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COVID-19 Legislative Update

June 17, 2020

Please see below for updates on legislation related to COVID-19. Updates are sent every Monday, Wednesday, and Friday evening. For past updates, click [here](#). For updates before May 8, click [here](#). Our offices will be closed this Friday in recognition of [Juneteenth](#), so **this update will not be sent on Friday, June 19**. I'll be back to the normal schedule on Monday, June 22.

6.17.2020. COVID-19 Legislative Update

Legislation

Supplemental IV

Timeline/Process/Politics: All signs seem to be pointing to movement on a bill happening in the middle, or more likely, the **end of July**. No real discussion between parties is happening at this point and there's no set process for moving forward. We are still in wait-and-see mode.

Policy: As negotiations over what priorities will be making it into the next bill have yet to begin, what policies are included remain remarkably foggy. Democrats have outlined their main priorities in the [Heroes Act](#) (though conditions and the COVID-19 landscape has changed significantly since that bill passed the House).

In the liability protection space, Reps. Graves (R-LA) and Cuellar (D-TX) plan to introduce a bill (the Get America Back to Work Act) that would outline liability protections for employers. Text [here](#). Highlights include:

- Preemption of state laws, unless they provide greater liability protections.
- General liability protection for businesses, nonprofits, and other organizations that "make a reasonable effort" to comply with CDC and local (state, territory, tribal) public health authority guidance.

- The exceptions include harm caused by:
 - Willful or criminal misconduct,
 - Gross negligence,
 - Reckless misconduct, and
 - Conscious flagrant indifference to rights or safety of the individual harmed.
- The bill sets out specific protections and exceptions for health care professionals.

Legislation to Watch

The Prioritized Paycheck Protection Program (P4 Act)

Sens. Cardin, Coons, and Shaheen plan to introduce the Prioritized Paycheck Protection Act or P4 Act tomorrow. The bill would allow some small businesses to receive a second Paycheck Protection Program loan. Text [here](#). One-pager [here](#). Section by section [here](#).

Under the bill, forgivable PPP loans would be available to small businesses and nonprofits who are still suffering from the pandemic/recession. Highlights below:

- Eligible applicants would either be **self-employed or have 100 or fewer employees** AND show business activity is still down at least 50 percent. To be eligible, applicants must have already completely used a PPP loan (or be on pace to exhaust it).
- Loans would be **capped at \$2 million or 250 percent of monthly payroll** costs.
- Loans would not be available to publicly traded companies.

Passed Legislation

For past information and guidance and passed legislation, please refer to the [archives](#).

New Implementation Information and Guidance

- 6/17 – SBA and Treasury announced an updated forgiveness application for the Paycheck Protection Program. Treasury press release [here](#). EZ Forgiveness Application [here](#). Full Forgiveness Application [here](#). The new application, called the “EZ version”, can be used by borrowers that are:
 - Are self-employed/have no employees; OR
 - Did not reduce salaries/wages of employees by more than 25% AND did not reduce the number or hours of employees; OR
 - Did not reduce salaries/wages of employees by more than 25% AND experienced lower business activity from health precautions related to the pandemic.
- 6/16 – The Federal Reserve Board announced it would seek public feedback on a proposal to allow nonprofits to be part of the Main Street Lending Program. Treasury press release [here](#).

Congress

Hearings/Floor Activity

The House will be in session next week, with votes on June 25 and 26. The House will have votes on the Democratic police reform bill ([Justice in Policing Act](#)) and a DC

the House soon.

Appropriations

The House plans to hold all the subcommittee **markups on July 6 and 7, with full committee markups beginning July 9**. With this condensed schedule, there will likely be two or three markups each day. The plan is to finish full committee markups by Thursday, July 16. The markups will be conducted in the Ways and Means Committee room to allow space for social distancing. The order of bills has yet to be finalized.

The plan also remains to **move bills on the floor the last two weeks of July in the form of two minibuses**. It'll be a relatively closed floor process with a limited number of votes per package, as voting takes so long. The Rules Committee may package amendments enbloc as a part of a rule.

The Senate markups have slipped, possibly slipping to early July. A Republican aide said the delay was caused by Democratic amendments that complicate bipartisan support for the bills. The subcommittee markup schedule has been reported as E&W, THUD, and Leg Branch on June 25; Interior, CJS, Ag, DHS on July 2; and the remaining bills to be determined. SAC is unlikely to markup the Homeland Security and MilCon/VA bills. SAC-D will likely not markup prior to August recess and may have to post a Chairman's mark. Subcommittees will poll their member rather than meet in person and save the in-person markups for full committee, to minimize the number of times that committee members have to gather.

NDAA

While the Senate Armed Services Committee approved the FY21 NDAA last Thursday, the Committee has yet to file the bill. Originally intended to file on Monday, but that's been **delayed until next week**.

The House Armed Services Committee is **scheduled to markup next week**, with the full committee markup on June 24. The aim is to have the bill move on the House floor before August recess.

House Protocols

The Chief Attending Officer and Attending Physician of the House sent out new guidance for offices. The guidance states that offices can receive Plexi-glass and PPE for no cost.

The House Attending Physician Brian Monahan [sent](#) out updated guidance in a Dear Colleague last night. The **guidance requires face coverings for those meeting in "enclosed space[s]" for longer than 15 minutes**. Speaker Pelosi has asked committee chairs to invoke rules on decorum to prevent members without masks from taking part in hearings.

Members of Congress in Quarantine or Treatment (new additions in bold)

McAdams (D-UT), Rep. Mario Diaz-Balart (R-FL), Rep. Mike Kelly (R-PA), Rep. Nydia Velazquez (D-NY), Rep. Neal Dunn (R-FL)

Currently Self-Quarantined (0):

Completed Quarantine (38): Sen. Ted Cruz (R-TX), Rep. Mark Meadows (R-NC), Sen. Lindsay Graham (R-SC), Rep. Don Beyer (D-VA), Rep. Sharice Davids (D-KS), Rep. Doug Collins (R-GA), Rep. Paul Gosar (R-AZ), Sen. Cory Gardner (R-CO), Sen. Rick Scott (R-FL), Rep. Matt Gaetz (R-FL), Rep. Jason Crow (D-CO), Rep. Julia Brownley (D-CA), Rep. Ben Ray Luján (D-NM), Rep. Gwen Moore (D-WI), Rep. Stephanie Murphy (D-FL), Rep. John Yarmuth (D-KY), Rep. Adam Schiff (D-CA), Rep. Vincente Gonzalez (D-TX), Rep. Drew Ferguson (R-GA), Rep. David Schweikert (R-AZ), Rep. Anthony Brindisi (D-NY), Rep. David Price (D-NC), Rep. Ann Wagner (R-MO), Rep. Kathleen Rice (D-NY), Rep. Matt Cartwright (D-PA), Rep. Tom Cole (R-OK), Rep. Steve Scalise (R-LA), Rep. Frederica Wilson (D-FL), Rep. Andy Kim (D-NJ), Rep. Kendra Horn (D-OK), Sen. Mike Lee (R-UT), Sen. Mitt Romney (R-UT), Rep. Katie Porter (D-CA), Rep. Seth Moulton (D-MA), Rep. Lizzie Fletcher (D-TX), Rep. Josh Gottheimer (D-NJ), Rep. Ayanna Pressley (D-MA), Rep. Mikie Sherrill (D-NJ), Sen. Lamar Alexander (R-TN)

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