
Weekly COVID-19 Oversight & Enforcement Report

April 29, 2021

A. Congress

1. Pressure is increasing on the Biden Administration to release the delayed Emergency Temporary Standard (ETS) to protect workers from COVID-related risks. On April 26, Representatives Debbie Dingell (D-MI), Rashida Tlaib (D-MI), and Andy Levin (D-MI) sent a [letter](#) to President Biden requesting a detailed explanation as to why OSHA has delayed issuing an ETS despite the President setting a March 15 deadline to do so. The letter highlighted the “dire” COVID-19 outbreak in Michigan and how nurses and other frontline workers have been left reusing PPE and without access to COVID-19 tests. A group of 15 Democratic Senators sent a similar [letter](#) to President Biden on April 26 highlighting the hundreds of thousands of COVID-19 cases among essential workers tied to workplace exposure. The Administration’s ETS is currently under [OMB review](#), which is expected to take approximately two weeks.

B. Executive Agencies

1. DOJ announced last week its [second False Claims Act settlement](#) related to PPP loans. This settlement involved a medical practice, Waila PMC, and its owner, who submitted an application for a \$474,937 PPP loan, which was approved for \$283,300. Two days later, Waila PMC submitted a second application for a \$430,000 loan, which was fully funded. When Dr. Waila executed the note on the second loan, he falsely certified that he had not received any other PPP loans. Notably, Waila did not seek forgiveness for either PPP loan that it received.
2. A North Carolina man was [sentenced](#) to 63 months in prison for perpetrating three fraud schemes between March and July 2020 connected to the COVID-19 pandemic. Brandon Lewis previously pleaded guilty to two counts of wire fraud and one count of making false statements to the SBA. According to court documents, in March 2020, Lewis created a fake website for orders for pandemic-critical goods, defrauding consumers of hundreds of thousands of dollars. Lewis also created a fake “COVID-19 Relief Fund,” which he used to defraud dozens of small business owners, and submitted approximately 68 fraudulent applications for loans and non-refundable grant “advances” of up to \$10,000 through the SBA’s EIDL program.
3. President Biden on April 12 [nominated](#) current Cal/OSHA Chief Doug Parker to lead federal OSHA. President Biden has pledged to make improved working conditions a central tenet of his Administration, including support for changes to OSHA and the National Labor Relations Act. Parker’s nomination is consistent with a trend towards increased enforcement of employers by federal regulators. Parker could make an immediate impact with respect to OSHA’s COVID-19

enforcement efforts: As of April 5, California alone had issued 203 citations to employers for COVID-related safety issues, compared with 408 citations issued by OSHA as of April 12.

C. State Attorneys General

1. Texas AG Ken Paxton filed [a lawsuit](#) against President Biden, HHS, DHS, CDC, and various Biden Administration officials, alleging that the congregant living and care facilities set up within the U.S. to receive and temporarily house immigrants at the southern border encourage the spread of COVID-19, endangering border communities in Texas, in violation of the Immigration and Nationality Act, the Public Health Service Act, and the Administrative Procedure Act. The lawsuit asks the court to hold unlawful and set aside a February order by the CDC that temporarily excepted from expulsion unaccompanied noncitizen children. It also seeks a nationwide injunction requiring the federal government to abide by regulations adopted during the Trump Administration until such regulations are amended pursuant to notice-and-comment rulemaking.
2. New Jersey AG Gurbir Grewal announced a settlement with Tommy G's Shamrock, LLC, which operates Shamrock Beef and Ale, a Wildwood bar that had been cited for repeatedly violating state executive orders restricting in-person eating and drinking during the pandemic. Pursuant to the [consent order](#), Shamrock Beef and Ale and two other venues utilizing Tommy G's license must cease serving alcohol for the summer, terminate their current management team, and abide by all future executive orders.
3. Virginia AG Mark Herring issued an [official legal opinion](#) concluding that Virginia colleges and universities may require vaccines for all students attending in-person classes. The opinion states that the Virginia law provides Virginia higher education institutions with broad discretion in their management of these schools, including with respect to protecting the welfare of their students. General Herring cautioned that higher education institutions that decide to impose such a mandate should provide accommodations to individuals with medical conditions or religious objections.

D. Special Inspector General for Pandemic Recovery (SIGPR)

No updates this week.

E. Pandemic Recovery Accountability Committee (PRAC)

1. OMB and PRAC recently issued [guidance](#) to agencies about payment integrity of funds from the American Rescue Plan. "Since March 2020, the Congress has passed more than \$5 trillion in COVID-19 related stimulus funding," they wrote. "With the recent passage of the American Rescue Plan (\$1.9 trillion), it is imperative that executive departments and agencies incorporate in program design, tracking, and reporting lessons learned and mitigating strategies to risks and issues with payment integrity encountered during previous rounds of COVID-19 stimulus."