



March 22, 2020

TO: NAW Direct Members

FROM: NAW Government Relations Team

We will issue these summary reports once per day or more frequently as events warrant to keep you as current as we can on developments of most import to the distribution industry and our efforts on your behalf. We encourage you to retain them in an electronic file for easy reference as we may refer to previous issues in these reports.

1. Documentation for Essential Business/Workers

As we previously reported, the Cybersecurity & Infrastructure Security Agency (CISA) within the Department of Homeland Security (DHS) issued guidelines on identification of essential critical infrastructure business/workers during the COVID-19 response:

(<https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce>).

NAW has been in contact with the White House COVID-19 Task Force as well as CISA Senior Staff and have been advised that the agency (CISA) will be issuing updated guidance in the near future. It is our understanding that this updated guidance will further clarify many job categories that CISA deems essential business/workers.

CISA has asked NAW to supply any specific examples of NAW member companies which are deemed essential and have had difficulty delivering their goods into areas that are currently locked down or otherwise have restricted access.

If your employees have experienced any situations in which they have been stopped or turned away due to a state or local ordinance, please let the NAW staff know immediately.

We are providing a template letter for you to provide to your drivers and employees that they can use to get to work and conduct work as employees of the critical infrastructure. It is important to note that these critical truck drivers and workers should have a hard copy of this document with them at all times when working. Please be aware that this letter is self-certifying and not an official federal document. You should review any document that you provide to your employees with your own counsel. [Click here](#) to see the letter.

1. **Second COVID-19 emergency stimulus proposal**

The Senate continues negotiations on a second stimulus package, as we reported in our last update. NAW and our association colleagues have been working throughout these negotiations to ensure that the final product includes the most robust and broad-based provisions possible to help businesses through this crisis.

On Friday, Senate Majority Leader Mitch McConnell (R-KY) released a package of additional economic stimulus proposals to respond to the crisis. The legislation, Coronavirus Aid, Relief, and Economic Security Act or the CARES Act, would provide additional financial assistance to individuals and families through benefit programs and direct payments; but unlike the previous legislation, this package also includes significant programs to help employers through the next few months.

As of late Saturday night, agreement had been reached on the overall structure and many of the component parts of this package, and the actual legislation on which the Senators will vote was being drafted. However, there were still some outstanding issues on which compromise had not been reached; negotiations on those issues resumed early this morning.

It was announced this morning that Senator McConnell is meeting in his office at 11:00 with Treasury Secretary Mnuchin, Senate Democrat Leader Chuck Schumer (D-NY), House Speaker Nancy Pelosi (D- CA) and House Republican Leader Kevin McCarthy (R-CA).

Originally estimated to “cost” about \$1 trillion, bi-partisan negotiations with the White House throughout Friday evening and Saturday raised the cost of the bill to a reported \$2 trillion. Of note in those negotiations:

Early Saturday morning we learned that there was an effort to remove the business tax provisions from the bill. Among those tax provisions were a deferral of tax payments and temporary Net Operating Loss carry back. An intense and focused response from all of us in the DC trade association community seems to have stopped that effort.

The small business loan program proposals in the bill were originally limited to employers with 500 or fewer employees. There was a significant push to expand access to that loan program by raising the employee cap above 500, which would obviously benefit many NAW members and/or their customers. We do not yet know the outcome of those discussions.

On Friday Senator McConnell brought up and filed cloture on what is referred to as a “shell vehicle” – a piece of unrelated legislation the content of which will be deleted and replaced with the current stimulus proposal. A cloture vote on the “motion to proceed” to that bill is scheduled to occur at 3:00 p.m. today.

That cloture vote is the necessary beginning of the actual legislative process, and in order for the legislation to move forward, 60 Senators have to vote for the motion. If an agreement is reached on the entire package prior to 3:00, it is likely that well more than 60 Senators will vote to invoke cloture, and Senator McConnell’s stated objective of having the Senate approve the entire package on Monday will be achievable.

If cloture is NOT invoked at 3:00 today, negotiations will continue but a Monday vote becomes more difficult to achieve.

If the Senate invokes cloture today and a Monday vote on final passage occurs, the legislation will then have to be considered by the House of Representatives.

Many thanks—

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