



# Fact Sheet

COMMITTEE ON EDUCATION & LABOR

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The Hon. Robert C. "Bobby" Scott • Chairman

## Comparing the *Heroes Act and the HEALS Act* *Education Provisions*

Policy Area	<i>Heroes Act</i> <i>House Bill</i>	<i>HEALS Act</i> <i>Senate Bill</i>
<b>K-12 Education</b>	<p><i>Authorizing Language:</i></p> <ul style="list-style-type: none"> <li>• Elementary and Secondary Education Act (ESEA) provides Secretary of Education with broad waiver authority; no additional authority needed.</li> <li>• The Secretary is prohibited from establishing a priority or preference not specified in HEROES; and from imposing limits on the use of funds not specified in HEROES.</li> </ul> <p><i>Appropriations Language:</i></p> <ul style="list-style-type: none"> <li>• Provides \$915 billion in emergency funding for state and local governments, which are facing budget shortfalls that could lead to mass teacher layoffs and deep cuts to public education.</li> <li>• Provides nearly \$58 billion to the ESSER Fund for K-12 schools to continue delivering instruction, including purchasing educational technology and</li> </ul>	<p><i>Authorizing Language:</i></p> <ul style="list-style-type: none"> <li>• Reiterates authority already provided to Secretary of Education to waive provisions of the ESEA for one academic year; requires waiver approval notifications to Congress within 7 days</li> <li>• Requires states to not enact policies to close or prevent charter school expansion to address revenue shortfalls</li> <li>• Authorizes Secretary DeVos' Education Freedom Scholarships which provides funding to states on a competitive basis. States award subgrants at their own discretion to scholarship-granting organizations in the state that provide direct educational expenses such as private school tuition or homeschooling expenses to elementary and secondary students               <ul style="list-style-type: none"> <li>○ Includes a prohibition on federal control over any aspect of a private or home school.</li> </ul> </li> </ul>

	<p>hotspot devices, planning and implementing summer learning, training and professional development, and maintaining school personnel employment. Funding to SEAs is based on poverty. SEAs then subgrant to school districts mostly based on poverty.</p> <ul style="list-style-type: none"> <li>• Provides nearly \$4 billion to governors to award funding to school districts and institutions of higher education.</li> <li>• Provides \$100 million for Project AWARE grants to support student mental health.</li> <li>• Provides \$1.5 billion for an Emergency Connectivity Fund (E-Rate) to help schools and libraries provide students with internet access through Wi-fi hot spots and other connected devices.</li> <li>• \$4 billion for Emergency Broadband Connectivity Fund.</li> <li>• Recipients are prohibited from using funds to provide financial assistance to students at private elementary or secondary schools, unless it's used to provide special and education related services for children with disabilities.</li> <li>• Maintenance of Effort: requires states maintain total spending on K12 education for FY20, 21 and 22 at levels of support equal to average of past 3 FYs</li> <li>• H.R. 2, the Moving Forward Act provides \$130 billion in grants and bond authority to fund the <i>Reopen and Rebuild America's Schools Act</i> to repair and modernize school facilities that endanger the health and safety of students and school staff.</li> </ul>	<ul style="list-style-type: none"> <li>○ Includes a prohibition on any State control to mandate or direct any aspect of a private or home school. Plus, states may not discriminate or exclude any private or home education provider based on the provider's religion or religious policies or practices</li> </ul> <p><i>Appropriations Language:</i></p> <ul style="list-style-type: none"> <li>• Provides no funding for state and local governments</li> <li>• Provides nearly \$70 billion to the ESSER Fund for K-12 schools with similar uses of funding as the HEROES Act, however, reserves 10% (nearly \$7 billion) for private schools. The state must reserve based on total private school enrollment and distribute based on low-income enrollment. A state's ESSER allocation must then be apportioned as follows: <ul style="list-style-type: none"> <li>○ 1/3 of remaining 90% of funds (roughly \$20 billion) must be granted to all LEAs within 15 days of state allocation, based on Title I-A formula. This is managed by the State Educational Agency.</li> <li>○ 2/3 (roughly \$42 billion) of the remaining funds are tied to physical reopening of schools. This is managed by the Governor and requires schools submit reopening plans as an application for funds. <ul style="list-style-type: none"> <li>▪ Schools not physically open at all are not eligible for this pot.</li> <li>▪ LEAs open 50% of the school week for at least 50% of its students will receive full funding based on their Title I-A share in the last fiscal year.</li> <li>▪ LEAs open for less than 50% of the school week for less than 50% of</li> </ul> </li> </ul> </li> </ul>
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<p><b>Child Care</b></p>	<p><i>Authorizing Language (Child Care Is Essential Act):</i></p> <ul style="list-style-type: none"> <li>• Creates a stabilization fund within the Child Care and Development Block Grant (CCDBG) program that would give child care providers grant funding to cover operating expenses during the immediate few months. Requires that providers who receive funds keep workers on payroll, provide tuition and copayment relief to families, and follow Centers for Disease Control and Prevention (CDC), state, and local health and safety guidance.</li> </ul> <p><i>Appropriations Language (Child Care Is Essential Act):</i></p> <ul style="list-style-type: none"> <li>• Appropriates \$50 billion for the fund.</li> </ul>	<p><i>Authorizing Language:</i></p> <ul style="list-style-type: none"> <li>• Creates a standalone stabilization fund that would give child care providers grant funding to cover fixed costs for a period no longer than nine months, though funding allotted would likely only last one month. Requires that states that receive funds undergo a review of child care regulations, which could lead to harmful de-regulation of health and safety requirements. Further requires that providers who receive funds stay open for a year (despite the nine-month limit on support) and follow state, and local health and safety guidance (but not CDC guidance).</li> </ul> <p><i>Appropriations Language:</i></p> <ul style="list-style-type: none"> <li>• Appropriates \$10 billion for the fund.</li> </ul>

	<p><i>Authorizing Language:</i></p> <ul style="list-style-type: none"> <li>• Child Care Development Block Grant Act (CCDBG) provides HHS with broad waiver authority; no additional authority needed.</li> </ul> <p><i>Appropriations Language:</i></p> <ul style="list-style-type: none"> <li>• Provides \$7 billion for CCDBG, which can be used to continue payments to child care providers, even if those providers are closed; to waive family copayments; to fund emergency child care services for health care workers, emergency responders, and other essential personnel; and for other activities to ensure child care providers stay open or are able to reopen. The language also requires that states pay child care providers based on enrollment rather than attendance and adhere to strengthened reporting requirements.</li> </ul>	<p><i>Authorizing Language:</i></p> <ul style="list-style-type: none"> <li>• No waiver language.</li> </ul> <p><i>Appropriations Language:</i></p> <ul style="list-style-type: none"> <li>• Provides \$5 billion for CCDBG.</li> <li>• Uses of funding are same as House bill. However, language does not include requirement that states pay providers based on enrollment, nor does it include any additional reporting requirements.</li> </ul>
<p><b>Child Welfare</b></p>	<p><i>Authorizing Language:</i></p> <ul style="list-style-type: none"> <li>• Child Abuse Prevention and Treatment Act (CAPTA) provides states broad flexibilities; no additional authority needed.</li> </ul> <p><i>Appropriations Language:</i></p> <ul style="list-style-type: none"> <li>• Provides \$20 million for state grants (Title I) and \$20 million for prevention (Title II). Waives state match on prevention funds. No new uses of funding outlined.</li> </ul>	<p><i>Authorizing Language:</i></p> <ul style="list-style-type: none"> <li>• No waiver language.</li> </ul> <p><i>Appropriations Language:</i></p> <ul style="list-style-type: none"> <li>• Provides \$50 million for prevention (Title II). Waives state match on prevention funds. No new uses of funding outlined.</li> </ul>

<p><b>Higher Education</b></p>	<p><i>Authorizing Language:</i></p> <ul style="list-style-type: none"> <li>• Helps current loan borrowers: <ul style="list-style-type: none"> <li>○ Extends the suspensions of student loan payments provided under the CARES Act from September 30, 2020 to September 30, 2021. No interest accrual is also extended until September 30, 2021 or until the economy shows initial signs of improvement.</li> <li>○ Expands the type of loans eligible for relief by including commercially held Federal Family Education Loans (FFEL), institutionally held Perkins loans, and Health and Human Services student loans. Relief for these loans would be retroactive to March 13, 2020.</li> <li>○ Provides \$10,000 of up-front debt relief for more than 20 million economically distressed Department of Education loan borrowers.</li> <li>○ Provides full relief to borrowers that attended for-profit institutions that the Department of Education determined engaged in fraud.</li> <li>○ Allows student loan borrowers to consolidate their loans without losing prior payments for purposes of Public Service Loan Forgiveness (PSLF) and income-driven repayment plans.</li> <li>○ Makes improvements to PSLF including by ensuring that doctors in California and Texas who are employed at non-profit hospitals qualify for PSLF despite state law.</li> </ul> </li> </ul>	<p><i>Authorizing Language:</i></p> <ul style="list-style-type: none"> <li>• Does not provide immediate relief to current loan borrowers. Instead, creates a new and less generous income driven repayment plan and makes Public Service Loan Forgiveness more difficult to attain.</li> <li>• Shields colleges and universities from liability in order to force students and employees back onto campuses during a deadly pandemic.</li> <li>• Similar to the Heroes Act, extends flexibilities included in the CARES Act as it relates to Federal Work-Study. Also extends flexibilities for campus based-aid reallocations and foreign institutions. Adds a new provision that allows individuals to still qualify for Perkins Loan Cancellation if their service was disrupted.</li> <li>• Provides limited flexibility to financial aid administrators and requires preliminary outreach to applicants who have experienced a lost job or reduced wages as a result of the pandemic.</li> <li>• Excludes CARES Act funds, including CARES-funded emergency aid, from consideration in the calculation of a student’s expected family contribution.</li> <li>• Does nothing to address Secretary DeVos’ cruel and unauthorized restrictions that deny CARES-funded emergency aid to students in desperate need of support.</li> </ul>
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	<ul style="list-style-type: none"> <li>• Does not provide liability protections for institutions of higher education in order to avoid incentivizing colleges and universities to open campuses too early.</li> <li>• Extends needed flexibilities included in the CARES Act as it relates to Federal Work-Study.</li> <li>• Fully reinstates the May 2009 Dear Colleague Letter providing vital flexibility to financial aid administrators during the time of a pandemic, simplifies the aid application process for individuals who have applied for or received unemployment benefits, and requires broad outreach to individuals who may be eligible for federal benefits, including financial aid and means-tested benefits like SNAP.</li> <li>• Excludes all federal, institutional, state, and private emergency aid, including CARES-funded emergency aid, from consideration in the calculation of a student's expected family contribution and from taxation.</li> <li>• Blocks Secretary DeVos' cruel and unauthorized restrictions that deny CARES-funded emergency aid to students in desperate need of support.</li> <li>• Removes the \$62 million cap on mandatory funding provided for the Historically Black Colleges and Universities (HBCU) Capital Financing program.</li> </ul>	<ul style="list-style-type: none"> <li>• Does nothing to address the cap on the HBCU Capital Financing program despite request from the HBCU community.</li> <li>• Makes no changes to the waiver authority established under the CARES Act for grant programs under the <i>Higher Education Act</i>.</li> <li>• Does nothing to ensure quality of online education.</li> <li>• Does nothing to address or mitigate school closures due to COVID-19 and does not include additional protections for students if their institutions were to close.</li> <li>• Does nothing to ensure the Department of Education and institutions of higher education are using the flexibilities and authorities appropriately.</li> </ul> <p><i>Appropriations Language:</i></p> <ul style="list-style-type: none"> <li>• Provides \$29 billion for institutions of higher education through a revised Higher Education Emergency Relief Fund.</li> <li>• Maintains the problematic use of full-time equivalent enrollment, rather than headcount, in allocating new funds to institutions of higher education.</li> <li>• Restricts funding to institutions that were subject to the endowment tax in 2019.</li> </ul>
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|  | <ul style="list-style-type: none"><li>• Ensures that allowable and required use waivers issued under the CARES Act for grant programs under the <i>Higher Education Act</i> do not allow grant funds to be spent in a manner that deviates from the purpose of a grant program.</li><li>• In order to ensure quality of online education during the pandemic, applies the definition of distance education that garnered consensus through the Department of Education’s proposed rule this year.</li><li>• Creates the Institutional Stabilization Program, a voluntary program that cash-strapped private non-profit institutions can choose to opt into in order to avoid certain financial consequences arising from a failing composite score. The program allows institutions at risk of closure to avoid certain financial penalties in exchange for ensuring that students can complete their education if the institution were to close by increasing protections for students.</li><li>• Requires robust reporting from the Department of Education to ensure appropriate use of flexibilities and authorities by the Department and institutions of higher education under the CARES Act and the Heroes Act.</li></ul> |  |
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	<p><i>Appropriations Language:</i></p> <ul style="list-style-type: none"><li>• Provides nearly \$37 billion for institutions of higher education, including nearly \$27 billion for public institutions and more than \$10 billion for institutions that have suffered severe financial losses due to COVID-19.</li><li>• Corrects flaws in the CARES Act Higher Education Emergency Relief Fund formula by using headcount for newly provided higher ed funding.</li><li>• Eliminates funding for for-profit institutions.</li></ul>	
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