



NILA HEALS Act Summary

On July 27, Senate Republicans [released](#) the HEALS Act – 8 separate bills (all linked below) intended to respond to the COVID-19 pandemic. The bills cover a wide variety of topics, including liability protections, telehealth, and modifications to the Paycheck Protection Program.

Liability Protections. The proposed package would require plaintiffs to bring coronavirus medical liability lawsuits in federal court. This cause of action is the exclusive remedy for personal injury caused by the treatment, diagnosis, or care of coronavirus, or care directly affected by the coronavirus. The bill would also foreclose joint and several liability (except in cases of fraud or intentional injury) and instead requires defendants to pay their proportionate share of damages owed to a plaintiff. It would also limit compensatory damages to economic losses and prohibits punitive damages, except in cases involving intentional misconduct.

Unemployment Insurance Benefits. The proposed package would provide \$200 a month in supplemental unemployment insurance benefits through September, at which point the supplement would be replaced with a payment that would replace up to 70% of lost wages. *Note: The current supplemental payments for unemployment benefits are \$600 per month.*

Recovery Rebates. The proposed package would implement another round of recovery rebates, with each citizen and U.S. resident with adjusted gross income of up to \$75,000 (\$150,000 married) receiving a \$1,200 (\$2,400 married) rebate. In addition, individuals would be eligible for an additional \$500 per dependent rebate. The amount of the rebate phases out completely once the income of filers exceed \$99,000 (\$198,000 married).

Employee Retention Tax Credit. The proposed package would increase the payroll tax credit for employee retention implemented by the CARES Act from 50% of qualified wages to 65% of qualified wages. The proposal would also lower the amount of the reduction in gross receipts required to qualify for the tax credit from 50% to 25% and increase the maximum amount of qualified wages per employee to \$30,000 for the calendar year.

Safe and Healthy Workplace Tax Credit. The proposal would create a refundable payroll tax credit equal to 50% of an employers qualified employee protection expenses, such as COVID-19 testing, personal protective equipment, cleaning supplies and other modifications to workspaces for the purpose of protecting employees and customers from COVID-19.

Additional Funding for CDC. The proposal would include \$118.4 billion in additional funding for the Department of Health and Human Services, including \$3.4 billion for the Centers for Disease Control and Prevention, including \$1.5 billion to continue supporting state, local, and territorial public health needs; \$500 million to enhance seasonal influenza vaccination efforts; \$200 million to enhance global public health security efforts; and \$200 million to modernize public health data reporting.

Funds for Testing. The proposal would also provide more than \$78.1 billion for the Public Health and Social Services Emergency Fund, including \$16 billion for testing, contract tracing, and surveillance in states. This \$16 billion would supplement the \$9 billion that remains unallocated from the Paycheck Protection Program and Health Care Enhancement Act. In addition, \$6 billion would fund the development and execution of a COVID-19 vaccine distribution campaign, along with a \$2 billion supplement for the Strategic National Stockpile.

Additional Eligible Expenses for Paycheck Protection Program. The proposal would expand the list of eligible Paycheck Protection Program (PPP) expenses to include operations expenditures (such as software, cloud computing, human resources, or accounting needs); property damage costs uncovered by insurance; and personal protective equipment and adaptive investments to help the loan recipient comply with federal health and safety guidelines.

PPP Second Draw Loans. The proposal would permit eligible businesses to apply for a second PPP loan of up to 2.5 times the average monthly total payroll costs in one year prior to the loan, up to \$2 million. Like the initial PPP loans, the Second Draw Loans would be eligible for forgiveness and subject to the same 60/40 cost allocation between payroll and non-payroll costs.

Access to Specimen Samples. The proposal would require the Department of Health and Human Services, along with the CDC and Food and Drug Administration to establish and publish policies and procedures for public and private entities to access samples of specimens containing infectious disease agents to support the development of products, including the development of diagnostic tests, treatments, or vaccines, to address emerging infectious diseases for biomedical research.

Faster Deployment of Diagnostic Tests. The proposal would clarify that CDC can enter into agreements with public and private entities to assist in the immediate and rapid development, validation, and dissemination of diagnostic tests for purposes of biosurveillance or other immediate public health response activities to address an emerging infectious disease. It would also require consultation with medical product manufacturers, suppliers, and other relevant stakeholders to identify specific supply needs, including specimen collection and transport materials, reagents, or other supplies and identify projected demand and availability of supplies.

State Supply Stockpiles. The proposal would establish and fund state stockpiles of medical products and supplies needed during public health emergencies, including diagnostic tests, and require states to submit a stockpiling plan to the federal government that coordinates with state preparedness plans. The proposal would also require states to administer and maintain the stockpiles.

Modernizing Infectious Disease Reporting Data Collection. The proposal would require the integration of applicable existing CDC data systems and networks in collaboration with state, local, tribal, and territorial public health officials. It would also require the identification of strategies to integrate laboratory and epidemiology systems to conduct rapid and accurate laboratory tests; to improve the collection and reporting of appropriate data to inform the response to public health emergencies; and to improve the exchange of health information between providers and state and local health departments.

Protection of Human Genetic Information. The proposal would prohibit the use of human genetic information collected incidental to diagnostic and serologic testing for purposes other than the primary diagnostic or serologic test, unless permitted with explicit patient consent.

- [S 4317](#) - A bill to lessen the burdens on interstate commerce by discouraging insubstantial lawsuits relating to COVID-19 while preserving the ability of individuals and businesses that have suffered real injury to obtain complete relief.
- [S 4318](#) - A bill to provide assistance to American workers, families, and employers during the COVID-19 pandemic.
- [S 4319](#) - A bill to amend the Internal Revenue Code of 1986 to temporarily expand the deduction for business meals provided at a restaurant.
- [S 4320](#) - A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2020, and for other purposes.
- [S 4321](#) - A bill to establish the Paycheck Protection Program Second Draw Loan and amend 7(a) loan guaranty program for recovery sector business concerns, and for other purposes.
- [S 4322](#) - A bill to help Americans safely get back to school and back to work, and for other purposes.
- [S 4323](#) - A bill to save and strengthen critical social contract programs of the Federal Government.
- [S 4324](#) - A bill to facilitate the availability, development, and production of domestic resources to meet national personal protective equipment and material needs, and ensure American leadership in advanced research and development and semiconductor manufacturing.