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Federal COVID-19 Relief Bills

In recent weeks, Congress passed three bills to appropriate supplemental emergency funding and make significant policy changes to address the ongoing COVID-19 pandemic. The federal measures include critically needed support for childcare, elementary and secondary, and postsecondary education, while also providing related support for children and families. This document provides a high-level summary of the first two bills, which were smaller in scope relative to the third bill, but only describes the third bill's education provisions and other elements that might be of particular interest to education leaders. The information below is largely drawn from the materials provided by the Senate and House Appropriations Committees. We will update you as needed, based on additional review of the third bill's sweeping provisions, additional expected Congressional actions, and following related federal agency implementation activities.

First Emergency Bill: Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (H.R. 6074)

Became Law: March 6, 2020

Total Funding: \$8.3 billion

Focus: The first emergency supplemental appropriation bill (H.R. 6074) provided additional funding for emergency health and medical supplies/equipment and other needs through the Food and Drug Administration; the Centers for Disease Control and Prevention, the National Institutes of Health, and the Public Health and Social Services Emergency Fund; the Small Business Administration, the Department of State, and the U.S. Agency for International Development. The bill also included temporary waivers or application modifications of certain Medicare requirements associated with telehealth services.

Food and Drug Administration

 \$61 million to facilitate the development and review, both pre-market and post-market, of medical countermeasures, devices, therapies, and vaccines to combat the coronavirus.

Centers for Disease Control and Prevention

 \$2.2 billion to support federal, state, and local public health agencies to prevent, prepare for, and respond to the coronavirus, including \$950 million, of which \$475 million must be allocated within 30 days, to support States, locals, territories, and tribes to conduct public health activities such as: surveillance for coronavirus; laboratory

testing to detect positive cases; contact tracing to identify additional positive cases; infection control at the local level to prevent additional cases; migration in areas with person-to-person transmission to prevent additional cases; and other public health preparedness and response activities; \$300 million to replenish the Infectious Diseases Rapid Response Reserve Fund, which supports immediate response activities during outbreaks; At least \$300 million for global disease detection and emergency response.

Small Business Disaster Loans

 \$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.

Preparedness and response capabilities at the State and local level. Vaccines, Therapeutics, and Diagnostics

 \$3 billion for research and development of vaccines, therapeutics, and diagnostics to prevent or treat the effects of coronavirus,

Healthcare Preparedness, Pharmaceuticals and Medical Supplies, Community Health Centers

 Nearly \$1 billion for procurement of pharmaceuticals and medical supplies, to support healthcare preparedness and Community Health Centers, and to improve medical surge capacity

HHS Reimbursements

- \$136 million to programs across HHS that were temporarily transferred to support emergency preparedness and response activities at the CDC and the Assistant Secretary for Preparedness and Response.
- \$10 million for worker-based training through the National Institute of Environmental Health Sciences to prevent and reduce exposure of hospital employees, emergency first responders, and other workers who are at risk of exposure to coronavirus through their work duties.
- \$2 million for the HHS Office of Inspector General to conduct oversight of activities related to coronavirus preparedness and response.
- Authority for HHS to hire public health experts, as expeditiously as necessary, to perform critical work relating to coronavirus.

State Operations

 \$264 million for consular operations, emergency evacuations of State Department staff and dependents, and other emergency preparedness needs at embassies around the world.

Emergency Telehealth Waiver:

 Allows the Secretary of Health and Human Services to waive certain Medicare telehealth restrictions during the coronavirus public health emergency.

- \$10 million to \$100 million for increasing transfer threshold for emergency evacuations.
- Global Health Response \$435 million to support health systems overseas to prevent, prepare and respond to the coronavirus, of which \$200 million is for the Emergency Reserve Fund.
- \$300 million for Humanitarian Assistance to respond to needs arising in countries coping with a coronavirus disease outbreak.
- \$250 million for Economic and Security
 Stabilization to protect against the effects of an outbreak including economic, security, and stabilization requirements
- \$1 million for oversight of State emergency accounts.

Second Emergency Bill: Families First Coronavirus Response Act (H.R. 6201)

Became Law: March 18, 2020

Total Funding: Estimated \$3.5-\$4 billion in appropriations, plus costs of tax credits and other measures that will depend on total claims.

Focus: The second emergency response bill (<u>H.R.6201</u>) largely focuses on public health, nutrition, and emergency leave. The measure guarantees free coronavirus testing, establishes new paid leave requirements, enhances Unemployment Insurance, expands food security initiatives, and increases federal Medicaid funding.

Food Assistance

- This bill provides for funding, totaling more than \$1 billion, for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), emergency food assistance programs, and nutrition assistance grants for US territories.
- General provisions define a public health emergency and specify that in any case in which a school is closed for at least 5 consecutive days during a public health emergency designation, each household

Nutrition Waivers

- Maintaining Essential Access to Lunch for Students Act: This section of the bill addresses COVID-19 waivers under the Richard B. Russell National School Lunch Act in order to provide meals and meal supplements during a school closure due to COVID-19. More specifically:
 - B. Russell National School Lunch Act (waiver so long as it does not increase the overall cost of the

- containing at least 1 member who is an eligible child attending the school is eligible to receive assistance under the Food and Nutrition Act of 2008. The Secretary of Agriculture is authorized to approve State agency plans for temporary emergency standards of eligibility and levels of benefits under the Food and Nutrition Act. In order to carry out these sections, State educational agencies and school food authorities administering school lunch programs under the Richard B. Russell National School Lunch Act may release any information that may be necessary to appropriate officials administering these programs.
- Funding is provided for Senior Nutrition Programs to provide additional meals to lowincome seniors.

- program to the Federal Government) shall not apply to a qualified COVID-19 waiver; and there is an allowable increase in federal costs, due to COVID-19.
- Further, the requirements under section 12(I)(5) (termination of waivers) shall not apply to a qualified COVID-19 waiver.
- COVID-19 Child Nutrition Response: The Child Nutrition Response Act provides for waivers for national school lunch program requirements and waivers under WIC. These waivers will eliminate paperwork for states to and allow schools to adopt and utilize flexibilities quickly in order to respond to this pandemic. This provides for a nationwide waiver under the national school lunch program which will allow states to provide meals and supplements under a qualified program, with appropriate safety measures. Child and Adult Care Food Program waivers are allowed for non-congregate feeding under a child and adult care food program, as well as meal pattern waivers that relate to the nutritional content of meals served. Any state that receives these waivers must provide the Secretary a summary of the use of the waivers within 1 year.
- SNAP Waivers: Until the public health emergency declaration is lifted, eligibility for supplemental nutrition assistance program benefits will not be limited, except in situations where an individual does not comply with the requirements of a program offered by the State agency. Further additional SNAP flexibilities will be provided during public health emergencies, including suspension of work and training requirements for SNAP benefits during the pandemic.

Employment

 General provisions provide for amendments to the Family and Medical Leave Expansion Act (Emergency Family and Medical Leave Expansion Act) which adds a new section on public health emergency leave. The public health emergency leave would apply to eligible employees who have been employed

Free Testing

 This bill provides for coverage of testing for COVID-19 for all individuals at no cost - this includes individuals with private insurance, Medicare Advantage or Original Medicare, Medicaid, Children's Health Insurance Program, VA, Federal Employees Health for at least 30 calendar days and for employers of 50 or more employees (full-time and part-time). Employees would be able to take up to 12 weeks of job-protected leave to be used for certain reasons. Employers would be required to offer two weeks of paid sick leave for COVID-19 reasons. After these two weeks, employees will receive a benefit that will total no less than ¾ of the employee's pay.

- Further, this bill provides for emergency grants for unemployment compensation administration (Emergency Unemployment Insurance Stabilization and Access Act of 2020) and paid sick time (Emergency Paid Sick Leave Act). The Paid Sick Leave Act would require employees with fewer than 500 employees to provide for 2 weeks of paid sick leave to quarantine or seek a diagnosis or care for coronavirus, or paid at ⅔ of the regular rate to care for a family member or child.
- Employers will be able to receive payroll tax credits for paid sick and paid family and medical leave under this bill and there is a refundable income tax credit for self-employed individuals. (Public employers were excluded from these credits, reportedly because of the estimated budgetary cost.
 NSBA and other groups representing states and local governments are urging that the credits be extended to public employers.)
- Employers with fewer than 50 employees would be exempt if the requirements would jeopardize the business' viability.

Benefits, and TRICARE, as well as anyone who is uninsured.

Coverage of Testing for COVID-19 through the Department of Defense

 Includes \$82 million for the Department of Defense to cover the costs of COVID-19 diagnostic testing for beneficiaries receiving care through the Defense Health Program

Implementation of Tax Credits -

 Includes \$15 million for the Internal Revenue Service to implement tax credits for paid sick and paid family and medical leave.

Coverage of Testing for COVID-19 through the Indian Health Service

 Includes \$64 million for the Indian Health Service to cover the costs of COVID-19 diagnostic testing for Indians receiving care through the Indian Health Service or through an Urban Indian Health Organization.

Senior Nutrition Program

 Includes \$250 million for the Senior Nutrition program

Reimbursement for Diagnostic Testing and Services for COVID-19 in Uninsured Individuals

Includes \$1 billion for the National Disaster Medical System to reimburse the costs of COVID19 diagnostic testing and services provided to individuals without health insurance.

Coverage of Testing for COVID-19 through the **Veterans Health Administration**

Includes \$60 million for the Department of Veterans Affairs to cover the costs of COVID-19 diagnostic testing for veterans receiving care through Medical Services or through Medical Community Care.

Family and Medical Leave Act of 1993.

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 for any of the following reasons

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.

Emergency Transfers for Unemployment Compensation Administration.

Provides \$1 billion in 2020 for emergency grants to states for activities related to processing and paying unemployment insurance (UI) benefits, under certain conditions.

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.

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.

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.

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.

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 selfemployed individuals.

Special Rule Related to Tax on Employers.

This section ensures that any wages required to be paid by reason of the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act will not be considered wages for purposes of section 3111(a).

Third Emergency Bill: Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (H.R.748)

Became Law: March 27, 2020 (expected)

Total Funding: \$2 trillion

Focus: The third emergency bill, the "Coronavirus Aid, Relief, and Economic Security Act" or the "CARES Act" (H.R. 748), represents a sweeping investment in state and local government, major industries, small and midsize businesses, public health and disaster relief programs. It includes \$30.75 billion in stabilization funding for early childhood education, school districts, and higher education; a \$150 billion stabilization fund for States, Tribal governments, and units of local government; \$117 billion for hospitals and veterans' health care; \$11 billion for vaccines, therapeutics, diagnostics, and other preparedness needs; \$4.3 billion for the Centers for Disease Control; \$16 billion for the Strategic National Stockpile; and, \$45 billion for FEMA disaster relief fund, among other things. More than 80 percent of the total funding provided in the coronavirus emergency supplemental appropriations division of the package will go directly to state and local governments. The following table only covers the law's education provisions and select other provisions relevant to education leaders.

Direct Education Provisions and other Programs of Interest to Education Leaders

Funding: Education Stabilization Fund (\$30.75 billion for Three Accounts; Available until 9.30.21)

The law's \$30.75 billion education stabilization funding is divided among three accounts:

- (1) The Governor's Emergency Education Relief Fund (\$3 billion)
 - o This fund may be used by Governors to assist LEAs, IHEs, early childhood education/childcare entities that are hardest hit by the emergency to continue to provide educational services to their students. 60% of this is distributed based on the state's relative population of individuals aged 5-24.40% will be distributed based on the basis of the relative total population.
- (2) The Elementary and Secondary School Emergency Relief Fund (\$13.5 billion)
 - These funds may be used for any activity authorized by IDEA, ESSA, Perkins CTE, McKinney Vento, Native Hawaiian Education Act, Alaska Native Educational Equity, as well as a number of emergency activities,

Elementary & Secondary Education - National Emergency Educational Waivers (two categories):

- The Secretary is granted additional waiver authority, upon a <u>state's</u> petition, over assessments, accountability, and related reporting requirements, if the Secretary determines that such a waiver is necessary and appropriate.
- The Secretary is granted additional waiver authority, upon state, tribal, school district petition, over specific ESEA provisions, including:
 - Schoolwide Title I program designation;
 - Supplement, not Supplant;
 - Maintenance of Effort;
 - The Student Support and Academic Enrichment Programs required needs assessment; 15% technology cap; 20% set asides for school safety and enrichment; and
 - ESEA's professional development definition.

Within 30 days of the bill becoming law, Sec. DeVos must submit a report to Congress about any additional

including for online learning. These funds will be distributed according to each state's Title I allocation for the most recent fiscal year; at least 90% of the amount must be distributed to districts, in proportion to the district's Title I allocation for the most recent fiscal year. States may reserve .5% for administration and the remainder must be used for emergency activities determined by the SEA.

- (3) Higher Education Emergency Relief Fund (\$14.25 billion)
 - Secretary allocates using Title IV distribution mechanism - 90% to each IHE to prevent, prepare for, and respond to coronavirus. Apportioned by: 75% based on relative share of full-time equivalent Pell enrollment students who are not exclusively enrolled in distance education courses prior to the coronavirus emergency; AND 25% according to the relative share of FTE enrollment of students who were not Pell who are not exclusively enrolled in distance education courses prior to the coronavirus emergency.
 - 7.5% for additional awards under Title III parts A and B, Title V parts A and B Title VII-A-4 to address needs directly related to coronavirus
 - 2.5% for Title VII part B for IHEs that the Secretary determines have the greatest unmet needs related to coronavirus.

The education stabilization funding provides a special set aside, before the above allocations, for outlying areas (0.5%), Bureau of Indian Affairs (0.5%), and the states that have been hardest hit by the pandemic (1%). If any funding is received under this Fund, each LEA, HEA, State, or other entity shall "to the greatest extent practicable" continue to pay employees and contractors during the period of closures or disruptions.

Bureau of Indian Education

 \$69 million for extended teacher and workforce salary needs; transportation needs waivers that may be necessary from the Individuals With Disabilities Education Act, as well as ESSA, the Rehabilitation Act, and the Carl D. Perkins Career and Technical Education Act, in order to provide schools with "limited flexibility."

Postsecondary Education Waivers: The
postsecondary education waivers include
campus-based aid waivers, use of
supplemental educational opportunity grants
for emergency aid, and payments to work
study students during the emergency are still
allowed. See bill for more detail.

associated with the pandemic; information technology, including teleworking capabilities; and aid for tribal colleges and universities. Separate funding is also provided to the Institute of American Indian Arts (IAIA) to respond to the pandemic.

Howard University

• \$13 million in direct support for this federally-chartered HBCU, including support for affected students.

Gallaudet University

 \$7 million in direct support for this federallychartered university, including support for affected students.

Student Aid Administration

 \$40 million for administrative expenses to support changes (both those carried in the bill and those made administratively) to student aid programs to help students and borrowers.

Office of Inspector General

 \$7 million for audit and oversight of activities funded in this bill.

Nutrition and ECE

Supplemental Nutritional Assistance Program

• \$15.5 billion

Child Nutrition Programs

• \$8.8 billion

Food Distribution Program on Indian Reservations -

• \$100 million

Nutrition Assistance for The Commonwealth of The Northern Mariana Islands, Puerto Rico, And American Samoa (territories cannot access SNAP)

• \$200 million

The Emergency Food Assistance Program

\$450 million The bill provides additional funding for comm

Child Care and Development Block Grant

 \$3.5 billion in grants to states for immediate assistance to child care providers to prevent

Project SERV Grants

 \$100 million to clean and disinfect schools, and provide support for mental health services, distance learning, and other uses.

Bureau of Indian Education

 \$69 million for extended teacher and workforce salary needs; transportation needs associated with the pandemic; information technology, including teleworking capabilities; and aid for tribal colleges and universities. Separate funding is also provided to the Institute of American Indian Arts (IAIA) to respond to the pandemic.

Health Departments

 \$5 million to provide guidance on cleaning and disinfecting schools and day-care facilities, and more. them from going out of business and to otherwise support child care for families, including for healthcare workers, first responders, and others playing critical roles during this crisis.

Head Start

 \$750 million for grants to all Head Start programs to help them respond to coronavirus related needs of children and families, including making up for lost learning time

Post-Secondary

Campus-based aid waivers

Waiver of Non-federal share requirement

Use of supplemental educational opportunity grants for emergency aid

 IHE's may reserve any amount of an institution's FSEOG allocation for emergency financial aid grants

Federal work-study during a qualifying emergency.

 Permits IHE payments to work study students during the emergency

Adjustment of subsidized loan usage limits

 Excludes any semester (or the equivalent) that the student does not complete due to a qualifying emergency from limits

Exclusion from Federal Pell Grant duration limit

 Secretary shall waive the institutional requirement under section 484B with respect to the amount of grant or loan assistance to be returned based on withdrawal during emergency period

Institutional refunds and Federal student loan flexibility

 The Secretary shall waive the IHE requirements with respect to the amount of grant or loan to be returned, if a recipient of assistance under title IV withdraws

Satisfactory academic progress.

 In determining whether a student is maintaining satisfactory academic progress for purposes of title IV, an IHE may, as a result of a qualifying emergency, exclude

Post-Secondary

Provisions related to the Corporation for National and Community Service

 CNCS shall allow covered individuals to accrue other service hours that will count toward the number of hours needed for the individual's education award; grants extensions of terms and age limits; no return of grant funds

Workforce response activities

 Changes WIA administrative cost set aside; un-obligated funds may be used for statewide rapid response; un-obligated funds released to local workforce boards

Waiver authority and reporting requirement for institutional aid

 Waives eligible data requirements; waives wait-out period; allotment requirements and more

Authorized uses and other modifications for grants.

 Secretary is authorized to modify the required and allowable uses of funds for some grants at an IHE's request (affects Title IV, V, VII); makes matching requirement modifications

Service obligations for teachers

 Protects TEACH Grant recipients from impact of emergency on their ability to meet grant service requirements

Continuing education at affected foreign institutions.

 The Secretary may permit any part of an otherwise eligible program to be offered via distance education for the duration of such emergency or disaster and the following from the quantitative component of the calculation any attempted credits that were not completed by such student without requiring an appeal by such student

payment period for purposes of title IV (with specified conditions)

Temporary relief for federal student loan borrowers

The Secretary shall suspend all payments due for loans made under part D and part B (that are held by the Department of Education) of title IV through September 30, 2020. Interest will not accrue.

HBCU Capital financing

 Secretary may grant a deferment, for the duration of a qualifying emergency, to an institution that has received a loan

Other Education Related

Other Education Related

Institute for Museum and Library Services

• \$50 million for digital access and technical support services.

Rural Utilities Service (USDA)

 Distance Learning, Telemedicine, and Broadband Program – \$25 million The bill provides additional funding for the DLT grant program, which supports rural communities' access to telecommunications-enabled information, audio, and video equipment, as well as related advanced technologies for students, teachers, and medical professionals.

Small Business Administration Disaster Loans Program Account

 \$562,000,000 for administrative expenses and program subsidy for the SBA Disaster Loans Program. <u>Note for childcare</u> businesses.

Pediatric Environmental Health Specialty Units and State Health Agencies

 \$5 million to add capacity to provide guidance and outreach on best disinfectant and protective practices for homes, <u>schools</u>, and daycare facilities.

Other HHS

Family Violence Prevention and Services

 \$45 million to provide additional support to family violence shelters, and \$2 million in additional support for the National Domestic Violence Hotline.

The Senate Appropriations Committee's summary of the third emergency bill's non-education provisions are available here.

Runaway and Homeless Youth Programs

 \$25 million for additional immediate assistance to current programs providing critical services and housing for runaway and homeless youth.

Child Welfare Services

 \$45 million for grants to states to support the child welfare needs of families during this crisis, and to help keep families together.