

TO: NAW Direct Members

FR: NAW Government Relations Team

RE: NAW COVID/Government Relations Update Number 2021-9 – March 26 at 12:00 PM

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1. Latest on the Vaccine Distribution

NAW is actively involved in the vaccine distribution issue, working with member companies in a joint effort to get the government to involve the entire wholesale distribution industry.

NAW Initiatives on Vaccine Distribution:

Yesterday, NAW and wholesaler-distributors across the country announced a partnership supporting mass vaccination sites at multiple NFL stadiums with donations of needed personal protective equipment and other items, including gloves, sanitizer, pumps, masks, shields, and wipes. The first mass vaccination sites to receive donations were the Detroit Lions' Ford Field and the Pittsburgh Steelers' Heinz Field. NAW is currently sourcing items for additional teams including the Atlanta Falcons, Carolina Panthers, and Seattle Seahawks.

To read NAW's press release, click [HERE](#).

State and Local Vaccine Distribution Tracker by *Little Law Firm*:

As with nearly everything about this pandemic, guidance and action plans varies by state and local jurisdictions and are constantly evolving. To that end, *Little Law Firm* provides links to state agency websites, vaccine allocation plans, and other guidance related to the rollout of COVID-19 vaccines, as well as basic vaccination plan phases. To see the latest updates, click [HERE](#).

Additional Vaccine Distribution Resources:

In a previous update, we included additional information and resources on vaccine distribution, which you can access [HERE](#).

2. Latest on the Other Issues Impacting NAW Members

Paycheck Protection Program (PPP):

The Paycheck Protection program, enacted a year ago, has been extended several times, and was set to expire on March 31st. Last week the House of Representatives passed yet another extension of the program.

Yesterday in the Senate an amendment to the legislation was offered by Senator John Kennedy (R-LA) to bar loans for anyone “convicted of a felony in relation to a riot or civil disorder during the two-year period preceding the date of the application.” And Senator Marco Rubio (R-FL) offered an amendment to limit the SBA’s ability to prioritize any particular category of borrower over another. Both amendments failed on almost-party-line votes.

Following defeat of the amendments, the Senate passed the House bill, extending the program until May 31st, with the SBA having until June 30th to process loans. The President is expected to sign the bill when it reaches his desk.

American Recovery Plan (ARP – the Biden COVID Response Legislation) and State Taxes:

As you know, the ARP enacted into law this month included \$350 billion in aid to the states and localities. The provision was very controversial, in large measure because at least 31 states reported no revenue shortfall and therefore had no need for federal aid. According to early data analysis by the Tax Foundation, “states closed out calendar year 2020 with only \$1.7 billion less revenue than they generated in 2019 (a decline of less than 0.2 percent), not counting federal assistance, while municipal governments actually experienced substantial revenue growth due to rising property values.”

In response to the controversy over the state aid, Senate Majority Leader Chuck Schumer (D-NY) offered an amendment that would prohibit any state receiving federal aid from cutting state taxes – directly or indirectly. The amendment was offered at the last minute, with no notice, after a marathon 24-hour Senate session. Senators becoming aware of the amendment after the bill was passed reacted angrily to its

inclusion. And the reaction from the states, especially those in which state legislatures were already considering tax legislation, was even stronger. Questions immediately arose as to the constitutionality of the federal government mandating what legislation a state legislature may enact.

As of this writing, at least one state attorney general has filed a lawsuit challenging the Schumer language, and 21 additional attorneys general have notified Treasury that they will consider a legal challenge if Treasury does not narrow the broad scope of the language. How this issue will impact your state taxes remains to be seen.

Protecting the Right to Organize (PRO) Act:

Earlier this year the House of Representatives passed the Protecting the Right to Organize (PRO) Act, which is the most pro-labor piece of legislation in decades. This radical legislation would impose policies that were rejected by the judicial system, opposed on a bipartisan basis in Congress, and/or abandoned by the agencies asked to enforce them. Unions continue to push this legislation to unfairly tip the playing field in their favor at the expense of the fundamental rights of workers to choose for themselves whether to accept or reject union representation.

Currently, 45 Senators have co-sponsored the Senate companion legislation, which Senate Majority Leader Chuck Schumer (D-NY) has publicly stated will be brought to the floor of the Senate once it has 50 co-sponsors.

This could well be the issue on which Democrats act on their threat to abolish the legislative filibuster, which would allow them to pass the entire Biden agenda, including trillions of dollars of tax increases, with no involvement of the GOP minority and no Republican votes. NAW will continue to update you about this legislation as warranted.

NAW Applauds Introduction of INFORM Act:

On Tuesday, NAW joined with the Buy Safe America Coalition, a diverse group of retailers, consumer groups, wholesaler-distributors, and manufacturers in publicly declaring support of the introduction of the INFORM Consumers Act, legislation to increase transparency and accountability for online marketplaces amid the rapidly growing problem of illicit goods sold online. This bill would modernize consumer protection laws and require online marketplaces to collect and verify basic business information from sellers, in addition to requiring high-volume sellers to provide contact information to consumers.

To read NAW's press release and to learn more about the bill, click [HERE](#).

3. Latest on the Economic Recovery and Re-Opening the Workplace

As the Coronavirus Pandemic continues to impact the United States economy and businesses across the nation, it can be hard to decipher how new regulations and laws may impact your business. To help you manage these issues NAW is providing information about reports, webinars, and seminars that you may find useful:

From Reed Smith Law Firm:

[New York eliminates quarantine for domestic travel effective April 1](#)

New York is doing away with its quarantine requirement for out-of-state travelers. By way of background, in June 2020, New York issued a COVID-19 Travel Advisory requiring certain travelers to quarantine upon entry to New York. In November 2020, New York modified its travel advisory to permit out-of-state travelers to test out of its mandatory quarantine. In ... [Continue Reading](#)

From McGuireWoods Law Firm:

**Telehealth: How the Pandemic Is Shaping the Future of Remote Healthcare
March 25, 2021**

About 475 million people worldwide have received a COVID-19 vaccine, and a return to normalcy draws closer. What remains unclear, however, is how state and federal governments will regulate and reimburse for telehealth when temporary telehealth policies expire at the end of the public health emergency. Read on for a summary of proposed federal regulatory and legislative trends and state legislation that offer clues into telehealth's post-pandemic future. To read more, click [HERE](#).

From Nixon Peabody Law Firm:

What employers need to know about the new COBRA subsidy

For six months beginning April 1, 2021, the federal government will subsidize 100% of the cost of COBRA coverage for individuals who lose their health coverage due to an involuntary termination or reduction of hours. *Nixon Peabody* explains this new subsidy and what employers need to know to administer it. To read more, click [HERE](#).

From Littler Law Firm:

New York Enacts Paid Vaccination Leave Law

On March 12, 2021, Governor Andrew Cuomo signed legislation providing all public and private employees in New York up to four hours of paid leave per vaccine injection to obtain a COVID-19 vaccine. To read more, click [HERE](#).

From Reed Smith Law Firm:

[California requires new COVID-19 Supplemental Paid Sick Leave in 2021](#)

On March 19, 2021, Governor Newsom signed Senate Bill 95 (SB 95), which creates, in part, new Labor Code Section 248.2.[1] As a reminder, Governor Newsom previously signed AB 1867, which added Labor Code sections 248 and 248.1 to provide COVID-19 Supplemental Paid Sick Leave to food sector workers and employees who worked for employers ... [Continue Reading](#)

From Reed Smith Law Firm:

[New Jersey issues guidance confirming employers can mandate COVID-19 vaccines](#)

New Jersey has confirmed that employers can mandate their employees be vaccinated for COVID-19. This move aligns New Jersey with federal guidance previously issued by the EEOC. Other states, such as California, have also issued similar guidance and the trend is expected to continue. Consistent with federal guidance from the EEOC, the New Jersey guidance ... [Continue Reading](#)

From Reed Smith Law Firm:

[Congress extends payroll tax credits to employers voluntarily providing FFCRA paid leave and expands leave provisions](#)

As of January 2021, providing FFCRA paid leave is optional. Employers choosing to provide FFCRA Paid Leave to their employees on a voluntary basis can now receive a payroll tax credit to cover the wages paid through September 30, 2021 (subject to applicable caps). Last year, in response to the COVID-19 Pandemic, Congress passed the ... [Continue Reading](#)

Stateside Associates publishes a daily report about State and Local Government responses to the evolving situation. To read their latest report, click [HERE](#).

We are also providing a link to a spreadsheet that includes state and local COVID-19 response information provided by **MultiState Associates**. To view their spreadsheet, click [HERE](#).

[Click here](#) for links to **UPDATES** sent previously.

Many thanks—

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