

HEALS Act: What TIA Members Need to Know

July 27, 2020- Senate Republicans, in piecemeal fashion, released legislative text to the public which is being called the HEALS Act. The Health, Economic Assistance, Liability Protection and Schools (HEALS) Act. The legislation is the latest response to both House Democrats and the public as the country is continuing to go through a multi front battle, as many business struggles from a pandemic. This economic crisis which has millions out of work and an education system in limbo with no systematic response for reopening schools.

Please note, this language is tentative and could be much different than what ends up on President Trump's desk. TIA Government Affairs will continue to monitor the developments.

If you have any additional questions please do not hesitate to reach out to TIA Government Affairs at Advocacy@tianet.org.

Liability protections: [Here](#)

Direct payments and unemployment: [Here](#)

PPP changes: [Here](#)

Liability Protections: Included

- TIA Government Affairs team has made it clear to Members of Congress and staff that this is important to our members.
- Civil liability protections against:
 - "No individual or entity engaged in business, services, activities or accommodations shall be liable in any COVID-19 exposure action"
- Exceptions include, by a standard of clear and convincing evidence, that:
 - Negligence and willful misconduct occurred;
 - The individual or entity was not making reasonable efforts to comply with government standards and guidance;
 - Actual exposure to COVID-19 caused personal injury to the plaintiff.
- Notice of written or published policy (this is an easy and low-cost way to members to avoid unnecessary litigation)
 - If an entity publishes or post publicly, mitigation efforts on fighting COVID-19, that can be used a reasonable effort in a court of law.
 - You must comply with your own mitigation posting
 - On the contrary, if an entity does not post publicly mitigation efforts, it does not mean the entity did not make reasonable efforts to comply with government standards

Unemployment insurance: reduced

- The current supplemental Federal unemployment of \$600 per week will end on 31 July.
 - This will be reduced to 200\$ per week through September;
 - Beginning Oct 1, it will be 70% of prior income;
 - This will most likely to create a gap between the previous unemployment and the implementation of the new bi-cameral agreed on legislation.

Additional Paycheck Protection Programs Changes

- New pot of funding totaling \$100 billion
- More covered expenses eligible for forgiveness
 - Software, billing, accounting, and even damages sustained due to protest and riots.
- Change the covered period for forgiveness would be between 8 and 24 weeks.
- Second draw for severely impacted businesses.
 - This provision would allow some business to take a second forgivable loan, if they meet a more rigid threshold;
 - The borrower must demonstrate that there has been at least a 50% reduction in gross receipts from January 1 to March 31 or from April 1 through June 30 of 2020, as compared to gross receipts for the same time period in 2019. There are alternative tests for borrowers who were not in business during the first and second quarter of 2019 which are discussed below;
 - The borrower must employ no more than 300 employees or meet an alternative size standard under SBA published guidelines;
 - The new loan cannot exceed \$2,000,000 in most cases and cannot exceed \$10,000,000 in the aggregate with other SBA loans approved in the last 90 days (including PPP loans).

Individual Stimulus Check

- The individual stimulus check will be formatted at the minimum, like the CARES Act, the previous stimulus legislation signed into law earlier this year. As of now, the thresholds are the same, as well as the payout.
- \$75,000 income for 2018 or 2019 tax return will yield a \$1,200 check for individuals
- 150,000 joint income for 2018 or 2019 tax return will yield \$2,400 check for individual.