October 22, 2020

Below is our COVID-19 Evening Update for October 22, 2020:

**The Senate is in session. The House is in recess.**

**COVID-19 Relief**

* While conversations between House Speaker Nancy Pelosi (D-CA) and Treasury Secretary Steven Mnuchin are ongoing, right now the consideration of a relief package in the House and Senate likely will not happen until after the election.
* The Senate will begin the process tomorrow to consider the Supreme Court nomination of Judge Amy Coney Barrett. Elevate expects a vote on cloture on Sunday and a vote on final confirmation Monday evening or early Tuesday. At that point, we anticipate that the Senate will adjourn until after the election.

**Congress**

**Senate**

* The Senate Judiciary Committee held an Executive Business Meeting to consider six judicial nominations, including the nomination of Judge Amy Coney Barrett to the Supreme Court. Our coverage of the Executive Business Meeting is [here](https://ustoa.com/r/ustoa-filemanager/source/resources/2020-10-22-senate-judiciary-executive-business-meeting.pdf). The Democrats, because of the Supreme Court nomination process, did not participate in the markup.
  + The Committee voted to advance Judge Barrett’s nomination to the Senate. The vote was 12-0.
  + The Committee also voted on the issuance of subpoenas to Facebook CEO Mark Zuckerberg and Twitter CEO Jack Dorsey to discuss Section 230 and other issues.
    - No hearing date has been set, but Zuckerberg, Dorsey, and Google CEO Sundar Pichai are scheduled to testify this coming Wednesday before the Senate Commerce, Science and Transportation Committee.
  + Though it was on the agenda for today’s session, S. 4632, the Online Content Policy Modernization Act, was not considered during the meeting. As a reminder, this legislation would limit liability protections for tech companies under Section 230 as well as provide an alternative dispute resolution program for small copyright claims. The legislation also contains similar language to the Online Freedom and Viewpoint Diversity Act, which Chairman Graham sponsored together with Senate Commerce, Science and Transportation Committee Chairman Roger Wicker (R-MS) and Sen. Marsha Blackburn (R-TN).
* Sen. Kelly Loeffler (R-GA) introduced the Stop Suppressing Speech Act ([S. 4828](https://www.congress.gov/bill/116th-congress/senate-bill/4828?q=%7B%22search%22%3A%5B%22congressId%3A116+AND+billStatus%3A%5C%22Introduced%5C%22%22%5D%7D&s=1&r=15)) to revoke immunity for big technology companies that selectively block competition and lawful speech, to promote free speech, and to increase transparency on widely used internet platforms.
  + According to a [press release](https://www.loeffler.senate.gov/loeffler-targets-big-tech-stop-suppressing-speech-act-2020), the bill would replace ambiguous terminology in Section 230 with concrete terms recommended by the Department of Justice (DOJ). Specifically, it removes the phrase “or other objectionable” and inserts “unlawful, or that promotes violence or terrorism” in a list of good faith actions that content platforms take to maintain Section 230 protections.
* Senate Energy and Natural Resources Committee Chairwoman Lisa Murkowski (R-AK) commented that carbon pricing could be among policy considerations if Congress pursues climate change legislation next year, though she also expressed concern for how carbon pricing would impact Alaskans. She advocated for such market-driven solutions over additional regulatory requirements during a virtual event hosted by Stanford University.
* Sens. Mazie Hirono (D-HI), Cory Booker (D-NJ), Chris Van Hollen (D-MD), Bob Casey (D-PA), and Tammy Baldwin (D-WI) introduced a bill ([S. 4831](https://www.congress.gov/bill/116th-congress/senate-bill/4831?q=%7B%22search%22%3A%5B%22congressId%3A116+AND+billStatus%3A%5C%22Introduced%5C%22%22%5D%7D&s=1&r=12)) to provide resources for States, State educational agencies, local educational agencies, educators, school leaders, and others to measure and address instructional loss in students in kindergarten through grade 12.

**Administration**

* Secretary of State Mike Pompeo announced that the U.S. and the European Union (E.U.) will begin a dialogue on China on Friday. These discussions are meant to deepen U.S. engagement with E.U. member states on the issue of China.
  + Secretary Pompeo also intends to discuss the threat of China during his upcoming trip to India, Sri Lanka, the Maldives, and Indonesia.
* Customs and Border Protection (CBP) announced that it prevented importers from evading $287M in anti-dumping and countervailing duties in fiscal year 2020. This was a 500% increase from the first year of the program, authorized by the Enforce and Protect Act in fiscal year 2017.
  + The majority of cases investigated this year involved transshipped Chinese goods, meaning they were loaded from one ship to another, through Cambodia, the Dominican Republic, India, Malaysia, Laos, Taiwan, Turkey, Thailand. or Vietnam to avoid payment duties.
* The DOJ and national security officials held a news conference to announce that Russia and Iran obtained voter registration data that could aid efforts to interfere in the election. Additionally, Iran has already used some of the obtained data and was behind threatening “vote for Trump” emails reported on this week. As a reminder, the emails were attributed to the Proud Boys group.
  + Reports indicate that some of the data obtained was publicly available.
* The Department of Labor’s [release](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.dol.gov%2fui%2fdata.pdf&c=E,1,pkyYPImT-qnRBCO7PpAfs7K9ziGoPZY_0RaTuNUj5B4-4IvdqruEDzqA9EW9cTWC_SRlF_TbVHWJNIJume3MD4Y3I2QBjvBbl1V5zYRwo326Ew,,&typo=1) on unemployment found that the number of laid-off Americans seeking unemployment benefits decreased to 787,000 from 842,000 last week.
  + The unemployment figure saw its lowest total since March during the week that ended on October 3, but levels are still more than three times higher than pre-COVID-19 levels.

**Other News**

* Samsara released a [report](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.samsara.com%2fblog%2furban-exodus-commercial-transportation-data-shows-shift-from-bigger-to-smaller-cities&c=E,1,SruN-wfUoDxYWpY89LldXJuhDAzObFUJDhVuAHlpPuBvwBbnqrYOvzyHNHQd1pO0HGh_m85ubEYBLVSxzem-uiUvrUh0ek-nVw3HkIDo1UW35ADN&typo=1) on the new urban exodus accelerated by COVID-19. The report found that in April, the share of trips taken by their 15,000+ customers in big cities dropped 9%, while the share of trips in smaller cities went up 6%.
  + The biggest declines were in Los Angeles, Baltimore, and San Diego, while small southern cities like Savannah, Georgia, Jacksonville, Florida, and Greensboro, North Carolina saw the biggest increases.
* Quibi, the mobile short form streaming service, is shutting down after six months of operation. This is likely due to launching during the height of the pandemic and the plethora of competition from free short form video platforms like YouTube and TikTok.
* The Coalition for Safe Alternatives to Quarantines, which is composed of travel and aviation trade groups, sent a letter to the Departments of Transportation, Homeland Security, and Health and Human Services asking the federal government to develop state-level and international protocols that would replace quarantines and other travel restrictions with pre-flight testing for air travelers as the industry struggles to regain consumer confidence. The letter is [here](https://ustoa.com/r/ustoa-filemanager/source/resources/10.22.20-travel-coalition-letter.pdf).
  + The letter specifically requested criteria for determining epidemiological risk on a regional level, protocols for departing to and returning from high-risk areas, and cost-effective predeparture testing and contact tracing to replace quarantines.
* The French Minister delegate for trade and economic attractiveness said that E.U. member states are currently discussing which American products to hit with retaliatory tariffs in the dispute over Boeing and Airbus subsidies, though the E.U would still rather negotiate a deal with the U.S. to resolve the matter.
  + The last obstacle to the E.U. imposing these tariffs is the approval of the World Trade Organization’s Dispute Settlement Body, which is expected during its meeting on Monday.
  + France will also begin collecting its digital services tax on January 6 unless a negotiated global solution is reached before then.

**Federal Register Notices**

* The Federal Communications Commission (FCC) eliminated the radio duplication rule, which restricts the duplication of programming on commonly owned stations operating in the same geographic area for both AM and FM stations to reflect technological and marketplace changes since the current version of the rule was adopted in 1992. The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f10%2f22%2f2020-21319%2famendment-of-the-commissions-rules-regarding-duplication-of-programming-on-commonly-owned-radio&c=E,1,0oIiQd98NZ1B_PivfRSksOtqa5P04gkcS5X_k-6l1Q7lGQ961m2yumgYGsFxWghaBY0mjL7Mx4jQPLcCpe9tF4KT3gTUZlZK99Uc6Kjt9TostNc4GUV6_PQ4m-84gw,,&typo=1).
* The Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS) requested comments on a proposed revision to the H-1B Registration Tool information collection. Comments must be submitted by December 21. The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f10%2f22%2f2020-23391%2fagency-information-collection-activities-revision-of-a-currently-approved-collection-h-1b&c=E,1,sefOT7KhpBeuQawMMBwJzQ94z0qYspl-JUMKwBJ1B5BF5UeHfT7v5DOGurQ0bNRnnZmmVJ2YIxJ8XWA37RGxpPXkrNEuDyuhNT58qFXfTw,,&typo=1).
* DHS will continue to temporarily limit the travel of individuals from Canada into the United States at land ports of entry along the United States-Canada border to essential travel. This limit will remain in effect until November 21. The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f10%2f22%2f2020-23394%2fnotification-of-temporary-travel-restrictions-applicable-to-land-ports-of-entry-and-ferries-service&c=E,1,87XIJ0UI0N_uCwqmqjx_iqLV5hW6sx2Khyud1W5q0GlY8Um_eLe_8Mr6yYTWKevZgNga7z4wGFOuY2F5Q17SmmlXuOIiqU-bl9fCEVcKq-ko&typo=1).
* DHS will continue to temporarily limit the travel of individuals from Mexico into the United States at land ports of entry along the United States-Mexico border to essential travel. This limit will remain in effect until November 21. The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f10%2f22%2f2020-23392%2fnotification-of-temporary-travel-restrictions-applicable-to-land-ports-of-entry-and-ferries-service&c=E,1,-gjBxxIbsqnphqkj6v-fRRSgaxT9GLnRzeVCLan6NaiUcp1hxtnRVFokWxPWYkFx7u5dQwuEL8FmM2ROC4wHNkVDJ3QR5hFgnhygjMgzNKSF2BblSNs,&typo=1).