Coronavirus - congressional action

Information on Congress’ response to the coronavirus including bill summaries and proposed changes to voting procedure

May 18, 2020

Producer
ABA Governmental Affairs Office
Congress’s three-phase response to the coronavirus crisis and potential next steps

**Phase 1**
- Initial support and vaccine development
- **H.R. 6074 — Coronavirus Preparedness and Response Supplemental Appropriations Act**
  - $8.3 billion in COVID-19 response funding for developing a vaccine and preventing further spread of the virus
  - Became law on 3/6/20

**Phase 2**
- Paid leave, unemployment and food assistance
- **H.R. 6201 — Families First Coronavirus Response Act**
  - $100 billion in worker assistance, including emergency paid sick leave, food assistance, and unemployment payments
  - Became law on 3/18/20

**Phase 3**
- Major economic stimulus package
- **H.R. 748 CARES Act**
  - Major stimulus package ($2 trillion)
  - Loans and support to major industries, including airlines and small businesses
  - Direct payments to individuals and families
  - Became law on 3/27/20

**Phase 4 - TBD**
- Additional economic support (likely)
  - Infrastructure (maybe)
  - Democratic leadership introduced a $3 trillion package to showcase priorities for the next phase of coronavirus response; however, the legislation is unlikely to pass through the GOP-controlled Senate
  - Republicans have indicated they would like to put a pause on passing any more legislation

**Phase 3b**
- Additional funding for small businesses/hospitals
  - **S.Amdt.1580 Paycheck Protection Program and Health Care Enhancement Act**
    - $310 billion for the depleted Paycheck Protection Program, additional funding for hospitals and testing
    - Became law on 4/24/20

Phase 1 (H.R. 6074): Coronavirus Preparedness & Response Supplemental Appropriations Act

- $6.5 billion in Health and Human Services funding
  - $61 million for the FDA to prevent, prepare, and respond to the coronavirus including medical countermeasures and vaccine development
  - $2.2 billion for the CDC to support grants to states and localities, global disease detection and funding the CDC Infectious Disease Rapid Response Reserve Fund (IDRRRF)
  - $836 million for the National Institute of Allergy and Infectious Diseases at NIH
  - $3.1 billion to the Public Health and Social Services Emergency Fund (PHSSEF) which can support the following activities
    - Product development and manufacturing for medical countermeasures
    - Purchasing of medical countermeasures
    - Grants to non-federally owned facilities to improve preparedness and medical countermeasure production
    - Expansion of medical surge capacity

- Total cost: $8.3 billion

- Small Business Administration provisions include
  - $20 million for administrative expenses to carry out the SBA Disaster Loan Program and deem the coronavirus outbreak a disaster
  - Mandates that Economic Injury Disaster Loans are to be funded by a $1.2 billion subsidy from the Disaster Loan Account

- $1.25 billion for the Department of State, Foreign Operations and Related Programs
  - $264 million for the Department of State’s principal operating account
  - $971 million for bilateral assistance appropriations accounts including International Disaster Assistance, Economic Support Fund, and Global Health Programs
  - Offers guidance on transfer authorities, the Administration’s strategy for COVID-19, and required reporting

Sources: Congress.gov, Congressional Research Service.

Slide last updated on: April 3, 2020
Phase 2 (H.R. 6201): Families First Coronavirus Response Act

- **Paid sick and family leave provisions**
  - Requires employers with fewer than 500 employees and government employers to provide employees two weeks of paid sick leave to either quarantine, seek diagnosis, or for care for a family member
  - Provides a payroll tax credit for qualified sick and family leave wages for employers and certain self-employed individuals

- **Emergency Unemployment Insurance Stabilization and Access**
  - $1 billion in state emergency grants for processing and paying unemployment (UI) benefits
    - $500 million for additional funding to all states for staffing, systems, as long as they meet basic reporting and program requirements
    - $500 million for emergency grants to states which experienced at least a 10% increase in unemployment

- **Health provisions**
  - Requires private health plans to provide coverage for COVID-19 diagnostic testing
  - Requires Medicare Part B to cover beneficiary cost-sharing for provider visits during which a COVID-19 diagnostic test is ordered
  - Provides a temporary increase to states’ federal medical assistance percentage (FMAP)

- **Suspends work and work training requirements for SNAP**
  - Allows child and adult care centers to take food to go, waives meal pattern requirements in child nutrition programs, and allows the Ag. Secretary to issue nationwide school meal waivers which will eliminate paperwork and help schools adapt

- **Authorizes the Secretary of Agriculture to grant waivers to allow WIC certification without being physically present at the WIC clinic**

Total cost: $100 billion

Sources: Congress.gov; House Appropriations Committee, NPR, Wall Street Journal

Slide last updated on: April 3, 2020
Phase 3 (H.R. 748): Coronavirus Aid, Relief, & Economic Security Act (CARES Act)

- **Direct payments to individuals:**
  - $1,200 per adult, with an additional $500 per child
  - The full amount will go to individuals who earn $75,000/year or $150,000 for married couples; the payments scale down for higher-earning individuals, phasing out completely at $99,000 for individuals, $146,500 for heads of households with one child, and $198,000 for joint filers without children

- **$500 billion lending funds for industries, states, and localities**
  - Loans for companies with more than 500 employees
  - $25 billion in loans to airlines; $4 billion to cargo carriers
  - Bans loans to businesses owned by the president, vice president, heads of executive departments, or members of Congress

- **Hospital investments**
  - $100 billion for hospitals
  - $1 billion to Indian Health Service
  - $16 billion for building a stockpile of medical equipment
  - Increases reimbursements by 20% for treating Medicare patients with coronavirus

- **$350 billion in loans for small businesses**
  - Loans to small businesses would be forgiven if payrolls are maintained
  - **Unemployment benefits increased $600/week for four months**

- **State and Local Funds**
  - $150 billion for state and local funds, including $8 billion for tribal governments

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**Total cost: $2 trillion**


Slide last updated on: March 27, 2020
Phase 3b (H.R. 266): Paycheck Protection Program and Health Care Enhancement Act

- **Additional funding for small businesses**
  - $310 billion for the depleted Paycheck Protection Program, created in the Phase 3 stimulus package
  - $60 billion for underbanked businesses, such as community-based lenders, small banks and credit unions, and mid-sized banks and credit unions
  - Provides forgivable loans to business that maintain employees on payroll
  - $50 billion for Small Business Administration (SBA) emergency disaster lending
  - $10 billion in grants under the Emergency Economic Injury Disaster Loan program
  - $2.1 billion for additional salaries and expenses for the SBA

- **Hospital investments**
  - $75 billion for hospitals and health care providers, including funding for Personal Protective Equipment

- **$25 billion in funding for COVID-19 testing**
  - $11 billion given to states and localities to develop, administer, and process tests
  - Additional funds will be given to federal agencies and distributed to labs
  - Requires a strategic plan “related to providing assistance to states for testing and increasing capacity,” and also requires that states develop a plan on how the funding will be used for testing

**Total cost: $484 billion**
Democratic leadership proposed Phase 4 (H.R. 6800): Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act

<table>
<thead>
<tr>
<th>Introduced</th>
<th>Passed House</th>
<th>Passed Senate</th>
<th>To president</th>
<th>Signed into law</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/12/2020</td>
<td>5/15/2020</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total cost: $3 trillion**

**Additional stimulus checks and unemployment support**
- Issues a second round of stimulus checks for $1,200 per family member, for up to $6,000 per household
- Extends weekly $600 federal unemployment payments through Jan. 2021

**Provisions for employees and employers**
- Establishes a $200 billion Heroes’ fund to provide essential workers with hazard pay
- Requires OSHA to issue standards for workplaces to implement infection control plans and prevents employers from retaliating against workers who report infection control problems
- Provides $10 billion for COVID-19 emergency grants through the Economic Injury Disaster Loan program
- Extends PPP coverage until Dec. 2020 and modifies PPP funds to ensure they reach ‘underserved communities’

**Health provisions**
- Provides $75 billion for coronavirus testing, contact tracing, and isolation measures
- Creates a special ACA enrollment period for uninsured Americans and protects individuals who are losing their employer-provided health insurance with COBRA subsidies

**Provisions for employees and employers**
- Provides almost $1 trillion to state, local, territorial and tribal governments for workers providing essential services and COVID-related expenses, such as forgone revenues
- $175 billion in funding to assist renters and homeowners with monthly rent, mortgage, and other housing-related costs
- 15% increase to maximum SNAP benefit and funding for WIC and Child Nutrition Programs
- Creates standards for mail-in voting for the Nov. 2020 election and provides at least $25 billion in funding for the US Postal Service

Although this legislation has support from Democratic leadership, Republicans have been vocal they are not supportive of passing additional legislation at this time, making this bill unlikely to get enacted.

Sources: House Appropriations Committee, CNN, Congress.gov
Responding to the coronavirus crisis will limit negotiating time for other legislative priorities

### Upcoming legislative deadlines

<table>
<thead>
<tr>
<th>Topic</th>
<th>Expiration date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FISA Reauthorization</strong></td>
<td>March 15, 2020</td>
<td>• Four FISA provisions—the “roving wiretap” provision, “lone wolf” provision, “business records” provision, and “call detail records” program—were temporarily extended in the 2019 Continuing Resolution</td>
</tr>
<tr>
<td><strong>TANF &amp; CCES Reauthorization</strong></td>
<td>May 22, 2020</td>
<td>• Temporary Assistance for Needy Families (TANF) programs and the Child Care Entitlement to States (CCES) provide child care assistance for low-income families</td>
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<tr>
<td><strong>Health Extenders</strong></td>
<td>May 22, 2020</td>
<td>• Various Medicare and Medicaid policies are set to expire, including the community mental health services demonstration program</td>
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<tr>
<td><strong>Appropriations</strong></td>
<td>Sept. 30, 2020</td>
<td>• The House and Senate began hearings from Fiscal Year 2021 appropriations, although work on coronavirus could delay some negotiations</td>
</tr>
</tbody>
</table>

- The Senate passed a 77 day extension of 3 out of 4 provisions (excluded call detail records)
- The new deadline would be May 30th
- S.3501 passed the Senate on March 16th and would be retroactive to March 14th

Sources: Committee for a Responsible Federal Budget; Politico

Alice Johnson | Slide last updated on: March 16, 2020
Age breakdown of the 116th Congress

*Includes the non-voting representative from D.C.
Sources: National Journal Almanac

<table>
<thead>
<tr>
<th>Age Group</th>
<th>House</th>
<th>Senate</th>
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<tbody>
<tr>
<td>Under 40</td>
<td>33</td>
<td>14</td>
</tr>
<tr>
<td>40s</td>
<td>74</td>
<td>20</td>
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<tr>
<td>50s</td>
<td>126</td>
<td>123</td>
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<tr>
<td>60s</td>
<td>123</td>
<td>39</td>
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<tr>
<td>Under 65</td>
<td>63%</td>
<td>49%</td>
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<tr>
<td>65 or older</td>
<td>37%</td>
<td>51%</td>
</tr>
<tr>
<td>Both chambers</td>
<td>66%</td>
<td>63%</td>
</tr>
</tbody>
</table>

*Includes the non-voting representative from D.C.
Sources: National Journal Almanac
Congress is contemplating new voting procedures during the COVID-19 outbreak

**Current procedures**

**Unanimous consent**
- All members agree to a motion without voting
- One member can block the motion

**Roll call voting**
- Each member must enter the chamber and verbally or physically announce their vote
- All Senate votes take place this way

**Vote by electronic device - only in House**
- Members insert a card into devices located throughout the chamber and then press a button to vote

**Proposed and implemented procedures**

**Vote by proxy**
- A member of Congress allows another member to vote for them in their absence
- Currently allowed in Senate committee votes
- **Proxy rule in House:** On May 15th, the House approved new rules that will allow lawmakers to authorize a member that is present in the chamber to cast a vote on their behalf
- The present member is able to cast proxy votes for up to 10 lawmakers

**Remote voting**
- Voting online or by phone from any location

**Extended voting periods**
- Elongating the time allowed for voting to reduce crowding in the chambers

**Raising unanimous consent threshold**
- Requiring more than one member to object for a UC motion to be blocked