

Comparison of the Heroes Act, Year-End Package, and Senate Republican Proposal

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This is a comparison of <u>H.R. 925</u>, the Heroes Act (2.0), passed by the House on October 1, 2020; <u>H.R. 133</u>, the Consolidated Appropriations Act, 2021, released on December 21, 2020; and Senate Majority Leader Mitch McConnell's <u>December 1 proposal</u>. H.R. 133 is a nearly 5600-page year-end package that also includes omnibus appropriations for FY 2021, <u>surprise billing legislation</u>, <u>the Water Resources Development Act of 2020</u>, clean energy legislation, <u>higher education legislation</u>, tax extenders, and many other non-COVID-19 provisions.

This side-by-side comparison only covers COVID-19-related provisions of H.R. 133. The House Appropriations Committee has a full summary of the non-COVID-19 <u>appropriations</u> and <u>authorization</u> provisions.

Major areas of COVID-19 relief include:

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Other areas of COVID-19 relief: The Heroes Act included important provisions on consumer financial protection, retirement security, immigration, jails, prisons, detention facilities, domestic violence, child abuse, anti-discrimination, hate crimes protections, elections, and the Census. Neither the COVID-19 relief provisions of the year-end package nor the Senate Republican proposal included similar provisions. For a detailed list of the Heroes Act provisions, see PCAF's Comparison of the Heroes Act, Heroes Act 2.0, and Senate Republican Skinny Bill from September 2020.

<u>Unemployment Insurance (UI)</u>

Heroes Act (House Democrats)	Year-End Package	Senate Republican Proposal
 Restores \$600/week UI supplement through Federal Pandemic Unemployment Compensation (FPUC) from September 6, 2020 to January 31, 2021 Extends non-expired CARES Act UI provisions through January 31, 2021 Expanded eligibility through Pandemic Unemployment Assistance (PUA) Additional 13 weeks under Pandemic Emergency Unemployment Compensation (PEUC) No waiting week 50% reimbursement for government and nonprofit employers Provides an additional 13-week extension of federally financed unemployment benefits until January 31, 2021 Ensures eligibility for caregivers and workers not earning income Interest-free loans to states through June 30, 2021 Io0% reimbursement for extended unemployment compensation extended through June 30, 2021 Extends federal financing of CARES Act work sharing provisions through January 31, 2021 Requires greater transparency on processing backlogs 	 Provides \$300/week FPUC supplement through March 14, 2021 Extends PUA, PEUC, no waiting week, and 50% reimbursement for government and nonprofit employers through March 14, 2021 Allows individuals receiving PUA and PEUC on March 14, 2021 to continue receiving through April 5, 2021 if they have weeks left Extends maximum number of weeks for PUA (from 39 to 50 weeks) and, correspondingly, PEUC (from 13 to 24 weeks - on top of 26 weeks of non-PEUC UI) Creates \$100/week federal supplement through March 14, 2021 for mixed earners who do not qualify for PUA but have at least \$5000 in self-employment income Provides states flexibility so that overpayments, administrative errors, and unemployment rate fluctuations do not cause individuals financial hardship Requires income verification documentation for PUA applicants within 90 days before January 31, 2021 and within 21 days after January 31, 2021 and within 21 days after January 31, 2021 Requires state plans to address UI claimants who refuse offers of suitable work without good cause Extends federal financing of CARES Act work sharing provisions through March 14, 2021 	 No FPUC supplement Extends PUA and PEUC until January 31, 2021 followed by two-month phaseout for existing claimants No mention of other expiring UI provisions in CARES Act Creates new documentation requirements for claimants to prove prior employment or self-employment

Direct Stimulus Payments

Heroes Act 2.0 (House Democrats)	Year-End Package	Senate Republican Proposal
Additional one-time \$1200 payment per adult and \$500 per dependent (with same income phaseout as the CARES Act) Includes ITIN tax filers, adult dependents, and full-time students below age 24 Exempts payments from various forms of garnishment	 Additional one-time \$600 payment per adult and child (with same income phaseout as the CARES Act) Dependents of 17 years and older still excluded For both the new \$600 payment and the earlier round of stimulus payments, expands eligibility to tax filers with Social Security Numbers in mixed-status households and eligible children if one spouse has a Social Security Number Extends repayment period for deferral of payroll taxes through December 31, 2021 	No direct cash assistance

Paid Sick, Family, and Medical Leave

Heroes Act 2.0 (House Democrats)	Year-End Package	Senate Republican Proposal
 Extends emergency paid leave until February 28, 2021 Ends the exclusion for employers with more than 500 employees Removes hardship exceptions for employers Expands workers' ability to use paid leave, including for caregiving Provides paid family and medical leave of at least two-thirds of employee's usual pay (up to \$200/day) and no less than minimum wage Provides full wage replacement for paid sick leave (up to \$511/day) Allows local governments and government entities to benefit from offsetting tax credits Suspends 1,250-hour eligibility requirement and reduces turen requirement from 12 months to 90 days for non-emergency family and medical leave until December 31, 2022 Provides funds for restaurants to provide 10 paid sick days 	 Extends refundable payroll tax credits under the Families First Coronavirus Relief Act for employers offering paid sick, family, and medical leave through March 31, 2021 Still excludes employers with more than 500 employees Does not expand eligible uses of paid leave Extends reimbursement of federal contractors for paid leave costs of those unable to work due to certain facility closures through March 31, 2021 	No extension of emergency paid leave

Small Businesses

Heroes Act 2.0 (House Democrats)	Year-End Package	Senate Republican Proposal
 Establishes \$120 billion grant program for restaurants and similar businesses Creates PPP set-asides for businesses with 10 or fewer employees and loans under \$250,000 in low- and moderate-income areas (at least 10% of remaining and future funds); nonprofits (up to 30% of funds); and second loans to businesses with fewer than 200 employees (up to 50% of funds); and community lenders (25% of funds, up to \$15 billion) Authorizes second PPP loans of up to \$2 million for businesses with fewer than 200 employees and quarterly revenue losses of at least 25% (excludes publicly traded companies) Simplifies loan forgiveness for loans under \$150,000 Expands PPP eligibility to all 501(c) organizations, destination marketing organizations, small local news broadcasters, and critical access hospitals Restricts use of PPP for lobbying and campaign finance activities Provides eligibility for SBA assistance to borrowers with prior criminal history Limits aggregate loan amount to \$10 million for businesses with multiple locations Excludes publicly traded entities and foreign-owned businesses from PPP \$8 billion in loan forgiveness for EIDL borrowers 	 \$284.45 billion for PPP \$15 billion set-aside for lending through community financial institutions (CDFIs & MDIs) \$15 billion set-aside for businesses with 10 or fewer employees and businesses in distressed areas Extends the time of the program to March 31, 2021 Expands PPP eligibility to nonprofits and 501(c)(6) organizations Expands forgivable expenses to PPE, outdoor dining costs, supplier costs, property damage, software, human resources, and accounting needs Increases awards for restaurant and hospitality industries from 2.5 times to 3.5 times monthly payroll Allows businesses to deduct expenses paid with PPP loans (even though forgiveness of PPP loans is also tax-exempt) Extends PPP eligibility to housing cooperatives Clarifies that businesses or organizations not in operation on February 15, 2020 are not eligible for an initial PPP loan and a second draw PPP loan Excludes publicly traded companies from PPP eligibility Simplifies loan forgiveness for loans under \$150,000 	 \$257.7 billion for PPP Second Draw Loans of up to \$2 million for businesses with fewer than 300 employees and quarterly revenue losses of at least 25% \$20 billion to reduce revenue loss threshold to 25% \$40 billion to increase PPP loan amounts for covered worker protection expenditures Creates PPP set-asides for businesses with 10 or fewer employees, first-time borrowers made newly eligible, and second-time borrowers Expands forgivable expenses to include covered supplier costs, covered worker protection expenditures, and covered operations expenditures Establishes \$15 billion grant program for closed live venues and theaters Allows borrowers to select a loan forgiveness covered period between 8-24 weeks Repurposes \$140 billion in unspent CARES small business funding

- Simplifies EIDL applications and prevents certain SBA restrictions
- Creates \$40 billion SBA Lifeline Grant Program for businesses with 50 or fewer employees and economic loss of at least 30%
- Increases guarantees on 7(a) loans and reduces fees
- Creates \$15 billion Small Business Local Relief Program providing grants through community-based partners
- \$10 billion SBA grant program for independent live venue operators
- Encourages a preference for supply chain subcontractors and businesses that qualify as small businesses or are owned by women, minorities, veterans, or people with disabilities
- \$13 billion for a National Capital Invest Program to provide long-term investments to Minority Depository Institutions (MDIs) and Community Development Financial Institutions (CDFIs)
- Emergency appropriation of \$2 billion to CDFIs and permanent 40% CDFI set-aside for minority lending institutions
- \$3 billion for Minority Business
 Development Administration grants
- Mandates low-cost loan option through Federal Reserve's Main Street Lending for small businesses and nonprofits
- Enacts a temporary moratorium on debt collection for small businesses and nonprofits until 120 days after the end of the COVID-19 crisis

- Establishes \$15 billion grant program for live venues, theaters, and cultural institutions
 - \$2 billion set-aside for entities with 50 or fewer employees
- \$20 billion for EIDL grants
 - Targeted funding for entities located in low-income communities
 - \$10,000 grants to eligible applicants in low-income communities that did not secure grants because funding had run out
 - Permits certain EIDL borrowers to also apply for a PPP loan
- Repeals requirement to deduct EIDL grants from PPP loan forgiveness
- \$3.5 billion for continued SBA debt relief payments
- \$2 billion to enhance SBA lending
- \$9 billion capital investment in Community Development Financial Institutions (CDFIs) and Minority Depository Institutions (MDIs)
- \$3 billion in emergency support for CDFIs
- \$25 million for the Minority Business
 Development Centers program under
 the Minority Business Development
 Agency (MBDA)
- \$57 million for the Microloan program

Testing, Surveillance, and Prevention

Heroes Act 2.0 (House Democrats)	Year-End Package	Senate Republican Proposal
 \$75 billion for testing and contact tracing \$20 billion for vaccine research and procurement \$13.7 billion for CDC \$4.7 billion for NIH research \$2.9 billion for the National Science Foundation, including \$1 million for a study on COVID-19 disinformation \$500 million for strike teams to address nursing home outbreaks Establishes COVID-19 National Testing and Contact Tracing (CONTACT) Initiative, a national evidence-based system for testing, contact tracing, surveillance, containment and mitigation, including guidance on voluntary isolation and quarantine of positive cases Makes requirement for free coverage of COVID-19 testing retroactive Requirements greater transparency and public education on testing Requires President to appoint Medical Supplies Response Coordinator Specifies that tests and PPE meet the requirements for production under the Defense Production Act Reporting requirements and process improvements for the Strategic National Stockpile Directs expansion of vaccine manufacturing capacity Prohibits providers from collecting cost-sharing for COVID-19 testing Improves price transparency for COVID-19 tests 	 \$20 billion for vaccine purchases \$8.75 billion for vaccine distribution \$4.5 billion for state, local, tribal, and territorial governments \$300 million targeted to high-risk and underserved populations \$3 billion for Strategic National Stockpile \$22.4 billion for testing, contact tracing, and prevention \$2.5 billion set-aside for high-risk underserved populations \$1.25 billion for NIH research 	 \$16 billion for testing and contact tracing in states \$31 billion for vaccines, treatment, and state and federal stockpiles Directs expansion of vaccine manufacturing capacity

Healthcare Access

Heroes Act 2.0 (House Democrats)	Year-End Package	Senate Republican Proposal
 \$50 billion for hospitals and healthcare providers \$7.6 billion for Community Health Centers \$2.3 billion for Indian Health Service Online reporting portal for health entities on COVID-19 inventory and capacity No cost sharing for coronavirus treatment through Medicaid (regardless of immigration status and including uninsured people who states opt to cover), Medicare, Medicare Advantage, group and individual market health plans, TRICARE, VA, and FEHB Prohibits price gouging on consumer goods and services including PPE, drugs, hand sanitizers, and healthcare services Special enrollment periods for Medicare and ACA Provides the maximum ACA subsidy for unemployed workers Increases FMAP by an additional 7.8 percentage points for October 1, 2020-September 30, 2021 period Increases federal payments for home and community-based services by an additional 10 percentage points for October 1, 2020-September 30, 2021 period Authorizes coronavirus treatment reimbursement for uninsured individuals 	 \$3 billion to reimbursement hospitals and healthcare providers for COVID-19 expenses and lost revenue \$1 billion for IHS 3-year extension of health programs, including Community Health Centers, Special Diabetes Program, dealy of Medicaid DSH cuts, and Certified Community Behavioral Health Centers Expands Medicare GME program Improves Medicare enrollment and offers new beneficiary protections Expands Access to rural health care Expands Medicaid to Marshall Islanders in the U.S. Allows carryover of unused health and dependent care Flexible Spending Arrangement benefits into 2021 Delays Medicare sequester payment reductions through March 31, 2021 Provides a one-time, one-year 3.75% increase in the Medicare physician fee schedule 	No funding to expand healthcare access

Child Care and Education

Heroes Act 2.0 (House Democrats)	Year-End Package	Senate Republican Proposal
 \$50 billion for Child Care Stabilization Grants \$7 billion for Child Care and Development Block Grants (CCDBG) \$1.7 billion for Head Start \$175 billion for K-12 schools \$5 billion for Elementary and Secondary School Emergency Facilities Aid \$12 billion in "homework gap" funding for Wi-Fi hotspots and connected devices for students \$27 billion for public institutions of higher education \$11.9 billion in funding to higher education institutions \$4 billion in additional funding for governors to address educational needs \$2 billion for outlying areas, Bureau of Indian Education, and Tribal Colleges and Universities Extends CARES Act provisions for student loan payment and consumer protections to private borrowers Provides up to \$10,000 in relief to private student loans of economically distressed borrowers (in default, deferral, forbearance, or at \$0 income-based repayment as of March 12, 2020) Extends CARES Act suspension of payments to all federal student loan borrowers through September 30, 2021, with 30-day transition period 	 \$10 billion for CCDBG \$250 million for Head Start \$82 billion Education Stabilization Fund for K-12 schools and higher education institutions	 \$5 billion for CCDBG \$105 billion Education Stabilization Fund for elementary schools, secondary schools, and higher education institutions Authorizes "school choice" scholarships for private school tuition and homeschooling expenses Expands use of tax-advantaged 529 savings plans to books, online materials, tutoring, and homeschooling expenses for two years Authorizes short-term assistance to help child care providers reopen No relief for student loan borrowers

grants from need analysis for federal financial aid

Food Security and Agriculture

Heroes Act 2.0 (House Democrats)	Year-End Package	Senate Republican Proposal
 Increases SNAP benefit level by 15% and minimum SNAP Benefit to \$30/month until September 30, 2021 Waives work requirements for SNAP for one year Provides \$10 billion for SNAP, \$400 million for WIC, \$450 million for TEFAP, \$1.26 billion in nutrition assistance for territories, and \$1.175 billion for nutrition and supportive services through the Administration for Community Living Boosts WIC Cash Value Voucher up to \$35/month for 4 months Emergency funding for school meal and child and adult care food programs at 55% of reimbursement from prior year Provides support to farmers, ranchers and fisheries 	 \$13 billion for nutrition assistance Increases SNAP benefits by 15% through June 30, 2021 Ensures college students have access to SNAP \$614 million set-aside for territories \$400 million for TEFAP \$175 million for Older Americans Act nutrition programs, including \$7 million for tribal nutrition programs \$13 billion for farmers and ranchers 	 \$20.5 billion for farmers, ranchers, and fisheries No additional nutrition assistance

Housing

Heroes Act 2.0 (House Democrats)	Year-End Package	Senate Republican Proposal
 \$50 billion in Emergency Rental Assistance \$21 billion in Emergency Homeowner Assistance \$5 billion in Homeless Assistance Grants \$4 billion for tenant-based rental assistance \$2 billion for the Public Housing Operating Fund \$400 million for Native American housing programs Nationwide 12-month moratorium on evictions and foreclosures for all renters and homeowners Enhanced bankruptcy protections for homeowners, including against federal relief payments from being taken in bankruptcy proceedings Requires states and utilities receiving federal funds to prevent home energy and water shutoffs Prohibits broadband and telephone disconnects, late fees, or data caps during pandemic Utility assistance \$4.5 billion for EIHEAP \$3 billion for emergency home connectivity needs \$50 monthly broadband benefit (\$75 benefit on tribal lands) for households with a laid-off or furloughed worker Unlimited minutes and data through FCC Lifeline program 	\$ \$25 billion in Emergency Rental Assistance distributed by state and local governments Usable for rent or utility payments \$ \$800 million set-aside for Native American housing entities \$ \$400 million set-aside for U.S. territories Extends eviction moratorium through January 31, 2021 \$ \$638 million for low-income water utility bill assistance Expands Low Income Housing Tax Credit	No additional housing assistance or protections

Mental Health

Heroes Act 2.0 (House Democrats)	Year-End Package	Senate Republican Proposal
 \$8.5 billion for SAMHSA, including \$150 million for tribes Research on mental health impact of COVID-19 	 \$4.25 billion for SAMHSA, including \$125 million for tribes Provides new mental health parity requirements Expands access to mental health telehealth 	No funds for mental health

Social Safety Net Programs

Heroes Act 2.0 (House Democrats)	Year-End Package	Senate Republican Proposal
 Expands eligibility for childless EITC and increases maximum credit amount to \$1,487 in 2020 Makes CTC fully refundable in 2020 Allows use of 2019 income for EITC and CTC for households that lost income in 2020 Makes CDCTC fully refundable, doubles eligible expenses, increases maximum credit rate to 50%, and raises income phaseout threshold in 2020 Suspends TANF work requirements until January, 31 2021 	 Allows use of 2019 income for EITC and CTC for households that lost income in 2020 Extends TANF through 2021 	No enhancements to the EITC, CTC, or CDCTC

Employee Retention and Employer Support

Heroes Act 2.0 (House Democrats)	Year-End Package	Senate Republican Proposal
 Employee Retention Tax Credit (ERTC) enhancements Raises wage reimbursement rate from 50% to 80% Raises qualified wages per employee from \$10,000 to \$45,000 in 2020 Lowers revenue loss requirement for eligibility from 50% to 10%, with phased-in credit between 10% and 50% Raises large employer threshold from 100 employees to 1,500 employees (with \$41.5 million in revenue). These employers may only get a credit for wages for workers who are not providing services Allows state and local governments to claim credit 	 Renews ERTC Raises wage reimbursement rate from 50% to 70% Raises qualified wages per employee from \$10,000 per year to \$10,000 per quarter Lowers revenue loss requirement for eligibility from 50% to 20% Raises large employer threshold from 100 employees to 500 employees Allows certain public institutions to claim credit 	No additional employee retention and employer support provisions

Additional Tax Provisions¹

Heroes Act 2.0 (House Democrats)	Year-End Package	Senate Republican Proposal
 Repeals the \$135 billion tax break for "pass-throughs" Limits the carry-back period for writing off net operating losses Removes cap for state and local tax deduction in 2020 	 100% deduction for business meals for 2 years Extends the new \$300 above-the-line charitable contributions deduction in the CARES Act through 2021 Extends increased limits on charitable deductions for individual and business tax filers 	 Keeps existing corporate tax breaks in place Increases the new \$300 above-the-line charitable contributions deduction in the CARES Act to \$600 for individuals and \$1,200 for those filing a joint return 100% deduction for business meals

¹ Does not include all tax extenders, only provisions addressed in other COVID-19 proposals.

Industry Aid and Oversight

Heroes Act 2.0 (House Democrats)	Year-End Package	Senate Republican Proposal
 Protects the independence of Inspectors General Requires Treasury Department and Inspectors General to provide reports to Congress on COVID-19 programs \$35 million for oversight of the Coronavirus Fiscal Relief Fund (state and local governments) and \$2.5 million for TIGTA Clarifies jurisdiction of Pandemic Response Accountability Committee Requires SBA reporting on Economic Injury Disaster Loan (EIDL) program Extends the Payroll Support Program to prevent layoffs of airline industry workers until March 31, 2021 \$25 billion to passenger airlines \$3 billion to airline contractors \$300 million to cargo airlines \$13.5 billion for Government Accountability Office (GAO) 	 \$15 billion for airlines and \$1 billion for airline contractors \$2 billion for airports \$2 billion for inter-city buses Compromise Toomey language \$9 billion Emergency Capital Investment Program (ECIP) to provide low-cost, long-term capital investments to Minority Depository Institutions (MDIs) and Community Development Financial Institutions (CDFIs) \$3 billion to the CDFI Fund to provide grants and other financial assistance to CDFIs Rescinds unobligated amounts from Federal Reserve lending facilities Bars the Federal Reserve from restarting lending facilities that are identical to its current pandemic emergency lending facilities but allows similar facilities in the future (and clarifies that all pre-CARES Act authorities remain) 	 Rescinds \$429 billion from Federal Reserve lending facilities Terminates the Federal Reserve's emergency lending authority

Essential Workers and Corporate Immunity

Heroes Act 2.0 (House Democrats)	Year-End Package	Senate Republican Proposal
 Includes the COVID-19 Every Worker Protection Act Requires an emergency OSHA standard within 7 days and a permanent infectious disease standard within 2 years Anti-retaliation protections for workers reporting infection control problems Requires the CDC to collect and investigate reports of work-related COVID-19 transmissions No corporate immunity provision \$100 million for OSHA Sets PPE standards for passenger and freight employees and passengers 	 No OSHA standard to protect workers from COVID-19 No corporate immunity provision 	 No OSHA standard to protect workers from COVID-19 Includes corporate immunity proposal (SAFE TO WORK Act) to limit liability for COVID-19-related personal injury claims, medical malpractice claims, and violations of labor and employment laws Preempts state personal injury and medical malpractice laws Applies to hospitals, healthcare workers, small and large businesses, schools, colleges and universities, nonprofit institutions, and local government agencies

Postal Service

Heroes Act 2.0 (House Democrats)	Year-End Package	Senate Republican Proposal
 \$15 billion for Postal Service Repeals restrictions on \$10 billion in borrowing authority in the CARES Act Require the Postal Service Inspector General to conduct audits and investigations of activities carried out with funds provided 	• \$10 billion for Postal Service	Forgives \$10 billion Treasury loan authorized in the CARES Act but only if the USPS cash balance drops to \$8 billion.

State, Local, Tribal, and Territorial Government Aid²

Heroes Act 2.0 (House Democrats)	Year-End Package	Senate Republican Proposal
 State and Local Coronavirus Relief Funds \$238 billion for state governments \$179 billion for local governments of all sizes \$9.5 billion for tribal governments \$9.5 billion for territories Provides full parity and \$755 million backfill for DC \$32 billion for transit agencies \$9.6 billion for emergency aid and services through Social Services Block Grants \$5 billion for CDBG Additional \$900 million for tribal governments through Bureau of Indian Affairs Increases federal share of FEMA assistance to 100% for COVID-19-related emergencies and 90% for other disasters in 2020 Expands eligibility for the Federal Reserve's Municipal Lending Facility to for U.S. territories and additional cities and counties 	 No additional Coronavirus Relief Fund assistance to state, local, tribal, and territorial governments Extends availability of existing Coronavirus Relief Fund dollars until December 31, 2021 \$14 billion for transit systems \$10 billion for highways \$1 billion for Amtrak Waives 25% state match for up to \$2 billion in FEMA assistance through for COVID-19-related funeral expenses 	No additional funding for state, local, tribal, and territorial governments

² Only includes state, local, tribal, and territorial aid not included in other sections.

Foreign and Defense Policy

Heroes Act 2.0 (House Democrats)	Year-End Package	Senate Republican Proposal
 Establishes Global Health Security Agenda Interagency Review Council Requires presidential appointment of a U.S. Coordinator for Global Health Security Authorizes U.S. participation in the Coalition for Epidemic Preparedness Innovations Encourages the suspension of debt service payments by developing nations to international financial institutions Supports the issuance of not less than 2 trillion special drawing rights by the International Monetary Fund to respond to the COVID-19 pandemic Instructs the Treasury Secretary to negotiate with the G-20 to extend current moratorium on debt service payments by the poorest nations \$3.5 billion for The GAVI Alliance on global vaccine production and distribution \$3.5 billion for the Global Fund to support health systems in low- to middle-income countries \$1 billion for PEPFAR \$750 million for UN World Food Programme \$1.025 billion for the Department of Defense 	\$4 billion for GAVI, the international vaccine alliance	No money for global health