HEROES Act Summary
May 20, 2020

On Friday, May 18, 2020, the House of Representatives passed the Health and Economic Recovery Omnibus Emergency Solutions Act, or HEROES Act. The bill (HR 6800), which spans more than 1,800 pages, provides additional assistance for health care, housing, education, employment, food assistance, elections, paid leave, and much more. Below is a summary of provisions that specifically impact people with autism and other disabilities. A one-page fact sheet and a section-by-section summary prepared by Hill staff are also available on the Appropriations Committee website. The next step is for the Senate to consider this bill or write its own. Senate Majority Leader Mitch McConnell (R-KY) stated that while another stimulus bill is likely, he wasn’t yet prepared to commit to any precise timeline on when the Senate would take any action.

Health and Home and Community-Based Services and Supports
The HEROES Act provides an increase in the federal matching rate for Medicaid (FMAP) by 14 percent. This proposed rate increase will help states deal with the additional demand for individuals applying for Medicaid as well as the growing utilization of health care. The increase would begin on July 1, 2020, and continue through June 30, 2021. If the public health emergency continues after June 30, 2021, states would continue to receive the 6.2% FMAP increase that was previously enacted.

The Autism Society is also very pleased that the bill provides an additional 10 point FMAP increase specifically to assist states for activities to improve home and community-based services and supports delivery. Funds can be used to increase and support direct support professionals (DSP) in the following ways, including:

- To increase reimbursement rates for agencies that provide home and community-based services under the State Medicaid program and which employ DSP, including independent providers in a self-directed or consumer-directed model. The increased rate must be used to increase the compensation of DSP.
- To provide paid sick leave, family leave, and to provide hazard pay, overtime pay, and shift differential pay for home health workers and DSP.
- To provide home and community-based services to eligible individuals who are on waiting lists for programs.
- To purchase emergency supplies and equipment, such as personal protective equipment.
- To pay for the travel of DSP and to recruit and train new DSP.
To allow day services providers to provide home and community-based services.

To pay for other expenses deemed appropriate by the Secretary of Health and Human Services to enhance, expand, or strengthen Home and Community-Based Services, including retainer payments, and expenses that meet the criteria of the home and community-based settings rule published on 2 January 16, 2014.

These provisions are similar to those within the Coronavirus Relief for Seniors and People with Disabilities Act (S. 3544/H.R. 6305) that the Autism Society strongly supported. It also includes elements of the original Senate Heroes Fund supported by the Autism Society to increase funds for essential workers, including DSPs.

The bill also provides an expansion in payment for treatment and vaccinations related to COVID-19 in Medicaid and CHIP, with no cost-sharing, if states elect to cover a new eligibility category for the uninsured.

**Administration for Community Living**

The bill provides $100 million for programs within the Administration for Community Living (ACL), mostly for programs within the Older Americans Act ($85 million). $20 million is made available to provide support to caregivers; $10 million is provided for Developmental Disability Act programs (Developmental Disabilities Councils, University Centers for Excellence (UCEDD), Protection and Advocacy Systems (P&A), and Projects of National Significance (PNS)); and $5 million for programs authorized by the Assistive Technology Act.

**Education**

The bill includes $90 billion for a State Fiscal Stabilization Fund to support statewide and local funding for elementary and secondary schools and public postsecondary institutions. The text of the bill states that this funding must include special education through IDEA, but it does not have separate dedicated funding for the law as advocated by the CCD Education Task Force. According to the bill, this flexible funding can support, among other things, costs associated with making up instructional time, including teacher, and classified school employee personnel costs; providing school-based supports for impacted students, families, and staff, including counseling, mental health services, family engagement efforts, and the coordination of physical health services; and personnel development.

Importantly, the bill specifically bans any waivers to civil rights, including rights to a free and appropriate public education (FAPE) through IDEA. The funds cannot be used for private schools unless they are for students already placed in private schools through IDEA.

**Nutrition**

The bill provides significant relief for struggling individuals and families by boosting SNAP (food stamps) maximum benefits by 15 percent (provision expires September 30, 2021) and increasing the minimum monthly SNAP benefit from $16 to $30. Sadly, the legislation did not expand a demonstration program to allow all beneficiaries the ability to purchase groceries online as some advocates requested.
For Individuals
The bill provides another round of recovery rebates - $1,200 to every family member, including children -- up to $6,000 per household. Importantly, the bill fixes the previous exclusion of adult dependents from the recovery rebates as advocated by the Autism Society and CCD. Specifically, the House bill provides a broader definition of a dependent adult to include:
1) child, grandchild, brother, sister, stepbrother, or stepsister if 18 or younger.
2) student who has not attained the age of 24 as of the close of such calendar year.
3) permanently and totally disabled regardless of age, or
4) if the taxpayer provides over one-half of the individual's support for the child, grandchild, brother, sister, stepbrother, or stepsister, father or mother, or an ancestor of either, stepfather or stepmother, son or daughter of a brother or sister of the taxpayer, brother or sister of the father or mother of the taxpayer, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

Housing
The HEROES Act proposes almost $200 billion in additional funding for housing and homelessness programs to help communities respond to the coronavirus crisis. This includes $200 million for the Housing for Persons with Disabilities program to maintain operations at properties providing affordable housing for low-income persons with disabilities, and to ensure housing providers can take the necessary actions to prevent, prepare for, and respond to the pandemic. See CCD’s Fact Sheet on Housing during COVID.

Paid Sick Days & Paid Leave
The bill expands caregiving & medical reasons for taking leave, including to allow leave in the event of a public order for self-isolation. The bill also expands the family care definitions to cover any adult disabled family member, in addition to children, and expands the overall family definition.

Thanks to all of you who responded to the Autism Society Action Alert urging your Representatives to pass this House bill. Please use our Action Alert to urge Senators to support this bill, and continue to check our Action Center to continue to communicate with policymakers at the Federal, State, and local levels using information from our COVID public policy toolkit and the State Advocacy toolkit.