October 12, 2020

Below is our COVID-19 Update for October 12, 2020:

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

**Supreme Court of the United States Hearing**

* The first day of confirmation for Judge Amy Coney Barrett to fill the vacancy on the Supreme Court offered few surprises. Both Republicans and Democrats largely stuck to the expected topics.
  + Senate Judiciary Committee Chairman Lindsey Graham (R-SC) began by addressing the likely result of a party-line vote to advance the nomination and Republicans generally focused on Judge Barrett’s legal and personal history.
  + Committee Democrats largely focused on the Affordable Care Act (ACA), same-sex marriage, and abortion rights but aimed their criticisms at Republicans on the committee, rather than at Judge Barrett herself. They also noted that rather than focusing on this nomination, passage of a HEROES Act was critical.
  + Judge Barrett stressed the effect that clerking for the late Supreme Court Justice Antonin Scalia had on her and described her legal philosophy. She also stressed her personal background and that she would be the first mother of school-aged children to sit on the Supreme Court.
* The physical appearance of the hearing was heavily influenced by the COVID-19 pandemic and Senators were permitted to participate virtually. Senators on both sides of the aisle took advantage of the opportunity. Sen. Thom Tillis (R-NC), who tested positive for COVID-19, participated in the hearing virtually as did Sen. Ted Cruz (R-TX) who is quarantined after coming into contact with Sen. Mike Lee (R-UT), who also tested positive. On the Democratic side, Sens. Kamala Harris (D-CA) and Patrick Leahy (D-VT) participated remotely.
  + Notably, Sen. Lee participated in person, despite testing positive for COVID-19 less than two weeks ago. According to a [letter](https://www.lee.senate.gov/public/_cache/files/05b40ed5-3ea6-4029-a48b-8445fc6f3a7e/doc001.pdf) from the Attending Physician of Congress, Sen. Lee had met the criteria to end quarantine for those with mild to moderate COVID-19.
* Beginning tomorrow, Senators will question Judge Barrett. The Democrats are expected to continue to focus on the importance of the ACA and a pending Supreme Court hearing, slated for November 10. Republicans will look to bolster Judge Barrett’s personal and legal background. In addition, Democrats continue to advocate for Judge Barrett to recuse herself from specific cases, if she is confirmed, that could impact the ACA and the election.

**COVID-19 Relief**

* House Speaker Nancy Pelosi (D-CA) and Treasury Secretary Steven Mnuchin continue to have conversations around a topline number, but it is unclear whether any significant progress is being made. Some Democrats are still stating that it is possible for a deal to be made, but optimism remains low.
* The Administration’s most recent $1.8T proposal was met with criticism from Senate Republicans over the weekend, including Sens. Lamar Alexander (R-TN), John Barrasso (R-WY), Marsha Blackburn (R-TN), Mike Lee (R-UT) and Rick Scott (R-FL). As a reminder, we have reported that Senate Majority Leader Mitch McConnell (R-KY) is unlikely to consider any legislation that does not have support from a significant number of Republican Senators.
* Speaker Pelosi sent two Dear Colleague letters over the weekend outlining her criticisms of the Administration’s offer and outlining the need for additional aid.
  + The first [letter](https://www.speaker.gov/newsroom/101020), sent on Saturday, outlined her areas of criticism of the Administration’s $1.8T offer and specifically mentioned unemployment insurance, the earned income and child dependent care tax credits, and childcare.
  + The second [letter](https://www.speaker.gov/newsroom/101120), sent on Sunday, outlined her areas of criticism of what the Administration has suggested thus far for testing.
* Larry Kudlow, Director of the National Economic Council, commented in an interview Friday that Secretary Mnuchin could offer an even bigger package than the $1.8T proposal after President Trump commented Friday that he wanted a larger package. However, given the Republican criticisms of a $1.8T package, it remains unlikely that a larger package will advance through the Senate before the election.
* White House Chief of Staff Mark Meadows and Secretary Mnuchin sent a [letter](https://www.politico.com/f/?id=00000175-19f2-d951-a77f-79fed5620000) to lawmakers Sunday urging Congress to pass legislation that would allow for the use of unused Paycheck Protection Program (PPP) funds to provide relief while negotiations continue.
* While reports are that House Speaker Nancy Pelosi (D-CA) and Treasury Secretary Steven Mnuchin continue to discuss a relief package, there is no indication that any agreement is close or likely.

**Congress**

**Senate**

* The confirmation hearings for Amy Coney Barrett to fill the vacancy on the Supreme Court have begun in the Senate Judiciary Committee. The hearings will run through Thursday and the committee could advance her nomination to the Senate floor as soon as Friday.

**Administration**

* The Departments of Homeland Security and Transportation are in the early stages of developing so-called “safe travel corridors” between the U.S. and certain international destinations. These corridors could replace quarantine requirements with COVID-19 testing and could allow for limited reopening of international travel.
  + According to published reports, government officials plan to potentially reopen travel between New York and London as early as the winter holidays.
* The Department of Justice is expected to charge Google with violating antitrust laws this week and the lawsuit is expected to focus on competitive abuses related to search.

**Other News**

* Negotiations on a global digital tax have been delayed and agreement is now not expected until June 2021. As a reminder, the U.S. has been opposed to the imposition of the tax amid concerns that it would largely target U.S. tech companies.
* A new [paper](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fjamanetwork.com%2fjournals%2fjama%2ffullarticle%2f2771764%3futm_source%3dtwitter%26utm_campaign%3dcontent-shareicons%26utm_content%3darticle_engagement%26utm_medium%3dsocial%26utm_term%3d101220%23.X4R1YylrEN8.twitter&c=E,1,SybZw8APfdjfvc26hnh2SLUu41maE7Nws651NV07uSys_aSWrWiry1cLvnOOv2USZshAf1rmLYkpP2whWSGaVT2poGA5Hi4HMN1Ahk6jfb9qMUyA5a-O&typo=1) from the American Medical Association argues that government spending on testing and contact tracing results in returns of 30 times the investment.
  + According to Harvard economists David Cutler and Larry Summers, an investment of $6M per 100,000 inhabitants would result in 14 lives saved, which they value at $96M, and 33 critical and severe cases avoided, representing savings of $80M. Therefore, a $6M investment per 100,000 people would result in a $176M benefit.
  + The authors also argue that, based on this analysis, 5% of any additional COVID-19 relief should go to testing and contact tracing.
* The European Commission is planning to merge two major legislative initiatives on competition into a single text. One is the New Competition Tool, a market investigation tool that would allow competition enforcers to act more swiftly and forcefully. The other is a part of the Digital Services Act, a new set of rules due to be unveiled in December for companies like Google, Apple, and Amazon.
  + Combined, the new powers would be known as the Digital Markets Act and would have strong antitrust enforcement power against tech companies.
* Microsoft announced that it took down the servers behind Trickbot, an enormous malware network that criminals were using to launch cyberattacks, including a strain of highly potent ransomware. Microsoft said it obtained a federal court order to disable the IP addresses associated with Trickbot's servers and worked with telecom providers around the world to stamp out the network, which could have indirectly affected election infrastructure.
* Facebook announced that is expanding its hate speech policy to include content that "denies or distorts the Holocaust." This is a major shift for the platform, which has repeatedly come under fire for its inaction on hateful and false information.
  + Facebook will now direct users to credible information if they search for content related to Holocaust denial on its platform.
* U.K. Prime Minister Boris Johnson is set to reveal plans for a series of new local lockdown restrictions, as the U.K.’s rate of hospitalization currently exceeds the level seen at the start of the first national lockdown.
  + Johnson has already presented the plan to Members of Parliament and will address the public to explain how the new system will work in broad terms, before the government announces how it will be applied to different areas of the country.

**Federal Register Notices**

*\*\*Note: the following Federal Register Notices will be published in tomorrow’s (10/13) issue.\*\**

* The Advisory Committee on Immunization Practices (ACIP) will hold a virtual meeting on October 28-30 from 10:00am-5:30pm ET.  The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f10%2f13%2f2020-22464%2fadvisory-committee-on-immunization-practices-acip-amended-notice-of-meeting&c=E,1,RajqvkJl_44XBLqwL3VqmcBw-e3UQQBhTqAUShHrfnisORjR6RkwrtsRC0PuRePEMn4hJn2IEnUTTrg70qKJ4oOdG_0BYKuHdhgvRHetz5zys_m_da0vyfCwmGNj&typo=1).
* The Federal Aviation Administration (FAA) announced a meeting of the Aviation Rulemaking Advisory Committee (ARAC) that will be held on December 10 from 1:00-4:00pm ET. Requests to attend the meeting must be received by November 23. The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f10%2f13%2f2020-22514%2ffederal-aviation-administration-aviation-rulemaking-advisory-committee-meeting&c=E,1,uSbKyBqUwI94nHpHLmyHH0sHa1AwXaDKR1aXFEvSNfUcTh41Ixduist6VlCXtPUkJe0Lcbrjsma5p8rIgJDBtjLAU0I1aRxKjtj9L2sefIMt9Q,,&typo=1).
* The Federal Communications Commission (FCC) announced a virtual meeting of the World Radiocommunication Conference Advisory Committee (WAC) that will take place on October 20 at 11am ET. This meeting will consider status reports and recommendations from its Informal Working Groups concerning preparation for the 2023 World Radiocommunication Conference (WRC-23). The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f10%2f13%2f2020-22538%2fsecond-meeting-of-the-world-radiocommunication-conference-advisory-committee&c=E,1,f0OWJuQ6hh8qSUwVnQQ1O1mPGms2H_jLa26qTwv0Xgsjidbv1L56aIy45bj4pWhNQ6qsbQFEBW604QNbTS68a5gUC3jOo8XoXi4E_R5Yl5XR6Kgm0w,,&typo=1).
* The FCC moved its headquarters to 45 L Street NE, Washington, DC 20554. The FCC also made changes to clarify that certain documents are now available for inspection through the FCC's website, removed references to an FCC copy contractor, and performed minor formatting corrections. The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f10%2f13%2f2020-19544%2frule-modifications-reflecting-new-address-location-of-commission-headquarters&c=E,1,nlQpI81v7dE8_qQquqdpirxp6v8VKoT3WECA17v9VUlNhgAxWzhuN4tQBgReMhQm_ytm5mOoRBgXRKGwjYDYRpVhOC__LTf83T1FyQP8_RZ7sOwdP5U3Tf8i&typo=1).
* The Department of Transportation submitted the Information Collection Request “Improving Customer Experience (OMB Circular A-11, Section 280 Implementation)” for review by the Office of Management and Budget (OMB). Comments must be submitted by November 12. The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f10%2f13%2f2020-21135%2finformation-collection-improving-customer-experience-omb-circular-a-11-section-280-implementation&c=E,1,S-62336hksqjgUGDqBnq49UODWaDPCPklQ3BLS4lqQK1SuV2ndwwC4mtNZTgSRFesG1b9j66OZPqFq4k4kv1LxRJhKprY20ZWbUGykKvuMc,&typo=1).