



STATE OF PLAY 3/23/20

Congress and the Trump administration are furiously scrambling to develop a third legislative response package aimed at stemming the impact of the novel coronavirus (COVID-19) outbreak. After passing "Phase II" coronavirus legislation last week (details below), the Senate is quickly moving on to "Phase III" — the details of which are extremely fluid. For this package, which is being led by Senate Republicans, lawmakers have been laser focused on provisions that would focus on further supporting sectors of the economy that have been substantially impacted by the outbreak as lawmakers push for trillions of dollars in emergency spending.

Negotiations are ongoing between Democratic and Republican leadership, and there is still significant disagreement on legislative priorities. Once the Senate comes to an agreement to pass a bipartisan Phase III, we expect the House to pass the legislation without issue and begin working on Phase IV.

COVID-19 Supplemental "PHASE II" Details: In addition to several other provisions, this law includes new federal mandates for certain employers to offer paid medical and family leave, partially offset by federally funded tax credits. However, these mandates could change in size and scope with future supplemental appropriations bills. For a full accounting of how these provisions may affect your business see our [Families First Coronavirus Response Act FAQs](#)

Key Highlights:

- **Emergency sick leave mandate** (Division E): Employers with fewer than 500 employees would generally be required to provide paid emergency sick leave during a public health emergency.
- **Hardship exemptions:** Department of Labor would be allowed to issue regulations exempting:
- **Payroll tax relief** (Division G): Payroll tax relief would generally be provided to businesses subject to the mandates, to partially offset the cost of those mandates.



WSWA ACTIONS & PRIORITIES

TARIFF RELIEF

- WSWA is actively lobbying Congress and the Administration to provide relief for the alcohol industry by suspending EU tariffs indefinitely.
- WSWA is also actively lobbying for the refund all tariffs paid from October 18, 2019 to date and/or passing the [FAIR TARIFF Act](#) to rebate tariffs paid for “goods in transit” during the **October 9-18, 2019** window between the tariff announcement and implementation.

HOSPITALITY INDUSTRY RELIEF

- WSWA is actively lobbying Congress and the Administration to ensure bars and liquor stores are included in any hospitality and restaurant economic relief efforts being considered in supplemental appropriations legislation.
- √ WSWA CEO & President Michelle Korsmo sent [a letter to House of Representatives and Senate leadership](#) calling for alcohol industry-wide inclusion in any COVID-19 hospitality relief.

KEEPING RETAILERS OPEN FOR SALES

- WSWA is actively lobbying local, state, and federal governments for alcohol retailers to remain open for business to consumers during this crisis.
- √ WSWA sent a [letter to all Governors, State Attorneys General, and Members of Congress](#) outlining the economic and public health and safety threats that could result in the closure of off-premise alcohol locations, including the increased likelihood of consumers traveling to find open stores, emergence of counterfeit and black-market products, and loss of jobs and critical government tax revenue at this time.

URGENCY OF REFUNDS UNDER THE CRAFT BEVERAGE MODERNIZATION ACT

- √ WSWA joined the National Association of Beverage Importers (NABI) in sending a letter to the Customs and Border Protection Bureau (CBP) requesting that CBP accelerate refund claims made under the Craft Beverage Modernization Act.
- The current economic situation counsel’s urgency in getting these refund payments to importers to keep their businesses solvent and operational. The telework status of the Import Specialists should not impede the processing of these refund claims.



INCREASING ASSISTANCE FROM THE SMALL BUSINESS ADMINISTRATION (SBA)

- WSWA is actively lobbying Congress and the Administration to increase and expand low-interest federal disaster loans for working capital to small businesses (businesses with under 500 employees) suffering substantial economic injury as a result of the Coronavirus.
- Currently, SBA's Economic Injury Disaster Loans offer up to \$2 million in assistance per small business and can provide vital economic support to help overcome the temporary loss of revenue they are experiencing.
- These loans may be used to pay fixed debts, payroll, accounts payable and other bills that can't be paid because of the disaster's impact. The interest rate is 3.75% for small businesses without credit available elsewhere; businesses with credit available elsewhere are not eligible. The interest rate for non-profits is 2.75%.
- SBA offers loans with long-term repayments in order to keep payments affordable, up to a maximum of 30 years. Terms are determined on a case-by-case basis, based upon each borrower's ability to repay.

TAX RELIEF FOR FAMILY-OWNED BUSINESSES DURING CRISIS

- √ WSWA joined 114 coalition partners in [sending a letter to President Trump, Speaker Pelosi, and Majority Leader McConnell](#) requesting that *all* businesses have the resources necessary to ride out the pandemic. This response should include – but not be limited to – the following areas:
 - Immediately provide readily accessible, unsecured credit to businesses of all sizes to ensure they have the cash to pay their workers, rent, and other costs during this crisis.
 - Suspend the filing of business returns and the payment of all business taxes to the federal government for the duration of the pandemic. These suspended taxes should include taxes owed for the 2019 Tax Year, estimated payments for 2020, and all payroll tax obligations. The suspension should be broad and apply to all businesses. When the pandemic is over, the payment of any deferred taxes should be spread out over time.
 - Amend the Tax Code to restore the ability of businesses to carryback any net operating losses against previous year tax payments; suspend the application of the Section 163(j) limitation on interest expense deductions for tax year 2020 to avoid penalizing businesses for borrowing during this crisis; and suspend the Section 461(l) loss limitation on pass-through businesses to allow the owners of pass-through businesses to fully deduct any losses they incur this year.