



NAW Critical Update Number 108 – November 20 at 11:15 AM

There will not be a critical update next week. Have a safe and Happy Thanksgiving!

1. Latest on COVID-19 Liability Protections for Businesses

The *Institute for Legal Reform* recently conducted a survey on COVID-19 liability relief for employers. The survey shows that 79% of Americans agree that aside from cases of gross negligence, employers who follow the latest government guidelines should be protected from lawsuits. The survey also shows that strong majorities of Republicans, Democrats, and Independents agree that Congress should pass liability protections. For more on this survey, click [HERE](#).

NAW continues to work with our trade association allies for passage of a new relief measure that includes COVID-19 liability protections for businesses. Senate Majority Leader McConnell and his staff continue to reassure business groups that liability remains a top priority for any new relief package.

2. Latest on the Next Congressional Pandemic Relief Package

In the category of “the more things change, the more they stay the same” ... yesterday Senate Minority Leader Schumer told the press that he was pleased that Majority Leader McConnell had agreed to re-start negotiations on a new COVID bill. McConnell staff immediately responded that Schumer must be confusing the must-pass spending bills with COVID legislation, suggesting that in fact there was no resumption of negotiations.

There is still hope for a bill in December, with a lot depending on what Speaker Pelosi chooses to do. Republicans are likely to have gained more than a dozen seats in the House, giving the Speaker the narrowest House majority in more than 100 years. Arguably, her negotiating hand is stronger now with her larger majority than it will be after the new Congress is sworn in on January 3rd. But there is speculation among the political pundits that she could be putting off new COVID negotiations hoping for a Democratic Senate majority after the Georgia Senate run-off elections on January 5th ... or waiting to negotiate with a Biden Administration after January 20th. In the interim, businesses face threats of new shutdowns and wait for Congress to act.

3. Latest on the Main Street Lending Program

In a surprise move yesterday, Treasury Secretary Mnuchin asked the Federal Reserve to return to Treasury unused COVID-related emergency funds. In an even more surprising move, the Fed objected to the request, setting up a rare public dispute between Treasury and the Fed.

A significant part of the \$455 billion Secretary Mnuchin has asked the Fed to return would come from the under-utilized MSLP. Treasury could not spend the funds, but the funds would be available to Congress to reallocate. It should be noted that for several months Members of Congress and many of us in the business community have been calling for these unused funds to be returned to Treasury and reallocated as part of a new COVID relief package. It is unclear why Secretary Mnuchin chose to take this action at this time.

You can read a *Bloomberg* story on this issue and the dispute between Treasury and the Fed [HERE](#).

4. Latest on 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:

OSHA/Workplace safety: California has just approved a strict new mandatory COVID-related workplace safety rule, similar to the rule organized labor has been pushing OSHA to adopt. Industry coalitions with which NAW works are concerned that other states will follow California's lead on this and adopt mandatory emergency measures. Thus far OSHA has declined to adopt an emergency rule, but a Biden Administration OSHA would most likely reverse that decision.

As *Politico* reported:

***Impact:** Public and private employers could face steeper penalties if they are found to be in violation of the standard, and citations are more likely to stick when they have the force of a regulation behind them. That potent enforcement tool, workers and their advocates say, will protect Californians who are having to report to work as cases and infection rates spike in much of the state.*

Employer groups representing farming to shipping to winemaking complained that the rules were too hastily crafted, without input from businesses. Some said existing industry guidelines were sufficient. Many asked the board to delay implementation by several weeks or to convene an advisory group in the coming weeks to make adjustments after the regulation takes effect

You can access the California rule [HERE](#), and a *Bloomberg* story on the standard [HERE](#).

From *Little Law Firm*:

[Employers Focused on Extended Remote Work, Impact of Presidential Election, Littler Survey Finds](#)

The survey was completed by representatives of nearly 1,100 companies in mid-October – seven months after the remote-work pivot necessitated by the coronavirus and just weeks before the 2020 presidential election.

To read more, click [HERE](#).

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 Critical Updates sent previously.](#)

Many thanks—

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