

CONSOLIDATED APPROPRIATIONS ACT, 2021

On December 27, 2020 the President signed the [Consolidated Appropriations Act, 2021 \(the Act\)](#), a nearly 6,000-page omnibus spending bill, which includes within it a COVID-19 stimulus package that provides approximately \$900 billion in emergency relief to individuals and businesses as the pandemic continues. This Act includes the second COVID-19 stimulus bill passed by the federal government; the first stimulus bill, the Coronavirus Aid, Relief and Economic Security Act (or CARES Act), was enacted in March 2020.

SUMMARY OF COVID-19 STIMULUS PACKAGE

- **Moratorium on evictions and rental assistance.** The Act extends the temporary eviction moratorium through January 31, 2021. *Id.*, p. 2281. It also provides \$25 billion in tax-free rental assistance. p. 2255.
- **Small business loans.** The Act clarifies that business expenses paid for using tax-free loans made under the CARES Act's Paycheck Protection Program (PPP) are tax-deductible. The Act also includes more than \$284 billion for additional PPP loans to small businesses. See Act, p. 2117.
- **Individual stimulus checks.** The Act authorizes one-time direct, economic stimulus payments of up to \$600 for individuals and \$2,400 for families of four. p. 1966. The payments are less than those included in the CARES Act, which authorized amounts of \$1,200 to individuals and \$2,400 to couples.
- **Unemployment benefits.** The Act extends (for 11 weeks) federal unemployment insurance benefits by \$300 a week for unemployed individuals. pp. 1934-35.
- **Child care assistance.** The Act provides an additional \$10 billion as a supplement to state revenue funds for child care assistance for low-income families. p. 1834.

- **Broadband access.** The Act includes several billion dollars in funding to increase broadband access to help individuals connect remotely during the pandemic. See p. 2390.
- **Transportation services.** The Act allocates billions to support transportation services. This includes \$2 billion for airports and \$16 billion in payroll support for airline workers and contractors. pp. 1897, 2210-11.
- **Tax credits.** The Act provides various tax credits, including a tax credit for companies offering paid sick leave to workers during the pandemic. See p. 2033.
- **Vaccine distribution and development.** The Act funds vaccine distribution. Specifically, the Act provides that over \$8 billion shall remain available until September 30, 2024, for “activities to plan, prepare for, promote distribute, administer, monitor, and track coronavirus vaccines to ensure broad-based distribution, access, and vaccine coverage.” *Id.*, p. 1827. Additionally, the Act funds vaccine development. It states that over \$22 billion shall remain available until September 30, 2024, for “the development of necessary countermeasures and vaccines, . . . the purchase of vaccines, therapeutics, diagnostics, [and] necessary medical supplies, . . . and other preparedness and response activities.” p. 1840.
- **Testing-related expenses.** Another \$22.4 billion through September 30, 2022, is designated for “necessary expenses for testing, contact tracing, surveillance, containment, and mitigation to monitor and suppress COVID-19.” *Id.*, p. 1844. Among the testing-related expenses covered by this funding are “tests for both active infection and prior exposure, including molecular, antigen, and serological tests, the manufacturing, procurement and distribution of tests, testing equipment and testing supplies, including personal protective equipment needed for administering tests, the development and validation of rapid, molecular point-of-care tests, and other tests, support for workforce, epidemiology, to scale up academic, commercial, public health, and hospital laboratories, to conduct surveillance and contact tracing, support development of COVID-19 testing plans, and other related activities related to COVID-19 testing and mitigation.” *Id.*
- **Clinical research.** The Act allocates over \$1 billion “for research and clinical trials related to long-term studies of COVID-19.” 1831.
- **Health care reimbursements.** The Act allocates \$3 billion “to reimburse, through grants or other mechanisms, eligible health care providers for health care related expenses or lost revenues that are attributable to coronavirus.” 1849.

- **Mental health services.** Over \$4 billion is provided for substance abuse and mental health services. *Id.*, p. 1833. For example, the Act provides that not less than \$50 million of these funds “shall be available for suicide prevention programs,” and \$10 million of such funds “shall be for the National Child Traumatic Stress Network

SUMMARY OF EDUCATION

- Provides \$73.5 billion for the Department of Education, a \$785 million increase from FY 2020.
- Funds Elementary and Secondary Education Act formula grants including:
 - \$16.5 billion for Title I grants to school districts, a \$227 million increase from FY 2020.
 - \$14.1 billion for Individuals with Disabilities Education, a \$186 million increase from FY 2020.
 - \$2.1 billion for Title II teacher professional development state grants, a \$11.3 million increase from FY 2020.
 - \$1.2 billion for Title IV Student Support and Academic Enrichment Grants, a \$10 million increase from FY 2020.
- \$10.7 billion for Head Start and \$5.9 billion for Child Care and Development Block Grant, a combined \$220 million increase from FY 2020.
- \$1.3 billion for Career and Technical Education State Grants, a \$52 million increase from FY 2020.
- \$1.1 billion for Federal TRIO programs, a \$7 million increase from FY 2020.
- Includes a \$150 increase for the maximum Pell Grant award of \$6,495 for 2021-2022.

SUMMARY OF HEALTH AND HUMAN SERVICES

Overall Appropriations:

- Provides \$97 billion in base discretionary funding, an increase of \$2 billion.
- Provides funding to the following HHS agencies and related funds:
 - \$24.7 billion in discretionary funds for the Administration of Children and Families.
 - \$42.9 billion to the National Institutes of Health.
 - \$7.9 billion for the Centers for Disease Control and Prevention.
 - \$2.8 billion for the Public Health and Social Services Emergency Fund.
 - \$6 billion for the SAMHSA, \$7.5 billion for the HRSA.

- \$551million to the Office of the Secretary.
- Includes funding for several HHS programs including:
 - \$5.9 billion for the Child Care and Development Block Grant
 - \$114 billion for SNAP, which is a \$46 increase from last year.
 - \$2.4 billion for the Ryan White HIV/AIDS program.
 - \$745 million for the Community Services Block Grant.
 - \$10.7 billion for Head Start.
 - \$62 million for the Office of Minority Health.

Legislative Provisions:

- Surprise Billing:
 - Holds patients harmless from surprise medical bills, by ensuring they are only responsible for their in-network cost-sharing amounts, where patients do not have the ability to choose an in-network provider.
- Telehealth Expansion:
 - Expands access to telehealth services in Medicare to allow beneficiaries to receive mental health services via telehealth, including from the beneficiary's home.
- Temporary Assistance For Needy Families (TANF) Extension:
 - Extends TANF program through September 30, 2021.
- Mental Health and Substance Use Disorder Benefits:
 - Requires group health plans and health insurance issuers to conduct comparative analyses of the nonquantitative treatment limitations used for medical and surgical benefits as compared to mental health and substance use disorder benefits.

Nutritional Appropriations:

- \$114 billion for the SNAP, which is a \$46 increase from last year.
- \$25.118 billion for Child Nutrition Programs including:
 - \$30 million for school meal equipment grants.
 - \$42 million for the Summer Electronic Benefits Transfer program and expands the program to new states.
 - \$6 billion in discretionary funding for the Women, Infants and Children nutritional program that includes:
 - \$90 million for breastfeeding peer counselors.
 - \$14 million for infrastructure.
 - \$325 million for the Commodity Supplemental Food Program, an \$80 million increase from FY 2020.

SUMMARY FOR ENERGY

- \$62.5 million for the U.S. State Energy Program and \$310 million for the Weatherization Assistance Program, reauthorizing the program through 2025.
- The bill includes a host of provisions extending existing energy-related tax credits. Specifically, the bill extends for one year the production tax credit for wind and other renewables and an investment tax credit for solar energy projects for two years. The bill also extends tax incentives for fuel cell vehicles, biofuels, carbon sequestration.

SUMMARY OF FEMA

Provides \$21.67 billion for FEMA, \$604.1 million below the FY 2020 enacted level and \$12.32 billion above the president's budget request, including:

- \$17.14 billion for disaster response and recovery efforts.
- \$610 million for the State Homeland Security Grant Program (SHSGP).
- \$90 million for the SHSGP Nonprofit Security Grants Program.
- \$705 million for the Urban Areas Security Initiative (UASI).
- \$90 million for the UASI Nonprofit Security Grant Program.
- \$720 million for firefighter grant programs.
- \$130 million for the Emergency Food and Shelter program.

SUMMARY OF HOUSING AND URBAN DEVELOPMENT

- Provides \$60.3 billion in budget authority for FY 2021, of which \$49.6 billion is from discretionary appropriations and \$10.7 billion is from offsetting receipts.
- Reflects an increase of \$3.8 billion in programmatic funding compared to FY 2020, and \$12.3 billion more than the president's budget request.
- Rejects the president's proposal to totally eliminate our federal affordable housing and economic development programs, including the Public Housing Capital Fund, HOME, Community Development Block Grants and Choice Neighborhoods.

EMERGENCY BROADBAND BENEFIT PROGRAM

- The Act includes \$7 billion in funding for increased broadband internet access, \$3.2 billion of which is dedicated to a new Emergency Broadband Benefit program that will provide up to \$50 per month to low-income households for broadband access. Households are eligible for receiving this benefit if they i) are eligible for the FCC's "Lifeline" affordable broadband program, ii) are eligible for other existing broadband discount programs, iii) have children who are eligible for free or reduced cost school lunches, iv) have a household member who is a Pell grant recipient, or v) have an unemployed household member.

OTHER NOTES OF INTEREST

- The small-state CSBG CARES Act fix was included in the package.
- LIHEAP was increased by \$10 million to \$3.75 billion for FY2021.
- Head Start received an increase of \$135 million and is funded at \$10.75 billion in FY2021.
- The Weatherization Assistance Program grants to states are funded at \$310 million, a \$5 million increase from FY2020. Additionally, the bill reauthorized WAP through FY2025 and allows authorization levels of \$350 million from FY2022 through FY2025. For over 6 years, NCAF has been working on updating WAP legislation. The reauthorization includes important provisions for the Community Action Network:
 - Higher allowance for administrative cost from 10 to 15 percent of the grant;
 - Authority to "re-weatherize" a home if 15 years have passed since the original services;
 - During the 15-year post installation period, WAP funds can be spent on follow-up communications and services that are not major WAP measures in already-weatherized homes;
 - DOE is given flexibility to include cost-effective renewable energy measures and other emerging technologies as program measures; and,
 - DOE is allowed to include non-energy benefits in calculating cost-effectiveness.

- Another impactful provision is a requirement that DOE allocate funds to a substantial program of competitive grants for innovative practices, which can include projects to enhance WAP by dealing with deferred properties and unhealthy home conditions as well as projects to test technology. At current funding levels, 6 percent of the appropriation will be devoted to the grants. All grantees and subgrantees will be eligible to apply, as will other non-profit organizations.
- The bill appropriates \$638 million for a new Low-Income Household Drinking Water and Wastewater Emergency Assistance Program, for needs related to coronavirus. Notably, Congress chose to include this program in the appropriations for HHS, specifically the Administration for Children and Families, which is the same agency that administers CSBG and LIHEAP. Funds will go by formula to states and Indian tribes to assist low-income households, particularly those with the lowest incomes, that pay a high proportion of household income for drinking water and wastewater services. The bill requires HHS, states and tribes to "use existing processes, procedures, policies, and systems in place to provide assistance to low-income households, including by using existing programs and program announcements, application and approval processes."
- The bill also appropriates \$25 billion for a new Emergency Rental Assistance Program to be administered by the Treasury Department. Grants will go to states and local governments to provide assistance for rent, home energy and utility costs (including arrears), related directly or indirectly to the COVID-19 outbreak. Up to 10% of funds can be used for case management and other services to promote housing stability.
- The bill provides \$8.75 billion for the Centers for Disease Control and Prevention (CDC) to ensure broad distribution and access to COVID-19 vaccines, with provisions to require a focus on high-risk and underserved populations, including communities of color.