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## Update from DC

March 14, 2020

### Summary of Coronavirus Legislation

Late last night, the House passed [H.R. 6201, the Families First Coronavirus Response Act](#). The bill was passed after extensive negotiations with the Administration over the course of two days. Ultimately, the bill passed 363-40. This is the second supplemental appropriation in response to the COVID-19 pandemic.

The bill now heads to the Senate. Senate Majority Leader Mitch McConnell had canceled the recess planned for next week, and he expects the vast majority of Senators will vote to pass the bill.

The bill includes:

Food-related provisions:

- \$500 million for the WIC program and a waiver on physical presence requirements and other administrative requirements
- \$400 million for the Commodity Assistance Program.
- Providing food for children whose schools are closed. Assistance through EBT cards for families who have a child that goes to a school that closes for at least 5 consecutive days during a public health designation.
- \$100 million for the Commonwealth of the Northern Mariana Islands, Puerto Rico, and American Samoa for nutrition assistance
- Authority for purchases of commodities for emergency distribution.
- Waiver flexibility for the National School Lunch Program requirements, including cost and nutritional content
- Child and Adult Care Food Program waiver to allow non-congregate feeding
- SNAP Able Bodied Adult Without Dependents (ABAWD) work requirements waiver
- Authority to provide emergency allotments to households participating in SNAP

Other provisions:

- Amendment to the Family and Medical Leave Act for a public health emergency leave. The Emergency Family and Medical Leave Act, for employees who have been employed at least 30 calendar days by the employer,
  - o Applies to employers with 500 or fewer employees for each working day during each of the 20 or more calendar workweeks in the current or preceding calendar year
  - o Applies to employees who have a need to leave because of:
    - Complying with a recommendation or an order by a public health official having jurisdiction or a health care provider

- Caring for a family member for whom a public health official or a health care provider makes a determination that the presence would jeopardize the health of other individuals
  - Caring for a son or daughter under 18 years of age if the school or place of care has been closed
- The first 14 days for which an employee takes leave may consist of unpaid leave
- An employee may substitute an accrued vacation, personal leave or medical/sick leave but an employer may not require an employee to submit any leave
- Employers shall provide 12 weeks paid leave for each day that an employee takes after those 14 days
- Paid leave shall be calculated based on an amount that is not less than 2/3 of the regular rate of pay and the number of hours the employee would otherwise be scheduled to work. For an employee with varied schedules, they provide allowances for an average calculation.
- For employment under a multi-employer bargaining agreement, employers can fulfill obligations through contributions to a multiemployer fund, plan or program
- Emergency unemployment insurance – emergency administration grants to the account
- Emergency paid sick leave – employers shall provide to each employee paid sick time for any of the following:
  - Self-isolation because the employee is diagnosed with coronavirus
  - To obtain a medical diagnosis or care if such employee is experience coronavirus symptoms
  - To comply with a recommendation or order by a public health official
  - To care for or assist a family member who had been diagnosed or has symptoms of coronavirus
  - To care for the child if the school or place of care has been closed
  - For full time employees, the number of hours of paid sick time is 80 hours. For part-time, a number of hours equal to the number of hours that employee works on average or a 2-week period. This paid sick time shall not carry over. This is in addition to whatever the employer’s existing policy is
- Coverage of testing for COVID-19.
- Coverage of personal respiratory protective devices as covered countermeasures
- Tax credits for paid sick and family leave.

It is anticipated that the House will get to work on a third emergency supplemental package for coronavirus impacts in the very near future. There have been rumors of a bailout package for the tourism industries – like airlines, cruises, and hotels. Rep. Steny Hoyer has said that, “we know there is going to be a necessity, as we did in ’09, [to] make sure the economy is supported. They’re going to be working on that. We are going to be discussing it with leaders of the economy, leaders of business.”

In addition to this legislative activity, President Trump declared a national emergency under the Stafford Act authorities that could free up to \$50 billion to help fight the pandemic. While there had previously been rumors about the Stafford Act implications for food assistance, FEMA has said it would not duplicate assistance provided by HHS or other federal agencies.