



## **COVID-19 Congressional Packages Summary**

### **1) H.R.6074 - Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020**

Status: [Became Public Law on 3/6/2020](#)

#### **Title II – Financial Services and General Government**

- **Small Business Disaster Loans** – Allows \$1 billion in loan subsidies to be made available to help small businesses, small agricultural cooperatives, small aquaculture producers, and nonprofit organizations which have been impacted by financial losses as a result of the coronavirus outbreak. This funding could enable the Small Business Administration to provide an estimated \$7 billion in loans to these entities. In addition, provides \$20 million to administer these loans.

#### **DIVISION B – Telehealth Services During Certain Emergency Periods**

- **Emergency Telehealth Waiver**: Allows the Secretary of Health and Human Services (HHS) to waive certain Medicare telehealth restrictions during the coronavirus public health emergency. These waivers would allow Medicare providers to furnish telehealth services to Medicare beneficiaries regardless of whether the beneficiary is in a rural community. This provision would also allow beneficiaries to receive care from physicians and other practitioners in their homes. This provision is estimated to cost \$500 million.

## 2) H.R.6201 - Families First Coronavirus Response Act

Status: Became [Public Law on 3/18/2020](#)

### **DIVISION C – Emergency Family and Medical Leave Expansion Act**

- Section 3102. Amendments to the Family and Medical Leave Act of 1993. This section provides employees of employers with fewer than 500 employees and government employers, who have been on the job for at least 30 days, with the right take up to 12 weeks of job-protected leave under the Family and Medical Leave Act to be used To care for a child of an employee if the child’s school or place of care has been closed, or the child-care provider is unavailable, due to a coronavirus. After the two weeks of paid leave, employees will receive a benefit from their employers that will be no less than two-thirds of the employee’s usual pay.
- Section 3103. Employment Under Multi-Employer Bargaining Agreements. The bill ensures employees who work under a multiemployer collective agreement and whose employers pay into a multiemployer plan are provided with leave. Effective Date. This Act takes effect not later than 15 days after the date of bill’s enactment.

### **DIVISION E – Emergency Paid Sick Leave Act**

- Section 5102. The Emergency Paid Sick Leave Act. This section requires employers with fewer than 500 employees and government employers to provide employees two weeks of paid sick leave, paid at the employee’s regular rate, to quarantine or seek a diagnosis or preventive care for coronavirus; or paid at two-thirds the employee’s regular rate to care for a family member for such purposes or to care for a child whose school has closed, or child care provider is unavailable, due to the coronavirus. • Full-time employees are entitled to 2 weeks (80 hours) and part-time employees are entitled to the typical number of hours that they work in a typical two-week period. • The bill ensures employees who work under a multiemployer collective agreement and whose employers pay into a multiemployer plan are provided with leave. The Act, and the requirements under the Act, expire on December 31, 2020. Exemptions also allowed for small businesses with under 50 employees.

### **DIVISION F – Health Provisions**

- Section 6008. Emergency FMAP Increase. This section provides a temporary increase to states’ federal medical assistance percentage for the duration of the public health emergency for COVID-19. It requires states to maintain eligibility standards that are no less restrictive than the date of enactment.
  - Note: Between the first and second version of this bill where technical changes took place, the new version modified more restrictive language in the previous version to provide coverage for individuals (both those currently enrolled as of the date of enactment, and those who enroll during the emergency) until the emergency period is lifted. Coverage during this period would end only if the individual terminates coverage or is no longer a resident of the state. Eligibility reviews for income and other criteria would not apply during this emergency period.

- In all likelihood, states will employ the FMAP increase to plug holes in other parts of their budgets (i.e. transportation, prisons, schools, etc.). If history is any guide, none of these funds will likely flow to frontline providers.
- Section 6009. Increase in Medicaid Allotments for Territories. This section provides an increase to the territories' Medicaid allotments for 2020 and 2021. It will ensure that territories that receive an FMAP increase under the previous section will have the necessary additional federal funds for their Medicaid programs.

#### **DIVISION G – Tax Credits For Paid Sick And Paid Family And Medical Leave**

- Section 7001. Payroll Credit for Required Paid Sick Leave. This section provides a refundable tax credit equal to 100 percent of qualified paid sick leave wages paid by an employer for each calendar quarter.
- Section 7002. Credit for Sick Leave for Certain Self-Employed Individuals. This section provides a refundable tax credit equal to 100 percent of a qualified sick leave equivalent amount for eligible self-employed individuals who must self-isolate, obtain a diagnosis, or comply with a self-isolation recommendation with respect to coronavirus. For eligible self-employed individuals caring for a family member or for a child whose school or place of care has been closed due to coronavirus, the section provides a refundable tax credit equal to 67 percent of a qualified sick leave equivalent amount.
- Section 7003. Payroll Credit for Required Paid Family Leave. This section provides a refundable tax credit equal to 100 percent of qualified family leave wages paid by an employer for each calendar quarter.
- Section 7004. Credit for Family Leave for Certain Self-Employed Individuals. This section provides a refundable tax credit equal to 100 percent of a qualified family leave equivalent amount for eligible self-employed individuals.

### 3) **H.R.748 - Coronavirus Aid, Relief, and Economic Security Act/CARES Act**

Status: Senate Passed Bill 96-0 very early on 3/26/2020, [up for House consideration on morning of 3/27/2020](#)

#### **Directly Relevant Provisions:**

- Sec 1102 - Small Business Administration Disaster Loans Program \$560 billion to support businesses with under 500 employees that need financial support. Ensures Medicaid-funded disability service providers are eligible to apply for the CARES Act's small business loans. This eligibility had once been threatened by an attempt to make Medicaid-funded organizations ineligible for this vital federal support.
- Sec 3715 – Codifies “Margie & Isaiah’s Law,” legislation led by ANCOR and introduced in Congress in late January that would enable disability service providers to be reimbursed by state Medicaid programs to pay direct support professionals who support individuals during short-term hospitalizations.
- Sec 3811 – Money Follows the Person program Extension through November 30, 2020.
- Administration for Community Living Emergency Funding, including \$200,000 for states grants for support services under the [Older Adults Act of 1965, Title III, Part B](#)
  - Note: This section references older adults directly and funds will flow through state aging agencies; however, Section 811 funds (for disability housing program) flow through the state aging departments.
  - \$1.25 billion is made available to the U.S. Department of Housing and Urban Development in emergency funding and allows the Secretary to award any remaining unobligated balances “for incremental tenant-based assistance contracts under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), to prevent, prepare for, and respond to coronavirus, without competition, including for extraordinary administrative fee.”

#### **Other Notable Provisions:**

- **Coronavirus Relief Fund: \$150 billion** for states and local governments covering expenditures due to COVID-19. Each state will receive a minimum of \$1.25 billion.
- Emergency Unemployment Relief for Governmental Entities and Nonprofit Organizations provides payment to states to reimburse nonprofits, government agencies, and Indian tribes for half of the costs they incur through December 31, 2020 to pay unemployment benefits.
- Pandemic Emergency Unemployment Compensation provides an additional 13 weeks of unemployment benefits through December 31, 2020 to help those who remain unemployed after weeks of state unemployment benefits are no longer available.
  - Allows employers and self-employed individuals to defer payment of the employer share of the Social Security tax they otherwise are responsible for paying to the federal government with respect to their employees. Employers generally are responsible for paying a 6.2-percent Social Security tax on employee wages. The provision requires that the deferred employment tax be paid over the following two years, with half of

the amount required to be paid by December 31, 2021 and the other half by December 31, 2022.

- Employer shall not be required to pay more than \$200 per day and \$10,000 in the aggregate for each employee under FMLA
- Employer shall not be required to pay more than \$511 per day and \$5,110 in the aggregate for sick leave or more than \$200 per day and \$2,000 in the aggregate to care for a quarantined individual or child for each employee under paid sick leave provisions
- Allows employers to receive an advance tax credit from Treasury instead of having to be reimbursed on the back end
- Short-Time Compensation Programs provides funding to support existing “short-time compensation” programs, where employers reduce employee hours instead of laying off workers and the employees with reduced hours receive a pro-rated unemployment benefit. The federal government would pay 100 percent of the costs they incur in providing this short-time compensation through December 31, 2020. The legislation also provides \$100 million in grants to states that enact “short-time compensation” programs to help them implement and administer these programs.
- **Modification of Limitations on Charitable Contributions During 2020:** Increases the limitations on deductions for charitable contributions by individuals who itemize, as well as corporations. For individuals, the 50-percent of adjusted gross income limitation is suspended for 2020. For corporations, the 10-percent limitation is increased to 25 percent of taxable income. This provision also increases the limitation on deductions for contributions of food inventory from 15 percent to 25 percent. Additionally, the legislation permits individuals to deduct up to \$300 of charitable cash contributions, whether they itemize their deductions or not.
- **Clarification on COVID Coverage via Medicaid:** The final version includes language clarifying that individuals with Medicaid benefits that are not considered minimum essential coverage will still be eligible to get coverage for COVID-19-related expenses.