



Federal Relief to Address the COVID-19 Pandemic

To help keep you apprised of the various Federal relief packages to address the COVID-19 pandemic, please find below key information regarding the status, summary of key provisions, and other relevant information, generally in reverse chronological order.

Coronavirus 5 – Infrastructure

Status: [passed the House; dead in Senate](#)

On July 1, the House passed, by a vote of 233-288, [H.R. 2](#), a \$1.5 T highway and infrastructure package. The White House has said President Trump would veto the bill, and Majority Leader Mitch McConnell says it will go nowhere in the Senate.

Coronavirus 4.75 – Postal Service

Status: [passed the House; dead in Senate](#)

On Saturday, August 22, the House passed a bill aimed at rolling back service cuts at the U.S. Postal Service that Democrats say could harm the ability of Americans to vote by mail in the November presidential election that's being shadowed by the coronavirus pandemic. The "[Delivering for America](#)" measure, which would allocate an additional \$25 billion for the Postal Service, had limited Republican support. It passed 257 to 150, with 26 GOP members voting yes.

Coronavirus 4.5 – PPP Extension

Status: [signed into law](#)

On June 30, the Senate passed S. 4115, which would extend the Paycheck Protection Program (PPP) until August 8, 2020. The House passed the legislation the following day, with the President signing it on July 4. Before the law's passage, approximately \$130 B was still available in the program account, but the funds were not able to be accessed due to the previous statutory program termination on June 30.

Coronavirus 4/CARES 2.0

Status: [in development](#)

On April 7, Sen. Schumer (D-NY) [unveiled](#) his hazard pay proposal, dubbed the "Heroes Fund," noting that it should be included in the phase IV legislation. On May 12, House Democrats' [introduced](#) a \$3 trillion coronavirus response bill, named the "Health and Economic Recovery Omnibus Emergency Solutions Act" or the "HEROES Act," would expand on some CARES Act provisions: boosting unemployment insurance and direct payments, sending roughly \$1 trillion to state and local governments, and adding a variety of other measures. For more information, see the [one-pager](#), [section-by-section summary](#), [resource on state and local relief provisions](#),

[summary of health provisions](#), and [summary of immigration-related provisions](#), and summary of small business provisions ([here](#) and [here](#)). Before passing the bill on May 15 by a vote of 208-199, a manager's [amendment](#) was considered as adopted by the Rules Committee. Senate Republicans quickly rejected the opening offer plan and are discussing a package of as much as \$1 trillion in total spending.

On July 27, Republicans introduced eight bills containing elements of a COVID package, called the "Health, Economic Assistance, Liability Protection, and Schools Act," or "HEALS Act," including:

- [Liability protections \(S. 4317\)](#)
- [Unemployment insurance, direct payments, health, and tax credits \(S. 4318\)](#) (Finance Committee)
 - [Section-by-section](#)
- [Business Meals Deduction \(S. 4319\)](#)
 - [Sponsor press release](#)
- [Emergency appropriations \(S. 4320\)](#)
 - [Summary](#)
 - [Sponsor press release](#)
- [Small business aid programs \(S. 4321\)](#) (PPP changes, among other items)
 - [Summary](#)
 - [Section-by-section](#)
 - [Sponsor press release](#)
- Child care and health care programs ([S. 4322](#)) (HELP Committee provisions)
 - [Summary](#)
- [Trust fund solvency \(S. 4323\)](#)
 - [Summary](#)
 - [Section-by-section](#)
 - [Sponsor press release](#)
 - Other information – [House letter](#), [Neal statement](#), and [Wyden statement](#)
- [Supply chain, intellectual property, and stockpiles \(S. 4324\)](#)
 - [Sponsor press release](#)

In August, Senate Republicans circulated a "skinny" COVID-relief package that was not formally introduced. In September, Senate Republicans unveiled an amendment to S. 178, as an alternative "skinny" COVID-relief package, which included liability protections, an option for \$300/week in extra unemployment benefits, extension of the PPP program (with some key programmatic changes), postal service assistance, provisions related to education and child care, funding for additional PPE through the SNS and state stockpiles, additional funding for contact tracing and vaccines, among other items. The [cloture vote](#) to move to the amendment failed by a vote of 52-47 on Thursday, September 10. Negotiations on the package are ongoing.

Coronavirus 3.75 – PPP Reforms

Status: signed into law

On May 28, the House passed [H.R. 7010](#), the *Paycheck Protection Program Flexibility Act of 2020*, as amended. The House measure would give companies much more time to spend the money -- within 24 weeks or until the end of the year, whichever comes first -- and still qualify to have their PPP loans forgiven. Businesses would also have up to five years, instead of two years, to repay any money owed on a loan and could use a greater percentage of proceeds on rent and other approved non-payroll expenses (to 40% instead of the current 25%)

and still receive full loan forgiveness. The 417-1 vote sends the measure to the Senate. On June 3, after some debate, the Senate passed the bill unamended by voice vote. The President signed the bill on June 5.

Coronavirus 3.5 – Small Business Infusion

Status: signed into law

On April 7, Secretary Mnuchin announced that an additional \$250 billion would be needed for the Paycheck Protection Program (PPP). After some discussion, the Senate passed [H.R. 266](#), the *Paycheck Protection Program and Health Care Enhancement Act*, on April 21, with the House passing it on April 23, and the President signing it on April 24. The bill provides the initial \$250 billion for the PPP requested by Secretary Mnuchin, along with an additional \$60 billion set aside for smaller banks, \$10 billion for EIDL emergency grants, and \$50 billion for EIDL. To learn more about these various small business programs, please visit our resources [here](#) (overview), [here](#) (PPP), and [here](#) (PPP FAQ). To address additional health care needs, the bill also included an additional \$75 billion for the CARES Act Provider Relief Fund as well as \$25 billion for additional testing initiatives. To learn more about these health initiatives, please visit our resources [here](#) (testing) and [here](#) (Physician provisions, including the Provider Relief Fund).

Coronavirus 3.25 – Major Disaster

Status: major disaster declared

On March 20, President Trump declared a major disaster for the State of [New York](#). Other states with such a designation can be found [here](#). Previously, the President noted that he had been considering declaring the pandemic a “major disaster,”¹ which would add additional levels of Federal assistance.

Coronavirus 3 – Economic Aid

Status: signed into law

On March 25, the Senate passed H.R. 748, the *Coronavirus Aid, Relief, and Economic Security (CARES) Act* unanimously with a vote of 96-0. Before proceeding to final passage, the Sasse unemployment insurance amendment failed 48-48. The final bill text is [here](#), with the appropriations summary (Division B) from Republicans [here](#) and Democrats [here](#), unemployment/retirement summary [here](#), Finance Committee health provisions summary [here](#), HELP Committee summary [here](#), HELP Committee one pager [here](#), Small Business Committee summary [here](#), and one pager [here](#). The package included an additional \$45.8 billion of funding that the Office of Management and Budget ([OMB](#)) requested to help address the pandemic.

The House passed the bill by voice vote on Friday, March 27, and the President signed it shortly thereafter ([P.L. 116-136](#)).

¹ See March 13 [letter](#) which states: “In addition, after careful consideration, I believe that the disaster is of such severity and magnitude nationwide that requests for a declaration of a major disaster as set forth in section 401(a) of the Stafford Act may be appropriate.”

Coronavirus 2.5 – Defense Production Act

Status: invoked

On March 18, the President invoked the [Defense Production Act \(DPA\)](#), which allows the federal government to compel companies through loans, loan guarantees, purchases and purchase commitments to prioritize and expedite the manufacture of medical supplies that are in short supply. The President delegated the key authority for implementing the DPA to Secretary Azar. Shortly thereafter, Secretary Azar issued a [press release](#). For more information on the DPA, visit [here](#) and [here](#) (CRS reports), [here](#) (FEMA fact sheet), and [here](#) (FEMA April 14 information).

On March 24, [press reports](#) indicated that, according to FEMA Director Gaynor, the authority was being used to help secure 60,000 test kits and 500 million PPE masks. Subsequent [reports](#) indicated that the Administration opted not to utilize the authority, given that companies were willing to comply voluntarily. The phase III proposal included \$1 billion to implement the DPA.

On March 27, President Trump [announced](#) that he had formally utilized the DPA to compel General Motors Co. to make ventilators, while also issuing another Executive Order ([EO](#)) to “guarantee loans by private institutions, make loans, make provision for purchases and commitments to purchase, and take additional actions” to produce the health-care supplies.

On April 2, President Trump issued two EOs – (1) invoke the DPA for [3M](#) to produce N95 masks and (2) invoke the DPA for [ventilators](#) with respect to General Electric Company; Hill-Rom Holdings, Inc.; Medtronic Public Limited Company; ResMed Inc.; Royal Philips N.V.; and Vyair Medical, Inc. On April 8, HHS [announced](#) the GM contract for \$489.4 million for 30,000 ventilators to be delivered to the Strategic National Stockpile by the end of August 2020, with a production schedule allowing for the delivery of 6,132 ventilators by June 1, 2020. On April 8, HHS [announced](#) a \$646.7 million contract with Philips, allowing for the delivery of 2,500 ventilators to the Strategic National Stockpile by the end of May 2020 and a total of 43,000 ventilators to be delivered by the end of December 2020. On April 13, HHS [announced](#) five new contracts for ventilator production rated under the Defense Production Act (DPA), to General Electric, Hill-Rom, Medtronic, ResMed, and Vyair, as well as two other contracts for ventilator production, to Hamilton and Zoll. On April 16, HHS [announced](#) a DPA \$336 million contract with GE, in partnership with Ford, for 50,000 ventilators to be produced by July 13.

On April 11, the DoD [announced](#) use of the DPA to assist in securing 39 M N95 masks in the next 90 days, for a total of \$133 million.

On April 28, the White House [invoked](#) the use of the DPA to meat and poultry in the food supply chain.



On April 29, the Department of Defense [announced](#) it will invest \$75.5 million in Defense Production Act Title 3 funding to increase swab production by 20 million per month starting in May.

On May 14, the White House issued an [executive order](#) delegating DPA authorities to the Chief Executive Officer of the United States International Development Finance Corporation (DFC).

On May 23, the Department of Defense [announced](#) a \$2.2 million contract with Hollingsworth & Vose to increase U.S. domestic production of 27.5 million N95 ventilator filters, and 3.1 million N95 respirators per month, starting in August.

In [July](#), during a press conference, President Trump [announced](#) a \$765 million loan to Kodak to produce generic active pharmaceutical ingredients. At that press conference, he noted that it was the 33rd time the DPA has been used during the pandemic, although not all of those instances were directly related to healthcare or pandemic items.

On August 10, the Department of Defense [announced](#) a \$3.1 million agreement with BioFire Defense, LLC, a subsidiary of bioMérieux, to expand the production of the BioFire® COVID-19 Test for the DOD.

On August 20, HHS [announced](#) use of the DPA to apply priority rated orders for contracts with [Becton Dickinson \(BD\)](#)  and [Quidel Corporation](#)  through September for rapid SARS-CoV-2 tests.

Coronavirus 2 – Testing and Paid Leave

Status: [signed into law](#)

The House passed [H.R. 6201](#), the *Families First Coronavirus Act*, in the early hours of March 14. The large-scale economic relief plan aims to support Americans in combatting the spread of the coronavirus through the expansion of paid leave, food assistance, and unemployment assistance and through increased federal Medicaid funding. Speaker Pelosi and Secretary Mnuchin worked to negotiate the House-passed legislation, which was backed by President Trump. The bill would increase federal medical assistance percentages (FMAP) for state Medicaid programs by 6.2 percentage points. Medicaid funding for U.S. territories would also be increased. The bill includes a prohibition against cost sharing and prior authorization for certain coronavirus testing and related services, such as provider visits for testing. It also appropriates \$1 billion for the National Disaster Medical System to reimburse costs associated with testing the uninsured. The bill would add personal respiratory protective devices as a covered countermeasure under the Public Readiness and Emergency Preparedness Act and allow HHS to provide liability protections for certain emergency response products.

The chamber later passed “technical corrections” to the emergency aid bill which scale back “qualifying need” for Family and Medical Leave Act (FMLA) leave to circumstances in which an employee cannot work or telework because a child’s school, day care, or childcare is unavailable. The original version of the bill would have required employers to provide employees with 12 weeks of partially paid FMLA leave for quarantine, to care for a family member, or to care for a child. The Senate passed the bill unamended in the afternoon of March 18, by a vote of 90-8. The President signed the bill later that evening ([P.L. 116-137](#)).

Coronavirus 1.5 – Emergency Declarations

Status: [emergency declared](#)

On Friday, March 13, 2020, President Donald Trump [declared](#) a national emergency with respect to the COVID-19 pandemic. By declaring the emergency, billions of dollars in the Disaster Relief Fund and additional resources from the Federal Emergency Management Agency (FEMA) and other parts of the government are now available. The declaration also makes more federal funds available along with supplies, personnel, and other support. The emergency order confers new broad authorities to HHS Secretary Alex Azar. Azar has [waived](#) certain laws and regulations to give doctors and hospitals maximum flexibility to test and respond to the virus. In addition, as part of the emergency declaration, the Small Business Administration is now able to offer Economic Injury Disaster loans – up to \$2 million – for small businesses impacted by the virus. Previously, on January 31, 2020, U.S.

Department of Health and Human Services (HHS) Secretary Alex Azar [determined](#) that a public health emergency existed because of confirmed cases of the coronavirus disease (COVID-19) under the authority granted by section 319 of the Public Health Service Act (PHSA). The nationwide determination took effect January 27, 2020 and was [renewed](#) effective as of April 26.

Coronavirus 1 – Emergency Appropriations

Status: signed into law

President Trump signed into law a \$7.8 billion emergency spending bill ([H.R. 6074](#)) (P.L. 116-123) to combat the coronavirus outbreak on March 6. The bipartisan *Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020* also allows the Medicare program to spend \$500 million on telehealth programs used in response to the virus. The legislation includes \$6.5 billion for the U.S. Department of Health and Human Services (HHS), \$1.25 billion for the State Department and the U.S. Agency for International Development (USAID), and \$20 million for the Small Business Administration (SBA). The bill provides:

- \$3.1 billion for the Public Health and Social Services Emergency Fund to be used to develop and purchase vaccines and medical supplies;
- \$300 million in contingency funds to purchase vaccines if necessary;
- \$100 million for community health centers;
- \$2.2 billion to the CDC, including \$950 million for state and local preparedness grants, \$300 million for global disease detection and response, and \$300 million for the Infectious Disease Rapid Response Reserve Fund;
- \$836 million for the NIH;
- \$10 million for worker-based training and health worker protection;
- \$435 million for international public health programs, including \$200 million for the U.S. Emergency Reserve Fund; and
- \$300 million for humanitarian and health assistance in areas affected by the virus.

The bill will also allow HHS to regulate the commercial price of a coronavirus vaccine. It was advanced by the House of Representatives by a vote of 415-2 and was passed by the Senate by a vote of 96-1. Reps. Ken Buck (R-Colo.) and Andy Biggs (R-Ariz.) as well as Sen. Rand Paul (R-Ky.) voted against the measure.