

TO: NAW Direct Members

FROM: NAW Government Relations Team

**RE: NAW Critical Update Number 104 – October 28 at 6:00 PM**

## **1. Latest on the Next Congressional Pandemic Relief Package**

Earlier this week, President Trump and his aides indicated that any deal on a pandemic relief package wouldn't happen until after the election. Lawmakers had increasingly predicted no deal between Democrats and the Administration would be finished before November 3rd. The departure of U.S. Senators from the Capitol on Monday evening after the confirmation vote of Supreme Court Justice Amy Coney Barrett made the logistics for passing a bill by Election Day practically impossible.

The stalemate in the months-long talks leaves the economy more vulnerable to damage from a resurgent coronavirus pandemic. The shape of any post-November 3rd package is also unclear and will likely be influenced by the election results next week. Yesterday, SBA Administrator Jovita Carranza said that business owners have told her they need a renewal of the Paycheck Protection Program, but with changes that would help them expand. NAW continues to work with our trade association allies for passage of a new relief measure that includes liability protection, protects the business tax credits included in the CARES bill, and restarts and/or expands the PPP.

## **2. Latest on the Paycheck Protection Program**

**NOTE FOR BORROWERS OF \$2 MILLION PPP LOANS:** Although there is no progress being made to get the PPP restarted or expanded, the SBA and Treasury are moving forward with lender and borrower information collection authorized on an emergency basis when the CARES Act was passed in March. In compliance with the Paperwork Reduction Act (PRA), the SBA has published a notice in the Federal Register seeking routine non-emergency Office of Management and Budget (OMB) approval of a number of information collection forms.

Most of the 11 forms are already in use by lenders and/or borrowers (i.e., loan forgiveness application forms), but the list includes a reference to a form 3509, a "Loan Necessity Questionnaire," which we had not seen before. This new questionnaire will be required of only 42,000 borrowers, and assuming therefore that it would apply only to

borrowers of large loans, we attempted to obtain a copy of it. The form is not available on the SBA or Treasury websites, and when we reached out to the SBA, they confirmed that the questionnaire will be required only of borrowers of \$2 million or more, that the form is not public, and that the information collection is part of their plan to audit all loans over \$2 million. Borrowers will apparently receive the questionnaire from their lenders.

If you are interested in reviewing the very short Federal Register publication of this notice, you can read it [HERE](#).

### 3. 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:

**From *Little Law Firm*:**

[\*\*Bouncing Back: A List of Statewide Return to Work Protocols\*\*](#)

Government officials across the country are easing up on stringent business closures. The chart below provides links to re-opening plans and orders that have been issued thus far, at the statewide level. To read the full report, click [HERE](#).

**Webinar from *Nixon Peabody*:**

**COVID-19: Getting Ready for The Fall Resurgence**

Friday, October 30 | 12:30pm Eastern

As employers continue to deal with the ongoing COVID-19 pandemic, and with more and more states re-opening, some areas already are experiencing a resurgence in COVID-19 cases and experts predict a resurgence in many other areas.

Join on Friday, October 30, for a discussion regarding OSHA and employment issues related to the COVID-19 pandemic, as well as new laws and emergency regulations already in effect or taking effect in January 2021.

To register, click [HERE](#).

**Webinar from *Little Law Firm*: Decision 2020:**

**What's at Stake for Employers in the Upcoming General Election**

Friday, October 30 | 9:30 am-10:30am PDT

Issues related to the treatment of workers during the pandemic, civil unrest over social and racial injustice, and an upcoming General Election have the American labor movement energized, with some opining that we may be on the verge of a labor renaissance. As Election Day draws near, employers are also thinking about how the winning candidate's administration might impact the labor relations climate and their businesses.

The speaker will examine the candidates' respective labor policies and their potential effect on employers, including a robust discussion of the PRO Act and its far-reaching implications for union and nonunion workplaces.

To register, 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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