

# EBSA, ARPA, and CAA comparison

The COVID-19 pandemic has brought about new legislation to help support Americans through financial and healthcare hardship. The below chart compares the EBSA Disaster Relief Notice 2021-01, the Consolidated Appropriations Act 2021 (CAA), and the American Rescue Plan Act (ARPA) of 2021.

	EBSA 2021-01	CAA 2021	ARPA 2021
<b>Summary of the regulation</b>	<p>Clarified that a one year extension of certain deadlines for participants created by EBSA 2020-01 is specific to each individual and each deadline. The extension will last 1 year or 60 days after the National Emergency is declared over, whichever comes sooner.</p> <p><b>COBRA:</b> A COBRA participant's timeline to elect coverage, provide required notices and make payments is extended.</p> <p><b>FSA, HRA:</b> The end of the run-out period is impacted by the extension.</p>	<p>Employers may allow changes to carryovers, grace periods, mid year election changes, spend down (health FSA) and dependent care FSA (DCA) age maximum.</p>	<p><b>COBRA:</b> A 100% subsidized premium for COBRA coverage provided to individuals and families who experienced an involuntary termination of employment or reduction in hours and have no access to other group health coverage.</p> <p><b>Dependent care FSA (DCA):</b> Optional increase by the employer of the annual contribution limit to \$10,500.</p>
<b>Are these provisions mandatory?</b>	Yes for ERISA plans; Optional for non-ERISA plans	No, these are optional provisions.	<p><b>COBRA:</b> Yes for employers subject to federal COBRA. Some employers may need to provide subsidy for state mini-COBRA coverages.</p> <p><b>DCA:</b> No, it's optional for the employer.</p>
<b>Impacted plans</b>	COBRA, FSA, HRA	FSA, dependent care FSA	COBRA, dependent care FSA
<b>Impacted audiences</b>	Employers, COBRA non-elected qualified beneficiaries processed by a previous administrator (non-continuants), COBRA eligible participants, FSA and HRA participants	Employers, FSA participants	Employers, COBRA and/or dependent care FSA participants
<b>Timeline/impacted plan years</b>	<p><b>COBRA eligible population:</b> COBRA participants with deadlines from 3/1/20 - 60 days after the end of national emergency or 1 year mark from the original deadline or whichever is earlier.</p> <p><b>Non-Continuants:</b> Those who were offered but did not elect COBRA under your prior TPA who may have a deadline after 3/1/2020.</p>	2020, 2021, and 2022 plan years	<p><b>COBRA subsidy:</b> 4/1/2021- 9/30/2021</p> <p><b>Dependent care FSA:</b> Calendar year 2021</p>
<b>Plan document amendments</b>		Yes, clients should update plan documents to include amended plan language	<b>Dependent care FSA:</b> It depends. You should review your plan document to confirm if an amendment is required for this type of legislatively permitted change.
<b>Non-discrimination testing impacted</b>		NDT could be impacted.	<b>Dependent care FSA:</b> NDT could be impacted. If you increase the dependent care FSA limits, your plan could favor highly compensated employees due to their ability to deduct higher amounts per paycheck.