provides $30 million, which is $5 million above the fiscal year 2020 level and $29.1 million above the budget request. This funding targets the economic development needs of distressed portions of Maine, New Hampshire, Vermont, and New York.

Policy Provisions:

- A provision to prevent the reorganization of the Army Corps of Engineers, or to transfer Corps functions to other agencies.
- A provision to allow a transfer of funds from the Western Area Power Administration to the Bureau of Reclamation for environmental stewardship and endangered species recovery purposes.

Division E – Financial Services & General Government

Overview:

The Financial Services and General Government bill provides annual funding for the Department of the

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Treasury, the Judiciary, the Executive Office of the President, and other independent agencies, including the Small Business Administration.

The FY 2021 Financial Services and General Government bill includes funding for a broad range of functions and services in both the Executive and Judicial branches that are essential to the operation of the Federal Government. In addition, the bill supports programs that assist and protect the public, such as shielding consumers from defective and dangerous products, assisting small businesses, and investing in distressed communities.

The bill provides $24.42 billion in discretionary funding, an increase of $281 million over the comparable FY 2020 enacted level.

Bill Summary:

Department of the Treasury – $13.49 billion, $429.9 million above the FY 2020 enacted level.

- **Committee on Foreign Investment in the United States (CFIUS) Fund –** Provides $20 million to support CFIUS program responsibilities and enforcement efforts.

- **Terrorism and Financial Intelligence (TFI) and Financial Crimes Enforcement Network (FinCEN) –** Provides $175 million for TFI, an increase of $5.3 million above FY 2020, including $3 million for enhanced enforcement of human rights and corruption violations, and $127 million for FinCEN, $1 million above FY 2020.

- **Savings Bond Digitization –** Provides $25 million to digitize savings bonds records dating back to World War II, to enable Americans to redeem more than $24 billion in matured savings bonds left unclaimed in the U.S. Treasury.

- **Treasury Inspectors General –** Provides $41 million for the Treasury Inspector General, and $170 million for the Treasury Inspector General for Tax Administration, both equal to FY 2020.

- **Community Development Financial Institutions Fund (CDFI) –** Includes $270 million, an increase of $8 million above FY 2020 and $256 million more than the President's budget request. All core CDFI programs received an increase over FY 2020.

- **Internal Revenue Service (IRS) –** Includes $11.92 billion, an increase of $409 million above FY 2020, with increases to all four IRS accounts.

    - **Taxpayer Services:** $2.56 billion, an increase of $44 million above the FY 2020 level, to provide timely customer service to taxpayers. Grant programs funded within the total include:

        - Volunteer Income Tax Assistance – $30 million, an increase of $2 million;
        - Tax Counseling of the Elderly – $11 million, equal to FY 2020;
        - Low Income Taxpayer Clinic Grants – $13 million, an increase of $1 million; and
        - National Taxpayer Advocate – $211 million, an increase of $1 million.

    - **Enforcement:** $5.2 billion, an increase of $203 million, to increase IRS collection efforts and further close the tax gap.

    - **Operations Support:** $3.9 billion, an increase of $120 million, to provide for critical systems to maintain IRS operations.

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- **Business Systems Modernization:** $222.7 million, an increase of $43 million, to assist in the modernization of IRS's legacy IT systems.

Executive Office of the President – $758.8 million, $31.8 million above the FY 2020 enacted level and $405.4 million above the President's budget request.

- **Office of Management and Budget (OMB) –** Includes $106.6 million, $5 million above the FY 2020 level and $9.1 million below the President's budget request.

- **Intellectual Property Enforcement Coordinator (IPEC) –** Provides $1.8 million for IPEC, $500,000 above the FY 2020 level and $800,000 above the President's budget request.

- **Office of National Drug Control Policy (ONDCP) –** Rejects Administration's proposed transfer or elimination of ONDCP grant programs and includes:

  - $290 million for the High Intensity Drug Trafficking Areas Program, an increase of $5 million above FY 2020; and

  - $102 million for the Drug-Free Communities Program, an increase of $750,000 above FY 2020.

The Judiciary – $7.72 billion in discretionary funding, $233.3 million above the FY 2020 enacted level.

- **Defender Services –** $1.32 billion, an increase of $81.7 million above the FY 2020 level and equal to the budget request.

- **Court Security –** $664 million, an increase of $24.8 million above the FY 2020 level and equal to the budget request.

District of Columbia – $734.5 million, $20.2 million above the FY 2020 level.

- **D.C. Resident Tuition Support –** Rejects the President's proposal to terminate the program and includes $40 million, equal to the FY 2020 level.

- **HIV/AIDS Testing and Treatment –** $4 million, equal to FY 2020 and an increase of $1 million above the President's budget request.

- **D.C. Emergency Planning and Security Costs –** $38.4 million, an increase of $20.4 million above the FY 2020 level. An additional $13 million was provided in the continuing resolution.

- **D.C. Water and Sewer Authority –** Includes $8 million, equal to FY 2020 and $8 million above the President's budget request.

Independent Agencies – $1.79 billion to support a variety of agencies including the General Services Administration, Office of Personnel Management, and Small Business Administration. In addition, the bill includes $142.9 million in a disaster cap adjustment for SBA Disaster Loans.

- **Consumer Product and Safety Commission –** $135 million, an increase of $2.5 million above FY 2020. Within the total, $1.3 million is included for Virginia Graeme Baker Pool Safety Grants.

- **Election Assistance Commission (EAC) –** $17 million for EAC operating expenses, an increase of $1.8 million above FY 2020, to increase staffing and other resources to enable the EAC to support State efforts

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to ensure the continued security and accessibility of Federal elections.

- **Federal Communications Commission (FCC) –** $374 million for FCC salaries and expenses, an increase of $35 million over FY 2020. Of this increase, $33 million is provided for the FCC to improve its broadband maps as required by the Broadband DATA Act.

- **Federal Trade Commission (FTC) –** $351 million for FTC salaries and expenses, an increase of $20 million over FY 2020, to bolster the agency's competition, privacy, and consumer protection work.

- **General Services Administration**

    - **Construction and Acquisition –** $230 million, an increase of $77.6 million over FY 2020, for the construction of U.S. courthouses in Hartford, CT and Chattanooga, TN.

    - **Repairs and Alterations –** $576.6 million, including $203.9 million for Major Repairs and Alterations and $372.7 million for Basic Repairs.

    - **Presidential Transition Expenses –** $9.9 million for the Presidential Transition in 2020-2021.

- **National Archives and Records Administration (NARA) –** $377 million for NARA operating expenses, an $18 million increase over FY 2020.

    - Includes $2 million for implementation of the Civil Rights Cold Case Record Collections Act of 2018 and $18 million for NARA's transition responsibilities under the Presidential Records Act of 1978.

    - In addition, includes $6.5 million for the National Historical Publications & Records Commission Grants Program.

- **Office of Personnel Management (OPM) –** $362 million, an increase of $32 million above the FY 2020 level. The additional funds are needed to compensate for the lost revenue due to the FY 2020 transfer of the background investigation bureau to the Pentagon and increased IT modernization efforts. Rejects the Administration's request to merge OPM into GSA and OMB.

- **Securities and Exchange Commission (SEC) –** $1.93 billion for SEC salaries and expenses, an increase of $100.6 million above the FY 2020 level and the same as the President's budget request.

- **Small Business Administration (SBA) –** $778.9 million for SBA, an increase of $39.9 million above the President's budget request. In addition, the bill provides $142.9 million in disaster cap adjustment funds for SBA Disaster Loans.

    - Includes $272 million for **Entrepreneurial Development Programs**, an increase of $11 million above the FY 2020 level and $104.4 million above the budget request, including:

        - $136 million for Small Business Development Centers;
        - $23 million for Women's Business Centers;
        - $35 million for Microloan Technical Assistance; and
        - $19.5 million for the State Trade Expansion Program (STEP).

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Policy Provisions –

- The bill preserves 6-day postal delivery, continues to prevent the consolidation or closure of small rural and other small post offices, and requires the Postal Service to continue to sell the popular "Tiger Stamp."
- The bill preserves a 1 percent pay raise for Federal civilian employees for calendar year 2021.
- The bill continues language prioritizing CDFI awards to persistent poverty counties.
- The bill continues a provision requiring OMB to notify all Federal agencies of their obligations to comply with government-wide provisions in Title VII of the FSGG bill.
- The bill provides $50,000,000 in emergency funding for NARA's Records Center Revolving Fund to offset losses resulting from the coronavirus pandemic and to accelerate the processing of requests for military service records.

Division F – Homeland Security

Overview:

The bill provides $69.02 billion in discretionary resources, including $49.33 billion for non-defense programs; $2.55 billion for defense-related programs; and $17.1 billion for major disaster response and recovery activities. When excluding offsetting collections and major disaster funding, the total provided in the bill is $51.88 billion, which is $195.5 million below the budget request and $1.41 billion above the FY2020 enacted level.

Bill Summary

Office of the Secretary – The bill provides $205.8 million for the Office of the Secretary and Executive Management, an increase of $27 million above the FY2020 enacted level and an increase of $55.5 million above the President's budget request, including:

- $20 million for the Office of Immigration Detention Ombudsman to investigate and resolve complaints regarding misconduct by DHS personnel and violations of the rights of individuals in DHS custody, including through unannounced inspections of detention facilities; and

- $25 million to be transferred to FEMA, including:
  - $20 million for Targeted Violence and Terrorism Prevention grants; and
  - $5 million for an Alternatives to Detention case management grant pilot program.

Management Directorate – The bill provides $3.20 billion for the Management Directorate, an increase of $78.3 million above the FY2020 enacted level and $148.7 million below the President's budget request.

Office of Inspector General – The bill provides $190.2 million for the Office of Inspector General, an increase of $12.4 million above the budget request for increased oversight of detention and immigration enforcement activities.

U.S. Customs and Border Protection (CBP) – The bill provides $15.28 billion for CBP, $370.7million above the FY2020 enacted level and $520.2 million below the President's budget request, including:

- $261 million above the request to support base line operations.
- $34 million for new body worn cameras and video recording equipment for Border Patrol Stations.
- $10 million of Port of Entry Technology.
- $45 million for innovative technology.
- $119 million for new aircraft and aircraft sensors.
- $118 million for border technology.
- $142 million for CBP facilities.

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Provides no funding for an increased number of border patrol agents.

Provides an additional $840 million in emergency appropriations for the ports of entry to help offset the loss of customs and immigration fee revenue associated with the pandemic.

U.S. Immigration and Customs Enforcement (ICE) – Provides $7.97 billion for ICE, $106.5 million below the FY2020 enacted level and $1.95 billion below the President's budget request, including:

- $2.14 billion for investigations with cross-border nexus, including those related to human trafficking, financial crimes and cyber investigations, including:
  - $5.5 million increase for the Human Exploitation Rescue Operative Child-Rescue Corps; and
- $4.12 billion for Enforcement and Removal Operations, $310.1 million below the FY2020 enacted level and $1.59 billion below the President's budget request, including:
  - $3.26 billion for Custody Operations and Transportation and Removal, $450 million below the FY2020 enacted level and $1.49 billion below the President's budget request; and
  - $440 million for Alternatives to Detention, $120.9 million above the FY2020 enacted level, including $25 million for case management services.

Rejects the proposed use of USCIS Immigration Examination Fee funding to support ICE investigations.

Provides ***no*** funding for additional immigration enforcement personnel.

Provides additional funding above FY2020 enacted levels to address the backlog of critical maintenance and repairs at existing, ICE-owned detention facilities.

Provides $3.16 million above the request to address ICE's Freedom of Information Act backlog.

Transportation Security Administration (TSA) – Provides $7.96 billion for TSA, $144.2 million above the FY2020 enacted level and $325.4 million above the President's budget request, including.

- Provides $100 million for computed tomography screening equipment and credential authentication and standoff detection technology.
- Fully funds the Visible Intermodal Prevention and Response teams (VIPR); staffing at exit lanes; and the Law Enforcement Officer reimbursement program.
- $30 million for reimbursements to airports for legacy purchases of in-line explosive detection systems.

Coast Guard – Provides $12.84 billion for the Coast Guard, $878.8 million above the FY2020 enacted level and $739.4 million above the President's budget request, including:

- $2.26 billion for significant new investments in the Coast Guard's air and marine fleet, and facilities, including:
  - Continued support for the Offshore Patrol Cutter program, Fast Response Cutters, MH-60 helicopters, C-130 J aircraft, and procurement of a second Polar Security Cutter.
  - $363 million, which is $216 million above the request for shore facilities and other infrastructure, including housing for Coast Guard families.
- $107 million above the request to invest further in Coast Guard operational readiness, personnel and their families, including additional investment in cybersecurity, communications, workforce readiness and childcare subsidy.

United States Secret Service (USSS) – Provides $2.44 billion for the USSS, $22.2 million above the FY2020 enacted level and $77.5 million above the President's budget request, including:

- $6 million for grants related to investigations of missing and exploited children; and
- $15.3 million for additional overtime and retention incentives

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- $10 million for radio modernization
- $11.3 million for IT support and infrastructure modernization
- $30.4 million for basic and advanced computer forensics training for state and local law enforcement officers, judges, and prosecutors in support of the Secret Service mission

Funds additional requirements to support Post-Presidential Protection and Transition activities.

Cybersecurity and Infrastructure Security Agency (CISA) – Provides $2.0 billion for CISA, $9.4 million above the FY2020 enacted level and $267.2 million above the President's budget request, including:

- $92.8 million to further advance CISA's Cyber Operations, including $43.9 million for threat hunting;
- $43.3 million for the Continuous Diagnostics and Mitigation program; and
- $21.2 million for the National Cybersecurity Protection System.

Fully funds the Chemical Facility Anti-Terrorism Standards (CFATS) program.

Federal Emergency Management Agency (FEMA) – Provides $21.67 billion for FEMA, $604.1 million below the FY2020 enacted level and $12.32 billion above the President's budget request, including:

- $17.14 billion for disaster response and recovery efforts; and
- $3.32 billion for Federal Assistance, including:
    - $610 million for the State Homeland Security Grant Program (SHSGP), including $90 million for the SHSGP Nonprofit Security Grants Program;
    - $705 million for the Urban Areas Security Initiative (UASI), including $90 million for the UASI Nonprofit Security Grant Program;
    - $720 million for firefighter grant programs;
    - $130 million for the Emergency Food and Shelter program;
    - $20 million transferred from the Office of the Secretary for Targeted Violence and Terrorism Prevention grants; and
    - $5 million transferred from the Office of the Secretary for an Alternatives to Detention case management grant pilot program.

Other

- $340.3 million for the Federal Law Enforcement Training Centers, $10.8 million below the FY2020 enacted level and $8.9 million above the President's budget request, including $4.7 million above the request to expand export training for law enforcement officers.
- $765.6 million for the Science and Technology Directorate, $28.3 million above the FY2020 enacted level and $121.8 million above the President's budget request.
- $402.3 million for the Countering Weapons of Mass Destruction Office, $30.2 million above the FY2020 enacted level and $25 million above the request.

Policy Provisions

- Prohibits the use of any federal funding to construct fencing in Bentsen-Rio State Park, the National Butterfly Center, the Santa Ana Wildlife Refuge, the Lower Rio Grande Wildlife Refuge between Brownsville, TX, and the Gulf of Mexico, and historic cemeteries.

- Requires CBP to provide an expenditure plan prior to the use of funds for border security construction and acquisition.

- Requires ICE to make information about the 287(g) program publicly available.

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- Requires ICE to sever contracts with detention facilities that fail two consecutive inspections and requires more frequent inspections by ICE's Office of Professional Responsibility.

- Requires ICE to publicly post inspection results and plans to address deficiencies, with the status of addressing such deficiencies to be validated by the new Office of Immigration Detention Ombudsman.

- Authorizes members of Congress to conduct unannounced inspections of detention facilities, as well as designated congressional staff who provide a 24-hour notice.

- Prohibits DHS from destroying records related to the death of, potential sexual assault against, or abuse of individuals in its custody.

- Ensures that information shared with ICE by the Department of Health and Human on potential sponsors of unaccompanied children cannot be used by ICE for detention or removal purposes unless the sponsor has a dangerous criminal background.

- Prohibits DHS from placing pregnant women in restraints except in extraordinary circumstances.

- Requires ICE to provide detailed reporting on its Alternatives to Detention program.

- Requires ICE to publish information on a publicly available website with the numbers and types of people in its custody, such as:
    - families and transgender detainees;
    - border apprehension detainees;
    - interior enforcement detainees; and
    - those who are in custody who have a positive credible fear claim.

Division G – Interior-Environment

Overview:

The Interior, Environment, and Related Agencies bill includes funding for programs within the Department of the Interior, the Environmental Protection Agency, and other related agencies, including the Indian Health Service.

In total, the FY 2021 bill includes $36.107 billion, an increase of $118 million over the 2020 enacted level and $4.5 billion over the President's 2021 request. There is also an additional $2.35 billion of funding provided under the fire suppression cap adjustment.

Increases in funding will help protect and preserve public lands, build resilience to climate change, strength the environmental workforce, and ensure access to safe drinking water.

In FY 2021, Land and Water Conservation Fund (LWCF) allocations will shift from discretionary to mandatory appropriations. For clarity, comparisons throughout are for non-LWCF programs.

Bill Summary:

Land and Water Conservation Fund (LWCF) - The bill provides for the allocation of the full $900 million now permanently available from the Land and Water Conservation Fund as a result of enactment of the Great American Outdoors Act. These allocations include $405 million for the federal program, $360 million for the state grants program, and $135 million for other non-federal grant programs.

Wildland Fire Management (WFM) - The bill provides $5.27 billion for WFM, which includes, $2.35 billion in cap adjusted fire suppression funding. Funding includes a shift of $387 million to Forest Service (non-fire)

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due to the budget restructure and the creation of the "Forest Service Operations" account. After adjusting for this shift, the bill provides a programmatic increase of $104 million for WFM.

Department of the Interior (DOI) – The bill provides a total of $13.7 billion in discretionary appropriations for DOI – $186 million above the 2020 enacted level and $1.7 billion above the President's budget request. Of this amount, the bill includes:

- $1.27 billion for the **Bureau of Land Management**, $28 million below the enacted level and $90 million above the President's budget request. Within this amount, the bill includes:
  - $74 million for **sage-grouse conservation.**
  - $31 million for **renewable energy** development
  - $116 million for the **wild horse and burro program**, $15 million above the fiscal year 2020 enacted level.
- $1.58 billion for the **U.S. Fish and Wildlife Service**, $22 million above the fiscal year 2020 enacted level and $205 million above the President's budget request. Within this amount, the bill includes:
  - $270 million for **Ecological Services**, $3.7 million above the fiscal year 2020 enacted level and $26 million above the President's budget request.
  - $504 million for **National Wildlife Refuge System**, $1.4 million above the fiscal year 2020 enacted level and $21 million below the President's budget request.
  - $72 million for **State and Tribal Wildlife Grants**, $4.8 million above the fiscal year 2020 enacted level and $41 million above the President's budget request.
- **$3.12 billion for National Park Service**, $44 million below the fiscal year 2020 enacted level and $332 million above the President's budget request. Within this amount, the bill includes:
  - $2.69 billion for **Operation of the National Park System**, $111 million above the fiscal year 2020 enacted level and $172 million above the President's budget request. Within this amount, $3.3 million is provided for the 400 Years of African-American History Commission and $8 million is provided for the Semiquincentennial Commission.
  - $74 million for **National Recreation and Preservation**, $3 million above the fiscal year 2020 enacted level and $40 million above the President's budget request.
  - $144 million for the **Historic Preservation Fund**, $26 million above the fiscal year 2020 enacted level and $104 million above the President's budget request. Within this amount, the bill includes $71 million for State and Tribal Historic Preservation Offices, $25 million for Save America's Treasures grants, $21 million for competitive grants to preserve the sites and stories of underrepresented community civil rights, and $10 million for grants to Historically Black Colleges and Universities.
- $1.3 billion for the **U.S. Geological Survey**, $44.6 million above the fiscal year 2020 enacted level and $344 million above the President's budget request.
- $3.5 billion for **Bureau of Indian Affairs**, **Bureau of Indian Education**, and the **Office of the Special Trustee,** $171 million above the fiscal year 2020 enacted level and $544 million above the President's budget request. This amount rejects the new budget structure for the Bureau of Trust Funds Administration in Indian Affairs but includes the Office of the Special Trustee in the total. Within the $3.5 billion, the bill includes:
  - $1.6 billion for operation of **Bureau of Indian Affairs Operation of Indian Programs**, $39 million above the fiscal year 2020 enacted level and $170 million above the President's budget request.
  - $129 million for **Bureau of Indian Affairs Construction**, equal to the fiscal year 2020 enacted level and $70 million above the President's budget request.
  - $11.8 million for the **Indian Guaranteed Loan Program**, equal to the fiscal year 2020 enacted level and $10.9 million above the President's budget request.
  - $973 million for **Bureau of Indian Education Operation of Indian Programs**, $30 million above the fiscal year 2020 enacted level for the same programs and $97 million above the President's budget request.

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    - $264 million to **Bureau of Indian Education Construction**, $16 million above the fiscal year 2020 enacted level for the same programs and $195 million above the President's budget request.
    - Fully funds **Contract Support Costs**.
    - Establishes indefinite appropriation account for and fully funds **Payments for Tribal Leases.**
    - $108 million for the **Office of the Special Trustee,** equal to the fiscal year 2020 enacted level and the President's budget request for a proposed Bureau of Trust Funds Administration.
- $115 million for **Office of Insular Affairs**, $4 million above the 2020 enacted level and $26 million above the President's budget request.
- $58 million for **Office of Inspector General**, $2.6 million above the enacted level and $790,000 below the President's budget.
- $86 million for the **Office of the Solicitor**, $20 million above the 2020 enacted level and equal to the President's budget. The increase is due to the relocation of bureau Ethics Offices.

Environmental Protection Agency (EPA) – The bill provides a total of $9.24 billion in for EPA – $180 million above the 2020 enacted level and $2.53 billion above the President's budget request. Of this amount, the bill includes:

- $3.49 billion for EPA's core **science and environmental program work**, an increase of $111 million above the 2020 enacted level and $724 million above the President's budget request. Within these amounts, the bill includes:
    - $542 million for **Geographic Programs** which help with restoration of nationally significant bodies of water like the Great Lakes, Chesapeake Bay, and Long Island Sound. This is an increase of $32 million above the 2020 enacted level and $211 million above the President's budget request.
    - $566 million for **environmental compliance monitoring and enforcement activities and grants**, a $14 million increase above the 2020 enacted level and $41 million above the President's request.
    - $53 million in funding at EPA and partner agencies for **scientific and regulatory work and cleanup assistance for per- and polyfluoroalkyl substances (PFAS)**, needed to establish a drinking water standard and cleanup standards. This level of funding is $10 million above the 2020 enacted level.
- $4.31 billion for **State and Tribal Assistance Grants,** a $68 million increase above the 2020 enacted level and $1.47 billion above the President's budget request. Within this amount, the bill includes:
    - $2.77 billion for **Clean Water and Drinking Water State Revolving Funds**, equal to the 2020 enacted level.
    - $40 million for **Combined Sewer Overflow grants**, a $12 million increase above the enacted level.
    - $91 million for **Brownfields cleanups**, a $2 million increase above the 2020 enacted level.
    - $90 million for **Diesel Emissions Reductions grants**, a $3 million increase above the enacted level.
- $1.21 billion for **Superfund**, a $21 million increase above the 2020 enacted level and $127 million above the President's request.
- $12.5 million for **Environmental Justice activities**, a $2.3 million increase above the 2020 enacted level and over four-fold increase above the President's budget request.

Related Agencies –

- $3.46 billion for the **Forest Service (non-fire)**, an increase of $324 million above the 2020 enacted level and $527 million above the President's budget request. After adjusting for LWCF and a restructure of the Forest Service budget, this is a programmatic increase of $77.9 million.
- $6.2 billion for the **Indian Health Service**, an increase of $189 million above the 2020 enacted level and $57 million below the President's budget request.

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    - $4.3 billion for health services, $14 million below the 2020 enacted level and $206 million below the President's budget request. This rejects the President's proposed program cuts and includes $5 million for HIV and Hepatitis C initiative, $5 million for Alzheimer's, and $5 million for maternal health initiative. The amount reflects the transfer of funds for tribal lease payments to a new indefinite appropriation account for these costs.
    - $918 million for health facilities construction, $6 million above the 2020 enacted level and $149 million above the President's budget request. This continues $5 million to invest in green infrastructure.
    - Establishes an indefinite appropriation account and fully funds Payments for Tribal Leases.
- $167.50 million each for the **National Endowment for the Arts** and the **National Endowment for the Humanities**, which is $5.25 million more than the 2020 enacted levels and rejects the President's budget request proposal to eliminate the Agencies. The bill includes language that permits grants fund appropriated this year and in fiscal years 2019 and 2020 to be used for operating expenses.
- $1.03 billion for the **Smithsonian Institution**, a reduction of $14.6 million below the 2020 enacted level and $77.6 million below the President's budget request.
- $14 million for the **Woodrow Wilson International Center for Scholars**, the 2020 enacted level and $5.8 million above the President's budget request.
- $40.4 million for the **John F. Kennedy Center for the Performing Arts**, a decrease of $3 million below the 2020 enacted level and equal to the President's budget request.
- $61.4 million for the **United States Holocaust Memorial Museum**, $1 million above the enacted level and the President's budget request. The NEVER AGAIN EDUCATION ACT (Public Law 116-141) is fully funded at $2 million to enhance the U. S. Holocaust Memorial Museum's education programming on the Holocaust and genocide prevention.

Outcome of Policy Provisions:
The bill includes the following policy provisions that were previously enacted:

- Sec. 116 retains restrictions on the issuance of rules for sage grouse.
- Sec. 430 continues a provision limiting oil and gas development near Chaco Culture National Historical Park.
- Sec. 436 continues a provision prohibiting the use of funds to promulgate or implement permitting requirements under Title V of the Clean Air Act for certain livestock emissions.
- Sec. 437 continues a provision prohibiting funds to implement any provision that requires reporting mandatory greenhouse gas emissions from manure management operations.
- Sec. 438 retains provision prohibiting funds to regulate the lead content of ammunition or fishing tackle.
- Sec. 439 addresses carbon emissions from forest biomass.
- Sec. 440 addresses the use of small remote incinerators in the State of Alaska.

Division H – Labor-HHS-Education

Overview:

The Labor, Health and Human Services, Education, and Related Agencies bill includes funding for programs within the Departments of Labor, Health and Human Services, and Education, and other related agencies, including the Social Security Administration.

In total, the FY 2021 bill includes $197 billion in programmatic funding, an increase of $2.8 billion over the 2020 enacted level and $19.2 billion over the President's 2021 budget request.

Bill Summary:

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Department of Labor (DOL) – The bill provides a total of $12.5 billion in discretionary appropriations for DOL, an increase of $122 million above the 2020 enacted level and $1.4 billion above the President's budget request. Of this amount, the bill includes:

- $9.4 billion for the **Employment and Training Administration**, an increase of $99 million above the 2020 enacted level. Within this amount, the bill includes:
    - $2.8 billion for **Workforce Innovation and Opportunity Act Grants**, an increase of $26 million above the fiscal year 2020 enacted level.
    - $94 million for **Migrant and Seasonal Farmworkers**, an increase of $2 million above the fiscal year 2020 enacted level. New bill language is included increasing the eligibility threshold to 150 percent of the poverty line.
    - $100 million for the **Reintegration of Ex-Offenders**, an increase of $2 million above the fiscal year 2020 enacted level.
    - $185 million for **Registered Apprenticeships**, an increase of $10 million above the fiscal year 2020 enacted level. No funding is provided for Industry Recognized Apprenticeship Programs (IRAPs). New bill language is included that requires the participation of equity intermediaries and business and labor industry partner intermediaries.
    - $97 million for **YouthBuild**, an increase of $2 million above the fiscal year 2020 enacted level.
    - $45 million for **Strengthening Community College Training Grants**, an increase of $5 million above the fiscal year 2020 enacted level. Funding will help meet local and regional labor market demand for a skilled workforce by providing training to workers in in-demand industries.
    - $1.7 billion for **Job Corps,** an increase of $5 million above the 2020 enacted level.
    - $200 million for the **Reemployment Services and Eligibility Assessments** program, an increase of $25 million above the 2020 enacted level.
    - $670 million for the **Employment Service**, an increase of $2 million above the 2020 enacted level.
    - $77.8 million for the **Office of Foreign Labor Certification**, an increase of $9 million above the 2020 enacted level.
- $1.7 billion for **Worker Protection Agencies**, an increase of $15.3 million above the fiscal year 2020 enacted level. Within this amount, the bill includes:
    - $246 million for the **Wage and Hour Division**, an increase of $4 million above the 2020 enacted level.
    - $592 million for the **Occupational Safety and Health Administration**, an increase of $10 million above the 2020 enacted level.
- $15 million for the **Women's Bureau**, an increase of $1 million above the 2020 enacted level. Within this amount, the Women in Apprenticeship and Nontraditional Occupations (WANTO) program is funded at $1.8 million, $500,000 above the 2020 enacted level.

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- $316 million for **Veterans' Employment and Training Service** (VETS), an increase of $5 million above the 2020 enacted level. Of this amount:
    - $58 million for the **Homeless Veterans Reintegration Program**, an increase of $2 million above the 2020 enacted level.
    - $31 million for the **Transition Assistance Program**, an increase of $2 million above the 2020 enacted level.

Department of Health and Human Services (HHS) – The bill includes a total of $97 billion for HHS, an increase of $2.1 billion above the 2020 enacted level and $9.9 billion above the President's budget request.

- **National Institutes of Health (NIH)** – The bill provides a total of $42.9 billion for NIH, an increase of $1.25 billion above the 2020 enacted level. This includes:
    - $3.118 billion, an increase of $300 million, for **Alzheimer's disease and related dementias research**;
    - $560 million, an increase of $60 million, for the **BRAIN Initiative**;
    - $541 million, an increase of $8 million, for research related to opioids through the **HEAL Initiative**;
    - $220 million, an increase of $20 million, for **Universal Flu Vaccine Research**;
    - $3.09 billion, an increase of $20 million, for **HIV/AIDS Research**, including funding for the Centers for AIDS Research as part of the **Ending the HIV Epidemic Initiative**;
    - $397 million, an increase of $10 million, for **Institutional Development Awards (IDeA)**;
    - $80 million, an increase of $5 million, for **Research Centers in Minority Institutions**;
    - $587 million, an increase of $9 million, for **Clinical and Translational Science Awards**;
    - $65 million, an increase of $5 million, for the **INCLUDE Down syndrome research initiative**;
    - $12.5 million for **research on firearm violence prevention**;
    - $44 million, an increase of $5 million, for the **Office of Research on Women's Health**; and
    - Funding for new initiatives, including $10 million for **research on premature births**, $10 million for **research on tick-borne diseases**, and $50 million for **research on artificial intelligence** to address chronic diseases.

- **Centers for Disease Control and Prevention (CDC)** – The bill includes a total of $7.9 billion for CDC, an increase of $125 million above the 2020 enacted level. This includes $856 million in transfers from the Prevention and Public Health Fund.
    - The bill includes investments in our nation's public health infrastructure including:
        - $201 million, an increase of $25 million, for **influenza** planning and response.

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        - $695 million, an increase of $20 million, for **public health emergency preparedness cooperative agreements** with State and local health departments.
        - $65 million, an increase of $2 million, for **food safety**.
        - $361 million, an increase of $7.5 million, to **strengthen epidemiologic and laboratory capacity**, and includes $50 million to support **modernization of public health data surveillance and analytics** at CDC, State and local health departments.
        - $56 million, an increase of $5 million, for **public health workforce and career development**.
        - $175 million, an increase of $1 million, for **health statistics**.
    - The bill provides increases for numerous public health efforts, including:
        - $175 million, an increase of $35 million, to support CDC's efforts to **reduce new HIV infections**.
        - $12 million, an increase of $2 million, for **suicide prevention**.
        - $12.5 million, the same amount as the 2020 enacted level, to specifically support **firearm injury and mortality prevention research**.
        - $237.5 million, an increase of $7.5 million, to address **tobacco and e-cigarettes.**
        - $20.5 million, an increase of $5 million, for **Alzheimer's**.
        - $63 million, an increase of $5 million, for **safe motherhood**.
        - $345 million, an increase of $2.5 million, for the **National Institute for Occupational Safety and Health.**
        - $193 million, an increase of $20 million, for **global disease detection efforts.**
- **Substance Abuse and Mental Health Services Administration** (SAMHSA) – The bill funds SAMHSA at $6 billion, an increase of $133 million above the 2020 enacted level. SAMHSA funding includes increased support for:
    - **Mental health resources** including a new $35 million crisis care initiative within the Mental Health Block Grant; and expanded services and support for mental for children and youth including $107 million for Project AWARE, an increase of $5 million; and $72 million for the National Child Traumatic Stress Initiative, an increase of $3 million.
    - **Suicide prevention** including $21 million for the Zero Suicide program, an increase of $5 million; and $24 million for the Suicide Lifeline, an increase of $5 million.
    - **Substance abuse treatment**: $3.8 billion, an increase of $17 million, including continued funding for opioid prevention and treatment.
    - **Substance abuse prevention**: $208 million, an increase of $2 million.

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- **Health Resources and Services Administration** (HRSA) – The bill includes $7.5 billion for HRSA, which is $151 million above the 2020 enacted level. The amount includes:
    - $1.7 billion for the **Health Centers** program, an increase of $57 million.
    - $2.4 billion, an increase of $35 million, for the **Ryan White HIV/AIDS** program.
    - $102 million in **Health Centers** and $105 million in the **Ryan White HIV/AIDS program** to **reduce new HIV infections** by 90 percent in 10 years.
    - $1.2 billion, an increase of $30 million, for HRSA's **Bureau of Health Professions** programs to support the medical workforce.
    - $975 million, an increase of $32 million, for programs to **improve maternal and child health.**
    - $286 million for the **Title X Family Planning** program.
- **Agency for Healthcare Research and Quality (AHRQ)** – The bill provides $338 million for AHRQ, the same as the 2020 enacted level.
- **Centers for Medicare and Medicaid Services (CMS)** – The bill provides $4 billion for CMS administrative expenses, the same as the 2020 enacted level.
- **Administration for Children and Families (ACF)** – The bill provides $24.7 billion in discretionary funding for ACF, an increase of $251 million above the 2020 enacted level.
    - Early childhood programs receive an increase of $220 million:
        - $5.9 billion for the **Child Care and Development Block Grant**, an increase of $85 million; and
        - $10.7 billion for **Head Start**, an increase of $135 million.
    - $3.8 billion for the **Low Income Home Energy Assistance Program** (LIHEAP), an increase of $10 million.
    - $745 million for the **Community Services Block Grant**, an increase of $5 million.
    - $196 million for **Family Violence Prevention and Services and the Domestic Violence Hotline,** an increase of $8.5 million.
- **Administration for Community Living (ACL) –** The bill funds ACL at $2.3 billion, which is $35 million above the 2020 enacted level. This amount includes:
    - $952 million for **Senior Nutrition** programs, an increase of $15 million above the 2020 enacted level.
    - $200 million for **Family Caregivers Services**, an increase of $4 million above the 2020 enacted level.

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- **Office of the Secretary—General Departmental Management** – The bill provides $551 million, an increase of $6 million above the 2020 enacted level. The amount includes:
    - $108 million for the **Teen Pregnancy Prevention** program.
    - $62 million for the **Office of Minority Health**, an increase of $3 million above the fiscal year 2020 enacted level.
    - $55 million for the **Minority HIV/AIDS Initiative**, an increase of $1.5 million above the fiscal year 2020 enacted level.
    - $35 million for the **Office on Women's Health**, an increase of $1.5 million above the 2020 enacted level.
    - $5 million for **KidneyX** for the second year of a public-private partnership to accelerate the development and adoption of novel therapies and technologies to improve the diagnosis and treatment of kidney diseases.
- **Public Health and Social Services Emergency Fund (PHSSEF)** – The bill provides $2.8 billion for PHSSEF, an increase of $110 million above the 2020 enacted level. The total funding level includes:
    - $597 million for the **Biomedical Advanced Research and Development Authority** (BARDA), an increase of $35 million.
    - $770 million for **Project BioShield**, an increase of $35 million.
    - $705 million for the **Strategic National Stockpile**, the same as the 2020 enacted and the President's budget request.
    - $287 million for **Pandemic Influenza Preparedness**, an increase of $27 million.

Department of Education (ED) – The bill provides a total of $73.5 billion in discretionary appropriations for ED – an increase of $785 million above the 2020 enacted level and $7 billion above the President's budget request.

The bill includes language amending the General Education Provisions Act to eliminate the last remaining prohibition on using federal funds for transportation costs to carry out school desegregation efforts.

- **K-12 Education –** Overall, the bill provides $40.6 billion for K-12 education programs, including the Individuals with Disabilities Education Act, an increase of $498 million above the 2020 enacted level. Of this amount, the bill includes:
    - $16.5 billion for **Title I Grants to Local Educational Agencies**, an increase of $227 million above the 2020 enacted level.

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- $14.1 billion for **Special Education**, an increase of $186 million above the 2020 enacted level. Within this amount, the bill provides:
    - $12.9 billion for **Part B Grants to States**, an increase of $173 million above the 2020 enacted level; and
    - $23.7 million for **Special Olympics** education programs, an increase of $3.6 million above the 2020 enacted level.
- $2.1 billion for **Supporting Effective Instruction State Grants** (Title II-A), an increase of $11.3 million over the 2020 enacted level.
- $797 million for **English Language Acquisition State Grants**, an increase of $10 million above the 2020 enacted level.
- $1.2 billion for **Student Support and Academic Enrichment State Grants**, an increase of $10 million above the 2020 enacted level.
- $1.3 billion for **Nita M. Lowey 21st Century Community Learning Centers**, an increase of $10 million above the 2020 enacted level.
- $107 million for **Education for Homeless Children and Youth**, an increase of $5 million above the 2020 enacted level.
- $1.5 billion for **Impact Aid**, an increase of $15 million over the 2020 enacted level.
- Additional support for the **Social-Emotional Learning** (SEL) Initiative created in the fiscal year 2020 bill to fund SEL and "whole child" approaches to education, including:
    - $67 million within the **Education Innovation and Research** program, an increase of $2 million above the 2020 enacted level, for grants to support evidence-based, field-initiated innovations that address student social, emotional, and cognitive needs;
    - $30 million for **Full-Service Community Schools**, an increase of $5 million over the 2020 enacted level, to provide comprehensive services and expand evidence-based models that meet the holistic needs of children, families, and communities; and
    - $106 million for the **School-Based Mental Health Services Grant Program**, an increase of $1 million over the 2020 enacted level**.**
- $67 million within the **Education Innovation and Research** program, an increase of $2 million above the 2020 enacted level, for grants to expand opportunities in Science, Technology, Engineering, and Math (STEM), including computer science.
- $109 million for the **Magnet Schools Assistance Program**, an increase of $2 million above the 2020 enacted level.

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- **Career, Technical, and Adult Education:** The bill provides $2 billion for career, technical, and adult education programs, an increase of $70 million above the 2020 enacted level. Within this amount, the bill provides:

    - $1.3 billion for **Career and Technical Education State Grants**, an increase of $52 million above the 2020 enacted level.

    - $675 million for **Adult Education State Grants**, an increase of $18 million above the 2020 enacted level.

- **Randolph-Sheppard Act:** The bill includes new language providing $20 million to assist blind vendors operating vending facilities under the Randolph-Sheppard Act.

- **Disability Innovation Fund:** The bill includes new language allowing unallocated funding to be used for competitive grants, in consultation with the Department of Labor, to improve opportunities for competitive integrated employment for individuals with disabilities.

- **Student Financial Assistance** – The bill provides $24.5 billion for Federal student aid programs, an increase of $25 million above the 2020 enacted level. Within this amount, the bill provides:

    - $6,495 for the maximum **Pell Grant**, an increase of $150 above the 2020 enacted level. The increase will help the maximum award keep pace with inflation.

    - $880 million for the **Federal Supplemental Educational Opportunity Grant** program, an increase of $15 million above the 2020 enacted level.

    - $1.2 billion for **Federal Work Study**, an increase of $10 million above the 2020 enacted level.

- **Higher Education** – The bill provides $2.5 billion for higher education programs, an increase of $66 million above the 2020 enacted level.

    - Within this amount, the bill provides $789 million, an increase of $30 million above the 2020 enacted level, to assist primarily **Minority Serving Institutions (MSIs) in the Aid for Institutional Development** account, including:

        - $338 million for **Historically Black Colleges and Universities**, an increase of $13 million above the 2020 enacted level.

        - $149 million for **Hispanic Serving Institutions**, an increase of $6 million above the 2020 enacted level.

        - $38 million for **Tribally Controlled Colleges and Universities**, an increase of $1.4 million above the 2020 enacted level.

    - The bill also provides investments in the following higher education programs:

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- $1.1 billion for **Federal TRIO** programs, an increase of $7 million above the 2020 enacted level.

- $368 million for **GEAR UP**, an increase of $3 million above the 2020 enacted level.

- $52 million for **Teacher Quality Partnerships**, an increase of $2 million above the 2020 enacted level.

- $55 million for the **Child Care Access Means Parents in School**, an increase of $2 million above the 2020 enacted level.

- $7 million for the continued support of the **Centers of Excellence for Veteran Student Success Program**.

- $7 million for the continued support of the **Open Textbooks Pilot**.

- $10 million for the **Rural Postsecondary and Economic Development Grant Program** for innovative approaches to improve rates of postsecondary enrollment and completion among rural students.

- $2 million for the **Center of Educational Excellence**, a model center of educational excellence at an undergraduate HBCU with a demonstrable record in the production of Black teachers.

- $5 million for **Basic Needs Grants** to support programs that address the basic needs of postsecondary education students.

- $1 million for **Transitioning Gang-Involved Youth to Higher Education** to provide a funding opportunity for organizations that work directly with gang involved youth to help such youth pursue higher education opportunities.

- $7 million for **Modeling and Simulation Programs** as authorized under section 891 of the Higher Education Act.

- $2 million for the **National Center for Information and Technical Support for Postsecondary Students with Disabilities** as authorized under section 777(a) of the Higher Education Act.

- $131 million for the **Office for Civil Rights**, an increase of $1 million above the 2020 enacted level.

Related Agencies –

- $1.1 billion for the **Corporation for National and Community Service (CNCS)**, a programmatic increase of $40 million above the 2020 enacted level. Within that amount:

    - $455 million for **AmeriCorps State and National Grants**, an increase of $27 million above the 2020 enacted level.

    - $225 million for the **Senior Volunteer** programs, an increase of $4 million above the 2020 enacted level.

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- $97 million for the **Volunteers in Service to America** program, an increase of $4 million above the 2020 enacted level.

- $475 million for the **Corporation for Public Broadcasting** (CPB), in 2023 advance funding, an increase of $10 million above the 2020 enacted level. In addition, the bill includes $20 million for the interconnection system and system wide infrastructure, the same as the 2020 enacted level.

- $257 million for the **Institute of Museum and Library Services**, an increase of $5 million above the 2020 enacted level.

- $12.9 billion for the **Social Security Administration**'s (SSA) operating expenses, an increase of $67 million above the 2020 enacted level.

Division I – Legislative Branch

Overview:

The legislation funds the Legislative Branch of the U.S. government, including the U.S. House of Representatives and the U.S. Senate, Congressional Budget Office, and Capitol Police.

The bill appropriates a total of $5.3 billion, $251 million or 5.0 percent more than in FY 2020.The FY 2021 Legislative Branch Appropriations bill provides the House of Representatives with increased resources to carry out its responsibilities in developing legislation, conducting oversight, and assisting constituents in their interactions with the Federal Government. The bill also maintains and builds analytical capacity to support lawmaking and oversight, addresses high-priority needs involving information technology and security, and supports Legislative Branch agencies such as the Library of Congress and the Government Accountability Office in their wider roles of service to the nation.

Bill Summary:

House of Representatives – The bill provides a total of $1.477 billion in discretionary appropriations for the House of Representatives, $111 million above the 2020 enacted level.

- $640 million for the **Members Representational Allowance (MRA)**, the basic office budgets of House Members, $25 million above the FY 2020 level. In addition to bringing appropriations into line with currently authorized spending, this funding is estimated to support an increase of roughly $56,000 per Member office for 2021.

- $11.4 million in **funding for paid interns**, both in Member offices and leadership offices. This allowance helps extend internship opportunities to people who may not be financially able to take an unpaid position.

- $163 million for the **operations of House committees**, a $3 million increase. This appropriation will cover the funding allocated to committees for 2021 by the biennial funding resolution.

- The bill includes $2 million for the **newly created House Modernization Initiatives Account** to make Congress more effective, efficient, and transparent on behalf of the American people.

- $260.8 million for the **salaries and expenses of House officers and employees**, including the offices of the Clerk of the House, Sergeant at Arms, Chief Administrative Officer (CAO), Parliamentarian, and Legislative Counsel, among others, an increase of $28 million above the FY 2020 enacted level.

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- $1.5 million for the **Office of Diversity & Inclusion**, an increase of $500,000 above both FY 2020 and the FY 2021 request.

- **Increases the student loan lifetime cap** from $60,000 to $80,000 for House and Senate staff as well as the Capitol Police.

Other Agencies –

- $516 million for **the Capitol Police**, $51 million above the FY 2020 level. In addition, the agreement maintains several measures to help bring more transparency to the Capitol Police and address issues such as racial profiling, USCP jurisdiction, and diversity.

- $57 million for the **Congressional Budget Office (CBO)**, a $2 million increase above the FY 2020 level. This funding level will allow CBO to continue and modestly increase its efforts to improve modeling and analytical capability in key areas and to make its work as transparent and accessible as possible.

- $661 million for the **Government Accountability Office (GAO)**, a $31 million increase. This level should allow the GAO to handle its large workload and strengthen its Science, Technology Assessment, and Analytics (STAA) team.

- $757 million, an increase of $32 million, for the **Library of Congress**, including the Copyright Office, Congressional Research Service (CRS), and National Library Service for the Blind and Print Disabled.

    - The bill includes $10 million for the Library's Visitor Experience initiative, bringing the total Federal investment for the project to $30 million.

    - $2.5 million, available over two years, is provided to phase out and retire the mass de-acidification preservation project.

    - The bill includes requested CRS funding for additional staff to strengthen its capacity to support Congress with technology assessments.

    - The bill also includes $5 million for modernizing the website that handles distribution of audio and braille reading materials at the National Library Service for the Blind and Print Disabled as well as $2 million for purchase of braille e-readers.

- $675 million for the **Architect of the Capitol**, $13million less than the fiscal year 2020 total. Funding is provided for high priority projects such as the Cannon building renovation, repairs to the Capitol Power Plant, and a storage module for the Library at Ft. Meade.

Joint Congressional Committee on Inaugural Ceremonies of 2021 – The agreement provides $2 million for the Joint Congressional Committee on Inaugural Ceremonies of 2021to ensure safe, healthy and inclusive Presidential Inaugural Ceremonies. This responds to unanticipated needs due to the COVID pandemic, which will result in an unprecedented Presidential Inauguration. Funding will cover the costs of testing for all attendees, guests, and support staff in the Capitol for the ceremonies.

Office of the Attending Physician – The agreement provides $5 million for the Office of the Attending Physician for the response to COVID-19, including testing and vaccine handling, to keep the Capitol Complex safe and secure.

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Government Accountability Office (GAO) – The agreement provides $10 million in emergency funding for the GAO to conduct oversight of COVID-19 funding provided to federal departments and agencies for coronavirus response and recovery efforts.

Member Pay Adjustment – The bill includes language blocking the annual pay adjustment for Members of Congress that is otherwise required by statute.

Division J – Military Construction & Veterans Affairs

Overview:

The Military Construction, Veterans Affairs, and Related Agencies bill funds the Department of Defense, Department of Veterans Affairs, and other related agencies, including the American Battle Monuments Commission and the Armed Forces Retirement Home.

In total, the FY 2021 bill provides $113.1 billion in discretionary funding – $8.9 billion above the comparable fiscal year 2020 enacted level. This includes $350 million in Overseas Contingency Operations (OCO) funding.

The funding in this bill will provide for the construction of facilities to enable our military to fight current and emerging threats, to support increased troop levels, and to sustain services for military families. This includes operational facilities, training facilities, hospitals, family housing, National Guard readiness centers, barracks, and other important resources. Additionally, the funding in this bill will provide Veterans with the healthcare and benefits they have earned through their military service.

Bill Summary:

Military Construction – The bill provides a total of $8.06 billion for military construction projects – an increase of $250 million above the budget request. In addition to this amount, $350 million is provided in OCO funding for projects in countries with ongoing U.S. operations and the European Deterrence Initiative to combat Russian aggression. In total, 132 military construction projects across the country and overseas receive funding in the bill.

- **Military Family Housing** – The bill provides $1.3 billion to fund construction, operation, and maintenance of military family housing for fiscal year 2021, the same as the budget request, and provides an additional $60 million in an administrative provision. The additional funds above the request are provided to address family housing issues such as mold, vermin, and lead in military family housing. This funding will ensure quality housing for all 2,006,171 military families currently served by the program.

- **Guard and Reserve** – The bill includes $596 million for construction or alteration of Guard and Reserve facilities in states and territories.

- **NATO Security Investment Program (NSIP)** – The bill provides $173 million, the same as the budget request, for infrastructure necessary for wartime, crisis, and peace support and deterrence operations, and training requirements. The funds will support responses to the challenges posed by Russian aggression as well as the risks and threats emanating from the Middle East and North Africa.

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• **BRAC/PFAS** – The agreement provides an additional $180 million to address legacy Navy BRAC issues and the PFAS issues at installations.

Department of Veterans Affairs (VA) – The legislation includes a total of $243.2 billion in both discretionary and mandatory funding for VA, an increase of $25.3 billion above the fiscal year 2020 level. This funding will help address many of the problems currently facing VA and provide for better care and increased access to care for our Veterans. Discretionary funding alone for VA programs in the agreement totals $104.4 billion, an increase of $11.9 billion above the fiscal year 2020 level. Approximately $87.6 billion of this discretionary total was provided last year via advance funding in the fiscal year 2020 Appropriations bill. These additional funds will provide resources for important priorities within VA, such as greater access to healthcare for women Veterans, mental health, suicide prevention, claims processing, homeless prevention and care, opioid addiction, rural health, and medical research.

• **VA Medical Care** – The bill funds VA medical care at $90 billion – providing for approximately 7.2 million patients to be treated in fiscal year 2021. Within this total, funding includes: $10.3 billion in mental healthcare services, of which $313 million is for suicide prevention outreach activities; $661 million for gender-specific care for women; $1.9 billion for homeless assistance programs; $504 million for opioid abuse prevention; and $300 million in rural health initiatives.

• **VA Electronic Health Record** – The bill contains $2.6 billion to continue implementation of the VA electronic health record (EHR) system. This will ensure VA has the funding it needs to continue the deployment of the health record system across the country at VA facilities, which is the same system as DOD. The interoperable health record modernization will ensure our Veterans get proper care, with timely and accurate medical data transferred between VA, DOD, and the private sector. In order to facilitate robust oversight over the modernization effort, the agreement makes 25 percent of the funding contingent upon the Secretary certifying in writing of any changes to the deployment schedule within seven days prior to July 1, 2021. The agreement also continues GAO oversight of this program to ensure that the EHR system is implemented in a timely manner.

• **Disability Claims Processing Backlog** – The bill provides $3.18 billion, $55 million above the fiscal year 2020 level, for operating expenses of the Veterans Benefits Administration. These funds support the prompt processing of disability claims and efforts to continue reducing the disability claims backlog. In addition, the bill continues rigorous reporting requirements to track each regional office's performance on claims processing and appeals backlogs.

• **Construction** – Major and minor construction within the VA is funded at $1.7 billion.

• **VA Mandatory Funding** – The bill fulfills mandatory funding requirements such as: Veteran disability compensation programs for 5.7 million Veterans and their survivors; education benefits for almost one million Veterans; and vocational rehabilitation and employment training for over 100,000 Veterans.

• **Advance Appropriations** – The bill contains $94.2 billion in advance fiscal year 2022 funding for Veterans' medical programs – the same level as the President's request. This funding will provide for medical services, medical community care, medical support and compliance, and medical facilities, and will ensure that Veterans have continued, full access to their medical care needs. The bill also includes $145.3 billion in advance funding for VA mandatory benefits programs, as requested in the President's budget.

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Arlington National Cemetery (ANC) – The bill includes $81.8 million for ANC, which is $11 million above the fiscal year 2021 budget request and $1 million above the fiscal year 2020 enacted level. As in fiscal year 2020, the increase for salaries and expenses above the budget's proposed cut will allow ANC to maintain their current level of services for Veterans and family members.

American Battle Monuments Commission (ABMC) – The bill includes $84.1 million for ABMC, an increase of $9 million over the fiscal year 2021 budget request. These funds will support maintenance and operations at the cemeteries and monuments honoring America's war dead, as well as preserve and communicate these Veterans' stories of courage and sacrifice.

Armed Forces Retirement Home – The bill provides $75.3 million, an increase of $5 million above the fiscal year 2021 budget request and equal to the fiscal year 2020 enacted level. The increase will support urgently needed capital projects, such as roof replacement, elevator repair, and electric system modernization, as well as operations and maintenance requirements.

Additional Items –
• The bill does not include backfill or pre-backfill of the border wall.

Division K – State & Foreign Operations

Overview:

The State, Foreign Operations, and Related Programs bill funds the Department of State, the United States Agency for International Development, and other international programs and activities.

In total, the fiscal year 2021 bill provides $55.5 billion in discretionary funding, including $8 billion in Overseas Contingency Operations/Global War on Terrorism (OCO/GWOT) funding. This is $820 million above the fiscal year 2020 enacted level and $10.8 billion above the President's request.

Bill Summary:

State Department Operations and Related Agencies – The bill contains a total of $16.68 billion for State Department Operations, which is $116 million above the fiscal year 2020 enacted level and $2.8 billion above the President's budget request. Within this amount, the legislation provides $6.1 billion for embassy and diplomatic security, the same as fiscal year 2020 enacted level and $692 million above the President's budget request. These funds will address needs at more than 275 diplomatic facilities overseas, including facility upgrades and security personnel and equipment.

International Security Assistance – The bill provides a total of $9 billion for international security assistance, which is $9.92 million below the fiscal year 2020 enacted level and $1.27 billion above the President's budget request.

U.S. Agency for International Development (USAID) Operations – The bill provides $1.71 billion in total funding for USAID operations and the USAID Office of Inspector General, which is $48 million above the fiscal year 2020 enacted level and $119.7 million above the President's budget request.

Bilateral Economic Assistance – The legislation contains a total of $26.5 billion for bilateral assistance to foreign countries and prioritizes development assistance, democracy, global health, and humanitarian

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assistance, which is $527 million above the fiscal year 2020 enacted level and $6.9 billion above the President's budget request, and includes:

- $9.2 billion for **Global Health**, which is $103.5 million above the fiscal year 2020 enacted level.
- $3.2 billion in **Economic Support Fund**, which is $107 million above the fiscal year 2020 enacted level.
- $3.5 billion in **Development Assistance**, which is $100 million above the fiscal year 2020 enacted level.

Multilateral Assistance – The bill includes a total of $2 billion to meet United States commitments to multilateral organizations and international financial institutions, which is $41.5 million below the fiscal year 2020 enacted level and $560 million above the President's budget request.

- $54.6 million for the **African Development Bank (AfDB**)'s seventh general capital increase, which is $54.6 million above the fiscal year 2020 enacted level and equal to the President's budget request.
- $32.5 million for **International Fund for Agricultural Development (IFAD)**, which is $2.5 million above the fiscal year 2020 enacted level and $32.5 million above the President's budget request.

Maintains funding for critical programs & organizations:
President's Emergency Plan for AIDS Relief (PEPFAR), including Global Fund:

- $5.9 billion for **PEPFAR**, the same as the fiscal year 2020 enacted level and $2.1 billion above the President's budget request. This includes $1.56 billion for the Global Fund to Fight AIDS, Tuberculosis, and Malaria, $903 million above the President's budget request.
- The bill reinforces the United States' commitment to its 33% share to the Global Fund, unlike the President's budget request, which proposes reducing United States contributions to 25%.

Other Global Health Programs:

- $3.26 billion for programs to improve maternal and child health and fight infectious diseases, which is $103.5 million above the 2020 enacted level and $1.1 billion above the President's budget request. This also includes $575 million for family planning programs, and increases funds for the following programs:
    - $855.5 million for Maternal and Child Health, which is $4.5 million above the fiscal year 2020 enacted level, and includes $290 million for the GAVI Alliance;
    - $319 million to fight tuberculosis, which is $9 million above the fiscal year 2020 enacted level; and
    - $190 million for global health security, which is $90 million above the fiscal year 2020 enacted level.

International Basic Education:

- $950 million for **basic education**, which is $75 million above the fiscal year 2020 enacted level and includes $125 million for the Global Partnership for Education and $25 million for Education Cannot Wait.

Education and Cultural Exchanges:

- $740.3 million for **education and cultural exchanges**, which is $9.6 million above the fiscal year 2020 enacted level and $430.3 million above the President's budget request.

Humanitarian Assistance and Disaster Assistance:

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$7.8 billion, which is equal to the fiscal year 2020 enacted level and $1.56 billion above the President's budget request. This includes:

- $4.4 billion for **International Disaster Assistance (IDA),** which is equal to the fiscal year 2020 enacted level.
- $3.43 billion for **Refugee Assistance (MRA),** which is equal to the fiscal year 2020 enacted level.

Peace Corps:

- $410.5 million for the **Peace Corps**, which is equal to the fiscal year 2020 enacted level and $9.3 million above the President's budget request.

Democracy Programs:

- $2.42 billion for **democracy programs**, which is $17 million above the fiscal year 2020 enacted level and $867 million above the President's budget request.
- $290.7 million for **Democracy Fund**, of which $190.5 million is for State Department and $100.2 million is for USAID. This is $17 million above the fiscal year 2020 enacted level and $290.7 million above the President's budget request.
- $300 million for **National Endowment for Democracy (NED)**, which is equal to the fiscal year 2020 enacted level and $232.7 million above the President's budget request.

Environment:

- $320 million for **biodiversity**, which is$5 million above the fiscal year 2020 enacted level and $229 million above President's budget request.
- $100.7 million for **combatting wildlife trafficking**, which is equal to the fiscal year 2020 enacted level and $67.2 million above the President's budget request.
- $15 million for nature conservation, including the protection of coral reefs, reauthorized under the **Tropical Forest Conservation Act of 2018**.
- Includes designated amounts for **sustainable landscapes** at $135 million, **adaptation** at $177 million and **renewable energy** at $179 million.
- $75 million for programs to address ocean plastic pollution and other marine debris.

Millennium Challenge Corporation (MCC):

- $912 million for the **MCC**, which is $7 million above the fiscal year 2020 enacted level and $112 million above the President's budget request.

U.S. Agency for Global Media (formerly the Broadcasting Board of Governors, or BBG):

- $803 million for **USAGM**, which is $7.4 million below the fiscal year 2020 enacted level and $165.7 million above the President's budget request.

United States International Development Finance Corporation (DFC):

- $569 million for **DFC**, which is $270 million above the fiscal year 2020 enacted level and $264.7 million below the President's budget request.
- Of which, $119 million is for administrative expenses, which is equal to the fiscal year 2020 level and $14.7 million below the President's budget request.
- Of which, $450 million is for the program budget (equity investments, loans/loan guarantees, and technical assistance) which is $270 million above the fiscal year 2020 enacted level, and $250 million below the President's budget request.

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Contributions to International Organizations and Peacekeeping:

- $1.5 billion for **Contributions to International Organizations (CIO)** assessed contributions to international organizations, which is $32.1 million above the fiscal year 2020 enacted level and $540 million above the President's budget request.
- **Contributions to International Peacekeeping (CIPA)** – $1.46 billion, which is $70 million below the fiscal year 2020 enacted level and $377 million above the President's budget request.

The bill does not eliminate or reduce several partner organizations, as proposed in the President's budget request, and instead provides:

- **The Asia Foundation** - $20 million, which is $1 million above the fiscal year 2020 enacted level.
- **The U.S. African Development Foundation** - $33 million, which is equal to the fiscal year 2020 enacted level.
- **The Inter-American Foundation** - $38 million, which is $500,000 above the 2020 enacted level.
- **East-West Center** - $19.7 million, which is $3 million above the fiscal year 2020 enacted level.
- **U.S. Institute of Peace** (USIP) - $45 million, which is equal to the fiscal year 2020 enacted level.
- **Trade and Development Agency** - $79.5 million, which is equal to the fiscal year 2020 enacted level.

Support for U.S. allies and partners, including: (amounts are included in account totals above)

- **Israel**: $3.3 billion, fulfilling the MOU
- **Jordan**: $1.65 billion, exceeding the MOU
- **Ukraine**: $453 million
- **Georgia**: $132 million
- **Assistance for Eastern Europe and Eurasia**: $770.3 million
- **Countering Russian Influence Fund (CRIF)**: $290 million
- **Central America**: $506 million
- **Caribbean Basin Regional Security Initiative**: $74.8 million
- **Colombia**: $461 million
- **Mexico**: $158.9 million
- **Democracy and the rule of law in Venezuela**: Not less than $33 million
- **Tibet**: $18 million
- **Countering Chinese Influence Fund**: $300 million to counter the influence of the People's Republic of China globally

Policy Provisions:

- As part of the Heavily Indebted Poor Countries (HIPC) Initiative, the bill provides $78 million for debt relief to Somalia, and $111 million for bilateral debt relief and $120 million for multilateral debt relief to Sudan.
- The bill restores administratively determined pay authority to the Export-Import Bank.
- Reverses the impact of the Administration's hiring freeze and restores State Department and USAID personnel to 2016 levels.
- Provides $75 million for security assistance programs for the West Bank and $75 million for the humanitarian and development needs of the Palestinian people in the West Bank and Gaza Strip.
- Provides $50 million for the new Nita M. Lowey Middle East Partnership for Peace Fund, which authorizes people-to-people exchanges and economic partnerships between Israelis and Palestinians through initiatives overseen by USAID and the DFC.
- Provides $300 million for Consular and Border Security programs to offset losses due to the pandemic.
- Provides $4 billion as a contribution to GAVI for pandemic response.

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Division L – Transportation-Housing & Urban Development

Overview:

The Transportation, Housing and Urban Development, and Related Agencies bill funds the Department of Transportation, the Department of Housing and Urban Development, and related agencies, including the United States Interagency Council on Homelessness.

In total, the FY 2021 legislation provides $136.8 billion in budgetary resources, $1.2 billion above the 2020 enacted level and $11.4 billion above the President's budget request. The bill includes $75.4 billion in discretionary funding, an increase of $1.1 billion over the 2020 enacted level and $16.2 billion over the President's budget request.

The bill invests in America's infrastructure, improves transportation safety, protects vulnerable populations, builds resilience to climate change, and expands access to safe, affordable, and fair housing.

Bill Summary:

Department of Transportation (DOT) – The bill provides $86.7 billion in total budgetary resources for DOT, $553 million above the 2020 enacted level and $1.1 billion below the President's budget request. Of this amount, the bill includes:

- $1 billion for **National Infrastructure Investments (TIGER/BUILD)**, equal to the 2020 enacted level and the President's budget request. The bill ensures parity between urban and rural grants, and allows for cost-share waivers for grants in rural and **persistent poverty areas**.
    - Includes $30 million for planning grants, of which not less than $10 million is for planning grants in **persistent poverty areas**.
- $3 million to continue the **Highly Automated Systems Safety Center of Excellence**, $2 million below the 2020 enacted level. This program was not in the President's budget request.
- $1 million to support technical assistance, training, and research and development for **Resilient Infrastructure**, building upon the **Transportation Resilience Metrics Study** initiated in the 2020 enacted bill. This program was not in the President's budget request.
- $18 billion for the **Federal Aviation Administration (FAA)**, $347 million above the 2020 enacted level and $443 million above the President's budget request.
    - $1.5 billion for **Aviation Safety**, $75 million above the 2020 enacted level and $5 million above the President's budget request.
    - $400 million for discretionary **Airport Improvement Grants**, equal to the 2020 enacted level and $400 million above the President's budget request.
- $49.1 billion for the **Federal Highway Administration**, $166 million below the 2020 enacted level and $1.5 billion below the President's budget request.
    - $2 billion for discretionary **Highway Infrastructure Programs**, $166 million below the 2020 enacted level. The President's budget proposed eliminating this program.
        - $1 billion for a risk-based bridge rehabilitation and reconstruction program.

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- $748 million for the **Federal Motor Carrier Safety Administration**, $69 million above the 2020 enacted level and $46 million below the President's budget request.

- $989 million for the **National Highway Traffic Safety Administration**, equal to the 2020 enacted level and $25 million above the President's budget request.

- $2.8 billion for the **Federal Railroad Administration**, $27 million above the 2020 enacted level and $830 million above the President's budget request.

    - $375 million for **Consolidated Rail Infrastructure and Safety Improvements**, $50 million above the 2020 enacted level and $45 million above the President's budget request.

    - $200 million for **Federal-State Partnership for State of Good Repair**, equal to the 2020 enacted level. The President's budget request proposed eliminating this program.

    - $2 billion for **Amtrak**, equal the 2020 enacted level and $1.1 billion above the President's budget request.

        - $700 million for **Northeast Corridor Grants**, equal to the 2020 enacted level and $375 million above the President's budget request.

        - $1.3 billion for **National Network Grants**, equal to the 2020 enacted level and $689 million above the President's budget request.

- $13 billion for the **Federal Transit Administration**, $47 million above the 2020 enacted level and $255 million above the President's budget request.

    - $2 billion for **Capital Investment Grants**, $36 million above the 2020 enacted level and $125 million above the President's budget request.

    - $516 million for **Transit Infrastructure Grants**, $6 million above the 2020 enacted level. The President's budget request proposed eliminating this program. This amount includes $125 million for low- and no-emission buses, and $16.2 million for **areas of persistent poverty**.

- $38 million for the **Saint Lawrence Seaway Development Corporation**, equal to the 2020 enacted level and $7 million above the President's budget request.

- $1.2 billion for the **Maritime Administration**, $122 million above the 2020 enacted level and $431 million above the President's budget request.

    - $314 million for the **Maritime Security Program**, $14 million above the 2020 enacted level and equal to the President's budget request.

    - $10 million for the **Cable Security Fleet**, $10 million above the 2020 enacted level. This program was not included in the President's budget request.

    - $230 million for the **Port Infrastructure Development Program**, $5 million above the 2020 enacted level. The President's budget request proposed eliminating this program.

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- $390 million for **schoolship construction**, $90 million above the 2020 enacted level and $90 million above the President's budget request.

Department of Housing and Urban Development (HUD) – The bill provides a total of $49.6 billion for HUD, $561 million above the 2020 enacted level and $12.4 billion above the President's budget request. FHA and GNMA receipts are $10.6 billion, $3.3 billion more in receipts than the 2020 enacted bill. Of the $49.6 billion, the bill includes:

- $34.8 billion for the **Office of Public and Indian Housing**, $2.3 billion above the 2020 enacted level and $6.3 billion above the President's budget request.
    - $25.8 billion for **Tenant-based Rental Assistance**, $1.9 billion above the 2020 enacted level and $2.4 billion above the President's budget request.
        - $40 million for **HUD/VA Supportive Housing for Homeless Veterans**, equal to the 2020 enacted level. The President's budget request proposed eliminating this program.
        - $43 million for new incremental vouchers for **homeless individuals and families**, $43 million above the 2020 enacted level. The President's budget request did not include this program.
    - $7.8 billion for the **Public Housing Fund**, $387 million above the 2020 enacted level and $3.6 billion above the President's budget request.
    - $200 million for the **Choice Neighborhoods Initiative**, $25 million above the 2020 enacted level. The President's budget request proposed eliminating this program. This is the highest funding level in the program's history.
    - $155 million for **Self-Sufficiency Programs**, $25 million above the 2020 enacted level.
    - $825 million for **Native American Programs**, equal to the 2020 enacted level and $225 million above the President's budget request.
        - $70 million for **Indian Community Development Block Grants**, equal to the 2020 enacted level. The President's budget request proposed eliminating this program.
    - $2 million for **Native Hawaiian Housing Block Grant**, equal to the 2020 enacted level. The President's budget request proposed eliminating this program.
- $8.3 billion for the **Office of Community Planning and Development**, $298 million above the 2020 enacted level and $5.2 billion above the President's budget request.
    - $430 million for **Housing Opportunities for Persons with AIDS**, $20 million above the 2020 enacted level and $100 million above the President's budget request. This is the highest funding level in the program's history.
    - $3.5 billion for **Community Development Block Grants**, $50 million above the 2020 enacted level. The President's budget request proposed eliminating this program.
    - $1.35 billion for the **HOME Investment Partnership Program**, equal to the 2020 enacted

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level. The President's budget request proposed eliminating this program.

- $41 million for **Section 4 Capacity Building**, $5 million above the 2020 enacted level. The President's budget request proposed eliminating this program.

- $3 billion for **Homeless Assistance Grants**, $223 million above the 2020 enacted level and $227 million above the President's budget request.

- $14.6 billion for the **Office of Housing**, $1 billion above the 2020 enacted level and $833 million above the President's budget request.

  - $13.5 billion for **Project-Based Rental Assistance**, $895 million above the 2020 enacted level and $823 million above the President's budget request.

  - $855 million for **Housing for the Elderly**, $62 million above the 2020 enacted level and $2 million above the President's budget request. This includes $52 million for new construction, and $125 million for service coordinators.

  - $227 million for **Housing for Persons with Disabilities**, $25 million above the 2020 enacted level and $25 million below the President's budget request. This includes $54 million for new construction.

  - $77.5 million for **Housing Counseling**, $25 million above the 2020 enacted level and $33 million above the President's budget request.

    - This includes $20 million for a new **eviction prevention demonstration program**, $20 million above the 2020 enacted level. This program was not included in the President's budget request.

- $105 million for **Policy Development and Research**, $7 million above the 2020 enacted level and $10 million above the President's budget request. This includes $6 million for cooperative agreements and research partnerships with Historically Black Colleges and Universities and $5 million for technical assistance to **areas of persistent poverty**.

- $73 million for **Fair Housing and Equal Opportunity**, $2 million above the 2020 enacted level and $7 million above the President's budget request.

- $360 million for the **Office of Lead Hazard Control and Healthy Homes**, $70 million above the 2020 enacted level and equal to the President's budget request. This includes $60 million for the Healthy Homes Initiative, to address other health and safety hazards in the home, including carbon monoxide, asthma, mold, and radon.

Related Agencies – The bill provides $388 million for the related agencies in the bill, $18 million above the 2020 enacted level and $140 million above the President's budget request.

- $165 million for **NeighborWorks**, $7 million above the 2020 enacted level. The President's budget request proposed eliminating this program.

- $3.8 million for the **U.S. Interagency Council on Homelessness**, equal to the 2020 enacted level and the President's budget request.

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Policy Provisions –

- Extends the period of availability for fiscal year 2019 National Infrastructure Investments (TIGER/BUILD) grants.
- Does not include any provisions permitting longer or heavier trucks on our nation's roadways.
- Makes transit programs and alternative fuel infrastructure eligible for Surface Transportation Block Grant funding within Highway Infrastructure Programs.
- Prohibits DOT from requiring Capital Investment Grant applicants from having a Federal share below 40 percent and eliminates the 51 percent cap on the Federal share of such grants, restoring the authorized 80 percent cap.
- Directs HUD to establish a Director of Domestic Violence Prevention Activities position within the Office of the Secretary to coordinate domestic violence prevention activities throughout the Department and serve as a liaison with external stakeholders.

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ATTORNEY GENERAL
LEX
STATE OF FLORIDA

Attorney General Moody Urges Congress to Protect Federal Judges and Families

TALLAHASSEE, Fla.—Attorney General Ashley Moody, a former judge, is asking the U.S. Congress to pass legislation to better protect federal judges. Joined by a bipartisan coalition of **XX** attorneys general, Attorney General Moody today sent a letter to members of ~~congress~~ Congress urging support of federal legislation aimed at protecting the safety of federal judges and immediate family members.

Addressed to leaders of both the U.S. House and Senate Judiciary Committees, the letter supports passage of the Daniel Anderl Judicial Security and Privacy Act or similar legislation. The bill would protect the confidentiality of personal identifying information of members of the federal judiciary in public records and limit the distribution of that information online and by data brokers.

The letter calls passage of such legislation an “urgent matter” in light of attacks and increasing threats against members of the federal judiciary, and notes that the legislation contains bipartisan support in both houses of Congress.

Attorney General Ashley Moody said, “As a former judge, and the daughter of a sitting federal judge, I know firsthand the risks and sacrifice judges make to uphold their oaths and enforce the rule of law. It is infuriating and heartbreaking that these public servants and their families are being targeted by criminals in pursuit of revenge, all because they carried out their duties ~~they promised to fulfill to make our communities safer~~to uphold the law.

~~“We must do everything we can to protect our nation’s judges and their families, and that is why I sent a letter to congress urging the passage of the Daniel Anderl Security and Privacy Act. These judges serve our citizens everyday by holding court to distribute justice, it’s time we stand up to protect them, as they risk their safety putting dangerous criminals behind bars.~~”

The DAJSP Act is named for 20-year-old Daniel Anderl, the late son of Judge Esther Salas of the U.S. District Court for the District of New Jersey.

Daniel was killed on July 19, when an attorney who appeared in a case before Judge

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Salas—a man described in today's letter as deranged—appeared at her home and shot both Daniel and Judge Salas' husband. The judge's husband sustained critical injuries but survived the attack.

The joint letter to Congress recalls that four federal judges have been murdered since 1979, including District Judge John Wood, District Judge Richard Daronco, Circuit Judge Robert Vance and District Judge John Roll. In addition, two family members of District Judge Joan Lefkow were killed in a targeted attack at her home in 2005.

The letter notes that incidents, inappropriate communications and threats against federal judges and others protected by the U.S. Marshals Service have been steadily climbing in recent years—as evidenced by a spike in such incidents from 2,357 in 2016 to 4,449 in 2019.

Introduced in the Senate on Sept. 24, and in the House on Oct. 13, the DAJSP Act would, among other initiatives:

- Protect judges and their families by requiring federal agencies to maintain the confidentiality of judges' personally identifiable information upon request;

- Authorize funding for state and local governments to adopt similar measures;

- Prohibit data brokers from selling, licensing, trading, purchasing, or otherwise providing, or making available for consideration, judges' personally identifiable information; and

- Create an enforceable mechanism for judges and immediate family members to secure removal of their personally identifiable information from the internet.

In light of the tragic death of Daniel Anderl and the escalating danger to federal judges and family members, the attorneys general express full support for the legislation named in Daniel's memory and notes that the Judicial Conference of the United States and the American Bar Association, among others, support such legislation.

The letter concludes by noting that, while New Jersey and other states have enacted similar judicial protection laws on a state level, only federal legislation has the ability to protect federal judges and immediate family members wherever they reside and ensure uniform enforcement nationwide.

To read the letter, click **here**.

Attorney General Moody is joined in supporting the legislation by a bipartisan coalition of attorneys general from **XXX**

# # #

DRAFT TWEET:

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As a former judge and the daughter of a federal judge, I am urging Congress to do more to protect members of the federal judiciary and their families.

Today I sen~~dt~~ a letter urging ~~congress~~ Congress to pass the Daniel Anderl Security and Privacy Act.

[LINK]
[GRAPHIC]

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Aero Supply USA	Timothy Garrenn	727-754-4915	tgarren@aerosupplyusa.com
Affinity Medical Staffing, LLC	Dwight R Stephens	813-586-0408 x700	dwight@affinitymedicalstaffing.com
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Aurora Tech Medical Inc.	Osman Emin Paksoy	571-393-8762	info@auroratechmedical.com
Biomax Solutions	Miranda Ruzich	952-905-1549	mruzich@exhibitmax.net
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Boss One Supply Inc.	Brian Bossone	443-871-2739	brian@bossonesupply.com
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Cartagena Sun DBA Be Ready Medical Supply	Jeff Su, RN	(206) 914-0874	jeff@cartagenasunshine.com
Covid Antibody Diagnostics	Peter Murphy	302-528-7269	peter@covidantibodydiagnostics.com
D&W Sourceall	Barry Wood	561-352-5438	bwsource@bellsouth.net
Digital Dolphin	Daniel Fernandez	424-309-7650 x332	dfernandez@digitaldolphinsupplies.com
Ever Win International Corp.	Robert Stern	714-296-3370	robert.stern@everwin.com
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Zorpro, LLC	Martin Davis	704-374-1002	mdavis@daviscei.com

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Website	Items	Quantity	Lead Time
www.aamills.com	KN95 masks, 3-layer masks, and surgical masks	Various	3-5 days
	PPE	Various	Varies by product
	N95 masks, oversuits, care kits	Various	Varies
www.aerosupplyusa.com	PPE, gloves	Thousands	2 weeks
www.affinitymedicalstaffing.com	PPE	Various	
www.allstatesmed.com	Ventilators	Dozens	3-4 weeks
www.anchoragemedicalsupplies.com	PPE, masks, face shields, gowns	Various	1-2 days
www.auroratechmedical.com/biyovent	Ventilators	1500	30 days
www.exhibitmax.net	PPE, isolation rooms,	Various	Varies
	Gowns, masks, face shields	Various	Varies
www.blocblinds.co.uk/faceshield	Face shields	Millions	
www.bossonesupply.com	Masks, coveralls, gowns, sanitizing wipes, covid test kits, face shields.	Various	COB for small orders, or Net 15-30
www.csa.canon.com	Surgical Masks and No Contact Thermometers		
http://www.bereadymedical.com/	PPE: surgical masks, isolation gowns, NIOSH N95 resirators.	Thousands	5-14 days
www.covidantibodydiagnostics.com	Rapid antigen Tests		
	N95 masks, sanitizer, thermometer	Various	Varies
www.digitaldolphinsupplies.com	PPE, Cleaning supplies		
www.everwin.com	3-ply and N95 Masks	Millions of 3-ply and 75,000 of N95	2-3 days
www.exiomhealth.com	N95 masks, gowns, face shields	Millions	3-5 days

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www.facilityig.com	UV sanitizing/disinfecting lights, generators, lighting systems	Various	2-4 weeks
www.fastbeds-na.com	Medical beds	Various	2 weeks
www.fersten.com/US	PPE, Ventilators	Various	Varies
www.forsupplies.com	Acrylic sneeze guard counter top barriers, cleaning wipes,		
www.ForwardScience.com	masks, gowns	Millions	7 days
www.futurehealthconcepts.com	PPE, sanitizing gels with dispensers and stands, oxygen		1 week
www.galls.com	Face shields, masks, gloves, and gowns	Various	1-2 days
www.globaltekcomp.com	N95 masks, 3-ply masks, gowns, and thermometers	Various	3-14 days
www.gpmasks.com	Masks, Nitrile gloves, aprons, other	Millions	
info@N95-US.com	N95 respirators		3-10 days
www.guardiamedical.com	PPE, masks, gloves, gowns, face shields	Various	7-10 days
www.havronassoc.com/	PPE	Various	Varies
www.hayekmedical.com/about-bcv	Ventilators	Various	Varies
www.healthfirst.com/	PPE	Various	Varies
www.hopeppe.com/	PPE	500,000+	10 days
www.icuhealth.com	PPE, gloves, gowns, 3-ply face masks, and face shields	Millions	5-10 days
	Cots	Dozens	Varies
www.jamestownplastics.com	Face shields and tabletop barrier shields	40-50k	5-10 days
	PPE, masks, gloves	Millions	10 days
www.loshasupplies.com	KN95 masks and 3-layer masks	Various	5-7 days
www.maduroventurepartners.com	Masks and gowns	Various	Immediate

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www.medtronic.com	PPE, ventilators, hospital beds	Various	7 days
	PPE	Various	Varies
www.mercurymed.com	Medical Supplies	Various	Varies
www.merrow.com			
www.55industries.com	Masks, Gowns, Face Shields, and V	Various	7-10 days
	PPE, Sanitizer		
www.Plush-Apparel.com	Nitrile Gloves, KN95 & 3-ply masks,	Millions of masks and v	2-4 days
www.ppelogistic.com	Masks	Various	7 days
www.questmedonline.com	PPE	Various	Varies
www.restorerobotics.com	PPE	Millions	
	PPE	Various	Varies
https://siyasebenza.co.za/	PPE, masks, gloves, surgical gowns,	Various	
n/s	3M 9205s, KN95 Resiprators, Level	Various	
www.305consumables.com	Ventilators	Dozens	2 weeks; pre-pay required
http://view.staples.com/viewer/5f455146c714	PPE, Sanitizer	Various	Varies by product
	N95 masks	Thousands	Varies
www.stymco.com	PPE, masks, gowns, ventilators		
www.super7wholesale.com	PPE, masks, gloves, surgical gowns,	Millions per month	7 days (priority; extra cost)
www.tacmedsolutions.com	Ventilators, hand sanitzer	Dozens	3-4 weeks
www.canadianshieldppe.ca	Face shields	Millions	5-7 days
www.tigerindustrialrentals.com	Generators, plus pumps, light towe	Various	

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www.unitedmedco.com	PPE	Various	Varies
www.UnitedWholesaleSolutions.com	KN95 masks, 3-layer masks, and glo	Various	5 days
www.usamedicalsupply.org	PPE, gowns	Millions	3-5 days
www.valleybuy.com	Masks, PPE	Millions	7-12 days
www.vitalsourcingco.com	Nitrile Gloves	Thousands	
https://zorpro.com/	Temperature sensing devises	Various	3-5 days

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My Florida Marketplace Registration
Yes
Yes
Yes
Yes
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AMERICAN OVERSIGHT

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ATTORNEY GENERAL
LEX
STATE OF FLORIDA

SCOTT R. STRAUSS

[redacted] | Scottstrauss@outlook.com

EXPERIENCE

UNITED STATES ATTORNEY'S OFFICE, S.D. FLORIDA, MIAMI/FORT LAUDERDALE
Assistant United States Attorney, May 2019 – October 2020
Appeals (May 2019 – July 2019); Major Crimes (August 2019 – November 2019); Violent Crimes (December 2019 – October 2020)

- Prosecuted and investigated various criminal cases in the areas of misbranded drugs; trafficking in counterfeit goods; election fraud; firearms offenses; drug trafficking offenses; access device fraud; cargo theft; naturalization fraud; marriage fraud; bank fraud; wire fraud; and mail fraud.
- Fostered excellent relationships among several federal agencies including the following: Federal Bureau of Investigation; the Bureau of Alcohol, Tobacco, Firearms and Explosives; Drug Enforcement Agency; U.S. Secret Service; Department of Homeland Security; U.S. Customs and Border and Protection; U.S. Treasury; and the U.S. Postal Inspector.
- Recognized by the Bureau of Alcohol, Tobacco, Firearms, and Explosives for vigorously prosecuting violent criminals, street gangs, and firearms traffickers.

OFFICE OF STATE ATTORNEY, BROWARD COUNTY, Fort Lauderdale, Florida
Assistant State Attorney, July 2013 – May 2019
Traffic Homicide Unit (August 2017 – May 2019); 10-20-Life (January 2016 – July 2017); Felony Trial Unit, First Degree (July 2013 – December 2015); October 2009 – December 2012

- Tried 61 cases to jury verdict.
- Lead, investigated, and prosecuted traffic homicides throughout Broward County.
- Collaborated with expert witnesses including the Broward County Medical Examiner, toxicologists, and accident reconstructions.
- Prosecuted hundreds of criminal cases including: armed robbery; unlawful practice of medicine; first degree grand theft; unlawful possession of firearms; and first degree attempted murder (firearm, discharge, great bodily harm).

LAW OFFICE OF DONALD YARBROUGH, Fort Lauderdale, Florida
Associate Attorney – Federal Civil Practice, January 2013 – July 2013

- Responsible for overseeing all facets of federal litigation, including depositions, mediations, and pre-trial matters arising under the Fair Debt Collection Practices Act (FDCPA) and the Telephone Consumer Protection Act (TCPA).

BROWARD COLLEGE, Fort Lauderdale, Florida
Adjunct Legal Studies Instructor, 2009 – Present

- Lead instructor for the following courses: Introduction to Legal Writing, Business Law I, Business Law II, Introduction to Legal Studies, Criminal Law and Business Law (graduate level).

LIBERTY MUTUAL INSURANCE, Boca Raton, Florida
Legal Intern, March-June 2009

NOVAQUEST - QUINTILES INC, Fort Lauderdale, Florida
Pharmaceutical Sales Representative, May 2008 - February 2009

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MERCK & CO., Miami, Florida
Pharmaceutical Sales Representative, April 2004 - May 2008

CBEYOND COMMUNICATIONS, Atlanta, GA
Sales Representative, September 2002 – April 2004

EDUCATION

FLORIDA INTERNATIONAL UNIVERSITY, Miami, Florida
J.D., December 2008; *Class Rank 6/20 (Evening Program)*

UNIVERSITY OF WISCONSIN, Madison, Wisconsin
B.A. in International Relations, May 2002

ADMISSIONS & OTHER

Member, State Bar of Florida; Georgia; Minnesota
The Federalist Society – Vice President, Broward County Chapter
U.S.D.C. Middle District of Florida; Southern District of Florida
Federal Bar Association; Broward – Board of Directors; 2015 – Present
Broward County Bar Association – Member; 2016 – 2019
Florida Bar – Government and Public Policy Committee; 2017– 2019
Coral Ridge Homeowners Association – Board of Directors; 2017 – 2019
Fort Lauderdale Little League Coach; 2015 – Present

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ATTORNEY GENERAL
LEX
STATE OF FLORIDA

Inaugural New State Attorney School

11.17.20

Talking Points:

- I am so grateful to be here today with so many brilliant legal minds.
- One of the proudest days of my life, was when, as a federal prosecutor, I first stood up in court and said for the first time, "Ashley Moody, representing the United States of America."
- From being a federal prosecutor to being elected as the youngest circuit court judge in Florida—and now as your Attorney General for the state of Florida, I have always had an immense love and respect for the rule of law.
- The work of prosecutor is so important. Whether prosecuting minor drug offenses to capital murder—all of your office's are critical to our system of justice.
- Your office's make our communities safer and reinforce the notion that we must all be held accountable for our actions and are subject to our laws.

Right now, in our country, we need strong prosecutors that uphold the rule of law and represent our state and our criminal justice system more than ever.

- We are the backbone of the criminal justice system. The unwavering supporters of public accountability.
- When we work together, we are a powerful voice for victims of crime and for the rule of law.
- I am proud to have my office partner with all of your offices on a daily basis.

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- Our Office of Statewide Prosecution has had a great relationship with the 20 state attorney's offices throughout our state for years.

- We also work together through our criminal appeals division. Having strong and through cases from state attorneys helps us ensure that your hard work is defended.

Know that you can contact anyone from the Department of Legal Affairs, and we will gladly help in any way we can.

- I want to thank all of you for choosing this profession. It is not easy. Sometimes your offices will have to make decisions in cases that can have great public scrutiny, sometimes you will see or hear things that might cause you to lose sleep.

- But always remember—your work makes a difference. Keep fighting the good fight.

- Thank you again for having me here today. I look forward to getting to know you all even more over the next few years.

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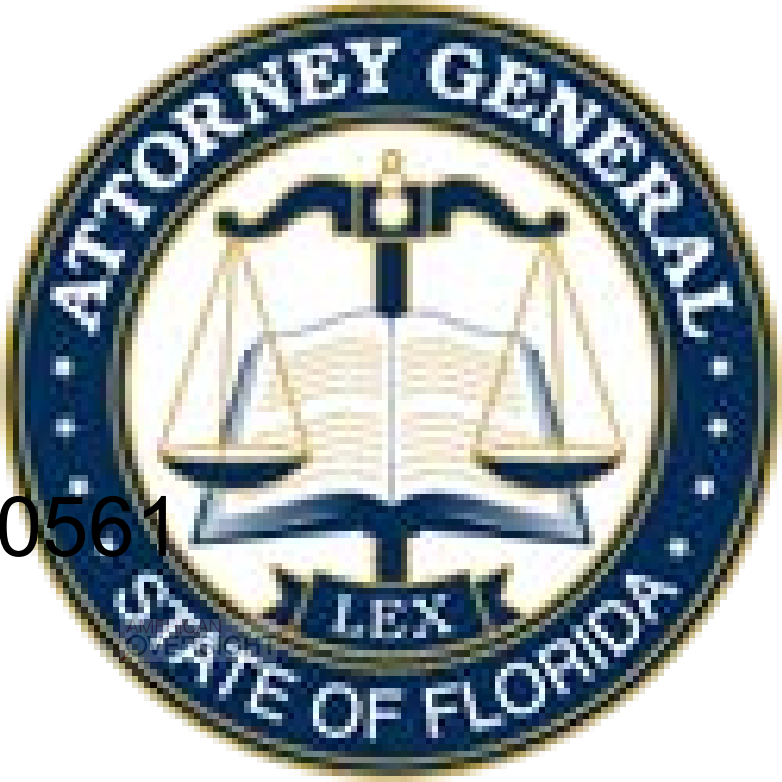
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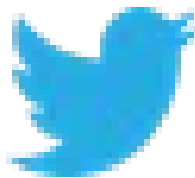
STATE OF FLORIDA



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ATTORNEY GENERAL
LEX
STATE OF FLORIDA

Inaugural New State Attorney School

11.17.20

Talking Points:

- I am so grateful to be here today with so many upcoming and brilliant legal minds. Your never know, one of you, just might be the Attorney General of our great state one day.

- ~~I know o~~One of the proudest days of my life, was when, as a federal prosecutor, I first stood up in court and said "Ashley Moody, representing the ~~I solemnly swore to support the Constitution of the~~ United States ~~and the Constitution of the State of Florida~~."

- From being a federal prosecutor to being elected as the youngest circuit court judge in Florida—and now as your Attorney General for the state of Florida, I have always had an immense love and respect for the rule of law.

- Your work as a ~~Prosecutorial~~ prosecutor ~~work~~ is so important. Whether you are prosecuting cases on capital murder to minor drug offenses—the role of a prosecut~~oring attorney~~ is ~~vast and influential~~critical to our system of justice.

- As a prosecutor, you will have discretion, such as which cases to charge and whether to accept a plea bargain.

- Your decisions and hard work can ~~influence~~ make your community safer and ~~set precedents in legal framework for years to come~~ reinforce the notion that we must all be held accountable for our actions and are subject to our laws.

- You may start out prosecuting minor crimes. But those cases matter. They matter to the victim of the crime. They matter to the respect for the law in our community.

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~~And r~~Right now, in our country, ~~and with the times we are living in—it is tough. W~~we need dedicated and passionate prosecutors that uphold the rule of law and represent our criminal justice system more than ever.

- Prosecutors are the backbone of the criminal justice system. They are unwavering supporters of public accountability.

- So ~~Please continue to have that passion~~have passion.

- ~~, I~~Learn as much as you possibly can about the substantive law and criminal procedure.

- Hone your skills on opening statements, direct examination, cross-examination, and closing arguments. Those skills will be the foundation for a successful career in the law.

- ~~, meet with your local judges and try and get to know them on a one on one basis. They may even offer you insightful tips for your career going forward.~~Seek feedback from the lawyers you work with and even the judges you appear before, about how you can improve.

- ~~I know my office especially appreciates working with all of our local state attorney's office on a daily basis.~~

- ~~The Attorney General's Office of Statewide Prosecution specifically has had a great working relationship with all of the 20 state attorney's offices in Florida for years.~~

- ~~We have a very valued partnership and commitment to our state.~~

Know that you can contact any~~-~~one from the Department of Legal Affairs and we will gladly help in any way we can.

- If I could ask one favor: build a good trial record. Because when the defendant appeals your conviction, my office represents the State of Florida in the appeal of your case.

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AMERICAN OVERSIGHT

- I want to thank all of you for choosing this profession. It is not easy. ~~and s~~Sometimes you have to make decisions in cases that can have great public scrutiny.

- But remember—your work ~~does~~ makes a difference. Keep fighting the good fight and growing within your career.

~~Your never know, one of you, just might be the Attorney General of our great state one day.~~

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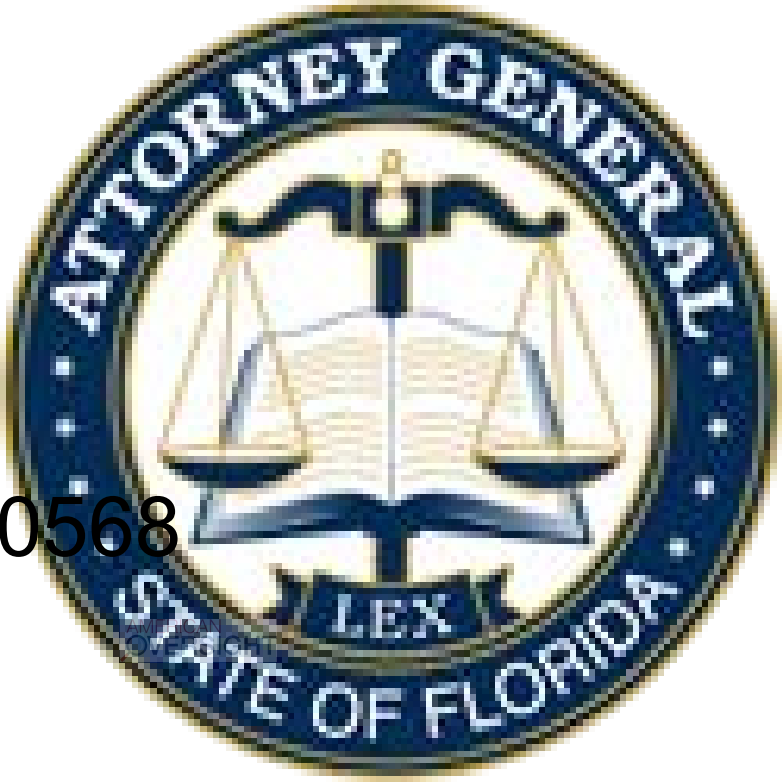

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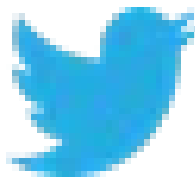

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Vendor	POC	Phone	E-Mail
AA Mills	Grant Neel	770-312-5794	grant@aamills.com
Aadvantage Relocation, Inc	Ricky Abernathy	678-520-3930	abernathy.ricky@gmail.com
Advanced Shelter Systems, Inc	Christian Weber	512-508-1228	govsales@assi.global
Aero Supply USA	Timothy Garrenn	727-754-4915	tgarren@aerosupplyusa.com
Affinity Medical Staffing, LLC	Dwight R Stephens	813-586-0408 x700	dwight@affinitymedicalstaffing.com
ALLSTATES MEDICAL	Ty Akbasli	305-929-3088	tyakbasli@gmail.com
Anchorage Medical Equipment & Supplies	Dana Griffin	972-391-9177	dgriffin@anchoragemedicalsupplies.com
Aurora Tech Medical Inc.	Osman Emin Paksoy	571-393-8762	info@auroratechmedical.com
Biomax Solutions	Miranda Ruzich	952-905-1549	mruzich@exhibitmax.net
BioMax/ExhibitMax	Katie Knutson	952-641-6774	katiek@biomaxsystems.com
Bloc Blinds Inc	Allan Cree		acree@blocblinds.com
Boss One Supply Inc.	Brian Bossone	443-871-2739	brian@bossonesupply.com
Canon Solutions America	Lawrence Edward King	904-924-6779	lking@csa.canon.com
Covid Antibody Diagnostics	Peter Murphy	302-528-7269	peter@covidantibodydiagnostics.com

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D&W Sourceall	Barry Wood	561-352-5438	bwsource@bellsouth.net
Digital Dolphin	Daniel Fernandez	424-309-7650 x332	dfernandez@digitaldolphinsupplies.com
Ever Win International Corp.	Robert Stern	714-296-3370	robert.stern@everwin.com
Exiom Health	Erik Paul	808-651-1562	erik@exiomhealth.com
Facility Innovations Group	Matt Roberts	614-935-5948	mroberts@facilityig.com
Fastbeds	David Baldwin		david.baldwin@fastbeds-na.com
Fersten International	Mitchell Fersten	800-565-7462 x 110	mitchell@fersten.com
Forward Science	Jessica Holscher	515-451-8193	jholscher@forwardscience.com
Future Health Co	MIcheal Henderson		michael@futurehealthco.com
Galls	Billy DeVault	904-426-8236	deVault-billy@galls.com
Globaltek	Devyn Germia	603-842-5608	devyn@gtcusa.com
GPMasks	Federico Marini	+31 20-244-4876	contact@gpmasks.com
Great Hawk Air Service	Abraham Hengyucious	360-368-5999	http://www.n95-us.com/
Guardia Medical	Zach Smith	719-396-9165	zsmith@youarebright.com
Havron & Associates, LLP	David Handley	832-492-3300	davidghandley@outlook.com

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Hayek Medical	Nicole Carroll	413-531-7587	Nicole.Carroll@hayekmedical.com
HealthFirst Med Supply	Ashley Johnson	325-734-5886	ashley.johnson@healthfirst.com
Hope PPE	Shawn Mendel	310-435-9621	shawn@hopeppe.com
ICU Health / patient depot	Ryan O'Connor	443-938-3273	roc@patientdepot.com
Integrity Medical Solutions	Shaun Taylor	855-505-9267	shaun.taylor@integritymedicalsolutions.com
Jamestown Plastics, Inc.	Craig Zwilling	320-491-2918	czwilling@jamestownplastics.com
Juice Marketing	Dennis Lederman	425-405-7808	robert@juicemarketing.com
Losha Supplies LLC	Alexey Savin	302-333-4778	alexey@loshasupplies.com
Maduro Venture Partners	Rashad El-Amin	407-202-0387	rashad@maduroventurepartners.com
Medilab Global Corp.	Adriana Rey	786-975-5707	adriana@medilabglobal.com
Medline Industries, Inc.	Ray Hamilton	773-308-4685	rhamilton@medline.com
Mercury Medical	Tim Perez	786-218-0523	TPerez@mercurymed.com
NJF Worldwide	Alex Donofrio	908-839-3705	alex@njfworldwide.com
Patriot Manufacturing LLC	Roy Titzel	864-423-1462	royt.elk101@gmail.com
Plush Apparel	Jennifer Newton	844-384-5588	jennifer@plush-apparel.com

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PPE Logistics	Ken Chu	646-200-2626	ken@ppelogistic.com
Quest Medical	John Sobczak	888-859-9559	john@questmedonline.com
Restore Robotics	Clif Parker	850-832-2834	cparker@restorerobotics.com
Shani International	Esther Seltzer	347-631-9475	claraseltzer@gmail.com
Siyasebenza Manufacturing CC	Sarah Morrison	(+27) 794-03-1217	esjaymorrison@gmail.com
Social6Solutions	Robert William Kuypers	954-595-4799	RWKuypers@social6solutions
South Florida Advanced Solutions	Mauricio Reina	305-492-3736	mauricio@305consumables.com
Staples	Lawrence Wamsley	904-271-3238	lawrence.wamsley@staples.com
Strategos International, LLC	Vaughn Baker	888-569-5444	admin@strategosintl.com
Stymco	Scott Tutko	813-992-3150	scott@stymco.com
Super 7 Wholesale	Richard Santhouse	917-533-0604	richard@super7medical.com
Tactical Medical Solutions	Dan Stout	352-359-3092	dan@tacmedsolutions.com
The Canadian Shield	Richard Wright-Gedcke	519-504-5497	richard@inksmith.ca
Tiger Industrial	Wayne LeJune	361-212-5037	wayne.lejune@tigerrentals.com
United Medco	Heather DiMauro	954-947-4391	hdimauro@unitedmedco.com

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United Wholesale Solutions	Paul Skinner	352-438-9836	paul@unitedwholesalesolutions.com
USA Medical Supply	Lavinia Otero	786-925-5637	lavinia@usamedicalsupply.org
Valley Buy	Adam Wischenka	516-359-7675	adam@valleybuy.com
Zorpro, LLC	Martin Davis	704-374-1002	mdavis@daviscei.com

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Website	Items	Quantity	Lead Time
www.aamills.com	KN95 masks, 3-layer masks, and surgical masks	Various	3-5 days
	PPE	Various	Varies by product
	N95 masks, oversuits, care kits	Various	Varies
www.aerosupplyusa.com	PPE, gloves	Thousands	2 weeks
www.affinitymedicalstaffing.com	PPE	Various	
www.allstatesmed.com	Ventilators	Dozens	3-4 weeks
www.anchoragemedicalsupplies.com	PPE, masks, face shields, gowns	Various	1-2 days
www.auroratechmedical.com/biyovent	Ventilators	1500	30 days
www.exhibitmax.net	PPE, isolation rooms,	Various	Varies
	Gowns, masks, face shields	Various	Varies
www.blocblinds.co.uk/faceshield	Face shields	Millions	
www.bossonesupply.com	Masks, coveralls, gowns, sanitizing wipes, covid test kits, face shields, spit shields	Various	COB for small orders, or Ne
www.csa.canon.com	Surgical Masks and No Contact Thermometers		
www.covidantibodydiagnostics.com	Rapid antigen Tests		

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	N95 masks, sanitizer, thermometer	Various	Varies
www.digitaldolphinsupplies.com	PPE, Cleaning supplies		
www.everwin.com	3-ply and N95 Masks	Millions of 3-ply and 75,000 of N95	2-3 days
www.exiomhealth.com	N95 masks, gowns, face shields	Millions	3-5 days
www.facilityig.com	UV sanitizing/disinfecting lights, generators, lighting systems	Various	2-4 weeks
www.fastbeds-na.com	Medical beds	Various	2 weeks
www.fersten.com/US	PPE, Ventilators	Various	Varies
www.ForwardScience.com	masks, gowns	Millions	7 days
www.futurehealthconcepts.com	PPE, sanitizing gels with dispensers and stands, oxygen supplies, pulse oximeters, etc		1 week
www.galls.com	Face shields, masks, gloves, and gowns	Various	1-2 days
www.globaltekcomp.com	N95 masks, 3-ply masks, gowns, and thermometers	Various	3-14 days
www.gpmasks.com	Masks, Nitrile gloves, aprons, other	Millions	
info@N95-US.com	N95 respirators		3-10 days
www.guardiamedical.com	PPE, masks, gloves, gowns, face shields	Various	7-10 days
www.havronassoc.com/	PPE	Various	Varies

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www.hayekmedical.com/about-bcv	Ventilators	Various	Varies
www.healthfirst.com/	PPE	Various	Varies
www.hopeppe.com/	PPE	500,000+	10 days
www.icuhealth.com	PPE, gloves, gowns, 3-ply face masks, and face shields	Millions	5-10 days
	Cots	Dozens	Varies
www.jamestownplastics.com	Face shields and tabletop barrier shields	40-50k	5-10 days
	PPE, masks, gloves	Millions	10 days
www.loshasupplies.com	KN95 masks and 3-layer masks	Various	5-7 days
www.maduroventurepartners.com	Masks and gowns	Various	Immediate
www.medtronic.com	PPE, ventilators, hospital beds	Various	7 days
	PPE	Various	Varies
www.mercurymed.com	Medical Supplies	Various	Varies
www.55industries.com	Masks, Gowns, Face Shields, and VTM Testing Kits	Various	7-10 days
	PPE, Sanitizer		
www.Plush-Apparel.com	Nitrile Gloves, KN95 & 3-ply masks, Gowns, and Isolation Suits	Millions of masks and various	2-4 days

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www.ppelogistic.com	Masks	Various	7 days
www.questmedonline.com	PPE	Various	Varies
www.restorerobotics.com	PPE	Millions	
	PPE	Various	Varies
https://siyasebenza.co.za/	PPE, masks, gloves, surgical gowns, and isolation gowns	Various	
n/s	3M 9205s, KN95 Respirators, Level 3 Gowns, 75% Alcohol wipes, 3-Ply Masks	Various	
www.305consumables.com	Ventilators	Dozens	2 weeks; pre-pay required
http://view.staples.com/viewer/5f455146c714	PPE, Sanitizer	Various	Varies by product
	N95 masks	Thousands	Varies
www.stymco.com	PPE, masks, gowns, ventilators		
www.super7wholesale.com	PPE, masks, gloves, surgical gowns, and isolation gowns	Millions per month	7 days (priority; extra cost)
www.tacmedsolutions.com	Ventilators, hand sanitzer	Dozens	3-4 weeks
www.canadianshieldppe.ca	Face shields	Millions	5-7 days
www.tigerindustrialrentals.com	Generators, plus pumps, light towers, man camps	Various	
www.unitedmedco.com	PPE	Various	Varies

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www.UnitedWholesaleSolutions.com	KN95 masks, 3-layer masks, and gloves	Various	5 days
www.usamedicalsupply.org	PPE, gowns	Millions	3-5 days
www.valleybuy.com	Masks, PPE	Millions	7-12 days
https://zorpro.com/	Temperature sensing devises	Various	3-5 days

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My Florida Marketplace Registration
Yes
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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

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Yes
No

AMERICAN OVERSIGHT

ATTORNEY GENERAL
LEX
STATE OF FLORIDA

From:	John Guard
To:	Cameron Paul; Kylie Mason; Trevor DeGroot; Erica Geiger; Gerald Whitney Ray; Skylar Swanson; Lauren Cassedy
Subject:	Re: Draft Tweet
Date:	Wednesday, January 6, 2021 4:30:02 PM
Attachments:	image001.png image002.png image003.png

Let it go

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From: Cameron Paul <Cameron.Paul@myfloridalegal.com>
Sent: Wednesday, January 6, 2021 4:11:54 PM
To: Kylie Mason <Kylie.Mason@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Erica Geiger <Erica.Geiger@myfloridalegal.com>; Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; Lauren Cassedy <Lauren.Cassedy@myfloridalegal.com>
Cc: John Guard <John.Guard@myfloridalegal.com>
Subject: RE: Draft Tweet

Good to me

Cameron Paul
Executive Assistant
Florida Attorney General's Office
The Capitol, Suite PL-01
Tallahassee, Fla. 32399-1050
Office: (850) 245-0196

From: Kylie Mason <Kylie.Mason@myfloridalegal.com>
Sent: Wednesday, January 6, 2021 4:06 PM
To: Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Erica Geiger <Erica.Geiger@myfloridalegal.com>; Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; Lauren Cassedy <Lauren.Cassedy@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Cc: John Guard <John.Guard@myfloridalegal.com>
Subject: Re: Draft Tweet

Good!

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From: Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>
Sent: Wednesday, January 6, 2021 4:06:08 PM
To: Erica Geiger <Erica.Geiger@myfloridalegal.com>; Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>; Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; Lauren Cassedy

AMERICAN OVERSIGHT

<Lauren.Cassedy@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Cc: John Guard <John.Guard@myfloridalegal.com>
Subject: RE: Draft Tweet

Good

From: Erica Geiger <Erica.Geiger@myfloridalegal.com>
Sent: Wednesday, January 6, 2021 4:06 PM
To: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>; Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; Lauren Cassedy <Lauren.Cassedy@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Cc: John Guard <John.Guard@myfloridalegal.com>
Subject: RE: Draft Tweet

No edits. Great

From: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Sent: Wednesday, January 6, 2021 4:05 PM
To: Kylie Mason <Kylie.Mason@myfloridalegal.com>; Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; Lauren Cassedy <Lauren.Cassedy@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Cc: John Guard <John.Guard@myfloridalegal.com>; Erica Geiger <Erica.Geiger@myfloridalegal.com>
Subject: Draft Tweet

Draft Tweet:

We are a nation founded on a rule of law and respect for those who uphold it. Violence against law enforcement officers attempting to keep the peace is unacceptable and anyone who attacks an officer should be brought to justice.

Whitney Ray
Director of Communications

Office of the Attorney General Ashley Moody
Whitney.Ray@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

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From: Richard Martin
To: Gerald Whitney Ray
Cc: John Guard; Charles Trippe
Subject: FW: Presidential Commission on Law Enforcement and the Administration of Justice Releases Final Report
Date: Tuesday, December 22, 2020 4:00:32 PM
Attachments: image003.png

Whitney,
See below.

Richard H. Martin
Chief of Staff
Office of the Attorney General
PL-01 The Capitol | Tallahassee, FL 32399-1050
Tel.: (850) 245-0187
E-mail: Richard.Martin@myfloridalegal.com

From: Office of Community Oriented Policing Services (COPS) <copsusdoj@service.govdelivery.com>
Sent: Tuesday, December 22, 2020 3:45 PM
To: Richard Martin <Richard.Martin@myfloridalegal.com>
Subject: Presidential Commission on Law Enforcement and the Administration of Justice Releases Final Report

COPS Logo 508

PRESS RELEASE

FOR IMMEDIATE RELEASE **AG**

TUESDAY, DECEMBER 22, 2020

(202) 514-2007
TTY (866) 544-5309

PRESIDENTIAL COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE RELEASES FINAL REPORT

WASHINGTON – Today, following months of virtual meetings, testimony and study, U.S. Attorney General William P. Barr submitted the final report of the President's Commission on Law Enforcement and the Administration of Justice to the White House. This report represents the first comprehensive study of law enforcement in more than 55 years.

On Oct. 28, 2019, President Donald J. Trump signed Executive Order No. 13896, which directed the Department of Justice to establish the "Commission on Law Enforcement and the Administration of Justice." The purpose of the Commission was to conduct a modern study of the state of American policing and determine specific measures to reduce crime and promote the rule of law. At the conclusion of this study, the Commission was to issue a report.

"This report is the result of significant effort and commitment by hundreds of working group members, dozens of staff, nearly 200 individual testimonies, and of course the 18 distinguished commissioners, who, as I've said before, truly reflect the best there is in law enforcement," said Attorney General Barr. "We could not have foreseen the challenges 2020 would present when we set out to accomplish our goal of researching important current issues facing law enforcement and the criminal justice system. Yet despite these challenges, the Commission produced a thoughtful and comprehensive report."

At a ceremony in January 2020, Attorney General Barr announced the establishment of the Commission and the individuals who would serve as commissioners. From January through July, the Commission met formally more than 50 times – adjusting to the challenges brought on by the COVID-19 pandemic – with the goal of making improvements to American law enforcement for years to come. Throughout that time, the Commission assembled a report that reviewed a variety of important issues affecting law enforcement and their capacity to safeguard American communities.

The full report can be found here: https://www.justice.gov/file/1347866/download.

###

The year 2020 marks the 150th anniversary of the Department of Justice. Learn more about the history of our agency at www.Justice.gov/Celebrating150Years.

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From:	Richard Martin
To:	Gerald Whitney Ray; Victoria Butler; John Guard; Charles Trippe; Daniel Olson; Ruth Dillard; Sabrina Donovan
Subject:	COVID-19 Stimulus Bill
Date:	Tuesday, December 22, 2020 8:57:23 AM
Attachments:	Summary of H.R. 133 Coronavirus Relief Provisions-Divisions.pdf Summary of H.R. 133 Appropriations Provisions.pdf image003.png

Attached is a summary of what's in the COVID-19 stimulus bill passed by Congress. You may want to pass this along to your contacts at DEO, OFR, and DACS as there are numerous provisions which affect unemployment, financial institutions with PPP loan programs, and agriculture.

Richard H. Martin
Chief of Staff
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PL-01 The Capitol | Tallahassee, FL 32399-1050
Tel.: (850) 245-0187
E-mail: Richard.Martin@myfloridalegal.com

AMERICAN OVERSIGHT

From: John Guard
To: Gerald Whitney Ray
Subject: Fwd: Legislative Update: Coronavirus Relief Package
Date: Monday, December 21, 2020 5:42:14 PM
Attachments: image001.png
image002.png
Summary of H.R. 133 Appropriations Provisions.pdf
Summary of H.R. 133 Coronavirus Relief Provisions.pdf

Congress is likely to pass the extension we sought to the Cares act
Get Outlook for iOS

From: Ryan Greenstein <rgreenstein@naag.org>
Sent: Monday, December 21, 2020 5:05:32 PM
To: Ryan Greenstein <rgreenstein@naag.org>
Subject: Legislative Update: Coronavirus Relief Package

This is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:

Today, both the Senate and House of Representatives are expected to vote on and pass a $900 billion coronavirus relief package attached to the larger $1.4 trillion omnibus spending bill. Assuming it passes both chambers, the White House has indicated the legislation will likely be signed quickly by the President. If either chamber fails to pass the bill or some other measure to fund the government, a federal government shutdown will begin at midnight. Further COVID relief is expected to be an early priority of the 117th Congress in January.

Several NAAG priorities and items are included in the final package. The below is intended as an initial high-level overview of NAAG priorities and is not meant to include every item that could impact attorneys general within the 5593 pages of text.

Final text is available HERE and section-by-section summaries of the appropriations provisions and the Coronavirus Relief provisions are both attached.

What NAAG priorities related to the pandemic were included in the legislation?

- Coronavirus Relief Fund (CRF) Spending Deadline Extension
  - As requested in NAAG's November 30, 2020 letter, the COVID relief bill amend the CRF program to allow state and local governments to spend the funding until at least December 31, 2021.
  - This week, NAAG resent this letter to Congressional leadership and the White House. Prior to this week, NAAG made sure key offices were aware of not only NAAG's support but that many other national associations, including the National Association of Counties, were supportive of this extension. As part of this outreach, many offices responded that they shared NAAG's view and Congressman Welch of Vermont even went further and tweeted his support of NAAG's stance.
- Broadband Access
  - This legislation includes $7 billion to increase access to broadband, including a new Emergency Broadband Benefit to help millions of students, families and unemployed workers afford the broadband they need during the pandemic.
  - In NAAG's May 21, 2020 letter, sent a letter to Congressional leadership encouraging

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future COVID-19 relief legislation to include "adequate and flexible funding to state, territorial, and local governments to expand broadband internet access" and "increase funding to the U.S. Federal Communication Commission Universal Service Fund." There have been several proposals over this year to bridge the digital divide similar to what was finally included in this legislation.

What NAAG priorities related to the pandemic are not included in the relief legislation?

- Medication Assisted Treatment for Opioid Use Disorder
  - Though initially included in a bipartisan Senate proposal, the final COVID relief bill does not language that would eliminate the requirement for health care practitioners to apply for an x-waiver from the DEA in order to prescribe buprenorphine to the end of the Public Health Emergency or to December 31, 2021. NAAG requested Congress eliminate this burdensome requirement in an August 2019 letter to Congress. The CDC also released a health advisory last week that recommended expanding access to FDA-approved medications, including buprenorphine, as a key tool in responding to the increase in synthetic opioid overdose deaths in the past year.
  - As part of NAAG's advocacy efforts in this area, NAAG has been in contact with Speaker Pelosi's staff, Minority Leader McCarthy's staff, Minority Leader Schumer's staff, the Senate Health, Education, Labor and Pensions (HELP) Committee, and SAMHSA officials. Last October, NAAG also hosted an attorney general for fly-in meetings with their Senators and ONDCP Director Carroll.
- Consumer Protection Conditions Attached to Fiscal Relief for the Airline Industry
  - In NAAG's October 1, 2020 letter to Congressional leadership, NAAG requested any fiscal relief to the airline industry require carriers receiving relief to provide full refunds to customers who voluntarily cancel their flight reservations for reasons related to COVID-19. The letter also ask Congress to strengthen "existing laws requiring that refunds for flight cancellations be remitted in full and according to federal law, and preventing delays in issuance of refunds or expirations that effectively cancel the value reimbursed" and that Congress authorize state attorneys general to enforce federal airline consumer protections.
  - Though the legislation includes $25 billion for airlines, it does not include the requested conditions from NAAG's letter. It does require airlines maintain minimum service levels and keeps workers on payroll through September 30, 2021.
- Amendments to the Victims of Crime Act of 1984 (VOCA)
  - NAAG sent two letters requesting VOCA amendments in 2020. The first letter sent on August 10th asked Congress to include victims of senior fraud as eligible for reimbursement by the Crime Victims Fund for states that provide compensation to victims and was signed by 44 attorneys general. The second letter sent on August 24th proposed several amendments to VOCA to stabilize the Crime Victims Fund and was the only 2020 NAAG letter signed by all 56 attorneys general. Neither letters' requests were included in the COVID relief legislation, though the HEROES Act did include language to allow penalties and fines from deferred prosecution and non-prosecution agreements be deposited into the Crime Victims Fund.
  - Both letters have attracted a significant amount of attention in Congress and have been included in requests by a coalition of over 1500 victim advocate and prosecutor groups.

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The coalition has engaged a wide range of offices and coordinated a national social media campaign using the hashtags #VOCAFix and #Crisis4Victims. In October, AG Fox and AG Healey published a joint op-ed on the priorities included in the August 24th letter. Following the August 10th letter, Sen. Baldwin of Wisconsin and Sens. Cassidy and Kennedy of Louisiana all put out social media statements supporting the August 10th letter.

- Equal Coronavirus Relief Funding for the District of Columbia
  - On March 26, 2020, NAAG sent a letter to Congress asking for the CARES Act to provide the District of Columbia at least $1.25 billion in direct payments, similar to what all fifty states received, instead of the $500 billion the District was allocated. Though the CARES Act was not amended as requested, the HEREOS Act, which passed the House in May, included language to provide the District $755 million so it's total relief would match the $1.25 billion relief initially requested.

Ryan Greenstein
Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6262
rgreenstein@naag.org
www.naag.org

AMERICAN OVERSIGHT

From:	Richard Martin
To:	Skylar Swanson; John Guard; Charles Trippe
Cc:	Gerald Whitney Ray; Kylie Mason; Trevor DeGroot; Cameron Paul
Subject:	RE: Daniel"s Law NR
Date:	Friday, December 11, 2020 5:28:18 PM
Attachments:	Daniels Law NR rm.docx image002.png

My comments.

Richard H. Martin
Chief of Staff
Office of the Attorney General
PL-01 The Capitol | Tallahassee, FL 32399-1050
Tel.: (850) 245-0187
E-mail: Richard.Martin@myfloridalegal.com

From: Skylar Swanson <Skylar.Swanson@myfloridalegal.com>
Sent: Friday, December 11, 2020 5:09 PM
To: Richard Martin <Richard.Martin@myfloridalegal.com>; John Guard <John.Guard@myfloridalegal.com>; Charles Trippe <Charles.Trippe@myfloridalegal.com>
Cc: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Subject: Daniel's Law NR

Good Afternoon!

Draft NR for Daniel's Law is attached for review.

Thank you!

AMERICAN OVERSIGHT

From:	John Guard
To:	Lauren Cassedy; Gerald Whitney Ray
Subject:	Fwd: 22O155 - Texas v. Pennsylvania (U.S.) - Amicus Brief of Missouri and 16 Other States - Final
Date:	Wednesday, December 9, 2020 3:09:00 PM
Attachments:	2020-12-09 - Texas v. Pennsylvania - Amicus Brief of Missouri et al. - Final with Tables.pdf 2020.12.09 Certificate of Compliance.pdf 2020.12.09 Certificate of Service.pdf

---

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From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Wednesday, December 9, 2020 3:03:26 PM
To: 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov>; John Guard <John.Guard@myfloridalegal.com>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; 'Chanay, Jeff' <Jeff.Chanay@ag.ks.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Michelle Williams' <Michelle.Williams@ago.ms.gov>; 'Schlichting, Melissa' <MSchlichting@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Seibel, Troy T.' <tseibel@nd.gov>; 'Mithun Mansinghani' <mithun.mansinghani@oag.ok.gov>; 'Emory Smith' <ESmith@scag.gov>; 'Ravnsborg, Jason' <Jason.Ravnsborg@state.sd.us>; 'Andree S. Blumstein' <Andree.Blumstein@ag.tn.gov>; 'Melissa Holyoak' <melissaholyoak@agutah.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>
Subject: 22O155 - Texas v. Pennsylvania (U.S.) - Amicus Brief of Missouri and 16 Other States - Final

All-

Thank you all for joining this amicus brief on such short notice. Attached are the final PDFs of the Amicus Brief and Certificates. We ended up with a 17-State coalition, which is an extremely strong group for such a short turnaround. Our press officer has requested that this be embargoed until 3:30 pm Central. Thank you all for your support on this important project!

Thank you,

John Sauer

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AMERICAN OVERSIGHT

From: Gerald Whitney Ray
To: Kylie Mason; Trevor DeGroot; Cameron Paul
Subject: RE: TEST - Attorney General Moody"s Week In Review
Date: Friday, January 15, 2021 1:55:00 PM
Attachments: image001.png
image002.png
image003.png

Good… just change lay back to lie.

Whitney Ray
Director of Communications

Office of the Attorney General Ashley Moody
Whitney.Ray@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

From: Kylie Mason <Kylie.Mason@myfloridalegal.com>
Sent: Friday, January 15, 2021 1:15 PM
To: Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Subject: Re: TEST - Attorney General Moody's Week In Review

Good

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From: Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>
Sent: Friday, January 15, 2021 12:59:57 PM
To: Newsletter Preview <Newsletter.Preview@notes.onprem.myfloridalegal.com>
Subject: TEST - Attorney General Moody's Week In Review

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Attorney General Moody's Week In Review

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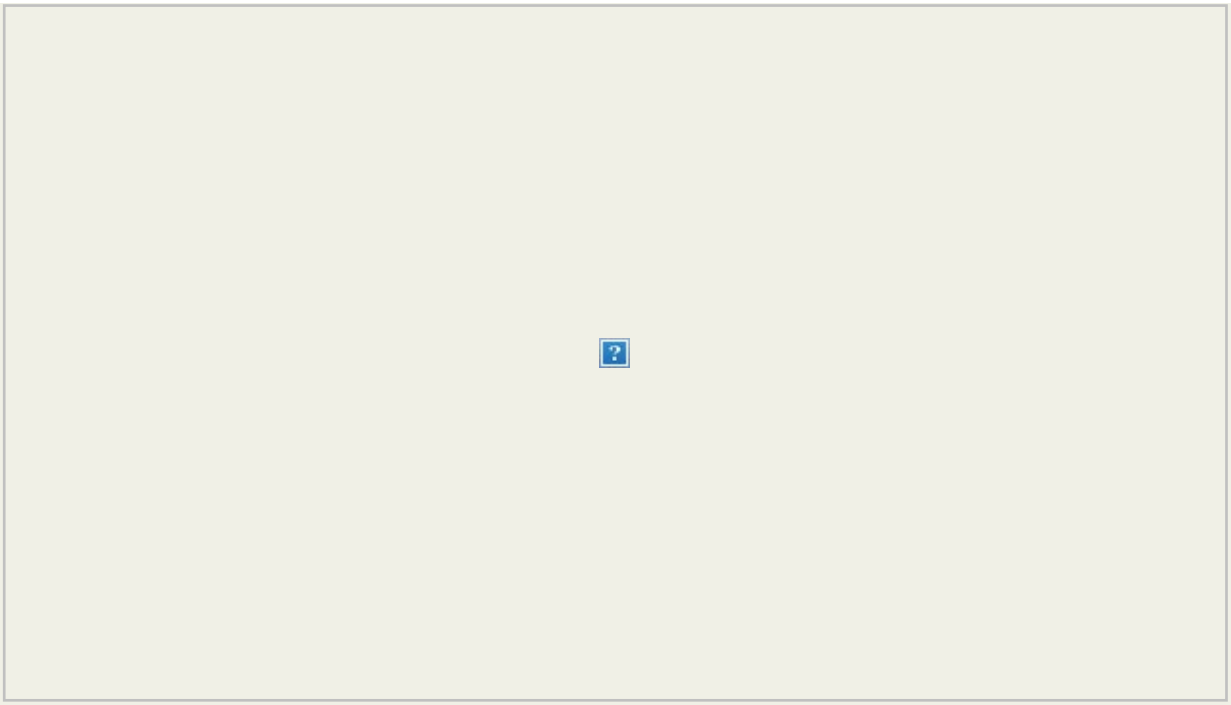

Encouraging and highlighting positive relationships between law enforcement and the communities they serve is a mission close to my heart. As the wife of a law enforcement officer, I know the dangers these brave men and women can face. When these officers leave for work, they never know what challenges lay ahead of them.

Last October, Florida Highway Patrol Troopers Brian Clary, Chris Folsom and David Smith were responding to a traffic crash on I-10 when a second crash occurred at the scene. The second crash resulted in a vehicle being pushed off the roadway—pinning the car between a tractor trailer and a tree. The tractor trailer quickly caught fire and spread to the vehicle.

The vehicle's driver, Dwayne Greenhill, was trapped inside as the vehicle became engulfed in flames. Troopers Clary, Folsom and Smith immediately rushed to Greenhill's aid and began using fire extinguishers to put out the flames while attempting to rescue Mr. Greenhill from the burning vehicle.

Once out of the vehicle, the troopers administered lifesaving first aid to Greenhill until paramedics arrived to transport him to Tallahassee Memorial Hospital. Because of the immediate and heroic actions of all three troopers, Mr. Greenhill's life was saved, and he made a full recovery.

This week, I presented Back the Blue Awards to the troopers for their life-saving actions, with Mr. Greenhill in attendance.

I am so proud of the quick thinking and life-saving work of these heroes. They know firsthand the many inherent dangers of responding to a traffic crash, along with the subsequent dangers of secondary collisions. Thank you, Troopers Clary, Folsom and Smith, for your bravery. Florida is safer because of your service.

Do you know a law enforcement officer, citizen or organization to nominate for a Back the Blue Award? If so, click here for more information.

By supporting those who wear a badge and risk their safety for ours, we will build a Stronger, Safer Florida.

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In The News

[Attorney General Ashley Moody recognizes FHP troopers who saved man from burning vehicle, WCTV Tallahassee]

[Local and state agencies ramp up human trafficking awareness ahead of Super Bowl 55, NBC 8 Tampa]

[Ashley Moody Joins State AGs in Asking FDA About Recent Steps to Fight Opioids, Florida Daily]

[Florida busts Palm Harbor charity 'falsely' promising to help wounded war vets, NBC 8 Tampa]

[Florida's Historic Capitol to illuminate blue for National Human Trafficking Awareness Day, Florida Politics]

[Ex-Broward School Board CIO Facing Bid Tampering, Unlawful Compensation Charges, NBC 6 South Florida]

Protecting Floridians

VIDEO: Attorney General Moody and FLHSMV Shift Anti-Human Trafficking Campaign into High Gear

Florida's Highway Heroes campaign is shifting into high gear ahead of Super Bowl LV to enlist more teammates in the fight to end human trafficking. Attorney General Ashley Moody and the Florida Department of Highway Safety and Motor Vehicles launched phase two of the Highway Heroes campaign, created to enlist commercial truck drivers in the fight to end human trafficking. The joint effort between Attorney General Moody's Office and FLHSMV is funded through a U.S. Department of Transportation grant issued to FLHSMV to help train drivers and raise awareness about human trafficking on America's roadways.

Attorney General Ashley Moody said, "In preparation of next month's Super Bowl in Tampa, we are shifting our Highway Heroes campaign into high gear. Truck drivers play a vital role in the fight to end human trafficking. With more than 500,000 licensed commercial drivers in Florida, I am hopeful

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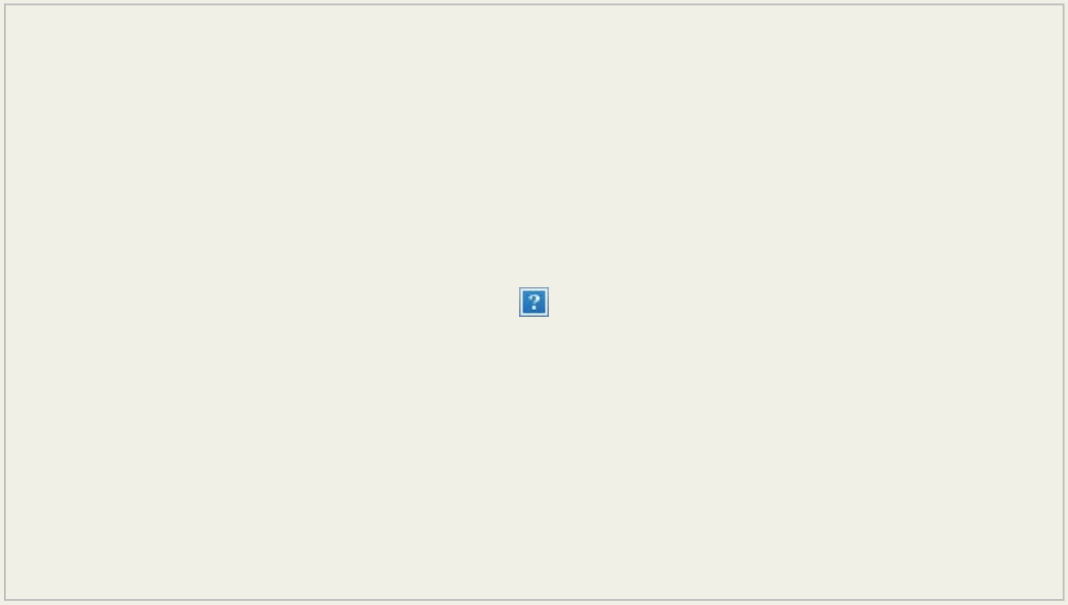
that this campaign will help us rescue victims and save lives. Thank you to all our Highway Heroes, who have been our eyes and ears on the road. With your support and participation in this lofty mission, we can end these heinous crimes and build a Stronger, Safer Florida." More.

Attorney General Moody and Bipartisan Coalition Push FDA to Examine Progress in Opioid Fight



Attorney General Ashley Moody joined a broad coalition of 48 attorneys general in pushing federal regulators to examine recent progress in their fight to end the opioid crisis harming Florida families.

The bipartisan coalition of attorneys general is specifically seeking a progress report regarding recent steps taken by the U.S. Food and Drug Administration to combat the opioid crisis, given the new authorities Congress granted the agency in 2018.

In a letter sent to FDA Commissioner Stephen Hahn, the attorneys general contend the requested information will help reduce prescription opioid abuse and accidental deaths.

Attorney General Ashley Moody said, "Sadly, we are acutely familiar with the death and destruction brought on by the national opioid crisis, taking lives in Florida and straining public resources. As Florida's Attorney General, I am committed to ending this health crisis in Florida and we must use all tools at our disposal to combat this deadly epidemic and save lives." More.

Attorney General Moody Recovers Funds Following Multistate Investigation into Sham Veterans Charity

Attorney General Ashley Moody and 10 other state attorneys general are recovering funds from a sham veterans charity based in Palm Harbor. The recovery follows a multistate investigation into Healing Heroes Network, Inc. and its former directors Stacey Spiegel, Allan Spiegel and Neal Spiegel, and a related entity, Hero Giveaways, LLC—a business formed by Stacey Spiegel and Neal Spiegel for their use of deceptive charitable solicitations, including misleading sweepstake mailers and a telemarketing campaign.

The multistate investigation revealed that the organizations falsely promised to use donations to

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help wounded veterans of the wars in Iraq and Afghanistan receive medical treatments. In 2016 and 2017, the charity also falsely claimed on social media that it dedicated 100% of its proceeds to wounded veterans. The investigation found that very little of the charitable contributions received by HHN were used to further this charitable mission. Instead, donations were used to pay professional fundraisers, online advertising fees, the salaries of Stacey Spiegel and son, Neal Spiegel, and to purchase t-shirts from a relative's apparel business.

Attorney General Ashley Moody said, "This is outrageous. The fact that anyone would exploit the service and sacrifice of our wounded military heroes to solicit money under false pretenses is deserving of the highest level of contempt. Fortunately, as a result of this joint action with my counterparts in other states, HHN will be banned from soliciting donations in Florida and we will claw back some of the unlawfully obtained donations." More.

Attorney General Moody joins State Attorneys General in Condemning Attack on the U.S. Capitol

Attorney General Ashley Moody joined a bipartisan coalition of 50 states, territories, and the District of Columbia, in sending a letter to Acting U.S. Attorney General Jeffrey A. Rosen condemning the Jan. 6 riot at the U.S. Capitol and stating such actions cannot be allowed to go unchecked.

The letter, led by Colorado Attorney General Phil Weiser, District of Columbia Attorney General Karl Racine, Idaho Attorney General Lawrence Wasden and Nebraska Attorney General Doug Peterson, reads:

"We, the undersigned state attorneys general, are committed to the protection of public safety, the rule of law, and the U.S. Constitution. We are appalled that on January 6, 2021, rioters invaded the U.S. Capitol, defaced the building, and engaged in a range of criminal conduct—including unlawful entry, theft, destruction of U.S. government property, and assault. Worst of all, the riot resulted in the deaths of individuals, including a U.S. Capitol Police officer, and others were physically injured. Beyond these harms, the rioters' actions temporarily paused government business of the most sacred sort in our system—certifying the result of a presidential election." More.

Statewide Grand Jury Indicts Former CIO of Broward County Schools

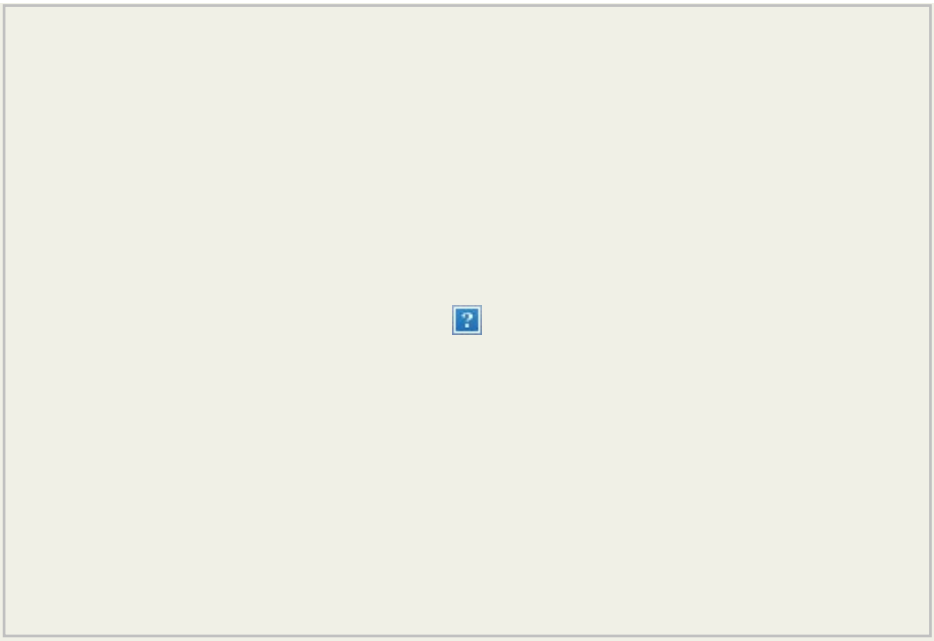
The Florida Department of Law Enforcement arrested former Broward County School Board Chief Information Officer Anthony Hunter on Jan. 12 following an indictment by the statewide grand jury. Hunter is indicted for bypassing the bidding process for school equipment and steering business to a friend. Attorney General Moody's Office of Statewide Prosecution served as legal advisors to the grand jury and will prosecute the case.

Attorney General Ashley Moody said, "I am proud of the work the statewide grand jury put into this case, as well as the efforts of my Statewide Prosecutors and the Florida Department of Law Enforcement. Let this be a lesson to anyone attempting to abuse the public trust; all public servants can and will be held accountable for their unlawful actions." More.

Events

This week, Attorney General Ashley Moody illuminated Florida's Historic Capitol blue in recognition of National Human Trafficking Awareness Day. Blue is the international color of human trafficking awareness. Attorney General Moody is committed to ending human trafficking in Florida. More.

AMERICAN OVERSIGHT



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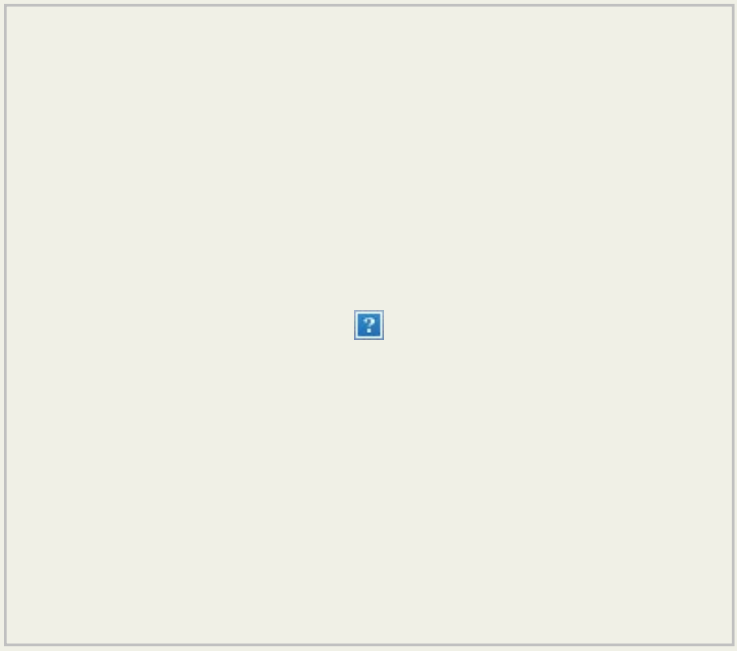

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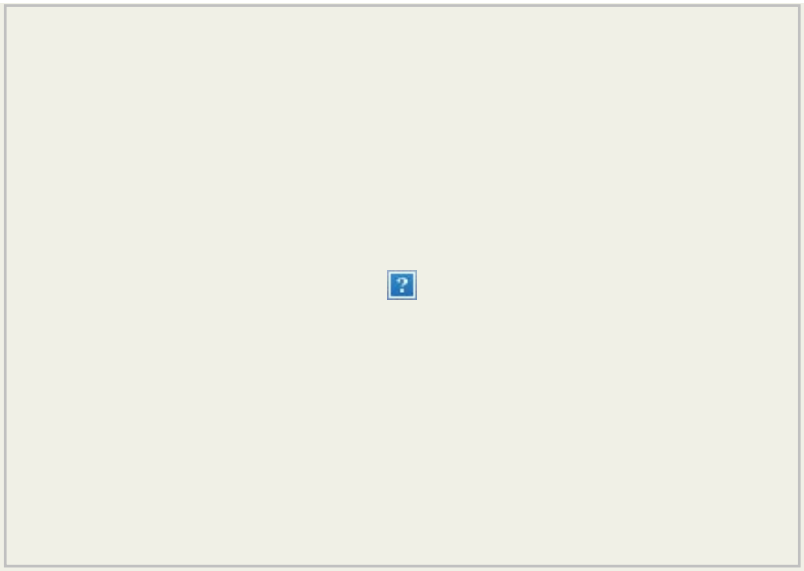
AMERICAN OVERSIGHT



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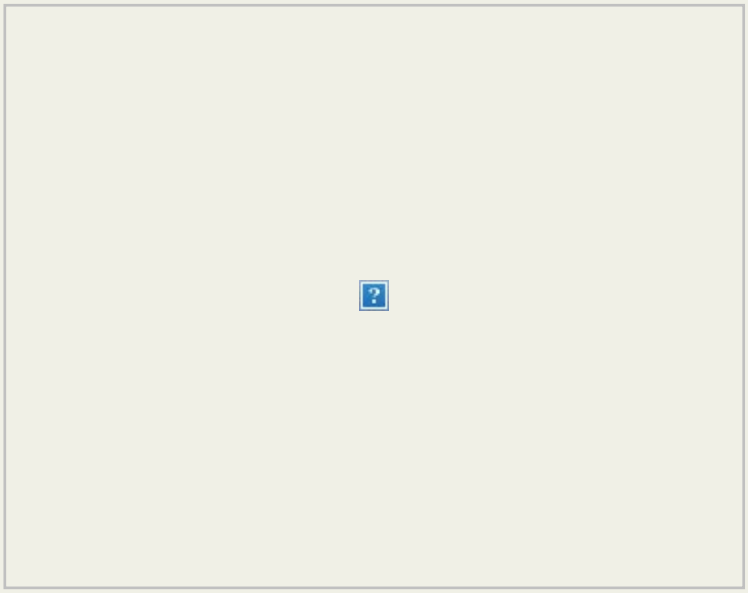

AMERICAN OVERSIGHT

From: Gerald Whitney Ray
To: Cameron Paul; Trevor DeGroot; Kylie Mason
Subject: RE: TEST - Attorney General Moody"s Week In Review
Date: Friday, January 15, 2021 12:55:00 PM
Attachments: image001.png
image002.png
image003.png

That is a good question and while "It's always been done that way" is not a good answer, we have debated this in the past….. It centers on the opening phrase of the EVENTS section, This week, AG Moody…. Ect. Then we make the rest active.

Worth exploring again further in the future… but for now… let's leave as is.

Whitney Ray
Director of Communications

Office of the Attorney General Ashley Moody
Whitney.Ray@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

From: Cameron Paul <Cameron.Paul@myfloridalegal.com>
Sent: Friday, January 15, 2021 12:52 PM
To: Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>; Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Subject: RE: TEST - Attorney General Moody's Week In Review

Why is the first even in past tense and the other events in present tense? Should the lighting the capitol blue event be changed to present tense or should they all be changed to past tense?

Other than that, I think it looks really good. Great job, Trevor!

Cameron Paul
Executive Assistant
Florida Attorney General's Office
The Capitol, Suite PL-01
Tallahassee, Fla. 32399-1050
Office: (850) 245-0196

From: Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>
Sent: Friday, January 15, 2021 12:51 PM
To: Kylie Mason <Kylie.Mason@myfloridalegal.com>; Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Subject: RE: TEST - Attorney General Moody's Week In Review

AMERICAN OVERSIGHT

Got it and fixed. Thanks Kylie.

From: Kylie Mason <Kylie.Mason@myfloridalegal.com>
Sent: Friday, January 15, 2021 12:45 PM
To: Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Subject: Re: TEST - Attorney General Moody's Week In Review

In events, under its a penalty part....fix typo of sport to spot.

Other than than all good.

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From: Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>
Sent: Friday, January 15, 2021 12:37:08 PM
To: Newsletter Preview <Newsletter.Preview@notes.onprem.myfloridalegal.com>
Subject: TEST - Attorney General Moody's Week In Review

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Attorney General Moody's Week In Review

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AMERICAN OVERSIGHT

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Do you know a law enforcement officer, citizen or organization to nominate for a Back the Blue Award? If so, click here for more information.

By supporting those who wear a badge and risk their safety for ours, we will build a Stronger, Safer Florida.

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Local and state agencies ramp up human trafficking awareness ahead of Super Bowl 55, NBC 8 Tampa

Ashley Moody Joins State AGs in Asking FDA About Recent Steps to Fight Opioids, Florida Daily

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AG Says Fake Pinellas Veterans Charity Scammed Thousands, Patch News

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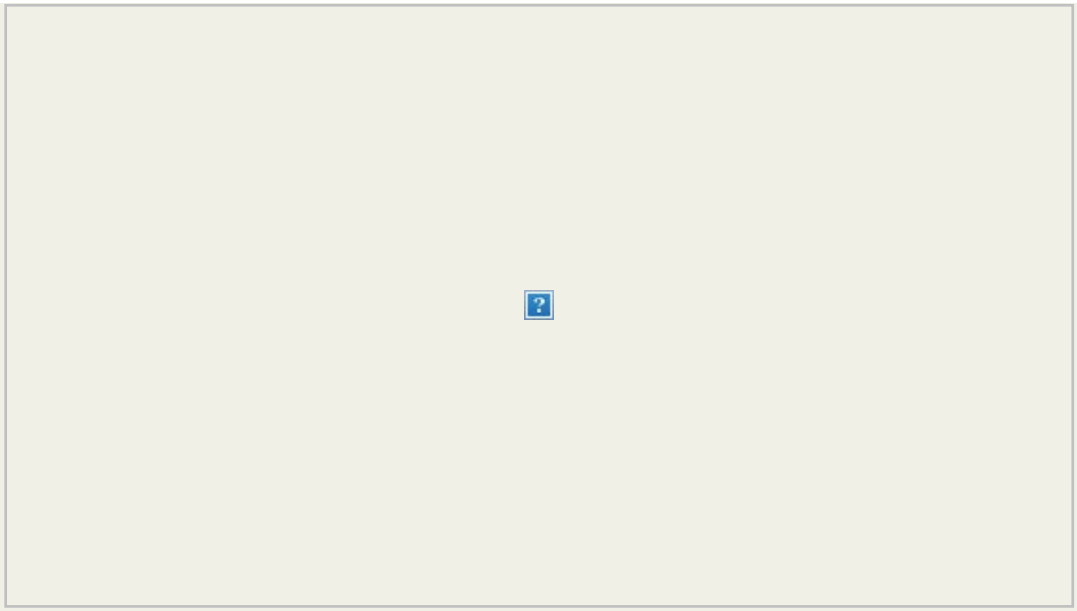
Protecting Floridians

VIDEO: Attorney General Moody and FLHSMV Shift Anti-Human Trafficking Campaign into High Gear

AMERICAN OVERSIGHT



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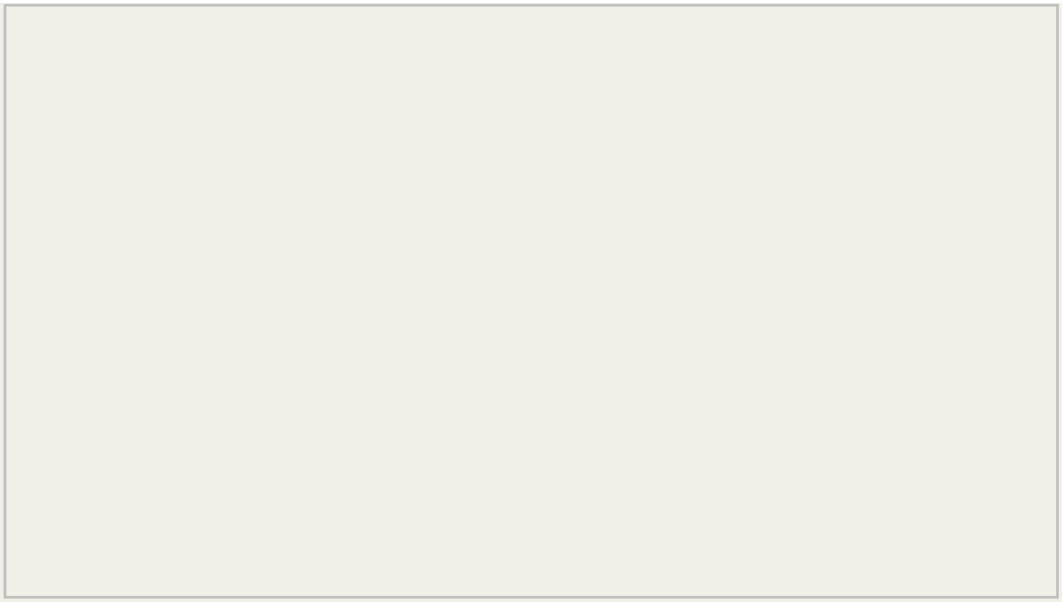
Attorney General Moody and Bipartisan Coalition Push FDA to Examine Progress in Opioid Fight

AMERICAN OVERSIGHT



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Attorney General Ashley Moody said, “Sadly, we are acutely familiar with the death and destruction brought on by the national opioid crisis, taking lives in Florida and straining public resources. As Florida’s Attorney General, I am committed to ending this health crisis in Florida and we must use all tools at our disposal to combat this deadly epidemic and save lives.” More.

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Attorney General Ashley Moody and 10 other state attorneys general are recovering funds from a sham veterans charity based in Palm Harbor. The recovery follows a multistate investigation into Healing Heroes Network, Inc. and its former directors Stacey Spiegel, Allan Spiegel and Neal Spiegel, and a related entity, Hero Giveaways, LLC—a business formed by Stacey Spiegel and Neal Spiegel for their use of deceptive charitable solicitations, including misleading sweepstake mailers and a telemarketing campaign.

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AMERICAN OVERSIGHT

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The letter, led by Colorado Attorney General Phil Weiser, District of Columbia Attorney General Karl Racine, Idaho Attorney General Lawrence Wasden and Nebraska Attorney General Doug Peterson, reads:

"We, the undersigned state attorneys general, are committed to the protection of public safety, the rule of law, and the U.S. Constitution. We are appalled that on January 6, 2021, rioters invaded the U.S. Capitol, defaced the building, and engaged in a range of criminal conduct—including unlawful entry, theft, destruction of U.S. government property, and assault. Worst of all, the riot resulted in the deaths of individuals, including a U.S. Capitol Police officer, and others were physically injured. Beyond these harms, the rioters' actions temporarily paused government business of the most sacred sort in our system—certifying the result of a presidential election.

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Thank you for your consideration of and work on this crucial priority." More.

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The Florida Department of Law Enforcement arrested former Broward County School Board Chief Information Officer Anthony Hunter on Jan. 12 following an indictment by the statewide grand jury. Hunter is indicted for bypassing the bidding process for school equipment and steering business to a friend. Attorney General Moody's Office of Statewide Prosecution served as legal advisors to the grand jury and will prosecute the case.

Attorney General Ashley Moody said, "I am proud of the work the statewide grand jury put into this case, as well as the efforts of my Statewide Prosecutors and the Florida Department of Law Enforcement. Let this be a lesson to anyone attempting to abuse the public trust; all public servants can and will be held accountable for their unlawful actions." More.

Events

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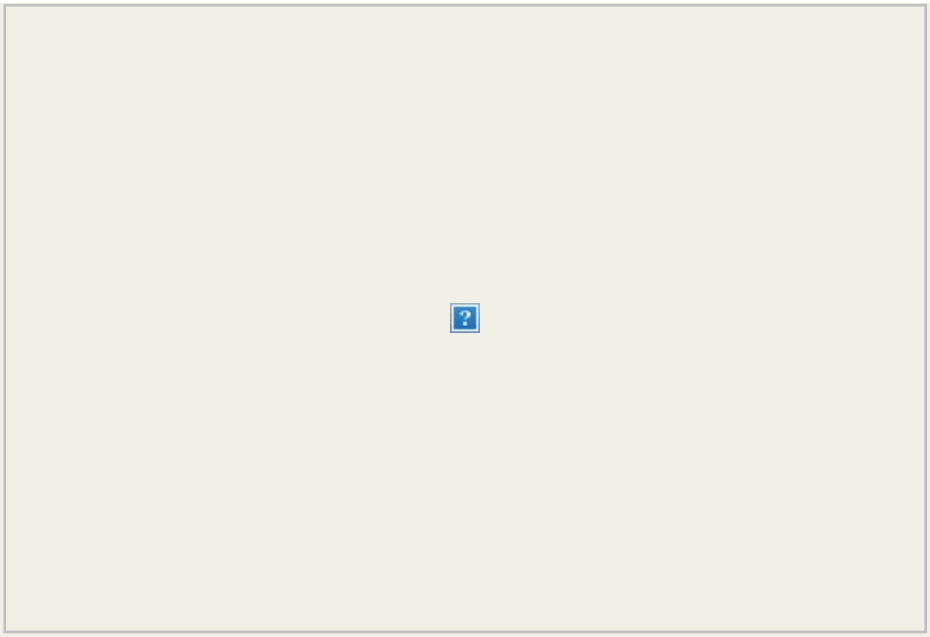

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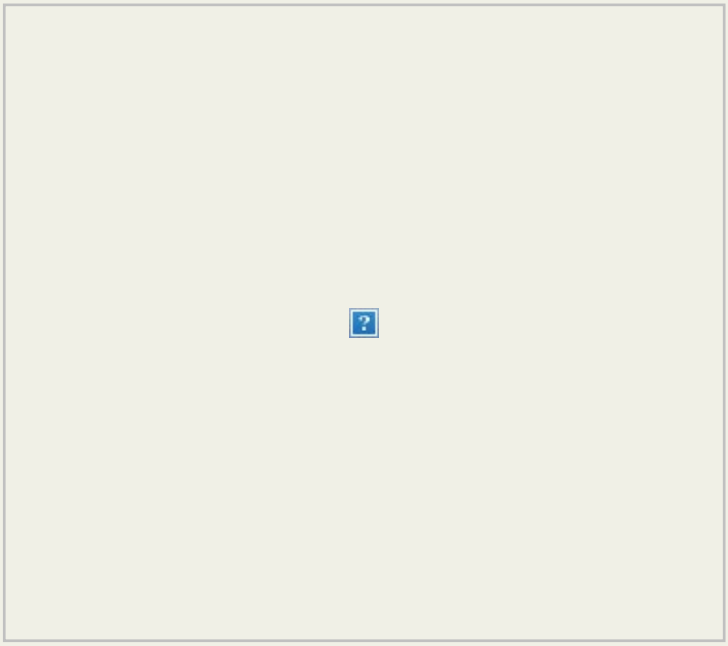

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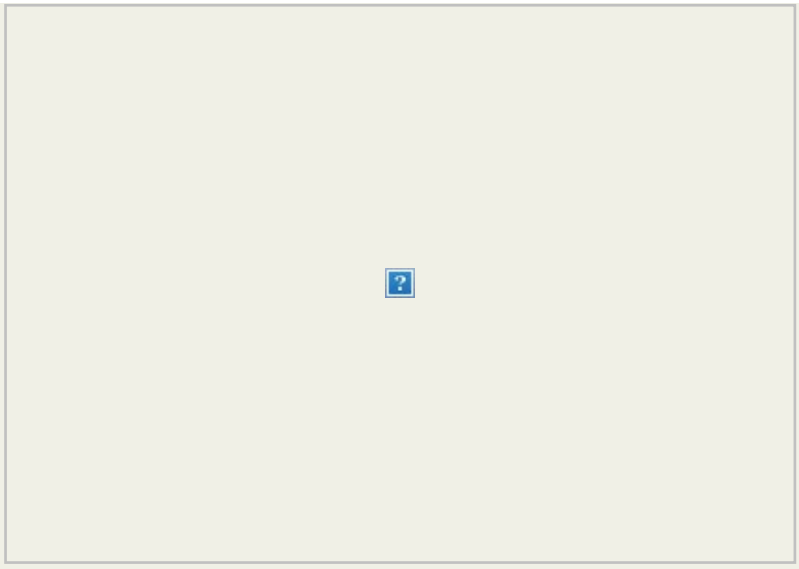

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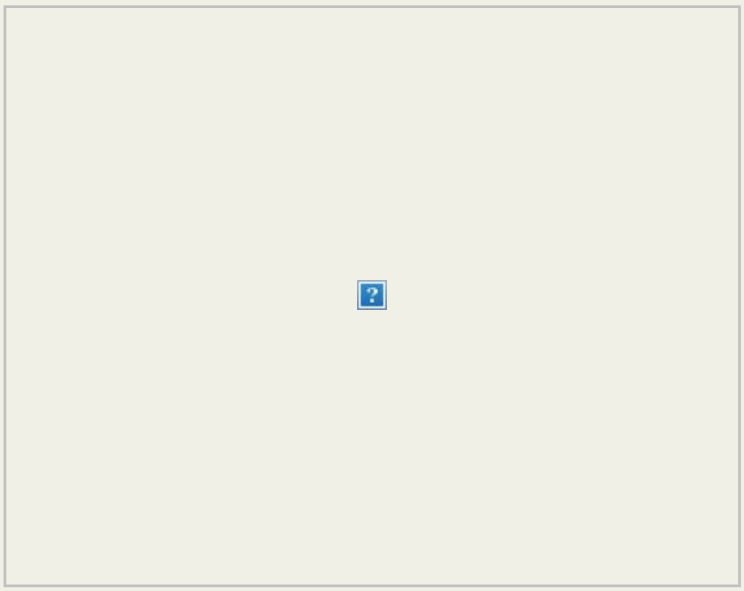

AMERICAN OVERSIGHT

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Subject: FW: TEST - Attorney General Moody"s Week In Review
Date: Friday, January 15, 2021 12:53:00 PM

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IN THE NEWS:

Can we eliminate the PATCH article and add the FL Politic article about lighting the CAP blue?

PROTECTING FLs

Let's eliminate everything after first paragraph of quote and just add… .more.

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From: Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>
Sent: Friday, January 15, 2021 12:37 PM

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To: Newsletter Preview <Newsletter.Preview@notes.onprem.myfloridalegal.com>
Subject: TEST - Attorney General Moody's Week In Review

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AMERICAN OVERSIGHT

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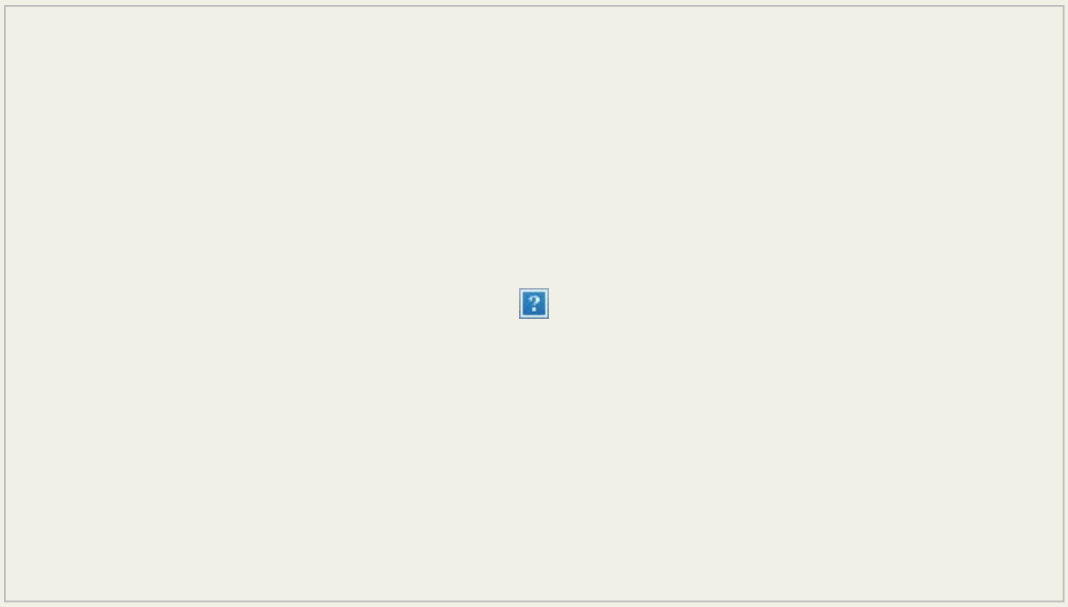

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AMERICAN OVERSIGHT

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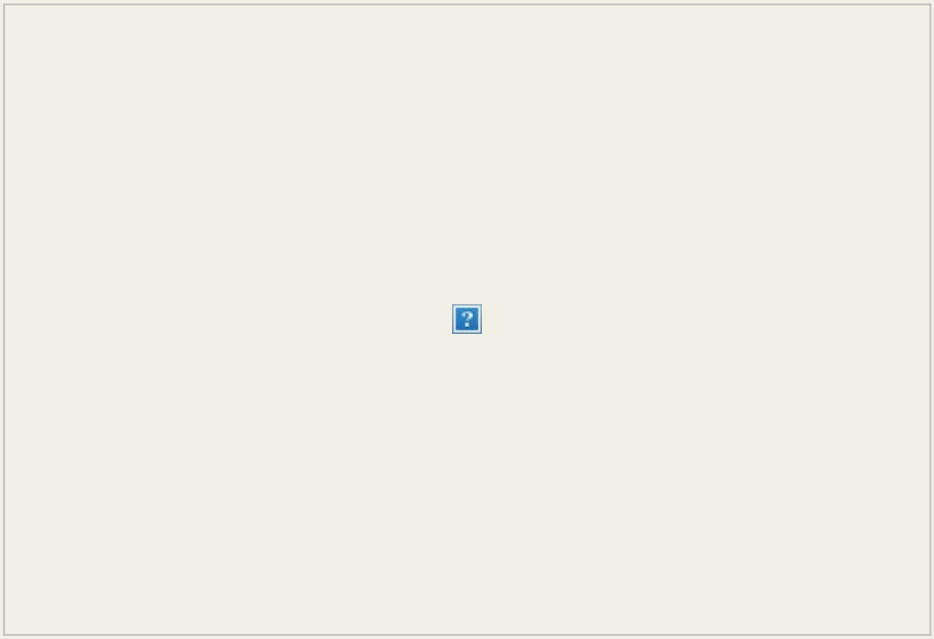

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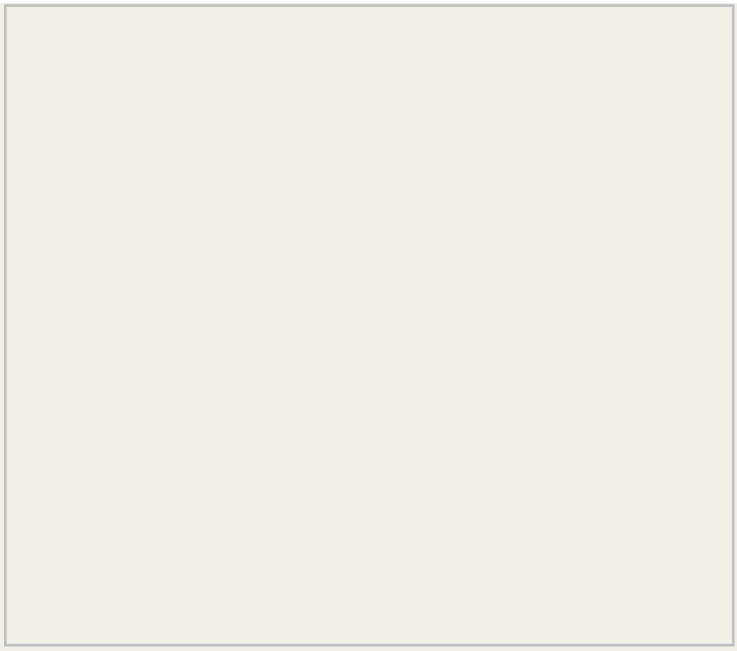

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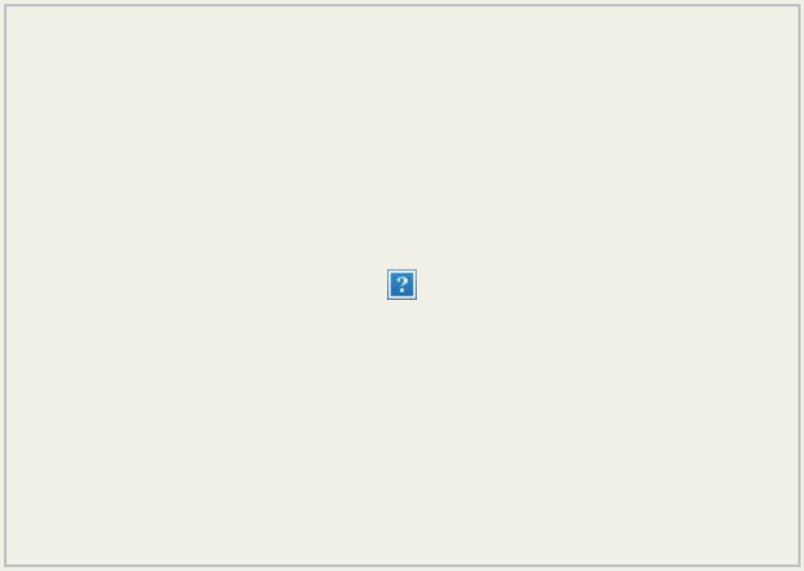

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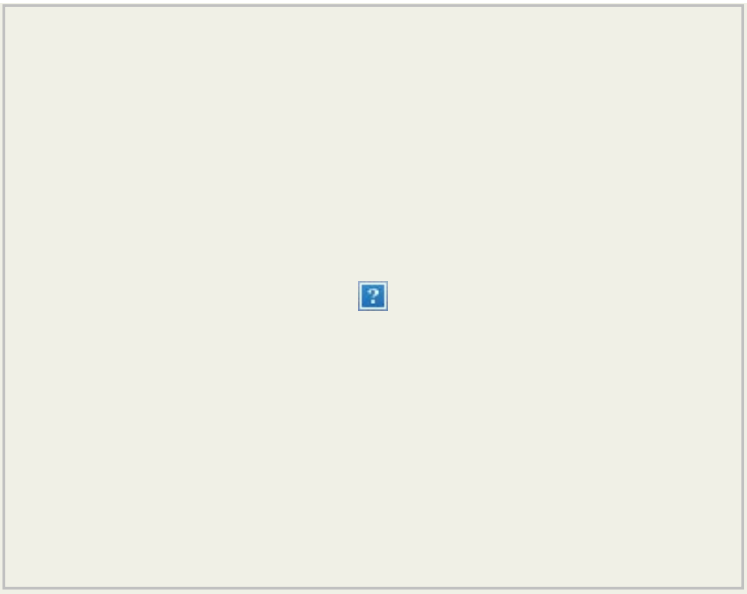

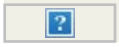

AMERICAN OVERSIGHT

From: Gerald Whitney Ray
To: Steve Contorno; Lauren Cassedy
Cc: Kylie Mason
Subject: RE: RAGA and Rule of Law Defense Fund
Date: Tuesday, January 12, 2021 1:32:00 PM
Attachments: image001.png
image002.png
image003.png

Yes sir. Will be in touch once I have more info on your public records request.

Whitney Ray
Director of Communications

Office of the Attorney General Ashley Moody
Whitney.Ray@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

From: Steve Contorno <scontorno@tampabay.com>
Sent: Tuesday, January 12, 2021 1:31 PM
To: Lauren Cassedy <Lauren.Cassedy@myfloridalegal.com>
Cc: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>
Subject: Re: RAGA and Rule of Law Defense Fund

Hello,

I just want to confirm that the second part of email was forwarded to the public records custodian for review.

Thank you,
Steve

From: Lauren Cassedy <Lauren.Cassedy@myfloridalegal.com>
Sent: Monday, January 11, 2021 3:07 PM
To: Steve Contorno <scontorno@tampabay.com>
Cc: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>
Subject: Re: RAGA and Rule of Law Defense Fund

CAUTION: External Sender

As you know, Attorney General Moody swiftly condemned the violence on Wednesday and continues to do so.

AMERICAN OVERSIGHT

She had no prior knowledge of this decision.

AG Moody has not been on the board of the RLDF, nor the Executive Committee for NAAG, since last year.

Get Outlook for iOS

From: Steve Contorno <scontorno@tampabay.com>
Sent: Monday, January 11, 2021 11:17 AM
To: Lauren Cassedy
Subject: RAGA and Rule of Law Defense Fund

Hi Lauren,

Hope you're well.

I'm working on a story about the involvement of the Rule of Law Defense Fund in last week's events at the Capitol, and I am seeking comment from Attorney General Ashley Moody about her involvement in the organization. Was she aware the RLDF was participating in the March to Save America? To what extent did she have advance knowledge of the organization's involvement? What conversations has she had with the organization and its members in the aftermath of Wednesday's events? Does she have a comment about the organization's involvement in this event, given what transpired?

Second, I noticed that after last week's events, this sentence was removed from General Moody's official bio on her state website: "Since taking office as Attorney General, Moody has been recognized as a national leader having been appointed to the Executive Committee of the National Association of Attorneys General and to the Board of Directors for the Rule of Law Defense Fund." Why was this removed? Is she still on the Executive Committee and Board of Directors for those two organizations, respectively?

Finally, and separately, I would like to request all communications received and sent since Jan. 4 through today for the following:

1. Emails including the words or acronyms "Rule of Law Defense Fund," "RLDF," "Republican Attorneys General Association," "RAGA," or "March to Save America"
2. Emails related to the drafting of this post from Attorney General Ashley Moody on her Twitter account, as seen here: https://twitter.com/AGAshleyMoody/status/1346929900926615554
3. Emails related to the drafting of Attorney General Ashley Moody's updated bio, as seen here: https://www.myfloridalegal.com/pages.nsf/Main/1515CE372E59D1E885256CC60071B1C4

The deadline for my questions regarding the RLDF and the March to Save America is 3 p.m.

Thank you,

Steve Contorno

AMERICAN OVERSIGHT

Political Editor
Tampa Bay Times
scontorno@tampabay.com
C: (312) 804-2385
Follow me on Twitter
Sign up for The Buzz, our weekly Florida politics newsletter.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

AMERICAN OVERSIGHT

From: Gerald Whitney Ray
To: Nicholas Weilhammer
Cc: Kylie Mason
Subject: FW: RAGA and Rule of Law Defense Fund
Date: Tuesday, January 12, 2021 12:34:00 PM
Attachments: image001.png
image002.png
image003.png

Nic,

Please see the records request below.

Finally, and separately, I would like to request all communications received and sent since Jan. 4 through today for the following:

1. Emails including the words or acronyms "Rule of Law Defense Fund," "RLDF," "Republican Attorneys General Association," "RAGA," or "March to Save America"
2. Emails related to the drafting of this post from Attorney General Ashley Moody on her Twitter account, as seen here: https://twitter.com/AGAshleyMoody/status/1346929900926615554

Emails related to the drafting of Attorney General Ashley Moody's updated bio, as seen here: https://www.myfloridalegal.com/pages.nsf/Main/1515CE372E59D1E885256CC60071B1C4

Whitney Ray
Director of Communications

Office of the Attorney General Ashley Moody
Whitney.Ray@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

From: Lauren Cassedy <Lauren.Cassedy@myfloridalegal.com>
Sent: Monday, January 11, 2021 11:34 AM
To: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Cc: Kylie Mason <Kylie.Mason@myfloridalegal.com>
Subject: Fwd: RAGA and Rule of Law Defense Fund

Records request near the end of the email

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From: Steve Contorno <scontorno@tampabay.com>
Sent: Monday, January 11, 2021 11:17:02 AM
To: Lauren Cassedy <Lauren.Cassedy@myfloridalegal.com>

AMERICAN OVERSIGHT

Subject: RAGA and Rule of Law Defense Fund

Hi Lauren,

Hope you're well.

I'm working on a story about the involvement of the Rule of Law Defense Fund in last week's events at the Capitol, and I am seeking comment from Attorney General Ashley Moody about her involvement in the organization. Was she aware the RLDF was participating in the March to Save America? To what extent did she have advance knowledge of the organization's involvement? What conversations has she had with the organization and its members in the aftermath of Wednesday's events? Does she have a comment about the organization's involvement in this event, given what transpired?

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2. Emails related to the drafting of this post from Attorney General Ashley Moody on her Twitter account, as seen here: https://twitter.com/AGAshleyMoody/status/1346929900926615554
3. Emails related to the drafting of Attorney General Ashley Moody's updated bio, as seen here: https://www.myfloridalegal.com/pages.nsf/Main/1515CE372E59D1E885256CC60071B1C4

The deadline for my questions regarding the RLDF and the March to Save America is 3 p.m.

Thank you,

Steve Contorno
Political Editor
Tampa Bay Times
scontorno@tampabay.com
C: (312) 804-2385
Follow me on Twitter
Sign up for The Buzz, our weekly Florida politics newsletter.

AMERICAN OVERSIGHT

From: Gerald Whitney Ray
To: Kylie Mason; Lauren Cassedy; John Guard
Subject: Fwd: EXPEDIATED DEADLINE: Sign-On Opportunity: Violence at U.S. Capitol
Date: Friday, January 8, 2021 6:26:16 PM
Attachments: image001.png
image002.png
Response Form.pdf
NAAG Capitol Letter Jan 2021 FINAL.pdf

Get Outlook for iOS

From: Allison Gilmore <agilmore@naag.org>
Sent: Friday, January 8, 2021 6:23:10 PM
Cc: Ashley Wynstra <awynstra@naag.org>
Subject: FW: EXPEDIATED DEADLINE: Sign-On Opportunity: Violence at U.S. Capitol

Good evening.

The attached letter was circulated to your offices just now. Given the short response time, I'm sharing with you as advance notice that, should this reach NAAG policy, a press release would go out as early as Tuesday afternoon.

I will be back in touch if/when this becomes NAAG policy.

Thanks and have a safe and healthy weekend!

Allison M. Gilmore, CAE
Chief Communications Officer
National Association of Attorneys General
1850 M Street, NW, 12th Floor
Washington, DC 20036
202.326.6047 office
202.320.4247 cell
agilmore@naag.org
www.naag.org

From: Ryan Greenstein
Sent: Friday, January 8, 2021 6:14 PM
To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Adam Rice <adam.rice@coag.gov>; joshua.shasserre@nebraska.gov; Swaruup, Vikram (OAG) <Vikram.Swaruup@dc.gov>; brian.kane@ag.idaho.gov
Subject: EXPEDIATED DEADLINE: Sign-On Opportunity: Violence at U.S. Capitol
Importance: High

This is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:

AMERICAN OVERSIGHT

If you'd like to sign-on to the attached letter led by Attorneys General Weiser, Racine, Wasden and Peterson, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org or by fax at (202) 521-4052 by ***12pm ET on Tuesday, January 12th.***

If you have any questions about the letter, please contact Adam Rice of Colorado at adam.rice@coag.gov or (720) 508-6564, Vikram Swaruup of the District of Columbia at vikram.swaruup@dc.gov or (202) 724-6533, Brian Kane in Idaho at brian.kane@ag.idaho.gov Josh Shasserre of Nebraska at Joshua.Shasserre@Nebraska.gov or (402) 890-8766.

Please note that if you are interested in which states have signed on to this letter, you may check the real-time status at this website, please note the new site password below:
http://signons.naag.org/
Password: [redacted]

Please do not share the password or draft letter with anyone not employed by an attorney general office.

Ryan Greenstein
Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6262
rgreenstein@naag.org
www.naag.org

AMERICAN OVERSIGHT

From: Gerald Whitney Ray
To: Skylar Swanson
Subject: RE: Draft Tweet
Date: Wednesday, January 6, 2021 4:20:00 PM
Attachments: image001.png
image002.png
image003.png

It's good to go.

Whitney Ray
Director of Communications

Office of the Attorney General Ashley Moody
Whitney.Ray@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

From: Skylar Swanson <Skylar.Swanson@myfloridalegal.com>
Sent: Wednesday, January 6, 2021 4:19 PM
To: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Subject: RE: Draft Tweet

Wanted to double check if we are waiting on responses from LC and JG

From: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Sent: Wednesday, January 6, 2021 4:05 PM
To: Kylie Mason <Kylie.Mason@myfloridalegal.com>; Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; Lauren Cassedy <Lauren.Cassedy@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Cc: John Guard <John.Guard@myfloridalegal.com>; Erica Geiger <Erica.Geiger@myfloridalegal.com>
Subject: Draft Tweet

Draft Tweet:

We are a nation founded on a rule of law and respect for those who uphold it. Violence against law enforcement officers attempting to keep the peace is unacceptable and anyone who attacks an officer should be brought to justice.

AMERICAN OVERSIGHT

Whitney Ray

Director of Communications

Office of the Attorney General Ashley Moody
Whitney.Ray@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

AMERICAN OVERSIGHT

From: Gerald Whitney Ray
To: Kylie Mason; Skylar Swanson; Lauren Cassedy; Trevor DeGroot; Cameron Paul
Cc: John Guard; Erica Geiger
Subject: Draft Tweet
Date: Wednesday, January 6, 2021 4:04:00 PM
Attachments: image001.png
image002.png
image003.png

Draft Tweet:

We are a nation founded on a rule of law and respect for those who uphold it. Violence against law enforcement officers attempting to keep the peace is unacceptable and anyone who attacks an officer should be brought to justice.

Whitney Ray
Director of Communications

Office of the Attorney General Ashley Moody
Whitney.Ray@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

AMERICAN OVERSIGHT

From: Gerald Whitney Ray
To: Richard Martin
Cc: John Guard; Charles Trippe
Subject: RE: Presidential Commission on Law Enforcement and the Administration of Justice Releases Final Report
Date: Tuesday, December 22, 2020 4:29:00 PM
Attachments: image001.png
image002.png
image004.png
image003.png

Got it… Thank you.

Whitney Ray
Director of Communications

Office of the Attorney General Ashley Moody
Whitney.Ray@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

From: Richard Martin <Richard.Martin@myfloridalegal.com>
Sent: Tuesday, December 22, 2020 4:01 PM
To: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Cc: John Guard <John.Guard@myfloridalegal.com>; Charles Trippe <Charles.Trippe@myfloridalegal.com>
Subject: FW: Presidential Commission on Law Enforcement and the Administration of Justice Releases Final Report

Whitney,
See below.

Richard H. Martin
Chief of Staff
Office of the Attorney General
PL-01 The Capitol | Tallahassee, FL 32399-1050
Tel.: (850) 245-0187
E-mail: Richard.Martin@myfloridalegal.com

From: Office of Community Oriented Policing Services (COPS) <copsusdoj@service.govdelivery.com>
Sent: Tuesday, December 22, 2020 3:45 PM
To: Richard Martin <Richard.Martin@myfloridalegal.com>
Subject: Presidential Commission on Law Enforcement and the Administration of Justice Releases Final Report

COPS Logo 508

PRESS RELEASE

FOR IMMEDIATE RELEASE **AG**

TUESDAY, DECEMBER 22, 2020

(202) 514-2007
TTY (866) 544-5309

PRESIDENTIAL COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE RELEASES FINAL REPORT

WASHINGTON – Today, following months of virtual meetings, testimony and study, U.S. Attorney General William P. Barr submitted the final report of the President's Commission on Law Enforcement and the Administration of Justice to the White House. This report represents the first comprehensive study of law enforcement in more than 55 years.

On Oct. 28, 2019, President Donald J. Trump signed Executive Order No. 13896, which directed the Department of Justice to establish the "Commission on Law Enforcement and the Administration of Justice." The purpose of the Commission was to conduct a modern study of the state of American policing and determine specific measures to reduce crime and promote the rule of law. At the conclusion of this study, the Commission was to issue a report.

"This report is the result of significant effort and commitment by hundreds of working group members, dozens of staff, nearly 200 individual testimonies, and of course the 18 distinguished commissioners, who, as I've said before, truly reflect the best there is in law enforcement," said Attorney General Barr. "We could not have foreseen the challenges 2020 would present when we set out to accomplish our goal of researching important current issues facing law enforcement and the criminal justice system. Yet despite these challenges, the Commission produced a thoughtful and comprehensive report."

At a ceremony in January 2020, Attorney General Barr announced the establishment of the Commission and the individuals who would serve as commissioners. From January through July, the Commission met formally more than 50 times – adjusting to the challenges brought on by the COVID-19 pandemic – with the goal of making improvements to American law enforcement for years to come. Throughout that time, the Commission assembled a report that reviewed a variety of important issues affecting law enforcement and their capacity to safeguard American communities.

The full report can be found here: https://www.justice.gov/file/1347866/download.

###

The year 2020 marks the 150th anniversary of the Department of Justice. Learn more about the history of our agency at www.Justice.gov/Celebrating150Years.

You have received this email from the U.S. Department of Justice's Community Oriented Policing Services (COPS) Office. Your subscription information may not be used for any other purposes.

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This email was sent to richard.martin@myfloridalegal.com using GovDelivery Communications Cloud on behalf of: Office of Community Oriented Policing Services (COPS) · 145 N St, NE · Washington, DC 20530 · 800-421-6770

AMERICAN OVERSIGHT

From: Gerald Whitney Ray
To: Carolyn Snurkowski
Cc: Richard Martin; John Guard; Kylie Mason
Subject: Fwd: Orlando Sentinel Media Request RE: Joshua Timke
Date: Monday, December 21, 2020 3:13:45 PM
Attachments: timkedecision.pdf

Carolyn,

Please see the request for comment from the Orlando Sentinel below and advise.

Thank you,
Whitney

Get Outlook for iOS

From: Cordeiro, Monivette <mcordeiro@orlandosentinel.com>
Sent: Monday, December 21, 2020 2:57:38 PM
To: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Subject: Fw: Orlando Sentinel Media Request RE: Joshua Timke

From: Cordeiro, Monivette
Sent: Monday, December 21, 2020 2:57 PM
To: Kylie Mason <Kylie.Mason@myfloridalegal.com>
Subject: Orlando Sentinel Media Request RE: Joshua Timke

Hello,

I hope you're doing well. I was hoping to get a comment from the attorney general's office on the appellate opinion in the Joshua Timke case, which is attached to this email. Some critics online have called the decision unfair for sentencing someone to sentencing someone to more than 16 years in prison for a curfew violation. Does the office have a comment on that? Thanks!

Best,
Monivette

AMERICAN OVERSIGHT

From: Gerald Whitney Ray
To: Trevor DeGroot; Skylar Swanson; Cameron Paul
Subject: FW: TEST - Attorney General Moody"s Week In Review
Date: Friday, December 18, 2020 1:19:00 PM
Attachments: image001.png
image002.png
image003.png

TD, reorganize clips.

Ashley Moody: OSP Secured Funds for Victims of a Florida Timeshare Scam, Florida Daily

'Senior Sleuth' volunteers help Florida seniors steer clear of scams, recover money, News 7 Miami

Ashley Moody Calls on Congress to Do More to Protect Federal Judges, Florida Daily

One other edit… The instead of a

Attorney General Moody with leaders of the Florida Department of Law Enforcement and 2019 FDLE Award winners before the Florida Cabinet meeting.

Whitney Ray
Director of Communications

Office of the Attorney General Ashley Moody
Whitney.Ray@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

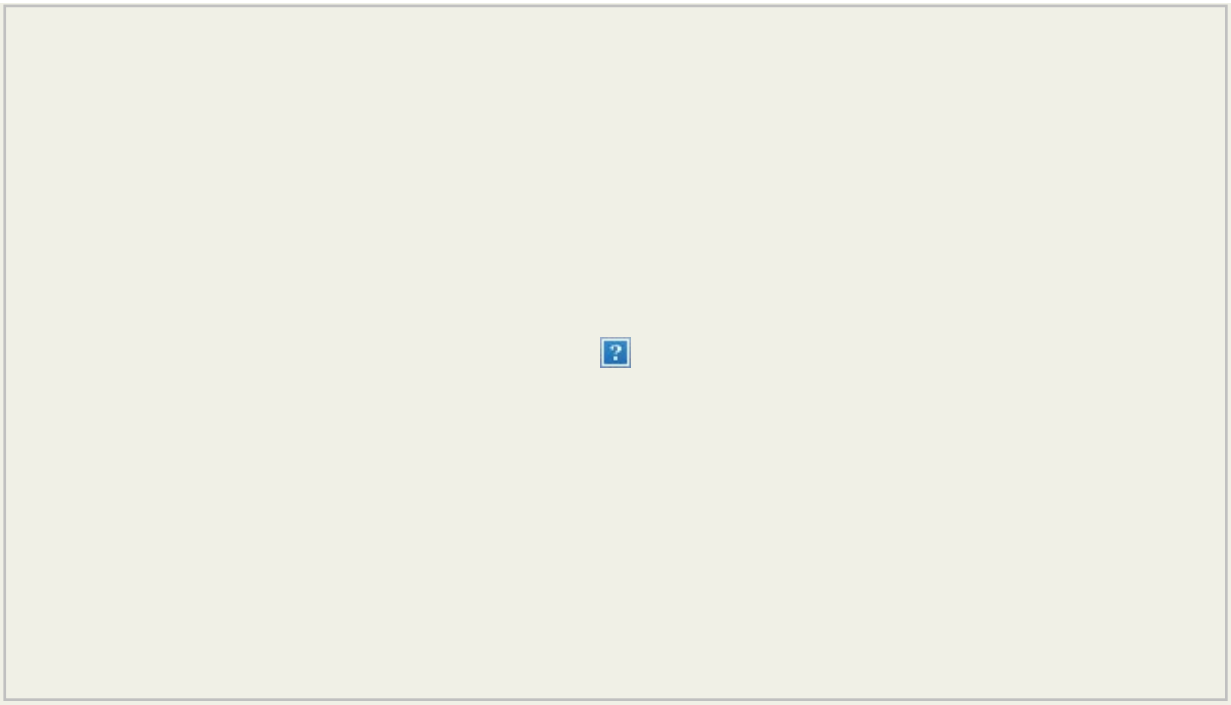
From: Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>
Sent: Friday, December 18, 2020 12:49 PM
To: Newsletter Preview <Newsletter.Preview@notes.onprem.myfloridalegal.com>
Subject: TEST - Attorney General Moody's Week In Review

View newsletter online

PROTECTING FLORIDIANS | TEXT VERSION | EN ESPAÑOL

Attorney General Moody's Week In Review

AMERICAN OVERSIGHT



As the proud wife of a law enforcement officer, I understand the incredible responsibility and sacrifice it takes for the brave men and women who uphold the oath to protect and serve. In many cases, officers need to think and respond within a moment's notice, putting their lives in harm's way to save others from a grim fate.

This week, I presented Pasco County Sheriff's Deputy Noah Yanzer with a Back the Blue Award for his courageous and quick actions rescuing a family from a house fire last month.

On Nov. 7, while beginning an early morning shift, Deputy Yanzer responded to a dispatch call reporting a nearby house fire.

He immediately rushed to the scene and was met with surrounding powerlines catching fire and multiple homes engulfed in flames. Upon arrival, Deputy Yanzer sprang into action and immediately began escorting residents away from the flames to safety.

Without his courageous efforts, this situation may have taken a much darker turn.

At one point, Deputy Yanzer approached a woman in her driveway unable to retrieve her dog from the raging fire. He safely escorted the woman to safety and then went in to rescue the dog.

Deputy Yanzer rescued all residents and pets from the flames before firefighters arrived to extinguish the fires.

Deputy Yanzer is the 30th recipient of our Back the Blue Award since the program's inception in 2019.

To nominate a law enforcement officer, citizen or organization for a Back the Blue Award, or for more information about Attorney General Moody's Back the Blue campaign, click here.

Thank you, Deputy Yanzer, for your bravery under pressure and willingness to risk your own safety to rescue others. You are a hero. With officers like you who serve valiantly across our

AMERICAN OVERSIGHT

state, we will continue building a Stronger, Safer Florida.

In The News

[Pasco County deputy honored for saving family from house fire, WTSP Tampa]

[Attorney General Ashley Moody Participates in National Crackdown on Deceptive Income Scams, Space Coast Daily]

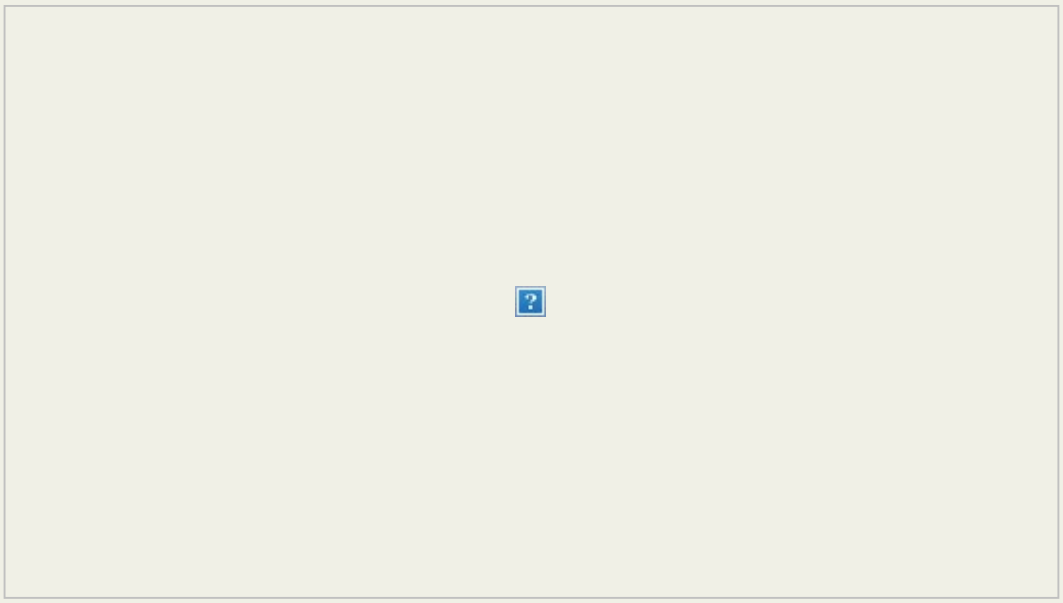
[Ashley Moody: OSP Secured Funds for Victims of a Florida Timeshare Scam, Florida Daily]

[Ashley Moody Calls on Congress to Do More to Protect Federal Judges, Florida Daily]

['Senior Sleuth' volunteers help Florida seniors steer clear of scams, recover money, News 7 Miami]

Protecting Floridians

Attorney General Moody Participates in National Crackdown on Deceptive Income Schemes



Attorney General Ashley Moody's Office announced Operation Income Illusion, a nationwide crackdown on scams that target consumers with false promises of income and financial independence. The impact of these scams has intensified this year as scammers take advantage of the COVID-19 pandemic and financial crisis to exploit jobseekers. Attorney General Moody is joined by the Federal Trade Commission and other federal, state and local law enforcement partners in Operation Income Illusion.

Highlighted in the nationwide crackdown is Attorney General Moody's action against FirstUSA Business Development Inc—filed last month in Pinellas County. The complaint filed against FirstUSA alleges that the company induced consumers through telemarketing calls to purchase business coaching products and services, supposedly designed to help consumers start or improve a home-based internet business, but resulted in some consumers losing thousands of dollars without earning the profits promised or, in some instances, not even receiving the

AMERICAN OVERSIGHT

products or services. The defendants marketed these services to consumers in Florida and across the country.

Attorney General Ashley Moody said, “Income scams prey on people who find themselves in financially vulnerable situations, such as a sudden loss of employment or imminent retirement with inadequate funding. With high unemployment and the ongoing financial impact brought on by the COVID-19 pandemic, more and more people are looking for innovative ways to make ends meet, making them more susceptible to income scams. Sadly, these scams produce the opposite results for income seekers—instead of gaining a paycheck, they lose money. I am proud to work with our federal and state partners to actively identify, investigate and stop these schemes in Florida and nationwide.” More.

Attorney General Moody Urges Congress to Protect Federal Judges and Families

Attorney General Ashley Moody, a former judge, is asking the U.S. Congress to pass legislation to better protect federal judges. Joined by a bipartisan coalition of 50 attorneys general, Attorney General Moody sent a letter to members of Congress urging support of federal legislation aimed at protecting the safety of federal judges and immediate family members.

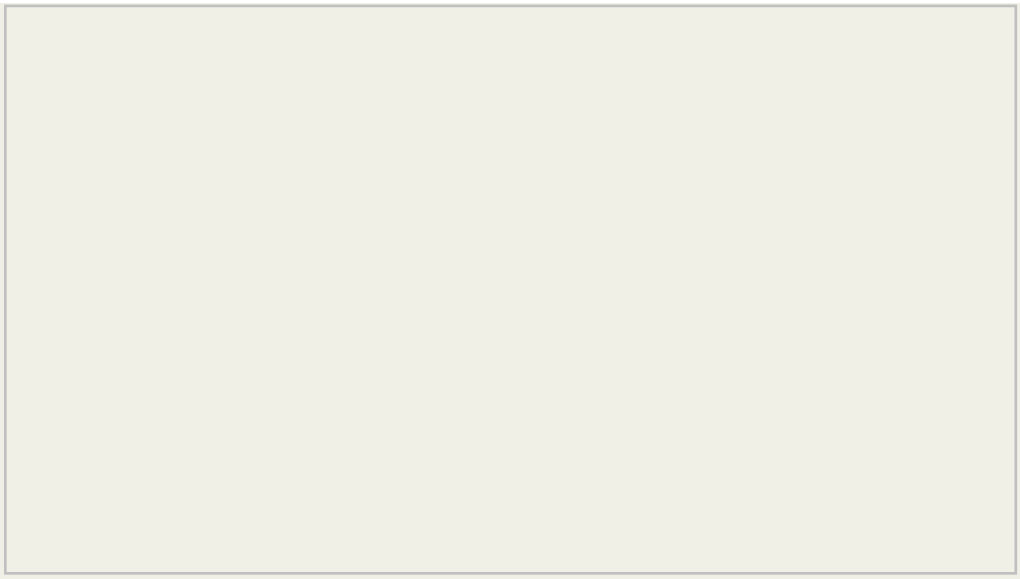
Addressed to leaders of both the U.S. House and Senate Judiciary Committees, the letter supports passage of the Daniel Anderl Judicial Security and Privacy Act or similar legislation. The bill would protect the confidentiality of personal identifying information of members of the federal judiciary in public records and limit the distribution of that information online and by data brokers.

The letter calls passage of such legislation an “urgent matter”—in light of attacks and increasing threats against members of the federal judiciary—and notes that the legislation has bipartisan support in both houses of Congress.

Attorney General Ashley Moody said, “As a former judge, and the daughter of a sitting federal judge, I know firsthand the risks and sacrifices judges make to uphold their oaths and enforce the rule of law. It is infuriating and heartbreaking that these public servants and their families are being targeted because they volunteer to serve in these important roles.” More.

CONSUMER ALERT: Beware of Pet Purchasing Scams this Holiday Season

AMERICAN OVERSIGHT



Attorney General Ashley Moody issued a Consumer Alert offering tips to safeguard against pet-related holiday scams. The holidays mark a peak time for pet purchases as many Florida families look to welcome new four-legged friends into their homes. Unfortunately, this is also when scams that target consumers with phony or deceptive pet ads run rampant. Even worse, scammers may attempt to sell sick animals, animals with disorders, or returned animals previously deemed unfit for sale to unknowing consumers. Attorney General Moody is urging consumers to use caution when purchasing a pet this holiday season.

Attorney General Ashley Moody said, “This is the time of year when families will often welcome new pets into their homes. Sadly, these families can be taken advantage of by fraudsters who trick them into paying for a pet that is never delivered, or worse, deathly ill. If you plan to give or adopt a pet this holiday season, take steps to ensure you are getting exactly what you pay for.” More.

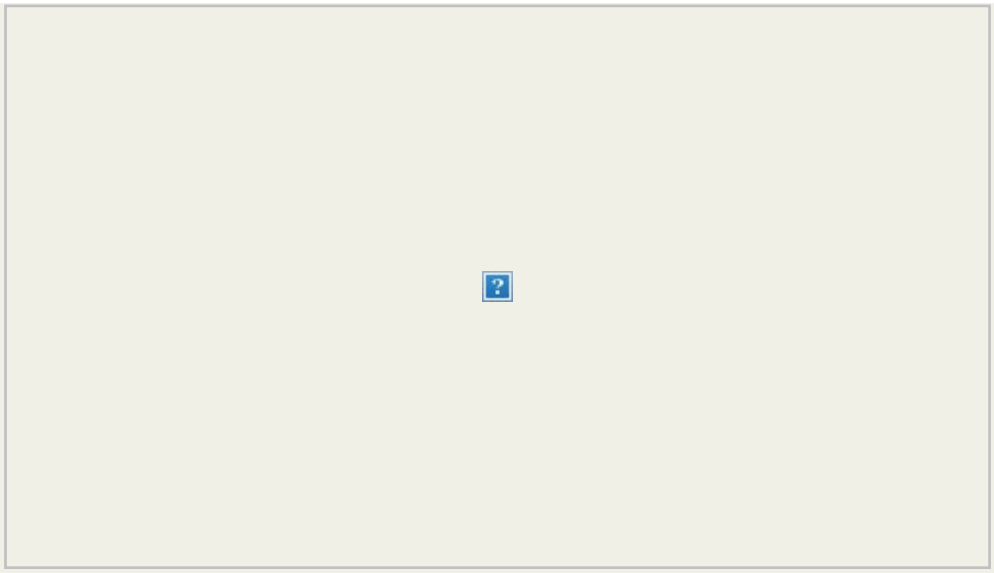
Attorney General Moody Secures 20-Year Prison Sentence for Child Sex Predator

Attorney General Ashley Moody’s Office of Statewide Prosecution secured a 20-year prison sentence for a child sexual predator. Ryan Harding pleaded guilty to attempted sexual battery on a child under the age of 12 and several counts of possession of child pornography, among other charges stemming from his Aug. 28, 2018 arrest. Harding’s lengthy prison sentence will be followed by five years of sex offender probation. Harding will also have to register as a sex offender for the remainder of his life.

Attorney General Ashley Moody said, “The abuse and exploitation of a child is an act of pure evil. It is incredibly disturbing and heartbreaking to learn of victims going through years of this form of physical and psychological torture. I am proud of my Statewide Prosecutors for securing a lengthy prison sentence in this case. I hope this will bring some peace of mind to the victim as the healing process continues.” More.

Attorney General Moody Secures Millions from Pharmaceutical Companies Shortchanging Florida Medicaid Program

AMERICAN OVERSIGHT



Attorney General Ashley Moody is taking action to claw back money owed to Florida's Medicaid Program. Following a multistate investigation into Royal Pharmaceuticals LLC and Seton Pharmaceuticals LLC, Attorney General Moody and a bipartisan group of attorneys general from across the country secured more than $10 million for the states' Medicaid programs. The nationwide investigation found that the two jointly-held pharmaceutical companies underpaid Medicaid drug rebates to all 50 states from 2013 to 2017.

Florida's Medicaid program will receive more than $4 million through efforts by Attorney General Moody and other state attorneys general.

Attorney General Ashley Moody said, "For years these pharmaceutical companies shortchanged Florida's Medicaid program—hurting the integrity of the taxpayer benefit and shortchanging Floridians. I am proud of the work of my Medicaid Fraud Control Unit and the team of attorneys general who worked together to stop it and secure millions for our states' Medicaid programs." More.

PCSO Organized Retail Crime Detectives Arrest Suspects Involved in Multi-Jurisdictional Baby Formula Theft and Racketeering

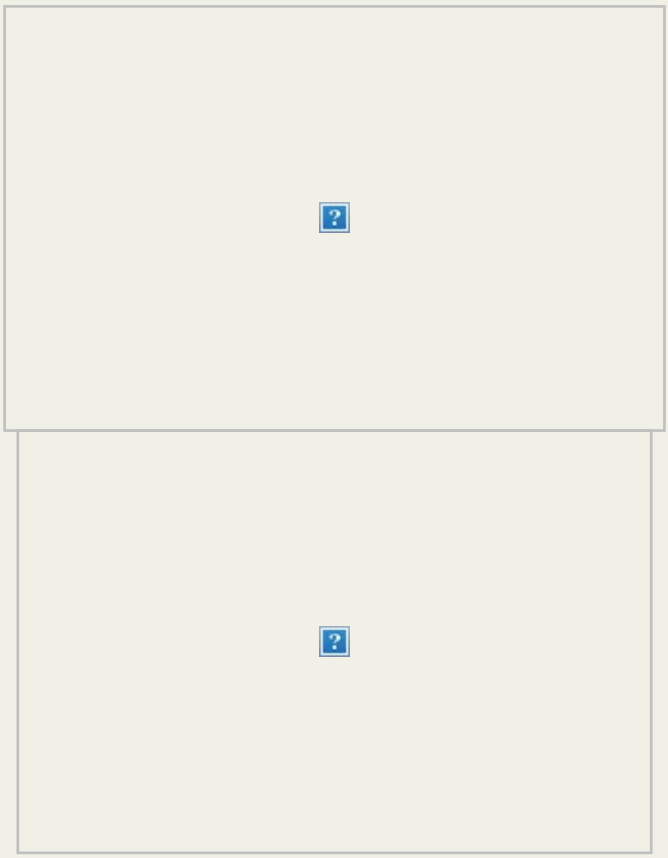
Polk County Sheriff's Office Organized Retail Crime Detectives, working with the Florida Department of Law Enforcement and the Attorney General's Office of Statewide Prosecution, Ashley Moody, Attorney General, developed 8 suspects statewide during an investigation that started in August of 2019, responsible for the theft and illegal re-sale of high-dollar items such as baby formula, diapers, and energy drinks, resulting in felony charges of grand theft and racketeering, among other crimes.

Attorney General Ashley Moody said, "This is the second group of retail thieves brought to justice by Sheriff Judd's Deputies and my Statewide Prosecutors this month. Criminals be warned: We will not allow rampant retail theft to harm Florida businesses and force consumers to pay inflated prices to cover the costs of your indolent, unscrupulous crime sprees. These businesses have to build into their budgets projected losses to organized crime rings and shoplifters. Inevitably, those losses get passed on to consumers in the form of higher prices at the cash register. When crime rings, like this one, steal from retailers, they are essentially stealing from all Floridians." More.

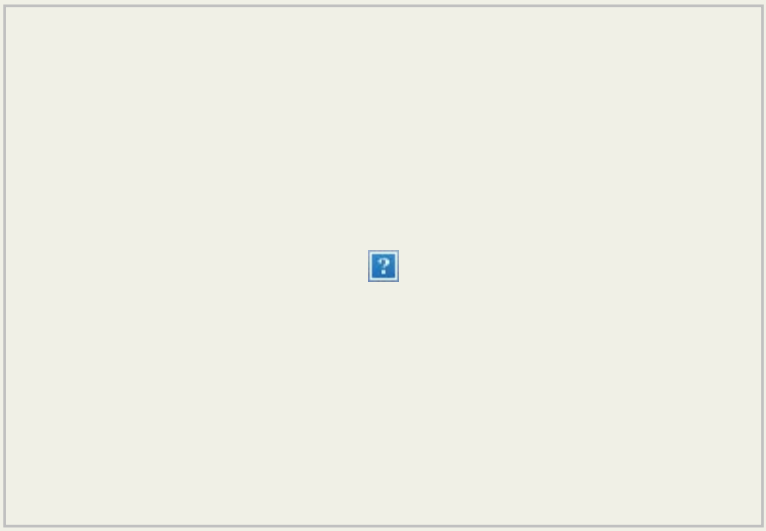
AMERICAN OVERSIGHT

Events

This week, Attorney General Ashley Moody joined Florida Governor Ron DeSantis, Chief Financial Officer Jimmy Patronis and Agriculture Commissioner Nikki Fried for a Florida Cabinet meeting in the State Capitol.



Attorney General Moody with leaders of the Florida Department of Law Enforcement and 2019 FDLE Award winners before a Florida Cabinet meeting.



From left to right: FDLE Assistant Commissioner Michelle Pyle, Resident Agent in Charge James Flournoy, Jr., Officer Eric Cross, Attorney General Moody, FDLE Bureau Chief Sonya Avant, FDLE Network Systems Analyst

AMERICAN OVERSIGHT

Jason Floyd, FDLE Commissioner Rick Swearingen and FDLE Assistant Commissioner Tom Foy

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AMERICAN OVERSIGHT

From: Gerald Whitney Ray
To: Trevor DeGroot; Skylar Swanson; Cameron Paul
Subject: RE: 12.18.20 Week in Review
Date: Thursday, December 17, 2020 11:52:00 AM
Attachments: 12.18.20 Week in Review (WR) .docx
image001.png
image002.png
image003.png

Edits attached.

Whitney Ray
Director of Communications

Office of the Attorney General Ashley Moody
Whitney.Ray@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

From: Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>
Sent: Thursday, December 17, 2020 11:45 AM
To: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Subject: 12.18.20 Week in Review

Final Week in Review draft of 2020 attached.

If you have any edits, please let me know.

Trevor DeGroot
Multimedia Specialist

Office of the Attorney General Ashley Moody
Trevor.DeGroot@MyFloridaLegal.com
(850) 245-0150
(850) 245-0211

PL-01, The Capitol
Tallahassee, Florida 32399

AMERICAN OVERSIGHT

From: Gerald Whitney Ray
To: Cameron Paul; Trevor DeGroot; Kylie Mason; Skylar Swanson
Subject: RE: TEST- NEWS RELEASE: Attorney General Moody Urges Congress to Protect Federal Judges and Families
Date: Monday, December 14, 2020 3:42:00 PM
Attachments: image001.png
image002.png
image003.png

Good

Whitney Ray
Director of Communications

Office of the Attorney General Ashley Moody
Whitney.Ray@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

From: Cameron Paul <Cameron.Paul@myfloridalegal.com>
Sent: Monday, December 14, 2020 3:39 PM
To: Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>; Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Skylar Swanson <Skylar.Swanson@myfloridalegal.com>
Subject: RE: TEST- NEWS RELEASE: Attorney General Moody Urges Congress to Protect Federal Judges and Families

Good to me.

Cameron Paul
Executive Assistant
Florida Attorney General's Office
The Capitol, Suite PL-01
Tallahassee, Fla. 32399-1050
Office: (850) 245-0196

From: Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>
Sent: Monday, December 14, 2020 3:39 PM
To: Kylie Mason <Kylie.Mason@myfloridalegal.com>; Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Subject: RE: TEST- NEWS RELEASE: Attorney General Moody Urges Congress to Protect Federal Judges and Families

Good

From: Kylie Mason <Kylie.Mason@myfloridalegal.com>
Sent: Monday, December 14, 2020 3:39 PM
To: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Subject: RE: TEST- NEWS RELEASE: Attorney General Moody Urges Congress to Protect Federal Judges and Families

good

Kylie Mason
Press Secretary

Office of the Attorney General Ashley Moody
Kylie.Mason@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol

AMERICAN OVERSIGHT

Tallahassee, Florida 32399

From: Skylar Swanson <Skylar.Swanson@myfloridalegal.com> **On Behalf Of** Attorney General Moody's Communications Office
Sent: Monday, December 14, 2020 3:31 PM
To: Newsletter Preview <Newsletter.Preview@notes.onprem.myfloridalegal.com>
Subject: TEST- NEWS RELEASE: Attorney General Moody Urges Congress to Protect Federal Judges and Families

For Immediate Release
Dec. 14, 2020
@AGAshleyMoody

Contact: Kylie Mason
(850) 245-0150
Kylie.Mason@MyFloridaLegal.com

Attorney General Moody Urges Congress to Protect Federal Judges and Families

TALLAHASSEE, Fla.—Attorney General Ashley Moody, a former judge, is asking the U.S. Congress to pass legislation to better protect federal judges. Joined by a bipartisan coalition of 50 attorneys general, Attorney General Moody today sent a letter to members of Congress urging support of federal legislation aimed at protecting the safety of federal judges and immediate family members.

Addressed to leaders of both the U.S. House and Senate Judiciary Committees, the letter supports passage of the Daniel Anderl Judicial Security and Privacy Act or similar legislation. The bill would protect the confidentiality of personal identifying information of members of the federal judiciary in public records and limit

AMERICAN OVERSIGHT

the distribution of that information online and by data brokers.

The letter calls passage of such legislation an “urgent matter”—in light of attacks and increasing threats against members of the federal judiciary—and notes that the legislation has bipartisan support in both houses of Congress.

Attorney General Ashley Moody said, “As a former judge, and the daughter of a sitting federal judge, I know firsthand the risks and sacrifices judges make to uphold their oaths and enforce the rule of law. It is infuriating and heartbreaking that these public servants and their families are being targeted because they volunteer to serve in these important roles.”

The DAJSP Act is named for 20-year-old Daniel Anderl, the late son of Judge Esther Salas of the U.S. District Court for the District of New Jersey.

Daniel was killed on July 19, when an attorney who appeared in a case before Judge Salas—a man described in today’s letter as deranged—appeared at her home and shot both Daniel and Judge Salas’ husband. The judge’s husband sustained critical injuries but survived the attack.

The joint letter to Congress recalls that four federal judges have been murdered since 1979, including District Judge John Wood, District Judge Richard Daronco, Circuit Judge Robert Vance and District Judge John Roll. In addition, two family members of District Judge Joan Lefkow were killed in a targeted attack at her home in 2005.

The letter notes that incidents, inappropriate communications and threats against federal judges and others protected by the U.S. Marshals Service have been steadily climbing in recent years—as evidenced by a spike in such incidents from 2,357 in 2016 to 4,449 in 2019.

Introduced in the Senate on Sept. 24, and in the House on Oct. 13, the DAJSP Act would, among other initiatives:

- Protect judges and their families by requiring federal agencies to maintain the confidentiality of the personally identifiable information of judges and their family members upon request;
- Authorize funding for state and local governments to adopt similar measures;
- Prohibit data brokers from selling, licensing, trading, purchasing or otherwise providing, or making available for consideration, judges’ personally identifiable information; and
- Create an enforceable mechanism for judges and immediate family members to secure removal of their personally identifiable information from the internet.

In light of the tragic death of Daniel Anderl and the escalating danger to federal judges and family members, the attorneys general express full support for the legislation named in Daniel’s memory and notes that the Judicial Conference of the United States and the American Bar Association, among others, support such legislation.

The letter concludes by noting that, while New Jersey and other states have enacted similar judicial protection laws on a state level, only federal legislation has the ability to protect federal judges and immediate family members wherever they reside and ensure uniform enforcement nationwide.

To read Daniel’s Law, click here.

To read the letter, click here.

The threat judges face hit home in Florida in 2013, when a convicted felon sought revenge on U.S. District Judge for the Middle District of Florida Timothy J. Corrigan. The gunman fired a single shot at the judge missing him by less than two inches.

Attorney General Moody is joined in supporting the legislation by a bipartisan coalition of attorneys general from Alabama, Alaska, American Samoa, Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Georgia, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, the Northern Mariana Islands, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont,

AMERICAN OVERSIGHT

Virginia, Wisconsin and Wyoming.

###

AMERICAN OVERSIGHT

From: Gerald Whitney Ray
To: Cameron Paul; Kylie Mason; Skylar Swanson; Trevor DeGroot
Subject: RE: TEST- NEWS RELEASE: Attorney General Moody Urges Congress to Protect Federal Judges and Families
Date: Monday, December 14, 2020 3:21:00 PM
Attachments: image001.png
image002.png
image003.png

Good… just once consideration… since risks is plural I think we should as an S to sacrifices

Attorney General Ashley Moody said, "As a former judge, and the daughter of a sitting federal judge, I know firsthand the risks and sacrifice(s) judges make to uphold their oaths and enforce the rule of law. It is infuriating and heartbreaking that these public servants and their families are being targeted because they volunteer to serve in these important roles."

Whitney Ray
Director of Communications

Office of the Attorney General Ashley Moody
Whitney.Ray@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

From: Cameron Paul <Cameron.Paul@myfloridalegal.com>
Sent: Monday, December 14, 2020 3:14 PM
To: Kylie Mason <Kylie.Mason@myfloridalegal.com>; Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Subject: RE: TEST- NEWS RELEASE: Attorney General Moody Urges Congress to Protect Federal Judges and Families

Looks good!

Cameron Paul
Executive Assistant
Florida Attorney General's Office
The Capitol, Suite PL-01
Tallahassee, Fla. 32399-1050
Office: (850) 245-0196

From: Kylie Mason <Kylie.Mason@myfloridalegal.com>
Sent: Monday, December 14, 2020 3:12 PM
To: Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>; Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Subject: RE: TEST- NEWS RELEASE: Attorney General Moody Urges Congress to Protect Federal Judges and Families

Looks good to me.

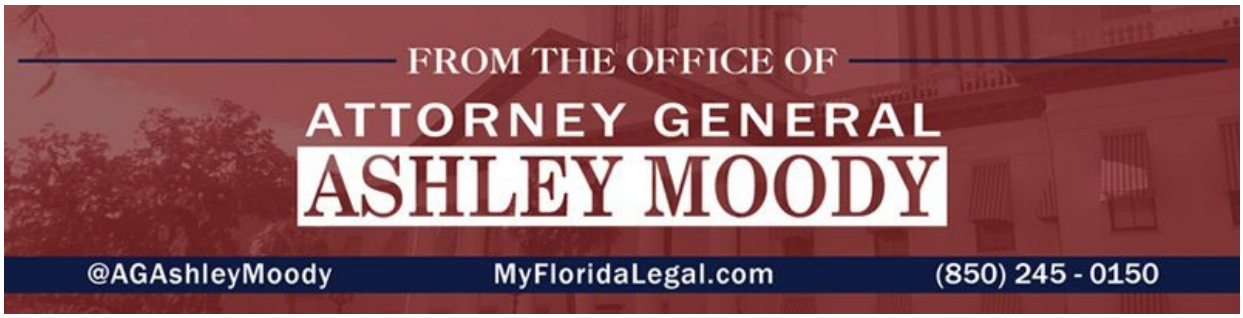
Kylie Mason
Press Secretary

Office of the Attorney General Ashley Moody
Kylie.Mason@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

AMERICAN OVERSIGHT

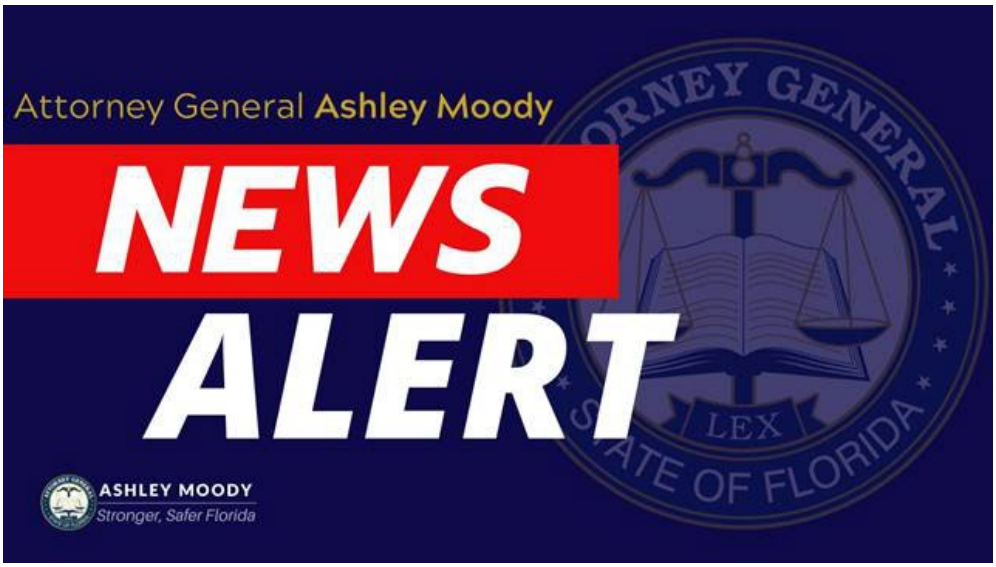
From: Skylar Swanson <Skylar.Swanson@myfloridalegal.com> **On Behalf Of** Attorney General Moody's Communications Office
Sent: Monday, December 14, 2020 3:08 PM
To: Newsletter Preview <Newsletter.Preview@notes.onprem.myfloridalegal.com>
Subject: TEST- NEWS RELEASE: Attorney General Moody Urges Congress to Protect Federal Judges and Families



For Immediate Release
Dec. 14, 2020
@AGAshleyMoody

Contact: Kylie Mason
(850) 245-0150
Kylie.Mason@MyFloridaLegal.com

Attorney General Moody Urges Congress to Protect Federal Judges and Families



TALLAHASSEE, Fla.—Attorney General Ashley Moody, a former judge, is asking the U.S. Congress to pass legislation to better protect federal judges. Joined by a bipartisan coalition of 50 attorneys general, Attorney General Moody today sent a letter to members of Congress urging support of federal legislation aimed at protecting the safety of federal judges and immediate family members.

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AMERICAN OVERSIGHT

and heartbreaking that these public servants and their families are being targeted because they volunteer to serve in these important roles."

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The letter notes that incidents, inappropriate communications and threats against federal judges and others protected by the U.S. Marshals Service have been steadily climbing in recent years—as evidenced by a spike in such incidents from 2,357 in 2016 to 4,449 in 2019.

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The letter concludes by noting that, while New Jersey and other states have enacted similar judicial protection laws on a state level, only federal legislation has the ability to protect federal judges and immediate family members wherever they reside and ensure uniform enforcement nationwide.

To read Daniel's Law, click here.

To read the letter, click here.

The threat judges face hit home in Florida in 2013, when a convicted felon sought revenge on U.S. District Judge for the Middle District of Florida Timothy J. Corrigan. The gunman fired a single shot at the judge missing him by less than two inches.

Attorney General Moody is joined in supporting the legislation by a bipartisan coalition of attorneys general from Alabama, Alaska, American Samoa, Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Georgia, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky Louisiana, Maine, Maryland Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, the Northern Mariana Islands, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Wisconsin, and Wyoming.

###

AMERICAN OVERSIGHT

From: Gerald Whitney Ray
To: Skylar Swanson; Charles Trippe; Richard Martin; John Guard
Cc: Kylie Mason; Trevor DeGroot
Subject: RE: Daniel"s Law NR
Date: Monday, December 14, 2020 2:00:00 PM
Attachments: Daniels Law NR.docx
image002.png
image003.png
image004.png
image005.png

We would like to push this at 3:00.

I have been updated since you last saw to include the language below. Please make any additional edits in the attached Word doc:

The threat judges face hit home in Florida in 2013, when a convicted felon sought revenge on U.S. District Judge for the Middle District of Florida Timothy J. Corrigan. The gunman fired a single shot at the judge missing him by less than two inches.

Whitney Ray
Director of Communications

Office of the Attorney General Ashley Moody
Whitney.Ray@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

From: Skylar Swanson <Skylar.Swanson@myfloridalegal.com>
Sent: Monday, December 14, 2020 9:41 AM
To: Charles Trippe <Charles.Trippe@myfloridalegal.com>; Richard Martin <Richard.Martin@myfloridalegal.com>; John Guard <John.Guard@myfloridalegal.com>
Cc: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>
Subject: RE: Daniel's Law NR

Thank you RM and CT, your edits are updated and attached!

From: Charles Trippe <Charles.Trippe@myfloridalegal.com>
Sent: Friday, December 11, 2020 6:54 PM
To: Richard Martin <Richard.Martin@myfloridalegal.com>; Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; John Guard <John.Guard@myfloridalegal.com>

AMERICAN OVERSIGHT

Cc: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>
Subject: RE: Daniel's Law NR

Two slight edits

From: Richard Martin <Richard.Martin@myfloridalegal.com>
Sent: Friday, December 11, 2020 5:28 PM
To: Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; John Guard <John.Guard@myfloridalegal.com>; Charles Trippe <Charles.Trippe@myfloridalegal.com>
Cc: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Subject: RE: Daniel's Law NR

My comments.

Richard H. Martin
Chief of Staff
Office of the Attorney General
PL-01 The Capitol | Tallahassee, FL 32399-1050
Tel.: (850) 245-0187
E-mail: Richard.Martin@myfloridalegal.com

From: Skylar Swanson <Skylar.Swanson@myfloridalegal.com>
Sent: Friday, December 11, 2020 5:09 PM
To: Richard Martin <Richard.Martin@myfloridalegal.com>; John Guard <John.Guard@myfloridalegal.com>; Charles Trippe <Charles.Trippe@myfloridalegal.com>
Cc: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Subject: Daniel's Law NR

Good Afternoon!

Draft NR for Daniel's Law is attached for review.

Thank you!

AMERICAN OVERSIGHT

From: Gerald Whitney Ray
To: Skylar Swanson
Cc: Kylie Mason; Trevor DeGroot; Cameron Paul
Subject: RE: Media Embargo: Daniel"s Law
Date: Friday, December 11, 2020 4:32:00 PM
Attachments: Daniels Law NR WR.docx
image003.png
image004.png
image005.png
image006.png
image007.png

Good. Slight edits.

Once you have everyone's please send to JG and RM and CT and Comms Team

Whitney Ray
Director of Communications

Office of the Attorney General Ashley Moody
Whitney.Ray@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

From: Skylar Swanson <Skylar.Swanson@myfloridalegal.com>
Sent: Friday, December 11, 2020 4:19 PM
To: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Cc: Kylie Mason <Kylie.Mason@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Subject: RE: Media Embargo: Daniel's Law

Draft release is attached!

From: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Sent: Friday, December 11, 2020 3:51 PM
To: Skylar Swanson <Skylar.Swanson@myfloridalegal.com>
Cc: Kylie Mason <Kylie.Mason@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Subject: Re: Media Embargo: Daniel's Law

Ok. Thx.

Get Outlook for iOS

AMERICAN OVERSIGHT

From: Skylar Swanson <Skylar.Swanson@myfloridalegal.com>
Sent: Friday, December 11, 2020 3:50:19 PM
To: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Cc: Kylie Mason <Kylie.Mason@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Subject: RE: Media Embargo: Daniel's Law

Yes! Working on it now will have a draft over shortly!

From: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Sent: Friday, December 11, 2020 3:49 PM
To: Skylar Swanson <Skylar.Swanson@myfloridalegal.com>
Cc: Kylie Mason <Kylie.Mason@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Subject: Re: Media Embargo: Daniel's Law

SS, please confirm you received and are working on a draft. I don't want to keep people late today for edits.

Get Outlook for iOS

From: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Sent: Friday, December 11, 2020 3:22:11 PM
To: Skylar Swanson <Skylar.Swanson@myfloridalegal.com>
Cc: Kylie Mason <Kylie.Mason@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>
Subject: Fwd: Media Embargo: Daniel's Law

Ss, please edit draft. Keep in mind AG was a judge and her father is still a federal judge.

Get Outlook for iOS

From: Ashley Wynstra <awynstra@naag.org>
Sent: Friday, December 11, 2020 3:15:02 PM
To: Kylie Mason <Kylie.Mason@myfloridalegal.com>; Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; kmccreary@law.ga.gov <kmccreary@law.ga.gov>; SConroy@LAW.GA.GOV <SConroy@LAW.GA.GOV>
Subject: FW: Media Embargo: Daniel's Law

Good afternoon,

Your AGs have signed on to the attached policy letter. I sent the below message to the other signing states earlier today. The media embargo is set for **Monday, Dec. 14 at noon ET.**

Thank you,

Ashley Wynstra

AMERICAN OVERSIGHT

Communications Assistant
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6027 office
awynstra@naag.org
www.naag.org

From: Ashley Wynstra
Sent: Friday, December 11, 2020 9:07 AM
Cc: Allison Gilmore <agilmore@naag.org>
Subject: Media Embargo: Daniel's Law

This message is being sent to all PIOs whose AG signed the attached policy letter in support of Daniel's Law.

Good morning,

Your AG has signed the attached policy letter supporting Daniel's Law. The letter has reached NAAG policy with 46 signatures. The media embargo is set for **Monday, Dec. 14 at noon ET.** A draft press release is attached. I will share the final letter prior to the embargo on Monday.

Thank you,

Ashley Wynstra
Communications Assistant
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6027 office
awynstra@naag.org
www.naag.org

AMERICAN OVERSIGHT

From: Gerald Whitney Ray
To: Heath, Christopher (CMG-Orlando)
Bcc: Kylie Mason; Lauren Cassedy
Subject: RE: statement
Date: Thursday, December 10, 2020 2:56:00 PM
Attachments: 2020-12-09 - Texas v. Pennsylvania - Amicus Brief of Missouri et al. - Final with Tables.pdf
image002.png
image003.png
image004.png
image005.png

Chris,

Please see the statement linked below:

https://twitter.com/AGAshleyMoody/status/1336760683455778816?s=20

I have also attached the brief.

Thank you,
Whitney

Whitney Ray
Director of Communications

Office of the Attorney General Ashley Moody
Whitney.Ray@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

From: Heath, Christopher (CMG-Orlando) <Christopher.Heath@wftv.com>
Sent: Thursday, December 10, 2020 2:33 PM
To: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Subject: statement

I am looking for a statement from the office on Florida joining the federal lawsuit (STATE OF TEXAS v. COMMONWEALTH OF PENNSYLVANIA, STATE OF GEORGIA, STATE OF MICHIGAN, AND STATE OF WISCONSIN).

AMERICAN OVERSIGHT

Is the office concerned about Texas' standing to bring such a case?

Does the office think Texas (and by extension Florida) has a legal theory that could prevail?

What does the office make of the evidence cited in the motion?

Is the office concerned about the precedent that would be set of allowing one state to dictate the manner in which another state conducts its elections?

Also, considering the court has asked for a 3pm filing of responses in this case, if a decision is made by the court to grant the leave to file the complaint or reject the motion, I would like a response to that as well.

Thank you,
Chris

Christopher Heath | Investigative & Political Reporter
Cox Media Group Orlando | 490 E. South Street
d: 407.822.8305 c: 407.949.4087

AMERICAN OVERSIGHT

From: Gerald Whitney Ray
To: Victoria Butler
Subject: FW: News Clips 12.10.20
Date: Thursday, December 10, 2020 9:40:00 AM
Attachments: image001.png
image002.png
image003.png

FYI....

https://www.boston25news.com/news/25-investigates/bookitcom-agrees-pay-back-550000-hundreds-ma-travelers/HAZ4KFXVJ5FZTKDJXRJOMLXQ7Q/

Whitney Ray
Director of Communications

Office of the Attorney General Ashley Moody
Whitney.Ray@MyFloridaLegal.com
(850) 245-0150

PL-01, The Capitol
Tallahassee, Florida 32399

From: Cameron Paul <Cameron.Paul@myfloridalegal.com>
Sent: Thursday, December 10, 2020 8:54 AM
To: Division Managers <3BA913B46008991B85257259006CAD1E@myfloridalegal.com>; Capitol - staff <D7A0440BBD4F82C385256372000ABE1E@myfloridalegal.com>; Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>; Kylie Mason <Kylie.Mason@myfloridalegal.com>; Trevor DeGroot <Trevor.DeGroot@myfloridalegal.com>; Skylar Swanson <Skylar.Swanson@myfloridalegal.com>; Cameron Paul <Cameron.Paul@myfloridalegal.com>; Lauren Cassedy <Lauren.Cassedy@myfloridalegal.com>; Elizabeth Albrizio <Elizabeth.Albrizio@myfloridalegal.com>; Amanda Leighty <Amanda.Leighty@myfloridalegal.com>; Betsy Stupski <Betsy.Stupski@myfloridalegal.com>; Christina Harris <Christina.Harris@myfloridalegal.com>; Ed Tellechea <Ed.Tellechea@myfloridalegal.com>; Enrique Vargas <Enrique.Vargas@myfloridalegal.com>; John Bajger <John.Bajger@myfloridalegal.com>; Kathleen Von Hoene <Kathleen.VonHoene@myfloridalegal.com>; Laura Daugherty <Laura.Daugherty@myfloridalegal.com>; Patrice Malloy <Patrice.Malloy@myfloridalegal.com>; Scott Hunt <Scott.Hunt@myfloridalegal.com>; Scott Palmer <Scott.Palmer@myfloridalegal.com>; Timothy Dennis <Timothy.Dennis@myfloridalegal.com>; Victoria Butler <Victoria.Butler@myfloridalegal.com>; Jenna Hodges <Jenna.Hodges@myfloridalegal.com>; Heather Sims <Heather.Sims@myfloridalegal.com>; John Guard <John.Guard@myfloridalegal.com>; Lynn Guyton <Lynn.Guyton@myfloridalegal.com>; Jennifer Bruce <Jennifer.Bruce@myfloridalegal.com>; Cedell Garland <Cedell.Garland@myfloridalegal.com>; Lee Istrail <Lee.Istrail@myfloridalegal.com>; Greg Slemp <Greg.Slemp@myfloridalegal.com>; James Percival

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Subject: News Clips 12.10.20

To view today's front pages of the Florida newspapers, click here.

News Clips
12.10.20

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Florida joins 45 states and U.S. in suing Facebook, saying it's an illegal monopoly, Miami Herald

TALLAHASSEE
Florida Attorney General Ashley Moody joined 45 other states Wednesday in a lawsuit against Facebook, accusing the social media giant of exploiting its dominance

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in the digital marketplace and engaging in anti-competitive practices.

The states' lawsuit, accompanied by a legal complaint filed by the Federal Trade Commission, focuses on Facebook's allegedly "illegal buy-or-bury strategy that thwarts competition and harms both users and advertisers."

Wednesday's twin lawsuits came as Facebook and founder Mark Zuckerberg, who launched the social-media platform in 2004 as a way for university students to get and stay connected, face increased scrutiny and criticism from President Donald Trump's administration and Congress.

The states' lawsuit, also joined by Guam and the District of Columbia, focuses in part on Facebook's acquisitions of message-sharing app WhatsApp and photo-sharing app Instagram, transactions the lawsuit alleges were predatory because the apps "each posed a unique and dire threat to Facebook's monopoly" in the social-networking sphere.

In addition to buying potential competitors, the lawsuit alleges Facebook employed an "open first-closed later" approach to developers to help grow Facebook's user base through third-party services.

Facebook's strategies have resulted in "degraded quality of users' experiences, less choice in personal social networks, suppressed innovation, and reduced investment in potentially competing services," the 76-page lawsuit said.

"Facebook's conduct deprives users of product improvements and, as a result, users have suffered, and continued to suffer, reductions in the quality and variety of privacy options and content available to them," the complaint alleged.

The lawsuit, filed in the U.S. District Court for the District of Columbia, asks that Facebook be prohibited from making further acquisitions valued at or in excess of $10 million without advance notice to the plaintiff states and that a judge deem Facebook's acquisitions of WhatsApp and Instagram as violations of federal antitrust laws.

In a prepared statement outlining the lawsuit, Moody chided Facebook "for its unlawful, anticompetitive business practices" and called on the court to end the social media giant's "monopoly control."

"One of the greatest benefits to owning a business in the United States is having the ability to operate and innovate in a free and fair marketplace," Moody said in a prepared statement. "The stifling of competition and predatory actions of Facebook are inexcusable, and as a result, its users, innovation and competition have all suffered."

But Facebook called the states' allegations "revisionist history" and vowed to fight both legal challenges.

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“Antitrust laws exist to protect consumers and promote innovation, not to punish successful businesses. Instagram and WhatsApp became the incredible products they are today because Facebook invested billions of dollars, and years of innovation and expertise, to develop new features and better experiences for the millions who enjoy those products,” Facebook Vice President and General Counsel Jennifer Newstead said in a statement.

Facebook paid $1 billion for Instagram in 2012 and $19 billion for WhatsApp in 2014. Newstead pointed out that the federal commission cleared both acquisitions.

“The government now wants a do-over, sending a chilling warning to American business that no sale is ever final. People and small businesses don’t choose to use Facebook’s free services and advertising because they have to, they use them because our apps and services deliver the most value. We are going to vigorously defend people’s ability to continue making that choice,” she added.

According to the states’ lawsuit, more than half of the U.S. population over age 13 uses Facebook, which makes money through advertising.

The lawsuit accuses Facebook of harming advertisers in a number of ways, “including less transparency to assess the value they receive from advertisements, and harm to their brand due to offensive content on Facebook services.”

Zuckerberg and other Facebook executives have come under fire for how the company handled advertising and misinformation during the 2020 election cycle.

“Facebook’s monopoly gives it significant control over how users engage with their closest connections and what content users see when they do,” the lawsuit said. “Because Facebook users have nowhere else to go for this important service, the company is able to make decisions about how and whether to display content on the platform and can use the personal information it collects from users solely to further its business interests, free from competitive constraints, even where those choices conflict with the interests and preferences of Facebook users.”

Only Alabama, Georgia, South Carolina and South Dakota did not join the lawsuit, which was filed after a lengthy antitrust investigation that included participation by Moody’s office.

Florida Attorney General backs Texas in seeking to overturn election results, ABC 3 Wear-TV

TALLAHASSEE, Fla. -- Florida Attorney General Ashley Moody is joining 16 other states in supporting a last-chance effort by Texas to get the U.S. Supreme Court to block election results in four swing states.

Votes went in favor of President-elect Joe Biden and against President Trump in all four states.

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“The integrity and resolution of the 2020 election is of paramount importance,” Moody wrote in a statement. “The United States Supreme Court should weigh the legal arguments of the Texas motion and all pending matters so that Americans can be assured the election was fairly reviewed and decided.”

Texas Attorney General Ken Paxton filed a motion on Monday seeking to pursue a lawsuit against Georgia, Michigan, Pennsylvania and Wisconsin. He claims the four states “exploited the COVID-19 pandemic to justify ignoring federal and state election laws and unlawfully enacting last-minute changes, thus skewing the results of the 2020 General Election.”

Attorney Generals in these states are also now backing the lawsuit: Missouri, Alabama, Arkansas, Indiana, Kansas, Louisiana, Mississippi, Montana, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, and West Virginia.

Florida Attorney General files brief in support of Texas election lawsuit, ABC Tampa Bay

TALLAHASSEE, Fla. (WTXL) — Florida Attorney General Ashley Moody announced Wednesday that Florida will join the amicus brief in support of the Texas lawsuit against four states they allege violated federal law with their election procedures.

In a statement, Moody said:

"The integrity and resolution of the 2020 election is of paramount importance.

The United States Supreme Court should weigh the legal arguments of the Texas motion and all pending matters so that Americans can be assured the election was fairly reviewed and decided."

According to the Associated Press, the suit, filed by Texas Attorney General Ken Paxton, seeks to throw out the 62 total Electoral College votes from four states Biden won: Georgia, Michigan, Pennsylvania, and Wisconsin.

To date, 17 states have joined in filing an amicus brief asking the Supreme Court to weigh in: Alabama, Arkansas, Florida, Indiana, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Utah and West Virginia.

Nikki Fried, the commissioner for Florida's Department of Agriculture and Consumer Services, responded to Moody's move Wednesday evening, calling the AG's decision "disappointing."

“It’s embarrassing to the integrity of our democracy and resolution of this election," said Fried. "It’s disappointing, but predictable that Florida’s Attorney General isn’t

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acting in the interest of the people she was elected to serve, but in self-interest to a president who lost an election and cannot face the reality of his defeat."

Four justices must agree for the court to hear a case.

Article 3, Section 2 of the U.S. Constitution states that the Supreme Court can hear cases brought by one state against another without first going to a lower court.

Texas' complaint claims that the states of Georgia, Michigan, Pennsylvania, and Wisconsin "exploited the COVID-19 pandemic to justify ignoring federal and state election laws and unlawfully enact[ed] last-minute changes, thus skewing the results of the 2020 General Election. The battleground states flooded their people with unlawful ballot applications and ballots while ignoring statutory requirements as to how they were received, evaluated, and counted.

"Trust in the integrity of our election processes is sacrosanct and binds our citizenry and the States in this Union together," the complaint states. "Georgia, Michigan, Pennsylvania, and Wisconsin destroyed that trust and compromised the security and integrity of the 2020 election. The states violated statutes enacted by their duly elected legislatures, thereby violating the Constitution."

President Donald Trump vowed to intervene in the Texas case, tweeting on Wednesday, "We will be INTERVENING in the Texas (plus many other states) case. This is the big one. Our Country needs a victory!"

Florida attorney general joins federal regulators in lawsuit against Facebook, NBC 5 West Palm Beach

WEST PALM BEACH, Fla. — The Florida attorney general and several other federal regulators have filed an antitrust lawsuit against social media giant Facebook, accusing the networking site of wiping out its competition.

Ashley Moody was the 48th state attorney general to join the suit.

"For nearly a decade, Facebook has used its dominance and its monopoly power to crush smaller rivals and snuff out the competition," New York Attorney General Letitia James said.

"They simply buy out the smaller firms and or they squash them," Alan Crowetz, a cybersecurity expert at InfoStream, Inc, said.

Crowetz said he is not surprised to see the government wanting to regulate the tech giant from becoming an even bigger monopoly.

"It's in their best interest to cooperate because if they don't, then the government starts pushing back, they could lose more and more control," Crowetz said.

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In the suit, plaintiffs are asking the court to require Facebook to give notice of any acquisition in excess of $10 million dollars.

It also calls for What's App and Instagram, both owned by Facebook, to be separated from the company.

"It's really critical that, again, we block this predatory acquisition of companies and that we restore competence to the market," James said.

In its defense, Facebook said that the Federal Trade Commission has already cleared its acquisitions and that the government now wants a do-over with no regard for the impact precedent would have on the business community and its 2.7 billion users.

[‘Buy-or-bury’: Ashley Moody signs onto antitrust lawsuit against Facebook, Florida Politics]

Florida’s top cop joined a lawsuit against Facebook on Wednesday, claiming the tech giant rose to power via unlawful, anti-competitive practices.

The 123-page filing, signed onto by Attorney General Ashley Moody, accuses Facebook of employing a “buy-or-bury strategy.” The lawsuit contends that Facebook’s purchasing of smaller, developing competitors such as Instagram and WhatsApp has deprived users of competition and privacy protections.

Moody is joined by a coalition of 47 state Attorneys General.

“The stifling of competition and predatory actions of Facebook are inexcusable, and as a result, its users, innovation and competition have all suffered,” Moody said in a statement. “I am proud to work with a bipartisan coalition of attorneys general to take action against Facebook for its unlawful, anticompetitive business practices and end the social media giant’s monopoly control.”

The states’ lawsuit mirrors a separate court action filed Wednesday by the Federal Trade Commission.

Notably, both actions call on federal courts to force Facebook to relinquish assets such as Instagram and What’s App and stop any future acquisitions.

“If they refuse to be bought out, Facebook tries to squeeze every bit of oxygen out of the room from these companies,” Moody further contended.

In addition to buying potential competitors, the states’ lawsuit alleges, Facebook employed an “open first-closed later” approach to developers to help grow Facebook’s user base through third-party services.

Facebook’s strategies have resulted in “degraded quality of users’ experiences, less choice in personal social networks, suppressed innovation, and reduced investment

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in potentially competing services," the 76-page lawsuit said.

"Facebook's conduct deprives users of product improvements and, as a result, users have suffered, and continued to suffer, reductions in the quality and variety of privacy options and content available to them," the complaint alleged

Facebook, meanwhile, has pushed back against the complaints.

In a statement, the company described the lawsuit's allegations as "revisionist history" and argued that the purchases were made years ago.

"Antitrust laws exist to protect consumers and promote innovation, not to punish successful businesses. Instagram and WhatsApp became the incredible products they are today because Facebook invested billions of dollars, and years of innovation and expertise, to develop new features and better experiences for the millions who enjoy those products," Facebook Vice President and General Counsel Jennifer Newstead said in a prepared statement.

Facebook purchased Instagram in 2012 for $1 billion and What's App, a messaging platform, for $19 billion in 2014.

"The government now wants a do-over, sending a chilling warning to American business that no sale is ever final," Newstead continued.

"People and small businesses don't choose to use Facebook's free services and advertising because they have to, they use them because our apps and services deliver the most value. We are going to vigorously defend people's ability to continue making that choice."

According to the states' lawsuit, more than half of the U.S. population over age 13 uses Facebook, which makes money through advertising.

The lawsuit accuses Facebook of harming advertisers in a number of ways, "including less transparency to assess the value they receive from advertisements, and harm to their brand due to offensive content on Facebook services."

Zuckerberg and other Facebook executives have come under fire for how the company handled advertising and misinformation during the 2020 election cycle.

Facebook has more than 2.7 billion active users, making it the most popular social media platform worldwide.

Only Alabama, Georgia, South Carolina and South Dakota did not join the lawsuit, which was filed after a lengthy antitrust investigation that included participation by Moody's office.

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The News Service of Florida contributed to this post. Republished with permission.

CONSUMER ALERT: Avoid COVID-19 Vaccine and Distribution Scams, Washington County News

WASHINGTON AND HOLMES COUNTY—Attorney General Ashley Moody today issued a Consumer Alert warning Floridians about COVID-19 vaccine product and distribution scams. With coronavirus vaccines potentially nearing approval by the U.S. Food and Drug Administration and consumers anxious to achieve immunity, scammers may exploit the situation to rip-off Floridians.

To highlight the potential for vaccine-related fraud, the International Criminal Police Organization issued a global warning revealing that of 3,000 websites associated with online pharmacies suspected of selling illicit medicines and medical devices, more than half contained cyber threats, including phishing and spamming malware.

Attorney General Ashley Moody said, “I am extremely encouraged by news of multiple coronavirus vaccines potentially moving toward FDA approval. Once we have an effective immunization, the swift and orderly distribution of the vaccine will be key to getting our state and country back on track. But Floridians must remain on high alert. Scammers may try to exploit the sense of urgency surrounding the distribution of the COVID-19 vaccine to swindle those trying to protect their health. I am asking all Floridians to be on the lookout for vaccine-related scams and report fraud to our office.”

Attorney General Moody released the following tips to help Floridians avoid COVID-19 vaccine-related scams:

Know that no COVID-19 vaccine has been approved by the FDA as of the time of this Consumer Alert; therefore, any attempt to sell a vaccine right now is not legitimate;

Do not respond to solicitations about vaccines. Once a vaccine is approved and available to the public, availability will be announced by federal and state government agencies, with clear priority tiers and distribution guidelines;

Never send money or financial information to anyone offering a COVID-19 vaccine or claiming the ability to expedite the process. Vaccine doses purchased with U.S. taxpayer dollars will be provided at no cost; however, vaccination providers will be able to charge an administration fee. Vaccine providers can get this fee reimbursed by the patient’s public or private insurance company or, for uninsured patients, by the Health Resources and Services Administration’s Provider Relief Fund; and

Report suspicious solicitations or COVID-19 vaccine-related advertisements to the Attorney General’s Office by calling 1(866) 9NO-SCAM or visiting MyFloridaLegal.com.

U.S. Immigration and Customs Enforcement is also gearing up for an increase in

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fraud related to COVID-19 vaccines and treatments. ICE Homeland Security Investigations recently launched Operation Stolen Promise 2.0 to identify and prevent the production, sale and distribution of unapproved or unauthorized COVID-19 products.

BookIt.com agrees to pay back $550,000 to hundreds of MA travelers, Boston 25 News

BOSTON — An online travel agency that went dark at the beginning of the pandemic and refused to offer refunds, will pay back more than $550,000 to hundreds of Massachusetts customers, Attorney General Maura Healey announced Wednesday.

BookIt Operating LLC, an online company based in Florida, and its director, Arthur Paul Finlaw, will pay $551,835 to 539 Massachusetts travelers, according to the AG's Office.

Healey's office took the company to court in June after dozens of Mass. residents complained they were ripped off.

"This company did stuff that was really bad and really egregious," Healey said. "You had people who paid money to this company, who took money knowing that they weren't going to be able to book this trip, and yet pocketed it and didn't return it to the customer."

25 Investigates reported in April hundreds of customers said they were out thousands of dollars when the company suddenly shut down services in March.

A message on the BookIt website still warns consumers the company is "currently unable to process refunds."

A spokesman for the Florida Attorney General's Office said the company remains under investigation.

"Our Consumer Protection Investigation into BookIt.com is still active and ongoing," Director of Communications Whitney Ray said in an email to Boston 25 News.

Customers were left battling for refunds with their banks or credit card companies.

Many shared their stories in the Facebook group, "Scammed by Book It," which has 2,600 members.

Randolph mother Taisha Chevere spent months fighting to get the $1,700 she lost on her family's canceled vacation to Cancun, Mexico.

"We're all going through the pandemic. We know what's going on. But I think it was wrong of them to just close down and not refund anyone," Chevere said.

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Others, like Erin McManus in Braintree, said they will never use a third party travel website again.

“I would never, ever, ever use any [third party websites] again, because if they go out of business, there’s not a lot you can do to recoup your money,” McManus said.

Customers waiting for refunds from BookIt should receive their money in the next 45 days, the AG’s Office said.

“Unfortunately, we’ve seen travel companies take advantage of the COVID-19 crisis by cheating consumers and pocketing payments for canceled trips,” Healey said.

“Our settlement with BookIt requires the company to pay back hundreds of Massachusetts consumers harmed by its illegal practices. My office has secured millions of dollars in travel refunds since the pandemic began, and our work continues to protect consumers and take action against companies that violate our laws,” she said.

COVID-19 canceled your cruise. Here’s how you can use that money for a future vacation, FL Keys News

Will you be able to celebrate the holidays while enjoying a margarita on a cruise?

It looks unlikely.

Many cruise companies, including Florida-based Carnival Corp., Royal Caribbean Group, Norwegian Cruise Line Holdings and Disney Cruise Line, have continued to cancel trips as they work toward the Centers for Disease Control and Prevention 40-page conditional sail order. The order requires the companies to meet certain COVID-19 safety benchmarks — including testing for all passengers and crew on embarkation and disembarkation days — before they can set sail.

The CDC also has a Level 4 travel warning in place for cruises — its highest level.

Passengers who have had trips canceled or postponed during the pandemic by their cruise line can typically request a refund or receive cruise credits for a future trip. The credits don’t last forever and some of the deadlines to use them or to request a refund are coming up.

Some cruise lines have also loosened their cancellation and refund policies, an incentive for customers who worry they might lose their money if they get sick and are unable to travel. It can also be a safety net for customers who change their minds about traveling during the pandemic.

The bad news is that refunds might take forever. Some customers are still waiting to get their money back eight months after all cruises were canceled, according to the South Florida Sun Sentinel.

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Another thing to keep in mind: These relaxed policies might not apply for airfare, even if flights were booked through the cruise line.

If the cruise line suspended your trip, you should receive an email with your options, instructions and what the deadlines are. If you've lost the email, give them a call or check online. Many cruise lines are posting updates online about suspended trips with credit and refund information.

While policies may vary, here's what to expect if you booked a cruise with Florida-based Carnival Corp.., Royal Caribbean Group, Norwegian Cruise Line Holdings and Disney Cruise Line:

MY CRUISE WAS CANCELED. WHEN IS THE LAST DAY I CAN REQUEST A CRUISE CREDIT OR A REFUND?

Many cruise lines are automatically issuing future cruise credits you can use to book your next trip with them. Some are also throwing in bonuses to sweeten the deal.

If cruising after COVID-19 doesn't sound appealing, you'll need to request a refund, and that's when deadlines kick in.

A notable exception for most, if not all, cruise lines: If you haven't paid in full yet, you won't be offered a future cruise credit and will get a refund instead.

Here's an example of what to expect if you've paid in full. Keep in mind that deadlines may differ depending on when your cruise was set to sail, so always double-check with your cruise line.

- Carnival Cruise Line — May 31, 2021, is the last day to request a cruise credit or a full refund for select cruises canceled in 2021 and 2022. If you do not make a selection, the company says it will give you a cruise credit equal to the amount of cancellation fees on your original booking.

- For Carnival-owned Princess Cruises and Holland America Line, cruise credits will be given automatically for select cruises canceled in 2021 but if you want a refund, you will need to fill out an online form by Dec. 31, 2020.

- Royal Caribbean International — Cruise credits will be available automatically but if you want a refund, you will need to fill out an online form and deadlines vary. For sail dates starting May 12 through December 31, 2020, you have until Dec. 31, 2020, to request a refund. The same deadline applies for some Quantum of the Seas, Odyssey of the Seas and Jewel of the Seas cruises that were set to sail in 2021. For sail dates between Jan. 1 and Feb. 28, 2021, refund deadline is March 31, 2021, and for select cruises, including those whose sail date was on or before April 10, 2020, deadline is Dec. 31, 2021.

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For Royal Caribbean-owned Celebrity Cruises, Azamara, and Silversea, cruise credits will be given automatically. For refunds, your deadline is Dec. 31, 2020.

Royal Caribbean, Celebrity Cruises and Azamara are also offering a third option, “Lift and Shift,” which gives you the flexibility to move your existing booking to a 2021 sailing, with price protection if it meets select criteria.

Contact your travel advisor or call the cruise line by Dec. 16 to move to a new sailing.

- Norwegian Cruise Line — Anyone who had their cruise suspended through March 2021 will receive a refund in their original form of payment by Jan. 7, 2021, according to a Dec. 2 update by the company.

For Norwegian-owned Oceania Cruises and Regent Seven Seas Cruises, the cruise lines say cruise credits will be given automatically. For refunds, you’ll need to contact the cruise line no later than close of business on December 16, 2020, to submit your request. The same deadline applies for Regent Seven Seas Cruises that were canceled on Dec. 2, 2020.

- **Disney Magic, Disney Wonder, Disney Dream and Disney** Fantasy — If your Disney cruise was canceled, you can opt for a future cruise credit or refund. You have until May 31, 2022, to decide which one you want, a Disney spokeswoman said.

DOES MY CRUISE CREDIT EXPIRE? WHEN IS THE LAST DAY I CAN USE IT?

Cruise credits expire, though the deadlines will vary and may differ depending on when your cruise was originally set to sail. So always check with your company or travel agent. Carnival Cruise Line, for example, recently extended its deadline to book a cruise using its future cruise credit from Dec. 31, 2020, to May 31, 2021.

But if your booked trip was with Carnival-owned Princess Cruises, many of its cruise credits expire on May 1, 2022, and must be used for a cruise that sets sail by that date.

Norwegian Cruise Line credits will be valid for a year (starting from its issued date) and must be used for a cruise departing on or before Dec. 31, 2022. For Royal Caribbean International, the deadline is either Dec. 31, 2021, or April 30, 2022, depending on your cruise’s original sail date.

Silversea future cruise credits are good for two years from the issue date. And if it’s a Disney cruise, you’re looking at a May 31, 2022, deadline.

What if you use a future cruise credit to book a cruise that later gets canceled? You’ll likely get a new future cruise credit.

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I ASKED FOR A CRUISE CREDIT BUT I'VE CHANGED MY MIND. CAN I GET A REFUND INSTEAD OR VICE VERSA?

If you change your mind on a cruise credit, it depends on the cruise line's policy. Celebrity Cruises, for example, will allow you to switch from a cruise credit to a refund as long as you do it before the deadline. You can also switch from a refund to a cruise credit if the refund hasn't been processed yet.

Regent Seven Seas Cruises on the other hand says your selection is final. So if you opted for the future cruise credit originally and then had a change of heart, you're out of luck.

If you're not sure cruising is in your future, check your policy to see if the cruise credits can be transferred to someone else. While some cruise lines like Princess Cruises won't let you share credits with someone else, others like Norwegian Cruise Line and Silversea will let you transfer credits to families and friends.

I BOOKED A FLIGHT THROUGH THE CRUISE LINE. I ALSO BOOKED A PACKAGE AND BOUGHT INSURANCE. WILL IT BE REFUNDED IF THE CRUISE IS CANCELED?

If you booked flights separately from the cruise, contact your airline or travel agent to see what options are available. What if you booked it directly through the cruise line? It depends.

Flights purchased through Disney Cruise Line will be refunded, for example, if the company cancels your cruise, a spokeswoman said. But if the cruise is still set to sail and you no longer want to go, you'll likely get stuck paying some flight cancellation fees.

If you purchased a non-refundable flight, that's when it can get a bit complicated.

Royal Caribbean International, for example, says it will automatically refund flights and hotel reservations bought through them if the cruise was canceled. However, if you booked a non-refundable flight, you'll have to contact the service provider directly to see what your options are. Yes, even if the flight was purchased through the cruise line.

Some cruise lines, including Carnival Cruise Line and Princess Cruises, say they will also refund taxes, fees, port expenses, pre-purchased shore excursions, packages or other special service items if the company had to cancel your cruise, whether you chose a cruise credit or a refund.

Other cruise lines like Norwegian will add the taxes, hotel packages, prepaid service charges, travel protection plans and shore excursions to the future cruise credit instead of giving you a refund.

MY CRUISE ISN'T CANCELED BUT I'VE CHANGED MY MIND OR FELL ILL WITH

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COVID. CAN I GET A FULL REFUND?

If you haven't realized it by now, you should be reading your cruise line's cancellation and refund policy before booking any trip, and maybe even get a travel protection plan, especially in the time of COVID-19. If you've recently booked a trip and are now regretting it, check your policy immediately to see what your options are.

The earlier you cancel your trip, the better it usually is for refund purposes. While many cruise lines have changed their policies during the pandemic, there still might be a lot of "if, and or but" in the fine print. While some might give a full or partial refund, others might give a future cruise credit instead.

So read carefully before you book. And if you get stuck waiting months for a refund, you can always file a complaint with Florida Attorney General Ashley Moody's office at http://www.myfloridalegal.com/.

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From: Gerald Whitney Ray
To: Lauren Cassedy; Kylie Mason
Subject: Fwd: CNN"s Chris Cuomo / interview request for AG Ashley Moody / Election Integrity SCOTUS
Date: Wednesday, December 9, 2020 5:32:30 PM
Attachments: image001.png

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From: Geerlings, Dylan Rose <dylan.rose.geerlings@warnermedia.com>
Sent: Wednesday, December 9, 2020 5:23:35 PM
To: Kylie Mason <Kylie.Mason@myfloridalegal.com>; Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Subject: CNN's Chris Cuomo / interview request for AG Ashley Moody / Election Integrity SCOTUS

Hi there,
Reaching out to see if AG Moody was available to join Chris Cuomo this evening to comment on the decision to sign on to the integrity case being brought by Texas and many others before SCOTUS?

We are live in the 9pmET hour. Might the AG be available to join us tonight or have a statement to pass along?

Dylan Rose Geerlings
Mobile: 530.588.3129

CNN CUOMO PRIME TIME

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From:	Gerald Whitney Ray
To:	Kylie Mason
Subject:	FW: 22O155 - Texas v. Pennsylvania (U.S.) - Amicus Brief of Missouri and 16 Other States - Final
Date:	Wednesday, December 9, 2020 3:10:00 PM
Attachments:	2020-12-09 - Texas v. Pennsylvania - Amicus Brief of Missouri et al. - Final with Tables.pdf 2020.12.09 Certificate of Compliance.pdf 2020.12.09 Certificate of Service.pdf image001.png image002.png image003.png

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From: John Guard <John.Guard@myfloridalegal.com>
Sent: Wednesday, December 9, 2020 3:09 PM
To: Lauren Cassedy <Lauren.Cassedy@myfloridalegal.com>; Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Subject: Fwd: 22O155 - Texas v. Pennsylvania (U.S.) - Amicus Brief of Missouri and 16 Other States - Final

Get Outlook for iOS

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Wednesday, December 9, 2020 3:03:26 PM
To: 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov>; John Guard <John.Guard@myfloridalegal.com>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; 'Chanay, Jeff' <Jeff.Chanay@ag.ks.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Michelle Williams' <Michelle.Williams@ago.ms.gov>; 'Schlichting, Melissa' <MSchlichting@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Seibel, Troy T.' <tseibel@nd.gov>; 'Mithun Mansinghani' <mithun.mansinghani@oag.ok.gov>; 'Emory Smith' <ESmith@scag.gov>; 'Ravnsborg, Jason' <Jason.Ravnsborg@state.sd.us>; 'Andree S. Blumstein' <Andree.Blumstein@ag.tn.gov>; 'Melissa Holyoak' <melissaholyoak@agutah.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>
Subject: 22O155 - Texas v. Pennsylvania (U.S.) - Amicus Brief of Missouri and 16 Other States - Final

AMERICAN OVERSIGHT

All-

Thank you all for joining this amicus brief on such short notice. Attached are the final PDFs of the Amicus Brief and Certificates. We ended up with a 17-State coalition, which is an extremely strong group for such a short turnaround. Our press officer has requested that this be embargoed until 3:30 pm Central. Thank you all for your support on this important project!

Thank you,

John Sauer

This email message, including the attachments, is from the Missouri Attorney General's Office. It is for the sole use of the intended recipient(s) and may contain confidential and privileged information, including that covered by § 32.057, RSMo. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you.

AMERICAN OVERSIGHT

From: Gerald Whitney Ray
To: Kylie Mason; Trevor DeGroot; Skylar Swanson; Cameron Paul
Subject: FW: Media review from 11/18/2020
Date: Friday, December 4, 2020 9:56:00 AM
Attachments: image001.png

Looks like it got great coverage too…..!!!!

Very proud of all the great work you guys are doing.

Thank you,
Whitney

Director of Communications
Office of the Attorney General
The Capitol, Suite PL-01
Tallahassee, Fla. 32399-1050
Office: (850) 245-0150
MyFloridaLegal.com

From: Daily News Clips <support@pressrelations.com>
Sent: Wednesday, November 18, 2020 7:31 AM
To: Gerald Whitney Ray <Whitney.Ray@myfloridalegal.com>
Subject: Media review from 11/18/2020

Open this email in your browser

Good morning,

Included are the morning clips for Florida Attorney General - Morning Clips - November 18, 2020.

39 Attorney General
80 Key People
41 Authorities

AMERICAN OVERSIGHT

6 Environment

53 Business

ATTORNEY GENERAL

WLRNFM

None

...as legal battles and vote counts continue in other states governor rhonda santa's attorney general ashley moody and chief financial officer jimmy petrone s. yesterday quickly certified the results of florida's...

11/18/2020 07:05 am USA Radio

back

WPBF

WPBF 25 News Mornings

...a new one to tell you about so here the details photos attorney general ashley moody saying the new scam is impersonating the irs. so here's what they do this out a text. they alert you that you're just a...

11/18/2020 06:49 am USA TV

back

WPTV

Today on 5 at 6

the tree. a new covid scam could be sent right could be sent right to your phone. florida's attorney general ashley moody says scammers are impersonating the i- r-s by text message. they're trying to trick...

11/18/2020 06:30 am USA TV

back

WFLA

NewsChannel 8 Today

agee ashley moody says the scammer sent a text claiming you've received a $1200 direct deposit from the covid-19 trust fund you're asked to click on a fake phishing link that takes you straight to website...

11/18/2020 06:15 am USA TV

back

AMERICAN OVERSIGHT

WTTA

NewsChannel 8 Today

...time 6.14 on this wednesday in florida's attorney general sending out a warning about a new texting scam that's going on so it aims to take advantage of people during this pandemic agee ashley moody says...

11/18/2020 06:14 am USA TV

back

WEAR

3 in the Morning at 5:00AM

...personal responsibility and taking the precautions the c-d-c has issued.im danielle apolinar reporting.>> ashley moody has a warning for floridians if you get a text message from the i-r-s about a stimulus check.it's...

11/18/2020 06:04 am USA TV

back

WPTV

Today on 5 at 5

...there's no evidence the doorbell was hacked. police say it's an ongoing investigation. a new covid scam could be sent right to your phone. florida's attorney general ashley moody says scammers are impersonating...

11/18/2020 05:56 am USA TV

back

WPBF

WPBF 25 News Mornings

...schemes related to covid-19 are on the rise. florida's attorney general, ashley moody, says the latest scam is impersonating the irs. scammers send out a text to floridians alerting them they are a few steps...

11/18/2020 04:47 am USA TV

back

WPTV

Today on 5 at 4:30

a new covid scam could be sent right to your phone. florida's attorney general ashley moody says scammers are impersonating the i- r-s by text message. they're trying to trick folks into giving up their...

AMERICAN OVERSIGHT

11/18/2020 04:34 am USA TV

back

WFLAAM

Coast to Coast AM With George Noory

...on your iPhone or Android browser. News, traffic and weather, tempo, pace, news, radio, WFLA A new scam is surfacing amid talks of another stimulus check distribution. Florida Attorney General Ashley Moody...

11/18/2020 04:30 am USA Radio

back

Florida Politics

Sunburn — The morning read of what's hot in Florida politics — 11.18.20

...to record highs around the U.S., many states are reimposing restrictions on daily life. Not Florida. Ron DeSantis is sticking to one of the most permissive approaches to the pandemic, allowing bars, restaurants,...

11/18/2020 USA Online

back

Tampa Bay News 9 +1 other publication

Trump Could Pardon Associates Before Leaving White House

...would only protect him against federal prosecution. Manhattan District Attorney Cy Vance and New York state Attorney General Letitia James are both investigating Trump and his business practices in probes that...

11/18/2020 USA Online

back

Tampa Bay News 9 +1 other publication

Hillsborough County Signs Off on 2020 Election Audit

...meeting with the Elections Canvassing Commission (which consists of Gov. Ron DeSantis; Attorney General Ashley Moody and CFO Jimmy Patronis appearing via telephone) officially certifying the results of the 2020...

11/18/2020 USA Online

back

Tampa Bay News 9

Report: Biden Uneasy About Possible Trump Investigations

...on state or local probes into the 45th president. Manhattan District Attorney Cy Vance and New York state Attorney General Letitia James are both investigating Trump and his business practices. You May...

11/18/2020 USA Online

back

WFLAAM

Coast to Coast AM With George Noory

Amid talks of another stimulus check distribution, Florida Attorney General Ashley Moody says a text message asks for personal information to receive the deposit. If you get that text immediately, report...

11/18/2020 02:31 am USA Radio

back

WIOD

None

...the ring from the schuller that on rape is closed i'm rick you sony's radius extend w. i. o. d. a new scam is servicing amid talks of another stimulus check distribution florida attorney general ashley moody...

11/18/2020 02:31 am USA Radio

back

WIOD

None

they're stimulus check distribution florida attorney general ashley moody says a text message asked for personal information to receive the deposit if you get that taxed immediately reported to the i. r....

11/18/2020 12:32 am USA Radio

back

WFLAAM

Coast to Coast AM With George Noory

WFLA, a new scam is surfacing amid talks of another stimulus check distribution. Florida Attorney General Ashley Moody says a text message asks for personal information to receive the deposit. If you get...

11/18/2020 12:31 am USA Radio

back

WOLF - Fox Orlando

Brodeur prepares for 2022 bid as Florida election results certified

...Fla. - As legal battles and vote counts continue in other states, Gov. Ron DeSantis, Attorney General Ashley Moody, and Chief Financial Officer Jimmy Patronis on Tuesday quickly certified the results of Florida's...

11/17/2020 USA Online

back

WFTV +1 other publication

Eyewitness News at 11pm

more clarity on the next round of funding in a few weeks. attorney general ashley moody is warning everyone about a new covid-19 related tax scam. >> scammers posing as the irs are asking people for direct...

11/17/2020 11:09 pm USA TV

back

WIOD

None

...across the state there were one hundred forty one incidents the year before florida attorney general ashley moody is issued a new covert nineteen consumer alert moody says scammers are using text messages to...

11/17/2020 10:04 pm USA Radio

back

WTTA

None

...reporting in polk county i'm stacey de silva 8 on your side. >> a warning tonight from attorney general ashley moody, she says thieves are tricking people into giving up their personal information by claiming...

11/17/2020 08:43 pm USA TV

back

Miami Herald +1 other publication

Deadlines set in lawsuit over Mississippi medical marijuana | Miami Herald

...the ability of local governments to set zoning regulations for medical marijuana businesses. The state attorney general's office called the lawsuit "woefully untimely," and the initiative's sponsors said...

AMERICAN OVERSIGHT

11/17/2020 USA Online

back

WIOD

None

...reelected to other four year term as commissioner florida attorney general ashley moody says the latest scam reports to come from the internal revenue service in the form of a text message this missile twelve...

11/17/2020 07:03 pm USA Radio

back

WINK (CBS) Ft. Myers

Cape Coral man learns his ‘low mileage’ car has more than 140K miles

...declined an interview and said they’re working on it. Kijak also filed complaints with both the Florida attorney general’s office and Florida Highway Safety and Motor Vehicles. FLHSMV says they are investigating...

11/17/2020 USA Online

back

WJXT

News4JAX at 6:30PM

...period. as legal battles and both counts continue in other states governor ron desantis attorney general ashley moody and chief financial officer jimmy patronis quickly certify the results of florida's november,

11/17/2020 06:37 pm USA TV

back

WPBF

WPBF 25 News at 6:00PM

...are on the rise here in florida and tonight, there's a new one we want to warn you about. todd: the florida attorney general moody says scammers are sending out text messages to people in florida alerting...

11/17/2020 06:12 pm USA TV

back

WFTL

None

AMERICAN OVERSIGHT

...as early as the first week of december in west palm beach day bob a w. p. t. v. news channel five a scam alert tonight florida attorney general ashley moody is sending a warning about a new coded nineteen...

11/17/2020 06:12 pm USA Radio

back

WPTV

NewsChannel 5 at 6

>> a scam alert tonight! florida attorney general ashley moody is sending a warning about a new covid-19 related text scam. moody says scammers are sending a text message impersonating the i-r-s to try...

11/17/2020 06:11 pm USA TV

back

WIOD

None

...steve geller is the new mayor aircraft against israelis extend w. i. a. d. florida attorney general ashley moody says the latest scare reports to grow from the internal revenue service in the form of a text...

11/17/2020 06:02 pm USA Radio

back

NBC 6

Coronavirus Live Updates: Biden Covid Advisor Says He's Becoming ‘More Concerned' With Delays in Transition

...grossly exceeded the price at which the same or similar products were readily obtainable" elsewhere, the office of the attorney general said. In one case, a seller charged Amazon shoppers $19.99 to $29.99 for...

11/17/2020 USA Online

back

WFTV

Eyewitness News at 5:30pm

...sales to limit the number of people in stores for the holiday shopping season. >> attorney general ashley moody is warning everyone about a new covid-19 related tax scam scammers posing as the irs are asking...

11/17/2020 05:34 pm USA TV

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AMERICAN OVERSIGHT

CBS 4 Miami

Florida Election Results Certified

...(CBSMiami/NSF) — As legal battles and vote counts continue in other states, Gov. Ron DeSantis, Attorney General Ashley Moody and Chief Financial Officer Jimmy Patronis on Tuesday quickly certified the results of Florida's...

11/17/2020 USA Online

back

WJNO

None

...last year wayne as a previous felony conviction he's due in court next month florida attorney general ashley moody says scammers are using text messages to a person a the i. r. s. and trick people into giving...

11/17/2020 04:31 pm USA Radio

back

WJXT 4 Jacksonville

Florida election results certified

...Fla. - As legal battles and vote counts continue in other states, Gov. Ron DeSantis, Attorney General Ashley Moody and Chief Financial Officer Jimmy Patronis on Tuesday quickly certified the results of Florida's...

11/17/2020 USA Online

back

WTSP (Ch.10)Tampa-St. Petersburg

It's official: Florida certifies its 2020 election results

...governor. For the 2020 general election, DeSantis appointed CFO Jimmy Patronis and Attorney General Ashley Moody. The Elections Canvassing Commission does not county any ballots. They certify the results...

11/17/2020 USA Online

back

WWSB ABC 7 Sarasota

Rapper Lil Wayne charged with federal gun offense in Florida

...certified As legal battles and vote counts continue in other states, Gov. Ron DeSantis, Attorney General Ashley Moody and Chief Financial Officer Jimmy Patronis on Tuesday quickly certified the

AMERICAN OVERSIGHT

results of Florida's...

11/17/2020 USA Online

back

WWSB ABC 7 Sarasota

Florida Election results certified

...Florida) - As legal battles and vote counts continue in other states, Gov. Ron DeSantis, Attorney General Ashley Moody and Chief Financial Officer Jimmy Patronis on Tuesday quickly certified the results of Florida's...

11/17/2020 USA Online

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Central Florida News 13

Report: Biden Uneasy About Possible Trump Investigations

...bearing on state or local probes into the 45th president. Manhattan District Attorney Cy Vance and New York state Attorney General Letitia James are both investigating Trump and his business practices.

11/17/2020 USA Online

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KEY PEOPLE

FLspn Telemundo Channel 51

Alcaldes del sur de Florida analizan con el gobernador medidas frente al COVID-19

...min • Actualizado hace 34 min Alcaldes de la Florida evaluarán este miércoles junto al gobernador Ron DeSantis, acciones a tomar tras la segunda ola de contagios de COVID-19 Cuando la cifra de contagios...

11/18/2020 USA Online

back

WFTS ABC Channel 28 Tampa

Florida mayors urge Gov. DeSantis to change approach to COVID-19

...in Florida are holding a statewide virtual press conference on Wednesday afternoon to urge Governor Ron DeSantis to change the state's approach to COVID-19. St. Pete Mayor Rick Kriseman is the only Tampa...

11/18/2020 USA Online

back

AMERICAN OVERSIGHT

Sarasota Herald Tribune

Wednesday's letters: Siesta Village parking, governor, sore loser, more

...have elected Joe Biden and Kamala Harris to lead the country. What part of that statement does Gov. Ron DeSantis choose not to understand? Trying to curry favor with Donald Trump followers, he has urged...

11/18/2020 USA Online

back

The Palm Beach Post

Letters: The foolishness of gathering in crowds, maskless

...Dahlman, Okeechobee DeSantis does nothing while other governors act The recent actions of Gov. Ron DeSantis are very disappointing. Many of the other governors are making plans to curb the spread of...

11/18/2020 USA Online

back

Daytona Beach News Journal
/ **Potential** Paywall

In Florida, ex-felon voting rights carry responsibilities, 'socialism' in action

...vote…" More:DeSantis presses case on ex-felons' voting rights Research reveals that when the Florida Supreme Court heard arguments regarding Amendment 4's legal sufficiency for the ballot, Jon Mills, attorney...

11/18/2020 USA Online

back

Lakeland Ledger +1 other publication
/ **Potential** Paywall

'Slower, longer, more expensive': Tougher slog coming for constitutional amendments in Florida

...its judicial review threshold last November, and their petition is pending review by the Florida Supreme Court. The Attorney General, Florida Senate and House leaders have challenged the ballot language...

11/18/2020 USA Online

back

Lakeland Ledger
/ **Potential** Paywall

AMERICAN OVERSIGHT

Today's letters to the editor (Nov. 18, 2020)

...Barbara Paulin, Lakeland Disregard for facts only works in Trumpian twilight zone Way past time to say Ron DeSantis, Donald Trump, Trump's Cabinet, the Trump family, the GOP and all of Fox network are complicit...

11/18/2020 USA Online

back

Boca News Now

COVID CLIMBS IN SCHOOLS: Boca Raton Community High Now Hotspot

...be called to action to say no! PBCSD should decide what happens in PBC schools." Florida Governor Ron DeSantis is considering a mandate that would prohibit "distance learning" starting in January. Here's...

11/18/2020 USA Online

back

NBC 6

6 Things to Know: Pandemic Causing Rise in Food Prices, Florida Mayors Urge Changes With Cases Increasing

...combined. This comes as mayors across the state plan to hold a Wednesday press conference, asking Gov. Ron DeSantis to reinstate fines for residents not wearing masks. No. 3 - President Donald Trump on Tuesday...

11/18/2020 USA Online

back

NBC 6

South Florida Mayors Among Group Urging Gov. DeSantis to Change Pandemic Approach

Among those taking part include Miami Mayor Francis Suarez, who has said he's hoping he can talk Gov. Ron DeSantis into once again letting local governments issue fines to people caught violating mask ordinances....

11/18/2020 USA Online

back

Fort Myers News-Press +1 other publication

Editorial: Interior road network shouldn't be rushed into existence, or dismissed entirely

...miles of new toll roads through the interior of Florida. And based on reports sent this week to Gov.

AMERICAN OVERSIGHT

Ron DeSantis, there isn't. That affords us the opportunity to reflect on the pros and cons of three separate...

11/18/2020 USA Online

back

Orlando Sentinel

Honor your constituents' wishes, Mayor Demings, and appoint Nicole Wilson to expressway board | Editorial

...roads built. But the board could use the voice of a genuine champion for the environment. Besides, Ron DeSantis still has three appointees to the authority's board, and this isn't a governor known for appointing...

11/18/2020 USA Online

back

Orlando Sentinel

Orlando's secret life of sewers: What workers hope you never know

...outbreaks of algae, massacre fish and destroy the plants of healthy aquatic habitats. This summer, Gov. Ron DeSantis signed a bill to raise fines for spills as a "deterrent against bad actors." A sponsor,...

11/18/2020 USA Online

back

Florida Today

Letters and feedback: Nov. 18, 2020

...reference to a recent editorial, I am worried the Daytona Beach News-Journal just got worried about Gov. Ron DeSantis. I'm way ahead of them; I've been worried for a long time. I have emailed the governor, too....

11/18/2020 USA Online

back

Florida Politics

COVID-19 keeps some lawmakers away from Capitol

...Busatta Cabrera, and Jackie Toledo. Immediate attempts to contact them Tuesday were unsuccessful. Gov. Ron DeSantis, Lt. Gov. Jeanette Nuñez, members of the Florida Cabinet, and the 160 members of the Florida...

11/18/2020 USA Online

back

AMERICAN OVERSIGHT

Florida Politics

Sunburn — The morning read of what's hot in Florida politics — 11.18.20

...to record highs around the U.S., many states are reimposing restrictions on daily life. Not Florida. Ron DeSantis is sticking to one of the most permissive approaches to the pandemic, allowing bars, restaurants,...

11/18/2020 USA Online

back

Tampa Bay News 9

Woman arrested for online threats to Florida politicians

...Saturday. She is facing three charges of making written threats to kill or do bodily harm to Florida Gov. Ron DeSantis and U.S. senators Marco Rubio and Rick Scott, according to an arrest report. All three elected...

11/18/2020 USA Online

back

Tampa Bay News 9 +1 other publication

Hillsborough County Signs Off on 2020 Election Audit

...meeting with the Elections Canvassing Commission (which consists of Gov. Ron DeSantis; Attorney General Ashley Moody and CFO Jimmy Patronis appearing via telephone) officially certifying the results of the 2020...

11/18/2020 USA Online

back

Tampa Bay News 9 +1 other publication

Florida Lawmakers Question Lack of COVID-19 Transparency

...U.S. Rep. Stephanie Murphy said. "They are having to make decisions without full information." Gov. Ron DeSantis' office did not respond to repeated requests for comment on why the reports have been held...

11/18/2020 USA Online

back

Gainesville Sun
/ **Potential** Paywall

Letters to the editor for Nov. 18, 2020

The Gainesville Sun Treat us like grown-ups Three cheers for Gov. Ron DeSantis as it relates to Saturday's article on his silence about the coronavirus. Let's hope that he continues treating us as

AMERICAN OVERSIGHT

free...

11/18/2020 USA Online

back

WFTS ABC Channel 28 Tampa

White House report details pandemic in Florida, urges precautions as cases increase

...mask." ABC Action News reached out to the state for a comment. While we haven't heard back, Governor Ron DeSantis previously offered thoughts on restrictions in September after easing restrictions on bars...

11/18/2020 USA Online

back

WOLF - Fox Orlando

Brodeur prepares for 2022 bid as Florida election results certified

...Fla. - As legal battles and vote counts continue in other states, Gov. Ron DeSantis, Attorney General Ashley Moody, and Chief Financial Officer Jimmy Patronis on Tuesday quickly certified the results of Florida's...

11/17/2020 USA Online

back

WTXL ABC 27

County Commission may ask DeSantis for virtual meetings, mask mandate fines amid COVID-19 spike

...County Commission meeting. With two new commissioners on the board, leaders considered urging Governor Ron DeSantis to take back his mandate of in-person government meetings. "It's unquestionable that the...

11/17/2020 USA Online

back

Miami Herald

Miami Dade College's board unanimously selects Madeline Pumariega as next president

...halted when the board abruptly scrapped the search after seven months. Board members appointed by Gov. Ron DeSantis had said MDC's next president needn't have a Ph.D., a prerequisite normally for college and...

11/17/2020 USA Online

back

WPEC News 12 Palm Beach County

Palm Beach Co. following state's reopening plan amid COVID-19 surge

...with positivity rates. County leaders are limited in how they can respond. In September, when Gov. Ron DeSantis reopened Florida, he prohibited local governments from closing businesses, fining people for...

11/17/2020 USA Online

back

WPLG Channel 10 Miami

Former Broward County Sheriff Scott Isreal seeking to become Bay Harbor Islands police chief

...County Sheriff Scott Israel appears before the Senate Rules Committee concerning his dismissal by Gov. Ron DeSantis, in Tallahassee, Fla. Israel is running against Sheriff Gregory Tony in the upcoming Florida...

11/17/2020 USA Online

back

WJXT 4 Jacksonville +2 other publications

COVID-19 keeps 9 lawmakers from Florida Capitol

...Busatta Cabrera, and Jackie Toledo. Immediate attempts to contact them Tuesday were unsuccessful. Gov. Ron DeSantis, Lt. Gov. Jeanette Nuñez, members of the Florida Cabinet, and the 160 members of the Florida...

11/17/2020 USA Online

back

WMBB ABC 13 Panama City

Simpson eyes education funding amid budget woes

...into state coffers annually, after the demise of a potential deal they had reached with Simpson. Gov. Ron DeSantis rejected the agreement, known as a "compact," at the close of the 2019 legislative session,...

11/17/2020 USA Online

back

WJHG NBC News 7 Panama City

Where’s Governor Ron DeSantis?

AMERICAN OVERSIGHT

...17, 2020 at 6:30 PM CST|Updated: 56 minutes ago TALLAHASSEE, Fla. (CAPITOL NEWS SERVICE) - Governor Ron DeSantis made his first public appearance in 13 days on Tuesday. It has been more than two weeks since...

11/17/2020 USA Online

back

The Palm Beach Post

With 7,400 new cases and shutdowns on hold, coronavirus advances unabated in Florida

...their top health adviser said popular nightspots are helping spread the deadly coronavirus. While Gov. Ron DeSantis in September took away local officials' power to respond to the pandemic, the county could...

11/17/2020 USA Online

back

Boca News Now

COVID FLORIDA: State Adds 7,350 Infections In One Day, Palm Beach Positivity 9.95 Percent

...nothing about the soaring COVID-19 numbers in the county. As if taking their cue from Florida Governor Ron DeSantis who continues to be impotent when it comes to managing the COVID crisis, commissioners during...

11/17/2020 USA Online

back

Orlando Weekly

Orange County's coronavirus 'strike teams' finds a number of downtown and UCF area bars with no COVID-19 precautions in place

...team nor county leaders can issue anything in the way of fines or corrective measures, thanks to Gov. Ron DeSantis' executive order which essentially takes away the powers of local governments to impose COVID-19...

11/17/2020 USA Online

back

el Nuevo Herald

Arrestan a mujer que amenazó con matar a DeSantis, Rubio, y Scott por 'saquear' a la Florida

...Beach arrestó a una mujer de 55 años que amenazó por internet con matar al gobernador de la Florida Ron DeSantis y a los senadores Marco Rubio y Rick Scott por "saquear" a la Florida. Karen

AMERICAN OVERSIGHT

Jones fue detenida...

11/17/2020 USA Online

back

Central Florida News 13

Orange County Starting Teachers to Get 16% Pay Raise in Deal With School Board

...eighth-largest in the country, has more than 14,000 teachers. The agreement followed a law that Gov. Ron DeSantis signed in June, allocating $500 million in spending toward a statewide goal of increasing...

11/17/2020 USA Online

back

Miami Herald +1 other publication

Florida lawmakers convene and make it official: Containing COVID-19 not their problem

...Low-profile DeSantis Seated in the front row during the ceremonies for Simpson and Sprowls, was Gov. Ron DeSantis. It was one of only two public appearances the Republican governor has had since the Nov....

11/17/2020 USA Online

back

NBC 6

Florida Positivity Rates Rise as Herd Immunity Theory Decried

...ordering local governments to stop enforcing mask requirements and relaxing other restrictions, Gov. Ron DeSantis was advised by academics whose ideas an FIU epidemiologist calls "utter and complete junk."...

11/17/2020 USA Online

back

Orlando Sentinel

Orange’s teachers union, OCPS reach agreement on $47,500 minimum pay for teachers

...districts, both administrators and union leaders said they appreciated the new law, pushed by Gov. Ron DeSantis, because it boosted pay for teachers early in their careers but were frustrated it did little...

11/17/2020 USA Online

AMERICAN OVERSIGHT

back

South Florida Sun Sentinel
/ **Paywall**

School Board member takes office despite concerns over home she bought outside her area

...county that includes Palm Springs and portions of Lake Worth and West Palm Beach. If Florida Gov. Ron DeSantis were to take action in response to complaints, he would have the ability to suspend her and...

11/17/2020 USA Online

back

Florida Politics

Last Call for 11.17.20 — A prime-time read of what's going down in Florida politics

...good news for in-person elementary and middle school learning" via Asher Lehrer-Small of The 74 "Nikki Fried hosted Democrats for an election autopsy. Here's what they say went wrong in 2020." via Jacob...

11/17/2020 USA Online

back

The Palm Beach Post

Critics attack Palm Beach County commissioner over daughter's anti-DeSantis posting

...addressing the social media account of her 19-year-old daughter, who tweeted on a post critical of Gov. Ron DeSantis: "Someone assassinate him already." More:Palm Beach County commissioner rips critics for...

11/17/2020 USA Online

back

Lakeland Ledger +23 other publications
/ **Potential** Paywall

Florida lawmakers convene in Tallahassee, clouded by virus and economy

...Florida's daily case average is more than double what it was at the end of September, records show. Gov. Ron DeSantis, who attended Tuesday's session but did not speak publicly to lawmakers or reporters, has...

11/17/2020 USA Online

back

AMERICAN OVERSIGHT

Bradenton Herald
/ Paywall

Woman threatened to shoot DeSantis, Rubio, Scott for ‘looting’ Florida, deputies say

...County deputies have arrested a 55-year-old woman who they say made an online threat to shoot Gov. Ron DeSantis and U.S. Sens. Marco Rubio and Rick Scott for "looting" Florida. Karen Jones was arrested...

11/17/2020 USA Online

back

Bradenton Herald
/ Paywall

About those new toll roads that few in Florida seem to want: 3 scenarios to stop them

...link Polk and Collier counties. The financial and environmental concerns have only grown since Gov. Ron DeSantis signed the projects into law 18 months ago. Still, there remain three things that could derail...

11/17/2020 USA Online

back

WESH (NBC)-Orlando

COVID-19 restrictions return to other states, but not Florida

...some local leaders questioning what else they can do. The recent ‘Phase 3’ executive order by Gov. Ron DeSantis limits some of them say that local communities have, making restrictions difficult, but not...

11/17/2020 USA Online

back

WSVN (FOX)-Miami

Newly-elected officials in Miami-Dade, Broward sworn into office

...shut down businesses, which I am opposed to, or we can wear masks." Geller has asked Florida Gov. Ron DeSantis to issue a statewide mask mandate to curb the spread of the virus. "It is my belief, based...

11/17/2020 USA Online

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AMERICAN OVERSIGHT

WJXT

News4JAX at 6:30PM

...period. as legal battles and both counts continue in other states governor ron desantis attorney general ashley moody and chief financial officer jimmy patronis quickly certify the results of florida's november,

11/17/2020 06:37 pm USA TV

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WPLG Channel 10 Miami

Gov. Ron DeSantis nowhere to be found as South Florida sees latest surge in coronavirus cases

...said FIU Infectious Disease Professor Dr. Aileen Marty. National headlines highlight Florida Gov. Ron DeSantis' refusal to implement statewide restrictions. The governor has been silent on any new guidance...

11/17/2020 USA Online

back

Diario las Americas

Florida reporta 7.459 nuevos casos de coronavirus en 24 horas

...transcurrirá en nuestro condado la Fase 2 de reapertura", que fue convocada por el gobernador de Florida, Ron DeSantis, a discreción de los gobiernos locales. Vale recordar que Miami-Dade ha sido el condado de...

11/17/2020 USA Online

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Orlando Sentinel

Legislature’s new leaders say fighting pandemic will wait until next year

...effect until then. Still, both Sprowls and Senate President Wilton Simpson, R-Trilby, praised Gov. Ron DeSantis' moves to combat the virus and indicated they wouldn’t call a special session to address aspects...

11/17/2020 USA Online

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The Capitolist

Sprowls’ Far-Reaching Agenda Focuses on Law, Order, Respect and Patriotism

...Florida to defund the police." Following his speech he met with reporters. He was asked about Governor Ron DeSantis’ proposed "Combatting Violence, Disorder and Looting and Law Enforcement

AMERICAN OVERSIGHT

Protection Act,"...

11/17/2020 USA Online

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Tampa Bay Times +1 other publication

Florida Legislature: Not our role to contain the coronavirus

...Low-profile DeSantis Seated in the front row during the ceremonies for Simpson and Sprowls was Gov. Ron DeSantis. It was one of only two public appearances the Republican governor has had since the Nov....

11/17/2020 USA Online

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WMBB ABC 13 Panama City

Sprowls weighs in on police, patriotism

...they also have faced a backlash, including from President Donald Trump and many conservatives. Gov. Ron DeSantis, who attended Tuesday's organization session in the House and Senate but didn't address the...

11/17/2020 USA Online

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el Nuevo Herald +2 other publications

No hay pruebas de que la Florida 'proteja a los vulnerables' del COVID-19

17 de noviembre de 2020 05:28 PM La oficina del gobernador Ron DeSantis respondió al aumento de casos y hospitalizaciones por COVID-19 en la Florida con un tuit del portavoz del gobernador el domingo...

11/17/2020 USA Online

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WTSP (Ch.10)Tampa-St. Petersburg

Florida reports 7,459 new COVID-19 cases amid increase in hospitalizations

...hasn't been below 6 percent. Florida has been in "Phase 3" of reopening since Sept. 25, when Gov. Ron DeSantis signed an order guaranteeing restaurants the right to operate and lifting state-level capacity...

11/17/2020 USA Online

back

South Florida Sun Sentinel

/ Paywall

Secret COVID-19 meetings will be opened up for review, new Broward mayor says

...mayors discussed still has not been made public. Geller's first action as mayor was emailing Gov. Ron DeSantis on Tuesday, asking for a statewide mask mandate, or at least for DeSantis to rescind his order...

11/17/2020 USA Online

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Click Orlando

'It's about to go off:' As coronavirus cases rise, Florida reports more than 7,400 new infections

...businesses Emilee Speck, Digital journalist Published: November 17, 2020, 5:24 pm Florida Gov. Ron DeSantis delivers remarks to supporters at a campaign rally for President Donald Trump Friday, Oct....

11/17/2020 USA Online

back

The Palm Beach Post

New school board member sworn in; foes want her to resign

...from which he or she is elected, it is less concrete on the definition of residency. A 1947 Florida Supreme Court ruling says "legal residence consists of the concurrence of both fact and intention."Without...

11/17/2020 USA Online

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el Nuevo Herald +1 other publication

Con varias ayudas a punto de expirar, el paquete de estímulo es vital. ¿Para cuándo esperarlo?

...industrias necesitan un estímulo económico", concluyó Sotomayor Aunque el gobernador de la Florida, Ron DeSantis, dijo que no volvería a cerrar la economía, el aumento de los casos de COVID-19, que podría...

11/17/2020 USA Online

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CBS 4 Miami

Steve Geller Voted Broward's New Mayor, Michael Udine Is Vice Mayor

AMERICAN OVERSIGHT

...additional business shutdowns." One of Geller's first actions as Mayor was to send a letter to Governor Ron DeSantis requesting a statewide mask mandate. It also asked the governor to rescind the suspension...

11/17/2020 USA Online

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el Nuevo Herald +1 other publication

Levine Cava, la nueva alcaldesa de Miami-Dade, planea arrancar 'con todo' contra el COVID-19

...del gobierno local más grande de Florida, Levine Cava dijo que aún no ha hablado con el gobernador Ron DeSantis. Las órdenes del gobernador republicano obligaron a Miami-Dade a reabrir clubes nocturnos...

11/17/2020 USA Online

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CBS 4 Miami

Florida Election Results Certified

...(CBSMiami/NSF) — As legal battles and vote counts continue in other states, Gov. Ron DeSantis, Attorney General Ashley Moody and Chief Financial Officer Jimmy Patronis on Tuesday quickly certified the results of Florida's...

11/17/2020 USA Online

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Citrus County Chronicle
/ Paywall

Feeding Citrus County in the time of COVID: Doing more with less

...events ... so, we're still getting the word out." This year, Florida Commissioner of Agriculture Nikki Fried made a video in support of food banks to help draw attention to the vital work they do and the...

11/17/2020 USA Online

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WJXT 4 Jacksonville

As COVID-19 cases surge, where is Gov. DeSantis?

...correspondent Published: November 17, 2020, 4:45 pm FILE - In this May 14, 2020, file photo, Florida Gov. Ron DeSantis speaks at a news conference in Doral, Fla. DeSantis is extending the states voter registration...

11/17/2020 USA Online

AMERICAN OVERSIGHT

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Miami Herald +1 other publication

She's still a Hialeah girl — and, now, she's Miami Dade College president, too | Opinion

...Republicans — some with vested interests in private, not public education — by Govs. Rick Scott and Ron DeSantis, the selection process became highly suspicious when the fix seemed to be in to give the job...

11/17/2020 USA Online

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Miami Herald +1 other publication

Florida lawmakers convene and make it official: Containing COVID-19 not their problem

...give people a sense of purpose." Simpson focused on the possibility of a new vaccine and thanked Gov. Ron DeSantis for "many long hours and a lot of thankless work" responding to the pandemic. "I am convinced...

11/17/2020 USA Online

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Tampa Bay Times

Hospitals at capacity? With no restrictions, dire coronavirus warning for Florida

...the Fox Business Network, delivered assurances that Florida would remain "open for business." Gov. Ron DeSantis has remained largely silent on whether the state is headed toward new coronavirus restrictions....

11/17/2020 USA Online

back

Tallahassee Democrat

New leaders, new lawmakers — but Florida Legislature will wait till January to get to work

...lawmakers were in town to deal with the coronavirus or take up an "anti-protest bill" desired by Gov. Ron DeSantis. Sprowls, a 36-year-old former prosecutor, said lawmakers face "significant budget challenges"...

11/17/2020 USA Online

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AMERICAN OVERSIGHT

WJXT 4 Jacksonville

Florida election results certified

...Fla. - As legal battles and vote counts continue in other states, Gov. Ron DeSantis, Attorney General Ashley Moody and Chief Financial Officer Jimmy Patronis on Tuesday quickly certified the results of Florida's...

11/17/2020 USA Online

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WTSP (Ch.10)Tampa-St. Petersburg

It's official: Florida certifies its 2020 election results

...governor. For the 2020 general election, DeSantis appointed CFO Jimmy Patronis and Attorney General Ashley Moody. The Elections Canvassing Commission does not county any ballots. They certify the results...

11/17/2020 USA Online

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WTSP (Ch.10)Tampa-St. Petersburg

Where's DeSantis? Governor remains silent on rising coronavirus cases

The last time Florida Gov. Ron DeSantis held a news conference was Nov. 4, the day after the election to applaud Florida's handling of processing ballots. TALLAHASSEE, Fla. — Across the United States,...

11/17/2020 USA Online

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WFTX Fox 4 (Ft. Myers)

COVID-19 is on the rise in FL nursing homes and assisted facilities, so what happens now?

...Association, which represents assisted living facilities in Florida. Two-and-a-half months ago, Governor Ron DeSantis lifted visitor restrictions on long term care centers. The industry isn't aware of any plans...

11/17/2020 USA Online

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Center Square Florida

New Florida House Speaker espouses law-and-order slate, 'thoughtful' policing review

...should draw the line." Sprowls did not cite specific initiatives or objectives, nor did he mention Gov. Ron DeSantis' proposed Combatting Violence, Disorder and Looting and Law Enforcement Protection

AMERICAN OVERSIGHT

Act that...

11/17/2020 USA Online

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Florida Keys Keysnet

A record number of pythons were removed from the Everglades this year. That's the good news

...Director Eric Sutton in a South Florida Water Management District meeting Thursday. Last year, Gov. Ron DeSantis tasked the FWC's Python Action Team and South Florida Water Management District's Python Elimination...

11/17/2020 USA Online

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South Florida Sun Sentinel
/ Paywall

Would Ron DeSantis, Marco Rubio and Rick Scott yield in 2024 for Donald Trump? | Randy Schultz

...that President Trump would get the 2024 presidential nomination if he wants it. Florida's hopefuls — Ron DeSantis, Marco Rubio and Rick Scott — know that conventional wisdom may be wrong. (Manuel Balce Ceneta...

11/17/2020 USA Online

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WWSB ABC 7 Sarasota

Rapper Lil Wayne charged with federal gun offense in Florida

...certified As legal battles and vote counts continue in other states, Gov. Ron DeSantis, Attorney General Ashley Moody and Chief Financial Officer Jimmy Patronis on Tuesday quickly certified the results of Florida's...

11/17/2020 USA Online

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WWSB ABC 7 Sarasota

Florida Election results certified

...Florida) - As legal battles and vote counts continue in other states, Gov. Ron DeSantis, Attorney General Ashley Moody and Chief Financial Officer Jimmy Patronis on Tuesday quickly certified the results of Florida's...

11/17/2020 USA Online

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VeroNews

County Commission extends mask mandate for 60 days

...riders on the Go-Line, to wear masks or face a $25 fine. But a recent executive order issued by Gov. Ron DeSantis suspended the imposition of fines and penalties by local governments against violators of...

11/17/2020 USA Online

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Bradenton Herald
/ Paywall

Rubio refers to Biden as ‘president-elect’ as Trump refuses to concede

...obviously, it’ll be something we’ll have to deal with." Other Republicans such as Sen. Rick Scott and Gov. Ron DeSantis have not called Biden president-elect. Trump has continued to insist, without evidence, that...

11/17/2020 USA Online

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Citrus County Chronicle
/ Paywall

Simpson takes the reins of Florida Senate

...plans to partner with First Lady Casey DeSantis, who is one of the top advisers to her husband, Gov. Ron DeSantis. This year, she has worked on a number of initiatives aimed at helping Florida children. ...

11/17/2020 USA Online

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WINK (CBS) Ft. Myers

New Lee County commissioners sworn in, want to take action to combat COVID-19

...Because if we plug a hole here and it’s still leaking over here, we’re not getting the job done." Gov. Ron DeSantis appointed Sandelli to the commission last year to replace Larry Kiker, who passed away. Tuesday...

11/17/2020 USA Online

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AUTHORITIES

AMERICAN OVERSIGHT

Florida Bar News

Board of Governors reviews proposed IOTA rule amendment

Supreme Court seeking comments on IOTA task force proposals The Bar Board of Governors has been briefed on proposed Bar rule amendments from the Task Force on the Distribution of IOTA Funds, including...

11/18/2020 USA Online

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South Florida Sun Sentinel
/ **Paywall**

Transgender cashier claims torment by Publix co-workers put her in hospital

...with severe depression. The suit follows a landmark 6-3 decision in June by the United States Supreme Court that Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based...

11/18/2020 USA Online

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Daytona Beach News Journal
/ **Potential** Paywall

In Florida, ex-felon voting rights carry responsibilities, 'socialism' in action

...vote…" More:DeSantis presses case on ex-felons' voting rights Research reveals that when the Florida Supreme Court heard arguments regarding Amendment 4's legal sufficiency for the ballot, Jon Mills, attorney...

11/18/2020 USA Online

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Lakeland Ledger +1 other publication
/ **Potential** Paywall

'Slower, longer, more expensive': Tougher slog coming for constitutional amendments in Florida

...its judicial review threshold last November, and their petition is pending review by the Florida Supreme Court. The Attorney General, Florida Senate and House leaders have challenged the ballot language...

11/18/2020 USA Online

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Sanford Herald

AMERICAN OVERSIGHT

Public Notices: Nov. 18, 2020

...your current address. (You may file Designation of Current Mailing and E-Mailing Address, Florida Supreme Court Approved Family Law Form 12.915.) Future papers in this lawsuit will be mailed ot e-mailed...

11/18/2020 USA Online

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WFSU Newsroom

Financial Watchdog Expected To Get Its Teeth Back Under Biden

...much power and couldn't be removed by the president. The case eventually went all the way to the Supreme Court. And this past summer, the court said the president could fire the director. But by then Trump's...

11/18/2020 USA Online

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Miami Herald +1 other publication

AP Analysis: ‘Who am I to judge?’ helps explain pope’s view | Miami Herald

...his victims were lying and that the case never should have gone to trial. In the end, Argentina’s Supreme Court in March 2017 upheld the conviction and 15-year prison sentence for Grassi. The status of Grassi's...

11/18/2020 USA Online

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Tampa Bay News 9 +1 other publication

Federal Official Has Say on Transition Launch

...W. Bush and Democrat Al Gore, which was decided by a few hundred votes in Florida after the U.S. Supreme Court weighed in more than a month after Election Day. "I told her, ‘I’m looking at you and I can...

11/18/2020 USA Online

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Tampa Bay News 9 +1 other publication

Trump Could Pardon Associates Before Leaving White House

...would only protect him against federal prosecution. Manhattan District Attorney Cy Vance and New York state Attorney General Letitia James are both investigating Trump and his business practices in probes that...

11/18/2020 USA Online

AMERICAN OVERSIGHT

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Insurance Journal

Michigan Governor Says She Has Authority for Virus Stay-Home Order

...lawmakers enacted laws keeping intact unemployment benefits and addressing other matters after the state Supreme Court's October ruling striking down a law she repeatedly used to respond to the pandemic, but said...

11/18/2020 USA Online

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Key West Citizen

There is no return to normalcy

...between "legal" and "illegal votes." Republican attorneys general from 10 states have petitioned the Supreme Court to intervene and stop the vote counting in Pennsylvania. Some Republicans, recognizing that...

11/18/2020 USA Online

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WPLG Channel 10 Miami +4 other publications

Sen. Grassley, 87, says he tested positive for coronavirus

...Oct. 12, 2020 file photo, Sen. Charles Grassley, R-Iowa, listens during a confirmation hearing for Supreme Court nominee Amy Coney Barrett before the Senate Judiciary Committee, on Capitol Hill in Washington....

11/18/2020 USA Online

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workerscompensation.com

The History Of The Judicial Code Of Ethics

...ethics, now focused upon the subject of judges through the efforts of none other than the only U.S. Supreme Court Justice to ever serve as U.S. President, William Howard Taft (1857-1930). That, in itself,...

11/18/2020 USA Online

back

Westside Gazette

Pakistan to Boycott French Goods in Bow to Demands by Islamist Party

...to Islamabad's Red Zone, which houses diplomatic mansions, the parliament and secretariat, and

AMERICAN OVERSIGHT

the Supreme Court, among other important venues, was sealed off by containers. Rizvi, the firebrand religious...

11/18/2020 USA Online

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law.com

Pa. Justices: Trump Campaign Lawyer Was Not Blocked From Observing Phila. Ballot Canvassing

The Pennsylvania Supreme Court on Tuesday reversed a Commonwealth Court ruling that found a Trump campaign representative was denied adequate access to observe ballot canvassing in Philadelphia County during...

11/17/2020 USA Online

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WOLF - Fox Orlando

Trump campaign loses Pennsylvania Supreme Court challenge to Philadelphia election observers

PHILADELPHIA - The Pennsylvania Supreme Court ruled Tuesday that the Philadelphia Board of Elections acted within its authority in regulating the positioning of election observers, striking another blow...

11/17/2020 USA Online

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WFTV (ABC)-Orlando +3 other publications

In court, Giuliani argues to block Biden win in Pennsylvania

...the Trump campaign's arguments lack any constitutional basis or were rendered irrelevant by a state Supreme Court decision Tuesday. They asked Brann to throw out the case, calling the evidence cited "at...

11/17/2020 USA Online

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WOLF - Fox Orlando

Iowa Sen. Chuck Grassley, 87, tests positive for COVID-19

...after voting in the Judiciary Committee to move the nomination of Judge Amy Coney Barrett to the Supreme Court out of committee and on to the Senate for a full vote on October 22, 2020 in Washing (Photo...

11/17/2020 USA Online

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AMERICAN OVERSIGHT

WFTS ABC Channel 28 Tampa +3 other publications

Trump fires federal official after agency declares election ‘most secure’ in US history

...foothold in a number of legal challenges to the election. For instance on Tuesday, Pennsylvania’s Supreme Court dismissed a suit as the Trump campaign claimed that campaign officials did not have "meaningful...

11/17/2020 USA Online

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Miami Herald

Elections did not kill off identity politics. Instead, the strategy was reinvigorated | Opinion

...years after the passage of the Voting Rights Act of 1965 — and seven years after it was gutted by the Supreme Court — the country saw unprecedented voter registration and turnout despite allegations of voter...

11/17/2020 USA Online

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Miami Herald +1 other publication

Deadlines set in lawsuit over Mississippi medical marijuana | Miami Herald

...the ability of local governments to set zoning regulations for medical marijuana businesses. The state attorney general's office called the lawsuit "woefully untimely," and the initiative's sponsors said...

11/17/2020 USA Online

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South Florida Sun Sentinel +1 other publication
/ Paywall

Rudy Giuliani is said to seek $20,000 a day payment for Trump legal work

...following this newsletter. See all newsletters. While the hearing was taking place, the Pennsylvania Supreme Court handed the Trump legal team another defeat, ruling that a lower court should not have agreed...

11/17/2020 USA Online

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WFTV (ABC)-Orlando +6 other publications

AMERICAN OVERSIGHT

In court, Giuliani argues to block Biden win in Pennsylvania

...the Trump campaign's arguments lack any constitutional basis or were rendered irrelevant by a state Supreme Court decision Tuesday. They asked U.S. District Judge Matthew Brann to throw out the case, calling...

11/17/2020 USA Online

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WFTV (ABC)-Orlando +2 other publications

Coronavirus: GOP Sen. Chuck Grassley, 87, tests positive for COVID-19

...Oct. 12, 2020 file photo, Sen. Charles Grassley, R-Iowa, listens during a confirmation hearing for Supreme Court nominee Amy Coney Barrett before the Senate Judiciary Committee, on Capitol Hill in Washington....

11/17/2020 USA Online

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WESH (NBC)-Orlando +1 other publication

Sen. Charles Grassley says he has tested positive for COVID-19

...after voting in the Judiciary Committee to move the nomination of Judge Amy Coney Barrett to the Supreme Court out of committee and on to the Senate for a full vote on Oct. 22, 2020. (Photo by Samuel Corum/Getty...

11/17/2020 USA Online

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WAWS Fox 30 - Jacksonville +2 other publications

Sen. Grassley, 87, says he tested positive for coronavirus

...Oct. 12, 2020 file photo, Sen. Charles Grassley, R-Iowa, listens during a confirmation hearing for Supreme Court nominee Amy Coney Barrett before the Senate Judiciary Committee, on Capitol Hill in Washington....

11/17/2020 USA Online

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Miami Herald +2 other publications

Rapper Lil Wayne charged in Miami with possessing gun as a convicted felon | Miami Herald

...the past, he is prohibited from possessing a firearm." Srebnick said the issue is ripe for a U.S. Supreme Court review, noting it has not yet been resolved as a constitutional question under the Second Amendment,...

11/17/2020 USA Online

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law.com

'You'd Be a Fool to Think This Was an Accident,' Giuliani Tells Pa. Federal Judge in Trump's Election Fraud Case

...Protection Law's definition of "trade or commerce"? That was the question before the Pennsylvania Supreme Court on May 27, the third day of livestreamed oral arguments. Featured Firms Law Offices of...

11/17/2020 USA Online

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South Florida Gay News

Nevada Protects Same-Sex Marriage For The First Time In The Country

...she and others in the LGBT community are feeling about the new conservative majority on the U.S. Supreme Court after two justices took the unusual step of criticizing the high court's 2015 decision guaranteeing...

11/17/2020 USA Online

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NBC 6

'Disgraceful!' — Lawyer Blasts Trump Attorney Giuliani for Seeking to Toss Pa. Votes to Reverse Biden Win

...do that." "Dismiss this case," Aronchick urged the judge. During the hearing, the Pennsylvania Supreme Court rejected the Trump campaign's argument that its election observers were improperly denied access...

11/17/2020 USA Online

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WJCT Jacksonville

Appeals Court Upholds Firing Of Florida Professor Who Questioned Sandy Hook

...to teach students how to recognize and report the warning signs. Updated at 12:30 p.m. ET The Supreme Court has denied Remington Arms Co.'s bid to block a lawsuit filed by families of victims of the...

11/17/2020 USA Online

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AMERICAN OVERSIGHT

The Palm Beach Post

New school board member sworn in; foes want her to resign

...from which he or she is elected, it is less concrete on the definition of residency. A 1947 Florida Supreme Court ruling says "legal residence consists of the concurrence of both fact and intention."Without...

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WESH (NBC)-Orlando +1 other publication

Pennsylvania Supreme Court rejects Trump campaign's complaint about Philadelphia ballot observers

Copy copyShortcut to copy Link copied! Updated: 5:09 PM EST Nov 17, 2020 Pennsylvania Supreme Court rejects Trump campaign's complaint about Philadelphia ballot observers Copy copyShortcut...

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WAWS Fox 30 - Jacksonville +2 other publications

Trump Campaign suffers yet another legal defeat

...was arguing for 1.5 million votes to be thrown out from the elections in Pennsylvania, that state’s Supreme Court rejected claims from the Trump Campaign that Republicans had not been allowed close enough...

11/17/2020 USA Online

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Bloomingdale Patch.com +7 other publications

Pat Kemp Leading Hillsborough County Commission May Signal Change

...referendum placed on the ballot by the All for Transportation advocacy group. In February, the Florida Supreme Court heard arguments on the tax's legality but there's been no final ruling. In the meantime,...

11/17/2020 USA Online

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Tampa Bay Times

Mayor Castor’s tweaks to Tampa’s police review board disappoint activists

...point in dispute is whether the board is able to have subpoena power. Castor points to a 2017 Florida Supreme Court decision that subpoena powers for such boards violated existing state law. The ACLU has argued...

AMERICAN OVERSIGHT

11/17/2020 USA Online

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NBC 6

House Asks Justices to Put Off Case Over Russia Grand Jury

...Sherman • Published 39 mins ago The Democratic-controlled House of Representatives is asking the Supreme Court to put off upcoming arguments about whether Congress should have access to secret grand jury...

11/17/2020 USA Online

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WPTV NBC 5 West Palm Beach

AP FACT CHECK: Trump falsehoods on Biden win, vaccine myths

...illegitimate and illegal. In fact, such counting is explicitly allowed in about 20 states, and the Supreme Court did not stand in the way of it. Trump refused to concede and said he will press his legal...

11/17/2020 USA Online

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South Florida Sun Sentinel
/ Paywall

Trust in institutions, once gone, is hard to get back | Opinion

...slightly cracked with the debacle in the Florida election count and it was a warning sign when the Supreme Court had to determine the result along partisan lines. Today, we are not in a situation of a...

11/17/2020 USA Online

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WJCT Jacksonville

Hungary And Poland Block EU Budget With Pandemic Relief Funds For Hard-Hit Nations

Protesters gather outside Poland's Supreme Court in January, demonstrating against the government's efforts to curtail the judiciary's independence. The European Commission is investigating Poland and Hungary...

11/17/2020 USA Online

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WESH (NBC)-Orlando +1 other publication

AMERICAN OVERSIGHT

A record number of women will serve in the next Congress

...House.After dropping out of high school, she worked as a waitress at a Waffle House. In 1996, the late Supreme Court Justice Ruth Bader Ginsburg wrote the majority opinion in a decision that required the Virginia...

11/17/2020 USA Online

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ENVIRONMENT

Panama City News Herald

OPINION: Marine life threatened by foreign waste

...from just 10 rivers—eight of them located in Asia, with the top polluting rivers being in China. EPA is an international leader that other nations look to for guidance on addressing marine litter, and...

11/18/2020 USA Online

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Daytona Beach News Journal +1 other publication
/ **Potential** Paywall

The health of Floridians would benefit big-time from acting on climate change

...the Obama administration, which created national standards for carbon pollution by power plants. The EPA reported that this rollback would lead to thousands of additional deaths caused by air pollution. ...

11/18/2020 USA Online

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law.com

Some Firms Are Still Expanding Their Office Space; Lack of Trials Means Lack of Settlements; EPA Hit With Lawsuit Over Order to Redo Radiation Reading: The Morning Minute

The news and analysis you need to start your day. By Zack Needles | November 18, 2020 at 06:00 AM X Thank you for sharing! Your article was successfully shared with the contacts you provided. ...

11/18/2020 USA Online

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workerscompensation.com

A Warming World Poses Increased Risks for Many Workers

...workers, farmers, manufacturing workers, and transportation workers. The Environmental Protection

AMERICAN OVERSIGHT

Agency (EPA) offers its own rundown of at-risk groups that includes ranchers, commercial fishermen, and construction...

11/18/2020 USA Online

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Fort Myers News-Press +2 other publications

10 things you need at home in case you or a family member gets COVID-19

...sanitation. While Lysol products were specifically approved by the Environmental Protection Agency (EPA) for protecting against coronavirus, make sure you have something to disinfect your home with. 3....

11/17/2020 USA Online

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Jacksonville Free Press +1 other publication

As Renewable Energy Grows, Some Ask if Oil Has Reached Its Peak

...product has already passed peak demand. In the three scenarios laid out by international oil producer BP in a September report, crude oil never exceeds the demand reached in 2019. In its "business as usual"...

11/17/2020 USA Online

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BUSINESS

WPTV NBC 5 West Palm Beach

5 Things To Know On Wednesday, November 18, 2020

...trafficking investigation The Tallahassee Police Department announced the results of a "large-scale" human trafficking investigation Tuesday that resulted in 178 arrests. Tallahassee Police Chief Lawrence...

11/18/2020 USA Online

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Sanford Herald

Public Notices: Nov. 18, 2020

...your current address. (You may file Designation of Current Mailing and E-Mailing Address, Florida Supreme Court Approved Family Law Form 12.915.) Future papers in this lawsuit will be mailed ot e-mailed...

11/18/2020 USA Online

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AMERICAN OVERSIGHT

WFSU Newsroom

Financial Watchdog Expected To Get Its Teeth Back Under Biden

...much power and couldn't be removed by the president. The case eventually went all the way to the Supreme Court. And this past summer, the court said the president could fire the director. But by then Trump's...

11/18/2020 USA Online

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WPBF

WPBF 25 News Mornings

...a new one to tell you about so here the details photos attorney general ashley moody saying the new scam is impersonating the irs. so here's what they do this out a text. they alert you that you're just a...

11/18/2020 06:49 am USA TV

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WPTV

Today on 5 at 6

the tree. a new covid scam could be sent right could be sent right to your phone. florida's attorney general ashley moody says scammers are impersonating the i- r-s by text message. they're trying to trick...

11/18/2020 06:30 am USA TV

back

Tampa Bay Times

Heads up, Tampa Bay: Scammers pose as utilities and threaten to cut your power

...fear of losing electricity works. So far this year, about 2,400 Tampa Electric Co. customers reported scam attempts. About 100 of them paid scammers a total of about $58,000. Across Florida, approximately...

11/18/2020 USA Online

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WTTA

NewsChannel 8 Today

...time 6.14 on this wednesday in florida's attorney general sending out a warning about a new texting

AMERICAN OVERSIGHT

scam that's going on so it aims to take advantage of people during this pandemic agee ashley moody says...

11/18/2020 06:14 am USA TV

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WJNO-AM 1290 (West Palm Beach)

Florida News that impacts you - November 18th

...Tallahassee a two-year investigation resulted in the apprehension of 170 people. 106 were charged with human trafficking. The investigation revealed the trafficking of a 13-year-old girl. A teacher was among...

11/18/2020 USA Online

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WEAR

3 in the Morning at 5:00AM

...personal responsibility and taking the precautions the c-d-c has issued.im danielle apolinar reporting.>> ashley moody has a warning for floridians if you get a text message from the i-r-s about a stimulus check.it's...

11/18/2020 06:04 am USA TV

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WPTV

Today on 5 at 5

...there's no evidence the doorbell was hacked. police say it's an ongoing investigation. a new covid scam could be sent right to your phone. florida's attorney general ashley moody says scammers are impersonating...

11/18/2020 05:56 am USA TV

back

WUFT 90.1 (Gainesville)

For Immigrants, Election Promises Relief From An ‘Atmosphere Of Terror’

...been deported for minor offenses, advocates say, because of close ties between county jails and immigration authorities. But now, there are some new sheriffs in town. "I’m the sheriff of Gwinnett County...

11/18/2020 USA Online

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WJCT Jacksonville +1 other publication

For Immigrants, Election Promises Relief From An 'Atmosphere Of Terror'

...town hall at Lander University in Greenwood, S.C. The Biden administration says it will rein in Immigration and Customs Enforcement, starting with a temporary moratorium on deportations. Meg Kinnard /...

11/18/2020 USA Online

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WFTV (ABC)-Orlando +1 other publication

Police in Florida’s capital announce 178 arrests in child sex trafficking probe

...National Content Desk Updated: November 17, 2020 - 7:10 PM TALLAHASSEE, Fla. — A large-scale human trafficking investigation conducted over two years in north Florida resulted in 178 arrests, police...

11/18/2020 USA Online

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WPBF

WPBF 25 News Mornings

...schemes related to covid-19 are on the rise. florida's attorney general, ashley moody, says the latest scam is impersonating the irs. scammers send out a text to floridians alerting them they are a few steps...

11/18/2020 04:47 am USA TV

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WPTV

Today on 5 at 4:30

a new covid scam could be sent right to your phone. florida's attorney general ashley moody says scammers are impersonating the i- r-s by text message. they're trying to trick folks into giving up their...

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Coast to Coast AM With George Noory

...on your iPhone or Android browser. News, traffic and weather, tempo, pace, news, radio, WFLA A new scam is surfacing amid talks of another stimulus check distribution. Florida Attorney General Ashley Moody...

AMERICAN OVERSIGHT

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Tampa Bay News 9

Virus worries latest hurdle in Florida school shooting case

...Fla. (AP) — Concerns about the coronavirus in jail emerged Tuesday as the latest roadblock in the death penalty case against Nikolas Cruz, who is accused in the 2018 massacre that killed 17 people at a...

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Bradenton Herald
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Florida Atlantic gets record grant to study Holocaust | Bradenton Herald

...history will not be repeated." Read Next Tallahassee police wrapped up as two-year, large-scale human trafficking investigation Tuesday by announcing the arrest of more than 170 people on charges that...

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...the ring from the schuller that on rape is closed i'm rick you sony's radius extend w. i. o. d. a new scam is servicing amid talks of another stimulus check distribution florida attorney general ashley moody...

11/18/2020 02:31 am USA Radio

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Westside Gazette

Pakistan to Boycott French Goods in Bow to Demands by Islamist Party

...to Islamabad’s Red Zone, which houses diplomatic mansions, the parliament and secretariat, and the Supreme Court, among other important venues, was sealed off by containers. Rizvi, the firebrand religious...

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AMERICAN OVERSIGHT

Rape, abuses in palm oil fields linked to top beauty brands | Miami Herald

...larger in-depth look at the industry that exposed widespread abuses in the two countries, including human trafficking, child labor and outright slavery. Women are burdened with some of the industry's most...

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Coast to Coast AM With George Noory

WFLA, a new scam is surfacing amid talks of another stimulus check distribution. Florida Attorney General Ashley Moody says a text message asks for personal information to receive the deposit. If you get...

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Today in History | Miami Herald

...Shawn Allen Berry of murder for his role in the dragging death of James Byrd Jr., but spared him the death penalty. In 2003, the Massachusetts Supreme Judicial Court ruled 4-to-3 that the state constitution...

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WOLF - Fox Orlando

Virus worries latest hurdle in Florida school shooting case

...FORT LAUDERDALE, Fla. (AP) - Concerns about the coronavirus in jail are the latest roadblock in the death penalty case against the suspect in 2018 massacre that killed 17 people at a Florida high school....

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Miami Herald

ESPN investigation into 2006 murder of UM football star points to ex-teammate as suspect

...away by federal authorities. Read Next Tallahassee police wrapped up as two-year, large-scale human trafficking investigation Tuesday by announcing the arrest of more than 170 people on charges that...

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Eyewitness News at 11pm

more clarity on the next round of funding in a few weeks. attorney general ashley moody is warning everyone about a new covid-19 related tax scam. >> scammers posing as the irs are asking people for direct...

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Man is in critical condition after what police are calling an officer-involved shooting

...and now covers breaking news. Read Next Tallahassee police wrapped up as two-year, large-scale human trafficking investigation Tuesday by announcing the arrest of more than 170 people on charges that...

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el Nuevo Herald

Gobierno de Trump quiere dejar sin permiso de trabajo a inmigrantes con orden de deportación

...de la autorización. Al respecto, Aaron Reichlin-Melnick, consejero de política en el American Immigration Council, señaló en su cuenta de Twitter que esta propuesta busca "despojar de los permisos de trabajo...

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WPEC News 12 Palm Beach County

COVID's housing crisis: evictions resume, foreclosures loom

...impacting Florida's housing market, starting a wave of evictions that could soon develop into a foreclosure crisis (WPEC). /p/p/p/p WEST PALM BEACH, Fla. — One of the long-term side effects of...

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WWSB ABC 7 Sarasota

Human Trafficking Bust

1477 10th Street Sarasota, Fl. 34236 Reach Out To Us

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CU Today

Number of Mortgages in Delinquency Show an Increase, Plus Other Trends

...Calif.- In August, 6.6% of mortgages were delinquent by at least 30 days or more, including those in foreclosure, a 2.9-percentage point increase in the overall delinquency rate compared with August 2019, according...

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Sarasota Patch.com

Sarasota Sheriff Tom Knight Named CEO Of First Step

...graduated from Venice High School in 1981. He attended Manatee Junior College, transferring later to Florida Statue University. There, he earned a bachelor's degree in criminology in 1986. He worked with...

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Miami Herald

Dozens of shots fired, and a man is wounded in the head. But, are the incidents related?

...the University of Delaware. Read Next Tallahassee police wrapped up as two-year, large-scale human trafficking investigation Tuesday by announcing the arrest of more than 170 people on charges that...

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The Latest: Trump to spend Thanksgiving at White House

...Biden on "critical issues affecting Hispanics," which include an "equitable recovery to COVID-19," immigration, equitable education and health care access, racial justice and civil rights protections. Biden...

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Loeffler, Warnock set for head-to-head debate in Georgia | Miami Herald

...their U.S. Senate candidates, and for Kelly Loeffler to explain why she's voted to allow the anti-health care lawsuit to move forward even though it could end health care coverage for 1.8 million Georgians...

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Florida Politics

Tallahassee sex trafficking investigation leads to more than 170 arrests

...tirelessly to bring justice to the victim in this case and were able to make an unprecedented number of human trafficking-related arrests." Image by Jason Delgado. In all, 72 suspects were charged with misdemeanors...

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None

...reelected to other four year term as commissioner florida attorney general ashley moody says the latest scam reports to come from the internal revenue service in the form of a text message this missile twelve...

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WCJB (ABC)-Gainesville

Human Trafficking Bust Yields 178 Arrests

...6:11 PM EST|Updated: 48 minutes ago TALLAHASSEE, Fla. (WCJB) - 178 have been charged in a major human trafficking bust in the state's capital city. The arrests are part of a two-year-long investigation...

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...as early as the first week of december in west palm beach day bob a w. p. t. v. news channel five a

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scam alert tonight florida attorney general ashley moody is sending a warning about a new coded nineteen...

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NewsChannel 5 at 6

>> a scam alert tonight! florida attorney general ashley moody is sending a warning about a new covid-19 related text scam. moody says scammers are sending a text message impersonating the i-r-s to try...

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law.com

'You'd Be a Fool to Think This Was an Accident,' Giuliani Tells Pa. Federal Judge in Trump's Election Fraud Case

...Protection Law's definition of "trade or commerce"? That was the question before the Pennsylvania Supreme Court on May 27, the third day of livestreamed oral arguments. Featured Firms Law Offices of...

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WPLG Channel 10 Miami

Miami-Dade working to distribute federal funds as holidays approach and COVID-19 cases spike

...Hurricane Dorian for the station. She is an Edward R. Murrow Award-winning journalist and previously earned an Emmy Award while at WPLG for her investigative consumer protection segment "Call Christina."

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Miami Herald +2 other publications

‘Stolen Innocence’ human trafficking investigation in Florida leads to 170 arrests

...Howard Cohen November 17, 2020 05:19 PM Tallahassee police wrapped up as two-year, large-scale human trafficking investigation Tuesday by announcing the arrest of more than 170 people on charges that...

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WFTV

Eyewitness News at 5:30pm

...sales to limit the number of people in stores for the holiday shopping season. >> attorney general ashley moody is warning everyone about a new covid-19 related tax scam scammers posing as the irs are asking...

11/17/2020 05:34 pm USA TV

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WTXL ABC 27

FSU launches professional certification in human trafficking prevention and intervention

...16:36:09-05 TALLAHASSEE, Fla. (WTXL) — Florida State University launched a new online certification in human trafficking prevention and intervention. The program's goal is to help professionals develop skills...

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WFSU Newsroom

More Than 170 Suspects Arrested In Connection With Tallahassee Human Trafficking Case

...17, 2020 at 3:56 PM EST Tallahassee Police arrested more than 170 suspects in connection with a human trafficking case. Those suspects' mug shots were displayed on posters during a press conference on...

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WOGX FOX 51 Alachua County

178 arrested in child sex trafficking operation in north Florida

TALLAHASSEE, Fla. - Police in north Florida announced the arrests of 178 people following a "large-scale" human trafficking operation. Tallahassee police held a press conference Tuesday morning on "Operation Stolen...

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WFLA (NBC) Channel 8 Tampa

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Nearly 200 arrested in Florida human trafficking investigation

TALLAHASSEE, Fla. (Cap News Services) - 178 people have been charged in a major human trafficking bust in Tallahassee. The arrests are part of a two-year-long investigation between local, state, and federal...

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WFTS ABC Channel 28 Tampa +2 other publications

178 people in Tallahassee area arrested in 'large-scale' child trafficking investigation

...TALLAHASSEE, Fla. - The Tallahassee Police Department announced Tuesday the outcome of a "large-scale" human trafficking investigation that resulted in 178 people being arrested. The department recently concluded...

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WTSP (Ch.10)Tampa-St. Petersburg

There are now 128 potential questions to study before taking the citizenship test. It used to be 100.

...questions. There’s more imitation. There’s more opportunity to stumble," said Daniela Carrion, an immigration attorney with the Linesch Law Firm. Asked her why she thinks the test is -- by most people’s...

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WAWS Fox 30 - Jacksonville +5 other publications

The Latest: Harris is at Capitol for 1st time as VP-elect

...Biden on "critical issues affecting Hispanics," which include an "equitable recovery to COVID-19," immigration, equitable education and health care access, racial justice and civil rights protections. Biden...

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WJHG NBC News 7 Panama City

Tallahassee Police Department announces 178 arrests in human trafficking investigation

The Tallahassee Police Department announced 178 arrests in a "large-scale" human trafficking investigation Tuesday morning.(WCTV) Published: Nov. 17, 2020 at 8:45 AM CST|Updated: 6 hours

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ago TALLAHASSEE,...

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WWSB ABC 7 Sarasota

Tallahassee police announces 178 arrests in human trafficking investigation

...TALLAHASSEE, Fla. (WCTV) - The Tallahassee Police Department announced 178 arrests in a "large-scale" human trafficking investigation Tuesday morning. TPD Chief Lawrence Revell says in his 30 years in Tallahassee,...

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Florida Attorney General - Morning Clips for November 18, 2020. Daily News Clips created this media review specially for you. Our team is available to answer your questions. Please, just email us:
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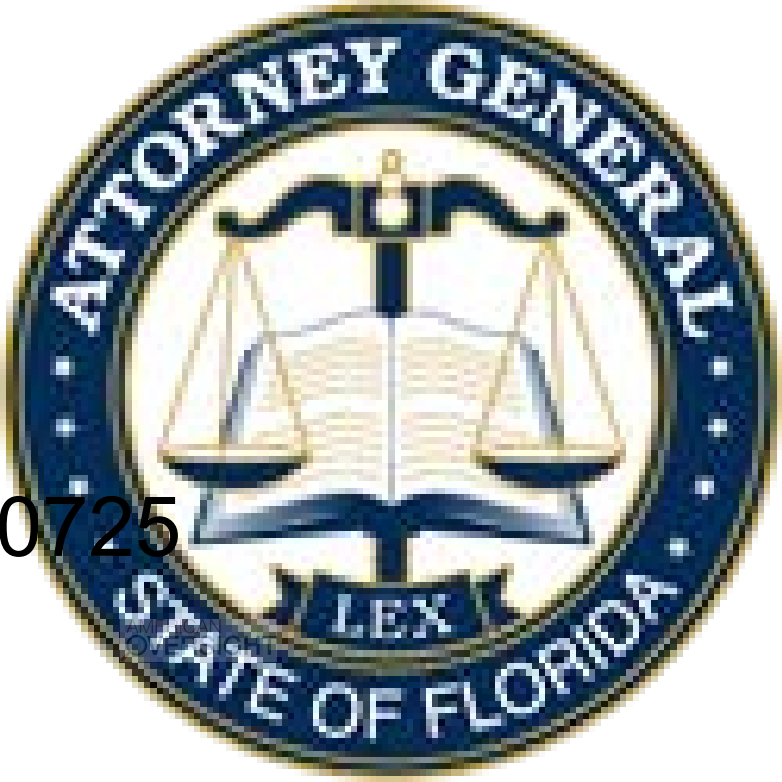

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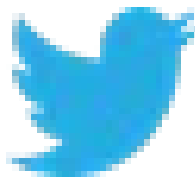

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ATTORNEY GENERAL
LEX
STATE OF FLORIDA

H.R. 133

DIVISION-BY-DIVISION SUMMARY OF COVID-19 RELIEF PROVISIONS

In addition to the text of the Fiscal Year 2021 appropriations bills and authorizing matters, the spending package includes emergency coronavirus relief.

Division M – Coronavirus Response and Relief Supplemental Appropriations Act, 2021

Prepared by the Democratic Staff of the House Committee on Appropriations

Agriculture-Rural Development-FDA

Food and Drug Administration – $55 million for continued work on FDA efforts to facilitate the development and review, both pre-market and post-market, of medical countermeasures, devices, therapies, and vaccines to combat the coronavirus. In addition, funds will support medical product supply chain monitoring and other public health research and response investments.

Labor-Health and Human Services-Education

Department of Health and Human Services – $73 billion to support public health; research, development, manufacturing, procurement, and distribution of vaccines and therapeutics; diagnostic testing and contact tracing; mental health and substance abuse prevention and treatment services; child care support; and other activities related to coronavirus, including:

Centers for Disease Control and Prevention – $8.75 billion to support federal, state, local, territorial and tribal public health agencies to distribute, administer, monitor, and track coronavirus vaccination to ensure broad-based distribution, access, and vaccine coverage, including:

- $4.5 billion for State, local, Territorial, and Tribal Public Health Departments; and
- $300 million for a targeted effort to distribute and administer vaccines to high-risk and underserved populations, including racial and ethnic minority populations and rural communities.

Assistant Secretary for Preparedness and Response – $22.945 billion to respond to coronavirus, including:

- $19.695 billion for the Biomedical Advanced Research and Development Authority (BARDA) for manufacturing and procurement of vaccines and therapeutics, as well as ancillary supplies necessary for the administration of vaccines and therapeutics; and
- $3.25 billion for the Strategic National Stockpile.

Public Health and Social Services Emergency Fund – $25.4 billion to support testing and contact tracing to effectively monitor and suppress COVID-19, as well as to reimburse for health care related expenses or lost revenue attributable to the coronavirus, including:

- $22.4 billion for testing, contact tracing, and other activities necessary to effectively monitor and suppress COVID-19, including $2.5 billion for a targeted effort to improve testing capabilities and contact tracing in high-risk and underserved populations, including racial and ethnic minority populations and rural communities; and

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- $3 billion in additional grants for hospital and health care providers to be reimbursed for health care related expenses or lost revenue directly attributable to the public health emergency resulting from coronavirus, along with direction to allocate not less than 85 percent of unobligated funds in the Provider Relief Fund through an application-based portal to reimburse health care providers for financial losses incurred in 2020.

National Institutes of Health – $1.25 billion to support research and clinical trials related to the long-term effects of COVID-19, as well as continued support for Rapid Acceleration of Diagnostics for COVID-19.

Substance Abuse and Mental Health Services Administration – $4.25 billion to provide increased mental health and substance abuse services and support, including:
- $1.65 billion for the Substance Abuse and Prevention Treatment Block Grant;
- $1.65 billion for the Mental Health Services Block Grant;
- $600 million for Certified Community Behavioral Health Clinics;
- $50 million for suicide prevention programs;
- $50 million for Project AWARE to support school-based mental health for children;
- $240 million for emergency grants to States; and
- $10 million for the National Child Traumatic Stress Network;
- Not less than $125 million of funds provided to SAMHSA must be allocated to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes across a variety of programs.

Administration for Children and Families – $10.25 billion to support early childhood programs and child care providers through:
- • $10 billion for Child Care and Development Block Grants to provide immediate assistance to child care providers; and
- • $250 million for Head Start.

Administration for Community Living – $100 million to address abuse, neglect, and exploitation of the elderly, including adult protective service and long-term care ombudsman activities.

Department of Education

- **$82 billion Education Stabilization Fund**: Flexible funding to support the educational needs of States, school districts, and institutions of higher education and the students they serve in response to coronavirus.

- $819 million for **outlying areas and Bureau of Indian Education-operated and funded schools and Tribal Colleges and Universities**

- **$54.3 billion for the Elementary and Secondary School Emergency Relief Fund**
    - Formula funding to States and school districts to help schools respond to coronavirus, including new allowable uses of funds for:
        - school facilities repairs and improvements, including heating, ventilation, and air conditioning systems projects to improve indoor air quality in school facilities, and
        - addressing learning loss among students, including low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care.

- **$4.1 billion for the Governor's Emergency Education Relief Fund, including:**
    - $2.75 billion for Emergency Assistance to Non-Public Schools grants

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- Language prohibiting States from using any funds to support vouchers or tax credit scholarship programs

- **$22.7 billion for the Higher Education Emergency Relief Fund**
  - $20.2 billion for public and private, non-profit institutions of higher education, including those that serve students enrolled exclusively in distance education, to be distributed by a formula taking into account head count and full-time equivalent enrollment
  - $1.7 billion for Historically Black Colleges and Universities, Tribal Colleges and Universities, Hispanic Serving Institutions, and certain other institutions.
  - $113 million for institutions of higher education with unmet need
  - Cap on funding for proprietary institutions and restrictions on use of funds.

- **$11 million for National Technical Institute for the Deaf** in direct support for this university, created by the National Technical Institute for the Deaf Act, including support for students.

- **$20 million for Howard University** in direct support for this federally-chartered HBCU, including support for students.

- **$11 million for Gallaudet University** in direct support for this federally-chartered university, including support for students.

- **$28 million for the Institute of Education Sciences** to cover the coronavirus related costs of implementing National Assessment of Educational Progress (NAEP) assessments.

- **$50 million total for Student Aid Administration, Program Administration, and the Office of the Inspector General.**

Homeland Security

Federal Emergency Management Agency – Provides up to $2 billion in assistance through states for families with funeral expenses due to COVID through December 31, 2020. It requires FEMA to provide this assistance, which this Administration has previously declined to do, and waives an otherwise required 25% state match.

Transportation-Housing and Urban Development

FAA, Grants-in-Aid for Airports – $2 billion in grants for the operations and personnel cost of airports, including economic relief for retailers at the airport (i.e., concessionaires), and for assistance to communities with small airports.

Highways – $10 billion to support State Departments of Transportation and certain local transportation agencies. Funds are available to replace amounts lost as a result of the coronavirus for preventive maintenance, routine maintenance, operations, and personnel costs and may also support tolling agencies and ferry systems.

Amtrak – $1 billion to support Amtrak's ability to operate Northeast Corridor, State-supported, and long-distance passenger rail service, including $284.7 million to assist States and commuter rail providers in making required payments to Amtrak. Supports Amtrak workers by preventing further employee furloughs, requiring Amtrak to recall workers as passenger rail service is restored, barring Amtrak from replacing any furloughed workers with contractors, and preventing further reductions in long-distance rail service.

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Transit Emergency Relief – $14 billion for operating assistance. In combination with amounts provided in the CARES Act, this funding will ensure both urban and rural transit agencies receive amounts based on their operating expenses. The bill also provides $50 million and spending flexibility for paratransit providers.

Division N – Additional Coronavirus Response and Relief

Title I – Healthcare

Prepared by the Democratic Staff of the House Committee Energy and Commerce

Sec. 101. Supporting Physicians and Other Professionals In Adjusting to Medicare Payment Changes During 2021.

Provides for a one-time, one-year increase in the Medicare physician fee schedule of 3.75 percent, in order to support physicians and other professionals in adjusting to changes in the Medicare physician fee schedule during 2021, and to provide relief during the COVID-19 public health emergency.

Sec. 102. Extension of Temporary Suspension of Medicare Sequestration.

Provides for a three-month delay of the Medicare sequester payment reductions through March 31, 2021.

Title II – Assistance to Individuals, Families, and Businesses

Prepared by the Democratic Staff of the House Committee on Ways & Means

Subtitle A – Unemployment Insurance

Chapter 1 – Continued Assistance to Unemployed Workers

Section 200. This section provides the short title.

Subchapter I – Extension of CARES Act Unemployment Provisions

Section 201. Extension and Benefit Phaseout Rule for Pandemic Unemployment Assistance.

- Extends Pandemic Unemployment Assistance (PUA) to March 14, 2021 and allows individuals receiving benefits as of March 14, 2021 to continue through April 5, 2021, as long as the individual has not reached the maximum number of weeks.
- Increases the number of weeks of benefits an individual may claim from 39 to 50.
- Provides for appeals to be at the state level.
- Provides states authority to waive overpayments made without fault on the part of the individual or when such repayment would violate equity and good conscience.
- Provides a transition rule for certain individuals transitioning between PUA and the Pandemic Emergency Unemployment Compensation program.
- Limits payment of retroactive PUA benefits to weeks of unemployment after December 1, 2020.

Section 202. Extension of Emergency Unemployment Relief for Governmental Entities and Nonprofit Organizations.

Extends through March 14, 2021 a provision in the CARES Act which amended the Families First Coronavirus Response Act to provide federal support to cover 50% of the costs of unemployment benefits for employees of state and local governments and non-profit organizations.

Section 203. Extension of Federal Pandemic Unemployment Compensation.

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Restores the Federal Pandemic Unemployment Compensation (FPUC) supplement to all state and federal unemployment benefits at $300 per week, starting after December 26 and ending March 14, 2021.

Section 204. Extension of Federal Funding of the First Week of Compensable Regular Unemployment for States with No Waiting Week.
Extends through March 14, 2021 the CARES Act provision which reimbursed states for the cost of waiving the "waiting week" for regular unemployment compensation. Sets the reimbursement percentage for weeks ending after December 26, 2020 at 50 percent.

Section 205. Extension of Emergency State Staffing Flexibility.
Extends through March 14, 2021 the CARES Act provision which gave state unemployment offices temporary, emergency authority to use "non-merit" staff.

Section 206. Extension and Benefit Phaseout Rule for Pandemic Emergency Unemployment Compensation.

- Extends Pandemic Emergency Unemployment Compensation (PEUC) to March 14, 2021 and allows individuals receiving benefits as of March 14, 2021 to continue through April 5, 2021, as long as the individual has not reached the maximum number of weeks.
- Increases the number of weeks of benefits an individual may claim through the PEUC program from 13 to 24.
- Provides rules for states about sequencing these benefits with other unemployment benefits.

Section 207. Extension of Temporary Financing of Short-Time Compensation Payments in States with Programs in Law.
Extends through March 14, 2021 the CARES Act provision which provided temporary 100 percent federal financing for Short-Time Compensation ("worksharing") programs which are established in state law.

Section 208. Extension of Temporary Financing of Short-Time Compensation Agreements for States Without Programs in Law.
Extends through March 14, 2021 the CARES Act provision which provided a 50 percent subsidy to non-statutory, temporary state Short-Time Compensation programs.

Section 209. Technical Amendment to References to Regulation in CARES Act.
Provides a technical amendment to correct a reference error in the CARES Act.

Subchapter II – Extension of FFCRA Unemployment Provisions

Section 221. Extension of Temporary Assistance for States with Advances.
Extends through March 14, 2021 accumulation of interest on federal loans states have taken in order to pay state unemployment benefits. The loans allow states with low balances in their unemployment trust funds to delay employer tax increases or other employer surcharges while the economy is struggling.

Section 222. Extension of Full Federal Funding of Extended Unemployment Compensation.
Extends through March 14, 2021 the provision in the Families First Coronavirus Response Act which provided temporary full federal financing of Extended Benefits (EB) for high-unemployment states. States are normally required to pay 50 percent of the cost of EB, which is a program in permanent law.

Subchapter III – Continued Assistance to Rail Workers

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Section 231. Short Title.
This section provides the short title.

Section 232. Additional Enhanced Benefits Under the Railroad Unemployment Insurance Act.
This section restores the federal supplemental benefit for unemployed railroad workers at $600/registration period for registration periods beginning after December 26, 2020 and on or before March 14, 2021.

Section 233. Extended Unemployment Benefits Under the Railroad Unemployment Insurance Act.
Provides up to 11 additional weeks of unemployment benefits under the Railroad Unemployment Insurance Act (RUIA) for qualifying railroad workers. This provision also extends the availability of the 13 weeks of additional unemployment benefits provided under the CARES Act. These weeks are not available to those whose extended benefit period begins after March 14, 2021, and they turn off for everyone for any registration period beginning after April 5, 2021.

Section 234. Extension of Waiver of the 7-Day Waiting Period for Benefits Under the Railroad Unemployment Insurance Act.
This section extends the waiver of the 7-day waiting period for benefits provided under the RUIA through March 14, 2021.

Section 235. Treatment of Payments From the Railroad Unemployment Insurance Account
This section temporarily prevents sequestration of the benefits available under the RUIA during the period that is 7 days after the date of enactment of this section and 30 days after the date on which the President's declaration under the National Emergencies Act related to the coronavirus is terminated.

Subchapter IV – Improvements to Pandemic Unemployment Assistance to Strengthen Program Integrity

Section 241. Requirement to Substantiate Employment or Self-Employment and Wages Earned or Paid to Confirm Eligibility for Pandemic Unemployment Assistance.

- Effective January 31, 2021, requires new applicants for Pandemic Unemployment Assistance (PUA) to submit documentation to substantiate employment or self-employment within 21 days and provides for such deadline to be extended when an individual has shown good cause.
- Requires individuals receiving PUA as of January 31, 2021 to submit documentation to substantiate employment or self-employment within 90 days.

Section 242. Requirement for States to Verify Identity of Applicants for Pandemic Unemployment Assistance.

- Requires states to have procedures in place to verify or validate the identity of PUA applicants, and for timely payment of benefits.
- Clarifies that expenses to implement such procedures qualify as an administrative cost and may be reimbursed as part of PUA operation.

Subchapter V – Return to Work Reporting Requirement

Section 251. Return to Work Reporting for CARES Act Agreements. Effective 30 days after enactment, requires states to have methods in place to address situations when claimants of unemployment compensation refuse to return to work or refuse to accept an offer of suitable work without good cause including:

- A reporting method for employers to notify the state when an individual refuses employment.

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- A plain language notice to claimants about state return to work laws, rights to refuse to return to work or to refuse suitable work and information on contesting a denial of a claim, as well as what constitutes suitable work, including a claimant's right to refuse work that poses a risk to the claimant's health and safety.

Subchapter VI – Other Related Provisions and Technical Corrections

Section 261. Mixed Earner Unemployment Compensation.
Provides a federally funded $100 per week additional benefit to individuals who have at least $5,000 a year in self-employment income but are disqualified from receiving Pandemic Unemployment Assistance because they are eligible for regular state unemployment benefits. This mixed-earner supplemental benefit would be added to the FPUC and would terminate along with it on March 14, 2021. This provision would be effective for future unemployment benefit payments after a state chose to make an agreement with the Department of Labor.

Section 262. Lost Wages Assistance Recoupment Fairness.
Allows states to waive recovery of "Lost Wages Assistance" overpayments for which the recipient was not at fault and would suffer hardship if required to repay the benefits the same way they do in state unemployment benefits.

Section 263. Continuing Eligibility for Certain Recipients of Pandemic Unemployment Assistance.
Ensures individuals who are otherwise eligible for Pandemic Unemployment Assistance do not have their benefits terminated because of inadvertent or state system failure errors in past required weekly benefit recertifications, so long as the state made good faith efforts to implement the program.

Section 264. Technical Correction for Nonprofit Organizations Classified as Federal Instrumentalities.
This section makes a technical correction to allow certain federal instrumentalities that are reimbursable employers to receive the same federal subsidy for reimbursable employers that is provided to nonprofit organizations and government entities (see Sec. 1102).

Section 265. Technical Correction for the Commonwealth of Northern Mariana Islands.
Allows Pandemic Unemployment Assistance benefits to be provided to workers in the Commonwealth of the Northern Mariana Islands with "Commonwealth Only Transitional Worker," or CW-1 status.

Section 266. Waiver to Preserve Access to Extended Benefits in High Unemployment States.
Provides a temporary waiver of the mandatory "EB freeze period" for states that trigger back onto the program because of fluctuations in their unemployment rates, beginning November 1, 2020 and ending December 31, 2021.

Subtitle B – COVID-Related Tax Relief

Chapter 1 – Continued Assistance to Unemployed Workers

Secs. 271. Short title. Table of contents.

Secs. 272-273. Additional 2020 recovery rebates for individuals.
The provision provides a refundable tax credit in the amount of $600 per eligible family member. The credit is $600 per taxpayer ($1,200 for married filing jointly), in addition to $600 per qualifying child. The credit phases

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out starting at $75,000 of modified adjusted gross income ($112,500 for heads of household and $150,000 for married filing jointly) at a rate of $5 per $100 of additional income.

The provision also provides for Treasury to issue advance payments based on the information on 2019 tax returns. Eligible taxpayers treated as providing returns through the nonfiler portal in the first round of Economic Impact Payments, provided under the CARES Act, will also receive payments. Treasury may issue advance payments for Social Security Old-Age, Survivors, and Disability Insurance beneficiaries, Supplemental Security Income recipients, Railroad Retirement Board beneficiaries, and Veterans Administration beneficiaries who did not file 2019 returns based on information provided by the Social Security Administration, the Railroad Retirement Board, and the Veterans Administration.

In general, taxpayers without an eligible social security number are not eligible for the payment. However, married taxpayers filing jointly where one spouse has a Social Security Number and one spouse does not are eligible for a payment of $600, in addition to $600 per child with a Social Security Number.

The provision aligns the eligibility criteria for the new round of Economic Impact Payments and the credit for the Economic Impact Payments provided by the CARES Act. Taxpayers receiving an advance payment that exceeds the amount of their eligible credit will not be required to repay any amount of the payment. If the amount of the credit determined on the taxpayer's 2020 tax return exceeds the amount of the advance payment, taxpayers will receive the difference as a refundable tax credit.

Advance payments are generally not subject to administrative offset for past due federal or state debts. In addition, the payments are protected from bank garnishment or levy by private creditors or debt collectors.

Additionally, the provision instructs Treasury to make payments to the territories that relate to each territory's cost of providing the credits.

Sec. 274. Extension of certain deferred payroll taxes. On August 8, 2020, the President of the United States issued a memorandum to allow employers to defer withholding employees' share of social security taxes or the railroad retirement tax equivalent from September 1, 2020 through December 31, 2020, and required employers to increase withholding and pay the deferred amounts ratably from wages and compensation paid between January 1, 2021 and April 31, 2021. Beginning on May 1, 2021, penalties and interest on deferred unpaid tax liability will begin to accrue.

The provision extends the repayment period through December 31, 2021. Penalties and interest on deferred unpaid tax liability will not begin to accrue until January 1, 2022.

Sec. 275. Regulations or guidance clarifying application of educator expense tax deduction.
The provision requires the Secretary of the Treasury to issue guidance or regulations providing that personal protective equipment and other supplies used for the prevention of the spread of COVID-19 are treated as eligible expenses for purposes of the educator expense deduction. Such regulations or guidance shall be retroactive to March 12, 2020.

Sec. 276. Clarification of tax treatment of Paycheck Protection Program loans.
The provision clarifies that gross income does not include any amount that would otherwise arise from the forgiveness of a Paycheck Protection Program (PPP) loan. This provision also clarifies that deductions are allowed for otherwise deductible expenses paid with the proceeds of a PPP loan that is forgiven, and that the tax basis and other attributes of the borrower's assets will not be reduced as a result of the loan forgiveness. The

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provision is effective as of the date of enactment of the CARES Act. The provision provides similar treatment for Second Draw PPP loans, effective for tax years ending after the date of enactment of the provision.

Sec. 277. Emergency financial aid grants.
The provision provides that certain emergency financial aid grants under the CARES Act are excluded from the gross income of college and university students. The provision also holds students harmless for purposes of determining eligibility for the American Opportunity and Lifetime Learning tax credits. The provision is effective as of the date of enactment of the CARES Act.

Sec. 278. Clarification of tax treatment of certain loan forgiveness and other business financial assistance under the coronavirus relief legislation.
The provision clarifies that gross income does not include forgiveness of certain loans, emergency EIDL grants, and certain loan repayment assistance, each as provided by the CARES Act. The provision also clarifies that deductions are allowed for otherwise deductible expenses paid with the amounts not included in income by this section, and that tax basis and other attributes will not be reduced as a result of those amounts being excluded from gross income. The provision is effective for tax years ending after date of enactment of the CARES Act. The provision provides similar treatment for Targeted EIDL advances and Grants for Shuttered Venue Operators, effective for tax years ending after the date of enactment of the provision.

Sec. 279. Authority to waive certain information reporting requirements.
The provision gives Treasury authority to waive information filing requirements for any amount excluded from income by reason of the exclusion of covered loan amount forgiveness from taxable income, the exclusion of emergency financial aid grants from taxable income or the exclusion of certain loan forgiveness and other business financial assistance under the CARES act from income.

Sec. 280. Application of special rules to money purchase pension plans.
The CARES Act temporarily allows individuals to make penalty-free withdrawals from certain retirement plans for coronavirus-related expenses, permits taxpayers to pay the associated tax over three years, allows taxpayers to recontribute withdrawn funds, and increases the allowed limits on retirement plan loans. This section clarifies that money purchase pension plans are included in the retirement plans qualifying for these temporary rules. The provision applies retroactively as if included in Section 2202 of the CARES Act.

Sec. 281. Election to waive application of certain modifications to farming losses.
This section allows farmers who elected a two-year net operating loss carryback prior to the CARES Act to elect to retain that two-year carryback rather than claim the five-year carryback provided in the CARES Act. This section also allows farmers who previously waived an election to carry back a net operating loss to revoke the waiver. These clarifications eliminate unnecessary compliance burdens for farmers. The provision applies retroactively as if included in Section 2303 of the CARES Act.

Sec. 282. Oversight and audit reporting.
The CARES Act authorizes the Comptroller General to conduct monitoring and oversight of federal response efforts related to the Coronavirus 2019 pandemic and its general effects. The Comptroller General is required to provide briefings and reports to “appropriate congressional committees.” The CARES Act omitted the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives in its list of “appropriate congressional committees.” This section includes those two committees in the appropriate-committee list, as the Comptroller General’s monitoring and oversight is expected to cover matters in the committees’ jurisdiction and may involve accessing federal tax data.

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Sec. 283. Disclosures to identify tax receivables not eligible for collection pursuant to qualified tax collection contracts.
Section 1205 of the Taxpayer First Act (P.L. 116-25) excludes supplemental social security (SSI) and social security disability insurance (SSDI) beneficiaries from the IRS private debt collection program beginning on January 1, 2021. The IRS and SSA need statutory authority to share information to determine which taxpayers are SSI or SSDI beneficiaries and eligible for exclusion from the IRS program. The provision provides the authority needed to share such information and make the Taxpayer First Act provision work as intended.

Sec. 284. Modification of certain protections for taxpayer return information.
The provision modifies a provision in the CARES Act. The CARES Act modified Section 3 of the FUTURE Act (P.L. 116-91), which amended section 6103 of the Code to allow the IRS to share tax return information of student aid applicants, their parents, students, and borrowers with the Department of Education and further allowed that tax return information be redisclosed to colleges and universities (and certain scholarship organizations) with the taxpayer confidentiality protections afforded under section 6103 of the Code. Section 3516 of the CARES Act repealed the 6103 changes in the FUTURE Act and stripped all the taxpayer confidentiality protections applicable to the tax return information shared by IRS with the Department of Education (and the subsequent redisclosure to colleges, universities, and scholarship funds). The provision unwinds and fixes the changes made by the CARES Act and restores taxpayer confidentiality protections to the tax return information shared by IRS while allowing certain uses as requested by the committees with education jurisdiction.

Sec. 285. Election to Terminate Transfer Period for Qualified Transfers from Pension Plan for Covering Future Retiree Costs.
Section 420 of the Internal Revenue Code permits “qualified future transfers,” under which up to 10 years of retiree health and life costs may be transferred from a company’s pension plan to a retiree health benefits account and/or a retiree life insurance account within the pension plan. Such transfers must meet a number of requirements: the plan must be 120 percent funded at the outset, it must be 120 percent funded throughout the transfer period, all unused amounts must be transferred back, and the plan is subject to a maintenance of effort requirement. Applying the current-law requirements during the market volatility related to the coronavirus pandemic has caused plans that have been historically far over 120 percent funded to fall below 120 percent and face a requirement to immediately restore these large market losses in order to get back to 120 percent funded. This provision would allow employers to make a one-time election during 2020 and 2021 to end any existing transfer period for any taxable year beginning after the date of election, provided the maintenance of effort continues to apply as if the transfer period were not shortened, the employer ensures the plan stays at least 100 percent funded throughout the original transfer period, the plan has funding targets for the first five years after the original transfer period, and all amounts left in the retiree benefits account at the end of the shortened transfer period must be returned to the pension plan (without application of an excise tax to such amounts).

Sec. 286. Extension of credits for paid sick and family leave.
The provision extends the refundable payroll tax credits for paid sick and family leave, enacted in the Families First Coronavirus Response Act, through the end of March 2021. It also modifies the tax credits so that they apply as if the corresponding employer mandates were extended through the end of March 2021. This provision is effective as if included in FFCRA.

Sec. 287. Election to use prior year net earnings from self-employment in determining average daily and self-employment income for purposes of credits for paid sick and family leave.
Allows individuals to elect to use their average daily self-employment income from 2019 rather than 2020 to compute the credit. This provision is effective as if included in FFCRA.

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Sec. 288. Certain technical improvements to credits for paid sick and family leave.
Makes technical changes coordinating the definitions of qualified wages within the paid sick leave, paid family and medical leave, and the exclusion of such leave from employer OASDI tax. This provision is effective as if included in FFCRA.

Title III - Continuing the Paycheck Protection Program and Other Small Business Support
Prepared by the House Committee on Small Business

Title I: Continuing the Paycheck Protection Program and Other Small Business Support

Section 301; 302: Short Title; Definitions.

Section 303: Emergency Rulemaking Authority.
- Requires the SBA Administrator to establish regulations to carry out this title no later than 10 days after enactment of this title.

Section 304: Additional Eligible Expenses.
- Makes the following expenses allowable and forgivable uses for Paycheck Protection Program funds:
  - Covered operations expenditures. Payment for any software, cloud computing, and other human resources and accounting needs.
  - Covered property damage costs. Costs related to property damage due to public disturbances that occurred during 2020 that are not covered by insurance.
  - Covered supplier costs. Expenditures to a supplier pursuant to a contract, purchase order, or order for goods in effect prior to taking out the loan that are essential to the recipient's operations at the time at which the expenditure was made. Supplier costs of perishable goods can be made before or during the life of the loan.
  - Covered worker protection expenditure. Personal protective equipment and adaptive investments to help a loan recipient comply with federal health and safety guidelines or any equivalent State and local guidance related to COVID-19 during the period between March 1, 2020, and the end of the national emergency declaration.
- Redesignates Section 1106 of the CARES Act and other subsequent conforming amendments as section 7A. This would transfer section 104 of this title to the end of section 7 of the Small Business Act (15 U.S.C. 631 et seq.). Relevant sections to follow contain this technical redesignation.
- Allows loans made under PPP before, on, or after the enactment of this act to be eligible to utilize the expanded forgivable expenses except for borrowers who have already had their loans forgiven.

Section 05: Hold Harmless.
- Provides that a lender may rely on any certification or documentation submitted by a borrower for an initial or second draw PPP loan and that no enforcement action may be taken against the lender and the lender shall not be subject to any penalties relating to loan origination or forgiveness if (1) the lender acts in good faith relating to loan origination or forgiveness; and (2) all relevant federal, state, local and other statutory and regulatory requirements are satisfied.

Section 306: Selection of Covered Period for Forgiveness.
- Allows the borrower to elect a covered period ending at the point of the borrower's choosing between 8 and 24 weeks after origination.

Section 307: Simplified Application.
- Creates a simplified application process for loans under $150,000 such that:

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- A borrower shall receive forgiveness if a borrower signs and submits to the lender a certification that is not more than one page in length, includes a description of the number of employees the borrower was able to retain because of the covered loan, the estimated total amount of the loan spent on payroll costs, and the total loan amount. The borrower must also attest that borrower accurately provided the required certification and complied with Paycheck Protection Program loan requirements. SBA must establish this form within 24 days of enactment and may not require additional materials unless necessary to substantiate revenue loss requirements or satisfy relevant statutory or regulatory requirements. Additionally, borrowers are required to retain relevant records related to employment for four years and other records for three years. The Administrator may review and audit these loans to ensure against fraud.
- At the discretion of the borrower, the borrowers may complete and submit demographic information for all PPP loans.
- The SBA must submit to the Senate and House Small Business Committees a report 45 days after enactment detailing their review and forgiveness audit plan to mitigate risk of fraud and provide monthly reviews and audit updates thereafter.
- Applies to loans made before, on, or after the date of enactment, including the forgiveness of the loan.

Section 308: Specific Group Insurance Payments as Payroll Costs.

- Clarifies that other employer-provided group insurance benefits are included in payroll costs. This includes, group life, disability, vision, or dental insurance.
- Applies to loans made before, on, or after the date of enactment, including the forgiveness of the loan.

Section 309: Demographic Information.

- Requires the SBA to include a voluntary demographic information section on the loan origination application for initial PPP loans and second draw PPP loans. All PPP loan applications after enactment must include this section.

Section 310: Clarification of and Additional Limitations on Eligibility.

- Clarifies that a business or organization that was not in operation on February 15, 2020 shall not be eligible for an initial PPP loan and a second draw PPP loan.
- Prohibits eligible entities that receive a grant under the Shuttered Venue Operator Grants from obtaining a PPP loan.

Section 311: Paycheck Protection Program Second Draw Loans.

- Creates a second loan from the Paycheck Protection Program, called a "PPP second draw" loan for smaller and harder-hit businesses, with a maximum amount of $2 million.
- Eligibility. In order to receive a Paycheck Protection Program loan under this section, eligible entities must:
  - Employ not more than 300 employees;
  - Have used or will use the full amount of their first PPP; and
  - Demonstrate at least a 25 percent reduction in gross receipts in the first, second, or third quarter of 2020 relative to the same 2019 quarter. Provides applicable timelines for businesses that were not in operation in Q1, Q2, and Q3, and Q4 of 2019. Applications submitted on or after January 1, 2021 are eligible to utilize the gross receipts from the fourth quarter of 2020.
- Eligible entities must be businesses, certain non-profit organizations, housing cooperatives, veterans' organizations, tribal businesses, self-employed individuals, sole proprietors, independent contractors, and small agricultural co-operatives.
- Ineligible entities include: entities listed in 13 C.F.R. 120.110 and subsequent regulations except for entities from that regulation which have otherwise been made eligible by statute or guidance, and except for nonprofits and religious organizations; entities involved in political and lobbying activities including

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engaging in advocacy in areas such as public policy or political strategy or otherwise describes itself as a think tank in any public document, entities affiliated with entities in the People's Republic of China; registrants under the Foreign Agents Registration Act; and entities that receive a grant under the Shuttered Venue Operator Grant program.

- Loan terms. In general, borrowers may receive a loan amount of up to 2.5X the average monthly payroll costs in the one year prior to the loan or the calendar year. No loan can be greater than $2 million.
    - Seasonal employers may calculate their maximum loan amount based on a 12-week period beginning February 15, 2019 through February 15, 2020.
    - New entities may receive loans of up to 2.5X the sum of average monthly payroll costs.
    - Entities in industries assigned to NAICS code 72 (Accommodation and Food Services) may receive loans of up to 3.5X average monthly payroll costs.
    - Businesses with multiple locations that are eligible entities under the initial PPP requirements may employ not more than 300 employees per physical location.
    - Waiver of affiliation rules that applied during initial PPP loans apply to a second loan.
    - An eligible entity may only receive one PPP second draw loan.
    - Fees are waived for both borrowers and lenders to encourage participation.
    - For loans of not more than $150,000, the entity may submit a certification attesting that the entity meets the revenue loss requirements on or before the date the entity submits their loan forgiveness application and non-profit and veterans organizations may utilize gross receipts to calculate their revenue loss standard.
- Loan forgiveness. Borrowers of a PPP second draw loan would be eligible for loan forgiveness equal to the sum of their payroll costs, as well as covered mortgage, rent, and utility payments, covered operations expenditures, covered property damage costs, covered supplier costs, and covered worker protection expenditures incurred during the covered period. The 60/40 cost allocation between payroll and non-payroll costs in order to receive full forgiveness will continue to apply.
- Lender eligibility. A lender approved to make loans under initial PPP loans may make covered loans under the same terms and conditions as the initial loans.
- Lender compensation. The Administrator is authorized to reimburse a lender by a tiered structure: For loans up to $50,000, the lender processing fee will be the lesser of 50 percent of the principal amount or $2,500. For loans between $50,000 and $350,000, the lender fee will be five percent. For loans $350,000 and above, the lender fee will be three percent.
- Guidance to prioritize underserved communities. Directs the Administrator to issue guidance addressing barriers to access to capital for underserved communities no later than 10 days after enactment.
- Standard Procedures. Directs the SBA to allow lenders to approve loans made under this paragraph utilizing existing program guidance and standard operating procedure, to the maximum extent possible, as the standard SBA 7(a) program.
- Churches and religion organizations. Expresses the sense of Congress that the Administrator's guidance clarifying the eligibility of churches and religious organizations was proper and prohibits the application of regulations otherwise rendering ineligible businesses principally engaged in teaching, instructing, counseling, or indoctrinating religion or religious beliefs. Codifies that the prohibition on eligibility in 13 CRF 120.110(k) shall not apply for initial and second draw loans.
- Application of Exemption Based on Employee. Extends existing safe harbors on restoring FTE and salaries and wages. Specifically, applies the rule of reducing loan forgiveness for the borrower reducing the number of employees retained and reducing employees' salaries in excess of 25 percent. Allows the SBA and Treasury Department to jointly modify any date in section 7A(d) consistent with the purposes of the Paycheck Protection Program.

Section 312: Increased Ability for Paycheck Protection Program Borrowers to Request an Increase in Loan Amount Due to Updated Regulations.

- Requires the Administrator to release guidance to lenders within 17 days of enactment that allows borrowers who returned all or part of their PPP loan to reapply for the maximum amount applicable so

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long that they have not received forgiveness. Additionally, this section allows borrowers whose loan calculations have increased due to changes in interim final rules to work with lenders to modify their loan value regardless of whether the loan has been fully disbursed, or if Form 1502 has already been submitted.

Section 313: Calculation of Maximum Loan Amount for Farmers and Ranchers under the Paycheck Protection Program.

- Establishes a specific loan calculation for the first round of Paycheck Protection Program loans for farmers and ranchers who operate as a sole proprietor, independent contractor, self-employed individual, who report income and expenses on a Schedule F, and were in business as of February 15, 2020. These entities may utilize their gross income in 2019 as reported on a Schedule F. Lenders may recalculate loans that have been previously approved to these entities if they would result in a larger loan.
- Applies to PPP loans before, on, or after the date of enactment, except for loans that have already been forgiven.

Section 314: Farm Credit System Institutions.

- Allows Farm Credit System Institutions to be eligible to make loans under the Paycheck Protection Program. It also allows for a zero risk weight for Paycheck Protection Program loans and aligns eased requirements for Farm Credit System Institutions with those of other Paycheck Protection Program lenders.
- Applies to any loan made before, on or after enactment including the forgiveness of the loan.

Section 315: Definition of a Seasonal Employer.

- Defines a seasonal employer to be an eligible recipient which: (1) operates for no more than seven months in a year, or (2) earned no more than 1/3 of its receipts in any six months in the prior calendar year.
- Applies to any loan made before, on or after enactment including the forgiveness of the loan.

Section 316: Housing Cooperatives.

- Extends PPP eligibility to housing cooperatives defined in section 216(b) of the Internal Revenue Code of 1986 and which employ no more than 300 employees.

Section 317: Eligibility of News Organizations for Loans under the Paycheck Protection Program.

- Makes eligible FCC license holders and newspapers with more than one physical location, as long as the business has no more than 500 employees per physical location or the applicable SBA size standard; and makes eligible section 511 public colleges and universities that have a public broadcasting station if:
    - The organization certifies that the loan will support locally focused or emergency information.
- Waives affiliation rules for newspapers, TV and radio broadcasters, and public broadcasters, as long as the organization has no more than 500 employees per physical location or the applicable SBA size standard.
- Waives the prohibition against publicly-traded news organizations from being eligible if the business certifies that the loan will support locally focused or emergency content.

Section 318: Eligibility of 501(c)(6) and Destination Marketing Organizations for Loan Under the Paycheck Protection Program.

- Expands eligibility to receive a Paycheck Protection Program loan to include the following organizations:
    - 501(c)(6) organizations if:
        - The organization does not receive more than 15 percent of receipts from lobbying;
        - The lobbying activities do not comprise more than 15 percent of activities;

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        - The cost of lobbying activities of the organization did not exceed $1,000,000 during the most recent tax year that ended prior to February 15, 2020 and
        - The organization has 300 or fewer employees.
        - Professional sports leagues or organizations with the purpose of promoting or participating in a political campaign or other political activities are not eligible under this section.
    - Destination Marketing Organizations if:
        - The organization does not receive more than 15 percent of receipts from lobbying;
        - The lobbying activities do not comprise more than 15 percent of activities;
        - The organization has 300 or fewer employees; and
        - That destination marketing organization is registered as a 501(c) organization, a quasi-government entity, or a political subdivision of a state or local government.

Section 319: Prohibition on Use of Loan Proceeds for Lobbying Activities.

- Prohibits any eligible entity from using proceeds of the covered loan for lobbying activities, as defined by the Lobbying Disclosure Act, lobbying expenditures related to state or local campaigns, and expenditures to influence the enactment of legislation, appropriations, or regulations.

Section 320: Bankruptcy Provisions.

- Establishes a special procedure in the bankruptcy process if the Administrator determines certain small business debtors are eligible for Paycheck Protection Program loans. It requires court approval for Paycheck Protection Program loans to these debtors and requires any such loan be given a superpriority claim in the bankruptcy process, providing additional protection to taxpayers and participating banks. The provisions in this section would take effect only upon a written determination by the Administrator that certain small business debtors are eligible for Paycheck Protection Program loans and would sunset two years from the date of enactment.

Section 321: Oversight.

- Requires the SBA to comply with GAO requests no later than 15 days, and requires the SBA to submit a detailed justification to Senate and House Small Business Committees if they are unable to comply with the request. It also would require the Secretary of the Treasury and SBA Administrator to testify within 120 days of enactment of this Act and not less than twice per year for the next two years to the Senate and House Small Business Committees.

Section 322: Conflicts of Interest.

- Requires the President, Vice President, the head of an Executive department, or a Member of Congress as well as their spouse that has received a PPP loan to disclose this status at forgiveness or 30 days thereafter. It would also prohibit the covered individuals from receiving a loan in the future.

Section 323: Commitment Authority and Appropriations.

- Extends the time of the program to March 31, 2021.
- Sets the authorization level for PPP at $806.5 billion.
- Separates regular 7(a) and PPP loans to ensure the continued operation of the 7(a) program by setting an authorization level of $75 billion and clarifies the 7(a) program level and secondary market cap.
- Direct appropriations:
    - $284.45 billion for PPP, including the following set-asides:
        - Lenders:
            - $15 billion for PPP loans (initial and second draw) issued by community financial institutions, including community development financial institutions (CDFIs) and minority depository intuitions (MDIs);

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        - $15 billion for PPP loans (initial and second draw) issued by certain small depository institutions.
    - Borrowers:
        - $35 billion for first-time borrowers, $15 billion of which for smaller, first-time borrowers with 10 or fewer employees, or loans less than $250,000 in low-income areas;
        - $25 billion for second draw PPP loans for smaller borrowers with 10 or fewer employees, or loans less than $250,000 in low-income areas.
    - After 25 days, the SBA Administrator may adjust the set-asides as necessary.
- $25 million for the Minority Business Development Centers program under the Minority Business Development Agency (MBDA);
- $50 million for PPP auditing and fraud mitigation purposes;
- $20 billion for the Targeted EIDL Advance program, of which $20 million for the Inspector General;
- $57 million for the Microloan program as described in section 29;
- $1.9 billion to carry out sections 26, 27, and 28;
- $3.5 billion for the Debt Relief program as described in section 25;
- $15 billion for grants for live venues as described in section 24.

Section 324: Grants for Shuttered Venue Operators.

- Authorizes $15 billion for the SBA to make grants to eligible live venue operators or promoters, theatrical producers, live performing arts organization operators, museum operators, motion picture theatre operators, or talent representatives who demonstrate a 25 percent reduction in revenues.
- There is a set-aside of $2 billion for eligible entities that employ not more than 50 full-time employees, and any amounts from this set-aside remaining after sixty days from the date of implementation of this program shall become available to all eligible applicants under this section.
- The SBA may make an initial grant of up to $10 million dollars to an eligible person or entity and a supplemental grant that is equal to 50 percent of the initial grant.
- In the initial 14-day period of implementation of the program, grants shall only be awarded to eligible entities that have faced 90 percent or greater revenue loss. In the 14-day period following the initial 14-day period, grants shall only be awarded to eligible entities that have faced 70 percent or greater revenue loss. After these two periods, grants shall be awarded to all other eligible entities.
- Such grants shall be used for specified expenses such as payroll costs, rent, utilities, and personal protective equipment.
- Requires the Administrator to conduct increased oversight of eligible persons and entities receiving these grants.
- Requires the SBA to submit a report to the Senate and House Small Business Committees 45 days after enactment detailing their oversight and audit plan for shuttered venue grants and to provide monthly updates on the oversight and audit activities conducted by the Administrator.

Section 325: Extension of the debt relief program.

- Resumes the payment of principal and interest (P&I) on small business loans guaranteed by the SBA under the 7(a), 504 and microloan programs, established under the CARES Act.
- All borrowers with qualifying loans approved by the SBA prior to the CARES Act will receive an additional three months of P&I, starting in February 2021. Going forward, those payments will be capped at $9,000 per borrower per month.
- After the three-month period described above, borrowers considered to be underserved—namely the smallest or hardest-hit by the pandemic—will receive an additional five months of P&I payments, also capped at $9,000 per borrower per month. They include:

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    - Borrowers with SBA microloans or 7(a) Community Advantage loans
    - Borrowers with any 7(a) or 504 loan in the hardest-hit sectors, as measured by the severity of sector-wide job losses since the start of the pandemic. They include food service and accommodation; arts, entertainment and recreation; education; and laundry and personal care services.
- SBA payments of P&I on the first 6 months of newly approved loans will resume for all loans approved between February 1 and September 30, 2021, also capped at $9,000 per month.
- If the SBA projects that appropriations provided for the debt relief program are insufficient to fund the extensions provided, the Administrator may proportionally reduce the number of months provided in each extension.
- Clarifies eligibility and increases program integrity:
    - SBA payments should be made on any loan approved before the applicable deadline, and debt relief payments should be made only once the loan is fully disbursed.
    - SBA may establish a minimum loan maturity period for each loan product covered under this section to prevent program abuse.
    - Any business or applicant may only receive P&I payments for only one loan approved after CARES Act enactment.
- Requires that SBA place program information on its website, conduct outreach to all borrowers, report monthly to Congress on program spending, and educate lenders, borrowers, SBA district offices, and resources partners about the program.

Section 326: Modifications to 7(a) Loan Programs.

- Increases to 90 percent the loan guarantee amount on 7(a) loans, including for Community Advantage loans, until October 1, 2021.
- Increases the Express Loan amount from $350,000 to $1 million on January 1, 2021, and then reverts permanently to a lower amount of $500,000 on October 1, 2021.
- The Express Loan guaranty amount for loans of $350,000 and less is temporarily increased from 50 percent to 75 percent, and for loans above $350,000 the guarantee remains at 50 percent. On October 1, 2021, the guarantee reverts to 50 percent for all Express Loans.

Section 327: Temporary Fee Reductions.

- Waives lender and borrower fees for both the 7(a) and 504 loan programs.

Section 328: Low-Interest Refinancing.

- Enhances the 504 refinancing rules in order to create reciprocity for refinancing between 504 and 7(a) programs.
- Grants authority through September 30, 2023 for SBA to establish a 504 Express Loan Program for the most experienced successful 504 lenders to expedite 504 loans of less than $500,000.

Section 329: Recovery Assistance under the Microloan Program.

- Enhances the microloan program to increase access to micro capital and technical assistance under the program for businesses impacted by the COVID-19 pandemic.
- Temporarily increases the amount of time that borrowers can repay their loans from 6 to 8 years.
- Temporarily increases the outstanding aggregate amount each intermediary may borrow from $6 million to $10 million to expand their capacity to deploy more capital to small businesses.
- Allows intermediaries to access more technical assistance funding if they serve rural areas.
- Maximizes flexibility and reduces red tape for intermediaries by temporarily waiving the limitations for the technical assistance grants and the 50 percent limitation on pre-loan technical assistance.
- Provides $50 million in additional funding for Microloan Technical Assistance funding for lenders and $7 million to leverage about $64 million more in microloans to businesses.

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Section 330: Extension of Participation in 8(a) Program.

- Requires Administrator to allow businesses in the 8(a) program to seek an enrollment extension of 1 year.
- Requires rules to be drafted to carry out this section within 15 days.

Section 331: Targeted EIDL Advance for Small Business Continuity, Adaptation, and Resiliency.

- Provides additional targeted funding for eligible entities located in low-income communities through the EIDL Advance program from Section 1110 of the CARES Act.
- Makes entities in low-income communities that received an EIDL Advance under Section 1110 of the CARES Act eligible to receive an amount equal to the difference of what the entity received under the CARES Act and $10,000.
- Provides $10,000 grants to eligible applicants in low-income communities that did not secure grants because funding had run out.

Section 332: Emergency EIDL Grants.

- Extends covered period for Emergency EIDL grants through December 31, 2021.
- Allows more flexibility for the SBA to verify that Emergency EIDL grant applicants have submitted accurate information.
- Extends time for SBA to approve and disburse Emergency EIDL grants from 3 to 21 days.

Section 333: Repeal of EIDL Advance Deduction.

- Repeals section 1110(e)(6) of the CARES Act, which requires PPP borrowers to deduct the amount of their EIDL advance from their PPP forgiveness amount.
- Establishes the Sense of Congress that EIDL Advance borrowers should be made whole without regard to whether those borrowers are eligible for PPP forgiveness.
- The Administrator shall issue rules that ensure borrowers are made whole if they received forgiveness and their EIDL was deducted from that amount.

Section 334: Flexibility in Deferral of Payments of 7(a) Loans.

- Creates parity between bank-held and secondary market-owned 7(a) loans to seek up to a 1-year deferral.
- Requires SBA to buy back loans if investors refuse to provide the extend deferral unless the SBA determines the extended deferral would cause a positive subsidy for the Secondary Market Guarantee Program.

Section 335: Documentation Required for Certain Eligible Recipients.

- Allows more flexibility for the Administration to accept documentation beyond those enumerated in the CARES Act to determine eligibility for sole proprietors and the self-employed.

Section 336: Election of 12-week Period by Seasonal Employers.

- Expands the seasonal period to any 12-weeks between February 15, 2019 and February 15, 2020.
- Applies to loans before, on, or after the date of enactment, except for loan for which the borrower has already received forgiveness.

Section 337: Inclusion of Certain Refinancing in Nonrecourse Requirements.

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- Ensures applicants cannot be held liable if they didn't understand they had recourse against them at the time they took the PPP and EIDL loans after a refinancing.

Section 338: Application of Certain Terms through Life of Covered Loan.

- Clarifies that (1) fee waivers; (2) personal guarantee waiver; and (3) deferral eligibility continues past the covered period and attaches for the life of the PPP loan.

Section 339: Interest Calculation on Covered Loans.

- Clarifies the interest rate on PPP loans is non-compounding and non-adjustable for all new initial Paycheck Protection Program loans and second draw loans.

Section 340: Reimbursement for Processing.

- Provides for PPP lender reimbursement by SBA for new PPP loans.
- Establishes a tiered reimbursement rate for PPP loans: (1) Loans of less than $50,000 that is equal to the lesser of 50 percent of the loan principal or $2,500; (2) loans of more than $50,000 and not more than $350,000 equal to five percent of the loan principal; (3) loans of more than $350,000 and less than $2,00,000 equal to three percent of the loan principal; and (4) loans of more than $2,000,000 equal to one percent.
- Clarifies lender reimbursement by SBA may be made no later than 5 days post-disbursement.
- Clarifies PPP borrowers who knowingly retained a loan agent may not pay agent fees out of the PPP proceeds. This applies to PPP loan before, on, or after the date of enactment, including during forgiveness of such loan.

Section 341: Duplication Requirements for Economic Injury Disaster Loan Recipients.

- Permits certain EIDL borrowers to also apply for a PPP loan.

Section 342: Prohibition of Eligibility for Publicly Traded Companies.

- Excludes publicly traded companies from PPP eligibility.

Section 343: Covered Period for New PPP Loans.

- Extends the covered period for all PPP loans through March 31, 2021.
- Applies to loans made before, on, or after the date of enactment, including the forgiveness of such loan.

Section 344: Covered Period for Other Purposes.

- Clarifies the applicable period for employee's salaries of $100,000 on an annualized basis as prorated during the period in which compensation is paid or incurred.

Section 345: Extension of Waiver of Matching Funds Requirement under the Women's Business Center (WBC).

- Extends CARES Act waiver of WBC matching funds requirement through June 30, 2021.

Section 346: Clarification of Use of CARES Act Funds for Small Business Development Centers (SBDCs).

- Clarifies that any awards made under this bill are in addition to and separate from any amounts appropriated under section 21 of the Small Business Act, and any award made under this bill may be used to complement and support such grant. CARES Act funds and annually appropriated funds can be used and tracked together as one funding stream.
- Prioritizes SBDCs impacted by this accounting issue.

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Section 347: GAO Report

- Requires the GAO to report to the House and Senate Small Business Committees no later than 120 days on the SBA's use of administrative funds made through supplemental appropriations during FY 2020.

Section 348: Effective Date; Applicability.

- Clarifies the amendments made by this bill shall take effect on the date of enactment and apply to loans and grants made on or after the date of enactment.

Title IV - Transportation

Prepared by the Democratic Staff of the House Committee on Transportation and Infrastructure

Subtitle A – Airline Worker Support Extension

Section 401. Definitions

Section 401 defines catering functions, contractor, employee, recall, returning employee, and Secretary.

Section 402. Pandemic Relief for Aviation Workers

Section 402 provides $15 billion in grants to employees of passenger air carriers, passing to workers through each carrier. Provides $1 billion in grants to employees of contractors.

Section 403. Procedures for Providing Payroll Support

Section 403 directs the Secretary to distribute the funding in amounts proportional to the amounts received under the CARES Act, or—if elected by the air carrier or contractor or in the occurrence that such an entity did not receive funding under the CARES Act—modified proportions based on similar metrics to be pro-rated by the Secretary.

Section 404. Required Assurances

Section 404 mandates that to receive funding, an air carrier or contractor must—

- Recall involuntarily furloughed employees;
- Provide backpay to returning employees;
- Restore the rights and protections for such returning employees as if such employees had not been involuntarily furloughed;
- Refrain from conducting involuntary layoffs or furloughs, or reducing pay rates and benefits, of employees until March 31, 2020;
- Refrain from purchasing an equity security of the entity or the direct or indirect parent company of the applicant that is listed on a national securities exchange until March 31, 2021; and
- Not pay dividends, or make other capital distributions, with respect to the common stock (or equivalent interest) of the entity until March 31, 2021.

Such assurance that have an end date are further extended for contractors until all such financial assistance has been expended, if applicable.

Section 405. Protection of Collective Bargaining Agreements

Section 405 prohibits the Treasury Department and Federal Government from conditioning the financial assistance on the alteration of collective bargaining agreements.

Section 406. Limitation on Certain Employee Compensation

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Section 406 limits the total compensation (including salary, bonus, awards of stock, and other financial benefits) of executives until October 1, 2022.

Section 407. Minimum Air Service Guarantees
Section 407 requires air carriers, to the extent reasonable and practicable, to maintain scheduled air transportation service until March 1, 2022, to ensure service to any point served by that carrier before March 1, 2020, as determined by the Secretary of Transportation.

Section 408. Taxpayer Protection
Section 408 authorizes the Treasury Department to receive warrants, options, preferred stock, debt securities, notes, or other financial instruments as compensation to the Federal Government for the provision of financial assistance.

Section 409. Reports
Section 409 requires the Treasury Department to provide a report to Congress by May 1, 2021, regarding its implementation of the program, including financial assistance provided and any audits performed, and requires the Department to update its website weekly to reflect financial assistance distribution.

Section 410. Coordination
Section 410 requires the Treasury Department to coordinate with the Department of Transportation when implementing the program.

Section 411. Funding
Section 411 appropriates $16 billion to fund the provisions of this [title/section].

Section 412. CARES Act Amendments
Section 412 amends certain CARES Act provisions to remedy unintended consequences of CARES Act requirements that permitted contractors to involuntarily furlough vast numbers of workers and then receive payroll support grants to pay those workers.

Subtitle B – Coronavirus Economic Relief for Transportations Services Act

Sec. 420. Short Title.
Defines the short title as Coronavirus Economic Relief for Transportation Services Act.

Sec. 421. Assistance for Providers of Transportation Services Affected By Covid-19.
Section 421 provides $2 billion in economic assistance to motorcoach and bus operators, school bus companies, U.S. flag passenger vessel operators, like passenger ferries, and other U.S. transportation service providers.

Subtitle C – Motor Carrier Safety Grant Relief Act of 2020

Sec. 440. Short Title.
Defines the short title as Motor Carrier Safety Grant Relief Act of 2020.

Sec. 441. Relief for Recipients of Financial Assistance Awards From The Federal Motor Carrier Safety Administration.
Extends the period of availability for FMCSA's "Motor Carrier Safety Assistance Program (MCSAP)" grant funds awarded in FY19 and FY20 by one year.

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Subtitle D – Extension of Waiver Authority

Sec. 442. Extension of Waiver Authority.
Extends NHTSA's authority to waive or postpone highway safety grant requirements under sections 402, 404, 405, or 412 of title 23, section 4001 of FAST, or 23 CFR part 1300 in FY21.

Title V – Banking

Prepared by the Democratic staff of the House Committee on Financial Services

Subtitle A — Emergency Rental Assistance

Sec. 501. Emergency Rental Assistance.
Section 5201 appropriates $25 billion through Treasury to provide to state and local government entities, including $400 million for U.S. territories and $800 million for Native Americans, Alaska Natives, and Native Hawaiians (with the District of Columbia treated as a state). Funds would be required to be allocated to state and local governments ("grantees") within 30 days of enactment. Eligible households are defined as renter households who: (1) have a household income not more than 80 percent of AMI; (2) have one or more household members who can demonstrate a risk of experiencing homelessness or housing instability; and (3) have one or more household members who qualify for unemployment benefits or experienced financial hardship due, directly or indirectly, to the pandemic. Assistance would be prioritized for renter households whose incomes do not exceed 50 percent of AMI as well as renter households who are currently unemployed and have been unemployed for 90 or more days. Financial assistance provided under this section is non-taxable for households receiving such assistance.

Sec. 502. Eviction Moratorium.
This section extends the CDC eviction moratorium until January 31, 2021.

Subtitle B – Community Development Investment (CDFIs and MDIs)

Sec. 520. Purpose.
This section stipulates the purpose of this subtitle is to establish emergency programs to support access to credit to and investments in low- and moderate-income (LMI) and minority communities disproportionately impacted by the COVID-19 pandemic.

Sec. 521. Considerations; Requirements for Creditors.
This section includes factors that the Secretary of the Treasury must consider in implementing this subtitle, including increasing the availability of affordable credit for consumers, small businesses, and nonprofit organizations that provide direct benefits to LMI communities, low-income and underserved individuals, and minorities. This section also affirms that lenders receiving funds through this subtitle must fully comply with all applicable requirements relating to fair lending.

Sec. 522. Capital Investments for Neighborhoods Disproportionally Impacted by the COVID-19 Pandemic.
This section establishes a $9 billion Emergency Capital Investment Program (ECIP), administered by the Department of the Treasury, to provide low-cost, long-term capital investments to minority depository institutions (MDIs) and community development financial institutions (CDFIs) that are depository institutions. Participants must develop a plan to maintain or expand significant lending or investment activity in LMI minority communities, and the repayment terms on the investment incentivizes enhanced lending to LMI communities. During the initial application period when entities apply in a timely manner, as determined by Treasury, $4 billion will be set aside for eligible institutions with less than $2 billion in total assets, with $2

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billion of that amount reserved for eligible institutions with less than $500 million in total assets. If there are ECIP funds left over in either tranche, Treasury can redeploy those funds to other applicants until all funds have been expended. Additionally, this section provides a narrow exemption from the Equal Credit Opportunity Act (ECOA) for the sole purpose and exclusive use of data collection to ensure compliance with the program's plan to enhance lending to minority communities, while ensuring institutions will be subject to ECOA enforcement actions should they discriminate against borrowers. Treasury's authority to make new capital investments ceases 6 months after the date on which the national emergency concerning the COVID-19 outbreak under the National Emergencies Act terminates.

Sec. 523. Emergency Support for CDFIs and Communities Responding to the COVID-19 Pandemic.
This section provides $3 billion to the CDFI Fund to provide grants and other financial assistance to CDFIs, including CDFI loan funds, as they serve consumers, small businesses, and nonprofits in their communities. Of the total funds, $1.25 billion will be available until September 30, 2021, for the CDFI Fund to award grants and other financial and technical assistance to help CDFIs serve their communities responding to the economic hardships created by the pandemic, including $25 million reserved to benefit Native American, Native Hawaiian, and Alaska Native communities. The remaining $1.75 billion will be available until expended to provide additional grants and other financial and technical assistance to CDFIs, including reserved for "minority lending institutions," a new category of CDFIs that predominantly serve minority communities and are either MDIs or meet other standards for accountability to minority populations as determined by the CDFI Fund. This section also provides a narrow exemption from ECOA for the sole purpose and exclusive use of data collection to ensure CDFIs are adequately serving minority communities, while ensuring institutions will be subject to ECOA enforcement actions should they discriminate against borrowers.

Sec. 524. Inspector General Oversight.
This section stipulates that the Inspector General of the Department of the Treasury will oversee the programs established under this subtitle, and will report to Congress semiannually.

Sec. 525. Study and Report with Respect to Impact of Programs on Low- and Moderate-Income and Minority Communities.
This section requires Treasury to conduct a study 18 months after enactment of impact of the programs established under this subtitle on LMI and minority communities.

Subtitle C — Miscellaneous

Sec. 540. Extensions of Temporary Relief and Emergency Authorities.
This section extends and modifies a CARES Act provision allowing banks and credit unions to temporarily delay the adoption of a new credit loss accounting standard – Current Expected Credit Loss (CECL). The section allows these institutions until the earlier of (1) the first day of the fiscal year of the institution that begins after the national emergency termination date or (2) January 1, 2022.

This section also extends another CARES Act provision that temporarily changes the National Credit Union Administration's (NCUA) Central Liquidity Facility (CLF) for credit unions to meet liquidity needs by expanding the ability to borrow up to a value 16 times the CLF's subscribed capital stock and surplus, up from the statutory limit of 12 times. This section extends the termination of CLF's expansion to December 31, 2021.

Sec. 541. Extension of Temporary Relief from Troubled Debt Restructurings and Insurer Clarification.
This section extends the CARES Act provision under section 4013, which allows financial institutions to determine if they will suspend the Generally Accepted Accounting Principles (GAAP) requirements for recognizing any potential COVID-related losses from a troubled debt restructuring (TDR) related to a loan modification. This section extends the termination of this provision to the earlier of (1) 60 days after the national emergency termination date or (2) January 1, 2022, and clarifies that insurance companies are covered by the provision.

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Sec. 542. Healthcare Operating Loss Loans.
This section authorizes HUD to insure mortgages under Section 223(d) to cover the operating losses of healthcare facilities that are already insured under the Section 232 and 242 programs and that were financially sound immediately prior to the COVID-19 pandemic.

Title VI – Labor Provisions
Prepared by the Democratic Staff of the House Committee on Education and Labor

Section 601. Job Corps Flexibilities.
This section waives certain statutory requirements regarding enrollment and eligibility for Job Corps students during the qualifying emergency. This includes waiving drug testing requirements for students enrolling in Job Corps virtually, and allowing students who turn 25 during the qualifying emergency to maintain enrollment eligibility if enrolling within six months of enactment of this Act.

Title VII – Nutrition and Agriculture Relief
Prepared by the Democratic Staff of the House Committee on Agriculture and the House Committee on Education and Labor

Subtitle A – Nutrition

CHAPTER 1 SUPPLEMENTAL NUTRITION ASSSISTANCE PROGRAM

SEC. 701. DEFINITIONS.
Defines public health emergency and supplemental nutrition assistance program (SNAP).

SEC. 702. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM
Subsection (a) increases the monthly SNAP benefit level by 15% based on the June 2020 Thrifty Food Plan through June 30, 2021. Subsection (b) simplifies the state administrative process for SNAP benefit level increases. Subsection (c) provides $100 million for state administrative costs through fiscal year 2021 and requires these funds to be made available to states within 60 days of enactment. Subsection (d) excludes Pandemic Unemployment Compensation from being counted toward household income for SNAP. Subsection (e) extends SNAP eligibility to college students who are eligible for a federal or state work study program or has an expected family contribution of zero. Subsection (f) directs the Secretary to submit a report on the redemption rate and account balances for each month from January 2021 to June 2021. Subsection (g) shortens the statutory waivers for certain SNAP quality control requirements from September 30, 2021 to June 30, 2021.

SEC. 703. ADDITIONAL ASSISTANCE FOR SNAP ONLINE PURCHASING AND TECHNOLOGY IMPROVEMENTS.
Provides $5 million for technical support to USDA in expanding the SNAP online purchasing program, including for farmers markets and direct marketing farmers, and for supporting mobile payment technologies and the electronic benefit transfer system.

SEC. 704. NUTRITION ASSISTANCE PROGRAMS.
Provides $614 million to Puerto Rico and American Samoa for nutrition assistance, of which $14 million shall be available to the Commonwealth of the Northern Mariana Islands.

CHAPTER 2 - COMMODITY DISTRIBUTION PROGRAMS

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SEC. 711. EMERGENCY FOOD ASSISTANCE PROGRAM.
Invests $400 million in the Emergency Food Assistance Program through September 30, 2021. Allows up to 20 percent of these funds to be used for commodity distribution.

SEC. 712. COMMODITY SUPPLEMENTAL FOOD PROGRAM.
Provides $13 million to the Commodity Supplemental Food Program, 20% of which may be used for administrative costs through September 30, 2021.

CHAPTER 3 – CHILD NUTRITION AND RELATED PROGRAMS

SEC. 721. ASSISTANCE FOR CHILDREN IN CHILD CARE
Ensures that millions of young children can access needed nutrition benefits by clarifying that states may issue P-EBT benefits to children under the age of 6 who live in households receiving Supplemental Nutrition Assistance Program (SNAP) benefits and residing in an area in which schools or child care facilities are closed or operating with reduced hours or attendance without the need to verify child care enrollment at the individual household level. Additionally, makes P-EBT implementation easier for states and clarifies simplifying assumptions that may be used.

SEC. 722. EMERGENCY COSTS FOR CHILD NUTRITION PROGRAMS DURING COVID-19 PANDEMIC
Provides emergency relief to help school meal and child and adult care food programs, which are in dire need of financial assistance, to continue serving children and families. Provides as much funding as necessary to carry out these payments.

SEC. 723. TASK FORCE ON SUPPLEMENTAL FOODS DELIVERY IN THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM
Requires the Department of Agriculture to establish a task force on food delivery models in the WIC program so that participants have access to curbside pickup and other safe food purchasing methods during the pandemic.

CHAPTER 4– OTHER MATTERS

SEC. 731. AGING AND DISABILITY SERVICES PROGRAMS
Provides $175 million in emergency funding for Older Americans Act nutrition programs, including $7 million for tribal nutrition programs.

SEC. 732. NUTRITION SERVICES UNDER OLDER AMERICANS ACT
Provides needed flexibility to area agencies on aging and state units on aging to ensure that older adults' nutritional needs can continue to be met safely during the pandemic.

Subtitle B - Agriculture

CHAPTER 1 – AGRICULTURAL PROGRAMS

SEC. 751. OFFICE OF THE SECRETARY.
Provides $11.1875 billion to the Office of the Secretary, to remain available until expended, to prevent, prepare for, and respond to coronavirus by providing support to agricultural producers, growers, and processors. From this amount, the Secretary:

- Shall make supplemental Coronavirus Food Assistance Program (CFAP) payments for the 2020 crop year to producers of price trigger crops who meet a defined market trigger;

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- Shall make CFAP supplemental payments for the 2020 crop year to producers of flat-rate crops who meet a defined market trigger;
- Shall take crop insurance indemnities, noninsured crop disaster assistance payments, and Wildfire and Hurricanes Indemnity Program Plus payments into consideration when determining the amount of eligible sales and may allow producers to select 2018 or 2019 sales;
- Shall make payments to livestock and poultry growers for losses suffered due to depopulation because of insufficient processing access due to COVID-19 market impacts;
- Shall make supplemental CFAP payments to cattle producers;
- Shall use no more than $1 billion to make payments to livestock and poultry contract growers who had revenue losses due to contract changes because of COVID-19;
- Shall use no less than $20 million to improve and maintain animal disease prevention and response capacity;
- Shall make payments to domestic users of upland cotton and extra-long staple cotton;
- Shall make additional payments to supplement the CFAP payment to more closely align with the calculated gross payment or revenue loss;
- May provide support to processors for crop losses due to insufficient processing access;
- May extend the term of a marketing assistance loan;
- Shall use no less than $1.5 billion to purchase food and agricultural products, including seafood;
- The same fund is also available to make loans and grants to small and midsized food processors or distributors, seafood processing facilities and vessels, farmers markets, and producers to respond to COVID-19, including measures to protect workers;
- Is to conduct a preliminary review of the COVID-19 impacts on and needs of agricultural producers and food processors and actions needed to improve COVID-19 food purchasing;
- May use no more than $200 million to support timber harvesting and timber hauling businesses impacted by COVID-19;
- May take into account price differentiation factors for each commodity when making payments under this section, such as specialized varieties, local markets, and certified organic;
- May make payments to producers of advanced biofuel, biomass-based diesel, cellulosic biofuel, conventional biofuel, or renewable fuels with market losses due to COVID-19; and,
- May make recourse loans available to dairy product processors, packagers, or merchandisers.

SEC. 752. SPECIALTY CROP BLOCK GRANTS.
The bill provides $100 million in additional funding to support specialty crop farmers and address COVID-19 specialty crop supply chain issues at the state level via the farm bill's Specialty Crop Block Grant Program.

SEC. 753. LOCAL AGRICULTURE MARKET PROGRAM.
The bill provides $100 million in additional funding to support local farmers, farmers markets, and value-added production for farmers and outlets who are impacted by COVID-19 market disruptions through the farm bill's Local Agriculture Market Program. The Secretary may reduce matching requirements for these additional funds.

SEC. 754. FARMING OPPORTUNITIES TRAINING AND OUTREACH PROGRAM.
The bill provides $75 million to the farm bill's Farming Opportunities Training and Outreach Program to support groups providing beginning, socially disadvantaged, and veteran farmers and ranchers with financial and marketing advice and technical assistance in this difficult market, including help in accessing Federal and State assistance programs . The Secretary may reduce matching requirements for these additional funds.

SEC. 755. GUS SCHUMACHER NUTRITION INCENTIVE PROGRAM.

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The bill provides $75 million for the Gus Schumacher Nutrition Incentive Program. The Secretary may reduce matching requirements for these additional funds.

SEC. 756. RESEARCH.
The bill provides $20 million annually to the Agricultural Research Service to address gaps in nutrition research by studying the connection between agriculture production and human nutrition and health.

CHAPTER 2 —SUPPORT FOR DAIRY, LIVESTOCK, AND FARM STRESS

SEC. 760. Definitions.

SEC. 761. SUPPLEMENTAL DAIRY MARGIN COVERAGE PAYMENTS.
The bill provides necessary cash flow assistance to small- and mid-sized dairies that have grown over the last seven years by establishing supplemental margin coverage based on the difference between 2019 actual production and Dairy Margin Coverage production history.

SEC. 762. DAIRY DONATION PROGRAM.
The bill provides $400 million to pay for milk to be processed into dairy products and donated to non-profit entities (food banks, feeding programs, etc.). Under the framework of the program, the dairy processor and non-profit develop a plan for donation and distribution and USDA reimburses the processor for the associated cost of milk. The bill allows USDA to adjust the existing Milk Donation Program payments to match the level of payment provided by this new program.

SEC. 763. ESTABLISHMENT OF TRUST FOR BENEFIT OF UNPAID CASH SELLERS OF LIVESTOCK.
The bill establishes a Federal livestock dealer trust to ensure that livestock producers are paid for their animals.

SEC. 764. GRANTS FOR IMPROVEMENTS TO MEAT AND POULTRY FACILITIES TO ALLOW FOR INTERSTATE SHIPMENT.
The bill provides $60 million to make facility upgrade and planning grants to existing meat and poultry processors to help them move to Federal inspection and be able to sell their products across state lines. The bill also requires USDA to work with States and report on ways to improve the existing Cooperative Interstate Shipment program.

SEC. 765. MEAT AND POULTRY PROCESSING STUDY AND REPORT.
The bill requires a report on the availability of financing for new and existing meat and poultry processing capacity.

SEC. 766. SUPPORT FOR FARM STRESS PROGRAMS.
The bill provides $28 million to be distributed as block grants to state departments of agriculture for use to support existing farm stress programs.

Title VIII – United States Postal Service
Prepared by the Democratic Staff of the House Committee on Oversight and Reform

SEC. 801. Covid—19 Funding for the United States Postal Service.

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This section amends section 6001 of the CARES Act (P.L. 116-136) to provide that any money borrowed under that section does not have to be repaid. The CARES Act authorized the Postal Service to borrow up to $10 billion, subject to such terms and conditions agreed to by the Postal Service and the Department of the Treasury.

SEC. 802. Temporary Acceptance of Certain Low-Risk Postal Shipments.
This section delays implementation of the STOP Act (sec. 1415 of title 19 U.S.C.) if the Postmaster General or the Commissioner of Customs and Border Patrol determine that an international mail shipment presents a low risk of violating any statutes or regulations of the United States.

Title IX – Broadband Internet Access Service

Prepared by the Democratic Staff of the House Committee Energy and Commerce

Section 901. Amendments to the Secure and Trusted Communications Network Reimbursement Program.
Section 901 expands eligibility for the Secure and Trusted Reimbursement Program at the Federal Communications Commission (FCC) that compensates providers for the cost of removing and replacing certain unsecure equipment from their networks, which will help protect our nation's communications networks from foreign adversaries. It also ensures that smaller providers and public or private educational institutions are prioritized for such reimbursements.

Section 902. Connecting Minority Communities.
Section 902 establishes an Office of Minority Broadband Initiatives at the National Telecommunications and Information Administration (NTIA) to focus on broadband access and adoption at Historically Black colleges or universities, Tribal colleges and universities, and other Minority-serving institutions, including the students, faculty, and staff of such institutions and their surrounding communities. It also appropriates $285 million for a Pilot Program to award grants to these institutions and certain businesses and non-profit organizations in the community to support connectivity, and specifies that at least 20 percent of such funds should be used to ensure that students of such institutions have internet service and devices.

Section 903. FCC COVID-19 Telehealth program.
Section 903 appropriates an additional $250 million to the FCC for its COVID-19 Telehealth Program authorized under the CARES Act. It also puts in place new transparency obligations for the program surrounding the FCC's review of applications, and directs the Commission to ensure, to the extent feasible, that all states benefit from the program.

Section 904. Benefit for Broadband Service During Emergency Period Relating to COVID-19.
Section 904 establishes the Emergency Broadband Benefit Program at the FCC, under which eligible households may receive a discount of up to $50, or up to $75 on Tribal lands, off the cost of internet service and a subsidy for low-cost devices such as computers and tablets. Internet service providers that provide the discounted service or devices to customers can receive a reimbursement from the FCC for such costs. Households that qualify for the benefit include those with: children that qualify for the free and reduced lunch program, Pell grant recipients, recently laid off or furloughed workers, an individual who qualifies for the Lifeline program, or an individual who qualifies for a low-income or COVID-19 discount program offered by internet service providers. $3.2 billion is appropriated for the Program.

Section 905. Grants for Broadband Connectivity.
Section 905 establishes two grant programs at the NTIA. The first is a grant program to support broadband connectivity on tribal lands throughout the country. The grants would be directed to tribal governments to be used not only for broadband deployment on tribal lands, but also telehealth, distance learning, broadband

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affordability, and digital inclusion. $1 billion is appropriated for this program. The second is a $300 million broadband deployment program to support broadband infrastructure deployment to areas lacking broadband, especially rural areas. The grants would be issued to qualifying partnerships between state and local governments and fixed broadband providers. Priority for grants would be given to networks that would reach the most unserved consumers.

Section 906. Appropriations for Federal Communications Commission Activities.
This section appropriates $65 million to the FCC to create broadband data maps required under the Broadband DATA Act. It also appropriates $1.9 billion for the FCC's Secure and Trusted Reimbursement Program.

Title X – Miscellaneous

Sec. 1001. Coronavirus Relief Fund Extension.
Extends the date by which state and local governments much make expenditures with CARES Act Coronavirus Relief Fund awards from December 30, 2020 to December 31, 2021.

Sec. 1002. Contractor Pay.
Allows reimbursement to qualifying contractors for the costs of providing paid leave to employees during the pandemic.

Sec. 1003. Rescissions
This section rescinds the unobligated amounts appropriated in the CARES Act for direct loans by the Treasury and emergency lending by the Federal Reserve, and sets December 31, 2020 as the date for termination of the Federal Reserve's authority to make new loans, asset purchases, or modifications through the existing CARES Act facilities. As the CARES Act funds that were originally deposited in the Exchange Stabilization Fund (ESF) are rescinded, this section clarifies that ESF funds may not be used to establish Fed facilities that are the "same as" (i.e. identical to) current Fed facilities that received CARES Act funding support (except the Term Asset-Backed Securities Loan Facility, or TALF), while permitting substantially similar Fed facilities to be established with ESF funds in the future. This section also clarifies that the Federal Reserve fully retains the authority it had prior to the enactment of the CARES Act to establish programs and facilities under section 13(3) of the Federal Reserve Act, and that the Secretary of the Treasury fully retains its authority to use funds made available through the ESF to backstop such Fed facilities.

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H.R. 133

DIVISION-BY-DIVISION SUMMARY OF APPROPRIATIONS PROVISIONS

H.R. 133 totals $1.4 trillion and reflects conference agreements for the FY 2021 appropriations bills. It furthers House Democrats' commitment to investing For The People with substantial increases to non-defense spending alongside small increases for defense-related programs.

In total, the package provides:

- $671.5 billion in base defense funding, a $5 billion increase over FY 2020;
- $656.5 billion in nondefense funding, an $20 billion increase over FY2020;
- $77 billion for Overseas Contingency Operations (OCO)—$69 billion for defense activities and $8 billion for nondefense activities; and
- An additional $3.1 billion in emergency funding to fund agency operations impacted by the COVID-19 pandemic, $2.35 billion in funding for wildfire suppression activities, $1.9 billion for program integrity initiatives, and $474 million medical research associated with the 21st Century Cures Act.

In the last year of the Budget Control Act caps, after accounting for rescissions and emergency spending, the package includes non-defense funding that is $15 billion above the levels set in the Bipartisan Budget Act of 2019.

Division A – Agriculture-Rural Development-FDA

Overview:

The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies bill funds agencies and programs within the Department of Agriculture, the Farm Credit Administration, and the Food and Drug Administration.

The FY 2021 bill provides $23.395 billion in discretionary funding, $217 million above the FY 2020 enacted level. In addition, it provides the latest estimates for mandatory programs required by law.

The bill funds important agricultural and food programs and services, including food and medical product safety, animal and plant health programs, rural development, farm services, agricultural trade, financial marketplace oversight, and nutrition programs, both domestic and international.

Bill Summary:

Rural Development and Infrastructure – The bill provides a total of almost $3.9 billion for rural development programs. These programs help create an environment for economic growth by providing business and housing opportunities and building sustainable rural infrastructure for the modern economy.

- **Critical Infrastructure –** The legislation includes responsible investments in infrastructure to help rural areas of the country access basic utilities. This includes $1.45 billion for rural water and waste program loans, and more than $620 million in water and waste grants for clean and reliable drinking water systems and sanitary waste disposal systems. An additional $6.9 billion in loan authority is provided for rural electric and telephone infrastructure loans.

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- **Rural Broadband –** The legislation invests more than $730 million in the expansion of broadband service to provide economic development opportunities and improved education and healthcare services, including $635 million for the ReConnect program, an increase of $80 million over FY 2020. These significant investments in broadband reflect a commitment to enabling Americans in rural communities to access digital tools necessary to improve health, educational, and economic outcomes.

- **Rural Housing Loans and Rental Assistance –** The bill provides a total of $24 billion in loan authority for the Single Family Housing Guaranteed Loan Program. The bill includes $1 billion in direct single family housing loans, meeting the estimated need for these loans, which provide home loan assistance to low-income rural families, many of whom would have few loan options for purchasing a home because of their geographical location. In addition, $1.41 billion is provided for rental assistance for affordable rental housing for low-income families and the elderly in rural communities for renewal of all existing rental assistance contracts.

Food and Nutrition Programs – The legislation contains discretionary funding, as well as mandatory funding required by law, for food and nutrition programs within USDA. This includes funding for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), the Supplemental Nutrition Assistance Program (SNAP), and child nutrition programs.

- **WIC –** The bill provides $6 billion in discretionary funding for WIC, which fully funds participation this year. This includes $90 million for the breastfeeding counselor program.

- **Child nutrition programs –** The bill provides for $25.1 billion in required mandatory funding for child nutrition programs. This is $1.5 billion above the FY 2020 enacted level. This funding will provide free or reduced-price school lunches and snacks for children who qualify for the program. The bill provides approximately $552 million for the Summer Food Service Program to ensure low-income children continue to receive nutritious meals when school is not in session. In addition, the bill provides $42 million for the Summer EBT program, $30 million for school kitchen equipment grants, and $21 million for the WIC farmers market nutrition program.

- **SNAP –** The bill provides for $114 billion in required mandatory spending for SNAP. This fully funds participation as well as the SNAP enhanced allotments authorized by the Families First Act.

International Food Assistance Programs – The legislation contains $1.97 billion for international food aid and for the promotion of U.S. agricultural exports overseas. This includes $1.74 billion for Food for Peace grants and $230 million for the McGovern-Dole International Food for Education and Child Nutrition program. This represents the highest-ever level of funding for these two vital programs. These programs work to reduce famine and increase food security overseas.

Food and Drug Administration (FDA) – The FDA receives a total of $3.2 billion in discretionary funding in the bill, $43 million above the 2020 enacted level. Total funding for the FDA, including user fees, is $5.97 billion. Within this total, the Committee provides targeted increases for medical product and food safety activities, including new initiatives to advance new influenza vaccine manufacturing technologies and leverage emerging technologies to monitor food and medical product safety. Funding is also included to support the development of a framework for regulating CBD products, continue FDA's efforts to enable faster responses to foodborne illness outbreaks, and increase the safety and cybersecurity of medical devices. In addition, the bill includes a strong focus on continuing FDA's efforts to inspect foreign food and drug products. The bill also appropriates $70 million to accelerate medical product development as authorized in the 21st Century Cures Act.

Food Safety and Inspection Service – The legislation includes $1.076 billion for food safety and inspection programs. These mandatory inspection activities help to ensure safe, meat and poultry on American tables. The

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funding provided will maintain nearly 8,800 frontline inspection personnel for meat, poultry, and egg products at more than 6,400 facilities across the country.

Marketing Programs – The bill provides $189 million, $1 million above FY 2020 and $38 million above the President's request, to facilitate the movement of agriculture products and open market opportunities. This includes $18 million for the National Organic Program to protect the integrity of the USDA Organic label and $16.5 million for the new hemp production program. The bill also provides $19.4 million in discretionary funds to the Agricultural Marketing Service and Rural Development for the Local Agriculture Market Program to continue supporting local food and value-added agriculture. In addition, the bill provides $22 million to support dairy innovation centers.

Farm Programs – The legislation provides $1.824 billion for farm programs, $20 million above the FY 2020 level. This includes $5 million to resolve ownership and succession of farmland issues, also known as heirs property. This funding will continue support for various farm, conservation, and emergency loan programs, and help American farmers and ranchers. It will also meet estimates of demand for farm loan programs.

Animal and Plant Health – The legislation includes $1.067 billion – $21 million above the FY 2020 enacted level – for the Animal and Plant Health Inspection Service. This funding will support programs to help control or eradicate plant and animal pests and diseases that can be crippling to U.S. producers. The funding level provides increases that will help address harmful pests and diseases such as spotted lanternfly and chronic wasting disease, while maintaining increases from past years for citrus greening.

Conservation Programs – The bill provides $1.018 billion to help farmers, ranchers, and other private landowners conserve and protect their land. This includes $185 million for infrastructure for watershed and flood prevention and watershed rehabilitation projects.

Agricultural Research – The bill provides $3.3 billion – $125 million above the FY 2020 level – for agriculture research programs, including the Agricultural Research Service and the National Institute of Food and Agriculture. This funding will support research at all ARS facilities to help mitigate and stop devastating crop diseases, improve food safety and water quality, increase production, develop environmentally efficient agricultural practices, and combat antimicrobial resistance. This funding also includes important research investments in U.S. land-grant colleges and universities, including a significant increase for the 1890 institutions, and for the Agriculture and Food Research Initiative, the U.S. Department of Agriculture's premier competitive research program.

Policy Provisions

- Continues the '10-20-30' policy of dedicating rural development program resources to identified persistent poverty areas.
- Continues language allowing the Secretary to waive matching fund requirements for the Specialty Crop Research Initiative.
- Extends the hemp pilot program through January 1, 2022.
- Includes language directing the FDA to develop a plan to identify, detain, and refuse the import of FDA-regulated products from a foreign establishment that did not allow physical access to FDA investigators.
- Includes language preventing USDA from promulgating new user fees through regulations for certain marketing and regulatory programs, such as grain inspection, packers and stockyards licensing, animal welfare licensing, biotech product approval applications, and domestic hemp production program licenses.
- Continues House language related to the slaughter of horses for human food.
- Repurposes certain unobligated funds to ensure that USDA can provide disaster payments to farmers, ranchers and producers who were devastated by natural disasters in 2018 and 2019.
- Provides $635 million in emergency funds for the Agricultural Quarantine Inspection Program to ensure continued inspections of agricultural products in order to keep pests and diseases from entering the U.S.

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Division B – Commerce-Justice-Science

Overview:

The Commerce-Justice-Science bill funds the Departments of Commerce and Justice, the National Aeronautics and Space Administration (NASA), the National Science Foundation (NSF), and other related agencies.

The FY21 bill provides $71.12 billion in discretionary funding.

The bill provides funding increases to help ensure civil rights and reform police practices throughout the country. The bill also provides funding increases to help create jobs, support U.S. manufacturing, research and prepare for climate change, reduce gun violence, address the opioid crisis, and help keep schools safe. Furthermore, the bill provides funding increases for science research, science education, and legal services for underserved communities.

Bill Highlights:

U.S. Department of Commerce – $8.9 billion in net discretionary funding for the Department of Commerce, an increase of $596.7 million above the President's budget request.

- **International Trade Administration (ITA) –** $541 million, $19.75 million above the FY 2020 enacted level and $55.6 million above the President's budget request. The total includes no less than $340.75 million for ITA Global Markets, $60.4 million above the request and $7.8 million above FY 2020, to help create jobs here at home by increasing U.S. exports.

- **Bureau of Industry and Security (BIS) –** $133 million, an increase of $5.3 million above FY 2020.

- **Economic Development Administration (EDA) –** $346 million, an increase of $13 million above FY2020. This includes $119.5 million for EDA's Public Works program, which supports brick-and-mortar projects in distressed communities across the nation, and $38 million for the Regional Innovation Program, an increase of $5 million, to help create jobs by establishing and expanding region-focused innovative technology business endeavors. Additionally, $2 million is provided for STEM Apprenticeships to help align the skills of workers and the needs of employers. The President had proposed completely eliminating EDA.

- **Minority Business Development Agency (MBDA) –** $48 million, an increase of $6 million above FY 2020, is provided for MBDA to support minority businesses around the country. The President proposed reducing support for minority businesses through MBDA by $31.7 million.

- **U.S. Patent and Trademark Office (PTO) –** $3.7 billion, equal to the President's budget request and $244.6 million above FY 2020.

- **Manufacturing Extension Partnership (MEP) Program –** $150 million, $4 million above FY 2020. The President had proposed completely eliminating this program.

- **NOAA Climate Research –** $182 million, an increase of $12.5 million above FY 2020 and $98 million above the President's budget request, including an increase of $2.5 million to provide regional climate data and services to State and local partners.

- **NOAA's National Ocean Service (NOS) –** $620 million for NOS operations, an increase of $21 million above FY 2020, including a $3.5 million increase for the Coral Reef Program; an increase of

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$5.5 million for research to combat harmful algal blooms; and $2 million to increase research to predict and understand the impacts of sea level rise on the Nation's coasts.

- **National Weather Service –** $1.1 billion for operating expenses, an increase of $35 million above FY 2020. In addition, this Act fully funds efforts to procure future weather satellites, which are essential for accurate weather forecasting.

U.S. Department of Justice (DOJ) – $33.8 billion overall for the Department of Justice, which is $1.18 billion above the FY2020 enacted level and $874.4 million above the President's budget request.

- **Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016 –** $13.5 million is provided, as authorized under the Act, including: $5 million within the Civil Rights Division; $5 million within the Federal Bureau of Investigation; $1.5 million within the Community Relations Service; and $2 million within State and Local Law Enforcement Assistance.

- **Federal Bureau of Investigation –** $10.31 billion, an increase of $361.9 million above the FY 2020 enacted level and $514.1 million above the President's budget request.

- **Executive Office for Immigration Review --** $734 million, an increase of $61 million above FY 2020, including $22.5 million for the Legal Orientation Program, an increase of $4.5 million above FY 2020.

- **Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) –** $1.48 billion, an increase of $83.9 million above the FY 2020 enacted level.

- **Federal Bureau of Prisons (BOP) –** $7.84 billion, an increase of $57.4 million above the FY 2020 enacted level and $124.8 million above the President's budget request.

- **First Step Act –** The agreement fully funds the requested $409,483,000 for programs and activities authorized by the First Step Act of 2018, including medication-assisted treatment.

- **Task Force on Law Enforcement Oversight –** The agreement directs the Attorney General to establish a Task Force on Law Enforcement Oversight, with up to $5 million to be provided across DOJ accounts. The Task Force is to be comprised of representatives from multiple Justice Department components, in consultation with law enforcement, labor, and community-based organizations to coordinate the detection and referral of complaints regarding incidents of alleged law enforcement misconduct.

- The agreement includes $5,000,000 for the **development and deployment of databases to track excessive use of force and officer misconduct**, to be developed in consultation with State and local law enforcement agencies, community organizations, and advocacy groups, including those that advocate for the preservation of civil liberties and civil rights.

- **Grants to State and Local Law Enforcement –** $3.385 billion is provided, an increase of $107 million above FY 2020. This includes: $484 million for Byrne JAG; $386 million for the Community Oriented Policing Services (COPS) Program; $189 million to address sexual assault kit and other DNA evidence backlogs; $100 million for Second Chance Act programs; $526.5 million for grant programs to address the opioid crisis; $132 million for the STOP School Violence Act; $513.5 million for Violence Against Women Act (VAWA) programs; and $85 million for grants to improve the NICS firearms background check system.

National Aeronautics and Space Administration (NASA) – $23.27 billion is provided, an increase of $642.3 million above the FY 2020 enacted level, including:

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- $2 billion for **Earth Science**, an increase of $28.2 million above the FY2020 enacted level and $231.9 million above the President's budget request, to enable better scientific information about the Earth and its changing climate, and rejecting cuts proposed by the Administration aimed at eliminating climate science missions.

- $828.7 million for **Aeronautics research**, an increase of $44.8 million above FY 2020 and $9.7 million above the President's budget request, to continue efforts to improve passenger safety, fuel efficiency, and noise reduction, and to make air travel more environmentally sustainable.

- $127 million for **NASA's STEM Engagement educational efforts**, an increase of $7 million above FY 2020, to enable NASA to inspire young people to pursue future careers in science and engineering. This amount includes funding increases for the Space Grant program, Minority University Research and Education Project, and Established Program to Stimulate Competitive Research (EPSCOR). The President had proposed eliminating all funding for STEM Engagement.

National Science Foundation (NSF) – $8.5 billion, an increase of $208.4 million above the FY 2020 enacted level and $745.4 million above the President's budget request.

- **NSF Research and Related Activities –** $6.9 billion is provided, an increase of $172.6 million above FY 2020 and $696.7 million above the President's budget request.

- **Education and Human Resources** -- $968 million is provided, an increase of $28 million above FY 2020 and $37 million above the President's budget request.

Legal Services Corporation – $465 million, $25 million above the FY 2020 enacted level. The President had proposed eliminating this program, which helps provide legal assistance to underserved communities.

Equal Employment Opportunity Commission – $404.5 million, $15 million above the FY 2020 enacted level and $42 million above the President's budget request.

International Trade Commission (ITC) – $103 million, $3.6 million above the FY 2020 enacted level and $3.4 million above the President's budget request.

Division C – Defense

Overview:

For fiscal year 2021, the bill provides $696 billion in new, non-emergency discretionary spending authority for the Department of Defense for functions under the Defense Subcommittee's jurisdiction, an increase of $2.6 billion above the fiscal year 2020 enacted level, and $2.1 billion below the President's Budget. That includes $627.3 billion in base funding, an increase of $4.6 billion above the fiscal year 2020 enacted level and $2.1 billion below the President's Budget, and $68.7 billion for OCO/GWOT funding in title IX, a decrease of $2 billion from the fiscal year 2020 enacted level and equal to the President's Budget.

The FY 2021 Defense Appropriations bill continues to provide additional funding above the President's Budget for programs directly impacting the quality of life for servicemembers, their families, and military communities:

- $2.296 billion funded above the request for an additional Virginia Class Submarine.
- $116 million funded above the request for upgrades to child care facilities.
- $284 million funded above the request to address public school infrastructure requirements on DoD installations.
- $57.5 million funded above the request for sexual assault prevention and response programs.

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- $1.5 billion of total funding for environmental restoration programs, $430 million funded above the request.
- $15 million above the request for a CDC Water Containment Study and Assessment.
- $50 million of new funding for noise mitigation measures.
- $60 million above the request for the Defense Community Infrastructure program.
- $25 million above the request for Defense Manufacturing Communities.
- $50 million funded above the request for Impact Aid to communities and $20 million funded above the request for Impact Aid for those with disabilities.
- $577.5 million funded above the request for cancer research.
- Fully funds the 3.0 percent military pay raise.

Bill Summary:

Military Personnel

Total:	$162.4 billion
Base:	$157.8 billion
OCO/GWOT (title IX):	$4.6 billion

- Funds active duty end strength of 1,348,600, an increase of 9,100 above current year and a decrease of -2,900 below the request. Funds reserve component end strength of 802,000, an increase of 1,200 above current year and equal to the request.
  - Army totals: 485,900 active duty, an increase of 5,900 above current year and equal to the request; 189,800 reserve, an increase of 300 above current year and equal to the request; and 336,500 Guard, an increase of 500 above current year and equal to the request.
  - Navy totals: 347,800 active duty, an increase of 7,300 above current year and equal to the request; and 58,800 reserve, a decrease of 200 below current year and equal to the request.
  - Marine Corps totals: 181,200 active duty, a decrease of 5,000 below current year and a decrease of 2,900 below the request; and 38,500 reserve, equal to current year and the request.
  - Air Force totals: 333,700 active duty, an increase of 900 above current year and equal to the request; 70,100 reserve, an increase of 100 above current year and equal to the request; and 108,100 Guard, an increase of 400 above current year and equal to the request.

- Provides full funding necessary to support the proposed 3.0 percent military pay raise.
- Increases funding by $57.5 million above the President's request for the Department and Services' Sexual Assault Prevention and Response programs, for a total of $335.5 million. This includes $46 million for the Special Victims' Counsel, an increase of $7.5 million above the request for the Department's Sexual Assault Prevention and Response Office, and $4 million for the Sexual Trauma Pilot Program.

Operation and Maintenance

Total:	$251 billion
Base:	$192.2 billion
OCO/GWOT (title IX):	$58.8 billion

- Provides $9.5 billion to fund SOCOM's operation and maintenance requirements.
- Provides $1.5 billion for Environmental Restoration activities, $430 million above the request, and $87.8 million above the 2020 enacted level.
- Provides $15 million to continue the nation-wide CDC study and assessment of the health impacts of PFOS/PFOA contamination in drinking water.

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- Provides $284 million above the request to address public school infrastructure requirements on DoD installations.
- Provides an additional $116 million for upgrades to childcare facilities.
- Provides increases for National Guard Youth Challenge ($75 million) and Starbase ($41 million).
- Provides $60 million for the Defense Community Infrastructure Program, a $10 million increase over the 2020 level and $25 million for the Defense Manufacturing Communities.
- Provides $50 million for Impact Aid and $20 million for Impact Aid for those with disabilities.
- Provides $6.75 million for gender advisor programs.
- Provides $48 million for the Procurement Technical Assistance Program.
- Provides $50 million for noise mitigation tools for communities
- Provides $10 million for the Maternity Uniform Pilot Program

Procurement

Total:	$142.9 billion
Base:	$136.5 billion
OCO/GWOT (title IX):	$6.4 billion

Aircraft

- Funds the request of 24 F/A-18E/F Super Hornet aircraft ($1.7 billion).
- Funds 96 F-35 aircraft, 17 more than the request, including 60 F-35As, 10 F-35Bs, and 26 F-35Cs ($9.6 billion).
- Funds 12 F-15EX aircraft to recapitalize the F-15C/D fleet ($1.2 billion).
- Provides $189 million above the request for the first five CH-47F Block II Chinook aircraft and long-lead funding for the second five CH-47F Block II Chinook aircraft to ensure that the Army stays on schedule with the program of record.
- Provides $141 million above the request to fund a total of 42 UH/HH-60M Blackhawk helicopters ($862 million).
- Funds the requested 52 AH-64 Apache helicopters ($854 million).
- Provides $110 million above the request to fund 12 MQ-1 Gray Eagle unmanned aircraft systems.
- Funds the request of 15 KC-46 tankers ($2.7 billion).
- Funds 16 MQ-9 Reaper air vehicles, 16 more than the request ($344 million).
- Funds 15 V-22 aircraft, six more than the request ($1.4 billion).
- Funds nine P-8A Poseidon aircraft for the Navy Reserve, nine more than the request ($1.6 billion).
- Funds 17 C/MC/KC-130J aircraft, eight more than the request, including an additional two C-130Js only for the Air Force Reserve and an additional six C-130Js only for the Air National Guard ($1.5 billion).
- Funds five E-2D Advanced Hawkeye aircraft, one more than the request ($786 million).
- Funds nine CH-53K helicopters, two more than the request ($1.1 billion)
- Funds the request of five VH-92 executive helicopters ($578 million).
- Funds 19 HH-60W combat rescue helicopters ($1.1 billion).

Shipbuilding

- Provides $23.3 billion to procure 10 Navy ships.
- Funds are provided for two DDG-51 guided missile destroyers; two SSN-774 attack submarines; one Columbia class submarine; one Frigate; two towing, salvage, and rescue ships; one Expeditionary Fast Transport; and one LPD.
- Provides $500 million in incremental funding for LHA 9.
- Funds advance procurement for one Expeditionary Sea Base ($73 million).

Vehicles/Force Protection

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- Provides $375 million above the request to upgrade a total of 271 Stryker combat vehicles ($1.16 billion).
- Funds the request to upgrade 89 Abrams tanks to the M1A2 SEPv3 tank variant ($968 million).
- Provides an additional $100 million for Army National Guard HMMWV modernization.
- Fully funds the Army's request for 1,920 Joint Light Tactical Vehicles (JLTVs) and 1,334 JLTV companion trailers ($884 million).

Other

- Provides $996 million for three National Security Space Launch services.
- $598 million to procure two GPS IIIF spacecraft.
- Provides $200 million to fully support Israeli Cooperative procurement programs (Iron Dome, David's Sling, and Arrow).
- Provides $84 million above the request for safety and environmental upgrades of Army industrial facilities and $62 million above the request for Army organic industrial base investments.
- Includes $950 million for the National Guard and Reserve Equipment Account (NGREA).

Research, Development, Test and Evaluation

Total:	$107.4 billion
Base:	$107.1 billion
OCO/GWOT (title IX):	$0.3 billion

- Invests in basic and applied scientific research, development, test and evaluation of new technologies and equipment, and supports the research community so forces will have the systems and equipment for tomorrow's challenges.

Aircraft

- Fully funds the continued development of the Air Force's B-21 bomber program ($3 billion).
- Fully funds development of the VC-25B Presidential Aircraft Replacement ($758 million).
- Provides $90.5 million above the request for the development of the Army's Future Long Range Assault Aircraft ($225 million).

Shipbuilding

- Funds the continued development of the new design submarine ($243 million).

Vehicles and Ground Forces

- Provides $60 million above the request to fund the Army's Long Range Hypersonic Weapon ($861 million).
- Provides $88.1 million above the request for systems integration and testing in support of the Army's mid-range missile capability.
- Provides $161 million to support the Army's enduring indirect fire protection capability program.

Defense Advanced Research Project Agency (DARPA)

- Funds DARPA at $3.5 billion.

Other

- Provides $300 million for the Israeli cooperative research and development programs, including David's Sling and Arrow-3.
- Provides $285 million for the Global Positioning System IIIF program.
- Provides $481 million for the Global Positioning System III Operational Control Segment.
- Provides $551 million for National Security Space Launch to develop new U.S. space launch vehicles.
- Provides $2.32 billion for Next Generation Overhead Persistent Infrared.

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- Provides $214 million for future weather satellites.
- Provides $173 million for space situational awareness.
- Provides $8.5 million above the request to support the Army's Humanitarian Demining research and development program ($17 million).
- Provides $20 million above the request for the Special Operations Command Armed Overwatch Program.

Revolving and Management Funds

Total:	$1.493 billion
Base requirements:	$1.473 billion
OCO (title IX)	$0.20 billion

- Fully funds the Defense Commissary Agency to ensure servicemembers and their families receive continued savings for food and household goods as part of the military pay and benefits package.

Other Department of Defense Programs

Total:	$36.4 billion
Base Requirements:	$36 billion
OCO/GWOT (title IX)	$0.4 billion

Defense Health Program

- $33.68 billion plus $365.1 million for OCO/GWOT Requirements.
- Adds $542.5 million for cancer research. The total amount is distributed as follows:
  - $150 million for the breast cancer research program;
  - $15 million for the pancreatic cancer research program;
  - $110 million for the prostate cancer research program;
  - $35 million for the ovarian cancer research program;
  - $50 million for the kidney cancer research program;
  - $20 million for the lung cancer research program;
  - $30 million for the melanoma research program;
  - $17.5 million for the rare cancer research program; and
  - $115 million for the cancer research program.
- Adds $175 million for the peer-reviewed psychological health and traumatic brain injury research program.
- Adds $40 million for spinal cord research.
- Adds $40 million for the joint warfighter medical research program.

Chemical Agents and Munitions Destruction

- $1.05 billion, including $160.3 million above the President's Budget to address a shortfall for the Assembled Chemical Weapons Alternatives Program.

Overseas Humanitarian, Disaster, and Civic Aid

- $147.5 million, including levels above the President's Budget for foreign disaster relief, humanitarian assistance, and the humanitarian mine action program.

Drug Interdiction and Counter-Drug Activities

- $914 million, including $100 million above the President's Budget for the National Guard Counter-Drug Program.

Office of the Inspector General

- $375.4 million, an increase of $4 million above the President's Budget for oversight of funding provided in CARES.

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Afghanistan

- $3.05 billion for the Afghanistan Security Forces Fund. Funds may only be obligated if the Secretary of Defense certifies to Congress that the Afghan forces are controlled by a civilian, representative government that is committed to protecting human rights and women's rights and preventing terrorists from using the territory of Afghanistan to threaten the United States and our allies.
- Not less than $20 million for the recruitment and retention of women in the Afghanistan National Security Forces—twice the amount specified last year.
- Directs an assessment and report on Russia's malign activities in Afghanistan, including activities directed against U.S. and coalition troops, and measures taken by the Administration in response.
- No funds for the Taliban except support for reconciliation activities that also include the Afghan government, do not restrict the participation of women, and are authorized by law.

Counter-ISIS

- $710 million for the Counter-ISIS Train and Equip Fund, including support for the Iraqi Security Forces, Kurdish Peshmerga, and the Syrian Democratic Forces fighting ISIS.
- No funds may be used with respect to Iraq or Syria in contravention of the War Powers Resolution.
- No funds to exercise United States control over any oil resource of Iraq or Syria.

Security Cooperation Programs

- $275 million for the Ukraine Security Assistance Initiative, $25 million above the request. Continues notification requirements and requires the Secretary of Defense to inform Congress if funds have not been obligated within 60 days after notification.
- $1.19 billion for International Security Cooperation Programs.
  - $160 million for programs with countries in the Africa Command area of responsibility, $56 million above the budget request.
  - $120 million for programs with countries in the Southern Command area of responsibility, $46 million above the budget request.
  - $169 million for the Baltic Security Initiative, $25 million above the budget request.
  - $3 million for women's programs, which is in addition to $3.75 million included in the bill for the training of U.S. personnel related to these programs.
- Up to $500 million for Jordan, including not less than less than $150 million for reimbursements for enhanced border security.

Other General Provisions

- Includes various Buy America provisions.
- Includes $3.2 billion in prior year rescissions plus $1.9 billion in rescissions from prior year OCO/GWOT funding.
- Includes $284 million for public schools on military installations.
- Provides that nothing in this Act may be construed as authorizing the use of force against Iran.
- No funds in contravention of the War Powers Resolution.
- Requires the Secretary of Defense to notify Congress of any foreign contributions relating to the stationing or operations of the United States Armed Forces.
- Continues provisions prohibiting the transfer of Guantanamo detainees to the U.S. and limiting the transfer of detainees to other countries except under certain conditions (including assessment of that the detainee is no longer a threat to U.S. security).

Division D – Energy & Water Development

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Overview:

The Energy and Water Development and Related Agencies bill funds the U.S. Army Corps of Engineers, Department of the Interior programs, the Department of Energy, and other related agencies.

The FY 2021 bill provides $49.5 billion in discretionary funding, $6.9 billion above the President's budget request and $1.1 billion above the fiscal year 2020 enacted level. That amount includes $27.5 billion for defense-related activities, $1.5 billion above the request and $3.3 billion above the fiscal year 2020 enacted level. The amount also includes $21.9 billion for non-defense activities, $5.3 billion above the request and $2.1 billion below the fiscal year 2020 enacted level.

Bill Summary:

Army Corps of Engineers – Provides $7.8 billion, an increase of $145 million above the fiscal year 2020 level and $1.8 billion above the budget request.

- **Funding for Investigations** is $153 million, an increase of $2 million above the fiscal year 2020 level and $50.4 million above the request.

- **Funding for Construction** is $2.69 billion, an increase of $11.6 million above the fiscal year 2020 level and $519.4 million above the request.

- **Funding for Operation and Maintenance** is $3.85 billion, an increase of $59.7 million above the fiscal year 2020 level and $1.8 billion above the request.

- **Harbor Maintenance Trust Fund** projects receive $1.68 billion, an increase of $50 million above the fiscal year 2020 level and an increase of $665 million above the request. This meets the target set by the Water Resources Reform and Development Act of 2014 and represents 92 percent of estimated revenues compared to the fiscal year 2021 target of 83 percent.

- The bill makes full use of the estimated revenues, which includes a total appropriation of $113 million for the **Inland Waterways Trust Fund**.

- Provides **nine new study starts and seven new construction starts**.

- Funds the Water Infrastructure Finance and Innovation Program for the first time for the Corps at $14.2 million, to guarantee almost $1 billion in loans.

Department of Interior/Bureau of Reclamation – Provides $1.69 billion, an increase of $11 million above the fiscal year 2020 level and $553 million above the budget request.

- Provides $21 million for the **Central Utah Project**, $1 million above the fiscal year 2020 level and $11 million above the request.

- Provides $1.67 billion for the **Bureau of Reclamation**, an increase of $10 million above the fiscal year 2020 level and $542 million above the request. Within Reclamation:

    - Provides $559 million in additional funding for water resources projects, including those authorized in the Water Infrastructure Improvements for the Nation (WIIN) Act.

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- Within additional funding, $114.7 million is provided for rural water projects above the budget request.

Department of Energy – Provides $39.6 billion for the Department, an increase of $1 billion above the fiscal year 2020 level and $4.5 billion above the budget request.

- **Energy Efficiency and Renewable Energy –** Provides $2.86 billion, an increase of $72 million above the fiscal year 2020 level and $2.1 billion above the request. This funding provides for clean, affordable, and secure energy and ensures American leadership in the transition to a global clean energy economy.

- **Cybersecurity, Energy Security, and Emergency Response –** Provides $156 million, equal to the fiscal year 2020 level. This funding provides for efforts to secure the nation's energy infrastructure against all hazards, reduce the risks of and impacts from cybersecurity events, and assist with restoration activities.

- **Electricity –** Provides $211.7 million, an increase of $21.7 million above the fiscal year 2020 level and $16.7 million above the request. This funding will advance technologies to increase the resiliency and efficiency of the nation's electricity delivery system with capabilities to incorporate growing amounts of clean energy technologies.

- **Nuclear Energy –** Provides $1.5 billion, an increase of $14.2 million above the fiscal year 2020 level and $328 million above the request. This funding invests in activities to further improve the safety and economic viability of our current reactor fleet, develop the next generation of clean and safe reactors, and supports the advanced reactors demonstration program.

- **Fossil Energy Research and Development –** Provides $750 million, equal to the fiscal year 2020 level and $19.4 million above the request. This funding provides for research, development, and demonstration activities to ensure the safe, efficient, and environmentally sound use of fossil energy resources.

- **Science –** Provides $7.026 billion, an increase of $26 million above the fiscal year 2020 level and $1.2 billion above the request. The Office of Science funds basic science research in physics, biology, chemistry, and other science disciplines to expand scientific understanding and secure the nation's global leadership in energy innovation.

- **Advanced Research Projects Agency – Energy –** Provides $427 million, an increase of $2 million above the fiscal year 2020 level and rejects the budget proposal to eliminate this program. This funding supports research aimed at rapidly developing energy technologies that are capable of significantly changing the energy sector to address our critical economic, environmental, and energy security challenges.

- **National Nuclear Security Administration –** Provides $19.7 billion, an increase of $3 billion above the fiscal year 2020 level. This funding will maintain a safe, secure, and credible nuclear deterrent while addressing the threat of nuclear proliferation and terrorism. This includes:

    - **Weapons Activities -** $15.35 billion, an increase of $2.9 billion above the fiscal year 2020 level to maintain a credible nuclear deterrent and critical scientific and R&D capabilities.

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- **Defense Nuclear Nonproliferation -** $2.26 billion, an increase of $95.6 million above the fiscal year 2020 level and $229 million above the request. This funding secures nuclear material at home and abroad.

- **Naval Reactors -** $1.68 billion, an increase of $35.6 million above the fiscal year 2020 level and equal to the request, to continue safe and reliable operation of the Navy's nuclear-powered fleet.

- **Environmental Cleanup –** Provides $7.59 billion, an increase of $131 million above the fiscal year 2020 level and $1.52 billion above the budget request. This funding is used for nuclear waste cleanup at 16 sites across the country and includes:

  - **Non-Defense Environmental Cleanup -** $319.2 million, equal to the fiscal year 2020 level and $43 million above the request.

  - **Uranium Enrichment Decontamination and Decommissioning -** $841 million, $35 million above the request.

  - **Defense Environmental Cleanup -** $6.426 billion, an increase of $171 million above the fiscal year 2020 level and $1.4 billion above the request.

- **Power Marketing Administrations** – Provides the net budget request levels for the Southeastern Power Administration, Southwestern Power Administration, and Western Area Power Administration. The agreement rejects the President's proposal to sell the transmission assets of the PMAs, change the laws governing how the PMAs establish power rates, and repeal the borrowing authority for the Western Area Power Administration.

Nuclear Regulatory Commission – Provides a net appropriation of $123 million. This funds regulatory activities to ensure the safe use of nuclear reactors and radioactive materials while protecting people and the environment.

Appalachian Regional Commission – Provides $180 million, which is $5 million above the fiscal year 2020 level and $15 million above the budget request. The Commission funds projects in the Appalachian Region to promote economic development, education and job training, critical infrastructure, and community development.

Northern Border Regional Commission – Provides $30 million, which is $5 million above the fiscal year 2020 level and $29.1 million above the budget request. This funding targets the economic development needs of distressed portions of Maine, New Hampshire, Vermont, and New York.

Policy Provisions:

- A provision to prevent the reorganization of the Army Corps of Engineers, or to transfer Corps functions to other agencies.
- A provision to allow a transfer of funds from the Western Area Power Administration to the Bureau of Reclamation for environmental stewardship and endangered species recovery purposes.

Division E – Financial Services & General Government

Overview:

The Financial Services and General Government bill provides annual funding for the Department of the

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Treasury, the Judiciary, the Executive Office of the President, and other independent agencies, including the Small Business Administration.

The FY 2021 Financial Services and General Government bill includes funding for a broad range of functions and services in both the Executive and Judicial branches that are essential to the operation of the Federal Government. In addition, the bill supports programs that assist and protect the public, such as shielding consumers from defective and dangerous products, assisting small businesses, and investing in distressed communities.

The bill provides $24.42 billion in discretionary funding, an increase of $281 million over the comparable FY 2020 enacted level.

Bill Summary:

Department of the Treasury – $13.49 billion, $429.9 million above the FY 2020 enacted level.

- **Committee on Foreign Investment in the United States (CFIUS) Fund –** Provides $20 million to support CFIUS program responsibilities and enforcement efforts.

- **Terrorism and Financial Intelligence (TFI) and Financial Crimes Enforcement Network (FinCEN) –** Provides $175 million for TFI, an increase of $5.3 million above FY 2020, including $3 million for enhanced enforcement of human rights and corruption violations, and $127 million for FinCEN, $1 million above FY 2020.

- **Savings Bond Digitization –** Provides $25 million to digitize savings bonds records dating back to World War II, to enable Americans to redeem more than $24 billion in matured savings bonds left unclaimed in the U.S. Treasury.

- **Treasury Inspectors General –** Provides $41 million for the Treasury Inspector General, and $170 million for the Treasury Inspector General for Tax Administration, both equal to FY 2020.

- **Community Development Financial Institutions Fund (CDFI) –** Includes $270 million, an increase of $8 million above FY 2020 and $256 million more than the President's budget request. All core CDFI programs received an increase over FY 2020.

- **Internal Revenue Service (IRS) –** Includes $11.92 billion, an increase of $409 million above FY 2020, with increases to all four IRS accounts.

    - **Taxpayer Services:** $2.56 billion, an increase of $44 million above the FY 2020 level, to provide timely customer service to taxpayers. Grant programs funded within the total include:

        - Volunteer Income Tax Assistance – $30 million, an increase of $2 million;
        - Tax Counseling of the Elderly – $11 million, equal to FY 2020;
        - Low Income Taxpayer Clinic Grants – $13 million, an increase of $1 million; and
        - National Taxpayer Advocate – $211 million, an increase of $1 million.

    - **Enforcement:** $5.2 billion, an increase of $203 million, to increase IRS collection efforts and further close the tax gap.

    - **Operations Support:** $3.9 billion, an increase of $120 million, to provide for critical systems to maintain IRS operations.

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- **Business Systems Modernization:** $222.7 million, an increase of $43 million, to assist in the modernization of IRS's legacy IT systems.

Executive Office of the President – $758.8 million, $31.8 million above the FY 2020 enacted level and $405.4 million above the President's budget request.

- **Office of Management and Budget (OMB) –** Includes $106.6 million, $5 million above the FY 2020 level and $9.1 million below the President's budget request.

- **Intellectual Property Enforcement Coordinator (IPEC) –** Provides $1.8 million for IPEC, $500,000 above the FY 2020 level and $800,000 above the President's budget request.

- **Office of National Drug Control Policy (ONDCP) –** Rejects Administration's proposed transfer or elimination of ONDCP grant programs and includes:

  - $290 million for the High Intensity Drug Trafficking Areas Program, an increase of $5 million above FY 2020; and

  - $102 million for the Drug-Free Communities Program, an increase of $750,000 above FY 2020.

The Judiciary – $7.72 billion in discretionary funding, $233.3 million above the FY 2020 enacted level.

- **Defender Services –** $1.32 billion, an increase of $81.7 million above the FY 2020 level and equal to the budget request.

- **Court Security –** $664 million, an increase of $24.8 million above the FY 2020 level and equal to the budget request.

District of Columbia – $734.5 million, $20.2 million above the FY 2020 level.

- **D.C. Resident Tuition Support –** Rejects the President's proposal to terminate the program and includes $40 million, equal to the FY 2020 level.

- **HIV/AIDS Testing and Treatment –** $4 million, equal to FY 2020 and an increase of $1 million above the President's budget request.

- **D.C. Emergency Planning and Security Costs –** $38.4 million, an increase of $20.4 million above the FY 2020 level. An additional $13 million was provided in the continuing resolution.

- **D.C. Water and Sewer Authority –** Includes $8 million, equal to FY 2020 and $8 million above the President's budget request.

Independent Agencies – $1.79 billion to support a variety of agencies including the General Services Administration, Office of Personnel Management, and Small Business Administration. In addition, the bill includes $142.9 million in a disaster cap adjustment for SBA Disaster Loans.

- **Consumer Product and Safety Commission –** $135 million, an increase of $2.5 million above FY 2020. Within the total, $1.3 million is included for Virginia Graeme Baker Pool Safety Grants.

- **Election Assistance Commission (EAC) –** $17 million for EAC operating expenses, an increase of $1.8 million above FY 2020, to increase staffing and other resources to enable the EAC to support State efforts

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to ensure the continued security and accessibility of Federal elections.

- **Federal Communications Commission (FCC) –** $374 million for FCC salaries and expenses, an increase of $35 million over FY 2020. Of this increase, $33 million is provided for the FCC to improve its broadband maps as required by the Broadband DATA Act.

- **Federal Trade Commission (FTC) –** $351 million for FTC salaries and expenses, an increase of $20 million over FY 2020, to bolster the agency's competition, privacy, and consumer protection work.

- **General Services Administration**

    - **Construction and Acquisition –** $230 million, an increase of $77.6 million over FY 2020, for the construction of U.S. courthouses in Hartford, CT and Chattanooga, TN.

    - **Repairs and Alterations –** $576.6 million, including $203.9 million for Major Repairs and Alterations and $372.7 million for Basic Repairs.

    - **Presidential Transition Expenses –** $9.9 million for the Presidential Transition in 2020-2021.

- **National Archives and Records Administration (NARA) –** $377 million for NARA operating expenses, an $18 million increase over FY 2020.

    - Includes $2 million for implementation of the Civil Rights Cold Case Record Collections Act of 2018 and $18 million for NARA's transition responsibilities under the Presidential Records Act of 1978.

    - In addition, includes $6.5 million for the National Historical Publications & Records Commission Grants Program.

- **Office of Personnel Management (OPM) –** $362 million, an increase of $32 million above the FY 2020 level. The additional funds are needed to compensate for the lost revenue due to the FY 2020 transfer of the background investigation bureau to the Pentagon and increased IT modernization efforts. Rejects the Administration's request to merge OPM into GSA and OMB.

- **Securities and Exchange Commission (SEC) –** $1.93 billion for SEC salaries and expenses, an increase of $100.6 million above the FY 2020 level and the same as the President's budget request.

- **Small Business Administration (SBA) –** $778.9 million for SBA, an increase of $39.9 million above the President's budget request. In addition, the bill provides $142.9 million in disaster cap adjustment funds for SBA Disaster Loans.

    - Includes $272 million for **Entrepreneurial Development Programs**, an increase of $11 million above the FY 2020 level and $104.4 million above the budget request, including:

        - $136 million for Small Business Development Centers;
        - $23 million for Women's Business Centers;
        - $35 million for Microloan Technical Assistance; and
        - $19.5 million for the State Trade Expansion Program (STEP).

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Policy Provisions –

- The bill preserves 6-day postal delivery, continues to prevent the consolidation or closure of small rural and other small post offices, and requires the Postal Service to continue to sell the popular "Tiger Stamp."
- The bill preserves a 1 percent pay raise for Federal civilian employees for calendar year 2021.
- The bill continues language prioritizing CDFI awards to persistent poverty counties.
- The bill continues a provision requiring OMB to notify all Federal agencies of their obligations to comply with government-wide provisions in Title VII of the FSGG bill.
- The bill provides $50,000,000 in emergency funding for NARA's Records Center Revolving Fund to offset losses resulting from the coronavirus pandemic and to accelerate the processing of requests for military service records.

Division F – Homeland Security

Overview:

The bill provides $69.02 billion in discretionary resources, including $49.33 billion for non-defense programs; $2.55 billion for defense-related programs; and $17.1 billion for major disaster response and recovery activities. When excluding offsetting collections and major disaster funding, the total provided in the bill is $51.88 billion, which is $195.5 million below the budget request and $1.41 billion above the FY2020 enacted level.

Bill Summary

Office of the Secretary – The bill provides $205.8 million for the Office of the Secretary and Executive Management, an increase of $27 million above the FY2020 enacted level and an increase of $55.5 million above the President's budget request, including:

- $20 million for the Office of Immigration Detention Ombudsman to investigate and resolve complaints regarding misconduct by DHS personnel and violations of the rights of individuals in DHS custody, including through unannounced inspections of detention facilities; and

- $25 million to be transferred to FEMA, including:
  - $20 million for Targeted Violence and Terrorism Prevention grants; and
  - $5 million for an Alternatives to Detention case management grant pilot program.

Management Directorate – The bill provides $3.20 billion for the Management Directorate, an increase of $78.3 million above the FY2020 enacted level and $148.7 million below the President's budget request.

Office of Inspector General – The bill provides $190.2 million for the Office of Inspector General, an increase of $12.4 million above the budget request for increased oversight of detention and immigration enforcement activities.

U.S. Customs and Border Protection (CBP) – The bill provides $15.28 billion for CBP, $370.7million above the FY2020 enacted level and $520.2 million below the President's budget request, including:

- $261 million above the request to support base line operations.
- $34 million for new body worn cameras and video recording equipment for Border Patrol Stations.
- $10 million of Port of Entry Technology.
- $45 million for innovative technology.
- $119 million for new aircraft and aircraft sensors.
- $118 million for border technology.
- $142 million for CBP facilities.

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Provides no funding for an increased number of border patrol agents.

Provides an additional $840 million in emergency appropriations for the ports of entry to help offset the loss of customs and immigration fee revenue associated with the pandemic.

U.S. Immigration and Customs Enforcement (ICE) – Provides $7.97 billion for ICE, $106.5 million below the FY2020 enacted level and $1.95 billion below the President's budget request, including:

- $2.14 billion for investigations with cross-border nexus, including those related to human trafficking, financial crimes and cyber investigations, including:
  - $5.5 million increase for the Human Exploitation Rescue Operative Child-Rescue Corps; and
- $4.12 billion for Enforcement and Removal Operations, $310.1 million below the FY2020 enacted level and $1.59 billion below the President's budget request, including:
  - $3.26 billion for Custody Operations and Transportation and Removal, $450 million below the FY2020 enacted level and $1.49 billion below the President's budget request; and
  - $440 million for Alternatives to Detention, $120.9 million above the FY2020 enacted level, including $25 million for case management services.

Rejects the proposed use of USCIS Immigration Examination Fee funding to support ICE investigations.

Provides ***no*** funding for additional immigration enforcement personnel.

Provides additional funding above FY2020 enacted levels to address the backlog of critical maintenance and repairs at existing, ICE-owned detention facilities.

Provides $3.16 million above the request to address ICE's Freedom of Information Act backlog.

Transportation Security Administration (TSA) – Provides $7.96 billion for TSA, $144.2 million above the FY2020 enacted level and $325.4 million above the President's budget request, including.

- Provides $100 million for computed tomography screening equipment and credential authentication and standoff detection technology.
- Fully funds the Visible Intermodal Prevention and Response teams (VIPR); staffing at exit lanes; and the Law Enforcement Officer reimbursement program.
- $30 million for reimbursements to airports for legacy purchases of in-line explosive detection systems.

Coast Guard – Provides $12.84 billion for the Coast Guard, $878.8 million above the FY2020 enacted level and $739.4 million above the President's budget request, including:

- $2.26 billion for significant new investments in the Coast Guard's air and marine fleet, and facilities, including:
  - Continued support for the Offshore Patrol Cutter program, Fast Response Cutters, MH-60 helicopters, C-130 J aircraft, and procurement of a second Polar Security Cutter.
  - $363 million, which is $216 million above the request for shore facilities and other infrastructure, including housing for Coast Guard families.
- $107 million above the request to invest further in Coast Guard operational readiness, personnel and their families, including additional investment in cybersecurity, communications, workforce readiness and childcare subsidy.

United States Secret Service (USSS) – Provides $2.44 billion for the USSS, $22.2 million above the FY2020 enacted level and $77.5 million above the President's budget request, including:

- $6 million for grants related to investigations of missing and exploited children; and
- $15.3 million for additional overtime and retention incentives

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- $10 million for radio modernization
- $11.3 million for IT support and infrastructure modernization
- $30.4 million for basic and advanced computer forensics training for state and local law enforcement officers, judges, and prosecutors in support of the Secret Service mission

Funds additional requirements to support Post-Presidential Protection and Transition activities.

Cybersecurity and Infrastructure Security Agency (CISA) – Provides $2.0 billion for CISA, $9.4 million above the FY2020 enacted level and $267.2 million above the President's budget request, including:

- $92.8 million to further advance CISA's Cyber Operations, including $43.9 million for threat hunting;
- $43.3 million for the Continuous Diagnostics and Mitigation program; and
- $21.2 million for the National Cybersecurity Protection System.

Fully funds the Chemical Facility Anti-Terrorism Standards (CFATS) program.

Federal Emergency Management Agency (FEMA) – Provides $21.67 billion for FEMA, $604.1 million below the FY2020 enacted level and $12.32 billion above the President's budget request, including:

- $17.14 billion for disaster response and recovery efforts; and
- $3.32 billion for Federal Assistance, including:
    - $610 million for the State Homeland Security Grant Program (SHSGP), including $90 million for the SHSGP Nonprofit Security Grants Program;
    - $705 million for the Urban Areas Security Initiative (UASI), including $90 million for the UASI Nonprofit Security Grant Program;
    - $720 million for firefighter grant programs;
    - $130 million for the Emergency Food and Shelter program;
    - $20 million transferred from the Office of the Secretary for Targeted Violence and Terrorism Prevention grants; and
    - $5 million transferred from the Office of the Secretary for an Alternatives to Detention case management grant pilot program.

Other

- $340.3 million for the Federal Law Enforcement Training Centers, $10.8 million below the FY2020 enacted level and $8.9 million above the President's budget request, including $4.7 million above the request to expand export training for law enforcement officers.
- $765.6 million for the Science and Technology Directorate, $28.3 million above the FY2020 enacted level and $121.8 million above the President's budget request.
- $402.3 million for the Countering Weapons of Mass Destruction Office, $30.2 million above the FY2020 enacted level and $25 million above the request.

Policy Provisions

- Prohibits the use of any federal funding to construct fencing in Bentsen-Rio State Park, the National Butterfly Center, the Santa Ana Wildlife Refuge, the Lower Rio Grande Wildlife Refuge between Brownsville, TX, and the Gulf of Mexico, and historic cemeteries.

- Requires CBP to provide an expenditure plan prior to the use of funds for border security construction and acquisition.

- Requires ICE to make information about the 287(g) program publicly available.

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- Requires ICE to sever contracts with detention facilities that fail two consecutive inspections and requires more frequent inspections by ICE's Office of Professional Responsibility.

- Requires ICE to publicly post inspection results and plans to address deficiencies, with the status of addressing such deficiencies to be validated by the new Office of Immigration Detention Ombudsman.

- Authorizes members of Congress to conduct unannounced inspections of detention facilities, as well as designated congressional staff who provide a 24-hour notice.

- Prohibits DHS from destroying records related to the death of, potential sexual assault against, or abuse of individuals in its custody.

- Ensures that information shared with ICE by the Department of Health and Human on potential sponsors of unaccompanied children cannot be used by ICE for detention or removal purposes unless the sponsor has a dangerous criminal background.

- Prohibits DHS from placing pregnant women in restraints except in extraordinary circumstances.

- Requires ICE to provide detailed reporting on its Alternatives to Detention program.

- Requires ICE to publish information on a publicly available website with the numbers and types of people in its custody, such as:
    - families and transgender detainees;
    - border apprehension detainees;
    - interior enforcement detainees; and
    - those who are in custody who have a positive credible fear claim.

Division G – Interior-Environment

Overview:

The Interior, Environment, and Related Agencies bill includes funding for programs within the Department of the Interior, the Environmental Protection Agency, and other related agencies, including the Indian Health Service.

In total, the FY 2021 bill includes $36.107 billion, an increase of $118 million over the 2020 enacted level and $4.5 billion over the President's 2021 request. There is also an additional $2.35 billion of funding provided under the fire suppression cap adjustment.

Increases in funding will help protect and preserve public lands, build resilience to climate change, strength the environmental workforce, and ensure access to safe drinking water.

In FY 2021, Land and Water Conservation Fund (LWCF) allocations will shift from discretionary to mandatory appropriations. For clarity, comparisons throughout are for non-LWCF programs.

Bill Summary:

Land and Water Conservation Fund (LWCF) - The bill provides for the allocation of the full $900 million now permanently available from the Land and Water Conservation Fund as a result of enactment of the Great American Outdoors Act. These allocations include $405 million for the federal program, $360 million for the state grants program, and $135 million for other non-federal grant programs.

Wildland Fire Management (WFM) - The bill provides $5.27 billion for WFM, which includes, $2.35 billion in cap adjusted fire suppression funding. Funding includes a shift of $387 million to Forest Service (non-fire)

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due to the budget restructure and the creation of the "Forest Service Operations" account. After adjusting for this shift, the bill provides a programmatic increase of $104 million for WFM.

Department of the Interior (DOI) – The bill provides a total of $13.7 billion in discretionary appropriations for DOI – $186 million above the 2020 enacted level and $1.7 billion above the President's budget request. Of this amount, the bill includes:

- $1.27 billion for the **Bureau of Land Management**, $28 million below the enacted level and $90 million above the President's budget request. Within this amount, the bill includes:
  - $74 million for **sage-grouse conservation.**
  - $31 million for **renewable energy** development
  - $116 million for the **wild horse and burro program**, $15 million above the fiscal year 2020 enacted level.
- $1.58 billion for the **U.S. Fish and Wildlife Service**, $22 million above the fiscal year 2020 enacted level and $205 million above the President's budget request. Within this amount, the bill includes:
  - $270 million for **Ecological Services**, $3.7 million above the fiscal year 2020 enacted level and $26 million above the President's budget request.
  - $504 million for **National Wildlife Refuge System**, $1.4 million above the fiscal year 2020 enacted level and $21 million below the President's budget request.
  - $72 million for **State and Tribal Wildlife Grants**, $4.8 million above the fiscal year 2020 enacted level and $41 million above the President's budget request.
- **$3.12 billion for National Park Service**, $44 million below the fiscal year 2020 enacted level and $332 million above the President's budget request. Within this amount, the bill includes:
  - $2.69 billion for **Operation of the National Park System**, $111 million above the fiscal year 2020 enacted level and $172 million above the President's budget request. Within this amount, $3.3 million is provided for the 400 Years of African-American History Commission and $8 million is provided for the Semiquincentennial Commission.
  - $74 million for **National Recreation and Preservation**, $3 million above the fiscal year 2020 enacted level and $40 million above the President's budget request.
  - $144 million for the **Historic Preservation Fund**, $26 million above the fiscal year 2020 enacted level and $104 million above the President's budget request. Within this amount, the bill includes $71 million for State and Tribal Historic Preservation Offices, $25 million for Save America's Treasures grants, $21 million for competitive grants to preserve the sites and stories of underrepresented community civil rights, and $10 million for grants to Historically Black Colleges and Universities.
- $1.3 billion for the **U.S. Geological Survey**, $44.6 million above the fiscal year 2020 enacted level and $344 million above the President's budget request.
- $3.5 billion for **Bureau of Indian Affairs**, **Bureau of Indian Education**, and the **Office of the Special Trustee,** $171 million above the fiscal year 2020 enacted level and $544 million above the President's budget request. This amount rejects the new budget structure for the Bureau of Trust Funds Administration in Indian Affairs but includes the Office of the Special Trustee in the total. Within the $3.5 billion, the bill includes:
  - $1.6 billion for operation of **Bureau of Indian Affairs Operation of Indian Programs**, $39 million above the fiscal year 2020 enacted level and $170 million above the President's budget request.
  - $129 million for **Bureau of Indian Affairs Construction**, equal to the fiscal year 2020 enacted level and $70 million above the President's budget request.
  - $11.8 million for the **Indian Guaranteed Loan Program**, equal to the fiscal year 2020 enacted level and $10.9 million above the President's budget request.
  - $973 million for **Bureau of Indian Education Operation of Indian Programs**, $30 million above the fiscal year 2020 enacted level for the same programs and $97 million above the President's budget request.

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    - $264 million to **Bureau of Indian Education Construction**, $16 million above the fiscal year 2020 enacted level for the same programs and $195 million above the President's budget request.
    - Fully funds **Contract Support Costs**.
    - Establishes indefinite appropriation account for and fully funds **Payments for Tribal Leases.**
    - $108 million for the **Office of the Special Trustee,** equal to the fiscal year 2020 enacted level and the President's budget request for a proposed Bureau of Trust Funds Administration.
- $115 million for **Office of Insular Affairs**, $4 million above the 2020 enacted level and $26 million above the President's budget request.
- $58 million for **Office of Inspector General**, $2.6 million above the enacted level and $790,000 below the President's budget.
- $86 million for the **Office of the Solicitor**, $20 million above the 2020 enacted level and equal to the President's budget. The increase is due to the relocation of bureau Ethics Offices.

Environmental Protection Agency (EPA) – The bill provides a total of $9.24 billion in for EPA – $180 million above the 2020 enacted level and $2.53 billion above the President's budget request. Of this amount, the bill includes:

- $3.49 billion for EPA's core **science and environmental program work**, an increase of $111 million above the 2020 enacted level and $724 million above the President's budget request. Within these amounts, the bill includes:
    - $542 million for **Geographic Programs** which help with restoration of nationally significant bodies of water like the Great Lakes, Chesapeake Bay, and Long Island Sound. This is an increase of $32 million above the 2020 enacted level and $211 million above the President's budget request.
    - $566 million for **environmental compliance monitoring and enforcement activities and grants**, a $14 million increase above the 2020 enacted level and $41 million above the President's request.
    - $53 million in funding at EPA and partner agencies for **scientific and regulatory work and cleanup assistance for per- and polyfluoroalkyl substances (PFAS)**, needed to establish a drinking water standard and cleanup standards. This level of funding is $10 million above the 2020 enacted level.
- $4.31 billion for **State and Tribal Assistance Grants,** a $68 million increase above the 2020 enacted level and $1.47 billion above the President's budget request. Within this amount, the bill includes:
    - $2.77 billion for **Clean Water and Drinking Water State Revolving Funds**, equal to the 2020 enacted level.
    - $40 million for **Combined Sewer Overflow grants**, a $12 million increase above the enacted level.
    - $91 million for **Brownfields cleanups**, a $2 million increase above the 2020 enacted level.
    - $90 million for **Diesel Emissions Reductions grants**, a $3 million increase above the enacted level.
- $1.21 billion for **Superfund**, a $21 million increase above the 2020 enacted level and $127 million above the President's request.
- $12.5 million for **Environmental Justice activities**, a $2.3 million increase above the 2020 enacted level and over four-fold increase above the President's budget request.

Related Agencies –

- $3.46 billion for the **Forest Service (non-fire)**, an increase of $324 million above the 2020 enacted level and $527 million above the President's budget request. After adjusting for LWCF and a restructure of the Forest Service budget, this is a programmatic increase of $77.9 million.
- $6.2 billion for the **Indian Health Service**, an increase of $189 million above the 2020 enacted level and $57 million below the President's budget request.

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    - $4.3 billion for health services, $14 million below the 2020 enacted level and $206 million below the President's budget request. This rejects the President's proposed program cuts and includes $5 million for HIV and Hepatitis C initiative, $5 million for Alzheimer's, and $5 million for maternal health initiative. The amount reflects the transfer of funds for tribal lease payments to a new indefinite appropriation account for these costs.
    - $918 million for health facilities construction, $6 million above the 2020 enacted level and $149 million above the President's budget request. This continues $5 million to invest in green infrastructure.
    - Establishes an indefinite appropriation account and fully funds Payments for Tribal Leases.
- $167.50 million each for the **National Endowment for the Arts** and the **National Endowment for the Humanities**, which is $5.25 million more than the 2020 enacted levels and rejects the President's budget request proposal to eliminate the Agencies. The bill includes language that permits grants fund appropriated this year and in fiscal years 2019 and 2020 to be used for operating expenses.
- $1.03 billion for the **Smithsonian Institution**, a reduction of $14.6 million below the 2020 enacted level and $77.6 million below the President's budget request.
- $14 million for the **Woodrow Wilson International Center for Scholars**, the 2020 enacted level and $5.8 million above the President's budget request.
- $40.4 million for the **John F. Kennedy Center for the Performing Arts**, a decrease of $3 million below the 2020 enacted level and equal to the President's budget request.
- $61.4 million for the **United States Holocaust Memorial Museum**, $1 million above the enacted level and the President's budget request. The NEVER AGAIN EDUCATION ACT (Public Law 116-141) is fully funded at $2 million to enhance the U. S. Holocaust Memorial Museum's education programming on the Holocaust and genocide prevention.

Outcome of Policy Provisions:
The bill includes the following policy provisions that were previously enacted:

- Sec. 116 retains restrictions on the issuance of rules for sage grouse.
- Sec. 430 continues a provision limiting oil and gas development near Chaco Culture National Historical Park.
- Sec. 436 continues a provision prohibiting the use of funds to promulgate or implement permitting requirements under Title V of the Clean Air Act for certain livestock emissions.
- Sec. 437 continues a provision prohibiting funds to implement any provision that requires reporting mandatory greenhouse gas emissions from manure management operations.
- Sec. 438 retains provision prohibiting funds to regulate the lead content of ammunition or fishing tackle.
- Sec. 439 addresses carbon emissions from forest biomass.
- Sec. 440 addresses the use of small remote incinerators in the State of Alaska.

Division H – Labor-HHS-Education

Overview:

The Labor, Health and Human Services, Education, and Related Agencies bill includes funding for programs within the Departments of Labor, Health and Human Services, and Education, and other related agencies, including the Social Security Administration.

In total, the FY 2021 bill includes $197 billion in programmatic funding, an increase of $2.8 billion over the 2020 enacted level and $19.2 billion over the President's 2021 budget request.

Bill Summary:

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Department of Labor (DOL) – The bill provides a total of $12.5 billion in discretionary appropriations for DOL, an increase of $122 million above the 2020 enacted level and $1.4 billion above the President's budget request. Of this amount, the bill includes:

- $9.4 billion for the **Employment and Training Administration**, an increase of $99 million above the 2020 enacted level. Within this amount, the bill includes:
    - $2.8 billion for **Workforce Innovation and Opportunity Act Grants**, an increase of $26 million above the fiscal year 2020 enacted level.
    - $94 million for **Migrant and Seasonal Farmworkers**, an increase of $2 million above the fiscal year 2020 enacted level. New bill language is included increasing the eligibility threshold to 150 percent of the poverty line.
    - $100 million for the **Reintegration of Ex-Offenders**, an increase of $2 million above the fiscal year 2020 enacted level.
    - $185 million for **Registered Apprenticeships**, an increase of $10 million above the fiscal year 2020 enacted level. No funding is provided for Industry Recognized Apprenticeship Programs (IRAPs). New bill language is included that requires the participation of equity intermediaries and business and labor industry partner intermediaries.
    - $97 million for **YouthBuild**, an increase of $2 million above the fiscal year 2020 enacted level.
    - $45 million for **Strengthening Community College Training Grants**, an increase of $5 million above the fiscal year 2020 enacted level. Funding will help meet local and regional labor market demand for a skilled workforce by providing training to workers in in-demand industries.
    - $1.7 billion for **Job Corps,** an increase of $5 million above the 2020 enacted level.
    - $200 million for the **Reemployment Services and Eligibility Assessments** program, an increase of $25 million above the 2020 enacted level.
    - $670 million for the **Employment Service**, an increase of $2 million above the 2020 enacted level.
    - $77.8 million for the **Office of Foreign Labor Certification**, an increase of $9 million above the 2020 enacted level.
- $1.7 billion for **Worker Protection Agencies**, an increase of $15.3 million above the fiscal year 2020 enacted level. Within this amount, the bill includes:
    - $246 million for the **Wage and Hour Division**, an increase of $4 million above the 2020 enacted level.
    - $592 million for the **Occupational Safety and Health Administration**, an increase of $10 million above the 2020 enacted level.
- $15 million for the **Women's Bureau**, an increase of $1 million above the 2020 enacted level. Within this amount, the Women in Apprenticeship and Nontraditional Occupations (WANTO) program is funded at $1.8 million, $500,000 above the 2020 enacted level.

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- $316 million for **Veterans' Employment and Training Service** (VETS), an increase of $5 million above the 2020 enacted level. Of this amount:
    - $58 million for the **Homeless Veterans Reintegration Program**, an increase of $2 million above the 2020 enacted level.
    - $31 million for the **Transition Assistance Program**, an increase of $2 million above the 2020 enacted level.

Department of Health and Human Services (HHS) – The bill includes a total of $97 billion for HHS, an increase of $2.1 billion above the 2020 enacted level and $9.9 billion above the President's budget request.

- **National Institutes of Health (NIH)** – The bill provides a total of $42.9 billion for NIH, an increase of $1.25 billion above the 2020 enacted level. This includes:
    - $3.118 billion, an increase of $300 million, for **Alzheimer's disease and related dementias research**;
    - $560 million, an increase of $60 million, for the **BRAIN Initiative**;
    - $541 million, an increase of $8 million, for research related to opioids through the **HEAL Initiative**;
    - $220 million, an increase of $20 million, for **Universal Flu Vaccine Research**;
    - $3.09 billion, an increase of $20 million, for **HIV/AIDS Research**, including funding for the Centers for AIDS Research as part of the **Ending the HIV Epidemic Initiative**;
    - $397 million, an increase of $10 million, for **Institutional Development Awards (IDeA)**;
    - $80 million, an increase of $5 million, for **Research Centers in Minority Institutions**;
    - $587 million, an increase of $9 million, for **Clinical and Translational Science Awards**;
    - $65 million, an increase of $5 million, for the **INCLUDE Down syndrome research initiative**;
    - $12.5 million for **research on firearm violence prevention**;
    - $44 million, an increase of $5 million, for the **Office of Research on Women's Health**; and
    - Funding for new initiatives, including $10 million for **research on premature births**, $10 million for **research on tick-borne diseases**, and $50 million for **research on artificial intelligence** to address chronic diseases.

- **Centers for Disease Control and Prevention (CDC)** – The bill includes a total of $7.9 billion for CDC, an increase of $125 million above the 2020 enacted level. This includes $856 million in transfers from the Prevention and Public Health Fund.
    - The bill includes investments in our nation's public health infrastructure including:
        - $201 million, an increase of $25 million, for **influenza** planning and response.

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        - $695 million, an increase of $20 million, for **public health emergency preparedness cooperative agreements** with State and local health departments.
        - $65 million, an increase of $2 million, for **food safety**.
        - $361 million, an increase of $7.5 million, to **strengthen epidemiologic and laboratory capacity**, and includes $50 million to support **modernization of public health data surveillance and analytics** at CDC, State and local health departments.
        - $56 million, an increase of $5 million, for **public health workforce and career development**.
        - $175 million, an increase of $1 million, for **health statistics**.
    - The bill provides increases for numerous public health efforts, including:
        - $175 million, an increase of $35 million, to support CDC's efforts to **reduce new HIV infections**.
        - $12 million, an increase of $2 million, for **suicide prevention**.
        - $12.5 million, the same amount as the 2020 enacted level, to specifically support **firearm injury and mortality prevention research**.
        - $237.5 million, an increase of $7.5 million, to address **tobacco and e-cigarettes.**
        - $20.5 million, an increase of $5 million, for **Alzheimer's**.
        - $63 million, an increase of $5 million, for **safe motherhood**.
        - $345 million, an increase of $2.5 million, for the **National Institute for Occupational Safety and Health.**
        - $193 million, an increase of $20 million, for **global disease detection efforts.**
- **Substance Abuse and Mental Health Services Administration** (SAMHSA) – The bill funds SAMHSA at $6 billion, an increase of $133 million above the 2020 enacted level. SAMHSA funding includes increased support for:
    - **Mental health resources** including a new $35 million crisis care initiative within the Mental Health Block Grant; and expanded services and support for mental for children and youth including $107 million for Project AWARE, an increase of $5 million; and $72 million for the National Child Traumatic Stress Initiative, an increase of $3 million.
    - **Suicide prevention** including $21 million for the Zero Suicide program, an increase of $5 million; and $24 million for the Suicide Lifeline, an increase of $5 million.
    - **Substance abuse treatment**: $3.8 billion, an increase of $17 million, including continued funding for opioid prevention and treatment.
    - **Substance abuse prevention**: $208 million, an increase of $2 million.

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- **Health Resources and Services Administration** (HRSA) – The bill includes $7.5 billion for HRSA, which is $151 million above the 2020 enacted level. The amount includes:
    - $1.7 billion for the **Health Centers** program, an increase of $57 million.
    - $2.4 billion, an increase of $35 million, for the **Ryan White HIV/AIDS** program.
    - $102 million in **Health Centers** and $105 million in the **Ryan White HIV/AIDS program** to **reduce new HIV infections** by 90 percent in 10 years.
    - $1.2 billion, an increase of $30 million, for HRSA's **Bureau of Health Professions** programs to support the medical workforce.
    - $975 million, an increase of $32 million, for programs to **improve maternal and child health.**
    - $286 million for the **Title X Family Planning** program.
- **Agency for Healthcare Research and Quality (AHRQ)** – The bill provides $338 million for AHRQ, the same as the 2020 enacted level.
- **Centers for Medicare and Medicaid Services (CMS)** – The bill provides $4 billion for CMS administrative expenses, the same as the 2020 enacted level.
- **Administration for Children and Families (ACF)** – The bill provides $24.7 billion in discretionary funding for ACF, an increase of $251 million above the 2020 enacted level.
    - Early childhood programs receive an increase of $220 million:
        - $5.9 billion for the **Child Care and Development Block Grant**, an increase of $85 million; and
        - $10.7 billion for **Head Start**, an increase of $135 million.
    - $3.8 billion for the **Low Income Home Energy Assistance Program** (LIHEAP), an increase of $10 million.
    - $745 million for the **Community Services Block Grant**, an increase of $5 million.
    - $196 million for **Family Violence Prevention and Services and the Domestic Violence Hotline,** an increase of $8.5 million.
- **Administration for Community Living (ACL) –** The bill funds ACL at $2.3 billion, which is $35 million above the 2020 enacted level. This amount includes:
    - $952 million for **Senior Nutrition** programs, an increase of $15 million above the 2020 enacted level.
    - $200 million for **Family Caregivers Services**, an increase of $4 million above the 2020 enacted level.

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- **Office of the Secretary—General Departmental Management** – The bill provides $551 million, an increase of $6 million above the 2020 enacted level. The amount includes:
    - $108 million for the **Teen Pregnancy Prevention** program.
    - $62 million for the **Office of Minority Health**, an increase of $3 million above the fiscal year 2020 enacted level.
    - $55 million for the **Minority HIV/AIDS Initiative**, an increase of $1.5 million above the fiscal year 2020 enacted level.
    - $35 million for the **Office on Women's Health**, an increase of $1.5 million above the 2020 enacted level.
    - $5 million for **KidneyX** for the second year of a public-private partnership to accelerate the development and adoption of novel therapies and technologies to improve the diagnosis and treatment of kidney diseases.
- **Public Health and Social Services Emergency Fund (PHSSEF)** – The bill provides $2.8 billion for PHSSEF, an increase of $110 million above the 2020 enacted level. The total funding level includes:
    - $597 million for the **Biomedical Advanced Research and Development Authority** (BARDA), an increase of $35 million.
    - $770 million for **Project BioShield**, an increase of $35 million.
    - $705 million for the **Strategic National Stockpile**, the same as the 2020 enacted and the President's budget request.
    - $287 million for **Pandemic Influenza Preparedness**, an increase of $27 million.

Department of Education (ED) – The bill provides a total of $73.5 billion in discretionary appropriations for ED – an increase of $785 million above the 2020 enacted level and $7 billion above the President's budget request.

The bill includes language amending the General Education Provisions Act to eliminate the last remaining prohibition on using federal funds for transportation costs to carry out school desegregation efforts.

- **K-12 Education –** Overall, the bill provides $40.6 billion for K-12 education programs, including the Individuals with Disabilities Education Act, an increase of $498 million above the 2020 enacted level. Of this amount, the bill includes:
    - $16.5 billion for **Title I Grants to Local Educational Agencies**, an increase of $227 million above the 2020 enacted level.

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- $14.1 billion for **Special Education**, an increase of $186 million above the 2020 enacted level. Within this amount, the bill provides:
    - $12.9 billion for **Part B Grants to States**, an increase of $173 million above the 2020 enacted level; and
    - $23.7 million for **Special Olympics** education programs, an increase of $3.6 million above the 2020 enacted level.
- $2.1 billion for **Supporting Effective Instruction State Grants** (Title II-A), an increase of $11.3 million over the 2020 enacted level.
- $797 million for **English Language Acquisition State Grants**, an increase of $10 million above the 2020 enacted level.
- $1.2 billion for **Student Support and Academic Enrichment State Grants**, an increase of $10 million above the 2020 enacted level.
- $1.3 billion for **Nita M. Lowey 21st Century Community Learning Centers**, an increase of $10 million above the 2020 enacted level.
- $107 million for **Education for Homeless Children and Youth**, an increase of $5 million above the 2020 enacted level.
- $1.5 billion for **Impact Aid**, an increase of $15 million over the 2020 enacted level.
- Additional support for the **Social-Emotional Learning** (SEL) Initiative created in the fiscal year 2020 bill to fund SEL and "whole child" approaches to education, including:
    - $67 million within the **Education Innovation and Research** program, an increase of $2 million above the 2020 enacted level, for grants to support evidence-based, field-initiated innovations that address student social, emotional, and cognitive needs;
    - $30 million for **Full-Service Community Schools**, an increase of $5 million over the 2020 enacted level, to provide comprehensive services and expand evidence-based models that meet the holistic needs of children, families, and communities; and
    - $106 million for the **School-Based Mental Health Services Grant Program**, an increase of $1 million over the 2020 enacted level**.**
- $67 million within the **Education Innovation and Research** program, an increase of $2 million above the 2020 enacted level, for grants to expand opportunities in Science, Technology, Engineering, and Math (STEM), including computer science.
- $109 million for the **Magnet Schools Assistance Program**, an increase of $2 million above the 2020 enacted level.

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- **Career, Technical, and Adult Education:** The bill provides $2 billion for career, technical, and adult education programs, an increase of $70 million above the 2020 enacted level. Within this amount, the bill provides:

    - $1.3 billion for **Career and Technical Education State Grants**, an increase of $52 million above the 2020 enacted level.

    - $675 million for **Adult Education State Grants**, an increase of $18 million above the 2020 enacted level.

- **Randolph-Sheppard Act:** The bill includes new language providing $20 million to assist blind vendors operating vending facilities under the Randolph-Sheppard Act.

- **Disability Innovation Fund:** The bill includes new language allowing unallocated funding to be used for competitive grants, in consultation with the Department of Labor, to improve opportunities for competitive integrated employment for individuals with disabilities.

- **Student Financial Assistance** – The bill provides $24.5 billion for Federal student aid programs, an increase of $25 million above the 2020 enacted level. Within this amount, the bill provides:

    - $6,495 for the maximum **Pell Grant**, an increase of $150 above the 2020 enacted level. The increase will help the maximum award keep pace with inflation.

    - $880 million for the **Federal Supplemental Educational Opportunity Grant** program, an increase of $15 million above the 2020 enacted level.

    - $1.2 billion for **Federal Work Study**, an increase of $10 million above the 2020 enacted level.

- **Higher Education** – The bill provides $2.5 billion for higher education programs, an increase of $66 million above the 2020 enacted level.

    - Within this amount, the bill provides $789 million, an increase of $30 million above the 2020 enacted level, to assist primarily **Minority Serving Institutions (MSIs) in the Aid for Institutional Development** account, including:

        - $338 million for **Historically Black Colleges and Universities**, an increase of $13 million above the 2020 enacted level.

        - $149 million for **Hispanic Serving Institutions**, an increase of $6 million above the 2020 enacted level.

        - $38 million for **Tribally Controlled Colleges and Universities**, an increase of $1.4 million above the 2020 enacted level.

    - The bill also provides investments in the following higher education programs:

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- $1.1 billion for **Federal TRIO** programs, an increase of $7 million above the 2020 enacted level.

- $368 million for **GEAR UP**, an increase of $3 million above the 2020 enacted level.

- $52 million for **Teacher Quality Partnerships**, an increase of $2 million above the 2020 enacted level.

- $55 million for the **Child Care Access Means Parents in School**, an increase of $2 million above the 2020 enacted level.

- $7 million for the continued support of the **Centers of Excellence for Veteran Student Success Program**.

- $7 million for the continued support of the **Open Textbooks Pilot**.

- $10 million for the **Rural Postsecondary and Economic Development Grant Program** for innovative approaches to improve rates of postsecondary enrollment and completion among rural students.

- $2 million for the **Center of Educational Excellence**, a model center of educational excellence at an undergraduate HBCU with a demonstrable record in the production of Black teachers.

- $5 million for **Basic Needs Grants** to support programs that address the basic needs of postsecondary education students.

- $1 million for **Transitioning Gang-Involved Youth to Higher Education** to provide a funding opportunity for organizations that work directly with gang involved youth to help such youth pursue higher education opportunities.

- $7 million for **Modeling and Simulation Programs** as authorized under section 891 of the Higher Education Act.

- $2 million for the **National Center for Information and Technical Support for Postsecondary Students with Disabilities** as authorized under section 777(a) of the Higher Education Act.

- $131 million for the **Office for Civil Rights**, an increase of $1 million above the 2020 enacted level.

Related Agencies –

- $1.1 billion for the **Corporation for National and Community Service (CNCS)**, a programmatic increase of $40 million above the 2020 enacted level. Within that amount:

    - $455 million for **AmeriCorps State and National Grants**, an increase of $27 million above the 2020 enacted level.

    - $225 million for the **Senior Volunteer** programs, an increase of $4 million above the 2020 enacted level.

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- $97 million for the **Volunteers in Service to America** program, an increase of $4 million above the 2020 enacted level.

- $475 million for the **Corporation for Public Broadcasting** (CPB), in 2023 advance funding, an increase of $10 million above the 2020 enacted level. In addition, the bill includes $20 million for the interconnection system and system wide infrastructure, the same as the 2020 enacted level.

- $257 million for the **Institute of Museum and Library Services**, an increase of $5 million above the 2020 enacted level.

- $12.9 billion for the **Social Security Administration**'s (SSA) operating expenses, an increase of $67 million above the 2020 enacted level.

Division I – Legislative Branch

Overview:

The legislation funds the Legislative Branch of the U.S. government, including the U.S. House of Representatives and the U.S. Senate, Congressional Budget Office, and Capitol Police.

The bill appropriates a total of $5.3 billion, $251 million or 5.0 percent more than in FY 2020.The FY 2021 Legislative Branch Appropriations bill provides the House of Representatives with increased resources to carry out its responsibilities in developing legislation, conducting oversight, and assisting constituents in their interactions with the Federal Government. The bill also maintains and builds analytical capacity to support lawmaking and oversight, addresses high-priority needs involving information technology and security, and supports Legislative Branch agencies such as the Library of Congress and the Government Accountability Office in their wider roles of service to the nation.

Bill Summary:

House of Representatives – The bill provides a total of $1.477 billion in discretionary appropriations for the House of Representatives, $111 million above the 2020 enacted level.

- $640 million for the **Members Representational Allowance (MRA)**, the basic office budgets of House Members, $25 million above the FY 2020 level. In addition to bringing appropriations into line with currently authorized spending, this funding is estimated to support an increase of roughly $56,000 per Member office for 2021.

- $11.4 million in **funding for paid interns**, both in Member offices and leadership offices. This allowance helps extend internship opportunities to people who may not be financially able to take an unpaid position.

- $163 million for the **operations of House committees**, a $3 million increase. This appropriation will cover the funding allocated to committees for 2021 by the biennial funding resolution.

- The bill includes $2 million for the **newly created House Modernization Initiatives Account** to make Congress more effective, efficient, and transparent on behalf of the American people.

- $260.8 million for the **salaries and expenses of House officers and employees**, including the offices of the Clerk of the House, Sergeant at Arms, Chief Administrative Officer (CAO), Parliamentarian, and Legislative Counsel, among others, an increase of $28 million above the FY 2020 enacted level.

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- $1.5 million for the **Office of Diversity & Inclusion**, an increase of $500,000 above both FY 2020 and the FY 2021 request.

- **Increases the student loan lifetime cap** from $60,000 to $80,000 for House and Senate staff as well as the Capitol Police.

Other Agencies –

- $516 million for **the Capitol Police**, $51 million above the FY 2020 level. In addition, the agreement maintains several measures to help bring more transparency to the Capitol Police and address issues such as racial profiling, USCP jurisdiction, and diversity.

- $57 million for the **Congressional Budget Office (CBO)**, a $2 million increase above the FY 2020 level. This funding level will allow CBO to continue and modestly increase its efforts to improve modeling and analytical capability in key areas and to make its work as transparent and accessible as possible.

- $661 million for the **Government Accountability Office (GAO)**, a $31 million increase. This level should allow the GAO to handle its large workload and strengthen its Science, Technology Assessment, and Analytics (STAA) team.

- $757 million, an increase of $32 million, for the **Library of Congress**, including the Copyright Office, Congressional Research Service (CRS), and National Library Service for the Blind and Print Disabled.

    - The bill includes $10 million for the Library's Visitor Experience initiative, bringing the total Federal investment for the project to $30 million.

    - $2.5 million, available over two years, is provided to phase out and retire the mass de-acidification preservation project.

    - The bill includes requested CRS funding for additional staff to strengthen its capacity to support Congress with technology assessments.

    - The bill also includes $5 million for modernizing the website that handles distribution of audio and braille reading materials at the National Library Service for the Blind and Print Disabled as well as $2 million for purchase of braille e-readers.

- $675 million for the **Architect of the Capitol**, $13million less than the fiscal year 2020 total. Funding is provided for high priority projects such as the Cannon building renovation, repairs to the Capitol Power Plant, and a storage module for the Library at Ft. Meade.

Joint Congressional Committee on Inaugural Ceremonies of 2021 – The agreement provides $2 million for the Joint Congressional Committee on Inaugural Ceremonies of 2021to ensure safe, healthy and inclusive Presidential Inaugural Ceremonies. This responds to unanticipated needs due to the COVID pandemic, which will result in an unprecedented Presidential Inauguration. Funding will cover the costs of testing for all attendees, guests, and support staff in the Capitol for the ceremonies.

Office of the Attending Physician – The agreement provides $5 million for the Office of the Attending Physician for the response to COVID-19, including testing and vaccine handling, to keep the Capitol Complex safe and secure.

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Government Accountability Office (GAO) – The agreement provides $10 million in emergency funding for the GAO to conduct oversight of COVID-19 funding provided to federal departments and agencies for coronavirus response and recovery efforts.

Member Pay Adjustment – The bill includes language blocking the annual pay adjustment for Members of Congress that is otherwise required by statute.

Division J – Military Construction & Veterans Affairs

Overview:

The Military Construction, Veterans Affairs, and Related Agencies bill funds the Department of Defense, Department of Veterans Affairs, and other related agencies, including the American Battle Monuments Commission and the Armed Forces Retirement Home.

In total, the FY 2021 bill provides $113.1 billion in discretionary funding – $8.9 billion above the comparable fiscal year 2020 enacted level. This includes $350 million in Overseas Contingency Operations (OCO) funding.

The funding in this bill will provide for the construction of facilities to enable our military to fight current and emerging threats, to support increased troop levels, and to sustain services for military families. This includes operational facilities, training facilities, hospitals, family housing, National Guard readiness centers, barracks, and other important resources. Additionally, the funding in this bill will provide Veterans with the healthcare and benefits they have earned through their military service.

Bill Summary:

Military Construction – The bill provides a total of $8.06 billion for military construction projects – an increase of $250 million above the budget request. In addition to this amount, $350 million is provided in OCO funding for projects in countries with ongoing U.S. operations and the European Deterrence Initiative to combat Russian aggression. In total, 132 military construction projects across the country and overseas receive funding in the bill.

- **Military Family Housing** – The bill provides $1.3 billion to fund construction, operation, and maintenance of military family housing for fiscal year 2021, the same as the budget request, and provides an additional $60 million in an administrative provision. The additional funds above the request are provided to address family housing issues such as mold, vermin, and lead in military family housing. This funding will ensure quality housing for all 2,006,171 military families currently served by the program.

- **Guard and Reserve** – The bill includes $596 million for construction or alteration of Guard and Reserve facilities in states and territories.

- **NATO Security Investment Program (NSIP)** – The bill provides $173 million, the same as the budget request, for infrastructure necessary for wartime, crisis, and peace support and deterrence operations, and training requirements. The funds will support responses to the challenges posed by Russian aggression as well as the risks and threats emanating from the Middle East and North Africa.

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• **BRAC/PFAS** – The agreement provides an additional $180 million to address legacy Navy BRAC issues and the PFAS issues at installations.

Department of Veterans Affairs (VA) – The legislation includes a total of $243.2 billion in both discretionary and mandatory funding for VA, an increase of $25.3 billion above the fiscal year 2020 level. This funding will help address many of the problems currently facing VA and provide for better care and increased access to care for our Veterans. Discretionary funding alone for VA programs in the agreement totals $104.4 billion, an increase of $11.9 billion above the fiscal year 2020 level. Approximately $87.6 billion of this discretionary total was provided last year via advance funding in the fiscal year 2020 Appropriations bill. These additional funds will provide resources for important priorities within VA, such as greater access to healthcare for women Veterans, mental health, suicide prevention, claims processing, homeless prevention and care, opioid addiction, rural health, and medical research.

• **VA Medical Care** – The bill funds VA medical care at $90 billion – providing for approximately 7.2 million patients to be treated in fiscal year 2021. Within this total, funding includes: $10.3 billion in mental healthcare services, of which $313 million is for suicide prevention outreach activities; $661 million for gender-specific care for women; $1.9 billion for homeless assistance programs; $504 million for opioid abuse prevention; and $300 million in rural health initiatives.

• **VA Electronic Health Record** – The bill contains $2.6 billion to continue implementation of the VA electronic health record (EHR) system. This will ensure VA has the funding it needs to continue the deployment of the health record system across the country at VA facilities, which is the same system as DOD. The interoperable health record modernization will ensure our Veterans get proper care, with timely and accurate medical data transferred between VA, DOD, and the private sector. In order to facilitate robust oversight over the modernization effort, the agreement makes 25 percent of the funding contingent upon the Secretary certifying in writing of any changes to the deployment schedule within seven days prior to July 1, 2021. The agreement also continues GAO oversight of this program to ensure that the EHR system is implemented in a timely manner.

• **Disability Claims Processing Backlog** – The bill provides $3.18 billion, $55 million above the fiscal year 2020 level, for operating expenses of the Veterans Benefits Administration. These funds support the prompt processing of disability claims and efforts to continue reducing the disability claims backlog. In addition, the bill continues rigorous reporting requirements to track each regional office's performance on claims processing and appeals backlogs.

• **Construction** – Major and minor construction within the VA is funded at $1.7 billion.

• **VA Mandatory Funding** – The bill fulfills mandatory funding requirements such as: Veteran disability compensation programs for 5.7 million Veterans and their survivors; education benefits for almost one million Veterans; and vocational rehabilitation and employment training for over 100,000 Veterans.

• **Advance Appropriations** – The bill contains $94.2 billion in advance fiscal year 2022 funding for Veterans' medical programs – the same level as the President's request. This funding will provide for medical services, medical community care, medical support and compliance, and medical facilities, and will ensure that Veterans have continued, full access to their medical care needs. The bill also includes $145.3 billion in advance funding for VA mandatory benefits programs, as requested in the President's budget.

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Arlington National Cemetery (ANC) – The bill includes $81.8 million for ANC, which is $11 million above the fiscal year 2021 budget request and $1 million above the fiscal year 2020 enacted level. As in fiscal year 2020, the increase for salaries and expenses above the budget's proposed cut will allow ANC to maintain their current level of services for Veterans and family members.

American Battle Monuments Commission (ABMC) – The bill includes $84.1 million for ABMC, an increase of $9 million over the fiscal year 2021 budget request. These funds will support maintenance and operations at the cemeteries and monuments honoring America's war dead, as well as preserve and communicate these Veterans' stories of courage and sacrifice.

Armed Forces Retirement Home – The bill provides $75.3 million, an increase of $5 million above the fiscal year 2021 budget request and equal to the fiscal year 2020 enacted level. The increase will support urgently needed capital projects, such as roof replacement, elevator repair, and electric system modernization, as well as operations and maintenance requirements.

Additional Items –
• The bill does not include backfill or pre-backfill of the border wall.

Division K – State & Foreign Operations

Overview:

The State, Foreign Operations, and Related Programs bill funds the Department of State, the United States Agency for International Development, and other international programs and activities.

In total, the fiscal year 2021 bill provides $55.5 billion in discretionary funding, including $8 billion in Overseas Contingency Operations/Global War on Terrorism (OCO/GWOT) funding. This is $820 million above the fiscal year 2020 enacted level and $10.8 billion above the President's request.

Bill Summary:

State Department Operations and Related Agencies – The bill contains a total of $16.68 billion for State Department Operations, which is $116 million above the fiscal year 2020 enacted level and $2.8 billion above the President's budget request. Within this amount, the legislation provides $6.1 billion for embassy and diplomatic security, the same as fiscal year 2020 enacted level and $692 million above the President's budget request. These funds will address needs at more than 275 diplomatic facilities overseas, including facility upgrades and security personnel and equipment.

International Security Assistance – The bill provides a total of $9 billion for international security assistance, which is $9.92 million below the fiscal year 2020 enacted level and $1.27 billion above the President's budget request.

U.S. Agency for International Development (USAID) Operations – The bill provides $1.71 billion in total funding for USAID operations and the USAID Office of Inspector General, which is $48 million above the fiscal year 2020 enacted level and $119.7 million above the President's budget request.

Bilateral Economic Assistance – The legislation contains a total of $26.5 billion for bilateral assistance to foreign countries and prioritizes development assistance, democracy, global health, and humanitarian

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assistance, which is $527 million above the fiscal year 2020 enacted level and $6.9 billion above the President's budget request, and includes:

- $9.2 billion for **Global Health**, which is $103.5 million above the fiscal year 2020 enacted level.
- $3.2 billion in **Economic Support Fund**, which is $107 million above the fiscal year 2020 enacted level.
- $3.5 billion in **Development Assistance**, which is $100 million above the fiscal year 2020 enacted level.

Multilateral Assistance – The bill includes a total of $2 billion to meet United States commitments to multilateral organizations and international financial institutions, which is $41.5 million below the fiscal year 2020 enacted level and $560 million above the President's budget request.

- $54.6 million for the **African Development Bank (AfDB**)'s seventh general capital increase, which is $54.6 million above the fiscal year 2020 enacted level and equal to the President's budget request.
- $32.5 million for **International Fund for Agricultural Development (IFAD)**, which is $2.5 million above the fiscal year 2020 enacted level and $32.5 million above the President's budget request.

Maintains funding for critical programs & organizations:
President's Emergency Plan for AIDS Relief (PEPFAR), including Global Fund:

- $5.9 billion for **PEPFAR**, the same as the fiscal year 2020 enacted level and $2.1 billion above the President's budget request. This includes $1.56 billion for the Global Fund to Fight AIDS, Tuberculosis, and Malaria, $903 million above the President's budget request.
- The bill reinforces the United States' commitment to its 33% share to the Global Fund, unlike the President's budget request, which proposes reducing United States contributions to 25%.

Other Global Health Programs:

- $3.26 billion for programs to improve maternal and child health and fight infectious diseases, which is $103.5 million above the 2020 enacted level and $1.1 billion above the President's budget request. This also includes $575 million for family planning programs, and increases funds for the following programs:
    - $855.5 million for Maternal and Child Health, which is $4.5 million above the fiscal year 2020 enacted level, and includes $290 million for the GAVI Alliance;
    - $319 million to fight tuberculosis, which is $9 million above the fiscal year 2020 enacted level; and
    - $190 million for global health security, which is $90 million above the fiscal year 2020 enacted level.

International Basic Education:

- $950 million for **basic education**, which is $75 million above the fiscal year 2020 enacted level and includes $125 million for the Global Partnership for Education and $25 million for Education Cannot Wait.

Education and Cultural Exchanges:

- $740.3 million for **education and cultural exchanges**, which is $9.6 million above the fiscal year 2020 enacted level and $430.3 million above the President's budget request.

Humanitarian Assistance and Disaster Assistance:

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$7.8 billion, which is equal to the fiscal year 2020 enacted level and $1.56 billion above the President's budget request. This includes:

- $4.4 billion for **International Disaster Assistance (IDA),** which is equal to the fiscal year 2020 enacted level.
- $3.43 billion for **Refugee Assistance (MRA),** which is equal to the fiscal year 2020 enacted level.

Peace Corps:

- $410.5 million for the **Peace Corps**, which is equal to the fiscal year 2020 enacted level and $9.3 million above the President's budget request.

Democracy Programs:

- $2.42 billion for **democracy programs**, which is $17 million above the fiscal year 2020 enacted level and $867 million above the President's budget request.
- $290.7 million for **Democracy Fund**, of which $190.5 million is for State Department and $100.2 million is for USAID. This is $17 million above the fiscal year 2020 enacted level and $290.7 million above the President's budget request.
- $300 million for **National Endowment for Democracy (NED)**, which is equal to the fiscal year 2020 enacted level and $232.7 million above the President's budget request.

Environment:

- $320 million for **biodiversity**, which is$5 million above the fiscal year 2020 enacted level and $229 million above President's budget request.
- $100.7 million for **combatting wildlife trafficking**, which is equal to the fiscal year 2020 enacted level and $67.2 million above the President's budget request.
- $15 million for nature conservation, including the protection of coral reefs, reauthorized under the **Tropical Forest Conservation Act of 2018**.
- Includes designated amounts for **sustainable landscapes** at $135 million, **adaptation** at $177 million and **renewable energy** at $179 million.
- $75 million for programs to address ocean plastic pollution and other marine debris.

Millennium Challenge Corporation (MCC):

- $912 million for the **MCC**, which is $7 million above the fiscal year 2020 enacted level and $112 million above the President's budget request.

U.S. Agency for Global Media (formerly the Broadcasting Board of Governors, or BBG):

- $803 million for **USAGM**, which is $7.4 million below the fiscal year 2020 enacted level and $165.7 million above the President's budget request.

United States International Development Finance Corporation (DFC):

- $569 million for **DFC**, which is $270 million above the fiscal year 2020 enacted level and $264.7 million below the President's budget request.
- Of which, $119 million is for administrative expenses, which is equal to the fiscal year 2020 level and $14.7 million below the President's budget request.
- Of which, $450 million is for the program budget (equity investments, loans/loan guarantees, and technical assistance) which is $270 million above the fiscal year 2020 enacted level, and $250 million below the President's budget request.

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Contributions to International Organizations and Peacekeeping:

- $1.5 billion for **Contributions to International Organizations (CIO)** assessed contributions to international organizations, which is $32.1 million above the fiscal year 2020 enacted level and $540 million above the President's budget request.
- **Contributions to International Peacekeeping (CIPA)** – $1.46 billion, which is $70 million below the fiscal year 2020 enacted level and $377 million above the President's budget request.

The bill does not eliminate or reduce several partner organizations, as proposed in the President's budget request, and instead provides:

- **The Asia Foundation** - $20 million, which is $1 million above the fiscal year 2020 enacted level.
- **The U.S. African Development Foundation** - $33 million, which is equal to the fiscal year 2020 enacted level.
- **The Inter-American Foundation** - $38 million, which is $500,000 above the 2020 enacted level.
- **East-West Center** - $19.7 million, which is $3 million above the fiscal year 2020 enacted level.
- **U.S. Institute of Peace** (USIP) - $45 million, which is equal to the fiscal year 2020 enacted level.
- **Trade and Development Agency** - $79.5 million, which is equal to the fiscal year 2020 enacted level.

Support for U.S. allies and partners, including: (amounts are included in account totals above)

- **Israel**: $3.3 billion, fulfilling the MOU
- **Jordan**: $1.65 billion, exceeding the MOU
- **Ukraine**: $453 million
- **Georgia**: $132 million
- **Assistance for Eastern Europe and Eurasia**: $770.3 million
- **Countering Russian Influence Fund (CRIF)**: $290 million
- **Central America**: $506 million
- **Caribbean Basin Regional Security Initiative**: $74.8 million
- **Colombia**: $461 million
- **Mexico**: $158.9 million
- **Democracy and the rule of law in Venezuela**: Not less than $33 million
- **Tibet**: $18 million
- **Countering Chinese Influence Fund**: $300 million to counter the influence of the People's Republic of China globally

Policy Provisions:

- As part of the Heavily Indebted Poor Countries (HIPC) Initiative, the bill provides $78 million for debt relief to Somalia, and $111 million for bilateral debt relief and $120 million for multilateral debt relief to Sudan.
- The bill restores administratively determined pay authority to the Export-Import Bank.
- Reverses the impact of the Administration's hiring freeze and restores State Department and USAID personnel to 2016 levels.
- Provides $75 million for security assistance programs for the West Bank and $75 million for the humanitarian and development needs of the Palestinian people in the West Bank and Gaza Strip.
- Provides $50 million for the new Nita M. Lowey Middle East Partnership for Peace Fund, which authorizes people-to-people exchanges and economic partnerships between Israelis and Palestinians through initiatives overseen by USAID and the DFC.
- Provides $300 million for Consular and Border Security programs to offset losses due to the pandemic.
- Provides $4 billion as a contribution to GAVI for pandemic response.

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Division L – Transportation-Housing & Urban Development

Overview:

The Transportation, Housing and Urban Development, and Related Agencies bill funds the Department of Transportation, the Department of Housing and Urban Development, and related agencies, including the United States Interagency Council on Homelessness.

In total, the FY 2021 legislation provides $136.8 billion in budgetary resources, $1.2 billion above the 2020 enacted level and $11.4 billion above the President's budget request. The bill includes $75.4 billion in discretionary funding, an increase of $1.1 billion over the 2020 enacted level and $16.2 billion over the President's budget request.

The bill invests in America's infrastructure, improves transportation safety, protects vulnerable populations, builds resilience to climate change, and expands access to safe, affordable, and fair housing.

Bill Summary:

Department of Transportation (DOT) – The bill provides $86.7 billion in total budgetary resources for DOT, $553 million above the 2020 enacted level and $1.1 billion below the President's budget request. Of this amount, the bill includes:

- $1 billion for **National Infrastructure Investments (TIGER/BUILD)**, equal to the 2020 enacted level and the President's budget request. The bill ensures parity between urban and rural grants, and allows for cost-share waivers for grants in rural and **persistent poverty areas**.
    - Includes $30 million for planning grants, of which not less than $10 million is for planning grants in **persistent poverty areas**.
- $3 million to continue the **Highly Automated Systems Safety Center of Excellence**, $2 million below the 2020 enacted level. This program was not in the President's budget request.
- $1 million to support technical assistance, training, and research and development for **Resilient Infrastructure**, building upon the **Transportation Resilience Metrics Study** initiated in the 2020 enacted bill. This program was not in the President's budget request.
- $18 billion for the **Federal Aviation Administration (FAA)**, $347 million above the 2020 enacted level and $443 million above the President's budget request.
    - $1.5 billion for **Aviation Safety**, $75 million above the 2020 enacted level and $5 million above the President's budget request.
    - $400 million for discretionary **Airport Improvement Grants**, equal to the 2020 enacted level and $400 million above the President's budget request.
- $49.1 billion for the **Federal Highway Administration**, $166 million below the 2020 enacted level and $1.5 billion below the President's budget request.
    - $2 billion for discretionary **Highway Infrastructure Programs**, $166 million below the 2020 enacted level. The President's budget proposed eliminating this program.
        - $1 billion for a risk-based bridge rehabilitation and reconstruction program.

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- $748 million for the **Federal Motor Carrier Safety Administration**, $69 million above the 2020 enacted level and $46 million below the President's budget request.

- $989 million for the **National Highway Traffic Safety Administration**, equal to the 2020 enacted level and $25 million above the President's budget request.

- $2.8 billion for the **Federal Railroad Administration**, $27 million above the 2020 enacted level and $830 million above the President's budget request.

    - $375 million for **Consolidated Rail Infrastructure and Safety Improvements**, $50 million above the 2020 enacted level and $45 million above the President's budget request.

    - $200 million for **Federal-State Partnership for State of Good Repair**, equal to the 2020 enacted level. The President's budget request proposed eliminating this program.

    - $2 billion for **Amtrak**, equal the 2020 enacted level and $1.1 billion above the President's budget request.

        - $700 million for **Northeast Corridor Grants**, equal to the 2020 enacted level and $375 million above the President's budget request.

        - $1.3 billion for **National Network Grants**, equal to the 2020 enacted level and $689 million above the President's budget request.

- $13 billion for the **Federal Transit Administration**, $47 million above the 2020 enacted level and $255 million above the President's budget request.

    - $2 billion for **Capital Investment Grants**, $36 million above the 2020 enacted level and $125 million above the President's budget request.

    - $516 million for **Transit Infrastructure Grants**, $6 million above the 2020 enacted level. The President's budget request proposed eliminating this program. This amount includes $125 million for low- and no-emission buses, and $16.2 million for **areas of persistent poverty**.

- $38 million for the **Saint Lawrence Seaway Development Corporation**, equal to the 2020 enacted level and $7 million above the President's budget request.

- $1.2 billion for the **Maritime Administration**, $122 million above the 2020 enacted level and $431 million above the President's budget request.

    - $314 million for the **Maritime Security Program**, $14 million above the 2020 enacted level and equal to the President's budget request.

    - $10 million for the **Cable Security Fleet**, $10 million above the 2020 enacted level. This program was not included in the President's budget request.

    - $230 million for the **Port Infrastructure Development Program**, $5 million above the 2020 enacted level. The President's budget request proposed eliminating this program.

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- $390 million for **schoolship construction**, $90 million above the 2020 enacted level and $90 million above the President's budget request.

Department of Housing and Urban Development (HUD) – The bill provides a total of $49.6 billion for HUD, $561 million above the 2020 enacted level and $12.4 billion above the President's budget request. FHA and GNMA receipts are $10.6 billion, $3.3 billion more in receipts than the 2020 enacted bill. Of the $49.6 billion, the bill includes:

- $34.8 billion for the **Office of Public and Indian Housing**, $2.3 billion above the 2020 enacted level and $6.3 billion above the President's budget request.
    - $25.8 billion for **Tenant-based Rental Assistance**, $1.9 billion above the 2020 enacted level and $2.4 billion above the President's budget request.
        - $40 million for **HUD/VA Supportive Housing for Homeless Veterans**, equal to the 2020 enacted level. The President's budget request proposed eliminating this program.
        - $43 million for new incremental vouchers for **homeless individuals and families**, $43 million above the 2020 enacted level. The President's budget request did not include this program.
    - $7.8 billion for the **Public Housing Fund**, $387 million above the 2020 enacted level and $3.6 billion above the President's budget request.
    - $200 million for the **Choice Neighborhoods Initiative**, $25 million above the 2020 enacted level. The President's budget request proposed eliminating this program. This is the highest funding level in the program's history.
    - $155 million for **Self-Sufficiency Programs**, $25 million above the 2020 enacted level.
    - $825 million for **Native American Programs**, equal to the 2020 enacted level and $225 million above the President's budget request.
        - $70 million for **Indian Community Development Block Grants**, equal to the 2020 enacted level. The President's budget request proposed eliminating this program.
    - $2 million for **Native Hawaiian Housing Block Grant**, equal to the 2020 enacted level. The President's budget request proposed eliminating this program.
- $8.3 billion for the **Office of Community Planning and Development**, $298 million above the 2020 enacted level and $5.2 billion above the President's budget request.
    - $430 million for **Housing Opportunities for Persons with AIDS**, $20 million above the 2020 enacted level and $100 million above the President's budget request. This is the highest funding level in the program's history.
    - $3.5 billion for **Community Development Block Grants**, $50 million above the 2020 enacted level. The President's budget request proposed eliminating this program.
    - $1.35 billion for the **HOME Investment Partnership Program**, equal to the 2020 enacted

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level. The President's budget request proposed eliminating this program.

- $41 million for **Section 4 Capacity Building**, $5 million above the 2020 enacted level. The President's budget request proposed eliminating this program.

- $3 billion for **Homeless Assistance Grants**, $223 million above the 2020 enacted level and $227 million above the President's budget request.

- $14.6 billion for the **Office of Housing**, $1 billion above the 2020 enacted level and $833 million above the President's budget request.

  - $13.5 billion for **Project-Based Rental Assistance**, $895 million above the 2020 enacted level and $823 million above the President's budget request.

  - $855 million for **Housing for the Elderly**, $62 million above the 2020 enacted level and $2 million above the President's budget request. This includes $52 million for new construction, and $125 million for service coordinators.

  - $227 million for **Housing for Persons with Disabilities**, $25 million above the 2020 enacted level and $25 million below the President's budget request. This includes $54 million for new construction.

  - $77.5 million for **Housing Counseling**, $25 million above the 2020 enacted level and $33 million above the President's budget request.

    - This includes $20 million for a new **eviction prevention demonstration program**, $20 million above the 2020 enacted level. This program was not included in the President's budget request.

- $105 million for **Policy Development and Research**, $7 million above the 2020 enacted level and $10 million above the President's budget request. This includes $6 million for cooperative agreements and research partnerships with Historically Black Colleges and Universities and $5 million for technical assistance to **areas of persistent poverty**.

- $73 million for **Fair Housing and Equal Opportunity**, $2 million above the 2020 enacted level and $7 million above the President's budget request.

- $360 million for the **Office of Lead Hazard Control and Healthy Homes**, $70 million above the 2020 enacted level and equal to the President's budget request. This includes $60 million for the Healthy Homes Initiative, to address other health and safety hazards in the home, including carbon monoxide, asthma, mold, and radon.

Related Agencies – The bill provides $388 million for the related agencies in the bill, $18 million above the 2020 enacted level and $140 million above the President's budget request.

- $165 million for **NeighborWorks**, $7 million above the 2020 enacted level. The President's budget request proposed eliminating this program.

- $3.8 million for the **U.S. Interagency Council on Homelessness**, equal to the 2020 enacted level and the President's budget request.

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Policy Provisions –

- Extends the period of availability for fiscal year 2019 National Infrastructure Investments (TIGER/BUILD) grants.
- Does not include any provisions permitting longer or heavier trucks on our nation's roadways.
- Makes transit programs and alternative fuel infrastructure eligible for Surface Transportation Block Grant funding within Highway Infrastructure Programs.
- Prohibits DOT from requiring Capital Investment Grant applicants from having a Federal share below 40 percent and eliminates the 51 percent cap on the Federal share of such grants, restoring the authorized 80 percent cap.
- Directs HUD to establish a Director of Domestic Violence Prevention Activities position within the Office of the Secretary to coordinate domestic violence prevention activities throughout the Department and serve as a liaison with external stakeholders.

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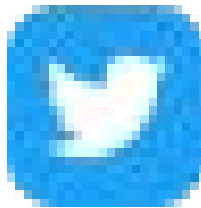

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H.R. 133

DIVISION-BY-DIVISION SUMMARY OF APPROPRIATIONS PROVISIONS

H.R. 133 totals $1.4 trillion and reflects conference agreements for the FY 2021 appropriations bills. It furthers House Democrats' commitment to investing For The People with substantial increases to non-defense spending alongside small increases for defense-related programs.

In total, the package provides:

- $671.5 billion in base defense funding, a $5 billion increase over FY 2020;
- $656.5 billion in nondefense funding, an $20 billion increase over FY2020;
- $77 billion for Overseas Contingency Operations (OCO)—$69 billion for defense activities and $8 billion for nondefense activities; and
- An additional $3.1 billion in emergency funding to fund agency operations impacted by the COVID-19 pandemic, $2.35 billion in funding for wildfire suppression activities, $1.9 billion for program integrity initiatives, and $474 million medical research associated with the 21st Century Cures Act.

In the last year of the Budget Control Act caps, after accounting for rescissions and emergency spending, the package includes non-defense funding that is $15 billion above the levels set in the Bipartisan Budget Act of 2019.

Division A – Agriculture-Rural Development-FDA

Overview:

The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies bill funds agencies and programs within the Department of Agriculture, the Farm Credit Administration, and the Food and Drug Administration.

The FY 2021 bill provides $23.395 billion in discretionary funding, $217 million above the FY 2020 enacted level. In addition, it provides the latest estimates for mandatory programs required by law.

The bill funds important agricultural and food programs and services, including food and medical product safety, animal and plant health programs, rural development, farm services, agricultural trade, financial marketplace oversight, and nutrition programs, both domestic and international.

Bill Summary:

Rural Development and Infrastructure – The bill provides a total of almost $3.9 billion for rural development programs. These programs help create an environment for economic growth by providing business and housing opportunities and building sustainable rural infrastructure for the modern economy.

- **Critical Infrastructure –** The legislation includes responsible investments in infrastructure to help rural areas of the country access basic utilities. This includes $1.45 billion for rural water and waste program loans, and more than $620 million in water and waste grants for clean and reliable drinking water systems and sanitary waste disposal systems. An additional $6.9 billion in loan authority is provided for rural electric and telephone infrastructure loans.

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- **Rural Broadband –** The legislation invests more than $730 million in the expansion of broadband service to provide economic development opportunities and improved education and healthcare services, including $635 million for the ReConnect program, an increase of $80 million over FY 2020. These significant investments in broadband reflect a commitment to enabling Americans in rural communities to access digital tools necessary to improve health, educational, and economic outcomes.

- **Rural Housing Loans and Rental Assistance –** The bill provides a total of $24 billion in loan authority for the Single Family Housing Guaranteed Loan Program. The bill includes $1 billion in direct single family housing loans, meeting the estimated need for these loans, which provide home loan assistance to low-income rural families, many of whom would have few loan options for purchasing a home because of their geographical location. In addition, $1.41 billion is provided for rental assistance for affordable rental housing for low-income families and the elderly in rural communities for renewal of all existing rental assistance contracts.

Food and Nutrition Programs – The legislation contains discretionary funding, as well as mandatory funding required by law, for food and nutrition programs within USDA. This includes funding for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), the Supplemental Nutrition Assistance Program (SNAP), and child nutrition programs.

- **WIC –** The bill provides $6 billion in discretionary funding for WIC, which fully funds participation this year. This includes $90 million for the breastfeeding counselor program.

- **Child nutrition programs –** The bill provides for $25.1 billion in required mandatory funding for child nutrition programs. This is $1.5 billion above the FY 2020 enacted level. This funding will provide free or reduced-price school lunches and snacks for children who qualify for the program. The bill provides approximately $552 million for the Summer Food Service Program to ensure low-income children continue to receive nutritious meals when school is not in session. In addition, the bill provides $42 million for the Summer EBT program, $30 million for school kitchen equipment grants, and $21 million for the WIC farmers market nutrition program.

- **SNAP –** The bill provides for $114 billion in required mandatory spending for SNAP. This fully funds participation as well as the SNAP enhanced allotments authorized by the Families First Act.

International Food Assistance Programs – The legislation contains $1.97 billion for international food aid and for the promotion of U.S. agricultural exports overseas. This includes $1.74 billion for Food for Peace grants and $230 million for the McGovern-Dole International Food for Education and Child Nutrition program. This represents the highest-ever level of funding for these two vital programs. These programs work to reduce famine and increase food security overseas.

Food and Drug Administration (FDA) – The FDA receives a total of $3.2 billion in discretionary funding in the bill, $43 million above the 2020 enacted level. Total funding for the FDA, including user fees, is $5.97 billion. Within this total, the Committee provides targeted increases for medical product and food safety activities, including new initiatives to advance new influenza vaccine manufacturing technologies and leverage emerging technologies to monitor food and medical product safety. Funding is also included to support the development of a framework for regulating CBD products, continue FDA's efforts to enable faster responses to foodborne illness outbreaks, and increase the safety and cybersecurity of medical devices. In addition, the bill includes a strong focus on continuing FDA's efforts to inspect foreign food and drug products. The bill also appropriates $70 million to accelerate medical product development as authorized in the 21st Century Cures Act.

Food Safety and Inspection Service – The legislation includes $1.076 billion for food safety and inspection programs. These mandatory inspection activities help to ensure safe, meat and poultry on American tables. The

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funding provided will maintain nearly 8,800 frontline inspection personnel for meat, poultry, and egg products at more than 6,400 facilities across the country.

Marketing Programs – The bill provides $189 million, $1 million above FY 2020 and $38 million above the President's request, to facilitate the movement of agriculture products and open market opportunities. This includes $18 million for the National Organic Program to protect the integrity of the USDA Organic label and $16.5 million for the new hemp production program. The bill also provides $19.4 million in discretionary funds to the Agricultural Marketing Service and Rural Development for the Local Agriculture Market Program to continue supporting local food and value-added agriculture. In addition, the bill provides $22 million to support dairy innovation centers.

Farm Programs – The legislation provides $1.824 billion for farm programs, $20 million above the FY 2020 level. This includes $5 million to resolve ownership and succession of farmland issues, also known as heirs property. This funding will continue support for various farm, conservation, and emergency loan programs, and help American farmers and ranchers. It will also meet estimates of demand for farm loan programs.

Animal and Plant Health – The legislation includes $1.067 billion – $21 million above the FY 2020 enacted level – for the Animal and Plant Health Inspection Service. This funding will support programs to help control or eradicate plant and animal pests and diseases that can be crippling to U.S. producers. The funding level provides increases that will help address harmful pests and diseases such as spotted lanternfly and chronic wasting disease, while maintaining increases from past years for citrus greening.

Conservation Programs – The bill provides $1.018 billion to help farmers, ranchers, and other private landowners conserve and protect their land. This includes $185 million for infrastructure for watershed and flood prevention and watershed rehabilitation projects.

Agricultural Research – The bill provides $3.3 billion – $125 million above the FY 2020 level – for agriculture research programs, including the Agricultural Research Service and the National Institute of Food and Agriculture. This funding will support research at all ARS facilities to help mitigate and stop devastating crop diseases, improve food safety and water quality, increase production, develop environmentally efficient agricultural practices, and combat antimicrobial resistance. This funding also includes important research investments in U.S. land-grant colleges and universities, including a significant increase for the 1890 institutions, and for the Agriculture and Food Research Initiative, the U.S. Department of Agriculture's premier competitive research program.

Policy Provisions

- Continues the '10-20-30' policy of dedicating rural development program resources to identified persistent poverty areas.
- Continues language allowing the Secretary to waive matching fund requirements for the Specialty Crop Research Initiative.
- Extends the hemp pilot program through January 1, 2022.
- Includes language directing the FDA to develop a plan to identify, detain, and refuse the import of FDA-regulated products from a foreign establishment that did not allow physical access to FDA investigators.
- Includes language preventing USDA from promulgating new user fees through regulations for certain marketing and regulatory programs, such as grain inspection, packers and stockyards licensing, animal welfare licensing, biotech product approval applications, and domestic hemp production program licenses.
- Continues House language related to the slaughter of horses for human food.
- Repurposes certain unobligated funds to ensure that USDA can provide disaster payments to farmers, ranchers and producers who were devastated by natural disasters in 2018 and 2019.
- Provides $635 million in emergency funds for the Agricultural Quarantine Inspection Program to ensure continued inspections of agricultural products in order to keep pests and diseases from entering the U.S.

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Division B – Commerce-Justice-Science

Overview:

The Commerce-Justice-Science bill funds the Departments of Commerce and Justice, the National Aeronautics and Space Administration (NASA), the National Science Foundation (NSF), and other related agencies.

The FY21 bill provides $71.12 billion in discretionary funding.

The bill provides funding increases to help ensure civil rights and reform police practices throughout the country. The bill also provides funding increases to help create jobs, support U.S. manufacturing, research and prepare for climate change, reduce gun violence, address the opioid crisis, and help keep schools safe. Furthermore, the bill provides funding increases for science research, science education, and legal services for underserved communities.

Bill Highlights:

U.S. Department of Commerce – $8.9 billion in net discretionary funding for the Department of Commerce, an increase of $596.7 million above the President's budget request.

- **International Trade Administration (ITA) –** $541 million, $19.75 million above the FY 2020 enacted level and $55.6 million above the President's budget request. The total includes no less than $340.75 million for ITA Global Markets, $60.4 million above the request and $7.8 million above FY 2020, to help create jobs here at home by increasing U.S. exports.

- **Bureau of Industry and Security (BIS) –** $133 million, an increase of $5.3 million above FY 2020.

- **Economic Development Administration (EDA) –** $346 million, an increase of $13 million above FY2020. This includes $119.5 million for EDA's Public Works program, which supports brick-and-mortar projects in distressed communities across the nation, and $38 million for the Regional Innovation Program, an increase of $5 million, to help create jobs by establishing and expanding region-focused innovative technology business endeavors. Additionally, $2 million is provided for STEM Apprenticeships to help align the skills of workers and the needs of employers. The President had proposed completely eliminating EDA.

- **Minority Business Development Agency (MBDA) –** $48 million, an increase of $6 million above FY 2020, is provided for MBDA to support minority businesses around the country. The President proposed reducing support for minority businesses through MBDA by $31.7 million.

- **U.S. Patent and Trademark Office (PTO) –** $3.7 billion, equal to the President's budget request and $244.6 million above FY 2020.

- **Manufacturing Extension Partnership (MEP) Program –** $150 million, $4 million above FY 2020. The President had proposed completely eliminating this program.

- **NOAA Climate Research –** $182 million, an increase of $12.5 million above FY 2020 and $98 million above the President's budget request, including an increase of $2.5 million to provide regional climate data and services to State and local partners.

- **NOAA's National Ocean Service (NOS) –** $620 million for NOS operations, an increase of $21 million above FY 2020, including a $3.5 million increase for the Coral Reef Program; an increase of

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$5.5 million for research to combat harmful algal blooms; and $2 million to increase research to predict and understand the impacts of sea level rise on the Nation's coasts.

- **National Weather Service –** $1.1 billion for operating expenses, an increase of $35 million above FY 2020. In addition, this Act fully funds efforts to procure future weather satellites, which are essential for accurate weather forecasting.

U.S. Department of Justice (DOJ) – $33.8 billion overall for the Department of Justice, which is $1.18 billion above the FY2020 enacted level and $874.4 million above the President's budget request.

- **Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016 –** $13.5 million is provided, as authorized under the Act, including: $5 million within the Civil Rights Division; $5 million within the Federal Bureau of Investigation; $1.5 million within the Community Relations Service; and $2 million within State and Local Law Enforcement Assistance.

- **Federal Bureau of Investigation –** $10.31 billion, an increase of $361.9 million above the FY 2020 enacted level and $514.1 million above the President's budget request.

- **Executive Office for Immigration Review --** $734 million, an increase of $61 million above FY 2020, including $22.5 million for the Legal Orientation Program, an increase of $4.5 million above FY 2020.

- **Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) –** $1.48 billion, an increase of $83.9 million above the FY 2020 enacted level.

- **Federal Bureau of Prisons (BOP) –** $7.84 billion, an increase of $57.4 million above the FY 2020 enacted level and $124.8 million above the President's budget request.

- **First Step Act –** The agreement fully funds the requested $409,483,000 for programs and activities authorized by the First Step Act of 2018, including medication-assisted treatment.

- **Task Force on Law Enforcement Oversight –** The agreement directs the Attorney General to establish a Task Force on Law Enforcement Oversight, with up to $5 million to be provided across DOJ accounts. The Task Force is to be comprised of representatives from multiple Justice Department components, in consultation with law enforcement, labor, and community-based organizations to coordinate the detection and referral of complaints regarding incidents of alleged law enforcement misconduct.

- The agreement includes $5,000,000 for the **development and deployment of databases to track excessive use of force and officer misconduct**, to be developed in consultation with State and local law enforcement agencies, community organizations, and advocacy groups, including those that advocate for the preservation of civil liberties and civil rights.

- **Grants to State and Local Law Enforcement –** $3.385 billion is provided, an increase of $107 million above FY 2020. This includes: $484 million for Byrne JAG; $386 million for the Community Oriented Policing Services (COPS) Program; $189 million to address sexual assault kit and other DNA evidence backlogs; $100 million for Second Chance Act programs; $526.5 million for grant programs to address the opioid crisis; $132 million for the STOP School Violence Act; $513.5 million for Violence Against Women Act (VAWA) programs; and $85 million for grants to improve the NICS firearms background check system.

National Aeronautics and Space Administration (NASA) – $23.27 billion is provided, an increase of $642.3 million above the FY 2020 enacted level, including:

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- $2 billion for **Earth Science**, an increase of $28.2 million above the FY2020 enacted level and $231.9 million above the President's budget request, to enable better scientific information about the Earth and its changing climate, and rejecting cuts proposed by the Administration aimed at eliminating climate science missions.

- $828.7 million for **Aeronautics research**, an increase of $44.8 million above FY 2020 and $9.7 million above the President's budget request, to continue efforts to improve passenger safety, fuel efficiency, and noise reduction, and to make air travel more environmentally sustainable.

- $127 million for **NASA's STEM Engagement educational efforts**, an increase of $7 million above FY 2020, to enable NASA to inspire young people to pursue future careers in science and engineering. This amount includes funding increases for the Space Grant program, Minority University Research and Education Project, and Established Program to Stimulate Competitive Research (EPSCOR). The President had proposed eliminating all funding for STEM Engagement.

National Science Foundation (NSF) – $8.5 billion, an increase of $208.4 million above the FY 2020 enacted level and $745.4 million above the President's budget request.

- **NSF Research and Related Activities –** $6.9 billion is provided, an increase of $172.6 million above FY 2020 and $696.7 million above the President's budget request.

- **Education and Human Resources** -- $968 million is provided, an increase of $28 million above FY 2020 and $37 million above the President's budget request.

Legal Services Corporation – $465 million, $25 million above the FY 2020 enacted level. The President had proposed eliminating this program, which helps provide legal assistance to underserved communities.

Equal Employment Opportunity Commission – $404.5 million, $15 million above the FY 2020 enacted level and $42 million above the President's budget request.

International Trade Commission (ITC) – $103 million, $3.6 million above the FY 2020 enacted level and $3.4 million above the President's budget request.

Division C – Defense

Overview:

For fiscal year 2021, the bill provides $696 billion in new, non-emergency discretionary spending authority for the Department of Defense for functions under the Defense Subcommittee's jurisdiction, an increase of $2.6 billion above the fiscal year 2020 enacted level, and $2.1 billion below the President's Budget. That includes $627.3 billion in base funding, an increase of $4.6 billion above the fiscal year 2020 enacted level and $2.1 billion below the President's Budget, and $68.7 billion for OCO/GWOT funding in title IX, a decrease of $2 billion from the fiscal year 2020 enacted level and equal to the President's Budget.

The FY 2021 Defense Appropriations bill continues to provide additional funding above the President's Budget for programs directly impacting the quality of life for servicemembers, their families, and military communities:

- $2.296 billion funded above the request for an additional Virginia Class Submarine.
- $116 million funded above the request for upgrades to child care facilities.
- $284 million funded above the request to address public school infrastructure requirements on DoD installations.
- $57.5 million funded above the request for sexual assault prevention and response programs.

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- $1.5 billion of total funding for environmental restoration programs, $430 million funded above the request.
- $15 million above the request for a CDC Water Containment Study and Assessment.
- $50 million of new funding for noise mitigation measures.
- $60 million above the request for the Defense Community Infrastructure program.
- $25 million above the request for Defense Manufacturing Communities.
- $50 million funded above the request for Impact Aid to communities and $20 million funded above the request for Impact Aid for those with disabilities.
- $577.5 million funded above the request for cancer research.
- Fully funds the 3.0 percent military pay raise.

Bill Summary:

Military Personnel

Total:	$162.4 billion
Base:	$157.8 billion
OCO/GWOT (title IX):	$4.6 billion

- Funds active duty end strength of 1,348,600, an increase of 9,100 above current year and a decrease of -2,900 below the request. Funds reserve component end strength of 802,000, an increase of 1,200 above current year and equal to the request.
  - Army totals: 485,900 active duty, an increase of 5,900 above current year and equal to the request; 189,800 reserve, an increase of 300 above current year and equal to the request; and 336,500 Guard, an increase of 500 above current year and equal to the request.
  - Navy totals: 347,800 active duty, an increase of 7,300 above current year and equal to the request; and 58,800 reserve, a decrease of 200 below current year and equal to the request.
  - Marine Corps totals: 181,200 active duty, a decrease of 5,000 below current year and a decrease of 2,900 below the request; and 38,500 reserve, equal to current year and the request.
  - Air Force totals: 333,700 active duty, an increase of 900 above current year and equal to the request; 70,100 reserve, an increase of 100 above current year and equal to the request; and 108,100 Guard, an increase of 400 above current year and equal to the request.

- Provides full funding necessary to support the proposed 3.0 percent military pay raise.
- Increases funding by $57.5 million above the President's request for the Department and Services' Sexual Assault Prevention and Response programs, for a total of $335.5 million. This includes $46 million for the Special Victims' Counsel, an increase of $7.5 million above the request for the Department's Sexual Assault Prevention and Response Office, and $4 million for the Sexual Trauma Pilot Program.

Operation and Maintenance

Total:	$251 billion
Base:	$192.2 billion
OCO/GWOT (title IX):	$58.8 billion

- Provides $9.5 billion to fund SOCOM's operation and maintenance requirements.
- Provides $1.5 billion for Environmental Restoration activities, $430 million above the request, and $87.8 million above the 2020 enacted level.
- Provides $15 million to continue the nation-wide CDC study and assessment of the health impacts of PFOS/PFOA contamination in drinking water.

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- Provides $284 million above the request to address public school infrastructure requirements on DoD installations.
- Provides an additional $116 million for upgrades to childcare facilities.
- Provides increases for National Guard Youth Challenge ($75 million) and Starbase ($41 million).
- Provides $60 million for the Defense Community Infrastructure Program, a $10 million increase over the 2020 level and $25 million for the Defense Manufacturing Communities.
- Provides $50 million for Impact Aid and $20 million for Impact Aid for those with disabilities.
- Provides $6.75 million for gender advisor programs.
- Provides $48 million for the Procurement Technical Assistance Program.
- Provides $50 million for noise mitigation tools for communities
- Provides $10 million for the Maternity Uniform Pilot Program

Procurement

Total:	$142.9 billion
Base:	$136.5 billion
OCO/GWOT (title IX):	$6.4 billion

Aircraft

- Funds the request of 24 F/A-18E/F Super Hornet aircraft ($1.7 billion).
- Funds 96 F-35 aircraft, 17 more than the request, including 60 F-35As, 10 F-35Bs, and 26 F-35Cs ($9.6 billion).
- Funds 12 F-15EX aircraft to recapitalize the F-15C/D fleet ($1.2 billion).
- Provides $189 million above the request for the first five CH-47F Block II Chinook aircraft and long-lead funding for the second five CH-47F Block II Chinook aircraft to ensure that the Army stays on schedule with the program of record.
- Provides $141 million above the request to fund a total of 42 UH/HH-60M Blackhawk helicopters ($862 million).
- Funds the requested 52 AH-64 Apache helicopters ($854 million).
- Provides $110 million above the request to fund 12 MQ-1 Gray Eagle unmanned aircraft systems.
- Funds the request of 15 KC-46 tankers ($2.7 billion).
- Funds 16 MQ-9 Reaper air vehicles, 16 more than the request ($344 million).
- Funds 15 V-22 aircraft, six more than the request ($1.4 billion).
- Funds nine P-8A Poseidon aircraft for the Navy Reserve, nine more than the request ($1.6 billion).
- Funds 17 C/MC/KC-130J aircraft, eight more than the request, including an additional two C-130Js only for the Air Force Reserve and an additional six C-130Js only for the Air National Guard ($1.5 billion).
- Funds five E-2D Advanced Hawkeye aircraft, one more than the request ($786 million).
- Funds nine CH-53K helicopters, two more than the request ($1.1 billion)
- Funds the request of five VH-92 executive helicopters ($578 million).
- Funds 19 HH-60W combat rescue helicopters ($1.1 billion).

Shipbuilding

- Provides $23.3 billion to procure 10 Navy ships.
- Funds are provided for two DDG-51 guided missile destroyers; two SSN-774 attack submarines; one Columbia class submarine; one Frigate; two towing, salvage, and rescue ships; one Expeditionary Fast Transport; and one LPD.
- Provides $500 million in incremental funding for LHA 9.
- Funds advance procurement for one Expeditionary Sea Base ($73 million).

Vehicles/Force Protection

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- Provides $375 million above the request to upgrade a total of 271 Stryker combat vehicles ($1.16 billion).
- Funds the request to upgrade 89 Abrams tanks to the M1A2 SEPv3 tank variant ($968 million).
- Provides an additional $100 million for Army National Guard HMMWV modernization.
- Fully funds the Army's request for 1,920 Joint Light Tactical Vehicles (JLTVs) and 1,334 JLTV companion trailers ($884 million).

Other

- Provides $996 million for three National Security Space Launch services.
- $598 million to procure two GPS IIIF spacecraft.
- Provides $200 million to fully support Israeli Cooperative procurement programs (Iron Dome, David's Sling, and Arrow).
- Provides $84 million above the request for safety and environmental upgrades of Army industrial facilities and $62 million above the request for Army organic industrial base investments.
- Includes $950 million for the National Guard and Reserve Equipment Account (NGREA).

Research, Development, Test and Evaluation

Total:	$107.4 billion
Base:	$107.1 billion
OCO/GWOT (title IX):	$0.3 billion

- Invests in basic and applied scientific research, development, test and evaluation of new technologies and equipment, and supports the research community so forces will have the systems and equipment for tomorrow's challenges.

Aircraft

- Fully funds the continued development of the Air Force's B-21 bomber program ($3 billion).
- Fully funds development of the VC-25B Presidential Aircraft Replacement ($758 million).
- Provides $90.5 million above the request for the development of the Army's Future Long Range Assault Aircraft ($225 million).

Shipbuilding

- Funds the continued development of the new design submarine ($243 million).

Vehicles and Ground Forces

- Provides $60 million above the request to fund the Army's Long Range Hypersonic Weapon ($861 million).
- Provides $88.1 million above the request for systems integration and testing in support of the Army's mid-range missile capability.
- Provides $161 million to support the Army's enduring indirect fire protection capability program.

Defense Advanced Research Project Agency (DARPA)

- Funds DARPA at $3.5 billion.

Other

- Provides $300 million for the Israeli cooperative research and development programs, including David's Sling and Arrow-3.
- Provides $285 million for the Global Positioning System IIIF program.
- Provides $481 million for the Global Positioning System III Operational Control Segment.
- Provides $551 million for National Security Space Launch to develop new U.S. space launch vehicles.
- Provides $2.32 billion for Next Generation Overhead Persistent Infrared.

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- Provides $214 million for future weather satellites.
- Provides $173 million for space situational awareness.
- Provides $8.5 million above the request to support the Army's Humanitarian Demining research and development program ($17 million).
- Provides $20 million above the request for the Special Operations Command Armed Overwatch Program.

Revolving and Management Funds

Total:	$1.493 billion
Base requirements:	$1.473 billion
OCO (title IX)	$0.20 billion

- Fully funds the Defense Commissary Agency to ensure servicemembers and their families receive continued savings for food and household goods as part of the military pay and benefits package.

Other Department of Defense Programs

Total:	$36.4 billion
Base Requirements:	$36 billion
OCO/GWOT (title IX)	$0.4 billion

Defense Health Program

- $33.68 billion plus $365.1 million for OCO/GWOT Requirements.
- Adds $542.5 million for cancer research. The total amount is distributed as follows:
  - $150 million for the breast cancer research program;
  - $15 million for the pancreatic cancer research program;
  - $110 million for the prostate cancer research program;
  - $35 million for the ovarian cancer research program;
  - $50 million for the kidney cancer research program;
  - $20 million for the lung cancer research program;
  - $30 million for the melanoma research program;
  - $17.5 million for the rare cancer research program; and
  - $115 million for the cancer research program.
- Adds $175 million for the peer-reviewed psychological health and traumatic brain injury research program.
- Adds $40 million for spinal cord research.
- Adds $40 million for the joint warfighter medical research program.

Chemical Agents and Munitions Destruction

- $1.05 billion, including $160.3 million above the President's Budget to address a shortfall for the Assembled Chemical Weapons Alternatives Program.

Overseas Humanitarian, Disaster, and Civic Aid

- $147.5 million, including levels above the President's Budget for foreign disaster relief, humanitarian assistance, and the humanitarian mine action program.

Drug Interdiction and Counter-Drug Activities

- $914 million, including $100 million above the President's Budget for the National Guard Counter-Drug Program.

Office of the Inspector General

- $375.4 million, an increase of $4 million above the President's Budget for oversight of funding provided in CARES.

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Afghanistan

- $3.05 billion for the Afghanistan Security Forces Fund. Funds may only be obligated if the Secretary of Defense certifies to Congress that the Afghan forces are controlled by a civilian, representative government that is committed to protecting human rights and women's rights and preventing terrorists from using the territory of Afghanistan to threaten the United States and our allies.
- Not less than $20 million for the recruitment and retention of women in the Afghanistan National Security Forces—twice the amount specified last year.
- Directs an assessment and report on Russia's malign activities in Afghanistan, including activities directed against U.S. and coalition troops, and measures taken by the Administration in response.
- No funds for the Taliban except support for reconciliation activities that also include the Afghan government, do not restrict the participation of women, and are authorized by law.

Counter-ISIS

- $710 million for the Counter-ISIS Train and Equip Fund, including support for the Iraqi Security Forces, Kurdish Peshmerga, and the Syrian Democratic Forces fighting ISIS.
- No funds may be used with respect to Iraq or Syria in contravention of the War Powers Resolution.
- No funds to exercise United States control over any oil resource of Iraq or Syria.

Security Cooperation Programs

- $275 million for the Ukraine Security Assistance Initiative, $25 million above the request. Continues notification requirements and requires the Secretary of Defense to inform Congress if funds have not been obligated within 60 days after notification.
- $1.19 billion for International Security Cooperation Programs.
  - $160 million for programs with countries in the Africa Command area of responsibility, $56 million above the budget request.
  - $120 million for programs with countries in the Southern Command area of responsibility, $46 million above the budget request.
  - $169 million for the Baltic Security Initiative, $25 million above the budget request.
  - $3 million for women's programs, which is in addition to $3.75 million included in the bill for the training of U.S. personnel related to these programs.
- Up to $500 million for Jordan, including not less than less than $150 million for reimbursements for enhanced border security.

Other General Provisions

- Includes various Buy America provisions.
- Includes $3.2 billion in prior year rescissions plus $1.9 billion in rescissions from prior year OCO/GWOT funding.
- Includes $284 million for public schools on military installations.
- Provides that nothing in this Act may be construed as authorizing the use of force against Iran.
- No funds in contravention of the War Powers Resolution.
- Requires the Secretary of Defense to notify Congress of any foreign contributions relating to the stationing or operations of the United States Armed Forces.
- Continues provisions prohibiting the transfer of Guantanamo detainees to the U.S. and limiting the transfer of detainees to other countries except under certain conditions (including assessment of that the detainee is no longer a threat to U.S. security).

Division D – Energy & Water Development

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Overview:

The Energy and Water Development and Related Agencies bill funds the U.S. Army Corps of Engineers, Department of the Interior programs, the Department of Energy, and other related agencies.

The FY 2021 bill provides $49.5 billion in discretionary funding, $6.9 billion above the President's budget request and $1.1 billion above the fiscal year 2020 enacted level. That amount includes $27.5 billion for defense-related activities, $1.5 billion above the request and $3.3 billion above the fiscal year 2020 enacted level. The amount also includes $21.9 billion for non-defense activities, $5.3 billion above the request and $2.1 billion below the fiscal year 2020 enacted level.

Bill Summary:

Army Corps of Engineers – Provides $7.8 billion, an increase of $145 million above the fiscal year 2020 level and $1.8 billion above the budget request.

- **Funding for Investigations** is $153 million, an increase of $2 million above the fiscal year 2020 level and $50.4 million above the request.

- **Funding for Construction** is $2.69 billion, an increase of $11.6 million above the fiscal year 2020 level and $519.4 million above the request.

- **Funding for Operation and Maintenance** is $3.85 billion, an increase of $59.7 million above the fiscal year 2020 level and $1.8 billion above the request.

- **Harbor Maintenance Trust Fund** projects receive $1.68 billion, an increase of $50 million above the fiscal year 2020 level and an increase of $665 million above the request. This meets the target set by the Water Resources Reform and Development Act of 2014 and represents 92 percent of estimated revenues compared to the fiscal year 2021 target of 83 percent.

- The bill makes full use of the estimated revenues, which includes a total appropriation of $113 million for the **Inland Waterways Trust Fund**.

- Provides **nine new study starts and seven new construction starts**.

- Funds the Water Infrastructure Finance and Innovation Program for the first time for the Corps at $14.2 million, to guarantee almost $1 billion in loans.

Department of Interior/Bureau of Reclamation – Provides $1.69 billion, an increase of $11 million above the fiscal year 2020 level and $553 million above the budget request.

- Provides $21 million for the **Central Utah Project**, $1 million above the fiscal year 2020 level and $11 million above the request.

- Provides $1.67 billion for the **Bureau of Reclamation**, an increase of $10 million above the fiscal year 2020 level and $542 million above the request. Within Reclamation:

    - Provides $559 million in additional funding for water resources projects, including those authorized in the Water Infrastructure Improvements for the Nation (WIIN) Act.

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- Within additional funding, $114.7 million is provided for rural water projects above the budget request.

Department of Energy – Provides $39.6 billion for the Department, an increase of $1 billion above the fiscal year 2020 level and $4.5 billion above the budget request.

- **Energy Efficiency and Renewable Energy –** Provides $2.86 billion, an increase of $72 million above the fiscal year 2020 level and $2.1 billion above the request. This funding provides for clean, affordable, and secure energy and ensures American leadership in the transition to a global clean energy economy.

- **Cybersecurity, Energy Security, and Emergency Response –** Provides $156 million, equal to the fiscal year 2020 level. This funding provides for efforts to secure the nation's energy infrastructure against all hazards, reduce the risks of and impacts from cybersecurity events, and assist with restoration activities.

- **Electricity –** Provides $211.7 million, an increase of $21.7 million above the fiscal year 2020 level and $16.7 million above the request. This funding will advance technologies to increase the resiliency and efficiency of the nation's electricity delivery system with capabilities to incorporate growing amounts of clean energy technologies.

- **Nuclear Energy –** Provides $1.5 billion, an increase of $14.2 million above the fiscal year 2020 level and $328 million above the request. This funding invests in activities to further improve the safety and economic viability of our current reactor fleet, develop the next generation of clean and safe reactors, and supports the advanced reactors demonstration program.

- **Fossil Energy Research and Development –** Provides $750 million, equal to the fiscal year 2020 level and $19.4 million above the request. This funding provides for research, development, and demonstration activities to ensure the safe, efficient, and environmentally sound use of fossil energy resources.

- **Science –** Provides $7.026 billion, an increase of $26 million above the fiscal year 2020 level and $1.2 billion above the request. The Office of Science funds basic science research in physics, biology, chemistry, and other science disciplines to expand scientific understanding and secure the nation's global leadership in energy innovation.

- **Advanced Research Projects Agency – Energy –** Provides $427 million, an increase of $2 million above the fiscal year 2020 level and rejects the budget proposal to eliminate this program. This funding supports research aimed at rapidly developing energy technologies that are capable of significantly changing the energy sector to address our critical economic, environmental, and energy security challenges.

- **National Nuclear Security Administration –** Provides $19.7 billion, an increase of $3 billion above the fiscal year 2020 level. This funding will maintain a safe, secure, and credible nuclear deterrent while addressing the threat of nuclear proliferation and terrorism. This includes:

    - **Weapons Activities -** $15.35 billion, an increase of $2.9 billion above the fiscal year 2020 level to maintain a credible nuclear deterrent and critical scientific and R&D capabilities.

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- **Defense Nuclear Nonproliferation -** $2.26 billion, an increase of $95.6 million above the fiscal year 2020 level and $229 million above the request. This funding secures nuclear material at home and abroad.

- **Naval Reactors -** $1.68 billion, an increase of $35.6 million above the fiscal year 2020 level and equal to the request, to continue safe and reliable operation of the Navy's nuclear-powered fleet.

- **Environmental Cleanup –** Provides $7.59 billion, an increase of $131 million above the fiscal year 2020 level and $1.52 billion above the budget request. This funding is used for nuclear waste cleanup at 16 sites across the country and includes:

  - **Non-Defense Environmental Cleanup -** $319.2 million, equal to the fiscal year 2020 level and $43 million above the request.

  - **Uranium Enrichment Decontamination and Decommissioning -** $841 million, $35 million above the request.

  - **Defense Environmental Cleanup -** $6.426 billion, an increase of $171 million above the fiscal year 2020 level and $1.4 billion above the request.

- **Power Marketing Administrations** – Provides the net budget request levels for the Southeastern Power Administration, Southwestern Power Administration, and Western Area Power Administration. The agreement rejects the President's proposal to sell the transmission assets of the PMAs, change the laws governing how the PMAs establish power rates, and repeal the borrowing authority for the Western Area Power Administration.

Nuclear Regulatory Commission – Provides a net appropriation of $123 million. This funds regulatory activities to ensure the safe use of nuclear reactors and radioactive materials while protecting people and the environment.

Appalachian Regional Commission – Provides $180 million, which is $5 million above the fiscal year 2020 level and $15 million above the budget request. The Commission funds projects in the Appalachian Region to promote economic development, education and job training, critical infrastructure, and community development.

Northern Border Regional Commission – Provides $30 million, which is $5 million above the fiscal year 2020 level and $29.1 million above the budget request. This funding targets the economic development needs of distressed portions of Maine, New Hampshire, Vermont, and New York.

Policy Provisions:

- A provision to prevent the reorganization of the Army Corps of Engineers, or to transfer Corps functions to other agencies.
- A provision to allow a transfer of funds from the Western Area Power Administration to the Bureau of Reclamation for environmental stewardship and endangered species recovery purposes.

Division E – Financial Services & General Government

Overview:

The Financial Services and General Government bill provides annual funding for the Department of the

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Treasury, the Judiciary, the Executive Office of the President, and other independent agencies, including the Small Business Administration.

The FY 2021 Financial Services and General Government bill includes funding for a broad range of functions and services in both the Executive and Judicial branches that are essential to the operation of the Federal Government. In addition, the bill supports programs that assist and protect the public, such as shielding consumers from defective and dangerous products, assisting small businesses, and investing in distressed communities.

The bill provides $24.42 billion in discretionary funding, an increase of $281 million over the comparable FY 2020 enacted level.

Bill Summary:

Department of the Treasury – $13.49 billion, $429.9 million above the FY 2020 enacted level.

- **Committee on Foreign Investment in the United States (CFIUS) Fund –** Provides $20 million to support CFIUS program responsibilities and enforcement efforts.

- **Terrorism and Financial Intelligence (TFI) and Financial Crimes Enforcement Network (FinCEN) –** Provides $175 million for TFI, an increase of $5.3 million above FY 2020, including $3 million for enhanced enforcement of human rights and corruption violations, and $127 million for FinCEN, $1 million above FY 2020.

- **Savings Bond Digitization –** Provides $25 million to digitize savings bonds records dating back to World War II, to enable Americans to redeem more than $24 billion in matured savings bonds left unclaimed in the U.S. Treasury.

- **Treasury Inspectors General –** Provides $41 million for the Treasury Inspector General, and $170 million for the Treasury Inspector General for Tax Administration, both equal to FY 2020.

- **Community Development Financial Institutions Fund (CDFI) –** Includes $270 million, an increase of $8 million above FY 2020 and $256 million more than the President's budget request. All core CDFI programs received an increase over FY 2020.

- **Internal Revenue Service (IRS) –** Includes $11.92 billion, an increase of $409 million above FY 2020, with increases to all four IRS accounts.

    - **Taxpayer Services:** $2.56 billion, an increase of $44 million above the FY 2020 level, to provide timely customer service to taxpayers. Grant programs funded within the total include:

        - Volunteer Income Tax Assistance – $30 million, an increase of $2 million;
        - Tax Counseling of the Elderly – $11 million, equal to FY 2020;
        - Low Income Taxpayer Clinic Grants – $13 million, an increase of $1 million; and
        - National Taxpayer Advocate – $211 million, an increase of $1 million.

    - **Enforcement:** $5.2 billion, an increase of $203 million, to increase IRS collection efforts and further close the tax gap.

    - **Operations Support:** $3.9 billion, an increase of $120 million, to provide for critical systems to maintain IRS operations.

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- **Business Systems Modernization:** $222.7 million, an increase of $43 million, to assist in the modernization of IRS's legacy IT systems.

Executive Office of the President – $758.8 million, $31.8 million above the FY 2020 enacted level and $405.4 million above the President's budget request.

- **Office of Management and Budget (OMB) –** Includes $106.6 million, $5 million above the FY 2020 level and $9.1 million below the President's budget request.

- **Intellectual Property Enforcement Coordinator (IPEC) –** Provides $1.8 million for IPEC, $500,000 above the FY 2020 level and $800,000 above the President's budget request.

- **Office of National Drug Control Policy (ONDCP) –** Rejects Administration's proposed transfer or elimination of ONDCP grant programs and includes:

  - $290 million for the High Intensity Drug Trafficking Areas Program, an increase of $5 million above FY 2020; and

  - $102 million for the Drug-Free Communities Program, an increase of $750,000 above FY 2020.

The Judiciary – $7.72 billion in discretionary funding, $233.3 million above the FY 2020 enacted level.

- **Defender Services –** $1.32 billion, an increase of $81.7 million above the FY 2020 level and equal to the budget request.

- **Court Security –** $664 million, an increase of $24.8 million above the FY 2020 level and equal to the budget request.

District of Columbia – $734.5 million, $20.2 million above the FY 2020 level.

- **D.C. Resident Tuition Support –** Rejects the President's proposal to terminate the program and includes $40 million, equal to the FY 2020 level.

- **HIV/AIDS Testing and Treatment –** $4 million, equal to FY 2020 and an increase of $1 million above the President's budget request.

- **D.C. Emergency Planning and Security Costs –** $38.4 million, an increase of $20.4 million above the FY 2020 level. An additional $13 million was provided in the continuing resolution.

- **D.C. Water and Sewer Authority –** Includes $8 million, equal to FY 2020 and $8 million above the President's budget request.

Independent Agencies – $1.79 billion to support a variety of agencies including the General Services Administration, Office of Personnel Management, and Small Business Administration. In addition, the bill includes $142.9 million in a disaster cap adjustment for SBA Disaster Loans.

- **Consumer Product and Safety Commission –** $135 million, an increase of $2.5 million above FY 2020. Within the total, $1.3 million is included for Virginia Graeme Baker Pool Safety Grants.

- **Election Assistance Commission (EAC) –** $17 million for EAC operating expenses, an increase of $1.8 million above FY 2020, to increase staffing and other resources to enable the EAC to support State efforts

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to ensure the continued security and accessibility of Federal elections.

- **Federal Communications Commission (FCC) –** $374 million for FCC salaries and expenses, an increase of $35 million over FY 2020. Of this increase, $33 million is provided for the FCC to improve its broadband maps as required by the Broadband DATA Act.

- **Federal Trade Commission (FTC) –** $351 million for FTC salaries and expenses, an increase of $20 million over FY 2020, to bolster the agency's competition, privacy, and consumer protection work.

- **General Services Administration**

    - **Construction and Acquisition –** $230 million, an increase of $77.6 million over FY 2020, for the construction of U.S. courthouses in Hartford, CT and Chattanooga, TN.

    - **Repairs and Alterations –** $576.6 million, including $203.9 million for Major Repairs and Alterations and $372.7 million for Basic Repairs.

    - **Presidential Transition Expenses –** $9.9 million for the Presidential Transition in 2020-2021.

- **National Archives and Records Administration (NARA) –** $377 million for NARA operating expenses, an $18 million increase over FY 2020.

    - Includes $2 million for implementation of the Civil Rights Cold Case Record Collections Act of 2018 and $18 million for NARA's transition responsibilities under the Presidential Records Act of 1978.

    - In addition, includes $6.5 million for the National Historical Publications & Records Commission Grants Program.

- **Office of Personnel Management (OPM) –** $362 million, an increase of $32 million above the FY 2020 level. The additional funds are needed to compensate for the lost revenue due to the FY 2020 transfer of the background investigation bureau to the Pentagon and increased IT modernization efforts. Rejects the Administration's request to merge OPM into GSA and OMB.

- **Securities and Exchange Commission (SEC) –** $1.93 billion for SEC salaries and expenses, an increase of $100.6 million above the FY 2020 level and the same as the President's budget request.

- **Small Business Administration (SBA) –** $778.9 million for SBA, an increase of $39.9 million above the President's budget request. In addition, the bill provides $142.9 million in disaster cap adjustment funds for SBA Disaster Loans.

    - Includes $272 million for **Entrepreneurial Development Programs**, an increase of $11 million above the FY 2020 level and $104.4 million above the budget request, including:

        - $136 million for Small Business Development Centers;
        - $23 million for Women's Business Centers;
        - $35 million for Microloan Technical Assistance; and
        - $19.5 million for the State Trade Expansion Program (STEP).

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Policy Provisions –

- The bill preserves 6-day postal delivery, continues to prevent the consolidation or closure of small rural and other small post offices, and requires the Postal Service to continue to sell the popular "Tiger Stamp."
- The bill preserves a 1 percent pay raise for Federal civilian employees for calendar year 2021.
- The bill continues language prioritizing CDFI awards to persistent poverty counties.
- The bill continues a provision requiring OMB to notify all Federal agencies of their obligations to comply with government-wide provisions in Title VII of the FSGG bill.
- The bill provides $50,000,000 in emergency funding for NARA's Records Center Revolving Fund to offset losses resulting from the coronavirus pandemic and to accelerate the processing of requests for military service records.

Division F – Homeland Security

Overview:

The bill provides $69.02 billion in discretionary resources, including $49.33 billion for non-defense programs; $2.55 billion for defense-related programs; and $17.1 billion for major disaster response and recovery activities. When excluding offsetting collections and major disaster funding, the total provided in the bill is $51.88 billion, which is $195.5 million below the budget request and $1.41 billion above the FY2020 enacted level.

Bill Summary

Office of the Secretary – The bill provides $205.8 million for the Office of the Secretary and Executive Management, an increase of $27 million above the FY2020 enacted level and an increase of $55.5 million above the President's budget request, including:

- $20 million for the Office of Immigration Detention Ombudsman to investigate and resolve complaints regarding misconduct by DHS personnel and violations of the rights of individuals in DHS custody, including through unannounced inspections of detention facilities; and

- $25 million to be transferred to FEMA, including:
  - $20 million for Targeted Violence and Terrorism Prevention grants; and
  - $5 million for an Alternatives to Detention case management grant pilot program.

Management Directorate – The bill provides $3.20 billion for the Management Directorate, an increase of $78.3 million above the FY2020 enacted level and $148.7 million below the President's budget request.

Office of Inspector General – The bill provides $190.2 million for the Office of Inspector General, an increase of $12.4 million above the budget request for increased oversight of detention and immigration enforcement activities.

U.S. Customs and Border Protection (CBP) – The bill provides $15.28 billion for CBP, $370.7million above the FY2020 enacted level and $520.2 million below the President's budget request, including:

- $261 million above the request to support base line operations.
- $34 million for new body worn cameras and video recording equipment for Border Patrol Stations.
- $10 million of Port of Entry Technology.
- $45 million for innovative technology.
- $119 million for new aircraft and aircraft sensors.
- $118 million for border technology.
- $142 million for CBP facilities.

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Provides no funding for an increased number of border patrol agents.

Provides an additional $840 million in emergency appropriations for the ports of entry to help offset the loss of customs and immigration fee revenue associated with the pandemic.

U.S. Immigration and Customs Enforcement (ICE) – Provides $7.97 billion for ICE, $106.5 million below the FY2020 enacted level and $1.95 billion below the President's budget request, including:

- $2.14 billion for investigations with cross-border nexus, including those related to human trafficking, financial crimes and cyber investigations, including:
  - $5.5 million increase for the Human Exploitation Rescue Operative Child-Rescue Corps; and
- $4.12 billion for Enforcement and Removal Operations, $310.1 million below the FY2020 enacted level and $1.59 billion below the President's budget request, including:
  - $3.26 billion for Custody Operations and Transportation and Removal, $450 million below the FY2020 enacted level and $1.49 billion below the President's budget request; and
  - $440 million for Alternatives to Detention, $120.9 million above the FY2020 enacted level, including $25 million for case management services.

Rejects the proposed use of USCIS Immigration Examination Fee funding to support ICE investigations.

Provides ***no*** funding for additional immigration enforcement personnel.

Provides additional funding above FY2020 enacted levels to address the backlog of critical maintenance and repairs at existing, ICE-owned detention facilities.

Provides $3.16 million above the request to address ICE's Freedom of Information Act backlog.

Transportation Security Administration (TSA) – Provides $7.96 billion for TSA, $144.2 million above the FY2020 enacted level and $325.4 million above the President's budget request, including.

- Provides $100 million for computed tomography screening equipment and credential authentication and standoff detection technology.
- Fully funds the Visible Intermodal Prevention and Response teams (VIPR); staffing at exit lanes; and the Law Enforcement Officer reimbursement program.
- $30 million for reimbursements to airports for legacy purchases of in-line explosive detection systems.

Coast Guard – Provides $12.84 billion for the Coast Guard, $878.8 million above the FY2020 enacted level and $739.4 million above the President's budget request, including:

- $2.26 billion for significant new investments in the Coast Guard's air and marine fleet, and facilities, including:
  - Continued support for the Offshore Patrol Cutter program, Fast Response Cutters, MH-60 helicopters, C-130 J aircraft, and procurement of a second Polar Security Cutter.
  - $363 million, which is $216 million above the request for shore facilities and other infrastructure, including housing for Coast Guard families.
- $107 million above the request to invest further in Coast Guard operational readiness, personnel and their families, including additional investment in cybersecurity, communications, workforce readiness and childcare subsidy.

United States Secret Service (USSS) – Provides $2.44 billion for the USSS, $22.2 million above the FY2020 enacted level and $77.5 million above the President's budget request, including:

- $6 million for grants related to investigations of missing and exploited children; and
- $15.3 million for additional overtime and retention incentives

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- $10 million for radio modernization
- $11.3 million for IT support and infrastructure modernization
- $30.4 million for basic and advanced computer forensics training for state and local law enforcement officers, judges, and prosecutors in support of the Secret Service mission

Funds additional requirements to support Post-Presidential Protection and Transition activities.

Cybersecurity and Infrastructure Security Agency (CISA) – Provides $2.0 billion for CISA, $9.4 million above the FY2020 enacted level and $267.2 million above the President's budget request, including:

- $92.8 million to further advance CISA's Cyber Operations, including $43.9 million for threat hunting;
- $43.3 million for the Continuous Diagnostics and Mitigation program; and
- $21.2 million for the National Cybersecurity Protection System.

Fully funds the Chemical Facility Anti-Terrorism Standards (CFATS) program.

Federal Emergency Management Agency (FEMA) – Provides $21.67 billion for FEMA, $604.1 million below the FY2020 enacted level and $12.32 billion above the President's budget request, including:

- $17.14 billion for disaster response and recovery efforts; and
- $3.32 billion for Federal Assistance, including:
    - $610 million for the State Homeland Security Grant Program (SHSGP), including $90 million for the SHSGP Nonprofit Security Grants Program;
    - $705 million for the Urban Areas Security Initiative (UASI), including $90 million for the UASI Nonprofit Security Grant Program;
    - $720 million for firefighter grant programs;
    - $130 million for the Emergency Food and Shelter program;
    - $20 million transferred from the Office of the Secretary for Targeted Violence and Terrorism Prevention grants; and
    - $5 million transferred from the Office of the Secretary for an Alternatives to Detention case management grant pilot program.

Other

- $340.3 million for the Federal Law Enforcement Training Centers, $10.8 million below the FY2020 enacted level and $8.9 million above the President's budget request, including $4.7 million above the request to expand export training for law enforcement officers.
- $765.6 million for the Science and Technology Directorate, $28.3 million above the FY2020 enacted level and $121.8 million above the President's budget request.
- $402.3 million for the Countering Weapons of Mass Destruction Office, $30.2 million above the FY2020 enacted level and $25 million above the request.

Policy Provisions

- Prohibits the use of any federal funding to construct fencing in Bentsen-Rio State Park, the National Butterfly Center, the Santa Ana Wildlife Refuge, the Lower Rio Grande Wildlife Refuge between Brownsville, TX, and the Gulf of Mexico, and historic cemeteries.

- Requires CBP to provide an expenditure plan prior to the use of funds for border security construction and acquisition.

- Requires ICE to make information about the 287(g) program publicly available.

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- Requires ICE to sever contracts with detention facilities that fail two consecutive inspections and requires more frequent inspections by ICE's Office of Professional Responsibility.

- Requires ICE to publicly post inspection results and plans to address deficiencies, with the status of addressing such deficiencies to be validated by the new Office of Immigration Detention Ombudsman.

- Authorizes members of Congress to conduct unannounced inspections of detention facilities, as well as designated congressional staff who provide a 24-hour notice.

- Prohibits DHS from destroying records related to the death of, potential sexual assault against, or abuse of individuals in its custody.

- Ensures that information shared with ICE by the Department of Health and Human on potential sponsors of unaccompanied children cannot be used by ICE for detention or removal purposes unless the sponsor has a dangerous criminal background.

- Prohibits DHS from placing pregnant women in restraints except in extraordinary circumstances.

- Requires ICE to provide detailed reporting on its Alternatives to Detention program.

- Requires ICE to publish information on a publicly available website with the numbers and types of people in its custody, such as:
    - families and transgender detainees;
    - border apprehension detainees;
    - interior enforcement detainees; and
    - those who are in custody who have a positive credible fear claim.

Division G – Interior-Environment

Overview:

The Interior, Environment, and Related Agencies bill includes funding for programs within the Department of the Interior, the Environmental Protection Agency, and other related agencies, including the Indian Health Service.

In total, the FY 2021 bill includes $36.107 billion, an increase of $118 million over the 2020 enacted level and $4.5 billion over the President's 2021 request. There is also an additional $2.35 billion of funding provided under the fire suppression cap adjustment.

Increases in funding will help protect and preserve public lands, build resilience to climate change, strength the environmental workforce, and ensure access to safe drinking water.

In FY 2021, Land and Water Conservation Fund (LWCF) allocations will shift from discretionary to mandatory appropriations. For clarity, comparisons throughout are for non-LWCF programs.

Bill Summary:

Land and Water Conservation Fund (LWCF) - The bill provides for the allocation of the full $900 million now permanently available from the Land and Water Conservation Fund as a result of enactment of the Great American Outdoors Act. These allocations include $405 million for the federal program, $360 million for the state grants program, and $135 million for other non-federal grant programs.

Wildland Fire Management (WFM) - The bill provides $5.27 billion for WFM, which includes, $2.35 billion in cap adjusted fire suppression funding. Funding includes a shift of $387 million to Forest Service (non-fire)

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due to the budget restructure and the creation of the "Forest Service Operations" account. After adjusting for this shift, the bill provides a programmatic increase of $104 million for WFM.

Department of the Interior (DOI) – The bill provides a total of $13.7 billion in discretionary appropriations for DOI – $186 million above the 2020 enacted level and $1.7 billion above the President's budget request. Of this amount, the bill includes:

- $1.27 billion for the **Bureau of Land Management**, $28 million below the enacted level and $90 million above the President's budget request. Within this amount, the bill includes:
  - $74 million for **sage-grouse conservation.**
  - $31 million for **renewable energy** development
  - $116 million for the **wild horse and burro program**, $15 million above the fiscal year 2020 enacted level.
- $1.58 billion for the **U.S. Fish and Wildlife Service**, $22 million above the fiscal year 2020 enacted level and $205 million above the President's budget request. Within this amount, the bill includes:
  - $270 million for **Ecological Services**, $3.7 million above the fiscal year 2020 enacted level and $26 million above the President's budget request.
  - $504 million for **National Wildlife Refuge System**, $1.4 million above the fiscal year 2020 enacted level and $21 million below the President's budget request.
  - $72 million for **State and Tribal Wildlife Grants**, $4.8 million above the fiscal year 2020 enacted level and $41 million above the President's budget request.
- **$3.12 billion for National Park Service**, $44 million below the fiscal year 2020 enacted level and $332 million above the President's budget request. Within this amount, the bill includes:
  - $2.69 billion for **Operation of the National Park System**, $111 million above the fiscal year 2020 enacted level and $172 million above the President's budget request. Within this amount, $3.3 million is provided for the 400 Years of African-American History Commission and $8 million is provided for the Semiquincentennial Commission.
  - $74 million for **National Recreation and Preservation**, $3 million above the fiscal year 2020 enacted level and $40 million above the President's budget request.
  - $144 million for the **Historic Preservation Fund**, $26 million above the fiscal year 2020 enacted level and $104 million above the President's budget request. Within this amount, the bill includes $71 million for State and Tribal Historic Preservation Offices, $25 million for Save America's Treasures grants, $21 million for competitive grants to preserve the sites and stories of underrepresented community civil rights, and $10 million for grants to Historically Black Colleges and Universities.
- $1.3 billion for the **U.S. Geological Survey**, $44.6 million above the fiscal year 2020 enacted level and $344 million above the President's budget request.
- $3.5 billion for **Bureau of Indian Affairs**, **Bureau of Indian Education**, and the **Office of the Special Trustee,** $171 million above the fiscal year 2020 enacted level and $544 million above the President's budget request. This amount rejects the new budget structure for the Bureau of Trust Funds Administration in Indian Affairs but includes the Office of the Special Trustee in the total. Within the $3.5 billion, the bill includes:
  - $1.6 billion for operation of **Bureau of Indian Affairs Operation of Indian Programs**, $39 million above the fiscal year 2020 enacted level and $170 million above the President's budget request.
  - $129 million for **Bureau of Indian Affairs Construction**, equal to the fiscal year 2020 enacted level and $70 million above the President's budget request.
  - $11.8 million for the **Indian Guaranteed Loan Program**, equal to the fiscal year 2020 enacted level and $10.9 million above the President's budget request.
  - $973 million for **Bureau of Indian Education Operation of Indian Programs**, $30 million above the fiscal year 2020 enacted level for the same programs and $97 million above the President's budget request.

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    - $264 million to **Bureau of Indian Education Construction**, $16 million above the fiscal year 2020 enacted level for the same programs and $195 million above the President's budget request.
    - Fully funds **Contract Support Costs**.
    - Establishes indefinite appropriation account for and fully funds **Payments for Tribal Leases.**
    - $108 million for the **Office of the Special Trustee,** equal to the fiscal year 2020 enacted level and the President's budget request for a proposed Bureau of Trust Funds Administration.
- $115 million for **Office of Insular Affairs**, $4 million above the 2020 enacted level and $26 million above the President's budget request.
- $58 million for **Office of Inspector General**, $2.6 million above the enacted level and $790,000 below the President's budget.
- $86 million for the **Office of the Solicitor**, $20 million above the 2020 enacted level and equal to the President's budget. The increase is due to the relocation of bureau Ethics Offices.

Environmental Protection Agency (EPA) – The bill provides a total of $9.24 billion in for EPA – $180 million above the 2020 enacted level and $2.53 billion above the President's budget request. Of this amount, the bill includes:

- $3.49 billion for EPA's core **science and environmental program work**, an increase of $111 million above the 2020 enacted level and $724 million above the President's budget request. Within these amounts, the bill includes:
    - $542 million for **Geographic Programs** which help with restoration of nationally significant bodies of water like the Great Lakes, Chesapeake Bay, and Long Island Sound. This is an increase of $32 million above the 2020 enacted level and $211 million above the President's budget request.
    - $566 million for **environmental compliance monitoring and enforcement activities and grants**, a $14 million increase above the 2020 enacted level and $41 million above the President's request.
    - $53 million in funding at EPA and partner agencies for **scientific and regulatory work and cleanup assistance for per- and polyfluoroalkyl substances (PFAS)**, needed to establish a drinking water standard and cleanup standards. This level of funding is $10 million above the 2020 enacted level.
- $4.31 billion for **State and Tribal Assistance Grants,** a $68 million increase above the 2020 enacted level and $1.47 billion above the President's budget request. Within this amount, the bill includes:
    - $2.77 billion for **Clean Water and Drinking Water State Revolving Funds**, equal to the 2020 enacted level.
    - $40 million for **Combined Sewer Overflow grants**, a $12 million increase above the enacted level.
    - $91 million for **Brownfields cleanups**, a $2 million increase above the 2020 enacted level.
    - $90 million for **Diesel Emissions Reductions grants**, a $3 million increase above the enacted level.
- $1.21 billion for **Superfund**, a $21 million increase above the 2020 enacted level and $127 million above the President's request.
- $12.5 million for **Environmental Justice activities**, a $2.3 million increase above the 2020 enacted level and over four-fold increase above the President's budget request.

Related Agencies –

- $3.46 billion for the **Forest Service (non-fire)**, an increase of $324 million above the 2020 enacted level and $527 million above the President's budget request. After adjusting for LWCF and a restructure of the Forest Service budget, this is a programmatic increase of $77.9 million.
- $6.2 billion for the **Indian Health Service**, an increase of $189 million above the 2020 enacted level and $57 million below the President's budget request.

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    - $4.3 billion for health services, $14 million below the 2020 enacted level and $206 million below the President's budget request. This rejects the President's proposed program cuts and includes $5 million for HIV and Hepatitis C initiative, $5 million for Alzheimer's, and $5 million for maternal health initiative. The amount reflects the transfer of funds for tribal lease payments to a new indefinite appropriation account for these costs.
    - $918 million for health facilities construction, $6 million above the 2020 enacted level and $149 million above the President's budget request. This continues $5 million to invest in green infrastructure.
    - Establishes an indefinite appropriation account and fully funds Payments for Tribal Leases.
- $167.50 million each for the **National Endowment for the Arts** and the **National Endowment for the Humanities**, which is $5.25 million more than the 2020 enacted levels and rejects the President's budget request proposal to eliminate the Agencies. The bill includes language that permits grants fund appropriated this year and in fiscal years 2019 and 2020 to be used for operating expenses.
- $1.03 billion for the **Smithsonian Institution**, a reduction of $14.6 million below the 2020 enacted level and $77.6 million below the President's budget request.
- $14 million for the **Woodrow Wilson International Center for Scholars**, the 2020 enacted level and $5.8 million above the President's budget request.
- $40.4 million for the **John F. Kennedy Center for the Performing Arts**, a decrease of $3 million below the 2020 enacted level and equal to the President's budget request.
- $61.4 million for the **United States Holocaust Memorial Museum**, $1 million above the enacted level and the President's budget request. The NEVER AGAIN EDUCATION ACT (Public Law 116-141) is fully funded at $2 million to enhance the U. S. Holocaust Memorial Museum's education programming on the Holocaust and genocide prevention.

Outcome of Policy Provisions:
The bill includes the following policy provisions that were previously enacted:

- Sec. 116 retains restrictions on the issuance of rules for sage grouse.
- Sec. 430 continues a provision limiting oil and gas development near Chaco Culture National Historical Park.
- Sec. 436 continues a provision prohibiting the use of funds to promulgate or implement permitting requirements under Title V of the Clean Air Act for certain livestock emissions.
- Sec. 437 continues a provision prohibiting funds to implement any provision that requires reporting mandatory greenhouse gas emissions from manure management operations.
- Sec. 438 retains provision prohibiting funds to regulate the lead content of ammunition or fishing tackle.
- Sec. 439 addresses carbon emissions from forest biomass.
- Sec. 440 addresses the use of small remote incinerators in the State of Alaska.

Division H – Labor-HHS-Education

Overview:

The Labor, Health and Human Services, Education, and Related Agencies bill includes funding for programs within the Departments of Labor, Health and Human Services, and Education, and other related agencies, including the Social Security Administration.

In total, the FY 2021 bill includes $197 billion in programmatic funding, an increase of $2.8 billion over the 2020 enacted level and $19.2 billion over the President's 2021 budget request.

Bill Summary:

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Department of Labor (DOL) – The bill provides a total of $12.5 billion in discretionary appropriations for DOL, an increase of $122 million above the 2020 enacted level and $1.4 billion above the President's budget request. Of this amount, the bill includes:

- $9.4 billion for the **Employment and Training Administration**, an increase of $99 million above the 2020 enacted level. Within this amount, the bill includes:
    - $2.8 billion for **Workforce Innovation and Opportunity Act Grants**, an increase of $26 million above the fiscal year 2020 enacted level.
    - $94 million for **Migrant and Seasonal Farmworkers**, an increase of $2 million above the fiscal year 2020 enacted level. New bill language is included increasing the eligibility threshold to 150 percent of the poverty line.
    - $100 million for the **Reintegration of Ex-Offenders**, an increase of $2 million above the fiscal year 2020 enacted level.
    - $185 million for **Registered Apprenticeships**, an increase of $10 million above the fiscal year 2020 enacted level. No funding is provided for Industry Recognized Apprenticeship Programs (IRAPs). New bill language is included that requires the participation of equity intermediaries and business and labor industry partner intermediaries.
    - $97 million for **YouthBuild**, an increase of $2 million above the fiscal year 2020 enacted level.
    - $45 million for **Strengthening Community College Training Grants**, an increase of $5 million above the fiscal year 2020 enacted level. Funding will help meet local and regional labor market demand for a skilled workforce by providing training to workers in in-demand industries.
    - $1.7 billion for **Job Corps,** an increase of $5 million above the 2020 enacted level.
    - $200 million for the **Reemployment Services and Eligibility Assessments** program, an increase of $25 million above the 2020 enacted level.
    - $670 million for the **Employment Service**, an increase of $2 million above the 2020 enacted level.
    - $77.8 million for the **Office of Foreign Labor Certification**, an increase of $9 million above the 2020 enacted level.
- $1.7 billion for **Worker Protection Agencies**, an increase of $15.3 million above the fiscal year 2020 enacted level. Within this amount, the bill includes:
    - $246 million for the **Wage and Hour Division**, an increase of $4 million above the 2020 enacted level.
    - $592 million for the **Occupational Safety and Health Administration**, an increase of $10 million above the 2020 enacted level.
- $15 million for the **Women's Bureau**, an increase of $1 million above the 2020 enacted level. Within this amount, the Women in Apprenticeship and Nontraditional Occupations (WANTO) program is funded at $1.8 million, $500,000 above the 2020 enacted level.

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- $316 million for **Veterans' Employment and Training Service** (VETS), an increase of $5 million above the 2020 enacted level. Of this amount:
    - $58 million for the **Homeless Veterans Reintegration Program**, an increase of $2 million above the 2020 enacted level.
    - $31 million for the **Transition Assistance Program**, an increase of $2 million above the 2020 enacted level.

Department of Health and Human Services (HHS) – The bill includes a total of $97 billion for HHS, an increase of $2.1 billion above the 2020 enacted level and $9.9 billion above the President's budget request.

- **National Institutes of Health (NIH)** – The bill provides a total of $42.9 billion for NIH, an increase of $1.25 billion above the 2020 enacted level. This includes:
    - $3.118 billion, an increase of $300 million, for **Alzheimer's disease and related dementias research**;
    - $560 million, an increase of $60 million, for the **BRAIN Initiative**;
    - $541 million, an increase of $8 million, for research related to opioids through the **HEAL Initiative**;
    - $220 million, an increase of $20 million, for **Universal Flu Vaccine Research**;
    - $3.09 billion, an increase of $20 million, for **HIV/AIDS Research**, including funding for the Centers for AIDS Research as part of the **Ending the HIV Epidemic Initiative**;
    - $397 million, an increase of $10 million, for **Institutional Development Awards (IDeA)**;
    - $80 million, an increase of $5 million, for **Research Centers in Minority Institutions**;
    - $587 million, an increase of $9 million, for **Clinical and Translational Science Awards**;
    - $65 million, an increase of $5 million, for the **INCLUDE Down syndrome research initiative**;
    - $12.5 million for **research on firearm violence prevention**;
    - $44 million, an increase of $5 million, for the **Office of Research on Women's Health**; and
    - Funding for new initiatives, including $10 million for **research on premature births**, $10 million for **research on tick-borne diseases**, and $50 million for **research on artificial intelligence** to address chronic diseases.

- **Centers for Disease Control and Prevention (CDC)** – The bill includes a total of $7.9 billion for CDC, an increase of $125 million above the 2020 enacted level. This includes $856 million in transfers from the Prevention and Public Health Fund.
    - The bill includes investments in our nation's public health infrastructure including:
        - $201 million, an increase of $25 million, for **influenza** planning and response.

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        - $695 million, an increase of $20 million, for **public health emergency preparedness cooperative agreements** with State and local health departments.
        - $65 million, an increase of $2 million, for **food safety**.
        - $361 million, an increase of $7.5 million, to **strengthen epidemiologic and laboratory capacity**, and includes $50 million to support **modernization of public health data surveillance and analytics** at CDC, State and local health departments.
        - $56 million, an increase of $5 million, for **public health workforce and career development**.
        - $175 million, an increase of $1 million, for **health statistics**.
    - The bill provides increases for numerous public health efforts, including:
        - $175 million, an increase of $35 million, to support CDC's efforts to **reduce new HIV infections**.
        - $12 million, an increase of $2 million, for **suicide prevention**.
        - $12.5 million, the same amount as the 2020 enacted level, to specifically support **firearm injury and mortality prevention research**.
        - $237.5 million, an increase of $7.5 million, to address **tobacco and e-cigarettes.**
        - $20.5 million, an increase of $5 million, for **Alzheimer's**.
        - $63 million, an increase of $5 million, for **safe motherhood**.
        - $345 million, an increase of $2.5 million, for the **National Institute for Occupational Safety and Health.**
        - $193 million, an increase of $20 million, for **global disease detection efforts.**
- **Substance Abuse and Mental Health Services Administration** (SAMHSA) – The bill funds SAMHSA at $6 billion, an increase of $133 million above the 2020 enacted level. SAMHSA funding includes increased support for:
    - **Mental health resources** including a new $35 million crisis care initiative within the Mental Health Block Grant; and expanded services and support for mental for children and youth including $107 million for Project AWARE, an increase of $5 million; and $72 million for the National Child Traumatic Stress Initiative, an increase of $3 million.
    - **Suicide prevention** including $21 million for the Zero Suicide program, an increase of $5 million; and $24 million for the Suicide Lifeline, an increase of $5 million.
    - **Substance abuse treatment**: $3.8 billion, an increase of $17 million, including continued funding for opioid prevention and treatment.
    - **Substance abuse prevention**: $208 million, an increase of $2 million.

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- **Health Resources and Services Administration** (HRSA) – The bill includes $7.5 billion for HRSA, which is $151 million above the 2020 enacted level. The amount includes:
    - $1.7 billion for the **Health Centers** program, an increase of $57 million.
    - $2.4 billion, an increase of $35 million, for the **Ryan White HIV/AIDS** program.
    - $102 million in **Health Centers** and $105 million in the **Ryan White HIV/AIDS program** to **reduce new HIV infections** by 90 percent in 10 years.
    - $1.2 billion, an increase of $30 million, for HRSA's **Bureau of Health Professions** programs to support the medical workforce.
    - $975 million, an increase of $32 million, for programs to **improve maternal and child health.**
    - $286 million for the **Title X Family Planning** program.
- **Agency for Healthcare Research and Quality (AHRQ)** – The bill provides $338 million for AHRQ, the same as the 2020 enacted level.
- **Centers for Medicare and Medicaid Services (CMS)** – The bill provides $4 billion for CMS administrative expenses, the same as the 2020 enacted level.
- **Administration for Children and Families (ACF)** – The bill provides $24.7 billion in discretionary funding for ACF, an increase of $251 million above the 2020 enacted level.
    - Early childhood programs receive an increase of $220 million:
        - $5.9 billion for the **Child Care and Development Block Grant**, an increase of $85 million; and
        - $10.7 billion for **Head Start**, an increase of $135 million.
    - $3.8 billion for the **Low Income Home Energy Assistance Program** (LIHEAP), an increase of $10 million.
    - $745 million for the **Community Services Block Grant**, an increase of $5 million.
    - $196 million for **Family Violence Prevention and Services and the Domestic Violence Hotline,** an increase of $8.5 million.
- **Administration for Community Living (ACL) –** The bill funds ACL at $2.3 billion, which is $35 million above the 2020 enacted level. This amount includes:
    - $952 million for **Senior Nutrition** programs, an increase of $15 million above the 2020 enacted level.
    - $200 million for **Family Caregivers Services**, an increase of $4 million above the 2020 enacted level.

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- **Office of the Secretary—General Departmental Management** – The bill provides $551 million, an increase of $6 million above the 2020 enacted level. The amount includes:
    - $108 million for the **Teen Pregnancy Prevention** program.
    - $62 million for the **Office of Minority Health**, an increase of $3 million above the fiscal year 2020 enacted level.
    - $55 million for the **Minority HIV/AIDS Initiative**, an increase of $1.5 million above the fiscal year 2020 enacted level.
    - $35 million for the **Office on Women's Health**, an increase of $1.5 million above the 2020 enacted level.
    - $5 million for **KidneyX** for the second year of a public-private partnership to accelerate the development and adoption of novel therapies and technologies to improve the diagnosis and treatment of kidney diseases.
- **Public Health and Social Services Emergency Fund (PHSSEF)** – The bill provides $2.8 billion for PHSSEF, an increase of $110 million above the 2020 enacted level. The total funding level includes:
    - $597 million for the **Biomedical Advanced Research and Development Authority** (BARDA), an increase of $35 million.
    - $770 million for **Project BioShield**, an increase of $35 million.
    - $705 million for the **Strategic National Stockpile**, the same as the 2020 enacted and the President's budget request.
    - $287 million for **Pandemic Influenza Preparedness**, an increase of $27 million.

Department of Education (ED) – The bill provides a total of $73.5 billion in discretionary appropriations for ED – an increase of $785 million above the 2020 enacted level and $7 billion above the President's budget request.

The bill includes language amending the General Education Provisions Act to eliminate the last remaining prohibition on using federal funds for transportation costs to carry out school desegregation efforts.

- **K-12 Education –** Overall, the bill provides $40.6 billion for K-12 education programs, including the Individuals with Disabilities Education Act, an increase of $498 million above the 2020 enacted level. Of this amount, the bill includes:
    - $16.5 billion for **Title I Grants to Local Educational Agencies**, an increase of $227 million above the 2020 enacted level.

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- $14.1 billion for **Special Education**, an increase of $186 million above the 2020 enacted level. Within this amount, the bill provides:
    - $12.9 billion for **Part B Grants to States**, an increase of $173 million above the 2020 enacted level; and
    - $23.7 million for **Special Olympics** education programs, an increase of $3.6 million above the 2020 enacted level.
- $2.1 billion for **Supporting Effective Instruction State Grants** (Title II-A), an increase of $11.3 million over the 2020 enacted level.
- $797 million for **English Language Acquisition State Grants**, an increase of $10 million above the 2020 enacted level.
- $1.2 billion for **Student Support and Academic Enrichment State Grants**, an increase of $10 million above the 2020 enacted level.
- $1.3 billion for **Nita M. Lowey 21st Century Community Learning Centers**, an increase of $10 million above the 2020 enacted level.
- $107 million for **Education for Homeless Children and Youth**, an increase of $5 million above the 2020 enacted level.
- $1.5 billion for **Impact Aid**, an increase of $15 million over the 2020 enacted level.
- Additional support for the **Social-Emotional Learning** (SEL) Initiative created in the fiscal year 2020 bill to fund SEL and "whole child" approaches to education, including:
    - $67 million within the **Education Innovation and Research** program, an increase of $2 million above the 2020 enacted level, for grants to support evidence-based, field-initiated innovations that address student social, emotional, and cognitive needs;
    - $30 million for **Full-Service Community Schools**, an increase of $5 million over the 2020 enacted level, to provide comprehensive services and expand evidence-based models that meet the holistic needs of children, families, and communities; and
    - $106 million for the **School-Based Mental Health Services Grant Program**, an increase of $1 million over the 2020 enacted level**.**
- $67 million within the **Education Innovation and Research** program, an increase of $2 million above the 2020 enacted level, for grants to expand opportunities in Science, Technology, Engineering, and Math (STEM), including computer science.
- $109 million for the **Magnet Schools Assistance Program**, an increase of $2 million above the 2020 enacted level.

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- **Career, Technical, and Adult Education:** The bill provides $2 billion for career, technical, and adult education programs, an increase of $70 million above the 2020 enacted level. Within this amount, the bill provides:

    - $1.3 billion for **Career and Technical Education State Grants**, an increase of $52 million above the 2020 enacted level.

    - $675 million for **Adult Education State Grants**, an increase of $18 million above the 2020 enacted level.

- **Randolph-Sheppard Act:** The bill includes new language providing $20 million to assist blind vendors operating vending facilities under the Randolph-Sheppard Act.

- **Disability Innovation Fund:** The bill includes new language allowing unallocated funding to be used for competitive grants, in consultation with the Department of Labor, to improve opportunities for competitive integrated employment for individuals with disabilities.

- **Student Financial Assistance** – The bill provides $24.5 billion for Federal student aid programs, an increase of $25 million above the 2020 enacted level. Within this amount, the bill provides:

    - $6,495 for the maximum **Pell Grant**, an increase of $150 above the 2020 enacted level. The increase will help the maximum award keep pace with inflation.

    - $880 million for the **Federal Supplemental Educational Opportunity Grant** program, an increase of $15 million above the 2020 enacted level.

    - $1.2 billion for **Federal Work Study**, an increase of $10 million above the 2020 enacted level.

- **Higher Education** – The bill provides $2.5 billion for higher education programs, an increase of $66 million above the 2020 enacted level.

    - Within this amount, the bill provides $789 million, an increase of $30 million above the 2020 enacted level, to assist primarily **Minority Serving Institutions (MSIs) in the Aid for Institutional Development** account, including:

        - $338 million for **Historically Black Colleges and Universities**, an increase of $13 million above the 2020 enacted level.

        - $149 million for **Hispanic Serving Institutions**, an increase of $6 million above the 2020 enacted level.

        - $38 million for **Tribally Controlled Colleges and Universities**, an increase of $1.4 million above the 2020 enacted level.

    - The bill also provides investments in the following higher education programs:

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- $1.1 billion for **Federal TRIO** programs, an increase of $7 million above the 2020 enacted level.

- $368 million for **GEAR UP**, an increase of $3 million above the 2020 enacted level.

- $52 million for **Teacher Quality Partnerships**, an increase of $2 million above the 2020 enacted level.

- $55 million for the **Child Care Access Means Parents in School**, an increase of $2 million above the 2020 enacted level.

- $7 million for the continued support of the **Centers of Excellence for Veteran Student Success Program**.

- $7 million for the continued support of the **Open Textbooks Pilot**.

- $10 million for the **Rural Postsecondary and Economic Development Grant Program** for innovative approaches to improve rates of postsecondary enrollment and completion among rural students.

- $2 million for the **Center of Educational Excellence**, a model center of educational excellence at an undergraduate HBCU with a demonstrable record in the production of Black teachers.

- $5 million for **Basic Needs Grants** to support programs that address the basic needs of postsecondary education students.

- $1 million for **Transitioning Gang-Involved Youth to Higher Education** to provide a funding opportunity for organizations that work directly with gang involved youth to help such youth pursue higher education opportunities.

- $7 million for **Modeling and Simulation Programs** as authorized under section 891 of the Higher Education Act.

- $2 million for the **National Center for Information and Technical Support for Postsecondary Students with Disabilities** as authorized under section 777(a) of the Higher Education Act.

- $131 million for the **Office for Civil Rights**, an increase of $1 million above the 2020 enacted level.

Related Agencies –

- $1.1 billion for the **Corporation for National and Community Service (CNCS)**, a programmatic increase of $40 million above the 2020 enacted level. Within that amount:

    - $455 million for **AmeriCorps State and National Grants**, an increase of $27 million above the 2020 enacted level.

    - $225 million for the **Senior Volunteer** programs, an increase of $4 million above the 2020 enacted level.

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- $97 million for the **Volunteers in Service to America** program, an increase of $4 million above the 2020 enacted level.

- $475 million for the **Corporation for Public Broadcasting** (CPB), in 2023 advance funding, an increase of $10 million above the 2020 enacted level. In addition, the bill includes $20 million for the interconnection system and system wide infrastructure, the same as the 2020 enacted level.

- $257 million for the **Institute of Museum and Library Services**, an increase of $5 million above the 2020 enacted level.

- $12.9 billion for the **Social Security Administration**'s (SSA) operating expenses, an increase of $67 million above the 2020 enacted level.

Division I – Legislative Branch

Overview:

The legislation funds the Legislative Branch of the U.S. government, including the U.S. House of Representatives and the U.S. Senate, Congressional Budget Office, and Capitol Police.

The bill appropriates a total of $5.3 billion, $251 million or 5.0 percent more than in FY 2020.The FY 2021 Legislative Branch Appropriations bill provides the House of Representatives with increased resources to carry out its responsibilities in developing legislation, conducting oversight, and assisting constituents in their interactions with the Federal Government. The bill also maintains and builds analytical capacity to support lawmaking and oversight, addresses high-priority needs involving information technology and security, and supports Legislative Branch agencies such as the Library of Congress and the Government Accountability Office in their wider roles of service to the nation.

Bill Summary:

House of Representatives – The bill provides a total of $1.477 billion in discretionary appropriations for the House of Representatives, $111 million above the 2020 enacted level.

- $640 million for the **Members Representational Allowance (MRA)**, the basic office budgets of House Members, $25 million above the FY 2020 level. In addition to bringing appropriations into line with currently authorized spending, this funding is estimated to support an increase of roughly $56,000 per Member office for 2021.

- $11.4 million in **funding for paid interns**, both in Member offices and leadership offices. This allowance helps extend internship opportunities to people who may not be financially able to take an unpaid position.

- $163 million for the **operations of House committees**, a $3 million increase. This appropriation will cover the funding allocated to committees for 2021 by the biennial funding resolution.

- The bill includes $2 million for the **newly created House Modernization Initiatives Account** to make Congress more effective, efficient, and transparent on behalf of the American people.

- $260.8 million for the **salaries and expenses of House officers and employees**, including the offices of the Clerk of the House, Sergeant at Arms, Chief Administrative Officer (CAO), Parliamentarian, and Legislative Counsel, among others, an increase of $28 million above the FY 2020 enacted level.

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- $1.5 million for the **Office of Diversity & Inclusion**, an increase of $500,000 above both FY 2020 and the FY 2021 request.

- **Increases the student loan lifetime cap** from $60,000 to $80,000 for House and Senate staff as well as the Capitol Police.

Other Agencies –

- $516 million for **the Capitol Police**, $51 million above the FY 2020 level. In addition, the agreement maintains several measures to help bring more transparency to the Capitol Police and address issues such as racial profiling, USCP jurisdiction, and diversity.

- $57 million for the **Congressional Budget Office (CBO)**, a $2 million increase above the FY 2020 level. This funding level will allow CBO to continue and modestly increase its efforts to improve modeling and analytical capability in key areas and to make its work as transparent and accessible as possible.

- $661 million for the **Government Accountability Office (GAO)**, a $31 million increase. This level should allow the GAO to handle its large workload and strengthen its Science, Technology Assessment, and Analytics (STAA) team.

- $757 million, an increase of $32 million, for the **Library of Congress**, including the Copyright Office, Congressional Research Service (CRS), and National Library Service for the Blind and Print Disabled.

    - The bill includes $10 million for the Library's Visitor Experience initiative, bringing the total Federal investment for the project to $30 million.

    - $2.5 million, available over two years, is provided to phase out and retire the mass de-acidification preservation project.

    - The bill includes requested CRS funding for additional staff to strengthen its capacity to support Congress with technology assessments.

    - The bill also includes $5 million for modernizing the website that handles distribution of audio and braille reading materials at the National Library Service for the Blind and Print Disabled as well as $2 million for purchase of braille e-readers.

- $675 million for the **Architect of the Capitol**, $13million less than the fiscal year 2020 total. Funding is provided for high priority projects such as the Cannon building renovation, repairs to the Capitol Power Plant, and a storage module for the Library at Ft. Meade.

Joint Congressional Committee on Inaugural Ceremonies of 2021 – The agreement provides $2 million for the Joint Congressional Committee on Inaugural Ceremonies of 2021to ensure safe, healthy and inclusive Presidential Inaugural Ceremonies. This responds to unanticipated needs due to the COVID pandemic, which will result in an unprecedented Presidential Inauguration. Funding will cover the costs of testing for all attendees, guests, and support staff in the Capitol for the ceremonies.

Office of the Attending Physician – The agreement provides $5 million for the Office of the Attending Physician for the response to COVID-19, including testing and vaccine handling, to keep the Capitol Complex safe and secure.

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Government Accountability Office (GAO) – The agreement provides $10 million in emergency funding for the GAO to conduct oversight of COVID-19 funding provided to federal departments and agencies for coronavirus response and recovery efforts.

Member Pay Adjustment – The bill includes language blocking the annual pay adjustment for Members of Congress that is otherwise required by statute.

Division J – Military Construction & Veterans Affairs

Overview:

The Military Construction, Veterans Affairs, and Related Agencies bill funds the Department of Defense, Department of Veterans Affairs, and other related agencies, including the American Battle Monuments Commission and the Armed Forces Retirement Home.

In total, the FY 2021 bill provides $113.1 billion in discretionary funding – $8.9 billion above the comparable fiscal year 2020 enacted level. This includes $350 million in Overseas Contingency Operations (OCO) funding.

The funding in this bill will provide for the construction of facilities to enable our military to fight current and emerging threats, to support increased troop levels, and to sustain services for military families. This includes operational facilities, training facilities, hospitals, family housing, National Guard readiness centers, barracks, and other important resources. Additionally, the funding in this bill will provide Veterans with the healthcare and benefits they have earned through their military service.

Bill Summary:

Military Construction – The bill provides a total of $8.06 billion for military construction projects – an increase of $250 million above the budget request. In addition to this amount, $350 million is provided in OCO funding for projects in countries with ongoing U.S. operations and the European Deterrence Initiative to combat Russian aggression. In total, 132 military construction projects across the country and overseas receive funding in the bill.

- **Military Family Housing** – The bill provides $1.3 billion to fund construction, operation, and maintenance of military family housing for fiscal year 2021, the same as the budget request, and provides an additional $60 million in an administrative provision. The additional funds above the request are provided to address family housing issues such as mold, vermin, and lead in military family housing. This funding will ensure quality housing for all 2,006,171 military families currently served by the program.

- **Guard and Reserve** – The bill includes $596 million for construction or alteration of Guard and Reserve facilities in states and territories.

- **NATO Security Investment Program (NSIP)** – The bill provides $173 million, the same as the budget request, for infrastructure necessary for wartime, crisis, and peace support and deterrence operations, and training requirements. The funds will support responses to the challenges posed by Russian aggression as well as the risks and threats emanating from the Middle East and North Africa.

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• **BRAC/PFAS** – The agreement provides an additional $180 million to address legacy Navy BRAC issues and the PFAS issues at installations.

Department of Veterans Affairs (VA) – The legislation includes a total of $243.2 billion in both discretionary and mandatory funding for VA, an increase of $25.3 billion above the fiscal year 2020 level. This funding will help address many of the problems currently facing VA and provide for better care and increased access to care for our Veterans. Discretionary funding alone for VA programs in the agreement totals $104.4 billion, an increase of $11.9 billion above the fiscal year 2020 level. Approximately $87.6 billion of this discretionary total was provided last year via advance funding in the fiscal year 2020 Appropriations bill. These additional funds will provide resources for important priorities within VA, such as greater access to healthcare for women Veterans, mental health, suicide prevention, claims processing, homeless prevention and care, opioid addiction, rural health, and medical research.

• **VA Medical Care** – The bill funds VA medical care at $90 billion – providing for approximately 7.2 million patients to be treated in fiscal year 2021. Within this total, funding includes: $10.3 billion in mental healthcare services, of which $313 million is for suicide prevention outreach activities; $661 million for gender-specific care for women; $1.9 billion for homeless assistance programs; $504 million for opioid abuse prevention; and $300 million in rural health initiatives.

• **VA Electronic Health Record** – The bill contains $2.6 billion to continue implementation of the VA electronic health record (EHR) system. This will ensure VA has the funding it needs to continue the deployment of the health record system across the country at VA facilities, which is the same system as DOD. The interoperable health record modernization will ensure our Veterans get proper care, with timely and accurate medical data transferred between VA, DOD, and the private sector. In order to facilitate robust oversight over the modernization effort, the agreement makes 25 percent of the funding contingent upon the Secretary certifying in writing of any changes to the deployment schedule within seven days prior to July 1, 2021. The agreement also continues GAO oversight of this program to ensure that the EHR system is implemented in a timely manner.

• **Disability Claims Processing Backlog** – The bill provides $3.18 billion, $55 million above the fiscal year 2020 level, for operating expenses of the Veterans Benefits Administration. These funds support the prompt processing of disability claims and efforts to continue reducing the disability claims backlog. In addition, the bill continues rigorous reporting requirements to track each regional office's performance on claims processing and appeals backlogs.

• **Construction** – Major and minor construction within the VA is funded at $1.7 billion.

• **VA Mandatory Funding** – The bill fulfills mandatory funding requirements such as: Veteran disability compensation programs for 5.7 million Veterans and their survivors; education benefits for almost one million Veterans; and vocational rehabilitation and employment training for over 100,000 Veterans.

• **Advance Appropriations** – The bill contains $94.2 billion in advance fiscal year 2022 funding for Veterans' medical programs – the same level as the President's request. This funding will provide for medical services, medical community care, medical support and compliance, and medical facilities, and will ensure that Veterans have continued, full access to their medical care needs. The bill also includes $145.3 billion in advance funding for VA mandatory benefits programs, as requested in the President's budget.

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Arlington National Cemetery (ANC) – The bill includes $81.8 million for ANC, which is $11 million above the fiscal year 2021 budget request and $1 million above the fiscal year 2020 enacted level. As in fiscal year 2020, the increase for salaries and expenses above the budget's proposed cut will allow ANC to maintain their current level of services for Veterans and family members.

American Battle Monuments Commission (ABMC) – The bill includes $84.1 million for ABMC, an increase of $9 million over the fiscal year 2021 budget request. These funds will support maintenance and operations at the cemeteries and monuments honoring America's war dead, as well as preserve and communicate these Veterans' stories of courage and sacrifice.

Armed Forces Retirement Home – The bill provides $75.3 million, an increase of $5 million above the fiscal year 2021 budget request and equal to the fiscal year 2020 enacted level. The increase will support urgently needed capital projects, such as roof replacement, elevator repair, and electric system modernization, as well as operations and maintenance requirements.

Additional Items –
• The bill does not include backfill or pre-backfill of the border wall.

Division K – State & Foreign Operations

Overview:

The State, Foreign Operations, and Related Programs bill funds the Department of State, the United States Agency for International Development, and other international programs and activities.

In total, the fiscal year 2021 bill provides $55.5 billion in discretionary funding, including $8 billion in Overseas Contingency Operations/Global War on Terrorism (OCO/GWOT) funding. This is $820 million above the fiscal year 2020 enacted level and $10.8 billion above the President's request.

Bill Summary:

State Department Operations and Related Agencies – The bill contains a total of $16.68 billion for State Department Operations, which is $116 million above the fiscal year 2020 enacted level and $2.8 billion above the President's budget request. Within this amount, the legislation provides $6.1 billion for embassy and diplomatic security, the same as fiscal year 2020 enacted level and $692 million above the President's budget request. These funds will address needs at more than 275 diplomatic facilities overseas, including facility upgrades and security personnel and equipment.

International Security Assistance – The bill provides a total of $9 billion for international security assistance, which is $9.92 million below the fiscal year 2020 enacted level and $1.27 billion above the President's budget request.

U.S. Agency for International Development (USAID) Operations – The bill provides $1.71 billion in total funding for USAID operations and the USAID Office of Inspector General, which is $48 million above the fiscal year 2020 enacted level and $119.7 million above the President's budget request.

Bilateral Economic Assistance – The legislation contains a total of $26.5 billion for bilateral assistance to foreign countries and prioritizes development assistance, democracy, global health, and humanitarian

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assistance, which is $527 million above the fiscal year 2020 enacted level and $6.9 billion above the President's budget request, and includes:

- $9.2 billion for **Global Health**, which is $103.5 million above the fiscal year 2020 enacted level.
- $3.2 billion in **Economic Support Fund**, which is $107 million above the fiscal year 2020 enacted level.
- $3.5 billion in **Development Assistance**, which is $100 million above the fiscal year 2020 enacted level.

Multilateral Assistance – The bill includes a total of $2 billion to meet United States commitments to multilateral organizations and international financial institutions, which is $41.5 million below the fiscal year 2020 enacted level and $560 million above the President's budget request.

- $54.6 million for the **African Development Bank (AfDB**)'s seventh general capital increase, which is $54.6 million above the fiscal year 2020 enacted level and equal to the President's budget request.
- $32.5 million for **International Fund for Agricultural Development (IFAD)**, which is $2.5 million above the fiscal year 2020 enacted level and $32.5 million above the President's budget request.

Maintains funding for critical programs & organizations:
President's Emergency Plan for AIDS Relief (PEPFAR), including Global Fund:

- $5.9 billion for **PEPFAR**, the same as the fiscal year 2020 enacted level and $2.1 billion above the President's budget request. This includes $1.56 billion for the Global Fund to Fight AIDS, Tuberculosis, and Malaria, $903 million above the President's budget request.
- The bill reinforces the United States' commitment to its 33% share to the Global Fund, unlike the President's budget request, which proposes reducing United States contributions to 25%.

Other Global Health Programs:

- $3.26 billion for programs to improve maternal and child health and fight infectious diseases, which is $103.5 million above the 2020 enacted level and $1.1 billion above the President's budget request. This also includes $575 million for family planning programs, and increases funds for the following programs:
    - $855.5 million for Maternal and Child Health, which is $4.5 million above the fiscal year 2020 enacted level, and includes $290 million for the GAVI Alliance;
    - $319 million to fight tuberculosis, which is $9 million above the fiscal year 2020 enacted level; and
    - $190 million for global health security, which is $90 million above the fiscal year 2020 enacted level.

International Basic Education:

- $950 million for **basic education**, which is $75 million above the fiscal year 2020 enacted level and includes $125 million for the Global Partnership for Education and $25 million for Education Cannot Wait.

Education and Cultural Exchanges:

- $740.3 million for **education and cultural exchanges**, which is $9.6 million above the fiscal year 2020 enacted level and $430.3 million above the President's budget request.

Humanitarian Assistance and Disaster Assistance:

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$7.8 billion, which is equal to the fiscal year 2020 enacted level and $1.56 billion above the President's budget request. This includes:

- $4.4 billion for **International Disaster Assistance (IDA),** which is equal to the fiscal year 2020 enacted level.
- $3.43 billion for **Refugee Assistance (MRA),** which is equal to the fiscal year 2020 enacted level.

Peace Corps:

- $410.5 million for the **Peace Corps**, which is equal to the fiscal year 2020 enacted level and $9.3 million above the President's budget request.

Democracy Programs:

- $2.42 billion for **democracy programs**, which is $17 million above the fiscal year 2020 enacted level and $867 million above the President's budget request.
- $290.7 million for **Democracy Fund**, of which $190.5 million is for State Department and $100.2 million is for USAID. This is $17 million above the fiscal year 2020 enacted level and $290.7 million above the President's budget request.
- $300 million for **National Endowment for Democracy (NED)**, which is equal to the fiscal year 2020 enacted level and $232.7 million above the President's budget request.

Environment:

- $320 million for **biodiversity**, which is$5 million above the fiscal year 2020 enacted level and $229 million above President's budget request.
- $100.7 million for **combatting wildlife trafficking**, which is equal to the fiscal year 2020 enacted level and $67.2 million above the President's budget request.
- $15 million for nature conservation, including the protection of coral reefs, reauthorized under the **Tropical Forest Conservation Act of 2018**.
- Includes designated amounts for **sustainable landscapes** at $135 million, **adaptation** at $177 million and **renewable energy** at $179 million.
- $75 million for programs to address ocean plastic pollution and other marine debris.

Millennium Challenge Corporation (MCC):

- $912 million for the **MCC**, which is $7 million above the fiscal year 2020 enacted level and $112 million above the President's budget request.

U.S. Agency for Global Media (formerly the Broadcasting Board of Governors, or BBG):

- $803 million for **USAGM**, which is $7.4 million below the fiscal year 2020 enacted level and $165.7 million above the President's budget request.

United States International Development Finance Corporation (DFC):

- $569 million for **DFC**, which is $270 million above the fiscal year 2020 enacted level and $264.7 million below the President's budget request.
- Of which, $119 million is for administrative expenses, which is equal to the fiscal year 2020 level and $14.7 million below the President's budget request.
- Of which, $450 million is for the program budget (equity investments, loans/loan guarantees, and technical assistance) which is $270 million above the fiscal year 2020 enacted level, and $250 million below the President's budget request.

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Contributions to International Organizations and Peacekeeping:

- $1.5 billion for **Contributions to International Organizations (CIO)** assessed contributions to international organizations, which is $32.1 million above the fiscal year 2020 enacted level and $540 million above the President's budget request.
- **Contributions to International Peacekeeping (CIPA)** – $1.46 billion, which is $70 million below the fiscal year 2020 enacted level and $377 million above the President's budget request.

The bill does not eliminate or reduce several partner organizations, as proposed in the President's budget request, and instead provides:

- **The Asia Foundation** - $20 million, which is $1 million above the fiscal year 2020 enacted level.
- **The U.S. African Development Foundation** - $33 million, which is equal to the fiscal year 2020 enacted level.
- **The Inter-American Foundation** - $38 million, which is $500,000 above the 2020 enacted level.
- **East-West Center** - $19.7 million, which is $3 million above the fiscal year 2020 enacted level.
- **U.S. Institute of Peace** (USIP) - $45 million, which is equal to the fiscal year 2020 enacted level.
- **Trade and Development Agency** - $79.5 million, which is equal to the fiscal year 2020 enacted level.

Support for U.S. allies and partners, including: (amounts are included in account totals above)

- **Israel**: $3.3 billion, fulfilling the MOU
- **Jordan**: $1.65 billion, exceeding the MOU
- **Ukraine**: $453 million
- **Georgia**: $132 million
- **Assistance for Eastern Europe and Eurasia**: $770.3 million
- **Countering Russian Influence Fund (CRIF)**: $290 million
- **Central America**: $506 million
- **Caribbean Basin Regional Security Initiative**: $74.8 million
- **Colombia**: $461 million
- **Mexico**: $158.9 million
- **Democracy and the rule of law in Venezuela**: Not less than $33 million
- **Tibet**: $18 million
- **Countering Chinese Influence Fund**: $300 million to counter the influence of the People's Republic of China globally

Policy Provisions:

- As part of the Heavily Indebted Poor Countries (HIPC) Initiative, the bill provides $78 million for debt relief to Somalia, and $111 million for bilateral debt relief and $120 million for multilateral debt relief to Sudan.
- The bill restores administratively determined pay authority to the Export-Import Bank.
- Reverses the impact of the Administration's hiring freeze and restores State Department and USAID personnel to 2016 levels.
- Provides $75 million for security assistance programs for the West Bank and $75 million for the humanitarian and development needs of the Palestinian people in the West Bank and Gaza Strip.
- Provides $50 million for the new Nita M. Lowey Middle East Partnership for Peace Fund, which authorizes people-to-people exchanges and economic partnerships between Israelis and Palestinians through initiatives overseen by USAID and the DFC.
- Provides $300 million for Consular and Border Security programs to offset losses due to the pandemic.
- Provides $4 billion as a contribution to GAVI for pandemic response.

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Division L – Transportation-Housing & Urban Development

Overview:

The Transportation, Housing and Urban Development, and Related Agencies bill funds the Department of Transportation, the Department of Housing and Urban Development, and related agencies, including the United States Interagency Council on Homelessness.

In total, the FY 2021 legislation provides $136.8 billion in budgetary resources, $1.2 billion above the 2020 enacted level and $11.4 billion above the President's budget request. The bill includes $75.4 billion in discretionary funding, an increase of $1.1 billion over the 2020 enacted level and $16.2 billion over the President's budget request.

The bill invests in America's infrastructure, improves transportation safety, protects vulnerable populations, builds resilience to climate change, and expands access to safe, affordable, and fair housing.

Bill Summary:

Department of Transportation (DOT) – The bill provides $86.7 billion in total budgetary resources for DOT, $553 million above the 2020 enacted level and $1.1 billion below the President's budget request. Of this amount, the bill includes:

- $1 billion for **National Infrastructure Investments (TIGER/BUILD)**, equal to the 2020 enacted level and the President's budget request. The bill ensures parity between urban and rural grants, and allows for cost-share waivers for grants in rural and **persistent poverty areas**.
    - Includes $30 million for planning grants, of which not less than $10 million is for planning grants in **persistent poverty areas**.
- $3 million to continue the **Highly Automated Systems Safety Center of Excellence**, $2 million below the 2020 enacted level. This program was not in the President's budget request.
- $1 million to support technical assistance, training, and research and development for **Resilient Infrastructure**, building upon the **Transportation Resilience Metrics Study** initiated in the 2020 enacted bill. This program was not in the President's budget request.
- $18 billion for the **Federal Aviation Administration (FAA)**, $347 million above the 2020 enacted level and $443 million above the President's budget request.
    - $1.5 billion for **Aviation Safety**, $75 million above the 2020 enacted level and $5 million above the President's budget request.
    - $400 million for discretionary **Airport Improvement Grants**, equal to the 2020 enacted level and $400 million above the President's budget request.
- $49.1 billion for the **Federal Highway Administration**, $166 million below the 2020 enacted level and $1.5 billion below the President's budget request.
    - $2 billion for discretionary **Highway Infrastructure Programs**, $166 million below the 2020 enacted level. The President's budget proposed eliminating this program.
        - $1 billion for a risk-based bridge rehabilitation and reconstruction program.

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- $748 million for the **Federal Motor Carrier Safety Administration**, $69 million above the 2020 enacted level and $46 million below the President's budget request.

- $989 million for the **National Highway Traffic Safety Administration**, equal to the 2020 enacted level and $25 million above the President's budget request.

- $2.8 billion for the **Federal Railroad Administration**, $27 million above the 2020 enacted level and $830 million above the President's budget request.

    - $375 million for **Consolidated Rail Infrastructure and Safety Improvements**, $50 million above the 2020 enacted level and $45 million above the President's budget request.

    - $200 million for **Federal-State Partnership for State of Good Repair**, equal to the 2020 enacted level. The President's budget request proposed eliminating this program.

    - $2 billion for **Amtrak**, equal the 2020 enacted level and $1.1 billion above the President's budget request.

        - $700 million for **Northeast Corridor Grants**, equal to the 2020 enacted level and $375 million above the President's budget request.

        - $1.3 billion for **National Network Grants**, equal to the 2020 enacted level and $689 million above the President's budget request.

- $13 billion for the **Federal Transit Administration**, $47 million above the 2020 enacted level and $255 million above the President's budget request.

    - $2 billion for **Capital Investment Grants**, $36 million above the 2020 enacted level and $125 million above the President's budget request.

    - $516 million for **Transit Infrastructure Grants**, $6 million above the 2020 enacted level. The President's budget request proposed eliminating this program. This amount includes $125 million for low- and no-emission buses, and $16.2 million for **areas of persistent poverty**.

- $38 million for the **Saint Lawrence Seaway Development Corporation**, equal to the 2020 enacted level and $7 million above the President's budget request.

- $1.2 billion for the **Maritime Administration**, $122 million above the 2020 enacted level and $431 million above the President's budget request.

    - $314 million for the **Maritime Security Program**, $14 million above the 2020 enacted level and equal to the President's budget request.

    - $10 million for the **Cable Security Fleet**, $10 million above the 2020 enacted level. This program was not included in the President's budget request.

    - $230 million for the **Port Infrastructure Development Program**, $5 million above the 2020 enacted level. The President's budget request proposed eliminating this program.

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- $390 million for **schoolship construction**, $90 million above the 2020 enacted level and $90 million above the President's budget request.

Department of Housing and Urban Development (HUD) – The bill provides a total of $49.6 billion for HUD, $561 million above the 2020 enacted level and $12.4 billion above the President's budget request. FHA and GNMA receipts are $10.6 billion, $3.3 billion more in receipts than the 2020 enacted bill. Of the $49.6 billion, the bill includes:

- $34.8 billion for the **Office of Public and Indian Housing**, $2.3 billion above the 2020 enacted level and $6.3 billion above the President's budget request.
    - $25.8 billion for **Tenant-based Rental Assistance**, $1.9 billion above the 2020 enacted level and $2.4 billion above the President's budget request.
        - $40 million for **HUD/VA Supportive Housing for Homeless Veterans**, equal to the 2020 enacted level. The President's budget request proposed eliminating this program.
        - $43 million for new incremental vouchers for **homeless individuals and families**, $43 million above the 2020 enacted level. The President's budget request did not include this program.
    - $7.8 billion for the **Public Housing Fund**, $387 million above the 2020 enacted level and $3.6 billion above the President's budget request.
    - $200 million for the **Choice Neighborhoods Initiative**, $25 million above the 2020 enacted level. The President's budget request proposed eliminating this program. This is the highest funding level in the program's history.
    - $155 million for **Self-Sufficiency Programs**, $25 million above the 2020 enacted level.
    - $825 million for **Native American Programs**, equal to the 2020 enacted level and $225 million above the President's budget request.
        - $70 million for **Indian Community Development Block Grants**, equal to the 2020 enacted level. The President's budget request proposed eliminating this program.
    - $2 million for **Native Hawaiian Housing Block Grant**, equal to the 2020 enacted level. The President's budget request proposed eliminating this program.
- $8.3 billion for the **Office of Community Planning and Development**, $298 million above the 2020 enacted level and $5.2 billion above the President's budget request.
    - $430 million for **Housing Opportunities for Persons with AIDS**, $20 million above the 2020 enacted level and $100 million above the President's budget request. This is the highest funding level in the program's history.
    - $3.5 billion for **Community Development Block Grants**, $50 million above the 2020 enacted level. The President's budget request proposed eliminating this program.
    - $1.35 billion for the **HOME Investment Partnership Program**, equal to the 2020 enacted

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level. The President's budget request proposed eliminating this program.

- $41 million for **Section 4 Capacity Building**, $5 million above the 2020 enacted level. The President's budget request proposed eliminating this program.

- $3 billion for **Homeless Assistance Grants**, $223 million above the 2020 enacted level and $227 million above the President's budget request.

- $14.6 billion for the **Office of Housing**, $1 billion above the 2020 enacted level and $833 million above the President's budget request.

  - $13.5 billion for **Project-Based Rental Assistance**, $895 million above the 2020 enacted level and $823 million above the President's budget request.

  - $855 million for **Housing for the Elderly**, $62 million above the 2020 enacted level and $2 million above the President's budget request. This includes $52 million for new construction, and $125 million for service coordinators.

  - $227 million for **Housing for Persons with Disabilities**, $25 million above the 2020 enacted level and $25 million below the President's budget request. This includes $54 million for new construction.

  - $77.5 million for **Housing Counseling**, $25 million above the 2020 enacted level and $33 million above the President's budget request.

    - This includes $20 million for a new **eviction prevention demonstration program**, $20 million above the 2020 enacted level. This program was not included in the President's budget request.

- $105 million for **Policy Development and Research**, $7 million above the 2020 enacted level and $10 million above the President's budget request. This includes $6 million for cooperative agreements and research partnerships with Historically Black Colleges and Universities and $5 million for technical assistance to **areas of persistent poverty**.

- $73 million for **Fair Housing and Equal Opportunity**, $2 million above the 2020 enacted level and $7 million above the President's budget request.

- $360 million for the **Office of Lead Hazard Control and Healthy Homes**, $70 million above the 2020 enacted level and equal to the President's budget request. This includes $60 million for the Healthy Homes Initiative, to address other health and safety hazards in the home, including carbon monoxide, asthma, mold, and radon.

Related Agencies – The bill provides $388 million for the related agencies in the bill, $18 million above the 2020 enacted level and $140 million above the President's budget request.

- $165 million for **NeighborWorks**, $7 million above the 2020 enacted level. The President's budget request proposed eliminating this program.

- $3.8 million for the **U.S. Interagency Council on Homelessness**, equal to the 2020 enacted level and the President's budget request.

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Policy Provisions –

- Extends the period of availability for fiscal year 2019 National Infrastructure Investments (TIGER/BUILD) grants.
- Does not include any provisions permitting longer or heavier trucks on our nation's roadways.
- Makes transit programs and alternative fuel infrastructure eligible for Surface Transportation Block Grant funding within Highway Infrastructure Programs.
- Prohibits DOT from requiring Capital Investment Grant applicants from having a Federal share below 40 percent and eliminates the 51 percent cap on the Federal share of such grants, restoring the authorized 80 percent cap.
- Directs HUD to establish a Director of Domestic Violence Prevention Activities position within the Office of the Secretary to coordinate domestic violence prevention activities throughout the Department and serve as a liaison with external stakeholders.

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DIVISION-BY-DIVISION SUMMARY OF COVID-19 RELIEF PROVISIONS

In addition to the text of the Fiscal Year 2021 appropriations bills and authorizing matters, the spending package includes emergency coronavirus relief.

Division M – Coronavirus Response and Relief Supplemental Appropriations Act, 2021

Prepared by the Democratic Staff of the House Committee on Appropriations

Agriculture-Rural Development-FDA

Food and Drug Administration – $55 million for continued work on FDA efforts to facilitate the development and review, both pre-market and post-market, of medical countermeasures, devices, therapies, and vaccines to combat the coronavirus. In addition, funds will support medical product supply chain monitoring and other public health research and response investments.

Labor-Health and Human Services-Education

Department of Health and Human Services – $73 billion to support public health; research, development, manufacturing, procurement, and distribution of vaccines and therapeutics; diagnostic testing and contact tracing; mental health and substance abuse prevention and treatment services; child care support; and other activities related to coronavirus, including:

Centers for Disease Control and Prevention – $8.75 billion to support federal, state, local, territorial and tribal public health agencies to distribute, administer, monitor, and track coronavirus vaccination to ensure broad-based distribution, access, and vaccine coverage, including:

- $4.5 billion for State, local, Territorial, and Tribal Public Health Departments; and
- $300 million for a targeted effort to distribute and administer vaccines to high-risk and underserved populations, including racial and ethnic minority populations and rural communities.

Assistant Secretary for Preparedness and Response – $22.945 billion to respond to coronavirus, including:

- $19.695 billion for the Biomedical Advanced Research and Development Authority (BARDA) for manufacturing and procurement of vaccines and therapeutics, as well as ancillary supplies necessary for the administration of vaccines and therapeutics; and
- $3.25 billion for the Strategic National Stockpile.

Public Health and Social Services Emergency Fund – $25.4 billion to support testing and contact tracing to effectively monitor and suppress COVID-19, as well as to reimburse for health care related expenses or lost revenue attributable to the coronavirus, including:

- $22.4 billion for testing, contact tracing, and other activities necessary to effectively monitor and suppress COVID-19, including $2.5 billion for a targeted effort to improve testing capabilities and contact tracing in high-risk and underserved populations, including racial and ethnic minority populations and rural communities; and

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- $3 billion in additional grants for hospital and health care providers to be reimbursed for health care related expenses or lost revenue directly attributable to the public health emergency resulting from coronavirus, along with direction to allocate not less than 85 percent of unobligated funds in the Provider Relief Fund through an application-based portal to reimburse health care providers for financial losses incurred in 2020.

National Institutes of Health – $1.25 billion to support research and clinical trials related to the long-term effects of COVID-19, as well as continued support for Rapid Acceleration of Diagnostics for COVID-19.

Substance Abuse and Mental Health Services Administration – $4.25 billion to provide increased mental health and substance abuse services and support, including:
- $1.65 billion for the Substance Abuse and Prevention Treatment Block Grant;
- $1.65 billion for the Mental Health Services Block Grant;
- $600 million for Certified Community Behavioral Health Clinics;
- $50 million for suicide prevention programs;
- $50 million for Project AWARE to support school-based mental health for children;
- $240 million for emergency grants to States; and
- $10 million for the National Child Traumatic Stress Network;
- Not less than $125 million of funds provided to SAMHSA must be allocated to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes across a variety of programs.

Administration for Children and Families – $10.25 billion to support early childhood programs and child care providers through:
- • $10 billion for Child Care and Development Block Grants to provide immediate assistance to child care providers; and
- • $250 million for Head Start.

Administration for Community Living – $100 million to address abuse, neglect, and exploitation of the elderly, including adult protective service and long-term care ombudsman activities.

Department of Education

- **$82 billion Education Stabilization Fund**: Flexible funding to support the educational needs of States, school districts, and institutions of higher education and the students they serve in response to coronavirus.

- $819 million for **outlying areas and Bureau of Indian Education-operated and funded schools and Tribal Colleges and Universities**

- **$54.3 billion for the Elementary and Secondary School Emergency Relief Fund**
    - Formula funding to States and school districts to help schools respond to coronavirus, including new allowable uses of funds for:
        - school facilities repairs and improvements, including heating, ventilation, and air conditioning systems projects to improve indoor air quality in school facilities, and
        - addressing learning loss among students, including low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care.

- **$4.1 billion for the Governor's Emergency Education Relief Fund, including:**
    - $2.75 billion for Emergency Assistance to Non-Public Schools grants

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- Language prohibiting States from using any funds to support vouchers or tax credit scholarship programs

- **$22.7 billion for the Higher Education Emergency Relief Fund**
  - $20.2 billion for public and private, non-profit institutions of higher education, including those that serve students enrolled exclusively in distance education, to be distributed by a formula taking into account head count and full-time equivalent enrollment
  - $1.7 billion for Historically Black Colleges and Universities, Tribal Colleges and Universities, Hispanic Serving Institutions, and certain other institutions.
  - $113 million for institutions of higher education with unmet need
  - Cap on funding for proprietary institutions and restrictions on use of funds.

- **$11 million for National Technical Institute for the Deaf** in direct support for this university, created by the National Technical Institute for the Deaf Act, including support for students.

- **$20 million for Howard University** in direct support for this federally-chartered HBCU, including support for students.

- **$11 million for Gallaudet University** in direct support for this federally-chartered university, including support for students.

- **$28 million for the Institute of Education Sciences** to cover the coronavirus related costs of implementing National Assessment of Educational Progress (NAEP) assessments.

- **$50 million total for Student Aid Administration, Program Administration, and the Office of the Inspector General.**

Homeland Security

Federal Emergency Management Agency – Provides up to $2 billion in assistance through states for families with funeral expenses due to COVID through December 31, 2020. It requires FEMA to provide this assistance, which this Administration has previously declined to do, and waives an otherwise required 25% state match.

Transportation-Housing and Urban Development

FAA, Grants-in-Aid for Airports – $2 billion in grants for the operations and personnel cost of airports, including economic relief for retailers at the airport (i.e., concessionaires), and for assistance to communities with small airports.

Highways – $10 billion to support State Departments of Transportation and certain local transportation agencies. Funds are available to replace amounts lost as a result of the coronavirus for preventive maintenance, routine maintenance, operations, and personnel costs and may also support tolling agencies and ferry systems.

Amtrak – $1 billion to support Amtrak's ability to operate Northeast Corridor, State-supported, and long-distance passenger rail service, including $284.7 million to assist States and commuter rail providers in making required payments to Amtrak. Supports Amtrak workers by preventing further employee furloughs, requiring Amtrak to recall workers as passenger rail service is restored, barring Amtrak from replacing any furloughed workers with contractors, and preventing further reductions in long-distance rail service.

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Transit Emergency Relief – $14 billion for operating assistance. In combination with amounts provided in the CARES Act, this funding will ensure both urban and rural transit agencies receive amounts based on their operating expenses. The bill also provides $50 million and spending flexibility for paratransit providers.

Division N – Additional Coronavirus Response and Relief

Title I – Healthcare

Prepared by the Democratic Staff of the House Committee Energy and Commerce

Sec. 101. Supporting Physicians and Other Professionals In Adjusting to Medicare Payment Changes During 2021.

Provides for a one-time, one-year increase in the Medicare physician fee schedule of 3.75 percent, in order to support physicians and other professionals in adjusting to changes in the Medicare physician fee schedule during 2021, and to provide relief during the COVID-19 public health emergency.

Sec. 102. Extension of Temporary Suspension of Medicare Sequestration.

Provides for a three-month delay of the Medicare sequester payment reductions through March 31, 2021.

Title II – Assistance to Individuals, Families, and Businesses

Prepared by the Democratic Staff of the House Committee on Ways & Means

Subtitle A – Unemployment Insurance

Chapter 1 – Continued Assistance to Unemployed Workers

Section 200. This section provides the short title.

Subchapter I – Extension of CARES Act Unemployment Provisions

Section 201. Extension and Benefit Phaseout Rule for Pandemic Unemployment Assistance.

- Extends Pandemic Unemployment Assistance (PUA) to March 14, 2021 and allows individuals receiving benefits as of March 14, 2021 to continue through April 5, 2021, as long as the individual has not reached the maximum number of weeks.
- Increases the number of weeks of benefits an individual may claim from 39 to 50.
- Provides for appeals to be at the state level.
- Provides states authority to waive overpayments made without fault on the part of the individual or when such repayment would violate equity and good conscience.
- Provides a transition rule for certain individuals transitioning between PUA and the Pandemic Emergency Unemployment Compensation program.
- Limits payment of retroactive PUA benefits to weeks of unemployment after December 1, 2020.

Section 202. Extension of Emergency Unemployment Relief for Governmental Entities and Nonprofit Organizations.

Extends through March 14, 2021 a provision in the CARES Act which amended the Families First Coronavirus Response Act to provide federal support to cover 50% of the costs of unemployment benefits for employees of state and local governments and non-profit organizations.

Section 203. Extension of Federal Pandemic Unemployment Compensation.

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Restores the Federal Pandemic Unemployment Compensation (FPUC) supplement to all state and federal unemployment benefits at $300 per week, starting after December 26 and ending March 14, 2021.

Section 204. Extension of Federal Funding of the First Week of Compensable Regular Unemployment for States with No Waiting Week.
Extends through March 14, 2021 the CARES Act provision which reimbursed states for the cost of waiving the "waiting week" for regular unemployment compensation. Sets the reimbursement percentage for weeks ending after December 26, 2020 at 50 percent.

Section 205. Extension of Emergency State Staffing Flexibility.
Extends through March 14, 2021 the CARES Act provision which gave state unemployment offices temporary, emergency authority to use "non-merit" staff.

Section 206. Extension and Benefit Phaseout Rule for Pandemic Emergency Unemployment Compensation.

- Extends Pandemic Emergency Unemployment Compensation (PEUC) to March 14, 2021 and allows individuals receiving benefits as of March 14, 2021 to continue through April 5, 2021, as long as the individual has not reached the maximum number of weeks.
- Increases the number of weeks of benefits an individual may claim through the PEUC program from 13 to 24.
- Provides rules for states about sequencing these benefits with other unemployment benefits.

Section 207. Extension of Temporary Financing of Short-Time Compensation Payments in States with Programs in Law.
Extends through March 14, 2021 the CARES Act provision which provided temporary 100 percent federal financing for Short-Time Compensation ("worksharing") programs which are established in state law.

Section 208. Extension of Temporary Financing of Short-Time Compensation Agreements for States Without Programs in Law.
Extends through March 14, 2021 the CARES Act provision which provided a 50 percent subsidy to non-statutory, temporary state Short-Time Compensation programs.

Section 209. Technical Amendment to References to Regulation in CARES Act.
Provides a technical amendment to correct a reference error in the CARES Act.

Subchapter II – Extension of FFCRA Unemployment Provisions

Section 221. Extension of Temporary Assistance for States with Advances.
Extends through March 14, 2021 accumulation of interest on federal loans states have taken in order to pay state unemployment benefits. The loans allow states with low balances in their unemployment trust funds to delay employer tax increases or other employer surcharges while the economy is struggling.

Section 222. Extension of Full Federal Funding of Extended Unemployment Compensation.
Extends through March 14, 2021 the provision in the Families First Coronavirus Response Act which provided temporary full federal financing of Extended Benefits (EB) for high-unemployment states. States are normally required to pay 50 percent of the cost of EB, which is a program in permanent law.

Subchapter III – Continued Assistance to Rail Workers

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Section 231. Short Title.
This section provides the short title.

Section 232. Additional Enhanced Benefits Under the Railroad Unemployment Insurance Act.
This section restores the federal supplemental benefit for unemployed railroad workers at $600/registration period for registration periods beginning after December 26, 2020 and on or before March 14, 2021.

Section 233. Extended Unemployment Benefits Under the Railroad Unemployment Insurance Act.
Provides up to 11 additional weeks of unemployment benefits under the Railroad Unemployment Insurance Act (RUIA) for qualifying railroad workers. This provision also extends the availability of the 13 weeks of additional unemployment benefits provided under the CARES Act. These weeks are not available to those whose extended benefit period begins after March 14, 2021, and they turn off for everyone for any registration period beginning after April 5, 2021.

Section 234. Extension of Waiver of the 7-Day Waiting Period for Benefits Under the Railroad Unemployment Insurance Act.
This section extends the waiver of the 7-day waiting period for benefits provided under the RUIA through March 14, 2021.

Section 235. Treatment of Payments From the Railroad Unemployment Insurance Account
This section temporarily prevents sequestration of the benefits available under the RUIA during the period that is 7 days after the date of enactment of this section and 30 days after the date on which the President's declaration under the National Emergencies Act related to the coronavirus is terminated.

Subchapter IV – Improvements to Pandemic Unemployment Assistance to Strengthen Program Integrity

Section 241. Requirement to Substantiate Employment or Self-Employment and Wages Earned or Paid to Confirm Eligibility for Pandemic Unemployment Assistance.

- Effective January 31, 2021, requires new applicants for Pandemic Unemployment Assistance (PUA) to submit documentation to substantiate employment or self-employment within 21 days and provides for such deadline to be extended when an individual has shown good cause.
- Requires individuals receiving PUA as of January 31, 2021 to submit documentation to substantiate employment or self-employment within 90 days.

Section 242. Requirement for States to Verify Identity of Applicants for Pandemic Unemployment Assistance.

- Requires states to have procedures in place to verify or validate the identity of PUA applicants, and for timely payment of benefits.
- Clarifies that expenses to implement such procedures qualify as an administrative cost and may be reimbursed as part of PUA operation.

Subchapter V – Return to Work Reporting Requirement

Section 251. Return to Work Reporting for CARES Act Agreements. Effective 30 days after enactment, requires states to have methods in place to address situations when claimants of unemployment compensation refuse to return to work or refuse to accept an offer of suitable work without good cause including:

- A reporting method for employers to notify the state when an individual refuses employment.

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- A plain language notice to claimants about state return to work laws, rights to refuse to return to work or to refuse suitable work and information on contesting a denial of a claim, as well as what constitutes suitable work, including a claimant's right to refuse work that poses a risk to the claimant's health and safety.

Subchapter VI – Other Related Provisions and Technical Corrections

Section 261. Mixed Earner Unemployment Compensation.
Provides a federally funded $100 per week additional benefit to individuals who have at least $5,000 a year in self-employment income but are disqualified from receiving Pandemic Unemployment Assistance because they are eligible for regular state unemployment benefits. This mixed-earner supplemental benefit would be added to the FPUC and would terminate along with it on March 14, 2021. This provision would be effective for future unemployment benefit payments after a state chose to make an agreement with the Department of Labor.

Section 262. Lost Wages Assistance Recoupment Fairness.
Allows states to waive recovery of "Lost Wages Assistance" overpayments for which the recipient was not at fault and would suffer hardship if required to repay the benefits the same way they do in state unemployment benefits.

Section 263. Continuing Eligibility for Certain Recipients of Pandemic Unemployment Assistance.
Ensures individuals who are otherwise eligible for Pandemic Unemployment Assistance do not have their benefits terminated because of inadvertent or state system failure errors in past required weekly benefit recertifications, so long as the state made good faith efforts to implement the program.

Section 264. Technical Correction for Nonprofit Organizations Classified as Federal Instrumentalities.
This section makes a technical correction to allow certain federal instrumentalities that are reimbursable employers to receive the same federal subsidy for reimbursable employers that is provided to nonprofit organizations and government entities (see Sec. 1102).

Section 265. Technical Correction for the Commonwealth of Northern Mariana Islands.
Allows Pandemic Unemployment Assistance benefits to be provided to workers in the Commonwealth of the Northern Mariana Islands with "Commonwealth Only Transitional Worker," or CW-1 status.

Section 266. Waiver to Preserve Access to Extended Benefits in High Unemployment States.
Provides a temporary waiver of the mandatory "EB freeze period" for states that trigger back onto the program because of fluctuations in their unemployment rates, beginning November 1, 2020 and ending December 31, 2021.

Subtitle B – COVID-Related Tax Relief

Chapter 1 – Continued Assistance to Unemployed Workers

Secs. 271. Short title. Table of contents.

Secs. 272-273. Additional 2020 recovery rebates for individuals.
The provision provides a refundable tax credit in the amount of $600 per eligible family member. The credit is $600 per taxpayer ($1,200 for married filing jointly), in addition to $600 per qualifying child. The credit phases

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out starting at $75,000 of modified adjusted gross income ($112,500 for heads of household and $150,000 for married filing jointly) at a rate of $5 per $100 of additional income.

The provision also provides for Treasury to issue advance payments based on the information on 2019 tax returns. Eligible taxpayers treated as providing returns through the nonfiler portal in the first round of Economic Impact Payments, provided under the CARES Act, will also receive payments. Treasury may issue advance payments for Social Security Old-Age, Survivors, and Disability Insurance beneficiaries, Supplemental Security Income recipients, Railroad Retirement Board beneficiaries, and Veterans Administration beneficiaries who did not file 2019 returns based on information provided by the Social Security Administration, the Railroad Retirement Board, and the Veterans Administration.

In general, taxpayers without an eligible social security number are not eligible for the payment. However, married taxpayers filing jointly where one spouse has a Social Security Number and one spouse does not are eligible for a payment of $600, in addition to $600 per child with a Social Security Number.

The provision aligns the eligibility criteria for the new round of Economic Impact Payments and the credit for the Economic Impact Payments provided by the CARES Act. Taxpayers receiving an advance payment that exceeds the amount of their eligible credit will not be required to repay any amount of the payment. If the amount of the credit determined on the taxpayer's 2020 tax return exceeds the amount of the advance payment, taxpayers will receive the difference as a refundable tax credit.

Advance payments are generally not subject to administrative offset for past due federal or state debts. In addition, the payments are protected from bank garnishment or levy by private creditors or debt collectors.

Additionally, the provision instructs Treasury to make payments to the territories that relate to each territory's cost of providing the credits.

Sec. 274. Extension of certain deferred payroll taxes. On August 8, 2020, the President of the United States issued a memorandum to allow employers to defer withholding employees' share of social security taxes or the railroad retirement tax equivalent from September 1, 2020 through December 31, 2020, and required employers to increase withholding and pay the deferred amounts ratably from wages and compensation paid between January 1, 2021 and April 31, 2021. Beginning on May 1, 2021, penalties and interest on deferred unpaid tax liability will begin to accrue.

The provision extends the repayment period through December 31, 2021. Penalties and interest on deferred unpaid tax liability will not begin to accrue until January 1, 2022.

Sec. 275. Regulations or guidance clarifying application of educator expense tax deduction.
The provision requires the Secretary of the Treasury to issue guidance or regulations providing that personal protective equipment and other supplies used for the prevention of the spread of COVID-19 are treated as eligible expenses for purposes of the educator expense deduction. Such regulations or guidance shall be retroactive to March 12, 2020.

Sec. 276. Clarification of tax treatment of Paycheck Protection Program loans.
The provision clarifies that gross income does not include any amount that would otherwise arise from the forgiveness of a Paycheck Protection Program (PPP) loan. This provision also clarifies that deductions are allowed for otherwise deductible expenses paid with the proceeds of a PPP loan that is forgiven, and that the tax basis and other attributes of the borrower's assets will not be reduced as a result of the loan forgiveness. The

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provision is effective as of the date of enactment of the CARES Act. The provision provides similar treatment for Second Draw PPP loans, effective for tax years ending after the date of enactment of the provision.

Sec. 277. Emergency financial aid grants.
The provision provides that certain emergency financial aid grants under the CARES Act are excluded from the gross income of college and university students. The provision also holds students harmless for purposes of determining eligibility for the American Opportunity and Lifetime Learning tax credits. The provision is effective as of the date of enactment of the CARES Act.

Sec. 278. Clarification of tax treatment of certain loan forgiveness and other business financial assistance under the coronavirus relief legislation.
The provision clarifies that gross income does not include forgiveness of certain loans, emergency EIDL grants, and certain loan repayment assistance, each as provided by the CARES Act. The provision also clarifies that deductions are allowed for otherwise deductible expenses paid with the amounts not included in income by this section, and that tax basis and other attributes will not be reduced as a result of those amounts being excluded from gross income. The provision is effective for tax years ending after date of enactment of the CARES Act. The provision provides similar treatment for Targeted EIDL advances and Grants for Shuttered Venue Operators, effective for tax years ending after the date of enactment of the provision.

Sec. 279. Authority to waive certain information reporting requirements.
The provision gives Treasury authority to waive information filing requirements for any amount excluded from income by reason of the exclusion of covered loan amount forgiveness from taxable income, the exclusion of emergency financial aid grants from taxable income or the exclusion of certain loan forgiveness and other business financial assistance under the CARES act from income.

Sec. 280. Application of special rules to money purchase pension plans.
The CARES Act temporarily allows individuals to make penalty-free withdrawals from certain retirement plans for coronavirus-related expenses, permits taxpayers to pay the associated tax over three years, allows taxpayers to recontribute withdrawn funds, and increases the allowed limits on retirement plan loans. This section clarifies that money purchase pension plans are included in the retirement plans qualifying for these temporary rules. The provision applies retroactively as if included in Section 2202 of the CARES Act.

Sec. 281. Election to waive application of certain modifications to farming losses.
This section allows farmers who elected a two-year net operating loss carryback prior to the CARES Act to elect to retain that two-year carryback rather than claim the five-year carryback provided in the CARES Act. This section also allows farmers who previously waived an election to carry back a net operating loss to revoke the waiver. These clarifications eliminate unnecessary compliance burdens for farmers. The provision applies retroactively as if included in Section 2303 of the CARES Act.

Sec. 282. Oversight and audit reporting.
The CARES Act authorizes the Comptroller General to conduct monitoring and oversight of federal response efforts related to the Coronavirus 2019 pandemic and its general effects. The Comptroller General is required to provide briefings and reports to “appropriate congressional committees.” The CARES Act omitted the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives in its list of “appropriate congressional committees.” This section includes those two committees in the appropriate-committee list, as the Comptroller General’s monitoring and oversight is expected to cover matters in the committees’ jurisdiction and may involve accessing federal tax data.

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Sec. 283. Disclosures to identify tax receivables not eligible for collection pursuant to qualified tax collection contracts.
Section 1205 of the Taxpayer First Act (P.L. 116-25) excludes supplemental social security (SSI) and social security disability insurance (SSDI) beneficiaries from the IRS private debt collection program beginning on January 1, 2021. The IRS and SSA need statutory authority to share information to determine which taxpayers are SSI or SSDI beneficiaries and eligible for exclusion from the IRS program. The provision provides the authority needed to share such information and make the Taxpayer First Act provision work as intended.

Sec. 284. Modification of certain protections for taxpayer return information.
The provision modifies a provision in the CARES Act. The CARES Act modified Section 3 of the FUTURE Act (P.L. 116-91), which amended section 6103 of the Code to allow the IRS to share tax return information of student aid applicants, their parents, students, and borrowers with the Department of Education and further allowed that tax return information be redisclosed to colleges and universities (and certain scholarship organizations) with the taxpayer confidentiality protections afforded under section 6103 of the Code. Section 3516 of the CARES Act repealed the 6103 changes in the FUTURE Act and stripped all the taxpayer confidentiality protections applicable to the tax return information shared by IRS with the Department of Education (and the subsequent redisclosure to colleges, universities, and scholarship funds). The provision unwinds and fixes the changes made by the CARES Act and restores taxpayer confidentiality protections to the tax return information shared by IRS while allowing certain uses as requested by the committees with education jurisdiction.

Sec. 285. Election to Terminate Transfer Period for Qualified Transfers from Pension Plan for Covering Future Retiree Costs.
Section 420 of the Internal Revenue Code permits “qualified future transfers,” under which up to 10 years of retiree health and life costs may be transferred from a company’s pension plan to a retiree health benefits account and/or a retiree life insurance account within the pension plan. Such transfers must meet a number of requirements: the plan must be 120 percent funded at the outset, it must be 120 percent funded throughout the transfer period, all unused amounts must be transferred back, and the plan is subject to a maintenance of effort requirement. Applying the current-law requirements during the market volatility related to the coronavirus pandemic has caused plans that have been historically far over 120 percent funded to fall below 120 percent and face a requirement to immediately restore these large market losses in order to get back to 120 percent funded. This provision would allow employers to make a one-time election during 2020 and 2021 to end any existing transfer period for any taxable year beginning after the date of election, provided the maintenance of effort continues to apply as if the transfer period were not shortened, the employer ensures the plan stays at least 100 percent funded throughout the original transfer period, the plan has funding targets for the first five years after the original transfer period, and all amounts left in the retiree benefits account at the end of the shortened transfer period must be returned to the pension plan (without application of an excise tax to such amounts).

Sec. 286. Extension of credits for paid sick and family leave.
The provision extends the refundable payroll tax credits for paid sick and family leave, enacted in the Families First Coronavirus Response Act, through the end of March 2021. It also modifies the tax credits so that they apply as if the corresponding employer mandates were extended through the end of March 2021. This provision is effective as if included in FFCRA.

Sec. 287. Election to use prior year net earnings from self-employment in determining average daily and self-employment income for purposes of credits for paid sick and family leave.
Allows individuals to elect to use their average daily self-employment income from 2019 rather than 2020 to compute the credit. This provision is effective as if included in FFCRA.

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Sec. 288. Certain technical improvements to credits for paid sick and family leave.
Makes technical changes coordinating the definitions of qualified wages within the paid sick leave, paid family and medical leave, and the exclusion of such leave from employer OASDI tax. This provision is effective as if included in FFCRA.

Title III - Continuing the Paycheck Protection Program and Other Small Business Support
Prepared by the House Committee on Small Business

Title I: Continuing the Paycheck Protection Program and Other Small Business Support

Section 301; 302: Short Title; Definitions.

Section 303: Emergency Rulemaking Authority.
- Requires the SBA Administrator to establish regulations to carry out this title no later than 10 days after enactment of this title.

Section 304: Additional Eligible Expenses.
- Makes the following expenses allowable and forgivable uses for Paycheck Protection Program funds:
  - Covered operations expenditures. Payment for any software, cloud computing, and other human resources and accounting needs.
  - Covered property damage costs. Costs related to property damage due to public disturbances that occurred during 2020 that are not covered by insurance.
  - Covered supplier costs. Expenditures to a supplier pursuant to a contract, purchase order, or order for goods in effect prior to taking out the loan that are essential to the recipient's operations at the time at which the expenditure was made. Supplier costs of perishable goods can be made before or during the life of the loan.
  - Covered worker protection expenditure. Personal protective equipment and adaptive investments to help a loan recipient comply with federal health and safety guidelines or any equivalent State and local guidance related to COVID-19 during the period between March 1, 2020, and the end of the national emergency declaration.
- Redesignates Section 1106 of the CARES Act and other subsequent conforming amendments as section 7A. This would transfer section 104 of this title to the end of section 7 of the Small Business Act (15 U.S.C. 631 et seq.). Relevant sections to follow contain this technical redesignation.
- Allows loans made under PPP before, on, or after the enactment of this act to be eligible to utilize the expanded forgivable expenses except for borrowers who have already had their loans forgiven.

Section 05: Hold Harmless.
- Provides that a lender may rely on any certification or documentation submitted by a borrower for an initial or second draw PPP loan and that no enforcement action may be taken against the lender and the lender shall not be subject to any penalties relating to loan origination or forgiveness if (1) the lender acts in good faith relating to loan origination or forgiveness; and (2) all relevant federal, state, local and other statutory and regulatory requirements are satisfied.

Section 306: Selection of Covered Period for Forgiveness.
- Allows the borrower to elect a covered period ending at the point of the borrower's choosing between 8 and 24 weeks after origination.

Section 307: Simplified Application.
- Creates a simplified application process for loans under $150,000 such that:

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- A borrower shall receive forgiveness if a borrower signs and submits to the lender a certification that is not more than one page in length, includes a description of the number of employees the borrower was able to retain because of the covered loan, the estimated total amount of the loan spent on payroll costs, and the total loan amount. The borrower must also attest that borrower accurately provided the required certification and complied with Paycheck Protection Program loan requirements. SBA must establish this form within 24 days of enactment and may not require additional materials unless necessary to substantiate revenue loss requirements or satisfy relevant statutory or regulatory requirements. Additionally, borrowers are required to retain relevant records related to employment for four years and other records for three years. The Administrator may review and audit these loans to ensure against fraud.
- At the discretion of the borrower, the borrowers may complete and submit demographic information for all PPP loans.
- The SBA must submit to the Senate and House Small Business Committees a report 45 days after enactment detailing their review and forgiveness audit plan to mitigate risk of fraud and provide monthly reviews and audit updates thereafter.
- Applies to loans made before, on, or after the date of enactment, including the forgiveness of the loan.

Section 308: Specific Group Insurance Payments as Payroll Costs.

- Clarifies that other employer-provided group insurance benefits are included in payroll costs. This includes, group life, disability, vision, or dental insurance.
- Applies to loans made before, on, or after the date of enactment, including the forgiveness of the loan.

Section 309: Demographic Information.

- Requires the SBA to include a voluntary demographic information section on the loan origination application for initial PPP loans and second draw PPP loans. All PPP loan applications after enactment must include this section.

Section 310: Clarification of and Additional Limitations on Eligibility.

- Clarifies that a business or organization that was not in operation on February 15, 2020 shall not be eligible for an initial PPP loan and a second draw PPP loan.
- Prohibits eligible entities that receive a grant under the Shuttered Venue Operator Grants from obtaining a PPP loan.

Section 311: Paycheck Protection Program Second Draw Loans.

- Creates a second loan from the Paycheck Protection Program, called a "PPP second draw" loan for smaller and harder-hit businesses, with a maximum amount of $2 million.
- Eligibility. In order to receive a Paycheck Protection Program loan under this section, eligible entities must:
  - Employ not more than 300 employees;
  - Have used or will use the full amount of their first PPP; and
  - Demonstrate at least a 25 percent reduction in gross receipts in the first, second, or third quarter of 2020 relative to the same 2019 quarter. Provides applicable timelines for businesses that were not in operation in Q1, Q2, and Q3, and Q4 of 2019. Applications submitted on or after January 1, 2021 are eligible to utilize the gross receipts from the fourth quarter of 2020.
- Eligible entities must be businesses, certain non-profit organizations, housing cooperatives, veterans' organizations, tribal businesses, self-employed individuals, sole proprietors, independent contractors, and small agricultural co-operatives.
- Ineligible entities include: entities listed in 13 C.F.R. 120.110 and subsequent regulations except for entities from that regulation which have otherwise been made eligible by statute or guidance, and except for nonprofits and religious organizations; entities involved in political and lobbying activities including

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engaging in advocacy in areas such as public policy or political strategy or otherwise describes itself as a think tank in any public document, entities affiliated with entities in the People's Republic of China; registrants under the Foreign Agents Registration Act; and entities that receive a grant under the Shuttered Venue Operator Grant program.

- Loan terms. In general, borrowers may receive a loan amount of up to 2.5X the average monthly payroll costs in the one year prior to the loan or the calendar year. No loan can be greater than $2 million.
    - Seasonal employers may calculate their maximum loan amount based on a 12-week period beginning February 15, 2019 through February 15, 2020.
    - New entities may receive loans of up to 2.5X the sum of average monthly payroll costs.
    - Entities in industries assigned to NAICS code 72 (Accommodation and Food Services) may receive loans of up to 3.5X average monthly payroll costs.
    - Businesses with multiple locations that are eligible entities under the initial PPP requirements may employ not more than 300 employees per physical location.
    - Waiver of affiliation rules that applied during initial PPP loans apply to a second loan.
    - An eligible entity may only receive one PPP second draw loan.
    - Fees are waived for both borrowers and lenders to encourage participation.
    - For loans of not more than $150,000, the entity may submit a certification attesting that the entity meets the revenue loss requirements on or before the date the entity submits their loan forgiveness application and non-profit and veterans organizations may utilize gross receipts to calculate their revenue loss standard.
- Loan forgiveness. Borrowers of a PPP second draw loan would be eligible for loan forgiveness equal to the sum of their payroll costs, as well as covered mortgage, rent, and utility payments, covered operations expenditures, covered property damage costs, covered supplier costs, and covered worker protection expenditures incurred during the covered period. The 60/40 cost allocation between payroll and non-payroll costs in order to receive full forgiveness will continue to apply.
- Lender eligibility. A lender approved to make loans under initial PPP loans may make covered loans under the same terms and conditions as the initial loans.
- Lender compensation. The Administrator is authorized to reimburse a lender by a tiered structure: For loans up to $50,000, the lender processing fee will be the lesser of 50 percent of the principal amount or $2,500. For loans between $50,000 and $350,000, the lender fee will be five percent. For loans $350,000 and above, the lender fee will be three percent.
- Guidance to prioritize underserved communities. Directs the Administrator to issue guidance addressing barriers to access to capital for underserved communities no later than 10 days after enactment.
- Standard Procedures. Directs the SBA to allow lenders to approve loans made under this paragraph utilizing existing program guidance and standard operating procedure, to the maximum extent possible, as the standard SBA 7(a) program.
- Churches and religion organizations. Expresses the sense of Congress that the Administrator's guidance clarifying the eligibility of churches and religious organizations was proper and prohibits the application of regulations otherwise rendering ineligible businesses principally engaged in teaching, instructing, counseling, or indoctrinating religion or religious beliefs. Codifies that the prohibition on eligibility in 13 CRF 120.110(k) shall not apply for initial and second draw loans.
- Application of Exemption Based on Employee. Extends existing safe harbors on restoring FTE and salaries and wages. Specifically, applies the rule of reducing loan forgiveness for the borrower reducing the number of employees retained and reducing employees' salaries in excess of 25 percent. Allows the SBA and Treasury Department to jointly modify any date in section 7A(d) consistent with the purposes of the Paycheck Protection Program.

Section 312: Increased Ability for Paycheck Protection Program Borrowers to Request an Increase in Loan Amount Due to Updated Regulations.

- Requires the Administrator to release guidance to lenders within 17 days of enactment that allows borrowers who returned all or part of their PPP loan to reapply for the maximum amount applicable so

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long that they have not received forgiveness. Additionally, this section allows borrowers whose loan calculations have increased due to changes in interim final rules to work with lenders to modify their loan value regardless of whether the loan has been fully disbursed, or if Form 1502 has already been submitted.

Section 313: Calculation of Maximum Loan Amount for Farmers and Ranchers under the Paycheck Protection Program.

- Establishes a specific loan calculation for the first round of Paycheck Protection Program loans for farmers and ranchers who operate as a sole proprietor, independent contractor, self-employed individual, who report income and expenses on a Schedule F, and were in business as of February 15, 2020. These entities may utilize their gross income in 2019 as reported on a Schedule F. Lenders may recalculate loans that have been previously approved to these entities if they would result in a larger loan.
- Applies to PPP loans before, on, or after the date of enactment, except for loans that have already been forgiven.

Section 314: Farm Credit System Institutions.

- Allows Farm Credit System Institutions to be eligible to make loans under the Paycheck Protection Program. It also allows for a zero risk weight for Paycheck Protection Program loans and aligns eased requirements for Farm Credit System Institutions with those of other Paycheck Protection Program lenders.
- Applies to any loan made before, on or after enactment including the forgiveness of the loan.

Section 315: Definition of a Seasonal Employer.

- Defines a seasonal employer to be an eligible recipient which: (1) operates for no more than seven months in a year, or (2) earned no more than 1/3 of its receipts in any six months in the prior calendar year.
- Applies to any loan made before, on or after enactment including the forgiveness of the loan.

Section 316: Housing Cooperatives.

- Extends PPP eligibility to housing cooperatives defined in section 216(b) of the Internal Revenue Code of 1986 and which employ no more than 300 employees.

Section 317: Eligibility of News Organizations for Loans under the Paycheck Protection Program.

- Makes eligible FCC license holders and newspapers with more than one physical location, as long as the business has no more than 500 employees per physical location or the applicable SBA size standard; and makes eligible section 511 public colleges and universities that have a public broadcasting station if:
    - The organization certifies that the loan will support locally focused or emergency information.
- Waives affiliation rules for newspapers, TV and radio broadcasters, and public broadcasters, as long as the organization has no more than 500 employees per physical location or the applicable SBA size standard.
- Waives the prohibition against publicly-traded news organizations from being eligible if the business certifies that the loan will support locally focused or emergency content.

Section 318: Eligibility of 501(c)(6) and Destination Marketing Organizations for Loan Under the Paycheck Protection Program.

- Expands eligibility to receive a Paycheck Protection Program loan to include the following organizations:
    - 501(c)(6) organizations if:
        - The organization does not receive more than 15 percent of receipts from lobbying;
        - The lobbying activities do not comprise more than 15 percent of activities;

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        - The cost of lobbying activities of the organization did not exceed $1,000,000 during the most recent tax year that ended prior to February 15, 2020 and
        - The organization has 300 or fewer employees.
        - Professional sports leagues or organizations with the purpose of promoting or participating in a political campaign or other political activities are not eligible under this section.
    - Destination Marketing Organizations if:
        - The organization does not receive more than 15 percent of receipts from lobbying;
        - The lobbying activities do not comprise more than 15 percent of activities;
        - The organization has 300 or fewer employees; and
        - That destination marketing organization is registered as a 501(c) organization, a quasi-government entity, or a political subdivision of a state or local government.

Section 319: Prohibition on Use of Loan Proceeds for Lobbying Activities.

- Prohibits any eligible entity from using proceeds of the covered loan for lobbying activities, as defined by the Lobbying Disclosure Act, lobbying expenditures related to state or local campaigns, and expenditures to influence the enactment of legislation, appropriations, or regulations.

Section 320: Bankruptcy Provisions.

- Establishes a special procedure in the bankruptcy process if the Administrator determines certain small business debtors are eligible for Paycheck Protection Program loans. It requires court approval for Paycheck Protection Program loans to these debtors and requires any such loan be given a superpriority claim in the bankruptcy process, providing additional protection to taxpayers and participating banks. The provisions in this section would take effect only upon a written determination by the Administrator that certain small business debtors are eligible for Paycheck Protection Program loans and would sunset two years from the date of enactment.

Section 321: Oversight.

- Requires the SBA to comply with GAO requests no later than 15 days, and requires the SBA to submit a detailed justification to Senate and House Small Business Committees if they are unable to comply with the request. It also would require the Secretary of the Treasury and SBA Administrator to testify within 120 days of enactment of this Act and not less than twice per year for the next two years to the Senate and House Small Business Committees.

Section 322: Conflicts of Interest.

- Requires the President, Vice President, the head of an Executive department, or a Member of Congress as well as their spouse that has received a PPP loan to disclose this status at forgiveness or 30 days thereafter. It would also prohibit the covered individuals from receiving a loan in the future.

Section 323: Commitment Authority and Appropriations.

- Extends the time of the program to March 31, 2021.
- Sets the authorization level for PPP at $806.5 billion.
- Separates regular 7(a) and PPP loans to ensure the continued operation of the 7(a) program by setting an authorization level of $75 billion and clarifies the 7(a) program level and secondary market cap.
- Direct appropriations:
    - $284.45 billion for PPP, including the following set-asides:
        - Lenders:
            - $15 billion for PPP loans (initial and second draw) issued by community financial institutions, including community development financial institutions (CDFIs) and minority depository intuitions (MDIs);

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        - $15 billion for PPP loans (initial and second draw) issued by certain small depository institutions.
    - Borrowers:
        - $35 billion for first-time borrowers, $15 billion of which for smaller, first-time borrowers with 10 or fewer employees, or loans less than $250,000 in low-income areas;
        - $25 billion for second draw PPP loans for smaller borrowers with 10 or fewer employees, or loans less than $250,000 in low-income areas.
    - After 25 days, the SBA Administrator may adjust the set-asides as necessary.
- $25 million for the Minority Business Development Centers program under the Minority Business Development Agency (MBDA);
- $50 million for PPP auditing and fraud mitigation purposes;
- $20 billion for the Targeted EIDL Advance program, of which $20 million for the Inspector General;
- $57 million for the Microloan program as described in section 29;
- $1.9 billion to carry out sections 26, 27, and 28;
- $3.5 billion for the Debt Relief program as described in section 25;
- $15 billion for grants for live venues as described in section 24.

Section 324: Grants for Shuttered Venue Operators.

- Authorizes $15 billion for the SBA to make grants to eligible live venue operators or promoters, theatrical producers, live performing arts organization operators, museum operators, motion picture theatre operators, or talent representatives who demonstrate a 25 percent reduction in revenues.
- There is a set-aside of $2 billion for eligible entities that employ not more than 50 full-time employees, and any amounts from this set-aside remaining after sixty days from the date of implementation of this program shall become available to all eligible applicants under this section.
- The SBA may make an initial grant of up to $10 million dollars to an eligible person or entity and a supplemental grant that is equal to 50 percent of the initial grant.
- In the initial 14-day period of implementation of the program, grants shall only be awarded to eligible entities that have faced 90 percent or greater revenue loss. In the 14-day period following the initial 14-day period, grants shall only be awarded to eligible entities that have faced 70 percent or greater revenue loss. After these two periods, grants shall be awarded to all other eligible entities.
- Such grants shall be used for specified expenses such as payroll costs, rent, utilities, and personal protective equipment.
- Requires the Administrator to conduct increased oversight of eligible persons and entities receiving these grants.
- Requires the SBA to submit a report to the Senate and House Small Business Committees 45 days after enactment detailing their oversight and audit plan for shuttered venue grants and to provide monthly updates on the oversight and audit activities conducted by the Administrator.

Section 325: Extension of the debt relief program.

- Resumes the payment of principal and interest (P&I) on small business loans guaranteed by the SBA under the 7(a), 504 and microloan programs, established under the CARES Act.
- All borrowers with qualifying loans approved by the SBA prior to the CARES Act will receive an additional three months of P&I, starting in February 2021. Going forward, those payments will be capped at $9,000 per borrower per month.
- After the three-month period described above, borrowers considered to be underserved—namely the smallest or hardest-hit by the pandemic—will receive an additional five months of P&I payments, also capped at $9,000 per borrower per month. They include:

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    - Borrowers with SBA microloans or 7(a) Community Advantage loans
    - Borrowers with any 7(a) or 504 loan in the hardest-hit sectors, as measured by the severity of sector-wide job losses since the start of the pandemic. They include food service and accommodation; arts, entertainment and recreation; education; and laundry and personal care services.
- SBA payments of P&I on the first 6 months of newly approved loans will resume for all loans approved between February 1 and September 30, 2021, also capped at $9,000 per month.
- If the SBA projects that appropriations provided for the debt relief program are insufficient to fund the extensions provided, the Administrator may proportionally reduce the number of months provided in each extension.
- Clarifies eligibility and increases program integrity:
    - SBA payments should be made on any loan approved before the applicable deadline, and debt relief payments should be made only once the loan is fully disbursed.
    - SBA may establish a minimum loan maturity period for each loan product covered under this section to prevent program abuse.
    - Any business or applicant may only receive P&I payments for only one loan approved after CARES Act enactment.
- Requires that SBA place program information on its website, conduct outreach to all borrowers, report monthly to Congress on program spending, and educate lenders, borrowers, SBA district offices, and resources partners about the program.

Section 326: Modifications to 7(a) Loan Programs.

- Increases to 90 percent the loan guarantee amount on 7(a) loans, including for Community Advantage loans, until October 1, 2021.
- Increases the Express Loan amount from $350,000 to $1 million on January 1, 2021, and then reverts permanently to a lower amount of $500,000 on October 1, 2021.
- The Express Loan guaranty amount for loans of $350,000 and less is temporarily increased from 50 percent to 75 percent, and for loans above $350,000 the guarantee remains at 50 percent. On October 1, 2021, the guarantee reverts to 50 percent for all Express Loans.

Section 327: Temporary Fee Reductions.

- Waives lender and borrower fees for both the 7(a) and 504 loan programs.

Section 328: Low-Interest Refinancing.

- Enhances the 504 refinancing rules in order to create reciprocity for refinancing between 504 and 7(a) programs.
- Grants authority through September 30, 2023 for SBA to establish a 504 Express Loan Program for the most experienced successful 504 lenders to expedite 504 loans of less than $500,000.

Section 329: Recovery Assistance under the Microloan Program.

- Enhances the microloan program to increase access to micro capital and technical assistance under the program for businesses impacted by the COVID-19 pandemic.
- Temporarily increases the amount of time that borrowers can repay their loans from 6 to 8 years.
- Temporarily increases the outstanding aggregate amount each intermediary may borrow from $6 million to $10 million to expand their capacity to deploy more capital to small businesses.
- Allows intermediaries to access more technical assistance funding if they serve rural areas.
- Maximizes flexibility and reduces red tape for intermediaries by temporarily waiving the limitations for the technical assistance grants and the 50 percent limitation on pre-loan technical assistance.
- Provides $50 million in additional funding for Microloan Technical Assistance funding for lenders and $7 million to leverage about $64 million more in microloans to businesses.

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Section 330: Extension of Participation in 8(a) Program.

- Requires Administrator to allow businesses in the 8(a) program to seek an enrollment extension of 1 year.
- Requires rules to be drafted to carry out this section within 15 days.

Section 331: Targeted EIDL Advance for Small Business Continuity, Adaptation, and Resiliency.

- Provides additional targeted funding for eligible entities located in low-income communities through the EIDL Advance program from Section 1110 of the CARES Act.
- Makes entities in low-income communities that received an EIDL Advance under Section 1110 of the CARES Act eligible to receive an amount equal to the difference of what the entity received under the CARES Act and $10,000.
- Provides $10,000 grants to eligible applicants in low-income communities that did not secure grants because funding had run out.

Section 332: Emergency EIDL Grants.

- Extends covered period for Emergency EIDL grants through December 31, 2021.
- Allows more flexibility for the SBA to verify that Emergency EIDL grant applicants have submitted accurate information.
- Extends time for SBA to approve and disburse Emergency EIDL grants from 3 to 21 days.

Section 333: Repeal of EIDL Advance Deduction.

- Repeals section 1110(e)(6) of the CARES Act, which requires PPP borrowers to deduct the amount of their EIDL advance from their PPP forgiveness amount.
- Establishes the Sense of Congress that EIDL Advance borrowers should be made whole without regard to whether those borrowers are eligible for PPP forgiveness.
- The Administrator shall issue rules that ensure borrowers are made whole if they received forgiveness and their EIDL was deducted from that amount.

Section 334: Flexibility in Deferral of Payments of 7(a) Loans.

- Creates parity between bank-held and secondary market-owned 7(a) loans to seek up to a 1-year deferral.
- Requires SBA to buy back loans if investors refuse to provide the extend deferral unless the SBA determines the extended deferral would cause a positive subsidy for the Secondary Market Guarantee Program.

Section 335: Documentation Required for Certain Eligible Recipients.

- Allows more flexibility for the Administration to accept documentation beyond those enumerated in the CARES Act to determine eligibility for sole proprietors and the self-employed.

Section 336: Election of 12-week Period by Seasonal Employers.

- Expands the seasonal period to any 12-weeks between February 15, 2019 and February 15, 2020.
- Applies to loans before, on, or after the date of enactment, except for loan for which the borrower has already received forgiveness.

Section 337: Inclusion of Certain Refinancing in Nonrecourse Requirements.

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- Ensures applicants cannot be held liable if they didn't understand they had recourse against them at the time they took the PPP and EIDL loans after a refinancing.

Section 338: Application of Certain Terms through Life of Covered Loan.

- Clarifies that (1) fee waivers; (2) personal guarantee waiver; and (3) deferral eligibility continues past the covered period and attaches for the life of the PPP loan.

Section 339: Interest Calculation on Covered Loans.

- Clarifies the interest rate on PPP loans is non-compounding and non-adjustable for all new initial Paycheck Protection Program loans and second draw loans.

Section 340: Reimbursement for Processing.

- Provides for PPP lender reimbursement by SBA for new PPP loans.
- Establishes a tiered reimbursement rate for PPP loans: (1) Loans of less than $50,000 that is equal to the lesser of 50 percent of the loan principal or $2,500; (2) loans of more than $50,000 and not more than $350,000 equal to five percent of the loan principal; (3) loans of more than $350,000 and less than $2,00,000 equal to three percent of the loan principal; and (4) loans of more than $2,000,000 equal to one percent.
- Clarifies lender reimbursement by SBA may be made no later than 5 days post-disbursement.
- Clarifies PPP borrowers who knowingly retained a loan agent may not pay agent fees out of the PPP proceeds. This applies to PPP loan before, on, or after the date of enactment, including during forgiveness of such loan.

Section 341: Duplication Requirements for Economic Injury Disaster Loan Recipients.

- Permits certain EIDL borrowers to also apply for a PPP loan.

Section 342: Prohibition of Eligibility for Publicly Traded Companies.

- Excludes publicly traded companies from PPP eligibility.

Section 343: Covered Period for New PPP Loans.

- Extends the covered period for all PPP loans through March 31, 2021.
- Applies to loans made before, on, or after the date of enactment, including the forgiveness of such loan.

Section 344: Covered Period for Other Purposes.

- Clarifies the applicable period for employee's salaries of $100,000 on an annualized basis as prorated during the period in which compensation is paid or incurred.

Section 345: Extension of Waiver of Matching Funds Requirement under the Women's Business Center (WBC).

- Extends CARES Act waiver of WBC matching funds requirement through June 30, 2021.

Section 346: Clarification of Use of CARES Act Funds for Small Business Development Centers (SBDCs).

- Clarifies that any awards made under this bill are in addition to and separate from any amounts appropriated under section 21 of the Small Business Act, and any award made under this bill may be used to complement and support such grant. CARES Act funds and annually appropriated funds can be used and tracked together as one funding stream.
- Prioritizes SBDCs impacted by this accounting issue.

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Section 347: GAO Report

- Requires the GAO to report to the House and Senate Small Business Committees no later than 120 days on the SBA's use of administrative funds made through supplemental appropriations during FY 2020.

Section 348: Effective Date; Applicability.

- Clarifies the amendments made by this bill shall take effect on the date of enactment and apply to loans and grants made on or after the date of enactment.

Title IV - Transportation

Prepared by the Democratic Staff of the House Committee on Transportation and Infrastructure

Subtitle A – Airline Worker Support Extension

Section 401. Definitions

Section 401 defines catering functions, contractor, employee, recall, returning employee, and Secretary.

Section 402. Pandemic Relief for Aviation Workers

Section 402 provides $15 billion in grants to employees of passenger air carriers, passing to workers through each carrier. Provides $1 billion in grants to employees of contractors.

Section 403. Procedures for Providing Payroll Support

Section 403 directs the Secretary to distribute the funding in amounts proportional to the amounts received under the CARES Act, or—if elected by the air carrier or contractor or in the occurrence that such an entity did not receive funding under the CARES Act—modified proportions based on similar metrics to be pro-rated by the Secretary.

Section 404. Required Assurances

Section 404 mandates that to receive funding, an air carrier or contractor must—

- Recall involuntarily furloughed employees;
- Provide backpay to returning employees;
- Restore the rights and protections for such returning employees as if such employees had not been involuntarily furloughed;
- Refrain from conducting involuntary layoffs or furloughs, or reducing pay rates and benefits, of employees until March 31, 2020;
- Refrain from purchasing an equity security of the entity or the direct or indirect parent company of the applicant that is listed on a national securities exchange until March 31, 2021; and
- Not pay dividends, or make other capital distributions, with respect to the common stock (or equivalent interest) of the entity until March 31, 2021.

Such assurance that have an end date are further extended for contractors until all such financial assistance has been expended, if applicable.

Section 405. Protection of Collective Bargaining Agreements

Section 405 prohibits the Treasury Department and Federal Government from conditioning the financial assistance on the alteration of collective bargaining agreements.

Section 406. Limitation on Certain Employee Compensation

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Section 406 limits the total compensation (including salary, bonus, awards of stock, and other financial benefits) of executives until October 1, 2022.

Section 407. Minimum Air Service Guarantees
Section 407 requires air carriers, to the extent reasonable and practicable, to maintain scheduled air transportation service until March 1, 2022, to ensure service to any point served by that carrier before March 1, 2020, as determined by the Secretary of Transportation.

Section 408. Taxpayer Protection
Section 408 authorizes the Treasury Department to receive warrants, options, preferred stock, debt securities, notes, or other financial instruments as compensation to the Federal Government for the provision of financial assistance.

Section 409. Reports
Section 409 requires the Treasury Department to provide a report to Congress by May 1, 2021, regarding its implementation of the program, including financial assistance provided and any audits performed, and requires the Department to update its website weekly to reflect financial assistance distribution.

Section 410. Coordination
Section 410 requires the Treasury Department to coordinate with the Department of Transportation when implementing the program.

Section 411. Funding
Section 411 appropriates $16 billion to fund the provisions of this [title/section].

Section 412. CARES Act Amendments
Section 412 amends certain CARES Act provisions to remedy unintended consequences of CARES Act requirements that permitted contractors to involuntarily furlough vast numbers of workers and then receive payroll support grants to pay those workers.

Subtitle B – Coronavirus Economic Relief for Transportations Services Act

Sec. 420. Short Title.
Defines the short title as Coronavirus Economic Relief for Transportation Services Act.

Sec. 421. Assistance for Providers of Transportation Services Affected By Covid-19.
Section 421 provides $2 billion in economic assistance to motorcoach and bus operators, school bus companies, U.S. flag passenger vessel operators, like passenger ferries, and other U.S. transportation service providers.

Subtitle C – Motor Carrier Safety Grant Relief Act of 2020

Sec. 440. Short Title.
Defines the short title as Motor Carrier Safety Grant Relief Act of 2020.

Sec. 441. Relief for Recipients of Financial Assistance Awards From The Federal Motor Carrier Safety Administration.
Extends the period of availability for FMCSA's "Motor Carrier Safety Assistance Program (MCSAP)" grant funds awarded in FY19 and FY20 by one year.

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Subtitle D – Extension of Waiver Authority

Sec. 442. Extension of Waiver Authority.
Extends NHTSA's authority to waive or postpone highway safety grant requirements under sections 402, 404, 405, or 412 of title 23, section 4001 of FAST, or 23 CFR part 1300 in FY21.

Title V – Banking

Prepared by the Democratic staff of the House Committee on Financial Services

Subtitle A — Emergency Rental Assistance

Sec. 501. Emergency Rental Assistance.
Section 5201 appropriates $25 billion through Treasury to provide to state and local government entities, including $400 million for U.S. territories and $800 million for Native Americans, Alaska Natives, and Native Hawaiians (with the District of Columbia treated as a state). Funds would be required to be allocated to state and local governments ("grantees") within 30 days of enactment. Eligible households are defined as renter households who: (1) have a household income not more than 80 percent of AMI; (2) have one or more household members who can demonstrate a risk of experiencing homelessness or housing instability; and (3) have one or more household members who qualify for unemployment benefits or experienced financial hardship due, directly or indirectly, to the pandemic. Assistance would be prioritized for renter households whose incomes do not exceed 50 percent of AMI as well as renter households who are currently unemployed and have been unemployed for 90 or more days. Financial assistance provided under this section is non-taxable for households receiving such assistance.

Sec. 502. Eviction Moratorium.
This section extends the CDC eviction moratorium until January 31, 2021.

Subtitle B – Community Development Investment (CDFIs and MDIs)

Sec. 520. Purpose.
This section stipulates the purpose of this subtitle is to establish emergency programs to support access to credit to and investments in low- and moderate-income (LMI) and minority communities disproportionately impacted by the COVID-19 pandemic.

Sec. 521. Considerations; Requirements for Creditors.
This section includes factors that the Secretary of the Treasury must consider in implementing this subtitle, including increasing the availability of affordable credit for consumers, small businesses, and nonprofit organizations that provide direct benefits to LMI communities, low-income and underserved individuals, and minorities. This section also affirms that lenders receiving funds through this subtitle must fully comply with all applicable requirements relating to fair lending.

Sec. 522. Capital Investments for Neighborhoods Disproportionally Impacted by the COVID-19 Pandemic.
This section establishes a $9 billion Emergency Capital Investment Program (ECIP), administered by the Department of the Treasury, to provide low-cost, long-term capital investments to minority depository institutions (MDIs) and community development financial institutions (CDFIs) that are depository institutions. Participants must develop a plan to maintain or expand significant lending or investment activity in LMI minority communities, and the repayment terms on the investment incentivizes enhanced lending to LMI communities. During the initial application period when entities apply in a timely manner, as determined by Treasury, $4 billion will be set aside for eligible institutions with less than $2 billion in total assets, with $2

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billion of that amount reserved for eligible institutions with less than $500 million in total assets. If there are ECIP funds left over in either tranche, Treasury can redeploy those funds to other applicants until all funds have been expended. Additionally, this section provides a narrow exemption from the Equal Credit Opportunity Act (ECOA) for the sole purpose and exclusive use of data collection to ensure compliance with the program's plan to enhance lending to minority communities, while ensuring institutions will be subject to ECOA enforcement actions should they discriminate against borrowers. Treasury's authority to make new capital investments ceases 6 months after the date on which the national emergency concerning the COVID-19 outbreak under the National Emergencies Act terminates.

Sec. 523. Emergency Support for CDFIs and Communities Responding to the COVID-19 Pandemic.
This section provides $3 billion to the CDFI Fund to provide grants and other financial assistance to CDFIs, including CDFI loan funds, as they serve consumers, small businesses, and nonprofits in their communities. Of the total funds, $1.25 billion will be available until September 30, 2021, for the CDFI Fund to award grants and other financial and technical assistance to help CDFIs serve their communities responding to the economic hardships created by the pandemic, including $25 million reserved to benefit Native American, Native Hawaiian, and Alaska Native communities. The remaining $1.75 billion will be available until expended to provide additional grants and other financial and technical assistance to CDFIs, including reserved for "minority lending institutions," a new category of CDFIs that predominantly serve minority communities and are either MDIs or meet other standards for accountability to minority populations as determined by the CDFI Fund. This section also provides a narrow exemption from ECOA for the sole purpose and exclusive use of data collection to ensure CDFIs are adequately serving minority communities, while ensuring institutions will be subject to ECOA enforcement actions should they discriminate against borrowers.

Sec. 524. Inspector General Oversight.
This section stipulates that the Inspector General of the Department of the Treasury will oversee the programs established under this subtitle, and will report to Congress semiannually.

Sec. 525. Study and Report with Respect to Impact of Programs on Low- and Moderate-Income and Minority Communities.
This section requires Treasury to conduct a study 18 months after enactment of impact of the programs established under this subtitle on LMI and minority communities.

Subtitle C — Miscellaneous

Sec. 540. Extensions of Temporary Relief and Emergency Authorities.
This section extends and modifies a CARES Act provision allowing banks and credit unions to temporarily delay the adoption of a new credit loss accounting standard – Current Expected Credit Loss (CECL). The section allows these institutions until the earlier of (1) the first day of the fiscal year of the institution that begins after the national emergency termination date or (2) January 1, 2022.

This section also extends another CARES Act provision that temporarily changes the National Credit Union Administration's (NCUA) Central Liquidity Facility (CLF) for credit unions to meet liquidity needs by expanding the ability to borrow up to a value 16 times the CLF's subscribed capital stock and surplus, up from the statutory limit of 12 times. This section extends the termination of CLF's expansion to December 31, 2021.

Sec. 541. Extension of Temporary Relief from Troubled Debt Restructurings and Insurer Clarification.
This section extends the CARES Act provision under section 4013, which allows financial institutions to determine if they will suspend the Generally Accepted Accounting Principles (GAAP) requirements for recognizing any potential COVID-related losses from a troubled debt restructuring (TDR) related to a loan modification. This section extends the termination of this provision to the earlier of (1) 60 days after the national emergency termination date or (2) January 1, 2022, and clarifies that insurance companies are covered by the provision.

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Sec. 542. Healthcare Operating Loss Loans.
This section authorizes HUD to insure mortgages under Section 223(d) to cover the operating losses of healthcare facilities that are already insured under the Section 232 and 242 programs and that were financially sound immediately prior to the COVID-19 pandemic.

Title VI – Labor Provisions
Prepared by the Democratic Staff of the House Committee on Education and Labor

Section 601. Job Corps Flexibilities.
This section waives certain statutory requirements regarding enrollment and eligibility for Job Corps students during the qualifying emergency. This includes waiving drug testing requirements for students enrolling in Job Corps virtually, and allowing students who turn 25 during the qualifying emergency to maintain enrollment eligibility if enrolling within six months of enactment of this Act.

Title VII – Nutrition and Agriculture Relief
Prepared by the Democratic Staff of the House Committee on Agriculture and the House Committee on Education and Labor

Subtitle A – Nutrition

CHAPTER 1 SUPPLEMENTAL NUTRITION ASSSISTANCE PROGRAM

SEC. 701. DEFINITIONS.
Defines public health emergency and supplemental nutrition assistance program (SNAP).

SEC. 702. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM
Subsection (a) increases the monthly SNAP benefit level by 15% based on the June 2020 Thrifty Food Plan through June 30, 2021. Subsection (b) simplifies the state administrative process for SNAP benefit level increases. Subsection (c) provides $100 million for state administrative costs through fiscal year 2021 and requires these funds to be made available to states within 60 days of enactment. Subsection (d) excludes Pandemic Unemployment Compensation from being counted toward household income for SNAP. Subsection (e) extends SNAP eligibility to college students who are eligible for a federal or state work study program or has an expected family contribution of zero. Subsection (f) directs the Secretary to submit a report on the redemption rate and account balances for each month from January 2021 to June 2021. Subsection (g) shortens the statutory waivers for certain SNAP quality control requirements from September 30, 2021 to June 30, 2021.

SEC. 703. ADDITIONAL ASSISTANCE FOR SNAP ONLINE PURCHASING AND TECHNOLOGY IMPROVEMENTS.
Provides $5 million for technical support to USDA in expanding the SNAP online purchasing program, including for farmers markets and direct marketing farmers, and for supporting mobile payment technologies and the electronic benefit transfer system.

SEC. 704. NUTRITION ASSISTANCE PROGRAMS.
Provides $614 million to Puerto Rico and American Samoa for nutrition assistance, of which $14 million shall be available to the Commonwealth of the Northern Mariana Islands.

CHAPTER 2 - COMMODITY DISTRIBUTION PROGRAMS

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SEC. 711. EMERGENCY FOOD ASSISTANCE PROGRAM.
Invests $400 million in the Emergency Food Assistance Program through September 30, 2021. Allows up to 20 percent of these funds to be used for commodity distribution.

SEC. 712. COMMODITY SUPPLEMENTAL FOOD PROGRAM.
Provides $13 million to the Commodity Supplemental Food Program, 20% of which may be used for administrative costs through September 30, 2021.

CHAPTER 3 – CHILD NUTRITION AND RELATED PROGRAMS

SEC. 721. ASSISTANCE FOR CHILDREN IN CHILD CARE
Ensures that millions of young children can access needed nutrition benefits by clarifying that states may issue P-EBT benefits to children under the age of 6 who live in households receiving Supplemental Nutrition Assistance Program (SNAP) benefits and residing in an area in which schools or child care facilities are closed or operating with reduced hours or attendance without the need to verify child care enrollment at the individual household level. Additionally, makes P-EBT implementation easier for states and clarifies simplifying assumptions that may be used.

SEC. 722. EMERGENCY COSTS FOR CHILD NUTRITION PROGRAMS DURING COVID-19 PANDEMIC
Provides emergency relief to help school meal and child and adult care food programs, which are in dire need of financial assistance, to continue serving children and families. Provides as much funding as necessary to carry out these payments.

SEC. 723. TASK FORCE ON SUPPLEMENTAL FOODS DELIVERY IN THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM
Requires the Department of Agriculture to establish a task force on food delivery models in the WIC program so that participants have access to curbside pickup and other safe food purchasing methods during the pandemic.

CHAPTER 4– OTHER MATTERS

SEC. 731. AGING AND DISABILITY SERVICES PROGRAMS
Provides $175 million in emergency funding for Older Americans Act nutrition programs, including $7 million for tribal nutrition programs.

SEC. 732. NUTRITION SERVICES UNDER OLDER AMERICANS ACT
Provides needed flexibility to area agencies on aging and state units on aging to ensure that older adults' nutritional needs can continue to be met safely during the pandemic.

Subtitle B - Agriculture

CHAPTER 1 – AGRICULTURAL PROGRAMS

SEC. 751. OFFICE OF THE SECRETARY.
Provides $11.1875 billion to the Office of the Secretary, to remain available until expended, to prevent, prepare for, and respond to coronavirus by providing support to agricultural producers, growers, and processors. From this amount, the Secretary:

- Shall make supplemental Coronavirus Food Assistance Program (CFAP) payments for the 2020 crop year to producers of price trigger crops who meet a defined market trigger;

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- Shall make CFAP supplemental payments for the 2020 crop year to producers of flat-rate crops who meet a defined market trigger;
- Shall take crop insurance indemnities, noninsured crop disaster assistance payments, and Wildfire and Hurricanes Indemnity Program Plus payments into consideration when determining the amount of eligible sales and may allow producers to select 2018 or 2019 sales;
- Shall make payments to livestock and poultry growers for losses suffered due to depopulation because of insufficient processing access due to COVID-19 market impacts;
- Shall make supplemental CFAP payments to cattle producers;
- Shall use no more than $1 billion to make payments to livestock and poultry contract growers who had revenue losses due to contract changes because of COVID-19;
- Shall use no less than $20 million to improve and maintain animal disease prevention and response capacity;
- Shall make payments to domestic users of upland cotton and extra-long staple cotton;
- Shall make additional payments to supplement the CFAP payment to more closely align with the calculated gross payment or revenue loss;
- May provide support to processors for crop losses due to insufficient processing access;
- May extend the term of a marketing assistance loan;
- Shall use no less than $1.5 billion to purchase food and agricultural products, including seafood;
- The same fund is also available to make loans and grants to small and midsized food processors or distributors, seafood processing facilities and vessels, farmers markets, and producers to respond to COVID-19, including measures to protect workers;
- Is to conduct a preliminary review of the COVID-19 impacts on and needs of agricultural producers and food processors and actions needed to improve COVID-19 food purchasing;
- May use no more than $200 million to support timber harvesting and timber hauling businesses impacted by COVID-19;
- May take into account price differentiation factors for each commodity when making payments under this section, such as specialized varieties, local markets, and certified organic;
- May make payments to producers of advanced biofuel, biomass-based diesel, cellulosic biofuel, conventional biofuel, or renewable fuels with market losses due to COVID-19; and,
- May make recourse loans available to dairy product processors, packagers, or merchandisers.

SEC. 752. SPECIALTY CROP BLOCK GRANTS.
The bill provides $100 million in additional funding to support specialty crop farmers and address COVID-19 specialty crop supply chain issues at the state level via the farm bill's Specialty Crop Block Grant Program.

SEC. 753. LOCAL AGRICULTURE MARKET PROGRAM.
The bill provides $100 million in additional funding to support local farmers, farmers markets, and value-added production for farmers and outlets who are impacted by COVID-19 market disruptions through the farm bill's Local Agriculture Market Program. The Secretary may reduce matching requirements for these additional funds.

SEC. 754. FARMING OPPORTUNITIES TRAINING AND OUTREACH PROGRAM.
The bill provides $75 million to the farm bill's Farming Opportunities Training and Outreach Program to support groups providing beginning, socially disadvantaged, and veteran farmers and ranchers with financial and marketing advice and technical assistance in this difficult market, including help in accessing Federal and State assistance programs . The Secretary may reduce matching requirements for these additional funds.

SEC. 755. GUS SCHUMACHER NUTRITION INCENTIVE PROGRAM.

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The bill provides $75 million for the Gus Schumacher Nutrition Incentive Program. The Secretary may reduce matching requirements for these additional funds.

SEC. 756. RESEARCH.
The bill provides $20 million annually to the Agricultural Research Service to address gaps in nutrition research by studying the connection between agriculture production and human nutrition and health.

CHAPTER 2 —SUPPORT FOR DAIRY, LIVESTOCK, AND FARM STRESS

SEC. 760. Definitions.

SEC. 761. SUPPLEMENTAL DAIRY MARGIN COVERAGE PAYMENTS.
The bill provides necessary cash flow assistance to small- and mid-sized dairies that have grown over the last seven years by establishing supplemental margin coverage based on the difference between 2019 actual production and Dairy Margin Coverage production history.

SEC. 762. DAIRY DONATION PROGRAM.
The bill provides $400 million to pay for milk to be processed into dairy products and donated to non-profit entities (food banks, feeding programs, etc.). Under the framework of the program, the dairy processor and non-profit develop a plan for donation and distribution and USDA reimburses the processor for the associated cost of milk. The bill allows USDA to adjust the existing Milk Donation Program payments to match the level of payment provided by this new program.

SEC. 763. ESTABLISHMENT OF TRUST FOR BENEFIT OF UNPAID CASH SELLERS OF LIVESTOCK.
The bill establishes a Federal livestock dealer trust to ensure that livestock producers are paid for their animals.

SEC. 764. GRANTS FOR IMPROVEMENTS TO MEAT AND POULTRY FACILITIES TO ALLOW FOR INTERSTATE SHIPMENT.
The bill provides $60 million to make facility upgrade and planning grants to existing meat and poultry processors to help them move to Federal inspection and be able to sell their products across state lines. The bill also requires USDA to work with States and report on ways to improve the existing Cooperative Interstate Shipment program.

SEC. 765. MEAT AND POULTRY PROCESSING STUDY AND REPORT.
The bill requires a report on the availability of financing for new and existing meat and poultry processing capacity.

SEC. 766. SUPPORT FOR FARM STRESS PROGRAMS.
The bill provides $28 million to be distributed as block grants to state departments of agriculture for use to support existing farm stress programs.

Title VIII – United States Postal Service
Prepared by the Democratic Staff of the House Committee on Oversight and Reform

SEC. 801. Covid—19 Funding for the United States Postal Service.

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This section amends section 6001 of the CARES Act (P.L. 116-136) to provide that any money borrowed under that section does not have to be repaid. The CARES Act authorized the Postal Service to borrow up to $10 billion, subject to such terms and conditions agreed to by the Postal Service and the Department of the Treasury.

SEC. 802. Temporary Acceptance of Certain Low-Risk Postal Shipments.
This section delays implementation of the STOP Act (sec. 1415 of title 19 U.S.C.) if the Postmaster General or the Commissioner of Customs and Border Patrol determine that an international mail shipment presents a low risk of violating any statutes or regulations of the United States.

Title IX – Broadband Internet Access Service

Prepared by the Democratic Staff of the House Committee Energy and Commerce

Section 901. Amendments to the Secure and Trusted Communications Network Reimbursement Program.
Section 901 expands eligibility for the Secure and Trusted Reimbursement Program at the Federal Communications Commission (FCC) that compensates providers for the cost of removing and replacing certain unsecure equipment from their networks, which will help protect our nation's communications networks from foreign adversaries. It also ensures that smaller providers and public or private educational institutions are prioritized for such reimbursements.

Section 902. Connecting Minority Communities.
Section 902 establishes an Office of Minority Broadband Initiatives at the National Telecommunications and Information Administration (NTIA) to focus on broadband access and adoption at Historically Black colleges or universities, Tribal colleges and universities, and other Minority-serving institutions, including the students, faculty, and staff of such institutions and their surrounding communities. It also appropriates $285 million for a Pilot Program to award grants to these institutions and certain businesses and non-profit organizations in the community to support connectivity, and specifies that at least 20 percent of such funds should be used to ensure that students of such institutions have internet service and devices.

Section 903. FCC COVID-19 Telehealth program.
Section 903 appropriates an additional $250 million to the FCC for its COVID-19 Telehealth Program authorized under the CARES Act. It also puts in place new transparency obligations for the program surrounding the FCC's review of applications, and directs the Commission to ensure, to the extent feasible, that all states benefit from the program.

Section 904. Benefit for Broadband Service During Emergency Period Relating to COVID-19.
Section 904 establishes the Emergency Broadband Benefit Program at the FCC, under which eligible households may receive a discount of up to $50, or up to $75 on Tribal lands, off the cost of internet service and a subsidy for low-cost devices such as computers and tablets. Internet service providers that provide the discounted service or devices to customers can receive a reimbursement from the FCC for such costs. Households that qualify for the benefit include those with: children that qualify for the free and reduced lunch program, Pell grant recipients, recently laid off or furloughed workers, an individual who qualifies for the Lifeline program, or an individual who qualifies for a low-income or COVID-19 discount program offered by internet service providers. $3.2 billion is appropriated for the Program.

Section 905. Grants for Broadband Connectivity.
Section 905 establishes two grant programs at the NTIA. The first is a grant program to support broadband connectivity on tribal lands throughout the country. The grants would be directed to tribal governments to be used not only for broadband deployment on tribal lands, but also telehealth, distance learning, broadband

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affordability, and digital inclusion. $1 billion is appropriated for this program. The second is a $300 million broadband deployment program to support broadband infrastructure deployment to areas lacking broadband, especially rural areas. The grants would be issued to qualifying partnerships between state and local governments and fixed broadband providers. Priority for grants would be given to networks that would reach the most unserved consumers.

Section 906. Appropriations for Federal Communications Commission Activities.
This section appropriates $65 million to the FCC to create broadband data maps required under the Broadband DATA Act. It also appropriates $1.9 billion for the FCC's Secure and Trusted Reimbursement Program.

Title X – Miscellaneous

Sec. 1001. Coronavirus Relief Fund Extension.
Extends the date by which state and local governments much make expenditures with CARES Act Coronavirus Relief Fund awards from December 30, 2020 to December 31, 2021.

Sec. 1002. Contractor Pay.
Allows reimbursement to qualifying contractors for the costs of providing paid leave to employees during the pandemic.

Sec. 1003. Rescissions
This section rescinds the unobligated amounts appropriated in the CARES Act for direct loans by the Treasury and emergency lending by the Federal Reserve, and sets December 31, 2020 as the date for termination of the Federal Reserve's authority to make new loans, asset purchases, or modifications through the existing CARES Act facilities. As the CARES Act funds that were originally deposited in the Exchange Stabilization Fund (ESF) are rescinded, this section clarifies that ESF funds may not be used to establish Fed facilities that are the "same as" (i.e. identical to) current Fed facilities that received CARES Act funding support (except the Term Asset-Backed Securities Loan Facility, or TALF), while permitting substantially similar Fed facilities to be established with ESF funds in the future. This section also clarifies that the Federal Reserve fully retains the authority it had prior to the enactment of the CARES Act to establish programs and facilities under section 13(3) of the Federal Reserve Act, and that the Secretary of the Treasury fully retains its authority to use funds made available through the ESF to backstop such Fed facilities.

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Attorney General Moody Urges Congress to Protect Federal Judges and Families

TALLAHASSEE, Fla.—Attorney General Ashley Moody, a former judge, is asking the U.S. Congress to pass legislation to better protect federal judges. Joined by a bipartisan coalition of **XX** attorneys general, Attorney General Moody today sent a letter to members of ~~congress~~ Congress urging support of federal legislation aimed at protecting the safety of federal judges and immediate family members.

Addressed to leaders of both the U.S. House and Senate Judiciary Committees, the letter supports passage of the Daniel Anderl Judicial Security and Privacy Act or similar legislation. The bill would protect the confidentiality of personal identifying information of members of the federal judiciary in public records and limit the distribution of that information online and by data brokers.

The letter calls passage of such legislation an “urgent matter” in light of attacks and increasing threats against members of the federal judiciary, and notes that the legislation contains bipartisan support in both houses of Congress.

Attorney General Ashley Moody said, “As a former judge, and the daughter of a sitting federal judge, I know firsthand the risks and sacrifice judges make to uphold their oaths and enforce the rule of law. It is infuriating and heartbreaking that these public servants and their families are being targeted by criminals in pursuit of revenge, all because they carried out their duties ~~they promised to fulfill to make our communities safer~~to uphold the law.

~~“We must do everything we can to protect our nation’s judges and their families, and that is why I sent a letter to congress urging the passage of the Daniel Anderl Security and Privacy Act. These judges serve our citizens everyday by holding court to distribute justice, it’s time we stand up to protect them, as they risk their safety putting dangerous criminals behind bars.~~”

The DAJSP Act is named for 20-year-old Daniel Anderl, the late son of Judge Esther Salas of the U.S. District Court for the District of New Jersey.

Daniel was killed on July 19, when an attorney who appeared in a case before Judge

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Salas—a man described in today's letter as deranged—appeared at her home and shot both Daniel and Judge Salas' husband. The judge's husband sustained critical injuries but survived the attack.

The joint letter to Congress recalls that four federal judges have been murdered since 1979, including District Judge John Wood, District Judge Richard Daronco, Circuit Judge Robert Vance and District Judge John Roll. In addition, two family members of District Judge Joan Lefkow were killed in a targeted attack at her home in 2005.

The letter notes that incidents, inappropriate communications and threats against federal judges and others protected by the U.S. Marshals Service have been steadily climbing in recent years—as evidenced by a spike in such incidents from 2,357 in 2016 to 4,449 in 2019.

Introduced in the Senate on Sept. 24, and in the House on Oct. 13, the DAJSP Act would, among other initiatives:

- Protect judges and their families by requiring federal agencies to maintain the confidentiality of judges' personally identifiable information upon request;

- Authorize funding for state and local governments to adopt similar measures;

- Prohibit data brokers from selling, licensing, trading, purchasing, or otherwise providing, or making available for consideration, judges' personally identifiable information; and

- Create an enforceable mechanism for judges and immediate family members to secure removal of their personally identifiable information from the internet.

In light of the tragic death of Daniel Anderl and the escalating danger to federal judges and family members, the attorneys general express full support for the legislation named in Daniel's memory and notes that the Judicial Conference of the United States and the American Bar Association, among others, support such legislation.

The letter concludes by noting that, while New Jersey and other states have enacted similar judicial protection laws on a state level, only federal legislation has the ability to protect federal judges and immediate family members wherever they reside and ensure uniform enforcement nationwide.

To read the letter, click **here**.

Attorney General Moody is joined in supporting the legislation by a bipartisan coalition of attorneys general from **XXX**

# # #

DRAFT TWEET:

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As a former judge and the daughter of a federal judge, I am urging Congress to do more to protect members of the federal judiciary and their families.

Today I send a letter urging ~~congress~~ Congress to pass the Daniel Anderl Security and Privacy Act.

[LINK]
[GRAPHIC]

AMERICAN OVERSIGHT

ATTORNEY GENERAL
LEX
STATE OF FLORIDA

No. 22O155, Original

In the Supreme Court of the United States

STATE OF TEXAS,

Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA, STATE OF GEORGIA, STATE OF MICHIGAN, AND STATE OF WISCONSIN,

Defendants.

On Motion for Leave to File Bill of Complaint

BRIEF OF STATE OF MISSOURI AND 16 OTHER STATES AS *AMICI CURIAE* IN SUPPORT OF PLAINTIFF'S MOTION FOR LEAVE TO FILE BILL OF COMPLAINT

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STATEMENT OF INTEREST OF *AMICI*

"In the context of a Presidential election," state actions "implicate a uniquely important national interest," because "the impact of the votes cast in each State is affected by the votes cast for the various candidates in other States." *Anderson* v. *Celebrezze*, 460 U.S. 780, 794–95 (1983). "For the President and the Vice President of the United States are the only elected officials who represent all the voters in the Nation." *Id.*

Amici curiae are the States of Missouri, Alabama, Arkansas, Florida, Indiana, Kansas, Louisiana, Mississippi, Montana, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, and West Virginia.[1] *Amici* have several important interests in this case. *First*, the States have a strong interest in safeguarding the separation of powers among state actors in the regulation of Presidential elections. The Electors Clause of Article II, § 1 carefully separates power among state actors, and it assigns a specific function to the "Legislature thereof" in each State. U.S. CONST. art. II, § 1, cl. 4. Our system of federalism relies on separation of powers to preserve liberty at every level of government, and the separation of powers in the Electors Clause is no exception. The States have a strong interest in preserving the proper roles of state legislatures in the administration of federal elections, and thus safeguarding the individual liberty of their citizens.

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[1] This brief is filed under Supreme Court Rule 37.4, and all counsel of record received timely notice of the intent to file this amicus brief under Rule 37.2.

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Second, *amici* States have a strong interest in ensuring that the votes of their own citizens are not diluted by the unconstitutional administration of elections in other States. When non-legislative actors in other States encroach on the authority of the "Legislature thereof" in that State to administer a Presidential election, they threaten the liberty, not just of their own citizens, but of every citizen of the United States who casts a lawful ballot in that election—including the citizens of *amici* States.

Third, for similar reasons, *amici* States have a strong interest in safeguarding against fraud in voting by mail during Presidential elections. "Every voter" in a federal election, "has a right under the Constitution to have his vote fairly counted, without its being distorted by fraudulently cast votes." *Anderson* v. *United States*, 417 U.S. 211, 227 (1974). Plaintiff's Bill of Complaint alleges that non-legislative actors in the Defendant States stripped away important safeguards against fraud in voting by mail that had been enacted by the Legislature in each State. *Amici* States share a vital interest in protecting the integrity of the truly national election for President and Vice President of the United States.

SUMMARY OF ARGUMENT

The Bill of Complaint raises constitutional questions of great public importance that warrant this Court's review. First, like every similar provision in the Constitution, the separation-of-powers provision of the Electors Clause provides an important structural check on government designed to protect individual liberty. By allocating authority over

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Presidential electors to the "Legislature thereof" in each State, the Clause separates powers both vertically and horizontally, and it confers authority on the branch of state government most responsive to the democratic will. Encroachments on the authority of state Legislatures by other state actors violate the separation of powers and threaten individual liberty.

The unconstitutional encroachments on the authority of state Legislatures in this case raise particularly grave concerns. For decades, responsible observers have cautioned about the risks of fraud and abuse in voting by mail, and they have urged the adoption of statutory safeguards to prevent such fraud and abuse. In the numerous cases identified in the Bill of Complaint, non-legislative actors in each Defendant State repeatedly stripped away the statutory safeguards that the "Legislature thereof" had enacted to protect against fraud in voting by mail. These changes removed protections that responsible actors had recommended for decades to guard against fraud and abuse in voting by mail. The allegations in the Bill of Complaint raise important questions about election integrity and public confidence in the administration of Presidential elections. This Court should grant Plaintiff leave to file the Bill of Complaint.

ARGUMENT

The Electors Clause provides that each State "shall appoint" its Presidential electors "in such Manner as the *Legislature thereof* may direct." U.S. CONST. art. II, § 1, cl. 4 (emphasis added). Moreover, "[o]ur constitutional system of representative government only works when the worth of honest

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ballots is not diluted by invalid ballots procured by corruption." U.S. Dep't of Justice, *Federal Prosecution of Election Offenses*, at 1 (8th ed. Dec. 2017). "When the election process is corrupted, democracy is jeopardized." *Id.* The proposed Bill of Complaint raises serious concerns about both the constitutionality and ballot security of election procedures in the Defendant States. Given the importance of public confidence in American elections, these allegations raise questions of great public importance that warrant this Court's expedited review.

I. The Separation-of-Powers Provision of the Electors Clause Is a Structural Check on Government That Safeguards Liberty.

Article II requires that each State "shall appoint" its Presidential electors "in such Manner as the *Legislature thereof* may direct." U.S. CONST. art. II, § 1, cl. 4 (emphasis added); *see also id.* art. I, § 4, cl. 2 (providing that, in each State, the "Legislature thereof" shall establish "[t]he Times, Places and Manner of holding Elections for Senators and Representatives").

Thus, "in the case of a law enacted by a state legislature applicable not only to elections to state offices, but also to the selection of Presidential electors, the legislature is not acting solely under the authority given it by the people of the State, but by virtue of a direct grant of authority made under Art. II, § 1, cl. 2, of the United States Constitution." *Bush* v. *Palm Beach Cty. Canvassing Bd.*, 531 U.S. 70, 76 (2000). "[T]he state legislature's power to select the

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manner for appointing electors is plenary." *Bush* v. *Gore*, 531 U.S. 98, 104 (2000).

Here, as set forth in the Bill of Complaint, non-legislative actors in each Defendant State have purported to "alter[] an important statutory provision enacted by the [State's] Legislature pursuant to its authority under the Constitution of the United States to make rules governing the conduct of elections for federal office." *Republican Party of Pennsylvania* v. *Boockvar*, No. 20-542, 2020 WL 6304626, at *1 (U.S. Oct. 28, 2020) (Statement of Alito, J.). *See* Bill of Complaint, ¶¶ 41-127. In doing so, these non-legislative actors may have encroached upon the "plenary" authority of those States' respective legislatures over the conduct of the Presidential election in each State. *Bush* v. *Gore*, 531 U.S. at 104. This encroachment on the authority of each State's Legislature violated the separation of powers set forth in the Electors Clause. "[I]n the context of a Presidential election, state-imposed restrictions implicate a uniquely important national interest. For the President and the Vice President of the United States are the only elected officials who represent all the voters in the Nation." *Anderson*, 460 U.S. at 794–795.

In every other context, this Court recognizes that the Constitution's separation-of-powers provisions are designed to preserve liberty. "It is the proud boast of our democracy that we have 'a government of laws, and not of men.'" *Morrison* v. *Olson*, 487 U.S. 654, 697 (1988) (Scalia, J., dissenting). "The Framers of the Federal Constitution . . . viewed the principle of separation of powers as the absolutely central guarantee of a just Government." *Id.* "Without a

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secure structure of separated powers, our Bill of Rights would be worthless, as are the bills of rights of many nations of the world that have adopted, or even improved upon, the mere words of ours." *Id.* "The purpose of the separation and equilibration of powers in general . . . was not merely to assure effective government but to preserve individual freedom." *Id.* at 727.

This principle of preserving liberty applies both to the horizontal separation of powers among the branches of government, and the vertical separation of powers between the federal government and the States. "The federal system rests on what might at first seem a counterintuitive insight, that 'freedom is enhanced by the creation of two governments, not one.'" *Bond* v. *United States*, 564 U.S. 211, 220–21 (2011) (quoting *Alden* v. *Maine*, 527 U.S. 706, 758 (1999)). "[F]ederalism secures to citizens the liberties that derive from the diffusion of sovereign power." *Bond*, 564 U.S. at 221 (2011) (quoting *New York* v. *United States*, 505 U.S. 144, 181 (1992)). "Federalism also protects the liberty of all persons within a State by ensuring that laws enacted in excess of delegated governmental power cannot direct or control their actions." *Id.* Moreover, "federalism enhances the opportunity of all citizens to participate in representative government." *FERC* v. *Mississippi*, 456 U.S. 742, 789 (1982) (O'Connor, J., concurring in part and dissenting in part). "Just as the separation and independence of the coordinate branches of the Federal Government serve to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny

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and abuse from either front." *Gregory* v. *Ashcroft*, 501 U.S. 452, 458 (1991).

The explicit grant of authority to state *Legislatures* in the Electors Clause effects both a horizontal and a vertical separation of powers. The Clause allocates to each State—not to federal actors—the authority to dictate the manner of selecting Presidential Electors. And within each State, it explicitly allocates that authority to a single branch of state government: to the "Legislature thereof." U.S. CONST. art. II, § 1, cl. 4.

It is no accident that the Constitution allocates such authority to state Legislatures, rather than executive officers such as Secretaries of State, or judicial officers such as state Supreme Courts. The Constitutional Convention's delegates frequently recognized that the Legislature is the branch most responsive to the People and most democratically accountable. *See, e.g.,* Robert G. Natelson, *The Original Scope of the Congressional Power to Regulate Elections*, 13 U. PA. J. CONST. L. 1, 31 (2010) (collecting ratification documents expressing that state legislatures were most likely to be in sympathy with the interests of the people); Federal Farmer, No. 12 (1788), *reprinted in* 2 THE FOUNDERS' CONSTITUTION (Philip B. Kurland & Ralph Lerner eds., 1987) (arguing that electoral regulations "ought to be left to the state legislatures, they coming far nearest to the people themselves"); THE FEDERALIST NO. 57, at 350 (C. Rossiter, ed. 2003) (Madison, J.) (stating that the "House of Representatives is so constituted as to support in its members an habitual recollection of their dependence on the people"); *id.* (stating that the "vigilant and manly spirit that actuates the people of

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America" is greatest restraint on the House of Representatives).

Democratic accountability in the method of selecting the President of the United States is a powerful bulwark safeguarding individual liberty. By identifying the "Legislature thereof" in each State as the regulator of elections for federal officers, the Electors Clause of Article II, § 1 prohibits the very arrogation of power over Presidential elections by non-legislative officials that the Defendant States perpetrated in this case. By violating the Constitution's separation of powers, these non-legislative actors undermined the liberty of all Americans, including the voters in *amici* States.

II. Stripping Away Safeguards From Voting by Mail Exacerbates the Risks of Fraud.

By stripping away critical safeguards against ballot fraud in voting by mail, non-legislative actors in the Defendant States inflicted another grave injury on the conduct of the recent election: They enhanced the risks of fraudulent voting by mail without authority. An impressive body of public evidence demonstrates that voting by mail presents unique opportunities for fraud and abuse, and that statutory safeguards are critical to reduce such risks of fraud.

For decades prior to 2020, responsible observers emphasized the risks of fraud in voting by mail, and the importance of imposing safeguards on the process of voting by mail to allay such risks. For example, in *Crawford* v. *Marion County Election Board*, this Court held that fraudulent voting "perpetrated using absentee ballots" demonstrates "that not only is the risk of voter fraud real but that *it could affect the*

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outcome of a close election." *Crawford* v. *Marion County Election Bd.*, 553 U.S. 181, 195-96 (2008) (opinion of Stevens, J.) (emphasis added).

As noted by Plaintiff, the Carter-Baker Commission on Federal Election Reform emphasized the same concern. The bipartisan Commission—co-chaired by former President Jimmy Carter and former Secretary of State James A. Baker—determined that "[a]bsentee ballots remain the largest source of potential voter fraud." BUILDING CONFIDENCE IN U.S. ELECTIONS: REPORT OF THE COMMISSION ON FEDERAL ELECTION REFORM, at 46 (Sept. 2005) ("Carter-Baker Report").[2] According to the Carter-Baker Commission, "[a]bsentee balloting is vulnerable to abuse in several ways." *Id.* "Blank ballots mailed to the wrong address or to large residential buildings might be intercepted." *Id.* "Citizens who vote at home, at nursing homes, at the workplace, or in church are more susceptible to pressure, overt and subtle, or to intimidation." *Id.* "Vote buying schemes are far more difficult to detect when citizens vote by mail." *Id.*

Thus, the Commission noted that "absentee balloting in other states has been a major source of fraud." *Id.* at 35. It emphasized that voting by mail "increases the risk of fraud." *Id.* And the Commission recommended that "States … need to do more to prevent … absentee ballot fraud." *Id.* at v.

The Commission specifically recommended that States should implement and reinforce safeguards to prevent fraud in voting by mail. The Commission recommended that "States should make sure that

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[2] *Available at* https://www.legislationline.org/download/id/1472/file/-3b50795b2d0374cbef5c29766256.pdf.

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absentee ballots received by election officials before Election Day are kept secure until they are opened and counted." *Id.* at 46. It also recommended that States "prohibit[] 'third-party' organizations, candidates, and political party activists from handling absentee ballots." *Id.* And the Commission highlighted that a particular state "appear[ed] to have avoided significant fraud in its vote-by-mail elections by introducing *safeguards to protect ballot integrity, including signature verification*." *Id.* at 35 (emphasis added). The Commission concluded that "[v]ote by mail is … likely to increase the risks of fraud and contested elections … where the safeguards for ballot integrity are weaker." *Id.*

The most recent edition of the U.S. Department of Justice's Manual on *Federal Prosecution of Election Offenses*, published by its Public Integrity Section, highlights the very same concerns about fraud in voting by mail. U.S. Dep't of Justice, *Federal Prosecution of Election Offenses* (8th ed. Dec. 2017), at 28-29 ("DOJ Manual").[3] The Manual states: "Absentee ballots are particularly susceptible to fraudulent abuse because, by definition, they are marked and cast outside the presence of election officials and the structured environment of a polling place." *Id.* The Manual reports that "the more common ways" that election-fraud "crimes are committed include … [o]btaining and marking absentee ballots without the active input of the voters involved." *Id.* at 28. And the Manual notes that "[a]bsentee ballot

[3] *Available at* https://www.justice.gov/criminal/file/1029066/download.

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frauds" committed both with and without the voter's participation are "common." *Id.* at 29.

Similarly, the U.S. Government Accountability Office concluded that many crimes of election fraud likely go undetected. In 2014, discussing election fraud, the GAO reported that "crimes of fraud, in particular, are difficult to detect, as those involved are engaged in intentional deception." GAO-14-634, *Elections: Issues Related to State Voter Identification Laws* 62-63 (U.S. Gov't Accountability Office Sept. 2014).[4]

Despite the difficulties of detecting fraud schemes, recent experience contains many well-documented examples of absentee ballot fraud. For example, the News21 database, which was compiled to *refute* arguments that voter fraud is prevalent, identified 491 cases of absentee ballot over the 12-year period from 2000 to 2012—approximately 41 cases per year. *See* News21, *Election Fraud in America*.[5] This database reports that "Absentee Ballot Fraud" was "[t]he most prevalent fraud" in America, comprising "24 percent (491 cases)" of all cases reported in the public records surveyed. *Id.* Moreover, the database indicates that this number undercounts the total incidence of reported cases of absentee ballot fraud, because it was based on public-record requests to state and local government entities, many of which did not respond. *Id.*

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[4] *Available at* https://www.gao.gov/assets/670/665966.pdf.

[5] *Available at* https://votingrights.news21.com/interactive/election-fraud-database/&xid=17259,15700023,15700124,15700149,15700186,15700191,15700201,15700237,15700242

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Likewise, the Heritage Foundation's online database of election-fraud cases—which includes only a "sampling" of cases that resulted in an *adjudication* of fraud, such as a criminal conviction or civil penalty—identified 207 cases of proven "fraudulent use of absentee ballots" in the United States. The Heritage Foundation, *Election Fraud Cases*.[6] Again, this database undercounts the incidence of cases of election fraud: "The Heritage Foundation's Election Fraud Database presents a sampling of recent proven instances of election fraud from across the country. This database is not an exhaustive or comprehensive list." *Id.*

The public record abounds with recent examples of such fraudulent absentee-ballot schemes. For example, in November 2019, the mayor of Berkeley, Missouri was indicted on five felony counts of absentee ballot fraud for changing votes on absentee ballots to help him and his political allies to get elected. Brian Heffernan, *Berkeley Mayor Hoskins Charged with 5 Felony Counts of Election Fraud*, ST. LOUIS PUBLIC RADIO (Nov. 21, 2019).[7] Mayor Hoskins' scheme included "going to the home of elderly … residents" to harvest absentee ballots, "filling out absentee ballot applications for voters and having his campaign workers do the same," and "altering absentee ballots" after he had procured them from voters. *Id.* Again, in 2016, a state House race in Missouri was overturned amid allegations of

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[6] *Available at* https://www.heritage.org/voterfraud/search?combine=&state=All&year=&case_type=All&fraud_type=24489&page=12.

[7] *Available at* https://news.stlpublicradio.org/post/berkeley-mayor-hoskins-charged-5-felony-counts-election-fraud#stream/0

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widespread absentee-ballot fraud that had occurred across multiple election cycles in the same community. Sarah Fenske, *FBI, Secretary of State Asking Questions About St. Louis Statehouse Race*, RIVERFRONT TIMES (Aug. 16, 2016).[8] One candidate stated that it was widely known in the community that the incumbent ran an "absentee game" that resulted in the absentee vote tipping the outcome in her favor in multiple close elections. *Id.*

Other States have similar experiences. In 2018, a federal Congressional race was overturned in North Carolina, and eight political operatives were indicted for fraud, in an absentee-ballot scheme that sufficed to change the outcome of the election. Richard Gonzales, *North Carolina GOP Operative Faces New Felony Charges That Allege Ballot Fraud*, NPR.ORG, (July 30, 2019).[9] The indicted operatives "had improperly collected and possibly tampered with ballots," and were charged with "improperly mailing in absentee ballots for someone who had not mailed it themselves." *Id.*

In the North Carolina case, the lead investigator testified that the investigation was "a continuous case" over two election cycles, and that the scheme involved collecting absentee ballots from voters, altering the absentee ballots, and forging witness signatures on the ballots. *See In re: Investigation of Irregularities Affecting Counties Within the 9th*

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[8] *Available at* https://www.riverfronttimes.com/newsblog/2016/08/16/fbi-secretary-of-state-asking-questions-about-st-louis-statehouse-race.

[9] *Available at* https://www.npr.org/2019/07/30/746800630/north-carolina-gop-operative-faces-new-felony-charges-that-allege-ballot-fraud.

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Congressional District, North Carolina Board of Elections, Evidentiary Hearing, at 2-3.[10] The investigators described it as a "coordinated, unlawful, and substantially resourced absentee ballots scheme." *Id.* at 2. According to the investigators' trial presentation, the investigation involved 142 voter interviews, 30 subject and witness interviews, and subpoenas of documents, financial records, and phone records. *Id.* at 3. The perpetrators collected absentee ballots and falsified ballot witness certifications outside the presence of the voters. *Id.* at 10, 13. The congressional election at issue was decided by margin of less than 1,000 votes. *Id.* at 4. The scheme involved the submission of well over 1,000 fraudulent absentee ballots and request forms. *Id.* at 11. The perpetrators took extensive steps to conceal the fraudulent scheme, which lasted over multiple election cycles before it was detected. *Id.* at 14.

Similarly, in 2016, a politician in the Bronx was indicted and pled guilty to 242 counts of election fraud based on an absentee ballot fraud scheme. Ben Kochman, *Bronx politician pleads guilty in absentee ballot scheme for Assembly election,* NEW YORK DAILY NEWS (Nov. 22, 2016).[11] Despite pleading guilty to 242 felonies involving absentee ballot fraud in an election that was decided by two votes, the defendant received no jail time and vowed to run for office again after a short disqualification period. *Id.*

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[10] *Available at* https://images.radio.com/wbt/Voter%20ID_%20Website.pdf.

[11] *Available at* http://www.nydailynews.com/new-york/nyc-crime/bronx-pol-pleads-guilty-absentee-ballot-scheme-article-1.2884009.

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The increases in mail-in voting due to the COVID-19 pandemic likewise increased opportunities for fraud. For instance, in May 2020, the leader of the New Jersey NAACP called for an election in Paterson, New Jersey to be overturned due to widespread mail-in ballot fraud. *See* Jonathan Dienst et al., *NJ NAACP Leader Calls for Paterson Mail-In Vote to Be Canceled Amid Corruption Claims*, NBC NEW YORK (May 27, 2020).[12] "'Invalidate the election. Let's do it again,' [the NAACP leader] said amid reports more that 20 percent of all ballots were disqualified, some in connection with voter fraud allegations." *Id.*

Hundreds of other reported cases highlight the same concerns about the vulnerability of voting by mail to fraud and abuse. Recently, a Missouri court considered extensive expert testimony reviewing absentee-ballot fraud cases like these. *Findings of Fact, Conclusions of Law, and Final Judgment in Mo. State Conference of the NAACP* v. *State*, No. 20AC-CC00169-01 (Circuit Court of Cole County, Missouri Sept. 24, 2020), *aff'd*, 607 S.W.3d 728 (Mo. banc Oct. 9, 2020) ("*Mo. NAACP*"). The court held that cases of absentee-ballot fraud "have several common features that persist across multiple recent cases: (1) close elections; (2) perpetrators who are candidates, campaign workers, or political consultants, not ordinary voters; (3) common techniques of ballot harvesting; (4) common techniques of signature forging; (5) fraud that persisted across multiple elections before it was detected; (6) massive resources

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[12] *Available at* https://www.nbcnewyork.com/news/politics/nj-naacp-leader-calls-for-paterson-mail-in-vote-to-be-canceled-amid-fraud-claims/2435162/.

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required to investigate and prosecute the fraud; and (7) lenient criminal penalties." *Id.* at 17. Thus, the court concluded "that fraud in voting by mail is a recurrent problem, that it is hard to detect and prosecute, that there are strong incentives and weak penalties for doing so, and that it has the capacity to affect the outcome of close elections." *Id.* The court held that "the threat of mail-in ballot fraud is real." *Id.* at 2.

III. The Bill of Complaint Alleges that the Defendant States Unconstitutionally Abolished Critical Safeguards Against Fraud in Voting by Mail.

The Bill of Complaint alleges that non-legislative actors in each Defendant State unconstitutionally abolished or diluted statutory safeguards against fraud enacted by their state Legislatures, in violation of the Presidential Electors Clause. U.S. CONST. art. II, § 1, cl. 4. All the unconstitutional changes to election procedures identified in the Bill of Complaint have two common features: (1) They abrogated statutory safeguards against fraud that responsible observers have long recommended for voting by mail, and (2) they did so in a way that predictably conferred partisan advantage on one candidate in the Presidential election. Such allegations are serious, and they warrant this Court's review.

Abolishing signature verification. First, the proposed Bill of Complaint alleges that non-legislative actors in Pennsylvania, Michigan, and Georgia unilaterally abolished or weakened signature-verification requirements for mailed ballots. It alleges that Pennsylvania's Secretary of State

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abrogated Pennsylvania's statutory signature-verification requirement for mail-in ballots in a "friendly" settlement of a lawsuit brought by activists. Bill of Complaint, ¶¶ 44-46. It alleges that Michigan's Secretary of State permitted absentee ballot applications online, with no signature at all, in violation of Michigan statutes, *id.* ¶¶ 85-89; and that election officials in Wayne County, Michigan simply disregarded statutory signature verification requirements, *id.* ¶¶ 92-95. And it alleges that Georgia's Secretary of State unilaterally abrogated Georgia's statute authorizing county registrars to engage in signature verification for absentee ballots in another lawsuit settlement. *Id.* ¶¶ 66-72.

In addition to violating the Electors Clause, these actions, as alleged, contradict fundamental principles of ballot security. As noted above, the Carter-Baker Report highlighted the importance of "*signature verification*" as a critical "safeguard[] to protect ballot integrity" for ballots cast by mail. Carter-Baker Report, *supra*, at 35 (emphasis added). Without safeguards such as signature verification, the Report stated that "[v]ote by mail is … likely to increase the risks of fraud and contested elections … where the safeguards for ballot integrity are weaker." *Id.* The importance of signature verification is hard to overstate, because absentee-ballot fraud schemes commonly involve "common techniques of signature forging," typically by nefarious actors who are unfamiliar with the voter's signature. *Mo. NAACP*, *supra*, at 17. Verifying the voter's signature thus provides a fundamental safeguard against fraud.

Insecure ballot handling. The Bill of Complaint alleges that non-legislative actors changed

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or abolished statutory rules for the secure handling of absentee and mail-in ballots in Pennsylvania, Michigan, and Wisconsin. It alleges that election officials in Democratic areas of Pennsylvania violated state statutes by opening and reviewing mail-in ballots that were required to be kept locked and secure until Election Day. Bill of Complaint, ¶¶ 50-51. It alleges that Michigan's Secretary of State, acting in violation of state law, sent 7.7 million unsolicited absentee-ballot applications to Michigan voters, thus "flooding Michigan with millions of absentee ballot applications prior to the 2020 general election." *Id.* ¶¶ 80-84. And it alleges that the Wisconsin Election Commission violated state law by placing hundreds of unmonitored boxes for the submission of absentee and mail-in ballots around the State, concentrated in heavily Democratic areas. *Id.* ¶¶ 107-114.

In addition to violating the Electors Clause, these actions, as alleged, contradict commonsense ballot-security recommendations. The Department of Justice's Manual on *Federal Prosecution of Election Offenses* notes that vulnerability to mishandling is what makes absentee ballots "particularly susceptible to fraudulent abuse" because "they are marked and cast outside the presence of election officials and the structured environment of a polling place." DOJ Manual, at 28-29. According to the Manual, "[o]btaining and marking absentee ballots without the active input of the voters involved" is one of "the more common ways" that election fraud "crimes are committed." *Id.* at 28. For this reason, the Carter-Baker Commission made recommendations in favor of preventing such insecurity in the handling of ballots. For example, the Commission recommended that

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"States should make sure that absentee ballots received by election officials before Election Day are kept secure until they are opened and counted." *Id.* at 46. It also recommended that States "prohibit[] 'third-party' organizations, candidates, and political party activists from handling absentee ballots." *Id.*

Inconsistent Statewide Standards. The Bill of Complaint alleges that the Defendant States provided different standards and treatment for mail-in ballots submitted in different areas of each State, and that this differential treatment uniformly provided a partisan advantage to one side in the Presidential election. It alleges that election officials in Philadelphia and Allegheny County, Pennsylvania, applied different standards to voters in those Democratic strongholds than applied to other voters in Pennsylvania, in violation of state law. Bill of Complaint, ¶¶ 52-54. Similarly, it alleges that Milwaukee, Wisconsin violated state law by authorizing election officials to "correct" disqualifying omissions on ballot envelopes by entering information that the voter should have entered with a red pen, while no similar "correction" process was granted to other voters in that State. *Id.* ¶¶ 123-127. And it alleges that Wayne County, Michigan provided differential treatment of its voters, in violation of state statutes, by simply ignoring statutorily required signature-verification requirements. *Id.* ¶¶ 92-95.

Such differential treatment, as alleged under circumstances raising concerns of partisan bias, contradicts universal recommendations for integrity and public confidence in elections. As this Court stated in *Bush* v. *Gore*, "[t]he idea that one group can be granted greater voting strength than another is

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hostile to the one man, one vote basis of our representative government." 531 U.S. at 107 (quoting *Moore* v. *Ogilvie*, 394 US 814 (1969)). The Carter-Baker Report noted that "inconsistent or incorrect application of electoral procedures may have the effect of discouraging voter participation and may, on occasion, raise questions about bias in the way elections are conducted." Carter-Baker Report, at 49. "Such problems raise public suspicions or may provide grounds for the losing candidate to contest the result in a close election." *Id.*

Excluding Bipartisan Observers. The Bill of Complaint alleges that certain counties in Defendant States excluded bipartisan observers from the ballot-opening and ballot-counting processes. For example, it alleges that election officials in Philadelphia and Allegheny County, Pennsylvania, violated state law by excluding Republican observers from the opening, counting, and recording of absentee ballots in those counties. Bill of Complaint, ¶ 49. And it alleges that election officials in Wayne County, Michigan violated state statutes by systematically excluding poll watchers from the counting and recording of absentee ballots. *Id.* ¶¶ 90-91.

Such actions, as alleged, raise concerns about the integrity of the vote count in those counties. As the Carter-Baker Report emphasized, States should "provide observers with meaningful opportunities to monitor the conduct of the election." Carter-Baker Report, at 47. "To build confidence in the electoral process, it is important that elections be administered in a neutral and professional manner," without the appearance of partisan bias." *Id.* at 49. When observers of one political party are illegally and

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systematically excluded from observing the vote count, "the appearance of partisan bias" is inevitable. *Id.* For counties in Defendant States to exclude Republican observers weakens public confidence in the electoral process and raises grave concerns about the integrity of ballot counting in those counties.

Extending the Deadline to Receive Ballots. The Bill of Complaint alleges that a non-legislative actor in Pennsylvania—its Supreme Court—extended the statutory deadline to receive absentee and mail-in ballots without authorization from the "Legislature thereof," and that it directed that ballots with illegible postmarks or no postmarks at all would be deemed timely if received within the extended deadline. Bill of Complaint, ¶¶ 48, 55. Again, these non-legislative changes raise concerns about election integrity in Pennsylvania. They created a post-election window of time during which nefarious actors could wait and see whether the Presidential election would be close, and whether perpetrating fraud in Pennsylvania would be worthwhile. And they enhanced the opportunities for fraud by mandating that late ballots must be counted even when they are not postmarked or have no legible postmark, and thus there is no evidence they were mailed by Election Day.

These changes created needless vulnerability to actual fraud and undermined public confidence in the election. As the Department of Justice's Manual of *Federal Prosecution of Election Offenses* states, "the conditions most conducive to election fraud are close factional competition within an electoral jurisdiction for an elected position that matters." DOJ Manual, at 2-3. "[E]lection fraud is most likely to occur in electoral jurisdictions where there is close factional

AMERICAN OVERSIGHT

competition for an elected position that matters." *Id.* at 27. That statement exactly describes the conditions in each of the Defendant States in the recent Presidential election.

CONCLUSION

The allegations in the Bill of Complaint raise important constitutional issues under the Electors Clause of Article II, § 1. They also raise serious concerns relating to election integrity and public confidence in elections. These are questions of great public importance that warrant this Court's attention. The Court should grant the Plaintiff's Motion for Leave to File Bill of Complaint.

AMERICAN OVERSIGHT

December 9, 2020

Respectfully submitted,

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AMERICAN OVERSIGHT

No. 22O155

In the Supreme Court of the United States

STATE OF TEXAS,
Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA, STATE OF GEORGIA, STATE OF MICHIGAN, AND STATE OF WISCONSIN,
Defendants.

On Motion for Leave to File Bill of Complaint

CERTIFICATE OF COMPLIANCE

As required by Supreme Court Rule 33.1(h), I certify that the Brief of Missouri and 16 Other States as *Amici Curiae* in Support of Plaintiff's Motion for Leave to File Bill of Complaint in the above captioned case contains 5,166 words as determined by the word counting feature of Microsoft Word, excluding the parts of the brief that are exempted by Supreme Court Rule 33.1(d).

December 9, 2020

Respectfully submitted,

s/ D. John Sauer

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AMERICAN OVERSIGHT

No. 22O155

In the Supreme Court of the United States

STATE OF TEXAS,
Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA, STATE OF GEORGIA, STATE OF MICHIGAN, AND STATE OF WISCONSIN,
Defendants.

On Motion for Leave to File Bill of Complaint

CERTIFICATE OF SERVICE

In accordance with Rule 29.5(b) and the Court's April 15, 2020 Order, I certify that the required copies of the Brief of Missouri and 16 Other States as *Amici Curiae* in Support of Plaintiff's Motion for Leave to File a Bill of Complaint in the above captioned case have been sent to the U.S. Supreme Court by commercial overnight delivery, and electronic copies were served by electronic mail on the following parties listed below on December 9, 2020.

For the State of Pennsylvania:

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AMERICAN OVERSIGHT

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December 9, 2020

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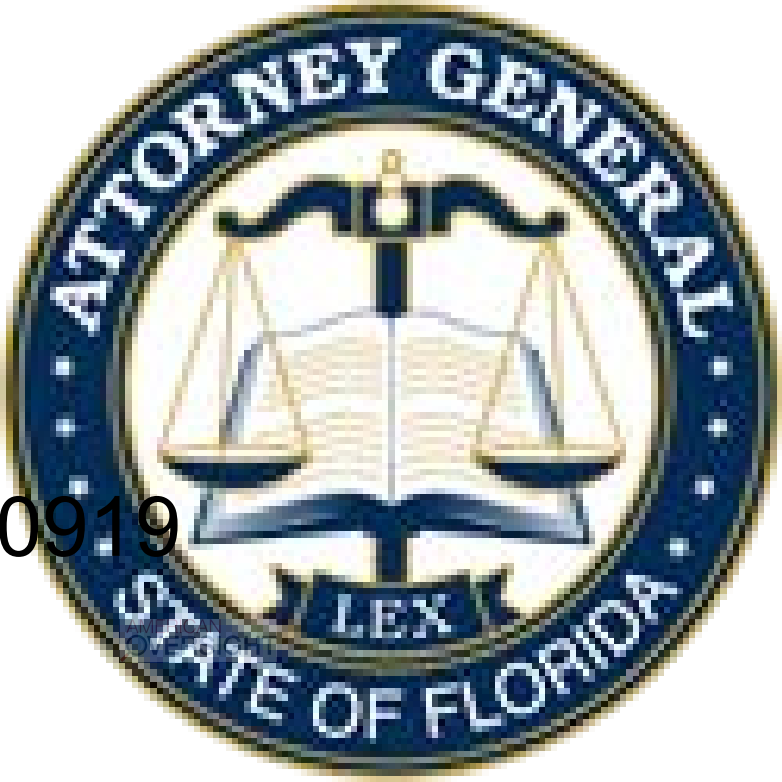
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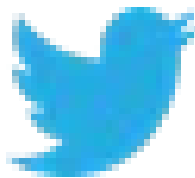

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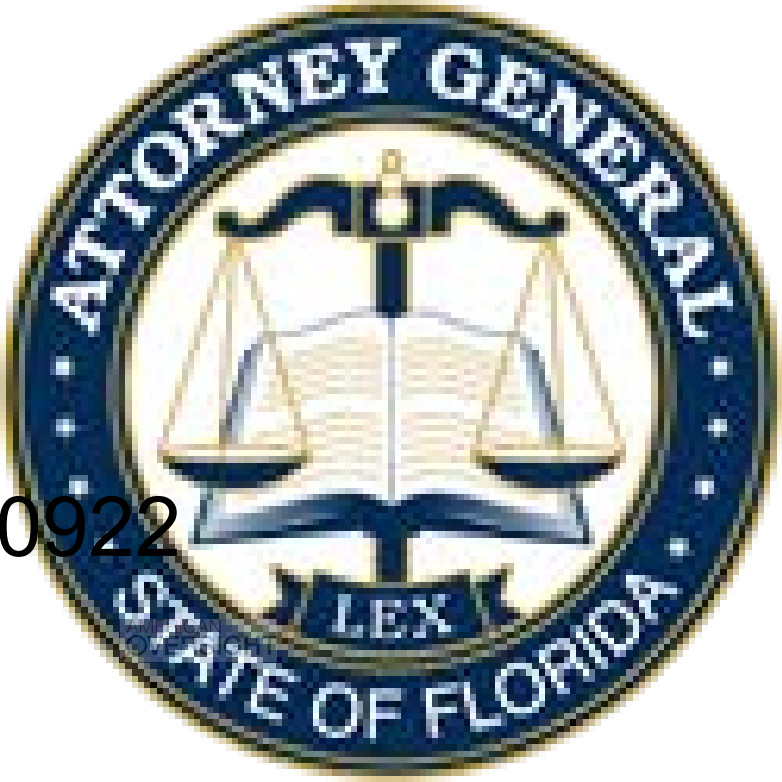

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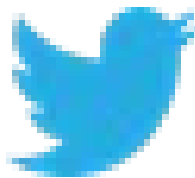

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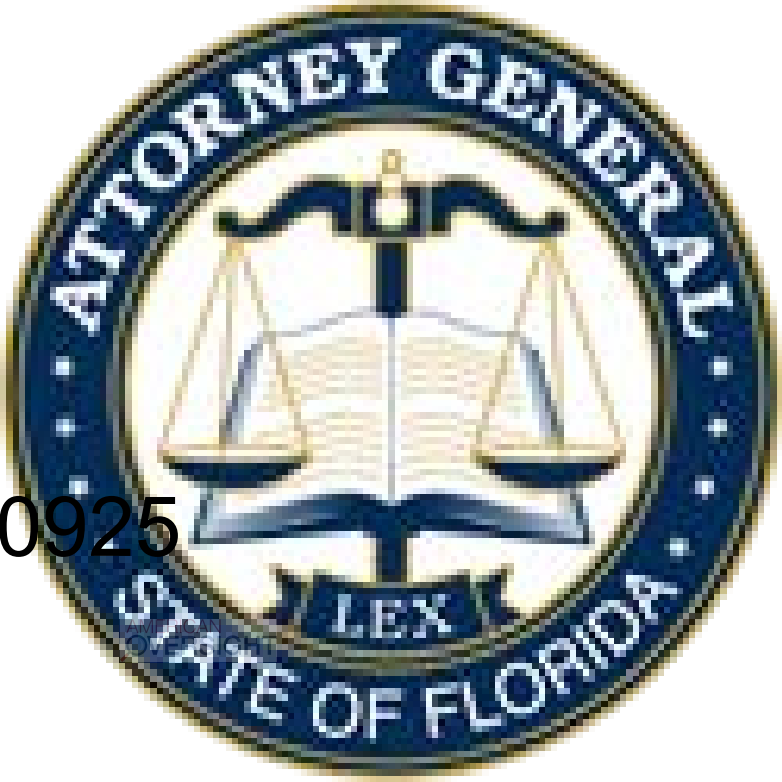

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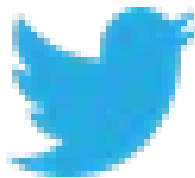

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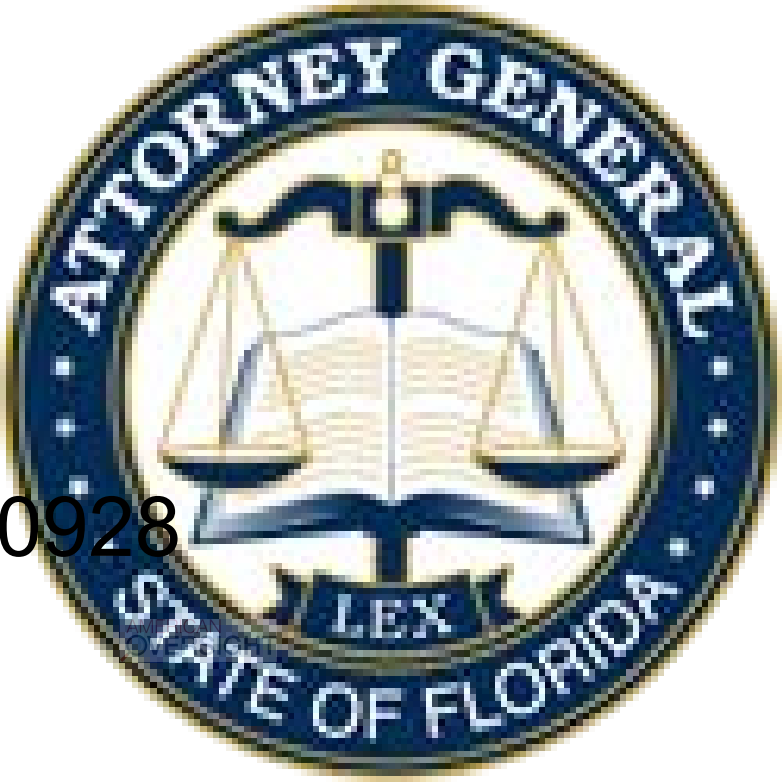

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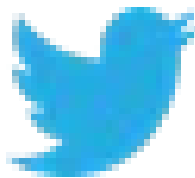

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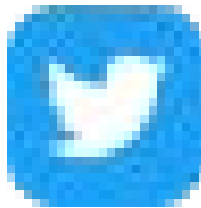

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RESPONSE FORM FOR SIGN-ON LETTER TO ACTING U.S. ATTORNEY GENERAL ROSEN REGARDING VIOLENCE AT US CAPITOL

DEADLINE FOR RESPONSE: 12PM ET ON TUESDAY, JANUARY 12TH

PLEASE RETURN FORM TO:
Ryan Greenstein
National Association of Attorneys General
rgreenstein@naag.org
or
(202) 521-4052 (fax)

o **YES, I authorize NAAG to affix my signature to the letter to Acting US Attorney General Rosen regarding violence at the US Capitol**
o **NO, I do not authorize NAAG to affix my signature** to the letter.

PLEASE PRINT OR TYPE LEGIBLY

_____ (name)

Attorney General of _____(state name)

Contact Name, Phone Number, Email and Fax Number

_____

_____

If you have any questions about the letter, please contact Adam Rice of Colorado at adam.rice@coag.gov or (720) 508-6564, Vikram Swaruup of the District of Columbia at vikram.swaruup@dc.gov or (202) 724-6533, Brian Kane in Idaho at brian.kane@ag.idaho.gov Josh Shasserre of Nebraska at Joshua.Shasserre@Nebraska.gov or (402) 890-8766.

If you have any questions about your state's response, please contact Ryan Greenstein at 202-326-6262 or rgreenstein@naag.org.

AMERICAN OVERSIGHT

January XX, 2021

The Honorable Jeffrey A. Rosen
Acting Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

Dear Acting Attorney General Rosen:

We, the undersigned state attorneys general, are committed to the protection of public safety, the rule of law, and the U.S. Constitution. We are appalled that on January 6, 2021, rioters invaded the U.S. Capitol, defaced the building, and engaged in a range of criminal conduct—including unlawful entry, theft, destruction of U.S. government property, and assault. Worst of all, the riot resulted in deaths of individuals, including a U.S. Capitol Police officer, and others were physically injured. Beyond these harms, the rioters' actions temporarily paused government business of the most sacred sort in our system—certifying the result of a presidential election.

We all just witnessed a very dark day in America. The events of January 6 represent a direct, physical challenge to the rule of law and our democratic republic itself. Together, we will continue to do our part to repair the damage done to institutions and build a more perfect union. As Americans, and those charged with enforcing the law, we must come together to condemn lawless violence, making clear that such actions will not be allowed to go unchecked.

Thank you for your consideration of and work on this crucial priority.

Sincerely

Phil Weiser
Colorado Attorney General

Karl A. Racine
District of Columbia Attorney General

Lawrence Wasden
Idaho Attorney General

Doug Peterson
Nebraska Attorney General

AMERICAN OVERSIGHT

cc: The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
Washington, DC 20510

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, DC 20515

The Honorable Chuck Schumer
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U.S. Senate
Washington, DC 20510

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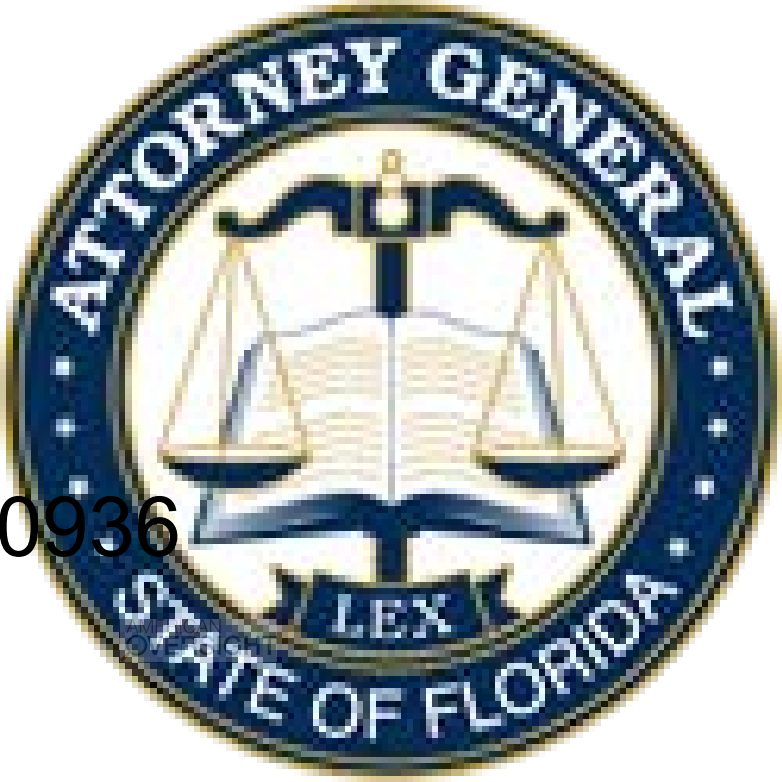

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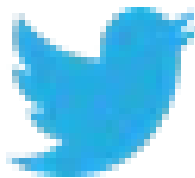

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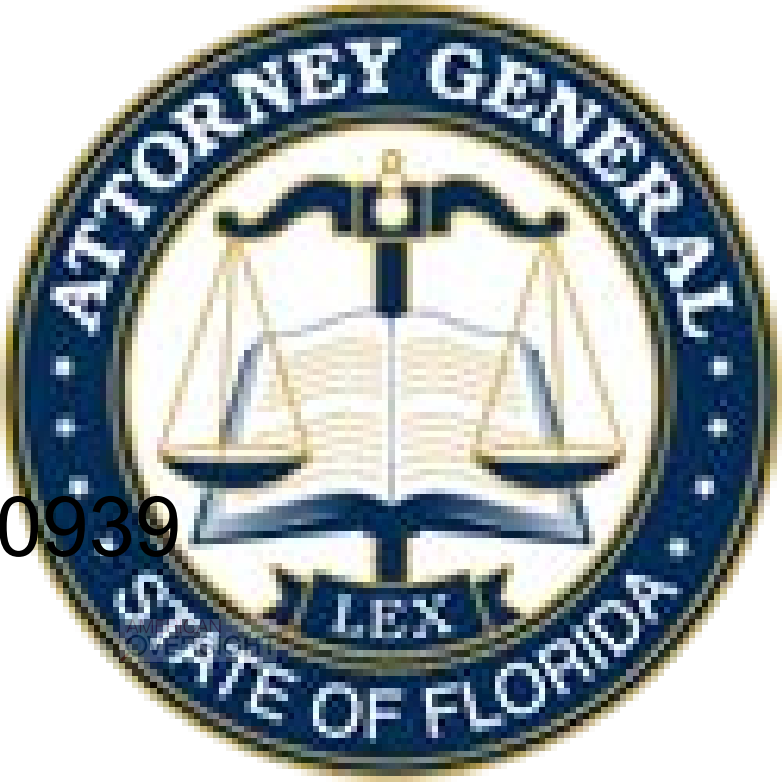
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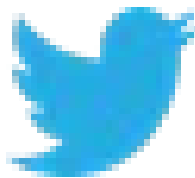

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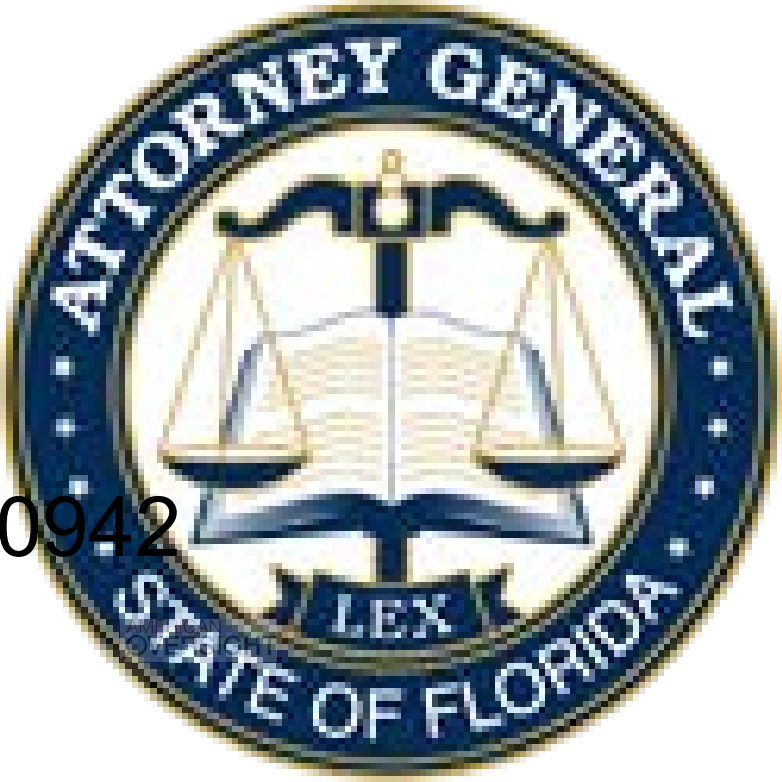

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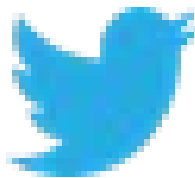

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ATTORNEY GENERAL
LEX
STATE OF FLORIDA

IN THE SECOND DISTRICT COURT OF APPEAL, LAKELAND, FLORIDA

December 2, 2020

JOSHUA RYAN TIMKE, Appellant, v. STATE OF FLORIDA, Appellee.	)	Case No. 2D19-1584

BY ORDER OF THE COURT:

Appellant's motion for rehearing is denied.

Appellant's motion for written opinion is granted. This court's opinion dated August 28, 2020, is withdrawn, and the attached opinion is issued in its place.

I HEREBY CERTIFY THE FOREGOING IS A
TRUE COPY OF THE ORIGINAL COURT ORDER.

MARY ELIZABETH KUENZEL
CLERK

AMERICAN OVERSIGHT

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JOSHUA RYAN TIMKE,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

Case No. 2D19-1584

Opinion filed December 2, 2020.

Appeal from the Circuit Court for Hillsborough County; Nick Nazaretian, Judge.

Howard L. Dimmig, II, Public Defender, and Susan M. Shanahan, Assistant Public Defender, Bartow, for Appellant.

Ashley Moody, Attorney General, Tallahassee, and William Stone, Jr., Assistant Attorney General, Tampa, for Appellee.

KHOUZAM, Chief Judge.

Joshua Ryan Timke timely appeals an order revoking his sex offender probation based on a curfew violation and sentencing him to 201 months in prison. After we initially issued a per curiam affirmance, Mr. Timke filed a motion for rehearing or, in the alternative, a written opinion. We deny the motion for rehearing but grant the motion for written opinion in order to explain the basis for our affirmance.

AMERICAN OVERSIGHT

FACTUAL BACKGROUND AND PROCEEDINGS BELOW

At the revocation hearing, Mr. Timke's probation officer testified that he received an alert that Mr. Timke's ankle monitor had detected that he was out past his 10:00 p.m. curfew on January 19, 2019. When the probation officer confronted Mr. Timke about it the following day, Mr. Timke admitted that he had been out past his curfew but responded that his prior probation officer "wouldn't make a big deal of that." He stated that the reason he was late was that he had gotten stuck in traffic on his way back from downtown Orlando due to events being held there.

Ankle monitoring records showed that Mr. Timke left his residence in the Orlando area at 8:30 p.m. and arrived in downtown Orlando eighteen minutes later, at 8:48 PM. He began moving again at approximately 9:00 p.m., traveling at various speeds and stopping intermittently. He ultimately arrived home at 10:26 p.m.

Mr. Timke testified that he had previously discussed his curfew with his probation officer and knew that he was required to be home by 10:00 p.m. On the night of the violation, he left his home at about 8:30 p.m. to drive to downtown Orlando. He testified he did not leave the area until 9:15 or 9:20, expecting to arrive home "[a]round 9:50." He testified he then ran into "gridlock traffic" that caused him to take an alternate route home, making him miss his curfew.

Mr. Timke admitted he did not contact his probation officer or the Department of Corrections, even after it became obvious that he was going to miss his curfew. Instead, he only responded to a call from his ankle monitoring system after it notified him that it had detected via GPS that he was out past curfew.

AMERICAN OVERSIGHT

Mr. Timke blamed the traffic on two events taking place in downtown Orlando that night: a monster truck rally and a basketball game. The court observed that both of these events had already started before Mr. Timke left his home and asked Mr. Timke to explain the discrepancy: "I'm just curious, it took 18 minutes to get there through all this monster traffic and then it takes you an hour and a half to get home. Does that make any sense to you?" Mr. Timke responded by simply stating there was "no traffic" on the way there, without addressing the incongruity identified by the court.

The trial court found that Mr. Timke had violated the curfew condition of his probation and that the violation was both willful and substantial. The trial court revoked Mr. Timke's probation and sentenced him at the bottom of the guidelines.

ANALYSIS

On appeal, Mr. Timke admits that he violated his curfew but asserts that the record lacks competent substantial evidence that the violation was willful and substantial. He contends that the violation was due to traffic conditions that arose on his drive home that "were beyond his control."

In reviewing a revocation order, this court first assesses whether the finding of a willful and substantial violation is supported by competent substantial evidence. Savage v. State, 120 So. 3d 619, 621 (Fla. 2d DCA 2013). If so, then the question becomes whether the trial court abused its discretion in deciding to revoke probation. Id. at 623. On this record, we cannot say that the court's finding of a willful and substantial violation is not supported by competent, substantial evidence or that the revocation was an abuse of discretion.

AMERICAN OVERSIGHT

Mr. Timke admitted he knew he had a mandatory curfew of 10:00 PM. Nonetheless, he decided to leave his home to drive to downtown Orlando at about 8:30 p.m.—ninety minutes before his curfew. That would risk a curfew violation any night of the week, but the fact that this was a Saturday night further increased the likelihood of events and traffic in that notoriously crowded metropolitan area. As Mr. Timke's probation officer testified at the hearing, "Anybody that lives in Orlando understands that there are always events in downtown."

When the probation officer discussed the violation with Mr. Timke, he responded that his prior probation officer would not have "ma[d]e a big deal" out of the violation. And Mr. Timke admitted he was planning to arrive home at "[a]round 9:50," leaving only ten minutes of cushion for complications or delays, such as traffic. These statements indicate that Mr. Timke was not particularly concerned about the risk of being out past curfew.

Further, Mr. Timke failed to contact his probation officer—or anyone else at the Department of Corrections—to seek permission to be out past curfew. He also did not notify the officer that he was going to violate his curfew, even after it became obvious during the drive home. Instead, he only returned a call from his ankle monitoring system *after* it had independently detected the curfew violation.

Finally, although no express finding was made as to Mr. Timke's credibility, it is clear on the record before us that the court did not find his story to be credible. Even when the court asked him directly about the clear discrepancy in his explanation of his trip, Mr. Timke declined to reconcile his testimony. And he never

AMERICAN OVERSIGHT

offered any explanation for why he went downtown shortly before curfew in the first place.

This evidence was sufficient to support the court's finding that Mr. Timke's violation was both willful and substantial. "The competent substantial evidence standard defers to the trial court's judgment because the trial court is in the best position to evaluate and weigh the testimony and evidence based upon its observation of the bearing, demeanor and credibility of the witnesses." Savage, 120 So. 3d at 622 (citations omitted).

Nonetheless, on appeal Mr. Timke focuses on the fact that he arrived home only twenty-six minutes late, asserting that revocation was inappropriate for such a brief delay. But the cases on which he relies are factually distinguishable.

First, he cites cases where a probationer obtained, or at least sought, permission for the actions leading up to the violation. See Rousey v. State, 226 So. 3d 1015, 1016 (Fla. 2d DCA 2017) (officer gave permission for probationer to go to cell phone store); Hugan v. State, 190 So. 3d 210, 211 (Fla. 2d DCA 2016) (probationer called officer to seek permission to take extra shift); Thomas v. State, 672 So. 2d 587, 588 (Fla. 4th DCA 1996) (job interview was approved). By contrast here, Mr. Timke did not attempt to coordinate with his probation officer in any way—neither before heading downtown nor after it became clear that he would not make curfew.

Second, and crucially here, Mr. Timke relies on cases where the probationer disclosed his or her reason for the violation and the court expressly incorporated that reason into its analysis. In Rousey, for example, the probationer had obtained permission to visit a cell phone store with instructions to be home by 1:00 p.m.

AMERICAN OVERSIGHT

but did not return home until 1:48. 226 So. 3d at 1016. He explained that he was late in returning from the store because he did not have his own transportation and his ride had car trouble after stopping for gas on the way home. Id. Emphasizing that there was no dispute that the probationer (1) had permission both to visit the phone store and to stop for gas and (2) had been stranded at the gas station during the entire period of time he was late, this court reversed the revocation of his probation. Id. at 1017.

Similarly, in Hugan, there was no dispute that the reason the probationer was away from home in violation of the conditions of his community control was that he was working an extra shift at his approved job. 190 So. 3d at 211. The probationer explained that, while at work on an approved shift, he was offered an adjacent overtime shift. Id. He tried to call his community control officer for permission to take the additional shift, but was unable to reach him. Id. This court reversed, as the probationer "was engaged in an approved activity" at the time and there was no suggestion the violation was the result of disregarding the terms of his supervision. Id. at 211-12.

Likewise, in Brown v. State, 86 So. 3d 1225, 1226 (Fla. 2d DCA 2012), the probationer arrived home twenty-five or thirty minutes after curfew. He explained that he was returning from his brother's house where he had gone to pick up job applications pursuant to the condition of his probation that required him to pursue gainful employment. Id. Indeed, he was later hired after submitting one of the applications he obtained that night. Id. at 1227 n.2. This court reversed, holding that the curfew violation to acquire job applications was insubstantial in context. Id. at 1227-28.

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In Hern v. State, 747 So. 2d 1039, 1039 (Fla. 4th DCA 1999), the probationer had attended a substance abuse program that ended just fifteen minutes before her curfew. She missed the bus to get home and walked the entire way despite suffering from multiple disabilities that limited her mobility. Id. at 1040. The Fourth District accordingly accepted the State's concession that these facts did not establish a willful or substantial violation. Id.

And finally, in Thomas, it was undisputed that the probationer was required to obtain a job and "was driving to an approved job interview" when one of his tires went flat. 672 So. 2d at 588. His efforts to obtain other transportation were unsuccessful, and the probationer ended up walking most of the way from Boca Raton to Lake Worth to return home. Id. "Several witnesses" corroborated the flat tire story, and the Fourth District reversed the revocation of probation because there was "no evidence to support a conclusion that defendant's failure to return . . . on time was the product of a knowing and willful act." Id. at 588-89.

Here, unlike any of these cases, Mr. Timke has not disclosed any purpose for his evening trip downtown, much less suggested that a valid exigency existed or that he was attempting to satisfy a condition of his probation. Although he was not legally required to explain what he was doing before the curfew violation, in context this omission is consequential. Having declined for whatever reason to disclose what he was doing when he violated his curfew, his reliance on authorities where a curfew violation was excused based on the probationer's stated explanation is misplaced.

In isolation, perhaps some of the arguments Mr. Timke has raised could have required reversal. But on this record, we cannot say that the circuit court abused

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its discretion under these particular circumstances. Holding otherwise would suggest that the trial court is precluded from revoking a sex offender's probation for a curfew violation where the probationer drives to a crowded downtown area shortly before his nightly curfew—for an undisclosed reason and without telling his probation officer—so long as he encounters unexpected traffic on the way home. The trial court's discretion is broader than that. Accordingly, we must affirm.

Affirmed.

NORTHCUTT and KELLY, JJ., Concur.

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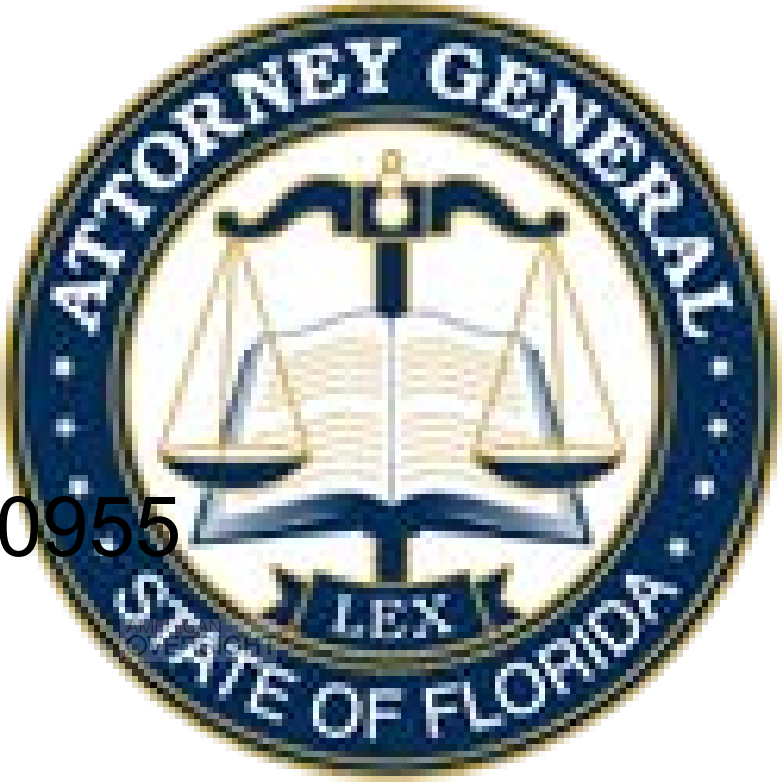
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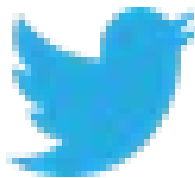

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WEEK IN REVIEW – Dec. 18, 2020

MESSAGE

As the proud wife of a law enforcement officer, I understand the incredible responsibility and sacrifice it takes for brave men and women to uphold their oath to protect and serve. In many cases, officers need to think and respond within a moment's notice, putting their lives in harm's way to save others from a grim fate.

This week, I presented Pasco County Sheriff's Deputy Noah Yanzer with a Back the Blue Award for his courageous and quick actions rescuing a family from a house fire last month.

On Nov. 7, while beginning an early morning shift, Deputy Yanzer responded to a dispatch call reporting a nearby house fire.

He immediately rushed to the scene and was met with surrounding powerlines catching fire and multiple homes engulfed in flames. Upon arrival, Deputy Yanzer sprang into action and immediately began escorting residents away from the flames to safety.

Without his courageous efforts, this situation may have taken a much darker turn.

At one point, Deputy Yanzer approached a woman in her driveway unable to retrieve her dog from the raging fire. He safely escorted the woman to safety and then went in to rescue the dog.

Deputy Yanzer rescued all residents and pets from the flames before firefighters arrived to extinguish~~ed~~ the fires.

Deputy Yanzer is the 30th recipient of our Back the Blue Award since the program's inception in 2019.

To nominate a law enforcement officer, citizen or organization for a Back the Blue Award, or for more information about Attorney General Moody's Back the Blue campaign, click here.

Thank you, Deputy Yanzer, for your bravery under pressure and willingness to risk your own safety to rescue others. You are a hero. With officers like you who serve valiantly across our state, we will continue building a Stronger, Safer Florida.

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IN THE NEWS

Attorney General Ashley Moody Participates in National Crackdown on Deceptive Income Scams, Space Coast Daily

Ashley Moody: OSP Secured Funds for Victims of a Florida Timeshare Scam, Florida Daily

Ashley Moody Calls on Congress to Do More to Protect Federal Judges, Florida Daily

'Senior Sleuth' volunteers help Florida seniors steer clear of scams, recover money, News 7 Miami

PROTECTING FLORIDIANS

Attorney General Moody Participates in National Crackdown on Deceptive Income Schemes

Attorney General Ashley Moody's Office announced Operation Income Illusion, a nationwide crackdown on scams that target consumers with false promises of income and financial independence. The impact of these scams has intensified this year as scammers take advantage of the COVID-19 pandemic and financial crisis to exploit jobseekers. Attorney General Moody is joined by the Federal Trade Commission and other federal, state and local law enforcement partners in Operation Income Illusion.

Highlighted in the nationwide crackdown is Attorney General Moody's action against FirstUSA Business Development Inc—filed last month in Pinellas County. The complaint filed against FirstUSA alleges that the company induced consumers through telemarketing calls to purchase business coaching products and services, supposedly designed to help consumers start or improve a home-based internet business, but resulted in some consumers losing thousands of dollars without earning the profits promised or, in some instances, not even receiving the products or services. The defendants marketed these services to consumers in Florida and across the country.

Attorney General Ashley Moody said, "Income scams prey on people who find themselves in financially vulnerable situations, such as a sudden loss of employment or imminent retirement with inadequate funding. With high unemployment and the ongoing financial impact brought on by the COVID-19 pandemic, more and more people are looking for innovative ways to make ends meet, making them more susceptible to income scams. Sadly, these scams produce the opposite results for income seekers—instead of gaining a paycheck, they lose money. I am proud to work with our federal and state partners to actively identify, investigate and stop these schemes in Florida and nationwide." More.

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Attorney General Moody Urges Congress to Protect Federal Judges and Families

Attorney General Ashley Moody, a former judge, is asking the U.S. Congress to pass legislation to better protect federal judges. Joined by a bipartisan coalition of 50 attorneys general, Attorney General Moody sent a letter to members of Congress urging support of federal legislation aimed at protecting the safety of federal judges and immediate family members.

Addressed to leaders of both the U.S. House and Senate Judiciary Committees, the letter supports passage of the Daniel Anderl Judicial Security and Privacy Act or similar legislation. The bill would protect the confidentiality of personal identifying information of members of the federal judiciary in public records and limit the distribution of that information online and by data brokers.

The letter calls passage of such legislation an "urgent matter"—in light of attacks and increasing threats against members of the federal judiciary—and notes that the legislation has bipartisan support in both houses of Congress.

Attorney General Ashley Moody said, "As a former judge, and the daughter of a sitting federal judge, I know firsthand the risks and sacrifices judges make to uphold their oaths and enforce the rule of law. It is infuriating and heartbreaking that these public servants and their families are being targeted because they volunteer to serve in these important roles." More.

CONSUMER ALERT: Beware of Pet Purchasing Scams this Holiday Season

Attorney General Ashley Moody issued a Consumer Alert offering tips to safeguard against pet-related holiday scams. The holidays mark a peak time for pet purchases as many Florida families look to welcome new four-legged friends into their homes. Unfortunately, this is also when scams that target consumers with phony or deceptive pet ads run rampant. Even worse, scammers may attempt to sell sick animals, animals with disorders, or returned animals previously deemed unfit for sale to unknowing consumers. Attorney General Moody is urging consumers to use caution when purchasing a pet this holiday season.

Attorney General Ashley Moody said, "This is the time of year when families will often welcome new pets into their homes. Sadly, these families can be taken advantage of by fraudsters who trick them into paying for a pet that is never delivered, or worse, deathly ill. If you plan to give or adopt a pet this holiday season, take steps to ensure you are getting exactly what you pay for." More.

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Attorney General Moody Secures 20-Year Prison Sentence for Child Sex Predator

Attorney General Ashley Moody's Office of Statewide Prosecution secured a 20-year prison sentence for a child sexual predator. Ryan Harding pleaded guilty to attempted sexual battery on a child under the age of 12 and several counts of possession of child pornography, among other charges stemming from his Aug. 28, 2018 arrest. Harding's lengthy prison sentence will be followed by five years of sex offender probation. Harding will also have to register as a sex offender for the remainder of his life.

Attorney General Ashley Moody said, "The abuse and exploitation of a child is an act of pure evil. It is incredibly disturbing and heartbreaking to learn of victims going through years of this form of physical and psychological torture. I am proud of my Statewide Prosecutors for securing a lengthy prison sentence in this case. I hope this will bring some peace of mind to the victim as the healing process continues." More.

Attorney General Moody Secures Millions from Pharmaceutical Companies Shortchanging Florida Medicaid Program

Attorney General Ashley Moody is taking action to claw back money owed to Florida's Medicaid Program. Following a multistate investigation into Royal Pharmaceuticals LLC and Seton Pharmaceuticals LLC, Attorney General Moody and a bipartisan group of attorneys general from across the country secured more than $10 million for the states' Medicaid programs. The nationwide investigation found that the two jointly-held pharmaceutical companies underpaid Medicaid drug rebates to all 50 states from 2013 to 2017.

Florida's Medicaid program will receive more than $4 million through efforts by Attorney General Moody and other state attorneys general.

Attorney General Ashley Moody said, "For years these pharmaceutical companies shortchanged Florida's Medicaid program—hurting the integrity of the taxpayer benefit and shortchanging Floridians. I am proud of the work of my Medicaid Fraud Control Unit and the team of attorneys general who worked together to stop it and secure millions for our states' Medicaid programs." More.

EVENTS

This week, Attorney General Ashley Moody joined Florida Governor Ron DeSantis, Chief Financial Officer Jimmy Patronis and Agriculture Commissioner Nikki Fried for a Florida Cabinet meeting in the State Capitol.

AMERICAN OVERSIGHT

Attorney General Moody with leaders of the Florida Department of Law Enforcement and 2019 FDLE Award winners before a Florida Cabinet meeting.

From left to right: FDLE Assistant Commissioner Michelle Pyle, Resident Agent in Charge James Flournoy, Jr., Officer Eric Cross, Attorney General Moody, FDLE Bureau Chief Sonya Avant, FDLE Network Systems Analyst Jason Floyd, FDLE Commissioner Rick Swearingen and FDLE Assistant Commissioner Tom Foy

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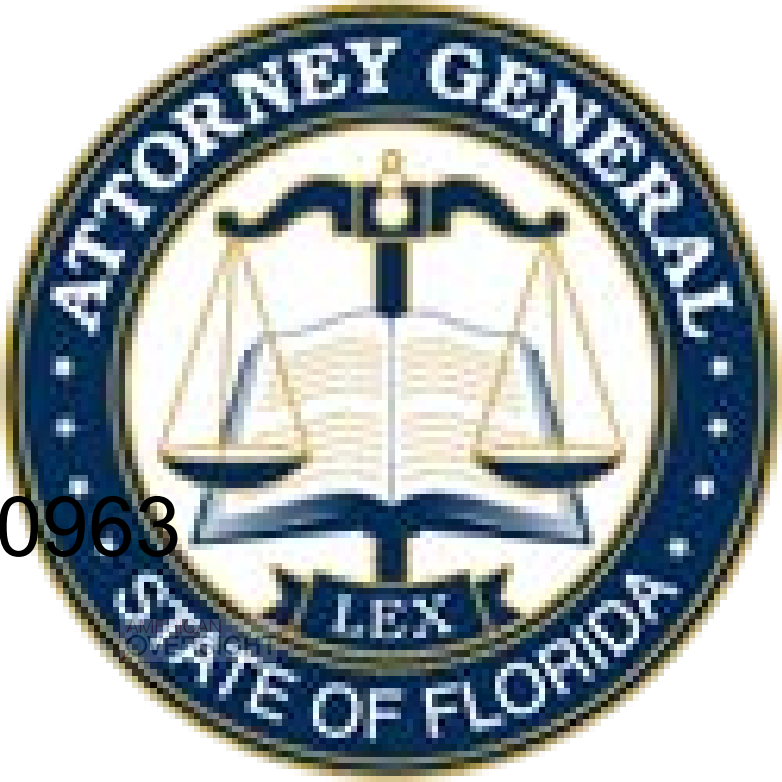
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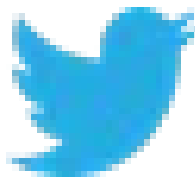

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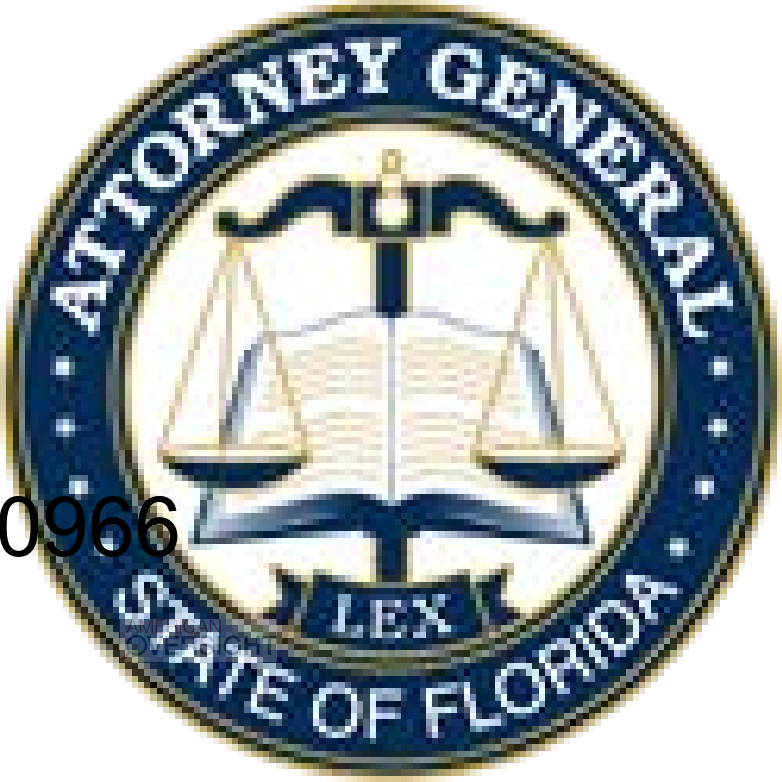
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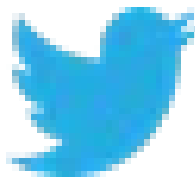

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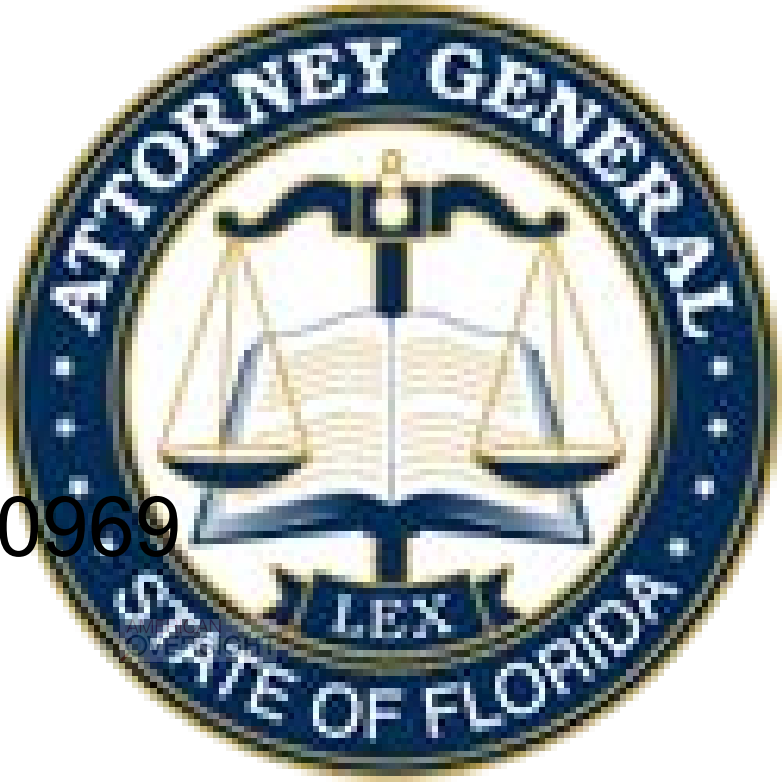

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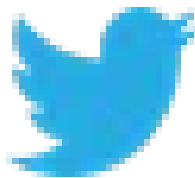

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Attorney General Moody Urges Congress to Protect Federal Judges and Families

TALLAHASSEE, Fla.—Attorney General Ashley Moody, a former judge, is asking the U.S. Congress to pass legislation to better protect federal judges. Joined by a bipartisan coalition of 50 attorneys general, Attorney General Moody today sent a letter to members of Congress urging support of federal legislation aimed at protecting the safety of federal judges and immediate family members.

Addressed to leaders of both the U.S. House and Senate Judiciary Committees, the letter supports passage of the Daniel Anderl Judicial Security and Privacy Act or similar legislation. The bill would protect the confidentiality of personal identifying information of members of the federal judiciary in public records and limit the distribution of that information online and by data brokers.

The letter calls passage of such legislation an “urgent matter” in light of attacks and increasing threats against members of the federal judiciary, and notes that the legislation has bipartisan support in both houses of Congress.

Attorney General Ashley Moody said, “As a former judge, and the daughter of a sitting federal judge, I know firsthand the risks and sacrifice judges make to uphold their oaths and enforce the rule of law. It is infuriating and heartbreaking that these public servants and their families are being targeted because they volunteer to serve in these important roles.”

The DAJSP Act is named for 20-year-old Daniel Anderl, the late son of Judge Esther Salas of the U.S. District Court for the District of New Jersey.

Daniel was killed on July 19, when an attorney who appeared in a case before Judge Salas—a man described in today’s letter as deranged—appeared at her home and shot both Daniel and Judge Salas’ husband. The judge’s husband sustained critical injuries but survived the attack.

The joint letter to Congress recalls that four federal judges have been murdered since 1979, including District Judge John Wood, District Judge Richard Daronco, Circuit Judge Robert Vance and District Judge John Roll. In addition, two family members of

AMERICAN OVERSIGHT

District Judge Joan Lefkow were killed in a targeted attack at her home in 2005.

The letter notes that incidents, inappropriate communications and threats against federal judges and others protected by the U.S. Marshals Service have been steadily climbing in recent years—as evidenced by a spike in such incidents from 2,357 in 2016 to 4,449 in 2019.

Introduced in the Senate on Sept. 24, and in the House on Oct. 13, the DAJSP Act would, among other initiatives:

- Protect judges and their families by requiring federal agencies to maintain the confidentiality of the personally identifiable information of judges and their family members upon request;

- Authorize funding for state and local governments to adopt similar measures;

- Prohibit data brokers from selling, licensing, trading, purchasing, or otherwise providing, or making available for consideration, judges' personally identifiable information; and

- Create an enforceable mechanism for judges and immediate family members to secure removal of their personally identifiable information from the internet.

In light of the tragic death of Daniel Anderl and the escalating danger to federal judges and family members, the attorneys general express full support for the legislation named in Daniel's memory and notes that the Judicial Conference of the United States and the American Bar Association, among others, support such legislation.

The letter concludes by noting that, while New Jersey and other states have enacted similar judicial protection laws on a state level, only federal legislation has the ability to protect federal judges and immediate family members wherever they reside and ensure uniform enforcement nationwide.

To read Daniel's Law, click here.

To read the letter, click here.

The threat judges face hit home in Florida in 2013, when a convicted felon sought revenge on U.S. District Judge for the Middle District of Florida Timothy J. Corrigan. The gunman fired a single shot at the judge missing him by less than two inches.

Attorney General Moody is joined in supporting the legislation by a bipartisan coalition of attorneys general from Alabama, Alaska, American Samoa, Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Georgia, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky Louisiana, Maine, Maryland Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, the Northern

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Mariana Islands, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Wisconsin, and Wyoming.

# # #

DRAFT TWEET:

As a former judge and the daughter of a federal judge, I am urging Congress to do more to protect members of the federal judiciary and their families.

Today, I sent a letter urging Congress to pass the Daniel Anderl Security and Privacy Act.

[LINK]
[GRAPHIC]

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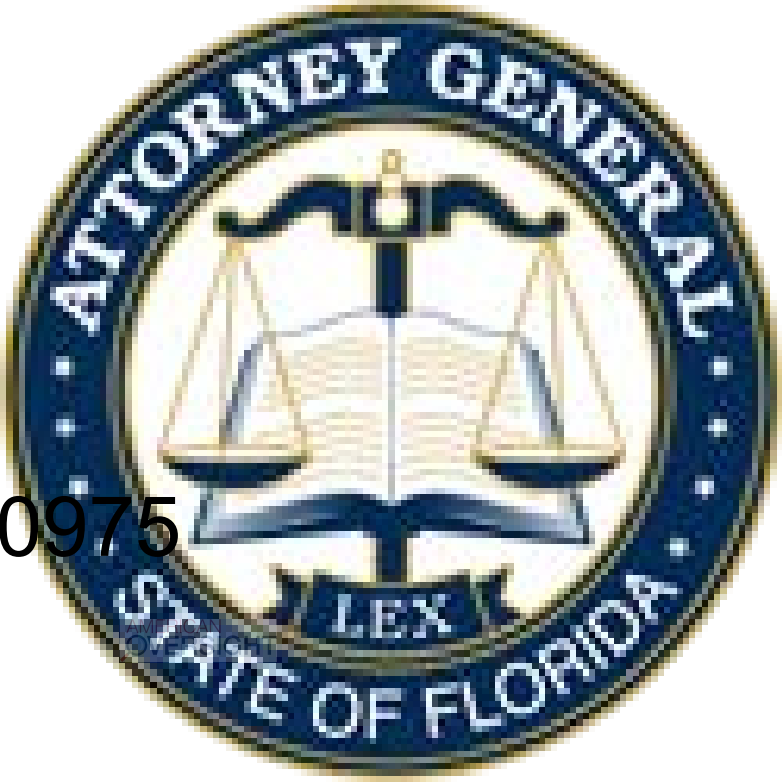
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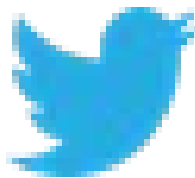

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Attorney General Moody ~~Takes~~ Urges ~~Congressional Support of~~Congress to Protect ~~Federal Legislation Protecting Safety of~~ Federal Judges and Families

TALLAHASSEE, Fla.—Attorney General Ashley Moody, a former judge, is asking the U.S. Congress to pass legislation to better protect federal judges. ~~today sent a letter to congress urging the support of legislation aimed at protecting the safety of federal judges and immediate family~~. Joined by a bipartisan coalition of XX attorneys general, Attorney General Moody today sent a letter to members of Congress urging support of federal legislation aimed at protecting the safety of federal judges and immediate family members.
~~is joined by a bipartisan coalition of XX attorneys general in supporting the federal legislation.~~

Addressed to leaders of both the House and Senate Judiciary Committees, the letter supports passage of the Daniel Anderl Judicial Security and Privacy Act or similar legislation. The bill would protect the confidentiality of personal identifying information of members of the federal judiciary in public records and limit the distribution of that information online and by data brokers.

The letter calls passage of such legislation an urgent matter in light of attacks and increasing threats against members of the federal judiciary, and notes that the legislation has bipartisan support in both houses of Congress.

Attorney General Ashley Moody said, “As a former judge, and the daughter of a sitting federal judge, I know firsthand the ~~dedication~~ risks and sacrifice judges make ~~nationwide~~ to uphold their oaths and ~~defend the Constitution~~enforce the rule of law. It is infuriating and heartbreaking that these public servants and their families are being targeted by criminals in pursuit of revenge, all because they carried out the duties they promised to fulfill to make our communities safer.

“We must do everything we can to protect our nation’s judges and their families, and that is why I sent a letter to congress urging the passage of the Daniel Anderl Security and Privacy Act. These judges serve our ~~nation~~citizens everyday by ~~showing up to~~holding court to ~~uphold and defend the constitution~~distribute justice, it’s time we stand up to ~~defend~~ protect them, as their risk their safety putting dangerous criminals behind

AMERICAN OVERSIGHT

bars."

The Daniel Anderl Judicial Security Act (DAJSA?) is named for 20-year-old Daniel Anderl, the late son of Judge Esther Salas of the U.S. District Court for the District of New Jersey.

Daniel was killed on July 19, 2020, when an attorney who appeared in a case before Judge Salas—a man described in today's letter as deranged—appeared at her home and shot both Daniel and Judge Salas' husband. The judge's husband sustained critical injuries but survived the attack.

~~Today's~~ The joint letter to Congress recalls that four federal judges have been murdered since 1979, including District Judge John Wood, District Judge Richard Daronco, Circuit Judge Robert Vance and District Judge John Roll. In addition, two family members of District Judge Joan Lefkow were killed in a targeted attack on her home in 2005.

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Introduced in the Senate on September 24, 2020, and in the House on October 13, 2020, the Daniel Anderl Judicial Security and Privacy Act (abbr) would, among other initiatives:

- Protect judges and their families by requiring federal agencies to maintain the confidentiality of judges' personally identifiable information upon request;
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The letter concludes by noting that, while New Jersey and other states have enacted similar judicial protection laws on a state level, only federal legislation has the ability to protect federal judges and immediate family members wherever they reside and ensure uniform enforcement nationwide.

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To read the letter, click **here**.

Attorney General Moody is joined in supporting the legislation by a bipartisan coalition of attorneys general from **XXX**

# # #

DRAFT TWEET:

As a former judge and the daughter of a federal judge, I am urging Congress to do more to protect members of the federal judiciary and their families.

Today I send a letter urging ~~We must do everything we can to protect our nation's judges and their families, and that is why I sent a letter to~~ congress to pass ~~urging the passage of~~ the Daniel Anderl Security and Privacy Act.

[LINK]
[GRAPHIC]

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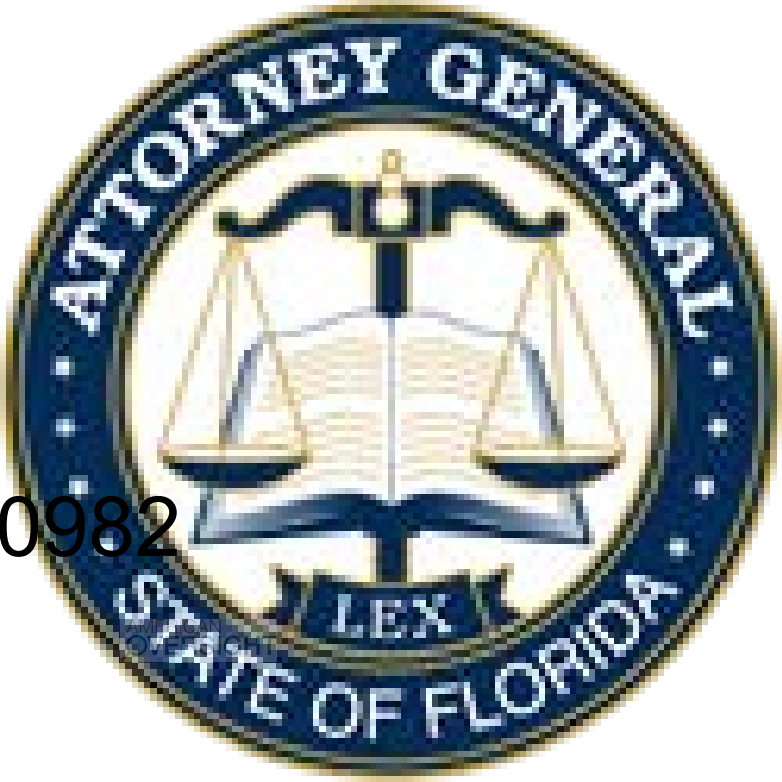

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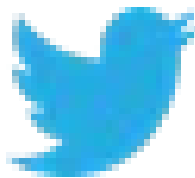

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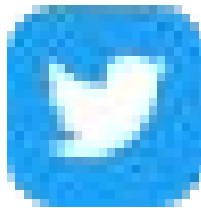

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No. 22O155, Original

In the Supreme Court of the United States

STATE OF TEXAS,

Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA, STATE OF GEORGIA, STATE OF MICHIGAN, AND STATE OF WISCONSIN,

Defendants.

On Motion for Leave to File Bill of Complaint

BRIEF OF STATE OF MISSOURI AND 16 OTHER STATES AS *AMICI CURIAE* IN SUPPORT OF PLAINTIFF'S MOTION FOR LEAVE TO FILE BILL OF COMPLAINT

OFFICE OF THE MISSOURI ATTORNEY GENERAL
Supreme Court Building
P.O. Box 899
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ERIC S. SCHMITT
Attorney General

D. John Sauer
Solicitor General
Counsel of Record

Counsel for Amici Curiae
(additional counsel listed on signature page)

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STATEMENT OF INTEREST OF *AMICI*

"In the context of a Presidential election," state actions "implicate a uniquely important national interest," because "the impact of the votes cast in each State is affected by the votes cast for the various candidates in other States." *Anderson* v. *Celebrezze*, 460 U.S. 780, 794–95 (1983). "For the President and the Vice President of the United States are the only elected officials who represent all the voters in the Nation." *Id.*

Amici curiae are the States of Missouri, Alabama, Arkansas, Florida, Indiana, Kansas, Louisiana, Mississippi, Montana, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, and West Virginia.[1] *Amici* have several important interests in this case. *First*, the States have a strong interest in safeguarding the separation of powers among state actors in the regulation of Presidential elections. The Electors Clause of Article II, § 1 carefully separates power among state actors, and it assigns a specific function to the "Legislature thereof" in each State. U.S. CONST. art. II, § 1, cl. 4. Our system of federalism relies on separation of powers to preserve liberty at every level of government, and the separation of powers in the Electors Clause is no exception. The States have a strong interest in preserving the proper roles of state legislatures in the administration of federal elections, and thus safeguarding the individual liberty of their citizens.

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[1] This brief is filed under Supreme Court Rule 37.4, and all counsel of record received timely notice of the intent to file this amicus brief under Rule 37.2.

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Second, *amici* States have a strong interest in ensuring that the votes of their own citizens are not diluted by the unconstitutional administration of elections in other States. When non-legislative actors in other States encroach on the authority of the "Legislature thereof" in that State to administer a Presidential election, they threaten the liberty, not just of their own citizens, but of every citizen of the United States who casts a lawful ballot in that election—including the citizens of *amici* States.

Third, for similar reasons, *amici* States have a strong interest in safeguarding against fraud in voting by mail during Presidential elections. "Every voter" in a federal election, "has a right under the Constitution to have his vote fairly counted, without its being distorted by fraudulently cast votes." *Anderson* v. *United States*, 417 U.S. 211, 227 (1974). Plaintiff's Bill of Complaint alleges that non-legislative actors in the Defendant States stripped away important safeguards against fraud in voting by mail that had been enacted by the Legislature in each State. *Amici* States share a vital interest in protecting the integrity of the truly national election for President and Vice President of the United States.

SUMMARY OF ARGUMENT

The Bill of Complaint raises constitutional questions of great public importance that warrant this Court's review. First, like every similar provision in the Constitution, the separation-of-powers provision of the Electors Clause provides an important structural check on government designed to protect individual liberty. By allocating authority over

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Presidential electors to the "Legislature thereof" in each State, the Clause separates powers both vertically and horizontally, and it confers authority on the branch of state government most responsive to the democratic will. Encroachments on the authority of state Legislatures by other state actors violate the separation of powers and threaten individual liberty.

The unconstitutional encroachments on the authority of state Legislatures in this case raise particularly grave concerns. For decades, responsible observers have cautioned about the risks of fraud and abuse in voting by mail, and they have urged the adoption of statutory safeguards to prevent such fraud and abuse. In the numerous cases identified in the Bill of Complaint, non-legislative actors in each Defendant State repeatedly stripped away the statutory safeguards that the "Legislature thereof" had enacted to protect against fraud in voting by mail. These changes removed protections that responsible actors had recommended for decades to guard against fraud and abuse in voting by mail. The allegations in the Bill of Complaint raise important questions about election integrity and public confidence in the administration of Presidential elections. This Court should grant Plaintiff leave to file the Bill of Complaint.

ARGUMENT

The Electors Clause provides that each State "shall appoint" its Presidential electors "in such Manner as the *Legislature thereof* may direct." U.S. CONST. art. II, § 1, cl. 4 (emphasis added). Moreover, "[o]ur constitutional system of representative government only works when the worth of honest

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ballots is not diluted by invalid ballots procured by corruption." U.S. Dep't of Justice, *Federal Prosecution of Election Offenses*, at 1 (8th ed. Dec. 2017). "When the election process is corrupted, democracy is jeopardized." *Id.* The proposed Bill of Complaint raises serious concerns about both the constitutionality and ballot security of election procedures in the Defendant States. Given the importance of public confidence in American elections, these allegations raise questions of great public importance that warrant this Court's expedited review.

I. The Separation-of-Powers Provision of the Electors Clause Is a Structural Check on Government That Safeguards Liberty.

Article II requires that each State "shall appoint" its Presidential electors "in such Manner as the *Legislature thereof* may direct." U.S. CONST. art. II, § 1, cl. 4 (emphasis added); *see also id.* art. I, § 4, cl. 2 (providing that, in each State, the "Legislature thereof" shall establish "[t]he Times, Places and Manner of holding Elections for Senators and Representatives").

Thus, "in the case of a law enacted by a state legislature applicable not only to elections to state offices, but also to the selection of Presidential electors, the legislature is not acting solely under the authority given it by the people of the State, but by virtue of a direct grant of authority made under Art. II, § 1, cl. 2, of the United States Constitution." *Bush* v. *Palm Beach Cty. Canvassing Bd.*, 531 U.S. 70, 76 (2000). "[T]he state legislature's power to select the

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manner for appointing electors is plenary." *Bush* v. *Gore*, 531 U.S. 98, 104 (2000).

Here, as set forth in the Bill of Complaint, non-legislative actors in each Defendant State have purported to "alter[] an important statutory provision enacted by the [State's] Legislature pursuant to its authority under the Constitution of the United States to make rules governing the conduct of elections for federal office." *Republican Party of Pennsylvania* v. *Boockvar*, No. 20-542, 2020 WL 6304626, at *1 (U.S. Oct. 28, 2020) (Statement of Alito, J.). *See* Bill of Complaint, ¶¶ 41-127. In doing so, these non-legislative actors may have encroached upon the "plenary" authority of those States' respective legislatures over the conduct of the Presidential election in each State. *Bush* v. *Gore*, 531 U.S. at 104. This encroachment on the authority of each State's Legislature violated the separation of powers set forth in the Electors Clause. "[I]n the context of a Presidential election, state-imposed restrictions implicate a uniquely important national interest. For the President and the Vice President of the United States are the only elected officials who represent all the voters in the Nation." *Anderson*, 460 U.S. at 794–795.

In every other context, this Court recognizes that the Constitution's separation-of-powers provisions are designed to preserve liberty. "It is the proud boast of our democracy that we have 'a government of laws, and not of men.'" *Morrison* v. *Olson*, 487 U.S. 654, 697 (1988) (Scalia, J., dissenting). "The Framers of the Federal Constitution . . . viewed the principle of separation of powers as the absolutely central guarantee of a just Government." *Id.* "Without a

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secure structure of separated powers, our Bill of Rights would be worthless, as are the bills of rights of many nations of the world that have adopted, or even improved upon, the mere words of ours." *Id.* "The purpose of the separation and equilibration of powers in general . . . was not merely to assure effective government but to preserve individual freedom." *Id.* at 727.

This principle of preserving liberty applies both to the horizontal separation of powers among the branches of government, and the vertical separation of powers between the federal government and the States. "The federal system rests on what might at first seem a counterintuitive insight, that 'freedom is enhanced by the creation of two governments, not one.'" *Bond* v. *United States*, 564 U.S. 211, 220–21 (2011) (quoting *Alden* v. *Maine*, 527 U.S. 706, 758 (1999)). "[F]ederalism secures to citizens the liberties that derive from the diffusion of sovereign power." *Bond*, 564 U.S. at 221 (2011) (quoting *New York* v. *United States*, 505 U.S. 144, 181 (1992)). "Federalism also protects the liberty of all persons within a State by ensuring that laws enacted in excess of delegated governmental power cannot direct or control their actions." *Id.* Moreover, "federalism enhances the opportunity of all citizens to participate in representative government." *FERC* v. *Mississippi*, 456 U.S. 742, 789 (1982) (O'Connor, J., concurring in part and dissenting in part). "Just as the separation and independence of the coordinate branches of the Federal Government serve to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny

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and abuse from either front." *Gregory* v. *Ashcroft*, 501 U.S. 452, 458 (1991).

The explicit grant of authority to state *Legislatures* in the Electors Clause effects both a horizontal and a vertical separation of powers. The Clause allocates to each State—not to federal actors—the authority to dictate the manner of selecting Presidential Electors. And within each State, it explicitly allocates that authority to a single branch of state government: to the "Legislature thereof." U.S. CONST. art. II, § 1, cl. 4.

It is no accident that the Constitution allocates such authority to state Legislatures, rather than executive officers such as Secretaries of State, or judicial officers such as state Supreme Courts. The Constitutional Convention's delegates frequently recognized that the Legislature is the branch most responsive to the People and most democratically accountable. *See, e.g.,* Robert G. Natelson, *The Original Scope of the Congressional Power to Regulate Elections*, 13 U. PA. J. CONST. L. 1, 31 (2010) (collecting ratification documents expressing that state legislatures were most likely to be in sympathy with the interests of the people); Federal Farmer, No. 12 (1788), *reprinted in* 2 THE FOUNDERS' CONSTITUTION (Philip B. Kurland & Ralph Lerner eds., 1987) (arguing that electoral regulations "ought to be left to the state legislatures, they coming far nearest to the people themselves"); THE FEDERALIST NO. 57, at 350 (C. Rossiter, ed. 2003) (Madison, J.) (stating that the "House of Representatives is so constituted as to support in its members an habitual recollection of their dependence on the people"); *id.* (stating that the "vigilant and manly spirit that actuates the people of

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America" is greatest restraint on the House of Representatives).

Democratic accountability in the method of selecting the President of the United States is a powerful bulwark safeguarding individual liberty. By identifying the "Legislature thereof" in each State as the regulator of elections for federal officers, the Electors Clause of Article II, § 1 prohibits the very arrogation of power over Presidential elections by non-legislative officials that the Defendant States perpetrated in this case. By violating the Constitution's separation of powers, these non-legislative actors undermined the liberty of all Americans, including the voters in *amici* States.

II. Stripping Away Safeguards From Voting by Mail Exacerbates the Risks of Fraud.

By stripping away critical safeguards against ballot fraud in voting by mail, non-legislative actors in the Defendant States inflicted another grave injury on the conduct of the recent election: They enhanced the risks of fraudulent voting by mail without authority. An impressive body of public evidence demonstrates that voting by mail presents unique opportunities for fraud and abuse, and that statutory safeguards are critical to reduce such risks of fraud.

For decades prior to 2020, responsible observers emphasized the risks of fraud in voting by mail, and the importance of imposing safeguards on the process of voting by mail to allay such risks. For example, in *Crawford* v. *Marion County Election Board*, this Court held that fraudulent voting "perpetrated using absentee ballots" demonstrates "that not only is the risk of voter fraud real but that *it could affect the*

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outcome of a close election." *Crawford* v. *Marion County Election Bd.*, 553 U.S. 181, 195-96 (2008) (opinion of Stevens, J.) (emphasis added).

As noted by Plaintiff, the Carter-Baker Commission on Federal Election Reform emphasized the same concern. The bipartisan Commission—co-chaired by former President Jimmy Carter and former Secretary of State James A. Baker—determined that "[a]bsentee ballots remain the largest source of potential voter fraud." BUILDING CONFIDENCE IN U.S. ELECTIONS: REPORT OF THE COMMISSION ON FEDERAL ELECTION REFORM, at 46 (Sept. 2005) ("Carter-Baker Report").[2] According to the Carter-Baker Commission, "[a]bsentee balloting is vulnerable to abuse in several ways." *Id.* "Blank ballots mailed to the wrong address or to large residential buildings might be intercepted." *Id.* "Citizens who vote at home, at nursing homes, at the workplace, or in church are more susceptible to pressure, overt and subtle, or to intimidation." *Id.* "Vote buying schemes are far more difficult to detect when citizens vote by mail." *Id.*

Thus, the Commission noted that "absentee balloting in other states has been a major source of fraud." *Id.* at 35. It emphasized that voting by mail "increases the risk of fraud." *Id.* And the Commission recommended that "States … need to do more to prevent … absentee ballot fraud." *Id.* at v.

The Commission specifically recommended that States should implement and reinforce safeguards to prevent fraud in voting by mail. The Commission recommended that "States should make sure that

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[2] *Available at* https://www.legislationline.org/download/id/1472/file/-3b50795b2d0374cbef5c29766256.pdf.

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absentee ballots received by election officials before Election Day are kept secure until they are opened and counted." *Id.* at 46. It also recommended that States "prohibit[] 'third-party' organizations, candidates, and political party activists from handling absentee ballots." *Id.* And the Commission highlighted that a particular state "appear[ed] to have avoided significant fraud in its vote-by-mail elections by introducing *safeguards to protect ballot integrity, including signature verification*." *Id.* at 35 (emphasis added). The Commission concluded that "[v]ote by mail is … likely to increase the risks of fraud and contested elections … where the safeguards for ballot integrity are weaker." *Id.*

The most recent edition of the U.S. Department of Justice's Manual on *Federal Prosecution of Election Offenses*, published by its Public Integrity Section, highlights the very same concerns about fraud in voting by mail. U.S. Dep't of Justice, *Federal Prosecution of Election Offenses* (8th ed. Dec. 2017), at 28-29 ("DOJ Manual").[3] The Manual states: "Absentee ballots are particularly susceptible to fraudulent abuse because, by definition, they are marked and cast outside the presence of election officials and the structured environment of a polling place." *Id.* The Manual reports that "the more common ways" that election-fraud "crimes are committed include … [o]btaining and marking absentee ballots without the active input of the voters involved." *Id.* at 28. And the Manual notes that "[a]bsentee ballot

[3] *Available at* https://www.justice.gov/criminal/file/1029066/download.

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frauds" committed both with and without the voter's participation are "common." *Id.* at 29.

Similarly, the U.S. Government Accountability Office concluded that many crimes of election fraud likely go undetected. In 2014, discussing election fraud, the GAO reported that "crimes of fraud, in particular, are difficult to detect, as those involved are engaged in intentional deception." GAO-14-634, *Elections: Issues Related to State Voter Identification Laws* 62-63 (U.S. Gov't Accountability Office Sept. 2014).[4]

Despite the difficulties of detecting fraud schemes, recent experience contains many well-documented examples of absentee ballot fraud. For example, the News21 database, which was compiled to *refute* arguments that voter fraud is prevalent, identified 491 cases of absentee ballot over the 12-year period from 2000 to 2012—approximately 41 cases per year. *See* News21, *Election Fraud in America*.[5] This database reports that "Absentee Ballot Fraud" was "[t]he most prevalent fraud" in America, comprising "24 percent (491 cases)" of all cases reported in the public records surveyed. *Id.* Moreover, the database indicates that this number undercounts the total incidence of reported cases of absentee ballot fraud, because it was based on public-record requests to state and local government entities, many of which did not respond. *Id.*

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[4] *Available at* https://www.gao.gov/assets/670/665966.pdf.

[5] *Available at* https://votingrights.news21.com/interactive/election-fraud-database/&xid=17259,15700023,15700124,15700149,15700186,15700191,15700201,15700237,15700242

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Likewise, the Heritage Foundation's online database of election-fraud cases—which includes only a "sampling" of cases that resulted in an *adjudication* of fraud, such as a criminal conviction or civil penalty—identified 207 cases of proven "fraudulent use of absentee ballots" in the United States. The Heritage Foundation, *Election Fraud Cases*.[6] Again, this database undercounts the incidence of cases of election fraud: "The Heritage Foundation's Election Fraud Database presents a sampling of recent proven instances of election fraud from across the country. This database is not an exhaustive or comprehensive list." *Id.*

The public record abounds with recent examples of such fraudulent absentee-ballot schemes. For example, in November 2019, the mayor of Berkeley, Missouri was indicted on five felony counts of absentee ballot fraud for changing votes on absentee ballots to help him and his political allies to get elected. Brian Heffernan, *Berkeley Mayor Hoskins Charged with 5 Felony Counts of Election Fraud*, ST. LOUIS PUBLIC RADIO (Nov. 21, 2019).[7] Mayor Hoskins' scheme included "going to the home of elderly … residents" to harvest absentee ballots, "filling out absentee ballot applications for voters and having his campaign workers do the same," and "altering absentee ballots" after he had procured them from voters. *Id.* Again, in 2016, a state House race in Missouri was overturned amid allegations of

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[6] *Available at* https://www.heritage.org/voterfraud/search?combine=&state=All&year=&case_type=All&fraud_type=24489&page=12.

[7] *Available at* https://news.stlpublicradio.org/post/berkeley-mayor-hoskins-charged-5-felony-counts-election-fraud#stream/0

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widespread absentee-ballot fraud that had occurred across multiple election cycles in the same community. Sarah Fenske, *FBI, Secretary of State Asking Questions About St. Louis Statehouse Race*, RIVERFRONT TIMES (Aug. 16, 2016).[8] One candidate stated that it was widely known in the community that the incumbent ran an "absentee game" that resulted in the absentee vote tipping the outcome in her favor in multiple close elections. *Id.*

Other States have similar experiences. In 2018, a federal Congressional race was overturned in North Carolina, and eight political operatives were indicted for fraud, in an absentee-ballot scheme that sufficed to change the outcome of the election. Richard Gonzales, *North Carolina GOP Operative Faces New Felony Charges That Allege Ballot Fraud*, NPR.ORG, (July 30, 2019).[9] The indicted operatives "had improperly collected and possibly tampered with ballots," and were charged with "improperly mailing in absentee ballots for someone who had not mailed it themselves." *Id.*

In the North Carolina case, the lead investigator testified that the investigation was "a continuous case" over two election cycles, and that the scheme involved collecting absentee ballots from voters, altering the absentee ballots, and forging witness signatures on the ballots. *See In re: Investigation of Irregularities Affecting Counties Within the 9th*

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[8] *Available at* https://www.riverfronttimes.com/newsblog/2016/08/16/fbi-secretary-of-state-asking-questions-about-st-louis-statehouse-race.

[9] *Available at* https://www.npr.org/2019/07/30/746800630/north-carolina-gop-operative-faces-new-felony-charges-that-allege-ballot-fraud.

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Congressional District, North Carolina Board of Elections, Evidentiary Hearing, at 2-3.[10] The investigators described it as a "coordinated, unlawful, and substantially resourced absentee ballots scheme." *Id.* at 2. According to the investigators' trial presentation, the investigation involved 142 voter interviews, 30 subject and witness interviews, and subpoenas of documents, financial records, and phone records. *Id.* at 3. The perpetrators collected absentee ballots and falsified ballot witness certifications outside the presence of the voters. *Id.* at 10, 13. The congressional election at issue was decided by margin of less than 1,000 votes. *Id.* at 4. The scheme involved the submission of well over 1,000 fraudulent absentee ballots and request forms. *Id.* at 11. The perpetrators took extensive steps to conceal the fraudulent scheme, which lasted over multiple election cycles before it was detected. *Id.* at 14.

Similarly, in 2016, a politician in the Bronx was indicted and pled guilty to 242 counts of election fraud based on an absentee ballot fraud scheme. Ben Kochman, *Bronx politician pleads guilty in absentee ballot scheme for Assembly election,* NEW YORK DAILY NEWS (Nov. 22, 2016).[11] Despite pleading guilty to 242 felonies involving absentee ballot fraud in an election that was decided by two votes, the defendant received no jail time and vowed to run for office again after a short disqualification period. *Id.*

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[10] *Available at* https://images.radio.com/wbt/Voter%20ID_%20Website.pdf.

[11] *Available at* http://www.nydailynews.com/new-york/nyc-crime/bronx-pol-pleads-guilty-absentee-ballot-scheme-article-1.2884009.

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The increases in mail-in voting due to the COVID-19 pandemic likewise increased opportunities for fraud. For instance, in May 2020, the leader of the New Jersey NAACP called for an election in Paterson, New Jersey to be overturned due to widespread mail-in ballot fraud. *See* Jonathan Dienst et al., *NJ NAACP Leader Calls for Paterson Mail-In Vote to Be Canceled Amid Corruption Claims*, NBC NEW YORK (May 27, 2020).[12] "'Invalidate the election. Let's do it again,' [the NAACP leader] said amid reports more that 20 percent of all ballots were disqualified, some in connection with voter fraud allegations." *Id.*

Hundreds of other reported cases highlight the same concerns about the vulnerability of voting by mail to fraud and abuse. Recently, a Missouri court considered extensive expert testimony reviewing absentee-ballot fraud cases like these. *Findings of Fact, Conclusions of Law, and Final Judgment in Mo. State Conference of the NAACP* v. *State*, No. 20AC-CC00169-01 (Circuit Court of Cole County, Missouri Sept. 24, 2020), *aff'd*, 607 S.W.3d 728 (Mo. banc Oct. 9, 2020) ("*Mo. NAACP*"). The court held that cases of absentee-ballot fraud "have several common features that persist across multiple recent cases: (1) close elections; (2) perpetrators who are candidates, campaign workers, or political consultants, not ordinary voters; (3) common techniques of ballot harvesting; (4) common techniques of signature forging; (5) fraud that persisted across multiple elections before it was detected; (6) massive resources

[12] *Available at* https://www.nbcnewyork.com/news/politics/nj-naacp-leader-calls-for-paterson-mail-in-vote-to-be-canceled-amid-fraud-claims/2435162/.

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required to investigate and prosecute the fraud; and (7) lenient criminal penalties." *Id.* at 17. Thus, the court concluded "that fraud in voting by mail is a recurrent problem, that it is hard to detect and prosecute, that there are strong incentives and weak penalties for doing so, and that it has the capacity to affect the outcome of close elections." *Id.* The court held that "the threat of mail-in ballot fraud is real." *Id.* at 2.

III. The Bill of Complaint Alleges that the Defendant States Unconstitutionally Abolished Critical Safeguards Against Fraud in Voting by Mail.

The Bill of Complaint alleges that non-legislative actors in each Defendant State unconstitutionally abolished or diluted statutory safeguards against fraud enacted by their state Legislatures, in violation of the Presidential Electors Clause. U.S. CONST. art. II, § 1, cl. 4. All the unconstitutional changes to election procedures identified in the Bill of Complaint have two common features: (1) They abrogated statutory safeguards against fraud that responsible observers have long recommended for voting by mail, and (2) they did so in a way that predictably conferred partisan advantage on one candidate in the Presidential election. Such allegations are serious, and they warrant this Court's review.

Abolishing signature verification. First, the proposed Bill of Complaint alleges that non-legislative actors in Pennsylvania, Michigan, and Georgia unilaterally abolished or weakened signature-verification requirements for mailed ballots. It alleges that Pennsylvania's Secretary of State

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abrogated Pennsylvania's statutory signature-verification requirement for mail-in ballots in a "friendly" settlement of a lawsuit brought by activists. Bill of Complaint, ¶¶ 44-46. It alleges that Michigan's Secretary of State permitted absentee ballot applications online, with no signature at all, in violation of Michigan statutes, *id.* ¶¶ 85-89; and that election officials in Wayne County, Michigan simply disregarded statutory signature verification requirements, *id.* ¶¶ 92-95. And it alleges that Georgia's Secretary of State unilaterally abrogated Georgia's statute authorizing county registrars to engage in signature verification for absentee ballots in another lawsuit settlement. *Id.* ¶¶ 66-72.

In addition to violating the Electors Clause, these actions, as alleged, contradict fundamental principles of ballot security. As noted above, the Carter-Baker Report highlighted the importance of "*signature verification*" as a critical "safeguard[] to protect ballot integrity" for ballots cast by mail. Carter-Baker Report, *supra*, at 35 (emphasis added). Without safeguards such as signature verification, the Report stated that "[v]ote by mail is … likely to increase the risks of fraud and contested elections … where the safeguards for ballot integrity are weaker." *Id.* The importance of signature verification is hard to overstate, because absentee-ballot fraud schemes commonly involve "common techniques of signature forging," typically by nefarious actors who are unfamiliar with the voter's signature. *Mo. NAACP*, *supra*, at 17. Verifying the voter's signature thus provides a fundamental safeguard against fraud.

Insecure ballot handling. The Bill of Complaint alleges that non-legislative actors changed

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or abolished statutory rules for the secure handling of absentee and mail-in ballots in Pennsylvania, Michigan, and Wisconsin. It alleges that election officials in Democratic areas of Pennsylvania violated state statutes by opening and reviewing mail-in ballots that were required to be kept locked and secure until Election Day. Bill of Complaint, ¶¶ 50-51. It alleges that Michigan's Secretary of State, acting in violation of state law, sent 7.7 million unsolicited absentee-ballot applications to Michigan voters, thus "flooding Michigan with millions of absentee ballot applications prior to the 2020 general election." *Id.* ¶¶ 80-84. And it alleges that the Wisconsin Election Commission violated state law by placing hundreds of unmonitored boxes for the submission of absentee and mail-in ballots around the State, concentrated in heavily Democratic areas. *Id.* ¶¶ 107-114.

In addition to violating the Electors Clause, these actions, as alleged, contradict commonsense ballot-security recommendations. The Department of Justice's Manual on *Federal Prosecution of Election Offenses* notes that vulnerability to mishandling is what makes absentee ballots "particularly susceptible to fraudulent abuse" because "they are marked and cast outside the presence of election officials and the structured environment of a polling place." DOJ Manual, at 28-29. According to the Manual, "[o]btaining and marking absentee ballots without the active input of the voters involved" is one of "the more common ways" that election fraud "crimes are committed." *Id.* at 28. For this reason, the Carter-Baker Commission made recommendations in favor of preventing such insecurity in the handling of ballots. For example, the Commission recommended that

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"States should make sure that absentee ballots received by election officials before Election Day are kept secure until they are opened and counted." *Id.* at 46. It also recommended that States "prohibit[] 'third-party' organizations, candidates, and political party activists from handling absentee ballots." *Id.*

Inconsistent Statewide Standards. The Bill of Complaint alleges that the Defendant States provided different standards and treatment for mail-in ballots submitted in different areas of each State, and that this differential treatment uniformly provided a partisan advantage to one side in the Presidential election. It alleges that election officials in Philadelphia and Allegheny County, Pennsylvania, applied different standards to voters in those Democratic strongholds than applied to other voters in Pennsylvania, in violation of state law. Bill of Complaint, ¶¶ 52-54. Similarly, it alleges that Milwaukee, Wisconsin violated state law by authorizing election officials to "correct" disqualifying omissions on ballot envelopes by entering information that the voter should have entered with a red pen, while no similar "correction" process was granted to other voters in that State. *Id.* ¶¶ 123-127. And it alleges that Wayne County, Michigan provided differential treatment of its voters, in violation of state statutes, by simply ignoring statutorily required signature-verification requirements. *Id.* ¶¶ 92-95.

Such differential treatment, as alleged under circumstances raising concerns of partisan bias, contradicts universal recommendations for integrity and public confidence in elections. As this Court stated in *Bush* v. *Gore*, "[t]he idea that one group can be granted greater voting strength than another is

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hostile to the one man, one vote basis of our representative government." 531 U.S. at 107 (quoting *Moore* v. *Ogilvie*, 394 US 814 (1969)). The Carter-Baker Report noted that "inconsistent or incorrect application of electoral procedures may have the effect of discouraging voter participation and may, on occasion, raise questions about bias in the way elections are conducted." Carter-Baker Report, at 49. "Such problems raise public suspicions or may provide grounds for the losing candidate to contest the result in a close election." *Id.*

Excluding Bipartisan Observers. The Bill of Complaint alleges that certain counties in Defendant States excluded bipartisan observers from the ballot-opening and ballot-counting processes. For example, it alleges that election officials in Philadelphia and Allegheny County, Pennsylvania, violated state law by excluding Republican observers from the opening, counting, and recording of absentee ballots in those counties. Bill of Complaint, ¶ 49. And it alleges that election officials in Wayne County, Michigan violated state statutes by systematically excluding poll watchers from the counting and recording of absentee ballots. *Id.* ¶¶ 90-91.

Such actions, as alleged, raise concerns about the integrity of the vote count in those counties. As the Carter-Baker Report emphasized, States should "provide observers with meaningful opportunities to monitor the conduct of the election." Carter-Baker Report, at 47. "To build confidence in the electoral process, it is important that elections be administered in a neutral and professional manner," without the appearance of partisan bias." *Id.* at 49. When observers of one political party are illegally and

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systematically excluded from observing the vote count, "the appearance of partisan bias" is inevitable. *Id.* For counties in Defendant States to exclude Republican observers weakens public confidence in the electoral process and raises grave concerns about the integrity of ballot counting in those counties.

Extending the Deadline to Receive Ballots. The Bill of Complaint alleges that a non-legislative actor in Pennsylvania—its Supreme Court—extended the statutory deadline to receive absentee and mail-in ballots without authorization from the "Legislature thereof," and that it directed that ballots with illegible postmarks or no postmarks at all would be deemed timely if received within the extended deadline. Bill of Complaint, ¶¶ 48, 55. Again, these non-legislative changes raise concerns about election integrity in Pennsylvania. They created a post-election window of time during which nefarious actors could wait and see whether the Presidential election would be close, and whether perpetrating fraud in Pennsylvania would be worthwhile. And they enhanced the opportunities for fraud by mandating that late ballots must be counted even when they are not postmarked or have no legible postmark, and thus there is no evidence they were mailed by Election Day.

These changes created needless vulnerability to actual fraud and undermined public confidence in the election. As the Department of Justice's Manual of *Federal Prosecution of Election Offenses* states, "the conditions most conducive to election fraud are close factional competition within an electoral jurisdiction for an elected position that matters." DOJ Manual, at 2-3. "[E]lection fraud is most likely to occur in electoral jurisdictions where there is close factional

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competition for an elected position that matters." *Id.* at 27. That statement exactly describes the conditions in each of the Defendant States in the recent Presidential election.

CONCLUSION

The allegations in the Bill of Complaint raise important constitutional issues under the Electors Clause of Article II, § 1. They also raise serious concerns relating to election integrity and public confidence in elections. These are questions of great public importance that warrant this Court's attention. The Court should grant the Plaintiff's Motion for Leave to File Bill of Complaint.

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December 9, 2020

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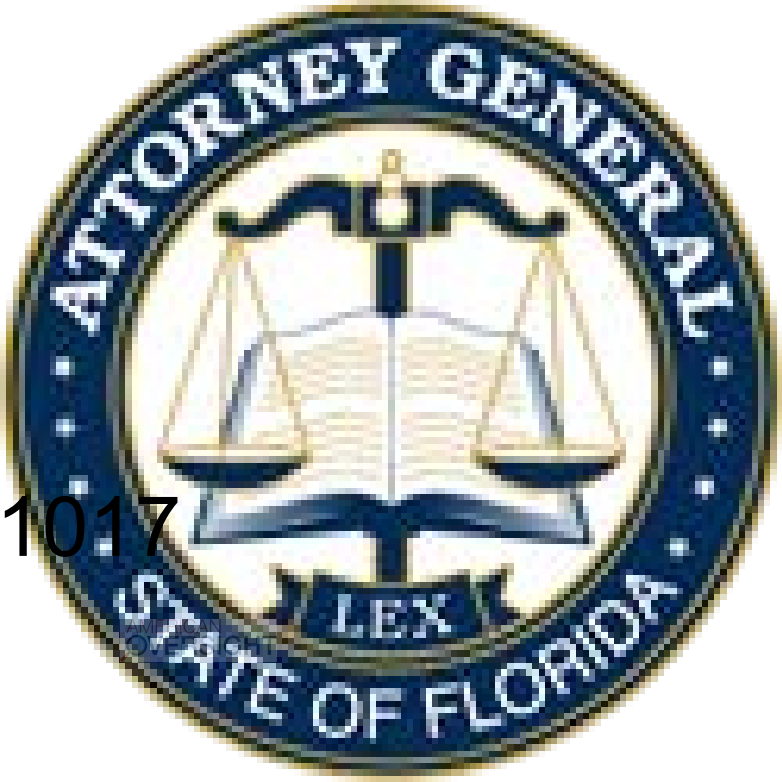

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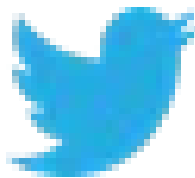

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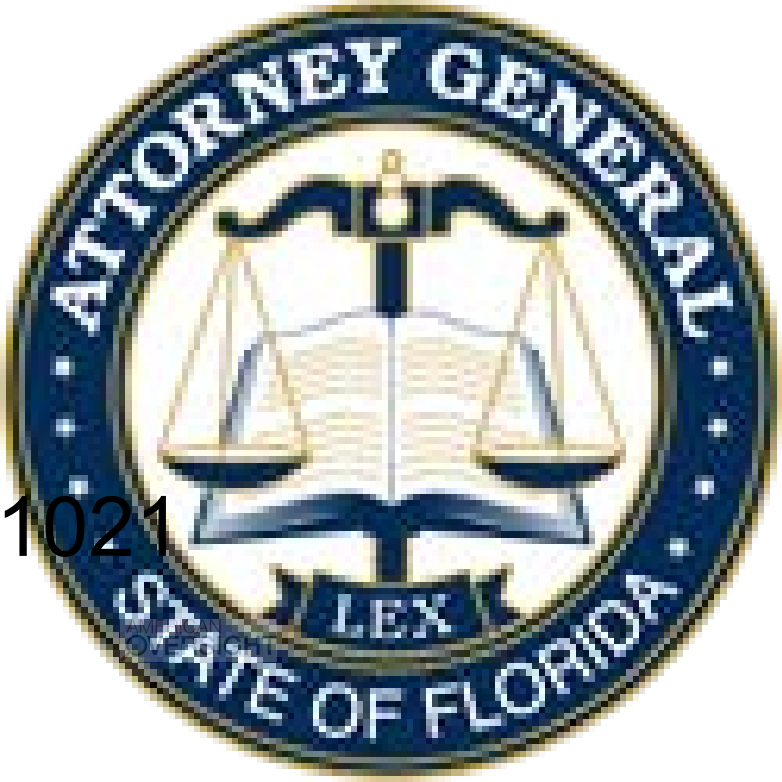

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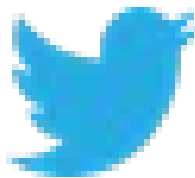

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-AG-21-0105-A-001024

No. 22O155, Original

In the Supreme Court of the United States

STATE OF TEXAS,

Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA, STATE OF GEORGIA, STATE OF MICHIGAN, AND STATE OF WISCONSIN,

Defendants.

On Motion for Leave to File Bill of Complaint

BRIEF OF STATE OF MISSOURI AND 16 OTHER STATES AS *AMICI CURIAE* IN SUPPORT OF PLAINTIFF'S MOTION FOR LEAVE TO FILE BILL OF COMPLAINT

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STATEMENT OF INTEREST OF *AMICI*

"In the context of a Presidential election," state actions "implicate a uniquely important national interest," because "the impact of the votes cast in each State is affected by the votes cast for the various candidates in other States." *Anderson* v. *Celebrezze*, 460 U.S. 780, 794–95 (1983). "For the President and the Vice President of the United States are the only elected officials who represent all the voters in the Nation." *Id.*

Amici curiae are the States of Missouri, Alabama, Arkansas, Florida, Indiana, Kansas, Louisiana, Mississippi, Montana, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, and West Virginia.[1] *Amici* have several important interests in this case. *First*, the States have a strong interest in safeguarding the separation of powers among state actors in the regulation of Presidential elections. The Electors Clause of Article II, § 1 carefully separates power among state actors, and it assigns a specific function to the "Legislature thereof" in each State. U.S. CONST. art. II, § 1, cl. 4. Our system of federalism relies on separation of powers to preserve liberty at every level of government, and the separation of powers in the Electors Clause is no exception. The States have a strong interest in preserving the proper roles of state legislatures in the administration of federal elections, and thus safeguarding the individual liberty of their citizens.

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[1] This brief is filed under Supreme Court Rule 37.4, and all counsel of record received timely notice of the intent to file this amicus brief under Rule 37.2.

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Second, *amici* States have a strong interest in ensuring that the votes of their own citizens are not diluted by the unconstitutional administration of elections in other States. When non-legislative actors in other States encroach on the authority of the "Legislature thereof" in that State to administer a Presidential election, they threaten the liberty, not just of their own citizens, but of every citizen of the United States who casts a lawful ballot in that election—including the citizens of *amici* States.

Third, for similar reasons, *amici* States have a strong interest in safeguarding against fraud in voting by mail during Presidential elections. "Every voter" in a federal election, "has a right under the Constitution to have his vote fairly counted, without its being distorted by fraudulently cast votes." *Anderson* v. *United States*, 417 U.S. 211, 227 (1974). Plaintiff's Bill of Complaint alleges that non-legislative actors in the Defendant States stripped away important safeguards against fraud in voting by mail that had been enacted by the Legislature in each State. *Amici* States share a vital interest in protecting the integrity of the truly national election for President and Vice President of the United States.

SUMMARY OF ARGUMENT

The Bill of Complaint raises constitutional questions of great public importance that warrant this Court's review. First, like every similar provision in the Constitution, the separation-of-powers provision of the Electors Clause provides an important structural check on government designed to protect individual liberty. By allocating authority over

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Presidential electors to the "Legislature thereof" in each State, the Clause separates powers both vertically and horizontally, and it confers authority on the branch of state government most responsive to the democratic will. Encroachments on the authority of state Legislatures by other state actors violate the separation of powers and threaten individual liberty.

The unconstitutional encroachments on the authority of state Legislatures in this case raise particularly grave concerns. For decades, responsible observers have cautioned about the risks of fraud and abuse in voting by mail, and they have urged the adoption of statutory safeguards to prevent such fraud and abuse. In the numerous cases identified in the Bill of Complaint, non-legislative actors in each Defendant State repeatedly stripped away the statutory safeguards that the "Legislature thereof" had enacted to protect against fraud in voting by mail. These changes removed protections that responsible actors had recommended for decades to guard against fraud and abuse in voting by mail. The allegations in the Bill of Complaint raise important questions about election integrity and public confidence in the administration of Presidential elections. This Court should grant Plaintiff leave to file the Bill of Complaint.

ARGUMENT

The Electors Clause provides that each State "shall appoint" its Presidential electors "in such Manner as the *Legislature thereof* may direct." U.S. CONST. art. II, § 1, cl. 4 (emphasis added). Moreover, "[o]ur constitutional system of representative government only works when the worth of honest

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ballots is not diluted by invalid ballots procured by corruption." U.S. Dep't of Justice, *Federal Prosecution of Election Offenses*, at 1 (8th ed. Dec. 2017). "When the election process is corrupted, democracy is jeopardized." *Id.* The proposed Bill of Complaint raises serious concerns about both the constitutionality and ballot security of election procedures in the Defendant States. Given the importance of public confidence in American elections, these allegations raise questions of great public importance that warrant this Court's expedited review.

I. The Separation-of-Powers Provision of the Electors Clause Is a Structural Check on Government That Safeguards Liberty.

Article II requires that each State "shall appoint" its Presidential electors "in such Manner as the *Legislature thereof* may direct." U.S. CONST. art. II, § 1, cl. 4 (emphasis added); *see also id.* art. I, § 4, cl. 2 (providing that, in each State, the "Legislature thereof" shall establish "[t]he Times, Places and Manner of holding Elections for Senators and Representatives").

Thus, "in the case of a law enacted by a state legislature applicable not only to elections to state offices, but also to the selection of Presidential electors, the legislature is not acting solely under the authority given it by the people of the State, but by virtue of a direct grant of authority made under Art. II, § 1, cl. 2, of the United States Constitution." *Bush* v. *Palm Beach Cty. Canvassing Bd.*, 531 U.S. 70, 76 (2000). "[T]he state legislature's power to select the

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manner for appointing electors is plenary." *Bush* v. *Gore*, 531 U.S. 98, 104 (2000).

Here, as set forth in the Bill of Complaint, non-legislative actors in each Defendant State have purported to "alter[] an important statutory provision enacted by the [State's] Legislature pursuant to its authority under the Constitution of the United States to make rules governing the conduct of elections for federal office." *Republican Party of Pennsylvania* v. *Boockvar*, No. 20-542, 2020 WL 6304626, at *1 (U.S. Oct. 28, 2020) (Statement of Alito, J.). *See* Bill of Complaint, ¶¶ 41-127. In doing so, these non-legislative actors may have encroached upon the "plenary" authority of those States' respective legislatures over the conduct of the Presidential election in each State. *Bush* v. *Gore*, 531 U.S. at 104. This encroachment on the authority of each State's Legislature violated the separation of powers set forth in the Electors Clause. "[I]n the context of a Presidential election, state-imposed restrictions implicate a uniquely important national interest. For the President and the Vice President of the United States are the only elected officials who represent all the voters in the Nation." *Anderson*, 460 U.S. at 794–795.

In every other context, this Court recognizes that the Constitution's separation-of-powers provisions are designed to preserve liberty. "It is the proud boast of our democracy that we have 'a government of laws, and not of men.'" *Morrison* v. *Olson*, 487 U.S. 654, 697 (1988) (Scalia, J., dissenting). "The Framers of the Federal Constitution . . . viewed the principle of separation of powers as the absolutely central guarantee of a just Government." *Id.* "Without a

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secure structure of separated powers, our Bill of Rights would be worthless, as are the bills of rights of many nations of the world that have adopted, or even improved upon, the mere words of ours." *Id.* "The purpose of the separation and equilibration of powers in general . . . was not merely to assure effective government but to preserve individual freedom." *Id.* at 727.

This principle of preserving liberty applies both to the horizontal separation of powers among the branches of government, and the vertical separation of powers between the federal government and the States. "The federal system rests on what might at first seem a counterintuitive insight, that 'freedom is enhanced by the creation of two governments, not one.'" *Bond* v. *United States*, 564 U.S. 211, 220–21 (2011) (quoting *Alden* v. *Maine*, 527 U.S. 706, 758 (1999)). "[F]ederalism secures to citizens the liberties that derive from the diffusion of sovereign power." *Bond*, 564 U.S. at 221 (2011) (quoting *New York* v. *United States*, 505 U.S. 144, 181 (1992)). "Federalism also protects the liberty of all persons within a State by ensuring that laws enacted in excess of delegated governmental power cannot direct or control their actions." *Id.* Moreover, "federalism enhances the opportunity of all citizens to participate in representative government." *FERC* v. *Mississippi*, 456 U.S. 742, 789 (1982) (O'Connor, J., concurring in part and dissenting in part). "Just as the separation and independence of the coordinate branches of the Federal Government serve to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny

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and abuse from either front." *Gregory* v. *Ashcroft*, 501 U.S. 452, 458 (1991).

The explicit grant of authority to state *Legislatures* in the Electors Clause effects both a horizontal and a vertical separation of powers. The Clause allocates to each State—not to federal actors—the authority to dictate the manner of selecting Presidential Electors. And within each State, it explicitly allocates that authority to a single branch of state government: to the "Legislature thereof." U.S. CONST. art. II, § 1, cl. 4.

It is no accident that the Constitution allocates such authority to state Legislatures, rather than executive officers such as Secretaries of State, or judicial officers such as state Supreme Courts. The Constitutional Convention's delegates frequently recognized that the Legislature is the branch most responsive to the People and most democratically accountable. *See, e.g.,* Robert G. Natelson, *The Original Scope of the Congressional Power to Regulate Elections*, 13 U. PA. J. CONST. L. 1, 31 (2010) (collecting ratification documents expressing that state legislatures were most likely to be in sympathy with the interests of the people); Federal Farmer, No. 12 (1788), *reprinted in* 2 THE FOUNDERS' CONSTITUTION (Philip B. Kurland & Ralph Lerner eds., 1987) (arguing that electoral regulations "ought to be left to the state legislatures, they coming far nearest to the people themselves"); THE FEDERALIST NO. 57, at 350 (C. Rossiter, ed. 2003) (Madison, J.) (stating that the "House of Representatives is so constituted as to support in its members an habitual recollection of their dependence on the people"); *id.* (stating that the "vigilant and manly spirit that actuates the people of

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America" is greatest restraint on the House of Representatives).

Democratic accountability in the method of selecting the President of the United States is a powerful bulwark safeguarding individual liberty. By identifying the "Legislature thereof" in each State as the regulator of elections for federal officers, the Electors Clause of Article II, § 1 prohibits the very arrogation of power over Presidential elections by non-legislative officials that the Defendant States perpetrated in this case. By violating the Constitution's separation of powers, these non-legislative actors undermined the liberty of all Americans, including the voters in *amici* States.

II. Stripping Away Safeguards From Voting by Mail Exacerbates the Risks of Fraud.

By stripping away critical safeguards against ballot fraud in voting by mail, non-legislative actors in the Defendant States inflicted another grave injury on the conduct of the recent election: They enhanced the risks of fraudulent voting by mail without authority. An impressive body of public evidence demonstrates that voting by mail presents unique opportunities for fraud and abuse, and that statutory safeguards are critical to reduce such risks of fraud.

For decades prior to 2020, responsible observers emphasized the risks of fraud in voting by mail, and the importance of imposing safeguards on the process of voting by mail to allay such risks. For example, in *Crawford* v. *Marion County Election Board*, this Court held that fraudulent voting "perpetrated using absentee ballots" demonstrates "that not only is the risk of voter fraud real but that *it could affect the*

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outcome of a close election." *Crawford* v. *Marion County Election Bd.*, 553 U.S. 181, 195-96 (2008) (opinion of Stevens, J.) (emphasis added).

As noted by Plaintiff, the Carter-Baker Commission on Federal Election Reform emphasized the same concern. The bipartisan Commission—co-chaired by former President Jimmy Carter and former Secretary of State James A. Baker—determined that "[a]bsentee ballots remain the largest source of potential voter fraud." BUILDING CONFIDENCE IN U.S. ELECTIONS: REPORT OF THE COMMISSION ON FEDERAL ELECTION REFORM, at 46 (Sept. 2005) ("Carter-Baker Report").[2] According to the Carter-Baker Commission, "[a]bsentee balloting is vulnerable to abuse in several ways." *Id.* "Blank ballots mailed to the wrong address or to large residential buildings might be intercepted." *Id.* "Citizens who vote at home, at nursing homes, at the workplace, or in church are more susceptible to pressure, overt and subtle, or to intimidation." *Id.* "Vote buying schemes are far more difficult to detect when citizens vote by mail." *Id.*

Thus, the Commission noted that "absentee balloting in other states has been a major source of fraud." *Id.* at 35. It emphasized that voting by mail "increases the risk of fraud." *Id.* And the Commission recommended that "States … need to do more to prevent … absentee ballot fraud." *Id.* at v.

The Commission specifically recommended that States should implement and reinforce safeguards to prevent fraud in voting by mail. The Commission recommended that "States should make sure that

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[2] *Available at* https://www.legislationline.org/download/id/1472/file/-3b50795b2d0374cbef5c29766256.pdf.

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absentee ballots received by election officials before Election Day are kept secure until they are opened and counted." *Id.* at 46. It also recommended that States "prohibit[] 'third-party' organizations, candidates, and political party activists from handling absentee ballots." *Id.* And the Commission highlighted that a particular state "appear[ed] to have avoided significant fraud in its vote-by-mail elections by introducing *safeguards to protect ballot integrity, including signature verification*." *Id.* at 35 (emphasis added). The Commission concluded that "[v]ote by mail is … likely to increase the risks of fraud and contested elections … where the safeguards for ballot integrity are weaker." *Id.*

The most recent edition of the U.S. Department of Justice's Manual on *Federal Prosecution of Election Offenses*, published by its Public Integrity Section, highlights the very same concerns about fraud in voting by mail. U.S. Dep't of Justice, *Federal Prosecution of Election Offenses* (8th ed. Dec. 2017), at 28-29 ("DOJ Manual").[3] The Manual states: "Absentee ballots are particularly susceptible to fraudulent abuse because, by definition, they are marked and cast outside the presence of election officials and the structured environment of a polling place." *Id.* The Manual reports that "the more common ways" that election-fraud "crimes are committed include … [o]btaining and marking absentee ballots without the active input of the voters involved." *Id.* at 28. And the Manual notes that "[a]bsentee ballot

[3] *Available at* https://www.justice.gov/criminal/file/1029066/download.

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frauds" committed both with and without the voter's participation are "common." *Id.* at 29.

Similarly, the U.S. Government Accountability Office concluded that many crimes of election fraud likely go undetected. In 2014, discussing election fraud, the GAO reported that "crimes of fraud, in particular, are difficult to detect, as those involved are engaged in intentional deception." GAO-14-634, *Elections: Issues Related to State Voter Identification Laws* 62-63 (U.S. Gov't Accountability Office Sept. 2014).[4]

Despite the difficulties of detecting fraud schemes, recent experience contains many well-documented examples of absentee ballot fraud. For example, the News21 database, which was compiled to *refute* arguments that voter fraud is prevalent, identified 491 cases of absentee ballot over the 12-year period from 2000 to 2012—approximately 41 cases per year. *See* News21, *Election Fraud in America*.[5] This database reports that "Absentee Ballot Fraud" was "[t]he most prevalent fraud" in America, comprising "24 percent (491 cases)" of all cases reported in the public records surveyed. *Id.* Moreover, the database indicates that this number undercounts the total incidence of reported cases of absentee ballot fraud, because it was based on public-record requests to state and local government entities, many of which did not respond. *Id.*

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[4] *Available at* https://www.gao.gov/assets/670/665966.pdf.

[5] *Available at* https://votingrights.news21.com/interactive/election-fraud-database/&xid=17259,15700023,15700124,15700149,15700186,15700191,15700201,15700237,15700242

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Likewise, the Heritage Foundation's online database of election-fraud cases—which includes only a "sampling" of cases that resulted in an *adjudication* of fraud, such as a criminal conviction or civil penalty—identified 207 cases of proven "fraudulent use of absentee ballots" in the United States. The Heritage Foundation, *Election Fraud Cases*.[6] Again, this database undercounts the incidence of cases of election fraud: "The Heritage Foundation's Election Fraud Database presents a sampling of recent proven instances of election fraud from across the country. This database is not an exhaustive or comprehensive list." *Id.*

The public record abounds with recent examples of such fraudulent absentee-ballot schemes. For example, in November 2019, the mayor of Berkeley, Missouri was indicted on five felony counts of absentee ballot fraud for changing votes on absentee ballots to help him and his political allies to get elected. Brian Heffernan, *Berkeley Mayor Hoskins Charged with 5 Felony Counts of Election Fraud*, ST. LOUIS PUBLIC RADIO (Nov. 21, 2019).[7] Mayor Hoskins' scheme included "going to the home of elderly … residents" to harvest absentee ballots, "filling out absentee ballot applications for voters and having his campaign workers do the same," and "altering absentee ballots" after he had procured them from voters. *Id.* Again, in 2016, a state House race in Missouri was overturned amid allegations of

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[6] *Available at* https://www.heritage.org/voterfraud/search?combine=&state=All&year=&case_type=All&fraud_type=24489&page=12.

[7] *Available at* https://news.stlpublicradio.org/post/berkeley-mayor-hoskins-charged-5-felony-counts-election-fraud#stream/0

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widespread absentee-ballot fraud that had occurred across multiple election cycles in the same community. Sarah Fenske, *FBI, Secretary of State Asking Questions About St. Louis Statehouse Race*, RIVERFRONT TIMES (Aug. 16, 2016).[8] One candidate stated that it was widely known in the community that the incumbent ran an "absentee game" that resulted in the absentee vote tipping the outcome in her favor in multiple close elections. *Id.*

Other States have similar experiences. In 2018, a federal Congressional race was overturned in North Carolina, and eight political operatives were indicted for fraud, in an absentee-ballot scheme that sufficed to change the outcome of the election. Richard Gonzales, *North Carolina GOP Operative Faces New Felony Charges That Allege Ballot Fraud*, NPR.ORG, (July 30, 2019).[9] The indicted operatives "had improperly collected and possibly tampered with ballots," and were charged with "improperly mailing in absentee ballots for someone who had not mailed it themselves." *Id.*

In the North Carolina case, the lead investigator testified that the investigation was "a continuous case" over two election cycles, and that the scheme involved collecting absentee ballots from voters, altering the absentee ballots, and forging witness signatures on the ballots. *See In re: Investigation of Irregularities Affecting Counties Within the 9th*

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[8] *Available at* https://www.riverfronttimes.com/newsblog/2016/08/16/fbi-secretary-of-state-asking-questions-about-st-louis-statehouse-race.

[9] *Available at* https://www.npr.org/2019/07/30/746800630/north-carolina-gop-operative-faces-new-felony-charges-that-allege-ballot-fraud.

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Congressional District, North Carolina Board of Elections, Evidentiary Hearing, at 2-3.[10] The investigators described it as a "coordinated, unlawful, and substantially resourced absentee ballots scheme." *Id.* at 2. According to the investigators' trial presentation, the investigation involved 142 voter interviews, 30 subject and witness interviews, and subpoenas of documents, financial records, and phone records. *Id.* at 3. The perpetrators collected absentee ballots and falsified ballot witness certifications outside the presence of the voters. *Id.* at 10, 13. The congressional election at issue was decided by margin of less than 1,000 votes. *Id.* at 4. The scheme involved the submission of well over 1,000 fraudulent absentee ballots and request forms. *Id.* at 11. The perpetrators took extensive steps to conceal the fraudulent scheme, which lasted over multiple election cycles before it was detected. *Id.* at 14.

Similarly, in 2016, a politician in the Bronx was indicted and pled guilty to 242 counts of election fraud based on an absentee ballot fraud scheme. Ben Kochman, *Bronx politician pleads guilty in absentee ballot scheme for Assembly election,* NEW YORK DAILY NEWS (Nov. 22, 2016).[11] Despite pleading guilty to 242 felonies involving absentee ballot fraud in an election that was decided by two votes, the defendant received no jail time and vowed to run for office again after a short disqualification period. *Id.*

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[10] *Available at* https://images.radio.com/wbt/Voter%20ID_%20Website.pdf.

[11] *Available at* http://www.nydailynews.com/new-york/nyc-crime/bronx-pol-pleads-guilty-absentee-ballot-scheme-article-1.2884009.

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The increases in mail-in voting due to the COVID-19 pandemic likewise increased opportunities for fraud. For instance, in May 2020, the leader of the New Jersey NAACP called for an election in Paterson, New Jersey to be overturned due to widespread mail-in ballot fraud. *See* Jonathan Dienst et al., *NJ NAACP Leader Calls for Paterson Mail-In Vote to Be Canceled Amid Corruption Claims*, NBC NEW YORK (May 27, 2020).[12] "'Invalidate the election. Let's do it again,' [the NAACP leader] said amid reports more that 20 percent of all ballots were disqualified, some in connection with voter fraud allegations." *Id.*

Hundreds of other reported cases highlight the same concerns about the vulnerability of voting by mail to fraud and abuse. Recently, a Missouri court considered extensive expert testimony reviewing absentee-ballot fraud cases like these. *Findings of Fact, Conclusions of Law, and Final Judgment in Mo. State Conference of the NAACP* v. *State*, No. 20AC-CC00169-01 (Circuit Court of Cole County, Missouri Sept. 24, 2020), *aff'd*, 607 S.W.3d 728 (Mo. banc Oct. 9, 2020) ("*Mo. NAACP*"). The court held that cases of absentee-ballot fraud "have several common features that persist across multiple recent cases: (1) close elections; (2) perpetrators who are candidates, campaign workers, or political consultants, not ordinary voters; (3) common techniques of ballot harvesting; (4) common techniques of signature forging; (5) fraud that persisted across multiple elections before it was detected; (6) massive resources

[12] *Available at* https://www.nbcnewyork.com/news/politics/nj-naacp-leader-calls-for-paterson-mail-in-vote-to-be-canceled-amid-fraud-claims/2435162/.

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required to investigate and prosecute the fraud; and (7) lenient criminal penalties." *Id.* at 17. Thus, the court concluded "that fraud in voting by mail is a recurrent problem, that it is hard to detect and prosecute, that there are strong incentives and weak penalties for doing so, and that it has the capacity to affect the outcome of close elections." *Id.* The court held that "the threat of mail-in ballot fraud is real." *Id.* at 2.

III. The Bill of Complaint Alleges that the Defendant States Unconstitutionally Abolished Critical Safeguards Against Fraud in Voting by Mail.

The Bill of Complaint alleges that non-legislative actors in each Defendant State unconstitutionally abolished or diluted statutory safeguards against fraud enacted by their state Legislatures, in violation of the Presidential Electors Clause. U.S. CONST. art. II, § 1, cl. 4. All the unconstitutional changes to election procedures identified in the Bill of Complaint have two common features: (1) They abrogated statutory safeguards against fraud that responsible observers have long recommended for voting by mail, and (2) they did so in a way that predictably conferred partisan advantage on one candidate in the Presidential election. Such allegations are serious, and they warrant this Court's review.

Abolishing signature verification. First, the proposed Bill of Complaint alleges that non-legislative actors in Pennsylvania, Michigan, and Georgia unilaterally abolished or weakened signature-verification requirements for mailed ballots. It alleges that Pennsylvania's Secretary of State

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abrogated Pennsylvania's statutory signature-verification requirement for mail-in ballots in a "friendly" settlement of a lawsuit brought by activists. Bill of Complaint, ¶¶ 44-46. It alleges that Michigan's Secretary of State permitted absentee ballot applications online, with no signature at all, in violation of Michigan statutes, *id.* ¶¶ 85-89; and that election officials in Wayne County, Michigan simply disregarded statutory signature verification requirements, *id.* ¶¶ 92-95. And it alleges that Georgia's Secretary of State unilaterally abrogated Georgia's statute authorizing county registrars to engage in signature verification for absentee ballots in another lawsuit settlement. *Id.* ¶¶ 66-72.

In addition to violating the Electors Clause, these actions, as alleged, contradict fundamental principles of ballot security. As noted above, the Carter-Baker Report highlighted the importance of "*signature verification*" as a critical "safeguard[] to protect ballot integrity" for ballots cast by mail. Carter-Baker Report, *supra*, at 35 (emphasis added). Without safeguards such as signature verification, the Report stated that "[v]ote by mail is … likely to increase the risks of fraud and contested elections … where the safeguards for ballot integrity are weaker." *Id.* The importance of signature verification is hard to overstate, because absentee-ballot fraud schemes commonly involve "common techniques of signature forging," typically by nefarious actors who are unfamiliar with the voter's signature. *Mo. NAACP*, *supra*, at 17. Verifying the voter's signature thus provides a fundamental safeguard against fraud.

Insecure ballot handling. The Bill of Complaint alleges that non-legislative actors changed

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or abolished statutory rules for the secure handling of absentee and mail-in ballots in Pennsylvania, Michigan, and Wisconsin. It alleges that election officials in Democratic areas of Pennsylvania violated state statutes by opening and reviewing mail-in ballots that were required to be kept locked and secure until Election Day. Bill of Complaint, ¶¶ 50-51. It alleges that Michigan's Secretary of State, acting in violation of state law, sent 7.7 million unsolicited absentee-ballot applications to Michigan voters, thus "flooding Michigan with millions of absentee ballot applications prior to the 2020 general election." *Id.* ¶¶ 80-84. And it alleges that the Wisconsin Election Commission violated state law by placing hundreds of unmonitored boxes for the submission of absentee and mail-in ballots around the State, concentrated in heavily Democratic areas. *Id.* ¶¶ 107-114.

In addition to violating the Electors Clause, these actions, as alleged, contradict commonsense ballot-security recommendations. The Department of Justice's Manual on *Federal Prosecution of Election Offenses* notes that vulnerability to mishandling is what makes absentee ballots "particularly susceptible to fraudulent abuse" because "they are marked and cast outside the presence of election officials and the structured environment of a polling place." DOJ Manual, at 28-29. According to the Manual, "[o]btaining and marking absentee ballots without the active input of the voters involved" is one of "the more common ways" that election fraud "crimes are committed." *Id.* at 28. For this reason, the Carter-Baker Commission made recommendations in favor of preventing such insecurity in the handling of ballots. For example, the Commission recommended that

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"States should make sure that absentee ballots received by election officials before Election Day are kept secure until they are opened and counted." *Id.* at 46. It also recommended that States "prohibit[] 'third-party' organizations, candidates, and political party activists from handling absentee ballots." *Id.*

Inconsistent Statewide Standards. The Bill of Complaint alleges that the Defendant States provided different standards and treatment for mail-in ballots submitted in different areas of each State, and that this differential treatment uniformly provided a partisan advantage to one side in the Presidential election. It alleges that election officials in Philadelphia and Allegheny County, Pennsylvania, applied different standards to voters in those Democratic strongholds than applied to other voters in Pennsylvania, in violation of state law. Bill of Complaint, ¶¶ 52-54. Similarly, it alleges that Milwaukee, Wisconsin violated state law by authorizing election officials to "correct" disqualifying omissions on ballot envelopes by entering information that the voter should have entered with a red pen, while no similar "correction" process was granted to other voters in that State. *Id.* ¶¶ 123-127. And it alleges that Wayne County, Michigan provided differential treatment of its voters, in violation of state statutes, by simply ignoring statutorily required signature-verification requirements. *Id.* ¶¶ 92-95.

Such differential treatment, as alleged under circumstances raising concerns of partisan bias, contradicts universal recommendations for integrity and public confidence in elections. As this Court stated in *Bush* v. *Gore*, "[t]he idea that one group can be granted greater voting strength than another is

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hostile to the one man, one vote basis of our representative government." 531 U.S. at 107 (quoting *Moore* v. *Ogilvie*, 394 US 814 (1969)). The Carter-Baker Report noted that "inconsistent or incorrect application of electoral procedures may have the effect of discouraging voter participation and may, on occasion, raise questions about bias in the way elections are conducted." Carter-Baker Report, at 49. "Such problems raise public suspicions or may provide grounds for the losing candidate to contest the result in a close election." *Id.*

Excluding Bipartisan Observers. The Bill of Complaint alleges that certain counties in Defendant States excluded bipartisan observers from the ballot-opening and ballot-counting processes. For example, it alleges that election officials in Philadelphia and Allegheny County, Pennsylvania, violated state law by excluding Republican observers from the opening, counting, and recording of absentee ballots in those counties. Bill of Complaint, ¶ 49. And it alleges that election officials in Wayne County, Michigan violated state statutes by systematically excluding poll watchers from the counting and recording of absentee ballots. *Id.* ¶¶ 90-91.

Such actions, as alleged, raise concerns about the integrity of the vote count in those counties. As the Carter-Baker Report emphasized, States should "provide observers with meaningful opportunities to monitor the conduct of the election." Carter-Baker Report, at 47. "To build confidence in the electoral process, it is important that elections be administered in a neutral and professional manner," without the appearance of partisan bias." *Id.* at 49. When observers of one political party are illegally and

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systematically excluded from observing the vote count, "the appearance of partisan bias" is inevitable. *Id.* For counties in Defendant States to exclude Republican observers weakens public confidence in the electoral process and raises grave concerns about the integrity of ballot counting in those counties.

Extending the Deadline to Receive Ballots. The Bill of Complaint alleges that a non-legislative actor in Pennsylvania—its Supreme Court—extended the statutory deadline to receive absentee and mail-in ballots without authorization from the "Legislature thereof," and that it directed that ballots with illegible postmarks or no postmarks at all would be deemed timely if received within the extended deadline. Bill of Complaint, ¶¶ 48, 55. Again, these non-legislative changes raise concerns about election integrity in Pennsylvania. They created a post-election window of time during which nefarious actors could wait and see whether the Presidential election would be close, and whether perpetrating fraud in Pennsylvania would be worthwhile. And they enhanced the opportunities for fraud by mandating that late ballots must be counted even when they are not postmarked or have no legible postmark, and thus there is no evidence they were mailed by Election Day.

These changes created needless vulnerability to actual fraud and undermined public confidence in the election. As the Department of Justice's Manual of *Federal Prosecution of Election Offenses* states, "the conditions most conducive to election fraud are close factional competition within an electoral jurisdiction for an elected position that matters." DOJ Manual, at 2-3. "[E]lection fraud is most likely to occur in electoral jurisdictions where there is close factional

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competition for an elected position that matters." *Id.* at 27. That statement exactly describes the conditions in each of the Defendant States in the recent Presidential election.

CONCLUSION

The allegations in the Bill of Complaint raise important constitutional issues under the Electors Clause of Article II, § 1. They also raise serious concerns relating to election integrity and public confidence in elections. These are questions of great public importance that warrant this Court's attention. The Court should grant the Plaintiff's Motion for Leave to File Bill of Complaint.

AMERICAN OVERSIGHT

December 9, 2020

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AMERICAN OVERSIGHT

No. 22O155

In the Supreme Court of the United States

STATE OF TEXAS,
Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA, STATE OF GEORGIA, STATE OF MICHIGAN, AND STATE OF WISCONSIN,
Defendants.

On Motion for Leave to File Bill of Complaint

CERTIFICATE OF COMPLIANCE

As required by Supreme Court Rule 33.1(h), I certify that the Brief of Missouri and 16 Other States as *Amici Curiae* in Support of Plaintiff's Motion for Leave to File Bill of Complaint in the above captioned case contains 5,166 words as determined by the word counting feature of Microsoft Word, excluding the parts of the brief that are exempted by Supreme Court Rule 33.1(d).

December 9, 2020

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AMERICAN OVERSIGHT

No. 22O155

In the Supreme Court of the United States

STATE OF TEXAS,
Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA, STATE OF GEORGIA, STATE OF MICHIGAN, AND STATE OF WISCONSIN,
Defendants.

On Motion for Leave to File Bill of Complaint

CERTIFICATE OF SERVICE

In accordance with Rule 29.5(b) and the Court's April 15, 2020 Order, I certify that the required copies of the Brief of Missouri and 16 Other States as *Amici Curiae* in Support of Plaintiff's Motion for Leave to File a Bill of Complaint in the above captioned case have been sent to the U.S. Supreme Court by commercial overnight delivery, and electronic copies were served by electronic mail on the following parties listed below on December 9, 2020.

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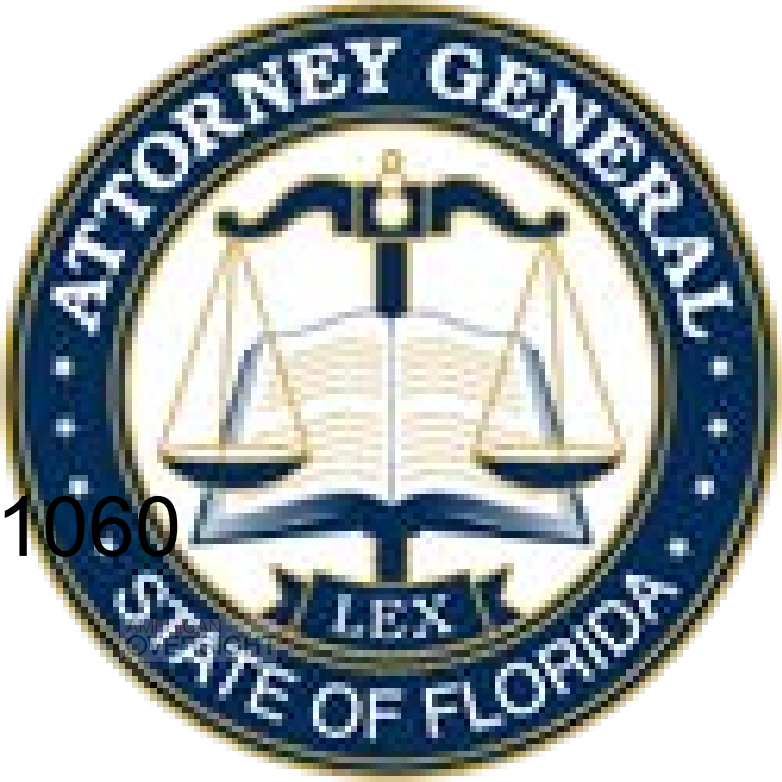

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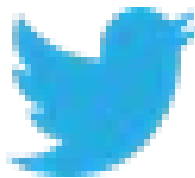

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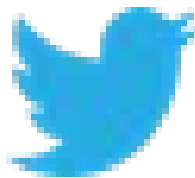

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