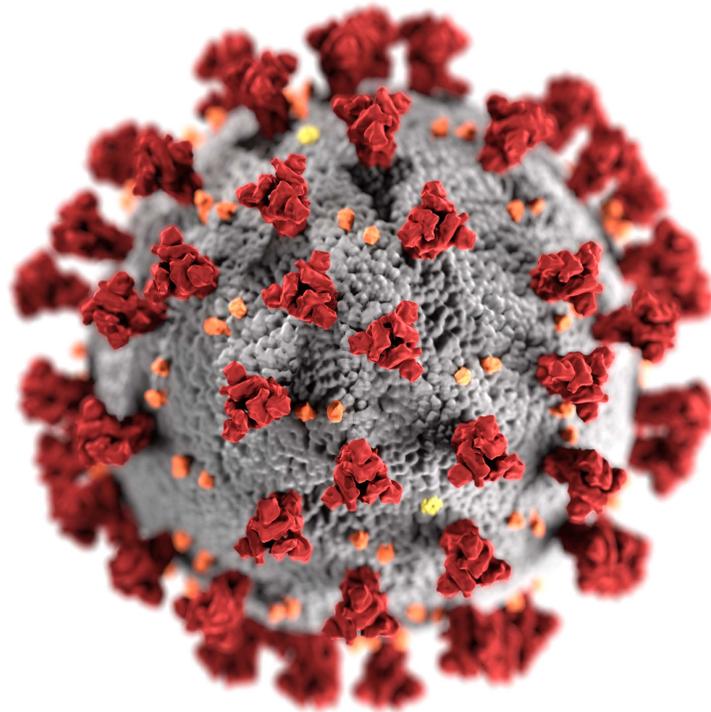

COVID-19 Federal Funding Streams Available to the District of Columbia

May 8, 2020

A letter report by the Office of the District of Columbia Auditor



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May 8, 2020

The Hon. Phil Mendelson
Chairman
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1350 Pennsylvania Avenue NW
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Letter Report: COVID-19 Federal Funding Streams Available to the District of Columbia

Dear Chairman Mendelson and Councilmembers:

To assist the Council of the District of Columbia in its oversight responsibilities during the Coronavirus public health emergency, the Office of the D.C. Auditor (ODCA) has compiled the following letter report, **COVID-19 Federal Funding Streams Available to the District of Columbia**, a summary of federal funding available to states and, in some cases, to cities, in recently enacted legislation including the following:

- H.R. 6074, The Coronavirus Preparedness and Response Supplemental Appropriations Act
- H.R. 6201, The Families First Coronavirus Response Act
- H.R. 748, The Coronavirus Aid, Relief and Economic Security Act (CARES Act)
- H.R. 266, the Paycheck Protection Program and Health Care Enhancement Act

What follows is a description of each of the major sources of funding for the District of Columbia government including the total amount available, the agency or funding source, the general purpose for the funding, and other characteristics, including whether it is based on a formula or a reimbursement or a competitive application, and additional information that may be of use to policymakers. We focus here on funding that would be part of the District's budget.

This summary does not include a description of federal relief designed to assist *individuals directly* such as the \$1,200 checks mailed to individuals. We do not include the significant additional benefits provided to those who have lost their jobs available through the federal-state Unemployment Insurance program. And it does not include benefits for the airlines, or the Paycheck Protection Program designed to provide loans to businesses to enable them to keep employees on the payroll. We note, though, that according to SBA reported data¹, as of April 16, 2020, District of Columbia businesses received 3,253

¹ "Paycheck Protection Program (PPP) Report Approvals through 12 PM EST 4/16/2020." U.S. Small Business Administration, <https://www.sba.gov/sites/default/files/2020-04/PPP%20Deck%20copy.pdf>.

loans totaling \$1.25 billion from the Paycheck Protection Program. What follows focuses on funds that could be received and allocated by the District government.

In a few instances Congress created a new funding stream available only in connection with the current pandemic and with a fixed duration. That approach was taken during the Ebola crisis in 2015 and, in fact, the District's financial system today shows that \$932,405 remains unspent from the District's Ebola allocation, which could be allocated for current needs with federal concurrence. In most instances the emergency federal funding represents additional money added to preexisting funding streams. In some cases, the legislation gave federal agencies great latitude in how funds are apportioned, and a persistent issue is whether funds should be allocated per capita or based on differing circumstances. After 9/11 the District and New York City received major infusions of cash reflecting the damage and the needs in the two regions. The recent CARES Act funding for states was based on population, not the number of Coronavirus cases and that tension between funding based on need versus population is clear in current advocacy efforts for additional funds for states.

Coronavirus Relief Fund

The Coronavirus Relief Fund, included at Division A Title V of the CARES Act, is an additional title to the Social Security Act. It provides a direct appropriation of \$150 billion for state, local, and tribal governments to cover costs that, according to the legislation:

- “(1) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
- “(2) were not accounted for in the budget most recently approved as of the date of enactment of this section for the State or government; and
- “(3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.”

This is the largest pool of funds made available to date for Coronavirus relief for state and local governments. When it was initially enacted the law grouped the District among the territories rather than the states and allocated a total of \$3 billion to be distributed based on population, with an estimated \$495 million expected to go to the District. The law provided that each state would receive funding based on population with a minimum payment of \$1.25 billion and ranging up to \$15 billion for California according to estimates published by Federal Funds Information for States. District leaders continue to press for the larger amount, and it is possible that increase will be included in a fifth COVID-19-related relief package expected to include significant additional funds for state and local governments. The Fund was created as a one-time source of funds to be distributed by the U.S. Department of the Treasury within 30 days of the legislation taking effect.

The law appears to provide great flexibility to jurisdictions for expenditures related to the health emergency through a direct appropriation rather than by creating a grant program that is subject to what could become a prolonged application approval process. It gives explicit responsibility to the Inspector General (IG) of the Treasury to monitor the spending. If the Treasury IG determines that any of the spending does not comply with the uses of funds outlined in the law the noncompliant spending will be considered a debt to the federal government. The Act also allocates \$35 million to the Treasury IG for oversight and recovery of any misspent funds.

In a letter March 28, 2020, to U.S. Treasury Secretary Steven Mnuchin, the National Governors Association (NGA) asked for “speed and flexibility” with regard to the Coronavirus Relief Fund and, specifically, a streamlined process and clear rules that adopt a broad interpretation of the permitted uses” of funds. The letter asked that the agency “avoid imposing unnecessarily onerous reporting requirements on states.”

The state perspective as reflected in the NGA letter derives from past experience in use of federal funds for pandemic response. During the 2009 H1N1 influenza pandemic Congress appropriated \$6.15 billion to the Department of Health and Human Services (HHS) for pandemic response, including grants to states. According to the U.S. Government Accountability Office (GAO), “state and local health officials reported that the grant funding was critical to their response efforts but also noted challenges presented by the grants’ administrative requirements.”

The District received the funds in mid-April and according to the District’s System of Accounting and Reporting (SOAR) and CFO\$olve, D.C.’s data extraction and report writing system, a total of \$495,138,063 was booked in the “Nondepartmental” fund. The Treasury issued guidance on use of the funds on April 22, 2020, outlining both permissible uses and ineligible expenditures. As indicated in the statute, the potential uses of the funds are broad and can be met by meeting a reasonableness standard, i.e. if the expenditure is “reasonably necessary” in the “reasonable judgment” of responding government officials. The guidance also makes clear that funds can be used to respond directly to the emergency and also to respond to “second-order effects” such as providing economic support. It states that funds can be used to cover “the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures,” which is consistent with the assumption District officials made about reimbursement for the \$25 million fund for business grants approved by the Council in the COVID-19 Response Emergency Amendment Act of 2020 (Act A23-0247) on March 27, 2020.

Some permitted uses specifically cited in the guidance and connected with COVID-19:

- Temporary public medical facilities including construction costs.
- Testing including serological testing.
- Emergency medical transportation.
- Public telemedicine capabilities.
- Communication and enforcement of public health orders.
- Disinfection of public facilities and other facilities including nursing homes.
- Expenses for quarantining individuals.
- Payroll expenses for employees “whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency”.
- Food delivery.
- Distance learning in connection with school closings.
- Teleworking capabilities for public employees.
- Expenses to maintain prisons and jails including sanitation and improving social distancing measures.
- Expenses to care for homeless populations “to mitigate COVID-19 effects”.
- Unemployment insurance related to COVID-19 “if such costs will not be reimbursed by the federal government”.

The list of allowable expenditures includes providing paid sick leave and paid family and medical leave to public employees, but the list of ineligible expenditures limits that to employees whose duties are “substantially dedicated to mitigating or responding” to the health emergency.

Items cited as ineligible include state Medicaid costs, damages covered by insurance, expenses that have been or will be reimbursed under other federal programs, reimbursements to donors for donated items or services, workforce bonuses other than hazard pay or overtime, severance pay, and legal settlements.

Emergency Relief for Medical Providers, Including Hospitals

The CARES Act made a total of \$127 billion available to HHS for a new Public Health and Social Services Emergency Fund in Divisions B, Title VIII (pages 280-284 of the enrolled Act) the largest portion of which—\$100 billion—is directed to medical providers for expenses or revenue lost due to the Coronavirus. The law defines those eligible for funding from the Provider Relief Fund as “public entities, Medicare or Medicaid enrolled suppliers and providers and such for-profit entities and not-for-profit entities” as determined by HHS. The fourth Coronavirus emergency bill, the Paycheck Protection Program and Health Care Enhancement Act added another \$75 billion for provider relief.

According to HHS roughly half of the \$175 billion total for provider relief had been allocated by the end of April, first with \$30 billion distributed automatically to hospitals, medical practices, and other providers based on their 2019 Medicare fee-for-service revenue, and a second tranche of \$20 billion distributed such that the total \$50 billion was proportionate to each providers share of total 2018 net patient revenue from all sources. Recipients must agree to terms and conditions including agreeing not to seek collection of out-of-pocket payments from a COVID-19 patient that are greater than what the patient would have otherwise been required to pay if the care had been provided by an in-network provider.²

The first \$30 billion distributed, as reported on the HHS website, included just under \$85 million paid to 596 providers in the District of Columbia.³ In a call with Councilmembers on April 29, 2020, City Administrator Rashad Young said the District-funded United Medical Center had received \$1.3 million and expected to receive a total of \$4.2 million. He said St. Elizabeth’s Hospital had not received funds. On May 6, 2020, HHS updated its information on provider payments with a growing database of those throughout the country who had acknowledged receipt of funds and agreed to terms and conditions. Among those listed from the District and amounts received: Washington Hospital Center Corporation, \$26.8 million; Medstar Georgetown Medical Center, \$18 million; Lucy Webb Hayes National Training School for Deaconesses & Missionaries, \$7.6 million; Howard University Hospital, \$5.7 million; and National Rehabilitation Hospital, Inc., \$2.8 million.⁴

To be eligible according to the federal statute providers must “provide diagnosis, testing, or care for individuals with possible or actual cases of COVID-19” and according to initial HHS guidance providers must serve Medicare patients. That language appears sufficiently broad to cover St. Elizabeths Hospital, the District’s psychiatric hospital, which reported a total of five patient deaths due to Coronavirus as of April 14, a number that more than doubled by the end of the month.

² Full terms and conditions available at <https://www.hhs.gov/sites/default/files/relief-fund-payment-terms-and-conditions-04092020.pdf>. Providers not agreeing must return the funds.

³ <https://www.hhs.gov/sites/default/files/state-by-state-breakdown-delivery-of-initial-30-billion-cares-act.pdf>.

⁴ <https://data.cdc.gov/Administrative/HRSA-Provider-Relief-Fund-General-Allocation/kh8y-3es6>.

The vast majority of the federal Provider Relief Fund money coming to the District will provide relief to non-government providers. The importance of funds for the hard-hit medical community mirrors actions taken earlier by the Mayor and the D.C. Council to provide a total of \$25 million in District funds to area hospitals. On April 27, 2020, Mayor Bowser announced the allocation of the funds to nine local hospitals based on the number of beds each facility is able to provide to address an anticipated surge, ranging from a high of \$5 million to the George Washington University Medical Center to \$240,848 to the Psychiatric Institute of Washington. The United Medical Center, already funded by the District, received \$3.7 million. The money was paid from a contingency fund taken from the District's reserves, and will be "repaid" from the \$495 million received in the federal Coronavirus Relief Fund.

According to the CARES Act, provider relief funds may be used for a broad range of purposes, including "for building or construction of temporary structures, leasing of properties, medical supplies and equipment including personal protective equipment and testing supplies, increased workforce and trainings, emergency operation centers, retrofitting facilities, and surge capacity", as long as the funds are not used "to reimburse expenses or losses that have been reimbursed from other sources or that other sources are obligated to reimburse."

The providers are required by HHS to document that "these funds were used for healthcare-related expenses or lost revenue attributable to coronavirus," and were not used for expenses for which they will receive or are seeking other reimbursement. The law gives explicit responsibility to the HHS Office of Inspector General to audit program payments.

The two District-supported hospitals might be eligible for provider funds under two additional authorized uses: funds targeted to providers in high-impact areas that serve a large proportion of low-income individuals, and for provider reimbursement for COVID-19-related treatment of the uninsured. HHS has allocated \$10 billion specifically for "high impact areas" for providers in areas with a high number of cases and HHS has asked that hospitals seeking the additional targeted funding submit "the number of ICU beds it has and its total COVID-19 admissions as of April 10, 2020." The agency also indicated that impact would be based in part on hospitals serving a higher proportion of low-income patients. Requests for the targeted funding were due April 25, 2020.

According to HHS guidance, providers who have treated uninsured Coronavirus patients on or after February 4, 2020, can request reimbursement at Medicare rates as long as funds are available. Providers were to register for reimbursement by April 27, 2020, and could begin submitting claims in early May.

Additional funds from the remainder of the \$175 billion Provider Relief Fund will be made to rural providers, the Indian Health Service, and "skilled nursing facilities, dentists, and providers that rely solely on Medicaid" according to the April 22, 2020, HHS release, although additional guidance on the last category had not been published by the end of April.⁵

⁵ Information on how the Provider Relief Fund will be allocated and what providers need to do is available at <https://www.hhs.gov/provider-relief/index.html>.

Hospital Preparedness and Public Health Grants

Comparatively smaller amounts of funding in the Public Health and Social Services Emergency Fund created in the CARES Act are available for other purposes including not more than \$16 billion designated for the Strategic National Stockpile and other amounts for vaccine, diagnostic, and other medical needs. Of the remainder not less than \$250 million is made available for grantees and subgrantees of the Hospital Preparedness Program (HPP) which includes the D.C. Department of Health, to distribute to Health Care Coalitions. No application is required to receive the funds, and awardees have discretion in how to distribute HPP funds.

According to a report of federal grant funds generated from SOAR/CFO\$olve on April 29, 2020, the Department of Health has about \$5 million available in a budget line that combined the HPP with the aligned Public Health Emergency Preparedness (PHEP) cooperative agreement, all of which may be available to respond to COVID-19. The District received \$2.6 million for these programs for FY 2020, of which \$2.3 million remains. An additional \$3 million remains from previous funding years.

The first federal emergency bill, H.R. 6074, the Coronavirus Preparedness and Response Supplemental Appropriations Act, provided additional PHEP allocations including \$6 million to the District of Columbia according to HHS.⁶ Entities receiving additional funds from H.R. 6074 were to submit a spending plan for the PHEP funds within 45 days of the bill's enactment on March 6 and the funds can be used to reimburse the District for Coronavirus preparedness and response activities between January 20 and March 6, 2020. That emergency PHEP funding was included in an April 14, 2020 SOAR/CFO\$olve report on federal funds, but an updated April 29, 2020, report showed the \$6 million total reduced to a single dollar without any recording of expenditures, an anomaly ODCA will pursue with the OCFO.

The smallest amount of the Public Health and Social Services Emergency Fund, \$275 million, is made available until September 30, 2020, divided among three purposes: \$90 million for the Ryan White HIV/AIDS program; \$5 million for poison control centers; and \$180 million for telehealth and rural health activities related to COVID-19, of which no less than \$15 million is to be available for tribes and tribal health organizations.

Of the \$90 million of the Public Health and Social Services Emergency Fund available for the Ryan White HIV/AIDS program, the District government was awarded a total of \$1.2 million in Coronavirus supplemental Ryan White funding on April 13, 2020, according to a report from HHS.⁷ This funding is in addition to the grants D.C. already receives under Part A as an Eligible Metropolitan Area and Part B of the Public Health Service Act, administered by the HHS Health Resources and Services Administration, HIV/AIDS Bureau.⁸ The supplemental funding was awarded by formula. The usual requirement to spend at least 75% of the funds on core medical services was waived, but maintenance of effort still seems to be required.

The same paragraph describing the purpose of \$275 million of the Public Health and Social Services Emergency Fund also provides that allocations from the Health Centers Program, which are made to health centers, can be used to maintain or increase staffing in response to the Coronavirus, which can be deemed a cost of prevention, diagnosis, and treatment of Coronavirus. Separately but relatedly,

⁶ <https://www.hhs.gov/about/news/2020/04/23/updated-cdc-funding-information.html>.

⁷ Updated HHS award information for all states is available at <https://taggs.hhs.gov/coronavirus>.

⁸ The Public Health Service Act (without CARES Act amendments) is available at <https://hab.hrsa.gov/sites/default/files/hab/program-grants-management/legislationtitlexxvi.pdf>.

section 3211 within Division A of the CARES Act amends the Public Health Service Act to appropriate \$1.3 billion for supplemental awards to Health Centers for FY 2020 for the prevention, diagnosis, and treatment of COVID-19 and the detection of the virus that causes it. HHS's Health Resources and Services Administration (HRSA) announced the awarding of these funds on April 8, 2020, which included \$7.8 million to D.C. Health Centers.⁹ HRSA required awardees to provide information via HRSA Electronic Handbooks (EHBs) by May 8, 2020, including supporting documentation.¹⁰ Health centers awarded funds included Bread for the City, Community of Hope, Elaine Ellis Center of Health, Family and Medical Counseling Service, La Clinica Del Pueblo, Mary's Center for Maternal and Child Care, Unity Health Care, and Whitman-Walker Clinic.

Centers for Disease Control and Prevention (CDC)

The CARES Act (Division B, Title VIII) allocated an additional \$4.3 billion for CDC activities, including not less than \$1.5 billion for grants to or cooperative agreements with states, localities, territories, or tribes to "carry out surveillance, epidemiology, laboratory capacity, infection control, mitigation, communications, and other preparedness and response activities"¹¹. On April 23, 2020, HHS announced allocations of \$631 million in additional CDC grants to states and cities from the CARES Act funding, but the District was not included in that funding announcement nor did the announcement indicate when the remainder of the \$1.5 billion would be allocated. The statute specifies that each entity that received a Public Health Emergency Preparedness grant in FY2019 will receive "not less than 100 % of that grant level" in the new funding. The District received \$3.7 million for PHEP in FY2019 so can expect to receive at least that amount under this title.

Education Stabilization Fund

The CARES Act created an Education Stabilization Fund (CARES Act Division B, Title VIII, Sec. 18001-8) and allocates a total of \$30.75 billion across three separate, formula-based sections, described below. According to the federal Department of Education, a total of \$91 million will be awarded to the District for all three funds.¹²

States or relevant entities must apply for the funds:

1. Governor's Emergency Education Relief Fund (\$2.95 billion national total, \$5.8 million to the District¹³)
2. Elementary and Secondary School Emergency Relief Fund (\$13.2 billion total, \$42 million to the District¹⁴ Office of the State Superintendent of Education (OSSE)

⁹ List of awards by Health Center at <https://bphc.hrsa.gov/emergency-response/coronavirus-cares-FY2020-awards/dc>.

¹⁰ Details for reporting requirements available at <https://bphc.hrsa.gov/program-opportunities/cares-supplemental-funding/reporting-hc>.

¹¹ CARES Act enrolled version, page 274.

¹² Department of Education: <https://oese.ed.gov/offices/education-stabilization-fund/>.

¹³ Governor's Emergency Education Relief Fund state allocation table: <https://oese.ed.gov/files/2020/04/GEER-Fund-State-Allocations-Table.pdf>.

¹⁴ Exact D.C. funding TBA, \$42 million estimate by Congressional Research Service

3. Higher Education Emergency Relief Fund (\$14 billion total, \$42.9 million directly to District-based universities¹⁵)¹⁶

The Governor’s Emergency Education Relief Fund is meant to be an “extraordinarily flexible”¹⁷ block grant for governors (including the District’s mayor) to allocate at their discretion for general operating grants to traditional, charter, and non-public LEAs, institutions of higher education (IHEs) or education - related entities like childcare and early education providers. Funds must be awarded within one year of receiving them. The Department of Education announced on April 14, 2020, that states may begin applying.¹⁸

The Elementary and Secondary Emergency Relief Fund is also flexible. Funds can be used for Coronavirus-response activities such as planning for school closures, purchasing educational technology, and any other activity authorized by federal elementary and secondary school laws. The grant will be distributed based on a state’s share of ESEA Title I-A funds. State education agencies (SEAs) must allocate at least 90% of the funds to local education agencies (LEAs) based on their proportion of Title I-A funds. SEAs may then use a portion or all of the remaining K-12 funds to respond to emergency needs as determined by the state agency.

To receive money from the two funds, states must maintain support for elementary and secondary education and higher education (funding to institutions and need-based financial aid) in FY 2020 and FY 2021 equal to their average support for the preceding three years. However, the U.S. Secretary of Education is given authority to waive this maintenance of effort provision if a state has “experienced a precipitous decline in financial resources.” Further, any entity that receives funds from the Education Stabilization Fund must continue to pay its employees and contractors to the extent practicable throughout the duration of Coronavirus related closures or disruptions.¹⁹

The CARES Act specifies that the Higher Education Emergency Relief Fund can cover costs associated with significant changes to the delivery of instruction, so long as funds are not used to pay contractors for the provision of pre-enrollment recruitment activities, endowments or capital outlays for athletics, sectarian instruction or religious worship. At least 50% of funds must go toward emergency financial aid grants to students (methods to be determined by individual campus discretion) so long as funds are “used to cover expenses related to the disruption of campus operations due to coronavirus” such as food, housing or health care.²⁰ The U.S. Department of Education released the direct-to-student allocations first on April 9, 2020, followed by institutional support funding on April 20, 2020.²¹

¹⁵ Higher Education Emergency Relief Fund university allocation table:

<https://www2.ed.gov/about/offices/list/ope/allocationsforsection18004a1ofcaresact.pdf>.

¹⁶ The CARES Act also includes specific allocations to Howard University (\$13 million) and Gallaudet University (\$7 million) because they are federally chartered universities.

¹⁷ “Secretary DeVos Announces \$3 Billion in Emergency Education Block Grants for Governors”, April 14, 2020:

<https://www.ed.gov/news/press-releases/secretary-devos-announces-3-billion-emergency-education-block-grants-governors>.

¹⁸ <http://blogs.edweek.org/edweek/campaign-k-12/GEER-Certification-and-Agreement.docx>.

¹⁹ <https://www.ncsl.org/blog/2020/04/01/-cares-act-gives-state-education-funding-flexibility-in-wake-of-covid-19.aspx>.

²⁰ Higher Education Emergency Relief Fund grant funding cover letter, April 9, 2020:

<https://www2.ed.gov/about/offices/list/ope/caresactgrantfundingcoverletterfinal.pdf>.

²¹ Press release, dated April 21, 2020: <https://www.ed.gov/news/press-releases/secretary-devos-delivers-6-billion-additional-grant-funding-support-continued-education-americas-colleges-universities>.

Institutions of higher education, including the University of the District of Columbia (UDC), must submit Certification and Agreement applications to obtain both the student²² and institutional²³ portions of grant funding. The CARES Act also sets aside roughly \$1 billion for additional awards to Historically Black Colleges and Universities (HBCUs), minority serving institutions, and colleges and universities serving low-income students. These grants, released on April 30, 2020²⁴, are to help further defray expenses and provide grants to students, and are to be obtained by submitting an additional Certification and Agreement application²⁵.

All told, UDC is eligible to receive over \$11.3 million in CARES Act funding, including:

- \$1,804,763 for student support (Section 18004 (a)(1))
- \$1,804,763 for institutional support (Section 18004 (a)(1))
- \$4,979,379 for Strengthening HBCUs (Section 18004 (a)(2))
- \$2,753,097 for Strengthening HBGIs (Section 18004 (a)(2))²⁶

FEMA Disaster Relief Fund

The CARES Act allocated \$45 billion nationally to Federal Emergency Management Agency (FEMA) Disaster Relief Fund for Public Assistance (PA) grant awards for emergency protective measures conducted as a result of the COVID-19 pandemic.²⁷ A total of \$25 billion of this funding is reserved for major disasters, and the District was declared a major disaster by President Trump on March 29, 2020.²⁸ FEMA provided a list of emergency protective measures on its website that includes emergency management costs, emergency medical care, and the purchase of PPE, medicine, food, and water.²⁹

The District is eligible to receive and administer a Public Assistance award. Funding from the District's award can be granted to both District government agencies and eligible private non-profits (PNPs).³⁰ The Homeland Security and Emergency Management Agency (HSEMA) received funding through this

²² Student Portion Certification and Agreement application:

<https://www2.ed.gov/about/offices/list/ope/beerstudentscertificationagreement42020.pdf>.

²³ Institutional portion Certification and Agreement application:

<https://www2.ed.gov/about/offices/list/ope/beerinstitutionalcertificationagreement42020v2.pdf>.

²⁴ HBCU grant funding cover letter, April 30, 2020:

<https://www2.ed.gov/about/offices/list/ope/coverletterhbcumsisiptccu.pdf>.

²⁵ HBCU Certification and Agreement application:

<https://www2.ed.gov/about/offices/list/ope/candahbcutccumsisip.pdf>.

²⁶ Formula allocations table (Section 18004 (a) (1)) and Excel document posted by Department of Education, Office of Postsecondary Education: <https://www2.ed.gov/about/offices/list/ope/caresact.html#ins>.

²⁷ CARES Act enrolled version, page 263.

²⁸ District of Columbia Major Disaster Declaration: <https://www.fema.gov/disaster/4502>.

²⁹ For a list of eligible costs, see Coronavirus (COVID-19) Pandemic: Eligible Emergency Protective Measures:

<https://www.fema.gov/news-release/2020/03/19/coronavirus-covid-19-pandemic-eligible-emergency-protective-measures>.

³⁰ Coronavirus (COVID-19) Pandemic: Public Assistance Simplified Application: <https://www.fema.gov/news-release/2020/03/23/coronavirus-covid-19-pandemic-public-assistance-simplified-application>.

program in previous major disasters and emergencies.³¹ The District’s last major disaster declaration was in 2016 after the January snowstorm when FEMA obligated \$17 million to the response.³²

The funding is provided at a 75% federal cost share. FEMA will not duplicate assistance already provided by HHS/CDC. FEMA may provide funding for an initial 30-day time period. The District government may request a 30-day time extension from the Regional Administrator with documentation showing continued need. Work may not extend beyond the duration of the COVID-19 Public Health Emergency, as determined by HHS.

To receive an award, the District must ensure that the following are completed: FEMA-State/Tribal/Territorial Agreements, Signed Federal Grant Applications (SF-424), and Updated Recipient Public Assistance (PA) Administrative Plans. Applicants apply through the FEMA Public Assistance Grants Portal, and their applications will be reviewed jointly by FEMA and District representatives.

Transportation Funding

The CARES Act allocates \$25 billion of transportation funding to be distributed by the U.S. Department of Transportation (DOT), Federal Transit Administration (FTA) (Division B, Title XII, page 319 of the enrolled version) for Transit Infrastructure Grants. Grants will be provided through existing FTA formula programs, with \$22.7 billion for Section 5307 Urbanized Area Formula Program, \$2.2 billion for Section 5311 Rural Area Formula Program, \$20 million for Section 5311(c)(2) Appalachian Development Public Transportation Assistance Program and \$30 million for Section 5311(c)(1) Public Transportation on Indian Reservations.

Under the Section 5307 Urbanized Area Formula program, the Washington, D.C., region (DC-VA-MD) is eligible for approximately \$1 billion, with the District of Columbia specifically designated for \$535,656,802.³³ According to the Fiscal Year 2020 National Transit Database for the Urbanized Area Formula Apportionment, funding designated as specifically for D.C. is directed to the Washington Metropolitan Area Transit Authority (WMATA), the National Capital Region Transportation Planning Board (TPB), and for “DDOT Progressive Transportation Services Administration”. In previous years, the DDOT had used funds for programs including the Streetcar, Capital Bikeshare, and the Circulator. Based on these designations DDOT should be eligible to apply for and receive some portion of the \$535,656,802. WMATA and the TPB presumably will apply for their portions of this funding directly with the FTA.

According to FTA guidance, funds are to be used to help protect public health and safety and may be used for planning capital and operating expenses of transit agencies related to the Coronavirus public health emergency. Costs can also include the purchase of Personal Protection Equipment (PPE) and paying for administrative leave of operations personnel (due to a reduction in service, for example). The

³¹ According to a report generated from the District’s General Ledger on April 13, 2020.

³² 2016 District of Columbia (DC) Snowstorm (DR-4260): <https://www.fema.gov/disaster/4260>.

³³ “Fiscal Year 2020 CARES Act Supplemental Public Transportation Apportionments and Allocations”. Federal Transit Administration, United States Department of Transportation. <https://www.transit.dot.gov/cares-act-apportionments>, “Table 2: Section 5307 Urbanized Area Apportionments”: <https://www.transit.dot.gov/funding/apportionments/table-2-fy-2020-cares-act-section-5307-urbanized-area-apportionments>.

funding is available for all activities normally eligible under the Urbanized Area formula programs and incurred on or after January 20, 2020 and must be spent within five years.

State and Local Law Enforcement Assistance

The CARES Act allocates \$850 million for “State and Local Law Enforcement Assistance” (Division B, Title II, page 233 of enrolled version) to be provided via the Coronavirus Emergency Supplemental Funding Program (CESF) by using the formula allocation used in fiscal year 2019 for the Edward Byrne Memorial Justice Assistance Grant Program (Byrne JAG) administered by the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. The District of Columbia’s Office of Victim Services and Justice Grants is eligible to receive \$5,999,524.³⁴

Funding is to assist states in preventing, preparing for and responding to the Coronavirus. Examples of allowable projects and purchases include overtime, equipment (including law enforcement and medical personal protective equipment) hiring, supplies (including gloves, masks, sanitizer), training, and addressing the medical needs of inmates in state and local prisons, jails, and detention centers.

D.C.’s most recent allocation for all Byrne JAG funding³⁵ was for FY 2019 and was \$1,510,581 of which a report generated from SOAR/CFO\$olve in April 2020 showed \$1,451,252 in federal grant funds still available.

Elections Assistance Commission

The CARES Act allocates \$400 million in new (supplemental) election security grants (Division B, Title V, page 250 of the enrolled version) through the Help America Vote Act (HAVA) administered by the Federal Election Assistance Commission (EAC) for states to prevent, prepare for, and respond to the Coronavirus for the 2020 federal election cycle. The D.C. Board of Elections is eligible to receive \$3 million³⁶ and applied for the funds in an April 14, 2020, letter to the EAC. The District of Columbia must make a 20% match (\$600,000) within two years of receiving the federal funds.

According to EAC guidance³⁷, funds may be used for 2020 election activities such as, but not limited to: printing additional ballots and envelopes for potential higher levels of absentee or vote by mail processes; upgrades of statewide or local databases to allow for online absentee or mail ballot requests; additional mailing and postage costs; additional voting equipment; cleaning supplies and protective masks and equipment for staff and poll workers in early voting, vote center, or election day polling places; overtime salary and benefit costs for elections staff and poll workers; training of poll workers on sanitization procedures for in-person voting; public communication of changes regarding voting or

³⁴ “Coronavirus Emergency Supplemental Funding (CESF) Program State and Local Allocations”. *Bureau of Justice Assistance*, U.S. Department of Justice. <https://bja.ojp.gov/program/cesf/state-and-local-allocations>, “FY 2020 CESF Allocations- State”: <https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/cesf-local-state-total-allocations.pdf>.

³⁵ This includes funding received for Byrne JAG and Prison Rape Elimination Act (PREA) Byrne JAG programs.

³⁶ “2020 Cares Act Grants.” U.S. Election Assistance Commission. <https://www.eac.gov/payments-and-grants/2020-cares-act-grants>, District of Columbia Funds Request pdf: https://www.eac.gov/sites/default/files/paymentgrants/cares/DC_CARES_Disbursement_RequestLetter.pdf.

³⁷ 2020 Cares Act Grants.” U.S. Election Assistance Commission. <https://www.eac.gov/payments-and-grants/2020-cares-act-grants>, Cares award instructions: <https://www.eac.gov/sites/default/files/paymentgrants/cares/CARESAwardInstructions.pdf>.

registration including mailings to inform the public on changes or determination of procedures of COVID-19 precautions, options in voting; pre- and post-election day deep cleaning of polling places; additional laptops and IT equipment; additional automated letter opening equipment.

D.C.'s most recent allocation for HAVA was for FY 2018 and was \$2,099,652 of which a report generated from SOAR/CFO\$olve in April 2020 showed \$807,745 in federal grant funds still available.

Child Care & Development Block Grant Supplemental Funding

The CARES Act allocates a total of \$3.5 billion for supplemental emergency childcare funding through the Child Care and Development Block Grant (Division B, Title VIII, Sec. 127), administered by the Department of Health and Human Services (HHS) Administration for Children and Families (ACF). These funds are designed to provide support to families who need childcare during the pandemic and support childcare providers caring for the children of essential or frontline workers. On April 15, 2020, the Administration for Children and Families published a list of allocations indicating the District would receive \$6 million with allocations based on FY 2019 discretionary CCDBG funding.³⁸ Like prior CCDBG funds, these funds would flow through OSSE in the District.

The CARES Act has unique requirements in addition to requiring the funds to be supplemental:

- Provide childcare payments to providers to assure they can remain open or reopen.
- Ensure that childcare providers use a portion of funds to continue to pay salaries and wages.

Multiple flexibilities, outlined below,³⁹ apply to these funds and do not apply to other CCDBG funds.⁴⁰

- Funds are exempted from minimum spending requirements on direct childcare services and quality investments.
- Funds are exempted from income eligibility requirements when providing childcare to the children of essential or frontline workers.
- Funds may be used by eligible childcare providers, regardless of whether they currently receive childcare assistance, for sanitation and cleaning purposes.

Importantly, HHS notes that some states may need to enact state legislation or regulation in order to take advantage of the flexibilities outlined in the CARES Act for these supplemental funds. Further, they may need to submit a plan amendment or waiver request to the federal Office of Child Care.⁴¹

Emergency Food and Shelter Program

The CARES Act allocated \$200 million to the Emergency Food and Shelter Program (EFSP) administered by FEMA.⁴² The purpose of the funding is to supplement and expand ongoing work of local social service

³⁸ <https://www.acf.hhs.gov/occ/resource/2020-cares-act-cdcbg-supplemental-funding-allocations-for-states-and-territories>.

³⁹ <https://bipartisanpolicy.org/explainer/ccdbg-funds-in-the-cares-act/>.

⁴⁰ SOAR indicates that as of 4/22/2020 the District had \$1.1M remaining in CCDBG funds to be utilized under the existing grant as per current regulations, not CARES Act flexibilities.

⁴¹ <https://www.acf.hhs.gov/occ/resource/summary-of-child-care-provisions-of-cares-act>.

⁴² CARES Act enrolled version, page 264.

organizations, both nonprofit and governmental, to provide shelter, food, and supportive services to people who have economic, non-disaster related emergencies.⁴³ In previous years, funding provided through this federal program has gone to non-governmental District social service organizations like Miriam’s Kitchen, the Salvation Army, and Bread for the City rather than to the District government and we have not confirmed if that will be the case with CARES Act funding.⁴⁴

FEMA chairs an EFSP National Board with representatives from American Red Cross, Catholic Charities USA, The Jewish Federations of North America, National Council of the Churches of Christ in the USA, The Salvation Army, and United Way Worldwide. United Way Worldwide also serves as the National Board’s Secretariat and Fiscal Agent, administering the program on a day-to-day basis.

The National Board allocates funding to local jurisdictions (counties or cities) based on a formula using the most recent national population, unemployment, and poverty statistics. Jurisdictions that qualify must convene a local board comprised of representatives at the local level of the same organizations as those on the National Board. A local government official must serve in place of the FEMA representative.⁴⁵ The Local Board decides which local social service organizations receive program funds.⁴⁶

Assistance to Firefighter Grants

The CARES Act allocated an additional \$100 million in funding nationally for the FEMA administered Assistance to Firefighters Grant.⁴⁷ The District Fire and Emergency Medical Services Department (FEMS) is eligible to apply to FEMA for funding.⁴⁸ The grant is for the purchase of personal protective equipment and related supplies, including reimbursements. Previously, FEMS received a FY 2015 award totaling \$1,085,403.⁴⁹

Emergency Management Performance Grant

The CARES Act allocated \$100 million in the FEMA-administered Emergency Management Performance Grant COVID Supplemental (EMPG-S) funding.⁵⁰ HSEMA is eligible for \$877,618 of this award from

⁴³ A list of eligible services can be found in the 2020 FEMA Fact Sheet: Emergency Food and Shelter Program <https://www.fema.gov/media-library-data/1587311906063-a3d31be26ded02daa9bec89ec80194da/FACTSHEETEmergencyFoodandShelterProgram2020compliant.pdf>.

⁴⁴ A complete list of local social service organizations in the District can be found on the National Board Website: <https://www.efsp.unitedway.org/efsp/website/websiteContents/index.cfm?template=fundedLROAwardByPhase.cfm>.

⁴⁵ 2020 FEMA Fact Sheet: <https://www.fema.gov/media-library-data/1587311906063-a3d31be26ded02daa9bec89ec80194da/FACTSHEETEmergencyFoodandShelterProgram2020compliant.pdf>.

⁴⁶ FEMA Emergency Food and Shelter Program Alignment and Oversight Plan, page 3-4: <https://www.dhs.gov/sites/default/files/publications/FEMA%20-%20Emergency%20Food%20and%20Shelter%20Program.pdf>.

⁴⁷ CARES Act enrolled version, page 264.

⁴⁸ Assistance to Firefighters Grant Program Welcome Page: <https://www.fema.gov/welcome-assistance-firefighters-grant-program>.

⁴⁹ Assistance to Firefighters Grants - Grantee Award Year 2015: <https://www.fema.gov/assistance-firefighters-grants-award-year-2015>.

⁵⁰ CARES Act enrolled version, page 264.

FEMA. The District's grant amount is based on a formula of a uniform base amount allocated to states and an additional amount based on population.

The purpose of the grant is to assist states with their public health and emergency management activities to prevent, prepare for, and respond to the COVID-19 public health emergency. Specifically, FEMA encourages funding to be used for:

1. Mitigation activities (related to slowing the spread of COVID-19).
2. Integration of emergency management and public health operations.
3. Collection and display of public, private, and governmental data of hospital bed and ventilator capacity and usage.
4. Collection and display of PPE inventories and establishment of burn rates to forecast future needs.
5. Planning for alternate care sites.
6. Identifying all sources to surge medical professionals.

The grant operates as a 50% federal cost share. States must at least equally match (cash or third party in-kind) the federal contribution.⁵¹

The CARES Act funding supplements funding provided for the Emergency Management Performance Grant that HSEMA received for FY 2020 and in previous years. According to a report generated on April 29, 2020, from SOAR/CFO\$olve, the District has \$1,025,837 in FY 2019 and \$2,457,132 in FY2020 still available (not including this supplemental COVID-19 funding).

To receive funding, the District was to have applied by April 28, 2020. FEMA has modified the application process to require only minimal information. FEMA anticipates awarding the grant on May 8, 2020. The District will be required to provide an interim work plan by July 30, 2020. Funds are available until September 30, 2021. The period of performance for the grant is 24 months and is projected to end on January 26, 2022.

Community Development Block Grant

The CARES Act allocates \$5 billion to the HUD Community Development Block Grant (CDBG) program to prevent, prepare for, and respond to Coronavirus.⁵² HUD has published a list of CDBG eligible activities to support the Coronavirus response.⁵³ As of April 17, 2020, the District had been allocated \$9,105,576 in CDBG CARES Act funding ("CDBG-CV") according to HUD.⁵⁴ The funding will remain available until September 22, 2020. The funding is typically received and allocated by the Department of Housing and Community Development.

⁵¹ DHS Notice of Funding Opportunity FY2020 Emergency Management Performance Grant Program COVID-19 Supplemental (EMPG-S): https://www.fema.gov/media-library-data/1586548278007-3bf1e643add0fa132e30e20ff2c96e0c/FY_2020_EMPG-S_NOFO_Final_508ML.pdf.

⁵² CARES Act enrolled version, page 325-6.

⁵³ HUD Quick Guide to CDBG Eligible Activities to Support Coronavirus and Other Infectious Disease Response (revised April 6, 2020): <https://files.hudexchange.info/resources/documents/Quick-Guide-CDBG-Infectious-Disease-Response.pdf>.

⁵⁴ HUD CPD Program Formula Allocations And Cares Act Supplemental Funding For FY2020 https://www.hud.gov/program_offices/comm_planning/budget/fy20/.

Of the \$5 billion in funding, \$2 billion is to be allocated to states and units of local governments that received an allocation under the fiscal year 2020 CDBG formula, and allocations should be made within 30 days of the enactment of the CARES Act. Another \$2 billion is to be allocated on a rolling basis to states and units of local government, cities and counties at the discretion of the HUD Secretary according to a formula based on the prevalence and risk of COVID-19 transmission and related economic and housing disruption. The final \$1 billion is to go directly to “states and insular areas”⁵⁵ for activities in both entitlement and non-entitlement communities, and the amount of funding will be based on the prevalence and risk of COVID-19 transmission and related economic and housing disruption as determined by the HUD Secretary. Allocations will be made within 45 days of enactment of the CARES Act.

According to SOAR/CFO\$olve the District has \$13,323,199 remaining in FY 2019 CDBG funding.⁵⁶ HUD allocated \$15,478,588 to the District in FY 2020 CDBG funding and it is anticipated the District will receive FY 2020 funds later this calendar year⁵⁷. A SOAR/CFO\$olve report shows a total of \$19,408,361 currently available in FY 2016-2019 CDBG funding. The CARES Act gives CDBG grantees greater flexibility in using the CDBG-CV CARES Act funding as well as remaining FY 2019 and FY 2020 CDBG funding to respond to the Coronavirus. HUD issued guidance on April 9, 2020, that:

- Eliminates the 15% cap on the amount that a CDBG grantee can spend on public services.
- Allows an expedited 5-day public comment period for amendments and new plan submissions.
- Removes the requirement to hold in-person public hearings in order to comply with national and local social gathering requirements.
- Allows grantees to be reimbursed for COVID-19 response activities from the supplemental CDBG-CV funding regardless of the date the costs were incurred.⁵⁸

A grantee can make substantial amendments to the most recent annual action plan.⁵⁹ The deadline for submitting consolidated action plans has been extended by a year to August 16, 2021. The CARES Act also permits the HUD Secretary to waive or specify alternative requirements for any statute or regulation in connection with the CDBG-CV, FY 2019, and FY 2020 CDBG funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment).

Emergency Solutions Grants

The CARES Act allocated \$4 billion in HUD Emergency Solutions Grants (ESG) to prevent, prepare for, and respond to Coronavirus, among individuals and families who are homeless or receiving homeless

⁵⁵ Not clear the District of Columbia is eligible because the law allocated funding to states and insular areas, as defined by 42 U.S.C. 5302(a). “The term “State” means any State of the United States, or any instrumentality thereof approved by the Governor; and the Commonwealth of Puerto Rico.”

<https://www.law.cornell.edu/uscode/text/42/5302>.

⁵⁶ According to a report generated on April 30, 2020 from SOAR/CFO\$olve.

⁵⁷ HUD CPD Program Formula Allocations And Cares Act Supplemental Funding For FY2020

https://www.hud.gov/program_offices/comm_planning/budget/fy20/.

⁵⁸ HUD Memorandum on CARES Act Flexibilities for CDBG Funds Used to Support Coronavirus Response:

<https://files.hudexchange.info/resources/documents/CARES-Act-Flexibilities-CDBG-Funds-Used-Support-Coronavirus-Response.pdf>.

⁵⁹ HUD Resource page on CARES Act Flexibilities for CDBG Funds Used to Support Coronavirus Response:

<https://www.hudexchange.info/resource/6018/cares-act-flexibilities-for-cdbg-funds-used-to-support-coronavirus-response/>.

assistance and to support additional homeless assistance and homelessness prevention activities to mitigate the impacts created by Coronavirus. Of that, \$2 billion is to be distributed to grantees that received allocations under the FY 2020 formula, and the allocations should be made within 30 days of enactment of the CARES Act. The remaining funding shall be allocated directly to a state or unit of general local government by a formula developed by the HUD Secretary; the formula will take into account the risk of Coronavirus transmission, high numbers of sheltered and unsheltered homeless, and economic and housing market conditions. This allocation shall be made within 90 days of enactment of the CARES Act.⁶⁰

The Department of Human Services administers ESG grants for the District. As of April 17, 2020, HUD had allocated \$4,602,197 in ESG CARES Act funding to the District.⁶¹ According to a report generated on April 29, 2020, from SOAR/CFO\$olve, the Department of Human Services had \$1,007,160 still available in ESG grants from FY 2018 and FY 2019.

Tenant-Based Rental Assistance

The CARES Act allocated \$1.25 billion to tenant-based rental assistance via HUD to prevent, prepare for, and respond to Coronavirus, including providing additional funds for public housing agencies to maintain normal operations and take other necessary actions.⁶² The funding will remain available until expended. Of this \$1.25 billion, \$850 million is for both Section 8 programs, including Mainstream Vouchers,⁶³ administrative expenses, and other expenses including activities to support the health and safety of assisted individuals and families, and to retain and support participating owners. Of that amount, \$400 million is for adjustments in the calendar year 2020 Section 8 renewal funding allocations for public housing agencies that experience a significant increase in voucher per-unit costs due to extraordinary circumstances or otherwise risk terminating rental assistance for families as a result of insufficient funding. The District of Columbia Housing Agency (DCHA) administers the Housing Choice Voucher Program which provides tenant-based rental assistance.

Public Housing Operating Fund

The CARES Act allocated \$685 million to the public housing operating fund via HUD to prevent, prepare for, and respond to Coronavirus, including providing additional funds for public housing agencies to maintain normal operations and take other necessary actions.⁶⁴ Eligible activities include activities to support or maintain the health and safety of assisted individuals and families and activities to support education and childcare for impacted families. This funding will be combined with the amount granted under the Further Consolidated Appropriations Act 2020 (Public Law 116-94) which the President signed into law on December 20, 2019.⁶⁵ The District of Columbia Housing Authority (DCHA) will receive

⁶⁰ CARES Act enrolled version, page 328-30.

⁶¹ HUD CPD Program Formula Allocations And Cares Act Supplemental Funding For FY2020 https://www.hud.gov/program_offices/comm_planning/budget/fy20/.

⁶² CARES Act enrolled version, page 321-322.

⁶³ Mainstream vouchers assist non-elderly persons with disabilities.

https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/mainstream.

⁶⁴ CARES Act enrolled version, page 323.

⁶⁵ White House Consolidated Seven-Day-After Report: https://www.whitehouse.gov/wp-content/uploads/2020/01/7_Day_After_Report_Consolidated_1-14-20_Speaker.pdf.

funding based on the Operating Fund formula. The funding will remain available until September 30, 2021. HUD has published detailed guidelines on the use of this funding.⁶⁶

Housing Opportunities for Persons With AIDS

The CARES Act allocates \$65 million to the HUD Housing Opportunities for Persons with AIDS (HOPWA) program to provide additional funds to maintain operations and for rental assistance, supportive services, and other necessary actions, in order to prevent, prepare for, and respond to Coronavirus. At least \$50 million will be allocated based on the same formula for FY 2020 grants. Up to \$10 million will be available to provide an additional one-time, non-renewable award to grantees currently administering existing contracts for permanent supportive housing that initially were funded under section 854(c)(5) of the AIDS Housing Opportunity Act from funds made available under this heading in FY 2010 and prior years. HUD provided a list of eligible activities for use of supplemental COVID funding.⁶⁷

According to a report generated on April 29, 2020, from SOAR/CFO\$olve, the Department of Health (DOH) had received \$1,611,314 in HOPWA CARES Act funding allocated by HUD to the District.⁶⁸

Children and Families Services Programs

Division B, Title VIII (pages 278-279 of the enrolled CARES Act) provides \$1.874 billion nationally for the Children and Families Services Programs, to remain available through September 30, 2021, and which may be used to restore amounts for obligations incurred related to Coronavirus before the date of the enactment of this Act. The Children and Families Services Programs funding is administered by the Administration for Children and Families (ACF) of the Department of Health and Human Services. It includes \$1 billion in Community Services Block Grants. According to a report of federal grant funds generated from SOAR/CFO\$olve on April 14, 2020, the D.C. Department of Human Services received \$11.7 million in FY 2020 under this grant, of which \$800,000 remained when the report was generated. The Community Services Block Grants can be used to provide a wide range of social services and emergency assistance to D.C. residents. The CARES Act gives states the discretion to raise the definition of eligibility to 200% of the federal poverty level for FYs 2020 and 2021.⁶⁹ If a state distributes funds to an eligible entity, they remain with that entity into the next two fiscal years for expenditures.

The Children and Families Services Programs funding also includes \$750 million for Head Start programs, to be allocated in proportion to the number of children served. The CARES Act provides that none of these funds are to be included in calculating the “base grant” in later fiscal years, and similarly, that CARES Act funding is not restricted based on prior year funding. The majority, \$500 million, is to be awarded through non-competitive grant supplements for summer programs, to existing grantees that the Office of Head Start at HHS ACF determines to be the most ready to operate those programs.

⁶⁶ Notice PIH-2020-07: Implementation of Supplemental Guidance to the Federal Fiscal Year 2020 Operating Fund Appropriations: <https://www.hud.gov/sites/dfiles/PIH/documents/PIH2020-07.pdf>.

⁶⁷ CARES Act Supplemental Award Information for HOPWA Grantees: <https://www.hudexchange.info/news/cares-act-supplemental-award-information-for-hopwa-grantees/>.

⁶⁸ HUD CPD Program Formula Allocations And Cares Act Supplemental Funding For FY2020 https://www.hud.gov/program_offices/comm_planning/budget/fy20/.

⁶⁹ Guidance from ACF on CSBG is available at <https://www.acf.hhs.gov/ocs/resource/csbg-im-2020-157-immediate-guidance-on-covid-19-response>.

With DCPS's recent announcement that it will not apply for FY 2021 Head Start funding following its failure to report child abuse incidents to the Office of Head Start, it seems unlikely to be selected to receive funding for summer programs. According to a report of federal grant funds generated from SOAR/CFO\$olve on April 29, 2020, FY 2020 funding for Head Start was \$13 million, with \$4.97 million still available.

The Children and Families Services Programs funding in the CARES Act also includes \$45 million in funding for Family Violence Prevention and Services formula grants. Matching requirements are waived for the funds made available under the CARES Act for both purposes. According to a report of federal grant funds generated from Soar/CFO\$olve on April 29, 2020, the District government received \$755,000 for the Family Violence Prevention and Services formula grant for FY 2019. The CARES Act explicitly allows this funding to be used to provide "temporary housing and assistance to victims of family, domestic, and dating violence."

The Children and Families Services Program also includes \$45 million in funding for Title IV-B child welfare services. D.C.'s allocation for FY 2019 for child welfare services was \$242,000, according to a report of federal grant funds generated from SOAR/CFO\$olve on April 22, 2020, which also records the entire allocation as unexpended and unencumbered. The Children's Bureau of the Administration of Children and Families had not issued guidance on how states may apply for or receive the new funds⁷⁰, but the CARES Act specifies that funding is to be provided without reduction based on the percentage of foster children in a state that case workers were able to visit in a given month.

Low Income Home Energy Assistance Program (LIHEAP)

Division B, Title VIII of the CARES Act provides \$900 million in additional funding for Low Income Home Energy Assistance (see page 277 of the enrolled CARES Act), which the D.C. Department of Energy and the Environment (DOEE) administers. The funding is to be in addition to the regular allocation of the Low Income Home Energy Assistance Program (LIHEAP), in the form of grants from the Administration of Children and Families, Office of Community Services in HHS, to states to assist low-income residents with energy costs. Funds under the CARES Act will be awarded by formula and will be released to D.C. to expend according to its LIHEAP Plan.

The Act does not include additional requirements to access the funds, although HHS notes that a state may submit a revised FY 2020 LIHEAP Plan if it has made a "substantial revision" to it.⁷¹ If a state chooses to make substantial revisions, it is required to make the plan available for public inspection and allow for timely and meaningful review of, and comment upon, the changes as required under normal circumstances. The Act also lifts the 10% limitation for rolling over funds from year to year for the funds it makes available.

D.C.'s most recent allocation for LIHEAP was for FY 2020, and was \$11 million⁷², of which a report generated from SOAR/CFO\$olve on April 29, 2020, showed \$2 million in federal grant funds still

⁷⁰ The Children's Bureau's website, where guidance would be likely to be published when available, is at <https://www.acf.hhs.gov/cb>.

⁷¹ Guidance for the CARES Act supplement to LIHEAP is available at <https://www.acf.hhs.gov/ocs/resource/liheap-dcl-initial-covid-19-program-guidance>.

⁷² HHS's report of total LIHEAP block grants to all states for FY 2020 under the Further Consolidated Appropriations Act, 2020 (P.L.116-94) is available at https://www.acf.hhs.gov/sites/default/files/ocs/comm_liheap_secondreleasedclstatertertable_fy2020.pdf.

available. Based on the percentage D.C. received of FY 2020 funding, the additional LIHEAP funding through the CARES Act might be somewhere around \$2 million to \$3 million. In general, most states run out of funding through LIHEAP before being able to assist all eligible households and DOEE should not have any difficulty in expending the additional funds. D.C.'s most recent single audit did not have any findings regarding LIHEAP.⁷³

Training and Employment Services

Division B, Title VIII, of the CARES Act (page 273 of the enrolled act) makes available \$345 million through September 30, 2022, to the U.S. Department of Labor (DOL) for necessary expenses for the dislocated workers assistance national reserve. The amounts provided can replace funding already allocated to areas affected by Coronavirus. The reserve is the source for Dislocated Worker Grants (DWGs), which are discretionary grants awarded by DOL. A DOL webpage with current and past grantees does not include the District.⁷⁴ DWGs are distinct from dislocated worker *formula* grants, which D.C. has received in recent fiscal years, according to a report of federal grant funds generated from SOAR/CFO\$olve on April 22, 2020.

According to the application portal for DWGs, DOL expects to make 150 awards on a rolling basis in amounts ranging from \$150,000 to \$100 million, out of a total of \$300 million total funding.⁷⁵ The grants are available to applicants such as a state, consortiums of states, local Workforce Development Boards, and entities determined to be appropriate by the governor of a state. D.C. may apply as a state under the program.

DWGs provide funding to eligible applicants to respond to unexpected layoffs causing significant job losses, to meet the increased demand for employment and training services provided under the Workforce Innovation and Opportunity Act. There are two kinds of DWGs: Disaster Recovery DWGs and Employment Recovery DWGs.⁷⁶ Disaster Recovery DWGs provide funding for temporary employment for positions that assist with cleanup and recovery of an area impacted by a disaster. Employment Recovery DWGs provide funding to support increased capacity to meet increased demand for employment and training services after major economic dislocations.

Child Nutrition Programs

Division B, Title I of the CARES Act makes \$8.8 billion available until September 30, 2021, for Child Nutrition Programs (pages 227-228 of the enrolled Act). Child Nutrition Programs include the programs that feed children at school through the U.S. Department of Agriculture (USDA): National School Lunch Program, School Breakfast Program, Special Milk Program, Child and Adult Care Food Program, and

⁷³ D.C.'s FY 2018 single audit, the most recent available at time of writing, is at <https://cfo.dc.gov/node/1423236>.

⁷⁴ Dislocated Worker Grantees can be found at <https://www.dol.gov/agencies/eta/dislocated-workers/grants/awards>.

⁷⁵ Dislocated Worker Grant applications can be made at <https://www.grants.gov/web/grants/view-opportunity.html?oppId=325616>. Application instructions can be found at <https://www.dol.gov/sites/dolgov/files/ETA/grants/pdfs/DWG-App-and-Mod-Instructions.pdf>.

⁷⁶ Official guidance for applying for DWGs is available at https://wdr.doleta.gov/directives/attach/TEGL/TEGL_12-19.pdf.

Summer Food Service Program.⁷⁷ School districts are reimbursed for meals served through the child nutrition programs.⁷⁸

While schools are closed due to COVID-19 the supplemental funding would likely support a state's Summer Food Service Program or Seamless Summer Option. Child nutrition programs have several built-in flexibilities for responding to disasters, and the Families First Coronavirus Response Act of 2020 provided the USDA with additional authority to increase flexibilities for states.⁷⁹ Many of these flexibilities are currently available only until June 30, 2020, or until expiration of the federally-declared public health emergency, whichever is earlier.

The Food and Nutrition Service of the USDA lists D.C. as having been granted flexibility to serve meals outside of standard meal times and the standard group setting, to change meal components, to allow parents and guardians to pick up meals for children, and to serve afterschool snacks without an afterschool program, and several waivers or extensions of administrative and reporting requirements.⁸⁰

The Families First Coronavirus Response Act of 2020⁸¹ authorized the issuance of waivers to operate pandemic Electronic Benefit Transfer programs so jurisdictions can provide SNAP (food stamp) benefits equal to or greater than the federal reimbursement rate for free school meals for children who would receive free or reduced price school meals if not for the school closure. As of April 30, 2020, 13 states, including Virginia and Maryland but not D.C., had received waivers to operate pandemic EBT programs. Pandemic EBT represents a possible additional source of support for school-age children that could reduce the need for support from other programs funded locally.

Economic Adjustment Assistance

Under the Economic Development Administration (EDA), the CARES Act allocates \$1.5 billion to Economic Adjustment Assistance (EAA) to prevent, prepare for, and respond to the Coronavirus, domestically or internationally, including for responding to economic injury as a result of Coronavirus.⁸² Eligible applicants include EDA-designated Economic Development Districts (EDDs); state and local governments; institutions of higher education; and nonprofit organizations acting in cooperation with local government officials.⁸³ To receive funding, the District must apply.

⁷⁷ Child Nutrition Programs are listed at <https://www.fns.usda.gov/cn>.

⁷⁸ If the school or district participates in the Community Eligibility Provision, reimbursement is based on the total number of meals served. For meals served to children attending other schools, federal reimbursement is only available if the children are eligible for free or reduced-price meals. <https://www.fns.usda.gov/nslp/community-eligibility-provision-resource-center>.

⁷⁹ Department of Agriculture, Food and Nutrition Service guidance related to child nutrition and other programs is available at https://www.fns.usda.gov/resources?f%5B0%5D=program%3A39&f%5B1%5D=resource_type%3A160.

⁸⁰ Food and Nutrition Service waivers for DC, including child nutrition program waivers, are available at <https://www.fns.usda.gov/disaster/pandemic/covid-19/district-of-columbia>. Most states have been granted waivers of the same requirements as D.C.

⁸¹ A list of states which have been approved to operate a Pandemic EBT program is available at <https://www.fns.usda.gov/snap/state-guidance-coronavirus-pandemic-ebt-pebt>.

⁸² CARES Act enrolled version, pages 230-1.

⁸³ Congressional Research Service (CRS). The Economic Development Administration and the CARES Act (P.L. 116-136): <https://crsreports.congress.gov/product/pdf/IN/IN11303>.

The District has been a past recipient of EAA grants. In September 2013, EDA awarded \$2 million in economic adjustment assistance to create a workforce training center at the UDC-Community College.⁸⁴

Emergency Planning and Security Fund

The CARES Act allocated \$5 million as a federal payment for emergency planning and security costs in the District of Columbia to prevent, prepare for, and respond to the coronavirus, domestically and internationally⁸⁵. According to a report generated on April 22, 2020 from the District Ledger, the \$5 million allocation was added to the District's Emergency Planning and Security Fund which uses federal funding to cover security costs for the presidential inauguration and other public events. The fund is generally used to reimburse expenditures made by the Metropolitan Police Department, Fire and Emergency Medical Services Department and Homeland Security and Emergency Management Agency.

Mr. Chairman and Councilmembers, this concludes our summary of funding streams that may be available to the District for response and mitigation related to the Coronavirus health emergency. The federal government continues to add to the guidance on each program and in some cases has actually changed eligibility in response to concerns brought to the attention of federal agencies. And the U.S. Congress appears prepared to enact another major funding package that will likely include significant funding for states and cities.

We hope this summary will be useful to you going forward and anticipate returning to these issues in the coming weeks and months.

Thank you.

Sincerely yours,



Kathleen Patterson
D.C. Auditor

⁸⁴ EDA FY2013 Annual Report: Washington, District of Columbia: <https://www.eda.gov/annual-reports/fy2013/states/dc.htm>.

⁸⁵ CARES Act enrolled version, page 250.

Appendix: Federal COVID-19 Funding Potentially Available to D.C. (as of April 30, 2020) *

Fund Name/Purpose	DC Govt Total	DC Non-Govt Total	National Total	Likely District Agency
Coronavirus Relief Fund for states and cities	\$495,138,063		\$150,000,000,000	
Emergency Relief for Medical Providers	At least \$4,200,000	At least \$83,689,099	\$175,000,000,000	DOH, UMC, St. Elizabeth's
Hospital Preparedness & Other Public Health Grants	At least \$7,223,029	At least \$8,400,247	\$127,950,000,000	DOH
Centers for Disease Control and Prevention	At least \$3,700,000		\$1,500,000,000	
Education Stabilization Fund	\$59,142,002	\$31,524,593	\$30,750,000,000	OSSE
FEMA Disaster Relief Fund for Public Assistance	TBD		\$45,000,000,000	HSEMA
Transportation Funding	TBD	Up to \$535,656,802	\$25,000,000,000	DDOT
State and Local Law Enforcement Assistance	\$5,999,524		\$850,000,000	OVSJG
Elections Assistance Commission	\$3,000,000		\$400,000,000	BOE
Child Care & Development Block Grant Supplemental Funding	\$6,000,000		\$3,500,000,000	OSSE
Emergency Food and Shelter Program		TBD	\$200,000,000	
Assistance to Firefighter Grants	TBD		\$100,000,000	FEMS
Emergency Mgmt. Performance Grants	\$877,618		\$100,000,000	HSEMA
Community Development Block Grant	\$9,105,576		\$5,000,000,000	DHCD
Emergency Solutions Grants	\$4,602,197		\$4,000,000,000	DHS
Tenant-Based Rental Assistance	TBD		\$1,250,000,000	DCHA
Public Housing Operating Fund	TBD		\$685,000,000	DCHA
Housing Opportunities for Persons with AIDS	\$1,611,314		\$65,000,000	DOH
Children and Families Services Programs	TBD	TBD	\$1,874,000,000	DHS, DCPS, OSSE, CFSA
Low Income Home Energy Assistance Program	Approximately \$2,000,000-3,000,000		\$900,000,000	DOEE
Training and Employment Services	Up to \$100 million available		\$345,000,000	DOES
Child Nutrition Programs	Reimbursement for meals served		\$8,800,000,000	OSSE
Economic Adjustment Assistance	TBD		\$1,500,000,000	Applying agency TBD
Emergency Planning and Security Fund	\$5,000,000		\$5,000,000	MPD, FEMS, HSEMA

*A downloadable workbook with additional information on these funding streams is available on our website, www.dcauditor.org