



NATIONAL HEALTH COUNCIL

## **Overview of Coronavirus Response Legislation as of 1/14/21**

While the nation's response to COVID-19 is a fluid situation, Congress has responded with a series of legislation. We have already seen two supplemental appropriations bills signed into law, and Congress is on the verge of passage of a third bill that would provide larger economic relief.

### **NHC Priorities**

The National Health Council (NHC) is working with patient advocates to urge Congress to include provisions that would help patients, including:

- Ensuring patients have access to COVID-19 testing and treatment at no or low out-of-pocket costs.
- Expanding the number of workers eligible for paid and protected leave during the pandemic.
- Promoting health coverage through expedited Medicaid enrollment and initiate a special enrollment period for Affordable Care Act exchange coverage.
- Expanding the availability of telemedicine services to facilitate social distancing and prevent disruption of necessary, especially emergency care.
- Modifying refill policies to allow patients to obtain needed supplies of medicines and medical products while balancing the need to prevent shortages.

In addition, The NHC is working with other nonprofit advocates to drive solutions that will mitigate the economic impact of the crisis on nonprofit organizations, including;

- Making tax credits and deductions applicable not just to income taxes but to the taxes nonprofits pay.
- Including nonprofits in grants offered to small businesses, particularly to account for lost revenue and expenses related to canceled meetings and other activities or reduced giving from the economic downturn.
- Including patient organizations in any economic stimulus proposals aimed at helping adversely affected industries and geographic areas.
- Creating a temporary giving incentive that enables everyone, regardless of whether they itemize deductions, to receive a tax incentive for giving to the work of charitable nonprofits.

**The following is a summary of the COVID-19 response bills that have been passed, introduced, or proposed as of 1/14/21:**

### **Enacted Legislation**

#### **H.R. 6074 – The Coronavirus Preparedness and Response Supplemental Appropriations Act of 2020**

Status: Signed by the President on March 6, 2020

Provisions: \$7.76 billion to federal, state, and local agencies to combat the coronavirus and authorizes an additional \$500 million in waivers for Medicare telehealth restrictions.

## **HR 6201 The Families First Coronavirus Response Act**

Status: Signed by the President on March 18, 2020.

Provisions: H.R. 6201 contains important provisions that expand the ability of patients to get tested for COVID-19 and encourage "social distancing" that could reduce transmission. These provisions include:

- Supplemental funding for the Supplemental Nutrition Program for Women Infants and Children (SNAP), senior nutrition programs, and food banks to meet increased eligibility and demand.
- Suspension of work requirements for SNAP benefits.
- No-cost coronavirus testing for all patients, regardless of insurance type or status, including \$1 billion for testing of uninsured patients.
- Increased federal support for Medicaid spending to ease the financial strain on state budgets during this crisis.
- Funding for paid time off to allow some symptomatic or exposed workers, or parents of children with school closures, to stay home through Family and Medical Leave Act (FMLA) leave. However, this provision only applies to employers with fewer than 500 employees and government employers. The Department of Labor can also issue exemptions for employers of fewer than 50 employees. Employers are reimbursed through a payroll tax credit for this expanded leave, which applies to for-profit and nonprofit employers.
- Federal support to states to underwrite unemployment benefits in states where unemployment enrollment spikes.

## **S. 3548 - The Coronavirus Aid, Relief, and Economic Security (CARES) Act.**

Status: Signed by the President on March 27, 2020.

Provisions: The CARES Act is a \$2 trillion [bipartisan deal](#) on a third package of COVID-19 relief. Provisions in the final version of the CARES Act include:

- Expansion of unemployment insurance;
- Creation of a \$500 Billion small business loan program called the Paycheck Protection Program (PPP);
- \$150 Billion in funds for health care providers and front-line workers;
- Required coverage for qualifying coronavirus preventive services;
- Direct payments to individuals and families that are scaled based on income;
- Extension until November 30 of several health-related programs that were set to expire on May 22; and
- A delay for tax filing until July 15, 2020.

Specifically, for the nonprofit sector, the bill:

- Includes nonprofits in targeted assistance to affected sectors, though does not carve out any portion of the funding, as the nonprofit community requested;
- Allows individuals to deduct up to \$300 of charitable donations if they do not itemize their taxes; and
- Allows nonprofits with fewer than 500 employees to participate in the small business loans, and a provision in the original bill that excluded nonprofits that

received Medicaid reimbursements was removed. There are also low-interest loans for larger organizations.

### **S.Amdt.1578 to H.R.748 The CARES Act**

Status: Signed by the President on April 24, 2020.

Provisions: This amendment enhances the CARES Act by adding the following funding amounts:

- \$321 billion for the PPP
- \$60 billion in disaster relief
- \$75 billion for hospitals
- \$25 billion for testing (\$11b of which will go to states)

### **HR 7010 – Paycheck Protection Program Flexibility Act**

Status: Signed by the President on June 5, 2020.

Provisions: This bipartisan bill is aimed at easing restrictions on how businesses use PPP loans. Specifically, the bill:

- Allows forgiveness for expenses beyond the 8-week covered period;
- Limits non-payroll expenses to 60% of loan proceeds;
- Eliminates restrictions that limit loan terms to 2 years;
- Ensures full access to payroll tax deferment for businesses that take PPP loans; and
- Extends the rehiring deadline to offset the effect of enhanced unemployment Insurance.

### **H.R. 133, the Consolidated Appropriations Act, 2021**

Status: Signed by the President on December 27, 2020

Provisions: This bill combines a \$900 billion end-of-year COVID-19 relief package with a \$.4 trillion Omnibus spending package for 2021. The bill includes the following provisions of interest to NHC members:

- Provides \$300 billion for additional loans from the PPP and extends the program through March 31, 2021;
  - Allows businesses with 300 employees or fewer that have sustained a 30% income revenue loss in any quarter of 2020 to receive a second PPP loan;
  - Includes 501(c)(6) organizations that are not lobbying organizations and have 150 employees or fewer;
  - Expands forgivable expenses to include facility modifications and personal protective equipment (PPE);
  - Simplifies loan forgiveness process for borrowers with PPP loans of less than \$150k; and
  - Makes business expenses paid for with PPP loans tax deductible.
- The universal charitable deduction of \$300 for individuals and \$600 for couples in the above-the-line deductions for tax year 2021;
- Direct payments of up to \$600 to individuals;
- Continuation of the federally enhanced unemployment benefits (\$300 per week);
- \$55 million for supply chain, devices, therapies, and vaccines for COVID-19;

- \$8.75 billion for vaccine administration;
- \$1.25 billion for research on long-term effects of COVID-19;
- \$19.69 billion for vaccine manufacturing and procurement;
- \$3.25 billion for the Strategic National Stockpile;
- \$25.4 billion for testing, contact tracing, and reimbursement for providers for COVID-19 related expenses and lost revenue;
- Increased physician reimbursement under Medicare;
- Increased access to coverage information for Medicare Part B drugs;
- Extended telehealth services through December 31, 2021; and
- Increasing the portion of Medicaid that the federal government covers for States.

## **Pending Legislation**

### **American Rescue Plan**

Status: Proposed by President-Elect Joe Biden on January 14, 2021.

Provisions: Before his inauguration, President-Elect Biden released a \$1.9 trillion proposal designed to address continuing COVID-19 related health care needs and address the economic impact COVID-19 has had on the nation. The bill includes the following provisions of interest to NHC members:

- Mounting a national vaccine program;
  - \$20 billion for a national vaccination program in partnership with states, localities, Tribes, and territories.
  - Community vaccination centers and mobile vaccination units.
- \$50 billion to increase access to testing;
- Expansion of the public health workforce;
- Investing in Community Health Centers and health services on tribal lands to address health disparities;
- Access to expanded paid sick and family and medical leave;
- Subsidized COBRA coverage through the end of September 2021;
- Increase the value of the ACA Premium Tax Credit to lower or eliminate health insurance premiums and ensure enrollees - including those who never had coverage through their jobs - will not pay more than 8.5 percent of their income for coverage;
- \$4 billion to enable the Substance Abuse and Mental Health Services Administration and the Health Resources and Services Administration to expand access to behavioral health services;
- \$50 billion in flexible, equitably distributed small business assistance; and,
- \$20 billion to support Tribal governments' response to the pandemic.