October 27, 2020

Below is our COVID-19 Update for October 27, 2020:

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

**COVID-19 Relief**

* As both the House and Senate have recessed until after the election, it is unclear when House Speaker Nancy Pelosi (D-CA) and Treasury Secretary Steven Mnuchin will speak next. However, the two are expected to continue negotiating and an additional COVID-19 relief package is possible after the election.
* Senate Majority Leader Mitch McConnell (R-KY) commented that the negotiations to date between Speaker Pelosi and Secretary Mnuchin have been very complicated and that he was not confident that the two came close to a deal as a result of those negotiations.

**Congress**

**Senate**

* The Senate confirmed Amy Coney Barrett to the Supreme Court last night in a 52-48 vote. All Democratic Senators and Sen. Susan Collins (R-ME) voted against Justice Barrett’s confirmation. Justice Barrett was administered the constitutional oath last night by Justice Clarence Thomas at the White House and was administered the judicial oath from Chief Justice John Roberts today.
  + Justice Barrett is the 220th Judge or Justice that has been confirmed under President Trump.
* In advance of the Senate Commerce, Science, and Transportation Committee hearing with the CEOs of Google, Facebook, and Twitter tomorrow, Ranking Member Maria Cantwell (D-WA) released a [report](https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.newsmediaalliance.org%2fwp-content%2fuploads%2f2018%2f08%2fLocal-Journalism-Report-10.26.20_430pm_Draft.pdf&c=E,1,_orkPjf_q1YD4YU1q8gixh6-0IXIhH_t2PXZzL_1ykVXYIZOxztXGEKK87QXgkYpqYmiQjCW_Z8OU4f7uTn5oBH8lXU8ES0A_HVbeAxKY-ZNTdsO39FVQWhs&typo=1) entitled “Local Journalism: America’s Most Trusted News Sources Threatened.”
  + The report called on the Federal Trade Commission (FTC) to take enforcement action against abusive business practices of “taking publishers’ online content without proper compensation [and] diverting user traffic away from local news websites.”
  + The report encourages Congress to address this problem by extending the Paycheck Protection Program (PPP) to local news outlets, publishers, and broadcasters and by requiring tech companies and local news organizations to enter into negotiations to reach a fair market value for content.
* Sen. Amy Klobuchar (D-MN) and seven other Senate Democrats introduced a bill ([S. 4880](https://www.congress.gov/bill/116th-congress/senate-bill/4880?q=%7B%22search%22%3A%5B%22congressId%3A116+AND+billStatus%3A%5C%22Introduced%5C%22%22%5D%7D&s=1&r=1)) to establish protections for U.S. democracy by enhancing checks and balances, accountability, and transparency in government and combatting Presidential abuses of power and foreign interference in elections.
* Sen. Marco Rubio (R-FL) introduced a bill ([S. 4869](https://www.congress.gov/bill/116th-congress/senate-bill/4869?q=%7B%22search%22%3A%5B%22congressId%3A116+AND+billStatus%3A%5C%22Introduced%5C%22%22%5D%7D&s=1&r=12)) to establish consumer data protections by requiring software marketplace operators and foreign software owners to provide a warning to consumers before they download the software.
* Sen. Mike Lee (R-UT) introduced a bill ([S. 4875](https://www.congress.gov/bill/116th-congress/senate-bill/4875?q=%7B%22search%22%3A%5B%22congressId%3A116+AND+billStatus%3A%5C%22Introduced%5C%22%22%5D%7D&s=1&r=6)) to establish protections under the PPP for good faith borrowers and lenders.

**House**

* House Transportation and Infrastructure Committee Chair Peter DeFazio (D-OR) and Water Resources and Environment Subcommittee Chair Grace Napolitano (D-CA) sent a [letter](https://transportation.house.gov/imo/media/doc/2020-10-26%20PAD%20GN%20letter%20to%20EPA%20re%20Final%20ELG%20rule%20FINAL.pdf) to Environmental Protection Agency (EPA) Administrator Andrew Wheeler regarding the Administration’s repeal of regulations limiting toxic water discharge from coal plants.
  + The letter requested the real-world impacts, individual power plants that benefited, and power plants that will participate in the voluntary program that the Administration claims will produce greater pollution reductions.
* Rep. Ro Khanna (D-CA) introduced his [21st Century Jobs Package](https://khanna.house.gov/sites/khanna.house.gov/files/Khanna_JobsActSummary.pdf) to expand high-paying tech jobs from Silicon Valley into the rest of the country. As stated in a [press release](https://khanna.house.gov/media/press-releases/release-khanna-introduces-groundbreaking-21st-century-jobs-package), the package aims to:
  + Invest $900B in research and development.
  + Establish federal institutes of technology and science around the country to create local tech initiatives.
  + Create 3M new jobs per year.
  + Enhance technology education in schools by training educators and requiring computer science as an academic standard.
  + Increasing STEM to rural areas and minorities by incentivizing the sale of software, providing scholarships, and creating hiring incentives for tech companies.
* House Ways and Means Committee Chair Richard Neal (D-MA) and Ranking Member Kevin Brady (R-TX) introduced the Securing a Strong Retirement Act, which works off the Setting Every Community Up for Retirement Enhancement (SECURE) Act of 2019 to further expand retirement savings. A press release on the legislation can be found [here](https://waysandmeans.house.gov/media-center/press-releases/neal-and-brady-introduce-new-bipartisan-legislation-strengthen-americans). A description of the bill, in addition to a section-by-section and bill text, can be found in the hyperlinked press release.

**Administration**

* Trade officials from the U.S., European Union (E.U.), and 27 other countries released a [joint statement](https://trade.ec.europa.eu/doclib/docs/2020/october/tradoc_158999.pdf) directly calling on China to decrease its steel production in light of COVID-19, as it is damaging global demand for steel. The statement also urges G20 leaders to address steel excess capacity and encourages China and Saudi Arabia to rejoin the Global Forum on Steel Excess Capacity.
* The Department of Commerce [imposed](https://www.trade.gov/faq/preliminary-determination-countervailing-duty-investigation-walk-behind-lawn-mowers-and-parts) 23% duties on Chinese walk-behind lawn mowers and 115% duties on non-refillable steel cylinders.
  + Last year, the U.S. imported $24.5M of mowers and $21.5M of cylinders from China.
* In response to a request from Rep. Lance Gooden (R-TX), EPA Administrator Andrew Wheeler [asked](https://twitter.com/EPAAWheeler/status/1320731624510803969) the Department of Justice (DOJ) to investigate claims that foreign governments are funding environmental groups to undermine U.S. energy independence.
* The Bureau of Transportation Statistics released [data](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.bts.gov%2fnewsroom%2fsecond-quarter-2020-air-fare-drops-new-low-passenger-numbers-decline&c=E,1,BYPw3wgg1slEVuy-uP54nj9aDoscxHssj_TAggrgiqTai1fBXFDhLZN95D7d2_eWhqaXIsh-F-C8x0UQxXh6tS-eVN-I6GhYY4wDP-PiHw3_UDKxJaRQoNAjYA,,&typo=1) which found that domestic airfares in April through June reached their lowest prices since the 1990s, when the Department of Transportation (DOT) began recording the data.
  + Average airfare was $259, which is 28% lower than 2019 and 38% lower than 2015.
* The Administration is expected to announce a plan that Medicare and Medicaid will cover the out-of-pocket costs of COVID-19 vaccines that are given emergency use authorization by the Food and Drug Administration (FDA).
* The Federal Communications Commission (FCC) held a vote during its [Commission Meeting](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.fcc.gov%2fnews-events%2fevents%2f2020%2f10%2foctober-2020-open-commission-meeting&c=E,1,DLa3szB1HcldR0oYjR6eulYxkXj5OJoRyvxdn-6-5im5VOws-nqDTDEecRyJtynuqHVE6MiZE_5koS0ppH_EDmjkjWvnAZL8bCIyEtpGMd5hQ2pQ51SCk4bnrTA,&typo=1) today on Chairman Ajit Pai’s proposal to respond to the D.C. Circuit Court’s request for evidence that the repeal of net neutrality benefits public safety and broadband deployment.
  + The Commissioners voted 3-2 along party lines to address the unresolved questions. Democratic Commissioners indicated that they would pursue restoring Obama-era net neutrality regulations under a Biden Administration.
* The FCC will vote next month on a plan to “repurpose mid-band spectrum for Wi-Fi and modern transportation-related communications.” The aforementioned quote was announced in a [blog post](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fmedium.com%2f%40AjitPaiFCC%2fa-new-look-for-familiar-themes-81f0ff17aa5c&c=E,1,Q-REK2pslsOruQ7ffZR5fAVp6TR6aXjO-eU3TjLMn9MkIaGenoSackCRja-9vMn1_GwM5fTfLKELZoIFEUSC-EXsBcmj4H5Hy7Cte9eBxWwpTkIRF8uiQR37Gw,,&typo=1) by FCC Chairman Ajit Pai today.
* Director of the National Economic Council (NEC) Larry Kudlow is expected to make a statement that the Administration will not proceed with a nationalized 5G network but will continue the free market approach.
* FCC Commissioners [voted](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.fcc.gov%2fdocument%2ffcc-seeks-require-id-foreign-government-sponsored-programming&c=E,1,iI3K3QB1ZESLyKi60jxx-i2oMRPg6QrDE4Bx8WHg9OXC9VEsnuGz2oRT9BanKP2619l6LNaC1DgQzXHY5NRcAbEQqR6cu_1lcguIbHyVo4gtPs8I&typo=1) in favor of opening the rulemaking process to require TV and radio broadcasters to identify any content that is sponsored by a foreign government. This specifically targets Russian and Chinese propaganda.
* DOJ attorneys called for an end to census challenges after the Supreme Court ruling, claiming that courts should not interfere with the deadline to report numbers for apportionment of Congressional seats by December 31.
* The D.C. Circuit Court of Appeals declined to issue a stay to block the EPA’s repeal of rules limiting methane pollution in the oil and gas industry prior to the case going to trial. The court ordered the EPA to begin the briefing process in December, with the first brief due on January 6 and the final brief due on February 10. This timeline means that a new Administration could finish the case.
* The National Treasury Employees Union (NTEU) filed a lawsuit against President Trump’s Executive Order to reclassify federal employees that make policy and remove some job protections. NTEU claims that the Executive Order will "radically reshape the civil service by drastically increasing the number and type of employees who are subject to dismissal without adverse action rights."

**Other News**

* The European Commission’s Director for Aviation Filip Cornelis said that European confidence in air travel will not be restored until E.U. member states adopt a common strategy for pre-flight COVID-19 testing. According to Cornelis, the current lack of uniformity among countries and continued required quarantines in some destinations is harming public confidence. Cornelis stated that pre-flight testing would allow for full freedom of movement while maintaining public health.
  + The European Union Aviation Safety Agency (EASA) and European Centre for Disease Prevention and Control (ECDC) are expected to recommend a strategy for air travel testing within weeks.
* Facebook removed two networks of foreign accounts that had been working to influence online discussion regarding U.S. elections. The networks included accounts from Iran connected to the campaign of threatening emails sent last week and a collection of Facebook and Instagram accounts connected to people in Mexico and Venezuela.
* New York transit agencies will begin to test new technology that aims to make transit safer and reestablish public confidence. These technologies include e-bikes and scooters, oxidizing molecules that reduce pathogens in the air and on surfaces, color additives to bleach, HVAC systems, antimicrobial lights, and train tracking and sensors to facilitate social distancing.
  + Participating transit agencies include the Metropolitan Transportation Authority, Port Authority of New York and New Jersey, New Jersey Transit, and the New York City Department of Education Office of Pupil Transportation.
* The Port Authority of New York and New Jersey will begin to impose $50 fines on riders who do not wear masks on transit. The Port Authority had previously focused on voluntary compliance and informational posters but will start to take enforcement steps on Monday.

**Federal Register Notices**

* The Consumer and Governmental Affairs Bureau announced an FCC order terminating specific docketed proceedings as dormant. The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f10%2f27%2f2020-23680%2ftermination-of-dormant-proceedings&c=E,1,wkqlZFOnw-SMxye8lhWPnuf2uEBVwwIyAbWFbDw80urQf1lDeYsQMFZzBq9-aaiu-as1jJYUAcbqEdNrM34WbsvP0sBjAo55Mx_XdMenEVXMaNQ1rA,,&typo=1).
* The Department of the Treasury's Office of Foreign Assets Control (OFAC) amended the Cuban Assets Control Regulations to further implement the Administration’s Cuba policy by limiting remittances to Cuba. The rule is effective November 26. The notice can be found [here](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.federalregister.gov%2fdocuments%2f2020%2f10%2f27%2f2020-23725%2fcuban-assets-control-regulations&c=E,1,TMPP7VMHWNphiH3AuDxQAFQ8dmPI7j3JbX5GCCxre0hQjGK0bb4Qapa0nHg0Wzh6r5vA5jPd8k1NqP66_xMZhnJr4NTwNuMeskZoDlbu4ob8U9_G6-Yptz_OeA,,&typo=1).