October 1, 2020

Below is our COVID-19 Update for October 1, 2020:

**Both the House and Senate are in session.**

**COVID-19 Relief**

* House Speaker Nancy Pelosi (D-CA) and Treasury Secretary Steven Mnuchin met again this morning to continue negotiating on a potential additional COVID-19 relief package. After the meeting, Speaker Pelosi indicated skepticism that a deal would be reached, meaning negotiations are likely to stall again. However, Speaker Pelosi is reportedly reviewing additional paper she received from the Administration.
* As a result, the House is likely to vote on its revised HEROES Act tonight. As a reminder, this legislation is largely seen as a messaging tool as Members head back to their districts to campaign.
* Though the Senate will remain in session next week, it is expected that the House will depart at the end of the day and remain in recess until after the election.
* Vulnerable Senate Republicans are beginning to worry about potentially facing voters in their states in the final weeks of the election without enacting an additional COVID-19 relief package.
  + Many Republican Senators up for reelection said it would be a mistake for the Senate to adjourn for the election without taking action to provide additional relief for Americans.
  + Sens. Susan Collins (R-ME), Thom Tillis (R-NC), and David Perdue (R-GA) have all spoken out publicly urging the Senate to remain in session until an additional package is enacted.
* Thousands of airline employees are set to be furloughed and laid off beginning today as Congress and the Administration were unable to reach an agreement to extend the Payroll Support Program (PSP), which was established under the CARES Act.
  + American and United Airlines have told lawmakers that if Congress and the White House are able to reach a deal on additional relief in the next few days, workers could be recalled.
  + As a reminder, current negotiations on a relief package are expected to include $28B for airline support.

**Congress**

**Senate**

* The Senate passed the continuing resolution (CR) in an 84-10 vote last night, and President Trump signed the legislation shortly thereafter. As a reminder, the CR will keep the government funded at fiscal year 2020 levels through December 11 and extends authorizations for surface transportation programs for one year.
* The Senate Commerce, Science, and Transportation Committee held an Executive Session to vote on the authorization to issue subpoenas for the CEOs of Twitter, Google, and Facebook. All three subpoenas were authorized by a voice vote. The committee members emphasized the importance of this hearing to address content moderation methods and the monopolization of power by tech companies. Our coverage of the Executive Session is [here](https://ustoa.com/r/ustoa-filemanager/source/resources/2020-10-01-senate-commerce-executive-session-subpoenas.pdf).
  + Republican members focused on claims of anti-conservative political bias on social media platforms and the need to amend Section 230 liability protections.
  + Democratic members expressed concerns over any actions that could impact the election and called for further action with respect to privacy issues.
* The Senate Armed Services Committee held a hearing on “Supply Chain Integrity” with Under Secretary of Defense for Acquisition and Sustainment Ellen Lord. The hearing discussed the national security threat posed by Chinese participation in the supply chain, the impact of COVID-19 on the supply chain, and how the Department of Defense is using funds provided under the CARES Act.
  + Specifically, Members inquired about strategic critical minerals, the KC-46 aircraft, and the aviation workforce, among other topics. Our coverage of the hearing is [here](https://ustoa.com/r/ustoa-filemanager/source/resources/2020-10-01-sasc-supply-chain-integrity-hearing.pdf).

**House**

* House Homeland Security Democrats sent a letter to Transportation Security Administration (TSA) Administrator David Pekoske asking him to suspend a ratification vote for a collective bargaining agreement between TSA and the American Federation of Government Employees.
  + TSA called for the vote to start on September 21 after delaying the process in March due to COVID-19.
  + Lawmakers said ratification activities should continue to be postponed “until infection and death rates have dropped significantly" and the current collective bargaining agreement should remain in place.
  + TSA employees have until October 26 to cast their votes.
* The House Natural Resources Committee advanced the Restoring Community Input and Public Protections in Oil and Gas Leasing Act ([H.R. 3225](https://www.congress.gov/bill/116th-congress/house-bill/3225?q=%7B%22search%22%3A%5B%22hr3225%22%5D%7D&s=7&r=1)) in a markup yesterday. The bill, introduced by Rep. Mike Levin (D-CA), would boost community input in federal oil and gas lease sales, raise royalty rates on public lands to 18.5%, and set a minimum acceptable bid for leases at $5 per acre while requiring disclosure of companies behind the bids.
* The House Judiciary Committee held a hearing titled “Proposals to Strengthen the Antitrust Laws and Restore Competition Online.” Members from both sides of the aisle expressed concerns about the size and market share of tech companies. However, Democrats advocated for additional regulation, while Republicans argued that the existing regulation was sufficient, but needed to be better enforced.
  + The hearing was held mere days before the expected release of a committee report on antitrust allegations against four large technology companies. That report could be released as soon as Monday, October 5.
* Reps. Donald Beyer (D-VA), Mike Rogers (R-AL), and Alan Lowenthal (D-CA) introduced a bill ([H.R. 8447](https://www.congress.gov/bill/116th-congress/house-bill/8447?q=%7B%22search%22%3A%5B%22congressId%3A116+AND+billStatus%3A%5C%22Introduced%5C%22%22%5D%7D&s=1&r=23)) to authorize the Secretary of Transportation to provide loans for the acquisition of electric or fuel cell buses and related infrastructure.
* Reps. Sylvia Garcia (D-TX) and Ann Wagner (R-MO) introduced [H.R. 8454](https://www.congress.gov/bill/116th-congress/house-bill/8454?q=%7B%22search%22%3A%5B%22congressId%3A116+AND+billStatus%3A%5C%22Introduced%5C%22%22%5D%7D&s=1&r=16), the House companion to Sen. Lindsey Graham’s (R-SC) EARN IT Act. As a reminder, the EARN IT Act would:
  + Create an expert Commission composed of representatives from government agencies, law enforcement, prosecutors, academia, nonprofits, and technology companies. The Commission will compile advisory best practices relating to preventing, reducing, and responding to online child sexual exploitation. Best practices will be voluntary, not mandatory or binding, and will serve to guide companies that wish to implement measures to protect children from sexual exploitation online.
  + Amend the Communications Decency Act to enable interactive service providers to be subject to federal and state civil liability and state criminal liability under child pornography laws.
  + Replace “child pornography” with “child sexual abuse material” throughout the U.S. criminal code.
  + Enhance the National Center for Missing and Exploited Children’s CyberTipline to require reporting of child sex trafficking and online enticement, streamline reporting, and enable information-sharing to respond to child sexual abuse material.
  + Allow a court to consider evidence of actions or circumstances relating to materials involving the sexual exploitation of minors if the evidence is otherwise admissible.
  + Provide that actions or services involving encrypted messaging services shall not serve as an independent basis for liability of interactive service providers for a claim or charge relating to child sexual abuse material.

**Administration**

* Federal Aviation Administration (FAA) Administrator Steve Dickson completed his test flight of the Boeing 737 MAX and commented afterward that he was satisfied with the new training for the plane, though he had a few items to discuss with Boeing.
  + Administrator Dickson previously said that the FAA would not unground the plane until he had flown it himself.
* At a technical conference yesterday, power companies told the Federal Energy Regulatory Commission (FERC) that they support putting a price on carbon dioxide, at least at the regional level. Academics, investors, and executives who participated in the conference shared the belief that putting a price on the pollution from fossil fuels was the most efficient way to curb the emissions driving climate change, though they differed on how FERC should incorporate the costs to account for the greenhouse gas into the electricity markets.
* The Environmental Protection Agency (EPA) finalized its regulation rolling back the “once in, always in” policy for major source pollution at industrial facilities. As we reported previously, the proposal would allow such facilities to be downgraded to “area sources” which could subject facilities to lesser pollution regulations. The standing policy has been in place since 1995.

**Other News**

* Alabama and New Jersey announced plans to increase their gas tax, Alabama by two cents per gallon and New Jersey by ten cents per gallon. These increases are part of a broader trend of states seeking more revenue due to COVID-19.
  + Virginia, Nebraska, California, South Carolina, and Illinois have also increased their gas tax this year.
* The European Union’s (EU) Commission President Ursula von der Leyen announced Thursday that the EU plans to initiate legal proceedings again the UK to prevent London from trying to use domestic legislation to override aspects of the Brexit Withdrawal Agreement signed last year.
  + The legal proceedings are in response to the UK’s Internal Market Bill, which would allow ministers powers to change portions of the Brexit Withdrawal Agreement.
* Conservation groups, led by the National Wildlife Federation and Conservation Northwest, sent a [letter](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.conservationnw.org%2fwp-content%2fuploads%2f2020%2f09%2fNWF-letter-to-Facebook-9.30.2020.pdf&c=E,1,nRneWWYPxcf5nYG8_Te30_CLKtczHbvdUWCxWIRRBJBkdTSFNtJbBxMC0rYCjriUeOq53V_zIxJ4wMz-G3gJs91AqW6juCBQpNcIKKjom3qwvlQHhRrP-d6luK4,&typo=1) to Facebook encouraging further action and changes to the algorithm to stop the spread of bias, racism, and disinformation on its platform. The groups emphasized Facebook’s role in “fostering an environment that perpetuates the culture of racism and hate that puts nature out of bounds."
* Carbon Tracker released a [report](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fcarbontracker.org%2freports%2fbillion-dollar-orphans%2f&c=E,1,FYqZmDCdyy5Nql79yoUqIs8mxjBQnL9Ad7-6evnwngTUIAh63SQXMG9JKMdkoDS93YzRUFR4ANqjNl24el1qMwHv6aT29DqJYBn4xr2SvOHgDApK33u-xOY,&typo=1) that U.S. state and federal regulators have put taxpayers at risk of $280B in cleanup costs by not requiring oil and gas companies to provide sufficient financial assurance when drilling wells. The report found that the total undiscounted cost to retire existing onshore wells totals $117B in Texas, $31B in Oklahoma, and $15B in Pennsylvania.

**Federal Register Notices**

* The Federal Communications Commission (FCC) republished two documents revising portions of the Table of Frequency Allocations to correct a printing error. The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f10%2f01%2f2020-21178%2ftable-of-frequency-allocations&c=E,1,uHMFz0UK4JTlkXdCvLS-Uffbo2TWAgAp_V-Ag-bxlCvNNPNVZw5aus0Sf8vK3JzFkhISVsQpAK08M6QrYbFLmtkeqxITTURcuEQkhLkmHgGG3uZigqQruUtl&typo=1).