June 18, 2020

TO: USTOA Members

FR: Terry Dale

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Below is our COVID-19 Updates for June 18, 2020:

**Congress**

**Senate Activities**

* Senate Democrats have not announced their position on Sen. Tim Scott’s (R-SC) JUSTICE Act. While the Democrats have criticized the bill for not going far enough, it is a clear priority for Democrats to act on justice reform legislation. It remains unclear what Democrats will agree to procedurally or otherwise between now and next week when the Republicans intend to bring the legislation to the floor. It is also unclear if Republicans will permit any amendments to be considered.
* During the Senate Commerce hearing on the certification processes of the Boeing 737 MAX, Senators on both sides of the aisle expressed their frustration with Federal Aviation Administration (FAA) Administrator Steve Dickson.
  + Sen. Brian Schatz (D-HI) inquired as to why Administrator Dickson has refused to make wearing facemasks mandatory. Administrator Dickson stated that the Trump Administration is opposed to making it mandatory.
  + Senator Schatz also focused on legislation that he and Senator Mazie Hirono (D-HI) introduced yesterday related to air tour safety.
  + Sen. Tammy Duckworth (D-IL) asked about a low-flying Army helicopter which flew over protestors in Washington D.C. Dickson said his agency is looking into the event and the flight guidelines.
  + As we reported yesterday, Senate Commerce, Science, and Transportation Committee Chairman Roger Wicker (R-MS) expressed his anger that the FAA had ignored the majority of his requests for information on the certification processes. Chairman Wicker estimated that the FAA only fully responded to 10% of his requests.
* Senate Majority Whip John Thune (R-SD) and Sen. Sherrod Brown (D-OH) [released their bill](https://www.thune.senate.gov/public/index.cfm/press-releases?ID=400BC10B-6717-4A2F-A155-5D05E4954B00" \t "_blank), S. 3995, to address state tax issues for remote and mobile workers. An announcement on S. 3995, the Remote and Mobile Worker Relief Act, can be found [here](https://www.thune.senate.gov/public/index.cfm/press-releases?ID=400BC10B-6717-4A2F-A155-5D05E4954B00" \t "_blank).
  + Sen. Thune published an [op-ed](https://www.wsj.com/articles/state-taxes-shouldnt-be-another-pandemic-worry-11592434903" \t "_blank) in the Wall Street Journal about why there should be bipartisan support for this issue.
* Sens. Cory Gardner (R-CO) and Dan Sullivan (R-AK) may also possibly oppose the nomination.
* Sen. Thune released the Rural Connectivity Advancement Program Act of 2020. The legislation would take 10% of revenue from Federal Communications Commission (FCC) airwave auctions and dedicate the money to a buildout of rural broadband. Bill text can be found [here](https://ustoa.com/r/ustoa-filemanager/source/resources/thune-legislation.pdf).

**House Activities**

* The House Committee on Transportation and Infrastructure (T&I) continued its markup on H.R. 2, the INVEST in America Act. The first day’s session ended at 10:00 pm yesterday. An updated tracker of amendments is [here](https://ustoa.com/r/ustoa-filemanager/source/resources/2020-06-18-invest-in-america-act-amendment-tracker-considered-to-date.xlsx).
  + As of sending, and including yesterday, over 150 amendments have been considered. Throughout the process, a number of Republican and bipartisan amendments were adopted, but it is unlikely any Republics will support the bill being reported out of committee.
  + T&I Chairman Peter DeFazio (D-OR) indicated his goal to complete the markup this evening.
  + The House T&I markup included members attending in person and virtually, making the process challenging.
* House Speaker Nancy Pelosi (D-CA) indicated the House intends to pass an infrastructure package totaling $1.5T before the July 4 recess, which will include H.R. 2 and a combination of infrastructure topics like education, housing, water, and broadband, in addition to traditional infrastructure. House Ways and Means Chairman Richard Neal (D-MA) indicated that funding for the legislation would depend on deficit spending and bonding.
* The House Judiciary Committee approved the House’s police reform bill, H.R. 7120, after a 12-hour markup late last night. The vote was along party lines.
* The House Intelligence Committee hosted a hearing today on social media’s role in foreign influence operations and election security. The witnesses included representatives from Twitter, Google, and Facebook. Our coverage of the hearing is [here](https://ustoa.com/r/ustoa-filemanager/source/resources/2020-06-18-house-permanent-select-committee-on-intelligence-hearing-on-social-media-platforms.pdf).
* House Majority Whip James Clyburn (D-SC) said the House should consider subpoenaing former National Security Advisor John Bolton after sections from his book revealing allegations about the actions of the Trump Administration were leaked.
* Speaker Pelosi directed the Clerk of the House to remove portraits of four former speakers who served in the Confederacy on Juneteenth, a holiday that celebrates the end of slavery. The speakers are Robert Hunter, Howell Cobb, James Orr, and Charles Crisp. Reports indicate that the removal has already begun.
* House Natural Resources Committee Chairman Raul Grijalva (D-AZ) said that the core of [H.R. 1957](https://www.congress.gov/bill/116th-congress/house-bill/1957?q=%7B%22search%22%3A%5B%22hr+1957%22%5D%7D&s=1&r=1" \t "_blank), the Great American Outdoors Act, has bipartisan backing in the House. Chairman Grijalva added that Speaker Pelosi and Majority Leader Steny Hoyer (D-MD) are both supporters.
  + As a reminder, the legislation recently passed the Senate and would address the deferred maintenance backlog in our national parks and permanently fund and reauthorize the Land and Water Conservation Fund.

**General Congress**

* Sen. Roger Wicker and Rep. Earl Blumenauer (D-OR) [introduced](https://www.wicker.senate.gov/public/index.cfm/press-releases?ID=BBFAE578-9E83-4E9F-8DC1-C5194A8889C9" \t "_blank) a bill that would create a $120B dedicated relief fund for the restaurant industry. The bill has received bipartisan support in both the House and Senate.
* Sen. Roger Wicker and Rep. Greg Walden (R-OR) released legislative framework to expand broadband access and digital opportunity. According to the press release, the proposal, which is called the Broadband Connectivity and Digital Equity Framework, would do the following:
  + Authorize funding to complete broadband mapping efforts and deploy broadband quickly in areas throughout the United States to make sure all Americans are connected.
  + Ensure that students have access to broadband and the necessary technologies to complete their homework remotely.
  + Establish programs for individuals and families experiencing economic hardship as a result of the COVID-19 pandemic to remain connected.
  + Expand broadband access and digital opportunity in minority communities to promote digital equity.
  + Work with internet service providers to make sure they are able to continue responding to their consumers quickly and safely.
  + Provide regulatory relief through streamlining permitting processes for telecommunications infrastructure and equipment to promote broadband deployment, job creation, and investment in next-generation communications networks.
  + Authorize funding to fully implement the Secure and Trusted Communications Act, Public Law No: 116-124, and invest in the deployment of open radio access network technologies.
  + Invest in the 9-1-1 communications infrastructure.
  + Ensure that the Federal Communications Commission’s telehealth program has the necessary resources to make sure health care facilities have the appropriate technologies to treat patients remotely.
* 13 Democrats, led by House Chairman Raul Grijalva (D-AZ) and Sen. Ron Wyden (D-OR), are asking Interior Secretary David Bernhardt to remove Assistant Secretary Doug Domenech after the Interior Department’s Inspector General found that he violated federal law by using his official email to push the Environmental Protection Agency (EPA) to hire his son-in-law. The letter can be found [here](https://ustoa.com/r/ustoa-filemanager/source/resources/domenech-letter.pdf).

**Administration**

* President Trump signed a law condemning China’s treatment of Uighur Muslims, the religious group that Beijing has been accused of placing into concentration camps. The resolution would call on the Federal government to sanction Chinese officials and entities over their detention and torture of this minority.
* The second [report](https://www.toomey.senate.gov/files/documents/Congressional%20Oversight%20Commission%20Report%20(June%2018,%202020).pdf" \t "_blank) of the Congressional Oversight Commission found that the Treasury Department and the Federal Reserve have not indicated their plans to spend more than half of the $454B for emergency lending facilities from the CARES Act. The report also indicated that only $6.7B has been spent so far.
* President Trump appointed Jason Kearns to serve as Chairman of the U.S. International Trade Commission. Randolph Stayin will serve as the Vice-Chairman.
* President Trump’s appointee to lead Project Warp Speed, Gen. Gustave Perna, said that he will not work with China on the creation of a vaccine for COVID-19. Gen. Perna said he will only work with nations that he deems friendly to the United States’ national security.
* The EPA’s newly written Waters of the U.S. rule was challenged in court today, with several Democratic-led states asking for a preliminary injunction. The coalition of 18 states have said the rule will cause imminent and irreparable harm if enacted. The states’ brief can be found [here](https://ustoa.com/r/ustoa-filemanager/source/resources/waters-of-the-us-law-suit.pdf).
* The EPA announced that they will require an additional 500M gallons of biofuel blending over the next two years to meet the requirements under the Renewable Fuel Standard (RFS).
  + Additionally, EPA has received 52 new petitions from refineries seeking economic hardship designations from the RFS. If granted, the petitions would exempt refineries from the current biofuel blending requirements.
* The Federal Energy Regulatory Commission (FERC) announced a meeting to examine carbon pricing in wholesale power markets.
  + The announcement came after a request from a coalition of renewable energy groups and independent fossil fuel generations asked them to host an independent technical conference.
* The FAA hosted a virtual General Aviation Town Hall today. Panelists included aircraft manufacturers, FAA officials, and pilots. A recorded video of the town hall can be found [here](https://www.youtube.com/watch?v=zDBu-XeIlSk" \t "_blank).
* The Federal Transit Administration (FTA) posted new [Frequently Asked Questions](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.transit.dot.gov%2ffrequently-asked-questions-fta-grantees-regarding-coronavirus-disease-2019-covid-19&c=E,1,CBE-jwDu2iIW1KGBwmzR_rqplKKzHQbPHrfJtfHGMkTC0CdEQ1V-JoWnzfrevnrF16XsPRop5O8jDcsuKxyqFflCQ7pMxgOzq5xvImZqi74,&typo=1" \t "_blank) (FAQs) to their website about COVID-19 covering administrative relief, civil rights, the CARES Act, and FTA drug and alcohol testing requirements.
* Department of Defense (DOD) Assistant Secretary of Defense for Foreign Affairs Kathryn Wheelbarger resigned after President Trump did not nominate her as Undersecretary of Defense for Intelligence. President Trump decided to nominate Bradley Hansell, a former Special Assistant to the President, instead.
  + Current and former DOD officials accused Trump of passing over Wheelbarger due to her work with late Senator John McCain.
* 1.5M Americans filed for unemployment last week according to the Department of Labor.
* U.S. Trade Representative (USTR) Lighthizer denied any wrongdoing of President Trump’s that was revealed in former National Security Advisor John Bolton’s book on Wednesday during a Senate Finance Committee Hearing. Lighthizer said that Trump did not ask Chinese President Xi Jinping to buy more agricultural products from the United States to boost his electoral chances. [Here](https://ustoa.com/r/ustoa-filemanager/source/resources/2020-06-18-ustr-2020-trade-policy-hearings-overview.pdf) is a brief overview of the opening statements and topics covered in both the Senate Finance Committee and House Ways and Means Committee hearings yesterday on the Administration’s trade agenda.
  + Additionally, Lighthizer said that China was not behind on meeting its commitments that were outlined in phase one of the trade deal.
  + Lighthizer also said that there was broad support within the Administration for the bill introduced by Sens. John Cornyn (R-TX) and Mark Warner (D-VA) to provide refundable tax credits to encourage more domestic production of semiconductors.
  + Lighthizer said that the World Trade Organization (WTO) needed a new Director-General and lamented the current state of the WTO.
  + Lighthizer said that he will strongly enforce the United States-Mexico-Canada Agreement (USMCA) trade deal as soon as it takes effect on July 1. Lighthizer said he anticipates having to use enforcement mechanisms with Mexico to handle issues relating to labor, biotechnology, intellectual property and energy.
  + Lighthizer said that the Administration had not decided whether to renew the Generalized System of Preferences, a program that waives duties on goods to help create jobs in developing countries. It will expire at the end of the year.
* Federal Register Notices:
  + The Department of Labor posted a request for information on prohibited transactions involving pooled employer plans under the SECURE Act. The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f06%2f18%2f2020-13142%2fprohibited-transactions-involving-pooled-employer-plans-under-the-secure-act-and-other-multiple&c=E,1,0uk4geddJrVXrVb_R3MjB2Oy2qYGrxPkKVINNlZ2MRiT7ysDr9Z4f2ah564w85DQl6VPHKS66_099h1fbpVuLIW3Al6XHOTcecz4OuOFobSpGPk,&typo=1" \t "_blank).
  + The FAA posted a solicitation for nominations for appointments to the Drone Advisory Committee (DAC). The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f06%2f18%2f2020-13133%2fsolicitation-of-nominations-for-appointment-to-the-drone-advisory-committee&c=E,1,TwDV_vVIu_Q2-sxnPvsaw2odcTpjkhRtk77mKluw_qr0Wewf1JRccH9hIGoEmuc-QA_EQ0NtXlhFoCNZqqH_VQcsAbAn4d4FfRrx6c6Xfpa--_ImA75j2SC0cw,,&typo=1" \t "_blank).
  + The FCC posted a final action on the Rural Digital Opportunity Fund Phase 1 Auction, which is scheduled for October 29, 2020. The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f06%2f18%2f2020-13216%2frural-digital-opportunity-fund-phase-i-auction-scheduled-for-october-29-2020-notice-and-filing&c=E,1,HyNmW53dW1M7uYZQUH81UePOFslk0bH94teiiKKKdQERUyDqP22HWaNo43WLTYj-91711F3ptd1Ng95UvitbFrMGtVCqESYvJzfTMpNM0aaf0q8l8kvpzA,,&typo=1" \t "_blank).
  + The Department of Homeland Security (DHS) issued a notice of committee charter renewal for the Data Privacy and Integrity Advisory Committee. The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f06%2f18%2f2020-13143%2fdhs-data-privacy-and-integrity-advisory-committee&c=E,1,3o70c7SdVNDazQ1wFXFH1QukQlmQ0emS0ZCHaPqDCDvJoxn2eeCbTWU__x5dYSm1elDc5jxmzgX8gTDvYhF5_HdYmrD5PTvoOlSXUNOoUPU,&typo=1" \t "_blank).
  + The Department of Homeland Security issued a request for applications for appointment to the Data Privacy and Integrity Advisory Committee. The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f06%2f18%2f2020-13108%2fdhs-data-privacy-and-integrity-advisory-committee-appointments&c=E,1,AwX10S5Q3IO7jdedIC2oNyS2ltZVet44MG4fplmt8YTB0lCyVrAKIo3Orj8wEonOCgbHyvVkK0tpFe9jxdVUgT55IkLbxA2vmIufHA8VB6LFaWuf&typo=1" \t "_blank).
  + The Department of Commerce issued a notice of an open meeting on the Multi-Stakeholder Process on Promoting Software Transparency. The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f06%2f18%2f2020-13161%2fmultistakeholder-process-on-promoting-software-component-transparency&c=E,1,kqiSOIGTQBOhe2is7ciLRmx-4Ki_7-d6IyypcaJSOKyuXnNOxBDqdOZiA9mOrCEr0RqI9zDqiszU1pWnDavvTjZQmD68-BO3IpmqBo0gLLJt0nq8bXAAt7Na&typo=1" \t "_blank).
  + The Small Business Association (SBA) issued an interim final rule on temporary changes to the Paycheck Protection Program (PPP). The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f06%2f18%2f2020-13130%2fbusiness-loan-program-temporary-changes-paycheck-protection-program-additional-revisions-to-first&c=E,1,dPTMMHxg6v8Srtp3Pda5svRFXFlUFltVuxWRygIrxEIPHyBuqFV2rr19NTikjCihFmM8VoZYR5dNUs7ofr3Gn3JrciS992BWn5LezOOdlabUSRXibCLbDIpoB4E,&typo=1" \t "_blank).

**Other News**

* The Supreme Court rejected President Trump’s attempt to end the Deferred Action for Childhood Arrivals (DACA) program on Thursday in a 5-4 vote. Chief Justice John Roberts, who joined the Court’s liberal justices (Sotomayor, Kagan, Breyer and Bader Ginsburg), wrote the decision for the Court and said that Trump’s attempt to end the program lacked a legal basis.
* Canadian Prime Minister (PM) Justin Trudeau asked Canadians to consider downloading a contact tracing app that will be unveiled next month. PM Trudeau said that Canadians should download the app and “forget about it” until it alerts them that they may have been exposed. PM Trudeau said that they are aiming for 50% of the country to be utilizing the app.
* The Michigan Senate approved a package of measures that place an 18% tax on liquid nicotine in electronic cigarettes.
* Over two dozen conservative groups [wrote a letter](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.ntu.org%2flibrary%2fdoclib%2f2020%2f06%2fTax-Day-Delay-Endorsement-letter.pdf&c=E,1,nabjtoFtYjCqNSD85FcxUwB2Ay-U1xv9zlyYvlEKputSrJo8RuNduDhMkr1BW8PjQfI2AmiYgJxDnk8ZJbpclJX-lr3-r1A-w0qJkGf0Gnk,&typo=1" \t "_blank) to Treasury Secretary Steven Mnuchin asking for tax deadlines to be pushed to next year. The letter said that forcing businesses to pay next month would implement a significant financial burden on businesses.
* Airlines for America announced that the federal government has agreed to test their contact tracing app for people planning to fly. The initial rollout of the app will be tested on international passengers.
* Lyft announced that they plan to have 100% of their vehicles be electric by 2030. The company will purchase electric vehicles over the next five years and rent them to drivers. The report on their plan can be found [here](https://ustoa.com/r/ustoa-filemanager/source/resources/lyft-annoucement.pdf).
* The International Energy Agency released a report recommending measures that governments can take over the next three years to help with COVID-19 recovery. The plan includes $110B spent over three years in grid infrastructure and investment in smart grids, $180B spent each year on wind and solar projects, $15B each year to support lifetime extensions of existing plants and $250B to be spent on building measures each year. A press release about the report can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.iea.org%2fnews%2fiea-offers-world-governments-a-sustainable-recovery-plan-to-boost-economic-growth-create-millions-of-jobs-and-put-emissions-into-structural-decline&c=E,1,kfBtGhBjKAykGfw0fEuJ9kXjBMFzTxIvOTZ93sJhn-wIPZS-lCdmSyEwwyKHfsViLIjjR5H9f7hV34RORDQIX8E70KVP7dpAHEQ8ULlYy1vfKw,,&typo=1" \t "_blank).
* A new estimate said that Americans have missed payments on over $100M in student, auto and other forms of loans since the pandemic began.
* Zoom announced that they will add end-to-end encryption on all their services. This is a reversal on a previous decision to only have end-to-end encryption for paid subscribers. The announcement can be found [here](https://blog.zoom.us/wordpress/2020/06/17/end-to-end-encryption-update/" \t "_blank).
* Automakers have reported no major COVID-19 outbreaks since they began reopening production on May 18, according to companies and United Auto Workers officials. Companies have been doing temperature checks and questionnaires to ensure sick employees do not come into work.
* According to a [study](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.truckinginfo.com%2f10118924%2fstudy-u-s-has-returned-to-95-commercial-driving-activity&c=E,1,_X08Jv5BIUneztiPi0x3UEwpy7fANOz617-BADJel34bs86V26Usks-ald_MH8hUWtgYBlYH1LhgFkxFlYTx8Qt6nieazLpjBNPfJ-BuqOuG_hAJQA,,&typo=1" \t "_blank) done by Samsara, the United States has returned to 95% of its pre-pandemic commercial driving.
* Internet Service Providers who are members of the NCTA – the Internet and Television Association will continue to “lend a hand” on the [“Keep Americans Connected”](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.fcc.gov%2fkeep-americans-connected&c=E,1,9SD2ht3MbL0pivNwjyK7ycNeINP6sCkW9Y159zPiKQ7FqqYhNRQGsmljphObv2ZwBcopGtbCiPX2OL3BALpqzxOCi0IhNMAVNJ4-0bABG0f0GaIzZhH6&typo=1" \t "_blank) pledge, even if it is not extended, according to NCTA President Michael Powell.
  + FCC Commissioner Ajit Pai told the Senate Appropriations Committee that the FCC would be happy to assess lost revenue for providers to help Congress potentially compensate providers.