2022 Special Session I

Budget Bill - HB29 (Introduced)

Central Appropriations

Item 479.20	First Year - FY2021	Second Year - FY2022
Disaster Planning and Operations (72200)	**$0**	~~**$9,092,453,771**~~ ***$9,094,043,771***
Pandemic Response (72211)	$0	~~$9,092,453,771~~ *$9,094,043,771*
Fund Sources:		
Federal Trust	$0	~~$9,092,453,771~~ *$9,094,043,771*

A. Out of the revenues received from the federal distributions of the American Rescue Plan Act of 2021 (ARPA), the following table represents non-discretionary amounts appropriated prior to the enactment of this act.

ARPA Funding Source	Agency / Purpose	Amount
State and Local Recovery Fund - Local (Non-Entitlement) - (US Treasury)	Department of Accounts Transfer Payments (162) / ARPA local allocations - Non-Entitlement Localities - Part 1	$316,876,775
WIC Cash Value Vouchers Increase (USDA)	Department of Health (601) / Increase WIC Cash-value voucher benefit for fruit and vegetables	$8,910,669
Unemployment Insurance Extension Implementation Grants (US DOL)	Virginia Employment Commission (182) / Unemployment Insurance Benefits	$2,058,424,317
Aid to State Veterans Homes - Per Diem Program (US VA)	Department of Veterans Services (912) / Aid to State Veterans Homes per diem Program	$4,285,124

B.1. The appropriation for this Item includes an amount estimated at $3,179,200,801 in the second year from the revenues to be received from distributions of the federal State and Local Recovery Fund (SLRF) pursuant to the American Rescue Plan Act of 2021 (ARPA).

2. The following appropriations shall be transferred from this Item for the following purposes:

a. Unemployment Assistance

1) $73,600,000 to the Virginia Employment Commission (182) for information technology modernization, call center improvements, security, and claims adjudication. Information technology improvements shall include a customer relationship management system and other such communication tools to better serve Unemployment Insurance clients.

2) $862,000,000 to the Virginia Employment Commission (182) for deposit to the Unemployment Trust Fund.

3) Notwithstanding any other provision of law, the Virginia Employment Commission shall compute tax rates for Calendar Year 2022 by excluding pandemic related claim activity. Any such rate for any employer for Calendar Year

2022, may be less than, but shall not exceed the established rate for that employer for Calendar Year 2021. For purposes of this calculation, pandemic related claim activity is defined as all regular Unemployment Insurance claims activity from April 1, 2020, through June 30, 2021. The pool charge for Calendar Year 2022 shall be computed using this same methodology and set at an amount not to exceed the rate in effect for Calendar Year 2021.

b. Broadband

1) $500,000 to the Department of General Services (194) for legal and real estate transaction support for agencies that own property to support broadband expansion.

2) $479,000,000 to the Department of Housing and Community Development (165) to support broadband access managed and awarded through the Virginia Telecommunications Initiative grant making process; however, the agency may adjust the criteria to reflect the provisions established by the U.S. Department of the Treasury's rules and regulations regarding the Coronavirus State and Local Fiscal Recovery Funds established under the American Rescue Plan Act.

3) $8,000,000 to the Department of Housing and Community Development (165) for the Line Extension Customer Assistance Program to support the extension of existing broadband networks to low to moderate income residents.

4) For grants awarded from the amounts appropriated in paragraphs B.2.b.2), C.1., and Item 114, Paragraph L. of Chapter 552, 2021 Acts of Assembly, Special Session I for the construction of broadband infrastructure through the Virginia Telecommunications Initiative, the Department of Housing and Community Development shall deliver an annual performance report to the Governor, Secretary of Commerce and Trade, and Chairs of the House Appropriations Committee and Senate Finance and Appropriations Committee on or before November 1st of each year, starting in Calendar Year 2022. To the extent possible, the annual performance report shall contain information by grant recipient and year on the following metrics: (1) Number of passings; (2) Grant dollars expended by fund source (State and Local Recovery Fund, Capital Project Fund, general fund state grants and match); (3) Contract performance period, and on-time progress towards project delivery; (4) Maximum advertised project speeds available; and, (5) Achievement of key project milestones. The annual performance report shall include an evaluation of any projects under risk of incompletion or underperformance. The Department of Housing and Community Development shall develop a public facing dashboard to be updated quarterly that contains key performance information by grant recipient and year, and includes the key performance indicators outlined above. Information in this public facing tool shall contain data beginning with grants awarded in the Fiscal Year 2022 Virginia Telecommunications Initiative grant cycle.

c. Rebuild VA

1) $250,000,000 to the Department of Small Business and Supplier Diversity (350) for the Rebuild VA program. In awarding these funds, priority shall be given to qualifying applications received by the Department on or before June 30, 2021, for which a grant has not been awarded. The Department shall solicit new applications to allocate any balance that remains from this appropriation. In allocating funds to support grants for applications solicited by the agency after June 30, 2021: (1) the Department shall prioritize funding for businesses in the hospitality and tourism industry, that includes, but is not limited to hotel and lodging establishments, restaurants, and entertainment and public amusement venues; and, (2) in awarding these funds to restaurants, funds shall be reserved for restaurants that have not received federal assistance through the Small Business Administration's Restaurant Revitalization Fund or loan forgiveness from the Small Business Administration's Paycheck Protection Program.

d. Other small business

1) $22,500,000 to the Department of Housing and Community Development (165) to support the Virginia Removal

or Rehabilitation of Derelict Structures Fund program. Notwithstanding § 36-155, Code of Virginia, for the purposes of this funding, the maximum grant amount shall be $5,000,000 for projects in economically distressed areas, and any grant award in excess of $1,000,000 for projects in economically distressed areas shall be conditioned upon a 100 percent match of local and/or private funds by the local government. The funds shall be managed and awarded through the Industrial Revitalization Fund process; however, the department may adjust the criteria to reflect the provisions established by the U.S. Department of the Treasury's rules and regulations regarding the Coronavirus State and Local Fiscal Recovery Funds established under the American Rescue Plan Act. Pursuant to these provisions, DHCD shall increase project cap amounts and consider updates to program guidelines that make more projects viable, especially in communities disproportionately impacted by the pandemic. Where the proposed project's end user is a private business, DHCD shall include evaluation criteria that incentivizes significant private investment.

2) $4,000,000 to the Department of Housing and Community Development to support the Virginia Main Street Program in providing assistance to businesses recovering from the COVID-19 pandemic.

e. Utility Assistance

1) a) $120,000,000 for utility assistance, to help provide direct assistance to residential utility customers with accounts over 60 days in arrears including the cost to administer the program.

b) The State Corporation Commission shall establish an application process to distribute funds directly to utilities for the purpose of efficiently providing direct assistance to customers. Funds shall be awarded proportionally based on total arrearages of residential utility customer accounts over 60 days in arrears as of August 31, 2021. The Director, Department of Planning and Budget shall distribute funds to the State Corporation Commission within 30 days of the passage of this act. The Director, Department of Planning and Budget in consultation with the State Corporation Commission and the Department of Housing and Community Development shall transfer amounts from this allocation to address the arrearages held by residential customers of utilities outside the jurisdiction of the Commission to the Department of Housing and Community Development for distribution to these utilities. Notwithstanding § 2.2-4002, Code of Virginia, the provisions contained in this paragraph establishing the utility direct assistance program shall not be subject to the Administrative Process Act.

c) Upon receipt of any funds provided in this paragraph, utilities shall maintain separate ARPA COVID-19 Utility Assistance Funds and record direct assistance payments to residential customers on their books in accordance with applicable accounting standards. Utilities may not direct any funds provided in this paragraph to new deposits, down payments, fees, late fees, interest charges, or penalties. Utilities may require the customer to attest to the utility or to a third party chosen by the utility that the customer has experienced a financial hardship resulting directly or indirectly from the COVID-19 pandemic or that they have experienced a hardship to pay during the COVID-19 pandemic prior to receiving direct assistance from the utility's ARPA COVID-19 Utility Assistance Fund. While utilities may require attestation of such hardship, it is implied that arrearages accrued over 60 days for customer nonpayment of bills from March 12, 2020, to the effective date of this act, for which federal relief funds shall be used for direct subsidy payments on behalf of customers were incurred as a financial hardship created by the COVID-19 pandemic. Utilities shall reflect the direct assistance payment on an eligible customer's monthly bill, after the funds are applied to the customer's account. Should the application of any assistance render a customer due a balance necessitating a cash refund payable to the customer, such assistance shall be proportionally reduced as to achieve a zero balance.

d) For the purposes of this appropriation, utilities include electric companies subject to regulation of the State Corporation Commission, natural gas suppliers subject to the regulation of the Commission, electric and gas municipal utilities, and water suppliers and wastewater service providers, subject to the regulation of Commission or constituting a municipal utility. "Municipal utility" means a utility providing electric, gas, water, or wastewater service that is owned or operated by a city, county, town, authority, or other political subdivision of the Commonwealth. Notwithstanding the provisions of this paragraph, a utility does not include any Phase II utility

subject to the regulation of the State Corporation Commission.

e) The Department of Housing and Community Development shall survey municipal utilities to determine the amount of unspent utility assistance funds previously provided under the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136), as well as the level of outstanding customer arrearages as of August 31, 2021, from March 12, 2020. The information collected shall include the number and value of accounts that are at least 60 days in arrears disaggregated by residential, business, and industrial users. Utilities not subject to the regulation of the State Corporation Commission shall submit the required information to the Department in a timely manner. The Department shall submit a report on its findings to the Governor and the Chairs of the House Appropriations Committee and Senate Finance and Appropriations Committee by November 1, 2021.

f) The State Corporation Commission shall survey jurisdictional utilities to determine the amount of unspent utility assistance funds previously provided under the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136), as well as the level of outstanding customer arrearages as of August 31, 2021, from March 12, 2020. The information collected shall include the number and value of accounts that are at least 60 days in arrears disaggregated by residential, business, and industrial users. Utilities subject to the regulation of the State Corporation Commission shall submit the required information to the Commission in a timely manner. The Commission shall submit a report on its findings to the Governor and the Chairs of the House Appropriations Committee and Senate Finance and Appropriations Committee by November 1, 2021.

g) If it is determined that the funds provided in this paragraph are insufficient to satisfy the aggregate outstanding jurisdictional and municipal utility customer arrearages following the passage of this act, additional funding may be considered during the 2022 General Assembly Session.

f. Tourism

1) $50,000,000 to the Virginia Tourism Authority (320) to support local domestic marketing organizations, as well as the Authority's marketing and incentive programs.

2) $1,000,000 to the Virginia Tourism Authority (320) to collaborate and partner with the City of Virginia Beach to develop historical and cultural content with the Virginia African American Cultural Center (VAACC).

3) $6,000,000 to the Fort Monroe Authority (360) for construction of a permanent monument to commemorate the 400-year anniversary of the First Landing of Africans at Point Comfort in Fort Monroe.

4) $250,000 to the Department of Historic Resources (423) to be provided to the City of Harrisonburg to partner with the Dallard-Newman House to complete development of a Museum of African- American History and Culture in Harrisonburg.

g. Education

1) $500,000 to Direct Aid to Public Education (197) to support An Achievable Dream program in Henrico County.

2) $500,000 to Direct Aid to Public Education (197) to support Fredericksburg City Schools to expand its career and technical education programs.

3) $200,000 to Direct Aid to Public Education (197) to provide after school and summer education programs to Sussex and Greensville Counties' students through the Sussex County Youth and Adult Recreation Association ($100,000) and the Washington Park Association ($100,000).

4) $800,000 to Direct Aid to Public Education (197) to provide a one-time grant to Portsmouth Public Schools to support students with workforce readiness education and industry based skills, including internships and

externships, apprenticeships, and assistance in enrollment in post-secondary education.

h. Education - Ventilation

1) $250,000,000 to Direct Aid to Public Education (197) for qualifying ventilation improvement projects in local public schools. Funds shall be allocated to local school divisions based on fiscal year 2022 projected March 31 average daily membership with a minimum allocation of $200,000 per division. Funds shall be paid to school divisions on a reimbursement basis. Localities shall provide a match for these funds from any available fund sources equal to 100 percent of the grant amount. A school division may elect to accept a grant amount less than its formula allocation. Before receiving any funds, local school divisions must provide a description for each of the projects to be completed with these funds, including estimated costs and date of completion, and certify to the Department of Education no later than November 15, 2021, that these funds will be used to improve ventilation systems in public facilities in accordance with guidelines issued by the U.S. Department of the Treasury for the American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds. Following certification from a school division that it will not participate in the grant program or elects to accept an amount less than its formula allocation, the Department of Education is authorized to reallocate any program balances based on actual demand. No later than December 15, 2021, the Department of Education shall compile the school division certifications and submit a report to the Chairs of the Senate Finance and Appropriations and House Appropriations Committees, the Secretary of Education, the Secretary of Finance, and the Director, Department of Planning and Budget.

2) $2,000,000 to the Jamestown-Yorktown Foundation (425) to upgrade its ventilation systems in its facilities.

3) $5,000,000 to the Virginia Museum of Fine Arts (238) to replace outdated air handling units on the main museum campus.

i. Higher Education

1) $100,000,000 to the State Council of Higher Education for Virginia (245) for need-based financial aid for in-state undergraduate students from low- and moderate-income households at public institutions of higher education. No less than 30 days prior to distributing the funds to the public institutions, the Council shall report on the allocation methodology used to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, the Secretary of Finance, the Secretary of Education, and the Director, Department of Planning and Budget.

2) $11,000,000 to the State Council of Higher Education for Virginia (245) for need-based financial aid for in-state undergraduate students from low- and moderate-income households at institutions of higher education eligible for the Virginia Tuition Assistance Grant Program in accordance with § 23.1-628 through § 23.1-635, Code of Virginia. No institution shall receive more than ten percent of the total funding provided herein. No less than 30 days prior to distributing the funds to the private institutions, the Council shall report on the allocation methodology used to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, the Secretary of Finance, the Secretary of Education, and the Director, Department of Planning and Budget.

3) $40,000,000 to the Virginia Community College System (260) for capital projects at Northern Virginia Community College (NVCC). Of this allocation, $15,000,000 is designated for construction of a new building that would allow NVCC to expand its trades programs in carpentry, electrical, computer integration in trades, advanced automotive, and backup power systems. $25,000,000 is designated for construction of a building that would allow NVCC to expand its nursing, phlebotomy, occupational therapy assistant, and physical therapist assistant programs.

4) $10,000,000 to the Online Virginia Network Authority (244).

j. Food Access

1) $14,600,000 to the Department of Agriculture and Consumer Services (301) for food assistance, including the expansion of food access and healthcare partnerships, development of a shelf-stable food purchase program, and the purchase of food from local farmers through the Virginia Farm to Virginia Families Food Box Program.

k. CSOs and Wastewater

1) $5,750,000 to the Department of Health (601) to provide improvement funds for well and septic systems for homeowners at or below 200 percent of the federal poverty guidelines.

2) $75,000,000 to the Department of Environmental Quality (440) for septic, straight pipe, and sewer collection system repair, replacement, and upgrades.

3) $125,000,000 to the Department of Environmental Quality (440) for grants to the *City of Alexandria, Virginia Sanitation Authority and the* cities of ~~Alexandria,~~ Lynchburg~~,~~ and Richmond to pay a portion of the costs of combined sewer overflow control projects. The City of Alexandria*, Virginia Sanitation Authority* is to receive $50,000,000; the City of Lynchburg is to receive $25,000,000; and the City of Richmond is to receive $50,000,000. In order to receive these funds, the locality must certify that it is providing a 100 percent match to the funds it will receive pursuant to this paragraph.

4) $100,000,000 to the Department of Environmental Quality (440) to reimburse eligible entities as provided for in the Enhanced Nutrient Removal Certainty (ENRC) Program established in § 62.1-44.19:14, Code of Virginia, for capital costs incurred for the design and installation of nutrient removal technology, and to reimburse *the Wise County Public Service Authority for capital costs incurred for infrastructure improvements in* the Town of Pound and the City of Petersburg for capital costs incurred for infrastructure improvements that are eligible for reimbursement under the Virginia Water Facilities Revolving Fund established in § 62.1-225, Code of Virginia. Such reimbursements shall be in accordance with eligibility determinations made by the Department of Environmental Quality.

l. Drinking Water

1) $50,000,000 to the Department of Health (601) to support equal access to drinking water at small and disadvantaged community waterworks. These funds shall be limited in their use to qualifying municipal and private drinking water projects and shall not be used for improvements to the department's internal systems~~, staffing,~~ or processes.

m. Parks

1) $25,000,000 to the Department of Conservation and Recreation (199) for outdoor recreation area maintenance and construction needs.

2) $1,000,000 to the Department of Conservation and Recreation (199) to be provided to Fairfax County for trail system connections at Lake Royal Park.

n. Mental Health

1) $45,000,000 to the Department of Behavioral Health and Developmental Services (720) for bonuses provided to direct care staff at state behavioral health facilities and intellectual disability training centers.

2) $10,000,000 to the Department of Behavioral Health and Developmental Services (720) for the continued expansion of community-based crisis services, which may include mobile crisis services and crisis receiving facilities.

3) $1,200,000 to the Department of Behavioral Health and Developmental Services (720) for the purchase of personal protective equipment at state facilities.

4) $50,000,000 to the Department of Behavioral Health and Developmental Services (720) for the renovation or replacement of ventilation and water or sewer systems at state facilities.

5) $5,000,000 to the Department of Behavioral Health and Developmental Services (720) for permanent supportive housing in Northern Virginia to assist with the bed crisis at state facilities.

6) $1,650,000 to the Department of Behavioral Health and Developmental Services (720) to expand a pilot program to serve approximately 60 additional individuals with a primary diagnosis of dementia who are ready for discharge from state geriatric behavioral health hospitals to the community and who are in need of nursing facility level care. Funding for the pilot program shall be dependent upon an agreement between the department and the Community Services Board in the jurisdiction the pilot program is located. The Department shall report to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director of the Department of Planning and Budget on the design and implementation of the pilot program by December 1, 2021, with a report on the program's outcomes, including data on hospital readmissions and program sustainability by June 30, 2022.

7) $1,000,000 to the Department of Criminal Justice Services (140) to provide resources for crisis intervention team training to law-enforcement officers and dispatchers, and one position to provide technical assistance in support of the mental health awareness response and community understanding services (Marcus) alert system.

o. Substance Use Disorder

1) $5,000,000 to the Department of Health (601) for substance misuse and suicide prevention efforts.

2) $10,000,000 to the Department of Behavioral Health and Developmental Services (720) to make grants to members of the Virginia Association of Recovery Residences for recovery support services.

3) $5,000,000 to the Department of Behavioral Health and Developmental Services (720) to expand community-based substance use disorder treatment services.

p. Public Health Initiatives

1) $2,500,000 to the Virginia State Bar (117) for legal aid funding for legal representation in eviction cases.

2) $2,285,000 to the Department of General Services (194) for Consolidated Labs to include courier / dropbox enhancements, customer support upgrades, and Laboratory Information Management System (LIMS) infrastructure, development, and improvement.

3) $3,750,000 to the Department of Housing and Community Development (165) for a dedicated lead rehabilitation program to address childhood lead poisoning in residential properties.

4) $8,000,000 to the Department of Health (601) to address broadband connectivity and network infrastructure issues at local health departments. The department shall communicate a detailed plan and implementation schedule to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director of the Department of Planning and Budget by September 30, 2021. Additionally, the department shall report quarterly to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director of the Department of Planning and Budget on progress made, with the first progress report to be delivered not later than December 31, 2021.

5) $10,000,000 to the Department of Health (601) for the procurement and deployment of an electronic health records system. The department shall communicate a detailed plan and implementation schedule to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director of the Department of Planning and Budget by September 30, 2021. Additionally, the department shall report quarterly to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director of the Department of Planning and Budget on progress made, with the first progress report to be delivered not later than December 31, 2021.

6) $30,000,000 to the Department of Health (601) to target core building upgrades at local health departments to mitigate the impact of infrastructure that hinders the agency's ability to reach and serve at-risk communities. The department shall communicate a detailed plan and implementation schedule to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director of the Department of Planning and Budget by September 30, 2021. Additionally, the department shall report quarterly to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director of the Department of Planning and Budget on progress made, with the first progress report to be delivered not later than December 31, 2021.

7) $10,000,000 to the Department of Health (601) for the modernization of administrative systems and software in order to create response capacity during future emergencies. The department shall communicate a detailed plan and implementation schedule to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director of the Department of Planning and Budget by September 30, 2021. Additionally, the department shall report quarterly to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director of the Department of Planning and Budget on progress made, with the first progress report to be delivered not later than December 31, 2021.

8) $1,000,000 to the Department of Health (601) for the creation of a Public Oral Health Taskforce aimed at strengthening public oral health and improving patient outcomes and experiences.

9) $10,000,000 to the Department of Health (601) for a records management system that will digitize and automate records processes. The department shall communicate a detailed plan and implementation schedule to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director of the Department of Planning and Budget by September 30, 2021. Additionally, the department shall report quarterly to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director of the Department of Planning and Budget on progress made, with the first progress report to be delivered not later than December 31, 2021.

10) $20,000,000 to the Department of Health (601) to provide targeted community outreach in difficult to reach communities harmed by COVID-19.

11) $10,000,000 to the Department of Medical Assistance Services (602) to address operational backlogs by hiring contractors to assist with eligibility re-evaluations and member appeals. Funding also will be used to perform COVID-19 related outreach and engagement activities.

12) $31,148,676 to the Department of Medical Assistance Services (602) to make payments to Medicaid-eligible nursing homes and specialized care providers equivalent to a $5 per diem rate for service dates between July 1, 2021, and June 30, 2022. The department shall have the authority to work with necessary vendors and contractors to determine payment eligibility, amounts, and the process by which payments will be made. Final payments will be made by September 30, 2022. The department shall have the authority to implement such payments prior to the completion of any regulatory process to effect such changes. The Governor is authorized to adjust this SLRF appropriation to ensure that sufficient funding is available to make necessary payments.

13) $528,300 to the Department for Aging and Rehabilitative Services (262) to fund HVAC/air quality systems and

physical plant improvements in assisted living facilities that serve a disproportionate share of auxiliary grant residents.

14) $1,000,000 to the Department of Social Services (765) *to support* ~~for~~ ~~the~~ ~~Virginia~~ ~~Trauma-Informed~~ ~~Community Network~~ ~~(TICN)~~ *Virginia trauma-informed community networks (TICNs)* to provide a community awareness campaign, education, professional development, mini grants, and other initiatives to support existing networks.

15) $600,000 to the Department for the Blind and Vision Impaired (702) to construct an outdoor multi-purpose pavilion to allow activities to be conducted outdoors in a safer environment relative to COVID-19 transmission.

16) $11,500,000 to the Department for the Blind and Vision Impaired (702) to renovate the Virginia Industries for the Blind facility in Charlottesville to ensure that an essential link in the pandemic supply chain is available.

17) $450,000 to the Department for the Blind and Vision Impaired (702) to upgrade the ventilation systems in six agency offices.

18) $1,393,085 to the Department of Emergency Management (127) for Virginia Emergency Support Team (VEST) COVID-19 recovery activities and four support staff.

19) $10,270,354 to the Department of Veterans Services (912) to address revenue shortfalls resulting from reduced census at Sitter &Barfoot Veterans Care Center and Virginia Veterans Care Center caused by COVID-19, and to provide support for temporary additional staff at state veterans cemeteries.

20) a) $50,000,000 to the Department of Military Affairs (123) for projects at Readiness Centers (armories) to replace HVAC systems and to convert or expand existing multi-purpose spaces or to add space that may be used as emergency medical suites and to provide the necessary support equipment. Priority for use of these funds shall be given to completing HVAC projects.

b) No less than 60 days prior to initiating a project, the department shall submit preliminary plans and specifications along with cost estimates for review and approval by the Six-Year Capital Outlay Plan Advisory Committee.

21) $529,000 to the Department of Military Affairs (123) for Infrared Body Temperature Scanning equipment and personal protective equipment.

22) $1,000,000 to the Department of Social Services (765) to upgrade mission critical network infrastructure.

q. Language Translation Capacity

1) $500,000 to the Office of the Governor (121), Office of Equity, Diversity, and Inclusion, for language access translation planning consulting services. Consulting services will include the development of a plan to determine which state agencies have the highest need for translation services, determination of the types of services needed, and the determination of the costs to implement such services in support of determining amounts to consider for inclusion in the budget for the 2022-2024 biennium. The Chief Diversity Officer shall provide a report on the results of the translation planning efforts to the Governor and Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2021.

r. Addressing Community Violence

1) $2,500,000 to the Office of the Attorney General (141) for gun violence reduction projects in partnership with select localities.

2) $12,199,930 to the Department of Criminal Justice Services (140) to support services to victims of crime including, but not limited, services for victims of sexual assault and domestic violence, victims of elder abuse and child abuse, and victims of crime. The Department shall use these funds to support sexual assault and domestic violence applicants of the Victims Services Grant Program for Fiscal Year 2022 such that the amounts reduced from the competitive grant applications for this grant period, due to lack of funding, are fully restored.

3) $1,000,000 to the Department of Criminal Justice Services (140) to support the Virginia Sexual and Domestic Violence Victim Fund.

4) $800,000 to the Department of Criminal Justice Services (140) to provide a one-time grant to the City of Hampton to support an employment program for court-involved youths and adults facing barriers to employment, expand services for those participating in or at risk of participating in gun violence, and provide counseling or mental health services for those exposed to violence.

5) $505,375 to the Department of Forensic Science (778) for the purchase of equipment to analyze firearms evidence.

6) $2,500,000 to the Department of Criminal Justice Services (140) to provide competitive one-time grants to groups providing community-based gun violence reduction or youth and gang violence intervention programming through initiatives including, but not limited to, those substantially similar to programs such as the Gang Reduction and Youth Development of Los Angeles and Operation Ceasefire of Boston models. In awarding such grants, the Department shall prioritize initiatives in localities experiencing higher than average levels of gun violence and those assessed pursuant to Item 406, Paragraph R of Chapter 1289 of the 2020 Session of the General Assembly.

s. Public Safety

1) $375,000 to the Division of Capitol Police (961) to address staffing and security concerns at the seat of government. The funding shall be allocated subject to the approval of a spending plan by the Committee on Joint Rules that is consistent with federal requirements of the American Rescue Plan Act.

2) $33,179,883 to the Compensation Board (157) for a one-time hazard pay bonus of $3,000 for state-supported sworn officers of Sheriff's Departments and Regional Jails. Furthermore, the Governor shall convene a work group to address the compensation structure for correctional officers at the Department of Corrections, deputy sheriffs within Sheriff's Departments, and regional jail officers. The workgroup shall include staff from the Department of Human Resource Management, the State Compensation Board, the Department of Corrections and the Joint Legislative Audit and Review Commission will deliver recommendations to the Governor and General Assembly by October 15, 2021.

3) $31,494,724 to the Department of Corrections (799) for COVID-19 testing in correctional facilities, including point prevalence testing at correctional facilities, antigen testing for non-vaccinated staff and visitors, equipment and supplies for COVID tests, and for wastewater surveillance testing. Also included in this amount is funding to support COVID-19 vaccination teams, to purchase equipment for the emergency disinfection team, to purchase personal protective equipment (PPE) for correctional facilities, and to support the expansion of telehealthcare.

4) $23,550,248 to the Department of Corrections (799) to support a one-time hazard pay bonus of $3,000 for corrections and law enforcement staff.

5) $1,618,086 to the Department of Corrections (799) to support rate increases for medical contractors and five staff positions to support COVID-19 project management activities.

6) $45,000 to the Department of Corrections (799) to reimburse the contractor that operates the Lawrenceville

Correctional Center for the cost of personal protective equipment (PPE).

7) $410,000 to the Department of Juvenile Justice (777) to provide quarantine spaces, tents to enable outdoor visitation, testing supplies, personal protective equipment, and ventilation modifications for facilities. Also included in this amount is funding for mobile smartphones, for medical tracking software, and for vaccination clinics for residents and staff.

8) $638,140 to the Department of Juvenile Justice (777) to provide hazard pay for probation and security staff and a sign-on bonus for cafeteria and janitorial workers.

9) $1,380,000 to the Department of State Police (156) to *establish server interfaces, install a computer network, and perform system testing for a live scan fingerprinting machine replacement project.* ~~purchase live scan fingerprinting machines for the agency's area offices.~~

10) a) $20,000,000 to the Department of State Police (156) to provide one-time bonuses to sworn, law enforcement personnel. The department is authorized to pay bonuses to its sworn, law enforcement officers of: $5,000 to all sworn, law enforcement officers, compression bonuses within a range equivalent to two and eight percent of salary as appropriate to qualifying officers, sign-on/recruitment bonuses to newly hired troopers of $5,000, and retention bonuses as needed. In addition, these funds may be used to reimburse up to $2,000 of relocation expenses for each newly hired trooper and any law enforcement personnel who is being relocated by the department.

b) The department shall report its plan for allocating these funds to the permitted uses stated above in the compensation plan required in paragraph 5.k.5)b) of this item. In addition, no later than September 1, 2022, the department shall report the actual bonuses and expenses paid in fiscal year 2022.

t. Elections

1) $1,500,000 to the Department of Elections (132) for voter education efforts to inform voters about new elections laws and to combat misinformation about Virginia elections.

2) $3,000,000 to the Department of Elections (132) to support local efforts to expand early voting to include the adoption of Sunday voting.

u. ARPA Reporting

1) $540,000 to the Department of Accounts (151) for assistance in meeting American Rescue Plan Act (ARPA) reporting requirements.

3.a. Prior to initiating any program, service, or spending from the appropriations listed in paragraph 2. above, the responsible agency must ensure that its intended action qualifies for the use of the funds under the ARPA criteria to support health expenditures, to address negative economic impacts caused by the public health emergency, to provide premium pay for essential workers, or to invest in water, sewer, and broadband infrastructure as described in the Interim Final Rule or the guidance issued by the U.S. Department of Treasury. Agencies shall not rely on the provisions for replacing lost public sector revenue as a qualifying criteria without receiving prior written approval from the Governor.

b. Agencies must ensure compliance with all use, documentation, and reporting requirements established in state and federal guidelines and laws.

4. The Governor is authorized to appropriate additional amounts not listed above if they must be executed before the 2022 regular session of the General Assembly in order to respond to a public health emergency or to prevent the emergence of a new health emergency. The Governor shall provide written notice to the chairpersons of the

House Appropriations Committee and the Senate Finance and Appropriations Committee no less than five business days prior to appropriating such amounts.

5. In addition to the amounts appropriated in the second year in the preceding subparagraphs of B.2. above, $353,871,958 is authorized to be included in the Governor's introduced budget for the 2022-2024 biennium from SLRF amounts received from the federal government. The following agencies shall provide a plan for the proposed use of the SLRF amounts listed to the Governor and the Chairs of the House Appropriation and Senate Finance and Appropriations Committees via budget requests submitted to the Department of Planning and Budget on or before October 1, 2021.

a. Unemployment Assistance

1) $17,600,000 to the Virginia Employment Commission (182) for information technology modernization, call center improvements, security, and claims adjudication. Information technology improvements shall include a customer relationship management system and other such communication tools to better serve Unemployment Insurance clients.

b. Broadband

1) $1,500,000 to the Department of General Services (194) for legal and real estate transaction support for agencies that own property to support broadband expansion.

2) $8,000,000 to the Department of Housing and Community Development (165) for a Line Extension Customer Assistance Program to support the extension of existing broadband networks to low-to-moderate income residents.

c. Other small business

1) $22,500,000 to the Department of Housing and Community Development (165) to support the Virginia Removal or Rehabilitation of Derelict Structures Fund program. Notwithstanding § 36-155, Code of Virginia, for the purposes of this funding, the maximum grant amount shall be $5,000,000 for projects in economically distressed areas, and any grant award in excess of $1,000,000 for projects in economically distressed areas shall be conditioned upon a 100 percent match of local and/or private funds by the local government. The funds shall be managed and awarded through the Industrial Revitalization Fund process; however, the department may adjust the criteria to reflect the provisions established by the U.S. Department of the Treasury's rules and regulations regarding the Coronavirus State and Local Fiscal Recovery Funds established under the American Rescue Plan Act. Pursuant to these provisions, DHCD shall increase project cap amounts and consider updates to program guidelines that make more projects viable, especially in communities disproportionately impacted by the pandemic. Where the proposed project's end user is a private business, DHCD shall include evaluation criteria that incentivizes significant private investment.

2) $4,000,000 to the Department of Housing and Community Development (165) to support the Virginia Main Street program in providing assistance to businesses recovering from the COVID-19 pandemic.

d. Food Access

1) $11,000,000 to the Department of Agriculture and Consumer Services (301) for food assistance, including continuation of the Virginia Agriculture Food Assistance Program established in § 3.2-4783, Code of Virginia, and to expand the capacity of Virginia's network of food providers to accept, store, and distribute food products.

e. CSOs and Wastewater

1) $5,750,000 to the Department of Health (601) to provide improvement funds for well and septic systems for homeowners at or below 200 percent of the federal poverty guidelines.

f. Drinking Water

1) $50,000,000 to the Department of Health (601) to support equal access to drinking water at small and disadvantaged community waterworks. These funds shall be limited in their use to qualifying municipal and private drinking water projects and shall not be used for improvements to the department's internal systems, staffing, or processes.

g. Mental Health

1) $76,900,000 to the Department of Behavioral Health and Developmental Services (720) for salary adjustments for direct care staff at state behavioral health facilities and intellectual disability training centers.

2) $20,000,000 to the Department of Behavioral Health and Developmental Services (720) for the continued expansion of community-based crisis services.

3) $1,200,000 to the Department of Behavioral Health and Developmental Services (720) for the purchase of personal protective equipment at state facilities.

4) $1,650,000 to the Department of Behavioral Health and Developmental Services (720) to continue an expanded pilot program in FY 2023 to serve approximately 60 additional individuals with a primary diagnosis of dementia who are ready for discharge from state geriatric behavioral health hospitals to the community and who are in need of nursing facility level care. Funding for the pilot program shall be dependent upon an agreement between the department and the Community Services Board in the jurisdiction the pilot program is located.

5) $3,000,000 to the Department of Criminal Justice Services (140) to provide resources for crisis intervention team training to law-enforcement officers and dispatchers, and one position to provide technical assistance in support of the mental health awareness response and community understanding services (Marcus) alert system.

h. Substance Use Disorder

1) $5,000,000 to the Department of Health (601) for substance misuse and suicide prevention efforts.

2) $5,000,000 to the Department of Behavioral Health and Developmental Services (720) to expand community-based substance use disorder treatment services.

i. Public Health Initiatives

1) $4,756,000 to the Department of General Services (194) for Consolidated Labs to include customer support upgrades and Laboratory Information Management System (LIMS) infrastructure, development, and improvement.

2) $3,750,000 to the Department of Housing and Community Development (165) for a dedicated lead rehabilitation program to address childhood lead poisoning in residential properties.

3) $20,000,000 to the Department of Health (601) for the procurement and deployment of an electronic health records system.

4) $40,000,000 to the Department of Health (601) for the modernization of administrative systems and software in order to create response capacity during future emergencies.

5) $20,000,000 to the Department of Health (601) for a records management system that will digitize and automate records processes.

6) $5,000,000 to the Department of Medical Assistance Services (602) to address operational backlogs by hiring contractors to assist with eligibility re-evaluations and member appeals. Funding also will be used to perform COVID-19 related outreach and engagement activities.

7) $3,479,700 to the Department for Aging and Rehabilitative Services (262) to fund HVAC/air quality systems and physical plant improvements in assisted living facilities that serve a disproportionate share of auxiliary grant residents.

j. Addressing Community Violence

1) $75,000 to the Department of Forensic Science (778) for the purchase of equipment used to analyze firearms evidence.

k. Public Safety

1) $1,596,258 to the Department of Corrections (799) for five staff positions to support COVID-19 project management activities.

2) $135,000 to the Department of Corrections (799) to reimburse the contractor that operates the Lawrenceville Correctional Center for the cost of personal protective equipment (PPE).

3) $600,000 to the Department of Juvenile Justice (777) to fund mobile smartphones for agency staff.

4) $1,380,000 to the Department of State Police (156) to support live scan fingerprinting machines for the agency's area offices.

5) a) $20,000,000 to the Department of State Police (156) to implement a new compensation plan for sworn, law enforcement positions that addresses recruitment of new officers, retention of the existing law enforcement workforce, and pay compression among the various levels of the sworn, law enforcement positions in the department based upon the findings presented in the study required by paragraph b) below.

b) The department shall convene a workgroup that shall include staff from the Department of Human Resource Management and the Joint Legislative Audit and Review Commission for the purpose of conducting a comprehensive study to document the current issues that create barriers to the department's ability to recruit and retain qualified and diverse law enforcement personnel. The study should address issues of pay compression among the various levels of the existing law enforcement workforce, competition with other employers for individuals with the same preferred qualifications and skill sets, and any other circumstances such as the cost of relocation that create barriers to maintaining a diverse, high quality law enforcement workforce. In addition, the report shall include a detailed plan for implementing a compensation program that responds to the issues and problems outlined in the report and the related annual costs to implement the plan beginning in fiscal year 2023, and the ongoing cost for the next five fiscal years. This plan shall be submitted to the Governor, the Chair of the House Appropriations Committee, the Chair of the Senate Finance and Appropriations Committee, the Director of the Department of Human Resource Management, and the Director of the Department of Planning and Budget, no later than October 15, 2021, so that the required funding may be included in the 2022-2024 budget to be adopted by the General Assembly at its 2022 Session.

C. 1. Out of the appropriation for this Item, amounts estimated at $221,739,237 the second year from the estimated revenues to be received from the federal distributions of Capital Project Fund amounts from the American Rescue Plan Act of 2021 (ARPA) shall be transferred to Department of Housing and Community Development for the

implementation of broadband improvement projects in the Commonwealth. The funds shall be managed and awarded through the Virginia Telecommunications Initiative grant making process; however, the agency may adjust the criteria to reflect the provisions established by the U.S. Department of the Treasury's rules and regulations established under the American Rescue Plan Act.

2. For grants awarded from the amounts appropriated in paragraphs C.1., B.2.b.2., and Item 114, Paragraph L. of Chapter 552, 2021 Acts of Assembly, Special Session I for the construction of broadband infrastructure through the Virginia Telecommunications Initiative, the Department of Housing and Community Development shall deliver an annual performance report to the Governor, Secretary of Commerce and Trade, and Chairs of the House Appropriations Committee and Senate Finance and Appropriations Committee on or before November 1st of each year, starting in Calendar Year 2022. To the extent possible, the annual performance report shall contain information by grant recipient and year on the following metrics: (1) Number of passings; (2) Grant dollars expended by fund source (State and Local Recovery Fund, Capital Project Fund, general fund state grants and match); (3) Contract performance period, and on-time progress towards project delivery; (4) Maximum advertised project speeds available; and, (5) Achievement of key project milestones. The annual performance report shall include an evaluation of any projects under risk of incompletion or underperformance. The Department of Housing and Community Development shall develop a public facing dashboard to be updated quarterly that contains key performance information by grant recipient and year, and includes the key performance indicators outlined above. Information in this public facing tool shall contain data beginning with grants awarded in the Fiscal Year 2022 Virginia Telecommunications Initiative grant cycle.

D.1. The appropriation in this item includes an amount estimated at $5,691,513,733 in the second year from the estimated revenues to be received pursuant to the American Rescue Plan Act of 2021 (ARPA) from grants other than the State and Local Recovery Fund (SLRF) and Capital Project Fund. The following appropriations shall be transferred from this item to the following:

RPA Fund Source / Grant	**State Agency**	**FY 2022 Appropriation**
State and Local Recovery Fund - Local (Non-Entitlement) - (US Treasury)	Department of Accounts Transfer Payments (162)	$316,876,775
Emergency Rental Assistance (US Treasury)	Department of Housing and Community Development (165)	$465,508,855
Elementary &Secondary School Emergency Relief (ESSER) - (US DOE)	Department of Education, Central Office Operations (201)	$211,098,889
Elementary &Secondary School Emergency Relief (ESSER) - (US DOE)	Direct Aid to Public Education (197)	$1,899,890,002
Elementary &Secondary School Emergency Relief Homeless Children and Youth (ESSER) - (US DOE)	Department of Education, Central Office Operations (201)	$13,818,290
Emergency Assistance to Non-Public Schools (US DOE)	Department of Education, Central Office Operations (201)	$46,344,360
Higher Education Emergency Relief Fund (HEERF) - Public &Non-Profit Institutions (US DOE)	Maintain Affordable Access (984)	$667,275,718
IDEA - Grants to States (US DOE)	Direct Aid to Public Education (197)	$67,450,511
IDEA - Preschool (US DOE)	Direct Aid to Public Education (197)	$4,931,537
IDEA - Infants and Toddlers (US DOE)	Department of Behavioral Health and Developmental Services (720)	$5,216,946
Child Care &Development Block Grant (ACF)	Department of Education, Central	$305,492,999

	Office Operations (201)	
Child Care Stabilization Grants (ACF)	Department of Education, Central Office Operations (201)	$488,605,381
Child Care Entitlement to States (ACF)	Department of Education, Central Office Operations (201)	$13,091,800
Low-income Home Energy Assistance Program (ACF)	Department of Social Services (765)	$90,218,680
Low-Income Household Water Assistance Program	Department of Social Services (765)	$9,870,267
Pandemic Emergency Assistance (ACF)	Department of Social Services (765)	$15,744,856
Community-based Child Abuse Prevention (ACF)	Department of Social Services (765)	$6,231,546
Family Violence Prevention and Services (ACF)	Department of Social Services (765)	~~$3,004,484~~ *$3,054,484*
Child Abuse State Grants (ACF)	Department of Social Services (765)	$2,502,243
Supportive Services (ACL)	Department for Aging and Rehabilitative Services (262)	$11,109,729
Home Delivered Meals (ACL)	Department for Aging and Rehabilitative Services (262)	$7,245,476
Congregate Meals (ACL)	Department for Aging and Rehabilitative Services (262)	$10,868,214
Preventive Services (ACL)	Department for Aging and Rehabilitative Services (262)	$1,062,670
Family Caregivers (ACL)	Department for Aging and Rehabilitative Services (262)	$3,463,008
Title XX Adult Services (ACL)	Department for Aging and Rehabilitative Services (262)	$2,021,926
Title VII Long-term Care Ombudsman (ACL)	Department for Aging and Rehabilitative Services (262)	$241,516
Epidemiology and Lab Capacity for School Testing (CDC)	Department of Health (601)	$244,000,000
COVID-19 Vaccine Preparedness Adjustment (CDC)	Department of Health (601)	$11,000,000
Expand Genomic Sequencing (CDC)	Department of Health (601)	$1,680,000
Crisis Response Cooperative Agreement (CDC)	Department of General Services (194)	$654,800
Crisis Response Cooperative Agreement (CDC)	Department of Health (601)	$30,500,000
Disease Intervention Workforce (CDC)	Department of Health (601)	$18,078,048
Maternal, Infant and Early Childhood Home Visiting Grant Program (HRSA)	Department of Health (601)	$449,000
Small Rural Hospital Improvement Program (SHIP) (HRSA)	Department of Health (601)	$5,167,520
Mental Health Block Grant (SAMHSA)	Department of Behavioral Health and Developmental Services (720)	$35,786,432
Substance Abuse Block Grant (SAMHSA)	Department of Behavioral Health and Developmental Services (720)	$33,982,454

Community-based overdose prevention programs, syringe services programs, and other harm reduction services (HHS)	Department of Behavioral Health and Developmental Services (720)	$750,000
Funding For Community-Based Local Behavioral Health Needs (HHS)	Department of Behavioral Health and Developmental Services (720)	$1,250,000
SNAP 3-Year State Administrative Expense Grants (USDA)	Department of Social Services (765)	$19,217,240
Pandemic EBT Administrative Grant	Department of Social Services (765)	$10,000,000
HOME Investment Partnerships Program - Non-entitlement (HUD)	Department of Housing and Community Development (165)	$39,724,473
Unemployment Insurance Extension Implementation Grants (US DOL)	Virginia Employment Commission (182)	$556,712,639
FTA Nonurbanized Area Formula - (US DOT)	Department of Rail and Public Transportation (505)	$1,495,144
Enhanced Mobility of Seniors &Persons with Disabilities - State (US DOT)	Department of Rail and Public Transportation (505)	$890,896
FTA Intercity Bus Formula	Department of Rail and Public Transportation (505)	$2,307,909
Emergency Management Performance Grants (FEMA)	Department of Emergency Management (127)	$2,297,623
Institute of Museum and Library Services (IMLS)	The Library Of Virginia (202)	$3,872,000
National Endowment for the Arts - State Arts Agencies	Virginia Commission for the Arts (148)	$871,100
Aid to State Veterans Homes - Construction (US VA)	Department of Veterans Services (912)	$1,439,777
Environmental Justice Cooperative Agreement Program (EPA)	Department of Environmental Quality (440)	$200,000

2. a. Out of the appropriation for the Elementary and Secondary School Emergency Relief (ESSER) Fund, State Educational Agency (SEA) reservation, appropriated to the Department of Education, Central Office Operations (201), $3,500,000 the second year shall be transferred to Direct Aid to Public Education (197) to support the state and local shares of special education private day school costs for any student with a disability who received special education and related services in a private day school setting during the 2020-2021 school year and who opts for an extension to attend school during the 2021-2022 school year pursuant to Item 146.d. of Chapter 552, 2021 Acts of Assembly, Special Session I. Payments to school divisions to support special education private day school costs for such students shall deduct any amounts due to the school division pursuant to Item 146.d of Chapter 552 and the local match for those funds based on the composite index of local ability-to-pay. All students who are provided the temporary extension of special education eligibility pursuant to Item 146.d of Chapter 552 shall be provided a free appropriate public education consistent with the federal Individuals with Disabilities Education Act for the duration of the 2021-2022 school year, notwithstanding such students' age or school setting. School divisions are encouraged to use federal ESSER Funds to meet the local share of costs for such students.

b. Out of the appropriation for the Elementary and Secondary School Emergency Relief (ESSER) Fund, State Educational Agency (SEA) reservation, appropriated to the Department of Education, Central Office Operations (201), $11,500,000 the second year shall be transferred to Direct Aid to Public Education (197) to support recruitment efforts through incentive payments to individuals hired to fill instructional positions between August 15, 2021, and November 15, 2021. Local school divisions wishing to participate in this program shall report to the

Department of Education the number of instructional position vacancies on August 15, 2021, no later than August 31, 2021. Based on this information, the Department shall communicate to each school division its available allocation from these funds, and school divisions shall communicate the availability of these funds in their recruitment. Such payments shall be based on $2,500 per individual; however, for individuals hired in hard-to-fill positions or hard-to-staff schools, as defined by the Department of Education, the incentive payment shall be based on $5,000 per individual. The Department of Education and the school divisions are authorized to prorate these amounts if the demand exceeds the initial allocation. School divisions shall (i) provide half of the incentive payment to the individual no earlier than January 1, 2022, and (ii) provide the balance of the full amount of the incentive payment to the individual no earlier than May 1, 2022, provided that the individual receives a satisfactory performance evaluation and provides a written commitment to return to the same school in the 2022-2023 school year. Individuals who are employed by a local school division in Virginia as of July 1, 2021, who accept an otherwise qualifying position in another local school division are not eligible for this incentive. Individuals employed by a local school division as of July 1, 2021, who transfer from a non-hard-to-staff school to a hard-to-staff school, as defined by the Department of Education, within the same division are eligible for the $5,000 incentive payment. School divisions shall report to the Department of Education, in a format specified by the Department, all instructional hires in the 2021-2022 school year who qualify for this incentive payment, no later than November 30, 2021. No later than the first day of the 2022 General Assembly Session, the Department of Education shall report on the number of hires reported by each school division participating in this program and the anticipated amount of funding to be provided to each school division for payment to those individuals.

3. The Director of the Department of Planning and Budget is authorized to adjust the amounts appropriated in paragraph D.1. above to reflect the actual revenues received by the Commonwealth for each grant.

4.a. Agencies are authorized to initiate spending in the second year from these appropriations in order to provide one-time services for purposes authorized and permitted under federal law and in accordance with the guidance issued by the U.S. Department of Treasury and other applicable federal agencies, or to execute requirements of federal law that must be initiated. No such spending shall be initiated for programs or services that create an ongoing commitment of state resources after the conclusion of the federal grant unless such services are required by federal law.

b. Prior to initiating any program, service, or spending from these appropriations, the responsible agency must provide written notification of its intended action to the Governor, the Chairs of the House Appropriations Committee and the Senate Finance and Appropriations Committee, and the Director of the Department of Planning and Budget. Such notice shall be provided no less than ten business days before an agency initiates services or incurs any costs associated with the grant. For purposes of this section, initiating a program includes any public announcement or proposal presented to constituent groups.

c. If an agency wishes to spend any amounts from these grants for purposes that create an ongoing commitment that must be maintained by state resources after the conclusion of the federal grant, it must receive prior approval and authorization of the General Assembly. Agencies must submit such proposals to the Department of Planning and Budget for consideration by the Governor and the General Assembly for the 2022-2024 biennial budget.

d. Agencies must ensure compliance with all use, documentation, and reporting requirements established in state and federal guidelines and laws.

e. The Governor is authorized to appropriate any additional grants not listed above if they must be executed before the 2022 regular session of the General Assembly. The Governor shall provide written notice to the chairpersons of the House Appropriations Committee and the Senate Finance and Appropriations Committee no less than five business days prior to appropriating such grants.

E.1. Effective July 1, 2021, through June 30, 2022, the Department of Medical Assistance Services (DMAS) shall temporarily increase the rates by 12.5 percent for all home and community based services eligible under guidance

from the Centers for Medicaid and Medicare Services, except that for agency and consumer directed personal care, respite, and companion services in the home and community based services waivers and Early Periodic Screening, Diagnosis and Treatment (EPSDT) program, this temporary rate increase is effective until December 31, 2021. The department shall have the authority to implement these changes prior to completion of any regulatory process undertaken in order to effect such change.

2. The Department of Medical Assistance Services (DMAS) shall seek federal authority through the necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the Social Security Act to issue one-time COVID-19 support directed payments in the amount of $1,000 to Agency Directed personal care providers and Consumer Directed Attendants who provided personal care, attendant care, respite care, or companion care services to members who receive services via the EPSDT, Developmental Disability Waivers or the Commonwealth Coordinated Care Plus Waiver program during the first quarter of state fiscal year 2022. DMAS shall have the authority to work with necessary vendors and contractors to determine payment eligibility and the process by which payments will be made. The department shall have the authority to implement necessary changes prior to the completion of any regulatory process undertaken in order to effect such change. Effective October 1, 2021, DMAS shall begin implementing these processes and make payments as soon as administratively feasible.

3. The Department of Medical Assistance Services (DMAS) shall develop strategies, for consideration by the 2022 General Assembly, to re-invest general fund dollars freed-up by the enhanced federal match on home and community based services (HCBS). These strategies should enhance the Commonwealth's HCBS by creating capacity to meet the growing demand for HCBS and support structural changes needed to strengthen the HCBS systems. In addition, DMAS shall work with the Department of Behavioral Health and Developmental Services and the Centers for Medicaid and Medicare Services to identify any opportunities to use HCBS reinvestment dollars to divert individuals who are at risk of institutionalization in state facilities. DMAS shall prioritize those strategies that do not require significant on-going obligations or rely on rate increases. By October 1, 2021, DMAS shall report these strategies, including six year cost projections, to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director, Department of Planning and Budget.

F. Notwithstanding any requirement in state law or regulation, the Superintendent of Public Instruction, with the support of the Commissioner of Social Services, shall have the authority to alter staff-to-child ratios and group sizes for licensed child day centers and child day centers that participate in the Child Care Subsidy Program by increasing the number of children per staff by (1) one child for groups of children from birth to the age of eligibility to attend public school, and (2) two children for groups of children from the age of eligibility to attend public school through 12 years. Child day centers that take advantage of this flexibility must notify families in writing of the temporary increase in ratios and group size. This authority and any resultant waiver of state law or regulation shall expire June 30, 2022. The Superintendent of Public Instruction shall ensure that any action taken under this provision is permissible under federal requirements.

G. Temporary nurse aides practicing in long term care facilities under the federal Public Health Emergency 1135 Waiver may be deemed eligible by the Board of Nursing while this waiver is in effect to take the National Nurse Aide Assessment Program examination upon submission of a completed application, the employer's written verification of competency and employment as a temporary nurse aide, and provided no other grounds exist under Virginia law to deny the application.

H. The Department of Behavioral Health and Developmental Services shall interpret Standard 12VAC35-105-530 E. to include “lack of adequate staff” as one of the conditions which can jeopardize the health, safety or welfare of individuals and/or employees to permit implementation of the emergency evacuation plan in accordance with Paragraphs A. (as applicable), B. &G. DBHDS shall, if necessary, increase the licensed capacity for a minimum of six months for any location within 24 hours of receiving notice either verbally or via electronic communication to ensure that compliance is maintained with Department of Medical Assistance Regulation 12VAC30-122. Variances shall be granted for standards 12VAC35-105-340 and/or 360 as requested. This requirement shall end on June 30, 2022.

I.1. Nurse practitioners licensed by the Boards of Medicine and Nursing in the category of clinical nurse specialist shall practice in consultation with a licensed physician in accordance with a practice agreement between the nurse practitioner and the licensed physician.

2. Notwithstanding the provisions of paragraph I.1. of this item, a nurse practitioner who was registered with the Board of Nursing as a clinical nurse specialist immediately prior to July 1, 2021, may practice without a practice agreement with a licensed physician if such nurse practitioner practices without prescriptive authority. This provision shall expire after June 30, 2022.

J. Any amounts appropriated in this item that remain unspent at the end of any fiscal year shall be reappropriated in the next fiscal year to be spent for the same purposes as stated in this act.