

COVID-19: A Weekly Update from Washington  
March 23-27, 2020

*As the number of coronavirus cases in the United States continues to grow at a rapid pace, both Congress and the Trump Administration are working to address the crisis from a variety of different angles. Mehlman Castagnetti Rosen & Thomas summarizes the latest news in this document.*

**IN BRIEF**

***What Happened This Week:*** Congress approved a \$2 trillion emergency funding package in response to the COVID-19 pandemic – the largest emergency stimulus bill in US history and the third in a series to address the crisis. The Trump Administration announced it will soon be issuing mitigation guidelines for states based on geographic hot spots. The President also signed off on an Executive Order this week invoking his authority under the Defense Production Act in an effort to prevent the hoarding of health and medical resources.

***What to Expect in the Weeks and Months Ahead:*** Although Congress is not expected to be physically present in Washington for at least the next few weeks (to mitigate the spread of the virus), efforts to respond to the pandemic legislatively are far from over. Looking ahead, we can expect lawmakers to continue working remotely – and possibly returning to Washington for votes – to pass additional measures. In addition, Congress also must address looming deadlines to extend other must-pass programs outside of the massive new stimulus bill.

**DEEP DIVE**

***Congress Approves a Third Emergency Funding Bill in Response to Coronavirus Pandemic; President Trump Expected to Sign Legislation Into Law***

The House followed the Senate and swiftly approved the Coronavirus Aid, Relief, and Economic Security (CARES) Act earlier today. As expected, following two hours of debate on the bill, Kentucky Congressman Thomas Massie (R-KY-4) requested a roll call vote on the legislation, citing his “oath to uphold the Constitution”. The Member’s request was denied after a quorum was established, and the measure was approved by voice vote. The CARES Act is the third major emergency supplemental funding bill in response to the coronavirus pandemic and the largest economic stimulus bill in US history. The \$2 trillion bill includes:

- Recovery checks to individuals and families (\$1,200 for individuals; \$2,400 for married couples; \$500 for each child under 17 years of age – all payments phased out for individuals with adjusted gross incomes of more than \$75,000 / double that amount for married couples based on tax returns from 2018 or 2019 if filed).
- Expanded unemployment insurance program and increased maximum unemployment insurance benefit.
- \$350 billion for loans for small businesses.
- \$500 billion for loans / other aid to businesses, states and municipalities.
- \$340 billion in supplemental funding, including:
  - \$117 billion for Hospitals and Veterans Health Care
  - \$45 billion for the FEMA Disaster Relief Fund
  - \$16 billion for the Strategic National Stockpile
  - \$4.3 billion for the Centers for Disease Control and Prevention (CDC)
  - \$11 billion for vaccines, therapeutics, diagnostics, and other medical needs

The Senate approved the massive funding bill (96-o) in the wee hours of the morning yesterday after several days of negotiations between Senate, Administration and House lawmakers on the details of the legislation. President Trump has indicated that he intends to sign the bill.

Looking ahead, although Congress is not expected to be physically present in Washington for at least the next few weeks (to mitigate the spread of the virus), efforts to respond to the pandemic legislatively are far from over. We expect lawmakers to continue working remotely – and possibly returning to Washington for votes – to pass additional measures. In addition, Congress also must address looming deadlines to extend other must-pass programs outside of the massive new stimulus bill, as well as some new ones established within the bill.

Click [here](#) for the final text of the bill. Click [here](#) for a full section-by-section summary.

### ***House Report Warns Against Virtual Voting Amid the Coronavirus Outbreak***

At the direction of House Speaker Nancy Pelosi (D-CA), Rules Committee Chairman Jim McGovern (D-MA) released a report on Monday evening looking at remote voting and whether or not the chamber should temporarily change the rules to allow for such an alternative in the midst of the COVID-19 outbreak. In his report, the Chairman warned that implementing such a practice – even temporarily – would “raise serious security, logistical, and constitutional challenges.” The report comes after a growing bipartisan group of lawmakers [called](#) for remote voting. So far, at least three lawmakers have tested positive for the virus and several others are self-quarantining after coming into contact with an individual who tested positive.

***Trump Administration Begins to Implement President's New Executive Order Executive Order Intended to Prevent Hoarding of Health and Medical Resources in Response to COVID-19***

Earlier this week, President Trump signed off on an [Executive Order](#) (invoking his authority under Section 102 of the Defense Production Act) intended to prevent the hoarding of health and medical resources amid the response to the COVID-19 outbreak. Under this new directive, the Department of Health and Human Services (HHS) is authorized to prohibit the hoarding of needed resources by designating those materials as "scarce," or as materials whose "supply would be threatened by persons accumulating excessive amounts."

On Wednesday, HHS took the first step to implement the President's Executive Order by [announcing](#) that the Department would be subjecting the following health and medical resources to the hoarding prevention measures (as of March 25, 2020):

- N-95 Filtering Facepiece Respirators
- Other Filtering Facepiece Respirators (e.g., those designated as N99, N100, R95, R99, R100, or P95, P99, P100)
- Elastomeric, air-purifying respirators and appropriate particulate filters/cartridges
- Powered Air Purifying Respirator (PAPR)
- Portable Ventilators
- Chloroquine phosphate or hydroxychloroquine HCl
- Sterilization services for certain medical devices and certain sterilizers
- Disinfecting devices and other sanitizing and disinfecting products suitable for use in a clinical setting
- Medical gowns or apparel, e.g., surgical gowns or isolation gowns
- Personal protective equipment (PPE) coveralls, e.g., Tyvek Suits
- PPE face masks
- PPE surgical masks
- PPE face shields
- PPE gloves or surgical gloves
- Ventilators, anesthesia gas machines modified for use as ventilators, and positive pressure breathing devices modified for use as ventilators, ventilator tubing connectors, and ventilator accessories

During a White House briefing on Tuesday, the President said: "Very simply, we will not allow anyone to exploit the suffering of American citizens for their own profit." He added that the Department of Justice would be closely monitoring the situation.

### ***President Trump Tells State Governors New Guidelines in the Works***

In a [letter](#) to governors dated March 26, President Trump said his Administration will soon be classifying states and counties as “high-risk, medium-risk, or low-risk” for the virus in an effort to help states make decisions when it comes to the appropriate amount of social distancing and other mitigation measures. The letter reads: “As testing gives us more information about who has been infected, we are tracking the virus and isolating it to prevent further spread. This new information will drive the next phase in our war against this invisible enemy.”

### ***CMS Announces Updates to Quality Reporting Programs as Part of its Response to COVID-19***

On Sunday, March 22, the Centers for Medicare & Medicaid Services (CMS) [announced](#) it will be granting exceptions from reporting requirements and extensions for clinicians and providers participating in Medicare quality reporting programs with respect to upcoming measure reporting and data submission for those programs. In a press release, CMS Administrator Seema Verma said the Agency will be granting the exemptions and extensions as part of its response to COVID-19 and as part of the Administration’s larger effort to eliminate “bureaucratic red tape so the healthcare delivery system can direct its time and resources toward caring for patients.” For the full list of policy exceptions and extensions, click [here](#).

### ***CMS Approves Medicaid Section 1135 Waivers for 11 Additional States in Response to COVID-19***

The Centers for Medicare & Medicaid Services (CMS) [announced](#) the approval of 11 additional state Medicaid waiver requests under Section 1135 of the Social Security Act. The waivers are intended to provide states with additional flexibilities for their Medicaid programs amid the COVID-19 outbreak. This latest announcement follows the Agency’s earlier approval of 1135 waivers for two other states (Florida and Washington). All waivers will end upon termination of the public health emergency declaration.

### ***Trump Administration’s Interim Final Rule on Response to COVID-19 Currently Under OMB Review***

The White House Office of Management and Budget (OMB) is currently reviewing an interim final rule submitted by the Trump Administration that reportedly details what the Department of Health and Human Services (HHS) is permitted to do via the regulatory process in response to the COVID-19 outbreak. It is unclear when the rule will be made public.

## **OTHER MAJOR ADMINISTRATION ANNOUNCEMENTS**

### **Department of Health and Human Services**

- [Secretary Azar Statement on Reauthorization of the Older Americans Act](#)
- [HHS Implements President Trump's Hoarding Prevention Executive Order](#)
- [HHS Announces Grants to Provide Meals for Older Adults](#)
- [OCR Issues Guidance to Help Ensure First Responders and Others Receive Protected Health Information about Individuals Exposed to COVID-19](#)
- [HHS Provides \\$100 Million to Help U.S. Healthcare Systems Prepare For COVID-19 Patients](#)
- [HHS Awards \\$100 Million to Health Centers for COVID-19 Response](#)

### **Centers for Medicare & Medicaid Services**

- [Trump Administration Releases COVID-19 Checklists and Tools to Accelerate Relief for State Medicaid & CHIP Programs](#)
- [CMS Announces Relief for Clinicians, Providers, Hospitals and Facilities Participating in Quality Reporting Programs in Response to COVID-19](#)
- [CMS Administrator Seema Verma's Remarks as Prepared for Delivery: Updates on Healthcare Facility Inspections in light of COVID-19](#)
- [CMS Approves Medicaid Section 1135 Waivers for 11 Additional States in Response to COVID-19](#)

### **Food and Drug Administration**

- [FDA Continues to Support Transparency and Collaboration in Drug Approval Process as The Clinical Data Summary Pilot Concludes](#)
- [FDA Takes Action to Increase U.S. Supplies Through Instructions for PPE And Device Manufacturers](#)
- [FDA Helps Facilitate Veterinary Telemedicine During Pandemic](#)
- [FDA Provides Update on Patient Access to Certain REMS Drugs During COVID-19 Public Health Emergency](#)
- [FDA Continues to Facilitate Access to Crucial Medical Products, Including Ventilators](#)

### **Centers for Disease Control and Prevention**

- [COVID-19 Frequently Asked Questions and Answers](#)
- [CDC Statement on Self-Quarantine Guidance for Greater New York City Transportation and Delivery Workers](#)
- [Travelers Returning from Cruise Ship and River Cruise Voyages](#)
- [Strategies for Optimizing the Supply of PPE](#)

- [Interim Clinical Guidance for Management of Patients with Confirmed Coronavirus Disease \(COVID-19\)](#)
- [Travelers from Countries with Widespread Sustained \(Ongoing\) Transmission Arriving in the United States](#)
- [COVID-19 Travel Recommendations by Country](#)
- [Coronavirus Disease 2019 Information for Travel \(New Travel Alerts\)](#)
- [Interim Guidance for Businesses and Employers](#)
- [Interim Guidelines for Collecting, Handling, and Testing Clinical Specimens from Persons for Coronavirus Disease 2019 \(COVID-19\)](#)
- [Resources for Hospitals and Healthcare Professionals Preparing for Patients with Suspected or Confirmed COVID-19](#)
- [Interim Guidance for Collection and Submission of Postmortem Specimens from Deceased Persons Under Investigation \(PUI\) for COVID-19](#)
- [Interim guidance for homeless service providers to plan and respond to coronavirus disease 2019 \(COVID-19\)](#)
- [Interim Guidance on Management of Coronavirus Disease 2019 \(COVID-19\) in Correctional and Detention Facilities](#)
- [Get Your Community- and Faith-Based Organizations Ready for Coronavirus Disease 2019](#)

#### **Department of Homeland Security**

- [DHS Initiating Crucial Research to Mitigate COVID-19](#)
- [Acting Secretary Chad Wolf Statement on the REAL ID Enforcement Deadline](#)

#### **Federal Emergency Management Agency (FEMA)**

- [Use of Defense Production Act Authorities to Support the Pandemic Response](#)

#### **Department of the Treasury**

- [Readout from a Treasury Spokesperson on Secretary Mnuchin's call with Sudanese Prime Minister Abdalla Hamdok](#)
- [Secretary Mnuchin on CNBC](#)
- [Treasury Designates Vast Network of IRGC-QF Officials and Front Companies in Iraq, Iran](#)
- [Statement by Secretary Steven T. Mnuchin on Essential Financial Services Workers](#)
- [Statement of G7 Finance Ministers and Central Bank Governors](#)
- [Public Schedule Update for the Week of March 23 – 29, 2020](#)
- [Treasury and Federal Reserve Board Expand Measures to Enhance Liquidity and Flow of Credit to American Workers, Households, and Businesses](#)

## Department of Labor

- [U.S. Department Of Labor Publishes Guidance Explaining Paid Sick Leave And Expanded Family and Medical Leave Under The Families First Coronavirus Response Act](#)
- [UPDATED: U.S. Department of Labor Invites Stakeholders to a National Online Dialogue on Paid Family and Medical Leave and Paid Sick Leave Under the Families First Coronavirus Response Act](#)
- [Unemployment Insurance Weekly Claims Report](#)
- [Statement by Secretary of Labor Eugene Scalia on Unemployment Insurance Claims](#)
- [U.S. Department Of Labor Announces Additional Guidance Explaining Paid Sick Leave and Expanded Family and Medical Leave Under The Families First Coronavirus Response Act](#)

## QUICK LINKS

- [Johns Hopkins University Map of Global Cases of Coronavirus](#)
- [CDC Map of Coronavirus Cases in the US](#)
- [CMS COVID-19 Stakeholder Call Recording/Transcripts](#)
- [Kaiser Family Foundation: State Data and Policy Actions to Address Coronavirus](#)
- [CRS Report: COVID-19 – Global Implications and Responses](#)
- [Alliance for Health Policy COVID-19 Webinar Miniseries](#)
- White House Remarks:
  - [Remarks by President Trump, Vice President Pence, and Members of the Coronavirus Task Force in Press Briefing – March 26, 2020](#)
  - [Remarks by President Trump, Vice President Pence, and Members of the Coronavirus Task Force in Press Briefing – March 25, 2020](#)
  - [Remarks by President Trump, Vice President Pence, and Members of the Coronavirus Task Force in a Fox News Virtual Town Hall – March 24, 2020](#)
  - [Remarks by President Trump, Vice President Pence, and Members of Coronavirus Task Force in Press Briefing – March 24, 2020](#)
  - [Remarks by Vice President Pence in a Fox News Virtual Town Hall – March 24, 2020](#)
  - [Remarks by Vice President Pence in a Press Gaggle – March 23, 2020](#)
  - [Remarks by Vice President Pence Before a Video Teleconference with Governors on Partnership to Prepare, Mitigate, and Respond to COVID-19 – March 23, 2020](#)
- Correspondence:
  - [HHS Letter to Governors RE: Health Care Workforce](#)
    - [Click here to view the letter's enclosure](#)
  - [Republican Senators Urge Trade Measures to Respond to Economic Impact of COVID-19](#)

- [Senate Finance Committee Chairman Grassley Urges More Information Sharing Between Health, Intelligence Agencies](#)

## **IN THE NEWS**

[Gaps in \\$2 Trillion Coronavirus Relief Package Signal What's Next for Congress](#)

*National Journal*

[What's in the \\$2 Trillion Senate Coronavirus Bill](#)

*Wall Street Journal*

['It's a Wreck': 3.3 Million File Unemployment Claims as Economy Comes Apart](#)

*The New York Times*

[How the Pandemic Will End](#)

*The Atlantic*

[Moderna's Covid-19 Vaccine May Reach Some by as Soon as Fall](#)

*Bloomberg*

[I'm Treating Too Many Young People for the Coronavirus](#)

*The Atlantic*

[Can You Become Immune to the Coronavirus?](#)

*The New York Times*