

TRP COVID-19 Alert: Senate Passes Second Coronavirus Response Package

- *The Senate passed the second relief package on a bipartisan 90-8 vote.*
- *Leader McConnell cited “major shortcomings” with the final negotiated bill despite backing it.*
- *Technical corrections to the House bill included changes to mitigate the impact of paid leave requirements on small businesses.*

Today, the **Senate passed a multibillion-dollar relief package (H.R. 6201)** that seeks to address rising concerns about the novel coronavirus (COVID-19) outbreak. Senators voted 90-8 to pass the second coronavirus response package, with Sens. Marsha Blackburn (R-TN), Ron Johnson (R-WI), Jim Inhofe (R-OK), James Lankford (R-OK), Mike Lee (R-UT), Rand Paul (R-KY), Ben Sasse (R-NE), and Tim Scott (R-SC) voting against the legislation. **The package is expected to be signed into law by President Donald Trump shortly.**

The legislation grants **paid sick leave** to employees of companies of fewer than 500 people and bolsters unemployment insurance. It also includes **requirements for insurers to cover COVID-19 testing with no cost sharing**. Senate Majority Leader Mitch McConnell backed the bill, despite citing “real shortcomings” with the final negotiated product. He clarified that in the situation Congress “should not let perfection be the enemy of something that will help even a subset of workers.” The legislation includes provisions pertaining to:

- **Social Safety Net** — The package provides \$1.25 billion in supplemental assistance for those impacted by the epidemic. This funding includes: (1) \$500 million for the Women, Infants, and Children (WIC) program; (2) \$400 million for the Emergency Food Assistance Program (TEFAP); (3) \$100 million in nutritional assistance to the territories; and (4) \$250 million for senior nutrition programs. The package also allows the relevant agency heads to waive requirements for participation in the National School Lunch Program, SNAP, and other programs, and provides for emergency expanded SNAP eligibility for children facing school closure who would otherwise receive free meals.
- **Viral Testing** — The package requires insurers to cover COVID-19 testing without cost sharing and waives cost sharing for testing under Medicare, Medicaid, TRICARE, and the VA. It gives states the option to cover testing and related services for their uninsured populations at 100 percent federal medical assistance percentage (FMAP). It additionally provides \$1 billion for compensating providers for testing of uninsured individuals, as well as \$206 million for testing by the Department of Defense (DoD), Department of Veterans Affairs (VA), and Indian Health Service.
- **Medicaid FMAP** — Provides states with a 6.2 percentage point increase on traditional FMAP for all medical services during the length of the Public Health Emergency. It will not apply to expansion or administrative FMAP. Territories are provided with a 6.2 percent

increase in FMAP and corresponding increase in their allotments for the next two fiscal years. The FMAP is conditioned on states Medicaid programs covering COVID-19-related treatment, vaccines, and therapeutics at zero cost-sharing and on states not making their eligibility standards more restrictive or increasing any cost sharing.

- **Medicare Telehealth** — Makes a technical correction the Coronavirus Preparedness and Response Supplemental Appropriations Act to clarify that, for the purposes of establishing a relationship with a provider to waive current prohibitions surrounding the furnishing of telehealth services in the Medicare program, during the current public health emergency, furnishing a service allowable under the Medicare program, even if the program did not pay for such service, is a qualifying relationship.
- **Personal Protective Equipment** — The package codifies provisions that certain National Institute for Occupational Safety and Health (NIOSH)-approved personal respiratory devices have temporary liability protections under the Public Readiness and Emergency Preparedness (PREP) Act if they are for emergency use.
- **Worker Protections** — The package requires employers to provide two weeks paid sick leave and up to three months of paid family leave for employees affected by the virus, the cost of which could then be claimed by the employer as a tax credit. The tax credits, which are fully refundable and may be claimed against an employer's payroll tax obligation, may also be used to offset employers' share of their employees' health insurance premiums during sick or family leave. The measure exempts health care and emergency responders, as well as companies with more than 500 employees. Companies with fewer than 50 employees may get hardship waivers. The package also provides for grants to states to bolster their unemployment insurance programs, as well as guarantees full federal funding of unemployment benefits for states that are hit particularly hard.