

## Coronavirus Notice: Daily Legislative Updates

### April 14 Legislative Updates

#### **FAA Announces Airport Grant Amounts**

The Federal Aviation Administration (FAA) today announced [the amounts](#) individual airports will receive in CARES Airport grant funding. Congress provided a total of \$10 billion in Airport Improvement Program grants through the CARES Act. In addition, the FAA posted a slide presentation [summarizing](#) the CARES Airport grant program and how the grant funds were distributed to airports.

#### **Democratic Leadership Statement on COVID 3.2 Bill**

House Speaker Nancy Pelosi and Senate Minority Leader Chuck Schumer issued a [joint statement](#) urging action of an interim spending bill and reiterating why such a bill should go beyond providing more funding for the Paycheck Protection Program. Last week, Senate Majority Leader Mitch McConnell tried to pass a bill that would have increased funding for the Paycheck Protection Program by \$250 billion. Democrats blocked McConnell's bill and tried to offer their own bill that increased funding for small businesses, hospitals, state and local governments and food assistance by an additional \$250 billion, which was blocked by Republicans.

On April 11, McConnell and House Minority Leader Kevin McCarthy issued a [statement](#) saying that they are not going to negotiate a larger COVID interim spending bill. This after Schumer the day before said he had a constructive call with Treasury Secretary Mnuchin and that he foresaw negotiators reaching a bipartisan deal on an interim supplemental spending bill as early as this week.

#### **House Fiscal 2021 Markups Postponed**

The House Appropriations Committee informed Appropriations Committee members that the fiscal 2021 markup schedule announced in February has been postponed. The committee indicated that once the House comes back into session, the markup of bills will occur shortly afterwards. They plan to announce new dates for full committee markups as soon as the House schedule is announced.

## **April 10 Legislative Updates**

### **Interim Supplemental Could Pass the Week of April 13**

Today, Senate Minority Leader Schumer (D-NY) said in a statement that he foresees negotiators reaching a deal on an interim supplemental spending bill as early as the week of April 13. Schumer's statement comes after Senate Republicans and Democrats each blocked each other's proposals from moving unanimously on the Senate floor yesterday. Majority Leader McConnell (R-KY) wanted to pass \$250 billion for the Paycheck Protection Program, while Democrats said the package should be larger and include additional aid for state and local governments and health providers. NAPA expects this smaller deal will likely be reached, with a larger package – the fourth stimulus bill – up for consideration later in April or May.

### **Bipartisan Brainstorming Over Increased FY 2021 Spending**

According to House Appropriations Committee Chairman Nita Lowey (D-NY), subcommittee leaders have received preliminary top-line figures for their fiscal year 2021 bills and are remotely drafting legislation to fund the government past September 30. The committee has also indicated that they plan to hold markups when Congress returns to Washington, which currently is April 20.

In the midst of the pandemic, a bipartisan group of appropriators has raised the possibility of allowing for more spending in fiscal 2021 by exempting certain programs from the spending limits included in last year's two-year budget caps agreement, which could boost biomedical programs without triggering cuts elsewhere. Without a change to the caps, any substantial increase in funding for programs would be mostly offset by cuts to other initiatives.

Congressional leaders have yet to signal any change to the process of moving forward with the FY 2021 appropriations bills, but Speaker Pelosi has resisted a change to remote voting, and said that holding remote committee meetings is "not necessarily allowed either." Some Senate committees have held "paper hearings," posting witness testimony, lawmaker questions, and participant responses on the panel's website. There have been no moves to change either chamber's rules to allow remote voting. Questions remain as to what can be done without members being physically present.

## **April 9 Legislative Updates**

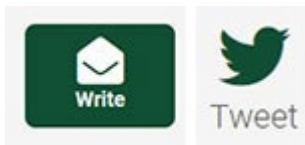
## Paycheck Protection Program Funding

Earlier this week, the Trump Administration sent a request to Congress for an additional \$250 billion for the Paycheck Protection Program. The program provides small businesses with loans and an incentive to keep employees on the payroll. The loans, administered by the SBA, can be forgiven if all employees are kept on the payroll for eight weeks and the money is used for payroll, rent, mortgage interest or utilities.

Today, Senate Majority Leader Mitch McConnell (R-KY) attempted to pass by unanimous consent a measure that would have appropriated the requested \$250 billion. The unanimous consent agreement was blocked by Sen. Ben Cardin (D-MD), and the bill failed to pass. Democrats were looking for their own measures to add to the deal, including tweaks to the small business aid program and \$250 billion in additional emergency funding for hospitals, health systems, and state and local food assistance programs.

Read More: [CNBC](#), [Politico](#)

Congress and the Administration have indicated that they are supportive of an infrastructure bill, however some of the needed emergency relief has taken longer than expected. NAPA continues to push for a robustly funded highway and transportation reauthorization — among other priorities — in the next relief or subsequent package.



### Call to Action: Next Coronavirus Supplemental Should Include Transportation Investment

NAPA asks industry leaders to contact their U.S. senators and representatives to urge them to include a multi-year surface transportation investment package in the next round of coronavirus relief legislation. It's easy -- the letter is already written. You just have to enter your name, home address, and phone number. [Click here](#) to send your letter today.

## April 8 Legislative Updates

### More Pleas to Congress for Highway Funding

[In a letter to Congress](#), the American Highway Users Alliance requests emergency funding for state highway and transportation departments. The group also pushes for a robustly funded highway and transportation reauthorization in the next relief package or in a subsequent package this year.

[The Highway Materials Group writes](#) that it supports flexible federal funding to offset the significant revenues shortfalls facing state DOTs.

### **Showdown Over Phase 3.2 Aid Package**

The White House and Congressional Republicans intend to provide upwards of \$250 billion in additional aid for small businesses through the Paycheck Protection Program (PPP). Many in Washington are calling this “Phase 3.2”, a prelude to the larger Phase 4. The funding is so urgent, they argue, that they want to pass the legislation by unanimous consent. This morning, Speaker Nancy Pelosi (D-CA) and Senate Minority Leader Chuck Schumer (D-NY) released [several demands in a joint statement](#), including:

- \$250 billion in assistance to small businesses – with \$125 billion channeled through community-based financial institutions that serve farmers, family, women, minority and veteran-owned small businesses and nonprofits – and improvements to ensure all eligible small businesses can access this critical funding and are not turned away by banks; and
- \$150 billion for state and local governments to manage this crisis and mitigate lost revenue, doubling down on the investment secured in the CARES Act.

Senate Majority Leader Mitch McConnell (R-KY) has “hotlined” a unanimous consent request to adopt his legislation. Unanimous consent is unlikely at this point as just one Senator can block the request; the bill currently does not include Democratic priorities. The hotline process is intended to draw out senators’ objections so they can be addressed. As of this report, negotiations are ongoing, but President Donald Trump has come out against the Pelosi/Schumer provisions.

NAPA along with industry partners continues to urge Congress to provide emergency funds to state highway and transportation departments as well as pass a long-term highway and transportation reauthorization in the next relief package or in a subsequent package. [Click here to send a message to your member of Congress.](#)

### **April 2 Legislative Updates**

#### **Farm Bureau, ATA Call for Gas Tax Increase**

In a [letter](#) to the U.S. Senate Committee on Finance and the U.S. House Committee on Ways and Means, the American Farm Bureau Federation and American Trucking Associations (ATA) implored Congress to consider infrastructure investment in any phase four COVID-19 legislation. The letter recommends a gas tax increase,

especially now that Americans are paying about 60 cents per gallon less for fuel today compared to one year ago. They also note that more than 70 percent of America's freight, worth \$10 trillion, is moved on the highway system. NAPA asks industry leaders to contact their U.S. senators and representatives to urge them to include a multi-year surface transportation investment package in the next round of coronavirus relief legislation. [Just click here to send your letter today.](#)

### **March 30 Legislative Updates**

#### **Trump, Pelosi Mention Infrastructure for Next COVID-19 Supplemental**

With Congress in recess, the White House and congressional Democrats are preparing for a possible fourth round of economic stimulus and supplemental spending. White House officials have compiled lists of requests from government agencies totaling roughly \$600 billion, according to Bloomberg News. Speaker of the House Nancy Pelosi (D-CA) told reporters yesterday that Democrats are gathering information on what might be needed in another round of stimulus. She said she "would hope" that infrastructure can be part of the response. President Donald Trump has also tweeted his support for an infrastructure spending package moving forward, and groups such as the U.S. Chamber of Commerce are also pitching an infrastructure package as part of any fourth deal. Read More: [CNN](#)

NAPA will continue to engage in grassroots efforts to seek a [multi-year surface transportation investment](#) package in the next round of coronavirus relief legislation. [Click here](#) to send a letter to your U.S. senators and representatives to urge them to include a multi-year surface transportation investment package. In addition, NAPA will continue to work with coalition partners to let our local, state, and federal leaders know that the construction industry [must be designated](#) as an essential industry. [Click here](#) to send a letter to your governor today.

### **March 27 Legislative Updates**

#### **CARES Act Signed Into Law**

On Friday, March 27, the third coronavirus stimulus bill, the Coronavirus Aid, Relief, and Economic Security (CARES) Act, passed in the U.S. House of Representatives. While a failed attempt by Rep. Thomas Massie (R-KY) to demand a roll call vote briefly held up the process, the measure was passed by a simple voice vote. President

Donald Trump then quickly signed the \$2 trillion relief package, the largest in U.S. history providing immediate assistance to many Americans, small businesses, and major industries on the edge of economic collapse amid the ongoing pandemic. The Department of Transportation will receive more than \$31 billion, including \$10 billion for the Federal Aviation Administration's Airport Improvement Program. Funding is 100 percent federal with no local match required and will be distributed by formula.

The House and Senate now head into recess, but many in Congress are already looking towards a "Phase 4" coronavirus stimulus bill, with House Speaker Nancy Pelosi (D-CA) saying "This is not going to be the last bill." House Minority Leader Kevin McCarthy (R-CA) told reporters he'd like to see the impact of the first three bills on the economy before committing to additional spending. There is no timeline right now for any fourth package, with the Senate not scheduled to be back in session until April 20, though Senate Majority Leader Mitch McConnell (R-KY) maintained his chamber would be "nimble" and come back early if necessary. The House's return date is currently unclear.

NAPA will continue to seek a formal declaration of our industry as essential in the event of stop-work or shelter-in-place orders as well as a multi-year surface transportation investment package in the next round of coronavirus relief legislation.

### **March 26 Legislative Updates**

#### **Senate Passes CARES Act**

By a vote of 96-0 last night, the Senate passed S. 3548, the CARES Act, the third coronavirus emergency supplemental. The bill is the largest economic relief package in U.S. history. The bill now moves to the House of Representatives. House Majority Leader Steny Hoyer (D-MD) announced late yesterday that the House will attempt to pass the coronavirus response bill on Friday through a voice vote, in a process that wouldn't require all members to return to Washington. House Republican leaders said they also support the strategy. This would have the bill to the President's desk before the weekend.

However, any House member could demand a recorded, roll-call vote, which could delay the process. A handful of members, both Republican and Democrat, have expressed concerns with the bill, but it is unclear right now if any would delay final passage.

Read More: [NPR](#)

#### **Trump Administration Announces Plans to Issue New Guidelines for Social Distancing**

The Trump administration, in a [letter](#) penned to the nation's governors, is planning to issue new procedures that would establish new guidelines for state and local governments to use when making decisions about "maintaining, increasing or relaxing social distancing and other mitigation measures" for the coronavirus pandemic. Citing the use of gathered COVID-19 testing data, Trump stated he would categorize counties across the nation as high-risk, medium-risk, or low-risk to help state and local authorities decide whether to bolster or relax social distancing measures. The classification measures would be in the hopes that some part of the country may return to work sooner than others.

## **March 25 Legislative Updates**

### **Senate Stalls on Third Coronavirus Supplemental Appropriations Bill**

Last night, lawmakers and the Trump Administration reached a bipartisan agreement on S. 3548, CARES Act, the third coronavirus emergency supplemental. Following the agreement, Senators were optimistic about a swift vote and passage of the largest economic relief package in U.S. history -- a more than \$2 trillion package of spending and tax breaks to bolster the U.S. economy and fund a nationwide effort to contain the coronavirus.

However, a group of Senate Republicans raised a concern of a major drafting error – that a provision in the text would offer laid-off employees more money than they otherwise would have earned if they stayed at their jobs, inadvertently incentivizing employees to want to be laid off instead of going to work. Senators Lindsey Graham (R-SC), Tim Scott (R-SC), and Ben Sasse (R-NE) said they would oppose a quick vote on the measure until the provision is fixed. House Minority Leader Kevin McCarthy (R-Calif.) said he, too, wants to see the unemployment provision fixed. He added that he's hoping for 24 hours to review the package, potentially setting the stage for the bill to move through the House on Friday.

The plan includes about \$500 billion that can be used to back loans and assistance to companies, including \$50 billion for loans to U.S. airlines, as well as state and local governments. It also includes \$377 billion in loans for small business. For individuals, the package would provide direct payments to lower- and middle-income Americans of \$1,200 for each adult, as well as \$500 for each child. The bill would add \$600 per person per week onto the base maximum unemployment benefit for four months, Senate Minority Leader Chuck Schumer (D-NY) stated in a [Dear Colleague](#).

The CARES Act is currently divided into two divisions: Division A – Keeping Works Paid and Employed Act, and Division B – Emergency Appropriations for Coronavirus Health Response and Agency Operations.

### **Division A – Keeping Workers Paid and Employed Act**

Division A of the CARES Act would provide \$377 billion to help prevent workers from losing their jobs and small businesses from going under due to economic losses caused by the COVID-19 pandemic. The [Paycheck Protection Program](#) would provide 8 weeks of cash-flow assistance through 100 percent federally guaranteed loans to small employers who maintain their payroll during this emergency. If the employer maintains its payroll, then the portion of the loan used for covered payroll costs, interest on mortgage obligations, rent, and utilities would be forgiven. This proposal would be retroactive to Feb. 15, 2020 to help bring laid off workers back onto payrolls.

A section by section of Division A can be found [here](#), and a one pager can be found [here](#).

### **Division B – Emergency Appropriations for Coronavirus Health Response and Agency Operations**

Division B of the CARES Act would provide \$340 billion for federal agencies to support state and local governments and communities.

The Department of Transportation is funded at \$31.1 billion, of which \$10 billion is to maintain operations at the nation's airports – these funds will be distributed by formula. Another \$25 billion is provided for Transit Infrastructure Grants for transit providers, including states and local governments across the country, for operating and capital expenses. Funding will be distributed using existing FTA formulas.

Following the Senate approval, attention now turns to the House. However, with House members away from the Capitol due to coronavirus concerns, it is still unclear how the House will vote on the measure. House Majority Leader Steny Hoyer (D-MD) stated on the subject that he would “be conferring with the Speaker and other House leaders to determine the best way for the House to consider the legislation the Senate passes.” He went on to state that he would “let members know [their] schedule going forward as soon as that is possible,” with a

tentative goal set for this Friday.

Read More: [Division B Summary](#), [Politico](#), [The New York Times Live Updates](#)

## **March 24 Legislative Updates**

### **Coronavirus “Phase 3” Negotiations Ongoing**

Senate leaders are this afternoon indicating they could be close to a third emergency supplemental deal to respond to the economic crisis caused by the Coronavirus, even as House Democrats released their own \$2.5 trillion counteroffer.

Treasury Secretary Steven Mnuchin met repeatedly with Senate Minority Leader Chuck Schumer (D-NY) throughout Monday to resolve Democrats’ complaints about the Republican legislation. On that notion, Senate Minority Leader Schumer indicated that negotiations were on the “2-yard line.” Speaker of the House Nancy Pelosi (D-CA) signaled that a deal on the third Coronavirus stimulus package initially drafted by Senate Republicans is imminent.

The ‘Phase 3’ bill, estimated to cost \$2 trillion, would provide hundreds of billions of dollars to small business and impacted industries, such as airlines. The bill would also give direct payments to Americans and includes some income caps. Here is the [latest version](#) of Division A, the policy provisions part of the bill. Assuming bipartisan agreement, the Senate is expected to vote on the package tonight or tomorrow. Then, assuming Senate passage, Speaker Pelosi has said she hopes the House can reach an agreement to pass the package through the House by unanimous consent. However, initial reports from House Republicans indicate they fear at least one member will object.

On a call with his caucus this afternoon, House Majority Leader Steny Hoyer (D-MD) said there is talk of a fourth and fifth bill aimed at providing relief from the Coronavirus. Senator Roy Blunt (R-MO) told reporters that he believes the Senate will recess after voting on Phase 3 for approximately three weeks and return to consider Phase 4.

### **Dept. of Labor Releases Guidance on FFCRA**

On Tuesday, March 24, 2020, the U.S. Department of Labor’s Wage and Hour Division (WHD) released guidance on the Families First Coronavirus Response Act (FFCRA) paid leave provisions. The FFCRA designates funds for American businesses with fewer than 500 employees to provide paid leave for employees who may have health needs or who may have to care for family members. The paid leave provisions are set to take effect on April 1, 2020 through Dec. 31, 2020.

The guidance provides employers and employees with information, including:

- 1) How an employer calculates the total number of employees for coverage;
- 2) How small businesses can secure an exemption;
- 3) How to calculate hours for part-time employees; and
- 4) How to determine wages employees are entitled to under the law.

The WHD released a [Fact Sheet for Employers](#), a [Fact Sheet for Employees](#), and a [Questions and Answers Sheet](#). The WHD’s COVID-19 and the Workplace [webpage](#) also provides additional information on COVID-19 related to the Fair Labor Standards Act the Family and Medical Leave Act.

### **Help Inform FFCRA Assistance Materials, Strategies**

The U.S. Department of Labor will be hosting a national online dialogue to provide employers and employees with an opportunity to offer their perspective as the department develops compliance assistance materials and outreach strategies related to the implementation of the Families First Coronavirus Response Act (FFCRA). The ideas and comments gathered from this dialogue will inform compliance assistance guidance, resources, and



tools, as well as outreach approaches, that assist employers and employees in understanding their responsibilities and rights under the FFCRA. Input is needed by March 29, 2020. Anybody who is interested can participate online at <https://ffcra.ideascale.com> from March 23 through March 29, 2020 or can join a Twitter chat hosted by @ePolicyWorks on March 25, 2020 at 2 p.m. using the hashtag #EPWChat.

### **March 23 Legislative Updates**

#### **Third Coronavirus Stimulus Bill Stalled**

Following one failed procedural vote on March 22 and another on March 23, the Senate is continuing to negotiate details of the Coronavirus Aid, Relief, and Economic Security (CARES) Act. The CARES Act would provide checks directly to many individual taxpayers, provide additional loan support and funding for small businesses, as well as provide targeted relief to passenger and cargo air carriers and other industries severely impacted during this crisis. Currently, the outlook of the CARES Act is uncertain. Senate Minority Leader Chuck Schumer (D-NY) said Monday afternoon he was close to a deal with Treasury Secretary Steven Mnuchin that would have the support of Senate Democrats and the White House. [Click here](#) to view NAPA summary.

Important changes made over the weekend include expanding the individual rebate program slightly by eliminating the \$2,500 minimum income requirement, increasing the amount for business relief to \$500 billion, and increasing the amount included for Small Business Interruption Loans from \$300 billion to \$350 billion and extending forgiveness eligibility to firms that rehire laid-off employees by April 1, 2020.

On the other side of the Capitol, House Speaker Nancy Pelosi (D-CA) introduced a competing bill backed by House Democrats, the Take Responsibility for Workers and Families Act. She said the House bill would boost unemployment insurance and prevent companies that receive federal help from firing workers, increasing executive pay or buying back stock. The House measure would fund hospitals' virus response and would call for the president to use the Defense Production Act to shore up critical supplies. According to a statement from Pelosi's officer, it would also increase funds for schools and food assistance as well as help states expand early and absentee voting.

### **March 20 Legislative Updates**

#### **Coronavirus Aid, Relief, and Economic Security (CARES) Act Summary**

On March 19, Senate Majority Leader Mitch McConnell (R-Ky.) introduced the Coronavirus Aid, Relief, and Economic Security Act – or CARES – Act. The aim of the CARES Act is to provide emergency financial and health care assistance to individuals, families, and businesses affected by the coronavirus pandemic. See below to read more about the provisions included in the CARES Act.

#### **Small Business Interruption Loans**

The CARES Act expands the Small Business Administration's (SBA) 7(a) loan program. The 7(a) loan program is the SBA's primary, non-disaster lending program. The bill proposes to broaden the program's authority significantly by including all small businesses and non-profit entities with 500 or fewer employees. Businesses with more than 500 employees would be allowed to qualify if the covered industry's SBA standard size allows for more than 500 employees. For eligibility purposes, the bill requires lenders to, instead of determining a business's repayment ability, to determine whether a business was operational on March 1, 2020, and had employees for whom it paid salaries and payroll taxes.

The Act increases the Federal government's guarantee of 7(a) loans to 100% through Dec. 31, 2020, and appropriates \$299.4 million for the cost of fully guaranteeing the loans. It also eliminates the limit on SBA's 7(a) lending authority, which is currently \$30 billion for 2020. Businesses will be able to completely defer 7(a) loan payments for not more than one year, and the SBA will issue guidance on the deferment process within 30 days of

enactment.

Eligible expenses include payroll support, such as paid sick or medical leave, employee salaries, mortgage payments and any other debt obligations. Any borrower who receives a 7(a) loan for any of the above reasons is not allowed to receive an SBA economic injury disaster loan (EIDL) for the same purpose, or to comingle funds from another loan for the same purpose.

### **Relief for Businesses**

The provision allows corporations to postpone estimated tax payments due after the date of enactment until Oct. 15, 2020. There is no cap on the amount of tax payments postponed. It also allows employers and self-employed individuals to defer payment of the employer share of the Social Security tax they otherwise are responsible for paying to the federal government with respect to their employees. All employers are responsible for paying a 6.2 % Social Security tax on employee wages. The provision requires that the deferred employment tax be paid over the following two years, with half of the amount required to be paid by Dec. 31, 2021, and the other half by Dec. 31, 2022.

### **Leave Program Modifications**

The measure would amend the emergency sick leave program enacted under the second coronavirus response measure. Paid sick leave requirements for employers would expire after a worker has been paid for 80 hours of leave or returned to work after taking leave, whichever is earlier. Certain workers laid off on or after March 1, 2020, would be eligible to receive family leave benefits if they're rehired.

The measure would expand the Labor Department's authority to issue regulations to exempt businesses with fewer than 50 workers from paid sick leave requirements related to caregiving for another quarantined individual or child whose school or day care has closed.

The measure would apply the same caps on the amount employers would be required to pay per employee for the leave programs, which are:

- \$200 per day, or \$10,000 total, for family leave related to care for a child whose school or day care has closed because of the coronavirus.
- \$511 per day, or \$5,100 total, for sick leave related to a worker's quarantine or diagnosis.
- \$200 per day, or \$2,000 total, for sick leave related to caregiving for another quarantined individual or child whose school or day care has closed.

### **Next Steps**

One reason for a possible delay is there are fundamental differences over what should be included in Phase 3 that need to be resolved. "We need to work together quickly and do something big and bold that helps the American people," said Senate Minority Leader Chuck Schumer (D-N.Y.), before the start of the meeting. "Sen. McConnell's bill is not pro worker at all, it puts corporations ahead of people." Many Democrats have echoed the Minority Leader's comments and Speaker Pelosi has made similar statements. Democrats continue to insist that their priority in talks will be on individuals and health care infrastructure. Negotiations are ongoing.

Outside interest groups are trying to inject clean energy taxes and infrastructure into the stimulus debate. The League of Conservation Voters, the Sierra Club, and more than a dozen other green groups sent a [letter](#) to congressional leaders today asking them to exclude any support for fossil fuel companies and to boost industries "leading the transition to clean energy and net-zero carbon emissions." Instead, they want money for public transit agencies suffering low ridership amid the pandemic and extensions for clean energy tax incentives, as companies put off business and delay rooftop solar installations.

Various other groups, including the Carbon Capture Coalition, are also [asking](#) for their priorities to be included. Some Republicans are pressing for oil and gas relief. Gulf Coast lawmakers, including House Minority Whip Steve Scalise (R-La.) and Rep. Dan Crenshaw (R-Texas), [want](#) the Interior Department to temporarily cut royalties for oil and gas drillers on public lands and waters.

NAPA expects a Phase 3 bill to be passed this week. NAPA understands a Phase 4 bill focused on appropriations for affected industries and possibly other emergency bills will follow, depending on how the pandemic progresses.

### **March 19 Legislative Updates**

#### **DHS Outlines Critical Infrastructure Workforce**

On March 19, the Department of Homeland Security (DHS) [outlined](#) the types of employees in the public health, law enforcement, food, defense, and 12 other "critical" industries who should maintain their usual work schedules to aid the nation's response to the coronavirus outbreak. The breakdown within the 16 critical infrastructure sectors is a recommendation, not a federal mandate, and DHS leaves the final decisions to state and local governments. Some states are including construction and mining in their notices while others simply allude to our industry. The initial list of "Essential Critical Infrastructure Workers" is developed "to help state and local officials as they work to protect their communities, while insuring continuity of functions critical to public health and safety, as well as economic and national security." The list identified workers that are essential to critical infrastructure viability including working construction and the transportation and logistics industries, which includes highways and the public work industries (see details in bulleted list below). NAPA is working in coalition with other materials associations to urge inclusion of the construction workforce as an essential business.

Note that the transportation system sector has been identified as essential critical infrastructure and includes: Highway and Motor Carriers: Encompasses more than 4 million miles of roadway, more than 600,000 bridges, and more than 350 tunnels. Vehicles include trucks, including those carrying hazardous materials; other commercial vehicles, including commercial motorcoaches and school buses; vehicle and driver licensing systems; traffic management systems; and cyber systems used for operational management.

Public Works: Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues.

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

#### **Third Coronavirus Emergency Supplemental Update**

With the Senate passing the Second Coronavirus Emergency Supplemental and President Trump signing the bill into law on March 18, attention now shifts to a third package. The first package focused on funding the health care sector's response to COVID-19. The second package, HR 6201 Families First Coronavirus Response Act, focused on providing funding for families, food banks, unemployment, and childcare. The third bill will focus on stimulating the economy.

Senate Majority Leader Mitch McConnell (R-KY) stated that the Senate will remain in session until the third package is finished. He would not predict when a bill would be ready for a vote, but he was quick to remark that the Senate is moving at a rapid pace. There are indications on Capitol Hill that Senate Republicans will release their version of a third coronavirus response package on March 20.

According to Senate Republicans, the fourth package will be based on four "pillars:" 1) small business relief, 2) direct payments to individuals, 3) "targeted lending" to affected sectors, and 4) more appropriations for the healthcare system, hospitals, and medical supplies. In terms of targeted lending, McConnell unequivocally stated these would not be "bailouts" to affected small businesses and key sectors but would be loans that must be repaid. Senate Democratic leadership priorities include worker protections, "a massive infusion of resources" for the healthcare infrastructure, a new form of unemployment insurance, student loan payoffs and checks for Americans greater than the \$1,000 amount that has been floated.

On the other side of the Congress, Speaker of the House Nancy Pelosi (D-CA-12) sent a [letter](#) to House Democrats, late last night, indicating that House Leadership has three areas of concern for the next bill: 1) unemployment insurance, 2) increased Medicaid funding, and 3) further assistance to small businesses.

It's unclear if the bill will run into partisan roadblocks. While McConnell wants agreement within his caucus first, Senate Minority Leader Schumer (D-NY) and Pelosi have said they would prefer to hold immediate bipartisan negotiations among congressional leadership.

As work on "phase 3" is underway, McConnell also noted that a fourth package will likely follow.

### **House Schedule Adjusted**

House Majority Leader Steny Hoyer informed members via a [Dear Colleague letter](#) that he will be adjusting the House schedule to require less time at the Capitol in an effort to halt the virus' spread among lawmakers. This follows the news that at least two members of Congress have tested positive for the novel coronavirus, and others have self-quarantined after potential exposure. Lawmakers will not be required to return to Washington, D.C. until the next stimulus package is ready for a vote. Hoyer also confirmed that the House would adjust voting procedures to comply with guidance from federal health agencies, which have strongly warned against all gatherings of more than 50 people. Democrats have considered ideas like holding the vote open longer to limit the number of lawmakers on the floor at one point. Hoyer did not address the possibility of allowing members to vote remotely from their districts. Speaker Nancy Pelosi has privately dismissed the idea of voting outside of the Capitol in past meetings, as have House GOP leaders, though lawmakers and aides have acknowledged that the situation is fluid.

### **March 18 Legislative Updates**

#### **NAPA Signs on to Request for Additional AIP Funding**

NAPA along with several other organizations [signed a letter](#) urging Congress to take immediate action to help mitigate the adverse effects COVID-19 has had on the aviation industry. Specifically, the organizations are asking Congress to authorize an additional \$10 billion in Airport Improvement Grants (AIP) to help continue airport capital projects and programs that are currently underway, including facility projects that are mission critical. ACI-NA reports that airports are currently projecting almost \$9 billion in lost revenues due to the reduction in travelers. Airport operating revenue is expected to drop by \$7.6 billion and PFC revenues are anticipated to drop by \$1.1 billion. This loss in revenues will have immediate impacts on airport construction projects and programs that are currently underway.

#### **NAPA Submits H.R. 6201 Concerns to Senators**

President & CEO of NAPA Dr. Audrey Copeland wrote a [letter](#) to Senators Mitch McConnell and Chuck Schumer requesting improvements to H.R. 6201, the Families First Coronavirus Response Act. Copeland explained that NAPA cannot support legislation that requires businesses with 500 and fewer employees to provide 12 weeks of paid leave, assume liquidity, and a tolerance for debt that simply does not exist at this time. Ninety percent of the construction industry businesses are small, with 20 or fewer employees that depend upon reliable cash flows to meet the capital-intensive demands of maintaining existing payrolls with construction project execution needs. As such, NAPA fears that these mandates will accelerate layoffs and supply chain issues resulting in mass small and medium business closures among so many employers already exposed to cash-flow difficulties.

#### **NAPA Signs on to Coalition Letter**

NAPA, along with 104 other organizations, signed on to a [letter](#) to Senators Mitch McConnell and Chuck Schumer, asking Congress to consider improvements to H.R. 6201, the Families First Coronavirus Response Act. The letter proposes that a better approach would be a public program administered by the federal government to provide compensation for COVID-19 related leave. One example is the proposed program in [H.R. 6198](#), under which the Social Security Administration (SSA) would provide financial assistance to American workers impacted by COVID-

19.

### **Trump Administration Seeks \$1 Trillion for an Economic Stimulus Package**

On March 17, Treasury Secretary Steven Mnuchin proposed a \$1 trillion economic stimulus package to Senate Republicans in order to combat the economic strain and downturn the coronavirus has caused. The proposal comes on the heels of two major pieces of legislation that lawmakers have pushed to address the growing crisis. It is the most far-reaching economic rescue packages since the financial crisis in 2008.

The proposal authorizes \$300 billion for the creation of the Small Business Interruption Loans Program. The federal government would provide a 100% guarantee on any qualifying small business interruption loan. Qualifying loan terms are:

- Eligible borrowers: Employers with 500 employees or less (phased out)
- Loan amounts: 100% of 6 weeks of payroll, capped at \$1,540 per week per employee (approx. \$80,000 annualized)
- Borrower requirement: Employee compensation must be sustained for all employees for 8 weeks from the date the loan is disbursed.
- Lender: U.S. financial institutions
- Streamlined underwriting process: Lender verifies the previous 6-week payroll amount and later verifies that the borrower has paid 8 weeks of payroll from date of disbursement.
- Authority for the Treasury Department to issue regulations establishing appropriate interest rate, loan maturity, and other relevant terms and conditions

Also included in the \$1 trillion economic stimulus proposal would be \$50 billion to the Airline Industry Secured Lending Facility, which would authorize the use of the funds for secured lending to U.S. passenger and cargo air carriers. The Treasury Department indicated it will later determine appropriate interest rates. Requirements on borrowers would include, 1) specified continuation of service requirements, and 2) limits on increases in executive compensation until repayment of the loans.

Another provision would appropriate an additional \$150 billion and authorize use of those funds for secured lending or loan guarantees to assist other critical sectors of the U.S. economy experiencing severe financial distress due to the COVID-19 outbreak.

The proposal would also temporarily permit the use of the exchange stabilization fund to guarantee money market mutual funds.

The largest chunk of the stimulus package would be economic impact payments. This provision would authorize and appropriate funds for two rounds of direct payments to individual taxpayers, to be administered by the IRS and Bureau of the Fiscal Service: \$250 billion to be issued beginning April 6 and \$250 billion to be issued beginning May 18. Amounts sent to each taxpayer would be fixed and tiered based on income level and family size, and each round of payments would be identical in amount.

Read More: [The Washington Post](#)

### **Senate Passes Second Economic Impact Package**

On March 18, the Senate passed by a vote of 90 to 8 the second economic impact package, sending it to the President's desk for signature. While there were objections from some Republican senators, Leader McConnell (R-KY) described it as, "a well-intentioned bipartisan product assembled by House Democrats and President Trump's team that tries to stand up and expand some new relief measures for American workers." The bill passed after votes on amendments offered by Senators Paul (R-KY), Johnson (R-WI), and Murray (D-WA) failed.

Trump Administration Requests Additional \$48.5 Billion in Emergency Funding to Combat the Coronavirus

On March 17, the Office of Management and Budget (OMB) made public in a [letter](#) to Congress its budget requests for an additional \$48.5 billion in supplemental funding for cabinet departments and federal agencies to

respond to the coronavirus outbreak.

Acting Director of the Office of Management and Budget Russell Vought stated the "aim of this request is to maintain that capacity and ensure that resource needs created by the pandemic response are met," and "it is not intended as a broad-based solution to the major economic dislocation wrought by the virus, nor is it the primary means by which the Federal Government plans to address the hardships of families, individuals, and communities who have been touched by the disease."

Read More: [CNN](#)

### **FCC Keep Americans Connected Pledge**

On March 13, the Federal Communications Commission (FCC) launched its "Keep Americans Connected Pledge" to ensure that vulnerable communities and populations keep their access to internet and phone service during the coronavirus pandemic. Providers that sign the pledge promise to:

1. Not terminate service to any residential or small business customers because of their inability to pay their bills due to the disruptions caused by the coronavirus pandemic;
2. Waive any late fees that any residential or small business customers incur because of their economic circumstances related to the coronavirus pandemic; and
3. Open its Wi-Fi hotspots to any American who needs them.

Almost 200 providers have signed the pledge, including major corporations such as Verizon and Comcast. You can see if local providers in your community have signed on by going [here](#) and clicking on "pledges."

### **March 16 Legislative Updates**

#### **President Trump Issues Coronavirus Guidance**

Today, the President announced [new guidelines](#) to be distributed to state and local leaders to assist communities in fighting COVID-19, aiming to drastically slow the spread of the disease over the next 15 days.

#### **Senate Update: Families First Coronavirus Response Act**

Last week, with the House passing the Families First Coronavirus Response Act (H.R. 6201), the second emergency supplemental funding bill to combat the spread of the novel coronavirus, Senate Majority Leader Mitch McConnell (R-KY) cancelled a previously scheduled recess for this week in order to finalize the package. With respect to the second supplemental funding bill, Majority Leader McConnell indicated the Senate still needs to receive the final version of the House bill and that Senators are taking time to carefully review the legislation.

McConnell went on to further state that he has spoken at length with the chairmen of several key committees about next steps. This runs parallel with Speaker of the House Nancy Pelosi's (D-CA-12) previous statement that this second supplemental to combat COVID-19 will not be the last.

As indicated by McConnell, the next areas of focus are:

- Helping Americans overcome financial challenges in the weeks and months ahead;
- Securing the nation's economy, particularly Main Street small businesses; and
- Readyng the healthcare system and supporting medical professionals.
- The timeline for passage remains unclear. While H.R. 6201 passed the House on March 14, the Senate is not expected to consider it until later this week. The Senate came back into session on March 16. The first item on the agenda was a surveillance bill, also passed by the House last week. The unanimous consent of every senator is needed in order to consider H.R. 6201 before finishing work on the surveillance bill. Given that some Republican senators have expressed hesitations about H.R. 6201, it is unclear if there will be unanimous consent to consider the bill.

### **Department of Health and Human Services, Federal Emergency Management Agency Update**

On March 13, President Donald Trump declared a nationwide emergency concerning the novel coronavirus (COVID-19) pursuant to powers delegated to him under Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the "Stafford Act"). With the designation of COVID-19 as a "disaster" for legal purposes, the Stafford Act is in play.

The March 13 declaration increases federal support to the Department of Health and Human Services (HHS), which has been designated as the lead federal agency for the ongoing federal response to COVID-19. While the Federal Emergency Management Agency (FEMA) is directed to assist state, local, tribal, territorial governments and other eligible entities with the health and safety actions, they will be in support of HHS and in coordination with state, tribal and territorial governments. Therefore, FEMA has stated it will not and cannot duplicate assistance provided by HHS.

With the two agencies working in tandem, and HHS taking the lead, top staff in the House and the Senate met with HHS and FEMA, as well as Centers for Disease Control (CDC) officials and requested a line-by-line explanation of what eligibilities will be handled by which of the two agencies. From what the NAPA Government Affairs team understands, that agreement between HHS and FEMA on which agency will take what may be far from completion.

Also, there are questions as to how the President will secure \$50 billion of emergency funding through his national emergency declaration. Under the Disaster Relief Fund, there is only \$594 million currently available for public health emergencies. Congress has asked for more information on the \$50 billion number that the President has referenced. Congress would likely be skeptical of the President trying to access the previously appropriated \$40 billion for natural disaster relief and Pre-Disaster Mitigation portions of the Disaster Relief Fund for this emergency.