October 2, 2020

Below is our COVID-19 Update for October 2, 2020:

**The Senate is expected to be in session next week. The House is expected to meet pro forma, but no votes are currently scheduled.**

**COVID-19 Relief**

* The House passed the revised HEROES Act last night by a 214-207 vote. 18 Democrats voted with Republicans and Independent Rep. Justin Amash (MI) voted against the legislation.
* House Speaker Nancy Pelosi (D-CA) continued to negotiate today and reported that she and Treasury Secretary Steven Mnuchin may be coming closer to an agreement on a topline number. However, that number would still need to receive agreement from at least 13 Senate Republicans if every Democratic Senator were to support the deal. Many Senate Republicans have continued to be adamant that anything above $1T is not acceptable.
  + In a Dear Colleague [letter](https://www.speaker.gov/newsroom/10220-1) to House Democrats, Pelosi outlined that there are still at least five major points of disagreement including:
    - Unemployment insurance
      * The Republican number “does not measure up to the need” that both sides recognize.
    - Family funding and funding for children
      * Pelosi said she is at $57B versus $25B from the Administration.
    - Appropriations
      * Pelosi said she is at $144B versus $100B from the Administration.
    - Education, state, and local funding
    - Testing and tracing
* Pelosi indicated that relief for airlines may be “imminent” in a plea to carriers to delay additional furloughs and layoffs. Pelosi also said Congress would either enact standalone legislation to extend the Payroll Support Program (PSP) for aviation workers or include it in a comprehensive COVID-19 relief package.
  + House Transportation and Infrastructure Committee Chairman Peter DeFazio (D-OR) unsuccessfully attempted to pass a PSP extension by unanimous consent on the House floor. PSP extension legislation has also been introduced in the Senate but has not been considered.
  + The House recessed for the week without any further action on airline relief.
* House Majority Leader Steny Hoyer (D-MD) provided an update to Members that the House will recess for the time being, but Members could be called back for votes on additional COVID-19 relief as negotiations are ongoing. Members will be given 24 hours' notice.
  + If no agreement is reached, the House will likely remain in recess until after the election.

**Congress**

**General Congress**

* Amid a busy day around COVID-19 diagnoses, it is important to remember that there is no official testing protocol at the Capitol where lawmakers are practicing COVID-19 mitigation inconsistently.
  + Senate Minority Leader Chuck Schumer (D-NY) indicated he thinks Congress needs a testing program. Both Senate Majority Leader Mitch McConnell (R-KY) and Speaker Pelosi have declined to implement a testing system. The White House offered rapid testing kits in May.

**Senate**

* Majority Leader McConnell has lined up a number of votes on judges for next week, potentially in retaliation to Senate Democrats’ delay tactics on the Supreme Court nomination, and announced plans to confirm Amy Coney Barrett even if the vote slips past Election Day.
  + Some Republican Senators may ask McConnell to cancel the session next week amid fears that a COVID-19 outbreak among Senators could put Barrett’s confirmation vote at risk, especially given Sen. Mike Lee (R-UT) testing positive.
* Sens. Jacky Rosen (D-NV) and John Hoeven (R-ND) introduced the Senate companion to H.R. 360, the Cyber Sense Act. The legislation, which passed the House with bipartisan support this week, would direct the Department of Energy to create a voluntary cybersecurity testing and assistance program for bulk-power equipment, which would support participating vendors with vulnerability disclosure programs, ongoing technical aid, biennial audits, and procurement guidance.
* Sen. Martin Heinrich (D-NM) introduced the Keeping Schools Safe Act ([S. 4782](https://www.congress.gov/bill/116th-congress/senate-bill/4782?q=%7B%22search%22%3A%5B%22congressId%3A116+AND+billStatus%3A%5C%22Introduced%5C%22%22%5D%7D&s=1&r=59)) to authorize the Secretary of Education to award grants to improve indoor air quality in elementary schools and secondary schools in response to COVID-19.
  + According to a [press release](https://www.heinrich.senate.gov/press-releases/heinrich-introduces-bill-to-improve-school-air-quality), the bill would provide $1B in funding for ventilation and air quality monitoring and would mandate the creation of COVID-specific technical guidance for heating, ventilation, and air conditioning systems.
* Senate Finance Committee Chairman Chuck Grassley (R-IA) introduced legislation ([S. 4784](https://www.congress.gov/bill/116th-congress/senate-bill/4784?q=%7B%22search%22%3A%5B%22congressId%3A116+AND+billStatus%3A%5C%22Introduced%5C%22%22%5D%7D&s=1&r=57)) to extend the Generalized System of Preferences (GSP) through April 2022.
  + Sen. Grassley’s statement on the legislation can be found [here](https://www.finance.senate.gov/chairmans-news/grassley-statement-on-caribbean-basic-economic-recovery-act-generalized-system-of-preferences-program).
* Sens. John Cornyn (R-TX) and Joe Manchin (D-WV) introduced the Eliminate the Digital Divide Act ([S. 4789](https://www.congress.gov/bill/116th-congress/senate-bill/4789?q=%7B%22search%22%3A%5B%22congressId%3A116+AND+billStatus%3A%5C%22Introduced%5C%22%22%5D%7D&s=1&r=52)) to empower states to carry out their own broadband programs that will incentivize internet service providers to build out broadband access in unserved areas and ensure transparency in and access to affordable broadband services for low-income individuals. According to a [press release](https://www.cornyn.senate.gov/content/news/cornyn-manchin-introduce-bill-expand-broadband-access-unserved-rural-areas), the bill would:
  + Create a $10B State Broadband Program where governors receive funds based on the number of unserved individuals in their state. Governors will partner with broadband service providers to build out networks to their unserved individuals.
  + Provide a platform for consumers to access information on the broadband options available to them.
* Sens. Tina Smith (D-MN) and Mike Rounds (R-SD) introduced the COVID-19 Telehealth Program Extension Act ([S. 4794](https://www.congress.gov/bill/116th-congress/senate-bill/4794?q=%7B%22search%22%3A%5B%22congressId%3A116+AND+billStatus%3A%5C%22Introduced%5C%22%22%5D%7D&s=1&r=47)) to help healthcare providers continue delivering telehealth services to rural communities.
  + As stated in a [press release](https://www.smith.senate.gov/us-senators-tina-smith-mike-rounds-introduce-bipartisan-legislation-help-health-care-providers), the bill would provide an additional $200M for the Federal Communications Commission’s (FCC) COVID-19 Telehealth Program, which ran out of funding in July.
  + A bipartisan House companion bill was introduced by Reps. Abigail Spanberger (D-VA) and Dusty Johnson (R-SD).
* Yesterday, a markup of Senator Lindsey Graham’s (R-SC) Online Content Policy Modernization Act (S. 4632), coupling copyright and Section 230 reform, was tabled pending consideration of more than a dozen proposed amendments.
  + The amendments offered ranged from minor technical changes from the Committee’s Republicans to wholesale rewrites of the bill from the Committee’s Democrats.

**House**

* Among the bills passed under suspension of the rules in the House this week was the Expedited Delivery of Airport Infrastructure Act of 2020 ([H.R. 5912](https://www.congress.gov/bill/116th-congress/house-bill/5912)), which would allow airports, including those with short construction seasons or disruptive airfield projects, to use up to $1M in Airport Improvement Program (AIP) funds to incentivize a contractor to complete projects early. Use of incentive payments would be left to the discretion of the airport operator.
* House Transportation and Infrastructure Committee Chairman Peter DeFazio (D-OR) and Aviation Subcommittee Chairman Rick Larsen (D-WA) sent a [letter](https://transportation.house.gov/news/press-releases/chairs-defazio-and-larsen-to-faa-before-ungrounding-the-boeing-737-max-release-your-documents-regarding-design-changes-and-evaluations) to Federal Aviation Administration (FAA) Administrator Steve Dickson requesting public release of all documents related to the ungrounding of the Boeing 737 MAX.
* Chairman DeFazio and Water Resources and Environment Subcommittee Chairwoman Grace Napolitano (D-CA) sent a [letter](https://transportation.house.gov/imo/media/doc/2020-10-01%20PAD_GN%20LTR%20to%20Corps%20on%20impacts%20of%20Dirty%20Water%20Rule_FINAL.pdf) to Assistant Secretary of the Army for Civil Works R.D. James requesting documents related to how the Administration’s new interpretation of which waterways are covered by the Clean Water Act is being implemented
* Rep. Doris Matsui (D-CA) wrote a letter to Centers for Disease Control and Prevention (CDC) Director Robert Redfield asking for additional information regarding the decision not to extend the no-sail order for cruise ships. As a reminder, published reports indicated earlier this week that Redfield planned to extend the order but was overruled by the White House. The no-sail order may now be lifted as soon as October 31.
* Rep. Jenniffer Gonzalez-Colon (R-PR) introduced a bill ([H.R. 8471](https://www.congress.gov/bill/116th-congress/house-bill/8471?q=%7B%22search%22%3A%5B%22congressId%3A116+AND+billStatus%3A%5C%22Introduced%5C%22%22%5D%7D&s=1&r=33)) to establish a Federal Maritime Task Force and a private sector advisory committee to address the health, safety, security, and logistical issues relating to the continuation of maritime travel and the resumption of cruise operations in United States waters during COVID-19.
* Reps. Mo Brooks (R-AL), Matt Gaetz (R-FL), Paul Gosar (R-AZ), and Lance Gooden (R-TX) introduced the American Jobs First Act ([H.R. 8477](https://www.congress.gov/bill/116th-congress/house-bill/8477?q=%7B%22search%22%3A%5B%22congressId%3A116+AND+billStatus%3A%5C%22Introduced%5C%22%22%5D%7D&s=1&r=27)) to overhaul the H-1B visa program and combat American worker replacement. According to a [press release](https://brooks.house.gov/media-center/news-releases/congressman-mo-brooks-introduces-american-jobs-first-act-stop-american), the bill would:
  + Stop employers from hiring foreign H-1B workers if they have recently, or plan to, furlough their U.S. workers.
  + Require employers to pay their H-1B workers more than their American workers to ensure foreign labor is only used when necessary.
  + Suspend the F-1 Optional Practical Training (OPT) program, which grants all foreign students extendable work permits and exacerbates job market competition among American graduates.
  + End the diversity visa lottery program, which issues 50,000 green cards to foreigners from around the world.
* Rep. Ed Case (D-HI) introduced the Visit America Act ([H.R. 8480](https://www.congress.gov/bill/116th-congress/house-bill/8480?q=%7B%22search%22%3A%5B%22congressId%3A116+AND+billStatus%3A%5C%22Introduced%5C%22%22%5D%7D&s=1&r=24)) to mandate a coordinated national effort to stabilize and recover travel and tourism. As stated in a [press release](https://case.house.gov/news/documentsingle.aspx?DocumentID=374), the bill would:
  + Express the sense of Congress that the federal government must work with the industry and other stakeholders toward a visitation goal of 116M annual travelers to the United States by 2028, an increase of 25% over pre-COVID-19 numbers.
  + Establish within the Department of Commerce an Assistant Secretary for Travel and Tourism appointed by the President with responsibilities to set and pursue international visitation goals, ensure public and private sector coordination on travel and tourism, set visa processing goals with the Departments of State and Homeland Security, promote travel exports abroad, and more.
  + Require the Department of Commerce to create a 10-year Travel and Tourism Strategy.
  + Authorize the creation of a U.S. Travel and Tourism Advisory Board.

**Administration**

* President Trump and First Lady Melania Trump tested positive for COVID-19 Thursday. White House Chief of Staff Mark Meadows confirmed that the President is experiencing mild symptoms and the President’s physician, Sean Conley, wrote in a memo that the President will continue to carry out his duties. President Trump has since been taken to Walter Reed National Military Medical Center in what is being called a precautionary move.
* The Bureau of Labor Statistics released new [data](https://www.bls.gov/news.release/empsit.nr0.htm) that indicated the U.S. economy added 661,000 jobs in September and the unemployment rate fell to 7.9% from 8.4%. While these are positive signs, they point to a slowdown in hiring as economists expected 800,000 jobs for September. These numbers represent the smallest gain since the labor market began to recover in May.
  + It is also important to note that these numbers do not reflect the large job losses this week with furloughs and lay-offs of airline employees, as well as 28,000 Disney employees.
* The Supreme Court announced it plans to take up an FCC petition to review a lower court ruling regarding media ownership rules. The Court has not yet released a timeline for possible consideration of the petition.
* On Thursday, the District of Columbia Circuit Court of Appeals denied a request from a mix of parties, including utilities and public safety officials, to halt implementation of the agency’s 6 GHz order.
  + The proposal, approved unanimously by Commissioners earlier this year, would open up the airwaves to unlicensed uses like Wi-Fi, a priority for cable and tech companies.
* According to Thomas Littleton, Senior Adviser in the FAA Office of the Associate Administrator for Airports, the FAA plans to release a cybersecurity framework with voluntary guidelines for airports.
  + Littleton commented that the framework will meet National Institute of Standards and Technology (NIST) standards and be flexible enough to address the wide variety of cybersecurity needs faced by airports.
* The Justice Department asked an appeals court on Friday to pause a lower court’s decision that blocked the Trump Administration’s proposed ban on Chinese messaging app WeChat.
* A U.S. district judge blocked the Trump Administration's ban on H-1B and other foreign worker visas on Thursday, ruling in favor of four organizations representing hundreds of thousands of employers across the country.
  + According to reports, the ruling only applies to companies represented by the four plaintiffs: the National Association of Manufacturers, the U.S. Chamber of Commerce, the National Retail Federation and TechNet. Employers who are not members of those organizations are still subject to the suspension.

**Other News**

* Canada will open their border starting October 8 to extended family members of Canadian citizens and permanent residents.
  + The government will also allow some international students to travel to Canada beginning October 20, under the condition that their schools have COVID-19 readiness plans approved by provincial or territorial governments.
* The Public Employees for Environmental Responsibility and the Western Watersheds Project filed a motion for a partial summary judgement Wednesday in the U.S. District Court for the District of Columbia calling on the court to deem Margaret Everson's role leading the National Park Service (NPS) unconstitutional.
* The American Chemistry Council released a two-decade [strategy](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.reuseplastics.org%2ffiles%2f9426614806a8ea0b721ab874f990c4d7f4186537.pdf&c=E,1,rDW6gdbvjPhwfHImgdFJFBwQlvTwRRxS94BSJS6U_nWbYlY-lUOZdbtCEMv5eb-7IdfneIR-wxTWGOCpcclYa-Ha_xiqK7dk_zMpoTYIkyAMhtGkqWODM1Hi8Q,,&typo=1) aimed at eliminating plastic waste in the U.S. on Thursday.
  + One goal is making all plastic packaging recyclable or recoverable by 2030, while the other goal is more effective reuse, recycle, and recovery of all plastic packaging by 2040.

**Federal Register Notices**

* The Department of Defense announced a meeting of the Defense Policy Board (DPB) that will take place on October 6 from 8:00am-5:00pm ET and October 7 from 8:00am-12:00pm ET. The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f10%2f02%2f2020-21860%2fdefense-policy-board-notice-of-federal-advisory-committee-meeting&c=E,1,P-aW4VIF7-nlMeZbes7-ldcdro4h82mP2MrJZQFxoqID_vAKVIAA1r7LF2KlrT4z2SM3zVtOAFym6cGuYtPgsKtecb3doBDsyriT5L-fH_IOp46ZFlyb0iQ,&typo=1).
* The FCC held an open meeting on Wednesday. The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f10%2f02%2f2020-21776%2fopen-commission-meeting-wednesday-september-30-2020&c=E,1,NdnWuf_l5P3hUTmWM7KNPAliVIiJlFJXCqS3V35seI63_R6P8enERaCoe0vglA-I-4SOZ_6_l2WFPjn37W53tO-hgTxQfjXro84hXXYxBXZTFgT-oYBq&typo=1). The meeting covered:
  + Facilitating Shared Use in the 3.1-3.55 GHz Band
  + Expanding Access to and Investment in the 4.9 GHz Band
  + Improving Transparency and Timeliness of Foreign Ownership Review Process
  + Promoting Caller ID Authentication to Combat Spoofed Robocalls
  + Combating 911 Fee Diversion
  + Modernizing Cable Service Change Notifications
  + Eliminating Records Requirements for Cable Operator Interests in Video Programming
  + Reforming IP Captioned Telephone Service Rates and Service Standards
* President Trump granted a Presidential permit to the Alaska to Alberta Railway Development Corporation to construct, connect, operate, and maintain certain railway border facilities at the international border of the United States and Canada at Southeast Fairbanks Census Area, Alaska. The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f10%2f02%2f2020-21964%2fauthorizing-the-alaska-to-alberta-railway-development-corporation-to-construct-connect-operate-and&c=E,1,Ulk8w-yRL9k_H09oboUpLkO20UL_pSAszPRqr-CG2CVV0vLhT8_D3yl5A_iFMKtGYBV6QUPjrnVFjuru91RVep0V4k48FAHwb3EpQeiGGpk,&typo=1).