

NACo BRIEF: STATUS OF HUMAN SERVICES AND EDUCATION FUNDING UNDER SUPPLEMENTAL COVID-19 PACKAGES

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SUMMARY

The *Families First Coronavirus Response Act* (FFCRA; PL 116-127), *Coronavirus Aid, Relief and Economic Security Act* (CARES Act; PL 116-136) and *Consolidated Appropriations Act of 2021* (PL 116-260) included billions of dollars in supplemental funding for human services and education programs as well as various flexibilities for the states and counties responsible for administering these programs.

This brief provides an overview of steps the federal government has taken to implement these new resources and administrative changes.

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U.S. DEPARTMENT OF AGRICULTURE - FOOD AND NUTRITION SERVICE (FNS)

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

COUNTY ROLE

10 states [delegate the administration](#) of the SNAP program to county governments. SNAP is funded as an entitlement.

EMERGENCY FUNDING

- **\$15.5 billion** in “contingency” funding under the CARES Act. According to a [Government Accountability Office report published November 30, 2020](#), USDA has drawn down the entirety of these contingency funds as well as an additional \$4 billion in SNAP reserves to respond to increased program participation.
- Under the Consolidated Appropriations Act of 2021, all SNAP participants will **receive a uniform monthly benefit increase of 15 percent** starting January 1, 2021 and ending June 30, 2021. This provision is anticipated to cost around **\$18.5 billion**.

KEY ADMINISTRATIVE FLEXIBILITIES

USDA has deployed existing emergency flexibilities and new authorities granted under the FFCRA, extended in the *Continuing Appropriations Act, 2021 and Other Extensions Act* (PL 116-159) and updated under the *Consolidated Appropriations Act of 2021* to provide states flexibility for SNAP operations. [Active state by state SNAP waivers can be found here.](#)

- [Emergency Allotments](#): All states may provide emergency supplements to SNAP households that normally receive less than the maximum benefit. ***In effect for duration of national and state public health emergency.***
- [Pandemic EBT \(P-EBT\)](#): Under the FFCRA, all states have been approved to provide SNAP benefits to children who normally receive free or reduced-price school meals. The *Continuing Appropriations Act, 2021 and Other Extensions Act* (PL 116-159) extended P-EBT through September 2021 and updates parameters for school-aged children to qualify. It also expands P-EBT to apply to children in daycare who have lost access to meals typically provided under the Child and Adult Food Care Program, a provision updated under the *Consolidated Appropriations Act of 2021* to apply to all income-eligible children under age 6.

On November 16, USDA [issued updated guidance](#) for states to submit plans to administer the extended P-EBT program to school-aged children, however, the agency cited technical challenges in issuing guidance for children in daycare.

According to a [Government Accountability Office report published November 30, 2020](#), USDA has disbursed **\$8.6 billion** in support of the P-EBT program thus far (the program is subject to unlimited appropriations.)

- [SNAP Online Purchasing](#): FNS rapidly expanded the SNAP online purchasing pilot to support social distancing, bringing access to nearly three-quarters of the states, covering 90% of SNAP households.
- [Able-bodied Adults without Dependents \(ABAWDs\) Time Limit Suspension](#): The FFCRA directed FNS to suspending the time limit associated with ABAWD work requirements. ***In effect for duration of national and state public health emergency.***
- [Application Processing](#): FNS approved certain adjustments to support SNAP application processing by state and county human service agencies through September, including waiving in-person interview requirements and extending recertification deadlines. Now that these waivers have expired, states can apply for [more limited flexibilities](#) but must provide a transition plan for September through December and meet other requirements.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC)

COUNTY ROLE

WIC is administered at the state level, but operates through 1,900 local agencies, including county health departments, at thousands of clinic sites. WIC is formula funded.

EMERGENCY FUNDING

- The FFCRA provided **\$500 million** through existing formula to cover increased participation. According to a [Government Accountability Office report published November 30, 2020](#), USDA has not needed to obligate these additional funds.
- The *Consolidated Appropriations Act of 2021* provided and additional **\$13 billion in funding** to support a wide range of federal nutrition programs, including child nutrition programs, in meeting unforeseen expenses and increased demand caused by the COVID-19 pandemic.

KEY ADMINISTRATIVE FLEXIBILITIES

The FFCRA permitted USDA to grant waivers to state WIC agencies of regulatory requirements that inhibit the delivery of WIC services throughout the COVID-19 public health emergency. The *Continuing Appropriations Act, 2021 and Other Extensions Act* (PL 116-159)

extended authority for these waivers through September 30, 2021. [State by state WIC waivers can be found here.](#)

- [Remote Benefit Issuance Waivers](#): FNS is allowing WIC agencies to issue benefits remotely so participants do not have to pick up their WIC benefits in person.
- [Physical Presence Waivers](#): FNS is allowing participants to enroll or re-enroll in WIC without visiting a clinic in person and postpone certain medical tests.
- [Food Package Substitution Waivers](#): FNS is allowing WIC agencies to substitute certain food package items when availability is limited. Agencies can also change their approved-foods lists as needed.

CHILD NUTRITION PROGRAMS

COUNTY ROLE

Child nutrition programs play an important role in fighting child hunger and ensuring healthy child development and educational attainment. While counties play a limited role in funding or administering child nutrition programs, we often provide complementary services to the same population of participating children. Child nutrition programs are funded as an entitlement.

EMERGENCY FUNDING

- The CARES Act provided **\$8.8 billion** in additional funding for child nutrition programs (also known as school and summer meals). *Status of funding is unknown.*
- The *Consolidated Appropriations Act of 2021* provided and additional **\$13 billion in funding** to support a wide range of federal nutrition programs, including child nutrition programs, in meeting unforeseen expenses and increased demand caused by the COVID-19 pandemic.

KEY ADMINISTRATIVE FLEXIBILITIES

USDA has deployed existing emergency flexibilities and new authorities granted under the FFCRA, extended in the *Continuing Appropriations Act, 2021 and Other Extensions Act* (PL 116-159) and updated under the *Consolidated Appropriations Act of 2021* to provide states flexibility for child nutrition operations. [State by state Child Nutrition Program waivers can be found here.](#)

- [Meal Times Waiver](#): FNS is letting meals be served to kids outside traditional times to maximize flexibility for meal pick-up. *Exists through duration of public health emergency. Extended through June 30, 2021.*

- [Non-congregate Feeding Waiver](#): FNS is allowing meals to be served in non-group settings to support social distancing. *Extended through June 30, 2021.*
- [Parent/Guardian Meal Pick-Up Waiver](#): FNS is allowing parents/guardians to pick-up meals and bring them home to their children. *Extended through June 30, 2021.*

[Seamless Summer Option \(SSO\) and Summer Food Service Operations](#): FNS is allowing the Summer Food Service Program and Seamless Summer Option operations (typically only allowed during the summer months). *Extended through June 30, 2021.*

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES - ADMINISTRATION FOR CHILDREN AND FAMILIES (ACF)

CHILD CARE AND DEVELOPMENT BLOCK GRANT (CCDBG)

COUNTY ROLE

8 states [delegate the administration](#) of the CCDBG program to county governments. CCDBG funding is formula funded.

EMERGENCY FUNDING

- The CARES Act provided **\$3.5 billion** in supplemental funding for CCDBG. [State by state allocations can be found here](#) and [updated guidance on the use of funds can be found here](#). Emergency funds may be used to provide child care assistance to health care sector employees, emergency responders, sanitation workers, and other workers deemed essential during the response to the coronavirus, without regard to the income eligibility requirements. It may also be used to pay staff when centers are closed due to the pandemic. ***The funding was released in April 2020.***
- The *Consolidated Appropriations Act of 2021* provided an additional **\$10 billion** in emergency funding for CCDBG.

KEY ADMINISTRATIVE FLEXIBILITIES

CCDF lead agencies will have discretion over determining [which flexibilities to deploy in response to COVID-19](#) as well as how to use the supplemental funding.

In some cases, States may need to enact State legislation or regulation to take advantage of these flexibilities. They also may need to submit a Plan amendment or waiver request to the Office of Child Care. [A list of approved state by state waivers \(as of December 29, 2020\) can be found here](#). Key options for CCDF lead agencies include:

- **Flexible use of Quality Dollars:** In the short-term, CCDF quality dollars may be used to provide emergency child care of the highest quality that is reasonably practicable given the particular circumstance of displaced families, particularly in areas where existing child care facilities are not operating or have been rendered unsafe. Lead Agencies may also use existing quality improvement dollars to provide supply-building grants or contracts to providers for equipment, supplies, professional development and staffing, or other costs.
- **Change CCDF Eligibility Criteria and/or Priority Rules for Children/Families:** The Lead Agency can broaden definitions eligibility criteria, for instance expanding the definition of “working” to include families seeking employment, participating in community service, or a similar activity. Lead Agencies may also add additional eligibility conditions or priority rules, as a method of targeting their programs or apply for a waiver to use non-emergency CCDF funds to provide direct services to families who do not meet CCDF eligibility requirements.
- **Broaden the Lead Agency’s Definition of Protective Services:** In emergency situations, Lead Agencies have the option of deeming children affected by a federal or state declared emergency to be in need of protective services and therefore to waive eligibility requirements (e.g., income threshold, work/training requirement)
- **Waive or Reduce Co-Payments for Impacted Families:** Lead Agencies have the option to waive family co-payment requirements for families that meet criteria established by the Lead Agency—which may include, for example, families impacted by federal or state declared emergency situations.

HEAD START

COUNTY ROLE

Many county governments play an important role in the operation of Head Start and Early Head Start programs, whether by serving as one of the nation’s 1,600 local grantees and/or contributing funding to the Head Start program’s non-federal match requirement or to expand the program within the jurisdiction. Head Start grants are competitive and counties can apply directly, but emergency funds have been distributed to existing grantees.

EMERGENCY FUNDING

- The CARES Act provided **\$750 million** in supplemental funding for Head Start to support preventative, preparedness, and response activities related to the coronavirus, which the Office

of Head Start allocated by a [formula](#) based on each existing grantee's funded enrollment. **The funding was released in June 2020.**

- The *Consolidated Appropriations Act of 2021* provided an additional **\$250 million** in emergency Head Start funding

KEY ADMINISTRATIVE FLEXIBILITIES

Several flexibilities are statutorily available to Head Start grantees during emergencies:

- **Waiving non-federal share:** Programs may request a waiver of all or part of their 20% non-federal share based on emergency or disaster because other organizations may not be able to provide the usual contributions to Head Start grantees during this time.
- **Waiving administrative cost limitations:** Programs may request a waiver of the 15% administrative cost limitation if additional program management attention is needed to respond to the COVID-19 outbreak.
- **Budget transfers:** Grantees can shift up to \$250,000 between budget categories without prior ACF approval.
- **Expedited procurement:** Procurement may be undertaken without utilizing the grantee's usual competitive practices if necessary to respond to COVID-19.
- **Other flexibilities:** In addition, the guidance from [ACF-HS-IM-19-01 General Disaster Recovery Flexibilities](#) applies to Head Start programs impacted by COVID-19. Although there are no formal waivers for the number of days of service provided via center-based programs, or number of home visits and socializations provided via home-based programs, programs will not be expected to make up the days missed due to COVID-19.

THE COMMUNITY SERVICES BLOCK GRANT (CSBG)

COUNTY ROLE

CSBG operates in 99 percent of the nation's counties through a network [of over 1,000 eligible public or private entities](#). CSBG is formula funded and states must pass 90 percent directly to eligible local entities.

EMERGENCY FUNDING

The CARES Act provided **\$1 billion** in supplemental funding for CSBG to be allocated to eligible entities based on the proportionate

share included in the FY 2020 State CSBG or Tribal CSBG Plan. The funds were released in May 2020 ([state by state allocations can be found here.](#)) States and tribes were required to submit a CSBG plan amendment with information specific to CARES Act funding by September 1, 2020.

KEY ADMINISTRATIVE FLEXIBILITIES

- **Expanded income eligibility:** Per the CARES Act, the supplemental CSBG funding may be used to provide services to individuals earning up to 200 percent of the federal poverty line (a change from the existing statutory cap at 125 percent of the federal poverty line.)
- **Emergency response activities:** Additionally, within existing allocations, state CSBG funding may be used to support emergency response that is consistent with statutorily allowable activities. State CSBG-designated organizations are not required to request a federal waiver to utilize their existing CSBG funding to support disaster response and assistance to eligible low-income individuals and families. Provided there is no change to the proportionate share of CSBG funds allocated to eligible entities, states are not required to submit plan amendments to OCS for changes to local Community Action Plans.

[Additional guidance for CSBG lead agencies can be found here.](#)

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

COUNTY ROLE

County governments fully or partially administer LIHEAP in 13 states. LIHEAP is formula funded.

EMERGENCY FUNDING

The CARES Act provided \$900 billion in supplemental funding for LIHEAP. These funds were released in May 2020. [State-by-state allocations can be found here.](#)

KEY ADMINISTRATIVE FLEXIBILITIES

LIHEAP funding may be used to respond to the COVID-19 so long as there is a connection to residential home energy. LIHEAP grantees may, for example:

- **Make adjustments in light of changing need:** Grantees may choose to adjust their benefit matrices, program operation timeframes, eligibility rules, coordination with heating and cooling shelters, and other related policies and procedures in

light of changing need during the COVID-19 situation—such as lost wages, jobs, increased home heating and cooling expenditures, temporary shelter needs, and more.

- **Make adjustments for staffing changes:** Grantees may also adjust their obligations of LIHEAP funding for staffing to ensure that there is coverage for LIHEAP services when staff absences occur due to COVID-19.

[More guidance can be found here.](#)

CHILD WELFARE

COUNTY ROLE

County governments are fully responsible for operating the child welfare system in 9 states and share that responsibility with the state in two others. Child welfare programs represent various mandatory and discretionary funding streams, the majority of which are formula funded, though a small portion consist of competitive grants.

EMERGENCY FUNDING

- The CARES Act provided **\$45 million** for grants to states, territories and tribes to support the child welfare needs of families during the crisis, and to help keep families together. **The non-federal matching requirement does not apply to this funding increase.** These funds were released according to the existing formula for Title IV-B funds. [Additional information can be found here.](#)
- The *Consolidated Appropriations Act of 2021* included language from the *Supporting Foster Youth and Families through the Pandemic Act* (H.R. 7947), which includes **\$400 million** in emergency funding for programs supporting older foster youth, **\$85 million** in funding for states and counties to provide services that support family preservation, family unification, adoption and other supportive services.

KEY ADMINISTRATIVE FLEXIBILITIES

The Children’s Bureau has provided guidance for child welfare agencies on flexibilities they may deploy to respond to COVID-19 and other best practices, including:

- [Guidance About Seeking Personal Protective Equipment for Child Welfare Workers](#)

- [Use of Federal Funds for Cell Phones and Personal Protective Equipment](#)
- [Guidance Regarding Fingerprint and Caseworker Visit Requirements During COVID-19 Response](#)
- [Postponement of Title IV-E Foster Care Eligibility Reviews and National Youth in Transition Database Reviews](#)
- [New guidance on caseworker visits via videoconferencing](#)
- [New guidance allowing title IV-E prevention programs and services to be adapted to a virtual environment to provide needed support during the COVID-19 pandemic.](#)

The *Supporting Foster Youth and Families through the Pandemic Act* (H.R. 7947), which was included in the *Consolidated Appropriations Act of 2021*, includes temporary emergency flexibilities (through September 30, 2021) including:

- Requiring states to provide youth who would otherwise “age out” of foster care during the public health emergency with the option of remaining/returning to care.
- Suspending certain training and postsecondary education requirements and lifting the 30 percent cap on housing costs for foster youth education and training vouchers.
- Permitting flexibilities to prevent disruptions in the Maternal, Infant and Early Childhood Home Visiting program (MIECHV) such as virtual home visits and sustained funding for staffing regardless of enrollment.
- Waiving the state match and evidence requirement for Kinship Navigator programs

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES - ADMINISTRATION FOR COMMUNITY LIVING (ACL)

OLDER AMERICANS ACT (OAA) PROGRAMS

COUNTY ROLE

Counties are [key recipients of OAA dollars](#) and frequent administrators of these programs. OAA programs are formula funded.

EMERGENCY FUNDING

- The FFCRA provided **\$80 million** for Congregate Nutrition Services and **\$160 million** for Home-Delivered Nutrition Services. **ACL released this funding in March 2020.** [State-by-state allocations can be found here.](#)
- The CARES Act provided **\$900 million** for programs that serve seniors and individuals through the Older Americans Act (OAA). This funding was released in April 2020. [State-by-state allocations can be found here.](#) The funds include:
 - **\$200 million for Home and Community Based Services (HCBS)**, which will help greater numbers of older adults shelter in place to minimize their exposure to COVID-19. These include personal care assistance; help with household chores and grocery shopping; transportation to essential services (such as grocery stores, banks, or doctors) when necessary; and case management.
 - **\$480 million for home-delivered meals for older adults.** With this funding, states can also expand “drive-through” or “grab-and-go” meals for older adults who typically would participate in meal programs at community centers and other locations that have been closed due to social distancing measures.
 - **\$85 million for Centers for Independent Living** to provide direct and immediate support and services to individuals with disabilities who are experiencing disruptions to their independent, community-based living due to the COVID-19 pandemic. Services will ensure individuals with disabilities have the supports they need to safely stay in their homes or return home after a hospitalization or institutionalization during (and directly after) COVID-19.
 - **\$20 million for nutrition and related services for Native American Programs** to help tribes and tribal organizations provide meals and supportive services directly to Native American elders.
 - **\$100 million for the National Family Caregiver Support Program** to expand a range of services that help family and informal caregivers provide support for their loved ones at home. These include counseling, respite care, training, and connecting people to information.
 - **\$20 million to support State Long-term Care Ombudsman programs** in providing consumer advocacy services for residents of long-term care facilities across the country. Restrictions on visitation have significantly increased

demand for ombudsman services, as families seek assistance in ensuring the well-being of their loved ones. Ombudsman programs will seek to expand their virtual presence to residents and their families, and continue to promote the health, safety welfare, and rights of residents in the context of COVID-19. This funding will give Ombudsman programs the flexibility to hire additional staff and purchase additional technology, associated hardware, and personal protective equipment once in-person visits resume.

- The *Consolidated Appropriations Act of 2021* included **\$175 million** in emergency funding for senior nutrition programs under the Older Americans Act and **\$100 million** in emergency funding for ACL to address abuse, neglect and exploitation of the elderly (including adult protective services and long-term care ombudsman activities.)

KEY ADMINISTRATIVE FLEXIBILITIES

- ACL has provided comprehensive guidance and flexibilities for Older Americans Act programs [which can be found here](#).

U.S. DEPARTMENT OF EDUCATION

ELEMENTARY AND SECONDARY SCHOOL PROGRAMS

COUNTY ROLE

County governments fully or partially fund school districts in Maryland, Virginia, North Carolina, Tennessee and Alaska. Even in states where counties are not responsible for overseeing school districts, county governments share a tax base with those school districts and often provide complementary services to participating children.

EMERGENCY FUNDING

- The CARES Act created a **\$30.75 billion Education Stabilization Fund** which included:
 - **Elementary and Secondary School Emergency Relief Fund (ESSERF):** Of the ESF, **\$13.5 billion** was allocated to the ESSERF, which is direct formula funding for K-12 Schools. States were instructed to distribute 90 percent of these funds according to the formula for Title I grants under the Elementary and Secondary Education Act (ESEA) of 1965 to support coronavirus response activities such as planning for and coordinating

during long-term school closures, purchasing educational technology to support online learning for all students and additional activities allowed for under ESEA. **The Department of Education released this funding in April 2020.** [The state-by-state allocation of this funding can be found here.](#)

Note: On April 30, 2020 the Department of Education issued [controversial guidance](#) that would effectively increase the share of ESSER funds going to private schools. Following [pushback from a wide range of education groups](#) and some [Members of Congress](#), the Department issued an [interim final rule \(IFR\)](#) to codify the guidance. A federal judge struck down the rule nationwide on September 4, 2020, ruling that the Education Department did not have the power to add additional conditions to the ESSERF. Following the ruling, the Department has [confirmed](#) the IFR is no longer in effect. On November 20, the Department of Education [released a portal tracking state-by-state stabilization fund expenditures](#). This portal does not account for funds that have been obligated but not yet disbursed.

- **Governor’s Emergency Relief Fund:** The ESF also included **\$3 billion** in flexible funding for states that governors may allocate at their discretion for emergency support grants to local educational agencies that have been most significantly impacted by coronavirus. These funds will support the educational continuity for elementary and secondary school students as well as emergency support for state institutions of higher education. The Department of Education released this funding to states in April 2020. [The state-by-state allocation of this funding can be found here.](#)
- **“Rethink Education” Competitive Grants:** The Department of Education has announced **\$180 million** in competitive grant funding supplied by the ESF for states hardest hit by the pandemic to apply for grants aimed at “rethinking K-12 education.” State educational agencies were able to apply until June 29 for funds. [Additional information on the K-12 competitive grant program is available here.](#)
- The *Consolidated Appropriations Act of 2021* provided an additional **\$82.5 billion** for the ESF

established under the CARES Act, including **\$54.3 billion** for the ESSERF and **\$4.1 billion** for the GRF

KEY ADMINISTRATIVE FLEXIBILITIES

The Department of Education has provided numerous flexibilities to states to respond to the educational challenges presented by COVID-19, including:

- **Mandatory Assessment Waivers:** The Department is allowing State Education Agencies to apply for broad flexibilities to [bypass ESSA mandated testing](#) for the 2019-2020 school year due to COVID-19 national emergency. State education leaders can find the [More guidance can be found here.](#)
- **ESEA Funding Flexibility:** State Education Agencies may apply for waivers to be able to approve funding flexibilities for Local Education Agencies, such as carrying over Title I funds, extended time periods for obligating certain funds from FY 2018, expanding the definition of professional development to allow for trainings focused on distance learning and allowing broader use of Title IV funding. [More details can be found here.](#)
- **Flexibility to repurpose Federal Equipment and Supplies:** For temporary use, grantees and subgrantees may repurpose federally purchased equipment and supplies that are not currently in use to carry out a Department grant program to meet the general education needs of students, including students with disabilities and English learners, and the instructional needs of teachers, related services providers, and other educational personnel during the national emergency caused by COVID-19. [More information available here.](#)

U.S. DEPARTMENT OF TREASURY – INTERNAL REVENUE SERVICE (IRS)

PAYMENTS TO INDIVIDUALS

EMERGENCY FUNDING

- The CARES Act authorized Economic Impact Payments (EIPs), more commonly referred to as stimulus checks. These onetime, direct financial assistance payments of \$1,200 went to individuals with Adjusted Gross Income (AGI) up to \$75,000 or \$2,400 for married couples with combined AGI up to

\$150,000. Payments increase by an additional \$500 per qualifying child. The rebate amount is reduced by \$5 for each \$100 that a taxpayer's income exceeds the phase-out threshold. These payments function as fully refundable tax credits, meaning individuals with no taxable income as well as those whose income comes entirely from non-taxable means-tested benefit programs qualify for the assistance.

IRS determined benefit levels and eligibility by using 2019 income tax filings and 2018 tax data and Social Security data when 2019 filings were not available. Non tax-filers [were able to claim an EIP](#) by using an IRS portal; those who did not do so by the November 21st deadline may still apply to receive a payment in 2021. As of September 30, 2020, Treasury and IRS had disbursed over 165.8 million payments to individuals, totaling **\$274.7 billion**.

- The *Consolidated Appropriations Act of 2021* authorized a new round of EIPs worth \$600 per individual (including qualifying children) following the same income eligibility guidelines established under the CARES Act. Treasury began delivering this second round of payments on December 29, 2020.

Note: the Consumer Financial Protection Bureau has a guide for those working in the public and non-profit sector to assist non-filers access their payments, [which can be accessed here](#).