



## **U.S. Congressional Actions Regarding COVID-19 Response**

*Prepared for members of the Irrigation Association and the National Ground Water Association*

The information below outlines the pertinent contents of the two congressional actions relating to the nation's response to COVID-19. This is a general outline, and more resources and information relating to these first two phases and subsequent actions will be added when the information is available.

### **H.R. 6074 – Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Phase I)**

*Enacted on March 6, 2020*

Provides \$8.3 billion in emergency funding for federal agencies to respond to the coronavirus outbreak related to developing a vaccine, medical supplies, grants for public health agencies, small business loans, and assistance for health systems in other countries. Allows for temporarily waiving Medicare restrictions and requirements regarding 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.

#### **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.

<https://www.sba.gov/page/coronavirus-covid-19-small-business-guidance-loan-resources>

#### **Centers for Disease Control and Prevention**

Provides \$2.2 billion to support federal, state and local public health agencies to prevent, prepare for and respond to the coronavirus.

#### **Vaccines, Therapeutics, and Diagnostics**

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

#### **Emergency Telehealth Waiver**

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

### **H.R. 6201 – Families First Coronavirus Response Act (Phase II)**

*Enacted on March 18, 2020*

This bill provides free coronavirus testing, establishes paid leave, enhances unemployment insurance, expands food security initiatives, and increases federal Medicaid funding.

### **Amendments to the Family and Medical Leave Act (FMLA)**

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 for any of the following reasons:

- To adhere to a requirement or recommendation to quarantine due to exposure to or symptoms of coronavirus;
- To care for an at-risk family member who is adhering to a requirement or recommendation to quarantine due to exposure to or symptoms of coronavirus; and
- 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.

### **The Emergency Paid Sick Leave Act**

This section requires private sector 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 two 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.

*Small Business and Other Exemptions: The Secretary of Labor is authorized to issue regulations to exempt health care providers and emergency responders from the definition of employer. In addition, the Secretary may exempt small businesses with fewer than 50 employees from the requirement to offer leave to care for a child when a school is closed when the imposition of paid sick leave would jeopardize the viability of the business as an ongoing concern.*

### **Payroll Credit for Required Paid Sick Leave (see attached document)**

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. The tax credit is allowed against the tax imposed by the employer portion of Social Security taxes. Qualified sick leave wages are wages required to be paid by the Emergency Paid Sick Leave Act.

The section makes a 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. For amounts paid to those employees, the amount of qualified sick leave wages taken into account for each employee is capped at \$511 per day.

For amounts paid to employees caring for a family member or for a child whose school or place of care has been closed, the amount of qualified sick leave wages taken into account for each employee is capped at \$200 per day. The 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.

### **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.

### **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.

The credit is allowed against income taxes and is refundable. Eligible self-employed individuals are individuals who would be 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). For eligible self-employed individuals who must self-isolate, obtain a diagnosis, or comply with a self-isolation recommendation, the qualified sick leave equivalent amount is capped at the lesser of \$511 per day or the average daily self-employment income for the taxable year per day. 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 qualified sick leave equivalent amount is capped at the lesser of \$200 per day or the average daily self-employment income for the taxable year per day.

### **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**

This section provides \$1 billion in 2020 for emergency grants to states for activities related to processing and paying unemployment insurance (UI) benefits.

### **Coverage of Testing for COVID-19**

Requires private health plans to provide coverage for COVID-19 diagnostic testing, including the cost of a provider, urgent care center and emergency room visits in order to receive testing. Coverage must be provided at no cost to the consumer.

### **Food and Nutrition Service**

Includes funding to ensure the domestic nutrition assistance programs have adequate resources to help those impacted by the COVID-19 public health emergency.

### **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.

### **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 in the Administration for Community Living (ACL) to 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.

**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 COVID-19 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.

**National School Lunch Program Requirement Waivers Addressing COVID-19**

Allows all child and adult care centers to operate as non-congregate (i.e., allows them to take food to go).

**Physical Presence Waiver Under WIC During Certain Public Health Emergencies**

Provides the Secretary of Agriculture with the authority to grant waivers to allow participants to be certified for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) without being physically present at the WIC clinic.

**SNAP Flexibility for Low-Income Jobless Workers**

Suspends the work and work training requirements for SNAP during this crisis.

## Refundable Tax Credits Will Finance Paid Leave

	Family Leave	Sick Leave
Covered employer	Private sector employers with fewer than 500 workers and government entities	Private sector employers with fewer than 500 workers and government entities
Qualifying circumstances	Caregiving for child younger than 18 whose day care or school closed	Quarantine, medical diagnosis, caregiving for another quarantined individual or for child whose day care or school closed
Length of leave	As many as 12 weeks	Two weeks for full-time workers and similar equivalent for part-time workers
Benefit amount	Unpaid for first 10 days, then at least two-thirds of a worker's normal pay rate, capped at \$200 per day or \$10,000 total.	Normal wage or minimum wage, whichever is greater, capped at \$5,110 for a worker's quarantine or diagnosis. Caregiving benefit would be two-thirds of normal or minimum wage, capped at \$2,000.
Employer tax credit	Covers wages of as much as \$200 per day or \$10,000 total	Covers daily wages of as much as \$511 for affected employee, or as much as \$200 for employee caring for someone else
Self-employed tax credit	The lesser of \$200 per day or 67% of average daily self-employment income	The lesser of \$511 per day or average daily self-employment income for affected individual, or the lesser of \$200 or 67% of average daily self-employment income if caring for someone else

Source: Enacted H.R. 6201

Note: Family leave includes job-protected leave under the Family and Medical Leave Act.

**Bloomberg**