



ANALYSIS OF THE HOUSE HEALTH AND ECONOMIC RECOVERY OMNIBUS EMERGENCY SOLUTIONS (HEROES) ACT

On Friday, May 15th, the U.S. House of Representatives passed House Democrats' Phase IV COVID-19 stimulus bill, the [Health and Economic Recovery Omnibus Emergency Solutions \(HEROES\) Act](#). APLU released a [statement](#) expressing support for the legislation but noted in particular the need for improving funding for research as the legislative process proceeds.

Totaling more than \$3 trillion—over \$1 trillion above the appropriated funding enacted in the Coronavirus Aid, Relief, and Economic Security (CARES) Act this past March—the 1,800+ bill would enhance protections for healthcare workers and provide \$1 trillion dollars to state and local governments to rebuild the economy and boost revenue, \$100 billion for education, and up to \$10,000 of loan forgiveness for borrowers of federal and private student loans. The bill would also provide funding to numerous research agencies to prevent, prepare for, and respond to COVID-19, including allocations to update research facilities to improve preparedness and response capability at the State and local level. While the bill provides \$3 billion to the National Institutes of Health for offsetting the costs related to reductions in lab productivity resulting from COVID-19 and public health measure responses, no other research agencies received this type of supplemental funding relief.

The measure also includes a fix to extend to state entities, including public universities, the paid leave tax credit created under the Phase II law, the Families First Coronavirus Response Act (FFCRA).

Senate Majority Leader Mitch McConnell (R-KY) [said](#) the Senate was in no rush to pass another COVID-19 relief package until the impact of the CARES Act (Phase III) has been fully assessed.

I. EDUCATION FUNDING AND POLICY

ANALYSIS OF FUNDING PROGRAM

The HEROES Act would create a new method for distributing funding to institutions of higher education, rather than using the funding mechanism created in the CARES Act. Public institutions of higher education would receive around \$26.7 billion of the \$90 billion appropriated for the State Fiscal Stabilization Fund. The funds would be distributed based on the relative proportion of Pell students enrolled at the institution (75 percent) and the relative proportion of total students enrolled (25 percent). In contrast to the CARES Act, the bill uses total student enrollment numbers instead of a Full Time Equivalent measure, a change that will provide significantly more funding to schools that serve large numbers of part-time students. Additionally, the bill establishes a \$1 million minimum grant to institutions that can demonstrate COVID-19 related losses totaling at least that amount. The money would be given to governors

to disburse to public institutions of higher education rather than flowing through the U.S. Department of Education.

These funds would support a broad range of uses, including personnel costs, costs associated with cleaning and sanitation, technology costs, general expenditures for expenses associated with disruptions of services or operations due to COVID-19, as well as emergency financial aid for students. There is not a mandatory percentage of funds that must be provided directly to students.

To help guard against state disinvestment in higher education, the HEROES Act would include a strengthened maintenance of effort (MOE) requirement that would require a state to maintain spending on education as a condition for receiving funds.

Historically Black Colleges and Universities (HBCUs), other Minority-Serving Institutions, and institutions funded through the Strengthening Institutions Program (SIP) would also receive \$1.708 billion.

DIVISION A – Coronavirus Recovery Supplemental Appropriations Act, 2020	
Title VI – Departments of Labor, Health and Human Services, and Education, and Related Agencies	
Department of Education	
State Fiscal Stabilization Fund (pg. 88)	<p>Creates a \$90 billion education stabilization fund that will providing funding directly to states. One-half of 1 percent is reserved to the outlying areas and one-half of 1 percent to the Bureau of Indian Education (“BIE”). The Secretary may reserve up to \$30 million for administration and oversight. Remaining funds are made available to states based on a formula considering population.</p> <ul style="list-style-type: none"> • 65 percent of funds are for Local Education Agencies; and • 30 percent of funds (\$26.7 billion) are reserved for grants to public institutions of higher education. • 5 percent may be used by governors at their discretion to support education.
Grants to Public Institutions of Higher Education (pg. 90)	<p>Distributes higher education funds according to the following formula:</p> <ul style="list-style-type: none"> • 75 percent shall be apportioned according to the relative share of students who received Pell Grants who are not exclusively enrolled in distance education courses prior to the coronavirus emergency at the institution in the previous award year; and • 25 percent shall be apportioned according to the total enrollment of students at the institution who are not exclusively enrolled in distance education courses prior to the coronavirus emergency at the institution in the previous award year

	<ul style="list-style-type: none"> • Institutions with at least 500 students not otherwise eligible for a grant of at least \$1,000,000 under are eligible to receive an amount equal to whichever is lesser of the total loss of revenue and increased costs associated with the coronavirus or \$1,000,000.
<p>Uses of Funds (pg. 91)</p>	<p>This flexible funding can support:</p> <ul style="list-style-type: none"> • Costs associated with making up instructional time, including employee personnel costs; • Providing school-based supports for impacted students and staff, including counseling, mental health services, etc.; • Costs associated with sanitation and cleaning for schools and school transportation; • Professional development for school-based staff on trauma-informed care; • Purchasing educational technology, including assistive technology, that aids in regular and substantive interactions between students and instructors; • Authorized activities under education statutes including ESEA, IDEA, McKinney Vento Homeless Assistance Act, the Adult Education and Family Literacy Act, and the Perkins Act; • Training and professional development for college and university faculty and staff to use technology and services related to distance education; • General expenditures for institutions of higher education for expenses associated with a disruption in services or operations related to coronavirus, including defraying expenses due to lost revenue, reimbursement for expenses already incurred, and payroll; and, • Emergency financial aid to postsecondary students for housing, tuition, food, technology, health care, and childcare.
<p>Maintenance of Effort (pg. 93)</p>	<p>The MOE contains four important provisions:</p> <ul style="list-style-type: none"> • A state must maintain its FY19 percentage of investment in elementary, secondary, and postsecondary education in FY20, 21, and 22 • States must maintain State support for higher education (not including support for capital projects or for research and development or tuition and fees paid by students) in fiscal year 2020, fiscal year 2021, and fiscal year 2022 at least at the level

	<p>of such support that is the average of such State’s support for higher education (which shall include State and local government funding to institutions of higher education and state financial aid) in the 3 prior fiscal years</p> <ul style="list-style-type: none"> • State higher education funding, as calculated as spending for public higher education per full-time equivalent student, shall be the same in fiscal year 2022 as it was in fiscal year 2019 • There is no structure for waivers to states in the bill
<p>Labor Requirements (pg. 95-96)</p>	<p>A State’s application shall include assurances that the State shall maintain the wages, benefits, and other terms and conditions of employment set forth in any collective-bargaining agreement between the eligible entity and a labor organization. Recipients shall to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus.</p>
<p>Funding for Title III-, V-, and VII-Eligible Institutions (pg. 98)</p>	<p>Provides \$1.708 billion for HBCUs, MSIs, and institutions funded through the Strengthening Institutions Program (SIP). Funding will be awarded to eligible institutions according to the following formula:</p> <ul style="list-style-type: none"> • 70 percent according to a ratio equivalent to the number of Pell Grant recipients in attendance at the institution and the total number of Pell Grant recipients at all such institutions; • 20 percent according to a ratio equivalent to the number of students enrolled at the institution and the total number of students at all such institutions; and • 10 percent according to a ratio equivalent to the total endowment size at the institution and the total endowment size at all such institutions.
<p>Funding for Nonprofit Private Institutions (pg. 101)</p>	<p>\$7 billion for nonprofit private institutions of higher education, according to the following formula:</p> <ul style="list-style-type: none"> • 75 percent according to the relative share of enrollment of Federal Pell Grant recipients who are not exclusively enrolled in distance education courses prior to the coronavirus emergency; and • 25 percent according to the relative share of the total equivalent enrollment of students who were not Federal Pell Grant recipients who are not exclusively enrolled in distance education courses prior to the coronavirus emergency.

Competitive Funding to Institutions with Unmet Need	The bill also includes \$1.4 billion for institutions with unmet need related to COVID-19, discretionary pot of money for the Secretary of Education to award to colleges and universities. The legislation provides some additional criteria to frame the purpose of the program.
Sec. 10605 (pg. 104)	Amends the CARES Act language on allowable uses of funds, striking: “to cover any costs associated with significant changes to the delivery of instruction due to the coronavirus” and inserting “to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education.”

ANALYSIS OF EDUCATION POLICY PROVISIONS

In addition to its new education funding program, education policy provisions in the HEROES Act include three buckets of changes: amendments to the CARES Act, provisions on financial aid access, and loan forgiveness.

Amendments to the CARES Act

The first section containing amendments to the CARES Act provides several technical corrections and extends the time period for many changes in the law. The bill extends work-study flexibility through the fall to allow institutions to continue paying students who are unable to work due to COVID-19. (Additional changes are outlined in the chart below.)

Financial Aid Access Provisions

The HEROES Act notes that emergency aid provided to students through the CARES Act will not be counted as income or assets for the purposes of calculating a student’s estimated family contribution (EFC), ensuring that the funds do not impact a student’s federal financial aid eligibility. Further, for individuals who are currently receiving unemployment benefits, the HEROES Act would allow those students to be counted as dislocated workers for the purposes of FAFSA, which would qualify them for an automatic zero EFC.

The bill would further prohibit ED from placing limitations on students who would be eligible to receive emergency aid and includes language that would ensure DACA and other undocumented students could receive funds.

With the sudden shift to distance education, the HEROES Act would codify the definition of distance education that was included in ED’s proposed rule on Distance Education and Innovation published on April 2, 2020. The definition was reached by consensus during ED’s 2019 negotiated rulemaking and would apply to programs that begin on or after August 15, 2020. Distance education is defined as education that uses technology to deliver instruction to students

who are separated from the instructor(s) and to support regular and substantive interaction between the students and the instructor(s), either synchronously or asynchronously. This provision would be effective until the end of the 2020--2021 award year.

Additionally, this section would create an Institution Stabilization Program for those who are at risk for failing the financial responsibility requirements outlined in HEA. The program would allow eligible non-profit institutions to enter into a COVID-19 provisional participation agreement (CVPPPA) to be considered financially responsible, rather than submitting a letter of credit. The Secretary is authorized to provide \$300 million in grants to participating institutions to help them meet the requirements of the CVPPPA and help defray costs related to COVID-19.

Loan Forgiveness

Finally, the HEROES Act extends the borrower relief provisions provided under the CARES Act through September 30, 2021—this includes the suspension of payments, accrual of interest, and halting all collections activities. The bill would also extend these provisions to borrowers who have commercially-held Federal Family Education Loans (FFEL) as well as institutionally-held Perkins Loans and loans through the U.S. Department of Health and Human Services.

The manager's amendment modifies the original proposal in the bill to provide \$10,000 of up-front debt forgiveness for all student loan borrowers. Instead, under the modified bill text, only borrowers who were considered "economically distressed" on March 12 would receive the \$10,000 in forgiveness—this more than cuts in half the number of borrowers who would receive this benefit to approximately 20 million borrowers.

Further, the HEROES Act would establish special rules for borrowers consolidating loans, allowing borrowers to consolidate without losing prior payments for the purposes of Public Service Loan Forgiveness and income-driven repayment plans. Further, the bill would remove the requirement that a borrower be employed by a public-service employer at the time of forgiveness under PSLF. It would also allow borrowers who work in a full-time job at a public or non-profit hospital or health care facility to be eligible for PSLF, even if they are prohibited by State law from being employed directly by the hospital or health care facility.

The bill would also provide immediate emergency relief through Borrower Defense to Repayment for defrauded borrowers attending an institution that made a false or misleading job placement representation.

Finally, the bill includes several notifications and reporting requirements from ED, including Congressional notification each time an HEA provision is modified or waived to due COVID-19.

DIVISION O – Education Provisions and Other Programs	
Department of Education	
Title I – Higher Education Provisions	
Subtitle A: CARES Act Amendments	
Sec. 150102. Application of Waiver to Participating Nonprofit Employers	This section clarifies that the Secretary will waive the non-federal match requirement for nonprofit employers for award years 2019-2020 and 2020-2021.
Sec. 150103. Extension of Federal Work-Study During a Qualifying Emergency	This section extends flexibility into the fall that allows institutions of higher education to pay federal work-study students even if they are unable to complete their jobs due to COVID-19.
Sec. 150104. Continuing Education at Affected Foreign Institutions	This section clarifies that a foreign institution is eligible to offer courses via distance education based on a declaration of an emergency in the applicable country rather than the qualifying emergency in the United States. Further, it allows foreign institutions to enter into agreements with US based institutions for the duration of the emergency in the applicable country as well as in the United States.
Sec. 150105. Funding for HBCU Capital Financing	This section replaces the \$62 million cap on mandatory funding provided for the Historically Black Colleges and Universities (HBCU) Capital Financing program with “such sums.”
Sec. 150106. Waiver Authority for Institutional Aid	This section repeals a provision in the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) that allows the Secretary of Education to waive the special allotment rule for HBCUs with direct HEA appropriations.
Sec. 150107. Scope of Modifications to Required and Allowable Uses	This section clarifies that the Department of Education cannot use the authority provided under the CARES Act to grant waivers that would allow grant funds to be used in a way that deviates from the overall purpose of the grant program. This section additionally allows ED to grant waivers related to the required and allowable uses for the Minority Science and Engineering Improvement Program.
Subtitle B: Financial Aid Access	
Sec. 150108. Emergency Financial Aid Grants Excluded from Needs Analysis	<p>This section specifies that emergency financial aid grants shall not be included as income or assets for the purposes of calculating a student’s expected family contribution (EFC) or treated as estimated financial assistance not received under Title IV of HEA.</p> <p>In other words, it will ensure emergency financial aid does not impact a student’s eligibility for federal financial aid.</p>
Sec. 150109. Facilitating Access to Financial Aid for Recently Unemployed Students	This section specifies that any individual who has applied for, or is receiving, unemployment benefits at the time that they submit an application for federal financial aid will be treated as a dislocated worker on the FAFSA, which can

	<p>qualify a FAFSA applicant for the simplified needs test or an automatic zero EFC. This provision is effective for the duration of the COVID--19 emergency and the following award year. ED is required to implement this provision within 30 days of enactment.</p> <p>This section also requires ED to work with DOL and institutions to conduct outreach to unemployed individuals to inform them of their potential eligibility for aid.</p>
Sec. 150110. Student Eligibility for Higher Education Emergency Relief Fund and Other Higher Education Funds	<p>This section prohibits the Secretary of Education from imposing restrictions on the populations of students who may receive funds under section 18004 of the CARES Act, which creates the Higher Education Emergency Relief Fund.</p> <p>This section specifies that the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 does not apply to funds made available under section 18004 of the CARES Act—in other words, undocumented students would be eligible for funds.</p>
Sec. 150111. Definition of Distance Education	<p>This section applies the definition of distance education that was included in ED’s proposed rule on Distance Education and Innovation published on April 2, 2020 that was reached by consensus, to programs that begin on or after August 15, 2020. Distance education is defined as education that uses technology to deliver instruction to students who are separated from the instructor(s) and to support regular and substantive interaction between the students and the instructor(s), either synchronously or asynchronously. This provision is effective until the end of the 2020-2021 award year.</p>
Sec. 150112. Institutional Stabilization Program	<p>This section creates the Institutional Stabilization Program (ISP) which allows eligible institutions, in lieu of submitting a letter of credit to be considered financially responsible in order to participate in title IV, to enter into a COVID--19 provisional program participation agreement (CVPPPA) after meeting certain requirements. Under the program, the Secretary is authorized to provide \$300 million in grants to participating institutions to fulfill the requirements of the agreement and defray costs related to COVID-19.</p>
Subtitle C: Federal Student Loan Relief	
Part A-Temporary Relief for Federal Student Borrowers Under the CARES Act	
Sec. 150113. Expanding Loan Relief to All Federal Student Loan Borrowers	<p>This section amends the CARES Act to define the term “Federal student loan” to include Direct Loans, Department and commercially-held Federal Family</p>

	<p>Education Loans (FFEL), Department and institutionally-held Perkins loans, and Health and Human Services (HHS) student loans under subpart II of part A of Title VII and part E of Title VIII of the Public Health Service Act that are eligible for consolidation with Direct Loans under the HEA.</p>
<p>Sec. 150114. Extending the Length of Borrower Relief Due to the Coronavirus Emergency</p>	<p>This section amends the CARES Act to extend suspension of payments for Federal student loans through September 30, 2021 and adds a 30-day transition period where any missed payments after payment suspension ends do not result in collection fees and are not reported to consumer reporting agencies.</p> <p>Requires ED and HHS to extend these terms to commercially-held FFEL loans, institutionally-held Perkins loans, and HHS student loans.</p> <p>Allows borrowers repaying under an IDR plan to not recertify their income or family size until after December 30, 2021.</p>
<p>Sec. 150115. No Interest Accrual</p>	<p>This section amends the CARES Act to extend no interest accrual on Federal student loans (regardless of repayment status) until September 30, 2021 or until the economy shows initial signs of recovery (as defined in the Act), whichever is longer. For commercially-held FFEL and institutionally-held Perkins loans, the Secretary is required to pay the amount of interest due on the unpaid principal to the holder on a monthly basis.</p> <p>Clarifies that accrued interest prior to March 13, 2020 cannot be capitalized as a consequence of the implementation of pause payments or the no interest accrual provisions.</p>
<p>Sec. 150116. Notice to Borrowers</p>	<p>Requires the Secretary of Education and, as applicable, the HHS Secretary to notify Perkins loan and HHS borrowers of income-driven repayment plans available to them if they consolidate.</p>
<p>Sec. 150117. Writing Down Balances for Federal Student Loan Borrowers</p>	<p>This section amends the CARES Act to provide \$10,000 of up-front debt relief for all Department of Education loan borrowers who were considered “economically distressed” as of March 12, 2020, defined as a borrower who would qualify for a \$0 payment under current IDR plans, was in default or forbearance, or was past-due by at least 90 days. Borrowers owing less than \$10,000 will receive up to the amount owed on their balance. Unless otherwise requested by the borrower, the discharge is applied first toward the</p>

	loan with the highest interest rate. Borrowers with the same interest rate on all loans, the discharge is applied first toward the loan with the highest principal balance. The discharged amount is excluded from gross income and not required to be reported to the Internal Revenue Services.
Sec. 150118. Implementation	This section amends the CARES Act to facilitate implementation of the temporary relief provided to borrowers. Requires holders of commercially--held FFEL, institutionally--held Perkins loans, and HHS loans to report information that allows the Secretary of Education and, as applicable, the HHS Secretary to verify borrower payments that are to be provided or suspended and calculate the amount of interest due to the holder for reimbursement.
Sec. 150119. Effective Date	This section requires that the amendments made under this Part take effect as if enacted as part of the CARES Act.
Part B-Consolidation Loans and Public Service Loan Forgiveness	
Sec. 150120. Special Rules Relating to Federal Direct Consolidation Loans	This section establishes special rules for borrowers consolidating loans between the date of enactment and September 30, 2021 or until the economy shows initial signs of recovery (as defined in this Act), whichever is longer. The special rule allows borrowers to consolidate without losing prior payments for purposes of Public Service Loan Forgiveness (PSLF) and IDR plans.
Sec. 150121. Treatment of PSLF	This section removes the requirement that a borrower must be employed in a public service employer at the time of forgiveness under PSLF. This section also allows a borrower with a full-time job as a health care practitioner working at a public or non-profit hospital or health care facility but prohibited by State law from being employed directly by the hospital or health care facility to be eligible for PSLF
Part C-Emergency Relief for Defrauded Borrowers	
Sec. 150122. Emergency Relief For Defrauded Borrowers	This section provides full student loan relief to borrowers who attended an institution that, according to findings made by ED on or before the date of enactment of this Act, made a false or misleading job placement representation. Full student loan relief is also provided to borrowers who attended an institution that, according to findings made by ED on or before the date of enactment, made a false or misleading guaranteed employment or credit transferability representation and submitted a claim to ED. Under this section, borrowers covered under these findings who have already received partial relief are entitled to the rest of relief on their loans.

Part D-Notifications and Reporting	
Sec. 150123. Notifications and Reporting Relating to Higher Education	This section requires ED to submit written notification to the authorizing committees each time an HEA provision (including regulation or sub-regulatory guidance) will be modified or waived due to COVID-19, other than a provision authorized to modify or waive under the CARES Act. This notification must also be published online.

II. RESEARCH FUNDING AND POLICY

The HEROES Act would provide funding to numerous research agencies to prevent, prepare for, and respond to COVID-19. The Act makes investments in the Biomedical Advanced Research and Development Authority for necessary expenses of advanced research, development, manufacturing, production, and purchase of vaccines and therapeutics as well as updates to research facilities to improve preparedness and response capability at the State and local level.

Within the National Institutes of Health’s allocation, \$3 billion in funding is provided for offsetting the costs related to reductions in lab productivity resulting from COVID-19 and public health measure responses. No other research agencies receive this type of allocation.

The HEROES Act would also create a pilot grant program to improve lab infrastructure to address testing and response activities, including the expansion and enhancement of testing capacity at such laboratories. Grants would be allocated to states.

DIVISION A – Coronavirus Recovery Supplemental Appropriations Act, 2020	
TITLE II – Commerce, Justice, Science, and Related Agencies	
National Science Foundation (pg. 18)	\$125,000,000 for Research and Related Activities to prevent, prepare for, and respond to coronavirus, including to fund research grants, of which \$1,000,000 shall be for a study on the spread of COVID 19 related disinformation: Provided further the amount appropriated under this heading in this Act, up to 2 percent of funds may be transferred to the “Agency Operations and Award Management” account for management, administration, and oversight of funds.
TITLE V – Interior, Environment, and Related Agencies	
U.S. Fish and Wildlife Service (pg. 49)	\$21,000,000 for “Resource Management” for research; listing injurious species; electronic permitting system development; operation and maintenance; law enforcement interdiction and inspections; and other support activities.
United States Geological Survey	\$40,000,000 ⁴ for “ Surveys, Investigations, and Research ” for technical assistance, biosurveillance of

(pg. 50)	wildlife and environmental persistence studies and related research, database development.
Environmental Protection Agency (pg. 53)	\$50,000,000 for “Environmental Programs and Management” for environmental justice grants to prevent, prepare for, and respond to coronavirus: Provided, That such amount shall be used to monitor or study links between pollution exposure and the transmission and health outcomes of coronavirus as described in section 190702 of division S of this Act.
National Endowment for the Humanities	\$10,000,000 “Grants and Administration” for grants to respond to the impacts of coronavirus: 40 percent of such funds shall be distributed to state humanities councils and 60 percent of such funds shall be for direct grants.
TITLE VI – Departments of Labor, Health and Human Services, Education, and Related Agencies	
NIH: National Institute of Allergy and Infectious Diseases (pg. 70)	\$500,000,000 to prevent, prepare for, and respond to coronavirus.
NIH: National Institute of Mental Health (pg. 70)	\$200,000,000, to prevent, prepare for, and respond to coronavirus.
NIH: Office of the Director (pg. 70)	<p>\$4,021,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally.</p> <ul style="list-style-type: none"> • \$3,000,000,000 for offsetting the costs related to reductions in lab productivity resulting from the coronavirus pandemic or public health measures related to the coronavirus pandemic • \$1,021,000,000 to support additional scientific research or the programs and platforms that support research • That funds made available under this heading in this Act may be transferred to the accounts of the Institutes and Centers of the National Institutes of Health (“NIH”): Provided further, That this transfer authority is in addition to any other transfer authority available to the NIH
Office of the Secretary: Public Health and Social Services Emergency Fund (pg. 83)	\$4,575,000,000 to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the development of necessary countermeasures and vaccines, prioritizing platform-based technologies with U.S.-based manufacturing capabilities, the purchase of vaccines, therapeutics, diagnostics, necessary medical supplies, as

	<p>well as medical surge capacity, addressing blood supply chain, workforce modernization, telehealth access and infrastructure, initial advanced manufacturing, novel dispensing, enhancements to the U.S. Commissioned Corps, and other preparedness and response activities.</p> <ul style="list-style-type: none"> • \$3,500,000,000 to the Biomedical Advanced Research and Development Authority for necessary expenses of advanced research, development, manufacturing, production, and purchase of vaccines and therapeutics • \$500,000,000 to the Biomedical Advanced Research and Development Authority for the construction, renovation, or equipping of U.S.-based next generation manufacturing facilities, other than facilities owned by the United States Government • \$500,000,000 to the Biomedical Advanced Research and Development Authority to promote innovation in antibacterial research and development • Funds made available under this paragraph in this Act may be used for grants for the rent, lease, purchase, acquisition, construction, alteration, or renovation of non-Federally owned facilities to improve preparedness and response capability at the State and local level: Provided further, That funds appropriated under this paragraph in this Act may be used for the construction, alteration, renovation or equipping of non-Federally owned facilities for the production of vaccines, therapeutics, diagnostics, and medicines and other items purchased under section 319F–2(a) of the Public Health Service Act where the Secretary determines that such a contract is necessary to assure sufficient domestic production of such supplies.
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Division C – Health Provisions

Title V – Public Health

Subtitle C: Testing and Testing Infrastructure Improvements

<p>Sec. 30549. Pilot Program to Improve Laboratory Infrastructure (pg. 509)</p>	<p>The Secretary shall award grants to States and political subdivisions of States to support the improvement, renovation, or modernization of infrastructure at clinical laboratories (as defined in section 353 21 of the Public Health Service Act (42 U.S.C. 263a)) that will help to</p>
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	<p>improve SARS–CoV–2 and COVID–19 testing and response activities, including the expansion and enhancement of testing capacity at such laboratories.</p> <ul style="list-style-type: none"> To carry out this section, there is authorized to be appropriated \$1,000,000,000 to remain available until expended.
<p>Division F – Assistance to Agricultural Producers and Other Matters Relating to Agriculture</p>	
<p>Sec. 60103. Animal Disease Prevention and Management Response (pg. 696)</p>	<p>Provides \$300,000,000 to support improved animal health surveillance and laboratories, some of which are performing COVID-19 tests in this public health emergency. This includes the National Animal Disease Preparedness and Response Program and National Animal Health Laboratory Network.</p>
<p>Sec. 60303 – Support for Farming Opportunities Training and Outreach (pg. 708)</p>	<p>The Secretary of Agriculture shall make grants to, or enter into cooperative agreements or contracts with, eligible entities specified in subsection (c)(1) to provide training, outreach, and technical assistance on operations, financing, and marketing to beginning farmers and ranchers, socially disadvantaged farmers and ranchers, and veteran farmers and ranchers. The Secretary may not require any nonfederal matching funds. The appropriation for this program is \$50,000,000. Institutions of higher education are eligible for funding, view eligibility here.</p>
<p>Sec. 60304. Support for Farm Stress Programs (pg. 709)</p>	<p>The Secretary shall make grants to State departments of agriculture (or equivalent department) to expand or sustain stress assistance programs for individuals who are engaged in farming, ranching, and other agriculture-related occupations... including— (1) programs that meet the criteria specified Farm and Ranch Stress Assistance Network authorization; and (2) any State initiatives carried out as of the date of the enactment of this Act that provide stress assistance for such individuals.</p> <p>Plans submitted to the Secretary shall be in an amount not to exceed \$500,000 for each state. Each State Plan shall include a description of each activity and the estimated amount of funding to support each program and activity carried out through such a program.</p>

	<p>The Secretary may issue guidance to encourage State departments of agriculture to use funds provided under this section to support programs described in subsection (a) that are operated by— Indian tribes, State cooperative extension services; and nongovernmental organizations.</p> <p>Not later than 180 days after the public health emergency is terminated, each State receiving additional grants under subsection (b) shall submit a report to the Secretary describing— (1) the activities conducted using such funds; (2) the amount of funds used to support each such activity; and (3) the estimated number of individuals served by each such activity. Total appropriations for this section are \$28,000,000, to remain available until expended.</p>
Division S – Other Matters	
Title IV – Wildlife-Borne Disease Prevention	
<p>Sec. 190404. National Wildlife Health Center (in Coordination with USAID)</p> <p>(pg. 1632)</p>	<p>The Director shall establish and maintain a national database of wildlife disease, including diseases that cause a human health risk, at the National Wildlife Health Center. The Director, in coordination with the Administrator for the United States Agency for International Development, may strengthen global capacity for wildlife health monitoring to enhance early detection of diseases that have the capacity to jump the species barrier and pose a risk to the United States, including by providing funding for—</p> <p>(1) academic, governmental, and nongovernmental partner entities working to prevent wildlife disease outbreaks, emerging pathogens of wildlife origin, and epidemics or pandemics;</p> <p>(2) building wildlife disease diagnostic capacity and monitoring systems in countries with areas that pose a high risk for animal-to-human transmission of disease;</p> <p>and (3) providing technical assistance through training, data sharing, and performing testing in countries with areas that pose a high risk for animal-to human transmission of disease.</p>

III. TAX AND BUSINESS POLICY

The HEROES Act extends certain tax provisions from the Families First Coronavirus Response Act (FFCRA) and the CARES Act to public sector employers, including institutions of higher education. Critically, the bill would allow public universities to claim the paid leave tax credits

created in FFCRA. Further, the bill would allow institutions to access the employee retention credit.

Additionally, the bill would codify recent guidance from the U.S. Department of Treasury noting that students who receive emergency aid grants created under the CARES Act will not be required to pay taxes on those funds.

The manager’s amendment to the bill also included an update to the Main Street Lending Program that would ensure public universities would be eligible to participate in the program.

The bill also includes provisions that would benefit students and their families. The most important change would allow households to claim full-time students below the age of 24 and adult dependents, receiving the \$500 qualifying child amount for each dependent.

DIVISION B – Revenue Provisions	
COVID-19 Tax Relief Act of 2020	
Title I – Economic Stimulus	
Subtitle A: 2020 Recovery Rebate Improvements	
Sec. 20101. Dependents taken into account in determining credit and rebates	Makes all dependents eligible for the \$500 qualifying child amount in the Economic Impact Payments made under the CARES Act, previously only applicable to children below age 17. This allows households with dependents who are full-time students below age 24 and adult dependents to also receive the \$500 amount. This provision is effective retroactive to the date of enactment of the CARES Act
TITLE II – COVID-19 Workforce Development Response Activities	
Subtitle B: Tax Credits to Prevent Business Interruption	
Sec. 20211. Improvements to Employee Retention Credit	Allows state and local governments and certain federal instrumentalities to claim the credit in the event they are paying wages to employees while their operations are fully or partially shut down.
Subtitle C: Credits for Paid Sick and Family Leave	
Sec. 20221. Extension of Credits	Extends the refundable payroll tax credits for paid sick and family leave, enacted in the Families First Coronavirus Response Act, through the end of 2021
Sec. 20223. Increase in Limitations on Credits for Paid Family Leave	Coordinates changes made to the requirement to provide emergency paid family and medical leave to allow employers to claim up to \$12,000 in refundable payroll tax credits, rather than \$10,000.
Sec. 20225. Federal, State, and Local Governments Allowed Tax Credits for Paid Sick and Paid Family and Medical Leave	Removes the exclusion disallowing the paid sick and family leave credits enacted in the Families First Coronavirus Response Act for Federal, state, and local governments.
Subtitle D: Other Relief	
Sec. 20232. Emergency Financial Aid Grants	Excludes student emergency aid grants created in the CARES Act from taxable income.

Division K – COVID-19 HERO Act	
COVID-19 HERO Act	
Title VI – Standing Up for Small Businesses, Minority-Owned Businesses, and Non-Profits	
Sec. 110604. Main Street Lending Program requirements	This section mandates that the Federal Reserve’s Main Street Lending Program, which was established utilizing CARES Act funds and is backstopped by the Treasury Department, include non-profit organizations as eligible borrowers, and stipulates that the Fed immediately offer a low-cost loan option tailored to the unique needs of nonprofit organizations with deferred payments, and the loan may be forgiven solely for non-profits predominantly serving low-income communities that are ineligible for a PPP loan. The manager’s amendment specifies that “non-profits and institutions of higher education” are eligible to participate in the program.

IV. WORKFORCE DEVELOPMENT

DIVISION C – Health Provisions	
TITLE V – Public Health	
Subtitle A: Supply Chain Improvements	
Sec. 30519. National Centers of Excellence in Continuous Pharmaceutical Manufacturing (pg. 464)	Directs FDA to designate National Centers of Excellence in Continuous Pharmaceutical Manufacturing (NCEs) at institutions of higher education. NCEs will work with FDA and industry to craft a national framework for the implementation of continuous manufacturing of drugs, including supporting additional research and development of this technology, workforce development, standardization, and collaborating with manufacturers to support adoption of continuous manufacturing of drugs. \$100,000,000 is authorized for this program.
TITLE VI – Public Health Assistance	
Subtitle A: Assistance to Providers and Health Systems	
Sec. 30615. Grants for schools of medicine in diverse and underserved areas (pg. 597)	Authorizes grants to schools of medicine in rural, underserved, or Minority-Serving Institutions. Grants can be used to build new schools of medicine and expand, enhance, modernize, support existing schools of medicine. Funding priority is given to rural, underserved, or Minority-Serving Institutions, including Historically Black Colleges and Universities, Hispanic-Serving Institutions, Tribal Colleges and Universities, and Asian American and Pacific Islander Serving Institutions.

Sec. 30616. GAO study on public health workforce (pg. 600)	Requires the GAO to conduct a study to investigate gaps, challenges, and recommended steps for improvement associated with the Federal, State, local, Tribal, and territorial public health workforce.
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V. CONNECTIVITY

The HEROES Act would make connectivity funding available through two funds: the Emergency Connectivity Fund and the Emergency Broadband Connectivity Fund.

The funds made available through these programs do not seem available to institutions of higher education. The Emergency Connectivity Fund is accessible to K-12 and libraries. The Emergency Broadband Connectivity Fund is available to individuals for reimbursement.

DIVISION A – Coronavirus Recovery Supplemental Appropriations Act, 2020	
TITLE III – Financial Services and General Government	
Emergency Connectivity Fund (pg. 40)	\$1,500,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, through the provision of funding for Wi-fi hotspots, other equipment, connected devices, and advanced telecommunications and information services to schools and libraries as authorized in section 13020.
Emergency Broadband Connectivity Fund (pg. 40)	\$4,000,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, through the provision of an emergency benefit for broadband service as authorized in section 130301.
DIVISION M – Consumer Protection and Telecommunications Provisions	
TITLE II – E–Rate Support for Wi-Fi Hotspots, Other Equipment, and Connected Devices	
Sec. 13020. E-Rate Support for Wi-Fi Hotspots, other equipment, and connected devices (pg. 1177)	Authorizes \$5 billion in funding for a temporary disbursement to be administered through the Federal Communications Commission’s (FCC) E-rate Program for schools and libraries to provide internet service in a technologically neutral way to students and teachers, prioritizing those without internet access at home. It allows authorized funding to be used for internet service and providing connected devices, like laptops and tablets, WiFi hotspots, modems, and routers, to students and teachers to help keep them in the digital classroom during the COVID19 pandemic. Five percent of the emergency funds authorized are set aside to help serve schools and libraries that serve people living on tribal lands.

VI. 2020 CENSUS

DIVISION G – Accountability and Government Operations	
TITLE II – Census Matters	
<p>Sec. 70203. Providing Bureau of the Census access to information from institutions of higher education (pg. 755)</p>	<p>Notwithstanding any other provision of law, including the Family Educational Rights and Privacy Act of 1974, an institution of higher education may, in furtherance of a full and accurate decennial census of population count, provide to the Bureau of the Census information requested by the Bureau for purposes of enumeration for the 2020 decennial census of population.</p> <ul style="list-style-type: none"> • Only information requested on the official 2020 decennial census of population form may be provided to the Bureau of the Census. • Before information can be provided to the Bureau, the institution of higher education shall give public notice of the categories of information which it plans to provide and shall allow 10 days after such notice has been given for a student to inform the institution that any or all of the information designated should not be released without the student’s prior consent.

VII. STATE STABILIZATION FUNDING

The HEROES Act creates new State and Local Coronavirus Relief Funds through the U.S. Department of the Treasury to help stabilize state budgets and support first responders, frontline health workers, transit employees, teachers, and other workers providing vital services. Funds can be used for COVID-related expenses, to replace foregone revenues not projected on January 31, 2020, or to respond to negative economic impacts of COVID. Funds are available until expended, providing flexibility over the next several years.

This funding is provided to states in addition to the \$90 billion that states would receive to support their public education systems.

DIVISION A – Coronavirus Recovery Supplemental Appropriations Act, 2020	
Title III – Financial Services and General Government	
Department of Treasury	
<p>State Fiscal Relief Fund (pg. 22)</p>	<p>Provides \$500 billion in stabilization funds to the states and the District of Columbia; \$20 billion to Puerto Rico and other U.S. territories; and \$20 billion to tribal governments to assist state governments with the fiscal impacts from the public health emergency caused by the coronavirus.</p>

	<p>States – \$500 billion</p> <ul style="list-style-type: none"> • \$250 billion awarded within 30 days of enactment to the 50 states and DC <ul style="list-style-type: none"> ○ \$51 billion divided equally among 50 states and DC ○ \$49 billion awarded based on the state’s share of COVID cases ○ \$150 billion awarded based on the state’s share of population • \$250 billion awarded by May 3, 2021 to the 50 states and DC <ul style="list-style-type: none"> ○ \$51 billion divided equally among 50 states and DC ○ \$199 billion based on the state’s share of unemployed individuals <p>Territories – \$20 billion</p> <ul style="list-style-type: none"> • \$10 billion divided equally among the five territories within 30 days of enactment • \$10 billion awarded based on the territory’s share of population within 30 days of enactment <p>Tribes – \$20 billion</p> <ul style="list-style-type: none"> • Entire amount awarded within 30 days of enactment, based on the share of increased aggregate expenditures of each tribal government <p>Oversight – \$35 million</p> <ul style="list-style-type: none"> • for the Treasury Office of the Inspector General
<p>Local Fiscal Relief Fund (pg. 27)</p>	<p>Provides local governments with \$375 billion.</p> <p>\$250 billion awarded within 30 days of enactment to all municipalities and counties</p> <ul style="list-style-type: none"> • \$125 billion to municipalities using a modified CDBG formula <ul style="list-style-type: none"> ○ \$87.5 billion to entitlement municipalities (generally defined as those with populations of at least 50,000) ○ \$37.5 billion to non-entitlement municipalities (generally defined as those with populations of less than 50,000). These funds will be awarded to states, which must make awards to non-entitlement cities based solely on population within 30 days of receipt.

	<ul style="list-style-type: none"> • \$125 billion to counties based on population <p>\$125 billion awarded one year after the date of enactment to all municipalities and counties</p> <ul style="list-style-type: none"> • \$62.5 billion to municipalities using a modified CDBG formula <ul style="list-style-type: none"> ○ \$43.75 billion to entitlement municipalities (generally defined as those with populations of at least 50,000) ○ \$18.75 billion to non-entitlement municipalities (generally defined as those with populations of less than 50,000). These funds will be awarded to states, which must make awards to non-entitlement cities based solely on population within 30 days of receipt. • \$62.5 billion to counties based on population
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VIII. INTERNATIONAL AND IMMIGRATION POLICY

The HEROES Act would provide protections for specific noncitizens and immigrant visa applicants who were affected by travel restrictions and processing delays due to COVID-19. The bill would also allow temporary immigration status or work authorization status set to expire to be automatically extended for the duration of the pandemic.

Additionally, the bill would permit the Department of Homeland Security to remotely administer naturalization ceremonies and prioritize the release of individuals not subject to mandatory detention by ICE, provide protections for undocumented workers engaged in critical essential infrastructure work, and ease restrictions for immigrant physicians and other key healthcare workers fighting against the pandemic.

The references made to subsection (d) in the summary below establishes the timeframe of application of the provision, the first day of the public health emergency declared by the Secretary of Health and Human Services with respect to COVID-19, and ending 90 days after the date on which the public health emergency is terminated.

DIVISION S – OTHER MATTERS	
TITLE XII – Immigration Matters	
Sec. 191201. Extension of Filing and Other Deadlines Deadlines for Extension or Change of Status	1. If an alien was lawfully present in the United States on January 26, 2020, the alien’s application for an extension or change of nonimmigrant status, application for renewal of employment authorization, or any other application for

(pg. 1729-1731)	<p>extension or renewal of a period of authorized stay, shall be considered timely if the due date of the application is within the period described in subsection (d) and the application is filed not later than 60 days after it otherwise would have been due.</p> <ol style="list-style-type: none"> 2. In the case of an alien who was lawfully present in the United States on January 26, 2020, the alien shall not be considered to be unlawfully present in the United States during the period described in subsection (d). 3. With respect to any alien whose immigration status, employment authorization, or other authorized period of stay has expired or will expire during the period described in subsection (d), during the one-year period beginning on the date of the enactment of this title, or during both such periods, the Secretary of Homeland Security shall automatically extend such status, authorization, or period of stay until the date that is 90 days after the last day of whichever of such periods ends later. <ul style="list-style-type: none"> • If the status, authorization, or period of stay referred to in subparagraph (A) is based on a grant of deferred action, or a grant of temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a), the extension under such subparagraph shall be for a period not less than the period for which deferred action or temporary protected status originally was granted by the Secretary of Homeland Security.
Immigrant Visas (pg. 1731-1734)	<ol style="list-style-type: none"> 1. Visas issued to immigrants which expired during the time designated in subsection (d) will be extended for 90 days. 2. Visas, including employment-based visas, that go unused at the end of the fiscal year are rolled over for use in subsequent fiscal years. 3. Individuals who were unable to voluntarily depart the country before their visa expired would receive a 90-day extension.
Sec. 191203. Temporary Protections for Essential and Critical Infrastructure workers (pg. 1737-1739)	<p>Provides temporary protections to undocumented workers in the U.S. engaged in essential critical infrastructure work, as defined by DHS guidance.</p> <ol style="list-style-type: none"> 1. Such workers are deemed to be in a period of deferred action and to be authorized for

	employment, and employers are shielded from certain immigration related violations for employing such workers.
Sec. 191204. Supplementing the COVID-19 Workforce	Allows lawful immigrant physicians who have been approved for immigrant visas, but are stuck in visa backlogs, to immediately apply for green cards to engage in COVID-19 work.
Expedited Processing of Nonimmigrant Petitions and Applications (pg. 1740-1742)	Requires the Department of Homeland Security and the Department of State to expedite nonimmigrant visa applications for medical professionals and researchers contributing to COVID-19 work.
Emergency Visa Processing (1742-1745)	<p>Authorizes the Secretary of State to prioritize the processing of applications submitted by immigrants seeking a visa based on an approved nonimmigrant petition to practice medicine, provide healthcare, engage in medical research, or participate in a graduate medical education or training program involving the diagnosis, treatment, or prevention of COVID-19.</p> <ol style="list-style-type: none"> 1. The bill instructs the State Department to schedule interviews for such individuals within 7 business days and authorizes remote interviews if consulates are unable to open.
Improve the Mobility of Nonimmigrant COVID-19 Workers (1745-1749)	Gives flexibility to hospitals, medical facilities, and other employers of healthcare workers to quickly transfer employees to administer direct patient care or telemedicine in COVID-19 hot spots, participate in COVID-19 research and development of vaccines, and other services needed to mitigate the pandemic.
Conrad 30 Program (pg. 1750-1752)	Permanently authorizes the “Conrad 30” Waiver Program, which allows States to sponsor immigrant physicians to work in medically underserved areas in exchange for a waiver of the physicians’ 2year foreign residence requirement. The base number of annual Conrad waivers available to each State is increased from 30 to 35, with a demand based sliding scale to determine the number of available waivers in future years.
Temporary Portability for Critical Healthcare Workers (pg. 1752-1758)	Grants independent temporary work authorization documents, with maximum flexibility to partake in COVID-19 work, to nonimmigrant physicians and other healthcare workers.
Special Immigrant Status for Nonimmigrant COVID-19 Workers and their Families (pg. 1758-1762)	Offers special immigrant status for specified nonimmigrant COVID-19 workers and would ensure immediate family members of such workers are not subject to deportation if the worker dies.