



Agency Responses to COVID-19

On March 17, 2020 the White House Office of Management and Budget (“OMB”) released a [memorandum](#) for heads of departments and agencies intended to provide guidance on managing agency resources and operations in a way that aligns with the goal of slowing the transmission of COVID-19. The memorandum instructs agencies to take “appropriate steps to prioritize all resources to slow the transmission of COVID-19, while ensuring mission-critical activities continue.”

Agencies are to immediately adjust operations and services to minimize face-to-face interactions. Non-mission critical functions that cannot be performed remotely or that require in-person interactions may be postponed or significantly curtailed. ***Agencies are to consider streamlining regulations and approval processes for critical services, including issuing general waivers policies and delegating decision-making where appropriate.***

Several Federal agencies have begun to announce COVID-19 response plans that include both internal agency operations, as well as how the agency intends to address regulatory and enforcement obligations during the COVID-19 response. The following highlights some of these actions.

Updates for April 17, 2020

Department of Energy (DOE)

- On April 16, 2020, DOE’s Office of Cybersecurity, Energy Security, and Emergency Response [released](#) an update on the department’s response effort as well as Frequently Asked Questions for the energy industry.

Department of Labor

- On April 16, 2020, the Labor Department released [guidance](#) for the manufacturing sector with tips to keep the industry’s workforce safe and reduce their risk of exposure.

Federal Reserve

- On April 16, 2020, the Federal Reserve [announced](#) that its Paycheck Protection Program Liquidity Facility is fully operational and available to provide liquidity to eligible financial institutions. The Federal Reserve's facility will support the effectiveness of the PPP by extending credit to financial institutions that make PPP loans, using such loans as collateral.

Occupational Safety and Health Administration (OSHA)

- On April 16, 2020, OSHA [announced](#) the release of [interim guidance](#) to advise compliance safety and health officers to evaluate an employer's good faith efforts to comply with safety and health standards during the coronavirus pandemic. This guidance takes effect immediately and will remain in effect until further notice.

National Highway Traffic Safety Administration (NHTSA)

- On April 16, 2020, NHTSA released [Frequently Asked Questions](#) regarding how the agency is handling defect investigations, compliance, and enforcement during the Coronavirus. This guidance only applies while NHTSA is primarily in telework status.

List of Agencies (click to jump to each section):

Consumer Financial Protection Bureau (CFPB)	3
Consumer Protection Safety Commissions (CPSC).....	3
Cybersecurity and Infrastructure Security Agency (CISA)	3
Department of Agriculture (USDA).....	4
Department of Commerce	5
Department of Energy (DOE).....	5
Department of Labor	6
Department of Justice (DOJ).....	7
Department of Transportation (DOT)	7
Department of Treasury	7
Environmental Protection Agency (EPA)	9
Export-Import Bank of the United States (EXIM)	10
Federal Emergency Management Agency (FEMA).....	10
Federal Energy Regulatory Commission (FERC)	11
Federal Motor Carrier Safety Administration (FMCSA).....	12
Federal Reserve	14
Federal Trade Commission (FTC).....	14

Federal Transit Administration (FTA)	15
Food and Drug Administration (FDA)	15
Health and Human Services (HHS)	16
Maritime Administration (MARAD)	17
National Highway Traffic Safety Administration (NHTSA)	17
National Oceanic and Atmospheric Administration (NOAA)	17
National Park Service (NPS)	18
Nuclear Regulatory Commission (NRC)	18
Occupational Safety and Health Administration (OSHA)	18
Pipeline and Hazardous Materials Safety Administration (PHMSA)	19
Securities and Exchange Commission (SEC)	20
Small Business Administration (SBA)	20
United States Trade Representative (USTR)	22

Consumer Financial Protection Bureau (CFPB)

- On March 31, 2020, CFPB released [guidance](#) on mortgage loan forbearance, in response to provisions of the CARES Act that put a moratorium on foreclosures and gives consumers a right to forbearance if they face financial hardship due to the COVID-19 emergency.



Consumer Protection Safety Commissions (CPSC)

- CPSC [notified](#) consumers that due to COVID-19, some remedies identified in CPSC press releases may not be available, and referred consumers to the recalling firm with questions. With this guidance, CPSC appears to be giving firms some leeway in having remedies *immediately* available following the recall announcement, given limitations caused by to COVID-19. Questions remain from industry about timing and re-announcements.



Cybersecurity and Infrastructure Security Agency (CISA)

- CISA released updates to its published guidance on defining essential critical infrastructure on March 28, 2020, incorporating input from industry and



government partners. This guidance remains nonbinding and advisory in nature. Read the new guidance [here](#).

- The new update includes guidance to consider as essential “workers who support critical supply chains and enable functions for critical infrastructure.”
- Additional changes include, among many others:
 - Addition of “manufacturer workers for health manufacturing (including biotechnology companies), materials and parts suppliers.”
 - Addition of “workers supporting the manufacturing of safety equipment and uniforms for law enforcement, public safety personnel, and first responder.”
 - Addition of those employed in “food ingredient production” in addition to food processing.
 - Significant expansion of the energy industry critical workforce for all fuel sources, “including, but not limited, petroleum (crude oil), natural gas, propane, natural gas liquids, other liquid fuels, nuclear, and coal.”
 - Expansion of essential transportation workers, to now include “workers critical to rental and leasing of vehicles and equipment that facilitate continuity of operations for essential workforces and other essential travel.”
 - Addition of “workers necessary to maintain a manufacturing operation in warm standby.”
- On April 8, 2020, CISA and CDC released [interim guidance](#) for implementing safety practices for critical infrastructure workers who may have had exposure to a person with suspected or confirmed COVID-19. The guidance additionally provides signage for use in the workplace. Businesses are referred to CISA’s website for additional information about determining critical infrastructure and workers.
- On April 9, 2020, CISA released [interim telework guidance](#) for federal civilian agencies to best address cybersecurity issues related to the sudden surge of teleworking. Trusted Internet Connections 3.0 is intended to educate agencies on how to leverage existing resources to secure their networks.

Department of Agriculture (USDA)

- On March 17, 2020, U.S. Secretary of Agriculture Sonny Perdue announced new contacts to encourage communication with USDA to help feed kids and ensure the United States food supply chain remains strong in response to the COVID-19 outbreak. Read the statement [here](#).
- A USDA employee in the National Capital Region (NCR) tested positive for COVID19, which resulted in a partial shutdown of USDA offices. Employees in the NCR beginning as of March 16 teleworking is available. Read a news article covering the closing [here](#).
- On March 31, 2020, USDA [announced](#) it would offer 180-day loan payment deferrals, without prior agency approval, for: Business and Industry Loan Guarantees, Rural Energy for America



Program Loan Guarantees, Community Facilities Loan Guarantees, and Water and Waste Disposal Loan Guarantees.

- On March 31, 2020, USDA [announced](#) it would extend the expiration dates of USDA audit certifications that are scheduled to expire on or before May 31, 2020 by 60 days in order to support the mobilization of America's food supply. These extensions apply to 400 auditees certified under the Good Agricultural Practices, Domestic Origin Verification, and Plant Systems Audit programs.
- On April 13, 2020, USDA announced it is exercising [enforcement discretion](#) to provide labeling flexibilities to the Country of Origin Labeling (COOL) requirements and allow the re-distribution of food products intended for foodservice to be sold in retail establishments. This policy is effective on April 20, 2020 for a period of 60 days.
- On April 15, 2020, USDA [announced](#) that the Department of Homeland Security, with support from USDA, has announced a temporary final rule to change certain H-2A requirements to help U.S. agricultural employers avoid disruptions in lawful agricultural-related employment, protect the nation's food supply chain, and lessen impacts from the coronavirus (COVID-19) public health emergency. These changes include:
 - allowing H-2A workers to stay beyond the three-year maximum allowable period of stay in the United States; and
 - allowing an H-2A petitioner with a valid temporary labor certification to start employing certain foreign workers who are currently in H-2A status in the United States immediately after United States Citizenship and Immigration Services (USCIS) receives the H-2A petition, but no earlier than the start date of employment listed on the petition.

Department of Commerce

- The Department Commerce's Enforcement and Compliance Unit issued a temporary rule modifying certain requirements for serving documents containing business proprietary information in antidumping and countervailing duty cases to facilitate the effectuation of service through electronic means. The modifications will be in place until May 19, 2020, unless extended. Read the temporary rule [here](#).



Department of Energy (DOE)

- On April 2, 2020, DOE [announced](#) a solicitation to immediately make 30 million barrels of storage capacity of the Strategic Petroleum Reserve (SPR) available to U.S. oil producers, in order to alleviate some of the financial hardship faced by these producers in the face of depressed demand caused by COVID-19 and disruptions in the global oil market. The Department intends to make an additional 47 million barrels of storage capacity available thereafter. To clarify, DOE is not purchasing the oil, but making space in SPR facilities available to lease, due to price spikes in private storage.



- On April 14, 2020, DOE [announced](#) that it is currently in negotiations with nine companies for contract awards to store their US produced crude oil in the Nation's Strategic Petroleum Reserve (SPR). The awards under negotiation are for approximately 23 million barrels of crude oil storage, which will be distributed into all four SPR sites. Most of these deliveries will be received in May and June 2020, with possible early deliveries in April. Awardees can schedule return of their oil through March 2021, minus a small amount of oil to cover the SPR's cost of storage.
- On April 16, 2020, DOE's Office of Cybersecurity, Energy Security, and Emergency Response [released](#) an update on the department's response effort as well as Frequently Asked Questions for the energy industry.

Department of Labor



- On March 28, 2020, the Department of Labor's Wage and Hour Division (WHD) announced further published guidance to provide information to employees and employers on the protections and relief offered by the Families First Coronavirus Response Act (FFCRA) as it takes effect on April 1, 2020. Read the statement [here](#).
- On April 1, 2020, the Department of Labor Wage and Hour Division issued a [temporary rule](#) effective April 1, 2020 through December 31, 2020 to implement the leave provisions in the Families First Coronavirus Response Act (FFRA). The temporary rule implements the public health emergency leave under Title I of the Family and Medical Leave Act and emergency paid sick leave.
- On April 1, 2020, the Department of Labor's Office of Foreign Labor Certification issued a second round of [Frequently Asked Questions](#) related to COVID-19 response, including on the H-2A Temporary Agricultural Labor Certification Program. The first round of FAQs, issued on March 20, 2020, can be found [here](#).
- On April 3, 2020, the Labor Department issued further [guidance](#) on the resources available to employers and workers provided by the Families First Coronavirus Response Act (FFCRA), which went into effect on April 1, 2020. The materials provided include a webinar explaining who is covered under the law and what benefits and protection are provided, FAQs, and sample workplace signage to fulfill the FFCRA's requirements.
- On April 14, 2020, the Labor Department [announced](#) \$91.8 million in grant funding to support the economic stability of farmworkers through the National Farmworker Jobs Program (NFJP). The NFJP is a nationally directed, locally administered competitive grant program that provides funding for community-based organizations and public agencies to provide career services, training services, youth services, related assistance services and housing assistance to eligible migrant and seasonal farmworkers and their dependents.
- On April 16, 2020, the Labor Department released [guidance](#) for the manufacturing sector with tips to keep the industry's workforce safe and reduce their risk of exposure.

Department of Justice (DOJ)



- On April 1, 2020, DOJ [announced](#) the availability of \$850 million through the Coronavirus Emergency Supplemental Funding program to provide support to eligible state, local, and tribal public safety agencies. Eligible entities can apply immediately and the application window will remain open for at least 60 days. Funds may be used to pay wages and overtime costs, cover protective equipment and supplies, and defray expenses related to the distribution of resources to hard-hit areas, among other activities.

Department of Transportation (DOT)



- On March 23, 2020, DOT's Office of Drug and Alcohol Policy and Compliance (ODAPC) provided [clarity](#) to DOT-regulated employers, employees, and service agents on conducting DOT drug-and-alcohol testing given concerns about the Coronavirus Disease 2019 (COVID-19).
- On April 7, 2020, DOT issued its [final order](#) regarding the service obligations of air carriers that receive financial aid from the CARES Act. The order finalizes the Department's tentative determinations made on March 31, 2020, subject to several modifications. These requirements extend through September 30, 2020 and may be extended by DOT as they see fit.

Department of Treasury



- The Treasury Department is supporting American workers and businesses who are impacted by the coronavirus. In February, Secretary Mnuchin was appointed to the President's Coronavirus Task Force, where he meets daily with the Vice President and our nation's top health officials.
- On March 30, 2020, the Treasury Department released [guidance](#) for air carriers and contractors on payroll support for the continuation of payment of employee wages, salaries, and benefits.
- On March 30, 2020, the Treasury Department released [procedures and minimum](#) requirements for loans to air carriers, eligible businesses, and national security businesses to apply for loans, pursuant to the CARES Act.
- On March 30, 2020, the Treasury Department and Internal Revenue Service (IRS) released [guidance](#) to consumers about the status of economic impact payments passed in the Phase 3 legislation. The release answers potential questions about the process of filing for and receiving these payments.
- On March 31, 2020, the Treasury Department and IRS released [guidance](#) on the Employee Retention Tax Credit, established by the CARES Act, which is a fully refundable tax credit equal to 50 percent of the *qualified wages* paid to an employee between March 12, 2020 and January 1, 2021, with a maximum credit per employee of \$5,000.

- Eligible employers are those who have continued business/service operations during the 2020 calendar year and have been forced to partially or fully suspend operations due to federal or state orders or experiences a significant decline in gross receipts.
 - Employers are not eligible to receive both the Employee Retention Tax Credit and Small Business Loans.
- On April 1, 2020, the Treasury Department [released](#) details on the refundable tax credits that reimburse small and midsize businesses for the cost of providing paid sick and family leave wages for leave related to COVID-19, established by the FFCRA. Businesses with fewer than 500 employees are required to provide employees with paid sick and family and medical leave for reasons related to COVID-19. Their guidance includes an overview of the tax credit provisions and related FAQs.
 - The tax credits are applicable to leave paid for qualifying periods in which the employee was unable to work, including telework, during the period of April 1, 2020 through December 31, 2020.
 - On April 8, 2020, the IRS issued COVID relief for partnerships with NOLs through the issuance of [Revenue Procedure 2020-23](#), allowing eligible partnerships to file amended partnership returns using a Form 1065, U.S. Return of Partnership Income, by checking the “Amended Return” box and issuing amended Schedules K-1, Partner’s Share of Income, Deductions, Credits, to each of its partners. Partnerships filing these amended returns should write “FILED PURSUANT TO REV PROC 2020-23” at the top of the amended return.
 - On April 9, 2020, the Treasury Department and IRS [announced](#) the extension of over 300 deadlines for tax filings, payments, and other administrative filings for fiscal year businesses, tax-exempt organizations and certain estates and trusts.
 - Tax returns and payments for tax-exempt organizations and fiscal year businesses due between April and June are postponed until July 15, 2020.
 - Tax return and payment deadlines for estate taxes and associated gift taxes, typically due within nine months from the date of death, are postponed to July 15, 2020.
 - For all taxpayers, Treasury and the IRS are extending an additional 270 administrative deadlines to July 15, 2020.
 - On April 9, 2020, the IRS [announced](#) guidance providing tax relief under the CARES Act for taxpayers with net operating losses (NOL).
 - IRS Revenue Procedure 2020-24 provides [guidance](#) to taxpayers with net operating losses (NOL) that are carried back under the CARES Act by providing procedures for:
 - waiving the carryback period in the case of a net operating loss arising in a taxable year beginning after Dec. 31, 2017, and before Jan. 1, 2021,
 - disregarding certain amounts of foreign income subject to transition tax that would normally have been included as income during the five-year carryback period, and

- waiving a carryback period, reducing a carryback period, or revoking an election to waive a carryback period for a taxable year that began before Jan. 1, 2018, and ended after Dec. 31, 2017.
- In [Notice 2020-26](#), the IRS grants a six-month extension of time to file Form 1045 or Form 1139, as applicable, with respect to the carryback of a net operating loss that arose in any taxable year that began during calendar year 2018 and that ended on or before June 30, 2019.

Environmental Protection Agency (EPA)



- EPA has authorized voluntary telework for all agency employees across the nation or the next four weeks, effective March 16. Read the news update [here](#).
- On March 25, 2020, EPA's issued draft guidance on the Interpretation of "Begin Actual Construction" Under the New Source Review Preconstruction Permitting Regulation. It stated that a "source owner or operator may, prior to obtaining an NSR permit, undertake physical on-site activities — including activities that may be costly, that may significantly alter the site, and/or are permanent in nature — *provided* that those activities do not constitute physical construction *on an emissions unit*." Read the draft guidance [here](#).
- On March 26, 2020, EPA issued [guidance](#) to all governmental partners who enforce environmental regulations and private industry, instituting a temporary policy of enforcement discretion. Read additional coverage from Bracewell [here](#).
 - The temporary policy applies retroactively beginning on March 13, 2020 and will be reviewed regularly to determine if modifications are necessary.
 - The enforcement discretion policy applies only to civil violations, not intentional criminal violations of law. This policy also does not apply to Superfund activities or RCRA Corrective Action enforcement instruments.
 - EPA plans to treat different categories of noncompliance different, i.e. noncompliance with routine monitoring and reporting obligations will be treated differently than declines in the safety of public water systems.
 - To be eligible for enforcement discretion, facilities are required to provide documentation of decisions made to prevent noncompliance and demonstrate that noncompliance was caused by the Coronavirus pandemic.
- On March 27, 2020, EPA [announced](#) that they would be taking steps to ensure an adequate supply of gasoline during the COVID-19 pandemic. In order to provide more time to transition the gasoline distribution system, EPA is temporarily waiving the summer low volatility requirements and blending limitation for gasoline through May 20, 2020 – the previous compliance date being May 1, 2020.
- EPA has [published](#) a list of over 280 disinfectant products for use against COVID-19. The list was last updated on April 2, 2020.

- EPA has released a series of [Frequently Asked Questions](#) regarding COVID-19 issues that fall under EPA's jurisdiction. The categories of questions addressed are: general information, disinfectants, drinking water, wastewater and septic systems, and indoor air.
- On April 10, 2020, EPA released [interim guidance](#) to regional offices regarding decisions about new or ongoing cleanup activities at sites across the country, to ensure that all decisions are made with health and safety as the top priority.
 - The interim guidance focuses on decision making at emergency response and longer term cleanups sites where EPA is the lead agency or has direct oversight of, or responsibility for, the cleanup work. This includes, but is not limited to:
 - Superfund cleanups,
 - Resource Conservation and Recovery Act (RCRA) corrective actions,
 - Toxic Substance and Control Act PCB cleanups,
 - Oil Pollution Act spill responses, and
 - Underground Storage Tank Program actions.
 - In addition, EPA has shared the interim guidance with states to take into consideration as they encounter similar issues at state-lead RCRA cleanup sites.
- On April 14, 2020, EPA [announced](#) that it would temporarily allow registrants to notify EPA of certain formulation and manufacturing facility changes for the production of active ingredients used in List N Products, and immediately release the product for sale without waiting for EPA approval. This temporary policy will be regularly reviewed to determine if modifications or termination are necessary. Read the temporary policy [here](#).

Export-Import Bank of the United States (EXIM)

- On April 14, 2020, EXIM [announced](#) the extension of relief measures for US exporters and financial institutions affected by the COVID-19 pandemic through May 31, 2020. See a fact sheet about the relief measures [here](#).



Federal Emergency Management Agency (FEMA)

- On March 27, 2020, FEMA released guidance for private industry and [resources](#) for companies and individual wishing to sell or donate medical supplies and equipment in order to better connect offers of assistance with areas in need.
- Also on March 27, 2020, FEMA Administrator Pete Gaynor issued a [letter](#) to state and local emergency managers asking requesting they immediately consider and take action of seven critical steps to combat COVID-19 and provide other resources and advice.
- On April 8, 2020, FEMA released [guidance](#) to distributors of medical supplies. The guidance recognizes that FEMA will frequently communicate with suppliers the resource priorities based on FEMA and HHS data, compiled using subject matter experts in healthcare, emergency management, and logistics, and in consultation with State, Territorial, and Tribal governments



and the private sector. This information will be updated regularly as the need for resources changes throughout the country in response to COVID-19.

Federal Energy Regulatory Commission (FERC)



- FERC Chairman Neil Chatterjee issued a number of responses following the pandemic including a new point of contact for all industry inquiries. Read the statement [here](#).
 - Members of the regulated community can email PandemicLiaison@ferc.gov to receive prompt responses to their questions from Commission staff.
 - Caroline Wozniak was named as the Commission's point of contact for all industry inquiries related to impacts of their COVID-19 preparations and responses on their FERC-jurisdictional activities.
- On March 19, 2020, the Office of the Secretary has issued a [notice](#) for extension of time to provide more flexibility on deadlines for certain required filings that are due on or before May 1, 2020. Those filings include non-statutory items required by the Commission such as compliance filings and responses to deficiency letters, and rulemaking comments, as well as forms required by the Commission, except for FERC Form No. 6. The deadline extension also will apply to filings required by entities' tariffs or rate schedules.
- FERC's Office of Enforcement is postponing all previously scheduled audit site visits and investigative testimony.
- Technical conferences scheduled through May 2020 will be conducted via conference call or WebEx, or postponed. Schedules will be posted to the [FERC.gov](https://www.ferc.gov) calendar.
- Chief Administrative Law Judge (ALJ) Carmen Cintron has postponed one hearing scheduled to start April 7 and will make case-specific calls on other hearings as their start dates approach. ALJ settlement conferences will continue via conference call.
- On April 2, 2020, FERC [announced](#) that the Office of Enforcement would be making further efforts to help regulated entities manage their potential enforcement and compliance-related burdens during the COVID-19 response. The measures announced today include:
 - FERC Chairman Chatterjee also confirmed that the declaration of COVID-19 as an emergency that triggers the suspension of certain standards of conduct posting requirements.
 - Enforcement staff will be in communication with the subjects of continuing non-public investigations and audits, and entities with continuing compliance obligations associated with completed enforcement cases. Staff will work with each entity to provide flexibility with discovery-related or other deadlines through July 31, 2020. Subjects are encouraged to reach out directly to OE staff with any questions about deadlines.
 - Enforcement staff will not begin any new audits until July 31, 2020.

- Enforcement staff will only contact entities regarding surveillance inquiries that involve market behavior that could result in significant risk of harm to the market and thus require immediate attention. Inquiries not requiring immediate attention will be postponed to a later date.
 - The Commission has issued an extension to June 1, 2020 for Form Nos. 552, 60, and 61, as well as Electric Quarterly Reports. FERC will continue to expeditiously process individual waiver or extension requests.
 - Entities may delay for 60 days the submission of self-reports that involve inadvertent errors producing no significant harm to the markets, ratepayers or other market participants.
 - Chatterjee also stressed the Commission's continuing efforts to protect markets through surveillance. "The Commission will remain vigilant during this challenging period and will continue its market surveillance efforts to protect market participants and consumers from the effects of anti-competitive behavior," he said.
- On April 2, 2020, FERC issued a [policy statement](#) regarding energy infrastructure, market, reliability, and security matters. The Commission will give primacy to filings that address the reliable operation of energy infrastructure and assures regulated entities that the Commission "will expeditiously review and act on requests for relief, including but not limited to, requests for cost recovery necessary to assure business continuity of the regulated entities' energy infrastructure in response to the national emergency."
 - On April 7, 2020, FERC and the National Association of Regulatory Utility Commissioners (NARUC) sent a [letter](#) to the Federal Reserve to request they extend access to short-term debt financing for electric, natural gas, and water utilities. Their letter supports a request made on March 24, 2020 by the Edison Electric Institute, the American Gas Association, and the National Association of Water Companies.

Federal Motor Carrier Safety Administration (FMCSA)

- On March 13, 2020, FMCSA issued a national emergency declaration to provide hours-of-service regulatory relief for those transporting emergency relief in response to COVID-19. Read the first declaration [here](#).
 - This allows drivers to work for longer stretches than currently permitted under ordinary circumstances. It applies to motor carriers transporting medical supplies and equipment, food for emergency restocking of grocery stores, and others. Drivers must receive a minimum of 10 hours off duty if transporting freight, and 8 hours if transporting passengers.
- On March 18, 2020, FMCSA later [expanded](#) regulatory relief efforts for commercial motor vehicle operations providing direct assistance supporting emergency relief intended to meet immediate needs for:
 - Medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19.



- Supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants.
 - Food, paper products and other groceries for emergency restocking of distribution centers or stores.
 - Immediate precursor raw materials—such as paper, plastic or alcohol—that are required and to be used for the manufacture of essential items.
 - Fuel.
 - Equipment supplies and persons necessary to establish and manage temporary housing, quarantine.
 - Persons designated by federal, state or local authorities for medical, isolation, or quarantine purposes.
 - Persons necessary to provide other medical or emergency services.
- On March 28, 2020, FMCSA granted a three-month [waiver](#) from certain regulations applicable to commercial learner's permit (CLP) holders in order to prevent a possible shortage of commercial motor vehicle (CMV) drivers and allow goods to still be transported in response to the COVID-19 crisis.
 - The waiver allows CLP holders to operate a CMV on public roads or highways without a commercial driver's license (CDL) holder in the front seat, provided they are somewhere else in the cab and possess certain authorizations.
 - The waiver also allows states to administer a driving skills test to any CDL applicant regardless of which state they received their training.
 - On March 31, 2020, FMCSA released a [statement](#) for states, localities, and territories to consider regarding transportation between quarantined or travel restricted areas and Federal guidance from the Department of Homeland Security and the Centers for Disease Control and Prevention that should be considered.
 - On April 9, 2020, FMCSA announced a [grant of waiver](#) for states concerning third-party CDL skills test examiners. FMSCA recognizes that due to social distancing measures taken as recommended by CDC, State Driver Licensing Agencies (SDLA) may be unable to administer the knowledge tests to commercial learner's permit (CLP) applicants. Given the public health emergency, FMSCA has determined there is a public need for immediate transportation of essential supplies, equipment, and persons, which requires an adequate and sustained supply of drivers trained to operate a commercial motor vehicle (CMV). FMSCA's waiver provides needed relief from the specified Federal motor carrier safety regulations (FMCSRs) for States and SDLAs.
 - On April 13, 2020, FMCSA released additional [Frequently Asked Questions](#) for State Driver Licensing Agencies and Commercial Drivers regarding permissible actions during the COVID-19 emergency.

Federal Reserve



- On April 9, 2020, the Federal Reserve [announced](#) additional actions to provide up to \$2.3 trillion in additional loans to households and employers of all sizes. The funds will be allocated through the Paycheck Protection Program, Main Street Lending Program, Primary and Secondary Market Corporate Credit Facilities, Term Asset-Backed Securities Loan Facility, and a Municipal Liquidity Facility.
 - These actions will ensure credit flows to small and mid-sized businesses with the purchase of up to \$600 billion in loans through the Main Street Lending Program. The Department of the Treasury, using funding from the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) will provide \$75 billion in equity to the facility.
 - The Main Street Lending Program will enhance support for small and mid-sized businesses that were in good financial standing before the crisis by offering 4-year loans to companies employing up to 10,000 workers or with revenues of less than \$2.5 billion. Principal and interest payments will be deferred for one year. Eligible banks may originate new Main Street loans or use Main Street loans to increase the size of existing loans to businesses. Banks will retain a 5 percent share, selling the remaining 95 percent to the Main Street facility, which will purchase up to \$600 billion of loans. Firms seeking Main Street loans must commit to make reasonable efforts to maintain payroll and retain workers. Borrowers must also follow compensation, stock repurchase, and dividend restrictions that apply to direct loan programs under the CARES Act. Firms that have taken advantage of the PPP may also take out Main Street loans.
- The Federal Reserve and the Treasury have created a [feedback form](#) to seek input from lenders, borrowers, and other stakeholders to make sure the program supports the economy as effectively and efficiently as possible while also safeguarding taxpayer funds. **Comments may be sent to the feedback form until April 16.**
- On April 8, 2020, the Federal Reserve Board [announced](#) that it will temporarily modify the growth restrictions placed on Wells Fargo to allow it to provide additional loans to small businesses as part of the Paycheck Protection Program and forthcoming Main Street Lending Program.
- On April 9, 2020, the Federal Reserve announced an [interim final rule](#) for the Paycheck Protection Program (PPP) Facility to encourage lending to small businesses through the PPP.
 - The rule is effective immediately and comments will be accepted for 30 days following the rule's publication in the Federal Register.
- On April 16, 2020, the Federal Reserve [announced](#) that its Paycheck Protection Program Liquidity Facility is fully operational and available to provide liquidity to eligible financial institutions. The Federal Reserve's facility will support the effectiveness of the PPP by extending credit to financial institutions that make PPP loans, using such loans as collateral.

Federal Trade Commission (FTC)



- On March 26, 2020, FTC Chairman Joe Simons [announced](#) it would take a “flexible” approach to enforcement decisions to “avoid hindering businesses that try to help consumers adapt to the ongoing coronavirus pandemic.”
 - The FTC will take into account good-faith efforts being made by companies to get services and products to consumers when making enforcement decisions, as those companies may overlook or be unable to meet some regulatory requirements during their efforts. This is especially relevant for healthcare and education providers who are providing services remotely via video and web-based technology, but must consider federal privacy laws for children and students.
 - The FTC will instead prioritize enforcement on scams related to COVID-19.

Federal Transit Administration (FTA)



- On April 2, 2020, FTA [announced](#) \$25 billion in available grant funding for public transportation systems and can be put towards capital, operating expenses, and other expenses generally available under those programs to prevent, prepare for, and respond to COVID-19. Operating expenses incurred beginning January 20, 2020 are also eligible under this program.
- On April 6, 2020, FTA released updated [Frequently Asked Questions](#) on CARES Act implementation guidance regarding grant and emergency relief programs as well as general information on how COVID-19 preparations impact FTA requirements.

Food and Drug Administration (FDA)



- On March 17, 2020, the Food and Drug Administration announced [guidance](#) for industry entitled “Temporary Policy Regarding Preventive Controls and FSVP Food Supplier Verification Onsite Audit Requirements During the COVID-19 Public Health Emergency.” This provides Agency's intention not to enforce certain onsite audit requirements in three of our food safety regulations in certain circumstances related to the impact of the coronavirus if other supplier verification methods that are designed to provide sufficient assurance that hazards have been significantly minimized or prevented are used instead during the period of onsite audit delay. Read the guidance [here](#).
- On March 27, 2020, the FDA issued an [Emergency Use Authorization \(EUA\)](#) in order to increase the supply of ventilators. The order allows other devices that have been modified for use as a ventilator to be used for such purposes, as long as the FDA determine they meet requirements for performance, safety, and labeling.
- On March 31, 2020, FDA [announced](#) a new program, Coronavirus Treatment Acceleration Program (CTAP), to get new therapies to COVID-19 patients as soon as possible and supporting additional research about the safety and effectiveness of these treatments. FDA will be working closely with private industry to develop and evaluate these treatments.

- On April 5, 2020, FDA published a set of [Frequently Asked Questions](#) on shortages of hospital gowns and surgical masks. The topics discussed in these FAQs include the status of shortages, what FDA is doing to protect the supply chain, and how companies wishing to supply these products should communicate with FDA.
- On April 6, 2020 FDA released [Frequently Asked Questions](#) regarding animal food safety related to COVID-19.
- FDA has released an [interactive map](#) to help importers of COVID-19 supplies successfully navigate importation processes and quickly get supplies where they are needed. The site provides contact information for the appropriate FDA office, searchable by shipment information.
- On April 9, 2020, FDA issued [best practices](#) for retail food stores, restaurants, and pick-up and delivery services in order to protect both workers and customers. The practices covered include safe-food handling and employee health.

Health and Human Services (HHS)



- On March 24, 2020, Office for Civil Rights (OCR) at the U.S Department of Health and Human Services (HHS) issued guidance on how covered entities may disclose protected health information about an individual who has been infected with or exposed to COVID-19 to law enforcement, paramedics, other first responders, and public health authorities. See the guidance [here](#).
- On April 2, 2020, the Office of Civil Rights at HHS [announced](#) that it is instituting a policy of enforcement discretion, to begin immediately, regarding violations of certain HIPAA provisions, for the good faith efforts and disclosures of protected health information for public health and health oversight activities. The decision was made to support public health authorities and health oversight agencies who need immediate access to COVID-19 related data.
- On April 6, 2020, HHS [announced](#) \$186 million in upcoming funding, to be distributed by CDC, for state and local jurisdictions to augment public health infrastructure. Using supplemental funding, CDC will:
 - Supplement an existing cooperative agreement to a number of states and local jurisdictions identified as having the highest number of reported COVID-19 cases (“hot zones”) and jurisdictions with accelerating or rapidly accelerating COVID-19 cases. This award will support a range of activities such as lab equipment, supplies, staffing, shipping, infection control, surge staffing, monitoring of individuals, and data management.
 - Supplement an existing cooperative agreement to state jurisdictions through the Emerging Infections Program (EIP) to enhance surveillance capabilities. Activities include investigating and assessing the burden and severity of COVID-19, evaluating and determining risk factors and outcomes, and planning and implementing prevention strategies. These activities will build on existing programs developed for influenza and other respiratory pathogens. Funds will also be used to assess and evaluate

exposed/infected healthcare personnel through clinical interviews to better identify risk factors and protective factors for COVID-19 infection.

- On April 8, 2020, HHS [awarded](#) more than \$1.3 billion to 1,387 health centers across the country, provided by the CARES Act. The awards can be used to detect coronavirus; prevent, diagnose, and treat COVID-19; and maintain or increase health capacity and staffing levels to address this public health emergency.
- On April 10, 2020, HHS began the immediate [disbursement](#) of \$30 billion in funding to healthcare providers as part of the \$100 billion provider relief fund included in the CARES Act. The funding can be used to support healthcare-related expenses or lost revenue attributable to coronavirus and to ensure uninsured Americans can get the testing and treatment they need without receiving a surprise bill from a provider.
 - The initial distribution will go to hospitals and providers across the United States that are enrolled in Medicare, allocated based on their share of 2019 Medicare fee-for-service (FFS) reimbursements.

Maritime Administration (MARAD)

- On March 15, 2020, MARAD provided [guidance](#) on communication and agency contacts in response to COVID-19.



National Highway Traffic Safety Administration (NHTSA)

- On April 16, 2020, NHTSA released [Frequently Asked Questions](#) regarding how the agency is handling defect investigations, compliance, and enforcement during the Coronavirus. This guidance only applies while NHTSA is primarily in telework status.



National Oceanic and Atmospheric Administration (NOAA)

- On March 24, 2020, NOAA Fisheries issued an [emergency action](#) to provide the authority, on a case-by-case basis, to waive observer coverage, some training, and other program requirements while meeting conservation needs and providing an ongoing supply of fish to markets, as a response to COVID-19.
 - This emergency action allows a NOAA Fisheries Regional Administrator, Office Director, or Science Center Director to waive observer requirements in three specific circumstances including where:
 - The providers do not have sufficient observers to staff a fleet or a port or a vessel (i.e., the observers are under quarantine).
 - The providers cannot physically get observers to fishing vessel departure points - perhaps because of travel restrictions, or shelter in place guidance, etc.
 - The providers do not have enough trained observers because we could not offer training due to building access restrictions, meeting guidance, etc.



National Park Service (NPS)



- On March 17, 2020, the NPS [announced](#) that it is modifying operations until further notice for facilities and programs that cannot adhere to CDC guidance. Websites for individual parks should be consulted for specific details on park operations.
- NPS has also suspended park entrance fees for parks that remain open.
- Parks in Florida, Utah, Georgia, Arizona, Texas, Pennsylvania, Washington State, Iowa and Hawaii are closed. “Park superintendents are empowered to modify their operations, including closing facilities and canceling programs, to address the spread of the coronavirus.” See the official statement [here](#).

Nuclear Regulatory Commission (NRC)



- On April 9, 2020 NRC provided an [update on actions](#) it is taking in response to COVID-19.
 - NRC’s actions include stressing that, if necessary, the NRC is prepared to consider temporary relaxation of select staffing levels and work hour limits if power plant operators can satisfy the agency that they will maintain safe operations. The NRC will require plants to shut down if they cannot appropriately staff their facilities.

Occupational Safety and Health Administration (OSHA)



- On March 14, 2020, OSHA has issued [temporary enforcement guidance](#) regarding required annual fit testing for N95 Filtering Facepieces during the COVID-19 Outbreak.
- OSHA has prepared [guidance](#) on preparing workplaces for COVID-19.
- OSHA has highlighted the [standards](#) and directives (instructions for compliance officers) and other related information that may apply to worker exposure to novel coronavirus, COVID-19.
- On April 3, 2020, OSHA released [interim enforcement guidance](#) regarding the use of N95 masks that either were certified under the standards of another country or jurisdiction or whose certifications under those standards have expired in order to address supply chain questions.
- On April 9, 2020, OSHA released [guidance](#) for retail employers (e.g. pharmacies, supermarkets, and big-box stores) regarding tips to help reduce employee risks of exposure to the coronavirus.
- On April 10, 2020, OSHA issued an [enforcement memorandum](#) for Regional Administrators and State Designees providing [interim guidance](#) for enforcing the requirements of 29 CFR Part 1904 with respect to the recording of occupational illnesses, specifically cases of COVID-19. Employers of workers in the healthcare industry, emergency response organizations (e.g., emergency

medical, firefighting, and law enforcement services), and correctional institutions must continue to make work-relatedness determinations pursuant to 29 CFR § 1904. Other employers will not be required to make work-relatedness determinations to COVID-19 contractions except where:

- There is objective evidence that a COVID-19 case may be work-related. This could include, for example, a number of cases developing among workers who work closely together without an alternative explanation; and
 - The evidence was reasonably available to the employer. For purposes of this memorandum, examples of reasonably available evidence include information given to the employer by employees, as well as information that an employer learns regarding its employees' health and safety in the ordinary course of managing its business and employees.
- On April 16, 2020, OSHA [announced](#) the release of [interim guidance](#) to advise compliance safety and health officers to evaluate an employer's good faith efforts to comply with safety and health standards during the coronavirus pandemic. This guidance takes effect immediately and will remain in effect until further notice.

Pipeline and Hazardous Materials Safety Administration (PHMSA)



- On March 19, 2020, PHMSA issued [guidance](#) to state partners on identifying critical and non-critical work and the potential impacts associated with each from COVID-19 response efforts. In addition, PHMSA will work with state partners to monitor the need for special permits, state waivers, and stays of enforcement.
- On March 20, 2020, PHMSA issued a [notice](#) of stay of enforcement and enforcement discretion to operators (including hazardous liquid and gas pipeline, underground natural gas storage and liquefied natural gas operators) affected by COVID-19. The notice advises operators that PHMSA does not intend to take any enforcement action with regard to operator qualification, control room management, and will consider exercising discretion related to employment drug testing requirements.
- On March 25, 2020, PHMSA issued [notice](#) that it will not take enforcement action against any hazardous materials employer who is unable to provide recurrent training consistent with the Hazardous Materials Regulations training requirements.
- On April 1, 2020, PHMSA [announced](#) that they will be issuing hazardous materials emergency special permits to entities seeking exemption from certain requirements of the Hazardous Materials Regulations. They have so far issued three special permits that will expire on June 30, 2020.
- On April 7, 2020, PHMSA issued a [notice](#) of enforcement discretion for cylinders that have exceeded their periodic requalification test dates, recognizing that many members of the medical and industrial gas industry may be experiencing difficulty in obtaining cylinders due to the

increased demand for these gases or a disruption in the normal business model for cylinder exchanges.

- PHMSA and FMCSA will not take any enforcement action against any person who fills a DOT-specification cylinder used to transport Division 2.2 non-flammable gas provided the cylinder meets all requirements of the Hazardous Materials Regulations except that the cylinder is overdue for periodic requalification by no more than 12 months. The enforcement discretion applies only to transportation by motor vehicle and does not extend to transport by air, vessel, or railroad.
- On April 10, 2020, PHMSA issued a [revised temporary policy](#) for the transportation of hand sanitizer products for relief from certain hazardous materials regulations (HMR) to ensure an adequate supply of these products. The original notice was issued on April 2, 2020.
 - The revised notice provides the option to use labels that conform to FDA guidance (as a replacement for the DOT text markings required by the guidance), provided the FDA labels are visible in transportation. The revised notice also clarifies that registration with PHMSA is waived irrespective of the quantity of hand sanitizer transported.
 - PHMSA will not take enforcement actions as long as specified actions are taken to maintain an appropriate level of safety. This policy only applies to highway transportation.

Securities and Exchange Commission (SEC)



- On March 25, 2020, the SEC announced that it is extending the filing periods covered by its previously enacted conditional reporting relief for certain public company filing obligations under federal securities laws and that it is also extending regulatory relief previously provided to funds and investment advisers whose operations may be affected by COVID-19. See the order [here](#).
- On March 25, 2020, the SEC also issued guidance regarding disclosure and other securities law obligations that companies should consider with respect to COVID-19 and related business and market disruptions. See the guidance [here](#).

Small Business Administration (SBA)



- **The SBA announced that small business owners in the following designated states are currently eligible to apply for a low-interest loan due to COVID-19:** *Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Virginia, Washington, and West Virginia.*
- On March 23, 2020, Administrator Carranza instituted changes to help borrowers still paying back SBA loans from previous disasters. As a result of the change, deferments through December 31, 2020, and borrowers of home and business disaster loans do not have to contact SBA to request deferment. Read the press release [here](#).

- The CARES Act [established](#) a Paycheck Protection Program (PPP) to provide assistance to small businesses by directing \$349 billion towards job retention and business operating expenses. SBA and the Treasury Department are beginning mobilization efforts for that capital.
 - Those eligible to apply for the PPP includes businesses, as well as non-profits, Veterans organizations, Tribal concerns, sole proprietorships, self-employed individuals, and independent contractors described in the Small Business Act, with 500 or fewer employees or the applicable employee number size standard for their industry, as [provided by SBA](#).
 - If the business that applies for the loan and keeps all employees on payroll for eight weeks, SBA will forgive the portion of the loans used for payroll, rent, mortgage interest, or utilities. More information for borrowers can be found [here](#).
 - Payroll costs are capped at \$100,000 on an annualized basis for each employee. Due to likely high subscription, it is anticipated that not more than 25% of the forgiven amount may be for non-payroll costs.
 - All existing SBA-certified lenders will be given delegated authority to process PPP loans. SBA will guarantee 100% of the outstanding balance and all guarantee fees are waived. Lenders will be compensated. More information for lenders can be found [here](#).
 - Starting April 3, 2020, small businesses and sole proprietorships can apply. Starting April 10, 2020, independent contractors and self-employed individuals can apply. The guidance suggests applying quickly as there is a funding cap. The application form for borrowers can be found [here](#).
- On April 2, 2020, SBA finalized an [interim rulemaking](#) to implement the Paycheck Protection Program and loan forgiveness program created and expanded under the CARES Act. The interim rule applies to applications submitted through June 30, 2020 or until available funds are exhausted.
- On April 3, 2020, 2020, SBA finalized a [supplement](#) to its interim final rule regarding implementation of the PPP. This supplement provides additional clarification on the application of affiliate rules to the PPP.
 - To provide clarity to private industry, SBA issued additional [guidance](#) on the various tests for affiliation that SBA would use to determine employee counts for applicants to the PPP.
- On April 3, 2020, SBA officially [issued](#) Economic Injury Disaster Loan declarations for all states and territories of the United States, which offers up to \$2 million in assistance for a small business that has suffered substantial economic injury as a result of the Coronavirus.
- On April 13, 2020, SBA released updated [Frequently Asked Questions](#) regarding implementation of the Paycheck Protection Program, including answering questions on the interim final rule. SBA will update this document periodically.
- On April 14, 2020, SBA finalized an additional [supplement](#) to its interim final rule regarding implementation of the PPP. This supplement provides additional guidance for individuals with self-employment income and addresses eligibility issues for certain business concerns and requirements for certain pledges of PPP loans.

- The interim rule applies to applications submitted through June 30, 2020 or until available funds available for this purpose are exhausted.
- Comments are being accepted for 30 days following the rule's official publishing in the Federal Register.

United States Trade Representative (USTR)

- On March 31, 2020, USTR [announced](#) that it is postponing its field hearings regarding trade-distorting policies that may be affecting seasonal and perishable products in U.S. Commerce. The field hearings were scheduled to take place in early April. USTR is further waiving the submission deadline for comments and supporting documents and invites submissions until the rescheduled dates, which have yet to be announced.

