

Legislative forecast for the 116th Congress: May 2020


Overview of recent legislation and
areas of interest for the month of May

May 7, 2020

Producer

National Journal Presentation Center

Roadmap

- 
- Congressional calendar
 - Coronavirus Phases 1-4
 - Upcoming deadlines and other 116th Congress priorities
 - Potential changes to voting procedure

2020 congressional calendar

■ Both chambers in session ■ Senate only in session ■ House only in session

AS OF APRIL 14, 2020

January

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5	6	7	8	9	10	11
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31						

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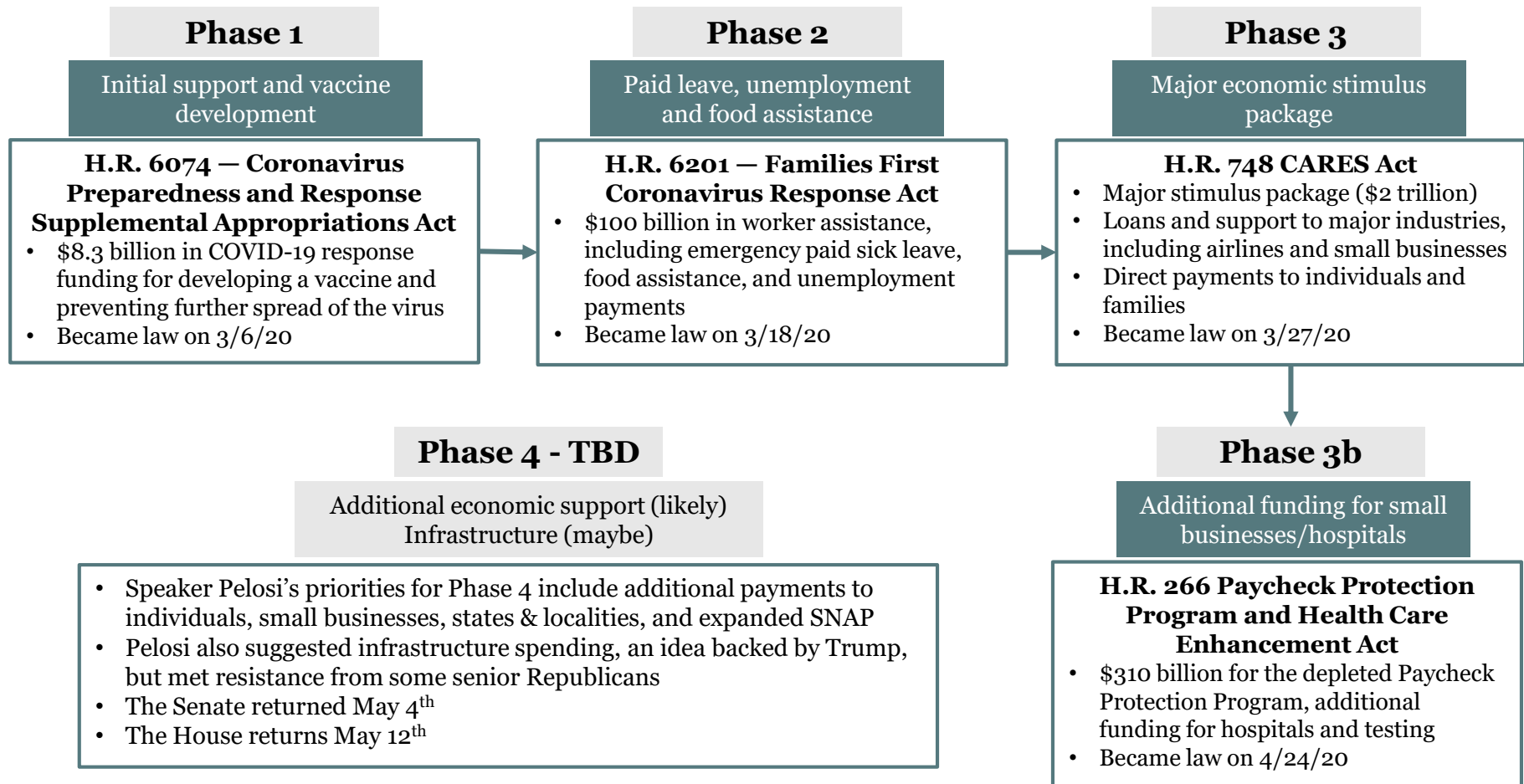
December

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27	28	29	30	31		

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Congress's multi-phase response to the coronavirus crisis



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

Introduced
3/4/20

Passed House
3/4/20

Passed Senate
3/5/20

To president
3/5/20

Signed into law
3/6/20

Total cost: \$8.3 billion

- **\$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

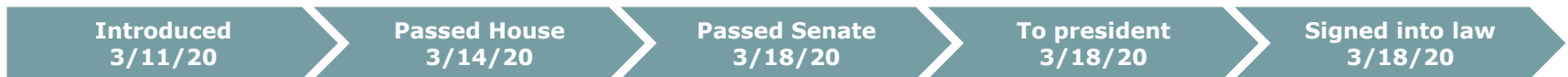
- **Small Business Administration provisions include**

- \$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

Phase 2 (H.R. 6201): Families First Coronavirus Response Act



Total cost: \$100 billion

- **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

- **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)

- **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

- **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

- **Suspends work and work training requirements for SNAP**
- Authorizes the Secretary of Agriculture to grant waivers to allow WIC certification without being physically present at the WIC clinic

Phase 3 (H.R. 748): Coronavirus Aid, Relief, & Economic Security Act (CARES Act)



Total cost: \$2 trillion

- **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

- **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

- **\$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

- **\$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**
- **New Treasury IG and Congressional Oversight Board**
- **State and Local Funds**
 - \$150 billion for state and local funds, including \$8 billion for tribal governments

Phase 3b (H.R. 266): Paycheck Protection Program and Health Care Enhancement Act



Total cost: \$484 billion

- **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

Potential provisions in the Phase 4 stimulus package

Unlike the four previous legislative packages, the next package is expected to move more slowly due to differing priorities



Republicans have voiced support for:


- **Increased infrastructure spending:** Pres. Trump, Sens. Shelby (R-AL) and Sullivan (R-AK) support
 - Sen. Majority Leader McConnell (R-KY) also urged GOP senators to push back on the Trump administration's calls to boost infrastructure spending
- **Liability protections for reopening businesses:** GOP House and Senate leadership issued a joint statement stating this is a "must" for a phase 4 bill
- **Incentives for supply chain repatriation:** House Minority Leader Kevin McCarthy (R-CA) released a statement supporting a government agenda to encourage American companies to build critical supply chains in the US
- **Reforms to PPP:** Proposed reforms from Sens. Scott (R-FL) and Toomey (R-PA) include requirements for businesses to show reduction in revenue and to make it easier for small companies to obtain loans
- **Payroll tax cut:** President Trump strongly supports but has received push back from some GOP leaders
- GOP senators have indicated they would like to **wait more time** before passing another large stimulus package



Democrats have voiced support for:

- **Support for state and local governments:** Supported by both House and Senate, also received support from Sens. Susan Collins (R-ME) and Bill Cassidy (R-LA)
- **Federal rent assistance, funding for election reform, hazard pay for essential workers, and funding for the US Postal Service:** Senate Minority Leader Chuck Schumer (D-NY) shared these priorities for a phase 4 bill
- **Federal assistance to help states transition to vote-by-mail programs:** House Speaker Nancy Pelosi (D-CA-12) has stated support
- **Another round of stimulus checks and an extension of unemployment insurance**
- **Supporting tribal government needs, increasing rural broadband, and addressing food security:** other Democratic priorities for phase 4 bills
- **Intraparty divisions:** Moderate Democrats are concerned about large amounts of spending, while liberals are advocating for more reforms
- Although House Democrats have started to assemble phase 4 legislation, **some are hesitant to vote on a bill that has little chance** of being enacted

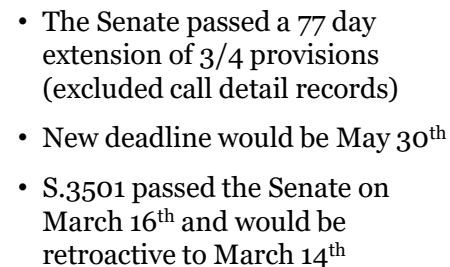
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Responding to the coronavirus crisis will limit negotiating time for other legislative priorities

Upcoming legislative deadlines

Topic	Expiration date	Description
FISA Reauthorization	March 15, 2020	<ul style="list-style-type: none"> 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
Appropriations	Sept. 30, 2020	<ul style="list-style-type: none"> The House and Senate began hearings from Fiscal Year 2021 appropriations, although work on coronavirus could delay some negotiations
TANF & CCES Reauthorization	Nov. 30, 2020	<ul style="list-style-type: none"> Temporary Assistance for Needy Families (TANF) programs and the Child Care Entitlement to States (CCES) provide child care assistance for low-income families
Health Extenders	Nov. 30, 2020	<ul style="list-style-type: none"> Various Medicare and Medicaid policies are set to expire, including the community mental health services demonstration program
Defense Re-Authorization	Dec. 31, 2020	

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

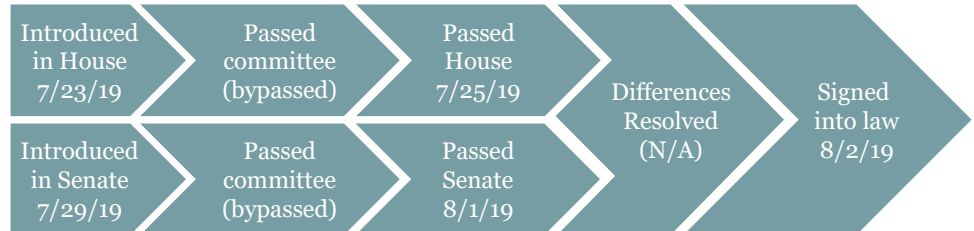
Government funding tracker

FY2021 Budget (authorizes federal spending) - FINALIZED

H.R. 3877 - Bipartisan Budget Act of 2019

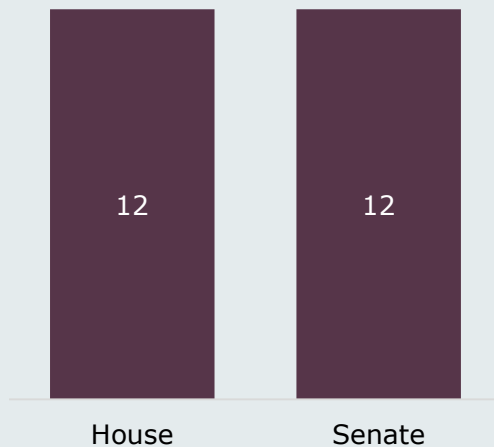
Sponsor: Rep. John Yarmuth (D-KY-3)

- Increases top-line federal budget numbers for both FY2020 and FY2021
- Suspends the debt limit through July 31, 2021



FY2021 Appropriations (annual government funding) - NOT STARTED

■ Completed bills ■ Unfinished



Deadlines:



Besides government funding, Congress must also pass some other legislation this year



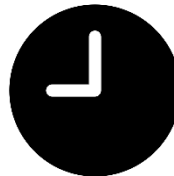
FISA programs - March 15, 2020 (extended 77 days)

- These include Section 215 (meta-data on domestic text messages and phone calls), roving wiretaps, and lone wolf surveillance
- Some lawmakers also want to use this time to reform FISA



Health care programs – May 22, 2020 (extended until November 30, 2020)

- Community Health Centers
- Temporary Assistance for Needy Families
- National Health Service Corps
- Various other public health-related programs



FAST Act - September 30, 2020

- Various roadway programs, including those funded by the Highway Trust Fund
- Many programs related to bridges and railways
- Any major infrastructure deals would likely go in this bill



NDAA - December 31, 2020

- Sets the budget for the Defense Department and other defense-related programs
- Often includes other policy proposals

Additional major items that might be tacked on to must-pass legislation



House Democratic climate change proposal

- Potential blueprint for 2021 if a Democratic president wins



Other tax extenders

- Opportunity for lobbyists that didn't get their proposals included in December



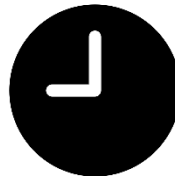
Drug pricing

- The House passed H.R. 3 in December, but Senate Majority Leader McConnell won't put it to a vote
- Senate Finance Chair Grassley has also introduced a bill (S. 2543) but has received GOP pushback




Surprise billing

- A deal seemed to have been reached between the Senate HELP and House Energy & Commerce committees in December
- It was excluded at the last moment from the FY2020 package



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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



Changes proposed

Vote by proxy

- A member of Congress allows another member to vote for them in their absence
- Currently allowed in Senate committee votes

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