HEROES Act (Stimulus Phase 4)
May 19, 2020

On Friday, May 15, the House of Representatives passed H.R. 6800, the Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act by a vote of 208-199. The HEROES Act would provide about $3 trillion in aid for health services, state and local governments, housing assistance, stimulus checks to taxpayers, infrastructure, the postal service, nutrition assistance, and agricultural economic disaster relief.

Despite House approval of the bill, there has been no indication of bipartisan support for the bill, without which the bill has little chance of passing as-is in the Republican-controlled Senate. Senate Republicans have suggested that it will be a few weeks before they bring forward their own proposal. The HEROES Act is likely to serve as a first offer and starting point for more negotiations between leaders on Capitol Hill and the Administration. The bill is being described as “phase four” of pandemic response and stimulus legislation. (The Coronavirus Aid, Relief, and Economic Security (CARES) Act, which was signed into law on March 27, was considered to be “phase three.”)

Direct assistance to farmers and ranchers

The HEROES Act would assist the farm economy by directing the U.S. Department of Agriculture (USDA) to make an additional $16.5 billion in payments to farmers who have suffered economic losses due to COVID-19. It appears this assistance is intended to build upon USDA’s Coronavirus Food Assistance Program (CFAP) which will start distributing $16 billion in aid to farmers in the next few weeks. CFAP was authorized, in part, by the CARES Act and the details of how it will distribute payments are expected within the next several days.

Livestock

Livestock provisions in the HEROES Act do not include significant reforms of the meat industry but instead are directed to financial assistance for farmers and ranchers who were forced to euthanize animals due to capacity reductions at processing plants. The HEROES Act would allocate $300 million to animal health laboratories, many of which have been called upon to provide testing and research related to the pandemic. The bill would also require livestock dealer trusts in order to ensure that farmers and ranchers receive payment for the animals they sell in the event the dealer or auction barn goes out of business. The bill does not contain any language on enforcement of antitrust laws or irregularities in the hog and cattle markets.

Dairy

The HEROES Act would reduce Dairy Margin Coverage (DMC) premiums by 15 percent for farms that commit to enrolling in DMC for 2021, 2022, and 2023. The bill would also allow small- and mid-sized
dairies that have grown over the last seven years to access supplemental margin coverage based on the difference between 2019 actual production and their DMC production history. In an effort to address issues surrounding milk dumping, the HEROES Act would reimburse farmers at Class I prices for donated milk. The bill would make available a recourse loan program for dairy product processors, packagers, wholesalers, and distributors. None of the dairy provisions are tied to supply reductions or plans to balance supply and demand.

**Healthcare**

The bill provides $75 billion in funding for large-scale testing and contact tracing infrastructure in the form of grant awards to state, local, Tribal, and territorial health departments. It also requires the Centers for Disease Control and Prevention (CDC) to coordinate with states and public health jurisdictions to establish a coordinated, evidence-based testing system and requires multilingual contact tracing strategies.

The bill also provides subsidies for the cost of COBRA premiums, allowing workers to maintain employer-sponsored coverage if they have been furloughed or have lost their job due to the shutdown. Language also requires that all health plans cover the full cost of COVID-19 treatment and vaccines. State Medicaid programs will also be allowed to cover COVID-19 treatment for uninsured patients.

An additional $3 billion has been proposed for the Substance Abuse and Mental Health Services Administration to increase mental health support during the pandemic and to support substance abuse treatment, and increased outreach. $265 million would be allocated for emergency response grants to address immediate COVID-19 related behavioral health and $25 million for the Suicide Lifeline and Disaster Distress Helpline.

**Specialty crops**

The HEROES Act includes $100 million in additional funding through the Specialty Crop Block Grant Program to address supply chain issues at the state level.

**Local and regional food systems**

The Local Agriculture Market Program (LAMP) would be given $50 million in additional funding for COVID-19 related market disruptions to local farmers, farmers markets, and other local food outlets and temporarily waives matching requirements for these funds.

**Biofuel**

After biofuels were notably absent from previous stimulus bills, the HEROES Act would establish a Renewable Fuel Reimbursement Program that would provide ethanol or other biofuel plants with 45 cents for every gallon produced between January 1 and May 1, 2020.
Conservation

The bill creates the Emergency Soil Health and Income Protection Pilot Program, which expands the Conservation Reserve Soil Health and Income Protection Pilot Program that was authorized in the 2018 Farm Bill. The new program extends total eligible acreage to 5 million, up from 50,000, and makes the program applicable nationwide. Participants would enter into 3-year contracts with the option to receive up-front, lump-sum payments.

Nutrition

The HEROES Act would temporarily increase the maximum benefit from the Supplemental Nutrition Assistance Program by 15% and increase the minimum SNAP benefit to $30 month, while waiving all work requirements for two years. $10 billion in additional funding for SNAP would be provided. The bill also prevents USDA from implementing and finalizing several rules that would limit SNAP eligibility.

The bill provides $25 million for the Farm to Food Bank program, which can be used by states to cover the cost of harvesting, processing, packaging, and transporting commodities donated to food banks. The bill also provides additional program flexibilities to streamline COVID-19 response, including for The Emergency Food Assistance Program (TEFPA), the Senior Farmers Market Nutrition Program (SFMNP), and the Food Distribution Program on Indian Reservations (FDPIR).

For the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), the bill appropriates $1.1 billion and allows for the increase in the WIC cash-value voucher until the end of FY20. It expands the Pandemic EBT program until schools reopen and allows states to include children who would have received meals through childcare. It also provides additional reimbursement to cover fixed costs for programs that provide school and adult care meals during the pandemic.

Small Business

The HEROES Act makes changes to the Paycheck Protection Program (PPP) and provides additional funding for the Economic Injury Disaster Loan (EIDL) emergency grants. It also provides additional support for SBA’s core programs.

Regarding PPP, it seeks the following changes: creates a 25% set aside of funds for entities with 10 or fewer employees; expands nonprofit eligibility to all nonprofits (currently only 501(c)(3) entities are eligible); sets aside 25% of funds for nonprofits; extends the 8-week covered period to 24 weeks and extends the covered period from June 30 to December 31, 2020; removes the requirement that 75% of loan proceeds be used for payroll in order to qualify for loan forgiveness; lengthens the loan maturity period from two years to a five-year minimum; and makes debt forgiveness non-taxable.

The bill also creates set asides for certain lenders who are more likely to reach underbanked and rural areas.
Additionally, the bill provides $10 billion more for the Economic Injury Disaster Loan (EIDL) program emergency grants and excludes EIDL emergency grants from gross income for tax purposes.

**Essential Worker Protections**

The bill requires the Occupational Safety and Health Administration (OSHA) to issue an emergency temporary standard (ETS) to protect health care and other workers at risk of occupational exposure to COVID-19, including meat packing and other food supply chain workers. The standard will require employers to implement a comprehensive infectious disease exposure control plan. The bill also prohibits employers from retaliating against workers for reporting or publicizing health and safety hazards or from using their own personal protective equipment and requires CDC to investigate reports of workplace transmissions of disease.

Also included in the legislation is a provision for $13 an hour in premium pay on top of regular pay, up to $10,000, for frontline workers, such as grocery, health care, and meat packing workers. The Treasury Department that will award grant money to supplement the cost to employers who choose to participate.

**Farm and Ranch Stress Assistance Network Program**

The bill provides $20 million to strengthen activities and services that connect farmers and ranchers to stress assistance resources and programs. Each state will be required to submit a state plan and awards will be capped at $500,000 for each recipient state.

**Agriculture Workforce and Labor**

The bill directs $3.1 billion to the Department of Labor to support workforce training and worker protection activities related to coronavirus, including $25 million for migrant and seasonal farmworkers, including emergency supportive services. Workers in critical infrastructure, including agriculture workers physically present in the United States in March 2020 with undocumented status are deemed lawful until September 11, 2020. Employers will also not be considered to have violated the 274A sanction for this period of time.

**Broadband**

The bill provides $1.5 billion to close the homework gap by providing funding for Wi-Fi hotspots and connected devices for students and library patrons, and $4 billion for emergency home connectivity needs. It also authorizes $2 billion for Federal Communications Commission Rural Health Care Program to subsidize providers’ broadband service.

**Vote by mail and early voting for federal elections**
The bill requires at least 15 consecutive days of early voting in federal elections, which must include polling places in rural and other areas. Further, it calls for no-excuse absentee vote-by-mail and sets standards for such voting.

**U.S. Postal Service**

The bill provides $25 billion in financial relief for the U.S. Postal Service for revenue that has been lost due to the COVID-19 pandemic. It also includes protection for postal workers and $15 million for oversight funding for the Postal Service Inspector General.

**Transportation**

The HEROES Act would provide $15 billion in highway grants to support the ongoing work of State, Tribal, and Territorial Department of Transportation and certain local departments to mitigate the effects of COVID-19. This includes staff salaries and other administrative costs.

**Banking services for cannabis-related businesses**

The bill allows for access to banking services and products, as well as insurance, for legal cannabis-related businesses.

**Summary**

As further information about the HEROES Act becomes available and as Congress takes action on this and other pandemic response legislation, NFU’s government relations staff will keep you informed. Please let us know if you have any questions or comments, and we look forward to the next call with state staff and leadership.
services, state and local governments, housing assistance, stimulus checks to taxpayers, infrastructure, the postal service, nutrition assistance, and agricultural economic disaster relief.

As part of the announcement of the HEROES Act, House Democratic leadership called members back to Washington. A vote on the bill is expected on Friday. However, there has been no indication of bipartisan support for the bill, without which the bill has little chance of passing as-is in the Republican-controlled Senate. Senate Republicans have suggested that it will be a few weeks before they bring forward their own proposal. The HEROES Act is likely to serve as a first offer and starting point for more negotiations between leaders on Capitol Hill and the Administration. The bill is being described as “phase four” of pandemic response and stimulus legislation. The Coronavirus Aid, Relief, and Economic Security (CARES) Act, which was signed into law on March 27, was considered to be “phase three.”

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Livestock
Livestock provisions in the HEROES Act do not include significant reforms of the meat industry but instead are directed to financial assistance for farmers and ranchers who were forced to euthanize animals due to capacity reductions at processing plants. The HEROES Act would allocate $300 million to animal health laboratories, many of which have been called upon to provide testing and research related to the pandemic. The bill would also require livestock dealer trusts in order to ensure that farmers and ranchers receive payment for the animals they sell in the event the dealer or auction barn goes out of business. The bill does not contain any language on enforcement of antitrust laws or irregularities in the hog and cattle markets.

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jurisdictions to establish a coordinated, evidence-based testing system and requires multilingual contact tracing strategies.

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The HEROES Act includes $100 million in additional funding through the Specialty Crop Block Grant Program to address supply chain issues at the state level.

Local and regional food systems

The Local Agriculture Market Program (LAMP) would be given $50 million in additional funding for COVID-19 related market disruptions to local farmers, farmers markets, and other local food outlets and temporarily waives matching requirements for these funds.

Biofuel

After biofuels were notably absent from previous stimulus bills, the HEROES Act would establish a Renewable Fuel Reimbursement Program that would provide ethanol or other biofuel plants with 45 cents for every gallon produced between January 1 and May 1, 2020.

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The bill creates the Emergency Soil Health and Income Protection Pilot Program, which expands the Conservation Reserve Soil Health and Income Protection Pilot Program that was authorized in the 2018 Farm Bill. The new program extends total eligible acreage to 5 million, up from 50,000, and makes the program applicable nationwide. Participants would enter into 3-year contracts with the option to receive up-front, lump-sum payments.

Nutrition

The HEROES Act would temporarily increase the maximum benefit from the Supplemental Nutrition Assistance Program by 15% and increase the minimum SNAP benefit to $30 month, while waiving all work requirements for two years. $10 billion in additional funding for SNAP would be provided. The bill also prevents USDA from implementing and finalizing several rules that would limit SNAP eligibility.

The bill provides $25 million for the Farm to Food Bank program, which can be used by states to cover the cost of harvesting, processing, packaging, and transporting commodities donated to food banks. The bill also provides additional program flexibilities to streamline COVID-19 response, including for The
Emergency Food Assistance Program (TEFPA), the Senior Farmers Market Nutrition Program (SFMNP), and the Food Distribution Program on Indian Reservations (FDPIR).

For the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), the bill appropriates $1.1 billion and allows for the increase in the WIC cash-value voucher until the end of FY20. It expands the Pandemic EBT program until schools reopen and allows states to include children who would have received meals through childcare. It also provides additional reimbursement to cover fixed costs for programs that provide school and adult care meals during the pandemic.

**Small Business**

The HEROES Act makes changes to the Paycheck Protection Program (PPP) and provides additional funding for the Economic Injury Disaster Loan (EIDL) emergency grants. It also provides additional support for SBA’s core programs.

Regarding PPP, it seeks the following changes: creates a 25% set aside of funds for entities with 10 or fewer employees; expands nonprofit eligibility to all nonprofits (currently only 501(c)(3) entities are eligible); sets aside 25% of funds for nonprofits; extends the 8-week covered period to 24 weeks and extends the covered period from June 30 to December 31, 2020; removes the requirement that 75% of loan proceeds be used for payroll in order to qualify for loan forgiveness; lengthens the loan maturity period from two years to a five-year minimum; and makes debt forgiveness non-taxable.

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Additionally, the bill provides $10 billion more for the Economic Injury Disaster Loan (EIDL) program emergency grants and excludes EIDL emergency grants from gross income for tax purposes.

**Essential Worker Protections**

The bill requires the Occupational Safety and Health Administration (OSHA) to issue an emergency temporary standard (ETS) to protect health care and other workers at risk of occupational exposure to COVID-19, including meat packing and other food supply chain workers. The standard will require employers to implement a comprehensive infectious disease exposure control plan. The bill also prohibits employers from retaliating against workers for reporting or publicizing health and safety hazards or from using their own personal protective equipment and requires CDC to investigate reports of workplace transmissions of disease.

Also included in the legislation is a provision for $13 an hour in premium pay on top of regular pay, up to $10,000, for frontline workers, such as grocery, health care, and meat packing workers. The Treasury Department that will award grant money to supplement the cost to employers who choose to participate.

**Farm and Ranch Stress Assistance Network Program**

The bill provides $20 million to strengthen activities and services that connect farmers and ranchers to stress assistance resources and programs. Each state will be required to submit a state plan and awards will be capped at $500,000 for each recipient state.

**Agriculture Workforce and Labor**
The bill directs $3.1 billion to the Department of Labor to support workforce training and worker protection activities related to coronavirus, including $25 million for migrant and seasonal farmworkers, including emergency supportive services. Workers in critical infrastructure, including agriculture workers physically present in the United States in March 2020 with undocumented status are deemed lawful until September 11, 2020. Employers will also not be considered to have violated the 274A sanction for this period of time.

**Broadband**

The bill provides $1.5 billion to close the homework gap by providing funding for Wi-Fi hotspots and connected devices for students and library patrons, and $4 billion for emergency home connectivity needs. It also authorizes $2 billion for Federal Communications Commission Rural Health Care Program to subsidize providers’ broadband service.

**Vote by mail and early voting for federal elections**

The bill requires at least 15 consecutive days of early voting in federal elections, which must include polling places in rural and other areas. Further, it calls for no-excuse absentee vote-by-mail and sets standards for such voting.

**U.S. Postal Service**

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**Transportation**

The HEROES Act would provide $15 billion in highway grants to support the ongoing work of State, Tribal, and Territorial Department of Transportation and certain local departments to mitigate the effects of COVID-19. This includes staff salaries and other administrative costs.

**Banking services for cannabis-related businesses**

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**Summary**

As further information about the HEROES Act becomes available, and as Congress takes action on this and other pandemic response legislation, NFU’s government relations staff will keep you informed. Please let us know if you have any questions or comments, and we look forward to the next call with state staff and leadership.

Mike Stranz

Jenny
The bill is being referred to as “phase 4” of the federal response to the pandemic, following the Paycheck Protection Program and Health Care Enhancement Act, known as phase 3.5, and Coronavirus Aid, Relief, and Economic Security or CARES Act, which was phase 3. The Coronavirus Preparedness and Response Supplemental Appropriations Act is called phase 2 and the Families First Coronavirus Response Act was phase 1.

NEWSLETTER VERSION (DON’T WORRY ABOUT THIS PART)

On Tuesday, House Democrats released the text of the Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act. This represents an important step towards the passage of another pandemic relief and economic stimulus package. The HEROES Act would provide about $3 trillion in aid in total for health services, state and local governments, housing assistance, stimulus checks to taxpayers, the postal service, nutrition assistance, and agricultural economic disaster relief.

In addition to a litany of provisions for different sectors of agriculture, HEROES would provide $16.5 billion for direct assistance to farmers and ranchers, which would augment the $16 million in payments that will be made through the Coronavirus Food Assistance Program (CFAP). (The sign-up process and final details for CFAP are expected to be announced soon.)

The HEROES Act offers discounted premiums for future enrollment in the Dairy Margin Coverage for 2021 through 2023 and would allow small- to medium-sized dairies to cover more of their production under DMC. It includes greater flexibility to clear existing supplies of dairy products but does not include any producer supply management provisions.

Livestock provisions in the HEROES Act do not include significant reforms of the meat industry but instead are limited to financial assistance for farmers and ranchers who were forced to euthanize animals due to capacity reductions at processing plants. The bill would require OSHA to issue an emergency temporary standard (ETS) to protect health care and other workers at risk of occupational exposure to COVID-19, including meat packing workers.

After being notably absent from previous assistance packages, the HEROES Act would provide ethanol or other biofuel plants with 45 cents for every gallon of fuel produced between January 1 and May 1, 2020.

Funding for the Specialty Crop Block Grant Program would be increased by $100 million under the HEROES Act to address supply chain issues at state level. The Local Agriculture Market Program (LAMP) would be given $50 million in additional funding for related market disruptions to local farmers, farmers markets, and other local food outlets and matching requirements for these funds would be temporarily waived.

The HEROES Act would make programmatic changes to the Paycheck Protection Program (PPP) and provides an additional $10 billion for Economic Injury Disaster Loan (EIDL) emergency grants. It would
temporarily increase the maximum monthly benefit for the Supplemental Nutrition Assistance Program (SNAP) by 15 percent, and would allocate $25 million for the Farm to Food Bank program, which can be used by states to cover the cost of harvesting, processing, packaging, and transporting donated commodities.

Furthermore, the HEROES Act would provide $25 billion in financial relief for the U.S. Postal Service.

Additional descriptions of the 1800-page-long bill will be made available in the coming days.

Top Line Numbers
- $500 billion for state governments
- $375 billion for local governments
- $20 billion trial relief
- $20 billion for territories
- $175 billion for public health and social services emergency fund – reimburse for health care related expenses or loss revenue attributable to coronavirus, and to support testing and contact tracing
- $75 billion in housing assistance

Direct Payments
- $16.5 billion in direct payments to producers of specialty crops, livestock, and other commodities, to cover losses in response to COVID-19
  - Where losses occurred during Q1 of 2020 and were eligible for CFAP, payments will be made to producers to ensure they are compensated for 85% of second quarter losses estimated by the Secretary
  - Where losses were ineligible in Q1 for CFAP, payments shall be equal to 85% of the actual losses estimated by the Secretary for Q1 and Q2 of 2020.
- Payments not later than 60 days after enactment
- AGI Limit placeholder

Nutrition
- Supplemental Nutrition Assistance Program
  - Increases to SNAP, effective June 1 – Sept 30, 2020
    - Increases SNAP benefit level by 15%
    - Increases minimum SNAP benefit to $30 per month
  - Waives all work requirements for SNAP and prevents funding to implement or finalize several rules (Able-Bodied Adults Without Dependents; Board Based Categorical Eligibility; Standard Utility Allowance)
  - $10 billion in additional SNAP funding
Farm to Food Bank: $25 million  
Waives non-Federal match requirement for TEFAP administrative funds  
Senior Farmers Market Nutrition Program: provides additional flexibilities  
Food Distribution Program on Indian Reservations: provides additional flexibilities

**Child Nutrition Programs**

- Changes to funding formulas that will allow for additional reimbursement to cover fixed costs for programs that provide school and adult care meals  
- Expands the Pandemic EBT program until schools reopen and allows states to include children who would have received meals through childcare  
- Increase in WIC Cash Value Voucher to $35 per month until the end of FY2020  
- USDA reporting requirements for waiver applications

**Livestock:**

- Ensures producers are paid for their animals by requiring dealer trusts for the benefits of all unpaid cash sellers of livestock  
- Emergency assistance to producers forced the euthanize market ready livestock  
- $300 million for animal health surveillance and labs

**Dairy**

- Establishes a direct dairy donation program to prevent dumped milk that will reimburse farmers at Class I prices  
- Provides cash flow assistance to small and mid-sized dairies  
- Authorizes a recourse loan program for processors, packagers, merchants, marketers, wholesalers, and distributors  
- Reduces DMC premiums for operations that commit to participating in the program for 2021-2023

**Specialty Crops**

- Specialty Crop Block Grant Program: $100 million in additional funding for COVID-19 specialty crop supply chain issues at state level  
- Local Agriculture Market Program (LAMP): $50 million in additional funding for COVID-19 related market disruptions to local farmers, farmers markets, and other local food outlets; temporarily waives matching requirements for these funds

**Conservation**

- Expands the Conservation Reserve Program Soil Health Incentive Pilot Program to 5 million acres

**Small Business**

- Paycheck Protection Program (PPP)  
  - Set asides:  
    - Reserves 25% of funds for businesses with 10 or fewer employees
- Reserves 25% of funds for nonprofits; half reserved for small nonprofits under 500-employees
  - Makes all types of nonprofits eligible for PPP (not just 501(c)3)
- Set asides for CDFIs, MDIs, SBA microlenders, and SBA CDCs
  - Extends 8-week covered period to 24 weeks; extends covered period from June 30 to December 31; allows borrowers to choose their 24 week covered period
  - Safe harbor for borrowers who cannot rehire in the prescribed timeframe
  - Establishes 5 year minimum maturity on PPP loans
  - Removes requirement that 75% of loan proceeds be used for payroll
  - Ensures debt forgiveness is nontaxable
- Economic Injury Disaster Loan (EIDL) program:
  - $10 billion more for EIDL grants
  - Excludes any advance from the Emergency EIDL Grants from gross income

**Farm and Ranch Stress Assistance Network Program**
- Farm and Ranch Stress Assistance Network program—Provides $20 million to strengthen activities and services that connect farmers and ranchers to stress assistance resources and programs.

**Healthcare**
- Requires the CDC to coordinate with states and public health jurisdictions to establish a coordinated, evidence-based testing system.
- Provides subsidies for COBRA premium costs—allowing employer-sponsored insurance for furloughed or unemployed individuals affected by COVID-19. State Medicaid programs to cover COVID-19 treatment for uninsured.
- Substance Abuse and Mental Health Services Administration--$3 billion to increase mental health support during pandemic, to support substance abuse treatment, and increased outreach.
- $265 million for emergency response grants to address immediate COVID-19 related behavioral health.
- $25 million for the Suicide Lifeline and Disaster Distress Helpline.

**Broadband**
- $1.5 billion to close the homework gap by providing funding for Wi-Fi hotspots and connected devices for students and library patrons, and $4 billion for emergency home connectivity needs.
- Authorizes $2 billion for FCC’s Rural Health Care Program to subsidize providers’ broadband service

**Agriculture Workforce**
- Department of Labor--$3.1 billion to support workforce training and worker protection activities related to coronavirus, including: $25 million for migrant and seasonal farmworkers, including emergency supportive services.
- Workers in critical infrastructure—includes agriculture workers physically present in the U.S. with undocumented status in March, 2020 are deemed lawful until September 11, 2020. Employers who are employing them are not considered to have violated 274A sanction.

**Renewable Fuels**


**Essential Worker Protections**

- Requires OSHA to issue an emergency temporary standard to protect health care and other workers at risk of occupational exposure to COVID-19 that requires employers implement a comprehensive infectious disease exposure control plan to protect workers, and prohibits employers from retaliating against workers for reporting or publicizing health and safety hazards, or from using their own personal protective equipment.
- Requires CDC to investigate reports of workplace transmissions.

**Transportation**

$15 billion in highway grants to support the ongoing work of State, Tribal, and Territorial Departments of Transportation and certain local departments to mitigate the effects of COVID-19. This includes staff salaries and other administrative costs.

**Banking services for cannabis-related businesses**

- Allows for access to banking services and products, as well as insurance, for legal cannabis-related businesses.

**Postal Service**

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