October 14, 2020

Below is our COVID-19 Update for October 14, 2020:

**Supreme Court of the United States Hearing – Day 3**

* The final day of questioning for Judge Amy Coney Barrett continued along similar lines as yesterday. Democrats continued to focus on healthcare and the Affordable Care Act (ACA), while Republicans continued to applaud Judge Barrett’s background.
  + Judge Barrett discussed the legal doctrine of severability. This doctrine is the focal point of the ACA case currently before the Supreme Court. Republican state officials and the Administration have asked the court to invalidate the entire ACA based on a perceived flaw with the individual mandate. Judge Barrett did not disclose what her position on the case would be.
* Judge Barrett continued to not respond directly to political questions, pivoting from questions regarding Presidential power, including whether Presidents can pardon themselves.
* The hearing will continue tomorrow but Senators will hear from outside witnesses, not directly from the nominee.

**COVID-19 Relief**

* As we reported yesterday, Senate Republicans are expected to move to vote as soon as Monday on a proposed COVID-19 relief package, that will not address many of the issues in the House-passed HEROES Act. The package is expected to focus on additional funds for the Paycheck Protection Program (PPP) but not address larger issues.
  + It is not expected that Senate Democrats will agree to consider the bill on the Senate floor, absent addressing a host of other issues that are included in the HEROES Act.
  + Speaker Pelosi and Treasury Secretary Steven Mnuchin are expected to talk again tomorrow on a broader package. Elevate continues to believe no broad COVID-19 package will be considered until after the election.

**Congress**

**Senate**

* The Senate Commerce, Science, and Transportation Committee will hold a hearing on October 21 on “Passenger and Freight Rail: The Current Status of the Rail Network and the Track Ahead.” The hearing will feature two panels of witnesses:
  + Witness Panel 1:
    - Mr. William Flynn, President and Chief Executive Officer, Amtrak
    - Mr. Paul Tuss, Executive Director, Bear Paw Developing Corporation and Member, Montana Economic Developers Association
  + Witness Panel 2:
    - Mr. Frank Chirumbole, Vice President Global Supply Chain, Olin Corporation on behalf of American Chemistry Council
    - Mr. Randy Gordon, President and Chief Executive Officer, National Grain and Feed Association
    - Mr. Kent Fountain, Chairman, National Cotton Council
    - Mr. Ian Jefferies, President and Chief Executive Officer, Association of American Railroads
    - Mr. Dennis Pierce, President, Teamsters Rail Conference

**House**

* Rep. Bill Johnson (R-OH) announced his desire to serve as Ranking Member of the House Budget Committee next Congress, as Democrats are expected to retain their majority in the House. The current Ranking Member, Rep. Steve Womack (R-AR), will serve as Ranking Member of the House Appropriations Financial Services Subcommittee and will not seek to continue to be House Budget Ranking Member.
* House Coast Guard and Maritime Transportation Subcommittee Chair Sean Patrick Maloney (D-NY) [requested](https://transportation.house.gov/imo/media/doc/2020-10-13%20Maloney%20LTR%20to%20CDC%20RE%20COVID-19%20Records%20Request%20Signed_Redacted.pdf) documents from the Centers for Disease Control and Prevention (CDC) regarding reports that the White House interfered to shorten the ongoing “no-sail order” for cruise ships.
* Reps. Troy Balderson (R-OH), Bob Gibbs (R-OH), and Garret Graves (R-LA) introduced a bill ([H.R. 8579](https://www.congress.gov/bill/116th-congress/house-bill/8579?q=%7B%22search%22%3A%5B%22congressId%3A116+AND+billStatus%3A%5C%22Introduced%5C%22%22%5D%7D&s=1&r=16)) to establish a program to provide grants to eligible entities to deploy, install, and operate advanced transportation technologies.
* Reps. Harley Rouda (D-CA), Eleanor Holmes Norton (D-DC), Grace Napolitano (D-CA), Gilbert Cisneros (D-CA), Judy Chu (D-CA), and Jamie Raskin (D-MD) introduced a bill ([H.R. 8589](https://www.congress.gov/bill/116th-congress/house-bill/8589?q=%7B%22search%22%3A%5B%22congressId%3A116+AND+billStatus%3A%5C%22Introduced%5C%22%22%5D%7D&s=1&r=6)) to direct the Secretary of Transportation to provide vouchers to air carriers to purchase more fuel-efficient and quieter aircrafts.

**Administration**

* In addition to yesterday’s Trillion Trees Executive Order (EO), President Trump also signed an [EO](https://www.whitehouse.gov/presidential-actions/executive-order-modernizing-americas-water-resource-management-water-infrastructure/) creating an Interagency Water Subcabinet, chaired by the Secretary of the Interior and the Administrator of the Environmental Protection Agency (EPA). The Subcabinet is being created to streamline water infrastructure and water resource management within the Federal government.

**Other News**

* The New York Department of Financial Services published a [report](https://www.dfs.ny.gov/Twitter_Report) that social media companies, such as Twitter, have such a large influence that they should be considered systematically important institutions and face heightened regulation of their cybersecurity policies.
* Transit associations are criticizing the inclusion of language on “anarchist” jurisdictions in a recent Federal Transit Administration (FTA) Notice of Funding Opportunity (NOFO). American Public Transportation Association (APTA) President and CEO, Paul Skoutelas, described it as “inappropriate and unjustified.” The National Association of City Transportation Officials, TransitCenter, Transportation for America, and the National Resources Defense Council also issued a [statement](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fnacto.org%2f2020%2f10%2f14%2fplaying-politics-with-safety%2f%3fsource%3demail&c=E,1,Kq6pkM9WmP3JjsHoDRpHQezeFciLQ3VmNooUpTZEu195FhL0fLXIHa8Sv1InQMAM_tCdNXf1zNuyAZdX5sHP1ZBKgvVsa3ez2yFZ6yGkyrglC2k,&typo=1) opposing the decision.
* The French government is expected to begin enforcing its own digital tax beginning in December, amid objections from the U.S. government over unfair targeting of U.S. tech companies. The French government had suspended the tax in January 2020 amid hopes for a broader international agreement.
  + Digital taxation more broadly was also discussed at the G20 meeting of central bankers and finance ministers.
  + As a reminder, the Organization for Economic Cooperation and Development (OECD) this week published blueprints for a global digital and global minimum tax but announced that implementation would be delayed while negotiations continued.
* A new [paper](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.ntu.org%2flibrary%2fdoclib%2f2020%2f10%2fWhat-s-at-Stake-for-Taxpayers-With-DoD-s-Government-5G-Proposal.pdf&c=E,1,gwVYLiHmCJ-kv9UuXNba9RoYHFUjj0i9AVljH98gzxRluMpelXAgwU8LOrvUMBXnntY9EaO7KwxjOjCRnjQaHh4FRp4IMsw1Zrr7SZEyiocCjoXHktPLPvzM&typo=1) from the National Taxpayers Union argues that the Department of Defense’s plan to build a government-run 5G network would be counterproductive to keep pace with other nations’ 5G development and could harm national security.
  + Separately, published reports indicate that trade associations from the wireless industry, including CTIA, NTCA, and NCTA sent a letter to President Trump opposing any efforts to nationalize the 5G network.
* TikTok sued Wednesday to block additional portions of the EO signed by the Trump Administration this summer to pressure ByteDance, TikTok’s parent company, to divest U.S. operations. The request for a preliminary injunction, filed with the U.S. District Court for the District of Columbia, argues that the EO inhibits the rights of TikTok’s 100M U.S. users and exceeds the Administration’s authority to act in the name of national security.
* The Center for New American Progress released a [report](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.americanprogress.org%2fissues%2fsecurity%2freports%2f2020%2f10%2f14%2f491476%2fsolution-huawei-challenge%2f&c=E,1,6oXt-kJR7KQA14Fjd61EZtuv3I6RmbMqKqs7ugq0GXMWOGYiYwtf9ubH-jAEUuEmMp6EB4XzCpVlIOms0piDy9sDqhE-_5DbZzVLffQO7JN67I7LN1VU&typo=1) urging the U.S. to work with international partners to neutralize the impact of Chinese government subsidies for Huawei. The report called for:
  + The formation of a coalition to assess how Chinese direct and indirect subsidies harm the global market and consider trade remedies.
  + A comprehensive review of Chinese credit uses to advantage Chinese firms and engaging G7 countries to develop new rules limiting those uses.
  + Engaging with the European Union, Japan, India, and South Korea to address 5G standardization issues at the International Telecommunication Union.
* The World Bank has approved $12B in financing to help developing countries buy and distribute COVID-19 vaccines, tests, and treatments. The financing is part of a larger $160B effort to help developing countries fight the virus and support the vaccination of up to 1B people.
* More than 1,000 signatories joined a [letter](https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fgorail.org%2fcontent%2fuploads%2fStaggers-Anniversay-Letter-to-STB.pdf&c=E,1,nEF6rtZRTqnEDRlCHWoy1nmMdH1NjKkF-IaZUt5O-GbhDXAaIjS2CSe7kcB0d3rSVGhJe8imHSk8O7i-O1rAlA0Mvdhkcf80Y0hIBbrQBkd71dboFZumFFzwkQ,,&typo=1) to the Surface Transportation Board (STB) commemorating the 40th anniversary of passage of the Staggers Act that deregulated the freight rail industry. The letter opposed any actions by the STB that would “undermine the ability of freight railroads to reinvest in the rail network,” a reference to the revenue adequacy issue that the STB has examined for the past two years.

**Federal Register Notices**

* The Department of Education proposed an extension of the information collection on CARES Act Budget and Expenditure Reporting. Comments must be submitted by November 13. The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f10%2f14%2f2020-22685%2fagency-information-collection-activities-submission-to-the-office-of-management-and-budget-for&c=E,1,4UF_iKNsE-bIc4y2OuyW4yCZLS-3Dd3j0x9GpGsxk6wB-tI_VPLlK3G67H8Sv-1nMk76zDeiM_N-10r6U9ZBWg1sZfaHAgmLU4qsnIZrIFaa-n72PtPBTwzdQbk,&typo=1).
* The Federal Aviation Administration (FAA) requested public comments on the requirement for Helicopter Air Ambulance Operators to report certain information to the FAA. The FAA is collecting 14 pieces of data from helicopter air ambulance operators, 8 of which are mandated in the report to Congress. Comments are due by December 14. The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f10%2f14%2f2020-22694%2fagency-information-collection-activities-requests-for-comments-clearance-of-renewed-approval-of&c=E,1,86CkSJZRG0DBNfHkr--7cxDPRIUcvjZjzl07Kmv9r8C-4F2WuACZNkO0aIPW2UMKBLQtUg4HL1XXV4qpRzV110Hu63rcmJswOUdLjxfyqB1V2PRkVsQxhLtFk26x&typo=1).
* The FAA designated October 15 as the deadline for Summer 2021 flight schedules at Chicago O'Hare International Airport (ORD), John F. Kennedy International Airport (JFK), Los Angeles International Airport (LAX), Newark Liberty International Airport (EWR), and San Francisco International Airport (SFO). The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f10%2f14%2f2020-22756%2fnotice-of-submission-deadline-for-schedule-information-for-chicago-ohare-international-airport-john&c=E,1,XyruS6egJI4YXbJwO3KElAcES2_qEJvFnTS2xiArQAnGwKcyRrvMn9U2jfx9xIYzddqDEW7YkKjAWCZrdsRXYNIB-y5B3VUn6LowrcQlQQMsrA,,&typo=1).
* The Federal Communications Commission (FCC) adopted a compensation methodology and determined a per-minute compensation rate for providers of Internet Protocol Captioned Telephone Service (IP CTS) supported by the Telecommunications Relay Services (TRS) Fund. These are both effective December 1. The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f10%2f14%2f2020-22530%2finternet-protocol-captioned-telephone-service-compensation&c=E,1,0OKfaC1w_sie6a-yJ7lW9CxIpg-PuHpW2v9PZPud69lQr6AvHGoqXEvdHg-q66zHBI36PBZdStodpyond0pxZ5GOqoP28uCFN8gBCfCODKc,&typo=1).