June 25, 2020

TO: USTOA Members

FR: Terry Dale

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Below is our COVID-19 Update for June 25, 2020:

**Congress**

**Senate Activities**

* The Senate moved to consideration of S. 4041, the National Defense Authorization Act for Fiscal Year 2021 (NDAA), easily passing the first procedural hurdle by a vote of 90-7. Debate on the legislation will continue into next week and the legislation will likely pass the Senate before the July 4 break, though that timeline may slip to when the Senate returns the week of July 20.
  + To date, 116 amendments have been filed to the Senate NDAA.
  + The House Armed Services Committee is set to mark up its version of the NDAA on Wednesday, July 1. The Chairman’s mark of the House NDAA can be found [here](https://ustoa.com/r/ustoa-filemanager/source/resources/6-25-20-hasc-chairmans-mark.pdf).
* Senate Minority Leader Chuck Schumer (D-NY) argued on the Senate floor today that Senate Democrats will push for additional COVID-19 relief legislation, including housing and rental assistance, hazard pay for essential workers, small business aid, funding to help schools reopen, state and local assistance and an extension of unemployment insurance, to be passed in the Senate next week. This is extremely unlikely given the Senate’s consideration of the NDAA and Senate Majority Leader Mitch McConnell’s (R-KY) plan to consider COVID-19 relief after the Senate returns from the July 4 break.
* S. 3398, the EARN IT Act, was not voted on or largely discussed during a Senate Judiciary Committee business meeting today. The EARN IT Act attempts to reduce the power of Section 230, a provision in existing law which protects social media companies from being liable for user content on their platforms. Senate Judiciary Committee Chairman Lindsay Graham (R-SC) said that he was going to hold over the bill for consideration at a later date. Instead, the business meeting focused on S. 685, the Inspector General Access Act of 2019, which was reported favorably.
  + Sens. Brian Schatz (D-HI) and John Thune (R-SD) introduced the [PACT Act](https://www.schatz.senate.gov/press-releases/schatz-thune-introduce-new-legislation-to-update-section-230-strengthen-rules-transparency-on-online-content-moderation-hold-internet-companies-accountable-for-moderation-practices" \t "_blank), a dueling proposal to the EARN IT Act, targeting Section 230. The bill would allow businesses to be sued by federal regulators over violations of federal civil law. The bill text can be found [here](https://ustoa.com/r/ustoa-filemanager/source/resources/pact-act.pdf).
* Sen. Ed Markey (D-MA) introduced S. 4022, which would require the Federal Communications Commission (FCC) to update the national broadband plan by July 1, 2021 in order to assess U.S. progress in achieving nationally available broadband, implement an affordability strategy, and examine the effects of the COVID-19 pandemic on online learning, how it exacerbates the digital divide, and steps to close the divide. The bill text can be found [here](https://ustoa.com/r/ustoa-filemanager/source/resources/bill-update-to-national-broadband-plan-4-30-20.pdf).
* Sens. Ed Markey (D-MA) and Jeff Merkley (D-OR), along with Reps. Pramila Jayapal (D-WA) and Ayanna Pressley (D-MA) announced plans to introduce the Facial Recognition and Biometric Technology Moratorium Act. The legislation would stop Federal entities’ use of facial recognition tools and effectively strip federal support for state and local law enforcement entities that use biometric technology. Bill text is available [here](https://www.markey.senate.gov/download/facial-recognition-ban-legislation" \t "_blank), but the legislation has not yet been formally introduced as of the writing of this update. According to a press release, the legislation would:
  + Place a prohibition on the use of facial recognition technology by federal entities, which can only be lifted with an act of Congress;
  + Place a prohibition on the use of other biometric technologies, including voice recognition, gate recognition, and recognition of other immutable physical characteristics, by federal entities, which can only be lifted with an act of Congress;
  + Condition federal grant funding to state and local entities, including law enforcement, on those entities enacting their own moratoria on the use of facial recognition and biometric technology;
  + Prohibit the use of federal dollars for biometric surveillance systems;
  + Prohibit the use of information collected via biometric technology in violation of the Act in any judicial proceedings;
  + Includes a private right of action for individuals whose biometric data is used in violation of the Act and allows for enforcement by state Attorneys General; and
  + Allow states and localities to enact their own laws regarding the use of facial recognition and biometric technologies.
* The Senate passed S. 3798, legislation sanctioning China for violations of Hong Kong’s independence. The bill was previously blocked by Sen. Kevin Cramer (R-ND) at the request of the White House, to allow the White House to propose technical changes to the bill.

**House Activities**

* The House is expected to consider H.R. 7120, the George Floyd Justice in Policing Act of 2020, tonight with little, if any, Republican support. Its fate in the Senate remains unclear as the Senate has not been able to take a position on police reform yet as the Democrats would not allow debate on the Republican only bill, the JUSTICE Act.
* Michigan House Democrats Reps. Debbie Dingell (D-MI), Brenda Lawrence (D-MI), Andy Levin (D-MI), Daniel Kildee (D-MI), Haley Stevens (D-MI), Elissa Slotkin (D-MI) and Rashida Tlaib (D-MI), sent a letter to Transportation Secretary Elaine Chao asking for the Department of Transportation (DOT) to force Enbridge Energy to halt construction of the Line 5 pipeline that crosses through the state to deliver natural gas to Ontario. The letter can be found [here](https://ustoa.com/r/ustoa-filemanager/source/resources/michigan-letter.pdf).
  + A Michigan judge ruled that Enbridge must halt construction this afternoon until Enbridge provides the state of Michigan with more information regarding a recent accident in the Straits of Mackinac related to the construction of the pipeline.
* As of the writing of this update, over 320 amendments have been submitted to the House Rules Committee for H.R. 2, the Moving Forward Act. A number of these amendments will likely be considered en bloc (a combination of a number of noncontroversial amendments) on the House floor to shorten the time needed to pass the legislation. Elevate still expects that the House will pass the legislation next week with little to no Republican support.
  + The Rules Committee is meeting at 1pm on Monday to consider amendments to H.R. 2.
* The House Rules Committee voted 9-4 on Wednesday to approve a rule effectively barring a vote on the resolution to withdraw the U.S. from the World Trade Organization (WTO). The rule can be found [here](https://ustoa.com/r/ustoa-filemanager/source/resources/house-wto-ruling.pdf).
* House Energy and Commerce Subcommittee on Consumer Protection and Commerce Chairwoman Jan Schakowsky (D-IL) called on Facebook executive Joel Kaplan and board member Peter Thiel to testify before the House Energy and Commerce Committee. Additionally, Energy and Commerce Ranking Member Rep. Greg Walden (R-OR) called on Google and Twitter’s CEOs to testify on the companies’ handling of conservative media.
* House Republicans will meet later this week to determine the next Ranking Member on the House Oversight and Reform Committee. Reports have said the decision is between Rep. Jody Hice (R-GA), Rep. James Comer (R-KY) and Rep. Mark Green (R-TN). As a reminder, the position was originally held by Mark Meadows, who resigned to serve as President Trump’s Chief of Staff.
* Reps. Elise Stefanik (R-NY) and Seth Moulton (D-MA) introduced [H.R. 7321](https://www.congress.gov/bill/116th-congress/house-bill/7321?q=%7B%22search%22%3A%5B%22congressId%3A116+AND+billStatus%3A%5C%22Introduced%5C%22%22%5D%7D&s=1&r=5" \t "_blank), [Elevating America’s Workforce Act](https://stefanik.house.gov/media-center/press-releases/stefanik-moulton-introduce-elevating-america-s-workforce-act" \t "_blank). The legislation would help displaced workers from COVID-19 obtain skills and training necessary for long term employment.
* House Appropriations Committee Chairwoman Nita Lowey (D-NY) and Ways and Means Committee Chairman Richie Neal (D-MA) introduced H.R. 7327, the Child Care for Economic Recovery Act. The bill would expand the child and dependent care tax credit to low- and middle-income families and create a 50% refundable tax credit for childcare providers to cover mortgage payments and utility bills. Additionally, the legislation would provide $10B to be used for upgrading and improving safety measures at childcare facilities. A fact sheet on the legislation is [here](https://waysandmeans.house.gov/sites/democrats.waysandmeans.house.gov/files/documents/CCERA%20fact%20sheet_0.pdf" \t "_blank), bill text is [here](https://waysandmeans.house.gov/sites/democrats.waysandmeans.house.gov/files/documents/CC.008_xml_xml.pdf" \t "_blank), and a section-by-section is [here](https://waysandmeans.house.gov/sites/democrats.waysandmeans.house.gov/files/documents/CCERA%20Section%20by%20Section.pdf" \t "_blank).

**Administration**

* Internal [correspondence](https://s3.amazonaws.com/storage.citizensforethics.org/wp-content/uploads/2020/06/23024539/r_2020-0090-Sherman-Responsive-Documents-Part-A-Final-PDF.pdf" \t "_blank) at DOT, obtained by Citizens for Responsibility and Ethics in Washington, indicate that staff in the Office of Inspector General, including former acting Inspector General Mitchell Behm himself, were surprised by his removal and replacement with Skip Elliot.
* Export-Import Bank (EXIM) Chairman Kimberly Reed delivered remarks at a conference for U.S. Agricultural Exporters hosted by the Department of Agriculture and EXIM. Reed spoke about how EXIM can help mitigate the risk for exporters in today’s business climate, EXIM’s resources to help support economic growth and the reopening of America.
* The WTO is expected to rule on whether President Trump’s China tariffs are a violation of WTO rules. The decision will either legitimize Trump’s actions on an international stage or underscore the Administration’s message that the WTO has an anti-American agenda.
* The WTO has indicated that there may be a further delay in the European Union’s (E.U) case regarding the imposition of retaliatory tariffs on the U.S. over Boeing subsidies. As a reminder, the U.S. won a WTO case to impose $7.5B in retaliatory tariffs against the E.U. over Airbus subsidies last year.
* Centers for Disease Control and Prevention (CDC) Director Robert Redfield indicated that the number of COVID-19 infections in the U.S. could be 10 times higher than the confirmed case number, meaning up to 20M Americans may currently be infected with COVID-19.
* Reports indicate that the Internal Revenue Service (IRS) sent stimulus checks to over 1M people who had died because the IRS did not believe they had authority to withhold the checks. The IRS has since reversed course and has attempted to block payments from going through and has asked families of the dead to return the checks.
* A group of local governments from Oregon and California, including the City of Glendora, Rancho Palo Verdes, and Torrance, California as well as the League of California Cities and the League of Oregon Cities, have filed legal challenges to overturn the FCC’s vote on 5G infrastructure. The cities said in the filing that the ruling unlawfully preempts local and state authority. The filing can be found [here](https://ustoa.com/r/ustoa-filemanager/source/resources/petition-on-behalf-of-ca-and-or.pdf).
* The FCC will vote on July 16 on whether to expand the US’ broadband mapping program and more accurately assess data to amplify broadband deployment. However, even if it passes, the FCC lacks funding to do this project.
* Attorney General Bill Barr agreed to testify in front of the House Judiciary Committee at the end of this month.
* The Government Accountability Office (GAO) released a 403-page report asking for the Federal government to make changes in their response to the COVID-19 pandemic. In the report, GAO asked for the government to create a national aviation-preparedness plan and said that the Strategic National Stockpile was exhausted within one month. Additionally, GAO found that the Paycheck Protection Program (PPP) had improper safeguards and made the funding in the program vulnerable to fraudulent use. The full report can be found [here](https://ustoa.com/r/ustoa-filemanager/source/resources/gao-report.pdf).
  + The report also indicated that Federal contracts in response to COVID-19 totaled $17B as of May 31.
* The Department of Agriculture and Food and Drug Administration (FDA) [said](https://www.usda.gov/media/press-releases/2020/06/24/joint-statement-usda-and-fda-food-export-restrictions-pertaining" \t "_blank) that there is no need to implement trade restrictions on American food products to stop the spread of COVID-19.
  + China has demanded for international shippers of meat and soybeans to sign documents ensuring that their cargo is not contaminated with the virus.
* According to the Department of Labor, 1.5M U.S. workers filed for unemployment benefits last week. Currently, 19.5M people remain on unemployment benefits.
* Federal Register Notices:
  + The Department of Energy posted a notice of an open meeting of the Basic Energy Sciences Advisory Committee. The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f06%2f25%2f2020-13674%2fbasic-energy-sciences-advisory-committee-meeting&c=E,1,e2YXqzS1QGPyQc5jLD7_AL2b_497qqAFFfXMvTZLuLJQFvH2y_m02PgRZRl9tOiRqTSkw7gciWLwhh-BozbPeh2V5bK2vAa-ksaFsnYgpgtANy7G9cY641w,&typo=1" \t "_blank).
  + FCC issued a final rule on Expanding Flexible Use of the 3.7 to 4.2 GHz Band. The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f06%2f25%2f2020-12250%2fexpanding-flexible-use-of-the-37-to-42-ghz-band-correction&c=E,1,7SqHRbOFmuUM_R2_M-R6KZP0h4TQ09msIO3z9HLCrus5xV01T2ozCzdxQC9P37m-2bnTJUsum6uZap1V63kbyDKcC66eUtK8lR_z0zv3Nqiikw,,&typo=1" \t "_blank).
  + FCC issued a final rule on Improving Public Safety Communications in the 800 MHZ Band. The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f06%2f25%2f2020-12131%2fimproving-public-safety-communications-in-the-800-mhz-band&c=E,1,7kdIXWhMYwvZeO3goXsQPEx5wSaNF_P4zVPUyWlM8ruXAhItyGsc2S6n3zzf2vQuHtQs7HUfM1IrF7X6SkwsBGKsDjR71Jitc5HlKP0OPgI,&typo=1" \t "_blank).
  + The Department of Transportation posted a notice of an advisory meeting for the Motor Carrier Safety Advisory Committee (MCSAC). The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f06%2f25%2f2020-13709%2fmeetings-motor-carrier-safety-advisory-committee-mcsac-public-meeting&c=E,1,BpSN8GG_6nd5EZKO4wCe6qcdx3mHAS7eTagK2HDNRSY4dQRw-AR95OFbHYmA_Uzzb_WfvTkXjv87HDKZ575kfPuCdJmnHxT8k9ObZEm1lgKBS1rwLXEzSz7GP4g,&typo=1" \t "_blank).
  + The Executive Office of the President issued a Presidential Document on the Suspension of Entry of Immigrants and Nonimmigrants Who Present a Risk to the United States. The document can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f06%2f25%2f2020-13888%2fsuspension-of-entry-of-immigrants-and-nonimmigrants-who-present-a-risk-to-the-united-states-labor&c=E,1,Va6aIFDkr-KNiI_WjtQXQo0yq9rB0de4fG4L-3D5bHPV_DrOdLrgpb7StNRyjvLc2iAZNZy0eJYlOJ0I9fuNUYuTXtwYi5kmzYzeRTe310K6WingiIMUtNdgeA,,&typo=1" \t "_blank).
  + The Office of the United States Trade Representative issued a notice and request for comments on the Extension of Particular Exclusions Granted Under the October 2019 Product Exclusion Notice From the $16 Billion Action Pursuant to Section 301: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation. The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f06%2f25%2f2020-13660%2frequest-for-comments-concerning-the-extension-of-particular-exclusions-granted-under-the-october&c=E,1,vqxNwlN7vbG3qzn-N7CaO7AHUEWN22QBkBN6c-jAFoQdvOIMuolKZGhEBmYV8HOEnMXRgGsRV3Ln8DI-vgu6a_gxviN5myVWGjVUegM6BPRqeoHMd2R2Cl33&typo=1" \t "_blank).
  + The Office of the United States Trade Representative issued a notice and request for comments on the Extension of Particular Exclusions Granted Under the September 2019 Product Exclusion Notice From the $16 Billion Action Pursuant to Section 301: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation. The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f06%2f25%2f2020-13708%2frequest-for-comments-concerning-the-extension-of-particular-exclusions-granted-under-the-september&c=E,1,ZH7IwDbeJR5VsK_0I24lpruV2deBop_htPuM5cgSN9BZqj24sF6fe5XStvepEJ-6Zys1UDQaTKWa3vJFIqRycSDjm3BWScJKnmyi_YCDGBFWKOCCvcRa4qilUNI,&typo=1" \t "_blank).

**Other News**

* Airlines for America (A4A) announced that member airlines will refund tickets for passengers found to have elevated temperatures at the airport and therefore were barred from boarding, if the Federal government conducts the temperature checks. A4A has been a strong advocate for the Transportation Security Administration (TSA) to conduct temperature checks as a condition for boarding.
* An expert panel, convened by the National Institutes of Health, recommended that COVID-19 patients on oxygen or a ventilator receive the steroid dexamethasone. The recommendation follows preliminary results from a clinical trial in the United Kingdom suggesting that use of the steroid can decrease risk of death from COVID-19 by one third.
* Texas Governor Greg Abbot announced a freeze of the state’s reopening plan amid a surge of new COVID-19 cases and concerns that the healthcare system could become overwhelmed.
* The Democratic party announced plans to downsize its convention in Milwaukee amid COVID-19 concerns. The convention will be a mix of in-person and virtual programming and delegates are encouraged not to attend. The convention will be moved from the Fiserv Forum to the Wisconsin Center and attendance will be capped at 1,000 people. Additionally, satellite conventions will occur in other cities.
* In a letter to President Trump, the American Fuel and Petrochemical Manufacturers trade association is calling for the Administration to investigate actions taken by Mexico to prevent U.S. investment in the Mexican energy market. The letter can be found [here](https://ustoa.com/r/ustoa-filemanager/source/resources/fuel-and-petrochemical-manufacturer.pdf).
* The National Association of Manufacturers led over 100 businesses in a [letter](https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fdocuments.nam.org%2fPA%2fAssociation%2520Letter%2520on%2520General%2520Business%2520Tax%2520Credits.pdf&c=E,1,leXds1IyCfcz21WHfWk3kqaq5_GhAhGuAAQE4nAH_0WIpWH_EbOwT-fEDcATOe4LuYl5z6zCGkd8ocKKfZ2epgtNDv3p5W5VYI0Y30y3JQ,,&typo=1" \t "_blank) to House Ways and Means and Senate Finance Committee leadership regarding the more rapid use of business tax credits. As a reminder, this proposal would allow businesses to take advantage of tax credits they would normally be barred from using because the tax credits exceed the businesses’ tax liability.
* The E.U. is continuing discussions on which travelers they will allow into the E.U. once the border restrictions are removed. While the list has not been finalized, the earliest released lists did not include the United States on the list of approved travel countries.
* The Allied Pilots Association [released a white paper](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.alliedpilots.org%2fPortals%2f0%2fPublic%2fCOMMITTEE%2fGAC%2fDocuments%2fGAC_SeatsAct_WhitePaper_061920.pdf&c=E,1,gp5dSNTUGh66RzgoSCGFWdgZvaeaB2xFH5FQyVTiTP4ZVveAtCM7bTqtd6pt4imlVW1-vy057dq3GNTvL41WS-rtD_LBy44YCuLEjsgDGLWb&typo=1" \t "_blank) on how they are proposing the government should implement social distancing measures on planes. The plan included implementing empty middle seats on planes and proposed that the government buy the empty seats.
* A group of companies who are part of the Computer and Communications Industry Association [said in a statement](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.ccianet.org%2f2020%2f06%2fccia-raises-privacy-and-security-concerns-regarding-brazils-proposed-fake-news-law%2f&c=E,1,6nspcN-KycNPwoiRRkDN_wt3XWIk79xIs_0gFIEP1bUFW1-N-zVZWINK09BCkuPKSrJvhs195HXzCbSzKSUJExQajkyuurwSn5Sbc9RtRqmVlLY,&typo=1" \t "_blank) that they want Brazilian lawmakers to not pass a law that would require expansive information collection on users in order to prevent “fake news.” The law would require data localization and privacy provisions that would limit the digital economy.
* California Attorney General Xavier Becerra filed an injunction to force Uber and Lyft to comply with AB5, the new California law aimed to elevate the status and rights of gig workers.