

Side-By-Side Comparison: the Senate HEALS Act vs. the House HEROES Act

Topic Area	HEALS Act (Republican Proposal)	HEROES Act (Democrat Proposal)
Unemployment Insurance	<ul style="list-style-type: none"> ▪ Extends the enhanced weekly benefits through 12/31/20 at the following amounts: <ul style="list-style-type: none"> ○ Aug & Sept: \$200/week ○ Oct-Dec: A payment (up to \$500) that, when combined with the state UI payment, would replace 70% of lost wages. (States may apply for a waiver to continue paying a flat fee through Nov.) ▪ Includes \$2 billion for state unemployment system upgrades 	<ul style="list-style-type: none"> ▪ Extension of \$600/week Federal Pandemic Unemployment Compensation to January 2021 ▪ Allows gig workers, independent contractors, part-time & self-employed workers typically ineligible for unemployment insurance to receive insurance (but not the additional pandemic unemployment compensation) through March 2021 (currently set to expire 1/31/21)
Liability Protection	<ul style="list-style-type: none"> ▪ The “Safeguarding America’s Frontline Employees to Offer Work Opportunities Required to Kickstart the Economy Act” (SAFE to WORK Act): <ul style="list-style-type: none"> ○ Gives exclusive federal cause of action that applies to natural persons, schools, colleges, charities, churches, government agencies, associations, and businesses due to COVID-19. Valid from 12/1/19 -10/1/24 ○ Allows cases to be brought in state or federal court, but only one standard of liability applies. Defendants may move cases filed in state court to federal district court ○ Requires plaintiffs show defendant was grossly negligent OR engaged in willful misconduct & violated state/local public health guidelines in place at time of the incident ○ Limits compensatory damages to economic losses and prohibits punitive damages, except in cases involving intentional misconduct 	<p>N/A</p>

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Labor & Employment Law Liability	<ul style="list-style-type: none"> ▪ Protects employers from liability under federal labor and employment laws (including ADA, OSHA, and Civil Rights Act of 1964) for actions taken to comply with Coronavirus-related public-health guidance and regulations 	<p>N/A</p>
Paycheck Protection Program—Forgiveness	<ul style="list-style-type: none"> ▪ Streamlined loan forgiveness for small loans <\$150k ▪ Intermediate forgiveness process for loans <\$2 million ▪ Expands eligible expenses that qualify for forgiveness to include covered operations expenditures, property damage costs, covered supplier costs, and covered worker protection expenditures 	<ul style="list-style-type: none"> ▪ Expansion of loan forgiveness terms, but no streamlined forgiveness based on loan amount ▪ Amendments to PPP Loan Forgiveness include: <ul style="list-style-type: none"> ○ Added flexibility for borrowers by extending the 8-week period to a 24-week period ○ Eliminates the 75/25 rule on use of loan proceeds ○ Clarifies the hold harmless provision for lenders
Small Businesses—Other PPP Provisions	<ul style="list-style-type: none"> ▪ “Continuing Small Business Recovery and Paycheck Protection Program Act” provides: <ul style="list-style-type: none"> ○ Second round of PPP loans of up to \$2 million available for businesses under 300 workers or other small businesses with 50% lost revenue (smaller loan size than last round) ○ PPP set-asides for small entities, including those with fewer than 10 employees (\$2 billion) and community institutions (\$10 billion) ○ New loan program providing working capital loans for small businesses as an alternative to a second PPP loan ○ Simplifies the forgiveness application process for small loans 	<ul style="list-style-type: none"> ▪ PPP eligibility expanded to all nonprofits ▪ Funding set-asides focused on underserved communities and nonprofits ▪ Expanded data collection requirements including total amount of fees paid to lenders ▪ Improved coordination between PPP and Employee Retention Tax Credit ▪ Expands the pool of available capital for small firms by increasing the annual lending limit of the 7(a) program from \$30 billion to \$75 billion ▪ Ensures the principal and interest loan assistance is not treated as taxable income to small business borrowers

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	<ul style="list-style-type: none"> ○ New allowable loan uses, which include working capital, acquisition of fixed assets, and refinancing existing indebtedness ○ Hold harmless provision for PPP lenders that no enforcement action could be taken against a lender who in good faith relief on borrower certifications or documentation 	
State and Local Funding	<ul style="list-style-type: none"> ▪ No additional state/local aid; however, additional flexibility on state money granted through CARES Act 	<ul style="list-style-type: none"> ▪ \$1 trillion to state and local governments, including: <ul style="list-style-type: none"> ○ \$500 billion for state fiscal relief ○ \$375 billion for local fiscal relief
Back to School/Work	<ul style="list-style-type: none"> ▪ “Safely Back to School and Back to Work Act” will provide: <ul style="list-style-type: none"> ○ Work Child Care Grants that will help parents go back to work by providing: <ul style="list-style-type: none"> – Short-term assistance to child care centers, operators, providers – Critical resources to states to help child care providers reopen and stay open – Safe environments for children ○ Emergency Education Freedom Grants that will provide funding for scholarships for students to use towards educational expenses ▪ “American Workers, Families, and Employers Assistance Act” provides: <ul style="list-style-type: none"> ○ Improvements to Federal Pandemic Unemployment Compensation to better match lost wages 	<ul style="list-style-type: none"> ▪ “COVID-19 Every Worker Protection Act of 2020” will require: <ul style="list-style-type: none"> ○ Employers to develop and implement a COVID-19 exposure control plan ○ Requires employers to comply with OSHA regulations ○ Prohibits retaliation against workers for reporting health and safety hazards. ▪ Increases funding for the Social Services Block Grant (SSBG) which provides funding for child and family care for essential workers ▪ Provides emergency flexibility for child welfare programs ▪ Amends the Emergency Family and Medical Leave Expansion Act by extending the benefits from 12/21/2020 – 12/31/2021

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	<ul style="list-style-type: none"> ○ Work Opportunity Tax credit (WOTC) which offers expanded access to the elective tax credit for hiring employers 	<ul style="list-style-type: none"> ▪ Amends the Emergency Paid Sick Leave Act by extending the applicability from 12/31/2020 - 12/31/2021, as well as eliminates the large employer exemption and clarifies that nonprofit organizations are covered employees. It also ensures both full-time and part-time employees can earn full wage replacement
Economic Impact Payments	<ul style="list-style-type: none"> ▪ Second round of stimulus payments under same terms as CARES: <ul style="list-style-type: none"> ○ Max amount: \$1,200 for singles & \$2,400 for married couples, with up to \$500/child (no age limit on child dependents unlike previous bill) ○ Single filers making ≤\$75,000 & married couples filing jointly making ≤\$150,000 receive full payment with phase out to incomes up to \$99,000 and \$198,000 (with no dependents), respectively ○ Prohibits garnishment withholding 	<ul style="list-style-type: none"> ▪ Second round of stimulus payments similar to CARES, but with more money for dependents: <ul style="list-style-type: none"> ○ Max amount: \$1,200 for singles & \$2,400 for joint filers, with up to \$1,200/child (max of \$6,000 per household) ○ Single filers making ≤\$75,000 & married couples filing jointly making ≤\$150,000 receive full payment with phase out to incomes up to \$99,000 and \$198,000 (with no dependents), respectively ○ Prohibits garnishment withholding ○ Earned Income Tax Credit (EITC) and Child Tax Credit (CTC) Expansion
Consumer/Employee Protection	<ul style="list-style-type: none"> ▪ Streamlines federal student loan repayment to two options: (1) a standard, 10-year mortgage-style repayment plan; or (2) an income-based repayment plan dependent on the borrower's annual income 	<ul style="list-style-type: none"> ▪ Suspension of negative consumer credit reporting in declared national disasters, including COVID-19 ▪ Moratorium on consumer debt collection with specified consumer repayment options when payments resume ▪ \$200 billion in hazard pay to essential workers ▪ Expands new COVID-19 paid leave policies to all employers & extends temporary provisions until December 2021

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		<ul style="list-style-type: none"> Extends suspended interest/payments for most federal student loans through 9/30/2021 & cancels up to \$10,000 in debt for some federal & private loans
Domestic Manufacturing	<ul style="list-style-type: none"> The “Restoring Critical Supply Chains and Intellectual Property Act” helps facilitate the availability, development, and production of domestic resources to meet national PPE and material needs. The “United States Manufacturing Availability of Domestic Equipment Act” (U.S. MADE Act) provides investment credits for PPE manufacturers The “Safeguarding American Innovation Act” establishes a Federal Research Security Council that will establish a strategic plan to protect the national and economic security interests of the United States The “Creating Helpful Incentives to Produce Semiconductors for America Act” (CHIPS for America Act) creates semiconductor incentive grants and will advance semiconductor research and design. 	<ul style="list-style-type: none"> Requires the National Academies of Science, Engineering, and Medicine (NASEM) to hold a symposium to discuss recommendations to encourage domestic manufacturing of certain drugs

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Health Care Provisions	<ul style="list-style-type: none"> ▪ Relaxes the terms of loans from Medicare ▪ Ensures that Medicare telehealth options don't expire before Congress can determine what should be made permanent ▪ Extends for five years the CARES Act provision that pays clinics and health centers for telehealth in order to meet the health care needs in rural America ▪ Freezes Medicare premiums at 2020 levels to head off a predicted spike next year ▪ Emergency support for nursing homes 	<ul style="list-style-type: none"> ▪ Further increases Federal Medical Assistance Percentages (FMAP) by an additional 14 % for the period of 7/1/2020 - 6/30/2021 ▪ Provides increased funding for Home and Community Based Services through Medicaid ▪ Temporarily increases Medicaid allotments for disproportionate share hospitals by 2.5% ▪ Provides \$25 million to combat waste, fraud, and abuse in both the Medicaid and Medicare programs
Renter/Homeowner Provisions	N/A	<ul style="list-style-type: none"> ▪ \$75 billion homeowner assistance fund ▪ \$100 billion rental assistance program ▪ 12 month eviction & 6 month foreclosure moratorium ▪ Modifies CARES Act forbearance requirements & specifies loan modifications & loss mitigation available to homeowners ▪ Establishes a mortgage servicer liquidity facility
Retirement Provisions	N/A	<ul style="list-style-type: none"> ▪ Relief for multiemployer pension plans ▪ Relief for single employer pension plans

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Select Appropriations Provisions	<ul style="list-style-type: none"> ▪ \$25 billion for hospitals/providers ▪ \$20 billion for vaccine-related measures ▪ \$29.4 billion for defense ▪ \$20 billion for farmers ▪ \$15 billion for child care ▪ \$1.5 billion for NASA ▪ \$150 million for FEMA ▪ \$1.222 billion in loan authority for USCIS ▪ \$1.6 billion for Customs and Border Protection (CBP) ▪ \$3.4 billion to the CDC to support federal, state, and local public health agencies ▪ \$15.5 billion to the NIH ▪ \$4.5 billion to Substance Abuse and Mental Health Services Administration ▪ \$16.7 billion to provide supportive and social services for families and children ▪ \$78.1 billion for Public Health and Social Services Emergency Fund, including: <ul style="list-style-type: none"> ○ \$25 billion for Provider Relief Fund ○ \$16 billion for testing and contact tracing ○ \$6 billion for vaccine distribution ○ \$2 billion for the Strategic National Stockpile ▪ \$105 billion to the Department of Education to help get all students back to school including: <ul style="list-style-type: none"> ○ \$5 billion for the Governors Emergency Education Relief Fund 	<ul style="list-style-type: none"> ▪ \$100 billion for hospitals/providers ▪ \$3.5 billion for vaccine-related measures ▪ Marginal funding for defense ▪ \$100 million for farmers ▪ Democrats are currently updating their child care funding ▪ \$1.3 billion to FEMA ▪ \$10 billion for SNAP ▪ \$600 million in Pandemic Justice Response Act Grants ▪ \$2.1 billion to the CDC to support federal, state, and local public health agencies ▪ \$4.745 billion to the NIH ▪ \$3 billion to Substance Abuse and Mental Health Services Administration ▪ \$10.1 billion to provide supportive and social services for families and children ▪ \$175 billion for Public Health and Social Services Emergency Fund, including: <ul style="list-style-type: none"> ○ \$100 billion in grants for hospitals and health care providers ○ \$75 billion for testing, contact tracing, etc. ▪ \$10 billion in grants to small businesses ▪ \$1 billion to CDFIs ▪ \$1.5 billion for increased broadband \$100.15 billion to Department of Education, including: <ul style="list-style-type: none"> ▪ \$90 billion for a State Fiscal Stabilization Fund ▪ \$10.15 billion for colleges

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	<ul style="list-style-type: none"> ○ \$70 billion for the Elementary and Secondary School Emergency Relief Fund <ul style="list-style-type: none"> – 1/3 going to all K-12 schools regardless of their plans next year – 2/3 directed at K-12 schools with a physical reopening plan that is approved by the governor ○ \$29 billion for the Higher Education Emergency Relief Fund ▪ \$4.01 billion to United States Agency for International Development (USAID) ▪ \$10.151 billion for transportation, including: <ul style="list-style-type: none"> ○ \$75 million to Essential Air Service (EAS) ○ \$50 million to FAA operations ○ \$10 billion to Airport Improvement Program (AIP) ▪ \$2.2 billion for Tenant-Based Rental Assistance ▪ \$1 billion for Public Housing Operating Fund 	<ul style="list-style-type: none"> ○ \$2 billion to support worker training ○ \$925 million to assist states in processing unemployment insurance claims ○ \$7.6 billion to support expanded health care services for underserved populations ○ \$25 billion for Postal Service ○ \$3.6 billion for grants to States for planning and preparing for elections ○ \$31 billion for transportation (no funding for airports, but provides Airport & Airway Trust Fund relief), including: <ul style="list-style-type: none"> – \$75 million for FAA operations – \$15 billion for highways – \$15.75 billion for transit emergency relief ▪ \$4 billion for Tenant-Based Rental Assistance ▪ \$2 billion for Public Housing Operating Fund ▪ \$5 billion for Community Development Block Grant ▪ \$100 billion for Emergency Rental Assistance ▪ \$11.5 billion for Homeless Assistance Grants

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Tax Provisions	<ul style="list-style-type: none"> ▪ Mobile Workforce legislation to standardize state tax liability for work travel, and a temporary solution for state tax withholding rules for large employers with remote workers ▪ Refundable payroll tax credit for employer purchasing testing, PPE & certain other safety supplies ▪ Expanded Employee Refundable Tax Credit for employers with significant decrease in receipts 	<ul style="list-style-type: none"> ▪ Elimination of the State and Local Tax Deduction (SALT) cap for 2020 and 2021 tax years ▪ Expansion of the employee retention tax credit (ERTC) ▪ Changes to the net operating loss (NOL) provisions
Additional Provisions	<ul style="list-style-type: none"> ▪ The “Supporting America’s Restaurant Workers Act” provides an increase business meal reduction from 50% to 100% ▪ The “Time to Rescue United States’ Trusts Act” (Trust Act of 2020) would create a process to provide economic relief to each of the major endangered trust funds, such as the Highway Trust Fund, Social Security Old-Age & Survivors Insurance Trust Fund, and Medicare Part A. 	<ul style="list-style-type: none"> ▪ Subsidizes 100% of COBRA premiums for workers who would otherwise lose job-based coverage due to loss of employment or reduction in hours worked ▪ Includes the Medical Supply Transparency and Delivery Act, which requires the president to use all available authorities under the Defense Production Act to mobilize a federal response to the pandemic