

COVID-19 Policy Update

March 18, 2020

Overview

Congress took its final steps forward today in advancing [H.R. 6201](#), the *Families First Act* (also referred to as Phase 2 of the COVID-19 response), with the Senate approving the measure late this afternoon by a vote of 90-8. The package now heads to President Trump for his signature.

In addition, the U.S. Department of the Treasury has released a two-page memo detailing its recommendations for "Phase 3" of the administration's response to the pandemic. These proposals range from appropriating an additional \$200 billion for secured lending to the airline industry and other critical sectors of the economy, appropriating \$300 billion for a small business loan program, and authorizing two rounds of direct payments to taxpayers, each totaling \$250 billion.

As the federal government, along with state governments, continue to escalate their responses to the pandemic, the latest actions and developments may be found below and Akin Gump will continue to provide regular updates on policy developments related to COVID-19.

Stimulus Update: Senate Sends Phase 2 to the President's Desk While Policy Makers Pivot to Phase 3 Relief Package, Additional Phases Likely

- Phase 2: Senate votes to pass by a vote of 90-8 at 4:00 pm. Bill now goes to President for Signature. Akin Gump's summary of the bill and outlook for Phase 3 can be found [here](#) ([Bill Text](#), [Bill Text Explainer](#)).
- Phase 3: The Treasury Department's memo on Phase 3 recommendations can be found [here](#).
- Further, the White House submitted a \$45.8 billion supplemental funding request to Congress. This proposal, which is all but certain to be increased by Congress, seeks to provide federal agencies additional funds to respond to the COVID-19 outbreak. Whether this proposal gets included in the Phase 3 package or moves subsequently is still to be determined.

Administration Updates:

Coronavirus Task Force Briefing Highlights

On Wednesday morning March 18, the White House Coronavirus Task Force conducted a briefing from the White House Press Briefing Room. Highlights of the discussion include:

- The President is invoking the Defense Production Act to expand production of ventilators, respirators, and other equipment.
- FEMA is now activated at Level I, the highest level, in all regions.
- Federal officials working to determine if the self-swab COVID-19 test is as effective as a test administered by a health professional.
- Distribution of test kits has prioritized the hardest hit areas; as a result, individuals may still struggle to access tests in some regions.
- White House will hold another briefing on new FDA actions early tomorrow.
- HUD suspending foreclosures and evictions through the end of April.
- Vice President Pence confirmed that the northern border with Canada will be temporarily closed to non-essential travel.
- Administration monitoring reports from France and Italy that suggest a disproportionate number of young people are being infected.

March 17 White House COVID-19 Conference Call:

The White House convened a conference call for industry specific updates on COVID-19, which included remarks from Centers for Disease Control and Prevention (CDC) Director Robert Redfield and Department of Homeland Security (DHS) Acting Deputy Secretary Ken Cuccinelli. The discussion included

- Underscoring guidance to avoid discretionary travel, shopping sites, and social visits, as well as guidance to avoid eating or drinking in bars, restaurants, and food courts, in addition to gatherings in groups of more than 10 people
- Noted that anyone traveling back from restricted locations or those who have been through these locations in the last 14 days will fall under travel restrictions
- CDC has made arrangements with local health departments to issue self-quarantines on individuals who have traveled in those restricted countries in the last 14 days
- Reiterated that foreign nationals are barred from traveling to the U.S. if they have been to restricted areas, while American citizens can fly back to the U.S. through one of thirteen funneling airports
- Noted that these restrictions exist on land, sea, and air, highlighting that cruise ship companies have voluntarily ceased embarkations over the next 30 days
- Indicated that the Administration may add other countries to these restrictions in the future
- Disputed a rumor that the federal government will shut roads down, but noted that there are quarantine facilities on some military bases

Relevant Links

- [Phase 3: Leader Schumer Memo to Senate Democrats providing more details around his policy goals for the third COVID-19 response package](#)
- [Phase 3: Senate Democrats public health and economic emergency proposal presentation](#)
- [Phase 3: Memo from House Financial Services Chairwoman Waters to the Democratic Caucus outlining her proposals for the COVID-19 stimulus](#)
- [Phase 3: U.S. Chamber Recommended Tax Modifications to Improve Liquidity](#)
- [Supplemental: White House supplemental funding request to Congress](#)
- [Administration: President Trump and the Coronavirus Task Force Announce New Actions to Protect Public Health](#)
- [Administration: White House OSTP Leads Effort to Increase Access to Online Education Resources](#)
- [McConnell Update on Major Relief Legislation: "Bold Steps to Preserve and Protect the Economic Foundations of our Nation"](#)
- [House Ways and Means Committee Minority FAQ on Coronavirus Legislation](#)
- [Executive Order on Prioritizing and Allocating Health and Medical Resources to Respond to the Spread of Covid-19](#)
- [Updated Congressional Research Service Report on the Defense Production Act](#)
- [Treasury and IRS Issue Guidance on Deferring Tax Payments Due to COVID-19 Outbreak](#)
- [CMS Releases Recommendations on Adult Elective Surgeries, Non-Essential Medical, Surgical, and Dental Procedures During COVID-19 Response](#)
- [Federal Register Notice – HHS declaration of public health emergency](#)
- [MEDICARE TELEMEDICINE HEALTH CARE PROVIDER FACT SHEET](#)

Akin Gump Alerts and Other Resources Related Content

- [Overview of Federal Coronavirus \(COVID-19\) Stimulus Measures](#)
- [President Trump and Congress Move to Make Small Business Loans Available in Wake of COVID-19](#)
- [United States Suspends Visa Services Abroad, Cancels ESTA Entry Authorizations for European Visitors and Closes USCIS Field Offices, in Response to the Novel Coronavirus \(COVID-19\) Pandemic](#)
- [Coronavirus and the Workplace by Richard J. Rabin, Grace Margaret O'Donnell.](#)

- [SEC Permits Late Filing of Form ADV due to COVID-19](#)
- [The March to Cancel: Contract and Insurance Implications of Coronavirus-Related Event Cancellations](#)

Tweets

U.S. Department of Health and Human Services (HHS):

- **Tweet at 9:00 AM, March 18, 2020 ([Link](#))**
 - “HHS announced a historic expansion of telehealth access to combat COVID-19. Read more [here](#).”

U.S. Food and Drug Administration (FDA) Commissioner Dr. Stephen Hahn:

- **Tweet at 4:22 PM, March 18, 2020 ([Link](#))**
 - “In an effort to help ensure increased availability of COVID19 tests throughout the country, we are enacting a policy for states to take responsibility for tests developed & used by laboratories in their states. ([Press Release](#))”

The Federal Reserve:

- **Tweet at 10:46 AM, March 17, 2020 ([Link](#))**
 - “Federal Reserve announces Commercial Paper Funding Facility (CPFF) to support the flow of credit to households and business ([Press Release](#))”
- **Tweet at 6:02 PM, March 17, 2020 ([Link](#))**
 - “Federal Reserve announces Primary Dealer Credit Facility (PDCF) to support smooth market functioning and facilitate the availability of credit to businesses and households ([Press Release](#))”

U.S. Department of Housing and Urban Development Secretary Dr. Ben Carson:

- **Tweet at 3:35 PM, March 18, 2020 ([Link](#))**
 - “Today HUD is authorizing FHA to provide immediate relief for homeowners amid the national coronavirus response by suspending all foreclosures and evictions for the next 60 days ([Press Release](#))”

U.S. Department of the Treasury:

- **Tweet at 2:56 PM, March 18, 2020 ([Link](#))**
 - “Treasury and IRS issue guidance on deferring tax payments due to COVID-19 outbreak. ([Press Release](#))”

Senate Majority Leader Mitch McConnell (R-KY):

- **Tweet 12:11 PM, March 18, 2020 ([Link](#))**
 - “The Senate majority's bold proposal will put forward an historic injection of liquidity and access to credit for American small businesses — with minimal new bureaucracy, so the assistance can flow as fast as possible. The Senate is not going to leave small business behind.”
- **Tweet at 5:06 PM, March 18, 2020 ([Link](#))**
 - “The Senate just passed the Families First Coronavirus Response Act. It is on its way to the President's desk. The Senate is already working on additional bigger and bolder legislation to combat this crisis. And we are not going to leave until we pass it.”

Senate Minority Leader Chuck Schumer (D-NY):

- **Tweet at 4:21 PM, March 18, 2020 ([Link](#))**
 - “We need to make sure doctors & nurses have everything they need. Testing kits, masks, beds, ventilators. President Trump took a 1st step by heeding our call to use the Defense Protection Act to fight the shortages. But his admin still has so much more to do to fight coronavirus.”
- **Tweet at 5:09 PM, March 18, 2020 ([Link](#))**
 - “After a totally unnecessary delay by Senate Republicans, the Senate passed the House bill to fight coronavirus. It provides free testing, paid sick leave extensions, food assistance, Medicaid reimbursement, expanded unemployment insurance. President Trump needs to sign it ASAP”