

## Families First Coronavirus Response Act

<https://appropriations.house.gov/sites/democrats.appropriations.house.gov/files/Families%20First%20Summary%20FINAL.pdf>

Summary: free coronavirus testing, establishes paid leave, enhances Unemployment Insurance, expands food security initiatives, and increases federal Medicaid funding

Ensures State Emergency Operations Centers receive regular and real-time reporting on aggregate testing and case data from health departments and share data with CDC

### Second Coronavirus Preparedness and Response Supplemental Appropriations Act

#### **DIVISION A. Food and Nutrition Service**

Funding is provided for:

- The Special Supplemental Nutrition Program for Women Infants and Children (WIC)
  - \$500 million to provide access to nutritious foods
  - low-income pregnant women or mothers with young children who lose their jobs or are laid off due to COVID-19
- Emergency Food Assistance Program (TEFAP)
  - \$400 million to assist local food banks for low-income Americans
    - \$300 million is for the purchase of nutritious foods
    - \$100 million is to support the storage and distribution of the foods.
    - approve state plans to provide emergency Electronic Benefit Transfer (EBT) food assistance to households with children who would otherwise receive free or reduced-price meals if not for their schools being closed due to the COVID-19 emergency
      - child's school must be closed for no less than 5 consecutive days
- Nutrition Assistance for U.S. Territories
  - \$100 million for USDA nutrition assistance grants
  - Puerto Rico, American Samoa, and the Commonwealth of the Northern Mariana Islands
- Coverage of Testing for COVID-19 through the Department of Defense
  - \$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
  - \$15 million for the Internal Revenue Service
  - implement tax credits for paid sick and paid family and medical leave.
- Coverage of Testing for COVID-19 through the Indian Health Service
  - \$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
  - \$250 million for the Senior Nutrition program in the Administration for Community Living (ACL)
  - provide approximately 25 million additional home-delivered and pre-packaged meals to low-income seniors who depend on the Senior Nutrition programs in their communities.
    - low-income seniors
    - who are home-bound; who have disabilities; who have multiple chronic illnesses; caregivers for seniors who are home-bound
- Reimbursement for Diagnostic Testing and Services for COVID-19 in Uninsured Individuals
  - \$1 billion for the National Disaster Medical System to reimburse the costs of COVID-19 diagnostic testing and services provided to individuals without health insurance.
- Coverage of Testing for COVID-19 through the Veterans Health Administration
  - \$60 million for the DVA to cover the costs of COVID-19 diagnostic testing for veterans receiving care through Medical Services or through Medical Community Care.

#### **DIVISION B – Nutrition Waivers**

- Maintaining Essential Access to Lunch for Students Act (MEALS Act)
  - Waiver Exception for School Closures Due to COVID-19.
  - Provides the Secretary of Agriculture the authority to issue waivers for state plans that increase costs to the federal government.
- COVID-19 Child Nutrition Response Act
  - National School Lunch Program Requirement Waivers Addressing COVID-19
  - Allows all child and adult care centers to take food to go
  - waive meal pattern requirements in child nutrition programs if there is a disruption to the food supply as a result of the COVID-19 emergency.

- authority to issue nationwide school meal waivers during the COVID-19 emergency
    - eliminate paperwork for states and help more schools quickly adopt and utilize flexibilities.
- Physical Presence Waiver Under WIC During Certain Public Health Emergencies
  - grant waivers to allow 4 participants to be certified for the Special Supplemental Nutrition Program for WIC without being physically present at the WIC clinic
- Administrative Requirements Waiver Under WIC
  - waive administrative requirements to serving WIC participants during the coronavirus outbreak.
- SNAP COVID-19 Response Waivers Section
- SNAP Flexibility for Low-Income Jobless Workers
  - Suspends the work and work training requirements for SNAP during this crisis.
- Additional SNAP Flexibilities in a Public Health Emergency
  - provide temporary, emergency CR-SNAP benefits to existing SNAP households up to the maximum monthly allotment,
  - give the Secretary broad discretion for States in managing SNAP caseloads

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

- Amendments to the Family and Medical Leave Act of 1993
  - employees of employers with fewer than 500 employees and government employers
  - have been on the job for at least 30 days
  - right take up to 12 weeks of job-protected leave under the Family and Medical Leave Act
    - to quarantine due to exposure to or symptoms of coronavirus
    - to care for an at-risk family member in quarantine
    - 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
    - After the two weeks of paid leave, employees will receive a benefit from their employers
    - 2/3s of the employee’s usual pay
- Employment Under Multi-Employer Bargaining Agreements
- ensures employees who work under a multiemployer collective agreement and whose employers pay into a multiemployer plan are provided with leave

#### **DIVISION D – Emergency Unemployment Insurance Stabilization and Access Act of 2020**

- Emergency Transfers for Unemployment Compensation Administration
- \$1 billion in 2020
- emergency grants to states for activities related to processing and paying unemployment insurance (UI) benefits

##### Conditions:

- \$500 million would be used to provide immediate additional funding to all states for staffing, technology, systems, and other administrative costs
- Require employers to provide notification of potential UI eligibility to laid-off workers
- Ensure that workers have at least two ways (for example, online and phone) to apply for benefits
- Notify applicants when an application is received and being processed and if the application cannot be processed, provide information to the applicant about how to ensure successful processing
- States would be required to report on the share of eligible individuals who received UI benefits and the state’s efforts
- \$500 million would be reserved for emergency grants to states with a 10 percent increase in unemployment.
  - additional grant, in the same amount as the initial grant, to assist with costs related to the unemployment spike, and would also be required to take steps to temporarily ease eligibility requirements that are limiting access to UI during COVID-19
- Temporary Assistance for States with Advances
  - interest-free loans to help pay regular UI benefits through December 31, 2020
- Technical Assistance and Guidance for Short-Time Compensation Programs
  - technical assistance to states that want to set up work-sharing programs
  - employers reduce hours instead of laying employees off
  - employees receive partial unemployment benefits to offset the wage loss.
- Full Federal Funding of Extended Unemployment Compensation for a Limited Period
  - states that experience an increase of 10 percent or more in their unemployment rate
  - comply with all the beneficiary access provisions
  - 100 percent federal funding for Extended Benefits
    - normally require 50 percent of funding to come from states
  - Extended Benefits (EB) are triggered when unemployment is high in a state and provide up to an additional 26 weeks after regular UI benefits (usually 26 weeks) are exhausted
  - suspends the financial penalty within EB for states that waive the usual 1-week waiting period for benefits.

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

- section requires employers with fewer than 500 employees and government employers to provide employees
  - 2 weeks of paid sick leave
  - employee’s regular rate
    - To quarantine or seek a diagnosis or preventive care for coronavirus
  - 2/3s 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)
  - part-time employees are entitled to the typical number of hours that they work in average 2-week period

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

- Coverage of Testing for COVID-19
- requires private health plans to provide coverage for COVID-19 diagnostic testing
  - cost of a provider, urgent care center and emergency room visits in order to receive testing
  - provided at no cost to the consumer.
- Waiving Cost Sharing Under the Medicare Program for Certain Visits Relating To Testing For COVID-19
  - Medicare Part B to cover beneficiary cost-sharing for provider visits during which a COVID-19 diagnostic test
- Waiving Cost Sharing Under the Medicare Advantage Program for Certain Visits Relating to Testing for COVID-19
  - Medicare Advantage to provide 7 coverage for COVID-19 diagnostic testing, including the associated cost of the visit in order to receive testing at no cost to the beneficiary.
- Coverage at No Cost Sharing of COVID-19 Testing Under Medicaid and CHIP
  - requires Medicaid to provide coverage for COVID-19 diagnostic testing, including the cost of a provider visit in order to receive testing at no cost to the beneficiary
  - provide states with the option to extend Medicaid eligibility to uninsured populations for the purposes of COVID-19 diagnostic testing
  - State expenditures for medical and administrative costs matched by the federal government at 100%
- Treatment of Personal Respiratory Protective Devices as Covered Countermeasures
  - personal respiratory protective devices to be treated as covered countermeasures under the PREP Act Declaration for the purposes of emergency use during the COVID-19 outbreak and ending October 1, 2024
- Application with Respect to TRICARE, Coverage for Veterans, and Coverage for Federal Civilians
  - individuals enrolled in TRICARE, covered veterans, and federal workers have coverage for COVID-19 diagnostic testing without cost-sharing.
- Coverage of Testing for COVID-19 At No Cost Sharing for Indians Receiving Contract Health Services
  - American Indians and Alaskan Natives do not experience cost sharing for COVID-19 testing,
- Emergency FMAP Increase
  - temporary increase to states’ federal medical assistance percentage for the duration of the public health emergency for COVID-19.
- Increase in Medicaid Allotments for Territories
  - increase to the territories’ Medicaid allotments for 2020 and 2021
  - territories that receive an FMAP increase under the previous section will have federal funds for their Medicaid programs.
- Clarification Relating to Secretarial Authority Regarding Medicare Telehealth Services Furnished During COVID-19 Emergency Period
  - technical change to the Medicare telehealth provision of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (P.L. 116-123) to ensure that new Medicare beneficiaries are able to access telehealth services under the emergency authority granted to the Secretary

#### **DIVISION G Tax Credits for Paid Sick and Paid Family And Medical Leave**

- Payroll Credit for Required Paid Sick Leave
  - refundable tax credit
  - 100% of qualified paid sick leave wages paid by an employer for each calendar quarter
  - Qualified sick leave wages are wages required to be paid by the Emergency Paid Sick Leave Act
    - distinction between qualified sick leave wages paid with respect to employees who must self-isolate, obtain a diagnosis, or comply with a self-isolation recommendation with respect to coronavirus
  - capped at \$511 per day per employee
  - employees caring for a family member or for a child whose school or place of care has been closed
    - Capped at \$200 per day

- aggregate number of days taken into account per employee may not exceed the excess of 10 over the aggregate number of days taken into account for all preceding calendar quarters
- If the credit exceeds the employer's total liability excess credit is refundable to the employer
  - may elect to not have the credit apply
  - no deduction is allowed for the amount of the credit
  - no credit is allowed with respect to wages for which a credit is allowed under section 45S
- Credit for Sick Leave for Certain Self-Employed Individuals
  - refundable tax credit equal to 100% of a qualified sick leave equivalent amount
  - eligible self-employed individuals who must self-isolate, obtain a diagnosis, or comply with a self-isolation recommendation with respect to coronavirus
  - self-employed individuals caring for a family member or for a child whose school or place of care has been closed due to coronavirus
    - refundable tax credit equal to 67% of a qualified sick leave equivalent
    - allowed against income taxes and is refundable
  - self-employed individuals are individuals entitled to receive paid leave pursuant to the Emergency Paid Sick Leave Act if the individual was an employee of an employer (other than himself or herself)
    - who must self-isolate, obtain a diagnosis, or comply with a 9 self-isolation recommendation
    - lesser of \$511 per day or the average daily self-employment income for the taxable year per day
    - caring for a family member or for a child, lesser of \$200 per day or the average daily self-employment income for the taxable year per day
    - may only take into account those days that the individual is unable to work for reasons that would entitle the individual to receive paid leave pursuant to the Emergency Paid Sick Leave Act.
- Payroll Credit for Required Paid Family Leave
  - refundable tax credit equal to 100% of qualified family leave wages paid by an employer for each calendar quarter.
  - family leave wages are wages required to be paid by the Emergency Family and Medical Leave Expansion Act
  - capped at \$200 per day and \$10,000 for all calendar quarters. If the credit exceeds the employer's total liability, excess credit is refundable to the employer
- Credit for Family Leave for Certain Self-Employed Individuals
  - refundable tax credit equal to 100% of a qualified family leave equivalent amount
  - eligible self-employed individuals
  - allowed against income taxes and is refundable
  - qualified family leave equivalent amount is capped at the lesser \$200 per day or average daily self-employment income for the taxable year per day
- Special Rule Related to Tax on Employers
  - 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). The Social Security OASDI trust funds are held harmless by transferring funds from the General Fund.