



December 30, 2020

Below is a general description of ***HR 133: Consolidated Appropriations Act, 2021 [Including Coronavirus Stimulus & Relief]***.

The \$1.4 trillion in appropriations legislation completes the remaining nine months of FY 2021 funding for all twelve appropriations bills. It includes the \$908 billion Covid-19 relief package, unofficially the fifth and final coronavirus COVID-19 relief measure for 2020. The year began with a small relief measure in February that was limited to health care emergency funding. Congress would also pass a Family First Act (March 18) and CARES Act (March 27) and added modifications of those bills in April. After May action by the House of Representatives on a fifth package that totaled more than \$3 trillion, the legislation died in the Senate. This COVID-19 relief comes days before the end of 2020.

President -Elect Biden has indicated that he will be seeking additional assistance. That will be critical since this legislation does not provide any state and local fiscal relief, and without that, many of you will be facing cuts in human services and cuts in human services staffing at both the public and private level.

HR 133, in addition to COVID-19 and appropriations legislation includes unrelated measures extending certain health care programs (health care extenders), tax credit/deduction extenders due to expire, and some human service programs that were due to expire (TANF block grant). The plus-5500-page legislation includes other policy actions. For example, legislation to address medical billing practices, limiting on-line sales of e-cigarettes to children, land management, and the FAFSA (Free Application for Federal Student Aid) Simplification Act, which will reduce the FAFSA form and make other improvements which will benefit youth in foster care and other low-income youth populations.

This description focuses mainly on the additional funding to address the pandemic with supplementary information on FY 2021 appropriations where relevant. As we dig deeper into various parts of the legislation, we will have updates. Here are some key elements of HR 133:

- **Child Welfare:**

There were several adds-ons in funding with a heavy emphasis on older youth in care including the Title IV-E Chafee Foster Care Program for Successful Transition to Adulthood. Much but not all of this funding is drawn from the Davis-Walorski legislation (H.R. 7947) ***\$350 million is provided through COVID-19 relief which can be used for transition services.*** Funding is for fiscal year 2021. Out of these funds \$500,000 is for HHS to provide technical assistance to states implementing or seeking to implement a new driving and transportation program for foster

youth (see below). The COVID relief bill lifts the existing limitation on states in the use of Chafee funding that can be spent on housing costs. The current limit is 30 percent, and a state may waive this cap. These COVID funds do not require a state match. Funds are in addition to ***the FY 2021 Chafee funding of \$143 million*** provided through the annual appropriations process. FY 2021 appropriations is the same as FY 2020.

There is an ***additional \$50 million for the Chafee training and education vouchers***. The COVID provisions include an increase in the maximum voucher amount per student from \$5,000 up to \$12,000 per youth per year for training and postsecondary education for eligible foster youth. A state may waive the work or education requirements for youth if a young person is unable to meet the requirements due to the COVID-19 public health emergency. During FY 2020 through the end of FY 2021 (September 30, 2021) a child may be eligible for services and assistance under Chafee until the youth reaches age 27.

Funds may be used to provide ***driving and transportation assistance to youth 15 years of age*** with expenses for a driver's license and related costs (such as auto insurance costs, driver's education classes, testing fees, practice lessons, practice hours, license fees, roadside assistance, deductible assistance, and assistance in purchasing an automobile) covered by these funds. The amount of the assistance for these driving-related costs shall not exceed \$4,000 per year. Any assistance provided shall be disregarded in determining the recipient's eligibility for other federally supported assistance, except that the child welfare agency shall take appropriate steps to prevent duplication of benefits. HHS will do a report to Congress.

These COVID voucher funds are in addition to the ***\$42 million in FY 2021 appropriations the same funding level as FY 2020***.

A young person may not become ineligible for foster care maintenance payments solely due to age before October 1, 2021. A state may not require a young person to leave solely due to age. The state must offer any youth who left foster care due to their age during the public health emergency the chance to re-enter foster care. The state must actively notify youth formerly in care of these new options. The state must provide a notice designed to make the youth aware of the option to return to foster care; facilitate the voluntary return of any such eligible young person and conduct a public awareness campaign about the option to voluntarily re-enter foster care for youth who have not attained 22 years of age, who aged out of foster care in fiscal year 2020 or fiscal year 2021.

States may use Title IV-E foster care funds for extended foster care with the expanded use of these funds for costs between the time of this law's enactment (December 27, 2020) and October 1, 2021. These mandates to extend foster care expire at the end of the fiscal year 2021 (September 30, 2021).

If a state fails to collect information for the National Youth in Transition Database (NYTD) from April 1, 2020 through the end of FY 2022 (September 2022) penalty assessments will not apply to these additional COVID funds.

For state drawing down *Family First Prevention Services* now or during the public health emergency the federal matching funds increase from the current **50 percent match to a full 100 percent federal match/coverage**. At [least seventeen state or tribal plans](#) have been submitted with at least 10 approved.

\$75 million in COVID funds through the Promoting Safe and Stable Families program which is allocated to states with at least 20 percent of funding for each of family preservation, family reunification, family support and adoption support. States do not have to provide the required 25 percent match to receive funding. This is in addition to the approximate \$338 million provided through the FY 2021 appropriations. ***FY 2021 funding is the same funding level compared to FY 2020.***

\$10 million in COVID funds for the Court Improvement Program (CIP). This does not require a state match. Funds (like the regular CIP) are awarded to the highest state court. \$500,000 is reserved for Tribal courts, with a minimum of \$85,000 per state. This is in addition to the approximate \$30 million in annually appropriated and mandatory funds provided for FY 2021. ***FY 2021 funding is level compared to FY 2020.***

A technical fix for states exiting their Title IV-E waivers. Due to the temporary FMAP increase of 6.2 percent provided through the earlier COVID relief measures some states exiting their waivers with guaranteed federal funding would have been limited in their waiver replacement dollars. This change protects against that loss. The bill also rectifies a shortfall in what Washington DC receives in federal Medicaid matching funds that was caused in one of the earlier COVID relief packages.

Kinship navigator programs will be funded (during the length of the public health emergency) at 100 percent federal funding and the programs do not have to meet the evidence-based requirements of well-supported, supported, or promising evidence requirements under the Family First Act. Each state using these funds has to assure HHS that the navigator program will be evaluated in an effort to build evidence.

(Other allowable uses of these navigator funds) a state may use funds provided to carry out a kinship navigator program—The expanded use of Kinship navigator funds includes: 1) the cost of evaluations, independent review; 2) short-term support to kinship families for direct services or assistance during the COVID–19 public health emergency period; 3) ensuring that kinship caregivers have information and resources to allow kinship families to function at their full potential including:

- Ensuring that those who are at risk of contracting COVID–19 have access to information and resources for necessities, including food, safety supplies, and testing and treatment for COVID–19;
- access to technology and technological supports needed for remote learning or other activities that must be carried out virtually due to the COVID–19 public health emergency;

- health care and other assistance, including legal assistance and assistance with making alternative care plans for the children in their care if the caregivers were to become unable to continue caring for the children;
- services to kinship families, including kinship families raising children outside of the foster care system;
- assistance to allow children to continue safely living with kin.

In addition to the expanded access of Family First funding for navigator programs through COVID-19 relief, *the FY 2021 appropriations continues \$20 million to the states for the purpose of supporting and developing kinship navigator programs.* This continues such funding for the fourth straight year.

Child Abuse Prevention and Treatment Act (CAPTA): CAPTA did not receive an increase in funding through the COVID-19 relief package. Appropriations for FY 2021 is \$90 million for state grants (the same as FY 2020), \$35 million for Discretionary grants (the same as FY 2020) and *an increase of \$5 million for the Community-Based Child Abuse Prevention (CB-CAP) grants to \$60 million.*

VITAL RELIEF NOT SPECIFIC TO CHILD WELFARE:

- **Unemployment Assistance:** an extension of all pandemic unemployment insurance programs. This will extend unemployment benefits by at least 10 weeks. A week of benefits may have been delayed due to Mr. Trump’s delay in signing the package. The relief will provide an across-the-board \$300 supplement to people receiving benefits it will also provide benefits to those workers lacking state unemployment coverage such as those in the “gig” economy. An estimated 12 million people temporarily lost benefits the day after Christmas. Some states are attempting to cover the temporary interruption in benefits.
- **Extension of various other worker/business coverage provided in early COVID relief:** The bill extends and Employee Retention Tax Credit and a tax credit to businesses to employers providing paid sick leave enacted in the Families First Coronavirus Response Act, through the end of March 2021.
- **Paycheck Protection Program & Small Business loans:** approximately \$325 billion to allow small businesses (including non-profits) to receive a second forgivable Paycheck Protection Program (PPP) loan. It also simplifies the application process for loan applications less than \$150,000.

The changes also make certain new expenses forgivable uses. This includes expenses for software, cloud computing, and other human resources and accounting needs; property damage costs related to public disturbances that occurred during 2020 that are not covered by insurance; costs to a supplier pursuant to a contract, purchase order, or order for goods in effect prior to taking out the loan that are essential to the recipient’s

operations at the time at which the expenditure was made; certain worker protection expenditure and protective equipment to help the business meet federal or state health and safety guidelines related to COVID-19 between March 1, 2020, and the end of the national emergency declaration.

Eligibility is lowered to businesses with 300 or fewer employees (not 500). Second time applicants must have used or will use the full amount of their first PPP and demonstrate at least a 25 percent reduction in gross receipts in the first, second, or third quarter of 2020 relative to the same period in 2019.

- **A second round of tax rebates** of \$600 per individuals or \$1200 per couple-lower than the \$1200/\$2400 of the spring. These second-round rebates will also be phased out in the same way the earlier rebates were reduced. Individuals making \$75,000 or couples making \$150,000 or less will receive the full amount. For people over that income the rebates phase-out at \$5 per every addition \$100 in income.

Unlike earlier relief, couples where one person does not have a Social Security number (i.e., immigrants) will still be eligible for the \$600 rebate. Children with Social Security numbers will also be eligible for the \$600 per child. Some Social Security recipients and other will receive the benefit through automatic deposit.

- **Extending Child Tax Credit Help for Families.** The provision allows taxpayers to refer to earned income from the immediately preceding year (2019) for purposes of determining the Earned Income Tax Credit (EITC) and the Additional Child Tax Credit (ACTC) in tax year 2020. This could be critical for many low-income working families who lost earned income due to the pandemic. The EITC is based on the number of children you have and the *earned income from work*. Families will still benefit from these tax credits even if they lost income/jobs in 2020.
- **Charitable contributions by non-itemizers.** This provision extends and modifies the non-itemizer charitable deduction for 2021 and increases the maximum amount that may be deducted to \$600 for married couples filing a joint return (while non-married filers or married filers who file separately are limited to \$300). Due to the tax reform bill of 2017 charitable contributions have been limited for taxpayers who do not itemize.
- **Child Care Funding/Head Start:** \$10 billion for Child Care and Development Block Grants (CCDBG) to provide immediate assistance to child care providers. Funds may be used for costs of providing copayments and payments for families and to cover child care provider's costs including covering the impact of decreased enrollment or closures.

States are encouraged to place conditions on payments that will ensure part of the funding addresses wages. Funds may be used to aid providers in implementing CDC and other COVID-19 health protection procedures. States must submit a report to HHS in 60 days on how they are spending these additional funds.

Head Start receives \$250 million in additional funds. Funds may be used to restore amounts, either directly or through reimbursement, for expenses incurred to prevent, prepare for, and respond to coronavirus, prior to the date of enactment of this latest relief.

The final FY 2021 Appropriations for the CCDBG is at \$5.911 billion. *This represents a small \$85 million increase over FY 2020.* Head Start funding increased to \$10.748 billion this *represents an increase of \$135 million over FY 2020.*

- **Home Visiting:** Temporary flexibility is allowed for home visiting programs (Maternal, Infant and Early Childhood Home Visiting (MIECHV)). Funds may be used to train home visitors in conducting virtual home visits and in emergency preparedness and response planning for families served. This may include training on how to safely conduct intimate partner violence screenings remotely, training on safety and planning for families served; and for the acquisition by families enrolled in the program of technological means needed to conduct and support a virtual home visit.
- **Education Funding:** a total of \$82 billion for education with an emergency education relief fund including funds for private schools, elementary and secondary schools and Higher Education. Of this total \$54.3 billion is for the Elementary and Secondary Schools (K-12). This provides formula funding to states and local school districts including school facilities repairs and improvements, including heating, ventilation, and air conditioning systems projects to improve indoor air quality in school facilities; funding to address learning loss including low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and *children and youth in foster care*. Additional funding of \$4.1 billion will go to a Governor's Emergency Education Relief Fund with \$2.75 billion for Emergency Assistance to Non-Public Schools grants but there are limitations on using funds to support vouchers or tax credit scholarship programs.

The remaining \$22.7 billion is designated for a Higher Education Emergency Relief Fund with \$20.2 billion for public and private, non-profit institutions of higher education, distributed by a formula taking into account head count and full-time equivalent enrollment; \$1.7 billion for Historically Black Colleges and Universities, Tribal Colleges and Universities, Hispanic Serving Institutions.

- **Rental Assistance:** Providing \$25 billion in rental assistance to states and local governments and Native American tribes. Of this total \$400 million is for U.S. territories and \$800 million for Native Americans, Alaska Natives, and Native Hawaiians (with the District of Columbia treated as a state). Funds would be required to be allocated to state and local governments ("grantees") within 30 days of enactment. Eligible households are defined as renter households who: (1) have a household income not more than 80 percent of Area Median Income (AMI); (2) have one or more household members who can demonstrate a risk of experiencing homelessness or housing instability; and (3) have one or more household members who qualify for unemployment benefits or experienced financial hardship due, directly, or indirectly, to the pandemic.

Assistance would be 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.

The relief bill also *extends the CDC eviction moratorium* until January 31, 2021. There are assumptions that the Biden Administration will extend this and likely there will be a new relief package.

Nutrition increases: An increase in individual monthly Supplemental Nutrition Assistance Program (SNAP) by 15 percent through June 30, 2021. It also simplifies the state administrative process for SNAP benefit level increases and excludes Pandemic Unemployment Compensation from being counted toward household income. It extends SNAP eligibility to college students who are eligible for a federal or state work study program or has an expected family contribution of zero.

\$614 million is provided to Puerto Rico and American Samoa for nutrition assistance, of which \$14 million shall be available to the Commonwealth of the Northern Mariana Islands.

Other key increases in nutrition programs include: \$400 million in the Emergency Food Assistance Program through September 30, 2021 and it allows up to 20 percent of these funds to be used for commodity distribution; \$13 million to the Commodity Supplemental Food Program, 20% of which may be used for administrative costs through September 30, 2021; child nutrition and assistance for children in child care is extended by clarifying that states may issue P-EBT benefits to children under the age of 6 who live in households receiving Supplemental Nutrition Assistance Program (SNAP) benefits and residing in an area in which schools or child care facilities are closed or operating with reduced hours; and provides emergency relief to help school meal and child and adult care food programs to continue serve children and families. Provides as much funding as necessary to carry out these payments.

- **Substance Abuse Prevention and Treatment Block Grant**, \$1.65 billion for the Substance Abuse and Prevention Treatment Block Grant; \$1.65 billion for the Mental Health Services Block Grant; \$600 million for Certified Community Behavioral Health Clinics; \$50 million for suicide prevention programs; \$50 million for Project AWARE to support school-based mental health for children; \$240 million for emergency grants to States; and \$10 million for the National Child Traumatic Stress Network; Not less than \$125 million of funds provided to SAMHSA must be allocated to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes across a variety of programs. Based on [past research by HHS](#), overdose deaths have been linked to increased foster care placements.
- **Health Care** relief includes a number of supplemental funding including: Centers for Disease Control and Prevention for \$8.75 billion to support federal, state, local, territorial

and tribal public health agencies to distribute, administer, monitor, and track coronavirus vaccination; \$4.5 billion for state, local, Territorial, and Tribal public health Departments; \$300 million for a targeted effort to distribute and administer vaccines to high-risk and underserved populations; \$19.695 billion for the Biomedical Advanced Research and Development Authority (BARDA) for manufacturing and procurement of vaccines and therapeutics; \$3.25 billion for the Strategic National Stockpile; \$25.4 billion to support testing and contact tracing including \$2.5 billion for a targeted effort to improve testing capabilities and contact tracing in high-risk and underserved populations, including racial and ethnic minority populations and rural communities; \$3 billion in additional grants for hospital and health care providers to be reimbursed for health care related expenses or lost revenue directly attributable to the public health emergency resulting from coronavirus, \$1.25 billion for the National Institutes of Health.

- **Refugees** Through the appropriations legislation there is a legislative prohibition on funds under the Administration for Children and Families—Refugee and Entrant Assistance. A grantee or contractor cannot house unaccompanied alien children in any facility that is not state licensed for the care of unaccompanied alien children, except in the case that HHS determines that housing unaccompanied alien children in such a facility is necessary on a temporary basis due to an influx of such children or an emergency. In these cases, certain requirements are imposed including following provisions of the Flores Agreement and adhering to certain staffing ratios. For any such unlicensed facility in operation for more than three consecutive months, the Office of Refugee Resettlement shall conduct a minimum of one comprehensive monitoring visit during the first three months of operation, with quarterly monitoring visits thereafter; and not later than 60 days after the date of enactment of this Act, ORR will brief the Appropriations Committees of the House and the Senate.

For a chart of the final FY 2021 funding levels [go to this link](#).