

COVID-19: A Weekly Health Care Update from Washington
May 18-22, 2020

IN BRIEF

What Happened This Week: A handful of Congressional committees conducted COVID-related hearings this week – all with modified layouts and with some witnesses appearing remotely in an effort to adhere to social distancing guidelines. House Democratic Leadership urged the Senate to take up their latest COVID-19 response bill (the HEROES Act), though negotiations are at a standstill (for now) as Senate Republican Leadership has signaled that, while they are open to new legislation, they would like to focus primarily on oversight of the funds that have already been appropriated and on growing deficit spending.

What to Expect Next Week: Expect the Senate to recess for the next two weeks. The House schedule is still fluid, though lawmakers are expected to be in session (pro forma) next week for votes on an extension of FISA and at least one COVID bill aimed at easing some of the requirements under the CARES Act's popular small business loan program. For the first time in the chamber's history, House Members will be allowed to vote "by proxy" beginning next week.

DEEP DIVE

Fate of House Democrat's \$3 Trillion "CARES Act 2.0" Proposal Uncertain in the GOP-Controlled Senate

The fate of the House Democrat's latest COVID-19 response proposal ([H.R. 6800](#), the HEROES Act) is uncertain after Senate Republicans declared the bill "dead on arrival" and branded it a "totally unserious effort" in its current form. Instead, Senate Republican Leadership has signaled that while they are open to new legislation, they would like to focus primarily on oversight of the funds that have already been appropriated and on growing deficit spending. Majority Leader Mitch McConnell (R-KY) also continues to maintain that any new COVID legislation should include significant new liability protections for business owners who decide to open their doors. Looking ahead, the Senate is expected to break for a two-week recess, so action on any major COVID legislation is not expected to take place until at least June.

House Expected to Begin Proxy Voting Week

The House is expected to meet (pro forma) next week to take up a Senate-amended version of the Foreign Intelligence Surveillance Act extension ([H.R. 6172](#)) and at least one COVID-related bill aimed at easing some of the requirements under the CARES Act's popular small business loan program. For the first time in the chamber's history, Members will be allowed to vote "by proxy" for the next 45 days beginning next week (unless the President makes another Emergency Declaration). Under the modified voting procedure, Members will be permitted to designate another Member to cast a vote for them; the lawmaker who has been designated to cast the vote may do so for up to 10 of their colleagues. The chamber voted last week mostly along party lines (217-189) to temporarily modify voting procedures and allow for proxy voting ([H.Res. 965](#)).

Treasury Secretary Mnuchin and Fed Chairman Powell Testify Before Senate Committee on CARES Act

On Tuesday, May 19, Treasury Secretary Steve Mnuchin and Federal Reserve Chairman Jerome Powell testified before the Senate Banking Committee in the first quarterly [hearing](#) on the implementation of the CARES Act. When asked reopening the economy, Secretary Mnuchin said it must happen in a “safe and balanced way,” but warned of “permanent damage” if the shutdown were to continue indefinitely. A full summary of the hearing can be found [here](#).

The hearing came just days after members of the CARES Act’s Congressional Oversight Commission released their [initial report](#) on the work that Treasury and the Federal Reserve have done thus far to allocate the \$500 billion in CARES Act funding for lending to businesses and to state and local governments. In the document, the Commission lists a number of questions for the Department to answer about its implementation of the lending programs. The five-member panel currently consists of four members: Rep. French Hill (R-AR), Rep. Donna Shalala (D-FL), Sen. Pat Toomey (R-PA), and Bharat Ramamurti, Attorney and Political Advisor. To date, no chairperson has been named. By law, the panel is required to submit a report to Congress every 30 days.

Senate Aging Committee Holds Hearing on Caring for Seniors During the COVID-19 Pandemic

The Senate Aging Committee held a hearing yesterday (Thursday, May 21) to examine how to best care for seniors during the COVID-19 pandemic. When asked whether the rate of infections was decreasing in nursing homes, Dr. Tamara Konetzka, Professor of Health Services Research at the University of Chicago’s Department Of Public Health Sciences, said that was difficult to say with certainty to determine given the lack of quality data available. In terms of best practices, she stressed that regular testing and separating health / non-healthy has been proven effective. A full summary of the discussion can be found [here](#).

House Energy and Commerce Committee Leaders Send Urge Trump Administration to Develop National COVID-19 Vaccine Plan

A bipartisan group of House Energy and Commerce Committee leaders – including the full Committee Chairman and Ranking Member – sent a [letter](#) to White House Coronavirus Response Coordinator Dr. Deborah Birx earlier this week, calling on the Trump Administration to set up a national COVID-19 vaccine plan. The lawmakers acknowledged the collaborative public-private efforts already underway (such as the [Accelerating COVID-19 Therapeutic Interventions and Vaccines \(ACTIV\) Partnership](#) and [Operation Warp Speed](#)); however they added that it is “critical that these efforts be part of an overarching plan to bring vaccine and related supply manufacturing and distribution to scale once a COVID-19 vaccine is approved.” They also pointed to recent comments from public health experts warning that a vaccine campaign of this size and magnitude would require “massive preparation and precise coordination.”

Senate Democrats Expected to Unveil New Health Care Coverage Expansion Proposal

A group of Senate Democrats – led by Senators Jeanne Shaheen (D-NH) and Tina Smith (D-MN) – are expected to formally introduce a proposal today (Friday, May 22) aimed at expanding health care coverage in response to the COVID-19 pandemic. Under their proposal, the lawmakers are seeking to cover all costs for COVID-19 treatment; expand access to premium assistance; increase tax credits; and provide COBRA subsidies to those newly unemployed. Click [here](#) for the full one pager on the proposal.

Bipartisan Group of Lawmakers Introduce Legislation to Provide States With \$500 Billion in Aid

Senators Bill Cassidy (R-LA) and Bob Menendez (D-NJ) introduced a bipartisan [proposal](#) this week that would provide \$500 billion in emergency funding for states and local communities. The funding provided under the State and Municipal Assistance for Recovery and Transition (SMART) Act would be allocated to states through three equally divided tranches:

- **One-Third Based on Population Size:** This tranche of funding would be allocated to all 50 states, D.C. and U.S. territories in proportion to each respective state or territory's percentage of the U.S. population.
- **One-Third Based on Infection Rates:** This tranche of funding would be allocated based on each state's relative share of the nation's infection rate.
- **One-Third Based on Revenue Losses:** This tranche of funding would be allocated based on each state's revenue loss in proportion to the combined revenue loss of all the states from January 1, 2020 through December 31, 2020.

Sens. Joe Manchin (D-WV), Cindy Hyde-Smith (R-MS), Cory Booker (D-NJ) and Susan Collins (R-ME) have all signed on as original cosponsors; Reps. Mikie Sherrill (D-NJ) and Peter King (R-NY) have introduced a companion bill in the House.

House Energy & Commerce Committee Democrats Reveal Oversight Agenda

House Energy & Commerce Committee Chairman Pallone (D-NJ) and Oversight & Investigations Subcommittee Chairwoman DeGette (D-CO) outlined the Committee's COVID-19 oversight agenda for the next few months, which they say focuses on "some of the key areas where the Administration has failed the American people, the states and marginalized communities." While speaking at an event earlier this week, Rep. DeGette said testing will be the Subcommittee's first area of focus this summer, however members will also plan to look at the Administration's work in the following areas:

- Supply Chain for Personal Protective Equipment (PPE)
- COVID-19 Vaccines and Vaccine Candidates
- Food Safety and Supply
- Commitment to Science and Public Health

CDC Posts Expanded Guidance for States on Reopening Bars, Restaurants and Workspaces

Over the weekend, the CDC expanded its [guidance](#) for states to use when making decisions about reopening public areas such as bars, restaurants, and workspaces.

CMS Releases Guidance on "Safely Reopening" Nursing Homes

On Monday, May 18, CMS issued [guidance](#) for state and local officials to help determine the level of mitigation required to continue preventing the spread of COVID-19 within nursing homes. Within the document, CMS says nursing homes should continue to follow CMS and CDC guidance / practices for preventing the transmission of the virus, and adds that before any decisions to relax requirements are made, nursing homes should collaborate with state and local health officials to conduct a careful review of the facility, community, and state factors/orders. The Agency emphasizes that nursing homes should be "among the last" facilities to reopen in a community during phase three of the reopening process. The guidance is part of President Trump's [Guidelines for Opening Up America Again](#).

UPCOMING CONGRESSIONAL HEARINGS

[House Ways and Means Committee Field Hearing](#)

Topic: The Disproportionate Impact of COVID-19 on Communities of Color

Date: Wednesday, May 27 at 12pm

Witnesses:

- TBA

[House Committee on Small Business Bipartisan Virtual Forum](#)

Topic: Small Business Priorities for the Next Phase of Recovery

Date: Thursday, May 28 at 1pm

Witnesses:

- TBA

ADMINISTRATION ANNOUNCEMENTS

Department of Health and Human Services

- [HHS Delivers Funding to Expand Testing Capacity for States, Territories, Tribes](#)
- [Trump Administration's Operation Warp Speed Accelerates AstraZeneca COVID-19 Vaccine to be Available Beginning in October](#)
- [Providers Must Act by June 3, 2020 to Receive Additional Relief Fund General Distribution Payment](#)
- [HHS Provides \\$225 Million for COVID-19 Testing in Rural Communities](#)
- [IHS Announces \\$750 million in New Resources to Support Testing and Testing Related Activities in American Indian and Alaska Native Communities](#)
- [HHS, Industry Partners Expand U.S.-Based Pharmaceutical Manufacturing for COVID-19 Response](#)
- [Tribal and Urban Indian Organization Leader Message on COVID-19 - PDF](#)

Centers for Medicare & Medicaid Services

- [Trump Administration Issues Guidance to Ensure States Have a Plan in Place to Safely Reopen Nursing Homes](#)

Centers for Disease Control and Prevention

- [Click here for the full list of all new CDC updates.](#)

Food and Drug Administration

- [USDA, FDA Strengthen U.S. Food Supply Chain Protections](#)
- [FDA Collaborations Promote Rigorous Analyses of Real-World Data to Inform Pandemic Response](#)
- [Click here for the full list of all new FDA updates.](#)

National Institutes of Health

- [NIH-Funded Study to Investigate Pregnancy Outcomes Resulting from COVID-19 Pandemic](#)
- [Defeating COVID-19 Requires Unprecedented Action and Collaboration](#)

QUICK LINKS

- [Mehlman Castagnetti's Infographics Analysis on Post-Pandemics Politics and Policy](#)
- [Additional Mehlman Castagnetti Resources on COVID-19](#)
- [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](#)