

Congress Passes End of Year Federal Spending and COVID-19 Relief Legislation

On Monday, December 21, Congress passed H.R. 133, the Consolidated Appropriations Act of 2021, which provides funding for the federal government for the remainder of fiscal year (FY) 2021, additional COVID-19 pandemic-related relief, and other important health measures that impact people with MS.

This legislation extends many of the provisions that were a part of the initial federal government response to the COVID-19 pandemic, including programs that were in the Families First Coronavirus Response Act and the Coronavirus Aid, Relief, and Economic Security Act (CARES) Act.

Congress funded MS priorities at the following levels for fiscal year 2021:

- MS Research Program at the Department of Defense - \$20 million and an increase of 4 million over last year.
- National Institutes of Health - \$42.9 billion, a \$1.25 billion increase from last year.
- Lifespan Respite- \$7.1 million, a \$1 million increase from last year.
- National Neurological Conditions Surveillance System at the Centers for Disease Control and Prevention (CDC) - \$5 million, level funding from last year and consistent with MS Activists' request.

Additional funding levels for priority programs:

- Funding to address domestic violence: \$196 million for Family Violence Prevention and Services and the Domestic Violence Hotline, an increase of \$8.5 million over last year.
- Family caregiver support: \$200 million for Family Caregivers Services, an increase of \$4 million over the 2020 funding level.
- Energy assistance for those in need: \$3.8 billion for the Low-Income Home Energy Assistance Program (LIHEAP), an increase of \$10 million over last year's funding level.

Health Provisions:

- Ends the practice of surprise medical billing. Addressing surprise medical bills is a long-standing priority of the Society, so passage of these new protections is a key victory for MS Activists.
 - These new changes will take effect in 2022 and examples of new protections include:
 - Patients are held harmless from surprise medical bills and will only be required to pay the in-network cost-sharing (i.e., copayment, coinsurance, and deductibles) amount for out-of-network emergency care, for certain services provided by out-of-network providers at in-network facilities, and for out-of-network care provided at in-network facilities without the patient's informed consent.

- Patients will be held harmless from surprise air ambulance medical bills. Patients will only be required to pay the in-network cost-sharing amount for out-of-network air ambulances, and that cost-sharing amount would be applied to their in-network deductible. Air ambulances are now barred from sending patients surprise bills for more than the in-network cost-sharing amount. Ground ambulances are not included in the scope of this agreement.
- Allows the federal government to create a Medicare Part A and B Special Enrollment Period (SEP) for exceptional circumstances like natural disasters.
- Improves access to mental health care by permanently expanding Medicare coverage of mental health telehealth services.
- Gives doctors and Medicare beneficiaries information about how much a patient will pay for a drug while they are in the doctor's office by requiring Medicare Part D plans to use a "real-time benefit tool."
- Requires state Medicaid programs to cover non-emergency medical transportation (NEMT) to ensure that beneficiaries who lack access to regular transportation can travel to their medical appointments. Access to this type of transportation assistance has been cut by many states over the past several years.
- Requires state Medicaid programs to pay for the cost of services provided as part of a beneficiary's participation in a clinical trial for drugs to treat serious and life-threatening conditions.
- Extends the Medicaid Money Follows the Person Rebalancing Demonstration through fiscal year 2023. This program helps people move out of nursing homes and other facilities and back into their own homes, or the homes of family members.
- Extends Medicaid Spousal Impoverishment protections for partners of Medicaid beneficiaries who receive home- and community-based services through fiscal year 2023.

COVID-19 Emergency Relief Package:

- **Unemployment Insurance:**
 - Provides an additional \$300 per week for all workers receiving unemployment benefits through March 14, 2021. Increases the number of weeks of benefits an individual may claim from 39 to 50, so people who have been unemployed since the beginning of the pandemic, and remain unemployed, will not be cut off from receiving benefits.
 - Allows individuals receiving benefits as of March 14, 2021 to continue through April 5, 2021 if the individual has not reached the maximum number of weeks.
 - Extends the Pandemic Unemployment Assistance (PUA) program to March 14, 2021.
 - PUA benefits are specifically for self-employed, independent contractors, and others who are not eligible for regular unemployment

benefits but have lost employment due to COVID-19.

- **Direct Payments:**
 - Includes an additional round of direct stimulus payments of \$600 for individuals making up to \$75,000 per year and \$1,200 for couples making up to \$150,000 per year, as well as a \$600 payment for each dependent child. Like the last round of stimulus checks, individuals who receive Social Security/SSDI are eligible to receive these payments.
 - Provides a federally-funded \$100 per week additional benefit to individuals who have at least \$5,000 a year in self-employment income but are disqualified from receiving pandemic unemployment assistance because they are eligible for regular state unemployment benefits.
 - Extends the stimulus payment to some families that include immigrants: Married taxpayers filing jointly where one spouse has a Social Security Number and one spouse does not are eligible for a payment of \$600 (in addition to any money for children that have a Social Security Number).

- **Vaccine, Testing and Tracing, Community Health and Health Care Provider support:**
 - **The legislation provides:**
 - \$20 billion for the purchase of COVID-19 related vaccines and therapeutics.
 - Nearly \$9 billion to the Centers for Disease Control and Prevention for vaccine distribution.
 - \$300 million for targeted efforts to administer and distribute vaccines to high-risk and underserved populations, including racial and ethnic minority populations and rural communities.
 - \$22 billion directly to States, for testing, tracing and COVID-19 mitigation programs, including funding specifically targeted at needs in underserved areas, including both communities of color and rural communities.
 - \$1.25 billion to the National Institutes of Health to support research and clinical trials related to the long-term effects of COVID-19 and continued support for Rapid Acceleration of Diagnostics for COVID-19.
 - \$4.5 billion to the Substance Abuse and Mental Health Services Administration to provide increased mental health and substance abuse services and support.
 - \$100 million to the Administration of Community Living to address abuse, neglect, and exploitation of the elderly, including adult protective service and long-term care activities.

- **Rental Assistance:**
 - Extends the existing CDC eviction moratorium through January 31, 2021.

- Provides \$25 billion for state and local government entities and establishes the first-ever emergency federal rental assistance program.
 - Assistance can be utilized for past due rent, future rent payments, as well as to pay utility and energy bills and prevent shutoffs.
 - Eligible households are defined as:
 - Renter households who have a household income not more than 80 percent of area median income (AMI)
 - Have one or more household members who can demonstrate a risk of experiencing homelessness or housing instability
 - Have one or more household members who qualify for unemployment benefits or who experienced financial hardship due, directly, or indirectly to the pandemic.
 - Assistance is prioritized for renter households whose incomes do not exceed 50 percent of AMI as well as renter households who are currently unemployed and have been unemployed for 90 or more days.
 - Financial assistance provided under this section is non-taxable for households receiving such assistance.
- **Nutrition:**
 - Increases Supplemental Nutrition Assistance Program (SNAP, also referred to as food stamps) benefits by 15%, provides additional funding for food banks and senior nutrition programs, ensures college students have access to SNAP, and authorizes payments for emergency relief to help school meal and child- and adult-care food programs.
 - Provides \$175 million in emergency funding for Older Americans Act nutrition programs, including \$7 million for tribal nutrition programs.
- **Child Care:**
 - Provides about \$10 million in emergency funding for the child care sector through the Child Care and Development Block Grant program. These funds will help stabilize the child care market and allows states to expand child care assistance to essential workers and working families.
 - Maintains the flexibility given to states through the CARES Act, so funds can be used to provide child care assistance to families, and to help child care providers cover their increased operating costs during the pandemic.
- **Paid Leave:**
 - The legislation **did not** extend the requirement in the CARES Act that employers provide emergency paid sick leave and paid family leave.
 - Allows employers and self-employed individuals to claim tax credits for voluntarily provided emergency paid leave that is provided through March 31, 2021.

- **Broadband Access:**
 - Provides \$250 million to the Federal Communications Commission (FCC) fund for its COVID-19 Telehealth Program.
 - Provides \$3.2 billion for the Emergency Broadband Benefit Program at the FCC, under which eligible households may receive a discount of up to \$50, or up to \$75 on Tribal lands, off the cost of internet service and a subsidy for low-cost devices such as computers and tablets.
 - Households that qualify for the benefit include those with:
 - children that qualify for the free and reduced lunch program,
 - Pell grant recipients,
 - recently laid off or furloughed workers,
 - individuals who qualify for the Lifeline program,
 - or an individual who qualifies for a low-income or COVID-19 discount program offered by internet service providers.
 - Provides \$1 billion to support broadband connectivity on tribal lands and \$300 million for a broadband deployment program to support broadband infrastructure deployment to areas lacking broadband, especially rural areas.

- **Funeral Expense Assistance:**
 - Provides up to \$2 billion in assistance through states for families with funeral expenses due to COVID-19. Also waives the required state matching funds through December 31, 2020.

- **Schools and Higher Education:**
 - \$54 billion for public K-12 schools to help schools respond to COVID-19 needs and to address learning losses among students.
 - \$23 billion for a higher education fund to respond to COVID-19 needs, including nearly \$1.3 billion in federal loans to historically Black colleges and universities.
 - \$82 billion for an education stabilization fund to support the educational needs of states, school districts, and institutions of higher learning and the students they serve.