

## Liability Protection Against Unwarranted Lawsuits

**Key:**

- Inconsistent with Chamber position
- Partially consistent with Chamber position, recommend changes
- Generally consistent with Chamber position

Policy	House	Senate	Chamber Recommendation
Protection from COVID-based exposure lawsuits for businesses, schools, and non-profit organizations	● No provision	● Protects from COVID-19-related exposure liability those entities that follow applicable federal, state, or local government guidelines related to COVID-19 (with exceptions for gross negligence and willful misconduct)	Support the Senate provisions
Protect health care providers from medical liability lawsuits	● No provision	● Protects healthcare workers and facilities from medical liability claims arising out of the provision of COVID-19 care or other care affected by COVID-19 with exceptions for gross negligence or willful misconduct.	Support the Senate provisions
Protect under the PREP Act manufacturers of certain personal protective equipment (PPE) and certain recommended	● No provision	● Provides protections under the PREP Act for additional products to combat COVID-19 that are subject to notices of enforcement discretion.  Clarifies that the private sector has a role in the means for distributing covered products.	Support the Senate provisions with additional protections (below).  Provide protection under the PREP Act for additional recommended products; extend protections to end-users of covered products; clarify the coverage of donated products; and make eligible for protection covered products that are disseminated through

countermeasures used to combat COVID-19			additional lawful means of distribution (not just those authorized by the Secretary in his Declaration).
Safe Harbor for Independent Contractors	● No provision	● Provides a safe harbor allowing marketplace platform companies to provide certain COVID-19 related assistance to service providers, such as gig-economy workers, without jeopardizing the service provider's independent contractor status under the Internal Revenue Code.	Support the Senate provision
Labor and employment law protections for COVID-19-related mitigation efforts by employers, including workplace testing.	● No provision	<p>● Provides protection from COVID-19-related liability and investigations under certain federal labor and employment laws if employer followed applicable guidelines.</p> <p>Provides liability protections for workplace COVID-19 testing unless the employer was grossly negligent or engaged in willful misconduct.</p> <p>Provides protection from COVID-19-related liability and enforcement actions under certain public accommodation laws if operator followed certain guidelines.</p> <p>Amends the WARN Act of 1988 to provide employers flexibility in light of the sudden economic dislocation caused by the coronavirus.</p>	Support the Senate provisions

## Support for Small and Midsize Employers

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- Inconsistent with Chamber position
- Partially consistent with Chamber position, recommend changes
- Generally consistent with Chamber position

Policy	House	Senate	Chamber Recommendation
<p>PPP Improvements</p>	<p>● Extends PPP through 12/31/20.</p> <p>Expands PPP eligibility to include all non-profits and local news broadcast entities.</p> <p>Expands forgivable expenses to include PPE and employee protection costs related to COVID-19.</p> <p>Excludes salaries from Federally registered lobbyists from being included in PPP loan calculations and eligible expenses.</p> <p>Eliminates the 75/25 rule (now 60/40 under subsequent law).</p>	<p>● Extends PPP through 12/31/20.</p> <p>In lieu of the 8 week or 24-week period where expenses count for forgiveness, allows a borrower to choose any length of time 8 weeks or longer beginning on the date of origination and ending before 12/31/20.</p> <p>Expands forgivable expenses to include covered supplier costs, covered worker protection expenditures, certain operations expenditures, and group insurance costs that are part of payroll costs.</p> <p>Good-faith certification for forgiveness of loans under \$150 k.</p> <p>Expands PPP eligibility to include:            (1) Chambers of Commerce that are 501(c)(6) organizations with 300 or fewer employees;            (2) Destination Marketing Organization that are 501(c)(6) organizations, quasi-government entities, or political</p>	<p>Generally, follow Senate approach on policy and House approach on eligibility for non-profits.</p> <p>Include technical correction clarifying that expenses paid for with PPP remain deductible.</p>

		<p>subdivisions of a state or local government with 300 or fewer employees; and</p> <p>(3) other 501(c)(6) organizations if the organization does not receive more than 10% of receipts from lobbying; the lobbying activities do not comprise more than 10% of receipts; the organization has 50 or fewer employees; and the covered loan is not more than \$500,000.</p> <p>Prohibits the use of loan proceeds for lobbying activities, as defined in section 3 of the Lobbying Disclosure Act of 1995.</p> <p>Reduces maximum loan amount to \$2 million.</p>	
PPP Second-Round	No provision	<ul style="list-style-type: none"> <li>● Authorizes a second-round of PPP loans of up to \$2 million to entities that (1) meet the SBA's revenue size standard, if applicable; (2) employ not more than 300 or fewer employees; and (3) demonstrate at least a 50% reduction in gross receipts in the first or second quarter of 2020 relative to the same 2019 quarter.</li> </ul> <p>Provide \$190 billion for PPP and PPP Second-Round loans.</p>	Generally, follow Senate approach, but consider lower test for decline in gross receipts.
Recovery Loans for Specially Impacted Employers	No provision.	<ul style="list-style-type: none"> <li>● Authorizes 20-year loans of up to 2X annual revenues, up to \$10 million, with a 1% interest rate for eligible small businesses.</li> </ul> <p>Eligible businesses must: (1) be a small business concern as defined by the SBA size</p>	<p>Generally, follow Senate approach, but:</p> <p>Allow employers to be eligible regardless of census tract location.</p>

		<p>standards; (2) employ 500 or fewer employees; (3) demonstrate at least a 50% reduction in gross revenue in the first or second quarter of 2020 relative to 2019; and (4) be a seasonal employer seeking a loan not greater than \$1 million; or have their principal place of business in, and at least 50% of their income derived from, a small business low-income census tracts subject to additional limitations in the tract's median family income.</p> <p>Entities ineligible for a PPP Second Draw loans or that received a PPP Second Draw loan are not eligible.</p> <p>Authorizes \$100 billion in loans.</p>	Expand eligibility to those with less than a 50% reduction in gross receipts.
Small Business Investment Companies	No provision.	Provides for \$10 billion in long-term debt with equity features to registered SBA Small Business Investment Companies (SBICs) that invest in small businesses with significant revenue losses from COVID-19, manufacturing startups in the domestic supply chain, and low-income communities.	
SBA 7(a) and 504 Loans	Reduces fees, increases maximum borrowing amount and increases lender guarantees.	No provision.	
Employee Retention Tax Credit (ERTC)	<ul style="list-style-type: none"> <li>Expands the credit from 50% of \$10,000 in wages per employee (\$5,000 tax credit) to 80% of up to \$80,000 in wages per employee (\$36,000).</li> </ul> <p>Lowers the amount of the decline in gross receipts in a quarter (compared to</p>	<ul style="list-style-type: none"> <li>Expands the credit from 50% of \$10,000 in wages per employee (\$5,000 tax credit) to 65% of up to \$30,000 in wages per employee (\$19,500).</li> </ul> <p>Lowers the amount of the decline in gross receipts in a quarter (compared to the prior</p>	Recommend a compromise within the parameters of the House and Senate proposals.

	<p>the prior year) necessary to qualify for the credit from a 50% decline to only a 10% decline but phases down the credit for revenue declines of less than 50%.</p> <p>Expands the ability of employers with between 100 and 1,500 employees (with not more than \$41.5 million in gross receipts) to take the credit by allowing the credit for wages of employees who are performing services.</p> <p>Allows an employer to receive both a PPP loan and an ERTC, but not for the same expenses.</p>	<p>year) necessary to qualify for the credit from a 50% decline to only a 25% decline.</p> <p>Expands the ability of employers with between 100 and 500 employees to take the credit by allowing the credit for wages of employees who are performing services.</p> <p>Allows an employer to receive both a PPP loan and an ERTC, but not for the same expenses.</p>	
Hiring Tax Credit (Expansion of Work Opportunity Tax Credit)		<ul style="list-style-type: none"> <li>● Provides a \$5,000 tax credit for the hiring or rehiring of unemployed individuals through 12/31/20.</li> </ul>	Adopt the Senate provision.
Fixed Costs Tax Credit	<ul style="list-style-type: none"> <li>● Provides a refundable tax credit for mortgage, rent, and utility payments for qualified employers. Credit is 50% of up to \$50,000 in expenses a quarter (\$25,000)</li> </ul> <p>Qualified employers are those with fewer than 1,500 employees and not more than \$41.5 million in gross receipts who have experienced at least a 10% decline in gross receipts in a quarter.</p>	No provision.	Generally, follow the House approach.

	The tax credit is phased down for those with less than a 50% decline in gross receipts.		
Self-Employed Tax Credit	<ul style="list-style-type: none"> <li>● Provides a 90% refundable credit for individuals whose gross self-employment income in 2020 is less than 90% of the amount they received in 2019 up to \$45,000.</li> </ul>	No provision.	Generally, follow House approach.
Tax Credit for PPE Expenses	No provision.	<ul style="list-style-type: none"> <li>● Provides a refundable payroll tax credit equal to 50 percent of an employer's qualified employee protection, workplace reconfiguration, and workplace technology expenses whose primary purpose is to prevent the spread of COVID-19.</li> </ul> <p>In each calendar quarter, qualified expenses cannot exceed a cap based on the average number of employees. The cap is equal to \$1,000 for each of the first 500 employees, plus \$750 for each employee between 500 and 1000, plus \$500 for each employee that exceeds 1,000.</p> <p>Sole proprietors and independent contractors are also eligible for the credit.</p>	Generally, follow Senate approach.
Business Meal Deduction	No provision.	Allows full deduction for business meal expenses through 12/31/20.	
Protection for Remote Workers (Mobile Workforce)	No provision.	<ul style="list-style-type: none"> <li>● For employees who live and work in multiple states clarify that for 2020 employees would only be subject to income taxes in their non-residence state if they work for more than 90 days in the state and for more than 30 days through 2024.</li> </ul>	Adopt the Senate provision.





## Support for Childcare and K-12 Schools

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Policy	House	Senate	Chamber Recommendation
Assistance for Childcare Providers	<ul style="list-style-type: none"> <li>● Provides \$7 billion for the Childcare Development Block Grant.</li> </ul>	<ul style="list-style-type: none"> <li>● Provides \$10 billion for new “Back to Work Childcare Grants.” Grants provide up to 9 months of financial aid to reopen and maintain operations, including covering unbudgeted COVID related costs and fixed costs.</li> </ul> <p>Provides \$5 billion for the Childcare Development Block Grant.</p>	Generally, follow the Senate approach.
K-12 Education and Higher Education	<ul style="list-style-type: none"> <li>● Provides \$100 billion for educational providers, including: \$4.5 billion for Governors; \$58.5 billion for Elementary and Secondary Education; and \$37 billion for Higher Education.</li> </ul>	<ul style="list-style-type: none"> <li>● Provides \$105 billion for educational providers, including: \$5 billion for the Governors Emergency Education Relief Fund; \$70 billion for the Elementary and Secondary School Emergency Relief Fund; and \$29 billion for the Higher Education Emergency Relief Fund.</li> </ul> <p>Two-thirds of the Elementary and Secondary School funding is reserved for schools that meet minimum level of in-person instruction.</p>	Generally, Senate level of funding, but ensure that school districts have flexibility in accessing and using funds.

## Unemployment and Job Training

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Policy	House	Senate	Chamber Recommendation
Unemployment Extension (\$600 per week)	● Extends the \$600 additional weekly payment through 1/31/21.	● In lieu of continuing the \$600 additional weekly payment, provides a fixed payment of \$200 per week through September. Beginning in October through the end of the year, the additional amount would be an amount (not to exceed \$500 per week) that when combined with State UI benefit replaces 70% of base period earning. States unable to implement the variable rate could apply for an extension of the fixed dollar amount.	Adopt a modified Senate approach:  As opposed to a year-end cliff, the additional weekly amounts should be phased down based on the decline in a state’s unemployment rate.  Given economic conditions, a replacement rate of 80% to 90% of prior earnings would be more appropriate.
Reimbursement for government agency and non-profit UI	● Extends current relief from 12/31/20 to 1/31/21.	● Increases the percentage for reimbursement from 50% to 75%.	Adopt the Senate provision.
Pandemic UI Benefit Extensions	● Generally, through 1/31/21	● Generally, through 12/31/20	Federal pandemic UI programs should phased-down based on a state’s unemployment rate.
Support for State UI Trust Funds	● No provision	● No provision	In order to avoid near-term automatic per employee tax

			increases, Congress should provide aid to depleted state UI trust funds.
Job Placement, Training, Assistance	<ul style="list-style-type: none"> <li>● Provides \$2 billion through existing workforce training programs, specifically:  \$485 million for Adult WIOA  \$597 Dislocated Worker WIOA  \$518 for Youth WIOA  \$400 million for Dislocated Worker National Reserve</li> </ul>	<ul style="list-style-type: none"> <li>● Provides a total of \$1.3 billion through a combination of new and existing programs. Specifically:   \$500 million for a new State formula program where Governors can reserve 40 percent for State level activities and the remaining 60 percent goes to local areas.   Of the Governor's funds, not less than 50 percent must go to most significantly impacted local areas. The remaining 50 percent may be used for rapid response activities, facilitation of remote access to employment and training activities, purchasing of technology, and purchasing of supplies and online training materials.   Of the local funds, at least 50 percent must go towards job training, including incumbent worker training, apprenticeships, Individual Training Accounts, etc.   \$150 million WIOA Adult</li> </ul>	Generally, follow the Senate approach, but include personal reemployment accounts to improve individual flexibility and focus on training programs.

		\$150 million WIOA Dislocated Workers \$150 million WIOA Youth \$350 Employment Services	
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## State and Local Assistance

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Policy	House	Senate	Chamber Recommendation
State Aid	<p>● \$540 billion for states and territories for FY '20 &amp; '21. Each state receives initial \$2 billion remainder distributed based on population, COVID cases, and unemployment. Funds can be used for direct COVID and economic downturn related costs and forgone revenue.</p>	<p>● Expands the date by which states must use state relief funds provided under the CARES Act from 12/31/20 to 90 days after the end of their FY 2021.</p> <p>Allows CARES act funds to be used to address revenue shortfalls (relative to 2019 revenue), but not more than 25% of CARES Act funds can be used for such purpose.</p>	<p>Many states require additional funding beyond what was provided in the CARES act to address increased one-time costs and one-time losses in revenue.</p> <p>The House formulas will result in excessive aid for some states (some states will receive an amount larger than their annual general fund budget).</p> <p>Aid should be provided on a quarterly basis based on actual costs and revenue shortfall with an overall cap on funding.</p>
Local Aid	<p>● \$375 billion for local governments for FY '20 &amp; '21. Funds distributed based on modified CDBG formula.</p>	<p>● Same additional flexibility as provided for states.</p>	<p>Many localities require additional funding beyond what was provided in the CARES act to address increased one-time costs and one-time losses in revenue.</p>